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Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS
SECOND SESSION.

SENATE.

THURSDAY, *March 23, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met in open executive session at 11 o'clock a. m., on the expiration of the recess.

As in legislative session,

SERVICES FOR SOLDIER DEAD AT BROOKLYN, N. Y.

The VICE PRESIDENT. In compliance with Senate concurrent resolution 20, the Chair designates Mr. CALDER, Mr. FERNALD, Mr. SPENCER, Mr. BROUSSARD, and Mr. HARRIS as the members of the committee on the part of the Senate to represent Congress at the ceremonies attending the arrival of the last of the bodies of American soldiers from the battle fields of France.

EMPLOYMENT OF ATTORNEYS BY ALIEN PROPERTY CUSTODIAN.

The VICE PRESIDENT laid before the Senate the following communication from the Alien Property Custodian, relative to information requested by the Senate pursuant to Senate resolution 191, which was ordered to lie on the table and to be printed in the RECORD:

ALIEN PROPERTY CUSTODIAN,
Washington, D. C., March 20, 1922.

The VICE PRESIDENT,
The Capitol, Washington.

DEAR MR. VICE PRESIDENT: On January 13, 1922, I addressed a communication to the Senate through you, informing them of the receipt by this office of Senate resolution 191, directing that certain information be sent by this office to your honorable body. At that time I indicated that the information would be prepared as expeditiously as possible.

I am taking the liberty of writing you again concerning this matter, having noted from remarks on the floor of the Senate several days ago an inference that the information requested in the Senate's resolution was not forthcoming, and that this office had been negligent in not supplying the same. I desire to notify the Senate through you that the employees of this office have devoted as much time as has been possible on this work. With an increase of daily and routine work and a reduced personnel it has been impossible to complete the data requested up to now. To date the work on the report comprises several thousand typewritten pages, and before completion this amount will be considerably increased.

I wish to assure you that everyone in this office is thoroughly apprised of the import of complying with the Senate's resolution, and it is my intention to forward this report to you at least in part, if not in whole, within 10 days.

Respectfully,

THOMAS W. MILLER,
Alien Property Custodian.

CALL OF THE ROLL.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Hale	Myers	Sheppard
Brandegee	Harreld	Nelson	Shields
Bursum	Harris	New	Shortridge
Cameron	Harrison	Newberry	Simmons
Capper	Heflin	Nicholson	Smith
Caraway	Hitchcock	Norbeck	Spencer
Colt	Johnson	Norris	Stanfield
Culberson	Jones, Wash.	Oddie	Sterling
Cummins	Kellogg	Overman	Sutherland
Curtis	Kendrick	Page	Swanson
Dial	Keyes	Pepper	Townsend
du Pont	Ladd	Phipps	Underwood
Edge	La Follette	Pittman	Wadsworth
Ernst	Lenroot	Poindexter	Walsh, Mont.
Fernald	Lodge	Pomerene	Warren
France	McKellar	Ransdell	Watson, Ga.
Glass	McKinley	Rawson	Weller
Gooding	McNary	Robinson	Willis

Mr. SUTHERLAND. I desire to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Indiana [Mr. WATSON], and the Senator from New York [Mr. CALDER] are detained at a meeting of the Committee on Finance.

The VICE PRESIDENT. Seventy-two Senators have answered to their names. A quorum is present.

OPINION CONSTRUING TRANSPORTATION ACT OF 1920 (S. DOC. NO. 172).

Mr. CUMMINS. Mr. President, I ask unanimous consent to have printed as a public document a very important opinion, very recently rendered by the Federal court of Ohio, upon a phase of the transportation act of 1920. I think it desirable that it should have general circulation.

Mr. ROBINSON. What is the aspect of the transportation act involved?

Mr. CUMMINS. It is with regard to the jurisdiction of the Interstate Commerce Commission over electric and interurban roads.

Mr. ROBINSON. That is a very important matter.

The VICE PRESIDENT. Without objection, it is so ordered.

ADVANCES FOR BENEFIT OF AGRICULTURAL INTERESTS.

Mr. POMERENE. Mr. President, I have before me a statement which was sent to me by the War Finance Corporation as to advances which have been made for the benefit of agricultural interests, and also showing the distribution of the money among the several States. I think it is a matter that will be of considerable interest to Senators. Therefore I ask that it may be incorporated in the RECORD and also that it be referred to the Committee on Finance.

There being no objection, the statement was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

WAR FINANCE CORPORATION.

OPERATIONS OF THE WAR FINANCE CORPORATION FROM JANUARY 4, 1921, TO AND INCLUDING MARCH 11, 1922.

I. *Advances to assist in financing exports under sections 21, 22, and 2½ (par. 2), approved from January 4, 1921, to March 11, 1922, inclusive.*

(Sec. 21 was added to the original War Finance Corporation act by the act of Mar. 3, 1919, and secs. 22 and 24 by the agricultural credits act of Aug. 24, 1921.)

COMMODITY.	
Grain	$5,209,810.69
Tobacco	3,596,369.77
Cotton	33,572,373.21
Canned fruits	400,000.00
Meat products	1,000,000.00
Condensed milk	1,000,000.00
Textile products	250,000.00
Sheet steel	180,000.00
Copper	145,600.00
Sugar-mill machinery	470,966.36
Agricultural machinery	500,000.00
Railroad equipment	2,925,000.00
Lumber	1,000,000.00
Total	50,250,120.03

Total does not include advances aggregating $27,387,816.10 originally applied for and approved under section 21 for export purposes, and subsequently withdrawn by the applicants and resubmitted and approved as advances for agricultural purposes under section 24. Of the total amount $37,573,650.26 represents advances approved subsequent to August 24, 1921.

II. *Advances to banking and financing institutions and cooperative associations for "agricultural and live-stock purposes" under section 2½ (par. 1), approved from August 24, 1921, to March 11, 1922, inclusive.*

(Sec. 24 was added to the original War Finance Corporation act by the agricultural credits act of Aug. 24, 1921.)

(A) BY COMMODITIES.

Cotton	$23,404,200.52
Grain	21,290,189.31
Live stock	64,127,443.90
Sugar beets	9,996,000.00
Rice	2,500,000.00
Canned fruits	300,000.00
Dried fruits	1,250,000.00
Peanuts	1,097,700.00
Tobacco	10,000,000.00
General agricultural purposes	124,224,068.53
Total	258,189,602.26

28333

This sum includes advances aggregating $27,387,816.10 originally applied for and approved for export purposes (under sec. 21) and subsequently withdrawn by the applicants and resubmitted and approved as advances for agricultural purposes under the agricultural credits act of August 24, 1921 (sec. 24).

(B) BY STATES.

(1) To banking and financing institutions.

Alabama	$321,300.00
Arizona	2,767,500.00
Arkansas	242,000.00
California	2,106,859.06
Colorado	6,177,163.59
Florida	710,000.00
Georgia	5,306,000.00
Idaho	3,117,017.28
Illinois	4,814,000.00
Indiana	1,105,500.00
Iowa	22,631,616.08
Kansas	4,399,206.40
Kentucky	346,388.56
Louisiana	1,399,399.77
Michigan	20,000.00
Minnesota	10,581,049.26
Mississippi	1,407,838.19
Missouri	7,384,270.39
Montana	9,533,402.50
Nebraska	11,331,415.15
Nevada	248,000.00
New Mexico	6,224,530.25
New York	600,000.00
North Carolina	5,345,000.00
North Dakota	17,773,272.16
Ohio	1,177,806.00
Oklahoma	2,786,865.56
Oregon	3,515,112.39
South Carolina	8,597,339.25
South Dakota	13,771,684.50
Tennessee	2,767,560.00
Texas	16,719,496.44
Utah	10,651,101.00
Virginia	1,807,700.00
Washington	579,648.00
Wisconsin	4,269,000.00
Wyoming	7,265,744.38
Total	199,801,786.16

(2) To cooperative associations.

Arizona	$1,200,000.00
Arkansas	1,250,000.00
California	2,800,000.00
Idaho	962,355.66
Kentucky	10,000,000.00
Minnesota	15,000,000.00
Oklahoma	6,000,000.00
Tennessee	5,060,060.29
Texas	9,787,566.50
Virginia	1,000,000.00
Washington	5,327,833.65
Total	58,387,816.10

This total includes advances aggregating $27,387,816.10 originally applied for and approved for export purposes (under sec. 21) and subsequently withdrawn by the applicants and resubmitted and approved as advances for agricultural purposes under the agricultural credits act of August 24, 1921 (sec. 24).

III. *Summary of advances for export and agricultural purposes under sections 21, 22, and 24, approved from January 1, 1921, to March 11, 1922, inclusive.*

To cooperative associations	$63,650,000.00
To banking and financing institutions	235,824,913.40
To exporters	8,965,708.89
Total	308,439,722.29

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a telegram in the nature of a petition from a mass meeting of citizens at San Francisco, Calif., praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table and to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF., *March 22, 1922.*

Hon. CALVIN COOLIDGE,
Vice President of the United States, Washington, D. C.:

Ten thousand peace-loving men and women of San Francisco assembled in mass meeting to-night ordered transmitted to you the following resolutions, which were unanimously adopted. We ask that you lay these resolutions before the United States Senate:

"To the Senate of the United States of America:

"Whereas pursuant to a resolution unanimously adopted by your honorable body, as well as by the House of Representatives, the President of the United States invited foreign powers to join with this Republic in a conference to consider the reduction of national armament, and the invitation to join with this Republic in such a conference was accepted in good faith by the major powers of the world, and such conference recognized that the underlying cause of war consists in a state of mind wherein it is assumed that the disputes which inevitably arise between nations will be determined by armed forces finding its initial expression in hostile aggression. And it was determined by the distinguished representatives of all nations participating in the conference that a new state of mind could be best created by evidencing to all peoples of the world that international disputes would be approached and solved through friendly conference rather than by immediate resort to arms; and

"Whereas this thought is the foundation upon which are based the treaties approved at the conference on world disarmament and on which hang the future peace and prosperity of the civilized world and now presented to your honorable body for ratification; and

"Whereas Senator HIRAM W. JOHNSON, one of the Senators now representing California in your body, has joined in opposition to the four-power treaty:

"Now, therefore, we, citizens of California in mass meeting assembled in San Francisco, comprising every religious and political faith, having a profound desire for peace and mutual understanding amongst nations, mindful still of the dying cries of 10,000,000 men, and trusting in the wisdom and policy of the President of the United States and his distinguished American associates who so successfully guided the conference, do here and now urge the ratification of all of the treaties as adopted at the Washington conference, and we do further declare that the attitude of Senator HIRAM W. JOHNSON does not reflect our sober and earnest convictions.

"*Resolved*, That copies of this resolution be forwarded by telegraph to the President of the United States, to the President of the United States Senate, to Senator LODGE, chairman of the Committee on Foreign Relations, to Senator HIRAM W. JOHNSON, and to Senator SAMUEL SHORTRIDGE."

W. W. MORROW, *Chairman.*

Mr. JOHNSON subsequently said: Mr. President, just prior to the recess there were presented by the Vice President certain resolutions passed at a meeting in California with some references to myself. They were ordered printed in the RECORD. I ask, without reading it, that my reply to the particular telegram may be printed immediately following the resolutions in question.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection, it is so ordered.

Mr. JOHNSON's telegram is as follows:

[Telegram.]

WASHINGTON, D. C., *March 23, 1922.*

Hon. W. W. MORROW,
Judge of the United States Circuit Court, San Francisco, Calif.:

I have just received your telegram transmitting to me resolutions passed at a mass meeting held March 22 in San Francisco.

I am always very glad to have the views of any considerable number of my constituents, and, indeed, of any individual Californian. I recognize the right of every man to his opinion and the public expression of that opinion. In a democracy like ours it is not only appropriate but helpful and healthy that individual and mass opinions be transmitted to those who briefly hold official power. But I recognize, too, that one who occupies a position as United States Senator must, in the questions which come to him, reach his decisions and cast his votes as his judgment and his conscience dictate. He would, indeed, be a poor and contemptible representative who yielded his conscience and his judgment to every varying popular gust or to every demand which might be made upon him by groups or individuals. I do not question the sincerity of your opinion and that of those who met with you last night, and I welcome your public expression of it. Equally, of course, I take it, you do not question the sincerity of my opinion, and if I were cowardly enough to fail to give expression to it because any one or any number of my constitutents, however many or powerful, demanded otherwise, I would forfeit your respect, and what is worse, and what I value more, I would forfeit my own self-respect.

You and I together but two short years ago faced what seemed to be a rising and irresistible public clamor for a League of Nations. Without thought of the effect, politically or otherwise, we fought then what we believed to be a danger and a peril to the Republic. The exact arguments that were then made, the methods to deter and to silence us, are those now employed. We were told then that there was a new state of mind in the world; that disputes between nations would be solved through friendly conferences rather than by arms; and that the medium of their solution was the League of Nations. We were told then by some of the very gentlemen who participated in your meeting, and by others who are now speaking in California, that if we did not join the League of Nations our beloved country was headed straight for war. You and I fought on though, because we believed we were right, and because we wanted to preserve our cherished heritage just as we had received it for those who follow us. You and I desired to keep our Nation, not aloof from others, but free from their controversies, their spoliation, their imperialism, and their oppression. We fought the good fight then and we won it. Time demonstrated every lugubrious prophecy, and every dire prediction made by those opposing us, to be utterly without foundation. To-day I believe substantially the same situation confronts us. We are by degrees being taken into what two years ago we so fortunately escaped. This step in the Pacific, in my opinion, is but the prelude to others. If we are to enter the league I prefer to take my beating standing, and with head up enter the front door, rather than creep in the back.

I recognize fully the peculiar psychology with which we have to deal to-day, and I sympathize wholly with the yearning of all good people forever to put an end to the horrors of war. I do not oppose and I never have opposed consultation among nations. I have always sincerely advocated it, and do so now. I am unable to understand why if we seek consultation we do not plainly say so, and when pretending only a desire for consultation we undertake to maintain British and Japanese possessions. Instead of conference and consultation alone the treaty before us provides for maintaining territory and meeting aggression. I do not want to put any obligation, direct or indirect, express or implied, upon our country, upon our sons or our grandsons, to meet aggression against British or Japanese possessions, and I will not do so. With the past so indelibly stamped in my memory, with my knowledge of the world situation, a knowledge perhaps greater than that of many of my constituents, I can not by my vote take my country into a partnership with other nations which will inevitably lead us into unknown perils and do just that against which you and I so vigorously fought. The dangers, aye, the consequences, of just such agreements as the one under consideration are written in all the bloody pages of history.

I oppose this present treaty which would carry us into a pact no stronger than that which was in part responsible for the great World War, because I would save this Nation and all the nations of the earth from future murderous horrors and devastating wars. In the name of the 10,000,000 slain in the great World War invoked by you, in the name of the hallowed graves of the Americans who unselfishly gave their lives, I would preserve my country to play its great part in its appointed destiny free and unfettered, the leader of the nations of the earth, the hope of civilization. It was to this and by this to prevent

a recurrence of the awful tragedy from which we have just emerged, I gave of my substance and my effort in the difficult contest we made together. I believe, and I am sure on reflection, you will agree that our country can aid the world better with our ideals untouched, our independence of action undiminished, under the policy by which we have reached our present high eminence and great power, than as a partner of Britain and Japan. I may have been mistaken in my position two years ago; I may be mistaken now; but then I fought, and now I am fighting, as an American for my America, and God helping me, I will continue that fight until I die.

HIRAM W. JOHNSON.

Mr. LODGE presented a resolution of the board of aldermen of the city of Somerville, Mass., favoring the passage of an adjusted compensation bill for veterans of the World War, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Wellesley and Dover, both in the State of Massachusetts, remonstrating against the making of appropriations for the free distribution of seeds, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by members of the Oak Square Methodist Episcopal Church, of Brighton, Mass., favoring the passage of legislation for the relief of the suffering people of Austria, which was ordered to lie on the table.

He also presented communications in the nature of petitions of the congregations of the Church of Christ of Granby; the Marlboro Methodist Episcopal Church, of Marlboro; and the Oak Square Methodist Episcopal Church, of Brighton; a meeting of the executive council of the Beverly Churchmen's Union, representing men of seven Protestant churches and the Young Men's Christian Association, etc., of Beverly; the Men's Club of the North Congregational Church, of Lynn; the executive board of the Boston League of Women Voters, of Boston; members of the First Congregational Church of Georgetown; the Bolton Monthly Meeting of Friends, of Bolton; the Kiwanis Club of Northampton; members of the East Congregational Church, of Ware, and the Federated Church of Somerset; a meeting of the Boston Methodist Social Union, of Boston; the congregation of the Second Church in Dorchester (Congregational); a meeting of over 100, representing the men's clubs of the Baptist, Congregationalist, Episcopalian, and Universalist Churches, of North Cambridge; a meeting of the Unitarian Ministers' Monday Club, of Boston; members of the First Church in Cambridge; members of the faculty of the College of Liberal Arts of Boston University; members of the First Parish in Cambridge and the Epworth Methodist Episcopal Church, of Cambridge, all in the State of Massachusetts, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented resolutions of the Emmet Club, of Brockton, Mass., protesting against the ratification of the four-power and naval limitation treaties, which were ordered to lie on the table.

He also presented a resolution of the Grattan Literary Association, of Whitman, Mass., protesting against the ratification of the four-power treaty, which was ordered to lie on the table.

He also presented communications in the nature of memorials of Thomas J. Fitzgerald Post, No. 561, Veterans of Foreign Wars, of South Boston, and of the Central Council, United Irish Societies, of Springfield, both in the State of Massachusetts, protesting against the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

Mr. MOSES presented a memorial of sundry citizens of Berlin, N. H., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a resolution adopted by the Fremont County Beekeepers' Association, of Lander, Wyo., favoring inclusion in the pending tariff bill of an adequate duty on imported honey of not less than 5 cents per pound, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution adopted by members of the Methodist Episcopal Church, of Delphos, Kans., favoring the ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

Mr. WILLIS presented a petition of members of the United Presbyterian Church, of New Concord, Ohio, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented a resolution of the Federated Improvement Associations, of Dayton, Ohio, favoring the passage of more stringent immigration legislation, which was referred to the Committee on Immigration.

Mr. LADD presented a petition of members of Purdue University Chapter, Society of the Sigma XI, Lafayette, Ind., favoring the passage of legislation adopting the metric system of weights and measures, which was referred to the Committee on Manufactures.

He also presented resolutions of Whatcom County Progressive Grange, of Ferndale; Renton Local, No. 2; Western Progressive Grange; Clover Hill Local, No. 7; Western Progressive Grange, of Arlington; Mansford Local, No. 36; and Western Progressive Grange, of Darrington, all in the State of Washington, favoring the passage of Senate bill 2604, the Ladd honest-money bill, which were referred to the Committee on Banking and Currency.

He also presented petitions of Emil Richter and 3 others, of New Salem; J. J. Nettum and 3 others, of Fargo; Edward Olson and 106 others, of Havelock and vicinity; John and Billie H. Evashenk and Aneky Sepchenko and 5 others, of Kief, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

REPORT OF A COMMITTEE.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 10429) authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts, reported it without amendment and submitted a report (No. 573) thereon.

CHANGE OF REFERENCE.

Mr. NELSON. The bill (S. 3312) to amend section 4730 of the Revised Statutes relating to pensions and the bill (S. 3313) to amend section 4747 of the Revised Statutes relating to pensions were erroneously referred to the Committee on the Judiciary, as they relate to pensions. I move that the Committee on the Judiciary be discharged from the further consideration of these bills and that they be referred to the Committee on Pensions.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERNALD:

A bill (S. 3327) to refund to John B. Keating customs tax erroneously and illegally collected; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3328) for the relief of Almeda Lucas; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 3329) for the relief of Tom Henderson; to the Committee on Finance.

A bill (S. 3330) granting an increase of pension to Richard H. Atkinson; to the Committee on Pensions.

By Mr. McNARY:

A joint resolution (S. J. Res. 181) providing for the payment of war-risk insurance in certain contingencies; to the Committee on Military Affairs.

PUBLIC-LAND ENTRIES BY DISABLED EX-SOLDIERS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH of Montana. I move that the Senate insist upon its amendment, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. NORRIS, and Mr. WALSH of Montana conferees on the part of the Senate.

THE FOUR-POWER TREATY.

The VICE PRESIDENT. The Senate resumes the consideration of the pending treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating

to their insular possessions and insular dominions in the Pacific Ocean.

Mr. LODGE. Mr. President, I ask that a new print be made of the pending four-power treaty. In printing it the committee reservation was printed as a part of the resolution, not showing that it is an amendment. I desire to have it printed with that part which I have underscored in italics so as to show the committee reservation, which I have already moved as an amendment to the resolution of ratification and which will be taken up when we read the resolution.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BRANDEGEE. Mr. President, I ask that the unanimous-consent agreement which appears on the calendar be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The unanimous-consent agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that no vote shall be taken upon any amendment or reservation that may be pending or that may be proposed to Executive N, a treaty between the United States, the British Empire, France, and Japan, relating to their insular possessions and their insular dominions in the Pacific, until the calendar day of Tuesday, March 21, 1922; that beginning at 3 o'clock p. m. on Wednesday, March 22, 1922, no Senator shall speak in the aggregate more than 30 minutes upon any pending amendment or reservation or any amendment or reservation that may thereafter be offered, or more than once or longer than one hour upon the treaty itself, which hour may be utilized at any time; and that on the calendar day of Friday, March 24, 1922, the Senate shall convene at 12 o'clock meridian, and shall immediately proceed to vote, without further debate, upon any amendment or reservation that may then be pending or that may be offered, and immediately thereafter upon the resolution of ratification of said Executive N, as amended by a reservation, or reservations, or otherwise. [March 9 (calendar day, March 15), 1922.]

Mr. BRANDEGEE. I wish to ask the opinion of the Chair, if it is proper to do so, whether, if debate should cease to-day upon any amendment or reservation that is pending, a vote could be had to-day?

The VICE PRESIDENT. It is the understanding of the Chair that a vote is in order at any time after Tuesday on amendments or reservations, but a vote is not in order on the main question of the treaty until 12 o'clock on Friday.

Mr. BRANDEGEE. That was my understanding.

Mr. COLT. Mr. President, the main argument which is so strongly urged against the ratification of the four-power treaty is the familiar argument that the United States should keep aloof from the quarrels of other nations, and that this treaty will involve us in those quarrels in the Far East.

The answer to this argument is that the quarrels of other nations inevitably involve the peace and security of the United States. Our Monroe doctrine affords a striking illustration of this fact. That doctrine rests on the proposition that threatened acts of aggression by any non-American State against any of the Central and South American Republics is injurious to the peace and safety of the United States.

It is upon the ground of self-protection, which is the basic principle of the Monroe doctrine, that we intervene in every quarrel between any of the 20 Republics of the Western Hemisphere and any non-American State where such quarrel concerns the acquisition of territory or threatens the independence of these Republics. And what is true of the New World is also true in a large degree of the Old World, because to-day, broadly speaking, the New World and the Old World are one.

The great lesson taught by the World War is that the United States, on the ground of self-protection, can not stand aloof from the quarrels of other nations. Five-sixths of the human race were drawn into the World War, and that war demonstrated that a conflict between the great powers is not only a menace to America, but will involve us, because nations in time of war, on the ground of self-preservation, will disregard the rules of international law and the rights of neutral nations. And what is true of European wars is especially true of the Far East, where we have large possessions. A war in the Pacific Ocean between the great powers would in all human probability involve the United States. It is manifest, therefore, that the safety of the United States is threatened in the quarrels of other nations, whether in the Western Hemisphere or in Europe or in the Far East. The Great War has emphasized the fact that under modern conditions the nations are one in time of war as in time of peace. There is little force in the suggestion that this menace does not exist in the case of wars between small States, since no one can tell how far the conflagration may spread. The Balkan wars have threatened the peace of the world for more than a generation.

The four-power treaty is further attacked on the ground that it is an alliance, using that term in its ordinary sense, and carries with it the obligation to use armed force.

This question turns upon the proper construction of section 2 of the treaty:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

There is clearly in this section no contractual obligation to go to war in the case of "the aggressive action of any other power," since before taking any action the contracting powers are to arrive at an "understanding." Any one of the four parties may refuse to reach an understanding or agreement for the use of armed force. But while there is no legal or contractual obligation to use armed force I can not resist the conclusion, upon reading this section in connection with the preamble of the treaty and looking at the end sought by the treaty—the preservation of the existing rights of the parties to their insular possessions and insular dominions in the region of the Pacific Ocean—that there is an implied moral obligation to use armed force if it should be found that such force is necessary to meet the exigencies of the particular situation. But it is also true that section 2 may be so construed as to impose no legal or moral obligation on the part of the contracting parties to use armed force, and I am satisfied in view of what took place at the conference that the United States could properly and rightfully insist upon this construction. In view, however, of the importance of this question and of the fact that the treaty on its face is open to another construction I believe the Brandegee reservation should be adopted, thus making it perfectly certain that the treaty involves no commitment by the United States to the use of armed force. In other words, with the Brandegee reservation the United States is entirely free to exercise its own independent judgment with respect to the employment of armed force.

It is further contended that with no obligation to use armed force the treaty amounts to nothing more than a conference; but this by no means follows. All the Brandegee reservation does is to make certain that the United States is not committed to the use of armed force, but this does not limit the operation of section 2 to a mere interchange of notes or a mere conference; it merely leaves the use of armed force to the independent judgment of each of the four powers.

With regard to the objection that a conference under the treaty is limited to the four powers, I can see no reason why the United States before reaching any "understanding" under section 2 should not insist upon calling in any interested power.

Mr. President, the four-power treaty is an international association of peace and conference between the United States, Great Britain, France, and Japan. The history of Europe for the past hundred years shows that wars are diminished through international associations of peace and through conferences. Muir, in his work on nationalism, points out that from 1494 to 1815 it is impossible to name a single decade during which all the European States were at peace, while in the hundred years from 1815 to 1914 there have been two long intervals of peace, and that, "leaving out the Turkish Empire, there was no war between European States from 1815 to 1848—33 years—while between 1878 and 1912, 34 years, there has been no war at all except the brief and trifling Bulgar-Serb War, and the Greek War of 1897."

And Phillips, in his work on the confederation of Europe, while pronouncing all attempts at such confederation failures to secure permanent peace, says:

The experiment in the international organization of peace with which we have been concerned failed, it is true, as in the long run it was bound to fail. But it was by no means wasted effort. Its temporary use I have already pointed out; it preserved peace during the critical years following the fall of Napoleon, and so gave to western Europe the opportunity for that marvelous industrial and economic development which was to change the face of the world. It did more than this. It set the tradition of that feeling of common interest among nations the growth of which is the strongest factor making for peace. It gave a new sanction to international law, the outgrowth of this feeling, thus making possible the developments that culminated in the conferences of The Hague which, whatever the disappointments they may have prepared for the world, went a long way toward providing means by which war should be made the exception and not the rule. Last, but not least, it set the proceedings for that concert of Europe to which the world owes more than sometimes, in its more impatient moments, it has been willing to allow.

Mr. President, I now desire to call special attention to the character of the European wars during the century from 1815 to 1914, with a view of emphasizing the importance of international cooperation and conference as a means for preventing war.

Lord Bryce, in his recent work on international relations, calls attention to the fact that very few of the wars which have broken out since the congress of Vienna in 1815 were

susceptible of arbitration by a court on legal principles—in other words, that they were wars arising from political disputes. Of the 16 European wars between 1815 and 1915, two or possibly three could have been averted by any judicial proceedings. Neither the Crimean War of 1853 between Russia and France and England, nor the war of 1859 between France and Austria, nor the war of 1870 between France and Germany, nor the war of 1877 between Russia and Turkey, nor the war of 1897 between Greece and Turkey, nor the war between the United States and Spain in 1898, nor the war of 1904 between Russia and Japan, nor the Balkan wars of 1912–13, nor the World War in 1914 involved in any material way justiciable disputes which could have been adjusted by arbitration.

While arbitration and a world court are necessary in the settlement of legal disputes, it is manifest when we investigate the causes of modern wars that these instrumentalities do not meet the situation, and that the really dangerous causes of wars are of a political nature and must be dealt with by other means, such as international associations of peace, conferences, and reduction of armaments.

Mr. President, the purpose of the four-power treaty is to secure peace in the Pacific by the joint action of the United States, Great Britain, France, and Japan. And in this connection can it not be truthfully said that the future peace of the world, for the next generation at least, rests largely upon the joint action of these great powers? This treaty is an international association of peace confined to the Pacific and designed to dissipate all menace of war from that region of the world. It provides for obligatory conferences, which experience has shown to be the best means yet devised for settling political quarrels between nations. With the ratification of another treaty we shall also have a reduction of naval armament by the great naval powers. We have thus in the Washington conference in the form of treaties the best known human agencies ever devised for the adjustment of those political disputes which are the great cause of modern wars.

Mr. President, the Washington conference was conceived in the loftiest patriotism by the Nation's head and our delegation represented the highest and best in American life. Their work involved no surrender of American independence or American ideals and no commitment to war in our international relations. And it may be said that if the spirit which prevailed in that conference spreads to all nations it will do much to assure the future peace of the world.

The Washington conference has adjourned, but its work will live unless destroyed by the Senate. That conference is America's contribution toward the solution of the gravest problem which confronts the human race—the avoidance of war. It may not solve this problem, but it is certainly a forward step toward its solution. Oh, it is easy to tear down with ruthless criticism any creative work. The Federal Constitution was subjected to this ordeal, but it still lives. As the critics of the Federal Constitution had no other constructive plan to arrest the drift of the thirteen Colonies into anarchy, so the critics of the Washington conference have nothing constructive to propose.

Realizing the awful destruction of life and property and the economic ruin wrought by the Great War and the longing of the nations for an enduring peace, may we not confidently believe that the Senate of the United States, acting in the same spirit in which the conference was conceived and which marked its deliberations, will approve and ratify all its work as an important step in advancing the peace of the world?

Mr. EDGE. Mr. President, in addressing the Senate on the subject of the four-power treaty a few days ago, I took the position that under the terms of the treaty any action that might be proposed would not be binding upon the United States unless the action was unanimous. I have noticed since that time that this viewpoint has been questioned by other Senators who have addressed the Senate on the subject.

It seems to me to be perfectly clear that the view that unanimous action is absolutely essential to bind any country that is a party to the compact is the correct interpretation of the pending treaty. I want to draw attention to the words used in the treaty; and certainly we must arrive at our conclusion by a consideration and study of the meaning and definition of those words.

Article 1 of the treaty refers to controversies arising out of any Pacific question involving the rights of the parties. Then the treaty goes on to article 2, which reads as follows:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding—

Note the word "understanding"—

> as to the most efficient measures to be taken, jointly or separately—

And so forth.

It appeals to me as conclusive that the word "understanding" describes the obligation on the part of the four powers. You can only arrive at an understanding—to use, as nearly as I can recall it, the language of the distinguished Senator from Connecticut [Mr. BRANDEGEE]—by all arriving at it.

The authorities, it seems to me, make the definition of the word "understanding" perfectly clear.

Webster's New International Dictionary defines an understanding as—

> An agreement—

An agreement!—

> of opinion or feeling;—

An agreement must be an agreement, not a majority decision—

> adjustment of differences; anything mutually understood or agreed upon.

Certainly there can be no question in regard to the meaning of the word "mutually."

The Standard Dictionary defines an "understanding" as—

> A practical agreement or consensus of opinion between two or more persons, especially an informal or confidential compact.

The very word "compact" is used in the definition.

> Also, the subject of such compact; the thing agreed on; sometimes an arrangement or settlement of differences, or of disputed points.

A settlement!

The Century Dictionary and Cyclopedia gives the following definition for the word "understanding":

> Intelligence between two or more persons; agreement of minds; harmony; union of sentiment; also, something mutually understood or agreed upon, as, there was an *understanding* between them.

It seems to me, Mr. President, that on the question of unanimous action there can be no disagreement. The compact, after referring to possible differences and providing the way in which the four powers shall be notified and asked to meet in joint conference if the ordinary diplomatic methods have failed, plainly provides that then they shall endeavor to reach an understanding; and every authority makes it perfectly clear that an understanding must be a mutual agreement.

Therefore I contend that there can be no reasonable doubt that if, after the ratification of this treaty, the United States on any disputed point should not agree with the representatives of the other members of the conference as to the methods suggested, the parties do not reach an understanding, and each of them is in no way morally or legally bound to carry out the views of the others.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LADD in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Glass	McNary	Ransdell
Ball	Hale	Moses	Robinson
Brandegee	Harreld	Nelson	Sheppard
Bursum	Harris	New	Shortridge
Cameron	Harrison	Newberry	Simmons
Capper	Heflin	Nicholson	Smith
Caraway	Johnson	Norbeck	Spencer
Colt	Jones, Wash.	Norris	Stanfield
Culberson	Kellogg	Oddie	Sterling
Cummins	Kendrick	Overman	Swanson
Dial	Ladd	Page	Townsend
du Pont	La Follette	Pepper	Underwood
Edge	Lenroot	Phipps	Wadsworth
Ernst	Lodge	Pittman	Watson, Ga.
Fernald	McKellar	Poindexter	Weller
France	McKinley	Pomerene	Willis

Mr. JONES of Washington. I have been requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. MCLEAN], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from Vermont [Mr. DILLINGHAM] are in attendance upon a meeting of the Committee on Finance.

Mr. SHEPPARD. I wish to state that the Senator from Montana [Mr. WALSH] is temporarily detained on official business.

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. CARAWAY. Mr. President, before finally we shall vote upon this treaty, I want to submit, only briefly, a few thoughts which seem to me should at least have some consideration before we shall have entered into this alliance.

Either this is an obligation which binds us or it does not bind us. Those who have most recently apologized for having offered it say that it has no binding obligation. If it has not, there is no excuse for having entered into it. If it does bind

us and there is no harm in the obligation assumed, there ought to be no apology for having entered into the obligation. I take it for granted that we mean to keep faith with the nations which have entered into this pact with us and we are going to assume that they will abide by their agreement. If we do, we should not be afraid to tell the world what the obligations are which we assume and the people ought to know. However, we have had a speech to-day, made by the Senator from Rhode Island [Mr. COLT], saying that this treaty has force back of it, and that he expects to support the treaty. We had a similar interpretation that it was an alliance made by the junior Senator from Missouri [Mr. SPENCER], who is going to support the treaty. We had a positive declaration by the junior Senator from Ohio [Mr. WILLIS] that if that be the correct interpretation, he would not support it. We ought to be able to agree.

Most of us have practiced law, and I venture the assertion that if a client had come to any of us with a contract and asked us, as attorneys, whether he should sign, we would determine what his obligation was under the contract, and we would ask him what he was expecting to do, and if he should say, "I do not know what the obligation is I am entering into; I want you to tell me," if we were not able to say positively what his obligations were, we would say, as attorneys, "Do not sign that contract until you know what you are required under it to do."

The future of a nation of 110,000,000 people is at stake, a contract is offered, and we are asked to ratify it. Some Senators say it is a binding obligation; that it is an alliance. Others say it is not. I know that one of the American delegates who negotiated the treaty at one time thought it was an alliance and that it carried with it an obligation to use force, if necessary. He may have changed his opinion, and doubtless has, since he negotiated the treaty, but that was his opinion at one time. That is the opinion now of the Senator from Rhode Island [Mr. COLT]. It seems to be the opinion of the junior Senator from Missouri [Mr. SPENCER]. I know it is the opinion of a majority of the Senators on this side. Some on the other side say it does carry with it no such obligation, and therefore I say, if we would not advise a client to sign a contract involving, we will say, an estate of $100 until we could determine what his rights and liabilities were under that obligation, shall we rush headlong into an agreement binding 110,000,000 people when none of us knows exactly what the obligations we are assuming are or what the liabilities we incur are?

I do know this: That if treaties mean what treaties are presumed to mean, three of the powers with whom we contract have contracted in an agreement heretofore entered into that if any dispute shall arise between one of them and any other power, whether a party to that treaty or not, that controversy shall be brought before the League of Nations.

I do know, unless they are willing to prove recreant to the obligations they entered into with fifty-odd other powers, if any dispute arises between any of the parties to this alliance we are about to ratify and us, we are going to be invited into the league in order to settle it, or else they must break their obligations to those other people, because the covenant of the league provides that, whether the nation with whom the dispute arises is a member of the league or not, that nation shall be offered membership in the league for the purpose of adjusting that particular dispute, and unless the nations with whom we are dealing are willing to break the obligations they entered into in ratifying the Versailles treaty they must, instead of adjusting any differences which arise between themselves and us as provided in this treaty, take us before the league. If you say they will not do it—and I rather think they will not—if you say they will not live up to that treaty, why should we bind ourselves with this?

Either they must break one treaty or the other if a dispute arises. They can not undertake to settle it among themselves. If they do, they break the word they gave when they signed and ratified the treaty of Versailles. If they do undertake to call us before the league, they must break their faith pledged in this alliance we are about to ratify. One or the other is inevitable.

I was astonished, if I may be permitted without offense to say it, at two statements the senior Senator from Alabama [Mr. UNDERWOOD] made. First, he laid down the proposition that there is no international law or obligation which rested upon one nation to respect the rights of another nation. On the 11th of this month he made the statement over and over again that there was no international law which required us to respect the rights of other nations or which required other nations to respect our rights. If that statement is true, we went to war with Germany under false pretense, and the Senator from Alabama, in voting for that war, stultified himself, because we said that Germany was ignoring our international rights, was trampling on international law, and therefore we dedicated all of our resources, wealth, and man power to repelling the aggression of Germany on what we said was our international right, which she was, under international law, compelled to respect.

In order to justify this agreement the Senator says there is not any international law which requires us to respect other people's rights or requires other people to respect ours, and therefore we must enter into this treaty. I am proud to say that in the desire of the Senator from Alabama to justify himself for voting for this treaty he alone has been driven to the necessity of declaring that this is a world without law and that there is no international obligation resting upon one nation to respect the rights of another. I was never more astounded than I was when the Senator from Alabama, in order to justify his position, was driven to that extreme.

Let me say, in the beginning, that I wanted to vote for this treaty if I could. It has been charged that the opposition to this treaty upon the part of the Democrats is due to partisanship, that they are trying to make a political question out of it. Let me dispel that idea. The senior Senator from Alabama is the titular leader of the Democratic minority in the Senate. He has not conferred with a single one of his Democratic colleagues about this. He confers every day with the leader of the majority, the senior Senator from Massachusetts [Mr. LODGE], and last night, as before, reported progress to the President of these United States. Therefore it is unfair to say it is a political question. The Senator from Alabama pledges so many votes to the President in favor of ratifying the treaty.

The junior Senator from Wisconsin [Mr. LENROOT] said the other day that if this treaty were defeated it meant war. He said more than that, that if it were defeated the President would be justified in withdrawing the other treaties negotiated by the conference from the consideration of the Senate. The senior Senator from Massachusetts [Mr. LODGE] said practically the same thing. The junior Senator from New Jersey [Mr. EDGE] has practically said that the defeat of this treaty would mean war. I want to call the attention of the Senate to the fact that every one of these Senators who now so loudly proclaim the advantages of this treaty, every one of them who threaten such dire disaster to this country if we shall refuse to ratify, was opposed to the Borah resolution, which resulted in the calling of the conference out of which this treaty grew. If the senior Senator from Massachusetts had been able to control the Senate, if the junior Senator from Washington [Mr. POINDEXTER] could have had his wishes respected, there would have been no conference, there would have been no four-power treaty, and the world, according to their present declaration, would have been plunged into war and into hopeless night.

Mr. HARRIS. Mr. President, I want to ask the Senator from Arkansas how many votes he thinks the Borah resolution would have received if it had provided for a four-power alliance?

Mr. CARAWAY. It would not have received one, because the Senator from Idaho himself would not have voted for it. But the thing I want to call attention to is that these newly arisen prophets, who can see the future now with clearness, and who now threaten the world that if we shall refuse to ratify this treaty it means hopelessness, that it means eternal night, that it means war, three months ago did not know anything about it. I am not willing to concede that they wanted war, that they wanted hopelessness, that they wanted night, and yet if they could have had their way they would have defeated the very conference which drafted this treaty.

It was not in their minds; they did not want it. They had to take the Borah resolution because they found that they did not have votes enough to defeat it, and the President of these United States, who now calls Senators into conference, although he said he would not lobby for the ratification of this treaty, finds himself driven to the necessity of sending for Senators. What arguments he makes I do not know, but I know that whatever inducement he can he brings to bear upon them to get votes to ratify the treaty, and yet he did not want the conference out of which this treaty grew.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. CARAWAY. I yield to the Senator.

Mr. POINDEXTER. The Senator said that four months ago we did not know anything about the four-power treaty, and consequently were not aware of the great injury that would result from not having it, because it was not conceived at that time. Four months ago we also did not know about the outcome of the naval limitation treaty.

Mr. CARAWAY. No; and we would not have had it if the Senator from Washington could have prevented it.

Mr. POINDEXTER. The fact of the case is——

Mr. CARAWAY. Oh, I remember the Senator standing on the other side and fighting the Borah resolution day after day—and the Senator was reporting to the President, and I venture the assertion that he appealed to the President for a letter to help him defeat the Borah resolution on the floor of the Senate.

Mr. POINDEXTER. The fact of the case is that whatever may have been my attitude——

Mr. CARAWAY. I know; we will forget the past.

Mr. POINDEXTER. Of course, if the Senator does not allow me to make a statement I will not undertake to do it, but I just wanted to take a few seconds of time——

Mr. CARAWAY. Very well.

Mr. POINDEXTER. I am not forgetting the past at all, but I wanted to call his attention to the fact that I supported the Borah resolution and announced my support of it on the floor of the Senate.

Mr. CARAWAY. May I suggest to the Senator that he had been fighting it until he got the President's letter, which so straddled that he did not know whether he could stand on it or not?

Mr. POINDEXTER. The fact remains——

Mr. CARAWAY. I know it remains.

Mr. POINDEXTER. That I announced my support of the Borah resolution, as shown by the RECORD. But the Senator can take whatever view he chooses in regard to that.

Mr. CARAWAY. I am going to believe the Senator each time he talks, but he was against it once. He said he was, and I believe he was.

Mr. POINDEXTER. I just wanted to make a very brief statement to the Senator on another phase of this matter, and then I will leave it.

Mr. CARAWAY. I would leave that phase if I were the Senator, but go ahead and make another statement.

Mr. POINDEXTER. I am perfectly willing to return to it; but I was speaking about the Senator's argument, that we could get along without this four-power treaty just as well now as we could several months ago, before the resolution for a conference was adopted. I want to call his attention to the difference between the present situation and the situation then, and the Senator can take the record which he has as to my position in regard to the conference which was being called for the purpose of the limitation of naval power among these nations and confirm my present position in regard to the matter.

Mr. CARAWAY. I do not know what it is.

Mr. POINDEXTER. That is, if we are to abandon our naval strength that we would have had under the 1916 program, and reach an agreement among the nations to so limit their naval power, the four-power treaty to keep peace in the Pacific, and to hold conferences for the purpose of avoiding war, has a new value attached to it different from any value that could have attached to it before an agreement for the cutting down of naval power was arrived at, or even definitely conceived of.

The Senator from Arkansas seems to occupy just the reverse of that position, although I may be mistaken about his attitude in regard to the naval limitations treaty. I understand he is opposed—and I put this in the form of a question, because I want to be correct about it—I understand the Senator is opposed to the four-power agreement to keep the peace, and is in favor of reducing our naval strength at the same time. In other words, he wants to retain the causes of war and at the same time abandon the means by which we could meet the dangers of war.

Mr. CARAWAY. I understand now that this treaty to keep the peace is acceptable to the Senator from Washington, because he could not get power to build the biggest navy in the world, that he would rather the Nation should have played the bully and threatened the world, but if he could not get the armament with which to do it, then he will agree that we will keep the peace.

Mr. GLASS. Does the Senator from Arkansas admit that this treaty is intended to keep the peace?

Mr. CARAWAY. I do not intend to admit that, because no one really admits that, and I do not want to do like the Senator from California [Mr. SHORTRIDGE] did yesterday, stand up and argue the obvious. He said yesterday with a great deal of learning that if a thing is unconstitutional it is void.

Now, the President, who is so interested in having ratified this obligation upon our part, although, as I said, he had announced that he would not lobby for it and he would not trade for votes to ratify it, has scrapped that declaration and is sending for Senators nightly. Whether he is trading or not I do not know. I do not know what the President had in his mind when he said he would not trade. Not being well advised as to his mental processes, I venture no conclusion as to what he meant when he said he would not trade with any of you gentlemen in order to get your votes, and that he would not lobby with you; but lobbying he is, if I may be permitted to use that term, because Senators are being sent for and are being urged to support the ratification of the treaty.

To show that the President did not want the opportunity to call this conference out of which the treaty grew and that he has been compelled to find himself, as he now says, offering a solution for all the ills of the world, I want to read what the Senator from Maine [Mr. HALE] said when he was on the Naval Affairs Committee and this treaty was not then within the purview of anybody's mind, but the Borah resolution was pending before the Senate out of which this treaty grew, and what the Senator from Washington now says was obviously necessary to grow out of that conference. The Senator from Maine [Mr. HALE] was asked about his and the Senator from Washington's visit to the President. They had gone to see the President and had been informed to kill it. They were again informed to kill it—the Borah resolution—in the Senate, and undertook to do so. They found out after awhile that it took more help than they had, and surrendered. Talking on this very question on the 13th day of May last, he said:

> I stated that my impression after talking with the President was that he considered that this is not the time to go ahead with a resolution of this kind. Of course, the Senator realizes our foreign relations at the present time are extremely delicate and that the country at large is looking to the President to straighten out those foreign relations.

He may now have straightened them out, but he had to have a miraculous demonstration of divine power to change from persecutor to a follower in this new way. He was not exactly struck blind, but I presume admits now he was blind and had his sight restored. All these, the Senator from Massachusetts [Mr. LODGE], the Senator from New Jersey [Mr. EDGE], the Senator from Washington [Mr. Poindexter], and all those who now say that the destiny of the American people and of the world rests in the ratification of this treaty, were unalterably opposed to having called the conference out of which comes this great treaty.

Mr. POINDEXTER. On the contrary, Mr. President, of course, if it makes any difference to the Senator from Arkansas between stating what is correct and stating what is not correct, the President had made arrangements, so I am informed, to call the conference long before any of the occurrences to which the Senator is referring. He had already begun negotiations with certain of the powers before the Borah resolution came up for the purpose of having this conference.

Mr. CARAWAY. Why was he so bitterly opposed to the Borah resolution?

Mr. POINDEXTER. I was not bitterly opposed to it.

Mr. CARAWAY. I said why was the President?

Mr. POINDEXTER. The Senator had better ask the President. I do not know that he was bitterly opposed to it.

Mr. CARAWAY. The Senator knows. Will he tell me?

Mr. POINDEXTER. The Senator said the President was opposed to the conference. The facts are that he had made arrangements to call the conference. Outside of the fact that he is misstating facts, the Senator from Arkansas is right in other respects.

Mr. CARAWAY. What arrangements had the President made? Will the Senator from Washington tell us?

Mr. EDGE. Mr. President, I think——

Mr. CARAWAY. I will yield to the Senator from New Jersey when the Senator from Washington has told us what arrangement the President made.

Mr. POINDEXTER. I will not undertake to go into detail about it. He had negotiated——

Mr. CARAWAY. With whom?

Mr. POINDEXTER. With one of the powers a party to the treaty.

Mr. CARAWAY. Which one?

Mr. POINDEXTER. Great Britain.

Mr. CARAWAY. When?

Mr. POINDEXTER. I will not undertake to give the exact date, but long before the time to which the Senator refers.

Mr. CARAWAY. The Senator from Washington, if he will pardon me, reminds me of an election contest one time in a county down in my State. A man went down into that county to investigate and came back and made his report. He said there were only two kinds of people down there—one did not know and the other would not tell.

Mr. POINDEXTER. That reminds me very much of another election contest I heard of in the Senator's State. They have a great many of them down there. A man was charged with stealing nine ballot boxes.

Mr. CARAWAY. Stealing what?

Mr. POINDEXTER. He was charged with stealing nine ballot boxes in Arkansas in one of those election contests in Arkansas to which the Senator referred, and his defense was that he did not steal nine, he only stole five.

Mr. CARAWAY. I am satisfied that information is as accurate as anything the Senator has. It is the same kind of information he has been dealing out to the Senate on this treaty. I have just as much faith in one statement as I have in the other. Of course, I know that incident about the ballot boxes did not happen.

I yield now to the Senator from New Jersey.

Mr. EDGE. I think I understood the Senator from Arkansas to include the Senator from New Jersey as one of those who was not in favor of the adoption of the so-called Borah resolution providing for the calling of a conference to consider the limitation of armament. I do not wish in any way to detract from the very able arguments and work of the Senator from Idaho, but if the Senator will look over the RECORD he will find that at the end of the session referred to, at the end of the last special session, I think it was, when the Senator from Idaho was not apparently pushing his resolution for calling the conference, I took it upon myself to reintroduce the same resolution with some slight changes, and it was really as a matter of fact the resolution introduced by the Senator from New Jersey that passed the Senate of the United States unanimously. I think that the record is sufficiently clear to demonstrate the position of the Senator from New Jersey on the question of the limitation of armament.

Mr. CARAWAY. I was certainly mistaken, then. I read a speech which the Senator made and got the wrong impression from it.

Mr. EDGE. The Senator did not see anything in any speech the Senator from New Jersey made to that effect.

Mr. CARAWAY. Evidently I misunderstood it if the Senator is correct now. I do not care which time he is right.

Mr. EDGE. The Senator did not see any speech the Senator from New Jersey made in which he took a different viewpoint on the limitation of armaments.

Mr. SWANSON. Mr. President——

Mr. CARAWAY. I yield to the Senator from Virginia.

Mr. SWANSON. In connection with the naval limitation resolution, it was introduced and referred to the Committee on Naval Affairs. The Senator from Montana [Mr. WALSH], if my recollection is correct, moved to include it in the naval appropriation bill. It received every Democratic vote in the committee, and, if I mistake not, every Republican member of the Committee on Naval Affairs voted against including it in the bill which was reported to the Senate. Consequently, it was understood that the Democrats would press the matter when it came to the Senate.

Mr. CARAWAY. And all the Republicans would oppose it.

Mr. SWANSON. If my recollection is correct, every Republican member of the Committee on Naval Affairs voted against including it as an amendment to the naval bill, and the bill was reported without having it included, and Senators stated they would bring it out on the floor of the Senate.

Mr. CARAWAY. Just for the record, I want to read the names of the Republicans who constituted the membership of the Committee on Naval Affairs. The Senator from Vermont [Mr. PAGE]; the Senator from Massachusetts [Mr. LODGE], who now finds this treaty is the hope of the world, although he borrowed President Wilson's language in order to commend it; the Senator from Washington [Mr. POINDEXTER]; the Senator from Maine [Mr. HALE]; the Senator from Delaware [Mr. BALL]; the Senator from Michigan [Mr. NEWBERRY]; the Senator from New Hampshire [Mr. KEYES]; the Senator from Maryland [Mr. FRANCE]; the Senator from Colorado [Mr. NICHOLSON]; and the Senator from Pennsylvania [Mr. CROW], though I am sure that Mr. CROW was not present.

Mr. SWANSON. I will say that some of the Republican members were not present, but those who were present voted against it and the Democrats who were present voted for it. The Senator from Montana [Mr. WALSH] offered it, but it was defeated in the committee. My recollection is that every Democrat who was present voted for it as an amendment to the naval bill, and the Republicans who were present voted against it.

Mr. CARAWAY. Passing that for the moment, I can see how the Senator from Wisconsin [Mr. LENROOT] could have consistently said that the President, if this treaty were not ratified, would seize upon that opportunity very likely to withdraw the other treaties, because I have shown by the record that the President did not want the conference out of which the limitation of armaments grew. He did not want the conference out of which the four-power pact grew.

The Senator from California [Mr. SHORTRIDGE], who is never quite so humorous as when he is serious, assured us yesterday that we ought to be everlastingly distressed because some people questioned whether or not there was a secret agreement entered into at the same time. Here is what I want to call attention to for whatever it is worth, though I am making no assertion.

When the President brought to the Senate the treaties he brought a bale of manuscript along and referred to it rather dramatically as all the information, the conversations, the agreements, the offers that took place in the conference. Everyone naturally presumed there would be the full information leading up to the negotiation of the four-power pact.

But to everybody's astonishment except those who were on the inside—I rather imagine the Senator from Alabama [Mr. UNDERWOOD] and the Senator from Massachusetts [Mr. LODGE] knew—there was not a word of information about this treaty. When asked under a resolution introduced by the Senator from Nebraska [Mr. HITCHCOCK] to furnish this information, the President declined to do so, but assured us there were "no secret understandings or agreements." Nobody had then intimated, nobody had suspected, nobody had said there was any secret understanding or agreement between the nations who entered into this treaty, and yet in advance of anybody ever suspecting it, anybody ever saying it, the President went out of his way to assure us no secret agreements had been arranged. The senior Senator from Alabama [Mr. UNDERWOOD]—and I regretted to see him do it—stood here like a schoolboy covered with delight and read the letter from the Secretary of State, Mr. Hughes, commending his effort in this matter and backing up what he had said. As if he needed to call a witness here from the other side in order to make his colleagues believe what he said was true, he read with much pleasure the letter of Secretary Hughes. Secretary Hughes, though it had never been charged, went out of his way to say to the Senator from Alabama and have him say to the Senate that there were no secret agreements entered into.

Mr. UNDERWOOD. I am sure the Senator from Arkansas wants to tell the truth.

Mr. CARAWAY. I certainly do, sir, as nearly as I know how, and I am perfectly willing to match my veracity with that of the Senator from Alabama at any time.

Mr. UNDERWOOD. If the Senator from Arkansas remembers the incident, he will recall that I was asked what I knew about the negotiation of this treaty.

Mr. CARAWAY. And the Senator stated he did not know anything about it, or practically that.

Mr. UNDERWOOD. The Senator, I hope, will allow me to make a statement.

Mr. CARAWAY. The Senator prefaced his statement in rather an offensive way.

Mr. UNDERWOOD. I withdraw it if it was offensive.

Mr. CARAWAY. Then I withdraw what I said.

Mr. UNDERWOOD. I certainly did not intend to say anything offensive to the Senator.

Mr. CARAWAY. I accept the Senator's statement.

Mr. UNDERWOOD. During the course of the debate I was asked to state what had occurred in the negotiation of the four-power pact, and I said very frankly that I was called away from the city by reason of a death in my family, and that I was not present when the treaty was negotiated; that the Secretary of State had conducted the negotiation and had told me of it when I returned. The question was really put to the Secretary of State as to what had been done, for it seemed that the information was desired on this side of the Chamber. So when the Secretary of State sent me a letter telling what he had done, it seemed to me that it was entirely in accord with what was proper to read his letter to the Senate.

I know that some of my colleagues continually charge me with the fault of not being present when these negotiations took place, but I could not be present. However, I gave them the information through the only man who possessed the information, the one who actually conducted the negotiations. I think it was entirely proper that I should have read the letter of Secretary Hughes.

Mr. CARAWAY. I am not criticizing the Senator from Alabama for not being present at the conference.

Mr. UNDERWOOD. If I made a statement that the Senator from Arkansas thought was a reflection on him, I wish him to understand that I withdraw it——

Mr. CARAWAY. I know that.

Mr. UNDERWOOD. Because I have no desire to offend him.

Mr. CARAWAY. I am curious to ask the Senator what statement I made which caused him to preface his remarks by saying that he knew I wanted to tell the truth.

Mr. UNDERWOOD. The Senator said I would not give the information.

Mr. CARAWAY. The Senator from Alabama must not say that. I did not say that. I said the Senator got a letter from Secretary Hughes and read it.

Mr. UNDERWOOD. But first the Senator said that I would not give the information.

Mr. CARAWAY. Oh, no.

Mr. UNDERWOOD. That is the way I understood the Senator. I have no objection whatever to the Senator's criticism of me; I only want the facts shown.

Of course I was not a participant in the real negotiation of the four-power pact, for the reasons I have stated, and I could not be. I tried to give the Senate candidly all the information I could, and as a part of it I read a letter from the Secretary of State in reference to the negotiation of the pact. The Senator from Arkansas has overlooked the fact that the letter from the Secretary of State as to whether or not there were secret negotiations was a letter written to the Senator from Massachusetts [Mr. LODGE]; that it was a subsequent letter.

Mr. CARAWAY. No; the letter to which I had reference is in the Senator's speech in the CONGRESSIONAL RECORD which I have before me. To show how inaccurate the memory of the Senator from Alabama is, I may say that during the course of that speech he read the letter of the Secretary of State in which is made the statement upon which I have commented.

Mr. UNDERWOOD. I am not questioning that, and I am sure I said there was no secret negotiation.

Mr. CARAWAY. I did not charge the Senator with having said it. I said that the Secretary of State, Mr. Hughes, in advance of anybody having charged that there were any secret arrangements or understandings entered into, saw fit, in his letter which the Senator from Alabama read to the Senate, to say there were none.

Mr. UNDERWOOD. The Senator from Arkansas is mistaken about that, for there had been such charges made. They were charges of a general nature, but the gravamen of the Secretary's letter to me was not as to the question of secret negotiations; it was as to who negotiated this treaty. The letter was written for the purpose of showing who negotiated the pact; and the Secretary wrote the letter to me to show that he had carried the draft to the conference of the powers where the treaty was framed. I believe the Senator is right that incidentally in that letter there was something stated about there being no secret obligations, but the matter to which I was referring in that connection was the statement which was made by Mr. Cravath as to there being some secret understanding. That letter was not directed to me, but to the Senator from Massachusetts [Mr. LODGE].

Mr. CARAWAY. I knew that; and if the Senator had done me the courtesy to hear anything at all I said he would have been saved the necessity of making a long explanation. I knew that the Senator from Alabama read the letter of Secretary Hughes on the 11th day of March. I have said, and I repeat, as one of the very greatest admirers the Senator from Alabama ever had, that if I were he I would not have called upon somebody on the outside to back up the assertions which had been made by me on the floor of the Senate; but, of course, that is a question of taste for the Senator from Alabama.

Mr. UNDERWOOD. I am sure the Senator will allow me to make a statement. I am the last man in the world to object to my colleagues criticizing me; they have done so, and I take it in good part and in good nature. I try to do so and intend to do so; but, if the Senator will allow me to say so for the RECORD, I think he is mistaken about it being a question of good taste. It was not a matter of backing up my statement. The Secretary of State, Mr. Hughes, and I were both delegates to the conference. I had said that the information which was asked of me on the floor I did not possess, because I was absent for a reason which I stated; but there was a man who had the information; he wrote me a letter giving me the information; and it seems to me it was not only proper that when I had the information from him in my hands that I should read it to the Senate, but it was highly important if the Senate wanted the information. Perhaps they did not want it.

Mr. CARAWAY. That is a question of taste. I am perfectly willing for the Senator to take that view of it; doubtless he is right and I am wrong; but I do want to say, if I may not become embroiled with the Senator from Alabama further, that if the Secretary of State had valuable information which no other member of the delegation negotiating the treaty possessed—and under no other theory ought he, I presume, to have been dragged in here through the medium of a letter—if the Senator from Alabama did not have the information, if the Senator from Massachusetts knew nothing about it, and if Mr. Root had no information, then I think that the Secretary of State ought not to have left the country when the treaty was before the Foreign Relations Committee, at a time when he could have appeared and given the information. According to the statement of the Senator from Alabama, the Secretary of State was the only man who did know anything about the negotiation of the treaty, and he left the country; he would not give to the Foreign Relations Committee the desired information. I have never had a great deal of admiration, Mr. President, for those who do not want to come before a tribunal where they may be questioned, but, instead, at long distance prefer to write letters to convey the information. It may be scurrilous, perhaps, if the Senator from California will pardon me, but I should like to say that that kind of conduct reminds me very much of a situation that existed at one time in the section of the country where I live. I resided on a river which was the boundary line between two States. When the grand jury sat in one State many young fellows living in that State would cross the river to the other State and return when the court had adjourned. The Secretary of State left the country when the committee could have called him and obtained information; and he now confines himself to writing letters to the Senator from Alabama and to the Senator from Massachusetts. The letter which he wrote to the Senator from Massachusetts showed considerable heat. He said he hoped—I am not quoting his exact language—that we would now have a sufficient sense of propriety to quit making faces; that he had settled this controversy once and he did not want anybody to have such a lack of consideration as to raise it again.

All I want to say is that, in the absence of anybody charging there was a secret understanding of any kind, both the President and the Secretary of State, the two men who knew most and knew least about the facts, said there was no such understanding. I say these two men knew most and least about it, because the President gave out an interview that the mainland of Japan was not included in the treaty.

I do not know whether the Senator from Alabama and others had to inform the President that he evidently did not understand the matter; that he was wrong about it; and that the treaty did include the mainland of Japan; but, at any rate, it became necessary to negotiate a separate treaty in order to embody the President's interpretation. Now, we are told that the Secretary of State, Mr. Hughes, was the only man who knew something about it. The President showed he was the one man who knew absolutely nothing about it.

I do not know whether the pending treaty is to be a blessing or a curse. I do not think I should have had so much suspicion of it if those who negotiated it had not shrouded it in mystery. From past experience, I think all of us are loath to enter into agreements where those who seek to have us become parties to them refused to furnish any information as to why the agreements were reached, what were the necessities for such action, or when those upon whom we ought to be able to rely for a correct interpretation did not agree as to what obligations were incurred.

I have never been charged with saying anything scurrilous about other nations; but there are three land-grabbing nations in the world to-day, and we propose to enter into an agreement with those three nations. There are only three nations in the world to-day whose colonies include more people than inhabit the parent nations; those three nations have partitioned the world until their colonies are greater in population than the mother countries; and we propose to enter into an agreement with those three nations. There are only three nations in the world to-day whose foreign policies threaten war, and we see fit to single out those three nations and to enter into an alliance with them. There are only two nations in the world to-day who are irrevocably committed to militarism; those two nations are France and Japan; and we are asked to enter into an alliance with both of them. There are only three nations to-day which are seeking to destroy the rights of the most ancient peoples on the earth, which have seized their territory, have abridged their political and commercial rights, and we propose to enter into an agreement with those three nations to protect them in their aggressions. There is only one first-class power on the earth to-day with which this country never had a quarrel; never had a dispute; a nation that stood by the Union when the Civil War was raging and prevented the Union from being embroiled with another great empire; a nation which upon every occasion has shown its friendship to the United States, which ceded to us, practically gave to us, one of the richest territories the United States possesses; a nation nine millions of whose men were either killed or hopelessly maimed in waging, as our associate, the World War. Yet we have entered into an agreement which is hostile to that nation with three other

nations with which we have had trouble always, with one of which we have waged two wars, with another of which we raise an Army and a Navy to war with it and commissioned our ships to prey upon its commerce. I refer to France. There is but one colored race that ever attacked a white race—Japan—and we ally ourself with it.

As for Japan, we were told by some Senator here the other day that Japan was placing orders in every civilized country in the world in order to accumulate munitions of war to attack us. Yet we enter into an alliance with that nation to repel any kind of a force on the part of Russia, which has been our friend always, in any effort to expel Japan from her territory.

If that is good statesmanship, if that is good morals, if that is good common sense, you will have to pardon me, for I do not seem to possess either.

Oh, and there is the matter of the 10 years, as suggested by the Senator from Georgia [Mr. HARRIS]. I am glad he directed my attention to that, for I wanted to call attention to another very remarkable statement made by the senior Senator from Alabama [Mr. UNDERWOOD] in his speech on the 11th of this month. In that speech he said that no one believes that either China or Russia—two nations with which we have always been friendly—would be able in 10 years to assert her rights and repel the aggressions of Japan, and therefore we could safely go into this alliance for 10 years, and trust to the intelligence of a President or a Secretary of State at the end of that time, when these countries might be so recovered that they could resist the aggression, to slip out of it. The high morality that makes us want to go into a compact against the interests of our friends in order to get some kind of an advantage for 10 years, and then to sneak out of it when the obligation might finally be imposed upon us to pay for the benefits we are presumed to have received, is a viewpoint that I am not able to accept.

If this is a good treaty, if it is one that we ought to make, we ought to stay with it, because we will need it 10 years from now as much as we need it now. If it is a bad treaty, if it is a time-serving treaty, if it is a treaty made against the interests of our friends—our national friends for a national lifetime—we ought not to enter into it for 10 years; and either horn of that dilemma I am willing for those who support the treaty to accept.

I presume the treaty will be ratified, and I will venture no assertion about what the people may think of it one way or the other. I do, however, venture the assertion that the Senator from Wisconsin [Mr. LENROOT], who said that if he looked only to politics he would be glad to have the treaty defeated, because it would be of immense political value to the Republican Party, if he was not joking when he made that statement, would vote against its ratification.

Mr. WATSON of Georgia. Mr. President, will the Senator from Arkansas allow me to make a suggestion?

Mr. CARAWAY. I yield.

Mr. WATSON of Georgia. Those powers of propaganda which can put this four-power alliance over on the Senate so soon after the verdict of the people at the polls in 1920 will have gathered additional power in 10 years, and they can extend this alliance indefinitely.

Mr. CARAWAY. I think that is obvious.

I do not charge any man with bad faith for being for or against the treaty, and bad faith is not implied when I say the position is inconsistent. It was said by one or two Senators on the other side that it was incomprehensible, and said by the very distinguished Senator from Ohio [Mr. POMERENE], who read an essay in favor of the treaty last night, that it was inconceivable why anyone could have supported the Versailles treaty and oppose the four-power pact. If there is any reason in that argument it must be that the four-power pact is the same as the Versailles treaty. Therefore, when you try to impale us on the horn of inconsistency by saying we were for the Versailles treaty and against the four-power pact, by that very declaration you admit your own inconsistency, who defeated the Versailles treaty and now support the four-power pact. If that sort of logic appeals to you, I think I can understand why you should vote for ratification. Otherwise, I should be at some loss to understand.

I say this: The Senator from California [Mr. SHORTRIDGE] with a great deal of heat yesterday said that he was opposed to the treaty of Versailles, but that every mother and every God-fearing father in this land and everybody else was praying as he talked, as I understood, and the angels were singing, for the ratification of this treaty. Incidentally, I might say that I wonder if they made the angels delete their songs as they did the chaplain who opened the conference, by requiring him to strike out the name of Jesus Christ from his prayer. If the Senator from California is correct that all the powers of righteousness are on his side now, I do not know how he is going to account for their being with him last year also, because last year he was against a treaty which extended to the world what this treaty undertakes to do for the Pacific Ocean. If the Senator from California is content to say, "My prayers and my hopes and my love of humanity are confined to the Pacific Ocean, and to the Pacific Ocean only, and I do not care what happens to all the rest of the earth if the Pacific is made what its name implies, a peaceful sea"—if that is his viewpoint, his position is perfectly consistent; but I want to say that there is this difference:

Here are four nations, three of them with selfish ends to serve in the Pacific Ocean, three of them holding subject nations in the Pacific Ocean, three of them in possession of territory that does not belong to them and never did rightfully belong to them, going into an agreement with us in order to stabilize conditions as they now are in the Pacific Ocean. The Versailles treaty went further than that. It provided that all the peoples of the earth should enter into an agreement, and they should guarantee peace throughout the world by each agreeing to respect the rights of the others. If they had lived up to that treaty there could have been no war, if it had been ratified by this country, because if each nation respected the rights of the others there would be no cause for quarrel. If you say they would not live up to that treaty, I ask by what authority you say now that they will live up to this one? If you believe that nations can be bound by treaties—and I at one time hoped they could—how can you justify your act in defeating the Versailles treaty; and if you do not believe nations can be bound by treaty, how can you justify yourselves in voting for this treaty?

I want to call attention to the fact that the Senator from New Jersey [Mr. EDGE] said yesterday, when he made the speech of which he gave us a revised version this morning, that it is impossible to hate if you are brought together; that if you could bring nations together and let them sit around a table it would be impossible to hate, and therefore impossible to have a war. Well, God bless your soul, if it is impossible for people to hate as they sit around a table, why was the Senator from New Jersey then opposed to letting all the people sit around the table? Why was he opposed to the Versailles treaty? Why not ratify it, if sitting around a table banishes hate and banishes war? How, then, can he justify himself for having defeated the treaty that undertook to bring all the people into conference?

Mr. EDGE. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield to the Senator from New Jersey.

Mr. EDGE. I am sure the Senator does not desire to get into a controversy at this time as to the great difference between many other principles of the Versailles treaty and this getting around a table, as the Senator describes it. So far as the League of Nations was concerned, the principle of getting around a table, even with all the nations of the world, I heartily agree with. The League of Nations, with proper reservations, received my consistent and regular support.

Mr. CARAWAY. In other words, whether or not you have peace depends upon what table you sit around. Here is what the Senator said yesterday, if I remember correctly: "Many an international misunderstanding has developed and been fanned into flame because of the distance intervening between those arguing by cable or diplomatic notes. Such calamities possibly could have been averted if representatives of the contending nations could have gathered around a table. People often hate each other at a distance. It is difficult to hate each other side by side."

Mr. EDGE. Mr. President, does the Senator from Arkansas differ from the viewpoint that such a misunderstanding possibly could have been averted by discussion around a table?

Mr. CARAWAY. No; I was not falling out with the Senator about that sentiment. I was just wondering how the Senator reconciled his statement with his opposition to the Versailles treaty, which undertook to bring all the people to a common conference.

Mr. EDGE. The Senator from New Jersey has just stated quite clearly, I think, that the principle of the League of Nations, with our country properly protected, always received the support of the Senator from New Jersey.

Mr. CARAWAY. "Properly protected" by killing it, by cutting the heart out of it; then the Senator was willing to ratify it.

Mr. EDGE. Of course the Senator from New Jersey reserves the right to decide what is proper protection.

Mr. CARAWAY. Why, of course the Senator from New Jersey has a perfect right to be just as inconsistent as he sees fit, and I am not criticizing him. I was merely calling attention

to the noble sentiment uttered by the Senator from New Jersey in appealing to his colleagues to ratify this treaty by saying that hate is impossible if you can bring people to a common council table, and entertaining a different view when the treaty of Versailles was before the Senate.

Again, if I may be permitted to suggest it, as it was suggested by the Senator from Tennessee [Mr. McKELLAR], the Senator from New Jersey voted against the amendment offered by the Senator from Arkansas [Mr. ROBINSON] which undertook to make it possible to get all the nations involved in the controversy around the table. That amendment said that not only we four nations who bind ourselves together will confer, but we will invite to the conference any nation with which any one of these powers may become embroiled. Now the Senator says that if you can get them around the table they can not hate, or they can not war; and yet the Senator from New Jersey voted against an amendment which would have made it obligatory to get around a table not only those who ally themselves together, but those with whom one of them might have a controversy.

Mr. EDGE. Does the Senator from Arkansas contend that there is anything in the pending treaty which prohibits the members of the compact from inviting to the conference any other nation which might be involved or interested in possible disputes in the Pacific region? Does not the Senator from Arkansas recognize the difference between interests in the Pacific, in which the United States is particularly involved because of territorial possessions, and the interests of the entire world?

Mr. CARAWAY. Why, of course. I do not know whether the Senator from New Jersey is a lawyer or not, but in our profession——

Mr. EDGE. No, Mr. President; I have many things to answer for, but I am not one of the lawyer Members of the Senate.

Mr. CARAWAY. I am very glad the Senator is not, because he can be inconsistent then without being conscious of it. In the practice of law, however, it is always bad faith and one would be disbarred if he were guilty of it if he conferred with his own client and the other man's client also. You have to stay with one side or the other if you obligate yourself to do it. Here we contract with Japan—and if we mean anything by what we say, we will do it—that "If you get into trouble with Russia or China by reason of your aggression upon those people, we will confer with you to enable you with our advice to devise the best means of resisting that nation," which means to plan campaigns with them, and determine what armies and what navies would be advisable, and what economic pressure might be exerted. It means that you are going to confer with Japan to enable her perpetually to enslave Siberia; and it would be bad taste, and this country would not indulge in it, to say: "While I am your ally, and I am backing you up, I am going to go over and have some conversations with the other side, also."

It is unthinkable, and the very fact that the Senator from New Jersey voted against an amendment which would require this Nation to do it, shows that he does not believe this Nation would, for otherwise he would be perfectly willing to accept such an amendment. If we intend to do it, if it is our purpose to do it, if it is our right to do it, if it is our moral obligation to do it, I think we should write it in our bond. I have never had any confidence in anybody who would say, "You know, I always do what I say I will do, but I will not sign a contract to do it."

Mr. EDGE. Mr. President, I have not the honor and the pleasure of being a lawyer, with the additional knowledge that implies and makes possible, but I have a conviction that the fewer the words used in a contract or an agreement the better for those involved, or those who are making the contract. In other words, one of the features of the pending treaty which has appealed to me is its brevity. When the average lawyer finishes writing a contract or an agreement there is so much in it that it always brings on the litigation which he perhaps expects. But the brevity of this document, the absence from it of a statement that the parties will do the obvious thing—that is, will invite other nations into conference if other nations are involved, the fact that there is not put in it provisions for meeting every possible contingency which may arise—appeals to me very strongly. It is left to the representatives of four nations to use common sense and judgment when a contingency arises.

Mr. CARAWAY. May I ask if the Senator is going to vote for the Brandegee reservation?

Mr. EDGE. Yes; if it is necessary to save the treaty, because I think it is more important that the treaty should be ratified than that through some unfortunate circumstances it should not be ratified. When you can not have everything you want in this world, it is well to compromise, if you do not compromise against principle.

Mr. CARAWAY. What an apology for voting for this treaty. That you take not what you want, but what is in this secretly negotiated treaty thrust upon you.

I love justice, national and international, too well to bind my country to make common cause with the aggressor against an unoffending people; to bind ourselves to support the pagan against the Christian faith; to strike the white race to aid a colored one. I can not, I will not, do it. I will not vote to ally my Nation with a colored nation to oppose a white one. I never will do it.

The VICE PRESIDENT. The time of the Senator from Arkansas has expired. The question is upon agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to article 1 of the treaty.

Mr. LENROOT. Mr. President, I desire to occupy only a very few minutes of the time of the Senate in putting in two or three authorities upon two questions which have been raised during this debate. When it has been shown what the declarations of the negotiators were at the time these treaties were signed, and when the acceptance of that construction by the other members of the conference is shown, some Senators have attempted to brush that aside as being either of no value, or the weakest kind of evidence.

Mr. President, I hold in my hand a work entitled "International Law Chiefly as Interpreted and Applied by the United States," by Prof. Charles Cheney Hyde, and I want to read his text with reference to the subject of the value to be given to declarations of negotiators. In section 534 he says:

> Declarations on the part of the negotiators of a treaty at the time of its conclusion, or by plenipotentiaries exchanging ratifications, indicating the understanding of the parties as to the sense in which particular terms were employed, are useful as sources of interpretation and should not be disregarded. Nor are the declarations of negotiators even long subsequent to the perfecting of an agreement without value. The reason why, according to the common law, declarations of intention could not be given in aid of the interpretation of documents, save under certain exceptional circumstances, was that they were considered as dangerous for a jury, who, not being expert in such matters, might attach to them too great weight. This objection is not applicable to adjudications concerning the interpretation of agreements between States. Declarations of their plenipotentiaries, in so far as they indicate the sense in which terms were employed, are valuable, not merely because they are enlightening, but also because they may be safely entrusted to the consideration of judges or arbitrators, or to the ministers of State. The Department of State has appreciated the significance of such statements. Courts of arbitration have accepted them.

There are very voluminous footnotes as to the value which has been placed by our own Government and by other Governments with whom we have had treaties, upon the understanding of negotiators as to the construction of treaties to which they are parties.

Mr. BORAH. That is, in an instance where there is an ambiguity in the language.

Mr. LENROOT. Of course, I did not suppose that the Senator from Idaho claimed that there was from his standpoint no ambiguity in the language, because no one has ever claimed that there was an express obligation in the instrument for the use of force. It must be admitted that it is silent, and therefore it is clearly a construction of the treaty upon which we must arrive at the intent of the parties, if there could by any possibility be any kind of an implication to use force.

Mr. BORAH. The Senator from Idaho does not contend that the treaty is without ambiguity, but what I was thinking of was that the Senator from Wisconsin was rather severe upon some of us because we had called attention to the construction which had been placed upon the treaty by the representatives of foreign powers. Of course, if the construction of the negotiators or the representatives of the different nations is to be taken, then you want the views of all the nations through their representatives taken as a whole. We now have the situation that while the representatives of the United States place one construction upon it, we do know that a different construction has been placed upon it by the representatives of other powers.

Mr. LENROOT. Mr. President, the Senator from Idaho does not quite accurately state my view or the criticism I have made. I made no criticism because attention was called to statements made by negotiators subsequent to the conference to which the Senator from Idaho has referred. My criticism was that in the debate upon this treaty by its opponents, almost without exception, they have ignored the construction placed upon this treaty by the American delegates and accepted at the time the treaties were signed. They have cast that aside as of no value, and placed upon the treaty the construction of subjects of other countries, most of whom were not negotiators at all, as being of more value. That was what I complained of.

Mr. BORAH. Mr. President, I quite agree with the Senator from Wisconsin that when this treaty is once ratified and becomes binding it would naturally follow that we would take the construction placed upon it by our delegates. I take the very opposite view up until the time the treaty is ratified. For instance, Mr. President, suppose the able Senator and some other able lawyer should be negotiating a contract to close a very important transaction for their respective clients; and suppose that before the contract was signed, sealed, and delivered, the Senator from Wisconsin should learn that the attorney upon the other side placed an entirely different construction upon the contract from that which he had placed upon it. I am quite sure the Senator would hasten to do one of two things. He would either hasten to change the contract to make it read so plainly and specifically that there could be no question about it, or else he would undertake to ascertain the basis upon which the opponent placed his construction.

Up until this time the treaty is not a treaty; it is simply a proposition. Up until that time I think it is not only legitimate, but the highest duty, to understand the construction which other nations are putting upon it.

Mr. LENROOT. Mr. President, in reply to the Senator from Idaho I would say, taking his own illustration, that if he represented a client, and another able lawyer represented a client, and there arose a question of construction of a contract which had been preliminarily entered into, as to which the only step remaining was to make it absolutely binding, I would not expect the Senator from Idaho to place a construction on it against his own client, and accept the construction of the opposing attorney. That is what has been laid down here in the Senate.

Mr. BORAH. The contract is not closed yet.

Mr. LENROOT. No; it is not closed.

Mr. BORAH. The time to debate the other man's view is before it is closed. Let me call the Senator's attention to another illustration. I suppose everybody agrees that Secretary Hay was one of the ablest men and one of the most careful Secretaries of State we have ever had. I feel quite certain that by reason of a lack of thorough discussion and a thorough understanding as to language we are practically the losers in the building of the Panama Canal. A construction was placed upon the treaty under which we built the canal, subsequent to its ratification, which they did not believe it bore before the ratification, but which construction has now obtained to such a degree that we are losing out in the contention entirely and the foreign power is succeeding in its own construction. It would have been infinitely better had the debate taken place before the treaty was ratified, rather than afterwards.

Mr. LENROOT. Mr. President, again taking the Senator's illustration, the Senator must admit that if this treaty is ratified—and it is going to be ratified—the construction he and other Senators opposed to this treaty have given to the treaty may possibly raise a question hereafter which would never have been raised but for the view taken by the Senators, and that, Mr. President, is why I expect to vote for this reservation. When this treaty was first presented to the Senate there was not, in my judgment, the slightest reason for placing upon this treaty any reservation, and if there be any reason now it is because Senators opposing the treaty have throughout this entire debate endeavored to construe it against the interests of America.

Mr. BORAH. If the Senator is correct and follows his logic to its conclusion he must accept the reservation of the Senator from Arkansas then, because, under the Senator's argument, that is more essential now as a reservation than is the reservation of the Senator from Connecticut.

The fact of the business is, with all due respect to those who urge the reservation which is now attached to the treaty, I do not get any consolation out of saying that a thing is not an alliance. I judge whether it is an alliance or not by the language which is contained in the treaty.

Mr. LENROOT. For once the Senator and I agree.

Mr. BORAH. We agree quite often, when the Senator from Wisconsin is right.

Mr. LENROOT. I wish I could agree more often with the Senator from Idaho.

Mr. BORAH. Perhaps that happy day will come. But this treaty is an alliance or it is not an alliance, according to the terms which are in the treaty. You can not by attaching a label to a bottle put anything in the bottle which is not already in it. If you form a partnership, and if the terms of the contract make it a partnership, no court pays any attention to the fact that you may declare it is not a partnership.

Mr. LENROOT. So far as the word "alliance" is concerned, I did not have that in mind at all when I spoke of the reservation. What I did have in mind with reference to the reservation was as to whether there was any obligation to use force.

Mr. BORAH. The Senator knows that the Senator from Idaho has never taken the position that according to the technical terms of the treaty itself there is any commitment to force.

Mr. LENROOT. Either express or implied?

Mr. BORAH. So far as the technical language of the treaty is concerned, that is correct.

Mr. LENROOT. When the Senator so very ably argued his position with reference to the obligations of this treaty, assuming that the construction of the proponents was correct, I had supposed that he made that assumption only for the purpose of argument. I am very glad to know now that that is his own construction of the treaty.

Mr. BORAH. I took that position in the committee. I take that position now. I have taken it all the time. But here is the question: You have nevertheless created a situation where, without any commitment upon the part of the terms of the treaty, force may be determined upon by those who are representing us in this matter, and then the Congress of the United States, as I contend, will be under moral obligation to carry out whatever they determine upon. I agree, and I have said over and over again, that when this expression "fully and frankly" is given between the representatives of those nations under article 2 that they may agree not to use force, and they are under no obligations by the terms of the treaty to use force. I agree to that perfectly. But I contend just as earnestly that they may agree to use force; and if they do, the Congress of the United States is under the moral obligation to carry out their agreement. It is not in the express terms of the treaty, but in the unlimited discretion of the conferees, which may result in a course from which the Congress can not in honor escape.

Mr. JOHNSON. Mr. President, will the Senator pardon me?

Mr. LENROOT. I yield.

Mr. JOHNSON. Does not that mean, then, that there is an application of force, according to the contention of the Senator from Idaho?

Mr. LENROOT. I leave the Senator from California to argue that out with the Senator from Idaho. The Senator from Idaho says not.

Mr. BORAH. I say that according to the terms of the treaty itself there is no more agreement to use force than there was in the entente—not a particle. There was no agreement to use force under the entente; nevertheless a condition arose by which force became inevitable—the Commons bound itself—morally bound—by the acts of the Secretary of Foreign Affairs.

Mr. LENROOT. Very well; the Senator and I absolutely agree upon the construction of the treaty.

Mr. BORAH. But I say that you have authorized your representatives to take either one course or the other. They may agree not to use force. They may refuse to use force. If they do refuse it there is nothing in the treaty which compels them to take any other course. On the other hand, if they agree to use force we are under moral obligation to carry out the action of our representatives. It is in the uncircumscribed discretion of the conferees, which may leave the Congress no moral discretion.

Mr. JOHNSON. Then, if the Senator from Wisconsin will pardon me, the implication for the use of force is there, and there is no escaping that conclusion.

Mr. BORAH. I have no objection to the Senator from California entertaining that view. He may be right; but my objection lies elsewhere.

Mr. LENROOT. I am very glad to have the Senator from California and the Senator from Idaho disagree.

Mr. JOHNSON. I wanted to make perfectly clear what was said in respect to the implication of force. As I understand the Senator from Idaho, he holds that while there may not be, under article 2 of this agreement, any resort, any understanding, and the like, as to force, yet there may be as well a determinattion that force ultimately ought to be used, and that then comes the obligation resting upon those who are parties to the contract to carry out the agreement which may be made or the understanding which may be had. Is that accurate?

Mr. BORAH. I think that is accurate. The only difference between the Senator from California and myself is this: The Senator from California finds it in the treaty. I find it in the authority which we give our agents to represent us. That is the only difference between the two propositions.

Mr. JOHNSON. The genesis of it is the treaty which gives the authority.

Mr. BORAH. Exactly; but the representatives may take the very opposite view.

Mr. JOHNSON. Assuredly.

Mr. BORAH. Then there is an implication to arrive at a conclusion through peaceful means. It is just as much an implication to arrive at a conclusion by peaceful means as it is the other.

Mr. JOHNSON. Of course; but the implication is there by which they may arrive at the other means.

Mr. BORAH. Very well. I am perfectly willing, as I said, for the Senator to call it an implication. I do not regard it as an implication at all. What I think is that we have designated these agents to represent us in a certain situation. They are our representatives. They may decide to meet the situation by peaceful means. If so, there is nothing in the treaty upon which we could assess any criticism of them for doing it. On the other hand, they may determine to meet it by force. Now, we are under obligation, in my judgment, to carry out the decision of our representatives; and therefore I say that the moral obligation is binding upon the Congress, not by reason of the terms of the treaty, but because we have created an agent whose execution we must follow to a successful end. In other words, this agency forestalls free action on the part of Congress.

Mr. EDGE. Mr. President, suppose three of the nations agree that force is the only solution of the problem and the representative of the United States disagrees, then what would be the Senator's interpretation of our responsibility and duty?

Mr. BORAH. Of course, the representative of the United States has a right to disagree, but what I want Senators to consider is this: Suppose the representative of the United States agrees? I do not want to turn over what is practically the war-making power to one man, to represent 110,000,000. If you say that he may disagree you must admit that also he may agree or can agree, and if he does agree, the Congress of the United States is morally bound to carry out that agreement and you thus have one man practically committing us to war—one man speaking for 110,000,000 people. I want to bring the war-making power closer to the people. I do not want the people to have a mere technical right after their agents have morally committed them. I wholly distrust diplomats in matters of war. The World War was the work of diplomats; the people did not want it. I do not propose to trust a few men with the power to morally bind us to go to war.

Mr. EDGE. Then, I take it from the Senator's statement that he does not believe an understanding has been arrived at, which term is used in article 2 of the treaty, unless the representative of the United States does agree with the other three—in other words, that the four must agree?

Mr. BORAH. I understand that they must all agree.

Mr. EDGE. That is the question I asked.

Mr. BORAH. Yes. They must all agree. When they do all agree, however, we as a people are morally bound to carry out their agreement. Think of the infamy, after what we now know of the facts about how the World War was brought on, of signing a treaty under which four men may start a world war—may by their action drag the people into war as a dozen men dragged the people into a world war in 1914.

Mr. LENROOT. I think the Senator, if I understand him correctly, is confusing the obligations under article 1 and article 2. Under article 1 there is, of course, a conference. We are obligated to enter into a conference under article 1 where there is a dispute which can not be settled by negotiation between any of the four powers. But under article 2, which I think is the situation the Senator from Idaho refers to, there is no obligation to go into conference at all.

Mr. BORAH. I am perfectly willing to concede that, although I think that if war were imminent men would not stop to write letters. That has not happened very often. If war were imminent they would come face to face just as rapidly as they could. I am perfectly willing to agree that they do not have to come face to face to have a conference. But the result I am afraid of would be just the same if they should write letters and agree by letters to come to the use of military force.

Mr. LENROOT. Right at that point, the understanding that the parties are to arrive at must, of course, be made and agreed to by competent authority. The Senator must admit that proposition. Any proposition involving an understanding to go to war can not be made by the President of the United States or any plenipotentiary of the United States, there being no prior obligation as there was in article 10. If the matter involves the use of force there is but one thing under the treaty that the President can do, and that is to submit it to the Congress and to arrive at the understanding in that way if force is to be used.

But I am very glad, I want to confess, that the position of the Senator from Idaho has been very much cleared up to me this morning. I am very glad to have his construction, because we clearly now have the Senator from Idaho, as I would have expected from the beginning, to so construe the treaty that there is no obligation, express or implied, for the use of force. But the Senator from Idaho must admit that among the opponents of the treaty he is very lonesome in that position.

Mr. BORAH. No; I do not think so. The Senator from Idaho is taking precisely the position that he took in the Foreign Relations Committee and that he has taken from the very beginning.

Mr. LENROOT. I do not charge the Senator with changing his position.

Mr. BORAH. If the Senator will search the RECORD and read my remarks he will find nothing to the contrary at all. My sole objection to the treaty, so far as this particular proposition is concerned, is that in my judgment it commits to the discretion of one representative an act which may carry this Nation into war or compel us to repudiate our own agent, or seek dishonor.

Mr. GLASS. If that is not an implication of force, what is it?

Mr. BORAH. If I designate the Senator from Virginia as my agent, to use his discretion either for peace or against it, so far as the designation is concerned, in my judgment, there is no implication. I give him, however, unlimited discretion to decide either upon peace or upon force. I do not want to leave that to the discretion of one man. I think this is a matter which ought to be dealt with by the Congress of the United States, without any previous moral obligation of any kind.

Mr. GLASS. But when you do set up an agency and prescribe a process that may involve us in war, is not that an implication of force?

Mr. BORAH. I do not think so.

Mr. GLASS. Then I can not understand what an implication of force is.

Mr. BORAH. It is an implication of force in one sense, but not by reason of the terms of the treaty itself. We simply here create an agency and we say to that agency that he may do a certain thing. He exercises discretion. What I am objecting to is turning over our discretion to the discretion of an agent.

Mr. GLASS. But we do not say to the agency that he may do a certain thing. We say to the agency, "You may do one of two certain things," and one of those things is to take this Nation into war. In other words, the very process itself involves not only the possibility but the probability of taking this Nation into war.

Mr. BORAH. I agree with the probability that it will. I think that he would have the right to decide for war, and that is my fundamental objection to the treaty, that we are leaving it to a representative to place us in a position where, while we are not legally bound to do it, we are morally bound to carry out his decision.

Mr. LENROOT. Mr. President, I am not going to prolong the discussion upon this point further than to say that if it be admitted, as the Senator from Idaho admits, that there is no obligation in the treaty for the use of force, then it necessarily follows that no representative of the United States can bind the United States beyond the constitutional authority of that representative, and the constitutional authority of the United States, which so far as we are concerned is the Congress of the United States, is the only power in the United States that can determine upon war.

Mr. GLASS. That is a very fine argument that the Senator from Wisconsin took special pains repeatedly to controvert when the covenant of the League of Nations was before the Senate.

Mr. LENROOT. Oh, no. I am surprised at the Senator from Virginia. The reservation that was adopted to article 10 of the league covenant left article 10 substantially as this four-power treaty leaves the four powers. With the reservation to article 10 it left, and left only, the obligation to respect the territorial integrity of all the other members of the league. But I pointed out, and every other Senator who took the same position as I did pointed out, that without that reservation there was a guaranty of territory, and therefore there was a moral obligation entered into by the constitutional authority, the treaty making power, a moral obligation to go to war in order to fulfill the guaranty, which is entirely lacking in this treaty.

Now, I wish to speak of one other point.

Mr. BORAH and Mr. PITTMAN addressed the Chair.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator from Wisconsin yield, and if so, to whom?

Mr. LENROOT. I yield first to the Senator from Idaho.

Mr. BORAH. I want to say that in my opinion article 2 of this treaty and article 10 of the League of Nations covenant contained the same moral obligation exactly.

Mr. LENROOT. Does the Senator make no distinction, then, between the guaranty of political independence and territorial integrity and the guaranty to respect and, in case of dispute, to confer?

Mr. BORAH. Here is the proposition. The Senator does not state it. We agree here that in case of aggressive action—in other words, that in case any outside power may attack our territory or the territory of Japan—then the question of territorial integrity may be involved. That aggressive action may consist of something else, but it may also consist of an attack on territory, and then the whole question of territorial integrity is involved. When that question of territorial integrity is involved, we agree under article 2 to confer as to the most efficient means to meet the situation. That is practically what we agreed to under article 10.

Mr. LENROOT. No; but the Senator has admitted this morning and has admitted many times previously in the debate that there is no obligation under article 2, moral or otherwise.

Mr. BORAH. Oh, no. I did not say not morally.

Mr. LENROOT. That is all an obligation in a treaty is.

Mr. BORAH. I said repeatedly we were under moral obligation to carry out the decision of our agent.

Mr. LENROOT. The Senator is getting away now from the proposition. I am talking about the obligation in the treaty, and that is what the Senator is talking about—that there is no obligation, moral or otherwise, to guarantee the integrity or repel that aggression, because the Senator has this very morning admitted that the United States, when such a case arises, may refuse to have anything to do with it, and there is no moral fault upon our part.

Mr. BORAH. The United States might have refused under article 10, too.

Mr. LENROOT. No.

Mr. BORAH. Let me read that article.

Mr. LENROOT. No; I do not want the Senator to get away from this proposition. We could not under article 10, without the reservation, have refused without being guilty of violating the treaty; but the Senator admits that under article 2 of the pending treaty we can refuse without any violation of the treaty; and that is the distinction.

Mr. BORAH. The same question as to whether there was anything except a moral obligation arose in the conference at the White House between the President of the United States and the Senate Foreign Relations Committee. The President of the United States took the position which is taken here that there was nothing in article 10 except a moral obligation. That matter was debated at the White House. The President always contended that there was nothing in article 10 except a moral obligation. Now I want to read what the then Senator Harding and President Wilson said to one another at that time:

Senator HARDING. The President expressed a while ago surprise that I raised a question as to the value of this compact because of the moral obligation feature. Let me premise by the statement that I look upon a moral obligation as that which the conscience of the contracting party impels. The conscience of any nation in Europe, for example, may be warped by its prejudices—racial, geographical, and otherwise. If that be true and any nation may put aside or exercise its judgment as to the moral obligation in accepting any recommendation of the league, really what do we get out of this international compact in the enforcement of any decree?

The PRESIDENT. We get the centering upon it generally of the definite opinion of the world, expressed through the authoritative organs of the responsible Governments.

The President of the United States placed precisely the same construction upon article 10 of the League of Nations covenant that the supporters of this treaty are placing upon article 2; but the Republican side of the Chamber refused to accept that construction. Why? Because they said that the Nation could not disregard its moral obligations without traveling the path of dishonor. I read further:

Senator HARDING. Would it not be quite as moral for this Republic itself to determine its moral obligations?

The PRESIDENT. Undoubtedly, Senator; but in the meantime the world would not have the knowledge before it that there will be concerted action by all the responsible Governments of the world in the protection of the peace of the world. The minute you do away with that assurance to the world you have reached the situation which produced the German war.

Here is the point:

Senator HARDING. What becomes of our standing among nations if the council fixes a moral obligation upon us and we reject the judgment of the council as to the moral obligation?

What I ask is, What becomes of this Nation if our representatives agree to use force and we reject the obligation? It is the same question exactly that was presented in the League of Nations debate, nothing less and nothing more.

Mr. LENROOT. Mr. President, I had supposed that the question of moral and legal obligations, so far as treaties are concerned, was well settled and accepted by every Senator in the long debate upon the Versailles treaty. I had supposed that it was an accepted doctrine, accepted by the Senator from Idaho, that all treaty obligations are moral obligations. They are nothing but moral obligations, and can not be anything other than moral obligations. But, Mr. President, I do not want the Senator from Idaho to get away from the proposition now before us. We are arguing now as to whether or not there is any obligation in the pending treaty to use force. The Senator from Idaho has admitted there is not. Therefore the United States will be free at any time in the future to take any such action as it may see fit, and if the action involves war there is no moral obligation, as there was in article 10, but the Congress of the United States will decide that question when it arises, absolutely free from any treaty promise whatever.

Mr. BORAH. Was there any obligation in article 10, except a moral obligation?

Mr. LENROOT. Certainly not. I have said that all treaty obligations are moral obligations.

Mr. BORAH. Precisely. Then we are in the same position that we would be under article 10. If there was no obligation under article 10 except a moral obligation, and there is no obligation under this treaty except a moral obligation, so far as the obligation is concerned we are in precisely the same position under both instruments.

Mr. LENROOT. No; Mr. President.

Mr. BORAH. And we are in just the same position in another respect. If our representatives upon the council of the League of Nations had decided upon the use of force, everybody conceded in the debate upon the treaty that the Congress of the United States would have a right to reject that decision if they wanted to, but we all considered upon this side of the Chamber that it would be an act of moral dishonor if we did so.

Mr. LENROOT. The trouble with the argument of the Senator from Idaho is that in the League of Nations under article 10 the whole jurisdiction of the council was to determine how there should be carried out an obligation which existed by the very terms of the treaty; they were to advise how that obligation was to be carried out; but the Senator from Idaho now admits that there is no obligation in the pending treaty. Therefore, our representative in the conference is under no obligation whatever to give any kind of advice. So, Mr. President, it leaves the United States, when the time arrives, absolutely free to settle this question, if it be one of war, free from any prior moral obligation by the war-making power of the United States, which is the Congress of the United States.

Mr. BORAH. Mr. President, so far as——

Mr. LENROOT. My time is running short, and I should like to conclude.

Mr. BORAH. Just one word, and then I shall not bother the Senator any more. Article 10 of the League of Nations provides that—

In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

Advise; simply advise.

Mr. LENROOT. Exactly, "this obligation"; but here there is no obligation. That is the difference.

Mr. BORAH. Mr. President, we have an obligation to carry out the terms of our representative's act, have we not?

Mr. LENROOT. I am surprised at the Senator from Idaho. Article 10 of the League of Nations, the Senator must admit, expressly laid upon the United States an obligation and a guaranty.

Mr. McCORMICK. Mr. President, I suggest that the Senator read the first sentence of article 10. I am not enamored of this treaty, as the Senator from Idaho knows, but I can see a distinction between the pending treaty and article 10 of the League of Nations covenant.

Mr. BORAH. I know the Senator from Illinois is not enamored of the pending treaty, and I am sorry he has as much "enamorosity" for the treaty as he has.

Mr. McCORMICK. There are sometimes "marriages of convenience."

Mr. LENROOT. The Senator from Idaho must admit that in article 10 there is an obligation to guarantee territory.

Mr. BORAH. All that article 10 provides for is advice.

Mr. LENROOT. No; the Senator is again mistaken.

Mr. BORAH. Article 10 says "shall advise upon the means"; that is the language used.

Mr. LENROOT. Article 10 provides for a guaranty on the part of the United States of the territorial integrity of every other member of the league. I think the Senator from Idaho is one who took the position which I took—that, irrespective of that advice, if there was external aggression affecting territorial integrity, the moral obligation was imposed upon the

United States to send such men and ships as might be necessary to preserve that territorial integrity.

Mr. BORAH. Mr. President, I know that one position which the Senator took was that we were permitting one representative sitting in the council of the League of Nations to place us in a position where we were morally bound to do whatever he said. That is precisely what we are doing under article 2 of the pending treaty. We are placing in the power of one man to decide whether we shall have peace or whether we shall have war. We may, if he decides for war, reject that decision; so might we have done under the League of Nations, but we could not have done so honorably.

Mr. LENROOT. Mr. President, again I must merely repeat that under the League of Nations covenant what the representative was authorized to do was to advise how an existing obligation should be carried out. Now, the Senator from Idaho admits, as I contend, that there is no obligation in the pending treaty to use force, and therefore, it seems to me, with all due deference to the Senator from Idaho, that the case attempted to be made by the opponents of the treaty has fallen to the ground. I am very glad that the opponents of this treaty have not now the assistance of the Senator from Idaho in their construction of it.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. LENROOT. I yield.

Mr. PITTMAN. There is the same obligation in the four-power treaty as there was under the league covenant.

Mr. LENROOT. Oh, Mr. President, if the Senator wants to ask me a question, very well; I will yield; but I am not going further to argue a question that is so plain. If the Senator says that there is the same obligation under the four-power treaty as there is under article 10 of the League of Nations, I want to suggest to the Senator that I can not argue such a proposition as that.

Mr. PITTMAN. Will the Senator be so condescending as to permit the reading of the preamble of the treaty he is discussing?

Mr. LENROOT. No; I do not care to permit that to be done; it is perfectly plain to everybody, and I have discussed that at great length.

Mr. PITTMAN. It states emphatically that the treaty is entered into for "the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean."

The whole object of the treaty is to maintain their rights and their possessions.

Mr. LENROOT. Certainly.

Mr. PITTMAN. Is there not an obligation in that respect?

Mr. LENROOT. I have discussed that at great length in times past. I do not desire to take any credit to myself for that, but I have called attention to the clear harmony between the articles of the treaty and the preamble, and stated that, in so far as we did respect the rights of other nations we did maintain the peace, and in so far as we came to friendly understandings, we did to that extent maintain their rights; but for any Senator to undertake to read a guaranty into the preamble of the treaty, while he may do so if he desires, I do not care to argue further any such proposition as that.

Mr. President, it has been asserted—it was asserted quite vigorously yesterday—with reference to article 1 that the provision that in case of dispute there shall be a conference of the four powers or that there shall be an invitation extended to the other parties to confer about the matter, to whom it shall be referred for consideration and adjustment, involves an arbitration, and that such proceeding is subject to all the rules of an arbitration, and there being no rules provided in the treaty itself, that the representatives of the different powers at the conference may make their own rules and may determine that the question shall be settled by a majority vote.

Mr. President, it so happens that our own Supreme Court has had occasion to consider that very question involving the construction of the word "adjustment" and as to whether a reference for "adjustment" can be said to be an arbitration. In the case of Gordon against United States, reported in Seventh Wallace, page 188, the court delivered an opinion bearing on that point. In that case there was under consideration an act of Congress which was passed in 1848 for the relief of certain claimants against the Government and "authorizing and requiring the second auditor of the Treasury Department to examine and adjust"—note the words—"their claims on principles of equity and justice, having due regard for the proofs for the value of the property taken or destroyed, providing that the said representatives should be paid for the same out of part of any money in the Treasury not otherwise appropriated."

That act was afterwards amended to place the same power and duty with the Secretary of War. After an adjustment had been made and the claims allowed by the Secretary of War, something like a year afterwards, the entire legislation was repealed and Congress annulled the action theretofore taken in so far as it could do so.

The claim was made in the Supreme Court of the United States that this was in the nature of an arbitration; that the adjustment had been made by the regularly constituted authority of the Government, and therefore the claimants had a vested right. With reference to that, and in denying that contention, the court said:

> In order to clothe a person with the authority of an arbitrator the parties must mutually agree to be bound by the decision of the person chosen to determine the matter in controversy. The resolution under which the Secretary assumed to act did not authorize him to make a final adjustment of the matter embraced in it.

And so forth.

But, Mr. President, with reference to the language used in article 1, the draftsman of this treaty simply followed the plain, elementary rules of international law, and of course he must be presumed to have known that in providing for a conference the things that could be done in that conference would be governed by the rules of international law touching conferences. I am glad again to have the Senator from Idaho agree this morning, in distinction from those who have insisted that a majority of the conferees could bind the United States, that the United States can not be bound in such a conference unless we ourselves agree to it. In making that statement the Senator from Idaho has simply stated the well-settled rule of international law, and yet it has been deliberately stated upon this floor that if we entered into that conference we can be bound by the action of the conferees by a majority vote.

I read—and I shall read very briefly—from Oppenheim's International Law, the chapter upon "Congresses and Conferences." He says:

> International congresses and conferences are formal meetings of the representatives of several States for the purpose of discussing matters of international interest and coming to an agreement concerning these matters. As far as language is concerned, the term "congress" as well as "conference" may be used for the meetings of the representatives of only two States, but regularly congresses or conferences denote such bodies only as are composed of the representatives of a greater number of States.

Now, note the language that he uses as to the object of international conferences:

> For the purpose of discussing matters of international interest and coming to an agreement concerning these matters.

That is the object, and of course that is substantially the language that is used in article 1 of the present treaty. It provides for a conference at which they are to consider these matters and to come to an agreement if it is possible to do so.

As to whether, where a matter is submitted to an international conference, a majority vote can bind any one who dissents, I read from page 512:

> It is usual—

The author says—

> but not obligatory, for the Secretary for Foreign Affairs of the State within which the congress meets to be elected president. If the difficulty of the questions on the program makes it advisable, special committees are appointed for the purpose of preparing the matter for discussion by the body of the congress. In such discussion all representatives can take part. After the discussion follows the voting.

Now—

> The motion must be carried unanimously to consummate the task of the congress, for the vote of the majority has no power whatever in regard to the dissenting parties.

Mr. President, I hope we have now heard the last in this debate of any claim that if the United States enters into a conference under article 1 a majority in that conference can bind the United States. I repeat that I am glad to have the view of the Senator from Idaho—whom it is casting no reflection upon to say that he is the leading opponent of this treaty——

Mr. BORAH. Oh, no.

Mr. LENROOT. I am glad to have the view of the Senator from Idaho that an acceptance by the United States is required in order that the United States shall be bound by any adjustment at such a conference.

Mr. BORAH. Under the League of Nations we would have had to have a unanimous vote, would we not?

Mr. LENROOT. Yes.

Mr. BORAH. That is it, exactly. There was no fight on that proposition in the league contest.

Mr. LENROOT. No; but the Senator knows that this contention has been made on this floor.

Mr. BORAH. Of course the Senator from Idaho can not possibly represent anybody's views but his own——

Mr. LENROOT. Certainly not.

Mr. BORAH. And not even those very well.

Mr. LENROOT. Very well.

Mr. BORAH. But I never contended for a moment that we could make a treaty which would take away from the Congress the power to declare war.

Mr. LENROOT. I know that.

Mr. BORAH. No; and I never contended that if we entered the league a majority could bind us and that we would have to consent. What I contended was that if our representative did consent, the Congress of the United States was morally bound to carry out his decision; and that is precisely the position which I take with reference to article 2. If our representative consents, we are morally bound to carry out his decision.

Mr. LENROOT. Mr. President, I shall only repeat what I have heretofore said. Apparently the Senator from Idaho did not read in article 10 any obligation to guarantee the territorial integrity of the other members of the league. He cast that aside, when it seems to me that it must be entirely clear that in article 10—and that is the distinction between this treaty and the Versailles treaty in that respect—there was an express obligation to do everything that was necessary to preserve the territorial integrity of the other members of the league from external aggression, and that all that our representative would have to do was, in conference with others, to advise upon the means of carrying out the obligation. But, Mr. President, if they never advised at all, if they did not come to any unanimous decision, the obligation of the United States would remain just the same and we would be under the moral obligation, though no advice was ever given, to use all the soldiers and all the ships that were necessary in order to carry out the obligation that we had solemnly entered into, when, as I say, the Senator from Idaho now admits that there is no such obligation in the pending treaty.

Mr. BORAH. Mr. President, I am not going to debate this matter at present. I simply want to call attention to one matter, because I did not want to trespass too long upon the time of the Senator from Wisconsin.

As I see it, the moral obligation under article 2 of this treaty is precisely the same moral obligation that there was under article 10, and particularly article 11 of the League of Nations covenant. President Wilson always took the position that there was never anything but a moral obligation to carry out either article 10 or article 11. That was his contention before the Foreign Relations Committee—or, rather, when the Foreign Relations Committee was before him—and also his contention in all his addresses throughout the Western States, that there was simply a moral obligation.

Mr. GLASS. Mr. President, to make the point more emphatic, he stated explicitly that he so said to the peace conference when they were considering the Versailles treaty.

Mr. BORAH. Precisely; and, therefore, so far as the obligation upon the part of the United States was concerned, there is no difference between the obligation here and the obligation under article 10, because they are both nothing more than moral obligations.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. LENROOT. I should like to ask the Senator a question. Does he think there is any legal obligation at all in international relations? Are not international obligations moral obligations?

Mr. BORAH. In the sense that there is no sanction behind them except that of the discretion of the nation of course that is true; but if that is true, then we come back to the original proposition that there is no difference between this obligation and that of the League of Nations, because if there can not be anything but a moral obligation, then there was not anything in the League of Nations but a moral obligation, and so it is here.

But let me read you article 11 of the League of Nations covenant. Article 11 was accepted by all the Republicans who finally were willing to take the treaty of Versailles with reservations. Article 11 says that:

> Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

There is a remarkable similarity between the principle involved in article 2 and the principle involved in article 11, because certainly if there was aggressive action upon the part of an outside power against Japan or against England there would be a war or a threat of war, and in case of aggressive action or a threat of war the league would take such action as it deemed wise, and in case of a war or threat of war or aggressive action here the conferees, whether by writing to one another or by talking to one another, will take such action as they deem wise.

Under article 11 we would be under a moral obligation to carry out whatever they had unanimously decided upon, and under article 2 we are under a moral obligation to carry out whatever they unanimously decide upon.

Although I know there were others who differed with me, in my contention I assumed all the time that under the league our representative would have to agree to the program; but what I contended against specifically at that time, and what I contend against now, is that we were delegating to one representative upon the council of the league the power to determine upon the most efficient measures to guard the peace of the world, and that if he determined upon a particular measure we were under a moral obligation to carry out whatever he determined upon. As I see it, precisely the same obligation and the same power to decide rests with our agent under article 2.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. LENROOT. Has not the Senator admitted many times that we are under no obligation to send any agent under article 2—that the understanding, if any is reached, will be reached by the constitutional authorities?

Mr. BORAH. I have said many times that it does not make any difference whether you write a letter or whether you talk to a man. Whether you write a letter or whether you talk to him face to face, you finally come to an agreement, you finally come to an understanding by which all the powers will agree to take a certain course under article 2. I do not care whether they write letters or whether they talk to one another; if they do agree, precisely the same moral obligation exists that existed under article 11 of the League of Nations covenant.

Mr. President, it so happens that article 11 is the one article under which the League of Nations has practically carried on all its actions since it has been in existence. It has never, to my knowledge, invoked article 10. It did in two instances invoke article 11; and when it invoked article 11 and acted under it, in my judgment it was acting under the identical principle that is contained in article 2 of the pending treaty. I remember, too, that Mr. Hughes—then in private life, now Secretary of State—was always in favor of article 11. He was willing to take article 11 without any change or modification whatever, and in my humble judgment there is not a particle of difference between article 2 and article 11 so far as the principle is concerned; and if article 11 is good, then article 10 is unnecessary.

I read further from article 11:

> In case any such emergency should arise the secretary general shall, on the request of any member of the league, forthwith summon a meeting of the council.
>
> It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

If it be contended that there was an implication of the use of force under article 11, it is clear to my mind that there is an implication of the use of force under article 2; but I always regarded the objection to article 11 as consisting of the fact that we were delegating to one man the question of determining upon a program which might involve us in war.

We are now delegating to one man, the Secretary of State, or whoever may represent him, either in person or by letter, the power to determine as to the most efficient measures to meet the exigency. What exigency? An attack upon the territorial integrity of Japan, an aggression upon Japan, the same as under article 11 of the covenant of the League of Nations.

Mr. GLASS. Mr. President, just on that point, to meet what sort of aggression, an aggression provoked by what considerations? The Senator from Wisconsin says that there is no obligation in this treaty to maintain the territorial integrity of the parties to the treaty.

Mr. BORAH. I do not agree with that view of the Senator from Wisconsin.

Mr. GLASS. What is the purpose of the treaty?

Mr. BORAH. I said a moment ago that in my opinion there is just as much obligation to maintain territorial integrity as under article 10 of the league covenant, because if the aggression takes place, then we are called into conference, and called there for the purpose of meeting the aggression. We may meet it one way or we may meet it in another, but we are there for the purpose of meeting the aggression.

Mr. ROBINSON. The usual way of meeting it is by force, by counteraggression, is it not?

Mr. BORAH. Yes; it is.

Mr. ROBINSON. If one nation attacks another with military force, the nation attacked usually considers no other method than the best means of marshaling military force to resist it.

Mr. PHIPPS obtained the floor.

Mr. GLASS. Mr. President, the Senator from Wisconsin emphasized the fact that article 10 of the covenant bound us to maintain the territorial integrity of the members of the league. So I say this treaty binds us to maintain the territorial integrity of the four contracting parties. What is the purpose of the treaty if that is not its object? It is stated in the very first paragraph, where it says:

> With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions.

That means the maintenance of their territorial integrity, and not only of their territorial integrity but the maintenance of their rights, indefinable rights. It goes even further than article 10 of the League of Nations covenant.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PHIPPS. I yield.

Mr. LENROOT. May I ask the Senator from Virginia whether he takes the position that a man can not make a contract whereby, in order to carry out certain purposes, he agrees to do certain things, without being obligated to do other things which are not found in the contract?

Mr. GLASS. When a man enters into a contract he is morally bound to observe the very purposes he avows in that contract at the outset, and the major purpose of the contract is to maintain the territorial integrity and rights of the contracting parties. We proceed to set up an agency for the purpose of carrying out the avowed object of this treaty. Then can we say that if our agent commits us to the use of force there is no moral obligation upon this Nation to use force, but that under the covenant of the league there was a moral obligation? Mr. President, that is a legal refinement and quibble that is beyond the discernment or comprehension of a man of ordinary intelligence who does not belong to the legal fraternity.

Mr. LENROOT. Will the Senator from Colorado yield for just one statement?

Mr. PHIPPS. I yield.

Mr. LENROOT. I believe there is such an institution known as the Wilson Foundation. According to the argument of the Senator from Virginia, if he subscribes $1,000 the purpose of which was to establish the Wilson Foundation, to carry out his view of it, he would be obligated to contribute every dollar he had in order to carry out the purpose, if it was necessary.

Mr. GLASS. Oh, Mr. President, that is childish, if the Senator will excuse me.

Mr. LENROOT. I have offered a childish argument because I thought, perhaps, it would be necessary.

Mr. GLASS. The Senator said he could not argue this proposition, and I quite agree with him that he has not argued it, whether he can or not; but there is the avowed purpose of this four-ply pact. It is to maintain the possessions of the signatory nations, and it defines the processes whereby we are to reach conclusions as to the most efficient means of maintaining the possessions and rights of the signatory powers.

Mr. PHIPPS. Mr. President, may I inquire whether the Senator is speaking in his own time or in my time. I thought I was recognized some minutes since.

Mr. GLASS. I thought I was speaking in the time of the distinguished Senator from Idaho. It was that Senator whom I interrupted. I did not observe that the Senator from Colorado was even on his feet.

The PRESIDING OFFICER. The Chair has repeatedly stated that the Senator from Colorado has the floor.

Mr. GLASS. I did not hear the Chair.

Mr. PHIPPS. I did not desire to take the Senator from the floor if he had not concluded his statement. I am perfectly willing to yield, and I might be willing to yield in my own time, if he had not concluded.

Mr. GLASS. I will say what I have to say in my own time.

Mr. BORAH. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BORAH. I just want to find out for future exigencies how much time I have absorbed in this interchange of views. Is any time charged to me at all?

Mr. GLASS. I beg the Senator's pardon if I encroached upon his time, because I am sure he occupies it to very much better advantage than I could.

Mr. BORAH. I am perfectly willing for the Senator to have it charged to my time, but I want to know how much time I have left.

The PRESIDING OFFICER. Replying to the Senator's inquiry, the Chair will state that the Senator has consumed 10 minutes of the time allotted to him under the unanimous-consent agreement.

Mr. PHIPPS. Mr. President, as I desire to take only a few minutes of the time of the Senate, I prefer to proceed with my statement until its conclusion without being interrupted, after which I shall be very glad to endeavor to answer any questions which may be propounded.

Mr. President, I hesitate to address myself even briefly to the pending treaty in view of the lucid and convincing statements made upon this floor by the distinguished Senators who are deeply versed in international affairs. However, because of the far-reaching importance of this subject, a few words may not be out of place.

The terms of the four-power pact are plain. Article 1 provides that the "parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean." Who will urge that the United States should not respect the territorial rights of other nations? What objection can we have to the agreement on the part of other nations to respect our rights in the Pacific, if they care to enter into such an understanding?

Note that there is no sanction, no obligation, to resort to arms; no agreement to use force should controversies arise between any of the parties regarding their possessions. In such cases, where the matter is not satisfactorily settled by diplomacy, "they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment." That is all.

Mr. President, I have given this matter conscientious consideration, and yet I can not possibly read into this language, so simple and explicit, anything which would justify dark and gloomy forebodings or raise the fear of future complications leading to war.

Article 2 is also self-explanatory. In case of aggressive action in the Pacific on the part of any nation other than the signatories, the parties "shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation." This article can not properly be construed as creating an alliance, offensive or defensive in its nature—as doing anything, in other words, which would bind America to any line of warlike action at any future time. The obligation is merely to "communicate fully and frankly."

What is the real significance of the four-power treaty? Its terms are simple and easily understood, but what of its effect? Has the pact any power for permanent peace among nations? I think so. In fact, I am convinced that the work of the Washington conference, which centers around this treaty, has done more toward establishing a better understanding and friendly relationship among nations than any other single event in history.

It has been reiterated upon this floor and elsewhere that this document contains no commitment to armed force, and it has been urged that it is, therefore, a meaningless thing, without force or effect. But the fact alone that four powers such as these have placed implicit confidence and trust in each other is sufficient to create a great moral power for peace in the world. The whole spirit of this agreement gives the lie to jealousies and suspicions and tends to promote friendly cooperation among those who have signed it. As stated by the senior Senator from Massachusetts:

> This is an attempt to remove causes of war over a great area of the globe's surface by reliance upon the good faith and honest intentions of the nations which sign this treaty, solving all differences through the processes of diplomacy and joint consideration and conciliation.

The trite saying that 90 per cent of all business transactions are conducted on faith is generally admitted to be true. It would be even more accurate to say that no treaty ever entered into between two or more nations was disregarded if it had been written and signed in all good faith and that same intent continued in the disposition of the signatory powers. Have we so soon forgotten the sad story of the wrong done Belgium in the year 1914, when a solemn treaty involving her was broken without fair notice or warning? Continued good faith

on the part of Germany would have saved her from the disgrace which became her portion.

The four-power treaty is valuable because of its subject matter. It was generally recognized after the Great War that trouble in Europe on a large scale was not to be expected for many years, but that in the Far East conditions were different. The Pacific was likely to prove a fruitful source of suspicion, of danger, and of warfare. Hence, a pact such as this whereby the nations chiefly interested express their willingness to confer freely and frankly should disputes arise will help to establish confidence and good will and to maintain permanent peaceful relations in that part of the world.

In this connection the four-power treaty expressly terminates the agreement made in London on July 13, 1911, between Great Britain and Japan, known as the Anglo-Japanese alliance, which might prove dangerous to the United States. No argument is necessary to show the value of the provision contained in article 4, which does away with this old agreement. Here was a real alliance. The great difference between the present treaty, an agreement to confer, and the Anglo-Japanese pact, an alliance offensive and defensive, is clearly brought out by a comparison of articles 1 and 2 of the four-power treaty, already quoted in large part, with article 2 of the old agreement between Great Britain and Japan, which reads:

> If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any power or powers, either high contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other high contracting party will at once go to the assistance of its ally, and will conduct the war in common and make peace in mutual agreement with it.

Note the alliance, Mr. President; note the agreement to be bound to resort to military and naval action at some future time. To my mind there is no similarity between the terms of the two treaties. A peace pact is being substituted for a war alliance.

Again, this treaty should be ratified because around it revolves the whole program of the Washington Conference on Limitation of Armaments. It would be the height of folly to disarm, even in part, without removing as far as possible the causes of future wars. It would be most unwise to agree to limit our armaments or to abandon our proposed naval program while a compact such as the Anglo-Japanese alliance remained in existence. I believe in the effective work of the Washington conference; I intend to support each one of the treaties proposed as a result of that international gathering; and yet I think the whole program would fail if this four-power pact should not be ratified.

Senators, make no mistake. Our citizens are in earnest regarding this pact. Americans are a plain, practical people and can not see any force in the fancied objections which have been raised by some. They do know that there is a vast difference between this simple treaty and the dangerous world commitments and entanglements of the complicated treaty of Versailles. They do know the men who represented the United States at the conference table and have the utmost confidence in them. Our people have been assured in most solemn language that this document makes for peace and that America's rights have been most jealously safeguarded. For that matter, the public has been given the principal details of the negotiations. The treaty itself has been carefully studied from all angles. Our citizens are satisfied with the work of the Washington conference and have called it good.

To summarize: This treaty should be ratified because:

1. In place of warlike preparations it provides for conferences and calm consideration of the difficulties arising between nations, and its moral effect is therefore profound.
2. It furnishes a means for the settlement of questions involving the Pacific, a potential source of danger.
3. It terminates the menacing Anglo-Japanese alliance.
4. It is the pivot around which the work of the Washington conference revolves; and,
5. It meets with the approval of the people of the United States, of whom we are, in part, the representatives.

Mr. President, it is significant that shortly after President Harding submitted these treaties to the Senate he appeared before the Congress with a practical program for the expansion of our merchant marine. That was no idle coincidence. The program of the present administration, and let us hope of administrations to come, is to encourage the arts of peace, to build up American industry, American agriculture, American commerce, and to discourage military and naval ambitions. We shall substitute "trade, the calm health of nations," for the devastating disease of war. We shall proceed, not with our heads in the clouds, but along the beaten highway, working out our ideals, as did our representatives at the conference, along practical lines and with proper regard for American interests and traditions.

These agreements, which furnish the proper impetus, propose practical methods of keeping the peace among nations, based, as they should be, upon the honor and good faith of the signatories, and will also prevent the huge expenditure of the Nation's assets for war purposes. Not only does the United States save $68,000,000 in her Navy bill for the coming fiscal year despite the reimbursement which must be made to contractors; not only will there be greater savings in the years to come; but also—and this is much more important—there will not be the dreadful toll of suffering, hatred, and death which comes with the dogs of war.

Mr. President, I hold in my hand a photostat reproduction of the front page of the Illustrated London News, issue of Saturday, June 5, 1909, and desire to call attention to the following inscription which appears beneath the portrait of Mr. Andrew Carnegie and his good wife:

> Mr. Andrew Carnegie, ever desirous that the nations shall live in love and charity with their neighbors, proposes that an international conference for the limitation of armaments shall be called, and suggests that the call shall be made by the United States.

I quote as follows his statement made to a newspaper correspondent at that time:

> I find Europe in a ferment and nations gone "dreadnought mad." Italy has just decided to spend on battleships many millions of pounds which she can ill spare. Austria has embarked on the same insane program; while France has resolved on no fewer than 38 sea monsters as necessary to her security. All this is caused by German and British rivalry. Now this is not merely a spectacle for the United States of America to marvel at, but it has a direct and vital interest for us. Our country is necessarily about to be drawn into the vortex, and it has become a pertinent question whether it is permissible that any two nations should involve the other chief nations in this mad rivalry or doom them to a practically defenseless state.

Mr. President, I feel that I may properly take this occasion to pay my slight tribute to the memory of an outstanding man and dear personal friend, who devoted his every effort to advance the cause of peace among the nations of the earth. Mr. Carnegie's untimely death was undoubtedly hastened by brooding over the terrible effects of the Great War, which devastated large areas of Europe, and which was only brought to a conclusion through the assistance of our armed forces.

Mr. President, the United States has assumed her rightful position among the leading nations of the world, and by precept and example can accomplish much in the great work of bringing about "peace on earth, good will toward men."

Mr. ROBINSON. Mr. President, it must be surprising to those who attend the debates of the Senate relative to the ratification of the pending treaty to observe how varied and confusing are the constructions placed upon the meaning and the effect of the language employed. Some Senators, unqualifiedly advocating the treaty, declare it to be an alliance and express their emphatic opposition to the reservation expressing the understanding of the United States that the treaty contemplates no alliance. Other Senators say that they support the treaty because it is perfectly clear to them that no alliance is contemplated by its terms, and that no obligation, moral or otherwise, is implied in the treaty to exercise force to carry out the conclusions and purposes of the parties who are signatories to it.

Other Senators have indicated their intention to vote against the resolution to advise and consent to the ratification of the treaty because they assert that under the terms there are implied involvements which might make it the duty of this country to engage in war against the opinion of the Congress of the United States.

That there exist grounds for differences of opinion concerning the true interpretation and effect of the treaty, it appears to me is conclusively established by admitted circumstances. First, the conference which negotiated the treaty found it necessary, or, if not necessary, found it advisable to interpret the meaning and effect of the language employed in two particulars.

Second, the conference which negotiated the treaty found it necessary to negotiate a supplementary treaty explaining the terms of the main instrument to mean something very different from what the language employed was admitted to mean without the interpretation carried in the supplementary treaty.

In the third place, the Committee on Foreign Relations reported the reservation of the Senator from Connecticut [Mr. BRANDEGEE] expressing the understanding of the United States to be that this treaty really means no alliance and no commitment to the use of force.

So we find those who are responsible for the negotiation of the treaty and for the resolution proposing its ratification have admitted the existence of ambiguities and the necessity or advisability of explanatory reservations. Whatever may be the

true interpretation of the instrument, all Senators must admit that it is desirable and wise to secure in advance of the ratification of the treaty, if possible, an interpretation that is acceptable to the governments which are parties to the treaty.

When two or more persons enter into a contract, the first requirement in the law is that there shall be a meeting of the minds of the contracting parties; and if one party understands the instrument differently from the other, it may result that no contract is, in fact, entered into. Since it is perfectly apparent that the American delegates themselves thought the treaty needed explanation, and in order to make clear its terms recommended a reservation; since after debate extending over a period of several days there exist among able lawyers in the Senate great differences, irreconcilable differences as to what the treaty really means and what may occur under it, how can any person who is actuated by good faith, whether that person be a Senator or merely a citizen, oppose a policy that would clarify the meaning of the treaty so that Senators may know and understand and agree as to what that meaning is, and so that the other parties to the treaty may reach a mutual and common interpretation of the provisions and effects of the instrument?

Mr. WATSON of Georgia. Mr. President——

Mr. ROBINSON. I yield with pleasure to the Senator from Georgia.

Mr. WATSON of Georgia. The Senator from Illinois [Mr. McCORMICK] reminded us a few days ago that the enlarged maps showing distances, which are now in universal use, were first introduced by Lord Salisbury, who has been dead for some years. Can the Senator from Arkansas explain to the Senate and the country how it came about that our representatives at the Washington conference did not know of the relation of the enormous island of Sakhalin to the mainland of Russia, and also the tremendous importance of Singapore, which is not on the Pacific Ocean at all but on the China Sea?

Mr. ROBINSON. Mr. President, I have said on another occasion that it is incomprehensible to me that any delegate should have signed this treaty without first ascertaining the relationship of the territories affected by the treaty to the controversies that already exist. The Japanese islands, including the island of Sakhalin now in its possession, occupy such a position in relation to the continent of Asia that it would be a physical impossibility for any nation to approach an Asiatic port in the Pacific coast without passing through what Japan claims to be Japanese waters. The importance of the island referred to by the Senator from Georgia, considered from a strategic or military standpoint, can not be doubted. To our amazement we are informed that no consideration whatever was given to that subject by the American delegates when they signed this treaty; to our astonishment we are told that no consideration whatever was given by the American delegates when they signed this treaty to the fact that its provisions embraced the mainland of the Japanese Empire.

No explanation has been offered by any Senator satisfactory to a student mind why, if the inclusion of the mainland of Japan was immaterial in the first instance, it became of such great importance that the conference concluded it necessary to report a supplementary treaty taking the mainland of Japan out of the provisions of the treaty.

Mr. President, in my opinion this treaty when ratified in its present form will not promote peace and harmony and justice among the nations which are primarily interested in the regions of the Pacific Ocean. It seems to me to be elemental that all persons interested in a controversy should be given an opportunity to engage in a conference which convenes for the purpose of effecting a harmonious settlement of that controversy. If the principle thus expressed is applicable to the affairs of individuals, how much more applicable must it be when the affairs, the interests, the territory, and the rights of nations become involved?

Underlying the Asiatic problem is a condition with which all Senators are familiar, but which they seem to be loath to discuss. We know, notwithstanding the fact that Korea allied herself with Japan for the defeat of Russia, that, in violation of treaty agreements and every principle of international justice, Japan took possession of Korea, oppressed her citizens, and still maintains oppressive control of Korea. While Japan was doing that the United States, though under an express obligation to respect and to assist in safeguarding the territory and independence of Korea, tacitly consented to her ravishment. We know that Japan, in pursuit of a policy of expansion, has gone into Manchuria, Mongolia, Shantung, and Siberia.

Mr. President, the Japanese mainland is densely populated, and Japan believes that a policy of overflow or expansion must be provided for if her people are to continue existence, much more if they are to prosper. The United States has not wanted Japanese immigration and Great Britain has not encouraged the coming of Japanese into her colonies; but Great Britain has recognized the necessity for Japanese expansion, and she apparently has been content that Japan should overflow into Asiatic territory. It is not my purpose to enter into a discussion of racial controversies. Neither treaties nor statutes can eliminate from the habits and principles and lives of men those inherent differences that grow out of what we politely call race prejudices. Great Britain and the United States are unwilling to recognize the doctrine of race equality long boldly asserted by the leaders of the Japanese Empire.

They have been content, it seems, to witness Japanese penetration into territory inhabited by peoples of the Caucasian race so long as Japan, in the process of expansion, has not trespassed upon American or upon British territory. Japan has adopted a policy of expansion, as she defines it—of aggression, as her enemies term it—out of a desire for economic advantage, if not out of a desire to overcome economic necessity. Japan is lacking in her mainland and her other islands in the production of certain essential products and materials. She has found that she produces a very limited quantity of certain fundamental materials without which she can not make rapid progress and without which she could not maintain herself during war.

Take, for instance, petroleum. Japan produced in 1918 2,500,000 barrels of petroleum, an essential fuel. The world product that year was 525,000,000 barrels, and of the total amount the United States produced 360,000,000 barrels. Japan, therefore, is clearly dependent upon the United States and upon Great Britain for the petroleum necessary in the conduct of her activities. Japan, it is explained, could supply her war requirements of petroleum for a period of only 30 days.

Another illustration is coal. The annual production of coal in Japan prior to the acquisition of Chosen, or Korea, was 21,000,000 tons. Korea increased that amount 7,000,000 tons. In Manchuria, particularly in the Fushun district, she acquired almost unlimited quantities of coal, and in Shantung other supplies of coal became available. Japan, therefore, under present conditions, if she maintain herself in the territory that she has taken possession of from China, is independent of the world as to the production of coal. Moreover, coal operations at Fushun make possible great and immediate increase in production through a process of stripping the surface.

With respect to iron and steel, important considerations may be mentioned.

Prior to the acquisition of Chosen, Japan's annual production was 150,000 tons per annum. This was increased to 260,000 tons, while at the same time her consumption was increased to 600,000 tons per annum. Shantung contains proven ore deposits approximating 100,000,000 tons. The total production of iron in 1913 was: Japan, 170,000 tons; Chosen, 145,000 tons; China, 425,000 tons. Thus it becomes apparent that Japan is not only dependent upon her Asiatic possessions for coal but likewise for the iron ore necessary in the production of steel for use for military and other purposes.

Japan produced within her own borders in 1918, 180,000,000 pounds of copper. In Siberia, in the regions of the Ural Mountains, she can secure all the additional copper needed in peace or in war.

With respect to platinum, Japan has access to the world's greatest supply in the Ural Mountains.

I have stated these facts to show you that the Japanese policy of expansion, begun out of what she regards to be necessity, continues to be pursued. There is not the slightest likelihood, therefore, of a reversal of the policy that Japan adopted years ago of expanding and acquiring the possession and control of territories in which are deposited minerals and other materials necessary for her prosperity and necessary for the maintenance of her engagements in case of war.

With these facts brought clearly to the attention of the Senate one can readily see the importance of the amendment which the Senate rejected a few days ago and to be proposed as in the form of a reservation, designed to give to Russia and to China, in case of conflict with any one of the four powers parties to this treaty, the right to a hearing in a conference called for the settlement of the dispute. Do not blind yourselves with the delusion that following the Washington conference Japan is going to reverse her policy, based upon what she terms economic necessity, and recede from the territory she has already taken in Korea, Manchuria, Mongolia, Siberia, and Shantung. The reason she went there in the main was not only to further the interests of her commerce, but to acquire possession of materials which she felt she needed, and without which she was dependent from both a commercial and a military standpoint. If that premise be correct, then you must know that back of her move-

ments in the Orient is the purpose of economic penetration, supported by military authority which has already made her the mistress of territory many times greater in extent than the original area of the Japanese Empire.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. ROBINSON. I yield to the Senator from Illinois with pleasure.

Mr. McCORMICK. The motive of the so-called open-door policy, upheld by this and other Governments, I presume is no less economic?

Mr. ROBINSON. The open-door policy is not designed to give one nation paramount or dominating interests in China; and the Senator from Illinois, who is well informed on international questions—one of the best-informed men in the Senate—must know that the open-door policy originated on the part of the United States out of a desire to protect China from aggressions threatened or committed by various nations. It could have had no other justification. It could have originated for no other purpose. The open-door policy as it has finally come to exist involves two principles: First, the absolute equal right of all nations to opportunities for commerce with China; second, the agreement and guaranty of all nations engaged in commerce with China that they will respect and safeguard the territorial rights and the political independence of China.

After the open-door policy had been reaffirmed and reexpressed by the Root-Takahira agreement, and during the last war, while Great Britain and France were entering into secret engagements with Japan for a disposition of the islands in the Pacific Ocean to be conquered from the German Empire, the United States entered into an engagement in what is known as the Lansing-Ishii agreement. If you will read it you will find that, while the Lansing-Ishii agreement expressly reaffirmed the principles of the open-door policy, it contained an additional stipulation. It recognized, on account of geographical proximity, that Japan had special interests in China; and during the course of the negotiations, as disclosed by Secretary Lansing before the Committee on Foreign Relations, it was made clear that Japan insisted that "special interests" should be interpreted "paramount interests." Japan has always, at least during the last quarter of a century, taken the view that she occupies toward the Asiatic mainland something of the relation that the United States bears toward the Western Hemisphere. Japan has contended for an oriental Monroe doctrine in which the Japanese Empire should be the controlling and dominating factor. Japan's viewpoint is, and her practice has been, that she should have, and must have, from economic necessity, paramount interests in China and in Russia.

With that in mind, and with the history of her aggressions summarized, does any Senator believe that Japan, as a result of the four-power treaty, is going to reverse her traditional policy in the Orient, withdraw from the various territories which she holds and which she seized because she found it necessary to do so, and adopt a policy entirely different from that which she has pursued since she became a wide-awake nation among the peoples of the world? Japan will continue her present policy of economic penetration supported by military power. She will hold the territory seized in Siberia. The yellow race will dominate there, with cruelty unspeakable, the race to which you and I belong. Nobody pretends that Japan has any intention of early retiring from Siberia. Take into consideration the circumstances under which she seized Sakhalin, the circumstances under which she went into Siberia, the United States going with her, American and Japanese soldiers engaging in a common expendition, Japan sending many times her quota. She will not retire from her advance into Asia. Take this, Senators: Whatever may be your opinion of Japan as a nation or of the Japanese as a man, during the last 50 years you can not point in history to territory once occupied that has been vacated without compensating concessions.

Our troubles with Japan in the past have related in part to her policy respecting the Asiatic mainland. We have protested, ineffectually, against her aggressions upon Russia and China. That policy is still in force. Japanese merchants are swarming out on the mainland, into the great territory of Russia and China; Japanese soldiers, well trained and fully equipped, are carrying with them, as stated so brilliantly by the Senator from Texas last night, the politics, the religion, the purposes of the Emperor of Japan and of his Empire. Their march is always forward, forward, forward. How pitiable it seems that in this conference, where the United States was represented by men of brains and international renown, no consideration should have been given to many subjects of the greatest importance.

You can not escape here, or in the eyes of the people, who will watch your action on this treaty, responsibility for your refusal to say in the treaty that while the four dominating powers—the United States, France, Great Britain, and Japan—are banding themselves together for the protection of their rights and their possessions, and announce their purpose to make common cause against any enemy which assails them, they will not unnecessarily attack an outside power. How, I ask you, can you justify refusal to adopt the declaration, based upon sound American policy, that if Japan has a controversy with China or Russia—as she must have in the years to come; there is no escape from it—all powers concerned may assemble around a conference table and try to work out their problems?

The Senator from New Jersey [Mr. EDGE] made an astonishing declaration this morning while my colleague [Mr. CARAWAY] was speaking. He said that there is a clear implication, an obvious obligation, on the part of the high contracting parties, to invite all interested into any conference which may be called for the purpose of considering a dispute between any one of the high contracting parties and any outside power. Senators heard the declaration. My colleague used a fitting and forceful illustration to disclose the absurdity of the suggestion of the Senator from New Jersey. Under the treaty only the parties to it will confer, and this will prevent, not promote, settlement.

Take an illustration which may be well founded and justified: When the great wounded bear regains his strength and rises to strike in fury at those who have assailed him, what will he do? Russia, with 180,000,000 people, will not always be helpless. If you will read the history of the Russian people, you will realize that in their blood and in their traditions exist the wellsprings of a civilization which can not be overcome by famine, which will not be destroyed by invasion.

When Russia awakens, when she emerges from her stupor, her first act will be to order Japanese soldiers out of Siberia and off her half of Sakhalin. Then Japan will feel justified in calling a conference. Do you imagine she would consent to her associate in this treaty, the United States, conferring with her enemy, Russia? If you do not fear her refusal, then say what manhood and fairness and righteousness require you shall assert, that if a controversy arises between Russia and Japan we will sit at no table where Japan alone is represented, that we will only sit with both Japan and Russia. Throughout the course of this debate the fairness of that proposition and its importance touching the subject matter and purposes of this treaty have been asserted. No Senator, whatever his construction of the treaty, has contested the principles of the reservation, its fairness, aye, even the necessity of it.

If you refuse to adopt the provision that each of the four powers, while safeguarding their own rights and possessions, will respect the rights and possessions of other powers; if you refuse to say that all nations interested in a controversy shall join in the conference in which you participate, then you make yourself a party to the perpetuation of Japanese power and Japanese control not only over China but over Russia, inhabited by white peoples.

Why waste time in quibbling about the meaning of words? The traditional policy of the United States has been one of cordiality and friendliness toward Russia and China. This policy has given to our Government a prestige and an influence in oriental affairs in which all Americans may well take pride. In this treaty, sirs, you are abandoning that policy. In this treaty you are destroying the prestige and popularity of the United States in both China and Russia. Having yielded control of the Pacific in all naval matters, having obligated this Government not further to fortify, and having thus left American possessions in the Pacific Ocean at the mercy of the only nation on this earth likely to overrun them, you are asked now to subscribe to an engagement that if Japan is attacked by any other power you will sit with Japan and France and Great Britain in a conference which will inevitably determine the fate of that other power, and you are asked to say that the outside power shall not even be granted an opportunity of a hearing in the conference which may prove so fateful to her interest and to her destinies.

Is that American? Is it necessary? Is it justifiable to reverse the policy which this Government has pursued, proudly pursued, throughout her dealings with China and Russia, and now enter into an engagement to confer with their probable enemy and refuse conference with them? That is the big proposition, and you can not escape it.

The net result of this treaty as it is written is that Japan will dominate the Pacific Ocean and dominate the Asiatic mainland, and no matter what blood may be shed, no matter what territory may be wrested from peoples of the Caucasian race,

your Government will be powerless to protest until Japan summons you to her counsel, and then your Government's protest can avail nothing.

We have had much to say about what will be our obligation when the hour comes that Russia strikes back. What a pitiable answer it is to say that she will be too feeble and helpless to strike back within 10 years, and that at the end of that time, by giving a year's notice, we may escape the obligations of the treaty. What will happen when the United States gives notice that she terminates this treaty which Japan says is an effective alliance by which she secures three allies instead of one in substitution for the Anglo-Japanese alliance? If at the end of 10 years the United States serves notice upon Japan that she is going to quit the partnership; that she is going to pursue her own course hereafter independent of the Japanese Empire, the same feeling will exist then that arose when Great Britain sought an opportunity to escape from her alliance with Japan.

In the meantime nothing will have been accomplished of which the United States should be proud. Talk about the triumph of Christianity, liberty, enlightenment, and peace under an agreement of this character? Japan will not reverse her policy. She will continue her aggressions, and this Government will be tied, for two reasons: First, by the terms of the treaty and the obligation under it, whatever it may be, growing out of her agreement with Japan; second, by the necessity for acquiescence that must come from having stripped this Government of its power and having removed from the support of our flag the force through which it was first uplifted in the Pacific. Of what use would be a protest of the United States against the ever-continuing advance of the Japanese Empire, whether in Russia or in China, if the United States in the Pacific Ocean and in the possession of her Territories were at the mercy of Japan?

The result will be that Japan will continue her present policy with little molestation. Her arrangements with France, her relationship with Great Britain, justify that conclusion. And the United States, throughout her history the friend of feeble nations, the supporter of right, however menaced, will be powerless to raise a voice or to uplift a hand.

What glory will come to our flag by entering into this combination and denying helpless nations the right to be heard merely because they are too weak to strike? What pride can you take, sir, when you recall the circumstances under which this Republic was born? What boast can you make of your act by which you knowingly seal the doom of peoples who have been friendly to your Government throughout their history? And for what reward? For the contempt of a nation whose people do not love yours, and whose political integrity you dare not trust.

Too often we are diverted from the great proposition to the relatively significant one. Why talk about the meaning of this word or that word? Why make caviling and technical distinctions when in the clear light of every reasonable construction and application this treaty means not peace but aggressive, merciless war waged with the acquiescence of the United States?

Mr. GLASS. Mr. President, I have very earnestly desired to be numbered among the supporters in the Senate of the four-power pact. I have wanted to vote for the treaty, first, because I had hoped it would accomplish something in the direction of universal peace. Then again I wanted to support it because I am averse to exchanging places with those Senators who are responsible for the defeat of the League of Nations purely upon partisan political grounds. I have not desired to find myself in the attitude of one who would be willing to vote against a league for peace contrived by my political adversaries for no better reason than that these adversaries had voted against the league for peace contrived and presented by an administration of my own faith. Hence, I say, Mr. President, I have very earnestly desired to ratify the work of the so-called Conference for the Limitation of Armament if I could find it at all agreeable to my judgment and conscience to do so.

It has been said that the four-power pact is in no respect akin to the League of Nations which was rejected by the Senate. I grant that it has none of the complete virtues of the League of Nations, but in one respect, at least, it has some resemblance to the league. It has been said and sought here to-day, by the most extraordinary species of casuistry to which a deliberate body ever listened, to show that this pact involves no exercise of force. Article 10 of the League of Nations covenant, it was pointed out, distinctly assumed an obligation, but it was denied that even a moral obligation is in this treaty that would constrain the United States to use force. Quoting from article 10 of the league covenant, the Senator who adopted this amazing refinement called attention to the fact that the League of Nations undertook to "respect and preserve the territorial integrity" of the members of the league. I call attention to the fact that the only avowed purpose of this four-power agreement now being considered is to "preserve and maintain" not only the territorial integrity, not only the possessions of the parties to the treaty, but to preserve and maintain the "rights" of the respective parties and of all of them.

Ah, but it is answered with the quip of the trained lawyer that, however much this might have been the avowed purpose of the treaty, the makers of the treaty did not accomplish their purpose. Yet the text of the treaty itself says that the parties to it have determined to conclude a treaty "to this effect." Will the distinguished Senator from Massachusetts [Mr. LODGE] or the Senator from Alabama [Mr. UNDERWOOD] confess upon the floor of the Senate that, having specifically set out to "preserve and maintain the possessions and rights" of those nations and to "write a treaty to this effect," they failed in their attempt; that they so juggled the English language as, at least, to cast doubt upon the meaning of their work?

I say the single, avowed purpose of the treaty is to "respect and maintain the territorial possessions and the rights" of the parties to it; and, Mr. President, it was the interpretation of at least one of the American delegates to the conference that the treaty itself imposes just as binding a moral obligation upon this country to use force as was imposed by article 10 of the covenant of the League of Nations. Of course, that delegate had the inalienable right to change his mind. I find no fault with him because he changed his mind. But having, in the first instance, accepted his initial interpretation of the treaty and having found that it was in entire accord with my own interpretation of the language employed, I shall not change my interpretation because he has changed his.

I would have it understood, Mr. President, that I do not object to the implied use of force in this treaty. I most earnestly subscribe to the doctrine once enunciated and advocated by the distinguished Senator from Massachusetts [Mr. LODGE], chairman of the Foreign Relations Committee of this body, when he said:

> The limit of voluntary arbitration has, I think, been reached. I think the next step is that which this league [League to Enforce Peace] proposes, and that is to *put force behind international peace.* We may not solve it in that way, *but it can be solved in no other way.*

That was what the Senator from Massachusetts thought before his exceeding dislike of Woodrow Wilson and his apparent eagerness to gain a party advantage made him change his mind and keep us out of the League of Nations. Now he brings to the Senate another scheme for "voluntary arbitration," which he says does not involve any moral obligation to use force, although its avowed purpose is to "maintain" as well as to respect the "rights" of the contracting parties!

Not only is there inherent in the pending treaty every conceivable obligation that was imposed by article 10 of the covenant of the League of Nations, but it is broader in its scope. We are to be obligated to preserve and maintain the "rights" of the contracting parties. Who may accurately define the "rights" of Japan in the Pacific Ocean? Yet we are obligated to confer for the purpose of preserving and maintaining any assumed "rights" of Japan in the Pacific Ocean.

That, however, is not the point of my objection, Mr. President. I believe in force behind a treaty to insure peace. What I am objecting to is that there is not force enough behind this treaty. It is not too much force behind the pact that excites my hostility; it is too few member nations. In other words, instead of bringing us a treaty to preserve the peace of the world, the delegates have brought us a group intrigue, such as has disturbed the peace of Europe for 200 years; a group alliance such as our forefathers denounced and against which this Nation has set its face since its existence; a group alliance pregnant with war itself. It is a misnomer, it is a travesty to speak of this pact as a treaty for peace.

Three of the nations signatory to the pact are members of the League of Nations; they are subscribers to the covenant of the league. Surely not one of them has an aggressive purpose. If it has, it has agreed to submit the dispute, first, to arbitration; and if not subject to a satisfactory arbitrament, it has solemnly agreed to submit it for adjustment to the League of Nations. The only other party to the pact is the United States. True, we are outside the League of Nations, but this country has no intent of an aggressive nature against any other nation. It seems such an obvious waste of time as to be trivial for me to reiterate here things that have been so much better pointed out than may be done by me. Yet I must venture to repeat that the real purpose of this pact is not to promote peace but is to assert the supremacy of four great powers over the rest of the

world in the Pacific Ocean and to bind the United States in an entangling alliance which would make us helpless to preserve neutrality in the certain event of war in the Orient.

The distinguished Senator from Arkansas [Mr. ROBINSON] impressively pointed out what may be expected in that quarter of the globe. Who does not believe, who is not morally convinced that when Russia shall have recovered her equilibrium and renewed her military power she will seek, either alone or in conjunction with Germany and China, to drive Japan from the mainland, to exclude Japan from Siberia and Manchuria? Who does not believe that Germany would cheerfully, when she shall have recovered her power, join in that effort to retake from Japan islands in the Pacific?

Yet in that event the United States would find itself obliged to assist Japan to protect and maintain her territorial possessions in the Pacific. That would mean war with Russia and with whatsoever nations Russia may secure as allies. So that my objection to the treaty is that it is not a league of nations for peace, but a group alliance for militaristic purposes, which is certain to constitute itself an international bully and exclude all other nations from consideration. It will provoke other nations to form counter groups; it will excite their animosity against us; it will arouse anew their suspicions; it will cause them to execrate us.

It has been suggested to-day that a plain obligation would rest upon these four nations to invite to their council chamber any other nation with which trouble might be brewing. Why not, then, express the obligation in terms, as is proposed by the reservation of the Senator from Arkansas? We do not express it in the text, because we do not want it there; and it is not there in any guise, whatever Senators may say. Quite the contrary is true. Nobody has told us, and I venture to say nobody will tell us—because they tell us as little as they may—whether it was affirmatively suggested to incorporate in the treaty that precise proposition of admitting other nations concerned in disputes to the council board. When the Senator from Massachusetts is asked the question he conveniently turns his back and walks out of the Senate Chamber, and when the Senator from Alabama is asked the question he frankly states that he does not know.

Mr. President, I have no desire or inclination to speak harshly of any colleague. I have entertained the warmest affection for the senior Senator from Alabama. Before I had qualified as a Senator, while yet in the Treasury Department, I sent word that I should support him for the leadership of the minority in this body. I think it may accurately be said that my decision to do this made him leader of the minority side; but I do feel that it is a matter for exceeding regret that, notwithstanding the distressing bereavement which took the Senator from his duties at the conference for a few days, he should not have learned more about this treaty before coming here with the great prestige of his position as Democratic leader to ask his colleagues to support the conclusions of the conference.

I am not, however, one of those who want to cavil or to exaggerate the importance of learning, either from the President or any one of the delegates to the conference, what is meant by the plain terms of the treaty. Nor do I care who wrote the treaty. As written I think it means force, and I advocate force. If you will put enough of the nations of the earth behind the force we shall have peace, instead of a menacing little imitation league, a four-ply alliance, destined to involve us in distress and humiliation, if not in actual war.

I shall vote for that particular treaty which it is said will bring about, in some measure or degree, disarmament. I shall do it with vastly more relish than those who negotiated and reported it, because originally they did not want any disarmament. They were against the Borah resolution and would have ripped the life out of it right here in the Senate if they had had enough votes to venture.

The indisputable fact is that they only abandoned opposition to the Borah resolution in the conviction that they could not muster the votes necessary to defeat it. Having assented, in these coercive circumstances, to the passage of the resolution in the Senate, they tried to beat it at the other end of the Capitol. They offered a meaningless substitute for it there, but could not muster the votes. However, I cheerfully impute to the other side a degree of astuteness that the minority does not possess. You maintain a cohesion that seems always to put our side to shame. You exhibit a resourcefulness that never fails to deceive the country. You have done it in this case; so that to-day I am getting letters from little misses in Virginia, who would not recognize this four-power pact if they should see it in the road with a red flag attached to it, urging me to support it. Somebody has deceived them into thinking that the four-power pact is a disarmament agreement. They do not know the difference, but I do. I intend to support the treaty for the limitation of armament; and yet it adds nothing to my zeal to realize that presently we shall have adopted a treaty which a little later will necessitate increased armaments. It is a matter of principle with me. When I am called on to say by my vote and influence whether or not I favor a reduction of armaments, I say "yes." If I could, I would banish from the high seas every man-of-war and every auxiliary vessel with great guns. I am for the measure of disarmament, although what we are doing is to scrap some obsolete battleships that would have the stuffing shot out of them before any one of them could reach a hostile vessel of modern type.

Mr. REED. Mr. President, will the Senator permit an interruption?

Mr. GLASS. I yield to the Senator.

Mr. REED. I have been very much interested in what the Senator is saying, but will he permit a correction? England is scrapping obsolete battleships that are already scrapped. We are scrapping good fighting ships, completed and almost completed. Japan and England are doing what they call scrapping some ships to be built, but they are on paper. Not a single good ship is being scrapped by either Japan or England.

Mr. GLASS. Yes; I understood, Mr. President, that included in our scrapping activities were some of our modern vessels. That simply helped to deceive the public. My information is to the effect that there is not a nation signatory to the disarmament treaty which will not have a navy infinitely more powerful than it had before the World War—not one; not only that, but with all of the murderous appliances of air machines and of poisonous gas and of other things held in readiness.

Mr. REED. Mr. President, may I interject again? I put in the RECORD a few days ago the figures of experts, which nobody has challenged and nobody can successfully challenge, showing that when we are through with the disarmament program England will have at least 20 per cent the advantage of us on the seas.

Mr. GLASS. Mr. President, I have no fear of Great Britain. I am English by lineage. I believe in Great Britain, and I was willing to enter a world alliance with Great Britain for universal peace; but I am not willing to amplify the Anglo-Japanese alliance, characterized here by the distinguished Senator from Alabama as a menace, by joining it ourselves. That is all this group treaty is—as amplification of the Anglo-Japanese menace—and we become a part of the menace to the balance of the world.

We may be sure Japan knows what she is about. We are asked gravely to accept the wretched nonsense as to Japan having renounced her defensive alliance with Great Britain without deriving any compensatory advantage! Japan is not that simple, even if we in the Senate Chamber are. Japan knows what she got. She knows that in addition to Great Britain's powerful support she got a treaty that binds the United States to "preserve and maintain" not only her territorial possessions but to preserve and maintain her "rights" as she may assert them. Already Japan is claiming rightful ownership of the southern half of Sakhalin and is said to be denuding the northern half of its natural wealth. Already Russia is denouncing the invasion and threatening reprisal for the theft. In the controversy the United States, by this group alliance, is bound to side with Japan against Russia. In short, we are intriguing with three powers only, one of which, constantly threatening our peace, is already at war with a nation which constantly has been our friend.

The Senator from Alabama [Mr. UNDERWOOD] made a touching appeal to his colleagues to substitute the power of Christ for the menace of the sword. There is not a semblance of the spirit of Jesus Christ in this alliance with a pagan nation, not a semblance of it. It constitutes a quadruple alliance as the world's bully; it is an invitation to all the outside nations of the earth to hate us because we have deliberately excluded them from participation in this group league of ours. Does that reflect, in any sense or degree, the spirit of Christ? I thought the spirit of the Savior of mankind was all-inclusive. I have been taught that it means the brotherhood of man, and not group alliances to menace the world. There is not even in the agreement to reduce naval armament any thought of Christ. Primarily that pact was not intended to be a contribution to peace. It is not a permanent scheme to prevent war. It is a temporary expedient to avert bankruptcy. Instead of invoking the spirit of Christ, which teaches nations to love one another, the conference merely applied the cold mathematics of trained technicians to make it certain that there was no abridgment of the relative capacity of any contracting nation to precipitate war.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. GLASS. I yield.

Mr. HITCHCOCK. The Senator might go further, if he pleased, and assert—what will not be denied—that the opening prayer of the clergyman at that conference was censored, and he was not permitted to mention the name of Christ out of regard for Japan.

Mr. GLASS. Oh, it is perfectly obvious that there is nothing about the pact suggestive of the spirit of Christianity. It is brutally exclusive. It was intended to be threatening, and is threatening. It is a challenge to the rest of the world.

A preacher down in my State, visiting my own town, said the League of Nations failed because it did not contain in its text the name of God. I wonder what he thinks of this pact, at the very inception of which the name of Jesus Christ was deleted! Yet, Bible classes and Sunday school scholars write to me to vote for something that could not be prayed for in the name of Christ, something they do not know anything about, something which, after 20 days of discussion and inquiry, I can find out very little about. I will not vote for it. I would not do it if I should never see the inside of the Senate Chamber again. The people in my State, I think, understand that when they sent me here, they sent me here to exercise my best judgment and to heed my own conscience. I will not vote for a cash bonus and I will not vote for this miserable group alliance just because, without knowing what they are asking, misinformed persons write me to vote for them.

Mr. President, I apologize for taking the floor at all. I had not intended doing it, but I thought perhaps I might spare myself some pains and the fatigue of correspondence if I would say what I have said.

Mr. BORAH. Mr. President, article 2 of the league which we are discussing, or the aliance, or the political pact, whatever it may be termed, reads as follows:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

There is a wide difference of opinion in the Senate Chamber and elsewhere as to whether or not this constitutes an alliance, and as to whether there is upon the face of the treaty an implication of the use of force.

So far as I am concerned, I have never been particularly interested in the technical term which you would apply to this pact. I am satisfied, in my own mind, that according to the rules and standards and definitions ordinarily adopted, this is an alliance. I should not, however, be at all changed in my opinion if I should be convinced that it was not an alliance. I have not felt that upon the face of the treaty itself, technically speaking, there was any committal upon the part of the United States to use force. I should not be changed in my position, however, if I should be convinced to the contrary, or if I should be convinced most positively that force was not implied. Those, to my mind, are not the essential and fundamental things with which we have to contend.

I have observed that all the reservations, with the exception of the reservation offered by the Senator from Arkansas [Mr. ROBINSON], which rests upon a different basis entirely, have proceeded upon the theory of clarifying the language of the treaty itself. In other words, if the reservation which was offered by the able Senator from Connecticut [Mr. BRANDEGEE] is adopted, it is supposed to have eliminated any idea of an alliance or of the use of force, but even if that reservation were adopted, and I should understand it as the advocates of it understand it, the fundamental objection to the treaty as I see it would still obtain, and that I desire, as briefly as I may, to discuss.

To enlarge upon this idea a little further, no reservation is offered, or has been offered, to control the action of the conferees. Suppose you do adopt the reservation offered by the Senator from Connecticut which says that this is not an alliance, and that we are not obligated to use force according to the terms of the treaty, nevertheless, when the conferees meet and determine that under the treaty, which is not changed, because there is no proposition to change the terms of the treaty itself, they are authorized to come to an understanding as to the most efficient means or measures to be taken, jointly or separately, to meet the particular exigency which they are called there to consider, there is no limitation upon their jurisdiction. There is no limitation upon their discretion. No one has proposed a reservation that when these conferees meet they shall not be permitted to consider or include within their jurisdiction the question of force, but that is left open. They simply propose to say that the treaty itself, according to its technical terms, does not commit us to force, but they leave the discretion in our agents, and do not limit or circumscribe their discretion or their jurisdiction, and we are morally bound by whatever judgment they may conclude themselves to be bound by. While the treaty does commit us to force, we create agents and put no limit upon their discretion.

I have before me now the address of Trotski made before the soviet congress a short time ago, and I can use this address to illustrate what I mean. In his address before that legislative body, which was delivered since the pact before us was written and published, he said:

> Japan throws band after band of enemies against us. These bands are paid with her money, and officered by her instructors. Here is an appeal of the Government of the Far Eastern Republic:
>
> "For the fourth successive year Japanese bayonets violate the will of the Russian people in the Far East. Japanese fortifications have been built on the banks of Russian rivers, and the channels of these rivers have been mined with Japanese mines. On the Island of Sakhalin Japan rules as though it were her own territory, selling timber and other wealth belonging to Russia. The people of the Far East have more than once raised their voice in protest against these violations, but no one has listened to this voice."

Continuing, Trotski said:

> That voice has not been heard by the capitalist countries, but it has been heard by the laboring masses of Soviet Russia. Great Britain, America, Japan, and partly France, rule the Pacific. On one of its shores are the domains of these powers; on the other is the territory of the Russian workmen and peasants. The four powers have concluded an agreement amongst themselves, and as a result the attacks on the Russian territory have increased; and these attacks are carried out by bands officered by the instructors of one of these powers.

Mr. President, there may be division among the Russians on the question of the Soviet Government, and there may be division among the Russian people on other questions, but there is no division among the Russians as to their opposition to Japan invading Russian territory. On this question all Russia is behind Trotski. The first apparent result of the treaty is to unite Russia.

I read a few days ago a statement from the former foreign minister of the Kerensky government along the same line, agreeing in principle with Trotski. It does not make any difference to whom you address your communication or from whom you hear all Russians feel as Trotski feels with reference to Japanese aggression. So I say it is immaterial whether you call it an alliance or what you call it, or whether upon the face of it it implies force or does not. The outside world construes it as a challenge to their rights from the hour when it is announced. He said:

> We have just received telegraphic reports that the city of Khabarovsk has been captured with the aid of the Japanese bayonets. Under these conditions, shall we remove our troops from the territory of the Far Eastern Republic. No; we can only regret that there are not enough of our troops there to defend our territory properly. But we are certain that the time will soon come when red bayonets will be strong enough to repel the attacks of these insolent imperialist vultures.
>
> It is time for them to know that besides the four powers who have just signed some sort of an agreement among themselves, there is also a fifth power—Soviet Russia and her red army.

There is a challenge, Mr. President, before this treaty is ever ratified. There is the construction placed upon it, not by men who discuss it technically in the Senate of the United States, but by men who discuss it from the standpoint of the rights of peoples and nations, and whether you call it an alliance or whether it has implied force upon the face of the treaty or not, Russia has construed it as a challenge to the Russian people. Now what happens? Suppose the treaty is ratified and suppose that the reservation offered by the able Senator from Connecticut is adopted, and we have a treaty which provides for a conference and specifically provides that we are not committed to the use of force. Nevertheless, our conferees meet after Mr. Trotski, with his red army, has started his march down the island of Sakhalin.

I agree with you perfectly that they could decide that we will retreat, that we will not use force; but you must admit also that they have the right to decide that the only method or means by which to meet the exigency is the use of force. If they do decide that the only method or means by which to meet the exigency is the use of force, what position does the United States occupy if it retreats from the decision of its representative? What different position would we occupy than we would have occupied had the same agent decided it on the League of Nations?

Mr. PITTMAN. Mr. President——

Mr. BORAH. I yield to the Senator from Nevada.

Mr. PITTMAN. The same argument was made by the leader on the other side, the distinguished Senator from Massachusetts [Mr. LODGE], and his followers with regard to the council of the League of Nations, exactly the same argument. It was

contended by them then that no matter what reservation we had with regard to the use of force, if our agent, with unlimited authority, as a member of the council of the League of Nations should consent with the other members of the council to the use of force, we would be bound by the action of our agent, and to avoid that the Senator from Massachusetts offered the following reservation to the Versailles ratification and it was adopted by almost the unanimous vote of the Members upon the other side of the aisle. It is reservation No. 7 and reads as follows:

No person is or shall be authorized to represent the United States nor shall any citizen of the United States be eligible as a member of any body or agency established or authorized by said treaty of peace with Germany except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

Mr. BORAH. I thank the Senator for the suggestion. I have a distinct recollection in regard to that reservation. As I called attention this morning, Mr. Wilson, the ex-President, always contended that there was nothing in article 10 and article 11 except a moral obligation and that we, as a Congress, were not bound to follow our agent if we did not want to do so. But the same question precisely arose and therefore this reservation was offered as to what would be our position should our agent decide to use force. We would undoubtedly have the right to reject it as a Congress, but we would be morally derelict before all the nations of the earth should we do so.

One thing further in regard to that before I go to the other proposition. Suppose that our conferee, whether he write a letter or whether he confer in person, being informed as to the attack from Russia, as to the aggression upon the part of Russia, agrees with his other comembers, whoever they may be, whether he agree by letter or by personal conference, that the only method by which we can meet the situation is by the use of force and that report is made to us by the President of the United States that the Secretary of State, through correspondence, or the Secretary of State, through agents, and the conference have come to the understanding so far as they are concerned that there is only one way to meet the situation, and that is by the use of force.

The President comes to the Congress of the United States and presents it and immediately the Brandegee reservation is read as an answer to it, that we are not committed to the use of force. The President would say, as Earl Grey said, "I agree that you are not committed to the use of force." They then read the other clause that we are not committed to the defense of these islands. The President might reply, as Earl Grey replied, "I agree that you are not committed to the defense of the islands." But you did provide that these governments should confer. The executive department has conferred. We have come to an understanding, so far as we are concerned, that there is no other method by which to reach the situation." What would be the position of the Congress of the United States? It would be in the same position as I always understood it to be under the League of Nations—it could reject it. Technically it would have that power. You can not take away from the Congress by a treaty the power to declare war or not to declare war. That is always in Congress. But you can, by delegating other powers to confer with foreign nations, place us in a position where we can not retreat from following out the program except to retreat over the path of dishonor. You say here that there shall be a communication for the purpose of arriving at the best means to meet the exigency. If the conferees all agree, Congress will be robbed of everything except a bare technical right.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. BORAH. I will yield in just a moment. That has always been my objection—that is, the fundamental objection—both to the League of Nations and to article 2; they set up machinery, which machinery, impliedly or morally, passes upon the question and presents it to us. We have reserved the technical right to refuse it. We have the binding moral obligation, however, in my judgment, to follow up and support our conferees.

I yield to the Senator from Wisconsin.

Mr. LENROOT. I was just about to ask the Senator whether that is not the distinction. The League of Nations did set up the machinery through which the United States should act. It provided an agency. But where does the Senator find any machinery in article 2? The understanding to be arrived at is an understanding upon the part of the United States. Where is there any authority clothed in any agent to act for the United States?

Mr. BORAH. Of course, I agree perfectly that there must be an understanding, but I am discussing now the modus operandi by which we arrive at that understanding.

Mr. LENROOT. Yes; but unless some agent of the United States be given power to arrive at an understanding, because it is not found in the treaty—the Senator must admit that?

Mr. BORAH. Oh, no; I do not admit that.

Mr. LENROOT. Oh, the Senator must. There is no agency created under the treaty to arrive at an understanding. The understanding is to be had by the United States. The United States is to be communicated with, presumably through the regular diplomatic channels, but the agency is not created that the understanding shall be arrived at with the diplomatic officers of the United States. The understanding must be arrived at by the competent authority of the United States. Is not that a distinction between the League of Nations covenant and this treaty?

Mr. BORAH. Of course, I know that the Senator from Wisconsin and I will never agree upon this proposition, but I am willing to continue my efforts in a good cause.

Necessarily, Mr. President, there must be some one through whom this communication, which is to be fully and frankly had, will be made. The Congress of the United States is not expected to appoint a committee and send it over there after the aggression begins. I assume that it is the executive department. I assume that because under the constitutional subdivisions of our Government it would naturally belong to the executive department. If a controversy should arise, the party who would take it up for consideration, I assume, would be the executive department. The executive department, through the Secretary of State, undoubtedly would communicate with the executive departments of Great Britain, Japan, and France. They would come to an understanding as between themselves. I am perfectly willing to concede, for the sake of the argument, that that would not be a binding understanding until the Congress would pass upon it. I am perfectly willing to concede that.

I am not going to stand upon technicalities in this matter if by eliminating technicalities I can keep the friendship of my friend from Wisconsin.

Mr. LENROOT. The Senator is going to keep that anyway.

Mr. BORAH. I am perfectly willing to concede that; but what I am saying is that the man who goes there and communicates, who ascertains the facts, who talks with the representatives of the other nations, comes back and says to the Congress of the United States, "There is only one way to meet this situation, and that is by force." Then the Congress of the United States is in the position of repudiating the Secretary of State or else following out the judgment he has exercised.

When I think of the moral pressure which has been brought upon the Senate to follow, without the crossing of a "t" or the dotting of an "i," the judgment of the Secretary of State in regard to this treaty, I know what a tremendous influence would be brought to bear upon the Congress to follow the judgment of the Secretary of State when he reported that the Red Army, 1,000,000 strong, was marching against Japan.

I have had a good deal of experience in the short time I have been here about resisting moral pressure, and when it comes from the executive department of the Government—it does not make any difference which party is in power—there is a surrender in the United States Senate, which leads me to believe that it will happen again. While technically Congress retains its power over peace or war, morally its power is forfeited.

Mr. REED. Mr. President——

Mr. BORAH. I yield to the Senator from Missouri.

Mr. REED. We have had the point made that we can enter into this agreement because it binds us to do nothing, and consequently binds no other nation to do anything, and therefore amounts to nothing. Now we have the further defense that there is no agency to meet and consult in these consultations which are to bind nobody to do anything.

I want to lay down a proposition. The agreement into which we are asked to enter provides:

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean,

I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy * * * they shall invite the other high contracting parties to a joint conference.

Then it is provided:

II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding.

If that does not mean the ordinary diplomatic channels of communication, does it not follow that the machinery must be created and that it must be created as soon as the difficulty arises? Therefore a machinery must exist, either diplomatic or superdiplomatic. When the conference meets and arrives at a conclusion, why will not that conclusion be just as binding upon us as though the agencies were created now by this treaty and set in motion under the treaty? In either event, an agency must exist before there is any action. So the argument that is made simply comes to this, that the defense of the treaty is that there is no agency to carry it out and therefore we may safely ratify it.

Mr. BORAH. Mr. President, I appreciate the contribution of the Senator from Missouri and I agree with him, but I want to say again, as I said a moment ago, that when the exigency arises there will be no technical construction of this treaty; there will be no looking back over our shoulder to see what authority we may have. When Sir Edward Grey permitted the naval experts of Great Britain to confer with the naval experts of France years prior to the war of 1914 he did not have any authority for doing it; he did not look for any authority; he confessed before the House of Commons afterwards that he had no authority, but he thought the exigency of the situation justified his using his discretion. So, Mr. President, when the exigency arises any man who would stand up here and argue a technicality as to our authority would be shamed out of the Senate. It would be said, "Here is an exigency; our ally is in trouble; our agents have decided we must go or else we travel back over the path of dishonor."

Mr. President, that brings to the forefront the reservation offered by the Senator from Arkansas [Mr. ROBINSON]. The first sentence of that reservation reads:

> Each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers.

We know now that aggression, according to one great nation, is taking place; we know now that their rights are being disregarded in the minds of the Russians; we know that one of the Allies is upon the territory of a nation not a signatory to this treaty. How can the Senate of the United States, if it believes in peace, not require its associate to desist in its aggressions? What answer will we make when, informed as we are, we are asked why we voted down a reservation which simply required the nations signing the treaty to respect the rights of other nations?

Mr. LENROOT. Will the Senator yield to me?

Mr. BORAH. Yes.

Mr. LENROOT. The Senator has been very fair. Does the Senator really think what he has read is a reservation? Is it not an amendment to the treaty?

Mr. BORAH. As I understand, it is to be offered as a reservation.

Mr. LENROOT. I appreciate that; but the Senator is familiar with the rule with reference to reservations and amendments, and does the Senator think that, according to the usual construction of treaties, that is a reservation?

Mr. BORAH. If it is not, it may be changed by two words so as to make it a reservation. It may be made to read that "the United States ratifies this treaty with the understanding that the high contracting powers will respect the rights of all other nations and powers." That would make it a reservation.

Mr. LENROOT. Does the Senator think there is any such understanding conveyed in the treaty as it is?

Mr. BORAH. That we will respect the rights of other nations?

Mr. LENROOT. Yes.

Mr. BORAH. No; there is nothing in the treaty about that.

Mr. LENROOT. Would the Senator be willing to vote for a construction of the treaty of which he himself says it is not capable?

Mr. BORAH. I am making this treaty now.

Mr. LENROOT. Ah, that is what I thought, and that is why the Senator is suggesting an amendment which would clearly be a change of the treaty and not a reservation. That was the point I was making.

Mr. BORAH. According to that reasoning the reservation of the able Senator from Connecticut is an amendment of the treaty, because the Senator from Connecticut, who is no ordinary lawyer, contends that at the present time we are committed to the use of force and that by his reservation he takes that commitment out. That is an amendment to the treaty, according to the argument of the Senator from Wisconsin.

Mr. LENROOT. It is not an amendment, according to the construction of the Senator from Wisconsin.

Mr. BORAH. It may not be according to the construction of the Senator from Wisconsin, but it is according to the construction of the Senator from Connecticut.

Mr. LENROOT. That I leave to the Senator from Connecticut, of course, to decide.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a moment?

Mr. BORAH. I yield.

Mr. ROBINSON. I stated at the time the proposal was submitted as an amendment that in the event the amendment was rejected I would offer it in the form of a reservation. So my friend, the Senator from Wisconsin, will have an opportunity of accepting it as a reservation, having rejected it as an amendment, although I have some doubt whether he will do so.

Mr. REED. Mr. President, I should like to inquire whether it would be more difficult to amend this treaty now than it would be to go into a war into which we might be dragged because of the phraseology of the treaty?

Mr. BORAH. I think now is the time to make the treaty, for we will have no opportunity to make it after the Senate has passed upon it; but even if it were an amendment to the treaty, that would not be an insuperable objection by any means, because if the treaty is made for the purpose of preserving peace, and it is manifest as now written that it is calculated to excite the antagonism of another nation, we ought to do anything that we can in order to remove that antagonism.

Mr. STANLEY and Mr. BRANDEGEE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield first to the Senator from Kentucky; then I will yield to the Senator from Connecticut; and then I am going to ask that I may be permitted to continue my discussion.

Mr. STANLEY. Does not the Senator from Idaho think it a rather ominous admission that any inference that the powers signatory to this treaty intend to respect the rights of other nations should be admittedly excluded, when it is also known to all men that one or more of these nations are now engaged in aggressions that only the weakness of the other nations, and not justice, permits?

Mr. BORAH. I agree with the Senator from Kentucky. I now yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I would not intrude upon the time of the Senator from Idaho if he had not referred to the reservation which I offered in the Committee on Foreign Relations. As I understand the Senator, he thinks that reservation changes the treaty. I have not offered it with any such purpose; I have no such intention. In my opinion, there is a doubt in the treaty as to whether we are bound to maintain rights in reference to the insular possessions of the other high contracting parties, and the reservation which I have offered is, according to my purpose, simply a clarifying reservation, an interpretative reservation, a reservation which will declare in clear words that the treaty is what the authors of it, two of whom are members of the Senate, claim it to be.

I think that a very fair argument might be made 10 or 15 years hence to the effect that if some one of the other high contracting parties should be in distress and should call upon us for aid, it may claim that we are obligated by the treaty itself; and it was my idea to negative that by the reservation. I do not claim that it changes the treaty; on the contrary, I claim that it makes the treaty, by the resolution of ratification of the Senate, mean exactly what the two Members of the Senate who were members of the American delegation to the conference which negotiated the treaty say it means, my fear being that some of the other parties, years hence, perhaps, after we are all dead, might set up a different claim.

Mr. BORAH. I was not so badly in error after all. The Senator from Connecticut, in other words, wants to change the treaty from a treaty of ambiguity to a treaty of certainty.

Mr. BRANDEGEE. That is my point exactly.

Mr. BORAH. That is a very important change in the treaty, indeed. If the Senator from Connecticut can change the treaty so that there will be no uncertainty about it, he will have earned the gratitude of all mankind. If the doubt, however, should be resolved in favor of the fact that there was an implication to use force, then the Senator would have to concede that the effect of his reservation would be to change the treaty entirely.

Mr. BRANDEGEE. No; I do not, Mr. President. I confess that the reservation, if adopted, would limit the obligation of the United States of America, because the Senate would have ratified it on that condition.

Mr. BORAH. As I understand the Senator, he wants to clarify the treaty so as to express the view that there is no force implied?

Mr. BRANDEGEE. Yes; and there is no obligation to come to the defense of the other powers.

Mr. BORAH. And the Senator is now afraid that that might be implied?

Mr. BRANDEGEE. Yes. If I were not, I would not have offered the reservation.

Mr. BORAH. Then, the Senator is changing the treaty to that effect, so far as the United States is concerned.

Mr. BRANDEGEE. No; it is ratifying the treaty with that understanding on our part and leaving the treaty where it is on the part of the other powers.

Mr. BORAH. The reservation of the Senator from Arkansas can be changed so as to meet the same condition exactly. The Senator from Arkansas can amend his reservation so as to read that "it is the understanding of the United States," and so forth.

Mr. BRANDEGEE. Yes.

Mr. ROBINSON. That is the form of the reservation I have submitted.

Mr. BRANDEGEE. The Senator from Arkansas could do that, and thereby make it conform to the usual structure of a reservation, but instead of being an interpretation of what the treaty purports to provide it would be an extension of the treaty to comprehend other nations and a state of facts which apparently is not within the scope or purpose of the pending treaty at all, and hence would be an amendment of it.

Mr. BORAH. The advocates of the treaty, it seems to me, must take one of two positions with reference to the so-called Robinson reservation or amendment: They must concede that at the present time there is an obligation upon the part of the four powers to respect the rights of outside nations, or that we are forming an alliance here in which there is no obligation to respect the rights of other nations. Under the present circumstances in the Far East, I think that would be a very dangerous proposition, and if we are not willing to put into the treaty a reservation which interprets it or construes it so far as the United States is concerned, as an obligation to respect the rights of other nations, we must necessarily permit it to go out to the world that the true construction is that there is no obligation to respect the rights of other nations.

Mr. BRANDEGEE. Mr. President, if the Senator is attempting to get me to assent to that proposition, I shall have to differ from him.

Mr. BORAH. No; I am not attempting to get the Senator to assent to it; I was simply looking at him while I was talking.

Mr. BRANDEGEE. Yes; and I was watching the Senator. But, Mr. President, because the Senate of the United States does not add a great many other reservations which it might add and which this country might want to add to the treaty is no reason why he would not be in favor of them if they were presented as independent proposals.

Mr. JOHNSON. Mr. President, may I ask the Senator before he concludes if he will permit me to call his attention to a few articles in Russian newspapers along the line of what he is saying now, concerning the attitude of other countries toward this particular alliance? I do not want to interrupt him, but before he concludes, will he permit me to read these articles?

Mr. BORAH. I am perfectly willing to have the Senator read them now.

Mr. JOHNSON. We need not subscribe to what is said by these newspapers, but it is very interesting as indicating the view in the far eastern press.

Here is an extract from a leading article entitled "The Quadruple Alliance" in the newspaper Russia, December 15, 1921, published in Harbin (politics, independent):

* * * The treaty of the great powers, as should have been expected, is already producing a heated protest from those powers who, by this treaty, have practically been made vassals of the new collective world ruler. * * *

The Chinese public opinion is confronted by the problem of the necessity to defend its national interests. * * * The same problem is confronting Russia and Germany, who must also be joined by Italy, who has been thrown out of the ranks of the great powers at the present time.

As a counterbalance to the quadruple (but in reality "triple") alliance, there must arise new international alliances and alignments of countries at whose expense the bargain is being made at Washington.

The next is an extract from a leading article entitled "The New Entente" in the newspaper Novosti Zhizni, December 15, 1921, published in Harbin. The newspaper is independent in politics, and the leading articles are written by a former official of the Kolchak government:

Conceding that the quadruple alliance is built on a firm foundation, nevertheless the question may be asked whether or not this hegemony of four (powers) will lead to most disastrous consequences to peace. There is no doubt that this entente, realizing its invincible power, will carry on an extremely aggressive policy. Prior to the World War, one international alliance stood against the other; the imperialistic plans of one met with the resistance of the other. The alliance which has been formed now is the only alliance of great powers in the world, and, not meeting with any obstacles in the effort to achieve its objects, it will inevitably be compelled to enter upon the road of annexation and "peaceful" conquests.

It is necessary to say that under such conditions "harmony" will soon be disturbed, and then, even more clearly than now, will become evident all the beauties of imperialism—competition and rivalry of powers. Any attempt to divide the world in a peaceful manner is nothing but a beautiful dream, and in the process of realizing this beautiful dream such a catastrophe may be expected before which will pale anything that has already been experienced by humanity * * *.

The Washington agreement, by isolating Russia, Germany, Italy, China, and other States, is only a forecast of new adventures and cataclysms.

Versailles created a useless but harmless League of Nations—Washing has forged a union of blood and iron.

One becomes horrified at what the future holds forth.

From the same newspaper, December 25, 1922—and this is the last I shall read, if the Senator will pardon me:

[Extract from leading article entitled "One More Attempt."]

* * * To Russia the new alliance is a direct military threat, and in the best case a serious warning. * * *

In the order of the day of Europe is a struggle with Russia, but not a direct struggle, but through the forces of an Asiatic power. * * * In regard to the coming Russo-Japanese war, the heads of the European powers hope, like Pilate, to wash their hands.

Mr. BORAH. Mr. President, the reading which I have made from Trotski and the newspaper articles which have been read by the Senator from California show how utterly useless it is for us here to spend time upon a technical construction of the meaning of this treaty so far as the question of implied force or the question of an alliance or any of those questions are concerned. The outside world not members of the treaty have construed it, and they have construed it as a combination or political grouping upon the part of the four powers which is inimical to those who are not members of the alliance, or whatever you may call it.

Now, Mr. President, I must hurry on, because I have already occupied too much time.

Colonel Roosevelt said, upon a very important occasion:

There is something both pathetic and ludicrous in the belief that signing names to a bit of paper will of and by itself forward the cause of peace.

It is not what nations promise to do, it is what nations by their acts disclose they are willing to do, and the policies which they adopt, which counts for peace. Political pacts such as this have been made from time immemorial, and I do not know of any exception to the rule that they have never been observed after the interest of the nations signing them had changed or had been modified by exigencies or circumstances. In other words, it is not what nations enter into a treaty to do, but it is the attitude in which they place themselves toward the other nations of the world, and the policies which they adopt, and the policies which they are following up, which count for peace and make for peace.

Lloyd-George declared a short time ago:

It matters not what treaties are signed, what pacts are entered into between nations, or what understandings they may establish; if nations are armed against each other for war, war will inevitably ensue in the end.

I said, Mr. President, when this four-power treaty was first published, that my attitude toward it would be determined very largely by what the conference did with reference to disarmament. I do not propose to underestimate the services rendered by the conference to the cause of disarmament. I do not propose, especially, to underestimate the services rendered by the American delegates in the cause of disarmament; but I do say that, regardless of whose fault it was, so far as future wars are concerned there was no disarmament at the Washington conference. There was a very great service rendered to the cause of economy by stopping the building of useless battleships. There was a very great service rendered to the taxpayers by the cessation of building these luxuries which float on the sea, but so far as the weapons with which the next war is to be fought are concerned, there was no limitation of armament at all in my opinion.

If these four powers who were unchallenged in their military supremacy had been desirous of peace and had been willing to rest their cause upon the principles of justice rather than force, there would have been some real disarmament with reference to those weapons with which the next great war, if it comes, will be fought. There has been no disarmament by land. Europe to-day is covered with tremendous armies. France has 750,000 men under arms, more or less, and in addition to that some 400,000 in Poland practically maintained by France. Italy has a vast army, Japan has a vast army, and the military power of the world is now centered in the four nations which are signers of this treaty.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. The Senator from Idaho has now spoken for one hour.

Mr. BORAH. I am going to speak for 30 minutes longer, if I can do so.

Mr. ROBINSON. That arrangement, I think, is contemplated by the unanimous-consent agreement.

Mr. BORAH. I will use a part of my 30 minutes now, so as to avoid trespassing upon the patience of the Senate a second time.

Mr. KELLOGG. Mr. President, will the Senator yield to me?

Mr. BORAH. Yes; and then I should like to occupy my own time thereafter.

Mr. KELLOGG. I shall not bother the Senator again.

Did I not understand the Senator, when he was advocating the resolution of Congress requesting the President to call a disarmament conference, to say that he thought it was unwise to include the land forces?

Mr. BORAH. I did.

Mr. KELLOGG. And the Senator simply advocated the limitation of naval armaments. Does not the Senator consider an agreement not to go beyond the armament provided for here a limitation?

Mr. BORAH. I did not understand the last question.

Mr. KELLOGG. Does not the Senator consider that this treaty, limiting the building of war vessels in the future, is a limitation?

Mr. BORAH. I have already stated so. It is a limitation, but not a limitation as to the weapons with which the next war will be fought. In other words, I do not regard the battleship now as anything of great moment with reference to future naval warfare; and while I am very happy indeed that the discontinuance of the building has taken place, and while I am willing to accord all kinds of credit and commendation for having achieved that, I am speaking now with reference to war, and not with reference to economy.

I also stated at the time that I did not think there was any use of including land disarmament, because, in my opinion, nothing could be gained by it. I think the Senator from Minnesota will agree that the prognostication of the Senator from Idaho was correct, that there was no need to include it, because you did not get anywhere with it. I understood perfectly that Europe did not intend to disarm by land, and I understand perfectly now that she does not intend to disarm. What I say is that so long as she does not disarm, there is no hope that a mere promise to keep the peace will result in the maintenance of the peace. Until real disarmament takes place I certainly want no political alliances.

Secondly, Mr. President, we not only have failed to disarm by land but, as I say, we have failed to disarm by sea with those weapons with which the next war will be fought. Before I go to that, however, let me call your attention to just one item with reference to another matter.

This telegram appeared in the New York World the other day. I hesitate these days to read anything here, because I anticipate that somebody will rise the next day and say that the person quoted was misunderstood; but we have to go by what we see in the public prints and by what takes place in public debate, the manuscript of which we are able to get hold of.

The New York World says:

A commission of British experts, headed by Col. M. L. Wilkinson, is now in the United States investigating American methods for producing noxious gases, with a view to incorporating into British practice any improvements.

Despite the sweeping condemnation of poison gas in the arms conference treaty, signed by representatives of the five leading powers, Great Britain holds that the only adequate defense against poison gas in the hands of a possible enemy is preparedness. Accordingly, the British Government proposes to continue without curtailment experimentation in chemical warfare.

The British experts will study both industrial and military plants. Permission to inspect Edgewood Arsenal and other Army posts has already been given.

American Army officials said to-day that nothing would be kept secret from the British experts.

That, possibly, was one thing that misled Mr. Cravath that there was an understanding between the United States and Great Britain in regard to these matters. When military experts begin to reveal to one another their secrets, it has the appearance of an "understanding." But, Mr. President, notwithstanding the treaty, there is no cessation of preparation of the instruments which the different nations signing the treaty regard as essential to future warfare. No limitation has been placed upon submarines. Every effort was made to curtail the building of submarines, and, I understand, of course, that the American delegates were in favor of that curtailment; but the conference as a conference, composed of the nations which signed this treaty, were not only unwilling to prohibit its use but were unwilling even to limit the number of submarines. Mr. President, neither as to the Army nor as to poison gas nor as to airplanes nor as to airplane bombs nor any of those instruments is there even a limitation upon the part of those nations. We all know that when the submarine first made its appearance the whole world stood aghast, and trembled, as Milton would say, at the hideous name.

It was believed by all to transgress the last remaining principle even of that bloody business whose highest achievement it is to kill. It wiped out the last vestige of international law. It degraded and brutalized war itself. It seemed as if the spirit of destruction incarnate had searched and chemicaled hell and given to man the results of its efforts. Yet this instrument, regarded as the most brutal and hideous and destructive of modern warfare, especially upon those who are not actually engaged in war, nonbelligerents, and noncontestants, the conference was wholly unable to prohibit or to limit in the production.

Therefore, Mr. President, notwithstanding the efforts of the conference and the efforts of the American delegates, these four powers will have, when this treaty is ratified, the naval power of the world at their command; they will have a navy such as was never before dreamed of; they will be complete masters of the sea. You may say that means peace. If it does, it means peace by force. They will not only have control of the navy but they will have all the standing armies of any moment, outside of Russia, and when they meet in conference there in the Pacific under article 2 they will be the most powerful and controlling military force that ever met for conference in the whole history of mankind.

That will have its bearing upon the construction of article 2. If I felt that there was peace in the hearts of these nations, if they were ready to disarm, if they were ready to practice the policies of peace, I would look with considerable indifference upon the obligations of article 2, but so long as I see Japan unwilling to discharge a single soldier, and France taking control in a military way practically of all Europe, so long as I see the military power centered in these nations, I know that one of two things will happen—either the nation whose rights are being aggressed will have to surrender and yield up its rights or force will be used against it. I see spoliation and injustice on the one hand, just as these things happened under the Anglo-Japanese alliance, or I see war. When you bring in a program which destroys the weapons of modern war, which prohibits, or at least limits, submarines and poisonous gases, airplanes and bombs, and curtails armies to within reason, then I will be more ready to accept your promises written into treaties. But I want a manifestation of faith by good works. I want policies, not promises. I want disarmament, not political alliances the members of which continue to arm, continue to practice imperialism, continue to "aggress" against all other powers. Peace, peace! How can you have peace with a world armed as it was never armed before? There can be no peace, it makes no difference how many treaties you have, until nations disarm and until the power to declare war is brought nearer and more completely under the control of the people—those who must fight and die in case war comes.

Mr. SHORTRIDGE. Mr. President, I hold in my hand a very courteous, forceful article on the results of the late conference, written by Mr. Duraind, connected with the San Francisco Chronicle. I ask consent that it may be printed in the RECORD in 8-point type.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is, as follows:

[From the San Francisco (Calif.) Chronicle.]

NEW AGE WILL FOLLOW NEW WORLD SPIRIT—OLD DIPLOMACY TO GIVE WAY BEFORE PRINCIPLES OF MODERN BUSINESS LIFE—HARDING IS A SUCCESS WHERE WILSON FAILED—BY CREATING NEW METHODS OF DEALING WITH WORLD'S WAR GENERATING DISPUTES.

The Washington conference marks the end of the centuries-old system of secret diplomacy born of the imperalistic principle and the balance-of-power idea. It celebrates the beginning of a new era based upon the principle of business. The Versailles conference was probably the last great congress of the nations to be dominated by the old diplomatic methods. From now on every international conclave for the adjustment of disputes and controversies must be based on the Washington conference and its new methods of friendly discussion, give and take, fair play, and its will to harmonize and conciliate where differences are acute. No future world conference can ignore the lessons Harding has taught the nations.

Look at the wonderful achievements of Harding's new methods:

The first great work done was the four-power Pacific treaty, signed on December 3. The full scope and significance of this pact has not yet been grasped by the public. It is much more than a treaty of amity and good will, and an agreement to respect one another's rights in the Pacific. The distinct achievement of this treaty is to substitute international law for the

use of force in all future disagreements. The signers of the treaty solemnly agreed to meet in friendly discussion and to exhaust every peaceful method of settlement before an appeal to arms.

NAVAL COMPETITION STOPPED FOR 15 YEARS.

This agreement to submit to the orderly processes of evolution virtually amounts to a reinstitution of international law as a living vital force in world affairs, and brings the nations of the earth back to the point where in 1914 chaos took the place of the reign of law and every State became a rule unto itself. That is what is the matter with Europe to-day. But with the nations at the top governing their course by international law the smaller States must eventually fall into line.

The second great achievement of the conference was the five-power naval treaty, by which the signers agreed, not only to limit the size of their navies but to take a naval holiday for 15 years.

The wonderful thing about this important treaty is not that navies are merely limited, the United States alone scrapping some 500,000 tons of battleships, and others proportionately. The great gain is that new shipbuilding has been stopped for 15 years. At one fell swoop a knockout blow has been delivered to the solar plexus of the god of war. It is disastrous naval competition that was principally the cause of the late war. This feverish naval expansion, each nation seeking to beat the other with ever-enlarging fleets, also led to increase of the land forces, both keeping pace with each other in a mad race for supremacy.

Now naval increases are stopped. What a tremendous fact this is. It seems almost impossible, yet it is true. The Washington conference has accomplished what the League of Nations could not do. When this solemn contract is up most of the battleships will be old and obsolete, and the nations will be ready for further reductions.

POISON GAS ELIMINATED FROM FUTURE WARS.

The third agreement reached by the conference was the treaty which eliminates poison gas from future wars, and which prohibits submarines from sinking merchant ships. It was these things which made the late war so horrible and barbarous. Is not this an achievement to be proud of?

The fourth treaty of the conference was a six-power one, which allocated the German Pacific cables that had been a source of so much acrimonious controversy, and which could easily have led to war.

The sixth treaty refers to a settlement of the Chinese tariff question, and this treaty comprehends other questions concerning the Chinese, the contracting nations agreeing to respect her sovereignty, and to cease the old policies of spoliation and special privilege. It means a real open door.

The seventh treaty settles the serious dispute of the United States with Japan as to the island of Yap, and mandates. The eighth treaty deals with the stopping of new fortifications in the Pacific. Has not the absence of fortifications between the United States and Canada contributed to peace for the last century? To build forts and place guns at another's door is not the way to produce confidence and cooperation.

The eighth and remaining treaties of the conference settle the many differences between Japan and China, such as Shantung, the railroad, mines, and the famous 21 points. Shantung is returned intact to China and differences in Manchuria and Mongolia are settled.

Not the least important work of the conference, arising out of the new spirit that it has created making for justice and peace, is the fact that Great Britain has pledged herself to return Wei-hei-wei, one of the most important seaports of China, to its rightful owner, and France has likewise promised to restore Kwang Chow, farther south.

These important possessions were wrested from China by the military powers without show of right. For 40 years strong, strangling hands were reaching for China's throat and robbing her of her choicest possessions, without which a nation can not progress—sovereignty, seaports, mines, railroads, banks, custom duties—usurping even courts of law.

CHINA RESTORED HER RIGHTS OF SOVEREIGNTY.

Now, the Washington conference has stepped forward and called these strong hands off, giving China once more her freedom and making the spoilers return the graft. How preposterous, then, with all these wonderful gains, is it to say that China is getting nothing from the conference. Think what it would mean to us if New York, San Francisco, Boston, and Galveston had been in the possession of alien hands for a generation and had been suddenly restored to us, would it not mean something? Yet that is just what has happened to China. Beyond this is a still greater gain for China, and that is the new spirit of fair play and protection, with hands off, that is going to permit her to develop according to the will of her own people. In other words, she will now be free as a nation.

Are not these things better than devastated France, the *Lusitania*, aerial bombardment of peaceful cities, lethal gas, the flower of the world's youth wallowing in the trenches, billions of debts for the generations to pay?

Lastly, as a result of all these treaties, and particularly the four-power pact, that great menace to world peace, known as the Anglo-Japanese alliance, has been done away with. This achievement alone would have justified the conference, as there was no greater danger on the political horizon than this union of Japan and England to control in their own interests the development of the Asiatic Continent. It was only a question of time when such a policy of selfish exploitation would have plunged the world into another conflict.

These are the achievements of the Washington conference. They are positive, real, and peace creating. President Harding did not start out like Wilson to create elaborate machinery for producing a perfect world, settling all international disputes at once, and guaranteeing universal peace for ages to come. President Harding erected no magnificent, idealistic scaffolding as the basis of his policy. He formulated no golden dreams of a perfect world and worshiped at no mystic shrine of perfection.

President Harding did not set himself up as the peace underwriter of the world. His idea was to move in the direction of peace, and world peace would come of its own accord. His plan was: Create a new spirit, not a new machinery. It was dwelling on a new machinery, the League of Nations, and forgetting the spirit (vide Shantung, fourteen points, reparations) that ruined Wilson and made his attempt at world peace abortive. Harding's method was different. It was the method of Christ—change the attitude, the way of thinking, the ideal, and a new man and a new world will be born. Do this and the proper institutional machinery will take care of itself. Wilson, on the contrary, sacrificed everything to get his machinery, the League of Nations, and when he did get it it would not work.

The greatest triumph of the Washington conference, therefore, is this marvelous moral success of Harding's, this contribution of a new spirit for future international conclaves, and this creation of a new method of handling serious controversies without impairing the independence and national sovereignty of the nations.

What has been done in the United States as regards naval limitations and future security on the Pacific can certainly be done in Europe if the lesson of the Washington conference be learned.

HARDING METHOD EMPLOYS PRINCIPLES OF BUSINESS.

Only a year ago Czechoslovakia and Austria were at daggers points with all the bitter hates resulting from the war keeping them apart. Since the Washington conference they have come together in a treaty of amity and cooperation which is an object lesson to the rest of Europe. Poland has also joined in a similar treaty.

Can not France and Germany do what these three nations have done? If not, why not? That's the problem of Europe, and not reparations, huge armies, and guarantees of protection. Create a new spirit, put by the old diplomacy, and come into the new age of Harding. That's the lesson of the Washington conference.

No institutional machinery like the League of Nations can bring about world peace. No law can produce it. World peace, if it comes, will be born alone of a new world spirit. There are many serious questions in the air pressing for international solution that carry with them the germs of possible wars. The Washington conference has shown the way to solve these pressing problems, how to handle these difficulties so that they will not lead to war and embroil all the nations.

With Harding's method the gain is the new method of approach, the new spirit of friendly conference, the new necessity of fair play and give and take, the new attitude of mutuality and reciprocal understanding—in a word, the business method applied to international policies.

With such a method there is no dispute among the nations that can not be amicably settled. In time it means a real association of all the nations, and a real international court for arbitration purposes. That great day will be Harding's work and Harding's glory, and will be the reason for inscribing his name in golden letters in the Pantheon of humanity.

GEORGE J. DURAIND.

Mr. KELLOGG. Mr. President, the amendment to which the Senator from Idaho addressed himself provides that each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers.

Of course, the Senator admitted that that was an amendment of this treaty bringing in practically every nation in the world, broader in its terms than article 10 of the covenant of the League of Nations, in which the signatory powers agreed to respect the rights of all members of the league. The Senator objected to that, objected to respecting the rights of those nations which had been created by the conference in Paris. Now, this would make a new treaty, going outside of the parties signing it, forcing these other signatory powers to agree to respect the rights of all nations of the world.

He can not make it less an amendment by saying that the United States understands that each of the high contracting parties will respect the rights and possessions of all other nations, and refrain from all acts of aggression against any other power or powers, because the treaty says nothing of the kind, and nobody could make it so that the Senator from Idaho would understand anything of the kind. This, of course, is an entire change, an amendment of the treaty, which would defeat it. It would require a reassembling of all the signatory powers in order to find out whether they were willing to extend this treaty to all nations of the world.

Mr. President, of course the Senator from Idaho has been perfectly open and frank; he has made no claim that he was for this treaty. He has always opposed it, and would no doubt support a reservation or a resolution which would defeat it.

I stated the other day on the floor of the Senate that I did not understand the Senator from Connecticut [Mr. BRANDEGEE] to claim that this treaty imposed any obligation on this country to use force in the defense of the rights or possessions of any other country. The Senator from Idaho differed with me as to the understanding of the Senator from Connecticut. I am very glad the Senator from Connecticut made his meaning clear to-day. He did not make any claim that the treaty provided for the use of force in maintaining the rights of any other country, but he said, in substance, that there might be some doubt about it, and some country might claim in the future that such was the intent, or that some obligation could be implied from it.

I stated in the speech I made on the treaty when it first came before the Senate that, in my opinion, there was absolutely no obligation resting upon this country or any other of the signatory powers to use force or come to the defense of any one of those countries in the protection of their rights, but only to consult, and see if an adjustment could be made of any disputes which might arise.

I am still of the same opinion, and when the Senator from Arkansas said to-day that the members of the conference who were Senators thought it was necessary to have a reservation in order to protect the United States, I begged to differ with him, because if anything was made clear on the floor of the Senate by the Senator from Massachusetts [Mr. LODGE] and the Senator from Alabama [Mr. UNDERWOOD], it was that they did not believe there was any such obligation, and did not believe the reservation was necessary. The Secretary of State did not believe it; Mr. Root, a great international lawyer and experienced statesman, did not believe it. Every man who spoke at the conference before the treaty was ratified gave the same construction to it which the Senator from Massachusetts has given to it.

I stated the other day that I voted against the reservation in the committee because I did not believe it necessary. I believed there was no obligation imposed. That seemed to be perfectly clear, not only from the language of the instrument, but from the construction given to it by all nations who were parties thereto. I think it would do no harm, unless it might invite other nations to make other reservations or amendments which might do harm.

A few days ago I noticed in the papers a dispatch from Paris, which I intend to read in part. I have a good example for quoting this in the distinguished Senator from Idaho. The dispatch may or may not be true, but it states that Mr. Poincare said:

> I am not the sponsor of the French delegation. I had nothing to do with the shaping of its policies or the naming of its members.

The article further proceeds:

> It was tacitly agreed between the interpolators and the Government that there should be no discussion in the open Chamber of Deputies on the Washington conference before the Senate ratifies or rejects them. The probability of amendments being made in the agreements by the American Senate was taken into consideration in reaching this conclusion.

That indicates what I had in mind. If it were necessary to adopt a reservation or an amendment to protect the rights of the United States, or to save an obligation to go to war, I should be perfectly willing to vote for it. I am willing to vote for this reservation, not because I believe it necessary; I would not vote for it if I did not believe that it was necessary to adopt it in order to get votes enough to ratify the treaty. There are a few Senators who are afraid that some moral obligation may be implied, and I am willing to vote for the reservation in order to get the treaty ratified.

Mr. BORAH. The Senator then regards the reservation as necessary, but not necessary for clarification?

Mr. KELLOGG. No. I stated what necessity I thought there was. I certainly think it is not necessary to make this treaty perfectly clear, and I have excellent authority in the speech of the Senator from Idaho. The Senator from Idaho is too good a lawyer to stand on the floor of the Senate and say that he believes there is any obligation in this treaty to use force or to defend the rights of other nations in the islands of the Pacific.

Mr. BORAH. Let me ask the Senator a question: The Senator says he is going to vote for this reservation because it is necessary to have the reservation in order to get votes enough to ratify the treaty. Then the Senator's understanding is that there are Senators who think this reservation so vital that if it were not adopted they would vote against the treaty?

Mr. KELLOGG. The Senator has heard arguments on the other side of the Chamber from some Senators that they thought there was an obligation implied. I understand there are two or three Senators on our side who feel the same. I am very much pleased that the Senator from Idaho does not believe it.

The Senator from Idaho stated in his speech the other day that he did not consider there was any obligation upon the United States to use any force to come to the defense of the rights of any other nation, or any obligation upon any delegate attending any conference called under this treaty to agree to come to the defense of any other nation a signatory power, and I understood the Senator to-day to reiterate that statement. I agree with him. Therefore I thought, and still think, that the reservation is entirely unnecessary, because there is no obligation in the treaty to use force.

As I understood the Senator the other day in his very able speech, he placed his objection to this treaty not upon any obligation which would require us to go to war or to take up arms in defense of or to come to the defense of any other country, but because it constituted a political grouping, a diplomatic grouping, which, whether an alliance or not, would encourage other countries to create like diplomatic groupings, and that those two groups would ultimately come into antagonism.

That is the position I understood the Senator to take. Of course, that position would make it necessary that this country never have any understanding with any one, two, or three nations, but have such an understanding with every leading nation in the world at the same time.

I think the Senator went the other day rather far in drawing his analogy from the triple alliance and the triple entente to this understanding. In the first place, the triple alliance and the triple entente did array against each other when they were made two antagonistic groups. They were not antagonistic because of the treaty, but they were antagonistic by reason of their relation to each other in Europe, and some of them had been for centuries, and the Senator knows it. Why, the Senator admitted it the other day in response to questions that I asked him. I asked:

> Did I understand the Senator to say that if Mr. Hughes attended a conference under this treaty he would be no more bound to agree to a war than if he attended any conference not provided for by this treaty?

The Senator from Idaho said:

> I did not say that exactly, but I think I said about the same thing.

Now, in drawing the conclusion that this agreement to consult together about the islands in the region of the Pacific was like the triple alliance and the triple entente, the Senator proceeded to read what he understood to be the principal feature of the triple alliance, and I quote his language from his speech, and I beg the Senator's pardon because he was mistaken. He quoted from a treaty of alliance between Germany and Austria which was an absolute, binding, defensive alliance to go to war.

That was a treaty between Germany and Austria, and it was an absolute binding treaty of alliance by which they agreed to go to war and defend each other's rights and possessions. The Senator read the following statement from it:

> Considering, in fine, that an intimate agreement between Austria-Hungary and Germany can threaten no one, but is rather calculated to consolidate European peace as created by the stipulations of the treaty with Berlin.
>
> Their Majesties the Emperor of Austria and King of Hungary and the Emperor of Germany and King of Prussia, promising each other solemnly never to give any aggressive tendency whatsoever to their purely defensive agreement, have resolved to conclude a reciprocal alliance of peace and protection.

The quotation from the preamble of the treaty between Austria and Germany contains that language. Then the Senator said:

That was the language which dedicated the triple alliance to the cause of protection and peace. Considering that they would never give aggression, or attack anyone, they formed the alliance for the purpose, as we say here, of protecting their respective possessions and in the cause of peace. The language used was quite as laudable as that found in this pact.

But that treaty and the various treaties which followed it contained absolute agreements to come to the defense of each other's possessions. That was in the treaty of 1879, and articles 1 and 2 provided:

ARTICLE 1. Should, contrary to their hope, and against the loyal desire of the two high contracting parties, one of the two empires be attacked by Russia, the high contracting parties are bound to come to the assistance one of the other with the whole war strength of their empires, and accordingly only to conclude peace together and upon mutual agreement.

ART. 2. Should one of the high contracting parties be attacked by another power, the other high contracting party binds itself hereby not only to support the aggressor against its high ally but to observe at least a benevolent neutral attitude toward its fellow contracting party.

Should, however, the attacking party in such a case be supported by Russia, either by an active cooperation or by military measures which constitute a menace to the party attacked, then the obligation stipulated in article 1 of this treaty, for reciprocal assistance with the whole fighting force, becomes equally operative, and the conduct of the war by the two high contracting parties shall in this case also be in common until the conclusion of a common peace.

Mr. President, that was far different from this agreement, which includes all of the nations having islands in the Pacific, not a part of them against another part but all of them, and was an absolutely defensive alliance.

That was followed by the triple alliance of 1882, which was superseded by the triple alliance of 1887, and the third triple alliance of 1891, and the fourth triple alliance of 1902, and the fifth triple alliance of 1912, which really went into effect only a few days before the war, owing to the fact that the previous one had not expired. I shall not stop to read the provisions of the various alliances, but simply state that they were absolutely offensive and defensive alliances. I ask to have inserted in the RECORD as a part of my remarks articles 1, 2, 3, and 4, page 247, the Secret Treaties of Austria-Hungary, 1879–1914.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

ARTICLE 1.

The high contracting parties mutually promise peace and friendship, and will enter into no alliance or engagement directed against any one of their States.

They engage to proceed to an exchange of ideas on political and economic questions of a general nature which may arise, and they further promise one another mutual support within the limits of their own interests.

ARTICLE 2.

In case Italy, without direct provocation on her part, should be attacked by France for any reason whatsoever, the two other contracting parties shall be bound to lend help and assistance with all their forces to the party attacked.

This same obligation shall devolve upon Italy in case of any aggression without direct provocation by France against Germany.

ARTICLE 3.

If one or two of the high contracting parties, without direct provocation on their part, should chance to be attacked and to be engaged in a war with two or more great powers nonsignatory to the present treaty, the casus foedris will arise simultaneously for all the high contracting parties.

ARTICLE 4.

In case a great power nonsignatory to the present treaty should threaten the security of the States of one of the high contracting parties, and the threatened party should find itself forced on that account to make war against it, the two others bind themselves to observe toward their ally a benevolent neutrality. Each of them reserves to itself in this case the right to take part in the war, if it should see fit, to make common cause with its ally.

Mr. KELLOGG. How far different from the simple, benevolent preamble which the Senator from Idaho read to the Senate the other day. Of course the triple alliance became known to every country in Europe, although it was supposed to be secret. After reading this preamble the Senator said:

There, Mr. President, is the basis of the second political grouping in Europe. It provided for nothing except a conference, a discussion; no alliance, no commitment to force, no agreement to use force, no agreement to cooperate with the military forces of the other power. The only thing which they agreed to do is what it is said here we agree to do, and that is in the case of an attack to consult together to determine what measures, if any, we shall take in order to meet the exigencies of the situation.

Let us look at the triple entente a moment and see if that is true as to that agreement. It is true as far as Great Britain's participation was provided for by the correspondence with the French Government, but not true as to the agreement between France and Russia. It is not true that the triple entente was a mere agreement to consult together. The triple entente had its origin in a military alliance between France and Russia which provided as follows:

France and Russia, animated by a common desire to preserve the peace, and having no other aim except to be prepared for the necessities of a defensive war which may be provoked by an attack upon the forces of the triple alliance against one or the other of them, agree to the following terms—

The statesman who wrote that preamble foreshadowed what was to come years later. The agreement proceeded:

If France is attacked by Germany, or by Italy supported by Germany, Russia will employ all its mobile forces to fight Germany.

If Russia is attacked by Germany, or by Austria supported by Germany, France will employ all its mobile forces to fight Germany.

There we have the triple alliance on the one side and the dual alliance between Russia and France on the other side, to which England afterwards became a party, but in the correspondence between the British Empire and the Republic of France it is true that England did not agree to come to the defense of France.

It was not, Mr. President, the political grouping of Europe by these documents which brought on the war. Germany was the ancient enemy of France. She had invaded France, overrun her Provinces, and wrung from her large tribute. France feared and rightly feared a recurrence of this attack. When the triple alliance was formed, naturally France sought an ally in Russia, because the triple alliance was aimed at Russia and aimed at France. Oh, the Senator said, the British Empire simply agreed to a discussion of the question and there was no obligation to come to the defense of France. I shall not stop here at this late hour to discuss the reason why Great Britain entered the war. In her declaration of war, as stated by the Senator from Massachusetts [Mr. LODGE] the other day, the sole cause was placed as the invasion of Belgium by Germany. That was sufficiently stated by the Senator from Massachusetts and the Senator from Washington. But, Mr. President, there was another reason, I believe, why Great Britain could not permit the violation of Belgium. Germany would take Belgium and the Netherlands and would overrun France, and England would be the next.

England knew, whether there was any treaty or not, that if Germany, who had been preparing for this war for 30 or 40 years, should succeed in overrunning Holland, Belgium, and France, she would reckon with England next. England was fighting for the very existence of her Empire; every one knows that; and yet this most extraordinary example of the Triple Alliance and the Triple Entente, which were not the causes of the war at all, is brought forward here as the principal argument in opposition to the four-power treaty. As I have already said, the four-power treaty is not between political groups in opposition to political groups, but it includes all the powers having islands in the Pacific. It was not intended to apply to the mainland of Asia or to Russia or to China.

Mr. HITCHCOCK. Mr. President——

Mr. KELLOGG. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Is it not true that the Netherlands has islands in the Pacific?

Mr. KELLOGG. I was about to make a statement in regard to that. As to the Netherlands, the four powers attending the conference sent a note that it was the intention of the signatory powers to respect the territory of the Netherlands.

Mr. HITCHCOCK. Can the Senator state why the Netherlands was excluded from participation in the making of this treaty?

Mr. KELLOGG. The Senator from Massachusetts [Mr. LODGE] sufficiently stated that; I was not a member of the conference, and I can not tell; but would the Senator from Nebraska defeat the pending treaty because the Netherlands was not brought in? Would the Senator vote against the treaty because the Netherlands was not a party to it?

Mr. HITCHCOCK. Can the Senator state why the Netherlands was not admitted?

Mr. KELLOGG. If the Senator from Nebraska will answer my question I will answer his as well as I can.

Mr. President, has it come to this, that four of the great nations having possessions in the Pacific can not agree with each other that they will respect each other's rights, and can not agree that they will consult together if there should arise any dispute in order that the dispute may be adjusted?

In opposition to this treaty, which some of the Senators on the other side of the Chamber say amounts to nothing, if our construction is correct, they raise every objection—all the bogie men—that a distorted imagination can bring forth. It is said that the treaty will protect Japan in ravishing the Province of China. They forget that China has entered into a treaty with Japan settling substantially all the questions which have existed between those two Governments since the war, embodying greater concessions by Japan and resulting in a greater

success than any Senator believed the conference would bring about.

Mr. President, I say the pending four-power treaty meets the approval of the people of this country and the enlightened sentiment of the world. It is a step toward peace, and, coming after the great conflict which laid waste the fair lands of Europe and sacrificed millions of its sons, it does not become the Senate, representing the United States—the leader of this conference—to reject the treaty.

Mr. HARRIS obtained the floor.

Mr. LODGE. Mr. President, I have no desire to interfere with the Senator from Georgia or with the Senator from Wisconsin [Mr. LA FOLLETTE] who desires to present reservations. I was only going to propose that after a short executive session the Senate shall take a recess until 8 o'clock to-night, with the understanding that there shall be no votes taken and no quorum called at the evening session.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator present his suggestion in the form of a request for unanimous consent?

Mr. LODGE. I submit my proposal as a request for unanimous consent.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? If there be none, it is so ordered. It is, therefore, the order of the Senate that when the Senate takes a recess——

Mr. LODGE. It is understood that the Senator from Georgia [Mr. HARRIS] will now speak, and then the Senator from Wisconsin desires to present certain reservations to the treaty. Under the unanimous-consent agreement heretofore entered into the Senate will meet at 12 o'clock to-morrow. It is very explicit. That is the reason why I said nothing about the time of meeting to-morrow.

Mr. LA FOLLETTE. Of course, the Senate may remain in session all night, if it is desirable to do so?

Mr. LODGE. Absolutely. We have merely agreed to meet at 12 o'clock to-morrow.

Mr. JONES of Washington. And to recess until that time?

Mr. LODGE. The Senate may either take a recess or adjourn.

Mr. HITCHCOCK. I should like to hear what the request is.

Mr. LODGE. My request is that after the Senator from Georgia shall have concluded his speech, and after a short secret executive session, the Senate shall take a recess until 8 o'clock; and that it shall then remain in session as long as it sees fit, with the understanding that there shall be no votes taken and no quorum calls.

Mr. HITCHCOCK. Mr. President, the result of that understanding will be that there will probably not be more than five Senators present and a mere farce will be perpetrated.

Mr. LODGE. That may be. If the Senator from Nebraska thinks he can compel Senators to come here and listen to speeches, he may make the effort; he may compel them to sit about the neighborhood of the Chamber, no doubt.

Mr. HITCHCOCK. I think it would be better to have a session of the Senate and leave the matter as to whether or not a quorum shall be called to be decided at that time, and also as to whether votes may be taken.

Mr. LODGE. Very well, Mr. President, I am ready to vote at any moment. I made my request to suit the convenience of others; and the request came from the side of the Chamber of the Senator from Nebraska, not from my side of the Chamber. Of course, if the Senator from Nebraska wants to hold the Senate in continuous session and to have a series of calls for a quorum in order to make sure that there is a quorum in the neighborhood, it is his privilege to do so. I was trying simply to make an arrangement that I thought was agreeable to the great body of the Senate, as the request, I repeat, came from the side of the Chamber of the Senator from Nebraska, and not from my side of the Chamber.

Mr. HITCHCOCK. I will say to the Senator from Massachusetts that I have not found any Senators on this side of the Chamber who take that view of the matter.

Mr. KING. I do, and there are several others.

Mr. LODGE. It is useless to deny it, Mr. President. When I told the Senator that the request which I have preferred came from his side of the Chamber I meant it, and I told him the truth.

Mr. HITCHCOCK. I have discovered so far only one Senator who has made such a request.

Mr. LODGE. Must I produce evidence?

Mr. HITCHCOCK. No; I am not asking for any evidence. I do not think it makes any difference from which side of the Chamber the suggestion came; it leads to a farce when Senators are required to talk to empty chairs.

Mr. LODGE. I would be the last Senator to put any obstacle in the way of securing a vote, and if the Senator thinks that it is best that we should remain here and continue the session, with the constant demands for a quorum, with the result that Senators who desire to speak and who have put their names down may find themselves at 12 o'clock to-morrow without having had any chance to address the Senate, well and good; I have no objection personally.

The PRESIDING OFFICER. The Secretary will state the request for unanimous consent.

Mr. NORRIS. Mr. President, has there been any objection to the request?

The PRESIDING OFFICER. The Chair did not hear any specific objection.

Mr. NORRIS. Will the Chair not state the request to the Senate?

Mr. HITCHCOCK. I made objection.

The PRESIDING OFFICER. The Chair understands the Senator from Nebraska to object.

Mr. NORRIS. Then, when the absence of a quorum is developed the only motion that may be made is to adjourn.

Mr. LA FOLLETTE. Mr. President, in the meantime, while Senators are negotiating in respect to the session this evening, I should like to offer, if I may, some reservations intended to be proposed by me to the four-power pact. I ask to have them printed in the RECORD and also printed in the usual form and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to Pacific possessions:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that, upon one year's written notice given by one of said high contracting parties to this treaty that the party giving said notice desires to be released from the said treaty, the said party giving such notice shall, upon the expiration of one year from the date when such written notice is given to said other high contracting parties, be released from all obligations of said treaty.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to Pacific possessions:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that none of the high contracting parties shall, during the life of such treaty, without consulting the other parties, enter into any separate arrangement or understanding with another power, whether one of the high contracting parties or not, with reference either to their insular possessions and insular dominions in the region of the Pacific Ocean or to the Asiatic mainland, which shall in any way prejudice the objects and rights of the said parties under this treaty or which shall be inconsistent with the terms thereof.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to Pacific possessions:

Provided, That the Senate advises and consents to the ratification of said treaty with the understanding, to be made part of such ratification, that the agreement between Great Britain and Japan concluded at London on July 13, 1911, shall not in fact or in substance be renewed during the life of said treaty.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to Pacific possessions:

Provided, That the Senate advises and consents to the ratification of said treaty with the understanding, to be made a part of such ratification, that in case any of the high contracting parties shall have entered into any separate treaties, agreements, and understandings, whether public or secret, either between themselves or with any other power or powers, which are inconsistent with the terms of this treaty or prejudicial to its objects, it shall be the duty of such high contracting party or parties upon the ratification of this treaty to terminate such separate treaties, agreements, or understandings at the earliest time compatible with their terms.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to the Pacific possessions:

Provided, That it being the intention of the United States to grant full and complete independence to the Philippine Islands within 10 years, the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the high contracting parties to this treaty agree to recognize and respect the political independence and territorial integrity of the Philippine Islands after such independence is granted.

Reservation intended to be proposed by Mr. LA FOLLETTE as a part of the resolution of ratification of the four-power treaty relating to Pacific possessions:

Provided, That it being the intention of the United States to grant full and complete independence to the Philippine Islands within three years, the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the high contracting parties to this treaty agree to recognize and respect the political independence and territorial integrity of the Philippine Islands after such independence is granted.

Mr. LODGE. Mr. President, before the Senator from Georgia proceeds——

Mr. HARRIS. I yield to the Senator from Massachusetts.

Mr. LODGE. Of course, if the Senator from Nebraska is going to insist that the Senate shall remain in session in the effort to secure an audience for the Senators who desire to speak, I shall take the sense of the Senate by making a motion to recess.

Mr. WALSH of Montana. Mr. President——

Mr. HARRIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I submit an amendment which I intend to propose to the resolution of ratification, and ask that it be printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. HARRIS. Mr. President, I strongly supported the Borah resolution to bring about a naval disarmament conference. The majority leaders in the Senate opposed the resolution until they realized it would pass the Senate, as all of the Democrats and many western Republicans favored it. I am supporting actively the naval armament limitation treaty, as well as the other treaties growing out of the purpose for which the conference was called. Had the Borah resolution provided for a four-power alliance or any such arrangement it would not have passed the Senate.

There is a general idea that the four-power treaty is an integral part of the disarmament feature of the Washington conference. An effort is made to connect with disarmament everything touching the conference, as disarmament is favored by all. The four-power pact has no connection whatever with the other treaties negotiated at the conference, but its supporters are trying to make it appear so in order to secure ratification.

The four-power treaty is an alliance, in my judgment, and one of the kinds of entangling alliances which this country has always avoided, beginning with the first warnings of George Washington. President Wilson fought to prevent such alliances for all time by the creation of the League of Nations, composed of all nations. The four-power treaty is contrary to the ideas and principles advocated by Mr. Wilson, who almost gave up his life to end just such entangling alliances as this one—which history shows have always been breeders of wars.

There is no way to compare a league for all nations with a league of four nations. They are different in purpose and in spirit.

The Republican leaders, with the aid of prominent Democrats, are trying to appeal to friends of the League of Nations with the same kind of argument as was urged by the Democrats when the league was before the Senate. Because the Republicans played politics with our foreign policies in 1919 and 1920 they are trying to create the impression that everyone in disagreement with them now is guilty of their tactics of two years ago. The Democrats have sincerely supported the purpose for which the conference was intended and gave every encouragement to it. They did not offer any embarrassment to the conference, which compares strangely with the tactics of the Republicans in 1919, who did everything they could to destroy President Wilson's influence while he was representing the United States in negotiating a treaty. The Republicans have played politics with foreign policies to such an extent that they think everybody else is guilty of the same policy.

The Senator from Arkansas [Mr. ROBINSON] offered an amendment, for which I voted. Practically all Democrats supported it, but it was defeated by Republican opposition. Had it been adopted I and nearly all of the other Democratic Senators would have voted for the treaty as amended or as a reservation. Under the four-power treaty, if there should develop any controversy between any one of the four powers relating to their insular possessions, far eastern questions, and so forth, only those four powers would consider "the most efficient measures to be taken, jointly or separately."

The Robinson amendment provided:

> If there should develop between any one of the high contracting parties and any other power or powers a controversy relating to said insular rights and possessions, or to any far eastern question which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting powers shall invite all powers claiming an interest in the controversy to a joint conference, to which the whole subject shall be referred for consideration and adjustment.

If China should have trouble with Japan about the island of Formosa, which Japan took from China in the Chino-Japanese War; if Russia should try to recover her losses taken by Japan and resist Japan's recent aggressions in Siberia; or if the Christians in Korea should try to regain their country, taken by Japan—and to-day's paper tells that since the way the Koreans were treated by the Washington conference they have lost all hope; that is stated in a telegram from Tokyo to the Washington Post—then, under the four-power treaty, the United States is bound to consult only Japan, Great Britain, and France to settle the matter, although we are friends of those nations and people which are suffering from Japanese aggressions. If the views expressed in the Robinson amendment had prevailed all parties to the dispute would be at the conference instead of its being a one-sided affair.

Some who have urged support of the four-power treaty insist that in principle it is like the League of Nations. The opposite is true, in my judgment. It has none of the advantages of the league and all of the dangers feared by those opposing the league.

Just after the armistice, in Manchester, England, former President Wilson said:

> You know the United States has always felt from the very beginning of her history that she must keep herself separate from any kind of connection with European politics, and I want to say very frankly to you that she is not now interested in European politics. But she is interested in the partnership of right between America and Europe. If the future had nothing for us but a new attempt to keep the world at a right poise by balance of power, the United States would take no interest, because she will join no combination of power which is not a combination of all of us. She is not interested merely in the peace of Europe but in the peace of the world.

The Senator from Alabama [Mr. UNDERWOOD] frankly admitted that he had not heard of the four-power treaty until it was ready for signature. Last week Mr. Sarraut, a French delegate to the conference, in the presence of Premier Poincare, admitted he had not been consulted about it in the preliminary stages, and he was severely criticized on that account. When the first information was given out about the treaty, President Harding said it did not include the mainland of Japan. Such lack of knowledge of the provisions of the treaty shows that a few questions about it are not out of place, but those in position to know decline to give us information. If President Wilson had made such a statement about the Versailles treaty, it would have furnished a text for daily debate in the Senate, while President Harding's statement has only been mentioned once. For my part, I hope the party to which I belong never will be discourteous to the President of the United States, no matter how much they differ with him; and I do not believe that the Senators who were discourteous to President Wilson are now proud of that record.

A simple request for information seems to offend the Senator from Massachusetts [Mr. LODGE] and other leaders, although the Senator from Massachusetts was very bitter in his denunciation of President Wilson about giving information as to the negotiations at Paris. It is a striking contrast. Secretary Hughes did not appear before the Senate Foreign Relations Committee. The committee declines to call him before them. President Wilson and Secretary Lansing appeared before the committee and were questioned at great length by members of the committee.

Japan and Great Britain have an alliance which is about to expire. Canada, Australia, New Zealand, and other dominions of the British Empire were opposed to a renewal of this alliance. Japan and Great Britain said their alliance did not apply to the United States. Supporters of the treaty say it was intended to end the Anglo-Japanese alliance, which supporters of the treaty disapprove. They argue that we should do away with a two-power alliance, but substitute this four-power arrangement, although Japan and Great Britain said their alliance was not aimed at America. Japan, Great Britain, and France are already members of the League of Nations.

It is likely that the four-power treaty will be ratified, and, in my judgment, when the American people find out what it really means they will agree that it should have been extended to all nations.

No Member of the Senate would go further in supporting measures than I would to bring peace to our country and the world. I would gladly support the four-power treaty if I thought it would accomplish peace. But when history shows that such arrangements between a few countries have always brought about wars, and when all of our great leaders from George Washington to Woodrow Wilson have opposed and warned us against just such alliances, and when it has been against the policy of our Government for all time, I can not give it my support.

Mr. LODGE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brandegee	Capper	Elkins	Hale
Broussard	Caraway	France	Harris
Bursum	Curtis	Gerry	Harrison
Cameron	Edge	Glass	Heflin

Hitchcock	McKellar	Pepper	Stanfield
Johnson	McKinley	Pittman	Sterling
Jones, Wash.	McNary	Ransdell	Townsend
Kellogg	Moses	Rawson	Underwood
Kendrick	Nelson	Reed	Wadsworth
Keyes	New	Robinson	Walsh, Mont.
King	Newberry	Sheppard	Warren
La Follette	Nicholson	Shields	Willis
Lenroot	Oddie	Shortridge	
Lodge	Overman	Smith	

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Fifty-four Senators having answered to their names, a quorum is present.

Mr. LODGE. Mr. President, I wanted a quorum in order to have the Senators here. I fear that some have gone already, expecting that the arrangement would be made which was made last evening. I desire to make the same request—that after a brief executive session the Senate will stand in recess until 8 o'clock, and then return, to sit for such period as it may choose, and that the understanding shall be that there shall be no vote, and no quorum call, of course.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that after a brief executive session the Senate will take a recess until 8 o'clock; then that it will convene and remain in session so long as may be desired, with the understanding that there shall be no vote on any proposition and no call for a quorum. Is there objection?

Mr. REED. Mr. President, I presume that we might just as well consent to the request, because the Senator from Massachusetts has it in his power to adjourn the Senate until to-morrow at noon, if he sees fit to take that course. My preference would be that the Senate should remain in session as it would under ordinary circumstances, because then the Senate would be here. Everyone knows that under the arrangement suggested there will be practically no attendance. I want to take this occasion to say that it will be some time before there is another unanimous-consent agreement to vote on any question requiring discussion.

I do not object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

SECRET EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceeed to the consideration of executive business behind closed doors.

The motion was agreed to; and the Senate proceeded to the consideration of secret executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.), under the order previously made, the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate, in open executive session, reassembled at 8 o'clock p. m., on the expiration of the recess.

THE FOUR-POWER TREATY.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The Senate resumes the consideration of the pending treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

Mr. WATSON of Georgia. Mr. President, a lady of this city, Miss Lillian Scott Troy, placed in my possession this morning a booklet which she has caused to be published. While I have not had time to verify her statements, I have no reason to doubt their correctness.

Ordinarily, when a subject of one country publishes a libelous attack upon all the people of another it is a matter of which the government of that country will take no notice, it being considered an individual affair. In this case the publisher is well known as the author of several standard works. He is known to be the personal friend of the British ambassador, Sir Auckland Geddes. He is known to be a frequent visitor at the British Embassy. He has been decorated by the Governments of Great Britain and Japan, as well as that of Belgium. Therefore what he says against our people in general—drawing what Burke said could not be drawn, an indictment against a whole people—has some significance when we remember that we are now asked to enter into an alliance with his country, he the friend of the British ambassador.

It is said that some Senators from the South are going to vote for this revolutionary departure from our traditional policy. I want those Senators from the South to hear what this friend of the British ambassador, this honored guest of the British Embassy, this wearer of decorations from Japan and Great Britain, has said about us as a people. Writing of the colonizers of Virginia and the South, Mr. A. Maurice Low says:

> In the early days many of them went there because they had no option, because they were criminals and paupers; they were transported by the Government, as in later days English criminals were sent to Botany Bay.

Think of that! The South compared to the slave colony of Botany Bay! Criminals! Paupers! So says this friend of the British ambassador, this visitor to the British Embassy. He further said:

> Some immigrants to Virginia were, to some extent, a shiftless and degraded set of creatures from slums and jails of English seaport towns.

Virginia, in whose Jamestown settlement was set the foundation of American democracy, representative government, manhood suffrage, trial by jury, while Massachusetts was making the experiment of a theocracy which did not work.

He further said:

> The men who have made some parts of the South a dark and bloody ground, where to this day the only law known is the law of the rifle and the knife, where dense ignorance prevails and superstition holds sway, are the legacy of this colonial era and its social system.

And from the South have come so many of the intellectual stars that light the galaxy of America's pride, that one could stand an hour, mentioning their names and giving a brief summary of their deeds. From the South has gone much of the money and the missionaries which converted Korea to Christianity, which Japan is now trying to stamp out.

> The negro fastened his own weaknesses, his shiftlessness, and his slackness upon the southerner.

In the South, as elsewhere, we have our shiftless class of negroes, but they are very much in the minority. The greater number of the negroes of the South have learned the ways of civilization and Christianity, and the tax books, the official records, will show how rapid has been their accumulation of property. Their schoolhouses and their churches compare favorably with ours, when we consider that a few years ago they were slaves. Mere justice to my black constituents in the State of Georgia, whose good will and confidence I am proud of, impels me to say that they have been foully slandered in this book of the friend and guest of the ambassador of Great Britain, who now has an office here in Washington City and a membership in the Cosmos Club—which ought to expel him.

> Blacks corrupted their masters and corrupted their morals. The effect of slavery was more demoralizing in South Carolina than in any other colony.

This friend of the British ambassador says that slavery demoralized that State to a greater extent than it demoralized and debauched and degraded any other State. I wonder if a Senator from South Carolina would dream of voting for this damnable treaty.

Mr. SMITH. Not this Senator.

Mr. WATSON of Georgia. I know that.

Mr. SMITH. The Senator from Georgia said "a" Senator.

Mr. WATSON of Georgia. I said I wondered if a Senator would vote for the treaty; yes. I know the Senator's position.

Again, another British writer, Mr. P. A. Vaile, in his book Yankee America's Peril, said:

> Quite a few men in America are effeminate looking. Many of the young men have quite nice waists, and then are developed not quite so sturdily as one who has the welfare of the Nation at heart might wish; in fact, not to put too fine a point on it, their development beneath the waistline is distinctly feminine.

He then goes on to say:

> It simply means, of course, that from the boy who shines your boots to the Senator they are a nation of "boodlers."

From the boy who shines your boots to the Senators here in this Chamber, they are boodlers! That is not a pleasant thing to read from the bosom friend, the constant guest of the British ambassador, the man who belongs to the Cosmos Club, and who has entrée to the British Embassy. Boodlers, bootblacks, and Senators! I see one of them standing before me now.

Mr. REED. I will sit down after that.

Mr. WATSON of Georgia. I read further:

> Yankee! Yankee! Yankee! Have you anything in your land that is not hollow?

To-morrow's vote will begin to show. To-morrow's vote will show whether we have anything in the land that is not hollow. I am not drawing the inference myself. He is doing it.

A little further on he said:

> The population of America consists to a large extent of offcasts from every land on the face of the earth.

Now listen to this:

> By the time I had been in the States a month I began to ask myself was any woman in the land to be trusted.

No virtue in these United States! An insult to your mother, if she is alive; an insult to your wife, if she is alive; an insult to your daughter, if she is alive; an insult to your granddaughter, if you have one; an insult to your sister; an insult to American womanhood, for which every American man has been ready to risk and lay down his life if accusation were brought against it, impugning its honor, its splendid elevation.

No American woman pure, says this prominent English writer, who writes in the same way as does the friend of the British ambassador, this man who is the welcome guest at the British Embassy and who wears the imperial decoration of Japan, of Great Britain, and of Belgium.

They may say they did not know he had said it or had written it or had published it. They will know it in the morning.

Mr. President, the junior Senator from Ohio, my good friend Mr. WILLIS, placed in the RECORD two editorials, one by Mr. Clark Howell, Georgia's member of the National Democratic Committee, the other by Mr. William J. Bryan, often the nominee of the Democratic Party for the Presidency, now a resident of Florida.

As to Mr. Howell, who edits, perhaps, the most widely circulated daily newspaper in the State of Georgia, I will simply say this, which the Senator from Ohio [Mr. POMERENE] could not have been supposed to know: In the campaign of 1920 Mr. Howell placed in the race for a seat in this body the governor of Georgia, and he ran on this issue. He was not elected; he was overwhelmingly defeated, in spite of all the valiant service which could be rendered to him by my personal friend, Mr. Clark Howell. Had he been elected he might have been making a different speech from the one which I am trying to make to-night.

As to Mr. Bryan, I would not want to say anything that is at all malicious, although I have no cause to love him. It will be remembered that he opposed the Spanish-American War, and then came, in his grand-stand manner, to offer his services as a soldier to President McKinley. He went to the White House to do it, instead of enlisting as the others did out in Nebraska. President McKinley made him the colonel of a regiment, but another man had to drill it for him. He was sent down to Tampa, Fla., where he fought sand flies and mosquitoes in the most heroic manner. There were no audiences down there to speak to, and President McKinley did not want him to get to Cuba, lest he spoil the plans of the campaign. He was kept at Tampa until he got tired of it. He wanted the war to close, so he came to Washington City, wearing his uniform, and he implored several Democratic Senators to lend their votes to our Republican friends on the other side of the Chamber to ratify the treaty of Paris by which our taxpayers invested $20,000,000 in buying property which our soldiers had won with their blood. He succeeded in lending our Republican friends a sufficient number of Democratic votes to ratify that treaty. We thereby obtained the Philippines, and the Philippines are now being used as the excuse for going into this four-power pact.

One of the Senators who was persuaded by Mr. Bryan to vote for that treaty was Mr. Clay, of Georgia. I was at Mr. Clay's house a short while before his death. He knew that he was afflicted by an incurable disease. In his house and at his table he told me that his vote for the Paris treaty was the one act of his political life that he most regretted; that he had been persuaded to cast that vote by Mr. Bryan. The widow of Senator Clay still lives, and by the magnanimity of this Republican administration the widow of that Democrat remains the postmaster of her home town at Marietta, and I am sure if she were asked to do so she would corroborate every word that I have said. With the solemnity of a dying confession Senator Clay expressed his profound sorrow that he had allowed Mr. Bryan to overpersuade him. Any southern Senator who now allows Mr. Bryan to persuade will carry similar regret to the last day of his life.

The other Senator from Ohio [Mr. POMERENE], who is also personally my very good friend, spoke of George Washington as being obsolete, out of date, old fogy, behind the times; that he had not dreamed of railroads, telegraphs, telephones, radio stations, airplanes, submarines, or any of the new adjuncts of modern civilization, and therefore what he said about the fatal consequences of foreign entanglements did not apply. The natural consequence of the Senator's logic was that if he had known of the railroads, telegraphs, telephones, radio stations, airplanes, and submarines he would have withdrawn his Farewell Address. I wonder what the voters of Ohio will say about that matter in a few days?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. WATSON of Georgia. With pleasure.

Mr. REED. I think it is very true that when Washington wrote his Farewell Address he had not heard of the airplane or of the automobile; he had not even heard of a Ford. If the argument is good that because he had not heard of these instrumentalities of modern locomotion, the principles of government which he announced are thereby destroyed. I wonder what my friend from Ohio would say of the Sermon on the Mount. At the time it was delivered, or shortly before, Christ had ridden into Jerusalem on an ass and He had never heard of a "Tin Lizzie," or of any of the modern appliances, and yet some people think that the principles of the Sermon on the Mount live notwithstanding modern inventions.

Mr. KING. The Senator might also mention the Ten Commandments.

Mr. WATSON of Georgia. The line of argument pursued by the senior Senator from Ohio would, first of all scrap the Constitution itself, then, of course, it would scrap the Golden Rule, and, of course, it would scrap, also, the Sermon on the Mount.

Mr. REED. And also the Ten Commandments.

Mr. WATSON of Georgia. Oh, yes; and also the Ten Commandments.

We heard an eulogy delivered here on Mr. Elihu Root, who is said to be a great man actuated by pure and lofty motives. Mr. President, I think that a lawyer who has consciously devoted his whole life to showing law-breakers how to escape the penalty of their crimes does himself become morally warped because of having done that. Let us see. When Mr. Root was Secretary of State under President Roosevelt he violated the honor and the contract this Government pledged to Korea in 1882; and, after having done that and drawn his friend, the President, into it, he went to Chicago and drove a knife into his back; he steam-rolled his delegates, and nominated Mr. Taft, who had placed his brother's law partner in the Cabinet, in which position that law partner of Henry Taft surrendered to the Suger Trust the Philippine lands, for which this Government had paid the friars $7,000,000, and he sold them to the Sugar Trust for less than our taxpayers had had to pay for them.

Mr. President, it is a small matter to mention, but the four-power pact and its supplementary treaty show the punctuation of a lawyer, and not that of a literary man. Having been both a lawyer and a literary man, I know the difference between the one system and the other. So I say a lawyer wrote that document, as it has the punctuation of a lawyer. It is not necessary to impute corrupt motives to Mr. Root. He is a lawyer representing his client, and his client is the Anglo-Japanese alliance, and he wants to change that contract in the interest of his client, and to give to that client two more allies which will contribute to Japan's military strength an irresistible force already in existence.

We are told that this pact will exist only for 10 years. Of course, on its face it is plain that it will last for 11 years. It is said that nothing can happen in Russia in 11 years. How does anybody know that? A good deal is happening in Germany right now. With her abundance of paper money she is industrially on her feet, and she is again competing with American and English manufacturers in nearly all the marts of the world. We, deprived of paper money, deprived of circulation to the extent of $2,000,000,000 in two years, are on the very brink of economic ruin, and unless our financial policy is reversed and the money put back into circulation there will be no rehabilitation of our industrial and economic system.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. WATSON of Georgia. Certainly.

Mr. REED. Since the Senator has been speaking about Mr. Root, I should like to ask him if he saw this article in the Chicago Herald-Examiner of Friday, October 28, 1921? It is very short. It is by Oswald F. Schuette, a writer of prominence:

Washington, October 27.—A prominent American who returned recently from London and who had access to the highest British and American officials brought back the following account of British interest in the American delegation to the Washington conference on armaments.

When President Harding made public his plans, the British Prime Minister sought to learn details of the plans from an American in London who is known to sustain exceedingly intimate relations with the White House.

"Do you know whom your President is likely to name as delegates to this conference?" asked Lloyd-George.

"If he follows the usual custom," was the reply, "he would name Senator BORAH, because it was Senator BORAH whose resolution for an armament conference really started this whole matter."

"But he is a fanatic," was the complaint of Lloyd-George. "We never could get along with him. Is there anyone else who is likely to be named?"

"Senator Knox," was the second suggestion. "He is a former Secretary of State, a leader in the Senate, and an authority on international affairs."

"He is too pig-headed," was the explosive comment of the British premier. "Why does not President Harding name some one like Elihu Root? We could deal with him."

In this connection, I call attention to a fac simile letter which was printed on March 19 in the New York American, on the letterhead of the United States Senate, Committee on the Philippines; in the upper left-hand corner, "Warren G. Harding, Ohio, chairman."

JUNE 30, 1919.

Mr. WILLIAM F. BREWSTER,
Edison Building, Chicago, Ill.

MY DEAR MR. BREWSTER: Permit me to make grateful acknowledgment of your gracious letter of June 28.

We seem to be in essential accord about the League of Nations, and I quite agree with you that it has been helpful that we had pioneers in attacking the plan which has been negotiated by the President.

I have been very much interested to note the contents of your letter to * * *. What especially attracted my interest was your reference to Mr. Root. I join in paying very high tribute to Mr. Root's commanding ability, but I agree with you that he is not infallible and I am perfectly frank to say he has not been so helpful as he might have been in dealing with this matter, if he had been free from professional entanglements which have committed him more or less to the League of Nations plan.

Very truly yours, W. G. HARDING.

I think the two statements fit somewhat into the Senator's remarks.

Mr. WATSON of Georgia. Mr. President, they do. I had a photographic copy of that letter in my hands or on my desk when I spoke here the other day; but it had not then been made public property, as it has now been, and it has always been my conception of propriety to not use a private letter in public without the permission of the person who wrote it; and not having that permission, and the letter not then being public property, as it is now, I did not feel free to comment upon it. What the Senator from Missouri has read into my remarks exactly tallies with what I was saying. The English Government wanted Mr. Root because he is their lawyer. He is the attorney for the Anglo-Japanese alliance, and he is the attorney of the J. P. Morgan banking house. He is the attorney of the international bank, and behind all of this drive are the international bankers who mean to exploit China, Siberia, and that island which, it is said, has as much mineral wealth as Mexico—Sakhalin. It is virtually a part of the mainland of Russia, but our negotiators said it was six or eight hundred miles off.

Mr. President, the Senator from California [Mr. SHORTRIDGE], answering a question put to him by the senior Senator from Missouri [Mr. REED], stated to the Senate that he had run on the issue of the League of Nations, but he considered this nothing of a league and that therefore there was no inconsistency in his supporting this while he opposed the other. To show you how careless have been those who wrote this treaty and who have spoken about it, he put into the RECORD a clause which states that the United States do not assent to the mandates given to Great Britain and to Japan at Paris—mandates over those 25,000 islands in the Pacific Ocean. Why, Mr. President, the Yap treaty contains the express language "The United States consent to those mandates." Which of these was written first? Here is the supplementary treaty, the declaration accompanying the above four-power treaty. It says the United States do not assent. The Yap treaty declares that the United States do consent. Which was written first? Were they written by the same man? Why could he not remember what he wrote?

The Senator from California asked, "What is mysterious about this?" Well, I think that is mysterious. In the one, where we are told it is merely a matter of laying a cable on the way to China, the United States are made to consent to those mandates—to consent so far as Japan is concerned in express terms, and by implication to consent to Great Britain, because we can not consent to the one and deny the other. That must be manifest to every intelligent mind. Yet here we have these two treaties. The cable company Japan may control by buying up a majority of the stock, and censor all the news that we send to the East, and all that the East sends to us. In the Yap treaty we consent to those mandates which carry out the secret agreement which Mr. Balfour denied, and which, if we had known, we would have required to be abrogated before ever we sent our boys abroad to die for France and for Great Britain. In the one we say we will not consent; in the other we do.

And whispering I'll ne'er consent—consented.

What sort of attention was paid to our national honor and our interests when Singapore, at the end of the Malay Peninsula on the China Sea, was classed as a Pacific port—a port of transit through which passes the commerce of 500,000,000 people on the one side and 500,000,000 on the other, one-third of the human race?

Mystery? Why, there is mystery after mystery in this treaty. The Borah resolution did not call for anything but disarmament, and the whole country got the idea that we were going to have peace, peace, no more wars, and there was a grand flourish and a fanfare of trumpets at the opening of the conference in the hall, as I understand, where they were guests of the Daughters of the American Revolution. I wonder if those noble, patriotic women dreamed that as their guests these men were going to conspire to surrender the independence, the glories of the Revolution, which that order was founded to keep fresh in the memories of succeeding generations!

We heard about the naval ratio, 5-5-3. We heard about the tariff that China was to be allowed to increase slightly. We heard about the submarine, the poison gas, and all the rest of it. The one thing we heard not one whisper about was this surrender of American freedom; because you do surrender freedom when you tie your hands in a four-power pact or a pact with any other number of powers. It can not be denied. If you go into any kind of organization, church or lay, you surrender part of your individual independence. In becoming members of society the individual is assumed to have been willing to surrender a part of his individuality to get the protection of the whole. That is the very basis of society; and what is true of a society composed of individuals is necessarily true of a society composed of nations.

With whom are we going into a combination and against whom? We are going into a combination with a pagan Empire which is now waging war upon a Christian-converted country, Korea, and is making war upon a great Greek Catholic Empire, Russia. We are paganizing ourselves to assist the Buddhists to rob the Christians of Russia and Korea. Can that be defended in any forum where reason prevails?

Mr. STANLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. WATSON of Georgia. With pleasure.

Mr. STANLEY. I have heard much of this pagan alliance with Japan in answer to the beautiful beatitudes connected in a smoky and vague way with this treaty. The inference is that we are united with our Christian brother, England, in the spread of the spirit of the Redeemer throughout the world. I wish to ask one of the greatest historians who has ever adorned this body whether I am not right in the statement that from the day the first Christian perished on the bloody sands of a Roman arena, until the last Christian gave his life rather than burn incense before the altars of Diana, in one year, in a single 12-month, Great Britain has caused the death of more Christians by Turkish brigands and Turkish janissaries than ever fell before all the powers of all the Neroes and all the Domitians and all the Tiberiuses that ever made war upon the Christian faith throughout the whole history of the Roman Empire?

Mr. WATSON of Georgia. That is true, Mr. President, and a comparatively recent illustration of it is this: That the Crimean War was fought for the purpose of maintaining the rule of the Turks who had committed all sorts of atrocities against the Christians in the Balkan Peninsula and against the Christians in Armenia.

Mr. STANLEY. At that point, not to interrupt the Senator, I often wondered why——

The PRESIDING OFFICER. The Senator from Kentucky will address the Chair first to determine whether the Senator having the floor will yield. That is the procedure which must be followed.

Mr. WATSON of Georgia. I gladly yield.

Mr. STANLEY. I anticipated no trouble there.

The PRESIDING OFFICER. It is not a question of anticipation; it is a question of a rule of this body.

Mr. STANLEY. If I have stepped incontinently on the toes of the Presiding Officer I most humbly apologize; it was not intentional.

The PRESIDING OFFICER. There is no apology needed. It is only a question of following the rule. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. WATSON of Georgia. With pleasure, Mr. President.

Mr. STANLEY. Mr. President, may I interrupt the Senator from Georgia?

The PRESIDING OFFICER. The Senator from Georgia yields.

Mr. STANLEY. We are as highly technical as this treaty. I often wondered why, at the foot of that beautiful poem now quoted in all our textbooks, "The Charge of the Light Brigade at Balaklava," where

Cannon to right of them,
Cannon to left of them,
Cannon in front of them,
Volleyed and thundered,

While the Six Hundred went to death and to immortality, they did not write, "Not one of them fought or one of them fell, not one of them gave his red and heroic blood, in order that a pagan Turk might murder a Christian with impunity in Armenia, under the ægis of that Christian and canonized nation, Great Britain."

Mr. WATSON of Georgia. Mr. President, that is quite true. The net result of the Crimean War was to continue the power of Turkey; but we need not be surprised at anything done by Great Britain; and when I say that, I mean the governing powers there, the oligarchy. I do not mean the people, because by blood I am an Englishman myself.

Mr. STANLEY. So am I.

Mr. WATSON of Georgia. But the governing power there is like it is in so many other countries—it represents caste and privilege and organized wealth, disregarding the rights of the masses and the true interests of civilization.

I was about to refer to Russia when my friend, the Senator from Missouri, got in. How does anybody know that Russia will not come back within 11 years? How does anybody know that her armies will not be marching toward the Arctic Circle, within the next week or the next month, to hurl the Japanese away from what is really the Russian mainland, not only in Siberia but in the island of Sakhalin, which, for a part of the year at least, is connected with the Russian mainland, and which is as much the property of Russia as Alaska is ours?

In that case, then, we will be bound to raise another expeditionary force, and again have American blood reddening the snows of Siberia. We may have again another blockade of the Russian coast, reducing noncombatants—men, women, and children—to the agonies of starvation. Stranger things have happened. We did not think we would get into this World War, but we did, and we are not out of it yet. I wish to God I could see before me far enough to fix the time when we will be out of it, and out of its direct and dire consequences.

Senators on the other side say that there are no words in this treaty which bind us to an alliance and commit us to sending military and naval aid to repel the aggressions which some fifth power may make on one of these four. No, the words are not there. Elihu Root and Arthur Balfour were too shrewd to show their cards. They dared not write those words expressly in the treaty. They wanted the American people to be duped. They wanted the American people to believe that this treaty meant peace, the end of war. Therefore, with the cunning of a shrewd lawyer who had been cunning enough to keep out of the penitentiary some of the worst criminals that ever trod the American continent, this shrewd lawyer wrote words which, while I think they convey his meaning, are not so very plain as to catch the attention of the ordinary American reader, who suspects no guile, because, as a rule, the American is not a man of guile.

Going to another point, American missionaries, American Bible women, American school-teachers, American surgeons, financed by the money given in our churches by consecrated Christians, had turned Korea into a Christian land, which led our great Georgia Methodist missionary, Warren Candler, to say that St. Paul never had such an opportunity in his life as we had in Korea. At Seoul the Christians had one of the most magnificent universities on the globe. They had thousands of schools, thousands of churches, millions of devoted converts. The Buddhist Japanese have been burning those schoolhouses, burning those churches, burning the worshippers in the churches, butchering the converts, torturing the girls, torturing the boys, torturing the men, torturing the women until the horrors of the Dark Ages have been excelled; and we are becoming partners to it. It was going on while these conferees were sitting as guests of the Daughters of the American Revolution. Was there any protest, any remonstrance, any expostulation? Not a word. On the contrary, we were so tender of the feelings of these Buddhists that the chaplain, the Christian chaplain who opened the session with prayer, was not allowed to mention the name of his Lord and Saviour, Jesus Christ. Surely we must be very much afraid of Japan.

Do not Senators argue here, on both sides of the aisle, that there was a great emergency upon us, a great danger from the Anglo-Japanese alliance? Do they intend to go before their constituents in the fall election——

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. WATSON of Georgia. With pleasure.

Mr. STANLEY. The Senator from Georgia, with perfect respect to both! Again invoking the profound knowledge of history of the Senator from Georgia, does he know of another instance in the history of the world except the opening of this conference where God Almighty was ever insulted by a doctored prayer?

Mr. WATSON of Georgia. Mr. President, I do not know of any such instance. If somebody wanted to censor the prayer of our Chaplain, the worthy Doctor Muir, there would be a riot on the floor of the Senate. I wish to know what line of defense the senior Senator from Ohio [Mr. POMERENE], who is soon to go to the judgment bar of public opinion in his State, will take, able lawyer that he is, when he is asked to explain why he virtually indorsed the striking out of the name of Jesus Christ from a Christian prayer. I would like to know upon what line of reasoning he is going to defend himself before the brave people of Ohio after having stated here that we must vote for this abomination, this surrender of our perfect, unfettered freedom, because we are afraid of Japan.

I, for one, would not dare to go back to the State which I have the honor in part to represent here and tell my people there that I made the plea of a coward, in behalf of cowards, and based my action upon craven cowardice.

The very women would beat me off the hustings with their house brooms. But that is the attitude taken on the other side of the Chamber, and the attitude taken on this side by those who advocate this abominable departure from historic American policy which has made our country the most powerful in the world.

The PRESIDING OFFICER (at 9 o'clock and 1 minute p. m.). The Chair is obliged to state to the Senator from Georgia that his hour has expired.

Mr. WATSON of Georgia. Have I 30 minutes more?

The PRESIDING OFFICER. The Senator has 30 minutes on the pending amendment.

Mr. WATSON of Georgia. I will address myself to that, at once.

As I was saying a moment ago, they have told us that this is an alliance or agreement or compact to confer, as the junior Senator from Missouri [Mr. SPENCER] said, "an agreement to get together and talk." Why was any agreement needed for that? Men can always talk; so can women. Why was any agreement necessary for that? If the propagandists put this over, they will have 11 years in which to perpetuate its life by similar methods. If what the people said at the polls in November, 1920, can be so soon forgotten, what will be forgotten before the 11 years are up? The propagandists, the invisible powers, the irresistible force that can put this thing over, can put anything over, including a life term for the President, which will be a thinly veiled monarchy—and that is the goal toward which we are tending.

The Senator from California [Mr. SHORTRIDGE] declared his belief that the Japanese question on the Pacific coast would not be affected by this treaty. Why, Mr. President, this treaty throws the case into the jurisdiction of a court where Japan will have greater influence than ourselves, because she is a member of the League of Nations, into which she could drag us to try that case, and the league does not love us, for we did not join it. Her case will virtually be tried by herself.

She will be the judge of her own case. Is not this a Pacific question? The treaty expressly states that Pacific questions shall be the subject of conference and of adjustment. She need not try it in the conference composed of the United States, France, England, and Japan. She can summon the United States to plead before the bar of the council of the League of Nations, and if the United States refuses to answer the summons to obey the process our refusal will be an act of war, and every one of the 50 nations in the League of Nations will at once become our enemy under the covenant of the league.

The junior Senator from California said that the treaty binds us to no more than to respect the international rights of other nations. International law does that much. To trample upon the rights of another nation is a cause of war under international law, and it was that which caused President Wilson in his address to Congress to ask for the declaration of war that led us into the European conflict. That is international law. They need not to juggle behind closed doors, whispering to one another, week after week, to reach that point. International law does it. We do not need four powers to agree on that. That is the law applying to all the powers.

The junior Senator from California, who was elected as an opponent of the League of Nations, said that international law allows the State of California freedom of legislation against the Japanese. I dispute that proposition. I know he is an able lawyer, a gentleman for whom personally I have the greatest respect and with whom I live upon the most cordial terms here in the Senate. But, Mr. President, the international law, as he will find it in the standard authority of Hall, sixth edition, pages 211 and 212, says that no State of this Union, nor

can the whole Union, under international law pass any statute which discriminates against any one country. The law must be uniform. It must apply alike to all. That is in international law.

In the case of a question arising as to whether Japan's nationals are being treated on an equality with the nationals of France, England, Germany, or any other country, Japan decides that question for herself. That is the principle of international law. See what dangers there are in the California question, a Pacific question under international law and under this compact.

As I have said once or twice previously, the old fight, so arduous, so long, and so self-sacrificing, that our forefathers made to win our present freedom thrills me with its memories and inspires me to make one more effort to arouse public sentiment against this abject surrender to Great Britain and Japan. I would like to see our country always free, worthy of the struggles of our forefathers. In the old country a man of my name, of my family and my blood, refused to take office under King George III until he had promised to allow his Prime Minister to recognize the independence of these struggling Colonies. At the same time that he was doing that in the old country my immediate ancestors in name, in family, and in blood were giving their lives to win the independence which has been our proud heritage.

Liberty lighting the world! And now we league ourselves with those who are trampling out the liberties of the world in India, in Korea, in China, in Siberia, in Syria, and in Mesopotamia. When the time comes that we can no longer sing the Star-Spangled Banner, when the flag no longer waves in the sunlight or in the evening's glory, when this no longer is "the land of the free and the home of the brave," I for one would rather be at the bottom of the narrow home where some day my bones must rest.

> In the beauty of the lilies Christ was born across the sea,
> With a glory in His bosom that transfigures you and me:
> As He died to make men holy, let us die to make men free.

Has that old spirit died out? Is the spirit of seventy-six gone? Is it all over, this dream of a free Republic? Is it all over? It seems so, Mr. President; it seems so! We are going into an alliance with the greatest enemy of human freedom that ever built an empire.

Think of their hiring East Indian negroes to burn and ravish day after day and night after night the coast and towns of Virginia. Think of their hiring savage red men to burn, to slave, to scalp, to tomahawk men, women, and children in the South and on the northwestern frontier. Think of their burning this Capitol, burning the White House, stopping our ships on the high seas, seizing American sailors and driving them into involuntary servitude on the battleships of England. Think of the way they murdered millions of Chinese to force the opium trade on them.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. WATSON of Georgia. I yield with pleasure.

Mr. STANLEY. While the Senator is recounting the interesting history of the employment of negro slaves to turn rapists and murderers in Virginia, of red savages to massacre women and children, and of the hiring of the Prussian hordes, I would like to remind the Senator, just to make his picture complete, that the only reason why we did not suffer the horrors of 20,000 Russian cossacks at the same time was because Catherine II—yes, even Catherine II—had too much decency to sell them to George III.

Mr. WATSON of Georgia. I accept with great pleasure that addition to what I was saying.

Would that I had the time to give the Senate and the country something of the public morality of Japan. It is the only country on earth where a candidate for high office publishes the fact that he has been indorsed by the lawyers, by the merchants, by the bankers, and by the prostitutes. I can see where the lawyers might come in and the bankers and the merchants, but how the prostitutes got in I do not know. Japan is the only country on earth where a candidate publishes the testimonial of the head woman of the guild of prostitutes, because they are organized in a guild, these gilded women. It is the only country on earth where a man near to the Emperor published a defense of the foul, cowardly assassination of the Queen of Korea. He had no conception of the moral turpitude of that deed. We could form an idea of the character of such a defense if we could suppose that some American lawyer had published a defense of the assassination of President Lincoln.

Oh, I suppose we are going in. Politics make strange bedfellows, but it never made a stranger one than when we took in a country where they elect the man vouched by the prostitutes. I feel like crying, "Come back to us, Bayard, the knight without fear and without reproach." I feel like the country needs a new baptism in the old doctrines of Americanism for which our fathers fought, of which our statesmen thought, for which our workmen wrought, and which have been the warp and woof of our greatness.

Mr. REED. Mr. President, I am perfectly aware that the only purpose any remarks may have at this point in the debate will be to, in a way, sum up the arguments that have been made and to state the case as it has been clarified by debate. It is too late to change votes in the Senate. It is, perhaps, not too late to enlighten the country.

When the League of Nations compact was before the Senate, the valiant leader on the Republican side fought for time; he exhausted all the ingenuity of his great mind in seeking to gain sufficient time for action by the country. Time was gained; and whether the opponents of that treaty were right or were wrong, a question which I do not propose now to stop to debate, the country was finally permitted to express its voice.

If the last election had been fought out between a four-power alliance and the League of Nations—that is, between a four-power alliance and an alliance of 48 powers—who shall say that Warren G. Harding would have been elected President of the United States? The issue presented to the American people was not that issue. The issue presented to the American people was a League of Nations, whose opponents claimed it to be an alliance with foreign powers, and a candidate who declared on a hundred platforms, and, I think, a thousand times on his own front porch, that he was opposed to every form of entangling alliance. That verdict rendered, he came before the American people in an inaugural address, in the opening paragraphs of which he renewed his pledge of faith to America and to Americanism and reasserted his adherence to the doctrines of George Washington.

The country was lulled to sleep, the sleep of confidence. There was born in the hearts of good men and good women everywhere a desire to limit the horrors and ravages of war and to lift from the taxpayers' heavily burdened shoulders the weight of military establishments.

A resolution was introduced in the Senate by the distinguished Senator from Idaho [Mr. BORAH] calling for a conference looking to the reduction of armament by the principal military powers of the earth. So much was the administration set against that resolution that every power of the administration and of the special representatives of the administration upon this floor was brought to bear to prevent the passage of the resolution. It was only because the determination, the eloquence, the zeal of the Senator from Idaho became irresistible that the administration finally yielded and called a conference for the purpose of considering the reduction of armament. That was a question upon which there was no division of opinion among thinking Americans. The American citizen was for a reduction of armament. All that he asked was that the United States should be left in a position of reasonable security. The American citizen and the Members of this body are still of that opinion.

The conference, we asked, should be held in public; that star-chamber proceedings and dark-lantern methods should for once be abolished; and that the people of the world, who were the parties concerned, should not be kept in ignorance of what their temporary representatives might be doing. We were assured on this floor by the distinguished leader of the Republican side that if the resolution demanding publicity of all matters should be modified so that it was not absolute in its terms the proceedings would be made public in all possible respects.

We had a grand entry, something like the grand entry of a circus, when the band plays and all of the actors appear in their variegated uniforms. We had some speeches, which, of course, told us nothing, except that the world was about to be regenerated and redeemed, and that the sun of the millennium was just painting with glory the horizon of the immediate present. Then the foreign delegates retired into the closet. Sometimes they took with them the American representatives and sometimes they did not, and when they had determined upon a course of policy and fixed what was to be done they came before the public with another grand entry and another flourish of trumpets and another beating of drums and told us what they had done to us; but no one, not even the representatives appointed from this body, pretends to tell us the debates, the history of the negotiations, the demands made upon us by other powers, or the reasons advanced why particular contracts should be made.

But the people were still having their eyes directed toward the sun of peace, toward disarmament, when suddenly, out of the dark, out of the silence, out of the mystery, we were confronted with a four-power alliance. That was followed by a

proposition to turn over to Japan and Great Britain 26,000 islands in the Pacific Ocean, and the people were told only that we were dealing with reference to Yap, and we were told that the only interest we had in Yap was a telegraph pole or two.

That was followed by a disarmament proposition which I demonstrated a few days ago upon this floor—not by my figures, but by the figures of high experts—leaves Great Britain with at least 20 per cent advantage on the ocean as against the American Navy, takes from us the right to fortify the Philippines or to fortify Guam, places the Philippines in a position where they can be taken overnight by Japan, places Guam in a position where it can be taken overnight by Japan, and once taken and once fortified America never can retake the Philippines, never can attack Japan in her home islands or successfully attack Japan's fleet, even though we may have chased it across the Pacific Ocean, and all of this for the very simple reason that no American battleship or any other battleship can sail 6,000 miles of ocean and be prepared to fight a battle, first, because it will not have sufficient fuel to return to its base, and second, because the bottoms of the vessels will be so foul that they can not be successfully navigated in a sea fight. In addition to that is the Chinese treaty—a treaty which denies to China the right to fix her own revenues or to exercise the powers of an independent nation.

This, then, is the outcome of all this treaty making. The American people do not know it to-day, but the American people will know it, and know it in the near future. Propaganda may succeed for an hour; misrepresentation may have its day of success, but in the end the American people will find out the truth regarding every proposition. I hesitate not to say, though I claim not the gift of prophecy, that not a Democratic convention will meet in the United States in the next 12 months or the next 2 years which will not condemn the four-power pact we are considering to-night, and I do not hesitate to predict that great multitudes of American citizens who, regardless of party, voted against what they believed to be an entangling alliance will stand more true to their principles than the irreconcilables who quit the flag of their country when the flag of their party was held above them.

Mr. President, what is the four-power treaty, the four-power alliance? Its language has been quoted over and over again; but I want to take the time very briefly to read the four-power pact when we strike from it language that is practically surplusage. Follow it:

> With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean * * * the high contracting parties agree—

Notice, first, that they have in view the preservation of the general peace, and that general peace is to be preserved by this alliance; not a peace between the four parties to the treaty, for if that had been the case the language would have been "with a view to the preservation of the peace between England, France, Japan, and the United States." That is not the language. The language is, "with a view to the preservation of the general peace."

I continue reading:

> And—

In addition, now, to preserving the general peace—

> And the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

So there are two objects: One to preserve the general peace; the other to preserve the rights of these four nations in the Pacific Ocean.

> Article I:
> The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

That is one of the objects, and that is met by an agreement between the parties with relation to their insular rights. Then we come to article 2, which deals with the other portion of the preamble, which I read:

> If the said rights—

That is, the rights of any of these parties—

> are threatened by the aggressive action of any other power, the high contracting parties shall communicate * * * in order to arrive at an understanding—

As to what?

> As to the most efficient measures to be taken—

How?

> to be taken, jointly or separately, to meet the exigencies of the particular situation.

Mr. President, there is nothing in human language that more clearly outlines the fixed purpose of these powers to stand together in the Pacific Ocean, and, in case of an attack, to meet and agree as to the most efficient means to be employed to repel that attack. What is the most efficient means that can be employed to repel an attack? Clearly, you can not repel an attack by a great navy by passing a resolution. You can not stop the advance of armed ships by a verbal protest. There is but one way, one efficient means—and they are to agree upon the most efficient means—and that is a superior navy, superior guns, superior metal. The man who will stand and try to construe away the plain meaning of those words I will not say is dishonest, but in my opinion he has a mentality that it is not safe for him to trust to take him home at night without a guide, or else he is dishonest. Every man who reads those words, every statesman in the chancelleries of the world, understands what those words mean.

Mr. President, what are we told? We are told, first, that the treaties are all-powerful; that they insure the peace of the Pacific. We ask: "Why are they powerful?" and we are told because this is a combination of the power of the four great fighting nations of the world. Then we inquire if that be not an agreement in the form of an alliance, because if there is no agreement to do those things there is no aggregation of power; for aggregation of power implies the agreement to employ the power, and how the power shall be employed. The moment we confront our friends with that argument—the obvious, the clear, the certain argument—to what position are they driven? They say: "It is not an alliance. We have agreed to do nothing. The other nations have agreed to do nothing." Then the answer is: "If we have agreed to do nothing, and the other nations have agreed to do nothing, then the agreement amounts to nothing, and your declaration that the peace of the Pacific is assured because of a great combination of power is a false argument, is an untrue argument, is a miserable deception practiced upon the people."

There is and there can be no escape from the one or the other of those conclusions.

Finally, this afternoon, when the Senator from Idaho was pressing this same point home, the Senator from Wisconsin rose and proceeded to place the matter one step farther from any effective agreement, for, said he, there is nobody appointed to meet with the other nations, and consequently there is not even any machinery to bind us, there is not any individual authority to bind us morally or otherwise. In other words, we have made an agreement that we will meet and we will agree to do something, and nobody is bound to agree to do anything, and if they do agree to do anything, they are not bound to do it; and, second, there is nobody to meet to agree to do anything, consequently we have as a sum total this result, the addition of two nothings together, a great power that will protect the Pacific and keep the peace of the world.

If that be not idiocy refined, if that be not chicanery reduced to the thousandth power, if that be not subterfuge practiced in the most impudent manner in the face of the American people, then I can not understand what is subterfuge, and I can not see that which is crooked.

Then they tell us it is only a moral kind of an obligation, that if we meet and talk things over we may agree and we may not agree; we will do as we please, and we will get all through, and when we ask what security that gives us, they answer, "None." Yet, on the strength of that security, we are asked to scrap our battleships, to yield our bases, to give up the possibility of protecting our possessions, upon the strength of a thing which they say is a mere moral obligation.

Mr. President, I heard some arguments of that kind made on this floor when we were discussing the League of Nations. I heard some men, not all, say that there was nothing but a moral obligation, that we had not agreed that we would carry out any arrangement which might be made as the result of conferences or agreements, the language in that instrument I am now discussing being almost identical with the language which is employed in this instrument. When that argument was made, it was not the true argument, for the true argument of any man supporting the League of Nations was that it was a league of such power that it could enforce its mandates, and that if it rendered wise decisions and could enforce them, there would be a wise result. Those who took the other ground were the quibblers, who were afraid to face the issue that they were willing to create a great aggregation of world power. When those quibblers advanced that argument they were met by an argument, and I want to read the argument that was hurled in their teeth. Senators will find it in volume 58, page 5221, of the CONGRESSIONAL RECORD, and it was uttered on September 11, 1919.

Let every man make the distinction that he prefers.

This orator was discussing the argument to which I have referred.

A contract is a contract, a covenant is a covenant, and if this Republic does not mean to do as it promises, it has no business to make the promise.

There is no language in the covenant more plain than article 10. Either it means what it says and obligates the member nations to go to war in defense of a member nation, or it means nothing at all. *If it leaves any member nation free to exercise its own judgment as to the merits of any attack,* it does not guarantee the territorial integrity or peace of any nation. *It is worse than phantom; it is the mirage that lures nations thirsting for peace to the very desert of cruel destruction.*

Who said that? Warren G. Harding, who now stands sponsor for a compact the defenders of which on this floor are driven to make the same argument Mr. Harding then answered as a Member of the Senate, namely, the argument that we enter a compact and are not bound; that we agree to do something and at the same time do not agree to do it.

Further, he said:

Ours is truly an expanded influence and a world interest, but there is yet for us a splendid isolation. * * * The people of this Republic were not concerned with governing the universe. Their interests, their hearts, their hopes, their ambitions, their weal or woe—all of these are in the United States of America. We wanted nothing abroad but respect for our just rights, and that we mean to have, in peace or war, no matter who threatens.

It would have been so easy, if our commission had thought of America first, to have said to the allied powers, "Look here, friends and allies—yes, and to enemies as well—we came over and helped you bring an outlaw to terms because he trespassed our rights beyond endurance. He is humbled now, and it is yours to restore order and make a just and abiding peace. We want peace, and we want to go to work and replace the waste of war. We will advise, if we can and you wish it, but we are asking nothing, and we will go back home and see to our own affairs. *We do not mean to mix in again, unless some bully in making a row infringes our rights and murders our citizens and destroys our lawful property. In that event we will be forced to come back, but we will come more promptly the next time." That would have left a good impression, and we would have been at peace, and so would Europe, months ago.*

"We do not mean to mix in again, unless some bully in making a row infringes our rights," and behold, the sun has not circled the earth for one year until we are mixing in again, though no bully threatens our rights. We are mixing in with foreign nations in foreign affairs, and agreeing to unite with them in defense, if you please, or in an attack, if you may, of other powers.

Mr. President, some Senators discussed this same doctrine which the now President was discussing. Some of these Senators to whom I shall refer were then known as "irreconcilables." How brave they were; how valiantly they stood and declared that, regardless of party, and not because of difference in party, but because of love of their country and their respect for the traditions handed down by Washington and Jefferson and the other immortal dead, they were standing against every form of alliance. How valiant those "irreconcilables" looked as they charged over the wall, as they bravely held the line, as they stood foot to foot and elbow to elbow, invincible and unyielding. Now, behold the crowd of reconcilables into which they have been transformed. How tamely they take to the leash. With what subservience they bare their backs to the party whip. How readily they bow their necks to the master's yoke. They are all absent to-night. I wanted to say this in their presence, but there is not one of them but feels to-night like any other man would feel who turned his coat and exposed a very disreputable lining.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from California?

Mr. REED. I yield.

Mr. JOHNSON. I wish to make merely one observation. Does not the Senator realize that if this treaty had come to us from Woodrow Wilson, instead of four votes on this side against it there would be 40 votes against it?

Mr. REED. Undoubtedly. I want to say about the "irreconcilables," that there are about five over there who stayed true to their colors, thoroughbreds; men who have in the past shown that they have no master except their conscience and their God. Of course, everybody in this country knows who they are; I do not need to name them.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kentucky?

Mr. REED. Certainly.

Mr. STANLEY. I recall very vividly that these temporary irreconcilables were engaged at that time in throwing great big bouquets at the Senator from Missouri for doing what they would no more dare to do than a rabbit would dare to spit in a bulldog's face.

Mr. REED. Mr. President, as I stood then doing what I believed to be my duty, opposing a plan of a Democratic President, for whom I had a great respect, opposing it because I believed the international agreement which he proposed was full of danger, I remember making arguments in which I asserted that we could not, even in an agreement where there were 48 powers, place ourselves in any manner subject to the influence of the vote of Japan, and when that question came before this body a speech was made by one of the "irreconcilables" on the other side of the Chamber. Let me read it to you:

Ostrichlike, our Government has declined to recognize that the promises of the great Asiatic military power fronting our Pacific coast are to be measured by her performances in the past. By that measurement the promises are worthless.

Although "enlightened expediency" may stop the ears of the American peace delegates, the Senate can not be deaf to the truth. *For 35 years Japanese foreign policy in Asia has been one of consistent perfidy and aggression. I defy anyone to make candid answer to that charge. The wonderful material advance of Japan was contemporaneous with that of modern Prussia, and in close imitation of it. Japanese society, the Japanese constitution, the Japanese junkerthum, the Japanese monarchy, the Japanese Army, all have been molded in Prussian lines. The diplomacy of Japan has been patterned after that of Frederick the Great in its disregard of truth, solemn pledges, and human rights. If anyone doubts this, let him review his own memory of Japan's relations with China and Korea, her secret and now discovered violation of the pledges exchanged with the Government of the United States.*

The man who made that speech was the distinguished Senator from Illinois [Mr. McCORMICK], one of the "irreconcilables." To-day, if rumor is to be credited and if his attitude here is to be credited, he proposes to vote for a treaty with this power that breaks treaties, with this power that is without conscience according to his own words, with this power that does not regard treaties even with the respect due to a scrap of paper, and upon the strength of the written promise of this Nation that he has denounced in these burning words he proposes that we shall junk the battleships of America and shall repose our trust in that nation's plighted word.

Mr. President, I am wondering where my friend from Illinois is to-night; and he is my friend. He came to my State. He made speeches denouncing every form of alliance. He declared that this country is America, and that America should observe the teachings of George Washington and there should be no alliances of any kind whatsoever.

I wish to insert in the RECORD the remarks of the Senator from Connecticut [Mr. BRANDEGEE]. I shall only take the time to read one sentence:

The United States should keep itself in such a position that if it must go to war it may go to war in behalf of such peoples and principles as it itself may decide on at the time, and not permit itself in advance to be dragged into a foreign war upon the side or upon the conditions determined by an international foreign council sitting in secret upon which we will have only one vote.

That is exceedingly applicable to the case in hand. When we sit down to this conference it is to be a conference. The man who sits down in the conference and says in advance that he intends to confer, but intends to be bound by nothing, morally or otherwise, is a dishonest scoundrel who has no business at the council board. If you are not there to counsel and if you have agreed in advance to agree, if you then propose to say, having agreed to counsel and having agreed to agree, that you do not propose to do anything you have agreed to do, you are a trickster and a juggler of words, an unworthy thing.

I ask that the remainder of the remarks of the Senator from Connecticut be inserted in the RECORD without reading, together with brief extracts from the remarks of several other Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. BRANDEGEE. Dragged into this league, as I said, with the Senate claiming one interpretation of our obligations, or denying that we are obligated at all, and the President of the United States, the Commander in Chief of our Army and Navy, the man who appoints all our ambassadors and ministers abroad, claiming that we have assumed the obligation, who is to decide it? The compromise modification of the Lodge reservation provides that the Congress then, "under full liberty of action," shall decide in each specific instance. In what does the "liberty of action" consist?

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* * * Why men of honor and good faith only have such liberty of action under those circumstances as would consist in repudiating every practicable means by which the obligation which we have sacredly assumed could possibly be carried out. Is that the sort of camouflage that this mighty Nation of 110,000,000 of Christian people want to take refuge behind in this hour of the world's civilization, when the violation of the sanctity of an international treaty was the cause of all the death and destruction from which we are just now emerging?

Is that the Janus-faced, deceptive quibbling that this Nation wants to make as a guaranty of its good faith under the higher morality of the dawn of a new day? Such a course as that, it seems to me, would be a blot upon that Starry Banner back of you, Mr. President, which could never be eradicated from the flag or the history of this country. Call it moral or legal, it would be a plain case of dishonor, of leaving your accomplice in the lurch in the time of trouble.

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Mr. President, if we assume the obligation, or any part of it, it is inevitable that we shall be drawn into a complete fulfillment. Nations in common danger can not quibble with each other about the

exact proportion of the forces that they shall render for the common cause. With the rest of the world financially embarrassed, as they are, some of the countries bled white, and we—the richest and most powerful of all—we can never deny to the call of anguish, if we are obligated at all, that we are obligated to the extent necessary to accomplish the purposes of article 10. We are their reliance, as they say. You do not hear one of them over there but what says they must have us. (Mar. 11, 1920; vol. 59, pp. 4175-76, 66th Cong., 2d sess.)

Mr. POINDEXTER. The ancient and modern policy of America, from Washington and Jefferson down, has been to keep ourselves free from foreign entanglements. How can the President honestly tell the people that a League of Nations which obligates us to participate in every important European quarrel is not a violation of these ancient principles? I think he has told them that; but how can he do it? Under these unwritten laws of our foreign policy we have grown great; we have been free, prosperous, and happy; and we have been able to render valuable service to the world under these ancient muniments of our foreign policy. Why does the President suppose that our condition would be improved, or our ability to render service to the world would be increased, by an abandonment of these policies?

* * * * * * *

It is not so long, Mr. President, since our fathers made their desperate but successful struggle to free our States from a union with European powers. When the President now utilizes the powerful and almost immeasurable influence of his great office to bring about the formation of a union with European powers, is he not desecrating the memory of the fathers of the Nation? Is he not betraying the most sacred trust of his office?

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The President says, in his stately style, "Put up or shut up"; accept the League of Nations or offer a substitute for it. The opponents of the League of Nations offer as a substitute for it the Constitution of the United States, the Declaration of Independence, and Lincoln's "government by the people." That is the substitute for a league of nations.

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When Washington was sharing the sufferings of his men in the gloomy winter of Valley Forge there was no doubt in his mind as to the alternative for a union with a European power. Washington's alternative was to sever the union. That was what he was fighting for. That is what he and his soldiers suffered for, and that is what is involved in this issue before the American people to-day.

Now, when a European union is again proposed, the alternative is to reject the proposal and pillory the man who proposes it. If a rattlesnake is about to strike you, would the President ask what alternative you have to propose? The alternative is to kill the rattlesnake. When the President asks this question, does he not know that the alternative to the wars for which he is even now enlisting American boys to be carried on in Asia and Europe under the League of Nations, the hate they will engender, the burdens of taxation on the backs of the poor, the bereft parents of these sons, the widows and orphans of those who would carry out the mandate of the League of Nations on a fool's errand in Asia, the supreme sacrifice of all this, as the President characterizes it—does he not know that the alternative of all this misery and folly is the peace which we have earned in a victorious war that is now finished?

Will he not be frank and tell the people that the "old order," of which he said at Suresnes we were ashamed, brought us the supreme happiness of mankind? If the President is ashamed of our past, as he says he is, does he not know that our people are not ashamed of it?

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* * * It was anathema to the great leaders, the greatest who ever lived in this or any other country, the statesmen who founded this Nation upon the natural rights of man, and preserved, through Lincoln, government by the people, to entangle ourselves with European affairs in a League of Nations. We had none. And when, during all that period, did we ever live in isolation from the rest of the world? He says we must live in isolation from the rest of the world or have a League of Nations. We have lived to the present time without a League of Nations, and we have never been for one moment of that time in isolation from the rest of the world. The man who says so is deceiving the people. (Sept. 8, 1919, CONG. REC., vol. 58, pp. 5027-5028, 66th Cong., 1st sess.)

Mr. POINDEXTER. The argument that Japan would have a cause of complaint against us if we do not agree to the transaction is quite transparent. We are under no obligation to Japan in regard to Shantung, and yet it is said by writers and speakers of influence that if we do not sign this treaty giving Shantung to Japan, Japan will have cause for war against us. She will not have anything of the kind. We are under no obligation to sign that instrument. We never agreed to do it. Japan has no right to expect or to claim that we should do it. We are entirely free agents in the matter. The attempt to coerce and terrorize the public opinion of the United States on this great question by the false assertion that we are liable to have war with Japan or with France or with England if we do not join in the rape of China is a rank deceit attempted to be practiced upon the people. There is no such danger. There is no such condition. (Sept. 8, 1919; vol. 58, p. 5029, 66th Cong., 1st sess.)

Mr. STERLING. Mr. President, * * * the proposal to give the guaranties of article 10 could hardly have come in the first instance from the representatives of the United States. If they did, no expression on the part of the people or the people's representatives ever authorized them; but the proposal having been made, it should not be cause for wonder that since there was to be a league to enforce peace, the willingness of our representatives to assume the burden of so great a guaranty was gladly welcomed by the other nations most concerned.

Mr. President, our forefathers strove and warned against European entangling alliances. Until to-day we have heeded the warning. But the proposed reversal of this great policy does not stop with Europe. To know the full extent of the obligations we assume, the burdens we may have to bear, you must look at the map of the world. Of course, they welcomed our willingness, for had we not just demonstrated our promptness and efficiency in war? And do not our obligations extend to a guaranty of the territorial integrity and political independence against external aggression of the British Empire, which, in addition to the British Isles, means Canada, New Zealand, Australia, South Africa, India, and insular possessions innumerable? Of course, France welcomes our agreement to article 10, for, in addition to the protection the agreement will afford against the invasion of her home territory by Germany or Austria, may not the French Kongo or Sierra Leone, or Algiers in Africa, or her empire in Indo-China in Asia be the subject of attack?

And is it cause for wonder that Italy, with her newly gained possessions in Europe, wrested by force of arms from Austria-Hungary, with her African possessions also to defend and protect, welcomes the guaranty of the United States?

Mr. President, I think Clemenceau was right in insisting on the principle of the balance of power in Europe. Of course, there can be no "concert of Europe" now, and the next best thing, if not a better thing, for France than even the balance of power or "concert of Europe" was to put the resources of the United States at the command of the council of a league of nations which had determined we should make good the guaranties of article 10.

This is a part, and only a part, of the price we are to pay for our first real departure from the old landmarks, for our first diplomatic entanglement in foreign alliances, our first forgetfulness of America and the "passion of America," which has been "to live her own life according to her own principle," our first ambitious attempt to prescribe regulations for the government of the world. (Aug. 4, 1919; vol. 58, pp. 3610-3611, 36th Cong., 1st sess.)

Mr. WADSWORTH. There have been a good many explanations of that article. There have been a great many efforts to assure people that it does not mean what it says; and I do not suppose that there has ever occurred in a discussion of two sentences so much quibbling and squirming and ducking as in connection with the two sentences of article 10. To my mind the President has settled it, and settled it right, as to its meaning. He said it constitutes a binding moral obligation. All the play in and around the meaning of the word "advise" amounts to nothing * * *.

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History should teach us that the mandates or decrees of Kings or Emperors or of Congresses or of Parliaments are utterly futile and helpless in preventing this restless human race indulging in these activities, indulging in these efforts to improve its life, indulging in these efforts to climb upon a higher plane of civilization, indulging in these efforts to find the true God. And any group of men in the year 1919 who think they can establish a status quo and mark out a system of boundaries which shall not be disturbed without their consent, and which shall preserve the existing political system subject to their revision, are afflicted with the height of human folly. They are flying in the face of all human experience and are assuming to themselves a wisdom and an infallibility that no group of human beings has ever possessed. (Sept. 19, 1919, vol. 58, pp. 5619, 5620, 66th Cong., 1st sess.)

Mr. WARREN. One of the pillars of our American Constitution has been the right of Congress to sanction any declaration of war. The right of the majority of the people, through Congress as their mouthpiece, to approve or disapprove the sending forth of American soldiers to possible death has never been questioned. And yet article 10 of this document, in my opinion, strangles the breath of life from this principle.

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There are those who say that we are only morally bound to protect the members against external aggression. This, to me, is a distinction without a difference. If our Nation is morally bound to do a thing, then certainly in all sincerity we should be legally bound. No sincere American can hold otherwise. Our national integrity and honor would not suggest any other theory. Granting this to be true, I see no other path but to make our position clear to the other contracting parties.

Our eminent doctors of law, in their primary lectures on contracts, lay special emphasis on the necessity of stating clearly and definitely all the terms of an agreement, leaving nothing to be inferred which may later give rise to serious controversy and lawsuit. Unless the minds of the contracting parties have met in one accord, then there is no contract. Let us set out in succinct and definable language the intent and purpose of our mind in order that we may perfect a noncontroversial agreement. (Oct. 17, 1919, vol. 58, p. 7065, 66th Cong., 1st sess.)

Mr. WATSON of Indiana. * * * When she (Japan) went into Formosa she promised to retire, but she is still there. When she went into Korea she promised to retire, * * * is still there. * * * Count Okuma, the Japanese premier, on October 27, 1914, stated to the people of the United States "As premier of Japan I have stated and now again state to the people of America and of all the world that Japan has no ulterior motive, no desire to secure more territory, no thought of depriving China or other peoples of anything they now possess," but Japan is still there.

On the 18th of January, 1915, without any previous warning, growing out of no unusual conditions between the two countries, and to the utter surprise of the Chinese, Japan issued to her a demand, couched in 5 groups and 21 clauses. * * *

Group 4 provided:

"The Chinese Government engages not to cede or lease to a third power any harbor or bay or island along the coast of China."

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These demands close with this threat, Senators, not veiled, not obscured, but bold, open, and defiant, made at a time when all the world was engaged in the greatest war of history, and at a time when Japan knew that she could easily coerce helpless China into agreeing to her imperative demand. This is the demand. Listen to it, for it speaks trumpet tongued of the intention of Japan with reference to China:

"The Imperial Government again offer their advice, and hope that the Chinese Government, upon this advice, will give a satisfactory reply by 6 o'clock p. m. on the 9th day of May. It is hereby declared that if no satisfactory reply is received before or at the specific time, the Imperial Government will take steps they may deem necessary."

My friends, this discloses the entire intention of Japan with reference not only to the Province of Shantung but the whole of the Chinese Empire. * * * Japan's ulterior motive is easily seen in the time and manner these demands were made, and clearly shows a determination on the part of Japan to take full possession of the Chinese Empire.

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And the mendacious character of these demands and the untoward conduct of Japan throughout the transaction is further evidenced by the fact that when, notwithstanding the injunction of secrecy, it became rumored that Japan had made certain demands upon China Japanese officials denied it. Then when it became no longer possible to conceal the truth the Japanese Government officials supplied the other treaty-making powers with what purported to be a list of the demands, a list which it was afterwards ascertained omitted some of the most important and some of the most drastic features.

Senators, I do not believe that the treaty should be ratified unless and until Japan either withdraws from China or states in unequivocal terms that she will withdraw, or better still, fixes a definite date of withdrawal. If we ratify the treaty with the Shantung provision in it, we give this robbery the seal of our approval; we condone all of Japan's past wrongdoing in all parts of the Chinese Republic; we ratify a secret agreement made between Japan and the allied nations in derogation of the rights of China and in base betrayal of an ally, and we place in Japan's hands a blanket indorsement of whatever future action she may see fit to take in the Chinese Empire. Personally I shall not vote for the peace treaty itself unless some modification is made of the article with reference to Shantung, or until we at least have expressed our intense disapproval of her conduct, coupled with an explicit statement of our determination to take this matter up at once after the league is formed and press for a righteous solution of the problem, for I believe it to be as monstrous a proposition as has ever been proposed to civilization. (Aug. 5, 1919. Vol. 58, pp. 3636–3638. 66th Cong., 1st sess.)

Mr. WATSON of Indiana. The President very forcefully said in his last address to the Senate:

"These were all arrangements of power, not arrangements of natural union or associations. It was the imperative task of those who would make peace and make it intelligently to establish a new order which would rest upon the free choice of peoples rather than upon the arbitrary authority of Hapsburgs or Hohenzollerns."

And he might with propriety have added Mikados. (Aug. 5, 1919. Vol. 58, p. 3643. 66th Cong., 1st sess.)

Mr. WATSON of Indiana. It can not be denied that if the people of Shantung revolt against the galling yoke of Japan, if they weary of her tyrannical and despotic régime and attempt to cast it off, and if China shall rise to protect her own people, then by the provisions of article 10 we shall be compelled to send American soldiers at the expense of our own people to subdue China, struggling for the possession of her rightful territory and fighting for the recovery of her own.

* * * * * * *

Japan's hositilities toward Christian missions and Christian preachers in Korea have been so extensive and long continued and severe as to amount almost to barbarism, and it is not to be presumed that her treatment of the representatives of the Christian religion in China will be of a milder or a more friendly character.

If the League of Nations is to be formed and Japan is to become a member, let her come into it with clean hands. If she is to sit in the chamber of the council where she, with eight other nations, will direct the destiny of the world, let her prove herself worthy of such high trust. She should not be permitted to sit as one of the judges to determine either the legality or the morals of her larceny. Before she sits in that august tribunal, unless it is to become the gigantic mockery of history, she should be made to leave her stolen fruits outside of the temple gates and, once in, she should release her associates from all obligation to execute the treaty they made in the dark in 1917.

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Let them not, while proclaiming peace, hold fast to the results of a militaristic policy practiced upon a helpless race. Let them not come in the name of freedom and fasten the chains of servitude upon a weak and innocent race.

Better Germany in China than Japan, for there Germany was isolated; there she had no neighboring garrisons, while Japan is everywhere. Japan is in Formosa, in Korea, in Manchuria, in Mongolia; Japan is everywhere in the neighborhood of China, and wherever she is she is slowly but surely reaching out her tentacles of power to clutch and hold as spoils the territory of that new Republic.

When they talk of a peace that shall be lasting because founded on justice, our answer shall be "Shantung." When they speak of the equality of races and the right of self-determination of peoples, our response shall be "Shantung." When they proclaim that the central thought of their treaty is that all Governments derive their just powers from the consent of the governed, our reply shall be "Shantung."

Shantung is the fraud that vitiates the entire contract, and Shantung is the cancer that carries the death-dealing poison to the whole body of the treaty. And even though proclaimed in the name of peace, yet the everlasting law of righteousness will prevent the tranquillity of the earth while so great a wrong remains unavenged. Senators, there is but one method of peace, and that is that all the nations of the world shall be inspired by the sense of justice that ever impels the American people and which is at once the pride and the power of the American Republic. (August 5, 1919, vol. 58, p. 3645–3646, 66th Cong., 1st sess.)

Mr. REED. Indeed, Mr. President, it is better stated than that in the paper now before me:

Why men of honor and good faith only have such liberty of action under those circumstances as would consist in repudiating every practicable means by which the obligation, which we have secretly assumed, could possibly be carried out. Is that the sort of camouflage that this mighty Nation of 110,000,000 of Christian people want to take refuge behind in this hour of the world's civilization, when the violation of the sanctity of an international treaty was the cause of all the death and destruction from which we are just now emerging?

Is that the Janus-faced deceptive quibbling that this Nation wants to make as a guaranty of its good faith under the higher morality of the dawn of a new day? Such a course as that, it seems to me, would be a blot upon that Starry Banner back of you, Mr. President, which could never be eradicated from the flag or the history of this country. Call it moral or legal, it would be a plain case of dishonor, of leaving your accomplice in the lurch in the time of trouble.

That is from the eloquent lips of the Senator from Connecticut [Mr. BRANDEGEE]. It was uttered on March 11, 1920, and is recorded in Volume 59, pages 4175 to 4176 of the CONGRESSIONAL RECORD.

The Senator from Maine [Mr. FERNALD] even grew eloquent. He stated that—

We will preserve the principles which have been bequeathed to us by former generations, unweakened by alliances with other Governments of earth.

Former Senator Kenyon, of Iowa, said, in discussing the quibbling over article 10:

If the President's contention is correct, then under article 10 we simply do as we please, which is, of course, true in any event should we desire to utterly disregard the obligations of solemn, binding agreements.

That causes me to pause a moment to answer another miserable argument made here. We are told that we are safe to enter into this agreement because before any war can be declared the Congress of the United States must declare war, and that if we make an agreement binding ourselves to go into war it would be unconstitutional. Let us see where that argument leads us. The distinguished Senator who made it, the Senator from California [Mr. SHORTRIDGE] opposed the League of Nations. He opposed it upon the ground that it would drag us into foreign wars.

Yet it was as true then as it is now that the President can not declare war; that the League of Nations could not declare war; that no power on earth could declare war except the Congress of the United States. If that fact be a protection against this treaty and this agreement, it was equally a protection against the League of Nations; so why not join the League of Nations and say we will make war or we will keep the peace just as the Congress determines, because you are powerless by any league of nations or by any compact to drag us into a war without the voluntary act of Congress.

But the Senator did not say that then. The Senator then said that if we entered the League of Nations and if the decrees of the governing bodies were that we should enter into war, then it would be our duty to obey that mandate and that we would be in honor bound to furnish our men and boys to die in foreign parts. If it was true that we would be compelled to do that under the League of Nations, notwithstanding the fact that Congress itself has the power to make war, then I am asking why it is not true with reference to this compact? Or, if it is true with reference to this compact, why was it not equally true with reference to the League of Nations?

Of course, everybody knows that before war can be made legally by the United States the Congress of the United States must declare the war. Therefore why waste time discussing such a question? The question is, Are we to pledge the national faith, and if we do pledge the national faith are we then to escape from that pledge upon the subterfuge that Congress has the legal power alone to declare war or not as it pleases? Every treaty of peace that has ever been made, or alliance for war, could be violated in the same way, because any nation could say that simply, "We will not furnish the army," and that would be the end of it. That is all we would be doing if we had our Congress refuse to furnish the army.

But what of the faith of the nation that thus violates its pledges?

Would the junior Senator from California be willing that the United States should sit down and agree with France and Great Britain and Japan that in the event of any war against any of them we would send a million men to their aid, and then, having made that sort of an agreement, have a mental reservation, "But we will not send the men if we do not want to send them at the time, because we did not have any constitutional power to make that agreement"? Certainly the Senator would not.

Mr. SHORTRIDGE. Mr. President, may I answer the Senator by saying no.

Mr. REED. Certainly not.

Mr. SHORTRIDGE. Of course, I would not.

Mr. REED. The Senator would not think the Constitution was sufficient, then?

Mr. SHORTRIDGE. On the contrary.

Mr. REED. Now, the question then comes to this: What do we agree to do here? Is this a compact having any vitality? If it is a compact having any vitality, then it contains two, if not three, propositions. First, we agree that we will respect each other's rights in the Pacific. Well and good. There is no objection to that. That is solemnly written in the treaties that we have with every one of these powers now, for we have agreed to remain at peace with them; we have agreed to respect their rights. We have gone further than that, and we have agreed in the event of any dispute that we will arbitrate such dispute. I think we have agreed that we will not go to war for a certain fixed period of time. That is already in agreement, and we gain nothing by having four powers sign the same instrument if they are to act independently of each other and no force is to be applied.

But we agree to do something else here. We agree that if any one of the island possessions of the Nation is attacked, if they are threatened, if the peace of the waters of the Pacific is threatened in substance and effect, that then in that event we will meet with these other powers, and when we meet with these other powers we will do something. What is that something? Is it that we will find who is right and who is wrong? Is it that we will submit this proposition to some tribunal? Is it that we will appeal to the generosity and sense of fairness of the

nation that is invading the waters or assailing the islands? Oh, no; that is not what we agree. We agree that we will consult upon and determine the most effective means to be employed to repel that attack.

The man who says that he does not believe in battleships and cannon, men and blood, is a man who believes that 16-inch shells can be stopped with hot air. No other nation so construes this compact. But, for Heaven's sake, let not the irreconciliables be guilty of making the argument that we have agreed to do something, but yet we agreed to do nothing; that all that this thing is is a great balloon of false pretenses and that a pin prick will send it into eternity, with nothing left except a memory. Yet that is the way its advocates defend their own treaty.

Either this is a treaty with power and force and weight back of it, or it is nothing. If it has power and force and weight back of it, then we must furnish our share of that power, that weight, that force. That means that whenever the island possessions of any of these four countries are attacked, that moment we must sit down and agree as to the best means of repelling the attack—to wit, how many ships we can furnish, how many men we can furnish, how many boys we can send out to die.

The PRESIDING OFFICER. The Chair must inform the Senator from Missouri that his hour has expired. He has 30 minutes left in which to speak on the Robinson amendment.

Mr. REED. I thank the Chair. I will now speak on the Robinson amendment.

Mr. JOHNSON. Mr. President, will the Senator from Missouri yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from California?

Mr. REED. I do.

Mr. JOHNSON. In the quotations made by the Senator from Missouri I did not observe that he quoted the language of the distinguished leader upon the Republican side concerning Japan and the necessity for caution on our part in dealing with her. Am I correct in that?

Mr. REED. I did not quote those remarks of the Senator from Massachusetts. I have them here, but I should be glad if the Senator from California will contribute them.

Mr. JOHNSON. I will only read two very brief excerpts from the speech of the Senator from Massachusetts in the case of Shantung. The one on page 8 of the pamphlet containing his speech reads:

> Does the history of the 21 demands justify Americans now in trusting Japan, even though President Wilson says he trusts them?

Now, from page 12 of his address I quote further from the Senator from Massachusetts one brief extract, and then I shall not further take the time of the Senator from Missouri. The Senator from Massachusetts was admonishing us at that time, mind you, concerning the nation with which now he would have us ally ourselves. He said:

> The Senate, I think, should not only keep fully in mind the aggressive measures taken by Japan from 1894 to the present in order to note the strides that she has made and what may be anticipated in the future, not only should they note her methods of unscrupulous disposition, but they also should not lose sight of other acts of hers which will enable them to judge of their effect upon a people falling under her control.

Now, by an alliance the Senator from Massachusetts asks us to assist in the oppression of the peoples falling under her control.

Mr. REED. Mr. President, I thank the Senator from California. I had some quotations from the speech of the Senator from Massachusetts, but I think not those particular ones. If, however, we were to ransack the RECORD of those debates we should find that the Senator from Massachusetts was going directly in one direction, while to-day he is going in exactly the opposite direction. The difference, of course, is that now he is following a Republican President, and the Republican President is following certain advisers, and every one of those advisers was for the League of Nations; but the President can not quite take it all and he has taken a section, or, as the Senator from Ohio [Mr. POMERENE] says, a pocket edition of article 10 of the League of Nations covenant. I venture to predict that the American people will discover the fact that there has been an absolute repudiation by the President of the United States of the position he took when he sought and gained the suffrage of the American people.

Mr. President, since time runs on so rapidly with me, as it does with all except those who are listening—and they are all voluntary listeners, for nobody made even the Members of the Senate who are present come here to-night—I will ask what, after all, is the excuse that is offered for putting us into this four-power pact, this four-power alliance? Driven to the wall, forced to state a reason, its proponents tell us that the reason for ratifying this treaty is in order to get rid of the Anglo-Japanese alliance. To that point they come; that is the sole reason they assign.

Let us examine that contention for a few moments.

Japan and Great Britain made that alliance a number of years ago. Every student of history knows that in the early days of the World War Japan was getting ready to repudiate the alliance. It was an offensive and defensive alliance. Many of the phrases of the pending treaty were taken directly from the treaty which constituted that alliance. But Japan and Great Britain and about 40 other nations went into the League of Nations, and when they went into the League of Nations and signed the treaty of Versailles the members of the league severally agreed—

> that this covenant is accepted as abrogating all obligations or understandings inter se which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any agreements inconsistent with the terms thereof.
>
> In case any member of the league shall, before becoming a member of the league, have undertaken any obligation inconsistent with the terms of this covenant, it shall be the duty of such member to take immediate steps to procure its release from such obligations.

In the language which I have read there was a positive agreement by every nation signing the document that all such treaties as the Anglo-Japanese alliance should be abrogated. That is step number one. These nations have an obligation to the other nations; they have plighted their word, and, whether or not we are in the Versailles treaty, if they are honorable nations they will redeem their promise.

Mr. President, they have recognized that. I read from the September, 1920, issue of the official publication of the League of Nations. The text is in both French and English. I will read it in English as a matter of preference.

ANGLO-JAPANESE DECLARATION.

English official text on the Anglo-Japanese declaration forwarded on July 8, 1920, by the foreign office and the Japanese Government.

The declaration was registered by the secretariat of the League of Nations on July 8, 1920.

Spa, July 8, 1920.

The Governments of Great Britain and Japan have come to the conclusion that the Anglo-Japanese agreement of July 13, 1911, now existing between the two countries, though in harmony with the spirit of the covenant of the League of Nations, is not entirely consistent with the letter of that covenant, which both Governments earnestly desire to respect. They accordingly have the honor jointly to inform the league that they recognize the principle that if the said agreement be continued after July, 1921, it must be in a form which is not inconsistent with that covenant.

(Signed.) CHINDA.
(Signed.) CURZON OF KEDDLESTON.

Mr. STANLEY. Mr. President, what is the date of that?

Mr. REED. July 8, 1920, is the date of this announcement. It is contained in the September, 1920, issue of the official publication of the league. The Anglo-Japanese alliance had to be abrogated, and it was, in substance and effect, abrogated, and, having been abrogated, we are trading our independence of judgment in signing the four-power alliance to get rid of a thing that already is dead, to escape from the attack of a corpse that has already been interred. But, sir, if that were not true, then to ratify this treaty in order to escape the Anglo-Japanese menace would be to make ourselves party to a thing which was an infamy at its birth and a menace every day it existed. If it is right for Japan and Great Britain to unite and agree to attack and destroy in common any nation with which one of them may have trouble, if that be the policy of the nations of the world, then all the talk about the League of Nations, and all the talk that we hear about humanity and the democratization of the world vanish into thin air, and we have a reign of power.

But, sir, we are asked to join this iniquitous thing, to become parties to it, in order to get rid of the Anglo-Japanese alliance. As I said the other day, it is like the old lady who married the old man to get rid of him. And, by the way, while I did not hear his words, if he has been correctly quoted to me, my distinguished colleague from Missouri [Mr. SPENCER] compared this compact which we are asked to ratify with the contract of matrimony.

I think the comparison was not bad. In the first place, matrimony is a very close relationship, and, in the second place, having once been entered into, it is not to be easily escaped by honorable people. The closest relation in the world is, of course, the marriage relation. The junior Senator from Missouri has occasionally blundered upon a great truth—no; in this case not blundered upon; he arrived at a great truth. He arrived at another when he said that this treaty might affect Korea. Of course, he said it might benefit Korea. He was mistaken in that. It will have directly the opposite effect, but it will affect Korea; and a dispute in Korea could very easily be transferred to the islands of the Pacific, and we could be very easily drawn in for the purpose of forging the chains

doubly tight upon that poor and oppressed country. There is a relationship.

Mr. President, in the few minutes that are left to me I want to tell the Senate and the country what I regard as the certain result of this treaty if it is ratified, and the certain menace there is in it. I affirm that war is in this treaty; that death is in this treaty; that the slaughter of our young men is in this treaty. That is inevitable according to all the laws that govern or control nations.

When the four great militant powers agree to control the Pacific, the nations of the world will construe it as an alliance. Already we have had put in evidence this afternoon documentary proof that Russia so regards it. No man need question the opinion that Germany will have of it. These nations are still upon the earth. They do not intend forever to be subordinate nations. The German has been exterminated, as his enemies thought, many times in history; and when they have returned to the solitude they created, they have been confronted by an army of armed men that have sprung up apparently from the soil.

I believe that Germany was wrong in this war. I voted for this war. I wanted to see it prosecuted with every power of our Government, but I did not want to destroy the German people; and whether you want to destroy them or not, there are 65,000,000 of them left, the most highly educated people on earth, skilled in all the arts and the sciences, and they will not be destroyed as a people.

Yonder on that map is Russia. Look at the dimensions of it—four times the size of the United States, three times the agricultural land, greater mineral resources than we possess, 180,000,000 people, brave people. It took brave men to stand on the field of battle when only every third man had a gun, and the only chance of the unarmed man to get a gun was to wait until his comrade was shot down and then take the weapon from his dead hand. They are an ignorant people, because their rulers were infamous; a people that may not be trained in all the arts and sciences, because their rulers put shackles on their arms and shackles on their brains, and compelled them to the double servitude of mind and of the body; but there they are, with all their vast resources, absolutely illimitable. It is estimated that Russia could herself support within her own borders one thousand million human beings.

Take Russia, and add to her Germany, and add to her Hungary, this part of the map that is shown here, and then let me ask you what is left of Europe? Look at little France. We need not consider Spain. Spain is dead. Portugal is moribund. Norway and Sweden lie off by themselves. There is Poland. There are newly created States that would be crushed as an eggshell is crushed between the hands of two mighty giants. Drive Germany and Russia together and you at once control Asia, and you at once control Europe. You create an absolutely irresistible power, and this treaty drives those two nations together.

What is the eternal logic of it? Four nations conquered Germany. Three of those nations are now exacting tribute from Germany. Germany has agreed to pay; but there is not a German living who does not hope that the day will come when that debt will be wiped out. They have no particular love for those four nations; and if these four nations unite, Germany will regard it as a menace to her.

What about Russia? Six million of her sons went to death fighting the battles of France and of Great Britain and of Japan, if you please. They committed no offense against us except that they withdrew from the battle line; and yet England and France and America invaded Russia from two sides, and Japan invaded her from the other. Japan's feet are still upon her soil. Japan's armies are still holding her cities. Japan's fortresses are still on the banks of her rivers. One of Japan's mighty bases is on the island of Sakhalin, which we agree to protect under this treaty. What will those nations necessarily do? They will necessarily get together for mutual protection. They are driven together by this alliance. German scientists are flocking to Russia by the thousand. German schoolmasters are flocking to Russia by the thousand. German military officers are going into Russia and aiding in the management of her armies. German manufacturers are seeking the raw materials of Russia.

Germany may be disarmed; Russia is not. Germany may be held by treaties; Russia is not. Given German science plus German manufacturing ability plus Russian raw material, and you have the ability to create cannon, to create armaments, to prepare for the conflict. Give them a few years to get upon their feet—and they are bound to get upon their feet—and you have amalgamated the greatest force that has ever been drawn together in all the tides of time. When that force strikes, it will strike with a deadly power; and when it strikes, it will strike at France and strike at England and strike at Japan, and this treaty will bind us to come into the conflict.

You, sirs, who ought to occupy these vacant benches—you, Senators, who are regarding the whip of a political master—are voting for a treaty here that may be redeemed in the blood of our sons, that may be washed out in the tears of our mothers, that may bring impoverishment and want upon our blessed country. You may proceed as you are, thinking you will gain a political advantage; but I say that the man who ties the United States to Japan in her effort to invade the land of Russia, who pledges directly or indirectly the blood of America's sons, commits a crime against humanity. He does not vote for peace; he votes for bloody war; and within the womb of the future we can not tell how soon that war will be incubated.

I tell you, sirs, that those who think that Russia can not do anything within 10 years are wiser in their day and generation than the children of light if they can see that far into the future.

Who shall say that within 18 months' time—aye, within eight months' time—the armies of Russia may not be pressing the Japanese back? Who shall say that Japan will not be sending over fleets carrying more and more soldiers? Who shall say that the line of Japan shall not be broken? Who shall say that the island of Sakhalin shall not be invaded for the purpose of driving the Japanese from that place and for the purpose of destroying the Japanese forces? When that time comes, and when the conference is called, who will dare say that America has made no compact, that she has agreed to do nothing, that we stand acquit, that we went through an idle, silly form, that we engaged in a performance of buffoonery and tomfoolery? Who will then dare say it?

I appeal to the American sentiment. In the World War I voted to send away the last boy to fight on foreign soil. Unless I know that he must go abroad again to fight for America's flag and for America's honor, never will I give my consent to send away a boy to die in foreign lands. Never will I by my vote send him to defend the Japanese who seeks to take away the white man's home. Never will I give my consent to vote away the life of an American boy in order to fasten the paganism of Japan upon a Christian land and a Christian people.

Let those who will carry out this compact; let those who will turn their coats; let those who will betray their country; but as for me, I stand where I have always stood: "America for Americans." Behind our seagirt walls we will stand and defend our own rights. Beyond them we will not go to infringe upon the rights of others. We will revere the name of Washington though he never rode in an automobile; we will believe in his principles though he never saw an airplane, for his principles of government were as eternal in government as the principles taught by Jesus Christ were eternal in the great realm of religion and morals. As Christ never saw an automobile, and as He never saw a submarine, and as Moses as he came from the mountain never had seen any of these modern inventions, yet as they proclaimed great and eternal truths which will stand forever in the realm of morals and in the realm of religion, so the doctrines of George Washington will outlive all the quibblers of this earth and all of those who trifle with the destiny of the Republic he established with his sword. [Applause in the galleries.]

Mr. STANLEY. Mr. President, before the Senator takes his seat I wish to add that what he has said very eloquently has only expressed, in my opinion, half of the truth. If this anticipated, almost certainly coming, war between the allied nations of this four-power pact and the nations the Senator has mentioned should arise from the aggressions of Japan against China, he could throw another country as big as Russia and 400,000,000 more people into the scales.

Mr. REED. I might add, the latest utterance of Lord Northcliffe, the wisest of English statesmen, that the whole Mohammedan world is gathering for a conflict to throw off the thraldom of Great Britain. I have Lord Northcliffe's statement, followed by the statement made only a few days ago, that the Mohammedan world is already seething and making its demands, followed by the statements of British statesmen that the armies of India must be increased, followed by the further fact that the revolutionist of India has been thrown into prison for six years, the poor, half-naked man Gandhi, whose revolution consisted in insisting that the Mohammedans of India should make their own clothing, weaving the yarns upon their own spinning wheels, the spinning wheel being the only weapon. He advocated no force, but the right of each man to make his own clothing. For that he has been thrown into prison by the British Government.

So you may have the Moslem world also brought into this conflict, and we are to be the pawns, moved about by the skillful

fingers of European diplomats, while our own representatives knew so little of this treaty that the President himself did not know the treaty had included Japan's mainland. Another of our distinguished representatives said that the question of the strategic value of islands was never considered. Another one of our illustrious representatives said that he was absent and did not know what was going on. But Japan knew, France knew, England knew, and I must say in my closing words what has been entirely omitted from this discussion, that the Franco-Japanese alliance still exists and is not removed. It still remains, and our troubles with Japan now exist and remain unadjusted.

Mr. WATSON of Georgia. Mr. President, I wish to add to what the Senator has so eloquently said, that according to the press dispatches, England is even now demanding soldiers of Japan to crush the liberty movements in India.

RECESS.

Mr. CURTIS. Under the agreement there was to be no vote to-night, and if there is no other Senator who desires to address the Senate, I move that the Senate now take a recess, the recess being under the unanimous-consent agreement, until 12 o'clock to-morrow.

The motion was agreed to; and (at 10 o'clock and 47 minutes p. m.) the Senate, in open executive session, took a recess until to-morrow, Friday, March 24, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 23 (legislative day of March 16), 1922.

CHIEF JUSTICE OF THE SUPREME COURT OF HAWAII.

Emil C. Peters, of Honolulu, Hawaii, to be chief justice of the Supreme Court of the Territory of Hawaii, vice James L. Coke, whose term has expired.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF HAWAII.

Antonio M. Perry, of Hawaii, to be associate justice of the Supreme Court of the Territory of Hawaii, vice Samuel B. Kemp, whose term has expired.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF PORTO RICO.

Carlos Franco Soto, of Porto Rico, to be associate justice of the Supreme Court of Porto Rico, vice Emilio del Toro.

POSTMASTERS.

ALABAMA.

Emory Folmar to be postmaster at Troy, Ala., in place of T. E. Hill, resigned.

Anthony J. Bowab to be postmaster at Atmore, Ala., in place of J. F. Beatty. Incumbent's commission expired July 21, 1921.

ARKANSAS.

Robert B. Landers to be postmaster at Melbourne, Ark. Office became presidential October 1, 1921.

Horace D. Cammack to be postmaster at Crossett, Ark., in place of J. L. McCain. Incumbent's commission expired January 24, 1922.

CALIFORNIA.

Charles J. Towson to be postmaster at El Monte, Calif., in place of G. P. Dobyns, resigned.

COLORADO.

Anna B. Danford to be postmaster at Haswell, Colo., in place of R. N. Frame. Incumbent's commission expired January 24, 1922.

FLORIDA.

Charles N. Hildreth, jr., to be postmaster at Live Oak, Fla., in place of W. R. Dorman. Incumbent's commission expired January 31, 1922.

IDAHO.

Benjamin O. Braham to be postmaster at Kellogg, Idaho, in place of C. L. Hollar. Incumbent's commission expired August 6, 1921.

ILLINOIS.

Charles W. Grant to be postmaster at Bement, Ill., in place of W. G. Cloyd, resigned.

Bernard A. Dorries to be postmaster at Breese, Ill., in place of Henry Werth, resigned.

INDIANA.

Joseph A. Spears to be postmaster at Loogootee, Ind., in place of Lewis Walker. Incumbent's commission expired July 21, 1921.

IOWA.

Laura M. Smith to be postmaster at Montour, Iowa. Office became presidential July 1, 1920.

Sid J. Backus to be postmaster at Algona, Iowa, in place of I. M. Finnell. Incumbent's commission expired January 24, 1922.

LOUISIANA.

Esther Boudreaux to be postmaster at Donner, La. Office became presidential April 1, 1921.

Dennis M. Foster, jr., to be postmaster at Lake Charles, La., in place of H. J. Geary. Incumbent's commission expired July 21, 1921.

Carl C. Brown to be postmaster at Haynesville, La., in place of C. C. Brown. Incumbent's commission expired July 21, 1921.

Harry J. Monroe to be postmaster at Elton, La., in place of E. S. Hart. Incumbent's commission expired January 31, 1921.

MASSACHUSETTS.

Arthur I. Randall to be postmaster at Rockland, Mass., in place of M. A. Keegan. Incumbent's commission expired May 14, 1921.

Harry E. King to be postmaster at Millis, Mass., in place of James Sheehan. Incumbent's commission expired August 3, 1920.

Almon L. Pratt to be postmaster at Belchertown, Mass., in place of E. E. Sargent. Incumbent's commission expired January 24, 1922.

MICHIGAN.

Fred L. Wright to be postmaster at Bad Axe, Mich., in place of Joseph Fremont. Incumbent's commission expired January 24, 1922.

MISSOURI.

Vaughn V. Hammitt to be postmaster at Curryville, Mo. Office became presidential April 1, 1921.

William M. Harbin to be postmaster at Puxico, Mo., in place of Fred Kelley, declined.

MONTANA.

James N. Starbuck to be postmaster at Valier, Mont., in place of J. H. Hines, resigned.

Leontine M. Turco to be postmaster at Absarokee, Mont., in place of C. B. Arnold. Incumbent's commission expired December 20, 1920.

NORTH CAROLINA.

Robert F. Blevins to be postmaster at Jefferson, N. C. Office became presidential July 1, 1920.

Charlie L. Walters to be postmaster at Mayodan, N. C., in place of H. R. Martin. Incumbent's commission expired March 16, 1921.

NORTH DAKOTA.

Victoria Quesnel to be postmaster at Bathgate, N. Dak. Office became presidential January 1, 1920.

James W. Pratten to be postmaster at Milton, D. Dak., in place of W. T. Reilly. Incumbent's commission expired January 24, 1922.

Mary B. Engbrecht to be postmaster at Goldenvalley, N. Dak., in place of J. H. Isaak, removed.

Carl Indergard to be postmaster at Belfield, N. Dak., in place John Galyen. Incumbent's commission expired July 21, 1921.

NEW HAMPSHIRE.

Albert C. Cochran to be postmaster at Andover, N. H., in place of A. H. Rollins. Incumbent's commission expired March 16, 1921.

NEW JERSEY.

Mary E. Cubberley to be postmaster at Hamilton Square, N. J. Office became presidential July 1, 1921.

Charles Morgenweck, sr., to be postmaster at Egg Harbor City, N. J., in place of Henry Otto. Incumbent's commission expired January 24, 1922.

NEW MEXICO.

Claud E. Herndon to be postmaster at Cloudcroft, N. Mex., in place of B. B. Sellars, resigned.

NEW YORK.

Mortimer F. McKeel to be postmaster at Yorktown Heights, N. Y. Office became presidential October 1, 1920.

Harrison M. Russell to be postmaster at Staatsburg, N. Y., in place of J. J. Maher. Incumbent's commission expired January 24, 1922.

John W. Hedges to be postmaster at Pine Plains, N. Y., in place of A. D. Barton. Incumbent's commission expired January 24, 1922.

George A. Case to be postmaster at Honeoye Falls, N. Y., in place of R. L. Earl. Incumbent's commission expired January 24, 1922.

Albert Van Essendelft to be postmaster at West Sayville, N. Y., in place of G. C. Ross. Incumbent's commission expired December 20, 1920.

Percy Burr to be postmaster at West Haverstraw, N. Y., in place of Charles M. Roes, removed.

Frederick F. Dickermon to be postmaster at Walton, N. Y., in place of J. G. More. Incumbent's commission expired January 24, 1922.

Fred C. Stadler to be postmaster at Pleasantville, N. Y., in place of W. Y. McIntosh. Incumbent's commission expired January 24, 1922.

Moses W. Drake to be postmaster at Bay Shore, N. Y., in place of P. J. O'Neill. Incumbent's commission expired January 24, 1922.

OHIO.

John C. Caldwell to be postmaster at Oxford, Ohio, in place of W. B. Meyer. Incumbent's commission expired January 31, 1922.

Florence S. Van Gorder to be postmaster at Warren, Ohio, in place of L. C. Brown, removed.

Orlow L. Wertenberger to be postmaster at Leroy, Ohio, in place of W. W. Daniels. Incumbent's commission expired January 31, 1922.

OKLAHOMA.

George M. Caldwell to be postmaster at Maramec, Okla. Office became presidential July 1, 1921.

LeRoy K. Butts to be postmaster at El Reno, Okla., in place of M. B. Cope. Incumbent's commission expired July 23, 1921.

John E. T. Clark to be postmaster at Coalgate, Okla., in place of M. B. Hickman. Incumbent's commission expired August 30, 1917.

James W. Elliott to be postmaster at Fairland, Okla., in place of J. C. Baker, removed.

OREGON.

James E. Whitehead to be postmaster at Turner, Oreg. Office became presidential January 1, 1921.

Ralph R. Huron to be postmaster at La Grande, Oreg., in place of E. E. Bragg. Incumbent's commission expired January 24, 1922.

PENNSYLVANIA.

Nathaniel E. Lyons to be postmaster at Cheat Haven, Pa. Office became presidential April 1, 1921.

Ellis D. Keyes to be postmaster at Aeriel, Pa., in place of J. W. Andrews. Incumbent's commission expired September 7, 1920.

SOUTH CAROLINA.

Francis B. Gaffney to be postmaster at Gaffney, S. C., in place of F. B. Gaffney. Incumbent's commission expired August 10, 1921.

SOUTH DAKOTA.

Emma Peterson to be postmaster at Draper, S. Dak., in place of F. A. Northrup, resigned.

John W. Woods to be postmaster at Worthing, S. Dak., in place of W. F. Berens, declined.

Lester W. Button to be postmaster at Bradley, S. Dak., in place of E. A. Sproat. Incumbent's commission expired July 21, 1921.

TENNESSEE.

Solomon Seches to be postmaster at Memphis, Tenn., in place of C. W. Metcalf, jr., resigned.

TEXAS.

John Plummer to be postmaster at Thurber, Tex., in place of W. P. Boyd. Incumbent's commission expired January 24, 1922.

Frank L. Irwin to be postmaster at Terrel, Tex., in place of A. H. Ables. Incumbent's commission expired July 21, 1921.

Thomas A. Matlock to be postmaster at Petrolia, Tex., in place of E. M. Duvall, resigned.

Hugo Simon to be postmaster at Farmersville, Tex., in place of R. S. Rike. Incumbent's commission expired January 24, 1922.

Augustus S. Hightower to be postmaster at Millsap, Tex. Office became presidential July 1, 1920.

Hugh D. Burleson to be postmaster at Streetman, Tex. Office became presidential January 1, 1920.

Wilmer D. Randolph to be postmaster at Menard, Tex., in place of J. F. Highsmith, resigned.

Charles E. Wood to be postmaster at Alto, Tex., in place of W. D. Armstrong. Incumbent's commission expired January 24, 1922.

Lee K. McKewen to be postmaster at Huntington, Tex., in place of R. N. McMullen, removed.

UTAH.

Gussie Harkness to be postmaster at Scofield, Utah, in place of A. L. Downing, resigned.

WASHINGTON.

Cora A. Smith to be postmaster at Seaview, Wash. Office became presidential January 1, 1922.

Clarence E. Hiatt to be postmaster at Deer Park, Wash., in place of E. E. Wood, resigned.

VERMONT.

Frank C. Stewart to be postmaster at Fairfax, Vt., in place of G. C. Parris. Incumbent's commission expired January 24, 1922.

VIRGINIA.

Dwight D. Ball to be postmaster at Barboursville, Va. Office became presidential October 1, 1920.

Harvey W. Nester to be postmaster at Fieldale, Va. Office became presidential July 1, 1921.

WEST VIRGINIA.

William N. Cummins to be postmaster at Red Jacket, W. Va. Office became presidential July 1, 1921.

Herman H. Haeberle to be postmaster at Macdonald, W. Va., in place of W. G. Bayliss, resigned.

Mamie H. Barr to be postmaster at Winfield, W. Va. Office became presidential January 1, 1921.

J. Carlin Hustead to be postmaster at Meadowbrook, W. Va. Office became presidential January 1, 1921.

WISCONSIN.

Harry B. Loper to be postmaster at West De Pere, Wis., in place of J. V. Linden. Incumbent's commission expired January 24, 1922.

Theodore Buehler, jr., to be postmaster at Alma, Wis., in place of Theodore Buehler, jr. Incumbent's commission expired January 24, 1922.

Carlton C. Good to be postmaster at Neshkoro, Wis. Office became presidential January 1, 1921.

Emma Thompson to be postmaster at Deer Park, Wis. Office became presidential January 1, 1921.

WYOMING.

Robert E. Fuller to be postmaster at Shoshoni, Wyo., in place of L. E. Blackwell. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 23 (legislative day of March 16), 1922.

APPOINTMENTS IN THE DIPLOMATIC SERVICE.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Hoffman Philip to be envoy extraordinary and minister plenipotentiary to Uruguay.

PROMOTIONS IN THE DIPLOMATIC SERVICE.

SECRETARIES OF EMBASSIES OR LEGATIONS OF CLASS 2.

Robert M. Scotten.
Herbert S. Goold.
R. Henry Norweb.

SECRETARIES OF EMBASSIES OR LEGATIONS OF CLASS 3.

Alan F. Winslow.
F. Lammot Belin.
Pierre de L. Boal.
Benjamin Reath Riggs.
Curtis C. Jordan.
George A. Gordon
Wallace S. Murray.

UNITED STATES ATTORNEY.

Raymond U. Smith to be United States attorney, district of New Hampshire.

ASSISTANT SURGEONS IN THE PUBLIC HEALTH SERVICE.

Hilaire D. Ogden, jr.
Lieuen M. Rogers.

POSTMASTERS.

ALABAMA.

Joe R. Melton, Pine Apple.
Joseph J. Langdon, Reform.
Dona M. Dees, Repton.

IDAHO.

Paul F. Kuehn, Fernwood.

INDIANA.

Jennette Mertz, Bunker Hill.
Hattie B. Moore, Clermont.
Earl R. Shinn, Mentone.
Mervin C. Bond, Oaktown.
Othor Wood, Waldron.

NEW YORK.

La Dette G. Elwood, Alden.
Elbridge O. Hurlbut, De Kalb Junction.
Wilbur A. Van Duzee, Gouverneur.
Warren S. Hutchison, Lyndonville.
Frederick J. Sheldon, Lyons Falls.
Clinton D. Drumm, Malverne.
Thomas A. Gorman, Niagara University.
Jesse W. Lewis, Petersburg.

Carlton H. Topping, Sodus Point.
Isaiah S. Head, Sylvan Beach.
Jennie Mitchell, White Lake.

NORTH CAROLINA.

Malpheus F. Hinshaw, Randleman.
Wade E. Vick, Robersonville.
Bertie L. Matthews, Vass.

OHIO.

Nellie E. Beam, Ansonia.
Jacob W. Simon, Bloomdale.
Vashti Wilson, Corning.
Louis A. Conklin, Forest.
William H. Pfau, Hamilton.
Edward W. Williams, New Carlisle.
Albert W. Davis, Norwalk.
Edwin M. Stover, Oakwood.
Fred J. Wolfe, Quaker City.
Millard H. Bell, West Mansfield.

TENNESSEE.

William D. Howser, Clarksville.
Albert F. Adair, Decaturville.
Robert H. Hurst, Grand Junction.

TEXAS.

John J. Allen, Alpine.
John F. Furlow, Alvord.
Ferman Wardell, Avery.
Emma L. McLaughlin, Blanket.
Mary A. Kent, Corrigan.
Bertie Freeman, Detroit.
Frank W. Dusek, Flatonia.
May S. Johnson, Follett.
Edna Sirman, Grayburg.
William D. McGown, Hemphill.
Leonard M. Kealy, Lewisville.
William J. Wade, Littlefield.
Homer Howard, Lockney.
Fred M. Carrington, Marquez.
Charlie N. Hooser, May Pearl.
Mary S. Ray, Midland.
William F. Neal, Overton.
Nathaniel C. Brown, Robert Lee.

WEST VIRGINIA.

Charles L. Pinckard, Berwind.
John O. Stone, Davy.
Ira Greathouse, Flemington.
John C. Smith, Tralee.
Belfrad H. Gray, Welch.

WITHDRAWALS.

Executive nominations withdrawn from the Senate March 23 (legislative day of March 16) 1922.

POSTMASTERS.

MONTANA.

Arie W. De Groot to be postmaster at Absarokee in the State of Montana.

OKLAHOMA.

John W. S. Opdyke to be postmaster at El Reno in the State of Oklahoma.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 23, 1922.*

The House met at 11 o'clock a. m. and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, be not far away, for we would speak to Thee. Thou hast not forgotten us; having loved us, Thou wilt surely love us to the end. How we thank Thee for this miracle of Thy mercy! Continue to create in us the noblest conceptions of life, character, and duty. Throughout our broad land give truth power and victory. Keep us in the serene faith of its progress and high destiny. In all things may we gain in knowledge, in wisdom, and in all those virtues that make good men and wise citizens of the Republic. Be gracious to all peoples and help them to come to their liberty by coming to righteousness and fidelity. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

SUSPENSION DAY.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 309.

Resolved, That it shall be in order on Thursday, March 23, 1922, after the adoption of this resolution, to move to suspend the rules under the provisions of Rule XXVII of the House of Representatives: *Provided, however*, Instead of 20 minutes' debate being allowed to each side for and against the motion, there shall be two hours for such debate to each side.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that the resolution is not privileged.

The SPEAKER. The Chair will hear the gentleman.

Mr. GARRETT of Tennessee. In that it is violative of the latter part of Rule XI, I believe it is, which reads as follows:

The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members present.

That is the Calendar Wednesday rule, which is not involved in my point of order. Then further:

Nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI.

Mr. Speaker, it has been openly and frankly avowed everywhere outside this Chamber by Members of this body, and it has been openly and frankly avowed by the responsible leaders of this body outside the Chamber, that the sole purpose of this rule was to have a suspension of the rules for the consideration of the soldiers' adjusted-compensation measure, and that the sole purpose of having a suspension of the rules in order to consider the measure was to prevent any motion to recommit. If that be the purpose—and the Speaker, of course, knows whether it is the purpose—then it does violate in all of its essentials the spirit of the language which I have just read from the rule.

I call the attention of the Chair respectfully to the exact wording of the rule:

Nor shall it report any rule or order which shall operate to prevent the motion to recommit being made.

I have before me the debate which was had in the House at the time that this provision which I have just read was adopted, on March 15, 1909. It will be remembered by the Chair, of course, and those who were present at the time that this particular resolution, along with others, was presented by the gentleman from New York, Mr. Fitzgerald, one of the ablest parliamentarians who ever sat in this House, and in the course of his argument he stressed with great vigor the importance of this particular section, to the end that the rights of the minority might be preserved to offer its motion to recommit.

"It is the spirit that keepeth alive." I am aware of the fact that two years ago this same subject matter came before the House and in the same way in a degree a ruling was then made by the present occupant of the Chair, overruling a similar point of order, except that there was then included in the point of order a proposition referring to Calendar Wednesday. I think the Speaker will recall that the principal arguments made by different gentlemen who discussed it revolved around Calendar Wednesday and not so much around the point I am making, although that was then directed to the attention of the Chair by myself. That probably will be referred to as a precedent.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. MANN. Does the gentleman remember that I made a point of order against a rule reported from the Committee on Rules on the ground that it would set aside Calendar Wednesday in its effect, and Mr. Speaker Clark overruled the point of order?

Mr. GARRETT of Tennessee. I do not recall the occasion.

Mr. MANN. There was such an occasion.

Mr. GARRETT of Tennessee. At any rate, the Calendar Wednesday rule is not involved here. I took the view at the time we were debating that before, so far as Calendar Wednesday was concerned, that a point of order would not lie, because I thought probably the Committee on Rules had the right to report a rule where it takes two-thirds, because it takes two-thirds to set aside Calendar Wednesday; I mean a rule where it takes two-thirds to bring up a suspension on a Calendar Wednesday day. Calendar Wednesday is not involved here, and I do not want to get it confused with this proposition. This rule is designed—it is not only the effect of it, but it is designed—to take away the right to make a motion to recommit, which the rules adopted for the first time on March 15, 1909, and since adopted at the beginning of every Congress undertook to protect for all time the House.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. FESS. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Ohio first.

Mr. FESS. Is this the contention of the gentleman from Tennessee, that the Committee on Rules could not make any day a suspension day?

Mr. GARRETT of Tennessee. Yes; substantially that, where it would operate to prevent a motion to recommit.

Mr. FESS. Of course it would always operate that way. I wanted to know whether the gentleman means that the Rules Committee can not bring in a rule fixing any day that it chooses to fix as a suspension day?

Mr. GARRETT of Tennessee. I take that position, Mr. Speaker, that it would not be privileged. Of course the committee could bring in a rule to do so, and it could take its place on the calendar like other nonprivileged matters and be considered when reached in order.

Mr. TOWNER. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield now to the gentleman from Iowa.

Mr. TOWNER. Would it not have been subject to the same objection if, instead of having a rule for making a day other than the regular day suspension day, this bill had been brought up regularly on suspension day under suspension of the rules?

Mr. GARRETT of Tennessee. No; it would not. It could have been brought up regularly on suspension day under suspension of the rules.

Mr. TOWNER. Is not the gentleman facing this dilemma, then, in saying what he has said to the gentleman from Ohio [Mr. FESS], that a rule can not be brought in by the Committee on Rules making any day a suspension day except the regular suspension day?

Mr. GARRETT of Tennessee. No; I am not at all illogical, I think. I believe the gentleman asked me if I was not illogical.

Mr. TOWNER. No; I asked the gentleman if he was not facing that dilemma.

Mr. GARRETT of Tennessee. I am not at all illogical. The general rules of the House fix suspension day. There is a limitation placed upon the power of the Committee on Rules by the House.

Mr. TOWNER. Will the gentleman yield further to this question?

Mr. GARRETT of Tennessee. I do.

Mr. TOWNER. Of course there would be no necessity of having a Committee on Rules unless it was for the purpose of varying the general rules of the House—changing them. Is not that the object and purpose of the Committee on Rules?

Mr. GARRETT of Tennessee. Yes; but there are two limitations placed by the general rules upon the Committee on Rules. One is that they shall not bring in a rule that will destroy Calendar Wednesday, and the other is that they shall not bring in a special rule that will prevent the motion to recommit.

Mr. TOWNER. The gentleman's argument means that that ultimately would be the effect, but directly it occurs to me that you might say that there can not be any modification of a rule which makes the Committee on Rules have the right to determine a modification, for instance, of the day when bills shall be considered. Has it not been settled on almost every possible point of order that could be raised that it is the special duty of the Committee on Rules to modify the general rules of the House? That certainly has always been done in such cases.

Mr. GARRETT of Tennessee. I do not deny that, except where the Committee on Rules is limited by the general rules of the House, and where that limitation is placed, then when the Committee on Rules attempts to go beyond that limitation it presents a resolution which is not privileged.

I say there is the ruling made in May two years ago which may be called a precedent, but I think it would be a very great error to make the mistaken precedent of yesterday the law of to-day.

Mr. CAMPBELL of Kansas. Mr. Speaker, precisely this question arose two years ago. The gentleman from Tennessee [Mr. GARRETT] made the point of order then that he makes now. He argued the question then more forcefully than he has to-day. The language of the rule prohibiting the Committee on Rules from reporting a rule that would set aside Calendar Wednesday or deny the motion to recommit, of course, as the Speaker knew two years ago, and as the gentleman from Tennessee then knew and now knows, inhibits the Committee on Rules from reporting a rule for the consideration of a bill under the ordinary rules of the House that would deny the right of the motion to recommit. This resolution is an amendment to the rules of the House, providing an additional suspension day—to-day. And as the Speaker well decided two years ago, the Committee on Rules is within its right in reporting such a resolution, as the Speaker then held, when in overruling a point of order on all fours with the point of order now made the Speaker said, referring to that point of order—

> The Committee on Rules can not report a rule which is aimed indirectly or directly at overthrowing Calendar Wednesday or the motion to recommit, but this does not prevent the committee from reporting a resolution couched in general terms which may indirectly ban that ultimate result, such as a resolution providing for six days' suspension of the rule.

Then, we provided for six suspension days, which included Calendar Wednesday. To-day we provide for one suspension day.

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. Will the gentleman say to the Speaker and to the House that the purpose of this rule is not indirectly to prevent the motion to recommit?

Mr. CAMPBELL of Kansas. I am not engaged in the soft of quibbling that the minority have been indulging in upon this bill in presenting their minority views. [Applause and laughter.]

Mr. GARNER. I should like the gentleman, instead of denying quibbling, to be honest enough with the House to tell them whether the committee intended to do that or not.

Mr. CAMPBELL of Kansas. We are making to-day suspension day, and this privilege of suspending the rules has been a privilege of the House throughout its history. It has been used less during recent years than formerly, but it has always been resorted to when it was thought necessary by those charged with the responsibility of conducting the business of the House.

The SPEAKER. The Chair is ready to rule. The Chair thinks, as intimated by the gentleman from Tennessee [Mr. GARRETT], and as quoted by the gentleman from Kansas [Mr. CAMPBELL], that his decision is determined by the ruling made two years ago, that the Committee on Rules has the right to bring in a rule providing that on certain days suspensions shall be in order. This practice, as the gentleman from Kansas suggested, has not been availed of much of late, but formerly it was a frequent practice. The Chair remembers one Congress when suspension was made in order for weeks, and he thinks for months, and where the vote need be only a majority instead of two-thirds. The Chair thinks that the provision in Rule XI, cited by the gentleman from Tennessee [Mr. GARRETT], applies to rules reported by the Committee on Rules for the consideration of bills and does not apply to a rule like this setting apart a day for suspensions, and the Chair overrules the point of order.

Mr. CAMPBELL of Kansas. Mr. Speaker, I will take one hour and yield one-half of it to the gentleman from North Carolina [Mr. POU]. First, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, two years ago I voted against the bonus bill because it did not provide an equitable method by which it could be financed, and the Treasury Department was not in condition to handle it. I would not then nor would I now vote for a cash bonus that does not carry with it an equitable system of taxation to finance it. Our first concern is to our country, our whole country, including the service men. Our duty is not respected if we cripple the country's finances to prevent it to rehabilitate and relieve the industrial depression, the continuance of which is to the hurt of all our citizens, including our service men. In the two years we have witnessed a remarkable progress in Treasury financing. Our funded public debt has been reduced by two billions and our floating debt by $700,000,000. Interest and discount rates are declining, Government securities are appreciating, and business generally is growing better. If I were convinced that the proposed legislation would interrupt this splendid achievement, I would not give my support to it.

Two years ago, failing either to eliminate the cash feature or providing a method for financing it, I had no other alternative than to vote against the bill.

But this proposed bill omits the cash feature, which obviates the necessity of new taxes for at least three years. At that time the amount that may arise out of the loan feature will not reach $500,000,000; it is estimated that it will not go beyond $275,000,000. No one will hold that this amount will seriously affect the Treasury.

Whether it is right or wrong, the country is committed to bonus legislation. We pay a bonus to our civil employees. We defended this practice upon the basis that it was to take care of the added cost of living due to the war. But the war closed

over three years ago. Notwithstanding this fact we are still paying the bonus to these people.

The soldier thinks, and we can not remove that conviction, that we are discriminating against him. He can not understand this attitude and has for some time asked the question, Why regard the bonus for civil employees to-day and deny it to the men who served under the colors? During the war times some of us believed, as we stated at the time when we were discussing the man-power bill to win the war, that if we entered on the policy of conscription of our men to organize the Army we ought to adopt conscription for all persons engaged in war work. Had we done this we would not to-day be called upon to pay either exorbitant war contracts or bonuses of any character. But that was thought impracticable and was not adopted, and as a result of the unwise policy of the cost-plus contract an orgy of profiteering was engaged in everywhere, high prices and extravagance became the rule at home while a dollar per day was the pay for the service of the men in the trenches. While I have never believed in a general way in the principle of bonus legislation, yet here is a discrimination that we are responsible for in having failed to place everybody doing war work under conscription during the period of the war. This omission which enabled this discrimination in pay is a basis of justice for what these men are requesting. [Applause.]

Mr. Speaker, there is an additional reason. We have by special legislation completed informal contracts made during the war. We have allowed an enormous sum to care for these war claims as so much loss due to war, but which nevertheless must be respected. We will be called upon to do more of this sort of legislation. Wherever the contract was made to build the war machine we must pay it. There will be demands on the Treasury growing out of contracts with numerous corporations called upon to aid the Government to win this war, and, in my judgment, to my way of thinking, we will be compelled to respect those contracts and to fulfill them because our Government will not repudiate its obligation when once the obligation is established.

While we are doing that we are told that we are always willing to pay what is due the contractor, but we hesitate when it comes to the man who offers his life and withhold our recognition of our obligation to the soldier who did the work, not under a contract, it is true, because it was one sided where the Government is the only party to the contract, by the employment of its necessary power and right of conscription, in which the wish of the soldier could not be consulted.

So, gentlemen of the House, this bill eliminating the cash feature and adopting the insurance feature in the interest of thrift and which will not place a burden immediately on the Treasury, since it gives us three years to take care of whatever charge may arise out of the loan provision of the bill. By that time we can make provision for an equitable system of taxation to care for it. I do not see the embarrassment on the Treasury such as some of our friends think there is. My opposition to the former bill is not applicable to this bill, and for that as one reason I am going to vote without hesitation for this measure, believing that it is not dangerous to the general welfare of the country and is a recognition of our appreciation due the soldier. In our attitude toward our treatment of war demands we can not provide bonuses and relief for one and refuse it for another. [Applause.] If bonuses are to be given, and we have committed ourselves to it, this bill gives such relief as is available. However, it does not commit the country to the demagogic view of the Democratic Party.

While it is not a party measure I can assert that I would not support the plan of our Democratic friends as set out in their minority report in which they demand a cash bonus to be financed by a revival of the excess-profits tax and an additional surtax placing the rate at 73 per cent. While this sounds well no one can close his eyes to the inevitable depression of industry, the increased unemployment, and general suffering such a policy if written into law would entail.

The Republican Party in its platform committed itself to the principle, but not to a business-wrecking policy that could not be practicable. No one will deny that the plank was inserted to be interpreted to mean what it says—coming one month after the bonus bill was passed by the House. The President in promise in the campaign in 1920 committed himself to the principle, but not to this democratic foible. We, in conference, committed ourselves. The people of many States, including my own State, are committed by special State action to the principle. Even the chambers of commerce throughout the country, in their referendum recently held on the original bonus proposal, did not show such opposition as is usually attributed to that organization. On the other hand, two of the four features voted on were favored by substantial majorities.

Reclamation feature was favored, 1,250 to 461.

The home feature was favored, 1,023 to 677.

Vocational education was favored, 1,379 to 325.

The certificate feature was defeated, 1,231 to 467.

In my own State the report stood as follows: First plan, 61½ to 43½; second, 46 to 55; third, 64 to 41; and fourth, 35 to 73.

But the bonus by the people in the last election was favored by over a 3 to 1 vote.

Our service men are our best men, otherwise they could not have gotten into the service. They do not find that their service is appreciated by Congress as when they answered the call to the colors. We can not afford to invite this conviction. They are to-day the guardians of American liberty and American institutions. They are our safeguard against the antigovernment movements in our midst. They are our guaranty of true Americanism. Their good will is essential and any appearance of lack of appreciation through clear discrimination is unwise. I will vote for this bill.

Mr. POU. Mr. Speaker, I yield to myself 10 minutes.

The SPEAKER. The gentleman from North Carolina is recognized for 10 minutes.

Mr. POU. Mr. Speaker, in the first place, I submit that this question ought not to have been made a party question. [Applause.] It is beneath the dignity of a great political party to attempt to play politics in doing justice to the men who risked their lives to save civilization. [Applause.] Now, I deny that the monetary help the Government extends to ex-service men is a bonus. Bonus is a misnomer. I deny further that ex-service men are in any way responsible for initiating the movement that is to be brought to a climax to-day. [Applause.] Where did the proposal to pay these men additional compensation originate? Right here in this Chamber. And I am proud to admit that I am one of the men that helped to start the movement for additional compensation. [Applause.] There were probably 50 or 75 bills introduced providing additional compensation for ex-service men even before they had an opportunity to organize or pass resolutions. The movement was started while 2,000,000 men were still in France. So I insist that any help we provide for these men can not properly be called a bonus.

It is no more a bonus than the $1.25 per diem the men got. If Congress decides that the debt of gratitude to the men who won the war is not fully discharged, any additional amount appropriated is not a gift. It is payment on a debt owing these men by every man, woman, and child in America.

In the next place, I regret exceedingly that this measure comes before the House in this way. It looks as if those who drafted this bill are not really at heart for it. It reads like a proposition framed by men who hoped the proposed legislation would fail. For that reason it may be viewed with some degree of suspicion. It certainly is brought in here in a way to invite opposition. By a brutal disregard of our rights you invite the minority to oppose your bill, but so far as I am concerned you are going to be disappointed. [Applause.] Even though you may desire it, you are not going to line up the minority against this bill, notwithstanding it has serious shortcomings. Almost unanimously we sincerely favor additional compensation for these men. I would be ashamed of myself if I voted against any additional help for the ex-service men. [Applause.] I am against this rule because it cuts off absolutely any amendment to improve the bill. I would like to vote for a bill drawn by men who favor a cash payment to our war veterans—a bill which also provides means for raising the money. That is the kind of bill every true friend of additional compensation in this Chamber would like to vote for. The bill soon to be considered is a makeshift, but it is better than no bill at all. I shall vote for it, as nearly all on this side will, but we would like to have the privilege of making the bill a better measure. The rule prevents this, so I am against the rule. I can not support the rule and remain true to my convictions.

Now, what are the facts? While men were being drafted and sent to Europe to fight to save civilization there was an era of money making and high prices of farm products such as the country had never seen. Every drafted man was cut off from all participation in this unprecedented opportunity for money making. They had no choice. They were selected by law for service in the war. Some farm products reached such a high point as to produce undreamed prosperity for the time being. Everybody was making money who would work, and these men, 2,000,000 of them across the water in a struggle to save civilization, and 2,000,000 more ready to go, were cut off entirely from the privilege of participating in this period of money making. What was the result? Wages were high. The daily wage of some equaled the monthly wage the same men received before the war. Wheat, cotton, beef cattle, hogs,

corn, all were bringing wonderful prices. Everybody bought what he desired. Salaries were raised. A bonus of $240 annually was voted to Government employees, a bonus they are still enjoying. These employees suffered no hardships, were exposed to no dangers, had comfortable quarters, and they were paid not only the customary salary but they received a bonus of $240 for each year of service in addition to such salary. When actual war ended we paid the men who were drafted, who won the war, who broke the Hindenburg line, the men who by their heroism turned the tide of war; to these men we paid the additional sum of $60. Does anyone wonder at the protest which immediately was aroused?

The discrimination was too great to be tolerated. Does anyone wonder that twenty-odd States by vote of the people have provided additional compensation for the ex-service men of those States? It was wrong, wrong, my friends. No man can defend the difference in treatment. Now let us see what other nations have done since the Great War ended.

I quote some figures that were put into the Record on the 21st day of February by our colleague, Mr. FREAR, in a speech which gives evidence of careful investigation:

From the foregoing it will be noted the maximum payments made to the enlisted man by the several governments were as follows: Canada, $631; France, $249; Italy, $64; Belgium, $492; England, $190; America, $60.

Is there any man who is willing to stop right there? Is there any red-blooded American who is willing to have his country at the foot of such a list? Every drop of blood in my body cries out "No." I would very much prefer to see my country at the head of the list—not at the foot. [Applause.] I pay no attention to the cheap argument that if we give these men additional compensation it is going to ruin them, and yet this is what we hear from the enemies of this legislation: "Don't do this thing, because you will ruin the ex-service man." That is cheap, claptrap argument.

This is a serious matter. There is much involved in this issue. There is dissatisfaction in the rank and file of these 4,000,000 men. For God's sake let us do what we can to remove it; let us all make them feel that the Government for which they suffered and for which they were ready to die is deeply grateful to them. Make these men feel that their Government is grateful and you win a moral victory which will have influence for good for a thousand years to come.

I hear other opponents of this bonus legislation, as they call it—additional compensation, I call it—who say, "Are we not taking care of the wounded, have we not provided hospitals for them?" Why, my God, you do that for the pauper, for the worst criminal. We do that for the pauper and the criminal, and yet that is used as an argument against additional compensation to the ex-service men.

I honestly believe that the greatest insurance policy—guaranteeing law and order—that America has is these 4,000,000 men whom Uncle Sam drafted to fight the World War. [Applause.] Is it wise policy to leave them in a position where they must apologize for what their country has done as compared with other nations?

A wiser policy I respectfully submit would be to err, if we err at all, in the other direction. It is better to settle the question now, for economic conditions will remain unsettled until the question is settled. Nothing in the future is more certain than that some sort of compensation bill will be passed. Let us act now and remove the issue from politics and from business.

This bill is not what we of the minority wanted to vote for. I regret that there was not nerve or statesmanship enough among those who had charge of this measure to bring in a bill that provided a cash bonus and a plan to raise the money now. [Applause.] March up to your responsibility; do not be afraid of it. Do not attempt to play politics. You are passing a bill here that your own President will never sign, unless he violates inspired statements that come from those who sit constantly at the feet of Gamaliel. So, with all its shortcomings, I can only say that the bill is better than no bill at all, and I shall vote for it. First having voted against this unfair and vicious rule which cuts off every amendment, I shall vote for the bill in the hope that somewhere along its legislative pathway there may be found statesmanship sufficient to frame a bill which we can all support and which will redound to the honor and glory of the greatest and richest of all the nations of the earth. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, there has been no proposition before Congress during my seven years of service that I have given such careful and thoughtful consideration as I have to the bonus. There is no man who has a higher regard for or appreciates the service rendered by our soldiers more than I do. There is no Member of Congress that has labored more diligently than I have to prosecute the individual claims of the soldiers and their families in connection with insurance, vocational training, family allowances, and compensation, and I think I may say with a fair degree of success and to the satisfaction of the individual members of the Legion in my district.

I have voted for every appropriation for the care of the sick and wounded and for vocational training, and expect to continue doing so, but I deeply regret that the bonus question has been forced to an issue at this time when the finances of the Government are in no shape to meet it. There is no doubt in my mind that if we could wait for a few years until we partly recover from the effects of the war this perplexing question would receive much more careful and mature consideration—consideration that would be more satisfactory to both the soldiers and the people than it is possible to give it at the present time.

The President and Secretary of the Treasury have both stated that it is impossible to pay a cash bonus at the present time or to place any additional burdens on the Treasury without new and increased taxes to pay them with. If I know anything about the people of this country they are opposed to any additional taxes, and it is criminal cowardice to pass this legislation without any provision to raise the money. [Applause.] And, furthermore, let me tell you the same people who are today forcing this bonus on us will as soon as election is over force some new and obnoxious taxes down the throats of the American people to pay it with, but they do not dare to put them on now before election.

This whole proposition at this time is the cheapest kind of subterfuge to buy the soldiers' vote at the fall elections with Uncle Sam's money. Why, every man with an ounce of common sense well knows that if it were not for elections this fall there would not be 75 votes in this House for the bill now before us. [Applause.]

By passing this bill at this time you are not only buncoing all the American people but you are selling the soldiers a gold brick. Neither will be satisfied, and everyone as soon as he finds out what this legislation means will condemn the spineless, cowardly Congress that passed it. The only hope or reasons its supporters have for rushing it through now is that it will be defeated at the other end of the Capitol or vetoed by the President.

The business of the country is just beginning to feel a new thrill of life and there is slight improvement, but the least suggestion of unfavorable legislation will retard if not entirely overcome this improvement, and I believe I am doing a greater service to the people of this country by trying to keep down Federal expenditures by decreasing taxation and by encouraging legitimate business and thereby furnishing an opportunity to the strong, active, and able young men to gain a livelihood than I would be by making them wards of the Government and placing additional burdens on the laborer, the farmer, and business man. You can not take this money out of the Treasury unless you put it in, and remember that in the end it is the people who pay the bills.

I would be pleased to support an adjusted-compensation measure with a clean-cut insurance proposition, vocational training, or aid to buy a home or farm that you knew something about, but I will not at this time support a cash bonus or this haphazard makeshift for one that no one knows how much it will cost; no one knows when the needy soldier will get his money; and what is worse yet, no one cares, if this sop will only last until after we are reelected in November.

Mr. Speaker, the campaign slogan of the Republican Party last presidential election was, "Put more business in Government." I can not see how any man who honestly believes that and has read what the President and Secretary of the Treasury have said about this measure can vote for it at this time.

I shall support the President and vote against it. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. SCHALL].

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. SCHALL. Mr. Speaker, I vision a vast, surging current of khaki-clad youth; strong, sinewy, slender, young, physically perfect enough to pass the rigid tests to enter the Army. On, on, on they come, 4,000,000 of them, a seemingly endless concourse; the Nation's best and bravest, the cream of our youth. That is how they went away.

I see 2,000,000 on the bridge of boats, crossing the gray water, in danger of lurking submarines; I see them in training camps lying on cold, damp ground; in the trenches, in mud and dirt and rain; ill used and sick in prison camps; at Chateau Thierry, where 13,000 of them stopped five German divisions and shot

American courage up and down the whole allied line; under the hideous barrage; in the path of bombs and curtains of fire; at Brest, in mud up to their hips. Before St. Mihiel, where General Pershing said he would give four divisions, 125,000 men, to take it—a liberal cuss! I see our boys on the fields of battle in the Argonne wounded, lying drenched in their blood, on account of criminal neglect of general headquarters, with insufficient arrangements for stretcher bearers and doctors for long, torturing hours; a succession of horrors, of agony, of misery, and suffering—the awful tale of war that nobody who has not been in it and of it can even dimly imagine.

Then I see the war over and I hear the Allies all claiming that they would have won the war any way. Like hell they would! These are the boys that won the war. Think of that gallant band as they returned from the war, broken in spirit by the fearful disillusioning they received at the hands of Blackjack Pershing's inhuman, un-American, hard-boiled methods, their health undermined by unnecessary hardships, their lungs shot to pieces by poison gas, the ghastly total of physical wounds and nervous disorders of this most fearful nightmare of a war.

Was it only frothy sentimentalism that gripped our throats and misted our eyes as we sped them on their way?

What did all that talk mean about nothing too good for the boys—

When they come back,
And they will come back.

Did the war mean to us just a big show, a thriller, a penny dreadful? What was back of our ready promises? Are we to duplicate the English, and make Tommy Atkinses of our boys?

It's Tommy this, and Tommy that, and Tommy, damn your soul,
But it's thin red line of 'eroes when the drums begin to roll.

How can we men who stayed safely behind, "Keeping the home fires burning," close our minds and eyes and hearts to these facts? It has been scandalously long delayed now; it has ceased to be a matter of gratitude. The fine flavor of it is gone. It should have been done long ago. Other nations having large proportionate debts, discharged their obligations to their soldiers first with money borrowed from us.

How we forget; how we forget. A terrible indictment against us as a Nation. Shall we show the petty minds of the burgomasters of Hamelin town, speaking to the pied piper, after he had rid their town of rats—

A thousand guilders, come, take fifty!
A matter of money to put in your poke,
But as for the guilders, what we spoke
Of them, as you very well know, was in joke.

Shall we acquire the scrap-of-paper conscience that twists a promise into just what the present moment makes expedient? Uncle Sam used to be a homespun, horny-handed, uncouth figure, but when he stretched out that hand his heart was back of it, and when he gave his word, the whole country undertook to make it good. But since he straggled his long legs under the Versailles table he has absorbed the virus of European diplomacy and become secretive, petty, and little, exacting and quibbling over the money pots. He developed an international conscience, in the keeping of Morgan & Co., who have $5,000,000,000 worth of foreign bonds to dispose of in this country, and who have got the old gentleman to seesawing and veering about, and straddling the fence now on this side and now on that; he will give a bonus, he will not give a bonus; it must be on sales tax or nothing; it must be later; it will bankrupt the country; till you feel there is not a true thing about him, and even his whiskers might come away with a good pull.

There is no justification in refusing the soldiers a bonus. A promise is a promise. The soldiers were promised a bonus during the war. The Republican Party reiterated that promise. There is no other position to take, in honor, but to fulfil our pledge.

Labor drew a bonus during the war. Government employees were given a bonus and are still drawing it. Some of our Senators who are most bitter against this legislation are drawing pensions monthly for as much as the whole of a soldier's cash bonus could amount to under this bill. The war over, the soldier was given a ragged little $60, which, at the prices then prevailing, would not buy him a new suit of clothes. It is always a question of whose ox is gored. We passed legislation to take care of money lost by war contracts so that these great interests should not be injured by the stopping of the war, and to fulfil the Government's obligation in mining and other projects where the stopping of the war caused them to suffer loss.

And in all cases where capital was interested, we have seen to it that it was properly reimbursed for its war losses. We gave the railroads, under the Esch-Cummins bill, a liberal bonus in guaranteeing the 6 per cent net, which, if figured on the inflated and watered stock value, would amount to better than 9 per cent, and a cash outright bonus of a billion six hundred million dollars, and we later, under the pretext of the war, granted their request for a loan of five hundred million. They are about to ask for new freight cars, claiming the failure of the United States to buy them new ones is justly chargeable.

Under the guise of helping the farmer, we passed the Kellogg amendment, which struck out the enacting clause of the Norris bill and substituted for a real farmers' aid bill a pure bankers' proposition of a billion dollars.

After much haggling on the part of those who have been opposed to the bonus, we succeeded in getting the Government to loan $1,500,000 for seed for the drouth-stricken farmers of this country. But these same fellows joined us very willingly for the $20,000,000 to be given starving Russia, because it would have a tendency to depreciate confidence in their present form of government, and incidentally give the bankers of the country holding large stores of grain an opportunity to that extent to unload. We also gave Europe $100,000,000 after the war.

The present bonus bill, with no provision allowed for amendment, is another bankers' drag proposition. But I must be for this pawnbrokers' bonus bill, because I am bound the boys shall have a bonus, even if they do have to contribute the bankers' toll in order to get it. The dollar must have been shot up, gassed, mangled, wounded, and put in awful condition during the war, for under all kinds of disguises it has been bonused magnificently ever since. It is time we show a little concern about 4,000,000 human beings.

Supposing, as the opposition declare, the money will be spent. It will go back into the streams of trade, and in that way business will benefit. But as compared with the few who can afford to squander, there are numbers and numbers in actual want, out of jobs, in need, after this unusually severe winter and long stretch of hard times and unemployment. While the soldier was working for a dollar a day, labor was not drafted and got large wages. When the boys came back they did not find their jobs waiting for them. They lost out. This will not even partially reimburse them. Had the war lasted even another week, it would have cost more than the sum needed for the cash end of the bonus. The cash amount involved is inconsiderable when reckoned against the huge sums we have been accustomed under the new dispensation to reckon with. Time was a billion-dollar Congress was meat for scandal. Now, billions heap on billions, and we look in vain for any relief among it all for the plain man, the ordinary folks. It seems that the men and interests who have most benefited should be the last to object to share with the boys who bared their breasts to protect all that material interest.

I am opposed to a sales tax, or any such subterfuge to make the soldier and his family pay his own bonus. Two just sources are plainly available. One, the interest owed us by the Allies on the money they borrowed from us in good faith. The other, the funds that grew by feeding on the war these men carried on. The war profits, that have never felt any but the tender hand of a gentle nurse. Put back the excess-profits tax into the revenue bill and you will have more than enough to take care of the soldiers' bonus. Under the Budget plan now in vogue, the administration will have saved enough even under the present revenue bill to more than take care of the bonus. Then, too, short-time bonds secured upon the foreign debt could easily be issued. But the fat boys are strenuously opposed to any bonds being put upon the market, for it, they fear, would immediately depreciate the loaning power of the tax-exempt bonds which have been bought up at far below par from the poor devil who could not afford to hold them and which are now better than par. This bill is not to my liking, and the rule under which it is to be submitted to the House with no opportunity for amendment is far from satisfactory, but it is the only method left to the House under the powers that be by which we can get consideration and force the matter into the open for the understanding of the people of the country.

I am for the bonus for the soldiers, body and breeches, and if I can not get what I want, I am not going to use it as a pretext to avoid taking a less or more imperfect thing.

It is all bosh to say that we are not financially able to take care of the defenders of our country. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. I yield to the gentleman from Pennsylvania [Mr. KREIDER].

Mr. KREIDER. Mr. Speaker, on yesterday it was my privilege, as a member of the Committee on Rules, to vote for the rule which is now under consideration, and which provides for the consideration of H. R. 10874, commonly known as the bonus bill or adjusted compensation bill.

I voted for this rule in committee. I shall vote for the adoption of the rule by the House, and I shall vote for the bill. This is exactly what I did two years ago.

On the 29th day of May, 1920, I voted for a similar rule in the committee making in order, under the suspension of the rules, consideration of H. R. 14157, which provided for adjusted compensation for the veterans of the World War. I voted then for the adoption of the rule by the House and for the bill.

Then, as now, serious opposition, determined opposition was encountered by the friends of the bill.

Then, as now, those opposed to paying the soldiers a bonus pretended they were in favor of the bonus, but they were not satisfied with the provisions of the bill as drawn.

The same objection is raised to-day. One of the objections to-day is that the bill does not provide a cash bonus payable at once.

The bill under consideration two years ago did provide a cash bonus, and was opposed because it so provided.

Another objection to this bill is that it does not provide the revenue with which to pay the bonus. The bill two years ago did so provide, and yet it was equally objectionable.

The truth is that those in favor of adjusted compensation for the soldiers will vote for the bill, just as they did two years ago.

It is true that many of us are not in full accord with all the provisions of the bill. Were I to write this bill I would include in the provisions the Spanish-American War veterans.

I would provide for a cash bonus to be paid at once and would borrow the money necessary to pay it. I would do away with certain provisions and would include the insurance feature. But because this bill is not drawn exactly as I would draw it is no reason why I should not vote for it, although it might serve as an excuse if I did not want to vote for it.

The question is, Do we want to pass a bonus bill or do we not? If we are not going to pass one until a bill is presented which meets the individual views of every Member of this House in all its provisions, it will never be passed.

I am not unmindful of the fact that when this bill becomes a law that it will involve a certain expenditure of money, and that this money must be raised by taxation in some form or another.

I am fully aware of the financial, industrial, and economic condition of the country and of the cry that is raised by the opposition to the measure, both in and out of Congress.

To me this abuse by certain newspapers and magazines means nothing. The question and only question is, Should the bill be passed?

When I remember the responsibility we assumed on the 6th day of April, 1917, when by resolution we declared that "war existed between the United States of America and the German Imperial Government," and a few months later passed the selective service act by which we drafted the young men from their homes and firesides, from their schools and colleges, from their positions in business, manufacturing, and their chosen professional and commercial pursuits to serve the Nation, to preserve its institutions and uphold its honor, my duty is plain.

As I said two years ago, it makes no difference to me whether it was in the recent World War, the Spanish War, the Civil War, or any other war in which my country was engaged, I always have and always will honor and revere those who for love of country have laid their all upon the altar, a willing sacrifice that this country shall live.

Let us recall our willingness and eagerness to supply the funds necessary to prosecute the war—how we appropriated millions and billions of dollars without any thought as to how the money should be raised—and then let us also remember that it was because of the sacrifices made by the boys who are the beneficiaries of this bill that the war ended a year or a year and a half earlier than we had expected, and because of this fact saved the expenditure of billions of dollars—in fact, an amount so enormous that it would have increased our national debt possibly 100 per cent.

It has been asserted that a vote for this bill is an attempt to buy the soldier vote at the coming election. Up to and until a week or 10 days ago I had not decided whether I should be a candidate to succeed myself, but my mind was fully made up to vote for this bill, as I have always consistently supported all legislation favorable to our soldiers. I regard the charge against any Member voting for this bill as being desirous of catching the soldier vote as the most damnable charge that could be made against the soldier; not against those who vote for the bill but against the boys who bared their breasts against shot and shell on Flanders field; against the men whose honesty, integrity, and patriotism is unquestionable; against the men whose votes are not for sale and can not be bought. It is a most cowardly charge, made for the express purpose of defeating this bill and depriving the very boys we drafted from their homes from the benefits of this legislation.

They are the same boys we followed to the station in our home towns and communities, carrying a small bundle or, perhaps, an old, discarded suitcase tagged and ticketed for a cantonment. These are the boys that we bid Godspeed as they took leave of their dear and loved ones, perhaps never to see them again. They are the same boys who later on went over the top, defeated the flower of the German Army, and shed imperishable glow on the history of our Republic.

The only argument against this bill worthy of consideration is that it carries no revenue provision; and it is true that the country is not now in as prosperous a condition as we would like to see it to properly finance and carry out an adequate plan of adjusted compensation at this time, but this same objection was made two years ago; and the question naturally arises, When will the country be ready if it is not ready now? In my judgment—in fact, we all know—there is no question as to the ability of this country to meet the requirements of this bill without injuriously affecting the business conditions or retarding general prosperity in any way.

This country is by far the richest and the best situated financially of all the nations on the globe, yet we have been hesitating and delaying in this matter of adjusted compensation while other countries that are comparatively poor and whose debt is enormous have all promptly given suitable recognition to their soldiers.

Canada, with a debt of 23 per cent on her estimated wealth, has given $634.40 to each of her enlisted men; Belgium, with a debt of 39 per cent on its estimated wealth, has given $493; France, with a debt of 55 per cent on its estimated wealth, has given $233.50; England, with a debt of 32 per cent on its estimated wealth, has given $189.54; Italy, with a debt of 52 per cent on its estimated wealth, has given $73.34; while the United States, with a debt of but 7 per cent on its estimated wealth, has given $60.

These countries, notwithstanding their enormous indebtedness, do not hesitate to recognize the services of their soldiers. The fact that they are owing us over $10,000,000,000 does not enter into it. They make us wait for the money we loaned to them—they do not even pay the interest—and I hear no insistent demand that we collect our debt forthwith, regardless of consequences, because they have misapplied their money in paying it to the soldiers instead of applying it to the liquidation of their indebtedness to us.

The estimated requirements to carry out the provisions of this bill, as given in the report of the committee, is as follows:

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 2½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (5) 7½ per cent to receive land-settlement aid.

Fiscal year.	Cash (10 per cent).	Certificates (70 per cent) (no borrowing).		Vocational training (2½ per cent).	Farm and home aid (10 per cent).	Land-settlement aid (7½ per cent).	Total.
		Deaths.	Maturity.				
1923	$16,000,000	$26,604,000		$31,675,000			$74,279,000
1924		26,440,000		20,000,000	$72,000,000	$6,000,000	124,440,000
1925		26,720,000		650,000	64,000,000	30,000,000	121,370,000
1926		26,825,000			50,000,000	60,000,000	136,825,000
1927		26,936,000				16,000,000	42,936,000
1928		27,046,000					27,046,000
1929		27,233,000					27,233,000
1930		27,415,000					27,415,000
1931		27,674,000					27,674,000
1932		27,932,000					27,932,000
1933		28,265,000					28,265,000
1934		28,600,000					28,600,000
1935		29,004,000					29,004,000

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 2½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (5) 7½ per cent to receive land-settlement aid—Continued.

Fiscal year.	Cash (10 per cent).	Certificates (70 per cent) (no borrowing).		Vocational training (2½ per cent).	Farm and home aid (10 per cent).	Land-settlement aid (7½ per cent).	Total.
		Deaths.	Maturity.				
1936		$29,448,000					$29,448,000
1937		30,003,000					30,003,000
1938		30,593,000					30,593,000
1939		31,333,000					31,333,000
1940		32,144,000					32,144,000
1941		33,105,000					33,105,000
1942		34,251,000					34,251,000
1943			$3,154,823,350				
Total	$16,000,000	577,571,000	3,154,823,350	$52,325,000	$186,000,000	$112,000,000	4,098,719,350

If these estimates are approximately correct, and it is believed they are, it will be noticed that the heaviest demands on the Treasury in any one year will be in 1926, when the total reaches $136,825,000. Until 1943, when the major portion of this compensation will mature, it certainly can not be said that the amount required, as shown in this statement, is going to cause any financial embarrassment to this country.

Mr. Speaker, let me say in closing, lest I might be misunderstood, that I consider the adjusted compensation provided for in this bill in no way a payment for services rendered, but rather an expression of appreciation. Patriotism can not be bought or sold, but it can be cultivated, or you can trample the life out of it. What we need now in this country is to cultivate Americanism; we need to emphasize the respect for law and order, and a high regard for our Constitution. If we spend a little money to cultivate patriotism we will have to spend less to stamp out Bolshevism. If we emphasize loyalty to our flag, it will be easier to supress the red flag, and we can not shut our eyes to the prevailing conditions of unrest in our country, which evidence is excellent opportunity for the unlawful element to spread its seditious propaganda, aiming at the destruction of the very foundation of our Government, and, after all, should trouble come again, it is these same boys, in whose behalf I am now speaking, that we shall look to for assistance.

To those of you who are so fearful that we are spending a few dollars in behalf of our soldiers, I want to say and remind you that in addition to this bill we can not for one moment neglect those of the boys who have come back broken in body and mind; they must be taken care of regardless of cost. Only last week the Committee on Public Buildings and Grounds reported a bill carrying $17,000,000 for the building of additional hospitals, and I sincerely hope that early next week the House will pass this bill. It was my privilege as a member of this committee to support the bill in the committee, and I shall do all I can to secure early consideration in the House, and am perfectly willing, as a member of the Committee on Rules, to vote for a rule making that bill in order. It is perhaps needless to state, but it is a fact, that we are woefully unprepared and our facilities are wholly inadequate to properly care for our sick and wounded soldiers.

Why should we hesitate and quibble about this bill? The United States has always acknowledged and discharged its debts. To pass this bill is simply to acknowledge a debt, which, though it can never be compensated, can be recognized. It is a debt of honor, and we should meet and discharge its obligation promptly.

To continue to hesitate, to haggle and to postpone, is cowardly and extremely unworthy of this or any other Congress, as the administrator of a grateful Nation. [Applause.]

Mr. SNELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Will the gentleman from Tennessee use some time?

Mr. GARRETT of Tennessee. Mr. Speaker [applause], I suppose this is the day which will scatter the political bones of many statesmen over the Republic to bleach in the sunlight or rot in the rain. [Laughter and applause.] And we can not tell just who will be numbered among the slain. [Laughter.] The previous question on this rule ought to be voted down. There is no disposition, so far as I know, on the part of anyone to prevent this bill being considered in a proper way and under a proper rule. But what have we here? We have a bill instituting a new principle, or at least a new practice, in Government, a bill that will ultimately impose upon the taxpayers of the United States a burden heavier than has been imposed by any Government in the history of the world in times of peace. We have a fivefold proposition, each proposition differing from the other. We are dealing with 4,000,000 patriotic men, their direct interests, and it is proposed to consider this bill with all its magnitude for four hours of talk without the opportunity even to offer an amendment for so much as the crossing of an "i" or the dotting of a "t." [Laughter and applause.] Well, that was a slip of the tongue, but even an amendment like that might improve this bill. [Laughter and applause.] If the previous question be voted down, then we will have an opportunity to amend the rule and bring the bill before the body for consideration under circumstances which in common decency are required. The consideration proposed is a farce. The dignity of the subject merits more honorable treatment. [Applause.] Of course I have no time to analyze the bill. No one else will have. Only 10 minutes allowed one to discuss a bill of this magnitude involving millions of men and billions of dollars in taxes—what a travesty! From the standpoint of the taxpayer, which, of course, includes the soldier himself, this bill carries all the burdens that the adjusted compensation bills which have been proposed in the past carried and more. From the standpoint of the soldier it does not carry what the soldier who is demanding the cash bonus has always requested. This bill discriminates among the soldiers themselves. The man who went overseas and served long enough to draw $625 under it receives a certificate upon which he may borrow, if he can find a bank that will lend, roughly speaking, 50 per cent.

The man who did not get in until late and who served just long enough to get $50 gets the cash. It is pointed out in the report filed by the gentleman from Massachusetts [Mr. TREADWAY] and the gentleman from Connecticut [Mr. TILSON] that the man who is not needy who obtains one of these certificates can hold it through the years, drawing 4½ per cent up until 1942. The man who is needy now and has got to have the cash now, if he can get it from a bank, has to put up his certificate and pay at least 2 per cent more interest on it than it draws. I want to venture the prediction now that if this bill shall pass it is going to prove the gravest disappointment to these service men throughout the country who are interested in the cash bonus. Why, I know the situation of the banks in my country, a typical agricultural country. They are probably in as good condition as the banks in agricultural communities elsewhere, but I am sure that they are not going to be able to take from their funds and lend any appreciable amount of money to service men throughout that section; and although the banks are permitted to rediscount the paper, they are not going to be able to find the banks in which they can rediscount it and secure funds to be tied up for a possible three years with which to make any appreciable amount of loans.

What, then, will be the result? The ex-service men will receive their adjusted service certificates. They will go to the banks—those who need or desire cash—and seek to obtain loans in the amounts permitted by the bill, 50 per cent of the adjusted service pay plus a little interest. The banks will not have the money to lend them and at the same time take care of their current business. Even when the banks may have some money that they might lend they will be unwilling to violate all the principles of sound banking and tie up their assets for three years.

Bear in mind only banks are permitted to make loans upon these certificates. No individual, however much he might desire to accommodate an ex-service man, is permitted to make a loan

upon the certificate as security. It is expressly provided by the bill that a loan by other than a bank or trust company shall be void.

How will the ex-service man feel when he finds that the credit which he has been led to believe he would obtain is refused him? Unnumbered thousands of them who know nothing about banking will fail to understand. They will be embittered at the banks and they will be more embittered at their Government for which they fought and which they will then feel has deceived them.

Oh, gentlemen of the House, however one may feel about the so-called cash bonus, surely all ought to agree that the soldier is entitled to candid treatment by the Congress. They ought to know just what they are getting. I for one am unwilling to deceive them, and I will not support the bill, whatever the consequences may be to me personally. It comes desperately near being a fraud upon them.

Let it be ever remembered that you are not saving the Treasury anything by this hocus-pocus. You are mortgaging the future without benefiting the present. At the end of three years, or in 1925, you have got to be prepared with assets in the Treasury to pay off such loans as the banks shall have made and which have not been repaid, together with the additional amounts that may be then due under the terms of the bill to the soldier who borrowed and defaulted in payment. And the Treasury is required to begin to loan direct in 1925, and you must by that time arrange to get the millions that will be necessary for that.

The political purposes of this bill are so manifest as to be almost an insult to the soldiers whom it is supposed to benefit.

It is provided that the adjusted service certificates shall bear date of October, 1922. It will be a physical impossibility for the departments to prepare the records and issue the certificates by that date, even if the bill shall pass the Senate and become the law within the next few weeks. The elections will be in November. The soldier may therefore be laboring under the delusion that something has been done for him and will not learn the full measure of the deception until after the election.

The period for the Treasury to begin loans direct and to pay those due the banks is postponed until 1925. The next presidential election will be in 1924. Therefore it is designed to postpone the bringing of the tremendous tax which will be essential to meet the obligations growing out of the measure until after the next presidential election, but the obligation will be fixed; it will have to be met then.

This procedure is cowardly, and I shall not be a party to it. Why are the bonus proponents unwilling to do the brave thing now and make the provisions that must be made?

It would be embarrassing politically perchance, but it would at least have the merit of some courage upon the part of supposedly responsible statesmen.

The land-settlement proposition which is involved in this bill will probably eventually prove to be the very worst feature of the legislation. It proposes to set up a tremendous organization which will not be established until after the soldiers are settled with. The fact is that before that organization can scarcely be set up, certainly before it can acquire a foot of land in any State, under the terms of this bill a soldier will have had to make his election as to what he is going to take, which one of the fivefold plans, and by processes of legislation a few years from now Congress will proceed to carry on all this vast, gigantic scheme of going into every State in the Union and buying cut-over land and swamp land and redeem it at public expense. That is not a soldier proposition. It was never asked for by the soldiers in the beginning. It was imposed upon the soldiers by influences desiring to put the Federal Government into the business of buying or condemning land in all the States, transplant the European village life system into the United States, build roads, moving-picture houses, schools, churches, and so forth, at the expense of the Federal Government. That feature of this bill will continue long after every soldier has been settled with, and gradually it will grow until the cost lies beyond any power of our present calculation.

I have tried to discuss this bill from the standpoint of the soldiers interested. I have not touched upon the merits of the adjusted-compensation principle itself, but I can not forbear to say this in conclusion: The soldiers of other wars have not had cash bonuses. The soldiers of the Spanish-American War did not have it and did not demand it. The soldiers of the Federal Army who preserved the Union received no adjusted compensation and demanded none. The soldiers of the Confederate Army not only received no adjusted compensation but for the last two years of their service they received no compensation at all, and they received no pensions after the war until they were old and helpless. They went home from the battle fields, crossing over the graves that billowed their land, in tatters and in rags. They took their places in the field, the factory, and the shop. They laid their hands to the plow. They built up again a land whose whole social structure had been destroyed and whose very civilization was threatened by the political environment and reconstruction conditions which surrounded them and made that section to blossom again as the rose, an achievement which stands to-day the pride and the glory of history. [Applause.]

Mr. GALLIVAN. Will the gentleman yield for just a question?

Mr. GARRETT of Tennessee. I yield.

Mr. GALLIVAN. The gentleman is perfectly willing to have it go into the RECORD that in all that he has said, despite the fact that he is the acting Democratic leader, he is speaking solely for himself?

Mr. GARRETT of Tennessee. Absolutely.

Mr. GALLIVAN. That is all.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman has five minutes remaining.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Speaker, I think the minority is under great obligations to the gentleman from Massachusetts [Mr. GALLIVAN], who brought out the fact that the gentleman from Tennessee [Mr. GARRETT], the minority leader, was speaking only for himself in what he said. I am sure that much that he said will not find a responsive echo on the minority side, and I doubt if any part of it will meet with approval on the majority side.

Mr. Speaker, I propose to be very frank in regard to this rule; and in my frankness, lest there should be any here who might disagree with me, let me say that I am uttering my own personal views. [Laughter.] I favor the consideration of this bill under the suspension of the rules, without opportunity for amendment, because I am convinced—and if I had had any doubt on the subject, the minority views signed by Mr. KITCHIN are all persuasive—because I am convinced that, so far as the minority is concerned, all of the amendments that would be offered if an opportunity were afforded, or the major portion of them, would be offered solely for political purposes, with the hope of embarrassing, with the view of embarrassing, without thought of improving the bill, and amendments which in the main would be of a character that those offering them, if they were adopted, would not themselves support.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. GARRETT of Tennessee. Would it embarrass the gentleman from Wyoming, who says he speaks only for himself, if the minority——

Mr. MONDELL. I have not said anything about anybody on our side being embarrassed. I said your amendment, if an opportunity to amend were offered, would be offered with the view and the hope and the expectation that they would embarrass those that desired to support the bill, whether they are on the minority or the majority side.

Mr. GARRETT of Tennessee. Would it embarrass the gentleman and his party if an amendment should be offered adopting the suggestion of the President of the United States that the bill be financed as it is enacted into law? [Applause.]

Mr. MONDELL. In the first place, the gentleman's statement is incorrect. The President of the United States has made no suggestion with regard to the financing of the bill now before the House. [Applause.] The President's suggestion was that if a bill providing for a cash bonus—which few on your side are favorable to, no matter what they may say in public—and making a heavy drain upon the Treasury was to be enacted, it should provide its taxation burden bearer. Since the President made that suggestion the bill has been amended so that the drain on the Treasury for the next three years will be but little more than that caused by the road program which will be presented here in a few days, and not half the immediate burden on the Treasury of the transportation act.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. MONDELL. I can not yield. I have only five minutes. It would be contrary to all the practice of the House to carry a taxation provision on a bill that lays no more burden on the Treasury in the near future than this measure does. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield the remainder of my time, five minutes I believe it is, to the gentleman from Texas [Mr. HARDY]. [Applause.]

Mr. HARDY of Texas. Mr. Speaker, if I had a political life to sacrifice I would gladly sacrifice it, if necessary, at the present moment on the altar of my country's welfare. Unfortunately I have no political life, I am not a candidate for reelection, but I voted two years ago when I was a candidate the same way I intend to vote to-day.

Gentlemen, in my judgment this bill is more dangerous to the welfare of our country than were the roving companies of disbanded soldiers in Europe in the Middle Ages, for the reason that those soldiers were unorganized. They became freebooters and took what they could lay hands on, without shame, and claimed the right to a living from the public. The American Legion is organized, an organized political power. It is an organization spreading its propaganda and producing in the minds of public officials a change of honest convictions between one term of Congress and another. I said a change of honest conviction, and I mean it, but the menace of thousands of hostile votes is a powerful persuader, and a bound-together organization foists to-day upon our people and upon the backs of the toiling taxpayers, according to Senator LODGE, a $4,000,000,000 burden, and may add in the coming years another $4,000,000,000 or more. I do not believe, I can not believe, that the Legion is conscious of the burden they are placing on their country. It has not been sufficiently presented to them.

Gentlemen, for the welfare of my country let me plead against the increasing of the burdens of national taxation by increasing the volume of national indebtedness.

Mr. GALLIVAN. Will the gentleman yield?

Mr. HARDY of Texas. I have only five minutes.

Mr. GALLIVAN. One question.

Mr. HARDY of Texas. Excuse me. I do not want to yield.

Mr. Speaker, there is no surer way of enslaving the toiling masses of the people than by piling high the bonded indebtedness of a nation. And we know it. More than $20,000,000,000 of indebtedness now hang over this country, and this bill will add at least $4,000,000,000 in the coming years to the present indebtedness.

Your children and your children's children will not see the end of the payment of this obligation. And not only so, but the industrious, the intelligent, the sober soldier himself and his children will bear the burden of paying back far more than any of them receive. I know the claim is that these men need the money now, but there will never come a time when a vast number of men well organized will not need the money if it is dangled before their eyes. Let us grant that some of the soldiers who are given this small gratuity, as it is called by the gentleman from Ohio [Mr. FESS], will save it and invest it and make it grow. We know that hundreds will not save it, and when some do not save it those that do will have to bear the burden of repayment to the Government by taxes of every dollar taken from the thrift of the country and bestowed upon those who are not thrifty.

The slavery of a people is not always evidenced by chains. Burdens imposed by government or tribute paid to the strong under forms of law may constitute slavery. Do we take pride in piling up $4,000,000,000 of debt? Why, England has not paid the debts of the Napoleonic wars yet. One hundred years have passed, and still the interest is bearing down upon the shoulders of the toilers of England. I speak for the toilers.

You say, "We must give adjusted compensation." Why, if you are going to compensate these soldier boys, if you give them pay in proportion to the pay of profiteers that stayed at home, you have got to increase it far beyond the terms of this bill, and it may be that in the not distant future that fact will be the basis of another bill for another four billions of readjusted compensation. I know a negro boy, 14 years old, who received during the year 1919 $3.50 per day. From that to $5 a day was the rate paid to boys. This bill does not give to the soldier boys pay equal to that received by the 14-year-old negro boy.

And many skilled laborers, no more skilled than many of our soldiers, received $10 per day. What are you going to do about it?

Let us conceive the boys as saying, "While we were fed and received only small compensation while soldiers, we willingly tear out of our financial life two pages, representing the years 1917 and 1918 and cast them on the altar of American liberty and American rights." Are they big enough to do it? I firmly believe they were and are if agitators and propagandists will let them alone. I know they would scorn the idea of laying a heavy burden on their whole country for the sake of the individual pittance they will receive under this bill. The gentleman from North Carolina, an ardent and honest advocate of the bill, says the soldier boys did not initiate this proposition. No; but there are men who honestly believe that they can ride into office by the agitation of soldier-bonus legislation, and the organization is here day after day. We find men who in their conscience and convictions knew that this was evil to the country and to the Government, yet yielded to the pressure of a stupendous organization, and the danger is that the manhood of Congress will never be able to stand up against the menace of the organization. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. HARDY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY of Texas. Mr. Speaker, of course no adequate discussion of this bill could be made in the few minutes allowed to each Member who asked to be heard. And yet no subject deserves more study by Congress and by the public. I have always abhorred war and all its evils. Abhorrence of war is to-day universal, but the means of its prevention has not yet been found; or, if it was found in the League of Nations, it was not accepted by our Senate. Before discussing this bill further I wish to make one suggestion to our country and to all countries: In the Great War we made a long step toward peace when we adopted universal conscription, or the selective draft, as it was called. We will make a longer step when another great war comes if we then conscript all labor and all capital as well as soldier boys. This was too unheard of in 1917 to make it possible then. But it is being seriously thought of now, and I believe it will be done if ever we enter another great war like the last. It will end all profiteering during war if it does not end war. But let me discuss the bill. I spoke of the tax burdens. Many advocates of the bill talk of making the rich and war profiteers pay it, but these same advocates are not ready with any plan to accomplish that result.

Instead of that, the chief proponents of the bill, like Mr. FORDNEY, are foremost in every proposal to lessen the taxes on great wealth and great incomes. They took off the war excess-profits tax and lowered the war rate of taxation on the higher incomes. Our public debt, represented by tax-exenrpt securities, is so vast that many of the idle rich can practically escape all taxation. And the power of monopoly and combination is so marvelous that it is easy for them to pass the burden of heavy taxation on to the small producer and the individual consumer. Banks and money lenders increase their rates as times grow harder and taxes higher; manufacturers count their costs, including taxes, and fix prices to yield such profits over all as they see proper, restrained only by the limit that is fixed by the public's ability to pay. Finally all tax must be paid out of production, and it is safe to say 90 per cent of it comes from the pockets of the "little man" we see so often caricatured as the public. Let not the small farmers and the wage earners, the kinsmen of the soldier boy, delude themselves into believing they can make the Morgans, the Rockefellers, the Mellons, the Steel Trust, and that class pay this bonus or any of the rest of these war debts. Ninety per cent at least of it will be paid by you farmers, you wage earners, and you soldier boys, if you ever get above the rank of pauper. There is not a soldier boy in America, if he is intelligent, sober, and industrious, who will not pay back to the Government in taxes twice or three times all he will receive if this bill passes. I do not discuss the question of frozen credits or possibility of the boys sacrificing the pittance they are to get. I am afraid if I commanded an army I would not make flank movements. All my attacks would be front attacks. And so I say that my opposition to the bill comes from my belief that it will be an injury and burden to my country and in the end to the boys themselves. I have one boy only. He will be entitled to receive something under the bill. I earnestly hope he is made of such stuff that he will pay back more than he will receive; that is, that he will be a fair producer somehow in the industrial life of the Nation. In the progress of this debate it has been suggested that the time of the soldier boy while he was in the Army was not altogether lost. I heard one man dwell at length on the physical improvement wrought by the 12 months' military training of his boy. In the cloakroom another told of a boy who, in discussing his experience in Europe during 18 months, declared that he would not take $10,000 for that experience, and that it was the equivalent of a liberal education. I know that in after years the experiences of the boys over there will be a source of great pride and of great pleasure in the many memories they will recall and recount to those less fortunate—or less unfortunate, if you count it that way—who

never got across the water To their dying day the emblem of their service, whether over here or over there, will be a badge of honor and a recommendation to them in public or private life and a priceless heritage to their children after them.

Provision has been made, running close to half a billion dollars per year, for the care and training of those who were injured or broken in health by the war. We are speaking now of the young man who has returned to his home sound in body and mind. Would he commercialize, if not tarnish, the glory of his service to his country for the pittance of $50, of $200, of $500, or of $1,000 wrung from the labor of the young and old who are to-day no better off in this world's goods than he? I have addressed many meetings of old Confederate soldiers who spent from two to four years in the hardest and most hazardous service ever borne by soldiers; I have recounted to them the undying glories crowning forever their names and deeds; but I have often said to them that the crowning glory of their lives consisted in the fact that when they came back to their devastated or wasted homes they asked for no aid and looked for no aid from the States that sent them out to service, but they laid by the trappings of war and took up the harness of industry and started to work to build up the waste places, to rebuild and restore their homes, and to lead their communities in every righteous path of life. They became a shining example to their children and to all the countries of the world of the highest type of manhood, and their labors were crowned with such success that in the after years the old Confederate soldier was on the average far better off than were the soldiers who wore the blue and began to receive pensions in 1865. It is that kind of halo I would like to see gathered upon the heads of our boy heroes who came unscathed from the Marne and Belleau Woods. There is another angle from which to view this question. It is expressed in the Tulsa World of December 9 under the heading, "The soldier bonus again." I do not know the politics of this paper, nor does that matter. It says:

> It is deeply significant of many things, none of which are creditable, that Members of Congress returning to their duties after a brief sojourn among their constituents express their determination to take up the soldier bonus legislation at an early date and make a law of it before the session ends. In this apparent consensus of congressional opinion one is permitted to see at close quarters the compelling force of American statesmanship and it is a grizzly, grotesque, dangerous thing—not what is right, not what should be done for the country, but what will make votes and what the apparent articulate factions may desire. Next year is election year. * * * The World has always opposed the bonus for able-bodied ex-soldiers. It has opposed it because * * * it puts a price upon patriotism and sets up a precedent that must be eventually tremendously embarrassing to the Republic, because it cheapens the sacrifices of every mother's son who sleeps over there.

I do not despair of the Republic. The menace of socialism, communism, and sovietism threatens from afar to-day. The burdens of taxation and of tribute levied by monopoly and combination and the increasing power of organization and propagandaism are driving us in the wrong direction, driving us away from the ideals of independence and self-respecting manhood so dear to our fathers; but those ideals are not dead, and in many ways the moral training of the people of to-day is elevating and ennobling them, and I trust that the moral courage is growing which will cause our men of the future, both in public and in private life, to dare more than ever heretofore to do right.

Mr. MANN. Mr. Speaker, reserving the right to object to the request of the gentleman to extend his remarks—and I shall not object—I would like to suggest that if one man shall have the right to extend remarks in the RECORD on the bonus bill, perhaps it would be just as well to give everybody in the House that right. [Applause.] I ask unanimous consent, to bring it before the House, that the Members shall have the right to extend remarks in the RECORD on the rule and also on the so-called bonus bill, if that comes up to-day, for 10 days.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all Members shall have the right to extend their remarks for 10 days. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized. The gentleman has 12 minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, the rule before the House makes it in order to move to suspend the rules to-day. The usual debate of 20 minutes on a side is extended to 2 hours on a side. This is the most liberal provision for debate on a motion to suspend the rules within my memory in 20 years of service in the House. Much important legislation in the history of our Republic has been passed under suspension of the rules. It is not, therefore, an affront to the House of Representatives to pass a great measure under suspension of its rules.

Now, Mr. Speaker, I want to address myself briefly to the remarks of the gentleman from Texas [Mr. HARDY], who has just taken his seat, and to the opposition generally enunciated by the Democratic minority in their report upon this bill. [Applause.] The gentleman from Texas likened our soldiers in the Great War, who are organized into the American Legion and Veterans of Foreign Wars, to the bands of marauding soldiers who traveled through Europe in the Middle Ages and lived off the country. That is only a greater insult to the soldiers than the assumption generally entertained and expressed by those opposed to this bill that the veterans of the war can be purchased by adjusted compensation legislation. [Applause.]

Any man who thinks, any newspaper that thinks, any man who charges, or any newspaper that charges, that you can purchase the votes of the veteran soldiers of our Republic in the Great War by the passage of this bill does not know the men who made up that great army. He does not know the men who lay in the trenches, who went over the top, and through no man's land. They were not purchasable men. They are and will be for more than half a century the strongest men in the body politic of this Republic. They are above price. [Applause.]

The adjusted compensation proposed in this bill is small. I wish it could be greater. I wish we could do as much for the veterans now as we did for the soldiers of the Revolution, for the soldiers of 1812, for the soldiers of the Mexican War, and for the soldiers of the Civil War. We offered to all of these lands from the public domain. We bade them go upon it and make their homes there, and they did! Our public domain is gone.

This bill does what the country now feels it can do.

We have gone through a great war under the management of a Democratic administration that engaged in an orgy of expenditure. You, gentlemen, here on my right, you Democrats who criticize this bill because it would raise and disburse a few hundred millions of dollars, raised and disbursed $40,000,000,000 in a period of three years. You did not spend one dollar of that to adjust the compensation of the returned soldiers. In the year 1919, after the war was over, while in full control of the Government, you raised and disbursed over $19,000,000,000 and you did not give a dollar to the returned soldier as additional or adjusted compensation. To-day you indulge in demagogic claptrap in your minority report on this bill to a degree that would put any self-respecting body of men to shame. [Prolonged applause.] You talk about raising money from multimillionaires made during the war and giving cash bonuses to the soldiers. Why did you not pay some of that $40,000,000,000 that you took from the American people to the soldiers when you had the chance? Why did you not give some of the $19,000,000,000 that you raised in 1919, after the war, to the soldiers when you had the chance? The boys can not be fooled with your demagogy and claptrap. During a period of three years you took from the American people $40,000,000,000, more money than it cost to run the expenses of the Republic from the day of the adoption of the Constitution up to 1912. You were in full charge of the war. You permitted soldiers to freeze and die in barracks and in hospitals. [Cries of "No!" "No!" on the Democratic side.] You did! You permitted them to go into battle without the support of airplanes and artillery. You permitted them to walk knee-deep in mud while waiting for boats upon which to come home.

Mr. UPSHAW. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No. And yet you indulge in all this tommyrot as to what should be done now, printed in your minority on this bill. Yours is signed by Mr. KITCHEN, the minority leader, and four of his colleagues. I understand it is so putrid that the gentleman from Texas [Mr. GARNER] refused to sign it. You have not so far grown out of memory of the boys as to be able to impress them with your interest in them. When you were raising money by the billions by taxation and by the sale of bonds, you were giving it to the contractors to whom you now refer as having made millions and billions out of the war. They were your contractors, your profiteers. You made the contracts with them and adjusted the payment of their canceled contracts after the war was over.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL of Kansas. In discussing this question in this House on May 26, 1920, I said:

> Mr. Chairman, the people of the United States are able to and are willing to pay every obligation growing out of the war, legal, equitable, and moral.
>
> When a state of war was declared with Germany a wave of patriotic fervor, accompanied by a disposition on the part of all our people to make every sacrifice, spread over the country. The man power, the financial strength, and the industrial resources of the Republic were mobilized for war. The country changed from a peace to a war basis. All were willing to adapt themselves to the changed conditions and to make the same sacrifices that the young men who went to the front to

fight the battles were called upon to make. Four millions of the boys were mustered in. Two millions of them reached the battle front. War contractors, such as are provided against loss under the provisions of the bill now under consideration, produced but little material that reached the front before the armistice was signed. Let us say they did their best as the boys did their best. The boys offered their lives; the contractors the product of their industries.

But immediately following the armistice and ever since every specie, every variety, and every character of contractor came to Congress with as many varieties of contracts and asked for money to secure them against loss. Some had contracts that were partly completed, some upon which little had been done, some upon which nothing had been done, and many had no contracts at all. These contractors and would-be contractors appealed to Congress to indemnify them not only against loss but some of them asked for the profits they had expected to make out of the war contracts they had or thought they had.

Let no one lose sight of the fact that the industries of the country, as well as the man power of the country, were all commandeered for war purposes. War contractors and those who controlled the industries of the country were under the same obligation to render patriotic service to the Nation as the young men who offered their lives upon the battle fields. But the men whose property instead of their lives was commandeered have received from the country since the armistice was signed $2,179,272,966 to indemnify them against loss.

When the men who were to furnish their property or the products of their industry for war purposes appealed to Congress, those who to-day protest against legislation to in a small way indemnify the boys who offered their lives in battle against financial loss were the earnest advocates of the war contractors. As to the contractors, they do not complain that it would bankrupt the Treasury; that it would increase the cost of living; that the country could stand no additional taxation. But when it is proposed to indemnify the young men, every one of whom offered his life for his country, in an amount that about equals the amount the Government deducted from their pay during the war, a propaganda is spread over the country protesting against legislation readjusting the pay of these heroic boys.

During the war half of their pay was kept from them and sent to dependent relatives. A quarter of it was retained by the Government for insurance. They had in the neighborhood of seven dollars and a half a month for their personal use during the war. Out of this pittance they could save nothing. When they were discharged they received $60, which was not enough to buy citizens' clothing, that during their absence had more than doubled in price. They had a year and a half of war—of hell—whether in cantonments, on the sea, or on the battle fields. Their lives were made over. Their nerves were strained to the breaking point. And yet some Members here protest against legislation that will help these boys get on their feet and make their way with those who have made rapid progress in every profession, trade, and industry during their absence in the war.

Mr. Chairman, I serve notice now that until Congress is ready to do something for the men who fought the battles of the war I shall oppose appropriations, or authorizations for appropriations, or authorizations for contractors, or would-be contractors, to establish their claims against the Government of the United States. You have been told that the boys who fought the battles of the war should not commercialize their patriotism. I say that the contractors of the war should not commercialize their patriotism. [Applause.]

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BANKHEAD. To what legislation does the gentleman refer which should be enacted before we take up legislation of the character now under consideration?

Mr. CAMPBELL of Kansas. I refer to the bill that has been under consideration, readjusting the pay of the soldiers—indemnifying them to small degree for loss sustained during the war.

Mr. BLANTON. Commonly known as the bonus proposition.

Mr. CAMPBELL of Kansas. Yes; against which a solid Democratic vote is pledged.

Let it not be said that the country has for the soldiers only cheers for the living, tears for the dead, but indemnity for contractors.

Let me remind you that the boys for whom a readjustment of pay is asked are the same boys that you followed to the station when they were embarking for the cantonments. They are the boys for whom the sweaters were knit and the bandages were made. They are the boys who lay sick in hospitals beside the frozen bodies of dead comrades; the same boys who braved the perils of the sea to reach the enemy on the battle fields of France and Flanders, they are the same boys who lay in the trenches, who went over the top amid the shot and shell and deadly gases of the enemy. They are boys who added glory to the Republic by their patience in the cantonments, by their courage on the sea, by their endurance in the trenches, by their bravery and heroism in going over the top into "no man's land." They are the boys who stirred the heart of the Republic, who cheered England, and France, and Italy, and Belgium; who put new life and courage and new soul into the war. They are the same boys who drove terror into the heart of the Hun, who forced the Kaiser from his throne and drove the German Army back across the Rhine. They are the boys whose comrades sleep beneath the poppies in France and Flanders, and in every State of the Union.

Their silent tents are spread
Where glory guards with sacred round
The bivouac of the dead.

A bill for their relief should pass ungrudgingly. It is said that it is intended to buy the votes of these brave boys. Their votes can not be bought. It is said that this legislation is commercializing the patriotism of the boys. It is not said that legislation for contractors is commercializing the patriotism of the contractors.

I appeal to the opposition to the soldiers' pay legislation everywhere to support it with the same patriotic support they gave to the legislation mobilizing the boys for war.

Again, on May 27, 1920, I said:

Mr. Chairman, a great many special rules have been brought out of the Committee on Rules that have cut off debate and prohibited amendment, but no rule from that committee within my recollection has met such united opposition from the Democratic side of the House as has the rule for the consideration of the bill providing indemnity for the soldiers of the Great War. [Applause on the Republican side.] The political minority of the House is opposed to that legislation.

Mr. RUBEY. Will the gentleman yield?

Mr. CAMPBELL of Kansas. The political minority on the Democratic side is united with 49 Members on the majority side of the House.

Mr. RUBEY. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No; I can not. This makes a majority of the membership of the House against the previous question on the rule and against the rule.

No man interested in this legislation would bring in a rule here, move the previous question, and have a united Democratic minority, supported by half a hundred on this side of the House, vote down the previous question and throw the whole question into the hands of the enemies of the legislation. [Applause on the Republican side.] And that is exactly what the enemies of this legislation are prepared to do.

Mr. PELL. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No.

Mr. GALLIVAN. Will the gentleman yield to me for a moment? Here is one Democrat who is with you.

Mr. CAMPBELL of Kansas. That is one thing I do not propose to do. I shall not turn this legislation over to its enemies, to those who propose at any cost to defeat it. I propose on Saturday morning to bring in a rule providing for six days of suspension. Under that rule it will be in order to move to suspend the rules and pass the bill, and you gentlemen then can not go behind a barrage of previous questions and alleged drastic rules and vote against this legislation. The gentleman from Massachusetts [Mr. GALLIVAN] says he will be for it. I am glad to say he has been for it from the beginning; but other gentlemen on that side of the House will have to come from behind the barrage. You will have to "go over the top" and into "no man's land" and vote for or against the main proposition. [Applause on the Republican side.]

Mr. PELL. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. No.

This proposition does not differ from other important legislation brought here under special rule under which the previous question is ordered, under which amendment is denied. I have brought in such rules. The gentleman from Tennessee [Mr. GARRETT] has brought in such rules during the time that he and his party were in the majority. The same thing has been done throughout the history of legislation. Everybody knows that if the legislation that is proposed to indemnify the soldiers for some of the losses that they sustained during the war were thrown open for all sorts of amendment and debate such action would mutilate it and defeat its purpose as sought by the men who are attempting to get consideration for it under conditions that would enable them to do that. [Applause on the Republican side.]

And again, on May 29, 1920:

Mr. Speaker, gentlemen who oppose legislation that will in a small degree compensate the soldiers of the Great War for the losses they sustained are opposed to this resolution. [Applause.]

Every gentleman who is opposed to legislation compensating the soldiers in any degree for losses they sustained are opposed to this resolution. [Applause.]

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No; I can not yield now.

Mr. CLARK of Missouri. Yes; you can. [Laughter.]

Mr. CAMPBELL of Kansas. Every gentleman on this side of the House who voted against laying the appeal from the decision of the Chair on the table is opposed to compensating the soldiers of the Republic who bared their breasts to shot and shell on the fields of France and Flanders. [Applause.]

No gentleman who has so far discussed this question can refrain from announcing his opposition to some feature in this bill. The gentleman from Missouri [Mr. CLARK] says he is in favor of compensating the soldiers. The soldiers in the country will take his vote upon this resolution rather than what he says about it. [Applause.]

"By their fruits ye shall know them." The time has come to unmask on this question. It is time to raise the barrage. It is time now to compel gentlemen to go over the top, to go out where they will face the foe, vote aye or no, and you who vote no against this resolution will be known to the country and known everywhere as opposed to soldiers' indemnity legislation.

Who are the boys for whom this legislation is intended? They are the boys who shed imperishable glory on the history of the Republic. [Applause.] They terminated the war a year or a year and a half earlier than it had been expected it would terminate. And I call the attention of you gentlemen over here to this fact: That if it had not been for the bravery and the indomitable courage and endurance of these boys the Kaiser would be levying tribute on you to-day. [Applause.] You made this statement in the opera houses and in the churches to the people you addressed in support of the bond issues during the war.

Now, I want to unmask a little further. Some of you on the Democratic side who are opposed to this legislation are opposed to it because 350,000 to 375,000 colored boys would come within its provisions. I deny now in their behalf and in behalf of every man who wore the uniform of his country and followed its colors that they will waste this money and become profligate by reason of receiving it.

Mr. STEVENSON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. No. The young men who enlisted in this Great War or who were drafted for the war came out of it mature and great men, and they will save this country from all enemies in the years to come. [Applause.] They are entitled to some compensation for the losses they sustained during two awful years.

Mr. UPSHAW. Give us a chance for a straight vote.

Mr. CAMPBELL of Kansas. You will have a chance in five minutes. [Applause.] If you vote it down, you must square yourselves with your consciences.

You say this is to buy the vote of the soldiers?

Mr. PELL. Yes.

Mr. CAMPBELL of Kansas. That is the most infamous charge that could be made against these brave boys, and no man who has regard for their integrity and for their place in history would make that statement. Their votes can not be bought. No men in the history of wars suffered more from the time they entered the cantonments until the armistice was signed than these boys, and many of them suffered every agony after the armistice was signed. These boys went through a literal hell in the cantonments, and in the camps, in the trenches, in the field, and whether they were in the air, on the land, on the sea, or under the sea, they rendered great service and terminated, in glorious victory, the greatest war in history. [Applause.]

It is proposed to raise a billion and a quarter dollars in their behalf. We have already paid two and a quarter billion dollars to the contractors since the armistice was signed, and you gentlemen voted it. You never uttered a word against that legislation. You did not say that it was infamous. To-day you attempt to cover yourselves behind a barrage of an alleged drastic rule and say you can not vote for this thing. If it were not for this soldier legislation there would scarcely

be a single vote in this House against this resolution. The opposition to this resolution grows out of the fact that immediately upon its adoption the gentleman from Michigan [Mr. FORDNEY] will be recognized by the Speaker to move to suspend the rules and pass the bill that will provide some compensation for these splendid boys. Are you in favor of it?

SEVERAL MEMBERS (on the Democratic side). Yes.

Mr. CAMPBELL of Kansas. Then vote for the resolution so you can vote for the bill. If you are against this legislation you will go on record against this resolution.

Mr. SABATH. Mr. Speaker——

Mr. CAMPBELL of Kansas. No; I can not yield. You will vote against this resolution if you are against this legislation. You can not play fast and loose, blow hot and cold on this question.

The SPEAKER. Does the gentleman yield?

Mr. CAMPBELL of Kansas. No. I do not yield. You can not say in one breath that you are for the soldiers, for compensation for them, and then as soon as you have an opportunity vote against a resolution that makes it possible to consider the bill that would give them the compensation that has been agreed upon. This bill provides everything the soldiers ask for and one thing more, viz, the insurance feature. It provides for raising the revenue by taxing stock and grain gamblers, by taxing large incomes, by taxing transfers of real estate, by taxing tobacco, and by taxing stock dividends. [Applause.]

What I said then is pertinent to-day. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Kansas moves the previous question.

Mr. GARRETT of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were yeas 274, nays 127, answered "present" 1, not voting 27, as follows:

YEAS—274.

Ackerman	Dyer	Kraus	Roach
Anderson	Echols	Kreider	Robertson
Andrew, Mass.	Edmonds	Langley	Robsion
Andrews, Nebr.	Ellis	Larson, Minn.	Rogers
Ansorge	Evans	Lawrence	Rose
Anthony	Fairchild	Lazaro	Rosenbloom
Appleby	Fairfield	Leatherwood	Rossdale
Arentz	Faust	Lehlbach	Ryan
Atkeson	Favrot	Lineberger	Sanders, Ind.
Bacharach	Fenn	Little	Schall
Barbour	Fess	Longworth	Scott, Mich.
Beck	Fish	Luce	Scott, Tenn.
Beedy	Fitzgerald	Luhring	Shaw
Begg	Focht	McArthur	Shelton
Benham	Fordney	McCormick	Shreve
Bird	Foster	McKenzie	Siegel
Bixler	Frear	McLaughlin, Mich.	Sinclair
Blakeney	Free	McLaughlin, Nebr.	Sinnott
Bland, Ind.	French	McLaughlin, Pa.	Slemp
Boies	Frothingham	McPherson	Smith, Idaho
Bond	Fuller	MacGregor	Smith, Mich.
Bowers	Funk	Madden	Snell
Brennan	Gahn	Magee	Snyder
Britten	Gensman	Maloney	Sproul
Brooks, Ill.	Gernerd	Mann	Steenerson
Brooks, Pa.	Glynn	Mapes	Stephens
Brown, Tenn.	Goodykoontz	Martin	Strong, Kans.
Browne, Wis.	Gorman	Mead	Strong, Pa.
Burdick	Gould	Merritt	Summers, Wash.
Burke	Graham, Ill.	Michaelson	Swank
Burroughs	Graham, Pa.	Michener	Sweet
Burtness	Green, Iowa	Miller	Swing
Butler	Greene, Mass.	Millspaugh	Taylor, N. J.
Cable	Greene, Vt.	Mondell	Taylor, Tenn.
Campbell, Kans.	Griest	Montoya	Temple
Campbell, Pa.	Hadley	Moore, Ill.	Ten Eyck
Cannon	Hardy, Colo.	Moore, Ohio	Thompson
Chalmers	Haugen	Morgan	Tilson
Chandler, Okla.	Hawley	Morin	Timberlake
Chindblom	Hays	Mott	Tincher
Christopherson	Hersey	Mudd	Towner
Clague	Hickey	Murphy	Treadway
Clarke, N. Y.	Hill	Nelson, A. P.	Underhill
Classon	Hoch	Nelson, J. M.	Vaile
Clouse	Hogan	Newton, Mo.	Vare
Codd	Hukriede	Nolan	Vestal
Cole, Iowa	Hull	Norton	Voigt
Cole, Ohio	Husted	Olpp	Volk
Colton	Hutchinson	Osborne	Volstead
Connell	Ireland	Paige	Walters
Connolly, Pa.	James	Parker, N. Y.	Ward, N. Y.
Cooper, Ohio	Jefferis, Nebr.	Patterson, N. J.	Wason
Cooper, Wis.	Johnson, S. Dak.	Perkins	Watson
Copley	Johnson, Wash.	Perlman	Webster
Coughlin	Jones, Pa.	Petersen	Wheeler
Crago	Kearns	Porter	White, Kans.
Cramton	Keller	Pringey	White, Me.
Crowther	Kelley, Mich.	Purnell	Williams
Curry	Kelly, Pa.	Quin	Williamson
Dale	Kendall	Radcliffe	Winslow
Dallinger	Kennedy	Ramseyer	Woodruff
Darrow	Ketcham	Ransley	Woodyard
Davis, Minn.	King	Reavis	Wurzbach
Dempsey	Kinkaid	Reece	Wyant
Denison	Kirkpatrick	Reed, N. Y.	Yates
Dickinson	Kissel	Reed, W. Va.	Young
Dowell	Kline, Pa.	Rhodes	Zihlman
Dunbar	Knutson	Ricketts	
Dunn	Kopp	Riddick	

NAYS—127.

Almon	Bell	Box	Bulwinkle
Aswell	Black	Brand	Burton
Bankhead	Bland, Va.	Briggs	Byrnes, S. C.
Barkley	Bowling	Buchanan	Byrns, Tenn.
Cantrill	Hardy, Tex.	Lowrey	Sanders, Tex.
Carew	Harrison	Lyon	Sandlin
Carter	Hawes	McClintic	Sears
Chandler, N. Y.	Hayden	McFadden	Sisson
Cockran	Hooker	McSwain	Smithwick
Collier	Huddleston	Mills	Stafford
Collins	Hudspeth	Montague	Steagall
Connally, Tex.	Humphreys	Moore, Va.	Stedman
Crisp	Jeffers, Ala.	Moores, Ind.	Stevenson
Cullen	Johnson, Ky.	Newton, Minn.	Stoll
Davis, Tenn.	Johnson, Miss.	O'Brien	Sullivan
Dominick	Jones, Tex.	O'Connor	Sumners, Tex.
Doughton	Kiess	Oldfield	Tague
Drane	Kincheloe	Oliver	Thomas
Drewry	Kindred	Overstreet	Tillman
Driver	Kline, N. Y.	Padgett	Tinkham
Dupré	Knight	Park, Ga.	Tyson
Fisher	Kunz	Parker, N. J.	Upshaw
Freeman	Lanham	Parks, Ark.	Vinson
Fulmer	Lankford	Pou	Walsh
Gallivan	Larsen, Ga.	Rainey, Ill.	Weaver
Garner	Layton	Raker	Wilson
Garrett, Tenn.	Lea, Calif.	Rankin	Wingo
Garrett, Tex.	Lee, Ga.	Rayburn	Wise
Gilbert	Lee, N. Y.	Riordan	Wood, Ind.
Goldsborough	Linthicum	Rouse	Woods, Va.
Griffin	Logan	Rucker	Wright
Hammer	London	Sabath	

ANSWERED "PRESENT"—1.

Herrick

NOT VOTING—27.

Blanton	Himes	Mansfield	Sanders, N. Y.
Brinson	Jacoway	Ogden	Speaks
Clark, Fla.	Kahn	Parrish	Stiness
Deal	Kitchin	Patterson, Mo.	Taylor, Ark.
Elliott	Kleczka	Rainey, Ala.	Taylor, Colo.
Fields	Lampert	Reber	Ward, N. C.
Hicks	McDuffie	Rodenberg	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. Patterson of Missouri with Mr. Deal.

Mr. Lampert with Mr. McDuffie.

Mr. Rodenberg with Mr. Mansfield.

Mr. Elliott with Mr. Blanton.

Mr. Hicks with Mr. Ward of North Carolina.

Mr. Reber with Mr. Taylor of Arkansas.

Mr. Kahn with Mr. Clark of Florida.

Mr. Himes with Mr. Brinson.

Mr. Kleczka with Mr. Fields.

Mr. Ogden with Mr. Jacoway.

Mr. Speaks with Mr. Rainey of Alabama.

Mr. Sanders of New York with Mr. Kitchin.

Mr. Stiness with Mr. Taylor of Colorado.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, on a division (demanded by Mr. MCARTHUR) there were—ayes 221, noes 121.

Accordingly the resolution was agreed to.

Mr. FORDNEY. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 10874, including the amendments reported by the committee.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass a bill which the Clerk will report.

The Clerk read the title of the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. My understanding is that the gentleman from Michigan moves to suspend the rules and pass the bill as amended by the committee.

The SPEAKER. He moved to suspend the rules and pass the bill which he sends to the Clerk's desk, with the amendments as they appear in the bill.

Mr. TREADWAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TREADWAY. Is it proper at this point to demand a second?

The SPEAKER. Not until after the bill is reported.

The Clerk read the bill, as follows:

Be it enacted, etc.,—

TITLE I.—DEFINITIONS.

SECTION 1. This act may be cited as the "World War adjusted compensation act."

SEC. 2. As used in this act—

(a) The term "veteran" includes any individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage;

(b) The term "oversea service" means service on shore in Europe or Asia, exclusive of China, Japan, and the Philippine Islands; and service afloat, not on receiving ships; including in either case the period from the date of embarkation for such service to the date of disembarkation on return from such service, both dates inclusive;

(c) The term "home service" means all service not oversea service;

(d) The term "adjusted service credit" means the amount of the credit computed under the provisions of Title II; and

(e) The term "person" includes a partnership, corporation, or association, as well as an individual.

TITLE II.—ADJUSTED SERVICE CREDIT.

SEC. 201. The amount of adjusted service credit shall be computed by allowing the following sums for each day of active service, in excess of 60 days, in the military or naval forces of the United States after April 5, 1917, and before July 1, 1919, as shown by the service or other record of the veteran: $1.25 for each day of oversea service, and $1 for each day of home service; but the amount of the credit of a veteran who performed no oversea service shall not exceed $500, and the amount of the credit of a veteran who performed any oversea service shall not exceed $625.

SEC. 202. In computing the adjusted service credit no allowance shall be made to—

(a) Any commissioned officer above the grade of captain in the Army or Marine Corps, lieutenant in the Navy, first lieutenant or first lieutenant of engineers in the Coast Guard, or passed assistant surgeon in the Public Health Service, or having the pay and allowances, if not the rank, of any officer superior in rank to any of such grades—in each case for the period of service as such;

(b) Any individual holding a permanent or provisional commission or permanent or acting warrant in any branch of the military or naval forces or (while holding such commission or warrant) serving under a temporary commission in a higher grade—in each case for the period of service under such commission or warrant or in such higher grade after the accrual of the right to pay thereunder. This subdivision shall not apply to any noncommissioned officer;

(c) Any civilian officer or employee of any branch of the military or naval forces, contract surgeon, cadet of the United States Military Academy, midshipman, cadet of the Coast Guard, member of the Reserve Officers' Training Corps, member of the Students' Army Training Corps (except an enlisted man detailed thereto), Philippine Scout, member of the Philippine Guard, member of the Philippine Constabulary, member of the Porto Rico Regiment of Infantry, member of the National Guard of Hawaii, member of the insular force of the Navy, member of the Samoan native guard and band of the Navy, or Indian Scout—in each case for the period of service as such;

(d) Any individual entering the military or naval forces after November 11, 1918—for any period after such entrance;

(e) Any commissioned or warrant officer performing home service not with troops and receiving commutation of quarters or of subsistence—for the period of such service;

(f) Any member of the Public Health Service—for any period during which he was not detailed for duty with the Army or the Navy;

(g) Any individual granted a farm or industrial furlough—for the period of such furlough; or

(h) Any individual detailed for work on roads or other highway construction or repair work—for the period during which his pay was equalized to conform to the compensation paid to civilian employees in the same or like employment, pursuant to the provisions of section 9 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919.

SEC. 203. (a) The periods referred to in subdivision (e) of section 202 may be included in the case of any individual if and to the extent that the Secretary of War and the Secretary of the Navy jointly find that such service subjected such individual to exceptional hazard. A full statement of all action under this subdivision shall be included in the reports of the Secretary of War and the Secretary of the Navy required by section 307.

(b) In computing the credit to any veteran under this title effect shall be given to all subdivisions of section 202 which are applicable.

(c) If part of the service is oversea service and part is home service, the home service shall first be used in computing the 60 days' period referred to in section 201.

(d) For the purpose of computing the 60 days' period referred to in section 201, any period of service after April 5, 1917, and before July 1, 1919, in the military or naval forces in any capacity may be included, notwithstanding allowance of credit for such period, or a part thereof, is prohibited under the provisions of section 202, except that the periods referred to in subdivisions (b), (c), and (d) of that section shall not be included.

(e) For the purposes of section 201, in the case of members of the National Guard or of the National Guard Reserve called into service by the proclamation of the President dated July 3, 1917, the time of service between the date of call into the service as specified in such proclamation and August 5, 1917, both dates inclusive, shall be deemed to be active service in the military or naval forces of the United States.

TITLE III.—GENERAL PROVISIONS.

OPTIONAL PLANS.

SEC. 301. Each veteran shall have the right to avail himself of any one, but only one, of the following plans:

(1) To receive "adjusted-service pay," as provided in Title IV; but the veteran can not choose this plan if the amount of his adjusted-service credit is more than $50;

(2) To receive an "adjusted-service certificate," as provided in Title V;

(3) To receive "vocational training aid," as provided in Title VI;

(4) To receive "farm or home aid," as provided in Title VII; or

(5) To receive "land-settlement aid," as provided in Title VIII.

APPLICATION BY VETERAN.

SEC. 302. (a) The veteran's choice among the plans enumerated in section 301 shall be made by application filed with the Secretary of War, if he is serving in, or his last service was with, the military forces; or with the Secretary of the Navy, if he is serving in, or his last service was with, the naval forces.

(b) Such application shall be made on or before July 1, 1923, and if not made on or before such date shall be held void; but if application for land-settlement aid is made on or before such date, the time for receiving the credits and exercising the preferences provided for in title 8 shall be as specified in such title.

(c) An application shall be made (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making of a personal application, then by such representative of the veteran and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe. An application made by a representative other than one authorized by any such regulation shall be held void.

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section.

PROOF OF VETERAN'S CHOICE OF PLAN.

SEC. 303. (a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Secretary of the Treasury, if the veteran has chosen an adjusted service certificate, or to the Director of the United States Veterans' Bureau if the veteran has chosen vocational training aid, or to the National Veterans' Settlement Board if the veteran has chosen farm or home aid or land-settlement aid, a certificate setting forth—

(1) That the applicant is a veteran;

(2) His name and address;

(3) The plan chosen; and

(4) The amount of his adjusted service credit.

(b) Upon receipt of such certificate the officer or board to which it is transmitted shall proceed to extend to the veteran the benefits conferred by the plan chosen, as provided for in this act.

PUBLICITY.

SEC. 304. (a) The Secretary of War and the Secretary of the Navy shall, as soon as practicable after the passage of this act, jointly prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of this act, accompanied by such statements as to the comparative advantages of each of the plans enumerated in section 301 as may be of assistance to veterans in making their choice among such plans; and shall from time to time thereafter jointly prepare and publish such additional or supplementary information as may be found necessary.

(b) The officer or board having charge of the administration of any plan or part thereof enumerated in section 301 shall transmit to the Secretary of War and the Secretary of the Navy as soon as practicable after the passage of this act full information and explanations as to the matters of which such officer or board has charge, which shall be considered by the Secretary of War and the Secretary of the Navy in preparing the publications referred to in subdivision (a).

(c) The publications provided for in subdivision (a) shall be distributed in such manner as the Secretary of War and the Secretary of the Navy may determine to be most effective to inform veterans of their rights under this act.

STATISTICS.

SEC. 305. Immediately upon the passage of this act the Secretary of War and the Secretary of the Navy shall ascertain the individuals who are veterans as defined in section 2, and, as to each veteran, the number of days of oversea service and of home service, as defined in section 2, for which he is entitled to receive adjusted service credit; and their decisions shall not be subject to review by the General Accounting Office.

ADMINISTRATIVE REGULATIONS.

SEC. 306. Any officer or board charged with any function under this act shall make such regulations, not inconsistent with this act, as may be necessary to the efficient administration of such function.

REPORTS.

SEC. 307. Any officer or board charged with the administration of any plan under this act, or of any part thereof, shall make a full report to Congress on the first Monday of December of each year.

EXEMPTION FROM ATTACHMENT AND TAXATION.

SEC. 308. No sum payable under this act to a veteran, or to his estate, or to any beneficiary named under Title V, no adjusted service certificate, and no proceeds of any loan made on such certificate shall be subject to attachment, levy, or seizure under any legal or equitable process, or to National or State taxation.

UNLAWFUL FEES.

SEC. 309. Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits, privileges, or loans to which he is entitled under the provisions of this act shall, upon conviction thereof, be subject to a fine of not more than $500 or imprisonment for not more than one year, or both.

TITLE IV.—ADJUSTED SERVICE PAY.

SEC. 401. There shall be paid to any veteran, as soon as practicable after receipt of an application in accordance with the provisions of section 302, and in addition to any other amounts due him in pursuance of law, the amount of his adjusted service credit, if, and only if, such credit is not more than $50.

SEC. 402. Payment shall be made by the Secretary of War if the veteran is serving in, or his last service was with, the military forces; and by the Secretary of the Navy if he is serving in, or his last service was with, the naval forces.

SEC. 403. If the veteran dies after making application in accordance with the provisions of section 302 for adjusted service pay and before receiving payment, payment shall be made to his estate.

SEC. 404. No right to adjusted service pay under the provisions of this title shall be assignable or serve as security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. The Secretary of War and the Secretary of the Navy shall not pay the amount of adjusted service pay to any person other than the veteran or his estate or such representative of the veteran as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe.

TITLE.—ADJUSTED SERVICE CERTIFICATES.

SEC. 501. The Secretary of the Treasury, upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed to issue without cost to the veteran designated therein an adjusted service certificate (hereinafter in this title referred to as a "certificate") of a face value equal to the sum of (1) the adjusted service credit of the veteran increased by 25 per cent plus (2) interest thereon for 20 years at the rate of 4½ per cent per annum compounded annually (such amount being approximately equal to 3.015 times the adjusted service credit of the veteran). The certificate shall be dated, and all rights conferred under the provisions of this title shall take effect as of October 1, 1922. The veteran shall name the beneficiary of the certificate and may from time to time, with the

approval of the Secretary of the Treasury, alter such beneficiary. The amount of the face value of the certificate (unless the certificate has been canceled as hereinafter in this title provided) shall be payable (1) to the veteran on September 30, 1942, or (2) upon the death of the veteran prior thereto, to the beneficiary named; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, the amount of the face value of the certificate shall be paid to the estate of the veteran.

LOAN PRIVILEGES BEFORE OCTOBER 1, 1925.

SEC. 502. (a) A loan may be made to any veteran prior to September 30, 1925, upon his adjusted service certificate only in accordance with the provisions of this section.

(b) Any national bank, or any bank or trust company incorporated under the laws of any State, Territory, possession, or the District of Columbia (hereinafter in this section called "bank"), is authorized to loan to any veteran upon his promissory note secured by his adjusted service certificate (with or without the consent of the beneficiary thereof) any amount not in excess of 50 per cent of the loan basis (as defined in subdivision (f) of this section) of the certificate, such loan to mature on or before September 30, 1925. The rate of interest charged upon the loan by the bank shall not exceed by more than 2 per cent per annum the rate charged at the date of the loan for the discount of commercial paper under section 13 of the Federal reserve act by the Federal reserve bank for the Federal reserve district in which the bank is located. Any bank holding a note for a loan under this section secured by a certificate (whether the bank originally making the loan or a bank to which the note and certificate have been transferred) may sell the note to, or discount or rediscount it with, any bank authorized to make a loan to a veteran under this section, and transfer the certificate to such bank. In case the note is sold the bank making the sale shall promptly notify the veteran.

(c) If the veteran does not pay the principal and interest of the loan within six months after its maturity (or on or before September 30, 1925, if the loan matures on or after March 30, 1925), the bank holding the note and certificate shall present them to the Secretary of the Treasury not earlier than May 30, 1925, and not later than October 15, 1925. The Secretary shall thereupon cancel the note and the certificate and pay to the bank the amount of the unpaid principal due it, and the unpaid interest accrued, at the rate fixed in the note, up to the date of the check issued to the bank. The difference between 80 per cent of the loan basis of the certificate at the time of its receipt by the Secretary and the amount so paid to the bank, shall be immediately paid by the Secretary to the veteran, if living. If the veteran dies before such difference can be paid to him, it shall be paid to the beneficiary under the certificate; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, then the payment shall be made to the estate of the veteran.

(d) If the veteran dies before the maturity of the loan, the amount of the unpaid principal and the unpaid interest accrued up to the date of his death shall be immediately due and payable. In such case, or if the veteran dies on the day the loan matures or within six months thereafter, or, in case the loan matures on or after March 30, 1925, if he dies on or after the day the loan matures but before October 1, 1925, the bank holding the note and certificate shall, upon notice of the death, present them to the Secretary who shall thereupon cancel the note (but not the certificate) and pay to the bank, in full satisfaction of its claim, the amount of the unpaid principal and unpaid interest, at the rate fixed in the note, accrued up to the date of the check issued to the bank; except that if, prior to the payment, the bank is notified of the death by the Secretary of the Treasury and fails to present the certificate and note to the Secretary within 15 days after the notice, such interest shall be only up to the fifteenth day after such notice. The Secretary shall deduct the amount so paid from the face value (as determined under section 501) of the certificate and pay the remainder in accordance with the provisions of section 501.

(e) When any loan becomes in default, the bank holding the note shall within 30 days thereafter notify the Secretary of the Treasury of the facts relative to the note, the name of the veteran, and the number of his certificate.

(f) The loan basis of any certificate at any time, shall, for the purposes of this section, be the amount of the adjusted service credit, plus interest thereon, from October 1, 1922, to such time, at the rate of 4½ per cent per annum, compounded annually.

(g) No payment upon any note shall be made under this section by the Secretary of the Treasury to any bank, unless the note when presented to him is accompanied by an affidavit made by an officer of the bank which made the loan, before a notary public or other officer designated for the purpose by regulation of the Secretary, and stating that such bank has not charged or collected, or attempted to charge or collect, directly or indirectly, any fee or other compensation (except interest as authorized by this section) in respect to or because of any loan made under this section by the bank to a veteran. Any bank which, or director, officer, or employee thereof who, does so charge, collect, or attempt to charge or collect any such fee or compensation; shall be liable to the veteran for a penalty of $100, to be recovered in a civil suit brought by the veteran.

LOAN PRIVILEGES AFTER SEPTEMBER 30, 1925.

SEC. 503. The Postmaster General is hereby authorized and directed to instruct postmasters of the first, second, and third classes to take applications of veterans for Government loans and collect payments thereon.

SEC. 504. (a) Application for Government loans may be made at any post office of a first, second, or third class. Such loans, secured by the adjusted service certificate, shall be made by the Secretary of the Treasury, with or without the consent of the beneficiary, and payments thereon collected, in accordance with the provisions of this title, under rules and regulations to be prescribed by him. He shall supply postmasters of the first, second, and third classes with blanks upon which veterans may make applications for Government loans. Such applications shall be in the form prescribed by the Secretary of the Treasury, and have attached thereto a form of promissory note to be executed by the veteran, and a receipt, to be delivered to the veteran, which shall be signed by the postmaster receiving the application, and which shall acknowledge the receipt of the note and the certificate, and contain a description of each. The postmaster shall thereupon transmit to the Secretary of the Treasury the application, note, and certificate. Upon the approval of the loan by the Secretary of the Treasury he shall transmit to the veteran a check for the amount of the loan. He shall also issue in triplicate a statement showing the name and service of the veteran, the number of his certificate, and a schedule of the amounts of the several payments, and the dates when due. The original of the statement shall be retained with the application, the duplicate shall be transmitted to the postmaster receiving the application and the triplicate to the veteran. The postmaster holding such statement shall receive and indorse thereon the payments made by the veteran; shall give a receipt to the veteran; and shall promptly transmit payments to the Secretary of the Treasury. Such payments shall be covered into the Treasury as miscellaneous receipts. The veteran shall make repayment of the loan upon an amortization plan by means of a fixed number of annual installments sufficient to cover (1) interest on the unpaid principal at the rate of 4½ per cent per annum and (2) such amount of the principal as will extinguish the debt within an agreed period not exceeding the life of the certificate.

(b) If the veteran fails to make any payment when due, and such default continues for the period of one year, thereupon the Secretary of the Treasury shall declare the certificate of the veteran to be forfeited and cancel and surrender the note to the veteran; but if the Secretary of the Treasury subsequently finds any such certificate was forfeited by mistake, or under any misapprehension of fact, he shall reinstate the same upon payment of the amount then due the Government on the loan, and upon the receipt of a new note from the veteran on the same terms as the original note for the remaining amount due.

(c) If the veteran is in default and his certificate is forfeited, when he has borrowed an amount less than the maximum authorized under either subdivision (a) or (b) of section 505, the Secretary of the Treasury shall pay to him 80 per cent of the difference between what he has borrowed and the maximum which he was authorized to borrow under either subdivision (a) or (b) of section 505. If the veteran dies before such 80 per cent can be paid to him, it shall be paid to the beneficiary under the certificate; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, then the payment shall be made to the estate of the veteran.

SEC. 505. No Government loan shall be made upon any certificate prior to October 1, 1925. The amount of such loans to any one veteran outstanding at any time shall not exceed:

(a) If the loan is made on or after October 1, 1925, and before October 1, 1928, 85 per cent of the sum of (1) the adjusted service credit of the veteran plus (2) interest thereon from October 1, 1922, to the date of the making of the loan, at the rate of 4½ per cent per annum, compounded annually, or,

(b) If the loan is made on or after October 1, 1928, and before October 1, 1942, 70 per cent of the sum of (1) the adjusted service credit of the veteran increased by 25 per cent, plus (2) interest thereon from October 1, 1922, to the date of the making of the loan, at the rate of 4½ per cent per annum, compounded annually.

SEC. 506. No certificate issued or right conferred under the provisions of this title shall, except as provided in section 502 or 504, be negotiable or assignable or serve as security for a loan. Any negotiation, assignment, or loan made in violation of any provision of this section shall be held void.

SEC. 507. In the case of the death of the veteran or the forfeiture of his certificate, any Government loan made upon the certificate, and the note in respect thereto, shall be canceled; and in case such loan has been canceled as a result of the death of the veteran, the Secretary of the Treasury shall deduct the amount of the unpaid principal and interest of the loan from the amount of the face value of the certificate in respect to which the loan is made.

SEC. 508. Any certificate issued under the provisions of this title shall have printed upon its face the conditions and terms upon which it is issued and to which it is subject, including loan values under sections 502 and 505.

SEC. 509. If the veteran dies after making application in accordance with the provisions of section 302 and before October 1, 1922, the amount of the adjusted service credit of the veteran shall be paid by the Secretary of the Treasury to his estate.

TITLE VI.—VOCATIONAL TRAINING AID.

SEC. 601. The Director of the United States Veterans' Bureau (hereinafter in this title referred to as the "director"), upon certification from the Secretary of War or the Secretary of the Navy, as provided in secton 303, is hereby directed to pay to the veteran designated therein (if he is not receiving the benefits of the vocational rehabilitation act, as amended) the sum of $1.75 for each day of his attendance (on or after January 1, 1923), on a course of vocational training previously approved by the director as suitable for such veteran. Such payments shall be made without deduction for Sundays, holidays, or vacations not exceeding two weeks in duration, or for absence for other cause which the director deems justifiable; but the total payment shall not exceed 140 per cent of the amount of the adjusted service credit of the veteran.

Payments under this section shall be made monthly, or at more frequent intervals, as the director may determine generally or in special cases.

SEC. 602. The director shall establish such regulations as will insure the regular attendance of the veteran on his course of training, and no sum or sums shall be payable under this title unless the director has been furnished proof of such regular attendance. For each day of unjustifiable absence the veteran shall forfeit the sum payable for that day and shall receive no reimbursement for it in any other form.

SEC. 603. If the payment under section 601 plus the amounts forfeited under section 602 is less than 140 per cent of the adjusted service credit, either by reason of the duration of the course approved or by reason of the veteran's discontinuing, with the approval of the director, his attendance on his course of training, he shall be entitled to receive an amount equal to the difference between (1) his adjusted service credit and (2) that proportion thereof which the payments made or accrued under section 601 plus the amounts forfeited under section 602 bear to 140 per cent of his adjusted service credit: *Provided*, That from the amount thus computed there shall be deducted an amount equal to the sums forfeited under section 602.

SEC. 604. If before the completion of the payments under this title the veteran is separated from the military or naval forces under other than honorable conditions, or is discharged therefrom on account of his alienage, no further payments shall be made under this title.

SEC. 605. (a) If the veteran dies after making application in accordance with the provisions of section 302 and before any payments have been made or have accrued under this title, the amount of the adjusted service credit of the veteran shall be paid by the director to his estate.

(b) If the veteran dies after the course of training has begun, his estate shall be paid by the director the same amount as would have been paid to the veteran under section 603, treating for such purposes

the date of his death as the date of discontinuance of attendance on his course of training.

SEC. 606. (a) The director is hereby authorized to cooperate with State boards for vocational education in such manner as will secure their assistance in the approval of courses of training for veterans, and other assistance in carrying out the provisions of this title.

(b) Whenever any State provides funds for assistance to veterans in attendance upon approved courses or provides for free tuition in approved educational institutions, the director is authorized and directed to cooperate with the State board for vocational education of such State in securing the maximum educational opportunities to veterans entitled to the benefits of this title.

TITLE VII.—FARM OR HOME AID.

SEC. 701. (a) The national veterans' settlement board created by Title VIII (hereinafter in this title referred to as the "board") upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed, on or after July 1, 1923, to pay to the veteran designated therein, in one payment or in installments, an amount equal to his adjusted-service credit increased by 25 per cent.

(b) Such payment shall be made for the purpose, and only for the purpose, of enabling the veteran to make improvements on a city or suburban home, or a farm not selected under Title VIII, or to purchase or make payments on such a home or farm.

SEC. 702. No such payment shall be made unless and until the board has approved the purpose for which it is desired by the veteran, and has suitable assurance that the money will be expended for such purpose. The board may, at the option of the veteran, or on its own motion, make the payment directly to the vendor or other person to whom such payment is due from the veteran.

SEC. 703. For the purpose of enabling it to pass upon the desirability of the investment, the board may make use of the services of land-bank appraisers of the Federal Farm Loan Board, to be designated by the latter board.

SEC. 704. (a) If the veteran dies after making application in accordance with the provisions of section 302 for farm or home aid and before a contract has been entered into with the approval of the board, the amount of his adjusted-service credit shall be paid by the board to his estate; but no such payment shall be made if the veteran has been separated from the military or naval forces under other than honorable conditions or discharged therefrom on account of his alienage.

(b) If before the veteran's death a contract has been entered into with the approval of the board, and payments under this title on such contract are still due, such payments shall be made by the board to the vendor or other person to whom such payments are due from the veteran.

TITLE VIII.—LAND SETTLEMENT.

NATIONAL VETERANS' SETTLEMENT BOARD.

SEC. 801. (a) There is hereby established a board to be known as the "national veterans' settlement board" (hereinafter in this title called the "board") and to be composed of five members as follows:

(1) The Secretary of the Interior (hereinafter in this title called the "Secretary"), and

(2) Four members to be appointed by the President, by and with the advice and consent of the Senate.

(b) No veteran retired for age or longevity of service from active service in the military or naval forces shall be eligible for appointment to, or remain eligible for membership upon, the board. Any vacancy in the office of an appointed member shall be filled in the same manner and under the same limitations as in the case of the original appointment.

(c) The Secretary shall be the executive and administrative officer to carry out the plans and purposes adopted by the board under the provisions of Title VII and of this title. The members of the board, except the Secretary, shall receive an annual salary of $7,500. Of the members appointed to the board in the first instance, one shall be appointed for a term of two years, one for three years, one for four years, and one for five years. Their successors shall hold office for terms of five years; except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds.

ESTABLISHMENT OF PROJECTS.

SEC. 802. The board is hereby authorized to establish veteran settlement projects (hereinafter in this title called "projects") for the reclamation and settlement of lands by means of irrigation, drainage, or other manner or method of development and improvement thereof, including the building of necessary public roads within the projects. Projects shall be selected by the board with a view to the development of one or more projects in each of the several States where the establishment of a project is feasible.

SEC. 803 (a) The board may by gift, purchase, deed in trust, or otherwise acquire lands suitable for any project; but no project shall be finally selected, and no lands shall be acquired by purchase, unless the price and other conditions of acquisition have been submitted to and approved by (1) the governor of the State in which the lands are located, (2) as to price only, a land bank appraiser to be designated by the Federal Farm Loan Board, and (3) the board. If the governor of the State fails to signify his approval or disapproval within such time as the board by regulation shall determine, the land commissioner, or if there is in the State no official of such title, then the agency which under the laws of the State is authorized to perform the functions ordinarily exercised by a land commissioner may act in lieu of the governor.

(b) In case any project includes privately owned land, no construction work shall be commenced upon the project until the owners of all such land in the project have each conveyed or agreed to convey to the United States title to all land owned by him in excess of a farm unit as established for the project under the provisions of section 806.

(c) The Secretary (1) may withdraw from location, sale, settlement, entry, or other disposition and place under the control of the board such unappropriated public lands as he deems necessary for any project, and (2) shall restore to public entry lands so withdrawn if subsequently the board finds that such lands are not so required.

(d) The board may in its discretion contract with any irrigation or drainage district or other public corporation organized under the laws of the State in which the project is located to establish, develop, improve, and otherwise cooperate (in accordance with the provisions of this title) in the execution of and the administration of the affairs of any project comprising only the lands of such district or corporation.

COOPERATION WITH FEDERAL AND STATE AGENCIES.

SEC. 804. The board may, in executing the provisions of this title—

(a) Make use of, cooperate with, and allot moneys appropriated for its use to any existing agency of the Federal Government which agrees to act as the agent of the board. Such agency is hereby authorized, within the limits of the moneys allotted it and under the direction of the board, to perform work in connection with any project.

(b) Whenever a State provides funds to be expended by the board in the establishment, development, and improvement of any project within the State, the board may contract with the State, or any agency thereof designated by the governor, to cooperate with the board, to such extent as the board deems advisable, in the work in connection with the project. The board may further establish a branch office in the State to administer matters arising in connection with projects in the State.

(c) Whenever a State provides not less than 25 per cent of the amount of the funds which are, in the opinion of the board, necessary to be expended by it in the establishment, development, and improvement of any project within the State, the board shall authorize the State, or any agency thereof designated by the governor, to undertake, subject to the general supervision of the board, (1) the selection, acquisition, and subdivision of lands for, and the improvement of farms within, any project, and (2) the development thereof after the project is open to settlement.

SEC. 805. So far as practicable, veterans shall be employed and their services utilized in the administrative and field work necessary to the establishment and development of any project by the board and all Federal agencies cooperating therewith. All contracts or other agreements of the board with any cooperating State or agency thereof shall contain a like stipulation. At the earliest practicable date each veteran so employed upon a project shall be allowed to select and shall be allotted, as hereinafter in this title provided, a farm unit upon which he may construct a dwelling and make other improvements.

ALLOTMENT AND SALE OF LANDS.

SEC. 806. (a) The board shall establish for each project or portion thereof (1) farm units of an acreage sufficient, in the opinion of the board, for cultivation by and the support of a family, and (2) farm worker's units of a small acreage sufficient, in the opinion of the board, for part-time cultivation by a farm worker's family.

(b) The board may set apart and reserve tracts within any project for use free from all charge for community and other public purposes, but the title to such lands shall remain in the United States. Whenever any such tract fails to be used for the purpose for which it was set apart and reserved, the board shall, after due notice and hearing, declare the tract forfeited to the United States. Such tract shall thereupon resume its original status.

(c) The board may establish town sites within any project and develop and sell lots therein, to veterans and repatriates only, under such regulations and upon such terms as it shall prescribe.

SEC. 807. (a) When used in this title, the term "repatriate" includes (1) any citizen of the United States who has served with the military or naval forces of any nation allied against the German Government or its allies without loss of citizenship, and (2) any former citizen of the United States who has so served with loss of such citizenship but has since been repatriated; except that such term shall not include a veteran or any individual who was separated from such forces under other than honorable conditions.

(b) Whenever in the opinion of the board farm units or farm workers' units, within any project, are available for settlement, the board shall give public notice and description thereof, together with a statement of the construction charges and other conditions incident thereto, and shall mail individual notices to any veteran whose name has been certified to the board under the provisions of section 303. The board shall allot a farm unit or a farm workers' unit to any such veteran or repatriate who applies therefor in such manner as the board shall by regulation prescribed. As between applicants, preference in making allotments shall be given, first, to a veteran who has been employed upon and who has rendered substantial service in the development of any project; and, second, to a veteran or repatriate, who, in the opinion of the board, is least likely to fail in his enterprise or to cause the United States loss.

(c) The board shall allot farm units, farm workers' units, and town lots to veterans and repatriates only.

SEC. 808. (a) The cost of construction, including the purchase price of any lands acquired for the project, but excluding administrative expenses and the expenses of maintaining general offices and exercising general supervision over projects, shall be apportioned equitably among the farm units, farm workers' units, town lots, and other tracts within the project in proportion to the selling value of each unit, lot, or tract; and the total sale price of all lands within the project shall be fixed with a view of repaying the total of such construction cost of the project.

(b) Each allottee of a farm unit or farm worker's unit shall pay to the board such price as the board shall fix for the unit in pursuance of the provisions of subdivision (a) of this section; except that in case the allottee is a veteran there shall be deducted from such price the amount of his adjusted service credit.

(c) A veteran or repatriate may at his option, in lieu of payment in full at the time of entry, pay all balances due upon the purchase price for his unit upon an amortization plan by means of a fixed number of annual installments sufficient to cover (1) interest on the unpaid principal at the rate of 5 per cent per annum, and (2) such amount of the principal as will extinguish the debt within an agreed period not exceeding 25 years from the making of the contract of purchase. In the case of a veteran, the installments shall be so arranged that he will not be required to pay any installment until two years after the making of the contract of purchase. The board may in its discretion, whenever it is of the opinion that any emergency has caused default in the payment of any installment of the veteran or repatriate, postpone the payment of such installment until such date as it deems expedient. Such postponed payments shall continue to bear interest on the unpaid principal at the rate of 5 per cent per annum from the date of the contract of purchase. The board shall make such regulations as to residence upon, and use or cultivation of, units by a veteran or repatriate, as in the opinion of the board, will carry out the purpose of making the unit his permanent home.

SEC. 809. A patent or deed, as the case demands, shall immediately be issued to a purchaser who has paid the full price for his unit, and may be issued at any time more than five years after the date of purchase to any purchaser under the amortization plan who has met all payments then due from him to the board and has observed all condi-

tions prescribed by regulations issued under the provisions of subdivision (c) of section 808. Each such patent or deed shall expressly reserve to the United States a prior lien on the land patented or deeded, superior to all other liens, claims, or demands whatsoever, for the repayment of all sums due or to become due to the board.

SEC. 810. (a) If the veteran dies after making application in accordance with the provisions of section 302 for land settlement aid and before having entered into a contract of purchase under section 808, the amount of his adjusted service credit shall be paid by the board to his estate, but no such payment shall be made if the veteran has been separated from the military or naval forces under other than honorable conditions or discharged therefrom on account of his alienage.

(b) If the veteran or repatriate dies previous to the completion of his contract of purchase, the successor by law to his interest in the land, if a widow or heir at law, may assume the contract of purchase. If the successor is other than a widow or heir at law the balance due the board under the contract of purchase shall be due immediately and shall be paid the board within such time after the death of the veteran as the board shall by regulation prescribe.

SEC. 811. No lands within any project shall in any event become liable to the satisfaction of any debt contracted prior to the issue of the deed or patent therefor. No transfer, assignment, mortgage, or lease of the interest of any purchaser of a unit shall, unless approved by the board, be valid previous to the issue of the deed or patent for the land, or within five years after the date of purchase.

SEC. 812. Prior to the issue of a deed or patent, as the case may be, for any unit, lot, or tract within a project, such unit, lot, or tract shall be subject to taxation by any State, or political subdivision thereof, but only upon the appraised value of the owner's interest in the land and improvements thereon. If the owner fails to pay any such tax or assessment the board is authorized to pay such tax or assessment and to include the amount of the payment, together with interest and penalties at the rate provided by law for delinquent taxes in the State in which the land is located, in the installments payable under the contract of purchase.

SEC. 813. Upon the default of any payment due to the board under, or upon the violation of, the provisions of subdivision (c) of section 808, or of section 810, 811, or 812, the interest of the purchaser in the unit shall revert to the United States free of all encumbrances, but subject to the right of the defaulting debtor, or any mortgagee, lien holder, judgment creditor, or subsequent purchaser, to redeem the land, within one year after the board gives notice of such default, by payment of all moneys due with interest at 8 per cent per annum from the date of default, and costs. The board, at its option, may cause the land to be sold at any time after such failure to redeem. From the proceeds of the sale the board shall retain all moneys due, with interest as provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee. In the case of sale after failure to redeem under this section, the board is authorized to bid in such land at not more than the amount in default, including interest and costs.

SEC. 814. In case a veteran has entered upon land reclaimed under the reclamation law, the board shall, upon application of the veteran, pay to the reclamation fund the amount of the adjusted service credit of the veteran, and the Secretary of the Interior shall thereupon credit such sum to the amount payable to the fund by the veteran.

RECEIPTS FROM PROJECTS.

SEC. 815. All moneys received by the board as payments in respect to lands within any project shall be covered into the Treasury of the United States as miscellaneous receipts; except that from such receipts shall be deducted the amounts required to make such repayment or reimbursement to any State or designated agency thereof, or to any district or other public corporation, as is necessary to carry into effect the provisions of subdivision (d) of section 803 and of subdivisions (b) and (c) of section 804.

APPLICABILITY OF RECLAMATION LAW.

SEC. 816. The board shall, so far as possible, in executing the provisions of this title, make use of existing agencies in the Department of the Interior and comply with the reclamation law in so far as such law is applicable and not inconsistent with the provisions of this title. Such reclamation law shall, for the purposes of this title, be deemed applicable to the reclamation of lands by drainage or by any other manner or method, as well as to reclamation by irrigation. This section shall not be construed to give the board any control over the disposition of moneys in the reclamation fund.

EFFECTIVE DATE.

SEC. 817. Sections 802 to 816, both inclusive, shall take effect on January 1, 1923.

TITLE IX.—MISCELLANEOUS PROVISIONS.

SEC. 901. The officers and boards having charge of the administration of any of the provisions of this act are authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses and per diem in lieu of subsistence at not exceeding $4 for officers, agents, and other employees, for the purchase of reports and materials for publications, and for other contingent and miscellaneous expenses, as may be necessary efficiently to execute the purposes of this act and as may be provided for by the Congress from time to time. With the exception of such special experts as may be found necessary for the conduct of the work, all such appointments shall be made subject to the civil service laws; but for the purposes of carrying out the provisions of section 305 such appointments may be made without regard to such laws until the services of persons duly qualified under such laws are available. In all appointments under this section preference shall, so far as practicable, be given to veterans.

SEC. 902. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 903. Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate, or document made under the provisions of Title III, IV, V, VI, VII, or VIII, or of any regulation made under any such title, shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than five years, or both.

SEC. 904. The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Director of the United States Veterans' Bureau, and the National Veterans' Settlement Board shall severally submit to Congress in the manner provided by law estimates of the amounts necessary to be expended in carrying out such provisions of this act as each is charged with administering, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, amounts sufficient to defray such expenditures.

The SPEAKER. Is a second demanded?

Mr. GARNER. Mr. Speaker, I demand a second.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Michigan asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Under the rule providing for two hours' debate on a side, having demanded a second, what would be the division of time under that rule?

The SPEAKER. Normally under a motion to suspend the rules, when there is only 20 minutes on a side, the gentleman making the motion has 20 minutes and the gentleman demanding a second has 20 minutes. Under the general rules of the House no one is recognized for more than an hour. The Chair thinks that the gentleman from Michigan [Mr. FORDNEY] should be recognized for one hour in favor of the motion and the gentleman from Texas [Mr. GARNER] one hour against the motion. Then there would be two hours remaining, which the Chair thinks would be within the recognition of the Chair.

Mr. GARNER. May I ask if the Speaker expects to recognize anyone in favor of the bill on the Democratic side?

The SPEAKER. The Chair will state frankly what his purpose is. The Chair thinks he should recognize the gentleman from Michigan for one hour in favor of the motion and the gentleman from Texas [Mr. GARNER] for one hour against the motion, and then normally he would recognize the gentleman from Arkansas [Mr. OLDFIELD] in favor and the gentleman from Massachusetts [Mr. TREADWAY] against. But under the present circumstances the Chair is placed in this dilemma: The rule provides that one-half of the time given to debate be in favor and one-half in opposition to the proposition. It seems to the Chair that anyone who has read the report signed by the gentleman from Arkansas [Mr. OLDFIELD] would not expect the time he consumed would be in favor of the proposition. Therefore, the Chair has come to this conclusion, that he will recognize the gentleman from Michigan for one hour, the gentleman from Texas for one hour, and the next ranking member of the Committee on Ways and Means, the gentleman from Iowa [Mr. GREEN] for one hour, he having assured the Chair that he will yield one-half of that hour to the gentleman from Arkansas [Mr. OLDFIELD], and then will recognize the gentleman from Massachusetts [Mr. TREADWAY], as opposed to the bill, for one hour.

Mr. OLDFIELD. Mr. Speaker, I do not want the Speaker to put me in a wrong attitude in regard to the bill. The Speaker states that from the minority report, signed by myself and others, he would take it that I was opposed to the bill.

The SPEAKER. Oh, no; the Chair was unfortunate if he gave that impression. The Chair understands that the gentleman is in favor of the bill, and the Chair thinks that the report which the gentleman signed so states. But, of course, the report attacks the bill——

Mr. OLDFIELD. It does attack the bill in one section.

Mr. MONDELL. The gentleman is for the bill but against the provisions. [Laughter.]

Mr. WALSH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Is not the effect of the rule that the House adopted this morning to provide that instead of the gentleman who moved the suspension of the rules and the gentleman who demands a second having 20 minutes on a side they shall have 2 hours?

The SPEAKER. The Chair does not think that the rule means that the gentleman from Michigan shall have two hours and the gentleman from Texas two hours. The Chair does not think that is a proper interpretation of the rule.

Mr. WALSH. The language of the rule is "that there shall be two hours on a side." The general rules of the House on the limitation of debate certainly does not apply to the motion to suspend the rules.

The SPEAKER. The Chair thinks it does; that the general rule of the House of one hour applies; and the Chair does not think there is any way under this rule by which a gentleman can have more than one hour except by unanimous consent.

Mr. WALSH. Then that rule is not suspended?

The SPEAKER. The Chair thinks not.

Mr. GARNER. Mr. Speaker, what does the Chair conclude is the meaning of two hours on a side? I assume that these two hours are in favor and two hours opposed to the proposed

bill. That being the case, I have this suggestion to make in the interest of fairness. I am opposed to the bill. On this side the gentleman from Louisiana [Mr. MARTIN] is in favor of the bill. He voted in committee to report the bill out and declined to sign the minority report, and said that he would not sign any report that criticized a bill that he proposed to vote for. [Applause.] I am glad to get that applause, because I want to suggest to the Speaker in the interest of fairness that he ought not to force a Democrat to go to the Republicans to get time in favor of this bill. The Speaker is proposing to recognize three Republicans, or two hours in favor of the bill and one Democrat opposed to it, and force every Democrat to go to a Republican to get time to advocate the measure. I suggest to the Speaker, I plead with him, that he ought to be fair to this side of the House, and when a man can come within the rule that is laid down against the gentleman from Arkansas [Mr. OLDFIELD], as does Mr. MARTIN, who voted for the bill and desires recognition that he may yield to his colleagues on this side who are in favor of the bill.

The SPEAKER. The Chair wishes to assure the gentleman, and he hopes it will be credited, that his desire is to be entirely fair to the Democratic side of the House. He would normally and naturally recognize the gentleman from Arkansas [Mr. OLDFIELD], but it seemed to the Chair that doing that would really give to the opponents of the measure three hours, or that at least most of three hours of the time for debate would be occupied with attacks on the bill, leaving only one hour in its favor. Therefore the Chair made the arrangement which he suggested. It will not be necessary for gentlemen on the Democratic side of the House to go to the Republican side for time, because the gentleman from Arkansas [Mr. OLDFIELD] will have 30 minutes to dispose of as he pleases.

Mr. GARNER. Then, if I understand it, the position of the Chair is this, that while he wants to deal fairly with the Democratic side of the House he is only willing that those in favor of the bill on the Democratic side may have 20 minutes in which to discuss the bill, while he will give to the Republican side an hour and 30 minutes in favor of it. That does not seem to me like fairness.

The SPEAKER. The Chair thinks that he is justified in that by the attitude taken by those on the Democratic side of the House as evidenced in the minority report, showing that while they are going to vote for the bill they desire to use their time in criticism of it.

Mr. MARTIN. But, Mr. Speaker, I did not sign that minority report.

The SPEAKER. The Chair was unaware of that until within a few moments, and that might have made a difference.

Mr. MARTIN. Why should it not make a difference now?

The SPEAKER. At the same time the Chair doubts if the gentleman would find many to whom he could yield time who take the same position that he does.

Mr. GALLIVAN. Oh, Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GALLIVAN. Having lived to see this day when I could vote for a soldiers' bonus bill, I will state now that I can not get any time on the Democratic side of the House to speak in favor of the bill or any bill which will treat our boys fairly, nor can I get any time on the Republican side of the House.

Mr. FORDNEY. Oh, the gentleman's name has been down for time on this side for some time.

Mr. GALLIVAN. Splendid. I thank the gentleman from Michigan.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. GARNER. Mr. Speaker, may I make a suggestion?

The SPEAKER. Certainly.

Mr. GARNER. In order that the matter may be arranged so that the time may be allotted from two gentlemen to one gentleman out of their time, would it not be well now to recognize the four gentlemen the Chair intends to recognize, so that they may yield their time? For instance, out of my particular time I desire to yield to the gentleman from Georgia [Mr. CRISP], and I understand that the gentleman from Arkansas [Mr. OLDFIELD] also desires to yield time to the gentleman from Georgia. In that way I think the Chair would accommodate gentlemen.

The SPEAKER. That is a good suggestion. Without objection, then, the Chair will recognize at this time the gentleman from Michigan [Mr. FORDNEY] for one hour, the gentleman from Texas [Mr. GARNER] for one hour, the gentleman from Iowa [Mr. GREEN] for one hour, and the gentleman from Massachusetts [Mr. TREADWAY] for one hour.

Mr. OLDFIELD. Mr. Speaker, I want the understanding with the gentleman from Iowa that I get 30 minutes.

Mr. GREEN of Iowa. The gentleman will have 30 minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of South Dakota. I have been trying to get recognition to make this inquiry for some time. Would the Speaker take into consideration before he makes that sort of ruling, which would prohibit gentlemen on the Democratic side in favor of the bill from getting recognition, the fact that many members of the Rules Committee had a tacit understanding before the rule was reported that the time was going to be equally divided between the two sides of the House? I think that statement would be certified to by the gentleman from Tennessee [Mr. GARRETT] and by the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The Chair thinks that he will abide by his ruling. The gentleman from Michigan is recognized for one hour.

Mr. FORDNEY. Mr. Speaker and gentlemen of the House, I am reminded of a few lines that I read during the war that made a lasting impression upon me. They are from the pen of Mr. Kenneth Graham Duffield, and run as follows:

Somebody's boy has crossed the sea.
T' do the fightin' for you and me.
Let's call him "Bill"—he's any man's son
That carries a pack and shoulders a gun.

The question of a soldiers' bonus has been before this body for the past two years. By resolution of the House in the last Congress all bills relating to this subject—and there are over 50—have been referred to the Committee on Ways and Means. During the Sixty-sixth Congress the committee presented a bill for a soldiers' bonus, which successfully passed the House but failed of passage in the Senate.

In connection with the bill now under consideration, permit me to state that the committee has given most careful consideration to all the suggestions presented to it, working in season and out of season in an effort to prepare and bring back to the House an acceptable bill—a most difficult task.

Many forms of taxation have been presented and considered, but none of them could be agreed to. Because of the condition of the finances of the Government the committee, believing that the enactment of legislation providing for a cash bonus would result in embarrassment to the Treasury, finally eliminated the cash feature, except in cases where the amount due is less than $50, and agreed to the bill now before the House.

In explaining some of the important features of the bill let me say:

1. The benefits of this bill are not subject to attachment.

2. The soldier entitled to an amount not in excess of $50 will receive cash for the full amount due him.

3. The most important provision of the bill is the one which provides for the issuance to the soldier by the Government of an insurance certificate dated October 1, 1922, covering the amount due him. The maximum number of days for which adjusted service credit will be given is 500 over and above the 60 days for which he has already received additional compensation under the provisions of the revenue act of 1918. This credit is established on the basis of $1 per day for each day of service rendered on this side and $1.25 per day for each day of service rendered on the other side, across the sea, between April 5, 1917, and July 1, 1919, provided he was "in the service" prior to the signing of the armistice. The face value of the insurance policy is payable 20 years from the 1st of October next and the policy bears interest at the rate of 4½ per cent per annum, compounded annually. At the end of 20 years the insurance certificate will yield a return to the soldier of a fraction over $3 for every dollar's worth of credit to which he is entitled under the certificate. For instance, if the certificate is based on a credit of $500, at the end of 20 years the soldier will receive a fraction over $1,500. If the credit is $600, then at the end of 20 years he will receive a fraction over $1,800. In case of the soldier's death before the expiration of the 20 years, his family or other beneficiary will receive at the time of his death the full amount of the insurance that would otherwise be due in 20 years.

The question is raised as to how much immediate relief a soldier will be able to secure under the provisions of this bill. The bill contains a provision which will enable the soldier who holds an insurance certificate to take the certificate to a national bank, trust company, or bank organized under the laws of any of our States and there borrow 50 per cent of his adjusted service credit by giving his note, running for such time as may be agreed upon, and putting up his insurance certificate as collateral to his note.

The Comptroller of the Currency states this would result in what he terms "frozen securities" for three years. The Secretary of the Treasury, the Comptroller of the Treasury, and the Director of the Federal Reserve Board appeared before the committee and pointed out certain objections to this provision of the bill. The committee then amended the bill to provide that the bank making the loan to the soldier may transfer, rediscount, or sell the note, accompanied by the collateral security—the insurance certificate. If the soldier defaults in the payment of the note, the bank can then at the end of three years present to the Secretary of the Treasury the note and certificate, accompanied by an affidavit as to the exact amount of money loaned, the rate of interest charged, and so forth, when the Treasury Department will pay to the bank the soldier's obligation and will also pay to the soldier the difference between the bank's claim and 80 per cent of the veteran's service credit. At the expiration of three years the soldier may borrow from the Government 85 per cent of his service credit, and after 1928 he may borrow 70 per cent of the amount of that credit, plus 25 per cent and plus 4½ per cent accrued interest.

The Government will charge the soldier 4½ per cent interest on the money loaned him, which will offset the 4½ per cent interest due on the certificate to the extent of the amount borrowed.

This provision enables the soldier to secure a cash loan of 50 per cent of his service credit from any bank in the country, for his collateral security is the best in the world. There is no bank that will refuse the soldier the privilege of borrowing that money.

Mr. COCKRAN. Will the gentleman allow me to ask him a question?

Mr. FORDNEY. I have only eight minutes of my time remaining, and I would rather not yield. If the gentleman will be kind enough, I would like to make this statement.

Mr. COCKRAN. It is in reference to the point the gentleman has just been discussing.

Mr. FORDNEY. What is it?

Mr. COCKRAN. Is there any way you can guarantee the insured that the bank will loan the money?

Mr. FORDNEY. There is no assurance except this: The certificate is as good as a Government bond, because it is a Government bond, and there is not a bank in the country to-day that will not lend money and is not lending money on Government bonds—not one. [Applause.]

Mr. FREAR. And Governor Harding so stated to the committee.

Mr. FORDNEY. He stated that it would be the very best collateral security that could be offered. The insurance certificates are not assignable except as collateral security to a note given by a soldier in negotiating a loan with a bank or trust company.

Gentlemen, another provision of the bill enables the soldier to purchase a home in the city, or a farm, in which event he will receive the amount of his service credit and 25 per cent thereof in addition to apply on the purchase of that home. If you want to make a good citizen of a man, have him own his home. If there is anything in this world a man will fight for, it is his home.

The bill also contains a provision for vocational training. The soldier who accepts this feature will receive 40 per cent in addition to the service credit, or an amount equal to $1.75 per day for the period to which he is entitled to adjusted compensation.

Then there is the home-settlement provision, reserved absolutely for the soldier boy. This is one of the best provisions of the bill, and it has safeguards thrown around it to prevent any waste of money. The bill provides for the creation of a commission, men to be appointed by the President of the United States, to control the expenditure of the money under this home-settlement provision.

Excluded from the benefits of the bill are—

1. Officers above the rank of captain; and

2. Men in the service employed on this side in war industries who received more than service pay or who were given farm furloughs during the period of such employment or furlough.

The Secretary of War and the Secretary of the Navy, under the terms of this bill, must publish pamphlets explaining the various advantages of each option named in the bill.

The Republican Party in its platform adopted at Chicago at the national convention in 1920 pledged the party to a reduction of taxation. That pledge has been fulfilled. The revenue act of November 23, 1921, reduced internal-revenue taxes for the year 1922 nearly $1,000,000,000. The amount collected this year, caused by the business depression of the country, will be more than $1,000,000,000 below the amount collected from the same sources last year.

It might be said in this connection that the demands upon the Treasury to meet the payment of the soldiers' bonus for the three years next following October 1, 1922, will be so small that the committee considered it unnecessary at this time to impose any tax for the purpose. Three years hence will be ample time to consider the question of how to meet the obligations that will then be due. It has been suggested, wisely, I believe, that when we receive the bonds in settlement of the amounts owing to us by foreign Governments, the same be indorsed by our Government and sold at not less than par, to raise the funds necessary to meet these bonus payments three years hence.

The object of the provision that the soldier can at no time borrow quite the full amount of the certificate is to induce him, if possible, to hold the certificate as an insurance for his family in case of his death, or as a good, practical business proposition, one which will bring him $3 for every $1 named in the certificate if he carries the certificate for the 20 years.

It has been said by those opposed to the bill that while opposed to a bonus they would be perfectly willing to see a tax upon the people for the purpose of caring for the sick and disabled soldier. To this I can only reply that existing law amply provides for these unfortunate sick and disabled veterans. If some of them fail to receive these benefits it is not the fault of the law, but is due to inefficient administration of the law.

The benefits of the bill are but a small recognition of the great obligation the American people owe to the soldiers who took part in the late war, who rendered such invaluable service at such dreadful cost to themselves. In speaking of the soldiers of the late war I am not unmindful of the debt we owe to the soldiers of former wars, particularly those of the Rebellion; a debt we can never pay. I do not understand how any public-spirited, patriotic, loyal citizen can possibly object to this small recognition on the part of our Government of the services rendered by our boys.

It is now two and a half years since the signing of the armistice, and on every hand and from every side we hear that veterans generally are still adrift.

It seems to me imperative in the national interest that effective means should be promptly found for the reestablishment of the soldier and his assimilation into civil life.

It is essential that such reestablishment should be accomplished in such a manner as to place the veteran as nearly as possible on equal footing with those whose business or professional career or other earning power was not interrupted by military service, so that he may be adequately rehabilitated in civil life and the better enabled to bear his share of the immense burden of taxation which the war has placed upon the country.

It is most desirable that such reestablishment should be accomplished with a minimum of administrative cost, so that the soldier may receive the maximum of benefit from the money expended and the burden to the country may not be unduly increased.

The homely little poem that I will now repeat expresses pretty well how we all felt and spoke about the boys during the war:

Over in France, in th' dirt an' mud,
There's a boy of ours;
He said he'd fight till th' war was through,
An' leave the rest t' me an' you.
We promised to help in every way;
If we couldn't fight we said we'd pay.
It's up to us, we can if we will;
Let's stop our fussing an' pull for Bill.

What does it matter, when all is done,
T' you an' me,
T' keep our money, but lose th' fight,
An' bend our necks to th' German's might?
Let's learn t' save an' go without;
Our money is talkin'—let's make it shout.
It's up to us, we can if we will;
Let's pull together, and pull for Bill.

It's easy to stand a wheatless day,
If it's helpin' Bill.
We'd rather be cold than have it said
We used the coal when he needed bread.
It isn't much, and it's rather small,
T' give so little when he gives all.
It's up to us, we can if we will;
Let's stand together and stand by Bill.

How would you like t' take his place
Out on the front?
How would you like t' be young an' strong,
A-doing your part to right the wrong?
Your part's at home—it's hard, I know,
To stand aside when the others go.
It's up to us, we can if we will;
We'll pull together—we're all for Bill.

Yes, we were all for "Bill" when he was giving his all for us. We promised him everything in return. Now, however, when Bill is in need of help in his effort to reestablish himself in civil life are we trying to help him? Are we standing by "Bill"?

Practically all of the principal countries that participated with the Allies in the late war have already given a bonus to their soldiers. Canada, just across the border, has paid the largest sum per soldier of all, a maximum of $634.40, paid by monthly installments in 12 months' time. I will here quote from a table showing the amounts paid in bonus by the various Governments, the total debt of each Government, its estimated wealth, and the percentage of its debt compared with its wealth:

Country.	Maximum bonus.	Debt of nation.	Estimated wealth.	Debt (per cent).
Canada	$634.40	$2,345,000,000	$10,000,000,000	23
Belgium	492.00	4,670,000,000	12,000,000,000	39
France	233.53	50,960,000,000	92,500,000,000	55
England	189.54	37,910,000,000	120,000,000,000	32
Italy	73.34	18,650,000,000	35,500,000,000	52

Australia, too, has paid her soldiers a bonus. I do not have the figures before me, but I am informed that the amount is quite in keeping with that paid by Canada.

Against the above table I wish to state that the total debt of our Federal Government is but 7 per cent of its wealth, and if we deduct from the debt the amount owing to us by foreign Governments the debt is but $4\frac{3}{10}$ per cent of our wealth, or the lowest percentage of debt in proportion to its wealth of any principal country in the world. This being true, how senseless to say that we can not afford to pay this bonus; to do as much for our soldiers as Canada has for hers.

My friends on the Democratic side, I am going to be a little bit severe in my remarks about you who are opposing this bill. You had control of both Houses of Congress and of the Executive when you passed the act of 1918 that carried $60 additional pay to the soldiers. Why, in the name of God, did you not then do for the soldiers what you say we should do for them now? [Applause.] Twenty-one States in this Union have taken action in favor of aid for the soldiers. Ten of them have already paid bonuses. Of the 21 States referred to not one is south of the Mason and Dixon line. In all these States the vote was from 3 to 5 in favor of the bonus to every 1 against it. Yet many people from these very States are now protesting against Government aid to the soldiers. [Applause.]

I have frequently made the statement that we were very patriotic during the war when our boys were marching to the front. We cheered them to the echo and with tears in our eyes marched with them down the street on their way to the front. When we arrived at the depot or the wharf where the boys took the train or the boat for overseas the boys went forward and we turned back. Many of those who accompanied the boys to the depot, who shouted the loudest and waved flags the wildest, are the very people who now begrudge this slight recognition; who snivelingly protest against a possible small tax for the present aid of the boys. Of course, many of these objectors contributed their share to the support of the soldier boy during the war, but that required no patriotism, no great sacrifice. It was money to be used by our Government for its own protection; for ourselves and future generations.

When the boys returned, how soon we seemed to forget their sacrifices. Some even say that this bonus is but a sale of patriotism. How unreasonable! How unjust! These boys are our neighbors. They were of the flower of the Nation when called to arms. Over 50 per cent of them were less than 20 years of age; schoolboys, full of life and full of patriotism; full of determination to do or to die.

I should feel guilty and conscience stricken to look one of these dear boys in the face and say to him "I owe you nothing; my Government owes you nothing."

A PRAYER FOR BILL.

I ain't been much on prayin', God,
Er goin' to church;
I've tried to do what I thought was right,
A-helpin' my friend an' treatin' 'em white.
I'm kinda sharp on a business deal,
I haven't lied an' I wouldn't steal.
An' so I'm askin' you, God, to-night:
Watch over Bill when we start t' fight.

I know you've a lot of work t' do
Way over there,
A-watchin' the Hun at his hellish play,
An' countin' the souls as they fly away.
Bill's only a boy, but he had t' go,
With mother an' me a-lovin' him so,
An' so we pray, dear God, tonight:
Watch over Bill when we start t' fight.

We're lonely, God, and want our boy,
Across th' sea.
All we can do is wait an' pray;
It's hard to bear with him away.
Oh, keep him clean an' brave an' true,
He's fightin' for mother and me an' you.
So hear me, God, as I pray to-night:
Watch over Bill when we start t' fight.

We know it will end somehow, some day,
Ez all things do.
The dead will sleep in the madman's track.
An' only the strong come marchin' back.
We'll count it lost if the fight is won,
The price of success our only son.
An' so I pray, dear God, to-night:
Watch over Bill when we start t' fight.

Mr. GARNER. Mr. Speaker, I yield myself five minutes.

I would not have, no one else would have, time during the four hours to analyze this bill to the satisfaction of the Members of the House. It would be impossible to analyze it in that length of time, if one man had the entire four hours. But, Mr. Speaker, I do want to call attention to the methods pursued by the majority in the consideration of this bill. They have been so unfair, so indefensible, that I could not possibly imagine that they would lead the Speaker himself. In the beginning of the consideration of this bill the Democratic membership was allowed to attend the public hearings. After the public hearings were through, we were no longer allowed to participate in the consideration of the bill. And, by the way, there were eight of them. I know you Republicans are fair as a body; you want to do what is right, unless the question gets to the point where it is going to pinch you, and then you grab the under hold, as you have done in this instance. We had hearings over there the other day, and to show you the strong-arm methods pursued by the committee, or at least by its chairman, unanimous consent was granted to put into the record a certain letter from an ex-Assistant Secretary of the Treasury, but when the hearings were printed, lo and behold, that letter did not appear. I made inquiry, and the clerk told me that the chairman of the committee directed that it be left out, although the record itself shows that by unanimous consent the committee ordered it put into the hearings for the information of this House. You have not got it and you can not get it, because, forsooth, of the strong-arm methods of the chairman of the Ways and Means Committee.

Mr. Speaker, I feel, sir, that I have as great a respect for you as has any man who stands on the floor of this House. I have served with you many years, and I say now that in all of your experience in the chair, sir, no one can mention an instance that approximates this, and so far as I know this is the only instance in which there has been shown gross unfairness to the minority by virtue of your office. There exists gross unfairness, because it is shown by the various members of the Rules Committee, Republicans themselves, protesting against it, that the Rules Committee, when they made up this rule, understood that the time would be equally divided between the Republican and Democratic sides of the House. But what do we find? We find three Republicans recognized and one Democrat, although more than two to one of the Democrats in this House who will cast their ballots this afternoon will vote for this measure. You do not give a single one of them recognition from the chair for the purpose of presenting his views. That is not fair play, but that is characteristic of the consideration of this bill from its infancy. And I can only express the hope that will not follow to the young man who keeps the time, and that, at least, he will be fair in watching the clock.

Mr. Speaker, I have not said anything about this bill. I have not criticized or questioned the methods of the men who are going to vote for it, but I think I would be justified, Mr. Speaker——

The SPEAKER. The time of the gentleman has expired.

Mr. GARNER. I yield myself one minute more.

I think I would be justified, Mr. Speaker, in saying that we had a right to question not only the methods but the motives of the men who drew this legislation. I say it without fear of contradiction in the hearts of men who will advocate it—that it is not the legislation that you want to place upon the statute book. I see the gentleman from Iowa [Mr. GREEN], who has an hour in this, smile as though he were saying, "This is my beloved child, of which I am proud, proud of all its attributes," but I venture the assertion that the gentleman from Iowa will not say this is the legislation that, if he had his way, he would write upon the statute books. Then, I do question, Mr. Speaker, not only the methods that have been adopted for its consideration in its preparation and for its consideration in the House, but I can question the methods of many of you who are going to vote for this measure, although in your hearts you know that it is not what you want and it is not what the country wants, and the worst part of it is it is not what the soldier wants.

Mr. Speaker, I reserve the balance of my time, and yield 10 minutes to the gentleman from Georgia [Mr. CRISP].

Mr. OLDFIELD. Mr. Speaker, I also yield 10 minutes to the gentleman from Georgia.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] is recognized for 20 minutes.

Mr. CRISP. Mr. Speaker and gentlemen of the House, I am a mild-mannered man and do not approve the use of harsh language, and I am frank to say that everything in the minority report, which I signed, did not have my approval. [Applause.] But neither did I approve the unfair way in which the Republican majority in this House has handled the bonus proposition. There was no party politics in it, but they made politics of it. They excluded us from any consideration with them in drafting this bill, and it was apparent even to the blind that when they brought it into this House they would bring it in under methods that would deny to the minority the right to offer amendment or to present their views to the House and to the soldiers. And, believing that one provision of this bill was indefensible and was not what the soldiers wanted, and desiring to let my position and views be known, I signed the minority report. But, Mr. Speaker, I have always heard that the hit bird flutters, and, listening to the remarks, the demagogic speech, of the gentleman from Kansas [Mr. CAMPBELL], which was ill-tempered, abounding in misstatements, and vituperative, I fear it is very apparent that his thin skin has been pinched [applause], and I do not believe it was the language in the minority report that did it, but it was the fact that the soldiers' attention and the country's attention was called to the fact that they were not giving them what they asked for, but were giving them a gold brick.

Now, Mr. Speaker, the gentleman from Kansas got his dates mixed when he talked about soldiers dying from improper food and care. He undoubtedly had in mind 1898, the Spanish-American War [applause], when the Republicans were in charge of all matters of government, at which time our soldiers were fed rotten beef, impure canned goods, furnished improper clothing and sanitation in camps, which resulted in the death of many of them.

Mr. Speaker, the gentleman from Kansas spoke about $19,000,000,000 that was spent in 1919. That money was raised to pay for ships, for cannon, for airplanes, for food, for munitions of war, that were used by the American forces while we were at war [applause], and the gentleman from Kansas and my Republican colleagues who were in the House at that time also voted for every one of those bills. [Applause.]

Now, I was on the Committee on Ways and Means all during the war, where legislation was framed raising money to finance the war, and never was there a single conference of the Democratic members of that committee without every Republican member of the committee being invited to participate in it. [Applause.]

Now, so much for that, Mr. Speaker. I shall vote for a bonus because I think the American soldier is entitled to adjusted compensation.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. CRISP. I will.

Mr. GARNER. And he has got to get two-thirds of his time from the opposition.

Mr. CRISP. Yes; but you are such a partial friend. I know that if you had any you would divide with me.

Mr. Speaker, I know taxes are high and burdensome, but those from which the great masses of the citizens are suffering are not Federal taxes but ad valorem taxes levied on lands, houses, and personal property by the various States, counties, and cities. Congress has no voice in nor control over such taxes. These local taxes must be paid whether the taxpayer is prosperous or insolvent. Federal taxes, with the exception of tariff duties and special excise taxes, which constitute but a small per cent of the total revenue of the Government, are paid only when the taxpayer is prosperous. If he prospers, he is taxed in proportion to his net profit; if he is unsuccessful and makes no gain, he pays no direct tax to the United States. In making the above observation I do not mean to imply that Federal taxes are not high, for they are, and I conceive it to be the duty of Congress to strive to lower the expenses of the Government so as to reduce tax burdens. Since the armistice I have consistently voted against every appropriation involving the Government in new undertakings and for reduced appropriations for all existing Government activities; and I shall continue to so vote except for the completion and construction of hospitals for disabled soldiers and in instances where a project is partially constructed and common sense and good business judgment demand that the matter be carried to completion, as, notably, in the case of the Muscle Shoals water power and nitrate plants; and except, also, in cases where the Government is legally or morally committed.

If the Government is obligated, it must pay, whether or not it is convenient to do so. The question we must now decide is whether the Government is obligated to the ex-service men to pay them adjusted compensation. No one can contend that the Government is legally bound to do this; therefore, the question is narrowed to whether or not the Government is morally bound to do it. To this question I answer, yes; for the following reasons:

When we entered the war, under the selective draft act, 24,000,000 citizens of the United States of military age were registered for military duty. We read in Holy Writ, "Then shall two be in the field; the one shall be taken and the other left," and so it transpired in the execution of the draft. Of the 24,000,000 registered, 4,000,000 were conscripted into the military service, the remaining 20,000,000 being left at home. The 4,000,000 men were forced to leave home, loved ones, and private business, and to serve under the orders of the Government, not for 8 hours a day only, but for 24 hours in each day, at a compensation of a dollar a day, this small amount being reduced even more by required payments for life insurance, Liberty bonds, and often allotments; while the remaining 20,000,000 men registered for military service and all the other citizens of the United States were left at home to suffer no hardships or privations, but to enjoy such an era of high wages for their labor and high prices for their commodities as the world had never before known. The testimony before the committee shows that drafted men worked in the construction of Army camps and cantonments, doing carpentry and other skilled work at a meager $1 a day; while private citizens engaged in the same work, in the same gang, received from $8 to $10 a day. In France, enlisted men worked on roads and dug trenches, while private laborers working with them received many times their compensation.

While the service men were undergoing privations and hardships unparalleled in history many of those remaining at home were living in luxury, and numbers of them accumulating enormous fortunes. In 1912, according to the last authentic statistics available, the total wealth of the United States amounted to $187,739,071,090, and to-day Government actuaries estimate it at $286,000,000,000, an increase of about $98,000,000,000, this colossal gain having been accumulated for the most part during the period of the war when the service men had no opportunity to share in it. In 1916 the gross income earned by individuals and corporations in the United States amounted to $45,400,000,000 and the net taxable income to $15,065,900,000, while in 1917 the gross income amounted to $53,900,000,000 and the net taxable income to $24,430,400,000, and in 1918 the gross income was $61,000,000,000 and the net income $24,400,000,000, these years of 1917 and 1918 being the two years of the war when the service men were exiled from civil life with its marvelous opportunities for amassing wealth.

When the armistice was signed and the service men were discharged and returned to civil life they found their boyhood friends and neighbors who had remained at home, riding in automobiles, some of them with bank accounts, many with large holdings of Government and other high-grade securities, and not a few millionaires, while the returning ones had nothing. And in thousands of instances the positions they occupied before they entered the service were lost to them forever. During the war thousands of patriotic and efficient women entered the province of business and filled acceptably the positions formerly occupied by men who were drafted into the military service. When the war was over and these men were returned to private life their former employers, in many instances, did not feel justified in discharging these splendid, capable women who had to earn their living in order to give the places back to the soldiers. And so the returned soldier found himself without money and without a job, his unfortunate position being largely brought about by the patriotic service he rendered his Government. The Government Labor Bureau and other statisticians say there are practically 4,000,000 men in the United States out of employment, and a published statement of Commander MacNider, of the American Legion, asserts that 700,000 of these are ex-service men.

While the bestowal of a bonus would prove a temporary and partial good to the soldiers, would not the bestowal of a permanent job prove a much more practical and lasting one? In Mr. Ford's offer to lease Muscle Shoals we are offered a partial solution at least of this deplorable unemployment problem. Yesterday in a published interview in Atlanta, Ga., Mr. Ford stated that if given the Muscle Shoals contract he would give employment to ex-service men now idle. The Republican Party, which boasts of its efficiency and constructive ability, has been

in charge of all branches of the Government for over a year and of both legislative branches for three years. They have talked much, they have proclaimed much, on the floors of both Houses of Congress and through the press, of the great reductions which they have brought about in Government expenditures, though I apprehend the average taxpayer has seen no benefit from these paper economies, and they are merely paper ones, for there have been no real reductions in expenditures up to date.

They have boasted that their efforts have restored prosperity throughout the United States, notwithstanding there are in the large cities to-day more idle men and longer soup lines and bread lines than have been seen there in many years. In my judgment it is time for them to cease proclaiming and to perform. If the Ford contract is entered into work will be at once resumed on the big dam which is to provide this superb water power, and employment will thus be given to thousands of needy men who now walk the streets seeking it. When the dam is completed large industries will be established, giving employment to many thousands more, and the farmers of the United States will be given nitrate, an essential element of fertilizer, at one-half the cost they are now paying the fertilizer companies for it. I appeal to my Republican colleagues who control the House to bring in at once a resolution accepting the Ford proposition, so that the contract may be entered into and work inaugurated on this great enterprise which will mean so much for the material prosperity of the country we all love.

Since the armistice Congress has passed a number of laws which I opposed as wholly unjustifiable. Congress passed a bill validating many illegal contracts made by the War Department with the big interests of the country for war supplies, totaling over three billions of dollars, and has appropriated over six hundred millions of dollars to pay many of these war profiteers the supposed profit they would have made out of the Government had the war continued. I read in the press a few days ago that the Eastman Kodak Co. had returned to the War Department a check for $180,000 sent them as a supposed profit they would have made out of contracts with the Government, the Eastman Kodak Co. saying they were not entitled to this sum. This one instance of a company that returned the largess so lightly bestowed by the Government stands out, however, as a lonely, notable, and shining exception among the many who retained it; and yet many of those who now loudly protest against levying any tax or paying any bonus to the soldiers were as silent as the tomb when it was proposed to tax the people of the United States millions of dollars to pay war contractors who had already made enormous profits out of the Government. During the war the Government took over and operated the railroads, and taxed the people approximately two billions of dollars to pay for losses it sustained in the undertaking; yet the voices that are now in the main condemning the soldier bonus were loud in urging the Government to tax the people for the payment of these $2,000,000,000, claiming at that time that such a tax would turn the wheels of industry and make the country prosperous. Congress passed a law providing several million dollars to pay mineral and mining speculators for profits they would have made had the war gone on, and again we heard no protest against taxing the people for this purpose. Millions were appropriated to pay losses sustained by the Shiping Board, the money thus appropriated going, as a general rule, to the big interests; and there was no protest that the tax to raise this money would work injury to the country. I might cite numerous other instances, as the payment of $100,000,000 to feed Europe and $20,000,000 for Russia. But when it comes to adjusted compensation for the ex-service men, many interests that largely profited and profiteered during the war are loud and voluble in their protests, claiming that payment of this bonus will work injury, havoc, and ruin to the business interests of the country. I do not believe this.

In the fall of 1920 the Federal Reserve Board, who control the finances of the Nation, decided to force down prices. To accomplish this they raised interest rates, refused to discount many solvent notes eligible for rediscount at the Federal banks, had member banks call numerous loans, and, according to the testimony of Governor Harding, of the Federal Reserve Board, have caused to be canceled to date $1,250,000,000 of Federal reserve notes, all of which acts brought about a rapid deflation of the currency in circulation. This enormous reduction of the circulating medium of exchange made credits scarce and difficult; prices of prime commodities, like agricultural products, dropped far below the cost of production, resulting in many cases in bankruptcy and general business stagnation and depression in the agricultural sections of the country, which conditions still largely obtain. At the time this policy was adopted by the Federal Reserve Board I felt it would result in irreparable damage to the business interests of the country. Therefore I vigorously and earnestly protested against its adoption, and, in company with a number of other Representatives, urged the Federal Reserve Board to pursue a liberal fiscal policy and not force a financial stringency. Our efforts were unavailing, and, in my judgment, the action of the Federal Reserve Board in bringing about such a rapid deflation is largely accountable for many business failures, closed factories, uncultivated farms, and general business depression. I believe if the circulating medium is increased—and I am now convinced the only way we can cause it to be done is by bonus legislation—the prices of farm products and other commodities will advance, that farmers and business men in general will be able to continue to operate, and their purchasing power and debt-paying ability will be increased. The farmer will be able to pay the merchants and the merchants the bankers, business generally will be revived, and employment will be furnished to many now idle. But it is charged if the cash bonus is granted it will be immediately spent and will result in no benefit to the soldier. Even should this be true, the circulating medium of exchange will be increased, credits will be made available, and a volume of currency will be supplied with which debts, State and county taxes, and other obligations may be paid, a result which will go a long way toward reestablishing prosperous conditions.

During the World War the Government paid a bonus of $240 a year, or $20 a month, to each of its civil employees drawing less than $2,500 a year. These employees underwent no hardships, but performed their duties during the cold of winter in steam-heated houses and in summer under the cooling breezes of an electric fan. The amount so paid these employees totaled millions of dollars a year, but there was no complaint throughout the land of the people being taxed to pay this gratuity. Mr. Speaker, it seems to me that almost all who had a connection with the Government during the war, or who rendered a service in a civil capacity, have been treated generously by the Government since the armistice, and I can not get my consent to invoke the strict letter of the law against the ex-service men and say the Government shall do nothing for them because it is not legally bound to do it.

Many of the opponents of the bonus say it is wrong in principle, and that the Government should not inaugurate such a policy. Mr. Speaker, there are innumerable precedents for the payment of such a bonus, enough to establish as a governmental policy the rewarding of those who served in the military forces in time of war. The distinguished junior Senator from Georgia [Mr. WATSON], than whom there is no more profound student or abler historian in public life, in a speech in the Senate on February 14 cited some of these precedents. He stated that Gen. George Washington, the Father of our Country, accepted a bonus for service rendered in the French and Indian war and in the Revolutionary War; that General Lafayette, in recognition of his service in the War of Independence, was given a bonus of $200,000 and 20,000 acres of land in Florida; that a month's salary was paid by the Government to each member of the crew serving under the able naval hero, Capt. James Lawrence, known to fame because, when dying and carried below decks, he cried, "Don't give up the ship!" that the soldiers who served the Government in the war with Mexico, the Indian war, and the Civil War were given a bonus in the form of land warrants and bounties; that about one-half of all the lands of Tennessee trace their titles back to the bonus or the land warrants granted to the soldiers of the Indian wars and the War of 1812; that great States in the West, such as Kansas and Nebraska, were settled, made into farms, and beautified by the soldiers who drew them from the Government as bonuses by way of land warrants.

Mr. Speaker, let us contrast the financial condition of our allies with our own, as shown by the following table which was introduced in evidence before the Ways and Means Committee:

Country.	National wealth.[1]	National debt (Austin).	Percentage of debt to wealth.
France	$58,500,000,000	$51,000,000,000	87
Great Britain	70,500,000,000	37,910,000,000	53
Italy	21,800,000,000	18,650,000,000	85
Belgium	5,840,000,000	4,670,000,000	80
United States	[2] 286,000,000,000	23,000,000,000	[3] 8

[1] By Bureau of Foreign and Domestic Commerce.
[2] National Bureau of Economic Research.
[3] Approximate.

It is observed that, in calculating the national debt of the United States, no credit is allowed for the eleven billions our allies in the late war owe the United States. Great Britain, France, Belgium, and Italy surely will pay their obligations to the United States, so our national debt should be credited with $11,000,000,000, leaving a net debt of about twelve billions. With a debt of twelve billions and assets of two hundred and eighty-six billions, the amount owed by our Nation is negligible, not being over 4½ per cent of its total wealth. It will be readily seen that the financial strength of the Allies is incomparable with our own; yet, notwithstanding the huge debt of our allies, they have all granted substantial bonuses to their soldiers, as follows: France, $249; Great Britain, from $142 to her privates to about $7,000 to her officers; Italy, $64; Belgium, $492; Canada, our neighbor on the north, has paid her privates a bonus of $600 and her officers $972, and has advanced her soldiers money to buy farms, and after discharge made them an allowance each month until they secured employment; Austria and New Zealand have paid their soldiers a bonus. If these countries, in their financial condition, can extend to their ex-service men a substantial evidence of appreciation of their service, surely the United States, the richest Nation of the world, with a great national wealth and a relatively small debt, can afford to be equally as generous and appreciative to her patriots.

During the titanic struggle, while our brave boys were uncomplainingly daily submitted to the deadly rain of shot and shell, fired sometimes from the air by swift-flying planes, sometimes from under the sea by murderous submarines, or again from the surface of the land or water; while they were facing death from poisonous gases, from German bayonets, or from sickness caused by exposure to rain and mud; while they were sleeping and fighting in the trenches in France, their bodies filled with slime and loathsome body lice—while these conditions prevailed we all delighted to sing the praise of our soldiery, to laud their valor and matchless prowess, and to do them honor. From one end of our country to the other we boasted of their heroic, sacrificial service. From the pulpit and platform, from the streets and housetops, through the press, and in the Halls of Congress we assured them that their beloved country would never forget their splendid service nor cease to be grateful to them for it; that nothing was too good for them; and that the wealth of the land was at their backs. Surely, Mr. Speaker, these were not merely idle words, with no sincerity of purpose back of them. [Applause.]

In republics the people rule through political organizations. In our country the two dominant parties, one or the other of which is always in control of the Government, are the Democratic and Republican Parties. Let us see their attitude on the soldier bonus when their candidates were before the electorate, seeking election to Federal office. The Democratic Party in its platform adopted at the San Francisco convention, held in 1920, said:

> We pledge our party to the enactment of soldier settlements and home-aid legislation which will afford to the men who fought for America the opportunity to become land and home owners under conditions affording genuine Government assistance unencumbered by needless difficulties of red tape or advance financial investment.

The Republican platform adopted in the Chicago convention held in June, 1920, reads as follows:

> We hold in imperishable remembrance the valor and the patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill in appreciation of the services rendered by its defenders on sea and land.

I believe a large majority of the men and women of the United States desire Congress to do something for our ex-service men, and as ours is a representative Government, Congress should carry out their will.

The first duty of an appreciative Government is to provide and care for its wounded and maimed heroes. They are the wards of the Nation and should be shown every consideration. The Congress of the United States has fully performed its duty in this respect, having appropriated for their care already $1,259,930,729, which amount was expended as follows:

To 299,879 men: Vocational training	$212,724,533.37
To 381,717 men: Compensation	300,141,766.52
To 150,171 men:	
Insurance	283,286,606.04
Marine and seamen's insurance	35,084,378.48
Allowances	282,049,110.33
To 206,037 men:	
Medical and hospital service	99,566,243.00
Administrative	47,078,092.25

If the soldiers have not received proper hospitalization, care, and medical treatment and prompt consideration of claims for compensation the fault lies at the door of the executive branch of the Government and not at the door of Congress. There is no division of sentiment in the United States, nor in Congress itself, as to the duty of Congress toward our disabled service men. All agree that they must be given every loving care and attention that money and gratitude can lavish upon them. [Applause.]

The bill which we are now considering does confer some valuable privileges upon the service men who were not injured. The bill is far different from what I would like to see it; but the Democratic Members of the House had no voice in its preparation. The Republicans, who control the House by over a hundred and sixty-five majority, saw fit to exclude the Democratic Members from participation in the preparation of the bill, consequently we have had no opportunity to perfect it. Let us briefly consider the relief provisions of the measure: Four options are offered the service man, and he may receive his adjusted compensation in any one of the four ways by making application, before July 1, 1923, to the Secretary of War or the Secretary of the Navy (according to the branch of the service in which he served), specifying which method of payment he elects. Failure to serve such notice forfeits all right of the service man to the benefits offered by the bill. In each option the compensation due the soldier is computed on a basis of a dollar for each day's service in this country up to a maximum of $500, and $1.25 for each day of overseas service up to a maximum of $625. The options follow:

> Option 1. A cash payment in cases where the amount due is not more than $50.
>
> Option 2. Vocational training on a basis of $1.75 for each day's attendance at the school, the total payment not to exceed 140 per cent of the adjusted service credit of the veteran.
>
> Option 3. Aid in purchasing farms or homes to the extent of the amount of compensation due plus 40 per cent.
>
> Option 4. A certificate of insurance for the amount due increased by 25 per cent, this certificate to be due 20 years from October 1, 1922, and to draw interest at 4½ per cent per annum, compounded annually.

The option feature of this bill may be likened to the bee which deposits much of honey but sometimes a sting. The options providing for vocational training and aid in purchasing homes and farms are the honey, in that they make for better citizenry, which is the chief asset of any nation; but in the provision for obtaining loans on the certificates lies the sting, as the soldiers will find when they attempt to obtain the loans. It is expressly stipulated that no one but a bank can make a loan on these certificates and the bank can only loan 50 per cent of the value; that the bank can charge a rate of interest only 2 per cent higher than the prevailing rate of discount at the Federal reserve bank of the district, and that each loan must be accompanied by an affidavit of an officer of the bank that this regulation has been complied with; the maturity of most of the loans will be about three years; these certificates are not eligible for rediscount at the Federal reserve banks of the Nation, and Comptroller of the Currency Crissinger, who has supervisory control over all national banks and State banks that are members of the Federal reserve system, testifying before the Ways and Means Committee of the House, said that such loans would be "frozen credit," and that he would recommend that no bank discount these certificates. Under these restrictions and under present depressed financial conditions what banker would consider making such a loan? In my judgment, any service man electing this option with a view to obtaining a loan on it will find himself in possession of a gold brick, for he will neither be able to sell it or to obtain a loan on it.

This plan will be of no immediate benefit to the soldiers generally, as I do not believe 10 per cent of them will be able to obtain a loan under it, and the ultimate cost to the taxpayer will be many millions of dollars more than they would have to pay if the soldiers were given the option of an immediate cash bonus, which a large per cent of them desire. The Republican Party, now in control, should not try to bunco the soldiers. They should either give them a cash bonus or have the courage to say they do not approve this kind of compensation, or at least permit the House to vote on giving a cash bonus.

The Republican steering committee proposes to pass this bill under suspension of the rules. This method of consideration will prevent freedom of debate and discussion and will deny to every Member of the House the right of offering an amendment, the plan being adopted for the purpose of binding and gagging the House and preventing intelligent consideration of the measure. We, as Congressmen, will only have the privilege of either voting for or against the bill just as it is presented by the Republican leaders. This method of legislating on a measure of this magnitude is undemocratic, un-American, and indefensible, and should not be tolerated in a free Republic; but the Republicans, who have an overwhelming majority in the House, adopt this method when they are afraid to permit the Democrats to discuss and offer amendments to legislation proposed by them.

I am confident, however, when it reaches the Senate, where there is no cloture rule, but always unlimited debate and the

unrestricted right of amendment, it will be corrected and perfected and this objectionable loan provision stricken out. The bill levies no taxes and provides no method of raising the revenue to meet its provisions, but this is left to future legislation. Believing it can be financed without any undue hardships upon the taxpayers, and, as it does provide vocational training and aid toward purchasing farms and city homes, and it being my only opportunity to vote to assist the ex-service men, it is my intention to vote for the bill. I am opposed to a general sales tax, for the hearings before the Ways and Means Committee have convinced me beyond peradventure of doubt that the money power, the monopolistic corporations, the captains of industry, and the multimillionaires are endeavoring to have this plan of taxation adopted by the Government as a part of our revenue system for the purpose of relieving the wealth and big business of tax burdens and placing them upon the backs of the toiling multitudes. I am convinced if this system of taxation is approved for any purpose it will be the entering wedge to do away with the income tax, the corporation tax, and other taxes upon wealth and those best able to bear them.

So feeling, I shall not vote for a sales tax to pay a bonus or for any other purpose. Neither will I vote for any other additional consumption taxes such as a tax on gasoline, automobiles, bank checks, increased postage, or other new excise taxes on clothes, food or other necessities of life, which would fall upon those citizens who must struggle and toil for daily bread and existence for themselves and families; for they are already overburdened with taxation. If such taxes are levied the soldiers themselves would pay a large part of them.

The Treasury Department has submitted to the Ways and Means Committee the following estimate as to the probable expenditure required if the bill becomes a law:

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 2½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (5) 7½ per cent to receive land settlement aid.

Fiscal year.	Cash (10 per cent).	Certificates (70 per cent) (no borrowing).		Vocational training (2½ per cent).	Farm and home aid (10 per cent).	Land settlement aid (7½ per cent).	Total.
		Deaths.	Maturity.				
1923	$16,000,000	$26,604,000		$31,675,000			$74,279,000
1924		25,440,000		20,000,000	$72,000,000	$6,000,000	124,440,000
1925		26,720,000		650,000	64,000,000	30,000,000	121,370,000
1926		26,825,000			50,000,000	60,000,000	136,825,000
1927		26,936,000				16,000,000	42,936,000
1928		27,046,000					27,046,000
1929		27,233,000					27,233,000
1930		27,415,000					27,415,000
1931		27,674,000					27,674,000
1932		27,932,000					27,932,000
1933		28,265,000					28,265,000
1934		28,600,000					28,600,000
1935		29,004,000					29,004,000
1936		29,448,000					29,448,000
1937		30,003,000					30,003,000
1938		30,593,000					30,593,000
1939		31,333,000					31,333,000
1940		32,144,000					32,144,000
1941		33,105,000					33,105,000
1942		34,251,000					34,251,000
1943			$3,154,823,350				
Total	16,000,000	577,571,000	3,154,823,350	52,325,000	186,000,000	112,000,000	4,098,719,350

It is observed that for the next 20 years the total amount to be expended will amount to less than a billion dollars. During the next 20 years the national debt of the United States should be retired, Government expenditures greatly reduced, tax burdens lightened, and a sinking fund accumulated to meet the expected expenditure for 1943. In this way the debt can be so gradually paid as not to injuriously affect business or inflict hardship upon the taxpayers.

The question naturally arises, How, then, would I finance the proposition? I would provide for the payment of the compensation from the interest due us by the foreign governments, which interest amounts to over five hundred millions annually. Congress has passed a bill providing for funding this debt, and, until the interest is paid, I would have the Treasury issue short-term Treasury certificates to meet the obligations of the bill; and when the interest is collected from the foreign governments these certificates could be canceled and retired. I am unalterably opposed to canceling this foreign debt, and I believe, if it should be set apart as a trust fund for those brave service men who saved Europe and civilization, that the foreign governments owing these large sums, propagandists in this country, international bankers who have a selfish interest to subserve, and all others would cease talking about the cancellation of the debt, truly "a consummation devoutly to be wished." While I consider this the ideal plan, if Congress should differ with me, then I suggest the reenactment of the excess-profits tax, with a specific tax exemption of $50,000 instead of $3,000, as provided for in the act of 1918, and the old sur-income tax rates on incomes above $50,000, which this Republican Congress has repealed, thus annually relieving a comparatively few rich men and a small number of our wealthiest corporations of $500,000,000 in taxes. A few days ago I read in a trade journal of the boot and shoe industries, that the year 1921 was a very prosperous one, the manufacturers having made twenty-five millions more profit than the year before. The statement of the American Bell Telephone & Telegraph Co., published on March 2, 1922, shows that the year 1921 was the most successful one in its history, the net profit being fifty-four million; and the published statement of the Standard Oil Co. of Indiana showed a net profit for the year 1921 of twenty-five millions after setting aside two millions for Federal taxes. All of these profits were made after paying the old excess-profits tax and the higher sur-income taxes. I am confident there are numerous other corporations in the United States that did equally as well in the year 1921 as the companies above cited. By restoring these tax assessments ample funds can be raised to pay this adjusted compensation without adding one dollar of taxes to the great body of taxpayers of the land or injuriously affecting business.

But if this plan does not meet with the approval of Congress, I believe, by a large reduction in the personnel of the Army and Navy and by the scrapping of ships, supplemented by increasing inheritance taxes, ample funds for this purpose can be collected without levying any other additional taxes. President Harding, the Secretary of the Navy, and other high officials loudly proclaim that the treaties entered into by this Government and the foreign nations at the disarmament conference recently held in Washington will result in a saving to the taxpayers of from two hundred to three hundred million dollars annually. One hundred and fifty million additional can easily be raised from inheritance taxes; so it is apparent, if this suggestion is adopted, funds for the adjusted compensation can be raised without hardship to the taxpayers of the land.

Mr. Speaker, I know patriotism can not be measured in dollars and cents or be paid for in sordid things; patriotism is one of the noblest emotions of the human heart, and man approaches most nearly the full stature of what the Creator intended him to be when his heart is filled with love of God, love of his fellow man, and love of country.

> Breathes there a man with soul so dead,
> Who never to himself hath said,
> This is my own, my native land?

Of course, the surpassingly unselfish and heroic service rendered our Government by her patriotic sons who served in her military forces can never be paid for in dollars and cents, and no one proposes to do it; but I believe that country which shows appreciation and gratitude to those sons who have rendered her unselfish and sacrificial service will best command the love and respect of her sons and inspire the greatest patriotism in their bosoms. Believing the splendid service rendered by our service men entitles them to some substantial evidence of appreciation from a grateful Government, I shall vote for the bill. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I do not rise for the purpose of discussing the provisions of this bill. I hope to have a little time later in which to do that. I rise now for the purpose of answering the charge of the gentleman from Texas [Mr. GARNER], relative to the action of the Speaker in apportioning the time.

The Speaker was not only fair, but he has been very liberal, both to the Democratic minority and to what will prove to be the minority when this bill is voted on. There are to be four hours of debate. Two hours of that time are controlled by the gentleman from Texas [Mr. GARNER] and the gentleman from Massachusetts [Mr. TREADWAY], both of whom are unqualifiedly against the bill. Of the remaining half of the time an hour and a half will be controlled by those favorable to the bill and half an hour by those who, though they may vote for the bill, will probably put in most of their time criticizing its provisions. So that as a matter of fact, of the four hours' time allowed for the discussion of the bill two and one-half hours will be occupied by those who are either unequivocally against the bill in all its provisions or those who are against certain provisions of the bill, and only an hour and a half will be occupied by those who are favorable to the legislation. [Applause.]

Mr. FORDNEY. I yield two minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Speaker, the first question to be decided is, Do we owe the veterans of the World War any adjustment of their compensation? It is admitted that all the soldiers of the war received the $1 per day fixed by law for domestic military service and $1.10 for foreign service. Would the Congress morally be justified in saying to the service men, "We have paid you in full all that the law provided when you entered the service—$1.10 per day for service on the battle fields of France and $1 per day for service in the United States preparing yourselves for foreign service"? That is the first question to be answered. If there is no obligation outstanding—no moral obligation, and it is conceded that there is no legal obligation—then there is an end of the matter and nothing to discuss. Without question we will care for the wounded, disabled, and ill soldiers, as we all acknowledge our responsibility to provide for them unstintingly, and Congress is making an honest effort to do that, to rehabilitate the injured and give vocational training to the disabled, so as to enable them to resume as far as possible the useful and self-supporting activities of life. I am glad to say that there has never been any question raised in Congress as to the duty of the country to the disabled veterans of the World War, and there has always been a generous response in appropriations to carry out that purpose. The immense extent of this work for a long time overwhelmed the administration of the three great beneficent activities now under the control of the United States Veterans' Bureau, and there was more or less inefficiency, resulting in undeserved hardship to the veterans. But conditions are now greatly improved and the Veterans' Bureau is now running more smoothly and efficiently.

The question here involved, however, applies not to the disabled service men, but to those who were so fortunate as to have come through unscathed from the death-dealing missiles and poisonous gases of the enemy, and to have escaped consumption or other diseases that accompany military life, or to have recovered from the effects of wounds or disease. These service men, not being crippled or in ill health, and having drawn from the Government $1 or $1.10 per day, as provided by law, do we owe them anything and is the account settled finally?

OTHER ADJUSTMENTS OF COMPENSATION.

Throughout the period of the World War the Nation held every resource within its boundaries subject to its command in prosecuting the great struggle, and we in Congress supported the Government in this extreme exercise of the powers of sovereignty. Personally, the first vote that I cast in Congress was for the joint resolution recommended by President Wilson declaring the state of war with Germany. I followed it with a vote for the selective draft act. Then, with a great majority of the Members on both sides of the House, I voted for each issue of the Liberty bonds and for every supply bill that was asked by the administration and that came before Congress. I voted for every bill asked by President Wilson for grants of extraordinary powers that he believed were necessary to the successful prosecution of the war or that would assist in that supreme struggle. I voted for the Overman Act; for the act taking over the railways of the country by the National Government, in order to give the transportation of soldiers and war supplies precedence over all other traffic; for the espionage act, which placed the liberty of all the people in the control of the officers of the Government. In short, I voted for every grant of power and of funds that President Wilson asked of Congress from the beginning to the end of the war. For many of these acts I voted not without deep concern and serious misgivings; but I voted for them just the same, in order that the President might be free and unfettered in his herculean task of conducting our part in the Great War. I have never regretted one of those votes. In like circumstances I would again vote the same way.

The sudden termination of the war on November 11, 1918, came at the height of our war activities. Every nerve of the Nation was being strained to turn out instruments and facilities of war. Shipbuilding plants were established at every available harbor on the Atlantic, the Pacific, and the Gulf, and they were being worked at high pressure and to the fullest capacity on Government contracts. Every steel works was turning out great steel guns.

Hundreds of manufactories had been converted into munitions plants and scores of others had been built, and all were working to their full capacity, night and day, turning out shells, grenades, and other death-dealing missiles. All had uncompleted contracts with the Government, upon the basis of which they had made enormous investments in plants and materials. With the close of the war the Government had no further use for war supplies, and the contracts were canceled. The Government had encouraged and induced miners to engage in mining certain minerals rare in this country, needed for war purposes, such as tungsten, manganese, chrome, and magnesite. It takes time and a great amount of money to develop a mine, and the close of the war found many of these mines just beginning to produce, or possibly not fully developed. Shipments at once came in from the foreign sources of supply which had been interrupted by the war, and these miners found themselves losers to nearly the full extent of their investment. Many encountered complete financial ruin.

The peremptory canceling of war contracts with the close of the war was obviously the right thing to do, and it was done. Two million soldiers were returned from Europe and, with the two million at home who had not yet gone overseas, were discharged. The railway lines were returned to their owners. Contracts of all kinds were annulled. Undoubtedly, in many instances there were heavy losses to the holders of these incomplete and suddenly terminated contracts, and there were appeals to the administration and to Congress for an adjustment of these contracts. It was not an unreasonable request. Actual and fully proved losses sustained by reason of the Government's action ought to be adjusted and paid. By the combined action of Congress and the President they were adjusted and paid. As I, in common with most of my colleagues, voted for the war and voted to give the administration the power to make these contracts, I felt it my duty to honor the contracts so made, either by carrying them out or by making a reasonable adjustment of losses entailed by their cancellation. I think that that was the right thing to do as between man and man and as between the Government and its citizens. In the process of these adjustments hundreds of millions of dollars have been paid by the Government. The enormous sum of $1,550,000,000 has been paid on account of the railways alone, and additional hundreds of millions to contractors and others. So far as public opinion may be judged from expressions in the press, very little objection was made to this policy, provided the adjustments were made honestly and justly.

NO ADJUSTMENT FOR SOLDIERS.

Now we come to the soldiers of the World War. Practically we have adjusted the compensation of everybody who suffered from loss of property through their contracts with the Government, and have paid them. We have recognized the principle that adjustments of compensation for financial outlays, even where legally they could be denied, are morally binding and should be and have been paid.

Ought not the same principle to be applied to the ex-service men? I maintain that it should be, and so believing I voted for the adjusted compensation bill in the Sixty-sixth Congress and I shall vote for this bill. I do not believe that $1 per day was a full and just compensation for a private soldier even for domestic service, nor do I believe that 10 cents additional was full and just compensation for service on the battle fields and in the trenches of France and Belgium. Nor do I believe that the slight increase paid to noncommissioned officers was sufficient. These men were young men and physically vigorous and their services were in special demand in the various lines of their employment because of that physical strength and youth. They went out at $1 per day and 10 per cent extra for foreign service, while those who remained behind were earning from $5 to $20 per day in shipyards, munitions plants, and

various mechanical occupations. Many service men left good positions, which they found filled by others on their return. Others were in schools or colleges and lost two years' time in acquiring an education, and perhaps lost their opportunity of doing so. There were few who did not have their life plans interrupted and often badly damaged by their Army service. Have not these $1 and $1.10 per day soldiers good reason to feel that some adjustment is due them? I certainly feel that they have.

COMPARISONS WITH THE CIVIL WAR.

Some of the opponents of this legislation call attention to the fact that bonuses were not paid to the soldiers of the Civil War, nor any Government allowances paid to the families of those soldiers. I recall that when I was mustered out of Civil War service, at 16 years of age, I had two months' pay due me, at $13 per month—$26 in all. I was compelled to wait around camp for six weeks before I was able to get this modest sum with which to start in life. There were no committees nor agencies, so far as I remember, to assist in getting employment for discharged soldiers. I finally received my $26 and started out for a job, which I succeeded in getting in a short time. I heard nothing further from the Government until 46 years later, when I reached the age of 62 years. I was then given a service pension of $12 per month, which has been generously increased since. I have no complaint to make; on the contrary, I feel that the country has been not only just but generous to me and to such Civil War soldiers generally as received neither wounds nor serious disability.

When comparison is made between the treatment of Civil War soldiers and of those of the World War, it is to be remembered, however, that those of the Civil War who were disabled received pensions and service pensions were granted to all who survived the age of 62 years, and that in the last years of the Civil War, when men were becoming scarce and States and counties were contesting to make up their quotas considerable bounties were paid to volunteers. By no means all the Civil War soldiers, even in the last years, received bounties, and those who volunteered in the first three years received none at all. But in the aggregate a good many millions were paid in bounties by States, cities, and counties, upon no fixed or definite scale. At the close of the Civil War employment was more easily obtained than now. The West was being rapidly settled and transcontinental railways being built.

It is also to be remembered that nearly the entire Union Army of over 2,000,000 men were volunteers. It was in comparatively rare instances that resort was had to the draft.

In the World War the conditions of service were quite different. More than two-thirds of our great Army and Navy were brought in through the selective draft.

From April 2, 1917, to November 11, 1918, the voluntary enlistments were as follows:

Army	877,458
Navy and Naval Reserves	437,527
Marine Corps	52,891
Total enlistments	1,367,876
Total inductions through selective draft	2,810,296
Total	4,178,172

Thus it will be seen that the Government with its strong arm reached out over the country and forcibly took two out of every three men who were in our Army and Navy. It mattered not what their private engagements were or what were their wishes in the matter—they were taken from their homes, their families, and their employments and plunged into the rough activities of war. That they recognized the call of their country and cheerfully, faithfully, and uncomplainingly performed their duties is to their everlasting credit. That the Nation took them involuntarily is an added reason why the Nation should treat the entire Army, volunteers and inducted men alike, with justice and generosity.

And how did these 2,810,296 men who were inducted into the Army perform their duties and what was the nature of their service? I made this inquiry of Maj. Gen. Enoch H. Crowder, Provost Marshal General, United States Army, who had charge of the selective draft, when I verified these figures in his office. General Crowder stated that every one of these 2,810,296 were selective-draft men. He further stated that he had recently inquired of The Adjutant General as to the proportion of these drafted men to volunteers who were on the firing line November 11, 1918. He was told that it was not possible at this time to give the exact figures, but that an approximate estimate was that 52 per cent of the men on the firing line on November 11, 1918, were inducted, or drafted, men. General Crowder believed that when the correct figures were obtainable it would be found that at least 66⅔ per cent of the men on the fighting line were inducted men.

This high testimony speaks volumes for the service of these brave American soldiers. Their service was for their country, and for all the people of the country. They all made sacrifices. They went. We remained at home. Shall we now sit smugly by and say: "Oh, the war is now over; let us forget it! These service men were not killed. We all had to undergo sacrifices during the war." These sacrifices have to do with a little less sugar in our coffee, a reduced quantity of wheat bread at meals, and extra taxes.

Occasionally we hear criticism of ex-service men and of the American Legion because they call attention to their claims for adjusted compensation. If their fellow citizens, and especially their Representatives in Congress, fail to press their just claims to effective consideration, what is left for them but to take up the subject themselves? In fact, practically, they have been asked to do so by Congress; not formally, but soon after the boys were returned home, whenever the subject was referred to among Congressmen, the hope was expressed that the American Legion and other representative organizations of ex-service men would indicate in some formal way what in their opinion ought to be done. Action in Congress was by common consent suspended until after the November, 1919, meeting of the American Legion in Minneapolis, so that the views and wishes of that great organization could be known. I believe that the leading men, and probably the majority of the rank and file, of that great organization were reluctant to present and press their claims. But practically they were invited to do so by Congress and the press. They were confronted with the obvious fact that unless they took hold of the matter themselves nothing would be done. Neither the ex-service men nor the American Legion ought to be blamed for calling the attention of the country to the neglect which seemed to envelop the public and official mind with reference to a proper readjustment of their illy paid service to the Nation. The questions involved are those of high public policy and of economic financial procedure. They are in no sense political. All sections of the country, and all of the people, without reference to their political views and affiliations, are interested. These questions ought not to be used for the advancement of political or personal interests.

Do these facts prove to the fair mind that we owe the ex-service men an adjustment of their compensation? It seems to me that they do.

First, the volunteers were serving their country at $1 and $1.10 per day when workingmen generally were receiving wages of from $5 to $20 per day.

Second, the Government took the selective-draft men by force; by the exercise of the extreme power of sovereignty. When in the exercise of the same extreme power we took property, we paid for it. But with the selective-draft men we did not say so much as "By your leave." We simply gave them a number and told them when and where to report. Can anyone justly say that they have not something coming to them?

PLAN OF ADJUSTMENT.

The Committee on Ways and Means of the House have devoted weeks to patient and careful consideration of this legislation. They have had public hearings at which they have taken the testimony of all who might have knowledge of the subject or interest in it, including the national officers of the American Legion and other soldiers' organizations. More than 90 bills dealing with the subject, introduced by as many Members of the House, were before the committee and were duly considered. From all this assembled data the committee evolved the bill under consideration as their best judgment as to the method of meeting the situation and properly adjusting the pay of our veterans of the World War. It would be impossible to form a plan that would be satisfactory to everybody. Especially would it be impossible to adjust the taxes necessary to meet the outlay provided in the bill in such a way as to avoid objections of taxpayers immediately affected, but in a general way the bill impresses one who scrutinizes it thoroughly as having been carefully drawn with a view to substantial fairness to the veterans and little or no strain to the Federal Treasury.

The bill offers five plans for adjustment, either one of which may be chosen by the veteran, but he is limited to the single plan chosen. These five plans are as follows:

(1) "Adjusted service pay," which consists of $1 per day for each day of "home service" in excess of 60 days, and $1.25 for each day of "overseas service" between April 5, 1917, and July 1, 1919, the aggregate not to exceed $500 for a veteran who performed no "overseas service," or $625 for one who did perform such service. This applies to all veterans of the Army, Navy, and Marine Corps up to and including the rank of captain in the Army and lieutenant in the Navy. There is a long list of

exceptions of persons and classes who do not receive the benefits of the bill. It is only available to those whose adjusted service pay does not exceed $50.

(2) "Adjusted service certificate." The veteran receives a certificate of a face value equal to his adjusted service pay increased by 25 per cent, plus interest for 20 years at 4½ per cent compounded annually and payable 20 years after date of application. The total will amount to 3.015 times the adjusted service pay. Provision is made for the negotiation of these certificates.

(3) "Vocational training aid." The veteran may receive $1.75 for each day of his attendance on a course of vocational training, the total payment not to exceed 140 per cent of the amount of adjusted service pay to which he might be entitled.

(4) "Farm or home aid." The veteran may receive in one payment or in installments an amount equal to his adjusted service pay plus 25 per cent for the purpose, and that purpose only, of making improvements on a city or suburban home or a farm, or to purchase or make payments on such a home or farm.

(5) "Land settlement aid." The veteran may apply his adjusted service pay to the first payment on a farm within projects established in the various States by the "national veterans' settlement board," to be followed by small annual installment payments, running over a period not exceeding 40 years.

A great many people, probably a majority, agree that there is a moral obligation out to adjust the compensation of the ex-service men. "But," they say, "we can not do it now. Business is bad and additional taxes would make it worse. We can not issue bonds, because that would hurt the bonds outstanding." Virtually, they oppose every way of accomplishing the result. They say that the bill must provide the way of raising the money necessary, and then object to every plan that is suggested to or by the Committee on Ways and Means.

The bills that provided for other adjustments of compensation for property losses were not required to provide special ways of raising the money to pay them. They were all paid from current funds or they are now represented either in bonds or other forms of national indebtedness.

Granting that the Nation owes these ex-service men something, our attitude has been like that of a man who owes a debt, but says to his creditor: "My dear sir, I admit that I am indebted to you, but I am really very hard up, and as it would be inconvenient to pay you, I must put you off until some indefinite time in the future." Now, this is very unsatisfactory, and the creditor may quite reasonably say, "While it is very pleasant to me to hear you acknowledge the debt, my own necessities are such that I would like to have something beside pleasant words. If you are unable to pay me in cash, you certainly can give me your note."

That is precisely what we are doing in this bill. We are doing better than that. We are not only giving our note but we are pointing out to our ex-service men a fellow who will discount the note at a narrow margin, so that he can realize on it to the extent of his immediate necessities.

It is true that an immense amount of money is involved. But is that any reason for saying that, as it will greatly discommode us to pay a debt, therefore we will leave it unpaid? Rather should we direct our attention to the methods of meeting the obligation, with the firm purpose to discharge it.

A billion and a half or two billions of dollars, and possibly more, is indeed a vast sum, and particularly so on top of the twenty-five billions that we already owe. But had the war lasted another year or two, as in the spring months of 1918, when the German hordes were pressing apparently irresistibly toward Paris and Calais, it looked as if it might, we should have had ten or fifteen billions more piled on the debt. Had such been the fact our patriotic people would have found some way to meet the added load. Happily for the Allies, for our own country, and for the world, our brave boys, part of these same service men whose case is here demanding balance in the scales of justice, fresh from their homes in America, with undaunted courage and bravery, checked the advance of Hindenberg at Chateau-Thierry, and the ten or fifteen billions of money that would have been exhausted in one or two additional years of war was saved.

Had the Germans been successful in conquering Great Britain, France, and Italy, it was beyond doubt their intention, and so stated by Emperor William, to land forces here and compel America, from its vast resources, to pay the expenses of the war. We would have been placed in the condition of vassalage in which Germany now finds herself, with a master and tax collector vastly more severe than are the Allies in Germany, and no less so than can be imagined of the head of the Hohenzollerns.

No thoughtful American can forget his obligation to the American soldiers and sailors of the World War. No owner of property, be it little or great, should forget that in no small degree he owes his safe title to that property to the protecting strength and valor of these same soldiers and sailors. Had it not been for the magnificent services of such of the service men as were called into actual conflict and the millions of others who stood ready to be called, the owners of property might to-day be saved the discomfort of taxes by having no property to tax, due to confiscation by the victorious Germans.

One often hears the remark from some wealthy opponent of the adjusted compensation bill that it is an insult to the patriotism of the service men to pay them money; that the obligation is so great that it would be a sin to attempt to recognize it in so sordid a way. Coming from a service man, this would be a noble utterance, signifying a commendable renunciation of any personal or selfish interest. But coming from one who would protect his own pocketbook by withholding any financial assistance to the ex-service man, it has the suspicious and ridiculous sound of an expressed desire to do a small, mean, and selfish thing under the guise of a lofty and noble concept of patriotism.

We hear a good deal from some who are opposed to the bill from every standpoint that these certificates will clog the banks and result in a congestion of "frozen credits." I have had a good many telegrams in opposition to various taxes proposed, like increased postage, taxes on stock sales, real estate, and so forth, but to this moment I have not received a single telegram or letter from a bank in California or elsewhere that they were in fear of "frozen credits" if this bill should be passed. Frankly, I believe that the banks would absorb these certificates without difficulty and with satisfaction to themselves and their soldier clients. Put hope in the hearts of these 4,000,000 men and the opportunity to embrace one of the five alternatives and to have a few dollars to start up their activities again and, in my opinion, we will "start something" in the way of new life and activity in the business world.

I appreciate that this is a gigantic undertaking and the exercise of enormous power in behalf of justice to our World War soldiers. It is not, however, a greater exercise of power than that which Congress and the Government exercised when, during the World War, they reached out and forcibly took the persons of 2,810,296 men from their homes, their families, and their occupations and placed them in training camps, in tents and barracks, and transported half of them across the Atlantic to the trenches and battle fields of Europe. That was indeed a high exercise of authority, but it is a proper one, and one necessary to the preservation and perpetuity of our beloved country.

Let those who may be called upon to pay these taxes to meet this debt of honor remember the cause and the purpose for which the funds are to be used. Let us remember the brave soldiers who nobly came to the defense of their country in its peril and offered their lives in its defense. Let us remember the dark days of the spring of 1918, when we in Congress were each day anxiously contemplating the maps of the seat of war in France and Belgium that hung in the Speaker's lobby and watched the advancing pegs on the war map, which marked the front of the steady advance of the German armies toward Paris and Calais. Let us remember the feeling of profound relief and thankfulness when our brave soldiers at Chateau-Thierry checked the fierce onslaught of the enemy and turned him back toward the Rhine. Let us remember that while these heroic acts were in progress we who authorize the taxes and we who pay them were sleeping of nights in our comfortable beds at home and eating appetizing food three times each day at tables draped with clean, white linen, while they were struggling in the muck and mud, getting their food wherever and whenever it could be obtained, their bodies infested with filth and vermin, while thousands of their comrades were sorely wounded by German machine guns, bombs, and shrapnel, and other thousands gave their brave young lives to their country. Let us remember these things, my colleagues and countrymen, and let us pass this bill of justice with some measure of the uncomplaining, patriotic Americanism that distinguished our brave soldiers throughout the war. [Applause.]

Mr. GREEN of Iowa. I yield to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Speaker, the violent opposition which this adjusted compensation measure arouses here in Congress and elsewhere is evidence of the woeful gulf between 1918 and 1922.

Then cruel, relentless war hung over the world. Mankind was back in the jungle, with brute passions finding fiendish expression. Millions of men were killing and being killed. All the scientific achievements of the race were being used to destroy life and property. Bent on world conquest, a mighty military power was sacking the accumulated treasures of the ages and

multiplying the widows, the orphans, the suffering, and the distressed in every land on the globe.

What destinies swayed in the balance on those crucial, world-racking days of July, 1918! I landed in Bordeaux, France, just in the midst of them; and time can never erase their memory. Old Frenchmen on the streets of the ancient city declared that the war was over. The Boche, they said, had come triumphing over the Marne and had their beautiful Paris in his bloody hands. France, after four years of superhuman bravery, was down in the mud and mire, prostrate under the heel of the arch enemy of civilization.

It was a dark, despairing picture of a dark, despairing time. At that moment there was not a fighting man on the great Russian line, the victory there having gone to Germany through treason and dishonor. Rumania was out of the fight, and not a foot of Serbian territory was left in the hands of that valiant nation, the Bulgarian Army being in complete control. The Italian Army was battling desperately to hold the Austrians from ancient cities after the rout of a recent day. The British Army had just been told by General Haig that another foot backward meant utter destruction. The Belgian King had a strip of territory 10 miles wide under his sovereignty, and no more. The French Army was in retreat from the Marne; and the Prussians, flushed with victory, were rushing down on Paris.

Then, out of defeat came victory; out of utter blackness came the sunrise. I saw the roads north of Paris filled with marching soldiers—young lads from America. Confident and sure, they swung by, and all who saw them took hope again. Far in advance of the line planned they fixed their position and stood the brunt of the Prussian legions. For three days they stood invincible—a stone wall of defense that could not be moved. Then the Crown Prince ordered an assault that should brook no resistance. He told his soldiers that on the other side lay Paris, peace, and Deutschland uber alles. Like a thunderbolt his gray-clad legions burst against the khaki line. It was overmatched in granite bravery, determination, and heroism. The conquering army broke into rout and disorder; it turned its face from Paris toward Berlin, and it never looked around until the war was over.

What rejoicings rang round the world in the epic hour. The French people poured out their tributes, and 20 nations vied with each other in paying honors to the youthful fighters for freedom whose valiant faith and devotion forced the darkness to flee away and bade the morning break. America herself, losing for a while the lust of gold, declared that all she had and was must be the heritage of those who so nobly fought for the Old Flag. What promises were then shouted to high heaven that America would follow Lincoln's command to "care for him who shall have borne the battle."

Victory followed victory, until the Hun power was destroyed and the menace removed. Home came the lads who saved civilization—all save those who lay asleep beneath the poppies of Flanders fields, the last full measure of devotion paid.

Then, Mr. Speaker, there came a change over the spirit of America's dream. Forgetfulness and neglect followed extravagant praise and hero worship. "Let's forget it" was the slogan of many Americans. That sentiment and spirit has grown until to-day the mightiest wave of propaganda which has struck Congress since Count von Bernstorff handled the Hun campaign in America is that which is directed against any form of national adjustment of war-time compensation for war-time service with the colors. It is a veritable bombardment led by the Big Berthas of great financial interests and joined by popgun individuals and organizations who always take their cue from them.

I have been at some pains to study this propaganda in the form of letters, telegrams, circulars, and booklets. The similarity in the very wording of the protests points to a common sources of origin and through every line are evidences of brazen selfishness and arrogant ingratitude. Only a fool will mistake the specious and selfish arguments advanced for a holy zeal for the welfare of America.

In every case, these opponents of adjusted compensation for the soldier boys lift up their hands in holy horror at the very thought of such an unprecedented, unheard-of measure. It should be answer enough to refer them to the fact that after every war in which America has been engaged, including the Revolution, there were legislative enactments to compensate the soldiers of America for sacrifices caused by their service. Bounties, land grants, and homesteads have been awarded these soldiers with the overwhelming approval of the people.

But, aside from that history, the fact is that this last war itself has seen multiplied precedents of adjusted compensation. Of course the compensation was for guaranteed profits of contractors, and that perhaps was not regarded as a parallel case by those who see and think life in terms of stocks and bonds and coupons and profits and never in terms of manhood and womanhood. They consider materials worthy of full recompense, but flesh and blood to be too cheap for reckoning.

Mr. Speaker, very shortly after the armistice, Congress passed a measure authorizing the War Department to adjust the compensation of war contractors who had informal contracts with the Government. These contracts had been made over the telephone and by slips of memoranda and not one of them could have been collected through any court. A great hue and cry was passed with the approval of practically all of those who now so severely condemn any recognition of the merits of the boys who won the war. That one measure has resulted in the payment of almost a billion dollars from the Treasury of the United States.

Nor was that all. The Secretary of the Interior was then authorized to adjust the compensation of contractors, who, under the war minerals act, developed mines for supplying needed materials. Many of these men never produced a pound of mineral and their only claim lay in producing a newspaper article which set forth the needs of the Government, but they were compensated and the bill paid by the Government is mounting to huge figures.

Mr. Speaker, there has been adjusted compensation for the builders of ships, by which their profits were guaranteed; there has been adjusted compensation for the contractors engaged on public buildings, levees along the Mississippi, and other public works because the war increased the cost of materials; there has been adjusted compensation for the railroads through which their profits have been made sure in spite of conditions incident to war.

These and similar measures mean an expenditure of $3,000,000,000 from the Treasury of the United States. Comparatively few persons know that they have been passed, but that is because there was no high and wide barrage laid down against them by the interests which are opposing adjusted compensation for America's fighting men. These same interests urged the passage of all these measures, holding that refusal would be dishonor and treachery. They held that it was more important to give big business a bonus than to pay adjusted compensation to the soldiers.

Although their cost has been more than the entire adjusted compensation of soldiers will cost, the burden levied upon the people to pay them did not affect these watchdogs of the Public Treasury in the slightest degree. They were as merry as bees in clover. Nor was there ever the slightest suggestion from these superpatriots that the acceptance of this adjusted compensation by the war contractors would stamp them with ignominy and put the "dollar mark on their patriotism." They boldly declare that adjusted compensation to assure profits in rich contracts is a patriotic fulfillment of a secred obligation, while adjusted compensation of the losses of the soldiers is a conscienceless raid upon the Treasury. They are willing that the ninety and nine fighters go empty handed so that one contractor receive his reward. They are willing to be the shearers if the soldiers and their families will be the shorn.

As far as I am concerned, I believe that there is something seriously wrong about the conduct of a war for self-preservation, when those who do the most receive the least, while those who do the least receive the most. I believe that the man who faced the shells in France deserves as much consideration as the man who made the shells in America. I believe that the obligation of the Government to adjust the compensation of the men it commanded to risk life and limb for their country on the other side of the globe is far more sacred than any obligation it owes the dollars of the country.

Then there is the cry that "every able-bodied citizen who served in the Great War was only discharging his duty and the country owes him nothing for discharging that duty; he was simply conscripted to serve." Here is the important consideration: About 24,000,000 men were registered under the draft law, but less than 4,000,000 were inducted into the service. The Government commandeered the services of less than 4,000,000 at a basic salary of $1 a day, less deductions for insurance allotments, and so forth, and ordered them into the fighting line, while the 20,000,000 continued at peace-time tasks, profiting hugely from war conditions and the fact that they were not called into service. It is most unjust to say that there should be no adjustment of the compensation of the 4,000,000 who served in camp and field when the 20,000,000 were paid many times the amount received by those commanded to serve in the first line of defense.

On a par with that argument of the propagandists is the other line to be found in every communication from them—that is, that this is an effort to expend billions in gratuities. This cry comes with poor grace from those who cheered the boys as they marched forth to war and then stayed behind to make money with both hands. They would put poison ivy in the laurel

wreath intended for any heads but their own. They are the men who take but never give without compulsion. To my mind their yells against adjusted compensation for the soldiers is the bell back of the bull's eye—it shows that the proposal hits the mark. It will help prevent that burning injustice to fighting men—

Oh, it's "Tommy this" and "Tommy that," and "Throw him out, the brute";
But it's "Savior of his country" when the guns begin to shoot.

Mr. Speaker, the cry that this is a gratuity is false. The soldiers to be benefited by this measure saved manyfold the amount involved by ending the war long before it was believed possible by the most careful observers. In August, 1918, I talked personally with General Pershing, General Diaz, General Foch, and others of the highest commanders of the allied armies. These chiefs united in the declaration that the final victorious drive against the Germans would be made in the spring of 1919. They made all their plans for a great attack in March which should break the back of the Prussian power.

Then I talked to private soldiers in the front line, men of the Keystone Twenty-eighth, the Blue Ridge Eightieth, the Ohio Thirty-seventh, the New York Seventy-seventh, the Rainbow Forty-second, and others. "We'll have the Hun out of France before Christmas" was the unvarying cry of these doughboys. They had measured strength at hand grips with the enemy and they knew what they could do in combat with him.

The doughboys were right. They sent the famous Prussian legions flying to final submission in November, 1918, a long month before Christmas. For four years the Central Powers were victorious, but the last 115 days saw a complete reversal, with defeat changed into triumph complete.

During the last 10 months the war cost us $44,000,000 every day. Six months more and $8,000,000,000 would have been poured out in the task of destruction. Why was this sum not burned up in the great conflagration? Simply and solely because the men of America's fighting forces were neither fearful nor feeble and would not be denied their desire for speedy and final victory.

The spirit of the American Army was that of the lad who went over the top in one of the assaults on the Marne. Just before the zero hour he said, "We have a big job to do and we are going to finish it, and if I can help I won't mind one of those wooden crosses for a monument like the other fellows have."

They waged war for the ages and not for the wages, but they saved their wages a thousand times over. Without their daring and devotion we would have paid our "gratuities" at the point of a Potsdam pistol. Happy should we be that instead of firing these dollars in great guns and exploding them in mines and bombs, we have an opportunity to spend them in giving a brighter, better chance, through money, insurance, homes, and vocational education to those who saved America this tremendous toll of war.

Ah, America has spent millions on hopes for the future; here is payment for services performed. We have risked millions on aspirations; here is reward for accomplishments. We have appropriated great sums for blue prints; here are expenditures for the building, finished and complete.

This money has been earned. It is rightfully due, a more binding obligation than the promises printed on the bonds we sold, for this debt is the pledge of the Nation's honor and refusal to pay spells moral bankruptcy.

Then, Mr. Speaker, come the propagandists against adjusted compensation and unite in chorus that this is class legislation. Yes it is class legislation just as the selective service law was class legislation. It goes to fighting class chosen as the very best of 105,000,000 Americans. It goes, every dollar of this compensation, to those who wore the uniform of Uncle Sam in the world's greatest war. It goes, not to the quitters and quailers, not to the shirkers and slackers, not to profiteers and patrioteers, but to men who staked life and limb for their country. It goes to men who left good jobs in America's most prosperous times to face blood and mire at $33 a month. It goes to men who, as soon as they landed in France, landed on Germany. It goes to men who, when we did not know where they stood, all the world knew how they stood.

It goes to men who spent weary months of training in camps in America. It goes to men who faced the submarine-infested seas to convey the Army across. It goes to the soldiers who took Belleau Woods, held the insolent foe at Chateau-Thierry, stormed the salient at San Mihiel, and blasted the foe out of the forest of Argonne. It goes to men who outgamed and outgeneraled the audacious Hohenzollern gambler—

Whose game was empire and whose stakes were thrones,
Whose table earth, whose dice were human bones.

It goes to men who came back to their jobs to find a piece of their pay envelopes snipped off by the extra cost of every mouthful of food, every thread of clothing, every day's rent. It goes to men who put off the khaki garb of American soldiers to enter upon a vain search for work. Yes; it goes to the class of 100 per cent fighting Americans who dared to face death that the homes, and the property, and the future of the Republic might be assured.

Then the propagandists deliver a solar plexus in the slogan which is sweet sounding in their ears: "This adjusted compensation for the soldier boys means putting the dollar mark on their patriotism." I always read it the other way. It will put the "patriotism mark on their dollars." The money necessary to pay this adjusted compensation will be Americanized, and that will be the greatest transformation possible to imagine of some of the wealth of this country. Securing this money through proper taxation and paying it to those who have earned it will turn profiteers' gold into an ingot of patriotic purpose. It will wilt the insolence of some unearned money even as the Germans wilted before those soldiers in the fields of Flanders.

The mobilization of an army of $3,000,000,000 for the constructive benefit of America's defenders will be an inspiring declaration that while America's sons risk their lives in her defense her dollars shall not be slackers.

More than 4,000,000 men stood at attention when Uncle Sam called the roll of his defenders in the last war. It will be a patriotic act now to conscript the army of dollars necessary to adjust their compensation. It will put no dollar mark on their patriotism, but it will put the patriotism mark on every dollar used for this worthy purpose.

Mr. Speaker, there is one final argument which crops up in all antiadjusted compensation propaganda. "It may be all right," say the opponents, "but now is not the time for the payment." They declare that the country can not afford it at present, but some time in the future.

I wonder if those who make this plea realize that America, the best able of all the nations of the earth to meet this universally acknowledged obligation, is the last to meet it.

Every important nation engaged in the Great War has passed legislation to compensate its veterans for economic, educational, and social losses except the United States of America. Thus far we have "said it with flowers" only; have promised the defenders everything and given them nothing.

Every French family was loaded down with a debt of $6,090 as a result of the war, but France has paid adjusted compensation to her poilus, who said, "They shall not pass," and made it good with their bodies and their lives.

Every Italian family has a debt of $3,000, but adjusted compensation has been paid the men of the Alps and the Piave. The families of Great Britain carry a debt burden of $4,000 each, but the British Parliament has made provision for the soldiers who fought from Mons to Mesopotamia. Every family in Belgium must pay a yearly interest on a debt of $3,000, but her soldiers have had their adjusted compensation. Canada and Australia have provided compensation for their soldiers, which makes the figures provided in the bill now before Congress seem a pittance.

Mr. Speaker, is the Yank less deserving than his comrades? Did the British, or the French, or the Belgian, or the Italian or the Canadian, or the Australian fight better than ours on land or sea or in the air? Is it a worthy argument to say that America can not afford to pay the debt which all these others have acknowledged and paid—America, with a national wealth greater than any four of these nations and with a debt of $625 a family?

This talk of poverty is the excuse of the professional debt dodger. It should not longer be used to evade payment of the most sacred debt contracted in our struggle with the Central Powers. It was not used when contractors asked for profit protection; it was not used when civilian employees were paid $240 a year bonus in their safe and secure jobs. Decency and our own self-respect forbid the use of this scarecrow of national bankruptcy as a shameful excuse for not paying a righteous debt. That which is just can never really harm anyone. This great Nation must no longer press down on the brow of patriotism the thorny crown of base injustice and ingratitude.

I know that this crass and cruel selfishness expressed by certain interests which have sunk to the very bottom of the ocean of baseness is not the feeling of the people of the great Republic. I know the hearts of the people beat with gratitude to the lads who held the fate of the Nation in their strong young hands in the Great War. I have seen the miracle of a great Nation aroused and eager in a noble cause, for which they were willing to pay the price, whatever it might be, in blood and treasure. That devotion and that emotion can not be erased in four years.

Mr. Speaker, I see again the Halls of Congress, where the Representatives of the people made the most momentous decision in American history. The all-night session, the tense hours, the searchings of hearts, the glimpses of grim-visaged war taking fearful toll of fellow countrymen; then the solemn vote and the iron declaration of war against the Imperial German Government.

I see again the long lines of youthful Americans before their schoolhouses complying with the selective service law and registering in the mightiest military force the world ever saw—the citizen army of the United States.

I see again the celebrating crowds on city streets and country roads, their hearts beating with one desire, as the lads selected by the boards march to railroad stations to take trains to the cantonments while bugles call and bands blare and people cheer. I see again the building of battle organizations in training camps, infantry, machine-gun battalions, heavy and light artillery, signal corps, engineers, motor transport, and all the rest of the constituent parts of divisions and armies.

I see again the mighty transports manned by fighting men of the Navy and filled with khaki-clad youths ready for the great adventure and lustily shouting to Liberty Statue in Manhattan's harbor, "We won't be back till it's over over there."

I see again those boys as they go into battle between the Marne and the Vesle, nestling in fox holes along the roads beneath screaming shrapnel until the zero hour. Then over the top, answering the music of the guns, and in hand-to-hand combat breaking the heart of Prussia and bringing victory to their flag and peace and security to their homeland.

I see again the crazed throngs of armistice day, and a whole Nation shouting out its joy for victory and its gratitude to the soldiers who made it possible.

I see again the return of the victorious veterans, the marching hosts and the happy millions crowning them with laurels as the bravest of the brave.

Sadly true that there are more and bitter sights. I see again the funeral ships with the bodies of thousands of those who died. I see the columns of the men blinded by gas and explosions and hear the tapping of their canes as they make their pitiful way along our pavements. I see the men on crutches and those with empty sleeves who gave their limbs for America. I see the shriveled forms of the countless thousands whose lungs were wasted by poison gas. I see the twisted faces and hear the maniac shrieks of those whose minds snapped beneath the horrors of monstrous scientific savagery. I see the countless hospital cots which contain the broken bodies of the men who paid with their health and strength for their heart's desire.

I see again a mournful procession, containing 900,000 soldiers who came back with victory in their hands to find that the Nation for which they fought could not afford them a chance to earn their livelihood and that they must doff the khaki uniform of the Army to enter the tattered battalions of the unemployed. They were trained in muscle and mind, but could find no job in which to use them. Like driftwood they swept along, useless and unwanted, but on the breasts of some of them gleamed the croix de guerre and the distinguished service medal and in the hearts of all of them were memories of the days when they were hailed as saviors of freedom and light.

I see that great army, practically every man of whom sacrificed months or years of his life, at meager recompense, in order that all other Americans might remain at home in peace and prosperity. Everyone who found a place in industry after demobilization found also that others had profited while he served in the armed forces. Not only had he taken all the chances of losing life and limb, but he had lost in every other way as well. Bitter indeed is their experience in hearing themselves called mercenaries, bribe seekers, beggars, profiteers, by those who refused to share the burdens of war.

Surely every patriotic American who recalls the facts of the past four years, who sees again in memory the stirring scenes when a world's freedom and safety swayed in the balances, will not hesitate to stand for justice to these soldiers, chief actors in the drama in which life was victorious over death. Gone are the strains of bugles and bands; silent are the songs of camp and field; but a harmony just as vital is possible through a worthy expression of a nation's gratitude. Let us prove now that deathless saying of Lincoln when, after the election of 1864, he urged permanent provision for the soldiers and sailors of America: "Gold is good in its place, but living, brave, and patriotic men are better than gold."

Investment of gold in these "living, brave, and patriotic men" of 1917 and 1918 is a safe and sane investment which will promote the general welfare, the common defense, and establish greater unity, and prove that national gratitude is more than a meaningless phrase in America. [Applause.]

Mr. TREADWAY. Mr. Speaker, I join the gentleman from Wyoming [Mr. MONDELL] in protest against the unfair criticism which has been made of the Speaker relative to the allotment of time. The analysis that the gentleman from Wyoming has made is an absolute defense of the more than fair treatment that the Speaker has afforded both the minority and those of the majority in opposition to the bill. The reason for the criticism by the gentleman from Texas is that some Members on his side have placed themselves in a very peculiar position in voting the bill out of the committee and intending to vote for the bill when it comes before us, but signing as disagreeable, uncomplimentary, and unfair report as I have ever seen issued from the floor of this House by any minority members of a committee. That is the reason for the situation in which the gentlemen of the minority find themselves at this time, and they have no one to blame but themselves. The Speaker has, as usual, been perfectly fair to all.

It is not my intention to enter into any lengthy discussion of my reasons for not favoring this bill. The basic idea as contained in title 5, namely, that loans for the first three years of its operation should be made by local banks, has been given very meager consideration by the Committee on Ways and Means. It, therefore, can be very properly said that the public or the friends of the veterans have very little knowledge of its contents.

I greatly regret not being able to accept any proposition which may be regarded as beneficial to ex-service men. I have invariably favored and will continue to favor every measure suggested which will be beneficial to the needy, sick, wounded veterans, their families, or widows. I feel I should record in this brief form some of my objections to H. R. 10874.

1. The bill does not differentiate between the able-bodied and the sick and wounded veterans, and in effect discriminates against those who are pressed financially as compared with their more fortunate comrades. Thus the well-to-do veteran can hold his certificate and will receive an increase of 25 per cent over his adjusted compensation, plus compound interest for 20 years, while the man who is obliged to borrow and is unable to meet his note when due not only loses the 25 per cent increase and compound interest, but is compelled to accept 80 cents on the dollar of that compensation which proponents of the bill claim he is morally entitled to.

2. The adjusted service certificate places an artificial interest rate on the accumulation, naming 4½ per cent, a rate of interest higher than any Government loan except in time of war. Had this rate been made 4 per cent instead of 4½, there would have been a saving to the Government in the 20 years of more than $412,229,000, provided all the veterans accepted this plan. In the event that 70 per cent accepted this plan, the amount of saving would have been $288,560,300.

3. The method under which the veteran can obtain a loan during the first three years indicates the financial stress of the country. The system has been condemned by the Treasury authorities as unsound. It does not seem to me that Congress can afford to go absolutely contrary to such advice. The Secretary of the Treasury has convincingly explained the effect this form of loan will indirectly have on the Government finances and has designated it as an abuse of Government credit. The Comptroller of the Currency has designated it as a form of investment which he, the official in authority over the regional banks, can not recommend to them. The governor of the Federal Reserve Board has stated that the Federal reserve banks should not be included among those to accept these certificates as collateral. Therefore, it is apparent that each Government official is opposed to having the certificates used in the department over which he is directly in charge. With due respect to the wisdom of my committee colleagues, I feel that I should accept the judgment of the officials who regard the matter from the broad viewpoint of governmental finances rather than that of popular acclaim. To successfully meet the great problems of the day, there must be intimate relations between the administrative and legislative branches of the Government. In matters involving the financial credit of the country I conceive it my duty to at least give due deference to those in charge of our finances.

4. A serious defect in the present bill is the entire lack of amortization, taxation, or refunding for anticipated payment of the large sum the Government will owe in three years. The majority report overlooks this important feature. At the bottom of page 3 the majority report reads as follows:

> After October 1, 1925, the veteran can obtain a loan from the Government more than sufficient in amount to take up any loan he has obtained from the bank. As he would obtain 20 per cent more by so doing, it is believed that few of the veterans will let the certificates lapse prior to that date.

If this supposition is correct, it would naturally follow that on October 1, 1925, the Government will be called on to make

very large returns to commercial banks. This amount would undoubtedly be in excess of $600,000,000, an item which seems to have been entirely overlooked by the majority members. This amount will be required very shortly after the expiration of refunding nearly $7,000,000,000 of Victory notes. It does not require very far-sighted financial acumen to see that no provision being made for the enormous sum required to redeem the certificates will create a condition those in authority have steadily endeavored to avoid, namely, the need of additional taxation and the further issuance of Government securities, either method accepted meaning higher interest rates.

5. The President, in his letter of February 16 to the chairman of the Ways and Means Committee, refers to "transactions under consideration which ought to prove of great relief to the Federal Treasury." Should such receipts materialize, returns should be used in accordance with previous legislation, namely, to reduce the public debt. Should these receipts not be used for such purposes, purchasers of Liberty bonds during the war period could rightly claim Congress had acted in bad faith. Moneys used otherwise than to reduce the public debt would simply mean additional financing to meet maturing indebtedness.

6. Attention is called to the significance of the date the certificates are to bear, namely, October 1, 1922. Expert testimony was given of the enormous amount of work that will be required and investigations to be made in order that the certificates shall be properly issued. With a large force of clerks and the best expert assistance possible, comparatively few certificates could be issued by that time, and it would be at least six months before any large number could be put out. The reason for the date, therefore, of the operation of the bill as October 1 next, one month prior to election, is very apparent. No consideration whatever has been given and no estimates furnished the public as to the cost of the operation of the necessary bureaus for carrying out the intricate machinery that must be established.

The following summary is furnished by The Adjutant General's Office:

Number of clerks required:	
Adjutant General's Office	2,000
Finance office, War Department	750
Total number of clerks in Army	2,750
Estimated cost for Army branch (per annum)	$4,000,000
Number of clerks in Navy	350
Estimated cost for Navy branch (per annum)	$475,000

It is conservatively estimated the total administrative cost in the two departments will be about $4,500,000 yearly. This does not include work in the Treasury Department, which I am informed will require about the same assistance as was necessary for the War Risk Insurance Bureau.

7. Frequent reference has been made to payments made by foreign countries for similar purposes to this bill. It may be invidious to state in many instances these payments have undoubtedly been made with money borrowed from the United States for which our citizens purchased Liberty bonds.

8. Title VIII, known as the land settlement, establishes an expensive machinery of management, offers untold opportunity for reckless expenditure, and under the guise of veteran aid it permits, among other things, the board to lay out town sites and build unlimited highways. Such general authority should not be granted under the guise of veteran aid. Preference could have been given veterans under existing reclamation laws, accomplishing the purpose for which this title purports to be written.

9. Enactment of this bill would be directly contrary to the advice of the Executive. Under date of February 16, he wrote "that any compensation legislation enacted at this time ought to carry with it provision for raising the needed revenue." Should the suggestions referred to in his letter not be adopted, he further stated: "It would be wise to let the legislation go over until there is a situation that will justify the large outlay." I thoroughly agree with the Executive's views as stated, that "such a postponement shows no lack of regard for the service men, in whom all the American people are so genuinely interested."

10. The Republican Party emphasized in its Chicago platform reduction in taxation and decreased governmental expenditures. It is very apparent that should this bill be enacted into law, there can be no reduction in expenditures and there must be increased taxation.

This is a party pledge and one we should respect to the fullest extent. The proponents of this bill have plainly shown that they have little expectancy of the bill becoming law. Whenever legislation is proposed not sincerely accepted as fundamentally right, its mistakes are apparent and it invariably returns to haunt those favoring it. I predict the usual result for this bill.

I have read all the statements of the Executive, and I am convinced that the position I have taken on this bill is four-square with his views.

Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, in opposing this bill I do not commit myself against such form of compensation to soldiers of the late war as is just and not disastrous to the welfare of the country. At the same time I verily believe it would be far better for those soldiers who are strong of limb not to seek appropriations for a bonus, at least not at this time. Their record of patriotic service is a much nobler and more valuable reward than any opportunity to borrow on certificates of insurance or any dole from the Treasury. Is love of country dead? Must all better impulses and every ennobling action be melted down into dollars? With those who perished in the struggle it was not so. They made the last final sacrifice for a cause. The whole world acclaims the American soldier who fought in France and Belgium. The men who fought on the battle front with only limited training, and going forth from a land whose ideals are for peace, showed a courage and a prowess unsurpassed by the trained legions of Europe. They were glorious in battling for us and for the cause of liberty and right. Not only would their own honest pride of service be a more excellent reward than any payment of money can bestow, but the burden of any bonus would rest with crushing weight upon them as well as upon all others of their fellow citizens. We are now passing through a period of industrial depression much more serious than any ever experienced in the United States. This condition is due to the waste and destruction of war, the dislocation of industry, a season of unparalleled expansion and extravagance, and is accentuated by the troubled condition of those countries upon whose prosperity our own so much depends. The seriousness of the situation can hardly be exaggerated. Millions are out of employment, soup kitchens have been established, and bread lines. A ray of light is now appearing. There is hope; let us not dissipate it. That which is most immediately pressing is the incubus of debt and taxation under which the country is staggering. It is an absurd fallacy to suppose that this enormous load of debt and of expenditures rests upon the taxpayer alone. The whole country is suffering from the injurious effect. Industry is fettered. The cost of living continues to be high. Undertakings which would bring widespread benefit to all classes of our population are abandoned, and each additional burden spreads a blight of discouragement all over the land.

This measure baldly manifests a lucky-go-easy disposition, to add to the weight of expenditures, which are already almost overwhelming, other outlays to be counted in billions, and trust to a future which may abound in hope or be dark with despondency. It is sometimes the last straw which breaks the camel's back. Expenditures for the future, whether they be postponed for 1 year or for 20 years, threaten to bind industry hand and foot. It would be far better if these payments which are sought to be made were provided for now by taxation. Why was this measure referred to the Committee on Ways and Means? It was because they have the jurisdiction over measures for raising revenue, and for no other reason. For a nation, as well as an individual, the only sane policy is to take careful account of conditions, provide for the future, making appropriations from the Treasury only when means are provided to meet them.

Any proposition for newly adopted expenses now is ill timed unless provision is made to meet it. It is absolutely essential that the careless disregard for the burdens of large expenditures should receive a check. This can only be done by bringing vividly home to the minds of the people the realization that if billions are to be paid out of the Federal Treasury they must pay. Until this is done, and there is due consideration for the welfare of the country and of all its people, postponement should be arranged for the bonus or adjusted compensation or any other form of additional expenditures. Our responsibilities are of to-day. We should not place a mortgage upon an uncertain future. In this connection I may repeat what I said here nearly a year ago, that for the wounded, the suffering, and the disabled there should be the utmost care, even though it requires the last dollar in the Treasury. To this all should agree.

I have little confidence in the figures that have been prepared as estimates of the cost. We may be reasonably certain that the claims will be much larger. In the State of Ohio a bonus was voted, and the estimated cost was $25,000,000; $20,000,000 in bonds were issued, and it is now believed that $34,200,000 will be required. Attention should be called to the fact that while the debts of States have increased but a little more than one-half (55 per cent), the national debt has increased since

the beginning of the war more than 22 times. This fact should make us pause and, at least, we should wait until the country is relieved from excessive taxation. The returns of revenue for 1921 have proven altogether disappointing. Do not indulge in the delusion that further amounts can be obtained from profiteers; they will laugh at you. We now know that it would have been infinitely better to have drafted into the service of the country in an appalling emergency not merely those who were to take up arms, but all, from the highest to the lowest—the banker, the merchant, the employee in the factory and in the mine, as well as those who risked their lives in the struggle. No country is safe or worth while unless those of military age can be called to the colors and every citizen be required to do his part when the life of the Nation is at stake.

I am thoroughly aware, Mr. Speaker, of the dangers which threaten the political fortunes of those who vote against this bill. I have carefully considered the probable results, but no desire for political support when weighed in the balance should count for a moment against what I regard as a plain duty to my constituency and to the country which I have sworn to serve. I have the utmost respect for those who from conscientious motives or possibly groundless fear entertain a different opinion, but here we are, and we are facing to-day a responsibility from which we can not flee. Especial condemnation should be visited upon a campaign which has been waged for securing this bonus by threats and by the claim that those who advocate it control some millions of voters, who will oppose anyone who votes against it. As against such a vicious movement there is but one remedy, and that is courage.

It is forecast that this measure will pass by a large majority. Be it so. I still believe that the list of those who vote against it will constitute a roll of honor, rather than of discredit, and that when the tumult and the shouting of to-day have died away and the intensity of this campaign has ceased the country will approve our course.

Mr. TREADWAY. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, this bill, this particular bill, so reeks with injustice that it ought to be condemned not only by every man here but also by every Legion post in the land, as well as by every ex-service man not in the Legion.

It is unjust to the wage earner because it tends to delay the return to full employment.

It is unjust to the farmer, the manufacturer, the merchant, because it tends to postpone the revival of business.

It is unjust to the administration because it will embarrass the public finance.

It is unjust to the people because its machinery involves the needless expenditure of perhaps $20,000,000 for interest and as much more for administrative expenses that would be saved by the simple program of the President for raising the money at once by taxation.

It is unjust to the thrifty millions who, through deposits in the banks, furnish the capital for industry and commerce, for it will tie up through three years a third of a billion dollars that might otherwise be available for housing, reconstruction, production.

It is unjust to that part of our banks, perhaps a third, and notably those in the West and South, which to-day are hard pressed for the quick assets needed to lend in the communities that are suffering most from hard times.

Worse yet is the unfairness of this particular bill to the soldiers themselves.

It is unfair because to the beneficiaries who saw the least service, 60 to 110 days, it causes the least trouble, for they and they alone are to get cash.

On the other hand, to those who served longest, members of the National Guard and the early volunteers, it denies adjusted compensation for more than 500 days, no matter how long they were away from their home work.

To those who went across it gives the same daily credit whether they were of the 1,400,000 who reached the front or of the 700,000 who did not. At the same time it gives a 25 per cent advantage to the 700,000 who went across and were not exposed to danger over the 2,000,000 who did not get across.

The bill pays no regard to age, training, or earning capacity. It ignores the number of dependents or whether there are none at all. In short, it does not take into account either comparative deserts or individual needs, save that its lending provisions bear hardest on the man whose needs are greatest, the man who must borrow or suffer.

The burden of the cost—$4,000,000,000 before we get through with it—is to be borne by a people including the men who could not go because they were rejected by reason of physical and other infirmity and those who could not go because they were too old or too young or of the sex that could furnish only nurses. It includes all who at home suffered by the war—far the larger part of the wage earners, because measured in commodities their wages were reduced; practically all Government employees, teachers, clergymen, salaried persons generally; the many millions of depositors in savings banks who saw the mysterious processes of finance deprive them of a third of what purchasing power they had laid aside against the needs of sickness and old age. It includes those who made sacrifices of time and strength and sometimes health in the work of draft boards, the Red Cross, the Liberty loan campaigns.

On the other hand the benefit accrues to four million and more of youths who, so far as unscathed, came out of the war with healthier bodies and broadened minds, trained by discipline and their earning power increased; assured of preference in business, of social favor, and of political advantage as long as they live; blessed with friendships that otherwise would not have been theirs; bearing honors of which they can never be deprived; endowed with priceless memories that will ever make them the envy of their fellows; conscious of having risked the greatest sacrifice that country demands.

If, indeed, the fate that took them on this wonderful adventure and brought them home safe and sound nevertheless caused them loss greater than that which through the war came to far the larger part of the rest of the Nation, and if this loss should be compensated, let it not be done by processes that will work fresh injustices and untold harm.

Mr. TREADWAY. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Speaker, the minority of the committee have stated very clearly and convincingly the objections to the bill, particularly from an economic point of view. The majority of the committee labored long and faithfully in the effort to satisfy those of the service men who are demanding a bonus or some other form of compensation, and at the same time to provide the necessary funds without laying an undue burden on the taxpayers of the country. Of course they have failed, because there is no possible way of handing over five thousand million dollars of value to any class in the community without taking it away from the community as a whole, including those who are the supposed beneficiaries under the act.

The majority of the committee have finally produced a bill which they state, and perhaps fondly hope, will make no immediate and direct call upon the Treasury of the United States, and therefore will not cost anybody anything, but it is perfectly clear that to satisfy the ex-service men who are demanding this legislation some means must be provided for giving cash to those who want it immediately, and to produce this it is provided that the so-called adjusted service certificates can be used as collateral for loans at the national banks. It is further said that these loans are voluntary, and the comptroller states that he will not advise any national bank to loan on this collateral, because its form is such that the loan will be fixed or frozen for three years. While the advances by the banks under this provision are nominally voluntary, the loans are, to all intents and purposes, forced contributions, especially in the smaller towns and cities, because in those places no bank could stand up under the pressure which would be exerted upon it to loan to the ex-service men the full amount which under the act could be loaned on their certificates as collateral. It will now be perceived that the committee, while claiming that this bill would produce no direct call upon the Treasury, ignores the fact that it is calling upon the very source from which money for the Treasury is produced. The Treasury will be in the market in the next three years for several thousand millions of dollars, and it is clear that to just the extent the banks are called upon to supply hundreds of millions of dollars to veterans, so much less will be available to the Treasury, and this unquestionably will produce a higher interest rate on the Treasury borrowings, which will be a continuing charge on the people of the country for years to come. And a worse effect on the unemployed throughout the country, including the ex-service men themselves, will be produced because this very money which the banks are handing over on these certificates would naturally be used in assisting farmers, manufacturers, and merchants to take advantage of improving business conditions and expand their business and increase their employment.

Any supposed improvement of business by the handing out of bonuses will simply be a temporary flash, due to inflation, which will not benefit those who receive it and will have no permanent beneficial effect on business. Business is not improved by merely handing out and spending money, but only by spending it for projects which increase products and increase profits.

As to the remaining proposals in the bill, I do not propose to add anything to what is said in the minority report. They call

for an unknown expenditure running into billions. No one can dispute that the burdens laid upon the country by this bill will be a tax throughout all this generation, and probably two generations beyond it.

The Civil War ended more than 50 years ago, and yet the annual appropriations for the pensioners of that war exceed two hundred millions, and the total expended on account of the pensions for the Civil War has been over five thousand millions, while the men in the Army and Navy during that war were less than half those engaged in the late war. If precedents go for anything, it should be recalled that President Grant, in 1875, over 10 years after the Civil War, vetoed a bonus bill which called for the relatively small amount of $8.33 a month for time served during the war. In returning the bill to Congress President Grant gave the following reasons for his unwillingness to sign it:

First, that it appropriates from the Treasury a large sum of money at a time when the revenue is insufficient for current wants and this proposed further drain on the Treasury. The issue of bonds authorized by the bill to a very large and indefinite amount would seriously embarrass the refunding operations now progressing, whereby the interest of the bonded debt of the United States is being largely reduced. Second, I do not believe that any considerable portion of the ex-soldiers, who, it is supposed, will be beneficiaries of this appropriation, are applicants for it; but, rather, it would result in a measure for the relief of claim agents and middlemen, who would intervene to collect or discount the bounties granted by it. The passage of this bill at this time is inconsistent with the measures of economy now demanded by the necessities of the country.

And it must not be forgotten that no general service pension or bonus legislation was passed until 30 years or more after the close of the Civil War.

The committee report states that about 4,500,000 individuals are eligible to receive benefits under the bill. Of that number The Adjutant General states that 2,086,279 served as members of the American Expeditionary Forces up to the end of 1918, of whom approximately 1,390,000 saw service at the front in combat units.

These figures show that approximately three millions of those who would be entitled to the privileges of this bill either never left the country or never were at the front. This is no discredit to them, and I do not mention it in any critical or ungrateful spirit.

I have always thought, and think now, that the selective draft legislation was one of the great acts of the war, and the spirit in which it was carried out, both by those who administered it and those who were drawn into the service under it, was one of the most inspiring things which has ever happened since the foundation of this Government. It proved that the foundations of the Republic are sound, and that those who enjoy its privileges acknowledge that these privileges imply obligations as well, and that those who were drawn under the selective draft willingly and gladly assumed those obligations. I gave The Adjutant General's figures merely to show that some three millions of those inducted into the Army, who must have been, in order to pass a medical examination, the selected youth of the land, who were not subjected to any dangerous hardships, who went through a useful and healthful training physically and mentally, and most of whom at the end of their term of service were better men in every regard than when they entered it, are those who will receive the bonus or some other material reward under this legislation.

That means that these 3,000,000 young men, at a time when the country is just about to recover from a severe business depression, when many hundreds of thousands of men and women are without employment, are to be selected by legislation to receive from the public funds a sum immense in the aggregate, which must be paid by all citizens, many of whom are not so well situated as are the ex-service men themselves, and most of whom are not so well able by reason of their health and vigor to make their own way. I say that all other citizens must contribute to this special fund and special class. Congress may endeavor by some specious tax provision to put the burden of this expense upon the few, who, they say, can easily bear the burden, but, fortunately or unfortunately, no tax and no levy can be placed on the shoulders of any one class. Its burdens are sure to be distributed and affect every citizen and inhabitant of this country. In fact, many of those taxes which are supposed to be confined to the rich or the well-to-do will in the end produce a greater burden upon the working class than taxes which they may think hit them more directly.

Despite the ability and ingenuity of the majority of the Ways and Means Committee there is no miraculous and innocuous way of raising five thousand millions of dollars or any other sum by taxation.

But to my mind there is a more serious side to this legislation than the economic side, serious as that is. That this side was appreciated by those who were largely responsible for the founding of the American Legion is shown by the following extract from the first general caucus of the American Legion which was held in St. Louis in May, 1919, when the bonus question was first presented officially to a general meeting of the legion. I quote the following from the official record of the proceedings, on page 139. The convention was engaged on a report from the committee on resolutions and was considering the resolutions paragraph by paragraph, whereupon the chairman, who was Col. Henry D. Lindsley, of Texas, stated as follows:

The CHAIRMAN. The secretary will read the next resolution.

The SECRETARY. Eighth paragraph, additional pay for enlisted men:

"Whereas the financial sacrifice of the enlisted persons in the military and naval service of the United States in the World War was altogether in excess of that of any other class of our citizenship; and

"Whereas the great majority of these persons left lucrative employment upon joining the colors; and

"Whereas this direct financial sacrifice was made at a time when men, many of them aliens, who remained in safety at home, were enjoying the advantages of an exceptionally high war wage; and

"Whereas the service which involved this sacrifice was a Federal service in defense of our national honor and national security: Therefore be it

"*Resolved*, That the delegates to this caucus of those who served with the colors in the World War urge upon the Members of the Sixty-sixth Congress the justice and propriety of appropriating a sufficient sum from the National Treasury to pay every person who served in the enlisted personnel in the military or naval service for a period of at least six months, between April 6, 1917, and November 11, 1918, six months' additional pay at the rate of $30 per month, and to those persons who served less than six months in the military or naval service, between April 6, 1917, and November 11, 1918, the sum of $15 per month for each month so served, this bonus to be in addition to any pay or bonus previously granted or authorized to be paid upon and subject to the honorable discharge of any such person."

Then, after some suggested amendment, the chairman spoke as follows:

The CHAIRMAN. Before I put this motion I want to call to your attention the fact that this is a pretty serious matter that you are considering. It is for this caucus, of course, in its wisdom to determine that which it wants to do, but up to this time it has assumed continuously a most splendidly high patriotic and unselfish attitude toward all questions. It has dealt immediately and fairly and positively with regard to employment problems, but I suggest to you that we ought to consider very carefully whether we want to go on record as a caucus, as provided in this resolution, and I would prefer not to put the question until you have considered and discussed it further.

After another suggested amendment Lieutenant Colonel Roosevelt, of New York, spoke as follows:

Gentlemen, I want to draw to your attention to one feature of this. I heartily agree with what the chairman has said so far.

I want you to get this reaction. In coming out here on the train, one of the delegates who was coming out on the same train with me stopped and talked to the conductor, who said: "That is young Teddy up there, and he is going out to St. Louis to get the men together and sandbag something for them out of the Government." To "sandbag something out of the Government" Now, you get the idea of what he thought we were trying to do. We want everything which it is right for us to have, but primarily we are going to put something into that Government instead of subtracting something from it. In thinking over this resolution, think of that.

Whereupon, a member of the committee offering the resolution moved to table it, which was unanimously agreed to.

I think it is perfectly clear from these remarks that at least the chairman and Lieutenant Colonel Roosevelt felt instinctively that this legislation was not going to carry out the idea of the leaders of the movement; that the proper object of the Legion was, "To put something into that Government instead of subtracting something from it."

It is possible that in the minds of these ex-service men, who appreciated what a great instrument for good the American Legion might be, there was a lurking fear that, if started wrong, the Legion might not only interfere with its possibilities for good, but might become an actual danger. These men appreciated and Members of this House appreciate the danger in all democracies of compactly organized minorities who seek their own advantage irrespective of the public good, and who, through the menace of a compact and numerous vote, unduly influence legislation in their own favor, particularly in election years. It is this menace that I, for one, dread as the outcome of the passage of this bill if it becomes a law. It is unusual for any organization which demonstrates its power to force through legislation for its own benefit ever to rest content. There will always be some new claim which the organization thinks it has on the country, and it will use its power to force these claims into law from time to time. It is still possible for the American Legion and the ex-service men in general to continue to be of the greatest possible service to the Nation. Let us hope that they will use their power for the general good and not degenerate into a selfish organized minority favoring themselves at the expense of the other 95 per cent of the inhabitants of this country.

There is no one in this House and no real American anywhere who does not appreciate with lasting gratitude the services, and in many cases the sacrifices of the men who were in the service on land and sea. Those of us who were unable, by reason of age or otherwise, to take part in that active service

envy the young and vigorous men who did. We feel, as they must feel, that the memory of their service and their sacrifice is a precious possession for them and for their descendants. And it seems to me a very doubtful benefit and a very fleeting satisfaction to demand or receive from the Government any bonus or reward which will cloud that memory with even a suspicion of commercializing their patriotic service. We can not compensate the sacrifices which many of the men made by any money payment. Equally, it is a duty and a pleasure for all of us, not only by our votes but by any necessary sacrifice of money, to endeavor in the best ways which lie open to us to take care of all those who were wounded or incapacitated.

There never has been, and will not be, any hesitancy on the part of Congress or the American people to recognize their obligations in this regard to the fullest extent. The American Legion and all other ex-service men appreciate this and have made public statements to that effect.

I believe it is true that no other Government in the history of the world has ever been so generous and solicitous to care for its sick and wounded as has the United States, and the fact that we are to-day spending over a million dollars a day for this purpose testifies, so far as money can testify, to the truth of that statement.

On that particular point my only criticism is that there are some classes, such, for example, as the student nurses and the reconstruction aides, who just as truly sacrificed their health, and in many cases their lives, as did the men at the front, who have not yet received recognition.

If we are to distribute money in the shape of bonuses, what shall we say of all the devoted men, and especially the women, who during all of the years of the war, at home and abroad, labored incessantly, in many cases sacrificing their health, in the service of their sons and the sons of others in order that the service men might receive proper care both here and abroad? While the Army and Navy were the fighting arms of the United States, it should not, in fairness, be forgotten that the whole Nation, on the farm, in the workshop, in the offices, and in the homes, worked and made sacrifices to the end that the fighting arms of the Nation might be upheld and might do their work in an efficient manner.

If a bonus is to be distributed to the young and able-bodied men who served in the war, why should the old and feeble mothers and the young and delicate wives and sisters, who made their sacrifices, be forgotten?

The inspiring spectacle of the war was the whole Nation working together without regard to section or age or sex to uphold the national honor and to save the world from despotism. All the people and all the wealth of the Nation were working together in war, and if the Nation and its people are to prosper they must work together in peace. No section and no class can long prosper at the expense of the balance of the Nation. Let us not forget that we should legislate, not for any class or section, surely not for the sake of votes in our own districts, but for the lasting good of our country. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. ANDREW].

Mr. ANDREW of Massachusetts. Mr. Speaker and Members of the House, those who oppose any plan to add to the pay of our World War veterans base their opposition upon one or another of three main lines of argument. They say, first, that the veterans do not deserve it, or, at any rate, that it is inappropriate to reward them financially for merely doing their duty; second, that it will be wasted, or that it will do the veterans more harm than good; and, third, that the country can not afford to pay it. These are the only serious lines of argument against adjusted compensation, and I propose, with the time and privilege accorded me, to show why not one of these arguments has any foundation in reason or any justification in fact.

WHY THE VETERANS DESERVE COMPENSATION.

First, I know that many whose generous judgment and patriotism I hold in highest regard are opposed to giving any additional pay in any form, and no matter by what name such payment may be called, to former soldiers and sailors who were not physically injured in the war. They insist that the men who in time of war offered their youth and their lives for their country can not be compensated with money or land or insurance; that it is the immemorial privilege of a country's youth to serve their homeland when in danger, and that the true reward for such service is to be found in the esteem of their kindred and neighbors, in the recollections they have of comradeship in a great and noble undertaking, and in the consciousness of the high example they have set to coming generations. I understand this point of view; I respect it; I sympathize with it; and in large degree I share it. One can not but respect the nobility of such sentiments, if sure that they are uttered by those who are not thinking of their own income and the possible avoidance of tax burdens which might menace that income.

But, Mr. Speaker, and this is equally manifest, it is not alone the soldiers and sailors to whom this argument should have been addressed. Exactly the same considerations were applicable to those who supplied property needed by their country in prosecuting the war, and to those who—many of them exempted from military service, though of military age—helped in producing munitions and materials essential to their country's defense. They, too, should have found their true reward in the glory and memory of patriotic service and in the example of devotion which they were privileged to offer to the unborn future. But has anyone the temerity to claim that those who made guns and shells for their country in the hour of its danger were asked to find adequate compensation in lofty memories or high esteem? Were the workers and investors in plants which made shoes and uniforms for the soldiers imbued with this spirit and recompensed on this principle? Did the manufacturers of airplanes find satisfaction in spiritual and intangible rewards? Did those who sold to the Government woolens, or copper, or automobiles, or ships? Did the brokers and great metropolitan banking houses who negotiated Government contracts rest content with contemplating the sacrifices which they had endured for a suffering world?

Mr. Speaker, I can not discover any fair basis for distinguishing between the Government's debts to the brokers who negotiated Government contracts and to the firms that manufactured war materials and to the civilian laborers employed by these firms, on the one hand, and its debts to the soldiers and sailors who offered their youth and strength and life on the other. Our Government was called on to pay to the last Shylockian drop for everything that it bought or hired in connection with the war except for its soldiers, sailors, and marines. It paid during the war prices inflated "beyond the wildest dreams of avarice" for most that it bought and most that it hired. When the war was over, it settled for canceled contracts, even those entered upon after the armistice, and in many cases even for contracts which were only implied, with unheard-of prodigality. Contractors were not only paid for losses incurred but even for profits not gained. Those who pressed claims against the Government for money invested or for property sacrificed in the war were not told to find their reward in a happy conscience or in fame. They had their compensation more than adjusted. They received their compensation on the cost-plus basis, and no suggestions were ever made that they should accept memories and dreams in lieu thereof. Some, in fact, who to-day are most tenaciously contesting the relatively modest claims of the veterans on the ground of the Treasury's impoverishment are the very ones who did not hesitate, when their own interests were at stake, to press gross and viciously inflated claims against this same Treasury.

Now, Mr. Speaker, I know the argument that some of the gentlemen opposing additional compensation for the veterans are accustomed to advance. They ease their consciences in opposing such payments by saying that if they had had their way the laborers would have been drafted and mobilized just as the soldiers and sailors were, and munitions plants and mines and factories supplying war materials would have been commandeered in the same way. "Of course," they always add, "the cost-plus system was wrong, and the Government ought not to have done what it did, but two wrongs do not make a right." Most of us have heard that cunning argument so many times that it sounds almost phonographic. But in legislation, as in everything else in life, we have to face the facts as they are and deal with the situation as it is and not as it might have been.

Having recognized so fully, as every one admits that we did, our debts to the contractors and brokers and civilian workers of the war, we are now morally bound to recognize, even if belatedly, the obligation that the country owes to those who were our soldiers and sailors, and whom, when they returned from the war, our Government turned out jobless, without giving them enough to buy, at that time, a respectable suit of ready-made clothes. Those who were in charge of the Government unquestionably ought to have given more generous help to the men retiring from its military service. They ought to have given it then and there. But they did not do so, and there remains for us to-day, three years after, an unescapable obligation to try and rectify their failure, even if we can only hope to do so in very small degree. It is hard to see how any one of generous instincts can feel otherwise. Suppose any other employer of labor, confronted with an emergency, had sent a third or fourth of his employees upon a mission involving hardships and possibilities of peril. Suppose also that he had designated the particular men who were to go without con-

sulting their choice or desire. And then suppose that while they were gone he had reduced their pay, and had doubled or trebled the pay of those who remained. What would you think of the fairness and justice and generosity of such an employer who, when the laborers returned, made no effort to adjust their compensation? What would you think of a nation which treated its defenders in such manner? The answer is as clear as the very sunlight of God's heaven.

HOW COMPENSATION WILL HELP VETERANS.

Second. We come now to the next argument against adjusted compensation, what might be called its second line of defense. Opponents of the measure insist that even if the Government did deal unjustly and ungenerously with its veterans at the moment when they were discharged from the Army or the Navy, nevertheless a belated payment made to-day would do them more harm than good. Such payments, they say, would be wasted, or worse, they would encourage idleness and dissipation. One opponent, in a widely circulated statement, has declared that "it will put obstacles in the way of the veterans' true advancement. It will induce men to quit work and loaf, and will have disastrous effects upon industry all over the country." Another predicts that many veterans, when they receive their money, will take passage for Europe, or some country where they can escape the benign provisions of the Volstead Act, and will live riotously until their funds are exhausted. He was referring to the cash bonus, since eliminated from the bill, which allowed a veteran, at the most, payments of $50 at intervals of three months. This would have amounted in the aggregate to $200 per year, or an average of $4 per week. Now, under the new bill, if a veteran had served overseas for the greater part of two years, he might, by borrowing the maximum, secure cash to the extent of $312. But surely any soldier would command the admiration of Members of this House, both for his optimism and for his financial ability, who could get transportation to and from Europe and live extravagantly upon any such modest sum. These are only chance examples among many that might be cited of the exaggeration and of the ignorance of the provisions of the bill which have been displayed in statements sent broadcast by its opponents.

No one, of course, would claim that veterans are instinctively more wise or more thrifty than the common run of men. Among the youth who served in the war, as among the youth and their elders who did not so serve, there are some who save their earnings, and there are some who squander them. I firmly believe, however, that the handicaps and obstacles which the veterans have had to overcome during the past three years have tended to make them more appreciative of the value of money and of the difficulty of acquiring it, and I also believe that the provisions of the pending bill, especially if somewhat simplified in detail and definition, will induce the majority of veterans to conserve their adjusted compensation as insurance for themselves and their families in the future.

THE VETERANS' UNRECOGNIZED HANDICAPS.

Our ex-service men have struggled during the last three years under more and greater handicaps than most people recognize. It is not, as many assume, merely a question of their having failed to get the wages during the years of the war which they might have gotten if they had remained in civil life. It is not simply that they came back to find their companions of prewar days able to live far more luxuriously than they were able to do. Nor was it merely that they found themselves of a sudden "dumped out," along with several million others, on a world that had few places waiting for them. There were other and still more difficult handicaps for them to overcome. Their military life had not only not fitted them for ordinary occupations; it had actually tended to unfit them morally and mentally to resume quickly the responsibilities and routine of civilian life. For months, running in most cases well into two years, those who were enlisted men had lived without initiative, without either obligation or opportunity to do more or otherwise than they were daily told to do, knowing each day that what they did would have no helpful bearing in the way of preparation for their future. They had lived a vagrant, nomadic life, one month here, the next month there, perhaps on the other side of the ocean, a life of change, of intermittent excitement and intense nervous strain, a life far removed from home and its customary restraints and duties, a life as different from all that had gone before, or all that was destined to come after, as the Middle Ages were different from modern times. No other life that one can conceive of would so unfit a youth mentally—I am not oblivious to the physical benefits, which were many—as the life of a common soldier in time of war. In the course of six or eight months after the war ended approximately 4,000,000 young men, who had undergone these very unsettling experiences during one or two years, were turned loose without jobs, without clothes other than their Army equipment, and without other money to help them make a new start in life than the paltry $60, which was all that the Government handed them, and which at that time was insufficient to buy more than an overcoat or a civilian suit of poor material, one or the other, not both. We have seen them as the months and years have passed still going about in their khaki blouses and shirts and their Army shoes, and in winter wearing their Army coats, dyed or remade because the Army forbade them to wear their unchanged uniforms after discharge.

It is probably true that many of them did not seize the first chance of employment that was offered to them; that they hesitated to drop back to work inferior to that which they had known before they left for the war; that they were reluctant to accept wages, perhaps high in terms of dollars as compared with prewar standards, but much lower in buying power, and far inferior to the wages received by their pre-war companions who had remained at home. It is doubtless true that many of them remained restless, turned from one thing to another and could not settle down at once to steady work. It was one of the inevitable results of the life they had been living. It was one of the handicaps which they had to face and overcome, and which we as a people ought to understand and recognize.

Gradually, however, the 4,000,000 veterans began to readjust themselves. The vast majority of them were finding places that enabled them to get along, to contribute their share to the family rent and grocery bills, perhaps even to assume the responsibility of a family of their own, when abruptly the business of the country withered and collapsed. Mills and factories which had been working to capacity shut down in part or closed their doors completely. Mines similarly curtailed operations or ceased working altogether. Stores and shops and offices reduced their forces. Again several million men were unemployed. I do not mean to pretend that only the veterans found themselves out of work, but I do contend that it was almost inevitable that the "last hired" should be the "first fired," and that ex-soldiers who had been "taken on" since the war should be dropped sooner than those who had had the advantage of longer experience and greater proficiency, gained at home during the war period. The situation needs no argument by way of proof. It is known to everyone who has visited the crowded headquarters of veteran organizations, or who has been at all familiar with the busy bureaus for unemployment anywhere in the country during the past year.

Now, it is because our veterans have had to face these many distressing handicaps since their return from the war—handicaps due first to their retarded start in life; second, to their own mental unrest; and, finally, to the general unsettlement of the country's industry and business. It is because of the long, hard struggle they have had to make during these past three years in order to hold their own and to get along that I believe the veterans to-day will appreciate and profit by the financial benefits which the Government proposes to offer them—not only more than they would have three years ago but also more than any other group of citizens in the country.

THE MEASURE ENCOURAGES THRIFT.

Furthermore, the measure which lies before us has been framed in such a way as to encourage a thrifty regard for future benefits rather than present consumption or enjoyment. In every one of the alternatives offered to the veteran this idea is dominant. The bill offers him help in securing a farm or a home; it offers him help for vocational training; it offers him, free of charge, an insurance policy (or certificate, as it is nondescriptly called in the bill) which will be paid to the beneficiary whom he may name or to his heirs in case of his death, or which will be paid to him if still living at the end of 20 years; and while it gives him a chance to obtain cash loans on the security of his insurance when needed, it stimulates him to repay these loans, not only by penalizing his failure to do so but by adding to the maturity value of his capital in case he does.

I could have wished that these penalties and rewards had been reduced to a more simplified and more easily comprehensive system in the bill, but the very desirable principle of thrift encouragement is fundamentally embodied in the measure and it will not be difficult for those who have still to deal with it to perfect its details.

In a word, the measure now before the House offers to our veterans not only a just and fair, if long overdue, reward, but also a reward that has been framed upon the principle of helping the beneficiaries to help themselves, which is the guiding principle of all intelligent humane legislation.

THE COST OF COMPENSATION.

Third. We come now to the third and last serious line of defense—the line of most grim and dogged resistance on the part of the opponents of adjusted compensation. It is the argument of those who say that they would like to give the veterans such compensation, who admit that the veterans deserve it and that it would doubtless be very helpful to them at this time, but who insist that the country simply can not afford it. The argument is generally premised upon the assumption of an involved expense running into inconceivable billions, and this, it is naturally asserted, will force a multiplication of the tax burdens under which the country is now staggering, will retard, if not reverse, the recovery of the country's business, and will cause in the end much more distress than that which it is intended to alleviate.

I have received, as every Member of Congress has received during recent weeks, a deluge of market bulletins and circular letters from corporations and brokerage houses professing to estimate the burden which the adjusted compensation bill, if adopted, will place upon the business of the country, but I have yet to read one such circular or to read any financial letter in any important metropolitan daily which gives anything but a grossly exaggerated statement of the probable cost of the pending measure. The financial writer of the Philadelphia Public Ledger recently stated that the bill "will require two billions of dollars, initially," and this seemed bad enough, but an editorial in the Washington Star a few days later estimated the cost as ranging somewhere between fifty and seventy-five billions. After that, one was not surprised when the Secretary of the Treasury raised the limit to one hundred and eighty-five billions—although he subsequently admitted an error of one hundred and sixty-seven billions in his original estimate.

What are the facts?

According to the tabulations furnished by the finance officers of the War and Navy Departments the maximum cost of the payments provided for in the bill reported on March 16 by the Ways and Means Committee would be a little in excess of $4,000,000,000 in the course of 20 years. If all the veterans kept their insurance intact and did not forfeit any of it by borrowing against it and defaulting, so that its maturity value reached the maximum, the total cost would foot up to this aggregate of $4,000,000,000 by 1943, an aggregate roughly equal to the total expenditures of our Government during a single current year, but this aggregate would be distributed over 20 years and not more than a quarter of it would have to be paid before 1943.

The minimum expense of the measure would be $1,200,000,000 and would occur only under the following conditions: If all the veterans were to borrow cash from the banks at once to the full limit authorized by the bill, and all were to default upon their notes, it might cost the Government altogether $1,200,000,000 three years hence, at the end of 1925, but that would be all that it would ever cost. These are the maximum and minimum costs involved in the present bill—the maximum, $4,000,000,000, scattered over 20 years and for the most part not due before 1943; the minimum, $1,200,000,000, possibly due in 1925.

The actual cost will depend upon the choice of the veterans as between the different alternatives that are offered them. According to the estimate of the committee, in no year before 1943 would the total expense amount to more than $136,000,000, and during most of this time it would range around $30,000,000. The committee estimates make no allowance, however, for borrowing on the part of the veterans, which would doubtless hasten and materially add to the Government's expenditures during the years immediately following 1925. For the first three years their estimates of the expense involved are as follows:

1923	$74,279,000
1924	124,440,000
1925	121,370,000

WHAT CANADA DID FOR HER VETERANS.

These are indeed formidable sums from the point of view of an individual, but they are not terrifying from the viewpoint of a great country like ours, and they are but surface ripples as compared with the mountainous wave of expense which the writers of financial bulletins have pictured as about to inundate the country in case the veterans' bill is adopted. Canada in the single year of 1919 paid to her soldiers "war-service gratuities" amounting to $164,000,000, and her population is not one-twelfth as great as ours. If our Government were this coming year to pay her veterans as adjusted compensation an amount aggregating per capita what Canada paid to her veterans as "war-service gratuities" in 1919, it would amount to more than $2,000,000,000. It would not only acquit once and for all the whole cash bonus as proposed in the original Fordney-McCumber bills, but it would leave an additional bonus of more than $500,000,000 available. Surely if Canada, notwithstanding that she had been engaged in war for four years and that 10 per cent of her population had been enlisted, could pay this gratuity in the first year after the war ended, we ought to be able to pay the incomparably lesser sum asked for to-day, and to pay it without the remotest suggestion of ruin to the business interests of the country.

I have already named the sums asked for during the next three years. They are not of staggering proportions. They range from $74,000,000 in 1923 to $136,000,000 in 1925, the largest total being less than a tenth of what the Army and Navy cost last year.

TAX PROVISIONS DESERVE NO PLACE IN BILL.

It has been said that in order to raise these sums, special taxes must be levied. But the suggestion of levying special taxes in order to meet a special expenditure has seldom been raised with regard to any other measure, and never has it been raised before in connection with the adjustment of compensation for any other war claimants. When the Dent Act was passed, which arranged for settling claims of war contractors, no particular revenue measure was provided, although the actual compensation paid under that act amounted to nearly $3,000,000,000. No prejudice was created against these claimants and there was little protest against them, because they were paid out of the general resources of the Treasury, and no definite taxes were assigned for their settlement. The same is true of the adjustment of the compensation proposed for the railroads, amounting to $500,000,000 for the losses incurred under war administration. It is true, also, of the $40,000,000 voted to compensate mine owners for losses incurred merely in getting ready to produce minerals for chemical warfare, but without actually producing them. It is true of the many millions voted for the relief of Shipping Board contractors. If, as has been suggested, we were now to incorporate new taxes in the act adjusting the compensation of the veterans, we should discriminate in a manner quite without precedent against the claims of those who offered to their country not property, but their youth and their lives—claims amounting to only a fraction of those already met for property. We should help to turn what is intended to be, and what ought to be, an expression of gratitude and an act of justice into a source of criticism and disparagement of the country's defenders. This has, in fact, already resulted to a serious extent from the agitation of such proposals.

HOW EXPENSE OF COMPENSATION CAN BE MET.

That the requirements of adjusted compensation as provided for in the present bill can be easily met during the next years without additional taxation would seem obvious, if it had not been disputed by those in authority. If the results of the recent Conference for the Limitation of Armaments prove anywhere near as substantial as we hope and believe, the resultant economies in the appropriations for the Army and Navy will amount to at least $200,000,000 yearly. These are economies which were not contemplated and taken account of in next year's budget, and they are more than double the estimated requirements for compensation during the next two years. If continued for 20 years, these economies alone will aggregate enough to cover the total cost of adjusted compensation. The War Finance Board, which, according to present litigation, will begin liquidation on July 1 next, will also release enough millions of Government mony to meet a large part of the veterans' bill for the next two years. But even if these sources did not exist, merely a part of the interest which is annually accruing on the British debt would be sufficient to meet the soldiers' claims for the next two years. In fact, the interest accrued and accruing on that debt alone would cover every expense involved in adjusted compensation throughout the whole 20 years of its payment. I mention Great Britain specifically, because her solvency does not depend to the same degree as that of France and Italy upon reparation payments from Germany, and because the British Government has already begun to reduce its own domestic debt. Within the past fortnight, in fact, announcement has been made that payment of £50,000,000 (over $200,000,000) in interest to the United States is being arranged for in next year's British budget.

This of itself is more than double the amount required for the coming year by the pending bill. In any one of these several ways our veterans can easily be compensated without increased taxation, without increased loans, and without even touching the principal of the debts which are owing us. And such being the case, Congress ought, in justice to the veterans, to pass the adjusted compensation act without attaching to it any special revenue measure, and it not only ought to do so but it can do so without fear of embarrassment to the Treasury.

POLITICAL ASPECTS OF COMPENSATION.

There is another line of argument against adjusted compensation to which I might also allude. It is the most unworthy of all arguments, but the one most frequently and most vigorously presented by those of my correspondents who are opposed to the bill. It is well illustrated by the weekly letters of the National Founders' Association, signed by its president, William

H. Barr, copies of which have, I believe, been received by most of my colleagues. In his letter of March 9 Mr. Barr says, "Make it plain to them—the Members of Congress—that there are political reasons which should compel them to avoid any further bonus burden," and in his letter of March 16 Mr. Barr renewed his gentle admonition in these words, "Even if the Senate by the exercise of good sense should defeat this bill," he says, "we shall remember those who were responsible for it." I have received during the past two months several scores of such menacing letters from men similarly placed at the head of large corporations, but never a promise or a threat, or any appeal to personal advantage has come to me from any veteran or any veteran organization. This, I believe, has been the experience of most of my colleagues in the House. We have received an occasional mildly worded resolution from a legion post or other veteran association expressing indorsement of the plan of adjusted compensation or of some of its features, but without ever a suggestion of that bullying and browbeating attitude which has become all too familiar from the other side.

I realize that the debt which our Government owes to its defenders has come to be regarded very much as are all debts for services long since rendered. The feelings of many of our people toward it are akin to our individual feeling toward the bills of doctors and lawyers for services which they may have performed in time gone by. The doctor may have saved the life of one of us or of one we love, several years ago, or the lawyer may have saved our home and fortune. But we face their belated bills for such services perfunctorily and with a not unnatural desire to find any possible means of escape.

WASHINGTON AND COMPENSATION.

Unfortunately with our debt to the veterans the situation is even more depressing. The vision that illumined the world four years ago has paled with the lapse of time. The spirit of brotherhood and of willingness to sacrifice which animated the country has gradually flickered out. Even the memory of what was great and beautiful in those epic years is fading rapidly. We have almost forgotten how we sent our soldiers off to the war with music and garlands and pledges of undying gratitude, and how frantically we acclaimed their return with unbridled expressions of affection and appreciation for what they had done. We have almost forgotten that we only offered them words and music and flowers, and that we still have a tangible debt to pay. We have almost ceased to realize that, as Washington said 140 years ago of the compensation he thought was due to the soldiers of his Army, "It is more than a common debt. It is a debt of honor which can not be canceled until it is fairly discharged."

Washington, addressing Congress again in 1783, added these words, which we can confidently repeat to-day:

If the whole Army have not merited whatever a grateful people can bestow, then I have been beguiled by prejudice and built opinion on the basis of error. * * * But I am under no such apprehension. A country rescued by their arms from impending ruin will never leave unpaid the debt of gratitude.

My friends, I have had no part in the framing of this bill. Such suggestions as I have made from time to time have not been incorporated in it. There are features in it which I do not like. It is not in many of its details what I should have preferred it to be. But all legislation, like everything else in life involving choice, inevitably requires compromise. I believe in the principles that underlie this bill and in the attempt which it offers to repair a great injustice. I believe that some of what seem to be its errors can be corrected later. I shall certainly vote for it.

Mr. OLDFIELD. Mr. Speaker, I yield to the gentleman from Alabama [Mr. JEFFERS].

Mr. JEFFERS of Alabama. Mr. Speaker, I want to refer to the remarks of Mr. CAMPBELL of Kansas wherein he said, while pointing his finger at the Democratic side of the House, that "your contractors" were the ones who so unscrupulously robbed the Government both during the war and in settling up contracts after the war. In that connection I wish to call attention to the fact that the Standard Steel Car Co., owned by the Mellon affiliated interests, as shown by testimony taken before the Graham subcommittee, were proven to be the worst type of the grafters who robbed the Government on war contracts both during the war and in settling up the unfinished contract after the war. Now this same Mellon, of the Mellon affiliated interests, is your (Republican) Secretary of the Treasury, prince of profiteers and greatest grafters on this Government, and he now rides around in a big $10,000 limousine and opposes adjusted compensation for the poor devil of an American doughboy soldier who sweat blood and slept in the mud for the safety of the homes of this country, for the protection of the flag we love, and to keep this country safe for profiteers and grafters on the Government like your Mr. Mellon. [Applause.]

Mr. Speaker, a great deal has been said about helping disabled ex-service men first. It has been intimated that the American Legion was putting the welfare of the able-bodied ahead of the care of the disabled. That is not true. The Legion has always pushed legislation for the care of the disabled first. Here is a statement to prove that from the disabled ex-service men at the Mount Alto Hospital.

Their statement is followed here by a list of petitions, all of which were signed by disabled ex-service men. These representations were presented to the President of the United States, together with an accompanying letter from the National Legislative Committee of the American Legion, as follows:

Whereas the American Legion has always given first consideration to the disabled men in urging legislation of benefit to them before Congress; and

Whereas this is amply attested to by the passage of the first Sweet bill, now Public 104, increasing the temporary total benefits to the disabled from $30 to $80 per month, at a total cost of approximately $80,000,000 a year; and the appropriation of $18,600,000 for the construction of permanent hospitals for the beneficiaries of the United States Veterans' Bureau; and in urging the passage of the consolidation bill, now Public No. 47, an act to establish the United States Veterans' Bureau; and in securing from Congress the passage of a bill allowing time spent in vocational training to apply as residence upon a homestead; and in urging sufficient appropriations for the departments of the Government providing hospital care, compensation, insurance, and vocational training; and in urging the passage of S. 1565, just passed by the Senate, granting the right of retirement to disabled emergency officers; and

Whereas the American Legion is the only organization of ex-service men that has appeared before Congress urging the passage of all of the above legislation and many other bills in addition thereto: Now, therefore, be it

Resolved, That each and every signer of this resolution believes that the national officers of the American Legion, duly elected and instructed by national conventions of the American Legion in urging the passage of the adjusted compensation bill, are carrying out properly the request of all ex-service men and women, whether disabled or not, that the Congress pass immediately H. R. 1, now pending before the Ways and Means Committee of the House, and S. 506, now pending before the Senate Finance Committee, both bills being practically identical and providing for an adjustment of compensation for all ex-service men and women who served honorably between April 6, 1917, and July 1, 1919.

Arthur J. McNamara, H. Frederick Moyer, Joseph R. McDonald, Emory M. Snyder, Robert M. Skinner, Samuel E. Stokes, Theodore Payton, Shuford Fincher, Richard H. Powell, P. Rollins, O. F. Vogt, R. E. Goodwin, Milton Roach, W. P. Geis, Francis M. Dwyer, E. G. Yates, John J. Heffernan, A. E. Prince, David Roner, E. P. McIntyre, jr., Walter D. Lowell, A. H. Sando, E. C. Capers, C. R. Sollers, Chas. Stack, Tony Gliatto, Charles Brewster, H. J. Graham, Ed. J. Hughes, E. A. Abbott, S. C. L. Jensen, William G. Liezert, Paul Hershey, Russell B. Hudson, W. J. Kirkpatrick, Edward S. Quad, Eddie B. Stewart, Andrew Joyce, Robert E. Clark, D. A. Fox, Erwin V. Parham, Edwin M. Haines, Thomas Kirby, John P. McDonald, Chas. N. Hess, Sam. Middleton, John Little, Stephen Nonides, Chas. Hartinger, Paul Samek, Joseph D. Salatto, N. A. Pillow, Maury C. Smith, Thomas Martin, William R. Clatterbuck, Edward L. Means, Thomas J. Kessler, Arthur Metcalf, J. H. McVay, Wm. F. Grosskurth, Richard Kennedy, John J. Capper, Arthur Ellis, Charles W. Rose, Fred Smoots, M. P. Kelly, J. F. Gilmartin, R. E. Banks, Wm. G. Simms, Lucius J. Jones, Hugh Malone, Robert Johnson, William H. Webb, Miles Williams, Robert Cooper, Marion Page, A. R. Cropper, Sara Clagett, Evelyn J. Davis, M. F. Siddall, Elmer N. O'Haver, Rossville, Md.; Litha E. Taylor, 2021 Mitts Avenue, Wilmington, N. C.; Hoke S. Palmer, Gate City, Va.; W. M. Dempsey, Washington, D. C.; L. R. Maddox, Macon, Ga.; F. F. Damron, Fairmont, W. Va.; Clifford Knutson, Crookston, Minn.; Hugh Pendleton, McDowell, W. Va.; George C. Graham, San Francisco, Calif.; Luther S. Woodward, Boston, Va.; James L. Gallagher, Vineland, N. J.; Arthur J. Hichcock, Washington, D. C.; William J. Morrissey, New York, N. Y.; Harry C. Poole, Ednor, Md.; John H. Carter, Chilhowie, Va.; Paul C. Sprinkle, Manassas, Va.; Parker V. Skipper, Baltimore, Md.; Edgar W. Brown, Boston, Va.; James E. Burdette, Silver Spring, Md.; Matthew J. Garney; Russell Souders, Washington, D. C.; Meyer Hurvitz, Washington, D. C.; Daniel Ellison, Washington, D. C.; William J. O'Sullivan, Brooklyn, N. Y.; F. E. Goodnow, Cherrydale, Va.; Stlios Bitapaes, California; Dennis Lane, New York; Emil Kunz, New York; William J. Hart, New York; Charles Kauffman, Lewistown, Md.; R. Goodell, 2650 Wisconsin Avenue NW., Washington, D. C.; O. W. Richardson, 2650 Wisconsin Avenue NW., Washington, D. C.; Charles Bergman, 2650 Wisconsin Avenue NW., Washington, D. C.; Neil Farmer, 2650 Wisconsin Avenue NW., Washington, D. C.; Fred. Beckner, Callaway, Va.; Guy C. Angell, 3630 Thirteenth Street NE., Washington, D. C.; James R. Pendleton, 3630 Thirteenth Street NE., Washington, D. C.; Clifford D. Armstrong, 2650 Wisconsin Avenue NW., Washington, D. C.; Nicholas Karson, 2650 Wisconsin Avenue N. W., Washington, D. C.; R. J. Brown, 905 Thirteenth Street NW., Washington, D. C.; William Henderson, 1011 M Street NW., Washington, D. C.; Albert Gilpin, 6703 Georgia Avenue NW., Washington, D. C.; John Cross, jr., 317 F Street NE., Washington, D. C.; Howard Ward, 3751 Jackson Street, Seattle, Wash.; Joseph Colavecchio, 663 Crescent Avenue, Bronx, New York City; Depran Bedrosian, 345 Pennsylvania Avenue, Washington, D. C.; Jacob A. Tossounian, 903 Twenty-second Street, Washington, D. C.; Thomas White, 2576 Eighth Avenue, New York City; Otis Sanford, Bellwood, W. Va.; Hugh J. McKenna, 3549 Thirteenth Street NW., Washington, D. C.; T. J. Keating, 2650 Wisconsin Avenue, Washington, D. C.

Washington, March 22.—Petitions from 10 different groups of disabled war veterans from vocational training schools and Public Health hospitals in various sections of the country were presented to President Harding to-day by John Thomas Taylor, vice chairman of the national legislative committee of the American Legion. The petitions were signed by 1,982 disabled service men, and call upon the President and the Congress to enact the fivefold adjusted compensation bill, drawn by the Legion at the request of Congress and now before the lower House for passage.

The petitions were from the following:

C. M. Francey Post, No. 70, United States Public Health Service Hospital No. 60, Oteen, S. C., 544 signatures.

Sherman Technical Association, United States Vocational School No. 1, Chillicothe, Ohio, 350 signatures.

Disabled men in training, United States Veterans' Bureau, Pittsburg, Kans., 260 signatures.

United States Veterans' Hospital No. 45, Biltmore, N. C., 190 signatures.

Galbraith Chapter, No. 3, D. A. V. W. W., Tyler, Tex., 170 signatures.

United States Public Health Service Hospital No. 53, Dwight, Ill., 159 signatures.

United States Veterans' Hospital No. 32, Mount Alto, Washington, D. C., 133 signatures.

Disabled veterans of Sioux Falls, S. Dak., 66 signatures.

Chapter No. 1, Disabled American Veterans of the World War, Fargo, S. Dak., 57 signatures.

Disabled men taking vocational training at Hill's Business College, Oklahoma City, Okla., 53 signatures.

Copy of telegram from disabled veterans of the World War, announcing that their national convention at Detroit unanimously adopted resolutions favoring immediate passage of adjusted compensation bill.

The majority of the petitions state that persons opposing adjusted compensation legislation in the name of disabled veterans misrepresent the attitude of the disabled. They request that the discrepancy in pay between the men in the service during the war and those at home be equalized in part.

The petitions were accompanied by the following written statement to the President:

MARCH 22, 1922.

The honorable the PRESIDENT.
White House, Washington, D. C.

MY DEAR MR. PRESIDENT: In view of the fact that such wide publicity has been given to the visit of a small number of patients of the Walter Reed Hospital in opposition to the soldiers' adjusted compensation bill now pending before Congress, I take the liberty of presenting to you at this time petitions from about 2,000 disabled men, received at this office, and selected from the great number forwarded from hospitals all over the country. These petitions more clearly voice the sentiments of the disabled men regarding this legislation.

These men protest vigorously against the misrepresentation of their real attitude by a few of their number located here in Washington, and they desire by this means to convey to you their true feelings with regard to their buddies with whom they served side by side in the Great World War.

Respectfully,
JOHN THOMAS TAYLOR,
Vice Chairman National Legislative Committee.

Mr. Speaker, I shall take advantage of the general leave to extend my remarks later.

Mr. OLDFIELD. Mr. Speaker, I now yield to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON. Mr. Speaker, to the last day of my life I shall never be able to forget that memorable morning of April 6, 1917, as the debate on the resolution declaring a state of war against the German Empire was drawing to a close.

Peace had ever been a passion with the Nation. It had been to the American people "like a pillar of cloud to lead them the way, and by night a pillar of fire to give them light to go by day and night."

Each and every one of us here at that time fully recognized, terrible as war is, great as the sacrifice we might be called upon to make, the hour had arrived when the mailed fist of despotism and savagery must be stricken down; Prussianism must perish from the face of the earth.

No people who are afraid to die for their rights ever long retained them. Whenever the time comes that America will submit to a violation of her rights anywhere on earth, through fear of tyrannical military autocracy, then we will witness our Nation decay to its inevitable doom. We will behold the degeneracy of our people; see the fires of democracy which were lighted in this country and which flashed across the earth, illuminating the darkest spots, smolder and die.

Forces of circumstances over which we had no control had at last brought us into the whirlpool of destruction—the most colossal war of all history.

Upon the adoption of the resolution this great Government and its millions of people buckled on the armor of war and turned their thoughts from peaceful pursuits to the successful prosecution of the war. The unlimited resources of the Nation were placed in the scales of war, and there could be no turning back until the enemy had been beaten into the dust before the victorious armies of the world and peace and happiness again restored.

In a marvelously short time over 4,000,000 of the bravest of the brave, the flower of the land, were under arms. From every walk of life they came. Two millions of these soldiers fought the battles of the Republic 3,000 miles away from home and loved ones. They were the saviors of our civilization; they struck the blow that shattered the armies of the enemy; they rescued Europe and the world from the domination of military autocracy.

Time in its tireless flight will never cause us to forget the heroism of our soldiers as it was displayed at the Marne, Chateau-Thierry, and in the Argonne, and upon every other field of battle.

Mr. Speaker, there is another day indelibly stamped on my memory, and it is the 11th day of November, 1918—one year and seven months after the adoption of the war resolution.

Sitting in this very Chamber on that day, all of a sudden I heard the clang of hammers, the trumpet call of bugles, and the constant roar and echo of cannon, all mixed and mingled with the shouts of the people of the Capital City.

What was it all about? was the question asked by everyone. The answer came: "The armistice is signed." Thank God, the war is over. From yonder balcony of the Capitol I gazed down on historic Pennsylvania Avenue. Thousands upon thousands of people were parading the streets, waving banners and shouting for joy. There was rejoicing in every city, village, and hamlet throughout the land, and mothers who had gold stars in their window stood with tears streaming down their cheeks and thanked God that the war had ended and that no other mother's boy would have to die in the conflict.

The war being over, the millions of soldiers whose fame and heroism will live until principalities and powers have gone away forever and the everlasting republic is established where the brotherhood of man and the fatherhood of God are sung to the music of the spheres, returned to their homes and loved ones to once again assume their places in the everyday walks of life.

This mighty Government of ours has gathered under its beneficent care the disabled soldiers and the dependents of those who made the supreme sacrifice and sleep the last sleep in a soldier's grave; has become a husband to the widow and a father to the orphan.

It is the solemn duty of this Government, which it gladly performs, to care now and in the future for the disabled defenders of the Republic and the dependents of those who gave their all.

No stinted allowances are made or ever will be made, for the whole Nation recognizes this obligation, and the Government has liberally made appropriations and will continue to do so for the spilled blood and destroyed sinews of the country's defenders; a debt which, however, can never be repaid. Nevertheless, the Government will do its best to alleviate their suffering and want; but, sir, while we have been caring for the disabled and the dependent ones scant attention has been accorded to those brave soldiers who were fortunate enough to escape injury or death and who carried the flag to triumphant victory.

Does not this Government owe a debt of gratitude to these men? While we will never fail to care for the disabled and dependent ones, yet we should do justice by those who escaped injury as well as by those who were injured.

On February 14, in a speech in the Senate, the distinguished Senator from Georgia [Mr. WATSON], replying to the argument of the Senator from Idaho [Mr. BORAH], who had addressed the Senate in opposition to the bonus bill and who had advanced the idea that only the disabled ones were entitled to compensation, in unanswerable logic Mr. WATSON said:

> Are battles won by disabled soldiers? Those who were killed in battle die "the beautiful death of a soldier," but they do not win the battle. The disabled soldier, nobly risking his life and being put out of action, does not win the battle. No matter how much the dead man may have contributed, no matter how much the disabled man may have contributed, he does not win the battle. The Hindenburg line and all other lines are broken by the men who are neither dead nor disabled. Two soldiers confronting the enemy, equal in bravery, equal in the sense of service, take exactly the same risk. One is shot down. The other goes forward and wins the victory.
>
> In what degree is the patriotism of the one less than that of the other? By what process of reasoning do you reach the conclusion that the man who fortunately escapes injury or death deserves less at the hands of his country than the man who is so unfortunate in taking the same risks as to be disabled or killed? Mr. President, the test of the Senator from Idaho has never been applied anywhere at any time. It certainly has never been applied in this country.

To this argument there can be no answer.

It is an indisputable fact that from a financial standpoint every soldier was a much poorer man when he left the service of his country than he was when he joined the colors.

This can readily be understood in view of the fact that he received but $30 per month. From this amount he was called upon to purchase Liberty bonds, make an allotment of $15 per month to the support of his family, and to pay his insurance premium to protect his family from financial destitution in event he fell in battle, which cost the average soldier from $6 to $8 per month, leaving him for his own use a mere pittance from his pay.

On the other hand, it is also an indisputable fact that in an overwhelming majority of cases those who stayed at home, who knew nothing of the hardship and suffering, much less of the danger with which the soldier was constantly confronted, took advantage of the condition of the country and was from a financial standpoint far better off at the close of the war than at the beginning.

It is contended by some of those who are hostile to this bill that the granting of a bonus or adjusted compensation to the ex-service men will commercialize their patriotic service and take the glory from it. Such a contention is absolutely without merit.

Washington, the Father of his Country, has not lost nor will he ever lose his glory and renown or the high esteem, love, and affection in which he always has been and will continue to be held by the American people on account of his having received his bonus in the shape of land grants for his gallant service, not only in the Revolution but also in the French and Indian wars.

No aspersion was ever cast, or ever will be, on the fame of the brave soldiers who stood with Jackson at New Orleans or those who returned with Scott's victorious army from Mexico for having accepted from a grateful Republic land warrants to vast tracts of land throughout the country.

A large portion of the territory of the Central West and the West was populated by veterans of the Civil War, who received land grants as a bonus from an appreciative Government for their valiant and patriotic service.

It has always been the policy of this Government from the very foundation to show its gratitude in some form to its brave defenders.

I oftentimes wonder if any of those who argue that the acceptance of a bonus will tend to commercialize the patriotism of the ex-service men ever stood in the mud, filth, and slime of the vermin-infested trenches in all kinds of weather waiting for the zero hour when they would go over the top to face death in no man's land.

I wonder if any of those who have persistently fought this legislation and whose fortunes were swollen by the profit they made during the storm and stress of the war ever stopped for one moment to realize in what a pitiable condtion they, as well as the entire country, would have been had not the ex-service men, who by this legislation are only seeking elementary justice, stood a bulwark of living, suffering human flesh and blood between them and the hungry hordes from across the Rhine, which would have made short work of their piles of wealth, as well as those of the Nation.

Mr. Speaker, we are the richest people on the face of the earth. There is no other nation beneath the sun as rich as this one. The national wealth of this great Republic is estimated at $250,000,000,000, and there is to-day in circulation $5,447,953,533, giving to every man, woman, and child a per capita circulation of over $50. Our national debt is $23,251,139,569. The national debt of the United States does not exceed 7 per cent of the national wealth.

Yet we have neglected in a most shameful manner our ex-service men who returned from the war uninjured. Never before in the history of this Nation has it been guilty of such a niggardly policy toward its brave defenders, and it will ever be a stain upon the fair escutcheon of the country.

Under this bill the ex-service men who accept the adjusted-service certificate as provided for under Title V, which is a scrip upon the Treasury of the United States, is forced to hawk the same throughout the Nation to get 50 per cent of its face value, and is required to borrow that from the bankers, paying 2 per cent over and above the discount rates of the Federal reserve bank, which means 7 per cent on every dollar that he borrows on his scrip.

England, France, and Belgium were not guilty of such a policy against its citizenship who in the hour of the country's need offered their all for it. They did not send their defenders throughout their country to pawn their scrip, but, recognizing the debt of gratitude, opened the door of their treasury and paid direct from it, though they were scarcely able to do so.

If there is a country in the world on the verge of bankruptcy it is France. Her national wealth is $58,000,000,000, her national debt is $51,000,000,000; the percentage of the debt to the wealth is 87 per cent, yet France, poverty stricken as she is, paid direct from her treasury to her soldiers the equivalent of $249.

The national wealth of Great Britain is $70,000,000,000; her national debt is $37,000,000,000; the percentage of the debt to the wealth is 55 per cent, yet England, with her enormous national debt, paid direct from her coffers $141 to her enlisted men, and as high as $4,000 to her officers.

Belgium—poor, bleeding Belgium—with many of her cities leveled to the ground, owing 80 per cent of her national wealth, did not send her soldiers scurrying to the banks of Brussels but paid to them direct from its treasury the equivalent of $492 in American money.

Owing only 7 per cent of our national wealth, it is contended by this administration that we can not afford to draw further on the National Treasury to compensate our ex-service men.

It is absurd to say that a nation that only owes 7 per cent of its national wealth can not stand additional demands on the Treasury, especially when the demand is for the country's defenders, when all of our allies long ago, some of them almost on the verge of bankruptcy, owing as high as 85 per cent of their national wealth, have shown their gratitude by paying to their ex-service men direct from their treasuries.

It is argued by this Republican administration that it will bankrupt the Treasury if cash is paid to those ex-service men who would select that feature. Ah, sir, however, it does not seem that it will embarrass, much less bankrupt, the Treasury to give back at least an equally enormous sum to the corporations by remitting their taxes. In plain language, this administration claims that $471,000,000, approximately the amount remitted by the repeal of the excess-profit tax and the reduction of the surtax in the pockets of the corporations, will stabilize business and preserve the country, but that $471,000,000 in the pockets of the boys who fought the Nation's battles will bankrupt the country.

There was no hesitancy on the part of some of you to vote direct from the Treasury hundreds of millions of dollars as provided for in the Dent Act to reimburse war contractors; you opened the coffers of the United States to the extent of $40,000,000 for the relief of the mineral contractors; you appropriated $50,000,000 for the relief of the Shipping Board contractors; you gave direct from the Treasury of the Nation $500,000,000 to the railroads, but when it comes to doing justice—simple justice—to our ex-service men, who offered their lives for their country, different treatment is accorded them and the doors of the Treasury are shut in their faces and they are sent downhearted broadcast throughout the land to make the best bargain they can.

This method of payment is not what the ex-service men want; nor is it what the rank and file of the membership of this House want. It should be paid in cash direct from the Treasury, and in that manner the billion of dollars withdrawn from circulation by the unwarranted policies of the Federal Reserve Board would again be put into circulation and would contribute enormously to bringing about a better condition in the country.

You have brought this bill before the House under a suspension of the rules and by such parliamentary tactics that no Member is permitted to offer any amendments. In other words, we have got to accept this bill just as it is written by you Republican members of the Ways and Means Committee without dotting an "i" or crossing a "t." We must take it just as it is or reject it in its entirety.

There are good features and objectionable features in the bill. This method of payment of the adjusted compensation in its present form is most objectionable; and, mark my words, the banks are not going to make loans on these certificates. Already the Comptroller of the Currency has stated that he will advise the national banks not to accept the certificates as provided for in Title V as security for loans. You will not give the House the privilege or opportunity of correcting the objectionable features.

It has always been said that by a multitude of witnesses there is strength and by the exchange of ideas best results can always be obtained, but you by your refusal to allow amendments are not seeking strength and do not care for the exchange of ideas and are not endeavoring to meet the wishes of the ex-service men. Why is it you refuse to allow any Member of this body to offer amendments? I will tell you the reason, and you well know it, for you have got to face it in November. It is because you are apprehensive that the cash that the soldiers might desire to accept in lieu of other provisions of the bill will have to be paid into the Treasury of the Nation by taxing the corporations that you are seeking to protect and that have been guilty of making an excess profit.

By this bill of yours you have chosen this day whom you will serve; your acts speak louder than words; it is not the soldier boys that are first in your thoughts, but, sir, it is the corporations, the profiteers, and the millionaires for whom you have shown preference. You have placed their interests above those of the country's defenders.

To protect the corporations and the profiteers from excess-profit tax and the ultrarich from an increased surtax, the millionaires and multimillionaires from the raising of the inheritance tax rates, you have so drafted Title V, which forces the boys who bared their breasts to the storm of battle who

accepts this feature of the bill, to pay to the bankers of the country over $100,000,000 in interest for loaning to them 50 per cent of the value of their Treasury scrip.

Never before in the history of this Nation, or any other nation, have such vast fortunes been accumulated as were during the war. Advantage was taken of the Government in every contract, and the holders of these fortunes should be required by taxation to disgorge that part of their wealth wrongfully obtained.

No man is more jealous of the rights of property than I, but, sir, I am heartily in accord with taking, through a proper and effective medium of taxation, such parts of this ill-gotten wealth which was wrung from the Government during the stress of the Nation, to help meet this obligation, as well as other enormous debts, occasioned by the war.

The acid test of war shows what is mean, unpatriotic, and vicious in our nature. It discloses the yellow in us, if there be any. It enables every man to grade and register his peculiar and personal standard of citizenship, and one of the dark pages of the war, which will ever cast its shadow over the many other glorious and bright ones, is that which portrays the vast fortunes built up by the profiteers while the very existence of the Nation hung in the balance.

In your revenue bill you repeal the excess-profits tax and reduce the surtax, and by doing so relieve the corporations who had been guilty of making enormous profits of over $450,000,000 of taxes, and the millionaires with their swollen fortunes increased many fold by the war had their surtaxes reduced $61,000,000, and the amounts that you have remitted in taxes to the corporations and millionaires is estimated to be sufficient to give a cash bonus to the ex-service men.

If the revenue of the Nation is not sufficient to meet the cash demands it should be derived from the reenactment of the excess-profits tax, which requires a corporation or institution that makes more than 10 per cent net to pay a graduated tax upon its profits above that amount, and if that law had not been repealed by you Republicans, this year it would have brought into the Treasury approximately $450,000,000; the surtax rates also should be put back where they formerly were, and by doing so it is estimated that the Nation would have collected $61,000,000 this year from that source.

The inheritance tax last year brought into the Treasury $154,043,206. These rates should be increased and that form of taxation made to bring in larger revenue. I know of no form of taxation which has more to commend it than the inheritance tax. It is wise, because it does not touch the property during the life of the owner, therefore levies no burden upon business activities. Simple, because it is easily ascertained and collected while estates are being administered in the probate court; effective, for the reason that by the application of progressive rates, it places no burden on the poor, but permits those who have much to contribute to the Government somewhat in proportion to their ability to pay.

On the luminous pages of Gibbon's History of the Decline and Fall of the Roman Empire, the historian tells us that such a tax was instituted by Caesar Augustus for "the reward of the veterans."

Mr. Speaker, there are some debts that can be repaid in money. Every person throughout the land that purchased Liberty bonds will eventually, when the bonds become due, receive back from the Government every dollar that was paid for them, with interest. This debt will be repaid with the utmost exactness, but, sir, on the contrary, there is no such thing as repaying the ex-service men, who offered their lives for the country's sake, for their brave and patriotic service.

It is impossible to compensate them for the loss of jobs, the loss of school advantages, the destruction of business plans, the loss of prospects in life. The sole object and purpose of this bill is to give some recognition for their sacrifice during the war. There is not enough wealth in this Nation, nor on earth, to compensate them for their heroic service. One dollar a day in this country or a dollar and a quarter a day across the sea is not compensation but is simply an expression of everlasting gratitude to those brave and patriotic soldiers of America who fought the Nation's battles.

Mr. Speaker, I am heartily in favor of a soldiers' bonus bill giving to the ex-service men the option of accepting a cash bonus, and on the 4th day of May, 1921, I introduced such a bill providing for the payment of a bonus direct from the coffers of the Nation which would have rehabilitated business by putting into circulation many hundreds of millions of dollars, and shown our gratitude to them for their service, but recognizing fully that this is the best bill that you Republicans will bring before the House for consideration, to which you allow no amendments, compelling Members to either support it in its entirety or reject it, and believing that half a loaf is better than none, I shall give this measure my support.

Mr. GARNER. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Speaker, I am very clear in the conviction that no Member in this House should vote for any measure in which he has a direct financial interest. Under the provisions of H. R. 10874, section 202, commissioned officers of the rank of captain and below will be entitled to the benefits of the provisions of said bill if it becomes law. That would include myself, and for that reason I feel that it is my duty to state my position squarely upon the records of this House before the vote is cast, just as I frequently stated during my campaign for election to this House, that I will not accept personally any of the benefits of any legislation that may be enacted by Congress for the benefit of the former service men. I love them all and have given my time and thought unstintedly and my support in Congress to all measures and proceedings to help—first of all, the sick and disabled; and, next, to assist worthy and deserving ex-service men to obtain and receive vocational education; and, next, to see that those who need and deserve adjusted compensation shall be fairly treated by their Government. I regret that the majority party in control of this House has seen fit to try to force this bill through the House under a special rule that will not admit of any amendments whatsoever. There are several amendments that I would like to offer in order to make the bill conform to my personal belief as to what is best for the country and best for the taxpayers and best for the service man himself. But "justice delayed is justice denied," and if we postpone action upon adjusted compensation until the next administration, when I hope the Democrats will be in control, then it will be too late to be of service to those who need relief and assistance most.

Whatever is done should be done now. I am therefore compelled to meet the situation as it exists and not as I would desire it to be. I sincerely hope that more of the former service men than the present opponents of the adjusted compensation seem to believe will accept the inducements of the bill looking to vocational training, home buying aid, and farm settlement aid. All of the citizens with whom I have talked in my district have agreed that relief along these lines, though expensive, will be entirely justified by building up an educated citizenship and a conservative home-owning citizenship. If the bill becomes law I sincerely hope that it will encourage thousands and thousands of young men to settle upon farms, and many thousands more to buy homes, because home owning will encourage thrift and economy and will build up strong stalwart citizens. As these men have been the defenders of the country's life in time of war against foreign foes, so I hope and pray and believe they will be the defenders of the Nation's safety and sanity against enemies within who would seek to overthrow the established order of society. The American Legion is a tower of strength against Bolshevism and radicalism in all forms. The Nation must have the whole-hearted and vigorous thought and service of these 4,000,000 young men who endured the hardships of camp and field and transport and the harshness of discipline enforced too often by temporary tyrants, in order that the country's rights and the rights of humanity might be defended. These young men constitute about 30 per cent of the male voting strength of the Nation, and in a very few years, as the older men pass on, they will be in control of affairs in the Nation and the State, with the assistance of their wives and sisters who believe in them. These young men believe that justice and fairness require some adjustment and settlement for themselves as was made in the case of the railroads, the furnishers of war supplies and materials, and the war profiteers generally. I know thousands of these young men personally and I know that they are patriots and sound at heart, and I know that they themselves did not start this agitation about adjusted compensation, and I know that their first participation in the discussion was by reason of an invitation from many official representatives of the Government, and I know that action was deferred by the Congress in power when the war ended in order that the organizations of the service men might be perfected and that their official representatives might advise with the Government as to the wisest and best form for the adjusted compensation to take. Nearly one hundred different bills were introduced in Congress shortly after the war ended looking to some sort of relief and compensation for ex-service men. The bravery and daring of American soldiers brought the war to an early end and saved thousands of millions of dollars and thousands of precious lives. The boys at the front ask no special favors over those still in reserve, because they too were eager and anxious to fight for American honor and rights.

Mr. Speaker, only two courses are open to me. The one is to decline to vote at all, because personally and pecuniarily interested. The other is to renounce all possible benefits and then to cast my vote. The first would be the line of least resistance. But I will not choose that course. I will not seek to escape any responsibility. I therefore formally renounce any benefits or rights that may accrue if the bill should ever become law, and I will then be free to cast my vote without taint of personal interest, and in accordance with my promises during the campaign for election. [Applause.]

Mr. GARNER. Mr. Speaker, I now yield to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, I voted for the soldiers' adjusted compensation measure when it was before the House on a previous occasion, but that bill was wholly different from the one now pending, which, in my opinion, is a sham and a fraud, especially as applied to those ex-service men who are out of employment and who have been led to expect that they are to be paid something in cash to relieve their immediate and pressing needs. The former bill passed the House but was defeated in the Senate, which was then, as now, controlled by a Republican majority. At that time there was an excess-profits tax on the larger corporations on the statute books which yielded annually $450,000,000. There was also a large graduated surtax on the great incomes of millionaires and multimillionaires which brought in something like $90,000,000 annually. These taxes had been imposed during the war by a Democratic Congress and approved by a Democratic President. Business was more prosperous then and taxes so collected were paid without particular hardship. They could have taken care of a cash bonus, and this would have been peculiarly proper, since they were at least in large measure levied on profits made possible by the war.

But since then, with the approval of a Republican President, a Republican Congress has repealed the excess-profits tax and largely reduced the surtax on the larger incomes. Likewise a commission has been authorized to settle our foreign debt, and it is generally understood that it is its purpose to forego the collection not only of the principal but also the interest on that debt for a number of years, and which otherwise could be used to adjust this compensation.

And now, after repealing the tax on the wealthy the Republican leaders of the House, knowing that the public revenues will not even meet the ordinary running expenses of the Government, propose by this bill to substitute for the cash provision of the former bill certificates of indebtedness, limiting their borrowing capacity to 50 per cent of their value and prescribing that only banks can make loans thereon. Under this bill the veteran who needs immediate cash, and who is, therefore, the most interested in the passage of an adjusted compensation measure, will only be able to borrow one-half of the amount of his certificate, and upon which he must pay a larger interest, and at the end of three years will be paid 30 per cent as a final payment. In other words, the World War veteran who must borrow money on his certificate to relieve present necessities will not realize more than 80 per cent of the face value of the certificate which is issued to him. There is also the question as to whether he will be able to borrow anything at all from the banks. To say the least, many will have some trouble in doing so, for we all know that State banks are finding it difficult now to meet the demands for loans to business men and farmers to carry on their business on account of lack of loaning capital, and I dare say there will also be some hesitancy in making those loans because of their inelasticity, the law providing that the certificates must be held for three years before the Government will refund the loan with accumulated interest. There is even a more serious doubt as to whether the national banks will loan on the certificates, for the Secretary of the Treasury and the Comptroller of the Currency have repeatedly declared that they will advise the national banks not to take the certificates as collateral for a loan.

This bill is, therefore, unfair to the World War veteran, and particularly to those who stand in need of immediate relief. To the soldier who entered the war at an early date and served his country overseas a certificate of $625 would be issued as the maximum amount. If he is in easy financial circumstances, and, therefore, in a position to hold his certificate for 20 years, he will finally collect the full amount, with 4½ per cent interest, compounded annually. But if he needs money and is compelled to borrow on it, then he would receive the amount borrowed plus 30 per cent of the amount with accumulated interest at the end of three years.

Again, the soldier who served throughout the war and served overseas is compelled to accept a certificate, whereas the soldier who for any reason entered the war just before its close, and his compensation therefore does not exceed $50, is paid in cash. This creates a distinction and a difference between the soldiers of the World War which I do not think is either fair or just. It is also unfair to the banks and their customers who are looking to the banks to finance them, for if adjusted compensation is a Government obligation, then the Government should take care of it and not pass on to the banks the necessity and responsibility of providing the cash to meet its obligation. Those who are pressing this bill are perfectly well aware of this, but they are hoping that it will either be defeated in the Senate or vetoed by the President, and that therefore its insufficiency and its insincerity will never be demonstrated by its actual operation.

There are other objectionable features of this bill to which I could refer, but I have not the time, nor will I trespass on your patience by doing so. I may do so later, if opportunity is given and the occasion justifies it.

But in advocating this measure they are fooling neither the soldier nor the taxpayer. The soldier is not going to be caught by any such political buncombe, which is an insult both to his intelligence and to his patriotism, for his political support is not to be gained or purchased by legislative benefits, whether real or fancied. I yield to no man in my gratitude for the sacrifices made by the World War veteran in behalf of his country or in admiration for his courage and the splendid service rendered by him. I have, both in committee and in the House, cheerfully voted every dollar that has been needed for the disabled soldier, and will continue to do so, but I would feel that I was false to that high sense of gratitude and admiration if I gave my support to the measure now pending, which, if it ever becomes a law, will surely prove a disappointment to the veteran in its failure to give him the benefits which have been promised.

For three years the Republican Party has been in control of both branches of Congress. During that time its representatives have fed the World War veteran on promises. You did so in the heydey of prosperity and you have done so in the present leaner days, when thousands of them are out of employment. Why did you not either make your promises good or have the courage to say that you are not going to do so on account of the present economic conditions? Why do you bring in a measure like this, which is neither fish nor fowl, under a suspension of the rules and thus deny opportunity to those who favor real relief to offer amendments? Why are you trying to sell the World War veteran a gold brick? If you propose to keep your promise and grant immediate relief to the thousands of World War veterans who are now out of employment, why do you not have the courage to bring in a bill providing such relief and make proper provision to supply the necessary funds? If you are unwilling to do that, why not have the courage to say so frankly, instead of proposing a bill which holds out the false promise of immediate relief to the veteran who needs relief, and which at the same time would have the taxpayer believe that his taxes will not be increased? Let me repeat, in proposing a hybrid measure like this you are fooling neither the veteran nor the taxpayer.

If the Republican members of the Ways and Means Committee had thought more of the country's obligation to the World War veterans and had been less concerned about protecting the pockets of the immensely wealthy they would have presented a bill which would have provided for a cash payment to the soldier. The Republican leaders know full well that if the Democrats were permitted to offer an amendment this would be proposed and that a majority of their own side would not dare vote against it. It is for this reason that they propose to pass this bill under a gag rule which deprives a Member of the right to offer an amendment, and which they have forced their following to adopt by the use of the party lash. For my part, I shall vote against the motion to suspend the rules and pass the bill without amendment. If it should be voted down there will be opportunity to amend the bill so that it will not reflect upon the good faith of Congress. If this is not the time to give relief, let Congress have the courage to say so, and not make itself ridiculous by trying to deceive the intelligent veteran and an enlightened citizenship. [Applause.]

Mr. CLARKE of New York. Mr. Speaker, I have voted and will continue to vote appropriations to the limit to care for the wounded and dependents of the Great War, and to assist in carrying on all helpful activities including hospitalization, vocational training, and so forth.

I have voted and will continue to vote appropriations for additional public improvements to give employment to the unemployed, preferably soldier boys.

I think this bonus legislation should be postponed until the President, who is friendly to a bonus, but not to this one, with his fuller information, advises us it can be paid without hampering industries and therefore increasing unemployment.

Mr. GARNER. Mr. Speaker, I yield now to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, two years ago, just previous to the then pending congressional elections, this House passed a bill to pay to the ex-service man an adjusted compensation for the services rendered by him during the war. That bill ascertained the extent of the liability of the Government, provided for its payment in cash, provided for raising the necessary revenue, and placed the burden where governmental burdens properly belong. I voted for the bill, and I have no apologies to make for that vote. The bill died in the Republican Senate.

The principle on which that bill was based was that the compensation to the ex-service man during the war was arbitrarily fixed during a period when the prospect was that the resources of the Government would be taxed to their uttermost by a long-continued war. The amount of the soldier's pay was necessarily limited to the resources of the Government then under severe trial.

It was then recognized, and has ever since been conceded, that the compensation was not in any measure commensurate with the services and sacrifices required of the soldier, nor commensurate with the possibilities which were open to him had he not been taken into the service.

Two years have elapsed, and another congressional election is pending. The political exigencies of the moment call for a reopening of the question. The fact that the Republicans sponsored the bill two years ago just before the elections and then let it die in the Senate is proof that its passage was accomplished by the Republican majority for political purposes, and those of us who voted for the bill at that time in the hope of securing proper consideration for the claims of the ex-service man were as much deceived as the soldier.

The rights of the ex-service man to adjusted compensation are now reiterated, but the financial policy of the Government is changed. This Congress has reduced taxes, but the reduction has been confined mainly to the contribution of those whose income exceeds $60,000 a year and to corporations paying excess profits taxes. The political exigencies of the pending election therefore require two things: First, promises to the ex-service man, and second, assurances to individuals and corporations making enormous incomes.

The present bill comes very near to meeting these political requirements, and would be entirely satisfactory as a political expedient if the ex-service man would only be satisfied with promises and the rich taxpayer would be satisfied with present relief and entertain no dread of the to-morrow.

If the Government owes the ex-service man an adjusted compensation as an honest debtor, the Government should pay him. If the Government is unable to meet its obligations with available cash and is not disposed to increase present revenues, then the Government should issue its obligation in the usual governmental way of meeting loans. It is evident that the ex-soldier can not be paid in cash without an increase in taxation. The method suggested by President Harding, namely, a sales tax, is the most unjust and inequitable form of taxation ever contemplated by any Government. The tax is laid upon the rich and the poor, the fortunate and the unfortunate, alike, without regard to the financial capacity of the person on whom the burden is laid. The dealer making millions in sales and the dealer losing millions are taxed alike. The consumer is taxed without regard to his earnings or responsibilities. I am utterly opposed to a sales tax and will vote against it, no matter for what purpose it is levied. This House is determined not to meet the issue of relieving the multimillionaire of taxes by imposing taxes on the poor, the struggling and unfortunate, and the consumers generally. So in the bill now under consideration no provision is made for meeting the obligations admitted to be due. For some unexplained reason the present House is also unwilling to issue bonds which will have a commercial value and which would be to the soldier an equivalent of cash. In the financing of every governmental obligation heretofore it has always been considered a necessary requirement of sound finance to provide for the annual interest and a sinking fund to retire the obligations at maturity. This bill violates every one of these principles. Five years after the war began, nearly four years after the war ended, two years after this House acknowledged its indebtedness to the ex-service man, it now enters upon a settlement on the basis of a present indebtedness. It acknowledges the debt of a certain specific sum, but makes no provision for its payment.

The bill first ascertains the amount of the indebtedness; second, it multiplies it by three if held till maturity; third, it postpones payment for 20 years; and fourth, it makes no sort of provision for the payment of the indebtedness. It is true that a certain small amount may be borrowed by the ex-service man on the certificate of indebtedness from certain specified financial agencies at exorbitant rates of interest before October 1, 1925, provided such financial agencies are willing to lend the money, and also a small proportion of the indebtedness may be borrowed from the Government after that date. But outside of this narrow margin the ex-service man can not make present use of his certificate of indebtedness. He is dependent entirely even in securing this small present relief upon the banks and financial agencies mentioned in the bill. At the end of 20 years, if the present status exists, the Government will owe about $12,000,000,000 instead of owing the present estimated amount of $4,000,000,000.

It is fair to consider the situation of the Government at the end of 20 years as this bill will leave it if unchanged. The Government will owe $12,000,000,000, according to the estimates of the Treasury Department, and the soldier will hold an obligation of the Government without a dollar in the Treasury and without the slightest provision made for its payment. The ex-soldier will have a promise and the Government will be without means of meeting its assumed obligations. If the Government owes the ex-service man the money, it should pay him. If it desires to postpone the payment to a future day, it should meet the situation in the usual way. It is evident further legislation must be enacted to finance even the present liability, and before committing the country to any such evil as here proposed the people should know the scheme of finance contemplated.

I do not believe there is any serious contemplation of this bill becoming a law in its present form. It would be a wrong to the ex-service man and a wrong to the general public. A promise to pay without providing the means of payment may suit the political exigencies of a congressional election, but it will fool no one. The bill is being forced through this House without the slightest opportunity for amendment of any of its provisions, and no opportunity is given to any friends of the adjusted compensation to the ex-service man to make any alteration in any of its features or to modify its objectionable provisions. It is utterly inadequate as a measure for the relief of the ex-service man, and eventually must be burdensome unnecessarily to the taxpayers of this country. I therefore propose to vote against it. I will vote for no bill that does not give a square deal to the ex-service man and a square deal to all the people.

Mr. GARNER. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, every Member of this House knows I have since the signing of the armistice in November, 1918, been an advocate of the United States Government settling an adjusted compensation on our soldiers and sailors who volunteered and those who were drafted into the service of their country to fight the Imperial German Government and the cohorts of the Kaiser.

Early in 1919 I reported a bill from the Military Committee to pay them $60 on being discharged from the Army. The soldiers and the naval service men received that amount on being honorably discharged from the service. We have endeavored to have the additional bonus paid them, but it has died in the Senate.

This bill, reported by the Republican committee of this House, does not meet the wishes of the ex-service men and does not suit me, but I am supporting it and voting for it as the best thing you will agree to in behalf of the World War veterans. I can not understand why the powerful influences in this country are endeavoring to prevent the soldiers from receiving this compensation, which is so justly due them.

The Government has right now a surplus gold reserve, on which currency could be issued to pay all of those who would want the cash in lieu of the other provisions of the bill. That could be done without any injury to values or the monetary system of the Government. Every kind of excuse has been given by the opponents of the veterans' bonus why no such legislation should be passed.

I have always believed the bonus should be paid out of war profits, excess profits, and out of the interest on our foreign loans. A Republican administration will not consider that plan.

We are indeed lucky to get any kind of bonus bill reported from your administration Ways and Means Committee. I hope every Democrat will vote for this measure, whether it suits his notion or not. Everything was promised to our heroes when they were being sent to war. They won the war, brought honor and glory to our flag. Who would begrudge them a reasonable bonus? Who would say our Nation is without gratitude?

Mr. GARNER. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, at the very outset of my remarks I do not mind saying that I have had more trouble in making up my mind on how to vote upon this bill than any other bill which has confronted me since I have been a Member of Con-

gress, not because I have not entertained serious objections to certain provisions of the bill from the very first time it was reported to Congress by the Ways and Means Committee, but because of the natural desire that I have, in common with most Members of the House, to be liberal minded toward legislation for the benefit of the ex-service men who bore the heat and burden of the war. Since war was declared in April, 1917, I have gladly supported all measures which have been adopted by the several sessions of Congress which have had for their purpose the advancement of the welfare of our soldiers and their dependents. The time allotted to me in this debate will not permit me to mention all of these bills in separate detail. I refer to them briefly as the war risk insurance act, the vocational rehabilitation act, the two Sweet bills amending and broadening these laws, and the bill passed in 1921 authorizing and directing the consolidation into one bureau the work of vocational training, of hospital treatment, and payment of compensation and insurance benefits. Occasionally the statement is made, evidently by those who are careless and unthoughted, that the United States has done nothing for its soldiers. That statement is a very bad mistake. The real facts are that the United States has and is doing more for its wounded and disabled soldiers than any other nation in the world. It is the discharge of a duty which we owe and which we must not for a moment neglect.

Some few days ago Col. C. R. Forbes, Director of the Veterans' Bureau, gave out a statement setting forth some very interesting and informing data of what has actually been done along this line.

FIGURES SHOWING EXPENDITURES FOR BENEFITS EXTENDED WOUNDED AND DISABLED EX-SERVICE MEN.

Mr. Forbes stated in substance the following: The Government just now is paying out $700 a year per man in cash and for the purchase of medical treatment and other benefits for disabled former service men and dependents of disabled former service men who are in need of assistance.

A total of 649,588 persons are on the rolls of the veterans bureau as beneficiaries.

This year the bureau will spend $438,122,400 to buy direct and indirect aid for former service men and their dependent relatives.

Next year the bureau plans to spend $455,232,702, according to the Budget estimate now before Congress. In all probability the expenditure will be more than that amount and will reach at least $500,000,000. Since its establishment—at first under the title of the War Risk Insurance Bureau—the Veteran's Bureau has paid out a total of $1,269,930,730.

How the money was disbursed is shown in the following table by Director Forbes: Vocational training, $212,724,533; insurance, $283,286,606; compensation benefits, $300,141,767; allowances, $282,049,110; marine and seamen's insurance, $35,084,378; medical and hospital service, $99,566,243; and administrative, $47,078,092.

The total is $1,259,930,730.

These figures are down to January 1, 1922.

There are now on the rolls of the Veterans' Bureau a total of 649,588 persons who are receiving cash or for whom money is paid out for service and other benefits on account of service during the Great War.

These persons are classified as follows: Receiving vocational training, 107,478; compensation, 361,113; insurance, 150,107; and hospital treatment, 30,890.

In addition to its other benefits, the Veterans' Bureau is operating for ex-service men an insurance bureau, with no administrative cost to those carrying insurance. Of course, the insured have to pay their actual mortality cost premiums. Insurance in force totals more than $3,500,000,000. Up to February 28 the bureau had disbursed more than $300,000,000 in insurance benefits.

These large amounts which are now annually expended for the payment of benefits to the disabled veterans will, of course, steadily increase as the years go by, until the amount will undoubtedly reach the total of at least $1,000,000,000 a year because America has always been generous to its veterans when they become disabled either from disease or the infirmities of age.

It has been liberal to the veterans of all wars in the past and it will likewise be liberal to the veterans of the recent World War. Concerning that fact there can be no possible room for doubt.

Yet in the face of these figures there are some who say the United States is "doing nothing for its soldiers."

FORDNEY ADJUSTED COMPENSATION BILL.

These things which I have just cited have been accomplished under laws for which I voted. Time has now brought us to this Fordney bill which we now have under consideration and which I can not support. I believe that the most enthusiastic friends of this bill are bound to admit that the Treasury of the United States does not now have in sight a single dollar with which to pay the numerous obligations that this bill will impose upon the Treasury, under existing taxation laws, and the bill itself provides no means whatever for raising the necessary funds. I take the position that any bill that is written upon that sort of basis violates the simplest and most elementary principles of sound public policy. [Applause.] If the Government of the United States is going to pay our ex-service men adjusted compensation there is but one right way, there is but one honest way, there is but one courageous way to do it, and that is to write into the bill the necessary legislation to pay it with. This should be done by either providing a bond issue carrying its own sinking fund provision or by levying new taxes with which to get the money. My own opinion is that if the House determines to pay adjusted compensation, it should be treated in the same manner as other war obligations and a bond issue should be provided, with provisions to create an adequate sinking fund to redeem these bonds at maturity. The Secretary of the Treasury has recently made an estimate based on present tax laws that there will be a deficit in the Treasury at the end of the fiscal year of 1923 of about $400,000,000. This Fordney bill provides neither for a bond issue nor additional taxation and is designed to create huge obligations against the Government, with no means provided with which to meet them. Therefore, because the bill does not meet the tests of sound public policy, I will vote against it. I feel that, regardless of political consequences, I must do my duty on this question. I stand here and vote to-day as the representative of approximately 270,000 people who live in my district. They have no other legislative voice in this Chamber except mine. When the roll is called, that voice must ring true. The only way it can ring true is for me to vote my convictions of what is the right thing to do. If the people I have the honor to represent in this legislative body had a way to read and study this bill, I would gladly abide by the will of the majority, and would vote their direction.

But I have no way of knowing what the will of that majority is, and, therefore, I must be guided by my own judgment and convictions.

These have not been lightly formed.

My decision has been reached after a most careful and exhaustive study of the bill.

For nearly eight years now—some of them strenuous years—I have served in the House, and at the end of each term I have been able to go back to my people and say: "Here is my record. It has been honestly and conscientiously made. Take it and do what you will with it. I will gladly abide the voice of the majority."

I will not have to adopt any different rule after to-day. I will still be able to look my constituents squarely in the face and say: "Here is my record. It has been honestly and conscientiously made. Take it and do what you will. I will be content." [Applause.]

Mr. OLDFIELD. Mr. Speaker, I yield such time as he may desire to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, neither my seat nor any other man's seat in this Congress is worth what this bill proposes to place upon us, and therefore I shall vote against it.

Mr. GREEN of Iowa. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. OLDFIELD. And I will yield two minutes.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. GALLIVAN. Mr. Speaker, this is the day which the Lord hath made. [Great applause.] Let us be glad and rejoice therein. Whether it be the Republican leaders of this House or the Democratic vigilantes, who have watched them closely and carefully and have probably forced their hands to give us this opportunity to vote for adjusted compensation for the soldiers, sailors, and marines, we are all most grateful in this hour. I repeat, it is not to the credit of the Republican Party that this bill is here to-day. Neither is it to the credit of the Democratic Party. Notice particularly how nonpartisan I am in what I am saying. It is to the discredit of both parties that this bill was not written into the law of the land months ago. [Applause.]

I heard the criticism a moment ago that the Democrats of the House, when in majority control, had the opportunity to pass legislation which would take care of the service men. Yes; that is true, but they have not had the many opportunities that have been presented to the Republicans of this House and of this Congress to pass a bonus bill. We passed such a bill in 1920. What happened to it? It was choked to death in a Republican Senate at the behest of a Republican President. Let us tell the truth. Do not let us try to fool the service men.

Mr. MONDELL. If the gentleman will yield. Has the gentleman forgotten that there was a Democratic President in the White House in 1920?

Mr. GALLIVAN. There was, and I do not refer to the Democratic President, who never went to the Senate against a bonus bill. I refer to what happened in 1921, when the present occupant of the White House appeared in the other chamber in opposition to legislation of this character. I might add that the Republican leader [Mr. MONDELL] forgets that I was not on such intimate terms at the White House during the last Democratic administration that I am supposed to remember off the reel when they went into office or when they went out of office. [Laughter and applause.]

My friend from Wyoming [Mr. MONDELL] and the House know that I refer to the visit of the present Chief Executive to the Senate. Almost on bended knees he appealed to the Republican Senate to refuse to pass a bonus bill, and I notice my friend from Wyoming [Mr. MONDELL] does not interrupt me in that statement. [Laughter.] He knows that I speak the truth. This is a day for plain speaking.

Mr. MONDELL. Will the gentleman yield?

Mr. GALLIVAN. If the gentleman will get me two more minutes I will yield for any question that he may want to ask. [Laughter.]

Mr. GREEN of Iowa. I yield the gentleman one additional minute.

Mr. GALLIVAN. I am afraid it will take me longer than that to answer my friend from Wyoming [Mr. MONDELL].

The SPEAKER. The time of the gentleman has expired.

Mr. GALLIVAN. The gentleman from Iowa [Mr. GREEN] yielded me a minute.

Mr. MONDELL. The President only asked us to postpone, and we are now prepared and ready to act.

Mr. GALLIVAN. And the same President wants another postponement. [Laughter and applause.] I would be unfair to the Chairman of the Ways and Means Committee [Mr. FORDNEY] if I did not take this opportunity to tell the friends of the service men in this House that he has always been 100 per cent back of them and in favor of adjusted compensation. [Applause.] He has never wavered the fraction of an inch from the position which he first took in support of this bill. He has never faltered.

The SPEAKER. The time of the gentleman has expired.

Mr. GALLIVAN. And in fairness to Chairman FORDNEY I want to pay to him this afternoon this tribute because he has helped with all his energy and honesty to bring this bill into this House, and the service men of the country ought not to forget him. [Applause.]

Personally, I do not believe that the bill is half as bad as it is painted. I think I have as close communion with the service men of the country as any man in this House, because I introduced in December, 1918, the first service compensation bill introduced into the Congress of the United States. [Applause.] I would like to see a better bill, but no World War veteran in my district has even hinted to me that he opposes this bill, and, therefore, I feel that much of the criticism against it has been far-fetched. We must vote for this bill, apparently, if we are to get any bonus legislation in this session, and, therefore, not having the opportunity to offer perfecting amendments, I propose to support the pending measure with a hearty "aye" when the roll is called. [Applause.]

Mr. Speaker, it will do no harm if I repeat here and now some words of my own used on another occasion but with reference to this proposed legislation. And I ask the attention of the House to the undeniable fact that—Congress has listened to many voices since November 11, 1918; it has preferred the siren to the soldier. It has wasted the Nation's wealth on dubious schemes disguised as charity, health, education, and the egregious things called uplift and welfare. The horseleech's daughter has sat at the door of the Treasury. Congress has given millions to the railroads for imaginary losses; it has paid the usury of the alien carrier, forgetting his vast indebtedness to us; and the fantastic claims of contractors and patriotic profiteers have cost us billions and never a voice of protest raised. We are spending millions throughout the land for posthumous honors to the dead in ceremonials, in monuments, in arches, and in temples, and yet we have to be driven to bind up the wounds and satisfy the hunger of the living who call to us. We are exhibiting the historical ingratitude of republics, forgetting in these days of peace and safety the promises made in the hours of panic and sacrifice, and repeating again the practices that called forth the reproach of the poet of the Revolution:

> When war is over and all things are righted,
> God is forgotten and the soldier slighted.

Look around, my friends, and witness, if you can, without blushing, the nations that were associated with us in the war and their treatment of the soldiers who served them in their hour of need. England and France remembered their promises; Australia and South Africa have not forgotten; our neighbor, Canada, has redeemed her pledges magnificently. No financial fears have kept them from the path of honor. They gave in peace as we gave in war—until it hurt—and the very voices that shrieked bankruptcy in our ears to keep us from the ways of honor and the fulfillment of our promises were the ones that gathered up our money to enable our associates to meet their pledges. They were willing to gather and give our money to the alien, and have denied it to our own soldier.

Lest we forget in these piping days of peace, let us go back in memory to those dreadful days of yesterday.

Whether they went as volunteer or conscript, our soldiers went with joy and enthusiasm to the service of the Republic; they sacrificed all they had—assured position and income, the promise of thriving business and lucrative profession; they went ungrudgingly beyond the seas at the call of duty to face dirt, danger, disease, and death; they put behind them home and all they loved and that made life worth living; they surrendered comfort and decency for filth and pestilence; and they faced the hazards and horrors of trench and trap uncomplainingly; indifferent to the pittance they were paid, sustained by their faith in their fellows and their confidence in the pledge of their Government that all would be well with them and their dependents in war and the peace beyond it.

At home in safety, far from the stealth of the submarine and the terror of the trench, remained the banker and the merchant, the contractor and the trader, the spouter and the chair warmer, the parasite and the profiteer, to cheer on the departing soldier, to swell the chorus of promises and pledges, to clutter up the streets of Washington and the pay rolls of the Nation and grow fat, insolent, and ungrateful on the grab and graft of greasy opportunity. In those days no promise was too glittering, no pledge too grandiloquent, to make to those who went out to do and dare and die. To-day none is too sacred to break and laugh at. The limping hero of the war has become the battered outcast of peace; and those who then dipped deepest in grab and greed shout loudest to-day of the "graft" of the hungry soldier.

Mr. Speaker, "bonus" is a Latin noun meaning "good." Most high and Latin school pupils will remember having been asked to "Decline bonus." If some men in this Congress continue their present tactics, it is more than possible that our soldiers and our sailors and our heroic marines may not even be asked to decline bonus.

Mr. GREEN of Iowa. Mr. Speaker, I yield such time as he may desire to the gentleman from Oklahoma [Mr. GENSMAN].

Mr. GENSMAN. Mr. Speaker, scarcely a Member of this House can pick up a paper from the remotest part of his district but what he sees somewhere in it a cartoon depicting Congress in the likeness of a man in some precarious situation, undecided as to which way to jump. There is going out to the country, daily, either in cartoons, patent print, or well-written editorials, the statement that the Congress is afraid to pass the bonus bill, and afraid not to pass it. Some have been so unkind as to say that politics enters into the question. The propaganda against the bonus is on every hand and I will admit that the arguments that can be made against the bonus are more numerous than I thought they were. It is emphasized that business will suffer in the event the bonus bill is passed. It is said that big business is most emphatically opposed to it and is using every means to defeat it. I notice in the press the statement purporting to have been made by the president of the National Association of Manufacturers to the effect that every Member of Congress who votes for the bonus will be defeated in the coming elections. That may be correct. I have the most profound respect for the opinion of so eminent an authority, and when a prediction is made by one who has given the matter the study that this gentleman undoubtedly has given it I am impressed with the prognostication. That statement, coupled with similar statements made by so-called big business, would indicate to my mind that those who vote for the bill that is under consideration in the House to-day will leave here after their vote as marked men, marked for slaughter at the polls in the coming elections. Whether that be the case or not makes little difference to me. I propose to vote for this bill if they hang a strip of my political hide on every barbed-wire fence in my district. If I am to be marked, I cheerfully, willingly, and gladly mark myself in "box-car" letters, "He voted for the bonus."

When this country was called to arms I watched thousands of soldiers at Camp Doniphan, Fort Sill, Okla., train in the

dust, dirt, and heat. As that great mass of men entrained for the seaboard I watched them and my heart went out to them. As the boys assembled from my county and started to the training camp I walked down to the train with them. As time went on, and the calls for further troops were made, my time to go rapidly approached. I had no excuse for not going, and made none, and my going was only delayed by age, and when the war ended I was within 11 days of being called. I mention these facts for the reason that I wish to impress upon you that I can vividly feel for and sympathize with and understand the attitude and feeling of the boy that went to the war. Now comes the dollar-a-year patriot, or one of those who found some position to fill that kept him out of the war, or who for other reasons stayed behind, making some excuse or other, profiting in war contracts, claiming exemption and dependents, or dodging the draft, and who at that time stood upon the sidewalks and watched the boys from rural districts, and those from the cities, villages, and towns, without political or family pull, march off to war, and who was then loud in his praise, slapping the boy on the back as he marched by, shouting "sick 'em Tige," but, under his breath, said, "God be with you, for I won't." And now, since the roar and smoke of battle has died away, since the sacrifice has been made, since the boy has returned, leaving, perhaps, a leg or arm on Flanders Field, this person is loud and vociferous, going about over the country like a garrulous old busybody, making the statement, "The debt can not be paid in money." Every one knows it can not be paid with money, but the payment of a compensation does not, in my estimation, detract from the patriotism of the recipient one iota; neither does it detract from him in any other way. I feel that the boys took a chance on their health and lives for me and mine when I needed it, and I gladly take a chance on losing a seat in Congress for them, and if the president of the National Association of Manufacturers is right in his forecast and I am one of those elected to stay at home, I'll have the satisfaction of knowing, in my own mind, that I did right in the matter.

Since the beginning of history soldiers have received pensions, bonuses, and compensation in various forms and in various amounts, depending upon the ability of their country to pay them. I am very much impressed with the idea or rule that we can only judge the future by the past, and with that in view I have taken the trouble to go back into ancient history for precedent. In one instance we find that Rugulus, the ancient Hun, received from Theodocius, the Roman, 350 pounds of gold, which was equivalent to 14,000 pounds sterling, which Rugulus divided as a bonus or compensation among his victorious warriors. It is further related that Attilla and Bleda, the two sons of Mundzuk, and the grandsons of Rugulus, returned from their conquests with the Romans, and immediately upon entering the walls of their city were showered with presents of gold, precious stones, live stock, and food by their admiring and grateful countrymen as a bonus or compensation. We find in the rehearsal by Moses of the story of the Children of Israel in the wilderness that these warlike people, at the behest of the Lord, slew the inhabitants of certain cities and took for a prey unto themselves their cattle and the spoils of the cities to be divided among the victors, and in the last days of Moses he incited them to war against the Midianites, and directed that the prey be divided between those "that took the war upon them; who went out to battle," and so forth. Numerous other instances could be cited from the Holy Bible in which it was directed that the soldiers be especially compensated for their daring and their valor. Now, let us turn to the history of England, the mother country. We find that within 100 years from the discovery of America by the renowned Columbus England passed her first pension law, during the reign of Queen Elizabeth. This was shortly after the defeat of the Spanish Armada. Sad to relate, these pensions were granted at a time when the victors had long since returned maimed and crippled, and had become a charge upon the people. Less than 20 years after the landing of John Smith at Jamestown, a soldiers' pension was proposed and passed by the colony of Virginia, and within a comparatively short distance from the exact spot where we are sitting to-day. This proposed measure only failed to become a law because of the refusal of the mother country to ratify the same. Within a comparatively short space of time several of the Colonies passed pension or compensation legislation. During the Revolutionary War various forms of legislation were passed for the relief of the soldiers of that war, and this legislation went so far as to provide for the widows of those who were slain, and as early as August 26, 1776, the Continental Congress passed the first soldiers' relief law in the United States. During those trying days, when economy in the affairs of the Nation was imperative, considerable criticism was directed at Congress for its delay. It was late in the spring of 1778 before a bill to grant adjusted compensation to officers and enlisted men of the Army received consideration, during all of which time it is pleasing to note that Gen. George Washington urged upon the Continental Congress the necessity of such legislation. The bill was eventually passed, not to the entire liking of the service man, but by compromise, which after all was probably as nearly adequate as could be expected, taking all the circumstances and financial conditions of the country into consideration. The bill as it was finally passed limited half-pay gratuity of the officers to a period of seven years after the close of the war, and a gratuity of one year's full pay to enlisted men and noncommissioned officers who served up until the close of that great struggle, which amounted to approximately $80, a large sum in those days. This law was later amended, as are all pension and compensation laws of this kind. Compensation laws in various forms were passed after every succeeding war. We are all more or less familiar with the laws passed after the War of 1812, the Mexican War in 1845, the Civil War, and the war with Spain. History teaches us that there is always more or less opposition to laws of this kind, but again allow me to call your attention to the fact that the father of this country, the illustrious Washington, when called upon to pass upon the advisability of a law of this kind, raised his voice in fearless advocacy at a time when the country was in dire financial straits, and heartily indorsed the enactment of a law granting to service men the first compensation or bonus ever granted to an American soldier, and I maintain that Gen. George Washington came nearer being right in his opinion on all great questions than any other statesman America has yet produced.

As is always the case after every great war, the depression that is now at the low point in the West and Middle West, especially in my State, is first noticed along the Atlantic seaboard. In 1919 and 1920 to the experienced eye could be seen the approaching financial storm. As it became obvious in the larger cities, a pall began to settle over the East. It was not so noticeable in the Middle West. I live in the Middle West, and we heard dire stories of the financial condition in the East, which we did not think would come to Oklahoma; but the wave moved westward, and for some time the people of the West have felt most acutely this depression. But, thank fortune, the wave is moving on and a change to better times is obvious. The wheat market is showing a very a healthy condition; corn, cotton, live stock, and nearly every product of the farming districts is gradually coming up, thanks to the emergency tariff, the War Finance Corporation, the farmers' future trading act, the packers' bill, and various other laws enacted by this Congress. The East is rapidly "snapping out" and the financial condition all over the country is taking on a healthier hue. I am indebted to Mr. Basil Manley, director of the legislative service, for the following information.

The character and amounts of profits can be seen from the headlines appearing in the Wall Street Journal during the past month. They are reproduced below:

Associated Dry Goods enjoys a banner year—Year ended December last, net profits, after charges and taxes, $10.24 on common, compared $4.11 in 1920. Surplus for year; totals, $938,979, against $168,733.

Baldwin's actual 1921 net was $27.53 a share—Standard Steel Works, 100 per cent owned, showed small deficit after dividends to parent company—Working capital increased $6,857,383 in past year.

American Ice Co. may declare stock dividend—Certain interests in board favor doubling the common and increasing cash rate to $8.

People's Gas Light 1921 report best in history—Balance sheet at the close of last year shows $2,874,000 working capital, replacing floating debt.

S. S. Kresge reports $20.25 a share on common—Net earnings in 1921, after taxes and contingencies, $3,402,033, against $2,753,506 in 1920—Cash account increased.

National Biscuit enjoyed large earnings in 1921—In its best year showed net after taxes and preferred dividend equal to $13.48 a share on common.

Gillette Safety Razor earns $28.03 before taxes—Net $7,018,564 compares with $6,803,407 in the year 1920—Chairman says financial position is strong.

Nash Motors earned $35.48 a share on common stock—Compares with earnings of $122.79 a share on common stock in preceding year.

G. W. Heime Co. earns $31.46 a share common—Previous year $27.06—Net earnings after Federal taxes $1,538,463 and surplus after dividends $698,463—Profit and loss surplus $3,728,178.

Endicott-Johnson earns $10.79 on common shares—Compares with $6.43 in 1920—Sales decrease to $58,892,348 from $74,870,103, but profits increase.

F. W. Woolworth reports $20.04 a share on common—Net profits for common $13,022,960, biggest in history and $4,000,000 over the 1920 figure—Cash increased $6,750,000 to $11,050,799—Inventories reduced over $2,000,000—Sales largest of any year—Profit and loss surplus $22,038,950—Preferred stock reduced by $2,000,000.

Electric Storage Battery makes new high since 1919—Wednesday sale at 145 a high point—Company operating at 70 per cent and management optimistic over outlook.

United Fruit earned $16.97 a share in 1921—This compares with $29.01 a share earned in the preceding 12 months' period.

Tobacco manufacturers had prosperous year—Earnings statements for 1921 expected to show increase in earnings over preceding 12 months—Funded debt reduced.

Corn Products Refining has a good outlook—Earned between $10 and $12 a share on the common last year after charges and taxes.

William Wrigley, Jr., Co.—William Wrigley, Jr., Co.'s annual report for year ended December 31, 1921, shows net profits after Federal taxes of $3,710,677 against $3,325,867 in 1920.

Virginia Iron, Coal & Coke—Declared a stock dividend of 50 per cent payable in 5 per cent cumulative preferred stock.

Mexican Eagle profits $40,490,600 last year—Return for year ended June 30, 1921, compares with $28,626,000 for the previous year; $15,000,000 transferred to reserves and $686,090 to surplus.

Southern Pipe Line shows $10.90 a share earned—Profits last year $1,096,996, compared with $1,315,191, or $15.15 a share, in 1920. Cash at end of year $577,753, against $361,984.

Alliance Realty shows $10.51 a share earned—Surplus after charges and taxes, $203,710; preceding year, net, $130,314, or $6.51 a share. Assets include $175,098 cash; surplus, $809,885.

General Cigar Co. reports net income of $1,768,350—Equivalent after preferred dividends to $8.08 on common, compared with $15.12 in preceding year.

Westinghouse improves its financial position—All bank loans wiped out first nine months and cash and securities are over $12,000,000. Earnings will show around $6,000,000.

Parke, Davis & Co.—Parke, Davis & Co. for year 1921 reports net profits of $2,873,336, equal to $6.06 a share (par value, $25) earned on the $11,841,985 outstanding stock, against $5.27 a share in 1920.

Brooklyn Edison shows $10.28 a share earned—Surplus after taxes, $1,780,583. Company to build a generating station to take care of increasing business.

Adams Express earnings over $8 a share in 1921—Progress in claim settlement and reduction of Government note. Surplus $383,097, against $2,126,792 deficit.

Weyman-Burton reports $19.27 a share common—Net, after all charges, $1,873,231. Previous year net was $1,805,525, or $22.30 on a share. Surplus in 1921 was $869,530.

Mackay Co.'s year gave satisfactory results—Figures compare favorably with war years and exceed prewar results, President Mackay says at annual meeting.

Underwood Typewriter shows $10.14 a share on common—Maintenance of production of standard machines at 75 per cent capacity causes increase in inventory and note borrowing. Portables selling well.

Northern Pipe Line—Net after depreciation and taxes equal to $11.32 a share on the stock.

I will not burden you with further citations of this kind. Many more could be referred to. A large number of these financial institutions are known in a general way to the humblest citizen. It is evident that at least a large number of institutions in the East are not in the precarious condition financially they would have us believe they are. Those opposing the granting of the adjusted compensation at this time, like those opposing similar measures in the past, plead poverty as an excuse, but a casual observer of the acts of the present administration during the short time it has been in charge of affairs sees revealed the program of economy begun and adhered to whereby a saving of $800,000,000 to the taxpayers during this fiscal year has been accomplished. A further great reduction of future expenses has been accomplished by the conference lately had with the four leading powers of the world, by which during the naval holiday $10,000,000,000 will be lifted from the shoulders of the taxpayers, which was brought about without the sacrifice of national honor and without entering into entangling alliances with powers across the sea. The preceding administration advocated the maintaining of an Army of 500,000 men. The present administration made provision for 150,000 for the present year, and I feel sure that there will be a further reduction for the coming year, reducing the Army to in the neighborhood of 115,000 men. The bonded indebtedness of the country has been greatly reduced in the last 12 months; confidence has been restored to the extent that Liberty bonds are now selling for approximately par that a year ago were selling in the neighborhood of 85 cents on the dollar, this increase in the value of Liberty bonds alone representing an increase of wealth to the people of the country of $2,000,000,000.

I am anxious for the day to arrive when our Nation, like nearly every nation engaged in the war, acknowledges the heroic deeds of every one of those who left a loving mother, a devoted wife or sweetheart behind and went to the front in the defense of his country, there to meet in combat the greatest military machine of all ages and time, and who returned to his native soil victorious, as did his forefathers of all the great wars our country has engaged in. Through their valor and courage and by their typical Americanism they put new life into our allies. They won for posterity of the greatest nations of the world a losing fight. They received the thanks of a grateful Nation and the blessings of a bleeding world.

I was for them when they tramped away; I was for them when they returned as conquering heroes; and, in the language of the typical Oklahoman, I am for them first, last, and all the time, and for my part my vote shall be cast to compensate them, not by empty words of praise but by something more substantial. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, if both parties and if our country were ever committed to a policy, it is the policy that is being presented to-day by this measure. The Republican Party says that it will fulfill every obligation to the ex-service men, and the two last provisions in this very bill are copied literally out of the platform of the Democratic Party.

We are the richest country in the world, why should we hesitate with this obligation staring us in the face?

We talk about frozen assets. I want to say that there is no frozen asset with the name of our Government written on it. [Applause.]

If there is anyone who thinks the World War veterans ought not to receive any bonus, the question to him is easy of solution.

We pay $240 bonus per annum to our Federal employees.

Every one of our European allies, excepting Russia, paid a bonus to their enlisted soldiers, from $64 by Italy to $492 by Belgium, while Canada paid $631. The following is a compensation table taken from the CONGRESSIONAL RECORD of February 21, 1922, page 3203, as compiled by the gentleman from Wisconsin [Mr. FREAR]:

COMPARISON OF BONUSES AND ABILITY TO PAY.

From the foregoing it will be noted maximum payments made to enlisted men by the several Governments were—

Canada	$631
France	249
Italy	64
Belgium	492
England	190
United States	60

In this connection it is further noted that the estimated wealth of the United States of more than $250,000,000,000 is subject to a debt of $24,000,000,000, or less than 10 per cent. Of this debt a credit exists in favor of the United States from foreign Governments of $11,000,000,000, of which last amount the Secretary of the Treasury estimates 80 per cent, or approximately $8,000,000,000, will be paid, leaving a net national debt of about $16,000,000,000, or about 7 per cent of the national wealth.

On the 29th day of May, 1920, nearly two years ago, we passed an adjusted compensation bill through the House by 289 yeas to 92 nays, with 46 not voting. The measure has not been acted upon in the Senate, but the vote had in the House shows a clear majority of 3 to 1 in favor of this legislation. The Ways and Means Committee, after extensive hearings, reported this bill out by more than 3 to 1. The Republican National platform states that—

We hold in imperishable remembrance the valor and the patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill in appreciation of the services rendered by its defenders on sea and on land.

While the last Democratic national platform clearly covers and pledges the Democratic Party to soldier settlement and home aid. The last two provisions of the bill are as follows:

We believe that no higher or more valued privilege can be afforded to an American citizen than to become a freeholder in the soil of the United States, and to that end we pledge our party to the enactment of soldier settlements and home-aid legislation which will afford to the men who fought for America the opportunity to become land and home owners under conditions affording genuine Government assistance unencumbered by needless difficulties of red tape or advance financial investment.

The principal objection being that we ought to defer this payment; that payment now would injure business; and that the condition of the Treasury of the United States and of the banks does not warrant such payment at this time, I herewith submit a statement published in the Washington Post on the 3d day of March, 1922, purporting to have been sent out by the Federal Reserve Board and showing the condition of the 12 Federal reserve banks during the previous week:

ALL SET FOR INDUSTRIAL REVIVAL.

Financially, the stage is set for an industrial revival. The current statement of the Federal Reserve Board discloses the following heartening situation:

Within a week the 12 Federal reserve banks have increased their gold holdings by nearly $50,000,000. During the same period they have reduced the amount of their loans by more than $70,000,000. The total of those loans stands to-day, according to the report, at $732,000,000. A year ago the total was $2,515,000,000. That is deflation with a vengeance.

In the face of this remarkable showing, the chief national banks of the country—807 in number—put an additional $67,000,000 to work in developing business enterprises within the week. Further, the business men of the country added $101,000,000 during the same period to their accounts with these same institutions. At the present time these banks have $10,348,000,000 in deposits subject to check. This is $350,000,000 more than the total six months ago.

The Federal reserve system alone at this time, according to the board's report, could safely extend more than $15,000,000,000 in additional credit.

The last report of the Comptroller of the Currency shows that there were in the country on June 30, 1921, 8,000 national

banks and 23,000 State, savings, trust companies, and private banks, with credit deposits of $48,000,000,000. It would seem that these financial institutions would be able to furnish the amount necessary to take care of this expenditure, variously estimated at $600,000,000, the first year, if it reaches this cost. The following is taken from the report:

BANKING POWER OF THE UNITED STATES.

The banking power of the United States on June 30, 1921, represented by the combined paid-in capital, surplus, and profits, deposits, and circulation of all reporting banks, including National and State, nonreporting private banks (estimated), and the 12 Federal reserve banks, was $48,219,900,000. Comparison of this amount with the banking power for June 30, 1914, aggregating $24,340,100,000, discloses an increase in this 7-year period of $23,879,800,000, or 98.11 per cent.

Banking power of the United States, June 30, 1921.

[Money columns in millions.]

	Number of banks.	Capital paid in.	Surplus and profits.	Deposits.[1]	National bank circulation, Federal reserve notes, and Federal reserve bank notes.	Total, June, 1921.	Total, June, 1920.	Decrease over 1920.
National banks	8,154	$1,273.8	$1,522.4	$12,991.3	$704.1	$16,491.6	$17,756.9	$1,265.3
Reporting State banks, savings banks, trust companies, and private banks	22,658	1,630.0	1,930.3	22,858.0	.....	26,418.3	27,026.3	608.0
Nonreporting private banks (estimated)	446	7.1	8.9	84.2	.....	100.2	209.1	108.9
Total	31,258	2,910.9	3,461.6	35,933.5	704.1	43,010.1	44,992.3	1,982.2
Federal reserve banks	[2] 12	102.1	242.9	2,098.0	2,766.8	5,209.8	5,989.6	779.8
Grand total	31,270	3,013.0	3,704.5	38,031.5	3,470.9	48,219.9	50,981.9	2,762.0

[1] Includes dividends unpaid, postal savings, and United States deposits, certified checks and cashiers' checks outstanding, but not amounts due to other banks, except deposits of Federal reserve banks, which are reported gross.

[2] June 29.

NOTE.—Information for nonreporting private banks has been estimated by using as a basis for the calculation statements of reporting private banks. Only such institutions as are performing the functions of a bank are included in the total number of private banks. Concerns whose business is confined to the selling of investments are not included in the list of private bankers.

It would seem from this statement that it would not be a great drain or strain upon the Federal reserve banks to supply all the money necessary to pay this compensation in cash, if need be. The Federal reserve bank is our great national banking institution. The boys fought for the Nation, and if Germany had won there is no question but what this bank would have come into her possession. And further, I am one of those who has a fixed and settled opinion that the victory was assured by our going into the war.

The bill provides five options, any one of which may be taken by the soldier:

1. To receive "adjusted service pay."
2. To receive an "adjusted service certificate."
3. To receive "vocational training."
4. To receive "farm or home aid."
5. To receive "land-settlement aid."

And in explanation of these options I insert from the report of the committee the principal provisions of the bill:

THE BILL (H. R. 10874).

The bill herein recommended by your committee proposes to permit the veteran to elect to receive the benefits of any one of the five following plans of compensation:

(1) Adjusted service pay, where the amount of credit is $50 or less, as provided in Title IV.
(2) Adjusted service certificate (Title V).
(3) Vocational training aid (Title VI).
(4) Farm or home aid (Title VII).
(5) Land settlement aid (Title VIII).

A "veteran" is described as any individual who was a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; but does not include any individual dishonorably discharged therefrom, any conscientious objector, or any alien discharged from such forces on account of his alienage.

A brief description of the various provisions of the bill follows:

TITLE II. ADJUSTED SERVICE CREDIT.

The plan is predicated on an "adjusted service credit," which shall be computed by allowing the following sum for each day of service in excess of 60 days in the military and naval forces of the United States after April 5, 1917, and before July 1, 1919; $1.25 for each day of oversea service and $1 for each day of home service, but the total amount of the credit for oversea service shall not exceed $625 and for home service shall not exceed $500.

An officer holding a permanent or provisional commission or acting warrant is excluded from the benefits of the bill during the period of service under such commission or warrant, and all other officers above the grade of captain in the Army or Marine Corps and lieutenant in the Navy are likewise excluded. Other exclusions apply to commission or warrant officers performing home service not with troops and receiving commutation of quarters or of subsistence for the period of such service, individuals granted farm or industrial furloughs, civilian employees, and certain others receiving civilian pay or not subjected to hazard. The committee has endeavored to extend the benefits of the bill to the classes most deserving.

TITLE III. GENERAL PROVISIONS.

This title sets forth the five optional plans, any one of which a veteran may elect to receive.

Application for any of the plans enumerated must be made on or before July 1, 1923, to the Secretary of War, if the veteran's last service was with the military forces, or to the Secretary of the Navy, if the veteran's last service was with the naval forces.

The application must be made personally by the veteran, unless physically or mentally incapacitated, in which instance it may be made by his representative under regulations prescribed jointly by the Secretary of War and the Secretary of the Navy.

This title exempts from taxation and attachment any sum payable under the provisions of the act. It likewise makes it unlawful to attempt to charge or collect fees for assisting a veteran in obtaining any of the benefits under the act.

TITLE V. ADJUSTED SERVICE CERTIFICATE.

This title provides for the issuing by the Secretary of the Treasury of an adjusted service certificate to veterans choosing this option, which certificate will have a face value equal to the sum of his adjusted service credit increased by 25 per cent plus interest thereon for 20 years at the rate of 4½ per cent per annum, compounded annually (such value being approximately equal to 3.015 times the adjusted service credit of the veteran). The certificate shall be dated October 1, 1922, and shall be payable to the veteran September 30, 1942, or in the event of his death to the beneficiary named. * * *

The certificate will have an immediate loan basis equivalent to the amount of the adjusted service credit of the veteran plus interest thereon from October 1, 1922, to the time the loan is made, at the rate of 4½ per cent per annum, compounded annually.

BANK LOANS.

Until September 30, 1925, a veteran may borrow from any national bank, or State bank, or trust company, a loan not to exceed 50 per cent of the loan basis of the certificate, such loan to be secured by the adjusted service certificate of the veteran on his promissory note. The bank may charge interest upon the loan, which shall mature on or before September 30, 1925, at a rate not to exceed by more than 2 per cent per annum, the rate charged at the date of the loan for the discount of 90-day commercial paper by the Federal reserve bank for the district in which the bank is located.

If the veteran fails to pay the principal and interest of the loan within six months after its maturity the bank shall present the certificate and note to the Secretary of the Treasury not earlier than May 30, or later than October 15, 1925, and the Secretary is authorized to cancel the note and certificate and pay the bank the amount of unpaid principal and interest accrued at the rate fixed in the note. The difference between 80 per cent of the loan basis of the certificate at the time it is received by the Secretary and the amount paid to the bank shall be paid to the veteran. If the veteran is deceased the amount is to be paid to his beneficiary or his estate.

In the event of the death of the veteran before the maturity of the loan, the amount of the unpaid principal and the unpaid interest accrued to the date of his death shall be immediately due and payable. In such case or in the event the veteran dies within six months after the loan matures, the certificate and note shall be presented to the Secretary by the bank and the Secretary shall cancel the note and pay the bank's claim. The Secretary shall then deduct the amount of the claim from the face value of the certificate and pay the remainder to the veteran's beneficiary or his estate.

When any loan becomes in default the bank shall notify the Secretary of the Treasury within 30 days, stating all the facts in the case. The Secretary of the Treasury can not pay any note presented by a bank unless the note is accompanied by an affidavit made by an officer of the bank, stating that the bank has not charged or attempted to collect any fee or compensation in respect to making the loan. A penalty of $100 to be recovered in a civil suit brought by the veteran is provided where a bank or any of its officers attempt to charge or collect fees.

* * * * * * *

If a veteran's certificate is forfeited by default when he has borrowed an amount less than the maximum authorized, the Secretary of the Treasury shall pay to the veteran 80 per cent of the difference between what he has borrowed and the maximum which he was authorized

to borrow. No certificate issued under the provisions of this title shall be negotiable or assignable or serve as security for a loan except in the manner provided. Should the veteran die after making application for the adjusted service certificate, and before October 1, 1922, the amount of the adjusted service credit of the veteran shall be paid to his estate.

There is presented herewith a comparative table of the benefits to be derived under the provisions of this title with the loan values:

Loan value of certificates.

HOME SERVICE.

Days' service.	Adjusted service pay.	Face of certificate, maturity value.	Loan value of certificates.					
			Beginning of first year.	Beginning of second year.	Beginning of third year	Beginning, of fifth year.	Beginning of tenth year.	Beginning of fifteenth year.
100	$100.00	$301.46	$50.00	$52.25	$54.60	$101.36	$130.03	$162.05
200	200.00	602.93	100.00	104.50	109.20	202.73	260.07	324.09
300	300.00	904.39	150.00	156.75	163.80	304.09	390.10	486.14
400	400.00	1,205.86	200.00	209.00	218.41	405.45	520.13	648.18
500	500.00	1,507.32	250.00	261.25	273.01	506.81	650.16	810.23

OVERSEAS SERVICE.

100	$125.00	$376.83	$62.50	$65.31	$68.25	$126.70	$162.54	$202.55
200	250.00	756.66	125.00	130.63	136.50	253.41	325.08	405.11
300	375.00	1,130.49	187.50	195.94	204.75	380.11	487.62	607.67
400	500.00	1,507.32	250.00	261.25	273.01	506.81	650.16	810.23
500	625.00	1,884.15	312.50	326.56	341.26	633.52	812.71	1,012.78

TITLE VI. VOCATIONAL TRAINING AID.

This title provides that the Director of the United States Veterans' Bureau shall pay to the veterans choosing this option the sum of $1.75 for each day of his attendance on and after January 1, 1923, on a course of vocational training previously approved by the director as suitable for such veteran, but the total payment to the veteran is not to exceed 140 per cent of the amount of his adjusted service credit. The veteran must furnish proof of his regular attendance upon the course chosen, but for each day of unjustifiable absence will forfeit the sum payable for that day, and receive no reimbursement for it in any other form.

* * * * * * *

TITLE VII. FARM OR HOME AID.

This title benefits the veteran who desires to purchase a city or suburban home or a farm, not within the limits of the land projects provided for in Title VIII, or to make improvements upon such home or farm. For such purposes there may be paid to the veteran in one payment, or in installments, an amount equal to his adjusted service credit, increased by 25 per cent. Such payment may be made directly to the veteran or to the vendor or person to whom the payment is due from the veteran, under certain safeguards, by the national veterans' settlement board created by Title VIII.

No payments can be made under the provisions of this title until July 1, 1923, that being as early as it was thought examination could be made of the applications under this provision and the property to be purchased with the funds obtained.

TITLE VIII. LAND SETTLEMENT.

Under this title provision is made for homes for veterans upon land reclaimed by irrigation, drainage, or other means. Only the amount of adjusted service credit is deducted from the purchase price of the land selected.

After such deduction has been made, the balance may be paid in full at time of entry, or by amortization payments for a period not exceeding 25 years. The installments, however, are to be so arranged that the veteran will not be required to pay any installment until two years after making the contract for the purchase of the land.

* * * * * * *

Estimate of the veterans eligible to receive the benefits provided under H. R. 10874, including days served and average number of days for which adjusted service credit would be given.

	Army.	Navy.	Marine Corps.
Service period (days), Apr. 6, 1917–June 30, 1919	816	816	816
Average number of days of service	389	470	440
Average number of days for which pay would be due	329	410	380
Total number of man days	1,443,630,000	259,062,154	33,479,224
Total number of man days in American Expeditionary Force	611,380,000	.....	12,253,260
Total number of man days afloat	.....	142,484,185	.....
Ratio of man days in American Expeditionary Force	0.4235	0.55	0.366
Total who served	4,650,500	551,738	88,101
Excluded classes	717,500	107,228	7,410
Number of men entitled to adjusted service pay	3,933,000	444,508	80,891
Total eligibles	4,458,199		

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 2½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (5) 7½ per cent to receive land settlement aid.

Fiscal year.	Cash (10 per cent).	Certificates (70 per cent) (no borrowing).		Vocational training (2½ per cent).	Farm and home aid (10 per cent).	Land settlement aid (7½ per cent).	Total.
		Deaths.	Maturity.				
1923	$16,000,000	$26,604,000	.....	$31,675,000	.....	.....	$74,279,000
1924	.....	26,440,000	.....	20,000,000	$72,000,000	$6,000,000	124,440,000
1925	.....	26,720,000	.....	650,000	64,000,000	30,000,000	121,370,000
1926	.....	26,825,000	.....	.....	50,000,000	60,000,000	136,825,000
1927	.....	26,936,000	.....	.....	.....	16,000,000	42,936,000
1928	.....	27,046,000	.....	.....	.....	.....	27,046,000
1929	.....	27,233,000	.....	.....	.....	.....	27,233,000
1930	.....	27,415,000	.....	.....	.....	.....	27,415,000
1931	.....	27,674,000	.....	.....	.....	.....	27,674,000
1932	.....	27,932,000	.....	.....	.....	.....	27,932,000
1933	.....	28,255,000	.....	.....	.....	.....	28,255,000
1934	.....	28,600,000	.....	.....	.....	.....	28,600,000
1935	.....	29,004,000	.....	.....	.....	.....	29,004,000
1936	.....	29,448,000	.....	.....	.....	.....	29,448,000
1937	.....	30,003,000	.....	.....	.....	.....	30,003,000
1938	.....	30,593,000	.....	.....	.....	.....	30,593,000
1939	.....	31,333,000	.....	.....	.....	.....	31,333,000
1940	.....	32,144,000	.....	.....	.....	.....	32,144,000
1941	.....	33,105,000	.....	.....	.....	.....	33,105,000
1942	.....	34,251,000	.....	.....	.....	.....	34,251,000
1943	.....	.....	$3,154,823,350	.....	.....	.....	.....
Total	16,000,000	577,571,000	3,154,823,350	52,325,000	186,000,000	112,000,000	4,098,719,350

Personally I think we should fund our foreign debt, whether we use any of it for the payment of the adjusted compensation or not.

Personally, also, I think we should indorse some of the foreign bonds and put them on the market and use the money to pay this bonus. By this means it would extend the time until we could get back to settled conditions. By this means we could avoid the levy of additional taxes to raise the money. By this means, if we used a part of this foreign debt to pay the bonus, we would stop the talk and propaganda about cancellation of our foreign war debt, about which we read and hear so much.

If we used a part of our foreign debt it would not injure any man, firm, or corporation, but benefit everyone by an adjustment both of the foreign debt and of the bonus.

There can not be the semblance of a doubt about our ability to pay this bonus. I think this is conceded by everyone. We are the richest nation on the globe. Our national wealth equals that of all our European allies put together save Russia. And they all paid their veterans adjusted compensation.

Country.	Debt of nation.	Estimated wealth.	Per cent of debt.
United States	$23,000,000,000	$300,000,000,000	8
Canada	2,345,000,000	10,000,000,000	23
Belgium	4,670,000,000	12,000,000,000	39
France	50,960,000,000	92,500,000,000	55
England	37,910,000,000	120,000,000,000	32
Italy	18,650,000,000	35,500,000,000	52

The United States debt is generally estimated at only 8 per cent of its wealth.

But our greatest ability, greater than that of any nation, is in the inventive genius, efficiency, and energy of our people to

increase wealth. The annual income from our manufacturing and agriculture is estimated at $40,000,000,000. Eventually we will have this bonus to pay. Why not now? I believe in time most of our foreign debt will be paid. No country ever repudiated its national debt and survived. Most of our allies received large stretches of domain and reparations. We received practically nothing. While we received nothing ourselves, those of our allies that received large holdings can justly afford to and ought to pay. [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I regret that the provisions of the bill now before the House compel me to reverse my former vote on the bonus measure. This reversal of my former position is the result, first, of what appears to be, in my judgment, a rapidly growing opposition to the cash and certificate provisions of a bonus measure on the part of the people of the country. A few days ago I wrote approximately 400 constituents in the fourth Nebraska district, asking each if they were in favor of the payment of a cash bonus to able-bodied ex-service men at this time. Up to the present I have received 92 returns, of whom 80 are opposed to the cash provisions of the present bill and 12 of whom are in favor of it. These letters have come from men engaged in various occupations, a number of whom are ex-service men.

I wish it were possible by the rule under which the bill is being considered to publish a number of these letters in the RECORD, as they contain much food for thought in connection with the consideration of this subject. One gentleman in the district who is decidedly against a cash bonus at the present time says that the various schemes proposed in the present bill tending to shift the burden of payment is proof that Congress knows the country is not in position to raise the money for a cash bonus at this time, but that the future will pay dearly for it. He says, "I have four sons, all volunteers in the late war, and all of them are against the bonus. What the country needs is a return to normal business conditions, so that the ex-service men can get employment instead of a bonus."

One of the sons of this man writes the following statesmanlike words:

> The bedrock of principle upon which the bonus ought to have been opposed is plain enough if one but faces the question squarely. The sacrifice which a citizen makes in simply taking the share fairly and squarely allotted to him in fighting his country's enemies it is his plain duty to endure without looking for any special material reward. Where the sacrifice goes beyond that which is entailed in the mere fact of military service, where a man suffers physical disability, impairment, or mutilation, it is right that the Government should endeavor to make up to him in material support a loss which such support, however generous, can never repair. But if the mere fact of service be regarded as a basis for a similar claim, what limit can be assigned to the demand? The country must stand on the principle that the soldier did only his duty in serving—that the Nation was entitled to his service at the rate of pay fixed by law—or else surrender itself to indefinite exploitation, carried on by what is in essence political duress. The note that should have been struck is that which was sounded with such unwavering courage by Grover Cleveland. Perhaps it is not yet too late.

My second reason for opposition to the present bill lies in the fact that the bill itself makes no provision by way of a tax levy for the financial outlay it entails. In the statement of the history of bonus legislation in the majority report we find this expression: "On May 20, 1920, H. R. 14157 was introduced containing the so-called fivefold plan of adjusted-service pay, adjusted-service certificate, vocational-training aid, farm and home aid, and land-settlement aid. It also carried provisions for raising revenue sufficient to meet the expenditures under the bill." That is the bonus bill I supported. The bill now before us carries no provisions for raising revenue for the payment of the bonus. If a cash bonus must be paid, then I contend that the only proper thing, the only courageous thing for this Congress to do is to arrange now for its payment. The certificate plan of the present bill will mean in the end the expenditure in the way of final redemption of the certificates, interest compounded and millions of dollars of overhead expenses to four or five times the amount that would be necessary now to pay a cash bonus and have it over with. I do not believe the country, even the ex-service men themselves want this great additional burden passed on to their children and children's children.

If we had the privilege of amending the bill so as to include an adequate paid-up insurance option, and to eliminate titles four and five, I would be glad to give the same my hearty support, or if even the present bill made any provision for raising the money necessary to take care of the expenditures it will incur I would be inclined to support it, even though I tremble at what my colleagues may consider the necessity of placing this great additional burden upon the country at this critical time.

The majority report emphasizes the fact that France, Italy, England, and Canada have paid some sort of adjusted compensation to their ex-service men, but the report does not call attention to the fact that American soldiers were better paid at the time of their service than any other soldiers in the world, and it does not emphasize the fact that all of the countries named, with the exception of Canada, after having paid a bonus to the veterans of the war are laboring under such a staggering debt and such adverse economic conditions that it is a serious question as to whether or not they will prove their solvency.

All of the replies to the questionnaire which I mailed out giving expression against a cash bonus at this time hasten to assure Congress that the people are anxious and glad to do everything within their power to provide for the disabled soldiers of the late war and their dependents, and it is a well-known fact that Congress has endeavored in a heroic manner to make provision for all disabled veterans. It is no doubt true that there are cases here and there where justice has not been done, but such cases are due to oversights or delays in the administrative branches of the Government and are in no sense due to lack of Congress to make ample provisions for their support. Two of the men answering my questionnaire give as their reasons for favoring a cash bonus at this time the fact that they desire to have all of the obligations incurred in connection with the late war paid off now, once and for all time, instead of allowing the matter to drag along and finally be taken care of in the way of pensions, as has been the case with the veterans of other wars, but these constituents overlook the fact that, no matter what provision is now made in the way of a bonus, multiplied thousands of the veterans of the late war will be on the pension roll of the country for a half century or more to come, and the more time elapses the greater the proportionate pension budget. If anyone believes by supporting the present measure that he is in any sense avoiding the necessity for continuing the pension policy of the Nation, he is greatly misguided.

Another one of these expressing himself in favor of a cash bonus qualifies his statement by saying that the money should be raised from the large financial interests of the country and that no portion of the tax burden should fall on the country in general. In other words, he favors a bonus, providing he is not under the necessity of paying any part of it himself; so that when these exceptions are taken into account the answers to my questionnaire are practically unanimous in opposition to the payment of a cash bonus at this time.

It is an easy matter for the soap-box orator and the demagogue to keep on ranting about making the profiteers pay the cost of the war and provide the bonus, but who is in position to put his hand on the individual profiteer and extract from him the money required. After all the bickering and passing the buck is ended, the fact remains that the people of the entire country must pay proportionately for the expenses of the war and make adequate provision for its disabled soldiers. Any added burden in the way of taxation that will cripple the development and extension of business throughout the country is not only an injustice to the ex-service men who may be out of employment, but an injustice to all of the people. The moment the factories of the Nation are operated at full capacity and the business concerns of the Nation are doing a normal proportionate business and the farmers of the Nation are receiving the cost of production plus a reasonable profit, all the unemployed men, including ex-service men, will be busily engaged at an adequate wage, which happy condition will mean far more to the ex-service men than any cash bonus that might be provided.

Notwithstanding the fact that I regard any additional tax burdens at this time as a great handicap to the Republic, as I have previously stated, if the Ways and Means Committee had provided in this bill for the raising of funds to meet the expenditures the bill requires, I would be inclined to support the bill, as I did the previous measure. At the same time, from the very beginning of the bonus talk, which originated on the floor of this House and spread to the remotest corners of the country, I have felt that it is in a sense an insult to the noble soldiery of the late war to offer them a financial consideration for the performance of a patriotic duty.

No amount of material wealth can in any way compensate a man for patriotic service in time of war, and if we are going to launch forth on a policy at this time in the history of our country to which every citizen owes in time of trouble or distress his last drop of blood, and to which he owes loyalty and obedience and thrifty service in time of peace, where, may I ask, will such a policy end and when will we reach the time that no longer will any citizen of our beloved Republic say, as

did one great hero, "I only regret that I have but one life to give in defense of my country."

If we are going to attempt to compensate the men who stood between the Nation and its enemies in a monetary way, why stop at $50 or $500 or $1,000? The wealth of the entire world could not compensate one man for patriotic service rendered to his country in time of distress, and if we attempt to launch forth on this false policy at this critical time is there not danger that we will create such a false impression in the minds of the coming generation that instead of men hereafter rushing to the defense of their country as a patriotic duty the Nation will be obliged to resort to a hired soldiery, which is proven in history to be one of the last steps in a decadent nation before it sinks into oblivion.

I am in favor of the land-settlement provisions of the bill; I am in favor of provisions which will enable ex-service men to acquire homes; in favor of special beneficial insurance provisions—in fact, I am in favor of any provision that is sane and constructive and which will ultimately add to the wealth and power of the Nation and to the comfort of its citizens.

I regret that this bill could not have been brought in in such a manner as to permit its perfection on the floor of the House. The conscientious opposition that I am constrained to exert to titles 4 and 5 of the bill not only embarrass me but grieve me. In answering correspondence during the past few months from officers of certain legion posts I have assured them that I supported the previous bonus bill and expected to support the one that was forthcoming, but at that time the Ways and Means Committee was contemplating the laying of adequate taxes to raise revenue to meet the provisions of the bill. Had they continued along that line I would have supported the present measure, but having made no provision for the raising of such funds and having left the entire question of revenue to meet the requirements of the measure for future consideration, the bill appears to me as being in the nature of a sight-unseen proposition—a pig in a poke or a game of blindman's buff. Should the bill become law in its present form and the ex-service men who elect the certificate option find themselves under the necessity of going to local banks and surrendering their certificates for a loan of half of the value thereof and in the end being compelled to accept 80 per cent of the face value, I am confident that the ex-service men themselves will largely agree that the measure was a makeshift, that it rendered them no adequate benefit, and that they will find themselves and their posterity struggling under a great load of debt which will prove a burden and a menace to the entire Nation.

Mr. Speaker, it is a well-known fact that the gross waste and extravagance of the former administration in paying unheard of high wages to the men who worked in the shipyards, lumber camps, and in the munition factories and construction camps was the thing which first led ex-service men to believe that they should receive a bonus in addition to the amount paid them during the war.

The insane and reckless conduct of the former Secretary of the Treasury and Director General of Railroads, Mr. McAdoo, in paying these excessive and uncalled for wages in an effort to build up a political machine that would perpetuate the Democrats in power was one of the biggest mistakes economically and politically that has ever happened in the history of this country, and it was this huge mistake that has led to the present consideration of a cash bonus for able-bodied soldiers. I raise the question seriously, Mr. Speaker, whether we can right one great economic wrong by perpetrating another, whether we can cure one mistake by making another?

The policy that should by all means have been pursued by the administration in power during the war would have been to draft men to work in the shipyards and lumber camps and construction camps and all other places where the Government employed men, at exactly the same pay that the soldiers received. Then there could have been no possible thought or suggestion on the part of anyone of discrimination or unfair practices. Should our country ever be called to meet the emergencies of war again—and God forbid that that time will ever come—I earnestly hope that the Government, profiting by the egregious blunders of the Democratic administration, will at that time draft men for labor and construction work away from the danger zone on exactly the same terms that men are drafted for military duty.

To my mind it is far more important for the good, well-being, and prosperity of the ex-service men, as well as for the entire Nation, that we make every effort to establish a sound, economic policy during the present administration that will serve as a guiding star both from the political and economic standpoint for years to come. This is exceedingly more important, in my judgment, than is the election of any individual to Congress or the perpetuation of any party in power. We must proceed to reduce expenditures and cut down taxes rather than increase them. We must of necessity prepare to redeem the six billions of securities that will mature within the next 15 months. Every move that we now make that will add to the burden of taxation will have a proportionate depressing influence on the business of the country in all of its branches and ramifications. Every move that we make to lessen the burden of taxation and encourage business in general to resume operations in a normal manner will have a reflex influence for good in all parts of the country. There is a limit to which both an individual and a nation can go in its borrowing, and if I have correctly diagnosed the economic symptoms of this Republic we have reached the dead line in our borrowing and must immediately begin to pay our indebtedness and continue to pay it as rapidly as possible. Such a policy on the part of this administration will restore confidence, open up the avenues of trade, put the unemployed to work, furnish a favorable atmosphere in which our beloved ex-service boys can make their well-deserved place in the community and the Nation, and result in general satisfaction and national prosperity. [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. Mr. Speaker, as one of the inevitable results of the war the country has been and is now passing through an industrial depression. The strain upon the credit of the country by the passage of this bill will have a tendency to retard the emergence from that depression. We have already begun to see returning prosperity, increased industrial and business activity. Probably that will come faster or slower anyhow, but the strain upon the credit of the country by this bill will retard that return of prosperity.

What do you propose to do? Why, the boys who are working now for good pay do not need this as an emergency measure, and the boys who are out of steady work at good pay want a job. That is what they want. They want a chance to work. You want to put back the chance to work. Instead of retarding prosperity, so that all may have a chance for steady work at good pay, you propose to offer them a certificate, not a job, and you give them a chance to get into debt, and not a chance to draw pay. So much for that.

There is another feature of this bill—the reclamation part of it—which proposes to start this Government on the wildest orgy of waste and extravagance that any Government has ever started on. That is the reclamation feature, carried in the bill as an appendix, with not 20 per cent of the men in this House in favor of it, but forced to vote for it against their desire. And everyone here will be condemning Congress in a few years for entering upon this orgy of wasteful extravagance. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. LANGLEY] such time as he may desire.

Mr. LANGLEY. Mr. Speaker, if I could have had my way about it, I would have had the hospital bill first, because I think we ought to take care of the sick men before we take care of the well men. However, I am for this bonus bill, and as I have said before, I would rather resign my seat in Congress than to vote against some measure for relief of our soldier boys, even though they are not now disabled. I say this not merely because I am a soldier in the ranks of the Republican Party, which is standing for this legislation, but as an American I believe we owe a debt of lasting gratitude to all of the boys as well as the heroic women who were nurses, all of whom made sacrifices in this great World War. Even though a soldier returned from the battle front unscathed, I believe he is still entitled to consideration at our hands, because he left home and family and occupation and offered his life upon the altar of his country, and millions of them went across the sea to face the instruments of death contrived by a vicious, atrocious, and scientific foe. It took nerve to do that, and the men who did it, even if they are not now disabled, deserve the grateful recognition of this Republic. [Applause.]

I believe, however, that with the exception of taking care of our disabled ex-service men that the present generation has sacrificed its full share in connection with the World War. We gave up the lives of nearly 100,000 of our boys and nearly a quarter of a million of them have returned home disabled and must be cared for. We raised money unstintedly and loaned generously nearly eleven billions of it to foreign countries. The present industry of the country is overtaxed, and I believe that the menace of the threatened additional taxes is one of the chief influences that is holding back the immediate and rapid revival of business prosperity. If this country is half as great as foreign nations evidently think it is, and being as powerful

in the affairs of the world as we know it to be, I think we ought to collect the interest upon these foreign loans and pay that money to the soldiers as a bonus, and if that is not enough I think the balance of the money should be raised by the issuance of long-time bonds. If there was any good reason for our entering the war it was to preserve the civilization and Christianity of the world, and if we by our sacrifice helped to do that—and we surely did—then I think that future generations will receive much more of the benefits of that sacrifice than the present generation will receive, and I am in favor of letting these future generations help to share the great burden that this war has entailed upon our country. [Applause.]

For 15 years the honor has been mine to represent a part of the Kentucky mountaineers in this great body. To me they are the most loyal people on earth. It is the home of patriotism and loyalty to friends. No great event has ever taken place in the history of our country in which the mountaineers of Kentucky had opportunity to participate in which they have failed to answer to the call of duty.

Back in 1813, when her sons, hearing of the approaching battle at New Orleans, a company of more than 100 of her young and stalwart men got together and walked from Breathit County, Ky., to New Orleans in 29 days to help General Jackson fight that battle against Pakenham January 8, 1815, and the leader of that company, approaching one of the generals of the Army asked that their unarmed men be given the arms of those who had fallen in battle. This request was borne to General Jackson with a protest from the officer, who said that it would be murder to put these Kentuckians in battle who had never been trained in arms, to which General Jackson replied, "Those mountaineers need no training; all they need is a gun, and they'll shoot h—l out of the English," which they did. In the great Civil War these mountaineers responded to the call of Lincoln in such numbers that, although there were many who joined the Confederate Army, the volunteers to the Union Army alone outnumbered the total voting populations of most of the counties.

When the late World War came on and this country had finally decided to enter it the news spread from mouth to mouth until everyone knew it, and before the day had arrived for enforcing the draft more of the young men had volunteered in one county—Breathit—than her entire quota under the draft. This county stands as the only one in the United States of America from which none of her sons were ever drafted. There are many heroes in that section of the country who won all degrees of honor across the seas, but they are modest and unassuming and but little has been said of their deeds of heroism. There is one hero, my neighbor and my constituent, from the hills of Perry County, who crowned himself with immortal honor while overseas. His name is Sam Joseph. He went over the top time and time again, and received more than 100 wounds from machine guns, shrapnel, and other missiles of that deadly war. I will insert under leave to extend my remarks a clipping from the Lexington Herald of recent date, which gives an account of his heroism. It is as follows:

SAM JOSEPH IN LEXINGTON HOSPITAL—WOUNDED WAR VETERAN AT HOSPITAL IS IN CLASS BY HIMSELF—FIFTEEN MONTHS ON FRONT UNSCATHED—THEN STOPPED 102 BULLETS—"NEVER FELT BETTER," SERGT. SAM JOSEPH, OF HAZARD, ASSERTS.

Sergeant York and Sergeant Woodfill may divide honors for capturing or destroying Germans in the World War, but at the Good Samaritan Hospital is a man who is in a class by himself. He probably stopped more bullets than any man in the American armies at least, and, unsung, has a war record that vies with those of York and Woodfill.

Sam Joseph, a native of Hazard, is recovering from an operation on his foot performed last Tuesday. It was his fifteenth. Altogether 67 bullets have been taken from his arms, legs, and body. He was hit 102 times, so there must be considerable lead in him yet.

Joseph, a student at the Sue Bennett Memorial School at London, yesterday declared cheerfully that, with the exception of his foot, which has given him a great deal of trouble, "I never felt better in my life." A large man physically, he would be characterized in the vernacular as "husky."

O. K. 15 MONTHS—THEN.

Fifteen months at the front, during which he went over the top more than a dozen times without a scratch, and then to stop 102 bullets—"some" record. Fifteen of the bullets passed entirely through his body. A recital of his war experiences sounds like a history of "America in the World War."

Joseph was a sergeant in Company G of the Eighteenth Infantry, First Division. He was among the first 20,000 men who went to France, and was in practically all the battles in which the forces of the United States took part. He landed in France June 26, 1917, and after five weeks' intensive training his company was sent in the trenches with the Forty-fourth French Colonials (the "Blue Devils") on the Alsace-Lorraine front.

May 26, 1918, his company participated in the capture of Cantigny, which was after 27 days of fighting. Company G suffered a loss of 195 men in this drive out of its original 250. These 195 men were all killed by the heavy artillery fire of the enemy, which kept up a continual barrage during the entire time. The Germans counterattacked the same day, but failed to retake the town.

ONLY 57 NOW LEFT.

A month and a half after the first American battle the Eighteenth was moved to Monditaor, where they arrived at 11.30 o'clock at night, and went over the top at daybreak the next morning. They were seven days taking the town, and at the end of the week only 57 men were left.

Removed to the Somme front, he took part in the great drive at Soissons July 18, 1918, advancing 13 days continually. Joseph said that this was the first time he experienced hand-to-hand fighting, when for three hours and a half the Allies and Germans struggled hand to hand. At the end of the 13 days 1,200 men were left out of the 3,800 which had begun the fight. A captain, Joseph, and seven privates were the only survivors of the original personnel of his company.

On the Champaign front two battalions held back two divisions of the Germans until reenforcements were hurried to their aid. They were on this front 45 days and were then transferred to Mount Sept to participate in the drive for that strategic point. In this offensive the Americans suffered 50 per cent casualties, and still Joseph was without a scratch. The night before the offensive Sergeant Joseph and a patrol of seven men were sent on a scouting party in which they met up with a German patrol. Three of his men were killed and one wounded, but when the survivors returned they brought seven prisoners and two machine guns as souvenirs.

ONE OF 13 SURVIVORS.

At Chateau-Thierry Joseph was a member of a party of 117 men who were surrounded by the Germans for three days, after which 13 succeeded in fighting their way back to their own outfits. He was one of the lucky 13.

Soon after this Sergeant Joseph was hit in the back of the head by a German while on a raiding party, but outside of a 15-minute sleep and a bump on the back of his head he was none the worse for the experience.

Then his outfit was sent to the Argonne Forest, where Joseph received his wounds and was put out of the fight. It was in this fight that Hill 240 was taken, and it was within a few feet of the top of this ridge that he received his wounds. His company ran into a German machine-gun nest and he was struck by 93 balls. Soon afterwards a 4-inch shell exploded at his feet and the remainder of his wounds came from flying bits from this exploded shell. He managed to drag himself into a shallow crater made by the explosion and lay there over two days before he was finally taken to the hospital.

He was taken to mobile hospital No. 2, where his first operation was performed. He was in the hospital 28 months before his discharge, 14 of which he was not able to turn himself or even to feed himself.

That's the story as he tells it—modestly, as all who've "been there" talk. The doctors will tell you about his wounds.—Lexington Herald.

He has suffered and sacrificed without a murmur and his achievements upon the battle field challenge comparison of any other hero of that or any other war, and at the same time challenge the admiration of all mankind. I would not seek to detract the slightest honor from the just fame of those other heroes of this war like Sergeant York, of Tennessee, and Willie Sandlin, of Leslie County, Ky., but let me place side by side with them this young man of the mountains, this boy of Perry County, Ky., Sam Joseph, whose record on the battle fields of foreign lands, the number of wounds received, as far as I am advised, has no equal. It is but natural that I should feel proud of such a constituency as this, and of such as these who have made that great Commonwealth the wonder of the world. It shall be the proudest memory of my public life that I had a share in enacting legislation for the relief of our disabled soldiers, and also in recognition of all those who offered their lives in the defense of the honor of our Nation and in the preservation of the civilization, liberty, and Christianity of mankind. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. BACHARACH].

Mr. BACHARACH. Mr. Speaker, as a member of the Ways and Means Committee who voted to favorably report this bill to the House I am going to vote for its passage, because I believe that under the circumstances existing it is the best bill that can be had at this time.

Personally I would prefer to see before us a measure which carried with it a provision to meet the financial requirements of the bill. In my humble opinion the logical and best method of financing this legislation would be through the medium of a sales tax of some sort; either a general sales tax of a very low rate or a limited sales tax, such as a manufacturers' tax or a wholesalers' tax, which, of course, would necessarily have to be at a rate high enough to raise the amount needed.

But apparently Congress has not yet sufficiently convinced itself of the wisdom of a sales tax, although there is a very general and strong demand for it throughout the country, and our efforts to have such a tax incorporated in this bill went down to defeat.

With the prospects of a presidential veto on any bill having a cash-payment feature and which carried with it any tax provision other than the sales tax—and that plan not acceptable to the majority of the committee—we had to look about for an entirely new means of meeting the situation, and the plan contained in this bill to take the place of the cash feature is the result.

When the question of adjusted compensation for our ex-service men first came before the Committee on Ways and Means in the extra session of the Sixty-sixth Congress, by

reference to that committee of the many and various bills that had been introduced in the House, I suggested the feasibility of giving to each man a life insurance policy of the 20-year endowment plan, with liberal provisions for borrowing on the policy at a moderate interest rate, the policies to be issued by the old-line insurance companies so as to save overhead cost, and so forth, to the Government. Out of that suggestion has been developed the adjusted-service certificate or insurance plan which is now the principal feature of the bill under consideration.

The opponents of this measure, both in the House and out of it, seem to have made, and they are still making, a determined effort not to let the general public get the real facts about this legislation.

This is not a cash-payment bill; it does not have any of the features of the cash-payment plan excepting as to those whose service was of such short duration as to entitle them to $50 or less. These veterans are to be paid in cash, and it is estimated that it will require about $16,000,000 to pay all such claims.

If every man entitled to do so should accept adjusted-service certificates and immediately, or as soon after he receives his certificate as he can do so, should borrow the full amount of its borrowing value, it would require about $600,000,000 to finance these loans during the three years the banking institutions of the country would be obliged to carry the loans. This is less than 1 per cent of the total assets of the National and State banks and trust companies of the United States.

But it is estimated by the committee and Treasury officials that approximately only 70 per cent of the veterans will take adjusted-service certificates. If all of this number should immediately borrow on their certificates, the amount required to be loaned by the banks would be $420,000,000.

I do not grant the assumption of the opponents of this legislation that the majority of the boys will take the certificates and immediately borrow on them to the limit allowed, wastefully squander the money, and give no further attention to their obligations to the banks.

I believe the greater number of the men entitled to the benefits of this bill are men of good sense and sound judgment, and they will appreciate the advantage of holding these certificates until maturity. Most of our ex-service men are still young in years, and 20 years hence they will just be in the prime of life, and the increased value of their certificates will be of more use to them then than the small amount which they will be able to borrow on them now. In the meantime their families are protected with the additional insurance to the face value of the certificate plus accrued interest compounded at 4½ per cent.

My own opinion is that not more than one-half of those who take the certificates will borrow on them at any time during the three years in which the banks are permitted to carry the loans. That would mean that not more than $210,000,000, at the outside, would be needed to carry these loans. There are now approximately 30,000 National and State banks and trust companies in the United States. On this assumption the average amount of loans each bank would make on this class of security, assuming that all would loan alike, would be $7,000. As a matter of fact, I think it is safe to assume that it would not average more than $5,000 for the 3-year period, for, even assuming that 50 per cent of the veterans borrowed on their certificates, they could not and would not all borrow at the same time. Their notes would be handled the same as any other commercial paper and would be renewed every three or four months, and certainly a large percentage of the borrowers would reduce their obligations each time the notes became due.

Those who oppose the bill try to convey the impression to the public that a veteran entitled to an adjusted-service certificate or insurance policy can go to anyone at all and sell his policy for what he can get for it, or that he can convert it into cash without the least trouble and, as they contend, go out and squander the money, if he so desires, on a "good time," and they contend that that is what most of the veterans will do.

I can not conceive of any bank, no matter how large or how small, to which a veteran might come to borrow money on a policy, whose officers would not ascertain from him the purposes for which he wanted the money, and unless he could give a definite statement and a good reason as to the necessity for making the loan it is very likely that he would have considerable difficulty, and properly so, in getting a loan on his certificate.

It must be remembered that the banks are not compelled to make these loans, and they could not be subjected to criticism for refusing to make a loan where it is clearly shown that the veteran had no need for the money and wanted it just to squander away. It would be in the interest of the veteran's welfare as well as in the interest of good banking business to decline to make a loan under such conditions.

While it would be true if the banks should loan money on these certificates promiscuously to be wastefully squandered by the owners, these loans might be considered as "frozen credits," it is equally true that if the money borrowed goes into useful channels such loans could no more be considered as "frozen credits" than loans made to merchants for commercial purposes or to individuals for improving their property or for any other useful need.

These insurance certificates are of the very essence of thrift; and if those who are inclined to borrow on them are properly educated as to the value of the certificates as a means of starting a savings account which will be available to them in later years for the purpose of home building or engaging in business, this legislation will be the means of starting many young men on the road to prosperity and happiness.

In so far as the veterans are concerned, the certificate plan incorporated in this bill offers greater advantages to them than the cash payment plan. Let us take the case of a man who has a service record in home territory which would entitle him to the maximum of 500 days, or $500.

Under the cash plan he would be entitled to $500, payable in 10 quarterly installments, or at the rate of $200 per year. Under the adjusted certificate plan he will receive credit for 500 days, or $500, and if he wishes to borrow on his certificate the day after he receives it, it has a borrowing value of $250. Under the cash plan he would have to wait for more than a year's installments before receiving that amount of money.

It is true that he would have to pay the bank interest on his loan, but in the meantime his certificate is drawing compound interest at the rate of 4½ per cent, so that the loan would cost him the difference between that and the current rate of interest, which in most instances would not be more than 6 per cent. If he holds his certificate intact until maturity it will be worth approximately $1,500.

If that is a "gold brick," as contended in the minority report, there is certainly considerable gold in it which will be of real use in the building of homes or in many other uses which the veterans may have for it in the future.

I most strongly and vigorously resent the charge of the opponents of this legislation that this is an attempt on the part of Congress to pay our veterans for their patriotism. The country owes to the young men and women who entered the service and who fought and died on the field of battle a debt of gratitude which is immeasurable in its immensity and which can never be repaid by a monetary or other material consideration.

This legislation is just what the bill says it is; nothing more, nothing less. It is to "Provide adjusted compensation for veterans of the World War." In other words, it is an effort on the part of Congress to more equitably adjust the compensation which we paid to our soldiers, sailors, and marines while in the service, as compared with the wages paid to those who, by reason of age or other conditions, were not compelled to go into the camps and the trenches, but who remained at home in safe employment at never before heard of wages.

That Congress is justified in its attitude it seems to me is clearly demonstrated by one of many incidents which occurred in my own district, of which the following is typical:

Shortly after we entered the war a young electrician was working at Camp Dix as a civilian. He soon became imbued with the spirit of patriotism, resigned his job, returned home and enlisted in the Army. He was later ordered to Camp Dix, and upon his arrival there he was put to work as an electrician doing the same work that he had been doing as a civilian but with this difference: As a civilian he was getting about $121 a week, but in the uniform of a soldier he was paid at the rate of $1 per day, or $7 per week.

It is well known that Congress has appropriated billions of dollars to reimburse contractors for the cancellation of contracts which were terminated by the signing of the armistice; to reimburse the railroads for losses sustained by them during the operation of the roads under Government control; to reimburse contractors for the erection of post-office and other Government buildings for losses sustained by reason of the increased cost of materials and labor.

If it was right and proper for Congress to do these things—and the business interests of the country who are now opposed to this legislation did not oppose that legislation—is it not equally right and proper for us to reimburse our soldiers in some measure for the financial losses which they sustained when called upon to take up arms and go to war whether they wanted to or not?

If the country was financially able to meet the demands made upon our Treasury to pay these tremendous sums to private corporations so that they would not sustain any financial loss

by reason of their working for the Government—and we are still the wealthiest nation in the world—is it fair, just, and reasonable to contend that we are too poor to reimburse those boys who went to fight and die, if necessary, for their country? It seems to me that such an argument is pusillanimous in the extreme and not worthy of one who calls himself an American citizen.

Are war contractors and war profiteers who were reimbursed for contracts terminated by reason of the ending of the war entitled to more consideration and sympathy at the hands of Congress than the soldier boy who gave up a good position, who sacrificed the comforts of home and separation from those he loved, to live for months and months the almost inhuman life of the trenches?

Mr. Speaker, I can not forget that I was one of the Members of this House who voted for war knowing full well all that that meant. Neither can I forget that I voted for the selective service act which sent millions of our best young men into the training camps and across the seas to the front-line trenches to fight and die for their country, while cognizant of the fact that I would not personally be subject to military duty.

As long as I live the scenes in this House on the night of April 2, 1917, when the President of the United States came before us and asked for a declaration of war against the Imperial German Government; and then, a few days later, when, after a session which lasted all night and long into the hours of the next morning, we finally adopted the resolution declaring a state of war to exist between the United States and the Imperial German Government, shall ever remain vividly in my memory. Nor will time eradicate the awful horrors of the war through which our brave boys fought on and on until victory crowned their magnificent efforts.

With these momentous days and events in the history of our Nation once again called freshly to mind by the consideration of this legislation, which seeks in a very small way to give recognition to the just claims of our ex-service men, I feel it to be not only my duty but a solemn compulsion to vote for this bill. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SPROUL].

Mr. SPROUL. Mr. Speaker, I desire to read into the RECORD a resolution passed by the city council of the city of Chicago, as follows:

Whereas the United States has collected in the neighborhood of $400,000,000 per year in taxes and licenses from Chicago; and

Whereas there are pending in Congress soldiers' bonus bills affecting thousands of boys in Chicago who served in the World War: Therefore be it

Resolved, That the city council go on record in favor of Congress passing a liberal bonus bill at once, and the mayor is hereby directed to appoint a committee of five, of whom our colleagues, Alderman Chris Jensen and Alderman Dorsey Crowe, shall be members, and the said committee shall go to Washington as the direct and official representatives of the city council and urge the passage of the soldiers' bonus bill at the earliest date.

STATE OF ILLINOIS, *County of Cook, ss:*

I, James T. Igoe, city clerk of the city of Chicago, do hereby certify that the annexed and foregoing is a true and correct copy of a resolution in favor of soldiers' bonus bill, adopted by the city council of the city of Chicago on the 8th day of March, A. D. 1922, original of which resolution is on file in my office, and that I am the lawful custodian of the same.

Witness my hand and the corporate seal of said city of Chicago this 20th day of March, A. D. 1922.

[SEAL.] JAMES T. IGOE, *City Clerk.*

Mr. FORDNEY. I yield one minute to the gentleman from Michigan [Mr. BRENNAN].

Mr. BRENNAN. Mr. Speaker, there seems to be little purpose in making speeches upon this bill to-day in so far as the effect those speeches will have upon the action of the House. The bill will pass, as it should, by an overwhelming majority. Thus a certain measure of recognition, belated and inadequate though it may be, will be accorded to the services of our war veterans, which can never be valuated or compensated with cash, or certificates, or land, or training. But there may be another purpose in the addresses made to-day. Technically and formally the responsibility of the House ceases with the roll call to-night; but in fact ours is a continuing responsibility until this measure or a similar one is adopted by the Senate and approved by the President. The opposition in the Senate will not be directed against adjusted compensation on its merits, but will be directed to the fact that there is no money in the Treasury at the present time with which to finance the bonus, and eventually the House itself will be asked to grapple with this problem and to solve it, or our action to-day will be but an idle gesture.

Mr. Speaker, as a member of the Michigan State Senate I voted in favor of ratifying the eighteenth amendment to the Constitution of the United States. I voted in favor of a strict prohibition law. But, in view of the failure of prohibition, as defined by the Volstead Act, and in view of the eventual requirement of new revenues, I ask that the Senate, and at a later date, the House, consider the advisability of legalizing and taxing nonintoxicating beer of a mild alcoholic content as the most practicable method of financing the bill which we will pass to-day. [Applause.]

Mr. OLDFIELD. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, no doubt, as the gentleman from Massachusetts [Mr. GALLIVAN] has declared, this is a day that the Lord made. But I am satisfied that the Lord was not consulted by the Republican members of the Ways and Means Committee when they drafted the pending bonus bill. [Laughter.] I shall vote for this bill [laughter], because a part of loaf is better than no loaf at all. I voted for the bonus bill before, and we were assured then that it would pass the Senate right away. And more than a month ago the chairman of the Ways and Means Committee [Mr. FORDNEY] assured this House that a bonus bill would be introduced and passed within 10 days. This bill will be passed here, but it will die in the Senate, as the other bill did. I resent the imputation of some Members who intimate that any Member of this House is voting for this bill in order to secure votes for himself. [Laughter.] Perhaps they are measuring other members' corn in their own half bushel.

The SPEAKER. The time of the gentleman has expired.

Mr. OLDFIELD. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. COLLINS].

The SPEAKER. The gentleman from Mississippi is recognized for two minutes.

Mr. COLLINS. Mr. Speaker, this is a bill to adjust the compensation for veterans of the World War. During the war the Government paid them about $30 per month, or $1 a day, for their services, and in many cases, after insurance premiums and one or more allotments had been deducted, the boys received only $5 or $6 for their month's services. Every fair-minded person has long since been convinced that a Government rich in resources and with an indebtedness less than 7 per cent of its wealth should deal more justly with its defenders, and the Nation generally had demanded that Congress pay what is justly due these valiant men. When war was declared they were in the fields and the factories and in the colleges scattered over this land of ours, beginning their careers. The Government needed them and they were taken away. War meant much to them. It seriously broke into their plans, and their chosen work was given up without any time for calculations for the future. They risked everything—health, property, and life. Many were the families, too, that were left without help, and these loved ones at home were made to endure many hardships because of the absence of the ones in the service. The soldiers themselves could render but little help toward the family upkeep on account of the meagerness of their own compensation. Those of a similar station in life who remained at home were paid many times the amounts received by the soldiers. Prices mounted. Profiteering became the order of the day. Big industries profiteered and made their swollen millions, not only during the war but up to and long after its ending. The boys, however, shared in none of this. They were losers by it. When they came home they found their old jobs gone or filled by others. They were compelled to pay large prices for all of the necessities of life, prices which had increased many times in their absence, and many of these soldiers are now on the brink of want because they are without jobs. Mr. Taylor, of the American Legion, testified that the number of ex-service men without jobs now is between 600,000 and 900,000. A just Government should make it possible for these men to work. It should not permit them to wander over the country without employment or to labor in employment far below their abilities.

The Government has dealt most generously with other classes. Every Government employee making less than $2,500 a year was taken care of not only during the war but up to the present time, a bonus of $20 a month being given every one of them. The railroads, landlords, shipbuilders, and business interests generally were given everything they wanted, and after the war was over they came back to the Congress, not satisfied with the millions wrung from the people, and demanded more, and Congress has acceded to their demands in nearly every case. The railroads came and were given several billions of dollars. War contractors came, and they were given about three billions, and those others came who merely claimed that the Government owed them something, claims for goods never made or delivered. They asked for billions, and Congress authorized payments to the extent of a billion and a half. The shipowners came, too, and have gotten theirs. They are not through. It is

proposed to sell to them for a song our fleet which cost us billions of dollars, and they will get it, too, and about $30,000,000 a year besides as a subsidy or as a bonus. Mining interests came and have been tenderly cared for. All of the rich who have made claims, real or imaginary, have been caressed and fondled by a willing Congress. These concerns doubtless rendered some service to the Government during the war, but in comparison with the service rendered by the veterans their service was puny indeed. In addition to the huge sums given these big interests, billions have been poured into the lap of Europe, much of it after the war was over. Two hundred and forty-one millions have been expended in keeping an American Army on the Rhine River for the benefit of European nations. So I say that no fair-minded man can deny that the ex-service men are entitled to everything in the bill and more too. We owe them a debt of honor and ought to pay it. It should have been paid more than two years ago. It is long past due.

The provisions of the bill:

The bill under consideration provides compensation for those who were in the service from April 5, 1917, to July 1, 1919, at the rate of $1.25 per day for oversea service and $1 per day for home service after having deducted 60 days. This deduction is made because all ex-service men have already received $60 extra compensation. The total amount, however, for oversea service shall not exceed $625 and for home service not over $500, and no extra compensation is provided for commissioned officers above the rank of captain in the Army or lieutenant in the Navy and similar ranks in other branches of the service. There are five options provided, and a veteran is permitted to avail himself of any one of them, but only one.

THE ADJUSTED COMPENSATION PAY OPTION.

The veteran can not choose this plan if the amount of his service allowance is more than $50.

THE ADJUSTED SERVICE CERTIFICATE OPTION.

This plan provides for the issuance of a certificate to the veteran by the Secretary of the Treasury upon certification by the Secretary of War or the Secretary of the Navy, according to the branch of the service of the veteran, of the face value of the adjusted-service credit, increased by 25 per cent, and further increased by interest for 20 years at the rate of 4½ per cent per annum compounded annually. This makes the value of the certificate 3.015 times the adjusted-service credit of the veteran. These certificates are dated October 1, 1922, and are due September 30, 1942. In other words, they are paid-up 20-year endowment insurance policies. Certain loan provisions are permitted on them, the first being a loan within three years from the date of the issuance of the certificate. This loan must be made at a bank or trust company, and the veteran is not permitted to borrow over 50 per cent of the amount of the adjusted-service credit plus interest thereon from October 1, 1922, to the date of making the loan at the rate of 4½ per cent per annum compounded annually.

If a loan is made after September 30, 1925, and before October 1, 1928, then the veteran is permitted to borrow 85 per cent of the sum of the adjusted-service credit plus interest thereon from October 1, 1922, to date of loan at 4½ per cent per annum compounded annually. If a loan is made after October 1, 1928, then the veteran is permitted to borrow about 88 per cent of the adjusted-service credit plus the interest thereon from October 1, 1922, at 4½ per cent per annum compounded annually.

VOCATIONAL TRAINING OPTION.

This plan provides for vocational training. Certain courses will be mapped out by the Director of the United States Veterans' Bureau, and a veteran will be paid while taking this training at the rate of $1.75 for each day's attendance so long as his compensation will permit, and here his compensation may be increased by 40 per cent. In other words, if his adjusted service credit is $500 and 40 per cent is added to this, which may be done, he will receive $200 more, or a total of vocational training aid to the extent of $700, paid at the rate of $1.75 per day.

THE FARM OR HOME PAY OPTION.

Under this option a veteran is permitted to draw his entire service credit, just so he applies it to the improvement of his home or farm or toward the purchase of a home or farm or in making payment on a home or farm already purchased.

THE LAND-SETTLEMENT OPTION.

Under the land-settlement option certain reclamation, irrigation, drainage, and other projects will be inaugurated and developed solely for the benefit of ex-service men, and these lands will be divided into units and veterans will be permitted to make a choice of one of these units. If the unit chosen, however, amounts to more than the compensation allowed the veteran, then he is permitted to pay the balance within a period of 20 years upon an amortization plan.

GOOD FEATURES AND BAD ONES.

I shall vote for the bill because it is the best I can get; besides, it has some very good features. I think the vocational training plan is a very fine one, also the farm or home aid plan, and if a veteran needs insurance, the adjusted service certificates plan is good, too; but with 900,000 ex-service men out of work and many others in need of ready money, it is a great pity that the veterans who need the money are not permitted to get the cash if they want it. When war contractors presented their claim bills you did not issue to them insurance policies. Nor did you give the railroads a due bill for the amount they claimed the Nation owed them. You gave them the cash, and you did not owe them a dime; but when it comes to the veterans who fought the war and to whom we really owe something, you bring in a bill which may suit many of them who are not in need, but which will not suit any that are without work and who need the everyday necessities of life. You did not stop at this. You bring in a rule which prevents me or any Member of this House from offering amendments. We have to take the bill as it is or none at all. We are simply gagged, so that those of us who want to deal justly by the soldier who is in need are not permitted to do so. Why do you give to the soldier who saw only a few days' service the cash, and deny it to those who went into service at the very beginning? Why do you deny it to those who saw long service and lost most? Why give those who need the money now certificates redeemable in 20 years drawing 4½ per cent interest? This is an attractive proposition for a service man with means, but to the poor fellow out of employment it is not what he is entitled to. He should not be made to accept less than his more fortunate fellow service man. He can borrow only 50 per cent of the face value of his adjusted service credit, and if he needs the money within three years he must borrow this at a bank and pay 2 per cent more for it than commercial paper pays at Federal reserve banks.

This means that he will pay from 6½ per cent to 8 per cent interest, and if at the end of three years he is unable to redeem his certificate the Government will pay the bank the amount advanced and the interest thereon and will give the soldier the difference between 80 per cent of the face value of his adjusted service credit and the amount paid the bank. Mind you, the Government does not pay him the difference between the amount of his adjusted service credit and the amount due the bank, but only 80 per cent of his adjusted service credit less the amount due the bank.

Why give the unfortunate soldier only 80 per cent of the amount he is entitled to and give his more fortunate brother 100 per cent, or, as is the case with the vocational training option, 40 per cent more than the face value of the adjusted service credit? This is a species of unfairness toward the poor man which ought not to be tolerated, and if I could amend the bill I would certainly change this provision of it. But you will not permit me or anybody else to amend it in this or any other particular. Your obnoxious rule forbids this. You heap injustice after injustice on the poor man; you have drawn the bill so that it is doubtful if loans can be obtained at all upon these certificates. If you had drawn it so that notes secured by the certificates would be eligible for rediscount in the Federal reserve banks and provided that said banks should make a special credit to its member banks on this paper, so as not to interfere with the regular line of commercial credit allowed the member banks, the financing of loans to soldiers would be simple and without embarrassment to the banks. The Federal reserve on yesterday was $1,610,157,350 in excess of lawful requirements. Federal reserve notes could be issued to two and one-half times that in addition to those now outstanding, or $4,025,392,000 of additional notes could be issued and 40 per cent reserve to all notes be maintained. This would inflate the currency, it is true; but this will happen anyway if all or a large number of the veterans borrow on their certificates. Besides, I think inflation is very much needed now.

Also, you do those boys who were killed or who have died before the passage of this bill a great injustice. Many of them had dependent relatives, and they should have fared as the others. A discrimination against a boy who gave up his life on the battle field ought not to be tolerated; yet, gentlemen, you have made such discrimination in this bill, and you are also unfair enough to prohibit me or anyone else the right to amend the bill so as to blot out this injustice.

I am not at all pleased with the land-settlement provision. I am afraid that many million dollars will be wasted in buying cut-over lands and in reclamation schemes in various parts of

the country which will be of no benefit whatever to the veterans of the war. I understand that they themselves do not want this feature, or at least that there was no demand on their part for it, and I see no reason why it should have been put into the bill unless at the behest of big interests who may want to dispose of acres of worthless lands.

CERTAIN INTERESTS OPPOSED TO ANY COMPENSATION BILL.

Certain large financial interests and their newspapers and journals think it is an awful thing for this Congress to pass this or any other bill calculated to benefit the soldier. They are bitter in their denunciation of every Congressman who recognizes the soldier's claim. They do not stop at criticizing the Congress; they say that the veterans themselves are blackmailers; that patriotism is for sale. They cry, "Shame," and wring their hands and say to Congress, "Don't pay." The Harriman National Bank advertises to defeat any bill. The plutocrats who got their billions out of helpless peoples at war now pretend that it is a crime for the poor service man to get a small pittance more for his service. Their methods of attack are twofold. First, they exaggerate the cost to the Government of adjusted compensation, and, second, they would load it down with all sorts of outrageous tax scheme that they know in advance will not find approval with Congress or the people.

As to the cost, experts connected with the War Department say that a cash compensation to all those connected with the Army would amount to $1,273,000,000. Experts with the Navy say that a cash compensation to those serving in the Navy would amount to $207,308,418, and experts connected with the same department say that a cash compensation to those serving with the marines would amount to $30,563,330, or a total for all branches of $1,510,871,748, an amount infinitely less than has been paid either to the railroads or war contractors. The plutocrats, however, have no figures on the cost, and they do not want any. They care nothing for facts. They merely want to scare the public and the Congress. Some of them estimate the cost of this bill as high as $50,000,000,000. Just any amount that sounds big they use. This country's total indebtedness is about $24,000,000,000 and the wealth of the country is estimated at $350,000,000,000. In other words, the indebtedness is less than 7 per cent of total wealth. France's indebtedness is 87 per cent of her wealth. Great Britain's is 53 per cent of her wealth; Italy's is 85 per cent of her wealth; Belgium's is 80 per cent of her wealth. Still France has given to her soldiers a bonus of $233.53, England has given a bonus of $189.54 to her enlisted men, Italy has given a bonus of $73.34 to her enlisted men, and Belgium has given a bonus of $492 to her enlisted men. Canada, our nearest neighbor and a country with less population than New York State and not nearly the wealth, has given a bonus of $624.40 to her enlisted men. Certainly with nearly all of the world's gold, the richest nation of the earth, with an indebtedness as small as we have in proportion to our wealth, our country is in no great financial danger if our debt to our soldiers and sailors is paid them.

As to obnoxious taxes, this second way of scaring us, the profiteers suggest a tax on all sales. They say the consumers of the country should pay the cost of an adjusted compensation. They do not want to tax persons in proportion to their wealth or according to their income; no. They want to tax the poor and needy to the same extent as the rich man. They want to make the poor man with a small income pay the same tax as the richest man on earth. This is their idea of justice and fair dealings. They know this scheme is unpopular and so suggest that it be hooked on to an adjusted compensation bill. Others of them suggest the enactment of a law permitting the sale of light wines and beer, and that a large tax on the sale of these articles be authorized as a means of raising revenue to pay the extra compensation for ex-service men. They know this scheme is unsound, too, and will be defeated, and along with it a compensation bill to which they would attach it, and this is the reason they suggest it. Similar wild and impractical schemes are suggested and for similar purposes. They want to get an adjusted compensation bill in bad company, like "old dog Tray," so that all good people will shun it.

I see no necessity for adding a tax bill to an adjusted compensation bill. No other bill authorizing an appropriation or making one has ever provided for the raising of the revenue to pay it. It has never been done or even suggested heretofore, and I do not think it should be done in this instance. After the bill becomes a law, then it is the duty of Congress to raise sufficient revenue by appropriate legislation for the costs of its administration if it is found that additional revenue is needed. For that matter a reenactment of several provisions of the recently repealed revenue law would raise ample funds, and in a very short time, to finance even a cash compensation to all ex-service men. At least $450,000,000 could be raised from excess profits alone, $60,000,000 additional from income tax, $26,000,000 on soft drinks, $25,000,000 on jewelry, $6,000,000 on perfumes and extracts, $4,000,000 on sporting goods, $8,000,000 on seats, berths, and staterooms, and $1,300,000 on chewing gum, and if it is found that more is needed we can materially increase our tax on inheritances, and then it would be a lower tax than is levied in England. For that matter sufficient money can easily be saved on appropriations for the Army and Navy to more than pay the entire cost of the present bill.

The ex-service man knows these facts. He knows, too, that the fear of just taxes on vast profits and large estates is one reason that he is opposed. He knows, too, that there is fear in certain circles that if he is paid some of the dishonest claims now pending will not be allowed. He knows, too, that his is a just claim. He knows that in every State where the people have spoken an overwhelming majority registered their approval of additional compensation—that 21 States have provided for some form of adjusted compensation for their soldiers. He wonders why Congress seems not to consider his point of view. He wonders why the international bankers want to give to the countries of Europe the $11,000,000,000 that we loaned to them, and why the same international bankers are not willing to give to him the paltry sum that is his due. He knows that he saved the international banker and the capitalist from ruin, and their ingratitude amazes him. He knows that he is not a blackmailer. He knows that he was not a hired mercenary. He knows that he does not deserve the mud that has been plastered on him, and there is bitterness in his heart.

I appeal for a fair and equitable compensation for these men that they may know that real, true Americans appreciate their unselfish service and desire to deal fairly with them.

Mr. TREADWAY. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. TILSON] such time as he may desire.

The SPEAKER. The gentleman from Connecticut is recognized.

Mr. TILSON. Mr. Speaker, it is a very unpleasant duty for me to vote against this bill. Every natural impulse urges me to favor its aims and purposes. I sincerely wish that its provisions were of such a character that I could support it. I feel constrained, however, to vote against it because, in my judgment, if enacted into law it would prove far more harmful than beneficent. Measures in which ex-service men are peculiarly interested have uniformly received my most cordial support, and shall continue to receive it so long as their interest does not conflict with the higher interest of the people as a whole, the ex-service men themselves included. I believe, however, that the bill, if enacted into law, would do more harm to the people of the country, the veterans themselves and their families included, than it will do good to the individual beneficiaries.

During the last year the Treasury Department has been engaged in formulating plans for refunding the Victory loan next year and for taking care of the other large financial undertakings that must come within the next few years. These plans have been worked out in a manner and to a degree that command the admiration of those who have kept informed in regard to it and should have the support of all. For one I am proud of the record made by the Treasury Department during the last year and believe that if given a fair chance it will solve in a manner advantageous to the taxpayers, to business, and to all the people the many difficult financial problems immediately ahead of us.

The passage of this bill as it is written would produce an effect upon these plans comparable only to that produced by throwing a large monkey wrench into a finely constructed, delicately adjusted, and rapidly moving piece of machinery.

It has been said that the Republican platform pledged the party to the enactment of this legislation. This I most emphatically deny. Had it been the intention of the framers of that platform to promise this kind of measure they would of necessity have omitted some of the other promises contained in the platform. Two things the Republican platform adopted at Chicago did declare for without ambiguity and with great emphasis, and these were a decrease in public expenditures and a reduction of taxation. The fulfillment of these two promises the party has entered upon with earnestness and energy and thus far has attained a fair degree of success. The passage of this bill will make it impossible for us to reduce expenditures and will make it necessary for us to increase taxation. [Applause.]

The proposed method of having the banks of the country loan to a very large number of men—one can only guess how many—a sum aggregating no one can tell how much seems to be about as unsound economically and unfortunate from every point of view at this particular time as could possibly be devised. It is

claimed by some that no considerable number of men will avail themselves of the immediate cash provision. If they are correct, it should be eliminated from the bill as a dangerous and unnecessary provision. It is contended by others that the banks will not make the loans provided for. If so, the provision becomes a dead letter and of no avail in the hands of the confiding veteran and Congress becomes guilty of attempting to impose upon him. On the other hand, if a very large portion of the 4,500,000 ex-service men avail themselves of the borrowing provision to secure immediate cash, as is quite generally believed by the veterans themselves, then the matter of providing the necessary cash becomes an important one.

The figures of the Actuary of the Treasury show that the maximum amount of immediate cash obtainable under the bank-loan provision is about $750,000,000. Some of the most ardent advocates of the scheme profess to believe that $300,000,000 will be about the amount required. The actual amount would probably be between these two sums. Accepting the lower figure and disregarding the very considerable sums that will doubtless be paid out of the Treasury directly under the home and farm aid provision, the cash to be paid at once to those receiving less than $50, and the enormous cost of administering the law, it is a sum sufficiently large to cause apprehension among those who are expected to raise this sum, as well as those responsible for administering the financial activities of the Government. Secretary of the Treasury Mellon characterizes the scheme as "an abuse of Government credit," and the loans provided for as in effect forced loans. He states positively that in the end it would be better for the Government to borrow the money and make the loans directly, but this method has been rejected by the committee. I do not feel justified in disregarding the expert advice of the Secretary in this matter.

Comptroller of the Currency Crissinger is quite positive that in the present financial condition of the country it would be unfortunate, and in many cases impossible, for the banks to assume the additional burden. The amendment adopted at the last moment does not overcome the objection that this form of loan is not desirable for banks in that if such assets are not "frozen" in the original loaning bank they will be in the bank accepting them from the original loaning bank. By those in the best position to judge, it is believed that the carrying out of such a provision at this time will make more difficult the refunding of the Victory loan next year; that it will increase the interest rate necessary to be paid on a very large sum through a long period of years, and that it will materially halt the progress now being slowly and painfully made toward the return of normal prosperity.

Whatever uncertainty there may be as to the amount required to finance the bank loans provided for during the first three years, it is beyond all doubt that in 1925, when the banks are required to cash in their loans at the Treasury and the veterans are authorized to borrow directly from the Treasury 85 per cent of the full amount of their adjusted service credit plus interest, there will be a demand upon the Treasury for a very huge sum of money. The maximum amount possible is over $1,200,000,000. One guess is about as good as another as to what the actual amount will be. No one can foretell, not even the veterans themselves, what their financial exigencies will be three years hence. Half of the maximum amount, or $600,000,000, is probably an unduly conservative estimate of the amount that will be required to take up the bank loans and to make new loans directly to the veterans.

The bill carries no provision for raising by taxation or otherwise any portion of the sum required. It should carry a proper taxing provision to raise the necessary revenue to pay the expense. Even $600,000,000 is a considerable sum to be raised over and above current revenue requirements; and if necessary to be raised in a single year, or even two years, would doubtless prove seriously inconvenient as an additional burden. The only reason for the subject matter of this bill being referred to the Committee on Ways and Means was the necessity for raising revenue to pay the obligations created; in fact, by the rules of the House, jurisdiction of this committee attaches by reason of this fact only. When payment is finally provided for, as it must be, this House must first consider and act upon the legislation. Why not now? It should be a part of this legislation in order that it may begin as soon as possible to produce the necessary revenue. To fail to do so, in my judgment, evidences a want of wisdom and courage to squarely face and honestly deal with a perfectly obvious situation.

We know now that if this bill becomes a law a very large sum of money will be needed just three years hence to meet its provisions. The next session of Congress will last just three months—too short a time to carry through both branches any large hotly contested legislation. Barring unforeseen circumstances requiring an extra session, the next Congress will not meet until December, 1923, and no taxation measure can be enacted before the spring of 1924. If any kind of income or corporation taxes should be levied, they would be upon the 1924 income, and collection would be begun in March, 1925, only a few months before the unusual payments are to be made. Borrowing on a large scale, with all of its attendant evils, would have to be resorted to.

If we are to receive the credit due for dispensing liberally the public revenues, we should be willing to accept along with it the responsibility for laying the necessary taxes to provide the funds. Explorers are still searching the remotest corners of the earth for a race of men who like to be taxed. The American people do not like especially being taxed, but we tax them and must continue to do so unflinchingly to the extent necessary to meet all just obligations and to keep the Treasury in such sound condition that it may economically and advantageously serve the people.

Title VIII of the bill—the so-called reclamation feature—is dangerous in the extreme. It is vague and uncertain at the best, and of itself should be a sufficient reason for the rejection of any bill carrying it, even though the measure were in all other respects unobjectionable. Neither the experts of the Treasury nor anyone else has been able thus far to compute or even to intelligently estimate what this provision of the bill will cost. It has received comparatively little serious consideration upon the assumption that only an inconsequential number of men will choose this plan. If this assumption is well founded the bill should be amended and this provision should go out as unnecessary as well as dangerous. There is a firmly grounded belief, however, in the minds of many that this provision has been saddled upon this bill with the hope and expectation of carrying through Congress on the sturdy backs of the veterans a measure so fraught with dangerous possibilities and uncertainties that it would receive scant support if forced to stand alone in the open on its own merits. It will be a continuing reproach to the veteran that he has thus been made the innocent vehicle for carrying through Congress a vicious measure which he neither desires nor approves.

Party loyalty is in nowise involved in the passage of this bill. No political party has placed in its platform a plank declaring for or against such legislation. Staunch advocates as well as opponents of the bill are found in both parties. The credit for enacting the legislation can not be rightfully claimed by any political party. Such credit or blame as may attach by reason of support of or opposition to this bill rightfully belongs to the individual Member in each case.

In estimating the political effect of the support of this bill, however, I believe that a rank injustice is being done the intelligence and patriotism of the ex-service men. It seems to be assumed that because each individual veteran is to receive a slight pecuniary reward, therefore he and his friends will in return politically reward those who vote for it and punish those who do not, regardless of what the effect of the legislation upon the country as a whole may be. We believe this to be unjust and untrue. It is not the spirit in which the veteran enrolled to serve under the flag in a foreign land. It was America first then, not his own individual gain. He has the same spirit and the same love of country now. If, upon careful consideration of this bill, he concludes—as I believe he will—that if passed in its present form it will work serious injury to the country as a whole, then no miserable pittance it may carry for him personally will purchase his approval.

Mr. TREADWAY. I yield three minutes to the gentleman from New York [Mr. HUSTED].

The SPEAKER. The gentleman from New York is recognized for three minutes.

Mr. HUSTED. Mr. Speaker, I think nothing has happened during my entire service in Congress of which I feel quite so proud as the action of four American Legion posts in the twenty-fifth congressional district of New York, the district which I have the honor to represent. Those Legion posts adopted resolutions opposing the payment of a cash bonus to able-bodied ex-service men, and they requested me to carry out their wishes. One of those posts was in the largest city of my district, the city of New Rochelle. Another post was in a residential town, and one of those posts was in Rockland County, in a mill town, where the members were largely the sons of mechanics working in the mills.

Those men do not want me to vote for that kind of legislation, because they believe it belittles their patriotism and their manhood. Those men went to war to defend their country; not for wages, but because they realized that service was the

price which they paid for their citizenship, and they were glad to fight to defend their country, which has shed so many blessings upon them and upon all of us.

And particularly they did not want a bonus paid to them when there are 100,000 ex-service men in this country who can not obtain compensation, although they are disabled, because they say that this disability can not be traced to service origin. And they do not want to be paid a cash bonus when they know that sooner or later taxes to make it up will be imposed upon the fathers and the mothers and the sisters of men who died in France or who are disabled in this country. [Applause.] And the members of these posts were undoubtedly looking forward to the day when their comrades shall have passed the meridian of life, and through age or physical ailments will really need assistance. They feel that if the gratitude of the Nation is ever to be expressed in dollars that then will be the time, not now, when they are ablebodied and fit for life's battles. They do not want anyone, when that time shall come and this relief is sought, to be able justly to say, "while you demand Government aid you have no moral right to make demand, because when you were young and strong and healthy, in your early twenties, you preferred to settle with your country on a cash basis." I agree absolutely with the stand these men have taken. I shall not vote for any measure which belittles their patriotism and manhood. I will not support any bill which sanctions the barter of a glorious inheritance for a miserable mess of pottage. I will not vote to authorize commutation of a Nation's gratitude for this miserable pittance.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. TREADWAY. Mr. Speaker, I yield seven minutes to the gentleman from New York [Mr. MILLS].

The SPEAKER. The gentleman from New York is recognized for seven minutes.

Mr. MILLS. Mr. Speaker and gentlemen of the House, I indorse every word said by the gentleman from Illinois [Mr. MANN] as to his reasons for opposing this bill.

The committee rejected a cash bonus and the tax plan because we could not stand any more taxation. They rejected a bonus financed by Treasury borrowing because it would interfere with present refunding operations, and they finally brought out a bill which contains all the evils which they thought to eliminate and adds a few more, because they now propose to involve the banks of the country in the unscientific and uneconomic plan they present to this House.

Mr. Speaker, I do not believe there is any real moral issue involved in this question, but if there be one I hold the proposition that men are entitled, as a matter of right, to a cash reward for defending their country to be untenable. If, then, there be no such obligation, this measure must find justification on one of two theories: Either we are voting billions of dollars to our veterans because they are in need, and it is unthinkable that the country should remain indifferent to their misery, or else, as a mark of appreciation for services rendered, the country proposes to give its former soldiers a gratuity. May I interject at this point that the proposed rewards differ radically from the cash bonuses paid by other countries to their soldiers at the time of demobilization, in that the latter were intended to assist the soldier during the interim between his discharge from the army and his resumption of the normal activities of a civilian, and included the cost of civilian clothes. Such a payment obviously stands on a very different footing from those here proposed.

Turning now to the first of the two alternative theories to which I have referred, no evidence of need has been presented, and admitting that many ex-service men are now out of employment, far from limiting its benefits to those who are in want, this bill actually discriminates against them. The well-to-do veteran can hold his certificate and will receive an increase of 25 per cent over his adjusted compensation, plus compound interest at 4½ per cent for 20 years, while the man who is up against it and is obliged to borrow loses not only the 25 per cent increase and compound interest, but is compelled by a grateful country to accept 80 cents on the dollar of that "adjusted compensation" which proponents of the bill hold he is morally entitled to.

On the other hand, assuming that we are actuated solely by a feeling of national gratitude, I could find much merit in such an argument had we a surplus in the Treasury or could the vast expenditures be financed without imposing too great a burden on all of the people, including, of course, the service men themselves. I decline to segregate the latter; I decline to divide the Nation into two groups—those who served in the Army and Navy and those who did not. I reject as wholly unsound the argument that the former defended the latter and that it is now up to those who remained in civil life to reward their defenders. The 2,000,000 men, more or less, of the American Expeditionary Forces and their companions in the Navy did defend those at home; but in doing so they defended their country, not some one else's; they defended their home, not some one else's; they defended their mothers and fathers and wives and children, not some one else's; and those at home did not just go to the depot and wave good-by, as has been suggested by the chairman of the Ways and Means Committee, but to the whole measure of their strength and ability assumed their share of the war burden. To the young men, of course, fell the arduous and dangerous task of fighting. But what of it? The whole Nation was at war, and the whole Nation responded, with very few exceptions. No, no! We were one people then and we are one inseparable group now, and what is bad for the country is bad for the veteran, and no man looking at the proposition from a broad and fundamental standpoint can maintain at the same time that the measure will benefit the veteran, though it hurt the country. If it hurts the country it can not benefit the 4,500,000 alleged beneficiaries. The only question, then, to be determined is whether the effects of this measure are likely to prove harmful. That question must, in my judgment, be answered in the affirmative, and I am prepared to give my reasons.

To understand the character of the problem it is necessary to make a rapid survey of the financial status of the Government. For the current fiscal year the Budget estimates indicate total receipts of $3,968,000,000, as against total expenditures of approximately $3,992,000,000, or an apparent deficit of $24,000,000. For the next fiscal year total receipts are estimated at $3,345,000,000, as against total expenditures, as estimated by the Budget Bureau, of about $3,512,000,000. I understand that the Committee on Appropriations has so reduced the estimates of the Budget Bureau as to give reasonable expectation of a balanced budget for the fiscal year 1923, though this is on the assumption that Congress does not make any additional appropriations for purposes not contained in the appropriation bills. But no man, however optimistic, has ventured to suggest that there will be a surplus this year or next year or for the next few years. The public debt amounts to almost $23,500,000,000, of which about $5,000,000,000 fall due within the next 15 months, over $2,500,000,000 in the form of Victory notes, over $1,600,000,000 in the form of Treasury certificates, and nearly $700,000,000 in the form of war-saving stamps. In addition, within but a little more than a year later, there will mature an additional $800,000,000. There will be maturities as large, or larger, in the succeeding years up to 1928, when about $3,500,000,000 of the third Liberty loan matures. These obligations can not be paid off; in large part they must be refunded. How great a task this is may be appreciated when we recall that the first and second Liberty loans together amounted to only $5,800,000,000, and that even with the patriotic stimulus of war it required the assistance of several million people, devoting the better part of their time for several months, to assure the successful flotation of the offering. It is essential that the Treasury conduct these operations with the minimum of financial strain and interference with the normal demands of business and industry and that it should borrow at the lowest possible interest rate, so as not to disorganize the general level of interest rates on other obligations and securities. To provide for an orderly refunding of this $5,000,000,000 debt which will fall due within the next 15 months the Treasury has worked out a plan under which it has and will from time to time offer short-term notes in moderate amounts with maturities of from three to five years, thus distributing the short-dated debt over a longer period of years and providing for more convenient maturities. To date some $1,900,000,000 of these short-term notes have been successfully floated at lower interest rates than have prevailed for a long time. But it must be noted that the one special factor which has facilitated the Treasury's public-debt operations has been that the operations since 1919 have been accompanied by a gradual retirement, and it is obvious that the whole problem becomes enormously more complicated if, as contemplated in this bill, this policy is reversed and refunding operations are no longer favored by a decreasing debt but impeded by a very material increase.

The bill in question provides for a cash payment to those who served for so short a time that their total adjusted pay would not amount to more than $50, the total being estimated at about $16,000,000. It provides in addition for four other plans, including farm and home aid, land-settlement aid, and vocational training, but the principal bonus plan is contained in Title V under the head of "Adjusted service certificates." These adjusted service certificates are, in effect, paid-up endowment insurance policies issued by the Government to mature at the end of 20 years or upon the death of the veteran. The

maturity value of these policies is calculated on the basis of the so-called adjusted service pay plus an increase of 25 per cent, with interest on the combined figure at the rate of 4½ per cent, per anum compounded annually for 20 years. They are nonnegotiable, except that national and State banks and trust companies are authorized to make loans to holders of certificates up to 50 per cent of their base value, with interest to the date of the loan, until September 30, 1925, after which date the policyholder may borrow directly from the Government up to 85 per cent of the sum of the adjusted service credit plus interest thereon from October 1, 1922.

If the veterans who borrow from the banks fail to repay the loans within six months after maturity or before September 30, 1925, the Government must redeem the certificates in cash upon demand at 80 per cent of the adjusted service credit, plus interest, and apply the proceeds of such redemption first to the payment of the bank loan, with principal and interest, and then any balance to the veteran or his beneficiary.

It is well-nigh impossible to estimate just what this measure will cost the Government, because no man can tell what proportion of the veterans will elect each one of the five plans submitted to them. But, assuming that 70 per cent will choose the certificate plan, 23 per cent the farm and home aid plan, 5 per cent the vocational training plan, and 2 per cent the land-claiming plan, the Government actuary estimates that the direct cost to the Government will be nearly $1,200,000,000 within the next 3½ years, and a total of approximately $3,000,000,000 extended over a period of 20 years, with a payment of $1,173,500,000 falling due in 1943. In addition to which there may be obligations running into hundreds of millions if the land-settlement plan is appropriated for and carried through. The figures for the first three years are, I believe, an underestimate, because they assume that only 50 per cent of those borrowing will default. My own judgment is that it will be nearer 80 than 50 per cent, and if this be so, the amount due in 1925 must be increased by approximately $200,000,000. Moreover, in my judgment, more than 70 per cent will elect the certificate plan, for it is only under that plan that immediate benefits may be received. Farm and home aid has been postponed for a year, while the reclamation benefits can be claimed only in even a more distant future. But by electing to take a certificate and by borrowing on it, the veteran may obtain cash immediately and will not be under obligations to pay one cent of interest for three years. My guess is—and it is only a guess—that 90 per cent of those claiming a bonus will take certificates; and how many of these do you think are likely to have the cash to repay the loan with interest three years hence, when there is no penalty attached for defaulting, and when, in spite of defaults, the veteran will still be entitled to additional cash from the Government?

I confess that I am unable to understand the estimates given in the majority report. The table contained on the last page of that report gives the total cost to the Government for the next four years as $456,914,000, but the estimate makes no provision whatsoever either for repayment of loans to the banks or for direct loans by the Government. This omission is apparently explained by the statement contained on page 3 of the report in which it is pointed out that few of the veterans will let the certificates lapse because after "October 1, 1925, the veteran can obtain a loan from the Government more than sufficient in amount to take up any loan that he has obtained from the bank," plus 20 per cent. It does not seem to have occurred to the majority of the committee that whether the Treasury repays the bank or whether the veteran borrows from the Treasury and then repays the bank, in either event money comes out of the Treasury, and that under the latter method the amount paid is likely to be 20 per cent more than if the Treasury repaid the bank. This slight error will account largely for the difference of nearly $700,000,000 between the Treasury estimate and that worked out by the committee.

The bill violates the very fundamentals of sound government finance by making no provision whatsoever for meeting these obligations, whether in the form of sinking fund, amortization, or other reserves against the liability that will be thrown on the Government in 1925, the liability on the certificates at the end of 20 years, or to meet the payments which will accrue from year to year on account of the death of the veterans, the $16,000,000 adjusted service pay claims, vocational training, home aid and land settlement, or the great administrative expenses connected with administration of the act. If there be an obligation, why do not we raise the money and discharge it? No government in good credit settles its obligations by issuing promissory notes, and no wise government issues promissory notes without making provision for their payment.

Last year we established a Budget system and have rightly claimed credit for doing so. It is difficult to overestimate its value to the country or to overemphasize the importance of its accomplishment up to date; but the very life of the Budget system depends on the recognition that expenditures for which no provision is made in the Budget must be accompanied by revenue measures adequate to meet them. Otherwise the Budget system becomes a farce and the alleged balancing of the Budget but a means of misleading the taxpayer. Viewed in this light, the present bill constitutes a direct attack on the Budget system, and as such must be condemned.

The argument that we need not make provision for raising the money two or three years in advance is captious. Men responsible for the financial policy of a great country can not live from day to day, but must look ahead, must lay out and adhere to a program. To do otherwise is to invite confusion in Government finance and uncertainty and hesitation in the business world. Even if we accept the committee figures which omit the two principal items of direct obligation, to wit, repayment of bank loans and direct Government loans, it appears that the measure will cost $456,914,000 by 1926, which, if we include administrative expenses, will exceed $500,000,000. Where is this money coming from? And how is the Government going to meet in cash in a single year the stupendous sum estimated by the majority of the committee at $3,154,000,000, if Congress declines to provide a sinking fund, an omission which can only be explained on the theory which led Louis XV of France to exclaim, "After me, the deluge"?

Originally two methods were suggested for paying the bonus. One was by means of additional taxes, the other by Treasury borrowing. Such serious objections were raised to these plans that both were abandoned by the Committee on Ways and Means, which now presents to the House a bill which seeks to avoid the evil effects of direct Treasury borrowing by issuing nonnegotiable Government obligations and providing that they may be discounted by the banks of the country. The Secretary of the Treasury has pointed out that every objection that can be urged against direct Treasury borrowing can be urged with equal, if not greater, force against the proposed measure. For my part, it seems to me that direct Treasury borrowing would be infinitely preferable. The adjusted-service certificates constitute a direct obligation of the Government and have no value whatsoever as collateral, except in so far as the Government credit is behind them, yet they are not to be issued under Government control, and when redeemed by the Government the latter will be called upon to pay an interest rate much higher than it would pay on its certificates of indebtedness. Moreover, they will tend to prove a most disturbing element in the investment market at the very time when the Treasury refunding operations are in full swing. How much they will interfere with those operations it is difficult to estimate, but it must be obvious to everyone that when the Government is refunding obligations amounting to $5,000,000,000 falling due inside of 15 months by means of notes with maturities ranging from one to five years, the difficulties of the operation must be enormously increased, when within that period of five years you impose on the Treasury an additional obligation of over a billion without making any provision for raising the funds to meet that obligation.

Turning now to the banks, let us consider the part which they are expected to play in carrying out this plan. According to the Treasury figures, if 70 per cent of the veterans should select the certificate plan and 85 per cent, which I believe is a moderate estimate, should borrow, the banks would be called upon to loan some $479,000,000. I do not assume that most banks will desire to loan on this form of certificate, but public opinion will probably compel them to do so.

The very essence of good banking practice is to have liquid paper in the bank portfolio, and obviously a certificate which can neither be sold nor discounted can not be classified as liquid paper. Should, however, the banks make the loans, one of two results must follow: Either they will loan the amount from available funds, and that will necessarily reduce the amount available for business and commercial purposes by some $500,000,000, with a consequent restriction of credit and increased interest rates, or else they will rediscount eligible paper in that amount with the Federal reserve bank, against which Federal reserve notes or credit currency will be issued, and that means inflation, with all of the evils with which recent events have made us so thoroughly familiar. Such an issue of notes constitutes inflation, because by issuing them we are not increasing the wealth against which securities and money are issued. The result may be an artificial stimulus to business, a temporary increase in prices, but both will be followed by the depression which inevitably succeeds these upward movements resting on

no firmer foundation than that afforded by the printing press. It has been stated that compared with the total outstanding loans and discounts of all banks, $500,000,000 represents a sum altogether too small to produce far-reaching effects. But let me remind the gentlemen that during the great period of deflation which we have just gone through, loans and discounts of all commercial banks which report to the Comptroller of the Currency, decreased from approximately $27,600,000,000 on June 30, 1920, to approximately $25,600,000,000 on June 30, 1921, or but by $2,000,000,000, and that $500,000,000 is 25 per cent of this decrease; that the earning assets of the Federal reserve banks that have been so widely held responsible—unjustly, I believe—for price deflation and restricted credit, decreased from approximately $3,270,000,000 on July 2, 1920, to $1,176,000,000 on March 8, 1922, and that $500,000,000 represents approximately 25 per cent of this decrease; that from January 2, 1920, to March 8, 1922, Federal reserve notes in actual circulation decreased but $971,000,000, and that if $500,000,000 of Federal reserve notes are now issued, over 50 per cent of that decrease will be offset; that during this great period of deflation about which we have heard so much, total money in circulation decreased from July 1, 1920, from approximately $6,000,000,000 to approximately $5,400,000,000 on March 1, 1922, or but $600,000,000, and that $500,000,000 of Federal reserve notes is over 80 per cent of the decrease. These figures demonstrate clearly that $500,000,000, even in so great and rich a country as ours, is not a negligible amount, and that whether you arbitrarily divert these millions from the business and commerce of the country to nonproductive purposes, or whether you inflate our currency by printing half a billion of notes, in either event the economic consequences are bound to be far-reaching, and, if business judgment and experience be worth anything, harmful.

Finally, it is evident that whether the money be first obtained from the banks or by Treasury borrowing, or by whatever other means may be devised to postpone the settlement, ultimately these charges must be met out of taxes. Let there be no illusion, then, on the floor of this House or among the people of the country. If this bill becomes law, all hope of early relief from existing tax burdens disappears. We may have to increase taxes; we certainly can not reduce them. This is all the more disappointing because this administration and this Congress had made such splendid progress with the program of drastic economy and reduced taxation that, in spite of our heavy annual fixed charges, it was not too much to anticipate a $3,000,000,000 budget in the near future; and when annual expenditures reach a maximum of $3,000,000,000 the remaining war taxes can go, high income-tax rates can be reduced, and I am satisfied that we can work out a well-rounded system that will not weigh too heavily at any one point and will not constitute too great a burden for us to bear. You are going to vote that hope away to-day. You are going to wipe out all that the President and you yourselves have accomplished in the last year, and you are going to serve notice on the merchants, the manufacturers, the farmers, and the workingmen that if a business revival is to come it must come without the help of this Congress, which by passing this measure irretrievably commits the Government to a policy of increased expenditures and continued war taxes.

I hope I have overdrawn the picture and exaggerated the consequences; but surely the dangers are sufficiently patent to warrant prudent men accepting the President's advice and postponing action. [Applause.]

Mr. FORDNEY. I yield one minute to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Speaker, the people of the State of New York, by a vote of over 3 to 1, have declared themselves in favor of the soldiers' bonus. [Applause.]

On the occasion of the memorial services held on the 26th day of July, 1918, at La Ferte, France, when the Twenty-sixth Division came out of Chateau-Thierry, I told those boys over there that the great moral obligation which the American people owed them would be paid some day. The day of payment has now arrived. It is here, and this Congress is going to show to the country and to those boys who fought for us so bravely under most trying conditions that we remember the obligation and that we are going to give them that which we promised them. We have not forgotten and we never will forget them. [Applause.] It took courage to face the enemy over there, but it takes no courage to refuse to vote these boys a fair deal. Patriotic Americans are always ready to pay their taxes, and especially so to compensate our heroes to some extent for the sacrifices they have made.

Mr. Speaker, the whole country during the war praised the heroism and gallantry of the famous "lost battalion" of the Seventy-seventh Division, made up of East Side boys from New York.

It was a time when the ordinary unknown soldiers showed their courage under trial.

As Col. Charles W. Whittlesey, of the famous "lost battalion," said on November 11, 1920:

> They were in a forest in northeastern France in a cold and damp October, without rations, without surgical attention, cut off, as they supposed, from the notice of their fellow men; they gave to the day's hardships and duties a courage and plain human kindliness that will always make one proud of the record of the American soldier. Such achievements are not attributable to any officer or group of officers or leaders. They arise from brave men working unselfishly together with faith in the cause which they serve. When an individual shows courage under stress we feel a thrill at his achievement, but when a group of men flash out in the splendor of manliness we feel a lasting glow that is both pride and renewed faith in our fellow men. And as a member of such a regiment, for which I feel deep affection, I feel a bond of understanding and fellowship for the American soldier in every place and time, doing his job simply and finely, asking neither sympathy nor praise. May the armistice be lasting and these great qualities find their true place in peace.

Colonel Whittlesey, unable to see the sufferings of the disabled men who were unable to obtain hospitalization or proper compensation, decided to end it all and drop into the sea. His memory lives for all time, because he is now one of those "up there."

In his battalion was a buck private whose name was L. C. McCollum, who wrote a poem which expresses the views of the ordinary private who saw service on the other side, entitled:

THE PRICE.

Now listen here, old pal of mine,
I've fought from the Vesle clear up to the Rhine,
At Chateau-Thierry and in the Argonne Wood,
I did my bit as best I could.

Why, I've cut my way through an ocean of wire,
And stood the test when under fire;
I've lain in the cold and the rain all night,
Fought like hell for what I thought was right.

I've marched to the band, and felt mighty proud
Because I was one of that fighting crowd.
Now I'm back in this land of ours,
And will be in my civies in a few short hours.

But somehow or other it all seems bare,
And I feel like hell when people stare,
For some are thinking of loved ones lost,
And others of how much we're going to cost.

And that's the bunch I'm sore about,
The patriot who was so willing to shout,
Then turn us out when we came home
On two months' pay in the world to roam.

If I had the time, I would repeat what I said on May 29, 1920, as to why I voted for adjusted compensation for the veterans at that time. I then said on the floor of the House as follows:

> Mr. SIEGEL. Mr. Speaker, I voted for war. I voted for the selective draft. I saw thousands of young men, making up the manhood of America, leave our shores to go to France to fight to uphold that which we maintained must be upheld regardless of expense, namely, the freedom of the seas. Later on I saw these same boys in battle upon the other side. I had been probably the only Member of the House of Representatives who had actually seen and been on board one of the first ships which left our country to carry America's best to the other side. That was two months after we had declared war. Later, I saw thousands of other men who had either volunteered or answered the call of duty under the selective draft law leave our shores. In Europe I saw how our boys in many instances made the supreme sacrifice, and my eyes will never forget those terrible scenes of men wounded, others crippled, and others being buried.
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> There are some people here whose sole underlying thought while the war was on was the accumulation of wealth. Many of their next of kin found soft places at home. On the other hand, there were sons of great men who gave to the Nation all that they had when the war was on. Many voices were raised urging our people to buy Liberty bonds, encouraging patriotism, and arousing others to herculean efforts to help win the World War. Upon the lips of men one could hear the constant cry that when the boys came back there would be nothing too good for them.
>
> Others who went through the struggle and came back found that many of their pals, friends, and relatives who had not answered the call, or who for some reason or another had been permitted to continue work in factories and shipbuilding yards, had grown fat with prosperity, while the veteran had given even his life for a dollar a day.
>
> Our brave boys entered the service with only one thought—that was to give their lives to save the Republic. Solemn as their duty was and fully recognizing that they might not return, they showed courageous faces when saying good-by to their next of kin. They felt that surely while they were in the dugouts of France those who were being left in America would be prepared to make sacrifices, the same as they were making.
>
> Upon their return home what did they—our brave boys—find? They discovered that the cost of living had been permitted to rise beyond comparison; that every tax which had been laid upon a manufacturer, middleman, and retailer had been passed on to their next of kin, with an additional profit. They beheld, also, that nobody at home had had any other thought, apparently, except to see how much money could be had from the Treasury of the United States.
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> No wonder, then, their amazement grew into wrath. They felt that they were the only ones who had given their most to the Republic.
>
> In addition, the Government failed lamentably in taking care of the wounded, the crippled, and the maimed. Its lack of efficiency in paying allotments had become a public scandal. All of those things made the ex-soldiers feel that they had been unjustly treated.

Not every veteran will apply for the adjusted compensation. Each man must determine this question for himself. I do not believe that this is the fairest bill either to the veteran or to the taxpayer. No one likes to pay taxes. Our method of taxation has never done justice and never will. Our methods of taxation were failures during the war, as we can readily see by the 33,000 millionaires that the war created.

I am firmly of the opinion, and I say so advisedly, that the attempt made through this legislation to satisfy in some small degree the men who are the mainstay of our country will be a very small cost compared to the feeling of dissatisfaction which the failure to enact it is bound to cause.

Let some of those who are opposing this legislation answer the question as to whether they themselves would have made the sacrifices upon the fields of France in the face of the most terrible conditions and under the grave hardships which our men underwent, and ask themselves whether they do not believe that those men are getting a small recompense compared to what men got who remained here. They did not fail us in the time when we needed them, and we must not fail them now. [Applause.]

Mr. OLDFIELD. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Speaker and gentlemen of the House, a great deal has been said here to-day for and against the passage of this bill. Some criticism was made of the minority report. I signed that report and I would not retract a single word of it, especially after what has happened here to-day. [Applause.] Mr. Speaker, you placed me upon the Committee on Ways and Means, and when I joined that committee it was with the expectation of taking part in the legislation referred to that committee. What has happened? Your committee has had one meeting, and one meeting only, upon the subject of this bill, and that was one week ago last Tuesday when the majority of the committee brought in the measure and immediately made a motion to report it to the House.

It has been claimed that this bill is satisfactory to the ex-service men. No, Mr. Speaker; it is not. It is not the bill they asked for. It is not the bill they want. But, like the Members of the House who are in favor of a bonus, the veterans must take what they can get, and we of the minority party are obliged to vote for a bill which was prepared and presented by the majority party in the committee without consulting its Democratic associates.

Mr. Speaker, I believe this bill is an insult to the intelligence of the veterans of my country. Yet I must vote for it. I coincide and agree with the statement the chairman of this committee made in a speech a few days ago in the western part of the country, when he criticized those who are opposing this bill. He told his audience in effect that the people of the country cheered the boys when they went to the war and in their minds and hearts promised them everything within the gift of the country if they came back from "over there." And up to the present time, although the activities of war ceased three years ago, we, the people, have done nothing more than praise their work.

The chairman of this committee was right in his statement, and while this measure is not all that its title suggests or what I believe is due the veterans of the war, I must vote for it because it is the only thing presented for my consideration.

As a member of the committee I have yet to have one man or one Legion post or one camp of Veterans of the Foreign Wars in my district ask me to vote for this bill. I have talked with members of the Legion, for I wanted their views, and without exception they have said to me, "Give us something and we will pray for justice at the other end of the Capitol; they can see what the Members of the House can not see, and will give to the men who have served their country at least a fair consideration."

The gentleman from Kansas claims that the Democrats never appropriated money for the soldiers when that party was in control of the Government. Mr. Speaker, every dollar appropriated for the war was voted in this House regardless of party; when the war was on and the men for whom this measure is to pass the House to-day were being shipped to the fields of France there were no party lines, and this is not the time to make war expenditures or war appropriations a party issue.

For three years the Republican Party has had control of the legislative branch of this Government, and in that time this House has passed a bonus bill. That bill was defeated and laid aside in the Senate by the vote of a Senator who has been charged with purchasing his seat.

Mr. CLARKE of New York. What?

Mr. TAGUE. Yes; and the country knows it.

Mr. COPLEY. Give us the evidence.

Mr. TAGUE. The evidence is on file in the Senate. Mr. Speaker, this criticism of what the majority has said and done is justified when to-day I, as a Democratic member of the Committee on Ways and Means, must go to the Republican side of the House to get a few minutes in which to express my views on this bill.

Who are opposed to the bill? Who have called on Congress to defeat it? The only people who have approached me, and the only ones who have requested me to vote against this bill, are the men who rolled up their wealth while the boys were fighting in the trenches in France. They are the ones who should pay the bill and would be compelled to pay had you not enacted into law their exclusion. Those who by their excess profits accruing from pilfering and profiteering on everything essential to the successful prosecution of the war almost destroyed the great work and service performed by the soldiers, sailors, and marines of the country. [Applause.]

Mr. FORDNEY. I yield 12 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, the gentleman from Kansas [Mr. CAMPBELL] this morning had something to say about the Democratic minority report. I have something more to say about it, particularly in view of the statement made by the gentleman from Massachusetts [Mr. TAGUE], who has just left the floor, that he is proud of it and would not withdraw one word. I say to you gentlemen that if anything was necessary to absolutely justify the course the Republican Party to-day has taken in providing for the consideration of this bill, it is to be found in the report signed by five out of eight of the Democratic members of the committee. I say to you that in all the years I have been in this House never before have I seen a report or document here submitted so cheap, so fatuous, so wantonly vulgar, so disgraceful as is this report. I absolve my friend from Georgia, Mr. CRISP, from any complicity in the writing of it. He had the manhood to say that he did not approve of many things in it. Other gentlemen seem to be proud of the fact that they have at least given their O. K. to the report whether they may have written it or not.

Now, my friends, in what situation do you find yourselves?

The gentleman from Arkansas is about to vote for a bill which he himself describes as "an insult to every war veteran." The gentleman from Georgia supports a measure which he has described as "a shameful discredit to Congress and the Nation." The gentleman from New York in his zeal to reward the war veteran is about, using his own words, to "stab him in the back," and the gentleman from Massachusetts, while professing imperishable love for the service man, is about, according to his own statement, to give him a "gold brick." [Laughter.] There is consistency for you. I am going to read one sentence from this report, and while I dislike to besmirch the CONGRESSIONAL RECORD, I think the country ought to know some of the things that have been written by these five gentlemen, or at least O. K'd by them. I read from page 3 of the report:

So we are presented with the shameful spectacle of the party that aborted the war, divided our country's war associates, disgraced the peace, deluded the people, deceived the veteran, deserted the wounded, relieved the profiteer, reduced the millionaires' income tax, repealed the excess-profits tax on the profiteers, and which still maintains a blasphemous, bibulous bootlicker at the Court of St. James to besmirch with his drunken banquet babble the high war purposes of the American people and the inspiration of the American soldiers, now offers to redeem its reckless campaign pledges with an I O U, designated a "certificate," which the administration has, in advance of its issue, fatally impeached and discredited.

[Applause on the Democratic side.]

In spite of the applause by some gentlemen on that side, I characterize this as the most disgraceful, the most vulgar language ever contained in a report submitted to the American Congress. [Applause on the Republican side.] I am not here for the purpose of defending, and I do not intend to defend, the gentleman at whom this gross insult is leveled; but I say this, that it will not hurt him more than it will hurt the President of the United States to be described as you gentlemen describe him in this report as a "briber."

You say the Republican Party "aborted" the war. That means, if it means anything, that the Republican Party stood for adequate preparedness for war and tried to force your side to make such preparation, but you were so intent upon winning the coming campaign on the issue "He kept us out of war" that you would not pay heed to us.

The gentleman from New York [Mr. CROWTHER] yesterday used a colorful phrase. He referred to "the stinking cheese of pacifism." That is the ration you fed to the American people during that campaign.

I am proud that it was my party which urged preparedness. I was proud to follow the two great pioneers in their insistence, day in and day out, for preparedness. I refer to our beloved former colleague in this House, Maj. Augustus P. Gardner [applause], and to one of the greatest of all Americans who ever

lived. I am going to do something now which I never have done before and read a portion of a letter from him. This was written to me a few days after the death of Gus Gardner, and the sentence which I wish to read to you is as follows:

Poor Gus! He was the first advocate of military preparedness and efficiency and the first victim of military unpreparedness and inefficiency.

It is signed "T. R." [Applause on the Republican side.]

You say that the Republican Party has divided our ex-war associates and disgraced the peace. What party was it that brought together our war associates only a little while ago in the city of Washington? What party was it that has made possible the passage of a number of treaties which are going to secure the peace of the world? [Applause on the Republican side.]

Many of you were sitting in the gallery when Mr. Harding's great Secretary of State, Mr. Hughes, in his opening speech did more in 20 minutes to secure a lasting peace of the world than Bryan or Wilson ever did in 20 years. [Applause on the Republican side.] You say we shamed the peace. What we did was to see to it that that un-American monstrosity, the League of Nations, was beaten in Congress; and that its defeat was indorsed by a popular vote of 7,000,000 majority. [Applause on the Republican side.]

You beseech us in this report to "treat the boys white." What would happen if you had the opportunity to amend this bill in the way you announce in the report that you would amend it? You would restore the cash bonus and you would pay it out of a reenacted excess-profits tax and a reenacted tax of 73 per cent upon the higher incomes; but you know that if such a measure could pass, which God forbid, it would be vetoed at the other end of the Avenue. You talk about a gold brick. You know that your proposition would be to "hand the boys a gold brick."

Mr. COCKRAN. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. COCKRAN. Could the gentleman assure us now that this measure will be approved at the other end of the Avenue?

Mr. LONGWORTH. I shall answer the gentleman frankly. I have read every statement, written and oral, that has been made by the President of the United States on this subject. I have conversed with him repeatedly, both before and since he has been President, upon this question; and while I do not assume for a moment, as no man should, to speak for the President, I say from my knowledge of what I believe to be his views that this bill meets the fundamental objections he had to House bill No. 1. Furthermore, if the bill should pass the Senate in substantially its present form, as I believe it will, I shall be very greatly surprised if it does not receive the approval of the President. Do I answer satisfactorily the gentleman from New York?

Mr. Speaker, I concede that this bill is not ideal. Personally, I should have been glad if House bill No. 1 could have been passed carrying with it a provision to raise by a small rate of taxation, spread over a very large sphere of taxable objects, the money necessary not only to pay the cash that might be at once needed but enough in addition to furnish a sinking fund which should wipe out the entire obligation. But that is impossible, and everyone knows it is impossible under present conditions and in the present temper of Congress to enact a sales tax.

There was but one way to meet the objection of the President, the objection that the Treasury could not afford now to pay out a large sum of money with no means of taxation to provide it. That objection is met in this bill. This bill is not a cash bonus bill, and comparatively nothing will be necessary in the next three years with which to finance the bill.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. FORDNEY. Mr. Speaker, I yield three minutes more to the gentleman from Ohio.

Mr. LONGWORTH. Mr. Speaker, I have no quarrel with those gentlemen who conscientiously believe that it is wrong to pay an able-bodied man a financial reward for service, pure and simple, but the fact remains that every other country has done it and that this country has invariably adopted that principle at some time after every war. I am rather impatient with some of the arguments we hear. I have seen in newspapers, I have heard through the mails, that it is immoral to admit the principle of bestowing upon able-bodied men any financial reward.

Yet my own State last fall by a vote of more than 4 to 1 indorsed that principle, and while it does not necessarily mean that those who so voted are in favor of a Federal compensation law, yet it means that they favor the principle of the payment of financial reward to able-bodied men. If I were a man of big business, with real vision, I should be glad to see the veterans of this war given an opportunity to pursue vocational training, to be given an opportunity to settle on farms and to build homes. I should be glad to see a great majority of the ex-service men in possession of an insurance certificate running for 20 years. If there is anything in the world that will prevent an organized and successful demand within the very near future for a pension based on service alone, a demand which would cause the sums carried in this bill to pale into insignificance, this bill will do it. If any man objects to this legislation because, perchance, he will have to pay some part of the cost later on, it seems to me that the objection is short-sighted. I do not believe the bill will interfere with the return of prosperity. I do not think that it is going to hurt the banks of this country to lend less than eight-tenths of 1 per cent of their assets on a security that is as good as gold. The only objection offered by the Treasury Department from the banking point of view is that this bill as originally offered would create assets that would be "frozen" for three years. That objection, it is conceded, has been obviated by the amendment adopted by the Ways and Means Committee and now a part of the bill. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. GARNER. Mr. Speaker, I yield myself two minutes. Mr. Speaker, I agree with the gentleman from Illinois that it is sometimes dangerous for a Member of Congress to criticize a measure for which he intends to vote. But the minority views expressed by my colleagues on this side are not the only ones that come within that objection. I heard a gentleman stand on the floor of the House this morning and defend this measure, and it was somewhat of a surprise in view of his declared position no longer than the 17th day of this month. Here is what the gentleman is reported to have said, and I understand it was in his own handwriting:

There is little merit in the proposed bill. It is entirely too indefinite and uncertain in its provisions.

Viewed from any angle, the Treasury Department faces a very difficult proposition to solve its financial problems, and it is unfair for the House to impose any greater hardship.

That statement was made by the chairman of the Republican congressional committee, the gentleman from Ohio [Mr. FESS].

Mr. FESS. Will the gentleman yield?

Mr. GARNER. I do.

Mr. FESS. That statement was not made by Mr. FESS. The statement that I made was that the loan feature of the bill was indefinite, and I did not like that feature of it. I said to the gentleman to whom I was talking that I did not favor that feature of the bill.

Mr. GARNER. Mr. Speaker, the minority criticized that feature of it that the doctor is reported to have criticized also, so they are not entirely inconsistent with this statement of our Republican friend, Dr. FESS. I do not know whether the doctor made this statement or not. All I have is from the New York Herald, a Republican paper. [Laughter.] Oh, it is; you may repudiate it now, but it is.

The SPEAKER. The time of the gentleman has expired.

Mr. GARNER. I yield myself one additional minute. Mr. Speaker, it is at least put down in the category of Republican newspapers and quoted as such, and the young man who furnished me this paper and who took the interview from the doctor assured me he was correct, or else I would not have read it into the CONGRESSIONAL RECORD. Now, it is a question of veracity between the doctor and the Republican correspondent of a very distinguished Republican newspaper; but I take the doctor's view of it, and I beg pardon if the gentleman——

Mr. FESS. Will the gentleman yield just a moment? The gentleman stated it was in my handwriting. I never submitted a written interview to any correspondent of any newspaper.

The SPEAKER. The time of the gentleman has again expired.

Mr. GARNER. I yield myself one additional minute. Does the gentleman deny that he is the writer of this interview in the New York Herald?

Mr. FESS. I most certainly do.

Mr. GARNER. That is sufficient.

Mr. FORDNEY. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. FAIRCHILD].

Mr. FAIRCHILD. Mr. Speaker, it is to be regretted that sufficient time has not been accorded for debate upon this important question of adjusted compensation for the American soldiers who served in the European war. Adequate time should have been allowed to permit discussion in orderly fashion here upon the floor of this House by each Member having views to express. Four hours for debate with a membership of 435 is

not sufficient. The effort to crowd the debate into four hours has created here the usual farcical spectacle too frequently witnessed on this floor. Debate has degenerated into one minute allotment of time, schoolboy fashion, to many Members, with little or no opportunity for debate to any.

I have no fault to find with my genial friend from Michigan [Mr. FORDNEY], the chairman of the Ways and Means Committee. I feel instinctively sure, with my knowledge of him, that he endeavored to obtain sufficient allotment of time for orderly debate. The fault lies with the rule just adopted and with the sponsors for that rule. I would have voted the more willingly for the rule if it had given a time for debate appropriate to the importance of the subject.

The rule does not permit amendments to the bill, but no fault should be found with it on that score. It has been too well understood that the desire to offer amendments rests with the advocates of excess-profits tax, increased surtaxes, and other pet forms of additional taxation of the kind that stifles business enterprise and injures mostly not the rich but the struggling men and the unemployed. It was very proper not to permit the adjusted compensation bill to be used as a vehicle to exploit additional taxation schemes harmful to the business life of the Nation. But the rule should have permitted more time for debate.

Mr. Speaker, although for the reason indicated I voted reluctantly for the rule, I shall vote very, very willingly for this bill when it comes to a vote. [Applause.] I have purposely refrained until now from making this announcement. To neither advocate nor opponent of the bill have I committed my vote in advance. Of this, my correspondents on both sides of the question can bear witness.

Although I, myself, am a firm believer in the principle of adjusted compensation for the returned soldiers, I have felt it due to each constituent desiring to communicate with me on the subject to hold myself as near as humanly possible open-minded for the consideration of any argument or suggestion that might be presented. Every communication has been personally read and properly considered by me.

When letters from opponents of the bill have mirrored the misrepresentations of the press, I have fervently wished that there could have been opportunity to discuss with these correspondents the various features of the proposed legislation. I have realized that unfortunately the active business man has little opportunity for independent investigation and is therefore of necessity dependent upon the press and becomes the unconscious victim of lying propaganda.

And I may say in passing that the gross misrepresentations of the press opposing this proposed legislation have equaled if not exceeded in mendacity any previous instance within my experience and observation.

Mr. Speaker, I have also been unwilling to be committed for or against the particular bill under consideration until I had opportunity to sufficiently acquaint myself with its provisions. It is one thing to favor the principle of adjusted compensation. It is quite another thing to approve any and every proposition advanced for the purpose of accomplishing a desired result. I am free to say that if the adjusted compensation bill had come before this House saddled with any of the injurious forms of taxation which recently so aroused the righteous indignation of the business public, I would have been compelled to vote in the negative. I am rejoiced that the committee has reported out a bill for which I can cheerfully vote.

I have spoken of the mendacity of the press. In that portion of the press opposing this legislation it has been repeatedly suggested that Members of this House are being subjected to threats, coercion, and undue pressure upon the part of those who favor this legislation. I have received letters from good, sincere friends at home, misled by this false propaganda, urging me not to surrender to "the threats of bonus propagandists." Mr. Speaker, upon my solemn oath, up to the present moment I have yet to receive the slightest hint of a threat from those who favor this legislation. I have received from them appeals and arguments upon the merits, but not the slightest semblance of attempted pressure or threats.

It is true that I have received threats; that I have been subjected to attempted coercion; that a considerable number of communications have attempted to influence my vote on this measure, with threats of loss of votes for me on election day. But, Mr. Speaker, communications of this nature have been limited exclusively to those who have written in opposition to any adjustment of compensation for the boys who were taken away from opportunities in life and sent to the battle front at one dollar and one dollar and a quarter per day. From those who have sympathized with these boys, with their lost opportunities, with their present lack of employment, with the uncertainties of their future, has come no word of threat, not even a word of protest. Only kindly appeals have come from them. The intolerant demands, coupled with threats, have come only from their nonsympathizers.

For the great majority of those who have thus threatened, no one should have other than a kindly thought. It is evident that they have been misled, carried away by the false notion that the alleged "bludgeon" was being used by the proponents and therefore should be offset. How little they have realized that they themselves were misled into being exclusively guilty. Already I have received an apology from one who, unprompted, has taken a second thought and has been willing to believe the truth that the legislators here in Washington have been conscientiously endeavoring to arrive at a just conclusion uninfluenced by threats or attempted coercion from any source.

To those who have attempted to influence my vote against this adjusted compensation bill, not by argument but by threats of reprisal, let me suggest that ever present before me in my home there has stood for years, in a frame, these inspiring words of the immortal Lincoln:

> I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have.

Mr. Speaker, in the war Congress I voted for the declaration of war, and I voted for the selective service law that took these boys from their jobs, from their opportunities in life, and sent them to the battle front. You will recall, Mr. Speaker, the burden of responsibility felt by all in this House at that time. There was no lack of understanding. We fully realized what it all meant.

We could foresee the great loss of American lives, and, if life was spared, the sacrifices required of our young men who would return home disabled not only in health and limb, but also in lost opportunities in life's struggle. We could foresee all this. And we could foresee the great burden of indebtedness under which this country must struggle for many years to come. It was no easy task. The thought of the boys who would be torn from their homes brought tears to the eyes of many as they voted for war. Those were days burdened with heavy responsibilities, from which there was no escape. I for one am glad to be here in this Congress on this day to vote for some measure of recompense to the disabled boys—to those disabled physically something additional to what they are now receiving, and also something to those disabled in lost positions and lost opportunities in life.

One good neighbor wrote me recently in opposition to the proposed legislation. He wrote feelingly of the loss of my only son in the war. In his reference to adjusted compensation legislation I take the liberty of quoting from his letter:

> No one could give more than you gave to the war—your son. And I am quite sure that if he were living to-day he would feel that money offered to him for the service he did could only place those services on the same plane and the same basis as other things that can be bought with money.

To this suggestion I could only reply that—

> I appreciate deeply what you say in regard to my son. You are quite right. I am sure that if my son were living to-day he would not accept the bonus if offered. He would not need it. I am also quite sure that if he were here his lack of need for himself would not prevent him sympathizing with the many who have returned from the war in need and disabled through the loss of position and opportunity. That thought is one of the elements which I feel bound to consider in my efforts to reach a right conclusion.

Mr. Speaker, this reference to my personal loss took my mind back to 1917, and to a thought in my mind when in the spring of that year my son graduated at Yale in the class of 1917. I recall how rejoiced I then felt that my boy had finished his college course before the war came to take him away. Then, Mr. Speaker, my thoughts turned to the boys who had to be taken from college before graduation. They would be too long away to make it possible ever to retrieve the lost ground. Those of the class of 1917 were fortunate. But how about those of the later classes in the colleges of the land? No hope for them.

And, Mr. Speaker, what about the young men who were then just starting in a business of their own with thrifty savings all invested in the venture? The selective service law for which we voted permitted no exemption because of loss of business. The business had to be sacrificed in each case when the young man was taken. His accumulation, with his life's ambition, was destroyed overnight to meet the exigencies of war.

And how about the boys taken from jobs that meant more than the then job? In the great corporations where many were employed the job meant a life's opportunity. How about them when they returned to find the places filled by those who had not gone to the war? Is there nothing to be said for these when it is proposed to readjust to some small extent the pit-

tance of a compensation accorded to them under the exigencies of war by our votes when they were taken away?

Accorded to them by our votes! I recall, Mr. Speaker, the debate on the selective service law when the $1 per day was agreed upon. We named $1 per day, and then later $1.25 for overseas duty. We dared not name more because we did not know how long the war would last. If we had then named $2 per day and $2.50 for overseas duty, no voice would have been raised in protest, and it would have been little enough. No one would have called it "placing a dollar mark on patriotism." Patriotism impels the young man to go, but patriotism requires of us who could not go that some just consideration be accorded to those who suffered the sacrifice.

Let me quote from one of the speeches of the day—April 28, 1917—when we adopted what legislation termed the "selective service" law and the newspapers designated "conscription":

Back of it all I want to see this Government, great and rich and resourceful as it is, furnish the means to pay the men who go to the front to fight its battles for it at least as much money as men can earn at home who are left out of danger to continue in the vocations that will furnish them prosperity not only for the present but after the war is over, when the soldier boys are out of their jobs.

This sentiment met with applause, but the soldier boys were voted only $1 per day. Now we propose to readjust this compensation with $1 per day additional and $1.25 per day additional for overseas service. There is no element of gift, no element of gratuity, in performing this act of justice.

I, for one, can not understand how any Member of this House who then voted to conscript these boys at $1 per day under the exigencies of war can now fail to readjust the compensation on the basis of $1 a day additional. These boys by their valor shortened the war. If the armistice had been delayed one month, the additional cost to our Government would have been far greater than the total involved in this readjusted compensation. Every other country associated with us in the war has since the close of the war granted additional compensation to the returned soldiers. Is this country of ours, the richest country of them all, to be the only country to refuse readjustment of a pitiably small pay to the soldiers who have sacrificed so much to gain the victory for our flag?

And what will be the total cost of this readjusted compensation? One New York paper, which I have read daily since my maturity and shall continue from habit to read, notwithstanding its present despicable misrepresentation, has repeatedly reiterated the falsehood that it would cost $5,000,000,000, intending to mislead its readers with the thought that on a cash basis, paid now, the Government must raise additional taxes to that amount. The fact is that under the provisions of this bill no additional taxes will be required. In place of a present cash payment the bill offers a 20-year paid-up endowment insurance policy. The total 20 years hence, with all the 20 years of interest accumulation, provided every soldier continues his policy, would then amount to not more than $4,500,000,000. The average adjusted service pay for each man amounts to $374, and with the 25 per cent added, as provided in the bill, to $467.50. With 4,000,000 men in the service, the present actual value of the settlement amounts, therefore, to less than $2,000,000,000, a difference of more than $3,000,000,000 between truth and newspaper falsehood.

Mr. Speaker, I have yet to meet a man from home opposed to this bill who has the faintest conception of its provisions, so flagrant have been the published misrepresentations. Many have been aroused by fears of additional taxes when no additional taxes will be required. This Congress has reduced ordinary expenditures more than $1,000,000,000, more than 30 per cent, for the current fiscal year to date. This will mean a saving of more than a billion and a quarter dollars for the complete fiscal year, and a substantial reduction in taxes. A little later on the public will become advised of these material facts. In the meantime we can expect a continuance of the misleading propaganda against the adjusted compensation bill until it has been enacted into law by action of the Senate and the signature of the President. Then and only then will the misrepresentations cease. The public will then have discovered that no increase in taxes has resulted, no dislocation in business, no disturbance in finances, and no injurious frozen credits in the banks.

The savings banks and trust companies can easily absorb all paid-up policies presented for loans. If loans by the banks to the limit permitted by the bill were made upon the maximum total of paid-up policies that can be issued under its provisions, the total loans would not amount to more than eight-tenths of 1 per cent of the total assets of the banks. How absurd is all this talk of frozen credits.

Mr. Speaker, the more I have studied the provisions of this bill the more willing I have been to give it my support. The substitution of paid-up insurance policies in lieu of cash will tend to encourage thrift and will provide immediate cash payment for the full amount of the policy to the loved ones in case of death. It presents a splendid solution of a difficult problem, and it is my hope and belief that it may soon receive the concurrence of the Senate and the approval of the President.

Mr. TREADWAY. Mr. Speaker, I yield to the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, I realize that it will be impossible for me to discuss very many things upon this matter in the limited time I have. I am not a member of the Committee on Ways and Means, and therefore I do not perhaps visit as frequently with the President as some of those members. The gentleman from Ohio, who has just left the floor, was asked the question as to whether the President would sign this bill. I think that question that was put to him by the gentleman from New York was rather evasively answered. I want to say that within a week I had a talk with the President about this bonus bill, and I shall be exceedingly surprised, if we pass this, if he signs it. [Applause.] In that I differ with the gentleman from Ohio.

Mr. Speaker, this question of a cash bonus for able-bodied veterans of the World War seems to me one embracing not only our present welfare but the welfare of this Republic for years to come. I believe that it is a claim founded not on solid ground, but on a principle which, once established, will lead to results dangerous to the solidity of the Republic.

I was amazed at the claim of the men behind this movement. I had hoped that they themselves, after careful consideration and after sensing the disfavor in the country with which their demand was received, would withdraw that demand and coincide with the majority, that their course was not only unjust but unpatriotic. If this bill is enacted it will put to shame our theory that the men of the United States are patriots, and go far to prove that they are mercenary and rendered their great service—a service which can not be repaid with money—from a sordid and unworthy purpose.

If this measure is enacted, the "flag of the free and the home of the brave" will become only a memory, and the defense of the country will hark back to the Roman era, when men of wealth and standing hired mercenaries to wage their battles, that their sons might escape peril.

The very principle of our freedom and continuity as a nation is against measures such as this bill contemplates. Some of these men served voluntarily; some of them were drafted; all fought well. All earned the praise and the plaudits of the Nation, but it is fair to say no one expected a demand of this character from them. It is un-American and almost unbelievable. With America in peril, what we were proud to point to as "the flower of our manhood" were called to war. They were transported overseas and fed and clothed as no Army ever was. They fought valiantly; many of them died in battle, and others are with us to-day, maimed and possibly helpless.

From the date of their embarkation, both east and west, this Government cared for these men better than any other nation ever cared for its armies. Our service of supplies, food, and clothing was never equaled on any field, and our ministration to the wounded was not only beyond criticism but beyond that of any other country at any time—far beyond that of the Civil War veterans, who, by the way, were glad to uphold the Stars and Stripes and weld America into a solid dominion, free and untrammeled, without demand for extra recompense.

To-day, it seems to me, gentlemen, that America is being asked to pay a premium for loyalty to the country. This bill, should it be enacted, would open the doors to demands which could not be met; the country would sink to the lowest level, as far as patriotism and love of the flag is concerned, and only the question of price for valor would remain. Such a situation was never contemplated by our forefathers, who suffered that we might found a Nation of our own, men who fought to retain that Nation "one and indivisible." When we give way to sentiment, when America's men place themselves upon a mercenary basis, then will follow a disruption of the land, and those upon whom we rely as defenders of the country in time of stress or peril will themselves attempt to fix a price for their services. America is not founded on this crumbling pedestal. It demands now, and will continue to demand, the unpurchasable and untarnished loyalty of its men and women.

However, to my mind a situation is before us for which we are responsible and which we should at a near-by date correct. From the pay of an enlisted man in the Army with dependents at home—members of his family dependent upon him for support—there was regularly subtracted from his Army pay $15 per month. That $15 became known as the allotment which was taken from the soldier's pay and sent to his dependent family; and, at the same time, the Government matched that

amount with $15 directly from the Treasury, and with additional amounts at the rate of $10 for the first child and $5 for each additional child. In any event, every soldier who went into the Great War in defense of the United States, and who left behind him dependents in his family, had taken from his Army pay $15 per month.

I believe that when soldiers volunteer or are drafted to defend their country the Government should assume the entire burden of maintaining their actual dependents at home. Therefore I believe that the Government should pay back to those men the allotments they were compelled to make out of their pay, and balance the debt with them by that action, and assume the entire obligation for the care of dependents, as it should have been assumed in the first place.

I do not believe that the citizens of this country really appreciate what a very small minority of the ex-service men are really enthusiastically supporting and urging the passage of this measure. For example, I recently received a letter from Little Falls Post, No. 31, American Legion, of Little Falls, N. Y., which is a city of about 15,000 inhabitants, where I reside. The letter stated that at a recent meeting of the post a resolution was passed unanimously in favor of the adjusted compensation bill. In going further into the matter the following facts were disclosed: First, there are in the city of Little Falls approximately 750 ex-service men. Of this number only 110 belong to the American Legion. Of this 110 only 50 were present at the meeting and voted on the resolution. In other words, only one-fifteenth of the ex-service men in my home city have expressed themselves. I believe that this proportion holds true all over the country. In my opinion, the result indicated by the vote in this particular case is very significant. I do not believe that the majority, or anything like a majority, of ex-service men in the United States are so lacking in the fundamentals of patriotism and duty to country as to be in favor of this measure.

For the patriotic reasons that I have outlined above I am opposed to this legislation. But there are further economic reasons which to my mind make it impossible for the Government to carry the additional tax burden that will be put upon it eventually by this enactment, should this bill become a law. And if we are to believe the Secretary of the Treasury, the Comptroller of the Currency, and the Governor of the Federal Reserve Board, not one out of ten of those who would receive these loan certificates would ever be able to turn them into banks for cash; and I know of no reason why we should not take absolutely into account the facts which they have laid before us. It would be very ill-advised to put this additional burden upon the people of this country. Everyone with any sort of common sense must know that if we are to pay out of the Treasury within the next few years even $4,000,000,000, it must be paid into the Treasury by somebody from somewhere in some form of taxation. And when we consider the fact that the country is now carrying a loan burden of $24,000,000,000, with the business of the country at almost the lowest ebb in the history of the country, and only just now beginning to start back on the road to normal, I can not see my way clear to be a party to continuing that process any further, and I am certain, after a careful study taking into consideration all of these economic conditions—and I know that this is the belief of many honest, honorable, far-seeing men—that any additional burden put upon the business of this country would continue the depression of the country to such an extent that these able-bodied men who are out of jobs would continue out enough longer to more than offset any gain they might receive by reason of the small amount of money which would come to them through the proposed legislation.

And it is my further belief that the bill before us as now proposed will not be accepted by the President, and there are not enough votes in the Congress, in either the House or Senate, to pass the bill over his veto.

I am absolutely opposed to subterfuge or camouflage in legislation of every form; and I am convinced that there is not one out of ten of the men in this House who are to vote for this measure who believe that it will ever become a law in the form that it now appears. If we owe the able-bodied veteran additional compensation, there is just one thing to do, and that is to create whatever burden is necessary to be paid into the Treasury, by some reasonable form of taxation, and to pay off that obligation to the veterans of the World War in actual money worth 100 cents on the dollar, that will be current for his expenditures on the day that he receives it. This bill does not pretend to do anything of the sort, and therefore for this and other reasons which time does not permit me to state, I am unalterably opposed to it. [Applause.]

Mr. OLDFIELD. Mr. Speaker, I yield to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I voted for the last bonus bill, which died in a Republican Senate. I shall vote for this bill with the hope and aspiration that it shall fare better than the last. I believe we ought to have paid the boys at this time the cash we propose to give them and relieve them of high interest and difficult financing. [Applause.]

It is a sad commentary upon the operations of this, the greatest legislative body in the world, representing the interests of more than 110,000,000 people, that it should be absolutely hamstrung, hobbled, and fettered through a rule of this House, by which it is impossible not alone to amend but to even dot an "i" or cross a "t" in a measure which will mean eventually an expenditure of over $4,000,000,000.

It is hard to realize that Members of this House, of 435 men, elected from every section of this country, representing people in the large cities, the villages, and the country districts, should be assembled here and compelled to either vote for or vote against a measure prepared by less than the Republican membership of the Ways and Means Committee, consisting of 17 men.

The Hon. Champ Clark, former Speaker of this House, during many speeches of his lifetime, said that "a Member of this great legislative body had a just right to be proud of his membership herein, selected from a constituency of more than 200,000 people." I wonder how proud he would be if he were here to-day and found himself voting upon one of the greatest measures which has ever confronted this body, and without the chance of doing anything except talking upon the subject and voting without an opportunity to improve the bill.

I had hoped that when we came to appropriate a sum of money as an adjusted compensation to the boys who wore the khaki and the blue that it would be done in a spirit of freedom from all contention, and with a deliberation in which every Member of this House might express his gratitude that he had an opportunity to do justice unto those who had done so much for America; those men who offered themselves for the defense of civilization, for the enforcement of those rights and privileges of which every American should feel proud; for those men who were willing and those who did fight the battles and brought glory and honor to the American arms.

Certainly no one will contend that under the provisions of this bill we are doing very much in cash adjusted compensation for the American veteran of the World War. We are passing a measure by which we issue to him a certificate of indebtedness upon which he should be able to exercise the fullest freedom and have access to the same financial institutions that the poorest in this country, with proper security, have access to, and yet, as a warning, and in the face of the issuance of such certificate, the Republican Comptroller of the Currency notifies them that the great national banks of the country will be closed to loans upon their security. I do not believe these great financial institutions will stand for such orders.

We have given too much thought, however, as to the cash payments under this bill and previous suggested bills, and too little to the other advantages which will be derived under the bill before us. There are four options, all of great benefit, and each of more benefit to the veteran who can wait than a cash payment would be. For instance:

Option 1. A cash payment in cases where the amount due is not more than $50.

Option 2. Vocational training on basis of $1.75 for each day's attendance at the school, the total payment not to exceed 140 per cent of the adjusted service credit of the veteran.

Option 3. Aid in purchasing homes or farms to the extent of the amount of compensation due plus 40 per cent (immediately available).

Option 4. A certificate of insurance for the amount to increase by 25 per cent. This certificate would be due in 20 years from October 1, 1922, and to draw interest at 4½ per cent per annum compounded annually.

The vocational-training feature will be of wonderful value in that it gives the man a trade by which to earn a competent living, and is worth much to him and the Nation in producing men of ability and skill in various lines of endeavor. The insurance feature speaks for itself. There is not a man who does not know the value of insurance. I say, therefore, that aside from the cash feature of this bill, the other three objects will be of wonderful advantage in the upbuilding and stability of the Nation.

It will be noted that the option giving the veteran the full amount of his money with 40 per cent additional with which to purchase a home or farm is a cash payment, and will materially strengthen our country in that it will provide homes and farms for the veterans, which makes good citizens and strong advocates of a stable government. This provision alone is worth the whole bill.

Many persons have said that if the Government would take care of the sick and wounded it should be enough. May I remind that, in the language of Representative Pou, we do that much for the greatest criminal and the worst pauper in the country. If a criminal or pauper becomes sick or wounded, the hearts of the people immediately go out to him and adequate and often luxurious hospitalization and care is provided. Certainly this is not enough for our veterans. The Government is, however, doing everything possible by appropriations for the sick and wounded veterans, as evidenced by the table which I append and which speaks for itself:

To 299,879 men: Vocational training	$212,724,533.37
To 381,717 men: Compensation	300,141,766.52
To 150,171 men:	
Insurance	283,286,606.04
Marine and seamen's insurance	35,084,378.48
Allowances	282,049,110.33
To 206,037 men:	
Medical and hospital service	99,566,243.00
Administrative	47,078,092.25
Total	1,259,930,729.99

Much has been said about the effect the passage of this measure will have upon Government bonds by reason of the extra burden upon the National Treasury and the increased taxes it will occasion. It is strange, but true, that since it has become a certainty that this bill will pass the House of Representatives Government bonds have really increased in value, showing that the investors in Government bonds have no fear of an adjusted compensation act.

I do not believe the passage of the bill will increase Government taxes in the country. It has been estimated if all the veterans keep their insurance certificates intact and do not forfeit any of it by borrowing and defaulting that their maturity value would reach the maximum of $4,000,000,000 by 1943, but we must realize that this vast sum is distributed over a period of 20 years. If all the veterans were to borrow cash from the banks at once to the full limit permitted by the bill, and should all default upon their notes, it might cost the Government $1,200,000,000 about two years hence by reason of the Government assuming these obligations, but that is the very extreme limit and one which is not likely to happen; certainly will not happen.

I believe the funds necessary for this adjusted compensation can be met without additional burdens. Great Britain has already begun to reduce her domestic debt and has announced that she will pay to the United States £50,000,000—over $200,000,000—as interest upon her debt to us, which is now being arranged for in her budget.

The saving by the reduction of the Army and Navy will amount to more than $200,000,000. These items were not contemplated in the Budget and will more than produce sufficient for the expenditures under this adjusted compensation bill.

The War Finance Board will begin liquidation about July next and release millions to us. It is quite apparent that the demands will be met without additional taxes, and this obligation which must be assumed will be disposed of without further relay.

Many persons think it remarkable that our Government should attempt to adjust the compensation with these World War veterans, and some are even fearful that it will financially wreck the country. Certainly these very persons if the war had kept up another three months would not have said that we could not meet the necessary expenditures, but would have aided in meeting them with the greatest enthusiasm. It was these veterans who brought the war to a close by their valor and bravery, and saved us that expenditure in money, and what is more important in lives. If we could have carried the war on longer, we can with much greater ease compensate these men who fought it to a close. Note what the two dominant political parties had to say in their platforms about the soldiers.

The Democratic Party, in its platform adopted at the San Francisco convention held in 1920, said:

> We pledge our party to the enactment of soldier settlements and home-aid legislation which will afford to the men who fought for America the opportunity to become land and home owners under conditions affording genuine Government assistance, unencumbered by needless difficulties of red tape or advance financial investment.

The Republican platform adopted in the Chicago convention, held in June, 1920, reads as follows:

> We hold in imperishable remembrance the valor and the patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill in appreciation of the services rendered by its defenders on sea and land.

Is it for us to say that we can not do as much for our men as Canada has done? Canada has about 12 per cent of the population of the United States, and 10 per cent of her population enlisted in the war. In 1919 that country paid to her veterans $164,000,000, and that was immediately after the close of hostilities. If this country should pay her veterans in the same proportion according to our population, it would amount to $2,000,000,000, and would have given to the men the cash payment which was provided in the original bill and left a balance in the Treasury of $500,000,000.

The following table will show what has been done by other nations with whom we were associated in the war for their soldiers:

Country.	Maximum payment to enlisted men.	Debt of nation.	Estimated wealth.	Per cent of debt.
Canada	$634.40	$2,345,000,000	$10,000,000,000	23
Belgium	492.00	4,670,000,000	12,000,000,000	39
France	233.53	50,960,000,000	92,500,000,000	55
England	189.54	37,910,000,000	120,000,000,000	32
Italy	73.34	18,650,000,000	35,500,000,000	52

The United States has paid its soldiers $60 each, and its debt is generally estimated at only 7 per cent of its wealth. Comment on this comparison is unnecessary. It speaks for itself.

Then, again, let us take into consideration the national wealth of the various countries involved in the great struggle, as shown by the following table, in which the $11,000,000,000 loaned by the United States to our allies has not been calculated:

Country.	National wealth.[1]	National debt (Austin).	Percentage of debt to wealth.
France	$58,500,000,000	$51,000,000,000	87
Great Britain	70,500,000,000	37,910,000,000	53
Italy	21,800,000,000	18,650,000,000	85
Belgium	5,840,000,000	4,670,000,000	80
United States	[2]286,000,000,000	23,000,000,000	[3]8

[1] By Bureau of Foreign and Domestic Commerce.
[2] National Bureau of Economic Research.
[3] Approximate.

It has been said that it is unusual for this Government to grant adjusted compensation, commonly called a bonus. It has perhaps been overlooked that during the war the Government paid a bonus of $240 a year, or $20 per month, to each of its civil employees drawing less than $2,500 per year, to which no complaint was made though it cost the Government millions of dollars and did no more than justice to the employees. When the Dent Act was passed, which authorized settlement with war contractors whose contracts had been suddenly discontinued when the armistice was signed, $3,000,000,000 was appropriated to settle with them, and there was not a murmur of complaint, though they were paid out of the general resources of the Treasury and no definite taxes were assigned.

In the adjustment of claims of the railroads, the enormous sum of $1,550,000,000 has been paid to them alone, and in addition to that an amendment to the bill provided that the Interstate Commerce Commission should allow them such rates as would guarantee 6 per cent upon the value of the properties.

How can the Government, in the face of these expenditures, refuse to adjust the compensation of the veterans who served at $1 per day for home service and $1.10 per day for foreign service, while in all walks of civil life people were receiving enormous salaries and the great financiers and merchants of the land were enabled to lay aside immense fortunes by virtue of high prices during the period of hostilities.

I am of the opinion many people look upon adjusted compensation as some do upon doctors' bills. When sick they want the doctor to come as often as he chooses, and charge what he thinks his services are worth, but when they are well and the bill is presented, many wake up for the first time to believe the doctor came too often and charged too much. When our boys were charging at Vimy Ridge, when they met the onrush of the Germans at Chateau-Thierry and Belleau Woods, drove them across the Marne and back toward the River Rhine; when they fought the great battles in the Argonne Forest and cleared the sector about St. Mihiel; when they were distinguishing themselves for their valor and bravery, and spreading glory upon the Stars and Stripes, while they withstood the machine guns, bombs, and shrapnel, there was nothing too good for them. Certainly now, after a brilliant victory and peace restored, and the United States recognized as the leader of the world, we

should not lessen our ambition to assist them in every possible manner our resources and our love for them will permit.

Much has been said as to what Washington would do not alone in reference to treaties, leagues, and so forth, but even on the question of adjusted compensation, commonly called bonus. For that reason I quote from data which has been compiled by Mr. E. K. Meade, of Boyce, Va., as follows:

Washington warmly advocated "bonuses," and either largely or entirely through his own efforts secured these for the American Armies of the Revolution: (a) Payment by the Continental Congress of $100 cash in 1779 to each man who had enlisted for the war prior to January 23, 1779; (b) payment of five years' full service pay, in addition to all back pay, to all commissioned officers, voted by the Continental Congress in 1783; (c) payment of one year's full pay, in addition to all back pay, for every enlisted man, voted by the Continental Congress in 1783; (d) gift to all enlisted men of their arms and accouterments, voted by the Continental Congress in 1783.

The Sun indorses as a true statement this: "* * * there is not a single line written by him [Washington] in which he advocates extra presents for his men."

The facts: There are scores of Washington letters containing literally hundreds if not thousands of such lines. See Marshall's "Life of Washington"; Irving's "Life of Washington"; volumes 5 to 9, inclusive, of "The Writings of Washington," by Sparks; also the Journals of Congress from 1778 to 1783, inclusive.

Washington accepted 15,000 acres of land in Ohio for his services in the Indian War.

* * * Washington accepted a cash payment of £300 for his services and losses in Braddock's campaign. He declined to accept any "bonuses" for his personal benefit following the War of the Revolution.

Washington's men shared according to rank in the land distribution following the Indian war. Washington had no command in Braddock's campaign. The "bonuses" received by "his men" after the Revolution have been enumerated. See Irving's "Washington," volume 1, pages 220, 211, chapter 31, also page 369; Washington's letter to Reuben Slaughter, dated "Philadelphia, 25 February, 1792"; his letter to John Witherspoon, dated "Mount Vernon, 10 March, 1784"; his letter to Presley Neville, dated "Philadelphia, 16 June, 1794."

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Further proof: Irving in his "Life of Washington," volume 3, page 376, writes:

"He (Washington) recommended not only that their pay should be increased, but that there should be a provision for their future support by half pay and a pensionary establishment, so as to secure them from being absolutely impoverished in the service of their country. This last recommendation had to encounter a great jealousy on the part of Congress, and all that Washington could effect by strenuous and unremitted exertions was a kind of compromise by which officers were to receive half pay for seven years after the war and noncommissioned officers and privates $80 each."

From Washington's letter to Governor Livingston, dated "Headquarters, 19 February, 1780," this:

"Congress, at my instance, were pleased to order a gratuity of $100 to all men enlisted for the war prior to the 23d of January, 1779." (See also his letters to the board for war in 1779.)

Washington wrote the President of Congress from "Headquarters, Newburg, 18 March, 1783," this:

"For if beside the simple payment of their wages a further compensation is not due to the sufferings and sacrifices of the officers, then have I been mistaken, indeed; if the whole Army have not merited whatever a grateful people can bestow, then have I been beguiled by prejudice and built opinion on the basis of error."

From his headquarters at Newburg on the 8th of June, 1783, Washington addressed a farewell circular letter to the governors of all the States, to be read to every State legislature. "A sacred regard for public justice," says he in his letter, "is essential to the existence of the United States as an independent power," and he proceeds under this heading to urge the States to levy taxes to make good the "bonuses" voted the troops by the Congress.

Space alone prohibits the almost indefinite offering of further proof. All here given and much more is available to any person sufficiently interested to look it up.

Mr. OLDFIELD. Mr. Speaker, how much time have I left?

The SPEAKER. Six minutes.

Mr. GARNER. I will yield the gentleman two minutes, if he desires it, out of my time.

Mr. OLDFIELD. I thank the gentleman. Mr. Speaker, while I shall vote for this bill [applause], I want to say that the certificate plan of the bill is just what we said it was in the minority report. It is a gold brick to the soldiers of this country, and I think I can prove it to you. There are other things in this bill except the insurance-certificate proposition. I am in favor of the home-aid provision, Mr. Speaker. I am in favor of the farm-aid proposition in this bill. I am in favor of the vocational-training proposition in this bill, and then I agree with the gentleman from Ohio [Mr. LONGWORTH] on this proposition—that is, if we had our way about it we would substitute the cash provision of House bill 1. The gentleman from Ohio [Mr. LONGWORTH] spoke of the offensive terms of certain language in the minority report, but he did not say the minority report did not tell the truth.

He called attention to the fact that we allege in the minority report that you repealed the excess-profits tax. He did not deny that that was true. He also calls attention to the fact that we allege in this report that you relieved the multimillionaires of high surtaxes to the amount of $90,000,000 annually, and yet he does not deny that that is true. Now, gentlemen, this bill ought to have been passed just like we passed it a year or more ago. We ought to have had the cash provisions of that bill in this bill, and I offered an amendment in the committee, and would offer an amendment here to-day substituting the cash provision of H. R. 1 for this certificate provision if you had not adopted this rule cutting off all amendments. And is there a man in this House who doubts that the American soldier, the war veteran, would be thankful if the House would do that thing? Do you not know that you are not going to please the soldiers? Certainly you do, gentlemen. But you hope to do what? You hope to put this thing off until after another election, as you did two years ago, because this thing is not operative until after October, 1922, just a month before the election, and it will be impossible for these soldiers to get returns or know what they are going to get until after the next election. That is the reason you place this thing in here. You think you can get by another election. You said to the soldiers before the last election, "We have passed the bonus bill in the House and we are going to pass the bill in the Senate after the election," but you did not do it. Now, you hand them this thing, gentlemen.

I want to say to you that if you would reenact the excess-profits tax and pay these soldiers a cash bonus and get the money in that way, and reenact the high surtaxes, four-fifths of the people of America would agree with us and all the soldiers would agree with us. [Applause.] But we lost $450,000,000 when we repealed the excess-profits tax, according to Secretary Mellon's estimates, and according to what the Treasury Department says. We lost, according to the estimates, $90,000,000 when we repealed the high surtaxes on the multimillionaires' incomes, if you please—$540,000,000 in all, which is more than necessary to pay the soldiers a cash bonus. That is the kind of an amendment we would offer if we had an opportunity. That is the reason we were opposed to this rule. That is the reason the Members in this House, who believe in the mass of the people, in the plain people, would so vote if given an opportunity. And I say that the reason the leaders of the Republican Party in this House had this rule adopted preventing amendments to this bill was because they were afraid that some of the Republicans would join with the Democrats and reenact the excess-profits taxes and high-incomes taxes. [Applause.] That is the reason we did not have an opportunity to vote on this proposition.

What does this do—this makeshift you have here, this gold-brick proposition? It gives the soldier a certificate, say, for $200. He can go to a bank and borrow 50 per cent of that $200 certificate, or $100, provided the bank will lend him the money; and the Comptroller of the Currency says he will advise the banks not to lend one dollar on these certificates. Of course, he would have to pay 8 or 9 per cent on this money for three years. Why did not you gentlemen, if you wanted to save the soldiers as much expense as possible, have the Treasury Department, which is borrowing money to-day, and borrowed yesterday, and will borrow to-morrow, at 4¼ per cent, borrow it and lend it to the soldier at 4¼ per cent? But you want to charge the soldier 8 or 9 per cent interest, which will cost them from two hundred to five hundred millions of dollars in the next three years in interest charges. Is that a fair proposition? Is that anything else than a gold brick?

There are a few corporations in this country that in the five years from 1916 to 1920, inclusive, made over $37,000,000,000 after all the taxes—State, county, and municipal—had been paid. In other words, the corporations of the country, and especially the big corporations, during the war made $40,000,000,000 in the five years, or $8,000,000,000 a year, and those same corporations had never made exceeding $3,500,000,000 in any prewar period. Why not tax these big profiteering corporations on their excess profits and pay the soldiers the cash bonus instead of handing them this gold brick? [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield three minutes to the gentleman from Oregon [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Speaker, although I voted for the soldier bonus bill which passed the House on May 29, 1920, I can not vote for the pending measure. Present conditions are vastly different from those that existed two years ago, and the American people simply can not stand the additional taxes which will result from the enactment of this legislation. The country is staggering under an enormous burden of indebtedness, and further taxation now or in the immediate future, means more unemployment, more industrial depression, and more economic disorders. Such conditions would more than counterbalance the financial benefits which this bill proposes for the World War veteran, for he, along with everybody else, would feel the depression. The country is beginning to see prospects of better business conditions, but these will disappear very quickly if

Congress authorizes additional taxes or passes legislation which will necessitate such taxes.

If the pending bill should become a law, it will afford only a small measure of financial relief to the individual beneficiary who elects to accept the certificate option and borrow on the same at a bank, but the sum total of the money which the Treasury Department must raise to redeem these hypothecated certificates on October 1, 1925, will, according to reliable estimates, amount to $650,000,000, and the immediate cash payments and expenses of administration will amount to not less than $80,000,000 additional. The eventual cost of the legislation to the taxpayers of the United States will be not less than $5,000,000,000.

The Republican platform of 1920 pledged Congress to a program of economy, and a good beginning has been made, but all the good work will be undone if this additional burden is authorized. With a national debt of over $23,000,000,000, with interest and running expenses of the Government amounting to $5,000,000,000 annually, with maturing obligations amounting to $5,000,000,000 during the next 15 months, and with the slim prospect of receiving any substantial payments on our foreign loans, Congress should continue its program of economy rather than pass legislation which will increase the burden of taxation.

The Republican Party is not pledged, either directly or impliedly, to the enactment of this legislation. The Chicago convention pledged continued support to our disabled and infirm veterans of the World War, but not a word was said about a bonus or adjusted compensation. Congress has already appropriated more than $1,500,000,000 for the disabled and infirm, and has done so whole-heartedly and ungrudgingly. The country is squarely behind Congress in fulfilling every obligation to the disabled and the infirm, but I venture the opinion that the country does not look with favor upon the pending measure. What the country has a right to expect of this Congress is rigid economy in the expenditure of public funds and a reduction in the running expenses of the Government, both of which were promised in the Chicago platform. The increase in taxation—national, State, and local—has reached alarming proportions, and the people in every section of the country are demanding retrenchment along all lines.

This bill is open to a number of serious objections. The first is the danger of loading the banks of the country with nonliquid assets. Every dollar tied up in such paper withholds a dollar from the channels of business, industry, and agriculture—channels where money is badly needed at the present time. This objection has been ably and forcefully presented by Hon. Andrew W. Mellon, Secretary of the Treasury, and by Hon. CARTER GLASS, former Secretary of the Treasury.

The measure is also faulty in that it provides no sinking fund or amortization plan for the redemption of the adjusted-service certificate in 1925. This means that the necessary funds must be raised by additional taxation; and, in the final analysis, the burden will fall upon the backs and stomachs of the consuming public. It is useless for gentlemen to deny this, for it is as inevitable as the rising and setting of the sun. Gentlemen may talk glibly about our great national wealth, but money does not grow on trees; neither can wealth be created by running the Government printing presses. For every appropriation made by Congress there must be a tax in equal amount on the people of the country.

Another serious objection is the attempt to satisfy both the World War veteran and the taxpayer until after the next congressional election. The veteran will receive a certificate upon which he can raise only a portion of the money allowed him by the proposed law and the taxpayer will not feel the burden until after the polls close next November. Proponents of the measure may imagine that they are doing something clever in this respect, but the average veteran will not be satisfied with his small amount of cash and the taxpayer will place responsibility where it belongs.

The President of the United States has suggested that the proposed bonus legislation be financed by a sales tax or postponed until the country is better able to stand the increased burden of taxation. The country is apparently opposed to the sales tax, particularly when it is proposed as an additional rather than a supplemental tax. It would seem, therefore, that the only proper alternative is a postponement of the measure in accordance with the President's suggestion. For my part, I intend to uphold the President's hands and vote against the passage of the bill. I have been told that such action will cost me my seat in Congress, but this consideration will not sway me from what I believe to be the pathway of my plain and positive duty.

I have the greatest respect and admiration for those who wore the uniform of our country during the World War and have consistently supported legislation in their behalf, but I feel that this ill-advised and untimely measure will result in no real benefit to them. [Applause.]

Mr. CHANDLER of New York. Mr. Speaker, I am amazed at the number of Members of the House who are opposed to this bill, who believe and assert that it is positively bad and that still declare that they will vote for it.

Of course, we, friends and colleagues here, understand the devious mental processes and the mainsprings of motive of each other. But a stranger sitting in the gallery, a visitor from a foreign country, might be led to ask if it were a habit of the American Congress to think one way and vote another. He might also be led to ask the cause of the phenomenon and to seek the reason for the discrepancy between thoughts and votes.

One of the most distinguished and highly respected Members of this body has just devoted his entire speech to a denunciation of the bill as a miserable makeshift, a fraudulent proposition, a legislative hoax. The climax of denunciation was reached when he declared that the bill was a "gold brick" which the Republican Party was seeking to hand to the people of the country generally and to the ex-service men particularly. And then, to my bewildering astonishment, he declared that he was going to vote for the measure.

The honorable Member from Arkansas is certainly not alone in this strange and incomprehensible attitude of inconsistency and contradiction. I have listened to the debates of an entire day without hearing a single speech of unqualified, uncompromising advocacy and championship of the pending bill. It is probable that no measure ever came before the American Congress that was more completely damned by faint praise than this.

In all the history of congressional action, of parliamentary debate in America, it is probable that no more amazing, disheartening, and disgusting proceeding has ever been witnessed than the filing of the minority report on the measure by five Democratic members of the Ways and Means Committee.

The report deals out scathing, withering criticism of the bill, its plans, methods, and objects, at times employing language approaching billingsgate that is wholly unjustifiable in congressional action and debate.

Permit me to quote a single paragraph, one of the most moderate in character and expression, that typifies, in a way, its entire context, tone, and tenor. In the report we find the following paragraph:

> The due-bill, rain-check, borrow-money bonus mode of payment, as provided by the bill, is an insult to every World War veteran and a shameful discredit to Congress and the Nation. By the bill the veteran is given a scrap of paper and told to go out and hawk it from bank to bank in the hope, after being held up for a high rate of interest, of getting a little cash on it, not, however, to exceed 50 per cent of what the bill confesses the Government now justly owes him.

And this is the concluding sentence:

> When his country called he—the veteran—offered life and limb. What do you now offer him—a "gold brick"?

Candidly, my colleagues, I am convinced that there is much truth wrapped up in the report, and especially in the paragraphs cited. The chief criticism to be offered upon the report itself is the reckless use of unparliamentary language to be found in certain passages, language wholly out of place in enlightened parliamentary debate, and wholly unworthy of the distinguished gentlemen whose names are signed to it.

The great censure to be passed, however, is upon the gentlemen themselves, upon their unpatriotic motives and cowardly conduct in denouncing in such unmeasured terms the bill as bad, and then voting for it. The American taxpayer whose money must pay the bills created by the passage of this measure, the healthy minded American citizen, who has no terror of elections, that does not hold an office and would not hold one if you would give it to him, will naturally ask with indignation and disgust: Why did these men vote for the bill if it were so wretchedly bad as they said it was? What motives prompted them to do it? Were they animated by such bitter partisan hatred of the Republican Party that they were willing to denounce a good bill as a bad one because the Republicans proposed it? Or were they determined to support an admittedly bad bill because they feared outside influences and were willing to save their political jobs at the expense of their honest judgment and at the complete sacrifice of all conscience and manly scruple?

When the vote has been taken the record will show that the Democratic floor leader, Mr. KITCHIN, was the only Member who signed this report that had the courage, conscience, and manliness to square his vote with his convictions by voting against the bill.

In denouncing this minority report and the motives that inspired it, I am certainly not influenced by partisan feelings. The CONGRESSIONAL RECORD of this day's proceedings will reveal insincerity, vacillation, and cowardice on the part of Republicans as well as Democrats. The same record will tell the country that certain brave, conscientious Democrats have refused to sacrifice the Nation's interest to party prejudice and passion or to sinister and threatening influences from without.

The entire proceedings will reveal to the people of the Republic a recreant and time-serving Congress, a majority of whose Members have either privately or publicly denounced this bill as bad and have then voted for it to their own personal shame and to their country's hurt and damage. Shades of the Revolutionary fathers and of the iron-hearted defenders of the Union, shades of Ulysses S. Grant, who vetoed a bonus bill, has the American Congress fallen so low in statesmanship and grown so cowardly in conduct that a majority of its Members are willing to declare a certain measure bad and pernicious and then vote for it because of menacing voices from without threatening them with defeat?

In one of his revolutionary speeches Patrick Henry is said to have exclaimed: "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery?" Paraphrasing, may we not ask to-day: Is a seat in Congress such a precious thing that we can afford to crush honest judgment, stifle conscience, trample upon all the charities of the heart, surrender manliness, and betray the best interests of the people in order to procure or retain it?

The shortest and one of the best speeches in all the debates upon this subject was pronounced by the gallant gentleman from Mississippi [Mr. SISSON], when he resumed his seat after having declared in a single sentence, "Neither my seat nor any other seat in Congress is worth the price that this bill proposes to pay for it, and I shall vote against the measure." I extend congratulations and greetings across the aisle to the brave and conscientious Democrat who uttered this fine and splendid sentiment.

The appalling menace of this measure, my colleagues, is not to be found in the provisions of the bill itself that would saddle billions of dollars of unjust and unnecessary taxation upon the American people. The Nation is strong enough to stand the strain of money pressure and still survive. The great danger to the Republic is in the degradation of American public life as manifested by the conduct of the Members of this House, whose judgment and conscience point one way and whose votes are cast another way.

The historian of the future in scanning the debates of this day will inevitably contrast the timid and vacillating language of Congressmen with the brave and splendid utterances of the heroes of our history.

Listen for a minute:

I have not yet begun to fight! (Paul Jones.)
Don't give up the ship! (Lawrence.)
I would rather be right than be President! (Henry Clay.)
We have met the enemy, and they are ours! (Perry.)
Millions for defense, but not one cent for tribute! (Pinckney.)
I regret that I have but one life to give my country! (Nathan Hale.)
In the name of the Great Jehovah and the Continental Congress! (Ethan Allen.)
If any man attempts to pull down the American flag, shoot him on the spot! (John A. Dix.)

These were the brave words, the patriotic sentiments of Americans of other days, men of blood and iron, whose voices in the Senate were those of Stentor, and whose hearts upon the battle field beat like kettledrums.

Now, contrast for a moment, if you please, this language with the declarations in private conversation and in public debate of the Members of this House upon the pending measure:

The bill is an insult to every World War veteran, a shameful disgrace to Congress and the Nation, but I will vote for it.
I do not believe that the measure is a good one, but the soldier boys at home want it, and let them have it.
I know that it is a bad measure, but I have made a pledge to support it, and I shall have to keep the pledge.
Any man who votes against the bill will be defeated. I shall vote for it.
It may be statesmanship to oppose this bill, but there is such a thing as a statesman without a job. Excuse me.
The bill is damned bunk, but the Legion demands it.

These are almost verbatim quotations of language that I have heard from Members in hotel lobbies, in the lobbies of the House, and on the floor of this Chamber. And these are but specimens of scores of others that I have heard.

I repeat that this spirit of cowardice and surrender on the part of the people's chosen Representatives, the legislative guardians of their national rights and interests, is more dangerous to the Republic than the worst possible industrial and economic consequences of the bill if it becomes a law.

The proceedings are too serious and the time is too limited to enter into an academic discussion of personal traits and qualities of Members of Congress, but I submit that the Nation's welfare is as much dependent always upon a proper and timely exhibition of personal and political courage as it is upon personal and political wisdom and intelligence. It is hard to tell which should occupy the order of precedence in the character of a Congressman, courage first and then wisdom, or wisdom first and then courage. As a matter of fact, the true order should be a hand in hand and breast to breast accompaniment of the two great qualities and virtues in every great crisis of both public and private life. In any case it can not be denied that the absence of either quality constitutes a fatal defect in the qualifications of a Member of this House for public service.

There is inherent in the highest and noblest of the human species a quality of courage which knows no fear; that prefers death and annihilation to dishonor and disgrace; that believes with Cæsar that it is better to die at once than to live always in fear of death, and with Mahomet, that paradise will be found in the shadow of the crossing of swords. This quality of courage is peculiar to no race of men and to no form of civilization. It has existed everywhere and at all times. It causes the spirit of man to tread the earth like a lion and to mount the air like an eagle. To this sentiment of courage, which is natural to man, the proceedings of this day are in bold antithesis, in flat contradiction.

I do not wish, however, to transgress the rules of decorous congressional debate. I certainly do not intend to offend anyone who honestly holds views upon this subject different from my own. For the opinions of my colleagues, who sincerely believe that this is a good measure, I have nothing but feelings of indulgence and respect. Broad-minded tolerance of opposing opinions is absolutely essential, not only in the debates of the Representatives of a free people in Congress assembled, but also in the ordinary social intercourse of private life in matters of friendship and good will. My feelings of resentment have been aroused, my indignation excited, and my denunciation directed against those only that have insulted and outraged themselves personally and have betrayed their country's highest interest politically, by boldly declaring an intention to vote for a bill which they themselves have asserted to be both worthless and wicked.

I am opposed to this bill and shall vote against it, because I believe that it is bad, very bad. I shall square my vote with my judgment and my conscience if it is the last act of my political life. I have served long enough in Congress if I have to stultify my brain and degrade my conscience in order to secure votes for reelection. A congressional mantle becomes a dirty and filthy thing, a Nessus shirt of dishonor and of shame, when purchased at the price of the sacrifice and surrender of political independence and manly self-respect.

But I want it distinctly understood that in voting against this bill I intend no unfriendliness whatever to the ex-service men who served the Republic and the flag so bravely and so well. My admiration and love for them and their great achievements are without limit.

When the hosts of freedom were arrayed in solid masses against the hordes of monarchy upon the battle fields of Europe, our brave boys were there. Great, strong-limbed, ruddy-faced youths in khaki, they surpassed all our expectations and filled our minds and hearts with unbounded joy and pride and exultation. Their heroic deeds shook the very thrones of Europe's tyrant kings and filled their hearts with terror and despair. They met face to face in battle the proud Prussian Guards, the boasted invincibles of the Kaiser, and in terrific hand-to-hand combat conquered and destroyed them. They taught the military despots of Germany that an ounce of freedom in the heart is worth a ton of discipline in the ranks of tyranny. They taught all the European critics of America who have called us merchants, peddlers, and pawnbrokers that we are not only fond of money making but that when freedom calls we derive exceeding great joy from the deafening roar of cannon and from the fierce rapture of a bayonet charge. They wept and broke rules of discipline when refused immediate chance to lead the van and mingle in the awful mêlée, and when finally summoned to the field of battle they sent to generations yet unborn and to centuries yet to come a message of sublime decision and deathless valor.

The grand achievements of our soldiers at the battle front in France are worthy of all our past and prophetic of our future. And when the historian of the Great War describes the mighty conflict and pays fitting tribute to all the splendid nations that waged it, he will say: The Americans were among the greatest, grandest, and bravest of them all. American Cavalry illustrated superbly the dashing chivalry of mankind; American Infantry drove bayonets through columns that never before yielded to the shock of carnage; American Artillery sent unanswered anthems to the god of battles.

The results of the Titanic conflict will be of lasting benefit to all mankind through all the ages that must follow. The great struggle was fought to a finish and the decision was definite and final. Freedom won, despots and tyrants were vanquished, exiled, and executed. Thrones were overturned, and the theory of the divine right of kings was displaced forever by the doctrine of the majesty and sovereignty of the people of the earth. Never again, in my humble judgment, will a few men gathered in Bundesrath or Star Chamber be permitted to imperil the lives and fortunes of the whole human race.

This experience has been the bitterest and the most awful that the world has known. The youngest and best and bravest of 20 nations were offered as a bloody sacrifice to the criminal ambitions of two royal houses of Europe. The possibility of a repetition of this experience is a thing not to be imagined, unless mankind is to abandon reason, repudiate all the teachings and tenets of pure religion and sane philosophy, and relapse permanently into savage and barbaric night.

There has been an awful reckoning with tyrants and despots, but the reckoning must be made complete. There must be no aftermath except the absolute triumph of freedom and the permanent establishment upon the earth of the inalienable rights of man. The recent abortive attempt of Charles of Hapsburg to regain his throne and the mutterings of the monarchists of Germany should put freemen everywhere on guard. To allow a vestige of Prussian militarism and autocracy to remain would be to mock the manes of all the slaughtered dead of every battle field of Europe. To allow monarchy to dictate even one term of peace would be to slander the lives and insult the memories of Washington and Lincoln, and of all the martyred dead of every race and time who made willing and heroic sacrifices of their lives for the freedom of mankind.

If the results of the Great War have been at once colossal and beneficent, if the world has been made safe for democracy by the destruction forever of militarism, absolutism, and imperialism, if a sorely afflicted race has been disciplined and chastened in the trials and sufferings of a horrible catastrophe, if the dawning of a better and grander day is at hand for all the children of men, then our own brave boys who contributed so valiantly and so substantially to the sum total of all these things must not be neglected or forgotten. To them must be decreed not only the laurels that adorn the victor's brow, but to them also must be given, sooner or later, the substantial rewards that a grateful and loving Republic has to bestow. Nothing too good can be said, no praise too high can be pronounced upon all the veterans of the Great War, able-bodied and disabled alike. They carried our flag to victory on bloody battle fields of Europe and covered themselves and their country with glory at Chateau-Thierry and in the Argonne Forest. A grateful Republic should compensate them one and all at the proper time. But that time is not now in the case of able-bodied veterans, who can afford to wait for a more favorable period in the Nation's industrial life and strength.

I am opposed to the bonus bill and shall vote against it for the following specific and enumerated reasons:

(1) Because the bill provides gratuities for able-bodied soldiers whose duty it was to serve their country from no other motive than love of country and flag, and because in the Great War liberty, humanity, and civilization demanded it.

Because to compensate able-bodied men by a cash bonus or by a gratuity of any kind for having served their country in a supreme crisis of its history would have a tendency to degrade American manhood and place a stigma upon American soldiery by branding both with the dollar mark.

I may add in this connection that it was some 30 years after the Civil War before anything in the way of bonus or pension was given to the able-bodied veterans of that war. The relief extended before that time was intended only for disabled veterans. Our young soldiers of the Great War, gallant descendants of the heroes of Gettysburg and Antietam, should feel too proud to tarnish the inherited record of their brave ancestors for patriotic and self-sacrificing service in war and battle, by demanding a few hundred dollars cash at this time for the great work they did in Europe. They should rather emulate the fine spirit and example of the saviors of the Union, many thousands of whom never applied for a pension, even in old age, until they found themselves sick and disabled and had to call upon the country for help.

(2) I am opposed to the bonus bill, because our first duty is to the sick and disabled, and if we cripple and paralyze the tax-producing, revenue-yielding energies of the country by giving millions and billions of unnecessary money to the able-bodied, we shall be compelled, as a matter of national financial necessity, to show at least partial neglect to the weaker, more unfortunate, and more deserving of our soldier boys.

We are now spending more than $1,000,000 daily, about $500,000,000 annually, for these disabled men. We have already appropriated more than $1,500,000,000 for them, and we should appropriate and spend many millions more, if need be. In other words, for the sick and infirm veterans of the Great War we should do everything possible. In the language of the street, the sky should be the limit. But the able-bodied veterans, if they claim compensation at all, at any time, should be content to wait until we have had time to readjust the Nation's finances, rehabilitate the Nation's industries, and re-create national prosperity. They should not at this time make demands that would depreciate every Liberty bond in the Republic, if bonds should be adopted as the means of raising the necessary amount of money to carry out the purposes of the bill, or that would destroy business and create unemployment if direct taxation of any kind should be resorted to.

(3) I am opposed to the bonus bill and shall vote against it, because of its inherent absurdities, inequalities, and iniquities. It is malformed and deformed in almost every feature.

The compensation provided by it is nowhere commensurate with services rendered or with risks of battle incurred. It is meanly discriminating at times against the bravest and most deserving. The man who went abroad and bared his breast and brow to the bullets of the Germans gets no more under four plans of the bill, and very little more under the remaining plan, than the man who stayed at home. The man without a job gets no more than the man with a job. The pauper veteran gets no more than the young millionaire veteran, and, in the nature of things, under the certificate plan, will not receive as much. For, as the minority Republican report truthfully says, the well-to-do veteran can hold his certificate and will receive an increase of 25 per cent over his adjusted compensation, plus compound interest for 20 years, while the man who is obliged to borrow and is unable to meet his note when due, not only loses the 25 per cent increase and compound interest but is compelled to accept 80 per cent on the dollar of that compensation, which proponents of the bill claim he is morally entitled to.

And as a climax to the absurdity, inequality, and injustice of it all, the great majority of the brave women who served the Republic well in its hour of trial and anguish have been completely ignored by its provisions.

It is true that a small number of enlisted women, yeomanettes, so-called, will receive the benefits of the measure. But their number is insignificant when compared with the multitude of other women who crossed the seas to serve the country as members of the Red Cross, Young Men's Christian Association, the Jewish Welfare Board, the Salvation Army, and as women workers of the National Catholic War Council. All these women were as brave and as self-sacrificing as the men themselves.

And let us not overlook the significance or fail to understand the injustice of this omission to include these women under the benefits of this bill. The War Department informs me that they were given a certain military status by Army rules and regulations; that they were compelled to wear a uniform peculiar to their organizations under these rules and regulations; and that they were subject to discipline under the second article of war.

Let us also not forget that the duties of these women were not merely clerical, whose performance was free from danger and privation. Many of them, and especially Red Cross nurses, were in zones of danger within the firing lines. Many of them went with their ambulances across battle fields among the dead and dying, with shells bursting above and all around.

Gentlemen of the Ways and Means Committee, was your sentiment of chivalry, as well as your sense of justice, dead when you failed to include these brave women under the benefits of this bill? Gentlemen of the Rules Committee, was your sentiment of chivalry, as well as your sense of justice, dead when your brought in a rule that prevented an amendment to the bill that would have included them within its benefits? Gentlemen of the House of Representatives, are your sense of justice and your sentiments of chivalry so dead that you will vote for a bill introduced into this House and sought to be passed under gag rule that discriminates meanly against brave and deserving women of our country? What would you say to an American Red Cross nurse who, amidst shot and shell, with eyes beaming grandly and heart beating wildly for flag and country, helped to carry wounded American boys from the battle fields of France, if she should ask you why you gave to an ablebodied American male veteran who stayed at home a bonus for services never rendered and denied one to her? Would not the flush of shame mount to your cheeks, would not your tongue cleave to the roof of your mouth if you attempted to answer her?

It is bad to perpetrate a wrong upon men. It is infinitely worse to perpetrate it upon women.

(4) I shall vote against this bill because the country's business conditions and the state of its finances will not justify the payment of bonus gratuities to able-bodied veterans at this time.

The Great War fell like a curse, like a blight upon the human race. The garnered wealth of centuries of peaceful industry in many lands was sacrificed for naught. Economic and industrial paralysis, political chaos, moral degradation, and mental despair have been the horrible results of the mad orgy of the criminal ambitions of the crazy rulers of the houses of Hapsburg and Hohenzollern.

Our own dear country has been and is still a sufferer in common with other countries that participated in the gigantic struggle. We spent billions of dollars and lent still other billions to our allies, until now our national debt has reached the enormous figure of upward of $23,000,000,000.

In addition to the annual interest and ordinary running expenses of the Government, amounting to nearly $5,000,000,000 annually, we shall have to meet maturing obligations of this public debt, amounting to nearly $5,000,000,000, within the next 15 months, for within that time Victory notes amounting to some $2,500,000,000, Treasury certificates aggregating something more than $1,600,000,000, and war-savings stamps amounting to nearly $700,000,000 will fall due. Within a year from the expiration of these 15 months an additional $800,000,000 of public indebtedness will mature, and each succeeding year will see the maturities of equal or larger amounts until the year 1928, when the third Liberty loan will fall due and the Government must pay $3,500,000,000.

The difficulties of the Treasury Department are certainly great enough at the present time, for it must suggest itself to you that these obligations can not be completely paid off as they mature but must in large part be refunded. Yet, in spite of all this, you propose by this measure to still further tie the hands and increase the difficulties of the Government by voting additional billions of public indebtedness during the very months and years in the immediate future when the strain of the general public debt is heaviest and when refunding operations intended to lighten the burdens of taxation have just begun.

Nobody can tell exactly how many billions of dollars this bonus bill will cost if enacted into law, and where nobody knows everybody has a right to guess. It will depend of course, upon the proportion of the more than 4,000,000 veterans who adopt the different plans. In this connection the opinion of Secretary Mellon, the Government's great financial expert, is more than pertinent. In his letter of January 24, 1922, addressed to Hon. J. W. FORDNEY, chairman of the Committee on Ways and Means, he wrote:

> It is difficult to estimate how much additional taxation would be necessary, for the last bonus bill considered was S. 506, reported by the Committee on Finance of the Senate on June 20, 1921. From the report of the committee and the estimates of the Government actuary it would appear that the total cost of the bonus under this bill would be about $3,330,000,000, of which at least $850,000,000 would fall in the first two years of its operation, with varying amounts over intervening years, and an ultimate payment in the twentieth year of over $2,114,000,000. The minimum cost would apparently be about $1,560,000,000, in case substantially all the veterans should take the cash plan, and the maximum cost about $5,250,000,000 in case substantially all of the veterans should elect to take the certificate plan in lieu of cash. If an unexpectedly large proportion of the veterans should choose cash, the cost within the first two years might run well over $1,000,000,000. It would seem reasonably certain, however, that at least one-half would elect the cash-payment plan, in which event the cost in the first two years would be about $850,000,000, and the total cost would fall between the two extremes, or at about $3,330,000,000. These estimates take no account of expenses of administration or the possible cost of vocational-training aid, farm or home aid, or land-settlement aid to veterans who elect such benefits, which would involve substantial additional cost. The expenditures involved, moreover, would be in addition to already substantial expenditures on account of veterans of the World War, chiefly for relief to disabled veterans, which amount to about $450,000,000 a year, according to the estimates for 1922 and 1923. The Government's obligation to the disabled veterans is continuing and paramount, and heavy expenditures for their relief will be necessary for many years to come.

The most reasonable supposition, under all the circumstances in the case, is that the maximum cost would be about $5,250,000,000, as suggested by Secretary Mellon, although he stated in another letter, which was given to the press, that if all the veterans should choose to select the plan of land-settlement aid the ultimate cost to the Government would approximate $18,562,500,000.

In any event, any of the possible maximums named would be a crushing addition to the burdens of taxation already imposed and soon inevitably to be imposed upon the American people.

These considerations force me to oppose the bill, because I am thoroughly convinced that everybody would be hurt by the passage of the measure, and no one more than the service men themselves. The placing of a burden of possibly $5,000,000,000 additional taxation at this time would create business stagnation and industrial paralysis by forcing capital into investment in tax-exempt securities as a means of evading taxation for bonus purposes instead of allowing it to flow naturally in channels of trade and industry, thus developing national prosperity through abundant production of all the products of farm, factory, and mine and through universal employment of all classes of labor, including the labor of the service men themselves.

The veterans should remember, in this connection, that if unemployment comes as the result of business depression and industrial paralysis, from whatever cause, they themselves will be the first victims. They should be reminded that a few hundred dollars of bonus money will not compensate them for months of unemployment in which enforced idleness will cast its baneful influence not only upon their pocketbooks but upon health, morals, and character as well. They should be further reminded that the bonus money will do them no permanent good; that it will not establish them in business; that it will not buy a farm, create a profession, or secure an education. At best, it can be only temporary in its enjoyments and benefits, and they will be the great losers if the final operations of the bill should result in commercial disaster and industrial panic. We have heard much of killing the goose that laid the golden egg. We have also read about Samson, who pulled down the pillars of the temple upon himself as well as others. Let the ex-service men not fail to profit by these suggestions and reflections.

(5) I am opposed to the bonus bill and shall vote against it because I am personally and politically pledged to the people of my district to do everything possible at Washington to reduce Federal taxation to the lowest possible level consistent with efficient administration of the Government. I personally made campaign pledges to that effect.

Besides, the Republican national platform of 1920, upon which I stood when elected, pledged me personally and the Republican Party generally to a program of economy, of retrenchment, and reform. I believe that a political platform is a covenant with the people, a sacred thing, to be observed loyally and executed faithfully by every representative of the people who stood upon it when elected. Regardless of what others may do, I shall earnestly and zealously try to fulfill my platform pledges to the people.

The Republican national convention, assembled at Chicago in 1920, adopted a platform which said not one word about any bonus or adjusted compensation. It did pledge continued support and ample aid to our sick and disabled veterans, and that pledge has been kept so far as national finances and the circumstances of the times would permit. I myself pledged to the people of my district my best efforts in Congress in behalf of our infirm veterans, and I have lost no opportunity in fulfilling that pledge. On the other hand, I told the voters of my district candidly in every campaign speech that I made that I would not favor a bonus for able-bodied veterans by voting billions of dollars that would increase the burden of taxation and render difficult the return of national prosperity.

The Republican Party has faithfully kept its pledge to reduce national expenses and to administer the Government economically and well. But can we continue to fulfill our national platform pledges in this regard if we vote a possible $5,000,000,000 additional taxation upon the people at this time? I think not.

(6) I am opposed to the bonus bill and shall vote against it because of the confidence that I have in the business and official judgments of the Secretary of the Treasury and the Comptroller of the Currency, both of whom have warned both the Congress and the people repeatedly against the disastrous consequences of the proposed legislation.

I am well aware, of course, that the executive and legislative branches of the Government are distinct and independent and that we are not necessarily bound by the advice of Secretary Mellon. Nevertheless, I feel that there should be close cooperation and teamwork between the two branches for the good of all the people. Indeed, the fathers of the Republic seem to have intended that it should be so, else they would not have required the President by constitutional provision to deliver an annual message conveying advice and information to the Congress upon the state of the Union.

In any case the advice of Secretary Mellon is valuable as that of an eminent expert whose patriotic impulses and high sense of official responsibility have caused him more than once to sound an alarm in regard to the bonus and to warn of its evil consequences as a sentinel upon a tower signals the approach of an enemy and warns of impending danger. I am

opposed to this measure for the reason, among other things, that you have ignored his advice and derided his warning in the framing and passage of the bonus bill.

(7) I am opposed to the bonus bill and shall vote against it because it makes no provision for raising the revenue with which to carry out the purposes of the measure and because in the failure to do so the advice and expressed wish of President Harding are completely ignored.

The President has very plainly and pointedly advised the Congress to incorporate a provision for a sales tax in the bill or to postpone the legislation to some later date. He has virtually informed us that he will veto the measure if the bill is passed at this time without the sales-tax provision. The gentlemen of the Ways and Means Committee have seen fit to ignore his advice and warning completely, and for this reason, among others, I am opposed to the measure.

The psychology of the situation that has been created by the failure to incorporate the sales tax in the bill is strange and bewildering. The mystery of motives is both puzzling and fascinating. It is easy to understand why certain Members oppose this form of taxation, because they have made themselves understood by clear and emphatic declarations both in private conversation and in public debate. But the motives of the vast majority it is impossible to understand when they tell you that the sales tax is a good one but that they are opposed to it. When asked for the reason of their opposition, they generally look tired and bored, yawn and gape, and then remark about the state of the weather and the approach of spring.

Since the question of the sales tax arose in connection with the bonus I have worked hard to fathom motives and classify reasons for the opposition of Congressmen to the advice and expressed wish of the President. I would not be ungenerous or uncharitable toward my colleagues, but the truth must be told. I must make public the results of my studies and investigations. The fatal classification must be made.

I find that the opponents in Congress of the sales tax in its relation to the bonus may be divided into two main classes:

First. Those who have no well-defined or deep-seated convictions upon the sales or any other kind of tax.

Many of these gentlemen will not hesitate to admit that the sales tax may be a just and equitable form of taxation, but that they are glad that it was omitted from the bill, because its final defeat will be realized in the veto of the President. They will tell you that they are going to vote for the bonus measure because of the critical situation in which they find themselves in their districts, but that they sincerely trust that it will never become a law. Many of them prophesy and express the hope that the Senate will save the country, and, having so prophesied, they then heave a deep sigh of patriotic relief.

The honorable members of this class of statesmen and patriots will pardon me if I inform them that I shall find it impossible to join with them in the program of bluff and buffoonery, fraud and deception, born of their fears and prophecies, hopes and aspirations.

Second. Those who have well-defined and deep-seated convictions concerning the sales and many other kinds of taxes.

The members of this class of opponents of the sales tax are more numerous, more serious, more capable, and better informed than the members of the other class. The members of the first class may be dismissed with derision and contempt. The members of the second class are more dangerous and must be dealt with seriously and with gloves off. They are dangerous because of almost fanatical attachment to local interests and because of strong proletarian tendencies that at times characterize their public conduct. In their covert as well as their open assaults upon capital and the business interests of the country, in discussing the sales tax, they are not content with merely proclaiming the rights of the plain people, rights that nobody denies; they insist, as a cover to hide their demagoguery, on invoking the great name and using the mantle of the great emancipator by speaking of "Lincoln's plain people."

To be more concrete and specific, this class of Congressmen are willing to admit that the sales tax would be just and proper as a form of taxation if everybody were poor or only moderately wealthy. But they contend that it is hopelessly bad and objectionable in a republic where the profiteer must be murdered and wealth be made to pay all the taxes. I agree with them that the profiteer should be murdered, if we can locate him and identify him as a profiteer, but I object to including honest business men in an indiscriminate slaughter because they happen to have been successful and to have accumulated wealth. Nothing would please me more than to take money out of the pockets of the profiteers and place it in the pockets of the veterans, if I could locate and identify the profiteers. But I object to pulling down the pillars of the Nation's industrial temple by an indiscriminate assault upon business interests in the name of profiteer chasing, and I despise the hypocrisy and demagoguery that inspire the assault.

We are all agreed that the profiteer is a bad character, that he should never have been created, and that he should be destroyed now that he has been created if we can locate and identify the criminal. But when Democrats turn their patriotic gaze across the aisle toward the Republican side, their great eyes in fine frenzy rolling, and their voices hoarse with declamation in defense of the people and in denunciation of Republican profiteers, the spectacle is one to split the sides of all the gods at once.

What is a profiteer anyway? The Democrats have defined him as a war contractor who took advantage of his country and countrymen and their necessities during the Great War and became enormously rich illegitimately and illegally. Very well and good as a matter of definition. But under whose administration, by whom, and to whom were these contracts given? Were the Democrats not in complete control of all branches of the Government? Were the heads of departments and Cabinet officers whose duty it was to make and draw war contracts and ratify them after they were made and drawn, were these men not chiefly Democrats? And if the truth were known is it not a fact that the criminal contractors, the profiteers themselves, were chiefly Democrats? Ah, my Democratic friends, practice your demagoguery back at home on the stump, but spare us here, for we know you well, your purposes and methods.

When the President suggested a sales-tax provision as a necessary part of the bonus bill, the proletarian guard arose at once in wrath and opposition. They declared that it could never be, because it would be taking the burdens of taxation from the shoulders of the rich and placing them upon the backs of the poor. They have never explained to any clear-thinking, strong-minded man how it would happen. They have merely contented themselves with declaring that the consumers of the country would, under this form of taxation, be compelled finally to pay the bills, and they are probably right. But, in the name of all the Republican and Democratic gods at once, who are the consumers of the country if they are not all the people of the country? Is there a single living man, woman, or child in the United States who is not a consumer of something—clothing, food, tobacco, milk, or liquor? And is it not right and just that taxation should be borne by all the people of the country?

Gentlemen in their sophistry and sectional blindness would have you believe that under the sales tax the selling would be done by the East and the buying and consuming by the West, when, as a matter of fact, North and South, East and West, all sell and buy and all are consumers. We in the East sell you our manufactured goods and you sell us your raw material. We sell you our clothing and manufactured articles and you sell us your cotton from the South, your beef cattle from Texas and New Mexico, your wheat from Nebraska and Minnesota, your lumber from Maine and Wisconsin, your automobiles from Detroit, your fruits from California and Florida, and please do not forget that you charged us profiteering prices for all of them during the war. In our patriotic resignation and self-sacrifice we never once protested. And now come gentlemen of the proletarian guard with loud cries about prices and profiteering.

The fact of the matter is that, when the mask has been torn away, when camouflage and demagoguery have been brushed aside, you have simply defied the President, whose big heart and brain suggested the sales tax as an equitable one, because you knew that under it all the people of the country in all the States would be compelled to pay the tax, and that is not what you want. You want all the taxes paid, as far as possible, by one section of the country and chiefly by one State, the State that I have the honor in part to represent—the State of New York. These motives and desires caused you to fear the influence of the President and the results of free and untrammeled debate on the subject of a sales tax. You were therefore willing to bring in a gag rule that would shut out the possibility of amendments that might have shown the justice of this form of taxation in the debates upon them.

I have had something in my political system ever since I have been in Congress, and I am going to get it out now. I have never believed, and I do not now believe, that the great State of New York is fairly treated in the matter of Federal taxes, and I serve notice upon everybody, Republicans and Democrats alike, that I will support no more revenue bills in this House that are not national in their scope and equitable in their distribution of tax burdens among the States of this

Union. I serve notice further that the lash of party discipline has no terrors for me, and that I will obey no dictates except those of my judgment and my conscience.

I represent a brave and intelligent, a proud and patriotic, people who love their country with passionate devotion and are ready at all times, in peace and in war, to make supreme sacrifices for the glory of the flag and for the honor and safety of the Nation. They are more than willing to meet the full measure, even to overflowing, of their financial obligations to the Republic in times of peace. They ask no prouder privilege than to lead the victorious column of the States on the battle fields of the world in defense of flag and country. But they are getting very tired of being regarded as the people of a conquered Province, to be fleeced in matters of Federal taxation by the various legislative blocs of the West and South.

In order that you may understand that this is not mere declamation, let me furnish you with a few facts and figures. Mr. White, of the Treasury Department, has furnished me with the following statement from the Treasury records:

Total receipts of the Federal Government from all sources of internal revenue for the fiscal year ending June 30, 1921, in round numbers, was $4,595,000,000. The amount that was credited to the State of New York was $1,125,000,473, which is equal to 24½ per cent of the total internal revenue.

Mr. White suggested that these figures included New York's share of national income taxes, but did not include New York's proportion of either postal or customs revenues. Indeed, it is practically impossible to tell the exact proportion of either postal or customs revenues that is to be credited to any one State, since these revenues are in their very nature essentially national. But when we consider that the port of New York is the great port of entry of foreign goods, and that the merchants of New York City are the great importers of the country, it is not unreasonable to credit New York State with a large proportion of customs revenues. Furthermore, when we consider the enormous quantity of letter postage used by the people of New York, it is not unreasonable to credit to the people of that State a very large percentage of the postal revenue.

In any case, a most conservative estimate of New York's proportion of postal and customs revenues, a figure believed to be ridiculously small, would be such a percentage that, when added to the 24½ per cent proportion of internal revenue, would make New York State's share of all Federal revenues at least 33⅓ per cent.

Stop and think, if you please. One State in 48, with 10 per cent of the population, is compelled to pay 33⅓ per cent of all Federal revenues for all purposes whatever. What is the justice of it under any possible plea? In reply, I am told by certain Members that New York has all the money and should therefore pay all the taxes. Emphasis is placed upon the fact that New York millionaires are simply rich emigrants from other States and that they carried all their wealth with them when they left home, that having bled the country for New York's benefit, they should pay big blood money as a penalty.

There is a grain of truth in this contention, but only a grain. The fallacy of the idea is apparent to everybody who will reflect a moment. In the first place, the millionaires are not all in New York. In the second place, no considerable proportion of New York millionaires made their money elsewhere. In the third place, those millionaires who did emigrate to New York did not carry all their wealth with them. When Rockefeller went from Cleveland to New York, he did not take all Standard Oil properties with him, not even all the stock of the company. When Carnegie went from Pittsburgh to New York, he did not take the steelworks nor all the stock of the company with him. When they arrived at New York, they both created foundations as agencies for sending their money back to the States to found universities, build libraries, combat disease, and educate the ignorant. When the Vanderbilts built the New York Central Road, they enriched the landowners along the line in every State through which the road passed. They endowed a university at Nashville, Tenn., and made enormous charitable and educational contributions to other States. It is estimated that every gold and silver dollar in circulation has cost several dollars to get it out of the mines. We New Yorkers have borne the expense of this metal money which you use in the West and South by buying your gold bricks, your bogus mining stocks, that you have imposed upon the credulity of our people.

The balance has never been struck yet to show whether the Nation has given more to New York or New York to the Nation, and I protest now and shall continue to protest against unjust taxation with no other pretext than the socialistic, proletarian pretense that New York is richer than other States and therefore should pay enormously in taxes.

New York asks nothing else than to be fairly treated in the matter of tax burdens for the running of the Government. The people of the Empire State are first in population, first in wealth, and equal to any other in high ideals and patriotic impulses. They would scorn to play the baby act in matters of national obligations. My district would condemn me as their Representative if I should assume a captious attitude or attempt to play an isolated rôle in matters of national legislation. But I am convinced that the people of my district in particular and the people of New York State in general demand that I pay some attention at least to their special rights as a constituency and as a State, and I propose from now on to do it more energetically than I have heretofore.

The people of New York State voted a bonus to their own veterans, but the law was declared unconstitutional by the highest State court. Certain of my colleagues from New York have contended that the people of the State, having subscribed to the principle of a bonus, have practically instructed its Representatives in Congress to vote for the bonus bill. I am as keenly sensible of legitimate mandates as any of my colleagues, but I must first understand that it is a mandate, that it is from the people, and that the mandate has reference to the legislative matter engaging my attention.

If the present bonus bill becomes a law and the maximum of $5,000,000,000 of taxation is levied upon the people, New York will have to pay more than $1,500,000,000. Her population being only 10 per cent of the total population, and the veterans being only 10 per cent of all the veterans of the country, the State of New York would receive only about $500,000,000 in return for an expenditure of $1,500,000,000. In other words, this bill calls upon the State of New York to make a present to the veterans outside her borders of $1,000,000,000. Would my colleagues from New York contend that if this question were submitted to the people of our State they would jump over each other getting to the ballot box to vote it? I think not, and as a New York Representative I can not conscientiously vote the money of the people of New York into the pockets of the people of other States without their explicit consent; nay verily, without a special mandate from them. I do not feel that I have received any instructions whatever from either the people of my district or from the people of New York State to vote for this national bonus bill, and it will not receive my support.

In summary and in conclusion let me say that I am opposed to this bill and shall vote against it, because I do not believe that American taxpayers should be called upon at this time to provide gratuities for able-bodied soldiers; because all the money that we can raise in the next few years should be devoted to the sick and disabled; because of its inherent absurdities, inequalities, and iniquities that discriminate meanly against the bravest and most deserving; because the country's business conditions and the state of its finances will not justify the payment of bonus gratuities to able-bodied veterans at this time; because I am bound personally and by platform pledges to work for the restoration of national prosperity through retrenchment, reform, and economy in government, pledges that it is impossible to fulfill if I vote for this bill; because the Secretary of the Treasury and the Comptroller of the Currency, the country's best and greatest financial experts, have both warned against it; because the President of the United States is opposed to it in its present crude and unamendable form; and, finally, because I firmly believe that the majority of the people of the great district that I represent and the majority of the people of the great State that I have the honor, in part, to represent do not desire me to vote for it.

For all these reasons I shall vote against the bonus bill, with the prayer that the God of our fathers who was with us at Valley Forge, at Gettysburg, at Chateau-Thierry, and in the Argonne Forest, who has guided our footsteps in every period of our history along the paths of national progress and prosperity to a marvelous and magnificent destiny, may protect and preserve the Republic and all its people from the ways and wiles of the demagogues of this House who believe one way and vote another; that have declared this bill to be bad, very bad; and now propose to vote for it. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FORDNEY. Mr. Speaker, I yield one minute to the gentleman from California [Mr. LINEBERGER].

The SPEAKER. The gentleman from California is recognized for one minute.

Mr. LINEBERGER. Mr. Speaker, as many Members of this House know, I was strongly opposed to bringing this bill before the House without first submitting it to a Republican conference, because I believed the importance of the legislation merited thorough consideration by the entire responsible Republican majority. However, the vast majority of my Republican

colleagues were against me in this matter and I bowed to the will of the majority.

I think this is the best bill that could have been brought out under the parliamentary situation now existing, but I continue to deplore the fact that it was not brought before a Republican conference. I have always believed in adjusted compensation, because I think it is right in principle. Therefore I expect to vote for this bill, and I trust that it will pass, not only here but in the Senate, without delay and that it will then receive the early signature of the President, thereby resulting in the payment to the soldiers of the World War the adjusted compensation to which they are so justly entitled and for which they have been waiting for three long years. [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The gentleman from Illinois is recognized for two minutes. [Applause.]

Mr. CANNON. Mr. Speaker, I am not going to try to make a speech. I voted against the bonus bill that passed the House on a former occasion. I went home. Attacks were made upon me because of that vote, especially by my Democratic friends. That is all right. I also received some criticism from some of my Republican friends. I beat my Republican opponent for the nomination 3 to 1, notwithstanding the vote that I gave at that time.

We have got our hands full taking care of the sick, the armless, and the legless in the hospitals. You may say, "Do you not recognize the great and important services that these gallant men gave to the Republic?" Yes. They owed that service and gave it loyally and courageously. Thank God, the great majority of them came back sound and safe.

Our first duty after every war is to those who returned wounded and with shattered health, and to the dependents of those who gave their lives for the defense of the country. We have done that in the most generous manner that any Congress ever legislated for the men who incurred disabilities in war and their families, and we have done it without counting the cost to the Treasury. We are still doing everything possible to take care of the disabled and the dependents of the dead, and more appropriations are coming for more hospitals and more hospitalization. I have had a tabulation of the appropriations made for allowances and benefits on account of the soldiers, sailors, and marines who participated in the war with Germany, and it makes a total of $1,979,260,634, and when we pass the bill for new hospitals this total will pass the two-billion mark. I do not mention this great total to excuse any failure we may have made in caring for the men who fought in the war, but to show that we have not hesitated at any expenditure in taking care of the disabled and the dependents. The Veterans' Bureau is paying out $450,000,000 a year in compensation to the disabled, and that expenditure will continue for many years to come. We have not reached the peak of this expenditure.

I have said repeatedly that I would vote for legislation to compensate the soldiers who came back in health as well as those who incurred disabilities, when the House could have a bill presented by the committee that would provide the revenue to pay that compensation. I would so vote to-day if this bill provided the revenue to meet the authorization of such expenditure, but it does not. This proposed authorization of insurance certificates is an experiment at best—an experiment for the soldiers as well as for the Government, and I do not believe that it will give satisfaction to the men who are proposed to be benefited thereby. The men who are in immediate need will use these certificates to borrow and you have provided that the banks may loan not less than 50 per cent of the face value of the certificate. In my judgment, that authorizes the banks to loan only 50 per cent, and when they do it will be called robbery of the service men of half their compensation. I would be tempted to characterize such loans on Government securities in the same way and so would you all if done on any Government paper, taking advantage of the necessity of the borrower to appropriate one-half of his compensation. But in this bill you authorize such practices by the banks. I can not support such an experiment at a time when revenues are falling off and appropriations are being increased. If we are going to obligate the Government for $4,000,000,000 or $5,000,000,000 we should provide some means of meeting that obligation, and the only means we have for raising revenue is by taxation. The Government has no income of its own. It must take the money from the pockets of the people by taxation, and when it borrows it must pay or repudiate. This money for compensation will have to be paid in taxes some day, and that day will be 20 years hence when these young men have become the responsible taxpaying citizens, and the burden will fall upon them years after they have had and spent the proceeds of the loans they can secure on these certificates. I do not believe they will bless Congress for placing such a burden upon them.

In the fullness of time, as fast as Uncle Sam can get the money, they will be cared for. In the fullness of time employment will become well-nigh universal, I hope, with an increased wage. I may not live to see it, but many of you will live to see it, and I hope you will, and you will see that a service pension comes. Why, a service pension came from the Civil War, and it came from other wars. Uncle Sam has looked after his defenders just as fast as he could in all these years.

Now, that is about all that I want to say at this time. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FORDNEY. The gentlemen over there have more time. I suggest that they use some time now.

Mr. COLLIER. Mr. Speaker, acting for the gentleman from Texas [Mr. GARNER], I yield two minutes to the gentleman from New York [Mr. LONDON].

The SPEAKER. The gentleman from New York is recognized for two minutes.

Mr. LONDON. Mr. Speaker, this hocus-pocus bonus bill and the method of debating it is a combination of the worst kind of political fakerism and parliamentary charlatanism. [Applause.] It is hard to conceive a sadder farce than this debate. Twenty or thirty men have already spoken in the last three hours, each taking a minute or two, speaking in unfinished sentences, in incomplete phrases, without an opportunity afforded for the expression of consecutive thought.

Neither the word bonus nor the word compensation is applicable to the situation. The word bonus is a term used in industry and denotes compensation over and above usual compensation. In fact, it is delayed compensation.

Whom will the bonus satisfy? If the man was a volunteer offering his life for the ideals of his country, you can not compensate him. If the man hated the war, but as a citizen obedient to the law of the land responded to the call of his country, he is even more of a martyr and you can not discharge your obligation to him by giving him a sum of money. You can not measure his martyrdom by dollars and cents. Nor is there any way of paying the man who was opposed to the war and served merely because he was compelled to, because he was physically taken possession of and forced to fight.

No cash, money, dollars, or cents can pay any of these men. In England they paid what we call a bonus, something like $200 to each man. The money did not last very long, and when the unemployed ex-service men appealed for relief to that prince of statesmen and to the high priest of diplomacy, Lloyd-George, he advised them to emigrate, to emigrate from their own country.

The ex-service man has a right which no one has mentioned during this so-called debate—a right to work, a right to earn a livelihood in the country in obedience to whose laws he offered his life as a sacrifice. Something more than a mere opportunity to tramp the roads in the vain search of employment should be accorded to the soldier returning from camp or battle field.

One-fourth of the amount which this bill will require invested in the building up of industries, in loans to cooperative societies of workers, in furnishing aid to labor unions, in the building of homes, now that industry is paralyzed and nearly 5,000,000 men, and among them 700,000 ex-service men, are out of employment, would have been of infinitely greater service to the war veteran than any possible doling out of cash gratuities or of insurance certificates such as are proposed by this bill.

Do you know of any more sacred right than the right to work? Private industry, which is never inspired by national ideals, and which will not employ a man unless it can make a profit, has no care for the unemployed, though the unemployed be a hero of heroes; and if industry, managed and operated by private capitalists, refuses to furnish opportunities to earn a livelihood to millions of men, the Government, which should be the agent of the entire people, must not shirk the responsibility.

Prior to the war and during the war, and whenever I had an opportunity, I stressed the need of taking adequate steps to prepare to meet the very emergency we are facing to-day.

The leaders of the American Legion, who undertake to speak for the organized soldiers, do not represent the real thought of the World War veterans.

The official organ of the American Legion expects to meet the unemployment problem by the collection of old clothes, by begging for odd jobs, and by demanding a cash bonus. Unable to get a cash bonus, they are willing to accept this makeshift of an "adjusted service certificate," a piece of financial legerde-

main, utterly unintelligible to any living being, including its proponents.

When we speak of ex-soldiers we speak of 4,000,000 citizens, of a citizens' army, not of a military clique. We speak of an important part of our citizenship whose fate is tied up with the fate of the rest of the people.

All workers out of employment, whether they be war veterans or not, are entitled to an opportunity to work, to help create useful things that make life worth living. Private industry can not be relied upon to meet the situation; it is up to the Government to help create opportunities for employment, not only such as existed prior to the war but under conditions which would give the toilers a voice in the conduct of the industries under which they are to work. More than once during the war they were called upon to fight for a new and a better world. Neither a cash bonus nor an "adjusted service certificate" gives any promise of anything new or better.

The proposed bill, in addition to the so-called "adjusted service certificate," contains provisions for vocational training aid, for farm or home aid, and for land settlement. These provisions have no relation whatever to the possible needs of the man who is to take advantage of them. A mere examination of the bill will show that.

Thus, for instance, the section dealing with farm or home aid which allows to the veteran for the purchase of a suburban home or farm an amount equal to his adjusted service credit—which amounts to a dollar a day for home service and a dollar and a quarter a day for overseas service, in no event exceeding $500—plus 25 per cent. In most cases the amount will not be sufficient to pay the fare to the home or land that is to be purchased.

So far as land settlements are concerned, so many things are to happen before a land settlement can be accomplished that the veteran is more likely to get to heaven or "in the opposite direction" before he will settle on the land.

The conditions under which this bill was brought up made it impossible, as I said before, to offer any suggestions or to propose any amendments. The rule prohibited the offering of amendments. Under these circumstances a vote against the bill could have easily been interpreted as a vote against giving consideration to the needs and the interests of the veterans. And then there is the possibility that once presented the question of according some measure of relief to the veterans may receive attention in the Senate where a brave and courageous minority has at least an opportunity not to permit itself to be gagged. It is true that with the powers that be in control that hope is a very faint one, but I have made it a rule long ago never to despair.

This is a proposition involving $4,500,000,000. The Nation's gratitude is to be translated into a bootblack's tip. First, you promised cash. Now you are to give certificates of insurance. And there is no way of amending the bill, no way of making a suggestion, no way of changing it, no way of improving it. With a two-thirds majority the Republicans did not have the courage to give the House an opportunity to amend the bill so that something real might be done for the veterans.

The SPEAKER. The time of the gentleman has expired.

Mr. COLLIER. I yield one minute to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, I want to briefly discuss that part of the minority report submitted by the Republican members of the Committee on Ways and Means, because the chief objection which they make to this bill is the controlling reason why I shall vote in favor of its passage. These gentlemen say that the land settlement provisions of the bill—

> establishes an expensive machinery of management, offers untold opportunity for useless expenditure, and under the guise of veteran aid permits, among other things, the board to lay out town sites and build unlimited highways. * * * The so-called reclamation feature is dangerous at worst and uncertain at best and of itself should be a sufficient reason for the rejection of any bill carrying it even though the measure were in all other respects unobjectionable.

In another paragraph of this report these gentlemen say: "Enactment of this bill would be directly contrary to the advice of the Executive." It is true that the President opposes the passage of this bill unless it includes a sales tax as a means of raising the money to meet the cash payments when due. These gentlemen evidently propose to follow Mr. Harding's advice only when he happens to agree with them, which is convenient but most inconsistent. A little over three months ago, in an address to the Congress, the President said:

> After each war, until the last, the Government has been enabled to give homes to its returned soldiers, and a large part of our settlement and development has attended this generous provision of land for the Nation's defenders.
>
> There is yet unreserved approximately 200,000,000 acres in the public domain, 20,000,000 acres of which are known to be susceptible of reclamation and made fit for homes by provision for irrigation. * * *
>
> Contemplating the inevitable and desirable increase of population, there is another phase of reclamation full worthy of consideration. There are 79,000,000 acres of swamp and cut-over lands which may be reclaimed and made as valuable as any farm lands we possess. * * *
>
> Home making is one of the greater benefits which government can bestow. Measures are pending embodying this sound policy to which we may well adhere. It is easily possible to make available permanent homes which will provide, in turn, for prosperous American families, without injurious competition with established activities, or imposition on wealth already acquired.

These words from the President's message of December 6 can not be construed in any other manner than a complete and unqualified indorsement of the land-settlement features of this bill. The plan for the establishment of "veteran settlement projects for the reclamation of lands by irrigation, drainage, or other manner or method," literally and specifically carries out the recommendation thus made by the Executive, and his advice should be heeded by those who are so prompt to quote him on other occasions and for other purposes.

There are gentlemen who refer with approval to the result of the referendum taken by the Chamber of Commerce of the United States which disclosed that over two-thirds of the votes cast were against bonus legislation, whether paid in cash immediately or with payment deferred through the use of certificates, but they are careful to tell but half the truth. At that same referendum, which was completed on February 21, the following question was submitted to the business organizations in every State which constitute the membership of the national body:

> Do you favor a national system of reclamation to be initiated through adequate Federal appropriations and to be carried out for the purpose of affording ex-service men opportunity to cultivate the soil?

On this question the vote was 1,250 votes in favor and 461 opposed, the majority being larger than that against the cash bonus.

There is another organization likewise nation-wide in its scope which, although it frequently disagrees with the Chamber of Commerce of the United States, thoroughly approves of a plan of national reclamation such as is provided in this bill. The American Federation of Labor, through its accredited legislative representative has said:

> The best service that America can render to the world, in our opinion, is to keep America healthy. I do not believe personally, from what I have seen, that there is any hope of alleviating this unemployment condition in the country except through a well thought out program made active, and it is my opinion—and the opinion of the American Federation of Labor—that the reclamation idea covers a greater scope, promises more for the alleviation of this condition, than any other program that has been presented.

I could quote at greater length expressions in favor of a national reclamation policy from both of these sources, one representative of the great business interests of America and the other speaking for the toilers of our land. When capital and labor unite in demanding the adoption of legislation which will make waste land productive, provide homes for our returned soldiers, and increase the wealth of the Nation and the prosperity of all our people, then Congress should not hesitate to act. [Applause.]

Mr. COLLIER. I yield five minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Speaker, the House and the Senate went through the war period without partisanship. The situation to-day, in our attempt to return to normal conditions, requires the same courage and spirit that carried us through then.

During the war the Ways and Means Committee was under Democratic control, but Republicans were freely admitted to all discussions, so that when a measure was reported it represented the judgment of both Republicans and Democrats.

This measure has not been reported in this spirit, nor have the public or the Members of this House been permitted to voice their opinion.

The Rules Committee have provided a rule which permits but a few minutes' discussion by each Member and then absolutely bars any attempt to amend.

We must pass it exactly as the 17 Republican members of the Ways and Means Committee wrote it. It can not be changed. It can not be altered. It can not be improved.

We have attempted by legislation to provide for our wounded and sick soldiers and have made provision for the dependents of those who died in service.

But there is another class, numbering 332,113, of which 230,758 have applied for disability allowance due to injury or sickness, and 101,355 have applied for pensions because of death. These claims have been disallowed, and yet we are aware that Spanish-American veterans are to-day drawing service pensions upon the substantiation of similar claims.

The bill before us is for the soldier who, through absence in service from his vocation, has suffered loss and who now asks an adjusted compensation.

The American Legion, advocating his claim, caused to be presented to the House a measure providing for five options.

The first option was for cash money, and it has been generally accepted that from 75 to 95 per cent of the veterans wanted cash under this option.

This option has been eliminated, so the bill is not the one indorsed by the American Legion or which had been advocated by the soldiers.

This bill will not satisfy the soldier when he understands its provisions. It will not satisfy the taxpayer, because he is not told how much he will have to pay and when he will have to pay, so that he can adjust his affairs to meet the obligation.

The soldier, instead of being paid cash, is given a paid-up insurance policy with a limited borrowing capacity of 50 per cent, upon which each of the soldiers will be compelled to pay interest.

I shall vote against this bill because it does not give the soldier a "square deal." It does not give the taxpayer a "square deal," and it will confuse and make difficult its administration by our National Government.

I would vote for a proper bill, but I can not support this impossible measure.

The bill is not expected to pass the Senate without radical amendment. If the President does not reverse his frequently expressed opinion, he will not sign the bill in its present form, which will cause delay.

The bill may temporarily fool the soldier and the taxpayer, but when the soldier finds that he has been deceived and the taxpayer finds that he has been fooled, they will both be dissatisfied.

The passage of this particular bill will cause delay for the soldier, uncertainty for the taxpayer, and confusion in national administration.

The only way to secure a good bill is to fight a bad bill, and this I have done.

Mr. WILLIAMSON. Mr. Speaker, while I do not like the certificate feature of the adjusted compensation bill now under consideration, I shall vote for it. We are under the same moral obligation to adjust the economic loss of the ex-service men as we were to adjust the loss of war contractors. To adjust these we have already raised and paid out funds running well past the $2,000,000,000 mark without levying special taxes for the purpose. All these claims have been paid out of moneys in the Treasury raised in the ordinary way for meeting Government expenses. The proposed soldiers' bonus is in no respects different from any of these other claims; should be paid in cash and be paid out of any funds in the Treasury not otherwise appropriated.

As pointed out in my speech upon the subject in this House on January 20 last, such additional funds could easily be raised by a sale of surplus war materials, by an increase of the inheritance tax upon the descent of large estates, and by the collection of interest upon obligations due us from foreign Governments. If a sufficient amount can not be derived from these sources to maintain a balance in the Treasury with the additional drafts which would be imposed by the payment of cash adjusted compensation to the ex-service men, we can well levy a progressive income tax upon corporations after allowing such liberal exemptions as would permit them to function without detriment to the business interests of the country. This method would not only save huge sums for the Government but would be much more satisfactory to the veterans themselves.

I can not agree that the above methods of raising additional revenue would in any way hinder that upward trend of business activity now becoming increasingly noticeable throughout the country. On the other hand, the proposed sales tax would have a most depressive influence upon the public mind in that it would place the burden upon those least able to pay, greatly add to the cost of living, now on the downward trend, and would cause much resentment among the ex-service men themselves, who would thereby be called upon to pay a great part of the bonus out of their own pockets. As those of large property and income had the most to gain from the successful prosecution of the war, so they should be called upon to pay their fair proportionate share of the burdens incident to that war.

Mr. GARNER. I yield five minutes to the gentleman from Florida [Mr. SEARS].

Mr. SEARS. Mr. Speaker, it would be absurd to undertake to discuss this bill in a logical manner in five minutes. To my mind the bill is "bunk." The first 10 pages are devoted to explanations. There is really only one redeeming feature in the bill, sarcastically speaking, and that is the section which provides for four positions, at a salary of $7,500 each a year, and an army of clerks to carry out the work.

Let us trace the history of the bonus proposition. Last August a year ago the House passed a cash bonus bill which provided the means of raising the money to pay the soldiers. That was just before an election. We saw that bill die in the Senate. Now, just before another election another bill, or supposed bonus bill, is presented to the House, when my colleagues know it will never pass the Senate, or, at least, it is extremely doubtful if it will ever pass. If, perchance, the bill does happen to pass the Senate and the President stands by the statement he has issued—that unless a sales tax is carried in the bill he will veto it—it will never become a law, for you know you will not pass it over his veto.

Mr. Speaker, for some years the Agricultural Department has been experimenting with berries. They did not bring the berry to perfection, and it remained for the other branch of the Capitol to discover a "Newberry," which has been discussed from one end of the country to another. I shall not go into that matter now. While I do not condone it, there was this defense, namely, he spent his own money and the money of his relatives in securing his election. But this bill, admitted by those who have argued for it, "out-Herods" the Senate, and I am, therefore, going to give it the name of the "due berry." The only difference between the two recently discovered berries is the hope of purchasing our seats at the next election out of the taxpayers' money, and this—to my mind, at least—can not be defended.

I wish, Mr. Speaker, I could go into this matter at some length. The soldier boys of my district know how I stand on this matter. As chairman of the committee I introduced the first soldiers' rehabilitation act and assisted in conducting the hearings on same, and it later became a law. Afterwards, as ranking Democratic member of the committee, I also assisted in the passage of a bill extending further relief to the disabled soldiers. I have voted for every measure that I believed would be of benefit to those who defended my country, but I can not bring myself to vote for a bill that absolutely means nothing, or, at least, no one can explain it; how much it will cost or how we shall raise the money. In conclusion, Mr. Speaker, although the son of a southern soldier, I am going to quote the words a President used in a message when he vetoed a bonus bill in 1875; although my Republican colleagues seem to have forgotten him, nevertheless his memory still lives and he has at least not been forgotten by the "Yanks" or "Rebs":

> The passage of the bill at this time is inconsistent with the measures of economy now demanded by the interests of the country.
>
> U. S. GRANT.

[Applause.]

Let my good Republican friends turn their minds backward just for a moment and recall his message and pay tribute to his courage in vetoing same. If you want to give the soldier boys a bonus, come out and give it, but provide some way to raise the money and do not deceive them. There is another point about the bill. It so happens that a man who was sent across the seas and faced the bullets of the enemy has an I O U, as the Negroes in my part of the country call a little scrap of paper, such as this bill provides, after they have won it in a crap game—and he gets for example a $300 certificate, which he will have to carry around for 20 years before he can get anything on it, because you know and I know that the banks of this country can not loan money due three years after date and perhaps drawing only 6 or 7 per cent interest, and if they should attempt to do so I fear the depositors would withdraw their money. Besides, the soldier would have to lose the difference in interest between 4½ per cent and the amount charged by the bank. But if the soldier happened to be in the service prior to November, 1918, just long enough to be entitled to $49 or less, he would get it in cash, although he never heard the sound of a gun or faced the enemy. On the other hand, the boy who served in the trenches in France, if the amount due him after deducting the first bonus is in excess of $50, only gets a certificate of indebtedness. If he should die before 1942 it might be well to put upon the marker of his grave "Here lies a brave soldier, who died hoping to the last that he had not been misled." However, there is this consolation, if such you can call it, if he has a family perhaps the family will be able to cash the certificate.

There are many other inequalities and injustices in this bill which can not be defended, but at this time I shall simply call your attention to two editorials on this bill which will at least show you what others think of it. The editorials are as follows:

[From the Palm Beach Post, March 7, 1922.]

THE SHOW-DOWN.

The Century Dictionary says of the word politician: "This word has degenerated so as generally to imply that the person busies himself with partisanship, low arts, and petty management."

In the light of that we quote from Washington dispatches:

"It became known to-day that Representatives FREAR, and DICKINSON, of Iowa, and WOODRUFF, of Michigan, called on Chairman FORDNEY yesterday and laid before him the whole situation, placing emphasis on its political aspects. They were understood to have contended that a sales tax would cause general dissatisfaction throughout the country, would make the soldiers' bonus extremely unpopular with the people, and might result in political upheavals in many normally solid Republican districts."

We should doubtless be grateful to politicians for at least confessing that the bonus is a political issue, pure and simple. Certainly the merits and means of a bonus are rapidly giving way in the public mind to the educational aspects of the question. The public may not yet have reached an opinion on the bonus bill, but it has learned a thing or two about the workings and motives of its Congress. It has seen the administration blow hot and blow cold on the subject, take it to its heart again as elections approach, venturing first one means and then another, and as hastily withdrawing them as notice is served that they would cost more votes than the service men could muster.

At present Congress is back where it started. It is for the bonus, but can not find the wherewithal. Therefore it proposes to pass the bonus bill but provide no means for paying it. Simple—and we trust satisfactory to advocates of the bonus. We would rather like to see Congress do just that. Surely even the most trusting elements of our electorate would comprehend the dishonesty of such an act, and scan with a more critical eye future deeds of those who were a party to the fraud.

—

[From the Washington Daily News.]

BUNK FOR BONUS?

The President stood long against any bonus bill which did not carry the taxation to pay the bonus. He was right.

You can't make omelets without breaking eggs. You can't raise the money for the bonus without taxation.

If the present scheme is carried out for a bonus law by which the ex-soldiers are given certificates running three years, on which they are supposed to borrow money, it will be a cowardly campaign dodge to catch votes, and it will be a cowardly political dodge toward ruin if it works.

The ex-soldiers can either borrow the money from the banks on the proposed certificate or they can't. If they can't, they will have been cheated and lied to.

HITS LABORER AND HOME BUILDER.

If they can, a huge amount of frozen credit will be added to the Nation's troubles. But Comptroller of the Currency Crissinger says he would advise banks to refuse loans on bonus certificates. Being three-year, nonnegotiable paper, the banks could not rediscount the certificates, so that if the banks did loan on them $750,000,000 to $1,500,000,000 of credit would be frozen solid. That would tend to high-money rates, financial stringency, and, hitting farmer, laborer, home builder, manufacturer, and merchant, would cost the people of the country more in dollars and cents than the necessary tax to pay any bonus outright.

SOME ONE CHEATED EITHER WAY.

The third expedient is the Coxey plan of issuing currency. That means inflation. That means a return to the high prices and high cost of living.

Of the three methods congressional leaders are hell bent for the certificate plan. Under Crissinger's ruling the certificates would be mere scraps of paper.

Better give the soldiers nothing rather than pretend to be just or generous and hand them a scrap of paper.

BUNK INSTEAD OF BONUS.

The most earnest advocate of the bonus is not called upon to favor such a trick as this, for it cheats the soldier if it fails to work and ruins the country's finances if it does.

Cowardice never pays. And this is congressional cowardice of the basest sort.

Mr. GREEN of Iowa. Mr. Speaker, I yield to the gentleman from Missouri [Mr. ROACH].

Mr. ROACH. Mr. Speaker, certain leading newspapers have been attempting to create public sentiment against the enactment of an adjusted compensation law by this Congress. They have had a great deal to say relative to the demerits of such legislation, but have studiously avoided discussing its merits. Considerable publicity has also been given to the attitude of some of our departmental officials upon the subject. During all this time the Members of Congress have been earnestly engaged in an effort to work out a solution of this question along intelligent and reasonable lines, and have not taken the time to answer the criticisms that have been made against such legislation.

The time has arrived, however, when we should present our side of the case, and I am glad of this opportunity to express my individual views, and, if possible, correct some of the false impressions that have gone out over the country in relation to this proposed measure. It has been stated by the press that "Congress is in a panic over the bonus law." This and similar statements have doubtlessly been made to create an impression in the public mind that Congress is in a state of uncertainty on the subject. I for one have not observed any evidences of panic or uncertainty upon the part of Members of Congress charged with the responsibility of this legislation. I am happy to know that quite the contrary is true.

Those to any degree familiar with what has been going on do not need to be informed that a propaganda backed by the big money interests and certain powerful newspapers to create a popular prejudice against the enactment of any adjustment compensation law has been under a full head of steam, and by deceit and misrepresentation of the facts have sought to defeat the enactment of such a law. We should not deceive ourselves into believing that public sentiment thus created represents the wishes or judgment of persons who have considered this subject from a fair, just, and impartial standpoint. It has been the fixed purpose of the big financial interests and war profiteers of this country who are opposed to any bonus legislation now or at any other time to create a belief in the minds of the people that such legislation would lay additional forms of taxation upon the people. Their opposition is born out of the fear that they will be required to give up a portion of the wealth and profits accumulated by them during the course of the war. It should be remembered that these are the same big interests and influences that were so loud and insistent in their demands that Congress take these boys from their homes and positions and send them to do our fighting. It should be remembered that when these war profiteers and Government plunderers were made to realize that the grateful citizens of this Nation wished to do justice to the ex-service men by the enactment of this law that it was then sought by them to forestall this public sentiment by forcing upon Congress and the public the thought and belief that the enactment of such a measure would necessitate a tax rider with additional crushing forms of taxation and thereby render the measure unpopular and destroy its chance of enactment. They were quite ready to lend their support to such a measure if Congress would only enact a sales tax and thereby shift the burdens of taxation from their own shoulders to those less able to pay it. The people are to be congratulated that the farm organizations throughout the country were on the job and rendered the necessary assistance to Members of Congress to defeat this move. Meeting defeat in this direction they are now directing a violent assault against the provisions of the bill under consideration, and are attempting by every means possible to render it unpopular with the public and encompass its defeat.

A false impression has been conveyed to the public that the so-called bonus law is merely the granting of a certain amount of cash compensation to the ex-service men, and it is claimed that the expenditure of money in this way is unjustified and would not result in benefiting the ex-service men. If it were true that the present bill did no more than to pay over to the ex-service men a certain amount of cash, such objection might be made, but Congress is considering the subject from a much broader viewpoint and undertaking not only to provide for the immediate necessities of the ex-service men but to enact legislation that will provide for their future necessities, comfort, and welfare when the misfortunes of life have overtaken them.

The problem of working out a proper plan is a stupendous one. More than 100 bills upon this subject have been introduced in Congress and considered by the Committee on Ways and Means. It is therefore not surprising that we can not all agree upon the wisdom of any one single plan. It is certain that in order to secure legislation upon the subject we must be willing to give and take and harmonize our own views to some extent with those of others holding different views, and by such compromises of opinion reach a common ground upon which to enact legislation. In my opinion this bill, which is to a certain extent a compromise of the various plans proposed by different Members, will accomplish the main purposes in which we are all interested, is fair to the ex-service men, considerate of the taxpayers, and protects the Government, three prime factors to be considered in any legislation upon this subject. The bill permits the veterans to elect to receive the benefits of any one of the five following plans of compensation: First, adjusted service pay where the amount of credit is $50 or less; second, adjusted service certificate; third, vocational training aid; fourth, farm or home aid; fifth, land settlement aid.

A study of the benefits given to the ex-service men under each subdivision of this fivefold plan of compensation will convince the unbiased mind that the bill not only affords a means of immediate relief for the veterans but encourages thrift and industry upon their part, protects them and their families from misfortune in the future, and brings into existence a class of producers and home builders who will greatly increase the wealth and taxable property of this country.

ANSWERING OBJECTIONS TO BILL.

One of the chief objections being made to the bill is that it carries no tax-rider provision with which to finance it. This objection to my mind is a good argument in favor of the bill. In my opinion the people of this country will be unanimous for this legislation when they learn that it does not require extra forms of taxation and will in no way retard restoration

of business throughout the country. That is exactly what this bill accomplishes. The investigations of the Committee on Ways and Means disclose that the expenditures under the bill during the fiscal year ending June 30, 1923, will not exceed $75,000,000, and the committee having carefully gone over the revenues and estimated expenditures during that period, the majority of the committee report that no new forms of taxation or special provision of taxation are required to be inserted in this bill.

If we are sincere in our desires to grant relief to the ex-service men, this legislation should not be endangered and perhaps defeated by a tax-rider provision of any sort. I have particularly opposed a sales-tax provision. It has been my belief, and is yet my belief, that any measure enacted should be financed out of the ordinary receipts of the Treasury. Congress has appropriated multiplied millions of dollars to reimburse war contractors, relieve the railroads, and otherwise aid the so-called business industries of the country, and not a single one of these bills carried a tax-rider provision of any sort. I insist that we are not justified in treating legislation for the ex-service men differently from that of other legislation and not a single act has heretofore been burdened with a tax rider. If Congress will enact this law without a tax-rider provision the payments can and should be provided for out of the ordinary receipts of the Treasury, and by so doing we furnish a strong additional reason for still further paring down expenditures in other governmental agencies and departments, and at the same time offer another reason for collecting the interest on our foreign loans, both of which could and should be done.

As already stated, it is necessary to give and take in legislation of this character if we accomplish its enactment, and it ofttimes happens that agreements thus reached come nearer of accomplishing our purpose than to stand out for our own ideas, and I am very much inclined to believe that such may prove to be true with the present bill. I have been of the opinion that a greater cash-compensation provision should be made, but I am willing to accept the provisions of this bill rather than to secure no legislation at all, which would seem to be the ultimatum.

The adjusted-service certificate provided in this bill most effectually disposes of the objection against the payment of a cash bonus on the ground that such cash would prove of no value and be frittered away over night. The adjusted-service certificate feature is made so valuable and attractive that it will encourage every effort of thrift and economy to hold it until its maturity, and it can not be disputed that something of great and lasting value has been given, yet at the same time the service man is permitted to secure a temporary loan on his certificate if his circumstances are such as to require it. If you will pause to consider you will conclude that this plan is decidedly preferable to an all-cash bonus. It is the common experience and observation among men that a person will not borrow money, and the banks will not loan money, to be used for frivolous purposes. The loan provisions of this bill strongly argues that the ex-service man is given every inducement to practice thrift and economy in order that he may receive the full benefit and value of his certificate, and at the same time answers the argument that the benefits derived will be of no value.

Another objection which has been made against the bill is that the loan feature might create a condition of frozen credits. It should be remembered that the question of making such loans is entirely optional with the banks. They are placed under no obligation to make them and will not do so, unless their finances will permit and the necessities of the ex-service man require and justify the loan. However, in order to meet this objection, the bill could and should be amended so as to make these loans negotiable and transferable, and I suggest that the amendment go even yet further and require the Federal reserve banks to rediscount loans made by the member banks of their districts where such loaning banks require such rediscount. This would not only make the securities more liquid but make the loans obtainable from a source better able, in my opinion, to handle them. I hope that this or some similar amendment will be adopted. In this connection it should be remembered that on October 1, 1925, all loans or notes given by the veterans under the provisions of this bill, which are in default of payment, will be paid to the banks making such loans upon presentation to the Secretary of the Treasury. Then, again, the bill specifically provides that after September 30, 1925, the veteran can obtain his loan direct from the Government by applying through the postmaster at the place where he may reside.

In view of the great advantage to be derived by the veteran in holding his certificate, I anticipate but few loans will be applied for previous to that date. In other words, the ex-service man will not hypothecate his service certificate unless his necessities require it, and he will then make his loan for as short a term as possible in order to recover possession of his certificate. Few loans will be applied for prior to the date that such a loan is obtainable direct from the Treasury, but for that matter the security which the ex-service man will have to offer for such short-term loans as he might require is first class, and I predict that no bank will hesitate to accommodate his temporary needs upon such security.

In my opinion, the bill should be amended by inserting a provision by which the widow, children, or other heirs of a deceased ex-service man would be given the benefits of the provisions of this law. Such an amendment appears to me to be only an act of simple justice, and I am unable to agree with those who do not favor extending its provisions to the heirs of an ex-service man, and I hope that such amendment as this will be added to the bill before it finally becomes a law.

Statements have been made that the ex-service men would become the victims of loan brokers and money sharks if this bill was enacted. The persons making this objection have evidently not studied the bill. Section 502 (a) restricts the loan features on the service certificate to banks or trust companies organized under the law of any State, Territory, possession, or the District of Columbia, and limits the rate of interest that may be charged. Section 309 provides a fine of $500, or imprisonment for one year, against a person who charges or attempts to charge or collect any fee or other compensation than is provided in the bill. These safeguards are certainly sufficient to overcome that objection.

I have referred briefly to the principal objections that I have heard against the bill, some of which have emanated from those holding places of high authority in our Government.

Let me say right here that I consider it perfectly right and proper that the committees of Congress in shaping any legislation should receive the benefit of any advice or suggestion that may be made by the heads of departments of our Government, but I wish to emphatically voice my protest against allowing departmental officials to dictate to Congress the character of legislation that they will or will not approve. The tendency of Congress is to give departmental officials too much leeway in this respect and I hope to see the practice discontinued. The country is looking to Congress and not to them for its legislation. The Members of Congress were elected and sent here to represent the people of this Nation, and I am not willing to become a rubber stamp for any man or set of men. If we have an opinion upon a question we should have the courage to back it up with our voice and vote. If we have not any judgment and opinion we should resign our office and go back home and let the people elect some one to take our place.

It has been stated here on the floor that the veterans of the Civil War did not receive their pension or such allowances as were made to them by the Government for many years after the war, and for that reason we should delay action on this bill. To my mind such talk does not present an argument that requires an answer. It was unjust and wrong that the soldiers of the Civil War did not have their rights recognized much sooner than they did, but two wrongs never make a right, and because an injustice was done to the veterans of the Civil War is no argument why we should do an injustice to the veterans of the late World War.

Right here I want to digress from my subject to call attention of the House to the fact that members of the Enrolled Missouri Militia, and similar organizations, who rendered valiant service in the Civil War, and recognized by President Lincoln as having rendered such service, have never yet been placed on a pensionable status.

There is now pending in this House a bill which would give these old veterans a pensionable status, and regardless of what others may think or say about it, I consider it one of the most meritorious and just pieces of legislation now pending in Congress. It makes my heart sick to realize that Congress has so long delayed recognizing the service of these old veterans and placing them on a pensionable basis. Let me urge the fair-minded and just-thinking men of this House to immediately put their influence behind this bill and enact it into law without any further delay. It will only be a few years until all of these old veterans will have passed away. Many of them are now in needy and almost destitute circumstances, and if we are to help them and give them that which is justly theirs, we must act now, or it will be too late.

Getting back again to discussion of the measure under consideration, opponents of the measure have stated that they do not wish to put the dollar mark on the patriotism of the ex-service men. Oh, yes; it is all right to pay the war contractor, the war profiteer, the fellow that sat back at home in a swiveled chair grafting the public and plundering the Government Treasury, and the fellow who drew unheard-of wages, and everyone

else, but these same fellows now raise a howl to the high heavens when we so much as mention a just compensation for the boys who fought the fight, kept the faith, saved the institutions of this Government, and made the supreme sacrifice of all. The absurdity and ridiculousness of such claptrap is exploded when we consider what the compensation of the soldier was during the war as compared with that of the fellows who stayed at home and who are now setting up the cry against putting the dollar mark on the patriotism of the soldiers. The dollar mark is all that the ex-service man has thus far received, while these high-browed war profiteers, tightwad financiers, and dollar-a-year patriots who are now raising this cry against him stayed at home raking in the dollars. Let us remember that these boys were called to the defense of their country and sent to the battle fronts of Europe to undergo the hardships and tortures of a living hell at the munificent compensation of $1 per day, out of which they were required to make allotments for the support of their dependents, buy Liberty bonds, thrift stamps, and what not, which cut their own pay to less than nothing, while the fellows who for one reason or another stayed at home, grabbing the positions, business opportunities, and chances in life away from these boys, made an average wage of ten times that which the boys were making, and in multiplied instances built fortunes overnight.

Remember that these boys were drafted into the service and had no choice but to go. Remember that when they were called to arms some were engaged in profitable business; others had just embarked upon the responsibilities of life, while yet others were finishing an education preparatory to assuming such responsibilities. Remember that the time to improve an opportunity is when you have it, and that in calling these boys to arms at a time when their opportunities were with them that we changed the entire course of their future life. Oh, yes; they returned, but broken in health, sick, maimed, wounded, gassed, shell shocked, and discouraged, to find their job taken away from them, their once prosperous business absorbed by others, the opportunity which was once theirs flown forever. Multiplied thousands of these boys who once had good employment, a well-established business, and a bright future are now tramping the streets of our cities and towns begging for employment, and the big interests who are now yelling themselves hoarse saying that it would put the dollar mark on the patriotism of these boys for a grateful Government to recognize the sacrifice made by them, will not even keep their patriotic promise made during the war to give the boy his old job back. These self-sufficient and self-satisfied patriots might make a demonstration of their own patriotism by restoring to some degree to the ex-service men the employment and opportunities which was theirs when they were called to arms. It is to be regretted that the draft law did not include and apply to all persons and business enterprises of this country and put them all on an equal footing. If this had been done and these dignified, self-respecting citizens who remained at home and profited by the millions overnight, and who are now raising this cry against compensating the ex-service men, had been reduced to the same pitiful compensation received by the boys doing their fighting, I do not imagine that we would now be hearing anything about putting the dollar mark on any one's patriotism. A better phrase to use would be to say that we will put the mark of patriotism on the dollar, which we will do by the enactment of this bill.

I am ready to vote to pass this bill. If the President wishes to assume the responsibility of vetoing it, which I am sure he will not do, I am ready to pass it over his veto. The country is becoming impatient at the delay in settling this question, and I believe that the time has arrived when we should show the President and the Senate the dotted line on which to sign, and if there is then any further delay the people of this country have sufficient intelligence to know where to place the responsibility.

A persistent attempt has been made by the big interests of the country, backed up by some of the powerful newspapers, to create the impression that because of the refusal of Congress to accept a sales tax or some other of their pet theories of transferring taxes from the rich to the poor that we have been thrown into a state of confusion as to the character of legislation that we should enact, and our colleagues who are opposed to this measure have seized upon the opportunity presented by this newspaper propaganda to attack and criticize the bill now under consideration. Only quite recently my colleague from Missouri [Mr. HAWES], if correctly quoted, sought to render the bill unpopular by applying to it a number of high-sounding phrases and epigrams, in which he is quoted as saying that the name of the father of this legislation was "Haste," its mother "Fright," and that of the bill itself "Bunk." Legislation of this character has been under earnest consideration for more than a year, and there is neither evidence of haste, fright, or bunk in the terms of this bill. My colleague from Missouri no doubt refrained from saying what was really in his mind, and that was that the name of the Republican Party would be Dennis, with a big "D," if we failed to keep our preelection promise to enact legislation compensating the ex-service men, and he no doubt hopes by his clever criticism of this bill to bring it into disrepute and encompass its defeat and thereby accomplish the real purpose which he had in mind. I suggest to my colleague from Missouri and others who are so ready with their criticism of this bill that they have had ample time and abundant oppportunity to present a better plan, if they had one. It is easy to condemn and tear down but not nearly so easy to construct. The criticism of my colleagues suggest to my mind the incident of the two Tommies, who, in the heat of battle, with bullets whistling past their ears and great shells exploding around them, were compelled to take refuge in a convenient shell hole, at which time one of them remarked, "Tom, this is a 'ell of a 'ole you 'ave got us into," whereupon Tom replied, "If you know of a better one, we will go to it." [Laughter.] That is my answer to the criticisms of this measure by my colleagues. This seems to be decidedly the best measure that has yet been proposed, and if you have a better plan you should have submitted it for consideration and not content yourselves with criticizing this measure. I consider it a good start in the right direction and am ready to vote for the bill. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. SCOTT].

Mr. SCOTT of Tennessee. Mr. Speaker, arguments advanced by opponents of the pending measure utterly fail to convince me that Congress would commit the unpardonable sin were it to stamp this legislation with its approval. It has been urged that this legislation establishes a new policy extraordinary in effect and is without precedent. History, both ancient and modern, successfully refutes such erroneous contentions.

Cæsar, the greatest individual and international leader of all antiquity, whose efforts held intact the Roman Empire and gave to the world the proper conception of law and government, did not forget his warriors who made possible the promotion of essential principles to civilization.

Napoleon, hailed by many as the greatest soldier and statesman of the modern world, the renowned dethroner of emperors, rulers, and kings, whose spectacular and eventful career had its good and evil effect upon the civilized nations, both during and since his rise and fall, destroyed forever the feudal system and compelled kings and rulers to learn from him there is no despotism so stupendous against which there is not some recourse. His brave and loyal soldiers were not forgotten after the flag of victory had been raised.

Washington, the hero of the Revolution, the Father of our Country, whose name is to-day the symbol of liberty throughout the civilized world, advocated and urged gratuities for his unconquerable defenders of freedom. I beg the opponents of this pending legislation to heed the appeal of our country's first leader, who dared to break the shackles of British tyranny, as expressed in the last two paragraphs in a letter from General Washington to the Continental Congress March 18, 1783, which reads as follows:

> For if beside the simple payment of their wages a further compensation is not due to the sufferings and sacrifices of the officers, then have I been mistaken, indeed. If the whole Army have not merited whatever a grateful people can bestow, then have I been beguiled by prejudice and built an opinion on a basis of error. If this country should not in the event perform everything which has been requested in the late memorial to Congress, then will my belief become vain and the hope that has been excited void of foundation. And if, as has been suggested for the purpose of inflaming their passions, the officers of the Army are to be the only sufferers by this Revolution; if, retiring from the field, they are to grow old in poverty, wretchedness, and contempt; if they are to wade through the vile mire of dependency and owe the miserable remnant of that life to charity which has hitherto been spent in honor, then shall I have learned what ingratitude is. Then shall I have realized a tale which will embitter every moment of my future life. But I am under no such apprehensions. A country rescued by their arms from impending ruin will never leave unpaid the debt of gratitude.

These expressions come from the pen of our country's greatest leader on the subject of additional compensation for his soldiers, which at that time had his serious and favorable consideration. Where is the man who will dare to challenge his love of country, his devotion to honor, and genuine patriotism?

Mr. Speaker, legislation carrying for soldiers some form or character of gratuity has invariably followed all wars in which our country has participated.

Let us turn to the pages of recent history and see what the allied nations of Europe have done for their defenders.

World War statistics.

	Population.	Area.	Wealth.	Debt.		United States loans to Europe.
				1913, prewar.	1920, postwar.	
		Square miles.				
Italy	40,000,000	120,000	$35,000,000,000	$2,921,153,000	$18,102,000,000	$1,666,260,179
France	41,500,000	212,659	92,500,000,000	6,346,129,000	46,025,000	3,047,974,777
Australia	5,000,000	3,063,041	6,000,000,000	80,753,000	1,583,000,000	.....
Great Britain	46,080,000	121,633	80,000,000,000	3,485,818,000	39,314,000,000	4,277,000,000
Canada	8,370,000	3,730,000	10,000,000,000	544,391,000	1,935,946,000	.....
United States	105,683,108	3,026,788	380,000,000,000	1,028,564,000	24,277,321,467	.....
Japan	78,263,000	260,738	25,500,000,000	1,241,997,000	1,300,000,000	.....
Russia	167,000,000	8,300,000	60,000,000,000	4,537,861,000	25,000,000,000	187,729,750
Belgium	7,500,000	11,400	15,000,000,000	825,269,000	4,000,000,000	350,428,793
Turkey	8,000,000	174,900	4,000,000,000	675,654,000	2,000,000,000	.....
Greece	5,000,000	41,933	.....	205,640,000	469,367,000	48,236,629
Bulgaria	4,560,000	42,000	4,000,000,000	135,300,000	2,158,000,000	.....
Rumania	15,000,000	122,000	15,000,000,000	316,693,000	1,022,000,000	25,000,000
Serbia	5,000,000	34,000	15,000,000,000	126,232,000	126,232,000	26,780,465
Germany	65,000,000	208,780	83,000,000,000	1,194,052,000	55,261,000,000	.....
Czechoslovakia	.....	.....	.....	.....	.....	67,329,041
Cuba	.....	.....	.....	.....	.....	10,000,000
Liberia	.....	.....	.....	.....	.....	5,000,000

Bonuses provided for home service.

	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	Lieutenant.	Second lieutenant.	Warrant officer.	Sergeant major.	Quartermaster sergeant.	Color sergeant.	Sergeant.	Corporal.	Private.
Italy	$369.92 to $852.52	.....	$305.58 to $691.58	$241.25 to $611.17	$209.08 to $490.54	$176.92 to $432.25	$125.45 to $337.75	$112.58 to $209.08	$44.39 to $73.74	$44.39 to $73.74	$44.39 to $73.74	$44.39 to $73.74	$44.39 to $73.74	$44.39 to $73.74	$34.74 to $63.69
France	(1)	(2)	(2)	(2)	(2)	74.31 to 187.21	74.31 to 187.21	74.31 to 187.21	74.31 to 187.21	74.31 to 187.21	74.31 to 187.21	74.31 to 187.21	74.31 to 187.21	74.31 to 187.21	74.31 to 187.21
Great Britain	2,430.00 to 7,290.00	810.00 to 4,860.00	724.34 to 3,645.00	679.99 to 2,673.00	532.17 to 2,430.00	399.13 to 1,944.00	344.00 to 1,458.00	310.43 to 1,215.00	72.90 to 131.22	58.32 to 116.64	58.32 to 116.64	58.32 to 116.64	38.88 to 97.20	29.16 to 87.48	24.30 to 82.60
Canada	744.00 to 2,392.00	403.00 to 1,380.00	232.50 to 874.00	193.75 to 759.00	155.00 to 613.33	116.25 to 467.66	80.60 to 361.86	80.60 to 361.86	71.30 to 318.93	70.30 to 300.00	70.00 to 300.00	70.00 to 300.00	70.00 to 300.00	70.00 to 300.00	70.00 to 300.00
United States	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00

[1] Special, not with fighting units. [2] Special.

Bonuses provided for overseas service.

	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	Lieutenant.	Second lieutenant.	Warrant officer.	Sergeant major.	Quartermaster sergeant.	Color sergeant.	Sergeant.	Corporal.	Private.	Length of service (years).
Italy	$369.92 to $852.00	.....	$305.58 to $691.58	$241.25 to $617.17	$209.08 to $490.54	$176.92 to $434.25	$125.45 to $337.75	$112.58 to $209.08	$112.58 to $209.08	$44.39 to $73.34	$44.39 to $73.34	$44.39 to $73.34	$44.39 to $73.34	$44.39 to $73.34	$34.70 to $63.69	1–4½.
France	(1)	(2)	(2)	(2)	(2)	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	82.99 to 233.53	1–4½.
Austria	250.61 to 751.89	$174.96 to 524.88	174.96 to 524.88	147.62 to 420.87	120.29 to 360.86	92.95 to 278.84	74.72 to 224.17	74.72 to 224.17	61.97 to 185.90	54.68 to 164.03	58.85 to 158.56	54.68 to 164.03	49.21 to 147.62	47.39 to 142.16	32.81 to 98.42	1–3.
Great Britain	2,430.00 to 7,290.00	810.00 to 4,860.00	724.34 to 3,645.00	679.99 to 2,673.00	532.17 to 2,430.00	399.13 to 1,944.00	340.00 to 1,458.00	310.43 to 1,215.00	72.90 to 189.54	53.32 to 174.96	58.32 to 174.96	58.32 to 174.96	38.88 to 155.52	29.16 to 145.80	24.30 to 140.94	1—5.
Canada	2,928.00 to 4,758.00	1,586.00 to 2,745.00	915.00 to 1,738.50	762.50 to 1,509.75	610.00 to 1,220.00	457.50 to 930.25	317.20 to 719.80	280.60 to 634.40	280.00 to 600.00	280.00 to 600.00	280.00 to 600.00	280.00 to 600.00	280.00 to 600.00	280.00 to 600.00	280.00 to 600.00	1—3.
United States	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	(3)

[1] Special; not with fighting units. [2] Special. [3] On discharge.

England, our ally in the recent World War, did not forget the sacrifices of her soldiers. Statistics furnished me by the Congressional Library show that England has paid her defenders of honor more than $4,000,000,000 since the declaration of peace. England, with a national indebtedness of nearly 50 per cent of her national wealth, at the close of the world's most horrible conflict, her shoulders bent by an almost unbearable war tax, yet notwithstanding this fact we find this grateful nation immediately following the cessation of hostilities turning her attention first to her valiant and heroic warriors.

At the close of the awful conflict let us turn to France. We find her homes devastated, her industries paralyzed and financially impoverished, her national credit strained, France, the most outraged and war-plundered of all participants, save perhaps Belgium, yet we find that France, courageous and patriotic France, has long since expressed her gratitude to her world-admired and home-loved defenders by paying them additional compensation exceeding $5,000,000. She, too, with a national indebtedness in excess of 50 per cent of her national wealth.

Yet we hear the cry that this legislation commercializes our soldiers' patriotism and valor. I deny this infamous insinuation. The charge is the product of the ingrate and uninformed.

Italy, notwithstanding her burdensome national indebtedness, promptly and unhesitatingly provided additional compensation for her gallant sons who so gloriously preserved her national security and international honor.

Canada, our neighbor, ally, and friend, showed her undying gratitude to her victorious liberty-loving heroes without the slightest quibble or delay by providing them with a handsome bonus. Yet Canada's national indebtedness equals 20 per cent of her national wealth.

What has been true of England, France, and Italy has also been true of Belgium and Australia, who amid the shouts of victory did not forget those who made it possible.

Where is the man who would be so unfair as to contend that the soldiers of England, France, Italy, Belgium, and Canada deserved more consideration at their country's hands than the sons of America, whose psychological efforts snatched victory from the jaws of defeat and saved civilization from the brutal rule of a European war lord?

It has been said by some gentlemen that our Government is not able to meet the expenditures which this legislation incurs. Evidently my good friends have failed to note the fact that the United States Government has a national wealth which exceeds

the combined wealth of England, France, Italy, Canada, and Australia. The wealth of the United States has been computed by experts to exceed $300,000,000,000. The combined national wealth of England, France, Italy, Canada, and Australia is less than $250,000,000,000. The combined national indebtedness of these five nations approximates $120,000,000,000, nearly 50 per cent of their total national wealth. Including the national obligations incurred under the provisions of this bill, the total national indebtedness of the United States Government will be little less than $28,500,000,000, hardly 10 per cent of our national wealth.

In the face of these figures, conceded by reputable statisticians to be approximately correct, I here and now emphatically deny the charge that our Government is not financially able to compensate her soldiers as provided in this bill.

Let us not longer delay this long-due compensation.

Mr. Speaker, the eagerness and anxiety of the people to express their appreciation for their soldiers' sacrifices can be found by an examination of the acts of the numerous State legislatures. The following States have already granted a bonus to their soldier-citizens: Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, and Wisconsin. It is interesting to note that the electoral vote of all these States were recorded in the last presidential contest in favor of the present administration. This, in my judgment, should be a signal to the majority party to support this legislation.

Some distinguished gentlemen declared this bill to be inconsistent with their conception of what they believe a bonus bill should provide, and for that reason they will be compelled to oppose its passage. Oh, excuse, how oft thy door has been the exit of a defenseless antagonist. I do not insist that this bill is my ideal.

There are certain provisions I should be glad to see amended. However, I must admit that I would be reluctant to yield the power of amendment to certain gentlemen who so vigorously protest its provisions. Back of this criticism which has been apparently so earnestly urged I fear lurks that unconquerable character better defined as conscientious objector. It is from this same opposition comes the cry that the Treasury of the United States is depleted and is not equal to the demands which will follow this legislation.

It hardly becomes certain people to charge that this bill in effect commercializes the valor and patriotism of our soldiers in view of the war record of those who make the charge. What is the source of this antibonus propaganda which has been so generously dispensed over the country? Why, Mr. Speaker, it emanates from those centers of wealth and industries which so liberally lubricated their bank accounts during the war. You hear these war-time profiteers, now peace-time patriots, proclaiming in vociferous tones their love for country and how they regret to see this additional burden imposed upon the people. It is indeed unfortunate for the country that this spirit of patriotism failed to penetrate their hearts while the sons of America were dying in no man's land and painting the soil of France red with their blood.

I have no quarrel with those who honestly believe that a soldier bonus at this time might retard the return of normal economic conditions. I can conceive that one may be grateful and appreciative of the gallant and valiant service rendered by the veterans of the recent war, yet out of misapprehensions conclude that a bonus would be more hurtful than helpful, but I want to impress that the source and purpose of the antibonus propaganda justifies in my judgment the charge of pure selfishness and lack of proper gratitude of certain citizens who enjoy individual and national liberties as a result of the sacrifices of those whom they refuse to reward.

These selfish citizens and interests, proclaiming at one time that the country is bordering on bankruptcy, and is not able to assume additional compensation to soldiers, in the next breath we hear these same voices urging the United States Government to cancel more than $10,000,000,000 of our foreign loans. If we are too poor to pay the soldiers less than $4,000,000,000, we are certainly too poor to cancel our foreign debts. Here let me say that I can not persuade myself to believe that the people of the United States, who so self-sacrificingly tendered their sons and resources to hurl the German hordes from the devastated homes of France and Belgium, will ever consent to the unbusinesslike policy of complete cancellation of foreign debts held by this Government against solvent foreign countries. It is reasonable to presume, Mr. Speaker, should the United States Government make the sad mistake of canceling her foreign debts, as suggested by certain antibonus propagandists, that our financial status would in all probability be materially embarrassed. But as I have heretofore stated, this preposterous assumption will not be permitted by the American people. The fact is that the long past-due interest on a large portion of our foreign loans, judging from recent reports regarded as authentic, will soon be paid. This interest fund can be applied to the cash payments provided in this bill, thereby causing no strain on the Treasury.

Mr. Speaker, who constitute the chief opposition to this bill? Why, every slacker, every selfish profiteer, every alien enemy, every national ingrate, is opposed to this bill. I do not mean that all who shall oppose its passage are of the heretofore mentioned class, for many honest, conscientious people have been unduly alarmed as to the results of such legislation, and oppose it upon what they regard as well-founded reasons. I am only calling to their attention the company in which they unfortunately find themselves.

On the other hand, every citizen who favors this legislation stands first, last, and forever for honor, home, and country. They believe in the time-honored principle that a country that wantonly fails to provide for its defenders does not deserve to be defended.

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from New York [Mr. ROSSDALE].

Mr. ROSSDALE. Mr. Speaker, I introduced a bill early in this session of Congress to provide for adjusted compensation for those who served honorably in the Army and Navy or in the Marine Corps, with a provision for compensation of a dollar per day for service in the United States and a dollar and a quarter per day for service overseas. I introduced that bill then, and have labored throughout the session to secure the enactment of an adjusted-compensation measure for the veterans of the late World War because I believed it was a solemn obligation of the Nation which should have been met when the men were discharged from the service at the close of the war by the administration that was then in power.

I believe a great wrong was done these veterans by the neglect to provide this adjusted compensation. It should not have been delayed long enough to become even a question, for it is undeniably a public debt and an obligation that we ought to discharge now.

I firmly believe that if my Democratic friends on the other side of this House who were in that Congress and then in power had as much zeal for the soldier and sailor who served in the war as they had for the war speculators and war munitions contractors and for all that ignoble host of war profiteers which they evidently had when they introduced and passed the Dent bill, under whose operation the Government paid out of the Treasury $3,000,000,000 for canceled war contracts, it would not be necessary for this Congress at this time to meet this situation. [Applause.]

The Dent bill was passed shortly after the armistice, in February, 1919. It was passed by a Democratic House and Senate and signed by President Wilson. It empowered the Government to make payments in settlement for canceled war contracts, and so forth. I have not the time or desire to rake up the muck from out of that iniquitous legislative act. It is history now, and the entire country knows that it was cheated and defrauded of the larger part of those $3,000,000,000.

That Democratic Congress displayed remarkable haste and surprising speed in passing that legislation. It was the same Congress that enacted a so-called "bonus bill" for the Army and Navy it was then demobilizing by providing each discharged soldier and sailor with a $60 bonus upon being mustered out of service. They evidently regarded it as timely and as proper to adjust the compensation for the "war brides" and "war babies" of Wall Street, and there was money enough in the country then to pay to the bankers and brokers and to "big business" in general who had financed these speculations. But they evidently thought it was untimely and unnecessary to decently adjust the compensation of the 4,000,000 men who had suffered financial loss either of salary, pay, wages, or business opportunity by reason of their service in the military or naval forces during the war.

We conscripted human life by enacting the draft laws, and held "property rights" to be sacred and inviolable; labor remained a commodity purchasable according to the law of supply and demand. We had the right to conscript human life to preserve the Nation, and very properly exercised that right. We also had the right to conscript human labor to win the war, but we failed to exercise that right. Why we did not, only God and the Democratic administration who were then in power know. It has never been explained, and it probably never will be understood, why we stupidly upset and dislocated our entire industrial and economic structure by withdrawing more than 4,000,000 men from their ordinary occupations and inducting

them into military service and at the same time competing with private employers for the labor we so urgently required in our shipyards, machine shops, munition factories, and war-material plants.

Had we conscripted human labor as we conscripted human life, both in uniform service at $30 per month, there would have been less industrial upset, the high cost of living would not have been so extremely high, and the country would have returned to more normal conditions ere this. It is certain that if there had not been so glaring inequalities between the man in military service at $30 per month and the war worker at home reaping the benefits of the others' absence by big wages or big profits there would not now be any question or issue of adjusted compensation.

When the war began we raised the pay of the men in service to $30 per month, but in reality they did not receive that amount, for they were subject to various deductions and extra expenses by reason of that service. A single item—war-risk insurance—considerably lessened the monthly pay check. It was a gross injustice to compel the men to pay their own war insurance; then we exhorted them to be patriotic and buy Liberty bonds on installments, and that, too, was taken from out of that $30 per month; deduct from the remainder the allotments to dependents at home, and the average pay of our soldier or sailorman was about $8 per month.

A comparison of the legislation for the men who were in the service and for those who for divers reasons, physical, family, or otherwise, remained in civil life proves in effect that we actually gave a substantial bonus to war workers and to those others who reaped the benefits of high wages and large earnings in civilian life at home. Can we, then, in fairness to all concerned, further delay and neglect to make an equitable adjustment? I think not. For my own self I deem it to be my duty to express by my voice and vote as a Member of the House the justice of this measure.

The bill has been popularly termed a bonus bill, but it is not a bonus measure, and the term "bonus," as generally applied to it, is a misnomer. A bonus is a gratuity or gift. If I thought it was really that, I would strenuously oppose it, for I do not believe that any large number of our ex-service men desire or would accept any gratuities or gifts for either their service or sacrifice. It is exactly what the bill states it is—to provide adjusted compensation for veterans of the World War.

It has been argued that we ought to provide for the maimed and injured veterans before we give consideration to any plan for relief for those who returned from the war physically uninjured. It is a sacred obligation of the American people to care and provide for the wounded and disabled veterans. I believe we ought and must give proper consideration to both the injured and uninjured. Congress has met this obligation for the injured with legislation for hospitalization and compensation for all ex-service men whose injuries or illnesses result from their war service. Although pledged to economy, this Congress appropriated last year $500,000,000 for this purpose and $50,000,000 additional for more hospitals. The complaints of lack of care or provision for the wounded or disabled service men result mainly from administrative faults and rulings of the officials in charge of the various bureaus to whose care is intrusted these disabled veterans. There is no lack of appropriation of funds to care for the injured, and it is plainly our duty to care for both. Our late allies made no distinction between their injured and uninjured veterans, they generously compensated both. Presumably with our own money; only America has held back.

The bill I had introduced differs in many respects from this bill as reported out by the committee and which will be passed by the House to-day, judging from the vote we have just had on the suspension of the rule and for which I, too, have voted. My own bill provided for a cash payment option to those who were urgently in need of cash payments, with a sales-tax provision for raising the revenue necessary for such cash payments.

It is regrettable that Members of the House were not given the opportunity to amend the bill, for I am firmly convinced that if the House were not forced into the position of adopting the rule preventing amendment, the sales-tax financing plan recommended by President Harding would prevail. However, the bill will go to the Senate, where it can be considered without restriction, and I hope it will be amended to provide the greatest amount of relief to those ex-service men urgently in need of same. This bill is admittedly not a perfect bill, for it penalizes those who unfortunately are in need of immediate payment, while the more fortunate among the veterans can afford to hold their certificates as an investment.

I much prefer the cash payment plan because it offers immediate relief and because it would be less costly to the country. My own bill imposes a sales tax of 1 per cent, with a limit of two turnovers with exemption for foodstuffs and other essentials, and would provide the money needed for this purpose in a painless, indirect way. I have studied the operation of the sales tax as it is levied by our neighbors in Canada, and I am convinced that the imposition of a small sales tax would hardly be felt by the ultimate consumer. It is generally conceded by Canadians that this tax is absorbed in the overhead costs of business and its effect is almost imperceptible.

However, I am quite ready to accept the present bill presented by the committee, although it differs materially from my own bill, because I know that all legislation is the result of a compromise, hence it is necessary that all Members of the House who are in favor of an adjusted compensation measure and all those who have introduced other adjusted compensation bills do their individual part in effecting such a compromise and accept this bill since it provides a practical way without danger of financial or economic disturbance for the Nation to discharge its long overdue obligation to those who by their service and sacrifice won the war.

I vividly recall the stirring days of the war and my mind goes back to that time when "our country" spelled the magic word "service" to the youth of the land. We had yet to win the war. It meant something to serve then, for patriotism was in the very air and our hearts went out in welcome to every boy in uniform. We could not do enough for them then, and as we prayed for the safety of the overseas journey our thoughts were of the ships, of the camps, and the trenches. In fancy I can still hear the muffled tread of the troops as they silently marched down to the wharves in the quiet of the night or early morning to embark for "over there."

I can hear the tumult and the shouting of the armistice celebration and see the storm of paper confetti, resembling a snowstorm, with which overjoyed New York—my city—hysterically greeted the news. I can hear the tramp, tramp of our victorious divisions as they marched up flag-bedecked Fifth Avenue and picture the laughter mingled with tears of joy in the family reunions. There were bands of music and cheering crowds to greet them, and we felt that "nothing was too good for the boys."

Oh, we were tremendously patriotic then, but that was in 1919; the war is over now, and in 1922 we must measure and pay the tremendous costs. Taxes are high and business is dull, for the aftermath of every war is thus unpleasant and it is in human nature to quickly forget. There are many who have already forgotten and in place of the cheers there are jeers, especially from "big business," who profited most by the war.

The great mass of the American people, however, have not forgotten and will never forget the services these men rendered, and despite the selfish organized commercial propaganda directed against this measure they believe it is fitting and proper that Congress enact this adjusted compensation bill for our World War veterans.

Mr. GREEN of Iowa. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE of Wisconsin. Mr. Speaker, to-day there are from 800,000 to 900,000 ex-service men out of employment in the United States, through no fault of their own. These men were physically strong and healthy young men when they entered the service and so pronounced by the doctors that examined them. After serving their country on an average of from one year to a year and a half they returned here to find their employment gone, and to find also several million other men out of employment. I believe every man who entered the service for a dollar a day, who left his employment, received a very severe handicap, and that it is the duty of our Government to make that right as well as we can. I believe this bill will help to do it. [Applause.]

Mr. Speaker, I therefore intend to vote for this bill providing for adjusted compensation, not as a gift or a bonus but as a deferred compensation.

I do not think it is as good a bill as the Fordney bill, which was passed by the House of Representatives May 29, 1920, by a vote of more than three to one, which bill met its death in the Senate. I voted for that bill, and can see no reason why anyone who voted for that bill should not vote for this. I wish this bill provided for victory taxes the same as the bill we passed, and that it also provided for a cash payment instead of the certificate plan that compels the veteran to either wait until September 30, 1942, or discount his certificate at the bank. I will offer an amendment, if I am allowed to do so, providing for a cash payment in lieu of the certificate plan of payment provided for in this bill.

A NATIONAL OBLIGATION.

I do not believe that 5 per cent of these 900,000 ex-service men and women who are out of employment to-day were out of employment when they enlisted. Every ex-service man and

woman suffered a severe economic handicap as a result of their service in the World War. When these men and women enlisted they gave up their positions, which were immediately filled by others. When they returned it was impossible in a great majority of cases for an employer to turn off the person who was filling the position satisfactorily and restore the ex-service man to his former position. When these veterans, numbering over four and one-half millions, were discharged at the close of the war, the labor market was overstocked. It was a condition brought about by the war. Many suggested that the Government engage in some great internal improvements that would give employment to the returning soldier.

WILSON ADMINISTRATION DID NOTHING TOWARD REHABILITATION.

At the close of the war the Government had over 300,000 motor trucks in its possession and the most complete equipment of all kinds for road building ever assembled. It had an unlimited quantity of explosive T. N. T. and other equipment for land clearing. It had stores of food, stocks of clothing enough to last an army of four and one-half million men another year if the war had lasted. With all of this equipment and with tens of thousands of engineers who had aided in rebuilding France at its command, the administrative part of this Government did nothing to utilize this wonderful equipment, which was sold at the lowest figures and allowed to go to waste.

Soon after the close of the war Congress passed a resolution requiring the Secretary of War to turn over the surplus trucks to the Agricultural Department to be distributed among the different States to be used for road building, but the War Department did not turn over a single truck or any road equipment for over six months, and then only after constant prodding by Congress. The entire road-building year passed with this valuable equipment, most of it exposed to the elements and going to ruin, and the States unable to buy the same kind of road-building equipment at any price.

THE GOVERNMENT SHOULD HAVE GIVEN EMPLOYMENT TO ITS SOLDIERS BY ENGAGING IN GREAT INTERNAL IMPROVEMENTS.

If the war had lasted another year, we would have spent at least $2,000,000,000 more than we did. If the Government of the United States had spent one-half that amount in productive work, such as building roads, clearing and reclaiming lands, improving our great waterways, every citizen would have been benefited and we would have no unemployment but plenty of work for all, and our soldiers would have been reabsorbed into civil life.

When this Government discharged over four and one-half million soldiers to return to private life without making any provision for them to enter into productive employment it made a colossal blunder. But, in addition to this, the Federal Reserve Board struck a death blow to prosperity when it retired from circulation over $1,000,000,000 of our currency in a single year between November 1, 1920, and November 1, 1921, thus paralyzing private enterprise from one end of this land to the other, by denying to business the extension of credit and by deflating farm produce below the cost of production.

THE RANK AND FILE.

Battle is normally determined by physical encounter with the bayonet or the fear thereof, says the War Department in a recent report. All other agencies, however potent, serve to make possible the advance of the foot soldier in hand-to-hand encounter. Alexander the Great, Cæsar, Napoleon, Washington, Grant, Lee, and Pershing gave credit to the rank and file of the armies for their greatest victories. I am told of a little rhyme which used to be sung by the doughboys in France, which was as follows:

The Infantry, the Infantry,
With dirt behind the ears,
The Infantry, the Infantry,
Their pay is in arrears;
The Cavalry, Artillery,
and valiant Engineers,
They couldn't lick the Infantry
In a hundred thousand years.

This bill is intended to help the rank and file, who only received a dollar a day while in the service, while the greater portion of this amount was retained for insurance and his dependents at home. This bill, if it becomes a law, will give immediate aid to those in dire distress; it will help others in acquiring homes and procuring land to make farms; and it will also help the incapacitated and crippled soldier, who we all know will need it as he struggles through life under the handicap that grows heavier as the years go by.

England, France, and Belgium, and Canada have given their soldiers a bonus, although some of these countries were on the verge of bankruptcy. The United States has never in its history had to be prodded or had other nations lead the way in acts of justice or generosity toward its defenders, and God grant that it never will become so mercenary that it loses its high sense of gratitude toward those who were willing to make the supreme sacrifice for their country.

I hope that no poet can write as Kipling did 20 years ago when he painted the picture of ungrateful England toward its soldiers back from war in the following lines:

I went into a theater as sober as could be,
They gave a drunk civilian room, but 'adn't none for me;
They sent me to the gallery or 'round the music 'alls,
But when it comes to fightin', Lord! they shove me in the stalls.
For it's Tommy this and Tommy that and "Chuck him out, the brute!"
But it's "savior of 'is country" when the guns begin to shoot;
An' it's Tommy this an' Tommy that and anything you please;
But Tommy ain't no bloomin' fool—you bet that Tommy sees.

MORALE.

We heard a great deal in the late war of the importance of keeping up the morale of the soldiers. The morale of the soldier was regarded as very important and oftentimes turned the tide of battle. Is it important for the Government at the present time, with eight or nine hundred thousand citizen soldiers out of employment, through no fault of theirs, to be just and fair with them? Will it help the United States if in the future she has to call upon her citizens again to offer their lives in defense of their country? Will such an act of justice make for a good, enthusiastic, and contented citizenship? I firmly believe it will.

OPTIONS GIVEN BY THE BILL.

Besides the adjusted service certificates, this bill provides for vocational training aid. The option to receive farm or home aid—Title VI. The option to receive land settlement aid—Title VIII. These options are more satisfactory than the adjusted service certificates and would be better than a cash payment bonus. But I realize that probably a majority of the ex-service men are in immediate need of money to obtain the necessities of life or to embark in some undertaking. Therefore an opportunity is needed for those ex-service men so situated, and I regret that Congress did not meet the situation squarely by levying taxes in some or all of the following ways, which I urged before the Ways and Means Committee on February 6, 1922:

First. Reenact the excess-profits tax.

Second. An additional surtax on individual incomes of 1 per cent of the amount by which the net income exceeds $5,000 and does not exceed $10,000; 2 per cent from $10,000 to $26,000 and 3 per cent of incomes in excess of $26,000. This provision is estimated to yield $108,000,000 per annum.

Third. A tax equivalent to one-fifth of 1 per cent on the sale of stocks and bonds. This provision is estimated to yield $190,000,000 per annum.

Fourth. A tax equivalent to one-half of 1 per cent on the sale of real estate. This provision is estimated to yield $50,000,000 per annum.

Fifth. A tax of 3 per cent on the gross incomes of mail-order houses doing a mail-order business of over $50,000 per year.

Sixth. An excise tax on corporations issuing stock dividends subsequent to March 15, 1920, equivalent to 10 per cent of the value of stock so issued. This provision is estimated to yield $45,000,000 per annum on future stock dividends.

Most of these ways of raising taxes were favored by the Ways and Means Committee and passed by Congress May, 1920, by a vote of three to one. If these ways to raise the bonus were sound then, I wish some one would inform me why they are not sound now.

Mr. FORDNEY. Mr. Speaker, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. GREEN of Iowa. Mr. Speaker, I yield two minutes to the gentleman.

Mr. MONDELL. Mr. Speaker, it will be two years the 29th of May next when this House passed by a vote of more than three to one a soldiers' adjusted compensation bill. Within a week of that vote the Republicans met in convention at Chicago and there made a declaration which, in the light of what had occurred here within the week, if it was not an approval of an adjusted compensation bill had no meaning at all. Then came the campaign, and from every stump and platform in the land Republicans and Democrats, with few exceptions, expressed themselves as favorable to the recognition of the service of all the men who had taken up arms in the Great War and generally along the lines of the bill that was voted on in this House in May, 1920.

Mr. Speaker, I am one of those who believe that political parties ought to keep their pledges and their promises. [Applause.] I know that sometimes it is inconvenient for individuals and for nations and for parties to keep their pledges. I know that sometimes it interferes with plans and involves sacrifices. I know that sometimes in the world's history men and nations have

treated their solemn promises and obligations as mere scraps of paper. However, no political party will live, and no political party ought to live, which will not and does not, even though conditions may somewhat change, even though the pledge may have been made without full appreciation of its cost, keep the pledges and promises on which the people of the country gave it authority and control. [Applause.]

This is not a perfect bill. No piece of legislation ever voted on in this House has been or will be perfect, but it is a better bill than the one we voted on two years ago. At least we have listened to those voices of caution, if not of wisdom, that have said to us that we should not have a cash bonus.

Mr. Speaker, we have been conservative. We have prepared the best bill that, in my opinion, can be prepared, and we will pass it by an overwhelming majority and keep our pledge. [Applause.]

Several speakers have criticized the land reclamation or soldier settlement of the bill, and have been almost as extravagant in their statements as that clerk in the Treasury Department, who got his by his own admission one hundred and sixty-seven billion too high. This home-building land-reclaiming section of the bill is its best feature. It was embraced as the first section of the fourfold plan of the American Legion. It has been indorsed by every legion organization that has passed upon the various features of the bill. It has the personal indorsement of many thousands of ex-service men and of forward-looking men in all walks of life.

The estimates that have been made of the cost of this work of farm and home building are too absurd for words. No money can be spent for this development except as it has been estimated for by the Bureau of the Budget and appropriated by the Congress. The sums that will be spent will depend entirely on the number of men who may desire farm homes and an opportunity to work to secure them, and on the extent to which the Congress may see fit to appropriate for this work of national home building. If this plan of reclamation shall meet the approval of the ex-service men; if the development of the work shall prove its worth, considerable sums may eventually be expended; if it shall not appeal to the soldiers or commend itself to the good judgment of the House, it will not go far or cost much.

Whatever may be said of other features of this bill, this plan of encouraging the ex-soldier to seek farm homes and help in developing farm areas is in perfect harmony with our past policy as a people and certain to be helpful to the soldier and to the Nation.

Mr. FORDNEY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. COPLEY].

Mr. COPLEY. Mr. Speaker and gentlemen, the question of whether or not an adjustment of compensation to the soldiers is a moral obligation that rests on the shoulders of the people of this country is very much like a belief in the miracles of the Bible. If I believe, then no argument can change my mind; if I do not believe, neither arguments and evidence may be produced that will lead me to change my mind. I believe an adjustment of compensation to the soldiers is a moral obligation resting on the shoulders of the people of this country, just as there is a moral obligation on the part of our people to settle the so-called contracts through which men and corporations would have lost enormous sums of money. Of course, this is going to cost the people of this country money. We can not settle anything that we justly owe without paying for it, and we can not pay for it without taking it out of the taxes in some form or other. Enormous as the figures are, they still have relation to other figures—relation to the wealth of this country and to our ability to pay.

The amount which we owe is not the $4,500,000,000 of 20 years hence, but it is the $1,492,000,000 that would settle it now. What we owe at present is the true measure of value. That is what we owe to our soldiers at the present time. Let us see what relation that has to the wealth of the country. It was estimated in 1910 by the Treasury Department and the United States Census Bureau that the total wealth of the country was $188,000,000,000, and the estimates of the increase from that time until 1920 vary all the way from $300,000,000,000 to $450,000,000,000, or an increase of from $113,000,000,000 to $263,000,000,000. Therefore the present measure of value of this obligation, if we settle it, would amount to a little less than 1 per cent of the increase of the wealth of the people of this country for the period between 1910 and 1920. [Applause on the Republican side.]

That increase is left to us after we shot away $50,000,000,000, and that is the moral obligation on the part of the people of this country, and we ought to settle it. It is a very small part of our wealth. Much has been said about figures and about so-called gold bricks this afternoon. The average wealth of this country in 1920, per capita, was perhaps around $3,300, and what we are offering the soldiers of this war in adjustment of their compensation is about $465 per man. That is about one-seventh of the entire wealth which the average man, woman, and child of this country has accumulated in a lifetime, which we are paying to these young men for their services on the average of one year. My own opinion is that it is a fair and liberal settlement with them, and I hope they are going to so regard it. I think they will be satisfied.

One hundred and thirty-two of my fellow workers in the industries with which I am connected went to this war. Those who came back all returned poorer than when they went. Their fellow workers who stayed at home had opportunities to improve their condition and just about that same number took advantage of that opportunity, and they materially improved their condition because of this war.

Now, the point I wish to make is this: That no Republic can live unless it give the men who do the voting an equal opportunity under the law. We are treating these men fairly.

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Speaker, I demur to that provision of the rule which requires that the time of the majority should be divided and a portion thereof assigned to the coterie of gentlemen on the minority side who oppose the bill. That group of gentlemen should have gotten their time from the Democrats.

Mr. Speaker, I find that the very men who are in favor of the cancellation of the war loans we made to foreign Governments are also objecting to the granting of the benefits proposed to be conferred upon the ex-service man by the bill which is now before us. Also, I am pained to note that certain gentlemen who a short time ago voted to donate $20,000,000 to the Russians are now ready to vote against the soldiers' bill.

The soldiers' adjusted compensation bill, at the last session and during this, has had my sympathetic, active support. It was Senator Foraker, of Ohio, who said that the claims of soldiers should not be weighed in an apothecary's scales.

Congress has appropriated $3,000,000,000 to settle the claims of war contractors, and perhaps as much more to cover loss in operation of railroads that were guaranteed their prewar earnings.

The war resulted in 25,000 additional American millionaires. One of these during the war said to me, "We are making so much money we don't know what to do with it."

Now we are told that we should take care of the crippled soldier, but that to give an able-bodied one extra compensation or other benefit would be to put a premium on patriotism, and that Members who vote for such legislation do so for selfish political reasons.

These are the arguments of the profiteer whose face never saw battle and whose hide remains intact, and whose ill-gotten gains he wishes not to be taxed.

The soldiers have not bothered me about this bill. They should not be expected to have to ask for action. They did their part and did it well. Those that are dead are beyond our reach. Those that are crippled are receiving ample appropriations for their care and need. I never see one of the poor, maimed fellows but that my heart is not touched for the suffering he has borne and the affliction that shall follow him to his grave.

Such funds as may be distributed to the soldiers will not be wasted. The money will reach most every home in the land. The soldier will be relieved, and what he spends will go into circulation. The merchant, the banker, and other business men—in fact, the whole country—will be benefited.

Other nations associated with us in the war have recognized the special obligation they were under to their soldier by voluntary grants of considerable sums, in the case of Canada the grant being $1,700 to these fighting men. We are the wealthiest Nation, and to say that we are not able to pay is an absurd statement.

The bill as framed can not possibly embarrass the Government, and the passage of it will indicate our appreciation of the boys who were the defenders of the Republic in the time of a great war. Had we lost the war, the Germans would have taxed us—and, more than likely, confiscated our property—and liberty would have been gone. The taxpayer should accept this legislation without grumbling. Congressmen have been deluged with propaganda directed against this bill.

An effort has been made to intimidate and bulldoze the soldiers into a state of inaction or quiescence by assertions to the effect that the soldiers were trying to hold up the Government

by sandbagging the Congress. Nothing could be further from the truth.

The ex-servce man may rest assured that the Republic is grateful and that the vastly preponderating majority of the American people whole-heartedly indorse the provisions of the bill.

Be that as it may, I am the keeper of my own conscience, and conscience tells me to vote for the bill, and that I shall accordingly do.

It affords me pleasure in concluding my remarks, to record the fact that it was my distinguished colleague from West Virginia [Mr. BOWERS], of the Committee on Ways and Means, who suggested the compromise which made it possible to report the bill in such form as to meet the approval of the House.

It is rather interesting, also, to note the fact that the first suggestion of the certificate plan of settlement came to me from the Eph Boggs Post of the American Legion, of my home town, Williamson, W. Va. [Applause.]

Mr. FORDNEY. I yield to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, regardless of the good or ill of bonus legislation, regardless of any individual opinion for or against the bonus for the soldiers of the World War, any man who cares for the truth of history must admit that the administration leadership has literally fallen to pieces in handling the situation. Everybody knows that if the bonus was a good thing it ought to have been passed by the last Congress and on the first possible day of that session, for that was the time when the returning soldier most needed his Government's helping hand. Everybody knows that the Government would still be running if, when that pittance of $60 was given to the soldier—barely enough at that time to buy a suit of clothes—the amount had been made at least a dollar a day for service rendered. Patriotism ran so high then, gratitude to our heroes was so deep and radiant then that such a bonus would not have been regarded as a payment for patriotic service but simply the country's grateful handclasp of fellowship in an hour of mutual reciprocal need. If the soldier bonus bill was fit to be passed on the 20th day of May, it was worthy of passage on the 20th day of January or February or March or April, when there would have been time to push it through the Senate; but it was passed by this House on the 20th day of May, remember, only three days before the adjournment of the Sixty-sixth Congress, when it was legislatively impossible to get it through the Senate.

And then—ah, well, Mr. Speaker, upon my word I do not like to be harsh or critical—my whole course since I have been a Member of this House has proven that, I believe; but no man can tell the truth about this thing without telling the truth. And everybody knows that the administration leadership then went forward to political battle, shaking hands with the soldier and pledging him speedy help with one hand and then winking at gleeful plutocracy on the other hand and saying, "Oh, thou that fillest our campaign coffers, thou seest how well we managed not to pester thee with increased taxation." Again, I declare that a thing as good as some people declare the bonus to be should have been passed in the hour of the soldier's greatest need. And now, after weary months of waiting and wading through the sixty-seventh session, during which the big Republican majority has had everything in its own hands, it has kept the soldier out of whatever blessing the bonus would have brought for another long year. If it was too bad to be passed at the beginning of the last Congress, or certainly at the beginning of the present session, then, surely, it is too bad to be passed again on the eve of another election. Gentlemen, I would not be bitter for the world; that is not my type; I love to love folks, both friends and opponents; but again I declare that nobody can tell the truth about this thing without telling the truth. Down in Georgia I heard of a little boy who caught a minnow out of the limpid brook and was trying to scale the poor little captive while it was alive. The minnow wiggled and wriggled, because it hurt; and the lad declared with a grin, "Hold easy, little fish; I will skin you just as easy as I kin, but you have got to be skun." Come on, imperial administration bloc, I will skin you just as easy as I can, but you must be "skun." "Shell down the corn." You know you have played politics—petty, political politics—with this absorbing question, and to-day some of you, poor dears, caught in a jam between the protests of plutocracy and the pleadings of positive want, some of you would give half your political kingdom if you had never heard of a soldier bonus.

CONFUSION WORSE CONFOUNDED.

With the President calling for one thing, the Secretary of the Treasury calling for another, the unterrified insurgents calling yet for another, and the soldiers and sailors, their aids and abettors, divided in camps of schism and quest, behest and protest, the administration leadership cries with pale face and excited gestures, "Which way I fly is confusion; I, myself, am confusion."

Senator POMERENE asked me the other day, "How are you getting along over in the House?" And I could have for him but one answer, which I make now my solemn indictment: The administration bloc is groping in a pitiful maze of timorous indecision and floundering in a seething maelstrom of incompetent incoherency. And, gentlemen, I submit that that is a terrible malady, nearly always proving fatal. The pathetic eventualities are expected to eventuate during the early ides of November. I voted for the soldier bonus during the Sixty-sixth Congress, when it was a case of about 50-50 between protest and request; but I honestly felt, in the radiant and yet tragic aftermath of America's victorious part in the greatest war that the world has ever seen, that if I should make an economic mistake at all I wanted to make it on the side of personal and national gratitude toward the men who offered their all to keep the flag of America floating over your home and mine. I resent the charge that I was voting to pay soldiers for their patriotism. That is a debt which the Nation can never pay. But I honestly felt that if we could invest nearly $10,000,000,000 to help foreign nations—although they were our honored allies—solve their domestic ills and their soldier problems, we could certainly do half as much for our own soldiers—God bless them!—who left their fields and farms, their offices and their factories, on the crest of delirious prosperity and came back from the Army only to find their business, all business, shot to pieces; the major part of 4,000,000 of America's defenders, the heroes of yesterday's wild enthusiasm, now all dressed up in their country's uniform, but nowhere to go for their bread of to-day nor their prospects for "to-morrow's to-morrow." We were ready then to face extra taxation to help give the soldier a brother's helping hand, but ah! this "aching of the waiting"; this "hope delayed," which has made the heart sick. Chiefly at the behest of men who grew rich and richer on the bravery and the blood of American boys during the war, this bonus legislation has been slapped about and scrapped about until the glory has almost faded from its wan and wasted face. No wonder that many of the gallant fellows who needed a substantial handclasp then have grown disgusted with the tedious suspense. The halo has been broken, the charm has lost its luster, and the thrill of a common victory, a common prospect, and a common reciprocal obligation seems to have ceased to quicken the soldier's pulse or stir the Nation's heart.

Again I declare that, regardless of the merits of the case, the long and tortuous delay in handling it is utterly without excuse. This country is not bankrupt, and if it is able now to assume an obligation to our "soldiers of freedom," why, in the name of common sense and common justice, have we waited so miserably long to perform our national duty?

DELAY HAS FORFEITED SOLDIERS' GRATITUDE.

No fair man can escape or deny the indictment that must be laid at the door of administrative leadership when we declare that that leadership has forfeited every atom of the gratitude of the soldier for whatever of tardy good this legislation may carry to them. The soldier knows that if the Republican majority had really wanted him to have this bonus, this bill, or something better, would have been passed by both branches of the Sixty-sixth Congress. He knows that if this bill, failing by administration indifference in the last Congress, is now worthy to pass on the last lap before another election, it was worthy to pass as the first legislation of the present Congress; this soldier knows that the President did the very unusual thing to come before the Senate early in this session and urge the postponement of soldier bonus legislation; that same soldier knows that the President later took this same bonus proposition and proposed to tie it onto a rejected taxation scheme—the sales tax—which could not stand alone on the floor of this House or even in the Ways and Means Committee. This method was righteously declined in the committee that heard the voice of the people and refused to call on the burdened masses, and especially the 4,000,000 soldiers themselves, to help provide their own bonus. The soldier knows all this, and he will not forget.

Speaking personally, I promptly announced that I would not support the bill if it imposed new burdens upon the staggering masses at a time like this. I also refused to lend my support to the vicious proposition made early in the year to debauch the young manhood of America through a tax on light wines and beer in order to pay the soldier debt of a great and grateful Nation. But I did take my place beside that high financial authority, Chairman MCFADDEN, of the Committee on Banking and Currency, that this obligation to our soldiers should be financed out of the interest and the corpus, if necessary, of the $10,000,000,000 which we so freely furnished other nations to help

them discharge their duty to their armies and navies. Of course, this money, especially that part due by England, could be converted into stable and salable bonds. And the money, the cash no much needed by hundreds of thousands of soldiers who have never been able to recoup their personal finances during the stressful times that have prevailed since their return from France, would be a positive godsend to them now, and to every merchant, to every real estate man—indeed, to all the channels of trade that are languishing now from the shattering shock of war.

If some brave young man here and there feels that he does not want the benefits of the bill now presented, let him present the shining example of heroic refusal to accept; but let him not condemn his less fortunate comrade who needs his country's fellowship in these days that are trying the souls and bodies and purses of our defenders in war and our heroes in peace.

While this imperfect bill that has been brought out at last by the tardy administration forces is far from what it ought to be, I am supporting it as the only thing in sight, the only way in which I can help my country take its place beside the allied nations in expressing our practical, well-becoming gratitude to the human redeemers of our threatened civilization. [Applause.]

Mr. GARNER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. WOODS].

Mr. WOODS of Virginia. Mr. Speaker, in my view no man and no interest should be allowed to retain financial benefit accruing from war conditions as long as a soldier or anyone else suffers financial loss because of the war—this as a matter of abstract justice—but it is extremely difficult, if not indeed futile, to adjust these inequalities, and the present bill does not attempt it. It makes no distinction, except as to the slight difference between the foreign service and home service, as to the character of the service or the sacrifice the soldier made, nor does it make any distinction as to the needs of the soldiers. Aside from this, it is a clumsy and vain effort to compensate or measure in dollars and cents a patriotic service. The richest compensation which the soldier boy has is the enduring love of a grateful people and the satisfaction he will carry with him through life that in the hour of the Nation's need he responded to the call of his country and of humanity. His service can never be adequately compensated in money, and I refuse to believe the average soldier desires his patriotism put upon such a mercenary basis; but should we even attempt to thus compensate him, there is no treasury rich enough to discharge the liability.

The soldier did not fight for pecuniary compensation. He entered the service with no such paltry motive. If the country had said to the average stalwart soldier as he stood ready to sign his enlistment papers, "You are going to brave dangers of the submarine and the pestilence of camp life; you will bare your breast to enemy bullets; you will be called upon to go over the top, to charge through shot and shell, to meet deadly gases, and perhaps at last to be impaled on enemy bayonets, and for this service I propose to give you, in addition to your regular pay, $1.25 a day extra compensation," that brave boy would have struck down from your mercenary hand your contemptuous offer. He would have pointed you to that flag and told you that for it and those protected beneath its folds alone would he gladly serve and suffer and if need be die.

We owe our highest duty to the disabled soldier, and I have supported every measure of relief for him which amounts now to approximately $500,000,000 per year. The country for the future depends upon the tried patriotism of the returned soldiers who were fortunate enough to come back sound. We should be careful to do nothing that would deprive them of the spirit of initiative, enterprise, and self-reliance they have heretofore so fully demonstrated. The wisdom of such a policy calls to my mind the fairly well-established fact that 35 years after the Civil War the Confederate soldier who went back to a war-wasted land, with no hope of aid from his Government, paid taxes upon more property, man for man, than did his more fortunate brother in the Federal Army. The one knew he must rely only upon himself; the other knew he could in time of want depend upon Federal aid.

The above result is significant. [Applause.]

Mr. GARNER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 15 minutes remaining.

Mr. GARNER. I yield that 15 minutes to the gentleman from New York [Mr. COCKRAN]. [Applause.]

Mr. COCKRAN. Mr. Speaker, I am opposed to this measure because it embodies the most radical violation of fundamental democratic principles ever submitted to a representative body in a democratic country. It vindicates every objection ever advanced since the dawn of civilization against democracy as a system of government. It justifies every apprehension that has ever been expressed of democracy in actual operation. It fulfills every prophecy of inevitable ruin which its critics have always asserted would overtake any attempt to organize society on a basis of democracy.

Before I undertake to show that in saying this I am not indulging in exaggerated rhetoric but stating accurately a conclusion which is inevitable from conditions that are indisputable, I want to make perfectly clear my conception of the debt which our country owes the soldiers who have borne arms for its defense.

For the man who has been disabled no provision ever yet made has been sufficient, or half sufficient, in my judgment, to requite or properly acknowledge the merit of his sacrifice. If I had my way, there would be in different parts of this country not "*soldiers' homes*"—hardly to be differentiated from almshouses—but establishments situated in the most beautiful parts of the country, equipped with every comfort that money can provide, to be known as "*heroes' palaces*," so distributed that those privileged to occupy them could enjoy every variety of climate the country affords; each close to some great community whose citizens would be glad to visit it for the purpose of cheering the men rendered glorious by injuries suffered for the country, and in doing this imbibe inspiring lessons of patriotism themselves. I would maintain these helpless heroes in affluence, transporting them freely and by the most agreeable agencies from any one of those palaces to another as often as they wished, on the assumption that if they had preserved their limbs and all their faculties unimpaired they would have been able to establish affluence for themselves. Not reward, but simple compensation—inadequate, woefully inadequate, but all that is possible—would be such an acknowledgment of what the country owes these living martyrs to its service, its safety, and its glory. [Applause.]

But to the man who had the privilege of bearing arms in the most momentous conflict of all history and who has returned from that glorious adventure safe and sound, I deny there is any obligation whatever. I deny that he desires any money compensation or asks for it. It is the politician who covets his vote, but who I believe utterly misunderstands him, that is urging this measure. The American soldier who risked his life to save civilization (as has been said here repeatedly on the floor) is a hero deserving to rank first among all those on whom the judgment of humanity has conferred the crown of heroism. His heroism is his reward. It must be his complete reward or his heroism does not exist. The man who accepts compensation of any kind for patriotic sacrifice which is the essential constituent of heroism ceases to be a hero and at once becomes a mercenary.

Sir, the American soldiers who saved this civilization in the greatest crisis that ever menaced it will not abandon willingly the noble heights of heroism to which they have raised themselves by their valor for the abasement to which politicians by this measure are inviting them. Were it otherwise, the future of democracy in this country would be desperate.

Surely it needs no argument to show that if mercenaries numbering four millions or more are to be established within our political system with no one to withstand their demands except politicians—always subservient to the behests of multitudes—the prosperity, and indeed, the very existence of this Republic, are doomed to irretrievable ruin.

But, Mr. Chairman, I have not the slightest fear that politicians can succeed in transforming these heroes who won deathless fame resisting and defeating the enemies of our country into mercenaries intent on raiding the Treasury of our country.

So far as we may judge from the expressions of opinion that have reached this floor, the veterans of the late war are not demanding but opposing enactment of this bonus bill.

The gentleman from North Carolina [Mr. POU], one of its warmest advocates, has declared emphatically here within a few minutes that this measure originated not with the veterans but with the Congress. And he was entirely right. It is not the soldiers who took all the risks of battle that have initiated this raid upon the Treasury, but the politicians who covet office and who are endeavoring by sordid offers to debase the heroes whom all generations would be delighted to honor and revere into mercenaries whom this generation will have every reason to distrust and fear.

But these politicians are, in my judgment, very likely to overreach themselves. Even though these veterans should be found willing to sacrifice the glories of heroism for the sordid profits of plunder, the politicians who have tempted them to that abasement will not profit by it. There is nothing easier in this life than to outdemagogue a demagogue.

Gentlemen acting here under the assumption that the bribe this measure carries will assure them the suffrages of these ex-soldiers are almost certain to be disappointed. When they seek reelection there will in all probability be found in their districts abler—that is to say, less scrupulous—demagogues ready to promise the veterans twice what it is proposed here to give them. No movement of this character was ever started anywhere in the world that did not engulf its originators. And you gentlemen of the Congress with whom this demand, according to the gentleman from North Carolina [Mr. POU] originated, will very probably be the first victims of it. But this aspect of the proposal is of minor importance. It is not the number of votes politicians can win or forfeit by dubious methods that I want to discuss, but the effect of this legislation upon our country and upon the civilized world.

The gentleman from New York [Mr. MILLS] has stated with great force, as has the gentleman from Illinois [Mr. MANN], the immediate consequences that must follow enactment of this measure. With the Treasury already suffering from a deficit where formerly there was a surplus, it is proposed to incur a new debt of vast proportions without the slightest provision for raising revenues to meet it. I wonder if gentlemen realize the enormity—I am using the word advisedly—of such a proposal.

There was a time in the life of this country—a happy time not very long ago—when in considering the propriety of making an appropriation it was not necessary to take into account the condition of the Treasury. There was always abundance of money to meet every draft that Congress—even an extravagant Congress—might make on it. Now we find ourselves in a condition when even the most reckless purpose or the most halting intelligence is forced to realize that before any money can be taken out of the Treasury by appropriation it first must be put into the Treasury by taxation.

It is conceded that you can not levy a tax to meet this new expense which it is proposed to impose on the country. Why? Not because the disposition to levy it is lacking but because the sources of taxation are exhausted—literally dried up. Yet knowing this—stating it openly—you persist in an attempt to dispose of moneys which you have not got and which you can not get.

The gentleman from Michigan [Mr. FORDNEY]—always generous—is kind enough to say that the banks will come to the rescue of this enterprise; that is to say, they will proceed in defiance of all economic law to tie up their funds—free action of which is essential to keep industry in motion throughout the country—in loans extending over three or six years. This would be wholly indefensible, and indeed impossible, no matter what the security offered for the loan might be—whether a regular Government bond or this most irregular obligation which you propose to issue. Every rule of safe banking restricts bank loans to short periods—three months at the longest. If banks undertook to make loans which would endanger their effective—that is to say, their safe and profitable—operation, deposits would be at once withdrawn, and then they would have no money whatever to lend. As was pointed out by the gentleman from New York [Mr. MILLS], to tie up banking resources in what has been happily styled "frozen loans," would be an absolute bar to the return of prosperity. And "frozen loans" in vast numbers must inevitably be the first result of this law should it go into actual operation.

The gentleman from New York [Mr. MILLS] and the gentleman from Illinois [Mr. MANN], far from exaggerating the evil consequences which must follow this legislation, fell short of describing them fully.

Mr. Speaker, should this measure pass these three or four billions of dollars it proposes to bestow on ex-soldiers now are not by any means all that the country will be forced to supply. If there is any excuse for giving each of them three or four hundred dollars, there are three times as many excuses for giving him $1,300 or $1,400 or $2,000. Even $5,000 would not be excessive if we are to measure the value of military service in money. If this measure is enacted to discharge a debt, as its advocates insist, these men will be entirely justified in declaring, and in believing, that the amount given them is not full satisfaction, but only a payment on account of it. You explain the amount of this bonus as being not all that should be paid but all that can be paid while the Treasury is practically empty. Is it not absolutely certain that they will return and demand a fuller payment, if from the industry of the country the Treasury should ever again be replenished? Why should they not?

You will have established their right to come again with renewed demands the moment you pass this law. And if by bestowal of this gratuity you awaken among such a great number of men an appetite for further spoils, you will find that cupidity can empty the Treasury much faster than industry can fill it. So long as these soldiers remain alive you will have this possibility, this certainty, that they will return with fresh demands—which after passing this bill there will be no excuse for refusing—projected like a black pall over the prospects of the country. Under that cloud our credit can not fail to decline and perish. Here is the capital calamity to which this legislation inexorably leads: Collapse of the national credit. And when credit is struck down the Nation will be bankrupt. Ruin will be the portion of the whole people. From that universal catastrophe there can be escape for no one.

Some gentlemen appear to regard bankruptcy of the Treasury as though it were the bankruptcy of some neighbor, a thing to be regretted, of course, but not affecting seriously anyone except the bankrupt. Do you really know what bankruptcy of the National Treasury would mean? The day that by suspension of its operations it acknowledged or was forced to acknowledge inability to meet its obligations every bank in New York would close; no pay rolls could be liquidated; no wages could be paid; no commodities could be transported; means of subsistence could not be obtained. Famine would soon be stalking through our cities as it is stalking now through cities in Europe which only a few years ago were theaters of wealth and splendor but which have become depopulated and are now practically deserted; the countries adjacent to them reduced to misery so abject that cannibalism has actually been revived, as was stated in the newspapers last Sunday.

We in this country are still some distance from such direful calamities, but they are not so far away that the eye of a thoughtful man is unable to discern them.

As Mr. Wells said in one of the articles he contributed to the New York World while the peace conference was in progress, it is impossible for men in the midst of plenty to realize the possibility that starvation is actually devastating another part of the world. That writer, even though he himself had been a witness of famine and all the hideous circumstances that accompany it in Petrograd, and though he had described them in terms which proved the closeness of his observation and the depth of his sympathies, said he could not succeed in keeping clearly before his consciousness while he was moving about in the prosperity and luxurious gayety of New York and Washington the awful fact that people were dying of hunger on the other side of the Atlantic.

Sir, I venture to remind the House that the conditions of luxury and gayety in our great cities which Mr. Wells described are exactly those which preceded every great calamity that has overtaken the human family. It has always been in a world given over to dancing and feasting—striving frantically to forget in varied amusements a doom vaguely felt to be impending—that all the great cataclysms occurred which shattered existing social conditions, subverted political systems, brought the most prosperous countries to the verge of disaster, and often to total destruction.

Pause, gentlemen of the House, I beseech you, before enacting at a time when the country can not meet its actual obligations this measure imposing on it new burdens which you can not suggest means of meeting; casting over our credit, already staggering under a strain it can hardly bear, the shadow of fresh exactions, which must prevent it from ever regaining its normal economic vigor. And conditions can not remain stationary. They must by every law of nature move upward to improvement or totter downward to deeper disaster. If you prevent the country from regaining prosperity, you doom it to distress, growing ever deeper and wider.

Mr. Speaker, if the economic effects of this measure must be disastrous, its political results are likely to be ruinous. From the beginning of civilization it has always been true that mercenaries have proved fatal to every country that invoked their aid—more surely fatal than to the foe they were enlisted to repel.

If this bill passes and these ex-service men are transformed through its baneful operation from heroes into mercenaries more damage will be done to this country than an enemy could have perpetrated if he had succeeded in occupying one of our largest cities. If the Huns had captured New York, for instance, they would undoubtedly have laid a heavy tribute on it; but after we had paid the ransom we would be at the end of our disaster. They could not come back for fresh tribute without levying another war, and in these days to levy war is a stupendous undertaking, involving years of preparation. But these mercenaries, should you succeed in setting them up here, will always be with us. They will come back with fresh demands, and obtain them every time that there may be any money in the Treasury and a complaisant Congress can be cajoled or a cowardly Congress terrorized. [Applause.]

Can anyone doubt that a political system beset by such conditions is in serious danger of perishing from the face of the earth?

Mr. Speaker, as I read this bill and weigh the speeches in its favor I am again reminded that there is nothing new in vice and little new in folly, as I have had occasion to mention in this House before. It seems to me that we are in grave peril of entering the pathway—the old oft-trodden pathway—down which every republic and free government that has ever perished took its way.

The manner in which the Prætorian guards of old debased and dishonored the Roman government, so that its overthrow became inevitable, is generally considered the darkest page in the annals of political disaster. Are we not preparing the way for recurrence here of a similar catastrophe?

These Prætorian guards were not—as many believe—a band of desperate men, always contemptuous of restraint and determined to justify their greed or vengeance at any cost to the body politic. Originally they were the picked men of the Roman army. It was just such gratuities as you propose to bestow in this bill that worked their demoralization. The Emperor or General under the Roman system was theoretically chosen by the senate and confirmed by the army. But the Roman army was scattered over what was then the whole civilized world, and so its confirmation came to be expressed by these guards, who were the flower of it. From the very beginning each new Emperor on his accession bestowed on these Prætorians a gift of money—a donative it was called. At first it was a moderate sum given, it was said—as is now being said here—to compensate men for military services of peculiar value. These services consisted in guarding the city, which was the heart of the Empire. But, as matter of fact, this was the one service that incurred no risk whatever. And this bonus will be paid to men who are no longer subject to risk of any kind. The amount of the donation grew larger as the part of the Prætorians in deciding the choice of Emperor became more important. It finally came to be decisive, and the donation reached enormous proportions. After these guards murdered the Emperor Pertinax, his father-in-law, Sulpicianus, who had been sent by the dead Emperor to their camp at the beginning of the mutiny in the hope of appeasing it, actually attempted to obtain the throne for himself by offering them a donative of great size. But by this time conscious of their power they determined to use it so as to derive the last penny of profit from it, and so they went out on the ramparts and put up the Roman world at auction. A lively competition began, with Didius Julianus, a wealthy senator, and Sulpicianus the bidders. An emissary from the Prætorians went from one to the other acquainting each with the amount of his opponent's bid. In the end it was knocked down to Julianus for the sum of about £200 sterling to each of the Prætorian guards. They numbered 11,000 according to some, 16,000 according to others. But whatever the number the amount paid was stupendous. We have now actually before us a proposal likely to produce conditions ominously similar.

If these millions of ex-soldiers become organized mercenaries their votes will undoubtedly be decisive of national elections, and if these votes are to be obtained by moneys voted to them from the Treasury, there will be lively competition among ambitious politicians for their favor. We are not likely to have two Senators ambitious to be President striving to win that favor by money gifts. But we will have political conventions of the two parties bidding against each other for the support of this organization by promising large sums from the Treasury in the forms of bonus bills or adjusted compensation measures. Under such conditions the country can never be solvent, and universal knowledge of that fact must shatter the last remnants of our credit.

Sir, people will not continue to work if the results of their toil are to be seized by taxation and diverted to the use and benefit of men who have no claim to it except the degree of terror inspired by their numbers among politicians. A measure which establishes new and extraordinarily severe drains upon the Treasury and at the same time obstructs gravely the flow of revenue into it is about as complete a scheme for creating confusion that must be hopeless and disaster that must be measureless as perverted human wit has ever devised.

Mr. Speaker, there is one great objection to democracy as a principle of government which is as old as civilization itself. It is that if in any country control of government were intrusted to the whole people the poor, who are always a majority, would inevitably be found abusing and perverting its powers to plunder and oppress the rich, who are always a minority. And as the exactions of a multitude—though the amount obtained by each member of it be very small—will in the aggregate inevitably exceed largely the heaviest levy of a single despot—it came to pass that before the foundation of this Republic all powers of government were centered everywhere in an autocrat or in a small class assumed to be specially qualified for prudent exercise of functions affecting the whole body politic.

Since this Government was established, however, its operations down to this day have refuted and exploded this conception of democratic institutions. Nowhere has property been so secure; nowhere have the rights of every individual been so jealously guarded. But now by this bill you are reviving that ancient objection to democracy; nay, more, you are vindicating it. What you propose to give these men by this measure will be a mere pittance to each one, but it will be a staggering load to place upon the country, under which (and the additional burdens that are sure to follow its enactment) our credit will fall prostrate, never, perhaps, to rise again. [Applause and cries of "Vote!"]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. GREEN of Iowa. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. FISH].

The SPEAKER. The gentleman from New York is recognized for two minutes.

Mr. FISH. Mr. Speaker and gentlemen of the House, I have listened with interest to the remarks of my colleague from New York [Mr. COCKRAN] in his dire prediction of famine, disaster, pestilence, and sudden death if this bill should pass. I would remind him that 5,000 years ago the King of Babylon sent a gold brick to his son, the prince, upon which was written in hieroglyphics a message which predicted exactly the same misfortunes, because the people wanted his victorious troops rewarded and given adjusted compensation. This bill is either a matter of simple justice or it is a gross swindle. It is, in my opinion, a sacred obligation which this country has been tardy to fulfill, and which has been recognized and fulfilled by every single one of our allies in the World War, and yet we plead poverty to escape a like obligation. [Applause.]

I would say to my colleagues from New York that the people of the State of New York voted, by a majority of 800,000 or slightly more than two to one, to give a monetary recognition to our soldiers, although it came solely out of the pockets of our taxpayers, and these veterans did not serve the State but the Federal Government. [Applause.] They have been deprived of that monetary recognition through a constitutional technicality, and it is problematical whether they ever receive any of it. Yet my colleagues have the temerity to come here on the floor of the House to speak and vote against the expressed will of the people of our State and to try to continue to deprive these men of adjusted compensation at the hands of a grateful Republic. [Applause.]

Mr. TREADWAY. I yield four minutes to the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. MCFADDEN. Mr. Speaker, whether the President of the United States signs this bill or vetoes it does not change my responsibility as a Member of this House. I consider this bill fundamentally wrong. It is wrong because it fixes upon the Treasury an uncertainty. It injects into the Treasury a responsibility which will handicap the Secretary of the Treasury in discharging the great responsibilities which will rest upon him during the next five years.

Mr. Speaker, I do not believe that a majority of the soldiers of the late war are in favor of this bill. I do not believe that the soldiers of the late war understand what this bill will do. I want to voice my opposition to the Congress of the United States extending an invitation to 4,000,000 worthy soldiers, who are needy at this time, to enter into obligations and borrow from banks. I consider that the Ways and Means Committee have acknowledged the fact that the Treasury of the United States is unable at this time to meet the payment requirements provided for in this bill, and this is a plain attempt on their part to shove the responsibility off onto the banks of the United States, and in doing so to give those banks of the United States an opportunity to exploit the ex-service men and thus discriminate against them. Certain it is that those soldiers who most greatly need help are the ones who must go to the banks and must demand loans from the banks, and they thus incur an obligation which is not going to be satisfactory at all to the soldiers of this country.

I think the method of presenting to the Congress of the United States a bill of this importance which fixes an obligation upon the people of this country, the amount of which no one knows, is certainly absurd when we stop to consider that there are 435 Members with equal responsibility in this House who are having to vote on a bill which, I am lead to judge from the debate here to-day, has been considered by only 15 men—the Republican members of the Ways and Means Committee.

Gentlemen, the reclamation feature of this bill places on the people and the Treasury of the United States financial obligations the extent of which no one knows. [Applause.]

Mr. Speaker, on March 2, 1920, I appeared before the Ways and Means Committee, when the subject of the soldiers' bonus was first discussed by that committee, and suggested that they make available for the payment of the soldiers' bonus the proceeds from the permanent bonds which the Public Treasury would receive from the British Government.

Again, this year, when the Ways and Means Committee had this matter under consideration, I appeared before that committee and urged that they consider the utilization of the proceeds from sufficient of these bonds to pay the soldiers whatever amount might be agreed to under a proper bonus bill.

I mention the utilization of the debt due from the British Government because that country is in the best financial condition of any of the countries that owe us; and inasmuch as they owe us something over $4,000,000,000 and this bonus is estimated to cost the country anywhere from two billion to four or five billion dollars, I felt that that was the most practical and it could be utilized to the best advantage because of the credit position of England. The statement was made by some one, I believe, that if this English debt was utilized and the sale of the bonds guaranteed by the United States they would not sell in the market as readily as our own securities and would have to be sold at a discount.

It seems to me that that is an error, because I can not imagine any method whereby an obligation made by Great Britain and guaranteed by the United States would not be in a better market condition as to salability than the United States' own securities. I think also they would sell in the market at a higher rate than our own securities because of the great additional security of Great Britain.

I want to repeat to you the salient features of the proposition that I made in March, 1920: First, the obligation to our soldiers and sailors is thus paid without an additional Liberty bond issue, which if made at this time to the extent of two or three billion dollars, owing to our peculiar financial situation, would probably reduce the market value of our outstanding Government bonds 10 points. Second, this plan of settlement would obviate the levying of an additional tax burden upon the people of this country, a portion of which would necessarily have to be borne by our soldiers and sailors. Third, this plan will not interfere with our financial equilibrium in the United States, but will simply furnish to investors an additional security investment at a favorable rate of interest.

Attention is called to the present market value on both British and French loans in this country. Fourth, this plan will take out of the Treasury of the United States securities for which the United States has paid par and place in the hands of the investing public these securities to the necessary amount required to settle with the soldiers and sailors. It is safer for the American people that these securities be held by individuals and institutions rather than in the Public Treasury, as this distribution removes the temptation from the administration officials to cancel or compromise these obligations in any adjustments or settlements in connection with our international problem. The argument is put forward that these foreign countries are asking for an extension of time in the payment of interest on these obligations, and the Secretary of the Treasury has asked Congress for directions to aid him in his negotiations with these countries in this respect. It is to be hoped that Congress will so instruct the Secretary of the Treasury in these negotiations to the end that the United States may receive without further delay the issuance of the permanent and bona fide obligations of these countries representing these loans made to help them win the war.

Since this matter has been discussed over a period of two years while it has been under consideration, the principal ones that I find opposed to this proposition are those people who are in favor of canceling these foreign debts which are owed to the United States.

I have had many communications and many talks with many people in regard to this, and it goes right back to that idea that they are interested in the cancellation of the foreign debt, and it originates either with the international bankers or those people who are engaged in international trade, in view of the authority that was given in the Liberty loan act. I do not believe it is any breach of faith in that respect for the Public Treasury to utilize these bonds. As I understand those Liberty loan acts, they gave the authority to lend this money to foreign countries and to take those securities into the Treasury. It is implied by inference largely, I think, that when that money is paid it will be used in the reduction of our public debt.

But I do not believe it is an absolute necessity that that shall be done. I believe that it is the function of the Department of the Treasury to utilize the payment of that money in the manner that it sees fit when it comes in. Therefore, if we can relieve the burden on the public, if we are going to give the ex-service men this bonus and utilize some securities already in the Treasury that can be marketed—and I believe that these bonds could be disposed of throughout the country by means of a patriotic drive, and that they could practically be sold in 30 days' time; and inasmuch as we have given this refunding commission the power to settle these foreign debts, it would seem to me that we could set a definite date; for example, the 1st of October, when these securities will be made available, and in that manner provide the money through the sale of these securities in a properly developed plan by the Treasury Department, by public offerings; and I believe it will be possible in practically every community to sell in that community sufficient bonds to local investors to take care of what would be required to pay the soldiers in that immediate locality. Only sufficient bonds would need to be sold to meet the requirements, and we could let the rest of them remain in the Treasury.

There is just one other thought I want to impress upon the Members of this House, and that is that by the payment by these countries of the interest due on these obligations it would have a tremendous bearing on our international trade relations. It is my thought—and I simply express my own personal opinion, but I believe it worth considering—that we should not require those countries who owe us to make payment direct to us. In order that we may trade with the world we will have to advance money to the world.

It is my belief that every dollar's worth of that interest which is owed to us for the next 5 or 10 years ought to remain on the other side and be placed in the form of a loan to such of those countries as will best rehabilitate Europe, and thus permit us to sell agricultural products and manufactured products to the world; in other words, I believe that the best policy we could pursue to-day would be, "in addition to loaning them this $500,000,000 worth of interest," to put another $500,000,000 with it and loan it to Germany, because I believe that is the best place to begin to build up Europe. If we thus can stabilize Germany and secure to those countries that owe us the full payment of the reparations, that means we can not only help Europe, but we can help secure the payment of the debt that is owed to us.

It seems to me that inasmuch as we are the largest creditor—and I realize how delicate this matter is—that we are in a particularly strong strategic position to assume a leadership in connection with this situation by working out and suggesting some such method as I have just very briefly outlined here, saying to those countries: "You must cut your budgets down to the minimum, and when you do that we are ready to help you, and we will help you financially, and we will help you rehabilitate Europe to that extent. But we will not do it unless you do." We all know that the power and influence over debt—not that we want to exact our "pound of flesh," but we are conscientiously trying to rehabilitate Europe so that we can trade, and if we can revive commercial relations we can secure the payment of the debt to us.

It seems to me that there is an opportunity here, if we are going to pay this bonus, to do it with the least amount of trouble. I am fearful of the results of levying additional taxes on the people at this time; and if we can utilize these securities just as an individual would utilize them if he had an obligation to meet, take out of a strong box something that you have there and dispose of it, that that is the practical solution of this problem.

I was assured by a large number of the Members of this House that they were in favor of such a plan, and I believe now that this is the proper plan to adopt, because it is the only method so far presented that will not bring embarrassment to the Public Treasury and will not interfere with the rehabilitation of business in this country. It also will provide the method of payment which is so badly needed at this time. There is nothing in the argument which suggests that these funds are not now available, because we have not the permanent refunding plans which the British Government perfected. The Congress has already provided the authority for the commission and the President has appointed the members, and they have authority to refund into permanent long-time securities this English debt, amounting to over $4,250,000,000, and certainly these securities will be available by the time the machinery can be put into operation under any bonus bill that may be decided upon.

The improved money conditions in this country will permit the ready sale of these securities upon a very favorable basis. This type of security, issued by Great Britain and indorsed by the United States, carrying a rate of interest of 4½ per cent, would be the finest security in the world and could be sold at

a very favorable price in the money market, and is unquestionably much preferable to the plan proposed in this bill which will of necessity make borrowers out of our soldiers.

I regret that the Ways and Means Committee have not adopted this plan, and I trust that before the bill passes the Senate many of the objectionable features now in the bill will be eliminated; and I am firmly of the opinion that before this bill becomes law provision must be made for the payment from the proceeds realized from the sale of these foreign securities.

I can not in conscience vote for this bill in its present form because of these reasons. And certainly I could not in fairness to the high principles of my constituents place any added burden of taxation upon them to take care of such a proposition, nor would I attempt to further my political ends in this manner and have them carry, presumably through the Public Treasury, this unnecessary tax which will be entailed. And, further, I do not want to hand the soldiers of this country, to whom the country owes such a great obligation, a gold brick, and I can not but feel that that is what you will do if and when you pass such a measure as the present one. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. TREADWAY. Mr. Speaker, I yield four minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker and gentlemen of the House, I yield to no man in my admiration of and gratitude to those who went forth in the time of national peril to fight for and to die for our country. It has been my privilege to have aided in drafting, perfecting, and liberalizing the war risk insurance act, the Veterans' Bureau act, and various rehabilitation and hospitalization acts, the terms of which are the most liberal of any country in the world. To carry out the work provided for in this legislation this country is now spending yearly between five hundred and six hundred millions of dollars for the disabled service man and his dependents. Organizations to carry this work out have to be hurriedly provided for. In many instances through faulty administration claims of deserving men have been turned down and the cases have been brought to my attention. These cases have received my personal attention, resulting in personal trips to the Veterans' Bureau and a personal examination and inspection of the files. In many instances I have found insufficient evidence either as to the disability or the service origin of that disability. In such instances I have advised the service man what the trouble is, making suggestions as to proof, and so forth. In other cases I have had to appeal them to the board of review and then to the board of appeals, involving the briefing of the facts and the setting forth of the law, just as if I was handling a lawsuit. In a majority of these cases my efforts have been successful and hundreds of deserving disabled men cared for.

Mr. Speaker, these men and their dependents know of my willingness to go the limit for the sick and disabled and their loved ones. But this measure is not to provide for the disabled service man, but for the strong and able-bodied discharged soldiers. The work accomplished by our Army and Navy was such that it was suggested they be rewarded in a substantial manner, hence the agitation for a bonus or adjusted compensation. We gave veterans of the Civil War grants of public lands, thereby showing our appreciation of the Union soldiers who aided materially in the settling of our great western country. Our public lands are now gone; we can not give the veterans of the Great War land, and it has been urged that we give them cash. During the last Congress various measures were introduced involving expenditures of from $2,000,000,000 to $20,000,000,000; out of them all came the bill which passed the House during the last Congress involving a payment of cash, payable $50 per quarter, and a total expenditure of something like one and one-half to two billions of dollars.

A different question would be raised if the money to meet this was in the Treasury. A different question would be presented to us if we did not now have a national debt of about $24,000,000,000, as against $1,000,000,000 before we entered the World War. A different question would be before us if out of the World War we did not have a fixed charge against the Treasury of the United States of $2,000,000,000 per annum growing out of these three items alone; interest on the public debt of about $1,000,000,000; a sinking fund to retire Liberty loan bonds and certificates of indebtedness, $300,000,000; allowances to disabled service men and dependents of about $600,000,000.

When the Committee on Ways and Means proceeded to consider the bill that is before us it was perfectly apparent that in order to meet the money payments new taxes would have to be levied. With this in mind the committee informally agreed upon a bill with the necessary tax provisions. Just as soon as these provisions became known they met with protests from all over the country, and the provisions were immediately withdrawn. Then it was suggested that the necessary moneys could be obtained by a sales tax. The moment that this was proposed a greater storm of protest came from all over the country. The truth of the matter is that business has been suffering for a long time from heavy war-time taxation in times of peace. All of this has resulted in retarding business, stifling industry, and throwing men out of employment. What the country needs and what the service man needs is employment and not a bonus. The enactment of this legislation into law, in my judgment, will only aggravate the present unemployment situation.

Then it was suggested that the bill be reported in the House with no provisions whatever for raising the necessary taxes. Hence, the bill that is now before us for our consideration. It proposes to give cash to the service man, but without any drain whatever upon the resources of the Treasury. It proposes to obligate the United States to something like $4,000,000,000 without any provision whatever for raising the necessary revenue with which to meet these obligations.

Mr. Speaker, I have been opposed to a cash bonus. I voted against the bonus bill when it was up for consideration two years ago. In my judgment, in many ways an out-and-out cash bonus is preferable to the one that is now before us. Furthermore, if the Government owes this debt, as the proponents of this measure claim it does, then it ought to pay this obligation just like it pays other obligations, not by long-time certificates with limited borrowing power but by the payment of cash.

I have not the time to discuss the various benefit provisions of the bill. I will discuss but one of them. Most of the men, judging from the letters which I receive, want cash, expect cash, and will be disappointed with any measure that does not give them cash. As a substitute for cash this measure in brief provides for the issuance of a certificate granting a credit of $1 per day for every day served over 60 days in this country, and $1.25 per day for every day served overseas. Regardless of the length of service, no man overseas can receive more than $625 and no man serving in this country can receive over $500. The certificate is payable in 20 years with 25 per cent added thereto and compound interest. If a man served in this country 100 days over the 60 days, a certificate at the end of 20 years would amount to about $300.

The banks are permitted to loan not to exceed 50 per cent of the initial value of the certificate until September 30, 1925. Thereafter the Government agrees to loan up to 80 per cent of its initial value. After September 30, 1925, when the Government agrees to loan up to 80 per cent, there is no telling how many certificates will be cashed in in this manner per annum. In my judgment, most of them will apply to the Treasury for the maximum amount in the year 1925. This means an expenditure during that year of hundreds of millions of dollars, and this bill makes no provision whatever for raising the necessary revenue with which to meet those expenditures.

Mr. Speaker, three different Secretaries of the Treasury have advised against the enactment of any bonus legislation until, at least, the country has recovered from the after effects of the war. Two of these Secretaries have been Democrats and one a Republican. This bill consists of 38 pages and involves a charge against the Treasury of over four and one-half billions of dollars. It was reported out of committee less than a week ago.

The bill provides not one penny of revenue with which to meet this expenditure. Yet it is brought before us under a rule which limits debate to but four hours and absolutely prevents any change or amendment, even to the extent of dotting an "i" or crossing a "t." Mr. Speaker, I am opposed to this bill, first, because of the manner in which it has been brought before us for consideration. It is not the way the House of Representatives should transact the people's business. [Applause.]

Oh, yes; my Democratic friends, I note your applause. But let me remind you that the bringing in of this rule, so limiting and restricting debate and consideration of this measure, has been largely due to your own tactics. You have filed a report with the House that is so biased and partisan as to convince us that if given an opportunity you would go the limit in playing politics upon this measure. Nevertheless, I feel that we should have stood upon our own responsibility and put up with your partisanship and the amendment you would offer for campaign purposes. [Applause.]

Second. I am opposed to this bill at this particular time because I know it will involve enormous expenditures of money which are not now in the Treasury. The fact is that we will undoubtedly have a deficit at the end of the present fiscal year. The Treasury officials this very day have admitted in the re-

ports of the income-tax returns on March 15 that they have overestimated the income from that source for this fiscal year by over $200,000,000. I know that we not only have no money in the Treasury for additional expenditures, but we will undoubtedly have a deficit. Our only means of collecting additional money is through taxation. If this bill becomes a law, we must increase rather than decrease our taxes.

Something has been said here about party obligations. Mr. Speaker, I believe in parties standing by their obligations to the country. I deny that the Republican Party has pledged itself to the enactment of this or any other similar measure. I quote from the Republican platform as follows:

> We hold in imperishable remembrance the valor and the patriotism of the soldiers and sailors of America who fought in the Great War for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful Nation justly should fulfill of the appreciation of the services rendered by the defenders on sea and on land.
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> Republicans, then, are not ungrateful. Throughout their history they have shown their gratitude toward the Nation's defenders. Liberal legislation for the care of the disabled and the infirm and their dependents has ever marked Republican policy toward the soldiers and sailors in all the wars in which our country has participated. The present Congress has appropriated generously for the disabled in the World War.
>
> The amounts already applied and authorized for the fiscal year 1920–21 for this purpose reached the stupendous sum of $1,180,571,893. This legislation is significant of the party's purpose to generously care for the maimed and disabled men of the recent war.

I submit that any fair consideration of this plank leads to but one conclusion, and that is an obligation to care for the disabled service man and his dependents. This obligation this Congress has fulfilled.

Let me remind gentlemen that the Republican Party did, through its platform, lead the people to believe that it would reduce taxes and do away with the consequent repression of enterprise. If we enact this bill into law we will have violated that express plank in our platform. If we meet and pay the obligations of this bill we must increase taxes, thereby further retarding business and postponing a return of prosperity, when all can find employment.

During the war our people bought Liberty and Victory bonds up to the amount of $24,000,000,000. To-day those bonds are selling below par. One year from now the Victory loan bonds mature. They amount to three and one-half billions of dollars. We must either pay them or pay the entire issue. Interest rate is already high. If we pass this bill, we will increase interest rates generally and will make it more difficult for the Secretary of the Treasury to fund these Victory bonds at a reasonable interest rate, and he may have to sell them below par. Furthermore, there is no investor who has given any thought or consideration to this but who will agree that the passage of any bonus legislation at this time will depreciate the market value of the Liberty or Victory bonds.

Mr. Speaker, I further oppose this bill because it creates a charge against the Treasury without making any provision whatever for increasing our revenues. This can only result in the piling up of a deficit, with a hurried demand upon Congress to enact hastily prepared and unwise emergency tax legislation to meet the situation. This is at such a time that if tax provisions are inserted in the measure it would actually wipe out certain lines of business entirely. If we are going to enact this bill into law, we at least ought to deal frankly with the people who must pay the bill and give them to understand how we are going to raise the necessary funds with which to make the payment. Apparently the framers of this measure preferred to enact the measure into law before election without any taxation features, and then face their constituents as to the necessary increased taxes following the election.

Gentlemen, I oppose this bill upon the further ground that it does not deal frankly with the service men whom it is designed to benefit. With the exception of the man who served but a short time, this bill confers no cash benefit whatever.

The service man expects cash. He has been led to feel that the Government is under an obligation to him to make his pay during the war commensurate in a degree with the wages paid civilian labor. This being the case, he figures that the Government will pay its obligations to him in cash, just as it pays its obligations to others in cash. This bill does no such thing. It merely issues a certificate redeemable 20 years from date and good previously thereto in the event of death. As the service man is expecting cash, this would, of course, be a grievous disappointment. To offset this the bill authorizes the banks to loan up to not to exceed 50 per cent of the initial value of the certificate. The only immediate right conferred, therefore, upon the service man is permission to become a debtor, providing a bank is willing to loan money upon the security. No one knows just how this plan will work out. We do know this, that the Comptroller of the Treasury has advised against it. He certainly ought to know something about it. He also knows that a good many country banks, at least, are loaned up to the limit at the present time. What is the service man going to think when he presents his certificate to one of these banks that is loaned up to the limit when he is told that they can not loan him any money upon the certificate? What is he going to think of his Government? What is he going to think of this Congress that passed such legislation? Furthermore, after 1925 these certificates become demand notes on the Government, payable up to 80 per cent of their initial value plus interest. The right to a loan up to 80 per cent of the value makes them, in effect, demand notes. No one knows how much of a demand may be made in the year 1925 or how much of a demand will be made in subsequent years. There is no way whereby the Government can ascertain in advance just when these certificates will be presented. This prevents us from being able to properly provide for the necessary revenue.

Before closing I want to call attention to another feature of this bill. I have any number of cases under my observation where service men were killed or died overseas and who left dependent widows and mothers. No one will deny the right of these to our first consideration. Does this bill give it? No. Under the terms and provisions of this bill the man who came home safe and sound would be granted this additional compensation, while the widow or mother of the man who lost his life with his face against the foe is absolutely barred from receiving the benefits of the act. The provision is unjust and utterly indefensible. Yet this deliberative body, the House of Representatives of the greatest country on earth, is powerless to amend this bill. We are asked to ratify in every particular the action of the committee, regardless of their mistakes or how we differ with their action. Mr. Speaker, I believe in representative government. I believe that the people of my district are entitled at all times to have the benefits of my best judgment. They have a right to expect me to act in accordance with that judgment. I believe that the measure in question is presented to us at a time when the country can ill afford any increase in taxation. I believe that the measure is economically unsound and indefensible. I believe it would injure the country. I believe that we ought to so frankly advise the service man. These men, who fought so valiantly overseas, when convinced of the effect of this legislation upon their country's welfare, will be the very first to condemn it. Let us meet the situation the way President Grant did in 1875. When confronted with a similar bill Grant informed Congress that the legislation was unsound and would embarrass the funding operations, increase the bonded debt, and delay the return of prosperity, and promptly vetoed it. Gentlemen, this legislation is wrong and ought to be beaten. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from Ohio [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, we all know that the money for these ex-service men will come out of the pockets of the people. We also know that the $1,000,000,000 which Congress authorized to be paid to the railroads of this country came from the same source. So, also the $2,000,000,000 that we authorized the Secretary of War to pay to contractors and alleged contractors who presented claims against this Government that were not based upon any contract, express or implied, came from the same pockets. And yet the same men in and out of Congress who to-day oppose this bill sanctioned every dollar that went into the pockets of those men. [Applause.]

Mr. Speaker, perhaps the soldiers' adjusted compensation bill that is before this House for consideration to-day is the best bill of its kind that could possibly be put through Congress at this session. In all of its particulars it is not just what I could desire. I am going to vote for it because I believe in the main it will meet with the demands of the soldiers and will be satisfactory to those who will have the bills to pay. Had I had my way in this matter I would have provided a sales tax that would raise the necessary money to meet the cash requirements made necessary by such legislation. When I say a sales tax I do not mean any kind of a sales tax that could be written. I have in mind a tax of 2 per cent on the first sale of the manufactured product, which amount, I am told, would raise a sum sufficient to meet the cash demands. I would have written into this sales tax law a clause that would have made it a crime punishable by a fine of $10,000 and a term of years in the penitentiary for any person who raised the price of a commodity that he had for sale in a sum greater than the amount of the tax. I would have made the law broad enough to catch anyone who would add to the price of the commodity the tax, or any part thereof, after it had already been added once. In this way there could have been no pyramiding of taxes. It would have been paid once, and only once.

Under our tax laws as they stand to-day the dishonest merchant or the dishonest manufacturer can add on the tax many times and carry it to the public in this form and the public has no way of knowing that it is paying the tax not only once but many times. This system has permitted dishonest tradesmen to raise the price of necessities until even to-day they are yet beyond the reach of many who must buy. Under the sales tax system that I have just described a manufacturer's price of a pair of shoes that retails for $5 is about $3. A tax of 2 per cent on this amount would be 6 cents. Therefore, under the scheme that I have in mind the price of shoes could not retail for more than $5.06, and with competition spirited the general public would never pay this additional amount of 6 cents, because it would be absorbed before it reached the ultimate consumer. Competition in trade would see to this long before it reached the last buyer.

Mr. Speaker, to-day the manufacturers' sale price of sugar is 4 cents a pound. A 2 per cent tax on this would only be 0.0008 mill, an amount so very insignificant that it can hardly be considered. What is true of these two commodities is true of every other household necessity, and it seems to me there ought to be enough wisdom in Congress to devise means that would prevent the dishonest manufacturer or the merchant with profiteering inclinations from charging the consumer, in addition to his fair profit, the tax many times multiplied. And these manufacturers and merchants who would seek to defraud the public by raising the price of the necessities of life under the guise of heavy taxes ought to be made to feel the sting of a law that has real teeth in it.

Again, a sales tax of the kind that I have just described, guarded by a criminal statute, would reduce the high cost of living, and it would not shift the burden of taxation from the pockets of the rich to the backs of the poor. Each family when paying tax under this plan would pay according to consumption. The family that spent $10,000 a year would pay tax on the manufacturers' price and the family that spent $1,000 a year would only pay a 2 per cent tax on the manufacturers' price of the goods and products consumed by that family. But this plan of taxation was not written into the law.

Mr. Speaker, I am for this bonus bill because I know that these soldiers did not financially receive a square deal. The Congress of the United States, at the request of the President when we were in war, passed a law that conscripted for military service boys of a certain age and health, and they fixed their wage or salary at a dollar per day. The boy who volunteered or was conscripted was forced to accept this $1 a day or stand a military trial, which meant in the end either prison or death. But this same Congress that passed the conscriptive law allowed the boys and men of all ages who stayed at home to go into the industries and charge for their products or their services any price that they could demand and get. In scarcely any instance was the wage paid to those who stayed at home and went into the industries less than a dollar an hour.

Well do we all remember that the boys and men were often not satisfied with the $1 an hour they were getting, but they called a strike and refused to make shoes and clothing and the manufactured foodstuffs and the blankets and the powder and the shells and guns that were needed by these boys until their wages were raised to $1.50 an hour, and remained in idleness for days and even weeks, until finally their demands were met, and they went back to work at this increased price. The manufacturers of this country immediately raised the price of their commodities to cover the increased cost of labor, and the dishonest merchant made this an excuse to raise the price of his commodity many times the increased cost of this labor. The profiteer ran wild. The Government went out to buy these various products that were necessary to the carrying on of the war and the dishonest seller demanded and received unconscionable prices. So sure were these profiteers of their grip upon the throat of the country that they alone made the war cost the taxpayers of the United States many billions of dollars more than it should have cost. Absolute and brazen theft under the very eyes of the administration cost the taxpaying public many more billions. I have in mind now a $1,000,200,000 appropriation by Congress for the building of airplanes when the war was on, and not a fighting plane ever reached the battle front, yet all of this cost found its way into somebody's pocket. This somebody is to-day crying out against this bill when that somebody ought to be behind prison bars, instead of running at large threatening Congress if it does not deny these boys this adjusted compensation. If this bill passes, the problem of to-morrow will not be how to pay the money that will be required by this legislation, but the problem now is and to-morrow will be how to pay the bills made by all this wasteful extravagance and theft when the war was on. These profiteers became so bold that they did not even stop to mask, but went into the Treasury of the United States and every home throughout the Nation and brazenly stole from the Government and the public. The taxpayers of the country are to-day paying these bills, and yet these same men with these dishonest methods are those who are foremost in starting the propaganda that the Government will be bankrupt if this extra burden is added.

I have already called your attention to the fact that if the boys had refused to fight for this paltry dollar per day they would have gone to prison or to death. That was the mandate of Congress at the request of the President. But no such stringent law governed or threatened the industries or those men and boys who stayed at home. I have never been able to know or understand why a Government that boasts of its authority to conscript the man power to fight can not conscript the man power for the industries and fix the wages of those who stay at home. Neither am I able to understand why the great industries of the country can not be marshaled into line by the Government and made to furnish war materials at peace-time prices.

I know and you know this could be done, but the influence of enormous wealth is great. The Government loudly proclaims its absolute and despotic power over the life and destiny of the young man in the military service when war is on, but seems to stand in fear and trembling in the presence of big business. I defy any man to challenge the truthfulness of that statement as applied to the last war. I say the last war because I know something about it. I know more about this conflict than I do about what governing influences were present in prior wars. This cringing homage paid to the big profiteer in the World War will always stand as the crowning disgrace of that titanic struggle. I only have in mind the dishonest business man. I know there were many good and patriotic citizens engaged in the manufacturing and mercantile business who were honest and condemn this profiteering just as much as you or I. But the profiteers of the country got the Government by the throat. They made the war cost twice what it ought and the taxpayers are confronted with the paying of these additional billions to-day. Besides this, they were taking untold billions from the pockets of the buying public. I am told that big business alone took in profits since April 11, 1917, forty billions. This in part explains the twenty-five billions bonded indebtedness. When the boys returned they were given a cash bonus of $60, but so high were prices that this amount scarcely bought them a suit of clothes. While they were gone they sent $15 a month home to dependents, but the profiteer had boosted prices so high that the dependent mother, father, wife, or sister was not able to purchase to exceed five or six dollars' worth of the necessities of life with the $15.

Is it any wonder these boys believe that they have not been treated squarely and is it any wonder that Congress is determined to see that the boys get at this time a square deal as far as it is possible to give to them justice?

The objection that the big taxpayer has had to all previous contemplated bonus bills has been that the taxpayer was already overburdened and that it would greatly hamper business if such a bill should be passed. The bill under consideration now entirely eliminates these objections. For those who desire the ready cash it is provided that the soldier can accept an adjusted-service certificate. This certificate will be sufficient collateral security to enable the holder to borrow money at any bank not to exceed 50 per cent of the loan basis of the certificate. This will provide a way whereby those veterans who are in needy circumstances can get temporary relief and it will not require additional taxes or another bond issue. Besides this method the bill provides for vocational training aid, farm or home aid, and certain land settlements. In the main it is a good bill. I shall gladly vote for it, notwithstanding it does not embody my views in all respects.

Mr. Speaker, there is another reason why these boys should be paid an adjusted compensation, and that is found in the fact that from early in 1917 every civilian employee of the Government was voted by Congress a bonus of $20 per month. Remember that was back in 1917, and these civilian employees of the Government have been getting that amount ever since, and are now receiving this bonus of $20 per month. I voted for that bonus for the civilian employees, and why should I refuse to vote this paltry sum to these men who presented themselves to fight the battles of their country and 2,000,000 of them were on the firing line? They fought well. When they reached France the soldiers of the allied countries were making their last stand. The Central Powers had driven them back until they were standing with their backs against the wall. It is true they were fighting, and fighting bravely and desperately. They were fighting like the brave and true soldiers that they

were, but nevertheless they were facing certain defeat. The American soldiers immediately turned the tide of battle. At once the soldiers of the Central Powers were stopped by bullets and shells fired by American soldiers, and these boys never stopped until the German soldier had hoisted the white flag and prayed for peace. While they were fighting 100,000 of them fell and were buried in a foreign soil, and 150,000 of them were crippled and blinded and sent home staggering. Since then many more of them have died and thousands of them are in ill health. When I think of all of this and I think of the greed and graft that were permitted at home while they were thus fighting I am determined to vote for this adjusted compensation bill that will partly adjust the difference in the salaries or wages of the soldier and the civilian. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, when England asked for four thousand million dollars we gave them to her and she stood for the insult. When France wanted three billion and a half dollars we gave it to her and she swallowed the insult. [Laughter.] Even the dear, kind King of Belgium went home with a hundred and fifty million dollar draft in his pocket. And now when our own boys come for what they ought to have, men orate all day long and hesitate. I do not hesitate, I am going to vote for this bill, because we can afford it. I am in favor of getting the money from England and collecting the debts of these other nations that owe us. [Applause.] It can be done. Our promise that we would build a bridge of support all the way over and all the way back has not been kept. I mean the promise you and I made under the trees in the courthouse yard the day the boys went away. [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the President has announced that while he is favorable to the soldiers' bonus proposition a method must be found by which money can be raised without adding new burdens to the already overtaxed people of this country. He therefore recommends the passage of a sales tax.

Both Senator MCCUMBER, chairman of the Senate Finance Committee, and Representative FORDNEY, chairman of the Ways and Means Committee of the House, according to newspaper accounts, are opposed to a sales tax. So is the agricultural bloc, if the newspapers speak correctly.

The Secretary of the Treasury has announced that it would require $2,500,000,000 to $5,000,000,000 to pay a bonus to the ex-service men. It is a terrific burden to place upon the shoulders of the taxpayers of this country at this time. Many of our leaders are preaching economy in season and out of season. If they put this bill through, it will mean "save at the spigot and leak at the bunghole."

The Ways and Means Committee have been considering various recommendations by which to raise the money to pay the bonus. They have suggested at various times that a tax might be levied on automobile license tags; they have also suggested a tax on gasoline, a stamp tax on bank checks, a tax on real estate transfers, increased taxes on theater admissions, a tax on stocks and bonds, a tax on cigarettes, tobacco, and documentary stamps on a variety of official papers.

Of course everyone who is hit by any of the proposed taxes is filing a vigorous protest. In short, many people are willing that the bonus be paid if the tax is put on somebody else's shoulders.

In my humble opinion, the first duty of Congress at present is to consider and enact such legislation as will facilitate the resumption of normal activities which will mean prosperity for everyone. Just at this time Congress should be devoted to the great problems of reconstructing a world broken down with the burdens of war. It is regretable that the demand for bonus legislation should be made upon Congress at a time when every mind should be bent upon getting the normal course of business activities reestablished as quickly as possible. The bonus legislation now under consideration is only hindering this program; in fact, it is delaying our return to that prosperity which will far outweigh in its benefits, even to the veterans themselves, the small amount any blanket bonus would carry.

I have frankly stated that I am opposed to a soldiers' bonus at this time when we are trying to get back to a condition of normalcy.

I am happy to say that I have received many letters commending me on my stand on the bonus question. As one of my constituents wrote me, "There are many ex-service men who regard the demand for a bonus as a reflection upon their wisdom or their loyalty or both." I am convinced that there are many men who fought without injury in the World War who consider the fight now being made for a bonus unworthy of our best traditions.

Of course, the men who were wounded and who are disabled ought to be cared for by the Government regardless of cost. In fact they are being cared for; some billions of dollars have been spent to help them along. But I honestly believe that the men who were in the war, and who are in as good or better health to-day, than they were when they went to the war, ought not at this time to talk about a bonus for themselves.

Mr. Speaker, a somewhat similar measure was passed by Congress in 1875. It was entitled "An act to equalize the bounties of soldiers who served in the late War for the Union." The demand for its passage was not unlike the demand for the bonus bill now pending before this House. On March 3, 1875, President U. S. Grant, who in his day was as good a friend of the Civil War veterans as any individual in the whole United States, wrote a veto to the House of Representatives in the following language:

WASHINGTON, *March 3, 1875.*

To the House of Representatives:

House bill No. 3341 (an act to equalize the bounties of soldiers who served in the late War for the Union) is herewith returned without my approval, for the reasons, first, that it appropriates from the Treasury a large sum of money at a time when the revenue is insufficient for current wants, and this proposed further drain on the Treasury. The issue of bonds, authorized by the bill to a very large and indefinite amount, would seriously embarrass the refunding operations now progressing, whereby the interests of the bonded debt of the United States is being largely reduced. Secondly, I do not believe that any considerable portion of the ex-soldiers, who, it is supposed, will be beneficiaries of this appropriation, are applicants for it, but, rather, it would result more in a measure for the relief of claim agents and middlemen who would intervene to collect or discount the bounties granted by it. The passage of this bill at this time is inconsistent with the measures of economy now demanded by the necessities of the country.

U. S. GRANT.

Unfortunately, the House of Representatives had adjourned before the message could be sent. President Grant wrote it in the President's room at the Capitol. It is printed in volume 7 of the "Messages and Papers of the Presidents" at page 320. The Congress adjourned and the matter was never again brought up. But the same reasons quoted by President Grant apply with equal force to-day.

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Speaker, the burdens which this bill will place on our country have been very greatly overemphasized. Who on the 1st day of November, in 1918, would have hesitated a moment to have voted $4,000,000,000 or four times $4,000,000,000 to help these boys prosecute the war and bring it to a successful conclusion? Yet these same boys, by their indomitable will and courage and great sacrifice, brought the war to an end one year sooner than any of us in this country thought would be done. The fact is, if the war had continued for a period of 90 days longer, this country would have expended more money in that short time than it will have to expend under this bill for the next 20 years.

Mr. Speaker, there were two principal factors that fought and won the war—man power and money power. By money power I mean the industries of the country—the factories, railroads, mines, and other business. This Government has already established the principle of adjusting the compensation of all business concerns which were drafted by the country to help win the war. Under the Dent bill nearly $3,000,000,000 has been paid out to the business interests of this country to make up their losses suffered under war contracts. Billions more have been paid out to the railroads to make good their losses and furnish them with their guaranteed profit of 6 per cent. The mining interests were taken care of under the war mineral relief act. Now, having established this principle for the benefit of the business interests of the country, can we refuse to extend the benefits of the same principle to the boys who did the actual fighting?

The sacrifices of business can not be compared to the sacrifices of the men who went to war. They made every sacrifice that was possible to make. They gave up their jobs where they were making good money, they surrendered their civil rights and liberties, they forsook places of absolute safety to enter upon battle fields, and last and greatest of all, they left their homes and loved ones for how long they knew not—in some cases, forever. The fact is, the business of our country during the war was never more prosperous. More millionaires were made during that period than during any other equal period during the history of our country. It seems to me that the business interests of our country having accepted the benefits of the principle of adjusted compensation, ought not to complain of the extension of the benefits of the same principle to the soldier boys who made the greater sacrifice. [Applause.]

Mr. FORDNEY. I yield to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. Mr. Speaker, debate has continued for almost four hours on the floor of this House this afternoon. We have heard speeches from a few men in opposition to the passage of any adjusted compensation or so-called bonus bill. We have at least admired these men for their candor. Members of the Committee on Ways and Means, excepting those who signed the minority report and a few dyed-in-the-wool Democrats who see no good in anything proposed by the majority, not even in a little help at this time to our soldiers who saved our own country and the countries of our allies from vandalism, and other Members of the House think this bill represents the very best judgment of Congress.

It is a sorry spectacle to see Members on this floor condemning a bill out of hand without offering an iota of constructive criticism or a suggestion to improve same. The one question before us to-day is whether or not the boys who served us so gallantly in the World War are entitled to compensation. I believe most emphatically that they are and that the vote which will be taken in a few minutes will prove this by a large majority.

Let your memory carry you back to those dark yet glorious days of 1917 and 1918, when the flower of America's manhood left the plow, the saddle, and the mine, the print shop, the counter, and the school to don the khaki and to shoulder the rifle. Do you remember then we could not do enough for our boys? You remember the thrill a boy in uniform gave us then; how the men and women of wealth took the boys into their homes and entertained them, visited them in camps, and marched with them from camp to train. Few of them went one step further than this. "Wait until your return, boys," they said; "you will then be taken care of; your job will be waiting for you."

Hundreds of thousands of these boys are to-day walking the streets, waiting for their jobs, while the employers have taken up a new national pastime called "lip patriotism." This form of light exercise by the great interests in the United States helps neither the needy ex-service man nor the country as a whole to get back to prosperity.

While our soldiers wallowed in French mud, were shot, and bayoneted, and gassed for $1.25 a day, we all know the shipyard riveter had his pay increased from $4 and $5 a day to $12 and more, and the number of rivets he handled in a day decreased 50 per cent. Many men who never looked at a square and saw except in a magazine advertisement were put to work as carpenters on Government contracts at $10 to $20 a day while the Government paid some profiteer cost plus 4 to 10 per cent for this construction.

Many of my constituents who are ranchers and live-stock men know that Sherman was right when he said, "War is hell." No sooner had the workers, the sons and husbands, left for Army camps than the town loafer, the farm hand, refused to work in the hayfield if he had money in his pocket, and when he would work he demanded $5 to $10 a day for work not more than 50 per cent efficient. This same condition existed in nearly every industry and line of endeavor in our country. Yet this was at a time when more than 4,000,000 young men were drafted into service and the cry of the Nation was "Work and save lest we perish."

Let us look for a moment at the battle line in France. Picture a wooded knoll. One flank of an advance line of American boys rests here. The ground slopes away for half a mile to a river. German rifle and artillery fire controls this slope. A message must go from the advance line to headquarters. A runner, a mere boy, leaves the woods on the knoll and starts down the slope with the message. He reaches the line of German fire. A rain of bullets hits the ground behind and in front of him. The boy is hit and collapses—drops dead. As he falls another youth, with no hesitation, valiantly, gladly, for his comrades and his country, with no thought save that it is all in the day's work, leaves the woods with a duplicate message, down the same path his slain buddy took, through a hell of fire, and makes it. Many more boys were watching on this wooded knoll to take his place did he fall.

This is the noble thing, my friend, any one of the millions of our soldiers would have done had the opportunity presented itself. They had no thought of high wages, overtime, or luxuries. Does not this Government owe a debt of gratitude to these men? We must do justice to those who escaped injury. We must never fail to care for the disabled and dependent ones. It has always been the policy of this Government from its very inception to show its gratitude in some form to its soldiers of every war. I often wonder if those who have fought this legislation so persistently, many of whom piled up swollen profits during the war, realize their true position in the estimation of their fellow countrymen.

We are a rich Nation. It is estimated that the wealth of this country approximates $335,000,000,000. Without a quibble we advanced to European countries more than $10,000,000,000. Our debt is but 7 per cent of our estimated wealth, yet we gave our soldiers a bonus of $60. Canada, with a debt of 25 per cent of her estimated wealth, has given $634.40 to each of her enlisted men. France, with a debt far greater than that of England, has given $235.50. Belgium has rewarded her soldiers magnificently, and Italy, with a staggering debt, has paid her soldiers $73.34.

Can we fail to do for our soldiers what is proposed in this bill, my friends, and yet say we have given tangible evidence of our appreciation of them? We owe a debt of honor to our soldiers. This debt never can be fully compensated. By passing this bill we simply acknowledge this debt. We should not use it as an excuse for passing on to the people some new form of tax, or through it force upon the great mass of citizens of small means greater burdens.

To be able to borrow a full 50 per cent of the face value of the certificate now, at once, is to my mind far better than the receipt of a payment of $50 every quarter year, as contemplated in the original bill.

The country can and will meet this obligation. I have been for a compensation bill since the inception of the idea. I am for it now. I will cast a yea vote without mental reservation, and I know an overwhelming number of my colleagues are about to do the same. And I know that my constituents and your constituents will applaud us for so doing.

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Speaker, this bill proposes to give additional pay or compensation to our ex-service men and women of the World War. Great Britain, France, Italy, Belgium, and Canada have already given increased pay to their ex-service men and women of that war. Some have keenly criticized our country for tardy action in this matter. Several of our States have already voted additional compensation to their own citizens who were called to the colors within the period of the war.

On May 29, 1920, this House passed a bill providing for adjusted compensation to veterans of the World War—H. R. 14157, Sixty-sixth Congress, second session. Under the terms of that bill each veteran was to have the choice of any one, but only one, of the five following plans:

(1) To receive an "adjusted service certificate," as provided in title 2;

(2) To receive an "adjusted service certificate," as proveded in title 3;

(3) To receive "vocational training aid," as provided in title 4;

(4) To receive "farm or home aid," as provided in title 5; or

(5) To receive "land settlement aid," as provided in title 6.

This bill (H. R. 10874) grants to each veteran the right to select any one, but only one, of the five following plans:

1. To receive "adjusted service pay," as provided in title 4; but the veteran can not choose this plan if the amount of his adjusted service credit is more than $50;

2. To receive an "adjusted service certificate," as provided in title 5;

3. To receive "vocational training aid," as provided in title 6;

4. To receive "farm or home aid," as provided in title 7; or

5. To receive "land settlement aid," as provided in title 8.

Each one of these bills and each provision of each bill should be carefully compared with respect to the benefits that it proposes for the veterans on the one hand and the taxes or burden that it levies upon the National Treasury upon the other hand.

For one, I desire it to be known that I shall not vote for this bill with the idea of making a donation to the veterans, but for the purpose of paying to them additional compensation for what they did. Although the word "bonus" is commonly used in this discussion, we should regard it as additional pay whatever the term may be used to designate what the veteran is to receive.

The Government called him from his occupation on the farm or in the store or other place of business and directed him to proceed to war, which involves the greatest loss and the greatest risk to which a citizen can be assigned by his Government. He was compelled to go regardless of his wishes, and if he had resisted he might have landed in the penitentiary. Even those who encouraged others to evade the law were placed under confinement in order that they might have ample time to meditate and be deprived of the opportunity of interfering with the progress of the war. While the boys were training in America and fighting in France, their own business

affairs were largely destroyed. But those who remained at home had special advantages, for big profits and the preservation of their own business enterprises furnishing profitable employment after the war.

The bill H. R. 14157 of the Sixty-sixth Congress, second session, passed by this House May 29, 1920, carried five tax provisions designed to raise increased revenues, aggregating $1,276,500,000 within the period of three years immediately succeeding the date of its effective operation. The committee report on that bill enumerated these provisions as follows:

"1. An additional surtax on individual incomes of 1 per cent of the amount by which the net income exceeds $5,000 and does not exceed $10,000; 2 per cent from $10,000 to $26,000; and 3 per cent of incomes in excess of $26,000. (This provision is estimated to yield $108,000,000 per annum.)

"2. A tax equivalent to one-fifth of 1 per cent on the sale of stocks and bonds. (This provision is estimated to yield $190,000,000 per annum.)

"3. A tax equivalent to one-half of 1 per cent on the sale of real estate. (This provision is estimated to yield $50,000,000 per annum.)

"4. An increase of approximately 15 per cent in the existing tax on cigars and tobacco and of approximately 25 per cent of the tax on cigarettes. (This provision is estimated to yield $55,000,000 per annum.)

"5. An excise tax on corporations issuing stock dividends subsequent to March 15, 1920, equivalent to 10 per cent of the value of stock so issued. (This provision is estimated to yield $45,000,000 on stock dividends already declared and $7,500,000 per annum on future stock dividends."

In contrast with that increase of taxation, note the significant fact that the pending bill does not increase taxation in any form.

The committee report (No. 804) on this bill (H. R. 10874) points out the following advantages of the new plan now under consideration:

ADVANTAGES OF NEW PLAN.

"First. No new taxation or issuance of new securities is at present required.

"Second. It provides for the veteran in need a method of obtaining aid.

"Third. The amounts required each year after July 1, 1923, are small compared to those which have heretofore been met and can be provided without any difficulties or derangement of our financial situation.

"Fourth. The plan tends to promote saving habits among the veterans.

"Fifth. It protects the veteran himself and his family from misfortune in the future.

"Sixth. It will create a class of home builders who will greatly increase the mass of property in the country."

ADJUSTED SERVICE CREDIT.

An adjusted service credit for each veteran is based upon an allowance for each day of service in excess of 60 days—bonus of $60 paid heretofore—in the military or naval forces of the United States after April 5, 1917, and before July 1, 1919, at the rate of $1.25 for each day of overseas service and $1 for each day of home service, with a maximum of $625 for overseas service and $500 for home service. Every veteran whose allowance on this basis is $50 or less will receive cash.

For the fiscal year 1923 such payments will aggregate $16,000,000, approximately. Every veteran whose allowance on this basis exceeds $50 will receive an adjusted service certificate which will have a face value equal to the sum of his adjusted service credit increased by 25 per cent plus interest thereon for 20 years at the rate of 4½ per cent per annum, compounded annually—such value being approximately equal to 3.15 times the adjusted credit service of the veteran. The certificate is to be issued under date of October 1, 1922, and will be payable to the veteran September 30, 1942. In the event of his death, however, the amount due him will be paid to his beneficiary, if any; otherwise to his estate.

This adjusted service certificate is substantially a paid-up 20-year endowment insurance policy for the face value thereof. An adjusted service certificate for $125—overseas service—will be worth $376.83. An adjusted service certificate for the maximum, $500, for home service will be worth $1,507.32 at maturity, and an adjusted certificate for maximum overseas service, $625, will be worth $1,884 at maturity.

According to these allowances the adjusted service certificate will be a paid-up insurance policy which will be paid in full at the veteran's death to his beneficiary or his estate. Those who live beyond the expiration of the 20-year period will receive the face value of their certificates at maturity. If, unfortunately, a veteran should die soon after the issuance of his adjusted certificate, or its allowance, its full amount would be paid at once to his beneficiary or his estate. Thus every veteran's wife and family, if he is married, would have at once cash equal to the face value of his adjusted service certificate.

Moreover, he will not be troubled from month to month, quarter to quarter, year to year, for payment of insurance premiums. He will have a paid-up policy that can be deposited in a safety box as life insurance.

The estimates furnished from official sources and quoted in the committee report show that the largest draft upon the Treasury in any one year prior to 1943 would be made in 1926—$136,825,000.

BANK LOANS.

These adjusted certificates will be serviceable as security for bank loans prior to September 30, 1925, to the extent of 50 per cent of the loan basis of the certificate. Of course, they can be handled as collateral with the veteran's promissory note prior to that date. The bank rate of interest to be charged on such note is not expected to exceed by more than 2 per cent per annum the rate charged from the date of the loan for the discount of 90-day commercial paper by the Federal reserve bank for the district in which said bank is located. If the payment of the veteran's note, principal and interest, should be in default at any time for a period of six months, the Secretary of the Treasury may liquidate and cancel said note by the payment to the bank of the amount of unpaid principal and interest due at that time.

If the veteran is deceased, the difference between the value of the certificate and the amount of the bank's claim will be paid to the veteran's beneficiary or his estate by the Secretary of the Treasury.

It seems to me that the chief value of these adjusted certificates appears in their use as an insurance policy to be paid in full at the death of the veteran or at the end of the 20-year period. Thus the veteran's family would receive a marked benefit at a time of urgency and at the end of the 20-year period the surviving veterans would receive a cash return that would be very valuable to them at an important period in their business career. This plan promises protection to a family that may be in urgent need. It is of marked advantage to the veterans in the midst of their business activities when the amount of the insurance can be used wisely in business pursuits.

The following table quoted from the report of the committee will give at a glance the total cost of the bill to the Government for each and all of the various options specified in the bill, the grand total being $4,098,719,350:

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 2½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (5) 7½ per cent to receive land settlement aid.

Fiscal year.	Cash (10 per cent).	Certificates (70 per cent) (no borrowing).		Vocational training (2½ per cent).	Farm and home aid (10 per cent).	Land settlement aid (7½ per cent).	Total.
		Deaths.	Maturity.				
1923	$16,000,000	$26,604,000		$31,675,000			$74,279,000
1924		26,440,000		20,000,000	$72,000,000	$6,000,000	124,440,000
1925		26,720,000		650,000	64,000,000	30,000,000	121,370,000
1926		26,825,000			50,000,000	60,000,000	136,825,000
1927		26,936,000				16,000,000	42,936,000
1928		27,046,000					27,046,000
1929		27,233,000					27,233,000
1930		27,415,000					27,415,000
1931		27,674,000					27,674,000
1932		27,932,000					27,932,000
1933		28,265,000					28,265,000
1934		28,600,000					28,600,000

Cost of bonus on basis of (1) paying all adjusted compensation that amounts to $50 or less per veteran (approximately 10 per cent of the men will come under this provision); (2) issue adjusted service certificates to 70 per cent of the remaining veterans; (3) 2½ per cent to receive vocational training aid; (4) 10 per cent to receive farm and home aid; (5) 7½ per cent to receive land settlement aid—Continued.

Fiscal year.	Cash (10 per cent).	Certificates (70 per cent) (no borrowing).		Vocational training (2½ per cent).	Farm and home aid (10 per cent).	Land settlement aid (7½ per cent).	Total.
		Deaths.	Maturity.				
1935		$29,004,000					$29,004,000
1936		29,448,000					29,448,000
1937		30,003,000					30,003,000
1938		30,593,000					30,593,000
1939		31,333,000					31,333,000
1940		32,144,000					32,144,000
1941		33,105,000					33,105,000
1942		34,251,000					34,251,000
1943			$3,154,823,350				
Total	$16,000,000	577,571,000	3,154,823,350	$52,325,000	$186,000,000	$112,000,000	4,098,719,350

At this point we naturally ask the question: From what sources can we secure the money to liquidate these obligations? The appropriations for the fiscal year ending June 30, 1923, will show such a marked reduction from the expenses of preceding years that the payments required each year prior to 1943 could be made readily from current funds without any increase of taxation in any form whatever.

In addition to this, we note the fact that the British budget now pending in Parliament provides for an appropriation of £25,000,000, nearly $200,000,000, for payment of interest on their debt to the United States. Such payment annually would cover any demand for any fiscal year under the terms of this bill prior to 1943. The principal and interest now due on the British war debt amounts to $4,883,000,000, nearly $800,000,000 more than the total cost of this bill.

We have recently created a foreign debt commission, authorized and instructed to secure from the British Government its bonds in lieu of the due bills now held by our National Treasury for the loans advanced to that Government during the period of the war. Those due bills concede a rate of interest at 5 per cent. Our foreign debt commission is required to demand at least 4½ per cent annually, and the interest due from British loans will more than cover the annual charges of this bill prior to 1943.

Moreover, when the British bonds are secured they can be placed upon the market for investment purposes with the guaranty of the United States, and thus ample funds can be secured to pay any demand that may arise under this bill. So we may dismiss at once the anxiety with respect to an increase of taxes to pay this obligation to the ex-service men of the World War.

The money represented by those British bonds was secured from the people of this country in time of war for war purposes. So by the use of these securities we can cancel a war obligation with money secured for war purposes.

These facts will surely serve as an adequate antidote to all the skepticism and narrow complaint on the part of the critics of this bill. I believe that its enactment and application will demonstrate its wisdom and the justice of its terms.

Mr. GREEN of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Speaker, the mental processes exhibited here this afternoon have been so baffling that in order that one might know where he is going to stand, it is well to state his position. So many gentlemen have talked against the bill and have yet declared that they are going to vote for it, that I think it necessary for me to say that I am in favor of any bonus bill for these men, and if I had the time I believe I could tell you why. I have not time to go into it at any great length, but I want to tell you that I was here before the war and during the war, and I have been here since the war. I have heard all of the debate, and I saw what happened to these young men. Our friend from California [Mr. KAHN] was insistent that they should all go and go at once, and the trouble about it was that they did not go quite soon enough, great and glorious as was their victory over the iron lines of the Germans and the summit of fame and glory they reached. I say that that carries an implication applicable to the White House "keeping us out of war," which I could explain at greater length, and I hope I may have the opportunity at some other time to do so. To quiet your apprehension about paying this, I want to say that it is so absurd that it is a mere incident. Let me take you back to the days of the Revolutionary War. Pennsylvania furnished Robert Morris, who took care of that situation, and Pennsylvania later furnished Jay Cook during the Civil War, and notwithstanding what Mr. Mellon may say, Pennsylvania furnishes you his genius, which will pay this. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield now to the gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Speaker, I shall not attempt in the short space of time allotted me to discuss the merits of this bill. I am for the bill because I believe it to be right, but it may be of some interest to the Members of this House to know that at a meeting of the Pennsylvania delegation this morning, when 31 out of 36 Members attended, 30 Members agreed to vote for the bill, and only 1 was against it. I am also assured that of the 5 Members absent from the conference this morning 3 will vote for the bill, making a total of 33 votes in favor of granting the soldiers a bonus. [Applause.]

Mr. TREADWAY. Mr. Speaker, I yield the remainder of my time to the gentleman from New Hampshire [Mr. BURROUGHS].

Mr. BURROUGHS. Mr. Speaker, I am extremely sorry that I find myself unable to give my support to this bill. I had hoped that after many weeks of consideration the Ways and Means Committee might be able to report a bill that would be fair to the ex-service men and fair to the country.

But I am opposed to this bill in the form in which it comes before us, as I was opposed to a similar bill presented here nearly two years ago. I am opposed to it on grounds of expediency and I am opposed to it on grounds of principle. I am opposed to it because business conditions throughout the country and the financial condition of the Treasury do not, in my opinion, justify a vote for it at this time. I am opposed to it because it undertakes to do a most unwise and altogether impossible thing, namely, to measure in dollars and cents the sacrifices made in time of war.

I can understand and approve the principle by which a grateful nation taxes its people to care for those of its defenders who are in need—broken and shattered in body or in mind as a result of their service. I might even go so far as to approve the principle by which, when economic and financial conditions seem to warrant it, public funds are used to relieve a great body of ex-service men shown to be in need from any cause not the result of their own misconduct. But, Mr. Speaker, I am wholly unable to understand or to approve any measure that seeks to compensate or reward according to the value of the service out of the Public Treasury perfectly well and able-bodied men, not shown to be in any need whatever, for the performance in time of great national emergency of one of the primary duties of citizenship. Such a principle, according to my view, is contrary to the very essence of democracy.

Just stop a minute and think of it. If once you embark upon such an enterprise, where will you stop? If once you admit this principle, where is it bound to lead you? Will anyone for a moment contend that the miserable pittance provided in this bill is any adequate compensation for the service and sacrifice of our soldiers in the war? Of course not. Will anyone be so bold as to claim that for $1 or $1.25 a day we can "adjust" the stipend—never intended as compensation—received by the service man to the basis of pay received by those who took advantage of their country in her hour of perilous need? My answer is it can not be done; and if it could be done we would only be trying to correct one wrong by committing another one.

If this is in fact, as it pretends to be, an attempt to "adjust compensation," all I can say is it is a pitiful failure. You are not even paying a decent installment on the obligation, to say nothing of settling it in full. "Adjustment" means settlement if it means anything. I ask you now—and I have a right to

ask it—what assurance have you that this is the end of it? If this bill is passed and this money is paid under any of the options of the bill, what sort of a release or acquittance do you propose to take? Just how do you propose to be discharged of the "obligation" you are "adjusting"? I say you will get no release. You will not be discharged. But you will do at least three things. In the first place you will admit an obligation that the Government of the United States must "compensate" those who defend it in war, a thing that has never before been done in our history. In the second place you will not meet the obligation but, at most, will make a miserable little payment on account of it. And, in the third place, you will leave the door wide open for cheap politicians to start another drive, exactly as they started this one, for another "adjustment," at any time when a few million votes are thought to be badly needed. All of which leads me back to the proposition with which I started, namely, you are seeking to do the impossible when you try to measure patriotic service and sacrifice in terms of dollars and cents.

Government aid, Mr. Speaker, for that is all this is, no matter what you may call it, to its ex-service men should be based upon their need of it and not upon the fact of service. I object to this bill because it makes no distinction whatever in terms between the man who is in need and the man who is not in need. In effect, however, it clearly discriminates against the man who is in need as compared with his more fortunate comrade. As stated by the gentleman from Massachusetts [Mr. TREADWAY] and the gentleman from Connecticut [Mr. TILSON] in their minority report:

> The well-to-do veteran can hold his certificate, and will receive an increase of 25 per cent over his adjusted compensation plus compound interest for 20 years; while the man who is obliged to borrow and is unable to meet his note when due not only loses 25 per cent increase and compound interest, but is compelled to accept 80 cents on the dollar of that compensation which proponents of the bill claim he is morally entitled to.

I am opposed to this bill because it is a "leap in the dark." No man living can tell what it will cost. No man living can give a rational estimate of what it will cost. The majority of the committee in their report fix the probable cost at approximately $4,000,000,000. On the other hand, the Secretary of the Treasury has said within a week that the possible cost to the Government involved in one of the options of this bill amounts to $18,562,500,000. The truth is doubtless somewhere between these extremes, but just where nobody knows, and one guess is as good as another. I cite these figures merely to show the utter impossibility of making any dependable estimate as to the cost to the Government involved in the bill. This is bound to be so, because it is impossible to tell or even to estimate what percentage of the 5,000,000 of ex-service men will choose any one of the options provided in the bill. Under date of March 13, the Secretary of the Treasury said:

> It is clear that whatever form the soldiers' bonus may take, whether it contemplates a thorough-going insurance plan or follows the outlines of the bill which is now pending, it will cost from $300,000,000 to $400,000,000 for the next three or four years, and may involve continuing liabilities thereafter of over $200,000,000 a year until 1943.

But whatever the cost, we do know it is bound to be great. Even the committee does not put it at less than $4,000,000,000. Now, where is all this money coming from? There is not a word or a suggestion in the bill from beginning to end as to how this money is to be secured. It is well known that various plans have at one time and another been considered by the committee, but each one has in turn been discarded, and now we have a bill without any provision whatever for securing the funds with which to pay the huge amounts required. The whole bill seems to have been framed upon the philosophy of the man who still thinks it possible to have his cake and eat it, too; or of those other optimistic individuals who are still trying to extract sunshine from cucumbers or to lift themselves by their boot straps. I ask again, Where is the money coming from? Certainly it is not in the Treasury of the United States, and there is no prospect of its coming there from any legislation now on the statute books. With the Treasury under a great strain; with more than $6,000,000,000 of Victory notes to be financed in the next 15 months; a national debt, including loans to the Allies of over twenty-three times the total debt before the war; with all the productive agencies of the country staggering under the burden of excessive taxation; with millions of unemployed walking our streets; with credits for many months past almost at the breaking point, and rates of money and living costs only just beginning to recede from a level generally higher than for half a century; with a deficit of receipts over expenditures for the year forecasted at approximately $300,000,000; with estimates of receipts from the income tax for the year 1922 about one-half what they were last year; with such a situation existing and the country just emerging from a financial condition which at various times has threatened results almost too appalling to contemplate, the danger of imposing at this time a further burden, which will certainly be as much as $4,000,000,000, and will probably be five or six billions of dollars, and may, indeed, be a great deal more than that, with no provision whatever for paying it, seems to me so evident as to need no argument. A vote for such a proposition under such circumstances seems to me an act of utter folly, unworthy of any reasonable man.

Again, I am opposed to this bill, Mr. Speaker, because I believe we should put first things first. The primary obligation of this Government to its ex-service men is to the wounded and disabled. Consider for a moment what that obligation means. What are we now doing for these men? What has already been the expense to the Government on their account? What is it likely to be in the future?

I have before me a statement furnished by the Director of the Bureau of the Budget, giving me data concerning the United States Veterans' Bureau as of February 1, 1922. This statement shows the total of expenditures by the Government for its disabled ex-service men and their dependents from the date of the passage of the war risk insurance act, October 6, 1917, to February 1, 1922. It shows that the following amounts have been actually paid by the Government for the following purposes:

Vocational training	$226, 293, 259. 70
Insurance	294, 621, 689. 83
Compensation	310, 149, 892. 17
Allotments	300, 947, 327. 60
Allowances	282, 107, 540. 78
Medical and hospital services	105, 655, 210. 91
Administrative	47, 561, 869. 53
Total	1, 567, 336, 790. 52

From these figures it will be seen that it has taken $47,561,869.53 to administer a total of $1,567,336,790.52 of actual expenditures. This, as I reckon it, is less than 3½ per cent.

The above-quoted statement of expenditures does not include the assumed liability of the Government by reason of insurance awards. This amounts to $860,154,493. Nor does it include the $60 bonus given to every ex-service man upon his discharge. This amounts to $256,239,900. Nor does it include the amounts appropriated for the construction of hospitals. This figure is $18,600,000.

If these amounts are also added to the expenditures noted above it will be seen that there had been on February 1, 1922, a grand total of expenditures to the ex-service men of $2,702,321,185. This would still further reduce the percentage of cost of administration.

The following statement furnished me by the Bureau of the Budget gives in detail the principal operations of the Veterans' Bureau as of February 1, 1922:

Principal operations as of February 1, 1922.

INSURANCE.

Number of claims received	172, 849
Number of claims allowed	150, 971
Commuted value of claims allowed	$1, 323, 206, 545. 98
Amount paid in awards to date	$294, 621, 689. 83
Amount paid out in January	$9, 432, 913. 51

COMPENSATION.

Claims received	775, 812
Claims allowed	388, 069
Claims active	204, 133
Commuted value of claims allowed	$13, 158, 758. 32
Amount paid in awards to date	$310, 149, 892. 17
Amount paid in January	$10, 194, 506. 92

VOCATIONAL TRAINING.

1. Number of applications	508, 726
2. Number entered training	138, 524
3. Number now in training	104, 923
4. Disbursements to date	$226, 293, 259. 70
5. Disbursements in January	$15, 012, 960. 75

HOSPITALIZATION.

1. Total number of admissions to hospitals to date		212, 131
2. Number in hospitals:		
Tuberculosis	12, 198	
Neuropsychiatric	8, 833	
General and surgical	9, 614	
Total		30, 645
3. Disbursements for medical and hospital services		$105, 655, 210. 91
4. Disbursements monthly		$6, 500, 000. 00

The assumed liability of the Government by reason of insurance awards amounts to $860,154,493. This figure is arrived at by deducting the premiums collected from ex-service men, so that the total expenditure by the Government for disabled ex-service men amounts to $2,427,491,285. To this amount also might be added $256,239,900, which represents the $60 bonus given to every ex-service man upon his discharge from military or naval service, which would make a total of $2,683,721,185, to which there might be added $18,600,000, the amount appropriated for the construction of hospitals, which would make a grand total expenditure to ex-service men of $2,702,321,185.

II. *Comparative table of annual pensions of allied countries in comparision with compensation paid by United States, per annum.*

TOTAL PERMANENT DISABILITY (MAN ALONE).

Great Britain		£104
(Value in United States dollars, $376.48.)		
Canada		$600
(Value in United States dollars, $540.)		
France	francs	4,000
(Value in United States dollars, $314.)		
Italy	lire	1,260
(Value in United States dollars, $55.44.)		
United States		$1,200

N. B.: In addition to compensation benefits, above referred to, the United States also pays insurance; if the ex-soldier becomes permanently and totally disabled, his insurance policy matures and he receives such payments in addition to payments of compensation.

III. *Allowances by the various Governments for benefits of families of soldiers while they were absent in the military or naval service.*

	Per annum.
France	$50.15
Great Britain	202.36
Italy	11.24
United States	360.00

IV. The United States have approved for vocational training 303,276, and 104,923 are still in training. The minister of labor states that England under the labor ministry's scheme has approved 58,000 ex-service men for training, and 24,000 are still in training.

Rates of pay for enlisted men.

Great Britain	per month	$11.40
France	do	1.50
Japan	do	1.78
Italy	do	1.58
United States	do	30.00
United States (if overseas)	do	33.00

VI. *Table showing total amounts paid to soldiers of the various wars in which the United States has been engaged from 1790–1917.*

Revolutionary War	$70,000,000
War of 1812	46,054,572
Indian War	20,017,919
Mexican War	54,471,001
Civil War	5,749,030,456
War with Spain and Philippine insurrection	76,000,000

VII. Compensation at the rate of $8 per month was all that was allowed soldiers of the Civil War who were disabled in the struggle to save the Union for 25 years after the Civil War, and now 60 years after the Civil War disabled veterans are allowed $50 per month, or in case of absolute helplessness $72 per month.

VIII. Spanish-American War veterans for 20 years after the close of the Spanish War were only allowed $30 per month for commissioned officers of the rank of lieutenant colonel and higher rank who were totally disabled and $8 per month for noncommissioned officers and privates who were totally disabled. Spanish-American War veterans are now limited to maximum of $30 per month and a minimum of $12 per month, depending upon degree of disability.

IX. The United States has spent as much as both France and Great Britain combined for benefits in favor of disabled ex-service men, despite the fact that the casualties of France and Great Britain were far greater.

From these figures and also from information furnished me by Col. C. R. Forbes, Director of the United States Veterans' Bureau, it is my understanding that the Government of the United States is now—

Paying out over $1,000,000 in cash every day, including Sunday, directly into the hands of the ex-service man or his dependents.

Providing, without cost, hospital care and treatment to 30,000 veterans. This care includes board and lodging and represents an expenditure by the Government of $60,000,000 per annum.

Giving vocational training, without cost, to over 100,000 disabled ex-service men at an expenditure for tuition and supervision of $30,000,000 per annum.

Mailing out 650,000 checks every month, representing $42,000,000.

Conducting an insurance business for over 600,000 ex-service men without any cost of administration to them. Insurance in force: Three and one-half billions.

Conducting over 50,000 medical examinations every month.

Giving outside treatment in cases where hospitalization is not required to 20,000 ex-service men every month.

Receiving 1,000 new claims every day in addition to the 1,200,000 already on file; employing 4,000 ex-service men and women in carrying out the work.

Requiring for 1922 expenditures in behalf of the disabled ex-service man, $510,000,000—more than the entire expenditure of the whole United States in 1897.

The United States of America is already doing more for its disabled veterans than any country in the world, despite the fact that their losses were far heavier than ours.

I make these statements, Mr. Speaker, and quote these figures not for the purpose of showing that the Government of the United States has done its full duty, or, indeed, is doing all that should be done for its disabled ex-service men. I know that is not the fact. A great deal yet remains to be done. There is altogether too much delay in acting upon worthy claims. More hospitals must be provided to care for the sick in body and mind. If we may judge from experience following the Civil War, these disability claims are bound to continue and to increase in number and amount for at least twenty or thirty years. Well-informed men believe that by the end of this period such claims may well have cost the Government as much as $50,000,000,000.

With such a tremendous obligation, admitted by all to be of primary importance, confronting the Government, I, for one, feel that at least while business and economic conditions remain as at present, we should not impose further burdens upon our people in order to provide a "bonus" for perfectly well, able-bodied men.

Mr. FORDNEY. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. HERRICK].

Mr. HERRICK. Mr. Speaker and gentlemen, I am in favor of a soldiers' bonus. I may say that I am not satisfied with this bill, but I shall vote for the bill, because if we do not pass this bill I am afraid that the soldier boys will not get anything. Rather than that they shall not have anything I am going to vote for the bill. We took care of the 10 per cent plus men, we took care of the shipping interests, we took care of the railroads, and every grafter that had anything to do with the war [laughter and applause], and I would be ashamed to call myself an American citizen if we could not do a little something for the soldier boys. The soldier boys would not be in the deplorable condition that they are to-day if the profiteers had not seen huge and heretofore undreamed-of profits to be gotten out of getting the United States into the European war. All the rant, cant, and propaganda that they had put out about the United States entering the war to make the world safe for democracy was a fake and a fraud and a lie upon the intelligence of the people. The United States was forced into the war for two reasons and two only: First, to make the world safe for three and one-half billions of British bonds held by J. P. Morgan & Co. and a few other New York profiteers; second, the colossal profits that the profiteers knew that they could reap by plunging the Nation into war, and which subsequent history has since proved that they did reap. In this crime against the American people the Democratic Party was far more guilty than the Republican Party, because the Republican Party was honest enough to demand that the United States should enter the war when the Germans sank the *Lusitania;* and if the United States ever was going to get into the war that was the time to get into it or forever stay out of it. From that time on the Republican Party was a war party, and was honest enough to openly advocate the entrance of the United States into the war, while the Democrats hypocritically pretended to be a peace party and won the election in 1916 upon the false cry "Wilson kept us out of war." The fact that the Democrats won that election upon an antiwar platform was positive proof that the American people were unalterably opposed to the United States departing from the time-honored policy of no participation in any foreign entangling alliances. Had the United States not entered the war it would probably have been fought to a draw, and even had the Germans won they would have been too exhausted to attack anyone more than 3,000 miles away with a broad ocean between.

All of the statements that the propagandists had put out that the Germans intended to attack and sack the United States was the veriest rot and drivel, put out solely for the purpose of working the people up into a frenzy in order that the people would sanction the sacking of the United States by the war profiteers, which was duly done on a colossal scale such as was never known before. They saddled upon the country a debt of $34,000,000,000 as an immediate debt and untold billions in compensation, hospitalization, and war-risk insurance payments, to say nothing of the loss of undetermined billions of productive wealth by the crippling and the impairment of the health of 4,000,000 of our national man power, thereby destroying their ability to produce wealth to the extent of undetermined billions. And now it is these same enemies of the Nation who, under the guise of patriotism, robbed the Nation of untold billions, who are raising the cry that the Nation is unable to pay the ex-service man a small stipend to partly compensate him for the irreparable injury that they have done to him. It was these same hellians that by their frenzied opposition have prevented the passage of any bonus bill that would be of any real benefit to the ex-service man. This miserable makeshift of a so-called adjusted compensation act really ought to be entitled "a bill for the enabling of the banks to collect additional interest and for the creation of additional Government expense by the creation of unnecessary clerical expense." Under title (V), adjusted service certificates, section 501, the Secretary of the Treasury, upon certification from the Secretary of War or the Secretary of the Navy, is directed to issue to the veteran a certificate which the veteran can take to a bank and borrow 50 per cent of its face value thereon, paying the banker interest there-

for. Now, if the Government is going to issue to the veteran a certificate upon which he can borrow circulating medium paper money, which money will in many instances be United States notes, why the devil can not the Government issue sufficient noninterest-bearing United States notes to pay the veterans' bonus, and pay the veteran in full without compelling him to pay part of his bonus to the banks in interest? If the salaries of the Members of Congress can be paid in United States notes, as they are, why the devil can not the soldiers' bonus be paid in United States notes? Yes; I know that those who think that this Government can not do anything except by indirection and that nothing will be done right unless it gives the bankers and profiteers a share in it will say that this is a wild and visionary proposal, and will shout that the United States notes would be fiat money, and that there would be nothing back of them; but if you would ask them what is back of Government bonds and what would be back of these certificates, they would immediately reply, "Why, the whole credit of the United States Government," and they would be quite correct, except that the United States notes would also have the entire credit of the whole United States back of them also.

The only difference between a United States bond and a United States note is that the bond draws interest and the note does not; and further, that the bond is not subject to taxation, while the United States note, being circulating medium, is. Therefore, the bond is a favored investment for those who belong to the class that have, and want to hide away, their wealth in nontaxable securities and thus escape paying their just proportion of the burden necessary in maintaining the Government. It is high time that something be done to check the rapid concentration of the entire wealth of the Nation in the hands of about 2 per cent of the population. This condition is rapidly approaching, and when that day comes it will mean the dissolution of the Government either from internal disorder or external aggression, for this has been the cause of the decay and the decline of every nation that rose to world power and then declined to oblivion since the dawn of primeval time. I say, in all sincerity, that if something is not done to check this rapid absorption of all the national wealth in the hands of an infinitesimal portion of the population and the dispossession of the masses, there are many men who are now Members of this Congress that will live to see the day when the red banner of Bolshevism will float over this Capitol. For it should be remembered that money of itself is not wealth, but is merely the medium for measuring and controlling wealth. Wealth is food, clothing, shelter, buildings, lands, and tools to work with. The minimum wealth of this whole Nation has been estimated at $287,000,000,000, and our present national debt at $24,000,000,000, so I fail to see just how the adaption of one-half of $1,000,000,000 in noninterest bearing United States notes would bankrupt the country, for in so long as a nation does not owe more than the total amount of wealth in the nation amounts to, the nation is not broke.

But even this method need not have been resorted to; there were still other methods. One would have been to have taxed back from the profiteers a little of the stupendous and heretofore unheard-of profits that they made during the war on account of the boys being over there, amounting, in some instances, to from 400 to 1,400 per cent. This could have been done by the reenactment of an excess net profits tax, with a tax upon excess dividends, and a tax on stocks and bonds.

There was still another way, and that was to have compelled England and France to pay us the $500,000,000 interest that they owe us on the $10,000,000,000 that they borrowed from us, and which they are using to further strengthen their militarism, and use it to pay our soldier boys their long overdue compensation.

And still there was another way. That would have been to have passed House bill 8454, a bill by Mr. HERRICK levying a 50 per cent net profits tax upon the film producers and theatrical shows. This would have absorbed, for the laudable purpose of paying the soldier boys their compensation, some of the excessive and inordinate profits that the movie film producers make and spend in Bacchanalian revels, such as the "Fatty" Arbuckle debauch and many others that the daily press has been filled with during the last six months.

The Democrats are very loud of mouth concerning Republican procrastination in granting compensation to the ex-service man and Republican toadying to the grafters and profiteers. Unfortunately, these charges are only too true. But by what right do the Democrats arrogate to themselves the right to cast stones? Was it not a Democratic President "who kept us out of war"? Who plunged us into war and sent these same boys overseas to become crippled up? And was it not a Democratic administration who flung wide the gates of the United States Treasury to the wildest orgy of profiteering that the world has ever known? And was it not a Democratic administration who, instead of issuing noninterest-bearing United States notes for the payment of conducting the war, foisted upon the people the so-called Liberty bond graft, wherein each individual had arbitrarily assigned to them a certain quota of bonds which they were required to purchase regardless of whether they were able to purchase them or not under penalty of being charged with being pro-German? As at least 90 per cent of the people to whom quotas of bonds had been assigned had no money with which to purchase the bonds, they were, of course, compelled to go to money lenders and give their notes, with 10 per cent interest, and when their notes became due the bonds, which they were assured would be worth 100 cents on the dollar, had depreciated to 84 cents on the dollar, and the makers of the notes were compelled to forfeit the bonds to the holders of the notes at the then market price, and to pay to the holders of the notes the differential of $16 upon the hundred, with the 10 per cent interest, making a net loss to the individual to whom the bond had been assigned of $26 on the hundred; and in some cases, where the holders of the notes were complete Shylocks and also confiscated the 4 per cent due from the Government, of $30 upon the hundred. This, to my mind, was one of the two major causes for our present era of depression. This, coupled with profiteering, bled the country white financially. And yet this is the party that is asking the electorate to return them to power. Would it not be better for the people to purge the Republican Party of whatever undesirable elements it may contain, and continue the Republican Party in power, than to return the Democratic Party to power after saddling upon the country a calamity from which it will take a generation for the country to recover from its baneful effects?

Mr. FORDNEY. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE. Mr. Speaker and Members of the House, I am for the soldier bonus bill. When our lads left their native land to fight on foreign soil, the hearts of the American people went with them. The hearts of the American people are with them in their struggle to secure consideration and just recognition from this Government. They followed their flag to a foreign land; they brought it back unspotted and unsoiled. This Nation owes them a debt of gratitude that can never be paid. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I have the highest respect for those gentlemen who have frankly avowed that they are opposed to any kind of additional compensation to the soldiers whatever. I would be better pleased, however, if the others who have stated here they were going to vote against it had frankly made the same avowal. Their actions, however, speak for themselves. Have these gentlemen who propose to vote against this measure and now criticize the bill ever approved any of the numerous plans that have been presented? Have they now any plan to present to you? They have not. They never have presented a plan.

Mr. McFADDEN. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. No; I can not; I have only the short time remaining.

Mr. McFADDEN. The gentleman knows that I have presented a plan.

Mr. GREEN of Iowa. In the two years that we have been deliberating over this bill and wondering whether after all Congress would give the soldiers any compensation nobody has ever been able to devise any plan that met with the approval of these gentlemen. Of course there are gentlemen on the floor here, like the gentleman from Pennsylvania [Mr. McFADDEN] and like some gentlemen on the other side of the House, who can each fix up a bill that he in his wisdom would approve, but that no other man in the House would vote for. [Applause.]

Mr. Speaker, when this bill was first introduced it was almost universally hailed in Congress as a solution of the difficulties surrounding the subject of adjusted compensation, and it seemed to be conceded that it met and overcame the objections which had been made to the bills heretofore introduced. The main objections to previous bills, and the only objections that were ever taken seriously, were made against the cash bonus and the fact that the previous bills, if enacted, would immediately cause large drafts upon the Treasury, which could only be met either by increased taxes or Treasury certificates. The bill now before the House obviates both of these objections. The cash bonus is done away with. No very large sums, comparatively speaking, will be drawn from the Treasury for more than three years. No new taxes are necessary, and nothing could be more useless than to tax the people to raise money that is not needed. Moreover, if we get, within the next three years, the interest

which we expect to receive on what foreign nations owe us, the amount due from England alone will far more than take care of what will be required in the future.

Under these circumstances we expected general approval of the bill, and it would have been so received if an organized and well-financed propaganda had not been started, not merely to misrepresent the bill but to falsify its provisions. As soon as it became evident that the bill would pass by an overwhelming majority bedlam broke loose, with all kind of crazy statements from people who knew nothing about the bill and could not, in the very nature of things, have looked at it at the time they made their objections. Even on this floor to-day there have been so many misstatements of what is contained in the bill that I could not in an hour correct them, if I did nothing else. One common statement is that the bill gives the man who only served on this side the same as those who had overseas service. A casual reading of the bill would show that this is not so. Another statement is that it gives large sums to those who only served a few days on this side. The fact is that those who only served 60 days receive nothing under the bill, and no one gets anything except for the number of days in excess of 60 days he served. Another common statement is that the farm-settlement option would involve the Government in enormous expense under the reclamation provisions. If gentlemen that made such statements had only given a little thought and study to these provisions they would have discovered that this plan is the least expensive to the Government, for those who take the option, of any of the five provided. Those taking it are merely allowed their service-credit pay as a payment upon the tract which they enter, and every other expense by the Government must be repaid in the same manner as upon the reclamation projects now carried on by the Government. Nor can any money be expended under this provision unless it is first approved by the board created to supervise these provisions, next approved by the Budget Bureau, next by the Appropriations Committee, next by Congress, and, lastly, by the President. The only danger connected with this provision is that we have taken such pains to safeguard it that a question may arise as to whether anything will be done under it, and it must be admitted that it will be several years before any of these projects get fairly under way.

Mr. Speaker, I have observed that some metropolitan dailies have been foremost in misrepresenting the bill and abusing those who supported it. This line of criticism, utterly without fact or argument, is one in which the parties using it so especially excel, that I shall not enter into competition with them in its use. I notice, however, that these same newspapers have joined hands with the gentleman from North Carolina [Mr. KITCHIN], who wrote the minority Democratic report, although he was formerly so abhorrent to them. But, Mr. Speaker, I do not intend to use any time discussing that minority report, nor do I need to answer the attacks that have been made in these papers, or, as it seems to me, those which have been made on this floor to-day. They answer themselves with their inconsistencies and their contradictions. You have been told here to-day, on the one hand, that the bill gives the soldiers nothing and that it is merely a "gold brick"; and on the other hand, you have been told in this House by so distinguished a gentleman as Mr. MANN, of Illinois, and others, that enormous sums of money will be paid to the soldiers under this bill. You have been told by one set of objectors that the soldier would get no relief under its provisions; by others you were told that they would take large sums of money which were given them under the bill and squander every dollar of it, a statement not very complimentary to the men that fought our battles and won imperishable glory for our country on the fields of France. You have been told also that the soldier will be able to get no money at the bank, although other gentlemen have told you that the poor banker was being imposed upon by the bill and being compelled to make what they called "forced loans" in great amounts.

If parties who are not familiar with the bill had no better excuses to offer for not voting for it than what we have heard to-day and could only contradict themselves in attempting to justify their action, we would not be surprised. But, Mr. Speaker, we were amazed when the Secretary of the Treasury came before the Ways and Means Committee to hear him state in effect that it would be better for the Government to borrow an indefinite sum to meet a payment due at an unknown time than to take from the banks what might be needed in the next three years; and some of us could not restrain a smile when we heard the Comptroller of the Currency, who admitted that he had approved loans by banks on which the only security were mortgages on real estate running for five years, state that the soldiers' notes, secured by the promise of the Government, due in three years or less, were nothing but "frozen securities," which ought not to be accepted by the banks. Such statements require no refutation. Like other arguments that have been made here to-day, they refute themselves. They were made by those who do not approve of the soldiers being granted any additional compensation whatever, and who would not be satisfied with any plan which proposed giving it to them.

Mr. Speaker, I never impugn the motives which actuate any Member of this House, but I must say that those who propose to vote against this bill are now found in very poor company. Every man who, all through the war, devoted his energies to his own selfish interest, and thereby piled up a great fortune without aiding the war, is opposed to this bill. Every slacker that refused to take his share of the Government bonds which were offered during the war is opposed to this bill. Every war-time profiteer who gouged the people and bilked the Government until his swollen profits fairly dripped from the ends of his fingers is opposed to this bill. Every man that interfered with recruiting and gave aid and comfort to the enemy is opposed to this bill. Go into any extremely wealthy community filled with people that could pay their share of the expense under this bill and never feel it, mostly people who profited by the war, and there you will find most numerous those who are opposed to this bill. They tell us that we who support the bill are afraid of the soldiers' vote. Is not the real truth rather that those who are opposing the bill are afraid of the influence, power, and the wealth of these classes who have started the propaganda against it and the attacks of newspapers owned by multi-millionaires?

Mr. Speaker, they tell us that we are not ready for this measure, that the country is not financially situated to carry it out. If not, when in Heaven's name will it be? Shall we wait until a greater part of the soldiers have passed away? Shall we wait until those who survive have passed the time when aid would do them any good? Shall we wait until the foes of this bill can say that there is no longer any use for it? Does it not seem as if that was their plan?

You have been sitting here seven hours. A few more words and I conclude.

Gentlemen of the House, in these days when socialism, sovietism, Bolshevism threaten to undermine our institutions, the soldiers that came forward willingly to risk their lives in the defense of their country are still the great bulwark of our institutions, and upon their continued support the safety of this Nation must depend. You can not convince these men that they have been treated fairly after this Government, with at least the tacit approval not only of Congress but of the people at large, paid during the war to workers in our shipyards and ammunition plants from three to five times the wages which they received. Nor can you convince them that this country, by far the wealthiest and best situated financially of any nation upon the globe, is not in a position to carry out the provisions of this bill, when devastated France and ravaged Belgium have joined with Canada, Australia, and England in giving additional compensation to their soldiers since the war. This bill provides for the issuance of endowment insurance policies to the soldiers, having a loan value; but it also, in effect, contains in its provisions an insurance policy for the Government itself and the people of this Nation in the continued support of the great army which won the war. I feel that this bill appeals to your judgment and I say these last words in the debate satisfied that it will pass by an overwhelming majority. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. FORDNEY], that the House suspend the rules and pass the bill.

Mr. FORDNEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 333, nays 70, answered "present" 4, not voting 22, as follows:

YEAS—333.

Almon	Beedy	Britten	Carew
Anderson	Begg	Brooks, Ill.	Carter
Andrew, Mass.	Bell	Brooks, Pa.	Chalmers
Andrews, Nebr.	Benham	Brown, Tenn.	Chandler, Okla.
Ansorge	Bird	Browne, Wis.	Chindblom
Anthony	Bixler	Bulwinkle	Christopherson
Appleby	Blakeney	Burdick	Clague
Arentz	Bland, Ind.	Burke	Classon
Aswell	Boies	Burtness	Clouse
Atkeson	Bond	Butler	Codd
Bacharach	Bowers	Byrnes, S. C.	Cole, Iowa
Bankhead	Bowling	Cable	Cole, Ohio
Barbour	Brand	Campbell, Kans.	Collins
Barkley	Brennan	Campbell, Pa.	Colton
Beck	Briggs	Cantrill	Connell

Connolly, Pa.	Hersey	Martin	Shelton
Cooper, Ohio	Hickey	Mead	Shreve
Cooper, Wis.	Hill	Michaelson	Siegel
Copley	Hoch	Michener	Sinclair
Coughlin	Hogan	Miller	Sinnott
Crago	Huddleston	Millspaugh	Slemp
Cramton	Hudspeth	Mondell	Smith, Idaho
Crisp	Hukriede	Montoya	Smith, Mich.
Crowther	Hull	Moore, Ill.	Smithwick
Cullen	Hutchinson	Moore, Ohio	Sproul
Curry	Ireland	Morgan	Stafford
Dale	James	Morin	Steagall
Dallinger	Jefferis, Nebr.	Mott	Stedman
Darrow	Jeffers, Ala.	Mudd	Steenerson
Davis, Minn.	Johnson, Ky.	Murphy	Stephens
Dempsey	Johnson, Miss.	Nelson, A. P.	Stevenson
Denison	Johnson, S. Dak.	Nelson, J. M.	Stiness
Dickinson	Johnson, Wash.	Newton, Mo.	Stoll
Doughton	Jones, Pa.	Nolan	Strong, Kans.
Dowell	Jones, Tex.	Norton	Strong, Pa.
Drane	Kearns	O'Brien	Sullivan
Driver	Keller	O'Connor	Summers, Wash.
Dunbar	Kelley, Mich.	Oldfield	Swank
Dunn	Kelly, Pa.	Olpp	Sweet
Dupré	Kendall	Osborne	Swing
Dyer	Kennedy	Overstreet	Tague
Echols	Ketcham	Paige	Taylor, Colo.
Edmonds	Kiess	Park, Ga.	Taylor, N. J.
Ellis	Kincheloe	Parks, Ark.	Taylor, Tenn.
Evans	Kindred	Patterson, N. J.	Temple
Fairchild	King	Perlman	Ten Eyck
Fairfield	Kinkaid	Petersen	Thomas
Faust	Kirkpatrick	Porter	Thompson
Favrot	Kissel	Pou	Tillman
Fess	Kline, Pa.	Pringey	Timberlake
Fish	Knutson	Purnell	Tincher
Fisher	Kopp	Quin	Towner
Fitzgerald	Kraus	Radcliffe	Tyson
Focht	Kreider	Rainey, Ill.	Upshaw
Fordney	Kunz	Raker	Vaile
Foster	Langley	Ramseyer	Vare
Frear	Lankford	Rankin	Vestal
Free	Larsen, Ga.	Ransley	Vinson
French	Larson, Minn.	Rayburn	Voigt
Frothingham	Lawrence	Reece	Volk
Fuller	Lazaro	Reed, N. Y.	Volstead
Fulmer	Lea, Calif.	Reed, W. Va.	Walters
Funk	Leatherwood	Rhodes	Watson
Gahn	Lee, Ga.	Ricketts	Weaver
Gallivan	Lineberger	Riddick	Webster
Gensman	Linthicum	Riordan	Wheeler
Gernerd	Little	Roach	White, Kans.
Gilbert	Logan	Robsion	White, Me.
Goldsborough	London	Rogers	Williams
Goodykoontz	Longworth	Rose	Williamson
Gorman	Lowrey	Rosenbloom	Wilson
Graham, Ill.	Luhring	Rossdale	Wingo
Green, Iowa	Lyon	Rouse	Wise
Greene, Mass.	McClintic	Rucker	Woodruff
Griest	McCormick	Ryan	Woodyard
Griffin	McKenzie	Sabath	Wright
Hadley	McLaughlin, Mich.	Sanders, Ind.	Wurzbach
Hammer	McLaughlin, Pa.	Sanders, N. Y.	Wyant
Hardy, Colo.	McPherson	Sanders, Tex.	Yates
Haugen	McSwain	Sandlin	Young
Hawley	MacGregor	Schall	Zihlman
Hayden	Madden	Scott, Mich.	
Hays	Maloney	Scott, Tenn.	
Herrick	Mapes	Shaw	

NAYS—70.

Ackerman	Freeman	Lee, N. Y.	Reavis
Black	Garner	Lehlbach	Robertson
Bland, Va.	Garrett, Tenn.	Luce	Sears
Box	Garrett, Tex.	McArthur	Sisson
Buchanan	Glynn	McFadden	Snell
Burroughs	Gould	McLaughlin, Nebr.	Snyder
Burton	Graham, Pa.	Magee	Sumners, Tex.
Byrns, Tenn.	Greene, Vt.	Mann	Tilson
Cannon	Hardy, Tex.	Merritt	Tinkham
Chandler, N. Y.	Harrison	Mills	Treadway
Clarke, N. Y.	Hawes	Montague	Underhill
Cockran	Hooker	Moore, Va.	Walsh
Collier	Humphreys	Newton, Minn.	Ward, N. Y.
Connally, Tex.	Husted	Oliver	Wason
Davis, Tenn.	Kahn	Padgett	Winslow
Dominick	Kline, N. Y.	Parker, N. J.	Woods, Va.
Drewry	Knight	Parker, N. Y.	
Fenn	Lanham	Perkins	

ANSWERED "PRESENT"—4.

Deal	Layton	Moores, Ind.	Wood, Ind.

NOT VOTING—22.

Blanton	Himes	Mansfield	Rodenberg
Brinson	Jacoway	Ogden	Speaks
Clark, Fla.	Kitchin	Parrish	Taylor, Ark.
Elliott	Kleczka	Patterson, Mo.	Ward, N. C.
Fields	Lampert	Rainey, Ala.	
Hicks	McDuffie	Reber	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Patterson of Missouri and Mr. Lampert (for) with Mr. Kitchin (against).

Mr. Speaks and Mr. Ward of North Carolina (for) with Mr. Deal (against).

Mr. Elliott and Mr. Kleczka (for) with Mr. Layton (against).

Mr. Jacoway and Mr. Fields (for) with Mr. Hicks (against).

Mr. Blanton and Mr. McDuffie (for) with Mr. Himes (against).

Until further notice:

Mr. Wood of Indiana with Mr. Taylor of Arkansas.

Mr. Ogden with Mr. Brinson.

Mr. Moores of Indiana with Mr. Clark of Florida.

Mr. Rodenberg with Mr. Mansfield.

Mr. Reber with Mr. Rainey of Alabama.

Mr. DEAL. Mr. Speaker, I would like to withdraw my vote of "nay" and answer "present." I am paired with the gentleman from Ohio, Mr. SPEAKS, and the gentleman from North Carolina, Mr. WARD. Had they been present, they would have voted "yea."

Mr. CLARKE of New York. Mr. Speaker, although my colleague, Mr. HICKS, is paired, I am requested by him to say that had he been present he would have voted "nay."

Mr. BURTON. Mr. Speaker, I am requested by my colleague, Mr. HIMES, who is absent because of illness, to say that had he been present he would have voted "nay."

Mr. LAYTON. Mr. Speaker, I want to withdraw my vote of "nay," because I am paired with the gentleman from Indiana, Mr. ELLIOTT, and the gentleman from Wisconsin, Mr. KLECZKA.

Mr. LANGLEY. Mr. Speaker, I have a general pair with the gentleman from Florida, Mr. CLARK, but I am satisfied from what he has told me that if present he would vote for this bill, and therefore I wish to let my vote of "yea" stand.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its chief clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TOWNSEND, Mr. STERLING, Mr. MOSES, Mr. WALSH of Massachusetts, and Mr. BROUSSARD as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following title:

S. 3265. An act construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes."

S. 3209. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 7881. An act to authorize the Governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements; and

H. R. 10559. An act making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1923, and for other purposes.

EXTENSION OF REMARKS ON ADJUSTED COMPENSATION BILL.

Mr. GORMAN. Mr. Speaker, I do not like this bill—H. R. 10874—to provide adjusted compensation for veterans of the World War, but I am going to vote for it. I do not like it because, in my opinion, it does not treat the saviors of civilization with even a modicum of the liberality which a rich, powerful, and grateful nation ought to bestow upon its gallant defenders.

I do not like to visualize the veteran compelled to hawk his nonnegotiable certificate and pay interest for a loan thereon when he should have received cash for his adjusted compensation directly from Uncle Sam. This is called an adjusted compensation bill, but that is a misnomer. Some of my colleagues have referred to it as a bonus bill, but that is an insolent appellation, because a bonus begins where adjusted compensation leaves off. I am going to vote for it, because those who control the bill and those who control the parliamentary situation have been compelled to decree, in the face of a storm of opposition, that the veterans will take this bill just as it is or nothing. The rule permits of no way of improving the bill by amendments or a motion to recommit, and if it were defeated the veterans would not have a China-

man's chance of ever getting adjusted compensation. It is a case of Hobson's choice—take it or leave it. Therefore on the principle that a half loaf is better than nothing at all, I will vote for this bill, doing so, however, with a deep conviction that we are not measuring up to the American standard of national justice in this exhibition of warped prodigality.

During and since the war everybody received a bonus except those who fought the war. The three-dollar-a-day stay-at-homes had their pay boosted all the way from $5 a day to $30 a day. The corporations, the banks, the shipbuilders, the munitions makers, the food profiteers, the rapacious landlords—everyone engaged in business at home—obtained bonuses piled upon bonuses until the sky line was reached. Even the newspapers, some of which are denunciatory of adjusted compensation for World War veterans, received their bonuses in increased subscription and advertising rates during the war orgy. Yet when the heroes of war ask for a small measure of the stipends they lost while engaged in a life-and-death struggle they are told it is sordid to put a price upon bravery and sacrifice. Piffle! Such sophistry is nauseating. If they were exacting toll for their bravery they would become possessed of all the wealth of the Nation. It was their sacrifices which saved our nationhood. It was their bravery which determined the present rate of exchange—which debased the German mark and Austrian crown and made the American dollars the highest-valued coin in the entire world.

If those sacrifices were not successfully and heroically made the opulent opponents to adjusted-compensation legislation would now be impoverished by the confiscation of their wealth in the payment of indemnities to the different set of victors.

There are many methods any one of which might be resorted to in order to give the defenders of the Nation adjusted compensation more commensurate with their deserts than is provided for in this bill. Adequate adjusted compensation might be paid in cash out of the excess profits of corporations, out of the pyramided profits of war contractors, out of the spoils of the war's 30,000 newly made millionaires, out of the economies effected by the Director General of the Budget, and out of the curtailed appropriations for the Army, the Navy, and other governmental departments, so intelligently effected by the House Committee on Appropriations.

Adequate adjusted compensation might be paid in cash out of the issuance of bonds, out of short-time negotiable Treasury certificates, or out of the ten billions and interest owed to us by our late allies.

An adjusted compensation bond issue would increase the monetary circulation of the country, place a new spending power in the hands of 4,000,000 veterans, and thus bring about a revival of business through the production of things the people will buy, put the unemployed to work, stimulate agriculture and industry, and make justice the handmaid of prosperity.

Mr. YOUNG. Mr. Speaker, the Representative from West Virginia [Mr. BOWERS] has no press agent and is slow to talk about himself. Probably few know that it was he who suggested the compromise which made it possible to report this bonus bill in a form which would stand a chance of its passage by the House and Senate and its approval by the President.

The Republican members of the committee had been working early and late for days and weeks, and all proposals were being voted down or vigorously opposed, no matter by whom submitted. Finally, late one afternoon the gentleman from West Virginia [Mr. BOWERS] suggested that the cash-payment feature be eliminated; that the Government undertake to make no loans until after a period of three years; and that in the meantime banks should be authorized to make loans upon the soldiers' insurance certificates. This suggestion met with a quick, hearty, and favorable response from all members present. From that time it was only a question of changing the bill to conform to these broad lines. While all members of the committee worked hard, and the chairman particularly worked untiringly, the solution of the problem, which had reached an impasse, belongs to BOWERS.

Mr. BROWNE of Wisconsin. Mr. Speaker, under the leave granted I desire to extend my remarks by inserting a letter written by myself in reply to a letter received by me written by the Harrison, Smith Investment Co., of Philadelphia, expressing my views on the soldiers' adjusted compensation bill:

MARCH 21, 1922.

HARRISON, SMITH & CO.,
Investment Securities, 121 South Fifth Street,
Philadelphia, Pa.

GENTLEMEN: Your letter of recent date opposing the soldiers' bonus bill has been received and contents carefully noted.

You state that passing a soldiers' bonus bill spells "inflation," as the sum thus raised will be given away for services already paid for, and, like all moneys thus received, will be spent unproductively, on the old "easy come, easy go" principle.

In answer to the above statement in your letter, I wish to say that the so-called bonus is not in the nature of a bonus or a gift. It is adjusted compensation for soldiers. I take issue with you and emphatically deny your statement that the amount of money appropriated for the soldiers will be given for services already paid for. Thirty dollars a month was allowed the soldiers; part of this amount was withheld for insurance and other deductions, so the soldier received very little. Not 1 soldier in 1,000 was able to bring home one dollar that he had saved. Young men spent from one to two years in the service of their country.

They not only risked their lives but underwent the severest hardships and privations which will tell on their health in future years. They made no complaint but fought with a courage and enthusiasm that placed them side by side with the bravest of our soldiers in other wars, and in all ways they lived up to the highest traditions of American valor.

After winning the war these citizen soldiers returned to their homes and were welcomed by a grateful people. But what about their former employment, for none of these healthy, strong young men were idle when they enlisted? A very large proportion found others in their jobs that they had formerly occupied, and they found a million more men than there were jobs. They also learned that civilians doing the same work they had formerly done had received from two or three or even four times the compensation they had received for the same work. They also learned that some of the men who seemed the most patriotic and cheered the loudest upon America's entering the war capitalized their patriotism and exploited the people and made large fortunes by so doing. That corporations in existence in 1917, when we entered the war, were capitalized at $25,000,000,000. That these same identical corporations, besides paying enormous profits, oftentimes exceeding 100 per cent, passed over to surplus and increased their capital stock the enormous sum of $10,000,000,000, this tremendous increase of corporate wealth being entirely due to the war. That one individual in the United States in one year of the war had an income of $34,000,000. Two other individuals had incomes of sixteen million each; and 248 men, whose incomes were each over $1,000,000 in a single year, and these people had exerted enough influence to have the excess-profits tax repealed and the surtaxes lowered, and now propose a sales tax on everything we eat and wear to raise revenue to pay the expenses of the war.

With the enactment of the Fordney bonus law the United States will then have done less for her soldiers than Canada has done for her soldiers.

I intend to support the so-called bonus bill, which is more properly an adjusted compensation bill, and regret that this bill does not deal more generously with the veterans of the World War than it does.

I am, yours respectfully,

E. E. BROWNE.

Mr. O'BRIEN. Mr. Speaker, it is my intention not only to vote for the bonus bill but to influence as many others as I possibly can to obtain their support for this measure. While this bill is not entirely satisfactory to me; while in fact it is rather a shifting, evasive proposition, and has not received the honest consideration it deserves, and while it does not go far enough as a matter of honest dealing, it is a step in the right direction, and as such I approve of it, feeling that my course will be sustained by all fair-minded people of the country. There has been some propaganda in certain circles against this bill, but it not only proves the stupidity, arrogance, and selfishness of those who are against the bonus bill, but it has made those who are in favor of it more determined than ever before to carry the measure to a successful conclusion. The opposition to it has developed among a certain class of international bankers who would involve us in foreign broils, who would wipe out, if they dared, the debt of $11,000,000,000 that European countries owe us, and who are now most active in effecting a foreign pact or treaty that virtually means an alliance of this country with England and Japan.

I well recall the many days shortly after war was declared when we assembled in the armory and to patriotic music marched gaily to the train and wished Godspeed to the boys who were about to become part of the greatest Army that the world ever knew, and which fought for the greatest cause that human endeavor could ever inspire. From those who by force of circumstances were compelled to remain at home the hearts, the hopes, and the prayers went with them, and it was this perfect, though invisible, bond of sympathy and affection for our boys that led them on to die and dare in their efforts and determination to protect the altars and the homes of their sireland. What the result has been and what have been the benefits for democracy and what the benefits have been to our own country the world well knows. And if this country has forgotten, Europe will long remember the accuracy of our fire and the thrust of our steel.

When the news of the first great American victory was wafted over the ocean to us, how we cheered and cried with joy over the valor of American arms, and as triumph after triumph was later recorded, what a feeling of exaltation came into our hearts that the final issue could never be doubted. With tne termination of the war and the return of the American soldiers, our happiness knew no bounds; but such a sentiment did not long endure.

When we saw the armless sleeves, the crutches, the sightless eyes that would never again look upon the beauty of nature or behold the faces of their loved ones; when we saw those whose sense of hearing had been forever lost and to whom the beauty of music would be as nothing; when we saw the hollow-chested,

gaunt, and tottering bodies, the nerve-wracked, gassed specimens of humanity; when we saw those who, upon their departure, were in the first flush of manhood, return with a high color upon their cheeks and the fever and body-rending cough that showed that the dreaded consumption had claimed another victim for its own; and, even now, when we contemplate the thousands who still lie on a bed of pain, and those whose reason has been dethroned, to whom death will be a welcome relief, and when we further contemplate the fact that little or nothing has been done to alleviate their condition, we are almost impelled to ask, Is it true that Republics are ungrateful? I do not believe that we will permit the story to be transmitted to future generations that this great and powerful Government of ours has been unmindful of its duties toward its defenders.

Upon their return the thought of added compensation in the way of a bonus or remuneration never entered the minds of the American soldiers, but when this suggestion was made the people in their enthusiasm regarded as a fitting tribute in some slight way to show their appreciation of the heroism and accomplishments of our boys. Certainly the soldiers themselves never even hinted at such a proposition. They were satisfied to return to their homes and take their places in the industrial and commercial marts and other fields of endeavor which they had willingly left for the Nation's honor and defense in its time of peril.

To-day the ex-service man is concerned not so much with the thought of a bonus as he is with being placed in his original position so that he might again become a useful member of society and have the same opportunities for forging ahead that he had before the great catastrophe happened. The ex-service man does not want pity. He despises that as much as he laughed at death in the trenches. He wants the opportunity to receive that square deal which a great many mountebanks say should be his, but which has been so brutally denied him. He wants to forget about war and its horrors, and be restored to that place in American life where, by his industry and ability, he can perform work as beneficial to his country in peace time as he did on the field of battle. If those so-called captains of industry will not take care of him to such an extent, then it is the duty of this Government which he defended to make provision for him, either through the bonus or some other method that will help him to a new start in life and eventually result in the opportunity of making a decent living. The time to do that is now. One hundred dollars at the present time will be worth three times that amount in the future when, by the very force of circumstances, the country has regained its financial and industrial footing and necessity does not press as hard upon them as it does to-day.

The injustice of this whole affair is particularly noticeable when it is recalled that hundreds of thousands of these young men, in shouldering the gun, were taken suddenly from lucrative positions, in many instances with promises that their old places were theirs upon their return, and these young men are now forming a part of the bread line. One case in particular is fresh in my memory concerning an enlisted man from my own town, who, after receiving his honorable discharge from the Army, tramped the highways and byways for more than a year looking for an opportunity to supply himself with the bare necessities of life. In the city of New York it is a matter of recent record that in the line forming on the outside of one of the charitable institutions waiting for a pitiable dole of food were found two majors, four captains, several lieutenants, and a great number of privates.

Complete statistics are lacking to show to what particular extent this condition prevails in other cities throughout the rest of the country, but there is no doubt that this condition does exist and yet little or no effort has been made to remedy the situation. The financial interests are shocked at the mere mention of a bonus bill for the soldiers, but these same interests did not refuse nor did they protest against the granting of $1,000,000,000 to the railroads, which still continue to stifle trade by their oppressive freight rates and other charges. Moreover, these same interests have been busy in spreading their propaganda to the effect that the ex-service man does not desire the bonus and are supported in their fight by those who are not primarily interested in the soldier. To those who are fortunate enough not to need this support from the Government, I would say there is no law compelling them to accept a bonus, and they can show their patriotism by returning it to the Government and so permitting it to go into other channels of commercial activity.

Another method of camouflage that is being resorted to by the financial interests is the alleged argument that it would take billions of dollars and many years to settle the question. By such means do the financial interests hope to terrify the country and so arouse public sentiment against the bonus.

There is no question as to who won the war. The American soldiers alone saved Europe from the worst catastrophe in its history. If it had not been for the American soldiers Europe would not recover for the next 500 years. If the war had lasted six months longer, a condition which the American soldiers prevented, the drain on the National Treasury would be a great deal heavier than it is now with the speedy determination of the war, and the cost would have been double the amount now required in the bonus bill. If America had been defeated the probabilities are that we would not only lose some of our territory, but we would be paying an indemnity of $1,000,000,000 a year for the next century. Why, then, object to these young men who actually saved our country from such a terrible possibility of receiving a comparatively small amount, the financial effect of which upon the whole country will quickly pass away. Why object to paying such a comparatively insignificant amount, when, if reverses had come to us, future generations would be carrying the almost unbearable burden of prolonged taxation.

Nor can we forget the eleven billions of dollars that European countries still owe us. We not only fought and won the war through American manhood, but our National Treasury was opened to the European powers to take therefrom any amount of money that might be necessary for their purposes. Not an attempt has been made to collect or pay this honorable debt. Not only would this sum meet all requirements in the matter of the bonus, but its liquidation would mean the beginning of an era of prosperity such as this country has never known. Seven hundred millions of dollars in interest alone remains unpaid, and this would go a long way toward meeting our financial requirements. It has been said that it would be an indelicate matter to urge the immediate payment of the debt of these European countries. Has anybody in authority as yet attempted to demand the payment of the debt, with interest? If not, why has payment not been requested? The European powers were certainly not backward in asking us to loan them money. Why, then, should we now, nearly four years after the conclusion of the war, hesitate to demand what is rightfully ours?

Another question arises is why can these foreign powers pay a substantial bonus to their soldiers, while ours remain neglected? The answer is that our money is needed over there to pay a foreign bonus bill, and our soldiers must suffer the consequences. It is this sense of injustice that appalls the American people. It is this sense of indecency on the part of the financial interests, after making immense profits from the grime and blood of the American soldier, that shocks the country. A few months ago, on the third anniversary of Armistice Day, with the greatest honors that could be conferred upon a human being, the body of an unknown soldier, representing America in the World War, was placed in the rotunda of the Capitol at Washington. Amid pomp and splendor and majesty the greatest tributes of respect, admiration, and affection were paid to the lifeless clay that typified America in the World War. From the four corners of the earth came nations to lay a wreath of honor upon his bier. Escorted by a great cortege, such as this country has never before witnessed, the body was placed in its final resting place. Nothing was left undone or unsaid to make the occasion the most memorable of any kind in our history. In death no honor was too great to be accorded him; and the country bowed its head in grief in token of the sorrows of America.

If this unknown soldier were so deserving of the homage paid him, why may we not extend this sentiment of reverence to those who survived? We can not be true to the dead and at the same time remain false to the living. Those who have passed away in defense of American liberty have erected a monument more lasting than marble, more enduring than bronze, and their memory shall remain green with the countless millions who are yet to come and call this country blessed. The recollection of their deeds shall be as imperishable as the stars, and in their permanence shall serve as an inspiration to all who are determined to perpetuate American principles and American institutions. Their work is done, but it remains for us to perform our duty to those who, surviving in cripple and mangled form, played equally well their part in perpetuating the principles for which their companions in arms rendered the last full measure of devotion. For myself, I can say that my sense of gratitude to these men can never be fully expressed, because they protected my home, my family, and made it possible for me to still glory in my American citizenship. This sentiment should be shared by every American in this country, and a determination be made to fittingly remember those who

made the permanency of American liberty possible. For my part, let me express the hope that this Government of ours, living up to its traditions, will recognize its duty in this matter, and faithfully perform it. Let it be said that no American soldier, sailor, or marine, who manfully measured up to every situation at the time of the country's peril, will be neglected now by our Government in its hour of security. Let the American people exercise the same will to win as in former instances when success meant the very existence of our Republic, and in holding aloft the torch of justice so that all nations may see, it can be recorded in history that the Government of this generation has preserved our national honor.

Mr. GRIFFIN. Mr. Speaker, nearly two years ago, on May 29, 1920, this House passed a bonus bill, embodying the fivefold plan, very much like the bill before us. What became of it? It went over to the Senate where, after certain formalities having all the outward semblance of serious consideration, it was duly embalmed and buried. In the meantime a presidential election had come and gone. The partial passage of the bill had doubtless served its purpose, and we heard no more about the bonus for our valiant soldiers and sailors until the imminence of the 1922 congressional elections admonished our friends on the other side that they had better make good.

"ITS POLITICAL ASPECT."

This political aspect of the situation is very frankly and aptly shown in the Republican minority report, signed by Messrs. TREADWAY and TILSON. They are not deceived themselves and they are not willing to camouflage for partisan advantage. They say:

6. Attention is called to the significance of the date the certificates are to bear, namely, October 1, 1922. Expert testimony was given of the enormous amount of work that will be required and investigations to be made in order that the certificates shall be properly issued. With a large force of clerks and the best expert assistance possible, comparatively few certificates could be issued by that time, and it would be at least six months before any large number could be put out. The reason for the date, therefore, of the operation of the bill as October 1 next, one month prior to election, is very apparent.

The Ways and Means Committee, to which was assigned the task of rejuvenating the corpse of the old bill, began its work—a work in which not the slightest semblance of partisanship should have been permitted to enter—by holding secret sessions from which the Democratic members of the committee were excluded. They were so greedy for partisan advantage that they would not brook the presence of a single Democrat to share with them the glory. In short, they want this to go out to the world as a purely partisan measure. So be it. They can not, however, prevent us from voting for it. If it fails in the Senate, as it failed before, they alone must bear the responsibility.

HISTORY REPEATS ITSELF.

History has a perverse faculty of repeating itself. The bill of two years ago was brought before the House under a suspension of the rules. This parliamentary device limits debate and bars all amendments. To-day the same ruthless expedient is resorted to. It means that we must take it or leave it—an arrogant exercise of brute force which all self-respecting Members of this House must resent.

BILL NOT WHAT IT PURPORTS TO BE.

The bill before us purports to provide for adjusted compensation for the veteran who was deprived of his economic advantages by reason of his military service. The term, as applied to this bill, is a palpable misnomer. This country is not rich enough to provide real, honest adjusted compensation to make up for the economic losses of its soldiers and sailors. Their losses are far beyond our powers to calculate or appraise. We can never perhaps make up for those losses, but we can, at least, take the first step, the clear and obvious step that is apparent on the face of the proposition. If it is adjusted compensation that will meet the needs of the veteran, why not give it to him plainly and honestly without cluttering up the benefaction with a number of options and alternatives which can have no other effect than to make his relative position worse than before?

REAL ADJUSTED COMPENSATION.

He wants adjusted compensation. Very well, what was his compensation and how can we make him equal to his fellows? In the first place, you took from his pay sums ranging from $3.25 to $8 or $10 per month der the guise of war-risk insurance. This was a preposterous proposition—to ask a soldier to pay for the risk incident to his service in protecting the flag and conserving the wealth of his country! The Government insured its ships; why should it not insure its soldiers and sailors? The first step toward adjusting his compensation, therefore, should be to return to the veteran the amounts deducted from his pay for war-risk insurance.

The next step should be to return to the veteran the allotments deducted from his pay for the support of his dependents. I know for a fact that the draft boards deliberately kept this factor in mind when they separated sons from their dependent parents and young husbands from their wives.

The allotments were compulsory. They amounted, on the average, to $15 per month. This, together with the deductions for war-risk insurance, and also installments on Liberty bonds, left the devoted, patriotic soldier in the camps and trenches with only two or three dollars to supply him with little luxuries. These are the men who suffered real privation and who are in most need of adjusted compensation. Why not return to them the amounts so deducted for war-risk insurance and allotments?

WHAT WILL IT COST TO DO THE RIGHT THING.

What will it amount to, you ask? Well, the average service was 11 months. The average insurance to be returned would therefore be $65 and the average allotments to be returned would be $165, making a total of $230 to be returned, on the average, to each veteran.

The cost of working out this plan would aggregate about $520,000,000. Under the bill which I introduced to carry out this proposal (H. R. 10276) I provide for the issuance to each veteran of a certificate of indebtedness for the amount he is entitled to bearing 4½ per cent interest. This he can keep or negotiate at his pleasure. I do not limit him, as the bill now before the House does, to apply only to certain banks to negotiate the Government certificate. He can sell or pledge or negotiate it with whomsoever he pleases and get the face value without impairment and not be obliged to take a certificate, as under the bill before us, upon which he can only borrow half its face value.

My bill further provides that, if he so elects, the veteran may take paid-up insurance for such amount as his length of service warrants.

THE OPTIONS IN THE BILL RIDICULOUS.

As for the other options in the bill before us they have no place in an adjusted compensation bill. The first duty which confronts us is to adjust compensation, and this can only be justly and fairly done by putting all veterans on the same footing and restoring to them such amounts, deducted from their pay, as will make them all equal.

Having done that, then we are prepared to consider the other matters improperly tied up with the compensation question in the bill before us.

VOCATIONAL TRAINING AID.

What an absurdity it is to consider the vocational training of a veteran as such an imposition that it must be dragged into an adjusted compensation act as an instrumentality to deprive him of adjusted compensation. I consider the vocational education of the veteran as a duty the country owes him. I would provide for that by an amendment to the vocational rehabilitation act and consider his acceptance of training as a benefit bestowed on his country. I would establish scholarships in schools and colleges to which an honorable discharge from the United States Army or Navy would be a universal passport.

FARM AND HOME AID.

This addition to the pending "adjusted compensation" bill is also an incongruous inconsistency. We furnish loans to farmers to help them raise their crops. We might very well help the soldier to establish a farm or ranch without violating any precedents. Why tack such a provision as this upon a bill which purports to be intended to adjust compensation?

LAND-SETTLEMENT AID.

There is another anomaly. Why burden an adjusted compensation bill with legislation purporting to encourage the veterans of the World War to settle upon the vacant land? Every man, whether soldier or not, who takes up the pick and shovel of the pioneer and establishes a farm or ranch in the vast unsettled prairies or wildernesses of the land becomes a benefactor of the Nation. The soldier and sailor should be encouraged to take up this task, and he should be helped in his noble undertaking, but he should not have the ridiculous proposition put up to him that if he accepts this burden as one of the alternatives of the pending bill he shall be denied adjusted compensation. In this connection I can do no better than to quote from the exceedingly able minority report of my colleagues, Messrs. TREADWAY and TILSON:

8. Title VIII, known as the land settlement, establishes an expensive machinery of management, offers untold opportunity for reckless expenditure, and under the guise of veteran aid it permits, among other things, the board to lay out town sites and build unlimited highways. Such general authority should not be granted under the guise of veteran aid. Preference could have been given veterans under existing reclamation laws, accomplishing the purpose for which this title purports to be written.

A POLITICAL CATCH-ALL.

On the whole the bill seems to be a political "catch-all," primed and ornamented with a great variety of glittering bait to mystify, to daze, and to coax the soldier and sailor vote. All of which is utterly unnecessary, for all that the veteran has been seeking is an adjustment of his war-time compensation. To do this would take no more than two pages of a simple direct bill. Instead of that the majority of the Ways and Means Committee have constructed an elaborate maze of nine titles or chapters, covering 38 pages. For instance, it has one title or chapter devoted entirely to "definitions" and another on "miscellaneous items." In short, the ingenuity of the drafters of the bill seems to have been taxed to the utmost to produce a labyrinth of words and ambiguous complications.

Ninety per cent of the men who will vote for this bill realize that it is a trap, its objectionable features being purposely retained to entice the minority into a negative vote. I for one do not propose to be caught by such devices. I will vote for the bill.

Mr. GOULD. Mr. Speaker, nearly two years ago, when the so-called soldier bonus bill was passed by the House of Representatives, unavoidable absence from the city prevented my voting on the same. However, in order to be on record, announcement was made that had I been present I would have voted against the bill.

My position in the matter has not changed since that time, and I shall vote against the proposed bonus bill now under consideration.

I fully believe, in view of the economic conditions existing throughout the country, that if this bill becomes a law it will work undue hardship not only on the Government but the country at large. With our national debt of over $23,000,000,000, payment of interest, running expenses of the Government amounting to approximately $5,000,000,000 annually, and barely sufficient funds to meet the same, Congress should endeavor to carry out its program of economy in accordance with its pledge to the people as contained in the Republican platform of 1920.

The passage of this bill would add to our already overburdened Government debt billions of dollars of additional expense, and would exceed over and over the millions of dollars which this Congress has so successfuly saved the Government by reducing appropriations and other unnecessary expenses. This bill provides for the payment of billions of dollars, but does not provide any means whatsoever, nor does it even contain a suggestion as to where the money is to come from to pay the same. The United States Treasury can not meet this additional expense without additional funds, and as this bill provides no source of revenue it can readily be seen that to meet the obligation which this measure imposes it will be necessary for the Congress at a future date to provide some source from which sufficient revenue can be secured.

In my judgment it will cause additional and increased taxation to all the people. Financial experts of the highest standing estimate that this legislation will increase the debt per family throughout our country to about $253 per family, and the increased indebtedness equivalent to an amount equal to $9,000,000 additional on the property and assets of the five counties in my congressional district. In the long run the ultimate consumer himself, who is already taxed to the limit of endurance, will have to pay the bill. The ex-service men, who are supposed to be benefited by this measure, and every member of their families will alike be called upon to stand his and her share of the burden of taxation.

For the past two years the country has been struggling to keep its head above water during the period of war adjustment. Progress has been made; prices and cost of living reduced, and prospects of better business are evident, but all these will rapidly disappear, prices will advance, as will the cost of living, and business will be retarded if additional and increased taxes are imposed upon the country.

I believe that we should do all and everything in our power, financially and otherwise, to assist and help the disabled veterans and their dependents, and the widows and dependents of those boys who did not come back, but to pass at this time such an unsound and uneconomic measure as this proposed soldier adjusted compensation bill in view of the Government's lack of funds and present-day conditions throughout the country, I can see no wisdom, but only calamity in so doing.

Mr. MAGEE. Mr. Speaker, I desire to take advantage of the privilege granted by the House to each Member to extend his remarks in the RECORD upon the pending adjusted compensation bill for the purpose of expressing briefly my personal views thereon. In doing this I hope that what I may say will not be construed by anyone as reflecting in any way upon the action or motives of any of my colleagues. They voted in accordance with their views. I voted in accordance with mine, and I speak only for myself.

I think that it is indefensible to jam through the House under a suspension of the rules a bill involving the expenditure of public funds aggregating billions of dollars without reading the bill in the usual way for discussion and amendment. This judgment applies with special force to the land-settlement provisions of the bill, involving the reclamation of swamps, deserts, and, generally speaking, arid land. I fail to see where these provisions of the bill have any place whatever in a soldiers' relief bill. If these provisions should be enacted into law, the result would probably be the expenditure of billions of dollars from the Federal Treasury, not in the interest of the soldiers but almost wholly in the interest of land speculators. I am satisfied that an opportunity to amend this bill would result in the striking out of these land-settlement provisions by an overwhelming majority in the House.

So far as adjusted compensation is concerned, my sympathies are with the ex-service men. Having voted for the declaration of a state of war, and for the selective draft act, I would go further for them than I would go for myself. However, an adjusted compensation bill should be based upon principles of sound finance. The Treasury to-day is carrying some $6,000,000,000 of temporary indebtedness which must be taken care of within the next three years. I understand that the Secretary of the Treasury states that in addition thereto the Treasury is facing a deficit for the coming year of $300,000,000. In view of the material decrease in the amount of income and corporate taxes that will be paid to the Government, I am of the opinion that this deficit will greatly exceed the above amount. In view of these conditions, it is apparent that any adjusted compensation bill at this time, as has been clearly indicated by the President, should provide the ways and means for carrying out the obligations created in the bill. Otherwise there would be grave danger of bringing business and financial disaster upon the country just at this time when a revival of business has set in. It will certainly help nobody, but will surely injure everybody, to throw a monkey wrench into the wheel of reviving industry.

I am strongly opposed to the adjusted service certificate provisions of the bill. They provide for issuing to more than 4,000,000 ex-service men an I O U, which the soldier is authorized to use as collateral security for the payment of his own promissory note in attempting to get a loan at a national or State bank. Such bank is authorized to loan, as I read the act, up to 50 per cent of the face value of the certificate. The bank making the loan, unless the soldier makes payment on the note, can not realize thereon for a period of three years. I think that such a wildcat scheme of finance would prove generally disappointing to the ex-service men, and that it is only a question of time when they would become bitter toward those who put the camouflage across. An adjusted compensation bill should give the ex-service man cash, or a negotiable security, or a paid-up insurance policy without any string to it, something that would be absolutely his own to do with as he pleases.

I have been impressed with the idea that some of my colleagues fear that if they voted against the pending bill ex-service men would defeat them at the polls. I do not think that it can be possible that there is any real basis for such a fear. I think that the kind of men who fought at Chateau-Thierry, at the second Battle of the Marne, at Soissons, at St. Mihiel, and in the Argonne, the best soldiers the world ever saw, would defend and uphold the man in public office, whether they agreed with him or not, who had the courage to vote in accordance with his convictions, based upon the sole consideration of the best interests of his country. If I am not right in this judgment, then the Nation's defenders would prove to be the Nation's destroyers. The end of the Republic would be in sight, and free government would no longer be safe upon this earth.

The bill further provides that the adjusted service certificate provisions shall go into effect on October 1, a few weeks before the elections. Comment is unnecessary upon a provision of such character. It would be much better to suffer decisive defeat than to take any action which could be reasonably construed as an attempt to use the Federal Treasury for a continuance in power. In my judgment the seats of all the men in the House could not be regarded as worth the price. Such a scheme would be unworthy of any political party. It would be directly contrary to the traditions of the Republican Party, to its great achievements, and to the great principles for which it has uniformly stood.

The question of adjusted compensation to ex-service men should be absolutely divorced from politics and considered upon its merits. In no other way can we impress upon them that they are entitled to and will receive a fair and square deal at our hands. We must provide so far as lies within our power, and without regard to cost, for the relief and care of the man

disabled in the service of his country. We must make reasonable provision for the care and support of the dependents of those who made the supreme sacrifice. We must aid and protect in every reasonable way all who were in the service, to whom the country owes a debt of gratitude that it can never pay. In whatever we do politics should have no place. We should be guided and controlled only by patriotic motives and by what is deemed for the best interests of our heroic soldiers and of our common country.

Mr. MONTOYA. Mr. Speaker and gentlemen of the Congress, I favor and will vote unreservedly to-day for the soldiers' bonus bill. I feel, like all loyal American citizens, that this measure should have been a law long before this in justice to the American boys who defended our country and flag in time of need.

Their great reward has been their service and record in the annals of our country, which will live forever and will be an undying example and source of pride for their families and descendants.

The great mass of the American people, I know, will approve of our action to-day, as they, like we who represent them, feel deep in their hearts the gratitude which we owe our defenders, whose services this Nation can never adequately repay, because there is no method, law, or any other human agency that can reward loyalty and patriotism. Those two attributes and qualities are born in the soul and no human action can weigh them or measure them in gifts or money. Loyalty and patriotism are their own reward in the consciousness of performing a duty to the country and flag.

But it is our duty by our action to-day to recognize, approve, and exalt said qualities by national recognition and pride, not in what little we can do but in the spirit of doing it wholeheartedly, gladly, and enthusiastically.

We can show the boys that our hearts were with them when they went away to war, and that our hearts are still with them and will always remain with them since their return to the country which they honor.

Would to God that we could have with us to-day the thousands of heroes who rendered their lives for our cause and the cause of humanity, but all we can do in such stress of soul is to remember the undying words of the great statesman who said on an occasion after the Civil War, "Cheers for the living, tears for the dead." The world's views have moved since then, and now it recognizes that aid for the living is one of the main essentials of gratitude.

In casting my vote for the bill I do so not as a partisan or in a partisan spirit but as an American, as Representative of my State, New Mexico, performing a duty to the best part of our citizenship—the American soldier. I am glad to be a Congressman at this time to record my vote for this act of pride and justice.

Three of my boys, volunteers, served in the American Expeditionary Forces in France throughout the war, and I owe it to them and to the millions of other boys to be grateful for their services. My boys have rendered me the greatest honor of which I can be proud, more than being a legislator or holder of any other office, that of being the father of sons who have done their duty to our country and flag against all comers.

In regard to soldiers' bonus, I wish to insert as part of my remarks the following verses, sent to me by Mr. W. F. Noble, Mount Dora, N. Mex., touching upon adjusted compensation, the worries and delays in regard to the same as seen by some of our ex-service men way out in the Sunshine State. While the verses are sharp I am glad that our action to-day will result in the future in a milder style of poetry.

OUR WORLD WAR VETERANS.

O country of the noble free,
  O nation, strong and great!
Shall we neglect our gallant sons—
  Become the base ingrate?
They fought through suffering hells to win
  "Our cause," full well we know;
Shall we refuse to pay them now
  The debt we justly owe?

Tear off their tattered uniforms
  And trail them in the dust;
Go offer up their service bars
  Unto the god of Lust;
Exploit their service for mankind,
  And coin it into gold;
Go fill your greedy coffers full
  Their blood that ye have sold.

Yes, mount on wings of song their praise,
  And waft it on the breeze.
Ye silver-tongued, ye orators,
  Talk "Heroes overseas";
Thus coin their deeds for guilty fame
  That in your souls ye seek;
Nor cringe, nor blush for awful shame
  Upon your leprous cheek.

Take billions from our countrymen
  And loan it overseas—
Aye, don't forget our profiteers,
  For you'll have need of these.
Loan all the nations "over there"
  The money that they need;
Yes, all their hungry and distressed
  Pray don't forget to feed.

Weep salty tears for Belgium—
  Just hand them out our gold;
Poles, Slovaks, Frogs, Italians,
  Give them our wealth untold.
Give twenty millions to Soviet,
  Armenia twenty more;
Just hand them out our moneybags,
  We have a bounteous store.

Our own brave boys who won the war,
  Just pay them not a cent,
But tell them, "Be ye very proud
  That overseas ye went
And won the day for all mankind
  And make the world secure.
Now, go to work an build anew—
  A living you'll procure."

Far better had ye scuttled the
  Transports that bore them home
And sunk them in the angry deep,
  Beneath its raging foam,
Than show such base ingratitude,
  Which, like a poisoned dart,
Instills the agony of hate
  Within the soldier's heart.

O, country of the noble free!
  O, Nation great and strong!
How can ye bend the servile knee
  To such a monstrous wrong?
Blind Senators and Congressmen,
  You've won us black disgrace,
And every patriot mother flings
  Her scorn into your face.

—W. F. NOBLE, *Mount Dora, N. Mex.*

Mr. ATKESON. Mr. Speaker, I desire to submit a few remarks upon the pending bill under the rule. I have not felt impelled to take up the time of the House and have been content to listen to the speeches of the Members who have discussed this bill pro and con. Upon the bald proposition of adjusted compensation for our soldiers, sailors, and marines in the World War my mind was made up before I became a Member of this Congress.

My greatest interest during the progress of the debate was to see if I could find any reason for changing my mind. I failed to be convinced that I was in error or that I ought not to vote for the bill. In confessing my predilection for the measure I do not mean to say I stood committed in my mind to this particular bill or all of its specific provisions. But I was sure, and am still sure, that our soldiers were and are entitled to some sort of compensation more than they had received. I arrived at this conclusion somewhat by analogy; that is to say, that inasmuch as Congress had adjusted the claims of everybody who had asked or demanded it, I could see no reason why our Army should be made the "goat," or why, after the profiteers and millionaires and multimillionaires, many of them made so by the war, and while our boys were in the trenches in a foreign land, had been generously taken care of, the soldier boys were not entitled to consideration and to an adjustment that would at least even them up a bit. Every consideration, viewed from any angle, led to the conviction that if this great Government owed anybody adjusted compensation it owed it first to the soldiers in a generous degree. I do not regard this measure as generous or adequate. Its provisions are distinctly less than our boys are entitled to; but as it is I give it my hearty and cordial support as the only thing just now possible.

The sooner we get away from the notion that this country exists for the joy and delectation of wicked profiteers and swollen multimillionaires the better it will be for our country. The sooner this Congress realizes there are other people in this country who love the flag and their homes, who are entitled to some consideration at our hands, the better it will be for all of us. The money dealers who produce no wealth have no exclusive right to our coddling and tender care to the injury of 99 per cent of the people who produce, with the help of Providence and by labor, all the wealth in this country.

I can not refrain from referring to the propaganda which found its way to the desk of every Member of this House sent out by the Chamber of Commerce of the United States, an institution which has this city as its habitat. Its dope was positively disgusting. It carried on its face the most intense prejudice against our soldier boys. It was millionaire drivel or "hogwash" ladled out under the guise of commerce. It surely had the commercialized idea of patriotism. It was too bold to be effective and too rotten to be persuasive, so it has done no harm and it is not likely the millionaire class will use it again for organized propaganda.

Every one of our allies has provided in some degree for their soldiers who followed their flag to a common victory. We have provided only for those who fattened off war conditions. Other countries, who are indebted to this country in billions and say they can not pay even the interest, managed to pay additional compensation to their soldiers at a time when it would be of greatest benefit to them. We have waited more than three years, and still hesitate to provide an adjusted compensation for our soldiers. Provision for and care of our injured and crippled soldiers can in no way be involved in the measure now under consideration. That this Government has provided liberally for the injured, crippled, and afflicted no one denies. We are expending more than a million dollars a day to care for and rehabilitate them as far and as fast as it can be done. But this we were bound to do by the very conditions of their service. That matter is not involved here and now, and so I pass it.

There is one feature of this subject not dwelt upon to any extent in this discussion which I think is entitled to some thought. The great body of the World War soldiers were taken from their homes and business by the strong arm of this Government. They were not permitted a choice even to serve on this side the waters. The drafted men became parties to a contract written by the Government and were compelled to sign on the dotted line made by the Government. By that enforced contract they were to receive $1 per day for service in this country and 10 per cent increase for service overseas. In addition to this, practically every one of them took out life insurance with the Government and paid for it out of their service pay; and any allotment to dependent parents was deducted, thus leaving the soldier with precious little of his pay received by him under the contract dictated by the Government. I am raising no question of right or propriety on the part of the Government to do what it did do. The emergency seemed to make the draft, if not the best, the only way to obtain the necessary Army quickly. But if I had my way about it, this Government, in addition to the provisions of this bill, would pay back to every soldier every dollar he paid out on allotments and for insurance. In my judgment, the sooner this is done the better it will be for the Government; for the time will come, notwithstanding the careful provisions, when pressure will be brought upon Congress to provide a service pension for all World War soldiers, and the Government will not be in good shape to meet that demand until these items are paid and the books squared.

We have listened to the propaganda of the "predatory rich" until we have well-nigh forgotten our duty to the boys who stood in the trenches, who faced the enemy without wincing in the midst of the most merciless shell fire ever known in the history of warfare; who crawled over no man's land in the darkness; who made every sacrifice in the discharge of soldierly duty without a murmur, and who brought victory and glory to our flag and our country. The cry of flesh and blood ought to be heard by us more distinctly than the cowardly wail of the conscienceless profiteer or the whip cracks of the arrogant multimillionaire.

And this reminds me of the most sickening incident connected with both the public and private discussion of this bonus bill, to wit, the attempt by this same bunch of high surtax payers to fasten upon the plain people of this country a sales tax. They seemed to think Congress, in its great desire to pass this adjusted compensation measure, would swallow anything as a means to that end. But they were mistaken. They could not even get a bill reported out by the committee with a sales tax attachment. All honor to the men in this Congress who turned their backs upon that nefarious scheme to lay additional burdens upon the backs of the people least able to pay and lift it from those most able to pay. It is an un-American plan and the American people will never submit to it—at least not while millionaires flourish and multiply in this country.

Mr. COPLEY. Mr. Speaker and gentlemen, the question of whether or not an adjustment of compensation to the soldier is a moral obligation resting on the shoulders of the people of this country is very much like a belief in the miracles of the Bible. If I believe them, no arguments can change my mind. If I do not believe, it is scarcely possible that either arguments or evidence might be produced that will lead me to a change of mind.

I believe an adjustment of compensation to the soldiers is a moral obligation resting on the shoulders of the people of this country, just as there is a moral obligation on the part of our people to settle the so-called contracts through which individuals and corporations would have lost enormous sums of money because of the unexpected and sudden termination of the war.

One hundred and thirty-two of my fellow workers in the industries with which I am connected went to this war. All those who came back returned poorer than when they went. Their fellow workers who stayed at home had opportunities to improve their conditions, and just about that same number took advantage of their opportunities and they very materially improved their condition because of this war.

Aside from the definitions and administrative features, this bill provides for four great options. The bill passed two years ago contained a fifth option, providing for a settlement in cash. All the other options of the proposed act two years ago were predicated on the principle of a cash settlement. We find ourselves at the present time unable to make a settlement in cash directly from the United States Treasury without seriously impairing the welfare and prosperity of all our people.

We have almost $7,000,000,000 of short-term securities, including about $4,000,000,000 in Victory notes, three-quarters of a billion in thrift stamps, and about two and one-quarter billions in short-term certificates, all of which must be refinanced within the next 15 months. Any material amount of cash at the present time taken directly from the Treasury of the United States would unquestionably add to the interest rate which we would have to pay on the $7,000,000,000 to be refinanced, and this increased interest rate would probably be carried along for a great number of years, thus actually enormously increasing the burden, due solely to the financing of the adjusted compensation within the next 15 months.

This is even more true if we should attempt to sell bonds or short-term certificates of indebtedness at the present time. In fact, any plan other than the one we have presented in this bill would probably be followed by most disastrous results in the long run.

It has been frequently stated this afternoon that this is going to cost $4,500,000,000. Of course, that means at the end of 20 years. The real fact is that the sum of money necessary to take care of it at the present time is the true measure of the value of the total which we must provide at the present time, and if we postpone these payments we must add interest and compound it annually.

The basis of the payment in cash of the bill two years ago was continued as the basis for the four options remaining after that one had been removed. It was as follows: The veteran was allowed $1 a day for every day he served in this country and $1.25 per day for every day he served overseas, counting his overseas service from the date of embarkation to the date of debarkation again on this side. But we had already paid each one of these soldiers $60, therefore from the number of days' service to be used as a basis this 60-day period was subtracted.

There are two modifications. The first is that if a veteran has less than $50 coming to him for service it must be paid in cash. This will amount to a little less than $16,000,000, and will provide for about 470,000 men. There is a second modification, that under this act no man can receive pay for more than 500 days' service, either in this country or overseas, which means that the limit of his cash for service in the United States would be $500 and for service abroad $625, providing we had continued the cash feature in the bill of two years ago.

This is called the adjusted service pay, and from this we have drafted the four options.

First, a paid-up endowment insurance policy is issued to the veteran covering a 20-year period. The amount of this is determined by taking the adjusted service pay and compounding it for 20 years at 4½ per cent annually. A short and simple method would be to multiply the adjusted service pay by 3.01+, the plus being so small that it makes very little difference in the total. For instance, if a man has $100 coming to him, he would have an insurance policy of $301 plus issued to him. At the end of 20 years this would be paid in cash. If he died meanwhile, it would be paid to his wife or his mother, his daughter or his sister, or whatever beneficiary he might name. All of these insurance policies were made nontransferable, so the veteran could not lose the benefits intended that he should receive through any misfortune or any act of foolishness of his own. However, in lieu of the cash feature which we had cut out of the bill we arranged that he might assign within the first three years by going to any bank or trust company chartered under the laws of the United States or of any State and borrow half of the adjusted pay plus accrued interest up to the date of his borrowing. For instance, if a veteran's certificate for adjusted pay were for $100, he might borrow $50 plus the accrued interest at the date of making the loan and assign his certificate of insurance as security to the bank.

This provision led to a great deal of criticism from the Treasury Department and directly from the Comptroller of the Currency. They called these loans "frozen credits," and they have been referred to on this floor as such. Consequently we

called the Secretary of the Treasury and the Comptroller of the Currency and the Governor of the Federal Reserve Board as witnesses at a hearing on Tuesday of last week. The Secretary of the Treasury was asked what were the total assets of the banks entitled to make these loans, and he answered that he did not know. He was asked if these loans should amount to less than eight-tenths of 1 per cent of the assets of the banks whether or not the freezing of that inconsequential percentage would seriously affect either the prosperity of the banks of this country or the solvency of the banks, and he replied that in his judgment it would not. In a letter which the Secretary had written to Chairman FORDNEY estimates were given indicating that the amount of such loans would be less than $275,000,000.

The Comptroller of the Currency was asked what were the total assets of the banks allowed to make these loans, and he replied that they were a little over thirty-eight billion dollars; therefore these loans, by the Secretary's estimate, would amount to less than eight-tenths of 1 per cent of the total assets of the banks authorized to make the loans.

Governor Harding, of the Federal Reserve Board, was asked if in his judgment the freezing of less than eight-tenths of 1 per cent of the assets of the banks for three years on the securities of the United States Government would seriously impair the resources or effectiveness of the banks. He replied that he did not think it would.

The testimony of all three of these gentlemen indicated that this was a much more desirable loan for savings banks and trust companies, who are in the habit of loaning a very large percentage of their assets on credits which take some extended time to liquidate. As a result of this hearing the committee promptly amended the act—and these are the amendments covered by the rule—such that banks might either discount or sell these loans and transfer the collateral to any other bank which would have been eligible to make the loan originally.

I would like to predict for my distinguished fellow member of the committee from Massachusetts [Mr. TREADWAY] that the trust companies and savings banks of his own State and all the rest of New England will get as many of these loans in their possession as they possibly can before their maturity.

There have been many misstatements on the floor to-day from men opposing this bill, alleging that the veterans would be charged 7, 8, or 9 per cent interest. Under the very terms of this act the maximum rate of interest which any bank can charge is 2 per cent above the discount rate for 90-day paper, as maintained by the Federal reserve banks of the region in which the original loan is made. Governor Harding unequivocally stated that in his judgment no bank would refuse to make a loan for any legitimate purpose to any veteran who lived in the community in which the bank was located. The bank did not dare say it did not have the money, or the depositors would withdraw their deposits. He further added that public sentiment would compel these loans.

I am a stockholder in five banks, and I do not believe for one moment that any one of them would refuse a legitimate loan of this character.

The maximum amount which the banks would be asked to loan in the first three years would amount to less than $275,000,000, and there are more than 30,000 banks eligible to loan it. It would be an average of less than $9,000 per bank. It is ridiculous to argue that this would be a menace, and particularly at the present time, when money is piling up in many sections of this country, when deposits are increasing and interest rates are reducing.

The reason why this arrangement was made for the first three years was to carry us well beyond the time when the refunding of all of our short-term obligations was well out of the way.

If this is a moral obligation it is as much a part of the war as the paying of any other expenses, either during that struggle or that have remained unsettled since, and ought to be paid for in exactly the same way. If we count the loans which we made to the other European countries as a part of the war debt, we paid over 40 per cent of the entire cost of this war in four years, and if those loans are ever repaid to us it means that we have paid over 50 per cent of the entire cost of the war in four years. There is but one sane thing to do, and that is to provide for this expenditure when the time is favorable by the sale of a long-time bond and retire a small percentage each year, and I feel perfectly free in predicting to you gentlemen now that long before this period of three years is up it will be possible to float Government bonds well under 4¼ per cent.

We have met every objection which has been offered to this bill, with the single exception of the failure to recognize this as a moral obligation.

If any of these veterans have borrowed money for any purpose and on short-term notes, and if these notes become six months overdue, the bank holding the notes promptly notifies the Secretary of the Treasury, and between May 1 and October 1, 1925, the Secretary will refund to such bank the total of its loans and past-due interest, plus interest on the same. In other words, there is no chance for any bank to make anything excepting a moderate rate of interest out of the veterans.

The Secretary of the Treasury will pay to the veteran who is in default the balance between what he owes the bank and 80 per cent of his adjusted service pay, plus accrued interest to the time of such settlement by the Secretary of the Treasury. The veteran can not possibly get into the hands of a pawnbroker. The United States Government ultimately settles with him. When the Government takes over the loan, after the first three years are up, it is authorized to advance 85 per cent of the adjusted service pay plus accrued interest, and must carry it at 4½ per cent or the same rate which the soldier is receiving. Three years after that, or after October 1, 1928, the veteran can borrow from the United States Treasury 70 per cent of the total of his adjusted service pay plus the 25 per cent plus compound interest at 4½ per cent from the date of issuance, October 1, 1922. To use our same example, if he had $100 in adjusted service pay at the end of the six-year period he could borrow over $105. There is no chance for him to lose by any default from that time on providing he keeps his interest payments made, and there is no chance for him to lose very much at any time providing he keeps his interest paid, and there is no chance for any bank or the United States Government to make anything except the rate of interest which I have specified, and no chance for any individual to speculate in these certificates in any way whatever.

The original cash option paid to the veteran his adjusted service pay in 10 equal quarterly installments after the beginning, or taking two and one-half years to pay it all to him. By this plan he can get by borrowing from the banks 50 per cent immediately, and at the end of three years he can get by borrowing from the United States Government 85 per cent plus accrued interest, which would be almost 13 per cent more, or a total of 98 per cent; so if the veteran is in need of money he can get five times as much immediately and within 2 per cent as much at the end of three years, and at the same time retain his insurance feature and his right to all the increment at the end of 20 years.

I feel perfectly free to say to you that in discussing this feature of the bill with any man who believes that it is a moral obligation, I can defend it against any objection which he can make.

We have heard a number of men this afternoon designate this as a gold-brick scheme. Consider what I have just said for a moment and then the following: The total wealth in this country as estimated by the Treasury Department and the Bureau of the Census was $188,000,000,000 in 1910. The total wealth in 1920 has been variously estimated, in the absence of official returns, as from $300,000,000,000 to $450,000,000,000, but the general consensus of estimates is around $350,000,000,000, or less than $3,300 per capita. The average adjusted service pay for all the men who are to receive it will amount to almost exactly $374; therefore the adjusted service certificate of insurance, when we add the 25 per cent, will amount to $467.50; that is the actual value of the settlement at the present time which we make with each one of these veterans; or, in other words, we are giving each one of these young men in adjusting his compensation for a service which on the average amounts to almost exactly one year, just about one-seventh of the wealth which the average man, woman, and child in this country has accumulated in an entire lifetime. This is indeed a gold brick, but the gold will assay 100 per cent pure. As a matter of fact, it almost exactly represents what the average man who stayed at home and practiced ordinary industry and thrift might have saved over and above his living expenses, and we are therefore putting the average soldier on almost exactly the same financial basis as the average young man who stayed at home. In other words, we are equalizing the opportunity to acquire property between the men who went to war and the men who stayed at home. The veterans knew no such thing as an 8-hour day; there were no union rules. They worked night and day. There were no rules of shop sanitation in no man's land.

The second option provides for vocational training for such of the veterans as may choose this. In this instance the adjusted service pay is increased by 40 per cent, or on an average a man choosing this option would have over $523 to his credit while he was taking the course of vocational training. This would be paid to him so long as his credit lasted at the rate of $1.75 per day.

The third option provides for aid in purchasing a farm or a home in town. In this instance again 25 per cent is added, and on the average the young man selecting this option would

have to his credit $467.50, which the Government would pay on the purchase of a farm or home in town.

The fourth option provides a method of reclaiming lands which are now waste either because they are arid, owing to too little water, or swampy, because of too much, or stump lands, or, in fact, any sort of worthless lands at the present time which could be made valuable by the addition of labor and capital. This is purely a soldier project. It must be selected by soldiers, soldiers must be engaged in the work of reclamation, and soldiers must be given an opportunity to buy these lands.

In event the veteran chooses this option, he has only the adjusted service pay without any additional percentage, amounting, on the average, to $374. This option provides good employment at fair wages for the veteran and then a chance to buy a home in which the Government furnishes the capital and takes its payments in 25 annual installments, taking over for the first one or two payments, or as long as it lasts, the credit to which the adjusted service pay entitles the soldier.

There has been a lot of criticism about this option generally. In the first place, the Secretary of the Treasury estimated that this might cost $185,000,000,000 if all the veterans chose this option. That contingency is, of course, impossible. Our estimates are that less than 2 per cent would select this form of adjusted compensation. We showed the Secretary that he had misplaced a decimal point, and instead of amounting to $185,000,000,000, by his own figures it was $18,500,000,000. Even this is manifestly two and one-fourth times too high, but we thought we had called his attention to a sufficiently glaring error. The average cost to the Government of all reclamation projects is just about $2,100 per farm, and therefore to take care of the 4,100,000 men it would require $8,610,000,000 instead of $18,500,000,000. If our estimates of 2 per cent are correct, it will amount to only $172,200,000, running over a period of possibly 8 or 10 years. The adjusted service pay of the 2 per cent would amount to less than $31,000,000, so the balance, or about $141,000,000, would be all the Government would have to advance during that period of time.

This would be repaid to the Government in equal installments bearing 5 per cent interest, and if the projects are intelligently selected and honestly administered we will not only get the money back but probably increase the wealth of this country by anywhere from five to ten times the maximum amount which we have ever had invested.

A board is provided and the projects will have to satisfy the board. Then it is sure that they must also satisfy the Director of the Budget, next the Appropriations Committee of the House, next the House itself, next the Senate, and then the President. Gentlemen, I submit to you that this is just about as formidable an array of hurdles as any worthy project has been compelled to face, to say nothing of the added difficulty when the plan is inherently vicious.

We can not pay this adjusted compensation to the soldiers any more than we have paid all the other forms of expenditures incurred by this Government since its inception in any other manner excepting by taxes sooner or later, and I again submit that the amount necessary for the next three years is so small that it will be no drain whatever on the Treasury of the United States, and it will not interfere with nor in the slightest degree embarrass the Secretary of the Treasury in refinancing the $7,000,000,000 of short-term securities that come due within the next 15 months, and at the end of that time we ought to begin selling long-term bonds to take care of this adjusted compensation just as we have in every other expenditure which was too much for the Treasury at the moment. The interest on these bonds and the principal as well must be paid for in taxes, but by spreading the taxes over a comparatively long period of time the burden is going to be made lighter for each year of the period. The estimate of the entire expenditure for the next three years under this act amounts to not more than $300,000,000 as a maximum, or less than $100,000,000 per year, which is about what we expect to save over the Budget estimate in the Army bill alone.

I have tried to cover the bonus bill for you in this discussion. Perhaps I have reasons, which are not financial, to appreciate better than the average man the opportunity which a great war can present for men to improve their financial condition. It is purely personal, and with your indulgence I will take up a few moments more in telling it to you.

My father was a prosperous merchant in a little town in Illinois in 1857. The panic of that year bankrupted practically all of the merchants in the smaller communities of the West, not because they were not good merchants but because we had no stable currency, and the further removed they were from the larger centers, with the limited facilities of that time for transmitting information, the slower they were to learn which currency was good, which was bad, and which was shaky. The consequence was that they naturally were loaded up with the shaky currency, much of which became bad in their hands. Out of the wreck he saved only 160 acres of ground, which he had purchased from the Government some time before for $1.25 per acre. In fencing this raw land the next year an accident destroyed the sight of his right eye, and again in 1860 an accident blinded the other eye for about two years and seriously damaged its usefulness for the rest of his life.

The Civil War came on during this period and my father managed his farm, being led around by a little boy, an older brother of mine. Solely owing to the war prices of farm products were so enhanced that he was able to pay all of his debts, leaving him a modest competence.

I was born in 1864. At 18 months of age, like many other children in teething, I was afflicted with ulceration of the eyes. People knew nothing about sanitation in those days and my eyes became infected as a consequence. The ulcers being very much more severe, left scars over the pupils. There are a good many adults in this country to-day blind from exactly the same cause. In 1867 my parents decided to move to the little city in which I now live, only 37 miles from Chicago, in order that I might have the benefit of the best form of medical care.

As a result, at the age of about 7 I was able to see again, and my vision gradually improved as the scars were slowly absorbed through the treatment which I was receiving. Gentlemen, war prices from 1861 to 1865 gave me sight. They enabled my father, practically a blind man, to pay his debts and lay the foundation for a comfortable competence, and the opportunities which they opened up to him they also opened up to other men who stayed at home during that period.

Ever since I have been a Member of Congress no veteran of the Union Army during the Civil War has ever appealed to me in vain if it were possible for me to help him.

The Spanish-American War, fortunately for the people of this country, opened up no such opportunity. It was too insignificant to make much of a ripple in the economics of the world.

I appreciate just as highly the services of the heroic men who offered their own lives at that time that the distressed people of Cuba might enjoy the blessings of justice and freedom, and I have done everything in my power to help them, their widows, and their dependents.

The World War reopened these opportunities to every man who stayed at home.

I believe that one of the powers of this Government must be that it can conscript men whenever its security or honor has been assailed and that these men must sacrifice to the fullest extent if necessary. We were new in the war game. I voted for everything that the Commander in Chief asked for, believing that one head, whether or not it might be the best, was still more effective in a great crisis than two debating societies in either end of this Capitol. I have no criticism to make and no excuses to offer. I accept my full share of responsibility; but I know now and every man in this room knows, I think, that we ought to have conscripted all the man and woman power in this country and all the wealth. No American citizen should have been allowed to enrich himself because of the war while his conscripted fellow citizens were offering their lives in the trenches. We can not make all of these things right. We can not replace the precious lives to the sorrowing fathers, mothers, and wives, but we can replace the earning power to their dependents, and we owe it not only to their memory but to our own self-respect to do so. We can not replace the health, the torn and shattered limbs, but we can restore to them their earning power, and we owe it to our sense of fairness and gratitude to do this. We have already spent more than a billion dollars for the sick and disabled. I am sure that we will continue to provide for them liberally.

We owe it to our sense of justice to replace to those of our boys who came back well in body and mind that which they lost in the competition with their fellow men who stayed at home in the opportunity to acquire a competence in the race of life. We owe it to our country, for no Republic can live where every man votes unless we give to each man an equal opportunity under the law, unless we give to the soldiers of this war who did the most important work an equal opportunity with their fellow workers, although the latter were engaged in other equally necessary occupations in such a time of such national crisis.

Mr. RYAN. Mr. Speaker and gentlemen, the principal arguments that I have heard against this particular measure are to the effect that a tremendous burden will be placed upon our country, that the Treasury and the taxpayers of the United States will never recover from the effects of the same. These all I believe to be greatly exaggerated. There is no one that I

know of who would have hesitated on or about the 1st of November, 1918, to have voted four billion or four times $4,000,000,000 to help prosecute the war and bring it to a successful termination. Then, again, it is said that a bonus is an insult to the men who took part in the great struggle, and that it casts aspersions upon their patriotism and heroism.

I believe that this so-called bonus bill is really an adjustment of compensation that is a moral obligation resting upon the shoulders of the people of this country. All of those who came back returned surely no richer than when they went. Their fellow workers who stayed at home took advantage of opportunities to improve their conditions, and they very materially improved their condition because of the war.

I have this to say for the gentlemen from New York who have spoken against this particular measure, that when the people of the State of New York voted by a majority of 800,000, or slightly more than two to one, to give a monetary recognition to our soldiers, even though it came out of the pockets of our taxpayers, and these veterans did not serve their State so much as they served the Federal Government, that they did not properly represent the wishes of the people who elected them to office.

When England asked for $4,000,000, we gave them to her. When France wanted three billion and a half dollars, we gladly surrendered the same to her keeping. Belgium borrowed $150,000,000, and this without any security or the promise of repayment, and now when our boys come in for what they ought to have we orate all day long and hesitate. If we should collect the moneys due from England and the other nations, it would be a very practicable and easy way of meeting this particular demand. The shipyard workers—in fact, the great majority of the war workers and Government employees—received a bonus, and a great number of them to-day receive a bonus for their work. Is it too much to give to those who suffered as much as those who stayed behind in peace, comfort, and happiness? I am not so heartily in favor of this particular bill, but as it is the best that will be reported out by the committee at this time I am not only going to work for it but support it to the best of my ability. I much prefer the cash-bonus plan, and did suggest in a measure introduced before the House a 4 per cent tax on imports, that would provide the compensation for the veteran without an additional drain upon the taxpayers of this country.

I personally did not hear the tumult and shouting of the armistice celebration which overjoyed New York when it hysterically greeted the news of the victory. You men who stayed here were tremendously patriotic then; but that was in 1919. I was in France recovering from injuries received while in active service over the enemies' lines. Our welcome was indeed splendid when we returned, and I did not believe that a grateful country should ever forget those who sacrificed to the best of their ability in her behalf.

In casting my vote for this bill I do so not as a partisan or in a partisan spirit, but as an American, as Representative of my district, the fifteenth New York, performing what I believe to be a duty to the best part of our citizenship—the American soldier. I do so because it is my belief that such action on my part is the consensus of the opinion of the people that I represent.

The only influences that I can see against the same are the money interests, which launch no logical arguments against it, but who merely cry out against what they claim will be a tremendous burden upon the people. This same agitation is led by the interests who seek to bring about a cancellation of our foreign debt to promote business for themselves, and is done in that spirit of philanthropy that would allow one to give away anything that belongs to some one else as long as his own pockets are emptied in no way. These same people, I feel sure, will now clamor for the collection of this same foreign debt, and may realize that they would never care to put in execution in their own particular business the cancellation of the debts due them, which is practically the same principle that they have advocated prior to the passage of this particular measure.

Mr. FREAR. Mr. Speaker, the letter herewith sent to a handful of people in response to antibonus editorials from New York papers is self-explanatory. The bill was discussed with some detail on March 17, and this letter comments on criticisms of that speech and on propaganda against any soldiers' compensation bill, which has been fast and furious from Wall Street sources for many weeks. It is significant that notwithstanding propaganda against the bonus bill it passed the House, as was predicted in a letter long ago sent Secretary Mellon, by a vote of 333 to 70, or nearly 5 to 1. The letter follows:

WASHINGTON, D. C., *March 27, 1922.*

MY DEAR SIR: Inclosed find remarks on the soldiers' bonus bill delivered March 17 in the House several days before the bill's passage. Editorials from different New York papers resent references in the speech to "Wall Street." For many weeks the press of New York, with a few notable exceptions, denounced any soldiers' bonus bill, lampooned Congress, and declared Members to be cowards, governed by politics, seeking to "loot the Treasury." The terms of the bill were distorted, accompanied by unfounded tales regarding views of the President, while nine out of ten letters on the bill come from big business men of New York City who joined their mite with the anvil chorus.

Distortion, misrepresentation, or abuse were avoided in inclosed remarks, but the unfair position assumed by Wall Street toward Congress and the soldiers' bonus bill was pointed out. As disclosed by the Pujo report by Justice Brandeis, Tarbell, and others, "stock gamblers," "money gamblers," "profiteers," "railroad wreckers," and equally abusive names have often been applied to the Street. Such terms presumably are as objectionable to legitimate business men of New York as are terms of political cowardice and "Treasury looters" when applied to men with legislative responsibilities.

According to reputable authorities, less independent thinking, less horse sense, and more provincialism exists on Manhattan Island than anywhere else in the world, and that the same New York press has little influence at home, where best known, is indicated by many elections, including the last. That press which flippantly derides the rest of the country and Wall Street nabobs who give orders to Congress should cross the Hudson and learn that nearly 3,000 miles of country lie due west and 100,000,000 people live outside of New York City.

Remarks on the soldiers' bonus are accompanied by a speech on refunding of foreign debts, which discloses that influential New York financiers who favor cancellation of $11,000,000,000 in Government foreign debts are against granting a comparatively small portion of the same debts to pay any soldiers' bonus. In letter to Secretary Mellon, March 13, quoted, it was said the bill would come from committee with slight opposition and pass the House by a vote of 5 to 1. It was reported from committee by vote of 19 to 5, the same vote was recorded against any sales tax, and the bill passed by the House 10 days later by a vote of 333 to 70, or nearly 5 to 1. Reasons therefor will be found in the remarks.

Very truly yours,

JAMES A. FREAR.

The above letter transmitted speech of March 17 and is self-explanatory.

The subject might be left without further comment, in view of the overwhelming vote evidencing disregard by the House for threats, abuse, and unjust criticism launched on Congress from inspired writers and business men of New York City. However, these writers and business men, representing large financial interests in New York and elsewhere, seem to look upon a soldiers' bonus bill, agricultural legislation, "farm blocs," and all else that does not pour water on the Wall Street wheel as dangerous to perpetuity of a free government. A confused idea exists with them that "farm blocs" and Main Streets generally are conspiring to destroy the power and prestige of Wall Street, which to them is all of our Government worth knowing.

Thousands of Main Streets are to be found in the cities, villages, and hamlets that exist within the borders of our land. Main Street's influence reaches far out from the immediate confines of cities and villages, while millions of farmers, mechanics, and other workers whose rural mail delivery and parcel post bring them in daily touch with public matters form a part of that Main Street. From Main Street and Mulberry Street, Congress sent 100 soldiers to war, compared with every soldier taken from the Wall Streets of the country. Wall Street grows specialists, often translated into selfishness; Main Street invites independent thinking.

The Wall Street man or big business man, if a stockbroker or dealer in futures, margins, or other legitimatized speculation or gambling, glances each day first at market reports found in his moral and spiritual press adviser, whether it be the Times, Journal, Sun, or other mentor, and thereafter at the headlines and editorials. Swallowing these press statements and opinions he starts out the day believing the universe contains little that he does not know as he whets his steel for business antagonists of the day. Those in other occupations on the Street with slight variation follow the same program and measure results by financial success in the everlasting Street chase for the almighty dollar. This is not an estimate from Main Street, because Main Street knows little and cares less for Wall Street's methods, but it is an opinion expressed quite generally by New Yorkers and business men of themselves when they pause to think, and some of them occasionally engage in that pastime.

A big deal is to be put over, a large bond issue is coming out, a railroad has been milked or is to be reorganized, dividends paid, dividends passed, and high finance schemes in general are vital to Wall Street, although of little comparative interest to Main Street. The man who started life at $8 a month and is now rated by expert authorities at $2,000,000,000 wealth is pointed out with mixed awe and pride even in Wall Street, whereas the farmer 1,000 miles away only wonders "How did he get it?" "How much did I pay toward it?" "How soon

will gas again be boosted in price," and "How far will a dollar's worth run the separator or the tractor?"

Men who control vast continental railway lines, who get large appropriations from Congress for their needy lines, and have their hands on the throttle of many industries are objects of veneration and pride in Wall Street, although the man who throws the switch, or the one who telegraphs train orders, sells tickets, sweeps out during rest periods, at $75 per month, wonders why manipulators of roads manage to gather several hundred million dollars for themselves while only enough filters down to their fellow workers on Main Street to keep body and soul together. War contractors, who entered the game at the right time, and profiteered by war essentials, from foodstuffs to guns and branding irons to bedsteads, are among the lucky ones on Wall Street, particularly after Congress authorized a $3,000,000,000 credit to meet any possible loss, while on the other hand 4,000,000 men whom we sent to war at $1 a day, 500,000 of whom now look vainly for jobs from Main Street to Mulberry Street, are wondering at the turn of the wheel in this the greatest democracy of the world, which affords no work for them to-day.

It may be a surprise for Wall Street to learn that those back on Main Street and amidst its surroundings are not revolutionists because they fail to understand this philosophy of government, nor are those in Wall Street who have the dollar ideal and the dollar idol necessarily better citizens than the Main Street product.

TWO BILLION DOLLARS IN RECENT FOREIGN INVESTMENTS.

A leading press apostle of finance publishes the following news item coincidently with passage of the bonus bill:

More than two billion American dollars are working abroad earning dividends (on foreign investments) for their owners on this side of the Atlantic, according to computation of officials of the Federal Reserve Board.

This same paper has daily berated Congress, denounced the bonus bill, demanded a general sales tax as a substitute for income tax, and repeatedly declared that no capital can be found for business investment because of our tax laws, yet every dollar of dividend received from the recent $2,000,000,000 foreign investments pays its proportionate tax, if reported, and that fact percolating back to Main Street is a well-grounded reason for its habitual distrust of Wall Street propaganda.

Big "business blocs," "bankers' blocs," "railway blocs," and other recognized blocs in Congress and in State legislatures for a half century have had control in their different spheres for so long a time that, like the elephant trumpeting with indignation and fear at a wee mouse, they storm heavily at the modest so-called "farm bloc" of to-day.

In their campaign against any soldiers' compensation bill Wall Street and interests representing the Street, and the press that speaks for the Street have lampooned, misrepresented, threatened, and recklessly condemned nearly five-sixths of the House, including the Main Street vote, registered by the emphatic verdict of 333 to 70 in favor of the bill. One reason for the result occurs through distorted descriptions of the bill and its effect that in scope of general untruthfulness excels the record of Mr. Ananias of old.

Financiers of Wall Street who demand the cancellation of $11,000,000,000 in foreign debts, at the same time refuse to consider paying a soldier's bonus bill with one-fifth of those debts, although interest on the single British debt, without touching any of the principal, in 20 years would reach more than every soldier's bonus certificate, if carried to maturity. This may be mathematically demonstrated.

Financiers of Wall Street, who enormously profited by the war and are generously profiting to-day, demand of Congress the passage of a general sales tax to relieve them from tax payments based on their net income, and would tax 500,000 unemployed soldiers and 4,000,000 other men who are without jobs, compelling the jobless and all others alike to pay higher prices, including concealed taxes levied on what they consume—on what they eat, wear, and use—in order to relieve wealth from taxes levied according to ability to pay.

DOUBLE THE BONUS BILL IN EXCESS-PROFITS TAXES REPEALED.

Financiers of Wall Street demanded of Congress repeal of the excess-profits tax and reduction of surtaxes that were bringing to the Treasury more than double the cost of the soldiers' bonus bill now under consideration, or $540,000,000 for 1921. Congress repealed the tax. In like manner inheritance taxes on great wealth, equal to those of Great Britain, gift taxes to prevent avoidance of inheritance taxes, and many other legitimate tax laws have been and are all opposed by Wall Street, although defended by Main Street, because of a belief that any government which enables enormous fortunes to be collected in a lifetime has a special claim on part of such fortunes when the lifetime is ended.

It is not true, of course, as frequently claimed, that Wall Street is composed of cold-blooded, selfish, calculating men, many of whom engage in philanthropies that are published from one end of the land to the other to help the conscience fund, but it is urged that Main Street and the hundred million people who live outside of New York, together with the great mass of people of Mulberry Street and elsewhere who do not breathe the atmosphere of its financial district, are entitled to hold their views without being denounced by the self-appointed masters inhabiting the Trinity Church precincts of the world's great business center.

A claim that America needs Wall Street and that the Street is a necessary part of America, frequently voiced in editorials, is in part true, but only presents half the case. Wall Street could not exist without the lambs that grow on Main Street, nor without farm products that feed the world, nor without labor that runs the railroads, the mines, and business generally. The two streets are interdependent, and any man who fails to realize that fact is one who does not do his own thinking. Both streets will get along better when reason and fair play take the place of prejudice and abuse.

Is it not time, then, for those who assume to speak for Wall Street and for the Street itself, the most powerful in the world, that they make it a power for governmental good and for the general welfare rather than for the reckless condemnation of others and glorification of Wall Street alone?

Less denunciation, less threats, less suspicion, less attempted direction of legislation is a first step toward needed reform.

It may seem useless to bury these few suggestions in the RECORD instead of being among the elect sometimes found on the pages of mighty journals. That is one of the privileges of Main Street's limited vision, and if it does no good it ought do little harm. The bonus bill passed the House overwhelmingly because it was right, and the bill should become law because it recognizes a just, moral claim upon our bounty. We are the wealthiest country in the world, and yet are behind all other governments in recognition of the claims of ex-service men, as has been presented by the record.

Mr. PRINGEY. Mr. Speaker and gentlemen of the House, I am for this bill.

I recognize, as you all do, that no nation can long endure that does not honor her soldiers and her statesmen. I am not unmindful that the best minds of Congress have been trying for months to solve the problem of how to lift the hand of taxation from the shoulders of the people, and at the same time raise sufficient funds to meet the obligations of this Government, which are enormous. I am also convinced that the American people do not expect us to plead poverty when it comes to taking care of these noble defenders of civilization and our flag.

I am proud of American arms and of what America achieved on the field of battle. I am proud of the spirit of Washington. I am proud that the blood of our forefathers is coursing through the veins of our noble young men of to-day. I believe the American Government is just such a government as God in His wisdom intended should be instituted among men when He endowed man with an intellect. God was at Yorktown when Lord Cornwallis surrendered his sword, red with the blood of American patriots, to the great chieftain Washington. I believe God was at Appomattox, when Lee surrendered to General Grant, and Grant told him to go back with his horses and plow cotton and corn. I believe that God was at Manila Bay, when tyranny was driven from the Western Hemisphere. I believe that God was on the battle field of France, when our noble young men, with the proud spirit of Americanism, bared their breasts to Prussian steel and exclaimed, "By the gods, they shall not pass."

Gentlemen of the House, let us not forget that when our boys marched away, keeping step to the wild, grand music of war, we waved them a sad farewell and bade them Godspeed. Immediately after their departure financial inflation began and went to the very mountain top of extravagance. Unscrupulous men took advantage of the opportunity and in a short space of time there were made 20,000 millionaires. While our boys were falling, the motto at home among many of these men was, "Get while the getting is good."

When these same boys returned home deflation had set in, and it came back down the mountain side like an avalanche and landed in the low valley of depression. Commander MacNider, of the American Legion, states that we have 700,000 idle soldiers among us to-day. These same boys gave their services to the country at the rate of $1 a day, while wild speculation and profiteering were running rampant here in our land.

Through the disarmament conference we have established a friendly relationship with the nations of the world. The nations that sat with us in council have a greater respect for America to-day than ever before in our history, and there is not one of them that does not court the friendship of Uncle Sam. We must not forget that there has never been a time in the history of the nations of the world when there was as much strife as to-day, and the time might come—but I trust to God that it never will—when we will need these boys again.

Looking at their achievements from a financial standpoint, although the expenditures were enormous, it is a good investment, because it is not one-tenth of 1 per cent on the value of the Nation and of the civilization they saved. In rewarding our noble boys for their courageous deeds we are simply emphasizing loyalty to our flag, and it will be easier to suppress the red flag here in our own land. We can not close our eyes to the fact that seditious propaganda aiming at the very foundation of our Government is being scattered broadcast in our land.

The adjusted compensation proposed in this bill is small. I wish it could be greater. I wish we could do for the veterans now as we did for the soldiers of the Revolution, for the soldiers of 1812, for the soldiers of the Mexican War, and for the soldiers of the Civil War. We offered to all of these noble men public lands and bade them come upon them and make homes. I regret that as against total appropriations of about $4,000,000,000 for this current year of 1922, the previous administration, in 1919, spent $19,000,000,000, and not one dollar of it given as a bonus to the soldiers of the great World War.

As I have said, during the war these boys served for a dollar a day. One-half of that amount was kept from them and sent to their dependent relatives, and a quarter of that amount was retained for Government insurance. They had in the neighborhood of $7.50 a month for their personal use during the war. During this time the commonest laborer in America was receiving from $5 to $10 a day.

It is to be observed that Canada, with a debt of 23 per cent of her estimated wealth, has given $634.40 to each of her enlisted men; Belgium, with a debt of 80 per cent of her estimated wealth, has given $493; France, with a debt of 87 per cent of her estimated wealth, is giving $233.50; England, with a debt of 53 per cent of her estimated wealth, is giving $189.54; Italy, with a debt of 85 per cent of her estimated wealth, is giving $73.34; while the United States, with a debt of but 8 per cent of its estimated wealth, has given only $60.

In 1912, according to the last authentic statistics available, the total wealth of the United States amounted to $187,739,071.90, and to-day the Government authorities estimate our national wealth at almost $286,000,000,0000, an increase of about ninety-nine billions, that colossal amount having been accumulated for the most part during the period of the war, when the ex-service men had no opportunity to share in it.

In 1916 the gross income earned by individuals and corporations in the United States amounted to 45 billions 400 millions, and the net taxable income, 15 billions; while in 1917 the gross income was 53 billions and the net income 24 billions; and in 1918 the gross income was 61 billions and the net income 24 billions, these years of 1917 and 1918 being the two years of the war when the service men were exiled from civil life, with its marvelous opportunities to amass wealth.

To show that our Government can well afford to be generous in its treatment of our ex-service boys, let me cite a few figures:

France has a national wealth of 58 billions and a national debt of 51 billions. Great Britain has a national wealth of 70 billions 500 millions and a national debt of 37 billions 910 millions. Italy has a national wealth of 21 billions 800 millions and a national debt of 18 billions 650 millions. Proud little Belgium has a national wealth of 5 billions 840 millions and a national debt of 4 billions 670 millions. The United States, with a wealth of 286 billions, has a national debt of 23 billions.

Colonel Forbes, head of the Veterans' Bureau, tells us that there are now on the rolls of the Veterans' Bureau a total of 649,588 persons who are receiving cash, or for whom money is paid out for service, through benefit, on account of service during the Great War. These persons are classified as follows:

Receiving vocational training	107,478
Compensation	361,113
Insurance	150,107
Hospital treatment	30,890

In addition to its other benefits, the Veterans' Bureau is operating for ex-service men an insurance bureau, with no administrative cost to those carrying insurance. Of course, the insured have to pay their actual mortality cost premiums. The insurance in force total 3 billions 500 millions. Up to February 28 the bureau had disbursed more than three hundred millions in insurance benefits.

In conclusion, Mr. Speaker and gentlemen of the House, permit me to say that no words of mine can add luster to the names of the World War heroes. Their fame is undying. Their memory is embalmed in the hearts of a grateful posterity. Generations yet unborn, as they turn to view the course of the human race, will see the forms of the heroes of the World War towering like pyramids above the masses with the torch of civilization and freedom in their hands. As they open the pages of universal history they will see the names of those heroes indelibly written by the hand of ages on pages of silver in letters of gold. I thank you. [Applause.]

Mr. THOMPSON. Mr. Speaker, I am availing myself of the opportunity of extending my remarks on the World War soldiers' adjusted compensation bill.

In 1917, 24,000,000 of young men in the United States were available for military service. Four millions of them were used. They were mostly inducted into military service and their liberty and their lives placed in jeopardy at a dollar a day. The other 20,000,000 remained at home, and received from $5 to $10 per day in civil employment far from danger.

The 4,000,000 men taken were used by the Government to preserve the business of the country, and there is not a single business man in the United States who did not receive valuable protection from that service. The American soldiers brought the war to a close a year sooner than had been anticipated, and on the 1st of November, 1918, there was not a patriotic business man in the Union who would not gladly have submitted to any kind of a tax to continue the war to a successful conclusion.

In 1910 the total wealth of the United States was $188,000,000,000. The estimated wealth of this country is now approximately $450,000,000,000, or an increase between 1910 and 1920 of $263,000,000,000. It is estimated by the Government actuaries that the present bonus, if paid off in cash, would amount to $1,492,000,000. Such sum represents our moral obligation and is the true measure of value which we owe, and which would mean that the cost of adjusted compensation to the World War soldiers would be less than 1 per cent of the increase of the wealth of our country between 1910 and 1920. It is, therefore, obvious that the country is not being looted by settling of a war claim such as the moral obligation of adjusted compensation.

I would hesitate to vote this additional burden on the shoulders of the American people had I not been assured that the interest on the British debt owing us, which will fall due in the late summer, will be applied to pay the soldiers' bonus since the amount to be paid is nearly $500,000,000. I therefore vote for the bill.

Mr. ROUSE. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD, I include the following report:

[House Rept. 804, pt. 3, 67th Cong., 2d sess.]

SOLDIERS' ADJUSTED COMPENSATION.

Mr. KITCHIN, from the Committee on Ways and Means, submitted the following minority views, to accompany House resolution 10874:

Of the eight Democratic minority members of the Ways and Means Committee three voted against reporting the pending bill favorably and five voted to report it favorably but do not approve of many of its provisions.

In justice to the Democrats of the committee and of the House who shall vote for the bill, it must be remembered that no Democratic member of the committee was permitted to participate at any meeting either in the discussion or preparation of the bill, nor was any Democratic member allowed even to be present at any meeting for the discussion or consideration of the bill, so this bill is exclusively a barred-door Republican product.

The committee and the House being absolutely under the control of the Republicans, according to Republican methods, this is the only bill which any Democrat in the committee or in the House will be given a chance on which to vote.

So under the Republican scheme the proposition confronting the Democrats is: This bill or nothing. Many Democrats of the House prefer this bill to nothing, as it may be of some little possible aid to some needy veterans. Some prefer nothing to this bill.

We are confident that if the Democrats had control of the committee and the writing of a bonus bill was committed by the House to their charge, they would have prepared and presented to Congress a bill far more just and satisfactory to both the veteran and the Government.

The undersigned are unanimous in the following views:

Undoubtedly a large majority of the Democrats and Republicans in Congress favor a bonus or adjusted compensation of some sort to the World War veterans of the United States, and undoubtedly the House will pass the pending bonus bill, provided the Republicans who profess the most devoted, affectionate, and exclusive friendship for the veteran have the courage to keep their repeated pledges to the members of the American Legion and defy President Harding and Secretary Mellon and the money power, whom they represent, in their violent opposition to a bonus.

We believe that President Harding and the Republicans were right in their first proposition, to wit, that whatever kind of bonus bill or compensation act should be passed, there should be included in it a specific levy of taxation for the payment thereof.

We believe and insist that the amount of the money bonus or service credit which Congress concludes is justly due the veteran should be paid in cash on demand, and we protest against the veteran being given, as is provided by the pending bill, a 20-year due bill, or, as the Comptroller of the Currency calls it, a rain check, which he can pawn with some bank for a loan of only one-half of the amount which Congress by the bill confesses the Government justly owes him, provided, of course, he can get some bank to ignore and defy the administration in its advice to the banks not to loan a veteran a penny on such due bill or "certificate." If the Government justly owes the veteran an additional compensation, as the bill admits, why should it not treat him as it does its other current creditors, pay him on demand in cash? When our country needed his services and required of him sufferings and sacrifice of blood, limb, and life, he went, and willingly, at once. He did not demand an installment plan or delay of 20 years for his services and sacrifices.

The due-bill, rain-check, borrow-money bonus mode of payment, as provided by the bill, is an insult to every World War veteran and a shameful discredit to Congress and the Nation. By the bill, the veteran is given a scrap of paper and told to go out and hawk it from bank to bank in the hope, after being held up for a high rate of interest, of getting a little cash on it, not, however, to exceed 50 per cent of what the bill confesses the Government now justly owes him.

Should a grateful Nation, after by act of Congress it confesses that it justly owes him an amount as additional compensation for his sufferings and sacrifices and offerings of life and limb during the World War, permit the banks, in order for him to get a pittance in cash, to hold him up to the extent of from two hundred to five hundred millions of dollars in interest charges at the high rate of from 6 per cent to 8 per cent, when the Government, according to the reports in yesterday's papers, can and is now getting all the money it wants to pay its current and other expenses on its certificates of indebtedness at the rate of 4¼ per cent interest? Why should not the Government also issue certificates of indebtedness, borrow money at 4¼ per cent, and pay its indebtedness to the veteran, admitted by the bill to be absolutely just? Why give him a due bill or rain check and then stab it in the back, as does the administration through its Comptroller of the Currency with the warning and advice: "Nonnegotiable—no bank should loan to any veteran a penny of money on it."

Every Republican member of the committee, when it provided in the bill for the veteran to borrow money from the banks on his due bill or "certificate," knew that the administration's Comptroller of the Currency, who is the supervisor of all the national banks, had publicly announced in an interview published in all the papers throughout the country that he was going to advise all the national banks in the United States to refuse to loan a penny of money on them. They knew, too, that the President was opposed to the payment of any bonus or adjusted compensation to the World War veteran except by a sales tax.

The proposition in the bill, with this attitude of the administration and its Comptroller of the Currency, is absolutely a "gold brick" handed to the veteran, and a plain violation of the wide-mouthed pledge daily made for the last two years by the Republicans to the World War veterans. So we are presented with the shameful spectacle of the party that aborted the war, divided our country's war associates, disgraced the peace, deluded the people, deceived the veteran, deserted the wounded, relieved the profiteer, reduced the millionaires' income tax, repealed the excess-profits tax on the profiteers, and which still maintains a blasphemous, bibulous bootlicker at the Court of St. James to besmirch with his drunken banquet babble the high war purposes of the American people and the inspiration of the American soldiers, now offers to redeem its reckless campaign pledges with an I O U, designated a "certificate," which the administration has, in advance of its issue, fatally impeached and discredited.

They are not conscious of, they do not realize how the insulting, mortifying indignity involved in sending the soldier from the Capitol to hawk his due bill about the country from bank to bank in search of some bank which for a high rate of interest will ignore the administration's advice and loan him a few dollars on it.

The schemers, the conspirators, the assassins who stabbed the peace can never thrill with the ardor of the American soldier who crossed the sea to end war singing, "We won't come back till it's over over there." Envenomed with envy during the war, they never felt that exultant thrill, and as they are incapable of appreciation they are not capable of rewarding such a service.

Their eyes have never seen the light of the torch of Flanders field. With the veteran and his needs they reveal their incompetence. They start and stop. They are for this to-day and for that to-morrow. They potter around in darkness, they fumble, they muff. Incapable of dealing with the economic situation, they have directly brought upon the American people the worst depression that ever came upon them. Equally incapable of dealing with the war veteran situation, they stutter and stagger. Blind, they wander around. They pick it up and put it down. Their last condition is worse than their first. Their victory of November, 1920, has turned to ashes. The honey of March, 1921, has turned to the wormwood of March, 1922. With a bold and impudent effrontery they offer to the American soldiers not the glory of a complete victory or the tribute of the Nation's gratitude, but a pawn ticket or a rain check. "How long, O Lord, how long!" cry the people unto Thee. "When wilt Thou deliver us from the body of this death?"

We favor and insist that whatever kind or sort of bonus or adjusted compensation Congress shall deem justly due the World War veteran should be paid out of the taxes specifically levied for such purpose upon the big incomes of the millionaires and multimillionaires, whose number has more than trebled and whose wealth has increased to the extent of many billions of dollars since the beginning of the war, and upon the conscienceless, excessive profits of the big monopolistic corporations, who have plundered and profiteered upon the people and the Government since January 1, 1916, to the extent of over $40,000,000,000 of net profits and who persist in continuing their profiteering. These millionaires and multimillionaires and corporations were the real financial beneficiaries of the war. Why should they not now be made to pay this additional expense of the war?

For this purpose we favor the reenactment of the surtax on the large incomes of these millionaires and multimillionaires which was repealed by the Republicans in their revenue act of 1921, and a reenactment of the excess-profits tax which was also repealed by them in said act, with a specific exemption of $50,000 instead of $3,000, as provided for in the act of 1918. By such exemption we would lose or sacrifice less than one-tenth of the excess-profits tax. In other words, heretofore corporations making an amount in excess of $50,000 yearly have been making nine-tenths of all the corporate incomes and have been paying nine-tenths of all the excess-profits taxes, and will continue to make and pay in such proportion if we reenact the excess-profits tax as above set out for this unquestioned war liability.

Ten hundred and twenty-six corporations, with incomes each from five millions to five hundred millions, had several hundred millions more income yearly and paid several hundred millions more excess-profits tax annually than all the balance of the 317,000 corporations in the United States, and these are the corporations which have, during the war and since, and will continue, especially under Republican administrations, to profiteer and prey upon the people of the United States and the Government. By our method we propose to make them bear the largest portion of this additional expense for the World War veterans' adjusted compensation should Congress pass one.

Since the Republican Congress and administration, in its last tax bill, relieved from taxation the millionaires and multimillionaires to the extent of over $90,000,000 yearly, as estimated by the Treasury Department, on their big incomes—that is, reduced the rate of taxation on the incomes of the millionaires to that extent, and released to the big monopolistic corporations of this country, whose big stockholders are contributors to the Republican campaign funds, over $450,000,000, according to the Treasury's estimate, annually hereafter, by the repeal of the excess-profits tax—why can not the Republicans now be equally as generous to the brave boys who made sacrifices, who braved the dangers of the sea and the trenches, and who took the risks of life for their country and their flag, and rescind the repeal and make these big incomes and excess profits of the millionaire profiteers, corporate and individual, who, without making a sacrifice, without enduring a hardship, without incurring a risk, remained at home in peace and safety and collected out of the people and the Government billions of blood money, pay whatever sort of bonus Congress may pass. They were filling their coffers here while the boys were spilling their blood there, and are still and will continue to prey upon and plunder the people.

Be it remembered that our brave boys were making these sacrifices, enduring these hardships, and taking these risks and shedding their blood in defense and for the protection of these same millionaires and corporations—these same fabulous blood-money profits—as well as for their Government and for their country.

The Republican administration favors paying the bonus out of taxes levied upon a general sales tax; that is, levying a tax upon the necessity to buy in order to sustain life. It wishes to put the taxes as much as possible upon the people, the soldiers themselves, and relieve the millionaire profiteers, corporate and individual. It desires to make all the people, the poor as well as the rich, World War veterans as well as the rest of the people, pay this tax; that is, it desires the poor veteran, with no property and no income, to pay as much toward the bonus or adjusted compensation as John D. Rockefeller, with his billion of wealth and millions of yearly income.

President Harding and Secretary Mellon boldly offer a bribe to the World War veterans to espouse the cause of the money power in their efforts to establish as a part of our revenue system the vicious policy of a general sales tax. They offer a bonus in consideration of the veteran and his friends favoring a sales tax. They vigorously fight a bonus without a sales tax in the hope that the brave boys will be tempted to yield and be willing to help the President and Mr. Mellon and the money power to drive the first effective wedge under the established policy of the income tax, founded upon the principle of ability to pay, and finally to force from our statute books the revenue policy of the entire income tax—a policy which the people established in our tax system after a quarter of a century of hard and persistent struggle with the money power and the Republican leaders.

We undertake to say that the World War veteran, even for the bonus or adjusted compensation offered by the Republican President and his Secretary of the Treasury, is unwilling to surrender to the money power of the United States the fruits of the people's struggle and victory, and in its stead establish, which the President and Mr. Mellon heartily desire, the vicious principle of taxing the necessity of all the people to buy, proclaiming a new doctrine for the United States—equal burdens by all, rich and poor alike—no relief to any except the millionaires and monopolistic corporate interests. We are unalterably opposed to this Harding-Mellon money-power scheme.

Treat "the boys" white, gentlemen of the Republican Congress. If you really favor the money bonus, pay them, like men, in cash in full and not send them out of the Capitol with only scraps of paper as tramping mendicants at the mercy of the banks in our towns and cities. During the war he treated you and your country "white." He now deserves fair, manly treatment at your hands.

The Republicans ask, How can we get the cash now to pay? We answer: Exactly as we have been getting the cash to run the Government for the last five years. Exactly as the Republicans got the cash to pay $3,000,000,000 to the war contractors, two billions to give and loan to the railroads for the benefit of the holders of railroad securities, fifty million for war minerals contractors, millions to feed Europe, and exactly as they propose to raise millions for the purpose of paying a ship subsidy.

Levy the taxes as we suggest and issue certificates of indebtedness in anticipation of collection of taxes, to be redeemed when the taxes are paid, as is now provided by law.

When his country called, he offered life and limb. What do you now offer him—a "gold brick"!

CLAUDE KITCHIN.
W. A. OLDFIELD.
CHAS. R. CRISP.
JOHN F. CAREW.
PETER F. TAGUE.

Mr. RAINEY of Illinois. Mr. Speaker, it is a duty lying heavy on the conscience of the American people, enjoying all the benefits of a free country and a democratic form of government, to do justice to the 2,000,000 of the most physically fit and mentally alert and morally sound young manhood who in the face of the world's greatest fighting machine that was built up by a century's training hurled back that menace that sought to dominate the world with autocratic power.

I challenge the statements made by some of my colleagues and the even more ignoble insinuations that many Members of Congress are voting for this so-called "bonus" because we fear reprisal at the polls. The kind of men who fought in the Argonne Forest, at Chateu-Thierry, in the Battle of the Marne, and at Soissons will not in selfish resentment knife on election day any Member of Congress who votes according to his honest convictions.

This adjusted compensation—it is not a bonus or gratuity or charity—will be paid because the American people remember that, while these pick of American manhood were in the trenches and hospitals and camps, others physically, mentally, and morally inferior, who could not be trusted to hold the line on the forefront of civilization, were reveling in the greatest orgy of money-grabbing this Nation ever knew. It will be paid because it is the greatest insurance policy ever written in all the world's history. The future of this country in military preparedness no more than in legislation, in commerce, in industrial enterprises, and in national spirit rests with these returned heroes of the war, who will mold public opinion for the future. It is the cheapest and best national insurance to show these picked young men that loyalty and patriotism and self-sacrifice are highly esteemed and appreciated by all of the people.

Let none say from his heart what some have suggested here with their lips for political sentiment, that this is an attempt to buy patriotism. Loyalty and patriotism are fruits of the soul, but the morale of our young men, who must ever be the Nation's safeguard against foreign aggression, is built up by a public appreciation of these intrinsic qualities.

This is not a "soldier-bonus" measure, as it has been persistently called. It is adjusted compensation for our soldiers, sailors, and marines—an inadequate adjustment and long overdue—but the best that our leaders believe the country can do at this time, and there is imperative reason that action should not longer be delayed.

Why should it be paid at all? Why did their pay need adjustment?

We conscripted them for military service. Out of 24,000,000 registered under the selective draft law—passed by us in Congress assembled—following our directions 4,000,000 were chosen to do the Nation's fighting. They left home, their professions or jobs, suffered every hardship, facing death repeatedly, under physical and mental and moral strain 24 hours in a day. We paid them nominally $30 a month, or $1 a day, but by the time they got through with allotment and insurance deductions and buying Liberty bonds at our exhortation their $30 a month dwindled to $8, less than 25 cents a day.

We did not conscript labor, which, with 4,000,000 men drawn from their customary places in productive enterprise, no longer felt the keen competition for employment, and reveled in a period of high wages beyond their most eager dreams, where practically every man got as much for one 8-hour day's work as the soldier got in a month for 24-hours-a-day toil, with all the hellish inventions of modern warfare bursting about him and sweeping over him in a fog of gas. Oftentimes they worked side by side in the construction camps, the soldier at $1 and the other at $10 a day.

We hired boys and girls and men and women by the hundreds of thousands and put them in mahogany-furnished offices, equipped with all the latest devices for comfort and to make work easy and paid them not $30 a month but multiplied many times their pre-war salaries, and on top of that gave them a $240 bonus, which they are still receiving.

Why should we try to give the service man any adjustment of compensation?

Because when he came home from this sickening toil, having won the fight for the world, he found he had lost two years of his life—two years of happiness and ambition. He found the stay-at-home—20,000,000 of them against the 4,000,000 who went—had taken his job, had taken the girl he left behind him, and that out of touch with the business and industrial life, soul-sickened by what he had seen overseas, he had to begin all over again. Depressed by the loss of his buddies, out of money, and out of a job—his plight the result of his patriotic service—he saw how the stay-at-homes had grabbed what might have been his.

According to Federal statistics, there are about 4,000,000 men out of work to-day in this country, and Commander MacNider, of the American Legion, says that fully 700,000 of these are ex-service men.

Whose shame is it that this remnant of the greatest Army in all history is to-day walking the streets idle? Theirs or ours?

This is the richest Nation in all the world, our aggregate wealth being $286,000,000,000, more than one-third of which accrued during the war, and our debt being approximately only 8 per cent of our wealth. When our boys came home we gave them $60. But what did our allies do, with debts running from 23 to 57 per cent of their wealth, and who can not even pay us the interest on the $15,000,000,000 they owe us? They granted immediately substantial bonuses to their soldiers. Great Britain from $142 to $7,000; Belgium, $492; Canada, $600 to privates and $972 to officers; France, $249; and Italy, $64.

We got the best service; we gave the least to our fighting men. With our money other nations pay bonuses to their warriors, and we have been telling ours we can not afford to give you anything, until the American people, who really pay the bill, have rebelled and demanded that we in Congress, who sent these their sons to war, must do them tardy justice now.

Can not we afford it? But for these boys we and all the world would have been paying Germany an indemnity of at least a billion a year for a century to come. If it had taken them six months longer to win the war, we would have drained the Treasury for ten times what this proposed adjusted compensation will cost.

Can not we afford it? In the last two years our funded public debt has been reduced by $2,000,000,000 and our floating debt by $700,000,000. The adjusted compensation bill will not cause new taxes for three years at least, and then the maximum on the loan feature will not be in excess of $500,000,000, and more likely $275,000,000.

We did afford to give the war workers at home a $240 bonus each year, and then gave the returning heroes who broke the Hindenburg line $60. The shame of this was so great that twenty-odd States could not stand it, and by direct vote of the people provided additional compensation for their own ex-service men.

We paid stay-at-home labor as we went for services. We reimbursed capital, appropriating $3,000,000,000 to settle claims of war contractors, and as much more to the railroads, a bonus guaranty of 6 per cent even on inflated stock values. We made an advance of $1,500,000 for seed to the drought-stricken farmers of the Northwest. We gladly gave starving Russia $20,000,000. We gave Europe $100,000,000 after the war—and we gave our own heroes $60—not enough to get them decent civilian clothes.

Out of the war came 25,000 additional American millionaires—and 700,000 ex-service men jobless to-day.

Can not we afford to give these boys adjusted compensation—even though unduly late and entirely inadequate—when instead of hoarding it as the new millionaires will put it in circulation to the benefit of the shopkeeper, the butcher, and baker and manufacturer and farmer and banker, and into every line of business and every home in the country?

But, mark ye, be not all set up with the idea that you are being generous with the ex-service men. We here in the House, voting on this adjusted compensation bill are merely doing our best to get something for these boys. This is the only proposition we have been able to get from the Ways and Means Committee after long months of haggling and waiting and some persistent and adroit efforts to prevent any legislation. We who from the first have insisted that some adjusted compensation must be paid are now hoping that the Senate will do larger justice in giving these boys a more nearly fair adjustment.

We propose to give them less than 1 per cent of the increase in wealth of their country during the days that they were saving their country from being next assailed by the marauding militaristic machine. Is that whole-souled generosity of such spendthrift recklessness that it threatens to wreck the National Treasury?

And remember that increase in wealth of approximately $100,000,000,000 is what it left after we have shot off $50,000,000,000. The average wealth per capita in this country—according to the latest available Federal statistics—is $3,300, and we propose to give to these boys who threw up all their chances in the get-rich-quick days an adjustment of about $465 per man—will anyone who can figure say we can not afford it?

To a soldier boy out of a job because of his patriotism, who sees that some corporations have been making more than 100 per cent profit, that 1 individual had an income of $34,000,000, 2 individuals incomes of $16,000,000 each, and 248 incomes of more than $1,000,000 during one year that he was "over there," while he was handling only about $8 a month of the $30 he nominally received—it is hard to explain that he ought to feel a very deep concern for the financial stability of the National Treasury and forego any adjusted compensation—just as he gave up his job to go to war.

Why try to give these 2,000,000 who went overseas a monopoly on patriotic sentiment and sacrifice? Why not let the 20,000,000 not called in the draft get some small belated share in the war by helping to pay adjusted compensation to those who went across in their stead out of the excess profits and excess pay they collected at home during the period of inflation all along the line?

We assume a sanctimonious pose and say, "We must care, first, for the maimed and sick. We have provided hospitalization facilities as fast as physically possible, and are about to

pass another $17,000,000 appropriation for more hospitals." Just as though we had not always done the same thing for paupers and insane and criminals. Everlasting shame on us if we would not always do that for a weaker brother—not to mind the human wreckage of the world's greatest war.

When we conscripted our boys for overseas service they did not try to drive a close bargain with us. If they had said, "What will you give us to win the war?" we would have replied, "Write your own ticket." They did their job nobly, heroically, with an abandon of zeal which is the American ideal. Even when they came back they did not say, "What reward do we get?" They had their real reward throbbing in their breasts—the consciousness of a great deed nobly done without thought of price. It is a moral obligation upon us to make it right with these boys—and in no niggardly, penny-squeezing fashion.

We must remember ourselves—as we wish them to remember—that money weighs light in the scales against patriotism.

Mr. DAVIS of Tennessee. Although the adjusted compensation bill involves the interests of about four and one-half million ex-service men and the ultimate expenditure of what is variously estimated at from $3,000,000,000 to $10,000,000,000, yet only a short time was granted for a debate in the House and only one-fourth of this time accorded to the Democratic side. As it was impossible for me to obtain time within which to express my views on the floor of the House, I shall take advantage of the privilege granted by the House to each Member to extend his remarks in the RECORD upon this bill.

This bill was brought up under a suspension of the rules, for the deliberate purpose of precluding any opportunity to offer amendments. In a statement given to the press on yesterday Speaker GILLETT frankly stated that this course would be pursued so as to prevent the Democrats from offering an amendment or a motion to recommit. In this connection he stated that it was apparent from the minority report on the bill submitted by Democratic Members that if given an opportunity they would endeavor to amend the bill so as to provide the necessary revenue by the restoration of the excess-profits taxes and high surtaxes and also to provide for the payment in cash to such soldiers as should elect to take cash. During the debate to-day Republican Floor Leader MONDELL candidly made a similar statement. In other words, the leaders did not dare to permit a vote upon an amendment providing for the enactment of the original five-option plan as officially approved by the American Legion and providing for the necessary revenue therefor to be collected from the war profiteers. Consequently, we were confronted with the alternative of voting for or against the bill in its present form.

I am the friend of and in full sympathy with the ex-service men, as evidenced by my every act and every utterance affecting their interests. I gladly voted for the measure giving preference in Government appointments to honorably discharged soldiers, sailors, and marines, and the widows and children of such; and in every instance where I have made a recommendation for appointment and there was an ex-service man on the eligible register I have recommended the appointment of an ex-service man. I have cheerfully voted for every measure providing for the hospitalization, vocational rehabilitation, compensation, and other benefits for the veterans of the World War. The annual appropriations for these items aggregate more than $450,000,000 per annum. I have esteemed it a privilege to aid each and every ex-service man who has sought my assistance as to any matter, having rendered to hundreds of them the best service of which I was capable.

I also voted for the soldiers' adjusted compensation bill that passed the House in 1920 and which was permitted to die in a Republican Senate. That bill embodied the regular five-option plan officially recommended by the American Legion, including a cash payment to those who elected to take cash. At the time of its passage through the House we were collecting annually $450,000,000 in excess-profits taxes and were likewise collecting a large amount by a graduated surtax on the incomes of millionaires and multimillionaires. These taxes had been imposed during the war by a Democratic administration in order to reach the war profiteers who were waxing still richer at the expense of the masses of the people. Besides, at the time of the passage of said former bill through the House the whole country was prosperous, the farmers were getting peak prices for their products, the merchants and manufacturers were doing a prosperous business, labor was drawing the highest wages in history, and the Nation could have easily taken care of the cash payments to be paid under the provisions of the bill. On the other hand, a part of the soldiers had just returned and the others were returning home and needed the assistance to tide them over until they could get back into gainful occupations.

Since that time, in return for large campaign contributions from the wealthy classes, and particularly the profiteers, a Republican Congress, with the approval of a Republican President, has repealed the excess-profits taxes and also greatly reduced the surtaxes on the higher incomes. As before explained, the fear of the restoration of said taxes upon the profiteers and immensely wealthy impelled the Republican leaders to so manipulate the parliamentary situation that it was impossible for the real friends of the ex-service men and of the taxpayers to amend the bill in the interest of either the ex-service men or the masses of the taxpayers, or both.

I contend that no person or corporation had any moral right, during the demoralized conditions obtaining during and following the World War, to make more than a fair, peace-time profit, any profits in excess of a normal profit being ill gotten and unjustifiable, and that equalizing compensation for the ex-service men should in all fairness be collected from the war profiteers by the enactment of a provision taxing the average yearly profits for the six-year period of 1916, 1917, 1918, 1919, 1920, and 1921, in excess of the average yearly profits for the pre-war period of 1911, 1912, 1913, and 1914, or, if a corporation or partnership was not in existence or an individual was not engaged in a trade or business during the whole of such period, then for as many of such years during the whole of which the corporation or partnership was in existence or the individual was engaged in a trade or business. By computing the profits on the six-year basis credits would be given for such losses as may have been sustained during the years 1920 and 1921, and, of course, credit would be given for taxes already paid. In this computation and taxation should be included all stock dividends, which were generally issued for the specific purpose of evading taxation and which, by reason of a decision of the United States Supreme Court, have escaped taxation entirely.

During the time that our soldiers, sailors, and marines were absent from home in the service of their country, it is an undeniable fact that there was an orgy of profiteering here at home. While the overwhelming percentage of our people did not profiteer, and many had a more difficult time than before because of deflated prices and no corresponding increase in their incomes, yet there were large numbers who did profiteer in a most conscienceless manner. Thousands upon thousands of new millionaires were made during the war and most of those who were already millionaires multiplied their millions. In fact, the number of millionaires in this country has been more than trebled since the beginning of the war. The net excess profits made since January 1, 1916, chiefly by the big monopolistic corporations who plundered and profiteered upon the people and the Government, have amounted to more than $40,000,000,000. These were the real financial beneficiaries of the war. Why should they not be compelled to pay the adjusted compensation of the ex-service men who fought for them as well as the other citizens of our Republic? Why should these holders of such ill-gotten gains not be required to pay this additional expense growing out of the war? Any fair-minded man must admit that taxes should be collected from those who received more than their just share during the war in order to compensate the soldiers who received less than their just share. The Republican leaders know that a majority of the House would not go on record against such a just proposition as this, and that is the reason that they brought this bill up under a drastic gag rule which precluded an opportunity to even offer an amendment. Why are the Republican leaders so against collecting the necessary revenue from those who made billions of excess war profits? Simply because, as is a matter of common knowledge, their obligations for past campaign contributions and their dependence upon further campaign contributions from these millionaire profiteers and favored monopolies are such that they would rather take the chance of taxing and deceiving the masses of the people than to incur the wrath of these holders of vast ill-gotten gains.

The Republican leaders, being unwilling to raise the necessary revenue in the fair and legitimate manner suggested, first turned to a sales tax, which of all the taxes ever devised is a tax upon the poor, as it taxes what a man and his family must eat and wear instead of taxing what a man earns and what he possesses. However, the protest against this proposed iniquitous tax was such that they were compelled to abandon it—for the time being at least. Being unwilling to tax wealth and the profiteers and being afraid to impose any additional tax burdens upon the masses of the people on the eve of the coming election, they have devised this miserable makeshift which has been variously and correctly described as a "bogus bill," "loan-shark bill," "gold-brick for the soldiers," and so forth.

The chief difference between the adjusted compensation bill which passed the House in 1920 and the pending bill is that

the former bill provided that the Government should pay cash compensation to the ex-service men who elected to receive in cash the amounts due them, whereas the pending bill does not provide cash payment to any except those who entered service so late and served such a short period that they are not entitled to more than $50. These are to be paid in cash. However, under the provisions of the pending bill those men who served overseas, undergoing the dangers and hardships of actual warfare, and those who served long periods in training camps are not to be paid in cash but are to be given certificates, upon which they are accorded the poor privilege of borrowing 50 per cent of the amount to which the bill concedes them to be entitled if they can find a bank able and willing to extend the loan. They are only given the privilege of borrowing on their certificates from banks, not being permitted to borrow from any individual, however much he might desire to accommodate them, as the bill expressly provides that any loan on a certificate by other than a bank or trust company shall be void. The bill expressly authorizes banks to charge from 2 to 4 per cent per annum more than the interest which the certificate bears.

It is estimated by the Department of Labor and the American Legion that there are 700,000 ex-service men out of employment. All of these would naturally desire to be paid in cash the compensation to which they are entitled. There are large numbers of other ex-service men whose financial circumstances are such that they need and would desire to draw cash. These are naturally most interested in the immediate passage of a fair, honest, adjusted compensation bill; and yet, instead of paying them in cash the amounts to which they are entitled, as the Government pays all of its other obligations, the ex-service men under this bill are to be treated in the manner indicated. An ex-service man in easy financial circumstances, able to hold his certificate for 20 years, will finally collect the entire amount with 4½ per cent interest, compounded annually, and if he should die in the meantime the beneficiary would collect the full amount with accrued interest. However, if his circumstances are such that he needs the money now, his only recourse is to attempt to borrow from some bank one-half of the amount now due him and pay a high rate of interest. If he can not borrow from a bank he can not raise any money on his certificate prior to October 1, 1925, and then he can only cash his certificate by taking 80 per cent of the amount due him.

It is a matter of common knowledge that the banks of the country, particularly in agricultural sections, almost without exception have loans outstanding up to the extent of their capacity, and in most instances have large amounts of money borrowed in an effort to meet the demands of their customers; and even then most banks are unable to meet the necessities of their regular customers—farmers, merchants, and others. Consequently, it is highly improbable that the banks, especially in agricultural sections, will be able to accommodate the ex-service men to any extent. In so far as they may feel constrained to do so, it will doubtless be to the detriment of their regular customers, who in large measure are the fathers of the ex-service men. Is it not cowardly for the great Government of the United States to "pass the buck" to the already overburdened banks?

Furthermore, the Secretary of the Treasury and the Comptroller of the Currency have already emphatically declared that they would advise the banks not to lend upon these certificates, upon the ground that they would be nonnegotiable and would constitute the worse form of "frozen credits," not being redeemable by the Government for three years, and would be an unsafe form of banking. In other words, at the same time the leaders in the legislative branch of the Government undertake to satisfy the ex-service men for the purposes of the coming campaign, the executive branch of the Government discredits the certificates.

Conclusive evidence that the Republican leaders, who are responsible for this "bogus bill," fully realize the accuracy of what I have just said is the fact that these certificates are not to be dated or issued prior to October 1, 1922. As the Government is not called upon for more than three years to raise any revenue or to pay any cash under the provisions of this bill, except to those entitled to $50 or less, which amounts it is estimated will aggregate only about $16,000,000, why do they defer the issuance of these certificates until October 1? If they are acting in good faith and if they really believe that the men can borrow even one-half of the amounts due them, why do they not issue the certificates immediately after the passage of the bill in order that the hundreds of thousands of men now out of employment and those who for other reasons now need financial assistance may receive their certificates and borrow upon them? The reason for deferring the issuance of the certificates until a month before the election is palpable. They realize that it will not do for their plan to be put to the acid test before the election. They know full well that four and one-half million certificates could not possibly be made out and placed in the hands of the ex-service men between October 1 and the day of the election. The Republicans have been in complete control of both branches of Congress for more than three years and in complete control of the executive branch for more than a year, during which time they have been feeding the ex-service men upon promises. Now, having waited until the eve of another election, and, although passing this bill through the House in March, they expressly defer the issuance of the certificates until next October, just about a month before the election. Those responsible for this miserable makeshift are not the friends of the ex-service men; they are proceeding solely from a standpoint of political expediency, and at the same time presuming upon the credulity of the ex-service men. They hope and believe that this bill will never pass the Senate, or that if it does pass the Senate, it will be vetoed by the President. However, assuming that there is a possibility of it passing the Senate and being signed by the President, they preclude the possibility of its ineffectiveness being fully demonstrated in actual practice and the enormity of the fraud being fully exposed prior to the date of the coming election.

There is not a single real friend of the ex-service men in the House of Representatives who is satisfied with this bill; there are none of them who do not admit publicly or privately that the facts I have heretofore stated are true.

Five Democratic members of the Ways and Means Committee signed a minority report in which they described this bill, in part, as follows:

> The duebill, rain check, borrow-money bonus mode of payment as provided by the bill is an insult to every World War veteran and a shameful discredit to Congress and the Nation. By the bill the veteran is given a scrap of paper and told to go out and hawk it from bank to bank in the hope, after being held up for a high rate of interest, of getting a little cash on it, not, however, to exceed 50 per cent of what the bill confesses the Government now justly owes him.
>
> Should a grateful Nation, after by act of Congress it confesses that it justly owes him an amount as additional compensation for his sufferings and sacrifices and offerings of life and limb during the World War, permit the banks, in order for him to get a pittance in cash, to hold him up to the extent of from two hundred to five hundred millions of dollars in interest charges at the high rate of from 6 per cent to 8 per cent, provided they can borrow on their certificates at all, when the Government, according to the reports in yesterday's papers, can and is now getting all the money it wants to pay its current and other expenses on its certificates of indebtedness at the rate of 4½ per cent interest? Why should not the Government also issue certificates of indebtedness, borrow money at 4½ per cent, and pay its indebtedness to the veteran, admitted by the bill to be absolutely just? Why give him a duebill or rain check and then stab it in the back, as does the administration, through its Comptroller of the Currency, with the warning and advice: "Nonnegotiable; no bank should loan to any veteran a penny of money on it."
>
> They are not conscious of, they do not realize the insulting, mortifying indignity involved in sending the soldier from the Capitol to hawk his duebill about the country from bank to bank in search of some bank which, for a high rate of interest, will ignore the administration's advice and loan him a few dollars on it.

This same report also denounced this bill as "absolutely a 'gold brick' handed to the veterans." Yet four of the signers of this report voted for this bill.

A characteristic attitude taken by Republican Members was expressed by the Representative from Illinois [Mr. GORMAN], who said:

> Mr. Speaker, I do not like this bill, H. R. 10769, to provide adjusted compensation for veterans of the World War, but I am going to vote for it. I do not like it, because, in my opinion, it does not treat the saviors of civilization with even a modicum of the liberality which a rich, powerful, and grateful Nation ought to bestow upon its gallant defenders.
>
> I do not like to visualize the veteran compelled to hawk his nonnegotiable certificate and pay interest for a loan thereon, when he should have received cash for his adjusted compensation directly from Uncle Sam. This is called an adjusted compensation bill, but that is a misnomer.

I have given the typical viewpoint of both Republicans and Democrats who denounced the bill in unmeasured terms and then voted for it. I feel the same way about the bill that they do, but, feeling that way about it, I could not conscientiously support it. I vote the same way I talk, and vice versa.

I would have again voted for a fair, honest adjusted compensation bill to-day, and especially would I gladly support such a bill if the revenue therefor would be raised in a proper manner, either by the provisions of the bill or by general legislation, so that the adjusted compensation would not have to be paid by the ex-service men themselves and their parents. However, I am unwilling to stultify myself by being a party to a palpable sham, political buncombe, and assuming that the ex-service men

are fools, by placing myself in the attitude of saying, in substance, to the ex-service men: "Because I am your friend, and in order to further my own political ends, I voted for this bill, fully realizing that we are handing you a gold brick, a thinly veneered sham, with the hope that it will not become a law and be put to the test, or, if it does, that you will not see through it before the coming primary or election."

I have no patience with the criticism of ex-service men, and want it understood that I do not approve same. I am especially intolerant of the imputation of "dollar diplomacy" to ex-service men who seek adjusted compensation; many of those who prate of this at the same time favor permitting the war profiteers to retain their blood money. The fact of the business is that the agitation for adjusted compensation did not originate with ex-service men. However, I fully recognize the justice of their plea. For that very reason I am unwilling to aid in perpetrating a fraud upon them. The Nation's heroes are entitled to better treatment than to be cajoled, deceived, and exploited for political purposes. I believe that they are as intelligent and patriotic as they are brave, and I feel sure that they will ultimately realize that this bill is a fale pretense. However, I will not help perpetrate this fraud upon the ex-service men, upon the supposition, which numerous Members of the House freely admit they are proceeding upon, that the ex-service men will not see through the fraud before the coming primary or election. I have a loftier conception of my duty and a higher opinion of the fairness and intelligence of the ex-service men of my district. I do not believe that the ex-service men have any better opinion of a coward in official life than they have of a coward on the battle field.

In conclusion I call attention to the fact that while this bill is unfair to the soldiers yet it does not result in any saving to the taxpayers. It simply defers for a little more than three years the beginning of the collection of taxes to meet the provisions of the bill. In passing up the opportunity to tax the war profiteers and deferring the collection of the taxes for periods ranging from 3 to 20 years, it simply defers the collection of same to a time when the tax burdens will fall all the more heavily upon the ex-service men themselves, who will become larger taxpayers as time goes by.

Mr. TAYLOR of Tennessee. Mr. Speaker and gentlemen of the House, I desire to avail myself of the privilege accorded to all Members of the House to extend their remarks in the RECORD on the bill under consideration. While this measure does not fully embody my ideas or conform to my wishes in respect to a bonus for our ex-service men, nevertheless I shall accept the verdict of the Ways and Means Committee, which has given the proposition long and laborious consideration, that it is the best that can be done under the circumstances.

From the very outset I have been a conscientious and consistent supporter of the so-called bonus for the soldiers, and I have gradually grown "stronger in the faith" as the contest for this just and highly deserved recognition of our recent war veterans has progressed.

NO NEW PRINCIPLE INVOLVED.

The "bonus," "adjusted compensation," "bounty," or by whatsoever other name you may please to designate it, is no new principle with us or with the other nations of the earth. Since the dawn of history nations and peoples have seen fit, and properly so, by one measure or another to reward their soldiers by material as well as by verbal expression. We are taught in Holy Writ that the fighting Israelites of Biblical days participated in the distribution of the spoils of war as a partial reward and compensation for their services and sacrifices on the field of battle.

The Grecian and Roman soldier not only participated in the division of the "spoils of war," but history tells us that upon his triumphant return he was showered with gifts and gratuities of every character by a proud and grateful populace. So, throughout the ages, this principle has been observed by all of the nations of the globe as a just recognition and partial recompense to those who undergo the mishaps and hardships of "grim-visaged war." I presume, however, that in every instance there have been those who, inspired by honest, conscientious convictions, or by venal and selfish motives, have opposed assigning as a reason or pretext the financial depression of the country, the immorality of the practice, or basing their objection upon some other real, imaginary, fictitious, or fancied hypothesis. Nevertheless, Mr. Speaker, the large majority of the people have always favored the proposition, and the necessary means have always been provided without bankrupting or seriously jeopardizing the credit of the particular nation involved. I assume that we are confronted by substantially the same arguments and objections to-day that were employed by those who opposed the proposition in the past. No one appears, however, to possess the hardihood to gainsay the soldier's right to a bonus or adjusted compensation; albeit, we are told that the country can not afford it. Opponents of the measure, with sad faces, in sepulchral and lugubrious tones, prophesy dire calamity to the country if the Congress passes the bill under consideration. To hear them talk you would infer that through the proposed legislation, with a reckless abandon hitherto unknown, Uncle Sam is about to cast into a burning brush heap or pour into a bottomless pit, and thereby utterly destroy, the colossal sum authorized to be expended by the provisions of this bill. My friends, whatever sum of money may be paid to the soldiers is not lost or destroyed by any sort of means. It will go into immediate circulation, and instead of retarding the return of prosperity, in my opinion, it will stimulate and hasten it.

WE HAVE THE RESOURCES.

Mr. Speaker and gentlemen of the House, I challenge the statement that this Nation is in such poor financial condition that it can not afford to make this appropriation. We boast of the fact, and it is acknowledged by all of our contemporaries, that the United States is the richest and most resourceful Nation on the face of the earth. Our national wealth is conservatively estimated at from two hundred and fifty to three hundred billion dollars, whereas our national debt, after deduction of the approximately $11,000,000,000 principal and interest owed us by foreign nations, is only about twelve billion, or less than 5 per cent of our aggregate wealth.

The national wealth of France is considered to be about $58,000,000,000 and her national indebtedness is about $51,000,000,000, or more than 80 per cent of her entire wealth. The national wealth of England has been estimated at about $70,000,000,000 and her national indebtedness at about $37,000,000,000, or 55 per cent of her aggregate wealth. The national wealth of Belgium is estimated at about $12,000,000,000 and her indebtedness at about $5,000,000,000, or approximately 40 per cent of her wealth. The estimated wealth of Canada is about $10,000,000,000, whereas her estimated indebtedness is about $2,250,000,000, or about 25 per cent of her aggregate wealth. Since the war England has paid her soldiers a maximum bonus of $189.54; France, $233.53; Belgium, $492; and Canada, $634.42. If our allies, far more sorely smitten by war's terrible ravages than we, can afford to thus provide for their soldiers, in the name of God and common justice, why can not we?

Mr. Speaker, in October, 1918, it was costing this country to prosecute our war program approximately $30,000,000 a day. The indications pointed to the continuation of the struggle for at least another year, and perchance much longer. No true American then was heard to complain at the cost of the war. United, with our patriotism fanned to fever heat, we had only one purpose, and that was to win the war and make the world safe for civilization. Thanks to the intrepid, indomitable spirit of the American soldier the war came to a sudden conclusion on November 11, 1918. Now, shall we deny to those gallant men who won the war adjusted compensation which will about equal the sum it would have cost us had the war continued three months longer? I know it is difficult to estimate the value of patriotism in dollars and cents or to calculate the price of human sacrifice. But, my friends, the boys can not live on praise alone. While their heroism has immortalized their names, their physical needs remain the same.

OBLIGATION A MORAL ONE.

It is not contended by the advocates of this measure that the Government is under any sort of legal obligation to pay the soldiers a bonus. The obligation is purely moral, and therefore, in my judgment, all the more sacred and binding. These 4,000,000 American boys did not enter the war altogether of their own volition. They were not even consulted as to the practicability or advisability of the war. They were summoned by their Government from their peaceful pursuits—from the city, from the town, from the hamlet, from the mountains, from the field, and from the factory, from every avocation and profession, the very flower of the land—and rushed into the vortex of the most gigantic struggle that the annals of history have ever chronicled or this old world has ever seen.

The beneficent tenets of the 8-hour day did not apply to them, but from daylight to dark and from dark to daylight they served their country in the training camp, on the firing line, sleeping in muddy, vermin-infested trenches, inhaling noxious and poisonous gases, facing deadly machine-gun fire 'midst flying shrapnel, charging through shot and shell under the merciless aim of treacherous aircraft on foreign soil in no man's land. And for this heroic service to their country they were paid the paltry sum of $30 per month. And at the end of the month, after deductions were made for allotments to dependent relatives, for life insurance, for Liberty bonds, and

war-savings stamps, practically nothing was left. While these 4,000,000 American boys were thus serving the colors we at home, secure from all harm and in the full enjoyment of home associations, were receiving the benefits of such an era of prosperity, as a result of the war, as this country had never witnessed before. The price of everything—labor and all articles and commodities of trade and commerce—doubled, trebled, and in many instances quadrupled, and the demand far exceeded the supply. The testimony before the Ways and Means Committee showed that soldiers in the construction of Army camps and cantonments worked as carpenters and other mechanics for soldier pay alongside civilian carpenters and mechanics who were paid by the same Government from ten to fifteen dollars per day. While our service men were undergoing hardships and privations unparalleled in history, those who remained at home were enjoying the comforts of peaceful prosperity, some living in luxury and others accumulating enormous fortunes. Many of the boys were forced by the operation of the draft to give up good lucrative positions which they had attained after years of hard work and efficient service only to return and find these positions filled by others and lost to themselves forever. Of course the small pittance which it is proposed to give them will in no wise equal the monetary loss which they have sustained, but it will at least afford them temporary relief, and at the same time testify in a small measure to the appreciation of a grateful Republic.

HAVE WE SUFFERED A LAPSE OF MEMORY?

My friends, let us not so soon forget the heroic sacrifices and brilliant services of our soldier boys. Let not the American soldier experience the cold irony contained in Kipling's celebrated lines—

I went into a theater as sober as could be,
They gave a drunk civilian room, but 'adn't none for me;
They sent me to the gallery or 'round the music 'alls,
But when it comes to fightin', Lord! they shove me in the stalls,
For it's Tommy this and Tommy that and "Chuck him out, the brute!"
But it's "savior of 'is country" when the guns begin to shoot;
An' it's Tommy this an' Tommy that and anything you please;
But Tommy ain't no bloomin' fool—you bet that Tommy sees.

Whenever we forget the sacrifices our soldiers have made and the sufferings they have endured; whenever we cease to weave garlands of glory for those living and scatter roses and lilies over the graves of those that are dead; whenever we fail to honor the scars of valor which they incurred fighting the battles of the Republic; whenever we cease to canonize the unique heroism which they have displayed in behalf of freedom and humanity—then the glory will fade from our flag and liberty will perish among its worshipers.

Oh, how we sang the praises of these boys in the dark days of 1918 and with what feeling and fervor we declared—yea, we asseverated—that nothing was too good for them. With what admiration, not unmixed with anxiety, we scanned the bulletin boards and read the press dispatches telling of their brave exploits—on the ground, in the air, and everywhere. In our mental vision we behold them now at Chateau-Thierry and Belleau Woods, where the treacherous and bloodthirsty Hun received his first lesson in American courage and American efficiency in arms, administered in typical American fashion by the indomitable American marines. We see them along the Marne crimsoning its waters with their own precious blood. We see them scaling the heights of St. Mihiel and charging through the Argonne, that great Golgotha of human sacrifice and human suffering. And finally we see them utterly amaze the cohorts of the Kaiser by knocking the supposedly impregnable Hindenburg line into a veritable "cocked hat." During those anxious days we went down into the very "shadows of the valley" and on bended knees, as it were, solemnly covenanted with ourselves that the gallant sacrifices of these brave lads must not go unrewarded. Was it only idle, empty sentimentalism that gripped our hearts and misted our eyes in those trying days? Surely not. But, Mr. Speaker, it is time to abandon simply "lip service" and empty adulation and show the boys some substantial manifestations of the country's appreciation.

THE FUTURE UNKNOWN.

Mr. Speaker and gentlemen of the House, one of the chief inspirations of the American soldier in the past has been the self-assumed assurances that a grateful Government will be generous to him or to his dependents in the event of his misfortune. No one knows what garments may be woven in the loom of the future. No one knows when nor from what source our next war may come. Representatives of the greatest powers of the earth recently sat around a conference table in this great Capital City and evolved an agreement which apparently greatly minimizes the possibilities of war, so far as we are concerned, for a generation. To all intents and purposes, we are standing upon the threshold of an era of enduring peace. Yet, my friends, when we reflect upon the history of the past, with the knowledge of the envy and the avarice and the ambition that afflict the races and nations of the earth, we realize that we have no absolute and certain guaranty against war. A few years ago, with perfect composure, we read in the newspapers one day an account of the assassination of an Austrian prince by a youthful political fanatic. Little did we dream then that this far-away tragedy would be the match that would ignite a conflagration that would set the world on fire and ultimately involve us, the most peaceful Nation on earth, 5,000 miles removed. I pray God we may never have another war, but if we should, perhaps it may proceed from a source just as remote. Napoleon Bonaparte, the greatest military genius in the world's history, predicted that the time would come when the world would either be all Cossack or all republican. Lothrop Stoddard, recognized generally as an expert and authority on the eastern question and author of the "Rising Tide of Color" and the "New World of Islam," declares that events in the Mohammedan world are moving with incredible swiftness toward a crisis. He predicts that if the Moslem millions hurl themselves against Europe, Bolshevism will support the banner of Islam. Of course, if such a cataclysm should come America would be inevitably effected. Lord Northcliffe, the great English publicist and perhaps the greatest statesman of the age, has just concluded a tour of the world on which he made a careful study of world conditions. In a published interview, full of dread forebodings, he called attention to the racial, religious, and political prejudices which he observed in his travels. He confirms the opinion of Stoddard that the Moslem nations are marshaling now preparatory to a contest for world supremacy. We do not know how soon we may call upon the boys again to rally to the colors. God forbid that we shall ever be forced to again summon them to arms; but if we must, let it be understood by example that any man that comes to the relief of the Nation in times of the Nation's stress may expect similar relief at the hands of the Nation "when his evil d y cometh."

Mr. PATTERSON of New Jersey. Mr. Speaker, I intend to vote for H. R. 10874, to provide adjusted compensation for veterans of the World War—the so-called bonus bill—simply as a matter of justice to the 4,000,000 young men who helped to carry our flag to victory, stopped the onrush of the Hun, and saved the world to civilization. Their task was no light one, and was bravely and valiantly done, and in my humble judgment those who fought for us and who were willing to die for us are entitled to their reward.

If I thought this bill was putting a premium on patriotism, as is so often carelessly said, I would vote in the negative; but I can not conceive by any stretch of imagination that such a result is accomplished. The history of all warfare from the earliest recorded time shows that grateful nations rewarded their heroes with gifts of many kinds, and while in the olden days it was the custom to allow the victors to pillage and loot and carry off the spoils of war, the modern rules of warfare prohibit such methods. A grateful Nation rewarded the immortal Washington and his ragged heroes, and the defenders of 1812 and the conquerors of Mexico in 1848 were not forgotten by their compatriots. The participants in the Titanic struggle of 1861 to preserve the Union of States were the recipients of bounties and bonuses, and Uncle Sam has been fairly generous to the survivors in the way of pensions. All this is as it should be, and I am confident that few, if any, of the soldiers of the late World War will be insulted if the representatives of the sovereign people attempt to partially compensate them for the hardships they endured or the material benefits they lost in responding to the call for the defense of civilization and the saving of this country from probable invasion.

During the war we paid bonuses to our Government employees and to our policemen and firemen and other civil workers, and the wages of workmen in the various industries reached unheard-of heights. Why, then, deny the men who fought our battles some adjustment of the compensation that is rightfully due them?

Is this Nation, with its three hundred billions of wealth, too poor to make payment of a debt that is due those who lost so much? The alarmist cries that we already owe $25,000,000,000 and that the soldiers' bonus will add five billions to that sum, disturbing economic conditions to such an extent that business will be retarded and nothing but disaster can be seen in the offing. Our allies owe us ten or eleven billions—with which money borrowed from us they paid their own soldiers a bonus—and if this was repaid we would be in debt less than $20,000,000,000. Any firm that possesses assets of three hundred billions and has liabilities of less than one-fifteenth that amount would be considered pretty safe in financial circles and not in much danger of bankruptcy.

Personally I favored a bond issue or a sales tax to pay the soldiers who want a cash bonus, but as under the rule I can not vote for such an amendment, I am willing to take the plan that is offered rather than have no plan at all.

Practically the cash feature is eliminated and a 20-year endowment insurance policy is substituted, worth three times its face value at maturity and negotiable at a bank for a loan under carefully guarded conditions. No bank is compelled to loan on these insurance policies, but it is not likely that many will refuse to do so if they are presented by patriots in distress who need temporary aid and assistance. The cry is that such loans will be "frozen credits" and will keep money from business enterprises that need it to bring the country back to normalcy. The banks practically provided all the funds for all the Liberty and Victory loans, and after the war bought these securities at the depressed market price from the public, scared by propaganda and eager to realize on them at a discount of 15 per cent. Many banks made thousands of dollars by sustaining the credit of the Government in purchasing these bonds, and the Government itself went into the market and bought its own bonds below par. To say now that the banks could not finance a proposition one-tenth the volume of the task they successfully undertook during hostilities is too absurd to need denial.

But to return to the subject of the justice of the claim of the men for adjusted compensation. During the war I was a member of Camden County, N. J., No. 1 draft board from the beginning to the close of hostilities. This was one of the few draft boards that served without compensation and paid its own expenses—with the exception of clerk hire—as the members considered that the Government was under enough expense, with the contractors grabbing for every dollar in sight. In that service to the Government I had a rare opportunity to observe the differences in compensation paid the soldiers and the slackers. Some of the men sent to the Army by the draft boards were, perhaps, unworthy from some standpoints. In the larger cities the idle, vicious, and those criminally inclined were included in the draft, as well as the hard-working and honorable young men. But who among us could have separated the sheep from the goats? Some of the men drafted probably never had made over $30 a month, but a majority of those drafted by our board averaged $30 a week, and some as high as $60 a week. The Government paid them $30 a month and deducted $15 a month for support of dependents, $5 a month for insurance, and $5 a month for Liberty bonds, leaving $5 a month for luxuries and cigarettes, the doughnuts that they got being a gift from the Salvation Army lassies.

On the other hand, our draft board was compelled by the law to put on the exempt list hundreds of able-bodied young men who were sent to the shipyards and munition factories where they drew $10 a day, and the contractors, on the 10 per cent plus agreement, received $1 a day for each of them for keeping them out of war. That is the fly in the ointment with the service men. While they were wearing khaki and eating beans, the slackers were buying silk shirts and sirloin steaks.

Had the draft law been universal in its application there would now be no need of an adjusted compensation law. Do you suppose for one moment that if you had paid the soldiers $10 a day, as was paid many a slacker, you would be asked now to adjust the compensation of the service man? Had such a course been pursued the national debt would have been nearer $50,000,000,000 than the present $23,000,000,000, with a prospective increase of $2,000,000,000 under the bill under consideration.

The only people I find against the bonus bill are representatives of the big financial interests who fear a return to the surtaxes and excess profits of the war-time income tax law, but as that danger is past, we can dismiss that ghost of the dark days without further comment.

The plain people favor a bonus for the soldier, as is evidenced by the overwhelming majorities in favor of the plan in those States which have taken a referendum on the subject. One protestant against the bonus, who does not live in my district, threatened me with defeat of the Republican Party by the votes of himself and wife and four servants if I dared to vote for the bonus bill, and I answered him by recommending that he dispense with one of his servants and devote the wages of that employee toward compensating the men who had two years taken out of their careers because of their devotion to the cause of liberty.

Some people are mean enough to say that the war was a mere picnic and a joy ride, and that at the best it was a wonderful adventure in which anyone should have been glad to have participated, but I notice that those people were among those who never got farther than the station to say "good-by" to the boys on the way to camp, when the latter were surrounded by sobbing and heart-broken relatives who were sure their loved ones would never come back.

It has been charged that I will vote for the bonus bill in the hope of making votes for reelection. That charge is about as base as is the one that the members of the American Legion are selling their patriotism for a mess of pottage. Owing to the propaganda circulated by the financial interests through the New York and other papers controlled by them, it looks as if those who vote for the bill will lose as many votes as they will gain. It is merely another case of being "damned if you do and damned if you don't."

From the threats contained in the press, I figure that I will lose more votes than I will gain. Therefore I draw the deduction that I will vote for the bill as a matter of principle. My party platform and my personal pledges based on that platform commit me to adjusted compensation for the soldiers, and I fully intend to attempt to keep my pledges to the people, however short my career in Congress may be.

The great trouble with the people of the country to-day is that they expect the Republican Party to undo in 12 months all the mischief perpetrated by the waste and extravagance of a Democratic administration in power for eight years. That is an impossibility except for miracle workers, and evidently we are not in that class. We will be fortunate if we can get back to normalcy in the four years of the wonderful administration of President Harding, which has opened so auspiciously. This Republican administration has already cut the expenses of the Government from six billions annually to approximately three billions a year, and the Director of the Budget and the Appropriations Committee have apparently just started to work. Of that three billions, over one-third is necessary to pay the interest on the war debt, and $500,000,000 are being spent in caring for the soldiers who were disabled or are suffering from the effects of the great conflict. The Army and the Navy and pensions absorb another billion, and a careful analysis will show that the running expenses of the Government are almost back to a prewar basis. To my mind, the work of reconstruction on the part of the Republican Party has been remarkable, and I am confident that under the lead of President Harding and the able statesmen in his Cabinet and on the floor of the Senate and House of Representatives, that a way will be found for our people out of the present slough of despond and that instead of the threatened deficit in the Treasury, owing to the slump in the receipts from income taxes, there will soon be a surplus for the Democrats to squander if the evil day ever comes again to put them in charge of the Government.

Mr. BOND. Mr. Speaker, this bill may be approached from two different angles. That it is a bonus, a gift, a gratuity from a grateful Nation to its victorious soldiers, or that it is adjusted compensation to equalize in a measure, at least, the difference between those who served in the armed forces of the United States with those who remained at home. From the first viewpoint it may be likened to the action of a great business corporation which has had a prosperous year and which makes a return to its faithful employees over and above their fixed salaries or wages, as an appreciation of good services rendered, and to keep up the "esprit de corps" of the organization. Looking at it from this viewpoint, the United States Government during the years 1917 and 1918 was embarked upon the greatest enterprise of its history, to wit, to win the war. The employees, the soldiers and sailors were most faithful and effective. Through their enthusiasm, vigor, strength, and indomitable courage they brought the war to a successful issue months and perhaps years earlier than it would have been otherwise. Had the war lasted but six weeks longer it would have cost the United States in money alone more than this proposed bonus legislation will cost. The United States Government then, looking at this matter as a great business corporation might look at it, might well say such faithful services should be remembered and rewarded by a bonus, a gift, a gratuity over and above the amount of the fixed compensation. Of course, there was a patriotic duty on the part of these boys to render the service, and of course there is a duty of every employee of a great corporation to render full and faithful services in return for salaries and wages received. It is not a price for patriotism any more than the bonus given by large corporation is a price for loyalty. Patriotism to the country and loyalty to the employer are duties which legally and morally require no added compensation. But big business gives such bonus; the country may well do so.

Looking at this question from the standpoint of adjusted compensation, which is in accordance with the views of the American Legion and most of the proponents of the legislation, we have this situation. Approximately 4,000,000 of a total of

24,000,000 of the men in this country who were registered in the selective draft were in the armed forces of the United States during the war. The privates in the Army service received $30 per month.

The right to contract or to appeal for higher compensation was denied them, and properly so. Those who were not under arms retained their freedom to contract, could work for whomsoever they pleased, whether for essential industries or not. They could sell their services to the highest bidder. Wages and salaries during this period greatly increased. Those who stayed at home received the benefits of this increase. Our soldiers and sailors did not. Many of those who stayed at home were engaged in the manufacture of munitions, shipbuilding, and other industries which produced those things necessary to win the war. They were told that their services were just as essential to the success of our arms as were those of the men in the trenches. Upon the return of the soldiers they learned that many of those who remained at home made $10, $15, or $20 per day. A striking contrast as against the $30 per month received by the soldier. Had all of our male citizens between the ages of 21 and 31 been drafted, and those required for the military forces used for that purpose and those not so required used in essential industries, no inequality would have arisen. Whatever may be the viewpoint of those opposed to the bonus it must be admitted that this inequality would and did quite naturally result in dissatisfaction on the part of the returned soldier. The so-called bonus bill is an effort to somewhat relieve this discrepancy between the pay of the soldier and the pay of the "stay-at-home." From a practical standpoint, it is impossible to adjust this difference correctly or indeed even approximately, but it is an effort, a conscientious effort, to show these returned soldiers that the country is willing and anxious to do what it can to equalize this difference, and so it is that we have two viewpoints. One that this money is a pure gift to the soldier in grateful appreciation of splendid services well rendered, and, secondly, that it is an attempt to adjust financial differences between the soldier and the "stay-at-home." In either view it seems to me that this country, the wealthiest country in the world, whose material resources were actually increased during the World War rather than decreased, should make this gift or adjustment. In coming to this decision I recognize the sincerity of the position and the force of the arguments in opposition to the bonus. I fully realize that a bonus can not be given without the country having to pay for it and the financial obligations of the country are already great and hard to meet. I can well see why the men of large means, the leaders of industry of this country, view with alarm this legislation. Unfortunately, under our present system of raising revenue, by means of an income tax, 5,000,000 of the people pay for the running of the Government of 105,000,000.

The industrial leaders of the country can well be fearful that this might mean a return of the obnoxious excess-profits taxes, a tax which, in my opinion, is not only not good for the business men but is distinctly bad for the entire people. While the present Congress has reduced the surtaxes from a maximum of 73 per cent to a maximum of 50 per cent, this is not enough. I took pleasure in voting to reduce the surtaxes to 32 per cent. I think this is high enough and should never be permitted to go higher. I did this not because I am in favor of the rich as against the poor or that I am in favor of any one class as against the other, but because I believe that in the long run it works to the detriment of the whole people to have these surtaxes so high. It tends to drive men who have large capital which would otherwise be used in productive enterprises and in the employment of thousands of men into buying tax-exempt securities. It keeps money which would naturally be used in the encouragement of new enterprises out of them, and this prevents many from obtaining profitable employment. Although these high surtaxes may seem to make the rich pay for the expenses of running our Government, this is apparent only and not actually. The people as a whole suffer by this method. If the expenses of this bonus could be spread among the whole of the people, comparatively little opposition would have developed. It might well have been raised by some form of a sales tax by which all would pay in an amount so moderate as not to have been seriously felt by any. I believe that all the people under a republican form of government are willing and desire to pay their fair portion of taxation for the carrying on of the work of the Government. We recognize, of course, that taxes should be somewhat in proportion to wealth, but I think we should also recognize that our laws should not be so framed that the well-to-do pay all the taxes.

The bill under consideration has been so framed as to meet with the approval of the veterans of the late war and yet at the same time it has been so worked out as to be as little detrimental to the industrial welfare of the country as is possible. The principal benefit provided by the law is the so-called service certificate, which is, in effect, a 20-year endowment policy, with suitable loan provisions. The payment of this gift or adjustment is therefore spread over a period of 20 years in such a way as not to seriously handicap the finances or business of the country. By means of loan values provided in the certificates the veteran in urgent need of funds for immediate use may obtain them.

And so it is that while recognizing fully the force of the arguments against the bonus and taking into full consideration the present financial condition of the country and its obligations created by the war, I have come to the conclusion that, all things considered, this bonus bill should have my approval and my vote. While the problem has not been one free from doubt, after most mature consideration and deliberation I can not in conscience do otherwise than support this measure. I do this freely and without mental reservation, without regard to whether it will make votes or lose votes. I believe the country owes its soldiers fair and generous treatment, and only regret that this action should not have been taken more promptly and in such a spirit that our returned soldiers would feel as I know they do feel, that the country is truly grateful for the great services they have rendered.

Mr. LUHRING. Mr. Speaker, it has been frequently said, both in and out of Congress, by those opposed to the payment of a bonus to the ex-service man that those favoring the proposition were actuated solely and alone by political motives, and that the bill would pass because the Members of the House seeking reelection would vote for it in order to curry favor with the soldier. For my own part I resent this gratuitous insult, which would impute most unworthy and despicable motives to the great majority of this membership. I am a candidate for reelection, but my reelection does not depend upon my vote in this particular instance. The ex-service men of my district have had ample proof of my interest in their welfare, not only by the record evidence of my votes in favor of every measure for the betterment of their condition but also by actual service rendered them in the collection of insurance, the adjustment of compensation, and in having them properly placed for vocational training. I have made their troubles my own, and not a day passes without my having taken up some matter for an ex-service man or his dependents with the Veterans' Bureau. In this I have had the active cooperation of friends in the various departments of the bureau, and quick and successful results have followed my efforts. The ex-service man in my district knows this, and he is grateful, too, for the assistance I have so freely and cheerfully given. His letters tell me that and assure me of his support in the coming election.

Of course I shall vote for the adjusted compensation or bonus bill, whichever gentlemen may choose to call it. I vote for it because it is fundamentally right. I vote for it because I am unwilling to say that the splendid services rendered by the boys of my district are not worth $2 per day. I vote for it because I am unwilling to admit that war contractors and stay-at-homes are the real patriots, and they alone are entitled to the consideration of this Government.

Here is a bill that meets with the approval of the ex-service man. It provides substantial recognition of his services—services that he was compelled to render for the most part on foreign soil—and enables him in a measure to provide for his immediate needs.

Mr. SMITHWICK. Mr. Speaker and gentlemen of the House, in availing myself of the privilege accorded to the Members of the House to extend in the RECORD their remarks on the adjusted compensation bill for World War veterans, I wish first to say that I do not approve of all the provisions of the bill, especially the loan-certificate feature. But under the "gag rule," as applied by the majority, those of us who want to vote for some sort of a bonus bill must take this or nothing, and while it has its objectionable features, my own notion is that it has in it more good than bad.

In behalf of the veterans of my district, I want to say that not a post of the American Legion nor an individual soldier nor any other person, for that matter, in the whole third Florida district has written me in behalf of the pending measure. This does not mean that they are not interested in it. Many of them actually need and want this bonus. Only eight persons in the whole district have ever written me in opposition to the bill. My position, therefore, in behalf of the adjusted compensation is my own conviction after having given it serious consideration.

Ours is the richest country on earth, with the smallest percentage of public debt in proportion to its national wealth, and certainly should provide as well for the World War veterans as

any nation on earth. The truth is that all the principal nations of the World War have done more for their ex-service men than we have done for ours.

Great Britain, with a public debt of 53 per cent of its national wealth, has provided an adjusted compensation of from $142 to her privates to about $7,000 to her officers. Devastated France, with a public debt of 80 per cent of her national wealth, has given adjusted compensation of $249 to her soldiers. Little Belgium, mercilessly plundered, with a public debt of 87 per cent of her national wealth, has provided adjusted compensation of $492. War-torn Italy, with a public debt of 85 per cent of her national wealth, has paid her veterans $64. Canada not only paid her privates $600 and her officers $972, but made monthly payments to the men after discharge until they secured employment, and also advanced them money with which to buy farms. And the United States, with an estimated national wealth of $286,000,000,000 and a public debt of only 8 per cent of the national wealth, has paid her ex-service men only $60.

Why have all the principal nations in the World War made provision to pay their fighting men more than their service pay? It was in response to a world-wide sense of justice because conditions at home were similar in many respects in all of the nations engaged in the war.

When most of the able-bodied men were called to the colors, with the demand for labor intensified in all industries, wages increased to the highest point in history. The men who were not called into service earned from $5 to $10 and more per day, while the men who were called upon to face the firing line received only $1 per day. When the deductions for war-risk insurance, family allotments, and Liberty bond payments are considered, the boys in the service had little more than $8 per month left from their dollar-per-day pay. The same conditions that required these men to go to the front brought about a situation that produced in this country 30,000 millionaires while the war was on, which, to my mind, plainly shows that while these men were at the front fighting for the flag somebody was profiteering on their people back home. These profiteers ought now to be willing to give up a part of the enormous wealth they accumulated out of these unfortunate conditions in order that the veterans, who returned to their homes without money and to find no jobs, may have their compensation adjusted.

This Government has recognized the principle of adjusted compensation to the business interests in the country, and the Congress has appropriated over $3,000,000,000 for claims on canceled war contracts, not including the amount paid to the railroads for guaranties of pre-war earnings. The men who represent these interests, and who have received their adjusted compensation, are largely the ones who are responsible for the propaganda against a square deal for the soldiers, sailors, and marines.

The propaganda in opposition to this bill that has swept through this country originated largely with those who are in favor of the cancellation of the debts owed us by foreign nations. They want these debts written off of the books in order that they may the more quickly receive payment on the obligations they hold against foreign Governments.

I am unalterably opposed to the cancellation of one penny of the interest or the principal of any of the foreign debts owed to these United States. It would be a crying shame for this country to neglect its own veterans while canceling debts amounting to something like $11,000,000,000 owed by people who are taking our money and paying their fighting men more than we will pay ours, even if the bill under consideration becomes the law.

Mr. LAWRENCE. Mr. Speaker, I have listened to the arguments both for and against the matter of adjusted compensation until it seems to me that the memory of some of our people and their legislators is very short. It should require no great effort on the part of anyone to recall those days that saw America enter the lists against the Kaiser, and her sons forsake their vocations and the positions they had won for the training camps and the battle fields of France. Who paused then to think of expense? Truly it was no time to think of such. While those who stayed at home reaped the profits of high wages and contractors robbed the Government with their cost-plus system of contracts, these boys sailed away to such hardships as you and I will never know. How we cheered them. How our hearts thrilled with pride as we bade them farewell. To many of them it was a last farewell, and you and I did not know but that it might be the last for each of them. Gone were their positions, the large salaries, and business profits that fell to those who stayed behind. Thrown out as a barrier between us and the war lord of Europe these men received the sum of $1 a day, out of which they were asked to subscribe for Liberty bonds. Did they do it? You know they did. Nothing was too much for them to give. They responded to the extent that many of them only drew cash to the amount of $7.50 per month, out of which they could save nothing. Those that were spared, many of them incapacitated, returned to find their positions filled by others, the cost of living more than doubled, and, although their bonds for which they had sacrificed many comforts and necessities had greatly depreciated in value, they must needs sell them in order that they might live. Approximately $10,000,000,000 of the money derived from the sale of bonds, to which these soldiers subscribed millions of dollars, was advanced to our allies, and, I would call to your attention, that in doing so our boys indirectly aided in the payment of a bonus to the allied soldiers. For, while our soldiers received as bonus the princely sum of $60 each, England paid her soldiers $190, France $249, Belgium $492, and Canada $631. Are you proud that we, the richest Nation on earth, with all our vast resources, have paid our ex-service men the smallest bonus of any of the allied countries? Then why hesitate to pass this bill, designed to discharge a part of our obligation to these ex-service men? Who can deny the obligation?

What do you suppose is the reason behind all this propaganda that decries the "placing of a price on patriotism," broadcasted through the large newspapers of the country and by the chambers of commerce. Is it their interest in the economy of Government expenditures? They would have you think so, but that can not be their reason, for it was from this same source that now so greatly magnifies the cost of this payment there came appeals to repay the railroads, the shipbuilding companies, the men of big business for the money lost to them during the war. Anyone and everyone who had any kind of a contract or implied contract besieged Congress to reimburse them for losses which I am constrained to believe in many cases were imaginary. It cost the Government $40,000,000,000 in actual cost alone to carry on our part of the war, and it does not seem plausible that those firms with whom the Government contracted should have suffered such heavy losses.

Gentlemen, what of the cost that would have been ours if the courage and daring of our boys in France had not brought the war to a close so much sooner than any of us deemed possible? Three months more of war would have cost us a great deal more than the sum entailed in the payment of this bonus. Those who profited most by the war would have you believe that the majority of the people are not in favor of bonus legislation, and again I take issue with them. The rank and file of our citizens desire to do justice to the World War veterans. The average man does not atempt to belittle the service they did for him and his country. It is not from his slender savings but from the money sacks of the profiteers that the dollars come the hardest. I know that in my own State of Missouri, as well as in many others, bonus legislation has been adopted by popular vote and overwhelming majorities, and in those issues the same arguments were used that have been employed on the floor of this House, "that it would be too heavy a burden on the taxpayer," "that the ex-service man would squander the money," "that it would be of no benefit," and many other arguments which had best be termed excuses.

Gentlemen, I honor the ex-service man. I do not consider him as a waster, a spendthrift, a vagrant. The service man of yesterday will be the business man, the Congressman, the Senator of to-morrow, and he can, I believe, put the sum received to as good a use as any man. Let us not forget the burden of debt that might have been ours had not his disregard for death and suffering so quickly ended the Kaiser's dream. Had Europe been conquered, think of the task we should have had to turn aside that march of a world empire. The question, then, resolves itself into this: "Do we owe them?" Our allies have recognized, and have in part discharged, their obligation to their ex-service men. There are none deserving of more credit than the American soldiers, who were instrumental in so large a degree in bringing the bloody conflict to a speedy close. I therefore give this measure my hearty support.

Mr. VOLK. Mr. Speaker, at various times different plans have been suggested and bills introduced to grant the ex-soldiers adjusted compensation or a so-called "bonus," in recognition and as evidence of the gratitude on the part of the American people for their wonderful services during the late World War.

During the first session of the Sixty-seventh Congress I introduced an adjusted compensation bill which provided for the issuance of Government bonds, tax exempt, drawing interest at 5 per cent, negotiable, and maturing at the end of 20 years. It also provided for a paid-up insurance policy based on single premium rates.

During the second session of the Sixty-seventh Congress I introduced a bill containing substantially the same fivefold plan which has just passed the House of Representatives, with the

exception that the veteran could, if he so desired, receive his cash payments in quarterly installments of $100. The necessary funds were provided for by means of a manufacturers' sales tax of 1½ per cent limited to two turnovers. This bill was patterned after the Canadian sales tax, which has received so much commendation, and worked out so satisfactorily for the Canadian people; so much so that it is called the "painless tax."

The fact that the adjusted compensation act would pass was never in doubt. Yet subsidized newspapers made bitter attacks on the proposition. It was called at different times "a raid upon the Treasury" or "an attempt to purchase the veteran vote." Neither of these statements is worthy of a moment's consideration. No one knowing the character of the men, and surely it is not claimed that they have changed since the war, expects that such a statement will be taken seriously.

Again, it was said that the financial condition of the country would suffer if we provided for the payment during the year of $500,000,000, the estimated amount necessary to provide for four quarterly cash installments of $50 to each veteran choosing the cash plan. It seems strange that no such argument was advanced when we paid $500,000,000 to the railroads of the country, nor when we provided $3,000,000,000 under the Dent Act to take care of the canceled war contracts, nor is anything said of the strain occasioned by the payment at present to Government civilian employees of a $240 bonus each year. Neither is it suggested that the failure of our allies to pay the interest on their war debts contributes in any way to the present financial depression. Wherever the question of the payment of adjusted compensation or bonus to the ex-soldier has been submitted by referendum to the people they have overwhelmingly and often by a majority of 3 to 1 voted in favor of granting it.

However, the bill is certain of passage in its present form, and I believe that a short statement of what it provides for the ex-service men coming within its provisions would be of interest.

There are five plans. The ex-soldier who is entitled to less than $50 receives cash. If the amount is above $50 he receives an "adjusted service certificate" of a face value equal to the sum of the adjusted service credit, increased by 25 per cent, plus interest thereon, for 20 years, compounded annually at 4½ per cent. This, it is estimated, is equal to 3.015 times the adjusted service credit. The certificate begins to run from October 1, 1922. At the end of 20 years the amount will be paid to him if alive or, if he dies sooner, becomes immediately payable to his designated beneficiary or estate.

At any time within three years he may borrow 50 per cent of the face value of the certificate at any bank using his certificate as collateral and giving a promissory note. This amount, however, must be paid back by the end of the three years. After October 1, 1925, the certificate may be pledged with any postmaster, and before October 1, 1928, the borrowing value is 85 per cent of the sum of the adjusted service credit of the veteran plus 4½ per cent from October 1, 1922, to the date of making the loan. After October 1, 1928, and prior to October 1, 1942, the borrowing value is 70 per cent of the sum of the adjusted service credit, increased by 25 per cent, plus compound interest thereon, at the rate of 4½ per cent per annum, from October 1, 1922, to the date of making the loan. The certificate is not otherwise negotiable or assignable, and may not be used as security for any loan except in the way above provided.

Section 308 provides:

> No sum payable under this act to a veteran, or to his estate, or to any beneficiary named * * *, no adjusted service certificate, and no proceeds of any loan made on such certificate, shall be subject to attachment, levy, or seizure under any legal or equitable process, or to National or State taxation.

If the veteran defaults in his payments of interest or installments of the principal of the amount borrowed, the certificate is canceled and he receives back the difference up to 80 per cent of the face value of his certificate.

The third plan provides for "vocational training aid" unless the veteran is receiving training under the vocational rehabilitation act, and he receives $1.75 for each day of his attendance on a course of vocational training, but the total payment shall not exceed 140 per cent of the amount of the adjusted service credit.

There is also "farm" or "home aid" under which to enable the veteran to purchase or make payments on a home or farm or to make improvements on a city or suburban home the veteran receives in one payment or in installments his adjusted service credit increased by 25 per cent. The fifth and last plan is "land settlement aid," which provides for settlement projects on reclaimed lands.

The passage of the bonus bill is merely an act of justice on the part of the Government, and is the discharge of a moral debt owing to the men who stood ready to give everything they possessed, even to sacrifice their lives, in order that the war might be brought to a successful finish.

It is not a bonus but an adjustment of compensation. The men who participated in the war returned poorer than when they left, while their fellow workers stayed at home, took advantage of the condition of affairs then existing, and reaped the benefits of the prosperous times.

We can attempt in a way, though not entirely, to equalize this difference. The passage of the bill will go far toward quieting the feeling on the part of the millions of our ex-soldiers that the people were not sincere in their statements made during the excitement of the war, "There is nothing too good for our boys."

This adjusted compensation act is an insurance policy against future unrest and dissatisfaction. There is hardly any doubt of its early passage by the Senate, and it will show to the ex-service men that further interest in them on the part of the Government did not cease with the end of the war.

Mr. GAHN. Mr. Speaker, in listening to the remarks of certain Members of this House it occurs to me that the opposition to the bonus bill has drifted far from the true course of righteousness and fair dealing.

Not one of them back in the days of October and early November of 1918 would have thought, much less suggested, that the soldiers, sailors, and those doing and helping the intense fighting which was bringing the World War to a victorious close were not deserving of every ounce of our country's resources. We would every one have given our all to them.

Let us not heed their admonitions now; let us hark back to those wonderful and glorious days and do our duty toward them who made it possible for our grand Republic to go forward, as it is, for the world's civilization and betterment, yea, a world of peace.

Some Congressmen say that their "lamp of conscience" must be their guide when voting against the bonus.

But it is my firm conviction, whether they know it or not, those Congressmen are upholding the malefactors of big business.

Scan the list of those who oppose the bonus and it will be found that many are wealthy or have represented wealth.

And again, let me ask, where were the "lamps" of those conscientious objectors when Congress voted to pay $3,000,000,000 raised by taxes to manufacturing enterprises on their contract losses because the war prematurely ended, cutting off their profits?

Where were their "lamps" when the iniquitous tariff bill rode the skids through Congress?

Where were those "lamps" when the big dye monopoly was given a complete embargo, forcing up the price of clothing?

Where were those "lamps" when the railroads were given paternal guaranties of profits when the Government turned them back after the war?

My guess is that the "lamps of conscience" in those cases were hidden under a bushel or else put out entirely.

The whole opposition to the bonus comes from big business, including the 23,000 millionaires made during the war, the very ones who profited most from the blood and valor of the boys who fought, fought in hardship and deprivations for one dollar a day.

But, thanks to patriotic and sympathetic Congressmen, the bonus bill will pass.

Though it is not a bill which will satisfy all—no law ever was passed that did—it is one which will, partially at least, do something toward making an adjusted compensation to those who fought for our country.

The propaganda that the country's business and finances will be ruined is all bugaboo.

All our allies in the war have paid much higher bonuses than this bill provides, and those allies are on the average in debt to the extent of 50 per cent of their wealth. The United States' debt is but 7 per cent.

Besides, Ohio, and especially my district, is for the bonus, and I am but reflecting their wishes when I vote for it.

It may be that the big majority who are going to vote for this bill are all out of tune; time will tell. But at least we shall vote according to our convictions, and the only "lamp" we shall follow is that of justice.

Mr. GERNERD. Mr. Speaker, while listening to the many eloquent speeches that have been made to-day in support of this just and well-considered bill, my memory wandered to a scene that occurred in my home city in Allentown, Pa., on that summer's morning when our first boys assembled at the court-

house to take leave on that fateful journey that took them thousands of miles away from the environment of their childhood, to fight the cause of a secured civilization. As the hour arrived for departure the streets were crowded with anxious, nervous, and sympathetic people whose emotions were intense and upon whose faces could be read the thoughts that were coursing through their troubled souls. There was martial music to cheer and comfort the boys and their loved ones. Down the streets came the boys with fathers and mothers, brothers and sisters by their side, carrying a few small packages containing the last morsels prepared with a mother's care, to comfort them on their way. There was a "Good-by, Bill," "So long, John," "Good luck, Harry," and here and there a sweetheart was clinging to the shoulders of a strong rugged youth, slowly bidding farewell with kisses that never before were as sweet or possessed so much meaning. The bugle sounded and in a few minutes thereafter the boys started on their march, followed by thousands of citizens. The march to the station seemed short, but none shall ever forget it, for every step was marked by the sacred tears that fell from the cheeks of accompanying friends and relatives. Never have I seen boys so brave as they, whose very hearts must have been at the point of breaking, as they marched on amid the surging crowd and sobbing mothers. But it was soon to be like the passing of a stirring dream, the station reached, the train in waiting, and in double-quick time they boarded. One great mass of humanity stood there, friends and parents were lost in the crowd, and as the engine sent forth its shrill, penetrating whistle, the inevitable hour had arrived, and the wheels of fate carried them forth amidst the tumult of shouts of farewell and Godspeed. All eyes followed that moving train until it was lost in the distance.

Many of those boys are now sleeping on the hillsides of France, close by the scenes of immortal combat. Others returned with scars of honor, while many are vainly struggling to resist the progress of some insidious disease that has been harassing their impaired bodies, which were shattered by the terrible exposures to indescribable hardships experienced in the trenches and in action.

The 16,000 boys from my congressional district were but a small part of our gigantic army of heroes, but I know that they did their full part in the great adventure.

During those stirring days while they were experiencing all the hellish machinations of war, those of us at home were anxiously, fearfully exerting all our efforts to raise the sinews with which to win the war. All of us felt an intense feeling for our brave boys, and we pleaded from the pulpits, the street corners, the movies, and the theaters to keep on giving until it hurt. The people responded, and all felt a patriotism never before experienced, for we appeared to rededicate ourselves to the cause of international liberty. It was grand. It was noble. It was heroic. The prayers of our fathers found expression in every American heart.

Now that that marvelous young manhood has again returned to the peaceful pursuits of American life, shall we withhold from him the mild expression of our gratitude? Shall we prove unfaithful to the high purposes that we gave utterance to when we bade them Godspeed? I for one, as a Member of this great American body, shall stand by them however inadequate this bounty may be. I shall vote for this adjusted compensation bill. Many have said we can not pay; others allege that we are commercializing American patriotism; still others would have us believe that we would plunge the Nation into a financial abyss. But not one of these presumptions has any real merit. How can it be said that a nation whose national resources are conservatively estimated at more than $300,000,000,000 can refuse to give a listening ear?

In 1910 it was estimated by the United States Treasury Department that the total wealth of the United States was $187,739,071,090. And the estimate of our national wealth in 1920 is from $300,000,000,000 to $450,000,000,000, or an increase during the past 10 years of approximately $113,000,000,000. Therefore the amount that we propose to give to our boys is a little less than 1 per cent of the increase in the wealth of our people during the period from 1910 to 1920. Truly, this can not be said to be an extravagant expenditure.

Shall the richest Nation in the world turn a deaf ear to the appeals of her warrior sons at a time when thousands are in great need? Are we less appreciative than Canada has been, who gave to each one of her boys the sum of $634.40, while Belgium responded by giving her veterans $493. We propose to give to each one of our boys the sum of $465.50.

No one is insensible to the present business depression, and the great burdens of taxation that we all must bear. But we all are sanguine in the belief that this condition will soon disappear and that the great dynamic energy of America will again assert itself, when new wealth and production will more than meet the exactions of the National Treasury. For this very reason a cash bonus has not been deemed advisable at this time, and the present bill was conceived and drafted into legislative form. I feel confident that the provisions of the bill can be met without levying additional taxes until the expiration of the next three years, by which time we hope to receive enough interest upon our foreign debts to make it unnecessary to exact this anticipated burden.

There appears to be considerable confusion in the minds of many people as to what this bill undertakes in behalf of the ex-service men, and I shall endeavor to set forth three of its principal provisions.

1. The benefits of this bill are not subject to attachment.

2. The soldier entitled to an amount not in excess of $50 will receive cash for the full amount due him.

3. The most important provision of the bill is the one which provides for the issuance to the soldier by the Government of an insurance certificate dated October 1, 1922, covering the amount due him. The maximum number of days for which adjusted service credit will be given is 500 over and above the 60 days for which he has already received additional compensation under the provisions of the revenue act of 1918. This credit is established on the basis of $1 per day for each day of service rendered on this side and $1.25 per day for each day of service rendered on the other side, across the sea, between April 5, 1917, and July 1, 1919, provided he was "in the service" prior to the signing of the armistice. The face value of the insurance policy is payable 20 years from the 1st of October next and the policy bears interest at the rate of 4½ per cent per annum, compounded annually. At the end of 20 years the insurance certificate will yield a return to the soldier of a fraction over $3 for every dollar's worth of credit to which he is entitled under the certificate. For instance, if the certificate is based on a credit of $500, at the end of 20 years the soldier will receive a fraction over $1,500. If the credit is $600, then at the end of 20 years he will receive a fraction over $1,800. In case of the soldier's death before the expiration of the 20 years, his family or other beneficiary will receive at the time of his death the full amount of the insurance that would otherwise be due in 20 years.

What we propose doing by this bill is but an attempt to discharge a moral obligation which I feel we sincerely owe to every ex-service man. It is not a quid pro quo. When we recall that each private received but $33 per month, out of which one-half was withheld and applied for the use of dependent relatives, and another fourth to take care of his governmental insurance, it can be seen that he had but a paltry sum left, to wit, $7.50, for his own personal use.

There can never be such a thing as paying for the services that our boys rendered in the Great War. The spirit that went forth, the suffering endured, and the hazards taken are an immeasurable equation. Such a service is the result which comes from the rich heritage of American citizenship. And their adventure shall forever illuminate the pathway of liberty and stir men on to a newer and greater civilization.

Mr. DRANE. Mr. Speaker, so much has been said in connection with the pending bill that nothing new can be said, and for that reason I would refrain from making any remarks thereon, except to say that had I a voice in the construction of the bill I should have produced something for the real benefit of the soldier, rather than the makeshift which has been reported here.

Whatever may be my personal desire in connection with the proposed legislation, under the special rule which governs in the particular case one must either take it in its entirety, and without any change whatever, or must reject it in its entirety.

Confronted with this condition, I am admonished by my own sense of propriety that the legislature of my State at its last session, June, 1921, passed resolutions urging the Florida delegation in Congress to vote for the passage of the then pending "bonus bill," which subsequently passed the House of Representatives and was pending in the Senate when the President, in a personal appeal to the Senate urging the postponement of all legislation for adjusted compensation for World War veterans, in that way brought about the defeat not only of that particular bill but of another then pending in the Senate. These bills of more than a year ago are probably still in some forgotten file in that body, dead; dead by the hand of the President and those who followed his advice.

In this connection, Mr. Speaker, I wish to here place in the RECORD, as appropriate to the spirit of the American people toward the soldier of the World War, a poem of such tender pathos, such patriotic fire, such beautiful sentiment that to lose it to the world would seem a sacrilege. Sitting in the office of a friend of mine at Tampa, Fla., we were discussing Armistice

Day and the burial of the unknown soldier. My friend modestly exhibited the poem which he had written, and which but for my importunity would never have seen the light of day. It follows:

HIS MOTHER.

[The burial of the unknown soldier, Arlington, November 11, 1921.]

(By Edwin D. Lambright.)

If his mother could know—
Could feel that this luminous glow
Of color that moves along the street,
This rythmic tramping of martial feet,
This radiant spread
Of the flag overhead,
This highest honor to nameless dead,
Is for him,
Flesh of her flesh! Heart of her heart!
That from palace and hovel, temple and mart,
Flows this reverent human tide,
A people's tribute to one who died—
And that one her boy!
What unspeakable joy
Would shine through the tears
Of her lonely years.

Home, over road and wave,
From the land he fought to save,
From the unnamed grave—
Home!
For him, under the great gray dome,
A world's offering of flowers
Perfumed the love-filled hours.

For him, this glorious day,
A busy Nation paused to pray.
A President voiced, to list'ning host,
The Republic's blessing, coast to coast.
Unknown?
Nay! Now and forever known.
But Oh, if his mother could know!

Mr. BECK. Mr. Speaker, just before starting for the House this morning I received a package of literature from the United States Chamber of Commerce opposing the soldiers' bonus on the ground that it will inflate the currency of the country, that it will do the soldiers more harm than good, that it will disturb "business," because "business" is in no condition to bear its share of this burden.

Yet this very institution would force this burden upon the farmers of this country whose homes are being mortgaged and sold by the thousands for payment of taxes; upon the wage earners of the country, 5,000,000 of whom are out of work; upon the thousands of business institutions in our agricultural communities who are being compelled to seek refuge in courts of bankruptcy; upon the soldiers of the country who are daily being driven to the poorhouse, to the asylum for the insane, and to suicide, and it would do all this by forcing upon us a sales tax, the chief motive behind which is the ultimate repeal of all income taxes upon large and exorbitant incomes. It would do all this as brazenly, as openly, and with as little compunction as, according to estimate, it squeezed $38,000,000,000 in war profits out of these same people; and it would do it now, just as it did then, and it would urge Congress now, as it did then, to pass a law making it a crime against the Government for these people to complain about it.

UNITED STATES CHAMBER OF COMMERCE A "WAR BABY."

Let us look into the history of this United States Chamber of Commerce a little. This institution was organized during the early part of the war. It advertised to the world that it was organized to help the Government in placing contracts for war munitions in a way that these materials could be produced with the least possible delay and with the greatest possible economy. It was organized at a time when the United States Government needed the wholehearted, loyal, and patriotic support of every citizen or combination of citizens, without thought of personal gain or loss, but with the single purpose of successfully getting through with the war at the earliest possible date with the least possible sacrifice of "life, liberty, or pursuit of happiness." Many of the newspapers carried front-page articles lauding the great patriotism exhibited by some of the members of this organization in telegraphing the President tendering him the free use of their factories to use in any way he saw fit to win the war.

But when we get behind the scenes we observe an altogether different picture. This institution, as I have said, advertised to the world that it organized to help the Government secure the necessary war material in the shortest period of time and at the least possible expense. It began this great patriotic and philanthropic work by organizing committees composed of its own members. It organized a committee on coal supply; it organized a committee on airplanes; it organized one on powder; another on shoes; another on ships; one on nose bags for horses; one on horseshoes; one on halters; one on spurs; others on swivel chairs, bedroom sets, paper napkins, toothpicks, clothes, and a hundred and one other articles.

THE "DOLLAR-A-YEAR" MEN AND GOVERNMENT CONTRACTS.

It then secured the appointment of the members of these committees as Government officials at a "dollar a year" salary. Then the scramble began. Nearly every member of this aggregation wanted a contract and nearly every one of them got it. If, perchance, some member took a contract for about what it was worth, he was later induced to cancel it and take more. If a contractor should not be satisfied with making one collection for completing his contract, he sometimes collected a second time; and in one instance a contractor colleted six times for the same bill of goods, and every contract made during the war was at a profit of three to two thousand times what it ought to have been.

Nor is this all. These dollar-a-year chamber of commerce fellows let contracts to themselves for constructing powder plants to manufacture powder, nitrate, gas, and so forth, to the amount of over $311,000,000, and not a pound of usable material made by these plants ever arrived at the battle front. They let contracts to themselves for constructing port terminals to the amount of over $145,000,000 that were never used during the war, except in one or two instances were used for storage purposes. They let contracts to themselves for building airplanes to the amount of over $1,000,000,000, collected the money, and never delivered a single airplane on the battle front. They awarded themselves contracts to the amount of $60,000,000 on spruce production and on spruce railroads, and then the Government was forced to buy over 90 per cent of its lumber at private mills at three times what it was worth. They awarded themselves contracts to the amount of over $1,400,000,000 for constructing cantonments, largely by the cost-plus system, that could have been constructed for a half billion dollars less money. They made 3,014 contracts with themselves to furnish shells to the Government amounting to nearly $4,000,000,000. Under these contracts only 20,000 shells ever arrived at the firing line. These 20,000 shells cost the Government nearly $200,000 each. The full amount was collected—sometimes in advance—on every one of the above contracts.

Nor is this all. They awarded themselves contracts to furnish three and a half million soldiers 41,000,000 pairs of shoes—12 pairs per soldier, 1 pair for each week day, and 6 pairs for Sunday. We had less than 70,000 horses overseas, and yet these dollar-a-year men awarded themselves contracts for enough horseshoes to be used mostly on these horses to shoe practically every horse in the United States and enough horseshoe nails to allow 400 nails to the shoe. They awarded themselves contracts to furnish each horse used in the Army 10 saddles, 25 halters, 6 saddlebags, 12 blankets, 3 brushes, 9 currycombs, 25 nose bags, and a total of 195,000 branding irons. They ordered 36 spur sets for each officer in the Army. They awarded contracts for furnishing toothpicks, paper napkins, swivel chairs, hammers, paint, and such articles by the carload and by the train load. They let contracts to themselves for building hotels, paving streets, laying gas and water mains and sewers to the extent of over $3,000,000,000, and are coming to this Congress asking for more money to pay for supposed outstanding bills.

SOLDIER BONUS FOES SILENT ON BIG BUSINESS RAIDS IN TREASURY.

During all this time did this organization ever express any anxiety over the Public Treasury? Did it ever call a halt lest the Government would become bankrupt? Oh, no. Whenever it saw the Government funds running low, running down to a point where its contracts would likely be endangered, it would start a few of its agents out over the country, possibly under the auspices of the National Security League, shouting "traitor," "pro-German," or "disloyal" to the people to scare them, and then proceed to take another million or billion—whichever it happened to think of—away from the people.

While doing these things, did this organization ever send literature to Members of Congress to the effect that the $38,000,000,000 its members made in war profits "would do them more harm than good"?

But let us not dwell on ancient history. Let us come down to the present Congress. Did this organization or any of its members protest against our completing a useless battleship program that would cost this country over $600,000,000? Did it protest against the hundreds and hundreds of millions of dollars Congress has been voting to the railroads? Has it objected to the hundreds of millions of dollars the railway officials are unjustly exacting from the people through their system of taking repair work out of the hands of the railroads and awarding it to themselves at from two to five times the price the railroads could do it for? Did it oppose our appropriating millions of dollars to a Shipping Board that squandered over $3,000,000,000 of the people's money during the war? Oh, no. That is "business."

MY RECORD DURING THE SIXTY-SEVENTH CONGRESS.

I voted against the Shipping Board appropriation. I voted against the battleship appropriation. I voted against the railroad appropriation of $500,000,000. I voted against the tariff bill which, in my opinion, if enacted into law will perpetuate the profiteering that has been in vogue in this country during the last eight years under the guidance of the chamber of commerce. I voted against destroying the seamen's act. I voted against the battleship appropriation bill. I voted against the revenue bill which relieved wealthy members of the chamber of commerce of hundreds of millions in tax burdens and placed them upon the backs of the poor. I voted against a bill that reduced the tax burdens on large combinations of wealth, making large profits, and proportionately increased taxes on small business institutions making small profits. I voted against the dye monopoly. I voted against increasing the membership of the House from 435 to 460. I voted against refunding the foreign debt; if foreign nations can maintain huge war machines in peace times they can pay their debts. I voted against a bill appropriating millions of dollars to war contractors who claimed to have lost money as a result of acting upon newspaper advertisements, and had no contract with the Government whatever. I have consistently and persistently voted against any and all special privileges and concessions to big business institutions, because they ought to stand on their own feet or fall.

I have voted for every bill that I thought would, even in the remotest degree, protect the producers of wealth and business institutions in small communities against big business encroachments. I voted for free lumber. I voted to give farmers and business men in agricultural communities the same privileges of borrowing money from the Government at the same rates this Congress accorded to the railroads and at the same rates the Federal Reserve Board accorded the speculators of New York City. I voted for a bill that was calculated to relieve the producers of live stock from unjust discrimination of the packers. I voted for a bill curbing the grain exchanges in gambling in "futures" on grain. I voted for a bill to permit farmers to market their produce cooperatively, just as big business markets its wares. I voted for the emergency tariff on farm products. I voted to reduce the Army from 235,000 men to 115,000 men. I voted for compelling Government ships to be repaired in Government navy yards when it could be done at less expense than in private yards. I voted to limit immigration until such time as our own people can find employment. I voted for the peace resolution. I voted for monthly payment of pensions to old soldiers. I voted for the Borah disarmament resolution. I voted to increase taxes on large incomes from 32 per cent to 50 per cent, and will vote for another increase when I have an opportunity.

I have introduced bills to save the dairy interests of this country and the farmers in general from the filled milk, skimmed cheese, and oleomargarine frauds. I have introduced bills that will enable the Interstate Commerce Commission to lower freight and passenger rates by anywhere from 25 per cent to 40 per cent, and at the same time give the wage earners on these roads a chance for existence. In my every act I have tried to do the thing that I thought would be for the best interests of the great mass of common people. That is one reason why I am for the soldiers' bonus.

HOW THE FARMER WAS "DEFLATED."

It is said this bill will inflate our currency. Well, through the action of our Federal Reserve Board our currency has been deflated nearly $2,000,000,000 within the last two years. Would it not stand a little inflating now, and do it with beneficial results? Would not a little inflation help out in view of the fact that farm values have been deflated to the extent of $18,000,000,000 within the last 24 months? If we are to have a permanently prosperous Nation, it must come through the prosperity of the masses and not through the prosperity of the few. We never can have a permanent prosperity in this or any other country so long as 2 per cent of the people control 65 per cent of the wealth as is now the case, while 65 per cent of the people are engaged in producing that wealth.

But aside from all this, what is the situation in which the soldiers find themselves? Thousands of them left their businesses and professions, which went to pieces during their absence. Others left school never to return, and still others left their jobs to find them filled upon their return, and all who served as privates received not to exceed $700 per year in clothes, board, and wages, while the wage earners who remained behind received, on the average, about 50 per cent more than that, though the amount they did receive did not buy as much of the necessaries of life as the wages they received before the war.

On the other hand, as I said before, the corporations in this country doing war work made billions of dollars during the war, while, had they been as patriotic as they pretended to be, they would have given their services and their factories to the Government free of charge. These tremendous profits came, for the most part, from Liberty bonds squeezed out of the poor of this country, out of the fathers and mothers of the soldier boys, and even the soldiers themselves paid a part of it out of their small pittance of $30 per month. I am not complaining of this now. I did not complain of it then. Neither did any of these people complain, though it came very hard at times to take all the bonds required of them. They knew that if they did not back the boys up no one would. But now the war is over, and, as far as I am concerned, those who failed to make any sacrifice during the war must make it now.

OUR ALLIES FOUND MONEY TO PAY THEIR SOLDIERS A BONUS.

England and Canada adjusted the pay of their soldiers almost immediately after the war, and France and Italy followed later. I wonder if "business" in those countries objected to it. If it did, it was not heeded. It should not be in this country.

The Chamber of Commerce of the United States is proposing a sales tax to pay this bonus or adjusted compensation. But that simply means that the same people who bore the burdens of the war must bear this burden. It means that every time the soldier buys a pair of shoes he pays himself a bonus. It means that every time any consumer buys a dollar's worth of goods he pays a bonus, and if a poor man wears out as many shoes as a rich man he pays as much as the rich. I am absolutely opposed to this scheme of raising the money to pay this just debt, and I do not believe the soldiers favor it. Those who took advantage of the country and made their millions during the war must pay this bill, and if that "breaks" anyone, let it break. The soldiers are being "broke" every day. Thousands of them are idle, other thousands are being driven to insane asylums and poorhouses, and many to suicide. Business, no doubt, needs consideration, but the soldiers need more.

CHAMBER OF COMMERCE SUBSTITUTES PRIVATE POLL FOR 1920 ELECTION.

More than this. The chamber of commerce proceeds to give the result of a vote upon the bonus question taken by its members, with all the solemnity it can muster, and with the apparent authority of a monarch whose word is law. It seems to forget that there are a few other voters in this country who settled the case to the tune of over 7,000,000 majority at the last election. It seems to forget that every party that is represented in this Congress pledged itself to the program which included legislation in line with this bill. It seems to forget that in the 12 States enacting soldiers' bonuses the voters have overwhelmingly registered themselves in favor of this legislation. In fact, it forgets everything except its own pocketbook.

Now this body has a committee on "suppression of free speech." It has a committee whose duty it is to see to it that no one is elected to State or National legislative bodies who will devote their energies to freeing the farmers and wage earners of the country from the clutches of big business, and when I say "farmers" I include business institutions of the agricultural sections of the country. It has a committee on banking whose duty it is to use the banks in the wealth-producing sections of the country for extracting that wealth and shoveling it into Wall Street. It has a committee on water powers whose duty it is to gobble up the water powers of the country, about the only resource left that is yet partly in the hands of the people. It has a committee on highways whose duty it is to squeeze the public on furnishing construction material to highway builders. It has a committee whose duty it is to card-index every individual in the country who has at some time run counter to the aims and purposes of big business, who has dared to defend his fellow men against the bondage that is being placed upon them by Wall Street. Such a one is card-indexed. He is tried, but is denied a hearing in his own behalf. He is sentenced and the brand of Cain is placed upon his head, never to be effaced. This is the invisible government.

This is government of dollars, by dollars, and for dollars, that will go to any length to get dollars. It is the government that snaps its fingers in the face of Uncle Sam every day and says, "Uh, I'm bigger than you are."

SPECIAL INTERESTS BLOCKING ALL MEASURES OF GENERAL BENEFIT.

Its opposition to the bonus bill is only one phase of its general opposition to everything that does not help tighten its grip upon the throats of the people. My support of this bill is only a part of the program I have mapped out for myself to follow, and that is to favor every proposal made in this House for the benefit of the great mass of people.

This bill does not provide for money to pay the cash bonus, but there are bills now before Congress providing for an excess-profits tax and a larger tax on inheritances, to pay for the bonus. I shall support both of these bills. I shall also support any legislation that can be devised that will recover from those

who robbed the Government and its people during the war, sufficient funds to pay this bonus (though the statute of limitations has already run against the worst offenders), and I invite the United States Chamber of Commerce, which now shows such deep concern for the condition of the Public Treasury, to join with me in support of this action and to marshal its powerful agencies for molding public opinion in that direction, with the same energy it has displayed in its campaign for relieving the wealthy from taxes and blocking legislation for the relief of the soldiers.

Mr. ANSORGE. Mr. Speaker and Members of the House, under the present condition of our finances I have advocated, and still advocate, a selective or limited bonus for the sick, the injured, and the needy.

This will take care of all those who are now in need of the bonus and eliminate the well-to-do able-bodied ex-service man who does not need the bonus and does not want it.

WILL SAVE $3,000,000,000.

It will save to the taxpayers of the country three thousand millions of dollars, without working a hardship on anyone.

The plan is a simple one and can be easily worked out.

THE PLAN.

On February 22, 1922, I submitted the proposal to the Ways and Means Committee of the House in the following letter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C.

Hon. JOSEPH W. FORDNEY,
Chairman Ways and Means Committee,
House of Representatives, Washington, D. C.

DEAR MR. FORDNEY: Permit me to make a suggestion in reference to the soldier bonus.

Many opponents of the measure have assured me that they would not oppose a "selective bonus" for the sick, the wounded, and the needy. There are many ex-soldiers who do not need the bonus and do not want it, and in the present condition of our finances we should not force it upon them. Some method should be provided to divert that portion of the bonus to hospitalization and rehabilitation for the sick and wounded, thereby decreasing appropriations for that purpose.

Perhaps 50 per cent of our ex-soldiers would fall within the category of those who are sick, injured, or in need, and estimating the proposed bonus at from two to five billions, one-half of this stupendous sum would be saved to the Government.

WOULD CALL SELECTIVE DRAFT BOARDS.

The status of the sick and disabled as a result of the war is fixed under the provisions and operation of existing statutes for the benefit of the ex-soldier. I would call into existence for a short period the members of the selective draft boards, before whom those entitled to the "selective bonus" would appear and file certificates properly witnessed and acknowledged. All others would be regarded as not in need of the bonus or not desiring it, and as contributing their shares to the sick and wounded.

FULL FAITH TO CERTIFICATES.

Full faith and credit could be given to the certificates. Since the bonus of those not claiming would go to the sick, the wounded, and the needy, the percentage of those not entitled who would file certificates would be very small.

WOULD LESSEN OPPOSITION.

There would be much less opposition to the bonus bill if it were limited and provision made for those who did not need it or want it to waive it for the benefit of their more unfortunate buddies.

Believe me to be,
Sincerely,

MARTIN C. ANSORGE.

I received the following reply from Mr. FORDNEY:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 24, 1922.

Hon. MARTIN C. ANSORGE,
House of Representatives, Washington, D. C.

DEAR MR. ANSORGE: Thank you very much for your suggestion in regard to the soldier bonus question. I shall be pleased to bring this to the attention of the committee.

Very truly yours,

J. W. FORDNEY.

PLAN NOT ADOPTED BY COMMITTEE.

I regret that this plan for a selective bonus was not worked into the bill by the committee.

I remember but a few years back that the distinguished gentleman from Ohio [Mr. BURTON] filibustered in the Senate for days to save fifteen or twenty millions of dollars to the taxpayers in an appropriation bill. Here, by a few strokes of the pen, thousands of millions could be saved.

HOPES PLAN WILL GAIN HEADWAY—WILL VOTE FOR BEST BONUS BILL—FAVORS ADJUSTED COMPENSATION FOR THE SOLDIERS.

Many Members of the House have told me they favor the limited bonus plan. I hope the proposal will gain headway as the bill progresses through the Finance Committee and the Senate, as a great deal of opposition to the bonus would disappear if it were limited to the sick, the injured, and the needy. As for myself, I shall vote for the best bonus bill we can get. I am in favor of adjusted compensation for the soldiers.

ALLIES HAVE PAID A BONUS.

All our allies have paid their soldiers a bonus.

The maximum amount paid is as follows:

Country:	
Canada	$634.40
Belgium	492.00
France	233.53
England	189.54
Italy	73.34

Uncle Sam paid his soldiers $60 each.

UNITED STATES AT BOTTOM OF THE LIST.

I am not willing that the United States, the richest country in the world, should stand at the bottom of the list.

Under the last administration the stupendous sum of $40,000,000,000 was raised and disbursed in three years. If the war had lasted a few more months it would have cost us as much as the entire bonus and we would still have been the richest country in the world. I am not one of those who believe the country will go into bankruptcy if we add to our war debt adjusted compensation for our veterans.

These boys shortened the period of war by more months than enough to pay the bonus.

I do not believe that my people want America to be cheap in regard to its defenders. Let us come out of it clean, so that in years to come we can say, "We did the job well and then did not forget our soldiers."

WE ARE NOT BUYING THEIR PATRIOTISM.

By giving the boys adjusted compensation we are not buying their patriotism. You could not buy their patriotism for one thousand times a bonus. We are paying them $1 a day, or $1.25 a day if they served overseas, to equalize in a small measure the financial losses they sustained when they gave up their jobs or closed down their businesses, perhaps at the very threshold, and entered the service of their country. We are paying them a little bit in addition to the $30 a month they received, while those at home were earning from $5 to $15 a day or more and many were becoming wealthy as a direct result of the war. From the $30 a month the boys were allotted Uncle Sam deducted insurance and held back a portion for their dependents. And when they returned, their jobs were not waiting for them, as promised, and some of their personal liberties had been taken from them.

ORGANIZED PROPAGANDA AGAINST THE BONUS.

The propaganda against the bonus was instigated and organized by the international bankers and war profiteers who made millions, yes, billions, out of the war, and who want to hold on to every penny of it, even at the expense of the soldiers.

THE "DENT" BILL.

The last Congress, by the Dent bill—it should have been spelled with a small "d"—appropriated three billions of dollars to reimburse the war contractors.

NOW THE SOLDIERS ARE CALLED RAIDERS OF THE TREASURY.

Now, these boys who risked their lives or were subject to call are dubbed by the profiteers "raiders of the Treasury," because forsooth they are to receive an extra dollar a day while they were in service. We paid bonuses to our civil employees, and are still paying them, because everyone knows they are underpaid. They have been receiving and are still receiving, three and a half years after the war, $240 a year. Should we discriminate in favor of our civil employees and against the soldiers?

The attack on the bonus has been most unfair. It has certainly been one-sided. Many a veteran has been shamed into believing that he is a "raider of the Treasury."

IT WAS DIFFERENT WHEN THEY MARCHED DOWN FIFTH AVENUE.

Oh, it was different when they marched down Fifth Avenue with their tin hats and their guns.

They were going over to save our skins and our homes. They could have had our shirts that day! Now they are thieves and crooks.

IT WAS DIFFERENT WHEN THEY MARCHED UP FIFTH AVENUE.

It was different, too, when they marched up Fifth Avenue—those who did. They could have had the City Hall. "Maybe I am a crook," "Maybe I am a thief" if I take this bonus. So he keeps quiet to-day, or prefers not to have it.

When I sold Liberty bonds in the theaters of my district, in Harlem and Washington Heights, I remember the wave of enthusiasm that swept through the audience when I said that nothing would be too good for the boys when they came back home. I can not believe we did not mean it.

The world moves swiftly. The public soon forgets. But my district is made up of the backbone and sinew of our Nation I am proud to say that of the hundred or so of letters received

opposing the bonus, all but a few came from corporations outside the district. Not all of the public forget as quickly as others. I for one have not forgotten.

THEY REPRESENT THE MANHOOD OF OUR NATION.

Americans with red blood in their veins, knowing the facts which have been withheld by the newspapers, which presented only one side, do not want Uncle Sam to be second to any nation in regard to our defenders. These boys, 4,000,000 strong, represent the manhood of America. It is bad business to have them disgruntled.

As Representative of my district, the twenty-first New York, where the majestic Hudson flows down into the bay and into the great Atlantic, I do not believe that my people, my friends back home, with a knowledge of the facts, want me to vote to put America, the richest country in the world and the most patriotic, at the bottom of the list. With the organized press, with one exception, opposing the bonus, it takes more courage to vote for it than against it. Believing as I do, it would be cowardly for me to surrender my honest convictions to the press. The New York newspapers have not always truly reflected public opinion. New York State by a 2 to 1 popular vote has decided in favor of the bonus. Other States have done likewise. Within the past few weeks the New York Assembly at Albany, recently elected by the people, unanimously voted to recommend to Congress the passage of a bonus bill.

PROVISIONS OF THE BILL.

The bonus bill before the House is not what I had desired. I hoped for a limited bonus and that the allied debt and the interest would be used to pay it.

However, under the bill before the House no appropriation will be required for three years, with the exception of the small amount necessary for those who receive $50 or under. During that time the interest on the allied debt, and I hope a refunding of the allied debt, will take care of the payments to be made. The certificates to be given to the soldiers will be equivalent to Government securities, and under the bill the veterans can borrow immediately from the banks 50 per cent and retain their equity in the balance.

The veterans can elect to receive the benefits of any one of the five plans of compensation:

1. Adjusted service pay, where the amount of credit is $50 or less, as provided in title 4.
2. Adjusted service certificate (title 5).
3. Vocational-training aid (title 6).
4. Farm or home aid (title 7).
5. Land-settlement aid (title 8).

Legislation is a matter of compromise. I shall vote for this bill because it is the only bill before the House and is a move in the right direction. I favor a bonus generally, and shall vote for the best bill we can get. I hope that this bill will be improved upon by the Senate Finance Committee and by the Senate, and that the limited bonus plan will be worked into it.

A PLEA FOR THE SELECTIVE BONUS.

The plan for a selective bonus, limited to the sick, the injured, and the needy, has nearly 100 per cent approval in New York. The most rabid opponents of the bonus have said in answer to the question: "Would you oppose a bonus for the sick, the injured, and the needy?" "No; that is different; that is all right." Much of the opposition to the bonus comes from wealthy ex-service men who do not need the bonus and do not want it. This plan gives them the way out, and also provides a method for any ex-soldier who does not want the bonus to waive it for the benefit of the sick, the injured, and the needy.

It has been estimated that there are 800,000 ex-service men out of employment. Suppose the number of sick, injured, and needy should total 1,000,000, or even more, it would cut the bonus considerably. There would be no practical difficulty in working out the plan, because the certificate to be filed by the ex-service man would be taken at full value. The function of the members of the draft board would be merely to take the oath of the applicant to his certificate. Those not appearing to file claims would waive for the benefit of hospitalization and rehabilitation.

This plan has another very important feature. It could, if so desired, defer for the present the determination of the method of paying the bonus until it were known by the selective system what amount will be necessary. It would also determine accurately by having the ex-service man so specify which desire the cash bonus and which some other plan. It would certainly give us light, which is now lacking in regard to the number of men who want cash. All plans to date have been based upon estimates or guesswork.

No matter what plan is adopted for the raising of the necessary funds for the payment of the bonus, any plan that will cut the amount from 50 to 75 per cent will meet with popular approval. The proposal will eliminate the able-bodied well-to-do ex-service man who does not want the bonus and take care of all the others.

Mr. FOSTER. Mr. Speaker, I shall vote for this bill, which has the approval of the national commander of the American Legion. It is the best obtainable at this time by way of adjusted compensation. I predict it will soon pass the Senate and after this long delay will become a law. I introduced a bonus bill in each of the two Congresses of which I have been a Member. The last one was "on all fours" with the complete plan of the American Legion, but carried 25 cents per day additional pay. I favored it over this bill, but I shall support this as the best now obtainable.

The draft disclosed 24,000,000 males within the draft age. Four million of this man power entered the war at a wage of about $1 per day, two-thirds of which was repaid for insurance, allotments, and Liberty bonds. Twenty million were left at home, doing necessary work, for which they averaged twice the usual wage. This bill grants, in part, an adjusted compensation to the 4,000,000 men whose sacrifice and devotion made possible the excessively enhanced earnings of the remaining 20,000,000.

Our Government has been generous in granting millions to help adjust and rehabilitate the railroads of our country. The Government paid billions by way of adjusting contracts with shipbuilders, some of which settlements smelled to high heaven. The cost-plus contractor has also received his adjustment. May I ask on what principle of justice and fair dealing can we at this late day deny to those 4,000,000 boys—the flower of American manhood—an adjustment of their compensation? All of our allies have long since adjusted the compensation of their soldiers, at a time when they owed us $11,000,000,000, on which they have not yet paid one cent of interest. The time for longer temporizing has passed. The day for action is here.

Mind you, these 4,000,000 boys—400,000 of whom are now out of employment—are not asking for this adjustment as a compensation for military risk assumed. They consider that risk an incident of their service. An American soldier is too game to seek pay for that risk so willingly borne. However, he does object most strenuously to being longer denied an adjustment, already accorded by all his allies, that will wipe out the unfair discrimination between the 4,000,000 who bore arms and the 20,000,000 who did not. It is but an act of simple justice to grant this adjusted compensation. We should have done it long ago.

I introduced two bonus bills, voted for the only one which came to a vote in the House, and will vote for this one to-day. I shall always recall, with pardonable pride, that during my three years in Congress I have consistently and persistently supported all legislation for the care, comfort, and rehabilitation of the wounded soldiers, as well as for the proper recognition of their unwounded brothers, who were more fortunate in that respect. Let us make this vote unanimous.

Mr. ROBSION. Mr. Speaker, and gentlemen of the House, the House by a very large majority, on May 29, 1920, passed the bonus bill, and on that date in a brief speech on the floor of the House I set forth my reasons for my support of the bonus bill. The Courier-Journal and Louisville Times, Democratic newspapers, and owned and controlled by Mr. R. W. Bingham, then denounced the veterans of the World War for asking for this adjusted compensation and branded them as "mercenary patriots" and "vote sellers" and denounced Members of Congress as cowards and bribe givers because of their votes and defense of the veterans of the World War. On June 3, 1920, on the floor of this House, I denounced the charge of Mr. Bingham and his newspapers as being vile slanders, willful and malicious lies. These Democratic newspapers have continued their attacks upon the World War soldier and the Members of Congress who favor this measure. Practically all of the millionaires and big interests of the country have taken part in this assault upon the defenders of our country. I think it proper to set forth at some length the view of the veterans in requesting adjusted compensation and my reasons for the support of this measure. The people ought to know the truth, and I wish to consider the following questions:

1. Do the veterans of the World War want their compensation adjusted?
2. What does the present bill provide for and what will it cost our country?
3. Is the demand of the veterans just?
4. Has our country paid the veterans of other wars a bonus and has our allies in the World War paid their veterans a bonus?
5. Is it the duty of our country to pay this bonus?
6. Can our country pay the bonus without material injury to the country?

VETERANS OF WORLD WAR WANT COMPENSATION ADJUSTED.

The American Legion, the Veterans of Foreign Wars organizations, the Private Soldiers and Sailors' organization of the World War, and all other organizations of the veterans of the World War strongly indorse and urge the passage of the bonus bill which was adopted by the House in May, 1920, and so far as I can learn all of these organizations and the rank and file in general of the veterans of the World War favor the present bonus bill. Now and then you find a veteran of the World War who says he does not want his compensation adjusted. As a general rule this is some officer who got a good salary during his service, received the honors of an officer, and is in good circumstances. As a rule the officers of the World War came from the well-to-do classes and were men of fair education, and do not need this bonus. Under this bill no officer above the rank of a captain can receive a bonus, and, of course, there is nothing in the bill to compel a World War veteran to accept a bonus. If there be any such, he need not make application for the bonus if this bill becomes a law. I have never heard a private soldier yet say that he did not feel he was entitled to have his compensation adjusted. This is a bill more especially for the benefit of the private soldiers and sailors, whose pay was very small.

IF PAID IN CASH WOULD COST ABOUT $1,492,000,000.

It has been said in newspapers and in public speeches by the opponents of this bill that it would place a burden of about $5,000,000,000 upon the taxpayers of this country, and would cripple business. Nothing is further from the truth. No extra levy of taxes will be required. If all of the veterans of the World War would take or receive cash for their bonus, it would cost the Government about $1,492,000,000, but the bill only provides cash for those whose bonus amounts to $50 or less. This includes 475,000 veterans and will involve $16,000,000. Under the provisions of this bill the payments will be spread over a period of 20 years, and the cash required to meet these payments will not at the outside exceed $300,000,000; that is not more than $100,000,000 per year for the next three years. The Congress will save more than enough in cutting down the Army and Navy in the next three years to take care of all cash required to meet the bonus and then have several hundreds of millions of dollars left.

The Democratic Congress in 1919 allowed the soldiers a bonus of $60. This bill provides that the basis of the adjusted pay shall be $1 per day for each day the veteran served in this country over 60 days, and $1.25 additional per day for services outside of the United States. This would amount to about $1,492,000,000 if paid in cash. All of those whose claims are $50 or less will receive cash, and this will amount to about $16,000,000. Those whose claims are above $50 may accept either one of four propositions:

The first proposition is service certificates. The soldier is given a certificate for a little over three times the amount of his bonus; that is, if his bonus was $500 he would receive a service certificate for a little over $1,500. This is in the nature of paid-up insurance, and he would receive the $1,500 at the end of 20 years; or, if he died within the 20 years, his dependents or his estate would receive this $1,500. This would be true if he died the next day after receiving his certificate; but this certificate has other advantages.

The bill provides that any bank is authorized to loan to him one-half of his base bonus—that is, one-half of the $500, if that is the amount of his bonus—on the veteran's own note with this certificate as security, and after three years from the date of the certificate the soldier could borrow from the Government nearly the full amount of his bonus, without giving any security other than putting up his certificate; and the borrowing power of this certificate increases as the years increase, and if he is living at the end of 20 years he will receive a little over three times what his bonus would amount to; that is, if his bonus was $100 he would receive $300 and a little over, or if his bonus was $400 he would receive a little over $1,200, or his dependents or estate would receive the amount of this certificate at the time of his death. It is better than a 20-year paid-up life insurance policy.

2. The veteran may go to school until he takes up his bonus and 40 per cent additional; that is, if his bonus amounted to $500, for the purpose of going to school he would receive $700, and this would be paid to him at the rate of $1.75 per day while in school, or if his bonus was $200 he would receive $280 for the purpose of going to school at the rate of $1.75 for each day in school.

3. The veteran may accept the third proposition; that is, if he wants to invest his bonus in a home or farm, the Government will pay on said real estate the amount of his bonus with 25 per cent added.

4. The fourth proposition provides that the Government may reclaim arid lands or cut-over lands and help the soldier improve same with long period of time to pay for same at a low rate of interest.

THE DEMAND OF THE VETERANS IS JUST.

Under the selective draft act in 1917 about 24,000,000 young men of America were available for military service. About 4,000,000 of that number who will be the beneficiaries of this legislation entered the military service. The other 20,000,000 were allowed to remain at home and engage in the productive and gainful industries and occupations of the country. It has been very clearly determined that the men who remained at home and were able to work, and did work, averaged around $10 per day. This does not include millions of men who owned their own business and carried on their own business. It is difficult to say what that class of men averaged per day. We do know that practically all classes of business earned enormous profits during the war. The war produced nearly one millionaire for every soldier boy who lost his life on Flanders fields. Our national wealth has doubled in the last 10 years. Many laboring men made from $15 to $50 per day. Everybody received increases in wages, and the average workman's day was eight hours, while the soldier's working day was 24 hours. There were nearly a million men and women on the Government pay roll in civil employment during the war. Their average pay was around $1,400 per year, yet a Democratic Congress voted a bonus to those who were receiving $2,500 per year and less of $240 per year, and these civil employees have already received more bonus than any soldier could get. The big war contractors had their hands in the Treasury up to their elbows. Most of them were operating under a cost-plus 10 per cent contract, yet immediately after the war a Democratic Congress appropriated nearly $3,000,000,000 to pay the alleged losses claimed by war contractors. This was more than twice enough to pay the soldiers' bonus.

"UNCLE SAM" AND HIS SONS, JOHN AND BILL.

"Uncle Sam" had two sons, John and Bill. A great danger threatened "Uncle Sam," his home, his family, and his business. He ordered John to take his gun and go many hundreds of miles and some thousands of miles to meet a terrible foe. Bill remained at home, slept upon his mother's good feather bed and ate his mother's cooking. John went willingly and with great courage destroyed the foe and averted the danger that threatened his father, his family, and possessions. After about two years he returned home and Uncle Sam called in John and Bill for a settlement and he says: "Bill, you remained at home; I am going to allow you around $10 per day for every working day during the war, and John, I think $1 or $1.10 per day will be enough for you." John looked up in wonderment and says: "Father, what do you mean by allowing Bill several times as much as you allow me?" And the father responds, "John, you must not claim any more or you will not be patriotic. You will take your pay in the glory you get out of your service and in mud trenches, rain, and snow." Finally, John says: "Father, it is all right for Bill to have $10 per day and stay at home, but now if you will give me another $1 or $1.25 per day in addition to my $1 or $1.10 per day and let the payments be spread out over a period of 20 years (I know Bill received his money every week or every month), I will take this and be satisfied." Would not "Uncle Sam" be a strange father if he turned down John's request? Gentlemen, that is the exact situation as it presents itself to this House on this bonus bill. The folks who remained at home averaged $10 per day for their work and have already received their pay and either spent it for pleasure, for automobiles, or homes, and the soldier boys have come back with nothing and many without jobs and are saying to us that although we gave the other boys $10 per day in cash, we shall be satisfied if you will give us another $1 or $1.25 per day and let it be spread out over a period of 20 years so as to make payments easy. I would rather resign my seat in Congress to-day than to refuse John's request, and it would be a poor "Daddy" who would show this great partiality for Bill over John. I have not had an opportunity to vote for a measure I think more just than this, and the American people should pay it gladly.

WE PAID OUR SOLDIERS OF OTHER WARS A BONUS.

The people of the United States paid to George Washington a large bonus in public lands, and he recommended a bonus for his soldiers of the Revolution and this country provided a bonus in money and land for such soldiers. The soldiers of the Civil War were granted a bonus, and we have granted a bonus in public lands to our soldiers in all of our wars and thousands of soldiers of our wars availed themselves of these public lands,

but all of the desirable public lands have been taken up and we can not offer the veterans of the World War public lands.

Our allies in the World War have paid to their soldiers substantial bonuses. Canada has granted to her soldiers of the World War an average of about $600 each. The average bonus that our soldiers will receive under this bill is about $375. No overseas veteran can receive more than $625 and no soldier serving in this country can receive over $500 under this bill. We loaned to the Allies and turned over to them in cash since the war more money than would be necessary to pay the soldier bonus under this bill if every veteran should demand and receive cash for the amounts provided in this bill. The last administration turned our money over to the Allies and they paid their soldiers a bonus. We say we can not pay our veterans a bonus. Just after the war closed war contractors filed claims for alleged losses and a Democratic Congress allowed these war contracts for their alleged losses during the war on Government contracts nearly $3,000,000,000. Our soldiers lost wages and business opportunities, yet there are those who are unwilling to pay them anything. The war contractors received twice as much in so-called losses as would pay the soldiers' bonus. We dug up about $4,000,000,000 to pay for the losses to the railroad companies and others which were sustained, as claimed, under Government control. After the war we turned over to a so-called representative of the defunct Russian Government enough cash to take care of the bonus for the next three years.

REPUBLICAN PARTY COMMITTED TO PAYMENT OF BONUS.

The Republican Party, which is in control of both branches of Congress and the executive department of the Government, declared in its national platform in 1920 in favor of the soldiers' bonus. This was one of the issues before the American people. As I now recall, President Harding and Governor Cox in their campaign speeches of 1920 both declared themselves in favor of a bonus for the World War veterans. I feel that it is the duty of the Republican Party and my duty as a Republican Member of Congress to vote for this bill and carry out that pledge.

WE CAN PAY THE BONUS WITHOUT MATERIAL INJURY TO COUNTRY.

The big interests of the country and many of the big newspapers have tried to create the impressions that the enactment of this bonus bill without a sales tax would ruin the country. I am opposed to a sales tax to be attached to this bonus bill. In the first place, it is not necessary, and many persons are advocating a sales tax in order to defeat the legislation. They know a sales tax would be very unpopular. In the second place, a sales tax would put the large part of the burden of the payment of the bonus on those least able to bear the burden and it would relieve those who made great fortunes out of the war and are best able to bear the burden. All of the big interests and millionaires of the country are against the bonus—insist that if a bonus is paid we pay it with a sales tax. Under the present tax law men with big incomes and corporations with big profits pay a large bulk of the taxes and, of course, would have to pay a big portion of the bonus unless we raise the money by a sales tax, and all of the big interests and practically every millionaire of this country are fighting the soldiers' bonus. As heretofore pointed out, it would require less than three hundred million for the next three years to take care of the provisions of the bonus bill, or less than $100,000,000 per year. We are spending nearly that much money each year on Federal aid for highways.

Our Navy has been costing us about $500,000,000 per year, and our Army has been costing us around $400,000,000 per year. Because of the success of the disarmament conference we propose to cut down the expense of the Army and Navy nearly $300,000,000 this year. We save enough this year to take care of the bonus for the next three years. The cost of the Government for the last year of the Wilson administration was $6,500,000,000. The first year of the Harding administration was around $4,000,000,000. Harding's administration saved nearly enough the first year to pay double the soldiers' bonus, if every dollar of it was paid in cash now. The Allies owe us nearly $2,000,000,000 in interest. Congress has passed a law requiring the Allies to give us cash or bonds for their debts and interest to us. No doubt that Great Britain within the next few months will pay us over $500,000,000 in interest. This will take care of the bonus for at least four years. The interest that the Allies owe us will more than pay the soldiers' bonus.

The Wilson administration spent from July 1, 1918, to June 30, 1919 (only four and a half months of which was war), over $19,000,000,000. They spent enough every month to more than pay the soldiers' bonus provided in this bill and provided it was paid in cash. In one year they spent more than 12 times enough to pay the soldiers' bonus in cash. The Wilson administration spent from July 1, 1919, to June 30, 1920, over $7,500,000,000. Enough money to pay the soldiers' bonus provided for in this bill in cash five times over. The last year of Wilson's administration cost over $6,500,000,000. This sum would have paid the soldiers' bonus four times and more. When Mr. Harding went into office Liberty bonds were selling around 85 cents on the dollar. Some of the issues now are worth more than 100 cents on the dollar, and the other issues are worth nearly 100 cents on the dollar and going up. Business is on the increase. The outlook is growing brighter every day. In view of what has taken place since the war, why should anyone claim that the soldiers' bonus would upset business and ruin the country.

COUNTRY WILL GET VALUE RECEIVED.

We were spending more each month for war than would pay the soldiers' bonus in cash to-day. The courage and loyalty of our soldiers certainly shortened the war more than one month. The folks at home made enormous profits, and the workers at home received the highest wages in the history of this country. It is only fair for our veterans to feel that their splendid sacrifices should receive proper recognition at the hands of a grateful Nation. This bonus will help many soldiers to get on their feet. The money will be expended among our own people. Their claim is just. The greatest safeguard to the institutions of this country and to its industries and the greatest barrier and check to Bolshevism, Anarchism, and the other isms that threaten our country is this splendid army of World War veterans. It is worth $1,492,000,000 to the business men of this country for these boys to be satisfied and to feel that their country has not forgotten their sacrifices.

I want to see the Courier Journal, the Louisville Times, and their owner and editor, Mr. Bingham, who got a bonus of $5,000,000 during the war, denounce the war profiteers; the wasting of millions at Camp Taylor and Camp Knox; the expenditure of $150,000 per mile on a few miles of road near Louisville by the Government; the granting of $3,000,000,000 as bonuses for war contractors after the war; the wasting of other billions in the operation of the railroads; the expenditure of nearly $33,000,000,000 by the Wilson administration from July 1, 1918, for the three years following; the expenditure of nearly $2,000,000,000 for airplanes, with no fighting plane reaching the battle front to protect our soldiers; the expenditure of nearly $4,000,000,000 for building wooden, concrete, and other ships, many of which are worthless; the expenditure of hundreds of millions of dollars for powder and shells, and no powder or shells produced; the expenditure in 18 months of ten times the entire cost of the Civil War; the turning over to the French Government of $1,700,000,000 of our supplies for the sum of $400,000,000. The last Democratic administration wasted enough money in any one of nearly a dozen projects to have paid the bonus provided for in this bill in cash. I want to see the big interests of this country, the big newspapers of this country—the Courier Journal and Louisville Times—denounce some of this extravagance and waste and quit denouncing the veterans of the World War, who suffered and sacrificed so much, and the Members of Congress who are attempting to do this act of justice to them. But for the waste of the past administration and the cost-plus contracts and the payment of billions to war contractors and war profiteers there would be ample money in the Treasury to-day to give to the American soldier in cash double the amount we are now proposing to give him. Some good people have read these vile slanders put out by the big interests of the country and have been misled. I believe that every unselfish disinterested person who will study this problem carefully will come to the conclusion the Congress is right in granting this bonus to the World War veterans. These are some of the reasons for giving this bill my support and vote.

Mr. MACGREGOR. Mr. Speaker, there has never been any doubt in my mind that the bill providing for adjusted compensation to the service men would pass the House with a very large majority. The people of the country are strongly for the bill, although a small minority, composed mostly of those who reaped large financial benefit from the war, are very vociferous about the lessening of the luster of the patriotism of the boys. In the language of Shakespeare—

The lady doth protest too much, methinks.

I am not at all fearful of the patriotism of the boys; they have shown theirs in unmistakable terms. I am more uncertain as to the patriotism now and heretofore of many of those who are doing the protesting.

It is not my intention to make a speech upon the reasons why the bill should pass. The Members of the House generally are quite convinced upon that subject. I desire, however, to place in the RECORD a little history.

The statement has been frequently made that this is the first time that the Government has given a bonus to men who have fought the battles of the Nation. Those who make the statement have evidently not been students of history.

WAR OF THE REVOLUTION.

By resolution of Congress September 16, 1776, it was provided that grants of land should be given to men and officers serving during the war as follows:

	Acres.
Colonels	500
Lieutenant colonels	450
Majors	400
Captains	300
Lieutenants	200
Ensigns	150
Noncommissioned officers and privates	100

By resolution of Congress June 22, 1779, it was provided that a gratuity be paid to those who enlisted prior to January 23, 1779, of $100.

By resolution of August 24, 1780, it was provided that seven years' half pay should be given to officers continuing in service to the end of the war.

WAR OF 1812.

Act of Congress, 1812: Noncommissioned officers and men upon discharge to be given a bounty and 160 acres of land. By act of December 10, 1814: Men thereafter enlisted to receive 320 acres of land.

MEXICAN WAR.

Men serving through Mexican War entitled to warrants for 100 acres of land with option of bonus of $100.

CIVIL WAR.

Men entitled to receive patents for 160 acres of land. Various bounties paid for enlistment and service during war by Federal Government ranging from $150 to $400. Amount paid in bounties by Federal Government, $405,021,000.

In addition, the various States paid bounties as follows:

Local bounties paid.

Maine	$7,837,643.97
New Hampshire	9,636,313.00
Vermont	4,528,774.88
Massachusetts	22,965,550.36
Rhode Island	820,768.60
Connecticut	6,887,554.27
New York	86,629,228.15
New Jersey	23,868,966.62
Pennsylvania	43,154,986.92
Delaware	1,136,599.06
Maryland	6,271,992.00
District of Columbia	134,010.00
West Virginia	864,737.00
Kentucky	692,577.00
Ohio	23,557,373.00
Indiana	9,664,855.00
Illinois	17,296,205.00
Michigan	9,664,855.00
Wisconsin	5,885,356.19
Iowa	1,615,171.20
Minnesota	2,000,464.00
Missouri	1,282,148.55
Kansas	57,407.00
Total	286,781,256.09

Mr. HAUGEN. Mr. Speaker, it would seem that there should be no further delay in providing for the payment of the soldiers' adjusted compensation, the most meritorious of all claims arising out of the war, especially, in view of the liberal provisions made for the payment of other claims, many based on moral obligations only. In my opinion the soldiers' adjusted compensation should have been one of the first bills to have been taken up after the armistice, and should have been paid in cash at once. I have voted for every soldiers' bonus bill that has come before the House, and have always contended that the sooner the adjusted compensation is paid the better.

I believe that it was a mistake for another body to fail to pass H. R. 14157, the adjusted compensation bill, which passed the House May 29, 1920; but if the bill under consideration is promptly enacted, better late than never. I congratulate the majority members of the Committee on Ways and Means on again bringing in a bill, the proposed bill. If fair to take from the Federal Treasury billions of dollars to pay railroads and others who reaped enormous profits from the war, certainly we should pay the claim of men who gave their service to their country for $1 a day and who exposed themselves to shot, shell, and poisonous gas. Though I would prefer a bill carrying a cash-payment plan, I welcome the opportunity to vote for this bill, which is far superior to none at all or to a further delay, which I have felt in the past should have been avoided.

What are the facts? Four million of the 24,000,000 men registered were inducted into the military service. The 4,000,000 inducted were forced to leave their homes. One hundred million American people were permitted to remain at home to pursue their occupation or profession. Many lived in luxury. Many with fat contracts in their pocket feasted on $8 steaks and accumulated enormous fortunes. Federal employees drawing $2,500 or less were and still are paid a bonus of $240 a year. Practically all persons out of the military service shared in the increase of the total wealth of the United States, estimated to have increased from $187,730,071,090 in 1912 to about $286,000,000,000 during the war. On the other hand, 4,000,000 men in the service received the meager sum of $1 a day. Six million farmers, tilling 6,000,000 farms, supplied our soldiers and our allies with food, much of it at a price fixed by agencies of the Government. Food was most essential in making it possible for those in the service to fight and win the war.

Mothers and fathers worked and prayed, and not only sacrificed time and money but endured sleepless nights and breadless days. The sorrow, worry, and solicitude for our country's welfare and those near and dear caused the loss of life in many a home. The loyalty of the American people, their generous support of the Red Cross, the Young Men's Christian Association, and the numerous other worthy and deserving organizations all went to show their backing of our boys who so willingly took their lives in their hands and risked them on their country's altar as a sacrifice.

Considering, on the one hand, the services rendered and the achievements attained by our boys, and, on the other hand, the fact that Congress has passed numerous laws validating contracts aggregating $3,000,000,000, and has appropriated up into the millions for the payment of claims of various kinds, it would seem that the soldiers' adjusted compensation should have been paid long ago. The railroad act, approved March 21, 1918, guaranteed profits equal to the average net operating income of railroads during the three years ending June 30, 1917, which was estimated to be from one hundred and seventy-five to two hundred million dollars annually in excess of what should have been guaranteed. This, together with subsequent legislation, resulted in taxing the American people approximately $2,000,000,000 for railroad operation, in addition to the large increase in transportation rates aggregating billions, which, in my opinion, was wholly unjustifiable, and neither of which bills could I nor did I vote for. In view of all the money squandered, authorized, and expended, it would seem that Congress should have lost no time in passing a just and fair adjusted compensation bill. All will concede, had it not been for our boys stopping the enemy at the Marne, breaking the attack at Chateau-Thierry, driving the enemy back at the Argonne, and finally forcing them to surrender, the results of the war would have been different.

According to the committee's report, 16 States had provided, up to January 31, 1921, some form of adjusted compensation for their soldiers. Other countries have acted promptly in the matter. The following table, printed on page 5 of the committee's report, shows the debts and estimated wealth of other countries and what has been done since the war for the soldiers of our allies in the way of payments:

Country.	Maximum payment to enlisted men.	Debt of nation.	Estimated wealth.	Per cent of debt.
Canada	$634.40	$2,345,000,000	$10,000,000,000	23
Belgium	492.00	4,670,000,000	12,000,000,000	39
France	233.53	50,960,000,000	92,500,000,000	55
England	189.54	37,910,000,000	120,000,000,000	32
Italy	73.34	18,650,000,000	35,500,000,000	52

The United States has paid its soldiers $60 each and its debt is generally estimated at only 7 per cent of its estimated wealth of $286,000,000,000. If the States deem it just to pay adjusted compensation, if our neighbor, Canada, with a population of less than 8,500,000 people, staggering under the burden of high taxation and the heavy load of $2,345,000,000 debt, a debt equal to 23 per cent of its estimated wealth, could afford to pay $634.40 adjusted compensation to each of her enlisted men, certainly our Government, the wealthiest, most generous, and prosperous nation on earth, with a debt estimated at only 7 per cent of its wealth, can and should pay.

According to an official report Canada had up to the 1st of October, 1921, granted loans to 27,003 of its ex-service men for the purchase and improvement of lands, as follows:

For the purchase of land	$47,457,393.14
For removing incumbrances	2,019,836.77
For permanent improvements	9,921,591.55
For stock and equipment	26,534,191.14
Total	85,933,012.60

If Canada could afford to loan $85,000,000 to assist 27,003 of her ex-service men to purchase land, remove incumbrances, make

permanent improvements, and secure stock and equipment, it seems to me that this great Nation of ours, the most prosperous, by far the richest, and the best situated financially of all the nations of the earth, populated by the most generous people on earth, can afford to do as much at least to pay the ex-service men's just claim. No one will deny that they have a just claim. If not a legal liability, all will recognize the moral obligation.

The adjusted compensation bill proposes to permit the veteran to elect to receive the benefits of any one of the five plans of compensation, which are:

(1) Adjusted service pay where the amount of credit is $50 or less.
(2) Adjusted service certificate.
(3) Vocational training aid.
(4) Farm or home aid.
(5) Land settlement aid.

My understanding is that the adjusted compensation provided in this bill and terms of payment determined upon by the committee meet with the approval of the legislative representatives of the American Legion. If so, and if the ex-service men are satisfied with the amount paid and the time fixed for payments, very well; it is not for me to question the amounts or the terms agreed upon. However, it would seem that if the amount of adjusted compensation agreed upon is justly due—and it by all means is—it should have been paid before and surely it should be paid now, not years hence. As before stated, Congress has provided funds to pay other claims; why not pay this now? Generally, the answer is, "The Treasury is short of funds; taxes and debt are already too high."

We have been short of funds for some time, and the chances are that we will be just as short of funds as we now are when the certificates to be issued under this plan fall due. Hard-luck stories and appeals for extension of time on payments are not always accepted in payment of services or debts, especially by those in need of funds, which, I understand, is the case with many ex-service men. The general practice is when one's note falls due to either pay or renew with interest. My experience has been that a business man's obligations are either paid when due or he submits to terms prescribed by his creditor as to extension and rate of interest. That is the only proper way I know of redeeming obligations. If that is expected of an individual, why should not Uncle Sam redeem his obligations to these worthy claimants promptly and satisfactorily?

The answer most prominently given is that the sales tax is the only available source of obtaining the revenue required.

SALES TAX.

Generally speaking, I am opposed to a sales tax. In my opinion it is one of the last methods of taxation that should be resorted to, but I am in favor of paying the soldiers adjusted compensation, and if a sales-tax provision is necessary to provide the revenue to pay the adjusted compensation to the ex-service men, believing as I do, the quicker the adjusted compensation is paid the better, I should favor one if patterned after that of Canada. If a sales tax is necessary and one is to be imposed, it should follow the Canadian plan which exempts, first, foodstuffs in their natural state; second, the initial sale by the farmer of farm products of his own production; third, the first product of the fisheries, mines, and forests; and which, fourth, requires manufacturers selling goods to jobbers or wholesalers to collect and pay into the Treasury one-half of the sales tax, and the wholesaler or jobber selling to the retailer or consumer to collect and pay into the Treasury the other one-half, or if the manufacturer sells direct to the retailer or consumer, to collect and pay into the Treasury all of the sales tax, and which requires in every case that the purchaser be furnished with a written invoice of all sales, which invoice states separately the amount of the sales tax as provided in the Canadian sales tax act, assented to on June 4, 1921, and put in effect May 10, 1921, which makes the collection of taxes certain and inexpensive. If it is necessary, in order to redeem in cash the obligation to our ex-service men, to impose a sales tax of a fraction of 1 per cent or even of 1 per cent, which is only one-third of the amount of the Canadian sales tax, I believe that it would be more satisfactory to the ex-service men and all concerned than the issuing of certificates as provided in the bill. It seems to me that if a sales tax is necessary and if it is the only source of revenue available to meet this obligation, every American citizen would welcome the opportunity to contribute in this respect, which would in a degree express his appreciation and debt of gratitude for the heroic services rendered. However, there are other available sources of revenue.

There are a number who made enormous, yes, excessive profits on war contracts, who should welcome an opportunity to share with the boys or, at least, to give up a part of their gain. They should not only be given an opportunity, but they should be made to contribute liberally to this deserving cause. In my opinion they should not be overlooked. Further, the payment of interest on our $11,000,000,000 loan to foreign nations should be insisted upon and paid. With more than $3,000,000,000 of gold coin and gold bullion in the United States Treasury, with more than $2,000,000,000 in gold held jointly by Federal reserve banks and agents, and that with only about two and one-half billion dollars of Federal reserve notes in circulation and only $346,681,016 of United States notes outstanding—which amount is about $1,000,000,000 less than the amount of Federal reserve and Treasury notes outstanding in 1920—undoubtedly a considerable amount of Federal reserve or United States notes could be issued without interest to take care of a part of the adjusted compensation; or if the proposed certificates are issued with interest, if the Federal reserve notes were loaned, interest charged and the interest covered into the Treasury, the interest thus collected would more than offset the interest which the Government would have to pay on the proposed certificates. If $1,000,000,000 of Federal reserve notes could be thus issued and circulated it would not only provide for a billion-dollar cash payment to the ex-service men but it would also save our Government some forty or fifty million dollars annually in the payment of interest; besides, there are other available sources to draw upon.

AGRICULTURAL LEGISLATION.

In this connection I desire to refer briefly to agricultural conditions and legislation enacted affecting agriculture.

The recent war brought agriculture into prominence and demonstrated its value and preeminent importance. As you will recall, food products were given the right of way; munition trains, passenger trains, and all others were sidetracked for the train carrying food. The splendid achievement of our country was made possible not because of its munitions or automobile factories, but because of its food supply. According to the Statistical Abstract the farmers in the past have furnished more than half of our exports. The highest per cent was 84.3 in 1820. In 1919 they furnished 53 per cent, or $4,107,158,753 worth out of our total export of $7,081,469,938. It is clear to all that, without the industry and success of our 6,000,000 farmers and 6,000,000 farm hands, the balance of trade in our favor would dwindle into insignificance and in a short time turn into an adverse balance. Not only that, but, generally speaking, the progress, prosperity, and happiness of practically every man, woman, and child is dependent upon the farmer. Our interests are in common. We go up and down together, hand in hand. It is unnecessary to say that, had it not been for our food supply—our bread basket—the results of the World War might have been different. No matter how brave or strong men may be they can not fight or endure for any length of time, nor can any nation exist, without food. Food supplies energy; yes, life. The United States might, by lowering its wage scale and its high standard of living to the level of other countries, be thus enabled to compete with other countries in the products of its mills and factories and increase its exports of those products so as to exchange them for food, and thus succeed for a while but only for a short time. Just as sure as the sun rises in the east and sets in the west, without the farmer Uncle Sam's factories, mills, and banks would crumble and fall, his railroads would rust, his beautiful towns and cities, including the schoolhouses in the valleys and churches on the hilltops, would disappear, until our beautiful land—with its grand and glorious Government, its splendid and magnificent institutions, its productive fields producing bread, the staff of life, in a sufficient quantity to feed not only our 105,000,000 people but millions in foreign lands—would cease to occupy first place among the nations and much of it would return to unproductivity and forests.

The World War has brought the farmer into prominence. We now more than ever realize that the progress and prosperity of our people and the stability, growth, and greatness of our Nation are dependent upon the tillers of the soil. As a class they compose the great conservative force of our Nation. They are the producers of new wealth, annually producing about 900,000,000 bushels of wheat, 5,000,000,000 bushels of cereals, which equals about one-third of the total wheat and cereal production of the world. According to the report of the Secretary of Agriculture, the estimated value of crops and live stock on the farms on the 1st of January, 1918, was $24,700,000,000. In amount more than three times the stock of money then in the United States, and that after our presses had been running overtime turning out all sorts of money. According to the recent report made by the Bureau of Markets and Crop Estimates, the average value of 10 crops, consisting of nine-tenths of all crop production, has fallen in two years 59 per cent, or from $35.74 an acre in 1919 to $14.52 in 1921.

With the deflated prices on farm products, heavy taxes, scarcity of money, high transportation rates, and unfortunate conditions confronting agriculture, naturally legislation affecting the farmers was the first and all-important to be taken up by Congress in its reconstruction work. Naturally all interested in agriculture expected the party in power to act quickly in the enactment of remedial laws and to secure an honest and rigid enforcement of such laws, especially to enact legislation to promote progress and prosperity on the farm, for, of course, the American people can not be content with anything less. With that in view, and recognizing the limited power of Congress, every member of the Committee on Agriculture, which committee has jurisdiction over all matters pertaining to agriculture, pursued their duties with fidelity and with a firm determination to bring about the results desired. Many seemed to believe that it was in the power of Congress and other legislative bodies to legislate value and prosperity and that all that was necessary was for Congress to authorize the issuance of more money and bonds and to regulate business. Congress and legislative bodies are, of course, limited in their power; as, for instance, it is not in the power of Congress to increase or lessen yield, except through the process of taxation. However, it has the power to levy and collect taxes, to appropriate money for the employment of persons and other means to foster, encourage, and promote agriculture, to issue money, to obligate the Government, and to make loans, but without our natural resources and the integrity of the American people back of it the money issued or obligations incurred would be of little or no value.

Conditions have materially improved. Undoubtedly legislation recently enacted has had much to do with the improved conditions. Evidently our most serious trouble to-day in agricultural districts remote from consumption centers is the present high freight rates. Take, for example, corn in Iowa. A few months ago corn sold as low as 16 cents a bushel; deducting from that 5 cents a bushel for picking and cribbing left 11 cents net for 70 pounds of corn. The farmer then received less than 16 cents a hundred pounds in compensation for his taxes, rent, seed, and year's work in planting, cultivating, and marketing the corn. The railroads hauling the corn to Chicago received 25½ cents a hundred pounds. If hauled to New York, 55½ cents. True, conditions have improved; but even at that, while corn is selling for 40 cents a bushel, or about 60 cents a hundred pounds, the railroads get practically as much for hauling the corn from Iowa to New York as the farmers get for growing it. It goes without saying that with such conditions prevalent the farmers can not pay taxes, interest, and maintain their families as they should, and unless prices on farm products advance or freight rates are materially reduced or the factories, mills, labor, and the consumers are moved closer to the food-producing areas, thus eliminating the great transportation costs, the farmer will necessarily have to transfer his activities to a more remunerative occupation. The Interstate Commerce Commission was given power to fix just and reasonable railroad rates and was authorized to ascertain the fiscal value of railroad property as a guide and basis for fixing such rates. That commission is functioning and claims to have fixed rates accordingly. The United States Railroad Labor Board was organized and authorized to fix the wages of railroad employees. It is also functioning and has determined the wage scale. The Constitution provides that property shall not be taken except by due processes of law—that is, without just compensation. If the rates and wages determined are just and fair, there seems to be nothing further that can be done; however, if the freight rates have been fixed too high, which seems to be the case, a review is in order, and if a review can not be had to determine a just and fair rate it may be necessary to provide for a new commission or to abolish it or to repeal the law and leave the matter—under proper restrictions as to pooling, merging, granting rebates, and all other unfair, unjustly discriminatory practices and devices—to the railroads themselves, to solve their own problems, or for Congress to exercise its power to directly fix just and reasonable rates.

ACTIVITIES OF THE COMMITTEE ON AGRICULTURE.

Congress has amended and enacted since the change of party three years ago more real constructive laws affecting agriculture than it has in any 10 previous years. In less than three years the Committee on Agriculture of the House, of which I have the honor of being Chairman, has reported and had passed amendments to practically every law on the statute books affecting agriculture and has initiated and had passed more new legislation than it had in any previous period of 10 years prior to the war. I might add that any suggestion that may be made in the future which will better the conditions of the tillers of the soil will be given the same speedy and favorable consideration by the committee.

The Committee on Agriculture in the Sixty-sixth Congress held 111 days of hearings, and so far this Congress 58 days, a number of the hearings starting at 9 o'clock in the morning and running until midnight. The hearings in the Sixty-sixth Congress were on 28 subjects, covered in 7,484 pages of printed testimony, and so far this Congress on 22 subjects, covered in 2,873 pages, a total of 10,357 pages of printed testimony before the committee. In the Sixty-sixth Congress 18 bills were reported from the committee, of which 6 were enacted into law, in addition to the many new, important legislative amendments carried in its agricultural appropriation acts. So far this Congress 19 bills have been reported from the committee, of which 6 have been enacted into laws. In addition, one of the bills reported this Congress has passed the House, while the other 12, not enacted, are on the House Calendar.

The first bill to be taken up, reported, and passed by the Committee on Agriculture in the Sixty-sixth Congress was the Agriculture Appropriation Bill for 1920, H. R. 7413, introduced and reported by me, which carried $33,900,211. Owing to the urgent demand for legislation, and in order to expedite such legislation, considerable new legislation was incorporated in the appropriation bill. For instance, an amendment to the Pure Food and Drugs Act requiring the marking of the net weight on wrapped hams and bacon, which guaranteed full weight to the consumer and obviated much deception; an amendment requiring the inspection and marking of horse meat, thus bringing it under the Meat Inspection Law and affording protection to the consumer; an amendment to the United States Warehouse Act; an amendment extending the Weeks Act, under which lands for the protection of watersheds of navigable streams are acquired; an amendment continuing the enforcement of the Government regulations covering the handling of the wool clip of 1918, under which the Government has collected and distributed to producers large sums unjustly withheld by the commission men; and, probably the most important of all, an amendment repealing the so-called Daylight Saving Law, which worked such an inconvenience, hardship, and injustice to the farmers, and city people as well, which amendment repealing the law, after a long contest, was passed, vetoed by President Wilson, and finally passed over the President's veto.

The committee authorized me to report and had enacted my bill (H. R. 8624) amending the Food Control Act. It permitted cooperative bargaining by any cooperative association or other association of farmers, which relieved farmers from persecution and unwarranted prosecution unjustly imposed from coast to coast. The testimony before the committee showed that farmers in California, Illinois, Ohio, and other States who had disposed of their farm products by collective sales had been unjustly indicted, arrested, and tried for such sales. The amendments attached a penalty for unlawful profiteering, hoarding, and destroying of necessities. The amendments in addition carried the District of Columbia Rents Act, providing for a commission to regulate rents. The commission has heard hundreds of complaints and has adjusted numerous rent controversies; thus thousands have been given protection against profiteering landlords.

The committee authorized me to report and had enacted a bill authorizing the President to continue the United States Sugar Equalization Board and take over the Cuban sugar crop. Had President Wilson exercised this authority to take over the 1920 Cuban sugar crop the consumer would have been furnished sugar at about 10 cents a pound instead of at the exorbitant price paid, due largely to the establishment by Attorney General Palmer of zones, which permitted the Louisiana sugar grower to receive approximately twice as much for his product as those in the beet-sugar and other districts.

The committee authorized me to report and had enacted the Barbour bill, which authorized the acquisition of certain valuable vineyards.

The committee authorized Mr. HUTCHINSON to report and had passed by the House and Senate his cold-storage bill, which limited the time in which food could be held in cold storage to one year, regulated the sanitary conditions of cold-storage warehouses, and required reports on all food held in cold storage. This bill failed in conference.

The committee authorized me to report and had passed by the House my bill amending the Pure Food and Drugs Act.

The committee authorized Mr. RIDDICK to report and had enacted his bill to loan $2,000,000 to farmers in the drought and storm stricken sections of this country for the purchase of seed.

The committee authorized me to report and had enacted a resolution defining what constitutes a crop failure in making loans of seed wheat for crop purposes.

The Agricultural appropriation bill for 1921, introduced and reported by me, appropriated $31,714,784 for the Department of Agriculture. It eliminated and reduced many useless items, a reduction of $2,185,427 for the year. It carried much important legislation, as, for instance, an amendment extending the plant quarantine act to the District of Columbia; an amendment reducing the number of grades deliverable on a contract under the Cotton Futures Act; an amendment transferring to the Department of Agriculture the reindeer work in Alaska, which is its chief source of food supply and is fast becoming its chief industry; an amendment transferring the enforcement of the tea importation act to the Department of Agriculture, under whose jurisdiction comes the enforcement of all legislation affecting food; and an amendment creating the Joint Committee on Short-Time Rural Credits, of which I have the honor of being Vice Chairman, made up of members of four committees of the House and Senate, which joint committee has held extensive hearings in various sections of the country with a view of establishing a practical system of short-time rural credits, which, it is needless to say, would be of benefit, especially to certain sections of the country.

The committee authorized me to report a number of other bills, including a resolution dealing with the cotton crop; a resolution authorizing the participation of this country in the World's Poultry Congress; a bill providing a grade for American Egyptian cotton; two resolutions calling for the suspension of speculative short sales of grain on the grain exchanges; and bills dealing with other matters.

The committee's hearings embraced a number of bills and subjects which were not reported upon, as, for instance, the establishment of a farm-produce exchange; extension of the Food Control Act; prohibition legislation; cost of living; amendments to the Warehouse Act; an agriculture conference; grazing fees; the guarantee price of wheat; agricultural relief; transportation and marketing of farm products; refund to woolgrowers; various recommendations of the Secretary of Agriculture; and other bills and matters.

Among the most important measures reported and had enacted by the committee so far this Congress—the Sixty-seventh Congress—is the Haugen Packer and Stockyards Act, introduced and reported by me, which was enacted in practically the same terms as my substitute for the Senate packer bill in the Sixty-sixth Congress. This legislation has been under consideration by Congress the past quarter of a century. The act extends over every ramification of the packers and stockyards transactions in connection with the packing business. It gives the Secretary of Agriculture complete inquisitorial, visitorial, supervisory, and regulatory power over the packers, stockyards, commission men, traders, buyers and sellers, and all activities connected with the slaughtering and marketing of live stock and live-stock products. The act gives the Secretary power to prevent the packers and all persons dealing in the stockyards from engaging in unfair, unjustly discriminatory, or deceptive practice or device; regulate and prescribe practices on the stockyards; prevent abuse; award damages; regulate and prescribe all rates, fees, and charges for services in stockyards, including the fee of commission men, yardage, feeding, watering, weighing, and handling live stock; and prescribes the manner and form in which packers and all concerns operating in stockyards shall keep their books and accounts. The act provides specifically for cooperation in the marketing of live stock through cooperative associations in the stockyards by permitting them to return to their members on a patronage basis their excess earnings on live stock handled, subject to regulations by the Secretary. With the complete and exclusive power granted the Secretary, if any abuse exists we may look for relief if the act is properly administered. If not, it is the fault of those in charge of its administration; but there seems to be no question but that the act is being effectively administered. The act has been upheld unanimously in a vigorous opinion by Circuit Judge Evans and District Judges Landis and FitzHenry sitting in banc in the district court, and on March 21 the constitutionality of the act was argued before the Supreme Court of the United States.

Another very important bill reported and enacted is the Tincher Future Trading Act, introduced and reported by Mr. TINCHER, to regulate the grain exchanges. This legislation has been under consideration by Congress for a number of years. The bill enacted gives the Secretary of Agriculture power to prevent manipulation and limit operations in grain futures. It requires that the records of transactions be kept and be made available for inspection. If properly administered, which I am certain it will be, it should give the relief long sought.

The committee authorized me to report and has had passed by the House my amendments to the Pure Food and Drugs Act, known as the "Slack-Filled Package Bill," which prohibits the use of slack-filled or other deceptive forms of packages, as, for instance, spice and cereal packages only partly filled with food, designed to mislead the consumer as to the quantity of food purchased and to exact from him a price based on the apparent rather than the true quantity of the article thus packaged; bottles with inverted bottoms or made of thickened glass designed to magnify the contents; cans containing an excess of liquid, water, or foreign matter and a deficiency of food material; and other containers which give the purchaser a false impression as to the quantity, quality, size, kind, or origin of the food contained therein.

The committee this Congress, in addition to the Packer, Future-Trading, and Slack-Package Legislation, has authorized me to report and has had enacted bills deferring the payment of grazing fees on national forests, thus affording relief to the stockmen of those sections, affected by the agriculture and business depression; a bill granting certain relief to the cotton belt; and a bill appropriating a million and a half dollars for the purchase of seed in the drought-stricken area of the Northwest.

It has held hearings on the subject of filled milk and authorized Mr. VOIGT to report the Voigt bill prohibiting the sale of filled milk—that is, canned skimmed milk mixed with cottonseed or other vegetable oil.

It has investigated the grades for spring wheat and has authorized me to report to the House a bill embodying revised grades, which, it is thought, will be adopted. If so it will materially benefit the producer of wheat.

It has authorized Mr. WARD and Mr. CLAGUE to report two Senate resolutions governing the disposition of certain sugar imported from the Argentine.

It has authorized me to report a bill further extending the life of the Weeks Act, under which land for the protection of the watersheds of navigable streams is acquired; and a number of other bills, as, for instance, my bill authorizing the payment of meat inspectors for overtime, my bill readjusting the salaries of scientists in the Department of Agriculture, and bills affecting other matters.

It has held a hearing on the transfer of the Mount Weather property to the Soldiers' Institute (Inc.), for the benefit of ex-service men.

It has held extensive hearings on forestry legislation, with a view of reporting a bill setting forth a policy governing the cutting of our forests and a plan for reforestation which will prevent exploitation and depletion of this marvelous resource and provide for future generations an adequate supply of timber.

It has made a careful investigation of various plans submitted proposing to stabilize the price of farm products. Exhaustive hearings have been held on this subject with a view of reporting a suitable bill.

It has held hearings on the work and policy of agriculture experiment stations to ascertain the need for further endowment of these stations.

It has held hearings on, and, in all probability, will soon authorize a report on a migratory bird refuge and public shooting ground bill, which will insure further protection to migratory birds and will provide throughout the country public shooting grounds.

It has held hearings on other subjects—a warehouse bill, use of aircraft in spraying trees, DIAL'S cotton future amendments, transfer of various bureaus to the Department of Agriculture, recommendations of the Secretary of Agriculture, and other subjects.

Thus I might go on, but I believe sufficient has been said to convince any unbiased mind that my committee—the Committee on Agriculture—and Congress have done their duty. As stated by Mr. MONDELL, the majority leader of the House, in his remarks before the Committee on Agriculture on February 27 last:

No committee has done as much as this committee or inaugurated as much legislation in the interest of farmers as this committee, and I have been for it all.

Mr. JEFFERS of Alabama. Mr. Speaker, as a part of my remarks on the adjusted compensation measure I desire to extend in the RECORD a letter written recently by me to one of my constituents. In this letter I have tried to outline in plain and simple language some of the things which must be considered in connection with this legislation. Here is the letter I refer to:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 24, 1922.

Mr. P. S. WILLIAMS,
Talladega, Ala.

MY DEAR FRIEND: Regarding the adjusted compensation bill it can be truly said that there has been so much uncertainty recently as to what form this measure would take in the Ways and Means Committee that it has been hard to make definite statements about it.

The Ways and Means Committee were about ready, it seemed, to report the bill out recently with a certain schedule of taxes attached to it, but they decided not to do that, and again they were about ready to report it out a few days ago with a sales tax provision attached to it, but decided before doing that they would again resubmit it to a subcommittee of the Ways and Means Committee, charging that subcommittee with the framing of the bill as it will be presented by the Ways and Means Committee. We do not know what form it will take, and, of course, every one here is anxious to see what they will recommend.

I believe that the country has been unduly frightened by an immense propaganda which has been and is being carried on by interests that are against any adjusted compensation for ex-service people. I also believe that there is a desire on the part of some of those who are high in the administration circle here in Washington to attach some obnoxious tax to the adjusted compensation measure because they believe such a special tax would serve to create sentiment not only against the measure itself but would also reflect against the ex-service people all over the country. Politicians of this stripe want, I believe, to kill the ex-service men and women as a rising and growing political factor by deliberately trying to make this soldier legislation unpopular with the people.

Very soon after the armistice there were between 50 and 60 compensation bills introduced in Congress. The Ways and Means Committee called in the legislative representatives of the American Legion and requested them to help study the different proposed bills and to help determine what would be best. The representatives of the Legion made an exhaustive study of the bills and investigated the circumstances and conditions of the ex-service people over the country and worked out the five-plan idea. It appeared to be the most feasible plan that could be submitted. Since the day the armistice was signed the ex-service people have been promised some suitable adjusted compensation. The American Legion and other organizations of ex-service people have been given to understand that it was coming. The ex-service people have been led to believe all along that a compensation measure like this was to be passed, not as a matter of charity at all but as a matter of right and justice. Consequently it has gotten to the point now that there is no way for the issue to be settled until an adjusted compensation measure is passed and taken care of. Now that it is actually being considered, and after leaders have publicly promised that it would soon be passed, certain interests are flooding the country with propaganda to scare the people with greatly exaggerated statements about the immediate cost of the legislation. I am glad to say that I feel sure that Congress and the people of the Nation will be agreeably surprised when they see how many of the ex-service people will take advantage of the other and better features of the bill instead of the small cash payments.

About the matter of attaching a special tax to this particular piece of legislation, that is a thing that has not been done before. The hundreds of millions of dollars that have been paid to the railroads out of the Treasury during the last 24 months came out of the taxes paid by the people, of course. They say that was a matter of right and justice that the railroads should be so reimbursed. Be that as it may, it all came out of the pockets of the people in taxes. And I noticed a day or two ago that the railroads still claim that reimbursement is due them to the amount of about $350,000,000 more than has already been paid, and they expect to "collect" that very soon. But there is no movement on foot to place a special obnoxious tax on the people for the purpose of raising the money to pay the railroads.

It cost billions to reimburse war contractors; the war mineral relief bill carried forty millions; a bill for the relief of Shipping Board contractors carried fifty million; twenty million was voted recently for Russian relief without question as to how the money would be raised; all these measures were put over without any special obnoxious tax being attached to them to make them a stench in the nostrils of the public. Why single out the soldiers' compensation measure to put a special tax upon the people to raise the funds when they have not mentioned any special taxation to pay all these other debts? Why attach all the odium to the soldiers?

The giant interests of the country who are now fighting the adjusted compensation measure were in favor of most of the above "relief" measures, I believe, and they did not want anything said about any taxes necessary to pay those sums of money because of the fact that they do not want to bring the railroads and other special interests into disrepute with the people; but now that an adjusted compensation measure for the soldiers is being considered they do want to put an obnoxious tax on the people in connection with it.

You understand, I am sure, that I am not for a moment saying that you yourself look at this proposition in this light, but I am merely saying that certain things appear to me to be very evident in connection with this propaganda about the adjusted compensation measure. Believe me when I say that all this is written in a perfectly friendly spirit.

I also wish to assure you that I am not antagonistic to the interests of the railroads of the country nor to the interests of the honest business corporations. I realize that the problem of the transportation and the railroads is a very serious one in this country at this time, and one which deserves the best thought and attention of all those who have anything to do with the readjustment of the transportation facilities of the country.

I have given much thought to this subject, naturally, and I can truthfully say that I have tried and am trying to look at the proposition in a broad-minded way. I want to act wisely and do what is right in all things.

Let us consider the civil-service employees and the great army of war workers. Added compensation of $240 per year was given them to help them meet rising living costs. That's all right; they needed it, no doubt. Now, while thousands of ex-soldiers are unemployed to-day these war workers still have the jobs and are still drawing the $20 per month as "bonus" or added compensation. That is a matter of right and justice; but it all comes out of the Treasury. There is no special tax attached to that particular expenditure.

If full reparation to the railroads for all losses sustained during the war; if reimbursement for war contractors; if help for the Russians; if a square deal for the great army of war workers; if all this is done in the name of justice, then why not grant this adjusted compensation to the men and women who turned themselves over to Uncle Sam and went away to serve for $1 per day, less allotment, less insurance, less other items that left a man about $2 per month which he could squander on tobacco and other luxuries?

Seriously, these ex-service people all over this country need a little help now in order that they may be able to more readily pick up again the broken threads of their civil lives. It is mighty hard for them to come back and take things up again where they left off. They lost out in many ways. They are young Americans, and many of them are right now struggling against odds to begin life all over again as heads of young American families. They should be encouraged. It is America's sacred duty to be considerate now of those who wore her uniform in time of war.

Another thing to be considered is that other countries have given this adjusted compensation to their ex-service people. England granted adjusted compensation ranging from $150 to $750 per man.

That brings us to the point that England and other countries owe the United States about $10,000,000,000. I am much in hopes that some way will be found to finance some part of that debt with sufficient security to provide for all needs, so that no special, odious tax measure will be attached to the adjusted-compensation measure. There are those here, who are in position to know, who say that can be done. Banking institutions in this country, however, to whom our allies also owe money, are against this plan, because they want to try to get their pay from our allies before our Government gets hers.

I favor adjusted compensation for the ex-service men and women of the United States, and I trust it can be worked out so that it will not ruin this rich country of ours, as Secretary Mellon and other interests would have us believe.

Surely our country can give recognition to her ex-soldiers and ex-service women equal to what other countries have done for theirs.

I want you to know that I was very glad to hear from you. I have written at some length on this subject, because I am anxious to put clearly before you the many things in connection with this matter which must be considered. I do not believe there is occasion for great alarm.

It goes without saying that there is nobody in the district to whom I feel more grateful for past kindness than I do you. I certainly hope and trust that I may be able to always retain your friendship and good will.

I do not know what is going to be the outcome of this agitation over this compensation measure, but, as stated above, I have and will continue to look at the proposition in a broad-minded way.

I shall be very glad, indeed, to hear from you again about this or about anything else in which you may be interested. I am here for service, and while I am here I want this office to give to the people of the district the good service which they should receive. Anything you see fit to give me at any time in the way of information, suggestions, or advice will be welcome and appreciated.

With warm personal regard and good wishes to you and all the boys, I am,

Cordially and sincerely your friend, LAMAR JEFFERS.

Now, Mr. Speaker, with regard to the procedure here on the floor to-day, when this very important legislation is being jammed through in such hasty fashion, let me say that this is certainly in striking contrast to the delay that has applied to this measure. I do not mean that the time for debate has been limited to too short a time, because there is no need for a longer time for debate. But what I refer to is that part of the rule adopted for the passage of this bill which absolutely puts a "gag" upon the Members of this House in so far as offering any perfecting amendment to this bill is concerned.

Why should not Members of this House be allowed to offer amendments to this bill if they want to, and why should not the membership of the House have opportunity to vote on any amendments that might be offered?

I wish to call your attention to an extract from a news item in the Washington Star of March 21, 1922, which is as follows:

Speaker GILLETT said the proposition had narrowed down to whether the bill should be put on its passage without opportunity for amendment or with opportunity for one motion from the Democratic side, and that he was inclined to think it would be better not to permit the Democrats to offer the one motion. In this connection he called attention to the minority report on the bill prepared by Representative KITCHIN, of North Carolina, and some other members of the Ways and Means Committee, in which it was urged that the excess profits and high surtaxes be restored.

To my mind it is clear that the "gag rule" has been put on by the Republicans, as indicated by the above-quoted news item, to prevent the Democrats from offering any amendment to this bill, which amendment might provide for the raising of the necessary funds by restoring the surtax feature on swollen fortunes and otherwise taxing war profiteers. They are the ones who should pay the burden of the bill.

The adjusted compensation certificate, as provided in this bill, is a subterfuge, yet the Members of this House are bound by this "gag rule" and can offer no remedial amendment. The adjusted compensation certificate will, I believe, prove a bitter disappointment.

I believe the committee which has brought out this bill and the committee which has framed this rule, under which this bill is to be jammed through without any opportunity being given to the Members of the House to offer any amendment, are simply afraid to take a chance on allowing the House to vote on any amendment. In my opinion, it is a matter of protecting the profiteers.

We must vote on this bill as it is. We must "take it or leave it." I am going to vote for it. It is the best I can do under the circumstances. In casting my vote for it let me say to the Republican majority on the committee that reported this bill out in its present deceptive and disappointing form that I feel

toward it like the old negro felt about the liquor that his boss gave him. The boss gave old Sam this liquor one evening, and the next morning when they met the following colloquy took place:

The Boss. Good morning, Sam; did you drink that liquor I gave you last night?
OLD SAM. Yassar, Boss; yassar; I drunk it.
The Boss. Well, Sam, how was it? How did you like it?
OLD SAM. Well, suh, I drunk it all right.
The Boss. Well, how was it, Sam?
OLD SAM. Well, suh, I reckon you'd call dat likker jes about right fer er nigger.
The Boss. What do you mean by that expression, "just about right for a nigger"?
OLD SAM. Well, Boss, you see dat likker was like dis: ef hit had er bin any better you wouldn't er gi' it to me, and ef hit had er bin any wusser I couldn't er drunk it.

[Laughter and applause.]

Mr. MOORE of Ohio. Mr. Speaker, when the United States entered the World War and sounded the call to arms 4,000,000 men were marshaled for that conflict. They left their homes, their occupations, or preparation for some profession in life. Profuse were the promises that were made in every city, village, and place of embarkation. There is no question but what the throwing of the young manhood of America into the conflict put beyond question the outcome of the war and its victorious conclusion in favor of the allied cause.

Now that the war is over the Nation has set about to readjust as much as possible such things as were disordered during the war. We have been called upon and responded in the business world to make adjustments of contracts and other inequalities. Surely when we have thought about the material we shall not forget the human element that was the determining factor in this great conflict. One hundred and twenty-five thousand of the Nation's young men laid down their lives in camp, on the battle field, or somewhere in this titanic struggle.

There is no question that a great many in our country profited financially during the war. Of course, it is readily admitted that we can not compensate in dollars and cents the sacrifices and losses of those who directly participated in the World War. This bill, which is known as the adjusted compensation bill, is a sincere effort to attempt in a small way an adjustment; at least it will recognize the services of those who responded to the Nation's call and will show that a grateful Republic is appreciative of the services of its defenders.

The Government has been liberal in its provision for our disabled ex-service men and it is safe to predict that this attitude will continue unchanged. Almost a billion dollars have been appropriated to care for our disabled ex-service men and their dependents.

I resent, for the boys who responded to the call to arms, the imputation and suggestion made by some that their influence is purchasable by the passage of this bill. It is a reflection upon their honor which is unwarranted, and upon the honor and integrity of the country of which they are an important part.

We fought side by side with our allies, and, naturally, comparisons are in order. We are the richest Nation in the world; and, while I recognize that this does not give us license for unwarranted expenditures, it certainly does challenge our attention to determine if we should not be as considerate of our soldiers as were the other allied nations. Great Britain, France, Canada, and Australia and other countries gave their soldiers adjusted compensation, and, since these nations recognized the services of their soldiers in this way, it seems to me but fitting that our soldiers should receive this recognition and know that this Nation is just as appreciative of the services of her soldiers as any one of the Allies.

There seems to be no question but what an adjusted compensation bill will be passed. President Harding has expressed his approval of the principle, and it only remains a question as to when and how the promise to the ex-service men shall be carried out. I shall support this bill because it seems the best possible bill under the circumstances, and I believe that it is wise to have the matter determined, both from the viewpoint of the soldier and the country.

A great many of the States of the United States have by popular vote favored an adjusted compensation in the several States. In Ohio, and by the votes in my own district, there was an overwhelming vote in favor of an adjusted compensation for the ex-service men in Ohio. I supported a similar bill in the Sixty-sixth Congress, and I therefore feel that I am registering the overwhelming sentiment of my constituents when I support this measure. To my mind, it is worth while in this way to recognize the services of our soldiers in the World War and thus evidence in a small way the gratitude of a grateful and appreciative Republic. In this way we will translate some of our promises into performances and some of our sentiment into substance.

Mr. LOWREY. Mr. Speaker, the gentleman from Texas [Mr. BLACK] states that in his whole experience in Congress he has never before considered a bill upon which it was so hard for him to decide how he ought to vote. I agree fully with him in the sentiment. Like the gentleman from Ohio, too [Mr. LONGWORTH], "I have no quarrel with those gentlemen who conscientiously believe it wrong." In the present condition of the Federal finances and the present serious economic conditions everywhere, I admit there is very strong presumption against passing any bill that makes such large demands upon the Treasury. Yet before coming to any final argument I want to mention some things also that give a presumption in favor of our paying our soldiers adjusted compensation.

First. Our allies have done so. Italy, England, France, Belgium, and Canada have paid their enlisted men from $64 to $631 each, and yet these countries have national debts of from 23 to 55 per cent of their total wealth, while ours is only 8 per cent. True, some of them might have been wiser to spend their money in payment of their debts, and we might have been better off had they done so. Yet their liberality to their service men gives a presumption in favor of our doing something for ours.

Second. Half the States of the Union have made some provision of this kind for their soldier boys, and in 18 of the States it has been done by the vote of the majority, often the overwhelming majority, of the people, which indicates that a majority of our people favor such a move, and in a democracy the will of the majority is final.

Third. The boys themselves in polls taken through the American Legion seem almost unanimously to consider that this is a just obligation of the Government to them.

But these are only presumptions. The conclusive argument with me is this: By the selective draft many of these ex-service men were required to enlist and serve in the Army or the Navy at $1 to $1.25 a day. While they did this almost everybody at home either profited or profiteered. Labor, farm products, manufactured articles, the output of the mines—everything rose to unprecedented prices. So that those who stayed at home had financial opportunities and made money as never before. I knew boys in their teens, under service age, to receive over $200 a month for physical labor. I knew one boy who left a shipyard job to enter the service at $1 a day when he had received $9 a day for the last day's work done in the shipyard. In camp, soldier boys worked at $1 a day side by side with civilian employees who were receiving from $7 to $10 a day.

Thus the service men were denied all opportunity to profit financially by the conditions from which all other classes were enriched. But again when these service men returned home they fell upon a time of depression. Those who would work for wages or salaries found jobs scarce and many found the places occupied before permanently filled by people who had enjoyed at home the period of prosperity. So we now find from 700,000 to 900,000 of these men unemployed. And hundreds of thousands more working on farms where it is impossible to get actual cost for their products. Now, since these men by their military service made us all safe from German domination and German indemnity, and gave us all the greatest financial opportunity in our history, and since they themselves missed this opportunity, and since they have fallen upon evil times and conditions, and since they call upon us for this measure of relief, I submit it would not be fair or right to refuse them. It may cost us heavily, but if it is right we can meet the cost. And people can afford to do right in spite of cost, and can not afford to do wrong to save cost. But a word more as to the cost.

Our boys brought the armistice from 6 to 12 months earlier than we expected. Had the war gone on for that much longer it would have cost us in money twice as much as the cost of this so-called bonus, to say nothing of the anxiety, sorrow, suffering, and blood.

Second. The money we save in our disarmament move and naval holiday will more than twice pay the bonus.

Third. The money we save by cutting down the current expenses of our Army and Navy would pay the bonus.

Fourth. The reduction which the recent revenue bill made in surtax and excess profits tax, if put on again, would carry the expense of the bonus.

Again, everybody has been "bonused" but the ex-service men. Every Government clerk and employee receiving less than $2,500 a year had gotten a bonus, at a total cost of millions. The railroads and big contractors have been "bonused" with billions, and our claims committees are constantly considering propositions to remunerate men and corporations who lost by

the war. I am far from satisfied with the bill. I think it ought to carry a plan for raising the revenue. As I recently said in a newspaper interview, I believe the revenue ought to be raised by tax on things that are purely luxuries and on large incomes, inheritances, and unearned increments generally.

I vote for the bill hoping that this improvement will be made in it before it passes the Senate and is signed by the President. I at least hope that the Senate will not be gagged by an unscrupulous and mad majority that would prevent a free and fair discussion of one of the most important measures that could come before a post-war Congress, and that Members there will not be forced to "extension of remarks" in the RECORD, rather than open, honest debate.

Mr. HAYS. Mr. Speaker, on the 29th day of May, 1920, this body passed an adjusted-compensation bill. I worked and voted for the measure at that time. The bill did not become a law, however, for the reason that no favorable action was taken by the Senate. To-day we are considering in this body a new bill very similar to the original bill we passed in 1920. Every argument that helped me form an affirmative judgment in 1920 appeals to me with more persuasive force to-day; and new conditions that have come about add to my conviction in favor of this relief for our ex-service men.

This bill, in its title and in its context, purports to be a measure to provide adjusted compensation for veterans of the World War. It is not a bonus bill. Webster defines a bonus as something given beyond what is usual or strictly due. The compensation provided for in this bill is not a bonus; it is not a gift; it is the payment of a just debt. When the war was on the price of labor was higher in America than it had ever been before. The early stages of the war in Europe, before America became a party to the conflict, paralyzed industry on the other side of the ocean. The hordes of working men in the allied countries and in the Central Powers were withdrawn from the peaceful pursuits of industrial production and were sent to service in the destructive work of war. America, alone among the great powers, was left to supply the wants of the civilized world. We all remember that within a short time after the first hostile gun was fired in Europe every line of industry in our own country had expanded to its maximum capacity. The farms, the forests, the mines, the factories, and the transportation systems all responded to the imperative demand for excess production. Money literally poured into America. Wages were multiplied in every line of endeavor. Unskilled labor went to $5 per day, and often beyond that sum, while skilled labor was correspondingly higher. Every able-bodied man in the Nation who was willing to work with hand or brain found a market for his efforts at a price hitherto unknown. This was the condition when America entered the war; this was the condition when our Government commandeered the services of more than 4,000,000 stalwart, capable, intelligent American boys; this was the condition in our country when they were required to give up the profitable vocations of peace and to assume the hazardous duties of war at the rate of a dollar a day.

The position of us who favor the bill, briefly stated, is as follows: We know the ex-service men performed a duty that was hard and exacting and attended with extreme peril; we know that they received only a fraction of the pay they could have earned in civilian life, free from danger and amid congenial surroundings; we believe the heavy loss they sustained in pay should be adjusted and settled.

No question arises here as to the right of the Government to make this call upon its citizenship; no question arises as to the right of the Government to limit its legal liability to the rate of $1 per day plus maintenance, with an added 10 per cent for foreign service; no question arises as to the legal obligation of the draftees and volunteers to accept the terms of service so fixed. The business we have in hand to-day is to determine whether we will insist on the harsh terms of a hard bargain or whether we will recognize the equity of a moral obligation.

In time of stress the Nation has exercised its power to commandeer the business of a man or a corporation or a great transportation system, but in every instance when the business was returned, the owner has been held free from loss. Immediately after the armistice was signed and while the ink was scarcely dry on that great document, the Government contractors presented to Congress their demands for settlement. They had invested their money in contracts with the hope of growing rich out of the war, but not one of them has put his life in peril for the Nation. Congress settled with them, and I have no complaint to make about it, because their contracts imposed upon the Government a legal obligation. Honesty on our part demanded a settlement and we made it. We owe these ex-service men a debt that is backed by a moral obligation, and we should pay it.

We hear opponents of the measure say it is an effort to put the dollar mark on patriotism. They forget that Lincoln applied for and received a liberal compensation for his service in the Black Hawk War. They forget that Washington, in a like manner, received an extensive grant of land for his service in the Revolutionary War. Yet I am sure that no opponent of the bill would challenge the patriotism of Lincoln or of Washington.

American patriotism is not a commodity for sale in the market places; it is a pearl without price; it is a sublime trait of character that has a worth not measurable in cash. Every American boy knew when he put on the uniform that he was assuming all the perils and hardships attending the enterprise of war; he knew his health or his life might be the price of his devotion to duty; and yet he stood ready to pay that price if need be. Just how well our forces fought will be the theme of future song and story. They fought as we would have them fight when the opportunity offered, and they were constant in seeking that opportunity. In the dark days of the conflict we applauded their willing sacrifice, and to-day we are proud of their achievements. Now, let us not forget the practical, human side of their existence. The war is over. The memory of a duty well done does not restore the lost business opportunity nor fill an empty pocket. The knowledge of past service will not buy a suit of clothes nor pay a grocery bill. The work these men did for the Nation was certainly as valuable as the work done in civilian duty at home. Then, is it not fair to restore to them at least a portion of the income they lost while in service?

In reply to an insinuation made on the floor of the House to the effect that those of us who vote for the bill will do so to win favor with the soldiers, let me say: My standing with the veterans of the district I represent is not dependent on this vote; they already know of my activities in their behalf. The three years I have spent in Congress have been given to hard work and quiet effort on behalf of my constituents, without attempt to gain the limelight of newspaper publicity. But the records of the Veterans' Bureau will show that during my service here few Members of Congress have handled a larger number of personal relief cases for ex-service men than I have handled, and few Members have scored a higher percentage of good results in that work than I have scored. I have studied the problems of these young men with sympathetic interest and have never turned a deaf ear to any appeal for claim adjustment. In all matters of legislation affecting their welfare I have voted for their best interests, and I have not felt that any such vote infringed the rights of the general public.

Mr. Speaker, I will support the bill.

Mr. PARKER of New Jersey. Mr. Speaker, I will vote for every relief that is possible for the sick, wounded, and disabled soldiers and their dependents. A bonus to those who are well is a different matter.

I have given careful and conscientious consideration to this bonus bill, otherwise known as the adjusted compensation act. I can not favor that bill on general principles nor in these days when we have not sufficient revenue and are likely to have less.

I was a boy of 16 when the Civil War ended and I should be willing to give all that I own to wear the Grand Army button. There is no training like that in the field for learning how to deal with men. When I first came to Congress all the leaders were Civil War veterans. My friends now who have been in the front and who have kept their health will find, as the years go by, that they get far ahead of those who were unable to go with them.

It is not plain that they really received less than those who stayed at home. It is true that $30 a month, the base pay, is not large, even if there were extras, but the soldier received food, housing, and clothing free, and while larger wages were paid at home during the war, rents and prices went up faster than wages, and extravagant living increased still more. It will not be found that the war workers saved very much. They spent all they got.

This was especially true where those who stayed at home were married and had families to support, while those who were abroad were free of such expenses.

The high prices hit those hardest who had small salaries or small properties and income; the aged, the widow, and the orphan. We all know such cases. There were millions who borrowed money at 6 per cent to subscribe for Government bonds at 3½ per cent and then could not sell those bonds for what they paid for them.

The rise of wages during the World War was generally small compared to the growth of expenses. The great rise in wages came in 1919 and 1920 after the boys got home. They shared in the benefits of that demand for work. It is only since 1921 that work has become scarce. All now share in the present distress, caused by the fall of prices, stoppage of industry, high taxes, and the uncertainties of commerce and exchange. The Government expects a deficit next year in spite of all economies.

The misery of war is that it so often hurts the deserving and helps the profiteer, but it is impossible that legislation can remedy all the injustice that was done.

The soldier, like anyone else, stands by the bargain that he has made and asks for no more.

If it were just to pay a bonus, the United States has not now the money. It owes over six and a half billion dollars in short-term notes, which must be paid within two years, and that money must be borrowed. Taxes are falling off. The United States income tax is based on profits, and it will give no revenue if there be losses instead of profits. Profits depend on prices which have fallen off on farm products and are likely to decline in everything else; transportation, rents, wages, and retail sales. Meanwhile many of the mills are shut and the doctors of finance only worry us by their assurance that the patient is better. Over a billion and a quarter dollars of other claims are pending against the Government. The critical question is where the revenue is to come from, and every sensible man should agree with the President that no further obligations should be placed upon the United States unless provision is made for getting in the money. In a word, ways and means should go together.

We must also agree with the President that we can not increase the present taxes on capital without driving it out of business, and that the only practical means of raising new revenue is a simple sales tax, such as was used during the Civil War and was recommended by Sterling, of Illinois, when the first revenue bill was passed; a tax which will be equal and fair and distributed in the course of business among all classes of the community.

This bill evades the question of revenue by issuing certificates of indebtedness. If these were marketable, they would break the credit of the United States by swamping the market with new short-term obligations. They are therefore made unmarketable and useless to the holder, except that banks may lend upon them up to 50 per cent at an interest of not more than 2 per cent above what the Government pays, and if the poor soldier does not pay his loan both the loan and certificate are made payable by the Government in 1925 at 80 per cent, or a fifth discount.

That is to say, national banks are to be authorized to lend on three-year obligations, although the first rule for a bank ought to be that none of its notes ought to run over three months. We are assured that there would be very few such loans. If there are good times, it is quite possible. If there are bad times, every one of these certificates will be discounted.

I am not in favor of playing with the credit of the United States, and should have expressed my opinion on this subject long ago, except that I felt it a duty to wait until the bill should come out of the kaleidoscope into its final form.

But the worst injustice is done to the soldier himself. The poor fellow who could not get abroad gets an adjusted credit of a dollar a day. The soldier who got to the fighting line and had that glory and satisfaction gets a quarter more. The veteran who is poor and has to borrow is paid only four-fifths of this compensation, or $80 out of $100. The veteran who is better off and can hold his certificate gets $125 for every $100 of this compensation, with 4½ per cent compound interest, free of Government tax—a higher rate than is paid anyone else—and at the end of 20 years he receives $301.50 for every $100 of his adjusted service credit, while his poor brothers only got $80.

The whole system is unfair—one of usury for the benefit of the man who can afford to wait and of penalty to the man who can not.

No one can reckon the amount to be paid by the United States. There are over a billion and a half days. If times are bad and all veterans must borrow, the United States must pay a billion and a quarter dollars in 1925 in cash. Such an indeterminate obligation is dangerous in shaky times, when we have to refund six to eight billion dollars of short-term obligations.

We owe $24,000,000,000 already and should be very careful before we add billions of short-term obligations to our debt without provision for their payment and with such great injustice and discrimination against the soldier who is poor.

I can not support this bill. It is unjust to the soldier himself and it is unsafe at this time.

Mr. SHELTON. Mr. Speaker and Members of the House, I do not desire to unduly criticize the view of anyone who does not view the bill as I do. I shall gladly give to others the privilege I ask for myself. I long ago realized that men could be honest and yet not agree. I have carefully weighed this question, and after analyzing it as best I could I have reached the conclusion that justice requires that I should support the bill. Let us look the matter squarely in the face. We admit that we had reached a condition that made war inevitable. A law was passed to draft the young men of our country for service. What kind of men were wanted? We all know; the very flower of the youths of our country. Young men that were sound of body, of good morals, and good intellect. They were taken, drilled a short time, then sent across the seas, there to stand in the water and mud, rain and sun, facing the foes of civilization. And to their credit and our honor they faced them. While they were there at the command of their country and ours, some of them scaling the heights and crossing no man's land, many of them falling never to rise again, they were getting the sum of about $33 per month, and many of those that were left here were left standing with both hands outstretched to grab the dollars that were thrown recklessly all over the country. While many of the boys were pouring out their lifeblood, many here were raking in the dollars. Why this great discrimination? I believe that the Government had the same right to draft you or me to do any of the governmental work that we were competent to do, at a salary fixed by the Government, that it had to draft our boys to fight the battles that gave to them and us among the greatest honors that ever befell mankind. I do not agree that we are paying them what we are owing them. I contend that it is only a token of the honor and esteem in which we hold them. Nothing that we can do can ever pay them for the sacrifices that they made for us.

The opposition claim that it will wreck the financial institutions of our country to take such a great amount of money as will be necessary to pay the amount that will be called for out of the banks. Do they think that the amount that will be taken from the banks by the soldier boys will be destroyed? They need not fear. It makes me think of a circumstance in my own life. We had a mean cat, and my mother wanted me to kill her or take her away off somewhere so we would not be bothered with her any more. I took her about 3 miles away and turned her loose, and when I got home there was the cat. The same will be true in the case of the money the soldier boys get from the banks. They may go to the bank and get their loan and depart, and before they see the bank any more the money will be there transacting business as before. It is said that our expenses were $44,000,000 per day at the time the armistice was signed—$44,000,000 per day! Suppose the war had gone on another year, what would we have done? We all know what we would have had to do, pay the cost. Could we have done so? Yes; all say yes. Then, if we could have raised more than $16,000,000,000 to pay costs, why can not we now raise less than one-fourth of that amount for the defenders of our country and the benefactors of mankind?

I am glad to know that a great majority of those at home were just as loyal as our soldier boys, and did all they could in giving of their means and sacrificing in any way they could for the comfort of the boys. It was a small minority that feasted upon the unfortunate circumstances.

Some of the opposition have declared that those favoring the bill were bidding for the support of the soldier boys in the coming campaign. It seems to me that that was a serious reflection upon the intelligence of the ones uttering such remarks, and an insult to the soldiers. If, after picking our country over and selecting the best, one is justified in such remarks, what manner of man are we?

I should be exceedingly glad if it were possible that those who raked in their millions could be made pay the bonus proposed by this bill.

Some say that other soldiers were not paid bonuses. What are the facts? From time immemorial the soldiers who fought the battles of their country have been rewarded afterwards in lands and otherwise. What would the world say after England, France, Italy, Canada, Australia, and Belgium have given liberal bonuses if the United States House of Representatives should vote down this bill, if America, the greatest Nation on earth, the best Government in the world, the richest country on the globe, the country that has always justly claimed to have the most generous people anywhere, should refuse to pass this bill?

It has always been my motto "to stand by those who stood by the flag."

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p. m.) the House adjourned until Friday, March 24, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PORTER: Committee on Foreign Affairs. S. J. Res. 173. A joint resolution authorizing the President to appoint a commission to represent the Government of the United States at the centennial celebration of the independence of Brazil, to be held at Rio de Janeiro in September next; with amendments (Rept. No. 824). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAINEY of Illinois: A bill (H. R. 11020) providing for an international live-stock exposition cancellation stamp to be used by the Chicago post office; to the Committee on the Post Office and Post Roads.

By Mr. GILBERT: A bill (H. R. 11021) for the prevention of venereal diseases in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BLAND of Indiana: A bill (H. R. 11022) to establish a commission to inquire into labor conditions in the coal industry; to the Committee on Labor.

By Mr. MADDEN: A bill (H. R. 11023) providing for a "Pageant of Progress Exposition" cancellation stamp to be used by the Chicago post office; to the Committee on the Post Office and Post Roads.

By Mr. DOUGHTON: A bill (H. R. 11024) to authorize the appropriation of additional sums for Federal aid in the construction of post roads, and for other purposes; to the Committee on Roads.

By Mr. KAHN: A bill (H. R. 11025) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBSION: A bill (H. R. 11026) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented by the act approved November 9, 1921, and for other purposes; to the Committee on Roads.

By Mr. MICHAELSON: A bill (H. R. 11027) authorizing the Secretary of the Treasury to pay war-risk insurance to the mother of Harry G. Healy; to the Committee on Interstate and Foreign Commerce.

By Mr. KISSEL: Memorial of the Legislature of the State of New York, urging the retention of the Brooklyn Navy Yard and continued in full operation; to the Committee on Naval Affairs.

By Mr. CULLEN: Memorial of the Legislature of the State of New York, urging that the navy yard at Brooklyn be retained and continued in full operation; to the Committee on Naval Affairs.

By the SPEAKER (by request): Memorial of the Legislature of the State of New York, urging that the navy yard at Brooklyn be retained and continued in full operation; to the Committee on Naval Affairs.

By Mr. RIORDAN: Memorial of the Legislature of the State of New York, urging that the navy yard at Brooklyn be retained and continued in full operation; to the Committee on Naval Affairs.

By Mr. DALLINGER: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors; to the Committee on the Judiciary.

By Mr. PAIGE: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 11028) for the relief of William Elder; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 11029) granting a pension to Elizabeth K. Carr; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11030) granting a pension to F. G. Millsack; to the Committee on Pensions.

Also, a bill (H. R. 11031) granting a pension to Jennett Pangle; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11032) granting a pension to Roy S. Davis; to the Committee on Invalid Pensions.

By Miss ROBERTSON: A bill (H. R. 11033) granting a pension to Maranda N. Small; to the Committee on Invalid Pensions.

Also, A bill (H. R. 11034) granting a pension to Tenny A. Littlejohn; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 11035) granting a pension to John B. Free; to the Committee on Pensions.

Also, a bill (H. R. 11036) granting a pension to John E. Vaughn; to the Committee on Pensions.

Also, a bill (H. R. 11037) granting an increase of pension to John M. Carver; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4795. By the SPEAKER (by request): Petition of the Massachusetts State conference of bricklayers, masons, plasterers, marble masons, and tile setters, at Lawrence, Mass., favoring compensation for veterans of the World War; to the Committee on Ways and Means.

4796. By Mr. ANSORGE: Plan submitted by Julius Hyman, as secretary of the committee on education of the Allied Patriotic Societies of New York, 15 William Street, New York City, in furtherance of its plan for Americanization of the foreign born by "home teaching of English to foreign-born residents of New York City by pupils of our public schools"; to the Committee on Education.

4797. By Mr. APPLEBY: Papers to accompany House bill 10968 for the relief of Nathan Matthews; to the Committee on Claims.

4798. By Mr. BARBOUR: Petition of members of the Junior Order United American Mechanics of the State of California, indorsing the Sterling-Towner educational bill; to the Committee on Education.

4799. By Mr. DYER: Petition of the Sportsmen's Protective League, of Carthage, Mo., opposing the transfer of the Forestry Division of the Department of Agriculture to the Department of the Interior and favoring the passage of the Tincher bill (H. R. 9599); to the Committee on Agriculture.

4800. By Mr. GALLIVAN: Resolution unanimously adopted by Dorchester Post, No. 498, Veterans of Foreign Wars, of Dorchester, Mass., Edward J. Feeley, adjutant, urging passage of the adjusted compensation bill; also resolutions adopted at a public mass meeting held by the Veterans of Foreign Wars on March 21, 1922, asking for immediate passage of the soldiers' adjusted compensation bill; to the Committee on Ways and Means.

4801. Also, petition of the Pleasant Social Club, of Boston, Mass., urging passage immediately of the adjusted compensation bill; to the Committee on Ways and Means.

4802. By Mr. KINDRED: Petition of J. Leslie Kincaid, adjutant general of New York State, relative to the Army appropriation bill (H. R. 10871); to the Committee on Appropriations.

4803. Also, petition of Joseph Blauvelt and others, of New York City, opposing the passage of House bill 9753 or any other Sunday bill; to the Committee on the District of Columbia.

4804. By Mr. KISSEL: Petition of the Brooklyn Young Republican Club, of Brooklyn, N. Y., opposing the bonus bill and favoring aid to all disabled veterans of the World War; to the Committee on Ways and Means.

4805. Also, petition of the adjutant general of the National Guard of the State of New York, regarding the National Guard of New York and House bill 10871; to the Committee on Appropriations.

4806. Also, petition of the Merchants' Association of New York, New York City, regarding the amendment to the Post Office appropriation bill, for the resumption of pneumatic-tube postal service in the city of New York; to the Committee on Appropriations.

4807. Also, petition of the memorial and executive committee of the Grand Army of the Republic, Kings County, Department

of New York, relative to the passage of a bill providing a pension of $72 a month for the veterans and $50 a month for their widows, and favoring monthly payments of Civil War pensions; to the Committee on Invalid Pensions.

4808. By Mr. MACGREGOR: Resolution of Niagara Frontier, Buffalo Chapter, Daughters of 1812, urging the appropriation of $30,400 for the purpose of erecting a retaining wall for the protection of property at old Fort Niagara, and the repair and renovation of the buildings located therein; to the Committee on Appropriations.

4809. By Mr. MAPES: Petition from citizens of Coopersville, Nunica, and Conklin, Mich., protesting against the passage of House bill 9753, a bill to secure Sunday as a day of rest in the District of Columbia, and of any other Sunday bill; to the Committee on the District of Columbia.

4810. By Mr. A. P. NELSON: Petition of farmers of Polk County, Wis., favoring the Beck-Fordney bill or some other bill that will effectively prohibit the manufacture and sale of filled milk anywhere within the United States; to the Committee on Agriculture.

4811. By Mr. RIORDAN: Petition of the Merchants' Association of New York, relative to the Senate amendment to the postal appropriation bill, for the resumption of pneumatic-tube postal service in the city of New York; to the Committee on Appropriations.

4812. By Mr. SINCLAIR: Petition of J. H. Christensen and 18 others of Mercer, N. Dak., urging the revival of the United States Grain Corporation and a fixed price on wheat; also petition of Frank Baker and 38 others of Donnybrook, N. Dak., urging the revival of the United States Grain Corporation and a fixed price on wheat; to the Committee on Agriculture.

4813. Also, petition of Muddy Valley Farmers' Club of Williston, N. D., urging the revival of the United States Grain Corporation and a stabilized price on wheat; to the Committee on Agriculture.

4814. Also, petition of Andrew Omholt and 11 others of Williston, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; also petition of R. Kaebernick and five others of Kongsberg, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4815. Also, petition of P. W. Horbenko and 29 others of Dogden, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4816. By Mr. SNYDER: Petition of R. S. Blackburn and others of Utica, N. Y., against the enactment of House bill 4388 or Senate bill 1948, pertaining to the exercise of religious liberty; to the Committee on the Judiciary.

4817. By Mr. TAYLOR of New Jersey: Petition of sundry citizens of New Jersey protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

4818. By Mr. TOWNER: Petition of Rodney T. Martinsen and 1,228 other citizens of Brooklyn, N. Y., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

FRIDAY, *March 24, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE FOUR-POWER TREATY.

The VICE PRESIDENT. The Senate resumes the consideration of the pending treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty submitted by the President of the United States between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas [Mr. ROBINSON] to article 1.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Chair is of the opinion that under the unanimous-consent agreement it is necessary to proceed at once to vote.

Mr. REED. But a suggestion of the absence of a quorum is in order at any time, under any circumstances, as a point of order. I do not think that can be disputed.

Mr. ROBINSON. Mr. President, the custom has never prevailed in the Senate of counting a quorum. The universal rule is that when the absence of a quorum is suggested the Chair automatically and without discretion directs the calling of the roll. I am sure the Senator from Massachusetts [Mr. LODGE] will concur in this statement as to the practice.

Mr. LODGE. I have no objection to calling for a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McNary	Shortridge
Ball	Glass	Moses	Simmons
Borah	Gooding	Myers	Smith
Brandegee	Hale	Nelson	Smoot
Broussard	Harreld	New	Spencer
Bursum	Harris	Newberry	Stanfield
Calder	Harrison	Nicholson	Stanley
Cameron	Heflin	Norbeck	Sterling
Capper	Hitchcock	Norris	Sutherland
Caraway	Johnson	Oddie	Swanson
Colt	Jones, Wash.	Overman	Townsend
Culberson	Kellogg	Owen	Trammell
Cummins	Kendrick	Page	Underwood
Curtis	Keyes	Pepper	Wadsworth
Dial	King	Phipps	Walsh, Mont.
Dillingham	Ladd	Pittman	Warren
du Pont	La Follette	Poindexter	Watson, Ga.
Edge	Lenroot	Pomerene	Watson, Ind.
Elkins	Lodge	Ransdell	Weller
Ernst	McCormick	Rawson	Williams
Fernald	McCumber	Reed	Willis
Fletcher	McKellar	Robinson	
France	McKinley	Sheppard	
Frelinghuysen	McLean	Shields	

Mr. ROBINSON. The Senator from Massachusetts [Mr. WALSH] is detained from the Senate on account of a delayed train. I am advised that he is expected to arrive about 1 o'clock.

The VICE PRESIDENT. Ninety-three Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON], which the Secretary will report.

The ASSISTANT SECRETARY. Add at the end of article 1 the following:

> Each of the high contracting parties will refrain from entering into or being a party to any secret treaty, agreement, or understanding with any other power or powers during the life of this treaty.

Mr. ROBINSON. On agreeing to the amendment I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. ROBINSON. I desire to repeat the announcement made a few minutes ago that the Senator from Massachusetts [Mr. WALSH] is unavoidably absent on account of a delayed train. If he were present, he would vote "yea."

The roll call being concluded, the result was announced—yeas 32, nays 61, as follows:

YEAS—32.

Ashurst	Glass	La Follette	Shields
Borah	Harris	McKellar	Simmons
Broussard	Harrison	Overman	Smith
Caraway	Heflin	Owen	Stanley
Culberson	Hitchcock	Pittman	Swanson
Fletcher	Johnson	Reed	Trammell
France	Kendrick	Robinson	Walsh, Mont.
Gerry	King	Sheppard	Watson, Ga.

NAYS—61.

Ball	Frelinghuysen	Myers	Smoot
Brandegee	Gooding	Nelson	Spencer
Bursum	Hale	New	Stanfield
Calder	Harreld	Newberry	Sterling
Cameron	Jones, Wash.	Nicholson	Sutherland
Capper	Kellogg	Norbeck	Townsend
Colt	Keyes	Norris	Underwood
Cummins	Ladd	Oddie	Wadsworth
Curtis	Lenroot	Page	Warren
Dial	Lodge	Pepper	Watson, Ind.
Dillingham	McCormick	Phipps	Weller
du Pont	McCumber	Poindexter	Williams
Edge	McKinley	Pomerene	Willis
Elkins	McLean	Ransdell	
Ernst	McNary	Rawson	
Fernald	Moses	Shortridge	

NOT VOTING—3.

Crow	Jones, N. Mex.	Walsh, Mass.

So Mr. ROBINSON'S amendment to article 1 was rejected.

Mr. ROBINSON. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. ROBINSON. Are there pending undisposed of any further amendments to article 1?

The VICE PRESIDENT. There are no amendments now pending to article 1. The question is on agreeing to article 1.

Mr. ROBINSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. ASHURST responded to his name, voting in the negative.

Mr. LODGE. I do not think the pending question was quite understood when stated by the Chair. The vote, as I understand, is on agreeing to article 1?

The VICE PRESIDENT. The question is on agreeing to article 1.

Mr. ROBINSON. I withdraw my request. I did not know the vote was on article 1.

Mr. LODGE. It is too late for the Senator to withdraw his request.

Mr. ROBINSON. I think not.

The VICE PRESIDENT. One Senator has responded to his name on the call of the yeas and nays.

Mr. ROBINSON. I ask unanimous consent to withdraw my request for the yeas and nays. There is no very serious opposition to article 1.

Mr. POINDEXTER. I call for the regular order. The call of the roll must proceed.

Mr. ROBINSON. There is so much noise we did not understand upon what the vote was being taken. I do not understand that there is any considerable opposition to article 1. Therefore I withdraw my request for the yeas and nays.

Mr. POINDEXTER. Regular order!

The VICE PRESIDENT. The question is on agreeing to article 1.

Mr. POINDEXTER. I insist upon the continuation of the roll call, which has begun and under the rule can not be interrupted.

The VICE PRESIDENT. The Secretary will proceed with the calling of the roll.

The reading clerk resumed the calling of the roll.

Mr. FERNALD (when his name was called). I have already announced my pair with the senior Senator from New Mexico [Mr. JONES] on this question. I understand, if present, he would vote as I am about to vote. I therefore feel at liberty to vote and vote "yea."

The roll call having been concluded, the result was announced—yeas 74, nays 15, as follows:

YEAS—74.

Ball	Gooding	Myers	Simmons
Brandegee	Hale	Nelson	Smith
Broussard	Harreld	New	Smoot
Bursum	Harrison	Newberry	Spencer
Calder	Heflin	Nicholson	Stanfield
Cameron	Jones, Wash.	Norbeck	Sterling
Capper	Kellogg	Norris	Sutherland
Colt	Kendrick	Oddie	Townsend
Cummins	Keyes	Overman	Trammell
Curtis	Ladd	Owen	Underwood
Dial	Lenroot	Page	Wadsworth
Dillingham	Lodge	Pepper	Walsh, Mont.
du Pont	McCormick	Phipps	Warren
Edge	McCumber	Pittman	Watson, Ind.
Elkins	McKellar	Poindexter	Weller
Ernst	McKinley	Pomerene	Williams
Fernald	McLean	Ransdell	Willis
Fletcher	McNary	Rawson	
Frelinghuysen	Moses	Shortridge	

NAYS—15.

Ashurst	Gerry	La Follette	Shields
Borah	Harris	Reed	Stanley
Culberson	Johnson	Robinson	Watson, Ga.
France	King	Sheppard	

NOT VOTING—7.

Caraway	Glass	Jones, N. Mex.	Walsh, Mass.
Crow	Hitchcock	Swanson	

So article 1 of the treaty was agreed to, as follows:

I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

The VICE PRESIDENT. The Secretary will read article 2 of the treaty.

The Assistant Secretary read as follows:

II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

Mr. ROBINSON. I propose the amendment to article 2 which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The ASSISTANT SECRETARY. It is proposed to add at the end of article 2 the following words:

Each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers, a controversy relating to said insular rights and possessions or to any far eastern questions which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject shall be referred for consideration and adjustment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas to article 2.

Mr. ROBINSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have heretofore announced my pair with the senior Senator from New Mexico [Mr. JONES]. On this vote I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

The roll call was concluded.

Mr. ROBINSON. Repeating the announcement as to the occasion of the absence of the Senator from Massachusetts [Mr. WALSH], I desire to say that if he were present he would vote "yea."

The result was announced—yeas 33, nays 59, as follows:

YEAS—33.

Ashurst	Glass	McKellar	Simmons
Borah	Harris	Myers	Smith
Broussard	Harrison	Overman	Stanley
Caraway	Heflin	Owen	Swanson
Culberson	Hitchcock	Pittman	Trammell
Dial	Johnson	Reed	Walsh, Mont.
Fletcher	Kendrick	Robinson	
France	King	Sheppard	
Gerry	La Follette	Shields	

NAYS—59.

Ball	Frelinghuysen	Moses	Shortridge
Brandegee	Gooding	Nelson	Smoot
Bursum	Hale	New	Spencer
Calder	Harreld	Newberry	Stanfield
Cameron	Jones, Wash.	Nicholson	Sterling
Capper	Kellogg	Norbeck	Sutherland
Colt	Keyes	Norris	Townsend
Cummins	Ladd	Oddie	Underwood
Curtis	Lenroot	Page	Wadsworth
Dillingham	Lodge	Pepper	Warren
du Pont	McCormick	Phipps	Watson, Ind.
Edge	McCumber	Poindexter	Weller
Elkins	McKinley	Pomerene	Williams
Ernst	McLean	Ransdell	Willis
Fernald	McNary	Rawson	

NOT VOTING—4.

Crow	Jones, N. Mex.	Walsh, Mass.	Watson, Ga.

So Mr. ROBINSON'S amendment to article 2 was rejected.

Mr. HITCHCOCK. Mr. President, I move to insert before the word "aggressive," on the second line of article 2, the word "unprovoked," so that the article will read:

If the said rights are threatened by the unprovoked aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska.

Mr. HITCHCOCK and Mr. ROBINSON called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement of transfer as before, I vote "nay."

The roll call was concluded.

Mr. FERNALD. I wish to withdraw my pair on this vote. If the Senator from New Mexico [Mr. JONES] were present he would vote as I have voted.

The result was announced—yeas 29, nays 63, as follows:

YEAS—29.

Ashurst	Glass	McKellar	Smith
Borah	Harris	Overman	Stanley
Caraway	Harrison	Pittman	Swanson
Culberson	Heflin	Reed	Trammell
Dial	Hitchcock	Robinson	Walsh, Mont.
Fletcher	Johnson	Sheppard	
France	King	Shields	
Gerry	La Follette	Simmons	

NAYS—63.

Ball	Capper	Edge	Hale
Brandegee	Colt	Elkins	Harreld
Broussard	Cummins	Ernst	Jones, Wash.
Bursum	Curtis	Fernald	Kellogg
Calder	Dillingham	Frelinghuysen	Kendrick
Cameron	du Pont	Gooding	Keyes

Ladd	Nelson	Phipps	Sutherland
Lenroot	New	Poindexter	Townsend
Lodge	Newberry	Pomerene	Underwood
McCormick	Nicholson	Ransdell	Wadsworth
McCumber	Norbeck	Rawson	Warren
McKinley	Norris	Shortridge	Watson, Ind.
McLean	Oddie	Smoot	Weller
McNary	Owen	Spencer	Williams
Moses	Page	Stanfield	Willis
Myers	Pepper	Sterling	

NOT VOTING—4.

Crow	Jones, N. Mex.	Walsh, Mass.	Watson, Ga.

So Mr. HITCHCOCK's amendment was rejected.

Mr. SHIELDS. I offer the amendment which I send to the desk, to be inserted after article 2.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the end of article 2, the following words as a separate paragraph:

The United States gives its consent to the foregoing treaty and becomes a member thereof for the sole purpose of aiding, by its friendly offices and efforts, in removing friction and controversy between the several high contracting parties concerning their insular dominions and possessions in the Pacific Ocean in the regions described and without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions and contentions of foreign nations and Governments.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Tennessee.

Mr. SHIELDS. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have already announced my pair; but on this question I am reliably informed that my pair, if present would vote as I am about to vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 13, nays 73, as follows:

YEAS—13.

Ashurst	France	La Follette	Watson, Ga.
Borah	Gerry	Reed	
Caraway	Johnson	Shields	
Dial	King	Stanley	

NAYS—73.

Ball	Glass	McNary	Shortridge
Brandegee	Gooding	Moses	Smoot
Broussard	Hale	Myers	Spencer
Bursum	Harreld	Nelson	Stanfield
Calder	Harris	New	Sterling
Cameron	Heflin	Newberry	Sutherland
Capper	Hitchcock	Nicholson	Swanson
Colt	Jones, Wash.	Norbeck	Townsend
Culberson	Kellogg	Norris	Underwood
Cummins	Kendrick	Oddie	Wadsworth
Curtis	Keyes	Owen	Walsh, Mont.
Dillingham	Ladd	Page	Warren
du Pont	Lenroot	Pepper	Watson, Ind.
Edge	Lodge	Phipps	Weller
Elkins	McCormick	Poindexter	Williams
Ernst	McCumber	Pomerene	Willis
Fernald	McKellar	Ransdell	
Fletcher	McKinley	Rawson	
Frelinghuysen	McLean	Sheppard	

NOT VOTING—10.

Crow	Overman	Simmons	Walsh, Mass.
Harrison	Pittman	Smith	
Jones, N. Mex.	Robinson	Trammell	

So Mr. SHIELDS's amendment was rejected.

Mr. REED. Mr. President, I offer the following amendment, to be added at the end of article 2:

If any nation shall refuse to concur in any understanding, it shall in no respect be bound by the understanding arrived at by all or any of the other parties.

So that the article, as amended, will read:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation. If any nation shall refuse to concur in any understanding, it shall in no respect be bound by the understanding arrived at by all or any of the other parties.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a pair which I have already announced, which may stand for the day. Not knowing just how the Senator with whom I am paired would vote on this question, I transfer my pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

The roll call was concluded.

Mr. ROBINSON. As heretofore explained, the junior Senator from Massachusetts [Mr. WALSH] is unavoidably detained from the Senate. If he were present, he would vote "yea."

The result was announced—yeas 29, nays 64, as follows:

YEAS—29.

Ashurst	Harris	Overman	Stanley
Borah	Harrison	Pittman	Swanson
Caraway	Heflin	Reed	Trammell
Culberson	Hitchcock	Robinson	Walsh, Mont.
Fletcher	Johnson	Sheppard	Watson, Ga.
France	King	Shields	
Gerry	La Follette	Simmons	
Glass	McKellar	Smith	

NAYS—64.

Ball	Fernald	McNary	Ransdell
Brandegee	Frelinghuysen	Moses	Rawson
Broussard	Gooding	Myers	Shortridge
Bursum	Hale	Nelson	Smoot
Calder	Harreld	New	Spencer
Cameron	Jones, Wash.	Newberry	Stanfield
Capper	Kellogg	Nicholson	Sterling
Colt	Kendrick	Norbeck	Sutherland
Cummins	Keyes	Norris	Townsend
Curtis	Ladd	Oddie	Underwood
Dial	Lenroot	Owen	Wadsworth
Dillingham	Lodge	Page	Warren
du Pont	McCormick	Pepper	Watson, Ind.
Edge	McCumber	Phipps	Weller
Elkins	McKinley	Poindexter	Williams
Ernst	McLean	Pomerene	Willis

NOT VOTING—3.

Crow	Jones, N. Mex.	Walsh, Mass.

So Mr. REED's amendment was rejected.

Mr. REED. I offer the following amendment, to be added to article 2:

It is expressly understood that no nation shall by reason of any agreement arrived at be in any manner obligated to do any act of war.

So that article 2 as amended will read:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation. It is expressly understood that no nation shall by reason of any agreement arrived at be in any manner obligated to do any act of war.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Missouri.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WALSH of Montana. I ask that the amendment may be read at the desk.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. Add, at the end of article 2, the following words:

It is expressly understood that no nation shall, by reason of any agreement arrived at, be in any manner obligated to do any act of war.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I am privileged to vote on this amendment without a transfer of my pair. I vote "nay."

The roll call having been concluded, the result was announced—yeas 27, nays 65, as follows:

YEAS—27.

Ashurst	Harris	McKellar	Simmons
Borah	Harrison	Overman	Stanley
Caraway	Heflin	Pittman	Swanson
Culberson	Hitchcock	Reed	Trammell
France	Johnson	Robinson	Walsh, Mont.
Gerry	King	Sheppard	Watson, Ga.
Glass	La Follette	Shields	

NAYS—65.

Ball	Fletcher	Moses	Shortridge
Brandegee	Frelinghuysen	Myers	Smoot
Broussard	Gooding	Nelson	Spencer
Bursum	Hale	New	Stanfield
Calder	Harreld	Newberry	Sterling
Cameron	Jones, Wash.	Nicholson	Sutherland
Capper	Kellogg	Norbeck	Townsend
Colt	Kendrick	Norris	Underwood
Cummins	Keyes	Oddie	Wadsworth
Curtis	Ladd	Owen	Warren
Dial	Lenroot	Page	Watson, Ind.
Dillingham	Lodge	Pepper	Weller
du Pont	McCormick	Phipps	Williams
Edge	McCumber	Poindexter	Willis
Elkins	McKinley	Pomerene	
Ernst	McLean	Ransdell	
Fernald	McNary	Rawson	

NOT VOTING—4.

Crow	Jones, N. Mex.	Smith	Walsh, Mass.

So Mr. REED's amendment was rejected.

Mr. JOHNSON. Mr. President, I move, after the word "efficient," to insert the word "pacific," so that the article, if amended, will read:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient pacific measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

Upon the amendment I ask for the yeas and nays.

The yeas and nays were ordered; the Assistant Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). I have again to announce that if my pair, the Senator from New Mexico [Mr. JONES], were present he would vote as I am about to vote. I vote "nay."

The roll call having been concluded, the result was announced—nays 26, yeas 65, as follows:

YEAS—26.

Ashurst	Harris	McKellar	Smith
Borah	Harrison	Pittman	Stanley
Caraway	Heflin	Poindexter	Swanson
Culberson	Hitchcock	Reed	Walsh, Mont.
France	Johnson	Robinson	Watson, Ga.
Gerry	King	Sheppard	
Glass	La Follette	Shields	

NAYS—65.

Ball	Fletcher	Moses	Smoot
Brandegee	Frelinghuysen	Myers	Spencer
Broussard	Gooding	Nelson	Stanfield
Bursum	Hale	New	Sterling
Calder	Harreld	Newberry	Sutherland
Cameron	Jones, Wash.	Nicholson	Townsend
Capper	Kellogg	Norbeck	Trammell
Colt	Kendrick	Norris	Underwood
Cummins	Keyes	Oddie	Wadsworth
Curtis	Ladd	Owen	Warren
Dial	Lenroot	Page	Watson, Ind.
Dillingham	Lodge	Pepper	Weller
du Pont	McCormick	Phipps	Williams
Edge	McCumber	Pomerene	Willis
Elkins	McKinley	Ransdell	
Ernst	McLean	Rawson	
Fernald	McNary	Shortridge	

NOT VOTING—5.

Crow	Overman	Simmons	Walsh, Mass.
Jones, N. Mex.			

So Mr. JOHNSON's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to article 2.

Mr. JOHNSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. JOHNSON. After agreement to the article, is it then that the reservations are presented, reservations both to article 1 and article 2?

The VICE PRESIDENT. Reservations may properly be presented after the treaty has been considered as in Committee of the Whole and in the Senate.

Mr. LODGE. If the Chair will allow me, I think the ruling of the Chair at the time of the Versailles treaty was that reservations could be offered to the resolution of ratification in Committee of the Whole.

The VICE PRESIDENT. They may there be offered.

Mr. LODGE. After the articles are completed, of course.

Mr. JOHNSON. But they are not appropriately offered until the article shall have been adopted?

Mr. LODGE. That is my understanding.

Mr. WALSH of Montana. Mr. President, the Committee on Foreign Relations reported a reservation generally referred to as the Brandegee amendment. It is an amendment to the resolution of ratification.

Mr. LODGE. It is.

Mr. WALSH of Montana. That is in the nature of a reservation.

Mr. LODGE. It is.

Mr. WALSH of Montana. Of course, it would be possible to amend that by attaching other reservations or modifying it otherwise.

Mr. LODGE. It can be amended.

Mr. WALSH of Montana. When that reservation comes before the Senate for consideration?

Mr. LODGE. Certainly. When that is reached the pending amendment which I have moved is, of course, open to amendment by substitution or by addition or by perfecting amendments in any way.

Mr. BRANDEGEE. Mr. President, may I make a parliamentary inquiry?

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. BRANDEGEE. Am I correct in assuming that under the rule of the Senate, providing for the consideration of treaties, the same rule of procedure provided in that rule as to amendments will be observed in its application to reservations?

The rule, as I recall it, provides that the decision of the Senate arrived at in Committee of the Whole shall be reduced to the form of a resolution of ratification. A reservation is one of the decisions. So we will hardly know how to formulate a resolution of ratification unless we know what to incorporate in it, what the decisions have been. Therefore I assume that all amendments and reservations to be made are to be made in Committee of the Whole and that when we get into the Senate it will not then be in order to offer any more reservations or amendments, but only to reduce to the form of a resolution of ratification the decisions which the Senate has arrived at in Committee of the Whole.

I do not know that the Chair followed me completely. I made the statement roughly and not with the rule before me. It was called to my mind by what has taken place.

Mr. LODGE. I think that after the action of the Committee of the Whole has been reported to the Senate it is then open to amendment, but after the amendments have been disposed of in the Senate it is not open then to further amendment.

Mr. ROBINSON. May I call the attention of the Chair and the Senator from Massachusetts and the Senator from Connecticut to the express provision of the rule governing the consideration of treaties? It is not superseded by the unanimous-consent agreement in any particular. The provision to which I am referring is found in Rule 37, page 40, of the copy of the Senate Manual which I have. The provision of the rule is:

> And when through with the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed.

Mr. LODGE. I tried to state that.

Mr. ROBINSON. So that after the report is made to the Senate from the Committee of the Whole and after a vote has been taken on the amendments made in Committee of the Whole, either en bloc or separately, new amendments by the express provisions of the rule will be in order.

Mr. LODGE. That is what I just tried to state, but I am afraid I did not do it clearly.

Mr. ROBINSON. I understood the Senator to say that after the amendments made in the Committee of the Whole had been concurred in in the Senate, no new amendments could be offered.

Mr. LODGE. I said that then amendments could be offered in the Senate, but after they had all been agreed to, new amendments and all, it was not then open to amendment.

Mr. ROBINSON. If that is the understanding of the Senator, I concur in it.

Mr. LODGE. I think the rule is perfectly clear.

The VICE PRESIDENT. The question is on agreeing to article 2.

Mr. ROBINSON. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary called the roll.

Mr. FERNALD. Making the same announcement as before, I am privileged to vote, and vote "yea."

The result was announced—yeas 66, nays 28, as follows:

YEAS—66.

Ball	Fletcher	Moses	Shortridge
Brandegee	Frelinghuysen	Myers	Smoot
Broussard	Gooding	Nelson	Spencer
Bursum	Hale	New	Stanfield
Calder	Harreld	Newberry	Sterling
Cameron	Jones, Wash.	Nicholson	Sutherland
Capper	Kellogg	Norbeck	Townsend
Colt	Kendrick	Norris	Trammell
Cummins	Keyes	Oddie	Underwood
Curtis	Ladd	Owen	Wadsworth
Dial	Lenroot	Page	Warren
Dillingham	Lodge	Pepper	Watson, Ind.
du Pont	McCormick	Phipps	Weller
Edge	McCumber	Poindexter	Williams
Elkins	McKinley	Pomerene	Willis
Ernst	McLean	Ransdell	
Fernald	McNary	Rawson	

NAYS—28.

Ashurst	Harris	McKellar	Simmons
Borah	Harrison	Overman	Smith
Caraway	Heflin	Pittman	Stanley
Culberson	Hitchcock	Reed	Swanson
France	Johnson	Robinson	Walsh, Mass.
Gerry	King	Sheppard	Walsh, Mont.
Glass	La Follette	Shields	Watson, Ga.

NOT VOTING—2.

Crow	Jones, N. Mex.

So article 2 was agreed to.

The VICE PRESIDENT. The Secretary will now read article 3 of the treaty.

The Assistant Secretary read as follows:

III.

This treaty shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

Mr. REED. I move to amend article 3 by striking out the words "and after the expiration of said period it shall continue

to be in force," so that the article as proposed to be amended would read:

This treaty shall remain in force for 10 years from the time it shall take effect, subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Missouri to article 3.

Mr. REED. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as heretofore, I vote "nay."

The roll call having been concluded, the result was announced—yeas 29, nays 64, as follows:

YEAS—29.

Ashurst	Harrison	Pittman	Swanson
Borah	Heflin	Reed	Trammell
Caraway	Hitchcock	Robinson	Walsh, Mass.
Culberson	Johnson	Sheppard	Walsh, Mont.
France	King	Shields	Watson, Ga.
Gerry	La Follette	Simmons	
Glass	McKellar	Smith	
Harris	Overman	Stanley	

NAYS—64.

Ball	Fernald	McNary	Ransdell
Brandegee	Fletcher	Moses	Rawson
Broussard	Frelinghuysen	Myers	Shortridge
Bursum	Gooding	Nelson	Smoot
Calder	Hale	New	Spencer
Cameron	Harreld	Newberry	Stanfield
Capper	Kellogg	Nicholson	Sterling
Colt	Kendrick	Norbeck	Sutherland
Cummins	Keyes	Norris	Townsend
Curtis	Ladd	Oddie	Underwood
Dial	Lenroot	Owen	Wadsworth
Dillingham	Lodge	Page	Warren
du Pont	McCormick	Pepper	Watson, Ind.
Edge	McCumber	Phipps	Weller
Elkins	McKinley	Poindexter	Williams
Ernst	McLean	Pomerene	Willis

NOT VOTING—3.

Crow	Jones, N. Mex.	Jones, Wash.

So Mr. REED's amendment to article 3 was rejected.

Mr. REED. Mr. President, I move to amend article 3 by adding at the end thereof the first line of the last paragraph of article 1 of the covenant of the League of Nations, which reads as follows:

Any member may, after two years' notice of its intention so to do, withdraw from this treaty.

On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 63—as follows:

YEAS—28.

Ashurst	Harris	McKellar	Simmons
Borah	Harrison	Overman	Smith
Caraway	Heflin	Pittman	Stanley
Culberson	Hitchcock	Reed	Swanson
France	Johnson	Robinson	Walsh, Mass.
Gerry	King	Sheppard	Walsh, Mont.
Glass	La Follette	Shields	Watson, Ga.

NAYS—63.

Ball	Fernald	McLean	Ransdell
Brandegee	Fletcher	McNary	Rawson
Broussard	Frelinghuysen	Moses	Shortridge
Bursum	Gooding	Myers	Smoot
Calder	Hale	Nelson	Spencer
Cameron	Harreld	New	Stanfield
Capper	Jones, Wash.	Newberry	Sterling
Colt	Kellogg	Nicholson	Townsend
Cummins	Kendrick	Norbeck	Underwood
Curtis	Keyes	Norris	Wadsworth
Dial	Ladd	Oddie	Warren
Dillingham	Lenroot	Page	Watson, Ind.
du Pont	Lodge	Pepper	Weller
Edge	McCormick	Phipps	Williams
Elkins	McCumber	Poindexter	Willis
Ernst	McKinley	Pomerene	

NOT VOTING—5.

Crow	Owen	Sutherland	Trammell
Jones, N. Mex.			

So Mr. REED's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to article 3.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "yea."

The roll call having been concluded, the result was announced—yeas 67, nays 26, as follows:

YEAS—67.

Ball	Fletcher	McNary	Rawson
Brandegee	Frelinghuysen	Moses	Shortridge
Broussard	Gooding	Myers	Smoot
Bursum	Hale	Nelson	Spencer
Calder	Harreld	New	Stanfield
Cameron	Jones, Wash.	Newberry	Sterling
Capper	Kellogg	Nicholson	Sutherland
Colt	Kendrick	Norbeck	Townsend
Cummins	Keyes	Norris	Trammell
Curtis	Ladd	Oddie	Underwood
Dial	Lenroot	Owen	Wadsworth
Dillingham	Lodge	Page	Warren
du Pont	McCormick	Pepper	Watson, Ind.
Edge	McCumber	Phipps	Weller
Elkins	McKellar	Poindexter	Williams
Ernst	McKinley	Pomerene	Willis
Fernald	McLean	Ransdell	

NAYS—26.

Ashurst	Harris	Pittman	Stanley
Borah	Harrison	Reed	Swanson
Caraway	Heflin	Robinson	Walsh, Mass.
Culberson	Hitchcock	Sheppard	Walsh, Mont.
France	Johnson	Shields	Watson, Ga.
Gerry	King	Simmons	
Glass	La Follette	Smith	

NOT VOTING—3.

Crow	Jones, N. Mex.	Overman

So article 3 was agreed to.

The VICE PRESIDENT. The Secretary will read the next article. The reading clerk read article 4, as follows:

IV.

This treaty shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the signatory powers a certified copy of the procès verbal of the deposit of ratifications.

The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington, the 13th day of December, 1921.

The VICE PRESIDENT. The question is on agreeing to article 4.

Mr. KING. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "yea."

The roll call having been concluded, the result was announced—yeas 73, nays 8, as follows:

YEAS—73.

Ball	Fletcher	McNary	Shortridge
Brandegee	Frelinghuysen	Moses	Smoot
Broussard	Gooding	Myers	Spencer
Bursum	Hale	Nelson	Stanfield
Calder	Harreld	New	Sterling
Cameron	Harris	Newberry	Sutherland
Capper	Heflin	Nicholson	Townsend
Caraway	Jones, Wash.	Norbeck	Trammell
Colt	Kellogg	Norris	Underwood
Culberson	Kendrick	Oddie	Wadsworth
Cummins	Keyes	Owen	Walsh, Mont.
Curtis	Ladd	Page	Warren
Dial	Lenroot	Pepper	Watson, Ind.
Dillingham	Lodge	Phipps	Weller
du Pont	McCormick	Poindexter	Williams
Edge	McCumber	Pomerene	Willis
Elkins	McKellar	Ransdell	
Ernst	McKinley	Rawson	
Fernald	McLean	Sheppard	

NAYS—8.

Ashurst	Glass	La Follette	Smith
France	King	Reed	Walsh, Mass.

NOT VOTING—15.

Borah	Hitchcock	Pittman	Stanley
Crow	Johnson	Robinson	Swanson
Gerry	Jones, N. Mex.	Shields	Watson, Ga.
Harrison	Overman	Simmons	

So article 4 was agreed to.

Mr. LODGE. I move the adoption of the committee amendment to the resolution of ratification.

The VICE PRESIDENT. The Secretary will report the committee amendment to the resolution of ratification.

The READING CLERK. Following the numerals "1921," insert a comma and the following words:

subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

So as to make the resolution of ratification read:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington December 13, 1921, *subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:*

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. POMERENE. I offer as a substitute for the amendment the language which I send to the desk.

The VICE PRESIDENT. The Secretary will report the substitute.

The READING CLERK. As a substitute for the committee amendment, insert the following:

It is, however, understood that any adjustment provided for under article 1 hereof, and any understanding contemplated under article 2, in order to be binding upon the United States shall be ratified and executed in accordance with the constitutional methods of the United States.

Mr. WALSH of Montana. I offer the following amendment to the amendment reported by the committee.

The VICE PRESIDENT. The Secretary will report the amendment for the information of the Senate.

The READING CLERK. The Senator from Montana proposes the following, to be added at the close of the resolution:

and that in case any controversy shall arise between any of the high contracting parties and any other power involving the rights of any of said powers in relation to their insular possessions or dominions in the region of the Pacific Ocean, not satisfactorily settled by diplomacy, and likely to lead to war, a conference such as is provided for in article 1 of said treaty shall be called by the parties thereto, to which all nations interested in said controversy shall be invited for the consideration and adjustment of such controversy.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. WALSH of Montana. The amendment offered by myself being an amendment to the resolution reported by the committee, I inquire if it does not take precedence over the substitute offered by the Senator from Ohio, and whether it is not now before the Senate?

The VICE PRESIDENT. The Chair understands that the amendment offered by the Senator from Ohio is an amendment to the amendment reported by the committee. The rule provides that committee amendments shall first be considered.

Mr. WALSH of Montana. That is not the point I am making. The rule provides that committee amendments must first be considered, and I am proposing an amendment to the committee amendment.

The VICE PRESIDENT. The Senator from Ohio made his proposition first, and the Chair holds that it should be considered first.

Mr. WALSH of Montana. I invite the attention of the Chair to the rule that a substitute can not be entertained until the resolution itself, for which it is offered as a substitute, is perfected, and accordingly the amendment tendered by myself would be for consideration first.

Mr. LODGE. Mr. President, I may have misunderstood the nature of the amendment, but I understood the amendment of the Senator from Ohio to be in the nature of a substitute. If it is in the nature of a substitute, it is clear that under general parliamentary law a perfecting amendment, such as that offered by the Senator from Montana, would come first.

The VICE PRESIDENT. That is correct. The first question is on agreeing to the amendment offered by the Senator from Montana to the committee amendment to the resolution of ratification.

Mr. REED. Let it be reported again.

The VICE PRESIDENT. The Secretary will report it again.

The READING CLERK. At the close of the resolution of ratification add the following:

and that in case any controversy shall arise between any of the high contracting parties and any other power involving the rights of any of said powers in relation to their insular possessions or dominions in the region of the Pacific Ocean, not satisfactorily settled by diplomacy, and likely to lead to war, a conference such as is provided for in article 1 of said treaty shall be called by the parties thereto, to which all nations interested in said controversy shall be invited for the consideration and adjustment of such controversy.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. WALSH] to the resolution of ratification.

Mr. WALSH of Montana. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. POMERENE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. POMERENE. I am not sure that I understand at what point the Senator from Montana desires to insert this language. Is it intended to follow the language known as the Brandegee reservation?

Mr. WALSH of Montana. It is; so that it shall read:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense, and that in case—

And so forth.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). If my pair, the senior Senator from New Mexico [Mr. JONES], were present, he would vote "yea" on this question. I therefore transfer my pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

The roll call having been concluded, the result was announced—yeas 36, nays 55, as follows:

YEAS—36.

Ashurst	Glass	McKellar	Sheppard
Borah	Harris	Myers	Simmons
Broussard	Harrison	Norris	Smith
Caraway	Heflin	Overman	Stanley
Culberson	Hitchcock	Pittman	Swanson
Dial	Johnson	Pomerene	Trammell
Fletcher	Kendrick	Ransdell	Walsh, Mass.
France	King	Reed	Walsh, Mont.
Gerry	La Follette	Robinson	Watson, Ga.

NAYS—55.

Ball	Fernald	McLean	Shortridge
Brandegee	Frelinghuysen	McNary	Smoot
Bursum	Gooding	Moses	Spencer
Calder	Hale	Nelson	Stanfield
Cameron	Harreld	New	Sterling
Capper	Jones, Wash.	Newberry	Townsend
Colt	Kellogg	Nicholson	Underwood
Cummins	Keyes	Norbeck	Wadsworth
Curtis	Ladd	Oddie	Warren
Dillingham	Lenroot	Page	Watson, Ind.
du Pont	Lodge	Pepper	Weller
Edge	McCormick	Phipps	Williams
Elkins	McCumber	Poindexter	Willis
Ernst	McKinley	Rawson	

NOT VOTING—5.

Crow	Owen	Shields	Sutherland
Jones, N. Mex.			

So the amendment of Mr. WALSH of Montana to the committee amendment was rejected.

Mr. ROBINSON. Mr. President, I offer the following amendment to the so-called Brandegee reservation.

The VICE PRESIDENT. The Secretary will report the proposed amendment.

The READING CLERK. Add at the end of the reservation the following words:

The United States understands that each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers a controversy which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject will be referred for consideration and adjustment.

Mr. ROBINSON. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk called the roll.

Mr. FERNALD. If my pair, the senior Senator from New Mexico [Mr. JONES], were present he would vote "yea" on this amendment. I therefore transfer my pair with that Senator to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

The result was announced—yeas 36, nays 56, as follows:

YEAS—36.

Ashurst	Glass	McKellar	Shields
Borah	Harris	Myers	Simmons
Broussard	Harrison	Norris	Smith
Caraway	Heflin	Overman	Stanley
Culberson	Hitchcock	Pittman	Swanson
Dial	Johnson	Pomerene	Trammell
Fletcher	Kendrick	Reed	Walsh, Mass.
France	King	Robinson	Walsh, Mont.
Gerry	La Follette	Sheppard	Watson, Ga.

NAYS—56.

Ball	Dillingham	Jones, Wash.	McLean
Brandegee	Edge	Kellogg	McNary
Bursum	Elkins	Keyes	Moses
Calder	Ernst	Ladd	Nelson
Cameron	Fernald	Lenroot	New
Capper	Frelinghuysen	Lodge	Newberry
Colt	Gooding	McCormick	Nicholson
Cummins	Hale	McCumber	Norbeck
Curtis	Harreld	McKinley	Oddie

Page	Rawson	Sterling	Warren
Pepper	Shortridge	Sutherland	Watson, Ind.
Phipps	Smoot	Townsend	Weller
Poindexter	Spencer	Underwood	Williams
Ransdell	Stanfield	Wadsworth	Willis

NOT VOTING—4.

Crow	du Pont	Jones, N. Mex.	Owen

So Mr. ROBINSON'S amendment to the committee amendment was rejected.

Mr. PITTMAN. Mr. President, I offer an amendment to the reservation to follow immediately after the amendment proposed by the committee.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The Secretary will report the amendment offered by the Senator from Nevada.

The ASSISTANT SECRETARY. Add to the resolution of ratification and following the amendment proposed by the committee the following words:

And that if there should develop between any of the high contracting parties or any other power or powers having possessions in the region of the Pacific a controversy arising out of any Pacific question involving said insular rights and possessions threatening war, which is not satisfactorily settled by diplomacy, the United States shall have the right to invite said other power or powers to a joint conference with the four powers, to which the whole subject shall be referred for consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada.

Mr. GERRY. Mr. President, I ask that the amendment be restated.

The Assistant Secretary again reported the proposed amendment.

Mr. HARRISON. On this amendment I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Not knowing how the senior Senator from New Mexico [Mr. JONES], with whom I have a pair, would vote if present, I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW], and vote "nay."

The roll call having been concluded, the result was announced—yeas 31, nays 60, as follows:

YEAS—31.

Ashurst	Harris	Norris	Smith
Borah	Harrison	Pittman	Stanley
Caraway	Heflin	Pomerene	Swanson
Culberson	Hitchcock	Reed	Trammell
Fletcher	Johnson	Robinson	Walsh, Mass.
France	King	Sheppard	Walsh, Mont.
Gerry	La Follette	Shields	Watson, Ga.
Glass	McKellar	Simmons	

NAYS—60.

Ball	Fernald	McLean	Rawson
Brandegee	Frelinghuysen	McNary	Shortridge
Bursum	Gooding	Moses	Smoot
Calder	Hale	Myers	Spencer
Cameron	Harreld	Nelson	Stanfield
Capper	Jones, Wash.	New	Sterling
Colt	Kellogg	Newberry	Sutherland
Cummins	Kendrick	Nicholson	Townsend
Curtis	Keyes	Norbeck	Underwood
Dial	Ladd	Oddie	Wadsworth
Dillingham	Lenroot	Page	Warren
du Pont	Lodge	Pepper	Watson, Ind.
Edge	McCormick	Phipps	Weller
Elkins	McCumber	Poindexter	Williams
Ernst	McKinley	Ransdell	Willis

NOT VOTING—5.

Broussard	Jones, N. Mex.	Overman	Owen
Crow			

So Mr. PITTMAN'S amendment to the committee amendment was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the Secretary's desk to the committee amendment.

The PRESIDING OFFICER. The senior Senator from Wisconsin offers an amendment to the committee reservation, which will be stated by the Secretary.

The ASSISTANT SECRETARY. At the end of the resolution of ratification, following the amendment reported by the Committee on Foreign Relations, it is proposed to add:

Provided, That the Senate advises and consents to the ratification of said treaty with the understanding, to be made part of such ratification, that the agreement between Great Britain and Japan concluded at London on July 13, 1911, shall not in fact or in substance be renewed during the life of said treaty.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin to the committee amendment.

Mr. LA FOLLETTE. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I am privileged to vote on this amendment, and I vote "nay."

The roll call having been concluded, the result was announced—yeas 30, nays 62, as follows:

YEAS—30.

Ashurst	Harris	Norris	Stanley
Borah	Harrison	Overman	Swanson
Caraway	Heflin	Pittman	Trammell
Culberson	Hitchcock	Reed	Walsh, Mass.
Fletcher	Johnson	Sheppard	Walsh, Mont.
France	King	Shields	Watson, Ga.
Gerry	La Follette	Simmons	
Glass	McKellar	Smith	

NAYS—62.

Ball	Fernald	McNary	Shortridge
Brandegee	Frelinghuysen	Moses	Smoot
Broussard	Gooding	Myers	Spencer
Bursum	Hale	Nelson	Stanfield
Calder	Harreld	New	Sterling
Cameron	Jones, Wash.	Newberry	Sutherland
Capper	Kellogg	Nicholson	Townsend
Colt	Kendrick	Norbeck	Underwood
Cummins	Keyes	Oddie	Wadsworth
Curtis	Ladd	Page	Warren
Dial	Lenroot	Pepper	Watson, Ind.
Dillingham	Lodge	Phipps	Weller
du Pont	McCormick	Poindexter	Williams
Edge	McCumber	Pomerene	Willis
Elkins	McKinley	Ransdell	
Ernst	McLean	Rawson	

NOT VOTING—4.

Crow	Jones, N. Mex.	Owen	Robinson

So Mr. LA FOLLETTE'S amendment to the amendment of the committee was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the Secretary's desk as an amendment to the committee amendment.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment to the amendment of the committee to the resolution of ratification, which the Secretary will read.

The ASSISTANT SECRETARY. At the end of the resolution of ratification it is proposed to add the following:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that none of the high contracting parties shall, during the life of such treaty, without consulting the other parties, enter into any separate arrangement or understanding with another power, whether one of the high contracting parties or not, with reference either to their insular possessions and insular dominions in the region of the Pacific Ocean or to the Asiatic mainland, which shall in any way prejudice the objects and rights of the said parties under this treaty or which shall be inconsistent with the terms thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin to the amendment of the committee.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I am reliably informed that if my pair, the Senator from New Mexico [Mr. JONES], were present he would vote as I am about to vote on this question. I therefore feel at liberty to vote, and vote "nay."

The roll call having been concluded, the result was announced—yeas 27, nays 59, as follows:

YEAS—27.

Ashurst	Glass	Norris	Smith
Borah	Harris	Pittman	Swanson
Caraway	Harrison	Reed	Trammell
Culberson	Hitchcock	Robinson	Walsh, Mass.
Fletcher	Johnson	Sheppard	Walsh, Mont.
France	La Follette	Shields	Watson, Ga.
Gerry	McKellar	Simmons	

NAYS—59.

Ball	Fernald	McLean	Rawson
Brandegee	Frelinghuysen	McNary	Shortridge
Broussard	Gooding	Moses	Smoot
Bursum	Hale	Myers	Spencer
Calder	Harreld	Nelson	Sterling
Cameron	Jones, Wash.	New	Sutherland
Capper	Kellogg	Newberry	Townsend
Colt	Kendrick	Nicholson	Underwood
Cummins	Keyes	Norbeck	Wadsworth
Curtis	Ladd	Oddie	Warren
Dial	Lenroot	Page	Watson, Ind.
Dillingham	Lodge	Pepper	Weller
du Pont	McCormick	Phipps	Williams
Edge	McCumber	Poindexter	Willis
Elkins	McKinley	Ransdell	

NOT VOTING—10.

Crow	Jones, N. Mex.	Owen	Stanley
Ernst	King	Pomerene	
Heflin	Overman	Stanfield	

So Mr. LA FOLLETTE'S amendment to the amendment of the committee was rejected.

Mr. LA FOLLETTE. I offer the further amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment to the committee amendment, which will be stated.

The Assistant Secretary read as follows:

Provided, That the Senate advises and consents to the ratification of said treaty, with the understanding, to be made a part of such ratification, that in case any of the high contracting parties shall have entered into any separate treaties, agreements, or understandings, whether public or secret, either between themselves or with any other power or powers, which are inconsistent with the terms of this treaty or prejudicial to its objects, it shall be the duty of such high contracting party or parties upon the ratification of this treaty to terminate such separate treaties, agreements, or understandings at the earliest time compatible with their terms.

Mr. LA FOLLETTE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). On this amendment I am privileged to vote without transfer. I vote "nay."

The roll call having been concluded, the result was announced—yeas 17, nays 64, as follows:

YEAS—17.

Ashurst	France	Pittman	Walsh, Mass.
Borah	Harris	Reed	Watson, Ga.
Caraway	Johnson	Sheppard	
Culberson	La Follette	Shields	
Fletcher	Norris	Stanley	

NAYS—64.

Ball	Frelinghuysen	McLean	Shortridge
Brandegee	Gooding	McNary	Smoot
Broussard	Hale	Moses	Spencer
Bursum	Harreld	Myers	Stanfield
Calder	Hitchcock	Nelson	Sterling
Cameron	Jones, Wash.	New	Sutherland
Capper	Kellogg	Newberry	Townsend
Colt	Kendrick	Norbeck	Trammell
Cummins	Keyes	Oddie	Underwood
Curtis	Ladd	Page	Wadsworth
Dial	Lenroot	Pepper	Walsh, Mont.
du Pont	Lodge	Phipps	Warren
Edge	McCormick	Poindexter	Watson, Ind.
Elkins	McCumber	Pomerene	Weller
Ernst	McKellar	Ransdell	Williams
Fernald	McKinley	Rawson	Willis

NOT VOTING—15.

Crow	Harrison	Nicholson	Simmons
Dillingham	Heflin	Overman	Smith
Gerry	Jones, N. Mex.	Owen	Swanson
Glass	King	Robinson	

So Mr. LA FOLLETTE's amendment to the amendment of the committee was rejected.

Mr. LA FOLLETTE. I have one more amendment, which I send to the desk and ask to have read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add at the end of the resolution of ratification the following:

Provided, That, it being the intention of the United States to grant full and complete independence to the Philippine Islands, the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the high contracting parties to this treaty agree to recognize and respect the political independence and territorial integrity of the Philippine Islands after such independence is granted.

Mr. LA FOLLETTE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

The result was announced—yeas 27, nays 60, as follows:

YEAS—27.

Ashurst	King	Pittman	Smith
Fletcher	Ladd	Ransdell	Swanson
Gerry	La Follette	Reed	Trammell
Harris	McKellar	Robinson	Walsh, Mass.
Harrison	Norris	Sheppard	Walsh, Mont.
Hitchcock	Overman	Shields	Watson, Ga.
Johnson	Owen	Simmons	

NAYS—60.

Ball	Ernst	McKinley	Pomerene
Brandegee	Fernald	McLean	Rawson
Broussard	France	McNary	Shortridge
Bursum	Frelinghuysen	Moses	Smoot
Calder	Gooding	Myers	Spencer
Cameron	Hale	Nelson	Sterling
Capper	Harreld	New	Sutherland
Colt	Jones, Wash.	Newberry	Townsend
Cummins	Kellogg	Nicholson	Underwood
Curtis	Kendrick	Norbeck	Wadsworth
Dial	Keyes	Oddie	Warren
Dillingham	Lenroot	Page	Watson, Ind.
du Pont	Lodge	Pepper	Weller
Edge	McCormick	Phipps	Williams
Elkins	McCumber	Poindexter	Willis

NOT VOTING—9.

Borah	Culberson	Heflin	Stanfield
Caraway	Glass	Jones, N. Mex.	Stanley
Crow			

So Mr. LA FOLLETTE's amendment to the amendment was rejected.

Mr. PITTMAN. I present the following amendment, to follow the committee reservation.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. Add at the end of the resolution of ratification, and to the proposed amendment of the committee, the following words:

and that the United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way for consideration.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I am privileged to vote, and I vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 65, as follows:

YEAS—28.

Ashurst	Glass	La Follette	Simmons
Borah	Harris	Overman	Smith
Caraway	Harrison	Pittman	Swanson
Culberson	Heflin	Reed	Trammell
Fletcher	Hitchcock	Robinson	Walsh, Mass.
France	Johnson	Sheppard	Walsh, Mont.
Gerry	King	Shields	Watson, Ga.

NAYS—65.

Ball	Frelinghuysen	Moses	Shortridge
Brandegee	Gooding	Myers	Smoot
Broussard	Hale	Nelson	Spencer
Bursum	Harreld	New	Stanfield
Calder	Jones, Wash.	Newberry	Sterling
Cameron	Kellogg	Nicholson	Sutherland
Capper	Kendrick	Norbeck	Townsend
Colt	Keyes	Norris	Underwood
Cummins	Ladd	Oddie	Wadsworth
Curtis	Lenroot	Owen	Warren
Dial	Lodge	Page	Watson, Ind.
Dillingham	McCormick	Pepper	Weller
du Pont	McCumber	Phipps	Williams
Edge	McKellar	Poindexter	Willis
Elkins	McKinley	Pomerene	
Ernst	McLean	Ransdell	
Fernald	McNary	Rawson	

NOT VOTING—3.

Crow	Jones, N. Mex.	Stanley

So Mr. PITTMAN's amendment to the amendment was rejected.

Mr. JOHNSON. I offer the following as an amendment to the pending reservation.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Add at the end of the resolution of ratification the following words:

The United States understands that the most efficient measures to be taken under article 2 shall be exclusively pacific measures.

The VICE PRESIDENT. The question is on agreeing to the amendment to the committee amendment.

Mr. JOHNSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 29, nays 63, as follows:

YEAS—29.

Ashurst	Harris	Overman	Smith
Borah	Harrison	Pittman	Swanson
Caraway	Heflin	Pomerene	Trammell
Culberson	Hitchcock	Reed	Walsh, Mass.
Fletcher	Johnson	Robinson	Watson, Ga.
France	King	Sheppard	
Gerry	La Follette	Shields	
Glass	Norris	Simmons	

NAYS—63.

Ball	du Pont	Keyes	Nelson
Brandegee	Edge	Ladd	New
Broussard	Elkins	Lenroot	Newberry
Bursum	Ernst	Lodge	Nicholson
Calder	Fernald	McCormick	Norbeck
Cameron	Frelinghuysen	McCumber	Oddie
Capper	Gooding	McKellar	Owen
Colt	Hale	McKinley	Page
Cummins	Harreld	McLean	Pepper
Curtis	Jones, Wash.	McNary	Poindexter
Dial	Kellogg	Moses	Ransdell
Dillingham	Kendrick	Myers	Rawson

Shortridge	Sterling	Wadsworth	Weller
Smoot	Sutherland	Walsh, Mont.	Williams
Spencer	Townsend	Warren	Willis
Stanfield	Underwood	Watson, Ind.	

NOT VOTING—4.

Crow	Jones, N. Mex.	Phipps	Stanley

So Mr. JOHNSON's amendment to the amendment was rejected.

Mr. JOHNSON. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. As a part of the resolution of ratification the Senator from California offers the following:

The United States understands that it assumes no obligation, either legal or moral, to maintain the rights in relation to the insular possessions or insular dominions of any of the other high contracting parties; and that the consent of the Congress of the United States shall be necessary to any adjustment or understanding under articles 1 or 2 by which the United States is to be bound in any way, and that there is no obligation, either legal or moral, to give such consent.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. HARRISON. Is it in order for me to inquire of the Senator from California if this is the original Brandegee reservation which was agreed to in the Foreign Relations Committee and which was changed at the request of the President?

Mr. JOHNSON. It is.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from California to the committee amendment.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I am privileged to vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 64, as follows:

YEAS—28.

Ashurst	Harris	McKellar	Sheppard
Borah	Harrison	Moses	Shields
Caraway	Heflin	Norris	Simmons
Culberson	Hitchcock	Overman	Stanley
France	Johnson	Pittman	Swanson
Gerry	King	Reed	Walsh, Mass.
Glass	La Follette	Robinson	Watson, Ga.

NAYS—64.

Ball	Fernald	McLean	Shortridge
Brandegee	Fletcher	McNary	Smoot
Broussard	Frelinghuysen	Myers	Spencer
Bursum	Gooding	Nelson	Stanfield
Calder	Hale	New	Sterling
Cameron	Harreld	Newberry	Sutherland
Capper	Jones, Wash.	Nicholson	Townsend
Colt	Kellogg	Norbeck	Trammell
Cummins	Kendrick	Oddie	Underwood
Curtis	Keyes	Page	Wadsworth
Dial	Ladd	Pepper	Walsh, Mont.
Dillingham	Lenroot	Phipps	Warren
du Pont	Lodge	Poindexter	Watson, Ind.
Edge	McCormick	Pomerene	Weller
Elkins	McCumber	Ransdell	Williams
Ernst	McKinley	Rawson	Willis

NOT VOTING—4.

Crow	Jones, N. Mex.	Owen	Smith

So Mr. JOHNSON's amendment to the amendment was rejected.

Mr. ROBINSON. I offer the following amendment to be added at the end of the pending reservation.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Add at the end of the proposed amendment of the committee to the resolution of ratification the following words:

The United States understands that each of the high contracting parties will refrain from entering into any secret treaty, agreement, or understanding with any other power or powers during the life of this treaty.

Mr. ROBINSON. On the amendment I demand the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 32, nays 60, as follows:

YEAS—32.

Ashurst	Harris	Norris	Simmons
Borah	Harrison	Overman	Smith
Caraway	Heflin	Pittman	Stanley
Culberson	Hitchcock	Pomerene	Swanson
Fletcher	Johnson	Reed	Trammell
France	King	Robinson	Walsh, Mass.
Gerry	La Follette	Sheppard	Walsh, Mont.
Glass	McKellar	Shields	Watson, Ga.

NAYS—60.

Ball	Ernst	McLean	Rawson
Brandegee	Fernald	McNary	Shortridge
Broussard	Frelinghuysen	Moses	Smoot
Bursum	Gooding	Myers	Spencer
Calder	Hale	Nelson	Stanfield
Cameron	Harreld	New	Sterling
Capper	Jones, Wash.	Newberry	Sutherland
Colt	Kellogg	Nicholson	Townsend
Cummins	Kendrick	Norbeck	Underwood
Curtis	Keyes	Oddie	Wadsworth
Dial	Ladd	Page	Warren
Dillingham	Lenroot	Pepper	Watson, Ind.
du Pont	Lodge	Phipps	Weller
Edge	McCumber	Poindexter	Williams
Elkins	McKinley	Ransdell	Willis

NOT VOTING—4.

Crow	Jones, N. Mex.	McCormick	Owen

So Mr. ROBINSON's amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment to the resolution of ratification.

Mr. POMERENE obtained the floor.

Mr. REED. Mr. President——

Mr. POMERENE. Does the Senator from Missouri desire to offer an amendment?

Mr. REED. I do.

Mr. POMERENE. Very well. I expected to offer my substitute, but if the Senator from Missouri desires to offer an amendment I yield to him.

Mr. REED. I offer the amendment, which I send to the desk, to the amendment reported by the committee.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. At the end of the resolution of ratification it is proposed to add the following proviso:

Provided, That the United States agrees to this treaty with the express understanding that it reserves to itself the right to withdraw therefrom at any time any of the other parties to the treaty shall, in the opinion of the President of the United States or of the Congress by joint resolution expressed, wrongfully engage in war with any country, thereby imperiling the peace of the Pacific.

Mr. REED. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 63, as follows:

YEAS—28.

Ashurst	Harrison	Overman	Smith
Borah	Heflin	Pittman	Stanley
Caraway	Hitchcock	Reed	Swanson
Culberson	Johnson	Robinson	Trammell
France	King	Sheppard	Walsh, Mass.
Gerry	La Follette	Shields	Walsh, Mont.
Harris	McKellar	Simmons	Watson, Ga.

NAYS—63.

Ball	Fernald	McLean	Ransdell
Brandegee	Fletcher	McNary	Rawson
Broussard	Frelinghuysen	Moses	Shortridge
Bursum	Gooding	Myers	Smoot
Calder	Hale	Nelson	Spencer
Cameron	Harreld	New	Stanfield
Capper	Jones, Wash.	Newberry	Sterling
Colt	Kellogg	Nicholson	Sutherland
Cummins	Kendrick	Norbeck	Townsend
Curtis	Keyes	Norris	Underwood
Dial	Ladd	Oddie	Wadsworth
Dillingham	Lenroot	Page	Watson, Ind.
du Pont	Lodge	Pepper	Weller
Edge	McCormick	Phipps	Williams
Elkins	McCumber	Poindexter	Willis
Ernst	McKinley	Pomerene	

NOT VOTING—5.

Crow	Jones, N. Mex.	Owen	Warren
Glass			

So Mr. REED's amendment to the committee amendment was rejected.

Mr. REED. I offer another amendment to the amendment of the committee to the resolution of ratification.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. At the end of the resolution of ratification it is proposed to add the following proviso:

Provided, That the United States agrees to this treaty with the express understanding and reservation that article 2 of said treaty shall not apply to any situation arising out of the military occupation of any of the high contracting parties of any part of the mainland of Asia included in the boundaries of the Chinese or Russian Empires as they existed in 1890.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri to the amendment of the committee to the resolution of ratification.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. ROBINSON. I hope we may have the yeas and nays on the amendment.

The VICE PRESIDENT. Is the demand seconded? [A pause.] The demand is not sufficiently seconded.

Mr. REED. Then, Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll, and called the name of Mr. ASHURST, who responded to his name.

Mr. WADSWORTH. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. WADSWORTH. I make the point of order that the absence of a quorum can not be suggested at this time, the roll call last had having disclosed the presence of a quorum and no business having intervened in the meantime.

The VICE PRESIDENT. The Chair is of the opinion that the point is raised too late, because the roll call was proceeding. The Secretary will continue calling the roll.

The reading clerk resumed and concluded the calling of the roll, and the following Senators answered to their names:

Ashurst	Gerry	McNary	Shields
Ball	Gooding	Moses	Shortridge
Borah	Hale	Myers	Simmons
Brandegee	Harreld	Nelson	Smith
Broussard	Harris	New	Smoot
Bursum	Harrison	Newberry	Spencer
Calder	Heflin	Nicholson	Stanfield
Cameron	Hitchcock	Norbeck	Stanley
Capper	Johnson	Norris	Sterling
Caraway	Jones, Wash.	Oddie	Sutherland
Colt	Kellogg	Overman	Swanson
Culberson	Kendrick	Owen	Townsend
Cummins	Keyes	Page	Trammell
Curtis	King	Pepper	Underwood
Dial	Ladd	Phipps	Wadsworth
Dillingham	La Follette	Pittman	Walsh, Mass.
Edge	Lenroot	Poindexter	Walsh, Mont.
Elkins	Lodge	Pomerene	Warren
Ernst	McCormick	Ransdell	Watson, Ga.
Fernald	McCumber	Rawson	Watson, Ind.
Fletcher	McKellar	Reed	Williams
France	McKinley	Robinson	Willis
Frelinghuysen	McLean	Sheppard	

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

Mr. REED. Now, Mr. President, a quorum having been developed, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 24, nays 64, as follows:

YEAS—24.

Ashurst	Harrison	Pittman	Smith
Borah	Heflin	Reed	Stanley
Caraway	Hitchcock	Robinson	Swanson
France	Johnson	Sheppard	Walsh, Mass.
Gerry	La Follette	Shields	Walsh, Mont.
Harris	McKellar	Simmons	Watson, Ga.

NAYS—64.

Ball	Fernald	McLean	Ransdell
Brandegee	Fletcher	McNary	Rawson
Broussard	Frelinghuysen	Moses	Shortridge
Bursum	Gooding	Myers	Smoot
Calder	Hale	Nelson	Spencer
Cameron	Harreld	New	Stanfield
Capper	Jones, Wash.	Newberry	Sterling
Colt	Kellogg	Nicholson	Sutherland
Cummins	Kendrick	Norbeck	Townsend
Curtis	Keyes	Norris	Underwood
Dial	Ladd	Oddie	Wadsworth
Dillingham	Lenroot	Page	Warren
du Pont	Lodge	Pepper	Watson, Ind.
Edge	McCormick	Phipps	Weller
Elkins	McCumber	Poindexter	Williams
Ernst	McKinley	Pomerene	Willis

NOT VOTING—8.

Crow	Glass	King	Owen
Culberson	Jones, N. Mex.	Overman	Trammell

So Mr. REED's amendment to the amendment of the committee was rejected.

Mr. REED. Mr. President, I have one more reservation, which I send to the desk and ask to have read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the end of the proposed resolution of ratification, the following:

Provided, That the United States agrees to this treaty with the express understanding that it may withdraw from the same at any time by giving one year's notice of its intention to withdraw.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I am privileged to vote, and vote "nay."

The roll call having been concluded, the result was announced—yeas 26, nays 64, as follows:

YEAS—26.

Ashurst	Harrison	Overman	Stanley
Borah	Heflin	Pittman	Swanson
Caraway	Hitchcock	Reed	Walsh, Mass.
Culberson	Johnson	Sheppard	Walsh, Mont.
France	La Follette	Shields	Watson, Ga.
Gerry	McKellar	Simmons	
Harris	Myers	Smith	

NAYS—64.

Ball	Fernald	McLean	Ransdell
Brandegee	Fletcher	McNary	Rawson
Broussard	Frelinghuysen	Moses	Shortridge
Bursum	Gooding	Nelson	Smoot
Calder	Hale	New	Spencer
Cameron	Harreld	Newberry	Stanfield
Capper	Jones, Wash.	Nicholson	Sterling
Colt	Kellogg	Norbeck	Sutherland
Cummins	Kendrick	Norris	Townsend
Curtis	Keyes	Oddie	Underwood
Dial	Ladd	Owen	Wadsworth
Dillingham	Lenroot	Page	Warren
du Pont	Lodge	Pepper	Watson, Ind.
Edge	McCormick	Phipps	Weller
Elkins	McCumber	Poindexter	Williams
Ernst	McKinley	Pomerene	Willis

NOT VOTING—6.

Crow	Jones, N. Mex.	Robinson	Trammell
Glass	King		

So Mr. REED's amendment to the amendment was rejected.

Mr. POMERENE. I now offer the substitute heretofore sent to the desk.

The VICE PRESIDENT. The Secretary will read the substitute.

The ASSISTANT SECRETARY. The Senator from Ohio moves to amend the committee amendment by striking out the last three lines, in the following words:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

And in lieu of those words inserting the following:

It is, however, understood that any adjustment provided for under article 1 hereof, and any understanding contemplated under article 2, in order to be binding upon the United States, shall be ratified and executed in accordance with the constitutional methods of the United States.

Mr. POMERENE. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 10, nays 78, as follows:

YEAS—10.

Ashurst	Fletcher	Sheppard	Walsh, Mass.
Culberson	Pomerene	Trammell	
Dial	Ransdell	Underwood	

NAYS—78.

Ball	Glass	McNary	Simmons
Borah	Hale	Moses	Smith
Brandegee	Harreld	Myers	Smoot
Broussard	Harris	Nelson	Spencer
Bursum	Heflin	New	Stanfield
Calder	Hitchcock	Newberry	Stanley
Cameron	Johnson	Nicholson	Sterling
Capper	Jones, Wash.	Norbeck	Sutherland
Caraway	Kellogg	Norris	Swanson
Colt	Kendrick	Oddie	Townsend
Cummins	Keyes	Overman	Wadsworth
Curtis	Ladd	Page	Walsh, Mont.
Dillingham	La Follette	Pepper	Warren
du Pont	Lenroot	Phipps	Watson, Ga.
Edge	Lodge	Poindexter	Watson, Ind.
Elkins	McCormick	Rawson	Weller
Ernst	McCumber	Reed	Williams
Fernald	McKellar	Robinson	Willis
France	McKinley	Shields	
Frelinghuysen	McLean	Shortridge	

NOT VOTING—8.

Crow	Gooding	Jones, N. Mex.	Owen
Gerry	Harrison	King	Pittman

So Mr. POMERENE's amendment to the amendment was rejected.

Mr. POMERENE. I move to amend the reservation by inserting, just before the concluding period, the language I send to the desk, so as to make it an additional reservation instead of a substitute.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Add at the end of the resolution and at the end of the committee amendment a comma and the following:

And that any adjustment provided for under article 1 hereof, and any understanding contemplated under article 2, in order to be binding upon the United States shall be ratified and executed in accordance with the constitutional methods of the United States.

Mr. POMERENE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 13, nays 71, as follows:

YEAS—13.

Ashurst	Fletcher	Pomerene	Walsh, Mass.
Borah	Harris	Ransdell	
Culberson	Johnson	Sheppard	
Dial	La Follette	Underwood	

NAYS—71.

Ball	Frelinghuysen	Moses	Simmons
Brandegee	Glass	Myers	Smith
Broussard	Gooding	Nelson	Smoot
Bursum	Hale	New	Spencer
Calder	Harreld	Newberry	Stanfield
Cameron	Jones, Wash.	Nicholson	Sterling
Capper	Kellogg	Norbeck	Sutherland
Caraway	Kendrick	Norris	Swanson
Colt	Keyes	Oddie	Townsend
Cummins	Ladd	Page	Wadsworth
Curtis	Lenroot	Pepper	Walsh, Mont.
Dillingham	Lodge	Phipps	Warren
du Pont	McCormick	Poindexter	Watson, Ga.
Edge	McCumber	Rawson	Watson, Ind.
Elkins	McKellar	Reed	Weller
Ernst	McKinley	Robinson	Williams
Fernald	McLean	Shields	Willis
France	McNary	Shortridge	

NOT VOTING—12.

Crow	Heflin	King	Pittman
Gerry	Hitchcock	Overman	Stanley
Harrison	Jones, N. Mex.	Owen	Trammell

So Mr. POMERENE's amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment to the resolution of ratification.

Mr. WILLIAMS. I call for the yeas and nays.

Mr. HITCHCOCK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. HITCHCOCK. The question is on the resolution of ratification?

The VICE PRESIDENT. The question is on the committee amendment, on which the yeas and nays have been ordered.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. PEPPER. The senior Senator from Pennsylvania [Mr. CROW] is absent on account of serious illness. No pair has been arranged for him. If present he would vote "yea."

The result was announced—yeas 91, nays 2, as follows:

YEAS—91.

Ashurst	Frelinghuysen	McLean	Sheppard
Ball	Gerry	McNary	Shields
Borah	Glass	Moses	Shortridge
Brandegee	Gooding	Myers	Simmons
Broussard	Hale	Nelson	Smith
Bursum	Harreld	New	Smoot
Calder	Harris	Newberry	Stanfield
Cameron	Harrison	Nicholson	Stanley
Capper	Heflin	Norbeck	Sterling
Caraway	Hitchcock	Norris	Sutherland
Colt	Johnson	Oddie	Swanson
Culberson	Jones, Wash.	Overman	Townsend
Cummins	Kellogg	Owen	Trammell
Curtis	Kendrick	Page	Underwood
Dial	Keyes	Pepper	Wadsworth
Dillingham	Ladd	Phipps	Walsh, Mass.
du Pont	La Follette	Pittman	Walsh, Mont.
Edge	Lenroot	Poindexter	Warren
Elkins	Lodge	Pomerene	Watson, Ga.
Ernst	McCormick	Ransdell	Watson, Ind.
Fernald	McCumber	Rawson	Weller
Fletcher	McKellar	Reed	Willis
France	McKinley	Robinson	

NAYS—2.

Spencer	Williams

NOT VOTING—3.

Crow	Jones, N. Mex.	King

So the committee amendment was agreed to.

The VICE PRESIDENT. If there are no further amendments as in Committee of the Whole, the treaty will be reported to the Senate.

The treaty was reported to the Senate as amended.

The VICE PRESIDENT. The treaty is in the Senate and open to amendment.

Mr. ROBINSON. Mr. President, the first matter in order, as I understand the rule, is concurrence in the amendment agreed to in Committee of the Whole.

The VICE PRESIDENT. Without objection, the resolution of ratification will be reported to the Senate.

Mr. LENROOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. LENROOT. Has the reservation made as in Committee of the Whole been concurred in?

The VICE PRESIDENT. It has not.

Mr. LENROOT. I submit to the Chair that the reservation should be concurred in exactly in the same way as if it had been an amendment. The decision of the Committee of the Whole is to be concurred in first.

The VICE PRESIDENT. Without objection, the amendment made in Committee of the Whole to the resolution of ratification will first be concurred in. The question is on concurring in the amendment.

The amendment was concurred in.

The VICE PRESIDENT. If there are no further amendments, the resolution of ratification will now be read.

The Assistant Secretary read as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington, December 13, 1921, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended.

Mr. HITCHCOCK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. HITCHCOCK. I would like to ask the Chair whether the resolution of ratification as read will, if adopted by the constitutional majority, apply to the following language of the treaty:

In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:

1. That the treaty shall apply to the mandated islands in the Pacific Ocean; provided, however, that the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.

2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

The VICE PRESIDENT. The Chair understands that that is the declaration of the signatory powers and not a part of the treaty.

Mr. HITCHCOCK. I beg to inquire when opportunity will be given to offer amendments to that declaration?

The VICE PRESIDENT. The Chair does not understand that it is open to amendment.

Mr. HITCHCOCK. I call the attention of the Chair to the fact that it changes the meaning of the treaty, and it was adopted on the same day with the treaty.

Mr. LODGE. Mr. President, I make the point of order that this discussion is out of order under the unanimous-consent agreement. The Chair has ruled correctly.

The VICE PRESIDENT. The Chair has answered the parliamentary inquiry of the Senator from Nebraska.

Mr. LODGE. Regular order!

Mr. HITCHCOCK. I only want a ruling by the Chair. Does the Chair rule that the resolution of ratification ratifies this declaration which has been made a part of the treaty?

Mr. BRANDEGEE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BRANDEGEE. Under the unanimous-consent agreement the Senate agreed that immediately after the reservations and amendments that might be pending should be acted upon it would then vote upon the resolution of ratification. That has been presented and is now before the Senate. The matter to which the Senator from Nebraska alludes is not the resolution of ratification, and is not pending as an amendment to the resolution of ratification.

Mr. REED. What is it?

Mr. BRANDEGEE. I should judge from its being signed by the delegates to the international conference that it was their interpretation of the treaty, but it would be just as pertinent to make the President's address to the Senate a part of the

resolution of ratification as to make the interpretation of those who framed the treaty. I make the point of order that the unanimous-consent agreement compels a vote unless there are other amendments or reservations to be offered to the resolution of ratification.

Mr. HITCHCOCK. I am not disputing that. I am simply seeking to get a ruling of the Chair to go into the RECORD, and if the Chair does not care to hear me on that subject, I of course shall desist at once. It is for the Chair to say whether he desires to hear me.

Mr. BRANDEGEE. The resolution of ratification is before the Senate, and it is for the Chair to say whether the inquiry raised by the Senator presents a parliamentary inquiry.

The VICE PRESIDENT. The Chair will state the position of the question.

Mr. HITCHCOCK. If the Chair will permit me I will add one other thing. I am calling it to the attention of the Chair at this time because under the rules of the Senate it is required that the treaty shall be read, and this portion has not been read.

Mr. LODGE. It is not a part of the treaty. That is why it has not been read.

Mr. HITCHCOCK. It was transmitted to the Senate by the President as a part of the treaty——

Mr. LODGE. It was not.

Mr. HITCHCOCK. And it is printed with the treaty in advance of the resolution of ratification.

Mr. LODGE. Mr. President, all this debate is out of order, but the matter referred to by the Senator from Nebraska was not reported as a part of the treaty, and is not a part of the treaty. It is merely a declaration of the understanding and intent of the signatories of the treaty.

Mr. HITCHCOCK. I assume that the Senate has the right to pass upon the position of the United States as well as those who negotiated the treaty. Can they bind the Senate without the matter having even been read to the Senate?

Mr. LODGE. I make the point of order that this debate is out of order.

Mr. HITCHCOCK. It is not a debate. I am addressing myself to the Chair.

Mr. LODGE. It is a debate, and it is addressed to the merits of the question.

The VICE PRESIDENT. The Chair desires to cite the rule governing the deliberations of the Senate in the consideration of treaties. It is as follows:

> The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent—

Which was had in this case—

> the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

Nothing is now in order except to vote on the resolution of ratification.

Mr. HITCHCOCK. Mr. President——

Mr. FERNALD, Mr. WADSWORTH, and Mr. LODGE. Regular order!

Mr. REED. The Chair does not mean to say that an amendment to the treaty could not now be offered?

Mr. LODGE. It could not be under the rule.

The VICE PRESIDENT. Under the rule an amendment to the treaty can not now be received except by unanimous consent.

Mr. HITCHCOCK. Does the Chair rule, then, that the resolution of ratification upon which we are now to vote includes the declaration to which I have referred?

The VICE PRESIDENT. The Chair does not make any ruling on that question, because it is not before the Senate, as the Chair understands.

Mr. LODGE, Mr. FERNALD, Mr. WADSWORTH, and others. Regular order!

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended.

Mr. LODGE and Mr. WATSON of Indiana called for the yeas and nays, and they were ordered.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. On this question I understand, if that Senator were present, he would vote as I am about to vote. Therefore I feel at liberty to vote. I vote "yea."

Mr. GERRY (when the name of Mr. JONES of New Mexico was called. The Senator from New Mexico [Mr. JONES] is unavoidably absent. I am informed that, if present, he would vote "yea."

The roll call was concluded.

Mr. PEPPER. The senior Senator from Pennsylvania [Mr. CROW], who is absent on account of illness, if present would vote "yea."

The roll call resulted—yeas 67, nays 27, as follows:

YEAS—67.

Ball	Fletcher	McNary	Rawson
Brandegee	Frelinghuysen	Moses	Shortridge
Broussard	Gooding	Myers	Smoot
Bursum	Hale	Nelson	Spencer
Calder	Harreld	New	Stanfield
Cameron	Jones, Wash.	Newberry	Sterling
Capper	Kellogg	Nicholson	Sutherland
Colt	Kendrick	Norbeck	Townsend
Cummins	Keyes	Norris	Trammell
Curtis	Ladd	Oddie	Underwood
Dial	Lenroot	Owen	Wadsworth
Dillingham	Lodge	Page	Warren
du Pont	McCormick	Pepper	Watson, Ind.
Edge	McCumber	Phipps	Weller
Elkins	McKellar	Poindexter	Williams
Ernst	McKinley	Pomerene	Willis
Fernald	McLean	Ransdell	

NAYS—27.

Ashurst	Harris	Overman	Smith
Borah	Harrison	Pittman	Stanley
Caraway	Heflin	Reed	Swanson
Culberson	Hitchcock	Robinson	Walsh, Mass.
France	Johnson	Sheppard	Walsh, Mont.
Gerry	King	Shields	Watson, Ga.
Glass	La Follette	Simmons	

NOT VOTING—2.

Crow	Jones, N. Mex.

The VICE PRESIDENT. On this question the yeas are 67, the nays are 27. Two-thirds of the Senators present and voting having agreed thereto, the Senate advises and consents to the ratification of the treaty.

SUPPLEMENTARY FOUR-POWER TREATY.

Mr. LODGE. Mr. President, I now desire to call up the treaty supplementary to the four-power treaty.

The VICE PRESIDENT. The Chair lays before the Senate the supplementary four-power treaty, which the Secretary will read.

The Assistant Secretary read as follows:

> The United States of America, the British Empire, France, and Japan have, through their respective plenipotentiaries, agreed upon the following stipulations supplementary to the quadruple treaty signed at Washington on December 13, 1921:
>
> The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa, and the Pescadores, and the islands under the mandate of Japan.
>
> The present agreement shall have the same force and effect as the said treaty to which it is supplementary.
>
> The provisions of article 4 of the aforesaid treaty of December 13, 1921, relating to ratification shall be applicable to the present agreement, which in French and English shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to each of the other contracting powers.
>
> In faith whereof the respective plenipotentiaries have signed the present agreement.
>
> Done at the city of Washington the 6th day of February, 1922.

	CHARLES EVANS HUGHES	[L. S.]
	HENRY CABOT LODGE	[L. S.]
	OSCAR W. UNDERWOOD	[L. S.]
[L. S.]	ELIHU ROOT	
[L. S.]	ARTHUR JAMES BALFOUR	
[L. S.]	LEE OF FAREHAM.	
[L. S.]	A. C. GEDDES	
[L. S.]	R. L. BORDEN.	
[L. S.]	G. F. PEARCE	
[L. S.]	JOHN W SALMOND	
[L. S.]	ARTHUR JAMES BALFOUR	
[L. S.]	V S SRINIVASA SASTRI	
	A SARRAUT	[L. S.]
	JUSSERAND	[L. S.]
	T. KATO	[L. S.]
	K. SHIDEHARA	[L. S.]
	M. HANIHARA	[L. S.]

Mr. LODGE. I ask that the resolution of ratification reported by the committee may also be read.

The VICE PRESIDENT. The resolution of ratification reported by the committee will be read.

The Assistant Secretary read as follows:

> *Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of Executive O, Sixty-seventh Congress, second session, an agreement between the United States, the British Empire, France, and Japan, supplementary to the treaty between the same four powers relating to their insular possessions and insular dominions, and defining the application of the term "insular possessions and insular dominions" as relating to Japan, signed at Washington February 6, 1922.

The VICE PRESIDENT. Is there objection to present consideration?

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. The Chair hears none.

Mr. ROBINSON. Just a moment, please. Is it the purpose of the Senator from Massachusetts to proceed with the consideration of the supplementary treaty to a final disposition to-day?

Mr. LODGE. I should be very glad to dispose of it to-day. It seems to me that it is a treaty which requires but little debate.

Mr. ROBINSON. Mr. President, there is at least one amendment which will be presented and which will require some consideration. I do not know how much discussion will occur. We have been in session for quite a prolonged period——

Mr. LODGE. Of course, the treaty can only be considered at this moment by unanimous consent. One objection will carry it over until to-morrow.

Mr. ROBINSON. I understand that, but I prefer not to raise an objection. I merely wanted to state the viewpoint of some Senators who have given consideration to this subject, and to inform the Senator from Massachusetts that an amendment to the treaty will be presented and discussed. I should prefer not to object to the consideration of the treaty if the Senator from Massachusetts would allow it to go over until Monday.

Mr. LODGE. Whether objection is made or not, if it goes over it will be in the same parliamentary status to-morrow; that is, it will be in order. Of course, it will be open then to debate.

Mr. ROBINSON. I will be very frank with the Senator from Massachusetts. My primary object in making the inquiry which I have submitted is to ascertain whether or not the treaty might go over and the Senate take a recess or adjourn until Monday.

Mr. LODGE. No, Mr. President; I can not consent to an adjournment until Monday.

Mr. ROBINSON. Will the Senator permit me to make a statement in connection with that suggestion?

Many of us have been so busily engaged in the consideration of the four-power treaty that we have had no opportunity whatever for the performance of other official duties. Many of them are pressing for attention; and I believe it would be a proper and wholesome proceeding to adjourn over until Monday, in order that Senators might be afforded an opportunity to give attention to other matters. If the Senator has given consideration to that proposal and reached a conclusion, I shall be glad to have him advise us.

Mr. LODGE. Mr. President, I appreciate how much work on the treaty and its consideration here has prevented, I think, probably all Senators from attending to current business. I know it has prevented me; but I think it necessary that we should press these treaties as rapidly as possible, because the tariff bill will come in very shortly, and I am anxious to have the remaining treaties—to which I hope there will not be very serious objection—disposed of; and I should not feel justified in consenting to an adjournment until Monday.

Mr. ROBINSON. Mr. President, may I say, in reply to the statement just made by the Senator from Massachusetts, that I am not apprised of any disposition to delay unduly the consideration of the remaining treaties. I think the procedure that has been taken in connection with the treaty just disposed of enforces the conclusion that no effort has been made to delay unfairly the disposition of that treaty. If the Senator from Massachusetts feels disposed to persist in that attitude, I shall object to the present consideration of this treaty.

Mr. LODGE. I was perfectly willing to let it go over, but I can not consent to an adjournment until Monday.

Mr. ROBINSON. I object, Mr. President.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The Chair understands that objection is made to the present consideration of the resolution of ratification.

Mr. LODGE. Then, Mr. President, the treaty will go over and be taken up in the morning.

As in legislative session,

RESTORATION OF FORESTS.

Mr. FLETCHER. I ask permission to have inserted in the RECORD, in 8-point type, a communication from the Director of the Forest Service and also one from the Secretary of Agriculture with respect to measures looking to the restoration of forests.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, March 21, 1922.

Hon. DUNCAN U. FLETCHER,
United States Senate.

DEAR SENATOR FLETCHER: I have your letter of March 11, with which you inclosed a copy of the resolutions adopted by the Southern Crate Manufacturers' Association concerning the necessity for action to assure future supplies of timber for the agricultural industry of Florida. These resolutions, after pointing out the serious situation confronting the agricultural industries of Florida with respect to future supplies of wood for use in those industries, urge the enactment by the Congress of laws for the establishment and maintenance of a forest experiment station in Florida, and of House bill 129, introduced by Mr. SNELL of New York, which bill provides for a nation-wide development of forestry.

The fears of the Southern Crate Manufacturers' Association as expressed in their resolutions, seem to me to be well founded. The virgin forests of Florida are being cut rapidly, as are all those of the southern pine region. Meanwhile, there is a very large expansion of agriculture in the State, especially in the citrus industry, which ships most of its products in wooden containers. Estimates by local experts, based on the acreage already planted, indicate an annual consumption of 40,000,000 boxes by the citrus growers alone within less than 10 years' time. This will require about 240,000,000 feet of timber every year. The truck producers are also using millions of wooden crates, boxes, barrels, and baskets each year. Thoughtful and well-informed men in the State have told me that they do not know where these industries can obtain supplies of wood for their business needs beyond the next ten or fifteen years except by importations from the Pacific coast. And this is wholly aside from the large needs of your State for lumber in housing and general construction.

The Florida farmer is in a less fortunate situation with respect to his future wood supply than is the farmer in California with whom he competes. The farmers' associations in California are manufacturing the containers needed by their members to a large extent. The various cooperative associations have seven or eight sawmills and box factories, all drawing their logs wholly or in part from the national forests. They are sure of the opportunity to secure timber in the future, because the national forests are managed on the principle of furnishing a continuous supply of timber, and cutting in them is regulated so that it does not exceed the growth. Future crops of timber on the land now being cut over are assured.

The Florida farmer can not be sure of his future supplies, since the only national forest in the State is of too small size to grow more than a small fraction of the timber which will certainly be needed. Without the protection from fire and the careful methods of cutting which are practiced on national forests, privately owned timberland produces new crops only by accident, and such new stands as do start up may be spoiled by injudicious early turpentining or may be cut before they should be.

The Snell bill, which the resolutions of the Southern Crate Manufacturers' Association indorse, provides for a national program to meet the timber-supply situation throughout the country. One of its provisions would authorize the extension of national forests by the purchase of land chiefly suitable for growing timber crops, irrespective of a demonstrable effect of the maintenance of a forest cover on the navigability of streams. It would extend to the southern pine region, for example, the establishment of national forests through purchases, which has been carried on in the Appalachian Mountains. Meanwhile at least one part of the Snell bill program has been favorably acted on by the Congress in a separate bill. Probably other features of this general program will be similarly considered separately. There may be considerable delay, and meanwhile the situation in Florida is acute. I believe that in Florida public-spirited citizens would give the United States title to considerable areas of land chiefly valuable for growing forests, subject to certain temporary reservations, if they were assured that those lands would be administered as national forests and that the future timber crops grown on them would be devoted first to supplying the needs of the agricultural industries of the State. In view of the uncertainty of the early enactment of the proposed general legislation with a sufficient appropriation to enable effective action to be taken promptly, and in order to take advantage of any opportunity for earlier action in Florida that may result from offers of land without the necessity of drawing on the Federal Treasury for purchase money, I believe that special legislation should be enacted promptly. A suggested form of bill is inclosed.

The State has virtually extended an invitation to the Federal Government to help in meeting the situation by acquiring and administering additional national forests within its borders, as premeditated in the proposed legislation. The State legislature passed and on June 2, 1921, the governor of the State approved the following act (General Laws of Florida, 1921, vol. 1, p. 373, chap. 8564):

SECTION 1. That the consent of the State of Florida be, and is hereby, given to the acquisition by the United States, by purchase, gift, or condemnation with adequate compensation, of such lands in Florida as in the opinion of the Federal Government may be needed for the establishment, consolidation, and extension of national forests in the State: *Provided*, That the State of Florida shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil process in all cases, and such criminal process as may issue under the authority of the State of Florida, against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this act had not been passed.

SEC. 2. Power is hereby conferred upon the Congress of the United States to pass such laws and to make or provide for the making of such rules and regulations, of both a civil and criminal nature, and provide punishment therefor, as in its judgment may be necessary for the administration, control, and protection of such lands as may be from time to time acquired by the United States under the provisions of this act.

If it should prove possible to establish one or more national forests in Florida under the proposed legislation and in response to the State's invitation, the only expense to the Federal Government would be for the protection and administration of the land so acquired; but there would be little, if any, revenue from the national forest or forests so established until such grazing rights as might be reserved by the donor had expired and the new crop of timber had reached a size where cutting or turpentine operations were feasible. In this respect such lands would be in the same status as much of the land which had been purchased in the Southern Appalachians and in the White Mountains under the act of March 1, 1911.

Lands so acquired would be withdrawn from local taxation, so far as the land itself is concerned, but under existing law 25 per cent of the gross revenues from the national forests are given to the States in lieu of taxes for the benefit of the school and road funds of the counties in which the national forests are situated. This revenue would be small or lacking at first, but would ultimately be much greater than the counties could hope to get from the same land were it to remain in private ownership. I am informed that large areas of cut-over pine land of low value for agriculture are reverting to the State of Florida and to the other States in the southern pine belt, because the owners are unwilling to pay taxes on them under the current assessed valuations and rates of taxation. These lands are in reality a liability to the State rather than an asset, and the placing of them in a national forest in order that they may be made productive would assure the State and county that these lands will later contribute liberally to the expenses of the local governments.

The resolutions cover also the question of forest experiment stations. This I realize is a matter in which you have been personally interested, as shown by the introduction of a bill to establish such a station (S. 627). The position of the department is so well covered in its report of May 12 on this bill that I am inclosing a copy, and will not attempt to repeat the points which it makes. I am inclosing also a copy of Departmental Circular 183, which also covers somewhat the same ground. In order to supply the rapidly growing needs of the South itself for timber and to assist in supplying as well the requirements of the Middle West and the North the forest lands of the South must be made to produce timber to their full capacity. This can be accomplished only by intensive technical methods of forestry, the basis for which can be obtained only through the work of a forest experiment station. Instead, however, of establishing stations in individual States, my suggestion would be to enlarge sufficiently the work already under way on a small scale in the South to cover the problems of all the States in the southern pine belt. The cost of the work can be held to a minimum and its effectiveness increased if the closely related problems of the different Southern States are approached and handled from the regional standpoint.

Very truly yours,

W. B. GREELEY, *Forester*.

[Enclosure.]

A bill to authorize the acceptance of title to forest lands in the State of Florida and to create national forests therefrom and for other purposes.

Be it enacted, etc., That to enable owners of lands chiefly valuable for the growing of timber crops, situated in the State of Florida, to donate or devise such lands to the United States for national-forest purposes in order to assure future timber supplies for the agricultural and other industries of the State, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations, by the donor, of the present crop of merchantable timber and of mineral and grazing rights as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this act, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to examination and acceptance of title: *Provided*, That any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests by themselves or jointly with other lands acquired under this act or jointly with the existing Florida National Forest.

SEC. 2. Lands to which title is accepted under this act shall, upon acceptance of title, become national forest lands, subject to all laws affecting lands acquired under the act of March 1, 1911 (36 Stat., 961). In the sale of timber from national forest lands acquired under this act, preference shall be given to applicants who will furnish the products to meet the necessities of citizens of the United States engaged in agriculture in the State of Florida.

SUPERVISION OF PROPOSED FOREST EXPERIMENT STATION, FLORIDA.

MAY 12, 1921.

Hon. GEORGE W. NORRIS,
Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR NORRIS: Receipt is acknowledged of your request of April 28 for a report on the bill (S. 627) to establish and maintain a forest experiment station in the State of Florida, together with the views of this department.

The department is glad of an opportunity to express its views on this bill, since the establishment of thoroughly equipped and adequately manned experiment stations in all of the important forest regions of the United States is one of the most essential steps to be taken in connection with the development and practice of forestry in this country. There can be no question as to the urgent need for the establishment of such a station in the Southern States at the earliest possible moment. A few facts as to the present forest situation in that region will make this clear.

The original pine forests of the South Atlantic and Gulf States covered from 125,000,000 to 130,000,000 acres and had a stand of timber close to 650,000,000,000 feet. Four-fifths of this stand has been cut since 1870 and chiefly since 1890. Moreover, the cutting has been done in such a way that 31,000,000 acres, or more than one-fourth of the present pine area of the region, is wholly unproductive and an additional 60,000,000 acres only partially productive. As a result the total cut of southern yellow pine is about three times the annual growth, while in the case of saw timber alone the present cut is more than four times the annual growth.

These facts mean that the production of southern yellow pine, which for more than 20 years has dominated the cut of softwood timber in this country, can not be maintained indefinitely. A recent survey covering 5,400 mills owning or controlling practically the entire remaining virgin stand in the South indicates that nearly 82 per cent of these mills will cut out their timber in five years or less, and that over 97 per cent of the mills will cut out their timber in 10 years or less. As these larger mills cut out, small mills operating on second growth and scattered tracts will take their place, but the net result will be a decided and constantly increasing reduction in the total pine output of the region.

The effects of this decreased production will be felt even more keenly in other parts of the country than in the South, which at present consumes only about one-third of its total lumber cut. The remainder is used chiefly in the northeastern, central, and middle western States, where yellow pine for many years has been the standard construction timber. Since the exhaustion of white pine in the Lake States, the South has thus served as the chief source of timber supply for the great lumber-consuming centers of the country, both agricultural and industrial. These other regions are therefore as vitally interested in maintaining the productivity of the southern forests as is the South itself.

The steady depletion of the southern pine forests also means the serious crippling of the naval stores industry, which is already commonly regarded as a dying industry in this country. For at least the last century American production of naval stores has led the world, and even at present constitutes approximately 80 per cent of the total world production; but for the South, as a whole, production has been falling off for a number of years. Recent estimates indicate that the production of gum naval stores in the southern pine belt will within 10 years have been reduced to such and extent that export markets, and even our own, must look elsewhere for their main supplies. In North Carolina, which was for many years the leading State, the production of naval stores is now negligible, as is also the case in South Carolina. Georgia and Alabama will be practically eliminated as large producers of naval stores within 5 years, Florida and Mississippi in 8 years, Texas in 10 years, and Louisiana, the last stronghold of the industry, in 15 years. Destructive methods of turpentining, coupled with lack of intelligent forest management, have helped to bring the naval stores industry to its present position.

While yellow pine is the predominant species in the Southern States, there are also large stands of bald cypress and valuable hardwoods, such as oak, red gum, ash, and cottonwood.

In the case of cypress, lumbering is seldom followed by a second growth of timber, so that with the completion of present operations the cypress industry naturally ends. Many well-informed lumbermen place the duration of the important commercial cut at no longer than 10 years. Although the cut of hardwoods in the southern Mississippi Valley is still on the increase, this last of the great hardwood regions of the country is well on its way toward complete exploitation and it is only a question of time when the virgin stands and large mills of to-day will be replaced by culled second-growth stands operated by small, portable mills. While the bulk of the bottom-land stands are on fertile soil which will, for the most part, be cleared for agriculture there are also large areas, particularly in the uplands, which can and should be used for the permanent production of timber.

It is thus evident that the present timber situation in the South is a serious one not only from the standpoint of the South itself but of practically the entire country. Under present methods of exploitation one of our most valuable natural resources is being utilized with little or no provision for its replacement. Such second growth as follows lumbering is a matter of chance and is deficient in both quantity and quality. Unless active steps are taken to handle the forest lands of the South in such a way as not only to maintain but to increase their productivity the effects will be felt in a growing scarcity of lumber and correspondingly increased prices throughout the United States east of the Rocky Mountains.

To determine what measures should be taken to produce the greatest amount of the most desirable species in the shortest possible time under the widely varying climatic and soil conditions found in various parts of the South requires constant and extensive investigation on the part of thoroughly trained men. Experience has shown that such investigations can be conducted to best advantage from a forest experiment station similar in general character, purpose, and scope to the agricultural experiment stations of the country. Such a station is necessary to provide adequate instrumental equipment, to keep the investigator in constant touch in the field with the problems which he is studying, and to afford that continuity of investigation which is so essential to the study of problems connected with a long-lived crop such as the forest.

Among the many problems which might well be studied at a forest experiment station in the Southern States the following may be mentioned as typical:

Methods of cutting to use with various species of southern yellow pine and hardwoods in order to secure satisfactory natural reproduction of the most desirable species. This in turn involves studies of the life histories of the trees involved, including such points as their requirements for light, heat, and soil moisture, seeding habits, rate of growth, susceptibility to injury, and so forth.

Artificial reforestation of denuded or cut-over areas, either by direct seeding or by planting, including such points as amount of seed per acre to use, method of sowing, preparation of ground prior to sowing, methods of nursery practice, age and size of stock to use in field planting, etc.

Care of young stands in order to secure maximum growth of desirable species, involving such operations as thinning out poorly formed and unhealthy trees or undesirable species.

Methods and effects of forest fire protection, including such points as the disposal of the slash after lumbering operations, relation between stock grazing and forest fires, influence of light surface fires on survival and rate of growth of young seedlings, damage done by more severe fires to older trees, etc.

Effect of grazing on forest-tree reproduction, with special reference to hog grazing and long-leaf pine, which in certain regions and under certain conditions appears to be severely damaged by such grazing.

Rate of growth and volume per acre yielded by different species at different ages and in stands of various densities in different parts of the region and under different soil conditions.

Methods of turpentining, with a view to securing maximum yields with minimum damage to trees affected. Preliminary experiments on the Florida National Forest, for example, have already shown that good yields of naval stores may be obtained under conservative methods of tapping, which materially prolong the life of the trees and result in comparatively little loss of merchantable timber.

In short, such studies would include all important problems relating to the life history and management of the forest from the seedling to the mature stand. That such investigations are essential to secure the perpetuation and maximum yield from our forests is too obvious to require argument. Only in this way can accurate information as to the behavior and possibilities of our forests be obtained. Experience in forestry, as in agriculture, engineering, and other fields, has amply demonstrated that intensive studies by a staff of thoroughly trained men yield practical results of more value in a shorter time and at less cost than can possibly be obtained in any other way. Moreover, the experiments themselves serve as demonstration areas, and in this way, as well as by furnishing the essential facts on which the rational handling of our forests must be based, greatly hasten the actual practice of forestry by timberland owners generally.

The department believes that the work in the southern pine belt should be developed and handled as a whole, and that the station should in every sense be a regional institution. Our conception of the station to be developed eventually would be the location of as much as possible of the work at one center and with additional work at a number of other centers throughout the South so located as to cover thoroughly the rather widely diversified conditions which exist.

Instead of definitely deciding in advance that the central station should be located in any one place or even in any specified State, the department believes that it would be better to start the work in a number of carefully selected centers and postpone final decision as to the central headquarters for two or three years until conditions and requirements for the entire region are better understood. This plan would permit the work to go actively forward on the most important problems of the region, it would make it possible to secure the most advantageous terms, and in the end it would insure the best possible location of the central station. It is recommended, therefore, that the bill be amended by the insertion, after the word "Florida" in line 10, of the following: "or at such other suitable place or places in the southern pine region."

It is going to be possible to initiate a comparatively small amount of work in the South after July 1. But the department is convinced that the critical situation described fully justifies a station with a permanent technical staff of at least 12 men, together with necessary clerical help, temporary assistance, labor, supplies, equipment, etc., and for such a station the appropriation carried by Senator FLETCHER'S bill would be necessary. Such an expenditure for the conduct of investigations on which to base the management of the immensely valuable forests of pine, cypress, and hardwoods in a region which has over 150,000,000 acres of forest land and which is one of the principal sources of timber supply for the entire eastern United States would unquestionably prove a paying investment.

The department, therefore, recommends favorable consideration of this measure by your committee.

Very sincerely, yours,

HENRY C. WALLACE, *Secretary.*

AFFAIRS IN ARMENIA.

Mr. KING. Mr. President, a few days ago a mass meeting was held in this city at which certain resolutions were adopted asking that the good offices of the United States be exercised in behalf of the Armenians and the Greeks who are suffering atrocities at the hands of the Turks. A committee was appointed to wait upon the chairman of the Committee on Foreign Relations and to hand him a copy of the resolutions. The committee came to the Senate, but not being able to meet the chairman of the committee they requested me to present the resolutions. I now present them to the chairman of the committee in open session, and ask their reference to the Committee on Foreign Relations.

The VICE PRESIDENT. That reference will be made.

PATRIOTISM VERSUS CRIMINAL SYNDICALISM.

Mr. JONES of Washington. Mr. President, on February 3 of this year I had inserted in the RECORD a statement from the Seamen's Union with reference to the action of steamship companies, especially on the Pacific coast. I have here an answer to that statement, with the request that it go in the RECORD. I think it is perfectly fair and just that it should go in the RECORD, in view of the insertion of the other matter; and I ask unanimous consent that it may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

PACIFIC AMERICAN STEAMSHIP ASSOCIATION,
San Francisco, March 15, 1922.

Hon. WESLEY L. JONES,
Chairman Committee on Commerce, United States Senate,
Washington, D. C.

SIR: Our attention has been called to the CONGRESSIONAL RECORD of February 3, 1922, pages 2123 to 2128, entitled "Patriotism versus criminal syndicalism," under which documents were made of record by you, on behalf of Mr. Andrew Furuseth, of the Seamen's Union.

Your statement in this connection is noted as follows:

"I hope that the shipowners' organization will consider well the charges here made, that men who have been expelled from the Seamen's

Union because of their affiliation with the Industrial Workers of the World are being taken into crews of ships going all over the world, carrying their red cards and propagating their doctrine. If that is true, the shipowners who are permitting that are doing something that is not patriotic, to say the least."

It hardly seems fair to the shipowners to be called upon for patriotic reasons, and in justice to themselves, to defend this charge that they are hiring radicals or members of the Industrial Workers of the World on board their vessels in preference to other seamen, after the bitter experience the shipowners have had, and the expense they have been put to in manning their vessels during the recent strike, when strenuous efforts were made to clear their ships' personnel of criminal syndicalism and to weed out from the crews the radicals, practically all of whom at that time were marine union members and harbored by said unions.

Mr. Furuseth knows this to be the fact. We therefore request that you make this, our statement, a matter for publication in the CONGRESSIONAL RECORD, in answer to the matter contained on pages 2123 to 2128, inclusive, and that this reply be indexed in such manner that legislators reading the charge may also read the reply.

For some time prior to May 1, 1921, the date of the last marine strike, the established custom was to apply to the various marine unions for men needed to man vessels. It was also the practice prior to the date mentioned to allow the union patrolmen, or union delegates, on board vessels. One of the duties of the union delegates was to keep in touch with steamers as they arrived in port and interview the union men, soliciting dues, memberships, and to hear real or fancied grievances from the crews, to be taken up by the unions against the owners, the ships' personnel at this time being approximately 100 per cent union.

On May 1, 1921, the date the owners adopted the American or open-shop plan, a rule was made not to allow anyone aboard their vessels except those who had authority or urgent business to transact with the vessel. This rule, of course, excluded the union delegates, who were thus prevented from interviewing the men, as had been their custom, and collecting dues from those who had not paid dues to the unions. This plan was adopted after all negotiations had failed to bring about agreements between the owners and the marine unions, due to refusal of the marine union officers to accept a reduction in wage scales.

The Pacific American Steamship Association and the Shipowners' Association of the Pacific Coast agreed to establish an employment office, where all classes of marine labor could be secured by the shipowners. Since the establishment of this employment office by the shipowners we have registered more than 20,000 men of all grades from master down to deck boy and have supplied our vessels without difficulty on the open-shop plan, based on the policy of a square deal, with no discrimination made on account of affiliations.

In our effort to make it easy for the men to secure positions and to keep a record of their employment, also to enable the operators to know the character and ability of their marine employees, the certificate and discharge book was introduced in the service. This certificate is no different than the ordinary letter of recommendation business firms use to determine the character and ability of applicants. It gives the honest and efficient employee his rating in the same manner as the certificate and discharge now used in the British marine service. It also gives the employer a chance to check the slacker, the trouble maker, the radical or I. W. W., and the unfit for sea employment. During the last two months we have issued nearly 4,000 of the discharge books to men who are now employed, and practically no complaint has been made concerning these books. Our marine employees have received them with satisfaction, because they will have their record in neat and compact form for the future. The men know that if their record is good the certificate will be the means of continued employment, without the necessity of using any influence but their own character and ability, and the book is a source of pride to them. With this book and proper length of service an examination for licensed officer is assured the holder.

Mr. Furuseth is opposed to these books, and states that their use will drive honest and capable men off the seas. He professes to see that the men are humiliated and classed as criminals because these books are required, but fails to remember that many nations have used these books for years and that the seamen value them when their records are clear. The men who do not want the books are men who are afraid of their own records, the trouble maker, the sea lawyer, the slacker, and the radical. There is no ulterior motive in the minds of the operators concerning these books. No employer has any desire to hinder an honest and competent employee. Mr. Furuseth would have us believe that the only card of merit that the shipowners should consider is the book of the Seamen's Union or the working card of the various marine organizations. Mr. Furuseth has repeatedly strongly condemned the employment service bureau and the methods it uses, because he is not taken into consideration. The power of employment has been taken from his hands and the marine employee is made independent to come and go as he pleases, regardless of walking delegates or anyone but himself and his ability to perform the service required. At no time has the employment service bureau discriminated against marine unions in selecting men for sea service, and at the present time at least 90 per cent of the men employed on board ship have been or are members of the various marine unions. The shipowners and operators have had costly experiences with labor-union leaders. They have learned that to depend upon the promises of labor-union leaders is fatal and costly, and that it is wiser to do business with the men themselves in an independent capacity than to attempt to do business with those who seek their own personal advancement instead of the advancement of the men who do the work. The fact that the unions could no longer furnish jobs for their members under the plan adopted by the owners was naturally resented by the union leaders and caused the officials of such unions to feel resentment against our employment service bureau, as the shipowners' plans interfered with their delegates gaining access to the ships, the collection of dues from their members, and the furtherance of union domination of American privately owned and even Government owned vessels.

Following the strike of May, 1921, while Mr. Furuseth was in Washington, local branches of the Seamen's Union became so impregnated with radicalism as to cause a great fear to arise in the minds of the leaders that the radicals would soon control the seamen's organization and turn it over to the Marine Transport Workers' Union. Mr. Furuseth returned to San Francisco and asked the assistance of the shipowners and operators to help him regain control of the Seamen's Union. In an unofficial way some of the shipowners did render assistance, and the former editor of the Seamen's Journal and a score of other radicals were expelled from the Seamen's Union, which once more placed Mr. Furuseth in the seat of power. Then Mr. Furuseth wanted the shipowners to refrain from using the certificate and discharge book later adopted. He was opposed to the employment service and asked permission for the union delegates to again visit the vessels of our fleet. The shipowners denied this request, which caused Mr. Furuseth great anger, and he then began to threaten the shipowners and operators.

The radicals expelled from the Seamen's Union, as claimed by Mr. Furuseth, were members in good standing during the marine strike of May, 1921, and their efforts benefited the Seamen's Union, if any benefit could be claimed for their acts. The shipowners have, not only from patriotic motives but for self-preservation, fought to expel from their vessels syndicalism, whether the radicals be members of the Seamen's Union or the Industrial Workers of the World. In this connection we note the definition of "syndicalism" in Webster's Dictionary:

"The theory, plan, or practice of trade-union action which aims to abolish the present political and social system by means of the general strike (as distinguished from the local or sectional strike) and direct action (demonstrations, strikes, sabotage, and violence, as distinguished from ordinary political methods)."

Mr. Furuseth in his documents has presented the constitution of the Industrial Workers of the World and the Marine Transport Workers' Union as a warning to the shipowners and operators of the country, yet Mr. Furuseth admits authorship of the following article:

"HOW SHALL WE GET RID OF THE SHIPOWNERS' SHIPPING OFFICE?—USE THE OLD REMEDY: THE ORACLE—THE ORACLE? WHAT IS IT?

"There are at least two ways of fighting. The regular battle and the skirmishing, bushwhacking, or the guerilla. To get rid of the shipowners' offices you must make the offices a failure. The offices are established to get men for the vessels, to keep the vessels from being delayed. If the office causes delay instead of preventing it, the office is a failure and will be abolished.

"To make the office a failure—to make it the reason for delay; to make it the cause of delay—the men must ship through it and then when the vessel is ready to cast off the lines the men walk ashore, because they were shipped in or by the office. You knew how to do this when you shipped out of the union office. You can do it now when you ship from the owners. You know how. You do not need to learn this, as you have practiced it.

"The vessel is ready and the master orders the lines cast off. You cast your duds on the wharf and then follow the duds. The vessel is delayed. She must find another crew. This crew may do the same thing or go up the coast and leave her there. She is again delayed. How long will the shipowners stand for that, especially in passenger vessels?

"We did this years ago—abolished the offices. We did it when the owners and the boarding masters were together. We did it even when we were arrested for it and were brought back to the vessel and compelled to work.

"We certainly can do it now when we can not be arrested for doing it in any safe harbor. The seamen's law, section 7, gives all seamen in American ports the right to quit work at will. You will lose what money you have coming to you, that is true. What are you willing to do to get rid of the shipowners' offices here and elsewhere? If you are not willing to do that much you will never get rid of those shipping offices.

"You need not lose the money, however, because section 2 of the seamen's act provides that you shall be divided into at least two watches, to be on deck alternately or successively. It further says that when this is not done (where day men are carried) the contract is broken, and you are entitled to your discharge and the money that you have earned. The whole section will be published in the Seamen's Journal. You read it and learn what your rights and what your duties are. You must learn your duties and be willing to perform them. You must learn your rights and how to insist upon them. The seamen's act is not a roasted goose, it is a gun with which to shoot the goose.

"Now please understand you are not to practice the oracle now. You are to learn what it is and how to use it. When you know, you will be ready to fight the shipping offices and you will be able to abolish them in short order.

"First, however, you must get back into the union so that you can trust each other and work together. When they begin to keep the law about the watches and you can not get your money in that way, we have another section of the seamen's act which gives you one-half of the wages due to you in any port (not oftener than after each fifth day)—this is section 4. This is the section under which foreign seamen have left their vessels these last five years and have collected many thousands of dollars. To state how much has been collected under this section would be impossible. It has all been tried out in the courts and it stood the test. The Supreme Court of the United States ruled with us. Of course, you will lose some of your wages now and then in this fight, but if you are not willing to do this—then you prefer serfdom to freedom—then for you there is no help. God himself can not help the man who will not help himself. Are you willing to help yourself? If you are, study this and learn how to use it.

"Come to the meetings and learn how to trust each other and how to help each other. Please understand you are not to practice the oracle now. You are to learn what it is and how to use it."

This article was sent as a document to the marine unions on the coast as a means for direct action to tie up the merchant ships when Mr. Furuseth thinks the unions are strong enough to accomplish what he hopes for. Please note how well it fits Webster's definition of syndicalism.

The Government of the United States and the laws of the State of California have declared against radical syndicalism, and anyone who values his citizenship would resent a defense of the Industrial Workers of the World or its policies. Certainly the shipowners who have suffered from acts of sabotage and radicalism during the marine strike, during which there were many cases of damage to public and private property and personal injuries, deny that radicals are knowingly hired or protected in crews of their vessels.

Some of the instances of violence and sabotage reported against striking seamen during the marine strike of 1921 are the following:

UNITED STATES SHIPPING BOARD'S STEAMSHIPS.

May 7 the *Demoines Bridge* was visited by rioting and striking seamen, who tried to prevent the vessel from sailing.

May 7 the nonunion crew of the *Saccandago* were badly beaten by strikers.

May 7 the *Willimantic* was found with all the sea cocks open and 15 feet of water in the hold.

May 9, 200 strikers rushed the police lines in San Francisco, boarded the *Bakersfield*, and assaulted the crew of nonunion men and drove them off the vessel. Later when this vessel was sent to sea union seamen on board the vessel filled the journals with emery dust and caused her to go into Los Angeles badly damaged.

July 11 the passenger steamer *Hawkeye State* had to put into Salina Cruz in distress.

The passenger steamer *Creole State* put into Honolulu with her journals full of emery dust and her steering gear spiked. One Joseph Wing was convicted in the Federal court and sentenced to seven years in the Federal prison at McNeil Island. He was charged with putting emery dust in the oil bearings of the *Creole State* while that ship was en route to the Orient with passengers and cargo. Evidence showed he held a card in the International Seamen's Union.

The passenger steamer *Buckeye State* was found on fire outside of Baltimore.

OTHER VESSELS.

May 12 the steamship *West Totem* was nearly sunk by strikers, who opened all her sea cocks at New Orleans.

Counsel for the marine unions represented the defendants in the following cases:

One W. J. Martin, an employee of the General Steamship Corporation, was attacked on the evening of June 12 by a group of men, was kicked and beaten and thrown in front of an automobile upon the approach of a policeman. The one assailant arrested was at the time a member of the seamen's union.

One Frank Mendez, an employee on the *Golden State*, was attacked outside of the Stewards' Union. Attempts were made to break Mendez's arms and he was beaten about the head and body. One of his assailants, Edwin Forrest, was convicted of this attack. Forrest was a member of the Stewards' Union.

Edward Arata, 18 years of age, employed by Matson Navigation Co., was attacked on Saturday, June 4, as he alighted from a street car. One of the assailants was identified by Arata as a marine fireman and a member of the marine firemen's union. Arata was knocked down and kicked in the face and chest, but was finally rescued by passers-by.

On May 27 one Horrigan, member of the sailors' union, threw a lag bolt into the steering gear of the *Admiral Sebree*, owned by the Pacific Steamship Co. Horrigan was charged with criminal syndicalism. When the case was called he forfeited bail in the sum of $750.

On June 3 one Vassilis, alias Vassilas, attempted to shoot one Rinder, an employee of the Pacific Mail Steamship Co., and one Brouders, a policeman of the city and county of San Francisco. Vassilis was a member of a large group of striking seamen and a member of the Marine Firemen, Oilers, and Watertenders' Union of the Pacific. Vassilis was charged with assault with intent to commit murder and was convicted in the court.

One Colleen, an employee of Matson Navigation Co., was attacked on May 31 by a number of striking seamen, some of whom were recognized as being members of the Sailors' Union of the Pacific, and was badly injured.

An attempt was made by union men to damage the engines of the steamer *Salina* by inserting abrasive material, probably emery dust, into the engines. The offenders were not apprehended.

The following cases appear in the court records:

People against William Riegel; assault. Convicted and sentenced to five days in county jail, May 25, 1921.
People against Jacobson; assault. Bail forfeited, June 25, 1921.
People against Odenwalden; assault. Bail forfeited, June 30, 1921.
People against Thypin; assault. Bail forfeited, June 25, 1921.
People against Goedicke; assault. Bail forfeited, July 18, 1921.
People against Martin; assault. Bail forfeited, July 18, 1921.
People against Thomas; assault. Bail forfeited, July 26, 1921.
People against Olsen.
People against Moller.
People against Neilson.
People against Belden.
People against Brown.

All assault cases. Bail forfeited in each case, July 20, 1921.

People against Johnson; assault. Convicted July 26, 1921, and fined $25.

People against Hickey; assault. Convicted July 26, 1921, and fined $10.

People against Kroh. Convicted August 18, 1921, and sentenced to 10 days in jail.

These are only samples of what happened during the marine strike, and they could be multiplied by the score. The arrests of many union men all over the United States puts the blame of these overt acts where they justly belong.

From this it will be seen that many radicals are numbered among union members, but it would be unfair to blame the entire rank and file for these acts. A labor union radical is just as dangerous to the peace and safety of the country as an I. W. W. radical, and it does not matter what banner he walks or sails under. While Mr. Furuseth bitterly complains against the radicalism of the Industrial Workers of the World and the Marine Transport Workers' Union, he must know that overt acts were committed by members of his own organization, who took the law into their own hands and were only curbed when Federal injunctions were granted in various ports of the Pacific coast, which prevented the reign of terror that had taken place by reason of lawlessness of direct action squads of the marine unions during the strike.

The shipowners deny having sought to destroy marine labor unions, but desire to curb the growing radicalism and arrogance of its leaders.

Mr. Furuseth is attempting to mislead the public and the United States Congress as to the evils of the Industrial Workers of the World and kindred organizations, when the same complaints might be made against the organization which he represents.

Yours, very truly,

PACIFIC AMERICAN STEAMSHIP ASSOCIATION,
J. P. WILLIAMS, *Secretary-Treasurer.*

As in legislative session,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9606) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3209. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota; and

S. 3265. An act construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes."

THE SESQUICENTENNIAL OF THE DECLARATION OF INDEPENDENCE (S. DOC. NO. 173).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

It seems appropriate to call the attention of the Congress to the fact that the 4th day of July, 1926, will mark the one hundred and fiftieth anniversary of the Declaration of Independence, and the beginning of our separate national existence. I am sure the Congress will agree that such an epochal event, which has meant so much to our own Republic, and has provided such a stimulating example to liberty-loving peoples throughout the world, should have fitting commemoration.

The Declaration of Independence was written and signed in Philadelphia. In that city also the Constitution of the United States was framed. So that fine and characteristically American city may claim honors as the birthplace of the Nation and also of its permanent governmental institutions.

Because of these things the centennial anniversary of the Declaration of Independence was signalized by a World Exposition in Philadelphia in 1876. Mindful of the success of that enterprise, and of its helpful influences, a movement was recently initiated by the mayor of that city, which is already cordially supported by an organization of its representative citizenship, to celebrate the sesquicentennial anniversary by holding "an exhibition of the progress of the United States in art, science, and industry, in trade and commerce, and in the development of the products of the air, the soil, the mine, the forest, and the seas; to which exhibition the people of all other nations will be invited to contribute evidences of their own progress, to the end that better international understanding and more intimate commercial relationships may hasten the coming of universal peace."

I am advised that it is proposed to hold this exhibition on a scale of impressive grandeur commensurate with the occasion to be celebrated, and the position of eminence in world progress which our Nation has come to occupy. The city of Philadelphia has pledged an appropriation of $5,000,000, and the State of Pennsylvania has taken suitable action to provide for the generous participation of the Commonwealth, and the request now comes to the Federal Government to signify its approval so that the participation and cooperation of the nations properly may be invited.

There is every assurance that necessary additional funds for the general expenses of construction and operation will be assured by the public-spirited citizens of Philadelphia through the Sesquicentennial Exhibition Association, which is now organized and heartily committed to the task of making the occasion in every way worthy of the great event it will celebrate.

I believe the proposed celebration worthy of the indorsement of the Congress, and I recommend, therefore, the enactment of a suitable measure fixing the year 1926 as the time for commemorating the sesquicentennial of the Declaration of Independence, and designating the city of Philadelphia as the place for the official ceremony, and for holding an international exposition in which all the nations may be asked to participate. Such a sanction will not only challenge the attention of our own people to the patriotic and ennobling deeds of the American founders, and lead them to survey anew the basic landmarks of our history, but it will contribute materially to the growing spirit of amity among the peoples of the earth and to the fuller realization that the progress of mankind is shared by all na-

tions. It will emphasize the advantages of peaceful and friendly intercourse and remind all mankind that its greater achievements are along the ways of peace. Finally, and this I would especially emphasize, it will fittingly signalize a new era in which men are putting aside the competitive instruments of destruction and replacing them with the agencies of constructive peace.

All races and nations have contributed generously to bring civilization thus far on the way to realization of the human commonwealth. Each has contributed of its especial genius to the common progress; each owes to every other a debt which can not too often be acknowledged. This is the one debt which men may go on forever increasing, with assurance that it will impose no burdens, but only add to their prosperity and good fortune. We can not doubt that the great international expositions heretofore held have done much to bring to all mankind a feeling of unity in aspiration and of community in effort. Nor can we question, I think, that in this era of larger cooperation and unprecedented eagerness for helpful understandings there is peculiar reason for emphasizing the thought of mutual support in all the enterprises which promise further advance toward the goal of universal good.

So it seems wholly fitting that this occasion should receive suitable sanction by the Congress, that the lessons of American development and progress may be emphasized at home, and a new spirit of American sympathy and cooperation signalized to all the nations. In inviting display of evidence of the progress and achievements of other peoples, we will further inspire our own endeavors and prove our interest in the accomplishments of all who contribute to human advancement, wherever they may be.

In connection herewith I am inclosing copies of a chronology of the sesquicentennial project, together with a copy of the resolution passed by the city council and approved by the mayor of Philadelphia on the 1st day of February, 1922.

WARREN G. HARDING.

THE WHITE HOUSE, *March 24, 1922.*

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented a memorial of members of the Wednesday Study Club, of St. Charles, Mich., remonstrating against the imposition of high tariff duties upon women's leather gloves, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Jackson, Mich., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Chamber of Commerce of Battle Creek, Mich., favoring the prompt ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Oshtemo, Mich., favoring the prompt ratification, without reservation, of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

Mr. CAPPER presented a memorial of sundry citizens of the District of Columbia, remonstrating against changing the name of Vernon Street to U Street, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of the District of Columbia, praying for certain changes and improvements in the school system of the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution of the Chase Woman's Christian Temperance Union of Cuyahoga County, Cleveland, Ohio, protesting against the enactment of legislation to permit the manufacture and sale of light wines and beers, which was referred to the Committee on Finance.

He also presented the memorial of Harry M. White and sundry other citizens of Columbus, Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented communications in the nature of petitions of the congregations of the Church of the Brethren of Ashland and the Centerville Baptist Church, of Centerville; and Rev. Charles W. Harrison, of Rutland, all in the State of Ohio, and the Unitarian Laymen's League, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

Mr. NEWBERRY presented petitions of members of the congregations of the Oshtemo, Comstock, and Wilson Memorial Methodist Episcopal Churches, of Oshtemo, Mich., praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented a resolution of the Calumet Woman's Club, of Calumet, Mich., favoring the prompt completion of the Great Lakes-St. Lawrence project for ocean-going vessels, which was referred to the Committee on Commerce.

He also presented a resolution of Washtenaw (Mich.) Pomona Grange, No. 7, favoring acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of Harding-Olk-Craidge Post, No. 18, American Legion, of Bay City, Mich., favoring the passage of the fivefold adjusted compensation bill for veterans of the World War, which was referred to the Committee on Finance.

He also presented a memorial of members of the League of Catholic Women, of Mount Clemens, Mich., remonstrating against the imposition of high tariff duties upon women's leather gloves, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of St. Louis and vicinity and Alma and vicinity, in the State of Michigan, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. HARRELD, from the Committee on Claims, to which was referred the bill (S. 1282) for the relief of the estate of John Stewart, deceased, reported it without amendment and submitted a report (No. 574) thereon.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (S. 3295) to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce, reported it with amendments and submitted a report (No. 575) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELKINS:

A bill (S. 3331) granting an increase of pension to James A. Criswell; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3332) to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation under certain conditions; to the Committee on Public Lands and Surveys.

By Mr. CAMERON:

A bill (S. 3333) for the erection of a public building in the city of Prescott, Ariz.; and

A bill (S. 3334) for the erection of a public building in the city of Tucson, Ariz.; to the Committee on Public Buildings and Grounds.

EXAMINATION OF PASSENGERS AND BAGGAGE.

Mr. NEWBERRY. I ask unanimous consent that the Committee on Finance be discharged from the further consideration of the bill (S. 3159) to exempt ferryboats and the owners, masters, and agents thereof from payment for services of officers or employees of the United States in the examination of passengers and baggage.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NEWBERRY. I move that the bill be withdrawn from the files of the Senate.

The motion was agreed to.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

The bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Appropriations.

Mr. LODGE and others. The Committee on Finance.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. HARRISON. May I ask what was the bill just laid before the Senate?

The VICE PRESIDENT. What is the inquiry of the Senator from Mississippi?

Mr. HARRISON. I understand the bonus bill from the House was laid before the Senate. Did I understand the Chair to send it to the Committee on Finance?

The VICE PRESIDENT. The Chair referred the bill to the Committee on Finance.

Mr. HARRISON. There is already a bonus bill before that committee, and it sleeps. Can not this bill be sent to another committee, so that it may be brought out?

Mr. WADSWORTH. I understood the Chair to refer it to the Committee on Appropriations.

Mr. LA FOLLETTE. The Chair changed the reference very properly; it goes to the Committee on Finance.

Mr. WADSWORTH. On the ground that it is a measure to raise revenue?

Mr. LODGE. It came from the House Ways and Means Committee.

Mr. WATSON of Indiana. Then, of course, it must go to the Finance Committee.

Mr. LODGE. It provides for the issuance of certificates.

Mr. HARRISON. I ask the Senator from Indiana about what time he thinks the bill will come out of the Committee on Finance?

Mr. WATSON of Indiana. That is a personal question, which I decline to answer.

The VICE PRESIDENT. The bill has been referred to the Committee on Finance.

ORDER FOR RECESS.

Mr. LODGE. Mr. President, the Senate has had a somewhat long and fatiguing day. I am about to move an executive session behind closed doors. I move now that at the end of the secret executive session the Senate shall stand in recess until 12 o'clock to-morrow.

The motion was agreed to.

SECRET EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session the doors were reopened.

MARIE DOUGHTY GORGAS.

As in legislative session,

Mr. UNDERWOOD. I ask unanimous consent for the present consideration of the bill (S. 3300) granting a pension to Marie Doughty Gorgas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie Doughty Gorgas, widow of William Crawford Gorgas, late a major general in the United States Army, and pay her a pension at the rate of $150 per month in lieu of any pension or compensation to which she might otherwise be entitled, in special recognition of the eminent services of said William Crawford Gorgas in the eradication of yellow fever from the island of Cuba and the Isthmus of Panama.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CEMETERIES FOR AMERICAN MILITARY DEAD IN EUROPE.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 263) authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to expend not to exceed $856,680 of the appropriation, "Disposition of remains of officers, soldiers, and civilian employees," in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, approved March 4, 1921, for purchase of such real estate as is necessary to establish suitable burial places in Europe for American military dead, and for suitable and necessary improvements thereon, of which not to exceed $111,000 may be applied to the purchase of land as follows: Aisne-Marne, $20,000; Suresnes, $9,000; Somme, $11,000; Brookwood, $31,000; St. Mihiel, $15,000; Oise-Aisne, $20,000; Flanders Field, $5,000; total, $111,000.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. LODGE. I move that the Senate take a recess, the recess being under the previous order, until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate, in open executive session, took a recess until to-morrow, Saturday, March 25, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 24 (legislative day of March 16), 1922.

UNITED STATES PUBLIC HEALTH SERVICE.

To be surgeons.

Alvin R. Sweeney.
Newton E. Wayson.
Frank M. Faget.
John H. Linson.
Charles V. Akin.
Knox E. Miller.
Joseph G. Wilson.

UNITED STATES COAST GUARD.

To be lieutenant (junior grade).

Ensign Norman R. Stiles.

POSTMASTERS.

ALABAMA.

John R. L. Carmack, Brewton.

CALIFORNIA.

Charles H. Windham, Long Beach.

FLORIDA.

William T. Dupree, Citra.
Orlando J. Price, Okeechobee.
Homer B. Rainey, Wauchula.

IDAHO.

Florence M. Shockey, Firth.
Russell C. Plummer, Homedale.

ILLINOIS.

Samuel E. Stewart, Humboldt.
Peter F. Moore, Lake Forest.
Edward F. Sargent, Le Roy.
Ray F. Tribbett, Mount Pulaski.
Edward F. Guffin, Pawpaw.

IOWA.

Wilson A. Holland, Blockton.
Elmer Akers, Decatur.
Ralph A. Dunkle, Gilman.
Jay E. Beemer, Gravity.
Horace B. Sears, Hancock.
Arthur E. Bassett, Little Sioux.
Isabelle A. Boyle, McGregor.
Iver Iverson, Northwood.

LOUISIANA.

Paul T. Thibodaux, Donaldsonville.
John D. Fultz, Newellton.

MICHIGAN.

Verl L. Ansbaugh, Camden.

MINNESOTA.

William Pennar, Laporte.

MISSISSIPPI.

Sedley B. Thomas, Terry.

NEBRASKA.

Minar Anderson, Elwood.
Francis E. Davis, Homer.
Willard R. Cross, Moorefield.
Edward A. Walker, Stuart.

NEVADA.

Bert M. Weaver, Goldfield.
Edward C. Fries, Lovelock (late Lovelocks).

NEW YORK.

Joseph F. Krampf, Allegany.
C. Blaine Persons, Delevan.
Robert L. Wilcox, Port Leyden.
Wilma B. Scott, West Valley.

NORTH CAROLINA.

Warren G. Elliott, Wilmington.

NORTH DAKOTA.

George Klier, jr., Bisbee.
Glenn D. Arnold, Calvin.
Charles A. Jordan, Cogswell.
Peter A. McLean, Hannah.
Donald B. McDonald, Maxbass.
John G. Boatman, Milnor.
August Kreidt, New Salem.
Bernard E. Rierson, Regan.
John K. Diehm, Schafer.
Syver O. Tveden, Watford City.

OHIO.

James B. Jones, Canfield.
Mamie O. Chapman, Euclid.
William R. Poulson, Holgate.

PENNSYLVANIA.

Joseph F. Dolan, jr., Bala-Cynwyd.
Henry C. Kanengeiser, Bessemer.
Clyde S. McNeely, Dauphin.
Margaret W. Troxell, Egypt.
Ephraim F. Heiner, Florin.
Helen H. Rodgers, Fredericktown.
Harvey L. Sterner, Gardners.
William F. Houser, sr., Middletown.
Daniel L. Kauffman, Oley.
Thomas Powell, Patton.
Philip W. Hunt, St. Davids.

SOUTH DAKOTA.

Sherman T. Wickre, Andover.
Cornelius N. Trooien, Astoria.
Harry E. Kjenstad, Brandt.
Bernard P. Corrigan, Cavour.
Charles H. Stevenson, Doland.
Frank Bowman, Eagle Butte.
Arthur M. Hanson, Iroquois.
Mary G. Bromwell, Mount Vernon.
Mary V. Breene, Seneca.

TENNESSEE.

Bethel C. Brown, Cleveland.
Robert D. Wilson, Collierville.
Glenn C. Hodges, Cowan.
Lorenzo L. Parnell, Denver.
Lincoln M. Bramley, Iron City.
William J. Whitsett, Lewisburg.
John L. Sullivan, Lexington.
Everett R. Doolittle, Madison.
Fred Hawkins, Tellico Plains.
James G. McKenzie, Big Sandy.
Will F. Sherwood, Petersburg.
John A. Wilson, Sharon.
Thomas J. Welch, Soddy.
Warren S. Yell, Wartrace.

TEXAS.

George F. Bates, Lyons.
James B. Christner, Weslaco.

VIRGINIA.

Edmund S. Hooker, Nokesville.

REJECTION.

Executive nomination rejected by the Senate March 24 (legislative day of March 16), 1922.

COLLECTOR OF CUSTOMS.

George V. Denny, of Savannah, Ga., to be collector of customs for customs collection district No. 17, with headquarters at Savannah, Ga.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 24, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O merciful God, only through the fulfillment of the prophecy of Thy condescending mercy do we stand in Thy presence. We therefore acknowledge Thee to be our Jehovah-Father. We are so thankful that we are living under these broad skies and in this abundant land. Keep our Nation as great and good as it has promised to be. Through love of virtue, zeal for knowledge; by policy and legislation may we pursue the things that make for national peace, happiness, contentment, and that edify mankind. O keep us, that we may never be corrupted by our gains or retarded by our successes. Hasten the day when Thy name shall be honored in all the earth; Thy kingdom embrace all lands and the joy of the Lord shall fill the world. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana, by direction of the Committee on Appropriations, submitted for printing, under the rule, the conference report on the bill (H. R. 9981) making appropriations for the Executive and for sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. STAFFORD. Will the gentleman from Indiana kindly inform the House when he expects to take up the conference report?

Mr. WOOD of Indiana. As soon as I possibly can. We do not want to interfere with the consideration of the Army appropriation bill, but as soon after that is disposed of as I can I want to take it up.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds or disability incurred in line of duty, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. NORRIS, and Mr. WALSH of Montana as the conferees on the part of the Senate.

The message also announced that in pursuance to Senate Concurrent Resolution No. 20 the Vice President had appointed Mr. CALDER, Mr. FERNALD, Mr. SPENCER, Mr. BROUSSARD, and Mr. HARRIS members of the committee on the part of the Senate to represent the Congress at such services and ceremonies as may be determined upon as proper and appropriate upon the arrival of the United States transport *Cambria* in New York, bearing the last of the bodies of American soldiers from the battle fields of the World War.

PAYMENT OF CHARGES DUE ON RECLAMATION PROJECTS—CONFERENCE REPORT.

Mr. KINKAID. Mr. Speaker, I call up the conference report on the bill H. R. 9606 and ask that it be agreed to.

The SPEAKER. The gentleman from Nebraska calls up the conference report on the bill (H. R. 9606) extending the time for payment of charges due on reclamation projects, and for other purposes, which the Clerk will report.

The conference report and accompanying statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9606) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to the said bill.

M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

CHAS. L. MCNARY,
W. L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9606) extending the time for payment of charges due on reclamation projects, submit the following statement explaining the effect of the action agreed on:

The effect of the Senate receding from its amendment restores the language of the bill as it passed the House.

M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

Mr. KINKAID. I presume it is superfluous to state that the House bill is fully restored, the Senate receding from its amendments.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ETHEL M. STEVENS.

Mr. IRELAND. Mr. Speaker, I ask consideration of the following resolution, which I send to the Clerk's desk, reported from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 308.

Resolved, That there shall be paid, out of the contingent fund of the House, to Ethel M. Stevens, widow of J. Kemp Stevens, late an employee of the House of Representatives, a sum equal to six months of his compensation as said employee, and an additional amount, not exceeding $250, to defray the expenses of the funeral of said J. Kemp Stevens.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PRESERVATION OF FORT M'HENRY, MD.

Mr. PATTERSON of New Jersey. Mr. Speaker, I wish to extend my remarks by publishing a letter protesting against the abandonment of Fort McHenry.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks by printing in the RECORD a letter as indicated. Is there objection?

Mr. GARNER. Who is the letter from? Is is an official letter?

Mr. PATTERSON of New Jersey. The letter is from the Daughters of 1812, sent to me.

Mr. GARNER. Well, as a usual thing the gentleman from Massachusetts [Mr. WALSH] objects to these communications going into the RECORD, but, if I observe correctly, the letter in the gentleman's hand is a very short one.

Mr. PATTERSON of New Jersey. Yes; it is a very short one.

The SPEAKER. Is there objection?

There was no obejction.

Following is the letter referred to:

[National Society United States Daughters of 1812. Headquarters, office of the president national, Mrs. Clarence F. R. Jenne, 47 May Street, Hartford, Conn. State of New Jersey: Mrs. Robert C. Maxwell, president, 926 West State Street, Trenton, N. J.; Mrs. Frederick A. Waldron, registrar, 180 Lincoln Road, Westfield, N. J.; Mrs. Richard Burrowes, corresponding secretary, 310 Bellevue Avenue, Trenton, N. J.; Mrs. C. A. Giese, treasurer, 366 Montrose Avenue, South Orange, N. J.]

Hon. FRANCIS F. PATTERSON, Jr.,
Washington, D. C.

MY DEAR MR. PATTERSON: The National Society United States Daughters of 1812, State of New Jersey, a purely patriotic society, comprised of the descendants of our country's preservers at a time when our Nation was passing through a most trying period, is grieved to learn that Fort McHenry, no longer useful to the Government, is to be passed on out of its control and care, forsaken, so to speak, by its debtors, and unless the State or municipality in which it is located chooses to preserve it it will crumble to ruin as a monument to an unappreciative people.

Sentiment prevails, and rightly so, to perpetuate the glories of those who died upon the fields and seas of battle during the great World War, which was so successfully terminated, but not without its tortures and sacrifices, that we might retain the blessings of liberty and the right to govern ourselves. But should we forget those who made as great, if not greater, sacrifices during the War of 1812 to keep together the Union of States, then in its infancy?

It is this latter thought which prompts us to suggest to you and the august body of which you are a Member the proposal to preserve rather than to destroy old Fort McHenry. It should be retained as an inspiration to future generations of Americans as the place where our national anthem, the Star Spangled Banner, was written.

Give a thought or two to yesterday and restore the former historical condition of Fort McHenry and you will receive the plaudits of all real American patriots.

Very truly, yours,

VIOLA BEEKMAN BURROWES,
Corresponding Secretary.
JESSIE LEONARD MAXWELL,
President.

(Mrs. Richard Burrowes, 310 Bellevue Avenue, Trenton, N. J.)
MARCH 9, 1922.

LEGISLATIVE CLERK TO THE FLOOR LEADER.

Mr. IRELAND. Mr. Speaker, by direction of the Committee on Accounts, I submit the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 307.

Resolved, That there shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, for the services of a legislative clerk, compensation at the rate of $3,600 per annum, the said clerk to be appointed by and to be under the direction and control of the majority floor leader.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, the duties of the majority leader have been so vastly increased that this assignment of a legislative clerk to his office seems to have become a necessity, and it has been so pointed out to the Committee on Accounts. The additional work which has been heaped upon the majority leader necessitates the employment of some competent person to digest and brief bills and measures that are introduced and report them to him, so that he may the more intelligently, and with the salient features of these bills before him, explain them to the inquiring Members of the House and thus be better enabled to direct the program of legislation. This employee, it is believed, should be a graduate lawyer, a man possibly skilled in parliamentary law as well, and possessing other requirements that the average clerk can not fill.

This subject was broached some six months ago, but at that time the creation of that office of the House was not urged by the request of the majority leader. Since he has elected in his own mind to promote himself to another body within the ensuing year or so, it is entirely appropriate that I should offer this resolution at his suggestion, without any thought or personal, selfish desire on his part of securing another employee for his office, but with a better knowledge of its needs than any of us can have to present this additional equipment of the office to his successor, whoever he may be.

Mr. ASWELL. Will the gentleman yield?

Mr. IRELAND. Yes.

Mr. ASWELL. Would it not be quite proper that the minority leader should have the same assistance?

Mr. IRELAND. I think that matter will be considered at the proper time. I will await the suggestion of the gentleman. You will recall that when we supplied the majority leader with additional clerks at the beginning of the Sixty-sixth Congress we later provided the minority with the same complement of clerical assistance.

Mr. KING. Is the gentleman speaking about the floor leader or the leader?

Mr. IRELAND. I am speaking of the majority leader.

Mr. KING. I just wanted to know the fact.

Mr. GARRETT of Tennessee. Mr. Speaker, I want to say that so far as I know there will be no request by the minority leader or by the acting minority leader, but I hope there will be no objection to this resolution on the part of anyone, because from absolutely reliable information which I have obtained I have no doubt that the majority leader needs this additional assistance for official business.

Mr. MANN. Will the gentleman yield to me two or three minutes?

Mr. IRELAND. I gladly yield to my colleague from Illinois.

Mr. MANN. Mr. Speaker, I think this resolution ought to be agreed to. I know something about the work, and I think in the interest of the House it is desirable that the majority leader have this additional employee. I am not sure but that sooner or later a request for a similar employee will be made from the minority side of the House, either in this Congress or a subsequent Congress, whichever is the minority at that time.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MANN. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. We expect to take the majority place in the next Congress. [Laughter and applause.]

Mr. MANN. However, I arose principally for another purpose. This morning I had the extreme pleasure of a meeting with the minority leader [Mr. KITCHIN], who was apparently in very good health. [Applause.] This is the fifty-third anniversary of his birth. [Applause.] I am sure that we all wish for him on this day and all the time complete restoration to health and a long life, which as long as he lives I know will be useful, and I hope happy and prosperous. [Applause.]

Mr. TOWNER. Will the gentleman yield?

Mr. IRELAND. Gladly.

Mr. TOWNER. The resolution provides that this clerk shall be appointed at once, does it not?

Mr. IRELAND. It does.

Mr. TOWNER. I sincerely hope so, because notwithstanding what has been said, I think we all of us desire that the present floor leader of the majority shall receive the benefit of this assistance, first, because he needs it, and second, because he deserves it.

Mr. IRELAND. I am sure anyone familiar with the conditions will agree with that statement. [Applause.]

Mr. WALSH. Will the gentleman yield?

Mr. IRELAND. I yield to the gentleman from Massachusetts.

Mr. WALSH. Does this resolution provide who shall select the appointee?

Mr. IRELAND. Oh, yes; he is under the direct control and appointment of the majority leader.,

Mr. WALSH. I wish this resolution might have been passed before yesterday.

Mr. GARNER. Will the gentleman from Illinois yield?

Mr. IRELAND. Gladly.

Mr. GARNER. Will the gentleman put in the RECORD at this point a statement of the employees now authorized for the ma-

jority and minority leaders of the House, in order that the House may have that information?

Mr. MONDELL. Both?

Mr. GARNER. Yes; both majority and minority leaders—what employees are now provided by the Congress for the majority and minority leaders of the House.

Mr. IRELAND. The majority and minority leader have each a clerk, an assistant clerk, and a messenger. Then, of course, the minority has six other employees. I do not know that these latter are directly under the minority leader, however.

Mr. GARNER. I am speaking about the employees directly under the employment and supervision of the majority and minority leaders.

Mr. IRELAND. There are three of them for each leader.

The SPEAKER. The question is on agreeing to the amendment to the resolution.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

On motion of Mr. IRELAND, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. HUKRIEDE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Army appropriation bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the Army appropriation bill. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. HUKRIEDE. Mr. Speaker, I desire briefly to call the attention of the House to the needs of a more liberal allotment of the moneys appropriated for rivers and harbors for use in the protection and maintenance of the channel of the Missouri River. More funds are necessary for the purpose of properly preserving the channel of the river for navigation purposes and of protecting the lands adjacent thereto. It is my purpose to call attention to the absolute necessity of protecting lands bordering on the channel of the river.

It is a matter of common knowledge that the Missouri is the most treacherous and destructive river in this country. Having its source in the heights of the Rocky Mountains, its channel has an abrupt fall and its current is swift and of tremendous force. It is the outlet of the surplus water of a large area tributary to it. It becomes a mighty stream when it reaches the State of Missouri, and there its changing channel is a continuing menace to lands and property bordering on it.

It is impossible even approximately to estimate the damage wrought by the waters of the Missouri in the State of Missouri. The washing away of lands, the destruction of homes and property, is beyond the imagination of those unacquainted with the Missouri's insatiable hunger for land. Thousands upon thousands of acres of the most fertile and productive lands in the State of Missouri have been undermined and washed away. Where once were fields of waving grain the swift currents of the Big Muddy now roll on. I remember some years ago standing on the banks of the river and looking across the fertile fields of prosperous farmers to a little village then a mile or more from the banks of the river. Those fields and that little village have long since gone into the river. This has not happened in one but many instances. Many farmers who by their industry came into the possession of 160 acres or more have seen their property washed away acre by acre until all was gone. They themselves are helpless and the Federal Government is doing but little to protect them in their holdings.

These lands were settled in the early days by hardy pioneers of the West. Their lot was not an easy one. It required men of determination to do what was done by them. The task of clearing the lands of the dense and heavy timbers required energy and determination. It required courage to do the work and battle with the difficulties that confronted them. It was then not a healthy place to live. Marshes and timbers and swamps faced the pioneers on every hand. His intrepid courage was often rewarded with chills, malaria, and typhoid. But true to the indomitable spirit of that day, he did not give way, but kept about his task. The result for all his labors, difficulties, and sacrifices was a home and a fine farm. A large portion of land was thus made habitable and the productive area of the State of Missouri greatly increased.

I have referred to the nature of the soil commonly known in the State of Missouri as Missouri River bottom lands. For fertility and average annual production, these lands are unexcelled in this Nation. They produce corn and wheat, the foodstuff for our people. A failure of crop, unless it is caused by overflow, is practically unknown. These lands produce the stuff, and daily rains and the furnishing of free seeds are not necessary to secure a crop.

The call of the day is for legislation that will aid agriculture. "Help the farmer" is the slogan of the hour. With that program I am in full accord. I come from a district where agriculture is the chief pursuit, and I think I know something of the difficulties the farmer has to meet and what his needs are. I am aware that in this period of readjustment, following the Great World War, the farmer has suffered heavy financial losses, and I am glad that this Congress has realized the urgency of his needs and has met the emergency with sympathy and a determination to do the best. I hope, too, that we will not cease in our efforts. I am sure the aid given will not be confined to any particular locality or State, but that assistance will be given when and where it is possible. We are called upon, and usually respond, to appropriate money for various purposes in the interest of agriculture. Just recently an appropriation was made to buy seed for certain arid sections of our country.

We appropriate annually large sums of money for seeds and for research and investigation for the benefit of agriculture. We give liberally, and almost yearly, for the prevention and destruction of insects which are harmful to certain sections of our Nation. We spend millions for the reclamation of arid lands. It is well that all this be done, but in doing this it is not just, fair, or good business to overlook the needs of the farmers along the Missouri and other rivers, who are in constant danger of having their highly cultivated and valuable lands washed away and forever lost, not only to them but to the whole agriculture interests of the Nation.

The time has come when this question must receive the very earnest attention of the Government. The loss already sustained is far too great. More attention should have been given to the improvement and a permanent maintenance of the banks of the Missouri River years ago. The loss has been sustained. It remains to be seen whether we will profit by the experiences of the past and now meet the issue as it is or whether we will go on as we have been doing. The call for strict economy can not apply when it comes to questions of this nature. To stand by and let the destruction of vast fields of fertile land of productive soil go on, when proper efforts and comparatively small outlays of money would prevent it, is not economy in any sense, but the most extravagant kind of waste.

The Government, I think, rightfully reserves to itself the jurisdiction of its navigable streams. They belong to the Government and constitute a part of its holdings. The abutting landowner has no right to protect his lands against the ravages of the stream without first securing the consent of the Government. Therefore it is the bounden duty of the Government to safeguard and maintain the channels of such streams in order that the minimum loss will be incurred. So far as it relates to the damages on the Missouri River, there is but little justification for the injury and loss sustained in the days gone by and there will be no just excuse for neglect in the future.

SESQUICENTENNIAL OF AMERICAN INDEPENDENCE.

The SPEAKER laid before the House the following message from the President:

To the Senate and House of Representatives:

It seems appropriate to call the attention of the Congress to the fact that the 4th day of July, 1926, will mark the one hundred and fiftieth anniversary of the Declaration of Independence, and the beginning of our separate national existence. I am sure the Congress will agree that such an epochal event, which has meant so much to our own Republic, and has provided such a stimulating example to liberty-loving peoples throughout the world, should have fitting commemoration.

The Declaration of Independence was written and signed in Philadelphia. In that city also the Constitution of the United States was framed. So that fine and characteristically American city may claim honors as the birthplace of the Nation and also of its permanent governmental institutions.

Because of these things, the centennial anniversary of the Declaration of Independence was signalized by a World Exposition in Philadelphia in 1876. Mindful of the success of that enterprise, and of its helpful influences, a movement was recently initiated by the mayor of that city, which is already cordially supported by an organization of its representative citizenship, to celebrate the sesquicentennial anniversary by holding "an exhibition of the progress of the United States in

art, science, and industry, in trade and commerce, and in the development of the products of the air, the soil, the mine, the forest, and the seas; to which exhibition the people of all other nations will be invited to contribute evidences of their own progress, to the end that better international understanding and more intimate commercial relationships may hasten the coming of universal peace."

I am advised that it is proposed to hold this exhibition on a scale of impressive grandeur commensurate with the occasion to be celebrated, and the position of eminence in world progress which our Nation has come to occupy. The city of Philadelphia has pledged an appropriation of $5,000,000, and the State of Pennsylvania has taken suitable action to provide for the generous participation of the Commonwealth, and the request now comes to the Federal Government to signify its approval so that the participation and cooperation of the nations properly may be invited.

There is every assurance that necessary additional funds for the general expenses of construction and operation will be assured by the public-spirited citizens of Philadelphia through the Sesquicentennial Exhibition Association, which is now organized and heartily committed to the task of making the occasion in every way worthy of the great event it will celebrate.

I believe the proposed celebration worthy of the indorsement of the Congress, and I recommend, therefore, the enactment of a suitable measure fixing the year 1926 as the time for commemorating the sesquicentennial of the Declaration of Independence, and designating the city of Philadelphia as the place for the official ceremony, and for holding an international exposition in which all the nations may be asked to participate. Such a sanction will not only challenge the attention of our own people to the patriotic and ennobling deeds of the American founders, and lead them to survey anew the basic landmarks of our history, but it will contribute materially to the growing spirit of amity among the peoples of the earth and to the fuller realization that the progress of mankind is shared by all nations. It will emphasize the advantages of peaceful and friendly intercourse and remind all mankind that its greater achievements are along the ways of peace. Finally, and this I would especially emphasize, it will fittingly signalize a new era in which men are putting aside the competitive instruments of destruction and replacing them with the agencies of constructive peace.

All races and nations have contributed generously to bring civilization thus far on the way to realization of the human commonwealth. Each has contributed of its especial genius to the common progress; each owes to every other a debt which can not too often be acknowledged. This is the one debt which men may go on forever increasing, with assurance that it will impose no burdens, but only add to their prosperity and good fortune. We can not doubt that the great international expositions heretofore held have done much to bring to all mankind a feeling of unity in aspiration and of community in effort. Nor can we question, I think, that in this era of larger cooperation and unprecedented eagerness for helpful understandings, there is peculiar reason for emphasizing the thought of mutual support in all the enterprises which promise further advance toward the goal of universal good.

So it seems wholly fitting that this occasion should receive suitable sanction by the Congress, that the lessons of American development and progress may be emphasized at home, and a new spirit of American sympathy and cooperation signalized to all the nations. In inviting display of evidence of the progress and achievements of other peoples, we will further inspire our own endeavors, and prove our interest in the accomplishments of all who contribute to human advancement, wherever they may be.

In connection herewith I am inclosing copies of a chronology of the sesquicentennial project, together with a copy of the resolution passed by the city council and approved by the mayor of Philadelphia on the 1st day of February, 1922.

WARREN G. HARDING.

THE WHITE HOUSE, *March 24, 1922.*

[Applause.]

The SPEAKER. The message and accompanying documents will be referred to the Committee on Industrial Arts and Expositions.

WAR DEPARTMENT APPROPRIATIONS.

On motion of Mr. ANTHONY, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

Mr. ANTHONY. Mr. Chairman, when the House adjourned day before yesterday we were on the paragraph in the bill which places a limitation on the use of troops outside of the continental limits of the United States. The view was expressed by some Members of the House at that time that this paragraph was an intrusion on the prerogatives of the President as Commander in Chief of the Army. I want to assure the House that the committee had not the slightest intention in the world of intruding on the rights and powers of the President as Commander in Chief of the Army of the United States. There is absolutely nothing in the language prohibiting the President, if he sees fit, from stationing every one of the 115,000 men in China or in any other part of the world.

Some criticism has also been made in regard to the constitutionality of the limitation. To that also I must dissent. I take the position that the Congress is absolutely supreme in a matter of this kind; that it has the power to raise and equip armies and provide for their regulation; and when making appropriations for raising an army there is no question whatever that it can provide where and how that army shall be used if Congress so desires.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. The Constitution makes the President Commander in Chief of the Army and Navy. If Congress has the power to provide where the Army shall be placed, what becomes of the Commander in Chief? He is without power altogether.

Mr. ANTHONY. If Congress chooses to assume supreme power it is my belief that it can if it so desires. In other words, the people are paramount in our Government.

Mr. NEWTON of Minnesota. Is not that directly contrary to the spirit of our Constitution which vests in the President in peace and war the power of Commander in Chief of the Army?

Mr. ANTHONY. The gentleman is correct, if he refers to the tactical control of the Army.

Mr. NEWTON of Minnesota. The disposition of troops in China has something to do with the tactical control of the Army.

Mr. ANTHONY. I think not.

Mr. SISSON. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. SISSON. I suggest to my friend that Congress might decide to have no Army at all. In addition to that Congress might say that we appropriate and make a law governing and regulating the use of the Army, and that would be a law if signed by the President. Congress can make a law as to the disposition of troops, for instance, the placing of troops at fortifications. Congress has not surrendered its right to control appropriations.

Mr. WOODRUFF. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WOODRUFF. I notice that in line 24 it provides that certain things shall not be done except in the time of emergency. Who has the power to say that that emergency exists?

Mr. ANTHONY. The President.

Mr. WOODRUFF. If the President has not the power to distribute the troops, what power has he?

Mr. ANTHONY. As I stated a moment ago, it is not intended to infringe on that power.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. ANTHONY. I would like to complete my statement.

Mr. SANDERS of Indiana. I simply wanted to know what the purpose of this is.

Mr. ANTHONY. I am coming to that. The committee makes some very radical reductions in the appropriations for the maintenance of the Army. They are so radical and the amount saved in comparison with the current year's appropriation is so large that it is perfectly obvious that the Army can not be administered during the next fiscal year upon the same basis that it is being operated this year.

The committee found that a considerable proportion of the expense of maintaining our Army comes from stationing 45,000 troops out of the total of 139,000 outside the continental limits of the United States—the expense of caring for the troops in foreign countries or in our outlying possessions was so great that with the reductions these appropriations would not take care of them. Therefore it was up to the committee to outline some method or policy by which the appropriations would meet the expense of taking care of the number of troops we are authorizing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANTHONY. For instance, we found that with the troops in Europe on the Rhine one year ago Germany was not meeting her obligations and that every dollar of the fifty millions or more of annual expense was becoming a charge on the pockets of the taxpayers of this country. The committee at that time thought it was an unnecessary expense and that our troops should be withdrawn, although we did not go so far as to place a limitation in the bill. Then this year we found during the hearings, as the record will show, that financial conditions with reference to the payment of the cost of our troops in Germany was going from bad to worse and we were getting deeper and deeper in the hole, and I think it was largely from what developed in our hearings that the War Department has come to the wise conclusion that our troops should be withdrawn from the Continent of Europe, and within the present week they have issued orders bringing the troops out of Germany.

In regard to our forces in China, it is also evident that the expense of maintaining troops there is greater than if stationed in the United States. That is also true of the troops in Hawaii and Panama, and the total cost is fully 25 per cent greater than the cost of maintaining them in this country.

In addition to that, the committee finds that in Hawaii our military plans for the extension of facilities for the housing of troops, for the storage of supplies, and so forth, were based on stationing there an ultimate force of 14,000 men. The same is true in Panama. We were asked for additional appropriations for construction in both of these places to care for increased garrisons and we are refusing them in this bill. We find they want in Hawaii $6,000,000 more to take care of the additional number of troops that are required there and to provide facilities for a division, and that the Panama program will involve a total expenditure of $33,000,000. I think we have spent $10,000,000 or $12,000,000 there already. The committee hesitates to give tacit approval to the War Department to embark on any such program of expenditures in those two places for the accommodation of a larger number of troops, when, in our own opinion, it is not necessary, and where we believe the judgment of a majority of this House would be that it should not be permitted.

We tried to show in this limitation how a saving in the cost of the Army could be made during the next fiscal year. The committee, I think, feels, from the fact that the War Department has already shown an inclination to partially follow the policy laid down in this limitation, that perhaps the necessity for the language does not exist at this time. I believe that the War Department will follow out the suggestions which are made as far as possible, because they will no doubt feel that they are the result of the careful deliberations of a committee of Congress, and in view of the fact that the House has so far abundantly sustained the general purpose and the general policy of the committee in presenting this appropriation bill, I feel that perhaps the necessity does not exist for continuing the language in the bill. Therefore, Mr. Chairman, I ask unanimous consent that the paragraph beginning on line 20, page 22, down to line 2, page 23, be eliminated.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the paragraph beginning on line 20, page 22, and ending on line 2, page 23, be eliminated from the bill. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, may I be recognized to discuss the matter?

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, I am very glad that the gentleman from Kansas [Mr. ANTHONY] has taken the position that he has just expressed. I believe the committee was fully justified in the action that it took. I believe it was well that the committee placed this provision in the bill. Of course, we all know that the President, as Commander in Chief of the Army, has the power to place the Army where he sees fit, at least within American territory. There may be some question whether the President has authority to send large detachments of our Army abroad in time of peace; but unquestionably the President has the right to send our troops to the Philippines, to Hawaii, and to the Canal Zone in such numbers as he deems wise. There is a very considerable question of policy involved in the matter of the size of the garrisons at these distant points, and it is the duty of Congress to establish or at least to suggest a policy. Congress is endeavoring to reduce the cost of the Military Establishment. Congress, at least the House, I think agrees with the committee. We do not need a division of troops on the Canal Zone, nor do we need a division of troops in the Philippines. There is some doubt as to whether we should maintain a full division of troops in Hawaii, important as that great outpost is. It seems to me it is not only within the jurisdiction of the Congress to limit appropriations for the maintenance of troops at distant points, but it would be well to do that if there were any serious question relative to the establishment and maintenance of a policy which the Congress did not approve. We do not any of us believe that the administration is disposed to maintain great forces at these outposts of the Republic, but it has been urged and reiterated that the reductions that were proposed were too great, both in numbers and in funds, and the committee sought to emphasize the propriety of its action and to demonstrate the fact that the reductions proposed can be made without seriously impairing the efficiency of the establishment by suggesting that smaller garrisons might well be maintained at these outposts than have been maintained, or than have been proposed by the General Staff. The thought, the view, and the purpose of the committee, as I understand it, in calling the attention of the country and of the Congress to the possibility of a reduction in numbers and in cost by the reduction of these overseas garrisons have been accomplished. The House is in harmony with the committee's view and purpose of reduction. We have every confidence that the War Department, having been advised of this view of the House that the overseas garrisons may be reduced, to the end that the expense of the establishment may be lowered, will give consideration to that view, as it should.

There is this difficulty confronting us, almost necessitating the action that the gentleman from Kansas has taken. Of course, in time of emergency, to be determined and declared by him, the President could send all of our troops to any of these points; but the very fact of the declaration of an emergency might be unfortunate. So that the committee having done an entirely proper thing to emphasize its view, the purpose of this emphasis having been accomplished, I think it is well that these limiting provisions should go out of the bill.

Mr. SISSON. Mr. Chairman, I reserve the right to object. I have no objection whatever to the course fixed by the chairman of the subcommittee. I do feel, however, that the troops should be reduced in these foreign possessions. We are betraying absolutely no military secret when I say that the Secretary of War not only will say that the garrisons ought to be reduced in the foreign possessions but he expects to do that.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. STEVENSON. As a matter of fact, in the last two or three days have not orders been issued to bring back the troops from Germany?

Mr. SISSON. Yes; an order has been issued, I think, that meets with the entire approval of Congress, to bring the troops back from Germany.

Mr. ROGERS. Is there any intimation that the Secretary of War approves the reduction to 5,000 troops in Hawaii?

Mr. SISSON. I do not know that I am authorized to say specifically that that is the number he would agree to. I do not know whether it was the Secretary of War or some one else, but in an informal discussion connected with the War Department I had it fixed in my mind that they would not be averse to a reduction to 4,000 troops.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. ANTHONY. I think the gentleman perhaps refers to the statement of the Secretary of War in which he said that he would probably bring home practically all of the United States troops from the Philippines.

Mr. SISSON. Yes; and also that he had no objection to a reduction of the force in Hawaii.

Mr. ANTHONY. I do not recall that.

Mr. SISSON. That is my recollection of it. Some of the officers want to keep a full division in Hawaii, but I know the Secretary of War does not agree to that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. ROGERS. I simply wish to reiterate what the chairman of the committee has said, and call the attention of the gentleman from Mississippi to the fact that the Secretary of War said there ought to be more troops in Hawaii than the 12,000 there now. As far as the hearing developed, there is not a word of suggestion that he does not think it would be grossly improper to reduce by one man the present force in the Hawaiian Islands.

Mr. SISSON. I do not want to divulge any matter that may have been communicated to the committee, because in reference to certain matters the Secretary of War and General Pershing came before the subcommittee and discussed matters which they thought ought not to go into the hearing. I would not have objection myself to the world knowing all that was said, but because I am not a military expert I respect their wishes in the matter. Now, gentlemen of the committee, after all that is said on this matter I do not want to have it understood that I agree with the gentleman that Congress has no right to put this limitation in the bill.

Mr. GRAHAM of Illinois. Mr. Chairman, I demand the regular order.

Mr. SISSON. I ask for one minute to yield to the gentleman from Virginia.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. I understand the gentleman to say, and I agree with him, that this provision that is now proposed to be stricken out is a wise and valid provision.

Mr. SISSON. That is my contention; yes, sir.

Mr. MOORE of Virginia. And yet I understood the gentleman to say further that this provision should be stricken out?

Mr. SISSON. No; I did not say that. I said I had no objection to its being struck out on his request or motion. I would keep it in if I had my way about it. I only mean that I will not resist. I was interrupted when I wanted to give my reason for it, and that was that I feel sure from the conversations we have had and I have had personally with the Secretary that practically what the committee desired will be done.

Mr. MOORE of Virginia. Now there is a difference of opinion as to that. There are some gentlemen who say it will be done and some gentlemen who say it will not be done. Now if this is a wise provision, why should we not adopt the provision instead of eliminating it?

Mr. GRAHAM of Illinois. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded. Is there objection?

Mr. CONNALLY of Texas. Well, I object.

Mr. ANTHONY. Mr. Chairman, I move that all debate be closed upon the section and amendments thereto.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The question was taken, and the amendment was agreed to.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word.

Mr. MANN. There is no last word.

Mr. HAYDEN. Mr. Chairman, fear of the Lord is the beginning of wisdom. The chairman of the subcommittee was wise in agreeing to have stricken out of the bill the provision which seeks to dictate the size of the garrisons that shall be maintained in China, the Hawaiian Islands, at Panama, or on the Rhine. In my judgment it is not the province of the Committee on Appropriations to insert legislation in an appropriation bill which fixes a policy to be followed by the War Department.

Mr. MANN. Mr. Chairman, I make the point of order the gentleman is not discussing either the amendment or the paragraph under consideration. As far as I am concerned, I am willing to have debate with some time limit.

Mr. HAYDEN. I have not heretofore discussed this bill, not even for five minutes, and am entitled to be heard.

Mr. MANN. That has nothing to do with it. The gentleman wants to open up again a subject that has been closed so that everybody else can talk on it. There may be 50 gentlemen wishing to talk on it and 49 be cut off.

The CHAIRMAN. If the gentleman from Illinois presses his point of order, of course the Chair must sustain it.

Mr. MANN. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Arizona will proceed in order.

Mr. HAYDEN. Mr. Chairman, I shall endeavor to do so. The thought that I had in mind was perhaps not well expressed, so I shall restate it. The subject that I wished to develop, and which, I am sure, is entirely proper to discuss in connection with the paragraph under consideration, was the action taken by the Committee on Appropriations in attempting to adopt a policy as to the size of the Army. As I understand the rules of the House, the Committee on Appropriations has jurisdiction to report bills making appropriations authorized by law, but it has no authority to report legislation which, in this instance, seeks to dictate a policy as to the location of troops.

The military policy of the United States should be provided for in a bill reported by the Committee on Military Affairs, which now has jurisdiction over all legislation relating to the Military Establishment except appropriations for its support. If this House desires to reduce the size of the Army from 150,000 men to 115,000, the right and proper way to go about it is to pass a bill reported from the Committee on Military Affairs fixing the enlisted personnel at the lesser number. But instead we find the Appropriations Committee usurping the jurisdiction of the Committee on Military Affairs by failing to provide funds to pay more than 115,000 enlisted men. And even worse than that, under the guise of a limitation the Appropriations Committee has sought to have the House direct where these soldiers shall be stationed.

I am opposed to this method of legislation. I have voted for every amendment offered to increase the sums appropriated for the pay of officers and enlisted men. I regret that these amendments were rejected, and I hope that when this bill is considered by the Senate that the full amount requested by the War Department and recommended by the Budget Bureau for an Army of 13,000 officers and 158,000 enlisted men will be restored to this bill. In my opinion this is the absolute minimum force that is necessary to care for the military posts and other Government property, police our insular possessions, and protect the Mexican border. By my vote no greater reduction in the Army shall be made.

Let me repeat that when Congress has established a military policy for the United States it is the duty of the Committee on Appropriations to provide the funds necessary to maintain an Army in keeping with that policy. That committee has no right, by indirection, to assume a legislative authority which it does not possess. The House will not long abide any such usurpation, and the gentleman in charge of this bill [Mr. ANTHONY] has shown great wisdom in agreeing to the elimination of the provision which sought to limit the number of troops that may be stationed outside of the United States.

I hope that this will be a warning to the Committee on Appropriations that it must not attempt to dictate the military policy of the United States by reason of its control over appropriation bills. A continuation of such action in the future will surely result in having complete jurisdiction restored to the Committee on Military Affairs of all appropriations for the support of the Army and the other activities of the War Department.

Mr. GRAHAM of Illinois. Pursuant to the unanimous consent granted, the following observations are now here inserted.

The provision of the bill in question is:

> No part of the appropriations made herein for pay of the Army shall be used, except in time of emergency, for the payment of troops garrisoned in China or for payment of more than 500 officers and enlisted men on the Continent of Europe; nor shall such appropriations be used, except in time of emergency, for the payment of more than 5,000 enlisted men in the Panama Canal Zone or more than 5,000 enlisted men in the Hawaiian Islands.

It is claimed by the proponents of the bill that this section is constitutional, while many of those who attack it claim that the provision is unconstitutional, and in support of the latter contention many authorities have been cited which appear in the CONGRESSIONAL RECORD.

The provision is nothing more than a limitation upon the purposes for which the fund in question can be used, and there is no language in the provision which can be construed in any way as a statement of legislative policy as to the various territories occupied by our military forces in China, Europe, the Panama Canal Zone, or the Hawaiian Islands.

The Constitution provides in Article I, section 8, that Congress shall have power to raise and support armies. Section 2 of Article II provides:

> The President shall be Commander in Chief of the Army and Navy of the United States.

The only other provisions of the Constitution pertinent to the matter is section 9 of Article I, which provides in part:

> No money shall be drawn from the Treasury but in consequence of appropriations made by law.

The President is made by the Constitution Commander in Chief of the Army. As Commander in Chief he has control of the military forces of the Government and can direct their disposition and conduct in a general way. However, in every step he takes he must operate within the law of the land. The fact that he is Commander in Chief of the Army gives to him no right to determine matters of legislative policy. The President is an executive officer and executes the mandates of the people as expressed by the legislative branch of the Government. It seems to me that gentlemen, in discussing this question, have lost sight of the important principles that the President is given nothing by the Constitution which in any way

detracts from the right of the people through their legislative branch to determine what its policy shall be and how it desires to have such policy executed.

In the case of Cross *v.* Harrison (16 Howard, 164 [193]) the Supreme Court was passing on questions arising from the occupation of the Territory of California after the close of the Mexican War and before a State government had been established. In that case it was said, among other things:

> The Territory had been ceded as a conquest, and was to be preserved and governed as such until the sovereignty to which it had passed had legislated for it. That sovereignty was the United States, under the Constitution, by which power had been given to Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, with the power also to admit new States into this Union, with only such limitations as are expressed in the section in which this power is given.

Again, in the same case, it was said:

> The President might have dissolved it by withdrawing the Army and Navy officers who administered it, but he did not do so. Congress could have put an end to it, but that was not done.

Again, in the case of the United States *v.* Castillero, 2 Black, page 2 (358), it was said:

> It is true that in the case in which these observations are made, the point to be determined was whether enemies' territory, which in the course of hostilities had come into our military possession, became a part of the United States and subject to our general laws. But they are important to this case as defining the power of the President in war to be merely that of the military Commander in Chief; that territory can be acquired only by the treaty making and legislative authority, and, consequently, that the fact that hostilities are by the military authority directed against a particular portion of the enemy's territory, can not be said to make the acquisition of that territory the object of the war.

This also was a case arising out of the conquest of foreign territory in the War with Mexico.

The section of the bill in question deals with territory outside of the United States, and in the case of China and the Continent of Europe, has to do with territory over which the United States has no claims of any kind except such rights of occupation as may exist by virtue of treaties now existing between the United States and the Governments of the occupied territories. It may well be doubted whether a different rule does not apply to the occupation of territory within continental United States and territory which is outside continental United States, and occupied for some temporary purpose by military forces of the United States. While it would stand to reason that the President has ample authority to direct the transfer of military forces from one post or station to another in continental United States in his discretion, and where no contrary policy has been declared by Congress, it does not follow that the same may be true as to the occupation of foreign territory.

Even in the continental United States troops are called and moved by the President in times of emergency by virtue of an act of Congress passed in the very early days of the Republic. It was under this act of Congress that President Lincoln called for volunteers during the Civil War, and under which act many troop movements have been directed by the President since that time in matters originating within the continental United States. It is obvious that any occupation of foreign territory by United States troops in times of peace must be by express authority of the Congress, or in carrying out a policy which has been expressed by an act of Congress.

During the administration of President Wilson, military forces of the United States were sent, on at least two occasions, into Mexico, where combats were had with military forces in that country. It may well be doubted whether any constitutional authority existed to support this action. No declaration of war had been made and no congressional policy authorized such course. In the same way an occupation by the President of territory in foreign countries by the military forces of the United States is absolutely without authority unless in pursuance to some policy indicated by Congress.

Following the principles announced in the above cases, no reason exists why Congress might not, by the passage of proper acts, cause the entire abandonment by our military forces of every portion of the lands occupied in China, the Continent of Europe, the Panama Canal Zone, and the Hawaiian Islands. With this policy the President has nothing to do. It is his duty to have charge of the operations of the Army in pursuance to the general policy Congress has expressed. Congress, of course, is nothing more than the expression of the voice of the people as to policy, a right which the people have not granted away by any constitutional provision.

As has been noted, the Constitution provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law. The Congress has full and complete authority over the purse strings of the Government, and can appropriate moneys for certain constitutional purposes or refuse to appropriate the same as it desires. Hence it may be that just and legal claims against the United States may be entirely avoided by the failure of Congress to make the necessary appropriations. This may at times go so far as to amount to a repudiation of the obligations of the Government to other nations.

An illustration of the power of the Congress over appropriations is found in Hart's case, One hundred and eighteenth United States, 62. In that case Hart, who had been formerly engaged in the rebellion of 1861, had a claim for compensation against the Government of the United States. In November, 1865, he was granted a full and complete pardon by the President of the United States. Congress, by an act approved March 2, 1867, provided that no person engaged in the said rebellion might have any valid claim against the Government of the United States which existed prior to April 13, 1861. The Supreme Court held, on the pleading of this statute, that Hart, irrespective of the action of the President, had no valid claim, Congress having definitely determined the policy in that respect.

I think there is no particular difference of views as to the power of Congress in this respect. Even the authority cited by the gentleman from Minnesota [Mr. NEWTON], Pomeroy on International Law, states the law clearly, as quoted on page 4296 of the CONGRESSIONAL RECORD of March 22:

> As Congress is to make all appropriations, it may declare the specific purpose for which money is to be used.

There can be no doubt as to this general proposition.

However, this further limitation on the doctrine must be admitted. Where Congress has directed a certain policy, and the President, in pursuance of that policy, finds it necessary to utilize military forces in a certain way and thus incurs expense, it must be admitted that such expense would be a proper and legitimate charge upon the Treasury of the United States, and should be paid by proper deficiency appropriations.

In Sixth Opinions of Attorney General, 28, the following is said:

> But when the Constitution of the United States, or any act of Congress, authorizes and requires the President to do a thing which involves the expenditure of public money, then, and in such case, the legality of an engagement of the President to have the thing done—that is, of a contract for its performance—is wholly independent of the question whether there is or is not an adequate appropriation by Congress for the object.

My conclusion from such investigations as I have made of the subject leads me to believe that there is ample authority in Congress to enact the provision in question, and that if enacted into law it would be valid and constitutional. I am also as fully convinced that Congress has the right to declare in express terms either the abandonment of any of the territory in question or to make any other provision relative to its occupation by military forces or otherwise as it may desire to do. Whether it has done so in the case of the territory in question in this bill is a question to be determined by the acts of Congress relating to those particular subjects. If such occupation of these countries is not in pursuance to any law of the land or policy expressed by Congress, then the President should, if well advised, withdraw such armed forces at once. If, however, the occupation is in pursuance of some congressional policy, I am as thoroughly convinced that the Congress of the United States should and will make adequate provision for necessary expenses incurred.

Waiving the constitutionality of the section in question, I am convinced that this provision in this bill is absolutely ill-advised. The President of the United States must be trusted with some discretion in these matters. He is presumed to be acting within his constitutional limitations. Nothing has been made to appear to this committee that he is doing otherwise, nor has any such claim been made. He has every source of information available to him. The State Department and the other departments of the Government inform him from time to time thoroughly as to the necessities of our Government and the steps that should be taken for the preservation of the life and property of our citizens. He has full knowledge of the treaty obligations of our Government. On these matters Congress is not, nor is the Appropriations Committee, fully advised. The President is presumed to know more about these matters than we do. So far as I am personally concerned, I feel constrained to believe that he ought to be given great latitude in his course of action in these matters. I am sure the provision in the bill was written with good intentions, but I am as sure that it is unwise. There never was a time when our foreign relations were in a more delicate condition than now. Just

what is needed is unknown to most of us, and conditions change from day to day. To hamstring the presidential authority is unwise. Nothing has appeared to this committee which would lead one to believe that the Chief Executive needs to be conducted by leading strings in what he does in these matters. I, for one, am opposed to any such provision in any bill at this time and am pleased that the committee has yielded to what is obviously the overwhelming sentiment of the House and has eliminated this undesirable provision.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks on this bill.

Mr. HAYDEN. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. J. M. NELSON. Mr. Chairman, I ask unanimous consent to extend my remarks on the subject of postmasters.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

MILEAGE OF THE ARMY.

For mileage to commissioned officers, warrant officers, members of the Officers' Reserve Corps when ordered to active duty, contract surgeons, expert accountant, Inspector General's Department, Army field clerks and field clerks of the Quartermaster Corps, when authorized by law, $1,100,000.

Mr. VESTAL. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and gentlemen of the committee, I regret exceedingly that I can not agree with the committee on all the provisions contained in this bill.

A committee having charge of legislation has the right, of course, to expect Members of the House to at least give careful consideration to recommendations made by it, especially when that committee has had the opportunity to study the questions and ascertain the facts about matters pertaining to the particular legislation proposed, and I regret to find myself opposed to the committee as regards certain provisions of the bill.

In the first place, I think it was a grave mistake to make such a drastic cut in our Army. The only reason advanced for the decrease in the size of the Army was that of economy. I am as much in favor of economy as any Member on the floor of this House, but I believe that such a weakening of the national defense as was proposed and carried in this bill is a false economy, which may prove in the end to be disastrous to our national safety. I believe, of course, that we ought to settle upon a definite military policy and provide for an Army large enough to command respect in peace time, and with a force of trained officers sufficiently large to readily prepare and train a citizen army should occasion demand. Feeling as I do about the matter, I heartily indorsed the Kahn amendment, increasing the size of the Army from 115,000 to 150,000, and the number of trained officers from 11,000 to 13,000.

But the immediate matter under consideration is the motion of the gentleman from Massachusetts [Mr. ROGERS] to strike out the paragraph near the bottom of page 22, beginning with line 20, as follows:

No part of the appropriations made herein for pay of the Army shall be used, except in time of emergency, for the payment of troops garrisoned in China or for payment of more than 500 officers and enlisted men on the Continent of Europe; nor shall such appropriations be used, except in time of emergency, for the payment of more than 5,000 enlisted men in the Panama Canal Zone or more than 5,000 enlisted men in the Hawaiian Islands.

The enactment of this provision would constitute an undertaking on the part of Congress to regulate the distribution of the Army, a power heretofore exercised only by the President of the United States under his constitutional appointment as Commander in Chief of the land and naval forces. This is the first time in the history of the country, so far as I know, where Congress has ever attempted to take away from the President the right to allocate the troops in the Army or the Navy. The only precedent for such legislation, if it could be called a precedent, is found in section 2 of an act of March 2, 1867, entitled "An act for the more efficient government of the rebel States." That section of that act divided the Southern States into military districts, and required that each district be placed under the command of a general officer, and expressly made it the duty of the President to detail a sufficient military force to enable such officer to perform his duties and enforce his authority. Of course, we know that this act was born of a bitter political and personal hostility to the President, and was designed to thwart his power; yet, even under that act, the number of troops that he was directed to detail to such districts was left entirely to the President's own discretion. It prescribed neither a minimum nor a maximum that the President might in his discretion assign to one place or to another for the safety and welfare of the country. This provision, which we seek to eliminate by this amendment, directs the President in the number of troops he can detail to the Panama Canal Zone, or to the Hawaiian Islands, or in China, or on the Continent of Europe. It absolutely takes away from the Chief Executive the right given him under the Constitution, as the Commander in Chief of the Army and the Navy, to distribute the Army for the protection of our citizens and for the safety and welfare of the country.

On one other occasion, and one only, a similar provision to the act of March 2, 1867, was considered. This was on the 5th of April, 1917, when the House of Representatives had before it a resolution declaring the existence of a state of war with Germany, when an amendment was offered prohibiting the ordering of troops to land duty in Europe until so directed by act of Congress. This amendment received no support, and in speaking on this amendment the gentleman from Illinois [Mr. CANNON] used these words:

Of course, we give the President power to use the Army and the Navy. You can not very well restrict his power or cripple him by legislative provision.

If this provision stays in the bill, and the President is prohibited from stationing troops in China, it would prevent the maintenance of a proper, or, in fact, any policy in our foreign relations, because it ignores any agreement the President or any former Presidents may have made with other nations for our and their mutual safety and benefits. Moreover, as has been said, it is an announcement to the world that the United States has no legal and responsible agent with which it may treat as to matters of international peace and concord.

I think that the provisions in this paragraph, especially relating to Hawaii and Panama, are very dangerous. These territories are as much entitled to protection as the District of Columbia. Indeed, they are as much a part of the United States as the District of Columbia. They are two great outposts against attack upon our shores. If war should be made upon us, these must be held at all hazards. Sufficient garrisons should be maintained in those places so that in the event of the breaking out of war they may be defended against a sudden naval attack; but you answer me and say, "We are at peace; where is any danger?" There may be no danger now, but I hesitate to say that the millennium has arrived. Wars come without warning. Can we not trust the President of the United States in the handling or disposition of the Army and the Navy? What has happened recently that the committee should feel that Congress ought no longer trust the President and the Secretary of War in the handling of our troops? We have trusted our Presidents, 25 in number, for more than 125 years. Are we going to say that the present Executive is not worthy of our trust? But, you say, the bill provides that in cases of emergency the President shall have unlimited power in the disposition of the Army. If this bill should become a law with this provision in it, would not the sudden dispatch of troops announce to the world, and especially to any nation contemplating an attack upon us, that the United States regarded war as imminent, and might not this very thing bring on a war which might otherwise be averted? Surely this Congress will not say to the world that we can not trust the Commander in Chief of the Army and the Navy, the President of the United States. I hope that this amendment will be adopted. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the figures "$1,100,000" and insert in lieu thereof "$1,100,005."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 9, strike out "$1,100,000" and insert in lieu thereof "$1,100,005."

Mr. GREEN of Iowa. Mr. Chairman, it is unnecessary for me to say that I offer this amendment merely for the purpose of gaining the floor at this time in discussing the right of Congress to control these appropriations. In making this particular provision Congress has exercised its right to control appropriations which limit the size of the Army. My particular purpose, however, in rising at this time was because I saw some statements in the RECORD a few days ago, I think day before yesterday, which I think under no circumstances ought to be permitted to go unchallenged. Those statements related to the power of Congress with reference to so controlling appropriations as to affect directly the policy of this country in military activities and, in fact and effect, to fix the point where troops, a portion of the Army, should be stationed.

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

Mr. GREEN of Iowa. I make the point of no quorum.

The CHAIRMAN. The gentleman from Iowa will proceed in order.

Mr. GREEN of Iowa. I make the point of no quorum. It is something I have not done before. I have not spoken here on this bill and taken up any of the time on it.

Mr. MANN. There are Members who wish to speak on this subject just as much as does the gentleman from Iowa.

Mr. GREEN of Iowa. I have no doubt about that, and they ought to be permitted to do so. I make the point of no quorum.

The CHAIRMAN. The gentleman from Iowa makes the point of no quorum. The Chair will count. [The Chair proceeded to count.]

Mr. GREEN of Iowa. I withdraw the point of no quorum. Mr. Chairman, I have made some study, not only of the Constitution of this country but also of the constitution of England. The Constitution of this country was framed, so far as it related to the control of the Army and Navy, largely upon the principles that govern the constitution of England. The constitution of England, of course, as the Members are aware, is not a written constitution.

Mr. MANN. Mr. Chairman, I make the point that the constitution of England has nothing to do with increasing this amount by $5, as suggested by the gentleman's amendment, and the gentleman ought to abide by the rules of the House.

Mr. GREEN of Iowa. The gentleman ought not to be so captious. I usually yield to my distinguished friend from Illinois. I think this is the first time in 10 years that I have not, but I think on this particular occasion that my friend is somewhat exceeding that authority which he exercises over us in view of his distinguished services.

Mr. MANN. I make the point that that is not discussing the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GREEN of Iowa. Mr. Chairman, I make the point of no quorum, to show that there is no time being saved by this kind of procedure. I could have concluded in the time which will be used.

The CHAIRMAN. The gentleman from Iowa makes the point of no quorum. The Chair will count. [After counting.] One hundred and fifteen gentlemen are present, a quorum.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the word "Army" on page 23, line 7.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 23, line 7, strike out the word "Army."

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee——

The CHAIRMAN. The Chair understands the pro forma amendment of the gentleman from Iowa [Mr. GREEN] is withdrawn.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, under the Constitution of the United States the command of the Army is lodged in the President. Under the policy of the subcommittee on appropriations the Commander in Chief of the Army is the ranking Republican member of that subcommittee. It has been urged here, and correctly so, that Congress may refuse to make any appropriation whatever for an army in China, in Germany, or elsewhere. Why, of course, Congress can refuse appropriations if it so desires, but the spirit of the Constitution is that after the Congress has fixed the size of the Army the President of the United States under the Constitution has the right to say where that Army shall be.

Mr. MANN. Mr. Chairman, I make the point of order the gentleman is not discussing the amendment.

Mr. CONNALLY of Texas. I am moving to strike out the word "Army," Mr. Chairman.

The CHAIRMAN. If the point of order is pressed, of course the Chair would have to rule that inasmuch as this paragraph relates to mileage and payment of officers the point of order is well taken.

Mr. CONNALLY of Texas. I suggest to the Chair that mileage certainly refers as to where we shall send these soldiers and officers. It takes mileage to get them to China and Germany, and it takes mileage to get them home.

Mr. LINEBERGER. Will the gentleman yield?

Mr. CONNALLY of Texas. I can not yield now, because the gentleman from Illinois [Mr. MANN] is on the floor.

Mr. MANN. If the committee wants to agree to have Members discuss that item, I have no objection.

Mr. CONNALLY of Texas. The House agrees, if the gentleman from Illinois will not object. I know the gentleman from Illinois is a large part of the House, but he is not all of it.

Mr. MANN. I have had a speech on this subject in my system for days and I can not get rid of it.

Mr. CONNALLY of Texas. I will say, in deference to the gentleman from Illinois, I was not on the floor the other day when this matter was discussed and did not have an opportunity to express myself, and while I know the gentleman is full of this subject I would be perfectly willing to excuse him for a few minutes until I conclude my remarks. [Laughter.]

Mr. MANN. Doubtless the rest of us would like to get out while the gentleman is talking. [Laughter.]

Mr. CONNALLY of Texas. I will say to the gentleman from Illinois he is at perfect liberty to do so, because I do not expect either to convince or to persuade him.

The CHAIRMAN. The time of the gentleman from Texas has expired. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

CLAIMS FOR DAMAGES TO AND LOSS OF PRIVATE PROPERTY.

For payment of claims of not to exceed $500 in amount for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army that have accrued, or may hereafter accrue, from time to time, $50,000: *Provided*, That settlement of such claims shall be made by the General Accounting Office, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. CRAGO. I would like to go back to that language as to mileage for the Army and ask the chairman of the subcommittee a question or two. I notice the item for mileage is $1,100,000. As I understand it, the Budget Bureau and the Secretary of War asked for about $2,000,000 for that item.

Mr. ANTHONY. That is correct.

Mr. CRAGO. And the Secretary of War, I believe, added $500,000 to that to call the R. O. T. into training.

Mr. ANTHONY. Yes; the reserve officers.

Mr. CRAGO. I would like to ask the gentleman if the amount appropriated here, $1,100,000, contemplates the calling in of the R. O. T. in training?

Mr. ANTHONY. The gentleman refers to reserve officers?

Mr. CRAGO. Yes.

Mr. ANTHONY. No. The committee does not contemplate calling any of those into the service.

Mr. CRAGO. Then this item will not provide any transportation for that purpose?

Mr. ANTHONY. No; only for the Regular Army.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Vermont moves to strike out the last two words.

Mr. GREENE of Vermont. I do so for the purpose of asking the chairman of the subcommittee whether, in the course of the discussion in the hearings or otherwise, there was brought to the attention of the committee the ruling of the comptroller that kept the mileage back from the families of Regular officers under certain conditions, such as delay in reaching the post on details involving change of station.

Mr. ANTHONY. No.

Mr. GREENE of Vermont. I have in mind this situation, which has been brought to my attention by several officers, and it is manifestly unjust. Under the law when an officer is directed to change stations a certain allowance is made to his family to change with him. In this case a considerable number of officers were directed to change stations, and they changed stations, but were told at the time that there were not then sufficient accommodations for their families, and that they themselves would have to subsist at the post as bachelor officers until later, when the department would notify them that their families could join them. Later on, when their families did join them, they were told that their families had not joined them within a reasonable time, and that therefore the mileage allowance for their families could not be given.

Mr. MANN. That is for the Committee on Military Affairs to act upon.

Mr. GREENE of Vermont. Yes; and between these two stools something is coming to the ground.

Mr. MANN. We can not affect the rulings of the comptroller by this legislation.

Mr. ANTHONY. The hearings show that there will be about $1,200,000 expended for mileage during the current year, and the committee thought that the appropriation of $1,100,000 would cover it, considering the reduction in the size of the Army.

Mr. GREENE of Vermont. I am not questioning the size of the appropriation, but I was wondering as to what would be

done in regard to this allowance for the transportation of their families.

Mr. ANTHONY. The committee did have some discussion before it about the necessity of enlarging the scope of the provision for the transportation of dependents of officers, but did not go into that. Of course, we could not go into it.

Mr. GREENE of Vermont. Some mileage has been withheld under the technical construction of the comptroller that because the families did not join the officers on changing stations within a month they did not join them within a reasonable time and therefore were not entitled to allowance for travel. The families did not join the officers because the department told them not to.

Mr. ANTHONY. They will have a balance of something over $600,000 out of the appropriation for this year.

Mr. CRAGO. The allowance for families was in the temporary increase which we granted to the officers, but that was permanent law.

Mr. MILLS. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. MILLS. Referring to the question of mileage, do I understand the gentleman from Kansas to say that the committee does not contemplate any training for reserve officers this summer?

Mr. ANTHONY. No training for reserve officers except a certain number provided under the appropriation of $250,000.

Mr. MILLS. That is only for the pay.

Mr. ANTHONY. No. This item of $1,100,000 could be used for that purpose.

Mr. MILLS. I understood the gentleman to answer a previous question to the effect that the whole $1,100,000 was intended for the purposes of the Regular Army.

Mr. ANTHONY. That was the intention, but the department can use it for reserve officers.

Mr. MILLS. I know, but the committee has so appropriated for the Regular Army that it makes no provision for mileage for the reserve officers.

Mr. ANTHONY. Yes; we thought the expense would be so great that we would not embark on it this year.

Mr. MILLS. Then the gentleman's committee resolved not to provide for any training of reserve officers?

Mr. ANTHONY. No; out of this appropriation——

Mr. MILLS. They can walk to camp. The gentleman has just stated that this is just sufficient for the purposes of the Regular Army.

Mr. ANTHONY. No. There is a surplus now of $659,000 in the money appropriated for the current year, so that it looks as if they had plenty of money.

The CHAIRMAN. Without objection, the pro forma amendments are withdrawn. The Clerk will read.

The Clerk read as follows:

Regular supplies of the Army: Regular supplies of the Quartermaster Corps, including their care and protection; construction and repair of military reservation fences; stoves and heating apparatus required for the use of the Army for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts in the field and when traveling, and repair and maintenance of such heating and cooking appliances; and the necessary power for the operation of moving-picture machines; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers, including members of the Officers' Reserve Corps when ordered to active duty, and enlisted men, warrant officers, and field clerks, including enlisted men of the Enlisted Reserve Corps, and retired enlisted men when ordered to active duty; contract surgeons when stationed at and occupying public quarters at military posts; for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902, and buildings for a similar purpose on military reservations authorized by War Department regulations; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries, including bake ovens and apparatus pertaining thereto and the repair thereof; for ice machines and their maintenance where required for the health and comfort of the troops and for ice for issue to organizations of enlisted men and officers at such places as the Secretary of War may determine, and for preservation of stores; materials for cleaning and preserving ordnance and ordnance stores; for cold storage; for the construction and maintenance of laundries at military posts in the United States and its island possessions; authorized issues of soap, toilet paper, and towels; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries, and for schools for noncommissioned officers; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; for purchase of relief maps for issue to organizations, commercial newspapers, market reports, etc.; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; for forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, and for the horses of the several regiments of Cavalry and batteries of Artillery, and such companies of Infantry and Scouts as may be mounted; for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands, and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Army, certificates for discharged soldiers, and for printing department orders and reports, $10,932,000: *Provided*, That from this appropriation not to exceed $850,000 shall be expended for the pay of civilian employees; not to exceed $1,250,000 shall be expended for power, heat, and electric current; not to exceed $57,000 shall be expended for maintenance and repair of buildings (including repair of machinery) for laundries; not to exceed $225,000 shall be expended for the maintenance and repair of heating apparatus (other than stoves); not to exceed $175,000 for maintenance and repair of electric wiring and fixtures; not to exceed $15,000 for the repair and exchange of typewriters; not to exceed $3,000,000 for fuel; not to exceed $4,000,000 for forage, including salt and vinegar and bedding for animals, and straw for soldiers' bedding; not to exceed $175,000 for ice; and not to exceed $125,000 shall be expended for stationery: *Provided further*, That the Secretary of War is authorized and directed to sell as soon as possible after the approval of this act, upon such terms and under such conditions as he may deem most advantageous to the best interests of the Government, such horses and mules now being held at remount stations and posts or with organizations of the National Guard or units of the Reserve Officers' Training Corps as are not in actual use.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. CRAGO. Mr. Chairman, I do so for the purpose of asking the chairman of the subcommittee about the item of $10,932,000. The estimate there was $12,292,755. Now, in that item you have specified that not to exceed $850,000 shall be expended for the pay of civilian employees. I will ask the gentleman if he is contemplating a reduction in the number of civilian employees on the transports and such other activities as the Army might have?

Mr. ANTHONY. It does not cover the transport service, but it covers activities of the Army where civilians are employed in connection with this particular item. For the current year there was $1,600,000 used out of this appropriation for civilian employees. In the estimates for next year they planned to use $932,000, which is almost half the amount they used for the current year for civilian employees, but on the basis of the general reduction which we made in the size of the Army the committee reduced the amount for civilian employees to $850,000, about in proportion.

Mr. CRAGO. I will say to the gentleman that if he is satisfied that is a sufficient appropriation I am satisfied, because I am in thorough sympathy with the idea of reducing the civilian employees wherever possible and using the men in the Army for as much of the work as possible. I think it is a sad commentary on the efficiency of the Army that they need so many civilian employees.

Mr. ANTHONY. Of course, this affects the entire question of civilian employees in the Army as a whole, and I know the gentleman realizes that there has been great progress made by the War Department in reducing the number of civilian employees during the current year. I think when Secretary Weeks started in at the War Department there were over 80,000 civilian employees in the Army, and to the credit of the War Department and their efforts for economy it should be said that the number of civilian employees has been reduced to approximately 50,000, which shows that the Army is steadily getting rid of its unnecessary civilian employees. This appropriation is limited about in proportion to the reductions that have been made, and as the committee figured they would be made during the next fiscal year.

Mr. CRAGO. I suppose you have taken into consideration the fact that they are gradually getting rid of a great many of the surplus stores, and so forth, and that because of this the number of civilian employees can be reduced?

Mr. ANTHONY. That is true, and in other parts of the bill we are providing additional amounts of money to enable the different bureaus to consolidate their storehouses. Where they have, for instance, from a dozen to 30 storehouses scattered over the country, we are giving them the money and the labor to consolidate those storehouses into two or three, where the stores can be taken care of more economically.

Mr. CRAGO. I do not want to see the committee cripple the transport service that has been built up and that would be difficult to replace once it is destroyed.

Mr. MANN. Did not the President recently recommend that the Army transport service be abandoned?

Mr. CRAGO. I do not agree with the President in that. Sometimes we may differ, you know.

Mr. LINEBERGER. He recommended that the transport service be reduced.

Mr. ANTHONY. The Committee of the Whole ought to have the benefit of some very interesting figures that were developed in the hearings with regard to the transport service. When the question of bringing back some of the troops from Germany was brought up a few months ago, the Shipping Board were very desirous of having the job; so they were asked by Executive authority to prepare an estimate and submit a bid as to what they would charge for bringing these troops back. The figures are very interesting. The contract was not given to the Shipping Board, but the troops were brought back by the vessels of the Army transport service, and the Army transport service brought them for less than half the amount of the bid submitted by the Shipping Board, showing that the Army transport service is not only efficiently operated but economically operated.

The cost to bring this lot of troops back from Germany in Army transports was $958,470. Bids were asked from the commercial lines—Shipping Board vessels—and they bid $2,212,000 for that work. The commercial lines were the Shipping Board vessels.

Mr. McKENZIE. Of course, the gentleman will understand, I take it, that the turning over of the Army transports to the Shipping Board is a part of the subsidy scheme that is intended to have the Government pay more for transporting troops and supplies than we have to pay now, and it is justified as a subsidy to the Shipping Board.

But that is not the question I wanted to ask. The gentleman from Kansas [Mr. ANTHONY] knows that I have always joined with him and others on the Committee on Military Affairs in an effort to rid the Army of the great number of civilian employees who have been engaged by the War Department. But I want to ask the gentleman what connection there is or can be between the reduction of the commissioned personnel and the enlisted force of the Army and the reduction of the civilian employees? I do not get that.

Mr. ANTHONY. Simply because the activities of supplying 115,000 troops are much less and require much less civilian help than would be required to feed and supply 150,000 men.

Mr. MANN. That is, if 10 men are required to wait on 13 it will not require 10 men to wait on 9.

Mr. ANTHONY. A large number of civilians are employed to do the actual labor in the Army; for instance, nearly every pound of freight and most of the labor around our military posts is handled by civilians. About all the labor that a soldier does in connection with subsistence, for instance, is to raise the food from his plate to his mouth. Civilians do the rest.

Mr. McKENZIE. I asked this question simply to have it appear in the RECORD that so far as I am personally concerned I prefer to keep a larger number of enlisted soldiers in the Army and cut down the civilian employees, believing that it is better preparedness than to cut down the enlisted personnel and go on with a large force of civilians.

Mr. ANTHONY. In other words, the gentleman thinks it might be possible to get a certain amount of work out of the soldiers?

Mr. CRAGO. Yes.

Mr. ANTHONY. I think the efforts in that line have not been productive of very good results in the Army. It is often very difficult to train the Army and keep it in condition and in active training and do the necessary military work, and then in addition to try to do other things. It does not leave them much time.

Mr. CRAGO. The other work really applies to the Army. They should be self-sustaining and self-supporting.

Mr. McKENZIE. I think the gentleman from Kansas [Mr. ANTHONY] and also the gentleman from Pennsylvania [Mr. CRAGO] will agree with me that many of the activities in the Army to-day now performed by civilian employees, such as vocational training and all the other things that have been brought in by reformers from the outside who want to have a bloodless army and a reform army and to have soldiers educated in everything except fighting, is responsible for that condition of affairs and not the military men of our country. I think that should be said in justice to the Army.

Mr. ANTHONY. For the purpose of getting the number of civilians into the RECORD I want to present these figures: On December 31, 1920, there were 92,798, of which number 19,000 were engaged in civil work, largely river and harbor work. On December 31, 1921, a year later, there were 49,534, of which 12,231 were employed on the civil work.

Mr. HILL. Mr. Chairman, I move to strike out the last two words. I desire to ask the chairman of the subcommittee in reference to line 17, page 30, the item not to exceed $4,000,000 for forage. As I understand, that is the amount the War Department asked for.

Mr. ANTHONY. They asked for $4,475,553, but in consideration of the fact that the price of forage is considerably less than a year ago we shaved the amount a little.

Mr. HILL. Will the gentleman state how many animals that is intended to take care of?

Mr. ANTHONY. The number of animals in the Regular Army is at present 57,000.

The Clerk read the paragraph for the transportation of the Army and its supplies, beginning on page 33, line 8, and ending on page 37, line 9.

Mr. GREEN of Iowa. Mr. Chairman, on page 36, line 17, I move to strike out the sum of $16,000,000 and insert $14,000,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GREEN of Iowa: Page 36, line 17, strike out $16,000,000 and insert in lieu thereof $14,000,000.

Mr. GREEN of Iowa. Mr. Chairman, I make this motion more in the nature of a pro forma amendment than otherwise because it brings up the question that I was attempting to discuss a short time ago. It is obvious that if my motion prevailed it would restrict the transportation of troops in this country to the Philippines and other foreign regions, and the question arises in connection with the motion I made as to the propriety of it under the constitutional right of Congress.

Mr. Chairman, various claims have been made as to the rights of this body, and no more serious question can come before it than the question of the extent of those rights. If I correctly understand, some gentlemen in discussing this question a few days ago intimated that Congress had no right to restrict the transportation of troops to foreign lands in any such way as to determine the policy of keeping them in those lands. It was also held by some gentlemen that Congress had no right to restrict the appropriation made for the Army so as to determine the policy of the size of the Army and the number of the personnel thereof.

Mr. Chairman, the framers of the Constitution of this country in respect to the control over the Army and the Navy followed the doctrines that had so long prevailed. The constitution of England is not a written constitution but is determined by the action taken by the English Parliament and the decisions of the courts of England. No one who reads the history of England going back for 200 or 300 or 400 years will fail to see that there was for years a struggle between Parliament and the King as to whether Parliament had the power to control the policy of the nation in relation to the Army and the Navy by restrictions in making appropriations, and it was long ago settled beyond any further dispute that Parliament had such power. I am aware that some gentleman said on the floor the other day that that was not the case in England. Gentlemen who make such statements should be more careful, for they certainly have not read the parliamentary debates. If they would read the parliamentary debates even to the present day they would recognize that although the King has the power to direct the movements of troops, no one claims that it is an infringement of the constitutional right for Parliament to restrict such control by limiting the appropriations.

The King of England controls the movements of the army and the navy in the same way that the President of the United States does here. There is not in my opinion any more sacred right vested by the Constitution in Congress than the right to control the Army and Navy through control of the appropriations. The moment this right is abandoned—and some gentlemen seem to think it ought to be abandoned—the moment this right is abandoned the liberty of the country is lost. It is true that nothing has so far occurred showing a disposition on the part of any President to abuse his powers as Commander in Chief of the Army and Navy; but that is not the question. The question is whether, if this right belongs in Congress, it should be sacredly preserved and kept as a precaution against some improper person who might by some chance in the future occupy the presidential chair.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. NEWTON of Minnesota. Does not the gentleman recognize a distinction between Great Britain and the United States in the power of the Executive? In Great Britain the King is nominally the head and acts only on the advice of the Prime Minister, who is the leader of the majority party and in control of Parliament.

Mr. GREEN of Iowa. I do not know that there is any difference so far as the matter I have been discussing is concerned. The King is the absolute commander of the army and the navy in England, the same as the President of the United States is in this country.

Mr. NEWTON of Minnesota. Does the gentleman mean to convey the idea to the House that the King has the right under the constitution of England to dispose of the army, disregarding the wishes of the Prime Minister?

Mr. GREEN of Iowa. The King of England, as the gentleman is aware, theoretically, can do no wrong. If any wrong is committed, it is a wrong committed by his ministers. That is all theory. As a matter of fact, of course, Kings of England have done wrong, and, as a matter of fact, they can not absolutely control the army.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection the amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

HORSES FOR CAVALRY, ARTILLERY, ENGINEERS, AND SO FORTH.

For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War for remounts for officers entitled to public mounts for the Cavalry, Artillery, Signal Corps, and Engineers, the United States Military Academy, service schools, and staff colleges, and for the Indian Scouts, and for such Infantry and members of the Medical Department in field campaigns as may be required to be mounted, and the expenses incident thereto (including $25,000 for purchase of remounts, and $150,000 for encouragement of the breeding of riding horses suitable for the Army, including cooperation with the Bureau of Animal Industry, Department of Agriculture, and for the purchase of animals for breeding purposes and their maintenance), $180,000: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and unless otherwise ordered by the Secretary of War no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster Corps and an inspection under the direction and authority of the Secretary of War. When practicable, horses shall be purchased in open market at all military posts or stations, when needed, within a maximum price to be fixed by the Secretary of War: *Provided further*, That no part of this appropriation shall be expended for the purchase of any horse below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy: *And provided further*, That no part of this appropriation shall be expended for polo ponies except for West Point Military Academy, and such ponies shall not be used at any other place: *And provided further*, That the Secretary of War may, in his discretion, and under such rules and regulations as he may prescribe, accept donations of animals for breeding and donations of money or other property to be used as prizes or awards at agricultural fairs, horse shows, and similar exhibitions, in order to encourage the breeding of riding horses suitable for Army purposes: *And provided further*, That the Secretary of War shall report annually to Congress, at the commencement of each session, a statement of all expenditures under this appropriation, and full particulars of means adopted and carried into effect for the encouragement of the breeding of riding horses suitable for the military service.

Mr. HILL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 28, line 11, after the word "maintenance" strike out "$180,000" and insert "$296,257."

Mr. HILL. Mr. Chairman, I desire to make a brief statement about this, and then ask a question of the committee. The department asked for $296,257 for this item. The effect of this reduction will be to curtail Cavalry activities for the coming year. The item of $180,000 for the purchase of horses, and so forth, includes $150,000 for the encouragement of breeding, which should under no circumstances be reduced. This leaves $30,000 for the purchase of animals. There are at present 25,000 riding horses on hand, notwithstanding the fact that approximately 34,000 are actually required for an Army of 150,000 men. The number authorized for the Cavalry is 11,364. The proportional Cavalry replacement of 175 horses would amount to 80 horses, or seven one-hundredths per cent. A replacement of 5 per cent, which is a low estimate of minimum requirements, amounts to 568 animals for the Cavalry alone. That is about 393 more remounts than are allowed for the entire Army. The reduced appropriation will not take care of the Cavalry school alone. I want to ask in reference to this matter if the general reduction of the Army, which already has been agreed to by the committee, from the present strength will approximately reduce the estimate asked for by the War Department in order to allow a full supply for Cavalry? If that is the case, I shall withdraw the amendment.

Mr. STAFFORD. Mr. Chairman, the committee in arriving at its estimate did not provide to any great amount for the purchase of additional horses or mules for the Military Establishment during the coming year. On July 1 of last year there were 39,000 horses and some forty-five thousand and odd mules in the control of the department. At the present time there are 34,700 horses. It has not been the policy of the War Department to dispose of any of the Cavalry horses, even though there is no present need for them. In response to an inquiry by the chairman of the subcommittee as to whether the reduction in the size of the Army would not have its effect in the reduction of this estimate, the officer testifying on this item stated that it would. We have in this bill reduced the srength of the Army. It is not determined whether there will be a proportionate corresponding reduction in all arms of the service as there was last year. That is General Pershing's testimony before our committee. We do not seek in any wise to curtail the number of horses that are now in the service. It is our policy to have the department retain those now in the service for their present and coming uses. So this item is based on the idea that there will not be much need for the purchase of additional horses or mules during the coming year, and for us to give the estimate originally proposed would be merely cumulative and rather wasteful.

Mr. HILL. Mr. Chairman, in other words, the reduction which has been agreed on will make available the necessary horses for the Cavalry.

Mr. STAFFORD. Yes; that is the way I understand it.

Mr. HILL. Mr. Chairman, I withdraw the amendment.

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Wisconsin a question. This is the item that provides the appropriation for the purchase of stallions for improving the breed of horses to be used in the Army, as I understand it.

Mr. STAFFORD. This is the item that provides for the taking over of the horses originally under the control of the Bureau of Animal Industry in the Department of Agriculture, now under the control of the War Department.

Mr. McKENZIE. Can the gentleman tell us how many horses have been donated to the War Department under this law?

Mr. STAFFORD. As I recall the testimony, the number is in the neighborhood of 80.

Mr. McKENZIE. Donated?

Mr. STAFFORD. Donated to the War Department.

Mr. McKENZIE. Can the gentleman tell us whether there have been any horses imported from foreign countries that would tend to improve the breed?

Mr. STAFFORD. I can not say whether any have been imported, but the department has purchased 120 within the last year or so in order to improve the breed.

Mr. McKENZIE. What is the entire number now owned by the War Department for this purpose?

Mr. STAFFORD. The number under the direct supervision of the War Department is 200.

Mr. McKENZIE. Can the gentleman tell us how these horses are handled and what expense it is to the Government?

Mr. STAFFORD. Mr. Chairman, I am rather surprised that my good friend should catechise me so minutely on this proposition. I recall that he was a member of a committee of three that made a report to the House on this very subject recently. I read that report. It is true that the gentleman was a minority of one who presented adverse views. I would not charge the gentleman from Illinois with aphasia or absent-mindedness, because his actions testify so frequently to his wonderful retentive memory. Unless he merely wishes to refresh his recollection, I can see no special reason for all this minutiæ of detail.

Mr. McKENZIE. I know the gentleman from Wisconsin has the information, and I merely wanted to get it into the RECORD for the benefit of the people of the country, so that they may know just what is going on in the War Department along this line.

Mr. STAFFORD. I know the gentleman is a very busy member of the Committee on Military Affairs, and it can not be expected, even with such an industrious member, that he would have time to read the very voluminous hearings of the Committee on Appropriations that cover this subject, even this one item in which his heart is so wrapped up.

The gentleman will find, page 600 of the hearings, testimony as to the way this service is operated at the present time by the War Department.

Mr. McKENZINE. Just tell us briefly.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

MILITARY POSTS.

For the construction and enlargement at military posts of such buildings as in the judgment of the Secretary of War may be necessary, including all appurtenances thereto, $916,000, including $400,000 for continuing construction of post at Camp Benning, Ga.; $55,000 for construction of one hospital ward at Letterman General Hospital, San Francisco, Calif.; $262,000 for general construction at Camps Dix, Meade, and Lewis; and $198,000 for continuing construction and enlargement of barracks for guards at the United States disciplinary barracks, Fort Leavenworth, Kans.

Mr. HUDSPETH. I move to strike out the last word. I do it for the purpose of calling attention to a matter that is vital to a portion of my district, the people along the border. Mr.

Chairman and gentlemen of the committee, I note in the hearings where my friend General Harbord testified and was interrogated by the gentleman from Mississippi relative to the border patrol. I want to state to the committee I voted against the amendment of my good friend from Mississippi [Mr. SISSON] to reduce the enlisted strength of the Army to 100,000 for the reason that I think we ought to keep the Army at its present strength, so that it will be an adequate and sufficient force to properly police this country and its dependencies. Now, I note where General Harbord, whom I esteem very highly as a man and as an Army official, stated that he was in favor of withdrawing the border patrol, concentrating the troops in large part in posts in the interior, I take it. My friend from Mississippi asked him who was responsible for the present border patrol, which I think has done splendid work in protecting the lives and property of our citizens from Mexican bandits and marauders. Now, I want to state to you, gentlemen, that there are six Congressmen who represent the entire border line of this country between us and Mexico—3,600 miles—myself, my colleagues, Mr. GARNER, Mr. WURZBACH, Mr. MONTOYA, of New Mexico, Mr. HAYDEN, of Arizona, and Mr. SWING, of California. Take the border I represent, 800 miles. I want to ask my good friend from Mississippi if he has ever been in the Big Bend of Texas, a scope of territory there of about 400 or 500 miles, extending from the east part of Hudspeth County to the western part of Val Verde County, a distance of four or five hundred miles?

This border patrol was established by a former official of this Government. They keep a few troops at a point here and then a few miles over the mountain at another point, all along that border, to prevent these bandits and thieves from Mexico coming across and destroying the property and the lives of American citizens. Now, I want to state to my good friend from Mississippi and the members of this committee that the establishing of a patrol of a few soldiers scattered all along will prevent these marauding bands of Mexico, in that rough fastness, from crossing over to this side and depredating upon my people and Americans all along the border from Brownsville to California. I want to state to my friend that in that big scope of country—and while it is not the most fertile and valuable part of our country it is American territory—why my friends there are places there so rough along the Rio Grande where a billygoat could not climb the mountains unless he went up in an airship and came down with a parachute. I want to tell my friend that four years ago last Christmas a bunch of Mexicans, I think about 300, came across the Rio Grande there, mounted, one a Carranza lieutenant in the uniform of the Mexican Army, and raided the ranch of Mr. L. C. Bright, a prominent ranchman, on Christmas Day, and killed one of his men right in the yard. His men barricaded themselves in the ranch houses and stood off the bandits until American troops could get there from Marfa, Tex., and ran them across the Rio Grande. The American troops killed a portion of them and recovered some of the loot they had taken from the ranch.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDSPETH. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Killed most of them?

Mr. HUDSPETH. Yes. That is what they should have done, and they got the Carranza lieutenant in the full uniform of Carranza's army. And I want to state to my good friend from Wisconsin [Mr. STAFFORD], who is on the committee, I do not know whether he agreed with General Harbord, and I want to state here that I am not quarreling with this splendid Army official but simply taking issue with him on this matter, about the removing of this border patrol, but I want to state to him that when it is removed the local officers of my State will not be able to cope with the situation, I fear. We have not as many of the Texas rangers there, unfortunately, as we have had.

Take off the border patrol and you are going to leave about 800 miles of territory in my district virtually unprotected, as I see it and the citizens living along the river largely see it. General Harbord, as I stated in the beginning, is a very efficient officer, but I think he is mistaken when he advocates their removal. What is the use of having troops at San Antonio, Fort Sam Houston, or even at Fort Clark, when a bunch of bandits can come across at Langtry, or south of Sanderson, and steal a herd of cattle and kill a number of Americans and get safely back across the river before the troops would be able to reach the scene? What could troops do at San Antonio toward stopping the raid at Eagle Pass or Del Rio?

Mr. STAFFORD. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. STAFFORD. I do not know whether the gentleman stated that General Harbord made a personal investigation of border conditions?

Mr. HUDSPETH. Yes, sir; I know that he has made a full investigation all along the border in Texas just recently.

Mr. STAFFORD. In reply to the inquiry directed by the gentleman from Texas, I have every confidence in the general's ability as to what is needed and necessary for the military activities of the Government, and I accept the decision of the military authorities in everything pertaining to tactics.

Mr. HUDSPETH. Well, I do not. I claim to be somewhat familiar with the conditions in that section, having been born and raised there, and I do not think the citizenship out there would agree with my friend from Wisconsin or General Harbord that this border patrol should be removed.

Now, with all due respect to my friend, General Harbord, he has made the inspection and states that he has abandoned some posts down in another district there; but I want to state to you gentlemen here—and I think the citizenship along the border would agree with this, that it is very dangerous at this time to remove the border patrol and concentrate the troops at interior points. When you do that you leave the citizenship at the mercy of every bandit on the other side who may desire to come across and get some free cattle and free horses, and probably take an additional toll in the lives of good Americans. We have not yet recognized Mexico. I do not know when we will do so. And while conditions, I will state, are better along the border now than they were a year ago, or two years ago, it is not absolutely quiet there yet. And I want to state to you gentlemen on the majority side that I believe in protecting every foot of American soil.

I believe in protecting the life of every American, and I do not think we ought to have to resort to methods pursued probably 40 years ago, at any rate, when the bandits and Indians used to come across and depredate our Americans and when a certain American force under a certain American general chased them into Mexico about 100 miles and rounded them up and killed every one of them. I do not think we ought to go back to a thing of that kind. This statement is not made in a spirit of hostility toward anyone, but I make it in justice to the people I represent and the protection of their property. General Harbord, I will state, recently stated to me that he had no intention of abandoning certain posts along the border; but I would very much regret to see the border patrol taken off, and it is of so grave importance I felt I should call it to the attention of the House. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SISSON. Mr. Chairman, I want to assure the gentleman that it was not the intention of the subcommittee in any way to weaken the defense of the Mexican border. I believe it is the duty of the Federal Government to protect that border. I do not believe it is even one of the duties of the State, unless the State wants to voluntarily assume the duty, to guard that border. It is purely the business of the National Government. But the 3,600 miles of border which my friend speaks of is an enormous territory to patrol if the members are to touch elbows. By that I mean, to go from one point to another. The Army assure us they do not want, or is it necessary, to have that guard on the border now, when the patrol is divided up into small squads, the Army officers seeming to think that that is the most dangerous sort of patrol, because if you have small squads of 40 or 50 men scattered along at different places on the 3,600 miles you can not have an effective force. So the military experts, who alone ought to know best about this particular matter, contend that with these posts that are back from the border a reasonable distance, with proper observation they can more successfully defend the border against an invasion than they could if you had a guard made up of these small units. Now, whether that is true or not, I do not know, and I do not pretend to know.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SISSON. I yield to the gentleman from Texas.

Mr. HUDSPETH. There was, however, a difference of opinion relative to that by another official of this Government, at another time, was there not?

Mr. SISSON. I think there was a division of sentiment about it.

Mr. HUDSPETH. Now, I want to ask my friend a question. Does it not stand to reason that a body of troops stationed 100 or 150 miles from a post base can not properly protect that border when you can only get there on horseback, or put down a raid or protect the lives of the people living along that border if a party of Mexicans came across in order to make a raid?

Mr. SISSON. I do not know that it is the intention of the War Department to keep a force that far from the border.

Mr. HUDSPETH. But Fort Sam Houston is 150 miles from the border.

Mr. SISSON. I do not know about the distance of the post from the border. But the idea is you can guard a broader scope of territory if you have at the center of your arc, if you will permit that description, a sufficient force to enable them to get at the point of invasion quickly. I do not believe it is the intention of this Congress, or the intention of the War Department, or the intention of anybody, to guard that 3,600 miles as if we were actually at war, because I do not believe that half a million men could sufficiently guard the border so that a man could not possibly cross the border at all.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. SISSON. Yes.

Mr. MOORE of Virginia. I do not quite understand what my friend from Texas is specifically proposing. Does this bill give latitude to the War Department to protect the border sufficiently?

Mr. SISSON. I think so. Now, along the border they have small squads of men stationed in little posts, or whatever you want to call them. They are very unsatisfactory places for the men to stop in.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask for an additional five minutes.

The CHAIRMAN (Mr. MAPES). The gentleman from Mississippi asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Now, these men were scattered along in small squads. The War Department's idea, as I understand it, is to keep back 40 or 50 miles from the border with larger forces of men so as to have a sufficient force together to move to any point of invasion and thereby, as they say, strengthen these guards on the border.

Mr. MOORE of Virginia. What I would like to know is this: Does this bill force any definite policy upon the War Department in guarding the border?

Mr. SISSON. Not at all.

Mr. HUDSPETH. I call attention to General Harbord's testimony.

Mr. GARNER. Will the gentleman permit me to ask a question?

Mr. SISSON. I will.

Mr. GARNER. Congress has no power to force troops along the Rio Grande unless we pass a special law that they should be located on that border. You make an appropriation for so many troops, but it is in the discretion of the War Department whether they shall distribute them along the Rio Grande or put them in St. Louis or elsewhere.

Mr. SISSON. Absolutely.

Mr. GARNER. Congress is helpless, so far as locating the troops is concerned, at any place along the border.

Mr. SISSON. I agree with the gentleman that under the present law he is right about it.

Mr. GARNER. Congress could pass a bill, as I understand it, that would compel the maintenance of a certain number of troops along the Rio Grande, but there is no such statute.

Mr. SISSON. Yes.

Mr. GARNER. And as a result it is wholly within the discretion of the War Department as to where they will locate these troops.

Mr. SISSON. That is correct. We have no right to pass such legislation upon this bill. When the officials of the War Department come before us and ask for a certain amount of money necessary to patrol the border we give it to them, but we, of course, leave the question of how to dispose of the troops to the officers in charge.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. TINCHER. The controversy prevailing seems to be between my friend from Texas [Mr. HUDSPETH] and the views of the War Department. I wonder if there is not some misunderstanding about the question of safety. Of course, it will be easily seen and understood that if the troops are massed in larger numbers and kept 50 miles from the border, both the troops and the officers would be safer. But how about the 50 miles of border? [Laughter.] I think there was a misunderstanding as to the safety for whom. [Laughter.]

Mr. SISSON. I think it is perhaps safer and they will get longer notice when they are 50 miles from the border than if they were spread along the actual border; but your committee has absolutely no power to control that matter.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. CRAGO. I do so for the purpose of asking the chairman of the subcommittee a question. Has the attention of the subcommittee been called to the fact that by a War Department order what was formerly known as Camp Benning, Ga., is now officially known as "Fort" Benning, Ga.?

Mr. ANTHONY. We have no official knowledge of that fact. The same language is contained in the Budget.

Mr. CRAGO. I know; but ought not some consideration be given to that before the bill is finally enacted into law in order to forestall some decision by a comptroller in holding up this entire appropriation?

Mr. ANTHONY. The committee has no official knowledge of a change of name.

Mr. CRAGO. I want to call the attention of the committee to the fact that there is a War Department order officially designating this school as "Fort Benning," and in the bill the post is designated as "Camp Benning."

Mr. MANN. The gentleman should remember that there is nothing fixed or settled by the War Department.

Mr. CRAGO. What I want to avoid is the danger of some technical comptroller holding up this appropriation.

Mr. ANTHONY. I think "Camp Benning" would indicate the location of the appropriation all right.

Mr. CRAGO. I would not like to risk it. All that I ask is that the chairman give some consideration to the matter before it is too late.

Mr. ANTHONY. If the gentleman desires, we will have the clerk of the committee ask the War Department what it desires in that connection.

Mr. CRAGO. I will appreciate it if the gentleman will do that.

Mr. GARNER. Mr. Chairman, speaking of the question of the patrol of the border, in the last 20 years that question of the patrol of the border has been very interesting to my people. There are nine posts in the district that I have the honor to represent in Texas. At one time, when Mr. Taft was Secretary of War, there were only two companies of troops along that stretch of 1,200 miles from El Paso to the mouth of the Rio Grande River, at Fort McIntosh. That was done on the ground that there was local objection to the presence of colored troops, and that if they did not want colored troops down there they could not have any troops at all, and they moved them away.

The fact is Congress has nothing to do with the control of those troops unless it undertakes the direction of maintaining certain classes of troops at certain posts, and Congress up to date has not assumed that responsibility.

Now, we need more troops along that border, in my opinion, and they ought to be Cavalry troops, and I think if the administration would exercise a little discretion and get out from under the influence of certain gentlemen they could move some of the troops from Wyoming—Cavalry troops—and distribute them along the border. That would be in accordance with the best judgment of the country. [Applause.]

I know whereof I speak, because I have been told by the best-informed men in the Cavalry branch of the Army that those troops at a certain post in Wyoming—a Cavalry regiment—has no business being there. They ought to be somewhere else. But you know, and the country knows, why they have remained there. They are influential men who have brought it about, men who are particularly influential in another body as well as this, and it is their influence, in my judgment, that causes those troops to remain at that post when they ought to be distributed along the Rio Grande or at some other point.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. GARNER. Yes.

Mr. ANTHONY. Does not the gentleman think it would be more advantageous to the Government to use the splendid big barrack buildings that are in this Wyoming post than go to the expense of maintaining the troops at these expensive border camps?

Mr. GARNER. Oh, Mr. Chairman, that is exactly what is the matter now.

Mr. ANTHONY. We already have the necessary barracks and quarters there.

Mr. GARNER. Oh, the purpose of maintaining an army is not simply that they should occupy the quarters which exist at some particular place.

Mr. ANTHONY. Does the gentleman know the Big Bend country?

Mr. GARNER. Yes.

Mr. ANTHONY. It has been one part of the border that has been most heavily patrolled in the last six years. It is only 150 or 200 miles across it.

Mr. HUDSPETH. It is not 300 miles.

Mr. ANTHONY. They have had from 12 to 15 posts there, and it was costing the Government more than a million dollars a month more to maintain those 12 or 15 posts than if those troops were concentrated in one post. General Harbord says he has cut out those scattered posts and is going to concentrate the troops along the border.

Mr. GARNER. So far as the invasion for war purposes of Texas is concerned from an enemy across the border, I admit that. We now have sufficient troops in striking distance to prevent it. However, if you are going to undertake to protect the border from every raid of two or three bandits who steal our cattle and kill our citizens, you are not doing it in the way it should be done. I think the War Department takes the position that so far as petty theft is concerned by two or three people coming across to steal horses or cattle, and, if necessary, to kill a Texan in order to accomplish the result, they are not going to be responsible for that kind of invasion; and I admit that if you consider such an invasion not a matter for the War Department to consider, then the War Department is looking at the matter in the proper way.

I think there is another reason why these troops are not kept along the border. The Army is human, the same as you and I, and Army officers and men would rather stay at Fort Sam Houston, San Antonio, than to stay at Fort Ringgold, many miles from the railroad. There is no doubt about that. If you give a young officer an assignment to one of those places, he is as mad as he can be and he will do everything he can to get away from it. I do not blame them, but I say if the War Department is undertaking to take care of that border, to protect the lives and property of the citizens of Texas, it ought to pursue a different method from the present one.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARNER. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. GARNER. The district which I represent extends between 400 and 500 miles along the border. I have no complaint to make as to the troops along the border in that district, and I want to say to my colleague [Mr. HUDSPETH] that I had a letter from General Harbord yesterday in which he assured me that there was no intention to remove the troops in the district that I represent. I was very much gratified by that, because I had had a number of letters and petitions asking me to intervene and to suggest the retention of the troops at the posts which they are now occupying. As I say, General Harbord assured me that those troops would probably remain at their various posts where they are now situated, and especially at the one I referred to, Fort Ringgold, which is the most outlying post probably in my district.

Mr. McCLINTIC. Will the gentleman yield?

Mr. GARNER. I yield to the gentleman from Oklahoma.

Mr. McCLINTIC. Does the State of Texas still maintain a force of rangers to protect the citizens along the border?

Mr. GARNER. Yes; we have four companies of rangers.

Mr. HUDSPETH. Fifty men.

Mr. GARNER. We have 50 rangers, or four companies, but they are not used so much along the border as they are in the interior of Texas. Wherever there is a condition existing where the sheriff is not entirely sure that he can maintain order he requests the adjutant general to send him two or three rangers, and they are sent into that territory.

Mr. DENISON. Will the gentleman yield?

Mr. GARNER. I yield to the gentleman from Illinois.

Mr. DENISON. What condition arises, or might arise, in the interior to call for the presence of these rangers?

Mr. GARNER. The same as in most States, I presume. Sometimes in the trial of criminal cases there will be factions, and sometimes the sheriff might not be doing his full duty, and the district judge might conclude that it was better and safer to have an impartial officer there.

Mr. DENISON. Does the State of Texas have a National Guard?

Mr. GARNER. Yes; we have a pretty well organized National Guard. I wanted to make this statement merely in order that the House may understand, and in order that the committee may understand, that Congress has absolutely nothing to do with the location of the troops in this country unless it undertakes to determine the matter by legislative enactment, which it has never done. All we can do regarding that border is to place the matter before the War Department in the best way we can, trusting to them to take care of the people of Texas, and they have said repeatedly and I believe that it is their purpose to see that the people of Texas and their property are thoroughly taken care of.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. WRIGHT. Mr. Chairman, on page 39, line 23, I move to strike out the word "Camp" and insert the word "Fort."

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: On page 39, line 23, strike out the word "Camp" and insert in lieu thereof the word "Fort."

Mr. ANTHONY. Will the gentleman yield?

Mr. WRIGHT. I will.

Mr. ANTHONY. I want to tell the gentleman that at the request of the gentleman from Pennsylvania [Mr. CRAGO] the clerk of the committee just called up the War Department to ask its wishes in regard to the amendment the gentleman offers, and the reply came back that they would prefer to allow the present language to remain.

Mr. WRIGHT. Then I will withdraw my amendment.

The CHAIRMAN. Without objection the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

MILITARY POSTS, HAWAIIAN ISLANDS.

For a refrigerating plant at Schofield Barracks, Hawaiian Islands, including the necessary structures and equipment requisite for completing and placing the same in readiness for operation, $150,000.

Mr. ANTHONY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: On page 40, after line 9, add the following paragraph:

"The appropriation of $600,000 made in the deficiency appropriation act for fiscal year ending June 30, 1921, which was approved June 16, 1921, for the installment of a pipe line to replace the present water main from Koolau Reservoir to Schofield Barracks, fiscal year 1922, is reappropriated and made available for fiscal year 1923: *Provided*, That the funds so appropriated may be expended for any modified or alternative supply system which the Secretary of War on further investigation may determine to be more economical and satisfactory."

Mr. ANTHONY. Mr. Chairman, the amendment just offered has come to the committee from the Bureau of the Budget in the form of a supplemental estimate within the last few days, after the bill had been printed and placed before the House. Briefly the situation is that a year ago we appropriated $600,000 to improve the water supply for Schofield Barracks, Hawaii. It seems that several years ago the water main which conducts the supply from its source to the barracks was laid with steel pipe, and that in the few intervening years the steel pipe rusted and gave way until there was grave danger of the water supply failing at any time. The mistake was that the pipe was steel instead of wrought iron, the latter being the material universally used. Now the War Department says that instead of replacing this pipe line it would like to have the authority to make other needed changes in the water-supply system. The water supply at the Schofield Barracks is growing less and the number of men there increasing each year, and they desire to make improvements to get water from additional sources. They want an appropriation not only to relay the pipes but to improve the water service, and the committee thought it would be proper to give them this sum.

Mr. WATSON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WATSON. What is the acreage of Schofield Barracks?

Mr. ANTHONY. I have not the exact figures, but if I recollect aright the reservation there comprises several thousand acres of ground.

Mr. WATSON. How many soldiers are stationed there?

Mr. ANTHONY. In the island of Oahu all told there are 11,000.

Mr. WATSON. Are there any native soldiers?

Mr. ANTHONY. Some Hawaiians are in the National Guard. They have several efficient units of the National Guard well organized. I think it numbers approximately 1,500 or 2,000.

Mr. WATSON. This $150,000 for a refrigerating plant—is that to build a new one?

Mr. ANTHONY. That is a new proposition. Schofield Barracks is located 12 or 15 miles from Honolulu, and they get their supply of ice for a large garrison of about 6,000 men by rail and by motor truck. A considerable portion of the ice is

lost in that hot climate during the transit. Then they claim that they have no proper refrigeration for food supplies, being dependent on Honolulu cold storage, and so we thought we would give them the appropriation referred to.

Mr. WATSON. What is the total appropriation for this military post in Hawaii?

Mr. ANTHONY. It is not subdivided in that way. The lump-sum appropriations for various items are divided among all the posts by the War Department.

Mr. WATSON. It must be considerable where you appropriate $600,000 in one lump.

Mr. ANTHONY. Yes; the committee gave it as its judgment that the cost of maintaining that part of the Army in Hawaii and in Panama is almost as much to-day as the entire cost of the Army was after the Spanish War.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

ROADS, WALKS, WHARVES, AND DRAINAGE.

For the construction and repair by the Quartermaster Corps of roads, walks, and wharves; for the pay of employees; for the disposal of drainage; for dredging channels; and for care and improvement of grounds at military posts and stations, $500,000: *Provided*, That none of the funds appropriated or made available under this act shall be used for the permanent construction of any roads, walks, or wharves connected with any of the National Army cantonments or National Guard camps.

Mr. STRONG of Kansas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 42, line 14, after the word "camps," strike out the semicolon and add "for the building and improvement of roads through Fort Riley (Kans.) Reservation to connect with the State highways reaching said reservation from the north, south, east, and west, $191,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. STRONG of Kansas. Mr. Chairman and gentlemen of the committee, the purpose of this amendment is to build Government roads through the Fort Riley (Kans.) Reservation which will connect up with State roads already built by the county and surrounding territory to the reservation. The Fort Riley Reservation consists of about 20,000 acres in the midst of a very rich agricultural section. Along the southern portion is a main highway, called the Golden Belt Highway, that runs east and west through the State of Kansas and traverses this entire reservation. The reservation cuts off much agricultural territory to the north and east from its market at Junction City. The Government by its highway appropriations has encouraged the building of highways in the territory surrounding Fort Riley, and they have built good roads up to the reservation. Last year a brick road from Junction City was built to the west side of the reservation. Roads from the north have been completed down to the reservation and from the south and east. The roads through the reservation, however, are practically worthless for transportation facilities. During the war the War Department built a road from Fort Riley to Camp Funston, but the heavy traffic destroyed the surface and now it is in such a condition that it will be entirely destroyed if it is not resurfaced. There is no road running south and north on the reservation.

I want to read a letter sent and signed by the different civic bodies at Junction City, Kans.:

SEPTEMBER 17, 1921.

HON. JAMES G. STRONG,
Washington, D. C.

DEAR MR. STRONG: The undersigned organizations and officials wish to outline further the matter of improving the roads across the Fort Riley Military Reservation, which was discussed informally with you when you were here.

In the last few years this country has spent a large amount of money and has done a great deal of work toward improving its road system. Within the last year alone it has finished about 8 miles of hard-surfaced road. Its dirt roads are kept well graded and dragged, and it has been planned to hard-surface a new road each year.

The Fort Riley Military Reservation lies in the midst of a rich agricultural section, and on one side adjoins the city of Junction City. The trade territory of Junction City completely surrounds the reservation. Three heavily traveled cross-country highways traverse the reservation, as do several other roads of more local use. The roads on the reservation, except a few which are of military importance, are in miserable condition and in great contrast to those in the country surrounding.

The road marked "No. 3" on the accompanying map connects Junction City with the towns of Army City, Ogden, and Manhattan, and forms a connecting link in the great Golden Belt and Union Pacific Highways, both of which extend from Denver to Kansas City. The part of these highways off of the reservation is colored yellow on the map. During the past summer this section of road has been traveled by hundreds of tourists daily, besides an immense local traffic between the points mentioned above and Fort Riley and Camp Funston. The part of this highway from the west end of Geary County to the edge of the military reservation is paved with concrete or brick. From the Republican River bridge, at the entrance to the reservation, up to the hospital in Fort Riley it is paved with asphalt, and is in good condition. From the hospital northeast to the reservation line, a distance of over 4 miles, the road was paved with penetration macadam during the war. Since that time it has had no care, and is now full of holes. It can not be traveled with comfort at any speed, nor at a greater speed than 15 miles per hour without danger to springs and axles. It becomes worse daily. It needs immediate repair and constant maintenance work.

The road marked No. 2 on the map is part of the north and south highway from Canada to the Gulf. It more immediately connects Junction City and points south with Riley, Keats, and points north. It is used by a large farming community north of the reservation to reach Junction City, which is the natural trading point of the community. The part of the north and south highway not on the reservation is colored brown on the map. The part of this road in Geary County is about equally divided between an extremely well-kept natural road and a concrete or brick pavement. After entering the reservation across the Republican River bridge at the north boundary of Junction City, about 500 yards of the road is a very wretched macadam, on which nothing has been done for the last several years. For about 1½ miles farther on the road is bituminous macadam and is now in good condition. In the near future, however, it will need maintenance work to keep it so. The bituminous macadam road turns east around a bend in the Republican River toward Fort Riley. At this turn the north and south highway branches and after winding up a canyon through the bluffs goes in a northerly direction to the north end of the reservation. This part of the road is in extremely poor condition. No attempt has ever been made to pave it, and it has been many years since it has been graded. No action is taken on the part of anyone to drag it or keep it in good condition. No culverts are provided. It is crossed by many small ravines or draws which in rainy weather wash rills and valleys without molestation. The road through the canyon is narrow and dangerous, and at a great many periods of the year it is impassable for any traffic and is generally in such condition that heavy loads can not be hauled over it. On the uplands the road is a shifting one. Whenever it becomes so badly worn in one place that traffic is impossible, travelers take to the side of the road and a new track is worn. There are about 4 miles of road in this condition.

The road marked No. 1 on the map is a link in a county road connecting the small town of Milford and the surrounding country with Junction City. The part of the road in Geary County is a well-kept natural road. The part on the reservation is partly dirt and partly macadam, but the macadam was put down about 15 years ago and has had no attention paid to it since. The road would be better if nothing had ever been done to it. Traffic generally abandons the macadam and takes to the side of the road. All of this road on the reservation is extremely sandy and is full of large and small holes. A very large local traffic uses this road. Heavy loads can not be hauled across it by one team, except at the cost of very great exertion. The part on the reservation is 3 miles long.

The road marked No. 4 on the map connects Fort Riley with a county road leading to the eastern part of Geary County and traveled by the people living in about one-third of the whole county, only the west half of which is shown on the map. The part of the road from Fort Riley to the Kansas River bridge has recently been resurfaced with asphalt and is in excellent condition. The part east of the river is a mere track and can be used only in dry weather. In wet weather water stands from a few inches to a foot deep on a considerable part of it. The road is not generally now traveled by people from the east part of the county, except in dry weather, because there is a well-kept road going around the edge of the reservation. These people would prefer road No. 4 if it were kept in condition because it more immediately connects with the paved road from Fort Riley to Junction City. The part needing attention is only 1 mile long.

* * * * * * *

The main traveled county roads connecting with reservation roads are colored purple on the map. The roads herein mentioned as being on the reservation are all colored red.

Attempts have frequently been made in the past to have these roads improved. Commandant after commandant has recommended improvement to the War Department. The War Department investigates, not as to its necessity to the surrounding community but as to whether or not the improvement is a military necessity. Of course it is not. On finding that it is not a military necessity, but only for the general convenience of the civilian population surrounding the reservation, the War Department refuses to spend the money. They claim, and perhaps rightly, that their appropriations are only to be expended for work actually necessary from a military point of view. On the other hand, we see Congress appropriating millions and millions of dollars to aid the States in building and maintaining hard-surfaced roads. Our own county has availed itself of many thousands of dollars of these appropriations. In spite of this, the coordination of effort in the Federal Government is so loose that the roads on the Government's own property are worse than existed in the surrounding community 50 years ago. While encouraging the State to improve its roads it sets the example of doing nothing to improve its own.

The authorities of the State and county have absolutely no control over the reservation roads. Exclusive jurisdiction of the reservation was ceded to the Federal Government in 1889. Both the State and Federal Supreme Courts have held that this placed all legislative power in Congress. Even the money which the county spends on the upkeep of road No. 5 is expended illegally, and any taxpayer could prevent the work being done.

We earnestly urge that this matter is one which should not be left to the War Department to pass upon only as to its own needs, but that there is a duty which the Federal Government owes its citizens who live around the reservation to keep the arteries of communication in at least as good condition as those in the country surrounding. Better even than this would be for the Federal Government to set an example in the building and upkeep of roads. If this can be done through interdepartmental action, well and good. If an act of Congress is necessary, we urge you to introduce and push it.

Yours truly,

JUNCTION CITY CHAMBER OF COMMERCE,
By HARRY PIERCE, *President*.
JUNCTION CITY MERCHANTS' ASSOCIATION,
By R. J. SCHULTZ, *President*.
JUNCTION CITY ROTARY CLUB,
By ARTHUR E. O'DONNELL, M. D., *President*.
JUNCTION CITY BOOSTERS' CLUB,
By C. W. HAMILTON, *Secretary*.
BOARD OF COUNTY COMMISSIONERS OF GEARY COUNTY, KANS.,
By H. L. HUNT, *Chairman*.
BOARD OF COMMISSIONERS OF THE CITY OF JUNCTION CITY, KANS.,
By JOHN T. MILLER, *Mayor*.

The proposition was taken up with the War Department in an effort to get them to procure an appropriation. An officer visiting Fort Riley two months ago made an inspection of the condition of the roads and recommended that the roads should be built, but suggested that the State should build the road. Under our constitution money can not be appropriated by the State for internal improvements. This condition was taken up by me with the War Department and I will read a letter from the Secretary of War explaining his position:

WAR DEPARTMENT,
Washington, February 16, 1922.

Hon. JAMES G. STRONG,
House of Representatives, Washington, D. C.

MY DEAR MR. STRONG: With reference to your conversation on the 15th instant with General Harbord, I find that there are no funds available at the disposition of the War Department for improvement of the roads through the Fort Riley Reservation, which are desired by the citizens in that neighborhood.

As I understand the matter, your improvement of roads in Kansas by the State is limited by your State constitution to the expenditure of funds on public roads which are raised by assessment or taxation on real estate to which the road is adjacent or near where the road is expected to run, constituting a benefit district, and that even with this State limitation to affect it when the road law shall ultimately be passed, as yet your legislature has failed to pass its road law.

Under these circumstances, if the case has been correctly stated to me, I see no reason why the National Government should not undertake to pay for such necessary roads through the reservation as connect up with important highways reaching the reservation from either side and the passage of which through the military reservation would not prejudice its military activities. I can not undertake to meet such expense, however, from any funds now at my disposition or that are included in the Budget for 1923, nor could I consent to any such an item for 1923 to the exclusion of any other item now appearing in those estimates.

If, under these circumstances, you desire to seek a separate appropriation for the construction of roads through the Fort Riley Reservation, designated as follows, the department will interpose no objection: The Golden Belt Highway, and the Beatrice, Nebr., Junction City line running north and south through the reservation.

Very sincerely yours,

JOHN W. WEEKS,
Secretary of War.

The civic bodies at Junction City, Kans., had the county engineers prepare an estimate of what these roads would cost, and I have a letter of February 18, 1922, addressed to me by Attorney Arthur S. Humphrey, inclosing such estimate, which I will read:

HUMPHREY & HUMPHREY,
Junction City, Kans., February 18, 1922.

Hon. JAMES G. STRONG,
Washington, D. C.

DEAR MR. STRONG: The county engineer has prepared an estimate of the cost of the reservation roads, which I inclose. He has figured this for 18-foot roads of bituminous macadam. This, of course, is much less expensive than concrete or brick.

Yours truly, ARTHUR S. HUMPHREY.

Bituminous macadam roads on Fort Riley Reservation, 18-foot roads.

No. 1, 3¼ miles, at $16,000 per mile	$52,000
No. 2, 4 miles, at $18,000 per mile	72,000
No. 3, 4¼ miles, at $12,000 per mile	51,000
No. 4, 1 mile, at $16,000 per mile	16,000
Total	191,000

It seems to me that if the Federal Government has a reservation in the heart of an agricultural community, which has been encouraged by the Government to build roads up to the line of the reservation, that the Government should build the roads through its own territory to permit the people to pass through the reservation. I hope this amendment will be allowed to come to a vote and that it will receive favorable consideration.

Mr. STAFFORD. Mr. Chairman, I am sorry that I can not meet the expectation or the wishes of the gentleman from Kansas [Mr. STRONG]. I make the point of order that this is not authorized by existing law and is not germane. As I understand the proposal, it is for the construction of public roads through a military reservation—not only one public road, but three or four public roads. The gentleman from Kansas admitted that in his statement in justification of the appropriation. There is no authority in law anywhere for the construction of a public road or any road through this reservation. It is on a par with the case which has arisen many times in connection with the Indian appropriation bill, where it required special legislative enactment to authorize the construction of a highway through an Indian reservation. If this were in order, it would be in order for me to offer an amendment to provide for highway construction through the branch home at Milwaukee; it would be in order to authorize highway construction through the branch home at Dayton, or any of the reservations or posts throughout the country.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LITTLE. Do I understand that this Congress can not appropriate money to build a road through a military reservation?

Mr. STAFFORD. It can not authorize money to build a public highway.

Mr. LITTLE. Can it construct a road through a military reservation?

Mr. STAFFORD. This is for the construction of a public highway, as admitted by the gentleman from Kansas.

Mr. LITTLE. But I am going to rename it; I am going to call it a military road. Can we build one through a reservation?

Mr. STAFFORD. Oh, yes; you can build a road through a military reservation for military purposes, but not for highway purposes.

Mr. LITTLE. What is going to be the difference? I am asking for information. The gentleman is familiar with the laws governing this. What is the difference between one road and another? They will be exactly alike, will they not?

Mr. STAFFORD. Oh, no. For instance, through an Indian reservation for the uses of the Indians themselves one character of road might be sufficient. For the purposes of a military reservation one character of road might be sufficient. Here it is proposed to build three or four roads, not for the restricted benefit of the reservation, but for the benefit of the outside public. Futhermore, it is not germane. This appropriation provides for the construction and repair under the control of the quartermaster of these roads. That leaves it in his discretion to dispense the money appropriated for the construction of roads.

This amendment invades that discretion which he now has by directing him to build a road which had not been heretofore authorized. If this amendment is in order, an amendment would be in order for the construction of buildings, to erect a building on any of these reservations for the benefit of the public, even though it may have incidental benefit to the members of the post. There is no direct authorization for the construction. It invades the discretion now vested in the department in the construction of roads, and because it invades that discretion it is violative of the rules. It is legislation and should not be carried on an appropriation bill.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. McKENZIE. Is it not true that, so far as the War Department is concerned, it has no jurisdiction over the construction of roads, except within military reservations, and then only for military purposes?

Mr. STAFFORD. The gentleman from Illinois, who has had long experience on the Committee on Military Affairs, points out the limitation of the War Department in respect to the construction of roads, that they must be within miliary reservations and for military purposes.

Mr. LITTLE. Mr. Chairman, if the gentleman from Wisconsin is correct in his interpretation of the law, you could not ever build any road across a military reservation. Any road that you build across one would surely be a public road for individuals to travel across, and anybody could drive across there. Every single, solitary road that is built across a military reservation would be impossible, if his argument is sound, because it would be "a public road." It is true that the gentleman from Kansas [Mr. STRONG] spoke of it as a public road for public benefit. I am quite familiar with this reservation. Every road that has been there has always been used by the public. It is true that they are not very good, but it is also true that they ought to be. There is no reason in the world why this Congress should not arrange for a reasonable appropriation to make decent roads in that reservation. Its roads are discreditable to the Government. It will be just as much accommodation to the military people as to anyone else. There is nothing in this argument, because, if the gentleman is correct, all one has to do is to have some Congressman get up and in a debate say that it will be a public road, traveled by the public, and the gentleman from Wisconsin will then rule it out. This is a sensible, reasonable proposition of Mr. STRONG's. As far as the expression "public road" is concerned, that certainly can not have any weight with reasonable men. It is just an expression. All he charges is that the gentleman from Kansas happened to speak of it as such. I can watch these debates and all that is necessary is that I should get up and say that this is going to be a public road, and out it would go, if the gentleman from Wisconsin is right.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. RAMSEYER. This paragraph to which the amendment is offered is for the construction and repair of roads under the Quartermaster Corps. Does the Quartermaster Corps control this road in this particular reservation?

Mr. LITTLE. Yes. It will be used more by the Army than anyone else in the world.

Mr. RAMSEYER. Then it is germane to this particular paragraph.

Mr. LITTLE. Yes; certainly.

Mr. STAFFORD. It is within the province of the gentleman from Kansas, the mover of the amendment, to offer an amendment to increase the amount so as to leave it within the discretion of the quartermaster in the disbursement of that fund, but he can not specially authorize the construction of a road which has not been heretofore authorized by legislation.

Mr. STRONG of Kansas. But there is no specific authority for any of these roads. The gentleman admits the Congress has the power to build roads in this reservation.

Mr. LITTLE. What is the difference between one road and another? A little difference in width or material. That will be left to the quartermaster. He is not going to tell us that we can not make this appropriation because it is called a public road. It is absurd. This military road will be used by the public who drive through the reservation. So will every military road everywhere. But this does not prevent the existence of miles and miles of them and should not prevent this.

Mr. STRONG of Kansas. Mr. Chairman, I referred to these roads as public roads because the public uses them, but they are necessary to the use of the reservation and are a military necessity. The Fort Riley Reservation would be in a very peculiar predicament if the public had not built roads to it. Of course the fort would not be of much value if they had not roads to the reservation and within it, and one of those roads crossing the reservation from west to east, running from Fort Riley to Camp Funston, is a military road built of macadam during the war. I said very plainly in my remarks on the amendment that the surface of this road had been destroyed, and unless repaired the foundation of the road would be entirely destroyed. It is for the repair of this and other roads on the reservation that the appropriation is asked. The War Department itself will say that in the operation and conduct of its fort that these roads are a necessity. Now, as to the matter of its being germane, you will notice under this section, entitled "Roads, walks, wharves, and drainage," there is a provision placed in it by the committee which reads as follows:

Provided, That none of the funds appropriated or made available under this act shall be used for the permanent construction of any road, walk, or wharves connected with any of the National Army cantonments or National Guard camps.

If the committee did not think they had given the right under this section to construct roads and walks to the different camps, why did they put in the proviso? It seems to me the very fact they did put in the proviso shows that under this section the building of roads was authorized. Therefore this amendment is germane.

The CHAIRMAN. The Chair is prepared to rule. In the opinion of the Chair this amendment must be justified, if it is to be justified at all, as an appropriation for the continuing of an existing public work already in progress. The Chair hardly thinks that the proposition of building a new road across a military reservation to connect with outside highways to approach, as the amendment says, from the north, south, east, and west, would be construed to be a continuation of a public work already in progress. The Chair feels compelled to sustain the point of order.

Mr. STRONG of Kansas. Mr. Chairman, I would like to offer another amendment in regard to the appropriation; in line 10, add to the sum of $500,000 the sum of $191,000.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 42, line 10, strike out "$500,000" and insert in lieu thereof "$691,000."

Mr. STRONG of Kansas. Mr. Chairman, the Secretary of War, having given his approval to the building of these roads in the letter I have placed in the RECORD, practically says they are necessary, and having explained to the committee that this reservation is in the heart of a rich agricultural section in which the people have built roads at enormous expense up to the reservation on the north, south, east, and west—it does seem to me that this Government ought to build roads through this reservation both for its own use and for the use of people who have built roads up to it. I hope that this amendment may prevail. The Secretary of War will build the roads if he can get the money for the purpose, because he knows it is just to do so.

Mr. STAFFORD. Mr. Chairman, just a word. If we would launch into the policy suggested by the gentleman from Kansas [Mr. STRONG], of building highways as may be needed to connect with highways outside of reservations, it would require much more than the $191,000 proposed in the amendment, or $691,000 in all, but would run into the millions of dollars. It has not been and should not be the policy of the Government at this time, when the committee is doing everything in its power to conserve the revenues of the Government, to authorize or even to increase the amount of appropriations beyond that which is necessary. Six hundred and ninety thousand dollars is a very large amount to be appropriated for this purpose. It is not necessary. If we would improve public highways in all the reservations carried in this bill on the scale proposed by the gentleman's amendment, it would run up to three or four or possibly ten or twenty million dollars. We are not attempting to single out any one project for special consideration, and I do not think the committee wishes to introduce that policy.

Mr. SISSON. Mr. Chairman, I have just one word to say. I do not know whether, as a military proposition, this is needed or not. There is no disposition to prevent the increase of the appropriation if it is needed for military purposes, but there has been no hearing, no estimate for this amount; the War Department evidently saw no pressing necessity for it. Your committee has not had an opportunity for any hearing, no record of any kind except an ex parte statement about it, and I think it would be a very unfortunate precedent to set, and would be a very bad method of appropriating $191,000, without some evidence or some record to support it other than the statement of a Member on the floor.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. SISSON. I will.

Mr. STRONG of Kansas. I put in the RECORD the letter of the Secretary of War showing he had made an investigation of it and that these roads ought to be built.

Mr. SISSON. I do not want an ex parte statement about the matter; I would rather have a hearing on it. Now, if you are going to appropriate money in this way, every gentleman who goes and gets a letter from a Cabinet officer stating that a certain amount of money is needed and brings that letter here—then if we deal with all of them alike, and as the gentleman wants to be dealt with here, then every one of us would be entitled to an appropriation if we can get one Cabinet officer to say that we need it.

Mr. STRONG of Kansas. Is not this the forum where you present your case if you have a just one?

Mr. SISSON. Absolutely; but it is a case that must be presented so that every man can vote upon it intelligently.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The sum of $50,000 of the appropriation available for the fiscal year 1923 for the "Disposition of remains of officers, soldiers, and civilian employees," may be expended for personal services in the Cemeterial Division, office of the Quartermaster General, for compiling, recording, preparing, and transmitting data incident to bringing home and disposition of remains from abroad: *Provided*, That no person shall be employed under this allotment at a rate of compensation exceeding $1,800 per annum except one person at $2,000.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Kansas a question. Do the employees that are listed at the top of the page get commutation of quarters?

Mr. ANTHONY. The civilian employees do not.

The Clerk read as follows:

AIR SERVICE, ARMY.

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experimentation therewith; salaries and wages of civilian employees as may be necessary, and payment of their traveling and other necessary expenses as authorized by existing law; transportation of materials in connection with consolidation of Air Service activities; experimental investigation and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including patents and other rights thereto, and plans, drawings, and specifications thereof; for the purchase, manufacture, and construction of airships, balloons, and other aerial machines, including instruments, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the purchase, manufacture, and issue of special clothing,

wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings and other facilities for the handling or storage of such equipment; for the services of such consulting engineers at experimental stations of the Air Service as the Secretary of War may deem necessary, including necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical research in the Air Service; for printing and binding, including supplies, equipment, and repairs for such Air Service printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft, $12,431,000: *Provided*, That not to exceed $2,750,000 from this appropriation may be expended for pay and expenses of civilian employees other than those employed in experimental and research work; not exceeding $400,000 may be expended for experimentation, conservation, and production of helium; not exceeding $3,250,000 may be expended for experimental and research work with airplanes or lighter-than-air craft and their equipment, including the pay of necessary civilian employees; not exceeding $450,000 may be expended for the production of lighter-than-air equipment; and not exceeding $324,000 may be expended for improvement of stations, hangars, and gas plants for the Regular Army: *Provided further*, That not less than $2,053,000 shall be expended for the production and purchase of new airplanes and their equipment, spare parts, and accessories: *Provided further*, That claims not exceeding $250 in amount for damages to persons and private property resulting from the operation of aircraft at home and abroad may be settled out of the funds appropriated hereunder when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Service and the Secretary of War: *Provided further*, That claims so settled and paid from the sum hereby appropriated shall not exceed in the aggregate the sum of $4,000: *Provided further*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

Mr. GREEN of Iowa. Mr. Chairman, on page 50, line 17, down to line 19, I move to strike out the words:

For the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREEN of Iowa: Page 50, line 17, after the word "plants," strike out the following language:

"For the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas."

Mr. GREEN of Iowa. Mr. Chairman, it may seem somewhat surprising that I make this motion, when I state that Major Thornell, who was in command of the ill-fated airship *Roma*, was the son of a very old and dear friend of mine, a colleague on the bench for 16 years. No one save a near relative could more regret the tragic death of Major Thornell than myself. He was a young officer of exceedingly great promise, and his death is an unquestionable loss to the Air Service.

Mr. Chairman, when the *Roma* went down, as usual we heard a chorus from the papers all over the country that this disaster was the fault of Congress for not having appropriated more money for helium gas. Outside of the question of whether we may with propriety continue further the experiments with helium, I want to say that we have already expended $8,000,000 trying to get helium. Whether we had enough to have filled that particular airship or not, I do not know. Probably the chairman of the committee could advise us in reference to that. But if we did not have enough to have filled that ship, we better not expend any more money on helium. If we had enough, it certainly was not the fault of Congress that the ship was destroyed. And I might say incidentally that I do not think the accident was due primarily to the kind of gas with which this great dirigible was filled. But in any event, before these appropriations go through, I want to call the attention of the committee to the fact that so far as I am aware all of the countries that are principally interested in aviation at this time for military purposes have discarded the giant airships. England has gone out of the production of them entirely; has refused to build any more, and sold us, or attempted to sell us, one great "white elephant" it had on its hands, which subsequently met with disaster.

Mr. ANTHONY. I want to also remind the gentleman that in this morning's Washington Post is an advertisement for the sale of British airships of the R type.

Mr. GREENE of Iowa. I am obliged to my friend for the information. I had not noticed it.

I do know, however, from the repeated statements in the English papers and the elaborate discussion that has been going on that they had concluded not to build any more of them and they had concluded they were of no value in warfare. It may be said the reason they had come to that conclusion is because helium is not at present available on the Continent or in England, but I do not think this is the reason, as it can be obtained in Canada and probably in any part of Europe where there are gas wells. I only know, of course, as other Members know, that these big balloons have been filled with hydrogen gas. And I want to say in that connection that hydrogen gas has considerably more lifting power than helium. The percentage of lifting power of helium as compared with hydrogen gas is about 92 per cent. And I doubt very much if the *Roma* would have worked properly if filled with helium gas. But at all events the disposition to pass the responsibility of that disaster upon Congress is one that seems to affect the whole country now, and when anything goes wrong it is laid to Congress.

The Italian Government also wants to get rid of its other ships of this type. The French Government has never approved building any of these monsters. The long and the short of it is that the best aviation authorities of the world are opposed to expending any more money in this line for military purposes. The reason for this is plain. It was well demonstrated during the last war that these big balloons were readily attacked by airplanes and easily destroyed. Of course, it will be said that they were easily destroyed on account of the material with which they were filled.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Iowa. But the fact is that there were other reasons. The airplanes are so much speedier, they rise so much more rapidly, they work so much more handily, that they take any position they wish with reference to these big dirigible balloons, preferably one above them, where they can not be attacked by those on the dirigible and where they can let down bombs on them or play upon them with whatever artillery they carry. And all of you know that the airplanes are now built large enough to carry very formidable pieces of artillery. Of course, the balloons would be more easily destroyed when filled with hydrogen gas than when filled with helium. But I undertake to say that the conclusion of the best authorities is that they are so easily attacked and destroyed by the more active airplanes that they are of no further use and of no further military value. I hope we will not spend any more money in this direction.

I confess I have had but little expectation that my amendment would be adopted, inasmuch as I have tried similar amendments many times. While my predictions have been eventually realized, my arguments fell upon indifferent ears so far as the majority of the House is concerned. But I want to put myself on record so that I shall not be held responsible for wasting money on helium when at a future day it is finally concluded, as I am satisfied it will be, that these monster airships are useless for military or naval purposes.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. McKENZIE. Does not the gentleman from Iowa think it might be practicable to put up one of these large dirigibles and have it surrounded with a squadron of flying machines to protect it, and in that way get some real service out of it? [Laughter.]

Mr. GREEN of Iowa. If the gentleman believes in building a dirigible in order to build more airplanes to protect the dirigible, perhaps that might be a good theory upon which to proceed with the building of dirigibles.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. GREENE of Vermont. Of course, the gentleman does not mean to include in his strictures the ordinary sausage balloon, intended for making observations?

Mr. GREEN of Iowa. I was not speaking of them.

Mr. GREENE of Vermont. That, of course, is an anchorage balloon for plotting and observation purposes, and it does not involve the risk which these giant airships of other types involve. There might be more support given to the gentleman's amendment if it is understood that the purpose is not to discontinue the use of these lesser balloons.

Mr. GREEN of Iowa. A punctured balloon will fall whether filled with hydrogen or helium.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. LANHAM. Mr. Chairman and gentlemen, I had expected to remain silent with reference to this appropriation by reason of the fact that I thought that, due to the conclusive evidence

which has been afforded, we had come to the deliberate judgment that it behooves us to conserve and extract this great national asset of helium gas. Regardless of whether or not there has been criticism of the Congress for its expenditures in this regard, I think surely, in the light of recent developments, Congress may be criticized if it now fails to take advantage of the opportunity which has been brought with such force to its attention.

I do not think that the gentleman from Iowa [Mr. GREEN] could pass a better eulogy upon his friend, or give a better tribute to his heroic service, than by trying to make it impossible for American boys living to-day to meet a similar fate. It must have been his inaccurate information with reference to the subject that prompted the gentleman's remarks. He says he does not know whether or not we have enough helium to fill an airship as large as the *Roma*. The *Roma* had a capacity of 1,200,000 cubic feet. We have in this country to-day 2,400,000 cubic feet of helium, which has been extracted from the natural gas in Texas. The gentleman says that the *Roma* accident primarily might have resulted even if the dirigible had been filled with helium. It might have happened primarily, for it seems to have been the fault of the steering device, or the rudders or elevators, or something of that kind. But one thing is recognized by the experts who have made an investigation of that awful catastrophe, and that is that if the *Roma* had been filled with helium gas instead of with hydrogen there would have been no explosion, and consequently there would not have been the great loss of life which resulted in consequence of the explosion.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. GREEN of Iowa. If we had not bought a perfectly useless balloon, then it would not have happened.

Mr. LANHAM. Then you are talking about the structural features of the *Roma* and not about the gas with which it was filled?

Mr. GREEN of Iowa. No. I am talking about that class of balloons.

Mr. LANHAM. The gentleman is going contrary to the conclusion of all the experts in that field of investigation, who tell us that for long-distance work there is no machine of the air that is comparable to lighter-than-air craft; and I want to say that I believe that much of this opposition to this project arises from the fact that we have in this country a practical monopoly of the helium sources of supply in all the world. The other countries, realizing the safety in the use of helium and that it absolutely obviates the likelihood of explosion, may not want us to go ahead and develop this God-given resource that we have found here in abundance in our own land. It is time for us to begin to take notice.

You say such airships are not worth while. I want to call the gentleman's attention to the fact that Captain Lucas, who brought the *R-34* across the Atlantic from England and took it back, made the statement that if the Allies had had during the war two ships of that size filled with helium they could have gone over and put the German Navy out of commission any day they pleased and could have accomplished what they wished at the Dardanelles.

Mr. GREEN of Iowa. The Germans had some ten or a dozen which were equal, if not superior, to that airship, and yet with them they did not destroy an army or sink a navy or do any considerable damage.

Mr. LANHAM. They did not have helium. But, as the gentleman will remember, they did bomb London time and time again, and inflicted considerable loss of life, despite the fact that they had to use hydrogen. And despite that fact also they were preparing to bomb New York City.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LANHAM. So they recognized the practicability and value of lighter-than-air craft, even with the use of hydrogen. In this country we have a practical monopoly of this helium gas, with 92 per cent of the lifting power of hydrogen.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. CROWTHER. The gentleman from Texas said there was enough helium in the United States to perhaps have more than filled the *Roma*.

Mr. LANHAM. That is true.

Mr. CROWTHER. A good deal is said in the newspapers about the responsibility for that accident to the *Roma*. Whose fault was it that we did not have helium in it if we had enough to supply it?

Mr. LANHAM. I am not going into the question of whose fault it was for not having helium in the *Roma*. I am concerned in having enough helium in this country, so that there will be no further cause for accidents of that kind with the frightful loss of life. The amount that we are spending in war-risk insurance alone to those who sacrificed their lives in the ill-fated *Roma* is almost equal to the amount which this bill appropriates for the acquisition of sources and the extraction and production of helium.

Mr. CROWTHER. I am in sympathy with the gentleman's purpose.

Mr. LANHAM. I thank the gentleman.

Mr. CROWTHER. I have read the statement, but what is the use of keeping this helium in tanks down there?

Mr. LANHAM. If the gentleman is advised with reference to the situation, of course he knows that this helium project is a new one and that there had not been a flight in a helium-filled dirigible until the *C-7* recently made its trip from Hampton Roads to Washington and return. In that flight it was discovered that, in addition to its invulnerability from attack, in addition to the absence of explosive features, a helium-filled dirigible behaves better in the air from the standpoint of mechanical operation than one filled with hydrogen.

Mr. CROWTHER. Why should we keep the helium down there stored up in tanks? Why do we not use it?

Mr. LANHAM. It is contemplated to use it. Probably the *Roma* was not filled with it because they did not want to put all their eggs in one basket; but I do not undertake to say. The gentleman will have to make that inquiry of those in charge of that work.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LANHAM. Certainly.

Mr. BANKHEAD. With reference to the trip of the *C-7* from Hampton Roads to Washington, were there any actual experiments to determine whether or not inflammable bullets would set off that gas? Were there any practical experiments to show its invulnerability to attacks of that sort?

Mr. LANHAM. Of course, they did not shoot into the balloon, because they had already determined in their laboratory experiments with helium that it was inert, noncombustible, and noninflammable; but when that machine landed over here in Anacostia a party of us gathered around it smoking to our hearts' content and the pilot of the ship sat in the cockpit smoking his pipe. Now, 100 yards, I understand, is the minimum distance they will allow you to approach a hydrogen-filled dirigible with fire. Yet there we sat smoking in perfect safety all about this machine. That feature of it has been demonstrated beyond any question.

Mr. BANKHEAD. I am in thorough sympathy with the gentleman's argument and what he is seeking to accomplish; but as a matter of curiosity I wanted to know whether there had been any actual experiments to demonstrate beyond mere theory that this helium gas is as safe as it is assumed to be.

Mr. LANHAM. I will say to the gentleman that there have been experiments with very small balloons, which have determined that helium is noncombustible and noninflammable.

Mr. CAMPBELL of Kansas. The gentleman knows a great deal more about helium than anybody else whom I have heard talk about it here on the floor. I have been trying to find out for some time about the helium that is in Dexter, Kans. A number of years ago a company bored for gas there. They found an unusually strong well, an abundant supply of gas. All the people plumbed their houses to burn the gas for fuel. The streets were laid with gas mains, plumbers established themselves in the town, everybody got a gas stove, and then they turned on the gas, when they found that it would not burn at all, and it never has burned. As I say, the flow of gas was unusually large. I wish to ask if that is helium, or how much of it is helium?

Mr. LANHAM. Not all of the noncombustible character of that gas is due to helium, because, of course, there are a great many other noncombustible elements of gas. For instance, the gas from which we are now extracting helium contains less than 1 per cent of helium. However, that gas in Kansas has shown a very high content of helium.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANHAM. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LANHAM. The field in Kansas is thought to be one of the chief sources of the supply of helium.

Mr. HULL. Will the gentleman yield?

Mr. LANHAM. Certainly.

Mr. HULL. What did it cost the Government for the 2,000,000 cubic feet of helium that we have at the present time?

Mr. LANHAM. I am very glad the gentleman asked that question, and I am glad to answer it. On the 14th of this month I made some remarks in this Chamber on that subject, showing that in our three experimental plants, and in the establishment of a permanent plant, in a contract for conservation, and in the building of a pipe line after the feasibility of the project had been determined, we had expended almost $8,000,000. That was before we began the extraction of helium, except the small amount that was extracted in the experimental plants. Since we have begun the extraction of helium we have devoted to that purpose $500,000, and for that $500,000 we have obtained about 2,000,000 cubic feet of helium. From the standpoint of successful operation those figures are most gratifying, especially when we take into consideration the fact that this is an element heretofore almost unknown, and that only a few cubic feet of it had been extracted in all the world before the war began, and that at the prohibitive cost of from $1,700 to $2,000 per cubic foot.

Mr. EVANS. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. EVANS. Does the gentleman include in the $500,000 the plant or process by which the helium is extracted, or is that included in the millions that the gentleman mentioned just a moment ago?

Mr. LANHAM. The nearly $8,000,000 were expended to build the three original experimental plants and to build the permanent plant and to build the pipe line. Then, since we began the operation, we have appropriated for that purpose $500,000, and for the small amount that has been devoted to the extraction of helium the results have certainly been most gratifying.

Mr. OLIVER. I understand the gentleman to say that with the money expended we are now prepared to extract the helium for a comparatively small future expense.

Mr. LANHAM. Yes.

Mr. OLIVER. In reference to the statement of the gentleman from Iowa [Mr. GREEN], is there any doubt in the minds of naval or Army experts who have given study to this subject as to the military value of the lighter than air machine, especially when filled with helium gas?

Mr. LANHAM. There certainly is not, and I thank the gentleman for his contribution. On the other hand, they are unanimous in proclaiming the great usefulness of the lighter than air craft when this wonderful asset of helium—this inert, noncombustible, and noninflammable gas—is available.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. LANHAM. I will.

Mr. GREEN of Iowa. Of course, the gentleman is correct in stating that helium gas is not inflammable.

Mr. LANHAM. That is true.

Mr. GREEN of Iowa. Consequently it can not be set on fire by an explosive bomb. But does the gentleman doubt that the machines would be destroyed, whether they were filled with inflammable or noninflammable gas?

Mr. LANHAM. I will say that I doubt that seriously in the case of large machines. They may be constructed in compartments. The gentleman says that helium has only 92 per cent of the lifting power of hydrogen. That is more than nine-tenths, and in the little navy blimp *C–7* they brought a crew of four or five from Hampton Roads up here and back. The carrying capacity of large dirigibles is between 70 and 80 tons. When you figure that in war an airship filled with noninflammable gas can carry 70 or 80 tons, go as high or as low as desired, and hover, if necessary, I do not think it is going to be subject to such terrible attacks from airplanes.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 52, line 9, after the word "exceeding," strike out "$3,250,000" and insert "$4,200,000."

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, there is no scientific subject which has been of more interest to me since the invention of the airplane than the one under present discussion. I have given to it more study and attention than to any other scientific matter in the last few years. But I shall not ask the committee to place any weight on what I say on my own authority, for with all the care that I have given and the preparations I have made I have nothing but a superficial knowledge. I have in what I am about to say been guided by the subcommittee which has prepared this bill, because they have been kind enough to inform me of the views they have taken, and I have had their help in the testimony of the witnesses which is before the House in the printed hearings.

I want to invite the committee's attention first to page 808 of the hearings, in which General Patrick states, in answer to Mr. SISSON, that "Major Bane is the most expert engineer which we have." Now, in view of that statement, I wish to read a letter which Major Bane has prepared upon the subject connected with this appropriation. It has been suggested that there has been too much experimentation on different sorts of engines. That question was not asked anywhere in the hearing. I can readily see, however, how the committee might have received that impression. So I wrote a letter to Major Bane to prepare a statement as to all the engines they were experimenting upon and whether they were necessary.

The letter is as follows:

WAR DEPARTMENT,
AIR SERVICE, ENGINEERING DIVISION,
McCook Field, Dayton, Ohio, March 18, 1922.

MY DEAR MR. FITZGERALD: Referring to your inquiry of March 17, I regret that the Appropriations Committee gathered the impression that the Air Service is developing too many aircraft engines. The facts are, we are limiting our development to the bare necessities of the service. Of course, different engines are required for different purposes, and the science of engine design is advancing rapidly, and we must keep abreast. We require the following types of engines for the purposes indicated:

1. Training of fliers: Reliable durable engines of 150 to 200 horsepower.

2. Light pursuit for alert work: Radial air-cooled and small V engines, water cooled, of 200 to 240 horsepower.

3. Heavy pusuit: Light, high performance, compact engines of 300 to 400 horsepower.

4. Corps observation and various other two-seated airplanes: Reliable, durable, smooth-running, economic engines of 400 to 550 horsepower.

5. Heavy bombardment and heavy ground attack: Reliable, durable, long-lived, economical engines from 600 to 1,000 horsepower; the higher the horsepower the heavier the load of bombs and armor plate that can be carried.

To fill the above requirements we have already developed the following engines for each class of work:

1. Training:

(a) The Wright 180 horsepower, model E–2, V-type, water-cooled engine.

(b) The Lawrence radial air-cooled 180 horsepower, model J–1.

2. Light pursuit: The above training engines are used with minor modifications to increase volumetric efficiency, which modifications can be made in field.

3. Heavy pursuit:

(a) The Wright 300 horsepower V-type, 8-cylinder, water-cooled, model H–3, engine.

(b) Packard, 300 horsepower, V-type, 12-cylinder, water-cooled, model 1237, engine.

4. Corps observation:

(a) Liberty, 400 horsepower, 12-cylinder, V-type, water-cooled, model 1921, engine.

(b) Packard, 550 horsepower, 12-cylinder, V-type, water-cooled, model 2025, engine.

5. Heavy bombardment: McCook Field, 700 horsepower, 18-cylinder, W-type, water-cooled engine.

In order to keep the United States abreast of the rapidly advancing science of aircraft engine design the development of the following engines has been started and must by all means be pushed to prompt completion if this country is not to lag in this field, which basically controls aircraft performance:

1. Pursuit:

(a) Curtiss, 375 horsepower, 12-cylinder, V-type, water-cooled engine; the most compact water-cooled pursuit engine of this power yet conceived.

(b) No satisfactory air-cooled high-powered engine is yet in existence, notwithstanding the extravagant claims of foreign designers. The Wright 350 horsepower, radial air-cooled, model R–1, engine is under development and shows great promise.

2. Heavy bombardment: McCook Field, 1,000 horsepower, 18-cylinder, water-cooled engine.

It should be noted that all the above engines are designed along fairly conventional lines. The Air Service, however, can not overlook the possibilities of suggestions made by commercial concerns which depart from standard practice and which appear to have promise; such a suggestion is the Almen, barrel-type, 375 horsepower pursuit engine. This engine is a distinct departure from conventional practice, being composed of a barrel-shaped engine with nine cylinders on each end horizontally placed. This engine offers possibilities in improving airplane performance due to its compactness, light weight per horsepower, small frontal area, and freedom from vibration.

There is a possibility that air-cooled engines will ultimately replace water-cooled engines for aircraft. We are therefore paralleling the development of water-cooled engines, the science of which is fairly well established, with the development of similar air-cooled engines where possible. This situation might account for the fact that the Appropriations Committee thought that we, perhaps, were developing too many types.

In addition to the above engine development we are vigorously pushing the development of superchargers to enable us to reach much higher altitudes with our airplanes.

Trusting that the above data may assist in making the situation clear to you, I am,

Respectfully,

THURMAN H. BANE,
Major, Air Service, Chief Engineering Division.

To Hon. ROY G. FITZGERALD,
117 Forest Avenue, Dayton, Ohio.

Now, I want to call the committee's attention to page 840 of the record, where General Patrick, in answer to an interrogatory by the gentleman from Kansas, said:

Airplanes are not in the slightest degree standardized or stabilized. It is in a state of flux all the time and new things are being constantly developed. We have some brand-new things at Dayton that we are developing now. If the Air Service, either military or civilian, is to advance at all, there must be for years to come continued experimentation and research.

Now, on page 898 of the hearings General Patrick makes this statement:

General PATRICK. From the best information we have from abroad, sir, foreign nations are carrying on far more experimental work than we are along all sorts of lines, and they are subsidizing very heavily the aircraft operators. The French, for example, pay so much for each plane that a company purchases in order to enable it to carry on its aerial commercial ventures. The English have set aside some £600,000 to be expended during the next two or three years to encourage aviation, and the Belgians have done the same thing.

Subsidies are un-American, we are told, and yet we must compete against these policies for our commercial success and our national defense.

I want to direct attention to the fact that one of the two Wright brothers is still living. He has not a dollar's interest in the production of any type of aircraft, but is devoting his life to research work. I called upon him last Saturday after talking with the subcommittee, and he handed me this letter.

Mr. Chairman, I would like to say here that Mr. Orville Wright is one of the two boys who invented the airplane, whose efforts were ridiculed, who would not be believed. The Government of the United States ignored their work. Their work was taken over by the Government in France. I went to see the great monument erected to their memory at Le Mans, in France, during the war. We came into the war without any kind of aircraft, and this Congress in feverish haste appropriated over a billion dollars to put airplanes on the front in France. In all the time of the war, with all of our money, with all of our ingenuity, we could not put a single fighting plane on the European front. I want now to read this letter from Orville Wright:

DAYTON, OHIO, *March 18, 1922.*

Hon. R. G. FITZGERALD,
House of Representatives, Washington, D. C.

MY DEAR MR. FITZGERALD: Yankee ingenuity has done great things for America, and in time of war it has produced the ironclad *Monitor*, the Gatling gun, and other useful weapons. But more than Yankee ingenuity is required in the development of aircraft.

Military aircraft development can come only with long, hard, patient, scientific research. Only that machine will be useful which has been designed from the latest and most accurate scientific knowledge and has then been tested thoroughly before being put into process of manufacture. No part of an air program is so important as this.

McCook Field is now doing this work, and it is doing it well and efficiently. A curtailment of the work through a reduction of its appropriation would be most unfortunate. The appropriation now is not large enough. Economy in this case really is extravagance.

Very truly yours,

ORVILLE WRIGHT.

In connection with that I call the attention of the committee to the fact that the Director of the Budget, who has never been accused of any particular liberality, approved an appropriation of $4,200,000 for this work. The committee in its wisdom has reduced this amount by $950,000. I have no criticism to make of the committee, because they have uniformly cut everywhere that there seemed to be a possibility of saving of money. If this country can learn anything by experience, which is the best teacher, and some say that fools can learn only by experience, then we have to judge of the future by the past, and if the one thing that looms up on the horizon as revolutionary in transportation is to be ignored in this country, although it is going ahead by leaps and bounds across the seas, if nations across the seas who can not afford to pay even the interest on the money they owe us can see the advantage of profiting by their experience in getting superiority over us both commercially and in a military way and are experimenting in research work on aircraft, then it seems to me that this Congress might consider it possible to review the action of the committee, and that the commitee might join me in requesting that that be done. [Applause.]

Gen. William Mitchell, our only flying general, has just returned from investigations in Europe. He has wired me as follows:

MILWAUKEE, WIS., *March 22, 1922.*

Congressman FITZGERALD,
House of Representatives, Washington, D. C.:

Replying to your telegram, any curtailment of our aviation research will be a great blow to our development and our position in aeronautics compared to other powers. All our technical aeronautical progress in America centers in our engineering division. Aeronautics is now the first line of defense of every country and its greatest prospective means of rapid communication commercially. Our advance in material depends on efficient research and at present our engineering section is as good as any. Give them at least half the chance that others are getting.

MITCHELL.

Mr. ANTHONY. Mr. Chairman, the committee has no idea of handicapping in any way the very valuable work in experimentation and development in aircraft which is carried on at Dayton, Ohio. For the current year $4,300,000 was appropriated for that purpose. The state of the fund to-day is that $400,000 of that amount has been placed in reserve and probably will not be expended during the current year. The committee felt that appropriating $3,200,000 for that purpose would be fairly liberal for experimental and development work.

Take this view of the situation: Not only is the Army carrying on this valuable work in experimentation and development of the airplane activity, but the Navy is duplicating all of their work at their plant in Philadelphia. I do not know what their appropriation is, but it must be about the same as ours. As a matter of fact, those activities should be consolidated, and probably will be at some time, when the two departments can get together and build one plant and completely equip it, where this valuable work is carried on.

The intention of the War Department is not to continue the Dayton plant. They are seeking now a new location. They are handicapped at their Dayton plant by lack of room. McCook Field is in the city limits of Dayton, surrounded by buildings, trees, telegraph wires, and obstructions of that kind, which make it an unsafe landing field. The Army is anxious to get away. The House will probably recall that two years ago the committee endeavored to secure authority to purchase the Dayton-Wright plant, located 4 or 5 miles farther out in the country from McCook Field. The House refused to give authority to acquire that valuable property for experimental purposes, and made a mistake, I think, so that we are going to be forced to make a much larger appropriation than was asked for that plant to secure a new location. In the meantime the committee felt it would be unwise to go in for any additional experimental work other than that work carried on there now.

With the $3,250,000 we do not believe they will be curtailed in any essential work of experimentation. Their plan is, whenever they hear of a new airplane or airplane engine, to immediately buy one, order it shipped there, and proceed to experiment with it and demonstrate it. They have engaged in a large number of activities of that kind. The committee felt if they would concentrate their work on fewer types and carry them to successful conclusion that they would get better results in the end. Therefore, in conformity with the program of economizing we felt that we could safely reduce the amount to $3,250,000. I know it will be a disappointment to the Dayton Commercial Club and other organizations which have been frequently telegraphing us.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BURTON. I think the disappointment will be much more widely spread than the Dayton Commercial Club. This is the home where the first experiments which were successful with regard to aircraft were made. Is it not true that the $400,000 was put in reserve because 350 men were ordered to be discharged, and is it not further true that that crippled the force?

Mr. ANTHONY. If 350 men were ordered discharged by the Secretary of War, he undoubtedly did it believing that he could dispense with their services.

Mr. BURTON. It was not the Secretary of War; it was by the Budget Bureau.

Mr. ANTHONY. I do not understand how the Budget Bureau would have the power to discharge any men.

Mr. BURTON. It is so stated. No doubt word was sent to the Secretary of War.

Mr. FITZGERALD. One million dollars was ordered off the appropriation by the Budget Bureau, and $400,000 was taken from the research work, and immediately they discharged 350 men and disorganized the work.

Mr. ANTHONY. If the pay roll of the Dayton plant at McCook Field is scrutinized you will probably find more high salaries in the payment of mechanical and technical engineers that are employed there than in all of the other services of the Government combined. I am not saying that these men are not doing good and valuable work, but there are more well-paid mechanical and technical engineers there on the Government pay roll than you will find in all of the other activities.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MANN. Does part of this agitation come because the Secretary of War thought he could dispense with the needless services of 350 men living in Dayton who help support the merchants of that town?

Mr. ANTHONY. The fact that 350 men were ordered discharged some time ago is news to the committee. We had not

heard of it. I know that an order of that kind is immediately reflected in demands on Congress to appropriate more money.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FESS. Mr. Chairman, I move to strike out the last word. The chairman of the subcommittee stated that we failed to purchase the Dayton-Wright plant.

I was not much concerned whether we did that or not, because I do not know the facts. The Wilbur Wright Flying Field is in my district and therefore I have no interest from the standpoint of local influence, because it does not touch the field in my district where we are speaking about—the McCook Field. My interest is on the same line I heard the gentleman from Illinois three or four years ago when he spoke of the interest of giving assistance to the Bureau of Standards, not simply to keep a going concern progressing, but rather to find the things that are not yet known in the way of research. If this amount of money allowed will not interfere with this newest field we have, and in some ways certainly the most important, I join the committee, but I have had it represented to me in a convincing manner that this reduction will seriously cripple the research work.

Mr. ANTHONY. Will the gentleman yield?

Mr. FESS. Yes; gladly.

Mr. ANTHONY. I would agree with the gentleman, and if it could be shown that the limitation of the appropriation would prevent the carrying on of developments of any particular type of engine or any particular type of plant I will be very glad to join with him in enlarging the appropriation. As far as known we find they can do just as good work with $3,200,000 as they could with $4,000,000, except probably they will have to lop off some demonstration and experimentation and a few of the less important types of engines and plants.

Mr. FESS. Over in that section they have established many records. They have made the world record in height reached, as the gentleman knows, and they are constantly making the effort to make and break the record that has been made. Again, this is one of the most important items in national defense, and everybody will admit that aircraft in that sense is an unknown field. We are yet in our infancy in aviation, and I think it would be really unfortunate and false economy to cut off any needed appropriation necessary to advance this most important field of research. I have been convinced that this will cripple the research work which ultimately will be a loss to us far beyond the money requested.

Mr. GARNER. Will the gentleman yield?

Mr. FESS. I will yield.

Mr. GARNER. If I understand the gentleman from Ohio, it is that the chief to-day has reduced the work over there to the extent of a million dollars this year, and that of course is with the acquiescence of the President of the United States, because he is acting for him under the law. If it is, the President of the United States is crippling the service.

Mr. FESS. But the committee has reduced it below the Budget Director's recommendation a million dollars.

Mr. GARNER. I understand that. This year they have reduced it to the extent where they have put off 350 men.

Mr. FESS. I want to say to the gentleman I would not ask an appropriation merely to retain employees. I do not join that group. I want, however, sufficient money to employ research men doing this new work, and it seems to me that is exceedingly important.

Mr. DICKINSON. Is it not true the Government maintains an independent bureau here called the Bureau of Aeronautics and which——

Mr. FESS. Well, that is true. But the vast and important work is done in the McCook Field.

Mr. DICKINSON. The chairman of the committee has stated here that it is duplicated by the Navy, and if there is research being done by the Bureau of Aeronautics how many times do we want to do these things?

Mr. FESS. I understand McCook Field is going ultimately to be removed to more commodious quarters, so that will clear me of any suspicion that there is any local interest in it. I have no concern about that at all. What I am concerned about is to get the best results with the expenditure of money in this new field.

Mr. ANTHONY. Does not the gentleman agree if the department withholds $400,000 of the current year's appropriation that certainly would be an intimation that we could reduce the appropriation next year by at least that amount?

Mr. FESS. Well, it appears that would be justified.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. May I have a moment on this proposition?

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. My information from the head of the Air Service is that the Director of the Budget demanded a saving of a million dollars from the entire appropriation for aviation; that $400,000 of that saving was apportioned to the research work, and so was cut off McCook Field. In the face of that and with that knowledge the Director of the Budget approves $4,200,000 as the appropriation for this year, and then the committee cuts that $950,000.

Mr. MADDEN. Will the gentleman yield to me?

Mr. FITZGERALD. Yes.

Mr. MADDEN. The Director of the Budget has no power to curtail expenditures in any department which may be appropriated. Any curtailment of expenditures in any branch of the Government from the appropriations made for the fiscal year 1922 has been made as the result of an order by the Secretary of the department, and that is true as to all departments, and it is not the Budget officer. It is the Secretary of the department, and we must assume that he knows what he is speaking about; that it is not necessary to expend the money we have appropriated; that there will be turned back a certain amount of reserve saving, and if he continues to maintain the position he has held from the beginning that economy can be practiced; and he reserves to himself the right to say to every bureau chief under his administration that thus far shalt thou go and no further.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. FITZGERALD) there were—ayes 23, noes 39.

So the amendment was rejected.

Mr. FESS. Mr. Chairman, I offer an amendment to strike out "$3,250,000" and insert "$3,850,000," taking off this $400,000.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FESS: Page 52, line 9, strike out the figures "$3,250,000" and insert in lieu thereof the figures "$3,850,000."

Mr. FESS. Just a moment, in order to ask the gentleman from Illinois [Mr. MADDEN] a question. Conceding that his position is correct, and I do concede it, does not the gentleman think in that work of research we ought to make an exception to the general rule of slicing recommendations?

Mr. MADDEN. I think the Secretary of War, when he made the order to put into reserve a certain amount of the appropriation, had in mind all the work that had to be done for research and all other kinds of work, and the information upon which we based our decision in reporting this appropriation leads to the conclusion that there would be no diminution in the research work of aviation, except that there would not be quite as many types of engines, perhaps, upon which to make the experiments as there would be if they had a larger sum, but that all the results could be obtained by making the research work on a fewer number that might be obtained by making the research on a larger number.

Mr. FESS. Does not the gentleman think that we are apt to get a greater percentage of results by using a larger number of types?

Mr. MADDEN. I do not think so, and I do not think anybody else thought so.

Mr. FESS. I join the gentleman in the general proposition. I make the exception, not as a matter of location but in the character of work done.

Mr. MADDEN. I understand the gentleman.

Mr. MANN. Will the gentleman yield?

Mr. FESS. I yield.

Mr. MANN. Agreeing with him as I do about research work, after all is not $3,000,000 a considerable sum to appropriate for research work along a particular line? And is there any other branch of the Government that has had that amount for research work along any particular line?

Mr. FESS. I can not answer comparatively. The amount seems very large. But I have confidence in men who have represented to me, such men as Mr. Wright, in whose scientific judgment I have great confidence, that this will cripple the work that is done over there.

Mr. MANN. Wright has done great work, the greatest that anybody in this world has ever done, as to flying. I doubt if all the work he has ever done, however, cost half of $3,000,000, except the commercial end of it.

Mr. FESS. That may be true. But after all, it seems to me that it is not really sound economy not to go to the maximum limit in this investigation at this time.

Mr. MANN. I agree with the gentleman it is not sound to cut off appropriations for real research. I think it is sound economy to cut off appropriations for fancy research, because if you give some of these so-called scientific gentlemen a billion dollars they will spend it like they did a billion dollars during the war for the Air Service, and not accomplish a thing.

Mr. FESS. That may be true in the case of the fanciful scientific fellows, but it is not true as to Mr. Wright.

Mr. STAFFORD. Just a word, Mr. Chairman. In the appropriation for this Air Service your committee has in no wise sought to unduly restrict the activities that are going on in experimental work. We have not sought in that connection to limit the salaries that are paid to these high-priced engineers. On page 836 of the hearings are detailed the salaries paid to over 630 of the technical men, ranging from $5,000 down to $3,000. We are not seeking to tell them that they should employ so many at such and such a salary, but the detailed estimates on page 896 show that more than one million and a quarter was to be used for the purchase of airplanes and accessories. And the testimony of General Patrick is to the effect that they wanted to purchase not only one of a certain type but many. Our committee realized they could proceed without purchasing any great number of experimental planes, but go ahead and purchase merely one or a very limited number. If you will examine the testimony closely you will see we are providing ample funds for this experimental work, notwithstanding the statement of the expert whose heart is in this work.

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. FESS. I find no fault with the salaries that are paid. I had not looked into that. But my friend will recall that not long ago a scientist on a very low salary made an investigation and a report that has brought to the Government an immense amount of money in the production of a certain product out of crude oil. I refer to Dr. Rittman. We find fault with having him do the work, when one discovery he makes will pay all the salaries that will be paid in that entire field.

Mr. STAFFORD. We are not restricting the salaries that are paid to these men. We are not placing any limit on the maximum as we do in certain activities. We give them free range.

Mr. FESS. Can you put a money value on the invention in aircraft?

Mr. STAFFORD. But we do say that there is no need for spending so much in the purchase of airplanes and accessories as they estimate.

Mr. FESS. That may be true.

Mr. STAFFORD. And that is the basis of our curtailment of the estimates.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I wish to say that that is the difficulty with this subcommittee. Seeking information as to what they have done and why, I was informed they cut out $500,000 from the appropriation designed for the purchase of aircraft lighter than air. After I traced it down I found there was no such thing. Now, I see that a member of the subcommittee is confounding the purchase of airplanes with research work. They do not need to purchase any quantities in research work and they do not purchase any quantities; not more than two or three of any design of any sort or kind of aircraft. What the testimony shows under that head is the purchase outside of their own appropriations.

Mr. STAFFORD. Here is the detail, Mr. Chairman. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STAFFORD. On page 896, under the head of "Experimental and research, including pay and expenses of civilian employees," I read:

Airplanes, accessories, and their spare parts	$873,350
Airships, accessories, and their spare parts	247,000
Balloons, accessories, and their spare parts	27,700
Engines, accessories, and their spare parts, airplanes	395,000
Engines, accessories, and their spare parts, airships	40,000
Equipment, general, heavier-than-air, not otherwise covered by purpose code	20,000
Equipment, general, lighter-than-air, not otherwise covered by purpose code	70,000

If you take that into consideration, you will see that we are not in any wise crippling this service.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. FESS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read

The Clerk read as follows:

ENGINEER SCHOOL.

For equipment and maintenance of the Engineer School, including purchase and repair of instruments, machinery, implements, models, boats, and materials for the use of the school, and to provide means for the theoretical and practical instruction of Engineer officers and troops in their special duties as sappers and miners; for land mining, pontooniering, and signaling; for purchase and binding of scientific and professional works, papers, and periodicals treating on military engineering and scientific subjects; for textbooks and books of reference for the library of the United States Engineer School; for incidental expenses of the school, including chemicals, stationery, hardware, machinery, and boats; for pay of civilian clerks, draftsmen, electricians, mechanics, and laborers; for compensation of civilian lecturers, and for payment of tuition fees of not to exceed 50 student officers at civil technical institutions in addition to the 2 per cent of commissioned officers authorized to attend technical, professional, and other educational institutions as provided for in section 127a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920; for unforeseen expenses; and for travel expenses of officers on journeys approved by the Secretary of War and made for the purpose of instruction: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage and other allowances; and for other absolutely necessary expenses: *Provided further*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation, $35,000.

Mr. WALSH. Mr. Chairman, I reserve a point of order on this paragraph.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order on the paragraph.

Mr. WALSH. What is the necessity now of paying civilian lecturers for instructing men at this engineering school? Have we not Engineer officers enough in the Army to deliver lectures and give instruction to these men who attend this school?

Mr. ANTHONY. Yes; I think we probably have as highly skilled men in the Engineer Corps as can be found anywhere in the country. But our Engineer officers work in close harmony with the leading technical institutions throughout the country and the leading mechanical and civil engineers and the heads of the largest manufacturing plants, and they deem it advisable to have these leading civil engineers come in, at merely nominal fees, to give the students the benefit of their knowledge. We feel that it is a good idea to have this infusion of outside knowledge both at West Point and at the War College and at the engineering school. About $2,000 is used in each place for that purpose.

Mr. WALSH. That is a good explanation. How long do these students remain in the Army after they get that valuable instruction?

Mr. ANTHONY. They are supposed to devote their lives to it. They are nearly all officers of the Regular Army.

Mr. WALSH. This paragraph does not apply to the enlisted men at all?

Mr. ANTHONY. Not that kind of instruction; no.

Mr. WALSH. What has become of this appropriation that has heretofore been carried and which amounted, I think, in one year to $5,000,000 for vocational education, teaching them to be electricians and accountants and draftsmen and bookkeepers and farmers and professors and teachers and butchers and bakers and candlestick makers?

Mr. ANTHONY. There is going to be a limited amount of that work carried on in the Army next year, but it will all be done under the tuition of Regular Army officers or enlisted men.

The request for that appropriation did not show up this year from the War Department. I think the observations of the gentleman from Massachusetts last year had a great deal to do with its disappearance. [Laughter.]

Mr. WALSH. That is full compensation, to have the gentleman express that opinion, although "the gentleman from Massachusetts" cooperated with some other gentlemen.

Mr. ANTHONY. He had the full sympathy of many others.

Mr. WALSH. I appreciate that. This paragraph has no reference to that proposition?

Mr. ANTHONY. No; it has no reference to that proposition. The men who visit the Engineer School and these other institutions are high-class technical men from the colleges and from the large manufacturing concerns.

Mr. MANN. May I ask how high a grade of officers they send to the Massachusetts Institute of Technology, for instance?

Mr. ANTHONY. They are mostly the younger men whom they desire to give a larger degree of instruction in engineering than they receive at West Point. At West Point they get a smattering of a large number of things, and they devote only a part of their time to engineering.

Mr. MANN. They are supposed at West Point to absorb all the information that there is in the world. I appreciate that that is not quite possible. I wondered if they sent anything above lieutenants or captains.

Mr. ANTHONY. I think majors are included. Promotions have been so rapid in the Army in recent years that many of the rank of major are quite young in years and head for this additional engineering education.

Mr. WALSH. What is the nature of that section of the Revised Statutes that is made inapplicable?

Mr. ANTHONY. The average newspaper, especially a foreign periodical, requires payment in advance. This authorizes them to remit in advance.

Mr. WALSH. Particularly in Kansas?

Mr. ANTHONY. I think all over the country.

Mr. WALSH. A farm weekly, I understand, is published in Kansas, devoted to the uplift of agriculture. I understand that it is rather difficult to get that unless you subscribe in advance, or unless you happen to belong to a particular bloc.

Mr. ANTHONY. That is appreciated more by the farmers of Kansas than by the engineers of the Army.

Mr. WALSH. Mr. Chairman, I withdraw my reservation.

Mr. MANN. Mr. Chairman, may I interject a remark that in another distinguished legislative body a vote has just been had on ratifying a supposed four-power treaty, with 67 for and 27 against? [Applause.]

Mr. ROBSION. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.

Mr. ROBSION. I do so for the purpose of asking the consent of the House to extend my remarks setting forth certain facts, and so forth, submitted to me by the United Mine Workers of the nineteenth district. It is information which they want Congress to have.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks by printing certain information relative to the mine workers.

Mr. ROBSION. The coal situation and the proposed strike.

The CHAIRMAN. Is there objection?

Mr. WALSH. Reserving the right to object, this is not a resolution or memorial of the sort which usually goes through the basket, is it?

Mr. ROBSION. I want to extend my remarks by incorporating this. It is short.

Mr. WALSH. I say it is not the usual memorial which goes through the basket, is it?

Mr. ROBSION. Yes; it is somewhat of a memorial. It sets forth certain facts and conditions.

Mr. WALSH. If it is going to be incorporated with the remarks of the gentleman from Kentucky, I will not object.

Mr. BURTON. May I ask the gentleman from Kentucky how lengthy this is?

Mr. ROBSION. It is part of one page of typewriting; that is all.

The CHAIRMAN. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. ROBSION. Mr. Speaker, the United Mine Workers of District No. 19 have sent to me the memorial or resolutions hereinafter set out, with a request that it be brought to the attention of the Congress, and I hereby submit same to the Congress for its consideration:

UNITED MINE WORKERS OF AMERICA,
Knoxville, Tenn., March 18, 1922.

Whereas the Bituminous Coal Commission appointed by Hon. Woodrow Wilson, then President of the United States of America, after a thorough investigation, awarded the bituminous coal miners throughout the country an increase in wages amounting to $1 per day on day wages, 24 cents per ton, and 20 per cent on all dead work; and

Whereas the miners and operators in district 19, comprising the mines of east Tennessee and southeastern Kentucky, met on April 13, 1920, and negotiated an agreement in keeping with the award, which agreement was signed and accepted by all operators in the above-mentioned territory to run concurrently until March 31, 1922; and

Whereas the coal operators appealed to the board of arbitration provided for in the agreement for a reduction of $2.50 per day on day wages, 24 cents off of the ton, and 20 per cent on dead work, which appeal was granted by the arbiter of the board under his award dated December 20, 1921, being effective as of December 1, 1921, and which award provided that the cost of living at the respective mines of the operators was to be decreased as much as possible; and

Whereas the miners throughout the district accepted the award and continued working; and

Whereas the coal operators are not yet satisfied, but are endeavoring to force further reductions, and in many places endeavoring to compel the miners to sign individual agreements, without permitting them to in any way participate in the negotiation of same; and

Whereas all miners who refuse to sign these individual agreements are not allowed to return to their jobs in the mines, but instead the operators have instituted court proceedings seeking to evict the miners, their wives, and children from their homes, these men having nowhere to take their families for shelter; and

Whereas the coal companies have failed to make effective that portion of the arbiter's award relating to lowering the cost of living and are still charging the miners about 35 per cent more than is charged for the same commodities in environing towns; and

Whereas the price of coal in the city of Knoxville, Tenn., runs from $6 to $8 per ton, being almost as high as it was prior to the operators being granted a reduction in wages: Therefore be it

Resolved, That the executive board of district 19, United Mine Workers of America, appeal to our United States Congress, through the Congressmen from the congressional districts having jurisdiction over these mines in east Tennessee and southeastern Kentucky, for a speedy investigation of these conditions and for relief for the miners, their wives, and little children in this district, that they may not be evicted from their homes.

Respectfully submitted.

DISTRICT 19, UNITED MINE WORKERS OF AMERICA.
Per S. A. KELLER, *President.*

The Clerk read as follows:

ENGINEER EQUIPMENT OF TROOPS.

For pontoon material, tools, instruments, supplies, and appliances required for use in the engineer equipment of troops, for military surveys, and for engineer operations in the field, including the purchase, maintenance, operation, and repair of the necessary motor cycles; the purchase and preparation of engineer manuals and procurement of special paper for same, and for a reserve supply of above equipment, $75,000.

Mr. ANTHONY. Mr. Chairman, we have now reached the point in the bill where we read the other day, and I ask unanimous consent to return to page 4 of the bill, to the paragraph "Contingencies of the Army." My understanding is that the Clerk read that paragraph, but that the House took no action upon it, because it might be affected by any change in the size of the Army from that specified in the bill. As there was no change made in the provisions of the bill respecting the size of the Army, I ask unanimous consent that the paragraph stand as read by the Clerk.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the paragraph referred to stand as read by the Clerk. Without objection it will be so ordered.

There was no objection.

Mr. ANTHONY. I ask that the Clerk proceed with the next unread portion of the bill.

Mr. STAFFORD. That is on page 79.

The CHAIRMAN. The Chair is informed that that is on page 79, at line 22. The Clerk will read.

The Clerk read as follows:

ARMING, EQUIPPING, AND TRAINING THE NATIONAL GUARD.

For procurement of forage, bedding, etc., for animals, $800,000: *Provided*, That this appropriation shall not be used to provide forage, bedding, etc., for more than 4,000 animals.

Mr. CRAGO. Mr. Chairman, I offer an amendment to that paragraph on line 25, page 79, to strike out "$800,000" and insert in lieu thereof "$1,002,800."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAGO: Page 79, line 25, strike out the figures "$800,000" and insert in lieu thereof the figures "$1,002,800."

Mr. CRAGO. In support of this amendment I want to say that the gentleman from Maryland [Mr. HILL], who intended offering it, is necessarily absent from the Hall and asked me to offer it. This embraces the matter of the number of animals to be kept by the National Guard, which follows in the next section. Of course, if we fail to provide for the forage of these animals it will be useless to provide for the animals themselves. The Chief of the Militia Bureau has figured that this increase should amount to $1,600,000, but in figuring for the number of animals which the guard now has and would like to retain during the current year at the amount per annum which it is estimated is necessary to furnish forage, the calculation reached is the figures $1,002,800.

At the present time there have been issued to the National Guard units animals to the number of 8,009. The appropriation as it appears in the bill will furnish forage, bedding, and so forth, for only 4,000, or less than half the number of animals already issued and in care of the National Guard. If the figure is not changed every animal will have to go on half rations or 4,000 animals or more will have to be disposed of. This, of course, would prove a hardship to those who are engaged in the raising of horses. Again, the States have secured stable room and have prepared buildings for the housing of 8,000 animals, which they now have in their possession. To take away from them half these animals will create dissatisfaction in the States, as the accommodations have been provided by State funds.

Mr. FESS. Will my colleague yield?

Mr. CRAGO. I yield to the gentleman from Ohio.

Mr. FESS. Does the gentleman agree to all that he is reading?

Mr. CRAGO. If I have read it correctly, I do. I may have made some misinterpretation of the words I intended to read.

Mr. FESS. Does the gentleman believe the Government ought to go into the purchase of animals simply to stimulate the raising of animals?

Mr. CRAGO. We have appropriated money for that very purpose. While I have never been very much in sympathy with that, we have appropriated money here to stimulate that industry because we hoped that when the necessity arose for the use of these animals in time of war or other emergency the country would have them. We have offered inducements along that line.

Mr. FESS. What are we coming to?

Mr. CRAGO. I think that is rather a little too socialistic myself. Many of these horses have been transported to their present locations at the expense of the State, due to the fact that the Federal Government has failed to provide adequate funds for transportation during the present year. If the organizations already in existence are to receive their proper equipment, which is incumbent by the act of June 4, 1920, the National Guard should now have in its possession 9,740 animals. It is fully realized that the maintenance of these animals is an expensive proposition, but I submit this change is necessary in order that the animals now in the hands of the States—approximately 8,000—be retained by the States. This amount does not contemplate issuance of additional animals to the National Guard during the fiscal year 1923. It merely contemplates the appropriation for the care and keep of the animals already in the possession of the National Guard units.

Mr. Chairman, I submit that these amendments and the other amendments which will naturally follow relating to the National Guard are of vital importance to this country, and there is no use of our talking of encouraging the National Guard of our country, and claiming that that is the one great unit which we must encourage, if we attempt at this early date to break down organizations which have been built up with so much trouble and so much care.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CRAGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. ANTHONY. Mr. Chairman, reserving the right to object, it is my intention to move that the committee rise at quarter of 5 o'clock. If the gentleman will allow me to have two minutes of his five minutes to make a statement, it is then my purpose to have this matter go over until to-morrow.

Mr. CRAGO. Mr. Chairman, with that understanding I shall be very glad to curtail my remarks upon this subject until we reach it when the bill is again under consideration.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAGO. I want to leave this thought with the committee: It has not been an easy task to make these organizations in the National Guard conform to the tables of organization in the Army. They have been compelled to disrupt many of their organizations in order to build up these Artillery and Cavalry organizations, which they did not want to build up at first.

Mr. FROTHINGHAM. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. FROTHINGHAM. What is going to become of the eight thousand and odd horses that have already been acquired? I have a letter here from the adjutant general of Massachusetts, and he brings up these points. He is very anxious to have some of these amendments and to know what is going to be done.

Mr. CRAGO. In my opinion, of course, they can be disposed of, but at the same time we will disorganize the organizations to which these animals were issued.

Mr. ANTHONY. Mr. Chairman, I would state to the gentleman from Pennsylvania that it is our understanding that the purpose of the limitations that we have made as to the number of animals and on several of the National Guard appropriations are intended to effect a change in the present plan of organization of the guard with the idea of reaching a more reasonable cost, and I think the War Department admits the present plan is exceedingly expensive, and I think a change may meet with the approval of the War Department. I think it perhaps not advisable to proceed further to-night, but to take it up in the morning.

Mr. CRAGO. I agree to that, but I want to say to the gentleman that I do not agree with the War Department in their recommendations regarding the National Guard, and I do not believe the gentleman himself will be very insistent upon them when the time comes.

Mr. ANTHONY. Mr. Chairman, the situation seems to be that there are 8,000 animals, for instance, now in the guard, and the department would like to have enough animals to raise that number to 9,200. We find that it is costing in excess of $200 per year to maintain an animal in the National Guard. It costs $109 in the Regular Army. Thirty-two animals are issued with each troop or battery in the National Guard. They have to be cared for, largely in livery stables, and we have to appropriate for caretakers, in addition to cost of forage, stables, and so forth. It is a big expense. One or two practical ideas have been presented to us. One is that these animals, especially in the smaller towns, should be allotted to members of the organization to take care of between the times they are used for drill purposes. For instance, different farmers would take the animals and care for them and keep them in condition, make light use of them for their keep with the understanding that they are to be returned to the organizations on the drill day.

That would relieve the Government entirely of the cost of maintenance, and it is believed by the committee to be very practical. Regardless of any such solution of the problem, our information is that the War Department has expressed its approval of the idea of so changing the organization of the guard as not to compel it to take on additional mounted organizations, or motor equipment and technical units, and expensive things of that kind so that we can effect quite a material saving along those lines. I am quite sure there is not a single member of the subcommittee who wants to injure the National Guard in the slightest degree.

In fact we are in full sympathy with its expansion and development but we did want to put a stop to the increased cost of maintenance of animals, motors, and tactical units.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Michigan. I want to state that if we have 8,000 horses, and $100 to a horse, it will use up the $800,000. Does the gentleman think they can keep a horse for $100 a year?

Mr. ANTHONY. No. Under the provisions of the bill we would have to take half the animals from the guard. There is no question about that. We required the Regular Army to dispense with ten or fifteen thousand animals last year. They said they could not possibly get along without them. We did sell a number, but the War Department seems to have turned a lot of them over to the guard. The Regular Army got along very nicely by reducing its cost for animals, but they are eating up National Guard money at a rapid rate.

Mr. SMITH of Michigan. I did not know but that the gentleman proposed to furnish 8,000 horses, and, of course, they could not be kept for $800,000.

Mr. ANTHONY. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10871, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. MILLER, until March 31, on account of visit to Muscle Shoals as a member of the Committee on Military Affairs.

EXTENSION OF AUSTRIAN DEBT FOR WHEAT.

Mr. FORDNEY. Mr. Speaker, by direction of the Committee on Ways and Means I report Senate joint resolution 160 without amendment.

Mr. GARNER. Mr. Speaker, I do not believe that is a privileged bill; but anyhow I desire, if necessary, to reserve all points of order.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. LONGWORTH. I have given some thought to this and looked up some of the precedents, and I am of the opinion it is distinctly a revenue bill.

Mr. GARNER. It is a revenue bill.

Mr. LONGWORTH. It directly affects the revenues, just as the various Liberty loans that were put out.

Mr. GARNER. This bill, as I understand, deals with profits derived from the Grain Corporation. It deals, as I understand, with a loan this Government has made and extends the pay-

ment of interest. This loan was made by the Grain Corporation.

Mr. LONGWORTH. It was made by the Grain Corporation out of the profits which the Grain Corporation made, which has gone into the Treasury.

Mr. GARNER. However, I reserve all points of order that can be had at this time.

The SPEAKER. The gentleman from Texas reserves all points of order. The Clerk will report the title of the joint resolution.

The Clerk read as follows:

Senate Joint Resolution 160.

Joint resolution authorizing the extension, for a period of not exceeding 25 years, of the time for the payment of the principal and the interest of the debt incurred by Austria September 4, 1920, for the purchase of wheat from the United States Grain Corporation, and for other purposes.

The SPEAKER. Referred to the Union Calendar and ordered printed.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Saturday, March 25, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

575. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Lynns Bayou, Tex., including an entrance channel connecting with the harbor basin at Port Lavaca; to the Committee on Rivers and Harbors.

576. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Little Wicomico River, Northumberland County, Va.; to the Committee on Rivers and Harbors.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on War Claims. H. R. 5188. A bill for the relief of Orlando Ducker, major and surgeon in War with Spain (Rept. No. 829). Laid on the table.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. House Report No. 828. A report on the disposition of useless papers in the Post Office Department. Ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANKFORD: A bill (H. R. 11038) to provide for the experimentation in and to promote and establish the sale of farm products directly from the producer to the consumer; to the Committee on Agriculture.

Also, a bill (H. R. 11039) to provide for experimentation in and to promote and establish the sale of watermelons and cantaloupes directly from the producer to the consumer; to the Committee on Agriculture.

By Mr. NORTON: A bill (H. R. 11040) to amend an act entitled "An act authorizing the sale of the marine hospital reservation in Cleveland, Ohio," approved July 26, 1916; to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMSON: A bill (H. R. 11041) extending the time for the construction of a bridge across the Missouri River at Chamberlain, S. Dak., and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLINTIC: A bill (H. R. 11042) to prohibit speculation in grain and food products; to the Committee on the Judiciary.

By Mr. GALLIVAN: A bill (H. R. 11043) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of the Legislature of the State of New York, urging the continuing of work in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. MEAD: Memorial of the Legislature of the State of New York, urging the continuing of the operation of the navy yard at Brooklyn, N. Y.; to the Committee on Naval Affairs.

By the SPEAKER: Memorial of the Legislature of the State of Arizona, urging the passage of the Towner-Sterling bill, known as the education bill; to the Committee on Education.

Also, memorial of the Legislature of the State of Arizona, urging the recognition of the Mexican Government and also President Obregon by the United States Government; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Arizona, urging adjusted compensation for the soldiers and sailors of the World War; to the Committee on Ways and Means.

By Mr. TAGUE: Memorial of the Legislature of the State of Massachusetts, memorializing Congress in favor of the passage of Federal law to further regulate the use of narcotic drugs; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Massachusetts, in favor of an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Minnesota: A bill (H. R. 11044) granting a pension to Ellen A. Mealia; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 11045) granting a pension to Dennis Higgins; to the Committee on Pensions.

Also, a bill (H. R. 11046) granting a pension to Patrick Brosnan; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 11047) granting a pension to Clara Allington; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 11048) granting a pension to Levi T. Miller; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 11049) granting an increase of Pension to Bennett Vandettum; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 11050) granting a pension to August Hertz; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11051) granting an increase of pension to Fannie M. O'Linn; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 11052) for the relief of Charles W. Harlow; to the Committee on Claims.

By Mr. MOORES of Indiana: A bill (H. R. 11053) granting an increase of pension to Joseph McG. Lunsford; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4819. By Mr. CRAGO: Petition of Sons of the Revolution in the State of Maryland, urging the United States Government to retain ownership of Fort McHenry, etc.; to the Committee on Military Affairs.

4820. Also, petition of the Pennsylvania Branch, Society of American Foresters; also, petition of Center County Conservation Association, of Center County, Pa., protesting against the transfer of the Forest Service and the national forests from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

4821. By Mr. CROWTHER: Petition of numerous residents of the city of Schenectady, N. Y., protesting against the enactment of House bill 9753; to the Committee on the District of Columbia.

4822. By Mr. FULLER: Petitions of the Woman's Club of Ottawa, Ill., and the members of the Oglesby (Ill.) Union Church, protesting against any modification of the prohibition enforcement law to permit the manufacture and sale of beer and wine; to the Committee on the Judiciary.

4823. By Mr. GALLIVAN: Petition of Taylor Bros. Laundry (Inc.), of Dorchester, Mass., protesting against any proposal to place duties on soya-bean oil, coconut oil, cottonseed oil, tallow, whale oil, and other foreign vegetable, animal, and fish oils which laundry-soap makers use in the manufacture of laundry soap and other soap preparations; to the Committee on Ways and Means.

4824. By Mr. JEFFERIS of Nebraska: Petition of L. L. Bailey and other citizens of Arapahoe and Omaha, Nebr., protesting against the passage of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

4825. By Mr. KISSEL: Petition by George H. Morgan, of Brooklyn, N. Y., relative to the Bursum bill (S. 1565); to the Committee on Military Affairs.

4826. Also, petition of the National Association of Oxychloride Cement Manufacturers, of New York City, N. Y., relative to the pending tariff bill; to the Committee on Ways and Means.

4827. Also, petition of the Grain Trade Association of the San Francisco Chamber of Commerce, favoring light wines and beer; to the Committee on the Judiciary.

4828. By Mr. KOPP: Petition of H. E. Reese, commander Clyde Ben Post, No. 113, American Legion, of Keosauqua, Iowa, and other citizens in favor of adjusted compensation, without imposing special taxes on necessities; to the Committee on Ways and Means.

4829. By Mr. SNELL: Petition of sundry citizens of St. Regis Falls, N. Y., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

4830. By Mr. SWING: Petition of various citizens of Fullerton, Calif., protesting against House bill 9753, providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4831. Also, petition of citizens of National City, Calif., protesting against compulsory Sunday observance; to the Committee on the Judiciary.

SENATE.

SATURDAY, *March 25, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

RECOGNITION OF PRESIDENT OBREGON.

Mr. ASHURST. Mr. President, I have received copies of memorials adopted by the Legislature of the State of Arizona. According to my view memorials and resolutions adopted by the legislature of a State or by either house of a State legislature should be included in the CONGRESSIONAL RECORD.

Mr. JONES of Washington. I think the rule requires that.

Mr. ASHURST. I therefore present and ask for inclusion in the RECORD Senate memorial No. 1, urging our Secretary of State to recognize the Obregon government in Mexico.

Article 2, section 3, of the Federal Constitution contains the expression from which we draw our impression that the executive branch of the Government is the only authority in our Government authorized to recognize the existence of new nations or to receive ambassadors and other public ministers.

It will be understood that the Legislature of Arizona is not attempting to interfere in affairs in which it has no proper function, but the legislature of a State, or either house thereof, has the undoubted right under our form of government to express an opinion on such a subject, and the Senate of the Legislature of Arizona has adopted this resolution in the belief that such expression of its opinion will assist the State Department in the settlement of this problem.

Senate memorial No. 1 was referred to the Committee on Foreign Relations, as follows:

Senate memorial 1, fifth State legislature, first special session, State of Arizona.

IN THE STATE SENATE.

To the President of the United States, the Congress of the United States, the Secretary of State of the United States, and to Arizona's Representatives in Congress:

Your memorialists, the Senate of the Fifth Legislature of the State of Arizona, in special session assembled, do respectfuly represent:

That being a "border State" and adjacent to the great State of Sonora, of the Republic of Mexico, Arizona is keenly alive to the problems now confronting, and which for a decade past have confronted, the said Republic of Mexico.

That your memorialists, men of affairs of the State of Arizona, chosen from the mining and cattle interests, mercantile life, and the professions, see with the clearness born of intimate relationship the magnificent struggle that has been waged, the seemingly insurmountable obstacles that have been overcome by the new-born Republic of Mexico, and the glorious achievements that have been attained by the unselfish devotion to duty, the untiring energy, the honesty of purpose, and tenacious will to lead his countrymen into the peaceful enjoyment of harmonious brotherhood, by Alvaro Obregon, President of Mexico.

That from a chaos thereto unknown and a misery never before experienced in the Western Hemisphere, Mexico has in less than one and one-half years emerged triumphant and to-day faces the dawn of national achievement, seeking from her strong northern neighbors her just recognition that she may be enabled to take her place in the God-given light of national equality.

That but one short year ago Arizona—in the spirit of western manhood expressed her faith in Mexico and in the man who, like our own illustrious Washington, had as soldier and statesman led his people to a safe and lasting peace—by a memorial to the Congress of the United States prayed for such recognition. That quickly following the lead of Arizona similar messages of confidence and faith were speeded to the Congress from the States of California, Texas, Oklahoma, Kentucky, Maryland, Illinois, and Michigan, representing 40,000,000 souls, urging the immediate recognition of Mexico.

That to-day is witnessed in Mexico an era of industry and prosperity plainly indicative of permanent peace; farming and ranching restored, industrial and mining activities steadily increasing. During the 15 months' occupancy of the presidency by Alvaro Obregon no American or other foreigner in Mexico has been killed: It is therefore

Resolved by the Senate of the Fifth Legislature of the State of Arizona in special session assembled, That time has amply demonstrated the statesmanship of the President of Mexico, his clarity of vision and singleness of purpose to place his country firmly amongst the great stable governments of the earth; that Mexico is no longer a belligerent nation, torn with internal strife, but a country of peaceful pursuits and honorable ambitions, and that no good reasons, no just causes exist further to deny to it the just recognition which the United States of America itself achieved only after its baptism of blood: It is therefore further

Resolved, That the President be requested to recommend to the Congress of the United States that full recognition be extended to the Republic of Mexico and to its President, the Hon. Alvaro Obregon: It is also further

Resolved, That copies of this memorial be transmitted to the President of the United States, the Secretary of State of the United States, the President of the Senate and Speaker of the House of Representatives, and to the Hon. HENRY F. ASHURST and Hon. RALPH CAMERON, United States Senators, and Hon. CARL HAYDEN, Congressman, and that they each be requested and urged to use all honorable means to further the prayed-for recognition of Mexico. Also, that an engrossed copy be transmitted to the Hon. Alvaro Obregon, President of the Republic of Mexico.

Adopted by unanimous vote of the senate March 17, 1922.

Mr. ASHURST. I also ask that a pamphlet written by Mr. Chester W. Hansen, entitled "Mexico and Obregon," be included in the RECORD; likewise an article entitled "It is time to accord recognition to President Obregon and Mexico," by Hon. William Randolph Hearst.

I also desire at this point to ask unanimous consent to include in the RECORD a letter from our Secretary of State giving the information as to the number and names of other Governments that have recognized the Obregon government.

May I secure such permission before I pass to another subject?

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

MEXICO AND OBREGON.

(By Chester W. Hansen.)

A STATEMENT OF FACT WITH REGARD TO EXISTING CONDITIONS IN MEXICO AND POLICY OF THE PRESENT ADMINISTRATION.

In May, 1920, the present administration came into power in Mexico. General Obregon, though always considered the moving spirit of the new government, refused to assume the rôle of executive until requested to do so by the people at their duly called and regulated election. Adolpho de la Huerta, therefore, after being formally elected by Congress, took the oath as provisional President and functioned in that capacity until the inauguration of Obregon in December, 1920, after his election by an overwhelming majority on September 8, 1920. At this election military force was entirely absent and not one single instance of disorder at the polls was reported. General Obregon received more than 1,000,000 votes. Considering the population of Mexico (16,000,000), 1 person in every 16 cast a ballot for him. Ex-President Wilson in 1912 received slightly over 6,000,000 popular votes, or slightly less than 1 for each 18 of population.

This comparison conclusively shows that his election expressed the will of all of the people and was not the mock affair which so many agencies would have us believe.

The United States elections of 1916 and 1920 can hardly be used for comparative purposes because of women's suffrage, which is not applicable to Mexico.

President Obregon laid down a specific course to be pursued. These policies speak for themselves, and the wisdom and justice of them can not nor have they ever been questioned. Their execution and the sincerity of the promulgators have been questioned. Therefore I submit a few extracts of policy, together with accomplishments to date, so that the reader may himself judge the spirit prompting the actions of the administration and their sincerity of purpose.

Permit me to quote from a statement by President Obregon of June 26, 1921, to the New York World:

"The States of Texas, Arizona, and California, acting independently and without the slightest inspiration, have made official requests upon Washington for resumption of formal relations that will permit proper and complete expressions of friendship between Mexico and the United States. The action of these States, so intimately in contact with my country, tells it own story of peace and order along the border at the moment of writing."

[NOTE.—Since above was written the States of Michigan, Illinois, and Oklahoma, as well as the chambers of commerce of the cities of St. Louis, Los Angeles, San Francisco, and others have without inspiration done likewise. This action was taken after thorough personal investigation and first-hand observation by their representative members on various trade trips through Mexico.]

"To-day there is not a single armed force in the field against the Federal authority."

[NOTE.—This condition has continuously prevailed to date. Even the ever-rebellious Yaqui Indian, who has been in a state of steady revolt since the time of the Spanish conquest, throughout the rule of the great Juarez and the iron Diaz, has laid down his weapons of war and turned, contented, to peaceful, constructive pursuits.]

"Reconciliation is our fixed policy. We mean to end every hate as far as possible and heal every division.

"One of the first things that the revolution did was to call in every history that taught the youth of our country to hate the United States and Spain."

[NOTE.—Though handicapped by lack of funds, hundreds of schools, with volunteer corps of instructors, have been established and maintained throughout even the remotest sections of the Republic as a nucleus of the educational system to come. Arrangements are practically complete for interchange of scholarships with American univer-

sities and interchange of professors as well. This interchange of students and professors can not help but form a solid foundation for continued friendship, based upon actual knowledge secured through continued residence and study in the respective countries. President Obregon has already made liberal financial contribution for the furthering of this cause through the Mexican-American scholarship foundation.]

"The truest test of peace and order, however, is to be found in our army figures. On June 10, 1920, the army establishment of Mexico numbered 23,767 officers and 105,066 men. To-day (June 26, 1921) the army numbers 16,784 officers and 77,289 men, an annual saving of $36,500,000. This is not the end by any means."

[NOTE.—Since the above was written the army has been still further reduced and announcement made of continued further reductions.]

"Instead of carrying the paper money issues as a continuing internal obligation, with all of the disastrous results which that would have meant, we abolished the issuance of currency, retired the issues in circulation quickly and on as just a basis as possible, and placed business on a gold basis * * * our internal debt has been saved from a new burden, and we are in a better position to take care of our external obligations."

[NOTE.—To-day the entire commerce of Mexico, both internal and external, is conducted on a gold basis—nothing but metal medium is in circulation. Billions of dollars worth of currency, of many issues and doubtful value, were retired in favor of a gold standard.]

"It is not possible to turn in a day to the instant and satisfactory settlement of complicated problems and unknown claims throughout the revolution. However, we stated repeatedly that Mexico would not repudiate any just obligations. We have always paid our debts. We always will pay our debts. We have seen a loan of $20,000,000 received in 1824, changed magically into a debt of more than $100,000,000. We have seen Maximilian sign an obligation for $40,000,000 in return for a loan of $20,000,000. We have seen Miramon, the counter-revolutionist, sign a note for $15,000,000 in return for a loan of $750,000. Yet not once, even under these outrageous burdens, have we ever advanced the idea of repudiation. Throughout the revolution we stated repeatedly that Mexico would meet every just obligation without evasion. It is a promise that will be kept to the letter. Even now we are planning the machinery that will settle all claims in accordance with the principle laid down by international law. Nor should it be forgotten that as late as six months ago we urged our creditors to send a committee to Mexico for conferences in the interest of fair and honest settlements. Strangely enough, acceptance of the frank invitation has been prevented by various governmental pressure, and to date Mexico has not been able to secure these face-to-face meetings that are her desire."

[NOTE.—Mr. Thomas W. Lamont, a representative of the International Committee of Bankers on Mexico, is now in that country in response to a further invitation from the Mexican Government. To date no action has been taken by our Government in regard to participation in conferences invited by Obregon to discuss ways and means of arriving at equitable adjustment of claims. It can be readily conceived that Americans fleeing Mexico at the instance and persuasion of our Government, who later filed claims with our State Department for damages caused by confiscation, etc., during the revolution, would place their damages at a maximum, and such claims are certainly subject to adjustment.]

"Foreign capital will be invited and given every justice * * *. Every private right acquired prior to May 1, 1917, when the new constitution was adopted, will be accepted and fully protected. The famous article 27, one section of which declares the nation's ownership of subsoil rights in petroleum, will never be given retroactive effect, nor has it ever been given retroactive effect. * * *

"Here are the figures for exportation of Mexican oil year by year since 1917:

	Barrels.
1917	42,545,852
1918	51,768,110
1919	77,703,289
1920	151,058,257
1921 (January to May, inclusive)	76,493,564
1921, probable production	190,000,000

"Does this steady increase indicate that the Mexican Government has been placing any obstacles in the way of development?"

[NOTE.—August 30 the Supreme Court of the United States of Mexico rendered a decision to the effect that article 27 could not be construed retroactively.]

"As for recent tax increases, the necessity should be clear to all. Every country in the world has had to increase its taxes in order to meet increased expenses. In addition, Mexico is facing delinquent obligations that must be met. The increase in petroleum, for instance, is for specific application to our foreign debt. To this purpose, and this purpose alone, the entire proceeds of the tax will be devoted. I stated this clearly in the decree that established the tax, and there will be no departure from it. To call the tax confiscation, as the oil group is doing, is absurd, * * * for even while earning enormous dividends out of the oil taken from Mexican wells it is still unwilling for Mexico to receive even an appreciable share of its natural wealth as an aid in meeting the just demands of the holders of our foreign obligations. It is these dividends that give the best answer to the cry of confiscatory taxation. The net profits of the Mexican Petroleum Co. in 1920, after depreciation and taxes, were $9,773,898. (This on a capitalization of $48,000,000.) Its interlocked associate, the Pan American Petroleum & Transport Co., declared net profits of $12,987,757 in 1920, after deducting interest charges, taxes, and contingencies. The British American Petroleum Co., another rich subsidiary formed in order to avoid the scandal of lumped earnings, showed a profit of $5,000,000 in 1920. It will thus be seen that the Doheny group pumped close to $28,000,000 in net profits out of the soil of Mexico in the single year of 1920."

[NOTE.—During August, 1921, the American group of oil producers of Mexico, represented by W. C. Teagle, president of the Standard Oil Co.; E. L. Doheny, president Mexican Petroleum Co.; H. F. Sinclair, president Sinclair Oil Co.; J. W. Van Dyke, president Atlantic Refining Co.; and Amos L. Beatty, president Texas Co., attended a series of conferences with officials of the Mexican Government, the result of which was the announcement by the American committee that a satisfactory taxation agreement had been reached, and they began the exportation of oil the day following. The text of this agreement has not as yet been made public. A few days later the Mexican Petroleum Co. declared its regular quarterly dividend (12 per cent annually) which throughout the entire period of the taxation controversy had been neither postponed nor reduced.]

It would be exceedingly difficult for anyone to elaborate on the above. The policies speak for themselves and the accomplishments to date sustain them sufficiently to compel the confidence of the world in the assurance that they will be carried out to their fullest limit.

I do, however, wish to call the attention of the reader to a few facts, which reflect the success of the policies of the present administration during the short period in which they have been in power.

The Government of Mexico took over the railroads during time of stress in much the same manner that the United States took over our railways during the recent war. These are being rapidly returned to their owners, but only as they are restored to their normal state. As to the wisdom of this policy, we need look no further than the chaotic condition in which we find our railroads to-day and the hundreds of millions of dollars of claims against our Government because of the conditions surrounding their return to private ownership. One railway in Mexico has already been returned, the Mexican Railway, a British property extending from Vera Cruz to Mexico City. This was possible because of its small mileage and the fact that it has suffered least. The Southern Pacific Railroad, with its large mileage, was never taken over by the Government. Every cent of railroad revenue is being devoted to reconstruction in a vigorous attempt to restore them to their normal condition. In the past few months $5,000,000 of the Government's own funds have been spent for rolling stock, and the day is near at hand when the national lines can be returned to their owners in such shape as to make damage claims fairly simple of ascertainment and adjustment.

When consideration is given to the fact that Mexico has a far greater railroad mileage per capita than either the United States, the United Kingdom, Germany, France, or Italy, the task which confronted them in the rehabilitation of these lines can more easily be realized.

The following figures prepared by the United States Department of Commerce show the actual railroad mileage of these countries for each 10,000 inhabitants:

United States	2.5
Italy	3.2
United Kingdom	5.1
Germany	5.8
France	8.5
Mexico	10.2

Land taxation is being readjusted on a basis which will make the holders of vast acreage bear their just proportion of taxes, and will in itself compel these holders to either subdivide and dispose of or develop their holdings. Land banks have been established, and a plan of rural credits is in the process of formation. Colonization schemes are under way and great irrigation projects are being worked out. It is the hope of the administration to in a short time double the arable acreage of the nation. The Mexican is at heart an agriculturist. Encouragement and assistance is all that is necessary to make for tremendously increased agricultural development.

The attitude of the Mexican citizen toward the American is one of friendship, spectacular propaganda to the contrary notwithstanding. A few months ago the author communicated with several hundred leading American business men in every section of the United States who had recently visited Mexico. He requested their opinions. Of the hundreds of replies received not one expressed anything but the strongest feeling that the present administration should be recognized without delay, and were pleasingly surprised at the sincere demonstration of friendship toward the Americans and at what they saw. Extracts from a number of the letters are attached.

Our exports to Mexico have increased from $41,066,775 in 1915 to $131,455,101 in 1919, $143,786,000 in 1920, and the first seven months of 1921 shows exports of $155,699,499, an increase of 61 per cent over the same period in 1920. With one exception Mexico was the only country to whom our exports increased during that period—our total exports showing a decrease of 42 per cent. Significant of this is the fact that no complaints arising out of our Mexican commerce during that period have been filed with the State Department, while those arising out of trade with other Latin-American countries were considerable.

The national debt of Mexico per capita is by far the lowest of any major country in the world. Note the following comparison:

England	$824.78
Italy	396.60
France	1,114.26
Germany	797.57
Canada	290.00
United States	235.96
Mexico	24.34

[NOTE.—Above figures taken from report of international financial conference, called by League of Nations at Brussels, July, 1921. Of further importance is the fact that all of Mexico's loans were incurred during a period when low interest rates prevailed. Her interest per capita per annum, therefore, presents even a more striking comparison than the above.]

Attached are statements by Samuel M. Vauclain, president Baldwin Locomotive Works, and Elmer Dover, financier of Tacoma, Wash., and former secretary of the National Republican Committee. These men are leaders in their lines of endeavor in this country. Their judgment and ability to analyze a situation, as well as their Americanism and honesty of purpose, is most certainly unquestioned. These men have very recently been in Mexico—have seen the existing conditions and unbiasedly studied them. Their opinions must be given worthy consideration.

President Obregon and his administration stand squarely on the policies they have established and ask us to judge their ability to carry them out and their sincerity of purpose by their administration to date.

Mexico asks no quarter, but is keenly sensitive of the good which can only spring from whole-hearted cooperation with this country, and rising phœnix-like from out the ashes of 10 years of chaos and revolution, extends to us the hand of friendship. Shall we accept her offer so sincerely made, or shall we compel her to look across the seas for the friendship which should so rightly come from us—her big brother—whose aims and aspirations are identical?

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It is Time to Accord Recognition to President Obregon and Mexico.

(By William Randolph Hearst.)

WHY WE SHOULD RECOGNIZE THE MEXICAN GOVERNMENT.

(There was ample reason why the United States should not recognize the Government of Carranza, which was nothing more than an authorized state of protracted anarchy; but what reason is there why we should not recognize the established and universally supported govern-

ment of General Obregon, which has almost entirely restored law and order and civilized conditions in Mexico; a government which not only maintains the peaceful and ethical conditions of civilized society, but offers the friendship and encouragement to citizens of the United States in Mexico which have so long been denied them?)

THE OBREGON GOVERNMENT SHOULD NOW BE RECOGNIZED.

[Published August 24, 1921.]

Why do not the United States of America and the Republic of Mexico come to an agreement that will properly protect the citizens of the United States and permit the recognition by the United States of the present government of Mexico, which is eminently a good government?

President Obregon is a capable, conservative man. He has largely restored law and order and civilized conditions in Mexico. He is very friendly to Americans. It would seem very difficult to secure in all Mexico a better man for President than General Obregon. Therefore, if recognition of President Obregon's government will help him in his task of fully restoring peace and order in his country—a task which all the world, and our country particularly, must sincerely desire to see accomplished—why can not an agreement be reached which will bring about that recognition on terms equally satisfactory to Mexico and to the United States?

The United States can not expect that Mexico will surrender her sovereignty as an independent nation and consent to any definite limitation of her just powers and privileges of government, nor can Mexico expect that the United States will ever again maintain the shameful indifference to the lives and the property rights of her citizens that this country exhibited during the Wilson administration.

There has been but one such administration in the whole history of this Nation, and, please God, there will never be another.

No more will the policies of our great country be determined by the exaggerated egotism of one unbalanced autocrat. No more will an affront to his vanity plunge the Nation into war, while murder and outrage of American citizens and insults to the whole Nation are passed unheeded.

The present administration of the United States Government is characteristically American. It regards itself as the servant of the people, placed in power to protect their interests.

This administration will surely permit no encroachment upon the just rights of its citizens in Mexico or elsewhere.

Starting with that assumption, or rather with that obvious fact, and starting, also, with the evident inclination of the Mexican administration to be very well disposed toward Americans, there should be no difficulty in reaching an agreement between the two nations which will properly define what adequate protection of American rights and interests means under international law and usage.

Then let the United States promptly proceed to recognize the government of General Obregon and to give that able executive full support in the great task of reconstruction and rehabilitation that he has so capably and courageously assumed.

Peace throughout the world is the earnest desire of the people of the United States, but particularly to be desired are peace, order, and prosperity in Mexico, which is our immediate neighbor and which for many years preceding this last insurrection had been our good neighbor and good friend.

And since peace and order and prosperity in Mexico and restored friendship between Mexico and the United States are our desire as a people and as a Government, let us do our best to help secure it by a generous attitude toward Mexico and her established government.

MEXICAN RECOGNITION PROBLEM FOR PEOPLE OF AMERICA TO SOLVE.

EL PASO, TEX., *October 17, 1921.*

President Obregon, of Mexico, has given an interview to representatives of the press which contains statements sadly discouraging to those who are anxious to see the most cordial relations developed between the United States and Mexico.

President Obregon says that official representatives of Mexico will not be present at the convention of nations to be held at Washington. This is genuinely distressing to Americans who believe in the policy of "Amerca first" and the cultivation of friendly conditions and relations in America first.

There might be representatives of Armenia, Eurania, China, Korea, Siam, the Kongo Free State, Liberia, or any kind of nation or psuedonation in distant Europe, Asia, Africa, and Australia at the historic assembly in Washington, but there will be no representative of peace and good will from our important immediate American neighbor and sister Republic of Mexico.

Why? What is the reason that the Government of the United States of America does not recognize the present stable government of the Republic of Mexico?

There was ample reason why the United States should not recognize the government of Carranza, which was nothing more than an authorized state of protracted anarchy; but what reason is there why we should not recognize the established and universally supported government of General Obregon, which has almost entirely restored law and order and civilized conditions in Mexico; a government which not only maintains the peaceful and ethical conditions of civilized society but offers the friendship and encouragement to citizens of the United States in Mexico, which have so long been denied them?

What is the United States asking of the Mexican Government in return for recognition which the Mexican Government is unwilling to grant? The principle of our demand should be supremely simple. We should ask nothing of Mexico that we would not freely and fully grant to Mexico if that country made the request of us. And Mexico for its part should withhold no right from our citizens in Mexico which it would not wish withheld from its citizens in the United States.

This is the plain principle of the golden rule applied to international relations, and it applies as aptly to politics and diplomacy as it does to religion, morality, business activity, and all phases of human society.

The situation between the United States and Mexico needs light. It needs the light of publicity. It is time that some of the fine phrases propounded by Mr. Wilson and never practiced by him were actually put into political operation by the present more practical and apparently more genuine American administration of President Harding.

What has become of the plan to abolish secret diplomacy, for which as one object our idealistic American youth sacrificed their lives? What has become of the open covenants openly arrived at which were so inspiring a watchword in our self-sacrificing crusade for democracy?

Let us make our negotiations with Mexico a matter of democratic diplomacy. Let us take our citizens, whose widom we so highly extol and so constantly ignore, into the confidence of government. Let us make our public policy public. Is our Government negotiating with Mexico for the rights of our whole citizenship or for the special advantage of certain financial interests?

Friends of the administration naturally suppose that the Government is considering only the public interest, but when Lamont, spokesman of the international bankers, rushes into print to say what shall be done in regard to Mexico some citizens feel justified in entertaining a mild suspicion as to our purposes, or at least as to our agencies.

Why should our Government be mysterious about its demands? Why should Mexico be secretive about its reply? There are more than technicalities at stake in this negotiation; there are the friendship and the intimate political, social, and commercial relations of two great republican nations which are neighbors and which want to progress together in harmony and amity, in cordiality and healthful cooperation. It is the province of statesmen to find ways and means to enable them so to progress.

The obstacles which stand in the way of recognition and cordial relations should be dissipated by actual concession and consideration. If statesmen can not solve the problem, let the public know the facts. The combined wisdom and friendly disposition of the people of the two sister republics will accomplish the results which both desire.

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WHAT I FOUND IN A MONTH'S TRIP THROUGH MEXICO—THE COUNTRY IS NOW ORDERLY, SAFE FOR NATIVES AND FOREIGNERS, WELL GOVERNED, HAPPY AND PROGRESSIVE.

EL PASO, TEX., *November 10, 1921.*

I have just returned to the United States after an interesting month in Mexico.

If any American business men are anxious to know whether life and property are safe in Mexico, I can only cite for their information my own life and my own properties.

I have properties in the north of Mexico and in the south of Mexico. These properties were in continual trouble and turmoil during the several preceding administrations, but have been in complete peace and security during the administration of President Obregon.

Furthermore, to speak perfectly frankly, I would not have cared to venture personally into Mexico during some of these previous administrations or maladministrations, but under this present administration I have traveled through Mexico by railroad, by automobile, and by horseback, not only in the thickly populated centers, but also over infrequented highways and byways, both by day and by dead of night, and I have never experienced the slightest inconvenience nor witnessed the slightest disorder.

All the Americans whom I met in Mexico have had practically the same experience that I have had and none of them can understand why the United States Government recognized the Carranza administration, which could not and did not protect American life and property in Mexico, and why our Government does not recognize the Obregon administration, which can and does protect American lives and interests.

My viewpoint is purely the American viewpoint. I say that without hesitation.

When a Mexican administration was indifferently permitting the killing and outraging of Americans, I was for intervention, but when any Mexican administration is protecting Americans in their lives and liberties, I am for recognition of that competent and friendly administration.

This protection of Americans is, I think, the main matter to be considered by our American people and by our American Government. But, of course, President Obregon has done much more than merely protect Americans. He has protected his own people. He is restoring law and order and popular rights and liberties completely throughout his whole country and for all classes, rich and poor alike.

He is not a partisan of any class or clique. He is not playing favorites. He is endeavoring to do absolute justice. And it is because he is resting his orderly social and governmental structure upon the firm foundation of equal justice that I believe the peace and prosperity of Mexico will be permanent.

As a matter of fact, the principles and policies of President Obregon seem to me so sound and sincere that I could wish that some of our own statesmen would learn a lesson from him.

To illustrate all that I have said above, let me review in some detail my trip through Mexico. When I left Los Angeles I was told not to go into Mexico by way of El Paso and Chihuahua, as the railroad was in terrible condition and was infested by bandits. The trip to Mexico City was much longer, however, by way of Laredo, so I determined to go by way of El Paso and Chihuahua. I found the roadbed to be on the average quite as good as our American roadbeds, and I found no bandits whatever, nor anything that resembled a bandit from one end of the road to the other.

I stopped at various towns along the route to investigate conditions—at Aguas Calientes, at Silao, at the great mining town of Guanajuato, at Irapuato, in the center of a great agricultural district, at Celoya, and at Queretaro, famous in the history of Mexican independence. I went through these towns usually in the street cars, talked with the people as best I could, and as none of them rose in protest against my bad Spanish, I felt justified in concluding that they were at present at least a patient and peaceful lot.

In Mexico City itself I found the city considerably increased in size and population. It is now said to number a population of approximately a million. The streets are thronged, the shops are busy. The newspapers are lively and full of advertisements. The theaters are many and well patronized, and life seems to be going along as it does in any other big metropolis.

Certainly the city is well policed and as safe by night as by day.

I do not mean to say that there is no crime in Mexico, but apparently there is no more than there is in New York or any other big city, while the police in Mexico are extraordinarily prompt and efficient in their detection and arrest of criminals. While in Mexico City I read that the pay car on one of the railroads had been robbed and $75,000 stolen. In 24 hours the police had captured the thieves and had recovered the money.

In some of the papers I read of a mail robbery of $500,000 in New York City. These thieves have not yet been arrested and this money has not yet been recovered.

I rode through the various suburbs of Mexico City in an automobile, and found the people everywhere contentedly attending to their businesses. I went over the mountains to Cuernavaca and talked with Gov. Jose Porres there. He said that his State had been in complete quiet for about a year and that everything had settled back into the regular routine of civilized society. That statement meant much, because this region had been the stamping ground of the terrible Zapata, the most savage and destructive of Indian banditti

who sprang up during the revolutionary period. Now, however, the town of Cuernavaca is in complete quiet. The surrounding country as far as the eye can see from portals of the old palace of Cortez is thriving in the peaceful pursuit of agriculture.

On my return to Mexico City I had a long and extremely interesting interview with President Obregon.

I found him quite confident that his country was completely and permanently restored to peace and order. The just and legitimate objects of the revolution had been accomplished. The Government had been wrested from the narrow, selfish control of the great landed aristocracy. A government of the people, by the people, and for the people had been substituted, with rotation in office instead of a permanent dictatorship. The greatest good of the greatest number was the prime object of the Government. The people were contented because of the more liberal social and government conditions. They were prosperous, because they received a greater measure of the fruits of their industry. Peace was based on satisfaction with better conditions—order established upon recognized justice and equity.

President Obregon is a man who inspires confidence both in the excellence of his purposes and in his ability to carry his plans through to successful operation. He has a strong face, which portrays much force of character, but he has a pleasant smile, which gives evidence of a kindly disposition, and also an acute sense of humor.

Like our great President Lincoln, however, he likes to give special point to his statements by a joke or a good story. He is a very human man. He speaks without pose or affectation, but with great dignity and impressiveness. He is a man of many-sided abilities—a successful business man, the possessor of large wealth, a brilliant military man, the most successful general the revolution produced, a wise diplomat, as proven by his clever handling of the Villa situation, and a powerful executive, as shown by the achievements of his administration to date. It is doubtful if another man in Mexico could be found with all the qualities so necessary for the successful handling of the reconstruction situation, and if our country can strengthen President Obregon's hands by recognition, and so help him in his great work, it would seem to be the worst of bad judgment for it not to do so.

President Obregon told me that he hoped that I would go not only to the big centers, where most Americans went, but to some of the more distant districts in my tour. As this was also very much in accord with my own desires, I determined on my way back to the United States to go to the far end of some of the branch railways and then make horseback trips from there into the interior. I went, therefore, to Uruapan first—the end of a line—and rode from there through coffee plantations and banana plantations and ranches and rice fields. Everywhere I saw the people at work and apparently glad to be at work developing the products of their fields and farms.

Then I went through Guadalajara to Colima, well down toward the west coast. There was considerable evidence of revolutionary destruction here, in razed buildings and looted churches, but all was peace and quiet now and the work of restoration was in full progress. I rode from Colima all day and far into the night through the surrounding plantations up to the base of the great volcano. I saw nothing but order and industry.

Returning late that night through deep barrancas and by lonely roads under the dim light of a thin moon, there was every opportunity for adventure, but none occurred. We passed occasional groups of horsemen or plodding peons, but we were never molested. If we were accosted at all it was only with a courteous "Adois, Señor," "God be with you, Señor," and sometimes I felt that we had need to have God with us in these solemn solitudes amid subtropical jungles, but we traveled in peace and returned in safety. All, too, without other guard than our guide, an aged Mexican, who looked like a bandit, but talked and acted like the caballero that he was.

When we got back to our car I gave him a gun in gratitude. He weighed it approvingly and said that if ever I had need he would gladly use it in my defense.

I said that I would remember, but that I thought I would never have greater need than I might have had that very night, which remark I meant rather seriously, but which he considered a bit of pleasantry and laughed at it accordingly.

For the Mexicans themselves believe that their country is completely restored to peace and quiet, and that life and property are entirely safe.

The Mexican people like their government. They know that no government that they have ever had has done one-half as much for their prosperity and progress.

They know that the highest amount that was ever spent for schools under former administrations was $9,000,000 a year, while the Obregon administration is spending over $50,000,000 on education, and purposes increasing that amount.

They know that not only schoolboys but all other civilized influences are being developed. They know that the railroads are being extended and improved, and that the great highways are being built from the railroad terminals into distant districts. They know that the telephone systems are being installed between towns, that electric lighting systems are being put even into the smallest towns, that power is being developed, that water systems are being improved for drinking purposes, for irrigation purposes, and for manufacturing purposes.

They know that hospitals are being built and cleanliness and sanitation encouraged. They know that temperance legislation has passed in some States and is pending in others. They know that farm schools and manual training schools are being established to teach the farmers and the workingmen how to make the most and best out of their opportunities.

They know that everything is being done to increase the intelligence, the skill, the productivity, the per capita wealth, the happiness of the individual citizen.

What they do not understand is why the United States, which is supposed to be a progressive and democratic nation, does not recognize a sister Republic which is keeping pace with it in progress and democracy, and in the effort for social betterment.

General Ignacio Enriquez, capable and cultured governor of Chihuahua, distinguished graduate of the University of Illinois, intense patriot, sincere Democrat, and profound thinker, declares that the Mexican revolution sprang from the mind of the United States of America, like Athena from the head of Zeus.

Very many Mexican young men of the upper classes have been educated at American schools and colleges. Many Mexican business men and workingmen in pursuit of their occupations have lived in America for protracted periods.

All these men of all classes have come back to Mexico imbued with American ideas of political freedom, of equality before the law, of opportunity for individual and general betterment, and have desired to engraft those ideas upon the Mexican governmental system.

Thus, says Governor Enriquez, the revolution started in those northern Mexican States which were nearest to the United States and was born of American thought and modeled on American customs.

Why, then, should the United States hesitate to recognize this truly republican Government which is in large measure the child of its own brain, and which seeks but to follow in the path of liberty and enlightenment, of progress and prosperity which the United States itself has trod?

We Americans who have been in Mexico can only echo Governor Enriquez's perplexed inquiry: "Why, indeed?"

WHY IS THE FRIENDLY, ORDERLY, REPRESENTATIVE GOVERNMENT OF MEXICO NOT RECOGNIZED?

[Published January 15, 1922.]

When is the Government of one nation "recognized" by the Governments of other civilized nations?

The answer to this question is very simple, the practice hitherto invariable.

The Government of a nation is recognized, first, when it is representative of the nation it governs, when it holds office by the will and through the act of a sufficient majority of the people.

The Government of a nation is recognized, second, when it demonstrates that it is an efficient Government, maintaining law and order and civilized conditions.

The Government of a nation is recognized, third, when it is a reasonably friendly Government to other nations, extending proper protection to the citizens of other nations in their political and property rights.

The Government of the United States of Mexico conforms to all of these three requirements.

Why, then, is it not recognized by the Government of the United States of America?

The government of Alvaro Obregon has been in office more than a year.

It was elected overwhelmingly. It has been supported almost unanimously.

It is therefore the most representative government that Mexico has had in the life of the present generation.

The government of Alvaro Obregon restored peace in Mexico immediately upon its accession, and installed better order and a more generally approved and respected law, and more just and equitable and beneficial civilized conditions in Mexico than have ever prevailed in the history of the country.

And, finally, the government of Alvaro Obregon is more friendly to the United States of America and the people of the United States than any Government of Mexico has been for many years.

The people of this country are invited into Mexico by the Obregon government.

They are protected while in Mexico by the Obregon government.

They are offered opportunity for investment, and security for their investments; they constitute almost a favored class in the community, in the fact that many laws which are intended to regulate and restrict the property holdings of Mexican citizens do not apply to the citizens of the United States.

The Obregon government is not only friendly to the people of the United States but to the Government of the United States, making our Government its model in many respects and always speaking and acting in the most friendly and generous way toward our Government and toward the individuals who constitute our Government; notwithstanding the fact that Mexico has encountered so little courtesy and consideration—in fact, so great a lack of courtesy and consideration—at the hands of this Government.

There would appear to be then no reason, political or personal, why the Government of Mexico should not be recognized by the Government of the United States.

And as a matter of fact there is no reason, political or personal, but there is said very plainly to be a financial reason.

And the citizens of the United States must discover the truth about this situation, and this financial reason, although the truth may be rather humiliating to learn.

The plain facts, as stated by various informed correspondents of these publications, are that the international bankers contributed very largely to the campaign funds of the Republican Party, and that these international bankers have since been seeking every opportunity to recoup themselves and make a handsome profit in addition, not only at the expense of the reputation of the Republican Party but at the sacrifice of the public welfare of the people of the United States.

Consequently, instead of a patriotic and creditable diplomat going to Mexico to represent this country and negotiate recognition, Mr. Thomas W. Lamont, representative of the international bankers, was sent to Mexico and is declared to have submitted to the Mexican Government the proposition that it secure recognition by redeeming at 120 a vast quantity of Mexican bonds which the international bankers had bought at an average of approximately 40.

In other words, the price of recognition was many million dollars in blood money to be paid the international bankers.

A proposition of this extraordinary, not to say outrageous, kind savors somewhat of blackmail; and it certainly is not an inspiring thing to think of the Government of the United States acting as agent of the international bankers in an attempt to blackmail the Mexican Government out of many million undue and undeserved dollars as the price of recognition, which should be extended Mexico as a matter of right and justice and plain friendship between neighboring Republics.

Perhaps the Government of the United States does not know to what extent it was used by the international bankers.

Perhaps the Government of the United States does not know to what extent disappointed big interests have lately endeavored, unsuccessfully, to foment revolution in Mexico, and to overthrow a righteous and rightful government, whose only crime was that it would not bleed its people to pay blackmail to the international bankers.

If the Government of the United States does not know these discreditable facts, the Hearst publications will proceed to establish them more and more day by day until the Government is convinced of these facts, and proceeds to consider the question of Mexican recognition upon its merits and apart from the selfish schemes of the international bankers and certain big oil interests.

This article is being written not in the interest of the people of Mexico but in the interest of the people of the United States.

The friendship of the people of Mexico is important to the United States in a commercial way and in a civic way.

The good will of a country extending for so many miles along our frontier is of much more vital consequence in a military way than

alliances with distant and fundamentally different peoples which can bring us nothing but complications and obligations.

It is time our Government realized to what extent it is being misled by the selfish interests of the international bankers into alien associations which can do us no good and into neighboring enmities which may do us much harm.

It is time our Government paid less attention to the interests and influences of the international bankers and gave more heed to the will and the welfare of the American people.

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DEPARTMENT OF STATE,
Washington, February 13, 1922.

The Hon. HENRY F. ASHURST,
United States Senate.

DEAR SENATOR ASHURST: I am in receipt of your letter of February 8, 1922, requesting to be furnished with a list of the governments alphabetically arranged that have recognized the administration now functioning in Mexico.

In reply I beg to inform you that the department's information, derived entirely from Mexican sources, indicates that the governments of the following countries have extended recognition:

Argentine, Austria, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Ecuador, Germany, Guatemala, Holland, Honduras, Italy, Japan, Nicaragua, Norway, Panama, Paraguay, Peru, Salvador, Spain, Sweden, Switzerland, Uruguay, Venezuela.

The department can assume no responsibility as to the accuracy of this information, and regrets that it is not in a position to furnish you with the dates requested in your letter.

I am, my dear Senator ASHURST,
Sincerely yours,

HENRY P. FLETCHER.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. ASHURST. Mr. President, I also present senate joint memorial No. 3, passed unanimously by both houses of the State Legislature of Arizona, urging the early passage of the bill known as the soldiers' adjusted compensation bill.

There being no objection, the joint memorial No. 3 was referred to the Committee on Finance and ordered to be printed in the RECORD.

Senate joint memorial No. 3, fifth Legislature, State of Arizona, first special session. In the State senate.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Whereas it is the opinion and judgment of the Arizona Legislature, in special session convened, that the millions of citizens of this Nation who unselfishly risked their lives in patriotic devotion to the Nation during the great World War have not received the consideration from this Nation due them for their patriotic sacrifices; and

Whereas we deem that some prompt and decisive action should be taken by the Congress of the United States toward not only doing justice to our soldiers but also to impress the world at large that this United States, a Nation whose form of government is voluntary and grants the greatest amount of liberty and freedom to its people, is not ungrateful to each individual who, when the Nation's safety is imperiled or when the peace of the world is at stake, unselfishly offers everything possessed, even life itself, that law and order, liberty and righteousness shall prevail; and

Whereas there are now pending in the Congress of the United States various proposals, commonly denominated "bonus measures," having the end in view of making substantial payments to ex-service men and women in recognition of their service to their country: Now be it

Resolved by the senate and house of representatives of the fifth Legislature of the State of Arizona in special session convened, That the Congress of the United States be hereby petitioned to speedily arrive at a just and equitable plan whereby the ex-service men and women taking part in the great World War may receive substantial recognition for their patriotism and services.

In adopting this memorial we do so with the firm belief that a righteous plan can be evolved by which funds can be provided for this purpose through the reduction of unnecessary expenditures of the Government and through the utilization of means of revenue which do not impose a burden upon the people and without the imposition of special taxes for that purpose, and we earnestly memorialize the Congress of the United States toward this end; be it further

Resolved, That a copy of this memorial resolution be forwarded to the President of the United States Senate, to the Speaker of the National House of Representatives, and to each of the Senators and Representatives in Congress from the State of Arizona.

Adopted by unanimous vote of senate March 14, 1922.

H. B. WILKINSON,
President of Senate.
ROY N. DAVIDSON,
Secretary of the Senate.

Adopted by the house March 15, 1922, by viva voce vote.

P. C. KEEFE,
Speaker of the House.
OSCAR ZAPF,
Chief Clerk of the House.

Filed in the office of the Secretary of the State of Arizona this 20th day of March, A. D. 1922, at 11.50 a. m.

ERNEST R. HALL,
Secretary of State.
By JOHN McK. REDMOND,
Assistant Secretary.

Approved March 20, 1922.

THOMAS E. CAMPBELL,
Governor of Arizona.

DEPARTMENT OF EDUCATION.

Mr. ASHURST. Mr. President, I also present and ask to have inserted in the RECORD a copy of senate joint memorial No 4, adopted unanimously by both houses of the Legislature of the State of Arizona, urging early passage of the Towner-Sterling bill, which proposes to create a department of education.

Senate joint memorial No. 4 was referred to the Committee on Education and Labor and ordered to be printed, as follows:

Senate joint memorial 4, Fifth State Legislature State of Arizona, first special session.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Fifth Legislature of the State of Arizona in special session assembled, respectfully represent that—

"Whereas the world-wide extension of popular government has placed upon the masses of the people responsibilities never borne by their forefathers; and

"Whereas enlightenment and the development of wise leaders can only be brought about by educational process; and

"Whereas it is evident from a consideration of conditions now existing in this country as regards illiteracy and the unsatisfactory assimilation of immigrants that methods of handling these problems now in force are inadequate; and

"Whereas a bill is now pending in the Congress of the United States providing for the acceptance of national responsibility for and aid to public education through the apppropriation of $100,000,000 to the several States and the establishing of a Federal department of education: Therefore be it

"*Resolved by the senate of the first special session of the Fifth Legislature of the State of Arizona (the house of representatives concurring)*, That we hereby memorialize Congress to enact into law the Towner-Sterling bill, known as the education bill; be it further

"*Resolved*, That a copy of this memorial and these resolutions be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress."

Passed the senate March 18, 1922, by unanimous vote.
Adopted by the house March 18, 1922, by unanimous vote.

ADDRESS BY THE PRESIDENT ON RESPECT FOR LAW.

Mr. WILLIS. Mr. President, I think one of the most important subjects that can possibly engage the attention of the American people is the question of enforcement of law. Lincoln well said, "Let reverence for the law become the political religion of the Nation. Let the old and the young, the grave and the gay sacrifice unceasingly on its altars." If this Republic is to live, it will live through respect for the law. This is a Government of law and order. Either the law must be respected or we shall descend into the weltering chaos of the mob. We shall stand on the rock of law enforcement or be swallowed up in the quicksands of lawlessness.

On the subject of respect for law the President of the United States delivered a very interesting, eloquent, and instructive address last night at the Calvary Baptist Church in this city. I ask unanimous consent that the address of the President be printed in the RECORD in the regular 8-point type.

Mr. NORRIS. May I inquire of the Senator whether that was the address delivered last night at the Baptist Church?

Mr. WILLIS. It was.

Mr. NORRIS. I have no objection to the Senator's request. May I ask him whether the outline of the address as it appeared in the morning papers was fair?

Mr. WILLIS. I did not read the newspaper account very fully, I will say to the Senator from Nebraska. I read enough of it to lead me to think the address interesting and important. I called one of the President's secretaries this morning by telephone and asked if I could get a copy of it, and I secured this copy. The newspaper outline I saw was fair.

Mr. NORRIS. The Senator has an authenticated copy?

Mr. WILLIS. Yes. The copy I am offering was sent to me by one of the secretaries of the President at my request.

There being no objection, the President's address was ordered to be printed in the RECORD in 8-point type, as follows:

ADDRESS OF THE PRESIDENT TO THE VAUGHN BIBLE CLASS OF THE CALVARY BAPTIST CHURCH, FRIDAY EVENING, MARCH 24, 1922.

Mr. Chairman and gentlemen of the class, it is a very great pleasure to be associated with you to-night, to utter greetings and commend the great work your class is doing. Frankly, my relationship is one of association rather than participation, because I do not feel myself equal to a discussion of the very great topic which has been hinted as my assignment.

Apart from contact with this unusual organization, I have thought I would like to commend such activities, because your class reveals a pursuit of religious activity of inestimable value and interest, and challenges the too prevalent impression that the pursuit of the Christian religion is always solemn and lacking in the charm which is so desirable in our social life. It is a very simple discovery, but there are far too few discoverers, that the Bible is the most fascinating study in all our literature and the lessons taught are the most helpful which may be brought into our daily lives.

There is no relationship here between church and state. Religious liberty has its unalterable place, along with civil and human liberty, in the very foundation of the Republic. Therein is shown the far-seeing vision of the immortal founders, and we are a better people and a better Republic because there is that freedom.

I fear it is forgotten sometimes. In the experiences of a year in the Presidency there has come to me no other such unwelcome impression as the manifest religious intolerance which exists among many of our citizens. I hold it to be a menace to the very liberties we boast and cherish.

In spite of our complete divorcement of church and state, quite in harmony with our religious freedom, there is an important relationship between church and nation, because no nation can prosper, no nation can survive if it ever forgets Almighty God. I have believed that religious reverence has played a very influential and helpful part in the matchless American achievement, and I wish it ever to abide. If I were to utter a prayer for the Republic to-night, it would be to reconsecrate us in religious devotion and make us abidingly a God-fearing, God-loving people.

I do not fail to recall that the religious life makes for the simple life, and it would be like a divine benediction to restore the simpler life in this Republic.

There is a good deal of loose talk nowadays about the cause of the spiritual demoralization of the community, which it has become popular to attribute to the abnormal conditions that were incident to the war. But, in fact, the war is not wholly to blame. Before the war started, or was dreamed of, we were already realizing the tendency toward a certain moral laxity, a shifting of standards, a weakening of the sterner fibers. I think we should do well to recognize that these tendencies are not a mere momentary incident, but a serious phase in the intellectual and moral evolution of the community. It would be a grievous error to allow ourselves to feel too confident that this is only a temporary and passing aspect.

Take, for example, the matter of regard for the law. Without giving too much weight to alarmist expressions, we must nevertheless recognize that there is a very apparent tendency to a lighter and a more frivolous view of the citizen's relations to both the state and the church. We can hardly hope for a restoration of the old ideals in religion and in moral conduct so long as this tendency to disregard for the law shall continue. It is absolutely essential to the maintenance of a secure society and to the statement of a proper moral plane that the law should be recognized as sacred and supreme. It should have at its back and enlisted in its support every element of the community that realizes the desirability of sound, secure, and stable institutions. Disregard of one statute inevitably must breed a lack of respect for the law in general. This tendency is obvious, and ought to give the deepest concern to people who have seen in this world the fearful results that may flow from the breakdown of respect for the social fundamentals.

Whatever breeds disrespect for the law of the land in any particular department of our community relations is a force tending to the general breakdown of the social organization. If people who are known as leaders, as directing influences, as thoroughly respected and respectable members of society, shall in their respective communities become known for their defiance of some part of the code of law, then they need not be astonished if presently they find that their example is followed by others, with the result that presently the law in general comes to be looked upon as a set of irksome and unreasonable restraints upon the liberty of the individual. Every law involves more or less of this element of restraint. Nearly every individual will find some part of the code that to him seems an unreasonable inhibition upon his personal freedom of action. Our only safety will be in inculcating an attitude of respect for the law as, on the whole, the best expression that has been given to the social aspiration and moral purpose of the community. Unless we can accomplish this in the domain of citizenship, and thereby sustain enforcement, we may well feel that the outlook is not encouraging for the achievement of those loftier spiritual purposes to which the church is devoted. Therefore I can think of no higher service that the church in a time like this may render than to put forth its utmost influence in behalf of frank and willing obedience to the law of the land. Therein, I think, will be found the largest contribution toward guaranty of the Nation's safety, the most promising assurance of ultimate realization of the highest aspirations of the church in behalf of all humanity.

Nations have left their lessons in the pages of history. This Republic is yet youthful enough to learn from the study of these lessons. The failures of the past invariably have been preceded by contempt for the law, by spiritual paralysis, and moral looseness, all of which had their earlier reflex in the weakened influence of the church. We know the helpful, exalting influence of our religious institutions. No one dares to dispute. We shall be made stronger as they become stronger, and we shall ever find greater pride and greater security in the Nation which righteousness exalteth.

RESTRICTION OF IMMIGRATION.

Mr. HARRIS. Mr. President, some days ago I called attention of the Senate to a statement by the head of the American Legion in which he said there were 700,000 ex-service men idle. Also I read a letter from the head of the American Federation of Labor protesting against the immigration bill which has passed the House, is now before the Senate Committee on Immigration, and is to come before the Senate. The American Legion officials and also the American Federation of Labor have indorsed the principle.

I have advocated in doing away with all immigration for five years. I introduced a bill to prevent further immigration for five years, and I have an amendment to the House bill pending before the Senate Immigration Committee to prevent immigration for five years. I have here a statement from President Harding's special commissioner, Mrs. Lillian Russell Moore, who has just returned from Europe on an important mission for President Harding. She spent several months in Europe studying the immigration question as it affects our country. She advocates doing away with all immigration for five years, which is in line with the bill that I have presented and the amendment I offered which has been before the committee.

I noticed in the Atlanta Journal a statement of Mr. Henry Ford, who was passing through Atlanta on his way to Florida, with reference to the bonus and unemployment, in which he says he is opposing the bonus. I do not agree with that; but he says if he gets Muscle Shoals he will give preference to ex-service men in the employment of men needed in this development and that he can take care of a large part of the idle ex-service men, will do away with the necessity for the bonus, and also greatly help to do away with the unemployment of this country.

I ask permission to have inserted in the RECORD both of the statements to which I have referred.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal.]

Mr. Ford said: "If Congress would give me the right to develop Muscle Shoals, there would be no need of a bonus; I'd provide good, steady jobs for those boys."

The automobile magnate disclosed plans to develop 800,000 horsepower at Muscle Shoals and employ one man for each horsepower if Congress accepts his bid.

"Within 12 hours after Congress told me I could take over Muscle Shoals, I would have thousands of men on the way there to go to work, and preference would be given former soldiers and sailors," he asserted.

Mr. Ford said his fight for Muscle Shoals had hardly begun.

"I know the opposition interests are moving heaven and earth to block the acceptance of my bid, but I am fighting back and intend to keep on fighting until I land the property," he asserted.

"And when I get it," he said, "I'll do the very best I can to develop it fully just as quick as I can."

Mr. Ford said the first thing he would do would be to develop the manufacture of nitrate for the farmers. He said it would be sold to them at the cost of production plus 8 per cent, adding it was his policy "never to ask more than a fair profit for what I produce."

The manufacturer said he wanted possession of the shoals, not for his own benefit but for the benefit of the American people.

CAN DO WITHOUT IT.

"Personally it doesn't matter whether I get it or not," he said. "I can manage, I think, to get along without it; but I do see a great opportunity to render a real service to the people of the country, particularly to the farmers of the Southern States who are so hard hit at this time."

The first development, in the event his bid is accepted, will be the manufacture of nitrate, Mr. Ford said. Then the development of great electrical power and other projects would be pushed forward, he said.

"The first thing I'd like to do would be to pull your southern farmers out of the hole," he said.

Figuring that he would be able to give 800,000 men steady work at the big plant, Mr. Ford declared he believed this figure more than covered the number of ex-service men who are now idle.

"Those boys don't need a small Government bonus that would be an insult and a premium on their patriotism; what they need and want is regular work at good wages, and that's what I'm asking the Government to let me give them," he went on.

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ADVOCATES FIVE-YEAR IMMIGRATION BAN—LILLIAN RUSSELL TO REPORT HERE THIS WEEK ON INVESTIGATION IN EUROPE FOR UNITED STATES—SEES FARM LABOR AS NEED—SPECIAL COMMISSIONER, DESCRIBING TRIP, GIVES VIEWS ON METHODS OF EDUCATING ALIENS.

(By Winifred Van Duzer.)

[Special to the Washington Post.]

NEW YORK, March 19.—Lillian Russell, in private life Mrs. Alexander P. Moore, will recommend a law prohibiting all immigration for a period of five years when she reports upon her investigation of immigration problems at Washington next week.

Mrs. Moore, who is the first woman ever to hold such a post, has returned from a three-months tour of Europe as special commissioner of immigration.

FARM WORKERS NEEDED.

To-day she stated that at least five years would be required to straighten out problems incident to the passing on potential citizens by the various consuls abroad and receiving those citizens in this country. She said:

"Europe is ready to release thousands of immigrants, most of them undesirable, the moment our restrictions are lifted. It is for us to stem such a destructive tide by legislation which will admit to residence here only constructive labor. We need farm workers, not lower East Side denizens, which are the sort most eager to enter here.

"From information gathered on my mission I should say that this latter element comes largely from the Slav countries—Russia, Poland, and so on.

RIDE THROUGH ITALY REVELATION.

"The thrifty farm workers are Italians and Hungarians. It was a revelation to ride through Italy. There is not any chance of space there not being cultivated. I saw miles of artichokes and more miles of carnations.

"Such industry is what we need in the United States. By supplying this country with farm workers we would cut down the inordinately high prices of foods by the very simple method of supplying people to cultivate the earth which now lies worthless for want of care."

THE MERCHANT MARINE.

Mr. JONES of Washington. Mr. President, I hold in my hand a signed editorial by William Randolph Hearst on the merchant marine situation. It is so clear and concise and states so forcibly the problem which confronts us that I think it would be well to have it inserted in the RECORD. I ask that it may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sunday, March 19, 1922.]

PEOPLE URGED TO BACK HARDING'S PLAN FOR BIG MERCHANT MARINE.

President Harding has proposed a plan of creating an adequate American merchant marine by measures providing for ship subsidies.

There is no question of the necessity for developing an American merchant marine at least equal to the merchant marine of any other country.

America has assumed the leadership of the world in industry, and the desirability of possessing an American merchant marine to distribute American products through the world and to develop to the utmost new markets for them is apparent to everyone.

A new and vital need for an American merchant marine, however, has arisen with the proposed new treaties of alliance and agreements to limit naval construction.

The theory of these agreements is that the United States should be allowed a Navy equal to that of Great Britain. But the actual sea power of Great Britain, the actual naval force available in time of war, is the navy of Great Britain plus the convertible merchant marine.

In fact, it is easily conceivable that the actual battleships of Great Britain might not in time of war equal in importance the immense convertible merchant marine which Great Britain has developed and is always further developing.

Certainly the actual naval vessels of Great Britain plus her convertible merchant marine—her auxiliary navy—give her a sea power double that of the United States under present conditions.

And when we add to this the sea power of Great Britain's ally, Japan, which consists of a formidable navy plus a formidable convertible merchant marine, we see how dangerously inferior the United States is with a naval defense limited to its purely naval vessels.

To express the situation in figures similar to those which have been used in the international naval agreement, let us place the actual British naval strength at five plus a convertible merchant marine equaling another five.

Let us then place the Japanese navy at the figure three, plus a convertible merchant marine equaling another three.

The total of these units of sea power would then sum up 10 for Great Britain, 6 for Japan, and 16 for the Anglo-Japanese alliance.

To oppose this combination, or even to oppose one of these nations individually, the United States has an actual naval force equal to five units, and a convertible merchant marine barely equal to one unit.

So that under present conditions the fighting force of the United States—naval power plus merchant ships convertible into an auxiliary navy—is practically no greater than that of Japan, not much more than half that of England, and only a little more than a third that of the Anglo-Japanese alliance.

The importance of a merchant marine, therefore, for the United States now becomes much more than commercial.

It is a vital matter of adequate naval defense.

The proportion of naval defense patronizingly permitted to the United States by Great Britain is wholly inadequate in the face of the Anglo-Japanese alliance.

But it becomes fearfully insufficient in the absence of a convertible merchant marine at least equal to that of Great Britain. The question, therefore, before the country is not whether we should have an adequate merchant marine. All patriotic citizens, Democratic or Republican, must agree on that point.

The only question is how such a merchant marine can be secured in the best manner and in the quickest manner.

There are three available methods: One may be called the Democratic method, by means of preferential duties; another may be called the progressive method, through public ownership and operation; the third is what we might call the conservative method, through subsidies.

It may be urged more or less convincingly by Democrats that the method of preferential duties is the best, and that it has demonstrated its value by the actual creation of an American merchant marine in the past which flaunted the American flag on every sea and challenged in every quarter of the globe the supremacy of Great Britain on the seas which she is supposed to rule.

It may be logically argued by the progressive thinkers of the community that Government ownership and operation of a merchant marine is the method most in line with modern thought and modern economic and political development.

It may also be argued with equal logic by conservatives that the ship subsidy method of developing an American merchant marine is the surest, because it is the method employed by the nations which actually possess the greatest merchant marines, such as England and Japan.

The question, however, is not so much a theoretical one as it is a practical one, and resolves itself into the plain proposition as to which of the three methods can be employed most immediately and most effectively.

The present Republican national administration—the only power to which the people can look for help in this emergency—has pronounced in favor of the ship subsidy as the best means of creating the required American merchant marine.

The Hearst papers have never been in favor of a ship subsidy, but they will support the proposal of President Harding on the purely patriotic grounds that it is better to have a merchant marine created by a ship subsidy than not to have a merchant marine at all. And obviously there is no immediate prospect of securing a merchant marine by any other means.

Moreover, with a merchant marine once thoroughly established and efficiently operated, there will be no reason why some progressive administration in the future may not take over this established merchant marine and operate it under Government ownership—if the people of the United States at that time shall feel convinced that Government ownership is the best method of operating a merchant marine in the interests of the whole Nation.

The Hearst papers call upon their readers, of whatever political faith, to support President Harding in his patriotic demand for an American merchant marine, and not to deliberate too long or to debate too much over the particular method by which this merchant marine is to be secured.

Preferential duties can always be added to our policy at a later date if desirable.

Ultimate Government ownership, as stated above, can be looked forward to by those who are committed to that method.

But the immediate opportunity under the present administration is a merchant marine through ship subsidy.

And the requirement of a merchant marine is so immediate, the necessity so pressing, that the quickest way is the best way in the opinion of these newspapers.

There is, moreover, much to be said in illustration of the demonstrated success of ship subsidies in developing the British merchant marine.

And there is likewise much to be said by argument derived from proved practice and experience in encouraging the railroads to develop their carrying facilities by steamship lines operated in connection with the railroads.

This much has been demonstrated by the British Empire in connection with the Canadian Pacific Railway, and these newspapers advise the people of the United States and the Government of the United States to put into immediate practice in the creation of a merchant marine all that Great Britain has proved to be practical and beneficial, and then to add to these plans and policies whatever the enterprise and ingenuity and resourcefulness of the people of the United States shall devise in the future to increase the advantage of these plans and policies.

Let us, therefore, good citizens, stand back of our President in his demand for an American merchant marine, and agree with him, for the present at least, upon the policies which he considers best suited to its immediate creation.

Thus we will, without selfishness and without prejudice, do our patriotic duty as we see it.

WILLIAM RANDOLPH HEARST.

WRANGEL ISLAND.

Mr. ROBINSON. Mr. President, I ask permission to have printed in the RECORD a brief letter from W. E. Reynolds, captain commandant of the United States Coast Guard, furnishing interesting information in connection with the issue which seems to have arisen between this Government and Great Britain respecting Wrangel Island.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
UNITED STATES COAST GUARD,
Washington, March 23, 1922.

Hon. JOSEPH T. ROBINSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am much interested in your remarks concerning Wrangel Island which appeared in the CONGRESSIONAL RECORD of yesterday on pages 4260 and 4261. I was a junior officer on the revenue cutter *Corwin* in 1881, when she made the cruise in the Arctic Ocean in search of the *Jeannette* relief expedition. I was in the boat that landed on Wrangel Island on August 12, 1881, which was the first-known landing on that island. In addition to the boat's crew there were in the boat the commanding officer of the *Corwin*, Capt. C. L. Hooper; Dr. Irving Ross, the ship's surgeon; Fred E. Owen, an engineer officer; Prof. John Muir and Mr. Nelson, who were passengers, and myself. The captain and I landed together, being the first to get ashore. I had the flag, and with the captain's permission waved it and took possession of the new land in the name of liberty and of the Government of the United States of America. I planted the flag on a bluff a little to the northward of our landing place, and left it there, together with a record of our visit. The place was subsequently visited by the U. S. S. *Rogers*, which was also in search of the *Jeannette*.

Very sincerely yours,

W. E. REYNOLDS,
Captain Commandant, United States Coast Guard.

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented a memorial of the Legislature of Florida, which was referred to the Committee on Finance, as follows:

OFFICE OF THE SECRETARY OF STATE,
STATE OF FLORIDA,
Tallahassee, March 7, 1922.

Hon. D. U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SIR: I am inclosing certified copy of house memorial No. 8 as passed by the Florida Legislature of 1921 and filed in this office.

Yours very truly,

H. CLAY CRAWFORD,
Secretary of State.

Whereas there is now pending before the Congress of the United States a bill known as the soldiers and sailors' adjusted compensation act; and

Whereas said bill is sponsored by the American Legion of the United States; and

Whereas said bill is also known as the American Legion's fourfold plan for a bonus; and

Whereas the American Legion of the State of Florida, at its convention held at Orlando, Fla., May 16 and 17, 1921, has requested the Legislature of the State of Florida to memorialize Congress in aid of said bill: Now, therefore, be it

Resolved by the House of Representatives of the State of Florida in Legislature assembled (the Senate concurring), That the Florida Representatives in the Congress of the United States—Hon. D. U. FLETCHER, Hon. PARK TRAMMELL, Hon. FRANK CLARK, Hon. H. J. DRANE, Hon. J. H. SMITHWICK, and Hon. JOE SEARS—be, and they are hereby, requested to inform the Congress of the United States that the people of the State of Florida are interested in the passage of the bill now before Congress, commonly known as the American Legion's fourfold adjusted compensation bill; and be it further

Resolved, That the Florida Representatives in the Congress of the United States be, and they are hereby, requested to use their every effort in securing the early passage of said bill through the Congress of the United States; and be it further

Resolved, That the secretary of state of the State of Florida be, and he is hereby, directed to send a copy of this memorial, under the great seal of the State of Florida, to the Congress of the United States and to each of the Senators and Representatives of the State of Florida in Congress assembled.

STATE OF FLORIDA,
Office Secretary of State, ss:

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of house memorial No. 8 as passed by the Florida Legislature of 1921 and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 6th day of March, A. D. 1922.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

Mr. NELSON presented a resolution of Glenwood Lodge, No. 520, Brotherhood of Railway Carmen of America, of Minneapolis, Minn., favoring the passage of the so-called Dyer anti-lynching bill, which was referred to the Committee on the Judiciary.

Mr. WILLIS presented a resolution adopted by the Urichsville Board of Trade, of Urichsville, Ohio, favoring enforcement of the laws against the liquor traffic, which was referred to the Committee on the Judiciary.

Mr. ROBINSON presented a memorial of sundry citizens of Little Rock, Ark., remonstrating against the reduction of the enlisted personnel of the Navy below the numbers recommended by the Secretary of the Navy, which was referred to the Committee on Naval Affairs.

He also presented resolutions adopted by the Junior Order United American Mechanics of Sebastian County, Ark., favoring the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

Mr. CAMERON presented a resolution of the Senate of the State of Arizona favoring the full recognition of the President and Government of Mexico, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Legislature of Arizona praying for the passage of legislation granting substantial recognition to ex-service men and women of the World War, which was referred to the Committee on Finance.

He also presented a resolution of the Legislature of Arizona favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

[See resolutions in full previously presented by Mr. ASHURST.]

He also presented resolutions adopted by Stephen D. Little Garrison, No. 125, Army and Navy Union, of Nogales, Ariz., favoring the enactment of beneficial legislation for veterans of all wars, the imposition of an excess-profits tax rather than a sales tax for raising the necessary funds therefor, and the passage of the so-called Morgan bill, increasing the pensions of Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. SIMMONS presented a memorial of the Minneapolis (Minn.) Republican Club, remonstrating against the ratification of the four-power treaty, which was ordered to lie on the table.

He also presented a resolution of the Reserve Officers' Association of Western North Carolina, of Asheville, N. C., favoring the maintenance of a Regular Army of at least 125,000 men and 12,000 officers, which was referred to the Committee on Military Affairs.

He also presented a resolution of the Reserve Officers' Association of Western North Carolina, of Asheville, N. C., remonstrating against the proposed reduction of 50 per cent in the steaming coal allowance of the Navy, which was referred to the Committee on Appropriations.

He also presented a resolution of the Central Labor Union of Charlotte, N. C., favoring an investigation of the cotton industry in the New England States, which was referred to the Committee on Education and Labor.

FISH-RESCUE STATION ON MISSISSIPPI RIVER.

Mr. LENROOT, from the Committee on Commerce, to which was referred the bill (H. R. 2393) to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce, reported it with amendments and submitted a report (No. 576) thereon.

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on March 25, 1922, they presented to the President of the United States enrolled bills of the following titles:

S. 3209. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota; and

S. 3265. An act construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes."

CHANGE OF REFERENCE.

Mr. JONES of Washington. The bill (S. 3279) to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex., was referred to the Committee on Commerce. This is a bill, I understand, that provides for the building of a bridge across a nonnavigable stream connected with an Indian reservation, and it should go to the Committee on Indian Affairs. I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 3335) to authorize the acceptance of title to forest lands in the State of Florida and to create national forests therefrom, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. McNARY:

A bill (S. 3336) granting an increase of pension to Charles A. Bills; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 3337) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate and foreign commerce, and for other purposes; to the Committee on Agriculture and Forestry.

Mr. NORRIS. Mr. President, I think I ought to state for the benefit of Senators in just a word what this bill is, because undoubtedly there will be inquiries with regard to it. It is a verbatim copy of the cold storage bill as it passed the Senate in the last Congress. The Committee on Agriculture and Forestry of the Senate at a recent meeting thought the bill ought to be reintroduced in this form. There is no change from the bill as it passed the Senate at that time, and, as Senators know, it failed to become a law by reason of disagreement in conference.

By Mr. EDGE (for Mr. FRELINGHUYSEN):

A bill (S. 3338) for the relief of Joseph A. Frayne; to the Committee on Naval Affairs.

A bill (S. 3339) for the relief of the children of Stephen Dickerson; to the Committee on Claims.

A bill (S. 3340) granting a pension to Barney McKay; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3341) to abolish capital punishment in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURSUM:

A joint resolution (S. J. Res. 182) making available certain appropriations for registers and receivers at the land offices at Fort Sumner, Clayton, and Tucumcari, N. Mex.; to the Committee on Appropriations.

SUPPLEMENTARY FOUR-POWER TREATY.

Mr. LODGE. I ask for the regular order.

The VICE PRESIDENT. The regular order is Executive O, the four-power supplementary agreement.

The Senate, as in Committee of the Whole and in open executive session, proceeded to consider the agreement submitted by the President of the United States between the United States, the British Empire, France, and Japan supplementary to the

treaty between the same four powers relating to their insular possessions and their insular dominions, and defining the application of the term "insular possessions and insular dominions" as relating to Japan.

Mr. ROBINSON. I offer the following amendment to the treaty. In the second paragraph I move to strike out the words "Karafuto (or the southern portion of the island of Sakhalin)."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed in the second paragraph, after the word "only," to strike out the words "Karafuto (or the southern portion of the island of Sakhalin)," so that if amended the paragraph will read:

> The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Formosa and the Pescadores and the islands under the mandate of Japan.

Mr. PITTMAN. Mr. President, I do not intend at the present time to address myself directly to this amendment. However, I intend to call attention to the opportunity to remedy, in action on this treaty, some of the omissions, as it occurs to me, on the ratification of the treaty upon yesterday, the four-power treaty.

In the four-power treaty as it was presented to the Senate was a reservation, placed there by the signers of the treaty. That reservation has been eliminated from the treaty. It has ceased to exit. I am frank to confess that I do not understand by what authority or action it was eliminated from the treaty.

Mr. LODGE. If the Senator will allow me, it never was in the treaty at any time and never has been eliminated. It stands, just as it always stood, as a declaration of the signatories.

Mr. PITTMAN. That is exactly what I am trying to ascertain. That is what the Senator said upon yesterday.

Mr. LODGE. And that is the fact.

Mr. PITTMAN. But I have in my hand here the four-power treaty as presented to the Senate, and I find the statement in it as presented. I find that statement signed by all the signatory powers to the treaty. It was signed with exactly the same formality as the main body of the treaty was signed. It reads as follows:

> In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:
>
> 1. That the treaty shall apply to the mandated islands in the Pacific Ocean: *Provided, however*, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.
>
> 2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.
>
> WASHINGTON, D. C., *December 13, 1921.*

It is signed by Charles Evans Hughes and the other signatories to the treaty.

Mr. President, a treaty is nothing on earth except a contract between nations, and everything that is in the writing signed by the parties to the contract must be taken into consideration as bearing upon the agreement. The signatories could not make an agreement. The main body of this four-power pact was no more a contract before it was ratified by two-thirds of the United States Senate than was this addendum to the contract which was not ratified by the United States Senate. They both came before this body as simply a preliminary contract negotiated by the parties who signed it. It was the duty of the President to present that contract as negotiated for the consideration of this body. In my opinion, either the President of the United States did not perform his constitutional duty or those in this Chamber who were representing him did not perform theirs. Only a portion of this treaty was presented to the Senate.

The Senator from Massachusetts says that it constituted merely an explanation on the part of the makers of the treaty. The whole body of the instrument is only the explanation of the makers of the treaty. The language in the four articles is solely for the purpose of trying to convey what the agreement was; but the makers of this treaty found it was necessary to place an addendum to the four articles to explain what they meant in the four articles, and that explanation becomes just as much a part of the written contract as if it were article 5. There would have been no distinction if it had been article 5. It had just the same relation to the treaty as negotiated as the so-called Brandegee amendment now has to the treaty as ratified. The Brandegee reservation becomes a part of the treaty; I do not think there is any question about that. It would certainly be useless if it did not become a part of the treaty, if it did not become a part of the contract.

Mr. President, I remember very distinctly that when the Versailles treaty was under consideration there were Senators who proposed that, instead of adopting reservations to the treaty itself, we should pass a separate resolution declaring our interpretation of the treaty. It was then argued, and argued forcefully, that a separate resolution would not become a part of the contract; that other powers would not have to consider that separate resolution, would not have to read it, and would not be bound by it in any way.

However, it may be argued possibly that the other three countries can not go back upon the declaration made by the executors of the treaty, even though it has not been adopted as a part of the treaty, because it is the commitment of those who wrote it. Mind you, Mr. President, if the drafters of the treaty had the legal authority under our Constitution to make the contract without the concurrence of two-thirds of the Senate, then it would be binding upon this Government and upon other powers; but certainly it can not be held that this declaration of the signatory powers which has now been eliminated is binding upon the United States, because it was presented to the United States Senate, whose concurrence is essential to making a contract on the part of this Government, and the United States Senate expressly refused to ratify it. We could not assume that the United States has given silent consent to the interpretation placed upon it by the signers, because it came to the notice of the United States Senate in being presented to them, and the United States Senate declined to approve it by a vote of this body, as it did approve the four articles of the four-power pact.

But, nevertheless, the fact remains, Mr. President, that the Senate of the United States has gone further in denying the authenticity of this reservation, because the second paragraph of the reservation, which was eliminated by the Senate, provides—

> 2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

That was undoubtedly considered of importance to the United States in the adoption of the treaty. The matter was called to the attention of the Senate by the Senator from Nebraska [Mr. HITCHCOCK] on yesterday. He then said:

> I would like to ask the Chair whether the resolution of ratification as read will, if adopted by the constitutional majority, apply to the following language of the treaty:
>
> "In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:
>
> "1. That the treaty shall apply to the mandated islands in the Pacific Ocean: *Provided, however*, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.
>
> "2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers."
>
> The VICE PRESIDENT. The Chair understands that that is the declaration of the signatory powers and not a part of the treaty.

Later on the Senator from Nebraska said:

> And it is printed with the treaty in advance of the resolution of ratification.
>
> Mr. LODGE. Mr. President, all this debate is out of order, but the matter referred to by the Senator from Nebraska was not reported as a part of the treaty, and is not a part of the treaty. It is merely a declaration of the understanding and intent of the signatories of the treaty.
>
> Mr. HITCHCOCK. I assume that the Senate has the right to pass upon the position of the United States as well as those who negotiated the treaty. Can they bind the Senate without the matter having even been read to the Senate?
>
> Mr. LODGE. I make the point of order that this debate is out of order.

So, Mr. President, that safeguard with regard to our domestic relations, although, as is contended, it was not referred to this body, was considered vital by the distinguished Senator from Massachusetts, not only in the making of this treaty but in connection with the ratification of the Versailles treaty. He thought it was vital; in fact, so vital that he had it incorporated in the four-power pact as an addendum, signed by all the parties to be bound by it; and yet when it came to this body he states that it is not a part of the treaty; that it is only an expression on the part of the individuals who drafted the treaty. Therefore, so far as the four-power treaty is concerned, this addendum, whether or not it was merely an individual expression at the time it was written, is now nothing, because it has gone out of existence, never having been read nor acted upon in accordance with the rules of the Senate. It is now too late, because the rest of the treaty has been ratified and returned to the President.

Mr. President, on yesterday I offered a reservation intended to protect our domestic questions against consideration or adjustment by the four signatory powers. The reservation

offered by me was in identical language, except as to the last three or four lines, with the reservation presented by the distinguished Senator from Massachusetts as an amendment to the resolution of ratification of the Versailles treaty. I will not read it because Senators are familiar with it, but, with the permission of the Senate, will place it in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The reservation referred to is as follows:

And that the United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children, and in opium and other dangerous drugs, and all other domestic questions are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way for consideration.

Mr. PITTMAN. I feel that at this point I should defend the Senator from Massachusetts to a certain extent, because I notice that one of the morning papers, in commenting upon the proceedings of yesterday, stated that the resolution was so involved that portions of it being heard provoked merriment in the galleries. It is possible that it is involved, and yet I had such confidence in the ability of the Senator from Massachusetts to draft reservations and the reservation presented by him to the Versailles treaty having been approved by a majority vote of the Senate at the time of consideration of that treaty, that I adopted the exact language which was approved by the Senator from Massachusetts and by the majority of this body in connection with the resolution of ratification of the Versailles treaty. I ask consent at the end of my remarks to place in the RECORD the entire resolution of ratification to the Versailles treaty as finally adopted by a majority of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. PITTMAN. It will be found that the resolution which I offered yesterday designed to protect the United States against interference in its domestic affairs by the four powers at any conference which may be called was taken word for word from reservation No. 4 to the Versailles treaty. Let me call attention to the fact that every Senator, except four, who voted for that reservation to the Versailles treaty voted upon yesterday against the similar reservation to the four-power pact.

Mr. President, it is hardly worth while to call attention to the materiality of a provision of that kind in any treaty that may be so construed as to involve questions affecting our domestic relations. As I have said before, the drafters of this treaty saw the necessity of it, and they provided for it, and then for some reason they determined that they would take it out of the treaty, which they did effectually by not permitting it even to be read to the Senate.

I have read what purports to be a statement by the British ambassador at a public meeting with regard to threats of war in the Pacific that endangered the United States.

Mr. LODGE. Mr. President, it is only fair to say that he absolutely and flatly denied that he made that statement.

Mr. PITTMAN. Mr. President, the Senator from Massachusetts is more accurate in discussing historical matters than he is in discussing newspaper reports, or matters of less importance. As a matter of fact, I will place in the RECORD later with the consent of the Senate what the British Ambassador said. He denied categorically that he said that war was imminent. He admitted that what he did say, however, was what had been said a number of times throughout the country. That was his denial. His denial was a negative pregnant. He denied using the exact language—that is all. It is a common form of denial when you can not make any other kind of denial; but in that very denial he authorized it to be said that what he did say was what was said publicly all through this country with regard to the threat of war in the Pacific. So he did say something with regard to the threat of war in the Pacific, and the Senator from Massachusetts will not deny that he admitted that.

What did he say with regard to the threat of war in the Pacific? Possibly the Senator from Massachusetts knows. Did he say that the United States was threatened by that war? Did he say that the United States was relieved from that threat by virtue of the four-power pact? That was the whole object of his speech—to disclose that the United States was now removed from that fear by the four-power pact.

Mr. FRANCE. Mr. President——

Mr. PITTMAN. I yield to the Senator from Maryland.

Mr. FRANCE. In that connection, I will say to the Senator from Nevada that Mr. Nevinson, before he left for England, stated that we had avoided war with England by deciding to reduce the size of our fleet. He said that if we had continued to build our fleet, war with Great Britain would have been inevitable; so that that statement would seem to support the views of the other distinguished Britisher.

Mr. ROBINSON. Mr. President——

Mr. PITTMAN. I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. Nevinson, connected with the Manchester Guardian, to whom the Senator from Maryland [Mr. FRANCE] has referred, not only stated that by agreeing to reduce our fleet we had escaped war with Great Britain, but he said that war inevitably would have occurred within the next five years if we had not pursued the course we did pursue in agreeing to certain of the treaties proposed by the Washington conference. That statement was published in the Outlook. I myself referred to it some days ago during the debate on the four-power treaty.

Mr. FRANCE. I thank the Senator.

Mr. PITTMAN. I am not raising this question for the purpose of prefacing an attack on the British ambassador, and I hope that will not be the effect of it. What I am getting at is this: The British ambassador was making a speech of assurance to western people. It was a comforting speech. He was assuring them that the dangers of war that had been hanging over them in the Pacific were now forever removed by the four-power pact.

There is no doubt about that. Whether he said that the war was imminent or not is immaterial to me. He spoke with regard to war and threats of war, and threats of war must be somewhat proximate, or there would not be much fear with regard to them. But here is the question: The ambassador must have had in mind the cause or the causes of those threats of war. What were they? Was there ever any unpleasant feeling between Japan and the United States by reason of any aggression or threatened aggression on the part of the United States against any of the possessions of Japan? Never. There never has been an intimation that the United States Government ever coveted a foot of land possessed by Japan or even claimed by Japan. What was, then, the cause of this unfriendly feeling between the United States and Japan? Did it involve anything the United States was doing or threatened to do in the Far East? If so, I never have heard of it. Did it originate by reason of any act or threatened act upon the part of the United States with regard to the policy of Japan in the Far East? If so, I never have heard of it.

Mr. President, the British ambassador knew, and we knew, and we know now, the cause of the unfriendly feeling, if any exists, between the Japanese people and the people of the United States. It is with regard to our own conduct of our domestic affairs; that is all. It is because it is claimed that we have injured the dignity and pride of the Japanese race by not treating them as we treat other nations within our own borders. That is the cause of the unfriendly feeling. It is because California and Texas and other States have passed laws prohibiting Japanese subjects from acquiring real property—land—in those States. That is the reason of it. It is because we deny them the right of becoming citizens of the United States. Those are the reasons of it, and those are the only reasons that have ever caused any unfriendly feeling between the Japanese people and the people of the United States. Those are the only causes that have threatened war with the United States, and the British ambassador knew it.

How is the four-power pact to relieve that condition? And yet the British ambassador says that the four-power pact does relieve that threat of war. As long as the United States or any of its States prohibit Japanese subjects from becoming citizens of the United States, the same as the subjects of Great Britain and France and other countries, there will be that bitter feeling against the United States. So long as the States of this Union pass laws prejudicial to the subjects of Japan in comparison with the subjects of other States, that hard feeling will exist. Those threats of war will continue as long as that feeling exists. How does the four-power pact remedy that situation?

I can see how the four-power pact would relieve Japan from any fear of aggression on our part against her islands, but Japan has never had that fear, because there never has been a threat of that kind on the part of the United States; but how can this pact relieve Japanese feelings with regard to our discrimination against her subjects within our borders, unless—mind you—unless those questions are to be referred to these four powers?

Is it the intention of the Senate of the United States that should there arise a threat of war between the United States and Japan by reason of our exclusion of Japanese subjects from becoming citizens of the United States the question will be taken up in conference by the four powers? If that is not the intention, then the four-power pact does not in any way tend to relieve the threat of war that has existed, if it ever did exist,

between Japan and the United States. Is it the intention of the Senate that in the event of a threat of war between Japan and the United States by reason of the prohibition by certain States of Japanese subjects obtaining land that such cause of controversy will be referred to these four powers? Then, if that is not the intention and that is not the plan the four-power pact has nothing to do with the causes that bring about hard feelings between the United States and Japan and the causes that threaten war, if there are any threats of war; and the British ambassador said that there were threats of war, and that the four-power pact had forever removed that danger of war as far as the United States is concerned. I say to him that if he is right in that, then he must have had in mind that it is the intention of the four powers to take under consideration and settlement the very questions that are threatening war, and those are domestic questions; and yet the proponents of this treaty have deliberately refused to have read in this body and voted upon a part of the treaty, signed by the same people who executed the main body of it, which expressly states that the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

Mr. President, if those having charge of this treaty had said, "Let that be read; let that be considered as a part of this treaty," then at least there would have been some protection against an attempted consideration of these domestic questions by those four powers; but they did not do it. They would not let it be read under the rules of the Senate; and yet it was sent to us by the President of the United States as a part of the treaty, signed by the same parties, and not only signed by the same parties but followed by the resolution of ratification.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. ROBINSON. If I correctly understood the Senator from Massachusetts yesterday, he stated that this was a mere supplementary declaration issued by the signers of the four-power treaty, and that it was no part of the treaty itself. Nevertheless, in the first clause of the declaration the following language is used:

> In signing the treaty this day between the United States of America, the British Empire, France, and Japan, it is declared to be the understanding and intent of the signatory powers—

And so forth. Then follow the two declarations in the nature of reservations to which the Senator from Nevada has been referring. So that at the time of the signing of that declaration it was manifestly the expectation of the signers that it should be regarded as a part of the treaty, for they undertook to speak for the signatory powers. Of course, we all understand that Mr. Hughes, and Mr. LODGE, and Mr. UNDERWOOD, and Mr. Root can not bind the United States to an international understanding that is not advised and consented to by the Senate of the United States. Clearly it was the purpose at that time to treat it as a part of the treaty itself.

Mr. PITTMAN. Mr. President, when we were considering the covenant under the Versailles treaty there was a contention made on the other side, and a very strong contention, that we might be required to submit to consideration of the League of Nations questions involving some of our domestic relations. A clause of article 15 of the covenant of the League of Nations provided:

> If the dispute between the parties is claimed by one of them, and is found by the council, to arise out of a matter which by international law—

"Which by international law," mind you, the same language as in the reservation referred to in the four-power treaty—

> is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

They were not satisfied with that. That exclusion of our domestic relations was not considered sufficiently definite. At that time the distinguished Senator from Massachusetts was thinking more of the protection of our domestic affairs than he was of our foreign relations, and in that he is not subject to criticism. But a great change has come over him. For a brief moment, possibly, when they were drafting this four-power treaty, he thought of the domestic affairs of this country and drafted a reservation to the treaty which became a part of the execution of the treaty, because it says so. Then, apparently for some reason, having more assurance, possibly, than he did when he drew it, and maybe because some objections were made by some of the other countries—he has not told us what the reason was—he changed his position, because he would not permit such reservation to be read to the Senate or acted on by this body. Now he says that it is not a part of the treaty, it is not a part of the contract at all; that it is simply an expression of the individuals who drew it. Yet when we had the Versailles treaty under consideration the Senator would not accept the language I have read, declaring that questions determined to be domestic under international law should not be considered by the council of the League of Nations. As I said before, when considering the covenant of the league, he realized that it was so important to keep our domestic affairs to ourselves, that he assisted in the preparation of, and he presented to this body the reservation I am about to read, and this reservation was adopted by a majority vote of this body as a part of the resolution of ratification of the Versailles treaty. I am reading from reservation 4:

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

Yet the Senator from Massachusetts himself, by main force and the power of his position, prevents a reservation of similar import, which the framers of this treaty had in the treaty, from being read or considered by this body, and absolutely wipes it out of existence. Having done that, he refuses to permit the same reservation to this four-power pact which he himself presented and had adopted to the Versailles treaty.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. PITTMAN. I yield.

Mr. LENROOT. Will not the Senator admit that under the Versailles treaty in case of a dispute between the United States and another member of the league it would be referred to a body where the United States would have no vote and no voice?

Mr. PITTMAN. Does the Senator mean now?

Mr. LENROOT. No; under the Versailles treaty.

Mr. PITTMAN. If the Senator means to say that the United States could not participate in the consideration of a question affecting itself, I reply that undoubtedly it could not.

Mr. LENROOT. Under the four-power treaty when any question is referred to the conference the United States would participate, and no action could be had without the consent of the United States; but that was not true under the Versailles treaty.

Mr. PITTMAN. Mr. President, I read just now the paragraph referring to domestic questions, and it covered domestic questions, those recognized as domestic questions under international law.

Mr. LENROOT. But the point is that under the Versailles treaty we would have no voice or participation in the determination of the question, and, therefore, if it were submitted they could bind us, while under the four-power pact we participate in the consideration of every question which comes before the conference, and we can not be bound unless we agree to be bound.

Mr. PITTMAN. Mr. President, the distinguished leader of the majority in drafting this treaty referred to questions which, according to the principles of international law, lie exclusively within the domestic jurisdiction of the respective powers. There would have been upon the council of the League of Nations, Great Britain, one of these four powers; Japan, another one of these four powers; France, another one of these four powers; Italy, Brazil, and Belgium. Does the Senator mean to say that these people with whom we are willing to contract for 10 long years, by this instrument, would not have decided the principles of international law according to law?

Mr. LENROOT. The Senator from Wisconsin takes the position that he would not submit to any international conference the power to decide these questions where the United States did not participate. Under the four-power pact the United States does participate and can not be bound without its consent. The Senator must know that.

Mr. PITTMAN. The Senator is absolutely right in his statement. He says he would never submit a domestic question to consideration. Undoubtedly he would not. Why does he not agree that we shall so provide in this instrument? Yesterday he voted against saying that. That shows the distinction. That is the mysterious thing about all this.

Mr. ROBINSON. The Senator from Wisconsin is willing to say it in the Senate, but not willing to say it in the treaty.

Mr. PITTMAN. Mr. President, there is yet a chance, possibly, in the consideration of this addendum to the treaty to do something consistent with past performances. There is an

opportunity still to show some interest in the domestic affairs of this country.

I remember that when the Versailles treaty was up there was even a question as to whether the language meant that it was necessary to have a unanimous vote, and every effort was made to cover that question in the resolution of ratification and by the reservations. Yet in this case there is not a single statement in the treaty that a unanimous vote is required to reach an adjustment.

The Senator from Wisconsin says:

> Well, but in this one it requires our consent. A majority of them can not decide against us. We can stop it.

Yet on yesterday he voted against the reservation which expressly stated that we should not be bound by any adjustment arrived at without our consent. What was the harm in that, if it means the thing he says it means? Why does he want to leave it doubtful and ambiguous? When he was trying to protect his country against the Versailles treaty there was not a safeguard he could think of that he was not willing to throw around it, and yet to-day he is not willing to have added to this treaty a safeguard which means the same he says it means, but which others doubt.

The other day the Senator said:

> Why place in this treaty a declaration which the nations would obviously carry out? Why require these four powers to invite in an outside power with whom they were having a controversy which threatened war? They would naturally do that.

That is what he said. Let me ask him this question: If a controversy arose between some of the four powers, would they not naturally call a conference to discuss it? The four powers did not think it would naturally follow, so in article 1 they absolutely provided it.

Mr. LENROOT. It so happens that the Senator from Wisconsin never made any such statement as the Senator from Nevada is now referring to.

Mr. PITTMAN. The Senator from New Jersey [Mr. EDGE] did. I am told I was mistaken. The Senator from Wisconsin did not say so, but I will ask the Senator now whether he believed that in the event of a controversy between one of the four powers and an outside power threatening war the outside power would be invited into the conference?

Mr. LENROOT. The Senator from Wisconsin stated that his position is, that in such a contingency the United States can suggest to the other powers that the outside power be invited in, and if they refuse, all obligation upon the part of the United States to attempt to come to an understanding is fulfilled.

Mr. PITTMAN. But that exact expression, or one nearly to that effect, was yesterday offered in the form of a reservation, that if the suggestion of the United States was not agreed to the United States be allowed to withdraw, and the Senator from Wisconsin voted against it. I was mistaken in saying that he made the statement I referred to. It was the Senator from New Jersey, as has been called to my attention. He said that these four powers being humane powers, working for peace, they would naturally invite an outside power in with whom they were having a controversy to discuss that controversy. The Senator from Wisconsin denied that he said it. I do not know whether to take that to mean he does not believe it or not; but if he has any respect for these four powers, he must believe that they would do what was humane and peaceful. He must, then, think that the Senator from New Jersey was right when he said that they would do the natural thing, invite the outside power in; but whether he thinks that or not, the situation is this: That these four powers, in framing this treaty, were not willing to trust each other to that extent. They expressly provided that in the event of a controversy between any of the four powers they would confer with regard to that controversy.

Why was that necessary? It was necessary because those four powers did not want any misunderstanding about it. It is equally necessary that there should be no misunderstanding with regard to a conference with regard to any controversy between any of these four powers and an outside power at which the outside power may be present. Yet the Senator from Wisconsin voted for article 1, which requires the consideration of internal controversies, and voted against the reservation which requires consideration of external controversies.

Now, here is our treaty, and I ask leave to attach as addenda to what I am saying such four-power pact as it was finally ratified.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PITTMAN. I want this in form so that any intelligent person may read the treaty and then read the reservations that were offered to the resolution of ratification and see whether or not in their opinion they do not believe that the reservations should have become a part of the treaty.

Here is one of the first reservations offered. It was offered by the Senator from Missouri [Mr. REED] as an amendment to the reservation, and reads:

> If any nation shall refuse to concur in any understanding, it shall in no respect be bound by the understanding arrived at by all or any of the other parties.

Yet that reservation was voted against by all except four of the Republicans. They are willing to take a chance whether any of these powers can withdraw from the conference. Why take a chance? Why be satisfied by saying we know it means that anyway, when you can protect your own people so easily by adopting that very reservation? Is there any excuse for it? You objected to this in the form of amendment. You said the amendment changes the treaty, but when it was asked to have that provision made a part of the Brandegee reservation you were equally opposed to it and voted it down.

The Senator from California [Mr. JOHNSON] wanted to carry out the expressed thought of this body. He wanted to carry out the sentiments of the people of the country and wanted to include in article 2 the word "pacific." What happened? Here is the way it would have read with the amendment that he offered:

> If the said rights are threatened by the aggressive action of any other power the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient pacific measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

The only change that he asked to make in article 2 was to put the word "pacific" ahead of the word "measures." That was so there could be no misunderstanding that the people of this country do not favor agreeing on war measures against an outside party. You voted it down. Why? What is the objection to it? The Brandegee reservation had to be considered by the other powers. It would take no longer to consider the word "pacific." There can be only one interpretation of it, and that is that you did not want "pacific" measures. There can be only one interpretation of it, and that is that "pacific" measures would not do—that the only way you could meet outside aggression would be with force, with war. Yet having placed that interpretation upon it you will not stand for any kind of reservation that will bring about a conference with those outside parties before it reaches a stage of aggression and war.

A reservation was offered by the Senator from Montana [Mr. WALSH] providing the machinery for a conference to settle the controversy with outside parties before it reached the stage of war, and you voted it down. I shall not read that reservation. With the consent of the Senate, I will place that in my remarks without reading.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

> And that in case any controversy shall arise between any of the high contracting parties and any other power, involving the rights of any of the said powers in relation to their insular possessions or dominions in the region of the Pacific Ocean, not satisfactorily settled by diplomacy and likely to lead to war, a conference such as is provided for in article 1 of said treaty shall be called by the parties thereto to which all nations interested in said controversy shall be invited for the consideration and adjustment of such controversy.

Mr. PITTMAN. The Senator from Arkansas [Mr. ROBINSON] offered an amendment to the Brandegee reservation carrying the same principle, but in different form, in the hope that it might appeal to Senators on the other side, and that was defeated by a unanimous Republican vote, with the exception of four. I ask permission to place that in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

> The United States understands that each of the high contracting parties will respect the rights and possessions of all other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers a controversy which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject will be referred for consideration and adjustment.

Mr. PITTMAN. Following these two reservations I offered a reservation which was more limited than the other two in scope in the hope that it might find supporters on the other side. In that reservation I limited it to powers having possessions in the Pacific. Not only that, but I stated that it was understood that the United States Government, not the other powers, but the United States Government alone, ratified the treaty with the understanding that it should have the right to

invite such outside powers into conference with the four powers in the event of controversy with such outside powers that threatened war. Yet they voted that down. They denied to our Government individually itself the right to invite an outside nation with whom war was threatened into conference with the four powers. They could not contend we were trying to force Japan, Great Britain, or France to do the inviting. It was a privilege that we had a right to reserve to ourselves, yet all except four Republicans voted against it.

My reservation was as follows:

And that if there should develop between any of the high contracting parties or any other power or powers having possessions in the region of the Pacific a controversy arising out of any Pacific question involving said insular rights and possessions threatening war, which is not satisfactorily settled by diplomacy, the United States shall have the right to invite said other power or powers to a joint conference with the four powers, to which the whole subject shall be referred for consideration.

What was the matter with the reservation which was offered as an amendment to the Brandegee reservation providing that none of the four powers should enter into a separate peace with some other power which was in conflict with the four-power pact and which was destructive or injurious to our rights under that pact? What was wrong with that? Is it possible that we are going to encourage such agreements between the four powers? These things have taken place. We deliberately encourage it by refusing to condemn it. That amendment to the Brandegee reservation I will place in the RECORD at this point without reading.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that none of the high contracting parties shall, during the life of such treaty, without consulting the other parties, enter into any separate arrangement or understanding with another power, whether one of the high contracting parties or not, with reference either to their insular possessions and insular dominions in the region of the Pacific Ocean or to the Asiatic mainland, which shall in any way prejudice the objects and rights of the said parties under this treaty or which shall be inconsistent with the terms thereof.

Mr. PITTMAN. Here is another one. Why, it has been contended time and time again that we had to get rid of the Anglo-Japanese alliance so we could protect the Philippine Islands; that the Philippine Islands were threatened by that alliance. Of course, the absurdity of that is known to every intelligent student of history. We know that Great Britain never would join with Japan in a war of aggression against the Philippine Islands, never as long as we are the sponsors for the Philippine Islands. Certainly no one in the United States is afraid of Japan alone attempting to take anything of ours.

But a reservation was offered yesterday which we should have adopted in all honor, which was an obligation upon us to the Philippine people. What was it? Why, we have been telling the Filipinos that we were going to give them independence. We have told them that for 20 years, and there is no doubt that, sooner or later, independence must be given to them. You can not hold on to that imperialism much longer, and when you give them their independence, are you going to have no reservations to protect them? Are you going to turn them loose without the protection that you yourselves claim in this selfish pact? When it comes down to the proposition of protecting the poor little Filipinos you say no. The reservation introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] provided that when we do grant independence to the Filipinos it is understood that their rights and their territory shall come under the protection of the four-power treaty. Should it not? Then why did you not adopt it? Instead of that, every Republican except four voted against it.

Mr. President, we are bound for 10 years by this treaty, and then for a year after that. Oh, when we were considering the Versailles treaty—yes; when the Versailles treaty was being framed—one of the great complaints in this country was that it would take us too long to get out of that treaty. There was an amendment made to it by the drafters of it by reason of that complaint before it was presented to this body. When it was finally presented to this body it provided that we could get out of that treaty within two years. In the four-power treaty we have no way of getting out of it under 11 years, and yet this amendment to the Brandegee reservation was presented and voted down:

Provided, That the United States agrees to this treaty with the express understanding that it reserves to itself the right to withdraw therefrom at any time any of the other parties to the treaty shall, in the opinion of the President of the United States or of the Congress by joint resolution expressed, wrongfully engage in war with any country, thereby imperiling the peace of the Pacific.

You are unwilling when one these powers wrongfully commences a war, and the President of the United States so declares, or the Congress by joint resolution so affirms, to permit this country to withdraw from this 10-year pact. What excuse have you to offer? You have voluntarily tied your hands for 10 years. You have tied your hands in a pact that may bring wrongful war, and you have provided no means by which you can escape from it. Yet that reservation was voted against by every Republican except four in the Senate.

There was another reservation which attempted to limit the effect of the treaty to the insular possessions and to prevent its extension to the mainland of Siberia and China, lands that have threatened war every hour and every year, and will continue to threaten war until one of the greatest wars of all history breaks loose. Yet there was no effort to protect this country from that danger. Here is the reservation that was offered as an amendment to the Brandegee reservation:

Provided, That the United States agrees to this treaty with the express understanding and reservation that article 2 of said treaty shall not apply to any situation arising out of the military occupation by any of the high contracting parties of any part of the mainland of Asia, including the boundaries of the Chinese or Russian Empires as they existed in 1890.

The Senate understood the danger arising from that mainland situation. The Senate understood that under article 2 if an aggression arose there and extended to the insular possessions of Japan we would be involved in it, and yet that amendment to the Brandegee reservation was voted down by all of the Republicans except four.

Mr. President, I now read another amendment which was offered to the Brandegee reservation:

Provided, That the United States agrees to this treaty with the express understanding that it may withdraw from the same at any time by giving one year's notice of its intention to withdraw.

It was voted down. These were all amendments to the reservation which the Committee on Foreign Relations presented to the Senate. They were really not new reservations; they had to do with the reservation which the Foreign Relations Committee had already approved.

There was another amendment in the nature of a substitute which was offered to the Brandegee reservation by the Senator from California [Mr. JOHNSON]. It was in form the original reservation presented by the Senator from Connecticut to the Committee on Foreign Relations of the Senate.

Mr. President, the reservation as originally presented by the distinguished Senator from Connecticut was offered by the Senator from California as a substitute for the final Brandegee reservation. I will not read it; it has been read; but I will place it in the RECORD at this point in my remarks, so that those who may desire to study the four-power treaty may have it before them in concise form.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The reservation referred to is as follows:

The United States understands that it assumes no obligation, either legal or moral, to maintain the rights in relation to the insular possessions or insular dominions of any of the other high contracting parties; and that the consent of the Congress of the United States shall be necessary to any adjustment or understanding under articles 1 or 2 by which the United States is to be bound in any way, and that there is no obligation, either legal or moral, to give such consent.

APPENDIX.

THE FOUR-POWER TREATY.

The United States of America, the British Empire, France, and Japan,

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean,

Have determined to conclude a treaty to this effect and have appointed as their plenipotentiaries,

Who, having communicated their full powers, found in good and due form, have agreed as follows:

I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

III.

This treaty shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

IV.

This treaty shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the signatory powers a certified copy of the proces verbal of the deposit of ratifications.

The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 13th day of December, 1921.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington December 13, 1921, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense.

—

TREATY OF PEACE WITH GERMANY.

IN THE SENATE OF THE UNITED STATES.

March 11 (calendar day, March 18), 1920.

Ordered printed showing the amendments proposed to the resolving clause and paragraph, together with the several reservations as agreed to in Committee of the Whole.

RESOLUTION OF RATIFICATION.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the allied and associated powers, and a failure on the part of the allied and associated powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said powers:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the Reparation Commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expense of the office force and salary of the secretary general.

10. No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to part 13 (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said part 13, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member

of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

Mr. LODGE. Mr. President, I have no intention of entering into a discussion of the various points which have been made by the Senator from Nevada. I think I ought to say, however, that when I referred to the denial of the British ambassador I had a very strong impression that the point made here in relation to the first report of what he had said was that he had declared that war was imminent—not "eminent," but imminent—and that he denied.

Now, as to the question of unanimity, it is a commonplace of international law that all actions or agreements of an international body must be unanimous unless otherwise provided. In the treaty of Versailles there were several cases in which a majority was to decide, and therefore, perhaps from a superabundance of caution, the framers of that treaty placed in it the statement that action was always to be unanimous unless otherwise provided.

Mr. President, when I presented the four-power treaty to the plenary council, after I had read it, I said:

The signing of this treaty is, on the part of the United States, subject to the making of a convention with Japan concerning the status of the island of Yap and what are termed the mandated islands in the Pacific Ocean north of the Equator, the negotiations in regard to which are almost concluded, and also to the reservations with respect to what are termed the mandated islands in the Pacific Ocean south of the Equator.

Then I said:

It should also be observed that the controversies to which the proposed treaty refers do not embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

That is the statement I made when I presented the draft of the treaty on December 10 to the plenary conference. The statements which I then made, and which were accepted, of course, by all the powers present, and afterwards agreed to when the record of the meeting was approved at the next plenary council, were then embodied in the declaration which the representatives of all the powers concerned signed on the same day on which they signed the four-power treaty; in fact, they signed it first. It is a declaration, as stated here, accompanying the four-power treaty.

It was not a part of the treaty; it was not within the ratifying clause; it had not the usual ratifying paragraphs; but it was simply a declaration of the understanding and intent of the signatory powers made by their delegates.

Yesterday when the question was raised I had no opportunity to say anything, because I was cut off by the terms of the unanimous-consent agreement. I desire to say now what I was prepared to say then, if the opportunity had been afforded, that, personally, I should be very glad, indeed, to have the Senate ratify and approve that declaration. If Senators desire this done, I will offer at the proper time a ratifying resolution which will cover the declaration.

Mr. President, I am not going to follow the Senator from Nevada through his elaborate review of the amendments and reservations which perished on yesterday.

Mr. JONES of Washington and Mr. SHIELDS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. LODGE. I yield, first, to the Senator from Washington.

Mr. JONES of Washington. Mr. President, in connection with what the Senator has stated, a question was asked a day or two ago during the course of the debate as to whether or not the treaty, if ratified, would prevent us from applying our coastwise laws to the Philippine Islands. I think the Senator to whom the question was addressed expressed the opinion that there was nothing in the treaty that would prevent us from doing that.

Mr. LODGE. Oh, nothing.

Mr. JONES of Washington. I have no doubt in my mind with reference to it, but I should like for the RECORD a statement from the Senator from Massachusetts, who was one of the delegates to the conference.

Mr. LODGE. I am very glad to make it. In the preamble to the four-power treaty and again in the treaty itself, the words "their rights in relation to their insular possessions and insular dominions" are used. Of course, the term "their rights" means the sovereign rights of each power in regard to its dominions and possessions, and the right to enact coastwise laws for domestic traffic is an undoubted sovereign right. I do not think that would be questioned by anybody.

Mr. JONES of Washington. As I take it, the regulation of coastwise traffic is purely a domestic problem, in the opinion of the Senator.

Mr. LODGE. It is purely a domestic affair, and the other powers to the four-power pact can not possibly interfere with it any more than they can interfere with any of our other domestic legislation.

Mr. SHIELDS. Mr. President——

Mr. LODGE. I yield to the Senator from Tennessee.

Mr. SHIELDS. I do not know whether I fully understand the Senator from Massachusetts, but in characterizing this agreement, what did he call it?

Mr. LODGE. Call what?

Mr. SHIELDS. The paper which he now holds in his hand.

Mr. LODGE. I called it a "declaration," which is the name given to it officially.

Mr. SHIELDS. Do I understand that it is no part of the four-power treaty?

Mr. LODGE. It is no part of the four-power treaty.

Mr. SHIELDS. It is a mere declaration?

Mr. LODGE. It is a declaration of the signatories; that is the way it has been described.

Mr. SHIELDS. How does the Senator describe this language:

The United States of America, the British Empire, France, and Japan have, through their respective plenipotentiaries, agreed upon the following stipulations?

Does not a stipulation mean a contract?

Mr. LODGE. From what is the Senator reading?

Mr. SHIELDS. I am reading from the supplementary treaty, which is an additional contract, is it not?

Mr. LODGE. I am not talking about the supplementary treaty now; I am talking about the declaration which the Senator from Nevada has been discussing, the declaration accompanying the four-power treaty; I am not speaking about the supplementary treaty at all.

Mr. SHIELDS. I have just come into the Chamber. Yesterday afternoon the supplementary treaty was taken up. Has that been disposed of this morning?

Mr. LODGE. No; the supplementary treaty is now before the Senate, although the Senator might not guess so from the debate. The word "stipulations" occurs in the supplementary treaty.

Mr. SHIELDS. Does the Senator from Massachusetts call that a declaration?

Mr. LODGE. No; I call it a treaty, which it is.

Mr. SHIELDS. Is that the matter now before the Senate?

Mr. LODGE. That is the matter now before the Senate, but is not the matter about which I was talking. The Senator missed hearing the able speech of the Senator from Nevada.

Mr. SHIELDS. Let us talk about the matter before the Senate.

Mr. LODGE. That would be very unusual.

Mr. SHIELDS. It would be with the Senator from Massachusetts when he is not altogether certain of the path he is traveling.

Mr. LODGE. The Senator from Nevada has been making a long and able speech, reviewing all the amendments and reservations which were voted down yesterday, and giving especial attention to the declaration accompanying the four-power treaty. There is nothing in that treaty about "stipulations" so far as I am aware.

Mr. SHIELDS. Then, may I ask the Senator from Massachusetts whether he considers the paper to which we are now referring as a part of the four-power treaty?

Mr. LODGE. Does the Senator mean the declaration?

Mr. SHIELDS. I do not see anything about "declaration" in it; I see something here about "stipulations."

Mr. LODGE. The Senator is reading from the supplementary treaty, while I am talking about the declaration in connection with the four-power treaty; they are two entirely different things.

Mr. SHIELDS. I am asking the Senator a question about what is called the supplementary treaty.

Mr. LODGE. I was coming to that in a moment. I was just about to part company with the declaration.

Mr. SHIELDS. Very well; then I will not interfere with the Senator, but I understood him to call this a "declaration," and I did not understand his language. It seems to me it is a part

of the four-power treaty which the Senator omitted yesterday, or forgot about, when he was presenting the four-power treaty for action.

Mr. LODGE. No; the supplementary treaty is at the bottom of the same page—26—but it is entitled "A treaty." I was merely saying, and that is all I have to say on that point, what I was unable to say yesterday—that I shall be glad to offer a ratifying resolution to the declaration if Senators desire. I should like nothing better than to see it ratified by the Senate. I do not think it would add much to it, however.

Mr. HITCHCOCK. Mr. President, does the Senator hold that he still has the power to offer a ratifying resolution for this part of the treaty that was omitted yesterday?

Mr. LODGE. It was not a part of the treaty; but undoubtedly we have a right to ratify and approve that declaration if we choose. We did that in the case of the Bagot notes.

Mr. HITCHCOCK. Has it not been decided by every court to which the question has been submitted that a written instrument signed in connection with another, and contemporaneously with it, is a part of the written agreement?

Mr. LODGE. I was not aware that it was a part of the agreement. I supposed two agreements could be signed on the same day and not be part of each other.

Mr. HITCHCOCK. I will say to the Senator that I will present to him this afternoon abundant judicial decisions to that effect——

Mr. LODGE. If they have any bearing on the case, I shall be very glad to have them.

Mr. HITCHCOCK. That it is in law a part of the written contract entered into at that time. Not only that, Mr. President, but I think I can show to the Senate that the precedent here is to the effect that such declarations as this, signed simultaneously with the treaty and by the parties to the treaty and in the name of the parties, have heretofore been ratified by the Senate at the time the treaty itself was ratified.

Mr. LODGE. Some have and some have not. On that point I can speak. The notes of Mr. Clayton and Sir Henry Bulwer, after the treaty bearing their names, were never approved by the Senate.

Mr. HITCHCOCK. I can show the Senator an instance where notes were ratified, but this is different.

Mr. LODGE. I have just mentioned a case where notes were ratified—the Bagot notes.

Mr. HITCHCOCK. But this is a different proposition from the exchange of notes. This is a solemn agreement.

Mr. LODGE. This is not an exchange of notes. This is a declaration.

Mr. HITCHCOCK. This is a solemn agreement as to the purpose, effect, and application of the treaty.

Mr. LODGE. It is a declaration as to its intent and understanding. We might as well be exact about the words.

Mr. President, to come back to what is before the Senate, I only desired to say that the treaty is one of extreme simplicity, and the purpose of it is well known to everyone—to exclude the mainland of Japan, the Japanese Empire proper, which is composed of islands, from the provisions of the four-power treaty. The agreement is in a sentence, and was agreed to by all the powers. There can be no question as to its interpretation, and, of course, to change it now might very well mean the loss of the treaty; and I have not supposed that there was really any great anxiety to force the inclusion of Japan within the provisions of the four-power treaty. I hope, therefore, the amendment will not prevail.

Mr. HITCHCOCK. Mr. President, I have been rather surprised at the offer of the Senator from Massachusetts now at this late day, and a day which I think is too late, to submit to the Senate for ratification this declaratory statement which came to us attached to the treaty.

Mr. LODGE. It was not attached to the treaty, Mr. President. It is distinctly stated that it accompanied it. It was not attached to it and not made part of it in any way, and that appears on the face of the document. They were two separate documents, separately signed, and it was not made part of the four-power treaty.

Mr. HITCHCOCK. I think the Senator is drawing rather a fine point there.

Mr. LODGE. I am only stating the plain facts which appear on the face of it.

Mr. HITCHCOCK. All that the Senate has before it is this printed document which is designated as Executive N and in the resolution of ratification the thing that is ratified is the treaty known as Executive N. A part of Executive N is this statement, this declaration, signed by those who negotiated the treaty. Let me read it once more.

Mr. LODGE. I think that would be a good plan.

Mr. HITCHCOCK (reading):

In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers—

Mr. President, yesterday the Senator from Massachusetts said that this was a declaration of the statesmen selected to negotiate the treaty.

Mr. LODGE. Mr. President, if the Senator will allow me, how it is printed there is of no consequence. That is the Senate print. In the official print the Senator will observe, if he will look at it, that they are two entirely distinct documents, and were so given. It was a mere accident that it was stuck on that paper.

Mr. HITCHCOCK. I will pass that over for the present, but the Senator from Massachusetts stated yesterday, in attempting to disassociate this from the treaty, that it was a mere declaratory statement of those who negotiated the treaty.

Mr. LODGE. That is all it is.

Mr. HITCHCOCK. Mr. President, the document itself shows that that is not correct.

Mr. LODGE. Mr. President, it ought never to have been included in the Senate print. The way it was submitted shows that it was not so at all. It was submitted officially, to be found in the documents accompanying the President's message; and in this reprint that was made from what was presented by the President of the United States they are submitted as two totally distinct documents.

Mr. HITCHCOCK. For the moment I am passing over that, Mr. President. I shall come back to it. I am calling the attention of the Senator from Massachusetts to his error yesterday——

Mr. LODGE. I think I made no error, Mr. President.

Mr. HITCHCOCK. When he stated that this was a mere declaration as to the meaning of the treaty made by the men who negotiated it. It is not that.

Mr. LODGE. I think it is.

Mr. HITCHCOCK. I will prove to the Senator that it is not.

Mr. LODGE. Very well. I am very sure it is, because I happened to be one of the signers, and I am very sure that it was a totally different transaction.

Mr. HITCHCOCK. The Senator would be correct if it stated that "it is declared to be the understanding and intent of the signers of this treaty"; but it did not say that.

Mr. LODGE. No.

Mr. HITCHCOCK. Or "the negotiators of this treaty."

Mr. LODGE. No.

Mr. HITCHCOCK. It declared it to be "the understanding and intent of the signatory powers."

Mr. LODGE. It did, and they represented them. There is no use in shouting so.

Mr. HITCHCOCK. "The signatory powers" has a meaning.

Mr. LODGE. It has, to those who understand it.

Mr. HITCHCOCK. This is declared to be the meaning of the United States, the meaning of Japan, the meaning of France, and the meaning of Great Britain; and if it is the meaning of those signatory powers, it is something much more than the Senator undertook yesterday to say that it was—a mere declaratory statement of those who negotiated the treaty.

Mr. LODGE. I have stated over and over again that that is my opinion, and I think I know and understand it. The Senator is asserting over and over again that that is my error. I do not think it is. I think I am right; and his asserting it does not in the least affect or alter my opinion.

Mr. HITCHCOCK. I am not asserting anything. I am reading from the document itself, which states that it is the understanding of the signatory powers.

Mr. LODGE. Of course, that is what it says. I am not denying that.

Mr. HITCHCOCK. That was not what the Senator said it was yesterday.

Mr. LODGE. No; I said it was a declaration by the signers of the document and nothing else, and that is all it is.

Mr. HITCHCOCK. Oh, no; it is a declaration by the signatory powers.

Mr. LODGE. Certainly. We were signing in that capacity. We were unable to sign in any other.

Mr. HITCHCOCK. And if it is a declaration by the signatory powers, it is a declaration that has to be passed upon by the Senate of the United States.

Mr. LODGE. Very well. I have said that I shall be delighted to offer a resolution ratifying and approving it, if the Senator approves it. If he does not approve it, of course there is no use in doing that.

Mr. HITCHCOCK. I gave the Senator yesterday an opportunity to have it ratified.

Mr. LODGE. The Senator yesterday was engaged in violating the unanimous-consent agreement, and I declined to discuss it.

Mr. HITCHCOCK. I called it up at an opportunity when the Senator could have moved to recommit the matter to the Committee of the Whole and have it passed on. Instead of taking that natural course, he elected to ignore it and treat it as not part of the treaty.

Mr. LODGE. I declined to try to make it a part of the treaty when it was not a part of the treaty.

Mr. HITCHCOCK. And I say to the Senator now that he has lost his opportunity. He can not at this time, by any method that I can conceive of, except by beginning over again on the treaty, ratify that particular portion of the treaty.

Mr. LODGE. If the Senator does not want to ratify the declaration, I do not care one straw about it. I do not think it matters in the least. I am willing to do it to oblige my friend from Nevada [Mr. PITTMAN], who seemed to put some stress on it.

Mr. HITCHCOCK. This is a very much larger question than what the Senator from Massachusetts wants or what I want or what any other individual Senator wants.

Mr. LODGE. Then let the Senator make a motion to go back, and see where he lands.

Mr. HITCHCOCK. This is a question which involves the validity of our act yesterday in purporting to ratify that treaty.

Mr. LODGE. The Senator can take that into the Supreme Court and try it out.

Mr. HITCHCOCK. I lay down these propositions: If that declaratory statement of the signatory powers is a part of the treaty that we had up for consideration yesterday, and we ignored it by not reading it and we ignored it by not submitting it to the Senate, we not only failed to ratify that but we failed to ratify the treaty itself.

Mr. LODGE. Oh, Mr. President, I deny absolutely that it is a part of the treaty. I have denied it over and over again, and the Senator goes on saying that it is a part of the treaty. That is denied.

Mr. HITCHCOCK. I shall present to the Senate before we adjourn to-day, or the Senator from Montana [Mr. WALSH], who is looking up the authorities, will do it, plain proof that a writing contemporaneously made by the same parties who make the main contract becomes by that act a part of the contract itself; and a treaty is nothing more than a contract, except what additional dignity it gains by being made formally by the constituted authorities between two nations or more.

Mr. LODGE. Mr. President, signing a document on a particular day does not make it part of another document that is signed on the same day.

Mr. HITCHCOCK. The Senator from Massachusetts stated here in the Senate, as I recall, that this was a contemporaneous matter; that the actual fact was that this declaration was signed even in advance of the main treaty.

Mr. LODGE. It was signed in advance; yes.

Mr. HITCHCOCK. That act, making it contemporaneous, made it a part of the treaty; and it is just as much a part of the treaty as though it were written into this treaty at the proper place.

Mr. LODGE. If that is a comfort to the Senator, I have not the slightest objection to his taking that view.

Mr. HITCHCOCK. The Senator, perhaps, is aware of the fact that in the past treaties negotiated and having these supplemental or additional or declaratory or interpretative paragraphs made have specifically declared that they had the same force and effect as the main treaty, and the same force and effect as though they were written in word for word.

Mr. LODGE. Yes; and in many other instances there have been contemporaneous things which were not embodied in that way in the treaty. If the Senator will pursue his researches a little further, he can find them. The treaty with Portugal was one. I will give him that clew.

Mr. HITCHCOCK. I have not had much time to look up the precedents, but I have found a number of cases——

Mr. LODGE. Undoubtedly; it is a common thing.

Mr. HITCHCOCK. In which the Senate has not only ratified the main treaty but in which the Senate has ratified supplemental or contemporaneous agreements.

Mr. LODGE. Mr. President, it has been done over and over again; and what of it? It has been done the other way also.

Mr. HITCHCOCK. It is possible the Senator can find instances where it was done the other way, but I can not recall them.

Mr. LODGE. I can find them.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. Is it not the Senator's position that these declarations submitted with the treaty do in fact constitute a part of the treaty submitted?

Mr. HITCHCOCK. Yes; they become a part of the treaty.

Mr. LENROOT. Then will not the Senator admit that the resolution of ratification covers the declarations?

Mr. HITCHCOCK. No; because the rules of the Senate require that a treaty must be read article by article, and read in full to the Senate, for the purpose of giving opportunity for amendment.

Mr. LENROOT. I want to ask the Senator this question——

Mr. HITCHCOCK. Let me finish first. That was not read to the Senate. No opportunity was afforded the Senate to pass upon it; no opportunity was afforded the Senate to amend it, although I took the occasion to call it formally to the attention of the Senate, without being given much opportunity to explain it. Then there was an opportunity for the Senator from Massachusetts to move to recommit the treaty to the Committee of the Whole for the purpose of considering it. I yield to the Senator from Wisconsin.

Mr. LENROOT. Is it the Senator's position that if a rule of the Senate is violated it invalidates the official action taken upon the subject matter?

Mr. HITCHCOCK. It does if it is contemporaneously called to the attention of the Senate.

Mr. LENROOT. The Senator can not find any authority to sustain that position. It is all the other way.

Mr. HITCHCOCK. I think the record has to show a legal ratification of this treaty.

Mr. LENROOT. But it is the final action which the court will examine, and the final action is the action on the resolution of ratification, and when the Senator says that the declarations form a part of the treaty he admits that they are covered by the resolution of ratification.

Mr. HITCHCOCK. Mr. President, I think the Senator is precluded from taking that position. If I had remained silent, if there were nothing in the record to show that there was a refusal to read that treaty to the Senate, then I think there might be something in the Senator's contention. The record would not show that. I made the record show, first, that the declaration was not read; second, when a demand was made for it, it was refused. Any court in passing upon it is bound to say that that was not a legally ratified treaty.

Mr. LENROOT. Does the Senator take the position that the Senate can not violate its own rules?

Mr. HITCHCOCK. It does an illegal act when it ratifies a treaty in that way.

Mr. LENROOT. What makes it illegal?

Mr. HITCHCOCK. Suppose the Senate should undertake to ratify a treaty by a 51 per cent vote of its Members, and suppose the record showed that. Does the Senator claim that any court would say that such a treaty was ratified legally?

Mr. LENROOT. No; because that is covered by the Constitution; but if a rule of the Senate which requires a certain vote complies with the constitutional direction, that rule being in addition to the requirement of the Constitution, its violation would not affect the validity for a second.

Mr. HITCHCOCK. Mr. President, the Constitution gives the Senate the right to make its rules, and the Constitution giving the Senate, which is a coordinate body, the right to make its rules, any court will say that an attempt to ratify a treaty in direct violation of the rules which have been made in accordance with the constitutional power of the Senate is not a legal ratification.

Mr. LENROOT. Mr. President, the Senator from Nebraska is not a lawyer, but I would be willing to have him submit to the Senator from Arkansas [Mr. ROBINSON], or any Democratic lawyer on the other side of the aisle, whether he is not mistaken as to that.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I yield.

Mr. KING. I think the position of the Senator from Nebraska is substantially correct, if I understand his position. Let me give a concrete case which seems to me must justify his position, or it would subject the Senate to the charge of perpetrating a fraud upon itself and upon the American people.

Assume that the treaty which we ratified yesterday contained a reservation, or a supplemental agreement—and it does contain

one, to which the Senator is now calling attention—and that reservation or supplemental provision of the treaty declared something which was inconsistent with the treaty itself.

For instance, assume that the treaty included within it domestic affairs, and that the declaration to which the Senator is now calling attention excluded domestic affairs from the operation of the treaty. Assume that the Senator from Massachusetts presented both instruments, assuming, however, that one of them was to be presented on the following day or voted upon separately or not voted upon at all, and he read only the first treaty, which included domestic affairs within the operation of the treaty, and neglected to read the other part, which excluded them, and Senators voted for the first treaty upon the theory that the latter would be submitted to them so that they could vote upon it, because they were contemporaneous instruments.

Obviously, if it were a contract, they both would have to be considered together. Being a treaty, both would have to be construed together, and if we ratified one and the Senator from Massachusetts did not present the other and the Senate did not ratify it, then I submit that, while possibly in international law we might be bound by the first, it would be such a fraud that we would be justified immediately in repudiating the first treaty, notifying the signatories to the treaty that we repudiated it because a fraud had been perpetrated in the Senate, and a part of the treaty, to wit, the supplemental or declaratory statement, had not been submitted so that we could vote upon it. So the Senator from Nebraska in his ultimate conclusion obviously is right.

Mr. LENROOT. Will the Senator from Nebraska yield?

Mr. HITCHCOCK. Certainly.

Mr. LENROOT. The Senator from Utah will at once agree that he can not accept the construction of the Senator from Nebraska that these declarations form a part of the treaty, in coming to the conclusion which the Senator has reached. The Senator in his statement assumes that they are two different instruments. The Senator from Nebraska insists that the declarations are a part of the treaty, and my point is that if they are a part of the treaty those declarations have been included in the resolution of ratification.

Mr. HITCHCOCK. Mr. President, the Senator's position is almost impossible. If there ever is a serious thing which the Senate of the United States does, it is the ratification of a treaty; and the Constitution of the United States specifically requires that there must be a two-thirds vote to ratify a treaty. The record must show that there was a two-thirds vote when it was done. That same Constitution gives to the Senate of the United States the power to make the rules under which it will proceed, and the Senate has made those rules and Senators have a right to rely upon those rules and to assume that those rules will be lived up to.

Mr. LENROOT. Mr. President——

Mr. HITCHCOCK. I want to finish my statement. There has grown up here a rather careless habit in acting upon treaties. The other day we ratified a treaty upon the same day on which it was considered as in Committee of the Whole, without having it lie over a day; but you made the record show that it was all right. In this particular case the record does not show that. The record does not show that this was a legal ratification. The record shows that this part of the treaty was not read to the Senate. The record shows that Senators did not have an opportunity to pass upon it. The record shows that it was not voted upon, and the record shows, furthermore, that when I called it to the attention of the Senate, even then no steps were taken to rectify the omission.

Under those circumstances there is a record of an attempt to ratify a treaty by the notorious violation of the rules of the Senate; and not only that, but it is just the same as if we ratified that treaty without reading a word of it. To fail to read those two paragraphs of the treaty is just the same as though it had been presented here and we had attempted to ratify it without reading a single word of the treaty.

Mr. LENROOT. Exactly; and could we not have done it if two-thirds voted for it?

Mr. HITCHCOCK. Mr. President, if the Senate of the United States can ratify a treaty without even reading it, I must confess that it seems to me we have reduced the matter to an absolute absurdity, and I do not think it is true. I do not believe that the United States Supreme Court, which has the right to pass upon and construe treaties, just as it has the right to pass upon and construe other laws of the United States, would say that the Senate had performed its constitutional function in its act of attempted ratification.

Mr. LENROOT. The court has said just that in numerous instances. There are two distinguished lawyers here, members of the Senator's own party, and I am very sure that both of them will assure the Senator that the United States Supreme Court will never inquire into the parliamentary forms which have been followed or as to whether the rules have been violated. We may violate every rule of the Senate, but if we take the action upon a measure which is required by the Constitution it is valid.

Mr. HITCHCOCK. Mr. President, I am not asserting that the Supreme Court would take a mere statement of a litigant that the Senate of the United States had not gone through the legal forms in ratifying this treaty. The point I am making is that if the Supreme Court comes to examine this record it will have a right to inquire as to the act of the Senate in ratifying that treaty. Here is a legal record before the Senate. Here is a record made in open Senate. This is not a case of a litigant claiming that the legal requirements in connection with the ratification of a treaty have not been complied with. Here is the proof; here is the record showing that there was no ratification.

Mr. LENROOT. But there was a legal ratification.

Mr. HITCHCOCK. I think not. I do not believe—and I am amazed that the Senator from Wisconsin should assert it—that a mere farce could be enacted here which would be called a ratification; that the Senate could meet, for instance, and merely have the title to a treaty read, and vote to ratify it without having the parts of the treaty considered. The mere act of ratification involves consideration. The mere act of ratification involves reading the treaty itself. The Senate can not consider a thing that is not read. It is utterly impossible.

Mr. LENROOT. Mr. President, I assert as a legal proposition that we could at this moment have a treaty submitted to the Senate by the President of the United States, a resolution of ratification could be immediately offered, the treaty never having been read to the Senate, and if it received a two-thirds vote the ratification would be just as valid as if every rule of the Senate had been complied with.

Mr. HITCHCOCK. Of course that is the Senator's position. He is bound to take that position.

Mr. LENROOT. It is the position of every lawyer in the Senate who is familiar with the subject.

Mr. SWANSON. It seems to me the Senator's contention is this: The record shows that a certain document was before the Senate and acted upon. The record shows this supplemental declaration was not before the Senate and acted upon. No roll call was had upon it. Consequently, it is simply an understanding between the parties, not ratified by the Senate. I do not see how anyone could say a matter that was not presented to the Senate, not read to the Senate, not before the Senate, could be considered as having been ratified. The record shows that the Senator from Nebraska tried to bring it up. It shows that it was not considered by the Senate, and I do not see how it can be held to have been considered. This part of it was not considered by the Senate at all, was it?

Mr. LENROOT. No; it was not.

Mr. SWANSON. How could the Senate act on a thing that was not before it?

Mr. LENROOT. The Senator from Nebraska insists that the declaration is a part of the treaty. If it be a part of the treaty, then it is covered by the resolution of ratification. If it be a separate instrument, of course the Senate never has acted upon it.

Mr. HITCHCOCK. I do not claim that it is a part of the treaty now. I claim that the negotiators of this treaty sent one treaty to the Senate, and the Senate ratified another. We did not ratify what was sent here. That is what I mean. I mean that the negotiators of this treaty sent the treaty here with the declaratory statement in it, which makes it one kind of a treaty, and we ratified something entirely different.

Mr. LENROOT. We ratified what was sent to us as a part of the treaty.

Mr. HITCHCOCK. No; we did not. The Senator from Massachusetts declared at the time that it was not a part of the treaty. I am prepared to show it is a part of the treaty as negotiated. The negotiators negotiated one treaty, and the Senate has undertaken to ratify another.

Mr. LENROOT. Does not the Senator say that if it is not a part of the treaty the Senate has not acted upon it, but if it is a part of the treaty it is covered by the resolution?

Mr. HITCHCOCK. I do not say that at all.

Mr. LENROOT. Ask the Senator from Arkansas [Mr. ROBINSON].

Mr. HITCHCOCK. What I say is this, that the treaty as negotiated was one thing; the treaty as ratified is another thing. We have ratified something that has not been negoti-

ated. They negotiated something which we have not ratified. You can not claim that there is a legal ratification under those circumstances, and I do not care what quibbles the Senator indulges in.

Moreover, I think it rather a demoralizing position and not a creditable position for responsible Senators to take here that we can have a great instrument like this shrouded in this doubt. We have supposed that a treaty was of enough dignity and importance so that there should be no doubt as to what was ratified and what was agreed. To have doubt is to involve ultimately one or two or more nations in war with each other, perhaps. We have entered into an agreement with these three other countries. Part of that agreement that they agreed to contains these very important paragraphs. We have ratified a different instrument without even giving those paragraphs consideration.

We have nominally a ratification. We may even have legally a ratification. I shall not undertake to split hairs with the Senator, but the very offer made by the Senator from Massachusetts to-day to proceed to the ratification of this declaration shows that you know you have not ratified the declaration. You have not protected the people of the United States. I call the attention of the Senator from California [Mr. SHORTRIDGE] that you have not protected the people of California from having immigration made a question that these four powers can pass on.

What was the supplemental declaratory statement?

Mr. WALSH of Montana. Mr. President, will the Senator permit an interruption?

Mr. HITCHCOCK. Certainly.

Mr. WALSH of Montana. Touching the matter of the colloquy between the Senator from Nebraska and the Senator from Wisconsin, doubtless the Senator from Wisconsin is quite right that the Supreme Court would not inquire into the parliamentary procedure by which ratification was arrived at. The Supreme Court would simply determine the matter upon the certification of the document; it would not look into the record at all. It would take up the document bearing the signature of the proper officers of the Senate showing that it was passed by a two-thirds vote. If the officers of the Senate should sign below the supplemental declaration found on page 7 and certify that the "foregoing treaty," which of course would include the supplemental document, was approved and ratified by the Senate, that would end the thing so far as the Supreme Court is concerned.

I apprehend probably the officers of the Senate would do nothing of the kind. They would not dare to do anything of that kind, because they know that nothing of the kind happened. They would certify by their signatures under the treaty as it is found in the printed document down to and including page 6 and they would attach their signatures thereto. Then the attention of the Supreme Court would be called to the fact that only a part of the treaty had been ratified, because the other document, signed the same day, at the same time, under the indisputable rules of law and construction forms a part of it and the two constitute one and the same treaty. So the question probably is not so simple as it might seem, as suggested by the Senator from Wisconsin.

Mr. HITCHCOCK. I thank the Senator from Montana. That bears out what I said, that the negotiators negotiated one treaty and the Senate has undertaken to ratify another.

Mr. KING. Or a part of one.

Mr. HITCHCOCK. They call it a treaty. They can not do that.

Mr. LENROOT. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Wisconsin.

Mr. LENROOT. With reference to the contention made by the Senator from Montana that the Supreme Court should determine that this declaration was a part of the treaty, if the Supreme Court had the resolution of ratification in exactly this form before it would it not hold that the treaty, whatever it was, was ratified?

Mr. WALSH of Montana. That is a queer position to take.

Mr. LENROOT. Let us see. Suppose an article of the treaty had been omitted in the certificate, but it is shown that it was a part of the treaty covered by the resolution of ratification——

Mr. WALSH of Montana. It could not be shown, except by extraneous evidence.

Mr. LENROOT. It might be.

Mr. WALSH of Montana. Not at all. The document is there and that article is not in it. Now, if anyone contends that it ought to be in it, it would require extraneous evidence to show it. Here the court takes judicial notice of the fact that these two things were negotiated——

Mr. LENROOT. Very well, the court takes judicial notice——

Mr. WALSH of Montana. And that they constitute one and the same document.

Mr. LENROOT. A certificate is made that the treaty made on such and such day was ratified by the resolution of ratification that is incorporated in the certificate. The Supreme Court then, if it sustains the contention of the Senator from Nebraska, will be compelled to hold that the declaration is also ratified. Of course, if the court holds that it is not a part of the treaty, but a separate document, it will not be ratified.

Mr. HITCHCOCK. Mr. President, there is a very much higher question here and a much larger question than is involved in a mere technicality. I ask why was it decided not to ratify this declaratory statement, just as other similar statements have been ratified by other treaties in the past? For instance, in a treaty made between the United States and Sweden and Norway in 1827, after the negotiators of that treaty—Appleton upon the part of the United States and Wetterstedt on the part of Norway and Sweden—had agreed to the 20 articles of the treaty, they found it necessary to add a separate article, which they signed on the same day, just as this declaratory statement was signed on the same day by the same men who had negotiated the treaty. It was declared in that article desirable "to remove from their commercial relations all kinds of ambiguity or motives of discussions," just as it was intended in this declaratory statement here to remove ambiguity. That article, which has exactly the same effect as this declaratory statement and interprets ambiguities or removes ambiguities and makes possible doubt plain, was ratified by the Senate of the United States, just as this should have been ratified by the Senate of the United States.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HITCHCOCK. Certainly.

Mr. SPENCER. Was it not expressly stated in that article that it became a part of the treaty itself?

Mr. HITCHCOCK. Yes; it was; but it does not matter whether the signers state that it becomes a part of the treaty itself or whether the law makes it a part of the treaty itself, if it is a contemporaneous writing signed by the same men at the same time and relating to the same subject, it becomes a part of the contract, as the Senator well knows.

Mr. SPENCER. I can see how the effect might be to explain the provisions of the treaty, but when the signers of the treaty make what the Senator from Massachusetts has called a declaration, and in that declaration refer expressly to a different document, to a treaty which they have this day signed, and then go on to make some explanation of what that treaty, that separate document, signifies, does not the Senator think that at least creates the situation that there is a separate treaty, a separate document, at least, which has been signed, and therefore when we have ratified that separate signed document which is referred to as a treaty in the declaration, we at least have ratified that document?

The Senator may or may not be right. For the purposes of the argument I admit that this declaration constituted, if you like, another treaty, an explanatory treaty, which may or may not have needed ratification; but certainly this declaration refers to a separate document which is called a treaty and which had been formally executed, and that separate document we ratified yesterday in all its particulars.

Mr. HITCHCOCK. I can not conceive that what the men who signed the treaty stated makes any difference. It is a question of law. It is a contemporaneous document signed by the same men, relating to the same subject, and sent to the Senate at the same time, constituting, as the Secretary of State evidently thinks it does, one transaction.

Mr. SPENCER. Would I not answer the Senator from Nebraska by this illustration? Suppose that in this so-called declaration the signers had expressly stated they did not intend this to be a part of the treaty, that they intended it to be merely an explanation of what the treaty contains. Certainly the Senator from Nebraska would not argue that it then became a part of the treaty, merely because it was signed by the same parties on the same day.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HITCHCOCK. I yield.

Mr. ROBINSON. During the course of the debate the Senator from Nebraska has been several times asked by my friend the Senator from Wisconsin to invite my view respecting the effect of the action taken yesterday on the provisions to which

the Senator from Nebraska has referred, namely, the explanatory declaration signed by the signatories to the four-power treaty.

Mr. LENROOT. The Senator I know wants to quote me correctly. My invitation was to ask the view of the Senator from Arkansas upon the right of the Senate to violate its own rules without affecting the validity of the instrument.

Mr. ROBINSON. Unquestionably the Supreme Court of the United States would not inquire into the question as to whether or not the Senate, in advising and consenting to a treaty, had pursued the course which its rules contemplate. It is undoubtedly true, as stated and implied by the Senator from Wisconsin, that the Senate is at liberty by unanimous consent to violate its own rules in every particular save where those rules are made in conformity to requirements of the Constitution. In that respect, of course, the Senate can not disregard its rules.

Nevertheless the position of the Senator from Nebraska that the signatories to this treaty intended that the declaration should be a part of the treaty is, in my opinion, justified by the language of the declaration itself. I called the attention of the Senate to that fact during the remarks of the Senator from Nevada [Mr. PITTMAN]. In signing the declaration they do not assume to speak as individuals; they assume to speak in the name of the signatory powers whom they represent. For that reason I had understood throughout the progress of the debate that the declaration under consideration was intended to be a part of the treaty.

The Senator from Massachusetts, when his attention was called to the matter yesterday by the Senator from Nebraska, announced in open session of the Senate, and it is printed in the RECORD this morning, that this declaration, in his opinion, was no part of the treaty, that there was no intention or purpose to submit it to the Senate; that the Senate should be denied any opportunity to pass upon the matter; and that course was taken. In view of that declaration and in view of the well-known fact that the Senate not only did not pass upon the declaratory statement but was denied the opportunity to pass upon it when the attention of those in charge of the treaty was called to the subject, will the Senator from Wisconsin or anyone else contend that the declaration by virtue of the adoption of the resolution of ratification became a part of the treaty?

The Senator from Massachusetts repeated this morning the statement made yesterday, repeated it emphatically, and has even gone to the length of expressing his impatience with anyone who would take the contrary view. He said he experienced considerable disgust that anyone would assert that the declaration is a part of the treaty. Certainly, whatever may have been the intention of the signatories, the declaration was not advised and consented to by the Senate, because the Senate was denied the opportunity to pass upon the matter.

There is no question in my mind that this declaration is not a part of the treaty. If it is to become effectual as a treaty, or as anything more than a mere extra judicial statement of the men who signed it, as constituting their opinion of the meaning of the treaty, it must be submitted to the Senate and disposed of in a constitutional way. That has not been done, and the privilege of doing that has been denied the Senate. It would not only be violative of the Constitution and violative of all principles of orderly procedure, but it would be violative of common honesty to say that the United States Senate should be held to have ratified a declaration which it was expressly denied the opportunity of considering.

Mr. HITCHCOCK. Mr. President, I think that we should take account of the fact that this declaratory statement was, as the Senator from Massachusetts [Mr. LODGE] has stated, actually signed in advance of the main treaty. I do not know that that adds much force to the contention, but it certainly, to my mind, gives warrant for the statement that every word written into that declaratory statement was intended to have exactly the same force and effect as if it had been written into the main body of the treaty, just as other declaratory statements in the past have contained the specific statement that they were intended to have that same force and effect. But, Mr. President, while I do not know how the proponents of this treaty intend to extricate themselves from their position, they have at least succeeded in casting a great doubt over this document. There will be an endless dispute, if it is left as it now is, as to whether the three paragraphs of the declaratory statement are or are not a part of the treaty. There will be a dispute as to whether or not the nations have agreed to the things which are stated in this part of the treaty.

Evidently it was considered by those who drew the treaty that it was not specific and definite enough in its terms. They have boasted here that it was a wonderfully short document, and yet they have been compelled to adopt, first, a declaratory statement explaining the meaning, and finally a supplemental treaty to explain it further. We have actually here three documents now, apparently, instead of one particular treaty.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. HITCHCOCK. I yield to the Senator from Utah.

Mr. KING. To emphasize the view of the Senator from Nebraska that this treaty may lead to disputes or complications, I desire to suggest to the Senator this situation: Suppose that some controversy shall arise between the United States and Japan, and Japan shall insist that domestic questions fall within the treaty; that is to say, that the United States under the treaty is compelled to submit its domestic concerns to the consideration of the parties to the treaty; then the signatories, other than the United States, agree with Japan and take the view that the treaty as originally drawn does not exclude domestic concerns of the United States from the operation of the treaty. Then the United States says, "For the purpose of negativing that position we call your attention to this supplemental declaration which is found on page 7 of the treaty," and Japan replies, "But that was never ratified; you elected to ratify the treaty in a form which we insist brings your domestic affairs within the jurisdiction of the treaty and did not take advantage of the excluding provision. Why did you not ratify the excluding part of the treaty? You did not ratify what the Senator from Massachusetts [Mr. LODGE] declared to be the declaratory part. That conclusively establishes the point that you intended that your domestic affairs should come within the operation of the treaty." The Senator from Nebraska can see that immediately there is ground for controversy. If it was intended that the domestic affairs of the United States should not be included within the treaty, why did we not ratify that part of the treaty, a contemporaneous agreement, that expressly excludes them? The Senator from Nebraska is correct in his premise that there is ground for controversy in view of the attitude in which we are left by the obstinacy of the Republican leader and the Republican majority.

Mr. HITCHCOCK. Yes, Mr. President, I was coming to that question; and I think there lies behind this situation a very peculiar thought.

Mr. WATSON of Georgia rose.

Mr. HITCHCOCK. If the Senator will allow me to proceed for a moment, I desire to ask what was the object of the declaratory statement? Obviously it contemplates two purposes. The first, as embodied in paragraph 1, was evidently urged by Japan. Japan wanted this treaty to cover the mandated islands which she had seized from Germany; Japan wanted the United States to include the mandated islands in her possessions; and Japan evidently secured that first portion of the declaratory statement, which provides that the treaty shall apply to the mandated islands in the Pacific. Japan evidently was in doubt as to whether the treaty itself included the mandated islands, and she wanted a specific declaration that it should include the mandated islands. That concession was made to Japan, and it was declared that the treaty should apply to the mandated islands. The United States conceded that, wrongfully, I think. I do not think that we should include the mandated islands. Japan has no such title to the mandated islands as she has to her other island possessions; Japan is only a trustee for those islands under the authority of the League of Nations; but we have consented in that first paragraph to include the mandated islands in the insular possessions of Japan, which we practically, in a way, guarantee.

Now, let me come to a second point. In a moment I shall yield to the Senator from Georgia. As an offset for that, in the second paragraph, the negotiators of the United States evidently demanded of Japan that she should specifically agree that domestic questions, such as immigration, should not be included in the questions to be adjusted by the four powers. That was evidently a demand of the United States. The paragraph reads:

> 2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

That is the American position, which we required Japan in that declaratory statement to concede, and it was conceded not simply by the representatives who signed the statement, but it was conceded by the signatory powers referred to in the first few lines. Now, what becomes of that position? If that portion of the statement is not a part of the treaty and is not ratified, what becomes of our domestic questions? As the Senator from Utah has well said, it leaves Japan free to claim that domestic questions come within the purview of the treaty, and she can still agitate the question of immigration in California and

still have a cause for trouble with us and a cause for negotiation with us.

But how about the Japanese mandated islands? Oh, they are provided for in the supplemental treaty which is before the Senate to-day. In that document we agree to include her mandated islands; Japan's interests are safeguarded, for that treaty provides:

The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa, and the Pescadores, and the islands under the mandate of Japan.

Japan is protected; but where is there anything in this supplemental agreement which will protect the United States in the assertion that domestic questions shall not be included in the four-power pact, and which will prevent domestic questions being dragged by Japan into the provisions of the four-power pact? It seems to me rather strange that the representatives of the United States, after Japan had secured the concession as to the recognition of her mandated islands, should have dropped the only protection we had against immigration among the possible questions that might be dragged before the tribunal of the four powers created by this pact.

So I say that this presents a very serious question for the United States, and it raises a question upon the Pacific coast which Senators will have to take into account sooner or later, because, if it is omitted from the treaty, it is an abandonment of the concession which we wrung from Japan that immigration should not be considered among the questions subject to the jurisdiction of the four powers.

Mr. President, I do not know what the responsible leaders of the majority of the Senate propose to do about this situation. They have certainly succeeded by their performance in getting this treaty into the realm of doubt and uncertainty. There is nobody here who can say with authority and definitely whether or not that declaratory statement has been ratified. The Senator from Wisconsin [Mr. LENROOT] claims that it is ratified, while the Senator from Massachusetts [Mr. LODGE] says it is not a part of the treaty.

Mr. LENROOT. No; the Senator must not misquote me again. I stated that if this declaration is a part of the treaty, as is contended by the Senator from Nebraska, then it is ratified.

Mr. HITCHCOCK. Leaving the "if" out, what does the Senator from Wisconsin think?

Mr. LENROOT. Taking the statement of one of the signatories that this was an independent document and an independent understanding arrived at, it is my view that it is not covered by the resolution of ratification.

Mr. HITCHCOCK. Then the Senator takes that horn of the dilemma that the declaratory statement made by the representatives of the four powers has not been ratified by the Senate and need not be ratified by Japan, and that we are, then, in the position of having unsettled the matter whether or not immigration is subject to the jurisdiction of the four powers. It does not matter which horn of the dilemma we may take, we are in trouble.

Mr. SWANSON. Mr. President, will the Senator yield to me for a moment?

Mr. HITCHCOCK. I yield.

Mr. SWANSON. It seems to me it is not difficult to show that the declaratory statement which has been referred to has not been ratified. No treaty is effective until there is a concurrence of the Executive mind and the mind of the Senate expressed by a two-thirds majority. There has certainly been no concurrence of these two minds in the declaratory statement, because the very record of the Senate shows that there has been no opportunity to express any concurrence in that provision.

The certificate of the Secretary is prima facie, but not conclusive. Whether fraudulently or otherwise, it is possible that a misstatement of the facts might be made; but the Supreme Court in examining the question would consider the Journal of the Senate to ascertain whether there has been a concurrence, expressed by a two-thirds majority, between the Executive and the legislative mind. No one can contend that there has been any such concurrence in connection with a matter which has never been presented to the Senate even for consideration. The declaratory statement lacks the concurrence of a two-thirds vote to give it effect as a treaty provision.

So it seems to me the contention of the Senator from Wisconsin is well founded that it requires a separate resolution of ratification to make the declaration effective and to show affirmatively that the legislative mind of the Senate by a two-thirds majority has concurred in it. My recollection from reading cases before the Supreme Court involving the tariff and other matters is that the court have said that the rules amount to nothing; the question to be ascertained is, Has the legislative mind consented as provided by the Constitution? That is what the Supreme Court has held in various cases which have come before it as to whether or not a law or a treaty was duly passed or ratified. It has expressed the view that it is not governed by the rules, but it is governed by a determination whether the legislative mind has consented. The very records in connection with the four-power treaty, as disclosed by the proceedings of yesterday, will show that the legislative mind did not consent to this declaratory statement. I think both the record and the Journal will so show.

Mr. LENROOT. Mr. President, the Senator will concede, will he not, that if this declaration is an integral part of the treaty, as contended for by the Senator from Nebraska, the record shows that the legislative mind has consented?

Mr. SWANSON. The Senator's position is based on the assumption that the legislative mind must consent to a treaty as an entirety. That was the old rule in Napoleon's time; a treaty or a law was accepted or rejected as an entirety when he was consul or emperor; but there is nothing in the Constitution that requires us to accept a treaty as an entirety. We can accept it in part, or we can reject it, or we can do as we please. I say there has been no concurrence of the legislative and executive mind except as to the terms of the original treaty itself. To say that a concurrence can be implied is erroneous. A concurrence can not be implied. In order to make a treaty effective it must be shown affirmatively under the Constitution that the Executive mind and mind of the Senate have concurred, and it must be shown by the Journal, in which the votes are recorded. It must be shown by the records kept by this legislative body, and the records will show exactly the reverse; that this part of the treaty, if it is a part, has not been concurred in, has not been ratified.

Mr. LENROOT. Mr. President, when we say that we advise and consent to the ratification of a treaty, that is advice and consent to every part of the treaty, and any part that is not consented to must be expressly excepted. Will not the Senator agree to that?

Mr. SWANSON. I have exactly the contrary idea. The Constitution says that in order for a treaty to be effective it must be shown affirmatively that two-thirds of the Senate has consented to it.

Mr. LENROOT. Certainly.

Mr. SWANSON. The Senate could ratify half of it, one-third of it, or the entirety; but the records of the Senate disclose that only this portion of it has been consented to.

Mr. LENROOT. No, no; the record that governs is the resolution of ratification.

Mr. SWANSON. No; it is what was before the Senate. The Senator can look at the Journal. The Journal will show that that matter was not before the Senate.

Mr. LENROOT. I am surprised at the Senator from Virginia. Will not the Senator admit that the final act of the legislative body is what governs, and if the final act says that the treaty is advised and consented to it covers every portion of the treaty?

Mr. SWANSON. No; then the Journal will show what portion of that treaty was before the Senate and acted upon.

Mr. LENROOT. Oh, no.

Mr. SWANSON. Take an act of legislation. It is necessary to show what the legislative body consented to. That must be affirmatively shown.

Mr. LENROOT. Take a bill. The same rule would apply. If we had here a section in a bill, and the Journal did not show that that particular section was before the Senate, but it was in the bill as finally enacted, would the Senator say that that was not an effective part of the bill?

Mr. SWANSON. If it was never before the Senate, the Senate did not act on it.

Mr. LENROOT. But it is before the Senate on final action. That is the point.

Mr. SWANSON. That was not before the Senate for final action. It must be before the Senate for final action, and the Senate must finally act on it before it becomes valid. It can not be done in any other way.

Mr. KING. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Utah.

Mr. KING. I should like to inquire of the Senator from Wisconsin whether, in his opinion, the Secretary, in certifying the record of the proceedings yesterday and in certifying the treaty, will certify that that declaratory statement of the delegates to the conference was passed upon by the Senate and constitutes a part of the treaty? If he did, he would certify to a fraud.

Mr. LENROOT. Mr. President, I would not anticipate that the Secretary of the Senate would attempt to decide that question. I should expect that the Secretary of the Senate would recite the facts of the submission of the document and certify to the adoption of the resolution of ratification.

Mr. KING. Does not the Senator think that when the treaty is prepared in final form the Secretary would be compelled to certify as to what is the treaty?

Mr. ROBINSON. After the repeated statements of the Senator from Massachusetts, and even the statement recently made by the Senator from Wisconsin that this declaration was no part of the treaty and had not been advised and consented to, and after the further fact that the Senate was denied the opportunity of passing upon it, does the Senator suppose that if the Secretary of the Senate certified that this declaration had been ratified, advised, and consented to by the Senate it would preclude a court from investigating the matter as a fraud?

Mr. KING. I think not. Certainly it would be a fraudulent certification upon the part of the Secretary.

Mr. LENROOT. None of the Senators claim that the Secretary is required to or should do anything except recite the facts, and let some one else draw his conclusions.

Mr. ROBINSON. The Secretary does not certify the facts. He does not certify the proceedings of the Senate. He certifies the record.

Mr. LENROOT. The final record.

Mr. ROBINSON. Yes.

Mr. HITCHCOCK. Is the Senator from Wisconsin disposed to revise his opinion, expressed a little while ago, when he agreed with the Senator from Massachusetts that this is not a part of the treaty?

Mr. LENROOT. I said I took the statement of the Senator from Massachusetts that this was a separate agreement and understanding.

Mr. HITCHCOCK. Then it is not a part of the treaty. Very well. Then we are in the position that, having opened the conference by a prayer which excluded the mention of Christ in order to satisfy the Japanese, we close the matter by abandoning the declaration which excludes a domestic question, like that of immigration, from the jurisdiction of these powers. That is the beginning and the end of the conference.

Mr. LENROOT. Mr. President, if this is no part of the treaty, this separate agreement is still before the Senate for action. That is all there is to it. There can be no other conclusion.

Mr. HITCHCOCK. Now the Senator has entered into another and entirely different situation. The Senate of the United States may ratify a matter in that way if it undertakes by strong-arm methods to ratify a section of the treaty as negotiated, but Japan will not ratify it. The Senator knows that Japan will not ratify it. It will be null. You can not secure the ratification of Japan unless you have it a part of this treaty which Japan wants.

Mr. WATSON of Georgia. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. We now see why it was that this short document was not rewritten and this thing inserted in it. It was put off upon the country in very much the same way as a codicil would be put to a will by a man who did not want to rewrite his will and put into the body of it what the separate clause in the codicil contained. I suggest to the Senator from Nebraska that they have played a trick upon the country and upon the Senate.

Mr. JOHNSON. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from California.

Mr. JOHNSON. In line with something that the Senator has said concerning this domestic question, not as indorsing the facts—because I know nothing at all of them—I want to read a dispatch that appeared in the Sacramento Bee recently, from the city of Seattle. I think it may be interesting:

SEATTLE, *March 16.*

Unless there is "mental disarmament," declared Hiroshi Saito, secretary to the Japanese delegation at the recent Washington conference, in an address before the Rotary Club here yesterday, "the destroying of a few ships will be of no avail."

The Japanese diplomat stated that mental disarmament will require the United States to lift the present bars against the Japanese.

Referring to the Japanese situation on the Pacific coast, Saito stated that "All pending questions between the United States and Japan have practically been solved except that of Japanese residents on the coast. If you approach this problem on a broad international basis, it can also be solved." The speaker declared that the prosperity of the Pacific coast is bound up with that of the Far East.

While he avoided any direct statement with reference to the building of warships before the 10-year period is up, he made it plain that a tremendous campaign is to be launched at once and wholesale propaganda is to be spread in behalf of Japanese citizenship and landownership rights within the United States. The plan is to club the United States into line in behalf of these demands in exchange for continuing the naval holiday.

The "broad international basis," according to Saito, would grant to Japan everything they are asking within the borders of the United States.

If they are not granted, he said, in substance, if these purely domestic questions continue to be treated as purely domestic problems by the United States, then Japan stands ready to prepare for war by discontinuing the naval holiday principle.

I think this is an Associated Press dispatch. It is printed in a newspaper of the very highest standing and widest influence in the State of California.

Mr. HITCHCOCK. Mr. President, if the Senator from Wisconsin and the Senator from Massachusetts cling to the horn of the dilemma which they now occupy, we are then in the position that this is a separate document; that Japan can ratify the main treaty and leave this out, and through the rather extraordinary and revolutionary methods advocated by the Senator from Massachusetts this declaration can be brought in here and given the ratification of the Senate, although it was only a part of a treaty already ratified. We may ratify that declaration; Japan may reject it; and then we will be in the position of having lost what was evidently deemed of some importance, I suppose—that domestic questions shall be excluded from the jurisdiction of the four powers bound together in this alliance. That is the position we are in, according to the theory which the Senator from Massachusetts and the Senator from Wisconsin now adopt.

Mr. LODGE. It is not in the treaty at all.

Mr. HITCHCOCK. It is not in the treaty?

Mr. LODGE. No.

Mr. HITCHCOCK. Then they have negotiated a treaty and yielded to Japan everything that Japan demanded as to the recognition of the mandated islands and not secured what they purport to secure in this declaration. They have not secured it because we failed to ratify it. Japan can ratify the rest of the treaty and decline to ratify this declaratory statement, although, as I say, by revolutionary methods I suppose the majority is capable of attempting to ratify this fraction of a treaty.

Mr. ROBINSON. Mr. President, will the Senator yield to me to ask the Senator from Massachusetts a question? He has just observed that the declaration respecting the elimination from the conference of domestic questions is not in the treaty, and that statement the Senator from Massachusetts has made several times; and I am sure that, whether it was intended to be in the treaty in the beginning or not, it is not in it now, because it was not advised and consented to by the Senate. I want to ask the Senator from Massachusetts why that declaration was not incorporated into the treaty?

Mr. LODGE. The opinion was—it is my opinion, as I stated when I presented it—that the four-power treaty has no relation whatever to domestic questions, and they can not be forced in under it in any way.

Mr. ROBINSON. Yes; but. Mr. President, in connection with the four-power treaty there was entered into a declaration explanatory of its provisions to the effect that domestic questions were not included. If the Senator from Massachusetts, as one of the representatives of this Government, thought it important enough to sign such a declaration in advance of executing the four-power treaty, I repeat my question as to why it was not made a part of the four-power treaty, so that the respective Governments in advising and consenting to the ratification of that treaty would at the same time advise and consent to the construction placed upon the treaty by the Senator from Massachusetts and those who joined with him in negotiating it? Why was it left so that Japan could ratify the four-power treaty and refuse to ratify the construction of the four-power treaty which the Senator from Massachusetts impliedly insists upon?

Mr. LODGE. The signatory powers all agreed to the declaration and all signed it, and I do not apprehend that they are any more dishonest than other nations. I think they will adhere to their declaration. It does not bind us without the action of the Senate any more than it binds them.

Mr. ROBINSON. Mr. President, if we decline to act upon it, if the Senate fails to advise and consent to it, may not Japan very properly say that, it being no part of the treaty, she will place a construction upon it hereafter that she has placed upon it heretofore; that she will insist upon the settlement of these so-called domestic questions in any way she can? That is the real acute controversy between this Government and Japan. What is accomplished by entering into a declaration of this nature? What is the benefit of it to the United States?

Mr. LODGE. It is to avoid any possible misunderstanding.

Mr. ROBINSON. But do we avoid any possible misunderstanding?

Mr. LODGE. I think we do. They all agreed to that understanding; they all accepted it. If it is a part of the treaty, we have ratified it. If it is not a part of the treaty, we can still do it.

Mr. ROBINSON. If it was important to have an understanding about the matter, if it was necessary to settle this question by a declaration of understanding before the four-power treaty was signed, I repeat my question to the Senator from Massachusetts and to other Senators, why was it not incorporated into the treaty so as to remove all doubt as to whether it would become the interpretation of the Governments or remain the mere interpretation of the individuals signing it?

Mr. CARAWAY. May I suggest to my colleague, if it is not a part of the treaty it has no more binding effect than if it had been written on a board.

Mr. ROBINSON. Certainly not; it is a mere statement by individuals who signed that treaty as to what their construction of it is.

Mr. CARAWAY. What their construction ought to have been, not what it is.

Mr. ROBINSON. If they had intended to bind their Governments, if they had intended to secure for California the protection which is implied in this reservation, they would have put it in the treaty.

Mr. CARAWAY. May I ask the Senator what the attitude of the Senator from Massachusetts was with reference to this same question when the treaty of Versailles was before the Senate?

Mr. ROBINSON. The Senator from Massachusetts then insisted upon the insertion of language into the treaty which would remove the possibility of the League of Nations council considering any question which the United States thought was a domestic question.

Mr. HITCHCOCK. Specifically mentioning, among others, immigration. At that time the Senator from Massachusetts was very anxious to protect this country from any possibility that any tribunal could take jurisdiction of the immigration question, and he was not satisfied with the statement in the treaty itself, which is just as strong as the statement in this treaty. He insisted on having a reservation drawn and incorporated with the act of ratification, providing specifically that immigration should be excluded from the jurisdiction of the tribunal.

Mr. LODGE. I did, to remove a doubt which was in that treaty. There is no doubt in this treaty whatsoever, in my judgment, on the subject.

Mr. HITCHCOCK. Evidently it was thought there was some doubt when this matter was brought up here, because in the part of the treaty which you have refused to ratify there is this provision:

> That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

There evidently was some doubt in the mind of somebody before that treaty was signed as to whether domestic questions might be claimed to come within the jurisdiction of this four-power tribunal.

Mr. CARAWAY. May I ask, were we not told that the Secretary of State himself drew this treaty?

Mr. HITCHCOCK. Yes; and I desire here to amplify what the Senator calls my attention to, and what his colleague, the senior Senator from Arkansas [Mr. ROBINSON], has stated. No reason has been given, and I believe no reason can be given, why this was put in the form of a declaratory statement, or postscript to the treaty, instead of having it incorporated in the treaty itself. The Senator from Massachusetts has stated that the treaty itself was not signed when this declaratory statement was agreed to. He has gone further than that; he has stated upon the floor of the Senate that he and the others signed the declaratory statement before they signed the treaty itself.

Mr. LODGE. That is perfectly true.

Mr. HITCHCOCK. Yet it was not considered desirable to incorporate it in the treaty, and now it is mysteriously dropped out of consideration of the Senate. I ask, Why was that barred from ratification? I call the Senator's attention to the fact that Japan is protected in what she wants by the additional treaty, which is supposed to be under consideration to-day, but we are not protected. I call the Senator's attention to the fact, and I challenge his denial, that the declaratory statement contains two parts—one desired by Japan and one desired by the United States. The part desired by the United States is in section 2; the part desired by Japan is in section 1.

Japan is protected by this supplemental agreement which we are considering to-day by the inclusion of the mandated islands. That is what Japan was demanding. The United States was demanding the exclusion of domestic questions; but those are not included in the supplementary treaty which we have up to-day. Why was Japan protected in this supplementary treaty, and why was the demand of the United States not included?

Mr. LODGE. Does the Senator want to put the mainland of Japan back into the four-power treaty?

Mr. HITCHCOCK. Not at all.

Mr. LODGE. That is all there is in the supplementary treaty.

Mr. HITCHCOCK. That is not the question. The question is as to the mandated islands. I am not referring to the mainland. This does not refer to the mainland. Here it is stated, evidently on the demand of Japan, that the treaty shall apply to the mandated islands in the Pacific Ocean.

Mr. LODGE. What is the Senator talking about now?

Mr. HITCHCOCK. I am talking about this declaratory statement.

Mr. LODGE. The declaratory statement was made entirely by the United States, and was never suggested by anybody else. The first clause was intended to preserve our rights.

Mr. HITCHCOCK. The Senator has discovered a wonderful amount of information. I have not been able to get out of him heretofore very much information about this treaty.

Mr. LODGE. That is not my fault.

Mr. HITCHCOCK. The Senator has stated it was negotiated by the American Secretary of State, and that he was not present at the negotiations. I repeat, in section 1 Japan evidently has secured the inclusion of the mandated islands in her possession. In section 2 the United States secured the statement that domestic questions should be excluded from jurisdiction. You dropped out this declaratory statement, failed to ratify it, declare that it is not a part of the treaty, as the Senator from Massachusetts has done, and you have lost both the inclusion of the mandated islands and the exclusion of domestic questions. If that were all, that would be one thing; but in the supplemental treaty which you have up to-day you have included the mandated islands. So Japan has no complaint about this being left out. But in your supplemental statement you make no provision for the protection of the United States against the inclusion of domestic questions in controversy. That is my point.

Mr. LODGE. I do not know at all what the Senator is talking about. I do not know what he means.

Mr. HITCHCOCK. Shall I repeat it?

Mr. LODGE. We recognized Japan's title to the mandated islands in the Yap treaty.

Mr. HITCHCOCK. Mr. President, my recollection is that we did not recognize anything in the Yap treaty.

Mr. LODGE. We recognized the title of Japan in the mandated islands in the first clause of the Yap treaty. I advise the Senator to read it.

Mr. HITCHCOCK. For some reason or other, Japan desired that her title in those islands should be recognized in this treaty and she got it specifically recognized, and we, as a consideration for that, in this declaratory statement got Japan to assent that domestic questions should not be within the realm of questions submitted to the four powers.

Mr. LODGE. Nothing of the sort. The two declaratory statements were made by me first when I presented the treaty. Both of them were the statements of the United States. The first one does not recognize the title of Japan in the mandated islands. It reserves to us the right to recognize it, which we subsequently did in our treaty about Yap. It is expressly stated in that treaty.

Mr. HITCHCOCK. It says here that the treaty shall apply to the mandated islands in the Pacific Ocean.

Mr. LODGE. The Senator is speaking of the supplementary treaty?

Mr. HITCHCOCK. I am speaking about domestic questions.

Mr. LODGE. The Senator skips so rapidly from the declaration to the supplementary treaty that I am never quite sure what he is talking about.

Mr. HITCHCOCK. It is the declaratory statement I am talking about.

Mr. LODGE. I thought so. Then the Senator reads from the supplementary treaty.

Mr. HITCHCOCK. No; I am reading from the declaratory statement.

Mr. LODGE. Read the first one. It declares that we reserve our right to recognize the title of Japan in the mandated islands.

Mr. HITCHCOCK. That the treaty shall apply to the mandated islands in the Pacific Ocean. I think perhaps the Sena-

tor is thinking about the proviso which follows, protecting the rights of the United States.

Mr. LODGE. I see what the Senator means. He leaves out the proviso.

Mr. HITCHCOCK. Yes.

Mr. LODGE. That makes it different. It reads:

Provided, however, That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates.

Mr. HITCHCOCK. What does that mean?

Mr. LODGE. Is that not clear?

Mr. HITCHCOCK. It is provided here that the mandated islands are included in the possessions of Japan, and yet that the United States does not consent to the mandates.

Mr. LODGE. Certainly; unless she makes a separate treaty, which she has done.

Mr. HITCHCOCK. But it does make the treaty apply to the mandated islands.

Mr. LODGE. Yes; if the United States assents, it does.

Mr. HITCHCOCK. The United States has assented.

Mr. LENROOT. But not to the title of Japan in the mandated islands.

Mr. LODGE. No.

Mr. HITCHCOCK. There is nothing to the contrary.

Mr. PITTMAN. Mr. President, at the time this treaty and this declaratory statement were drawn the Yap treaty had not been ratified. Evidently, article 1 of this treaty was put in so that if the Yap treaty were defeated, Japan would still have a chance for protection.

Mr. LODGE. Mr. President, it requires the ingenuity of the Senator from Nevada to find that. There is nothing of the sort.

Mr. PITTMAN. As a matter of fact, Mr. President, the Yap treaty was ratified by this body after this was drawn, and Japan not only got her rights recognized in the Yap treaty but got us to recognize the mandates. Consequently, before we acted on the four-power pact Japan had gotten more than she asked in article 1.

Mr. LODGE. Is the Senator under the impression that the only mandated islands in the Pacific are those belonging to Japan?

Mr. PITTMAN. No; not at all; but I am talking about article 1——

Mr. LODGE. The object was to make the provisions of the treaty apply to the mandated islands, which are not supposed to be strictly covered by the words "insular possessions and insular dominions."

Mr. PITTMAN. But at the time you wrote this in, Japan had not had her rights to mandates in the Pacific islands recognized at all.

Mr. LODGE. Not by the United States.

Mr. PITTMAN. Not by the United States.

Mr. LODGE. Nor had Great Britain. Great Britain has not had hers recognized yet.

Mr. PITTMAN. In the event the Yap treaty were defeated, then Japan could fall back upon this article 1 in the declaratory statement, which says that the treaty shall apply to the mandated islands in the Pacific Ocean; but the Yap treaty having been ratified before we acted upon this——

Mr. LODGE. No one except Senators who are opposed to all these treaties would think of reading that without the proviso.

Mr. PITTMAN. Undoubtedly; now you have granted them the proviso; now you have eliminated the proviso of the Yap treaty.

Mr. LODGE. Yes; so far as Japan is concerned; but we have not eliminated it so far as the others are concerned.

Mr. PITTMAN. We are talking about the benefit Japan was assured in this declaratory statement. She got everything that was assured to her in this declaratory statement before this came up for consideration, and having gotten that, she was not interested in it. The United States alone was interested in protecting her domestic questions. For instance, this morning the Senator from Washington asked whether or not the question of our trade with the Philippines was a domestic question.

Mr. LODGE. No; he did not ask that.

Mr. PITTMAN. As to whether or not that could be involved in this conference.

Mr. LODGE. That is not what he asked.

Mr. PITTMAN. I beg the Senator's pardon.

Mr. LODGE. He asked whether we had a right to pass coastwise laws for the Philippine Islands.

Mr. PITTMAN. Put it in any manner you want; it means the same thing. The inquiry was as to whether or not the four powers to this treaty could raise a question as to a discrimination in favor of our citizens in trading with the Philippine Islands.

Mr. LODGE. Of course they could not.

Mr. PITTMAN. I understand, and the Senator said that, but the distinguished Senator from Washington, who is just a little bit less intelligent than the Senator from Massachusetts, was not certain about it.

Mr. LODGE. No; he wanted me to make the statement publicly, that is all. He agrees with me entirely.

Mr. PITTMAN. Am I to understand, then, that any public statement made by the Senator from Massachusetts binds the United States Government and the other three powers?

Mr. LODGE. Not at all; no more than would the statement of the Senator from Nevada.

Mr. PITTMAN. I have heard to-day much about the Senator admitting this and the Senator conceding that, and that he gives notice of this and that, when the Senator knows that this Government can not be bound by a treaty or any form of agreement with another nation unless the particular agreement is ratified by two-thirds of this body. There was not a statement in the four-power pact, before it was ratified by this body, which had any effect whatever, not the slightest, and yet the Senator wants a part of it to have effect without being ratified.

Mr. LODGE. I deny that it is a part of it, and I do not think it would alter this situation if it were.

Mr. PITTMAN. If it is not a part of it, then we have no protection for our domestic rights.

Mr. LODGE. The domestic rights are not included in any way in the four-power treaty, and if this declaration did not exist they could not be brought under it.

Mr. PITTMAN. That question arose during the consideration of the Versailles treaty, and the Senator was doubtful at that time as to whether the question of our domestic rights was involved in the Versailles treaty, and he was so doubtful that he offered the long reservation which I submitted yesterday.

Mr. LODGE. Certainly I did, and I think there was reason for it. There was cause for doubt.

Mr. PITTMAN. Undoubtedly; the Senator wanted to be perfectly cautious, and nobody criticized the Senator's caution, but to-day he is entirely uncautious, because he is dealing with another crowd. That is the only distinction. If this is a hard-and-fast alliance that you can trust, the less you put into it the better. If it is not an alliance, all right. If a question arises with regard to coastwise trade in the Philippine Islands, and Japan objects to it on the ground that it is a discrimination and threatens war with Japan, what are you going to do about it? Is it going to be referred to the four powers as a controversy between some of them threatening war?

Mr. LODGE. Of course not; never in the world. There is nothing in the treaty to suggest it, of course.

Mr. PITTMAN. And if an immigration question comes up between Japan and the United States that threatens war, is it going to be considered by the four powers?

Mr. LODGE. Why, of course not. There is nothing in the treaty at all that can be tortured into that construction.

Mr. PITTMAN. If a question comes up about the prohibition of Japanese subjects becoming citizens of the United States and that threatens war, is it going to be considered by the four powers?

Mr. LODGE. Of course not. The treaty has nothing to do with it whatever.

Mr. PITTMAN. What causes are there that threaten war between the United States and Japan which are to be relieved by the four-power pact?

Mr. LODGE. I think we have gotten rid of the Anglo-Japanese alliance. That was the purpose of the treaty.

Mr. PITTMAN. But we had no threats of war except those I have mentioned, and the Senator has said those have nothing to do with the treaty.

Mr. LODGE. The Senator would like to have continued the Anglo-Japanese alliance, and so voted; therefore he does not apprehend anything from it. I do.

Mr. PITTMAN. Under their treaty would the English join with the Japanese in a fight against the United States on account of any of our domestic questions?

Mr. LODGE. I do not think they would; but that is not the point.

Mr. PITTMAN. I still can not see how the four-power pact releases us from any threats of war because of the reasons I have stated.

Mr. LODGE. I think it does. I think it is a pretty good thing to get rid of the Anglo-Japanese alliance, and the treaty terminates it.

Mr. PITTMAN. But now the only references to domestic questions that were in this treaty have been absolutely elimi-

nated from the treaty, if they ever were there. I contend it does not make any difference in a contract whether it is written on one sheet of paper or twenty. The fact is, if it relates to the same subject and is interlined and governs the execution of both instruments, it is a part of the agreement, and it does not have to be on one sheet of paper. As a matter of fact, article 1 of what you call the declaratory statement, which was signed by all the powers that signed the treaty, limits article 2 and defines article 2. It is a part of article 2. It says expressly as to article 2, "That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace" certain questions. That is a limitation on article 1 of the four-power pact. Is it possible that a limitation signed contemporaneously with a contract does not become a part of it?

Mr. LODGE. It is a part of it if it is ratified.

Mr. PITTMAN. If it is a part of that contract——

Mr. LODGE. If it is not a part of it, the Senator can have it ratified if he wants to.

Mr. PITTMAN. That is one of the very remarkable expressions made by the Senator from Wisconsin, of course, and I would suggest possibly that you get something different there.

Mr. LENROOT. Does the Senator disagree with that?

Mr. PITTMAN. Oh, undoubtedly.

Mr. LENROOT. I suggest that the Senator from Nevada consult some of the lawyers upon his side of the Chamber.

Mr. PITTMAN. I have no intention of being disrespectful, but I think it would be a good thing for the Senator from Wisconsin himself if this body would disbar him as a lawyer here and let him keep his seat as a Senator. Then he would have the same excuse the Senator from New Jersey [Mr. EDGE] has with regard to these inconsistencies. I was addressing the distinguished Senator from Massachusetts, however.

If this statement was there as a part of the treaty——

Mr. LODGE. It was not.

Mr. PITTMAN. All right. I am taking the two sides of it. If it was drawn as a part of the treaty, which is a contract, it is not now a part anyway, because it ceases to be a contract unless voted for by two-thirds of the Senate, and it never was.

Mr. LODGE. Then it is not a part of the treaty.

Mr. PITTMAN. Whether it was drawn as a part of the contract or not drawn as a part of the contract, it is not now a part of the contract, because no contract is binding on this Government until ratified.

Mr. LODGE. It is either a part of the treaty or it is not.

Mr. PITTMAN. We are agreed on that.

Mr. LODGE. The Senator takes the ground that it was a part of the treaty and is not now a part of the treaty. Of course, his position is perfectly clear.

Mr. PITTMAN. There is no doubt that it is not now a part of the contract.

Mr. LODGE. And it never was.

Mr. PITTMAN. As to whether it was is another question, but the absurd statement of the distinguished constitutional lawyer from Wisconsin that it is not a part of the treaty, yet if it was a part of the treaty it has been ratified, because the Senate ratified some other things, hardly requires comment. We have ratified this treaty section by section, article by article, by a two-thirds vote. Even the Senator from Wisconsin, I think, recognizes that the two-thirds vote was necessary to ratify article 2, and he voted for it.

Mr. LENROOT. No; I do not think so; not when we were voting article by article, and neither does the Senator from Nevada, if he knows anything about it.

Mr. PITTMAN. Undoubtedly, when it was reported to the Senate. Under the Constitution and rules of this body the action of the Committee of the Whole is to be reported to the Senate.

Mr. LENROOT. Not under the Constitution, but under the rules of this body.

Mr. PITTMAN. When the Constitution authorizes a rule it is then under the Constitution. Of course, the Senator does not know that, but that is the fact. Under the rules of the Senate, which are authorized by the Constitution and therefore are constitutional, whenever the Committee of the Whole has agreed on a certain contract, that is reported to the Senate, and the Senate acts on it. The Senate did act on it, and the Senate was informed that the Committee of the Whole, by a two-thirds vote, had adopted articles 1, 2, 3, and 4.

Mr. LODGE. No; none of the articles were adopted by anything but a majority. Let the Senator study the rules.

Mr. PITTMAN. By a majority. If I said two-thirds——

Mr. LODGE. I beg the Senator's pardon; he did say two-thirds.

Mr. PITTMAN. Then I withdraw it and make it a majority, so the Senator will be satisfied. But it was reported that the Committee of the Whole had adopted it, and their action was the adoption of articles 1, 2, 3, and 4. That was the report. There was not any report whatever that they had adopted this other statement. In fact, when inquiry was made it was distinctly said that it had not been and would not be ratified. Therefore, whether it was originally intended to be or not, it was eliminated before the resolution of ratification was voted on, and therefore the resolution of ratification could not apply to it in any circumstances whatever.

Mr. LENROOT. The Senator from Nevada evidently was out of the Chamber when the Senator from Arkansas [Mr. ROBINSON], who, I think the Senator from Nevada will admit, has some legal ability, concurred with me in every statement that I had made with respect to the binding effect of the action taken by the Senate, and that we could violate every rule of the Senate and it would not have the slightest effect upon the validity of the final action taken.

Mr. PITTMAN. When I was practicing law in Nome, Alaska, we had two law books up there——

Mr. LENROOT. That perhaps accounts for the Senator's legal ability.

Mr. PITTMAN. Oh, well, I have a high regard for the Senator from Arkansas, and, in fact, I realize he is far superior to the Senator and myself in legal knowledge; but when I was in Alaska with those two books I remember a very distinguished lawyer got up before the court one time and went to quoting from a very distinguished author on mines, Mr. Lindley. He quoted very fluently from Mr. Lindley on mines. It made no more impression upon the court than many statements made on the floor of the Senate very frequently. The court simply remarked that he would prefer to read the language of Judge Lindley than to have it quoted from memory.

Mr. HITCHCOCK. Mr. President, I was rather surprised that the Senator from Massachusetts, in attempting to give the reasons why the four-power pact was proposed and agreed to, should abandon one after the other the possible causes and finally attribute the desire to get rid of the Anglo-Japanese alliance as the real cause for agreeing to this pact. It is pretty notorious by this time that the Anglo-Japanese alliance is not at this time and had never been a menace to the United States. At the present time there are at least three reasons why it is not a menace to the United States:

First, it contains a provision that it shall not apply to the United States.

Second, the public opinion of Great Britain would never tolerate its application in the case of war between the United States and Japan. It would disrupt the British Empire to do it.

In the third place, under the covenant of the League of Nations the Anglo-Japanese alliance as it existed was outlawed, and Japan and Great Britain jointly signed a statement made to the League of Nations authorities admitting that it could not be longer continued in effect and must be revised.

There are three distinct reasons at least why that bugaboo could not be held up as a reason for the United States making any sacrifices to form the four-power pact.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

Mr. HITCHCOCK. I yield.

Mr. SWANSON. I have listened to the Senator very carefully. He deserves a great deal of credit for showing to the Senate and to the country the condition in which we have been put by the action of the Senate yesterday. We have had a resolution of ratification of the four-power treaty. Nothing has been done about the supplemental declaratory statement additional to that in article 2, which was intended to eliminate from all the conferences that might be held under the four-power treaty the question of immigration, the condition of Japanese in California, and to leave those matters entirely eliminated from such conferences.

By our action of yesterday we are put in a very embarrassing situation. I do not know whether it was done intentionally or whether it was done through oversight. We have ratified a treaty in which nothing has been done in connection with the conferences of the four powers being debarred from consideration of our domestic questions of immigration and the treatment of Japanese in the United States.

That having been eliminated and the provision protecting the United States in article 2 of the declaratory statement not having been acted upon, and the Senator from Massachusetts now saying it is not a part of the treaty, consequently Japan can ratify our action of yesterday, and that matter would entirely be eliminated. We would have nothing but the declaration of her minister here, which could be repudiated by the Japanese Government, which could at any time be changed, and not a solemn treaty of 10 years' duration, as the other compact is.

If we should ratify by a separate resolution of ratification, as suggested by the Senator from Wisconsin, what is the condition? We then have the four-power treaty, in which Japan is interested, which she can ratify, and then we have the declaratory statement which we have ratified in a separate resolution, which she could fail to ratify. Then we are put in the attitude of leaving the question unsettled as to what power shall exist or shall be vested in the four-power conference.

The only bone of contention between Japan and this country, the only possibility of trouble, being the question of immigration and the treatment of Japanese desirous of becoming citizens of this country, the Japanese Government claiming the right still to interfere here and say what kind of treatment shall be accorded them, it seems to me that some provision should have been included in a distinct treaty and resolution of ratification so that there could be no further differences between the Japanese Government and this Government upon those questions. If we had one resolution of ratification ratifying the four-power treaty and the supplemental declaratory statement to it, it would all have been included, and Japan would have to accept both or none. But now we put ourselves in the attitude of allowing Japan to ratify the one and reject the other.

I do not know whether that was done intentionally or whether it was an oversight. If it was an oversight, the proper course to pursue is to move to reconsider, within the three days, the resolution of ratification of yesterday and let that resolution of ratification be amended to include both. That is the only way this Government can get a guaranty that Japan shall acquiesce in our contention as to immigration, and that when her people become citizens of this country they are subject to our domestic laws. It seems to me we are now in such a position that Japan can get what she desires under the four-power treaty and refuse to ratify the other portion of it.

Mr. HITCHCOCK. Yes, Mr. President; I have already called attention to that matter, which the Senator from Virginia has much more completely covered. A serious question is presented. The subject of immigration is of far more importance in a treaty with Japan than in a treaty with any other country. It is the only big question at issue between the United States and Japan. It does not involve simply the States up and down the Pacific coast, but, in a large degree, it involves the Hawaiian Islands. In those islands there is a mixed population. More than half of that population to-day is Japanese. The Japanese have acquired rights there; they have married there; children have been born unto them, and a considerable proportion of the population of the Hawaiian Islands to-day is Japanese by descent but American by birth.

It is almost inevitable that in the Hawaiian Islands there will develop sooner or later a very acute form of race question. When that develops, the door has been left open for Japan to claim under the provisions of this treaty that the question involved is one affecting her rights and the rights of her nationals in the Pacific islands under article 1 of the treaty. We have virtually abandoned, as I see it, section 2 of the declaratory reservation. The Senator from Massachusetts has specifically said that the following provision is not a part of the treaty:

> 2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

Not only the Senator from Massachusetts says that is not a part of the treaty, but the action of the Senate makes it not a part of the treaty. It could have been made a part of the treaty; that could have been done on yesterday; it may be done, I presume, under a reconsideration, as the Senator from Virginia suggests, within three days; but if it is not done, the United States abandons the position which it has the opportunity to maintain, that the question of immigration is not within the jurisdiction of the four powers.

Mr. President, I have occupied the floor much longer than I intended to, though I have not done so very much speaking myself.

Mr. SPENCER. Will the Senator yield to me?

Mr. HITCHCOCK. I yield.

Mr. SPENCER. I conclude from the statement of the Senator from Nebraska that he is of the opinion that what is called the declaratory statement is and ought to be considered a part of the treaty itself and ought to have been read and acted upon by the Senate precisely as the other articles of the treaty were?

Mr. HITCHCOCK. Exactly.

Mr. SPENCER. I wonder if the Senator has thought of this view of the case: When that treaty was signed, it was signed by 19 plenipotentiaries who acted for the President of the United States, for His Majesty the King of Great Britain, for the President of France, and for the Emperor of Japan. They were acting as plenipotentiaries. When they signed in that capacity, they signed officially, and the Senator from Nebraska will find on looking at the treaty that each affixed his individual seal. They were acting in an official capacity and formulated a treaty.

When that treaty was signed and completed with such formality the same 19 men as individuals, not as plenipotentiaries, not even indicating that they were acting, as they did in signing the treaty, by the authority of their Government, but acting as individuals and without seal, without the formalities of execution, expressed their interpretation of what their respective Governments meant by that treaty. Is there not a distinct difference? One is an official treaty; the other is the declaration of the same men, but not acting officially, as to what that treaty meant. One is binding; the other is indicative. If that is correct, the declaratory statement never could be ratified by the Senate. It does not possess the indicia of a treaty; it is an expression of individual opinion. We could approve it; we could say it represents what we believe; but we could not ratify it with the formalities with which a treaty under our Constitution must be ratified.

Mr. HITCHCOCK. Mr. President, there are just two answers to the position taken by the Senator from Missouri. The first answer is that the Senate has in the past ratified treaties to which the representatives of the respective Governments have not affixed their official seal. One case to which I can cite the Senator is the treaty with Portugal for the extradition of criminals. After the treaty had been drawn and had been signed by Elihu Root and Alte with legal seals, Alte wrote a letter to Mr. Elihu Root without an official seal and Elihu Root answered it without an official seal, and agreed to the proposition, and the Senate of the United States ratified that agreement.

Mr. SIMMONS. Mr. President——

Mr. HITCHCOCK. One moment. There is a second answer to the Senator's position. If there was the intention to make the declaratory statement any less binding than the treaty itself, it was a very deplorable thing to do. It was agreed to before the treaty was signed. The treaty could have been rewritten, it consists of only four paragraphs, and its framers could have embodied the declaratory statement in the treaty as of equal dignity. If our representatives placed our reservation of the question of immigration upon so flimsy a foundation as the Senator indicates, they did something which was outrageous; but I can not put that interpretation upon their action. I yield now to the Senator from North Carolina.

Mr. SIMMONS. I simply want to call the attention of the Senator from Nebraska to the fact that the declarations bear upon their face the evidence that contradicts the contention of the Senator from Missouri, when he claims that the declarations were the individual acts of the plenipotentiaries and not the acts of the Governments which they represented.

Mr. HITCHCOCK. That is a third answer to the position of the Senator from Missouri. I had omitted that.

Mr. SIMMONS. The language employed is very clear and shows that they were acting in their official capacity and acting for their Governments. It reads:

> In signing the treaty this day between the United States of America, the British Empire, France, and Japan, it is declared to be the understanding and intent of the signatory powers.

Mr. HITCHCOCK. Exactly.

Mr. SIMMONS. Not "the understanding and intent" of the individual delegates to the conference; not of the "plenipotentiaries" of the signatory powers, but of the "signatory powers." It is declared to be "the understanding and intent of the signatory powers," and hence the signers must have been acting in their official capacity whether they used a seal or did not use a seal.

Mr. SPENCER. When they used the language "in signing the treaty this day," to what did they refer?

Mr. SIMMONS. They referred to the treaty itself.

Mr. SPENCER. That is as a completed document?

Mr. SIMMONS. Yes.

Mr. SPENCER. Outside of the declaratory statement?

Mr. SIMMONS. Exactly. But they declared that the understanding and the intent which is set forth in this declaration is the understanding and intent of the signatory powers.

Mr. SPENCER. Then the Senator will agree with me that the treaty was intact and complete in itself, and that the declaratory statement was an expression of their understanding as to what that treaty meant?

Mr. SIMMONS. I take it as a matter of fact that they were contemporaneous documents.

Mr. HITCHCOCK. And the Senator from Massachusetts has already stated that the declaratory statement was signed first; so there would have been time to rewrite the treaty to embody the statement in the treaty as should have been done. The form, however, is not unusual. A number of cases may be cited where, after a treaty had been duly drawn and even before it was signed, an additional article was written and signed by the same men on the same day, sometimes modifying and sometimes merely explaining an ambiguity in the treaty; but in every such case which I have found that additional article has been ratified by the Senate of the United States.

Mr. SPENCER. Mr. President, has not the Senator found in every case that there was a reference in the explanatory or additional statement which expressly stated it was to be a part of the treaty?

Mr. HITCHCOCK. I have already stated to the Senator that I consider it utterly unimportant whether it is itself a part of the treaty or whether the law makes it a part of the treaty. A treaty is a contract, and the Senator, as a lawyer, knows that a writing signed by the same person at the same time relating to the same matter becomes a part of the contract.

Mr. SPENCER. There must be one other element, namely, the persons must act in precisely the same capacity at both times. Then it does become a part of the contract, but not without that essential.

Mr. HITCHCOCK. These men had no right to act in any other capacity than as representatives of sovereign powers, and they acted in that capacity; they represented sovereign powers.

Mr. WATSON of Georgia. Mr. President, may I ask the Senator from Missouri a question, with the permission of the Senator from Nebraska?

Mr. HITCHCOCK. I yield.

Mr. WATSON of Georgia. What is the construction of the word "supplementary" in connection with a book or a paper or a treaty?

Mr. SPENCER. I should say that it implied something added to the original, but I do not find the word "supplementary" in the declaratory statement, which is now being discussed.

Mr. WATSON of Georgia. The word "supplementary" is used; here it is.

Mr. SPENCER. I do not find it in the declaratory statement.

Mr. LODGE. That word is in the supplementary treaty, but not in the declaration to the four-power treaty.

Mr. SPENCER. The Senator from Georgia is evidently referring to the supplementary treaty which is now before the Senate, while we are discussing the declaratory statement appended to the treaty which was ratified yesterday. The word "supplementary" does not occur at all in connection with the question we are now discussing.

Mr. HITCHCOCK. Mr. President, mere quibbling with words, it seems to me, is not of any importance. The declaration was signed at the same time the treaty was signed, or even a little before. It reads:

In signing the treaty this day—

Is not that the same as saying "in signing the present treaty"? Does not the Senator think that is what it means?

Mr. SPENCER. I should not think it meant quite that. I should think that the clear meaning of those words was that the 19 delegates, referring to a treaty which they had officially completed, gave their individual opinion as to what the signatory powers meant by the treaty to which they had officially agreed. That is the way I should read it. I do not see how it can be read otherwise.

Mr. HITCHCOCK. That is what it was; it was an addition to the treaty, a change in the treaty, designed to remove an ambiguity in the treaty.

Mr. SPENCER. If it had meant——

Mr. HITCHCOCK. Mr. President, I shall refer now for the record to a number of treaties embodying additional paragraphs or declarations which have uniformly in the past been ratified by the Senate of the United States.

Mr. SPENCER. May I say to the Senator from Nebraska that if it had meant what he evidently thinks it means, how simple it would have been to have said, "As a part of the treaty signed this day"? That is what was done, in effect. I venture to say, in the case of every one of the illustrations the benefit of which the Senator from Nebraska is now about to give us.

Mr. HITCHCOCK. I will not stop to examine as to that, but I will put the documents in the record, and I will ask any Senator on the other side when he comes to speak on this question to put into the record a reference to any treaty which contains such a supplemental or additional declaration which the Senate of the United States failed to ratify.

Mr. STANLEY. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. HITCHCOCK. I yield.

Mr. STANLEY. It has appeared from the discussion that the so-called declaratory statement was signed before the treaty was signed. It was at first thought by the President of the United States that there was no guaranty of the territorial integrity of the main islands of Japan. The whole country was aroused over that question, and the attention of the whole country was focused on this supplementary statement at the time it was made. I should like to ask the Senator from Missouri why he supposes——

Mr. KING. He has gone.

Mr. STANLEY. While I was asking him, he departed. If the seals are so important, and in one case they acted officially, as contended by the Senator from Missouri, and in the other case it was simply a statement of plenipotentiaries, without any binding force upon their Governments, I will ask the Senator from Massachusetts why in one case they signed with their seals and in the other they did not? What was the reason for it?

Mr. CARAWAY. Mr. President, may I ask the Senator from Kentucky a question? Does not the situation on the other side of the Chamber remind him of the story about the boy who "stood on the burning deck, whence all but him had fled"?

Mr. STANLEY. I do not know which is in the worse fix—the deck or the boy.

Mr. CARAWAY. I think the deck is in the worse fix.

Mr. HITCHCOCK. Mr. President, I shall not conclude tonight by putting in these references until I can supplement them somewhat. As another Senator desires the floor, I yield it.

THE MERCHANT MARINE.

Mr. RANSDELL. Mr. President, I addressed the Senate on the 15th instant in support of the four-power treaty, and stated at the time it was my opinion that the treaty for reduction of naval armament and the treaty concerning the principles and policies to be followed in relation to China should stand or fall with it.

I shall now discuss the naval disarmament treaty, and shall devote the major portion of my time to the relation of this treaty to the upbuilding of an effective American merchant marine.

The treaty on reduction of naval armaments provides that the United States and Great Britain shall be on equal terms of five to five as to the size and relative strength of their capital ships, Japan being on the ratio of three to five. I am very much pleased at the terms of this treaty, the spirit and intent of which is to make America the equal of Great Britain in its naval strength, neither country being expected to enjoy any superiority over the other in so far as its power on the sea is concerned. As I understand the situation, that was the plain intention and desire of the American delegates who framed the treaty, and I believe that the people of America so understand it. From now on we should have a Navy just as great and strong as that of Great Britain, who for so many years has been the mistress of the seas.

MERCHANT SHIPS VITAL TO NAVY.

There is only one way, however, for this expectation of equality to be realized, and that is for America to make very material additions to its commercial fleet. It is well understood that swift vessels of commerce, carrying both freight and passengers, and having a speed in excess of 15 knots—preferably 20 knots and over—can be and are utilized very effectively as auxiliaries to the Navy in time of war. These swift vessels, having a tonnage of ten to fifteen thousand and over, prepared to handle passengers as well as freight, and to perform both general and special service on the sea, are complements and essential parts of a complete and perfect navy.

Great Britain is well supplied with vessels of this character. She has a total of 146 ships of the combined passenger and cargo type of 10,000 gross tons and over, aggregating 1,870,147 tons, with a speed of 12 to 20 knots and over, while the United States has only 44 such vessels, with an aggregate of 638,247 tons. In other words, Great Britain has nearly three times as many ships which are susceptible of being used as naval auxiliaries as the United States.

If the commercial marine of the United States is to remain at its present level so far as these fast ships are concerned, then Great Britain, with her large fleet of potential naval auxiliaries,

would beyond question continue, as she is to-day, very much more powerful on the sea, even though our naval vessels—our fighting ships—are her equals on a tonnage basis.

PAST EXPERIENCE SOUNDS WARNING.

How shall this inequality be overcome? Vessels other than the fighting fleet which would be needed by the Navy in time of war, and which would largely be drawn from the merchant marine, include scouts, colliers, ammunition ships, supply and refrigerating ships, distilling ships, tankers, hospital ships, repair ships, dispatch vessels, mine sweepers, mine layers, aircraft carriers, aircraft tenders, submarine tenders, destroyer tenders, gunboats, and yachts. Similarly, in any military enterprise involving the movement of troops overseas, the matter of first and paramount importance is the sufficiency, suitability, and readiness of transports for troops and for supplies. These necessities involve not only problems of material, but also—and perhaps of even greater importance—of personnel. Our experience during the Spanish War and the situation that confronted us when we entered the World War should be convincing evidence of the necessity of an adequate merchant marine as a matter of national defense.

In the Spanish War, for the transportation of the Santiago expedition in 1898, the Quartermaster's Department chartered every American vessel that could be obtained in Atlantic ports during the 20 days following the declaration of war and succeeded in obtaining a fleet of only 36 vessels, averaging 2,500 gross tons, and only 2 of these were as large as 4,000 tons. These ships had an aggregate capacity of 90,000 gross tons, or less than one-half the quantity required at that time to embark a force of two divisions. The Navy was able to obtain 103 auxiliary vessels during the Spanish War, all but 6 of which were purchased abroad, the majority of them coming from Great Britain.

LACK OF TROOPSHIPS A MENACE.

At the outbreak of the World War the lack of an American merchant marine and the consequent lack of a trained seagoing personnel were immediately felt. The United States Shipping Board was established to undertake the vast task of creating a merchant marine, and one of the most difficult phases of the problem was to obtain an adequate trained personnel to man the merchant fleet. During the war the number of privately owned vessels purchased and chartered by the Navy was 1,677. When we entered the conflict our Army transport service consisted of only 7 vessels under the control of the War Department, and on July 1, 1917, there were in service 7 troopships of 46,000 dead-weight tons and 6 cargo ships of 48,000 dead-weight tons. This number was later increased to 512 vessels having a dead-weight tonnage of 3,251,000, not including a cross-channel fleet of 104 lake vessels, with a tonnage of 311,000. These figures include 460,000 dead-weight tons of seized German vessels and 300,000 dead-weight tons of Dutch vessels. Our success in meeting the situation was due not only to these acquisitions of foreign tonnage but also to the cooperation of our allies; for of the total number of troops carried overseas, namely, 2,086,000, less than half, or 46 per cent, were carried in American vessels, and 54 per cent were carried in vessels flying foreign flags, of which 48 per cent were British vessels.

So much for the past. Any limitation through international agreement in the future construction of naval vessels will render the necessity of a merchant marine and its personnel of even greater importance than it has been in the past in determining naval and military effectiveness; and without an adequate merchant marine the safety of our country might easily be imperiled. We are on the most cordial terms with Great Britain, Japan, and other sea powers to-day, and it is my sincere hope that this friendly relationship and cooperation will continue with all the world. But one can not foresee what will happen in the future; and while wars are universally abhorred, there is no assurance that they will not recur at times and in regions that can not be predicted very far in advance. If such a breach in our international relations should occur, we would need a very large number of naval auxiliaries and a large number of supply vessels to serve our fleet. There would be no time to build these vessels after diplomatic relations were broken; it would not be safe to trust to the chance of being able to purchase or charter foreign-flag merchant vessels; and the only course open from the standpoint of national safety is to have these vessels form a part of our permanent merchant marine.

RELIEF OFFERED BY LEGISLATION.

It would seem that the mere statement of the case is sufficient, and no argument is necessary to prove the extreme desirability and necessity of such a commercial fleet as I have described—not, perhaps, as great a merchant marine as that of Great Britain, but certainly one of sufficient size and so adjusted and balanced as to furnish all necessary naval auxiliaries.

In order to insure such a marine, there must be very material changes in our legislation. President Harding, in his recent message on shipping, suggested a number of measures of relief which are embodied in a bill introduced by the Senator from Washington [Mr. JONES] on the 23d of last month.

I shall discuss several phases of this bill, and earnestly commend its most careful consideration.

The bill first proposes to allow the Shipping Board to create out of the sale of its assets, at the world's market prices, a fund of $125,000,000 within the shortest period possible, and to loan this money to American shipbuilders at not less than 2 per cent interest. This feature is calculated to be of inestimable value in encouraging the construction of the higher type of vessel suitable for naval auxiliaries of which we are so sorely in need. Such a procedure was followed by Great Britain when in 1902 it loaned to the Cunard Line twelve and a half millions at 2½ per cent for the construction of the *Lusitania* and *Mauretania*. Besides this loan Britain agreed to pay to this company a fixed subsidy of £150,000—$750,000—a year in lieu of the previous Admiralty subvention of £15,000—$75,000. In a nutshell, the increased subsidy not only provided the interest on the twelve million five hundred thousand but amortized it in about 30 years, the life of a ship.

The interest amounts to $312,000 per year. The increased subsidy of $675,000 not only covers the interest but gives them $362,000 a year more. That $362,000 a year would in about 30 to 35 years pay the twelve and a half million. In other words, this was not a mere loan but a gift. So that Great Britain practically made a gift of the two finest passenger ships of the day to the Cunard Line in order to build up the British merchant marines.

TO STIMULATE SHIPBUILDING.

The Shipping Board already has authority to create this $125,000,000 construction loan fund from the sale of its assets, but at the present time it can be loaned to shipbuilders only at the rate of $25,000,000 a year. It is sought to expedite the realization of this fund, so that a greater amount may be made available immediately for the American shipowners in giving work to American shipyards at this particular time when it is so badly needed. This is a revolving loan fund. It is not a payment outright. Sums lent will bear interest and return that interest to the Public Treasury. It is not a subsidy; it is a business loan, the Government being protected by a first mortgage all along. It is the kind of indirect aid which a great many of the maritime nations of the world have given to their merchant marines.

The next provision is that 5 per cent of all freight moneys shall be deductible from income and corporation taxes if such freight moneys have been paid, inbound or outbound, to American ships. This provision is proposed in lieu of the benefits which were to have accrued to American shippers from section 34 of the Jones Act, which, in effect, as we all know, allowed preferential tariffs or discriminating duties on goods shipped in American vessels. President Harding, concurring with President Wilson, does not consider it in the national interest to abrogate the treaties existing with other nations which prohibit the imposition of discriminating duties. As the proposed substitute would apply both to exports and imports, I feel that it would be potentially of as great value as the discriminating duties of the old American practice, and of the provisions of section 34 of the merchant marine act of 1920. Its benefits will flow to every shipper in the United States; to the farmer, the miner, the manufacturer, the merchant, the importer and exporter. We will all be aided by it and at the same time it will aid our shipping.

FAIR SHARE OF IMMIGRATION SOUGHT.

Still another form of indirect aid very wisely proposed is a provision that at least 50 per cent of the immigrants that enter our country shall come in American ships. There is nothing difficult or complex about this proposal. Prior to the World War the European steamship companies that conveyed virtually all of our trans-Atlantic trade had a working agreement among themselves by which the immigrants were portioned out—such a per cent to the British lines, such a per cent to the German lines, and so on, with a negligible remnant to American vessels. Had such a provision as this been on the statute books in 1907, when our country reached the peak of immigration of 1,200,000 people per year, our own steamship companies would have been receiving most of the very substantial sums that poured into the coffers of foreign lines through this trade,

and we would not have been in such sad need of passenger ships when the war broke upon us in 1914.

The measure further proposes to create a merchant marine naval reserve, to consist of persons who are employed for a major portion of their time on merchant vessels, or who by appointment or enlistment obligate themselves to serve on merchant vessels in time of national emergency. The purpose of this provision is to insure a well-trained 100 per cent American crew for every vessel pressed into Government service in time of national emergency. This reserve, it is estimated, will cost about $650,000 the first year, and will reach a maximum of $3,000,000. This sum contemplates a reserve of about 5,000 officers and 30,000 men. I have already pointed out the difficulty we experienced in manning our merchant marine during the recent war. I merely wish to state further in this connection that it was often necessary to stop our ships at sea in the war zone to take off men who were friends of our enemies and hostile to our cause. In fact, at least 30,000 men were removed from our ships during this period. In view of our past experiences I believe that all will admit the necessity for such an organization as is provided for in this bill.

GOVERNMENT SHOULD USE AMERICAN SHIPS.

Still another effective form of indirect aid is the proposed requirement that American officials traveling on Government lines at Government expense must travel on American ships wherever these are available.

Another indirect aid on which we will all find it easy to agree is to discontinue so far as practicable the expensive Government transport services of the Navy and Army, and make our cargo-passenger ships the agencies of such communication, as do all other maritime nations of the world. Such a provision should increase the net earnings to those private owners engaging in such trade, and be an impelling inducement to private owners to purchase at a fair valuation the Shipping Board passenger-cargo vessels adapted for this service.

And, finally, the bill provides direct aid to our shipowners to enable them to compete with the shipowners of other countries having wage and building costs far below our standards. The expense of this subsidy is estimated at $15,000,000 the first year, and $30,000,000 at the end of five years, which will be about the maximum. I will not go into the details of the formula, which was worked out with a view to building up a well-balanced merchant marine of the types of ships needed to cover the routes and the trades that meet our purposes. Stated in simple terms, it amounts to one-half cent per gross ton for each 100 miles steamed in the foreign trade plus an additional amount for high speeds. For speeds up to 13 knots on light draft the rate of one-half cent per ton per 100 miles is constant. Beginning with 13 knots, the rate increases rapidly, thus placing a premium upon speed.

The reason for adopting this premium is to encourage the building and operating of high-speed vessels suitable for carrying the mails and for use as naval auxiliaries, and to compensate for the increased cost of construction and operation. The board is authorized to increase the amount of compensation up to twice the amount provided for in the bill when necessary to induce the establishment and maintenance of lines, and to reduce such compensation when the amount under special circumstances is excessive. Fast vessels receiving the subsidy must carry our foreign mails when required, for which no payment will be made to them, but the proper credit for the service rendered will be made by the Post Office Department to the Shipping Board. This amount expended for carriage of foreign mails is estimated at about $5,000,000 per annum.

PROFITEERING GUARDED AGAINST.

If the owner of a vessel during any fiscal year receives a net return of more than 10 per cent he is required to pay the Shipping Board 50 per cent of such earnings in excess of 10 per cent until the amount of compensation received under the act is returned. The provision is a safeguard against any profiteering at the Government's expense.

There are a number of other minor provisions in the bill which I do not consider necessary to discuss.

This bill deals with American shipping as Congress finds it to-day, not with American shipping as it might have been or as many of us would like to have it. It recognizes that the laws enacted to meet the demands of labor for superior living and working conditions on American ships are on the statute books to stay. Therefore, provision is attempted to be made whereby the Government is to assume such additional burdens as its legislation imposes. Furthermore, it recognizes the fact that it is more expensive for us to break into the commercial fields now fully occupied by our competitors than it is for us to remain in those fields after they have once been acquired. Japan clearly recognized this fact, and therefore, despite its cheap labor, provided through the Japanese act of 1896 for Government bounties to aid in the construction and operation of Japanese ships. This should be sufficient demonstration for us.

It should not be overlooked that it is not because we have no foreign commerce at the present time that our ships designed for the foreign carrying trade are idle. The Government reports for the year ended October 31, 1921, show that shipping to the amount of 127,301,777 net tons engaged in foreign trade entered and left our ports, and that cargoes in this trade to the amount of 85,035,851 tons were brought in or carried away. This vast amount of freight is nearly twice the amount which would be required to give employment to all existing American vessels suitable for the foreign trade, and therefore primarily the question is how to enable American ships to secure their share of this vast amount of traffic.

FOR A 100 PER CENT AMERICAN MERCHANT MARINE.

All the provisions of this bill are important, and each is calculated to be helpful in reaching the desired end—a real 100 per cent American merchant marine. The indirect aids are carefully prepared and well planned for effectiveness, and I believe are certain of acceptance substantially in their present form by the Senate and House of Representatives.

I wish to present somewhat in detail, however, the arguments in favor of the direct aid provided in the bill, which is commonly referred to as a subsidy, and without which the encouragement provided by the indirect aids would not suffice to set our merchant flag again upon the ocean. It must be remembered that for 60 years and more foreign shipowners have been in command of the situation. They hold to-day the mastery of most of the great routes of ocean commerce. They have their agencies, their representatives, their established interests and communications all over the world. They are determined to maintain their mastery and to drive off our American ships and to dominate our ocean-carrying trade, because they well know its advantages to their own manufacturers and merchants. These foreigners are resolved that the United States shall not become an independent maritime nation, with ships capable of serving its own people in foreign commerce and possessed of an adequate naval reserve. They are quite willing that we should go on doing as we have in the past, paying tribute to the shipping of their nations and enabling them to build up their commerce and their merchant marines at our expense.

The President, appealing in his merchant-marine message to all the people of the United States, declares that those who oppose this policy "ought in all fairness to propose an acceptable alternative."

SUBSIDIES USED BY OUR COMPETITORS.

Whatever our prejudices may be against the word "subsidy" and the policy it stands for, is there any alternative? I know of none. The United States is the only maritime country in which the question of subsidy is ever debated. It is the only maritime country that has ever hesitated to employ a subsidy policy commensurate with its means and opportunities. Just before the late Great War the rest of the world was spending $50 annually in subsidies and bounties to shipping, where the United States, the wealthiest Nation in existence, was giving one, and that in mail pay to a few ocean services.

Every nation in the world that has a merchant marine worth considering has in some way or another included subsidy with other forms of national aid. This is the fully established practice of all of the sea-trading peoples. Would these shrewd commercial folk adopt and continue a subsidy system if it did not "produce results" commensurate with each nation's racial fitness and opportunities?

We must approach consideration of the subsidy problem in the fullest possible spirit of open-mindedness. Is it not quite possible that the other nations of the world in their attitude toward shipping subsidies have been right and that America has been wrong?

Let us look for a moment into the history of Government aid to the merchant marine. We all know that by common consent the American Congress in the very first law passed by the first Congress under the Constitution—a law framed by the founders of the Republic, by Washington, Adams, Madison, and Jefferson—provided the protection of discriminating or preferential duties for the young American merchant marine. We all know that under that policy in a few years, instead of carrying 23 per cent of our imports under our own flag, as in 1789, we were carrying 85 and 90 per cent in our own vessels, and that the tonnage of our overseas shipping rose with an unexampled swiftness from 123,000 in 1789 to 981,000 in 1810.

OUR ADVANTAGES THROWN AWAY.

Our achievement was so extraordinary, our confidence so strong, that in the years after the War of 1812 we allowed ourselves to be tied up in commercial treaties by the clever and far-seeing diplomats of Europe, so that the discriminating duties were finally, though not completely until 1850, abandoned by our Government. Looking back we can now see that we were outgeneraled and beaten.

And what did the governments of the Old World do when they had us thus bound hand and foot against renewal of the discriminating duties? These governments deliberately took up another policy, a very effective policy, of steamship subsidies and subventions, begun by Great Britain in a mail subsidy of $425,000 a year, which created the Cunard Line of trans-Atlantic steamers in the year 1839. Having called the Cunard Line into being, the British Government granted another subsidy of $1,300,000 a year to the Peninsular & Oriental Line to the East Indies, and still another subsidy of a like sum to the Royal Mail Steam Packet Co. for a steamship service under the British flag to the West Indies and the east coast of South America. Practically all of the British merchant steamship services were subsidized in those crucial years of the development of steamship building and steam machinery building. So that very soon Great Britain, which had been squarely beaten in sail craft, saw her hope to regain the mastery of the seas.

But the United States then was not blind and idle. Barred by the treaties from a readoption of discriminating duties, the American Government sought to meet British competition by initiating a vigorous mail-subsidy system of its own. This is the record of history, perhaps forgotten by some of us, but not forgotten by all of us.

SOUTHERNERS INITIATED SUBSIDY POLICY.

I would invite the attention of Senators to the recorded fact that these first and earliest of American steamship subsidies were given by southern lawmakers, acting on the recommendation of a Democratic President.

The honor of initiating this first American subsidy policy, which, while it was applied, proved splendidly successful, belongs to two southern Senators of distinguished reputation in their time—Thomas Butler King, of Georgia, and Thomas J. Rusk, of Texas. Only a year after the first British Cunard steamships had begun their regular trans-Atlantic service from Liverpool to Halifax and Boston Senator King began to advocate in Washington an annual appropriation of a million dollars for the carrying of the mails and the encouragement of American steamship building and navigation. Later Senator Rusk was an ardent advocate of the same policy. Senator King, for example, said:

It is sufficient to show that they (British statesmen) are resolved, as far as practicable, to monopolize the intercourse between these two important points. This movement shows clearly that the time has arrived when we must decide whether we will yield this essential branch of navigation and this indirect means of extending our naval armaments to our great commercial rival, or whether we shall promptly extend to our enterprising merchants the necessary means to enable them to bring American energy, enterprise, and skill into successful competition with British sagacity and capital. Of all the lines of sailing packets which cross the Atlantic, not one is owned in Europe; and it is not to be doubted that American merchants, properly encouraged, will assuredly excel in them (steamship lines) as they have done in sailing vessels; and when we reflect that this may be accomplished to the mutual advantage and advancement of our commercial and military marine, it would seem that no statesman ought to hesitate for a moment to give his support to a measure which is demanded alike by prudence and the necessities of our position.

These words found a patriotic response in the Congress. An act of Congress in 1845 authorized the Postmaster General to make contracts with American shipowners for the carriage of mails in American-built ships to Europe.

HOW DEMOCRACY AIDED SHIPPING.

President Polk, in a message to Congress, speaking of supplementary legislation, said:

The enlightened policy by which a rapid communication with the various distant parts of the world is established, by means of American-built steamers, would find an ample reward in the increase of our commerce and in making our country and its resources more favorably known abroad; but the national advantage is still greater—of having our naval officers made familiar with steam navigation and of having the privilege of taking the ships already equipped for immediate service at a moment's notice, and will be cheaply purchased by the compensation to be paid for the transportation of the mail, over and above the postage received. A just national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels.

These were days of strength and glory for the Democratic Party in the Nation. For the most of these years that party continued to control our national destinies. It was characterized in its foreign and domestic policies by the fervent patriotism of Andrew Jackson and of the great Democrats who came after him. Those statesmen saw nothing inconsistent between Democratic Party faith and national mail subsidies to American steamships, serving as these ships did as our indispensable naval reserve in time of war.

JEFFERSON'S WORDS RING TRUE TO-DAY.

The immortal founder of the Democratic Party, Thomas Jefferson, had the American merchant marine in mind when in 1793 he wrote these remarkable words to the House of Representatives:

Our navigation involves still higher considerations. As a branch of industry it is valuable, but as a resource of defense essential. Its value as a branch of industry is enhanced by the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level, and in times of war—that is to say, when those nations, who may be our principal carriers, shall be at war with each other—if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels, at the increased expense of war freight and insurance, and the articles which will not bear that must perish on our hands.

But it is as a resource of defense that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land board, and nothing to desire beyond their present rights. But on their seaboard they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen and of artisans and establishments in readiness for shipbuilding.

No wiser words were ever uttered, and every one of them is applicable to-day.

EFFECT OF EARLY SUBSIDY.

Under our ocean mail law of 1845 and a later law of 1847 a subsidy of $200,000 a year for 20 voyages was provided for the Ocean Steamship Co. to maintain a line from New York to France and Germany. The first line of the Pacific Mail Steamship Co. was established on the Pacific coast, and another and connecting line was established by mail subsidy from New York to the Isthmus of Panama. Moreover, excellent, though smaller, services were put upon the seas from Charleston and New Orleans to the West Indies.

In 1847 a very important contract was concluded between the Postmaster General and the Collins Steamship Line for a service from New York to Liverpool, which was intended to be the most effective in the world. The first subsidy to that line was of $385,000 a year—a sum, it is to be remarked, much smaller than the $425,000 which Great Britain had paid for the establishment of the Cunard Line, with smaller and inferior steamers. Not only did the Collins company fulfill its contracts, but it even exceeded them by building steamships twice the size and of far greater speed than the Cunarders, the most powerful, swift, and efficient steamers in existence. Because of their extraordinary performances and of their higher cost Congress voluntarily increased the Collins subsidy to $858,000 a year. At that time, or soon after, the Cunard steamers, regularly beaten by the American, voyage after voyage, were receiving about $900,000 from the British Government.

WHEN AMERICAN SHIPS LED ALL.

The results of that noble trans-Atlantic steamship competition—and it was inaugurated by Democrats, I want my Democratic colleagues to understand—was all in favor of the American flag. The great American steamers drew all the best passenger traffic and broke the monopolistic freight rates of the British steamers from £7 10s. to £4 per ton. American deep-sea steam tonnage rapidly increased from 20,870 in 1849 to 115,045 in 1855, when our best ocean steamships were incomparably better than the best ocean steamships of the British fleet. Dr. David A. Wells, remembered to-day as a great authority on trade and commerce, in his history of the merchant marine, thus describes this memorable achievement:

During the single year 1849–50 we increased our ocean steam tonnage 113 per cent, and the seagoing qualities and performances of our vessels were so admirable that the Cunard company, which had then been in operation 10 years, was obliged to bring out new ships to compete with them. The prospect, therefore, at one time was that the United States, although late in the start in this new department of foreign shipping, would soon equal if not overtake her great commercial competitor.

A united country devotedly upheld the national mail-subsidy policy which was bringing such profit to the country and glory to the Stars and Stripes. Senator Bayard of Delaware—a name of high honor in the annals of the Democratic Party—in speaking directly for the subsidy to the Collins steamers, said:

I am willing to trust American skill and industry in competition with any people on the globe, when they stand nation to nation, without Government interference. But if the treasury of a foreign nation is poured into the lap of individuals for the purpose of destroying the interests of my country, or for building up a commercial marine at the expense of the commerce and prosperity of the United States, I, for one, will count no cost in countervailing such governmental action on the part of Great Britain or any foreign power.

PROTECTION OR DEFEAT AND DISHONOR.

Now, I ask Senators to listen to these eloquent words from Senator Lewis Cass, of Michigan, a distinguished western Democrat. In advocating the Collins subsidy he said:

> Well, sir, it is a question of protection—of high and important and holy protection—in the best sense of the term; the protection of our country, of our expatriated seamen, of our commerce, of our interests, of our honor, of our soil, or all that gives dignity and character to nations; protection against defeat, disgrace, and dishonor.

Merchants and shipowners of Charleston, S. C., petitioned Congress to continue to grant the Collins subsidy of $858,000, asking for it "not as residents of Charleston but as patriotic citizens of the United States."

This was the situation, Senators, when the storm of civil war began to cloud the national horizon. By the end of the decade before 1861 we all recall how the sections were splitting asunder in the fratricidal quarrel over slavery and secession. The national spirit that had been so strong and united gradually changed to sectional hatred. And with it there came a terrible but inevitable change in the national attitude toward the merchant marine.

Mr. FLETCHER. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Florida?

Mr. RANSDELL. I yield.

Mr. FLETCHER. My recollection is that the aid to the Collins Line, which had been increased to $858,000, was reduced from that figure to the original amount, and then subsequently abandoned before the outbreak of the Civil War. I am not sure about that, but that is my recollection.

Mr. RANSDELL. It was practically abandoned. My next paragraph, I will say to the Senator, will go somewhat into detail as to that.

SUBSIDY WITHDRAWAL FATAL.

Most of those great steamships sailed from northern ports. All of the steamships were potential factors in war. There is no need to go into particulars of that sad experience. But the fact, briefly, is that on the insistence of some, though not all, of the southern Senators the national policy of mail subsidy to American steamers was cut down in 1856—just as the Senator from Florida suggests—and almost swept away in 1858 against the opposition of the merchants of the country and the opposition also of most of the public men of the Northern States and of some of the public men of the Southern States. Within a few months the American trans-Atlantic ships, without a subsidy, were overwhelmed by the British subsidized competition, now more generous and insistent than ever, and not one regular American steamship line was left in trans-Atlantic service when the Civil War actually broke out in the spring of 1861.

It was not the actual fighting of the Civil War that crippled and began to destroy the American merchant marine. Its decline had set in before the war because of the withdrawal of national aid from American shipping companies, which allowed them to be struck down by the heavily subsidized steamship companies of Great Britain. That is the record of history. It has its impressive lesson for all of us reunited Americans of to-day.

We all know and deplore how many of the passions and prejudices of the Civil War remained after the war had ended. For many years thereafter it continued to be impossible to bring the country together in support of any adequate policy of national encouragement to the merchant marine. A few brief, insufficient mail subsidies were given to American steamships to South America and across the Pacific Ocean, with scanty results because these subsidies were not persisted in as were the similar payments of Great Britain. Not until 1891 was a comprehensive shipping bill passed by the Senate of the United States, and that bill was so badly reduced and crippled in the House of Representatives that no real results were anticipated from it. As a matter of fact, that measure—the ocean mail law of March 3, 1891—was vigorously enforced by President Cleveland, in whose second administration the new American line of trans-Atlantic steamers, with first-class ships of 20 knots, was established from New York to Southampton, a line that was destined to render the country invaluable service in the Spanish War of 1898 and again in the World War of 1914. That was a subsidy law, a mail subsidy law, but it was impartially upheld alike by Republicans and by Democrats.

OUR SHRINKING SHARE IN OUR SEA TRADE.

This comparatively recent scanty mail subsidy legislation had little or no effect on our merchant marine, which had been shrinking continually from the time the broader policy of mail subsidy to American steamships was swept away in 1858. After 1860 our foreign commerce in American ships dropped rapidly from 65.2 per cent in 1861 to 26.2 per cent in 1875, to 12.8 per cent in 1890, and to 8.2 per cent in 1901.

Speaking after 1891, the postmaster general of Great Britain, Henniker Heaton, contrasting our national policy of neglect with the vigorous British policy of encouragement, said—and I hope Senators will listen to this quotation from the British postmaster general:

> As American ships were not subsidized, their owners could not compete with the Cunard and other companies, the art of shipbuilding languished, and the American carrying trade was transferred to foreign bottoms. In 1891 only 13 per cent of the exports from the United States were carried in American ships, which at one time had engrossed 90 per cent.

With a manifest contempt for American blindness and inaction, this British postmaster general added—listen to this:

> As a consequence of refusing $5,000,000 a year in subsidies during 30 years to native shipowners, or $150,000,000, the United States had to pay in the same period not less than $3,000,000,000 for freights, while their mercantile marine dwindled into insignificance.

Senators, that is the statement of the postmaster general of our great commercial rival, Great Britain, and I do not think he began to state the case as strongly as it should have been stated. Such is American maritime history as keenly seen and unerringly stated by our chief competitor.

When the World War broke out in 1914 about 9 per cent of our foreign commerce was being carried in American ships. The coming of this great conflict found us with practically no merchant marine, and it was not until 1916 that the Government, through the shipping act, showed a determined intention to put our shipping back on the seas. This was forced by the realization of the absolute necessity of protecting our country and our commerce, as well as the commerce of other nations, in view of the rapid destruction of merchant vessels by German submarines. Little was accomplished before we entered the war in 1917, however, and we were then brought to realize our helplessness and the folly of allowing our marine to fall off to the extent that we had. When the German ships were interned or withdrawn totally and the ships of the other nations were partially withdrawn, there resulted a paralysis in our export commerce which we shall never forget. A great part of our grain, cotton, meat products, lumber, copper, and manufactured goods available for export could not be moved. Our producers lost billions of dollars and our national prosperity was for a time imperiled. The resultant increase in the cost to the consumers of foreign food products, as well as to the manufacturers dependent upon essential foreign raw materials, was also tremendous. The whole country felt the effect.

FARMERS SUFFER FROM LACK OF SHIPS.

It was the farmer who suffered first from this paralysis of our export commerce. It was the farmer who was forced to pay the most extortionate freight rates by the reduced foreign shipping that remained in service. Rates on grain from Galveston to Liverpool were increased 174 per cent, on cotton 361 per cent. Other rates on agricultural products were raised to a similar extent, so that at one time our farmers were actually compelled to pay more money for the carriage of their grain to Liverpool than they received for all the labor of producing it.

The unceasing cry of our allies was, "Ships; more ships!" The cry was taken up and repeated by our own farmers, miners, merchants, and manufacturers who sought markets across the sea for their surplus products. It was necessary also to move 2,000,000 soldiers across the sea and everything required by them. Our allies made constant and heavy demands upon us which could be supplied only by more ships. The result was the purchase and construction of a vast number of vessels, which cost about three and one-half billion dollars. These ships—1,442 steel, Government-owned vessels, approximately 7,000,000 gross tons—are now the property of our country; they are our ships, and they are being handled by our agents, seven patriotic American citizens who constitute the United States Shipping Board, loyal, true men, who are doing their very best with a most difficult situation, and are entitled to our cordial, active support. They are handling to the best of their ability these Government ships and a vast deal of property connected with shipping.

The board and its agent, the United States Emergency Fleet Corporation, constitute by long odds the greatest shipping organization on earth, having in its hands and under its control a much larger tonnage of ships than has ever before been handled by a single corporation since the world began. We must give every assistance in our power to the Shipping Board, in order that it may make a success of its giant task and in so doing may perform service of inestimable value to the Republic. The board has made the most elaborate study of every question connected with shipping and presented its findings and

recommendations to the President, who, in turn, has sent them to Congress, as I have indicated herein. We can not do better than follow the advice of the Shipping Board.

WE SHOULD CARRY HALF OUR COMMERCE.

It is important for many reasons—indeed, it is imperative in the interest of national welfare—that the United States create and maintain a merchant marine capable of carrying not less than one-half its foreign commerce, and that at least 50 per cent of its exports and imports of every kind, including passengers, be actually carried in ships owned, operated, financed, and insured by Americans. The percentage is fixed at one-half on the assumption that our imports will about equal our exports for some years to come, and it is fair for our ships to handle an amount equivalent to the volume of our exports. We must of necessity for a long while import practically as much as we export; for most of the world is unable to pay us any money, and the only practical way to engage in foreign trade is by barter and exchange of commodities.

Without imports we would in many cases either have to produce the things now imported or cease to use them. Our climate, soil, and resources are not favorable to the production of many articles which we import in large quantities.

American ships are our delivery wagons. They belong to us. We are vitally interested in their success. Their officers and crews are citizens of the United States, who pay taxes and perform the same patriotic duties as other citizens of the Republic. Foreigners are our competitors in selling. Why should we make our business rivals act as salesmen and delivery wagons for us? Is it reasonable to expect them to work solely for our interest? Would our great merchants be satisfied to have deliveries of their goods made by their competitors?

The same principle applies on the seas. The ships of the British, our chief maritime rivals, pay no taxes in America to sustain our schools and churches, our Government and civilization. The wages earned by English crews go to make homes in Britain, while our sailors make American homes. The earnings of British ships pay interest on capital and insurance to British companies, while our ships earn a return for American investments and American insurance companies.

UNITED STATES SHIPS VITAL TO UNITED STATES TRADE.

The United States is a great mercantile Nation of 110,000,000 souls, having close business connections with the whole world; and our only means of transportation to the people from whom we buy and to whom we sell, except as to Canada and Mexico, is by ship. The ship is to the sea—which covers 73 per cent of the earth's surface, the land being only 27 per cent—what the steamboat is to canal and river, the freight and passenger train to the railway, the truck and automobile to the highway. It is the means of transporting freight and passengers from place to place; and just as Americans own and operate the agencies of transportation on their interior waters, highways, and railways so should they own and operate enough ships to carry their commerce on the seas.

During the calendar year 1921 our total foreign commerce, aggregating forty-six and a half million cargo tons, was valued at $6,000,000,000. The commerce of 1920 was double that amount in value, and it is thought that the commerce of the current year will be worth greatly in excess of six billions. Exports in 1921 were valued at $3,806,995,000 and imports at $2,186,365,000. Of this total commerce of exports and imports last year 36 per cent was carried in British vessels, 35 per cent in American, and 29 per cent in ships of all other nations. These figures are exclusive of the oil and Great Lakes trade. It thus appears that only a little more than one-third of our foreign commerce, excluding oil and that handled on the Great Lakes, was carried in American ships.

In general, economists figure that ocean freight charges average about 8 per cent of the value of the goods carried. On this basis, by making an analysis of the returns of the Department of Commerce, it is possible to figure out what was paid for shipping to various nations engaged in trade with this country. For the calendar year 1921 the freight moneys divided among three classes of shipping were as follows:

American	$171,000,000
British	172,000,000
Others	135,000,000
Total	478,000,000

Of this large sum paid for freight, 36 per cent went to British vessels, 35 per cent to American, and 29 per cent to the ships of all other countries combined. The division of earnings by flags was as follows in millions of dollars: British, 172.3; American, 171.0; Japanese, 33.6; French, 20.1; Norwegian, 18.8; Dutch, 18.5; Italian, 14.3; Danish, 6.2; Swedish, 6.1; Spanish, 5.7; Belgian, 2.8; German, 1.4; and others, 7.1.

In addition to this vast sum of $307,000,000 paid to foreigners last year for freight on our commerce, we sent them more than $100,000,000 for marine insurance—a total payment to foreigners of $407,000,000 in 1921 for marine freight and insurance, at least one-third of which should have been kept at home.

OUR SHIPS FAILING IN COMPETITION.

A cursory analysis of trade returns shows—and, Mr. President and Senators, this is a sad thing to me—that American shipping is not standing up under competition, and that matters are growing worse instead of better. In December, 1920, over 50 per cent of the vessels engaged in our foreign trade were under the American flag, and with that number we were carrying slightly more than 38 per cent of the value of the total exports and imports. In December, 1921, however, although we still had more than 50 per cent of the active ships, we carried only 29 per cent of the value of the goods; and the value of the goods carried last December—1921—to the net tonnage of the vessels engaged was only $28 for the American ship per ton to $68 for the foreign tonnage.

We were carrying 50 per cent of our trade in our own ships two years ago, exclusive of oil and the Great Lakes trade. Since then the volume of ship tonnage under the American flag has grown steadily, and the proportion of cargo tonnage or commerce moving in our own vessels has declined almost as steadily. In May, 1920, 50.1 per cent of our imports were American-carried; in December, 1921, only 28.5 per cent—a decline of nearly 22 per cent. In the same period the proportion of our exports going in American bottoms has fallen about 20 per cent.

BRITISH SHIPS LEAD IN OUR OWN TRADE.

In fact, we have now reached the point where British ships are carrying more of our trade than we are. I do not mean merely in the trade between the United States and British possessions, but between the United States and the world. The same is true of the minor maritime nations grouped together; so that out of the three groups comprised of British vessels, all other foreign vessels, and American vessels our ships are now at the tail of the procession, carrying only slightly more than a quarter of our foreign commerce. This is true of the amount of cargo carried as well as the value of that cargo. Figures compiled by the Shipping Board show that in the last month for which I have a record—December, 1921—out of 3,505,000 tons carried in the overseas trade, 1,098,000 were transported in British vessels, 1,390,000 in those of other foreign merchant marines, and only 1,017,000 in American bottoms.

Great Britain is our chief competitor; but there are many others who must not be discounted as rivals, as a glance at the millions of dollars paid out in freight last year will show. Norwegian ships alone took not far from twenty millions. How much of this do you suppose was received for carrying goods between the United States and Norway? Eighty per cent of the Norwegian ships coming to and going from the United States are engaged in commerce in which Norway has not one penny of interest, either as the buyer or seller of the goods.

Nearly thirty-five millions went to Japanese ships, twenty millions to French, about nineteen millions to Holland, and about fifteen millions to Italy. Denmark, Sweden, Spain, Belgium, and Germany were all credited with lesser amounts, which amounts, however, run into the millions; and after the ships of all these nations have had their share there still remains an item of over seven millions earned by the ships of other countries in our carrying trade. Who are these others? They include vessels of the merchant marines of Finland, Honduras, Chile, Cuba, Yugoslavia, and a few other nations.

BRITAIN CARRIES HALF WORLD'S COMMERCE.

We can not, of course, expect to have all our foreign trade carried in American vessels; but we are at least entitled to one-half of it. Britain's merchant marine carries two-thirds of Britain's trade, nine-tenths of the trade of her possessions, and so large a slice of the commerce of other countries that it is estimated her ships transport more than half of the world's sea trade. She carried 36 per cent of our ocean commerce during 1921, and figures just issued by the British Government show that American vessels in 1921 transported less than 5 per cent of the sea-borne trade of the United Kingdom. This is a splendid showing for Britain and a very poor one for us.

It is manifest that we are letting our ocean-carrying trade slip away from us, and that if nothing is done to aid our merchant marine we may cut an even smaller figure on the seas than before the war, when less than 10 per cent of our trade was American-carried.

The United States has never given any but mail subsidies to American ships. The provision to pay to American "tramp" cargo steamers of less than 13 knots a compensation of one-half

of a cent per gross ton for each 100 nautical miles sailed, that is contained in the new shipping bill, undeniably marks a new departure in marine legislation. Higher compensation is provided for faster ships of regular services carrying the mails on a per ton per hundred miles basis; but these ships thus compensated must carry the mails without the pay provided by the present law, which means a return of a sizable portion of the subsidy.

AID WILL MAKE SHIP SALES POSSIBLE.

If the Government does not extend direct aid to shipping, and thereby materially encourage men to enter into the shipping business with a reasonable prospect for earning a fair return on their investment, it will be impossible for the Shipping Board to dispose of the greater portion of its very large fleet of slow, moderate-sized vessels. Most of these ships are suitable only for the tramp service, being small to medium size, 3,000 to 7,000 tons, with a rather slow steaming radius, and not equipped to carry passengers. Vessels of this class, if given reasonable assistance, as provided in the pending bill, can operate from a number of the smaller ports of America with a fair prospect of success, thereby establishing business out of these ports to the great benefit of the country generally, increasing the number of its ocean ports, and preventing congestion. The prospect of such a business as this, conducted in smaller vessels, will naturally create a demand for them, and the Shipping Board will have an opportunity to sell a great many, if not all of them, whereas without such special aid or subsidy, if that term be preferred, a vast number of these vessels will remain in the hands of the Shipping Board indefinitely, with colossal ultimate loss to the Nation.

It is my candid opinion that the increased value of the Shipping Board vessels and the creation of a market for them resulting from the passage of the pending bill, especially the provision for direct aid, will more than offset the total amount paid by the Government in aid of shipping under the bill during the next 10 years. In other words, I consider that sound business justifies the passage of this bill in order that the Government may be able to dispose of a very costly asset to its own citizens, which is now unsalable, and which by the passage of the measure would be rendered saleable at a reasonable price.

Even if a strong American merchant marine were not needed for patriotic reasons, nor for the purpose of handling at least one-half of our vast commerce, nor for use as a naval auxiliary, then we should pass this bill to create a market for the big lot of vessels now in the hands of the board.

THE SOUTH VITALLY CONCERNED.

I would particularly invite the attention of Senators from Southern States to the fact that this compensation or aid to the slower, smaller cargo ships is of especial value to the South, with its exports of cotton, lumber, tobacco, and other bulky commodities. Without aid to these slower cargo ships it is not probable that many of our existing services in Shipping Board steamers can be continued out of southern ports, or that these ports will maintain a foothold for the gradual development of the faster and larger passenger ships, to a share of which they are rightfully entitled. Compensation for mail steamers, amply justified by Democratic precedents which I have cited, would not suffice for present southern interests. There must be compensation also for the cargo "tramps" especially adapted to our new and growing lines if those lines are to be saved to the ports of the South Atlantic and the Gulf of Mexico.

Within the last four or five years we have seen the creation of a new sea power on the South Atlantic and the Gulf of Mexico—an American sea power of ships managed and operated from our southern ports, purchasing their stores there, employing their crews there, carrying our commerce to markets some of which we have never reached before. Foreign ships had come and gone through the years—ships built abroad, owned abroad, officered and manned abroad, distributing their profits mostly abroad, and carrying our commerce on routes which foreign shipowners and merchants determined. In other words, the European maritime powers had held our southern ports in almost absolute vassalage, and had destroyed all hope of an American shipping of our own. Are there any of us who would like to have these old conditions return to Norfolk, or Newport News, or Wilmington, or Charleston, or Savannah, or Jacksonville, or Tampa, or Mobile, or New Orleans, or Houston, or Galveston?

No; never! Equally with our brethren of the North, we of the South want our own American merchant marine, and this proposed bill points more clearly and powerfully than any bill which we have seen before the way in which we can secure and keep it.

RECESS.

Mr. LODGE. I move that the Senate in open executive session stand in recess until Monday at 12 o'clock.

The motion was agreed to, and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until Monday, March 27, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 25, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, Thou hast given us such beautiful ministries as the unseen love, the unannounced joy, and the satisfactions of labor that fill the common and the unheeded ways of life. For these gracious bounties we have no self-satisfying return, but in our hearts is the psalm of gratitude. We would ask Thee for wisdom to conceive, for power to execute, and for love to constrain, that we may at all times seek the good and prefer to do it. O be a shield, a staff, and a shelter to the loves of our hearthstones and those who may be away, and when the harsh winds blow hold them to Thy breast. In the name of Jesus our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that Mr. HARRY ST. GEORGE TUCKER, who has been elected to fill the vacancy caused by the death of the late Representative H. D. Flood, of the tenth district of Virginia, may be permitted to take the oath of office without presenting his credentials. He was elected without opposition, I may say.

The SPEAKER. The gentleman from Virginia [Mr. MONTAGUE] asks unanimous consent that Mr. TUCKER may be permitted to take the oath of office at the present time, although his credentials have not arrived. Is there objection? [After a pause.] The Chair hears none.

Mr. TUCKER appeared at the bar of the House and took the oath of office.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3300. An act granting a pension to Marie Doughty Gorgas.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 263) authorizing the purchase of land for cemeteries for American military dead in Europe and for improvement thereof.

ANNIVERSARY OF LANDING OF GOVERNOR CALVERT.

Mr. HILL. Mr. Speaker, to-day is the two hundred and eighty-eighth anniversary of the landing of Gov. Leonard Calvert at St. Clements Island, in the settlement of Maryland, a colony dedicated to religious and civic liberty. I ask unanimous consent to extend my remarks in the RECORD on that subject.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection? [After a pause.] The Chair hears none.

WAR DEPARTMENT APPROPRIATIONS.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the War Department.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10871, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CRAGO].

Mr. ANTHONY. Mr. Chairman, I ask that the Clerk report the amendment.

The Clerk read as follows:

Page 79, line 25, strike out "$800,000" and insert "$1,002,800."

Mr. HARRISON. Mr. Chairman, the National Guard asked for an appropriation of $1,928,000 for this item, and they stated that it was necessary for the continued development of the National Guard along the lines that they were then developing. Now, it does seem to me there ought to be a policy one way or the other. We ought to make a sufficient appropriation here to enable the National Guard to develop in the way that it is now developing, or we ought to adopt the committee report, which is on the line of eliminating all expensive technical units. And in order to bring that question before the committee I move to amend the amendment of the gentleman from Pennsylvania [Mr. CRAGO] by substituting $1,928,000.

Mr. CRAGO. I will accept that amendment.

Mr. HARRISON. And then we will have the proposition directly before the House.

The CHAIRMAN. Does the gentleman from Virginia offer his amendment now?

Mr. HARRISON. Yes, sir.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

Mr. HARRISON. One minute, Mr. Chairman, I would like to make an explanation.

The CHAIRMAN. The gentleman will state his amendment to the Clerk.

Mr. HARRISON. I move to substitute $1,936,320.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRISON to the amendment offered by Mr. CRAGO: Page 79, line 25, strike out "$800,000" and insert in lieu thereof "$1,936,320."

Mr. HARRISON. My object, Mr. Chairman, in offering the amendment is to bring squarely before this committee the question as to whether we wish to develop the National Guard according to the lines on which it is now being developed or whether we wish to eliminate all the expensive technical units in the service. Now, it seems to me to be utterly unfair, if we are going to continue the expensive units that I have referred to—the Cavalry, the Tank Corps, and the various technical units of the National Guard—that we should not stop the progress now being developed in the National Guard. Why should the States that now have these units be permitted to have them while States that need them should be denied them by reason of the appropriation? Therefore I think that we should bring the question squarely before the committee as to whether we are going to have these units in the National Guard. If we are going to have them, the National Guard in the various States that do not now have them should be permitted to organize them, and they should not be confined to the States that have already organized them. Therefore I offer the amendment in the present case in order that the committee can pass directly upon the question, and if they vote down this amendment, then we ought to vote down all the amendments to the committee report.

Mr. SISSON. Mr. Chairman, I am somewhat amazed at my friend's amendment, because he is now asking for several thousand dollars more than the Militia Bureau itself asked for. They asked for only $1,928,000. The gentleman asks for $1,936,320.

Mr. HARRISON. I took it from the record of the hearings.

Mr. SISSON. They made an estimate of $1,928,000. But it shows you, gentlemen of the committee, that when a man gets the military spirit in him a few thousand dollars does not make any difference.

Now, I believe that every real friend of the National Guard will oppose this amendment. The moment you convince the American people that the National Guard is as expensive a unit as the Regular Army, then there is no argument in favor of the National Guard.

The gentleman who is at the head of the National Guard now, if he had his way, while he is unwilling to put his judgment against that of the General Staff, believes that the development of the soldier as an infantryman and an artilleryman is as far as we ought to go. Now——

Mr. HARRISON. I would like to read from the hearings exactly what he said.

Mr. SISSON. I have not the time to yield now.

Mr. HARRISON. It is $1,928,000.

Mr. SISSON. But you ask for $1,936,000.

Now, I want to say to you, gentlemen, that if you will look at the appropriation here for 1914—I believe it was; I may be mistaken as to exactly the year—the National Guard appropriations were $800,000 and some odd, perhaps nearly $900,000. Next year it was about $1,000,000, and then this bill now carries between $25,000,000 and $30,000,000 for the National Guard.

In other words, it increased from the year 1914 down to the present time from less than $1,000,000 to more than $25,000,000. We make provision in this bill to take care not only of the National Guard as it is now, but if they propose to develop the organization of infantrymen at the close of the next year we are asked to provide that the outlay for forage of the National Guard may be $1,928,000—the greatest National Guard that ever we had since the organization of this Government. And yet my friend and colleague on the committee [Mr. HARRISON] comes and asks this committee to give $1,936,000, which is $8,000 more than was originally asked for.

Now, I can not conceive of this committee, committed as you have been on your side to a policy of economy, committed as our party has always been to economy—I can not conceive how you will not only add 100 per cent but more than 100 per cent to this item; and if you continue to develop technical units, airplane units, chemical-warfare units, and cavalry units, you will find the people themselves will become so heartily disgusted with the National Guard that they will scourge out of Congress any man responsible for that extravagance. Wherever you find these units where the boys drill three or four times a week and keep horses and other expensive accouterments and implements the taxpayers of that neighborhood will complain of the expense.

I may be doing wrong in thus stating the attitude of the taxpayer, the man who pays the taxes, but I do believe you ought to give some attention to him, especially in view of the fact that we are willing to develop the National Guard in numbers as rapidly as the country wants, except that we are denying to this organization technical units that are more expensive than the ordinary organization of the National Guard requires, and I hope this amendment will be voted down. [Applause.]

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to change my amendment to "$1,928,000" instead of "$1,936,000." I ask unanimous consent that my amendment be made to read "$1,928,320."

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the gentleman's amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. HARRISON: Page 79, line 25, strike out the figures "$800,000" and insert in lieu thereof "$1,928,320."

Mr. ANTHONY. Mr. Chairman, when we passed the national defense act of 1916, in providing for the National Guard we laid the foundation for a military force which, if it is allowed to grow, can expand, as we all hope it will, until it will far eclipse the Regular Army, not only in the number of men but in its military strength. It means that within a very few years you will have a force of approximately 440,000 men in the National Guard.

All we did at that time was to prescribe the maximum to which it should grow, something over 400,000 men. The War Department was authorized to prescribe the details of its organization. Under regulations adopted by the Board of the General Staff, which formulated the organization of this new guard which we authorized in 1916, they provided that it should consist of 18 divisions. A division now consists of 14,000 men. Of the 18 divisions, 15 are to be infantry and 3 are to be cavalry. We are at present considering an item for the forage of the animals now in the National Guard, not only for the cavalry regiments but other mounted units of the National Guard.

Mr. HILL. Field artillery, for instance.

Mr. ANTHONY. Yes. Now, if we allow the National Guard to expand along the lines of the organization prescribed by the War Department, it means that instead of providing 8,000 animals, as we are asked by the War Department now, in a few years you will be asked to provide for 60,000 or 70,000 animals, according to the number of animals per unit prescribed for the artillery and the cavalry.

Your committee thought it was not good policy for Congress to permit any such expensive expansion, not only because they thought the Cavalry units were unnecessary from the military standpoint, or so large a proportion of Cavalry, because of the well-known fact that Cavalry is rapidly going out of date as a preponderant arm in the military service; but from the standpoint of expense, which you can readily see is foreshadowed here, and the ultimate cost of the National Guard when fully organized, will amount to more than that of the Regular Army now.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEGG. What is the practical use of a Cavalry troop in a State now, as compared with what it has been in past times, as a branch of the National Militia? Would it be for the purpose of putting down insurrection or disorder?

Mr. ANTHONY. For that purpose, in my opinion, a company of Infantry would be worth more than a Cavalry troop.

Mr. LAYTON. From that standpoint a Cavalry troop would be useless along the border?

Mr. ANTHONY. Well, I do not know as to that.

Mr. LAYTON. Largely.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. There are a number of very efficient National Guard Artillery units. Several of them are motorized and some of them are mounted. I was wondering what effect this cut will have upon these Artillery units. It seems to me that is very important, because artillery is very important to-day.

Mr. ANTHONY. The committee has provided for only one-half of the number of animals that the War Department has suggested for the National Guard, and undoubtedly it would be necessary to demount some of those mounted units and convert them into some other form of organization.

Mr. NEWTON of Minnesota. Would not that disturb the balance of the organization in the division and create a situation somewhat like that which existed before the war?

Mr. ANTHONY. I do not believe the Artillery of the guard is organized in detail into divisions. I think it is organized as Army and corps Artillery.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NORTON. Is it not a fact that Cavalry was particularly useful in the patrol of the Mexican border?

Mr. ANTHONY. Yes; but I said that for local use in preserving order, in my opinion, Infantry was more effective than Cavalry.

Mr. NORTON. Was not the patrolling of the border more effective by the Cavalry than by the Infantry?

I know in the patrol of the Mexican border there was a troop of cavalry from Cleveland that was said to have rendered excellent service.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SNYDER. Is it not a fact that at the present time there are 8,000 horses in use by the various establishments of the National Guard?

Mr. ANTHONY. They are issued to the National Guard, but I deny that they are in use.

Mr. SNYDER. They are supposed to be in use, and are now held for use when desired.

Mr. ANTHONY. A gentleman suggests that they are now in the livery stables.

Mr. SNYDER. That is a statement that is made, and perhaps it is true. But there are times in the year when training is in operation when these horses would all be used.

Mr. ANTHONY. True.

Mr. SNYDER. Now, if the appropriation is left as it stands in the bill, it will reduce by one-half the number of horses that are now on call for this purpose.

Mr. ANTHONY. That is correct.

Mr. SNYDER. These horses are an absolute necessity if the units that are now organized go into training, are they not?

Mr. ANTHONY. No; the Government could provide them with horses when they go into their annual training camps.

Mr. SNYDER. From elsewhere?

Mr. ANTHONY. Yes; when they report for duty at the camps for their summer training, the Government could have the animals there.

Mr. SNYDER. I should like to say just this much further to the gentleman. I would be disposed to hold the number of horses where it is, but I am absolutely opposed to reducing the number so as to lessen the opportunity to give training to those who desire it. It is very important that we keep up the proper spirit in the National Guard, so that they can enlist men and maintain the interest in the organization, and unless you have the tools, the machinery, and the horses for them to train with, you can not expect any permanent sentiment in favor of men going into the National Guard.

Mr. ANTHONY. I think I can say to the gentleman that the committee has the same purpose in view. We really do not want to cut off one efficient mounted organization of the guard. If they can take away the animals from some of the companies which can probably be just as efficiently maintained as infantry, or some cheaper form of organization, we want them to do it; but before we get through with this thing I am sure we want to provide all the money that is necessary to take care of the present efficient organizations in the guard. But let me outline a statement of policy that perhaps will change the gentleman's view.

Mr. SNYDER. I want to break in just once more, and then I will subside. The gentleman uses the expression "some cheaper form of organization."

Mr. ANTHONY. Yes.

Mr. SNYDER. It seems to me we are all trying to economize wherever we can, but it is not always economy to do the cheapest thing.

Mr. ANTHONY. But in this case I will say to the gentleman that the War Department has practically reached the same conclusion——

Mr. SNYDER. I am willing to be convinced.

Mr. ANTHONY. I have a communication from the War Department in which they at last say they are ready to consider a new table of organization for units of the guard.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. Before the gentleman makes his statement of policy will he give us this information: How many animals are taken care of by the appropriation recommended by the committee, and how many will be taken care of by the amendment offered by the gentleman from Virginia [Mr. HARRISON] if adopted?

Mr. ANTHONY. The amount recommended by the committee would take care of 4,000 animals in the National Guard, and the amendment of the gentleman from Virginia [Mr. HARRISON] would take care of 9,200. The amendment of the gentleman from Pennsylvania [Mr. CRAGO] would take care of about 8,000.

Mr. MOORE of Virginia. How many are provided now?

Mr. ANTHONY. There are 8,000 in the guard now.

Mr. CRAGO. The amendment proposed by the gentleman from Virginia [Mr. HARRISON], as I understand, takes care of what they had proposed to issue to the National Guard, bringing the number up to 9,000?

Mr. ANTHONY. That is correct. Now, it is interesting to go back to 1915. We had then 120,000 men in the National Guard, and they cost us $7,500,000 a year. We now have 140,000 men in the National Guard and we are appropriating $21,500,000 for them.

Mr. CRAGO. Will the gentleman yield?

Mr. ANTHONY. I will yield to the gentleman from Pennsylvania.

Mr. CRAGO. The gentleman will admit that since that time we have enacted legislation which gives pay to these men and officers.

Mr. ANTHONY. That is true.

Mr. CRAGO. And we have federalized the National Guard since that time and relieved the States from a great deal of the financial burden.

Mr. ANTHONY. I am simply stating this in order to show the growth of the expense of maintaining the National Guard.

Now, in the table of organization which has been prescribed for the National Guard the War Department has ordered that units of the class that I am going to read to you be formed, and it will be apparent at once that under this table of organization it is going to cost us ever-increasing amounts of money to maintain the guard if it is permitted. They are not only going to carry the three divisions of Cavalry that I spoke to you about, but in the table of organization they propose to create in the National Guard observation squadrons in the Air Service, balloon groups, balloon companies, balloon parks, photo sections of balloon groups, air parks, communication sections, all in the Air Service. In the Medical Service they propose to form medical regiments in the National Guard and headquarters corps medical services for each corps headquarters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ANTHONY. In the quartermaster activities they propose to organize in the guard train headquarters, corps trains, motor-transport companies, motor-cycle companies, motor repair sections, and wagon trains. Under the head of special corps troops they propose to organize signal battalions, military police battalions, field remount depots, service battalions, ordnance companies, and so on down the list. Why, gentlemen, if we allow them to develop along these lines, in two or three years we will

be appropriating just as much for the National Guard as we are appropriating for the Regular Army to-day.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from New Jersey.

Mr. PARKER of New Jersey. What kind of an army will it be if it does not have these details?

Mr. ANTHONY. The Regular Army will supply these necessary details and such technical organizations as would be necessary in war.

Mr. ELLIS. Will the gentleman yield?

Mr. ANTHONY. I will yield to the gentleman from Missouri, but I would like to finish this statement first, because I do not want to occupy all the time in the debate. During the hearings this matter was taken up with the Secretary of War, and I want to quote him.

Secretary Weeks says:

If you go directly to the question which you asked me, I think your militia costs are going to mount much higher than warranted if you are going to spend much money for the supplementary service connected with the Army. Generally speaking, that should be left to the Regulars. The militia should be largely infantry, and that, from the militia standpoint, would do much to lower the cost of the service. Turning over horses, air machines, and various other things, including tanks, to militiamen on the whole, is not well advised. I will not say that it should not be done at all, because I think we should have enough with the militia organizations so that they would know what a tank is.

That is an expression in absolute harmony with the committee's view. Since the hearings and since this bill has come before the House the committee has received a letter from the Secretary of War which is, in substance, a statement that the present tables of organization of the National Guard are unduly expensive; that they can by reorganization work out a saving of money, and a committee of the General Staff has been formed to undertake a study of new organization tables. The suggestion is made to Congress, whether it shall be taken up in this bill or will be taken up before the bill becomes a law, I do not know, or whether it should be taken up by another committee of the House, I will not say, but the recommendation is made to Congress that there should be restrictions on the growth of the guard along lines now authorized. There should unquestionably be a change in the present method of its organization.

The Secretary's letter is as follows:

MARCH 21, 1922.

Hon. D. R. ANTHONY, Jr.,
Committee on Appropriations,
House of Representatives.

MY DEAR MR. ANTHONY: During my recent hearing before your subcommittee the question of modifying the present allotment of National Guard troops to the States, with a view of eliminating some of the more expensive units which could be organized in a less expensive category, was informally discussed, and I agreed to examine more fully into the matter and to furnish you my views thereon. With this object in view I have had prepared a study showing the basis of the present plan for the organization of the National Guard and the state of its development. A copy of this study is transmitted herewith.

It will be noted that the present plan and allotments to the States were prepared in the War Department by a special committee of the General Staff, organized in accordance with section 3a of the act of June 4, 1920, and which consisted of 3 members of the General Staff and 10 National Guard officers of wide experience, and that in addition the allotments were discussed with the State authorities concerned, adjustments made, and finally accepted by all States. This plan is believed to be the first comprehensive program for the development of the National Guard under any law.

I desire to invite your attention to the provisions of existing laws upon which the present plan is based, especially to section 62 of the act of June 4, 1920, which prescribe the strength of the National Guard. It will be noted that the strength of the National Guard is identical with that prescribed in the act of June 3, 1916. It will also be noted that in the last mentioned act no provision was made for reserve forces except the reserves of the Regular Army and of the National Guard, which, as we knew, failed to develop. On the other hand, the act of June 4, 1920, provides for the development of the Organized Reserves, and this feature gives us the opportunity to develop in this component with the minimum expenditures of public funds such units as can be more economically provided for therein in accordance with the principles recently enunciated to you by General Pershing.

It appears from the study that the above facts were clearly realized by the officers who prepared the plan, but in order to utilize the prescribed strength of the National Guard without having an excessive number of divisional units or independent infantry organizations, and in order to avoid reorganization of units on mobilization, the difference between the numbers required for the 18 divisions and the prescribed strength was placed in corps and Army troops, where they could be employed most usefully in case of mobilization. With the exception of some small units of special troops, all of those organizations would be available for use by the States in time of peace.

I have examined into the basis of the present plan, and I am constrained to believe that it was formulated in good faith and in accordance with the law and the intent of the Congress as expressed therein. At the same time it is impossible to avoid the conclusion that since the enactment of our basic military law and since the formulation of the present plan for the development of the National Guard the situation has been changed in important particulars. The States as well as the Federal Government are confronted with the urgent necessity of reducing expenditures. This is reflected in the reduction of the Regular Army component in strength from 280,000 to 150,000 enlisted men. The States are confronted with large expenditures for armories and other facilities above those which now exist. From the best information available the States are reluctant to meet the requirements demanded by the ultimate expansion of the National Guard as now required by law. In view of these facts it appears to me that a more modest development of the National Guard is in the best interests of that component as well as of the country.

There are two methods by which the desired adjustment may be accomplished:

(a) By limiting the strength and development of the National Guard by appropriations.

(b) By prescribing a more reasonable requirement as to prescribed peace strength.

In my opinion the latter is the fairest and best; moreover, it is due to both the National Guard and to the War Department to know where they stand. In view of the fact that the present peace strength was fixed solely by the Congress, and being fearful of being misunderstood by the National Guard, I hesitate to make any definite recommendations.

The suggestion has been made from National Guard sources that a peace strength of 250,000, or 450 or 500 per Senator and Representative, would be adequate at the present time. This strength would permit of the completion of the 18 Infantry divisions, a proper proportion of Cavalry troops, the Coast Artillery companies and certain independent Infantry, and special troop units which are essential and necessary. I consider the 18 Infantry divisions the keystone of the structure, and, in my opinion, nothing should be done which would interfere with their completion. It is possible that certain auxiliary units which are included in the division could be withdrawn, such as the air squadron and the tank company, in those cases where the States will have difficulty in maintaining units of this character.

In order to ascertain what can be done along the lines indicated above, I have directed that a committee, organized as required by law, be assembled to study these questions, in cooperation with the Chief of the Militia Bureau, preparatory to revising the present plan for the development of the National Guard, should the reduction mentioned above be authorized at any time in the future.

JOHN W. WEEKS,
Secretary of War.

Now, gentlemen, I hope that the House will not radically increase these appropriations for forage and other maintenance items of the National Guard. They have purposely been reduced to a minimum by the committee with the idea that we will take care of any changes in the policy of the War Department so as to amply provide for the National Guard.

Mr. GREENE of Vermont. Mr. Chairman, I think anybody who has very carefully studied the situation of the National Guard and its relation to the Army, and the general scheme of the national defense, will quite agree that there is a possibility of the introduction of too many technical units into the National Guard. The National Guard by the very nature of its being can not be as stable an institution, of course, as the Regular Establishment, because its personnel is held to no obligation of life service, and, as a matter of fact, as we all understand, simply engages in the National Guard activities after it has got through with its day's work. As the personnel of the National Guard is more or less casual, the younger men change their residence quite frequently, and after a time as youth and its inclination to military matters pass and the older men, more mature, do not give attention to it, there is constantly a change in the personnel, and therefore there is less stability in the National Guard. That is one reason why the more complicated technical units ought not to be so widely distributed throughout the National Guard. I think the National Guard men themselves would readily concede that.

But I do think there ought to be some reasonable compromise on the thing. I doubt if it is wise to proceed on the theory that it is good economy to maintain the National Guard almost exclusively with Infantry just because the Infantry does not cost as much as the more complicated and technical units. What is our experience every time there is an emergency? One arose when they were summoned for participation in the World War. The infantryman can be secured in great numbers, and it is fair to say that he does not need a very strict technical training to place him in the field at the start. His preparation for the field is apparently simple when compared with the preparation necessary to make a good field artilleryman or a good cavalryman or an aviation man, and so on throughout the service. Of course, if he specializes in some of the activities in infantry he has as technical a job as anybody else. But I speak of the rifle-carrying infantryman, who does not have as much to learn besides taking care of himself as do others. The man in other organizations has animals or great mechanical engines to look after. So I say we were confronted in the World War with the proposition that all at once, when there was no time, we were called upon to produce these highly specialized and technical military units and organizations for which there had been no practical foundation laid to any great extent throughout the militia of the country, and it is not a very simple matter to do.

It seems to me there ought to be some provision in a law of this kind that at least sprinkled through the National Guard there will be a sufficient number of these technical units, so that there can be an opportunity for the National Guard man to familiarize himself with the peculiar technique that those

services require, and keep them in such a manner that when war time does come the matter of expansion will be more practical and easy.

Mr. PARKER of New Jersey. Mr. Chairman and gentlemen of the committee, it is said by the minority representative of the Committee on Appropriations that he is willing to have any number of men in the National Guard, but that he does not want to have the special training for them which consists in tanks, cavalry, artillery, and so forth. That is to say, that we shall enroll any number of men but shall not give them the training of an army. We know that the Signal Corps, the Artillery, the Cavalry, and the various branches of the service which tie the Army together are what makes an army, and unless we have a balanced National Guard it is no army.

The particular proposition is fairly stated as follows: We are using 8,000 horses now in the National Guard for artillery and cavalry, and it is proposed to reduce the number to 4,000. The proposition assumes that it is good policy for this country to starve out the cavalry and the artillery of the National Guard. I deny that. The gentleman from Kansas says that cavalry are of no use in time of peace. A mounted troop is what keeps order in Pennsylvania throughout the coal-mining district. It has done that for years, and when we had the riots and trouble in the State of New Jersey 1 troop was worth 10 companies of infantry because it could get where it was wanted and do the necessary thing. Those troops are made up of a character of men who know how to deal with the strikers as gentlemen should deal with them. There are now in my State 12 troops of cavalry, a regiment. A lieutenant colonel of the Army is with them, drilling them three and four days a week. They have to drill in parcels because they have not enough horses to go around. They are made up very largely of veterans of the late war who have reenlisted in the Cavalry because they know they can do hard and good work there. A cavalryman has to learn not only to be an infantryman, but a cavalryman as well. He has to know how to ride horses of all sorts, so that when he is called out for maneuvers in the summer, when it is proposed to give horses to men who do not know how to ride, there will be men who do know how to ride. Mounted troops are found necessary for all sorts of work about camps, military police, scouting duty, and the joining together of the various units. There is nothing that takes the place of a good regiment of cavalry and mounted artillery for getting there and doing the work, and there is no training that is equal to it. I say that without hesitation. Those 12 troops in New Jersey were 1 troop before the war, and from the men they trained in a course of years they put over 200 officers in the war. Troopers were selected and preferred because of their activity.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. STAFFORD. Will the gentleman advise the committee how many cavalry troops there were in the State militia in the State of New Jersey before the National Government nationalized the National Guard?

Mr. PARKER of New Jersey. One.

Mr. STAFFORD. And under this nationalization of the guard how many are there to-day?

Mr. PARKER of New Jersey. We have 12 troops.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. That one troop was in one town. We have 12 troops now in some 10 different towns. We are giving to the people of the State—the young men—real training, a training which is that of a soldier who takes risks from day to day, and they become men who do what they are told to do with energy and fervor, and you can not get that energy from anything except a man who is used to going as fast as a horse will carry him. I stand for the Cavalry as a means of training the young men, and when we can say that we have 8,000 horses now actively employed in our militia in the Cavalry and in the Artillery, it is a crying shame that men who say they stand for national defense should want to starve out those organizations by taking away the horses. [Applause.]

Mr. HILL. Mr. Chairman, I wish to speak in favor of the amendment offered by the gentleman from Virginia [Mr. HARRISON]. I am very glad to have heard the remarks of the gentleman from New Jersey [Mr. PARKER] on the side of the National Guard cavalrymen and field artillery. I can never forget that during the border trouble in 1916 the cavalry of Virginia, which the gentleman from Virginia [Mr. HARRISON] has in mind, the Richmond Blues, had been a distinguished infantry organization since the Revolutionary War, and that the needs of the border service in 1916 made it necessary that these historic Richmond Blues should become a mounted organization. They were a National Guard unit that served on the Texas border when the horse and the horseman were necessary for the protection of that border. Nor can I forget that those same Richmond Blues became a part of the Blue and Gray Division and became the mounted section of the One hundred and fourth Ammunition Train of the Twenty-ninth Division; and that those same cavalrymen, for whom the gentleman from Virginia speaks, bore the ammunition to your troops north of Verdun in October, 1918.

You need mounted troops in the National Guard. You should not wipe them out. I can not fail to recall the services of the mounted troops of the State of New Jersey. It is true there were fewer troops before this war. My recollection, however, is that there was more than one troop in New Jersey; but I do know that the mounted troops of New Jersey served with the mounted troops of Virginia and with the mounted troops of the National Guard of Maryland in this last war in the Twenty-ninth Division, in which all of the National Guard of New Jersey, Maryland, District of Columbia, and Virginia were incorporated. And I know the vital and necessary work that was done by the mounted National Guard troops of Virginia, New Jersey, District of Columbia, and Maryland in actual war days when, for the first time in the history of this war, your troops pushed back the enemy from the machine-gun protected fastnesses north of Verdun and opened the hinge upon which the whole movement of the front turned just before the armistice.

Now, gentlemen, I know it is the fashion to say that the horse is no longer necessary and that practically no war implements will be necessary in the near future. I say to you there is not a man who served in this last war but does not abhor war, and yet some here say that because a man was in this war he has become a militarist. I say to you it is up to the American people to decide what kind of protection they want. If they do not want the National Guard, I do not think we will hurt the feelings of the members of the National Guard. It is only a question of what protection you want.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I ask for another minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Now, this amendment provides for 9,200 animals for the Cavalry and for the Field Artillery of the National Guard. At the present time you have 8,009. The committee provision cuts in half the present mounted service of the National Guard. If this committee desires to do that, if you desire to cut down your units which you have organized, or if you desire to discourage the National Guard in this essential component of its tactical organization, adopt the committee provision. If you do not, vote for the Harrison amendment. [Applause.]

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 15 minutes.

Mr. NORTON. Will the gentleman give me eight minutes? If not, I shall object. I have not spoken on the bill yet.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that all debate on the pending amendment and amendments thereto close in 15 minutes. Is there objection?

Mr. NORTON. Mr. Chairman, I object.

Mr. STAFFORD. Will the gentleman withhold his objection?

Mr. NORTON. If you will give me eight minutes.

Mr. STAFFORD. No; but will the gentleman withhold his objection?

Mr. NORTON. Yes.

Mr. STAFFORD. I wish to say, Mr. Chairman, it is the disposition of the chairman of the committee to conclude the consideration of this bill to-day. We have not only the National Guard item, but the river and harbor item, which will provoke debate, and the Panama Canal item still to consider. This is Saturday and it is usually a short day in the consideration of the House, and if we are to take two or three hours for the consideration of the National Guard items it will be impossible to conclude the consideration of this bill. It is not the disposition of the committee to foreclose any Member in speaking, but we do wish——

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. I will yield.

Mr. MANN. It is absolutely impossible to finish this bill to-day.

Mr. STAFFORD. That is the wish of the chairman of the committee.

Mr. MANN. That is the wish of every man who has charge of a bill.

Mr. STAFFORD. I ask unanimous consent that debate on the pending amendment and all amendments thereto close in 20 minutes.

Mr. NORTON. Will the gentleman give me eight minutes?

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that all debate on the pending amendment and all amendments thereto close in 20 minutes. Is there objection?

Mr. NORTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STAFFORD. I move that all debate on the pending amendment and all amendments thereto close in 25 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate upon the amendment and all amendments thereto close in 25 minutes.

The question was taken, and the Chair announced the ayes appeared to have it.

Upon a division (demanded by Mr. SMITH of Michigan) there were—ayes 61, noes 22.

So the motion was agreed to.

Mr. NORTON. Mr. Chairman and gentlemen of the committee, it is well known by a great many of you that I am not in favor of cutting the Army the way they have cut it. I am not in favor of cutting the National Guard the way they are cutting it. I do not believe in wiping out the protection of our country. Take, for instance, what they are doing to-day. I am going to speak of two organizations only. The Cleveland Grays were organized in 1837. To-day they are part of the National Guard. They have been in every war since then, and all but four or five—I think four—became commissioned officers in the last war. That is what that kind of an organization does. That is what it is. The city troop of Cleveland was one of the first to go down to the Mexican border and they were the last to return. They were among the first in France. The first city troop of Cleveland was first organized as a cavalry company. You all remember the Black Horse Cavalry. They came down here for three inaugurations. That is the kind of an organization they are. They were sent down to Mexico and were the patroling company on the border during the entire time. They stayed there until it was over, and they got back just in time to go to France. They went to France, and they went as an Artillery company. Every man was prepared [applause] and practically every man became an officer. That is what training does, gentlemen. There were two organizations, of which nearly every man became a commissioned officer, available when you wanted them, and that is one reason I am in favor of saving the National Guard; that is the reason also I am in favor of maintaining the Army. There comes a time when you need them, and preparation is better than a fight. America to-day stands first. The time may come when she will not stand first unless we maintain an Army so everybody will respect us. If we desire to be respected it is necessary we be prepared. I want to state to you, gentlemen, that there is preparation in a National Guard. What could we do without cavalry on the Mexican border? They were needed once and may be again; and you needed artillery, and we had them then because we were prepared for the business they were to do, and they were prepared also to train other enlisted men. [Applause.]

I have known something about it, having been connected with one of them, and I know that the man who is trained in one of those organizations can at any time, I care not when, command a company. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Chairman, I would like to have read in my time a communication which I send to the Clerk's desk.

The Clerk read as follows:

GRAND LEDGE, MICH., *March 20, 1922.*

From: Commanding officer Battery D, Field Artillery, Michigan National Guard, Grand Ledge, Mich.
To: The adjutant general of Michigan.
Subject: Effect of Army appropriation bill on supplies to National Guard units.

1. The citizens of Grand Ledge have raised over $12,000 for the purpose of building stables and other buildings for Battery D, One hundred and nineteenth Field Artillery, Michigan National Guard.

2. Said body of citizens do not intend to erect said buildings unless horses and such equipment will be furnished the local unit.

3. In view of the present Army appropriation bill, there is some doubt in their minds as to whether horses can be furnished said local unit.

4. As the citizens of Grand Ledge are ready to commence the erection of stables and a riding hall, it is desired that they be informed as to whether horses will be furnished the local unit in view of said appropriation bill.

B. G. CAMERON,
Captain One hundred and nineteenth Field Artillery.

Mr. SMITH of Michigan. Mr. Chairman, I am as well aware as anyone that in order to lessen the burden of taxation which is now imposed upon the people we must reduce expenditures somewhere. I am also convinced of another thing. We are relying for the defense of our country after the cutting down of our Army largely upon the formation of the National Guard. Before the war there was no unit in my county. Now there are three, one in my home city, one in Grand Ledge, and one in Eaton Rapids. They are composed of the finest young men in the community. A number of them are former service men. They could be relied upon in any emergency.

Mr. Chairman, I think that the formation of the National Guard is the real safeguard to our country. When we are cutting down our Army we are losing our protection. With these units formed into the National Guard, we feel as safe as we did when we had a large Army.

The people are supporting these units. This letter is but an indication of what is transpiring the country over. The National Guard wants to know whether or not the Government is going to cut down the Army and then cut them out? We have provided for this troop. Now, by the appropriations we are going to be deprived of it. We are prepared to furnish our part of it with only a nominal expense to the country, but you do not propose to give them any support. If we are going to abandon our Army entirely, of course we must then dismiss these troops. But what the gentleman from Ohio [Mr. NORTON] has just stated and the kind of sentiment he has referred to makes us proud of our country. We are forming these guards without large expense to the taxpayers. Now, then, if that is true, why deprive the country of the use of such an Army in time of war?

Mr. SNYDER. I want to interpose in order to say that the gentleman is making exactly the same kind of a speech that I would make if I could get the time.

Mr. SMITH of Michigan. I thank the gentleman for that.

My friends, there is not a Bolshevik, there is not a radical, there is not an anarchist, there is not a soviet but that wants every man discharged from the Army. They do not want an Army. What kind of a country will we have when these men are standing around on soap boxes committing treason? It is as bad for a man to stand on a soap box and say that this Government should be destroyed by force as it is for a man to take a gun and bear arms against his country. And I think the man that advises others to destroy our Government by force is as bad as the man who would do it with a gun. They are both enemies. [Applause.]

It would be a little easier for these evil-minded and evil-disposed persons to carry out their purpose and desire if we had no Army than it would if we had plenty of National Guards. This bill provides for 160,000 home troops. Intertwined with them are many ex-service men trained to the minute. They are all the flower of our land and all patriots. I do not like soviet propaganda or the kind of a government there is now in Russia.

Greece has a reserve army of 250,000. Switzerland has a reserve army of 260,000. And both countries together do not equal Michigan in area. Let us maintain our National Guard until the world settles down a bit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen, the House has cut down the Army in both enlisted men and officer personnel. It would be a mistake, in my judgment, to continue this policy and to further cut our Military Establishment by cutting down the necessary appropriation for the proper training and equipment of our National Guard.

During the late war many of our National Guard regiments were sent overseas, only to be there used as replacement troops. This may or may not have been necessary then, but if necessary, we then agreed that such steps should be taken as to prevent the necessity for such action in the future. As I understand it the newly organized Army will have National Guard units so equipped and organized as to fit in, and in the event of hostilities to immediately become a part of our active military forces, fit in every way for the first line of defense. As I understand it, this is the goal that those of us who are interested in a sound military policy have been striving for.

This has necessitated the forming of new tactical units in order to do this. My own State has one regiment of artillery which, since the war, has been motorized. Another regiment has been tentatively agreed upon but has not yet been organized. Other States have formed cavalry regiments. I understand that some States have formed, or have been requested to form, engineering units, and other strictly technical units.

The late war, with the advantages of modern science and twentieth century inventive genius, made possible the expand-

ing of previous methods of making war and consequently developed many new technical branches of the service. These have come to stay; every modern military establishment must have them, and their usefulness ends if they are not kept up to date in every way. In carrying out this unified Army policy I understand that the War Department and our military leaders have felt that the development of these new branches of the service should proceed not only in the Regular Establishment but in the National Guard as well. The guard is so constituted as to make it possible to interest young men in these various new activities. This is especially true in the large cities, for a sufficient number of young men so interested in these various activities can be gathered together so as to develop real effective outfits, to be depended upon in the event of an emergency. If these are left to the Regular Establishment and our Regular Establishment is cut down, as this House has seen fit to cut it down, we will not have a properly balanced Army in the event of an emergency, and in time of war it would be too late to then organize, train, and equip these outfits.

I do not mean by this that every State should be authorized to have every possible kind of a technical unit; I do not feel that every State should have a tank corps, a chemical warfare division, an air force, and so forth; that is not necessary and would involve great expense. But where one or more of these can be organized and economically maintained in a State, it should be provided for if that sort of a unit would fit in well with an Army based upon a sound military policy. I have not any sympathy with the proposition that the National Guard should be practically restricted to infantry. I very much fear that if the policy proposed should be adhered to that that is what it will ultimately result in.

In my own city we have an Artillery regiment. It has been in existence for years. During the war it was the One hundred and fifty-first Field Artillery of the famous Rainbow Division. [Applause.] In that great combat division it rendered service second to none. Upon its return a goodly number of its officers and men, led by the man who commanded the regiment throughout the war, now the mayor of my city, reorganized the regiment and went back into the National Guard service. It now stands upon the rolls of the War Department as one of the most efficient outfits in the country. Horse artillery when the war broke out, it has since been motorized, and its officers now have under their control Government property and equipment amounting to $1,000,000. This equipment requires expert care and attention, and the War Department has authorized the hiring of several expert mechanics to care for this valuable equipment and to keep it in shape. I fear that if this reduction is made that this expert force may be decreased or done away with; if so, it will be a big mistake, and in the long run it would not be a measure of economy but one of extravagance and waste.

The headquarters company of this regiment is now fully equipped with a complete, up-to-date radio outfit. A portion of this they have furnished themselves. Its members are being trained in its use. An efficient regiment of Artillery to-day must have equipment of this character and its personnel must be trained in the use of that equipment. I personally know that officers and men of this regiment are putting in many hours every week because of their interest in their regiment and to aid in developing and maintaining an effective military establishment in this country.

This work should be encouraged. Yet to make this reduction is to give discouragement and to hamper these men in their efforts. I do not question but what there has been extravagance in the way this money has been handled from Washington. If this is the case, we ought to prevent a repetition of the extravagance by correcting the mistakes of administration, rather than cutting down the appropriation necessary to maintain these Artillery, Cavalry, and other technical units, which, in the event of an emergency, will take their place effectively in the Army that will then be necessary to protect our country. [Applause.]

Mr. CRAGO. Mr. Chairman, I want to take just a few minutes in order to try to make plain the parliamentary situation in which we find ourselves.

The amendment which I offered at the request of the gentleman from Maryland [Mr. HILL] yesterday is thought by some of the Members who are interested in this subject a sufficient amount to take care of all the animals already issued to the National Guard, although I doubt that somewhat. The amendment offered by the gentleman from Virginia [Mr. HARRISON] is the estimate proposed by the Militia Bureau for caring for something over 9,000 animals, which is about 1,000 in addition to what has been used, and which it is proposed to issue during the current year, owing to the increase of the guard and the acceptance of new units of Cavalry and Field Artillery.

Now, the situation is this: I shall support the Harrison amendment, but if the committee believes that we should only take care of the animals now in the possession of the National Guard units, I take it that they will support the amendment increasing this appropriation to $1,200,000 and strike out the proviso, which I would move to do in that case, which provides that no more than 4,000 animals shall be taken care of. Then I think the purposes for which we are contending will be met, because I have confidence enough in the subcommittee and in the chairman of the subcommittee to believe that when they meet in conference the Members from another body, the House having expressed itself clearly in favor of providing a sufficient sum for caring for the animals already issued to the National Guard, they could figure out to a mathematical certainty what amount of appropriation should be provided, and I believe that that can be done.

Now, if the House believes in extending the issue of horses, it should support the Harrison amendment, but if you believe in caring only for the number issued, support the amendment that was offered placing the amount at $1,200,000 and agree to strike out that proviso for caring for 4,000 horses.

This is the national policy. The National Guard has been absolutely forced, and you and I have been besieged for two years to get this thing or that thing done by the War Department, to enable the units of the National Guard to be recognized. They arbitrarily laid down their tables of organization. They compelled Infantry organizations in our State of Pennsylvania to disband and reorganize. One Infantry organization in Pittsburgh, which had been known ever since the Mexican War as the Duquesne Greys and later the Eighteenth Infantry, was forced to disband and to accept organization as a regiment of Field Artillery.

Now, having compelled these organizations of the National Guard to make these arbitrary changes, I submit it is not fair to cut this appropriation to such an extent as to deprive these organizations of animals that have already been issued to them. [Applause.]

Mr. SMITH of Michigan. I would like to ask the chairman, who was absent when I introduced a letter here, whether it is the purpose of the committee to reduce these units so that they can not supply the batteries with the 32 horses that they have at the present time?

Mr. ANTHONY. I said it was necessary to supply the forage required for the National Guard. We hope, before we get through with it, to be able to work out some plan whereby they can reduce the number of animals. The gentleman is aware of the fact that the National Guard has not the full number of animals now to fully mount it. There are 12,000 mounted men now and 8,000 animals.

Mr. SMITH of Michigan. If these batteries are not going to get the horses they require, it is too bad. They have raised $12,000 in the city of Grand Ledge, where the Doorkeeper, Mr. Kennedy, lives, and are all ready and prepared to construct the required buildings.

Mr. ANTHONY. The War Department says that many of the States have built stables and storehouses for troops, batteries, and the tanks. It is a hardship on the States to do that. I do not believe they will take away from any of the States that have provided the facilities the animals or motors that they now have.

Mr. SMITH of Michigan. But from the statement the gentleman has made they are not warranted in putting up these buildings for these National Guard units?

Mr. ANTHONY. No.

Mr. SMITH of Michigan. That is a direct answer to my question, and is what I want to know.

Mr. CRAGO. This legislation would compel them to take away half of these animals?

Mr. ANTHONY. I said we hoped, before this bill becomes a law, to provide for them; but otherwise, if the War Department has reached no conclusion, it can run wild.

Mr. CRAGO. I do not think it is proposed to do that.

Mr. STAFFORD. Mr. Chairman, if you adopt the amendment offered by the gentleman from Virginia [Mr. HARRISON], you are running exactly counter to the present opinion, and the well thought out opinion, of the Secretary of War; you are running counter to the opinion of the head of the Militia Bureau, who in his testimony before our committee stated that the number of Cavalry compared with the number of Infantry is out of all proportion.

Are you going to allow the head of the Militia Bureau to run counter to the opinion of the Secretary of War, when the chairman of the committee promises here that this matter, which is now undergoing readjustment, will receive thorough consideration in conference and that it will be the disposition

of the committee to work out a plan that will harmonize with the views of the Secretary of War?

The technical heads of the Army also approve of the policy of the Secretary of War in taking away these highly technical units from the National Guard. We do not seek to restrict the use of cavalry in the Army of the United States. We have not reduced one iota the forage appropriation for the horses connected with the cavalry, yet there is a difference of opinion in military circles as to whether cavalry is as much needed now as it was in prior times.

If you are going to let Members from home districts, who are not acquainted with the big problems that are confronting the War Departemnt, to come here and urge a doubling of appropriations, when the country from coast to coast is demanding economy, you will have before you a pork barrel proposition that will become a scandal as the years go on.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I can not yield now. There has been no disposition anywhere to curtail the proper activities of the National Guard, but we want to develop that activity along the line of economy and efficiency and in accordance with a well-thought-out program of military endeavor. The State of New Jersey had only one cavalry organization prior to the present organization of the National Guard. The State of Wisconsin had only one battery.

And now we find little communities asking for the establishment of these technical units, out of all proportion to a well-balanced Army, so that even the Chief of the Military Bureau admits it. If you are going to be carried off your feet by doubling the appropriation against the committee that is trying to act in harmony with a well-adjusted plan, and in harmony with the spirit of economy that is abroad in the country, you are going counter to the development of that plan. I hope that as the House has backed up the judgment of the committee in the past, it will back up the judgment of the committee in this particular, because we do not want to do that which is not for the interest and welfare of the country. I ask for a vote.

Mr. LINTHICUM. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. QUIN. Mr. Chairman, I would like to proceed for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that he be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. QUIN. Mr. Chairman, it occurs to me that the amendment offered by the gentleman from Virginia [Mr. HARRISON] is ill-timed. He proposes to increase the number of horses for the National Guard more than 1,000. His amendment even calls for more than 9,200 horses for the National Guard. In my judgment, the National Guard of the United States ought to be confined to infantry and machine guns. If this wild policy is kept up of placing all of these units in the National Guard, where will the expense go to? The States will not be able to maintain a National Guard on such an expensive scale. They can not afford to pay for great barns full of horses and for the necessary feed and for the stableboys to take care of them.

Mr. HARRISON. Will the gentleman yield?

Mr. QUIN. I yield to the gentleman for a question.

Mr. HARRISON. If we are going to have technical units in the National Guard, ought we not to have all those that are necessary for its proper organization?

Mr. QUIN. I can not agree with the gentleman. If you are going to have all the different things that would make an ideal allocation of all these units in the National Guard, the poor States of this Union will be unable to maintain their pro rata of the National Guard. We ought to stand by this committee in this provision that they have brought forth here. If the gentleman from Virginia [Mr. HARRISON] was correct, they could have airplane squadrons in the National Guard, and chemical warfare squadrons, and the great military organization that would be carried out would be a burden and would destroy the National Guard. Why, the State of Mississippi, which I have the honor to represent in part, would be unable to maintain a National Guard.

Mr. HUDSPETH. Will the gentleman yield?

Mr. QUIN. I have not the time. I beg the gentleman's pardon. Ninety per cent of the States of this Union would be unable to maintain all of these expensive units. Then why not let us restrict this as far as possible to the men who have guns in their hands? The National Guard are not presumed to fly in the air. They are not presumed to go up in dirigibles, they are not presumed to get astraddle of horses. Why, think of the National Guard in a little State like Kansas over here, or Mississippi or Alabama, having hundreds of horses to maintain and support and all the expense of airships. You know that it is but an indirect method of destroying the National Guard, and if there is one branch of the Military Establishment that should be kept up it is the National Guard, the best part of the Army, that the people in every State can rely on to take care of any emergency. Instead of having all this great expense that would break it down, let it be a National Guard of infantrymen. That is what we need. Men with rifles in their hands and a few machine guns can take care of any situation in the States. Then why break it down so that the State legislature can not afford to appropriate the natural part that a State ought to bear and has to bear under the Constitution?

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment of the gentleman from Virginia [Mr. HARRISON] to the amendment of the gentleman from Pennsylvania [Mr. CRAGO].

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania [Mr. CRAGO].

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 45, noes 46.

Mr. CRAGO and Mr. SMITH of Michigan asked for tellers.

Tellers were ordered, and the Chairman appointed Mr. ANTHONY and Mr. CRAGO.

The committee again divided; and the tellers reported—ayes 66, noes 56.

Accordingly the amendment of Mr. CRAGO was agreed to.

Mr. CRAGO. Mr. Chairman, after this expression of the attitude of the Committee of the Whole I think the chairman of the subcommittee [Mr. ANTHONY] will not object to striking out the language of the proviso beginning in line 25, on page 79, which is to the effect that not more than 4,000 animals can be cared for under this appropriation.

Mr. ANTHONY. It is still the opinion of the subcommittee that we ought to limit it to that number. Of course, if the gentleman and the House want to turn these National Guard appropriations into a pork barrel, I presume the committee will have to obey the will of the House.

Mr. CRAGO. I think that is hardly a fair statement.

Mr. ANTHONY. Oh, yes; the gentleman knows that this vote is the result of propaganda sent out, and these votes come from the influence of the local National Guard organizations.

Mr. CRAGO. Should we not listen to them?

Mr. ANTHONY. No; we should not listen to them entirely. We should economize the expenditure of the people's money wherever possible and use our own best judgment.

Mr. CRAGO. We now have in all of the National Guard units 8,000 animals, and by the adoption of this amendment we have provided what we think will pay for forage for them. As there is a limitation in this proviso confining them to 4,000 animals, which is only half the number already issued, I move to strike out the proviso beginning in line 25, page 79, and ending in line 2, on page 80.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAGO: Page 79, line 25, strike out the proviso beginning in line 25 and ending in line 2, page 80.

Mr. ANTHONY. Mr. Chairman, there are over 12,000 men in the cavalry organizations of the National Guard to-day, but there are only 8,000 animals issued, all told, both to the artillery and cavalry organizations. I do not believe the cavalry organizations have over 4,000 animals. I am informed that they have not that many.

Without some kind of a limitation on the number of animals it would be possible to issue for the Army, or for the National Guard, if the Army could issue all the animals it wanted to to the National Guard, they could unload animals on the National Guard to be cared for. The committee believes that in the present state of lack of a new plan for the organization of the National Guard and the intention of the War Department to change the present organization there should be some limit of the number of animals, unless the House wants to leave it wide open.

Mr. CRAGO. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CRAGO. Would not the gentleman agree that the number that could be issued would be limited by the amount appropriated? We have increased the appropriation only $200,000, and would not that limit the number issued? I do not want to see the thing run wild.

Mr. ANTHONY. I have stated what I think is going to happen. I think the War Department will take a number of the

animals away from the National Guard and replace them by motors.

Mr. CRAGO. I believe in that policy.

Mr. ANTHONY. If you do not need the money appropriated, I think the House has gone ahead blindly.

Mr. CRAGO. If we keep the number of animals we have——

Mr. ANTHONY. The War Department may take away a number of them, as I say, and replace them by motors.

Mr. CRAGO. They will have to provide the motorization for the number of units, and all we ask is that the limitation be taken off, that only 4,000 should be appropriated for.

Mr. HULL. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HULL. Would not it be perfectly absurd to provide for 8,000 animals, as at present in the guard, and then provide that you could not have but 4,000?

Mr. ANTHONY. I agree that it is perfectly absurd to provide a great amount of money for forage when the War Department has just told us in a letter from the Secretary of War that it is going to organize a board to reconsider the tables of organization.

Mr. HULL. They are not going to demobilize any units.

Mr. ANTHONY. No; but they may change them into some other type of organization.

Mr. HULL. They have the animals and have provided for the animals in the organization.

Mr. SISSON. Mr. Chairman, it does not necessarily follow that because you increase the feed for the animals that you want to provide for more than 4,000 animals. But if this should be the logic of the House, to carry out what you have done to its logical conclusion in reference to the National Guard, you ought to increase the other units so that it will amount to something like $10,000,000. I will tell you what you have done. Certain pet places in the country where a good many young men are members of wealthy organizations, Cavalry units, because they want it, you propose to appropriate the amount of money necessary to keep that organization going. You can not have a general Cavalry unit organized as a National Guard in each of the States without, in my judgment, creating such an expense as to destroy the National Guard in the minds of the taxpayers, because if they are going to pay that much money to keep up the National Guard men in the National Guard, they would infinitely rather take all of the man's time and put him in the standing Army. Therefore, you are creating a method of destroying the National Guard. Now, if this is your position, then you ought to have followed it to the logical conclusion with all the tactical units—the Tank Corps, the Chemical Warfare Corps, and all those—and the result would be that if this is done you have a harmonious Army in the present National Guard, and it will cost you half a billion dollars.

Now, I want also to ask you people whether or not if this vote had been taken a few days ago you would have voted as you now have. I know the adjutants general over the country have got busy. I do not know how many telegrams you have received, but I know the propaganda has been going on. The adjutant general of my State imagines that the whole country is rising up because you are doing something to the National Guard.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. SMITH of Michigan. If the State will furnish a large part of the expenses of maintaining the National Guard, does not the gentleman think the Government could furnish a little?

Mr. SISSON. Absolutely; but they want the Government to furnish the horses and furnish the care for them. Why, I can get you 2,000,000 National Guard men if you will let the Government furnish the horses and the feed, and furnish the care for the animals and saddle them and bring them to the boys. You need not talk about what the States will furnish. In my State every boy from 16 years old up will join the National Guard if you will furnish him the horse, feed the horse, care for the horse, and bring it to him. [Laughter.] That is what they want the States to furnish.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I will to my distinguished friend, one of the officers here who has gotten to be strong for a big Army.

Mr. HILL. One of the purposes of training the Cavalry and Field Artillery in the National Guard is to teach them to saddle and to curry horses.

Mr. SISSON. Oh, I know what the purpose is as well as the gentleman does. A man does not have to serve as a colonel or a major or a captain in the Army to know the purpose of these things.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. I do not have to go to a man who has worn the uniform to tell me about those things, but if one would listen to them here one would imagine that the only man who has one particle of judgment about what sort of an army or a navy we need is an officer. You let a fellow serve for three or four months in the State militia or in the Army, and he comes back here and poses as an expert on military matters. When one of these privates will come up here who served over in France all of the time as a private and begins to tell me about something, then I will listen to him, or if he goes down into my district and begins to run for office against me, I get uneasy; but I am not uneasy about the captains, nor the majors, nor the lieutenants, nor the colonels who run against me—these officers who pose as being mighty experts on military affairs. I am not afraid of them politically. If a man gets above the grade of colonel, then, if he carries his own precinct, it will be on account of home pride. I have always been a consistent advocate of the National Guard. As I said before, when I addressed the House on this subject, I do not care how large you make the National Guard as long as you confine it to Infantry units and will drill the men for service, but I am opposed to the creation of these technical units that mean that the taxpayers can not bear the burden, and in order that the taxpayers may know how we stand on this proposition I only ask that one-fifth of the membership of this House will stand up with me and demand a record vote upon the amendment which has just been placed on this bill. I want the record to show, because the Constitution provided that when one-fifth of the Members present demand that the constituents back home shall learn how we vote, men must go on record, and that should be done now, especially when we are staggering under the burden of taxation that we are.

If there ever was a time when you could have saved several million dollars if you carry what you have done to its logical conclusion, that time is now, and you could have rendered a great service and a great benefit to the country. If you want to vote for more than 4,000 horses, very well. We have tried as a committee to get rid of the surplus horses. We have made an effort to have them sell the horses. If the gentlemen could see the bills that they render for the forty-odd thousand surplus horses they had, running into the millions of dollars, keeping them off the market, keeping men to care for them, they would begin to understand why it is that military matters are so expensive, and gentlemen will understand why it is that the fathers of the Republic were afraid of military matters.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. HILL. Mr. Chairman, you have just voted to provide forage for 8,000 horses for the use of the Field Artillery and Cavalry of the National Guard. You are now asked to remove from the bill the limitation that there shall not be more than 4,000 horses to be fed by the appropriation providing for 8,000. You have already decided that you want 8,000 horses issued to the National Guard. As a logical consequence you can not fail to remove the provision of the bill by which you limit those horses to 4,000. The distinguished gentleman who has just spoken, the gentleman from Mississippi [Mr. SISSON], I think, makes a mistake in the attitude of his speech. He obviously thinks that we who advocate an efficient National Guard are playing politics. His speech would do him credit upon the stump at home, but I say to you that I take my opinion on this horse question from a very distinguished Democrat, although I am a Republican. I take my opinion from a man who started out as a private in the Maryland National Guard and who served as a colonel north of Verdun in 1918. I know that it is almost a disgrace in the minds of some gentlemen in this House for a man to have worn the uniform of an officer in the past war, and I would like to ask the gentleman from Mississippi if he thinks officers who served the Government in this last war were so utterly vicious, why it is that we combed the divisions to pick out the best enlisted men to make officers of them?

Mr. SISSON. I understand the gentleman was decorated with the croix de guerre.

Mr. HILL. I prefer not to discuss my military record.

Mr. SISSON. And I understand that the gentleman was one of those men who never fired a gun.

Mr. HILL. I fired a pistol at enemy troops a good many times north of Verdun. I want to say to the gentleman that I am not here to discuss my war record. I have never mentioned my war record, and I do not want to do it. It is very bad taste for any officer to refer to it, but what I want to say to the gentleman is this——

Mr. GALLIVAN. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. GALLIVAN. When, in the history of any war, did any officer fire a gun or when was he expected to fire a gun?

Mr. HILL. I will say to the gentleman from Massachusetts that the Army equipped officers with Army automatic pistols, and we did not have guns except in the Infantry.

Mr. SISSON. What branch of the Army did the gentleman serve in?

Mr. HILL. I would rather not discuss my service.

Mr. SISSON. Was it a fighting corps that the gentleman served in?

Mr. HILL. I was combat liaison officer in the fighting north of Verdun, if the gentleman knows what that is. [Applause.]

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. SISSON. I did not intend to make this a personal matter at all. The gentleman injected personalities into it.

Mr. HILL. Oh, I beg the gentleman's pardon, and I ask a personal privilege of this House. I never said a word about my service in the war until the gentleman got up and started it.

Mr. SISSON. But the gentleman discussed me personally about what I would say in my district. Now, I want to say to my friend that at any time he wants to make this a personal matter nothing will be more acceptable to me, except that I do not want the matter pulled off in the presence of the House and therefore be in contempt of the House, because I want to say to my friend——

Mr. GALLIVAN. Oh, Mr. Chairman, I demand the regular order.

The CHAIRMAN. The Chair understands the gentleman from Maryland yielded to the gentleman from Mississippi.

Mr. HILL. I have yielded to the gentleman.

Mr. SISSON. I would say to the gentleman from Maryland that there was nothing further from my mind in the beginning of this debate than to make it personal, but when the gentleman assails me and my motives, talking about its being a nice thing to talk about down in my district, I want to say that I do not make one speech here and another in my district.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. Mr. Chairman, may I have five minutes additional?

Mr. SISSON. I ask unanimous consent that the gentleman may have five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Gentlemen of the committee, it is very embarrassing for me to say what I am about to say. I have talked on military matters in this House because since 1904, when I enlisted as a private in an Artillery battery, I have tried to do what I could for the national defense, and I have never referred to any war service of mine on the floor of this House. I did not come here to speak personalities. I came here to advocate a decent national defense from the views of men who have had experience. The letter I have in my hand is one which was sent to me by the adjutant general of Maryland. They used to call the National Guard "tin soldiers." We bore that. They used to laugh at us before the war. We bore that. But this adjutant general of Maryland started out as a private and he carried your troops through the fighting north of Verdun in October, 1918. He is a Democrat. I am a Republican. The gentleman who spoke before said that he would rather have the judgment of a private than he would of any officer. He said that men who wore an officer's uniform and reached the grade of captain in the past war came here and posed as experts. Now, gentlemen, that is all I have said. There has never been any word I have said on the floor of the House to lead anybody to know I had ever seen service. [Applause.] The gentleman gets up here and wants to make you think I am here boasting of my service, or he is trying to discredit it. He asked what arm I served in. I do not care to discuss these things, but I am perfectly willing to have the gentleman look at the record of my service in the War Department. As a matter of fact, I will say to the gentleman that one of the reasons why I am in this House is because my predecessor for some foolish reason attacked my war record without knowing what he was talking about, and that beat him. I did not raise any personal issue with the gentleman from Mississippi, for I believe he stands for what he believes in. What I said was this: I said to the gentleman that on the floor in the past few days I have listened without any word of criticism to repeated statements here which make it appear that it is discreditable for any member of this body to have been in the past war. [Applause.] Why, the gentleman said that he would rather have the judgment of a private—that he was only afraid of privates politically—than an officer, and I ask him why we combed the Regular Army to get men who are capable of being officers?

Mr. SISSON. Will the gentleman yield?

Mr. HILL. I would be glad to yield.

Mr. SISSON. I want to state to the gentleman from Maryland that I have no desire in any wise to reflect upon an officer or his record in the Army. My discussion of the position of officers here on the floor sometimes have been more in jest than otherwise, and I have noticed and noted that the speeches made by those men who served in the Army have been for these large appropriations. Now, the statement that I made about the privates to the effect I was not uneasy if an officer ran against me but I was if a private, was also said largely in a matter of jest, without any desire to reflect upon any officer who had served his country and done his duty. I am also glad my friend from Maryland does not mean anything personal by his statement, and if I have misinterpreted the gentleman's motives, why I am sorry I did so. I think it is due that I should make that statement [applause], because it is not my purpose to reflect upon any man's position in this House personally; and if the gentleman has no desire to reflect upon my position personally, if I have done or said anything that offends the gentleman from Maryland, I am sorry for it. [Applause.]

Mr. HILL. Mr. Chairman, I want to make my position clear before I ask for a vote on this amendment. The reason why we have stood, some of us, for well-trained officers is that on the experience and training of the National Guard officer and your Regular officer and your Reserve Corps officer depends the health and the life of the enlisted men who must do the actual fighting. Now, gentlemen, I want to ask you one more thing. You have already fixed the appropriation for forage for animals in the National Guard at a sufficient amount to give 8,000 animals. I ask you to remove the provision here that limits them to 4,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, the committee resists the striking out of this provision, notwithstanding the vote of the committee a few moments ago increasing the sum by more than $200,000, because we believe in the limitation of the number of horses that should be paid for out of this amount. This is not the last time when this question will be presented for consideration of the House of Representatives. The subcommittee believes there should be some limit and restriction of the activities in consonance with the policy enunciated by the Secretary of War and called to your attention by the chairman of the committee, who is now planning, with the aid of the Chief of Staff, a readjustment and rearrangement of these tactical units of the National Guard. Mr. Chairman, I call for a vote.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. ANTHONY) there were— ayes 62, noes 30.

So the amendment was agreed to.

The Clerk read as follows:

For compensation of help for care of matériel, animals, and equipment, $750,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question and call his attention to the fact that there is only $750,000 provided for the care of these animals. I take it for granted in conference, if the conferees decide to provide more animals, there will be no trouble in arranging so this will be a proper amount.

Mr. MANN. That is only $750,000 for the care of the animals?

Mr. CRAGO. Yes.

Mr. MANN. It is to provide outside men to take care of the animals in order that the National Guard may ride them?

Mr. CRAGO. It does provide for caretakers in some instances, but I am only calling attention to the fact that necessarily this should be somewhat increased.

Mr. MANN. But this is only for the care of the help to take care of the animals?

Mr. CRAGO. And matériel, animals, and equipment.

Mr. MANN. For the compensation of help for care——

Mr. CRAGO. Of matériel, animals, and equipment.

Mr. MANN. But this is only to pay for the help?

Mr. CRAGO. That is correct, and if they decide the men themselves should do more of this work that is a sufficient sum.

Mr. NEWTON of Minnesota. How much of a cut is this from the estimate?

Mr. ANTHONY. It is less than half of what they want. Under the present system of the War Department, with every mounted organization they allow the salary of five civilian care-

takers for the horses; with every tank company or technical unit, where there is machinery, they allow the pay of five civilian mechanics. Under the amount asked for by the War Department they want to provide for 14 tank units at $410 a month for mechanics to care for them. They now have 11 of such units, as I understand it, in the service. And they issue 14 big tanks to each one of those units. They also provide for 14 regiments of motorized howitzers, which is a large type of field gun. They now have 6 in organization. The committee thought that it would be inadvisable to organize any more of these expensive tank units in the guard; that those are functions the Regular Army should take care of.

Mr. NEWTON of Minnesota. I have not any idea of disagreeing with the committee on that. The thing I am interested in is that the committee did not discontinue or curtail the work of units that are already in existence.

Mr. ANTHONY. I will say to the gentleman, if I had my way about it, I would wipe out every tank unit in the guard. They have no business there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word. I would like to inquire of the gentleman further. It is necessary, of course, that these motorized units of Artillery should have some mechanics, who put in all or part of their time in the guard, which is absolutely essential?

Mr. ANTHONY. Yes; I presume it is thought that as long as we have the money in the Treasury we ought to shovel it out.

Mr. NEWTON of Minnesota. We have thousands of dollars of equipment which ought to be cared for. I am wondering whether it is the purpose of the gentlemen on the committee to discontinue these men who are putting in their time and who are caring for it.

Mr. ANTHONY. Not all of them. We intend to provide for about half of the program the War Department outlines.

Mr. NEWTON of Minnesota. And that includes this additional program?

Mr. ANTHONY. Yes. As I explained, of the 14 tank units proposed there are 11 organized now, and of the 14 howitzer organizations there are 6 of them organized now, and our desire was to not expand those units any further.

Mr. NEWTON of Minnesota. There is a million dollars' worth of property out in our own armory that must be cared for.

Mr. ANTHONY. It is a part of the game, I am afraid, that they are trying to unload on the States the caring for much of the surplus property we got from the war. The gentleman wants to bear in mind that with the organization of every Artillery unit in some country towns they ship the unit 19 carloads of supplies that it has to take care of.

Mr. NEWTON of Minnesota. Does the gentleman contend the Artillery unit is something that they ought not to provide?

Mr. ANTHONY. They ought not to have such an unnecessary large amount of that stuff shipped to them.

Mr. NEWTON of Minnesota. I have sufficient confidence in the gentleman and his discriminating ability that if he will come out and see this particular unit that I have referred to, he will not have any criticism to offer.

Mr. ANTHONY. I have four or five of them in my district, I will say to the gentleman.

Mr. NEWTON of Minnesota. The gentleman is fortunate.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For expenses, camps of instruction, $6,500,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the figures "$6,500,000" and insert in lieu thereof the figures "$8,000,000."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAGO: Page 80, line 5, strike out the figures "$6,500,000" and insert in lieu thereof the figures "$8,000,000."

Mr. CRAGO. I do this notwithstanding the fact that the Chief of the Militia Bureau asks for an appropriation there of $9,500,000, which is $1,500,000 more.

Mr. ANTHONY. I think the gentleman is mistaken. He asked for $8,000,000.

Mr. CRAGO. I was going to explain. But the War Department and, as I understand, the Budget Bureau, recommended only the $8,000,000, and in support of the necessity for some amendment along this line, I want to call attention to the fact that this $6,500,000 provided will, under the figures furnished by the Militia Bureau, only provide for the going into camp the coming summer of 115,000 men.

Mr. ANTHONY. I think we can convince the gentleman that that is an ample sum which is provided.

Mr. CRAGO. The gentleman means——

Mr. ANTHONY. That this $6,500,000 is an ample sum.

Mr. CRAGO. To send to camp all the present Organized Militia?

Mr. ANTHONY. All the men that are in organizations that will report. The Militia Bureau bases its estimate on the fact that they expected every man to report for summer training. In our investigation we found out—and this appropriation is $500,000 more than last year—that only 66⅔ per cent of the National Guard reports at this summer period of training.

Our estimate is based on allowing about 80 per cent to report. Now, it is a dead moral certainty, in my opinion, that you will not get 100 per cent of the National Guard to report at these camps.

Mr. CRAGO. But you would get 100 per cent of the units.

Mr. ANTHONY. Yes; but not of the members.

Mr. CRAGO. The reason why a larger percentage did not report in camp last year is that the adjutants general of the different States were confronted with the fact that there was not sufficient appropriation to take care of them all.

Mr. ANTHONY. There was $200,000 left over out of the appropriation that we made for that purpose last year.

Mr. CRAGO. But since that time the gentleman will admit that the guard has been increased, and additional units have been mustered into the service, and we have to-day 140,000.

Mr. ANTHONY. Does the gentleman know or have any assurance that more than 60 per cent will appear and report for duty in camp in the coming year?

Mr. CRAGO. Many of the companies have a minimum of only 50, although they were required by the tables of organization to have 65 in a company unit.

Mr. ANTHONY. Does not the gentleman think that if we appropriate the full maximum amount for the National Guard it is a dead certainty that it will not be used?

Mr. CRAGO. Yes. That is the reason why I cut this estimate from $9,500,000 to $8,000,000.

Mr. ANTHONY. This is in accordance with what has been recommended by the Secretary of War and recommended by the Budget Bureau.

Mr. CRAGO. The Secretary of War was very liberal.

Mr. ANTHONY. That is what we are following.

Mr. MADDEN. Mr. Chairman, I hope the amendment of the gentleman from Pennsylvania [Mr. CRAGO] will not be adopted.

It is all very well to stand here and advocate large appropriations for increased activities in every branch of the Government, but we must realize that the time has come when we must give serious consideration to the needs of the people of the United States and to the needs of the Treasury.

What is the use of trying to give consideration to the problems that are before the Nation when, after having given consideration to those problems and bringing the best judgment that can be brought to bear upon the subject and after that having reached conclusions, we then have, without any consideration whatever, amendments offered to increase by millions items that are recommended by the committee?

I do not believe the country will sustain any such attitude on the part of Members. We ought to give serious consideration to the needs of the taxpayers. The National Guard is not being discriminated against. Every needful provision for their training is made in the items offered for your consideration by the Committee on Appropriations. Does the gentleman from Pennsylvania assume to say that without any consideration whatever he knows more about the needs of this service than those men who have been sitting for 90 days and giving earnest and serious consideration to every phase of the problem? What is the use of talking economy and then practicing extravagance? [Applause.]

If any single Member upon the floor of the House can override the recommendations that have been given serious consideration, when there is no justification whatever for the recommendation that he makes, what is the use of our bringing recommendations in here? We believe that we represent in our recommendations the best thought of the men in the military service who have given attention to this subject, and there is not a man on the Committee on Appropriations that seeks to destroy either the efficiency of the Military Establishment or the National Guard. We are as much interested in the efficiency of these arms of the Government as anybody else.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I do not yield.

We come to you seriously recommending decent economy, while we come also recommending decent service. The demand of America to-day is for economy. Assume the responsibility of overriding that demand, and then go before the people and apologize for it.

We are here to accord as far as we can with the sentiment of the American people, and while we are endeavoring to accord with that sentiment we are bringing to you for your consideration problems thoroughly digested, with the assertion on the part of this committee, without fear of successful contradiction, that the recommendations that we make in this particular are adequate to every need, and there will be no let-up or slack-up on the training that can be given under the recommended appropriation of $6,500,000. I hope that the committee will agree with the Committee on Appropriations and not adopt the amendment of the gentleman from Pennsylvania increasing that amount from $6,500,000 to $8,000,000. [Applause.]

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. DALLINGER. Mr. Chairman, we have just listened to a most extraordinary proposition from the gentleman from Illinois [Mr. MADDEN]. According to what he says, because three men constituting the majority members of a subcommittee of five members of the Committee on Appropriations have brought in here a bill of 133 pages——

Mr. MADDEN. I deny that. There are 35 men on this committee, and they have all passed on this bill.

The CHAIRMAN. Does the gentleman yield?

Mr. DALLINGER. I can not yield. I repeat what I said, Mr. Chairman, because it is well known that the recommendations of these subcommittees, after very little consideration, are adopted practically unanimously by the Committee on Appropriations.

Mr. ANTHONY. Does the gentleman mean to imply that these recommendations are brought in here without consideration?

Mr. DALLINGER. Not at all. I am simply stating that the gentleman from Illinois has made the astounding proposition that because three men, or five men, if we assume that the minority members of the subcommittee have exercised their full share in the work of preparation, Members of this House, have brought in this bill with all these items, this House should accept it, regardless of the facts of the case, regardless of the wishes of the President as Commander in Chief of the Army, and regardless of the advice of the Secretary of War and his experts. Mr. Chairman, what are we here for? [Applause.] What are we sitting for in Committee of the Whole House on the state of the Union? Why not have the bill as drawn by the Committee on Appropriations sent directly to the Senate, passed by that body without change, and then sent to the President of the United States for his signature? As I understand it, we are in Committee of the Whole House on the state of the Union to consider the recommendations of the Committee on Appropriations.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kansas?

Mr. DALLINGER. I decline to yield.

We should, of course, give due weight to the recommendations of the committee; but if we find, as we have found from National and State officials and from patriotic men in different parts of this country who have fought overseas and are now trying to do something to build up the National Guard, that this absolute refusal of the Committee on Appropriations to carry out the recommendations of the War Department will seriously cripple and handicap the National Guard, it is the patriotic duty of the members of this Committee of the Whole House to differ with the Committee on Appropriations and to offer and support appropriate and necessary amendments. That is why, under the rules of the House, the House resolves itself into a Committee of the Whole House on the state of the Union for the consideration of an appropriation bill like the one now before us.

If the proposition of the gentleman from Illinois [Mr. MADDEN] is correct, we are wasting our time; we should accept this bill in toto without crossing a "t" or dotting an "i" and not spend time here in going over these items. I recognize the fact that the Subcommittee of the Committee on Appropriations of which the gentleman from Kansas [Mr. ANTHONY] is chairman has worked hard. The members of that committee have gone into this matter exhaustively, and they are entitled to credit for what they have done; but we are not compelled to accept their judgment on questions of policy, and if the gentleman from Pennsylvania [Mr. CRAGO], who has had long experience in the National Guard and as a member of the Committee on Military Affairs of this House, can make out a good case, as he did a minute ago when he succeeded in securing the adoption of an amendment increasing the appropriation for the forage of Cavalry and Artillery horses at the bottom of page 79, this Committee of the Whole House should give heed to the facts and arguments presented by him and act accordingly. Otherwise, as I said before, we are wasting our time and ought to accept these bills as they are reported from the committee and read by the Clerk, and send them to the Senate and the President without spending our time at the expense of the people of the United States in discussing amendments in Committee of the Whole. [Applause.]

Mr. CRAGO. Mr. Chairman, just one word. I have no criticism of the argument for economy, but I want to say to you that I do not care to face the members of the National Guard of my State, and I do not believe you want to face the members of the National Guard of your different States, when the word goes out from the adjutant general of your State that he can invite only a certain part of the National Guard into camp this year because Congress refused to appropriate a sufficient amount to allow all of the National Guard units to be invited to go into camp. We have here the recommendation of the Secretary of War for this appropriation of $8,000,000, and we have the recommendation of the chief of the Militia Bureau for $9,500,000. I have taken the figures of the Secretary of War, thinking that perhaps the chief of the Militia Bureau might have been too optimistic in his view of the number of men who would go into the National Guard before the time comes for the summer training camps; but the amount appropriated here will not enable the Government to offer training to the men whom we already have in uniform. We had better have a small balance unexpended than not be able to say to the governors of the different States that they can offer this summer training to all of the National Guard units of each State. That is all I have to say on that. [Applause.]

Mr. FISH. Mr. Chairman, I was reluctant to vote for the last amendment until I heard the effective speech of the gentleman from Mississippi [Mr. SISSON], which compelled me to side with my colleague from Maryland [Mr. HILL]. [Laughter.] But, Mr. Chairman, I am whole-heartedly in favor of this amendment now before the House. The question boils down to this: What is to be our policy of national defense for this country? Are we going to reduce the Army and keep reducing the Army, and then not provide adequately for the National Guard? Last year I helped with others to reduce the Army to 150,000, and advocated that course of action because I knew that the National Guard, which was then less than 100,000 men, was rapidly increasing, and, as we predicted, has increased to over 150,000. Even the chairman of the subcommittee [Mr. ANTHONY] agrees that the National Guard will amount to 160,000 by the 1st of July, the beginning of the new fiscal year. The subcommittee have provided for encampment expenses for only 115,000, and we should provide for a mean average of at least 144,000 National Guard men. I take it we are all agreed on the policy that every National Guard soldier should be provided with at least two weeks' training during the year. That is the policy that was laid down June 4, 1920, in the Army reorganization act. For the past two years the policy laid down in that act of June 4, 1920, has been revised, amended, and almost kicked into a cocked hat; but we must decide here to-day whether or not we are to have a definite policy of national defense or whether we are to continue to pursue a conflicting and vacillating policy which promises to maintain the efficiency and training of the guard, but in reality does not provide for anything like two weeks' training for the number of men now in our federalized National Guard. [Applause.]

Mr. GRAHAM of Illinois. Mr. Chairman, I would like some information which we have not yet obtained. Will the amount carried in the bill, $6,500,000, pay the expenses of camps of instruction for the militia forces that we now have enrolled?

Mr. FISH. It certainly will not.

Mr. GRAHAM of Illinois. Will the gentleman give his authority for that statement?

Mr. FISH. Certainly. I hold the authority in my hand, the statements of the Assistant Secretary of War and of the Chief of the Militia Bureau, both of whom I presume we may call experts. The appropriation is sufficient for only 115,000 men. The chairman of the subcommittee states that we will have in the National Guard 160,000 men by the 1st of July, the beginning of the next fiscal year. Yet we are providing funds for only 115,000 for encampment purposes. Does that answer the question?

Mr. GRAHAM of Illinois. Yes. So that if the appropriation is only $6,500,000 some of the militia forces will be unable to take this training?

Mr. FISH. Yes. I differ with the chairman of the subcommittee as to the number, but I should say approximately 25,000 will be unable to take that training.

Mr. Chairman, I simply want to emphasize the fact that we should decide now whether we are to have a definite military policy, whether we are going to back the guard and provide sufficient funds to enable every member of the guard to have two weeks' training, or whether we shall mistakenly economize and say that only a certain percentage of the guard shall have this training. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I do not want to repeat unnecessarily the statements that I have made heretofore, but my distinguished friends who are advocating the increase in this appropriation—and they are all men whom I respect very highly, Colonel CRAGO, Colonel HILL, and Colonel FISH—are used to commanding troops that always report for duty when they are ordered to do so, but in the case of the National Guard at these annual maneuvers, many of them are unable to take this summer training. They are engaged in business and are unable to report with their organization.

Mr. CRAGO. Will the gentleman yield right there?

Mr. ANTHONY. Yes.

Mr. CRAGO. Does not the gentleman think it is the part of the wisdom, however, for us to appropriate a sufficient amount so that the adjutant general of each State can say to all of his units, "You can attend these encampments," and have a surplus, rather than to make an appropriation based on a certain percentage of individuals not showing up, which would be taken as an excuse for not offering training to all the units?

Mr. ANTHONY. I will say to the gentleman that if he ran his individual business that way, and made allocations of money and capital far in excess of what was necessary to carry on that individual activity, he would go broke in a very short time, and so would this Government if we made appropriations in that way.

Mr. CRAGO. Not only have all the troops to be asked——

Mr. ANTHONY. They will all be asked.

Mr. CRAGO. Not if you cut down this appropriation.

Mr. ANTHONY. Now, if the gentleman will allow me—I can not yield further—the gentleman from New York [Mr. FISH] said that the amount would not be sufficient to train the number of men reporting for duty. As I explained to the House, only about 66⅔ per cent reported for duty last year. Basing the strength on a National Guard of 150,000, and suppose we put it as high as 70 per cent that will report for duty, a number far in excess of that which is reported heretofore, that only means a little more than 105,000 men. Now, we are allowing sufficient appropriation for 120,000 or 125,000 men, and I do not believe that number will report at the camps. As I stated a moment ago, of the $6,000,000 appropriated last year $200,000 is unexpended. We want to take care of every member of the guard that wants training, and I believe there will be money enough to do it and some left over. If the House wants to appropriate eight or nine million dollars, why, they can do it and have the surplus left.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. If the gentleman's estimate of the number who would be kept at home should turn out to be wrong, then it is too late to correct it.

Mr. ANTHONY. Oh, the gentleman knows there is not a National Guard in the country but that has a number of men who by their business can not take the training; that they can not leave home.

Mr. NEWTON of Minnesota. If the effort is put forth to get the men into the camps, and if the appropriation involved in the amendment of the gentleman from Pennsylvania is adopted and they can not get them, the money is left in the Treasury; it is not expended.

Mr. ANTHONY. Oh, no; but if it is appropriated another body may put in a proviso to make all of these appropriations interchangeable, and if you vote $2,000,000 extra it is very likely to be expended.

Mr. NEWTON of Minnesota. I have sufficient confidence——

Mr. ANTHONY. The gentleman's confidence is not justified by past experience.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. FAIRFIELD. Were all of the National Guard units given training last year?

Mr. ANTHONY. Not only was there a sufficient appropriation to take care of all that reported for training last year, but there is $200,000 left.

Mr. FAIRFIELD. The gentleman has no doubt that all will be called and given an opportunity for training this year?

Mr. ANTHONY. I have not the slightest doubt that that is so, and if it can be shown that the fund would be needed higher than the past year we would willingly provide the money.

Mr. RAMSEYER. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. RAMSEYER. How many reported for training last year?

Mr. ANTHONY. I can not state exactly.

Mr. HULL. I would like to ask the gentleman how many National Guard men were sent to the camps last summer?

Mr. ANTHONY. I have just stated to the gentleman from Iowa that I did not know the number, but 66⅔ per cent was present.

Mr. HULL. That is, 66⅔ of the present strength of the units, but not the strength of the guard. The gentleman is mistaken. There was less than 10 per cent that failed to go, and there is the trouble, that the gentleman's figures take the strength of the units.

Mr. ANTHONY. The gentleman is mistaken; I did not base the number on the strength of the units. There was 66⅔ present at the training camps.

Mr. HULL. There was less than 10 per cent absent.

Mr. ANTHONY. I do not think the gentleman knows anything about it.

Mr. STAFFORD. Why does not the gentleman say 1 per cent instead of 10?

Mr. HULL. As a matter of fact, you are not providing in this bill for a number in excess of 115,000. You are going to have on the 1st of July 160,000 in the National Guard, and unless this appropriation is increased, at least 40,000 guardsmen can not be at the camps. When you do that, you destroy the guard to a large extent.

Mr. RAMSEYER. I have been listening to the discussion with much interest. The appropriation last year was $6,000,000.

Mr. ANTHONY. Yes.

Mr. RAMSEYER. Every man in the National Guard was offered training.

Mr. ANTHONY. Yes.

Mr. RAMSEYER. At the end there was $200,000 left.

Mr. ANTHONY. Yes.

Mr. RAMSEYER. And this year you are appropriating $6,500,000.

Mr. ANTHONY. Yes.

Mr. RAMSEYER. Now, I want to know how much greater demand there will be on the part of the National Guard men this year than there was last year?

Mr. HULL. The National Guard has increased about 50 per cent in one year.

Mr. ANTHONY. Oh, the gentleman is not correct.

Mr. STAFFORD. That is hyperbole.

Mr. HULL. There were 97,000 a year ago and it will be 160,000 by the 1st of July.

Mr. ANTHONY. There will not be 160,000.

Mr. HULL. There will be more than 160,000.

Mr. ANTHONY. The gentleman is very enthusiastic.

Mr. FISH. Mr. Chairman, the question has been asked why we should appropriate $500,000 more this year than we did last year. Last year we appropriated $6,000,000 to take care of the National Guard encampments.

This bill provides for $6,500,000. That in itself answers our case, because the guard has increased more than 50 per cent. Last year at this time the federalized guard numbered less than 100,000; by July 1 it will be 160,000. A proportionate increase to provide two weeks' encampment for all National Guard troops would require an appropriation of $10,000,000, but we are only asking for $8,000,000, which should be the minimum.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. FISH. With pleasure.

Mr. ANTHONY. General Rickards states in the hearings that at training time the guard numbered 114,000; so that we have all been mistaken.

Mr. FISH. And this year it is admitted that it will be 160,000.

Mr. RAMSEYER. Does the gentleman know how many availed themselves of this training last year?

Mr. HULL. Ninety-seven thousand last year, at the 1st of July.

Mr. RAMSEYER. Who went into training?

Mr. HULL. Oh, no. I do not know the exact number—nobody seems to know that—but there were 97,000 on the 1st of July, and when training time came there were 114,000. Today you admit that there will be 160,000 in the guard on the

1st of July, and yet you are providing for only 115,000. The guard will increase 25 per cent from the 1st of July to the time it is sent to camp.

Mr. LINTHICUM. Mr. Chairman, I hesitate to prolong the debate, but I want to say that I am for this amendment because, in the language of the early settlers, while we pray I believe in keeping our powder dry. When we began taking the young men into the Army during the last war it was found that many of the men were physically unfit. One of the strong arguments at that time was that we ought to give our young men military training if for no other reason than for physical reasons. I believe the young men of this country, so far as we are able to do it, ought to be given a chance for military training. They ought to be brought up in such a way that if their services are called for they will be prepared to undertake the duties assigned to them. The gentleman from Wisconsin [Mr. STAFFORD] argued that we ought to follow the advice of the Secretary of War in reference to the increase of the Cavalry. The gentleman did not say, however, that he did not follow the advice of the Secretary of War in regard to the size of the Army. It seems to me if we are going to put the Army down to 115,000 enlisted men we ought at least to provide for men in the event of another war, and the best way to do it is to educate and give military training to the young men of the country. It will not only give them a chance in a military way but it will give them certain healthful recreation. They will be examined, and it will be a guide for their course in the future and will be of great benefit to them physically.

In view of the fact that the National Guard will be increased this year from 100,000 to 160,000 men, certainly $8,000,000 will not be too much for that increase. I think it will be money well expended. The people do not want a large Army, but they do want the young men of the country in the National Guard given a chance for military training. At least, that is the way they feel in the State of Maryland.

Mr. BLACK. Mr. Chairman, I am opposed to this amendment. I find that the bill already carries $6,500,000 for this particular purpose. The entire Army appropriation bill that we have before us carries $270,000,000. That is a very considerable amount of money and is very much more money than we spent on the Military Establishment prior to the war. I am opposed to increasing these appropriations for two reasons: First, we already are forewarned that there will not only not be any surplus in the Government revenues for the next fiscal year, but there will be a deficit, and if the $200,000,000 decline in the income and excess-profits tax collections for this year, 1922, materialize, there will be $200,000,000 more of deficit than has been previously predicted; second, I am opposed to increasing this particular provision because we all know that the usual result is, if the House appropriates, say, $250,000,000 for the Military Establishment, when the bill goes to the Senate that legislative body invariably increases it. If we were to take up all of these War Department recommendations and write them into the bill and send the bill over to the Senate with an appropriation of $300,000,000, I have no doubt that it would come back to the House with a very substantial increase. I think therefore we will do well to follow the figures that the committee has agreed upon and defeat this amendment. In opposing the pending amendment I do not do so because of any lack of appreciation and regard for the National Guard. I think it is of a high value as an integral part of our national defense forces and is entitled to receive liberal consideration at the hands of Congress. I oppose the amendment because I am well convinced that the amount of money now carried in the bill is ample to meet all needed expenditures for this particular purpose, and if we can save this $1,500,000 we should do so. Even $1,500,000 in these days of big items will help some.

Mr. HARRISON. Mr. Chairman, the gentleman from Iowa [Mr. HULL] speaks of a National Guard of 160,000 men, and I ask you gentlemen to consider what the proposition of having 160,000 men with the usual expansion in the National Guard means. One hundred and sixty thousand men on July 1 next and 191,000 at the end of the year at $210 per man, which is the average cost in the National Guard, means $48,000,000, about. This appears in the hearings. If the line of amendments is carried out, it will mean that we are going to increase the appropriation to the National Guard by over $27,000,000. It is a necessary consequence of these various amendments in regard to the National Guard. The appropriation which the Budget Bureau recommended is $30,000,000, and that takes care of 140,000 men. This appropriation of $6,500,000 will take care of that number in the National Guard if we discount the number by such of the guard as will not attend. It we increase this to $8,000,000, it means we are contemplating having about 140,000 in these camps, or that you are going to have 160,000 men in the National Guard at a cost of nearly $50,000,000.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. RAMSEYER. Word has just been brought to me from the War Department that last year 90,000 men availed themselves of training. According to the figures given here by the chairman of the subcommittee that cost $5,800,000, or $65 per man.

Mr. HARRISON. Fifty-six dollars and twenty-five cents per man.

Mr. RAMSEYER. This figures out $65. It is said that there will be 140,000 who will avail themselves of training this year, and $65 a man would be $9,100,000.

Mr. HARRISON. The actual figures given by the department are $56.25 a man, and my understanding is that $6,500,000 will take care of about 143,000 men in the National Guard after proper allowance for stay at homes.

Mr. RAMSEYER. You could not take care of 140,000 men at $56 per man with $6,500,000.

Mr. HARRISON. But the entire appropriation takes care of 140,000 men. The Budget Bureau has recommended $30,000,000, and that takes care of the entire National Guard of 140,000.

If you are going to take care of 160,000 in the National Guard you have got to increase the appropriation to $48,000,000, $18,000,000 more than the Budget Committee requested.

Mr. RAMSEYER. Speaking of this one particular item——

Mr. HARRISON. We are talking about what it is going to cost for the instruction of the National Guard——

Mr. ANTHONY. If the gentleman will yield, in regard to the cost of this summer training the gentleman mentioned the figure of $56.25. That is based on training the guard at the old cantonments and includes quite a lot of railroad travel. If the guard training was confined and concentrated to the military posts within individual States the cost can be cut very considerably and a great number of men trained. Is not that true?

Mr. HARRISON. Yes.

Mr. ANTHONY. Mr. Chairman, I ask for a vote.

Mr. HUDSPETH. Mr. Chairman, let us have the amendment again reported.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. ANTHONY) there were—ayes 53, noes 53.

Mr. CRAGO. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. CRAGO and Mr. ANTHONY) reported that there were—ayes 65, noes 68.

So the amendment was rejected.

The Clerk read as follows:

For expenses, selected officers and enlisted men, military service schools, $250,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word. I do this not for the purpose of offering any amendment to increase the appropriation but to ask the chairman of the subcommittee a question. The committee has appropriated $250,000 for officers and enlisted men, military service schools. Does the gentleman think that that will be a sufficient sum to send to these service schools the number of men and officers of the National Guard who desire to attend them?

Mr. ANTHONY. The department asked for $348,000 for that purpose.

Mr. CRAGO. Yes.

Mr. ANTHONY. We gave $225,000 during last year and we give $250,000 this year. Of course, it will not send all the National Guard officers to service schools. It is only a selected number, and the amount of the appropriation will depend upon how large a number the department selected.

Mr. CRAGO. I will say to the gentleman that that is something which should not be neglected, because a great many of the National Guard officers who are enthusiastic and who really want this instruction at much loss to themselves are willing to take these prescribed courses at these different schools, and it makes them very efficient officers, and it makes them eligible to appointment to general staff duty, and that is about the only way a man in the National Guard can qualify for any duty other than duty in the National Guard. It is a subject which has been given a great deal of study and consideration, and the appropriation has been used in the past for sending men to those

schools who have found themselves able to leave their other vocations for this time.

Mr. MANN. What are these, military schools?

Mr. CRAGO. Like any service schools we have. A course of study as it is now at Camp Benning in the Infantry and Camp Bragg probably in the Artillery, or Fort Riley or some of the other schools for the Cavalry. They send so many National Guard officers and they are making classes of these men, and they get the same intensive course of training now which is given to the officers of the Army.

Mr. ANTHONY. If the gentleman will yield, the department is sending next year 221 officers and 329 enlisted men, so the gentleman will see it is a very small program.

Mr. CRAGO. In the opinion of the chairman, will this $250,000 be sufficient——

Mr. ANTHONY. No; I do not think it will do that.

Mr. CRAGO. The program, then, will be curtailed?

Mr. ANTHONY. They will send a few more than were sent this year, but it will not permit the sending of as many as the department asked for.

Mr. CRAGO. But as many as were sent last year?

Mr. ANTHONY. Yes, sir.

Mr. CRAGO. Mr. Chairman, I do not care to offer an amendment, because I think probably in conference the conferees can work out something.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For general expenses, equipment and instruction, National Guard, $850,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman some questions with reference to this item. As I understand it, the Secretary of War has recommended an appropriation of $1,605,620?

Mr. ANTHONY. Yes.

Mr. CRAGO. And the gentleman has appropriated practically half that amount?

Mr. ANTHONY. We have appropriated $100,000 more for the next year than we appropriated for the current year for this purpose.

Mr. CRAGO. How did the committee divide that item from the other items on the National Guard budget?

Mr. ANTHONY. How do we make——

Mr. CRAGO. General expenses, equipment, and instruction.

Mr. ANTHONY. It is made up of a variety of items. For instance, they would pay for blank forms and publications, $50,000; traveling expenses in connection with business, $6,000; rental target ranges, $70,000; purchase target ranges, $35,000; construction, improvements, target ranges, $325,000; transfer of supplies within States, $107,500; travel expenses, surveying officers, $6,000; rental, construction, and repairs, shooting galleries, $15,120; markers and scorers, $160,000; caretakers on rifle ranges, $70,000; prizes and entrance fees, $6,000; incidental expenses, $20,000; printing, general orders, circulars, forms, and so forth, $40,000; oil, gas, and repairs to motor equipment and tanks, $525,000; amount reserved for new units, $70,000, and so forth.

Mr. CRAGO. Then the amount appropriated here will not be sufficient?

Mr. ANTHONY. No. As I said to the gentleman, the War Department has been turning over to the National Guard worlds of equipment. With every unit of Field Artillery there are 19 carloads of material, with every tank company they give them 14 tanks, and with every motor company that is organized they give them worlds of motor trucks. They are evidently trying to get rid of this material, and have the National Guard take care of it and they want us to appropriate for it. We do not think it is proper for the National Guard to take care of so much of this material.

Mr. CRAGO. I hope it will be possible for the gentleman to work out something for this.

I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Pennsylvania withdraws the pro forma amendment, and the Clerk will read.

The Clerk read as follows:

For travel of officers and noncommissioned officers of the Regular Army in connection with the National Guard, $200,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word. The department here has recommended an appropriation that seems to be concurred in by the Chief of the Militia Bureau and the Budget Committee of $500,000. I notice the appropriation is only $200,000. This is an item which provides for the pay, expenses, allowances, and so forth, of the commissioned and noncommissioned officers of the Army who are detailed to the National Guard. I would like to ask the gentleman if he thinks it is possible for them to keep up the present courses of instruction which they have begun under this appropriation?

Mr. ANTHONY. During the current year there is appropriated for that purpose $85,000, which was later on augmented by $100,000. We are appropriating $200,000, an increase of $15,000.

Mr. CRAGO. Is that an increase over the two appropriations?

Mr. ANTHONY. Both of them. Of course, the number of officers in the Regular Army utilized by the National Guard is a flexible number, and they will use more of them or fewer of them, dependent upon the state of the appropriation.

Mr. HULL. I want to call the gentleman's attention to this fact: That last summer in my State—and I think in a great many other States—they could not send the Regular Army officers to the camps because they did not have enough money in this item to pay their railroad expenses. We had a great complaint from our State in regard to the matter. All they wanted was money enough to pay the transportation. It was a small item, but nobody could provide the money to pay the Regular Army officers to these camps of instruction, where they were so badly needed.

Mr. CRAGO. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For transportation of equipment and supplies, $375,000.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman if that is in line with his desire to curtail the shipment of these different supplies to the National Guard units?

Mr. ANTHONY. The department asked for $500,000, I will say to the gentleman.

Mr. CRAGO. It makes a difference of $125,000

Mr. ANTHONY. And we are appropriating $375,000, which the gentleman will notice is an increase of $200,000. There will be a number of new units to supply undoubtedly during the year, and that is the reason for the increase. The expenses under this item were very heavy last year, because of the fact that so many supplies and so much equipment were furnished the guard.

Mr. CRAGO. I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Pennsylvania withdraws the pro forma amendment, and the Clerk will read.

The Clerk read as follows:

For pay of National Guard (armory drills), $9,000,000.

Mr. HULL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HULL: Page 80, line 20, after the parenthesis, strike out "$9,000,000" and insert "$11,000,000."

Mr. HULL. Mr. Chairman and gentlemen of the committee, in my opinion this is the most vital proposition in regard to the National Guard. It is the actual pay that you provide for the armory drills. Now, we have here an example, to my notion, of the guesswork of the Budget. The Militia Bureau originally asked for $15,000,000 for this item, and the Budget cut it down to $8,500,000, and the committee gave them $9,000,000. Last year you appropriated $9,750,000, and your guard this year is 50 per cent higher and you are appropriating less money than you did last year. Now, you can not have a guard without you pay the men who attend the drills. They may be a tank corps, they may be Cavalry, or they may be Artillery; still you have got to pay them, or else they will not attend the drills and they will go out of the guard. It is a moral obligation on this Government to pay these men, and one of the greatest things that is tending to build up the guard as it is to-day is the fact that the men are being promptly paid every time they have to attend a drill.

Now, they are not paid unless they attend. I claim that unless you increase this appropriation at least as much as they asked for you will kill the National Guard. I do not think myself that the amount that I have put in the bill will be sufficient, but it will be within a million or two million dollars of enough money to pay the guard. Remember that your guard to-day is 140,000. A year ago, the 1st of July, it was 97,000. It is estimated—and I think the estimates are very close, because they figure on a normal increase of 3,000 every month—that on the 1st of July we will have 160,000 and an average strength during the year of 175,000. My amendment provides for pay of only 130,000. It is true that probably 10 per cent, or a little

less than 10 per cent, of the men that are in the National Guard are failing to attend the drill, but it is never more than 10 per cent. I have figured very closely on this item, and I am sure the amount I ask for is less than you will have to put in the bill before you get through with it. I submit this proposition, knowing these facts, that you ought to put in as much as you know you ought to have here in the Committee of the Whole.

Mr. VAILE. Mr. Chairman, I move to strike out the last word. I rise for the purpose of supporting the amendment of the gentleman from Iowa [Mr. HULL].

There was a time when it was believed in this country that a well-regulated militia was necessary to the security of a free State. Of course that was a long time ago. That theory was announced away back in 1789. It was embodied in our Constitution by the second amendment. If it is to have any force to-day, naturally we must presume that if we are going to have a well-regulated militia, we have got to have some militia to regulate.

Now, this amount of $11,000,000, I believe, is figured by the War Department as the minimum estimate of the pay of the National Guard. It is perfectly evident that the American people will not stand for a large professional establishment. It is very evident to me at least that a majority of this House want a very, very small professional establishment. But in a time of war we have got to depend on the citizen soldiery, and it is the part of only elementary prudence to provide for the training of citizen soldiers, soldiers of the nonprofessional class.

I want to read a little item from the Stars and Stripes, the American Legion publication, of this date, which came to my office to-day:

THE NATIONAL DEFENSE.

With $9,000,000 whacked off from the National Guard appropriations of the annual Army budget by the House of Representatives and various and sundry other wallops at the Army and the Reserve Corps, it behooves everyone who does not want to see economy extended to utter unpreparedness to get a word to their Senators on the subject.

Some of the best friends of the present three-part defense system, with a small Regular Army, a substantial National Guard, and a large citizen reserve corps, are worried because the doctrinaires of pacifism and economy seem to be united and to be making use of differences of opinion between the various parts of the national defense system.

Since the World War we have had a sort of open season at knocking the Army, and many of us have felt that we could take out any of our left-over grouches on the Regular Establishment, meanwhile merrily boosting for the National Guard and for the reserves. Now we come to a pinch, where the Congress is going to determine whether we shall have any substantial national defense or none worthy the name, and we discover that we are all standing or falling together—the Regulars, the guard, and the reserve.

The matter gives us pause. We like to carry on our own joyful little battles, such as the Colonel Peck episode, but we do not like to see the whole scheme of national defense get the worst of it merely because of our sportive instinct in heaving rocks at the Regular Army. In our hearts we know that we need an effective Regular Establishment, and since in this matter of appropriations we are living in a glass house we begin to hope that our rock throwing won't be taken seriously.

The moral of this is that we had better write to our Senators and tell them that we want adequate appropriations for an effective system of national defense. We will lose all the fun of our personal squabbles between the guard and the Regulars and the reserves if all three of them are whittled down to little or nothing worth while talking about.

Mr. Chairman, I shall not ask now to take up the time of the committee, because the several items referred to have already been considerably discussed, but I would like the privilege of extending my remarks for the purpose of putting in a one-page letter from the adjutant general of the State of Colorado on the items we are now considering in this bill. The adjutant general calls attention to the fact that 60 per cent of our officers in the World War got their initial training in the National Guard. That is, however, only a small part of the benefit derived by the country from the military education of a large body of patriotic men who have always served as our first line of defense in time of war.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Following is the letter referred to:

STATE OF COLORADO,
OFFICE OF THE ADJUTANT GENERAL,
STATE CAPITOL BUILDING,
Denver, March 20, 1922.

From: The Adjutant General.
To: Congressman WILLIAM N. VAILE, Washington, D. C.
Subject: Appropriation, H. R. 10871.

1. I desire to bring to your attention the matter of H. R. 10871, and to ask your favorable consideration to the end that a more liberal appropriation can be effected toward the National Guard, a force which has proved its worth to the United States Government, and the force which offers the best known means for the training of young men of the country to be better enabled to protect the country in times of need.

2. The following information is furnished in connection with the above-mentioned bill:

No item for purchase of animals.

Page 79, lines 24 and 25, provides for 4,000 animals, whereas 8,000 have already been issued to the National Guard.

Page 80, lines 3 and 4: Care of matériel, animals, and equipment, $750,000; provides for caretakers for 4,000 animals and a balance of $100,000 for other caretakers and mechanics.

Estimates submitted for 9,740 animals, caretakers, $1,910,500.

Page 80, line 5, camps of instruction:

Six million five hundred thousand dollars will provide for only 115,000 men for 15 days. National Guard has now a strength of over 145,000; $9,500,000 minimum requirement.

Page 80, lines 6 and 7: Expenses officers and specially selected men, $250,000. Item may send 156 officers and 156 men only. Last year 220 applied to attend Benning alone.

N. B. No funds under section 81, national defense act.

Page 80, lines 12, 13, and 14: Travel of noncommissioned officers, $200,000. Insufficient present year and $500,000 needed for 1923.

Page 80, line 17: Transportation and equipment and supplies, $375,000. Inadequate this year and $200,000 additional needed under provisions of bill for 1923.

Page —, line 20, armory drill pay, $9,000,000; estimated $11,000,000 minimum requirement.

Page 82, lines 7, 8, 9, 10: The mounted, motorized, and tank units of the National Guard shall be so reduced that the appropriations made in this act shall cover the entire cost maintenance of such units for the National Guard during the fiscal year 1923.

3. It must be remembered that of all officers of the Army of the United States during the World War 60 per cent thereof had their initial training in the National Guard.

* * * * * * *

4. I respectfully urge that you carefully consider the above-mentioned H. R. 10871 and support a more favorable appropriation to provide for a betterment of the conditions surrounding the National Guard.

P. J. HAMROCK,
The Adjutant General, State of Colorado.

General Hamrock is an officer of long experience, both in the ranks of the Regular service and as a National Guard officer and as an officer commanding troops in the field in the World War. He commanded the One Hundred and Fifty-seventh Infantry in France. That regiment, formed upon a nucleus of Colorado National Guard battalions, was complimented by general officers who inspected it as one of the best trained and best equipped regiments in the service. Although it did not see action as a unit, its personnel, used as replacement troops for other organizations, particularly in the Argonne fighting, rendered service of which the State and the Nation may well be proud and which will be a lasting testimonial to the regiment's commanding officer, Colonel Hamrock.

It is my earnest hope that such efficient training may be liberally continued in the future. It is a credit to the men engaged in it and it is of the utmost value to the country.

Adjutant General Hamrock speaks with an authoritative knowledge of his subject. He also speaks from the standpoint of patriotism and of devotion to the public service.

Mr. FISH. Mr. Chairman, I am very fearful that the Members of the House do not appreciate the fact that a federalized National Guard is an entirely different body from the old National Guard that we had before the war. We are now paying the members of the National Guard for attending drills. They are no longer a body over which we have no control, and we can call them into the service at any time. To-day the National Guard is the first line of defense, on a par with our Regular Establishment. For the benefit of some of the Members of the House I wish to point out the fact that the federalized National Guard as at present organized has about 75 per cent of World War officers in the infantry units and in the artillery units about 90 per cent of the officers saw service. Although the men are new, we have a federalized National Guard that can be called into the service without delay, and it will be practically on a par with the Regular Establishment.

What you have got to decide is whether you are going to support the policy of maintaining a federalized National Guard or whether you are going back to the prewar days when we did not pay the National Guard for drills and for attending the encampments. I do not care one iota what the subchairman or his committee of five say. This amount in the bill will not provide pay for the drills of every member of the guard. I ask you to listen to the figures presented by the gentleman who proposed this amendment. All that I have got to depend upon is what the War Department says and what the Militia Bureau says. I am not familiar with the figures any more than any other Member, but I know this much, that the federalized National Guard is your first line of defense, and you have got to decide on a definite military policy. You have got either to pay them for their drills and encampments or you have got to throw the whole thing overboard and depend solely upon the Regular Establishment. That is the issue and that is what you have got to vote on. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JEFFERS of Alabama. Mr. Chairman, I feel that it is the duty of every Representative here to speak what he thinks is the will and desire of the citizens of his district and the citizens of his Commonwealth; and I feel that the citizenship of the State that I have the honor in part to represent is desirous of supporting the National Guard of our States. [Applause.]

Now, during the days before the World War the National Guard came in for many useful purposes. Since the war the National Guard is being reorganized as rapidly as it is possible to reorganize it, and the adjutant generals of the States and their staffs are working night and day trying to get the guard well organized again in the different States. The guardsmen are often needed at home within the different States, and, as has been mentioned here several times, should we become engaged in conflict again, the National Guard would be called upon as promptly and as urgently as it was when we became engaged in the late World War.

The National Guard is growing to-day. They number far ahead of what they were a year ago. That increase must be taken into consideration. I think, as I said before, the citizens of the States which we represent wish to support a strong National Guard. This is a citizen army which we are trying to build up, and which our citizenship wants, which will feed itself 50 weeks in the year, and I think that we should, in carrying out the will and desire of our people, provide to feed and pay these men two weeks in the year during the summer encampment, which, by the way, is no frolic for them. They get right down to real business and to hard work, and they study tactics and work out problems and maneuvers. It is a training which they need and which will give them a little jump on the other fellow in case of need. Of course, they are paid a small amount for attending drills throughout the winter and throughout the year. That is as it should be.

In the old days the guard had a hard struggle for its very existence, because of the fact that there was very little popular support. But the people desire the guard to be supported now and to be provided for when they go to the summer encampments. As I said, they feed themselves 50 weeks in the year.

If you will build up a strong, efficient National Guard, you will have a nucleus in case you get into any sort of trouble; a nucleus that is ready to step right into the breach, and ready to act as instructors to those who have never had any military experience at all.

I know that at the beginning of the late war many a young fellow who had had, comparatively speaking, only slight experience in the National Guard went straight into the Army, and with that little experience as a start he developed so quickly that he was soon able to take his place at the head of untrained troops. A strong, well-trained National Guard will prove to be the best possible insurance policy for the peace and security of our Nation. [Applause.]

When we cut down the Regular Army establishment it is most certainly the better part of wisdom to develop and build up the National Guard of the States. Remember, it is not only for war purposes that we need the guard, but for many useful purposes at home in the cities and throughout the country during peace time. Some people cuss the National Guard around pretty severely some of the time, but in my experience in the National Guard, if you will pardon a personal reference, and in my observation of experiences in other places I have noticed that while the National Guard are cussed out and cuffed around a good deal the fact remains that whenever anything happens—if there is a riot, a flood, a fire, or any emergency—people yell for the National Guard to turn out immediately, and they want them there in "double time." [Applause.]

Now, concerning our policy for the National Guard, which is our hope for the future, so far as an Army is concerned, let us not be "penny-wise and pound-foolish." Therefore, my friends, I earnestly bespeak your support for the amendment pending. [Applause.]

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, as one of the members of the Committee on Military Affairs associated with our good friend Mr. ANTHONY, of Kansas, Mr. CRAGO, of Pennsylvania, and other gentlemen who are Members of the House, I took a very great interest, as all of these gentlemen did, in writing the law for the federalizing of the National Guard, rather than the adoption of what was to be known as the continental army scheme. I was profoundly interested in the National Guard at that time and have been ever since. In a little speech that I made on the national defense act I said at that time that the National Guard was now on trial and that it would remain to be seen whether it could make good or not; that if it failed we would have to adopt some other military policy. But I am sure we all agree after the experience of the Great War that the National Guard did make good. As a citizen of Illinois, I am proud, indeed, of the record of the Thirty-third Division, which included the National Guard of the State of Illinois. [Applause.] That is no reflection on the National Guard of the other States of this Union, which did equally well. Now, to-day I am only interested in seeing to it that the National Guard has sufficient funds to enable it to function properly. I want to ask my good friend from Kansas [Mr. ANTHONY], the chairman of the subcommittee, a question or two in regard to this matter. I would like to ask the gentleman how he arrived at the figures $9,000,000 for drill pay?

Mr. ANTHONY. The same question is involved in the matter of drill pay that is involved in the matter of the summer training. It is entirely guesswork as to the number of men in the guard who will qualify for the maximum pay allowed by law. If a man attends every drill—that is, four drills a month for the entire year—an enlisted man can obtain $60 per annum; but the figures show about the same percentage of attendance at drills as of attendance at the summer encampments, and that percentage, as I am informed by the clerk of the committee who has just called up the Militia Bureau, is 66 per cent. So in making up our bill we take 160,000 men and estimate the maximum enlisted pay they can get at $60 a man, and that makes $9,600,000. Two-thirds of that amounts to $6,400,000 for the percentage that actually attend the drills, as proven by past experience. Now, we have got to allow for the officers. We have about 7,000 officers in the National Guard, so that the committee felt that, based on the percentages of attendance, $9,000,000 would take care of this item. I want the gentleman to observe that that is half a million dollars more than the budget estimate. We have endeavored not to exceed the budget estimates, and we have increased them in only one or two instances, but this is one of the instances where we increased the budget estimate half a million dollars.

Mr. McKENZIE. These boys get a dollar a night for drill pay, and I have always understood that the gentleman from Kansas was a friend of the National Guard.

Mr. ANTHONY. As the gentleman knows, I had something to do with the preparation of the defense act of 1916.

Mr. McKENZIE. I would be the last man to criticize the efforts of this committee in their work, but I want to be sure and I want the committee to be sure that in placing the figures in the bill as they have them written, especially on this item, they are satisfied that the National Guard will not suffer for lack of appropriations from this Congress.

Mr. ANTHONY. Does not the gentleman agree that it is a matter of guesswork as to the exact amount of money that will be requested by the guard?

Mr. McKENZIE. Of course.

Mr. ANTHONY. It is simply a matter of the number of drills that the men attend?

Mr. McKENZIE. Certainly.

Mr. ANTHONY. And it is all a matter of guess and estimate. We figured that when we increased the budget estimate half a million dollars we had a good margin of safety.

Mr. HULL. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Iowa.

Mr. HULL. How much did you appropriate last year?

Mr. ANTHONY. Last year we appropriated $9,750,000.

Mr. HULL. Your guard has increased 50 per cent, and yet you have cut your appropriation down. How do you make your figures correspond?

Mr. ANTHONY. Well, we presumed that the Budget Committee probably made an investigation and has some idea.

Mr. HULL. As a matter of fact the Militia Bureau wanted $15,000,000.

Mr. ANTHONY. Oh, yes.

Mr. HULL. And the Budget Committee insisted on cutting it down 50 per cent without knowing anything about it.

Mr. ANTHONY. The figures of the Militia Bureau were so wild on their face that we did not believe we should follow them.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Washington.

Mr. SUMMERS of Washington. Is there going to be any surplus left of the $9,750,000 appropriated for this fiscal year?

Mr. ANTHONY. I can not give that information. We can not tell what percentage of the men will attend these drills the balance of this year.

Mr. SUMMERS of Washington. What is the indication at this time?

Mr. ANTHONY. I can not say as to that. The Militia Bureau says the percentage of attendance is 66⅔.

Mr. SUMMERS of Washington. It would seem that after eight months of the year had passed by the Militia Bureau ought to be able to give some pretty accurate estimate of that.

Mr. ANTHONY. It would be rather difficult.

Mr. SUMMERS of Washington. They report every two weeks, do they not?

Mr. ANTHONY. The men may not attend all of the drills during the next few months. They can not tell what the attendance will be.

Mr. SUMMERS of Washington. Can not the Militia Bureau tell how the fund is holding out?

Mr. ANTHONY. It is impossible to fix an accurate figure for this appropriation.

Mr. HARRISON. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Virginia.

Mr. HARRISON. Will the gentleman allow me to call attention to the figures given in the hearings? Major Wilson says:

Allowing for possibility of facts yet to occur being different from the forecast, it is believed that $11,000,000 should be appropriated for the armory drill pay for the National Guard for the fiscal year 1923 on the basis of the ultimate strength of 191,000 for that year.

Mr. ANTHONY. That is the view of the Militia Bureau?

Mr. HARRISON. Yes. That is on page 1339 of the hearings.

Mr. ANTHONY. They will not average 191,000 during the next fiscal year, and it is perfectly evident that we do not have to appropriate that amount.

Mr. SWING. Mr. Chairman, this item of $9,000,000 for drill pay constitutes a direct limitation upon the size of the National Guard of this country, because it is evident that no more men will go into the National Guard than are appropriated for under the bill. When I was a member of the National Guard drill was a matter of pride and patriotism, and it may be that it is a question that can be argued as to the advisability of paying the men, but one thing is certain, that since you have established the principle of paying for drills you must provide pay enough for all. You can not expect some to drill for only the glory of it while others are being paid $1 per night for drilling.

The added responsibility and liabilities placed on the National Guard by the federalized law probably justifies the giving of them this very small pay, which is but a fraction of the cost of a standing army of similar size, whom you have to feed in addition to paying it. I think we ought to be glad to pay this small pittance to every citizen of this country who is willing to take a drill a week to make himself proficient, as far as he can become proficient, by being a part of the National Guard. I think this amendment is in accordance with the traditional policy of our country. We have always been against a large standing Army in time of peace. I myself voted last session to cut the Army down to 150,000, and I am satisfied with the cut that is now made to 115,000, provided you furnish a second line of defense to take the place of the reduction you have made in the standing Army by building up and supporting a strong National Guard. It has been said that the Militia Bureau asked for $15,000,000 and the committee gave them $9,000,000. This amendment increases the item in the bill to $11,000,000. If the National Guard men do not use it, it will not be wasted; it will revert to the United States Treasury. It is an incentive to the officers to get the men into the guard and to attend drill if they know that the money is there for them. If the money is not there, they will lack the incentive to ask the men to come out and take the drill. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. HULL) there were 36 ayes and 42 noes.

Mr. HULL. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. ANTHONY and Mr. HULL.

The committee again divided; and the tellers reported that there were 60 ayes and 54 noes.

So the amendment was agreed to.

Mr. REED of New York. Mr. Chairman, I move to strike out the last word. I desire to speak for just a few moments out of order. It is a matter of personal convenience to me, otherwise I would not ask to keep you here, because I understand that you will adjourn in a few minutes.

I am going to refer to certain conditions in my home town. I am going to use it to illustrate a national problem. This matter properly comes under the items of rivers and harbors.

A few years ago the Government agreed to perform certain work in the harbor at Dunkirk, N. Y., provided the city as a condition precedent would erect a municipal dock. The city fulfilled its obligations, and in order to do so bonded itself heavily and built a fine modern dock, which was approved by the Secretary of War. The city was then ready to develop its commerce, had plans under consideration for the erection of warehouses, modern unloading apparatus to develop its commerce, but the Government failed to repair the breakwater which has caused the harbor to shoal. This detached breakwater, 2,860 feet long, is almost utterly destroyed, and as a result every storm throws tons of stone and sand into the harbor, causing it to shoal. There has not been a time prior to 1917 that the vessels in the harbor and the property along the shore have not been in danger from the severe storms that almost annually visit the locality.

In December, 1921, a severe storm swept across Lake Erie and two ships in the Dunkirk Harbor were sunk. The new municipal dock is now in danger of being destroyed by these heavy storms, a thoroughfare of the city is being gradually washed, and recently some of the street lighting along this street was destroyed.

It appears in the report of the Chief of Engineers of the United States Army, 1920, page 1683, that the citizens of Dunkirk bonded the city for a large amount and built a fine municipal dock, which had the approval of the Secretary of War. There has not been a time since this expenditure on the part of the city that the Government has sufficiently maintained the harbor to enable the shipping that desires to enter the harbor to do so.

On page 231 of the hearings on this bill General Taylor, without intending to do so, left the impression with the committee that the Dunkirk Harbor could not be used because its depth is only 16 feet. He states that because of this the harbor is not sufficient for the large lake boats to enter the harbor even if the breakwater were repaired. It is quite true that the largest lake boats could not use this harbor, and the city of Dunkirk is not seeking to have the harbor made available for the largest boats. As a matter of fact, when we consider that on June 30, 1918, the Great Lakes documented American merchant fleet totaled 2,939 vessels of 2,797,503 tons, of which 133 were sailing vessels, 2,295 were steam vessels, only a few of which draw 21 feet, it is apparent that the traffic is not confined to deep-draft boats.

On June 30, 1919, the documented American merchant fleet on the Great Lakes aggregated 3,043 vessels of 3,023,762 tons. It is obvious that the number of smaller boats on the Lakes is rapidly increasing; that the very large boats are built exclusively for the iron ore, coal, and grain trade, although much of this freight is handled by the smaller boats drawing less than 16 feet of water.

With reference to the number and character of the boats that could enter Dunkirk Harbor if the breakwater were to be put in repair and the shoals referred to in the Engineer's Report removed, I wish to insert in the RECORD the names and dimensions of boats that could enter Dunkirk Harbor either for the purpose of commerce or as a harbor of refuge.

Passenger steamers that could enter Dunkirk Harbor if breakwater were repaired and shoals removed.

Name of vessel.	Length of keel.		Beam.	
	Ft.	*in.*	*Ft.*	*in.*
City of Buffalo	340	3	43	5
City of Cleveland	402	0	54	0
Essex	94	0	36	0
Greyhound	276	0	38	0
Huron	200	0	32	0
Islander	139	0	32	0
Pere Marquette	186	0	34	6
Pilgrim	209	0	40	0
Americana	203	0	45	0
Canadiana	203	0	45	0
Chicora	124	5	33	0
City of Ottawa	220	0	32	5
City of Toledo	212	0	31	6
Puritan	260	0	40	0
Wauketa	175	0	38	4
Turbinia	250	0	33	0

Freight vessels that could enter Dunkirk Harbor at its present depth if breakwater were repaired and shoals removed.

Name of vessel.	Length of keel.		Beam.	
	Ft.	*in.*	*Ft.*	*in.*
Aberdeen	99	6	22	0
Advance	175	0	35	3
Alaska	212	0	32	0
Amaranth	150	0	28	0
Andaste	266	0	38	0
Annie Laura	133	0	24	6
Arabian	178	6	31	0
Argo	192	0	35	0
Arizona	189	4	32	6
Aspen	118	0	25	0
Atikoken	308	0	38	0
Aztec	180	0	33	3
Baffin	251	0	43	6
L. L. Barth	185	0	35	0

Freight vessels that could enter Dunkirk Harbor, etc.—Continued.

Name of vessel.	Length of keel.		Beam.	
	Ft.	*in.*	*Ft.*	*in.*
Beaverton	249	6	42	0
Belchers	251	0	43	6
C. F. Bielman	291	0	41	0
C. F. Bielman, jr	67	6	14	0
Mary H. Boyce	181	4	34	2
Charles H. Bradley	201	0	37	0
R. C. Brittain	142	0	24	0
Edward Buckley	154	8	31	7
George Burnham	149	0	29	0
Cadillac	230	0	37	0
C. W. Cadwell	152	0	36	0
Canobie	252	0	38	0
W. J. Carter	122	0	28	0
Cataract	175	0	23	6
Cicoa	241	0	41	0
Susie Chipman	122	0	41	0
Alva S. Chisholm, jr	150	0	35	0
T. S. Christie	160	0	30	3
T. L. Church	251	0	43	6
City of Dresden	93	0	21	0
City of New York	136	0	27	6
Clinton	217	0	37	0
Clover	80	0	23	0
A. R. Colborn	129	9	28	0
W. Colin	256	0	36	6
Corunna	230	0	34	0
John W. Cullen	141	0	23	0
H. Dahlke	152	0	28	6
James Dempsey	182	8	42	9
Senator Derbyshire	220	0	40	0
J. P. Donaldson	185	0	30	4
Dougaldmac	235	4	38	6
Douglas	120	3	22	10
R. E. Doville	116	0	28	0
Easton	250	0	42	6
Wm. Edenborn	478	0	52	0
Edmonton	249	0	42	8
Elba	420	0	52	0
W. Erie	224	7	35	4
Favorite	158	0	40	2
Fellowcraft	256	0	40	0
R. P. Fitzgerald	256	0	38	0
Fleetwood	265	6	40	6
Emory L. Ford	580	0	60	0
J. C. Ford	172	0	33	0
Parks Foster	262	0	38	0
I. N. Fister	134	9	26	0
Frontier	121	0	38	0
Gladstone	283	0	40	0
Glenbrae	274	0	40	0
Gleneadam	244	0	43	0
Glenellah	250	0	43	2
Glenfinnan	324	0	42	0
Glenlivet	266	0	38	0
Glenmavis	250	0	42	5
Glenmount	302	0	40	0
Glenstriven	274	0	41	6
Gogebic	275	0	40	4
C. H. Green	192	6	33	0
Guiana	345	0	44	2
Hall	102	8	22	5
Henry B. Hall	213	0	35	0
Stephen C. Hall	161	2	30	5
Harlow	194	0	35	0
Harriet B	283	0	53	6
F. E. Harvey	133	0	31	0
M. G. Hausler	144	0	35	0
W. A. Hazard	154	0	29	0
Charles Heiden	160	0	35	0
Helen C	186	0	35	0
Hennipin	208	8	35	0
H. H. Hettler	210	0	34	7
Hickley	108	0	24	0
Ralph T. Holcomb	133	0	30	0
H. Houghton	126	0	27	0
W. Howard	225	2	37	8
Huronton	238	0	42	0
Huron City	167	8	29	0
Hyacinth	150	0	28	0
Hydro	169	0	40	0
Imperial	162	4	25	5
Imperoroyal	249	6	43	1
Impoco	242	0	40	1
India	215	9	36	4
Iocolite	230	0	43	0
Iocoma	248	2	42	6
Adrian, Iselin	244	0	43	0
C. W. Jacob	298	0	41	0
Jeddah	208	7	35	9
H. N. Jex	169	4	26	5
Juno	139	7	26	8
Chester B. Jones	167	0	30	3
Joses	99	9	24	0
Jumbo	106	0	22	6
Kalkaska	178	0	33	9
Kelly Island	175	0	38	0
Harvey J. Kendall	141	7	31	0
Kenora	249	9	42	6
Julius Kessler	251	0	43	7
J. B. Ketchum, 2d	193	0	40	6
Keybell	244	0	42	6
Key Port	250	0	42	5
Keynor	259	0	42	5
Keyvive	250	0	42	5
Key West	250	0	42	5
George King	176	5	30	8

Freight vessels that could enter Dunkirk Harbor, etc.—Continued.

Name of vessel.	Length of keel.		Beam.	
	Ft.	*in.*	*Ft.*	*in.*
La Salle	266	0	38	0
Lakeland	280	0	39	0
Lake Michigan	136	0	23	9
Landbo	280	0	41	5
Langel Boys	151	0	30	0
Simon Langel	195	4	34	6
Lewiston	272	0	38	0
Liberty	249	0	39	6
Linden	206	0	35	0
C. H. Little	144	0	28	0
John M. McKerchey	161	0	37	1
A. E. McKinstry	250	0	42	7
Pierce McLouth	173	6	30	7
A. McVittie	249	2	42	0
M. C. & M. C. No. 2	149	6	30	0
A. D. MacTier	244	0	43	0
Malahat	245	7	43	8
Malton	253	0	40	0
Manchester	281	0	41	0
Manola	249	7	40	2
Manistique	157	0	31	0
Mapleboro	207	0	34	2
Maplebranch	231	0	35	6
Maplecourt	365	4	44	8
Mapledene	219	2	39	9
Mapleglen	241	0	40	0
Maplegorge	209	0	38	0
Maplegrange	191	0	34	0
Maplegreen	215	0	34	0
Maplegulf	174	0	32	6
Mapleheath	250	0	42	6
Maplehill	243	0	42	0
Mapleton	250	0	42	6
Maricopa	406	0	48	6
Marigold	150	0	27	0
Marion	202	0	35	0
Marysville	160	0	35	0
Maggie Marshall	150	0	30	0
Samuel Marshall	198	0	34	0
Mary H	116	0	29	5
Mataafa	430	0	50	0
Samuel Mather	308	0	38	0
Mecosta	281	0	40	0
Fred Mercur	232	0	35	6
G. A. Mitchell	194	0	33	0
Samuel Mitchell	293	0	40	6
Wm. B. Morley	240	0	42	8
J. F. Morrow	246	0	41	0
Mueller	172	0	30	0
Nagaho	194	0	35	6
N. J. Nessen	149	0	37	0
Nevada	230	0	34	1
Niagara	286	0	42	0
Niko	189	0	35	0
John Oades	212	0	36	0
Oceanica	263	0	37	3
Ogemaw	162	6	30	0
Orinoco	295	0	44	0
Frank C. Osborn	155	0	37	0
John Otis	148	7	27	4
Overland	215	0	31	0
Pahlow	155	0	30	0
Parima	335	0	42	1
C. E. Parks	134	5	28	0
Pennsylvania	158	0	35	4
Penobscot	129	0	27	4
Pentland	192	8	35	6
T. P. Phelan	241	0	41	0
Quebec	206	2	40	0
P. J. Ralph	211	5	37	0
E. P. Recor	123	0	30	0
L. W. Robinson	244	0	43	0
Rock Ferry	235	3	37	2
John Rolph	133	6	37	8
Roumania	273	0	39	5
Royalite	259	0	43	0
Wm. Rudolph	145	0	23	6
John Rugee	216	0	35	0
Joseph L. Russell	121	0	26	0
Sachem	187	0	34	0
Sacramento	308	0	43	0
Saginaw	142	0	25	5
Sarnolite	250	0	43	0
Saskatoon	250	2	42	8
Philetus Sawyer	152	0	31	6
Wm. H. Sawyer	201	0	37	0
Scranton	260	0	39	0
Senator Derbyshire	220	0	40	0
Chas. H. Shaw	240	0	42	0
Shenandoah	308	0	43	0
E. A. Shores	176	0	35	0
M. Sicken	128	10	26	0
Simla	225	6	34	8
Sowards	119	6	25	4
W. R. Stafford	184	10	34	3
C. H. Starke	149	6	30	0
I. Watson Stephenson	172	0	35	0
S. M. Stephenson	166	0	33	0
Frank B. Stevens	146	0	29	0
Stormount	251	0	35	4
Sumac	160	0	30	0
Superior	138	0	30	5
Trentonian	251	0	43	6
United Lumberman	139	0	31	6
Valcartier	354	0	48	0
Venezuela	263	0	42	6

Freight vessels that could enter Dunkirk Harbor, etc.—Continued.

Name of vessel.	Length of keel.	Beam.
	Ft. in.	Ft. in.
Vinmount	246 8	38 0
J. H. Wade	265 0	38 0
R. C. Wente	141 0	30 0
Wesee	269 0	42 3
Westerian	210 0	32 0
Mathew Wilson	141 4	27 9
Windsor	242 0	41 0
Winnipeg	252 5	35 0
Winona	252 0	43 5
Wm. H. Wolf	285 0	42 0
Wotam	191 6	36 6
Yorkton	250 0	42 6
Zillah	201 8	37 0

Steam freight barges that could enter Dunkirk Harbor if breakwater were repaired and shoals removed.

Name of vessel.	Length of keel.	Beam.
	Ft. in.	Ft. in.
Acacia	102 0	20 0
Acadia	150 0	26 5
A-D	147 0	30 1
Albion	110 0	22 8
Alice	120 7	25 8
Aloha	171 2	32 0
Abbie L. Andrews	136 0	26 0
Ark	175 6	35 6
Atlasco	218 0	32 6
Auger Antoine	151 0	26 0
Augustus	177 5	39 6
Aurora	200 0	41 0
M. S. Bacon	182 0	33 6
J. J. Barlum	234 0	40 8
R. L. Blackburn	122 1	24 1
Nelson Bloom	197 7	31 2
John R. Booth	113 0	24 2
Rhoda Bottsford	167 1	32 9
K. Brainard	169 8	30 0
E. R. Bremner	113 0	24 2
Brighton	179 6	34 7
Brightie	182 0	33 2
Brookdale	213 3	39 8
Belle Brown	124 6	27 4
Brunette	108 0	24 0
Burma	183 6	39 5
Richard Burns	178 0	32 6
J. Burstall	119 7	24 1
Myron Butman	164 3	31 2
Bertie Calkins	134 0	28 0
W. S. Calvert	191 0	29 0
Fred Carney	152 2	30 4
Carrier	123 0	26 0
A. A. Carpenter	165 6	33 0
J. I. Case	208 0	34 6
Lyman Casey	136 0	26 0
Chattanooga	308 0	45 0
Chieftain	342 0	46 0
Cobalt	146 6	26 6
Cobourg	179 6	34 7
Condor	180 7	34 5
Mary Ellen Cook	118 0	25 6
Corisande	137 0	26 0
Ida Corning	168 0	31 3
Mike Corry	153 6	29 3
Coteau	157 6	27 0
R. M. Cox	112 8	24 0
J. L. Crane	186 8	31 9
Crete	288 6	44 6
Cuba	168 7	25 6
Dwight G. Cutler	165 0	36 0
Cyrenian	135 0	26 0
Dakota	170 4	30 6
Lyman M. Davis	123 0	27 2
Geo. T. Davise	177 5	35 0
Dayton	184 2	30 0
Delaware	173 6	30 4
D. P. Dobbins	162 3	31 6
Dominion Coal Co. No. 7	170 0	34 6
Dorchester	148 5	27 1
Gougaldmac	235 4	38 6
Dunmore	182 5	34 9
Edgewood	191 1	36 8
Edith	130 0	27 0
J. R. Edwards	175 2	30 6
Empire	160 0	40 0
Empire No. 1	170 0	31 5
Frank D. Ewen	202 0	37 0
Ethel	158 0	27 9
Grace M. Filer	128 0	27 0
C. J. Fillmore	161 0	31 0
Edson Fitch	120 0	24 0
J. A. Francombe	180 0	35 0
Robert L. Fryer	175 0	33 3
Thomas Gawn	178 0	31 7
Genoa	188 9	34 1
F. A. Georger	200 6	35 4
Gladys, H	211 0	34 8
Jeremiah Godfrey	177 0	34 9
Golden Age	278 0	37 8
Grampian	218 0	38 0
Grenada	247 0	40 0

Steam freight barges that could enter Dunkirk Harbor, etc.—Contd.

Name of vessel.	Length of keel.	Beam.
	Ft. in.	Ft. in.
Grandee	197 2	38 5
Levi Grant	127 0	27 0
John Gray	110 0	22 0
Guido	114 0	24 0
Halstead	171 1	33 4
Hamilton	173 0	26 0
Do	202 0	41 0
Harriet, D	161 6	32 2
Ben Harrison	175 0	32 2
Harsen	144 0	40 0
Hector	170 3	35 5
Helvetia	204 6	35 6
Hilda	160 0	30 0
Nelson C. Holland	187 6	31 8

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REED of New York. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REED of New York. It may be of interest to Members of the House to know something of the volume of freight traffic on the Great Lakes. The statistics show that the passage of vessels through the Sault Ste. Marie Canals in the navigable season of 1895 amounted to a total of 15,062,580 short tons of freight, of which 70 per cent was carried by steamers. Of this total only 3.75 per cent was carried by Canadian vessels. In the season of 1918 the freight carried through the Sault Ste. Marie Canals was 85,680,327 short tons, of which 96 per cent was carried in steamers, and only 6 per cent of the whole was carried in Canadian vessels.

The Dunkirk Harbor is located about halfway between Erie and Buffalo, and is the only harbor of refuge for freight and passenger boats for a distance of 100 miles. In this connection it is interesting to note that the volume of shipments of grain and flour—mainly grain—which passes directly by the Dunkirk Harbor to the city of Buffalo, a distance of 41 miles, as shown by the receipts amounted in 1913 to 214,806,812 bushels. The shipments of grain that went into Buffalo during the year 1914 amounted to 185,061,619 bushels; and in the year 1915 the shipments amounted to 250,152,948 bushels; in 1916 the shipments amounted to 208,727,132 bushels; in the next year 163,031,322 bushels; and in 1918 they were 153,409,567 bushels.

The 1918 Canada Yearbook, published by the Dominion Government, states that the shipments of grain on Canadian vessels from Fort William and Port Arthur during the navigable seasons of 1917 and 1918 were: In 1917 a total of 198,455,258 bushels, of which 101,012,536 bushels went to Canadian ports and 97,422,722 bushels to American ports. In 1918 the total was 51,215,097 bushels, of which 50,830,272 bushels went to Canadian ports and 384,825 bushels to American ports. The Canada Yearbook fails to give any reason for the decrease from 1917 to 1918.

I mention this vast tonnage that passes the Dunkirk Harbor coming from the West to the East, because it shows the possibilities of developing commerce at the Dunkirk Harbor if the Government would maintain the breakwater, remove the shoals, and meet its responsibility so far as maintenance is concerned.

Aside from this, it has prevented certain industrial development and thus greatly injured the city and prevented the promotion of a large commerce at our port. You may be interested to know that two years ago an industry employing 600 men at high wages desired to locate on our lake front without one cent of cost to the city, provided we could give some assurance that the harbor would be maintained for lake traffic. This is a matter of personal knowledge, because I conducted the negotiations. Because of my failure to secure any assurance of cooperation from the Government, I was obliged to state to the officers connected with this industry that we could not meet this requirement. The development of the Dunkirk Harbor has always had the opposition of the railroad companies. It was only after a most bitter controversy that the people of the city were able to secure the water front from the grasp of the railroad company for the location of the present municipal dock. It has also been the policy of the railroads at Dunkirk, as elsewhere, to throttle every attempt to provide water transportation, and in view of the present high cost of transportation rates, our business men feel that we should not be prevented through lack of Government cooperation in utilizing our municipal dock and other facilities at this time.

The facts are quite clearly set forth in a recent letter from the Board of Commerce at Dunkirk, N. Y., a portion of which I shall ask permission to insert in the RECORD:

Due to the condition into which the Government has permitted our harbor to get, we have at present but little lake business outside of the floats, or fishing steamers, which make this harbor their home; but this business is one of no small importance. The C. J. Alexander concern handled last year the production of 23 steamers and gasoline boats, employing 100 men, and produced 1,237,645 pounds of fish valued at $82,229. The Desmond Fish Co. operates about 16 boats, most of them steamers, employs about 115 men, and from December 1, 1918, to November 30, 1919, produced 1,702,273 pounds of fish, valued at $106,862.25. Apart from what the employment of these 200 men mean to Dunkirk, of still more importance is the fact that in these days when the fishing problem and high cost of living is so vital, it should be seen to that this approximately 3,000,000 pounds of fish per annum should not be lost to the people of the United States, but the fishing companies inform us that their floats are battered and in constant danger in our harbor due to the dilapidation of the break wall, and that unless repairs are made this industry will have to be abandoned.

As to the commerce in our harbor: It is passing by us through no fault of ours nor through any indifference on the part of the navigation companies, but only because the Government has failed to back our efforts with reasonable help. The letters from the navigation companies will show you the interest felt by them in urging the present needed repairs.

In reply to the statement that there is no commerce at the city of Dunkirk, I wish to show how the water transportation companies feel with reference to this harbor. I respectfully submit letters from various transportation companies on this point.

The Cleveland & Buffalo Transit Co. writes as follows:

As you know, this company operates daily between Cleveland and Buffalo, passing in the vicinity of your harbor. In former years we had a remunerative business in and out of your harbor and might be glad to make it a port of call in the future, if the harbor is kept up and made safe. Also the Lake Excursion Co., of Buffalo, N. Y., has done considerable business between Buffalo and your city and would continue with good safe harbor facilities.

I therefore trust and hope you will be able to convince the committee at Washington to proceed with these repairs and improvements. I might also add that under certain weather conditions Dunkirk Harbor might prove valuable as a harbor of refuge.

The Great Lakes Transit Corporation makes this appeal:

Dunkirk is the only port between Erie and Buffalo on the American side. We feel deeply interested in the usability and availability of all the Lake ports along the chain of lakes, and are interested in having such ports available for business or safety, as the case may be.

We are informed that the breakwater at Dunkirk is in such bad condition that unless repaired now it is doubtful whether anything other than building anew will avail.

Trusting that you will give this your early and earnest attention, we remain.

Brown & Co., Lake Transportation, Buffalo, N. Y., write as follows:

As you are aware, Dunkirk is the only port between Buffalo and Erie on the American side. We, of course, being interested in the transportation business, are interested in the availability of all Lake ports along the chain of lakes and in having such ports available for business or safety.

We are also informed that the breakwater at the port of Dunkirk is in such deplorable condition that unless repairs are made it is doubtful whether there will be any new projects started, as there is not a satisfactory breakwater there.

We sincerely hope that you will give this matter your earnest and prompt consideration.

The Interlake Steamship Co., Buffalo, N. Y., express their views as follows:

It is of vital interest to us as well as the shipping interests of the Lakes that these repairs should be made at once, as well as making every effort to place a suitable depth of water at that point to meet the requirements of the fleet that is navigating the Great Lakes and destined to Buffalo. As a harbor of refuge as well as a port of entry, it deserves the attention of your committee.

WATER.

One of the leading industries in my home town is the Atlas Crucible Steel Co., the product of which goes to all parts of this country and abroad. This company is very desirous of water transportation for its products, and I quote from their letter with reference to the importance of immediate action in connection with the Dunkirk Harbor:

Dunkirk certainly needs a harbor, and it needs a good one. The present condition of the break wall is not such as to encourage lake commerce from this port. So far as our own company is concerned we want to say that we have large steel warehouses in Cleveland, Detroit, and Chicago, and in each of these cities we have customers whose tonnage purchases from us are very heavy. The present transportation facilities offered by the railroads are becoming most prolific sources of delay, inconvenience, and annoyance, and our company is virtually praying for the time to come when Dunkirk will be provided with adequate harbor facilities, so that our heavy tonnages of steel might be transported by water. If we had these added facilities it might encourage extensions to our own plant and business, which otherwise we can hardly consider.

We can not think of anything at this time that is more imperative and essential to the future growth and prosperity of Dunkirk than the improvement of our harbor and the introduction of adequate lake service, which would inevitably follow. It would benefit not only Dunkirk, but it would be of paramount advantage to those large consumers of steel in Cleveland, Detroit, Chicago, and western points which draw upon us for their requirements of this important commodity.

We are certainly watching with interest the efforts you are putting forth in this connection, and hope that the legitimacy of your contentions for an improved harbor at Dunkirk will be recognized by the good people at Washington.

I would like to quote from a letter written by the manager of the United States Radiator Corporation, located at Detroit, Mich., with plants at Dunkirk, N. Y.; West Newton, Pa.; Geneva, N. Y.; Edwardsville, Ill.; Paola, Kans.; Detroit, Mich.; and Corry, Pa. He states as follows:

We use at our Dunkirk plant materials which might very profitably be carried by water. We secure pig iron from both Buffalo and Cleveland markets, and we secure sand in large quantities from Lake Michigan ports. We also ship finished materials to Detroit, Minneapolis, and Chicago. On all of this material we need very much to enjoy the benefit of lake rates. We therefore sincerely hope that the improvement will go through.

Supplementing this letter is one from the manager of the United States Radiator Corporation, located at Dunkirk, in which this statement is made:

We have at Dunkirk one of our largest plants for the manufacture of radiators for house heating. In the pursuit of our business we find it necessary to procure pig iron from both Buffalo and Cleveland markets, and we procure sand in large quantities from Lake Michigan points.

We also ship finished materials in carload quantities to Cleveland, Detroit, Minneapolis, and Chicago. On all this incoming and outgoing material we need very much to enjoy the benefit of lake rates or lake and rail rates. We are advised that the appropriation under consideration will complete the making of a real harbor at Dunkirk, which no doubt will become a port of entry to transportation lines seeking business.

We therefore sincerely hope that the improvement will go through.

Boland & Cornelius, lake transportation, write from Buffalo, N. Y., with reference to the importance of Dunkirk as a harbor of refuge:

For some time past we have realized the importance that should be given to Dunkirk Harbor as a harbor of refuge. The breakwater there now is in such a bad condition that if it is permitted to remain in its present state the value of it will be entirely destroyed and the Government, at some future time, will be obliged to spend a far greater sum of money than would be necessary at the present time.

With the increasing commerce of the Lakes, there is no question but that, in a short time, if the Government sees fit to improve this harbor at Dunkirk, a large amount of shipping would be done at that port. It has great advantages for a large shipbuilding or steel plant, and this can not be nor will it be entertained unless the Government does its share in the improvement of this harbor.

We respectfully urge that you use your influence for this important project.

A letter received from the Commercial Machine Co., of Dunkirk, N. Y., written prior to the damage done by this recent storm, sets forth the facts with reference to the breakwater, which I will read:

Referring to the condition of the break wall in the Dunkirk Harbor. One of the bad places is just opposite our shop on West Front Street. This wall gets the incoming seas in the winter very hard. The poles supported by trolley wires are just at the edge of the bank now. Two years ago they were fully 8 feet within the edge of the bank. If the storms this winter are as severe as those of last winter I expect to see from 4 to 8 feet of West Front Street scattered over the harbor. It looks to us as if the break wall should be repaired at the earliest possible moment, as continual wearing away of the bank will not only fill up the harbor but carry away the poles on West Front Street.

A storm previous to this last great storm in December tore away the poles referred to in this letter and destroyed 100 street lights along the street, which is one of the main traveled thoroughfares in our city and the only direct route along the lake front for through highway traffic from Chicago to Buffalo.

It seems to me that the Government is under a moral obligation to maintain the harbor in view of the large expenditure made by the city in the erection of the municipal dock. The city should be permitted to carry out its plans to develop commerce at this port and not be told repeatedly each year that it has no commerce, when it is obvious that there can be no large volume of shipments because the Government has permitted certain portions of the harbor to shoal. This failure also to maintain the breakwater leaves all ships that enter the harbor exposed to every severe storm that visits that locality.

There is another obligation resting on the Government, and that is to maintain the breakwater and an open channel so that boats in distress may use it as a harbor of refuge. It may be of interest to the Members to know that in 1917 there were 20 ships lost on the Great Lakes, representing a total of 24,086 gross tons; in 1918, 21 ships, of 21,035 gross tons. The loss during the season of 1919 amounted to 18 ships, which represents a gross tonnage of 26,485. When the Government placed a lighthouse at Dunkirk, it realized that this harbor afforded the last chance for rescue of ships in distress anywhere between the city of Erie and the city of Buffalo. This last fall during a heavy storm one of the tugs left the harbor under most adverse conditions because of the condition of the breakwater, went out to a foundering ship, and saved every person on board except one. It is unfair under the plea of economy to expose the lives of passengers and crews to the fury of the storms when a small expenditure would make the Dunkirk Harbor a safe refuge in case of threatened disaster. The importance of Dunkirk as a harbor of refuge is supported by many letters from lake transportation companies, and without taking more of your time I will quote from a letter from

Boland & Cornelius, engaged in lake transportation, who stress this point in their letter, a portion of which I wish to quote:

For some time past we have realized the importance that should be given to Dunkirk Harbor as a harbor of refuge. The breakwater there now is in such a bad condition that if it is permitted to remain in its present state the value of it will be entirely destroyed and the Government at some future time will be obliged to spend a far greater sum of money than would be necessary at the present time.

With the increasing commerce of the lakes, there is no question but that in a short time, if the Government sees fit to improve this harbor of Dunkirk, a large amount of shipping would be done at that port. It has great advantages for a large shipbuilding or steel plant, and this can not be nor will it be entertained unless the Government does its share in the improvement of this harbor.

We respectfully urge that you use your influence for this important project.

The Clerk read as follows:

Expenditures for carrying out the provisions of this act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate.

Mr. HULL. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. HULL: Page 102, line 24, after the word "rate," insert a new paragraph:

"That no part of the appropriations made in this act shall be available for the salary, or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job or of any such employee between the starting and completion thereof, or the movements of any such employee while engaged upon such work, nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. ANTHONY. Mr. Chairman, I reserve the point of order.

Mr. NOLAN. Had we not better have the point of order settled at this time?

Mr. HULL. Yes. What is the point of order?

Mr. ANTHONY. Mr. Chairman, I make the point of order that it is not germane and that it is new legislation.

Mr. HULL. Mr. Chairman, it has been on the appropriation bill for nearly 10 years. It has been carried on the military bill and on the naval bill and on the fortifications bill for nearly 10 years. The point of order has been decided some 30 times.

Mr. NOLAN. Mr. Chairman, I think the amendment offered by the gentleman from Iowa is clearly in order. It has been on every Army and Navy bill since 1914 and also on the fortifications bill when that bill was reported as an independent appropriation bill. This is the so-called stop-watch provision. It has been held in order repeatedly, and I am surprised that the chairman of this subcommittee makes the point of order. He knows as well as any Member of the House that the matter has been held in order time after time by the chairmen of the various committees.

The CHAIRMAN. The Chair is ready to rule. Whatever the opinion of the Chair might have been if this were being brought up for the first time, he feels bound by the precedents and practices in ruling upon this and similar amendments. The Chair overrules the point of order.

The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Miss ROBERTSON. Mr. Chairman, I ask unanimous consent to return to page 105 for the purpose of offering an amendment.

The CHAIRMAN. The lady from Oklahoma asks unanimous consent to return to page 105 for the purpose of offering an amendment. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, what is the amendment?

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Amendment proposed by Miss ROBERTSON: Page 105, between lines 19 and 20, insert the following new paragraph:

"For reconditioning the road from Fort Gibson, Okla., to the Fort Gibson National Cemetery, Okla., $20,000."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Miss ROBERTSON. Mr. Chairman, after strife comes peace. After the soldier's life, for many a grave in some quiet national cemetery. Such a quiet resting place for more than 3,000, nearly 400 of whom are "unknown dead," is the old cemetery at Fort Gibson, a pioneer fort of more than a hundred years ago, then one of the border chain of military posts, and so far remote as to be a place of banishment. Jefferson Davis, an ambitious young lieutenant, was punished by exile there for his daring in aspiring to the hand of the fair Betty Taylor, and through weary months of lonely brooding over what he felt was wrong and injustice, he perhaps was planning his future career as he rode the Fort Gibson trails in his cavalry drills or Indian scouting.

Not in the officers' plat but one in the long line of modest stones bearing names of Indians who followed the Stars and Stripes in the sixties is one placed for Billy Bowlegs, one of the intrepid band of Seminoles driven from the Florida Everglades, who turned against the South that banished him, strangely fighting and dying under the flag he had fought, as later men of the South fought and died under the Stars and Stripes in the Spanish-American War.

Within the past year and a half 20 men of the World War have found their final resting place in this historic, sacred ground. The road leading from the old abandoned post is a mere rough trail. It must be reconditioned. The Army owns it, but there is no appropriation. Therefore I ask you, against whose proposed millions of appropriations I have so consistently voted, to give this $20,000.

Talking on "the bonus bill" many of you had much to say about our men who gave all. I can not talk about them. I bade them good-by and "Godspeed" with a smile on my face, but you know the grief under the smile; you said "good-bys." too, and you followed them with hope and love and prayer. You have stood with bowed head and tear-filled eyes when "taps" were sounded over the open grave.

Over this rough trail was borne a few days ago the body of a gallant soldier who carrying dispatches in the Argonne was wounded and gassed. He made as brave a fight for life as he had made for his country, but it was a losing fight away from home in a distant hospital Our country tried to save him. You know not one of us here but would take the last dollar in the Treasury if necessary to care for our wounded and helpless World War veterans, but all that could be done was vain. He sleeps where the sod is already green over his comrades and where the mocking birds unceasingly trill from the great trees that shade them.

On Decoration Day the Boy Scouts, growing up into earnest loyal citizens, will lead the procession over this rough trail with the martial dirge of their fife and drum. Then will follow the World War men, the Spanish War veterans, the National Guard, and if the trail after the spring rains is not too rough the little handful of Boys in Gray and Boys in Blue of the War between the States. There will be patriotic music and speeches. Sombrely clad widows and gold-star mothers will bedew with tears the flowers they so tenderly strew, and white-robed maidens will place the little flags and scatter blossoms over the grassy mounds of a century's dead. Outside the walls the patriotic women workers in war days, ministers of help and comfort in peace because they have not forgotten war, will serve the veterans of all the wars with coffee and sandwiches.

I have trailed over that rough road in the final journey of my own kindred for whom this year I may not strew flowers. I know the pain of that rude jostling on the way. Will not you give us the money—the $20,000—for this road? [Applause.]

SEVERAL MEMBERS. We will.

The CHAIRMAN. Without objection, the amendment of the lady from Oklahoma will be considered as pending, and the question is on the amendment.

The question was taken, and the amendment was agreed to. [Applause.]

The Clerk read as follows:

The following unexpended balances or portions of unexpended balances or combined unexpended balances or combined portions of unexpended balances of appropriations for the support of the Military Establishment and for other purposes shall be carried to the surplus fund and be covered into the Treasury immediately upon the approval of this act: Arming and equipping the militia, $178,120.96; field artillery for Organized Militia, $549.84; temporary office building, War Department, $4,907.10; military posts, Schofield Barracks, Hawaii, $856.60; transportation for refugee American citizens from Mexico, $50,846.69; transportation to China of Chinese refugees, $31,165; memorial archway at Vicksburg, Miss., $500; National Memorial Celebration and Peace Jubilee, Vicksburg, Miss., $23,229.63; medals for officers, men, etc., of National Guard, War with Spain, and Mexican border service, $207.87; equipping Army transports with lifeboats and rafts, $2,218.08; exchange of Army cold-storage plant, Chicago, Ill., $500; supply depot, Fort Sam Houston, Tex., $1,017.49; Army supply depot, Fort Mason, Calif., $2.64; road to national cemetery, Salisbury, N. C., $235.09; Signal Service of the Army, $407.10; repair and restoration of defenses of Galveston, Tex., $1,797.81; sea walls and embankments, Panama Canal, $3,270.99; land defenses, Panama Canal, $1,165.30; terminal storage and shipping buildings, $21,440.43; armament of fortifications, act of February 28, 1920, $2,619; proving ground, Sandy Hook, N. J., $93,538.69; ordnance depot, Panama Canal, $35,980.22; storage facilities at armories and arsenals, $1.45; automatic rifles, $2,439.20; ordnance depot, Honolulu, Hawaii, $42.68; Army powder factory, $2.40; international rifle competition, Camp Perry, Ohio, $2,202.38; inland and port

storage and shipping facilities, $2,000,000; radiodynamic torpedoes, $720,000; Frankford Arsenal, Philadelphia, Pa., $165,777.64; Picatinny Arsenal, Dover, N. J., $92,824.11; Rock Island Arsenal, Rock Island, Ill., $243,384.04; San Antonio Arsenal, San Antonio, Tex., $3,723.31; Springfield Arsenal, Springfield, Mass., $1,945.01; Watervliet Arsenal, West Troy, N. Y., $2,237.62; Watertown Arsenal, Watertown, Mass., $5,788.58; total appropriations recovered, $3,694,944.95.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman as to terminal storage and shipping building, in lines 7 and 8, $21,440.43.

Mr. ANTHONY. What page?

Mr. GRAHAM of Illinois. Page 104.

Mr. ANTHONY. Lines 7 and 8?

Mr. GRAHAM of Illinois. Yes.

Mr. ANTHONY. I can tell the gentleman by looking into the matter just what terminals and storage buildings are referred to. I think it refers to terminal and storage buildings authorized during the war, and this is the unexpended balance.

Mr. GRAHAM of Illinois. That is what I would like to know, whether we are still expending money on projects like that at Charleston, S. C., and Brooklyn, N. Y.

Mr. ANTHONY. I will state that the object of the committee in making the investigation was to see what we could find out about sums appropriated for the War Department in past years and still available for expenditure and not expended and put them back into the Treasury, so that Congress would know from now on just what it was doing. That was our idea in assembling all of these unexpended balances, which total some $3,000,000 and more, and putting them back in the Treasury.

Mr. GRAHAM of Illinois. Is there anyone who can tell me now just where this comes from?

Mr. ANTHONY. What does the gentleman want to know?

Mr. GRAHAM of Illinois. Mr. Chairman, I do not like to take up the time of the committee, but I wish the chairman of the subcommittee would extend his remarks on this question and give this information as to where this comes from.

Mr. ANTHONY. We have in the files of the committee a list of these different items with the date of appropriation and how long the appropriation would still be available, and so forth. Most of them are available until expended, but we went very carefully over the entire list with the Chief of Finance and agreed with him that this amount should be turned back into the Treasury. We thought it unwise that this amount of money should remain available for expenditure for objects of which Congress had probably lost track.

Mr. GRAHAM of Illinois. If the matter is not too long I would ask the gentleman to insert it in the RECORD.

Mr. ANTHONY. If the gentleman will come to the committee room we can give the information to him.

Mr. GRAHAM of Illinois. I withdraw the pro forma amendment.

Mr. ANTHONY. Mr. Chairman, has the Clerk read the title of the next item?

The CHAIRMAN. The title has been read.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 10871 had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2, Rule XXVI, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3300. An act granting a pension to Marie Doughty Gorgas; to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DUNBAR, for six days, on account of business.

To Mr. ALMON, for six days, on account of official business.

To Mr. REED of New York, for six days, on account of business.

Mr. QUIN. Mr. Speaker, I would like to have leave of absence in order that I may go with the Military Committee to Muscle Shoals, to be back Friday.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for leave of absence until Friday. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Miss ROBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the appropriation bill which has been under consideration to-day.

The SPEAKER. The lady from Oklahoma asks unanimous consent to extend her remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, after the conclusion of the consideration of the bill now before the House, it is the intention of the chairman of the Ways and Means Committee to call up for consideration Senate joint resolution 160, authorizing the extension for a period of time the payment of the principal and interest of the Austrian debt incurred in the purchase of flour. It will probably take but a short time to dispose of it.

Mr. GARRETT of Tennessee. Will the gentleman yield in connection with that?

Mr. MONDELL. I yield.

Mr. GARRETT of Tennessee. A point of order was reserved on the resolution. I think it is a matter of some importance to be considered before it is called up, as to whether or not the resolution is privileged. I venture, if the gentleman will permit, to state now the idea that is in my mind.

Mr. MONDELL. I simply refer to that resolution for the purpose of submitting a unanimous-consent request, namely, that following the consideration of the resolution, if the Committee on Ways and Means should call it up, we may take up for consideration under the rules of the House applicable thereto the bill H. R. 10864, to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities, and so forth.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. MADDEN. Reserving the right to object, would that interfere with the possible consideration of the naval appropriation bill on Wednesday?

Mr. MONDELL. I think not. It will be disposed of before that time.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. WALSH. In what shape will the gentleman's request be if the point of order be sustained that the resolution in regard to the Austrian debt is not privileged?

Mr. MONDELL. Consideration of the Austrian resolution, if it is brought up. Of course, if it is held out of order, this bill would then be considered.

Mr. WALSH. It would not follow it then.

Mr. MONDELL. If the gentleman, who seems to take a different view, can suggest some way different in which I can present a request that after the Austrian debt resolution is disposed of, one way or another, we can consider the other bill——

Mr. WALSH. I am not criticizing the form in which the gentleman presented his request, but I presume he wanted the hospital bill considered, and in the form in which he stated his request, if the Austrian resolution is held not privileged, the hospital bill would not come up for consideration.

Mr. MONDELL. It seems to be a little difficult to present these requests so that gentlemen understand them. I think I made that very plain, that after we have disposed of the Austrian resolution one way or another, either by considering it or by deciding not to consider it, we can take up the other bill.

Mr. GARNER. Why does not the gentleman ask unanimous consent that this bill may be in order to call up at any time under the rules of the House? Then you have got a privileged status.

Mr. MONDELL. If that pleases the gentleman better——

Mr. KING. Mr. Speaker, reserving the right to object, the gentleman from Illinois [Mr. MADDEN] suggested that this would not interfere with the taking up of the naval bill on Wednesday. I would like to ask the gentleman from Wyoming if it is his intention to suspend Calendar Wednesday next week?

Mr. MONDELL. I think we ought to do that, although the request that I have made does not involve that question; I think we ought to do it, because the naval bill will be ready for consideration, and I think ought to be considered.

Mr. KING. Will there be an opportunity for Calendar Wednesday within the near future?

Mr. MONDELL. Very soon. We hope to consider the matter the gentleman is interested in.

Mr. Speaker, I ask unanimous consent that the hospital bill be given a privileged status.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill referred to be given a privileged status. Is there objection?

Mr. RAYBURN. Reserving the right to object, is that the bill that is going to turn over this hospitalization to the Veterans' Bureau?

Mr. MONDELL. The gentleman, I think, knows what the bill contains. I suppose there will be some difference of opinion in regard to the provisions of the bill. We are simply asking an opportunity for its consideration.

Mr. RAYBURN. I do not see any majority members of the Committee on Interstate and Foreign Commerce here who have handled most of the matter.

Mr. MONDELL. I have talked the matter over with the members of the committee and they are all very anxious to have the bill considered at the earliest possible date.

Mr. RAYBURN. Well, they did not talk that way to me. But it is all right.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, the question in connection with this Austrian loan resolution that I think deserves the very thoughtful consideration of the Members of the House is this: If it be a privileged bill, it is privileged because it is a revenue proposition, coming within the constitutional provision and the provision of the rule. Now, if it be a revenue bill, it has originated in the wrong body under the Constitution.

LEAVE OF ABSENCE.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the members of the Committee on Military Affairs who are going to Muscle Shoals may be absent five days on official business.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the members of the Committee on Military Affairs may be excused for five days on official business. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned until Monday, March 27, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

577. Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting a tentative draft of a bill to provide for the creation, organization, administration, and maintenance of a naval reserve and a Marine Corps reserve was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNYDER: Committee on Indian Affairs. H. R. 10478. A bill to authorize the Secretary of the Interior to sell certain lands, and for other purposes; with amendments (Rept. No. 831). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROACH: Committee on Indian Affairs. (H. R. 6294.) A bill promoting civilization and self-support among the Indians of the Mescalero Reservation in New Mexico; with an amendment (Rept. No. 833). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Printing. S. J. Res. 132. A joint resolution to provide for the continuance of certain Government publications; with amendments (Rept. No. 834). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER: Committee on Naval Affairs. H. R. 11002. A bill to increase the efficiency of the naval personnel, and for other purposes; without amendment (Rept. No. 835). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNYDER: Committee on Indian Affairs. H. R. 10841. A bill authorizing the transfer of 500 feet of Indian land, in the State of Washington, for a public school to which Indian children shall be admitted without payment of tuition; without amendment (Rept. No. 832). Referred to the Committee of the Whole House.

Mr. HULL: Committee on Military Affairs. H. R. 241. A bill to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois; with amendments (Rept. No. 836). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CHANDLER of Oklahoma: A bill (H. R. 11054) to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. BELL: A bill (H. R. 11055) to increase salaries of certain officials in the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Idaho: A bill (H. R. 11056) to provide for the grant to the city of Boise, in the State of Idaho, the use of a certain part of the Boise Barracks Military Reservation under certain conditions; to the Committee on Military Affairs.

By Mr. KELLER: A bill (H. R. 11057) to abolish capital punishment in the District of Columbia; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: A bill (H. R. 11058) to provide for the deportation of certain undesirable aliens; to the Committee on Immigration and Naturalization.

By Mr. CURRY: Joint resolution (H. J. Res. 294) defining the status of Lieut. Col. Frederick Mears as a commissioned officer in the United States Army; to the Committee on the Territories.

By Mr. LANGLEY: Resolution (H. Res. 310) for the consideration of House bill 10864, "to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau"; to the Committee on Rules.

By Mr. GALLIVAN: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors; to the Committee on the Judiciary.

By Mr. ROSSDALE: Memorial of the Senate of the State of New York, urging that the navy yard at Brooklyn, N. Y., be retained and continued in full operation; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEEDY: A bill (H. R. 11059) to refund to John B. Keating customs tax erroneously and illegally collected; to the Committee on Claims.

By Mr. CHINDBLOM: A bill (H. R. 11060) for the relief of Alfred E. Staps; to the Committee on Claims.

By Mr. JOHNSON of Mississippi: A bill (H. R. 11061) for the relief of the estate of John D. Thomas, deceased; to the Committee on Claims.

By Mr. OGDEN: A bill (H. R. 11062) for the relief of Pirtle Handley; to the Committee on Claims.

By Mr. ROBSION: A bill (H. R. 11063) granting a pension to Silas G. Burkett; to the Committee on Pensions.

By Mr. SHELTON: A bill (H. R. 11064) granting a pension to Margaret V. Bartlett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4832. By Mr. DAVIS of Tennessee: Resolution adopted by the citizens of Lawrence County, Tenn., held in the city of

Lawrenceburg, asking that Henry Ford's Muscle Shoals offer be accepted; to the Committee on Military Affairs.

4833. By Mr. GALLIVAN: Petition of the Boston Chamber of Commerce, opposing any action which will deprive the Interstate Commerce Commission of the power to remove unjust discrimination against interstate commerce brought about by the action of State railroad or public utility commissions; to the Committee on Interstate and Foreign Commerce.

4834. By Mr. KISSEL: Petition of Metropolitan Post, Disabled Emergency Officers of the World War, of New York City, N. Y., urging passage of Senate bill 1565; to the Committee on Military Affairs.

4835. Also, petition of the Federal Council of the Churches of Christ in America, of New York City, N. Y., urging relief for Austria; to the Committee on Foreign Affairs.

4836. Also, petition of the American Industrial Leaders' Association of Harrisburg, Pa., relative to certain legislation; to the Committee on the Judiciary.

4837. By Mr. MEAD: Resolutions adopted at a mass meeting assembled in the Clermont Avenue Rink, Borough of Brooklyn, New York City, relative to the strength of the Navy and naval factories; to the Committee on Naval Affairs.

4838. Also, resolutions adopted by the Grand Army of the Republic of Kings County, Department of New York, relative to pensions and the payment of pensions to Civil War veterans; to the Committee on Invalid Pensions.

4839. Also, petition of the Barbers' Supply Dealers' Association of America, protesting against paragraph 258 of House bill 7456, the tariff bill; to the Committee on Ways and Means.

4840. Also, petition of Metropolitan Post, Disabled Emergency Officers of the World War, of New York City, urging the passage of Senate bill 1565, making eligible for retirement, under certain conditions, emergency officers of the World War; to the Committee on Military Affairs.

4841. By Mr. TOWNER: Petition of Alfred Osterland, jr., and 844 other citizens of Brooklyn, N. Y., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4842. By Mr. WATSON: Resolution passed by Pottstown Council, No. 78, Sons and Daughters of Liberty, located at Pottstown, Pa., favoring the Towner bill; also resolution passed by Ardmore Council, No. 86, Sons and Daughters of Liberty, located at Ardmore, Pa., favoring the Towner bill; also resolution passed by Fidelity Council, No. 39, Sons and Daughters of Liberty, located at Ambler, Pa., favoring the Towner bill; to the Committee on Education.

4843. By Mr. YOUNG: Petition of Mrs. Ira Heidelbaugh, of Pleasant Lake, N. Dak., and 56 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.

4844. Also, petition of the Indiana Bankers' Association, urging Congress to pass House bill 9950; to the Committee on Banking and Currency.

SENATE.

MONDAY, *March 27, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

SUPPLEMENTARY FOUR-POWER TREATY.

The VICE PRESIDENT. The Senate resumes the consideration of Executive O, the four-power supplementary agreement.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the agreement submitted by the President of the United States between the United States, the British Empire, France, and Japan supplementary to the treaty between the same four powers relating to their insular possessions and their insular dominions, and defining the application of the term "insular possessions and insular dominions" as relating to Japan.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Cameron	Cummins	Fletcher
Ball	Capper	Dial	France
Borah	Caraway	Edge	Gerry
Bursum	Colt	Ernst	Gooding
Calder	Culberson	Fernald	Hale
Harris	McNary	Rawson	Underwood
Harrison	Moses	Robinson	Wadsworth
Hitchcock	Nelson	Sheppard	Walsh, Mass.
Jones, Wash.	New	Shields	Warren
Kellogg	Oddie	Simmons	Watson, Ga.
Keyes	Overman	Spencer	Weller
King	Page	Stanley	Williams
La Follette	Phipps	Sterling	Willis
Lenroot	Pittman	Sutherland	
Lodge	Poindexter	Townsend	

Mr. SUTHERLAND. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are engaged in the work of the Committee on Finance.

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is detained on business of the Senate. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Fifty-eight Senators having answered to their names, there is a quorum present.

Mr. HITCHCOCK. Mr. President, on Saturday I gave way somewhat before I had finished in order that the Senator from Louisiana [Mr. RANSDELL] might make his address. I merely wish to conclude now by drawing attention to some additional confusion which has arisen with regard to the treatment of the treaties.

I do not know whether those in charge of the treaties will so consider it, but it seems to me it is rather unusual for such a radical difference to exist between the President of the United States and the Secretary of State on these documents. There exists a difference almost as notable as existed in the interpretation of the four-power treaty itself, when the President of the United States interpreted it as not applying to the Japanese mainland, whereas his Secretary of State declared emphatically that it was drawn for the purpose of including within its terms the Japanese mainland.

Now, I call attention to the difference which exists at the present time between the President of the United States and the Secretary of State with regard to these treaties. The Secretary of State, when the treaties were turned over by him and formally reported, declared that they were six in number. The President of the United States, when he came before the Senate and presented the treaties to us, declared that they were seven in number, and when he declared that they were seven in number, as will be seen on page 10 of the printed document, he invited the prompt approval of all of them. He did not invite the approval of six of them, but all of them, and all of them, as listed by the President of the United States, certainly included the declaration which the Senate on Friday entirely ignored.

Not only that, but on page 11 of the President's address it appears that the President said:

> If to all of these the Senate will not advise and consent, then it will be futile to try again.

Evidently the President must have included in that the declaration which the Senate ignored on Friday last.

But while the President of the United States thus referred to the treaties as seven in number, his Secretary of State, when he compiled them for transmission to the Senate of the United States, treated them as only six in number, and he bound up with the document itself the declaration which relates to the four-power treaty. I did not personally examine the official manuscript. When I applied to the executive clerk of the Senate to examine it, I found that it had already been returned to the White House, and therefore neither the four-power treaty nor the declaration which Secretary Hughes says is a part of it and which the President says is a separate treaty can be found within the possession of the Senate at the present time.

This is rather a startling situation, the Chief Executive of the United States declaring that the declaration is a separate treaty, his Secretary of State declaring that it belongs to and is a part of the four-power treaty, one declaring that there are six treaties and the other declaring that there are seven treaties, and the leader of the Republican majority of the Senate declaring that the declaration is not even a part of the four-power treaty. Here is the President of the United States signifying that it is a separate treaty. Here is the Secretary of State giving it to us as a part of the four-power treaty. Here is the Republican leader on the floor of the Senate declaring that it is not even a part of the four-power treaty and has not the dignity of a treaty at all; that it was not signed officially by the representatives of the United States nor by the representatives of any other country. He declares that the interpretation which they therein expressed was not official but was merely personal, until his attention is drawn to the fact that in making the interpretation they do not assert

that it is their interpretation, but do assert that it is the interpretation of the signatory powers themselves.

I do not know what can be done about this matter, but it seems to me that it has developed into a condition of confusion worse confounded. Are you going to treat them as seven treaties in accordance with the President's statement made here before the Senate, or are you going to treat them as six treaties according to the statement made by the Secretary of State? If you treat them as seven treaties you must make a separate ratification of the declaration, and, in order to do that you have got to tear asunder the document which the Secretary of State sent here and which has now been returned to the White House. On the other hand, if you fail to treat the declaration as worthy of the consideration of the Senate, what becomes of the President's official communication to the Senate that it is a treaty?

Mr. HARRISON. Will the Senator permit an interruption?

Mr. HITCHCOCK. Certainly.

Mr. HARRISON. The Senator may have alluded to it, but I notice that Senate Document 125, which, I think, was made a Senate document on motion of the Senator from Massachusetts [Mr. LODGE], includes all of the treaties. Senators will notice that on the second page the declaration accompanying the four-power treaty is listed as No. 4 among the seven treaties mentioned.

Mr. HITCHCOCK. Yes; and that adds another to the complications of the situation. That official manuscript was sent to the Senate and was the document which was acted upon. What Senators read and examined and what was ratified apparently, or nominally at least, by the vote of the Senate, is designated as Executive N. The resolution of ratification states:

That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington December 13, 1921, subject to the following reservation and understanding.

That is, what was ostensibly ratified by the action of the Senate on Friday. This is "Executive N"; and before the ratification resolution was attached to it, and just ahead of the resolution of ratification, appears this declaration, which was a part of the treaty, according to the Secretary of State, and was bound with the official copy of the treaty which was sent to the Senate, and it has gone back to the White House as a part of the official copy of the treaty for the President's act of ratification.

I do not know how the Senate is going to untangle that situation or whether the Senator from Massachusetts is going to adopt the strong-arm method of simply letting the thing go as it is now with all of these doubts and contradictions and inconsistencies attached to it. I will venture to say that this is the first time in the history of any deliberative body or of any body authorizing ratification where such a tangle has developed in the final act of ratification of a most important and controverted document.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. I should like to ask the Senator whether he still contends that if it was a part of the treaty it was not ratified by the resolution of ratification?

Mr. HITCHCOCK. That is my view.

Mr. LENROOT. Will the Senator point out any rule that was violated in the consideration of the treaty, assuming that the declaration was included in the resolution of ratification?

Mr. HITCHCOCK. I do not think it is necessary for me to point that out. If the Senator from Wisconsin proposes deliberately before an intelligent country to take the position that the Senate of the United States may ratify a treaty without reading it, I have not any controversy with him. I am willing to submit that to the intelligence of the country. If the Senator from Wisconsin wants, on his responsibility as a Senator, to take the position here that there is a valid and proper ratification of the treaty without reading it, he is welcome to that opinion. I stand my ground that it is beneath the dignity and beneath the honesty of a legislative body to pretend that it has ratified a document when it has not even read it.

Mr. LENROOT. Is the Senator from Nebraska prepared to state that the declaration was not read by the Secretary of the Senate?

Mr. HITCHCOCK. I have not as yet heard any controversy on that subject. I noticed the omission of its reading at the time.

Mr. LENROOT. I suggest that is quite important in view of the statement which the Senator makes.

Mr. HITCHCOCK. It might be.

Mr. LENROOT. I wish, further, to ask the Senator whether there was any offer of an amendment or any request for further consideration when, under the rules of the Senate, it was open to consideration.

Mr. HITCHCOCK. The matter was called by me to the attention of the Senate when there still remained time to act.

Mr. LENROOT. Not without violating the rule of the Senate. The Senator will remember the treaty had passed the stage of amendment, it had passed the stage of reservation, when the Senator called the attention of the Senate to the matter.

Mr. HITCHCOCK. It had not been submitted for amendment.

Mr. LENROOT. The treaty had passed the stage of amendment and reservation under the rules of the Senate before the Senator from Nebraska ever raised this question.

Mr. LODGE. Yes; that is true.

Mr. HITCHCOCK. It had not been done by my act. I am not responsible for the failure to read the treaty or to submit to the Senate the declaration.

Mr. LODGE. Mr. President, it was read.

Mr. HITCHCOCK. I think not. I have not heard anyone assert that it was read.

Mr. LODGE. I assert that it was read.

Mr. HITCHCOCK. It was not read. I know the records may now show that it was read, but, as a matter of fact, it was not read.

Mr. LODGE. Mr. President, of course, the Secretary of the Senate is unable to reply on the floor of the Senate——

Mr. HITCHCOCK. The Senator from Massachusetts may reply.

Mr. LODGE. I say to the Senate that it was read and read as a declaration.

Mr. HITCHCOCK. It was not read at the time we passed upon the treaty.

Mr. LODGE. It was read at the time the treaty was read.

Mr. HITCHCOCK. When?

Mr. LODGE. When the treaty was read.

Mr. HITCHCOCK. On Friday?

Mr. LODGE. Oh, no, not on Friday. The treaty was not read on Friday.

Mr. HITCHCOCK. There we have a sample——

Mr. LODGE. No, Mr. President, I decline to be interrupted in that way.

Mr. HITCHCOCK. I have the floor; the Senator will have to acknowledge that.

Mr. LODGE. The Senator from Nebraska asked me a question, which I started to answer, and before I get the words out of my mouth the Senator intervenes. I wanted to say that the declaration was read when the treaty was read, which was the first thing done.

Mr. HITCHCOCK. That is probable; but there is an attempt now to give the impression that it was read on Friday when it was acted upon by the Senate.

Mr. LODGE. There is no attempt to give any such impression as that. The Senator did not allow me to finish my statement. It was read when the treaty was read; the Senator has been saying it was not read, when as a matter of fact it was read.

Mr. HITCHCOCK. I again assert that when the treaty was before the Senate on Friday to be read to the Senate paragraph by paragraph for amendment for the first time this particular declaration was not read, and when the Senator from Wisconsin and the Senator from Massachusetts get up here and say it was read they are trying to give the impression that it was read on Friday, when technically they are correct, because it was read a week or so ago.

Mr. LODGE. Mr. President, the Senator has no right to say what impression the Senator from Wisconsin and I are trying to give. We are trying to give no impression except the truth, that the declaration was read when the whole treaty was read.

Mr. HITCHCOCK. Of course it was.

Mr. LODGE. I have never tried to give any impression that it was read on Friday, for not to my knowledge was it read on Friday.

Mr. HITCHCOCK. It was not read on Friday.

Mr. LODGE. I never have suggested that it was.

Mr. HITCHCOCK. On Friday I called attention to the fact that it was not read, and no one rose to assert that it had been read.

Mr. LENROOT. Mr. President, if the Senator from Nebraska will examine the rule, he will find there is nothing in the rule that requires a treaty to be read a second time.

Mr. HITCHCOCK. The rule of the Senate with reference to treaties has been lived up to heretofore, and it was lived up to

in this instance, so far as the first, second, third, and fourth articles of the treaty were concerned, on Friday.

Mr. LODGE. The declaration is not an article of the treaty.

Mr. HITCHCOCK. It was not assumed by the other side that there was any possibility of omitting the reading under the rule on page 40.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from Nebraska a question.

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HITCHCOCK. I yield.

Mr. SIMMONS. After we had adopted the treaty section by section, each section being required to be read, as it was read for the information of the Senate—when that was done did not the Senator ask that the so-called declaration be read?

Mr. HITCHCOCK. I did.

Mr. SIMMONS. So that we might act upon it as we had acted upon the different sections and articles of the treaty?

Mr. HITCHCOCK. Yes; I gave Senators an opportunity to have it read.

Mr. LENROOT. At what point?

Mr. HITCHCOCK. At a point before we voted on the resolution of ratification.

Mr. LENROOT. After, under the rules, the treaty had passed beyond the stage of consideration for amendments or reservations.

Mr. SIMMONS. I do not recall as to that.

Mr. LENROOT. The record will so show.

Mr. SIMMONS. I do not recall that fact, but I do recall that the Senator from Nebraska before we had acted upon the resolution of ratification asked that the declaration, so called, be read, and he asked that it be read in order that we might act upon it——

Mr. LENROOT. He did not, and he could not.

Mr. SIMMONS. Just as we had acted upon the other articles of the treaty. My recollection is that the Senator from Massachusetts said it was not necessary that it should be read; that it was not a part of the treaty; that it was merely the declaration of the intent of the makers of the treaty.

Mr. HITCHCOCK. Mr. President, let me state what the rule is with regard to the ratification of treaties, and let us ascertain how nearly it has been lived up to in this instance. Rule XXXVII provides:

EXECUTIVE SESSION—PROCEEDINGS OF TREATIES.

1. When a treaty shall be laid before the Senate for ratification, it shall be read a first time—

That was done weeks ago. At that time the declaration was read as a part of the treaty, and that it was read as a part of the treaty is only another proof that it was in fact a part of the treaty as negotiated. It was read; there was no omission there—

and no motion in respect to it shall be in order, except to refer it to a committee, to print it in confidence for the use of the Senate, to remove the injunction of secrecy, or to consider it in open executive session.

That was done—

When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration.

That was done; in fact, there were a number of days intervening—

After which it may be read a second time.

Mr. KELLOGG. It "may be read a second time."

Mr. HITCHCOCK. Yes; it "may be," but the rule does not say that "a part of it may be." When it is said that "it may be read," that means that if it is read at all it shall all be read and not a part of it. It can not be assumed that that rule was intended to deceive people.

After which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, or proceed with its consideration in open executive session.

That was done.

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

Now, Mr. President, the fact which the Senator from Wisconsin and the Senator from Massachusetts have developed, that when the treaty came to the Senate and before it went to the committee it was read as a whole, including the declaration, only adds another complication to the situation. That is to say, the Senate itself has treated that declaration as a part of the treaty in having it read to the Senate.

Mr. SIMMONS. And it is conclusive that the President of the United States sent it up here as a part of the treaty, because it could not have been read as a part of the treaty unless the President had sent it up in that way.

Mr. HITCHCOCK. That is true, and it shows in the official publication here, Executive N; and this was prepared, as I am told, not by the Senate but by the authority of the State Department, and may be considered as official. It is prepared in such a way that this declaration is a part of the treaty, and the Senate treated it as a part of the treaty when it was first read; but when it was first read it was not open to amendment. When it was first read, it was not before the Senate for adoption. When it was first read, it was read only for the purpose of referring it to the Committee on Foreign Relations. When it really came before the Senate to be read a second time, then, under the rules of the Senate, it had to be read article by article, and that is done for the purpose of giving an opportunity for approval——

Mr. LODGE. Is this an article of the treaty?

Mr. HITCHCOCK. Yes; it is an article of the treaty.

Mr. LODGE. Is it?

Mr. HITCHCOCK. It is an article of the treaty, undoubtedly.

Mr. LODGE. It is not so numbered.

Mr. HITCHCOCK. It ought to have been. I will say to the Senator what ought to have been done with it. It should have been put in as a separate article, above the signatures. Generally, when representatives of the United States have negotiated a treaty and have appended a declaration similar to this, they have not called it a declaration; they have called it an article; but the fact that you fail to call it an article does not detract from its being an article. After you have signed a promissory note, if you call it something else, it is a promissory note just the same. That declaratory statement, signed upon the same day the treaty was signed, signed by the same representatives that signed the treaty, signed in the names of the same Governments that negotiated the treaty, has exactly the same force and effect as if it were written above the original signatures.

Mr. KELLOGG. Mr. President, I do not know that I understand the position of the Senator. Will the Senator yield for a question?

Mr. HITCHCOCK. Yes.

Mr. KELLOGG. I understood the Senator to claim just now that this is a part of the treaty. Is that his contention?

Mr. HITCHCOCK. I claim that it was so negotiated, that it was so sent here by the Secretary of State, and that it was read to the Senate the first time as a part of the treaty; but I also claim that the President treated it as a separate treaty, and that on the final conclusion the Senate did not act upon it as a part of the treaty. In other words, what I claim is that you have a mess of confusion worse confounded here and nobody can tell what it is.

Mr. KELLOGG. That is not the question I asked the Senator. Is the Senator willing to answer the question: Is it or is it not a part of the treaty?

Mr. HITCHCOCK. I say it was negotiated as a part of the treaty.

Mr. KELLOGG. But is it, in the Senator's opinion, a part of it?

Mr. HITCHCOCK. My opinion has been scouted here. Probably it would not be of any value.

Mr. KELLOGG. The Senator declines to answer that question, then, does he?

Mr. HITCHCOCK. I have been exonerated from the charge of being a lawyer. The Senator from Wisconsin kindly did that.

Mr. LENROOT. Mr. President, if the Senator is a lawyer, I beg his pardon. I did not know he was. I did not mean to reflect on him in any way.

Mr. HITCHCOCK. I accept the exoneration. I am looking at this thing as a Senator from my State and treating it as one of the solemn acts of the Senate to ratify a treaty; and I tell you that you have gotten it into a condition of confusion now where perhaps no man can tell whether it is a part of the treaty or not. Your President has treated it as not a part of the treaty. Your Secretary of State has treated it as a part of the treaty. The Senate at first treated it as a part of the treaty, but finally they treated it as not a part of the treaty. The leader of the Republican majority, the Senator from

Massachusetts, declared here emphatically and repeatedly that it was not a part of the treaty, and so I do not know; it is hard to tell what it is. It has had such treatment since it came in here that probably even a Philadelphia lawyer or a constitutional lawyer from Wisconsin might not be able to tell exactly what it is at the present time.

Mr. KING. Why does not the Senator call it a stepchild?

Mr. HITCHCOCK. I will tell you what I would call it. If the Senator from Massachusetts carries out the statement he made here the other day and offers this for ratification as a separate document, I shall declare it a bobtail treaty, if such a document might be said to exist. It has neither beginning nor end.

Mr. SIMMONS. Mr. President, I wish to make a suggestion to the Senator. Is not this the position which the Senator takes about that matter, as I understand, that if it is a part of the treaty it is a part that never has been acted on?

Mr. HITCHCOCK. It never has been acted on.

Mr. SIMMONS. Certainly it never has been ratified by the Senate knowingly.

Mr. HITCHCOCK. It has neither been ratified nor rejected. It is a nondescript, hanging between heaven and earth. It is neither one thing nor the other.

Mr. KELLOGG. Mr. President, will the Senator yield again?

Mr. HITCHCOCK. I yield.

Mr. KELLOGG. Does the Senator claim, although the rule requires a treaty to be read, that if the Senate should not have it read but should proceed without objection to a final vote and ratify the treaty, the ratification is not valid?

Mr. HITCHCOCK. I have made that claim, but I have been scouted; and what I am saying now is this——

Mr. KELLOGG. Does the Senator still make that claim?

Mr. HITCHCOCK. I claim that you have the worst thing that can possibly happen to a treaty. You have it shrouded in a great cloud of doubt and uncertainty, and you have an absolute invitation to controversy over this treaty which has been made for the purpose of making things certain. Not only that, but if this declaration has not been ratified and is not to be ratified we have lost the thing that has been considered most important in dealing with Japan—that is to say, the reservation of the immigration question—so that it can not possibly be claimed even to be within the realm of international negotiations. That has been remarked here as a matter of vast importance.

The Senator from California [Mr. SHORTRIDGE] made a large part of his speech ostensibly for the knowledge of his constituents out on the Pacific coast, and assured them that this treaty protected the people of the United States on the Pacific coast from every possible danger; that Japan could in the future claim the immigration question as a subject for international consideration. Now, you have wiped that out. That is in the declaration, and you have not ratified it. You have not even submitted it to the Senate. It was here as a part of that document. It has gone back to the White House nominally as a part of that document. The President has told us officially that it is not a part of the document. He has told us that it was a separate treaty. So you have that difference of opinion between your Secretary of State and your President. You have the Senate acting in two ways upon it—first, acting upon it as a part of the treaty, then acting upon the document as not a part of the treaty—and if you can unravel that tangle it is up to you to do so. You may prefer to leave it as a matter of doubt. If you do, in my opinion you will commit an egregious blunder. My own judgment is that the only thing to be done is to move to reconsider and bring the treaty back here and ratify it in the proper way. For one I should be in favor of prompt action upon it, without any undue delay.

Mr. SIMMONS. Mr. President, may I ask the Senator a question? Does the Senator know whether, in returning the ratified treaty to the President, the records show that this declaration was returned as a part of the ratified treaty?

Mr. HITCHCOCK. I was informed by the executive secretary, who has charge of these documents, that it came to the Senate bound together exactly as it was printed here, and that it was returned to the White House in the same way, with the resolution of ratification attached.

Mr. SIMMONS. Does the returned copy that went back to the President include these declarations about the mandated islands and domestic questions?

Mr. HITCHCOCK. It does.

Mr. SIMMONS. As returned to the President?

Mr. HITCHCOCK. It does.

Mr. LENROOT. When the Senator states that it was bound together will he not explain? I take it he knows what the fact is.

Mr. HITCHCOCK. It is bound together in the same covers, and this printed copy was really formed by the State Department, with the declaration so attached to the treaty that there was not room for a resolution of ratification, and the resolution of ratification necessarily had to come following this declaration. You have done that in the copy before the Senate and you have your resolution of ratification following the declaration, and you did not read the declaration.

Mr. LENROOT. Mr. President, did the Senator ascertain that so far as the treaty proper was concerned there was ample space upon that page to have included the declaration, but the declaration was upon a separate page, attached with a loose clip?

Mr. HITCHCOCK. No; the Secretary told me they were all bound together in one document. That is all he said to me. I was not able to cross-examine him; and it had already been sent up to the White House before we went into session on Saturday.

Mr. KING. Mr. President, will the Senator yield?

Mr. HITCHCOCK. I yield to the Senator.

Mr. KING. I should like to ask the Senator whether a proper interpretation of the treaty—and when I say "treaty," I mean that part which is found above the first signatures of the delegates, and which would embrace articles 1, 2, 3, and 4—would lead to the conclusion, irresistibly and conclusively, that the mandated islands in the Pacific were a part of the insular possessions and insular dominions of Great Britain and Japan?

Mr. HITCHCOCK. Without the declaration?

Mr. KING. Assuming that there was no declaration at all.

Mr. HITCHCOCK. No; of course not.

Mr. KING. It is clear, as I read the Versailles treaty, that wherever the legal title is in regard to the mandated territories, the mandatories hold as trustees, and are subject in the exercise of that trust to the League of Nations. It would seem, if that be true, that a dispute or a controversy could legitimately arise as to whether the insular possessions and insular dominions embrace the mandated territories. Assume that the mandated territories are not embraced within the treaty; then, obviously, in order to get them in the treaty another treaty would have to be drawn supplemental to it. It might be executed contemporaneously with this or subsequently. If executed contemporaneously, then, whether it was a part of this treaty or not, it ought to be considered at the same time—that is to say, following it—and receive ratification or rejection as if it were a separate treaty.

It does seem to me that this declaratory statement either constitutes a separate treaty, or it is a part of this treaty, or it relates to the treaty, and may be dealt with as modifying and changing the original treaty, and to that extent should be construed as a part of the original treaty; but, in any event, I do not see how Senators can contend that it would not need to be ratified. It would have to receive the same formal sanction by the Senate as that part of the treaty which seems to exclude mandated territory from the operation of the treaty.

Mr. HITCHCOCK. Mr. President, it is evident that the President of the United States treated this matter as one of very serious concern. He says:

> The treaties submitted, seven in number, are—
>
> The covenant of limitation to naval armament between our Republic, the British Empire, France, Italy, and Japan.
>
> The treaty between the same powers in relation to the use of submarines and noxious gases in warfare.
>
> The treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and their insular dominions in the Pacific.
>
> A declaration accompanying the four-power treaty reserving American rights in mandated territory.
>
> An agreement supplementary to the four-power treaty defining the application of the term "insular possessions and insular dominions" as relating to Japan.
>
> A treaty between the nine powers in the conference relating to principles and policies to be followed in matters concerning China.
>
> A treaty between the nine powers relating to Chinese customs tariff.

Mr. President, the President of the United States gave to this declaration the same dignity and importance that he gave to every one of the other treaties submitted at that time. He did that, and he asked the Senate when he submitted them to give consent to the ratification of all of them. He said if to all the Senate will not consent, it is futile again to make an attempt to adjust things in this way.

The Secretary of State, as I have already explained, so connected the declaration with the treaty as to call it one, and he bound them into one document and sent them here for action at the same time. They were read to the Senate as one document and referred to the Committee on Foreign Relations as one document. Yet when it came to the reading of the treaty

in detail, in order that Senators might have an opportunity to offer amendments, this important declaration was entirely ignored and dropped out.

I supposed it was an oversight. I assume it was still an oversight, and I could not understand then why the Senator from Massachusetts [Mr. LODGE] or the great constitutional lawyer from Wisconsin [Mr. LENROOT] did not take the necessary parliamentary steps to have the error cured at the time, as it could have been, in 30 minutes; but it was passed over, and we were then left in this beautiful doubt and uncertainty, and the more you examine it the more uncertain it becomes. A part of the time the Senate has followed the interpretation of the President of the United States that there are seven treaties; a part of the time it has followed the interpretation of the Secretary of State that there are only six treaties, and I do not know but what now we are going to have still another interpretation by the Senate, that the declaration is nothing at all and can be dropped out absolutely and forgotten. That will be the result if the action I have suggested is not taken, and if that is the result, the United States is going to lose the most important reservation that is made in this treaty. It is going to leave Japan to claim in the future, as she has claimed for years in the past, that the matter of immigration in which her nationals are involved is a matter which she has a right to discuss with us as an international question.

Mr. HARRISON. May I ask the Senator if that is not especially true in view of the fact that the Senator from Nevada [Mr. PITTMAN] offered a resolution in which, among other things, it is provided:

> And that the United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, etc.

That was voted down, and the distinguished chairman of the Foreign Relations Committee, the senior Senator from Massachusetts [Mr. LODGE], voted against it, as well as all Republican Senators except four. Might that not be construed as the action of the Senate, in view of the fact that nothing was done about the declaration?

Mr. HITCHCOCK. Undoubtedly Japan would be in a position to claim that the declaration, which included the reservation covering domestic questions, was dropped out by the Senate, and that when a Senator rose and specifically demanded that it be put in the Senate voted not to put it in, thus practically putting the United States in the position of assenting to domestic questions, like immigration, becoming a matter of international controversy.

Mr. LENROOT. Will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. When the Senator voted against a similar reservation in the Versailles treaty, did he assent to the proposition that Japan would submit to the League of Nations domestic questions, such as immigration?

Mr. HITCHCOCK. Mr. President, I think the Senator is a little mistaken in his facts. I assented to the idea that domestic questions should be exempt, and they were exempted in the treaty through the personal efforts of President Wilson at that time.

Mr. LENROOT. Only in case the council, in which we would not have a voice, should decide that it was a domestic question.

Mr. HITCHCOCK. I even assented later on to the specific mention of immigration, and I assented also to its being decided exclusively by the United States, and I quite approve this declaration to the same effect.

Mr. LENROOT. One other question. Did not the Senator vote to ratify the Versailles treaty without any reservation relating to immigration?

Mr. HITCHCOCK. I cast a great many votes on that treaty, but we finally came to a compromise, and I gave my consent to that idea. The only nation in the world with which we have this controversy is Japan, and it is the one big thing over which we have had trouble with Japan in the past, and it was the only important reservation put into this treaty. It was put in at the demand of the American delegates, and it is the one thing in that treaty which really gives protection to the United States.

Senators say there has been a great menace and danger of trouble between the United States and Japan in the Pacific Ocean. What is it over? It is over the immigration question. That has been the burning cause of trouble. We have had weeks of negotiations with Japan over that. We have had agitation running into the years over that question. It is the one thing Japan has clung to and insisted on in its controversies with the United States. Yet here, in this declaration, you deliberately drop it out and allow it to go for naught.

It may be that the Senator from Massachusetts can secure a separate ratification of this declaration. I certainly would not oppose it if it were brought in for ratification. I would vote for it; but I warn you now, as I warned you on Saturday, that Japan is not likely to ratify it as a separate document. If we treat it as a separate document and ratify it, we leave it in the power of Japan to say no. Japan then will be able to ratify the document which we are supposed to have ratified on Friday, and shake her fingers at us as far as the reservation covering immigration is concerned, because Japan no longer has any interest in this declaration.

Japan is protected in what she wants in this supplementary treaty, which is now theoretically before the Senate. The only thing the United States got in that treaty was the reservation regarding immigration, and you dropped it out, and if you undertake to ratify it as a separate agreement you expose yourselves to the probability that Japan will say, "No; we will ratify the treaty as the Senate ratified it on Friday, and stop there." If you want to take your chances of that, all right. I certainly have done what I thought was my duty in calling the attention of the Senate to this great oversight which occurred on Friday. If there had not been so much nervous haste to come to a vote, you could have cured the defect at that time. You could have cured it by a reservation, or you could have cured it by a motion to recommit the treaty to the Committee of the Whole, and voted on it there without any debate. You can still do it, if you want to, by a motion to reconsider; but any other course is going to leave this treaty shrouded in doubt and uncertainty, and an inevitable subject for debate and controversy with Japan in the future on the very question which has troubled the two countries so much in the past.

Mr. SIMMONS. Mr. President, in connection with the remarks of the Senator from Nebraska [Mr. HITCHCOCK] I want to read the colloquy which took place just before the vote on the resolution of ratification.

It is very important that it should be definitely and finally settled, if possible, in a way not open to future controversy and dispute, as to whether the so-called supplementary declaration by the signatories to the treaty is a part of the treaty or is not a part of the treaty. Upon the very threshold of that controversy, Mr. President, we have a very pronounced disagreement between the Senator from Massachusetts [Mr. LODGE], the chairman of the Foreign Relations Committee, who was one of the delegates who negotiated this treaty, on the one hand, and the junior Senator from Wisconsin [Mr. LENROOT], and I assume the junior Senator from Minnesota [Mr. KELLOGG], judging from what they have stated here to-day, on the other, as to whether this declaration referring to the mandated islands and domestic questions is or is not a part of this treaty. Each of these gentlemen has taken a very active part in the discussion. Each of them has given very thorough consideration to all the details of this treaty, and yet this essential and important question—are or are not these two declarations a part of this treaty—is a matter of controversy and dispute between the chairman of the Foreign Relations Committee and these two distinguished Senators, who have taken such an active and important part in connection with this whole controversy. In that dispute, out of which this difference of opinion grows, I find the President of the Senate aligned with the Senator from Massachusetts in his contention.

I do not know what the Senator from Massachusetts contends now, but if he did not contend at the time this question was raised and presented to the Senate in an acute form that these two declarations were not a part of the treaty, then I can not understand the language used by him upon the floor of the Senate. If the President of the Senate did not so rule, I can not understand the meaning of English language. Here is the colloquy, and I want to present it all together. After I finish reading this I shall desire to submit some remarks to the Senate with reference to this question. The colloquy is as follows:

> The VICE PRESIDENT. If there are no further amendments, the resolution of ratification will now be read.
>
> The Assistant Secretary read as follows:
>
> "*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington, December 13, 1921, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification.
>
> "The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense."

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended.

Mr. HITCHCOCK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. HITCHCOCK. I would like to ask the Chair whether the resolution of ratification as read will, if adopted by the constitutional majority, apply to the following language of the treaty:

"In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:

"1. That the treaty shall apply to the mandated islands in the Pacific Ocean: provided, however, that the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.

"2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers."

Then, evidently replying to the inquiry of the Senator from Nebraska, which, I repeat, was "whether the resolution of ratification as read will, if adopted by the constitutional majority, apply to the following language of the treaty," the Vice President said:

The VICE PRESIDENT. The Chair undersands that that is the declaration of the signatory powers and not a part of the treaty.

Mr. HITCHCOCK. I beg to inquire when opportunity will be given to offer amendments to that declaration?

The VICE PRESIDENT. The Chair does not understand that it is open to amendment.

Mr. HITCHCOCK. I call the attention of the Chair to the fact that it changes the meaning of the treaty, and it was adopted on the same day with the treaty.

Mr. LODGE. Mr. President, I make the point of order that this discussion is out of order under the unanimous-consent agreement. The Chair has ruled correctly.

The Chair had ruled that it was not a part of the treaty.

The VICE PRESIDENT. The Chair has answered the parliamentary inquiry of the Senator from Nebraska.

Mr. LODGE. Regular order!

Mr. HITCHCOCK. I only want a ruling by the Chair. Does the Chair rule that the resolution of ratification ratifies this declaration which has been made a part of the treaty?

Mr. BRANDEGEE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BRANDEGEE. Under the unanimous-consent agreement the Senate agreed that immediately after the reservations and amendments that might be pending should be acted upon it would then vote upon the resolution of ratification. That has been presented and is now before the Senate. The matter to which the Senator from Nebraska alludes is not the resolution of ratification, and is not pending as an amendment to the resolution of ratification.

Mr. REED. What is it?

Mr. BRANDEGEE. I should judge from its being signed by the delegates to the international conference that it was their interpretation of the treaty, but it would be just as pertinent to make the President's address to the Senate a part of the resolution of ratification as to make the interpretation of those who framed the treaty. I make the point of order that the unanimous-consent agreement compels a vote unless there are other amendments or reservations to be offered to the resolution of ratification.

Mr. HITCHCOCK. I am not disputing that. I am simply seeking to get a ruling of the Chair to go into the RECORD; and if the Chair does not care to hear me on that subject, I, of course, shall desist at once. It is for the Chair to say whether he desires to hear me.

Mr. BRANDEGEE. The resolution of ratification is before the Senate, and it is for the Chair to say whether the inquiry raised by the Senator presents a parliamentary inquiry.

The VICE PRESIDENT. The Chair will state the position of the question.

Mr. HITCHCOCK. If the Chair will permit me, I will add one other thing. I am calling it to the attention of the Chair at this time because under the rules of the Senate it is required that the treaty shall be read, and this portion has not been read.

Mr. LODGE. It is not a part of the treaty. That is why it has not been read.

Mr. HITCHCOCK. It was transmitted to the Senate by the President as a part of the treaty——

Mr. LODGE. It was not.

Mr. HITCHCOCK. And it is printed with the treaty in advance of the resolution of ratification.

Mr. LODGE. Mr. President, all this debate is out of order; but the matter referred to by the Senator from Nebraska was not reported as a part of the treaty, and is not a part of the treaty. It is merely a declaration of the understanding and intent of the signatories of the treaty.

There we have three separate distinct categorical statements—the Senator from Massachusetts that the declaration had not constituted and is not a part of the treaty, the Chair joining in with a ruling, and the Senator from Massachusetts then heartily approving the ruling of the Chair. Yet to-day, when the Senator from Nebraska rises in his place and asks that this tangle be straightened out, and shows by argument that seems to me to be very conclusive that there had been no ratification of this declaration by the Senate—certainly no ratification by the Senate with its knowledge—it having been understood at the time we were considering the resolution of ratification that we were not acting upon it, it having been understood at that time that it was not a part of the treaty and did not require action of the Senate, but was in the nature of an interpretation by the delegates to the convention—when the Senator from Nebraska is making that contention, supported, as I think, by the RECORD, conclusively proven by the rulings of the Chair and the declarations of the Senator in charge of the treaty as well as the declarations of that great lawyer from Connecticut, Mr. BRANDEGEE—the Senator from Nebraska [Mr. HITCHCOCK] is confronted by the Senator from Wisconsin [Mr. LENROOT] and the Senator from Minnesota [Mr. KELLOGG], who are evidently ready for the fray and prepared to take a position designed to lift the matter out of the fog of doubt in which it is involved, and who assert that the declaration is a part of the treaty, and that in ratifying the treaty we ratified the declaration.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SIMMONS. Certainly.

Mr. LENROOT. I am sure the Senator does not wish to misrepresent my position.

Mr. SIMMONS. If that is not the Senator's position, I certainly misunderstood it.

Mr. LENROOT. The position I took was that if it be a part of the treaty, as the Senator from Nebraska contended last Saturday, it was ratified by the resolution; that was all. I did not take the position that it was a part of the treaty.

Mr. SIMMONS. The Senator does not contend that it was a part of the treaty?

Mr. LENROOT. I did not then.

Mr. SIMMONS. Does the Senator now contend that it is a part of the treaty?

Mr. LENROOT. I said I took the statement of the Senator from Massachusetts, one of the negotiators of the treaty, that it was a separate instrument, a separate document.

Mr. SIMMONS. What does the Senator regard it, then, if it is not a part of the treaty and has not been ratified as such? In what category does the Senator put it?

Mr. LENROOT. I am very frank to say that when one examines the document itself and finds this declaration was not put in the form of a treaty, that it had merely the individual signatures of the parties, I am inclined to think that it was merely a construction solemnly entered into by the representatives of the four different powers. It was transmitted to the Senate. It can be ratified by the Senate, as agreements and declarations have been ratified heretofore that have not been in the form of treaties. Whether it is ratified or not, I do not think it makes the slightest difference, because every one of the four powers at all times will give to the treaty proper the construction that has been given by the negotiators who entered into it in writing for them.

Mr. SIMMONS. Mr. President, I am very glad to know that the Senator from Wisconsin takes that position. I thought that he contended, and I think probably that was the view of the Senator from Nebraska—at least I judged so from the line of his answer—that it was a part of the treaty and that it had been ratified and that we need not further concern ourselves about it. But now I understand the Senator did not mean that.

Mr. LENROOT. Mr. President, will the Senator yield further?

Mr. SIMMONS. Certainly.

Mr. LENROOT. The contention arose Saturday during the argument made by the Senator from Nebraska that there had been no valid ratification whatever of the four-power treaty because the declaration had not been read and considered under the rules of the Senate. I took the position that if it was a part of the treaty it was covered by the resolution and was a valid ratification of the treaty in law; but I did not take the position that it was a part of the treaty.

Mr. SIMMONS. Then, Mr. President, I think the situation is clarified. It is now conceded by all on the other side that the declaration about these two very important questions, one of them the paramount question, in my judgment, in connection with all the Pacific questions, are not a part of the treaty and that we have not in ratifying the treaty ratified them. Therefore, Mr. President, not being a part of the treaty and not having been ratified, the declarations must stand upon their own bottoms and go for what they are worth.

I wish to say to the Senator from Nebraska that I do not agree with him that they are a part of the treaty. I have never thought they were a part of the treaty. I thought we could easily make them a part of the treaty by voting to include them in the treaty. They have been negotiated in the form of a treaty, and we could have voted to include them in the treaty, but we did not do it.

Although they were negotiated at the same time, signed by the same people, and were intended to be a supplement to it, yet they were not made a part of the treaty, and in order that they should be a part of the treaty it would have been necessary to have included them in the resolution of ratification, reading them as we did other parts of the treaty, adopting them as we did other parts of the treaty, and including them in the resolution of ratification.

Therefore, my contention is that the declaratory statement has not been ratified and is not a part of the treaty. If it is desirable to have it become a part of the treaty among the four powers, we should proceed to ratify it as a treaty agreed upon among the four powers, or we should proceed to make another treaty dealing with those questions there involved.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Certainly.

Mr. KING. Was not this the position of the Senator from Nebraska? I state it though he is present, because I rather share in the view which he expressed. I interpreted his view to be that while these were two separate documents, two separate treaties, in view of the fact that they related to the same subject matter and were executed contemporaneously, one with a view to modify and change if not to qualify the other, that in that sense they were one treaty dealing with one subject matter.

Mr. SIMMONS. I do not disagree with the Senator. I think they ought to have been treated as one treaty, and we ought to have ratified them as one treaty. But we did not do it, and my contention now is that having ratified the original treaty, and not having ratified the supplemental treaty, to call it so, it is a treaty not yet ratified, and is such because the other side would not permit us to act upon it.

Mr. HITCHCOCK. Mr. President, I call the Senator's attention to the developments of this morning, that we really did both. We received them as one treaty, they were read to the Senate as one treaty, they were referred to the Committee on Foreign Relations as one treaty, and they were reported by the Committee on Foreign Relations to the Senate as one treaty.

Mr. SIMMONS. But does not the Senator agree with me that they have not been ratified as a part of the treaty?

Mr. HITCHCOCK. I agree with the Senator fully as to that.

Mr. SIMMONS. That is all I am contending.

Mr. HITCHCOCK. But the Senator from Wisconsin never seems to be able to catch my meaning. I said the negotiators treated them as one treaty; and I can add to that now by saying that the Secretary of State treated them as one treaty; the Senate when it had them read treated them as one treaty; the committee which reported them to the Senate treated them as one treaty; and the only time when we amputated that portion of it was when it came to the reading section by section, and voting upon them, and then we treated them as two. We have been on both sides of the fence.

Mr. SIMMONS. Yes. We ratified a part of the treaty, but not the other part of it. That is what has happened.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. SIMMONS. I do.

Mr. STANLEY. I am forcibly reminded of an incident we may well recall at this time. In the North Sea, off the coast a short distance from the mainland, is an island smaller than the island of Sakhalin, long regarded as a rough and worthless promontory. When the attention of the House of Commons was called to the fact that the ceding of Helgoland, that barren backbone of granite in the North Sea, might affect the destinies of the world, the warning was passed by with cavalier unconcern and contempt by that body. To-day we have another island, the island of Sakhalin, half of which is owned and all of which is held by Japan. It is in a way to Russia-Japan what Helgoland was to Germany-Great Britain. It is a point of vantage, and will be the first scene of armed hostilities in the almost certain event of a resort to arms by these powerful nations. No man who has given even a cursory study to this question can fail to be apprehensive, and in our position to be more or less appalled by the imminence of hostilities, if hostilities are not now going on, between those two countries.

The lower part of the island of Sakhalin belonging to Japan is affected by the four-power treaty, and its destiny will be determined by the adoption or rejection of the pending supplementary treaty. It appears to me, Mr. President, if the Senator from North Carolina will yield, that the other countries of the world understand much more distinctly than do we the vital if not the tragic importance of certainty in any treaty touching our relations to this island.

The Senator will remember that when the treaty was proposed to the plenary council the learned Senator from Massachusetts, in his inimitable way, gave us another instance of his poetic erudition by his beautiful talk about the harmless and lovely little islands—

> Sprinkled isles,
> Lily on lily that o'erlace the sea.

Sakhalin is not a lily, but is a powder house. When the President blandly advised the newspaper men that, of course, we had not guaranteed the integrity of the mainland of Japan we were somewhat reassured for an hour or two. Then it was that the American representatives hastened to the White House to tell the President that he had been beguiled by the rhetoric of the Senator from Massachusetts and had not followed the negotiations of his own representatives; that this language meant more than it purported to mean, and that they had guaranteed, so far as article 2 of the treaty was concerned, the territorial integrity and political independence not only of Japan but, what is infinitely worse, of Japan's part of the island of Sakhalin. Something had to be done or the treaty was gone. You could not have whipped, you could not have lashed, 11 Democrats into a guaranty of the territorial integrity and political independence or any other guaranty of this Prussia of the Orient, the Government of Japan itself and the islands of Japan. This assurance was given. I have not seen anything like it in politics since the old days when we used to go to the country fairs and they would show you the three peas—"now you see it and now you don't see it." The President did not see it; perhaps Secretary Hughes and his confrères did.

The Senator from Missouri [Mr. SPENCER], if the Senator from North Carolina will pardon me, throws a startling new light upon this subject. This declaratory statement was signed, as the Senator from Massachusetts [Mr. LODGE] tells us, before the treaty itself was signed. The Senator from Missouri tells us—

> When that treaty was signed it was signed by 19 plenipotentiaries, who acted for the President of the United States, for His Majesty the King of Great Britain, for the President of France, and for the Emperor of Japan. They were acting as plenipotentiaries. When they signed in that capacity they signed officially; and the Senator from Nebraska will find, on looking at the treaty, that each affixed his individual seal. They were acting in an official capacity and formulated a treaty.
>
> When that treaty was signed and completed with such formality, the same 19 men, as individuals, not as plenipotentiaries, not even indicating that they were acting, as they did in signing the treaty, by the authority of their Governments, but acting as individuals and without seal, without the formalities of execution, expressed their interpretation of what their respective Governments meant by that treaty. Is there not a distinct difference? One is an official treaty; the other is the declaration of the same men, but not acting officially, as to what that treaty meant. One is binding, the other is indicative. If that is correct, the declaratory statement never could be ratified by the Senate. It does not possess the indicia of a treaty; it is an expression of individual opinion. We could approve it, we could say it represents what we believe, but we could not ratify it with the formalities with which a treaty under our Constitution must be ratified.

In other words, the Senator from Missouri assures the country that this declaratory statement, made at the time when the people demanded to know what was being done, was signed by the representatives of the four powers without affixing their seals; that they signed a document which they knew was merely indicative; a document which they knew was only an expression of their personal opinion; and the indignation of the country and the unrest of the country and the apprehension of the country were allayed.

I then asked both the Senator from Massachusetts and the Senator from Missouri—the Senator from Missouri left in the midst of the question and the Senator from Massachusetts did not deign to answer—whether or not, if the interpretation of the Senator from Missouri was correct, they deliberately sold this country a gold brick; whether they had led the people generally who are not acquainted with the devious ways of diplomacy and who do not understand that in the world of diplomacy language is made to conceal and not to express thought, an honest, unsuspecting people, conscious of no guile in themselves and suspecting none in others, to accept this declaration as a solemn assurance that the blood and treasure of this country would not be spilled or be spent in protecting these powder houses in the Orient, in protecting these seats of almost certain war. I asked whether they deliberately gave us a thing that looked like a treaty, but which was not a treaty; a thing that sounded like an assurance of protection, but was a mere sounding brass and tinkling cymbal, and whether they winked at one another when they passed this out to a gullable public.

If the contention of the Senator from Missouri is well founded, this proceeding borders upon duplicity. It is absolutely astounding and appalling to the people of this country. Again I ask whether or not the Senator from Missouri believes that they sold us a gold brick, and again I ask the Senator from Massachusetts to tell us why seals were omitted if they were material to the validity of the document?

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Arkansas?

Mr. SIMMONS. Certainly.

Mr. CARAWAY. The statement of the Senator from Missouri was made in the presence of the senior Senator from Massachusetts?

Mr. STANLEY. It was.

Mr. CARAWAY. The senior Senator from Massachusetts was a delegate to the conference and did not dissent, did he, from that statement?

Mr. STANLEY. Not at all.

Mr. CARAWAY. And therefore I presume he assented to the statement of the Senator from Missouri that that was their intention.

Mr. STANLEY. The Senator from Massachusetts did not deign any answer, and I usually speak very distinctly.

Mr. CARAWAY. He was present——

Mr. STANLEY. He is present now.

Mr. CARAWAY. And he did not contradict it.

Mr. KING. Mr. President, with the permission of the Senator from North Carolina, may I say just a word apropos of the statement of the Senator from Missouri?

Mr. SIMMONS. I yield.

Mr. KING. The declaratory statement says:

> In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers—

So it was more than a mere declaration by the delegates as individuals; it was a declaration by the powers themselves, and raises this instrument to the dignity of a treaty as much so as the treaty which we ratified the other day.

Mr. SIMMONS. I have no question about that.

Mr. STANLEY. Mr. President, if the Senator from North Carolina will pardon me further for just a moment, I do not mean to charge that the senior Senator from Alabama—and no more trained or seasoned statesman, no more exalted patriot ever adorned this body than he, and for the first time in many long years I have found it necessary to disagree with him, and it pains—I do believe that he and I do not wish to suspect that any other of the representatives of the United States would be party to such a thing. He has told us that at the time this thing was done he was called away from Washington by a sad bereavement in his family; that he was summoned to the death bed of his mother, and there he should have gone no matter what was pending. I do not believe he knew anything about it; I do not believe he could have been party to it; but the statement of the Senator from Missouri would indicate that, with their seals at hand, the delegates did not affix them; that these trained diplomats, knowing the meaning of a seal, deliberately abstained from giving the document the validity of a treaty when they knew the public must accept it as a treaty. If that be so, if they meant to give the people of this country an assurance which they knew they were not giving to the people of other countries, it is an appalling situation.

Such a charge by the Senator from Missouri, if true, impugns the integrity of the men who put up the job. I do not believe that the charge implied by the Senator from Missouri can be sustained, but I should like to know just why it was that this declaratory statement did not receive the same valid and formal approval as that which was given to the treaty itself. It was, as we know, signed first.

Mr. SIMMONS. I thank the Senator from Kentucky for his valuable contribution to the argument I was endeavoring to make.

I come back to the proposition, Mr. President—I merely wish to assert it, and then I shall leave it for the present—that what we have done is to ratify the treaty and leave out the supplement to the treaty, and the importance of the supplement to the United States can not be overestimated. In fact, I am quite sure that if it had been understood and declared at the time we were ratifying this treaty that it should include domestic questions such as immigration and the tariff it never could have been ratified by this Chamber.

Mr. President, I know that some contention was made by Senators, and that contention supports the theory I have been advancing, that no domestic questions affecting the United States could arise out of this treaty, because it was a treaty which dealt with the rights of the contracting parties in the Pacific and certain regions of the Pacific. In my judgment, there is no force in that argument. Undoubtedly, we have rights with reference to Japanese immigration in the Philippines and in Guam and in Hawaii, and these rights with reference to the immigration of Japanese to these island possessions of the United States might have arisen in a form that would have involved Japan and the United States in serious difficulties; but that is a phase of the matter that I did not rise to discuss.

Mr. ROBINSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	France	McNary	Spencer
Borah	Frelinghuysen	Moses	Stanley
Broussard	Gerry	New	Sterling
Bursum	Glass	Oddie	Townsend
Calder	Gooding	Overman	Trammell
Cameron	Hale	Page	Underwood
Capper	Harris	Phipps	Wadsworth
Caraway	Harrison	Pittman	Walsh, Mass.
Colt	Johnson	Poindexter	Walsh, Mont.
Culberson	Jones, Wash.	Pomerene	Warren
Curtis	Kellogg	Rawson	Watson, Ga.
Dial	Keyes	Robinson	Weller
Edge	La Follette	Sheppard	Williams
Ernst	Lenroot	Shields	Willis.
Fernald	Lodge	Shortridge	
Fletcher	McCormick	Simmons	

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. There is a quorum present.

The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. SIMMONS. Mr. President, I have brought this matter to the attention of the Senate in the way I have because, in the first instance, I thought we should have a definite understanding as to whether it was the contention of the State Department and of the Senators who are responsible for piloting this treaty through the Senate that the ratification of the treaty was a ratification of this supplementary declaration. We have now, I think, about reached an understanding as to that. It is now understood and not disputed, as I take it, that in ratifying the treaty we did not ratify these declarations. Now the very serious question arises, What is to become of those declarations? Is there to be any supplemental action with respect to them or are they to be permitted to stand upon their own bases? If there is to be no supplemental action with regard to them, then I wish to discuss what, in that situation, would be the legal and technical effect of these declarations.

Before I discuss that, however, I want to inquire of some Senator on the other side as to one matter. I do not see anyone here from the Foreign Relations Committee except the Senator from Indiana [Mr. NEW]. The Senator from Wisconsin [Mr. LENROOT] probably may feel authorized to speak. I want to inquire, if there is any Senator on the other side who can answer me or will answer me, as to whether or not any further action in the Senate upon these supplemental declarations is contemplated?

Mr. NEW. I do not think any further action was contemplated.

Mr. SIMMONS. There is no intention, then, of presenting these declarations as a treaty or of seeking to have the questions involved in those declarations reduced to the form of a treaty?

Mr. NEW. I think not.

Mr. SIMMONS. What effect, then, does the Senator from Indiana contend, or does any Senator on the other side contend, that these declarations have or will have?

Mr. NEW. I think they were not to be a part of the treaty at all, and no formal action of the Senate was contemplated with reference to them. I know of no change in the intent of the committee. The matter of further action has not been presented to or considered by the committee, so far as I know.

Mr. SIMMONS. Does the Senator, then, contend that these declarations are an interpretation of the treaty by the makers of the treaty, and, being an interpretation made contemporaneously with the making of the treaty, would be authoritative and accepted by the parties to that treaty?

Mr. NEW. Yes.

Mr. SIMMONS. That is the contention?

Mr. NEW. Certainly.

Mr. SIMMONS. And upon that contention the Senator's party proposes to rest this whole question, involving these fundamental rights of the American people?

Mr. NEW. I see no reason why it should not.

Mr. WALSH of Montana. Mr. President, I should like a little information about this matter, though possibly the matter has been the subject of consideration heretofore. Can the Senator from Indiana advise us whether, as in the case of the United States, these treaties must be ratified by some branch of the Japanese Government before they become effective?

Mr. NEW. I think not.

Mr. WALSH of Montana. So far as Japan is concerned, she is now bound?

Mr. NEW. I think so.

Mr. ROBINSON. Mr. President, no nation can be bound by a treaty until there has been an exchange of ratifications, no matter whether advice and consent to a treaty by a parliamentary body is required or not. I think the Senator from Montana and the Senator from Indiana will agree that the universal, established rule of international law is that a treaty does not take effect until the final act in the consummation of the treaty has been accomplished, and that is the exchange of ratifications.

Mr. NEW. Certainly.

Mr. ROBINSON. The four-power treaty would go into effect, if my memory serves me correctly, by the executive act of the exchange of ratifications and without procedure by a branch of the legislative department.

Mr. NEW. The legislative department of the Japanese Government?

Mr. ROBINSON. Yes; I am speaking of the Japanese Government. It could not go into effect, however, until the exchange of ratifications, which is a purely executive function, has been performed. If we want to give to the four-power treaty the construction which this declaration implies, we must put the declaration in the four-power treaty for this reason, that Japan could exchange the ratifications as to the four-power treaty, and thus put that instrument into effect, since the United States has already advised and consented to it, and it is assumed that our President will exchange ratifications; but if we ratify separately a declaration in the nature of a reservation or explanation of what the four-power treaty means, then Japan will be given the option of refusing to exchange the ratifications as to that instrument, and thus we might be in the anomalous position of having agreed to the four-power treaty which was intended to have the construction placed upon it by these declarations. But for a mysterious and absolutely inexplicable reason, a reason, if any exists, which no one connected with the treaty has attempted to explain, the declaration was not incorporated in the four-power treaty, and the same would be true if the declaration were attached as a reservation to the pending supplementary treaty. Japan could refuse to exchange the ratifications as to that treaty, and we would not have an authentic construction of the four-power treaty as excluding domestic questions.

It may be recalled that in the very first address I delivered to the Senate touching this treaty I inquired then of the negotiators of it expressly to know why this declaration had not been incorporated in the four-power treaty, and the only answer that was given, as I remember it, was that made by the senior Senator from Massachusetts [Mr. LODGE], he stating that the declaration was the creation of Mr. Hughes, who had deemed it best to proceed in that manner. No answer was given to the inquiry, in my judgment. The vice of this situation is that unless there is a reconsideration by the Senate of the vote by which the Senate advised and consented to the ratification of the four-power treaty, no matter what action the Senate takes now as to this explanatory declaration, no matter if we do advise and consent to it, Japan will then have the option of refusing at the same time to ratify the four-power treaty.

Mr. WALSH of Montana. I thank the Senator. That was the information I was desirous of eliciting. I wanted to know in what situation we would be if we should ratify now the declaratory statements signed contemporaneously with the main treaty and Japan should refuse either to ratify them, if so required by her constitution, or refuse to exchange ratifications, so far as the declaratory statement is concerned, exchanging ratifications as to what might be spoken of as the "main treaty." In that case I take it that the main treaty would be in force and effect, while the declaratory statements would fall by the wayside.

I take it that the American people want the thing either to go through as a whole or to fail as a whole, and do not care to bind themselves by the main treaty unless the declaratory statements go with it; but if we ratify this, I feel that we may lose altogether the effect of that, and I wanted to inquire whether that view is taken by those who are favoring this method of disposing of the matter.

Mr. LODGE. Mr. President, what the Senator from Montana said in regard to the declaration is of course quite true. It has no ratifying article; there is no provision for ratification in it. It can be ratified, however, I have no doubt. If it were brought before the Senate, I have no doubt it could be ratified as the Rush-Bagot note was ratified. As many Senators have expressed doubt about it and have said that it ought to have received some formal ratification, it seems to me the best way would be to add the language of the declaration at the end of the ratifying resolution of the supplementary treaty which is now before us, which relates to the same subject and which reads:

That the Senate advise and consent to the ratification of Executive O, Sixty-seventh Congress, second session, an agreement between the United States, the British Empire, France, and Japan, supplementary to the treaty between the same four powers relating to their insular possessions and insular dominions, and defining the application of the term "insular possessions and insular dominions" as relating to Japan, signed at Washington February 6, 1922.

Then add:

Subject to the following reservations and understanding, which is hereby made a part and condition of this resolution of ratification:

1. That the four-power treaty relating to Pacific possessions shall apply to the mandated islands in the Pacific Ocean—

And so forth.

And then put in the whole declaration.

Mr. WALSH of Montana. I did not quite understand the Senator's suggestion.

Mr. LODGE. My suggestion is that we may insert as a part of the resolution of ratification of the supplementary treaty the whole declaration which has been the subject of controversy here for the last few days.

Mr. SIMMONS. In the absence of the Senator from Massachusetts I had made the inquiry of any member of the Foreign Relations Committee on the other side as to whether it was the intention on the other side of the Chamber to propose any additional action with reference to questions included in this declaration, and I was told that that was not the intention.

Mr. LODGE. I did not happen to speak with the Senator from Indiana about it, and I have had no meeting of the committee.

Mr. NEW. That is what I said. I said that so far as I knew the matter had not been referred to the committee and had not been up for discussion by the committee, and that I did not know any further action was contemplated.

Mr. LODGE. I stated on Saturday, when the Senator from North Carolina probably was not here, what I had not had an opportunity to say on Friday, when we were voting, that I had no objection to ratifying the declaration if the Senate desired to do it, although it seemed to me unnecessary. It has seemed to me on further consideration, and after discussion with some Senators with whom I talked, that the best way is to make it a reservation to the pending treaty, as it relates to the same subject, which, of course, would give it treaty standing.

Mr. SIMMONS. I was about to make an argument to the effect that it could not be effective as an interpretation, and that it was necessary, if the things which are provided for are to be safeguarded, or to become operative as an agreement between this country and the other parties to this pact, to take some affirmative action looking toward bringing about that result. The Senator from Indiana, I understood, indicated that he thought it would be treated by the other side merely as an interpretative agreement.

Mr. LODGE. That is all it was.

Mr. SIMMONS. I was going to make the argument with that in view, and I believe I will proceed with it, although I am very much gratified to hear the statement of the Senator from Massachusetts.

Mr. LODGE. If the Senator does not want to take this means of doing it, of course I am perfectly willing to let the whole thing stand as it is.

Mr. SIMMONS. I was about to say to the Senator from Massachusetts that I have not had time, of course, to fully examine what he has prepared.

Mr. LODGE. It is nothing in the world but the declaration which the Senator has had before him for weeks.

Mr. SIMMONS. If that effectively safeguards the rights of the United States to control domestic questions, the main objection that I have to leaving the matter rest without any further action, lying altogether upon the force or effect that that may possibly have as an interpretative resolution, would be overcome.

Mr. LODGE. Does not the Senator think the declarations did cover those questions?

Mr. SIMMONS. I think the declarations covered the questions, but I think the declarations, unless they are ratified as a part of the treaty or a supplement to it or as an independent treaty, will be inoperative, because the agreement is not an interpretation. The agreement is an understanding.

Mr. LODGE. Surely it is. That is the word used.

Mr. SIMMONS. It is an understanding which changes or which adds to or subtracts from the treaty.

Mr. LODGE. This makes it a part of the treaty, and it must be ratified.

Mr. SIMMONS. The Senator now tells me he proposes to offer it?

Mr. LODGE. I mean to offer it. I have not consulted the committee. I shall do it on my own responsibility, but that is the form—

Subject to the following reservations and understanding, which is hereby made a part of this resolution of ratification—

And then fill in all that the declaration contains.

Mr. HITCHCOCK. Mr. President, will the Senator from North Carolina permit me to ask the Senator from Massachusetts a question?

Mr. SIMMONS. Certainly.

Mr. HITCHCOCK. I was absent from the city at the time the report was made, but I have been informed that the committee has already reported the declaration as a part of the treaty.

Mr. LODGE. It was read in the committee and reported.

Mr. HITCHCOCK. I mean when the treaty itself was reported.

Mr. LODGE. It was all reported in Senate Executive N.

Mr. SIMMONS. The statement which the Senator from Massachusetts just read?

Mr. LODGE. Oh, no; not that.

Mr. HITCHCOCK. I am referring to the declaration.

Mr. LODGE. Yes; the declaratory statement.

Mr. HITCHCOCK. There is no occasion for a meeting of the committee and an additional report.

Mr. LODGE. Oh, no.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. SIMMONS. Certainly.

Mr. WALSH of Montana. I do not quite understand the course the Senator from Massachusetts proposes. We have already ratified the four-power pact.

Mr. LODGE. Certainly.

Mr. WALSH of Montana. When the ratifications are exchanged between the Government of the United States and the Government of Japan, the four-power pact is in force and effect. How can anything that we add to this supplementary agreement in the nature of a reservation affect that in any wise?

Mr. LODGE. It gives it the binding force of a treaty, of course.

Mr. WALSH of Montana. To be sure, provided Japan will exchange ratifications with us with respect to this supplementary agreement.

Mr. LODGE. Of course, any of the signers have the right to refuse ratification, just as we have.

Mr. WALSH of Montana. Let us assume, for instance, that Japan refuses to exchange ratifications with respect to the supplementary agreement, whether there is a reservation attached to it or whether there is not.

Mr. LODGE. That is, she has changed her mind and wants Japan proper included in the treaty?

Mr. WALSH of Montana. Whatever reason she may have, she may balance that against subdivision 2.

Mr. LODGE. Of course, any treaty may be rejected, and that nobody can cover.

Mr. WALSH of Montana. I trust the Senator will follow me. That gives Japan an opportunity to reject the supplementary agreement——

Mr. LODGE. Undoubtedly. That she has now.

Mr. WALSH of Montana. While we are still bound by what might be spoken of as the main treaty. Both parties are bound by that when the ratifications are exchanged. So this declaration, intended to limit and restrict or, at least, define the terms of the main treaty, will have fallen and the main treaty would go into effect unrestricted and undefined as contemplated in the supplementary agreement.

Mr. LODGE. I see no other way to deal with it. The Senate can vote it down if it chooses.

Mr. WALSH of Montana. That is to say, we must take chances upon Japan exchanging the ratifications.

Mr. LODGE. We have to take chances on a failure to ratify by the other powers. I do not believe for one moment that Japan or any other power would think of objecting to a reservation which they had all signed already.

Mr. WALSH of Montana. Of course, but we have done it. We did not hesitate——

Mr. LODGE. I think they have some common sense and some good faith. I do not think we are the only people in the world who have good faith and common sense.

Mr. WALSH of Montana. We did not hesitate to reject the Versailles treaty, although our representatives had solemnly signed and entered into it.

Mr. LODGE. That is true. That was the whole treaty. I do not say all of these treaties may not be rejected by the other powers. I am not responsible for them. I offer it in this way to meet objections which I do not have, but which other Senators have expressed to me in such way that the treaty will have to be rejected unless what they have all signed is formally accepted.

Mr. WALSH of Montana. If these two documents were treated as one and the same instrument, Japan would not then be in the situation where she could accept in part and reject in part. She would be obliged to reject the whole thing—that is, the two combined instruments—or to accept the two combined instruments. Now she will be at liberty to accept the main treaty if that is satisfactory to her and to reject the supplementary treaty.

Mr. LODGE. Undoubtedly, and if the Senator thinks that is a good reason to reject this, he can do it.

Mr. WALSH of Montana. I do not think it is a very good reason to reject it. That is not the point. The point is, can we not now arrange the thing in such way by treating the two as one and the same instrument and document, according to well-established rules of law, so that she will have no opportunity to accept the one and reject the other?

Mr. ROBINSON. Mr. President, why can not the Senate ascertain now the reason for the course pursued by the negotiators of these treaties in confusing their procedure so that it becomes difficult to determine what will be the actual effect of advising and consenting to the four-power treaty?

In the first place, I have been trying to find out from the beginning of the debate why, when the negotiators decided to change their policy and exclude, rather than include, the mainland of Japan from the operation of the four-power treaty, they did not rewrite the treaty and thus escape the anomalous situation which may arise in connection with the two treaties, the four-power treaty and the supplementary treaty. The Senate has advised and consented to the first. In all probability it will advise and consent to the supplementary treaty in some form. Japan may for any reason sufficient in the opinion of her authorities exchange ratifications as to the four-power treaty and thus put that instrument into effect, and refuse to exchange ratifications as to the supplementary treaty. Then what will result? The mainland of Japan will be embraced within the terms of the four-power treaty. The construction which the signers of the four-power treaty sought by supplementary treaty to place upon the original treaty will fail both as to the exclusion of the Japanese mainland and as to the reservation of domestic questions from consideration by the conferences which may be called under the treaty.

There must be some reason why the conference pursued the course which was taken. The natural and logical course to pursue was to write one treaty and to place within its terms such interpretation and such exclusion, both as to territory and as to controversies, as the conference desired to embrace and to exclude. It can not be said that the reason why this course was not pursued was that the conference did not care to make a new draft of the treaty, for the reason that it was disclosed during the course of the debate that 20 or 30 or 40 drafts were in fact prepared. The natural course for two lawyers writing a contract is to redraft their contract so as to make it express the meeting of their minds and particularly is that the course usually taken where the contract is brief and its provisions are definite.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER (Mr. WALSH of Massachusetts in the chair). Does the Senator from Arkansas yield to the Senator from Virginia?

Mr. ROBINSON. Certainly.

Mr. SWANSON. If the Senator will permit me, it seems to me the purpose was the natural effect of the action. As the Senator has indicated in his remarks, it leaves all these matters to be determined not by us but by Japan. Under the effect of having the separate treaties, it is for Japan to determine whether or not she desires her mainland to be included, and not for us to determine. We have ratified a treaty which includes her mainland. We have a supplementary treaty which excludes it. If Japan desires to include her mainland, all she has to do, as was indicated by the Senator from Arkansas, is to reject the supplementary treaty.

Mr. ROBINSON. Ratify the four-power treaty and reject the supplementary treaty.

Mr. SWANSON. Yes. Now, the question is left for Japan to determine whether domestic questions shall be considered by the four powers in conference. We ratify the four-power treaty that leaves that doubtful. Then we have a declaratory supplement which excludes immigration and domestic questions. We

ratify that. Japan having obtained the four-power treaty without action ratifying the declaratory statement, the question is still left open for her to determine whether a conference emanating from the four-power treaty shall consider domestic questions or not.

It seems to me the effect of the situation is to leave every question for its ultimate determination to the council in Japan. As I understand, none of these treaties will go into effect until the council of Japan shall ratify them as our Senate has ratified them. The effect of this procedure is to leave the ultimate decision of these intricate questions to Japan and not to us.

Mr. ROBINSON. Whether or not the Japanese council, under the procedure which prevails in Japan, must consent to these treaties in order to give them validity, it is unquestionably true, as I pointed out a moment ago, that neither treaty can take effect until the exchange of ratifications has occurred; and by the simple failure to perform the executive function of exchanging the ratifications as to any one of the treaties, or either one of them, Japan can prevent that treaty from going into effect if she chooses to do so.

Now, I repeat, with the subject matter still before the conference, the negotiators still in conference, in daily contact with one another, why did they pursue the extraordinary course of preparing what appears now to amount to three separate treaties relating to one subject matter? They wrote a treaty including the Japanese mainland in its provisions, and no one has been able to understand why the Japanese mainland was included. Another treaty excluding the Japanese mainland was reported and a third agreement in the form of a declaration was submitted.

Is there any Senator here who can tell us now, after all the debate and all the inquiries which have occurred, why the Japanese mainland was included in the four-power treaty?

Mr. PITTMAN. Mr. President——

Mr. ROBINSON. I yield with pleasure to the Senator from Nevada.

Mr. PITTMAN. Of course, I can not tell the Senator, and yet the Senator's argument has eliminated every other cause except one, and that is that the negotiators of the treaty were not certain what their Governments would do, and they deliberately placed the treaty in such a form that the Governments might accept one and refuse the other. I think we are justified in saying that the action of the negotiators in placing them in separate treaties, the action of the proponents of the treaty and those having charge of the matter in the Senate, in deliberately submerging that portion of the four-power pact which is called a declaration, which excluded our domestic relations, and their subsequent refusal to adopt a reservation in the exact words prepared by the Senator from Massachusetts [Mr. LODGE] as a reservation to the covenant of the League of Nations, taken in connection with the statements of the British ambassador in California—no matter what those statements were exactly—justifies the suspicion that the four powers, knowing that the only threat of war on the Pacific was as to the management of our domestic affairs, intended to have these treaties so arranged that those domestic affairs could be submitted to the conferences of the four powers.

Mr. ROBINSON. Mr. President, if the Senate had understood when it advised and consented to the ratification of the four-power treaty that in all probability it was leaving to the conference which might be called under the provisions of that treaty the power to determine domestic questions, including immigration, the Senators who voted to advise and consent to the ratification of that treaty never would have dared to do so. The junior Senator from California [Mr. SHORTRIDGE], who delivered an address in this body several days ago, and who, I believe, for some reason, has not yet published his address, would not dare to vote for a treaty giving a conference composed of representatives of Japan, Great Britain, France, and the United States the right to determine the question as to whether Japanese citizens should be admitted to citizenship in the United States.

Mr. PITTMAN. Mr. President——

Mr. ROBINSON. I yield to the Senator from Nevada.

Mr. PITTMAN. It must be remembered, Mr. President, that a great many statesmen in the eastern section of the United States have not looked upon the Japanese question as have we of the West, who are familiar with it. It must be remembered that the Republican administration has time and again taken steps as a Federal Government to interfere with the Legislature of the State of California in connection with the enactment of laws within its jurisdiction prejudicial to the Japanese subjects in this country. It must also be remembered that it has been the outspoken policy of the Republican Party under several administrations to hold that treaties with Japan should be superior to the laws of the Western States with regard to the Japanese controversial questions in this country. The object, it is said, of this four-power pact is to eliminate the causes which threaten war between the United States and Japan. Its framers know that there are no causes which threaten war between the United States and Japan except the controverted domestic question in the United States with regard to Japanese subjects; but there is not any doubt on earth there are statesmen in this country who are now seeking to stop those threats of war by preventing the States of this Union from legislating in a discriminatory manner against Japanese subjects.

Mr. McCORMICK. May I interrupt the Senator to ask a question?

Mr. PITTMAN. There is not any doubt that Great Britain and France, who are partially responsible to Japan in the event war shall ever arise in the Pacific, are more interested in preventing such a war than they are in sustaining the right of this country to manage its own domestic affairs. There is not any doubt that Great Britain and France would like to-day to submit to a conference of the four powers the question as to whether or not Japanese subjects shall be given equal rights in this country with British and French subjects. The way in which the four-power pact was ratified justifies, I say, in the mind of anyone the suspicion that there was in the minds of the framers of the separate pacts the intention to bring about a situation that would allow the conference to settle causes of dispute which involve our domestic affairs instead of allowing us to settle them ourselves.

Mr. ROBINSON. I yield to the Senator from Illinois.

Mr. McCORMICK. I wish to ask if the Senator from Nevada [Mr. PITTMAN] did not intend to include Democratic as well as Republican administrations in his allusion to Federal interference to prevent State legislation? I had in mind, if my memory serves me aright, the visit of Secretary of State Bryan to California when he sought to delay or to prevent the enactment of the alien land act by the California Legislature.

Mr. PITTMAN. The Senator from Illinois is right. I thank him for reminding me of that. I did not intend to be unjust. I was thinking more particularly of the action of President Roosevelt when he was President. It is true, however, as the Senator from Illinois has stated, that the Democratic administration, through its Secretary of State, Mr. Bryan, did, as I am informed and believe, attempt to exert official influence upon the Legislature of the State of California.

Mr. McCORMICK. The Senator from Nevada will recall that the Secretary of State himself proceeded to California to discuss the matter with members of the legislature.

Mr. PITTMAN. I believe that is correct; and it sustains exactly what I have said, that there are a great many statesmen in this country of both political parties who are willing to sacrifice the rights of the States to decide their internal domestic questions in order that they may be submitted to a conference or controlled by Federal legislation.

Mr. ROBINSON. Mr. President, nothing that has occurred either during any Republican administration or during any Democratic administration justifies Senators in the conclusion that the people of this country are willing to permit unrestricted Japanese immigration into the United States. It will be remembered that when Mr. Bryan went before the California Legislature upon the mission to which the Senator from Illinois [Mr. McCORMICK] has referred his position was overwhelmingly overridden; and the position of Mr. Roosevelt's administration respecting the subject was equally unpopular in California, in Washington, in Oregon, and in other States where the real substance of the issue was comprehended.

During the course of this debate frequent reference has been made to the fact that the British ambassador has gone to California and made speeches in an effort to popularize there the four-power treaty. While the Senator from California [Mr. JOHNSON] in the exercise of his constitutional duty was trying to see that the four-power treaty was put into terms that would protect the people of California against the dangers incident to Japanese immigration and land ownership, for some reason the British ambassador and the Secretary of Commerce, Mr. Hoover, were making forensic attacks in his rear. When the people of California come to understand that Japan is now to be given the option of deciding the two great questions involved in this treaty, first, whether her mainland shall have the protection of the four flags instead of one, and, second, whether she shall be given the privilege of determining whether domestic controversies shall be the subject matter of consideration before the conferences of the four powers to be convened under the treaty, the people of California will not be lacking in appreciation of the splendid courage displayed by the

senior Senator from California. I believe in the utmost freedom of expression. If the British ambassador wants to engage in debate touching the political policies of the United States, I have no objection whatever to his doing so.

Mr. CARAWAY. Mr. President, the Senator will remember, however, that one British ambassador was recalled from this country for expressing an opinion on political questions then pending.

Mr. ROBINSON. I recall the instance which the Senator has in mind.

Mr. CARAWAY. I had hoped that no administration would feel called upon nor at liberty to call in foreign diplomats to coerce public opinion in America to accept a treaty which had been negotiated.

Mr. ROBINSON. I stated that I had no objection to the utmost freedom of debate, because I do not believe when the British Government adopts the policy of trying to influence and control public opinion in the United States through its chosen and authorized spokesman that it can accomplish the end which it seeks to accomplish.

Mr. CARAWAY. Mr. President, will my colleague yield further?

Mr. ROBINSON. With pleasure.

Mr. CARAWAY. I think I understood the Senator's position, and I agree with him; but it is very likely that the British delegates to the conference wrote the treaty, and therefore best understood it and appreciated what was in it. Under that theory, I presume, they would have the right to defend it at the bar of public opinion.

Mr. ROBINSON. It was a very unusual procedure, to say the least, that while the Senate of the United States was engaged in the performance of its constitutional function, and while one of the Senators from California was boldly and bravely championing and defending what he believed to be the best interests of his people, the British ambassador to the United States and a member of the Cabinet of the present administration should dash across the continent and engage in public discussion for the purpose of influencing public sentiment in California respecting this important question.

To return to the proposition of a moment ago, I said that we can not learn the reason for the peculiar course taken by the negotiators of the treaty. Lawyers writing a contract do not pursue the course which they followed. Some reason exists for it. We have now the anomalous situation that the United States has ratified the four-power treaty with the Japanese mainland included in the treaty and with domestic questions comprehended by the terms of the treaty. I know it may be answered that domestic questions are not comprehended, but the failure of the Senate to adopt the explanatory declaration which reserved domestic questions from the treaty would be construed in courts everywhere as a conclusion upon the part of the Senate that the reservation was undesirable, or that it was unnecessary.

The negotiators of the treaty thought this declaration of so much importance that before they wrote the treaty itself they wrote the declaration explaining the treaty. That is the undisputed evidence. Why did they do it? Because they knew it needed explanation. They knew in advance of signing the four-power treaty what was going into that treaty. They knew it would require explanation, and they were unwilling to put the explanation in the treaty itself. Why?

The day we advised and consented to the ratification of the treaty, the Senator from Nebraska [Mr. HITCHCOCK] insisted that this declaration ought to be acted upon by the Senate. The Senator from Massachusetts [Mr. LODGE] was so impatient that he would not discuss the matter with the Senator from Nebraska. He said it was absurd, that it was no part of the treaty; that it had no place in the treaty; that it could not be ratified by the Senate; but now, for some reason, he has changed his front. That is nothing remarkable in the course of the Senator from Massachusetts. If he did not change a few times on every subject that we consider, Senators would doubt whether his mental processes retained their usual characteristics. The Senator from Massachusetts tells us now that this declaration shall be incorporated in the supplemental treaty, as a reservation to the supplemental treaty. You have heard from the beginning the talk about the four-power treaty as the simplest thing on earth; that there are only a few hundred words in it; that it is so plain and so easily understood that nobody could misinterpret it; and yet the very men who wrote it started out by explaining it in advance of signing it. They wrote this declaration qualifying the treaty changing it, as suggested by the Senator from North Carolina [Mr. SIMMONS], in two important particulars. They adopted the reservation of the Senator from Connecticut [Mr. BRANDEGEE], and then they proposed a supplemental treaty in explanation of it.

Why all of this mystery, and why all this complication? Why did they not put in the four-power treaty what they desired it should contain and submit to the Governments interested all the questions at one time? Why give Japan, by ratifying the four-power treaty, the privilege of rejecting the supplemental treaty? Why give her the option in that way to say whether the Japanese mainland shall be included in the provisions of the four-power treaty? Why leave in doubt the one question that has caused more trouble between Japan and the United States than any other question? If you are going to try to work it out, well and good; but do not think that the people can be deceived or led into the thought that you have accomplished something when you refuse even to attempt to solve the real cause for disputes.

We all know—I have said so repeatedly during the debate—that the questions of race equality, land ownership in California, and the right of Japanese to come into the United States are the domestic problems about which all of our disputes with Japan have arisen.

Mr. CARAWAY. Mr. President, may I call the Senator's attention to another matter that may become very acute?

Mr. ROBINSON. Certainly.

Mr. CARAWAY. That is the attempt to declare that trade with the Philippine Islands is coastwise. There is in the new marine bill that is now pending, to subsidize the merchant marine, a provision declaring trade with the Philippine Islands to be coastwise trade.

Mr. ROBINSON. Yes; and the Senator from Texas [Mr. SHEPPARD] made a statement the other night, the significance of which I think the Senate failed to get. Japan now has under her mandate islands in the Pacific Ocean which, if embraced in what may be termed a block mandate, would control the lines of commerce from the coast of the United States to the Orient. Already Japan has declared closed, as Japanese waters, the waters of the Pacific Ocean adjacent to certain islands which she owns, and already there seems in formation a policy of creating what may be termed block mandates—that is, of embracing within a single area, as closed waters, the territory of the countless islands which constitute the mandate, and the sea surrounding the islands, and when that is done no ship flying a flag other than that of Japan can pass through the ordinary channels of commerce across the Pacific Ocean except by consent of Japan.

Mr. ASHURST. Mr. President, will the Senator permit an interruption at that point?

Mr. ROBINSON. Certainly.

Mr. ASHURST. The Senator has graphically described these immense vast tracts of ocean that are blocked out as being under a Japanese mandate, and Japan may assert and probably does assert that no ships, except by her permission, may go in there; and the island of Yap is in one of those blocks.

Mr. ROBINSON. We all understand that under international law waters within 3 miles of the shore line of territory belonging to any nation are included within that territory, and these islands lie so close together and are so numerous that by the extension of that principle a vast area of the Pacific Ocean in the neighborhood of these islands might be claimed to constitute Japanese waters, to the exclusion of the ships of commerce of every other nation, if Japan chose to assert and to attempt to maintain such a principle.

Mr. CARAWAY. And the peculiar situation now is that if she asserts it we guarantee that she shall maintain it and that we will respect it.

Mr. ROBINSON. Yes. We have committed ourselves, by the ratification of the four-power treaty, to Japanese control of the Pacific. We have committed ourselves, by the ratification of the four-power treaty, to a policy of acquiescence in Japan's plan of expansion, which contemplates the maintenance of her possession of territory already seized in violation of law and right, and the extension of her authority by economic penetration supported by military power into other areas which, from considerations of economic necessity, she thinks she is entitled to possess. Nothing else can result from the four-power treaty but the supremacy of Japan in the Pacific Ocean and in the Orient, as we term it.

The immediate question before the Senate is the amendment to the supplementary treaty, proposed by myself, striking from the treaty the following:

Karafuto (or the southern portion of the island of Sakhalin).

Every reason that justifies or makes necessary the exclusion of the Japanese mainland from the four-power treaty applies with equal, if not with greater, force to the island of Sakhalin.

We have never learned why the mainland of Japan was at first included in the treaty, why it is in there now. We have never learned of any substantial reason for a reversal of the policy of embracing it if once you take the policy of inclusion to have been considered in the beginning. But if it be that the Japanese mainland constitutes the center of Empire, and therefore the objective for naval or military attack, then I reply that the principle applies with more force to Karafuto.

Karafuto at its nearest point is within 4 miles of the Asiatic mainland. The northern portion is nominally under the government of Russia. The southern portion is claimed by Japan. Some time ago, upon the theory—I will not say the pretense—that it was necessary to pursue that course in order to preserve order. Japan seized control of the northern portion of the island of Sakhalin, and she is now in complete authority throughout the island. When the day dawns that Russia decides to drive Japan out of her dominions; when the time comes—and it is coming in the not remote future—when the armies of Russia advance to the defense of Russia's territory against an alien race, Karafuto, by all the laws of strategy, will become the first point of attack, for a conflict is certain to arise over who shall exercise sovereignty on the northern half.

The Senator from Alabama [Mr. UNDERWOOD] says that the whole matter is unimportant, because Russia can not strike within 10 years, and at the end of 10 years we may be able to get out of the treaty. That would seem to be an admission that if Russia were in a normal condition this would be an improvident and unwise arrangement in so far as the United States is concerned.

Karafuto is the scene of great Japanese activity. The Japanese have almost destroyed or driven out the native population. The Japanese are increasing in numbers there, as they do in every other territory which they enter, more rapidly than any other race increases.

The Japanese are establishing a civilization on the island of Sakhalin which in many respects is worthy of admiration, but Sakhalin, from a strategic standpoint, is vital to Japanese interests. Before the Japanese mainland can be reached Russia must overcome, in all probability, the Japanese possession of Sakhalin. We were told that it is not important whether the Japanese mainland is in the treaty or out of it, on the theory that the treaty is a mere arrangement for a conference; and yet, for some reason, we are taking the mainland out of the treaty. We are not taking it out; we are leaving it to Japan to determine, in the procedure which we are actually taking, whether it shall be in or out.

International arrangements among great powers—alliances, if you please—can not be justified on the ground that others whose interests may be detrimentally affected by the alliances will be powerless to assert their rights during the continuance of the alliances. The traditional policy of the United States throughout history has been to respect and safeguard the rights of weaker nations. By this four-power treaty we have now gone into an arrangement with Great Britain, France, and Japan by which we propose to remain inactive and nonprotesting while Japan works out her policy, whatever it may be, respecting the Asiatic mainland. In this treaty we have put Karafuto strategically between the Japanese mainland and the Asiatic mainland. We have said by the treaty that whenever Japanese rights in that island are threatened by the aggressive action of any other power we will respond to the call of Japan to advise her as to the most efficient measures to be taken, either jointly or separately.

You can not look into the future and determine when Japan will be called upon to defend her possession of Sakhalin against Russian attack, and if Russia ever does attempt to throw off the Japanese yoke, that will be her natural first point of attack. Unless we are going to commit ourselves to the policy of maintaining the integrity and the safety of the Japanese Empire, what is the use of assuming responsibility to confer with Japan to the exclusion of Russia, when Russia seeks to reestablish herself?

In Russia there are 180,000,000 people of the Caucasian blood. For the first time in history that I recall, the Caucasian race in parts of Russia is held in subjection by representatives of the yellow race. Japan will not recede; Russia must attempt to drive her back, and when she does so the Japanese insular possessions and insular dominions, which comprehend Karafuto, will be threatened, and we will be called upon then to say whether we will keep the faith expressed when we entered into the four-power treaty, namely, that when Japanese rights are threatened by aggressive action we will advise Japan how she can best repel that action. If you want to take the mainland out, take out also this island, which is more likely to cause trouble than even the main islands themselves.

Mr. President, in response to engagements made some six or eight weeks ago, I shall be compelled to leave the city tomorrow for some days. If it meets with the wishes of the Senate, I would like to have a vote upon this amendment before I leave. I have no disposition whatever to insist upon precipitate action, and if Senators desire to discuss the subject matter of the amendment they are, of course, at liberty to do so at such length as may seem to them fruitful of benefit to the country and of information to the Senate.

We had little information respecting the island involved in this amendment when the treaty was brought to the Senate; we have scarcely more now. But the British Government had information. The British Government made a study of the subject of Sakhalin in preparation for the Paris conference, and that Government reached the conclusion, in my judgment, according to the little volume which I hold in my hand, that Sakhalin should go to Japan. I have not the slightest doubt that the practical result of the existing conditions, supplemented by the arrangements in this treaty, will be to give Sakhalin as a whole to Japan, although she now actually claims to own only the southern portion. However that may be, considering the proximity of the island to the Asiatic mainland, considering the fact that it must constitute a point of attack should Russia ever strike back at Japan, I believe that wise policy justifies the Senate in putting Sakhalin in the same class in which we are seeking to put the Japanese main islands, and exclude the main islands and Karafuto from the treaty.

I shall ask leave to insert in the RECORD the information to which I have referred respecting Sakhalin. This is a British publication, the only recent publication I have been able to obtain relating to that island, setting forth in somewhat satisfactory details the facts as they relate to the inclusion of this island in the treaty.

Mr. KING. The Senator does not intend his amendment to be a declaration, as far as he or the Senate is concerned, that Japan's title to the southern half of Sakhalin is at all questioned or not admitted; that is to say, we express no opinion one way of the other upon its title?

Mr. ROBINSON. I am seeking to strike that out of the treaty. The inclusion of that in the treaty might be held to involve a question of the title, but striking it from the treaty would certainly not strengthen any title or claim that Japan has.

Mr. KING. It would put it in the same position with the mainland. We express no opinion, by the Senator's amendment, as to the Japanese title to the mainland or Japan's title to the southern half of Sakhalin?

Mr. McCORMICK. Mr. President, am I to understand that the Senator holds to this view, that because of the propinquity of Sakhalin to the mainland of Asia, and not because of its propinquity to the mainland, so called, of Japan—"nearness," if the Senator prefers? I want to get the distincttion in the Senator's mind. Is it because Karafuto is nearer the Asiatic mainland?

Mr. ROBINSON. That is a part of the reason I have given. I have pointed out the fact that there is a conflict of authority as to Karafuto which must inevitably result in a clash between Japan and Russia, or that Russian authority and Russian citizens must disappear forever from the northern half of the island. Japan is dominating the whole of the island. She is committing acts of oppression toward members of the native population and representatives of the Russian Government, and in consequence of this course of oppression, if for no other reason, Russia would be likely to strike there, and strike there first.

Mr. McCORMICK. I was called from the Chamber. Has the Senator urged the same action with regard to Hongkong, because of its relation to Kau-lung?

Mr. ROBINSON. I have not gone into that subject at all. I have confined my suggestions touching amendments to the amendment pending before the Senate, the one which I offered myslf, which proposes to strike from the treaty Karafuto, or the southern portion of Sakhalin. I do not care at this time to propose other amendments, or to enter into a discussion of other subjects.

Mr. McCORMICK. The Senator has no view which he cares to express on the subject of Hongkong or Kau-lung?

Mr. ROBINSON. Or Singapore, either.

Mr. McCORMICK. There is a distinction, if I may say so.

Mr. ROBINSON. There are some distinctions. There is no question about it.

Mr. McCORMICK. Hongkong, lying off Kau-lung, is liable to attack by the Chinese, precisely as Sakhalin might be attacked from the mainland of Asia.

Mr. ROBINSON. I think there is much force in the suggestion just made by the Senator from Illinois. If China ever recovers her national integrity, if she ever wakes up, if she ever becomes inspired with the ambition which characterizes the Japanese race at the present time, China will do what I expect Russia to do, namely, strike back at her oppressor; and if that should be brought about by any policy which may be inaugurated, and China, with her 400,000,000 people, should join Russia, with her 180,000,000, the United States would be facing a problem as difficult of solution as any which ever arose.

The fact is Caucasian civilization would be threatened, and we know it and assert it. There is nothing more pitiable in human history than the manner in which China has been outraged by her friends.

Mr. McCORMICK. I am only astonished that the Senator did not prepare amendments dealing with Hongkong at the same time he prepared one dealing with Sakhalin.

Mr. ROBINSON. Mr. President, if the Senator will propose an amendment dealing with Hongkong, I will be delighted to support it. I take it from the Senator's suggestion that he realizes that in addition to the injustice of including in this treaty Karafuto there is also an injustice in including Hongkong. If he will propose an amendment excluding the port of Hongkong, I will be glad to support it.

I ask leave to print in the RECORD, in 8-point type, the information to which I have referred.

There being no objection, the matter referred to was ordered to be printed in the RECORD in 8-point type, as follows:

I. GEOGRAPHY—PHYSICAL AND POLITICAL.

(1) POSITION AND BOUNDARIES.

The island of Sakhalin, which lies between 45° 54′ and 54° 27′ north latitude and between 141° 49′ and 144° 45′ east longitude, is separated on the northwest from the mainland of Asia by the Strait of Tartary, and on the south from the island of Yezo by the Strait of La Pérouse, which connects the Sea of Japan and the Gulf of Tartary on the south and west with the Okhotsk Sea on the east. The distance across the Strait of Tartary from Cape Pogobi, on Sakhalin, to Cape Lazarev, on the mainland, is only about 4 miles. The island is 586 miles long from north to south and varies in width from 12 to 95 miles. It has an area of about 29,000 square miles, including adjacent islands. By the treaty of Portsmouth in 1905 the island was divided at 50° north latitude, the northern part being assigned to Russia and the southern to Japan. The Japanese portion, which is known as Karafuto, has an area of 13,148 square miles, while the Russian portion is supposed to be somewhat larger.

(2) SURFACE, COAST, AND RIVER SYSTEM.

Surface.

Sakhalin has been very imperfectly surveyed, but probably local tradition is right in regarding it as having once been a peninsula, as it is now parted from the mainland only by a narrow and shallow strait. The arrangement of the mountains generally adopted presumes that there are three ranges—a north-central range starting in the Schmidt Peninsula, a western range along the coast of the Gulf of Tartary, and an eastern range along the Sea of Okhotsk. Geographers attribute the chief heights to the western range in Japanese territory, the principal being Lopatinski or Berzinet Peak, 3,890 feet, and Toman Dake, 3,396 feet; in the eastern range the highest point appears to be Mount Tiara, 1,940 feet.

The principal stretches of level land on the island are on the western side from about 51° 20′ to 53° 50′ north latitude, and on the eastern side from about 51° 40′ to the same degree. Both these plains are covered in parts with scanty vegetation. Across the island stretches a long plain, which extends from the northern shore of the Gulf of Patience (Terpyeniya) up the valley of the Poronai and down the valley of the Tim. The watershed between these rivers is about 1,900 feet in altitude.

Coast.

The western coast of Sakhalin is wooded and consists chiefly of high bluffs, partly of granite, partly of sand, rising in places to a height of 400 feet. North of the Strait of Mamia Rinzo, however, the coast is very low, being scarcely visible from a ship following the usual route.

The eastern coast from Manue to Cape Dalrymple is steep and rocky, and south of Cape Löwenstein becomes high and mountainous. From there to Cape Elizabeth the coast is iron-bound.

In the Japanese part of the island lie Aniva Bay, in the southern extremity, and the wide Gulf of Patience (Terpyeniya), both of which are fishing centers. Characteristic features of this coast are the sea lakes or bays which are formed along both shores. Bars are formed rapidly at the mouths of the rivers, but being of porous and friable material are quickly and easily intersected by the sea.

River system.

The two chief rivers are the Tim and Poronai. Each has a course of about 300 miles, and they flow respectively north and south from about latitude 50° 30′ north, being separated by the Palrov Pass. The chief tributaries of the Tim are the Pulruga on the right bank and the Malo-Tim and the important river Nis on the left. This river flows into the Bay of Ni, which is protected from the sea by a spit of sand with a narrow aperture (the Anuchina opening). The Poronai is a very similar stream. It rises near the source of the Tim, makes a bend northward, and then turns south, in which direction it flows for the rest of its course.

At the extreme south of the island are the rivers Niabuchi and Susuzha, the former of which has a depth of 20 feet for the last 10 miles of its course.

(3) CLIMATE.

The whole island is much colder than might be anticipated from its latitude, and the climate is severe. In the northern part July is the warmest month, with an average temperature of 62.6° F. (17° C.), and January the coldest, with an average temperature of —0.4° F. (—18° C.). At Otomari, in the Japanese part, August is the warmest month, with a mean temperature of 62.6° F. (17° C.), January the coldest, with a mean temperature of 12° F. (—11° C.).

The rainfall is heavy, especially in summer, and destructive floods sometimes occur. At Otomari the total rainfall is 19.27 inches (48.95 cm.), the number of rainy days 106, and the maximum fall in 24 hours 2.25 inches (5.72 cm.). The wettest months on the average are September and October and the driest December and February. Snow falls on 99 days in the year; it begins in October and continues till May. Frost begins in September and lasts till June; the bays along the eastern shore freeze and drift ice appears as late as July. Frequent thick fogs are the worst feature of the climate; they are especially dangerous in La Perouse Strait during the summer months. The western shore enjoys better conditions than the eastern, despite cold fogs and sharp sea winds; but for several months in the year the straits are frozen. The prevalent winds are north and northwest in winter, and south, southeast, or east in summer.

(4) SANITARY CONDITIONS.

Malaria and scurvy are the most prevalent diseases upon the island, consumption and infectious diseases being comparatively rare. Neglect of hygienic rules is one of the principal causes of mortality, and a frequently fatal disease is "leg dropsy."

(5) RACE AND LANGUAGE.

The Japanese, who have been developing their new possession and emigrating to it in great numbers, are by far the largest element in the population. The Russians have almost all withdrawn from Japanese Sakhalin. The aboriginal population is dwindling and does not now amount to much more than 3,000 in all.

The chief tribe is that of the Gilyaks, who occupy the northern part of Sakhalin. Their affinities are puzzling, and it is probable that a large infusion of Mongol blood has profoundly modified the original type, which is supposed to be Palaeo-Siberian. The Gilyaks have been less corrupted by contact with civilized people than many other tribes of the Far East. Their language appears to be a quite distinct tongue.

The Ainus are found in the Japanese part of Sakhalin and are a Palaeo-Siberian tribe very difficult to classify. The hairiness for which they are popularly known has been much exaggerated, and is not greater than that of many Europeans, though it differentiates them strongly from the Mongol tribes. Their tongue is also quite distinct; they are unacquainted with writing and have no literature.

The Oroks occupy settlements along the east coast and in the interior of Sakhalin. They are a tribe of Tungusic stock. About 200 Tungus are found in the tundra country along the lower course of the Poronai.

(6) POPULATION.

Distribution.

In 1911 the population of the Russian part of the island was 7,535, and of the Japanese part 36,725; but in the latter the numbers have greatly increased, the figures quoted for 1917 by the Financial and Economic Annual of Japan being 68,207, of whom 38,403 were males and 29,804 females. There are few Russians anywhere outside a radius of 30 miles from Alexan-

drovsk. The aboriginal population was in 1905 estimated at 2,000 Gilyaks, 1,300 Ainus, 750 Oroks, 200 Tungus, and 13 Yakuts, but these totals were almost certainly too high.

Towns and villages.

Russian Sakhalin: The center of government is Alexandrovsk, on the west coast opposite De Castries Bay; to-day it has probably a population of about 1,200.

Due lies on the west coast, a few miles south of Alexandrovsk. It is the center of the coal industry, and under the Russian régime was the most frequented harbor in the island. The settlement consists of a few houses and barracks for troops. Derbensk and Rikovsk were built as convict settlements.

Japanese Sakhalin: The capital is Toyohara, population 12,900, which is an agricultural center 25 miles north of Otomari. Otomari, population 16,000, is a treaty port open to foreign trade, and is the principal port in Japanese Sakhalin. Mauka, or Maoka, population about 19,000, on the west coast, the second in importance of the Japanese ports, is a flourishing place and seems destined to become the chief port in the island, as it is free from ice all the year. It is the center of the herring fishery. Manue and Kusunai are both on a good road, which crosses the island. Shikika has an open roadstead near the mouth of the Poronai. Sakaehama, an important coast settlement, is at the mouth of the River Naibuchi.

MOVEMENT.

The Russian population has greatly diminished; in 1911 it is said to have fallen to 5,158. The aboriginal population is also dwindling. The Japanese population, on the other hand, has increased enormously since the annexation of Karafuto, and in December, 1911, numbered 36,725, but this is less than three-fifths of the summer population. The average increase of the population in the five years ending 1917 was 104.69 per 1,000. The figures given in the Financial and Economic Annual of Japan are—1914, 57,206; 1915, 60,660; 1916, 64,323; 1917, 68,207.

Emigration from Japan is the main reason for the increase. The numbers who crossed to the island from Japan were in 1910, 28,688; in 1911, 31,416.

II. POLITICAL HISTORY.

CHRONOLOGICAL SUMMARY.

1613. Reputed Japanese discovery of the south coast of Sakhalin.
1649. European discovery of Sakhalin by Martin Vries.
1700. Chinese dominion over the north of the island.
Japanese (Prince of Matsumai's) dominion over the south of the island.
1785. Manchus appoint overseers in the north.
Japanese Shogunate takes direct interest in the island.
1805–8. Mamia Rinzo's expedition through the island.
1807. Lieutenant Koostov takes possession of the island for Russia.
1853. First official Russian settlements on the island.
1860. Treaty of Peking. Cession of Primorsk to Russia.
1867. Convention between Japan and Russia.
1875. Treaty between Japan and Russia.
1905. Conquest of Sakhalin by Japan.
1905. Treaty of Portsmouth (United States of America).
1907. Fisheries agreement; Japan gains fishing privileges on the Russian Pacific coasts.

(1) *Discovery and early connections with Japan, China, and Russia.*

Although legends of the Gilyaks of northern Sakhalin tell of their arrival from the banks of the lower Amur less than 300 years ago, it is certain that the earliest civilized visitors found people of that type in the north of the island and also Ainus in the south.

From time immemorial invasions of the island appear to have followed two routes—the northern and the southern. Members of the Gilyak Tribe must have filtered from their ancestral villages on the lower Amur into the northern half of the island centuries ago, while the arrival of the Ainus from Japan in the southern portion of the island probably dates from an even more remote period. As it was with the early peopling of the island, so also has it been during the last three centuries. The Chinese arrived in northern Sakhalin by the River Amur, and were succeeded by the Russians; in the south of the island the Japanese followed in the footsteps of the Ainus.

The discovery of Sakhalin in 1649 is attributed to the Dutch captain, Martin Vries; he named its easternmost point Cape Patience, and anchored in the Bay of Aniva, which faces south toward Yezo, the northern island of Japan; but in an eighteenth century Japanese geographical account it is claimed that during the Shogunate of Fidia-toda (1605–1622) the Prince of Matsumai, Kinfiro, ruler of Yezo, sent an expedition to survey Karafuto; it returned the following year to the island and wintered there. No settlement appears to have been made, and Vries 30 years later reported only Ainu natives on the south and east coasts. A later Prince of Matsumai (1688–1703) sent officials to the island and claimed to have established his dominion over the southern half of Sakhalin by the year 1700. A map or a copy, made in 1782, is said to exist, which he presented to the Shogun as a sign of the offering of dominion. Eleven of the divisions of Sakhalin and several of the Kurile Islands have been identified on this map, which also shows 81 Japanese and 140 mixed native and Japanese villages. Such a Japanese settlement of the southern portion of the island in the early eighteenth century seems at least doubtful, but another source confirms the existence at this period of a lively trade between Matsumai and the Ainus of Karafuto.

The succeeding princes of the Matsumai dynasty were unsupported by the Tokugawa dynasty, and their influence waned before the advance from the north of the Manchus, who in the last quarter of the eighteenth century had encroached seriously on their trade. It was not until after the accession of the Manchu dynasty to the throne of China (1644) that interest even in Manchuria was awakened in the Empire.

The first notable result, in part due to the influence of the Jesuit fathers at the court of the Emperor K'ank-hsi (1661–1722), was the treaty of Nertchinsk (1689), which checked the Russian advance down the Amur River. Ten years later, according to a Japanese historian (Togo Yoshida, Karafuto under the Prince of Matsumai), a Chinese general, Koklio, was dispatched with a large force down the River Amur and across the sea to a large island which, or at least its northern part, he seems to have annexed. The same authority adds that the Chinese were dominant in the north of the island about the year 1700. It seems improbable, if this military expedition occurred so early as 1699, that it would have been unknown to the Jesuit fathers who were sent by K'ang-hsi in 1709 to map eastern Tartary; they reported that their first knowledge of the island was gained from natives on the Amur, and added that the Emperor later sent Manchus to Sakhalin, who brought back a careful geographical and topographical account of the northern half of the island. Perhaps it was this survey which appeared at Peking in 1776 in the twenty-fourth volume of a hydrographical work on China, collated from the earlier Great Official Description of the Empire.

From 1785 the Shogunate Government took a direct interest in the island, sending an expedition in that year to Yezo, whence Oisha Ippei was dispatched to Sakhalin to learn from the Manchus what area they claimed. About this time both the Manchus and the Japanese became alarmed at the activities of "foreign ships." The Manchus, according to Mamia Rinzo, appointed certain of the natives overseers of various districts, and tried to bind the natives by a solemn agreement to trade only with themselves; but from the beginning of the nineteenth century we hear nothing of Manchu claims, although their traders from the lower Amur continued to visit the island as they had probably done for the previous 200 years. On the other hand, Japanese fears of Russian aggression led to the dispatch of several expeditions, the most notable of which—that of Mamia Rinzo in 1805–8—resulted in the discovery that Sakhalin was an island, and left us a map and description of it.

The Russian arrival overland in these regions was comparatively late; and, although Poyarkov had descended the Amur in 1644, Russian progress, except in the direction of Kamchatka, was checked for 160 years by the Chinese (treaty of Nertchinsk, 1689; for the text of this treaty, see Eastern Siberia, No. 55, p. 92). Nevertheless, Russian ships were seen in the north Pacific from the year 1720; and in 1800 the Tokugawa librarian, Hondo Juzo, found and destroyed pillars of occupation set up by the Russians on the island of Iturup (Kuriles). In 1807 a Russian, Lieutenant Koostov, with the permission of Ambassador Riazonov, took possession of Sakhalin for Russia; but in 1813 Vice Admiral Golovnin, who had been seized by the Japanese three years earlier as he was surveying one of the southern Kurile Islands, obtained his release by disavowing Koostov's act and formally renouncing Russia's claims to Sakhalin.

This period witnessed the growing importance of the fisheries of southern Sakhalin in the hands of the Japanese. There existed many fishing stations with storehouses, especially on the west coast; and a commissioner with underofficials and a Government depot was stationed at Kusunkotan (later Korsakovsk). Fur trading continued with the Ainus and Gilyaks, and there were a few allotments under cultivation.

(2) *Russian occupation and negotiations with Japan, 1850–75.*

Russia, dependent for a century and a half on mere forest tracks—impassable during most of the summer—for land communications with her posts in Kamchatka and along the Okhotsk coasts, had cast longing eyes on the Amur River as a convenient highway. Any attempt to use the river, however,

would involve risk of a clash with China, and farther advance might embroil her with Japan.

In 1846 Lieutenant Govrilov had explored the mouth of the Amur and had reported (inaccurately) against its navigability. Moreover, Count Nesselrode, the Russian foreign minister, was fearful of offending China. The Czar, however, was interested in far-eastern Siberia, and appointed General (afterwards Count) Muraviev Governor General of eastern Siberia in 1847, with instructions to study the Amur region. Count Nevelskoy's activity on the east Siberian littoral under Count Muraviev led to the establishment in 1853–1855 of small Russian posts in the south of Sakhalin, also at Due on the west coast opposite De Castries Bay, where on the mainland a Russian post had been established in 1849. Due was chosen as a fur-trading place, but in the same year the discovery of coal there and exaggerated reports of its value led to increased activity on the part of the Government. In 1853 Admiral Putiatin had advised Count Nevelskoy that the annexation of Sakhalin, following the imperial order of April 11, 1853, for its occupation, must involve trouble with Japan, and three years later it fell to him to sign a treaty with Japan, article 2 of which provided that—

the boundaries between Russia and Japan are in future between Iturup and Urup. The whole island of Iturup belongs to Japan, the island of Urup with the north Kuriles to Russia, while the island of Krafto (Sakhalin) is neutral ground between the two Empires.

Count Muraviev found in the Crimean War and the Anglo-French expedition to Peking his opportunity for expansion. During the former he largely increased his forces for the "defense of the Pacific coast," and with this as a makeweight, in the hour of China's weakness, negotiated the treaties of Aigun (1858) and Peking (1860), by which Russia obtained the Ussuri and the Primorsk (coast) regions. No mention of Sakhalin occurs in these treaties, and China's claim to the island can only be said to have lapsed incidentally to Russia, no such plea indeed having been publicly preferred by the latter. Moreover, Russia had previously to the treaties begun fencing with Japan over the island.

During the next few years the weak Tokugawa dynasty—fearing Russian aggression—dispatched envoys at intervals to St. Petersburg; but they met with little success, since Russia coveted the reputedly rich coal mines of Sakhalin and the Bay of Aniva, which for a large part of the year is ice-free. To Japan it appeared that the whole island was slipping from her grasp by diplomatic processes. When, therefore, in 1862, Russia demanded that the boundary line should be the forty-eighth parallel, an arrangement which would have given her more than four-fifths of the island, Japan expressed her willingness to compromise and to divide the island on the fiftieth parallel. This offer was not accepted; and in 1865 Russia offered to exchange the Kurile Islands, to which Japan had an equal claim, for the Japanese claims on Sakhalin. On March 18, 1867, these negotiations were suspended for a few years by a curious convention which gave to each power "the common right of joint occupation," and to members of both nations permission to "occupy" unoccupied places all over the island. An immediate race for occupation was the result. Japan, populous and near at hand, readily furnished colonists, whereas Russia, being far away, could at best send ex-soldiers and convicts, but no women. The Russians, thus handicapped in the race, erected inscribed posts to denote that occupation had taken place. The Japanese followed suit. In 1860, 800 convicts were dispatched from Trans-Baikalia to work the coal mines at Due. Although there was no local collision, this anomalous state of things could not continue; and on April 25, 1875, Japan, alarmed at Russia's growing power in the Far East, gave way, accepting in lieu of her claim to Sakhalin the Kurile Islands and an annual payment for a fixed number of years. She also agreed to station a consul at Korsakovsk during the summer months to levy on account of Russia a pro rata tax on the Japanese fishermen. It was a diplomatic defeat for Japan; but she had saved that for which Sakhalin was most valuable to her, namely, the right to fish on the southern coasts of the island.

(3) *Russian possession, 1875–1905.*

It is instructive to contrast the differing significance of the island to the Chinese, the Japanese, and the Russians. The Chinese and their Manchu subjects regarded it as a fur-trading center; the Japanese valued it mainly for its rich fisheries; the Russians were first attracted by reports of rich coal mines, but the poor results yielded by backward methods and convict labor disappointed them, and they came to look upon the island merely as a convenient dumping ground for convicts.

Sakhalin, indeed, proved to be a gaol in itself. It was easy to escape from prison, but not from the island. Russia's penal policy affected Sakhalin, and Sakhalin reacted on that policy. The Siberiaks of the seventies and eighties urged the familiar colonial objection to their country being overrun by escaped convicts and ex-convicts. Moreover, the exchequer was interested, since security of life and property in Siberia spelled greater potential receipts. In 1888 M. Galkin Vrasskoy—afterwards head of the general prison administration—recommended that all "vagabonds" should be sent in future to Sakhalin; and shortly before this female convicts were sent to the island, the simplest form of legal marriage being permitted, in order to bring about the settlement of ex-convicts on the island.

Sakhalin was divided into three administrative districts (okrugi), of which the chief places were Alexandrovsk on the west coast, Korsakovsk in the south, and Rikovsk in the center. At the head of each district was a chief or nachalnik, assisted by a doctor, an inspector of colonies, and a small garrison consisting of one company. Prisons were situated in each of the chief towns and in a few others, and for a short radius around these, in clearings, there were 99 small settlements of ex-convicts and those convicts who were allowed to perform their hard-labor duty outside the prison. Over all was the military governor, having his official residence at Alexandrovsk and responsible to the governor general of eastern Siberia at Khabarovsk, on the Amur.

Taking the Government statistics of January 1, 1898, as typical of the period, the population of the island comprised 31,964 Russians and 4,134 natives. Of the Russians there were 19,770 men and 2,397 women who had been sent to Sakhalin as convicts. Only 7,080—3,446 men and 634 women—of these convicts were at hard-labor duty; the rest, having done their term, had become "exile settlers." Among the hard-labor convicts were 76 political exiles. The free population consisted of 1,308 women and 6 men, who had followed their convict spouses, several thousand children of convict parents, and about 2,000 officials and soldiers.

The bulk of the convicts lived outside the six prisons, the unmarried men in barracks, and all, including many from the prisons, worked at logging, coal mining, and various domestic jobs for the officials. Ex-convicts were allotted uncleared land, seed potatoes, and rations for a year, and after a residence of six years, subject to good conduct, could cross to the mainland if they were offered work there or had obtained sufficient money. The Government regulations were in general humane, but were largely nullified by the maladministration of officials. With convict and ex-convict labor it is not surprising that no industry flourished. The coal mining produced from all the mines only about 36,000 tons a year; agriculture was of the poorest and grazing little better. Fishing, except in the southern half of the island, was confined to the rivers and scarcely counted even in local consumption.

In the south of the island, although many Japanese had left after 1875, the larger share of the fisheries was still in the hands of their countrymen It is necessary to explain the extreme importance attached to these by the Japanese. Japan is still largely an agricultural country and depends upon intensive cultivation. Fish is therefore necessary to her, not merely as a food but as manure. Until the Chino-Japanese War haricot pods from China and Korea had been used as a substitute for guano. When these supplies were cut off the Japanese came to realize the value of fish manure, which, although five times the price, is far superior in chemical properties. With the increase of shipping, and particularly of steam shipping, the schools of fish, notably herring, have to a large extent been frightened from the coasts of Japan, so that Sakhalin is increasingly valuable to her.

The attitude of the Russian Government toward the natives, who are peaceable, was paternal, but rather passively so than actively. It interfered little with them, and so long as no trouble arose they were allowed to regulate their lives by the customs of the tribe, the chief man of each village being appointed its responsible head. Unfortunately, the activity of the lower officials and ex-convict traders was in contrast to the Government's passivity, for in contravention of Government regulations they traded vodka for valuable skins. Further, by the march of civilization and competition on the part of ex-convicts, the natives lost river fishing stations, their winter store of fish was thus reduced, and they became liable to starvation and epidemics in the late winter. Occasionally in such crises the Government distributed food.

(4) *Japanese conquest, 1905.*

The cession of the island to Russia in 1875 caused considerable excitement in Japan, and it was to be expected that the latter would seize the first opportunity in the Russo-Japanese War to retake it. This opportunity did not arise until after the defeat of the Baltic fleet in the Tsushima Straits on May 27 and 28, 1905. Two naval squadrons with transports were forthwith dispatched from Japan to Sakhalin, the first disembarking in

the Bay of Aniva on July 7, 1905. The Russian forces, inferior in number, were defeated and driven northward into the forests of the interior. The second squadron landed troops on the west coast at Arkova, Alexandrovsk, and Due on July 24, and quickly driving the enemy eastward to Derbensk in the center, overtook them in the forests to the south and defeated them at Palevo. On July 31 the military governor of Sakhalin, with 70 officers and 3,200 rank and file, surrendered. The following day Lieutenant General Haraguchi proclaimed military administration over the whole of the island, and on August 6 the civil administration staff left Tokyo for Karafuto.

The news of the result of the conference at Portsmouth, United States of America, led to considerable agitation in Tokyo, and the press had to be muzzled. Great expectations of the advantageous terms to be exacted by their victorious arms had been cherished by the Japanese public, but the financial weakness of Japan and the clever maneuvering of M. de Witte doomed them to early disappointment. Apparently the negotiations between Russian and Japanese envoys reached a deadlock. At this point President Roosevelt is said to have suggested to the Czar the cession of the southern part of Sakhalin to Japan and a payment for the other half. The latter provision savored of an indemnity and the Czar refused; but when the negotiators met again, M. de Witte proposed the cession of the southern half of the island to Japan and Baron Komura accepted the offer.

Of the Portsmouth treaty—September 5, 1905—articles 9, 10, 11, and an additional article concern Sakhalin:

Article 9 reads:

> The Imperial Government of Russia cedes to the Imperial Government of Japan in perpetuity and full sovereignty the southern portion of the island of Sakhalin, and all of the islands adjacent thereto, and the public works and properties thereon. The fiftieth degree of north latitude is adopted as the limit of the ceded territory. The exact alignment of this territory shall be determined in accordance with the provisions of the additional article 2 annexed to this treaty. Japan and Russia mutually agree not to construct in their respective possessions on the island of Sakhalin or the adjacent islands any fortifications or other similar military works. They also respectively engage not to take any military measures which might impede the free navigation of the Straits of La Perouse and the Strait of Tartary.

Article 11 reads:

> Russia engages to arrange with Japan for granting to Japanese subjects rights of fishing along the coasts of the Russian possessions in the Japanese, Okhotsk, and Bering Seas. It is agreed that the foregoing engagement shall not affect rights already belonging to Russian subjects or foreigners in those regions.

Article 10 provides for the safety and protection of Russian subjects in the area ceded to Japan; and additional article 2, referred to in article 9, provides for a commission to delimit the boundary and to prepare a list and description of the adjacent islands comprised in the cession and maps showing the boundary.

This arrangement was completed by the Russo-Japanese fisheries agreement of 1907, by which Japanese fishing guilds and companies acquired leases of fishing rights in Russian territorial waters while Russian concerns operating both on the coast and on rivers were allowed to employ Japanese labor in certain cases. Altogether some 13,000 Japanese fishermen and laborers spend the summer at stations along the Asiatic Russian littoral. Thus one of the chief sources of income of the Hokkaido (Japan) is outside its boundaries, and its prosperity is largely dependent on the success of fisheries on a foreign shore.

III. SOCIAL AND POLITICAL CONDITIONS.

(1) RELIGIOUS.

(a) North Sakhalin.

(a) Natives: The few hundred natives are Shamanists: for them nature, animate and inanimate, possesses spirits; and the medicine man (in the Gilyak tongue, the Cham) exorcises the bad and attracts the good demons. The bear festival in January, at which the animal is sacrificed and his spirit speeded to the God of the Mountains, is the greatest religious and social event in their calendar. Although the Gilyaks are included by M. Patkanov (Essai d'une statistique * * * des peuples palaeasiatiques de la Sibérie) as Christians, there is not a sign of their conversion; it is otherwise with the Oroks, who have cut off their pigtails and added, at least in one or two of their huts, an ikon to their collection of charms. The Russian priest is not above the temptation to supply vodka in exchange for valuable sable skins. Once a year he makes a journey to the center of the island during the hunting season to baptize Orok children and read the burial service for deceased members; but the natives do not respond with alacrity, since many sable skins have to be given for these privileges.

(b) Russians: The orthodox Catholic religion obtains among the majority of Russians. All officials have to receive the communion once a year; but it is not difficult to arrange with the priest for evasion of this obligation. Exceptions to the law are made in favor of those of other acknowledged religions. There were, besides the Russian church at Alexandrovsk, a Lutheran church and a Mohammedan mosque. In 1898 there were 67 prisoners doing hard labor who were sentenced on account of their religious belief. The number of churches officially reported for the whole island before the Russo-Japanese War was 26, but there are really about half a dozen only in the northern area, Alexandrovsk, Due, Derbensk, and Rikovsk each having 1. The priest occasionally visits the 40 or 50 outlying settlements and reads a short service at a spot marked by a cross.

(b) South Sakhalin.

(a) Natives: Except for a very few Gilyaks, the natives of South Sakhalin are Ainus. They are said to believe in a great creator, but otherwise are animists, seeing spirits in most natural forms. A patriarch of the village performs their ceremonies, and they have no shamans. The bear festival is the great event of the year, and they have even been called on this account "bear worshippers." As the Japanese do not proselytize, the Buddhist and Shintoist priests do not carry on any missions among them.

(b) Japanese: The recent growth of the national spirit among the Japanese, particularly during the Russo-Japanese War, led to the revival of Shintoism; so that it is no longer true to say that Shintoism ushers the Japanese into life and Buddhism attends and buries him. Both these religions are represented in Sakhalin, the former by 4 sects with 11 shrines and the latter by 6 sects and 73 temples. There are also four Christian churches—two so-called Japanese Episcopalian and two Roman Catholic.

(2) POLITICAL.

(a) North Sakhalin.

The military governor of the island resides at Nikolaevsk, on the Amur, and visits his official residence at Alexandrovsk once or twice a year, a deputy general being in charge. A small garrison, nominally a battalion, is stationed in the island. Theoretically the officials are interested in the development of the island, but the schemes put forward have not materialized after years of talk.

(b) South Sakhalin.

Karafuto is divided into five administrative districts (cho) under prefects. The governor has his seat at Toyohara, having moved his capital northward—25 miles—from Otomari. A small garrison is posted at the latter place, one of the companies of a scattered battalion.

(3) EDUCATIONAL.

(a) North Sakhalin.

(a) Natives: Among the natives of North Sakhalin, of whom the great majority are Gilyaks, there are no educational facilities. Two or three individuals have been known to learn Russian and to reside for a time in Russian towns, but the white man's life has not suited them.

(b) Russians: Statistics show that the Russians, before the Japanese conquest of the island, had 32 schools with 800 pupils, of which perhaps one-half are in the existing Russian portion of the island. These were in most cases small village schools, dependent for their existence on the presence of a political exile as teacher. The number has probably decreased with the diminution of the population. Under the present system Sakhalin falls in the fifteenth division of the general Amur educational district. In a division of an oblast such as is Sakhalin, primary education is provided by the local authority or by private persons. The schools are of the primary grade, and for higher education it is necessary to go to the mainland.

(b) South Sakhalin.

(a) Natives: Under the Japanese in 1917 there were among the natives 12 "teaching places," with 202 pupils, conducted at an expense of 4,838 yen.

(b) Japanese: A complete national system of education was established in the Japanese Empire in 1873 and remodeled in 1886. Primary schools prepare for the middle, followed by the high schools, which in turn prepare for the universities. In South Sakhalin there were in 1916 three Government primary schools with 2,628 pupils, one Government middle school with 225 pupils, and a Government higher girls' school with 48 pupils. The cost of these was 67,159 yen. In addition to these, there were 105 private primary schools with 5,420 pupils, with a total expenditure of 74,009 yen. Commercial and technical schools in Japan are largely private, but there is no mention of such existing on the island.

GENERAL OBSERVATIONS.

In considering the claims to the island we may dismiss the question usually raised by the presence of subject native races. The proposal to give back the island to them can not be

effectively urged. There are four different tribes, numbering all told about 3,000 individuals, and gradually diminishing. They are still in the hunting stage.

The coal of the island is of good quality and the quantity of fair promise. Its future may be brighter when harbor facilities remove its handicap in competing with Japanese and north China coal.

IV. ECONOMIC CONDITIONS.

(A) MEANS OF COMMUNICATION.

(1) INTERNAL.

(a) Roads, paths, and tracks.

The greater part of the island of Sakhalin is covered with primeval forest, and the means of communication are therefore defective; the few roads that exist have been cut through the jungle by convict labor. There are also a few paths, made by widening bear tracks. The natives travel chiefly by river.

The main road of the island during the period of Russian rule started from the coal mines of Due on the west coast and ran to Alexandrovsk, the seat of government, a distance of about 8 miles. It then ran northward to Arkovo, a village near the coast, whence it turned inland, crossed the backbone of the island, and dropped down on the other side to Derbensk, on the upper waters of the Tim, 35 miles from Alexandrovsk. At this point a corduroy road and cleared track descended the Tim to Slavo, but the main road turned southward for 9 miles, to Rikovsk. The total length was 44 miles of well-made road. Beyond Rikovsk the road became merely a cleared track, following for 200 miles the swampy right bank of the Poronai, and thence proceeding along the east coast through Naibuchi and Vladimirovka to Korsakovsk, which under the Russians was the chief prison and administrative center of the south.

For a few miles out of Rikovsk there was a road on the left bank of the Poronai, passing through the village of Longari. From Alexandrovsk there was also a short road inland to Novo Mikhailovsk, which may be termed a suburb, and thence a track to Rikovsk. In winter the natives with their dog sledges used the beach, or rather the frozen fringe of the sea, as a mail route to Cape Pogobi, whence they crossed the frozen sea to the mainland. It was also considered safer to make the journey from Alexandrovsk to Arkovo, and the latter half of that from Alexandrovsk to Due, by the beach at low tide, instead of by the road, as the traveler thus reduced the chances of attack to one side only.

Korsakovsk in the south was the center of a few Russian roads which began bravely enough, but ended as mere tracks. One ran northward to the village of Takoi, beyond Vladimirovka, and another linked up Korsakovsk with Muravievsk, on the southeast and with Mauka on the west coast. At the narrowest part of the island a Russian track connected the villages of Manue on the east coast and Kusunai on the west.

After the acquisition by Japan of the southern part of the island, new towns were laid out at Toyohara (Russian, Vladimirovka), Otomari (Korsakovsk), and Mauka, and a highway was constructed across the backbone of the island from Toyohara, the capital, to Mauka on the west coast. Another was made later from Toyohara southwest to Cape Notoro. The Russian highways and tracks were converted into roads 15 feet in width, and bridges were built. These roads and bridges, however, leave something to be desired, and better provision is necessary if the economic expansion of the colony is to continue. By 1911 the Government had established 53 ferries, carrying passengers at small fees, or without charge, and had granted subsidies to 73 road stages providing lodgings, horses, and porters. Notwithstanding their conservatism, the Japanese are using Russian carts on these roads. In winter, communication is maintained between Toyohara and Mauka by Ainu dog sledges and with the Russian part of the island by native reindeer sledges.

(b) Rivers.

The chief rivers, the Tim and the Poronai, are shallow, and their mouths have to be approached cautiously on account of sand banks or dunes. The Poronai is navigable a few miles up—as far as Poroto—by vessels of 4½ feet draft. The Tim, from Derbensk to its mouth, a distance of about 200 miles, is said to have 11 rapids, 89 sand banks, and many obstructions formed by fallen trees.

The rivers are the main highways for the natives, who use them for canoe traffic in the summer and as roads for sledges when frozen in the winter.

(c) Railways.

There is no railway in the Russian area. Rails are laid down from Alexandrovsk to the jetty, a distance of about 1½ miles.

During the Russo-Japanese War the Japanese military administration built a light railway of 3 feet 6 inches gauge from Otomari (Sakaemachin Station) to Toyohara; this was opened to the public in 1909. In 1911 it was extended to Sakaehama, a total length of about 56 miles, thus linking up Aniva Bay with the east coast. This railway is said to connect the four wood-pulp factories which the Japanese have established at Otomari, Tomariaru, Toyohara, and Ochiai.

(d) Posts, telegraphs, and telephones.

In the Russian portion of Sakhalin mails are delivered by the Russian volunteer fleet of steamers to Alexandrovsk. During about three months of midwinter mails are carried by native dog sledges over the frozen sea between the island and Nikolaevsk, near the mouth of the Amur. The Russians had a telegraph system along the roads linking up the principal prisons, which were connected also by the weekly post from Alexandrovsk.

The Japanese have a mail service three times a month by steamer from Hakodate. They have maintained and extended the Russian telegraph system. Postal, telegraph, and telephone offices are established in the chief towns, Toyohara, Otomari, Mauka, Shikika, Nayoshi, and Nishi-Notoro. There are 16 subordinate post offices, two of which are also telephone exchanges.

(2) EXTERNAL.

Under Russian rule Sakhalin suffered seriously from the want of regular communication with the mainland. In the winter there was no communication, except for the months during which sledges could be used, and even in the summer, when the sea was open, there was no harbor available.

(a) Ports.

Alexandrovsk and Due are mere open roadsteads. Alexandrovsk has a pier 350 yards long, and in order to develop the coal-mining industry it has been decided to construct a properly equipped port there. At Due ships have to lie two-thirds of a mile out.

Mauka, on the west coast, is another open roadstead, but it has the distinction of being almost free from ice in winter, and it seems destined to become, if it has not already become, the most flourishing port of Japanese Sakhalin. To-day it possesses a larger population (19,000) than any other town on the island.

Otomari, which includes Sakaemachi, 1 mile distant, is closed by ice for about three months in the year, but in the open season it affords safe anchorage, except with winds from the south and west. Four short piers and one longer one, with a depth of 6 fathoms at its end, have been built, but ships generally unload into lighters.

Minor ports are Sakaehama, on the east coast, and Ushiyara, on the west coast, but at both the anchorage is most insecure. Ships must lie some distance offshore and load and unload by means of lighters.

From time immemorial Japanese junks have anchored in the Bay of Ni within shelter of the sand dunes to trade with the native Gilyaks, Oroks, and Tungus. Unfortunately, on this coast fogs prevail from the end of April into July.

The only available records of shipping are for Japanese vessels entering Otomari. In 1912 that port was visited by 31 steamships, with a total tonnage of 18,186, and two sailing vessels of 205 tons. In 1914, 36 Japanese steamships, of 16,451 tons, entered and 26, of 10,159 tons, cleared; in the same year 1 sailing vessel of 114 tons entered and 3 of 478 tons cleared.

(b) Shipping lines.

Between Russian Sakhalin and the mainland communications are maintained from the middle of April to the end of October by steamers of the Russian volunteer fleet; there are 16 sailings from Vladivostok to Nikolaevsk, and the ships call at Alexandrovsk on the outward and return journeys. An occasional tramp steamer calls at Due or Vladimirsk for coal.

In Japanese Sakhalin shipping communications are regular and frequent in the open season. There is a service during the summer to Otomari from Hakodate and Otaru, with nine sailings per month, provided partly by the steamers of the Nippon Yusen Kaisha and partly by the small steamships of the Osaka Shosen Kaisha; the latter call twice monthly from April to December at Sakaehama and minor ports on the east coast of the island. There is also said to be a coasting service of the Kita Nippon Kisen Kaisha's vessels.

(c) Cables and wireless communication.

A Russian submarine cable is laid between Cape Pogobi on Sakhalin and Cape Lazarev on the mainland. There was an older cable connecting Alexandrovsk with the mainland at De Castries Bay; this was broken in 1901, but is reported to have been repaired.

The Japanese have a cable from Alexandrovsk to the island of Todoshima (Kaibato), off the southwest coast, and thence to the island of Yezo.

The nearest wireless stations are at Nikolaevsk, on the Siberian mainland, and on the Japanese island of Yezo.

(B) INDUSTRY.

(1) LABOR.

(a) Supply of labor; emigration and immigration.

Since the Russo-Japanese War Sakhalin has ceased to be a penal settlement, and the prisons now house local offenders only. The difficulty in the old days was to provide lucrative work for the prisoner who had served his time. To-day the population of the Russian territory has dwindled to a sixth of what it was, and continues to decrease. In 1911 there were only 5,158 Russians in the northern half of the island, of whom 726 were officials and soldiers, 1,502 ex-convicts, and the rest mostly dependants of these. Rikovsk has only one-third of its houses occupied, and Alexandrovsk is said to have only one-fifth of its former population. In these circumstances there is no question of the supply of labor. With the exception of a few ex-convict traders, the bulk of the population is engaged in growing potatoes, garden produce, and cereals, and barely succeeds in raising enough for its own support. Little economic progress can be expected from the remnants of an ex-convict population, whose most energetic members took the opportunity of the Russo-Japanese War to make their escape to the mainland.

The coal mines at Due and Vladimirsk need labor, but this work does not appeal to the Russian population; hence up to 1914 some 600 Chinese and Koreans were employed in the mines.

The Russian part of the island is unattractive climatically, agriculturally, and socially, and the blight of the penal system is over it; hence it is not surprising that, notwithstanding the inducements offered by the Government, only 30 new families settled during the years 1907 to 1910. The Government offers loans to intending settlers, up to a sum of 400 rubles to each family, on condition that a khodok, or selector, chooses the land they are to occupy. Easy terms of repayment are granted, the sum being divided into 10 annual installments, commencing at the end of five years. In certain cases half the loan may be remitted. To settlers above 15 years of age a postponement of military service for six years is also granted.

No statistics of emigration are available, but the mainland, with its better climate and greater development, especially at Nikolaevsk and Khabarovsk, attracts a few hundred emigrants annually.

With regard to immigration in south Sakhalin, the number of Japanese who visit the island in the summer for the fisheries has increase by tens of thousands since the establishment of Japanese rule. Another stream of immigrants has settled down permanently to cultivate the soil. One record gives the number of families settled on the land up to the end of 1917 as 3,857, and this seems to be confirmed by another report which mentions a total of 17,000 settlers. The impending development of the wood-pulp and match-stick mills may help to steady the demand for labor, which has varied with fluctuating harvests.

The Japanese population, reckoned on June 30, was as follows: Forty-three thousand four hundred and fifty-six in 1908; 57,051 in 1911; 73,568 in 1915; and 76,705 in 1916; these figures, however, include many thousands of migratory fishermen. The seasonal character of this immigration is shown by comparing the above totals with those given in the records for December 31, which were as follows: Twenty-six thousand three hundred and ninety-three in 1908, 36,725 in 1911, 60,660 in 1915, and 64,323 in 1916 (cf. p. 14). Of the total population, three-fifths is said to be engaged in the fisheries.

(b) Labor conditions.

In Russian Sakhalin the people are almost entirely engaged in cultivating their own plots of land, and therefore make their own labor conditions. In some cases they are the victims of careless or unscrupulous officials, who have settled them or their parents before them on entirely unsuitable land. On the whole, the blight of the convict is perhaps the greatest hindrance to the development of a prosperous community.

In Japanese Sakhalin the immigrants have been selected, and their prospective lands carefully chosen. Roads and communications have been made, and no stigma attaches to the population. They also have the distinct advantage of a less inclement climate.

The early arrangements were for settlers, who could afford to do so, to stay at Otomari; and for those who could not, to go to the immigrant "town" near by where they were to await instructions. Carefully selected before leaving their homes, they were allotted 22,500 tsubos (1 tsubo=3.9 square yards), nearly 18½ acres of land and a Russian house. For this they were to pay 6s. per annum to the Government and to keep the house in repair. The land was to become the property of the settler if at the end of five years it had been cultivated to the satisfaction of the authorities.

No report is available of the conditions of those engaged in the fisheries and canneries. In 1908 the majority were migratory, but to-day the migratory element is less than half of the total. Similarly there is no information as to those employed in the wood-product factories.

(2) AGRICULTURE.

(a) Products of commercial value.

Russian official statistics, which err on the optimistic side, state that there are in the Russian part of the island 321,250 acres of good land suitable for cultivation. Of this area about one-half is already occupied by the inhabitants of 27 settlements. It is thus computed that there are still more than 160,000 acres of agricultural land available for immigrants.

The products of the land under cultivation in Russian Sakhalin are very meager. The most favorable report shows that the yield of wheat, barley, and rye is about five and a half fold and that of potatoes ninefold. These crops are all consumed on the island; the rye crop is not even sufficient for local needs. In 1911 there were 1,797 horses, 4,315 cattle, and 1,400 pigs. The Government agricultural school at Rikovsk possesses a small farm and a few head of cattle.

In south Sakhalin the cultivated areas are increasing. The total area cultivated by the 3,857 families stated to have been settled by the end of the year 1917 was 9,485 chos (1 cho=2.45 acres), 23,238 acres. It is further reported that there were more than 438,000 chos (1,073,100 acres) of land in the Japanese territory available for cultivation and pasturage. This figure is, however, probably much exaggerated. This area, added to the total area given by the same authority for the forests, amounts to about 1,350 square miles in excess of the area given for the whole of Japanese Sakhalin.

Barley, wheat, potatoes, beans, cabbages, flax, and hemp are grown successfully on the river margins and in the sheltered valleys. Stock farming is expected to do better on the plains and the lake margins, especially since the large bears have been driven north. Foxes and similar animals are bred for the fur trade.

(b) Forestry.

Forests cover the larger part of Russian Sakhalin. It is stated that their area is 14,766 square miles, but this is almost certainly exaggerated. The chief species of trees are larch, fir, spruce, and birch; the timber is suitable for export, but this has been hindered hitherto by the lack of facilities for transport. The Russians until recently used the forests for fuel and for building their log dwellings; and large areas have been burned through carelessness. Up to 1914 the sawmills at Alexandrovsk provided for local needs; but new developments at Nikolaevsk on the mainland, due to the capture by the Russians of the export trade in fish and its diversion toward Europe, together with the construction of the Amur Railway, have led to a great boom in the timber trade. It is reported that the association of lumbermen of the Amur region has been granted a concession in Sakhalin near the Russo-Japanese boundary, and that they intend to construct their own harbor.

In Japanese Sakhalin the forests belong to the Government, and surveys have been made. The area of the forests was given by the Financial and Economic Annual of Japan for 1918 as 3,352,712 cho, or 12,834 square miles, but, as in the case of the agricultural area, there is little doubt that this figure is too high. It would seem that probably three-quarters of the surface is forested, and that about five-eighths of the forest consists of conifers. The most important trees are the larch (Larix dahurica), the spruce (Picea ayanensis), the fir (Abies sakhalinensis), and the white birch. Larch logs have been sent to Japan in quantities for conversion into railway sleepers and telegraph poles, and the white birch has been found useful for the production of charcoal, calcium acetate, and wood tar. Wood pulp and match sticks have now been added to these products.

3. FISHERIES.

The Russo-Japanese fisheries convention, concluded in 1907 for a period of 12 years, granted to Japanese subjects the right to fish along the coast of the whole of the Russian far eastern possessions on an equal basis with Russians, except in certain "nonconventional" bays and gulfs, reserved for Russians only. The use of vessels under foreign flags is allowed. The stations are put up to auction annually at Vladivostok by the Priamur Department of Domains. Since 1910, when the Russian fishermen on the Amur River captured the trade from the Japanese, the Russians have competed in increasing numbers for the stations off the Pacific coast of Siberia, and have adopted modern equipment and methods of preparation. In 1913 there were 14 stations in Russian Sakhalin, of which 4 were in "nonconventional" waters, while of the 10 in "conventional" waters 5 were leased to Russian concerns and 5 to Japanese.

Fishing is also carried on in the rivers with snares, and in the winter along the sea edge, where breathing holes are made. By these simple methods and some casual sea fishing in the summer the natives and Russian peasants catch for their own use haddock, halibut, trout, ide, smelt, and various kinds of salmon.

The number of fish caught during the three years 1911, 1912, and 1913 off the coast of Russian Sakhalin was as follows:

Year.	Chum salmon (kita).	Humpback salmon (gorbusha).	Herring.
1911	31,000	286,000	12,640,000
1912	16,000	126,000	14,036,000
1913	38,000	183,000	4,483,000

The herring fishery is declining off both parts of the island. Before the Russo-Japanese War the Sakhalin herring fishery district was the most important in the whole Russian Pacific, but now it has become of comparatively small importance.

In southern Sakhalin, even under the Russian régime, the Japanese had maintained the majority of the fishing stations, and a Japanese consul had been stationed at Korsakovsk to regulate the fisheries. For the year 1902 he reported that there were 35 Japanese and 20 Russian undertakings connected with the fisheries of southern Sakhalin. The total fish production for that year was 1,451,680 puds (1 pud equals 36.1 pounds avoirdupois), of which 1,131,600 puds represented fish fertilizer. The total value was 1,500,000 rubles (£158,125). In 1913 the value of the herring fishery alone is stated to have been £330,136, and of the total fishery £581,803.

During the first few years after the Russo-Japanese War there was a lack of control; not only were fish killed before spawning but large numbers were left to die and rot. To-day there is strict Government control, licenses are issued, and whereas there used to be as many as 870 fishing stations on the east coast and 423 on the west, the total number is now restricted to 375.

An experimental fish farm has been established on the west coast, at which investigation and research work are carried on. The chief fishing season is in August, when the herring, the kita or dog salmon, and the gorbusha or humpback salmon arrive off the coast in schools to escape the cold northeastern current. The salmon are cured or salted, but the herrings are mostly prepared for use in fertilizing the rice fields and tea gardens of Japan. The herring fertilizer became of prime importance to Japan after the Chino-Japanese War had cut off the supplies of haricot pods. If the decline of the herring fishery of the Pacific in the years 1916 and 1917 continues, Japan may have to find a substitute for fish guano in soy beans imported from Manchuria. Fishing for crabs has been developed recently, the catch being canned; fishing for cod and karei (flatfish) is also developing.

Bêche de mer or trepang and sea cabbage, valued as delicacies by the Chinese, are obtained off both Russian and Japanese Sakhalin.

4. MINERALS.

The chief mineral product of the island is coal, of which there are considerable deposits. The quality is better than the average Japanese coal and slightly inferior to the best, but is not equal to the coal from Fushun, in Manchuria. The deposits are a commercial asset to be reckoned with in the future, though, owing to the backwardness and inaccessibility of Sakhalin, and to the presence of coal in north Japan, Primorsk, and northern China, the Sakhalin coal is not "ready" for market.

In Russian Sakhalin coal is worked chiefly at Due and Vladimirsk. It is lignite, with about 66 per cent of the caloric value of Welsh coal, and contains 71 per cent of coke. The chief obstacle to its use is the absence of facilities for loading it on shipboard; lighters have to be used for this purpose. Mr. C. H. Hawes (in the Uttermost East, London, 1903) mentions that a steamer of the Chinese Eastern Railway Co. intended to load 2,000 tons, but at the end of three weeks had succeeded in embarking only 150 tons. Other hindrances to development have been the inefficiency of the convict labor and Russian carelessness, which resulted in considerable damage to the mines. After geological surveys had been made it was estimated that the reserve of coal was 16,000,000 tons; the actual production in 1913—an average year—was 36,000 tons.

The lease of the mine at Due (at a royalty to the Government of one-fourth kopeck per pud) expired in 1914, and the lessee company then experimented with a new vein, 4 or 5 miles to the north of Alexandrovsk, thereby hastening its own end. The Government was to put up the lease to public auction for 36 years at Petrograd in 1914, a condition being imposed that the lessee should construct a harbor at Alexandrovsk for general use. The scheme of construction involved the building of a mole from Jonquière Head to the rocks called the Three Brothers, and the cost, as estimated in various projects put forward within the last 20 years, ranged from 3,500,000 to 7,000,000 rubles. Apparently there were no bidders, for the last report (1914) states that the mines are being let on a yearly basis, and are still being worked by Chinese labor. For 30 years the rumor has persisted that one of the most valuable mines is on fire.

In Japanese Sakhalin coal has long been mined at Sertonai, on the west coast near the Russian border, and veins have been located in the southwestern area, particularly in the Notoro Peninsula. Reports are published from time to time of newly located seams, but the results of investigation have proved disappointing. The most recent discovery tells of a seam 60 miles long and 1 to 3 miles broad on the east coast, stretching north from the mouth of the Poronai. The coal obtained, however, is very inferior; it is soft and breaks readily.

A Government coal-mining station has been established on the west coast. It must not be supposed, however, that the coal in the Japanese area is comparable in quality to that of the Russian half of the island. The following statistics of production, given in the Japanese Year Book (Y. Takenobu, Japanese Year Book, 1918; Tokyo, 1918) should be regarded with some caution:

	Tons.
1914	14,653
1915	27,665
1916	37,640

Oil springs and paraffin lakes are found at intervals for a considerable distance along the northeast coast of Sakhalin, especially near Chaivo Bay, on the Boatassin Creek, and Nutovo River. The discovery was officially reported in 1894, and the first shallow boring was made in 1900. An English company just before the Russo-Japanese War sent out an expedition which made a careful geological and analytical examination. Since then other important expeditions from Europe and the Orient have inspected the area and spent considerable sums in tests, but it yet remains to be proved that oil exists in commercially paying quantities.

The rumors from Japanese sources of the existence of "oil veins" in south Sakhalin have not been substantiated.

Iron mines exist in the north of Russian Sakhalin, but, as they have been only fitfully worked by the Russian Government, it seems that they do not promise to be of much value. Iron pyrites is found in Japanese Sakhalin, particularly in the Notoro Peninsula.

Alluvial gold has been discovered in both north and south Sakhalin in small quantities. There are Japanese reports, to which too much importance should not be attached, of the presence of silver and copper in the Naiko district. Amber is found on the shore of the Bay of Patience.

(5) MANUFACTURES.

In Russian Sakhalin the Gilyaks, Oroks, and Tungus hew out canoes and manufacture clothing out of dogskins. The Russian peasants are almost entirely engaged on the land, and there are no manufactures on any considerable scale. There is a small iron foundry at Alexandrovsk.

In Japanese Sakhalin there are four wood-pulp mills, each with an annual production valued at £10,000. There are several canning factories. A dry distillate factory was established at Toyohara in 1911 for utilizing the white birch, the elm, and other broad-leaved trees. In the production of charcoal, calcium acetate, and wood tar, 43,200 kokus (1 koku equals 10 cubic feet) of timber (432,000 cubic feet) are reported to be used annually.

(C) COMMERCE.

(1) DOMESTIC.

Principal branches of trade.

In Russian Sakhalin there is some traffic between the native tribes and the Russians, the former supplying furs in exchange for gunpowder and shot, potatoes, vodka, and tobacco. Also, at the time of the annual bear festival bears are frequently purchased with Russian supplies. These tribes also barter furs with the Japanese, who come to the Bay of Ni on the northeast coast for rice, cauldrons, kettles, and needles, and with the Manchu traders, who come from the mainland to some central spot on the Tim for Chinese cotton cloth (ta-pu) and coins to adorn the skirts of Gilyak ladies.

Amongst the Russian inhabitants themselves there is little trade. The peasants are almost self-sufficing, and such trade as exists consists merely of the sale of the small surplus of the

products of their farms or gardens and the purchase from the few general stores at Alexandrovsk, Derbensk, Rikovsk, and Slavo of such articles as hardware, clothing, brick tea, rice, tobacco, and gunpowder and shot.

In Japanese Sakhalin the Ainus traffic in furs, although they are more and more engaged in transport with dog and reindeer sledges and in the fisheries. The settlers in this part have better markets for their produce than those in the northern part of the island, since they can sell to the thousands of fishermen engaged along the coasts.

(2) FOREIGN.

(a) *Exports.*

The chief articles of export from Russian Sakhalin are fish, coal, and furs.

Fish is exported in quantities nearly equaling the total amount caught off the coast, but no information as to value is available. The products prepared from fish amounted in 1911 to 1,212 tons, in 1912 to 1,068 tons, and in 1913 to 690 tons. The 1913 catch was made into the following products:

	Tons.
Fish, salted by the Russian method	79
Caviar, prepared by the Russian method	22
Fish, dry salted for the Japanese market	274
Herring fertilizer for the Japanese market	274
Fish oil for the Japanese market	38
Caviar for the Japanese market	3
Total	690

Coal was produced in 1913 to the extent of 36,000 tons, and nearly the whole of this was exported. It was taken partly by tramp steamers of various nationalities, and partly by the Russian volunteer fleet, and steamers of the Chinese Eastern Railway Co.

Furs are taken by the richer Oroks and Gilyaks early in the year to Nikolaevsk on the Amur. Reindeer, sable, fox, and marten are among the furs thus exported. There used to be an export of sealskins, but the fur seal is now rare.

The chief exports from Japanese Sakhalin are fish, timber, and coal.

Fish is the most valuable product. The quantities and values of the fish manure exported to Japan in the period 1897–1903 were as follows:

Year.	Tons.	Pounds.
1897-1901 (average)	17,624	123,924
1902	19,979	140,864
1903	28,390	192,156

In 1903 the export of herrings amounted to 188,459 kokus (1 koku=4.9 bushels), 934,756 bushels, and in 1907 reached its maximum with 234,316 kokus, the amount falling in 1914 to 205,644 kokus, of which 1,800 kokus were salted and sent to China for food. The export of salmon, which in 1903 amounted to 4,639 kokus only, rose in 1914 to 17,977 kokus. The export of trout, which amounted to 27,061 kokus in 1903, reached in 1912 a total of 127,815 kokus, which, after a decline in 1916, was succeeded in 1917 by a still larger export of 167,620 kokus. The export of crab has developed in recent years, and 5,760,000 cans were exported in 1917, chiefly to America. There is also an export of trepang and sea cabbage to China.

Timber was exported to a value of £3,522 in 1912, and of £13,155 in 1913; these figures should, however, be increased by the value of the timber reaching Hakodate via Hokkaido ports.

Almost the whole of the coal produced is exported. In 1914 the production amounted to 14,653 tons, in 1915 to 27,665, and in 1916 to 37,640.

Besides these three chief exports, match sticks, wood pulp, and probably all the charcoal, calcium acetate, and wood-tar products are exported.

(b) *Imports.*

No information is available as to the amount of the import trade of either part of the island. In Russian Sakhalin the local products, are so scanty that many of the necessities as well as the luxuries of life have to be imported. These include some cereals, brick, tea, rice, tobacco, clothing, hardware, and rifles. In Japanese Sakhalin, the Japanese craftsman can supply most of the native needs, but rice, tobacco, tea, and clothing have to be imported, and the fishermen need nets and gear, tins for canning, and other articles, besides salt, which is imported from Taiwan (Formosa).

(c) *Customs and tariffs.*

Information is wanting as to whether any customs dues are collected on imports to Sakhalin, or on goods passing from one part of the island to the other. No mention is made of them in the Japanese budget, nor in the scanty details of the Russian budget available.

(D) FINANCE.

(1) *Public finance.*

Until 1905 there were no taxes in Russian Sakhalin, and any taxation since imposed has been light. The treasury receipts for 1911, mostly from shop licenses, amounted to 57,426 rubles, while the expenditure for the island administration must have approached 1,000,000 rubles.

In Japanese Sakhalin, since the establishment of the special account in April, 1907, a fixed grant has been made annually by the national treasury to help toward defraying the expenses of colonization and administration; but apparently in the budget estimates for the year 1918–19 the need of this is for the first time not anticipated. The budget estimates for that year (Finance and Economic Annual of Japan, 1918, p. 192) were as follows:

REVENUE.

	Yen.
Ordinary:	
Direct taxation	312,819
Revenue from public undertakings and State property	1,564,049
Licenses and fees	228,221
Stamp receipts	88,393
Miscellaneous	17,996
Profits of tobacco monopoly	144,113
Total	2,355,591
Extraordinary:	
Proceeds of sale of State property	283,432
Surplus of preceding year transferred	462,815
Proceeds of loans received	1,203,100
Miscellaneous receipts	2,934
Total	1,952,281
Total revenue	4,307,872

EXPENDITURE.

Ordinary:	
General administration	1,428,967
Reserve fund	80,000
Transferred from general account	41,519
Expenses for shrines	8,000
Total	1,558,486
Extraordinary:	
Expenses for management of business	110,297
Building and engineering	526,218
Colonization	562,550
Special undertakings expenses	1,403,100
Expenses for taking of census	4,262
Special allowance	142,959
Total	2,749,386
Total expenditure	4,307,872

With this may be compared the budget for 1913–14, the last pre-war year, when the ordinary revenue amounted to 1,983,934 yen, and the extraordinary revenue to 687,013 yen, making a total of 2,670,947 yen. For the same year the ordinary expenditure was 1,007,665 yen and the extraordinary expenditure 1,270,381 yen, making a total of 2,278,046 yen; there was thus a surplus of 392,901 yen.

(2) *Currency.*

The currency in the Russian and Japanese parts of the island is the same as in the rest of the two Empires. In Russian Sakhalin, as in eastern Siberia, more silver and fewer notes were in circulation before the war than in western Russia.

In accordance with the imperial ordnance of October 29, 1917, the Japanese have issued paper notes of small denominations—50, 20, and 10 sen (100 sen=1 yen=2s. 0½d., approximate)—to supplement the usual Japanese coinage of gold, silver, nickel, and bronze pieces. The total issue of the notes to the end of August, 1918, was 65,689,000 yen.

(3) *Banking.*

The Hokkaido Colonial Bank, with an authorized capital of 10,000,000 yen (£1,020,833), of which 6,250,000 yen have been paid up, was established to supply capital for the colonization and exploitation of Hokkaido and Japanese Sakhalin. The bank is empowered to make long-term loans at low interest on the security of real property and short-term loans on the security of the agricultural or marine products of Hokkaido and Japanese Sakhalin. It is authorized to make loans on pledge of the shares and debentures of joint-stock companies which have for their object the colonization and exploitation of Hokkaido and Japanese Sakhalin, and to subscribe for and take up the debentures of such companies. It can also make loans without security, redeemable by annual installments, or within fixed terms, to industrial, fishery, forestry, or stock-breeding guilds, or to associations of such guilds.

(E) GENERAL REMARKS.

The population of Russian Sakhalin has steadily decreased since the time of the Russo-Japanese War. The reasons are not hard to determine. The island, owing to its long use as a penal settlement, bears an ill name; and, except to the speculative miner, its natural resources offer none of the attractions of the mainland. Agriculture will never be a serious factor in its development; the possibilities of economic expansion are greatest for timber, coal, and petroleum. Timber, however, had been cut and burned over large areas before the settlement of 1905, and facilities for transport are lacking, so that, although the world scarcity of timber may temporarily foster the development of this industry, it can scarcely prove a permanent source of prosperity. The coal industry promises greater reward for development, but it is seriously handicapped by the want of facilities for loading and by the damage caused by careless mining. These defects are especially important in view of the competition of the coal mines of Manchuria, Primorsk, and Japan. A petroleum industry is often spoken of, but it does not exist at present. The presence of petroleum in quantities large enough to make exploitation remunerative has not yet been proved. The development of the Russian territory remains, therefore, uncertain, dependent on factors which have not yet been determined.

Japanese Sakhalin has the advantage of a less severe climate, with less fog. Agriculture, therefore, has a better chance and is likely at least to provide the means of livelihood for a considerable number of peasants; and there are still better prospects for stock breeding. The timber and wood-pulp industries promise considerable development, but a careful afforestation policy is necessary. Fishing has been the staple industry in the past and may continue to be so; the island fisheries have, however, been far outstripped by those along the Siberian coast. Moreover, the great schools of fish display nervousness, and it is possible that the effect of the increasing steamer traffic may be to frighten away the fish from the waters off the island, as they have already been frightened from the coasts of Japan. The coal industry continues to grow, but the inferior quality of the product is likely to make progress slow. The possibility of developing an oil industry is even more doubtful in the southern portion of the island than in the northern. The prospects of the southern part of the island are, on the whole, good; and this is due largely to the activity of the Japanese Government in encouraging settlement and investigation and in maintaining control of the exploitation of the natural resources.

Mr. UNDERWOOD. Mr. President, I wish to state for the record why I do not think it wise to vote for the amendment offered by the Senator from Arkansas. I have not engaged in the discussion in reference to procedure in the ratification of the four-power pact or the supplement to it. That is a matter which comes before the Committee on Foreign Relations. Those Senators on the committee direct the procedure in the Senate, and I have no doubt they are capable of handling the situation satisfactorily to those interested. But this amendment goes right to the substance of the treaty and is material in the question of ratification, not only by us, but by the other powers.

It must be borne in mind that the purpose in writing the four-power treaty was to protect the safety of the American islands in the Pacific by arranging for a settlement of disputes in reference to them by arbitration in order to avoid war. Now, if that is not the purpose of making the four-power treaty and ratifying it, then I do not know what the purpose is. It is a purpose in a minor way to accomplish for our islands and the islands of the other three powers in the Pacific exactly what I voted for in reference to a large number of nations in the world when I voted for the ratification of the Versailles treaty. To my mind there is no distinction.

Of course, there are two sides to what shall be in and what shall be out. More than one power has to agree to these treaties. The commissioners representing the United States Government did not have the only say as to what should be done. They had to meet objections which were made by other powers, and the viewpoint of other powers had to be considered. A treaty, like a contract, is not a one-sided proposition; it is a matter of give and take.

So far as I am individually concerned, I was entirely satisfied with the four-power treaty when the home islands of Japan were embraced in it, because if I was willing to respect the rights of Japan in her insular possessions, I saw no reason why I should not be willing to respect her rights in her insular dominion, her home land, and that was the situation when the treaty was signed. Subsequently Japan indicated that she desired to have her home islands withdrawn. The treaty not having been ratified by the council of the Empire of Japan, of course she had a perfect right to say that her home islands should come out, or she would not ratify and conclude the treaty. But when she asked for the making of the supplementary treaty which is now pending before the Senate, providing for the withdrawal of her home islands, she desired to leave other islands within the terms of the treaty.

If Japan had been willing to exempt from the treaty the southern half of the island of Sakhalin, that belongs to her under a treaty of peace entered into with Russia nearly 20 years ago, the title to which is not in dispute, so far as I am individually concerned I would have been perfectly willing to leave it out.

The point of interest to me was not the Japanese islands. It was not to protect the Japanese islands that I signed this treaty or agreed to it as one of the delegates. I entered into the contract to protect the islands of the United States and to protect the people of the United States. Though others differ with me and are entitled to their opinion, yet in my judgment it is a great achievement that we have accomplished, an understanding by which the Philippine Islands are no longer a danger point on the horizon of the East.

I would have no personal objection to the exclusion of the island of Sakhalin as proposed by the amendment of the Senator from Arkansas if I had the determination of it; but I have not. That is the Japanese part of the treaty. They are proposing to put the blanket of the four-power treaty over the Philippine Islands for us. They ask us to put under the blanket of the four-power treaty the islands named in the treaty, not including their homeland, but including the southern half of Sakhalin which belongs to them. I think if we adopt the amendment of the Senator from Arkansas, striking out the reference to the southern half of the island of Sakhalin, then in all probability, or possibility perhaps I had better say, Japan would not ratify the treaty, and if she did not ratify it then, whatever is accomplished under the four-power treaty would be gone.

Now, as to those who think that a mistake is being made in making and ratifying the four-power treaty, I can see very well why they should vote to strike out the reference to the southern half of the island of Sakhalin, because possibly then Japan may reject the treaty. But to those having my viewpoint, who believe that the four-power treaty is of value to the people and the Government of the United States, I say that I see no reason why it should be stricken out and the treaty endangered.

I listened to the argument of the Senator from Arkansas in reference to the treaty involving us in war. He referred to something said in my speech the other day. I see no danger of Russia making war upon Japan in the next 10 or 11 years, because I have not the slightest idea, and I do not think any other man who has studied history or the building of armies believes, that it is possible for Russia to recover within 10 years. I believe that within less than that time Japan will have removed her troops out of the northern half of Sakhalin and out of the main coast of Asia, and if she does there is no question for dispute.

Of course nobody can look into the future. I do not set myself up as a prophet; I can not say what is coming; but I am thoroughly convinced for two reasons that Sakhalin would not be the point of attack.

The first reason is that, if it was the point of attack, Russia would involve herself with three other nations, not in the way of attack, but the question would have to be left to an international understanding under the terms of this treaty; not as to the involvement of arms but possibly the involvement of finance, and she has no finances. She has never had them. Even in the greatest days of her Empire in modern times she was always short in finances. So for that reason, if she wanted to attack Japan at any time I think the southern half of Sakhalin would be the last point she would attack.

Mr. JOHNSON. Mr. President, will the Senator allow me?

The PRESIDING OFFICER (Mr. KELLOGG in the chair). Does the Senator from Alabama yield to the Senator from California?

Mr. UNDERWOOD. Certainly.

Mr. JOHNSON. The Senator's back was turned to me, and perhaps I may have misunderstood what he said. I understood him to say, and if I am in error I hope he will kindly correct me, that if Russia should in the next 10 years attack the island of Sakhalin, she would find herself involved with three other nations.

Mr. UNDERWOOD. The Senator may not have heard me. I said not in war.

Mr. JOHNSON. What three other nations? That is the point of my query.

Mr. UNDERWOOD. Of course under the four-power treaty the United States, Great Britain, and France could be called in by Japan to discuss the question involved in the attack.

Mr. JOHNSON. So that if Russia attacked she would find herself involved with the United States, Great Britain, France, and Japan.

Mr. UNDERWOOD. Not in war.

Mr. JOHNSON. Not necessarily, the Senator means, in war?

Mr. UNDERWOOD. That is what I said.

Mr. JOHNSON. That is what the Senator meant, is it not?

Mr. UNDERWOOD. Yes; but in a diplomatic controversy which I said would seriously affect any chance of Russia to finance a war.

Mr. JOHNSON. And if she continued her attack she might necessarily find herself involved in war, too, might she not?

Mr. UNDERWOOD. I do not think she would, so far as this country is concerned.

Mr. JOHNSON. She might, might she not?

Mr. UNDERWOOD. Anything might happen.

Mr. JOHNSON. That is what might happen under this treaty?

Mr. UNDERWOOD. Ten years ago I would have said that an American Army of 2,000,000 men would never land in France. I am not a prophet. I have listened to some of my friends prophesy on the floor of the Senate during the last two weeks. They may be good prophets, but I doubt it. I am not going to indulge in prophecy myself. This is a practical question and I am speaking of the practical question before the Senate. The Senator from Arkansas [Mr. ROBINSON] insists that this island would be the point of attack. I do not know where Russians would attack, but I know where they have attacked in the past. In the last two decades there have been two great wars in that immediate neighborhood between those Governments here involved.

Mr. ROBINSON. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Arkansas.

Mr. ROBINSON. I thought I made it clear that the conflicting authorities of the Russian Government and the Japanese Government would likely bring about a state of war on the island itself.

Mr. UNDERWOOD. That is what I understood the Senator to say.

Mr. ROBINSON. I did not imply that the possession of the island was necessarily of so much importance that a nation attacking Japan, particularly another nation than Russia, would want to seize that island first. The point I attempted to make was that in addition to its proximity to the Asiatic mainland making attack probable was the further consideration that already conflicts between what we may term Russian authority and Japanese authority occurs on the island of Sakhalin, and this is likely to ripen into a condition of threatened aggression, if indeed that does not already exist.

Mr. UNDERWOOD. I did not understand the Senator in that way. I thought he was referring to something else.

Mr. ROBINSON. I also attempted to make the other point, that, because of its proximity to the Asiatic mainland, it was quite natural to expect an attack from Russia in the event she ever tried to expel Japan from her territory.

Mr. UNDERWOOD. I now understand better what he said, but as I understood the Senator's argument—and I sat here very carefully to listen to it—it was that the danger point would be that if Russia attacked Japan she would make her point of attack the island of Sakhalin. I was merely calling attention to the fact that in the Chinese-Japanese war the attack was at the borderland of Korea and at Port Arthur, and in the Japanese-Russian war it was not at Sakhalin; it was not at any of the islands of the Pacific; it was not even at Vladivostok; but it was Korea and Port Arthur where the attack took place.

I may be mistaken, but I think any military man would say that should these two great countries become involved in war some day in the future—and I hope they never will; I hope that the great principles of arbitration and the settlement of disputes outside of the arbitrament of arms may come to live in the world and that war between those two great nations may never happen—and Russia should launch an attack, she would attack the northern end of Korea, because she would then not have to cross the sea, and she would strike at the most vital point of Japan. If I should care to prophesy, I should venture that prediction.

Mr. ROBINSON. Undoubtedly a well-advised military campaign is directed against vital points, and the vital points that may be successfully assailed; but the contention I make is that with Japan in possession of the southern portion of the island of Sakhalin and Russia claiming ownership of the northern portion, with Japan already exercising what appears to be sovereignty over the northern portion, a conflict between Russian authority and Japanese authority on Sakhalin is inevitable, unless Russia completely gives way.

Mr. UNDERWOOD. Or unless Japan moves out.

Mr. ROBINSON. Yes.

Mr. UNDERWOOD. Japan has given her pledge in an open conference to eight nations that she will move out of Manchuria and the northern half of the island of Sakhalin just as soon as the safety of her own people and her own territory will permit.

Mr. ROBINSON. That is true as to Siberia also, is it not?

Mr. UNDERWOOD. Yes.

Mr. ROBINSON. But the vice of the proposition from the standpoint of those who think they would protect those territories now in Japanese possession against continued aggression lies in the fact that Japan assumes to herself the sole right to determine when she can or when she shall do that. I respectfully submit that the history of her procedure in Korea and Manchuria and even in Shantung and also in Siberia does not justify the expectation that she will reach the conclusion to move out in the early future, if she ever does, and I doubt whether she ever does.

Mr. UNDERWOOD. Of course, we do not know the dangers which may confront Japanese subjects on that border, although we know that a Japanese consul was murdered there and we know that there were a number of Japanese citizens killed. So far as I myself am concerned——

Mr. ROBINSON. Mr. President——

Mr. UNDERWOOD. If the Senator will allow me to continue for a moment, I hope and wish that Japan may move out at once, and I believe that she will move out of that territory at a very early date; but the Senator from Arkansas must remember that we ourselves at this time are occupying somewhat of an anomalous position in some of the islands of the Carribean Sea. A nation sometimes is slow to move, but nevertheless I believe long before Russia ever recovers Japan will be out of that territory, because Japan is a proud nation and I think will endeavor to protect her word given in open conference to eight other nations.

Mr. ROBINSON. Will the Senator permit an interruption at that point?

Mr. UNDERWOOD. Yes.

Mr. ROBINSON. So long as Japan persists in her present policy in Siberia, Manchuria, Mongolia, Shantung, Korea, and Sakhalin, it is a physical impossibility to avoid conflicts. If Japan is to remain in those respective territories until harmonious relations have been established between her troops and the natives, her occupation will probably last until the end of time.

Mr. UNDERWOOD. The Senator is referring to national conflicts, of course.

Mr. ROBINSON. Yes; but it was not a national conflict that prompted Japan to go into Korea and to take possession of the lower half of Sakhalin.

Mr. UNDERWOOD. It was a national conflict that took her there in the beginning, but she did not move out after she had concluded the war. That was the difficulty; she went in during the Russian war, and she did not move out; but she has pledged herself to eight nations to move out of that territory, and I believe she will not break her faith with those eight nations. The Senator from Arkansas may say I am wrong; but that is a matter of opinion. I say I am right.

Mr. ROBINSON. The Senator, of course, remembers the history of Korea?

Mr. UNDERWOOD. I do.

Mr. ROBINSON. And that Japan gave exactly the same pledge, or even a stronger pledge, in that case; that the United States and Great Britain were committed to the execution of that pledge; that the pledge was totally disregarded; and that the last semblance of hope of Japan keeping that pledge has disappeared forever.

Mr. UNDERWOOD. I remember that, and I think the incident is not creditable to my own country.

Mr. ROBINSON. I agree with the Senator.

Mr. UNDERWOOD. I think if my own country had taken the stand which duty demanded the result would not have been the same.

Mr. ROBINSON. The history of Japan will not support the hope of the Senator from Alabama that she will speedily vacate the territories of which she is now in possession which belong to China and Russia.

Mr. UNDERWOOD. I think the present situation is entirely different from that which formerly existed. I have just called the attention of the Senator from Arkansas to the fact that Japan stayed in Korea by the consent of the great nations of the world. The Senator knows that as well as I do.

Mr. ROBINSON. Did the United States consent to it?

Mr. UNDERWOOD. It is my understanding that she did.

Mr. ROBINSON. No, Mr. President; I am not willing that my good friend, the Senator from Alabama——

Mr. UNDERWOOD. I do not mean that the United States gave affirmative consent, but she did negatively, for she declined to move.

Mr. ROBINSON. There is not much difference between the Senator's viewpoint touching the action and attitude of the United States toward Korea and my own, but I am not willing that the Senator should put our Government in the attitude of having consented to the ravishment of Korea. What we did has never been fully disclosed, it is true; but when we consider the course that affairs took and the final and complete subjection of Korea to Japanese authority, it is indeed, in my judgment, a shameful blot on the history of all the nations concerned. But the point I am making is that it is so recent an incident in history as not to justify the hope which the Senator expresses that we will be a powerful factor in moving Japan out of China and Russia.

Mr. UNDERWOOD. I take altogether the opposite view. I do not see a very material difference between giving actual consent and withholding your hand and saying somebody else must act. I do not think that is a manly thing for an individual or a nation to do.

Mr. ROBINSON. I agree with the Senator absolutely.

Mr. UNDERWOOD. I know the Senator from Arkansas does. The great nations of the world did not stand by Korea and protect her at that time. If they had there would have probably been a different story. I am not criticizing Japan entirely, because we have taken some territory by the force of arms, and so has every other great civilized nation. I only hope that that period in the world's history has passed forever and that the subjugation of weaker nations may never again be carried out by force. That is why I stand, with all my heart, all my mind, and all the patriotism which I possess, for the four-power treaty, because I believe it is a step toward the reign of peace. I say, however, the situation in Korea and in the northern half of Sakhalin is very different from that in the marine Provinces of Siberia, if I may properly so describe them. There Japan went in, marching shoulder to shoulder with American troops, having in view the very proper purpose of helping some of our allies or some of those who desired to be our allies out of Russia. We came out; Japan did not come out with us; but she has solemnly promised not only our Government but seven other great nations of the world that she will come out.

Mr. ROBINSON. When she gets ready.

Mr. UNDERWOOD. We should do Japan the justice of stating what she said. She did not say "when she got ready," but she said when her people and her territory were safeguarded against danger from red armies and aggressions.

Mr. WILLIAMS. Mr. President, by the way, what was our promise with regard to leaving the Philippines? It was rather conditional, was it not, when a stable government was established, and we were to be the judge of that? Does not that mean when we get ready?

Mr. UNDERWOOD. Certainly. The Senator and I were right some years ago in our position as to the Philippines, as we evidenced by our votes; other people are not right even yet.

Mr. President, I did not intend to speak at any length, because the Senator from Arkansas says he desires to vote, and I think he is entitled to have a vote before he leaves. I would not have said anything on the subject except that I was one of those who signed the treaty, and I think it would be disastrous to adopt the Senator's amendment, because it might defeat the treaty. I do not care anything about the northern half of the island of Sakhalin or the southern half of it, but I do not want the four-power treaty to be defeated. Japan wants this island included in this pact, as we wanted the Philippine Islands included. That is her part of the bargain. I think if we vote now to strike it out we may endanger the treaty, and therefore we ought to vote down the amendment of the Senator from Arkansas.

Mr. WILLIAMS. Mr. President, before the Senator from Alabama takes his seat I should like to inquire, suppose that the Parliament of Japan should amend the treaty by striking out the Philippine Islands, what would happen then?

Mr. UNDERWOOD. We would not exchange ratifications.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

Mr. ASHURST. Let us have the yeas and nays.

Mr. ROBINSON. Mr. President, before the vote is taken I should like to ask the Senator from Alabama why he regards it as so important now to exclude the mainland of Japan when he signed and urged the Senate to ratify a treaty which embraced it, and signed with knowledge that the mainland of Japan was included in the treaty?

Mr. UNDERWOOD. The Senator was not listening to me when I said the first words of my recent remarks. I said that I had no objection in the beginning to the mainland of Japan being in, that I have not any objection now, and that I signed the supplemental treaty not because I wanted the mainland of Japan out but because Japan said she wanted it out; that when I was ready to respect the rights of Japan to her insular possessions I stood equally ready to respect her rights in her insular dominions, which are her homeland; and that never for a moment has there been any desire on my part, so far as I am individually concerned, to exclude the homeland of Japan except that Japan asked to have it done, and equally I have no desire——

Mr. ROBINSON. In other words, the Senator stands ready to do whatever Japan wants done regarding the matter—either to include the mainland or to exclude it?

Mr. UNDERWOOD. The Senator is not fair about that.

Mr. ROBINSON. Is not that true?

Mr. UNDERWOOD. Yes; as to Japan's own possessions, but not as to anything that affects us; not as it affects us.

Mr. ROBINSON. I think the Senator ought to be a little more sparing of his use of the words "fair" and "unfair." I think the Senator must know that if any conclusion is deducible from his statement, it is that he was willing to include the mainland of Japan, and he was willing to and did include it in the four-power treaty, and Japan objected, and he was willing to take it out because Japan objected. I think my conclusion is justifiable that he was willing that Japan should have the mainland either included or excluded, that she should have whatever she desired in connection with it.

Mr. UNDERWOOD. But the Senator did not say, before, "in connection with Japan's own islands." That is the only objection I have to his statement. In his original statement he did not say that I was willing for Japan to do what she desired in reference to her own islands. When it came down to our islands, at one time it was suggested that the naval treaty should go so far as to include the islands of Hawaii. I very seriously objected when I heard that.

Mr. WILLIAMS. What islands?

Mr. UNDERWOOD. The Hawaiian Islands, which are excluded from the naval treaty. I very seriously objected, because I wanted the fortifications in Hawaii to continue, and they will be continued. That was in reference to the fortifications in the naval treaty, not in reference to this treaty; but as to whether Japan has one island in here or a dozen islands in here makes no difference with me. What I am interested in is that the Philippine Islands should be in this treaty and that we should have the protection of an understanding instead of the protection of a battleship.

Mr. JOHNSON. Mr. President, I do not propose to indulge in any post-mortem in reference to the treaty which has just been ratified by the Senate. I recognize how very unprofitable it is to indulge in any retrospect regarding that treaty, or to attempt now to corroborate or confirm anything that may have been said upon the one side or the other; but I can not refrain, in passing, from suggesting to the Senator from Alabama [Mr. UNDERWOOD] that the position he has just taken is exactly the position which was taken by those who opposed that treaty. He is eternally right when he says that the purpose of the four-power treaty was to protect the American islands in the Pacific, and that there is no distinction between the purpose here and the purpose of the Versailles treaty. He is right because the obligation that we had under the Versailles treaty—by that he means the League of Nations, of course—is exactly the obligation which we have under the four-power pact. That was the position of the senior Senator from Mississippi [Mr. WILLIAMS] before the Foreign Relations Committee. I am very glad, indeed, that finally it appears to be the position taken upon this floor by the proponents of the treaty.

Again, Mr. President, the Senator makes very plain his attitude, too—an attitude not dissimilar from that that we took upon this floor a week ago when we were protesting against the ratification of the treaty. He said that if within the next 10 years there should be an attack by Russia upon the island of Sakhalin, Russia would find herself involved with three other nations besides Japan; and when asked what nations Russia would find herself involved with in case she attacked Sakhalin, the Senator from Alabama said she would find herself involved with Great Britain, with France, and with the United States of America. He added, not necessarily in war, and in that he is entirely correct. She would be involved not necessarily in war, Mr. President, but possibly in war; and when that is the construction put upon the treaty by one of the writers of the treaty, we may say to the people of the United States finally that there is no longer a question about what the four-power treaty is intended to do and what actually

it does do, for we have now not the mere ipse dixit of Senators who oppose the treaty; we have now the learned view and the dispassionate judicial utterance of the distinguished Senator from Alabama, who was one of the writers or one of the progenitors of the treaty.

Mr. President, it was my purpose to speak for just a moment or two upon the question which has been agitating the Senate for the last two days concerning the matter of ratification. I confess a very great perplexity in that matter. I do not understand, and I admit it very readily, why it was that a treaty came to us with two distinct parts, and one part alone apparently was acted upon. I do not propose to enter into any technical analysis of whether a ratification of a part might constitute a ratification of the whole. That seems to me something in which it is unnecessary at this time to indulge. The problem presenting itself to me is whether we ought not to be sure, if the matter contained in the reservations is important, that that matter shall be passed upon by the Senate of the United States, part of the treaty-making power. If there is any doubt or any uncertainty concerning the matter, if it rests now in speculation and is a matter for technical argument, that ought to be done which is essential to be done to make the matter wholly certain.

I admit that I am not wholly certain as to why the particular reservation concerning domestic questions was written into a separate document at all. I can not quite see, I confess, how domestic questions could be involved in the terms of the treaty; but evidently it was supposed that they were in some fashion involved, that it was necessary to make the matter very plain and it was essential to remove some ambiguity, and the reservation was adopted by the American delegates and the other representatives and was presented to the Senate by the President of the United States.

Mr. President, this matter of domestic questions is one of extraordinary importance to the territory from which I come. I have refrained since I have been here from discussing the Japanese question in relation to California except in incidental fashion; and while others have spoken upon that subject, and sometimes their words have been imputed and attributed to me, it is a fact, sir, that while I have been here I have said but little of that character. I do not propose at this particular moment to indulge in any extended remarks concerning the problems which are real problems upon the Pacific coast and which have led to more or less diplomatic correspondence and perhaps more or less friction with the Empire of Japan. Suffice it to say, sir, that there are involved three distinct important problems. The first relates to the endeavor on the part of various Western States to protect their agricultural land. The second relates to the prevention of Japanese immigration. The third to citizenship of Japanese. We tried to prevent immigration by notes exchanged by the two Governments, and the vice of that kind of treaty making was never better demonstrated, sir, than by the inefficiency of the notes exchanged between the Governments relating to Japanese immigration; and you have but to compare the effect of the Chinese exclusion law on the one hand—an act of Congress—with an agreement entered into that diplomatically is termed a "gentlemen's agreement," on the other hand, to see the utter failure of the one and the efficacy of the other.

Mr. President, these problems are very, very grave problems upon the Pacific coast, and not only upon the Pacific coast at present but in other States that are contiguous to the Pacific coast. Indeed, the problem has traveled far back now into some States of the Middle West. It is now no longer local. It is national. If there be any doubt whatever as to whether or not these questions which are domestic in character may come under the treaty that has just been ratified, a course should be pursued by the Senate and by those in charge of this treaty that will make the matter plain beyond the peradventure of a doubt. No self-respecting nation, of course, can submit its domestic problems to any other nations at all. It is an impossibility in the very nature of nationality that one country should submit its domestic questions to another for decision, or to any number of others for decision.

Mr. UNDERWOOD. Mr. President, will the Senator allow me to ask him a question there?

Mr. JOHNSON. I shall be very glad to have the Senator do so.

Mr. UNDERWOOD. If there had been no declaration by the delegates or the commissioners to the late conference, if there had been no supplemental treaty, if there had been nothing before the Senate except the original four-power treaty, which in its terms related to the rights of the contracting parties in their insular possessions and insular dominions in the Pacific, would the Senator contend for a minute that any question involving the lands of California or immigration into California was raised in that pact?

Mr. JOHNSON. Mr. President, I have already said that I was unable to see the reason for the insertion of the particular reservation.

Mr. UNDERWOOD. I was listening to the Senator, but our minds do not always keep the channel, and what he said escaped me. I beg his pardon.

Mr. JOHNSON. In the beginning of my remarks I said that I was unable to observe the absolute necessity for any such reservation, but somebody deemed it necessary; and then there is another thing I know, Mr. President, with which perhaps the Senator from Alabama is not quite so familiar. I know the peculiar ingenuity of the people with whom we are dealing, and I know how it is possible for them, by a process of logic we can seldom follow, to bring one sort of conclusion from a premise from which both of us may start—a conclusion utterly different from that which we could reach by any logical processes. I know that that is the way in which they deal, and that it is sometimes an impossibility to know from the spoken words what may be ultimately in the minds of those who speak those words.

Mr. President, we have here a treaty which our friends on this side who advocate it say is a mere treaty of consultation. I eliminate from that class of advocates the distinguished Senator from Alabama, because he has made very plain to-day his view of this treaty.

Mr. UNDERWOOD. I hope the Senator will not leave any misunderstanding in the RECORD.

Mr. JOHNSON. I was eliminating the Senator from Alabama. Does he want to be included?

Mr. UNDERWOOD. The Senator referred to the question of war——

Mr. JOHNSON. Does the Senator want to be included among the advocates referred to?

Mr. UNDERWOOD. I want it distinctly understood that I do not claim there is anything in this treaty which relates to war, but there is the power, the great power, of the moral influence of four great nations behind this, which will control.

As a matter of fact, if the Senator will pardon me just for a minute, nations which go to war must have supplies, they must have fuel, and they must have money. The moral influence of these four great nations, without drawing a sword or firing a gun, will be such that it will prevent war and maintain peace.

Mr. JOHNSON. Does the Senator mean they will prevent war by refusing supplies, by refusing money, by boycotting them, and the like?

Mr. UNDERWOOD. I believe——

Mr. JOHNSON. Will the Senator not answer that?

Mr. UNDERWOOD. I believe in it for peace.

Mr. JOHNSON. Of course we believe in peace. It is a beautiful and a sacred name.

Mr. UNDERWOOD. I think I heard the Senator express the same viewpoint——

Mr. JOHNSON. I do not know what the Senator is treating of now.

Mr. UNDERWOOD. In the debates which occurred here a year or two ago.

Mr. JOHNSON. Let me ask the Senator if he will not answer, does he not believe that under this treaty we have the right to withhold supplies and money, that we may boycott, that we may put economic pressure on, and the like?

Mr. UNDERWOOD. I think that under this treaty, of course, and outside of this treaty——

Mr. JOHNSON. I am speaking of what we can do under the treaty now, not what we can do outside. We could do lots of things outside.

Mr. UNDERWOOD. Within the treaty and outside of it——

Mr. JOHNSON. We may do those things?

Mr. UNDERWOOD. We can refuse, and we ought to refuse, to lend credit to a nation to go to war.

Mr. JOHNSON. All right.

Mr. UNDERWOOD. We can refuse, and ought to refuse, to lend supplies to a nation to go to war.

Mr. JOHNSON. Very well.

Mr. UNDERWOOD. And I should be very glad, when I thought the cause was right, to advocate that my Government should take that position in order to maintain peace.

Mr. JOHNSON. Let me ask the distinguished Senator this: Under the treaty do we say that we can agree to do those things in concert with our allies?

Mr. UNDERWOOD. No. The treaty says—and I do not say it says any more or less, just as the Senator knows—that these powers shall meet to consult as to what shall be done, and they can consult and then go home and do what each individual of

them wants. If it were to prevent the bringing on of a war, I should be very glad to back up any effort of the commissioners representing the United States Government by withholding credit and supplies in order to maintain peace.

Mr. JOHNSON. And economically boycotting?

Mr. UNDERWOOD. You may call it an economic boycott, but an economic boycott to maintain the peace of the world in my humble judgment would be greatly approved.

Mr. JOHNSON. I am not questioning how good or how bad it would be, but, of course, if under this treaty you can indulge, by virtue of your compact, in an economic boycott, under this treaty you can indulge, too, in force. That seems to me to be as plain as that night follows day. But now that the discussion is over, will the Senator from Alabama take it amiss if I ask a question?

Mr. UNDERWOOD. I will be glad to answer if I can.

Mr. JOHNSON. I would not ask the Senator during the time of the debate, but I have been told by three of his colleagues that he considered this treaty to be substantially article 10 of the league, and that there was force behind it. Was that inaccurate?

Mr. UNDERWOOD. Usually things grow as they get farther away from us.

Mr. JOHNSON. That is likely. I did not ask the Senator the question during the debate, but I do not think it is inappropriate now.

Mr. UNDERWOOD. I never contended that there was force behind article 10 of the League of Nations. There may have been Senators who took the same position I did, but I refused to vote for reservations as to article 10. Article 10 of the League of Nations' covenant proposed that the signatory powers to that agreement should respect each other's rights, and I say there is no compact of peace which can be made which has not as its initial step an agreement to respect each other's rights.

Mr. JOHNSON. Ah, but article 10 provides more than that.

Mr. UNDERWOOD. That is the substance of article 10.

Mr. JOHNSON. Oh, no; there is more than that in article 10.

Mr. UNDERWOOD. It provides for respecting and preserving, undoubtedly.

Mr. JOHNSON. There is a great deal of difference between respecting and preserving.

Mr. UNDERWOOD. The Senator need not indict me on that question. I disagreed with him and many men on his side.

Mr. JOHNSON. That is true, and the Senator from Alabama has been reinforced by many men on this side in his present view. I grant that.

Mr. UNDERWOOD. If the Senator will allow me, I supported the League of Nations because I believed in it. I have not changed my viewpoint.

Mr. JOHNSON. I do not question that.

Mr. UNDERWOOD. I am not prepared to take back any of my support now, and I am not standing for this treaty because it has any force in it. I think every man who sits at the table would be free to use his own judgment. Under the League of Nations every Government that sat at the table would be bound by certain restrictions agreed to in the League of Nations. That is not so here; but because it is not is no reason why I should not support this proposal when it is a step looking to peace, and an agreement, just as was true in the case of the League of Nations, and the vital thing in the League of Nations—that we would respect other people's rights. If you are not prepared to respect other people's rights, then you might as well draw your sword and bring on your guns for action tomorrow.

Mr. JOHNSON. Why? Has there ever been a time in the history of this country, Mr. President, when we have not respected other people's rights? Is it conceivable that this democracy, in all the years that it may exist, if it continues from now for a thousand years, will fail to respect other people's rights?

Mr. UNDERWOOD. I agree with the Senator; but why should we not invite other people also to respect our rights?

Mr. JOHNSON. Does the Senator think that by inviting other people to respect our rights thereby we would accomplish more than by not agreeing to respect rights when all nations assume to respect rights?

Mr. UNDERWOOD. I heard it stated in debate the other day, as a doctrine of international law, that nations agree to respect each other's rights; but, so far as I am concerned, I have never found it in international law. I would like to see the gentlemen who make that statement find me the place in international law where there is any such determination. But I do say that when 4 nations, or 10 nations, or 27 nations enter into a solemn compact to respect each other's rights there is some greater binding force to it, and it is more for the benefit of the world than when you simply sit down and say, "We will respect each other's rights as long as we want to."

Mr. JOHNSON. I might follow the Senator from Alabama, whom I would be delighted to follow ordinarily, even in what he last said. I have not any objection to agreeing to respect other nations' rights, or having other nations agree with us to respect all nations' rights, but I am not ready to maintain the territorial integrity of all the nations on the face of the earth, or other nations like Great Britain and Japan, and that is a very different proposition from agreeing to respect rights. I am not ready either to enter into a pact in respect to aggression by which with other nations the most efficient means of meeting the aggression shall be determined, because I know and the Senator from Alabama knows and there is not a man who has studied this pact but knows that when you determine the most efficient means to meet the aggression there will come a time, whether it be in one fashion or another, when you will be called upon to execute those means, and then there will be no other way you can pursue the course of national honor except to execute those means.

The Senator gets away from the two propositions which he made very, very plain, one that the purpose of this pact was the purpose involved in the League of Nations. I do not disagree with the Senator from Alabama on that at all. I quite agree with him. The difficulty is that I do not agree with my colleagues. The Senator from Alabama is in agreement now with them, but I am not. I agree with him that the covenant of the league and the obligations we assumed under the League of Nations are substantially those which we assume under the four-power pact. I agree with the Senator from Mississippi when he says that when you undertake to respect and maintain territorial integrity, of course you have to go to the rational conclusion, if the occasion arise, and keep your word, no matter what the consequences, when occasion may demand that you act.

I am sorry to be reiterating, but the course of the debate may have made it necessary, and I repeat that the Senator is eternally right when he says that if Russia shall within the next 10 years attack the island of Sakhalin she will be involved with four nations—with France, with Japan, with Great Britain, and with the United States of America.

Oh, he says, she will be involved in a lack of money, because we will not lend it; in lack of supplies, because we will not sell her supplies; in an economic boycott, for we may then boycott her if she engages in any aggression upon the island of Sakhalin.

All that may be so, but though that may be so under the four-power pact, it may be so, too, that we are involved with the other three nations in contributing our force to see that that aggression is met, and that the most efficient means are given in order that the aggression may be met.

It is just because of that, and because I realize and because I think the Senator from Arkansas realizes that that is possibly the point of attack in the next few years, that the amendment presented by the Senator from Arkansas ought to be adopted, and that I am for that amendment.

I do not want to have us involved in an economic boycott under this treaty, nor in the use of force under this treaty, either one. When Senators upon our side say that this is a mere treaty for consultation, is it not obvious how far and how wide is their view from that which has been expressed by the Senator from Alabama?

But to return to the question to which I was adverting. Domestic questions, of course, can not be submitted for determination by other nations, whatever their number may be. Domestic questions, if they may be involved in this treaty, of course, ought to be excepted from it, and I quite approve the caution of those who wrote the treaty, because they doubtless feared that domestic questions might be involved in it, as is shown by their writing a reservation excluding domestic questions.

I called attention to the very grave questions which now have been agitating the Pacific coast and the Empire of Japan for some time. Let me call attention to this, Mr. President, that here is a treaty for consultation alone, say some of its proponents. If it were for mere consultation between nations, if it involved only the writing of a diplomatic note, if it meant solely that there should be communications between nations, there could not be any reason for not permitting a domestic question that had caused friction between nations to be thus written about or consulted concerning. Indeed, sir, for a period of some years past there has been a matter of interchange of notes upon the Japanese question, as it was involved upon the Pacific coast, between our diplomats on the one side and the Japanese diplomats on the other. For a period of some months Mr. Morris, who represented the United States in Japan, and Baron Shidehara, the Japanese ambassador here, were engaged in many meetings for the purpose of seeing whether they could arrive

at some conclusion which could be reported to their respective Governments.

I happen to be familiar with what occurred under the previous administration. I claim no familiarity with what has since transpired; but I happen to know that after months of negotiation Mr. Morris and Baron Shidehara united in a report, a report wholly unsatisfactory to the people whom I represent, but a report that is on file now in the State Department concerning the matters which had occurred between the Japanese Empire on the one hand and the United States on the other, arising out of the alien land laws of this country, and arising out of the question of Japanese immigration. They were consulting for months and months and months and months. They were writing letters, communicating with each other, holding consultations, for months and months; but so careful are our friends, in a treaty that they claim means mere consultation, that they write into this treaty a reservation that they will not permit the writing of a letter or any communication between the parties or a consultation of any kind concerning a question that they had been writing about, communicating, concerning, and consulting about for months and months in the past. It is perfectly obvious why. They know this is no treaty of consultation only. They are right. I am very glad that our representatives declined to have domestic questions included in the treaty, and they took the precaution, when it might not have been necessary, of removing them entirely from the realm of doubt and ambiguity. They are right, entirely right, and when they did it they knew that the treaty was not a mere treaty of consultation at all.

They knew it just as I know it; just as you, sir, know it; just as the American people ought to know it. With the American people knowing it, it is their right to go into the treaty; it is the right of our friends to take them into the treaty. I do not question that at all. I am questioning no man's views in any respect so far as the treaty be concerned. But to-day's developments from the Senator from Alabama I think make very, very plain just exactly what we have contended for in the past and what has sometimes been denied, and what I assert is the fact now, that there is little or no difference between the Senator from Alabama's construction of this treaty on the one hand representing the treaty and my construction opposing it upon the other. Instead of a weak and impotent contract for conference it is in reality a powerful pact under which all nations not party to it may be controlled and coerced.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. ASHURST. On that I call for the yeas and nays.

Mr. LODGE. I make the point of no quorum, as there are Senators in the Office Building who should be given an opportunity to return to the Chamber.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Glass	Nelson	Sterling
Borah	Hale	New	Sutherland
Broussard	Harris	Oddie	Swanson
Bursum	Harrison	Overman	Townsend
Cameron	Hitchcock	Owen	Trammell
Capper	Johnson	Page	Underwood
Caraway	Jones, Wash.	Phipps	Wadsworth
Colt	Kellogg	Pittman	Walsh, Mont.
Cummins	Keyes	Poindexter	Warren
Dial	King	Rawson	Watson, Ga.
Edge	Lenroot	Robinson	Weller
Ernst	Lodge	Sheppard	Williams
Fernald	McCormick	Shortridge	Willis
Fletcher	McNary	Simmons	
France	Moses	Spencer	
Gerry	Myers	Stanley	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. There is a quorum present. The question is upon the amendment offered by the Senator from Arkansas, on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCKINLEY]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "yea."

Mr. FERNALD (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. JONES]. On this question I am privileged to vote. I vote "nay."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I am informed that he would vote as I am about to vote on this proposition. I therefore vote. I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Connecticut [Mr. BRANDEGEE] and vote. I vote "nay."

The roll call was concluded.

Mr. HARRIS. I transfer my pair with the junior Senator from Oklahoma [Mr. HARRELD] to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. GERRY. I am informed that the junior Senator from Massachusetts [Mr. WALSH] is unavoidably detained on official business. If present, he would vote "yea."

Mr. JONES of Washington. I desire to announce that the Senator from Pennsylvania [Mr. PEPPER] is paired with the Senator from Alabama [Mr. HEFLIN].

The result was announced—yeas 20, nays 53, as follows:

YEAS—20.

Ashurst	Glass	King	Sheppard
Borah	Harris	La Follette	Simmons
Caraway	Harrison	Overman	Stanley
France	Hitchcock	Pittman	Swanson
Gerry	Johnson	Robinson	Watson, Ga.

NAYS—53.

Ball	Fletcher	Myers	Sutherland
Broussard	Frelinghuysen	Nelson	Townsend
Bursum	Gooding	New	Trammell
Calder	Hale	Oddie	Underwood
Cameron	Jones, Wash.	Owen	Wadsworth
Capper	Kellogg	Page	Walsh, Mont.
Colt	Keyes	Phipps	Warren
Cummins	Lenroot	Poindexter	Watson, Ind.
Curtis	Lodge	Pomerene	Weller
Dial	McCormick	Rawson	Williams
Dillingham	McCumber	Shortridge	Willis
Edge	McLean	Smoot	
Ernst	McNary	Spencer	
Fernald	Moses	Sterling	

NOT VOTING—23.

Brandegee	Heflin	Newberry	Reed
Crow	Jones, N. Mex.	Nicholson	Shields
Culberson	Kendrick	Norbeck	Smith
du Pont	Ladd	Norris	Stanfield
Elkins	McKellar	Pepper	Walsh, Mass.
Harreld	McKinley	Ransdell	

So Mr. ROBINSON'S amendment was rejected.

Mr. LODGE. Mr. President, what stage in the consideration of the treaty have we reached?

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole and open to amendment. If there be no further amendments to be proposed, the treaty will be reported to the Senate.

Mr. LODGE. I offer the reservation which I send to the desk to be added to the ratifying resolution of the treaty.

The VICE PRESIDENT. The reservation proposed by the Senator from Massachusetts will be stated.

The ASSISTANT SECRETARY. It is proposed to add at the end of the resolution of ratification as reported by the Committee on Foreign Relations a comma and the following words:

subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification, and which repeats the declaration of intent and understanding made by the representatives of the powers signatories of the four-power treaty relating to their insular possessions and insular dominions in the Pacific Ocean:

1. That the four-power treaty relating to Pacific possessions shall apply to the mandated islands in the Pacific Ocean: *Provided, however,* That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.

2. That the controversies to which the second paragraph of article 1 of the four-power treaty relating to Pacific possessions refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

The VICE PRESIDENT. The question is on agreeing to the reservation.

Mr. PITTMAN. Mr. President, I offered a reservation to the four-power treaty the other day dealing with the same question which is involved in paragraph 2 of the reservation now proposed by the Senator from Massachusetts, the question of excluding our domestic affairs from consideration of the four-power conference. The reservation which I offered at that time was the same reservation which was offered by the Senator from Massachusetts and which was adopted by the Senate as a part of the resolution of ratification of the Versailles treaty at the time that treaty was under consideration before this body. The covenant of the League of Nations contained a provision attempting, just as the reservation offered by the Senator from Massachusetts undoubtedly attempts, to exclude

consideration of domestic affairs or domestic questions. At the time the covenant of the League of Nations was under consideration in connection with the Versailles treaty the Senator from Massachusetts and a majority of the Senate evidently did not consider that the clause contained in the covenant of the League of Nations was sufficiently definite to protect our interests.

It was then stated that matters which were recognized in international law as involving the domestic affairs of one of the countries could not be considered by the council of the League of Nations. That question was debated quite extensively in this body; but out of an abundance of caution, we were informed at that time by the proponents of the reservation, it was decided that we should not trust to a future interpretation as to what constituted domestic affairs in international law. It was then called to our attention that a great many controversies had arisen over the very question as to what constituted the principles of international law with regard to certain matters. It was then considered so important that we should not permit any other nation or group of nations or even all of the nations of the world in the League of Nations to interfere in any way, even by considering a question that might involve our own private domestic affairs, that the Senator from Massachusetts, with his accustomed acumen and precaution, very carefully drafted a reservation which was to become a part of the covenant of the League of Nations. He advocated it on the floor of the Senate, and he was supported by nearly all of the Senators on the other side; indeed, I believe by all of them. That reservation was adopted as a part of the resolution of ratification of the Versailles treaty, which embraced the covenant of the League of Nations.

Now I desire to offer that same reservation as an addition to that portion of the reservation already offered by the Senator which is embraced in paragraph 2 of his reservation. I offer it out of the same abundance of caution which moved the Senator from Massachusetts and those on his side of the Chamber, and as now suggested by the Senator from Utah [Mr. KING]—and I mean it—I am moved by the same patriotic motive which undoubtedly moved the Senator from Massachusetts at that time.

I offer that reservation as an amendment to follow paragraph 2 of the reservation which the Senator from Massachusetts has offered in the nature of an interpretation of what it means; at least, as our interpretation of what it means.

Mr. LODGE. Mr. President, I desire to say for the benefit of Senators who may not have been here when it was read, that the reservation which I have offered is simply, word for word, the declaration signed by all the representatives of the nations signatory to the four-power treaty. I trust it will not be changed.

Mr. HARRISON. May I ask the Senator a question?

Mr. PITTMAN. Mr. President, in order that there may be no mistake about the reservation which we are discussing, I desire to say the reservation which the Senator from Massachusetts has offered is the one which was drafted not by that Senator but by the representatives of the four powers who were here in Washington. That is the reservation which the Senator from Massachusetts offers now.

Mr. LODGE. That is the one I offer.

Mr. PITTMAN. The reservation I have offered and to which I have called the attention of the Senator from Massachusetts is the one for which he was personally responsible at the time we were considering the Versailles treaty and the League of Nations.

Mr. LODGE. I hope the amendment proposed by the Senator from Nevada will be voted down. I am quite ready to vote.

Mr. HARRISON. Mr. President, while the Senator is on his feet may I inquire if the reservation which he has offered relates to the declaration which the Senator from Nebraska [Mr. HITCHCOCK] brought to the attention of the Senate on Friday last, just before the resolution of ratification was voted on, at which time the Senator from Massachusetts called for the regular order?

Mr. LODGE. Yes; it was ruled out.

Mr. HITCHCOCK. And the Senator from Massachusetts said it was no part of the treaty, that it should not be offered, and prevented us from taking a vote on it. Is that the same matter that is now offered?

Mr. LODGE. I did call for the regular order, and it was ruled out of order at that time, of course.

Mr. HARRISON. It was ruled out of order at that time?

Mr. LODGE. It was.

Mr. LENROOT. Under the rules of the Senate.

Mr. LODGE. Under the rules of the Senate, of course.

Mr. HARRISON. Was that the reason why the Senator objected to it at that time?

Mr. LODGE. No.

Mr. HARRISON. Or was it because he did not think it was a part of the treaty at that time?

Mr. LODGE. I did not think it was then a part of the treaty.

Mr. HARRISON. And the Senator has changed his mind about that?

Mr. LODGE. No; I do not think it is a part of the treaty now; but I think it is a wise thing to put it in, so that there may be no doubt in the minds of Senators on the other side, who seemed to think it was of no value unless it was ratified in some form.

Mr. BORAH. Mr. President, in order that I may understand the record as it now is presented to us, I should like to ask a question. As I understand the Senator from Massachusetts is offering to the supplementary treaty the declaration which was embodied in the four-power treaty?

Mr. LODGE. Precisely.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nevada to the reservation offered by the Senator from Massachusetts.

Mr. PITTMAN. I ask that the amendment to the reservation may be stated.

The VICE PRESIDENT. The amendment to the reservation will be stated.

The ASSISTANT SECRETARY. The Senator from Nevada offers to amend the reservation offered by the Senator from Massachusetts by adding at the end thereof the following:

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way for consideration.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nevada to the reservation offered by the Senator from Massachusetts.

Mr. WALSH of Montana. Mr. President, I want to call attention to the identity not only of purpose but of very language of the reservation which it is intended by this amendment to make more specific and the language of the provision of the covenant of the League of Nations, to which a like reservation was attached.

The reservation before us, being in substance the agreement supplementary to the four-power pact, reads:

That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

Note the language—

Within the domestic jurisdiction of the respective powers.

The covenant of the League of Nations on that point reads as follows:

If the dispute between the parties is claimed by one of them and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report.

In other words, Mr. President, in framing the supplementary agreement which is reproduced in the reservation now before us, the framers went to the covenant of the League of Nations and not only adopted the idea there expressed but adopted the very language there expressed—that is to say, questions "solely within the domestic jurisdiction" of the parties.

Mr. LODGE. Mr. President, if the Senator will allow me, there is one important difference, and that is that under the League of Nations there was a reference to the council.

Mr. WALSH of Montana. Oh, yes; there was a reference for adjustment to the council, and in this case there is a reference to representatives of the four powers interested. That is the essential difference between the two; but the point is that the Senator from Massachusetts insisted that some power other than the United States represented upon the council of the League of Nations would insist, for instance, that the subject of immigration was not a domestic question, but was an international question, and that therefore the subject of immigration from the oriental countries to this country might become a matter for adjudication before the council.

It was stoutly contended that it had been determined over and over again by the Supreme Court of the United States, the opinion having been produced here in the course of the debate, that such a question was domestic in its character and was not an international question, as well as that it had been treated as a domestic question in practically all international confer-

ences; but argument of that character did not prevail at all. It was considered so doubtful, it was considered so necessary to assure the people of the Pacific coast that the subject of oriental immigration should not be a matter for consideration by the council, lest it should hold it was an international question that it was deemed advisable by the Senator from Massachusetts to safeguard the thing by offering thereto the reservation which is now tendered by the Senator from Nevada as an amendment to the reservation, namely:

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children, and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations or any agency thereof, or to the decision or recommendation of any other power.

It will be remembered that it was widely circulated through the United States by those who were antagonistic to the League of Nations—I would not undertake to say that the Senator from Massachusetts was in any way responsible for it—that the council would pass upon the question as to whether traffic in women and children might go on unrestricted, and so forth; and in order to protect us against that peril, this was likewise included in the reservation then offered by the Senator from Massachusetts.

Mr. President, I am going to vote against the amendment offered by the Senator from Nevada to the reservation offered by the Senator from Massachusetts. I indulge in these comments simply for the purpose of enabling the country to take a more accurate measurement of the motives which impelled the making of the reservation in question to the covenant of the League of Nations and others of like character that were entered at that time.

Mr. BORAH. Mr. President, before I vote upon this matter I desire to say a word.

The second part of this reservation reads:

That the controversies to which the second paragraph of article 1 of the four-power treaty relating to Pacific possessions refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

Who will decide whether or not a question is one which under principles of international law lies wholly within the domestic jurisdiction of the respective powers?

Mr. LODGE. Does the Senator ask me?

Mr. BORAH. Yes; I am asking for information.

Mr. LODGE. Each one of the powers, of course, because it has to be unanimous.

Mr. BORAH. That is what I supposed. So, as a matter of fact, it must be said that this reservation really has no effect at all, because we will decide it for ourselves with the reservation, and we would decide it for ourselves under the four-power treaty without the reservation.

Mr. LODGE. It will do no harm.

Mr. BORAH. I suppose so.

Mr. LODGE. I do not follow the Senator's logic; but it does no harm.

Mr. BORAH. I do not see why my logic is not good. It is a domestic question; therefore this Government decides it for itself. It always will decide it for itself. It would decide it for itself if it were in the four-power treaty without this reservation.

Mr. LODGE. Certainly; that is my belief.

Mr. BORAH. Yes; exactly.

Mr. LODGE. But I think it is desirable, on account of the debate that has gone on here, to settle that doubt.

Mr. BORAH. But the trouble is that we assume that a debate here and a construction here will settle something in the future. Of course, if they ever read the debates, they would not be bound by them.

Mr. LODGE. Not at all.

Mr. LENROOT. Mr. President——

Mr. BORAH. I yield to the Senator from Wisconsin.

Mr. LENROOT. Does not the Senator think there is this distinction: I agree with the Senator that the final result is the same; but without the reservation it might be claimed that they would take jurisdiction for the purpose of consideration, although there could be no conclusion or agreement unless we assented, while with the reservation the question of jurisdiction could be raised, and if either party should claim that it was not a proper subject of consideration under international law that would end the controversy?

Mr. BORAH. That would be true without the reservation, because if they should raise the question and the United States should say, "This is a domestic question," that would be the end of it.

Mr. LENROOT. That would be the end of it so far as concerned the United States announcing beforehand that it would not agree to any conclusion with respect to it.

Mr. BORAH. I am willing to vote for it, Mr. President, just as I voted for a great many other reservations—because it can do no harm, and it could not make the treaty worse than it is.

Mr. LENROOT. Mr. President, I want to say just a word with reference to the claim by some Senators across the aisle that Senators are inconsistent in voting against the reservation proposed by the Senator from Nevada [Mr. PITTMAN].

The Senator from Montana [Mr. WALSH] is entirely consistant in the position he takes, that he will vote against this amendment to the reservation proposed by the Senator from Massachusetts, but I think every Senator must appreciate the distinction between the provision in the Versailles treaty for the submission of questions, excluding domestic questions, and the submission under the four-power treaty. The Senator who offers this reservation voted against the similar reservation, as I recollect, under the Versailles treaty, when under the Versailles treaty it was proposed to submit the question of jurisdiction of the council to the council, where the United States did not participate and had no vote if it was a party to the dispute. Therefore under the Versailles treaty it was proposed, without the reservation that was adopted by the Senate, to let foreign nations determine for the United States, if they agreed unanimously, that a question that we insisted was a domestic question was in fact an international question. So the reservation became highly necessary under the Versailles treaty; whereas under the four-power treaty, as the Senator from Idaho has well pointed out, there must be a unanimous conclusion, and the fact is that under the four-power treaty if either party claims that the question is one of domestic jurisdiction and not international, that is the end of that question so far as any conference is concerned.

Just one word with reference to the statement of the Senator from Mississippi [Mr. HARRISON] that the Senator from Nebraska on last Friday offered this same proposition, and that it was excluded upon a point of order as not being a part of the treaty. The Senator from Nebraska did not call attention to this provision at all until that treaty had gotten beyond the stage of amendment and reservation under the rules of the Senate, and therefore no amendment or reservation was in order under the rules of the Senate at the time that the Senator from Nebraska called attention to it.

Mr. PITTMAN. Mr. President, I will answer first the last part of the Senator's remarks.

At the time that the Senator from Nebraska called attention to his reservation and tried to have it read, the Senator from Massachusetts raised the point of order and would not allow it to be read from the desk. Not only that, but at the time that the Senator called attention to it, the Senator from Wisconsin could not have been very ignorant about the situation then, and at that time the resolution of ratification had not been adopted. At that time the Brandegee reservation had not been adopted, and the Senator can not claim the excuse that he did not know anything about it, because he had heard about it before we adopted the Brandegee reservation. He sat here and voted against amendment after amendment to the Brandegee reservation time and time again.

Mr. LENROOT. No; the Senator misunderstood me.

Mr. PITTMAN. And yet he did not offer any reservation as he is now offering to-day.

Mr. LENROOT. No; the Senator misunderstood me. I was not speaking of the Senator's amendment with reference to what I said about the Senator from Mississippi. I was speaking about his statement that the Senator from Nebraska offered the declaration which the Senator from Massachusetts now offers, and which he said was excluded upon a point of order, which was not true. Of course, the Senator from Nevada did offer his reservation, and, as I recollect, it was voted down.

Mr. PITTMAN. I am not talking about the reservation offered by the Senator from Massachusetts. I say that the Senator from Nebraska, as I believe the RECORD will disclose, called this matter to the attention of the Senate before there was a final vote on the resolution of ratification.

Mr. LENROOT. Certainly; but after it had gotten beyond the stage of amendment under the rules of the Senate.

Mr. PITTMAN. Amendments could be offered to the reservation, however.

Mr. LENROOT. No; not under the rules of the Senate.

Mr. PITTMAN. Undoubtedly. In fact, numbers of them were offered to the amendment after the statement by the Senator from Nebraska.

Mr. LENROOT. No; I beg the Senator's pardon. If he will examine the RECORD, he will find that there was not one.

Mr. PITTMAN. That, however, is not what I wished to say.

Mr. President, in my mind fundamentally there is a great difference between the four-power pact and the League of Nations. I am not going to argue that; it is an endless subject, as I know; but I do not think this country was in any such danger of being discriminated against by a body that embraced as many nations as that did as it is in danger of being discriminated against in this particular four-power pact.

Here is Japan, for instance, who bases her cause of complaint against the United States entirely on these very domestic questions. She is one of the four powers that will decide what is a domestic question under international law. There is Great Britain, which is chiefly interested in not having to go to the defense of Japan. She is not interested in our domestic affairs. France is in the same position. They have concocted this scheme for the purpose, as they say, of preventing war, and yet they know that the only chance of war between any of the four powers in the Pacific is one between Japan and the United States, and they know that the possible causes of such a war are all domestic. We are deliberately entering into a four-power pact, when the only cause of war we know of now between any of the powers will arise out of questions solely concerning our domestic affairs, and yet we slur over these provisions affecting such questions. We know that immigration, the right of citizenship for Japanese subjects, and the right to own land in this country are the causes, if there are any causes, which threaten war between Japan and the United States. Yet we are willing to leave the determination of such questions in doubt. We are afraid now to say what we think. We are going to wait until the question is raised in a conference of those powers, and when it is raised the Senator from Wisconsin will say, "Well, we are not going to permit that question to be considered." They would have a right to say, "That was called to your attention when you were ratifying these treaties, and why did you not say specifically then that you were not going to permit these particular questions to be considered? You left it to be determined subsequently as to what constitutes domestic questions in international law. You did not say, 'We alone will decide what questions under international law are our domestic affairs,'" and by refusing to so say that, you leave it to the conference of the four powers to decide.

When you had a chance to state definitely that the United States alone would determine this question, and voted it down, you could not later object to a full consideration of such question by the four powers, and probably by three votes to your one they would determine whether or not certain questions were domestic questions under international law.

There is no comparison between the obvious danger of misunderstandings under this four-power pact and misunderstandings under a league of nations in which there are a great many neutral nations, disinterested nations, nations which have never sought other people's territory, nations whose whole course has been fair and honorable and high.

I can not understand why the Senators on the other side who thought this was so essential when the question was to be determined by practically all the civilized countries of the world are now so careless and negligent that they will not take this opportunity, when the question is raised, of telling Japan once and for all, "This question is settled. There is no use of you keeping up your anger against the United States because of her passing laws against your subjects becoming citizens of the United States. We will never agree to it, no matter how many powers join you."

We might just as well now tell Japan that if the States of this Union see fit to prevent Japanese subjects from owning real property in those States, they have a right to do it, and this Federal Government does not intend to interfere with it, by treaty or in any other way, and in fact that we are going to sustain those States in such acts if they think their social conditions require it.

We might just as well tell Japan now that if the people of the States want to separate their children in the public schools from the Japanese, this Federal Government is not going to interfere with them, by treaty or in any other way, but that it is going to sustain those States.

That is the way to stop the causes of war between the United States and Japan. Japan has never threatened Canada or Australia by reason of similar acts. It is constantly threatening the United States because of the pusillanimous conduct of the administrators of the Federal Government. You have an opportunity now to end the trouble, and if you end it now forcefully and strongly, you will not hear any more about it; but if you do not, if, after considering this question as it has been considered for days; after trying to slip it out of the treaty, as was attempted the other day; after voting down a reservation on Saturday of similar import to that I have offered to-day, you vote it down, you will lend every encouragement to the Japanese Government and the Japanese people to keep up this futile quarrel which threatens war if there is anything on earth which does threaten war.

Mr. LENROOT. Mr. President, just one word. The Senator from Nevada [Mr. PITTMAN] questioned the accuracy of my statement that the Senator from Nebraska [Mr. HITCHCOCK] did not call attention to this declaration until after the treaty had passed beyond the stage of amendment. On page 4496 of the RECORD it appears that the Senator from Nebraska did not call attention to this declaration until the treaty had passed beyond the stage of amendment or reservation, and the question before the Senate was the adoption of the resolution of ratification.

Mr. ROBINSON. Mr. President, the statement just made by the Senator from Wisconsin [Mr. LENROOT] implies that the Senators in charge of this treaty did not know of the existence of this declaration while the treaty was passing through the amendatory stage. It implies that notwithstanding the fact that when the President sent the four-power treaty to the Senate that treaty was accompanied by a declaration explanatory of it and was printed with it as if it were a part of it.

In the very first speech made in opposition to the treaty I had the honor to point out that for some unaccountable reason an explanatory declaration made at the time or prior to the time the treaty itself was signed had not been incorporated in the body of the treaty. At that time no Senator here was of the opinion that the Senate was not to be permitted to pass upon the explanatory declaration and either advise and consent to its ratification or refuse to do so.

When the Senator from Nebraska [Mr. HITCHCOCK] pointed out the fact that the declaration had not been read in the Senate, and that the Senate had not passed upon it, if the matter had taken that course by oversight; if it had been true that the Senator from Wisconsin [Mr. LENROOT] either did not know of the existence of the declaration or had overlooked its existence; if it had been true that the Senator from Massachusetts [Mr. LODGE] had forgotten about it and failed to present it to the Senate for that reason, not the slightest difficulty would have been encountered, under the rules of the Senate, in taking such action as would have enabled either the Senator from Wisconsin or the Senator from Massachusetts to present the declaration to the Senate and have it voted upon. The fact is that for some reason, unexplained and unascertainable, it was the policy of the Senator from Massachusetts not to have the declaration passed upon by the Senate at that time.

Are we children that we should listen with great consideration to the statement that the explanatory declaration now offered to the supplementary treaty by the Senator from Massachusetts as a reservation was not considered in connection with the four-power treaty because the Senator from Massachusetts and those associated with him, in presenting the treaty to the Senate, had overlooked the necessity for presenting it? They were of the opinion then that it was not a part of the treaty and that the Senate should not have the opportunity of passing upon it. No other conclusion can be justified in the mind of anyone familiar with the procedure the Senate has followed during the consideration of the four-power treaty.

Overnight the Senator from Massachusetts has reversed himself. He has decided that the declaration should be given the status of a treaty and should be incorporated in the supplementary agreement. If it had been incorporated in the four-power treaty Japan, in ratifying the same, would of necessity ratify the interpretation of that treaty carried in the declaration. If she elects to do so, she will be at liberty, under the decision the Senate is now taking, to ratify the four-power treaty and reject the declaration incorporated in the reservation offered by the Senator from Massachusetts. This would be accomplished by Japan rejecting the supplemental treaty.

For some reason the Washington conference dealt with the real controversies between the United States and Japan with great reserve. It did not seek to work out to a final conclusion the one controversy which has imperiled the harmonious accord between this Nation and the Japanese Empire. It may have been impossible to find a solution for that question, but if the question remains to harass in the future as it has annoyed and vexed in the past what wholesome result will be accomplished by entering into a four-power pact concerning the peace in regard to islands in a remote region of the Pacific Ocean?

Now we have an opportunity to make clear beyond dispute the attitude of the Government of the United States, that the questions defined in the amendment to the reservation proposed

by the Senator from Nevada, admittedly domestic questions, will not be submitted by the United States to a conference of other powers. Now is the time to say that it is the policy of this Government to reserve unto itself the exclusive right to determine those questions. If you will do that, and Japan agrees to the treaty, you will have accomplished something. If you refuse to do it, you will not have laid the ghost which has frightened, if it has not terrorized, a beautiful, prosperous, glorious section of the United States.

Underlying the question of Japanese land ownership, Japanese immigration, and race equality, as asserted by Japan, are instincts and convictions that can neither be influenced nor dominated by senatorial action. You can not drive from the breasts of the people who live in the beautiful State of California the conviction that for themselves, under their constitution and laws, they will determine who shall own real property in California.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Nevada?

Mr. ROBINSON. I yield.

Mr. PITTMAN. It is not only the State of California, but a number of other Western States have adopted similar laws and there are more pending. As this blight has consumed the richest valleys of California, it is moving eastward all the time. It has commenced to affect the people all over the West. It is going to affect them more and more, because it is a notorious fact that the so-called gentlemen's agreement with Japan with regard to immigration is a fraud on this Government. Every day of the world one can meet Japanese laborers right in the city of Washington, for instance, who can not speak more than two or three words of the English language, and some of them will admit they have only been in the United States six months. That can be ascertained right down here at the Japanese employment bureau.

There is nothing to prevent them coming in under the gentlemen's agreement. They are not prohibited from going into Mexico, and when they get into Mexico they are outside of the jurisdiction of the Japanese Government. They walk across the border of the United States as they see fit. It is getting worse all the time. No part of this country is going to submit to it finally. It is acute now only in the Western States, but it is going to be acute elsewhere. We might as well settle this question, and have done with it now, because there are going to be measures brought before Congress absolutely excluding the Japanese from this country. It may be the cause of a lot of trouble, but I say we should fix it now while dealing with this question, and let them understand it, instead of putting the trouble upon posterity.

Mr. ROBINSON. Mr. President, the Senator from Nevada is right when he states that the question to which I have been addressing myself is not confined to the State of California. I was using California as an illustration, for in that State the situation, as respecting conflict between Japanese claims to the right of land ownership and the assertion of their claims, has been more acute than perhaps in any other State. Instead of solving the problem we are merely prolonging and postponing it and making the final solution more difficult.

If the Washington conference and the treaties negotiated through its instrumentality have engendered in the minds of the representatives of Japan the belief that through these treaties or otherwise she is to be given her way, and her citizens permitted to come into the United States and take over and own real estate and, through economic measures, gain control of large territories in this country, that conference will have postponed the settlement of a great problem which it ought to have solved, and will have done more harm than good.

Why not deal frankly? Why all this mystery? Why should there be any question about whether it is in the treaty or not in it? We know that the most important problem connected with all the subjects of negotiation entered into by the Washington conference was the very one which the conference for some reason refused to deal with definitely.

The Senator from Massachusetts [Mr. LODGE] has undergone a change of heart and concluded that it is necessary to put in this treaty the declaration which he scorned to place in the four-power treaty. While we are doing it let us make the accomplishment so effective that all will know we have performed our duty wisely.

Mr. HITCHCOCK. Mr. President, it seems to be the desire of the Senator from Wisconsin [Mr. LENROOT] to convey the impression that Senators on this side of the aisle, when the League of Nations discussion was pending some two years ago, objected to having it made definite and certain that the United States alone should be the judge as to whether or not a question was of a domestic nature. He has sought to convey to the Senate the impression that Senators on this side of the aisle voted against having the United States judge for itself.

That is absolutely incorrect in accordance with the record. It is true that when the reservation which the Senator from Massachusetts [Mr. LODGE] offered was pending in the Senate the Democrats, with one or two exceptions, voted against it, but it was not on the ground of the immigration question. It was because there was a ridiculous element in that reservation, and I regret somewhat that the Senator from Nevada [Mr. PITTMAN] has incorporated that in the reservation now presented. For instance, that reservation provided not only that the United States reserved to itself domestic questions, such as immigration, the tariff, labor, and questions that were purely domestic, but it included, as the reservation now offered by the Senator from Nevada includes, a statement that traffic in women and children was a question entirely domestic.

That was what we objected to at that time, because this country has for years entered into treaties with other countries to restrict and prohibit international traffic in women and children, and it is not a domestic question when it comes to an international traffic. It was a great evil; it was only suppressed by international agreements, and it was those agreements which were to be placed under the jurisdiction of the League of Nations, just as other international agreements were to be. It was for that reason we voted against the reservation.

Moreover, I call the attention of the Senator from Wisconsin that the matter did not rest there, and he ought to remember that. I myself offered a reservation which covered the subject, and 36 Democrats voted for it, all the Democrats except two voting for it, and every Republican voting against it. It read as follows:

> 4. That the United States is not required and hereby declines to submit to the league, its council or assembly, for decision, report, or recommendation, any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matters relating to its internal affairs.

I can read to the Senator, if he desires, the names of Democrats who voted for that reservation.

Mr. LENROOT. Mr. President——

Mr. HITCHCOCK. And I can read to him the names of those who voted against it, including the Senator from Wisconsin himself. I yield to the Senator from Wisconsin.

Mr. LENROOT. Did the Senator at that time think the reservation proposed by him was necessary for the protection of the United States?

Mr. HITCHCOCK. The fact that I offered it indicated that I thought it was wise, and as long as the question had been raised whether or not that matter could be decided by the council, I was willing, and every Democrat in the Senate was willing, to have it definitely stated, just as we now contend that the United States should be the sole and only judge of whether a question presented is domestic or not. I ask the Senator whether he is not misrepresenting us in that particular?

Mr. LENROOT. No; because I was just going to ask the Senator another question. Did he not vote for the Versailles treaty without that or any other reservation?

Mr. HITCHCOCK. I cast a great many votes, and I was ready to take the Versailles treaty.

Mr. LENROOT. Without any reservation?

Mr. HITCHCOCK. Without any reservation.

Mr. LENROOT. Very well.

Mr. HITCHCOCK. But when it came down to a question of discussion I presented a number of reservations, and this was one of them. So it does not lie in the mouth of the Senator who voted against it to charge us with not being ready to have the United States reserve to itself, as we now propose that it shall reserve to itself, the decision of whether a question is domestic or not, particularly now when immigration is involved.

Mr. LENROOT. The Senator could not have thought it necessary or he surely would not afterwards have voted for the Versailles treaty without any reservation.

Mr. HITCHCOCK. I see the Senator from Wisconsin does not withdraw his charge. He allows it to stand just as it was.

Mr. LENROOT. Certainly. The Senator from Wisconsin repeats that the Senator from Nebraska, the Senator from Nevada, and others of his colleagues, did not at that time think this reservation of such importance that they were not willing to vote for the Versailles treaty without it, and they did vote for the Versailles treaty without it.

Mr. HITCHCOCK. Oh, we voted for this reservation. I brought the reservation here and demanded a roll call on it;

we had a roll call on it, and the Democratic Senators went on record in favor of it, and yet the Senator does not withdraw his charge that the Democrats did not stand for that position then just as they stand for it now.

Mr. LENROOT. Certainly not, because the Senator abandoned that position when he voted for the Versailles treaty without that reservation.

Mr. HITCHCOCK. No; this was after the vote to which the Senator referred. This was the last position taken, and it was my position at that time.

Now, Mr. President, another thing. It seems to become an issue here as to whether or not I offered as an amendment to the treaty pending on Friday what is now offered as a reservation by the Senator from Massachusetts [Mr. LODGE]. I would like to know when I had an opportunity to offer it. I rose here and called attention to the fact before the vote had come, before the treaty had beeen ratified, that a very important part of the treaty had been dropped out, had beeen ignored, and had not been acted on.

I supposed when I called attention to the fact that the great constitutional lawyer from Wisconsin or the eminent scholar statesman from Massachusetts would take the proper parliamentary course to have it acted on. It would not have been difficult. All that was required was a motion to recommit it to the committee, vote on it in committee, and report it back to the Senate, and that would have ended it. It could have been handled in 15 minutes, or at least in half an hour. But instead of that these great statesmen, constitutional and otherwise, insisted on pushing it through, until they have found themselves in such a muddle that they are now forced, after two days of debate, to come in and present as a reservation the very thing that they undertook to laugh out of court as a part of the treaty.

I shall vote for the reservation, but I can not consider that it puts the United States in the position that we would be in if it were incorporated as a part of the treaty. As presented it is an admission to Japan that the declaration is not a part of the treaty which we are supposed to have ratified on Friday, and Japan can go on and ratify the treaty with the four articles ratified by the Senate on Friday, and Japan can do as she pleases with regard to the ratification of the supplementary treaty. Japan can do more than that. Japan can decline to accept the reservation which is now presented for ratification. Japan can decline to accept the reservation and leave you hanging between heaven and earth as to whether you will accept it without a reservation.

Mr. McCORMICK. Japan can decline to accept any of the treaties.

Mr. HITCHCOCK. Yes; but Japan will not. Japan will be very eager to accept the four-power treaty.

Mr. McCORMICK. Oh, I do not doubt it.

Mr. HITCHCOCK. Yes; she will accept it, because by the four-power treaty she gets the United States as an ally, because by the four-power treaty she gets a guaranty practically of the support, moral if not armed, of the United States in the possessions which she holds in the Pacific Ocean.

Japan will be very sure to ratify that treaty, but when it comes to ratifying the treaty which we are to act upon to-day she may or she may not accept it. If she accepts it, she may or she may not accept our reservation, or she may in accepting the treaty specifically say that she declines to accept our reservation. Thus we are leaving this great question, which in Japan is a great national question, the great question of controversy with the United States, in a state of uncertainty. So, while I shall vote for the reservation now offered by the Senator from Massachusetts after two days, in which his mind has gradually reached a point where he thought he had to do something, I shall vote for it with the feeling that it is a weak substitute for what would have been a conclusive provision in the original treaty.

SEVERAL SENATORS. Vote!

Mr. WALSH of Montana. Mr. President, just a word touching the attenuated distinction which the Senator from Wisconsin [Mr. LENROOT] finds to exist between the entertainment by the council of the League of Nations of a question said to be a domestic question and the entertainment of a like question by a conference called under the provisions of the four-power pact.

I wish to remind the Senator just exactly what the provisions of the covenant of the League of Nations are in the particular to which he has referred. He must, of course, have referred to this clause of article 15 of the covenant, namely:

> If a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

Mr. President, admitting for the purpose of the discussion that that would include questions of jurisdiction, which is by no means clear, what does it mean? It means that if a controversy were submitted to the council of the league which the United States insisted involved a domestic question and not an international question, and every one of the seven powers represented upon the council, exclusive of the United States and the other party to the controversy, said we were wrong about it, that it was, in fact, an international and not a domestic question, what then? Then the United States agrees, assuming, of course, that the clause referred to includes question of jurisdiction, that it will not go to war with the other country; that is all.

We are not going to go to war with any country of which I can think on account of any tariff question; and I scarcely think we would care to wage war with any country on the question of the traffic in women and children; but, of course, there is a possibility that we might become involved in war with some country on such a question as immigration. However, so far as human intelligence can forecast the future, there is not a chance of our getting into war with any country except Japan on that question, and we are never going to go to war with Japan on account of any question of immigration. We are perfectly satisfied with the situation as it stands. We are entitled, if we care to do so, to exclude Japanese from this country. We have no treaty that we shall not do so. We have a "gentlemen's agreement" that Japan will not allow Japanese to come here. The situation is perfectly satisfactory to us. So far as that element is concerned, we are not going to make war upon Japan. If Japan should choose to enact a provision of law to the effect that no white people shall be admitted as immigrants to Japan for commercial purposes, the United States would not utter a word by way of protest. Japan has that kind of a law now, in substance, and it is perfectly satisfactory to us. In other words, we are not going to make war upon Japan, however much she may be disposed to make war upon us upon any question of immigration.

So, Mr. President, we might say that such a possibility is so remote that the illustration to which the Senator from Wisconsin has invited our attention can not be regarded by statesmen as worthy of any consideration. For all practical purposes the two occupy identically the same situation. It was, however, deemed necessary by the esteemed Senator from Massachusetts and his associates upon the other side of the Chamber to put that limitation upon the covenant. Now, they think it is not necessary to attach it to the pending treaty. What is the difference? The Versailles treaty was framed and presented by a Democratic President, while the treaty now before us was framed and presented by a Republican President. That is all the difference between the two propositions. Why dissimulate about it? Why seek to escape from the perfectly obvious conclusion that the thing is right or wrong as it comes from a Democratic or a Republican President?

Mr. ROBINSON. Mr. President, I ask for the yeas and nays on the amendment.

Mr. TOWNSEND. Mr. President, what is the question on which the vote is to be taken?

The VICE PRESIDENT. The pending question is on the adoption of the amendment of the Senator from Nevada [Mr. PITTMAN].

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). Making the same announcement as heretofore with reference to the transfer of my pair with the Senator from Oklahoma [Mr. HARRELD] to the Senator from Missouri [Mr. REED], I vote "yea."

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. UNDERWOOD (when Mr. HEFLIN'S name was called). I wish to say that my colleague [Mr. HEFLIN] is absent from the city on business of the Senate. He is paired with the junior Senator from Pennsylvania [Mr. PEPPER]. I ask that this announcement may stand for the day.

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. McKELLAR]. On this question I am informed he would vote as I am about to vote, therefore I feel at liberty to vote, and vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "nay."

The roll call was concluded.

Mr. FERNALD. I have a pair with the senior Senator from New Mexico [Mr. JONES]. If he were present he would vote as I am about to vote. I therefore vote "nay."

Mr. EDGE. I inquire if the Senator from Oklahoma [Mr. OWEN] has voted?

The VICE PRESIDENT. He has not.

Mr. EDGE. I have a general pair with that Senator. I am informed that if present he would vote as I propose to vote on all matters relating to the treaty now under consideration. Therefore I shall take the liberty of voting. I vote "nay."

Mr. CARAWAY. I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]. I am unable to obtain a transfer of that pair. If permitted to vote, I should vote "yea."

Mr. SHEPPARD. The senior Senator from Texas [Mr. CULBERSON] is unavoidably absent and is paired by transfer with the Senator from West Virginia [Mr. ELKINS]. If present, the senior Senator from Texas would vote "yea" on the pending amendment and would also have voted "yea" on the so-called Robinson amendment.

The result was announced—yeas 21, nays 49, as follows:

YEAS—21.

Ashurst	Harris	Robinson	Trammell
Broussard	Harrison	Sheppard	Walsh, Mass.
Fletcher	Johnson	Shields	Watson, Ga.
France	La Follette	Simmons	
Gerry	Overman	Stanley	
Glass	Pittman	Swanson	

NAYS—49.

Ball	Frelinghuysen	Myers	Sutherland
Bursum	Gooding	Nelson	Townsend
Calder	Hale	New	Underwood
Cameron	Jones, Wash.	Oddie	Wadsworth
Capper	Kellogg	Page	Walsh, Mont.
Colt	Keyes	Phipps	Warren
Cummins	Lenroot	Poindexter	Watson, Ind.
Curtis	Lodge	Pomerene	Weller
Dial	McCormick	Rawson	Williams
Dillingham	McCumber	Shortridge	Willis
Edge	McLean	Smoot	
Ernst	McNary	Spencer	
Fernald	Moses	Sterling	

NOT VOTING—26.

Borah	Harreld	McKellar	Pepper
Brandegee	Heflin	McKinley	Ransdell
Caraway	Hitchcock	Newberry	Reed
Crow	Jones, N. Mex.	Nicholson	Smith
Culberson	Kendrick	Norbeck	Stanfield
du Pont	King	Norris	
Elkins	Ladd	Owen	

So Mr. PITTMAN's amendment to the reservation offered by Mr. LODGE was rejected.

Mr. ROBINSON. Mr. President, I offer as an amendment to the reservation proposed by the Senator from Massachusetts [Mr. LODGE] a reservation which was voted on when the four-power treaty was under consideration.

This reservation expresses the understanding of the United States that the parties to the four-power treaty will respect the rights and possessions of other nations, and will refrain from aggressive acts themselves. It also provides that if a dispute which is not settled by diplomacy arises between any one of the four powers and an outside nation, all nations claiming an interest in the controversy shall be permitted to participate in a conference called to settle the controversy.

In view of the fact that the Senator from Massachusetts a day or two ago did not see fit to incorporate in the four-power treaty the declaration which he now presents as a reservation to this treaty, I express the hope that he will recede from the position heretofore taken, and accept this very wholesome reservation, which will relieve me from much anxiety in regard to the effect of the four-power treaty and the treaty supplementary to it.

I ask that the reservation may be stated.

The VICE PRESIDENT. The reservation will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the end of the reservation offered by the Senator from Massachusetts [Mr. LODGE] to the resolution of ratification of "Executive O," the following:

And the United States understands that each of the high contracting parties will respect the rights and possessions of all other nations, and refrain from all acts of aggression against any other power or powers.

If there should develop between any of the high contracting parties and any other power or powers a controversy which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord existing between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject will be referred for consideration and adjustment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to the reservation offered by the Senator from Massachusetts.

The amendment to the reservation was rejected.

The VICE PRESIDENT. The question now is on the reservation offered by the Senator from Massachusetts.

Mr. HARRISON. Mr. President, is this question on the ratification of the supplemental treaty?

The VICE PRESIDENT. No; it is on the adoption of the reservation offered by the Senator from Massachusetts.

The reservation was agreed to.

The VICE PRESIDENT. The Secretary will state the resolution of ratification as amended.

The Assistant Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive O, Sixty-seventh Congress, second session, an agreement between the United States, the British Empire, France, and Japan, supplementary to the treaty between the same four powers relating to their insular possessions and insular dominions, and defining the application of the term "insular possessions and insular dominions" as relating to Japan, signed at Washington February 6, 1922, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification and which repeats the declaration of intent and understanding made by the representatives of the powers signatories of the four-power treaty relating to their insular possessions and insular dominions in the Pacific Ocean.

1. That the four-power treaty relating to Pacific possessions shall apply to the mandated islands in the Pacific Ocean: *Provided, however,* That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers, respectively, in relation to the mandated islands.

2. That the controversies to which the second paragraph of article 1 of the four-power treaty relating to Pacific possessions refers shall not be taken to embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

Mr. LODGE. Mr. President, the treaty has to be reported to the Senate, does it not?

Mr. JOHNSON. Is the question now on the ratification of the treaty?

The VICE PRESIDENT. That is the next question we shall be reaching.

Mr. JOHNSON. Mr. President, I want to say just a sentence in regard to the ratification of this treaty.

I vote for the ratification of this treaty, but I do so because it modifies and minimizes the four-power treaty. I would not vote for it if it were an independent instrument; but I vote for it solely and alone because it minimizes the other treaty.

Mr. ASHURST. Mr. President, before the roll is called I desire to state that in voting for this treaty I do so because it tends to sterilize the quadruple alliance.

Several SENATORS. Vote!

Mr. LODGE. I ask that the treaty may be reported to the Senate and submitted to a vote, unless it has been reported to the Senate. If so, the fact escaped me.

The VICE PRESIDENT. The Chair is of the opinion that it has not yet been reported to the Senate.

The treaty, with the resolution of ratification, as amended, was reported to the Senate and the amendment was concurred in.

The VICE PRESIDENT. The question now is on agreeing to the resolution of ratification, as amended. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]; but as he would vote on this question as I expect to vote, I am at liberty to vote. I vote "yea."

Mr. SHEPPARD (when Mr. CULBERSON's name was called). The senior Senator from Texas [Mr. CULBERSON] is unavoidably absent. If he were present, he would vote "yea."

Mr. EDGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "yea."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I understand that if he were present he would vote as I intend to vote, so I am at liberty to vote. I vote "yea."

Mr. GERRY (when Mr. HEFLIN's name was called). The junior Senator from Alabama [Mr. HEFLIN] is necessarily detained on business of the Senate. If present, he would vote "yea."

Mr. MCCORMICK (when his name was called). I have a standing pair with the Senator from Wyoming [Mr. KENDRICK]. However, as his vote upon this question, as upon others to-day, would be like my own, in accordance with my understanding with him I am at liberty to vote. I vote "yea."

Mr. NEW (when his name was called). Repeating my previous announcement, I vote "yea."

Mr. BROUSSARD (when Mr. RANSDELL's name was called). The senior Senator from Louisiana [Mr. RANSDELL] is detained on business of the Senate. If present, he would vote "yea."

Mr. STERLING (when his name was called). I am informed that my pair, if present, would vote as I intend to vote on this question. Therefore I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce that the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Pennsylvania [Mr. CROW], the Senator from Delaware [Mr. DU PONT], the Senator from West Virginia [Mr. ELKINS], the Senator from Oklahoma [Mr. HARRELD], the Senator from North Dakota [Mr. LADD], the Senator from Illinois [Mr. MCKINLEY], the Senator from Michigan [Mr. NEWBERRY], the Senator from Colorado [Mr. NICHOLSON], the Senator from South Dakota [Mr. NORBECK], the Senator from Nebraska [Mr. NORRIS], the Senator from Pennsylvania [Mr. PEPPER], and the Senator from Oregon [Mr. STANFIELD], if present, would vote "yea" on this question.

Mr. GERRY. I desire to announce that the Senator from Wyoming [Mr. KENDRICK] is absent on official business, and the Senator from New Mexico [Mr. JONES] is unavoidably absent. If present they would vote "yea."

The roll call resulted—yeas 73, nays 0, as follows:

YEAS—73.

Ashurst	Gerry	Moses	Spencer
Ball	Glass	Myers	Stanley
Broussard	Gooding	Nelson	Sterling
Bursum	Hale	New	Sutherland
Calder	Harris	Oddie	Swanson
Cameron	Harrison	Overman	Townsend
Capper	Hitchcock	Owen	Trammell
Caraway	Johnson	Page	Underwood
Colt	Jones, Wash.	Phipps	Wadsworth
Cummins	Kellogg	Pittman	Walsh, Mass.
Curtis	Keyes	Poindexter	Walsh, Mont.
Dial	King	Pomerene	Warren
Dillingham	La Follette	Rawson	Watson, Ind.
Edge	Lenroot	Robinson	Weller
Ernst	Lodge	Sheppard	Williams
Fernald	McCormick	Shields	Willis
Fletcher	McCumber	Shortridge	
France	McLean	Simmons	
Frelinghuysen	McNary	Smoot	

NOT VOTING—23.

Borah	Harreld	McKinley	Ransdell
Brandegee	Heflin	Newberry	Reed
Crow	Jones, N. Mex.	Nicholson	Smith
Culberson	Kendrick	Norbeck	Stanfield
du Pont	Ladd	Norris	Watson, Ga.
Elkins	McKellar	Pepper	

The VICE PRESIDENT. On this question the yeas are 73 and the nays none. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification as amended is agreed to and the treaty is ratified.

NAVAL ARMAMENT TREATY.

Mr. LODGE. I desire to call up the treaty on the limitation of naval armament, which I will ask to have read by title.

The VICE PRESIDENT. The Secretary will read the treaty by title.

The ASSISTANT SECRETARY:

Executive L. Treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament.

Mr. LODGE. I shall not ask to have the treaty read to-night, but I wished to bring it before the Senate, so that it would be the unfinished business.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 174).

Mr. WARREN. Mr. President, as in legislative session, I present a conference report on the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) "making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 13, 18, 19, 20, 27, 29, 30, 32, 34, 35, 40, 44, 45, 48, 52, 57, 60, 61, 62, 63, 66 67, 84, 87, 102, 105, 106, 109, 110, and 111.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 10, 11, 23, 36, 37, 41, 46, 49, 64, 65, 68, 69, 88, 92, 95, 98, 99, 101, 104, 107, and 108; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,300"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,900"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,100"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,520"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$600"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,120"; and the Senate agree to the same.

Amendment number 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$17,600"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$450"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$15,490"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$14,650"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$18,250"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$17,100"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: Restore the sum stricken out by said amendment, and on page 15 of the bill, in line 19, strike out "1922" and insert in lieu thereof "1921"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows. In lieu of the matter inserted by said amendment insert the following:

"Vancouver, Spokane, and Seattle, Washington"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$525,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "For the continued investigation of the feasibility of irrigation, water storage, and related problems on the Colorado River and investigation of water sources of said river, $100,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$325,000"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$225,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$1,450,940"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$65,500"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$178,700"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including not to exceed $19,000 for reconstruction and improvement of about 4 miles of entrance road, $22,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$43,000"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for continuing the widening of the Nisqually Glacier to Paradise Valley Road, $21,800"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$106,800"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$78,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 43, 47, 50, 51, 53, 54, 55, 56, 58, 59, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 91, 112, and 113.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

LOUIS C. CRAMTON,
BURTON L. FRENCH,
C. D. CARTER,
Managers on the part of the House.

Mr. WARREN. Mr. President, this is a partial report. There were a great many differences, probably over a hundred. There are quite a large number yet undisposed of, some of them of rather a serious nature, which will provoke some debate, without doubt, unless we send it back on the theory that it must go back anyway. I therefore move the adoption of the report.

Mr. McNARY. Before the motion is put, I desire to inquire of the chairman of the committee what action the Senate conferees took with regard to the appropriation for the national park in Arizona?

Mr. WARREN. That has gone to the House among the items unacted on, except to have it sent back.

Mr. McNARY. There has been no decision upon it?

Mr. WARREN. No decision whatever.

Mr. McNARY. It would not be proper at this time to move that the Senate conferees insist on the amendment?

Mr. WARREN. I hardly think at this stage that would be proper. I judge there will be more or less inquiry, and perhaps I had better let the matter go over until to-morrow and have it printed in the meantime.

The VICE PRESIDENT. The conference report will go over and be printed.

As in legislative session,

PETITIONS AND MEMORIALS.

Mr. ODDIE presented a telegram in the nature of a petition from the Public Service Commission of Nevada, praying for the repeal of sections 13 and 15a of the transportation act of 1920, which was referred to the Committee on Interstate Commerce.

Mr. MOSES presented a resolution adopted by the Hampton Falls (N. H.) Grange, favoring the sharing by union labor in the matters of deflation of wages and increase in working hours as essential to the welfare of New Hampshire so as to conform to existing agricultural conditions, which was referred to the Committee on Education and Labor.

Mr. LODGE presented petitions of members of the congregation of the Union Evangelical Church, of Three Rivers, and sundry citizens of Andover and Groton, in the State of Massachusetts, praying for the ratification of the treaties prepared by the Conference on Limitation of Armament, which were ordered to lie on the table.

He also presented the following resolutions of the Legislature of Massachusetts, which were referred to the Committee on the Judiciary:

THE COMMONWEALTH OF MASSACHUSETTS,
In the year one thousand nine hundred and twenty-two.

Resolutions in favor of an amendment of the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors.

Resolved, That the General Court of Massachusetts, believing that there is injustice, both to industries and labor, by reason of the lack of uniformity in the laws of the several States respecting the hours of labor of women and minors, respectfully petitions the Congress of the United States that Congress propose an amendment to the Constitution of the United States giving it power to regulate the hours of labor of women and minors and to make the same uniform throughout the United States; and be it further

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the Presiding Officers of both branches of Congress and to each of the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted March 8, 1922.
In senate, adopted in concurrence March 13, 1922.
A true copy. Attest:

F. W. COOK,
Secretary of the Commonwealth.

Mr. FRANCE presented the following resolution of the Legislature of Maryland, which was referred to the Committee on Agriculture and Forestry:

SENATE OF MARYLAND,
February 23, 1922.

Joint resolution introduced, read first time, and referred to the committee on agriculture and labor.

Whereas the development of the farm implement and machinery business in the United States has resulted in the production of vast numbers of differing types and sizes of such labor-saving devices; and

Whereas manufacture and distribution of such a great multiplicity of types and models of farm implements and machinery results in a vast economic waste through duplication of plant, operating costs, advertising costs, and selling expense and adds to the price which the farmer must pay for farm machinery and implements of all kinds; and

Whereas during the recent war the War Industries Board made substantial strides toward the standardization of certain kinds and types of farm implements and machinery with consequent economic advantage to both manufacturer and the farmer: Therefore be it

Resolved by the Senate of the State of Maryland, That the Joint Commission of Agricultural Inquiry of the United States be requested and urged to investigate the feasibility of causing all forms and types of farm implements and machinery to be standardized so as to eliminate uneconomic duplication and waste and the consequent enhancement in cost of production and distribution of such implements and machinery; and be it further

Resolved, That a copy of this resolution be forwarded to the chairman of the Joint Commission of Agricultural Inquiry of the United States and to the chairman of the Committees on Agriculture in the United States Senate and House of Representatives.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3307) authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes (Rept. 578); and

A bill (H. R. 10297) to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War (Rept. No. 577).

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEW:

A bill (S. 3342) granting an increase of pension to Louisa White (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3343) for the relief of Lincoln County, Oreg.; to the Committee on Claims.

By Mr. BALL:

A bill (S. 3344) to authorize the widening of Fourth Street south of Cedar Street NW., in the District of Columbia, and for other purposes; and

A bill (S. 3345) changing the name of Keokuk Street in the county of Washington, D. C., to Military Road; to the Committee on the District of Columbia.

By Mr. BALL (by request):

A bill (S. 3346) to amend section 1180 of the act entitled "An act to establish a code of laws in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. FRANCE:

A bill (S. 3347) to provide surgical or medical treatment for the men of the Army, National Guard, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey who have been honorably discharged from the service; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 3348) conferring jurisdiction upon the Court of Claims to render final judgment on any claims of the Cherokee Nation against the United States in relation to tribal lands, funds, or property; to the Committee on Indian Affairs.

By Mr. NEW:

A joint resolution (S. J. Res. 183) recognizing title of Lieutenant Colonel Mears as a commissioned officer; to the Committee on Military Affairs.

By Mr. FRANCE:

A joint resolution (S. J. Res. 184) authorizing the President to send the World War Foreign Debt Commission or a representative or representatives of said commission or other commissioners or delegates whom he may select to represent him to the International Economic Conference to be held at Genoa; to the Committee on Foreign Relations.

AMENDMENTS OF WAR DEPARTMENT APPROPRIATION BILL.

Mr. CUMMINS submitted an amendment proposing to appropriate $350,000 for the preparation for historical purposes of certain documents and information concerning officers and soldiers from the several States and the District of Columbia who were in the military service of the United States during the World War, etc., intended to be proposed by him to House bill 10871, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that appropriations or allotments for general improvement or maintenance shall hereafter be available for the dredging of channels to landing places when satisfactory evidence is submitted by the localities concerned that such channels will be used by commerce to an extent commensurate with the cost and that other landing places are not economically available to serve the same localities or industries, etc., intended to be proposed by him to House bill 10871, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 27, 1922, the President had approved and signed the act (S. 3265) construing the expression "all employees in the classified civil service of the United States," as used in section 1 of the act of May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes."

REPORT OF THE ALASKAN ENGINEERING COMMISSION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

I transmit herewith for the consideration of the Congress the report of the Alaskan Engineering Commission for the period from January 1 to December 31, 1920.

WARREN G. HARDING.

THE WHITE HOUSE, *March 27, 1922.*

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in closed session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until tomorrow at 12 o'clock.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate in open executive session took a recess until to-morrow, Tuesday, March 28, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 27 (legislative day of March 16), 1922.

UNDERSECRETARY OF STATE.

William Phillips, of Massachusetts, now envoy extraordinary and minister plenipotentiary to the Netherlands and Luxemburg, to be Undersecretary of State.

ASSISTANT SECRETARY OF STATE.

Leland Harrison, of Illinois, now a secretary of embassy or legation of Class 1, assigned to the Department of State, to be Assistant Secretary of State.

APPRAISER OF MERCHANDISE.

Genevieve Cline to be appraiser of merchandise in customs collection district No. 41, with headquarters at Cleveland, Ohio, in place of Joseph Pelcinski.

REGISTER OF THE LAND OFFICE.

Arthur Wellington Doland, of Washington, to be register of the land office at Spokane, Wash., vice John L. Wiley, resigned.

RECEIVER OF PUBLIC MONEYS.

Frank Adelbert Savage, of Washington, to be receiver of public moneys at Spokane, Wash., vice William F. Page, resigned.

PROMOTIONS IN THE NAVY.

Lieut. Commander Cleon W. Mauldin to be a commander in the Navy from the 11th day of February, 1921.

The following-named lieutenant commanders to be commanders in the Navy from the 3d day of June, 1921:

Christopher R. P. Rodgers.

William A. Hall.

Lieut. Commander Charles M. Austin to be a commander in the Navy from the 12th day of October, 1921.

Lieut. Commander John P. Miller to be a commander in the Navy from the 2d day of December, 1921.

Lieut. Commander Harry L. Pence to be a commander in the Navy from the 20th day of December, 1921.

The following-named lieutenant commanders to be commanders in the Navy from the 31st day of December, 1921:

Andrew S. Hickey.
Reuben L. Walker.
Wilfred E. Clarke.
Edwin B. Woodworth.
Aubrey W. Fitch.
Robert V. Lowe.
Hamilton F. Glover.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of February, 1922:

Guy E. Baker.

William W. Bradley, jr.

The following-named lieutenant commanders to be commanders in the Navy from the 11th day of February, 1922:

Miles A. Libbey.

Raymond A. Spruance.

Lieut. Francis Cogswell to be a lieutenant commander in the Navy from the 8th day of June, 1920.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1921:

Preston B. Haines.	Marion C. Robertson.
Ernest L. Gunther.	James M. Doyle.
Frederick C. Sherman.	Elmer D. Langworthy.
Leslie L. Jordan.	Frederick G. Reinicke.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1921:

Elmer K. Niles.
Scott B. Macfarlane.

Lieut. Romuald P. P. Meclewski to be a lieutenant commander in the Navy from the 12th day of August, 1921.

Lieut. Herbert R. Hein to be a lieutenant commander in the Navy from the 21st day of October, 1921.

Lieut. Ole O. Hagen to be a lieutenant commander in the Navy from the 2d day of December, 1921.

Lieut. Robert H. Skelton to be a lieutenant commander in the Navy from the 23d day of December, 1921.

The following-named lieutenants to be lieutenant commanders in the Navy from the 28th day of December, 1921:

Alfred G. Zimermann.
Roger W. Paine.
Milton H. Anderson.

The following-named lieutenants to be lieutenant commanders in the Navy from the 31st day of December, 1921:

Oliver L. Wolfard.	Ellis S. Stone.
Francis S. Craven.	Morris D. Gilmore.
George M. Lowry.	William E. Baughman.
John A. Fletcher.	Bernhard H. Bieri.
Oscar C. Badger.	Thomas S. King, 2d.
Robert K. Awtrey.	Howard S. Jeans.
Scott D. McCaughey.	Daniel J. Callaghan.
Frank J. Lowry.	Thomas Baxter.
Aylmer L. Morgan, jr.	Thomas S. McCloy.
Lyell St. Louis Pamperin.	George B. Ashe.
Harold R. Keller.	Eric L. Barr.
John C. Thom.	Ralph F. Wood.
Paul M. Bates.	Walter S. Davidson.
John W. Reeves, jr.	Henry J. Shields.
Guysbert B. Vroom.	Robert P. Hinrichs.
Glenn F. Howell.	Norman L. Kirk.
Francis M. Collier.	Pat Buchanan.
William F. Callaway.	Wallace B. Phillips.
Franz B. Melendy.	Frederick L. Riefkohl.
Joseph R. Mann, jr.	John W. Gates.
William C. Barnes.	Harvey S. Haislip.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of January, 1922:

Charles G. McCord.
Ralph C. Lawder.
Robert P. Molten, jr.

Lieut. William J. Butler to be a lieutenant commander in the Navy from the 2d day of January, 1922.

Lieut. (Junior Grade) Henry F. Floyd to be a lieutenant in the Navy from the 1st day of July, 1919.

Lieut. (Junior Grade) Henry P. Samson to be a lieutenant in the Navy from the 6th day of June, 1920.

Lieut. (Junior Grade) William H. Porter, jr., to be a lieutenant in the Navy from the 6th day of December, 1920.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1920:

Simon P. Fullinwider, jr.
Arthur B. McCrary.

Lieut. (Junior Grade) William S. Heath to be a lieutenant in the Navy from the 1st day of January, 1921.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1920:

Peter K. Fischler.	Smith D. A. Cobb.
Harry K. Leventen.	Charles G. Moore, jr.

Lieut. (Junior Grade) Herbert R. Sobel to be a lieutenant in the Navy from the 30th day of December, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 1st day of July, 1920:

John O. Huse.
Joseph S. Ives.
James L. Wisenbaker.

Ensign Arthur B. McCrary to be a lieutenant (junior grade) in the Navy from the 28th day of June, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 29th day of June, 1920:

Peter K. Fischler.	Smith D. A. Cobb.
Charles G. Moore, jr.	Harry K. Leventen.

Surg. Frederick G. Abeken to be a medical inspector in the Navy, with the rank of commander, from the 10th day of November, 1921.

Passed Asst. Surg. William W. Hargrave to be a surgeon in the Navy, with the rank of lieutenant commander, from the 3d day of June, 1921.

Asst. Surg. Maurice S. Mathis to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1920.

Asst. Dental Surg. Edward A. Hyland to be a passed assistant dental surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1920.

Asst. Dental Surg. Clarence E. Garcia to be a passed assistant dental surgeon in the Navy, with the rank of lieutenant, from the 1st day of January, 1921.

Paymaster Frederick B. Colby to be a pay inspector in the Navy, with the rank of commander, from the 7th day of July, 1921.

Passed Asst. Paymaster Arthur H. Mayo to be a paymaster in the Navy, with the rank of lieutenant commander, from the 3d day of June, 1921.

Passed Asst. Paymaster Samuel R. White, jr., to be a paymaster in the Navy, with the rank of lieutenant commander, from the 21st day of October, 1921.

Naval Constructor Edward C. Hammer, jr., to be a naval constructor in the Navy, with the rank of commander, from the 16th day of November, 1921.

Assistant Civil Engineer Henry F. Bruns to be a civil engineer in the Navy, with the rank of lieutenant, from the 2d day of December, 1921.

The following-named machinists to be chief machinists in the Navy to rank with but after ensign from the 28th day of December, 1920:

Will Mueller.
Patrick H. Cassidy.

The following-named machinists to be chief machinists in the Navy to rank with but after ensign from the 30th day of November, 1921:

George C. Martin.
George Keeser.

Lieut. (Junior Grade) Evan G. Hanson to be lieutenant in the Navy from the 1st day of July, 1920.

Lieut. (Junior Grade) George C. Cummings to be a lieutenant in the Navy from the 1st day of October, 1920.

Ensign George C. Cummings to be a lieutenant (junior grade) in the Navy from the 30th day of September, 1920.

Ensign Herbert R. Sobel to be a lieutenant (junior grade) in the Navy from the 29th day of December, 1920.

Passed Asst. Paymaster Eaton C. Edwards to be a paymaster in the Navy, with the rank of lieutenant commander, from the 21st day of October, 1921.

POSTMASTERS.

ALASKA.

William L. Harber to be postmaster at Fort Yukon, Alaska. Office became presidential January 1, 1922.

IDAHO.

William F. McCullough to be postmaster at Mullan, Idaho, in place of Josephine Ervin, resigned.

ILLINOIS.

Victor F. Boltenstern to be postmaster at Cambridge, Ill., in place of C. H. Hunt. Incumbent's commission expired February 4, 1922.

INDIANA.

Harry C. Watts to be postmaster at Aurora, Ind., in place of M. E. Maloney. Incumbent's commission expired January 24, 1922.

Orpheus M. Dickey to be postmaster at Shoals, Ind., in place of J. P. Hawkins. Incumbent's commission expired July 21, 1921.

IOWA.

Lou A. Brink to be postmaster at Clarence, Iowa, in place of W. F. McCarty. Incumbent's commission expired January 24, 1922.

Oscar J. Houstman to be postmaster at Olin, Iowa, in place of F. W. Miller. Incumbent's commission expired January 24, 1922.

KANSAS.

Guy H. Byarlay to be postmaster at Green, Kans. Office became presidential April 1, 1921.

MICHIGAN.

Fred U. O'Brien to be postmaster at Coral, Mich. Office became presidential April 1, 1921.

NEW JERSEY.

Milton A. Whyard to be postmaster at Englewood, N. J., in place of T. C. Birtwhistle. Incumbent's commission expired January 24, 1922.

John R. Allaire to be postmaster at Farmingdale, N. J., in place of A. A. Yard, resigned.

NEW YORK.

Allen T. Wells to be postmaster at Pottersville, N. Y. Office became presidential October 1, 1921.

August P. Lenz to be postmaster at Thendara, N. Y. Office became presidential January 1, 1921.

Abram L. Van Horne to be postmaster at Fultonville, N. Y., in place of William Van Alstyne. Incumbent's commission expired January 24, 1922.

Charles R. Merrill to be postmaster at Homer, N. Y., in place of S. F. Andrews. Incumbent's commission expired July 21, 1921.

Clarence D. Tarbell to be postmaster at Ithaca, N. Y., in place of B. F. Lent. Incumbent's commission expired April 27, 1920.

NORTH CAROLINA.

John J. Buffaloe to be postmaster at Jackson, N. C., in place of J. J. Buffaloe. Incumbent's commission expired January 24, 1922.

OKLAHOMA.

Blanche Probus to be postmaster at Dacoma, Okla. Office became presidential April 1, 1921.

George A. Strouse to be postmaster at Billings, Okla., in place of P. H. McKeown, resigned.

PENNSYLVANIA.

Elmer E. Brunner to be postmaster at Yorkhaven, Pa. Office became presidential January 1, 1921.

SOUTH DAKOTA.

Samuel E. Lawver to be postmaster at Canova, S. Dak., in place of S. E. Laurer, to correct name.

Metha A. Schnaidt to be postmaster at Menno, S. Dak., in place of Dennis Foley, resigned.

TENNESSEE.

Rennie G. Connelly to be postmaster at Lyles, Tenn. Office became presidential January 1, 1921.

TEXAS.

Martha A. Luccock to be postmaster at Keene, Tex. Office became presidential July 1, 1920.

Alice Crow to be postmaster at Kountze, Tex. Office became presidential October 1, 1920.

Arthur H. O'Kelley to be postmaster at Atlanta, Tex., in place of F. R. Blaydes. Incumbent's commission expired August 25, 1920.

G. Lafayette Hardcastle to be postmaster at Lexington, Tex., in place of J. W. Hardcastle, deceased.

Daniel I. Dudley to be postmaster at Plano, Tex., in place of J. A. Crow, resigned.

VIRGINIA.

Olive E. Sargent to be postmaster at Riverton, Va. Office became presidential April 1, 1921.

WASHINGTON.

William W. Campbell to be postmaster at Colville, Wash., in place of C. M. Durland. Incumbent's commission expired January 24, 1922.

Lewis Murphy to be postmaster at Republic, Wash., in place of J. F. May. Incumbent's commission expired January 24, 1922.

WEST VIRGINIA.

Daniel A. Jackson to be postmaster at Rowlesburg, W. Va., in place of J. J. Dunn. Incumbent's commission expired June 2, 1920.

Marion I. Jackson to be postmaster at Ward, W. Va., in place of W. B. Crookshanks, removed.

WISCONSIN.

Bert E. Fredrick to be postmaster at Augusta, Wis., in place of B. E. Fredrick. Incumbent's commission expired January 24, 1922.

Henry C. Scheller to be postmaster at Cecil, Wis., in place of C. J. Peterman, removed.

Orrin W. Groot to be postmaster at Elmwood, Wis., in place of J. L. Groot. Incumbent's commission expired September 8, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 27 (legislative day of March 16), 1922.

UNITED STATES MARSHAL.

J. Ray Ward to be United States marshal for the district of Utah.

PROMOTIONS IN THE ARMY.

Curtis William Otwell to be colonel, Corps of Engineers.

Charles Sydney Hammond to be captain, Corps of Engineers.

Willis Richardson Slaughter to be captain, Ordnance Department.

James Henry Beals Bogman to be captain, Signal Corps.

John Sanderson Crawford to be first lieutenant, Infantry.

Carlton Culley Starkes to be captain, Medical Corps.

Ira Frederick Peak to be captain, Medical Corps.

PHILIPPINE SCOUTS.

To be first lieutenants.

Harry Allen Sanford.
Earl Wells.
John Willett Smith.
Harry Abbey Mosher.
Roscoe Bonham.
Oscar Blair Tudor.

POSTMASTERS.

ALABAMA.

Anthony J. Bowab, Atmore.
Emory Folmar, Troy.

COLORADO.

Anna B. Danford, Haswell.

GEORGIA.

James E. Mathis, Stockton.
George R. Burton, White Plains.

LOUISIANA.

Ella Farr, Gilliam.

MICHIGAN.

Fred L. Wright, Bad Axe.

NORTH CAROLINA.

Robert F. Blevins, Jefferson.
Charlie L. Walters, Mayodan.

OHIO.

Orlow H. Wertenberger, Leroy.
John C. Caldwell, Oxford.
Florence S. Van Gorder, Warren.
Benjamin E. Westwood, Youngstown.

OKLAHOMA.

John E. T. Clark, Coalgate.
James E. Elliott, Duncan.
Joseph J. Atteberry, Gould.
Onie L. Tapp, Marlow.

PENNSYLVANIA.

Arthur A. Butz, Alburtis.
Christian D. Doerr, Colver.
Vera Ritchey, Dunlo.
John S. Windle, Fernwood.
George F. Grill, Pen Mar.
Anna B. McCully, Ramey.
Mary P. McCardell, Westover.

RHODE ISLAND.

Samuel Seabury, 2d, Tiverton.
William J. Clemence, Washington.

SOUTH CAROLINA.

Francis B. Gaffney, Gaffney.
Edward V. Truesdale, Kershaw.

TENNESSEE.

John H. McKenzie, Manchester.
William B. Harlan, Pruden.
Curtis K. Burton, Puryear.

UTAH.

Julius S. Dalley, Kanab.
Gussie Harkness, Scofield.

VIRGINIA.

Harry L. Johnson, Belle Haven.
Sydney B. Elliott, Belle Meade.
Roland L. Somers, Bloxom.
William J. Ivey, Catlett.
Grief C. Giles, Chatham.
James C. Huff, Cheriton.
Thomas J. Wilson, Clifton Forge.
Jessie M. Martin, Concord Depot.

Henry H. Hardenbergh, Fredericks Hall.
Ida Valley, Grundy.
Silverius C. Hall, Hallwood.
Ruth E. Brown, Hamilton.
John W. Gibbs, Howardsville.
Arthur P. Bundick, Kellar.
Thomas L. Woolfolk, Louisa.
William R. Berry, Meherrin.
John M. Anderson, Nathalie.
Hannah Y. Smith, Newport.
Raymond D. Williams, Pembroke.
Myron B. Bickers, Stanardsville.
James R. Miller, Strasburg.
Frank L. Schofield, University of Richmond (late Richmond College).
John R. Brittingham, Wachapreague.

WEST VIRGINIA.

Walter C. Whaley, Cedar Grove.
George A. Flora, Paw Paw.
James D. Huber, Reedsville.
John M. Tulley, Sprigg.
Cecil H. Ross, Williamstown.
Robert R. Church, Winding Gulf.

WYOMING.

Evelyn Colburn, Burns.
Robert E. Fuller, Shoshoni.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 27, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Before the mountains were brought forth, or ever Thou hadst formed the earth, from everlasting to everlasting, Thou art God. Be pleased, O Lord, to look upon our earthly state with Thine eye of beneficence. Let us know that Thou art with us to-day by the elevation of our thoughts, by our conscious strength, and by our springing joys. Hush anxieties, subdue fear, and still the tumult of the troubled heart. May our citizenship be bound together by faith and confidence and united in a common zeal in a common consecration to our country. Through Christ. Amen.

The Journal of the proceedings of Saturday last was read and approved.

SWEARING IN OF A MEMBER.

Mr. BEEDY. Mr. Speaker, the new Member from the third district of Maine, Hon. JOHN E. NELSON, is present. His certificate of election has been filed in the office and he is ready to be sworn in. [Applause.]

Mr. NELSON appeared at the bar of the House and took the oath of office prescribed by law.

EXTENSION OF THE PENSION ACT OF MAY 7, 1912.

Mr. LANGLEY. Mr. Speaker, by the direction of the Committee on Invalid Pensions I present a privileged report.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

H. R. 211. To extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes (Rept. No. 837).

The bill was referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Tennessee reserved all points of order.

ISSUING PATENTS FOR CERTAIN LANDS IN LASSEN COUNTY, CALIF.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill (H. R. 10554) authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes, be transferred from the Private Calendar to the Union Calendar.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 10554 be transferred from the Private Calendar to the Union Calendar. Is there objection?

Mr. WALSH. Reserving the right to object, these bills usually go on the Private Calendar.

Mr. RAKER. I understand that heretofore they have been referred to the Union Calendar, and for that reason I ask unanimous consent that this be transferred. It is for public purposes only.

Mr. WALSH. It is a county matter.

Mr. RAKER. Yes; it is a county matter.

The SPEAKER. Is there objection?

There was no objection.

SENATE JOINT RESOLUTION 160.

Mr. GARNER. Mr. Speaker, if I may have the attention of the gentleman from Wyoming. In view of the gentleman's program outlined for to-day, I want to call the Speaker's attention to a point of order made on Senate joint resolution 160 at the time it was reported from the Committee on Ways and Means. It occurs to me that the point of order is well taken; that is to say, if it is not a revenue bill, it can be considered in the House; but if the Chair holds that it is a revenue bill, then undoubtedly the House ought to pass a resolution returning it to the Senate with the suggestion that it is a revenue measure and should originate in the House under the Constitution. In view of the program to-day, it occurred to me that it ought to be called to the attention of the Speaker, in order that he may look the matter up and determine it to-day, so that if it is necessary to return it to the Senate the gentleman from Michigan may, if he sees proper, reintroduce it in the House and have an opportunity to consider it this week. If necessary, I will make the point of order that it is a revenue bill and that it should originate in the House of Representatives, and that a resolution should be passed sending it back to the Senate calling their attention to it.

Mr. LONGWORTH. The gentleman makes the point of order that it is a revenue bill?

Mr. GARNER. I have not examined the matter sufficiently to determine that point. I merely make the point of order in order that the Chair may investigate it. I had just as soon make it as not being a revenue bill, as I make the point of order only for the purpose of getting a decision by the Chair, so that he may take such action as may be necessary under that decision.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE AND THE JUDICIARY.

Mr. HUSTED, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 11065) making appropriations for the Departments of State and Justice for the fiscal year ending June 30, 1923, and for other purposes (Rept. No. 838), which was read a first and second time, and, with accompanying papers, referred to the Committee of the Whole House on the state of the Union.

Mr. MANN and Mr. WALSH reserved all points of order.

APPROPRIATIONS FOR THE WAR DEPARTMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10871) making appropriation for the War Department.

Mr. FOCHT. Mr. Speaker, this being District day, we are once more called upon to forfeit our rights on the floor. I am somewhat loath to do that on account of having such a large amount of business ready to be considered by the House, but I am advised that they are very desirous of going on with the military bill, and in consideration of the fact that it is more important than District business I am willing to waive our rights for to-day, but I hope that in due time an opportunity will be given for the consideration of urgent and pressing business that is ready for consideration by the House for the District.

The motion of Mr. ANTHONY was agreed to; accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LONGWORTH in the chair.

The Clerk read as follows:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, $27,635,260.

Mr. ANTHONY. Mr. Chairman, we have now reached the item in the bill——

Mr. DEMPSEY. Will the gentleman from Kansas yield to me to offer an amendment so that we may have the amendment under consideration?

Mr. ANTHONY. I will yield for that purpose.

Mr. DEMPSEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 114, line 24, after the word "navigation" strike out the figures "$27,635,260" and insert in lieu thereof "$42,815,661."

Mr. ANTHONY. Mr. Chairman, the committee adopted exactly the figures approved by the Budget for rivers and harbors work for the next fiscal year. The amount of $27,600,000 will keep in a state of proper maintenance the existing river and harbor work, and in addition approximately half that amount will be expended upon the continuation of the projects which have been heretofore authorized and which are now in process of construction.

In other words, the expenditure of the $27,000,000 will be about on a 50–50 basis between maintenance and the continuance of construction on approved projects.

The House should also understand that in addition to this $27,000,000 there will be approximately $15,000,000 carried over into the next fiscal year from previous appropriations. So that with the approval of the $27,000,000 estimate there will be approximately $40,000,000 available to be expended on rivers and harbors during the next fiscal year, which is more than the average which has been used for that purpose for the last 10 years.

It is true that the report of the Chief of Engineers recommended about $42,000,000 for this purpose, but the Budget estimate is based upon the fact that certain of those projects which are not deemed absolutely necessary may be maintained at somewhat less than the maximum which the Engineers reported to be necessary. In view of the fact that we are all engaged in the endeavor to reduce expenditures for the current year, and the apparent necessity for economy, the subcommittee deemed it inadvisable to exceed the Budget estimate for this purpose.

Mr. MONDELL. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Wyoming.

Mr. MONDELL. Has the subcommittee increased the Budget estimate on any item?

Mr. ANTHONY. It has on one or two small items.

Mr. MONDELL. To what extent?

Mr. ANTHONY. To a very limited extent. I do not think we have increased the Budget estimate more than a few hundred thousand dollars, perhaps, in a total of $27,000,000.

Mr. MONDELL. On the other hand, you have largely reduced the Budget estimates.

Mr. ANTHONY. We have very largely reduced the Budget estimates.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. The increases which you have made do not represent any difference in principle with the Bureau of the Budget. They are simply a few thousand dollars in regard to details.

Mr. ANTHONY. The gentleman is correct.

Mr. GREENE of Vermont. You have not differed with them in general principle on their estimates?

Mr. ANTHONY. That is true. During the hearings held by the committee on the rivers and harbors item there was only one gentleman who appeared before that committee who recommended an increase in the estimates of the Budget. In fact, the committee were given to understand that $27,000,000 represented a sum which met with the approval of those gentlemen in the House who are interested in river and harbor work, and met the approval of many of those who had large river and harbor projects in their districts; and we felt that the figure of $27,000,000 would be an adequate one to properly take care of river and harbor projects during the next fiscal year.

Mr. TREADWAY. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. I should like to ask the gentleman what sum remains over from other appropriations in the hands of the engineers in addition to the $27,000,000 recommended by his committee?

Mr. ANTHONY. It is my understanding that on the first of the year there was about $32,000,000 unexpended. At the end of this fiscal year there will be about $15,000,000 unexpended, which will be applicable to work during the next fiscal year.

Mr. TREADWAY. So, as a matter of fact, there will be available for the fiscal year for which we are now appropriating something like $42,000,000?

Mr. ANTHONY. Yes; which is more than the average for the last 10 years.

Mr. LINTHICUM. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Maryland.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Of that $15,000,000 which will remain at the end of the fiscal year how much is allocated to specific objects and not subject to general distribution?

Mr. ANTHONY. About $8,000,000 are involved in contracts on existing projects and about $3,000,000 are sums which were appropriated for specific projects which for local reasons and other reasons the War Department deems it inadvisable to proceed with.

Mr. LINTHICUM. But that can not be used for any other object than what is specifically legislated for.

Mr. ANTHONY. That $3,000,000 of which I speak could be applied for general river and harbor purposes by amendment to this bill or by resolution of the House.

Mr. LINTHICUM. But the bill does not contain any such provision.

Mr. ANTHONY. It does not.

Mr. LINTHICUM. Then in considering this $3,000,000 it should be remembered that it is specifically allocated and that there is only $7,000,000 which can be used for general distribution, making a total of $34,000,000.

Mr. ANTHONY. No; the sum I have just spoken of exists to the credit of river and harbor projects to-day and can be used for that purpose.

Mr. LINTHICUM. But is specifically allocated?

Mr. ANTHONY. Yes.

Mr. MONDELL. The $8,000,000 which is under contract is, of course, a portion of the expenditures that will be made. The fact that it is under contract does not in any wise differentiate it from other river and harbor expenditures. It is under contract generally on large and important projects.

Mr. ANTHONY. Yes.

Mr. STAFFORD. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I should like to call the attention of the chairman of the committee to the fact that when the hearings were held General Taylor stated that on December 1, 1921, as the gentleman from Kansas stated, there was $28,324,000 unexpended, of which $9,774,000 was under contract, leaving a balance unobligated of $18,550,000. On Saturday I telephoned General Taylor, Assistant Chief of Engineers, asking him how much money was then unobligated, and he told me that on March 1, 1922, there was $15,584,000 of money heretofore appropriated that remained unobligated.

Mr. MONDELL. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Wyoming.

Mr. MONDELL. The actual balance on March 1 was $23,784,000.

Mr. DEMPSEY. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from New York.

Mr. DEMPSEY. I suggest to the chairman of the subcommittee that it would be well to agree upon some time for debate on this item.

Mr. ANTHONY. I think it would be advisable to fix a limit of time for debate on this item. What would the gentleman suggest as being necessary?

Mr. DEMPSEY. I have been asked for an hour and a half, and I think I will be asked for fully two hours.

Mr. LINTHICUM. I will say to the gentleman that I should like to have 10 minutes.

Mr. ANTHONY. What is the suggestion of the gentleman?

Mr. DEMPSEY. I suggest that we use four hours.

Mr. ANTHONY. We could not devote that much time to it. If we use two hours and a half in debate on rivers and harbors, the time to be equally divided between those sides, I think it would be satisfactory.

Mr. DEMPSEY. Give us an hour and a half. I have requests for over an hour and a half already.

Mr. BARKLEY. Mr. Chairman, I would state to the gentleman that a number of gentlemen on this side of the House—and I am sure on the Republican side also—who are interested in this particular item were promised time during general debate. I was to have 20 minutes, but I did not get any. We desisted at that time with the understanding that we would have a liberal debate under the five-minute rule.

Mr. ANTHONY. In view of the statement of the gentleman from Kentucky, if we fix a limit of three hours for debate upon this paragraph, one-half to be consumed by the gentlemen who are in favor of the $27,000,000 item and one-half by those who are in favor of increasing the amount, I think it would be satisfactory.

Mr. SANDERS of Indiana. Is the Chair to determine the recognition?

Mr. DEMPSEY. Let the time be divided, one-half to the gentleman from Kansas and one-half to myself.

Mr. ANTHONY. If that is agreeable to gentlemen on the Democratic side of the House.

Mr. SISSON. I would like to know about the division of time.

Mr. ANTHONY. The proposition is that debate be limited to three hours, one-half to be consumed by those in favor of the sum named in the bill and one-half by those who desire to increase it.

Mr. SISSON. Can we not have assurance that we may have some time on this side? Two gentlemen on this side, it was virtually agreed, might have considerably more in the five minutes. I refer to the gentleman from Kentucky [Mr. BARKLEY] and the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that debate be limited to three hours, one-half to be controlled by the committee and one-half to be controlled by the gentleman from New York [Mr. DEMPSEY], if that is satisfactory.

Mr. SISSON. As a minority member of the subcommittee, I feel that I might have a little time.

Mr. ANTHONY. I think we may be able to yield a portion of our time to the gentleman from Mississippi.

Mr. DEMPSEY. I am willing to give the gentleman from Mississippi a part of my time.

Mr. SISSON. Suppose we make this agreement if we can, that the two gentlemen give this side an hour of the time and I shall yield that to those for and against the amendment.

Mr. DEMPSEY. That is satisfactory.

Mr. MANN. Make it one hour to each of the three gentlemen—the gentleman from Kansas, the gentleman from Mississippi, and the gentleman from New York.

Mr. ANTHONY. Very well.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that debate upon the paragraph and all amendments thereto be limited to three hours, one hour to be controlled by himself, one hour by the gentleman from New York [Mr. DEMPSEY], and one hour by the gentleman from Mississippi [Mr. SISSON]. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, it has been suggested that that will give those favorable to the increased appropriation two hours and those opposed to it one hour. That is hardly a fair division. I do not know of anyone on the other side who is not in favor of this raid on the Treasury. I think the original proposition ought to stand, that the time shall be divided equally between those for and against the proposition.

Mr. DEMPSEY. As I understand it, the gentleman from Kansas and myself have agreed that the division shall be made. I do not understand that the gentleman from Wyoming objects.

Mr. MONDELL. I do not object to a division equally between those for and against, but the proposition here is to divide it into three different hours.

Mr. DEMPSEY. That is to give the Democratic side one-third of the time.

Mr. MONDELL. Then two gentlemen will yield to gentlemen for and one gentleman to those against. That is not a fair division of the time.

Mr. SISSON. I shall make an effort to divide the time equally between those for and against.

Mr. DEMPSEY. There is no disposition to divide it up into any large divisions or factors.

Mr. ROACH. I would like to have five minutes of time, and if the time is not sufficient to grant me that time, I shall object.

Mr. DEMPSEY. We are going to divide it into five-minute factors. I think the gentleman can have his five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? (After a pause.) The Chair hears none, and it is so ordered.

Mr. WALSH. Mr. Chairman, is there an amendment pending?

The CHAIRMAN. There is not. An amendment was read merely for information.

Mr. DEMPSEY. Mr. Chairman, I understood the gentleman yielded to me to offer it. However, I offer the amendment now.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: Page 114, line 24, after the word "navigation," strike out $27,635,260" and insert in lieu thereof "$42,815,661."

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DEMPSEY. Mr. Chairman, if there is a point of order to be made, I think it should be disposed of, if the Chairman pleases. We are reserving three hours for debate, and we should not go into three hours of debate with a point of order reserved. If the gentleman has any point of order, I wish he would state it.

Mr. BLANTON. I make the point of order that the amendment embraces an amount that is unauthorized by existing legislation with respect to rivers and harbors. The Appropriation Committee can appropriate only such money as existing legislation would authorize, and existing legislation at this time does not authorize this amount of $42,000,000.

The CHAIRMAN. The Chair overrules the point of order.

Mr. DEMPSEY. Mr. Chairman and gentlemen of the committee, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. DEMPSEY. Mr. Chairman, this amendment comes before the House under different conditions from those which have confronted it at any time when a rivers and harbors bill has been considered. In normal times the railroads of this country are totally unable to carry the traffic offered them. We have seen within a short period of time the wheat of the West unable to reach the market because the railroads could not carry it to the seaboard. We have seen this situation, that the grain-growing farmer of the West could have obtained a good price for his product if he could have had the transportation, but he was unable to secure that. The railroads of the country want $2,000,000,000 for additional trackage, rolling stock, and terminal facilities.

They are not going to obtain that amount, and if they did obtain it they would not be able to make the necessary improvements in 10 years. So the question is as to what will occur when we return to normal times. We will find that what we raise and what we manufacture in this country can not reach the markets unless we relieve our railroads by adequate river and harbor facilities. In addition to that, we find this situation: For the first time in the history of the United States we are providing for a merchant marine. We have spent vast sums of money in building the ships. We are about to sell them and transfer them to private ownership, and at the same time we are going to provide the means to see that those ships sail the seas. Is this the time, when we can not carry our traffic by rail; is this the time when it will be impossible for us to utilize this merchant marine unless we improve our rivers and harbors; is this the time unduly to economize in our appropriation for that purpose? Another thing. We are at the end of a great war.

During the period of that war we were told that we should make no appropriation for rivers and harbors unless it was certified by the Secretary of War as being a war necessity. New work was not prosecuted and even the ordinary work of maintenance of harbors was not done. The harbors of our country were allowed to silt and fill. In numerous places where we have adopted a project depth we not only have not secured the depth provided by the project but, on the contrary, the harbors have filled up so that we have a less depth than we had at the time the project was adopted. Now let us take the situation as to the amount to be appropriated. The gentleman from Kansas [Mr. ANTHONY] says that with the $27,000,000 we will be in position to maintain our rivers and harbors and to prosecute new projects. Let us examine the testimony of those who have studied the question. Let us see what they say upon that subject. Let us see whether they agree with the gentleman from Kansas. Throughout this country we have district engineers stationed. It is their duty to study the rivers and harbors in their districts and find out what the needs are. They are men who have made this a life study.

They have had a technical education in engineering at West Point, and at the end of their courses in the academy we have placed them in the Engineering Corps, which is the highest corps, made up of the men who demonstrated the greatest ability, who stood highest at West Point. These district engineers, after exhaustive study, have presented their reports to the Chief of Engineers showing that there is needed for the ensuing fiscal year $63,000,000. The Chief of Engineers, realizing that in this Congress we have attempted to economize and have economized, understanding fully that Congress would not appropriate a cent that was not actually and badly needed, revised these estimates and cut them down to $42,000,000. Let

us study the situation as to this cut and the amount carried in the bill. The subcommittee has reported $27,000,000 in place of the $42,000,000 recommended by the Chief of Engineers. How did $27,000,000 happen to be adopted? Rivers and harbors appropriations are unlike other appropriations, in that they do not lapse at the end of the fiscal year, and sometimes there remain in projects certain sums which are unexpended after the project has been completed.

It was thought when this $27,000,000 figure was adopted that $15,000,000 could be obtained from unexpended balances to the credit of completed projects and that thus we would make up the $42,000,000 so badly needed. Instead of that, we find that from completed projects there can be obtained the sum and only the sum of $126,000. So we have $27,000,000 in this bill and we need $42,000,000. Now, the gentleman from Kansas says we have on hand $23,000,000. The situation as to that is this: Two years ago we had $60,000,000 in unexpended balances. A year ago we had $37,500,000 in the Treasury to the credit of various projects. To-day we have $23,000,000, the smallest balance we have had since 1916, and $8,000,000 of this small sum is already pledged on contracts where the work is being done, and we have still the months of March, April, May, and June, four months, one-third of a year, one-third of that part of the year during which, on account of favorable and mild weather conditions, a large amount of work will be done. So at the end of the fiscal year, as matter of fact, we will not have anything in the Treasury unexpended, and we will have to depend entirely on the sum which we appropriate here.

Now let us make a comparison. Last year, when we did not do anything like the amount of work we ought to do, we expended $41,000,000. With our harbors and rivers in bad condition through neglect during and since the war; with the railroads unable to get the products of the farm and the factory to destination for a good market or even in time to save them from injury and decay; with the highest rail freight rates in the history of the country and no prospect of any considerable reduction; with the waterways affording the only chance to relieve congestion and afford reasonable rates; in order to utilize our new merchant marine, to help the producer and to relieve the consumer, it is our duty to support the amendment and to adequately provide for the rivers and harbors of the country.

This year we will have $27,000,000. Now, let us contrast what the United States is doing with what the localities are doing in the United States. Let us have one or two illustrations. Let us take the port of Greater New York. In order to transport the manufactures of the country, in order to transport the grain from the western fields over to Liverpool to the consumer and to other countries, we must have the port of New York open. We had congestion during the war. We had freight cars piled up 50 miles outside of New York City. Why was that? It is because of two things.

First, we did not have adequate terminals; we did not have adequate warehouses in the city of New York, and, second, we transported every bit of freight that went to New York, whether it was destined there as its ultimate destination or whether it merely went through New York on its way to its future destination in Europe, through the congested port of the city of New York.

New York is the greatest distributing port in the world. They carried that freight through the very heart of the city.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. In order to avoid that situation, the port of Greater New York is about to spend between four millions and five millions of dollars. That enormous expenditure will always be valueless and of no avail whatever unless this Congress makes the channel adequate so that they can send their ships up to the new terminals and unload them into the new warehouses and do away with the congestion and transport all of this merchandise abroad. Take the city of Milwaukee, and they are spending there millions of dollars in order to enable them to carry the traffic that comes there on the Great Lakes. And they are going to be unable to do anything unless the Government does its part. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes of the time in control of the gentleman from Kansas [Mr. ANTHONY] to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, we are about to face the first real test of the Budget. Both sides claim great credit for the adoption of the Budget plan. The committee has proceeded under the Budget in the performance of its duty, and up to this time no recommendations have been made above the figures fixed by the Budget, except a very small amount in one or two items. In the main the Budget estimates have been reduced. Now we are met with what is very apparently an organized assault upon the Budget and the Budget estimates. There are those who are in the habit of referring to river and harbor appropriations as "pork barrel" appropriations. I have never indulged in that kind of talk. In my 25 years here I think I have voted for nearly every river and harbor appropriation, though not a penny of those appropriations is spent anywhere near my State. No man in the House is more earnestly favorable to liberal river and harbor appropriations than I am, and no one would be more willing than I, under proper circumstances and conditions, to increase the appropriation for these useful and worthy purposes. The question is, Shall the budget stand or shall it fall? Are we to be able to go into our districts this fall claiming as one of the credits of the party the establishment of the Budget system and Budget economies or are we going to be compelled shamefacedly to admit that the first time the Budget estimates are attacked by an organized effort to increase what are popularly known as "pork barrel appropriations" the Budget falls?

Mr. DEMPSEY. Will the gentleman yield?

Mr. MONDELL. I am sorry. My time is limited.

Are we to carry out our program of economy? Are we to stand by Budget estimates or are our lines to break the first time when organized assault is made by some of the Members who have creeks from which they wish to have the water hyacinths gathered or which they desire to have deepened for a navigation that is hoped for rather than expected?

The fact is that in 30 years the average annual expenditures for rivers and harbors have totaled about $30,000,000. The fact is that at the suggestion of the Members interested in these matters the original Budget estimate of $13,000,000 was raised to $27,000,000. The fact is that, with a balance remaining in the Treasury of approximately $15,000,000 at the beginning of the next fiscal year, there will be available under contract and for new allotment about $42,000,000—$10,000,000 more than the average expenditures for the last 10 years; $12,000,000 more than the average appropriations for the same length of time.

And yet, because there is something of a demand at home for these expenditures, many of them worthy, some very questionable, we are called upon to depart from that policy of economy which we have adopted and adhered to relative to every other Federal activity, and under this organized attack to break through the Budget estimates, depart from our policy of reasonable economy, and subject ourselves to all the criticism of other days relative to "pork-barrel" river and harbor appropriations. I fear that many of the gentlemen who have been asked to support this increase of appropriation have been asked to do it on the theory that if enough money is appropriated for any particular project, no matter how little merit it may have, they may hope to get a little of the rake-off.

Mr. TEN EYCK. Will the gentleman yield to me for a moment?

Mr. MONDELL. I have only a minute.

I do not know whether it is worth while to appeal to the minority side in behalf of the Budget estimates, although there are many gentlemen on that side who have stood fairly, squarely, and honestly by those principles, and I hope they will not depart from them now. But at least I am justified in appealing to our side, to the side that is in the position of responsibility, to adhere to this estimate, which is nearly double the appropriation of the present year, which is, with the remaining balance, more than equal to the average expenditures for 10 years past, which is the estimate of the Budget, and which is in harmony with our general policy of keeping appropriations and expenditures within the anticipated national income.

Shall we stand by the splendid record we have so far made or shall we allow our lines to be broken and depart from the splendid record that we have made in the face of the first organized assault that is made on the principle of economy and the principle of the Budget?" [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. SISSON. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, I am for the amendment offered by the gentleman from New York [Mr. DEMPSEY].

The gentleman from Wyoming [Mr. MONDELL], who, so far as I know, has no navigable river in his own State, and who, to my knowledge, has never been, to say the least, a very earnest advocate of river improvement, complains that the House is

being asked by this amendment to exceed the estimates submitted to Congress. That is a rather peculiar position for the gentleman from Wyoming to take in view of what has already happened in this House with reference to certain appropriations, and in view of some of the things which are contemplated shortly.

Mr. DEMPSEY. Does the gentleman understand that the Director of the Budget himself testified before the Committee on Rivers and Harbors—and I have the highest respect for the Director of the Budget, his ability, and his public spirit—that he has been able to give no consideration whatever to this item, and that it is a fact that he does not know anything whatever about it?

Mr. BYRNS of Tennessee. I am glad to have that statement from the gentleman from New York, because it bears out what I expected to say a little later on.

I was about to say that the bill carrying appropriations for independent offices, as it was reported to the House, sought to give to the Shipping Board the right to trench upon $55,000,000 of receipts from sales of surplus and materials, which was never asked for or submitted by way of estimate from the Budget Bureau, and when that proposition was before the House and many of us opposed it, and the House by a large majority voted it down, I do not recall that the gentleman from Wyoming raised his voice in protest against the appropriation at that time or complained that the bill as reported was an assault upon the Bureau of the Budget. [Applause.]

And very shortly, if I am not mistaken, as soon as this bill is disposed of, we are going to again have a motion made in this House to give the Shipping Board the right to use those receipts in addition to the estimates submitted, and I am wondering whether or not the gentleman from Wyoming will oppose that and make one of his usually effective speeches in opposition to it. The gentleman from Wyoming very earnestly favored an appropriation of $2,000,000 for the purchase of seed in two or three States in his particular region, and $1,500,000 was appropriated. It was never recommended by the Director of the Budget. Why not be consistent, even though there be no navigable rivers in the gentleman's own State?

Now, what are the facts in reference to this appropriation? The gentleman from New York [Mr. DEMPSEY] has told you that in the first instance the Chief of Engineers asked for $63,000,000, and he said that even if that $63,000,000 was appropriated it would not enable him to do more than to maintain existing projects and do a certain amount of work upon existing projects, and that a great deal of important work would have to be neglected.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. In a moment. The Budget Bureau decided on $13,000,000. Protests were made, and it was then sent back to the Chief of Engineers, and he reduced his former estimate to $42,500,000. He said that was the very lowest sum with which he could carry on his work and that he would have to neglect a great deal of important work if only that amount was allowed.

I want to say to you, gentlemen, you who represent inland districts and who favor the improvement of inland rivers, if you do not support this amendment and put through this additional appropriation you will get very little money by way of improvement on the inland waterways, because it is generally understood, and if you will talk to the Chief of Engineers he will tell you, I have no doubt, that if you should appropriate only $27,000,000, practically all of it will be needed and expended in the maintenance and improvement of harbors. [Applause.]

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. STAFFORD. The gentleman is not speaking according to the record.

Mr. BYRNS of Tennessee. I am perfectly willing to leave it to the record.

Mr. STAFFORD. The record shows that more than $10,000,000 will be used for the inland waterways.

Mr. BYRNS of Tennessee. Even if that be true, it is only about one-third of the whole amount.

Mr. STAFFORD. That is more than has been expended in any year past.

Mr. BYRNS of Tennessee. I think not. There has been $42,500,000 spent on the average for the past two years. There was appropriated for 1921 $12,000,000, and they had an unexpended balance of $58,000,000 July 1, 1920. This made $70,000,000 for 1921. At the beginning of the present fiscal year there was an unexpended balance of $37,000,000 and there was appropriated the sum of $15,000,000. So the Chief of Engineers has had $85,000,000 for the last two fiscal years. General Taylor says all of this has been obligated and there will only be about $200,000 left at the end of the present fiscal year. So we have reached a point where we can not make appropriations for this work and rely upon their being supplemented by unexpended balances. There will be no unexpended balance, and we must appropriate all that is to be spent next year in this bill. The Chief of Engineers says that he ought to really have $63,000,000, and that he must have $42,500,000 as a minimum. The Director of the Budget says frankly that he has not been able to give the matter any particular consideration and that he does not know anything about it. For my part, under these circumstances and believing as I do very earnestly in river and harbor improvements and its value to the whole country, I prefer to rely upon the recommendation of the Chief of Engineers. Failure to make this appropriation would result in great economic loss, not only in so far as the value of the improvements to be made are concerned, but also on account of the deterioration of existing projects, which can not be touched unless a reasonable appropriation is made. It is false economy not to provide reasonable funds. The overhead remains the same whether the appropriation be large or small, and Congress ought to make appropriations to complete this work as quickly as possible, so that the present generation can derive as full benefit as possible from these improvements in the transportation of our agricultural and other valuable products and resources.

Mr. MADDEN. Mr. Chairman, I would like to give you a few facts. The gentleman from Tennessee [Mr. BYRNS] has been dealing in fancies. From the year 1914 to 1922, inclusive, the total appropriations for rivers and harbors in the river and harbor acts amounted to $275,000,000, or an average of $27,500,000 a year.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. I can not yield.

Mr. DEMPSEY. Just a very short question.

Mr. MADDEN. I can not yield.

I am going to give you facts. Under the sundry civil acts and the river and harbor acts combined there has been appropriated in the last 10 years $300,500,000, or an average of $30,500,000 a year. On the 1st of July, 1921, they had on hand unexpended $44,000,000. They will expend out of that $30,000,000 this year up to the 1st of July, 1922. That leaves them $14,000,000. We are proposing to appropriate $27,000,000. Add to $27,000,000 that $14,000,000 and you have $41,000,000.

Now, the gentleman from New York [Mr. DEMPSEY] wants $42,000,000. We will give you $41,000,000 without adding a dollar under the gentleman's amendment. If $42,000,000 is all you want, you will have it by refusing to adopt the amendment offered by the gentleman from New York.

I talked with the Assistant Chief of Engineers this morning. He says at the end of 1923, if we give him $27,500,000 and the $14,000,000 which he has now available, he will have on hand out of the $41,000,000 at the end of the fiscal year 1923 $10,000,000. Now, what do you want? Why do you want to add $15,000,000 to what the committee proposes if with what he has and what the committee proposes he will be able to get along for 1923 and have an unexpended balance of $10,000,000 at the end of the fiscal year? That is all there is to the case. [Applause.]

The CHAIRMAN. Does the gentleman from Illinois yield back the balance of his time?

Mr. MADDEN. Yes.

Mr. SISSON. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield for a short question before he starts?

Mr. HUMPHREYS. Yes.

Mr. DEMPSEY. The gentleman no doubt has been present during the consideration of this Army appropriation bill. Has he noticed that the subcommittee in charge have on practically every item cut the Budget estimates? Would this be disregarding the advice of the Budget, which has been cut here, any more than it has been upon other items cut by the subcommittee?

Mr. HUMPHREYS. That may be true. I can not speak accurately or definitely about it.

Mr. Chairman, I was for 13 years a member of the Committee on Rivers and Harbors. I do not believe that the facts ever before more thoroughly justified liberal appropriations for the inland rivers than do the facts that we now have. Last year the engineers compiled in the second volume of their report most illuminating statistics on the commerce of the country. Now, listen: The inland rivers of this country, not counting canals and connecting links like the Detroit River and the St. Marys, or anything of that sort, just taking the rivers themselves, the

inland rivers in the last year carried 80,000,000 tons of freight. Well, that does not mean anything just by itself. It is like saying that there are 265,000 miles of railroads in the United States. But if you will add to that the statement that that is about one-half the railroad mileage in the world, you will understand what it means. There were 80,000,000 tons of freight hauled on the inland rivers last year, not counting the canals. It would require 1,600,000 big 50-ton box cars, carrying 100,000 pounds each, to haul that freight. Estimating that a train would carry 30 of those loaded box cars, it would take 53,000 trains to haul it. It would take 146 of those trains, running every day, 365 days in the year, to haul the freight that was hauled on the inland rivers last year. The late Mr. James J. Hill said to our committee once that they had never been able to reach that point of efficiency where they could haul every freight car 20 miles a day. If that is true now it would take 22,000 of those big box cars 365 days to move that freight 100 miles. Now, that being true, with the present transportation necessities of the people what we know them to be, can this Congress afford to take the chance of being stingy in this matter? On the rivers of the Mississippi Valley alone we floated last year 51,000,000 tons of American freight.

When we put the Panama Canal through we had Dr. Emory Johnson figure out how much tonnage would go through it in order that we might properly adjust the tolls. His estimate was between 10,000,000 and 10,500,000 tons, of which he estimated that 3,500,000 tons would be American freight. We have never yet reached 10,000,000 tons for the Panama Canal, although we nearly reached it last year, for all the countries of the world. Here last year on these inland streams we carried 80,000,000 tons, and that under the most serious of handicaps.

Mr. Chairman, since I have been in Congress we have performed three major operations on the railroads, and I voted for all three of them. I am very much inclined to think I made a mistake three times. [Laughter.] I am not quite sure about the last bill, whether I was mistaken in voting for that or not, but I voted for it. My doubts are not due to allegations we hear in the usual speeches made here that we gave the railroads $600,000,000 or $800,000,000 or $1,000,000,000 or $1,500,000,000 or $2,000,000,000, according to the fancy of the speaker, because, of course, we did not do that, nor did we guarantee them that they would make 5½ or 6 per cent. What I fear is that we may have handicapped them too much. But even so, we left the power in their hands to hamstring the steamboats. Now, here is the situation: The other day the gentleman from Missouri [Mr. NEWTON] showed how the railroads were discriminating in their rates between shipping points. Here is a river town. The railroad running to that town will reduce the rate, because the town happens to be on the river, and so will run the steamboats off of the river. Now, we changed that law and said they could not give a discriminating rate to a river point unless there was actual river competition; that potential competition was not to be considered. All right. We will take any town on any river. The railroad puts up the rate and does not give a discriminating rate, because there is no actual competition. Then the steamboat people say, "Well, we will put a steamboat in here, running from Cincinnati to Greenville, or from Louisville to Greenville, or from St. Louis to Greenville or any other point, because we can haul the freight for very much less than the railroad charges and still make a lot of money." Well, they consult a lawyer about it, and he says, "That is all right; but you must remember this, that if you put a steamboat on there and begin to haul the freight, then you have actual competition, and as soon as you have actual competition the Interstate Commerce Commission has the power to allow the railroads to put in cutthroat rates again and put your steamboat out of business." The result is that they will not put their steamboat on the river at all, and the railroads therefore can not reduce the rates, because there is nothing except potential competition, so these little river points must pay the high railroad rates and be denied the right to use the river by this sword of Damocles that hangs over them. Yet with that handicap the inland rivers of this country last year increased their tonnage tremendously.

In 1879, according to the census—and that is the only estimate we have of it—the rivers in the Mississippi Valley carried 32,000,000 tons of freight. Last year they carried 51,000,000 tons in the face of this handicap provided by the transportation act. It occurs to me, gentlemen, that in view of the fact that farmers and shippers generally in this country are handicapped most seriously by the lack of proper transportation facilities, the last thing we ought to do would be to undertake to economize by cutting down an appropriation which has already been cut away below what it ought to be. As the engineers expressed it, they were instructed to cut it to the bone, and they cut it to the bone. The Budget Committee, who do not know as much about it as you do, cut it to $27,000,000, and therefore that amount becomes sacred with this committee. The engineers said they needed $63,000,000, and the people all over this country are demanding, because their necessities require them to demand, transportation facilities which the railroads can not give them. Where are you going to get the 146 railroad trains extra to run every day in the year for 365 days to move this freight only 100 miles?

Mr. LAYTON. Will the gentleman yield for a question?

Mr. HUMPHREYS. I yield to the gentleman from Delaware.

Mr. LAYTON. As a matter of fact, the Director of the Budget first cut the appropriation to $13,000,000.

Mr. HUMPHREYS. That showed he did not know anything about it. That is all there is about that. He cut it blindly. Then it was increased to $27,000,000 blindly, that is all there is to that. I have great respect for those gentlemen. But they do not know as much about this matter as we do. Now, the amendment proposes simply to make the amount $42,000,000, which the engineers said was the very lowest possible cut that could be made. They knew they had this unexpended balance on hand. You are not telling them anything new about that. They knew what they had on hand. They said, "We have cut the estimates to the bone," and that means $42,000,000 to be appropriated this year in cash, and now it is proposed to cut it below that. I think it would be a very unwise procedure on the part of this House. [Applause.]

Before I close I want to pay some compliments. First, to the engineers for the very illuminating report on the commercial statistics as they appear in volume 2 of the Annual Report of the Chief of Engineers. They have not only gathered much more statistical data than ever before, but they have assembled it in numerous tables where they become understandable and instructive. This good start is but a harbinger of what is to follow, and we are under obligations to them for it.

Then I want to compliment General Dawes and congratulate not only the service but the people of the whole Mississippi Valley upon having him in his present position. His heart, as well as his head, is in his work, and if he remains where he is the barge line on the Mississippi will justify the expenditures we have authorized, and better still he will demonstrate the practicability of river transportation, and it will be only a few years before private enterprise will enter that field to stay. He has cooperated in a most intelligent and sympathetic way with the management and by so doing has, I believe, made its success certain.

Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Chairman and gentlemen, in this bill as originally presented to the House there were two provisions involving an intrusion by one department into the field of another which I regard as dangerous. The first was that which would give to Congress the allocation of troops. Such a provision is entirely objectionable as a matter of policy and of very doubtful constitutionality. The other is the pending provision under which the legislative department of this Government would abdicate its right to specify the projects for which appropriations are to be made.

I admit that I am in some measure responsible for this change. In the year 1914 I was forced to oppose a bill which contained many extravagant appropriations and to resort to what was popularly known as a filibuster to defeat it. The result was the beginning of this plan to appropriate lump sums to be apportioned in the War Department. That was continued in the following year, 1915. Then the old plan was resumed, but again the lump-sum appropriation was adopted, and has, I think, been continued for the last three years. This Congress ought not to give that responsibility to the executive department. [Applause.] Every appropriation made for a river and harbor should be considered by this House and should be open to the scrutiny of the whole people. This is making no reflection upon the Engineer Corps, to which I have often referred as the blue ribbon of the Government service. But these appropriations should be made after full and free discussion here; otherwise we are evading the responsibility which belongs to us.

Now, I can not favor this increase in appropriations as proposed by this amendment; at least not until every item is brought here for consideration. I do not believe in adding $15,000,000 to these estimates to be apportioned by the Engineer Corps. And I think I may say to some of these gentlemen who have spoken: Your idea that you will relieve congestion on the railways by adding another $15,000,000 is altogether a fallacy. [Applause.] In the first place, the improvements you would make will be deferred for many years, and in the next place classes of traffic that can be carried by the two methods are

entirely different. That carried by the rivers is one type and finds its origin in the warehouses and the localities on the banks of the river, while the other makes available traffic in every part of the land. Now, up to about the beginning of this century I was an enthusiast in regard to inland waterway transportation. No one favored it more strongly than I. I spent the summer and a part of the autumn of 1903 in Europe examining the waterways there, which are so much utilized, and I found their conditions were so radically different that we could not take their methods and utilization of canals and rivers as an example for us.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I yield to the gentleman from Ohio four minutes more.

Mr. BURTON. Again in 1909—and I had made other visits to Europe in the interim, made shorter examinations there—I have examined practically every river and harbor in this country. I became discouraged in regard to this method of hauling freight. I remember in the year 1907 I was in the city of Memphis. The preceding year every warehouse had been crowded, bales of cotton were located on the walks and in the streets, and there was an unheard of congestion, yet not one single bale was carried to New Orleans by water. In the year 1907 President Roosevelt visited Memphis, and with great eclat bound a bale of cotton to be carried down river, but I think that was the only bale shipped at Memphis by water that year. In all that time there was a waterway 10½ feet deep from Cairo to the sea. The head of the Mississippi River Commission told me that in all his trips on the river there had never been a request for improvement for the promotion of navigation, but that every request was made for revetment of the banks or for levees. When I say this I also wish to say that I always favored keeping open that great waterway, the father of the waters, and making generous provision for it.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. BURTON. Perhaps, in a few moments. While I am willing to review this whole situation in view of the great increase in freight rates, I am not hopeful in regard to the development of traffic on these rivers. It is true that in such a case as the Monongahela, which, by the way, is the river of shallow draft which has the largest traffic where there are many mines near the mills and nearby a great quantity of coal is located, a very large traffic can be developed. I will ask consent to insert certain classes of rivers that I think may be properly improved——

Mr. HARDY of Texas. Will the gentleman yield now?

Mr. BURTON. I will.

Mr. HARDY of Texas. Is it not universally known that the reason that no freight goes down the Mississippi River is on account of the cutthroat methods of the railroads in reducing the rates, say, from Memphis to New Orleans, to an unreasonably low rate?

Mr. BURTON. That is a part of it. I drew a provision which provided that no railroad should reduce its rates in competition with a waterway and afterwards restore that rate unless it could be shown that the lowering was for a purpose other than eliminating competition. That is now the law and it has been helpful. But that is by no means all. It is the greater care taken on the railroad, the fact that when a bale of cotton is taken on a railway the shipper has his bill of lading, can take it to the bank and use it, and the fact that if it is taken on the river he must insure it. Then, too, the transportation is usually much more rapid and shippers prefer the railroads.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BURTON. I subjoin certain classes of rivers the improvement of which I think is proper and desirable: First, rivers which afford access to cities or centers of consumption located at no great distance from the sea, upon which the haul by river can be combined with the movement by sea. Of this class are the Delaware reaching from the city of Philadelphia to the sea, the Patapsco between Baltimore and the Chesapeake Bay, the Mississippi between New Orleans and the Gulf of Mexico, the Columbia and the Willamette between Columbia and the Pacific Ocean. Second, rivers of considerable size upon which large cities or industrial centers are located and which can be made the means of transportation between producer and consumer in the shipment of heavy and coarse freights, such as coal, iron ore, or building material. In this class may be included the Ohio and the Hudson, with its canal connection with the Great Lakes. Third, short rivers in busy industrial sections where the consumer and producer are located near to each other. The best illustration of a river of this class is the Monongahela in Pennsylvania. This tonnage consists almost entirely of coal carried from mines on or near to the river to mills or furnaces at or near Pittsburgh. Fourth, minor streams at or near great cities or thickly populated areas. There are a number of these streams tributary to the waters around New York City, to the Delaware below Philadelphia, and to the Chesapeake Bay. In the case of these streams a market for the products of the locality tributary to the river in question is not far away and freight can profitably be carried in boats of shallow draft. Fifth, shallow streams of considerable length in the interior flowing through level areas which can be made available or improved for navigation at comparatively small cost by snagging. There are rivers of this type in North Carolina, South Carolina, Florida, and Louisiana.

In a great majority of the cases mentioned it is clear that appropriations have brought excellent results. Whether the future may develop a movement of agricultural products for any considerable distance on the rivers is doubtful. The most objectionable improvements have been made in those streams of a depth not more than 12 feet which have to be improved by expensive locks and dams, though among these there have been exceptions, such as the Warrior River in Alabama, where I trust the results may justify the cost; also the Ohio and the Barge Canal, an artificial waterway across the State of New York.

Mr. DEMPSEY. Mr. Chairman, I yield seven minutes to the gentleman from Missouri [Mr. NEWTON].

Mr. NEWTON of Missouri. Mr. Chairman——

Mr. DEMPSEY. Will the gentleman yield before he proceeds?

Mr. NEWTON of Missouri. I will.

Mr. DEMPSEY. I notice that the gentleman from Ohio [Mr. BURTON] says that he has lost all hope of our carrying any part of the traffic by the rivers. I will ask the gentleman if he has examined the records and found that during the time the gentleman from Ohio was chairman of the Committee on Rivers and Harbors he introduced bills by which there was expended $170,000,000 in improvements of these very rivers?

Mr. BURTON. Mr. Chairman, if I am in order, I said that no one was more enthusiastic than I up to a certain time when I made a more thorough study of the subject of rates and the development of waterways. I say further that there are certain inland waterways that do have a very considerable traffic.

Mr. DEMPSEY. Does not the gentleman think it is a little bit late after expending $170,000,000 to learn that we are wrong, and will not the gentleman from Missouri tell us about the Mississippi as it is to-day?

Mr. NEWTON of Missouri. Mr. Chairman, Mr. BURTON says river navigation is not practicable. There is one thing that I can not get through my head, and that is if river navigation is not practicable why are the railroads giving cutthroat rates up and down the river banks of the country all the time? [Applause.] Just tell me why it is that when the barge line was ready to begin operations this spring between St. Louis and Minneapolis the railroads came to Washington and got the Interstate Commerce Commission to permit them to put a rate on first-class freight from Minneapolis to St. Louis—586 miles—for $1.06, and then charged $1.44 for the same kind of freight, 86 miles less distance, from Minneapolis to Kansas City? It was because there was no river there. If river navigation is not practicable, why are they doing that? Everywhere you find any possibility of river development, you find cutthroat railroad rates.

There have been all sorts of controversies here about what the engineers have said and about what there is actually in the Treasury for river and harbor work. In order to settle that question I want to read the testimony of the engineers on this very question. General Taylor, Assistant Chief of Engineers, who has the rivers under his supervision, said before the Committee on Appropriations:

Mr. ANTHONY. About how much of these permanent appropriations will be carried over in the next fiscal year unexpended?

General TAYLOR. There will be practically nothing that is unexpended. On the 1st of December our actual unexpended balance was $28,324,247.89. Of that amount $9,774,165.13 was under contract, obligated, leaving us an obligated balance on the 1st of December of $18,550,082.76. We have been expending sums at the rate of about $2,500,000 a month.

On the 1st of December they had $28,000,000 in the Treasury, and $9,774,000 of that amount under contract, leaving $18,550,000 unobligated. Now, you can take the two and one-half million dollars a month, the amount they are spending, and figure it up, and you can see that there will be only $3,000,000 in the Treasury for river and harbor work July 1.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Missouri. If the gentleman will give me a little more time.

Mr. STAFFORD. I will grant the gentleman one minute in which to answer the question. General Taylor, in his testimony, stated, as the gentleman stated, that on December 1 there was $18,550,000 unobligated. On Saturday last, in response to a telephone call, he told me that on March 1 of this year there was $15,584,000 unobligated, and then what becomes of the two and one-half million dollars a month of which the gentleman speaks?

Mr. NEWTON of Missouri. Let the gentleman take his own figures if he will. On March 1 there was $15,000,000 in the Treasury, and $2,500,000 a month for four months makes $10,000,000, leaving only $5,000,000 at most, and on the 1st of July next year we have to keep that much in the Treasury for emergencies. You can not spend it all.

Mr. DEMPSEY. And is not this the time of year, from March 1 to June 30, when they are doing work at the maximum of efficiency and at the maximum of progress, and will they not spend $3,000,000?

Mr. NEWTON of Missouri. That is true. Here is another thing that General Taylor said. There is no use having any controversy about what he said, because here is his testimony:

> Every bit of river and harbor work we do next year will be done with the money which is appropriated at this time. I want to make that very plain, that when the previous bills went through we had large sums which we could utilize for those years for which the appropriations were made, and that this year we have no money available to help out next year.
>
> I wish to again emphasize the fact that the Engineer Department has never stated or admitted that any sum less than the $42,000,000 would be sufficient for the next year for river and harbor work. The estimates have been cut down over our repeated recommendations, and we believe that more money is necessary.

I want to get this absolutely clear in your minds, because of the charges made by gentlemen on the floor of this House. I listened to what the gentleman from Wyoming [Mr. MONDELL] said. I do not think there is anyone in the House whose record is any more regular than mine. He said on this question that the Budget stands or falls.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. NEWTON of Missouri. Can not the gentleman give me a little more time?

Mr. DEMPSEY. I will yield to the gentleman some time later.

Mr. STAFFORD. Does that include the minute that I yielded to the gentleman?

The CHAIRMAN. It does.

Mr. HARRISON. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. TEN EYCK].

Mr. TEN EYCK. Mr. Chairman, when the majority leader from Wyoming [Mr. MONDELL] was speaking I asked him to yield to me for a question and he refused. I wish now to ask him the same question I intended then to ask. When the time was being allotted the gentleman stated that he did not know why any time should be given to the minority side of the House, because, he stated, they are all in favor of this raid on the Treasury. I want to ask the gentleman now whether he is in favor of the legislation that the President of the United States recommended when he recommended several hundred millions expenditure in Canada on the canalization of the St. Lawrence River, without the territory of the United States? Does he consider this recommendation of the President a raid on the Treasury?

Mr. Chairman, I understand that the gentleman from Ohio [Mr. BURTON], who has just preceded me, while a member of the Committee on Rivers and Harbors and later chairman of that committee recommended through his committee an expenditure of more than $100,000,000 for improvement in extension of the rivers and harbors of this country, and is now purported to be an advocate of an expenditure of several hundred millions of dollars in the Dominion of Canada, without the territory of the United States, and in his speech here to-day opposed an increase in expenditure of approximately $15,000,000 upon the rivers and harbors within the territory of the United States.

I wish to ask the gentleman why on one hand he wishes to spend several hundred millions of dollars to help England and Canada and on the other hand refuses to vote for a small appropriation to help the American people and give to the farmers the much-needed relief in transportation through waterway improvement?

Mr. Chairman, my policy is American money for American waterways within the territory of the United States.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TEN EYCK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and resolutions of the following titles:

On March 13, 1922:

H. R. 10161. An act authorizing the use of special canceling stamps in certain post offices.

On March 20, 1922:

H. R. 10267. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 10663. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes;

H. R. 8193. An act to amend the first proviso in the act entitled "An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906; and

H. R. 9047. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over approximately 755 square feet of the Fort Banks Military Reservation for the purpose of widening Revere Street.

On March 21, 1922:

H. J. Res. 227. Joint resolution extending the term of the National Screw Thread Commission for a period of five years from March 21, 1922; and

H. R. 9597. An act to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918.

On March 23, 1922:

H. R. 9235. An act providing for a grant of land to the State of Washington for public park purposes.

On March 24, 1922:

H. R. 7881. An act to authorize the Governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii, and to issue land patents to those eligible under the terms of said agreements.

WAR DEPARTMENT APPROPRIATION BILL.

The committee resumed its session.

Mr. HARRISON. Mr. Chairman, I yield 14 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, I desire in the outset to suggest that I think the argument made by the gentleman from Wyoming [Mr. MONDELL] in opposition to the amendment offered by the gentleman from New York was a little unfair. He is opposed to it upon the ground that if we adopt this amendment we drive a team of horses through the vitals of the Budget system and that therefore it ought not to be adopted. I voted for the Budget Bureau because I believed it was a reform in the right direction. I am for the Budget now, but when I voted for it a year or so ago, and when I am for it now, I do not mean now, and I did not mean then, that I intended to surrender my right to my own judgment in a matter of appropriations recommended by the Budget. But if we desire to sustain the Bureau of the Budget on particular items there is very little reason to sustain it on the item now under consideration. General Dawes, the Director of the Budget, admitted that he knew very little or practically nothing about the item under consideration for rivers and harbors. When General Beach, the Chief of Engineers, sent out over the United States for the reports from the district engineers of the need for improvement of rivers and harbors they reported back to him a total of $63,000,000. General Beach went over each of these items and reduced the total amount requested from $63,000,000 to $42,000,000 and made that recommendation to the Secretary of War, which found its way to the Director of the Budget. He was about to recommend something like $13,500,000, which he seems to have arrived at not through any accurate information but by adding the appropriation of $12,000,000 for 1920 and $15,000,000 for 1921, making $27,000,000, and dividing that sum by two, resulting in the $13,500,000 he would have recommended at first.

But after those who had some information on the subject learned that he was about to recommend that pittance for the rivers and harbors of the Nation they went to him and to the Secretary of War and laid the facts before them, and then it was, and not until then, that the Director of the Budget increased the recommendation from $13,500,000 to $27,500,000, as carried in the bill now before us. Now, let us see what the

facts are with reference to the work done by the War Department, through the Corps of Engineers, in the improvement of our rivers.

Mr. LINEBERGER. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. LINEBERGER. Is it not very likely that General Dawes added the $13,000,000 to the $42,000,000 and also divided that by two in his recommendation of $27,500,000?

Mr. BARKLEY. That may be perhaps true, but it would still bear out the statement that I make. What is the history of the last few years in the matter of river improvement? I am sorry the gentleman from Ohio, for whom I have a great deal of respect not only from an intellectual standpoint but from the standpoint of an American citizen, takes the attitude of such a doleful outlook in reference to the commerce of the rivers and harbors of the United States and opposes these needed appropriations. The gentleman from Ohio was chairman of the Committee on Rivers and Harbors in this House for some 10 years. It was under his leadership that we adopted many of the projects which are about one-half completed and for which we are asking appropriations in the bill under consideration. [Applause.] After he ceased to be chairman of the Committee on Rivers and Harbors and was translated to another body he discovered all of a sudden that the policy that he had been advocating and under whose leadership we had adopted project after project is all wrong. How did he make that discovery? What new light did he see? He says he went to Europe and investigated. He should have learned that Europe utilizes her rivers.

Mr. DEMPSEY. Will the gentleman yield for a brief question?

Mr. BARKLEY. I will.

Mr. DEMPSEY. Does the gentleman think the argument of the gentleman from Ohio that we should not appropriate for the improvement of rivers and harbors because it would take some time to do the work is a sound argument?

Mr. BARKLEY. No; I do not think so, and I doubt very seriously if the gentleman from Ohio himself upon reflection would urge that argument as the reason for refusing this increase in the appropriation. Everybody knows that these improvements can not be made over night. But they ought to have been made much faster than they have been. Now, prior to the war we appropriated something like $35,000,000 per annum for all rivers and harbors.

When the war came on we practically ceased appropriating money for rivers and harbors except in sufficient amount merely to prosecute some of the work that had already been started. So for 1917, 1918, 1919, and 1920 it may be truthfully said that the amount spent in those four years would not exceed the amount which was expended in 1916 by a very large sum, and the reason we did so is that we were in a war, labor and material were high, and therefore Congress felt, in view of the fact that we were spending billions of dollars in the great enterprise of winning the war, that we should wait until the war was over before undertaking to pursue the policy which Congress has undertaken in the improvement of rivers and harbors.

Mr. DEMPSEY. Will the gentleman yield for one further question?

Mr. BARKLEY. In 1920 we only appropriated $12,000,000; 1921, $15,000,000, both of which put together is not as much as we appropriated for one year prior to the war. I will yield to the gentleman.

Mr. DEMPSEY. Is it not a fact that during the war we only received about one-third of the amount for a day's work which we received previous to the war? So if we had appropriated $36,000,000 we would only receive about $12,000,000 worth of work?

Mr. BARKLEY. Yes. And that situation remains true now to a greater or less degree. Under this policy during the last four or five years the work has accumulated until the Chief of Engineers, through General Taylor and through the Corps of Engineers, has estimated and advised the Congress, through the executive department, that the very smallest amount that they can get along with without deterioration and without actual damage to the work is $42,500,000. Now, I dispute what the gentleman from Wyoming and the gentleman from Wisconsin say as to whether there may be a little unexpended balance on the 1st day of July. General Taylor, in charge of this work, testified emphatically that there would be probably nothing left on the 1st of July. The gentleman states there is now in the Treasury $15,000,000. Let us admit for the sake of argument——

Mr. MONDELL. There are actually $23,000,000.

Mr. BARKLEY. There are not actually $23,000,000 in the Treasury.

Mr. MONDELL. Yes.

Mr. BARKLEY. On the first day of this month the gentleman said there were $23,000,000 in the Treasury, but some $12,000,000 or $15,000,000 is represented by contracts that are already out and for which money will be expended before the 1st of July. Let us see whether there are $15,000,000 unexpended in the Treasury now.

Mr. MONDELL. Twenty-three million dollars.

Mr. BARKLEY. There are not $23,000,000 unobligated.

Mr. MONDELL. That is the report.

Mr. BARKLEY. That is not what the Chief of Engineers says.

Mr. DEMPSEY. Fifteen million dollars on the 1st of March, if expended at the rate of $3,000,000 a month, would be gone the 1st of June.

Mr. BARKLEY. I can not take the time to talk about all the rivers of the United States. There is one great river I desire to discuss that is typical of the situation that exists all over the country. That is the project of the canalization of the Ohio River. That river is a thousand miles long from the junction of the Allegheny and Monongahela Rivers, 4½ miles south of Pittsburgh, to the mouth of the Ohio, where it empties into the Mississsippi at Cairo, Ill.

Now, in 1875, Congress began appropriating money for the improvement of the Ohio River, and the first lock and dam was completed in 1885. Since that time some 35 locks and dams have been built and are in operation, running from Pittsburgh on down the Ohio toward Cincinnati and toward its mouth in the Mississippi. There are 10 now under construction and 9 have not been begun. In 1905 Congress appointed a commission to investigate the improvement of the Ohio River for the purpose of making it a 9-foot stage all the year round, and after an exhaustive investigation and report of that commission Congress adopted a project making a 9-foot stage from Pittsburgh to Cairo by the construction of 54 locks and dams, and contemplated their completion by 1922. That year is now here. Under the report of that commission it is shown in 1905 that more than 10,000,000 tons of freight were being hauled on the Ohio River, even without the canalization, and notwithstanding that some portions of the river were capable of being navigated only four or five months out of the year.

There have been some 35 of these locks and dams completed; probably there may be one or two eliminated a little later. There are some eight or ten under construction, some of them not over half done, and some 80 or 90 per cent finished. Some of them have not been begun. And the testimony of the engineers is that if the appropriation of $5,000,000 a year, which was the amount allowed in the annual bill for the Ohio River prior to the war, is continued, it will require about six years to complete the canalization of that river.

What is the result of that on commerce? We have had a lot of talk about the transportation conditions. We passed here a year or two ago a bill known as the transportation act, by which we took out of the Federal Treasury millions of dollars and under which Congress instructed the Interstate Commerce Commission to make rates that would yield 6 per cent to the railroads, and I am glad I am one of those who voted against that bill. It has justified all my predictions about it, and has in some respects been even worse than many of us feared. I thought then, as we all know now, that such a policy would compel such increases in freight rates as to be a great handicap to commerce and industry and vastly increase the cost of living. Whatever may be said as to the wisdom or folly of such a policy, it can not be denied that the result has not been satisfactory either in stimulating traffic or in benefiting the public. Business has been stifled, transportation crippled, and the whole country now awaits impatiently the time when freight and passenger rates will come down.

This situation has made it necessary to consider with renewed interest and enthusiasm the question of resumption of traffic upon the Nation's great rivers. With rivers like the Ohio navigable for only a portion of the year, it has been and will be always difficult to induce capital to invest in river steamboats. But even with this handicap, during the last three years $31,000,000 have been invested in boats and barges on the Ohio River alone. If the river were completed with a 9-foot stage all the year from Pittsburgh to Cairo, there is no way to estimate the tremendous increase in river traffic, and the resulting increase in the amount of money invested in transportation facilities on our great rivers. The same is true of all the important streams of the country. We need more transportation in this Nation. The time is fast approaching when

congestion of commerce and population will make it impossible for the railroads to carry all our freight. We must prepare the rivers to perform their duty in the great life of the Nation. We can not pepare for this need by a tight-fisted, miserly policy in dealing with these great arteries of trade. Therefore I favor the amendment increasing this appropriation to $42,800,000, and hope it will be adopted. [Applause.]

Mr. DEMPSEY. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Chairman, it has been stated frequently in the press that the President of the United States is more popular in the country than the Congress and that the President of the United States has done more toward carrying out a constructive program than has the Congress. That may be because the Republican Congress will be up for election next time and the President will not be up for election until two years hence, and it is sought by the Democratic press to convince the Harding Republicans that they ought to vote for Democratic Congressmen. It may also be because it is easier to announce a program and to outline a program than it is to carry it out.

The Republican administration has announced a program of economy, and this controversy to-day illustrates the difficulties which the party has in actually crystallizing that program into legislation. We have a Budget law, written by a Republican Congress. We have the recommendation of the Budget Bureau in connection with these river and harbor improvements for $27,000,000, and now we have the attempt by our Democratic friends over here, who are almost solidly for the increase supported by some Republicans, to break over that economy program and add $15,000,000 to the amount recommended by General Dawes. It is not a question of whether we shall have improvement of rivers and harbors or whether we shall not have it. It is whether or not we are willing to accept this liberal provision made by the Budget Bureau and embraced in this bill reported by the Appropriations Committee or whether we are willing to enlarge that to meet the demands of a united number of Congressmen who want particular improvements to benefit the rivers and harbors which lie in their districts. That is a very worthy purpose on the part of a Congressman who has a river or harbor to be improved, because, of course, in many cases it would be of some benefit. But the problem of this Congress is to carry out a program of economy, notwithstanding the appeals that are made in the individual districts to the individual Congressmen.

The people of this country now pay the taxes by means of levies upon their incomes, and the people are crying out to have those taxes reduced, because the individuals paying the taxes feel the burden. And the Republican Congress must continue to respond to this insistent demand throughout the country for a program of economy. The gentleman from New York [Mr. DEMPSEY], the able and distinguished chairman of the Committee on Rivers and Harbors, says that unless this program is carried out we are going to have to meet a transportation situation with lack of cars and equipment on the railroads, and this, he says, is in the near future. Of course, that is answered by the proposition that the work which is proposed to be done by this additional $15,000,000 would not meet that situation, for it will not be done until the year ending July, 1923.

I hope, Mr. Chairman, this amendment will be defeated and that the committee's proposition will be carried out.

Taxes are paid by our people. We are their Representatives. We must continue the work of reduction of the Government expenditures. It means eternal vigilance. Save a few millions here, a few millions there. Stop wasteful expenditures for every needless project, and the end of the year will show a real saving that the people will applaud. [Applause.]

Mr. SISSON. Mr. Chairman, I yield four minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, I am no party to any combination or organization to pass this amendment. I am not certain whether I shall vote for it. The subject here, however, has been much clarified by two admissions made by the distinguished gentleman from Ohio [Mr. BURTON]. The first is that he brought about the present method of distribution of river and harbor appropriation, namely, the withholding from Congress its power to make these appropriations other than by a lump sum, leaving the allotment of that appropriation to the engineers of the Government. Second, his illuminating admission that he was mistaken in this method of allotments.

Now, I do not know that we can to-day bring about a reformation of this procedure, but this Congress will go very far in contributing to the economic efficiency of the American people and in reviving the confidence of the people in our legislative institution if it resumes its function of making specific appropriations. For I asseverate if the Congress takes its hands from the allotment of these appropriations the river and harbor improvements of America upon any wise policy are done for. The engineers are high and great men, but they deal with these matters mainly from one standpoint, while you and I, as Members of the House of Representatives, consider them from another point of view. The engineers deal with this question on the basis of mathematics. We must deal with it from the aspect of the economic and commercial possibilities of this Nation. For example, we here must consider the fact that rivers and harbors supply a great factor in determining the freight rates upon the railroads of this country. This is a far-reaching fact, not, perhaps, within the province of the engineers to consider or estimate in reaching their conclusions.

I would make another observation. I ask the Members of this House not to be carried away by the partisan appeal that by changing the recommendations of the Director of the Budget we thereby necessarily overthrow the Budget system.

I wish to direct your attention to the logic of this argument. If the recommendation of the Budget Commissioner is sacrosanct, then to raise the Budget estimate violates this contention as much so as to lower it. Now, the various committees of the House pride themselves in continuous boasts and declare that they have reduced the recommendations made by the Director of the Budget. If that is true, in logic you have overridden the director as much as if you increase the recommendation made in the Budget. But what is the function of the House? What is the individual right and duty of its Members? Can we abrogate our duty as legislators? Can we transfer our duty and our responsibility to the Director of the Budget? If so we should elect a director and adjourn, save to return and formally approve his findings, and thus affirm our indifference or our incompetency. We should at least hesitate to facilitate the decadence of the House, which an adoption of the argument advanced would declare. [Applause.]

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. BEGG].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, when the present Budget law was passed I think I did as much as any other man in the House to keep it from being passed, and I think that during the last Congress I made a number of five-minute speeches in which I made certain prophecies and tried to remedy certain methods of application. I want again to reiterate one of those propositions that I submitted to this House in the last Congress. You can not have a Budget system in toto unless you surrender the right to raise and lower the estimates that are submitted by the Budget Commissioner to this body. Nobody in the House is in favor of that kind of a Budget scheme or is in favor of the surrender of the right to appropriate the money to the executive department.

Now, I want to submit to the Republican Members of the House this basic principle: If this House by moral agreement does not put the estimate of the Budget Commissioner as the maximum, there is no virtue in the whole scheme.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. BEGG. I can not yield; I am sorry. Now, if we are going to have a Budget scheme and the majority side of the House is not going to feel it to be its moral duty not to exceed that estimate, the maximum of which has been set up by the Budget Commissioner, I want to know what merit there is in the whole proposition other than bunk to fool the American public?

Do not imagine you can bunco the public for very long without its knowing what you are doing. There is no violation of the principle of the scheme, when the Budget Commissioner sends down an estimate of $27,000,000 for a river and harbor proposition, if we want to reinvestigate the proposition and go over it and want to be responsible for the policy of the Government as to appropriations, to say we believe he has recommended too much and to cut it. In other words, the scheme will still hold intact if we leave a power lodged somewhere in the Government that morally binds us not to exceed the estimates of the Budget Bureau—not legally, because legally the Budget Commissioner can not do a thing in fixing the expenditures of this Government. The demand for a Budget system sprang up all over the country because it was charged, whether rightly or wrongly, that this body got its inspiration for appropriating money by appealing to the selfish interests of the individual congressional districts. There were few people in the Republican Party who had the courage to go on the stump last year and speak against the Budget in some form because of the universal demand for it in business circles and elsewhere that the Government shall conduct its business on a business basis. Mr.

Harding received great applause from the country when he announced in his inaugural speech that under his administration there would be more business judgment exercised in government and less meddling by the Government in business; but are we doing it when we see an organization in this body for the sole purpose of overriding the Budget estimate?

I say to you as a Republican there is not a man sitting on the Democratic side of the aisle that will not willingly and gladly and cheerfully appeal to the selfish interests of our side to get us to break down the thing that the American public look upon as the bulwark against extravagance in government. It is good Democratic politics to do it, as they can rightly claim that any good in the Budget has been nullified. Think it over, gentlemen. I have rivers and harbors in my district, and I would like to see money appropriated for their improvement; but I will say to you that before I go over the Budget estimate I want to try it out and see if I can not make my case strong enough with the Army engineers to get what is coming to my district.

I challenge the statement of my good friend from New York [Mr. DEMPSEY] that freight does not move to-day because of inadequate railroads. Where is the congestion? We are building up every kind of transporting device that we can to compete with the railroads, and then we—the Republican Party—passed a law which provided that the railroads were entitled to an income of from 5½ per cent to 6 per cent on their total investment, which to-day requires a freight rate so high as to stifle business. There has not been any testimony offered to show that the prosperity of the country will be furthered by the increase of the fifteen millions proposed in this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. May I have one minute more?

Mr. SISSON. Mr. Chairman, I yield four minutes to the gentleman from Louisiana [Mr. WILSON].

The CHAIRMAN. The gentleman from Louisiana is recognized for four minutes.

Mr. WILSON. Mr. Chairman, we are justified in increasing this appropriation above the amount recommended by the Budget. It grows out of the necessities of the situation. I believe that it is admitted by all concerned that transportation facilities in this country are inadequate.

It is also admitted that there are not going to be any new activities in railroad construction in the near future, and the only hope we have and the only resort is to the improvement of the inland waterways of the United States. If they are improved according to the plans of the Board of Engineers we shall be able to relieve the congested traffic, and that will be in the interest of economy and convenience for the entire public.

The gentleman from Indiana [Mr. SANDERS] seemed to be somewhat worried because there was some dispute in this country as to whether the President of the United States was more popular than his Congress. If he is, in my judgment it grows out of the fact that he is standing more solidly by the Republican platform. The Republican platform declared for improved waterways to meet the necessities of this country in the way of transportation.

The Democratic platform makes a like declaration and declares that the railroad and other transportation facilities of this country are inadequate and that improvement of our rivers and harbors is imperative. If either party lives up to its platform declarations, it will be in favor of the continued improvement of our inland waterways and harbors. The action of the Budget in recommending the $27,000,000 is not binding on the Congress, and as I understand is not intended to be binding on the Congress. If we must abide absolutely by the maximum appropriation recommended by the Budget, then contrary to the understanding and belief of many of its Members this Congress has absolutely surrendered all of its power to increase appropriations. The recommendation of the Budget Bureau is its judgment upon the facts and information before that body. If that recommendation to the Congress does not meet the judgment of this House after due consideration, I would be much surprised, and I am sure the American people would be much surprised to know that Congress has placed itself where it can not exercise its judgment in relation to appropriations in respect to such an important matter as this. I respectfully submit, Mr. Chairman and gentlemen, that there is no item upon which we are to act in this bill which is of more importance to the agricultural and commercial interests of this country than this item for the improvement of the rivers and harbors of the United States in order to make possible the transportation of the products of the farm and the factory to the markets of the world. The amendment of the gentleman from New York [Mr. DEMPSEY] ought to be adopted. It reflects the judgment of those who have the opportunity to know the facts; those whose training and experience and whose intimate association with every phase of this important problem enable them to advise and recommend intelligently and definitely.

In this connection the Chief of Engineers, after a careful review of the present requirements for existing projects, submitted an estimate of $63,000,000 as the amount necessary in order to prosecute the work in a businesslike way. He also submitted an estimate of $42,000,000 as the minimum, the sum absolutely essential in order to avoid abandonment and loss on important works and improvements already under construction. Failure to appropriate the minimum would result in loss of expenditures already made.

We have spent vast sums for the building and operation of an American merchant marine and will continue to make appropriations in order to provide adequate facilities for carrying the products of our farms and factories to all parts of the world in American-owned ships sailing under the American flag. It is proposed that these ships shall sail from every American port. But in order to make this enterprise successful provision must be made for the transportation of our products to the ports from which these ships sail. Recent investigations have shown that it is of the highest importance that agricultural products especially be moved at the proper time. Several billion dollars have been lost by the farmers of the United States within the last two years on account of congested traffic.

The most important feature of river traffic just at this time is the operation by the War Department of the barge line service on the Mississippi and Warrior Rivers. With an inferior and improper equipment and the lack of adequate terminal facilities this operation during the last 14 months showed a net profit of $250,000. I favor the continuation of this service and the extension of the same to the main tributaries of the Mississippi. It affords an additional outlet to the markets of the world at very reasonable freight charges for all the products of the Mississippi Valley.

If our railroads can secure the needed funds several years will be required in order to provide the equipment and make the improvements necessary to meet the transportation needs of the country, if they are ever able to do so. In the meantime and in order to provide proper shipping facilities and insure competition for the future it is of the highest importance that our inland waterways be improved as rapidly and adequately as possible.

Mr. STAFFORD. I ask the gentleman from New York [Mr. DEMPSEY] to use some of his time.

Mr. DEMPSEY. I yield four minutes to the gentleman from Delaware [Mr. LAYTON].

Mr. LAYTON. Mr. Chairman, ever since I have been in Congress I have agreed with the floor leader on every occasion, I think, when it came to voting, except where our opinions disagreed. This is one of the times when we disagree. There is such a thing as a standing committee in this House known as the Rivers and Harbors Committee. I would like to ask the unbiased judgment of this House as to what that committee is worth if after sitting day after day and week after week and month after month, compiling information on this subject, we are to subject that information to the Bureau of the Budget, when the head of that Budget Bureau came before our committee and admitted frankly that he did not know a single thing about rivers and harbors?

Mr. STAFFORD. Will the gentleman yield?

Mr. LAYTON. No; I have only four minutes.

Mr. STAFFORD. I have not found that statement in the hearings before the gentleman's committee.

Mr. LAYTON. Mr. Chairman, I decline to yield. Notwithstanding the declaration of my friend from Ohio [Mr. BURTON], which seems to involve the entire abandonment of rivers and harbors as a national interest, we had in addition to our own long days of work the benefit of the knowledge of that corps that the gentleman from Ohio [Mr. BURTON] himself said were the blue-ribbon functionaries of this Government, the engineers of the War Department. Now, gentlemen, the engineers of the War Department, scattered all over this country, stationed here and there in every spot where there is a particular project, have made returns in response to the demand of General Taylor and General Beach as to what they needed. Their reply was $62,000,000. Then, again, when on account of the exigencies of the Treasury they were asked to cut down their estimates to the very lowest amount consistent with good business, they cut them down to $42,800,000. Now, that was our official information. Gentlemen come here and state that they have just called up somebody over the phone, or that they have

just had some information over the phone about this, that, and the other, when, as a matter of fact, our hearings are the written record where men have given their testimony, and it goes down in black and white, and it binds them. I submit that if General Taylor or any other man connected with the Federal Government has made a statement that differs from the hearings as to any point, he should have informed the chairman of this committee to that effect.

Mr. DEMPSEY. The Chief of Engineers reported that they had on hand $23,000,000, of which $8,000,000 was obligated, leaving $15,000,000, and that the $15,000,000 will all be used by the 30th of June.

Mr. LAYTON. If you will look at the record you will find that I asked General Taylor that question myself specifically, how much he would have on hand at the end of this fiscal year, judging from the method of expenditure that was going on, and he said practically there would be nothing left. Now, gentlemen, I want to say to you frankly that I rather think we ought to pay some attention to their recommendations.

[By unanimous consent leave was granted to Mr. BARKLEY, to Mr. SANDERS of Indiana, and to Mr. MONTAGUE to extend their remarks in the RECORD.]

Mr. DEMPSEY. Will the gentleman from Mississippi [Mr. SISSON] use some of his time?

Mr. SISSON. I yield four minutes to the gentleman from Kentucky [Mr. KINCHELOE.]

Mr. KINCHELOE. Mr. Chairman and gentlemen of the House, it seems that the main ground for the opposition by the gentleman from Wyoming [Mr. MONDELL], the Republican leader of the House, to this amendment is that if it is adopted it would break down the Budget system. I ask the gentleman, upon reflection, is that true? I remember very well when the "late lamented" and much "Republican beloved" Will H. Hays, late Postmaster General of the United States, who said that he had "humanized," and I am sure had desoldiered the employees of the Post Office Service of the United States, made his recommendation to abolish the village delivery service throughout the United States and thereby do away with mail deliveries in these small towns, the subcommittee on appropriations who had charge of that bill paid no attention to his recommendation and brought in the regular appropriation for village delivery, which was adopted by this House. I remember that we have right recently passed an appropriation bill appropriating $1,500,000 for seed for the farmers of the Northwest, which the gentleman from Wyoming, the economy leader of to-day, was very much in favor of, and they never even consulted the Budget Bureau at all about that appropriation. The act as originally passed in the Senate appropriated $5,000,000. It came here and was amended to appropriate $1,000,000. Then it went into conference, and as finally adopted appropriated $1,500,000 for seeds for the farmers of the Northwest, which is practically a gift, and that was done without consulting the Budget Committee at all.

I am one who believe that the gentleman from Wyoming [Mr. MONDELL] has the best conception of geography when he comes to talk about economy of appropriations of any man in the House.

Why, take his own State of Wyoming; since 1912 in two irrigation projects exclusively in Wyoming there has been appropriated $6,565,000, and a bill is pending in the Senate to-day where they are asking—and I presume the gentleman from Wyoming is enthusiastically in favor of it—for $2,150,000 additional appropriation for the two irrigation projects exclusively in the gentleman's district in the State of Wyoming.

Mr. BARKLEY. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. BARKLEY. Does not the gentleman realize the difference between making a river and improving one? [Laughter.]

Mr. KINCHELOE. I think the gentleman from Wyoming has a good conception of that when he talks about economy on this proposition. If we are to adhere absolutely to the recommendations of the Budget Commission, we are placed in the position where we are simply rubber stamps, and we can not increase or decrease the appropriations recommended by the Budget Committee without destroying it. The gentleman from Kansas [Mr. ANTHONY], chairman of the subcommittee, this morning admitted, in answer to a question by the gentleman from Wyoming, that they had decreased several recommendations of the Budget Committee in this bill. If Congress is going to take the position simply because we have a Budget Committee that recommends a certain amount that we can not increase or decrease those amounts, then we had better turn the functions of the American Congress over to the Budget Committee.

Mr. MONDELL. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. MONDELL. Who ever suggested—and when and where—that we ought not to decrease the Budget estimate?

Mr. KINCHELOE. I have no objection to decreasing the Budget estimate in a proper case.

Mr. MONDELL. Who suggested that we ought not to decrease it?

Mr. KINCHELOE. I am for a decrease when it is meritorious, but I claim that every Member of Congress should act on his own individual responsibility and judgment as to whether he will increase the estimate or decrease it. They admit in this that they were in error when they recommended at first $13,000,000 and then increased it to $27,000,000.

The only information the Budget Committee had when it first recommended $13,000,000 for rivers and harbors for the next fiscal year was the fact that the last Republican Congress had appropriated about this amount. It would have stood by that recommendation except for the fact that those of us who are in favor of river and harbor appropriation and are familiar with the history of it prevailed upon the Budget Committee to increase it, and it finally agreed to increase the amount to $27,635,260. It arbitrarily fixed this amount notwithstanding the office of the Chief of Army Engineers made a report showing that the amount of $42,815,661 was the least amount that could be appropriated for the next fiscal year to carry on this work.

The greatest thing that this Republican administration could do for the people would be to lower the freight rates of the country, but I know and you know that this administration is not going to do that at this session of Congress, and the only other way to reduce freight rates is to have navigable rivers to carry the freight in competition with the railroads. You will always find the railroad interests of the country doing everything it can against the appropriation for rivers and harbors because navigable rivers make the railroads reduce their rates, and wherever in this country there are navigable rivers you will find the railroad interests in that locality coming before the Interstate Commerce Commission and begging it for permission to lower its freight rates in order to enter into competition with the freight rates of those rivers.

In 1910 Congress established a policy of making a 9-foot channel in the Ohio River. Every Democratic Congress from that time always appropriated at least $27,000,000 for rivers and harbors, but as soon as the Republicans got control of Congress and the Government they cut this appropriation down to about $13,000,000 each year. By reason of the liberal appropriations of the Democratic Congress there has always been at the end of each fiscal year an unexpended balance to carry on these various river projects, but by reason of the false economy of the subsequent Republican Congress in refusing the appropriations for rivers and harbors, the unexpended balances have been exhausted, and if this amendment making an appropriation of $42,815,661 for the next fiscal year is not adopted there will not be a dollar of unexpended balance at the end of this fiscal year and, therefore, practically all of the $27,635,260 recommended in this bill will be spent for harbor improvement and none of it for rivers. If Congress would appropriate sufficient money to complete the 9-foot channel in the Ohio River, which it should do, that river would be one of the greatest waterways of commerce in the world. The Ohio River flows through a great, rich, agricultural country, densely populated and with great industrial cities along its banks almost from its source to its mouth.

I believe in economy in the expenditure of the people's money, but I think a failure to provide appropriations for rivers and harbors is a false economy and that the taxpayers of the country are the ones who suffer. Therefore, I appeal to every Member of this House to support the pending amendment in order that this great work may continue during the next fiscal year.

Mr. DEMPSEY. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman and gentlemen of the committee, the Middle West, which is the economic food-producing section of this country, is paralyzed at the present time on account of the expensive freight rates on the marketing of their produce. That high rate is on what they have to sell. They are also paralyzed by reason of the Pittsburgh plus rate on many articles they have to buy. There is only one hope, and that is to have a reduction in the cost of transportation. In my judgment, if the Mississippi River could be made a transportation stream it will carry the whole produce of the Mississippi Valley to New Orleans and across the seas. Forty-four per cent of the industrial productions transported out of the country are produced west of Pittsburgh, east of the Rocky Mountains, and north of the Arkansas and Tennessee line. Ninety per cent of the food exports of this country are produced

west of Pittsburgh, east of the Rocky Mountains, and north of the Arkansas and Tennessee line. Does it mean anything to the Middle West whether or not you can put our produce on barges and send it down the Mississippi Valley and across the ocean? I want to say that that is something that ought to be looked forward to. Why? Because under our present railroad system of to-day they demand, and I guess we will have to concede some of their claims, that they can not reduce rates to where the present production can stand the rates at the present time. We have got to find some method by which we can pull the great food-producing section of the country out of this paralysis now and permit it to regain its economic equilibrium. How can we do it? I want to say that the first thing to do is to permit that section of the country to have water transportation. Why? Because of the preferential rate given by the Interstate Commerce Commission to all points that have water competition.

What will it mean? It will mean that the Middle West will get a route by which it can deliver its produce to the market and will not be compelled to pay excessive rates which they are now paying, all of which comes out of the producer of foodstuffs and of raw materials. We find that this administration has recommended that we give $30,000,000 a year for ship subsidy, to carry exports across the ocean, but we are producing almost half of our industrial and food exports, and yet you do not want to give us a few million dollars to get that produce down to the ocean, where we can ship it across. [Applause.] You say that we ought not to do this now, that this appropriation is sufficient. What does it mean if you do not give us this addition? It simply means that the great commerce coming into and going out of this country will go to the harbors that will receive the benefits of the appropriation if it is reduced, because the most important projects will receive first consideration.

I want $2,000,000 of this money expended north of St. Louis, between there and Minneapolis, because you are tapping the great food-producing section of the country, and that is what you ought to do. We ought to have this transportation, because if we do not produce the food somebody is not going to eat. Why, bless your heart, the great State of Massachusetts produced enough wheat to feed its people for one day, and the rest of the year they would not have any bread if it was not for some of the other sections of the country. The great State of Massachusetts that we have heard so much about produces enough pork to feed its people 23 days.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. JOHNSON of South Dakota. The State of Massachusetts runs rather to the production of politicians than food, does it not?

Mr. DICKINSON. I do not have the required information to answer your question.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. STAFFORD. Is the gentleman aware that in the apportionment of the appropriations by the Chief of Engineers only $40,000 goes to New England whereas $2,000,000 goes to the improvement of the Mississippi?

Mr. DICKINSON. Yes; but does the gentleman realize that in the Geodetic Survey for which we just made appropriations in the independent offices appropriation bill we are making appropriations of $7,000,000 to sweep all of this coast and fix it up so that they will have a lighthouse on every rock?

Mr. STAFFORD. Yes; but we are talking about the present bill and not some other bill.

Mr. DICKINSON. I contend that the pending amendment should be agreed to.

Mr. SISSON. Mr. Chairman, I yield four minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, much has been said about economy. I deny that this meager appropriation, the parsimony of this river and harbor item of the bill, is economy. When we appropriate such small amounts as this it means that we are allowing the channels and the harbors of the country to silt up and shoal. I know that to be the fact. In the case of Baltimore the channel leading to the harbor through the Patapsco River has been so neglected in the last few years that we do not begin to have the depth which we formerly had and which we so desire to maintain. Much has been said as to a balance from the appropriation of last year. There is no question in my mind as to the accuracy of just how much money there is left from that of last year's appropriation. The gentleman from Wyoming [Mr. MONDELL] spoke of some $15,000,000 balance, which is wholly incorrect. I note on page 97, part 2, of the hearings on this bill Mr. ANTHONY asks this question of General Taylor, Chief of Engineers:

> Can you state how much money, in addition to the $15,000,000 appropriated last year, was available for river and harbor work this year?
>
> Yes. The unexpended balance on March 1, 1921, just prior to the enactment of the river and harbor act, was $37,565,000. In other words, we had an appropriation, with the $15,000,000, of something over $52,000,000 for expenditure during the current fiscal year.
>
> Mr. ANTHONY. How much of that was allotted during the current year?
>
> General TAYLOR. We have allotted all but about $200,000. We have a balance of approximately $203,000.

Again, on page 109, in answer to a question by Mr. SISSON, General Taylor said:

> Our available balance will be nil, absolutely. We must depend entirely upon this appropriation for all the work we are going to do next year.
>
> Mr. ANTHONY. In other words, you are working at such speed that you will use up all the money which you had on hand at the beginning of this fiscal year?
>
> General TAYLOR. Yes. In other words, we have worked all of the surplus off.

This, then, Mr. Chairman, is conclusive proof that the only money we will have to expend on rivers and harbors is $27,635,260, the amount carried in this bill, unless we increase the appropriation to $42,815,661, as provided by the amendment of the gentleman from New York [Mr. DEMPSEY].

I deplore the parsimony being exercised by the Committee on Appropriations regarding river and harbor improvements. The engineer's office of the War Department, after figuring as low as possible commensurate with keeping our channel work at least progressing and maintaining that which has already been performed, asked for $42,815,661, and from this has been lopped off some $15,000,000, leaving but $27,635,260 for construction and maintenance during the next fiscal year.

It is not economy to allow your harbors to silt up shoal, reducing the depth which has been attained. It always costs far more after such condition than it would to maintain the work and keep it at the standard depth at all times.

No country, even during the war, neglected its internal improvements because of the expense of the war, and certainly no country is justified in neglecting them during the reconstruction period. The city of Baltimore has shown its faith in the future by a huge terminal and port plan which will cost the city more than $50,000,000. They do not ask the Government to do more than to cooperate in this broad and comprehensive improvement. They only ask that the Government shall keep its channels to this magnificent harbor in good shape and maintain the standard depth of 35 feet. This can not be done if we are but to appropriate 60 per cent of what is actually required according to the figures of the engineers of the War Department.

I am as much in favor of economical expenditures by the Government as anyone, but I can not comprehend how we can figure this 60 per cent appropriation to be economy when we know the vast waste which is taking place by lack of maintenance—when we realize that when business revives those benefits derived from the great improvements to the various cities and through them to the country will be of inestimable benefit to the entire people in efficiency and reduction of freight rates.

General Black, when Chief of Engineers, said that Baltimore was destined to become the great harbor of the Atlantic seaport, and certainly the authorities of my city have a faith in that prediction. The low cost of labor and lighterage at the Baltimore Harbor, the proximity of our city to the Central West, and the differential in its favor, the nearest great seaport to the Panama Canal, closer to the western coast of South America than San Francisco itself, Baltimore is destined for great things. Our people know this and are willing to back their opinion with their money.

The comprehensive improvements, costing more than $50,000,000, will give to Baltimore eight piers at McComas Street Terminals of 1,200 feet long and 250 feet wide, capable of providing berths for 33 ocean-going steamers of 12,000 tons each, and with space for 20 warehouses and 2,500 freight cars. Those to be constructed on the Patapsco Flats, consisting of five piers of the same length and width, and providing berths for 23 ocean-going steamers of 12,000 tons and with space for 20 warehouses and 4,000 freight cars. In addition to this, the large piers on the Canton Co. property will be enlarged. Grain elevators will be erected. All improvements and construction will be made in the most substantial manner, and with the primary object of procuring the greatest possible benefit to the port as a whole, and, secondly, with an eye single to efficiency and cheapness of operation.

Baltimore to-day has the model immigration station of this country provided for her by Congress, and when this work is completed it will have the model port of the world. Every improvement tending to efficiency will be incorporated in the work. Our hearts and our money are in the enterprise, and what we ask of the Government is to discontinue the parsimony which is now being exercised and to adopt that policy which will maintain the standard depth and continuance of the work which has been projected. The policy adopted by the committee is false economy and wasteful in the extreme.

To-day Baltimore, with this great improvement under way, has but $295,000 to its credit, $147,000 of which is now covered by contract, leaving but $147,000 balance. Why, gentlemen, this amount would not begin to put the neglected channels in proper shape much less continue the new construction. Very little has been spent for maintenance for several years past, and this is rapidly injuring the general improvements not only of Baltimore but of the country at large.

The development of our country depends largely upon the development of our ports, and certainly should not be neglected even by a Congress which is trying to practice the strictest economy.

Nor should too great congestion be allowed to exist in any one city. It is better policy to develop our seaports by adequate channels and encourage the equipment of harbors as fast as possible. Baltimore has expended heretofore on her harbor more than $13,000,000, and this new plan will speed development in every direction. Our port is nearer to the great centers of population back of the Atlantic seaboard than is New York, Philadelphia, and other ports. One can scarcely realize that Baltimore is nearer St. Louis than New York by 200 miles, and 63 miles closer than Philadelphia; that it is 109 miles closer to Chicago than is New York, and 118 miles closer to Indianapolis; that it is closer to Detroit, and even closer to Buffalo, N. Y., than is New York City itself. A circular presented me, fully itemized, shows that a ship of 5,165 tons can be handled in the port of Baltimore cheaper by $4,177.81 than in the port of New York.

Another circular shows the difference in cost of a shipment from Pittsburgh to Baltimore or New York in which every item is given, and shows a saving in favor of Baltimore of 19.7 per cent. Another circular shows same shipment, via warehouse, and depicts a saving through Baltimore of 47 per cent. Why, then, shall we adhere to congested centers when others are just as efficient?

BALTIMORE PORT TERMINAL PLANS—POLICY CALLS FOR MORE THAN 29 PIERS FROM $50,000,000 LOAN—EACH SIDE OF HARBOR IN NEWEST PROGRAM—WAREHOUSE AND RAIL FREIGHT YARD SPACE IS PROVIDED FOR.

[From the Baltimore Sun, March 20, 1922.]

Plans for the expenditure of the $50,000,000 harbor-improvement loan were made public last night by the port development commission.

Briefly summarized, the principal projects, subject to modification as conditions and the needs require, are:

1. A series of eight piers, designated as the McComas Street Terminals, each 1,200 feet long and 250 feet wide, capable of providing berths for 33 ocean-going steamers of 12,000 tons each, and with space for 20 warehouses and 2,500 freight cars.

2. Filling in of the Patapsco Flats and the construction there of five piers, each 1,200 feet long by 300 feet wide, providing berths for 23 ocean-going steamers of 12,000 tons each, and with space for 20 warehouses and 4,900 freight cars.

3. Development either by the commission or the railroads of eight large piers on the Canton Co.'s property near Riverview, and as many more at the terminals of the Pennsylvania Railroad in Canton, together with smaller projects at scattered points.

The first two projects, upon which the interest of the commission is centered principally, are on the west side of the harbor in the Spring Gardens area. The McComas Street Terminals alone, if developed on the tentative lines laid down, by 1940 would more than double the present berthing facilities of the port and, when completed, in conjunction with existing terminals, would provide, in the judgment of the commission, "ample facilities for the anticipated increase in Baltimore's commerce for approximately 20 years."

OTHER WORK INCLUDED.

* * * In addition to the projects above outlined the improvement of the present municipal piers, the improvement of the Hughes Street property owned by the city, and some work on the eastern side of the harbor will require all of the $50,000,000 which the city is authorized to borrow. * * *

It is proposed to concentrate first on the McComas Street project. The city owns a big block of property there, and will have to acquire other property to carry out the scheme as shown.

* * * * * * *

PLANS FOR PATAPSCO GROUP.

In order to carry out the plan for the Patapsco group on the mud islands behind the Hanover Street bridge and on the proposed fill in front of the bridge, it will be necessary to confine the channel of the Patapsco River where it overflows the mud islands and flats to the present south shore and also to acquire the property of the Arundel Corporation or compensate that corporation for the practical loss of its water frontage, the layout as planned cutting off that property entirely from development for pier purposes.

* * * * * * *

WORKING POLICY OUTLINED.

The policy of the commission, according to its announcement, will be this:

(1) All improvements of a permanent nature will be undertaken primarily with the object of securing the greatest possible benefit to the port as a whole, and secondarily for the purpose of meeting the immediate requirements of lessees. Stability as well as economy of construction and provision for speedy and economical operation are considered essential and consistent with the ultimate object of unification of the control and operation of all terminals and their connection with the trunk railroad lines serving the port.

WILL PREPARE DETAILS.

(2) Detailed plans and specifications for extensive improvements will be prepared and the work of construction will be undertaken by the commission for lessees. Lessees desiring the commission to execute work in accordance with plans and specifications prepared by the lessees may so arrange, provided these plans and specifications receive the written approval of the commission before any work is started.

(3) The commission will consider the application of a prospective lessee for the improvement or construction of wharves, docks, piers, warehouses, and all facilities in connection with the operation and use of same, located in any part of the harbor, provided the proposed improvements are consistent with the policy of the commission.

CITY TO ACQUIRE TITLE.

(4) No work of construction will be started on any property until the city shall have acquired title to the property and until the mayor and city council of Baltimore, with the approval of the board of estimates, shall have entered into a binding contract with the lessee covering a period of not less than 10 years, secured to the satisfaction of said board. * * *

Should the construction or improvement be upon or appurtenant to land or other property now owned by the city, the appraised value of such land or other property shall be included as part of the cost of construction or improvement.

IMPROVEMENT OF PIERS.

Methods of improving existing municipal piers for coastwise service and for light-draft ocean carriers are given. These piers are the one at the foot of Broadway and Piers 5 and 6 on Pratt Street. This work, it is shown, would be comparatively inexpensive.

* * * * * * *

SCHEME FOR HUGHES STREET.

As for the Hughes Street property, which has a water front of 1,000 feet with a depth of water of 14 feet, it is stated that the plan for development embraces the rebuilding of the bulkhead, the dredging of a channel to a connection with the present channel in front of the American Sugar Refinery, and the construction of a cold storage or local water front industrial plant or the construction of marginal transfer sheds and warehouses for coastwise carrier service.

* * * * * * *

DISCUSSES M'COMAS TERMINAL.

In discussing the McComas terminal the commission has this to say:

"The city owns about 2,400 feet of water front south of McComas Street, which is sufficient for the construction of at least two modern piers without encroaching upon the adjoining property. The commission believes it will be for the best interests of the port and the city for it to take a broad view of the situation and plan for this most desirable water front a terminal which will compare favorably as to capacity and equipment with any terminal group in the world.

"In order to construct such a terminal at this admirable location a large concentrated ocean terminal with ample transfer sheds, warehouses, tracks, and streets—one which will tie up with future yard and terminal developments of the Baltimore & Ohio on the north and east and the Western Maryland on the west, which will meet the requirements of commerce for years to come, which will be in thorough harmony with the complete development of the port as a whole, with the contemplated unification of control and operation, the belt line extension and improvements—in fact, in order to make the McComas terminal one which will be a real worth-while development it should cover the entire water front from the Western Maryland Railway terminal on the west to Fort McHenry on the east over a distance of about 4,800 feet.

WILL BE OF MODERN TYPE.

"It is intended that every feature of this development shall be of the most modern type, economical in operation, requiring the least possible shifting of cars, the speediest release of vessels and cars, and the freest flow of freight between transfer sheds and the warehouses. Each pier with its supporting warehouses, tracks, and driveways will be a separate unit, capable of being operated independently of any other unit, and all units are so coordinated that they can be operated at the same time under either group or unit control.

"The terminal when completed in accordance with this plan will have eight piers, 250 feet wide and 1,200 feet long, with 300 feet slips between them. It will have 25 warehouses from one to five stories in height, each connected with the upper deck of a pier transfer shed by means of a covered way. There are ample yard tracks located between the warehouses which connect with the extension of the Harbor Belt Railroad along McComas Street, which in turn will connect with the Baltimore & Ohio and Western Maryland roads on the west. There will be 80-foot driveways between the warehouses connecting with a 100-foot driveway along the bulkhead in front of the piers, which will have an outlet to Fort Avenue and to the Key Highway by means of subways or bridges, which will eliminate grade crossings in the approaches to the terminal.

GRAIN ELEVATOR INCLUDED.

"By a modification of the layout of tracks and warehouses a suitable space may be provided for the construction of a modern grain elevator so designed that it may be served by gravity and deliver the grain to ships moored at the adjacent piers by means of conveyors and chutes. The plan also is sufficiently flexible to permit of the substitution of industrial or manufacturing plants in place of some of the warehouses, and the fencing off of a portion of the terminal so that this portion could be used as a free port.

"The capacity of this terminal is indicated by the following data:

"Area of piers, 2,400,000 square feet.

"Area of transfer sheds, 1,760,000 square feet.

"Area of warehouses, first floor only, 760,200 square feet.

"Car capacity, 2,500 cars.

DESCRIBES BERTHING SPACE.

"The piers will furnish berthing space for 32 large ocean cargo carriers of more than 12,000 dead-weight tonnage and with a length of between 500 and 600 feet. The marginal wharf on the west will accommodate an additional vessel, making 33 berths, which will give more than twice the present berthing capacity of this port for large general cargo carriers."

* * * * * * *

ADVANTAGE OF PATAPSCO FLATS.

In connection with the proposed development of the Patapsco Flats the commission states that the chief advantages of this location are the low costs of acquiring title, its large area available for railroad tracks and warehouses, its proximity to the city when completed, and the necessity, because of its shape, of maintaining thereon only a minimum of streets and tracks.

"The commission," it is announced, "has adopted the plan of development which contemplates the reclamation of 150 acres between the proposed bulkhead and Hanover Street, upon which will be constructed warehouses or water-front industries, with splendid service yards and the necessary driveways, five piers 300 feet wide and 1,200 feet long, and a marginal wharf of about 2,500 feet. The service yards can be connected with the Baltimore & Ohio and Pennsylvania Railroads on the southeast and with the Harbor Belt Railroad and Western Maryland Railway on the northwest.

"In addition to the land reclaimed between the bulkhead and Hanover Street the flats southwest of Hanover Street can be used as dumping ground for dredged material, which will be suitable eventually for an industrial development, covering 160 acres. It will take years for the completion of this improvement. When completed the five piers will provide berths for 20 large ocean carriers, over 12,000 tons dead weight each and with a length of between 500 and 600 feet, and 3 vessels of similar type along the marginal wharfs, making a total of 23 berths. The pier area will be 1,800,000 square feet and the covered-shed area on the piers 1,437,500 square feet.

"The plans show the possibility of constructing 20 warehouses which would have an area of 1,235,200 square feet on the first floor alone. The tracks will take care of about 4,900 cars. The completion of this terminal as planned in addition to the McComas terminal and the existing railroad terminals will provide berthage for 67 large general ocean cargo carriers, or about four and a half times the capacity of the port as it was in 1920."

* * * * * * *

TAKES UP BELT-LINE SITUATION.

In discussing the belt-line situation the commission goes on record in favor of the construction by the railroads of a line outside the city, such as the Pennsylvania Railroad was forbidden by the legislature some years ago to build. On this subject the commission states:

"All through traffic between Philadelphia, New York, and New England on the one hand and the South and West on the other passes through the tunnels in the heart of the city. To relieve the tunnels of this vast volume of through traffic and to make suitable railroad interchange movements between the piers of one carrier and the rails of another an outer belt line should be built by the railroads, tapping all the freight tracks before the tracks enter the congested parts of the city.

"This outer belt line, which at the same time could be made to act as a detour line, with the classification yards and its branches connecting the harbor belt line and the terminals along the water front, will enable any car loaded at any pier to travel over the belt-line system to any one of the railroad trunk lines entering the port. According to Professor McElwee, the first law of a port is that there must be physical connection between every pier and every railway and every warehouse, with a uniform system of charges. This law can be met by a belt-line system as described."

* * * * * * *

PROVIDES FOR CHANGES.

The commission concludes the statement of its plan as follows:

"The commission has endeavored to form a comprehensive plan for the development of the port—a plan which utilizes to their maximum extent the railroad systems reaching our water front, which will permit of a 'physical connection between every pier and every railroad and every warehouse with a uniform system of charges' and which will make the operations of the port adaptable to unification of control at the proper time. It realizes that any plan which it adopts must be flexible enough to admit of changes from time to time as the future needs of the harbor may require.

"While the commission has shown large developments on the middle branch of the Patapsco River and on the Canton shore, it does not intend to convey the impression that these locations are the only parts of the harbor which are suited for development as ocean terminals. It will consider the construction of harbor facilities at any point in the harbor that a lessee may desire, provided such work is consistent with the policy of the commission as hereinbefore outlined. It is not the purpose of the commission to interfere with any improvements of the harbor by any firm or corporation. * * *

"The development of the port in accordance with this plan will consume the $50,000,000 authorized by the enabling act and will take care of the anticipated increase in commerce for many years.

INTENSE COOPERATION NEEDED.

"Back of the development of our port there must be an intense and aggressive cooperation of the business and improvement organizations and of all of our citizens, who should strive toward the promotion of every activity that will tend to stimulate the flow of business to our port and stand ready at all times to oppose that which may in anywise check or interfere with that flow."

* * * * * * *

SUMMARY OF PORT PLANS.

A. A working policy which will govern the activities of the commission.
B. The possible improvements of existing municipal piers so as to make them serviceable for coastwise carriers.
C. Acquisition and improvement of privately owned piers so as to make them serviceable for ocean cargo carriers.
D. Construction of a cold storage or water from industrial plant on the city's wharf at Hughes Street.
E. An ocean terminal on McComas and adjoining properties.
F. Development of the Patapsco Flats as an ocean terminal, or for water-front industries.
G. Other water-front projects.
H. Dredging channels and anchorage areas.
I. Improvement and extension of the Harbor Belt Railroad.
K. Construction of an outer belt railway.
L. Unification of the control and operation of the port.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Can the gentleman from New York yield me two minutes more?

Mr. DEMPSEY. I am sorry, but I have not the time.

Mr. LINTHICUM. Then I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAYDEN. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, I yield four minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, I think the most important national question that is before the people of this country is the question of the transportation of freight. Two years ago when the transportation question was before Congress the Committee on Interstate and Foreign Commerce considered the question all summer and reported its recommendations to the House. There was included in the transportation act the following language, and I do not think there is a member of the committee, and but very few Members of the House, who did not give his whole-hearted support and approval to this particular language. Quoting now from section 500 of the interstate commerce act:

It is hereby declared to be the policy of the Congress to promote, encourage, and develop water transportation service and facilities in connection with the commerce of the United States and to foster and preserve in full vigor both rail and water transportation.

That is a solemn declaration of the Congress of the United States.

It is either something serious or it is pure hypocritical bunk, and it is up to the Congress to say which it is. I want to say to gentlemen on the floor to-day there is a plan that has been going on in this country for years, and it has been gaining headway, absolutely to kill off water transportation, and the railroads of the country are at the bottom of it; and there are Members of Congress who are allowing themselves to be used to carry it on. They may not be doing it consciously, but they are allowing themselves to be so used. The railroads are going to kill water transportation if they can do so, and you may as well become reconciled to it. [Applause.] Now, we have got to make up our minds whether we are going to allow ourselves to be used for the furtherance of this program; and in order to overcome the opposition to that program, whenever some of us get up here and try to give vitality to this provision of the transportation act by making sufficient appropriations to go ahead with the improvements of the rivers, what are we met by? The majority leader starts a big hue and cry about economy and about assaulting the Budget; and he passes it on to others, who raise the same clamor. It is all bunk. If Congress can not exercise its own judgment upon these recommendations, why, let us repeal the Budget law. [Applause.]

I am in favor of economy as much as Mr. MONDELL or any other Member of the House. But it is false economy to cut off appropriations that will stop river and harbor improvements. There will never be any material relief from the high cost of transportation in this country until we get water transportation. Improve the rivers, allow capital to invest in effective water transportation, bring about real competition with the railroads, and we will eventually bring about a general reduction in all the freight rates of the country. This amendment ought to carry, and the improvements of our waterways ought to continue.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. I yield three minutes to the gentleman from Missouri [Mr. ROACH].

Mr. ROACH. Mr. Chairman, I rise to support the amendment to increase the appropriations contained in this bill for rivers and harbors from $27,000,000 to $43,000,000, in round numbers. It appears from reliable data and information which I have obtained from the War Department and Chief of Engineer's office that the latter amount will be absolutely necessary to properly carry on the work of opening up our rivers for

navigation, and I want to briefly call attention to some of the facts showing the tremendous importance of adopting this amendment in order that such work may go forward. My position in this House has been for rigid economy, but not for false economy. The question that is to-day confronting the people of this country is a solution of the transportation problems and of securing a means by which property can be transported without confiscating the major portion of it to pay high and exorbitant transportation charges. This proposition goes to the very foundation of our Government and affects the agricultural and various business industries of our country all alike. My answer is that it can be solved only by the buildling of national highways and in making the great rivers of this country suitable for navigation. This amendment, if adopted, will be a start in this direction, and it is of the most vital importance to a large section of the State of Missouri, which in part I have the honor to represent, that more liberal appropriations be made for the improvement and deepening of the channel of the Missouri River and its tributaries, making them suitable for navigation. By so doing, we will not only make these rivers a part of the highways of that State by which the commerce of the country can be transported at a much less freight rate than is now being paid, but we will at the same time preserve and save as a part of the potential wealth of this country thousands of acres of fine agricultural lands now in a state of high cultivation in the Missouri River bottoms. The work of straightening and deepening the channel and revetting the banks of this river, with its treacherous quicksands, must of necessity be of such a character, when completed, as will protect and preserve the highly improved farms and fertile fields along this river, many of which are now being swept away by thousands of acres annually. It is impossible to estimate the value of lands thus being lost.

The finest farms we have in Missouri, with broad acres of rich, fertile soil, producing an untold wealth of agricultural products, are carried away in this stream every year. Farms upon which corn, wheat, oats, alfalfa—in fact, all agricultural products that are produced over the country—are produced in great quantities on these farms, and the annual value of these crops is inestimable. Fine homes, farm houses, and even good towns are constantly threatened with danger and frequently claimed as the victims of this treacherous water, and all of this because the Government fails to make adequate and suitable appropriations by which this river can be made a highway for commerce, which at the same time would preserve and protect all of this valuable property to its owners.

Congress has appropriated millions of dollars to assist and feed the starving people of foreign countries, for the relief of the railroads, to aid the arid and drought-stricken districts of the Dakotas and northwest section of our own country, yet we stop at the paltry sum of $27,000,000 for the improvement of all the great rivers and harbors of our country, when we have just appropriated more than $100,000,000 for the Shipping Board alone.

This is a false economy of the worst type, and I am here to tell you that the taxpaying public of the Central and Western States are waking up to a realization that the relief from their burdens of paying high and excessive freight rates, which absorbs all the profits of their industries, whether it be on the farm or in the factory, lies in securing the establishment of national highways and in opening up our rivers to commerce. The fight is on and, in my opinion, should never cease until Congress grants the relief to which they are entitled. Are we here to legislate for the people of this country, or do we intend to shut our eyes to their welfare and legislate for the benefit of the railroad companies?

Since coming to Congress my investigation of this subject has disclosed some most astounding facts and have caused me to determine to battle for the rights of the people in this matter so long as I have the breath of life in me. To illustrate what the adoption of this amendment means to the farming and business interests that I have the honor to represent, and which, of course, applies with equal force to all States similarly interested as my own, permit me to call your attention to one single instance that presents a forceful argument in itself. Only last month a shipment of 250,000 bushels of wheat was made from Omaha, Nebr., to St. Louis, Mo., by rail, and thence by boat on the river to New Orleans, and on this one shipment of wheat alone the farmers of Nebraska were saved 3 cents per bushel, or a total of $7,500, by availing themselves of the river transportation from St. Louis to New Orleans. Just think of it, if the Missouri River had been so improved that this shipment of wheat could have been made entirely by water instead of partly by rail and partly by water the saving to the farmers of Nebraska on this one shipment of wheat alone would have been $15,000 instead of $7,500. When I realize, as I do, what river transportation will mean to the agricultural and business interests of my district I become determined that my efforts shall never cease until they have been accorded fair treatment. As an illustration of the practicability of river transportation, if one were needed, let me cite you to a concrete example which alone furnishes all the proof that might be required. A towboat with its fleet of barges recently made the trip from St. Louis to New Orleans by river in six days, carrying enough merchandise to load 12 full freight trains each carrying 50 loaded freight cars with 50,000 pounds of merchandise to the car, and this freight was carried at 80 per cent of the rate of the railroad which parallels this great river, and the astounding fact of it all is that the rate of the railroad paralleling the river is only about 50 per cent of the average railroad rate of the country; and notwithstanding this unfair competition this barge line is being successfully operated at a profit to its owners.

These cutthroat rail rates are of course made where the railroads have river competition in order to drive such competition off the river, and I am wondering how long the Congress of the United States will permit such unfair and unjust railroad rate discriminations to be made. The people who do not have the benefit of river transportation should be brought to realize that the railroad companies are making them pay a high rail rate to make up for the low rates which the railroad companies establish where they have river competition. How long are we going to sit idly by and permit these unfair and unjust discriminations to exist? When is a better time than now to begin to open up all of our rivers to commerce?

I have briefly mentioned the possibilities and savings that can be effected for our people by improving the Missouri River, and I could speak with like force concerning all of its navigable tributaries, particularly that of the Osage. Back during the days when the little giant, the Hon. Joseph W. McClurg, who was governor of my imperial State and who has long since gone to a just reward, the Osage River was the only means of transporting the commerce of a large section of that State. I am credibly informed by the pioneers of that country, in which I have the honor to reside, that tons upon tons of freight were carried annually by steamboat up the Osage River to Linn Creek and thence hauled overland to Springfield and all of southwest Missouri and into the State of Arkansas by ox teams, these primeval teams at times making a train a mile in length. I have only recently had a letter from the president of one of the prominent manufacturing industries of my State informing me that notwithstanding the lack of proper Government improvements on the Osage he is now using it extensively for transporting much heavy freight, and states that its advantages if properly improved and enlarged upon would prove to be of untold value as a means of transportation and equal in importance to that of the Missouri. If this Hudson of the West could carry all of the commerce of that country in the days of the coonskin cap and the flintlock rifle, surely with a little help from a rich and powerful Government like our own it can to-day be made one of the great highways of our country, and should be brought back into use.

I insist, Mr. Chairman, that the fight is on and that the people are entitled to relief and to all the natural advantages which rightly belong to them by having these God-given streams improved to the full extent of their capacity to render the service for which God intended them. The appropriation which we are asking is small indeed considered in the light of the manifest and manifold benefits to be derived from making it. It is only a beginning, and I expect to see under way and soon adopted by Congress a permanent program by which these rivers will be improved annually until the summit of our ambitions with regard to them have been reached.

We have just concluded a great peace conference, the Senate has ratified the treaties, and if all this means anything it means that we should spend less money to build up great armies and navies, and spend more money in building national highways and making our rivers and harbors suitable for navigation, and thus solve the transportation problems that are becoming more intensive every day. [Applause.]

Mr. SISSON. Mr. Chairman, I yield two minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Chairman, in the short time allowed for discussion it is impossible to make a speech, and I must be content to declare my hearty support of the pending amendment. It is business economy, in this time of unemployment, to make liberal appropriations for all authorized public works. Secretary of Commerce, Mr. Hoover, has warmly indorsed such a policy, and the President in a speech to the Farm Con-

ference, recently held in Washington, emphasized and strongly urged that a generous policy be adopted by Congress in reference to the matter of our waterways and harbors at this time. The Army engineers have shown the great need of additional funds over the amount carried in the bill as reported, and I can but feel that the House will by a large vote support the amendment.

My colleague [Mr. MCDUFFIE], who is unavoidably absent to-day, has mailed me a very forceful and convincing statement on the merits of the pending amendment, and I wish to have it read to the House and include it as a part of my remarks. The statement of Congressman MCDUFFIE is as follows:

As to the item for $27,637,000 carried in the bill for river and harbor improvement, the engineers claim this will maintain every important project, but owing to the deteriorated condition of the plant and equipment, which needs repair and the need of additional dredges, together with the three or four millions of dollars which must be set aside for emergency, the $27,000,000 item is entirely inadequate, and under this item very little work can be done on the projects already adopted. The expenditures by the engineers since last December 1 average $2,500,000 a month. All the funds available have been allocated with the exception of $203,500, therefore it will be readily seen that for the coming fiscal year the item carried in this bill is not enough for the proper functioning of the Department of Engineers, and under this niggardly policy of providing for river and harbor improvement for the past two years, according to the testimony of General Taylor, several of the major projects have not been properly maintained. A continuation of this policy would destroy this very important governmental activity.

The rail-borne commerce of the Nation for the year 1920 was 329,000,000 tons of an approximate value of $19,000,000. The commerce of inland waterways and canals for 1920 was 162,000,000 tons of the approximate value of $2,000,000,000. These figures would indicate the necessity for carrying out the policy of Congress outlined in section 500 of the transportation act, which provides for the encouraging, promotion, and developing of water transportation. The country needs the services of both water and rail transportation. In normal times the railroads can not properly handle the traffic. It has been the policy of the railroads, and naturally so, to kill water transportation, and until we can so fix the law as to prevent the choking to death of water transportation by the railroads we can not hope to derive the full benefits of our inland waterways.

(The above is set out in the testimony of General Taylor and Colonel Ashburn contained in part 2 of the hearings on the War Department appropriation bill for 1923.)

Mr. SISSON. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, the Members of the great Mississippi Valley States are called upon year after year to vote appropriations for Atlantic and Pacific coast waterway development and for developments upon the Great Lakes and upon the Gulf of Mexico.

The States of this valley have been united for years in an effort to make of the Mississippi River a channel of commerce.

This river is nearly 1,000 miles in length, passes through some of the richest, most fertile, and prosperous territory in America.

The undertaking is too great for any individual States, and the only recourse is an appeal to Congress.

Money is wasted because Congress has failed to pursue a systematic, continuous program.

We come again to-day, knowing the financial situation of the country is not at its best, but feeling that this improvement is of benefit to all the people and that it can not be permitted to lapse at this time.

Recently there appeared before the Interstate and Foreign Commerce Committee three members of the President's Cabinet, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce.

These three Secretaries united in the advocacy of the purchase of a canal in New England, only 8 miles in length and at a cost of $11,500,000. I was impressed with their arguments and feel disposed to vote for this canal, because it is part of a general scheme of waterways improvement for the benefit of the whole country.

I believe that my personal attitude on this subject is characteristic of most of the Representatives in the House and Senate from this valley district, and it should be given consideration by the Members from the coast States.

Our demands met the approval of the governors of the great States through which the Mississippi River flows, of the legislatures of those States and the mayors of the prosperous cities, and is but carrying out the recommendation of our Army engineers who were selected by the American Government to advise Congress in such matters.

The matter of freight rates has been well and ably discussed by other Members.

The effect of river transportation upon the whole general system has been explained.

Recently, however, the national impetus given to the building of State highways, supplemented by State efforts, promises the development of a great national highway system of fine roads carrying trucks with heavy loads. These highways will be immediate and quick feeders to river transportation, so that citizens not only upon the borders of the river, but from 100 to 150 miles distant, will be served by this cheap form of transportation.

We only ask that in this appropriation we be given the same consideration which is extended to improvements upon the oceans, the Lakes and the Gulf, and we will never be satisfied until this is done.

Great drainage programs, the building of railroads in Alaska, and the developments of various portions of our country, are supported by the Representatives from those sections.

Valley States now unitedly ask consideration, and we shall insist upon it and keep on insisting until the great river is made fit for water transportation which will reduce the cost of moving freight from over 24 States in the Union. We are united and determined that this shall be done.

What the people of other countries in the world can do the American people can do. What foreign engineers can accomplish American engineers can accomplish. And the ultimate accomplishment is worthy of the best efforts of the American Congress.

Mr. DEMPSEY. As I understand it the gentleman from Wisconsin [Mr. STAFFORD] has 28 minutes remaining. I have 26 and the gentleman from Mississippi 9. Since the gentleman from Wisconsin has more time, the gentleman from Mississippi and I having yielded to seven or eight since he has yielded any time, I assume he is holding back for the purpose of not putting anyone on until after we have exhausted time, and I submit that is unfair.

Mr. STAFFORD. I think it is unfair for the gentleman from New York to make that statement in view of the private statement I made to him that I would use at least 15 minutes in closing. I am not seeking in anywise to take unfair advantage, and that is the first time anyone has made that charge to me.

Mr. DEMPSEY. I withdraw it, and I ask the gentleman to use a little time.

Mr. STAFFORD. Mr. Chairman, I yield four minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I think this is a very auspicious occasion. It is one of the best symptoms I have seen in the House recently that we are getting back to normalcy. Here is an effort to raise an appropriation beyond that recommended by the committee having the measure in charge for river and harbor work. Some of us here remember the days of the good old "pork-barrel" efforts in the line of appropriations, and we have not heard much about it since the beginning of the war period. I think to-day ought to be a very happy one with us, in that we have such an open confession that it is time once more to open the floodgates of the Treasury and pour forth the millions necessary to reestablish our old friend the "pork barrel." It seems to me like old times. And quite a few of us are delighted that that condition has returned, in spite of the fact that we are opposed to this appropriation. I like the symptom, but I do not like the medicine you are trying to give us. I suppose it will be voted. The fact that the Republican Party and, I think, also the Democratic Party stand by their platforms for economy, preach it from the platform and preach it on the stump, has no effect on the voting attitude of the men making those preachments out among the hustings. We are going out pretty soon, my friends, Republicans and Democrats alike, and we are going to preach economy, the wonderful economy of this Congress and of this administration, and I for one want to vote the way I am going to preach. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. DEMPSEY. Will the gentleman take that much time in order to answer a question?

Mr. TREADWAY. I yielded back the balance of my time.

Mr. DEMPSEY. Mr. Chairman, I yield four minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I have never voted for a river and harbor bill in my life. I am going to change my mind this time and support the Dempsey amendment. [Applause.] I have been forced to that conclusion by the logic of events. I have been forced to it by my study of the railroad situation of the country and of the needs of the great Middle West, the country of which I am a part. I will not have time to discuss that matter now, but I could not help thinking about something as I heard the gentleman from Massachusetts [Mr. TREADWAY] make his speech, who is in opposition to this bill.

This bill, I think, would increase the Budget appropriations by about $15,000,000, and this $15,000,000 we people out in the country in which I live really think would be of some assistance in gradually reducing the railroad rates in this country. I

could not help but think of a bill pending in one of the House committees to appropriate $12,000,000 to buy a ditch up through the State of Massachusetts, called the Cape Cod Canal, which I guarantee the gentleman is for. [Applause.] If he is not for it, I yield time for him to say that he is not for it. The gentleman wants to appropriate $12,000,000 for the purpose of buying a ditch, that did not cost that much, to cross the Cape Cod isthmus, for the purpose of affecting the New England freight rates——

Mr. JOHNSON of Mississippi. And the Secretary of War recommended $10,500,000.

Mr. GRAHAM of Illinois. Oh, yes. We have followed here a policy which has destroyed the river transportation of this country. If this appropriation is only $27,000,000 it will only furnish sufficient funds to dredge and take care of the large harbors of the country, and it will be used there first.

Mr. STAFFORD. Will the gentleman yield?

Mr. GRAHAM of Illinois. I have not time.

Mr. STAFFORD. The gentleman is making an erroneous statement.

Mr. GRAHAM of Illinois. I know what I am talking about. I have talked with General Beach and General Taylor quite recently, and I know what they tell me, and I will take their word. It will furnish only enough money to keep the seacoast harbors open. It will not furnish enough to keep the river improvements up, projects which we have started years ago, under the leadership of the gentleman from Ohio [Mr. BURTON] and others. If sufficient appropriations are made here much of the work which we have already done will be lost. River channels will fill with silt and snags and dams and permanent works will wash away and rot down. So that if the people of our country finally come to the place where they want two transportation systems in this country, river and rail, those opposed to such a plan will answer by saying, "We have no rivers to use." [Applause.]

Mr. SISSON. Mr. Chairman, I yield three minutes to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DEMPSEY. And I yield two minutes to the gentleman.

Mr. DUPRÉ. Mr. Chairman, this amendment should prevail. Its effect would be to increase the amount set forth in this bill to the sum recommended by the Chief of Engineers. It would exceed, of course, the estimate that has been suggested by the Director of the Budget. As between General Dawes and the Corps of Engineers, I stand with the engineers, who know more about it than he does.

Mr. STAFFORD. Will the gentleman yield?

Mr. DUPRÉ. I can not yield.

What have we been doing here in later years in regard to river and harbor appropriations? Year before last it was $12,000,000. Last year it was $15,000,000—an utterly inadequate and niggardly sum, considering the works those appropriations were to conserve and complete. Now it is proposed to bring this amount up to the sum which the men who know more about it than anyone else suggest, namely, $42,000,000; and everyone knows that the estimate submitted by the Chief of Engineers was cut down to the bone before it was turned in. It should have been very much more than was estimated for.

What has been the effect of this piecemeal and hand-to-mouth appropriation? Intolerable delay and resultant waste. Take a proposition of which I am aware, the Southwest Pass at the mouth of the river. The Mississippi River has five mouths. I know some gentlemen in this House who would and do envy the river having those five mouths. The only one that is usable now is the South Pass, which was made possible through the genius of James B. Eads. For 20 years we have been fooling with the Southwest Pass. In 1902 that project was first adopted by Congress, and never since in those 20 years has Congress given sufficient money to the engineers to carry out any plan in a systematic, businesslike way.

The engineers in charge now think that they see the light of day; that if they are given $3,000,000 they can finish this thing within the next year. We ought to finish it. Give us enough money to finish it, or if they can not do so let us get some other additional new route to the sea. One year we have a bunch of economists in this body paring things down to $12,000,000, and another bunch the next year cutting the appropriation limit to $15,000,000. Now is the opportunity for us, the people's Representatives, to vote to give the amount that those who are responsible say will be sufficient for this improvement. And so the amendment of the gentleman from New York ought to prevail, and I think it will prevail. How can the people of the Mississippi Valley have their products go down that river if at any time we are liable to have its only outlet blocked up by some catastrophe that no engineer can foresee. Let the work be completed this coming year in Southwest Pass or confess its failure and resort to some other protection against being bottled up—the tragedy in South Pass.

Mr. SISSON. Mr. Chairman, I yield one minute to the gentleman from California [Mr. LEA].

The CHAIRMAN. The gentleman from California is recognized for one minute.

Mr. LEA of California. Mr. Chairman, I ask unanimous consent to extend my remarks on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GRAHAM of Illinois. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HAWES. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. HAWES. Mr. Speaker, the Members from the great Mississippi Valley States are called upon year after year to vote appropriations for Atlantic and Pacific coast waterway development and for developments upon the Great Lakes and upon the Gulf of Mexico.

The States of this valley have been united for years in an effort to make of the Mississippi River a channel of commerce.

This river is nearly 1,000 miles in length, passes through some of the richest, most fertile, and prosperous territory in America.

The undertaking is too great for any individual State, and the only recourse is an appeal to Congress.

Money is wasted because Congress has failed to pursue a systematic, continuous program.

We come again to-day, knowing the financial situation of the country is not at its best, but feeling that this improvement is of benefit to all the people and that it can not be permitted to lapse at this time.

Recently there appeared before the Interstate and Foreign Commerce Committee three members of the President's Cabinet, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce.

These three Secretaries united in the advocacy of the purchase of a canal in New England, only 8 miles in length and at a cost of $11,500,000. I was impressed with their arguments and feel disposed to vote for this canal, because it is part of a general scheme of waterways improvement for the benefit of the whole country.

I believe that my personal attitude on this subject is characteristic of most of the Representatives in the House and Senate from this valley district, and it should be given consideration by the Members from the coast States.

Our demands met the approval of the governors of the great States through which the Mississippi River flows, of the legislatures of those States, and the mayors of the prosperous cities, and is but carrying out the recommendation of our Army Engineers who were selected by the American Government to advise Congress in such matters.

The matter of freight rates has been well and ably discussed by other Members.

The effect of river transportation upon the whole general system has been explained.

Recently, however, the national impetus given to the building of State highways, supplemented by State efforts, promises the development of a great national highway system of fine roads carrying trucks with heavy loads. These highways will be immediate feeders to river transportation, so that citizens not only upon the borders of the river but from 100 to 150 miles distant will be served by this cheap form of transportation.

We only ask that in this appropriation we be given the same consideration which is extended to improvements upon the oceans, the lakes, and the gulf, and we will never be satisfied until this is done.

Great drainage programs, the building of railroads in Alaska, and the developments of various portions of our country are supported by the Representatives from those sections.

Valley States now unitedly ask consideration, and we shall insist upon it and keep on insisting until the great river is made fit for water transportation which will reduce the cost of moving freight from over 24 States in the Union. We are united and determined that this shall be done.

What the people of other countries in the world can do the American people can do. What foreign engineers can accomplish American engineers can accomplish. And the ultimate accomplishment is worthy of the best efforts of this Congress.

Mr. SISSON. Mr. Chairman, I yield one minute to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the House, I shall vote for this amendment. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISSON. Mr. Chairman, I yield two minutes to the gentleman from Arizona [Mr. HAYDEN].

The CHAIRMAN. The gentleman from Arizona is recognized for two minutes.

Mr. HAYDEN. Mr. Chairman, I come from a State where there are dry rivers and no harbors, and yet I am going to vote for this amendment. [Applause.]

I am in favor of increasing this appropriation for river and harbor improvements from $27,000,000 to $42,000,000, because I believe that now is the time to undertake public works in the United States. Now is the time when Congress should do everything possible to get the great flywheel of industry off a dead center and start it revolving. Let Congress do something in a legitimate way to provide a market for labor and materials, and an appropriation of this kind will certainly have that effect.

The Chief of Engineers of the Army, after careful investigation, has recommended the larger appropriation carried in the pending amendment. I am convinced that the sum thus determined is not only needed, but that it will be wisely expended by the War Department.

It is urged by Members that river and harbor improvements are of exclusive advantage to particular localities and not of national interest. Let me quote from a very high and respected authority on that question. On June 20, 1848, Abraham Lincoln, then a Representative in Congress from the State of Illinois, addressed the House on the subject of internal improvements. In this speech Mr. Lincoln answered the current arguments against congressional appropriations for such purposes and said:

> Do nothing at all, lest you do something wrong, is the sum of these positions. * * * No commercial object of Government patronage can be so exclusively general as not to be of some peculiar local advantage; * * * but the converse is also true. Nothing is so local as not to be of some general benefit.

Lincoln was right, and this Congress will do what is best for the country if, in addition to this appropriation, and for the same reasons we should report out a public buildings bill and pass it at this session. Since the year 1913 no general appropriation has been made to carry on the necessary work of constructing public buildings in the United States.

The Treasury Department has reported that during the present fiscal year over $4,570,000 will be paid for the rental of space for that use of the various departments in cities where Federal buildings are now located. That sum represents interest at 5 per cent on over $90,000,000, which should demonstrate that Congress can well afford to appropriate money for the construction of additional public buildings in numerous instances. There are many other cities and towns where it can likewise be shown that it would be of material advantage to the Government to cease paying rent and construct its own Federal buildings. In my opinion, at least $50,000,000 could be wisely and profitably expended for this purpose.

Last October the President called a conference on unemployment which, after a week of discussion and consideration, submitted a report that, I regret to say, Congress has up to this time totally ignored. Among the most important recommendations made by the conference was that $16,200,000 be appropriated to speed up the work on the United States reclamation projects now under construction. It was estimated that by this means employment would be afforded to about 32,000 workers either directly on the projects or indirectly through furnishing materials, machinery, and supplies.

The Reclamation Service further reported to the conference that the following projects had been thoroughly investigated and could be undertaken immediately which would furnish employment to between 25,000 and 30,000 men on the work itself and indirectly to about 15,000 more:

State.	Project.	Immediate expenditure.	Additional to complete.
Arizona-Nevada	Boulder Canyon Dam	$5,000,000	$50,000,000
California	All-American Canal and laterals	15,000,000	20,000,000
Arizona	Parker	4,000,000	10,000,000
	San Carlos	4,000,000	10,000,000
		28,000,000	90,000,000

It is a great pity that the advice thus earnestly given was not followed. Nothing that could have been done would have had a more stimulating effect on business conditions, because it has been repeatedly demonstrated that the reclamation of waste lands not only makes homes for our citizens but creates a permanent market for manufactured goods of every character.

Congress is the last place where any doubt should be expressed as to the future of the United States of America. If we believe in our country, let us show our faith by our works. During periods of prosperity the Government may wisely postpone the construction of desirable projects and thus avoid paying high prices for materials and extraordinary wages for labor. But in times like the present, when millions of men are idle, when factories are closed and business is depressed, Congress should set a courageous example by voting money for the improvement of rivers and harbors, the construction of public buildings, the reclamation of waste lands, and every other kind of public works.

Two hundred and fifty billion dollars is a conservative estimate of our national wealth. Why should we hesitate to expend less than 1 per cent of that amount on internal improvements based upon the best of engineering advice and all of which is not wasted, as in the costs of warfare, but permanently invested in productive construction which as time goes on will confer benefits to the American people far in excess of the sums appropriated. [Applause.]

Mr. SISSON. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. KINDRED].

Mr. DEMPSEY. And I yield him one minute.

The CHAIRMAN. The gentleman from New York is recognized for two minutes.

Mr. KINDRED. Mr. Chairman, the problem of developing the water shipping facilities of the Great Lakes region and the country tributary to the ports of these lakes, including great areas of the Middle Western and Northwestern States, has been for many years brought to the attention of the Board of Engineers of the War Department of the United States and other governmental officials having the responsibility of recommending the development of national waterways and better and cheaper shipping facilities of this great granary and other areas of our country. During the past two years, especially formidable propaganda of a several years' campaign of propaganda has culminated in remarkable political and other pressure on high officials and on the Congress of the United States in this direction. The recent National Farmers' Congress, at its meeting here in Washington, unqualifiedly indorsed this scheme as one of many panaceas for the many very real troubles of the farmers of this country incident to their present financial straits. It was not surprising, therefore, that President Harding announced to the farmers at their recent convention that he favored this measure as one that would give them a direct all-water route from the Great Lakes to the Atlantic Ocean, via Montreal, Canada, and the St. Lawrence River and Gulf of St. Lawrence, which would relieve them of the high freight rates on their grain to be shipped direct from the ports of the Great Lakes. Besides the large political considerations to hold the "farm bloc" in line for the Republican Party at the coming fall and ensuing elections, the President's action in this direction was based on the report of the Joint International Commission, which had been authorized to study and report to the President and Congress on the feasibility of joint action between the United States and Canada in developing the so-called St. Lawrence route for navigation and power purposes. It may be stated in this connection that eminent engineers agree on the vast water-power sources of the St. Lawrence River, and had suggested that private capital could be secured to develop it, and incidentally develop navigation without any cost whatever to the United States and Canada. The proponents of the St. Lawrence plan claim that the cost per horsepower of developing this water power will be low, while equally eminent authorities, on the contrary, insist that the cost per horsepower will be unreasonably high.

INTERNATIONAL JOINT COMMISSION'S REPORT.

The International Joint Commission was created by the terms of the treaty of Washington, dated January 11, 1909, and the original authorization for the survey of the St. Lawrence River from Montreal to Lake Ontario for the International Joint Commission, in cooperation with engineers of the Canadian Government, was given by the United States river and harbor act, approved March 2, 1919.

These engineers, representatives of the two Governments, formulated a draft of a letter for referring the matter to the International Joint Commission in a draft of a memorandum of instructions to engineers to be appointed by the two Gov-

ernments to obtain the data needed for facilitating the preparation of the commission's report on the subject.

The joint memorandum was approved by the United States, and the Secretary of State referred it to the International Joint Commission on January 21, 1920, in a letter as follows:

JANUARY 21, 1920.

INTERNATIONAL JOINT COMMISSION,
Washington, D. C.

GENTLEMEN: I have the honor to inform you that the Governments of the United States of America and the Dominion of Canada, under the provisions of article 9 of the treaty of the 11th of January, 1909, between the Governments of the United States and Great Britain, herewith refer certain questions, as set forth below, involving the beneficial use of the waters of the St. Lawrence River, between Montreal and Lake Ontario, in the interests of both countries, and, in general, the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along their common frontier.

It is desired that the said questions be made the basis of an investigation to be carried out by the International Joint Commission, to the end that the said commission may submit a report to the two countries covering the subject matter of this reference, together with such conclusions and recommendations as may be considered pertinent in the premises.

Question 1. What further improvement in the St. Lawrence River, between Montreal and Lake Ontario, is necessary to make the same navigable for deep-draft vessels of either the Lake or ocean-going type; what draft of water is recommended; and what is the estimated cost?

In answering this question the commission is requested to consider—

(a) Navigation interests alone, whether by the construction of locks and dams in the river; by side canals with the necessary locks; or by a combination of the two.

(b) The combination of navigation and power interests to obtain the greatest beneficial use of the waters of the river.

Question 2. Which of the schemes submitted by the Government or other engineers is preferred, and why?

Question 3. Under what general method of procedure and in what general order shall the various physical and administrative features of the improvement be carried out?

Question 4. Upon what basis shall the capital cost of the completed improvement be apportioned to each country?

Question 5. Upon what basis shall the costs of operation and maintenance be apportioned to each country?

Question 6. What method of control is recommended for the operation of the improved waterway to secure the most beneficial use?

Question 7. Will regulating Lake Ontario increase the low-water flow in the St. Lawrence Ship Channel below Montreal; and if so, to what extent and at what additional cost?

Question 8. To what extent will the improvement develop the resources, commerce, and industry of each country?

Question 9. What traffic, both incoming and outgoing, in kind and quantity, is likely to be carried upon the proposed route both at its inception and in the future? Consideration to be given not only to present conditions but to probable changes therein resulting from the development of industrial activities due to availability of large quantities of hydraulic power.

Pending the receipt of plans, estimates, and other engineering data necessary for the final consideration of this reference, the commission is requested to hold such public hearings as may be considered necessary or advisable in order to obtain all information bearing directly or indirectly on the physical, commercial, and economic feasibility of the project as a whole.

To facilitate the preparation of the desired report each Government will, from its official engineering personnel, appoint an engineer with full authority to confer with a similar officer of the other Government for the purposes: (1) Of acquiring each in his own country such data as may be found necessary to supplement the existing engineering data and surveys, and (2) of preparing complete outline plans for and estimates of the cost of the proposed improvement, including the value of all property easements, damages, and rights connected therewith. These plans and estimates are to be submitted to the commission as soon as practicable, but not later than one year from the date of appointment, and the commission is requested to forward to the two Governments its final report with recommendations not later than three months thereafter. A copy of the instructions furnished these engineers is attached hereto.

I am, gentlemen, your obedient servant,

ROBERT LANSING.

In the treaties now in force between the United States of America and Great Britain, namely, the Webster-Ashburton treaty of 1842, the reciprocity treaty of 1854, the treaty of Washington, 1871, and the treaty of Washington of 1909, it is provided that the St. Lawrence River shall forever remain free and open for the purpose of commerce to the citizens of the United States. This last-named and important phase of the matter will be discussed later, in connection with the real significance, or lack of significance that might be attached to this guaranty, on the part of Great Britain, in time of war, that—

the St. Lawrence River shall forever remain free and open for the purpose of commerce to the citizens of the United States.

The report of the Board of Engineers recommended the improvement of this waterway for navigation and power purposes, and the United States International Joint Commission, January 10, 1922, recommended to the Governments of the United States and the Dominion of Canada the completion of the new Welland Canal, connecting Lake Erie and Lake Ontario, and the improvement of the St. Lawrence River from Lake Ontario to the Atlantic Ocean for navigation and power purposes.

The report of the International Joint Commission submitted to the Congress of the United States by President Harding and made Senate Document No. 114, January 16, 1922, was favorable to the so-called St. Lawrence River route from the Great Lakes to the sea via Montreal, Canada.

It probably can be truly said that no report on any waterway has ever created in this country more interest and, in certain sections, excitement and opposition among the people of certain sections of this country and their congressional representatives, and in the Provinces of Canada most affected by this gigantic scheme for the development of water power and navigation. This route proposes to utilize as a connecting link between the United States and Canadian ports of the Great Lakes, the existing Welland Ship Canal, connecting Lake Erie and Lake Ontario and the St. Lawrence River and the Gulf of St. Lawrence via Montreal and Quebec to the Atlantic Ocean.

Alternative routes to be mentioned later have been proposed by the United States Government Board of Engineers and by the International Joint Commission.

President Harding announced to a Committee of the Rivers and Harbors of the House of Representatives, of which committee I am a member, and subsequently to the National Farmers' Congress that recently met in Washington, that he strongly favored the St. Lawrence route and would recommend it in a message to the Congress of the United States, and which he has submitted to Congress.

Quickly following the favorable report of the International Joint Commission, Hon. WILLIAM W. CHALMERS, Member of Congress from the Toledo, Ohio, district, introduced a bill in the House of Representatives, entitled:

For the establishment of an international board to have jurisdiction of the construction, operation, and control of the improvement of the Great Lakes-St. Lawrence waterway—

and which provides in part, as follows:

That an international board be established, composed of six members, three on the part of the United States, one appointed by the President thereof, one by the President of the Senate, and one by the Speaker of the House of Representatives, and three on the part of Great Britain.

The board shall have jurisdiction of the construction, operation, and control of the improvement of the Great Lakes-St. Lawrence waterway from Lake Erie to Lake Ontario and from Lake Ontario to the sea, providing for a channel 30 feet deep, and shall determine the final plans for the construction of the improvement for navigation and power purposes.

That one-half of the cost of the construction, maintenance, and operation of the navigation and power works shall be borne by the United States of America and one-half by the Dominion of Canada.

One-half of the hydroelectric power generated by the construction of this work shall be credited to the United States of America and one-half to the Dominion of Canada, and the international board shall supervise the control, use, and sale of the power thus made available.

The expenditure of the sum of $1,000,000 authorized under this proposed law to be paid from funds of the United States, under the control of the American section of the international board, and to be transferred to the control of the international board when completed by the legal appointment of the Canadian section of said international board and the appropriation of an equal amount of money by the Dominion of Canada. This joint appropriation is to be used by the international board for organization purposes and to start the work until additional funds are made available.

The international board is, by the Chalmers bill, authorized to issue bonds, guaranteed by the United States of America and Great Britain, in an amount necessary to pay for the construction of the navigation and power works of the proposed international waterway.

The Speaker of the House of Representatives referred the Chalmers bill to the Committee on Interstate and Foreign Commerce instead of the Committee on Rivers and Harbors, to which all bills providing for waterways are usually referred. This raised a storm of protest from each of the four committees of the House which sought to have this bill referred to it—the Committee on Interstate and Foreign Commerce, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Rivers and Harbors.

The matter of reference of Congressman CHALMERS's bill was finally fought out on the floor of the House on an appeal from Speaker GILLETT's reference of it to the Committee on Interstate and Foreign Commerce, the House deciding by a decisive vote to sustain the Speaker and to refer the bill to the Committee on Interstate and Foreign Commerce, except the matter of the bond issue provided for in the bill, which was referred to the Committee on Ways and Means on motion of Congressman NICHOLAS LONGWORTH, of Ohio.

Inasmuch as the report of the International Joint Commission recommends that, before the final adoption of the St. Lawrence River route, the St. Lawrence project be further investigated and again reported on by a board of eminent consulting engineers, and inasmuch also as a treaty, or some similar arrangement, with Canada has to be negotiated by this country before the Congress of the United States can give final authorization and the immense appropriation required by this scheme, it will, in all reasonable probability, require at least a year or more before Congress can finally vote upon this measure and

authorize the St. Lawrence route, or any other route, for ocean-going ships from the Great Lakes to the Atlantic.

The other alternative route or routes proposed is one of the several all-American routes through the State of New York, the chief of which would, as far as practicable, utilize the famous New York State Barge Canal system, on which the State of New York has already expended about $200,000,000 and which is now being made more useful than ever, at an additional large outlay, by the completion and utilization of the numerous terminals and grain elevators of the barge canal system in the great city of New York.

The increasing importance of the New York State Barge Canal system will be appreciated by a glimpse of the extent and growing usefulness of this system, not only for the benefit of New York State but for the benefit also of the Northwest and Middle West.

The canals herein described are owned by the State of New York and are under the jurisdiction of the superintendent of public works for management, maintenance, repair, and operation.

Under the provisions of the State constitution navigation of the canals is free, no charge being made for passage through the locks. The constitution also provides that the canals shall not be sold, leased, or otherwise disposed of, but must remain the property of the State and under its management forever. Appropriations to meet the cost of maintenance and operation are yearly made from the State treasury.

The canal system of New York State consists of the Erie Canal, the Champlain Canal, the Oswego Canal, the Cayuga and Seneca Canal, the Cayuga Lake Inlet at Ithaca, the Black River Canal, the Glen Falls feeder, and the lakes, reservoirs, feeders, harbor basins, and terminal docks connected therewith. The Shinnecock and Peconic Canal, located in the county of Suffolk, on Long Island, and connecting the waters of Shinnecock and Peconic Bays, is officially a part of the canal system.

The Erie Canal provides a splendid avenue for commerce between Lake Erie at Buffalo and the Hudson River at Troy, connecting also with Lake Ontario at Oswego through the Oswego Canal. The Cayuga and Seneca Canal, extending southerly from the Erie Canal to the Cayuga and Seneca Lakes, brings the water route in touch with the southern-tier counties.

In the eastern part of the State the Champlain Canal stretches to the north to Lake Champlain at Whitehall and affords a passage for vessels, in connection with Canadian waterways, to the St. Lawrence River.

In the canal-improvement plan natural waterways have been utilized wherever possible, and as a result navigation passes through a series of canalized lakes and rivers, which constitute about 70 per cent of the system.

The Erie Canal—commonly known as the "barge" canal—is the main waterway and extends across the State from Troy to Buffalo. The Mohawk River at the canal-channel entrance is at an elevation of 169.5 feet above the surface of the Hudson River at Waterford and is 184 feet higher than sea level at Albany. From this point navigation is carried through the canalized Mohawk River, with short land cuts at intervals, to Frankfort; thence through an artificial channel paralleling the Mohawk River to Rome, and crossing the divide enters the Oswego watershed 10 miles west of Rome, and following Wood Creek for 5 miles reaches the eastern end of Oneida Lake.

This lake is the largest natural body of water in the canal system, the channel stretching across it at a distance of 21 miles to Brewerton at its western end. From Brewerton the Oneida River is followed to its junction with the Seneca River at Three River Point; thence through the Seneca River to the Clyde River, and to and through the Clyde River to the foot of Lock No. 27 at Lyons. Here the bed of the Ganargua Creek is utilized, with frequent land cuts, to Palmyra, from which place the channel lies in the former Erie Canal, widened and deepened to a point just west of Pittsford.

An artificial channel there exists to the Genesee River, which is crossed about 2 miles south of the Rochester terminal on a pool created by a movable dam, and traffic enters what is locally known as the 60-mile level, consisting of an enlargement of the former Erie Canal, to Lockport.

At Lockport, by means of two combined locks, navigation is raised 50 feet to the elevation of the Niagara River, and thence an artificial channel is utilized to Tonawanda Creek. The canalized creek is followed to its junction with the Niagara River at Tonawanda. Through the Niagara River traffic passes to Lake Erie at Buffalo, the vessel being raised to the level of the lake by the United States Government lock at Squaw Island.

The distance from Congress Street, Troy, to Lake Erie at Buffalo, is 355 miles, of which 215 miles lie in natural waterways, and 140 miles through artificial channels.

Albany, while not on the enlarged Erie Canal proper, is situated on the Hudson River, 6 miles below Troy.

At Utica a terminal basin exists to which entrance is had from the Erie Canal channel through a junction lock.

At Rochester harbor facilities have been provided on the pool created in the Genesee River.

At Buffalo harbors and terminals are available in the Erie Basin and the Ohio Basin, also the Lackawanna Slip as far as Miami Street may be used.

The Champlain Canal commences in the Hudson River at Waterford, where the improved Erie Canal turns westerly, and lies generally in the channel of the Hudson River canalized, with short land cuts, northerly to Lock No. 7 at Fort Edward. Here the canal departs from the Hudson River and follows a northerly course through an artificial channel a distance of 8 miles to Lock No. 9 at Smith's Basin, where the valley of Wood Creek is entered and, having been canalized, is utilized to the Lake Champlain Inlet at Whitehall. The length of the Champlain Canal from its junction with the Erie Canal to Whitehall is 61 miles, of which 34 miles lie in natural waterways and 27 miles through artificial channels.

In the city of New York canal terminals or docks with fully equipped warehouses and freight-handling machinery have been provided at several terminal docks situated in the Boroughs of Manhattan, Queens, and the Bronx.

A grain elevator providing every modern facility for the handling of grain transported by canal is now being erected at Gowanus Bay Terminal in the Borough of Brooklyn. Important terminal docks are also being completed in the Borough of Queens. It will be completed during the summer of 1922. A similar structure will also be built at the lake terminal at Oswego, and the foundations for the same already have been constructed.

It is desirable that every boat navigating the canals shall have a rounded bow and be equipped with a rudder. An anchor of suitable weight should be supplied, with sufficient length of rope. Bow and stern lines are essential.

The regulation forbidding the operation of rectangular-shaped barges on the canal was suspended in 1920. Close observation will be had of the use of such type of barge for the purpose of determining whether it may be generally utilized in the transportation of freight without danger to the canal structures.

It is possible for a boat 300 feet long and 42 feet wide, with a height of 15 feet above the water line and a draft of, say, 10 feet, to pass through the new canals. Such boat would have a carrying capacity of, say, 2,800 tons.

From observations made, it is likely that a barge of such maximum dimensions would be difficult to handle in portions of the canal channel where the width is restricted. Furthermore, special regulations would need to be observed by such boats in the sections of the canal where a 75-foot width of channel only has been provided. The commercial possibilities for general use of so large a boat are also to be doubted at the present time. It is not expected, therefore, that boats will be constructed of the maximum dimensions, nor is it believed that craft of such size would prove profitable to their owners for general use.

The freight boats in use during the season of 1921 are of varying dimensions, depending largely on the nature of the cargo carried and the ideas of the owner. The large number are of the type used on the waterways before the last enlargement and known as ordinary canal type. These are 98 feet by 17½ feet. They now operate with a draft of 7 feet and carry approximately 300 tons. Others range in length from 104 to 105 feet with widths running from 22 feet 3 inches to 22 feet 6 inches. The largest craft which made its appearance on the canal was a motor-ship type of steel construction 242.6 feet in length, 36.1 feet of beam with a depth inside of 14 feet. With a draft of 10 feet, 1,700 tons of freight could be carried.

The first attempt to improve the State's inland waterways was undertaken by private companies chartered in 1792. A portion of the series of locks built by the Inland Navigation Co. at Little Falls is still in place.

The first State canal construction work was begun on July 4, 1817, at Rome, and the Erie, or main branch, was completed in 1825.

The original Erie Canal had a bottom width of 28 feet, a width at water surface of 40 feet, with a 4-foot depth of water. This is commonly referred to as the "Clinton ditch." The first boats carried 75 tons.

The original Champlain Canal was begun in 1817 and finished in 1823; the original Oswego Canal was begun in 1825 and finished in 1828. These three canals were of the same dimensions as the first Erie.

The first enlargement work on the Erie Canal was commenced in 1836 and completed in 1862. The bottom width was increased to a maximum of 56 feet, and at water line to 70 feet, with a depth of 7 feet. In 1896 the work of deepening the Erie Canal to 9 feet was begun, but was completed only at disconnected localities.

In 1860 the widening of the Champlain Canal so as to give 35 feet and 50 feet widths, respectively, at the bottom and water line, and a depth of 5 feet was authorized. In 1870 the increase of these widths to 44 feet and 58 feet, respectively, with a depth of 7 feet, was directed, but the improvement was not completed. A further enlargement, begun in 1896, to provide a depth of 7 feet, was not progressed to completion.

The first enlargement of the Oswego Canal was commenced in 1852 and completed 10 years later. A channel of 52½ feet and 70 feet in width, respectively, at the bottom and surface, with a depth of 7 feet, was provided. In 1896 the improvement of this canal to a depth of 9 feet was begun, but not completed.

In 1916 the improved Champlain Canal for its entire length from Troy to Whitehall was placed in commission for the first time.

The canal route from Troy to Oswego via the improved Erie and Oswego Canals was first used in 1917.

The through route of the improved Erie Canal from Troy to Buffalo was opened in 1918.

The building of terminal docks and the furnishing of freight-handling facilities along the improved canals was authorized in 1911, and the work was begun in the following year.

The total number of locks on the main channels of the improved canals, exclusive of the United States Government lock at Troy, is 56. There are 34 locks on the Erie Canal; 11 on the Champlain Canal; 7 on the Oswego Canal; and 4 on the Cayuga and Seneca Canal. In addition, there are two junction locks and two guard locks.

A preliminary examination, by the rivers and harbors act, approved March 2, 1919, was authorized of such routes between the Great Lakes and the Hudson River as may be considered practical by the Chief of Engineers of the United States Army, and a study of the project was made by the Board on Deep Waterways, whose report was printed as House Document 149, Sixty-sixth Congress, second session.

According to this report there are several feasible routes for a waterway connecting the Great Lakes with the Hudson River. A second route proceeds from the Oswego River, on Lake Ontario, by way of Oneida Lake and Mohawk River to Normans Kill. This route was preferred by the Board of Engineers on Deep Waterways, but the construction of the Oswego branch of the Barge Canal over this route now renders the project more difficult of execution. This route, or any other route from Lake Ontario, implies the construction of a waterway between Lake Erie and Lake Ontario to afford connection with the upper lakes, unless it is found expedient to rely upon the Welland Canal for this connection. Another route proceeds from a point opposite Coteau Landing, on the St. Lawrence River, to Lake Champlain, and thence to Fort Edward, utilizing the canalized Hudson to Normans Kill. The route involves the improvement of the upper St. Lawrence, the navigable capacity of which is now restricted to vessels drawing 14 feet.

In reference to the desirability of the proposed canal, the district engineer states that this would depend chiefly upon how much of the present through lake commerce would use the new canal and what saving of freight charges, if any, would be effected. It should be borne in mind, however, that the need for economical transportation of the present bulk commerce of the Lakes is not the only need to be met. The great manufacturing cities of the Lakes now have a tremendous export and import traffic passing through Atlantic ports, chiefly New York. This traffic is now carried by rail and is subject to heavy charges for freight and terminal and transfer costs. As a result of his study of the subject the district engineer reaches the conclusion that it is not advisable for the United States to undertake the construction of a waterway connecting the Great Lakes with the Hudson River at the present time. The division engineer concurs in the views of the district engineer.

This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report, dated May 25, 1920. The board states that if an adequate waterway were made available with suitable terminal and transfer facilities at the principal Lake ports a large amount of general merchandise and most of the grain might be carried to the seaboard either in ocean-going vessels or in Lake vessels, transferring at New York City.

In its original condition the Great Lakes system could be navigated by very small vessels only, practically all entrances to harbors and all connecting waters being more or less shallow and obstructive to navigation. Active work of improvement by the United States began about 1824, since which time, at a cost of about $150,000,000 up to 1918, all the principal harbors and all connecting waters except the Niagara River have been made navigable for large lake vessels drawing 19 to 21 feet of water. Between Lakes Erie and Ontario navigation is now possible through the Welland Canal, which has a depth of 14 feet, but is being reconstructed so as to provide a present depth of 25 feet, with 30 feet through the locks.

The main line of the New York State Barge Canal system, having a depth of 12 feet, connects Lake Erie with the Hudson River. Branch lines connect with Lake Ontario and with Lake Champlain, which is also connected through its outlet, the Richelieu River, with the St. Lawrence 46 miles below Montreal. The project depth in the upper Hudson is 12 feet from Waterford to Hudson, a distance of 38 miles. A lock and dam affording a navigable depth of 14 feet has been constructed at Troy.

This project is understood to be primarily for a ship channel or waterway, the matter of combining these with the development of water power not to be considered except as it might be incidental to practicable routes for navigation by ocean-going vessels between the Great Lakes and the Hudson River. A waterway between Lake Erie and the Hudson River must be overland from the east end of Lake Erie, or by ship canal between Lake Erie and Lake Ontario, and thence to the Hudson via the Oswego and Mohawk Rivers, or via the St. Lawrence River and Lake Champlain. A land line across western New York is eliminated from consideration because of its excessive cost and the existence of the New York State Barge Canal. Lake Ontario must, therefore, form part of the route. There are three practicable locations for a connection between Lakes Erie and Ontario—the Welland Canal, in Canada; the Tonawanda-Olcott and the La Salle-Lewiston routes in the United States, the latter being preferable. The International Joint Commission is now investigating the question of a combined ship and power development project for the St. Lawrence River. Such a project would afford an outlet from Lake Ontario to the sea and might be used in connection with the Lake Champlain route to reach the Hudson River. The Oswego-Mohawk route has the advantage of being entirely within the United States.

The district engineer discusses the large increase in the size of vessels in recent years, and from his analysis concludes that a lakes to ocean waterway should be designed to accommodate vessels 700 feet long, 70 feet beam, and 22 feet draft, and ocean vessels 550 feet long, 78 feet beam, and 27½ feet draft. For such vessels the canal should be approximately 30 feet deep and 215 to 240 feet wide, with locks 740 feet long, 80 feet wide, and a depth of 30 feet on the sills.

If a ship channel were constructed along the route of the existing New York State Barge Canal, that canal would have to be abandoned, although parts of it might be utilized. Two routes are possible for a connection between the St. Lawrence River and Lake Champlain; the Richelieu River-Chambly Canal route and a land route from Lake St. Francis to Lake Champlain. The latter route would be the shorter and apparently less expensive.

The fall between Lake Erie and Lake Ontario is about 326 feet, and a canal connecting these lakes could be used to develop water power. Careful investigations, however, have demonstrated that a combined ship and power canal on the La Salle-Lewiston route would be more expensive and less satisfactory than separate developments for navigation and for power. In considering the question of a waterway suitable for ocean-going vessels, there must be taken into account the restricted portions of the waters connecting the Great Lakes, as well as the many harbors which have inadequate facilities for such vessels.

Considerable emphasis is to be laid on the sentence just quoted as to how much of the present through Lake commerce would use any ship canal, and what saving, if any, of freight charges would be effected. These important phases of the subject will be discussed more thoroughly later, in connection with the International Joint Commission report on the so-called St. Lawrence River route from the Great Lakes to the Atlantic seaboard, via Montreal, Canada.

This report further states that—

if an adequate waterway were made available, with suitable terminal and transfer facilities at the principal Lake ports, a large amount of general merchandise and most of the grain might be carried to the seaboard either in ocean-going vessels, or in Lake vessels, transferring at New York City.

THE GREAT DEBATE ON THE ST. LAWRENCE ROUTE BETWEEN GOVERNOR MILLER AND GOVERNOR ALLEN.

The arguments for and against the St. Lawrence River route were ably presented in a notable debate between Governor Miller, of New York, and Governor Allen, of Kansas.

I quote from memory this debate between Gov. Nathan L. Miller, of New York, and Governor Allen, of Kansas, at Washington, March 1, 1922. Governor Miller admits Governor Allen's claim that the Middle West and the whole country had suffered with breaking down of transportation and high freight rates. Governor Miller suggested the natural remedy for the West was to open up a waterway to the Mississippi River, to New Orleans, and connect there with the ocean ships. He said the cost and usefulness of the St. Lawrence River route were problematical; that it would cost probably twice $250,000,000, and in addition about the same amount to secure sufficient channels, docks, and so forth, in the Great Lake ports, and still many more millions to secure railroad terminals connecting with docks, and so forth. There is now in the Great Lakes and ports an average channel of about 20 to 22 feet, which would have to be deepened to harmonize with the proposed 30-foot channel in the St. Lawrence,

and there is the same lack of proper channel in the Welland Canal, on which all work has been suspended for several years past. It is unfair to tax New York State the 30 per cent of the whole amount of the cost of the project, which is an experiment that is of doubtful value. Governor Miller ridiculed Governor Allen's idea that ships of considerable size could use the Lake ports.

Governor Miller quoted the decision of the United States Supreme Court and New York court of appeals, declaring New York owned the riparian rights of the St. Lawrence River bordering on New York State, and said if the United States Congress took over the water power—some 400,000 horsepower—it would not be fair to New York State to have the supervision of this power and the selling of it controlled by the United States and Canada, and that it would not be fair to raise all the money necessary to construct this whole project—St. Lawrence—of several hundred millions of dollars by selling the power to New York State and New England and making them pay for the whole project. This is on an assumption that the St. Lawrence project is to be paid for by a two hundred and fifty million dollar bond issue to be underwritten by the United States and Canada. The St. Lawrence route would be frozen five months of the year and the railroads would have to be used during these five months. It would require 10 years or more to complete the St. Lawrence project and 10 years additional to get it on an operating basis as to water power, and that no interest had been calculated on the $250,000,000 to be invested, and this would be an additional cost. He insisted that New York State and City feared nothing from any fair competition, and that New York City as a neutral harbor, where all of the agencies existed to distribute and assort goods—gave example Venezuela shipments—was one of the four great harbors of the world—London, Liverpool, Bremen, and New York. He urged that all of the facts be brought out by a new and unbiased board of engineers as to the St. Lawrence River route—with a sufficient appropriation to do this, and if after a fair investigation it were found that the project were feasible, New York State would not oppose it.

Governor Miller also referred to the fact that the port authority of New York and New Jersey had the power and was at this time exerting this authority, and with ample financial backing, to so develop the port of New York and New Jersey with railroad and other through freight facilities as to materially reduce the cost of shipping through and to the port of New York via the New York Barge Canal, and other freight routes to this port.

As to the varying, and in some cases hostile, sentiment of the people of Canada and the United States affected by the proposed St. Lawrence River route, I refer to the report of the International Joint Commission, dated December 19, 1921, which very frankly states that there is decided and widespread opposition in Canada to the St. Lawrence River scheme, both because of a lack of confidence in its promised results and because of the increase in taxation that would result if it were consummated.

Very recent newspaper reports from Ottawa, the Dominion's capital, would indicate that the treaty or any other similar agreements necessary to be negotiated between the United States and Canada before any such international waterway and power project could be undertaken or even commenced, would be seriously opposed by several of the Provinces of Canada, and that even the Province of Quebec, on account of the peculiar sentiment of the French people—who predominate in that Province—regarding their exclusive right to control the historic St. Lawrence River, would strenuously oppose any arrangement by which the Governments of the United States and Canada would jointly establish and use this route. This opposition in Canada is to be expected because of the facts just mentioned and also because of the still more potent fact that Canada is at the present time struggling under the burden of a war debt and is experiencing difficulty in raising the necessary money for current governmental expenses, in addition to which the approximately three hundred millions—according to the estimates of the engineers as reported by the International Joint Commission—to be raised for this project, which would mean a heavy increase in taxation in Canada and the United States. It must be borne in mind that Canada's population is a little over ten millions, and that her one-half or approximately one-half of the cost of this project would mean an even more serious burden to Canada than to the United States, where increased tax burdens of this amount and of much larger amounts—even up into the billions of dollars—do not seem to be too seriously considered by a majority of the people's representatives in the United States Congress.

Another argument in favor of the facilities for all-water, ocean shipments is the admitted fact that terminal and transshipment charges absorbed much of the profit on export shipments and prevented the losses, particularly on grain, due to transshipment at intermediate points from Lake boats to rail or canal boats and ocean vessels at Atlantic terminals.

The International Joint Commission, while as between rail and water rates, frankly stated that their comparisons and conclusions were conjectural, in the absence of any definite information as to what actual rates would apply to a shipment by ocean-going vessels from ports on the Great Lakes to European ports, and, in the absence of such information, the commission's report provides, as previously stated, for an additional survey and study of the St. Lawrence route by eminent engineers, and also necessarily provides for a joint commission to be appointed, respectively, by the United States and Canada to negotiate a treaty as a preliminary to any legislation on this subject by the Congress of the United States.

In this connection, emphasizing the importance to the congressional representatives of the people of this country of slow and deliberate action on this gigantic navigation and water-power scheme, I quote in part a letter from James G. White, president of the Merchants' Association of the State of New York, as follows:

BUSINESS OPPORTUNITIES.

The Merchants' Association has filed with the Committee on Interstate and Foreign Commerce of the House of Representatives a request for delay in action upon the St. Lawrence River canal project until the report of the International Joint Commission, which recommended it, can be studied and analyzed, it was announced yesterday.

The communication, which was signed by James G. White, acting president of the association, and has been sent to President Harding and every member of the committee, pointed out that the resolution now before Congress provides for an immediate appropriation of $1,000,000 and authorizes the international board to issue bonds, guaranteed by the United States and Great Britain, in an amount necessary to pay for construction of the canal and the proposed power plants. It is urged that the United States should not be committed to the project without thorough investigation.

No reasonable-minded person will seriously contend that in the present financial stress of this Nation a huge wasteful outlay would be justified, nor that under any circumstances would such be justifiable should it appear that Canada and not the United States would be the chief beneficiary, and that such result would be reached by inflicting severe injury upon the Atlantic and Gulf ports of the United States without adequate and compensating benefit to the interior portions of the country.

This undertaking involves an immense national outlay. It can be justified only if it can be incontrovertibly demonstrated that it will result in a national benefit. Its advocates contend that it will greatly benefit American agricultural interests by lessening the cost of grain transportation. This is open to grave question.

The export of grain from the United States is steadily diminishing. Year by year the grain production of the country is to a greater degree required for home consumption. In the opinion of many well-qualified judges, the export of grain from the United States will within a few years have practically ceased, and, so far as the export of grain produced in the United States is concerned, the St. Lawrence waterway will have ceased to have value.

The contrary is true of Canadian grain. Canada will without question be a chief future source of the world's grain supply, and that country will therefore be the chief beneficiary of the great outlay incurred by the United States in the St. Lawrence movement.

Well founded doubt exists as to the expediency of a great national investment intended to promote direct trade between Lake ports and foreign countries, the communication said. It may fairly be doubted whether such trade movement would be carried on in sufficient volume to warrant the proposed outlay. In any event, the growth of such direct trade would be very slow and its volume relatively small and its economic difficulties great.

The communication said that the demand of the western agricultural interests for cheap transportation had been filled in the construction of the barge canal at a cost of $200,000,000 to New York State.

The request for delay by Congress was based upon the report of the association's committee on inland waterways, the members of which are Herman A. Metz, Edward B. Brooks, John D. Dunlop, Capt. Alfred Brooks Fry, Augustus V. Hamburg, Prof. Olin H. Landreth, and R. A. C. Smith.

It is true, and naturally so, that strong opposition exists in the State of New York and other States, indicating that this opposition is not confined to one locality or group of States. Strong opposition has developed in Pennsylvania, Massachusetts, and other New England States, as well as in the Middle Atlantic and Southern States, and also, surprisingly, in Montreal and Quebec, Canada, the largest cities and ports situated on the St. Lawrence River.

An additional reason why Canada, as a whole, does not favor this proposition is because there is no real congestion of freight at any point in that country, either at the terminals—as there is at so many points in the United States—or on the railroads, and because the Canadian railway facilities are still well ahead of population and production—and probably will be for many years to come—these adequate railway trunk lines extending from the Atlantic to the Pacific.

Railway inefficiency, on the other hand, in the United States may be chronic and it would require from one to two billions of dollars annually for many years to handle the traffic, in

addition to the billions already invested in railways and railway terminals in the United States, and it is argued by the friends of the St. Lawrence route that even such expenditures would not afford the relief that is promised by the creation of an all-water route from the interior of the continent to the Atlantic seaboard, and it is admitted that this argument is sound provided that the St. Lawrence plan would bring about the relief through ocean freight rates hoped for by its proponents; but it is evident that after the expenditure of millions of dollars on this scheme there would be no saving in freight rates to the Middle West and Northwest.

Mr. DEMPSEY. Mr. Chairman, I yield four minutes to the gentleman from California [Mr. LINEBERGER].

The CHAIRMAN. The gentleman from California is recognized for four minutes.

Mr. LINEBERGER. Mr. Chairman and gentlemen of the committee, many of the Members have referred to the fact, as they see it, that this is an invasion of the rights of the Budget. I do not consider it as such, because we have just recently passed in this House a very meritorious bill, but one which if enacted into law will ultimately involve an expenditure of nearly $4,000,000,000 of the people's money, so it has been estimated, and it was not covered by the Budget. Very shortly there is to come into the House for your approval a bill involving some $200,000,000 more, the so-called roads bill, which is also, so I understand, not carried in the Budget, so this argument will not hold water.

I am in favor of this amendment because it is a work which is constructive, and therefore a work of peace. We have spent billions upon billions of dollars for war in the last five years. We have spent until it hurts, and I think it is now high time that as much of the people's money as possible be devoted to the constructive works of peace.

This is not a partisan matter. It is not a sectional matter. Both of the great parties in their campaign documents or platforms, issued in 1920, declared in favor of the improvement of our inland waterways, to wit, our rivers and harbors. I quote from the Republican platform:

WATERWAYS.

We declare it to be our policy to encourage and develop water transportation service and facilities in connection with the commerce of the United States.

Turning to the Democratic platform I quote, as follows, under "Inland waterways":

Our present facilities for distribution by rail are inadequate and the promotion of transportation by water is imperative. We therefore favor a liberal and comprehensive policy for the development and utilization of our harbors and interior waterways.

Now, the distinguished Member from Ohio [Mr. BURTON], in whose opinion I have great confidence, states to you that our problems in America are entirely different from those that are presented in Europe. Only recently I made a trip of two months abroad, and I took particular pains to look into river and harbor transportation. I may say I am not altogether unfamiliar with this phase of work, having been educated in civil engineering and having spent 10 years in the practice of my profession, several years of which were spent in the development of rivers and harbors. I am convinced that the transportation problems of all great nations to-day are intricately and intimately involved in the development of their rivers and harbors. At this very moment the great Stiness group in Germany, in combination with four or five German States directly interested, are putting through the German Reichstag a bill to carry out a plan to connect the Rhine and Danube Rivers, and thereby further develop the great transportation systems that exist on those two rivers. If a bankrupt nation like Germany, owing billions of dollars of indemnity, can afford to consider such a constructive work as that in such a time as this, I insist that the American people, who have millions of dollars at their disposal where the Germans have thousands, can well afford to increase the appropriation to the maximum of $42,800,000, recommended by the Board of Army Engineers and the Rivers and Harbors Committee of the House, for carrying on this great work during the coming fiscal year. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. TINCHER. Mr. Chairman, I never have voted for a river and harbor bill, and my reason for that is that I have never believed that the money appropriated for that purpose was expended under any proper system.

I am convinced that every dollar we appropriate for rivers and harbors is either wasted or expended in such a way under our present railroad system that they not only make us pay that money in taxes but my section of the country pays for it again in freight rates. I say to you that so long as the Interstate Commerce Commission are permitted by law or against law to enable a railroad paralleling a waterway to reduce freight rates to such an extent that there is no advantage in carrying the freight by water, my section of the country has to help keep up that railroad, and they pay double on that proposition. For that reason I shall never vote for a dollar for rivers and harbors until there is some definite policy and system agreed upon. And I want to say to you that I think more of my opinion to-day on that subject than I ever thought of it before, when a man like Mr. BURTON takes the floor here, a man who we will all admit knows more about rivers and harbors than any other man in this House, who had more to do with appropriating money out of the Federal Treasury for rivers and harbors than any other man—when he takes the floor and tells you that to appropriate money for rivers and harbors under the present system is to waste it.

Neither can I follow the policy advocated by my friend [Mr. HAYDEN]. He says, "I am in favor of appropriating money out of the Treasury to take things off a dead center and start the wheels of commerce to work." Just think of that policy. Assume now that he is willing to appropriate the money out of the Federal Treasury to start labor on rivers and harbors. I say that is just one step removed from the idea of appropriating money out of the Federal Treasury to pay men for not working. We can not bring about normalcy by appropriating out of the Federal Treasury money that we have not got to give some man a job. [Applause]. That doctrine is not sound. I want to be friendly to the waterways, but I do think that before we spend this money that we have not got we ought to get together on some business system. The gentleman from Ohio [Mr. BURTON], the author of this system, has been fair and honest enough to come before this House this morning and tell us that it is a failure, and I say to you that I have always known it was a failure, and that any man who has kept track of these things, any man who has lived in the interior of this country who has witnessed the expenditure of the appropriations that have been made for rivers and harbors, no matter how friendly he is to them, can not help appreciating that that money has not only been taken from the taxpayer but that the ordinary taxpayer engaged in agriculture has had to pay it twice.

I yield back the remainder of my time.

Mr. WILSON. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SISSON. I yield one minute to the gentleman from Texas [Mr. GARRETT].

Mr. GARRETT of Texas. Mr. Chairman, it would be absolutely impossible to discuss the river and harbor question in one minute, but I want to reply to the gentleman from Kansas [Mr. TINCHER], and say that there were other eminent gentlemen in this House before his day, who came from that western country, who stood before this House and said that every dollar that had been expended for the improvement of rivers and harbors had been the best money this Government had ever expended. [Applause.]

Mr. SISSON. I yield to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Chairman, adequate and cheaper transportation is one of the most important questions before the American people to-day. The tremendous advance in rail rates since the beginning of the World War has imposed almost a crushing burden upon commerce; and particularly is this true with reference to the movement of agricultural products, building materials, and manufactures from the source of production to markets so greatly in need of them.

It is, perhaps, not too much to say that high transportation rates have been one of the chief contributing factors to the existing economic and industrial depression throughout the country. The farmer wants to sell his products at a fair price to the consumer in the cities, and the consumer wants to buy them. But when the products of the farm reach the city and finally find their way to the consumer, the farmer finds that his profit has disappeared and been largely absorbed by high transportation costs, while the consumer buys sparingly because of the increased price which he must pay to make up such high

transportation and other charges assessed before the goods reach him.

In fact, in many instances the situation has become so acute that producers who have raised fine crops have found it unprofitable to ship them, because when the returns were made, after paying transportation charges to market, there was practically nothing left for the shipper.

The same thing is true with reference to raw and finished materials of every kind needed throughout all communities of the United States to-day, but which can not be purchased at reasonable prices owing, in no small measure, to the costs of transportation, especially with reference to bulk commodities. This is a matter of common knowledge. While there is no doubt that other factors enter into the final high costs of commodities before they reach the consumer, yet it is undoubtedly true that the high transportation costs are one of the most important factors in reducing the return to the producer and increasing the price to the consumer.

Since the beginning of March, 1918, freight rates on the railroads of the United States have increased from 65 to 80 per cent. These increases, as shown by the records of the Interstate Commerce Commission since the 1st of March, 1918, reflect, first, a 15 per cent increase; then, later in the same year, a 25 per cent increase under General Order 28; finally, in 1920, a still further increase of from 25 to 40 per cent under Ex parte 74. The increases brought about in intrastate or so-called "State" rates were even greater than the advances noted in interstate rates, because under the transportation act, which I may state I opposed, control practically of all State rates, as well as interstate, was granted to the Interstate Commerce Commission, which sustained the railroads in advancing State rates to the level of interstate rates when such State rates were prior to such time usually far below the level of interstate rates.

It is further a matter of common knowledge to the people of the United States that under normal conditions the rail transportation system of the United States was totally inadequate to move the great amount of commerce seeking transportation. In fact, before the present agricultural and industrial depression began a little over a year ago there was such a congestion upon the railroads and such a shortage of equipment to handle the commerce necessary to be transported that priority orders were issued by the Interstate Commerce Commission and tremendous losses suffered by those who sold commodities and could not move them for lack of transportation facilities.

No one will seriously contend that when prosperity returns the rail transportation facilities will not again be found inadequate to take care of the commerce which is offered, even under conditions of high transportation rates, which the country is firmly convinced ought to be reduced if the return of prosperity is not to be still further delayed.

The importance, therefore, of utilizing the great water transportation facilities of the Nation has never been more clearly demonstrated and the need for their proper development more cogently emphasized.

In fact, Congress itself has only comparatively recently made a declaration to this effect in the transportation act. Section 500 of that law provides as follows:

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation service and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

Section 8 of the merchant marine act, passed by Congress in 1920, also declares a similar policy, such section reading as follows:

That it shall be the duty of the board, in cooperation with the Secretary of War, with the object of promoting, encouraging, and developing ports and transportation facilities in connection with water commerce over which it has jurisdiction, to investigate territorial regions and zones tributary to such ports, taking into consideration the economies of transportation by rail, water, and highway and the natural direction of the flow of commerce; to investigate the causes of the congestion of commerce at ports and the remedies applicable thereto; to investigate the subject of water terminals, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, with a view to devising and suggesting the types most appropriate for different locations and for the most expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities regarding the appropriate location and plan of construction of wharves, piers, and water terminals; to investigate the practicability and advantages of harbor, river, and port improvements in connection with foreign and coastwise trade; and to investigate any other matter that may tend to promote and encourage the use by vessels of ports adequate to care for the freight which would naturally pass through such ports: *Provided*, That if after such investigation the board shall be of the opinion that rates, charges, rules, or regulations of common carriers by rail subject to the jurisdiction of the Interstate Commerce Commission are detrimental to the declared object of this section, or that new rates, charges, rules, or regulations, new or additional port terminal facilities, or affirmative action on the part of such common carriers by rail is necessary to promote the objects of this section, the board may submit its findings to the Interstate Commerce Commission for such action as such commission may consider proper under existing law.

During the World War and for some considerable time after the armistice, river and harbor work by the Government was very much curtailed, not only by reason of concentration of the resources of the Nation upon the single purpose of winning the war but also by reason of the increased costs of such work and inadequate appropriations.

In fact, the costs of doing such work mounted so rapidly that in the river and harbor act of March 2, 1919, Congress provided that—

No work shall be undertaken upon any new project herein adopted unless the Secretary of War shall be of the opinion that, based upon the cost at the time of entering upon the work, the project can be completed at a cost not greater than 40 per cent in excess of the estimate of cost in the report upon such project.

The Chief of Engineers of the Army and the corps of officers in charge of river and harbor work were not only careful to follow this limitation imposed by Congress but, of their own accord, exercised the utmost economy to the extent even of delaying much work upon projects which were of the greatest magnitude and which would otherwise have been prosecuted with the utmost dispatch, to the end that the facilities needed would have been provided at the earliest possible moment.

General Taylor, Assistant Chief of Engineers, in his testimony before the Appropriations Committee at the hearings on this bill, said:

There is another and very important consideration. During the past few years our conditions have been such that we could not spend money economically. On account of the fact that our appropriations were continuing appropriations we did not feel it was necessary to spend the money as soon as it was appropriated, and we held on to it until we could spend it economically. This last year, of course, our expenditures have been far greater than the appropriations.

Through the exercise of such economy and conservation of river and harbor funds the Government engineers were able last year to make most advantageous contracts and carry on many river and harbor operations at reasonable prices, which were vitally necessary and which could not have been undertaken with the insufficient appropriation provided that year had it not been possible to have drawn upon the reserves in the river and harbor fund remaining unexpended by reason of the economies practiced.

General Taylor stated it was not possible to keep up even with the maintenance and improvement work necessary to maintain the important projects. General Beach, the Chief of Engineers of the Army, and his assistant, General Taylor, have repeatedly asserted that the minimum amount necessary this year for river and harbor work is $42,815,661. In this connection General Taylor testified:

I wish to again emphasize the fact that the Engineer Department has never stated or admitted that any sum less than the $42,000,000 would be sufficient for the next year for river and harbor work. The estimates have been cut down over our repeated recommendations, and we believe that more money is necessary.

He further testified that if only $27,635,260 were appropriated it would mean cutting down by about 50 per cent the work that was absolutely necessary to be done upon the more important projects already authorized by law.

He further testified that—

every bit of river and harbor work we do next year will be done with the money which is appropriated at this time. I want to make that very plain, that when the previous bills went through we had large sums which we could utilize for those years for which the appropriations were made, and that this year we have no money available to help out next year.

During such examination the chairman of the Subcommittee on Appropriations, Mr. ANTHONY, asked this question:

About how much of these permanent appropriations will be unexpended?

To which General Taylor replied:

There will be practically nothing that is unexpended; on the 1st of December our actual unexpended balance was $28,324,247.89. Of that amount $9,774,165.13 was under contract or obligated, leaving us an unobligated balance on the 1st of December of $18,550,082.76.

Mr. ANTHONY. That is the amount which will probably be carried over into the next year?

General TAYLOR. No, sir; that was what we had on hand on the 1st of December, 1921. We have been expending funds at the rate of about $2,500,000 a month.

As the period of time from the 1st of December, 1921, to June 30, 1922, the end of the fiscal year, is seven months, it is apparent that without anything for contingencies $17,500,000 would be used, which would, at most, leave only $1,000,000 to which during such period recourse might be made for such sums as would be required to meet unforeseen and unexpected emergency needs.

Prior to the appropriations made in the river and harbor acts of 1920 and 1921 appropriation of specific sums to designated

projects had been made by Congress, and when so made such funds could not be diverted by the Chief of Engineers of the Army or other executive officer to any other river and harbor project. In this way considerable sums of money accumulated in different projects where work had been delayed owing to high costs and inability to obtain material or equipment necessary, so that even though only $15,000,000 was carried in the river and harbor act of 1921, it was yet possible for the Chief of Engineers to carry on any pay for improvements vitally necessary which cost $41,241,503.95; but even then the engineers testified, by General Taylor, that although something over 500 river and harbor projects have been authorized work at the present time is being prosecuted on less than 100 of them.

It is therefore apparent that when the Chief of Engineers points out that he has already cut down the estimates of the district engineers from $63,000,000 to $42,815,661, and that there is no other source from which this money can be obtained than an appropriation carried in this bill; that unless it is provided the work of maintaining and preserving what has already been decreed by Congress to be absolutely essential to commerce can not be carried on.

It will be of interest to many who are not acquainted with the development of river and harbor projects to learn that the cost of the recent operation of the railroads to the Government during the period of Federal control was greater than the total amount invested by the Government in rivers and harbors since such work was started in 1824, nearly a hundred years ago, and that since the railroads were returned to private ownership nearly $500,000,000 has been paid out to the railroads in guaranties under the transportation act and an even greater sum with the increased freight rates which the public must pay under the 6 per cent return provision of the transportation act, costing the people in five years double what rivers and harbors have cost in a hundred years.

And yet, in spite of these enormous expenditures and payments for railroad transportation in the last few years, it has not been contended that railroad transportation should be crippled, suspended, or abandoned.

The return which the waterways, including the great harbors, of this country have made to the public upon the amount invested therein will perhaps never fully be realized.

Where great harbors have been constructed to serve a vast expanse of territory tributary thereto which previously was compelled to ship its commodities to far greater distances at increased costs in order to get them to a seaport for shipment to foreign markets, the greater returns to producers for their products by reason of lower freight rates not only to such newer harbors but to older ones as well, by reason of competition, has resulted in the saving of many millions of dollars to the agricultural interests of the United States.

A case in point might be illustrated by the port of Galveston, now rated by the Department of Commerce as the second port in the United States in 1921 in the value of exports. In December, 1908, Col. John C. Oakes, Corps of Engineers, United States Army, in a special report to the Chief of Engineers transmitted to Congress, made the following impressive statement:

> The total amount expended by the United States on this work to January 1, 1909, is $10,419,673.59. A board of engineers stated in its report of December 19, 1902, that a saving of $10,000,000 per annum as a result of the completed improvement to the territory adjacent to the port would be a conservative estimate. The saving of that amount on the commerce passing through Galveston alone can be shown without taking into consideration the saving resulting to the people by reduced rates to all other ports competing with Galveston. I have no doubt if a careful study be made of this question a saving of $20,000,000 per annum could certainly be shown, and possibly $30,000,000.

In a recent special report transmitted to me by the Chief of Engineers the following observation occurs:

> It would be difficult to estimate, except in a very general way, the value to the country at large of the development of Galveston Harbor. The marked development of the Southwest and the enlarged market therein which has followed that improvement, and the tremendous saving in freight rates on southwestern products over a term of years, may serve to answer briefly this phase of Mr. Briggs's inquiry.

It is a matter also of tremendous interest to note that soon after the completion, in 1897, of the jetties at Galveston, which was the plan adopted for assuring deep water, the wheat export rate from Kansas City to Galveston declined from 21 cents a hundred pounds on November 2, 1896, to 10 cents a hundred pounds on April 9, 1899, while the export rate on corn between the same points and dates declined from 18 cents to 10 cents a hundred pounds. The influence of the establishment of the great port of Galveston was not only reflected in the tremendous reduction in export rates on grain from Kansas City and intermediate territory to Galveston, but also resulted in a marked reduction in rates on grain from Kansas City to the Atlantic seaboard, which declined from 33 cents a hundred pounds to New York on November 2, 1896, to 24½ cents a hundred pounds on April 19, 1899, and from 27 cents a hundred pounds to Baltimore on November 2, 1896, to 21½ cents on April 19, 1899.

Although, as previously stated, railroad rates since the World War have advanced enormously all over the country, yet as a result of the competition for the great grain export haul moving particularly from the Middle West to seaports, there was recently granted a reduction in the grain rate of from 5½ cents to 7½ cents a hundred pounds.

The significance of this reduction will further be appreciated when it is realized that the saving by reason of such reduction, inuring to the benefit of the grain producers of this Nation, amounted to the large sum of $30,400,284.70 on the 92,122,075 bushels reported by the Chief of Engineers to have moved through the port of Galveston for export during the year 1921.

This saving in freight rates of $30,400,284.70 on grain shipments from Kansas, Nebraska, Oklahoma, Texas, and other States through Galveston was increased by the savings on the other 189,000,000 bushels of grain exported through other ports of the United States, which amounted to at least $75,000,000 more.

During the year 1921 the grain crop raised in the United States was such a huge one and was gathered so rapidly that the necessity for the most expeditious and rapid transportation for delivery of wheat sold abroad was especially acute. Grain elevators and warehouses in the interior of the country were filled to overflowing and much of the crop was threatened with deterioration if railroad cars could not be secured and the grain be moved to ship side with the greatest expedition. In fact, the losses experienced by the grain farmers of Kansas, Oklahoma, Texas, and elsewhere in failing to secure promptly an adequate number of grain cars are sufficiently well known to require no review, and had it not been for the magnificent harbors developed by the Government, like those at Galveston, Texas City, and elsewhere, it would have been impossible to have provided, when most needed, a sufficient amount of large ocean tonnage able to carry in an almost uninterrupted stream of ships the vast amount of grain which poured forth from the grain fields to the ports. At Galveston alone last season 526 cars of grain were unloaded and handled in a single day. This would have made 10 trainloads of over 50 cars each. Over 3,000,000 bales of cotton, principally from Texas, Arkansas, and Oklahoma, also moved in export through the port of Galveston during the year 1921, more than through any other port in the world, besides large quantities of cottonseed cake, sulphur, oil, and miscellaneous cargo.

Of course, immense volumes of commerce likewise moved through other great ports of the Nation and over the inland waterways, including the Great Lakes.

It is not always easy to grasp, without considerable study and investigation, just what a tremendous return and dividend the development of the great waterways and harbors of the United States has paid to the people of the Nation generally. But the instances cited are sufficient to show how one great harbor, that of Galveston, in one year more than repaid the total cost of its development to the people of our country through reductions in freight rates which would otherwise not have been granted.

The necessity, therefore, of maintaining and developing the waterways and harbors of our country is one that is becoming increasingly important to commerce and those interested in every class of industry throughout the whole Union.

Practically since the year 1824 the Corps of Engineers of the United States Army have, under the Secretary of War, directed the river and harbor improvement undertaken by the Government, and with a high sense of fidelity to the interests of the Nation. During such long experience the Army Engineers have acquired a most intimate knowledge of river and harbor projects and are in the best position to know the actual minimum required to carry on the maintenance and improvement of the river and harbor work already authorized. The Bureau of the Budget confesses that it had no expert knowledge of the amount necessary for this work, but that its estimate was the best it was able to make under such conditions. It is therefore the proper and wise course to adopt the recommendation of the Chief of Engineers, which is embodied in the amendment offered by the chairman of the Committee on Rivers and Harbors.

Mr. DEMPSEY. I yield four minutes to the gentleman from Minnesota [Mr. LARSON].

Mr. LARSON of Minnesota. Mr. Chairman, I shall vote for the amendment offered by the chairman of the Committee on Rivers and Harbors increasing the proposed appropriation to $42,815,652. I am frank to say that such was my intention before I came on the floor of the House to-day. But I came to this

discussion with an open mind. I wanted to hear the arguments for and against the amendment. I was ready and willing to vote against the amendment if cogent reasons were submitted showing that the amendment should not prevail. But no such reasons have been presented. The proponents of the amendment have presented their case with persuasive efficacy.

Loose talk has been indulged in against the amendment that this is a raid upon the Treasury; that this is "pork-barrel" legislation. I shall not allow myself to be stampeded by such loose charges, unsupported by evidence. [Applause.] If there be any "pork" in this amendment, show it. Let us see where it is and what it looks like. Present your bill of particulars and produce your evidence. That no proof of "pork" has been shown convinces me that the charge is baseless.

Neither shall I give any credence to the innuendo that the supporters of the amendment are actuated by selfish and sinister motives. Simply because a Member of this House happens to have a navigable waterway in his district does not militate against the cogency of his arguments. Such a Member's argument should be more persuasive and convincing, because his intimate study qualifies him to speak with authority on the value of waterways as arteries of the Nation's commerce. Such Members know the facts, and it is upon facts, not upon prejudices or unfounded insinuations, that Congress should legislate.

I have the honor to represent a district that contains one of the largest and best harbors not only in the United States but in the entire world—the Duluth-Superior Harbor. It carries annually a commerce of some 50,000,000 tons, of the value of about half a billion dollars. Whether this amendment prevails or is defeated, ample Government funds will be obtained so as not to jeopardize the immmense commerce of the Duluth-Superior Harbor; and if Uncle Sam should refuse to supply the funds, we have enough public-spirited people in Duluth who will contribute the necessary amount. [Applause.]

So the imputation of legislating for the sole benefit of a local waterway project can not be made against me. I am happily in a position to view this legislation from the viewpoint of the benefit that will result to the country as a whole, and that is the viewpoint, I am sure, of the membership of this House. We are elected by our respective districts, but as Congressmen we legislate for the entire Nation. We are not the representatives in this lawmaking body of any section, class, or interest, but of the whole American people. That is my political philosophy, so clearly and convincingly expressed by Edmund Burke in his famous address to the electors of Bristol in these words:

> Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of our nation, with one interest—that of the whole—where not local purposes, not local prejudices, ought to guide, but the general good resulting from the general reason of the whole. You choose a member, indeed, but when you have chosen him he is not a member of Bristol but he is a member of Parliament.

The legislation under discussion involves one of the most important and vital problems now confronting the American people—the transportation problem. It is not a sectional, State, district, or parochial question. Transportation affects the happiness and prosperity of every inhabitant of our common country. It affects everything bought or sold by any individual. It determines the progress or decline of our cities. It measures the progress of the Nations' commerce, domestic and foreign. Any nation that neglects to develop its transportation becomes a decadent nation.

We are a rich Nation, the richest in all the world, but unless we successfully solve our transportation problem, so that the producer can adequately and cheaply transport his products to the consumer, the United States will lose her present preeminent position among the commercial nations of the world. This is no foreboding prompted by morbid pessimism; it is a bald statement of the actual situation now confronting the Nation.

Experienced railroad men and financiers admit that the railroads can not handle the Nation's commerce. The load is too big for the railroads. They can not raise the billions of dollars needed to enlarge their equipment. But even if they could, the railroads, unassisted by the waterways, would not be able to cope with the ever-growing commerce created by the Nation's producers.

The lack of adequate and cheap transportation is seriously threatening the development of our commerce. It is an acute problem which demands a prompt remedy. A transportation emergency confronts the Nation. Listen to what Mr. Elisha Lee, vice president of the Pennsylvania Railroad, said in a recent address before the Manufacturers' Association in Philadelphia:

> The next time our country has a real revival in business we shall, in all probability, be confronted with the most severe congestion of railroad traffic and the greatest inadequacy of railroad facilities ever experienced in our history.
>
> When that happens, rates will be lost sight of. Everyone will be clamoring for service, and our public highways will again be torn to pieces by huge truck loads of freight, carried over roadways never designed for such purposes, and at rates and costs of operation so high as to constitute gross economic waste.
>
> Nothing could more quickly check a wave of prosperity than the inability of our railroad facilities to handle the traffic which good times would create.
>
> I am firmly convinced that we face such a condition, with almost absolute certainty, in the not remote future. Whether it will come within a year or two or be deferred for several years I do not for a moment assume to predict, but, unless the world plunges into hopeless economic chaos, in which case all reckoning will be wrong, we are going to push up our national figures for production, and consequently of potential railroad traffic, beyond anything ever known before in peace times, and, in all likelihood, even beyond the levels reached during the war.
>
> Then business men will not be bothering themselves very much about rates. All they will be thinking about will once more be how to get transportation at any price.

What is the remedy? The only remedy is the development of our waterways, our rivers and harbors, with which nature has so generously endowed us. Instead of the amount provided for in the pending amendment, I would like to see it doubled, and then some. Why quibble over the appropriation of a few million dollars when a lack of transportation facilities threatens the growth and prosperity of the country? To refuse any relief to the commerce of the country on the grounds of supposed party expediency would be a political blunder. The transportation emergency calls for wise and courageous statesmanship, the application of sound business principles.

The opponents of the amendment say that the amount proposed by the Committee on Appropriations for the maintenance and improvement of our rivers and harbors for the coming fiscal year is ample. This statement is squarely challenged by the Committee on Rivers and Harbors and the Board of Engineers for Rivers and Harbors. General Taylor, as the representative of the Board of Engineers, testified as follows at the hearing held before the Committee on Rivers and Harbors:

> I personally went over all of those items. (Items of the needs for rivers and harbors for the fiscal year ending June 30.) The reports as they originally came in from the district engineers contained amounts considerably greater than those. The total of the amounts submitted by the district engineers was about $63,000,000. I went over those with a great deal of care and eliminated everything from the statement that I thought could be reasonably deferred. In other words, the amounts now in the annual report of the Chief of Engineers which total $42,815,652, represented the amount which, in my judgment, was as small as should be appropriated in order that the work could be carried on to a reasonable extent. In other words, I cut it to what I consider the absolute limit. I went over it with a great deal of care. I realized that Congress wished to have the appropriations cut as much as possible, and I did the best I could to carry out that intent of Congress.

There are about 125 items involved. It is impossible for the Members of this House to investigate personally the merits of each of those 125 items. Under the circumstances, what are we to do? Speaking for myself, I shall accept the judgment of the United States Engineer Corps as to the amount of the appropriation needed, rather than the say-so of the Committee on Appropriations, which of necessity has been able to give the merits of the various items only a brief, cursory, and superficial consideration.

Common sense suggests that the thing for us to do under the circumstances is to follow the sound judgment of the men who know. A distinguished Member of this House, justly reputed to be the greatest authority in this country on waterways, characterized the United States Board of Engineers for Rivers and Harbors, whose business it is to inform Congress regarding the various waterway projects for which governmental appropriations are sought as the "blue ribbon of the Government service." I think we may safely follow the judgment of men whose skill and character are of such high order as to merit so lofty an encomium from so great an authority.

To vote for this amendment is no attack on the administration's program of economy. I believe in economy in the expenditure of public funds, but economy does not mean the refusal to appropriate for necessary public improvements. On the contrary, such refusal means waste. Properly understood, the increased appropriation proposed would result in an economical administration of the Government's work on our rivers and harbors, and the inadequate appropriation proposed by the Committee on Appropriations would result in waste, as General Taylor made clear in his testimony before the Committee on Rivers and Harbors.

Let us not lose sight of the fact that there are at the present time some 5,000,000 people out of employment in this country. That not only means want and suffering on the part of the

unemployed and those dependent upon them but it also means an irreparable loss of human energy, which is the Nation's most valuable asset. The enlarged appropriation will give opportunity for employment to thousands now unemployed. Why wait to develop our public improvements when labor will be sorely needed in the prosecution of commercial and industrial enterprises by individuals?

The increased appropriation proposed by the amendment will, I feel confident, meet with the hearty approval of the President. He appreciates the vital importance of transportation to the growth and progress of the country. He fully sympathizes with the farmers and manufacturers throughout the country, and particularly of the Middle West and the Northwest in their demand for ample and cheap transportation. He realizes with Bacon that—

> There be three things which make a nation great and prosperous—a fertile soil, busy workshops, and easy conveyance for men and commodities from one place to another.

The President not only favors the improvement of our strictly inland waterways, but also of our great boundary waterway—the St. Lawrence River. Listen to what this forward-looking statesman said before the farmers' conference recently held in Washington on the importance to our Nation of undertaking the improvement of this Great Lakes to the ocean waterway:

> I have spoken of the advantage which Europe enjoys because of its easy access to the sea, the cheapest and surest transportation facility. In our own country is presented one of the world's most attractive opportunities for extension of the seaways many hundred miles inland. The heart of the continent, with its vast resources in both agriculture and industry, would be brought in communication with all the ocean routes by the execution of the St. Lawrence waterway project. To enable ocean-going vessels to have access to all ports of the Great Lakes would have a most stimulating effect upon the industrial life of the continent's interior.
>
> The feasibility of the project is unquestioned, and its cost, compared with some other great engineering works, would be small. Disorganized and prostrate, the nations of central Europe are even now setting their hands to the development of great continental waterways, which, connecting the Rhine and Danube, will bring water transportation from the Black to the North Sea, from Mediterranean to Baltic. If nationalistic prejudice and economic difficulties can be overcome by Europe, they certainly should not be formidable obstacles to an achievement less expensive and giving promise of yet greater advantages to the peoples of North America. Not only would the cost of transportation be greatly reduced, but a vast population would be brought overnight in immediate touch with the markets of the entire world.

Mr. Harding's indorsement of the St. Lawrence route is another evidence of the truism that in the last analysis we are governed by enlightened public opinion, of which the President is the chief spokesman.

I venture the prophecy that the Harding administration will be remembered and blessed by posterity not only for promoting lasting peace and good will among the nations of the world, but also for the execution of the St. Lawrence River project, this great international project which promises unlimited benefits in solving the transportation problem of central North America, as well as the fuel and power crisis of the eastern seaboard.

In this connection I desire to incorporate as a part of my remarks a very instructive and illuminating consideration of the proposed St. Lawrence route, which appears in a report submitted to the executive committee of the Associated Industries of Massachusetts. While it relates specifically to the St. Lawrence project, in it is considered the transportation needs of the country and the solution therefor. I am reliably informed that the report is the result of the efforts of some of the best minds of New England—engineers, maritime experts, financiers, and captains of industry. I commend this report to the thoughtful consideration of all those who are looking for a real solution of the Nation's transportation problem, and particularly to those of my fellow citizens of New York who have not yet seen the light. [Applause.]

To the Executive Committee of the Associated Industries of Massachusetts:

GENTLEMEN: Your committee, appointed to consider and report upon the feasibility and desirability of the St. Lawrence project, begs leave herewith to submit its unanimous report.

Our conclusions, reasons for which will be set forth in this statement, are:

(a) That the project is feasible from an engineering standpoint;

(b) That it can be constructed at a reasonable cost, considering the magnitude of the work involved;

(c) That it will furnish direct and usable water route between the ports of the Great Lakes and both foreign and domestic ocean ports;

(d) That in the very near future this Nation will require every possible means of transportation, and that accordingly the St. Lawrence project will be of great assistance in reducing otherwise necessary expenditures for additions to our rail facilities and greatly lessen the inevitable transportation crisis which will arise with a restoration of normal business and the natural growth of the country;

(e) That it will give to New York and New England a very large, reliable, and cheap source of hydroelectric energy; and

(f) That the project is desirable for the country as a whole and beneficial to New England.

The St. Lawrence project is a project for making navigable the St. Lawrence River between Montreal and Lake Ontario, thus making it feasible upon the completion of the New Welland Canal around Niagara Falls, for the largest lake vessels to pass from the Great Lakes to tidewater and for ocean-going vessels, drawing not more than 23 and ultimately 28 feet, to pass in and out of the Great Lakes.

By act of the Governments of Canada and the United States a joint commission of the two nations has been investigating the feasibility and cost of the project. This commission has recently submitted its report to the two Governments. Its findings are that the project is feasible, desirable, and reasonable in cost. The estimates of cost were made by Government engineers of the two nations after an exhaustive examination extending over a year's time. These engineers estimate a cost of $252,000,000 for the development of this project, according to plans which they submit. This estimate includes the cost of producing 1,464,000 horsepower of continuous energy. The figures were based upon 1920 costs—as an example, concrete is estimated at $12 per yard. It is further the express belief of the engineers and of the commission that the figures of cost are conservative and that due allowance has been made for inevitable contingencies. It is true that these figures of cost have been challenged by some people, including engineers of standing, but we are constrained to place substantial reliance upon estimates made by the Joint International Boundary Commission and its engineers, arrived at after many months of study and of careful examination of the river and the surrounding country. We may add, however, that if further study indicates a total cost materially higher than the present estimates, this fact would not by itself cause us to change our conclusions as to the advisability of the project.

All of our conclusions in this matter are based upon an assumption that by treaty or other international agreement provision will be made for the adequate protection of the equitable rights of both Canada and the United States, and for the joint control of the enterprise during and after construction, so that its use by nationals of both countries shall be without discrimination; and upon the further assumption that by law or otherwise suitable provision shall be made for equitable distribution of the power produced by the project in all parts of the territory tributary to the power houses.

We make no recommendations as to the specific plan of development to be adopted, recognizing that many changes are likely to be made in the plan as presented by the engineers. Nor do we express any opinion as to whether the project shall be constructed and operated by private or by public agencies, or by a combination of both.

The project has two principal aspects; that of navigation and that of power. It needs no proof that transportation by water is materially cheaper than by rail. This fact is well known. With the opening of the St. Lawrence River so that large vessels can go from Lake ports to tidewater at Montreal, Halifax, and Atlantic coast ports of the United States, this cheaper method of transportation will become available for traffic between tidewater and the interior. This traffic now amounts to 200,000,000 tons annually. Of course, not all of it will ever use the water route. But bulk commodities from the interior destined for the Eastern States or for export will tend to move that way, and many New England products destined for the interior will avail themselves of the cheaper route. The rail rate for the entire country is now approximately 12.1 mills per ton-mile. If coal is excluded this average rate rises to 13 mills. Water rates on the Great Lakes average less than 1 mill per ton-mile; and on the ocean they vary according to the class of freight from 1 to 3 mills. Probably 2 mills per ton-mile is a fair water rate to compare with an average rail rate of 15 mills.

From Chicago to Boston the rail distance is 1,034 miles, as against 2,682 by water. From Duluth the corresponding distances are 1,513 and 2,775. And taking into account relative rail and water rates and relative distances, it would seem that a ton of freight is now hauled by rail from Chicago to Boston for $15.51, as against an estimated charge of $5.36 by the water route. The corresponding rail rate for Duluth is $22.70, as against an estimated rate of $5.55 by water. Figures based on averages may not be exact, but they do indicate tendencies, and they certainly give to your committee assurances that freight can be carried from the Middle West to Atlantic ports by water much cheaper than by rail.

The promoters of the project expect to see lake ports crowded with ocean-going vessels when once the river is opened, transporting their products in unbroken cargoes to foreign markets and bringing to the interior of this continent the goods of the world. There is difference of opinion among ocean shipping men as to whether the present types of ocean-going vessels will go up the river to lake ports. Our conclusion that the project is worthy of adoption is not based at all upon an assumption that the existing type of trans-Atlantic vessels will ply the Great Lakes, although we do state our conviction that if sufficient economic advantages are to be gained by carrying unbroken cargoes between lake ports and foreign ports a type of vessel will be developed which can perform the required service. We find justification for the project, considered from the point of view of transportation, in relative costs of rail and water traffic between tidewater and the interior.

At present a bushel of wheat is carried by water from either Chicago or Duluth 1,000 miles to Buffalo for 2 cents or less; and on the same mileage basis, with due allowance for delays in canals and locks, 3 or 3½ cents would be a fair rate to Montreal. The lowest rate at which grain can now be carried from the above-mentioned western ports to tidewater is 2 cents to Buffalo and 12 cents from Buffalo to New York or Boston, a total of 14 cents. This shows a saving to tidewater of at least 10 cents per bushel via the St. Lawrence route, and as ocean rates from New York and Montreal to Liverpool are the same this means an equal saving on the through rate. What holds true of grain will also hold true of many other western products destined for European ports.

It is a well-recognized economic principle that the price of any commodity in general use is determined by the price at which the surplus of that product must be sold. The surplus grain of the world is sold in Liverpool. To this market is shipped the surplus grain from the United States, Canada, Argentina, Russia, and Australia, and there in competition the world price of grain is established. The price there established governs not only the grain sold in the Liverpool market but all the grain sold in the producing countries. The price in the producing country is therefore the world price set in the Liverpool market less the cost of transportation between the farm and the English Channel, and the American farmer receives each year for all of his grain, wherever it may be consumed, the Liverpool price less the freight from his farm to Liverpool.

In the St. Lawrence project there is clearly indicated, therefore, an economic improvement in the condition of the American farmer which

may well total scores of millions annually. Every other grain-producing region of the world which has an export surplus lies within 250 miles of navigation. Our grain region lies from 1,000 to 1,200 miles from the coast, and this great handicap upon our western farmers is the principal reason for their insistence—to use the words of the President—that "the salted and unsalted seas be connected by a suitable channel."

The maintenance of a healthy and prosperous agriculture in this country is of paramount importance. Without it we may not expect prosperity in other industries. The past year has brought home to us this fact, well known before. The United States and Canada are destined to contain a much greater population than at present. It is no flight of the imagination to assume 75,000,000 people in the territory tributary to the Great Lakes where there are now 40,000,000. Every feasible outlet to the sea is demanded for those who are now there and for their constantly increasing numbers. Rail tonnage of the United States has almost doubled every 10 years for the last 40 years. In 1890 our railroad traffic was 79,000,000,000 ton-miles; in 1900 it was 141,000,000,000; in 1905 it had increased to 187,000,000,000; and in 1920 it was 448,000,000,000. This shows a steady increase and indicates a ton mileage of 800,000,000,000 by the time the project can be completed. Rail facilities have not kept up with this increase during recent years. The cost of furnishing rail facilities equal to the demands to be placed upon them in the near future is very large. We are firmly of the opinion that by the time the St. Lawrence project can be completed it will be welcomed by the railroads themselves as giving them some relief from a volume of business which they will be unable to handle. In fact, we find no opinion among railroad officials that the St. Lawrence project will injure the railroads and no concerted opposition from them.

Objections are offered that the route will be little used when available. We are not impressed with such forebodings. Such arguments were presented with relation to the Panama Canal, the Manchester Ship Canal, and in fact they are a stock argument. But we firmly hold the belief that this route being in the line of a large and constantly increasing tonnage movement to and from the interior of the continent will be used and that the cheaper transportation it will afford will be of great advantage directly or indirectly, but none the less truly, to a large part of the people of the United States. It will be a route available during no more than seven or eight months in the year. But under similar circumstances a shipping industry has been developed on the Great Lakes during the last generation which now carries 100,000,000 tons a year. A closed season of weeks or months has not prevented a large use during the open season of rivers, canals, and arms of the sea in northern Europe. It will not prevent a similar use of the St. Lawrence. It is urged against the project that Lake harbors will require deepening; that Lake boats can not navigate salt waters; that ocean *boats will not* ascend the river. Undoubtedly there is much of fact in these assertions. But to us they are of small or no fundamental importance. Those things will correct themselves as experience teaches and as economic necessity requires. We do not deem them of serious weight either because of their character or because of any cost involved in their correction.

Another assertion offered as an objection to the project is that fogs in the lower St. Lawrence and beyond the Gulf of St. Lawrence present a serious obstacle to navigation. Fogs exist in the lower St. Lawrence, but the hydrographic charts of the Federal Governent indicate that the fog belt between Montreal and Liverpool is of less extent than that between New York and Liverpool. Moreover, it does not seem necessary to do more than point out the fact that fogs and ice have not prevented Montreal from becoming the second port of export in North America.

One feature of the method of the development of the St. Lawrence recommended by the Joint International Boundary Commission and by their engineers is the construction of a large dam on the river near Cornwall, N. Y. This dam will drown out one of the three principal rapids between Lake Ontario and Montreal. It will also develop 1,464,000 horsepower of continuous energy, one-half of which will be available for use in the United States. The area within which it is feasible to distribute this power includes New York State and all of New England except northern and eastern Maine. We find that there will thus be available for New York State and nearly all of New England a large amount of power, the cost of which will be materially less than the cost of power from coal generated under the most favorable conditions in New England.

Your committee is informed that private capital stands ready to develop 2,400,000 horsepower on the international section of the river by means of two dams and their appropriate locks at a cost of approximately $300,000,000, and with a provision that the Governments will either pay for or guarantee interest on about $50,000,000 of the above cost as recompense for the construction and maintenance of the navigation works. Such an offer by responsible parties should be given most careful consideration. Such a plan would materially lessen the amount which the two Governments would be required to invest and would leave to Government financing only the said $50,000,000 plus the $80,000,000 required for the two lower canals. Such a plan would also develop on the international section about 2,400,000 horsepower instead of the 1,464,000 horsepower suggested in the Government engineers' plans. The total power which is capable of development upon the St. Lawrence is equivalent to that to be produced by 30,000,000 tons of coal, the mining and distribution of which takes the continuous labor of 100,000 men. It is thus apparent that the project is in fact of vast importance from the point of view of conservation of both resources and labor. It is not yet determined what proportion of the total carrying charges of the whole project shall be borne by navigation and what proportion by the power development, or whether the whole cost shall be borne by the power. We express the firm conviction that the carrying charges should be divided between navigation and power. But even if the whole of these charges were supported by the power development, it is clear to us that hydroelectric power from the dam or dams or near Cornwall can be produced at no greater cost than would be the cost of power produced from coal at the mouth of the mine and transmitted to central stations in New England. This indicates a saving at least equal to the total freight charges upon coal from the mines to the consumer.

In arriving at this conclusion we have taken into account amounts necessary to operate all of the navigation works of the whole project, to develop the power at Cornwall, interest upon the investment, and a sinking fund to extinguish the capital cost within a reasonable period. Moreover, as the original cost is extinguished by the sinking fund, the cost of power will decrease while coal costs are likely in the long run to increase. Thus there will be a constant tendency in cost more and more in favor of the St. Lawrence power.

Honest fear has been expressed that the opening of the St. Lawrence River will ruin the business of the port of Boston and of other New England ports. In this fear we do not share. Buffalo is now the nearest lake or river port to Boston. It is 500 miles distant. From that port it is now all rail to Boston. With the opening of the river both Ogdensburg and Montreal, which are reached by New England roads, will bring water-borne traffic within a rail haul of only 250 miles to Boston. This rail haul is not enough to keep from Boston the bulk cargoes required by ocean vessels which have brought here for New England use the raw materials and goods of the world. Bulk cargoes are what they need for their return journeys. The lack of such bulk cargoes has kept them from New England ports. It seems clear to us that the opening of the St. Lawrence for the lake traffic will help to make available for New England ports the outgoing bulk freight which they must have if their foreign shipping is to prosper.

In addition to this, it seems clear to us that eventually there will be a very large amount of shipping between New England ports and the Great Lakes cities via the St. Lawrence.

The economic effects of the cheaper transportation and of the cheaper power to be afforded by this project are such as to vastly outweigh, in our unanimous judgment, the objections which have been offered against it. The cheaper transportation will affect not only the grain growers of the interior but also the people of the seaboard who ship large amounts of their manufactured goods to the territory tributary to the Lakes. The cheaper power will help to preserve the industries of the Eastern States. More transportation facilities and more power are urgently needed. It seems clear to us that this project will furnish both. And we welcome rather than fear joint international participation as tending toward international understandings and away from estrangements.

We are convinced that no true appraisal of this matter can be had unless the questions involved are approached from a national rather than a sectional point of view. If it is of advantage to the country as a whole, as we are firmly convinced that it is, no section of the country should oppose it, even though that section were to be adversely affected. So far as New England is concerned, however, it seems clear to us that the benefits outweight any disadvantages that may be urged.

We recommend, therefore, that the executive committee of the Associated Industries of Massachusetts give its approval to the project, to be carried out under such equitable arrangements as are indicated herein, and that the position of the Associated Industries of Massachusetts be presented to the Congress at the proper time. We express the hope that public opinion in New England will view this matter in the broad spirit of national interest to which we believe it to be entitled, and we suggest that the associated industries may well undertake to assist in creating here in Massachusetts a realization of the national advantages which may be expected to result from the development of the St. Lawrence River.

Respectfully submitted.

CHARLES R. GOW, *Chairman.*
CHARLES A. ANDREWS.
F. B. CROSBY.
GEORGE L. FINCH.
S. HAROLD GREENE.
HENRY I. HARRIMAN.
WILLIAM P. LIBBY.
EDGAR J. RICH.
A. B. TENNEY.

By unanimous consent Mr. LARSON of Minnesota, Mr. TREADWAY, and Mr. RUCKER were given leave to extend their remarks on the bill in the RECORD.

Mr. DEMPSEY. Mr. Chairman, I yield two minutes to the gentleman from Georgia [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Chairman, estimates for annual appropriations for river and harbor improvement are first made by the district engineer officers located throughout the United States. For the fiscal year 1923 these estimates amounted to $60,000,000. The Chief of Engineers, in acting upon the estimates submitted by the district engineers, pared them down to approximately a total of $43,000,000. These estimates were then passed upon by the Budget Bureau, where they were again pared down, and, as submitted to Congress, amounted to $27,885,260. To this sum was added by the Committee on Appropriations $75,000, making the total $27,960,000 in the bill which is now before the House.

The Chief of Engineers does not think this amount is sufficient to properly carry on this work, but on all sides there is a great demand that all national expenditures shall be reduced, and I am in full accord with this feeling and determination, but at the same time it would be unwise to reduce appropriations to the point where for the want of funds the harbors of the country would be allowed to deteriorate. These harbors have been improved at a very great expense to the taxpayers, and it is of the utmost importance that there shall be available at all times sufficient funds to do the work required for maintenance and to complete existing projects.

I shall support the amendment offered by the chairman of the Committee on Rivers and Harbors to increase the appropriation to the amount he has asked for, because we have been advised by the Chief of Engineers that the entire amount of unexpended balance will have been wiped out by July 1. Unless we are largely guided by the recommendation of the Chief of Engineers there is no need for one. This officer tells us we must have more money for this purpose, else the harbors will rapidly deteriorate. I always favor reducing national expenditures when it is possible to do so, but in this case, unless more money is provided, the business and commerce of the country will suffer, and we can not afford to do anything that might retard prosperity, which they tell us is on the way.

Water transportation is one of the essential instrumentalities of the transportation system of any country, and the highways, railways, and waterways are all necessary to our commerce. In years gone by when these annual appropriation bills for improvement of rivers and harbors were under consideration they were very often severely criticized by some Members of the House, and justly so when they carried items that could not be used for transportation purposes. Long before I became a member of the Committee on Rivers and Harbors I condemned the practice of making appropriations for small streams and rivers that had no commercial value. I saw that millions of dollars were wasted in this way, and I resolved that if I ever became a member of that committee I would vote against appropriating money for any purpose unless there was an absolute necessity for it. The navigable rivers and harbors should be amply provided for, but, as I have just stated, I fully agree with those who refuse to appropriate money for projects that have no real value or commercial importance.

One of the great harbors of the United States is at Savannah, Ga., in my district, and every member of the Rivers and Harbors Committee knows the commercial value and great importance of this harbor, just as they know the ports of New York, Boston, Galveston, San Francisco, and other like ports are valuable and indespensable assets to all the people of the United States.

The purpose of the rivers and harbors legislation in improvement of rivers and harbors is to afford additional facilities for transportation, and if there should be urged an appropriation which can not be used, or is not used for transportation purposes, such appropriations could not be justified and ought to have no place in the appropriation bill.

Right recently the Members of the House and Senate have been deluged with propaganda favoring what is commonly called the St. Lawrence project. From what I know of this project and what I have read about it I do not see how this Government could consider for a minute the advisability of engaging in such a stupendous enterprise.

About two years ago the Governments of the United States and Canada referred to an International Joint Commission certain questions relating to the improvement of the St. Lawrence River between Lake Ontario and Montreal for navigation and power. I shall not attempt now to discuss this measure, but at some other time I expect to do so. The report of this commission stated that it is a problem of exceptional magnitude and intricacy and one involving national and international interests of very great importance.

There is pending now before this Congress a bill to carry out the improvements proposed by this joint commission, and if the bill should pass it would involve very large expenditures by both Governments, and at a time when our people are already bearing a gigantic financial burden imposed by the greatest war in history. It has been estimated by competent engineers that to make that portion of the river navigable for deep-draft vessels of either lake or ocean going type and to produce the desired horsepower it would require an initial outlay of $250,000,000 besides the annual cost of maintenance, estimated at twenty-five million. In his address before the House the other day the President seemed to look with favor upon the project, and at some future time it may come before the House for consideration. The St. Lawrence River could not be made navigable the entire length for more than six or seven months in the year, because it is frozen over the balance of the time, and I would not favor spending such a vast sum of money in Canadian territory, especially when we are unable because of oppressive taxation to appropriate sufficient money to make adequate and desired improvements in the rivers and harbors of our own country. [Applause.]

Mr. DEMPSEY. Mr. Chairman, I yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, some of the Members of the House must have listened with surprise, as I did, to the distinguished gentleman from Ohio [Mr. BURTON] when he, in effect, announced that in so far as he was concerned he was virtually through with appropriations for rivers and other inland streams, and referred to a bale of cotton that went down the Mississippi and to the fact, as he said, that no other cotton went down. As I listened to the gentleman, I remembered a debate which took place in 1916 on this floor, and I also remembered a speech made by the gentleman from Ohio at the United States River and Harbor Congress in 1909. Referring to the railroads, the gentleman from Ohio said in the speech at that congress:

Then there is a second class of advantages that are arbitrary, due to their lowering of rates to drive waterways out of business. The best illustration with reference to that which I know is a case where a barge line on the Mississippi was carrying freight at 25 cents a hundred very profitably. The railways put down the rates at 10 cents a hundred until the barge line was driven out of business; then the railways put up the rates at 50 cents a hundred, where it has remained ever since. Now, that ought not to be allowed.

[Applause.]

The distinguished gentleman also said in the same speech:

It is really for the interest of both to work together. The time is coming when they will both see it.

[Laughter and applause.]

The gentleman further said:

I have found many observant and intelligent men who have an idea that a very large share of our appropriations go for insignificant creeks and streams. Now, perhaps, I might point out the benefit of improving many of these minor streams, a benefit which proportionately is often greater than even in the case of large rivers.

That is what he then thought. What a conversion is that of the gentleman from Ohio. Then he continued:

You have had to meet the idea that there is a pork barrel somewhere. Whenever there is a man of superficial information on this subject, or one who has had some project that has been turned down and turned down hard because it had to be turned down, that man begins to talk about the pork barrel.

[Laughter and applause.]

Mr. Chairman, you have heard it charged to-day, as you hear it frequently charged, that the United States Government has been extravagant in the amount of its river and harbor expenditures. And, now, to refute that charge I read from a speech delivered by the gentleman from Ohio in a debate on this floor:

In 81 years (from 1814 to 1894, inclusive) France expended the sum of $300,000,000 on rivers and canals, inland navigation, and $200,000,000 for ports and harbors. For care and maintenance, France expended in the same time approximately $135,000,000 for inland navigation and $70,000,000 for ports and harbors, making a total in all of $705,000,000.

In other words, Mr. Chairman, France, about two-thirds the size of Texas, spent $700,000,000 on rivers and harbors and we, in the same time, spent $273,000,000 for all the United States from the Atlantic to the Pacific and the Canadian border to the Gulf of Mexico. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman and gentlemen of the committee, the gentleman from Georgia [Mr. OVERSTREET] stated that a man not a member of the Rivers and Harbors Committee was not so well qualified to judge of the situation, and I concede that; but inasmuch as I would have occupied the position which the distinguished gentleman from New York, the chairman, now occupies if I had remained on the committee, I trust I have more than a superficial knowledge of it. For many hours I have talked on this floor against this kind of a proposition. What happened in this country to bring about the Budget bill has been emphasized by this river and harbor bill. I made the prediction at the time that every man with every project that came in would insist that his project should have what they are asking for, a part of this $15,000,000 more, or 50 per cent more than the Budget appropriation, and that it would destroy the effect of the Budget bill. The Budget bill was enacted because of the pork-barrel feature of the river and harbor bill. The gentleman from Minnesota spoke about the harbor of Duluth. We have the same harbor in my home State, Superior, which has 50,000,000 tons of freight, as he says, the second largest harbor in the United States. The Mississippi River flows 100 miles past my district, but do you know there is not a line of boats along the Mississippi River to-day from the upper part down to St. Louis, or down to the mouth of the river, except one boat line which is owned by this Government? You have spent a hundred million on the lower Mississippi River and have not got one boat with an 8-foot draft of water the year round. Why? The gentleman from St. Louis [Mr. NEWTON] gave the correct answer, because the railroads have driven them off.

Why didn't you stop it? I will tell you why and we all well know. St. Louis would object to forfeiting her special low rail rates, and so would Davenport and every other river point. My good friend from the interior of Iowa [Mr. DICKINSON] says he wants $2,000,000 for the upper Mississippi River. We have spent $30,000,000 for the upper Mississippi River, and we have not a boat line on it. It was driven off by the Burlington road on the one side and the Milwaukee road on the other years ago, and they will not raise their rates. Why? Because Davenport, St. Louis, St. Paul, and every city there that has privileged rates will not permit those rates to be raised. They would rather have the railway special low rates; that is the reason. Congress has spent something like $35,000,000 on the Missouri River, and there is not a boat line there. It was covered with

boats before a dollar was spent. Congress has spent a hundred million dollars on the lower Mississippi, and you have not a boat line. It was covered with boats before any money was spent.

Take the Kentucky River. You have spent $4,000,000 there of Government money, as I remember it, with not a boat line on it. No commerce. Take your whole inland river waterway system. It is a failure without commerce. Why? Because the railroads have driven the boats off from the river and it will never return until the people who live along those river towns are willing to permit the railway rates to be raised so that boats can be maintained. Not until then will we get any substantial inland waterway transportation.

I am in favor of contributing to every waterway that carries transportation, every one, no matter whether it is at Duluth or in New York, or wherever it is. You can not expect that with all this sad, expensive experience, with the Mississippi once covered with boats, with not one there to-day, you can not expect anything until you squarely meet the railroad situation, and you will not be able to meet it, because St. Louis and every other river town will come here demanding special rates they now have from railways as water competing points.

That is all, it seems to me, that I can touch upon at this time.

Mr. DENISON rose.

Mr. FREAR. Gentlemen who have been railway attorneys can not afford to charge other men with insincerity on this question, because we are surely as honest as anyone else.

Mr. DENISON. Is the gentleman in favor of the $27,500,000 that is appropriated in the bill?

Mr. FREAR. I am willing to follow the Budget estimates on that. Every dollar of the $150,000,000 that we have been putting into the Mississippi has been practically wasted, and that was recommended by the Army engineers, including General Beach and these other distinguished gentlemen that I have discussed on the floor time after time. I believe the committee report of $27,000,000 ought not to be raised $15,000,000, if we are sincere in our claims for economy.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. DEMPSEY. Mr. Chairman, I yield one minute to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION. Mr. Chairman, the Congress formerly made separate appropriations for the improvement of each river to be improved in the United States. Some years ago the Congress adopted the policy placing the expenditures for the improvement of rivers and harbors of the whole country under the War Department, and a lump-sum appropriation has been made for several years for this purpose. The War Department determines how much money shall be expended on each of the various rivers and harbors which are subject to improvement.

The Committee on Military Affairs, having charge of this bill, recommends the sum of $27,600,000 for the improvement of rivers and harbors for the next fiscal year. One-half of this will be necessary for the maintenance and upkeep of improvements already made and the other one-half for construction on approved projects. The War Department engineers asked for $63,000,000, and have stated that the least amount with which they can get along is about $43,000,000. The amendment now before us proposes to increase the amount recommended by the committee $15,000,000, making the appropriation in all for the coming fiscal year about $43,000,000.

Cumberland River, which reaches six counties of my district, is one of the new projects approved by the War Department for improvement. Unless we give the War Department this additional $15,000,000 they can do no work on any of these new approved projects, and for that reason I strongly favor this amendment and strongly urge its adoption.

IMPROVEMENT OF CUMBERLAND RIVER NECESSARY.

The Cumberland River extends into and through Monroe, Cumberland, Clinton, Russell, Wayne, and Pulaski Counties. All of these counties are in my district. They have a population purely Anglo-Saxon, and this means that they are strong, intelligent, patriotic, and loyal Americans. These six counties are very rich in mineral and timber resources, and produce large quantities of corn, other grains, stock, vegetables, tobacco, hay, and fruits. With the exception of Pulaski County, there is no railroad touching either one of these counties. These counties have no means of transportation except over the highways and the Cumberland River.

Few of the highways have been improved, and we find one of the best sections of the Nation and one of the richest valleys of the Nation bottled up without adequate means of transportation to get its products to markets or for its people to get to other sections of the country. The engineers of the War Department have advised and reported that the Cumberland River ought to be improved. They state that it would be a good investment for the Government to improve it. The Kentucky Legislature recently enacted a law authorizing the fiscal courts of each one of these counties to indemnify the United States Government against loss by reason of lands being taken in the construction of locks and dams, landing places, and the overflow by reason of these locks and dams along this river, and I feel sure that these counties will all put themselves in an attitude to meet the requirements of the Federal Government in the improvement of this river. A number of locks have been built from Nashville on down, and Lock 21 has been built up near the head of the river. There are still about 9 or 10 locks and dams to be built, and when these locks and dams are built the Cumberland River will be navigable the year around from Burnside to the mouth.

BIG RAILROADS OPPOSED TO RIVER AND HIGHWAY IMPROVEMENT.

From what I have seen since I have been a Member of this House I am thoroughly convinced that the big railroad interests and lines of this country have been and are fighting against the improvement of the navigable rivers of this country. High transportation rates by the railroads, in my judgment, is the greatest drawback to prosperity in this country. These high rates have killed business. Transportation by water has always reduced railroad rates where they have been brought into competition, and just as soon as a river is improved the railroads gets busy and try to put it out of business. The improvement of the rivers of the country has had a great deal to do in keeping down railroad rates, and if the river improvement is kept up it will mean the saving of hundreds of millions of dollars to the American people. There has been complaint about the rates on the Cumberland River, but when these locks and dams are built and this becomes one of the great highways of the country, everyone will have the right to run boats on the river provided they meet the navigation rules and regulations for the protection of life and property, and when we have this competition and the river can be used throughout the year it will mean low rates on the Cumberland River. The Federal Government will have the authority to regulate these rates.

Another strong competitor in the field of transportation is the motor vehicle on the improved highways. In some sections where the highways are improved the motor vehicles are carrying nearly all of the freight and passengers except stone, coal, and other heavy commodities, and it is effecting great saving in time and money to the people. The great railroads of the country are jealous of the improvement of the highways of the country, and have begun to fight Federal aid for highways, but Federal aid for highways has become an established policy of our Government. No money appropriated from the Treasury means more to all the people than Federal aid for highways. Some people think the improvement of the rivers will affect the improvement of the highways. River improvement has nothing to do with the cutting down of highway improvement. Of course, I am not opposed to the railroads. We need the railroads. We must have the railroads, but I want to see the navigable rivers improved where it is necessary, and the public highways improved in every county of the United States with the rivers, highways, and railroads cooperating together to give to the American people the best transportation at the least possible cost. I strongly urge every Member of this House to support this amendment.

[NOTE: The $15,000,000 amendment was adopted by an overwhelming vote.]

Mr. DEMPSEY. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. Mr. Chairman, for a good many years we have been carrying on in a regular and orderly way the improvement of rivers and harbors. This year the local engineers were directed to submit the most economical estimates they could make, moneys which could be profitably expended during the next fiscal year. Their estimate amounted to about $62,000,000. The Chief of Engineers, in an effort to reduce appropriations and expenditures, cut that down to about $42,000,000. The Director of the Budget reduced that amount to $27,000,000.

The Committee on Appropriations, having announced at the beginning of this session that it would not be their policy in any case to recommend an appropriation over that recommended by the Director of the Budget, has recommended the $27,000,000. Gentlemen have suggested in the House here that we are bound by the action of the Director of the Budget. If I were going to relieve myself of individual responsibility as to appropriations, I do not know of anyone to whom I would rather transfer that responsibility than to Charles G. Dawes, the Director of the Budget, or to my esteemed colleague, the chairman of the Committee on Appropriations; but I have never supposed that the recommendation of the Budget Bureau, acting hastily with-

out much information, was to be considered as binding on Congress. [Applause.] What does the Director of the Budget or the Budget Bureau know about appropriations in respect to rivers and harbors? They know nothing about the improvements there—not half as much as the Members of this House, who have been studying the subject of the improvement of rivers and harbors for years, before anybody connected with the Bureau of the Budget knew there was such a thing as a river or a harbor. I think we can wisely cut off many of the appropriations that we can do without. Our esteemed Committee on Appropriations has not found it desirable to follow recommendations of the Budget Bureau as to the Army items. I am glad the committee reported as they did. I admire the course of the Republican leaders in standing by the Committee on Appropriations; but, after all, I have not as yet resigned as a Member of the House, nor have I resigned my responsibilities as a Member of the House. [Applause.] There are some gentlemen who have talked here to-day as though they were mere nonentities. Granted. [Laughter.] That does not bind us all. We have our own responsibilities, and it is our duty, in my judgment, to continue the course of the Government in gradually developing this great natural resource of the country in its rivers and harbors. It is the great test as to the railroad rates. Whether there be a pound of freight carried on a particular river, the fact that that river is navigable reduces the railroad rates in competition. [Applause.] It is the greatest factor in the reduction of railroad rates that this country has ever had. I am in favor of keeping it up and accepting the amendment of the gentleman from New York. [Applause.]

Mr. STAFFORD. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman has 16 minutes remaining.

Mr. STAFFORD. Then, I ask the privilege of the House of using those 16 minutes.

I rise to attempt to justify the appropriation recommended by the subcommittee that has charge of the War Department appropriation bill. The figure reported to the House is $27,635,260. I understand from the testimony given before the committee that the Budget originally recommended an appropriation of about $13,000,000. That appropriation was predicated upon the idea that as last year the Congress appropriated but $15,000,000 and the year before $13,000,000, the Bureau of the Budget would recommend about the same amount that had been appropriated the two years before. The attention of the Committee on the Budget was called to the error that they had proceeded upon in arriving at the estimate of $13,000,000, and after a conference with the chairman and other members of the Committee on Rivers and Harbors, with the Chief of Engineers and the Assistant Chief of Engineers, and with the representative of the Budget Bureau of the War Department, the amount was agreed upon by the Rivers and Harbors Committee of this House without any representation in that conference from the Committee on Appropriations, at $27,635,260, which your subcommittee approved and reported to this House.

The Committee on Rivers and Harbors comes in here now and proposes to increase that to $42,815,661, $250,000 more than what the district engineers ask for—and I ask special attention of those Members on the floor who claim the subcommittee has not given sufficient attention to this proposal, and that only one committee, the legislative committee, has—that they have increased the amount $250,000 more than the Chief of Engineers recommended, for in the total amount of $42,815,661 is included an item of $250,000 for surveys which the committee includes in the item following in the bill. So that the amount, if you are going to grant all that the Chief of Engineers asked for, should certainly be reduced to the extent of $250,000.

Again, there has been reported from the Committee on Rivers and Harbors a bill for new projects aggregating in the total amount $31,000,000 and which is now on the calendar. There is no disposition on the part of the Committee on Appropriations to take away jurisdiction from the Committee on Rivers and Harbors, but in that report, which is going to be acted upon—and, bear in mind, gentlemen, that this amount you are appropriating here will not be available for any new projects—there is going to be expended on new projects expected to be authorized at this present session a total authorization of more than $31,000,000. There is included in that bill an authorization for six seagoing barges, aggregating $4,500,000. In the estimate of $42,815,661 which you are asked to vote now there is included an item for these same barges, only not six but four, of $3,000,000. We are providing an authorization in the river and harbor bill for $4,500,000 for six seagoing barges and in that estimate of $42,815,000 there is included an item of some $3,000,000 for four barges, so that the $42,000,000, instead of being reduced only $250,000, should be further reduced by $3,000,000, or making the total available for river and harbor projects $39,565,661. Now, what is the testimony before the Committee on Appropriations and the Committee on Rivers and Harbors? I have in my hand here the respective testimony before both committees. The testimony on these estimates that are now before you for consideration before the Rivers and Harbors Committee comprised 54 pages of closely printed type, or 100 pages. The testimony on these same identical projects before the Committee on Appropriations in larger type comprise 200 pages, and there is much testimony before the Appropriations Committee that is not found at all in the hearings before the Rivers and Harbors Committee. Here we find $39,565,000 is the total amount that can be used by the Chief of Engineers, exclusive of the survey item of $250,000, which is otherwise appropriated for, and $3,000,000 for dredges, which are specifically authorized in another bill.

Now, let us get down to the condition of the existing moneys available for this work. All river and harbor appropriations are available until expended, and this item we are appropriating here continues that policy of making the amount available until expended. On December 1, 1921, there were $28,224,000 unexpended; $9,774,000 of that was under contract, leaving $18,500,000 unobligated.

On March 1, this year, as General Taylor, Assistant Chief of Engineers, told me on Saturday last, after a lapse of three months, there were $15,584,000 available, and that there will be $10,000,000 available at the end of this fiscal year. Now, if there are $15,000,000 available and we appropriate $27,635,000, and this talk about two and a half millions every month is confounded by the facts, because if he had $18,000,000 available and unobligated on December 1 and now has $15,000,000 on March 1, there have only been $3,000,000 used in the three months, or an average of about $1,000,000 a month, so he will have available at the end of this year $37,000,000. Now, what has been the average expenditure during the past 10 years? I have them listed, taken from the testimony. The total for the last 10 years, gross amount, is $310,271,000, or an average of $31,000,000 a year. The Chief of Engineers or the assistant chief went into a detail exposition of these various items.

There has been so much loose talk presented here in debate that it is hard to answer all of it. Gentlemen from the interior of the country say that there is no appropriation intended to improve interior rivers. But let me call to your attention this: Of the $39,565,000 that is proposed for river and harbor improvements, for the Ohio River, $5,000,000; for the Mississippi, the upper and lower above St. Louis $2,000,000, below $1,000,000, making $3,000,000; Allegheny, $900,000, making a total of $8,900,000. Now, it is estimated that there will be expended, as in the past, about $11,000,000 for maintenance. They have available at the end of the year $10,000,000 and we are appropriating $27,000,000, and there will be all told $37,000,000, or $6,000,000 more than the average expended in 10 years past, and it is within $2,000,000 of the total amount that the Chief of Engineers asked should be expended, and in that amount there are included items which are not pressing in character. For instance, there is an appropriation for continuing——

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. STAFFORD. In just one minute.

Mr. DEMPSEY. A very brief one.

Mr. STAFFORD. For continuing the improvement of the Delaware River and Chesapeake Canal, that relic that Congress purchased for some two million and odd dollars connecting the Delaware River with the Chesapeake, and it is now estimated it will require $13,000,000 to put it in condition. That is a project that can well be postponed. No additional traffic will develop, because, instead of having a lock type, two locks, they are proceeding on the plan of having an even-water canal.

Mr. DEMPSEY. Does the gentleman know that his own home city of Milwaukee expects to spend from municipal funds $10,000,000 for the improvement of its harbor, and that other municipalities throughout the country are spending similar amounts, hundreds of millions of dollars, where the Government is spending none?

Mr. STAFFORD. The gentleman can not embarrass me by quoting Milwaukee. Why, the gentleman speaks about an appropriation for that city and wishes to divert my attention from the real proposition before the House. There is included in a bill on the calendar an appropriation for new projects in which the city of Milwaukee will cooperate to the extent of millions of dollars, in which an authorization is made for $4,000,000 for a project at my home city, but not one cent of this money will be available for that project, and the gentleman from New York, if he knows anything, knows that not a cent of this money will be available for the project. The estimate for this year's work at Milwaukee is but $64,000, and that is for maintenance. That is one of my arguments for the House

not going beyond the amount reported by this committee, for the reason that if this bill for new projects is adopted into law it will call for additional appropriations of eight or ten millions of dollars. This money is to be used exclusively in those projects that have been heretofore authorized, and you may expect, gentlemen, if that bill passes, as it is the intention to pass it, authorizing these new projects, including new projects as a general policy, that are more worthy than many that have heretofore been authorized, you will be called on not only to appropriate this $27,000,000 but $8,000,000 or $10,000,000 more. In regard to the Milwaukee project, with which I am familiar, although $4,000,000 is to be authorized to be expended, nevertheless there will be needed next year only something like two or three hundred thousand dollars. That is a matter on which there has been no testimony, not even before the Committee on Rivers and Harbors, as to how much is necessary at the present time to carry on the work on these new projects.

Mr. KING. Do I understand the gentleman to say if this amendment passes the gentleman from New York [Mr. DEMPSEY] will present an additional amendment such as the bill reported in by his committee in March, 1920?

Mr. STAFFORD. It would not be in order. It has never been heard of to vote money for projects not heretofore authorized. I am in hearty sympathy in providing in another bill for the new projects that have been recommended, but it is not in order.

Mr. KING. If it was in order, does not the law as to the Mississippi River prevent dredging of any harbors?

Mr. STAFFORD. You would conclude from some of the speeches made that we are placing a provision in this bill forbidding navigation on the Mississippi River, but the testimony is uncontroverted that what is needed to increase traffic are barges. They have the required depth of water. What is necessary is to have barges with which to carry the freight.

The gentleman from New York [Mr. DEMPSEY] should be more careful in his statements, occupying the position of chairman of the Rivers and Harbors Committee, than to indulge in loose talk by saying that Milwaukee would be able to spend the local funds appropriated by the municipality in cooperation with the National Government if this appropriation is increased. Such is not the fact, and he is likewise about ninety millions away from the mark when he says municipalities are spending hundreds of millions of dollars where the Government is spending none. If you will scan these estimates you will see that the committee, with the available money that is on hand, in recommending $27,635,260 has done full justice to every existing project.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

The question is on the amendment of the gentleman from New York [Mr. DEMPSEY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. DEMPSEY. Division, Mr. Chairman.

The committee divided; and there were—yeas 158, noes 54.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sacramento River, Calif., $400,000.

Mr. BURTON. Mr. Chairman, I move to strike out the last word.

The vote just taken shows the dangerous effect of appropriating for rivers and harbors by lump sums. Every Member of this House who has a project—old, new, or in contemplation; good, bad, or indifferent—thinks he must vote for increasing the amount, because he will have his share. Wait until you see the apportionment made by the Engineer Corps. I do not find fault with their wisdom. I have often praised them, and I always defend them. The proper prerogative of this body is to take up a river and harbor bill item by item, and we will not return to an orderly or salutary method of procedure until we do that. When the bill is before us, let us consider the different methods of transportation—by rail, by water, by deep-water navigation, by shallow-water navigation, and by automobile truck. We are sure to make a mistake until we return to the former method, considering present-day conditions, first passing upon a general policy and next upon these specific projects.

It has been stated that I was chairman of the committee when some $170,000,000 was appropriated for rivers. Maybe that is so. A considerable share of that was for the Mississippi River, which everybody believes in keeping open, because it is the great river of the country. A good share of it was for the Delaware or other similar streams on which are great ports like Philadelphia, which have deep-water connection with the sea, and I do not disagree with a reasonable amount of appropriation for shallow streams, but, as a general fact, they are obsolete in the general transportation system of this country. The principal objection lies against those streams which are improved by locks and dams. It used to be an argument here that when there was a railroad costing ten millions paralleling a river, that we ought to spend millions for improving that river, though never intended for navigation, just to make the railroad fix proper rates and behave itself. In earlier days the shallow rivers had their proper sphere, floating logs, with other kinds of navigation, but with the development of the railway and other transportation methods, as, for example, motor trucks, and so forth, those methods have been superseded.

I was interested in the argument of my good friend from Iowa [Mr. DICKINSON] in his remarks favoring the improvement of the upper Mississippi River.

I have been over that stretch of the river many times. I do not think anyone can maintain that in such recommendations as I made I was not generous to that upper stretch of the river. I hoped for results, but let me say to this committee that that is an impossible proposition as a method of transportation. In the first place, what you ship from Iowa is largely in the form of hogs. But suppose you consider the shipment of grain. Except on the banks of the river you can never utilize that river as a means of shipping out your grain. When you come from the interior you are within 130 or 150 or 180 miles of Chicago, and do you think a shipper is going to unload his freight car, put his grain on these boats, more or less leaky, insure his grain, and ship it on to New Orleans when he can send it so easily in the same car to Chicago? To consider that proposition is to show that it borders on absurdity.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. DENISON. Does not the gentleman from Ohio know that the States that are not bordering on the river and communities not bordering on the river will be benefited practically as much as the river cities by river transportation? For instance, Kansas and Nebraska, since we have enacted legislation securing joint traffic rates between rail and river transportation, are now getting the benefit of water transportation just as the river cities do?

Mr. BURTON. I can not answer that question in the brief time allotted to me.

Mr. DENISON. The facts show it.

Mr. BURTON. No; they do not. They must pay higher rates in the interior because of the cheaper rates on lines competing with waterways.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. KNUTSON. Would it not be possible to develop water transportation on the Mississippi in very much the same way as it has been developed on the Rhine?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BURTON. May I ask unanimous consent for five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BURTON. I have heard that argument of my good friend from Minnesota many times. I have been on the Rhine many times. I have been on it when it was so crowded that a passenger boat could scarcely navigate. It is the greatest inland waterway in the world.

Now, what is the difference between the Rhine and the Mississippi? In the first place, the height of the water the year round is practically uniform on the Rhine. You do not have the difficulty that you have on the Ohio and the Mississippi in the oscillation, causing a difference in levels and varying at times in some places as much as 70 feet. You can not locate your warehouse on the Ohio and on the Mississippi as you can on the Rhine. In the next place, the Rhine is fed by the melting of snow and ice in the Alps. In summer seasons when other waterways are lowered by drought the waters of the Rhine are blue, like those of the ocean, from the melting of the snow. In the next place, the railways running on both banks, in comparison with ours, are like pony railroads, with small cars, not carrying large quantities of freight. In the next place, grain is needed and articles of manufacture and raw materials all along the Rhine, which is the great workshop of Germany. Four-fifths and more of the heavy traffic handled in Germany is right near the banks of the Rhine.

Now, you have the Mississippi River oscillating in depth and size, sometimes flooded, with no wharves; on its banks railroads highly equipped, able to carry the freight. I noticed at one

time an estimate that showed with great solemnity that you could ship freight from St. Paul by boat at 60 per cent of the railroad rate. But the statistics did not show that any freight was shipped. Why not? Because the railroad was so much quicker, and so much more convenient, and so much more secure for the traffic that was sent; so even with that differential of nearly 40 per cent, it did not cause traffic to go on the river.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. MONDELL. Should we not also consider the disposition, habits, and customs of the country? Do they not have much to do with it?

Mr. BURTON. Yes. I mentioned that this morning. People are in the habit of shipping their freight by rail. In Memphis in time of deep water there was not a single bale of cotton shipped by the river. In case of rail transportation the bills of lading can be taken and negotiated at the bank, whereas if you ship by river you would have to consider the uncertain chances of the time it would reach seaboard, and you would have to insure your cargo and assume all the uncertainties of a river voyage.

I do not mean to say that I am entirely opposed to inland waterways. I trust I may file with my remarks a classification of some that are useful. I may say to the gentleman from Minnesota that I favored locks between Minneapolis and St. Paul years ago, and thought at that time it would be of great benefit to both cities; but I do not know how many tons of freight go through those locks. Can the gentleman tell me?

Mr. KNUTSON. I have not looked into that.

Mr. BURTON. I am afraid if you did you would find the results very disappointing.

Mr. KNUTSON. When the gentleman speaks of the difference in the water levels on the Mississippi River and on the Rhine, could not the height of water be made uniform by a system of reservoirs?

Mr. BURTON. Oh, there you would find that the ground you would have to utilize for your reservoirs would be a good share of the State of Minnesota, and before you got through with it you would find it a very impracticable and unprofitable scheme.

Mr. DENISON. Applying the principles that the gentleman has just practically stated, I am interested to know whether the gentleman from Ohio is in favor of or opposed to the St. Lawrence and Great Lakes proposition?

Mr. BURTON. That is a different proposition. That is deep-water navigation.

Mr. DENISON. By process of canals, and all that?

Mr. BURTON. Yes.

Mr. DENISON. So I think the gentleman is in favor of that.

Mr. BURTON. If it proves practicable, as I am very sure it will.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MANN. Mr. Chairman, I do not think that a statement made by the distinguished gentleman from Ohio [Mr. BURTON] just now ought to go unnoticed.

The gentleman from Ohio [Mr. BURTON] said he was opposed to a lump-sum appropriation for rivers and harbors, like that carried in this bill, because it had a tendency to induce all the Members of the House who desired bad improvements made, or improvements of doubtful value, to join a combination in a raid on the Treasury; the inference to any person reading the statement being that under this provision of the lump-sum appropriation the engineers distribute the money where Members of Congress ask for it without any authorization by Congress for the improvement. And yet the distinguished gentleman from Ohio knows—I was going to say he ought to know, but he knows—that not a dollar of this money can be expended except for an improvement which has been heretofore specifically authorized by Congress in bills that did not make lump-sum appropriations but in bills specially identifying the projects; and the larger share of those projects, I believe, were authorized when the distinguished gentleman from Ohio [Mr. BURTON] was either the chairman of the Committee on Rivers and Harbors in the House or a member of the Committee on Commerce of the Senate which authorized the projects.

Mr. BURTON. Will the gentleman yield for a question?

Mr. MANN. Oh, I will yield to the gentleman for anything.

Mr. BURTON. I think I must correct the gentleman on that. There were a number of projects that were put off the map in the time when I was chairman that I regret to say have since been brought into the list. Now I want to ask the gentleman a question. Does not the gentleman from Illinois realize that among the projects recommended and which have been adopted by the Congress there are those of very unequal merit?

Mr. MANN. That was particularly true while my distinguished friend was chairman of the Committee on Rivers and Harbors. [Laughter.]

Mr. BURTON. I must differ with the gentleman.

Mr. MANN. Yes; of course, the gentleman does not agree to that. He is interested, while I am a disinterested observer. [Laughter.]

Mr. BURTON. I think the gentleman from Illinois will recall that whenever I brought in a bill he voted for it and gave his cordial approval to it. He was particularly interested in the Calumet River and some other projects.

Mr. MANN. Oh, the Calumet River was taken care of before the gentleman from Ohio was chairman of the Committee on Rivers and Harbors.

Mr. BURTON. Oh, no; the gentleman is in error about that.

Mr. MANN. Well, I am not. It was in my first term in Congress. That was the first thing I did when I came here. I accomplished it in my first term.

Mr. BURTON. I was chairman of the committee, I think, before the gentleman from Illinois ever came to this Congress. When did he come to this Congress?

Mr. MANN. Long before the gentleman from Ohio was chairman of the committee. [Laughter.]

Mr. BURTON. I do not think so. I think the gentleman is wrong on his dates.

Mr. MANN. Well, I am not. I was elected in 1896. Was the gentleman chairman of that committee then?

Mr. BURTON. I was then a member of the committee and later chairman of it—in 1898.

Mr. MANN. He was not then chairman. Of course, that has nothing to do with the question, and I do not care to be diverted from the point I am making. The gentleman tried to give the inference to the country that there was a combination of rascals in the House seeking to put over bad projects in a lump-sum appropriation when the fact is that no money can be expended on any project under this bill without having first been specifically authorized in a bill of the kind which he prefers, setting out item by item the authorized projects; and I think the country ought to know that. [Applause.]

Mr. MONDELL. Mr. Chairman, I try to be philosophical, though it is a little difficult at times, and this is one of the times, since the vote increasing the river and harbor appropriation. The gentleman from Illinois [Mr. MANN] just reminded us that no matter how much the lump-sum appropriation was increased the moneys could not be utilized except on approved projects. May I ask the gentleman from Wisconsin [Mr. STAFFORD], a member of the subcommittee, how many approved projects there are?

Mr. STAFFORD. There are 500, only 200 of which are considered by the Chief of Engineers as worthy of work at the present time.

Mr. MONDELL. There are 500 projects, and if you raise the appropriation high enough one may have some hope to have some money spent on almost any one of them, including the 200 or 300 that do not even meet the commendation of the Chief of Engineers, including those they have condemned as utterly unworthy. If the appropriation be raised high enough—I would not want to say that any man voted here on that theory—if the appropriation is made high enough, and the Chief of Engineers is sufficiently urged, the hope brightens and may burgeon into fruition that even the most unworthy of the projects may have a slight amount allotted to it.

Mr. MANN. The gentleman is not talking about irrigation projects, is he? [Laughter.]

Mr. MONDELL. No irrigation project built in the United States up to this time has ever taken money out of the pockets of the taxpayers of the United States. The money that is used for irrigation projects comes from the sale of public lands and their resources, and no penny of it has ever come out of the pocket of a taxpayer. And nevertheless and notwithstanding, I am, of course, favorable to work of that character to be paid for out of the funds provided for that purpose, and I am also for river and harbor appropriations and always have been, and always have voted for river and harbor bills, I think, with one exception.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Texas.

Mr. GARNER. Do I understand the gentleman to say that he is not in favor of appropriating, out of the Federal Treasury, supplemental funds with reference to irrigation?

Mr. MONDELL. There was an appropriation made under a bill I introduced as a loan to the reclamation fund, which is being repaid.

Mr. GARNER. I understand; but does the gentleman take the position that he is opposed to making a direct appropria-

tion for the purpose of supplementing this fund in the form of a loan of, say, $100,000,000 or $200,000,000?

Mr. MONDELL. I have not advocated that at this time.

Mr. GARNER. I am asking the gentleman if he is opposed to it. That is the main thing, because the Republican platform advocates it.

Mr. MONDELL. I will discuss that matter when we reach it. I am in favor of reclamation and of river and harbor work. The fact is that there are 500 river and harbor projects in the United States on which the funds voted here might be used, and there are naturally a great many congressional districts where those funds might be used. It has been suggested to me by a gentleman that the vote that has just been taken, overturning the Budget, reversing our practice and policy of economy, is really voicing a protest against high freight rates. If that is what it was, it seems to me that the gentlemen have not very carefully figured out the effect of river improvements on freight rates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. As I have frequently said, I believe in river improvement. I also believe in low railway rates. We must have low rates if we are to have prosperity. The American people will not use the inland streams as the European people do, because they are too impatient, too anxious to receive cash for their products; when it is delivered to the railroad they are too impatient to have done with the transaction and avoid all the delays and vexations frequently encountered in the use of the waterways. But if we keep improving the waterways we may eventually accustom the people to that kind of transportation, and I hope we may.

In the matter of freight rates, what is the effect? Still insisting that I am favorable to the improvement of rivers and waterways in the hope that our people may become accustomed to use them, what happens is this: When there is an improvement of one of our large rivers making water transportation possible, every community along the river insists that the railway transportation rates be made as cheap as the water rates, and such a rate is frequently granted to a point below the actual cost of carrying the goods, and the surrounding country pays the difference. That is what has occurred whenever we cheapen our water transportation so that it invades and curtails and shortens the business of the railroads. Until we stop doing that we shall get very little benefit out of our appropriations for river improvement. The country that I represent, the country that most of you gentlemen represent, is not only helping to pay for the improvement but helping to pay for the loss on the transportation along the river banks. [Applause.]

Some of the gentlemen from the territory where the rates are so high as to leave no margin of profit to the producer should not be carried away with the idea that in making these improvements they are securing lower rates. If the effect continues to be as in the past, it increases the rate at every interior point. That ought to be cured in the matter of transportation. I believe we should go on in the meantime in a reasonable way with river improvements. The mistake that the House has made today, as I see it, is the mistake of being carried away by local influences in voting for appropriations above those that are justified, and it will be difficult for those who voted for the increase to find an excuse when asked by their people what they did in the upholding and maintaining of economy and the principle of the Budget. [Applause.]

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that all debate on the pending paragraph and amendments thereto close in 10 minutes.

Mr. BANKHEAD. Reserving the right to object, are we going to have any more post-mortems on this last amendment?

Mr. STAFFORD. I am trying to bring the post-mortems to a close.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. BANKHEAD. Why not close it now?

Mr. STAFFORD. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on the paragraph and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. DENISON. Mr. Chairman and gentlemen, the gentleman from Ohio [Mr. BURTON] made a statement which seems to me almost incredible, and especially so coming from the gentleman from Ohio. His statement was in effect that river transportation will only benefit in the main those communities which are on the river. Now, no doubt the gentleman from Ohio has in mind conditions that existed in former years when there was no law compelling the railroads to make joint freight rates and joint traffic arrangements, but in the transportation act of 1920, after the most careful consideration, Congress enacted a provision giving the Interstate Commerce Commission authority to compel the railroads to grant joint rail and water rates and joint traffic arrangements. Not only that, but the commission was given power to compel the railroads to help build joint terminal facilities for the transfer of freight from the railroads to the boats and vice versa, so that shippers can make through shipments from one system of transportation to the other. The result is that if the time shall only come when the Interstate Commerce Commission shall grant a fair rate division between the boats and the railroads, the whole central western part of the United States will benefit by the transportation on the Mississippi River, and the same is true of other rivers.

Mr. BURTON. Will the gentleman yield?

Mr. DENISON. I will yield for a question.

Mr. BURTON. Does not the gentleman know that there has been a revolution in all traffic, that now haulage relatively is much less expensive than formerly, and that the terminal charges, loading and unloading, cost very much more, and that it is only in very exceptional cases that it is worth while in a through rate to unload freight from a boat upon the wharf and then load again? And then another question: Has anything been done under the act of 1920?

Mr. DENISON. In answer to that question I will point out wherein the gentleman from Ohio has fallen into error. He is still possessed of certain ideas and theories which he had many years ago and which the changed conditions do not justify. Splendid terminals have been built at St. Louis, East St. Louis, Cairo, Memphis, and other cities, and thousands of tons of freight have been coming from Kansas, Nebraska, the Dakotas, Indiana, and other States to those cities for transfer to the barge line in order to take advantage of the low freight rate down the Mississippi River. Joint rates are now made. Through shipments are being made by rail and river to every part of the world. The barge line can not accommodate all the freight that is offered. It is being offered faster than we can furnish boats to carry it. That is the answer to the question.

Mr. BURTON. Will the gentleman tell how many tons have been transferred in that way?

Mr. DENISON. Much more than there are boats to carry them.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KING. Mr. Chairman, the people of the Middle West, and indeed the entire country, are interested in everything pertaining to the improvement of the Mississippi River, and are therefore particularly concerned in any project looking toward the betterment of the harbor at Quincy, Ill., and that arm of the river known as Quincy Bay.

With the coming revival of commerce on the great "Father of Waters," the importance of Quincy, its harbor and bay, to the great benefit of navigation and trade upon the entire Mississippi River and its tributaries can not be overestimated.

Therefore it is with great pleasure that I urge upon the Congress the early reviving and resumption of one of the oldest and most utilitarian projects proposed and designed to aid the prosperity of the Mississippi Valley and its wide adjacencies.

From Galena to Cairo the great river bends like a silver bow about the western side of Illinois, rounding a distance of some 400 miles. At the middle of this great bow and recognizable for miles rises from her beautiful bluffs, 160 feet high, the industrious city of Quincy with its 40,000 inhabitants, ample and high-grade labor, alert and honest men of business and professional life, factories the products of which render her the largest manufacturing and freight tonnage producer between Chicago and Kansas City and St. Louis and St. Paul, excellent climate, first-class schools, colleges, churches, and hospitals, and an extensive and celebrated park system; 42 per cent of the heads of families owning their own homes; surrounded by a rich country in which dwell 210,000 urban inhabitants; within a radius of 75 miles a total population of nearly a million; miles of concrete roads radiating from the city and reaching these fertile fields; all of which fully equips the city of Quincy to rapidly become, when the great river wakes from its lethargy, as it is about to do, with a magnificent harbor and bay at her feet, the greatest center of inland-waterway commerce in the Middle West.

On the 1st day of June, 1878, in the rivers and harbors act, Congress directed the Secretary of War, at his discretion, to cause examinations or surveys, or both, and estimates of costs of improvements to be made at "the harbor at Quincy, Ill." (See vol. 20, U. S. Stat. L., 45th Cong., pp. 160–161.)

Later, on January 13, 1879, F. U. Farquhar, major of Engineers, reported under the authority of the above act to Brig. Gen. A. A. Humphreys, Chief of Engineers, United States Army, the result of his survey, accompanied by tracings, pursuant to a letter of instructions to him from General Humphreys, dated July 8, 1878. (See vol. 4, Ex. Docs., 2d sess., 46th Cong., 1879–80, p. 1130; also printed as a part of S. Ex. Doc. No. 53. See vol. 4, S. Docs., 45th Cong., 3d sess., p. 2, from which the following excerpt of facts appear:)

Quincy Harbor consists of the Mississippi River in front of the city of Quincy, Ill., and Quincy Bay, which is the lower end of a slough formed by part of an old bed of the Mississippi.

After recommending plans for deepening the water of the harbor at an expense of some $26,236.25, the report describes Quincy Bay in 1879 as a part of said river bed, extending along the foot of the high bluff above Quincy for about 3½ miles, Bear Creek emptying into the upper end—also having a connection by a slough with the Mississippi River above—with a width of from 200 to 700 feet, a depth of water at lowest stage of from 2 to more than 20 feet, and 4,000 feet above its mouth crossed by a railroad bridge with pivot draw, two openings of 80 feet in the clear.

In years gone by—

Before the lower end of the bay filled up—

it was used as a winter harbor for steamboats, but areas of water over 4½ feet deep at lowest stage—in winter—were so small that the harbor is not now used at all. A dredging proposition was advanced and recommended according to tracings dividing the area into sections A, B, and C to a depth of 6 feet at low water, with a width of 400 feet; sections D and E to same depth and a width of 600 feet; and areas F, G, and H to reach the deep water above.

This dredging when finished will make a harbor of 90 acres—680,000 cubic yards of dredging at 25 cents per cubic yard to cost $170,000. Dredging to be done gradually, first through the whole length 100 feet in width, and afterwards widening it to the widths specified.

The bank of the island near the mouth of the bay was to be protected by riprap both on bay and river side and at other points at a cost of $27,500.

Recapitulation.

Spur dams on Mississippi River	$26,236.25
Dredging in bay	170,000.00
Shore protection of riprap	7,500.00
	203,736.25
Add 10 per cent for contingencies	20,373.62
	224,109.87

Much needed as a winter harbor for vessels and will increase commerce and manufactures of Quincy.

Twenty thousand dollars was appropriated for the project in the rivers and harbors act approved March 3, 1879 (see vol. 20, Rev. Stat., 45th Cong., 3d sess., p. 372), and this was followed by other appropriations up to 1896. Since that time allotments have been made from the general appropriation to keep up a "sufficiently" large and deep area in the lower bay for use as a winter harbor. (Report G. M. Hoffman, major, Corps of Engineers, Apr. 20, 1915.)

The original project of dredging was never completed to a depth of more than 4½ feet instead of 6 feet. (See Report Chief of Engineers, 1883, p. 1425. Map.)

In 1885 Congress provided for the examination of the mouth of Whipple Creek (see Report Chief of Engineers for 1885, p. 1717, vol. 27, House Ex. Doc. No. 84, 48th Cong., 2d sess.) with a view of the "removal of the bar and obstructions at and near the mouth of Whipple Creek," which resulted in a report by Maj. A. Mackenzie, holding that "Quincy Bay is undoubtedly worthy of improvement," but that removing such bar and obstructions is of local rather than general importance and that the project of 1878 will furnish a sufficient winter harbor.

Eighty-one thousand cubic yards were excavated on Whipple Creek Bar to deepen the passage to the upper bay in 1885, under the direction of the Mississippi River Commission. In 1891 Major Ruffner recommended a retaining levee or bulkhead to keep said creek from continually pouring its débris into the narrows and choking up the passage.

The rivers and harbors act of July 13, 1892, authorized and appropriated funds with which the bulkhead was built in 1893, when 18,000 cubic yards were dredged from the narrows outside the bulkhead, which prevented for a number of years the filling of the passage at every rainstorm and until the space inclosed had been completely filled and the bulkhead itself broken in several places. In 1895–1899 further repairs of the bulkhead were made, additional dredging in the upper bay passage being done.

The rivers and harbors act of June 13, 1902, provided for an examination and survey of Quincy Harbor and Bay, and a report—December 9, 1902—thereon by Capt. C. McDonald, Corps of Engineers (see H. Doc. No. 112, 58th Cong., 2d sess.), showed that of the authorized expenditure of $170,000 by the 1878 project $130,000 had been spent; that seven surveys of the bay had been made, the last in 1895; that the accretions in Quincy Bay have reduced the area available as an ice harbor from about 90 acres to about 37 acres, namely, to the space inclosed by the harbor lines between the two railroad bridges; that there is a gradual shelving of the entire area to be apprehended; recommends that area opposite Broadway sewer be dredged to a depth of 6 feet at low water—balance available should be reserved for dredging the bay.

Major Hoffman regards this report as a virtual abandonment of the upper bay and the narrows, yet it seems to me that the original project authorized in 1878 still stands intact. Additional dredging was done in the lower bay in 1910, 1911, and 1913. The Indian Grave levee district, organized in 1879, in 1881 built a levee across the head of the bay. Prior to its construction Bear Creek made a current in Quincy Bay even at medium stages and had a good effect. (See Hoffman report above referred to.) Maj. C. S. Riche reports, 1908–9, the abandonment of the upper bay by the district office some years ago. In 1910 Maj. C. Keeler, district office, June 10, 1910, joins said abandonment. Maj. M. G. Hoffman, November 15, 1913, in a résumé, abandons the upper bay. He says:

The attempt to maintain a suitable depth in the upper bay was abandoned many years ago, for the reason of the great cost of maintenance, lack of commercial value, and the belief that the lower bay is sufficiently commodious for present purposes.

He adds, and his report is the latest available—

It has always been intended to keep the lower bay redredged and in suitable condition to be used as a winter harbor.

Willow Slough connects the bay with the Mississippi, and the rivers and harbors act of September, 1890, provided for an examination as to the advisability of reopening the slough, or some other channel from the river to the bay. Major Ruffner, making the report under this authority (House Ex. Doc. No. 284, 51st Cong., 2d sess.), said the slough is low and flat, 2¾ miles long when the gauge reads about 5 feet above low-water mark. Its mouth is about 1,000 feet above the harbor-line limits as recently established. Ruffner reported against the advisability of the proposal, as did a board of engineers reporting February 18, 1891.

Again, in the rivers and harbors act of March 3, 1899, another examination was authorized, this time "with a view to preventing the filling up of Quincy Bay by sediment carried by the river in times of high water." Under this authority Captain Townsend reported (House Doc. No. 38, 56th Cong., 1st sess.) April 4, 1899, that the river here carried but little matter in suspension and that the amount dropped into the bay thereby "is hardly appreciable." Townsend reports against the proposal. Major Hoffman in his report said that to open and maintain the slough to prevent such small deposits as it may bring into the bay it would be necessary to construct and maintain a 12-foot levee along the bay shore a distance of 1½ miles.

Major Hoffman, in his final report on Quincy Bay and Willow Slough, concurs with Ruffner and Townsend and recommends that no further dredging or otherwise be made in the bay above the old bridge at the Narrows or at Willow Slough, the bay between the bridges to be maintained as heretofore. Concurred in April 20, 1915, C. McD. Townsend, colonel, Corps of Engineers. Reviewed and affirmed by Board of Engineers for Rivers and Harbors June 15, 1915.

Mr. Chairman, in the judgment of a layman, based upon all the foregoing data and a personal examination, it seems to be patent that what the upper bay needs most of all is dredging and water.

The supply of water has been diminished no doubt through the years by reason of a number of causes, principally, however, by the closing of Bear Creek by the Indian Grave levee and the filling up by débris and willows in Willow Slough. The expenditure of a single cent in making a reexamination with a view of keeping river sediment from passing through the slough into the bay is ridiculous. It was a waste of money to do so, and the suggestion, based on such foolishness, that a 12-foot levee 1½ miles in length would be necessary was nothing more than a fanciful remedy for a fanciful disease.

Mr. Chairman, a project should be authorized by this Congress to complete the original plan of 1878 to dredge the 90 acres provided for in that project. In addition the débris at Cedar Creek should be removed, thus widening the narrows. The practical thing to do—and this is likewise the opinion of Mr. Enoch R. Chatten, C. E.—is to provide at an early date for the authorization by this Congress of an examination and survey with a view to keeping upper Quincy Bay open by cut-

ting a channel from the river to the bay above the narrows, beginning on the west shore of Quincy Bay about three-fourths of a mile above Quincy Bay bridge at the mouth of Willow Slough, thence one-fourth mile up Willow Slough, thence north and west to the river.

Mr. Chairman, the improvement of Quincy Harbor is not a local affair but of supreme importance to the entire river and valley. It is an invaluable arm of the mighty river which is soon to fulfill its destiny in the development of the Middle West and in solving the transportation for the entire country.

Formidable opposition to its development during the past few years has ceased. It has and is so far as able doing its duty in furnishing covert for boats the entire length of the river. The Federal Government recognizes and uses the bay for its fleets of barges and boats in the winter and to repair its craft when required. "It did its bit" during the late war by having built upon its shores and launched upon its bosom fleets of barges for the use of the Government.

The rapidly increasing navigation on the Mississippi renders it imperative that Quincy Bay be restored to its original prestige and where its usefulness may be revived against the oncoming return of the thrifty packets and palatial steamers of the days of the *Natchez* and the *Robert E. Lee.*

The Clerk read as follows:

TRANSPORTATION FACILITIES, INLAND AND COASTWISE WATERWAYS.

For additional expense incurred in the operation of boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal control act of March 21, 1918, and operated in pursuance of section 201 of the transportation act approved February 28, 1920, $30,000: *Provided*, That this appropriation may be used for the payment of experts, clerks, and other employees in the War Department in accordance with the provisions of section 201 (e) of the transportation act, 1920, approved February 28, 1920, but no person shall be employed hereunder at a rate of compensation in excess of $3,000 per annum, except one at $4,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In general debate this item relating to the management of certain barge lines was referred to and some statements were made concerning the barge line on the Warrior River in a case pending before the Interstate Commerce Commission. The inference was given that perhaps the attorney for the Government had been derelict, and that the Interstate Commerce Commission itself was subject to some criticism. I have a letter here from Mr. Luther M. Walter, who happens to be a particular friend of mine, a lawyer of very high standing, who happens to be the Government attorney in this case, which letter explains the matter, stating that there can be no possible reflection upon the Interstate Commerce Commission. I ask unanimous consent that it may be inserted in the RECORD as a part of my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

The letter referred to is as follows:

CHICAGO, *March 22, 1922.*

HON. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR MR. MANN: My attention has just been called to the proceedings on the floor of the House as reported on pages 3869 and 3870 of the CONGRESSIONAL RECORD for March 14, 1922, relevant to a case before the Interstate Commerce Commission in which the War Department is complainant. I desire particularly to call your attention to the statement on page 3870, made by Mr. Anthony:

"Civilian attorneys who had been employed were evidently more interested in prolonging the litigation than in bringing it to a showdown."

Inasmuch as I happen to be the "civilian attorney" who had been employed by the War Department to handle this case before the Interstate Commerce Commission, I desire to briefly let you know just what the facts are. You very fully expressed the view which I entertain as to the attitude of the Interstate Commerce Commission. That body is not subject to censure for not acting on a case that is not brought to an issue by the attorneys in the case.

The Federal manager of the barge line filed a complaint before the commission in the fall of 1920. Later I was employed as special counsel to conduct the litigation. I reached the conclusion that the complaints (there were two of them) were defective and required amendment. Amended complaints were filed January 8, 1921. During the previous month the barge line management had endeavored to secure an adjustment of the complaint without the necessity for further action before the commission, and those negotiations continued through at least a part of January, 1921.

The cases were set for hearing at New Orleans before an examiner of the commission on January 31, 1921. The carriers, and, as I am informed, the Federal manager of the barge line, sought a postponement. The first notice I had of the postponement was in the form of a telegram received while on the train en route to New Orleans for the purpose of trying the case. The case was again set for hearing at New Orleans on March 21, 1921. The complainant's case was completed on the second day of the hearing. The defendants represented to the examiner that they were not prepared to meet the case presented and asked for a postponement, which was granted to a date later to be fixed. Thereafter the commission assigned the case for hearing at Washington on May 25, 1921. Counsel for the defendants and the complainant requested that the hearing at Washington be canceled and the case assigned for hearing at Chicago on May 21, four days earlier. The commission canceled the hearing for May 25, later setting the case for hearing at Chicago on June 20. This latter hearing was had and the taking of testimony was finally concluded on July 1, 1921.

September 15, 1921, was fixed as the date for filing briefs. The defendants obtained an extension until October 1; I requested a further extension of 10 days for filing my brief, which was granted. The case was thereupon submitted to the examiner, who served his tentative report February 6, 1922. Exceptions thereto were due February 26, 1922; by request of the defendants this date was extended to March 15, and again at their request until March 25.

You can thus see that of the various requests for delay I made only one, and that only for a period of 10 days. The record in the case extends over several thousand pages of testimony and several hundred exhibits, including a large amount of statistical data.

The case has not yet been submitted to the Interstate Commerce Commission. It can not be charged in the slightest with any of the delay that has ensued. I have no doubt that the commission will, after it hears oral argument on the exceptions, reach a decision which will be fair to the Government's barge line and give it, out of the joint revenue, a portion consistent with the service which it performs.

I have no sympathy with the criticism of the Interstate Commerce Commission voiced on the floor of the House. I have always regarded the commission as a capable and impartial tribunal entitled to that high respect which we accord to courts under similar circumstances. At no time has the commission been in position to express an opinion upon the case. The tentative report of the examiner is simply the recommendation of an employee of the commission, and for which the commission is in nowise responsible.

This letter is already too long, but I hope, if you have the opportunity privately, that you will set Mr. ANTHONY straight. I have no desire to precipitate any debate or colloquy with Mr. ANTHONY over what he saw fit to express on the floor of the House, but I would like to have him know that the Interstate Commerce Commission is not to blame because the case has not been already decided. While I resent the suggestion in his statement that as "civilian attorney" for the War Department I was interested in prolonging the disposition of the case, that is of no importance compared with the good name of the commission.

With best wishes to you personally, I am,

Sincerely yours,

LUTHER M. WALTER.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 115, line 19, strike out the word "control."

Mr. BLANTON. Mr. Chairman, we might as well strike out the word "control" because the control here seems to have vanished. On the last vote we had in this committee, changing the budgetary plan to the extent of $15,000,000, the control failed by a vote of 158 to 54, and if you properly simmer down all of the arguments that we have had upon the floor since that vote was taken they could properly be designated as the lamentations of the majority over the loss of control. If you want to get the control back, if you want to hold it on the question of economy and of budgetary estimates, we must adopt the broad-gauge policy of economy which is not changeable every time an item affects a particular district.

I can explain why the leader could not control the votes on the $15,000,000 proposition. When this Budget idea was first under consideration and the leader of the House went before the distinguished subcommittee, headed by Mr. WOOD of Indiana and by the distinguished gentleman from Tennessee [Mr. BYRNS], he told them that they must cut down to the budgetary estimates; that they must hew to the line; that they must even get their snickersnee and cut. They carried out his commands, his admonition, the Democrats and Republicans alike, and following the suggestion made by the land commissioner of this Nation they cut out of the bill 13 surveyors general. That meant cutting out an expense that ran up to a half a million dollars; it meant a saving to this Government of a half million dollars, and it was in line with the Budget's recommendation and a recommendation of one of the bureau chiefs of the Nation. But it so happens that among those 13 surveyors general one was stationed in the State of Wyoming. When that was disclosed the very leader who got the cut to be made in the committee could not stand it, because it affected his own State; it was taking something from Wyoming that it could not afford to lose. The matter came back on the floor of this House and through the gentleman's leadership he put those 13 surveyors general and that half million dollars of expense back into the bill, right in face of the action of the committee in cutting it out and trying to save it in accordance with the pledges made to the people of this country. What can you expect when you have such leadership as that—a leadership which when there is involved a surveyor general to be taken out of the State of Wyoming can no longer lead? The saving has to come from some other State, it must be a matter that affects some one else. It is selfish leadership of that kind that has lost the control of votes in this House, and when you have a $15,000,000 proposition like that one just settled it loses under such leadership by a vote of 158 to 54.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

Mr. CABLE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. CABLE. Mr. Speaker, the development of a State or nation depends upon its commerce. Progress and prosperity abound where transportation facilities are the best and easiest, be it by railway, by highway, or by waterway. The early history of Ohio, for example, is in part the story of the construction of canals, generally but 4 feet in depth. They reached almost every important city and town in the State. This was prior to the advent of the railroads. The Miami & Erie Canal, that extends between Cincinnati and Toledo, was financed chiefly by the State and Federal Governments. Bonds were issued by the State and sold throughout the country, and later the Federal Government, by an act of Congress passed in 1828, granted to the State of Ohio, to be disposed of by the legislature to aid in building the canal, a large tract of land lying between Dayton and the Maumee River, at the mouth of the Auglaize River.

No canal districts were established then by the legislature to assess a part of the cost of construction and maintenance upon those pioneers and landholders within 25 miles of each side of the canal. There were no $20-a-day men to appraise the benefits, no arbitrary distance from the canal whereby the benefits were considered to cease, because those early settlers rightfully felt that the construction of these canals were of State-wide and national importance.

The improvement of the Miami and Erie Canal, or any other route connecting Lake Erie with the Ohio River, is to-day just as important as it was then, and its benefits extend throughout the State of Ohio and into the adjoining States of Indiana, Kentucky, and even to Pennsylvania. Why, then, should a small body of taxpayers be compelled, chiefly by physical labor and effort on the farm, to have their land assessed for a preliminary survey, to meet a part of the cost of construction, and a third assessment for a part of the maintenance of the canal, when its benefits spread beyond this imaginary arbitrary dividing line?

The Army appropriation bill now under consideration in the House carries in it a sum of money to be used by the Board of Engineers for Rivers and Harbors to conduct further survey of the various routes extending across the State of Ohio. It is the duty of this board to determine questions of cost, relative merit, economic necessity, and advisability of the routes now under consideration. When this appropriation becomes a law the question comes closer to the taxpayers within 25 miles of the Miami and Erie Canal, or any route that should be selected, as to whether a canal zone should be established as provided by the enabling act passed by the Legislature of Ohio in 1919.

This Ohio law is—

to provide for the organization and administration of canal districts, granting the same power to impose taxes and assessments, to incur debts, issue bonds, and to assist the Federal Government in the construction of a canal or canals connecting Lake Erie with the Ohio River.

The law also provides that the boundaries of the canal district—

shall follow a line 25 miles distant from and parallel to the median line of said proposed canal and the terminal boundaries shall follow the arc of a circle drawn with a radius of 25 miles distant from each terminus of the same, except that all counties lying in whole or in part within 60 miles of either terminus of said canal and connected by negotiable waters with either terminus thereof shall be included in said zone.

The law further provides that the voters within the boundaries of a district shall hold an election and determine whether a canal district shall be established and the taxpayers within the district shall be assessed for a portion of the cost of construction and maintenance of the canal.

I am opposed to the Ohio law because the Federal Government should pay all the operating expenses of the canal. The Board of Engineers in their report make this same recommendation. They state—

If a canal is undertaken, the United States in addition to contributing toward the construction cost will probably assume its maintenance and operation.

I am opposed to the law because the benefits of the construction of the canal will extend throughout Ohio and into adjoining States, and therefore the arbitrary boundary line, 25 miles from each side of the canal, is unfair, unjust, and unequitable. It imposes a heavy burden upon the few for the benefit of the many.

If the recommendation of these engineers is carried out the taxpayers within this boundary would be compelled to pay 70 per cent of the $195,000,000, the estimated cost of construction of the Miami & Erie Canal. The people in Kentucky, Michigan, Indiana, and Pennsylvania would obtain almost as much benefit as these few taxpayers lying within the district. The main object of a canal connecting Lake Erie with the Ohio River is the transportation of coal from Ohio, Kentucky, West Virginia, and Pennsylvania to the Lakes and the Northwest, and iron ore from the Northwest to the same States. Why should not all of these States participate in the cost of construction after Congress makes its appropriation? In support of the above statement I quote from the report of the Army engineers relating to assessments and benefits of the eastern route:

It is the opinion of the board that benefits due to the construction of a canal along any of the proposed routes can not equitably be assessed upon the theory that such benefits would extend only a certain specified distance from the route, although a portion of the benefits might equitably be assessed in this manner. A more just assessment must of necessity include certain areas of Pennsylvania, West Virginia, and Kentucky, and perhaps include a general levy on these States as a whole, including Ohio.

If Congress should determine that the Miami and Erie Canal should be reconstructed and appropriates a fund that is insufficient for this purpose, the balance of the money should be raised by an assessment upon the States of Ohio, Indiana, Michigan, and Kentucky. This is what I have always contended for, and I am glad to see that the engineers of the War Department are of the same opinion.

In the great debate of 1830 in the United States Senate, Daniel Webster replied to Senator Hayne, of South Carolina, on the question "What interest has South Carolina in a canal in Ohio?"

If a canal appears to me to be of national importance or national magnitude—

Said Webster—

the power of the Government extends to the encouragement of works of that description.

I look upon a road over the Allegheny, a canal around the falls of the Ohio, or a canal or railway from the Atlantic to the western waters as being objects large and extensive enough to be fairly said to be for the common benefit.

A heavy assessment upon a few for the benefit of many is not a proper principle for constructing a barge canal. It has never been upheld and, in my opinion, never will be. The improvements made by our State and Nation should be paid for by a uniform rule of assessment; justice and equity requires it.

The Clerk read as follows:

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, $500,000.

Mr. DENISON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 120, line 19, after the word "officer," strike out "$500,000" and insert in lieu thereof "$550,000."

Mr. DENISON. Mr. Chairman, I would like to have the attention of the chairman of the committee and the other members of the committee on this item. The effect of the amendment I have offered is to increase the item for sanitation, quarantine, hospitals, medical care of the insane and lepers, and so forth, on the Panama Canal Zone, from $500,000 to $550,000. The amount requested for hospitals and sanitation by the Governor of the Canal Zone in the hearings before the committee was $655,000. This request was made by the man who has the administration of the work there, and who knows more about what is needed there than anyone else could know. After he came to Washington and had a conference with the Director of the Budget and was thoroughly impressed with the necessity for cutting down the appropriations as far as could be done, he finally consented or recommended to the committee the sum of $608,420, the very minimum that would be required for that purpose upon the Canal Zone. Now, I do not know why the committee disallowed the amount. They have cut the amount down from $608,420 to $500,000. As soon as the amount carried by the bill was made known by a cablegram to Governor Morrow he sent a cablegram back asking that the amount be increased to at least $550,000, the amount which he says is absolutely necessary in any view of the situation to take care of the sanitation and hospitalization of the zone.

Mr. MADDEN. If the gentleman will yield, does not that fact indicate that the Governor of the Panama Canal Zone did not know what he wanted, because he asked for $650,000 in the beginning, cut it down to $608,000, and finally decided that $550,000 was the proper amount? The committee, on the information which it had, decided that $500,000 was all that was necessary.

Mr. DENISON. Where did the gentleman get the information which justified the committee in believing that that amount would be sufficient?

Mr. MADDEN. We had the testimony which——

Mr. DENISON. It is not in the hearings, and I will ask the gentleman from Illinois to state what hearings or what information he had on the outside of which the House is not getting the benefit?

Mr. MADDEN. We have information which led us to conclude that $500,000 would be sufficient.

Mr. JOHNSON of Washington. The House is entitled to the same information.

Mr. DENISON. The House is entitled to any information the gentleman has, and I think in view of the situation the committee ought to have it. I have read the hearings carefully, and when the governor has recommended $550,000 as the minimum amount that will be required for this important branch of the service on the Canal Zone I do not think the committee ought to just arbitrarily cut off $50,000 from that amount as an alleged economy. Governor Morrow is an able man. He is economizing in every way possible. He knows what is absolutely needed for sanitation down there, and the committee does not know.

Mr. STEVENSON. What was the recommendation of the Director of the Budget?

Mr. DENISON. I do not know. You will have to ask the chairman of the committee for that. I am only giving what the governor requested and what he states is absolutely necessary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. This is a very important item. Gentlemen, the thing that enabled this Government to dig the Panama Canal was the work of sanitation and hospitalization on the Canal Zone. The man who did more than anyone else to accomplish this great enterprise was Surgeon General Gorgas, and in order to operate the canal successfully and preserve the lives and health of the Americans who must remain there and keep the canal in operation it is absolutely necessary to take every possible care of the sanitary conditions down there and keep the hospitals supplied with the best personnel and equipment.

Now, the Governor of the Canal Zone, who knows more than anyone else, and who I know is trying to economize, says he has got to have, if he keeps up the work of sanitation on the Canal Zone, and in order to keep fever down, in order to keep pestilence down, at least $550,000, and this subcommittee arbitrarily cuts it down to $500,000. I do not think it is right. I do not think we ought to jeopardize our project there by making this assault on the appropriation for sanitation and hospitals. It is an unwise step, in my judgment. It is a false economy.

Mr. NORTON. Is it not a fact that the insurance runs from 25 to 50 per cent higher there than it is here?

Mr. DENISON. I do know this, that this money is not coming out of the Treasury except in an indirect way, because the canal is paying its own way. We are now getting in tolls more than we spend to operate the canal.

Mr. MADDEN. How much interest do we pay annually?

Mr. DENISON. We have not been paying any interest.

Mr. MADDEN. Oh, yes; we are paying interest on the bonded debt.

Mr. DENISON. We are not paying it out of the revenues of the canal.

Mr. MADDEN. I know we are not. The gentleman says the revenues of the canal are sufficient to meet the needs.

Mr. DENISON. I think they are sufficient to meet the operating expenses.

Mr. MADDEN. I will say they are not sufficient to meet the needs, by a long way.

Mr. DENISON. I am saying this, in order that we may not have any misunderstanding, that the tolls of the canal are more than paying the operating expenses, and if I could have my way they would be even more than they are now. I have a bill pending now to increase the tolls, but it could not pass the Senate.

This is a serious proposition. If the governor of the canal puts the lowest estimate at $550,000, I think the Congress ought to allow it. It is necessary to keep the Canal Zone in a sanitary condition for the men who have to go down there and run the canal. A force of men are kept busy oiling every place where water can accumulate in order to keep down the mosquitoes, which spread malaria and other tropical diseases. We have made the zone safe for white men to live and labor. We must keep it safe, and we must provide the very best hospital services that can be obtained.

Mr. LAYTON. What does the gentleman understand by the meaning of the words on line 14, beginning "aid and support of indigent persons legally within the Canal Zone"? Does that embark on a proposition for the United States to take care of indigent persons?

Mr. DENISON. That is language that we have carried in every appropriation bill ever since we have been constructing and operating the canal.

Mr. LAYTON. What does it mean?

Mr. DENISON. You will have to ask the chairman of the committee. I am not informed about that. At any rate, gentlemen, if we keep the canal a success and continue its operations successfully, we have got to preserve sanitary conditions down there, and anybody who has been there knows that. All I know about the amount required is what the governor of the canal has said to the committee and has said to me.

Mr. WALSH. Is this $50,000 additional necessary in order to wipe out the mosquitoes?

Mr. DENISON. It is necessary for the purpose for which it is offered, for sanitation and hospitalization. I only mentioned mosquitoes as one of the many necessary uses for which the money is needed.

Mr. WALSH. How does the gentleman arrive at the figure that it is just $50,000 more?

Mr. DENISON. From the governor, who has charge of the administration of the canal, and who knows the conditions and says that it is necessary.

Mr. WALSH. He says that $608,000 is necessary.

Mr. DENISON. But at the request of the Director of the Budget he has reduced it to what he considered the very minimum amount necessary in the interest of economy. Now, it seems to me the gentleman from Massachusetts ought to understand that proposition. The governor gave what he thought he ought to have in the first instance. Then when he was impressed with the necessity for economy he reduced it as low as he thought he could with safety, and he now says $550,000 is necessary, and he has sent a cablegram here since this bill was reported saying that he ought to have this much money.

If we must sacrifice some service, some activity, on the Canal Zone in the interest of economy, I think, gentlemen, we ought to select some other service rather than sanitation and hospitals. Whatever else we do or do not do down there, we ought by all means to keep the zone safe from the various forms of disease that usually infest such tropical countries, and we ought to give assurance to our officials and our employees and to our military and naval men who have to remain there, as well as to their families, that the Government will afford them at all times the very best hospital facilities.

Mr. ANTHONY. There is a difference of $50,000 between the opinion of the committee and the opinion of the canal officials as to the amount of money that is necessary for the conduct of the hospital facilities on the Canal Zone for the next year. The gentleman from Illinois would perhaps lead the House to believe this $50,000 was all the money that was utilized in the Canal Zone for that purpose, but the principal hospital activity down there is the maintenance of the Ancon Hospital. That has a revenue of $680,000 per annum in addition to the $500,000 which is appropriated in this bill. The committee decided, after a very careful investigation, that that hospital had too many high-salaried employees. They have been hanging on there for years, from the time when we were employing nearly 100,000 men down there to dig the canal, and ever since that time this same bunch of high-salaried employees has been maintained. They are getting figures largely in excess of what is necessary for hospitals in this country. The fact that we have maintained this large force from year to year led the committee to think that some of these high prices should be chopped off, and so we made a reduction of $50,000 in the total revenues of the hospital that will approximately run up to $1,000,000 per annum.

Mr. LAYTON. What does the chairman of the subcommittee say is meant by those words about which I questioned the gentleman from Illinois [Mr. DENISON]?

Mr. ANTHONY. I did not hear the gentleman.

Mr. LAYTON. The words "aid and support of indigent persons legally within the Canal Zone." Are we spending money for the indigent on the Canal Zone?

Mr. ANTHONY. We are. We not only do that, but we have a leper colony there, and we have a number of activities of that kind.

Mr. LAYTON. Is this a sort of eleemosynary institution—an almshouse?

Mr. ANTHONY. Largely, and this hospital does a large amount of work for the Government at Panama, and the receipts are not reflected in this bill, but the income is $608,000 from private sources.

Mr. TILSON. Does not my friend from Delaware recognize that we are a sort of board of aldermen, and all the rest, for all these people, and that we must take care of the poor and indigent at this place, the same as local authorities do here?

Mr. LAYTON. Excuse me. I am getting tender as to what we are doing in a communistic way.

Mr. TILSON. If that were done in a State, that would be a proper designation for it, but not in Panama.

Mr. ANTHONY. And the sanitation on the Canal Zone is good at this time. There is no complaint about health conditions, and the usual amount of money will be expended for that high state of sanitation.

Mr. STEVENSON. I wanted to ask the chairman of the subcommittee what the recommendation of the Budget Bureau was on this item?

Mr. ANTHONY. Six hundred and eight thousand four hundred dollars.

Mr. STEVENSON. You cut off $108,000?

Mr. ANTHONY. Yes.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes; I yield.

Mr. COOPER of Ohio. I would like to ask the gentleman if this bill provides an increase in the salary of certain officers on the Canal Zone which was recommended, and which, I think, went into effect January 1, 1922?

Mr. ANTHONY. Instead of providing an increase, I think we have provided here that there shall be no increase of salaries under the appropriations in this bill.

Mr. COOPER of Ohio. There was not any increase granted to these officers to pay the amount charged for housing facilities?

Mr. ANTHONY. There was an increase granted by Executive order, and we put a provision in the bill which will take care of that situation.

Mr. COOPER of Ohio. Well, while you put in the bill a provision that will take care of that situation, providing an increase of pay to cover the renting facilities of the officers, yet the housing facilities of the Canal Zone employees and the light and sanitation privileges have been taken away from them. Is not that a fact?

Mr. ANTHONY. That is true. Heretofore the employees upon the Canal Zone have had the free use of housing. They have had light and electricity, and free water, and all of those things. They have even had their yards taken care of, and flower beds planted for them, at no cost to themselves. Now, that order has gone into effect.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. ANTHONY. That order requires them to pay a reasonable amount, and the men object very strenuously to it. Since that order was issued the Governor of the Canal Zone has granted to certain of the higher-salaried officers an increase of $50 to $75 per month in salaries, which looks on its face like a sum calculated to absorb the amount to be paid for rent. But to be fair to the governor and to these officials, it should be stated that most of them are officers of the Army or of the Navy, assigned for duty down on the Canal Zone, who would be entitled to free quarters, and therefore there is some merit in the position taken by the governor that they should not be compelled to pay for quarters on the Canal Zone.

Mr. COOPER of Ohio. If the gentleman will permit me, is it not a fact that most of the American employees went down to work on the Canal Zone because these privileges were offered to them, of free lighting and sanitation and rent? The conditions down there are different from what they are in our own country here. A mechanic in this country when he loses a job can go out and hunt for another one, whereas on the Canal Zone if he loses his job there is no place for him to go.

Mr. ANTHONY. I will say to the gentleman that the committee made careful inquiry in regard to the labor conditions down there. We heard the officials of the Canal Zone, and we heard the representatives of organized labor; and while the men complained very bitterly at the proposed changes, it is the opinion of the committee that the men are most liberally treated down there. It is true that reductions have been made in wages, but reductions in wages have been made in this country, and the men down there are still paid fully 25 per cent more for their services than similar employees receive in this country, and the Government is more liberal in the matter of leaves and all that sort of thing than any private employer.

Mr. COOPER of Ohio. I have read the report made by the special committee, and I can not agree with all that is contained in that report. If I recall correctly, in one place it recommended that white Americans shall be superseded by alien blacks. If you are going to keep up the high standard of American workmen on that Canal Zone, we have got to take care of them and make their conditions as comfortable as they can possibly be made; and I think it is hardly fair to raise the salaries of the officers on the Canal Zone and take these lighting and housing facilities for the employees away from them at the same time.

Mr. ANTHONY. I will say to the gentleman that in regard to the proposition to supersede white labor with black labor on the Canal Zone, that is intended to substitute natives for a class of white employees down there, and the gentleman can be assured that black labor will not be substituted for the higher trades and mechanical employments.

Mr. COOPER of Ohio. A committee of the Panama Canal Zone employees came to me not long ago and said they were afraid that these conditions that have been put into effect upon the recommendation of this special committee were going to work in such a way that in a short time the high-class standard of American employees that we have had on the Canal Zone would be materially reduced, that the men would not stay there unless they could get these special privileges.

Mr. NORTON. Mr. Chairman, I desire to call attention to some of the recommendations made by the special committee in regard to employees at the Canal Zone, which I do not believe are for the best interest of the Government. This is one of their recommendations.

POLICE DEPARTMENT.

It says that employees get 14 per cent more pay than District of Columbia police, and favors replacing police guards at piers, at the administration building, and so forth, with alien negroes.

Now, this is the report of that committee that investigated there. They favor discharging every single white employee and substituting for them colored men from Jamaica, not one of whom is a citizen. What do you think of that kind of a policy?

Mr. ANTHONY. The gentleman does not mean to imply that all of those recommendations have been adopted by the Governor of the Canal Zone?

Mr. NORTON. The majority of them have. That the police on the dock—at a place where we have spent millions of dollars, and where a bomb could blow a large part of it into eternity, causing untold damage—they recommend the discharge of all white laborers, who are American citizens, and the substituting in their place of alien laborers, not one of whom is a citizen of the United States, men from Jamaica. There are many other recommendations, among them the following:

Cut out cattle industry, farms, plantations, and dairies.

Replace gold employees with silver employees.

Replace all American chauffeurs with silver labor.

No more free transportation to work.

All recommendations seem to be unfavorable to the white employees, the American citizens, at the Canal Zone.

Mr. STAFFORD. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. STAFFORD. Who wrote that special report?

Mr. NORTON. This special committee. Is not that a fact?

Mr. STAFFORD. I will be very much obliged to the gentleman if he will point out the page of the report where that recommendation is made. I hold that report in my hand, the report of that special committee, and I would like to know where it makes any such broad recommendation as the gentleman claims.

Mr. NORTON. I will have to get back the original typewritten report which I had, which I let another party take.

Mr. STAFFORD. I have a copy of the printed report here.

Mr. NORTON. It is not a printed report. It is a typewritten report, and I let another party take the original.

Mr. STAFFORD. I hold in my hand the report of the special Panama Canal Commission, the letter from the Governor of the Panama Canal to the Secretary of War. I have read that report from cover to cover, and I find nothing to warrant the statements made by the gentleman from Ohio.

Mr. NORTON. That is the recommendation, word for word, and I will get the original report if the gentleman wants it, giving the language that was taken down by the stenographer, which I have read.

Mr. COOPER of Ohio. I should like to ask the gentleman from Wisconsin [Mr. STAFFORD] if that report that he just referred to recommends taking away from the Panama Canal employees the housing facilities?

Mr. STAFFORD. Oh, yes; and the Governor of the Panama Canal increased the salaries of some of the high-priced employees, and your committee believed in treating all alike, and put a provision in this bill whereby they could not be increased to take care of the amount of rent that they will be obliged to pay in the future. We are treating all alike.

Mr. COOPER of Ohio. Will the gentleman yield for a further question?

Mr. STAFFORD. Yes.

Mr. COOPER of Ohio. Did you increase the salary of the governor?

Mr. STAFFORD. We did not, nor did we provide for the $4,000 recommended for the purpose of his entertaining guests going through the canal.

Mr. COOPER of Ohio. Did the special report provide for that?

Mr. STAFFORD. It was not recommended by the Secretary of War. The Secretary of War is not responsible, and your committee is not responsible for the recommendations of that special committee.

Mr. COOPER of Ohio. The commission was appointed by the Secretary of War.

Mr. ANTHONY. But the Secretary of War and the Budget officer have not made any such outlandish recommendation.

Mr. NORTON. I have read the recommendation for the police department. Now, I will read the recommendation for the fire department. Is not this the report of the commission?

Let me read the recommendation with reference to the fire department:

Employees get 11 per cent more pay than District of Columbia firemen. Volunteer white firemen of Balboa, Cristobal, Pedro Miguel, and Gatun, and cut down paid force, substituting negroes. Apply two-platoon system under conditions recommended.

Mr. ANTHONY. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. ANTHONY. The gentleman understands that the law gives these men 25 per cent more pay.

Mr. NORTON. I appreciate that, but was not this in the report?

Mr. ANTHONY. The governor told us that the men are receiving the full 25 per cent.

Mr. NORTON. Let me read the names of the parties who signed this report that constituted this special committee sent to the Panama Canal Zone. It was composed of Gen. William D. Conner, United States Army; Capt. Alfred Brooks Frey, United States Naval Reserve; Mr. H. P. Wilson; and Mr. F. A. Moliter.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. DENISON.]

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For civil government of the Panama Canal and Canal Zone: Salaries of district judge, $7,500; district attorney, $5,000; marshal, $5,000; and for gratuities and necessary clothing for indigent discharged prisoners, $875,000: *Provided*, That no part of this sum shall be used for making payments to the Government of Panama for postage stamps.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. ANTHONY. Mr. Chairman, I desire to offer an amendment.

Mr. STAFFORD. Let it be read for information.

The Clerk read as follows:

Amendment by Mr. ANTHONY: Page 130, lines 23 and 25, after the word "prisoners," strike out the figures $875,000 and the proviso "that no part of this sum shall be used for making payments to the Government for postage stamps," and insert in lieu thereof "$915,000."

Mr. WALSH. I would like to ask the gentleman before pressing the point of order if the salary of the United States marshal has not been increased under this item from what is authorized by law?

Mr. ANTHONY. Not that I know of.

Mr. WALSH. It was carried for $5,000 last year and the year before, but my recollectiton is that that is a $500 increase from the basic salary.

Mr. ANTHONY. The committee has no information in that regard. It was carried at $5,000 last year, and I believe in preceding bills it was for $5,000.

Mr. WALSH. I think during the war, because of certain conditions, it was felt that the salary might be increased, and it was permitted in an appropriation bill to increase it to $5,000. Of course, that is more than a great many United States marshals get in this country. I do not know as there is anything particular down there now after the war is over which would, in view of the fact that other high officers have been subjected to a reduction of salary, call for the continuance of this salary at $5,000. I may be in error as to the basic salary.

Mr. BURTON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BURTON. In regard to this appropriation for indigent discharged prisoners, $875,000, which I understand is to be changed by amendment.

Mr. ANTHONY. That covers all the civil expenses of the island, and the relief of indigent prisoners is a very small part of it.

Mr. BURTON. That covers back to the top of page 120?

Mr. ANTHONY. No; simply for the civil government of the Panama Canal Zone.

Mr. BURTON. It seems to me that it is a little mite doubtful.

Mr. WALSH. Mr. Chairman, I talked with my friend from Kansas [Mr. TINCHER], who has visited the Canal Zone and is more familiar with conditions there than I am, never having been there myself, and he thinks that irrespective of the basic salary the point of order ought not to be pressed.

Mr. ANTHONY. I have looked up the basic salary and I find that authority is given to the President to fix the salary of the officer in question, and it has evidently been fixed by Executive order.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Page 130, lines 23 and 25, after the word "prisoners," in line 23, strike out $875,000 and the language "provided that no part of this sum shall be used for making payments to the Government of Panama for postage stamps" and insert in lieu thereof "$915,000."

Mr. ANTHONY. When the Governor of the Panama Canal Zone was before the committee he recommended that the payment of postage from the Canal Zone be discontinued. The committee thought that it was proper that it should be discontinued as investigation showed that it was not based on any law that we could find. The only authority was a supplementary agreement made by Mr. Taft many years ago that we would pay them annually this sum in lieu of postage from the Canal Zone.

All this was done after we had agreed to pay the Panaman Government $250,000 annually in lieu of all claims of this kind. This agreement was undoubtedly of a supplementary nature, and while there was legislation afterwards which was supposed to ratify all Executive acts, yet there is some doubt as to our authority to appropriate the money. However, since the action of your committee was taken and this language was inserted in the bill, the State Department believes that it would be hardly advisable at this time to discontinue making that payment. Therefore, the committee asks that that language be stricken from the bill and that the appropriation be increased to $915,000 to take care of the payment.

Mr. DENISON. Mr. Chairman, I move to amend the amendment of the gentleman from Kansas by striking the figures "$915,000" and inserting in lieu thereof the figures "$950,000."

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DENISON to the amendment offered by Mr. ANTHONY: Strike out "$915,000" and insert in lieu thereof "$950,000."

Mr. DENISON. Mr. Chairman, the Governor of the Panama Canal Zone estimated for the civil government of the Canal Zone, before he appeared before the Budget Committee—that is, when he sent in his estimates—that it would require $991,815. After his conference with the Director of the Budget, and after being appealed to to make a reduction in these requirements, he reduced the estimate down to $973,240 as the minimum, and that is the very lowest that he recommended up to that time. The governor sent a cablegram since the bill was reported, which I want to read. He undoubtedly sent it to the chairman of the committee. I simply have a copy of it. The cablegram reads as follows:

It is impracticable to continue civil government expenditures at the rate of expenditure for 1922. Both these services were considered carefully by the Budget officer with data at hand last fall. Later data enables me to agree that their recommendations can be reduced to figures above given ($950,000), but to advise that any further cut can be accomplished only by abandonment of some necessary service.

The governor down there has been economizing in every way possible, and during the war he cut the expenditures down just as low as he could. They allowed a great many things to get out of repair, and that explains the statement. I give this for what it may be worth. Here is the testimony of the man who knows and who is responsible down there, and he says that any further cut must be accomplished by the abandonment of certain services down there. That means any cut below the $950,000, and yet the committee has arbitrarily refused to allow more than $915,000. I do not think that ought to be done. I think we are now beginning to gradually encroach upon the efficiency of the organization at the Panama Canal, and it is up to the Congress to say whether you want to do it or not.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. I yield to the gentleman.

Mr. ANTHONY. Has the gentleman considered that the current year's appropriation is $900,000, $15,000 less than we are proposing now, that what the committee proposes is an increase, and that the population down there is being reduced.

Mr. DENISON. The governor says it is impracticable to run the Government on the same expenditures as last year.

Mr. ANTHONY. But we are giving him $15,000 more.

Mr. DENISON. No; you are giving him $35,000 less than he asked for.

Mr. ANTHONY. But $15,000 more than he asked for this year.

Mr. DENISON. He is now asking for $950,000 as a minimum; and I think the committee ought to observe the governor's suggestion and grant the amount he says is absolutely necessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois to the amendment of the gentleman from Kansas.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I think there should be a correction in punctuation in line 23, page 130, and that the comma there after the word "prisoners" should be changed to a semicolon.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. STAFFORD. Mr. Chairman, I also ask unanimous consent that the total amount in line 1, page 131, may be increased by $40,000 and the totals corrected elsewhere wherever it is necessary.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

No part of the foregoing appropriations for the Panama Canal shall be used to pay the salary for any position at a rate in excess of the rate in effect for such position on June 30, 1921.

Mr. DENISON. Mr. Chairman, I make the point of order against the paragraph beginning in line 8 and ending in line 11.

Mr. STAFFORD. What is the gentleman's point of order?

The CHAIRMAN. The Chair is not advised as to what the gentleman makes the point of order against.

Mr. DENISON. Against the paragraph beginning in line 8, page 131.

Mr. ANTHONY. I think it is purely a limitation.

The CHAIRMAN. The Chair overrules the point of order.

Mr. DENISON. I would like to be heard.

The CHAIRMAN. Of course, if the gentleman would like to be heard——

Mr. DENISON. Unless, of course, the Chair has made up his mind.

The CHAIRMAN. The Chair thinks very clearly it is a limitation of appropriation. He has ruled that way a number of times, but if the gentleman has something to say, however, the Chair will hear him.

Mr. DENISON. I had something to say, but I do not want to talk just to hear myself talking. If the Chair has made up his mind, I do not want to be heard, but I think this paragraph in the bill is not in order. I think, while it is a limitation, it changes existing law, and I think it does not reduce expenditures as far as appears on the face of the bill.

The CHAIRMAN. The Chair has repeatedly during the progress of this bill ruled in order paragraphs very much like this on the ground that they were limitations. The Chair has no possible question whatever as to its being a limitation, pure and simple, and he overrules the point of order.

Mr. DENISON. Mr. Chairman, I offer the following amendment. I move to strike out of the bill the paragraph beginning in line 8 and running to line 11, page 131.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. DENISON: Page 131, strike out all of lines 8 to 11, inclusive.

Mr. DENISON. Now, I would like to ask the chairman of the committee how long he is going to keep the committee in session? I would like to have a fuller attendance of the committee here when we discuss this matter.

Mr. ANTHONY. Our intention was to finish the reading of the bill and have the bill reported back to the House, and, after the previous question is moved, to adjourn.

Mr. DENISON. I wish the chairman of the committee would let this matter go over until we have more Members here.

Mr. ANTHONY. I would not think that would be necessary. There are only two or three paragraphs, which have been carried for several years, remaining to be read.

Mr. DENISON. I think this paragraph is of considerable importance.

Mr. ANTHONY. I hardly think we would be justified in doing that.

Mr. DENISON. Mr. Chairman, I would like to discuss this.

Now, the existing law, the Panama Canal act, provides that the salary of the canal employees may be fixed by the President, not to exceed 25 per cent above the existing wages for similar employment in the Government service in the States. That is the fundamental law of the Canal Zone, and has been since 1912, and in the construction of that fundamental act the canal administration has been paying all employees on the Canal Zone since 1912 the same wages that are paid for similar work in this country plus 25 per cent.

Mr. COOPER of Ohio. The gentleman says all employees. Does not this refer to skilled mechanics?

Mr. DENISON. No; they have been paying all white employees the prevailing wages in this country plus 25 per cent.

Mr. COOPER of Ohio. You can not classify common laborers in the statement you have been making, can you? The gentleman means mechanics, bricklayers, carpenters, machinists, and so forth.

Mr. DENISON. No; the gentleman is mistaken. All white employees on the Canal Zone are paid 25 per cent above similar employment in the States.

Mr. COOPER of Ohio. How could you base common labor in the United States?

Mr. DENISON. I am not saying common labor; I say all white labor, and as a rule it is only white labor that is used in skilled employment. Now, gentlemen, this may not appear of much importance to you, but I know it is of great importance to the working forces of the Canal Zone. Most of our men down there have been there for a number of years. Conditions of living are not the same there as here. The Government has adopted and followed the policy of paying 25 per cent higher wages down there than is paid here in the States, and that policy is provided for by the Panama Canal act.

Now, here is a proviso put in the bill which changes that existing law. In other words, the rate of wages that has been paid since 1912 can no longer be paid, and we are changing existing law. I think that paragraph is out of order, in the first place, because it does change existing law and does not upon its face reduce expenditures.

Mr. GRAHAM of Illinois. You say the salaries of none of these people have been raised since 1921?

Mr. DENISON. It depends on whether the salaries in the United States have been increased. There have been some decreases. I doubt whether this bill decreases expenditures at all, because when wages are reduced in the United States they have to automatically reduce them on the Canal Zone.

Mr. ANTHONY. The increases have not been made in the salaries of mechanics and laborers, and this provides only for the salaries of about half a dozen on the Canal Zone.

Mr. DENISON. It applies to all down there.

Mr. ANTHONY. It says "salaries," not wages. Most of the employees are on a per diem basis, and the word "salary" would not affect them at all.

Mr. DENISON. I want to discuss this question of salaries which, I think, the gentleman has reference to.

Mr. ANTHONY. I can read, if the gentleman wants me, the salaries he has reference to.

Mr. DENISON. There are just 19 men you have reference to?

Mr. ANTHONY. Yes.

Mr. DENISON. Here is the situation: All during the war, when wages were mounting higher and higher in the States, they automatically increased in the Canal Zone, but the governor appealed to his official force there, the marine superintendent and others—I think there were 19 or 20 of them—to not ask any increase in their compensation on account of the increased cost of operating the canal, and the decrease in the canal revenues. As the world's shipping was destroyed the canal revenue kept decreasing each year. But the expenses of the canal kept increasing. Now, the governor appealed to these

men, 19 or 20 of them, to not ask for any increases but to go ahead and work on the same salaries, and every one of them did so. They never have asked for an increase and never have received any. The Government, of course, has been furnishing them living quarters, houses and all the other emoluments that have gone to all the other employees of the canal. Now, recently the administration has changed its policy down there, and they all are now required to pay rent, which I think is the proper thing. But the result of it is that these officials, who were faithful during the war and never asked for an increase and never received any, have had their wages reduced, whereas everybody else down there has had an increase.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BEGG. Is not it a fact that practically everybody has had his wages reduced within the past two years?

Mr. DENISON. I think that is the case, as a rule.

Mr. BEGG. And these men are no exception to anybody else, either in the service or out of the service.

Mr. DENISON. I think they are, because they did not get an increase during the war. The only others that I know of that did not get an increase are the Members of Congress.

Mr. COOPER of Ohio. I can not understand why the gentleman from Illinois includes skilled mechanics in this group he is talking about, because they are paid on an hourly basis—so much an hour.

Mr. DENISON. In what group?

Mr. COOPER of Ohio. In this group where he says the salaries will be reduced.

Mr. MADDEN. There is nobody reduced, except 16.

Mr. DENISON. The gentleman is mistaken. The governor has sent a communication which says that he has reduced the force down there, and he has added duties to some of the other employees, and by reason of their added duties and responsibilities he has increased their salaries. Now, this limitation will take away this increase which has been given to them by reason of their increased duties.

Mr. MADDEN. That is exactly what we intend to do, take it away from them. He had no authority to give it to them in the beginning.

Mr. DENISON. I think he has. He has been cutting down the force of employees and reducing the number of men working down there—I think from 18,000 to about 11,000. Now, as the result of that reduction in force he has put extra duties upon some of those that are remaining, and he has, by reason of combining these jobs, if I may use that term, added additional duties to those who are there, and he ought to give them a little increase. But this will prevent him from doing so. I think this limitation ought to be stricken from the bill, and I hope you will do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISH rose.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. FISH. I rise to ask unanimous consent to return to page 91 to enable me to offer a single amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 91 for the purpose of offering an amendment. Is there objection?

Mr. SISSON. Mr. Chairman, I reserve the right to object.

Mr. WALSH. I reserve the right to object.

Mr. ANTHONY. Reserving the right to object, has an objection been made?

The CHAIRMAN. The gentleman from Mississippi reserved the right to object.

Mr. MONDELL rose.

The CHAIRMAN. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. To strike out the last word.

Mr. FISH. Has any objection been made to my request?

Mr. SISSON. Several objections have been made, but in order to test the question I will withdraw my objection and see if anybody else objects.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. FISH]?

Mr. GRAHAM of Illinois. Let us know what the gentleman's amendment is.

Mr. FISH. It is an amendment to increase the salary of the organist from $1,500 to $2,000 at the Military Academy at West Point. You started on the consideration of the bill at about page 90 on Saturday, when I did not happen to be here. I ask unanimous consent to offer the amendment. I do not think the chairman of the subcommittee has any objection.

Mr. ANTHONY. Reserving the right to object, I would like to say that the gentleman from New York is interested in the Military Academy at West Point, inasmuch as he lives near there. He was not here when we passed that particular item on Saturday. I told him I would not object if he asked to return to page 90 for the purpose of offering a single amendment without extended debate.

Mr. WALSH. I understand that an amendment is pending which ought to be disposed of first. I do not object to the gentleman's request to return to page 91 later on.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GARNER. Mr. Chairman, there is not a quorum present. I understood they were going to try to get through the bill this afternoon and move the previous question. Now, it seems it is proposed to return to a part of the bill that has been passed. If you are going to return to page 91 and offer an amendment, it may have to be debated, and somebody else may offer another amendment, and I will call for a quorum, because I am not going to agree to it.

The CHAIRMAN (Mr. TILSON). The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. DENISON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from New York [Mr. FISH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 91, line 13, strike out "$1,500" and insert in lieu thereof "$2,000."

Mr. MADDEN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. MADDEN. The point of order is that that is a change of law, not authorized by law. This committee has religiously refrained from increasing any salaries beyond the amount fixed by law. I do not want any gentleman here to offer an amendment in violation of that law now.

The CHAIRMAN. Is the gentleman from New York able to cite to the Chair a law that will sustain his amendment?

Mr. FISH. I am not aware that there is any law against increasing the salary of this official.

Mr. SISSON. There is, though.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. A question of order is pending against the amendment offered by the gentleman from New York [Mr. FISH]. In the absence of any law sustaining the gentleman's contention, the Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. I do so, Mr. Chairman, simply to remark that in the consideration of these Panama Canal items our minds are directed to the four corners of the Republic. Several days ago we heard from the storm-swept and rock-bound coast of Maine, and we found that the flag still flew there, and that the Republican majority was quite up to the standard. [Applause.] To-day, from the far-off Pacific, from Hawaii, comes the news that a Republican Delegate has been elected by the accustomed Republican majority. [Applause.]

Mr. BLANTON. Mr. Chairman, I make the point of order that we should have a quorum present.

The CHAIRMAN. What is the gentleman's point of order?

Mr. BLANTON. I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. BLANTON. I will withdraw it if you are going to finish the bill to-night, but there is a lot of hot air being indulged in here.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1923, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SISSON: Page 133, after line 8, add the following paragraph:

"In measuring vessels and determining the tolls to be paid thereon at the Panama Canal the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist or as they may be changed from time to time, and the tonnage arrived at by those rules shall be the tonnage to which shall be applied the rate fixed by the President for the purpose of determining the tolls to be collected, and shall be the tonnage to which shall be applied the maximum and minimum rates now fixed by law or hereafter to be fixed for the purpose of determining the maximum and minimum tolls which may be charged.

"All laws and parts of laws, rules, and regulations in conflict with this act be, and the same are hereby, repealed."

Mr. WALSH. Is this the provision which passed the House last year?

Mr. SISSON. Yes. My friend perhaps is familiar with the reason for this amendment. The amount that the Government lost last year by virtue of the present rules for the measurement of the tonnage of ships going through the canal was something over $2,000,000 in tolls. At this late hour I do not expect to go into any lengthly discussion, because the matter has been here before. This is urged very strongly by the authorities in control of the Panama Canal. It meets with the approval of the subcommittee, and I think of everyone who has investigated this matter. This amendment is in the exact language of the amendment which the authorities have heretofore asked. My impression is that this went through the House at one time and went out in the Senate. The present Governor of the Canal Zone is a man of ability, I think, and capable of making a success of that institution down there if we will give him leeway, and he is very anxious that this amendment shall go on. I agree with him very heartily. I am sure the gentleman from Massachusetts will understand the proposition as well as any member of the subcommittee, because it has been before the House on a previous occasion.

Mr. MADDEN. It will bring about $2,000,000 a year revenue into the Treasury, will it not?

Mr. SISSON. A little over $2,000,000; yes.

Mr. DENISON. Mr. Chairman, this proposition came up as a separate bill in the last Congress. It was considered by the Committee on Interstate and Foreign Commerce, reported to the House, and after a full debate was passed by an overwhelming vote of the House. It went to the Senate and was referred to the Committee on Interoceanic Canals, and there it was put to sleep. Although I wrote several communications to the chairman of that committee and urged upon them the importance of this legislation and asked them to have a meeting and consider it and let the Senate consider it, there was never a meeting even called to consider it at the other end of the Capitol. This legislation is important by reason of the fact that the language used in the Panama Canal act, providing for the method of measuring vessels for the purpose of collecting tolls, was very unfortunate, so that when it was finally interpreted by the Attorney General's department it was held that the United States rules of measurement should apply instead of the Panama Canal rules, which Congress evidently intended should apply. The result is that under the present rules of measurement no cargo on the open deck of the ship is included in the measurement for tolls purposes. No space is counted except that which is inclosed. That is the United States rule.

In other words, under the United States rules of measurement only those parts of vessels are measured that are inclosed, while under the Panama Canal rules of measurement all parts of the vessel that are used for carrying cargo are measured. The Panama Canal act has been construed to require the United States rules of measurement. The result is that we collect no tolls at all for all that freight that can be and is carried on the open decks of vessels going through the canal. Lumber and cattle and other similar freight is loaded on the open decks and go through the canal free.

Clearly this ought not to be permitted, and this is especially so since the statistics show that over 80 per cent of the tolls we are losing by reason of the rules of measurement goes to foreign shippers while only about 20 per cent of it is saved to American shippers. We are losing about $2,000,000 in tolls each year, 80 per cent of which goes to foreign shippers. For this reason the amendment of the gentleman from Mississippi ought to be adopted.

Mr. WALSH. I will say to the gentleman from Illinois that I recall the consideration of that measure, and I recall the explanation made in the last Congress. What I want to be sure of is that this is the identical act that previously passed the House. We have not had an opportunity to examine it, at least I did not know it was to be offered, and while it may be desirable to bring about what the House passed as a separate act on a previous occasion I think it is rather unwise to put a provision like this on an appropriation bill, when it is clearly legislation, unless the gentleman is sure that it is the same language which previously passed the House.

Mr. SISSON. It is the same language, but, of course, we passed it in the form of a bill.

Mr. CURRY. Mr. Chairman, I make the point of order against the proposed amendment that it is legislation on an appropriation bill.

Mr. SISSON. I think the amendment I offer is clearly subject to a point of order under the previous rulings of the Chair, but I think, however, it is a point of order that ought not to be made, because by making it the Treasury loses or did lose last year a little more than $2,000,000 on the tonnage that passed through the canal.

Mr. CURRY. I make the point of order because it entails further tolls on the coastwise trade, and we ought not to collect any tolls at all on coastwise ships through the Panama Canal. It is an additional toll on the lumber that goes through the canal from the west to the east coast.

The CHAIRMAN. The amendment is clearly legislation on an appropriation bill, and therefore the Chair sustains the point of order.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

PROHIBITING THE IMPORTATION AND USE OF NARCOTIC DRUGS.

Mr. HADLEY. Mr. Speaker, I present a privileged report (No. 852) from the Committee on Ways and Means on H. R. 2193, amending the narcotic drug act.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 2193) amending section 6 of the act approved January 17, 1914, entitled "An act to amend an act entitled 'An act prohibiting the importation and use of opium for other than medicinal purposes,' approved February 9, 1909."

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union.

Mr. GARNER reserved all points of order.

Mr. BURTON. Mr. Speaker, I desire unanimous consent to extend my remarks in the RECORD which I made this afternoon.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks made by me recently at a dinner given at the Hotel Ambassador, in New York, on the occasion of the fiftieth birthday of my friend, Charles W. Hoyt, head of the advertising firm of Hoyt's Service (Inc.). My subject was "Pending Tariff Legislation."

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9606. An act to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until Tuesday, March 28, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 10244. A bill repealing the law relating to the termination of leases for post-office premises; without amendment (Rept. No. 839). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 10941. A bill authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies; without amendment (Rept. No. 840). Referred to the House Calendar.

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 10740. A bill providing for a "Don't Miss 300th Anniversary Celebration, Gloucester, Mass., August, 1923," cancellation stamp to be used by the Gloucester, Mass., post office; with amendments (Rept. No. 841). Referred to the House Calendar.

Mr. HICKS: Committee on Naval Affairs. H. R. 10909. A bill to authorize the President to cancel or modify certain contracts for battleships and battle cruisers, and for other purposes; with an amendment (Rept. No. 849). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. R. 10925. A bill to authorize the Secretary of War to sell real property known as the Pittsburgh storage supply depot, at Pittsburgh, Pa.; without amendment (Rept. No. 851). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 8656. A bill for the relief of Horace G. Knowles; with amendments (Rept. No. 842). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 513. A bill for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long; without amendment (Rept. No. 843). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9160. A bill to reimburse John Anderson, former postmaster at Sanborn, Knox County, Ind., for stamps and funds stolen from the post office; with amendments (Rept. No. 844). Referred to the Committee of the Whole House.

Mr. ROSE: Committee on Claims. H. R. 7010. A bill for the relief of Southern Transportation Co.; with an amendment (Rept. No. 845). Referred to the Committee of the Whole House.

Mr. ROSE: Committee on Claims. S. 494. An act for the relief of Benjamine O. Kerlee; with amendments (Rept. No. 846). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 9887. A bill for the relief of the Pennsylvania Railroad Co.; without amendment (Rept. No. 847). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 1784. An act for the relief of John B. Elliott; without amendment (Rept. No. 848). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 2599. An act for the relief of the receiver of the Gulf, Florida & Alabama Railway Co.; without amendment (Rept. No. 850). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUSTED: A bill (H. R. 11065) making appropriations for the Departments of State and Justice for the fiscal year ending June 30, 1923, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BUTLER: A bill (H. R. 11066) to provide for the creation, organization, administration, and maintenance of a naval reserve and a Marine Corps reserve; to the Committee on Naval Affairs.

By Mr. ANSORGE: A bill (H. R. 11067) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. WHITE of Maine: A bill (H. R. 11068) providing for the conveyance to the town of Edgecomb, in the State of Maine, of the Fort Edgecomb Military Reservation for public use; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 11069) for the purchase of a post-office site at Wauseon, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11070) for the purchase of a post-office site at Bryan, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11071) for the erection of a Federal building at Napoleon, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. CHINDBLOM: A bill (H. R. 11072) to secure to the surviving husband or wife of a deceased Indian the same property rights as are given to other persons in like station within the domicile of such deceased Indian and to grant to the surviving husband or wife of a deceased Indian similar rights where such rights are not provided by the laws of the domicile of such deceased Indian, and for other purposes; to the Committee on Indian Affairs.

By Mr. RYAN: A bill (H. R. 11073) to provide that all social, fraternal, and benevolent organizations and societies file a list showing the names and addresses of the members of the particular organizations or societies with the Postmaster General of the United States and the local postmaster; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: A bill (H. R. 11074) to authorize Federal farm loans on lands under United States reclamation projects; to the Committee on Banking and Currency.

By Mr. DEAL: Joint resolution (H. J. Res. 295) for the relief of citizens of Cradock, Va.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIOTT: A bill (H. R. 11075) granting a pension to Mary E. Ward; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 11076) granting a pension to Mary Becker; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 11077) granting an increase of pension to Jane E. Kernan; to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 11078) for the relief of the Mary Ann Shipping Co.; to the Committee on Claims.

By Mr. ROBSION: A bill (H. R. 11079) for the relief of Preston Stanfield, alias P. B. Stanfill; to the Committee on Military Affairs.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11080) granting a pension to Sarah J. Gray; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 11081) granting an increase of pension to Peter Loftus; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 11082) granting a pension to Malinda Davis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4845. By the SPEAKER (by request): Petition of the American Fruit & Vegetable Shippers' Association, Chicago, Ill., relative to tariff revision; to the Committee on Ways and Means.

4846. Also (by request), resolutions adopted by the New England Conference of the Methodist Episcopal Church, representing 55,549 members, urging the passage of House Joint Resolution 159, to prohibit sectarian appropriations; to the Committee on the Judiciary.

4847. Also (by request), resolutions adopted by the central Pennsylvania conference of the Methodist Episcopal Church, and of the Laymen's Association of the same conference, jointly representing 98,000 members, urging the passage of House Joint Resolution 159, to prohibit sectarian appropriations; to the Committee on the Judiciary.

4848. By Mr. CONNOLLY of Pennsylvania: Resolution of the Philadelphia Chamber of Commerce, urging that the navy yard at Philadelphia be continued in use as a repair and supply station and as a reserve basin for vessels allowed under the terms of the treaty limiting our naval strength; to the Committee on Naval Affairs.

4849. By Mr. COOPER of Wisconsin: Petition of citizens of Whitewater, in the State of Wisconsin, against the passage of House bill 9753; to the Committee on the Judiciary.

4850. Also, petition of citizens of Janesville, Wis., praying for an amendment to the postal employees' pension law; to the Committee on the Judiciary.

4851. By Mr. CULLEN: Petition of the Flatbush Chamber of Commerce, Brooklyn, requesting that construction and repair work be continued there; to the Committee on Naval Affairs.

4852. By Mr. GALLIVAN: Petition of Chandler Motors of New England, Boston, Mass., urging passage of House bill 9722; to the Committee on the Post Office and Post Roads.

4853. Also, petition of F. S. Lawrence, Boston, Mass., recommending the passage of H. R. 2894; to the Committee on Interstate and Foreign Commerce.

4854. By Mr. GORMAN: Petition of citizens of Chicago and suburbs, of the State of Illinois, protesting against the passage of H. R. 9753; to the Committee on the District of Columbia.

4855. By Mr. HAWES: Petition of the Hellenic Community St. Nicholas, Hellenic Brotherhood of Keathera, Hellenic Progressive Society, Hellenic Ladies' Society Helping, Hellenic Brotherhood of Zante, Hellenic Society of Eapiros, of St. Louis, Mo., urging amendments to the immigration law; to the Committee on Naturalization and Immigration.

4856. By Mr. KISSEL: Petition of the Eastern Federation of Feed Merchants, Bullville, N. Y., relative to abuses of power by all county agents; to the Committee on Agriculture.

4857. Also, petition of the Commercial Casualty Insurance Co., Newark, N. J., relative to certain legislation; to the Committee on Military Affairs.

4858. By Mr. RAKER: Petition of J. B. Tanner, of Tanner, Gilman & Ellis, certified public accountants, of Chicago, Ill., indorsing Senate bill 2531, for the protection of the degree of certified public accountant in the District of Columbia; to the Committee on the District of Columbia.

4859. Also, petition of William Williston, president Veterans' Affiliated Council, and others, of Sacramento, Calif., urging the enactment of the adjusted compensation bill at this session of Congress; to the Committee on Ways and Means.

4860. By Mr. RAMSEYER: Petition of the Farmers' Local Union of Agency, Iowa, urging investigation of the Federal Reserve Board; to the Committee on Banking and Currency.

4861. By Mr. STRONG of Pennsylvania: Petition of citizens of Indian County, Pa., urging passage of H. R. 8086; to the Committee on Agriculture.

4862. By Mr. TOWNER: Petition of Luke Stacy and 39 other citizens of New Virginia, Iowa, protesting against the passage of H. R. 9753; to the Committee on the District of Columbia.

4863. Also, petition of Maxwell Green and 261 other citizens of Brooklyn, N. Y., and the city of New York, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

TUESDAY, *March 28, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

NAVAL ARMAMENT TREATY.

Mr. LODGE. I ask that the pending treaty be proceeded with.

The Senate, as in Committee of the Whole and in open executive session, proceeded to consider the treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament.

The PRESIDENT pro tempore. The Secretary will read the treaty.

The reading clerk proceeded to read the treaty.

Mr. LODGE. Mr. President, this is a very important treaty. I think we ought to have a quorum of the Senate present while the treaty is being read. I make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Caraway	Ernst	Hale
Ball	Colt	Fernald	Harris
Borah	Culberson	France	Harrison
Bursum	Cummins	Gerry	Johnson
Cameron	Dial	Glass	Jones, Wash.
Capper	Edge	Gooding	Kellogg
King	Oddie	Sheppard	Wadsworth
La Follette	Overman	Simmons	Walsh, Mass.
Lenroot	Owen	Spencer	Walsh, Mont.
Lodge	Page	Stanfield	Warren
McCormick	Pepper	Sterling	Watson, Ga.
McNary	Phipps	Sutherland	Williams
Moses	Pittman	Swanson	Willis
Myers	Poindexter	Townsend	
Nelson	Pomerene	Trammell	
New	Rawson	Underwood	

Mr. SUTHERLAND. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. MCLEAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on business of the Senate. I ask that this announcement may stand for the day.

Mr. JONES of Washington. I was requested to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from Illinois [Mr. MCKINLEY], the Senator from Oklahoma [Mr. HARRELD], the Senator from North Dakota [Mr. LADD], the Senator from Colorado [Mr. NICHOLSON], the Senator from South Dakota [Mr. NORBECK], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. RANSDELL], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Wyoming [Mr. KENDRICK] are absent on business of the Senate.

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present. The Secretary will proceed with the reading of the treaty.

The reading of the treaty was resumed, and during the reading,

Mr. LODGE. Unless there is objection, I ask that there may be dispensed with the reading of section 2, comprising tables showing the figures as to the age and the tonnage of the ships from year to year, as provided for in the treaty. They are very complicated tables, but, of course, if any Senator desires to have them read they will be read.

Mr. KING. Mr. President, they are really quite illuminating and instructive. I do not want to insist upon the reading if the Senator will explain them.

Mr. LODGE. Let them be read, then.

Mr. MCCORMICK. I suggest that no Senator can understand them from the reading, but any Senator may understand them from following the printed page.

Mr. LODGE. Never mind; let the tables be read.

The reading of the treaty was resumed and concluded, and it is as follows:

EXECUTIVE I.—LIMITATION OF NAVAL ARMAMENT.

TREATY BETWEEN THE UNITED STATES, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN, AGREEING TO A LIMITATION OF NAVAL ARMAMENT.

The United States of America, the British Empire, France, Italy, and Japan;

Desiring to contribute to the maintenance of the general peace and to reduce the burdens of competition in armament;

Have resolved, with a view to accomplishing these purposes, to conclude a treaty to limit their respective naval armament, and to that end have appointed as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Henry Cabot Lodge, Oscar W. Underwood, Elihu Root, citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Hon. Arthur James Balfour, O. M., M. P., Lord President of His Privy Council; the Right Hon. Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty; the Right Hon. Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

And for the Dominion of Canada: The Right Hon. Sir Robert Laird Borden, G. C. M. G., K. C.;

For the Commonwealth of Australia: Senator the Right Hon. George Foster Pearce, Minister for Home and Territories;

For the Dominion of New Zealand: The Hon. Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

For the Union of South Africa: The Right Hon. Arthur James Balfour, O. M., M. P.;

For India: The Right Hon. Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic: Mr. Albert Sarraut, Deputy, Minister of the Colonies; Mr. Jules J. Jusserand, Am-

bassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honor;

His Majesty the King of Italy: The Hon. Carlo Schanzer, Senator of the Kingdom; the Hon. Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentary at Washington; the Hon. Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan: Baron Tomosaburo Kato, Minister for the Navy Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower; Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun; Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

CHAPTER I.

General provisions relating to the limitation of naval armament.

ARTICLE I.

The contracting powers agree to limit their respective naval armament as provided in the present treaty.

ARTICLE II.

The contracting powers may retain, respectively, the capital ships which are specified in Chapter II, part 1. On the coming into force of the present treaty, but subject to the following provisions of this article, all other capital ships, built or building, of the United States, the British Empire, and Japan shall be disposed of as prescribed in Chapter II, part 2.

In addition to the capital ships specified in Chapter II, part 1, the United States may complete and retain two ships of the *West Virginia* class now under construction. On the completion of these two ships the *North Dakota* and *Delaware* shall be disposed of as prescribed in Chapter II, part 2.

The British Empire may, in accordance with the replacement table in Chapter II, part 3, construct two new capital ships not exceeding 35,000 tons (35,560 metric tons) standard displacement each. On the completion of the said two ships the *Thunderer, King George V, Ajax,* and *Centurion* shall be disposed of as prescribed in Chapter II, part 2.

ARTICLE III.

Subject to the provisions of Article II, the contracting powers shall abandon their respective capital ship building programs, and no new capital ships shall be constructed or acquired by any of the contracting powers except replacement tonnage which may be constructed or acquired as specified in Chapter II, part 3.

Ships which are replaced in accordance with Chapter II, part 3, shall be disposed of as prescribed in part 2 of that chapter.

ARTICLE IV.

The total capital ship replacement tonnage of each of the contracting powers shall not exceed in standard displacement, for the United States, 525,000 tons (533,400 metric tons); for the British Empire, 525,000 tons (533,400 metric tons); for France, 175,000 tons (177,800 metric tons); for Italy, 175,000 tons (177,800 metric tons); for Japan, 315,000 tons (320,040 metric tons).

ARTICLE V.

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers.

ARTICLE VI.

No capital ship of any of the contracting powers shall carry a gun with a caliber in excess of 16 inches (406 millimeters).

ARTICLE VII.

The total tonnage for aircraft carriers of each of the contracting powers shall not exceed in standard displacement, for the United States 135,000 tons (137,160 metric tons); for the British Empire 135,000 tons (137,160 metric tons); for France 60,000 tons (60,960 metric tons); for Italy 60,000 tons (60,960 metric tons); for Japan 81,000 tons (82,296 metric tons).

ARTICLE VIII.

The replacement of aircraft carriers shall be effected only as prescribed in Chapter II, part 3, provided, however, that all aircraft carrier tonnage in existence or building on November 12, 1921, shall be considered experimental, and may be replaced, within the total tonnage limit prescribed in Article VII, without regard to its age.

ARTICLE IX.

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers.

However, any of the contracting powers may, provided that its total tonnage allowance of aircraft carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standard displacement, and in order to effect economy any of the contracting powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the provisions of Article II. The armament of any aircraft carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of Article X, except that the total number of guns to be carried in case any of such guns be of a caliber exceeding 6 inches (152 millimeters), except antiaircraft guns and guns not exceeding 5 inches (127 millimeters), shall not exceed eight.

ARTICLE X.

No aircraft carrier of any of the contracting powers shall carry a gun with a caliber in excess of 8 inches (203 millimeters). Without prejudice to the provisions of Article IX, if the armament carried includes guns exceeding 6 inches (152 millimeters) in caliber the total number of guns carried, except antiaircraft guns and guns not exceeding 5 inches (127 millimeters), shall not exceed 10. If alternatively the armament contains no guns exceeding 6 inches (152 millimeters) in caliber, the number of guns is not limited. In either case the number of antiaircraft guns and of guns not exceeding 5 inches (127 millimeters) is not limited.

ARTICLE XI.

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers. Vessels not specifically built as fighting ships nor taken in time of peace under government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this article.

ARTICLE XII.

No vessel of war of any of the contracting powers hereafter laid down, other than a capital ship, shall carry a gun with a caliber in excess of 8 inches (203 millimeters).

ARTICLE XIII.

Except as provided in Article IX, no ship designated in the present treaty to be scrapped may be reconverted into a vessel of war.

ARTICLE XIV.

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6-inch (152 millimeters) caliber.

ARTICLE XV.

No vessel of war constructed within the jurisdiction of any of the contracting powers for a noncontracting power shall exceed the limitations as to displacement and armament prescribed by the present treaty for vessels of a similar type which may be constructed by or for any of the contracting powers: *Provided, however,* That the displacement for aircraft carriers constructed for a noncontracting power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

ARTICLE XVI.

If the construction of any vessel of war for a noncontracting power is undertaken within the jurisdiction of any of the contracting powers, such power shall promptly inform the other contracting powers of the date of the signing of the contract and the date on which the keel of the ship is laid; and shall also communicate to them the particulars relating to the ship prescribed in Chapter II, part 3, section 1 (b), (4) and (5).

ARTICLE XVII.

In the event of a contracting power being engaged in war, such power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other power, or which may have been constructed within its jurisdiction for another power and not delivered.

ARTICLE XVIII.

Each of the contracting powers undertakes not to dispose by gift, sale, or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign power.

ARTICLE XIX.

The United States, the British Empire, and Japan agree that the status quo at the time of the signing of the present treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder:

(1) The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands.

(2) Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its territories, and (c) New Zealand.

(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit, the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa, and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.

The maintenance of the status quo under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defenses of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace.

ARTICLE XX.

The rules for determining tonnage displacement prescribed in Chapter II, part 4, shall apply to the ships of each of the contracting powers.

CHAPTER II.

Rules relating to the execution of the treaty—Definition of terms.

PART 1.

CAPITAL SHIPS WHICH MAY BE RETAINED BY THE CONTRACTING POWERS.

In accordance with Article II ships may be retained by each of the contracting powers as specified in this part.

Ships which may be retained by the United States.

Name:	Tonnage.
Maryland	32,600
California	32,300
Tennessee	32,300
Idaho	32,000
New Mexico	32,000
Mississippi	32,000
Arizona	31,400
Pennsylvania	31,400
Oklahoma	27,500
Nevada	27,500
New York	27,000
Texas	27,000
Arkansas	26,000
Wyoming	26,000
Florida	21,825
Utah	21,825
North Dakota	20,000
Delaware	20,000
Total tonnage	500,650

On the completion of the two ships of the *West Virginia* class and the scrapping of the *North Dakota* and *Delaware*, as provided in Article II, the total tonnage to be retained by the United States will be 525,850 tons.

Ships which may be retained by the British Empire.

Name:	Tonnage.
Royal Sovereign	25,750
Royal Oak	25,750
Revenge	25,750
Resolution	25,750
Ramillies	25,750
Malaya	27,500
Valiant	27,500
Barham	27,500
Queen Elizabeth	27,500
Warspite	27,500
Benbow	25,000
Emperor of India	25,000
Iron Duke	25,000
Marlborough	25,000
Hood	41,200
Renown	26,500
Repulse	26,500
Tiger	28,500
Thunderer	22,500
King George V	23,000
Ajax	23,000
Centurion	23,000
Total tonnage	580,450

On the completion of the two new ships to be constructed and the scrapping of the *Thunderer*, *King George V*, *Ajax*, and *Centurion*, as provided in Article II, the total tonnage to be retained by the British Empire will be 558,950 tons.

Ships which may be retained by France.

Name:	Tonnage (metric tons).
Bretagne	23,500
Lorraine	23,500
Provence	23,500
Paris	23,500
France	23,500
Jean Bart	23,500
Courbet	23,500
Condorcet	18,890
Diderot	18,890
Voltaire	18,890
Total tonnage	221,170

France may lay down new tonnage in the years 1927, 1929, and 1931, as provided in part 3, section 2.

Ships which may be retained by Italy.

Name:	Tonnage (metric tons).
Andrea Doria	22,700
Caio Duilio	22,700
Conte Di Cavour	22,500
Giulio Cesare	22,500
Leonardo Da Vinci	22,500
Dante Alighieri	19,500
Roma	12,600
Napoli	12,600
Vittorio Emanuele	12,600
Regina Elena	12,600
Total tonnage	182,800

Italy may lay down new tonnage in the years 1927, 1929, and 1931, as provided in part 3, section 2.

Ships which may be retained by Japan.

Name:	Tonnage.
Mutsu	33,800
Nagato	33,800
Hiuga	31,260
Ise	31,260
Yamashiro	30,600
Fu-So	30,600
Kirishima	27,500
Haruna	27,500
Hiyei	27,500
Kongo	27,500
Total tonnage	301,320

PART 2.

RULES FOR SCRAPPING VESSELS OF WAR.

The following rules shall be observed for the scrapping of vessels of war which are to be disposed of in accordance with Articles II and III:

I. A vessel to be scrapped must be placed in such condition that it can not be put to combatant use.

II. This result must be finally effected in any one of the following ways:

(a) Permanent sinking of the vessel.

(b) Breaking the vessel up. This shall always involve the destruction or removal of all machinery, boilers, and armor, and all deck, side, and bottom plating.

(c) Converting the vessel to target use exclusively. In such case all the provisions of paragraph 3 of this part, except subparagraph (6), in so far as may be necessary to enable the ship to be used as a mobile target, and except subparagraph (7), must be previously complied with. Not more than one capital ship may be retained for this purpose at one time by any of the contracting powers.

(d) Of the capital ships which would otherwise be scrapped under the present treaty in or after the year 1931, France and Italy may each retain two seagoing vessels for training purposes exclusively—that is, as gunnery or torpedo schools. The two vessels retained by France shall be of the *Jean Bart* class, and of those retained by Italy one shall be the *Dante Alighieri*, the other of the *Giulio Cesare* class. On retaining these ships for the purpose above stated, France and Italy, respectively, undertake to remove and destroy their conning towers, and not to use the said ships as vessels of war.

III. (a) Subject to the special exceptions contained in Article IX, when a vessel is due for scrapping, the first stage of scrapping, which consists in rendering a ship incapable of further warlike service, shall be immediately undertaken.

(b) A vessel shall be considered incapable of further warlike service when there shall have been removed and landed, or else destroyed in the ship—

(1) All guns and essential portions of guns, fire-control tops, and revolving parts of all barbettes and turrets;

(2) All machinery for working hydraulic or electric mountings;

(3) All fire-control instruments and range finders;

(4) All ammunition, explosives, and mines;

(5) All torpedoes, war heads, and torpedo tubes;

(6) All wireless telegraphy installations;

(7) The conning tower and all side armor, or alternately all main propelling machinery; and

(8) All landing and flying-off platforms, and all other aviation accessories.

IV. The periods in which scrapping of vessels is to be effected are as follows:

(a) In the case of vessels to be scrapped under the first paragraph of Article II, the work of rendering the vessels incapable of further warlike service, in accordance with paragraph 3 of this part, shall be completed within six months from the coming into force of the present treaty, and the scrapping shall be finally effected within 18 months from such coming into force.

(b) In the case of vessels to be scrapped under the second and third paragraphs of Article II, or under Article III, the work of rendering the vessel incapable of further warlike service in accordance with paragraph 3 of this part shall be commenced not later than the date of completion of its successor, and shall be finished within six months from the date of such completion. The vessel shall be finally scrapped, in accordance with paragraph 2 of this part, within 18 months from the date of completion of its successor. If, however, the completion of the new vessel be delayed, then the work of rendering the old vessel incapable of further warlike service in accordance with paragraph 3 of this part shall be commenced within four years from the laying of the keel of the new vessel, and shall be finished within six months from the date on which such work was commenced, and the old vessel shall be finally scrapped in accordance with paragraph 2 of this part within 18 months from the date when the work of rendering it incapable of further warlike service was commenced.

PART 3.

REPLACEMENT.

The replacement of capital ships and aircraft carriers shall take place according to the rules in section 1 and the tables in section 2 of this part.

SECTION I.

RULES FOR REPLACEMENT.

(a) Capital ships and aircraft carriers 20 years after the date of their completion may, except as otherwise provided in Article VIII and in the table in section 2 of this part, be replaced by new construction, but within the limits prescribed in Article IV and Article VII. The keels of such new construction may, except as otherwise provided in Article VIII and in the tables in section 2 of this part, be laid down not earlier than 17 years from the date of completion of the tonnage to be replaced, provided, however, that no capital ship tonnage, with the exception of the ships referred to in the third paragraph of Article II, and the replacement tonnage specifically mentioned in section 2 of this part, shall be laid down until 10 years from November 12, 1921.

(b) Each of the contracting powers shall communicate promptly to each of the other contracting powers the following information:

(1) The names of the capital ships and aircraft carriers to be replaced by new construction.

(2) The date of governmental authorization of replacement tonnage.

(3) The date of laying the keels of replacement tonnage.

(4) The standard displacement in tons and metric tons of each new ship to be laid down, and the principal dimensions, namely, length at water line, extreme beam at or below water line, mean draft at standard displacement.

(5) The date of completion of each new ship and its standard displacement in tons and metric tons, and the principal dimensions, namely, length at water line, extreme beam at or below water line, mean draft at standard displacement, at time of completion.

(c) In case of loss or accidental destruction of capital ships or aircraft carriers, they may immediately be replaced by new construction subject to the tonnage limits prescribed in Articles IV and VII and in conformity with the other provisions of the present treaty, the regular replacement program being deemed to be advanced to that extent.

(d) No retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules: The contracting powers may, for that purpose, equip existing tonnage with bulge or blister or antiair attack deck protection, providing the increase of displacement thus effected does not exceed 3,000 tons (3,048 metric tons) displacement for each ship. No alterations in side armor, in caliber, number or general type of mounting of main armament shall be permitted except:

(1) In the case of France and Italy, which countries within the limits allowed for bulge may increase their armor protection and the caliber of the guns now carried on their existing capital ships so as not to exceed 16 inches (406 millimeters) and

(2) The British Empire shall be permitted to complete, in the case of the *Renown*, the alterations to armor that have already been commenced but temporarily suspended.

SECTION II.

Replacement and scrapping of capital ships.

UNITED STATES.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
			Maine (20), Missouri (20), Virginia (17), Nebraska (17), Georgia (17), New Jersey (17), Rhode Island (17), Connecticut (17), Louisiana (17), Vermont (16), Kansas (16), Minnesota (16), New Hampshire (15), South Carolina (13), Michigan (13), Washington (0), South Dakota (0), Indiana (0), Montana (0), North Carolina (0), Iowa (0), Massachusetts (0), Lexington (0), Constitution (0), Constellation (0), Saratoga (0), Ranger (0), United States (0).*	17	1
1922		A, B.#	Delaware (12) North Dakota (12)	15	3
1923				15	3
1924				15	3
1925				15	3
1926				15	3
1927				15	3
1928				15	3
1929				15	3
1930				15	3
1931	C, D			15	3
1932	E, F			15	3
1933	G			15	3
1934	H, I	C, D	Florida (23), Utah (23), Wyoming (22).	12	5
1935	J	E, F	Arkansas (23), Texas (21), New York (21).	9	7
1936	K, L	G	Nevada (20), Oklahoma (20)	7	8
1937	M	H, I	Arizona (21), Pennsylvania (21)	5	10
1938	N, O	J	Mississippi (21)	4	11
1939	P, Q	K, L	New Mexico (21), Idaho (20)	2	13
1940		M	Tennessee (20)	1	14
1941		N, O	California (20), Maryland (20)	0	15
1942		P, Q	2 ships West Virginia class	0	15

* The United States may retain the *Oregon* and *Illinois* for noncombatant purposes, after complying with the provisions of Part 2, III, (b).

Two West Virginia class.

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement, laid down and completed in the years specified.

BRITISH EMPIRE.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
			Commonwealth (16), Agamemnon (13), Dreadnought (15), Bellerophon (12), St. Vincent (11), Inflexible (13), Superb (12), Neptune (10), Hercules (10), Indomitable (13), Temeraire (12), New Zealand (9), Lion (9), Princess Royal (9), Conquerer (9), Monarch (9), Orion (9), Australia (8), Agincourt (7), Erin (7), 4 building or projected.*	21	1
1922	A, B #			21	1
1923				21	1
1924				21	1
1925		A, B	King George V (13), Ajax (12), Centurion (12), Thunderer (13).	17	3

* The British Empire may retain the *Colossus* and *Collingwood* for noncombatant purposes, after complying with the provisions of Part 2, III (b).

Two 35,000-ton ships, standard displacement.

Replacement and scrapping of capital ships—Continued.

BRITISH EMPIRE—continued.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
1926				17	3
1927				17	3
1928				17	3
1929				17	3
1930				17	3
1931	C, D			17	3
1932	E, F			17	3
1933	G			17	3
1934	H, I	C, D	Iron Duke (20), Marlborough (20), Emperor of India (20), Benbow (20).	13	5
1935	J	E, F	Tiger (21), Queen Elizabeth (20), Warspite (20), Barham (20).	9	7
1936	K, L	G	Malaya (20), Royal Sovereign (20)	7	8
1937	M	H, I	Revenge (21), Resolution (21)	5	10
1938	N, O	J	Royal Oak (22)	4	11
1939	P, Q	K, L	Valiant (23), Repulse (23)	2	13
1940		M	Renown (24)	1	14
1941		N, O	Ramillies (24), Hood (21)	0	15
1942		P, Q	A (17), B (17)	0	15

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement laid down and completed in the years specified.

FRANCE.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
	Tons.	*Tons.*			
1922				7	0
1923				7	0
1924				7	0
1925				7	0
1926				7	0
1927	35,000			7	0
1928				7	0
1929	35,000			7	0
1930		35,000	Jean Bart (17), Courbet (17)	5	(*)
1931	35,000			5	(*)
1932	35,000	35,000	France (18)	4	(*)
1933	35,000			4	(*)
1934		35,000	Paris (20), Bretagne (20)	2	(*)
1935		35,000	Provence (20)	1	(*)
1936		35,000	Lorraine (20)	0	(*)
1937				0	(*)
1938				0	(*)
1939				0	(*)
1940				0	(*)
1941				0	(*)
1942				0	(*)

* Within tonnage limitations: number not fixed.

NOTE.—France expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should not surpass 35,000 tons, and that the total capital ship tonnage should keep within the limits imposed by the present treaty.

ITALY.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
	Tons.	*Tons.*			
1922				6	0
1923				6	0
1924				6	0
1925				6	0
1926				6	0
1927	35,000			6	0
1928				6	0
1929	35,000			6	0
1930				6	0
1931	35,000	35,000	Dante Alighieri (19)	5	(*)
1932	45,000			5	(*)
1933	25,000	35,000	Leonardo da Vinci (19)	4	(*)
1934				4	(*)
1935		35,000	Guilio Cesare (21)	3	(*)
1936		45,000	Conte di Cavour (21), Duilio (21)	1	(*)
1937		25,000	Andrea Doria (21)	0	(*)

* Within tonnage limitations; number not fixed.

NOTE.—Italy expressly reserves the right of employing the capital ship tonnage allotment as she may consider advisable, subject solely to the limitations that the displacement of individual ships should not surpass 35,000 tons, and the total capital ship tonnage should keep within the limits imposed by the present treaty.

Replacement and scrapping of capital ships—Continued.

JAPAN.

Year.	Ships laid down.	Ships completed.	Ships scrapped (age in parentheses).	Ships retained. Summary. Pre-Jutland.	Ships retained. Summary. Post-Jutland.
			Hizen (20), Mikasa (20), Kashima (16), Katori (16), Satsuma (12), Aki (11), Settsu (10), Ikoma (14), Ibuki (12), Kurama (11), Amagi (0), Akagi (0), Kaga (0), Tosa (0), Takao (0), Atago (0). Projected program 8 ships not laid down.*	8	2
1922				8	2
1923				8	2
1924				8	2
1925				8	2
1926				8	2
1927				8	2
1928				8	2
1929				8	2
1930				8	2
1931	A			8	2
1932	B			8	2
1933	C			8	2
1934	D	A	Kongo (21)	7	3
1935	E	B	Hiyei (21), Haruna (20)	5	4
1936	F	C	Kirishima (21)	4	5
1937	G	D	Fuso (22)	3	6
1938	H	E	Yamashiro (21)	2	7
1939	I	F	Ise (22)	1	8
1940		G	Hiuga (22)	0	9
1941		H	Nagato (21)	0	9
1942		I	Mutsu (21)	0	9

*Japan may retain the *Shikishima* and *Asahi* for noncombatant purposes, after complying with the provisions of Part 2, III, (b).

NOTE.—A, B, C, D, etc., represent individual capital ships of 35,000 tons standard displacement, laid down and completed in the years specified.

STANDARD DISPLACEMENT.

The standard displacement of a ship is the displacement of the ship complete, fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed water on board.

The word "ton" in the present treaty, except in the expression "metric tons," shall be understood to mean the ton of 2,240 pounds (1,016 kilos).

Vessels now completed shall retain their present ratings of displacement tonnage in accordance with their national system of measurement. However, a power expressing displacement in metric tons shall be considered for the application of the present treaty as owning only the equivalent displacement in tons of 2,240 pounds.

A vessel completed hereafter shall be rated at its displacement tonnage when in the standard condition defined herein.

CHAPTER III.

Miscellaneous provisions.

ARTICLE XXI.

If during the term of the present treaty the requirements of the national security of any contracting power in respect of naval defense are, in the opinion of that power, materially affected by any change of circumstances, the contracting powers will, at the request of such power, meet in conference with a view to the reconsideration of the provisions of the treaty and its amendment by mutual agreement.

In view of possible technical and scientific developments the United States, after consultation with the other contracting powers, shall arrange for a conference of all the contracting powers which shall convene as soon as possible after the expiration of eight years from the coming into force of the present treaty to consider what changes, if any, in the treaty may be necessary to meet such developments.

ARTICLE XXII.

Whenever any contracting power shall become engaged in a war which in its opinion affects the naval defense of its national security, such power may after notice to the other contracting powers suspend for the period of hostilities its obligations under the present treaty other than those under Articles XIII and XVII, provided that such power shall notify the other contracting powers that the emergency is of such a character as to require such suspension.

The remaining contracting powers shall in such case consult together with a view to agreement as to what temporary notifications, if any, should be made in the treaty as between themselves. Should such consultation not produce agreement, duly

made in accordance with the constitutional methods of the respective powers, any one of said contracting powers may, by giving notice to the other contracting powers, suspend for the period of hostilities its obligations under the present treaty, other than those under Articles XIII and XVII.

On the cessation of hostilities the contracting powers will meet in conference to consider what modifications, if any, should be made in the provisions of the present treaty.

ARTICLE XXIII.

The present treaty shall remain in force until December 31, 1936, and in case none of the contracting powers shall have given notice two years before that date of its intention to terminate the treaty it shall continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the contracting powers, whereupon the treaty shall terminate as regards all the contracting powers. Such notice shall be communicated in writing to the Government of the United States, which shall immediately transmit a certified copy of the notification to the other powers and inform them of the date on which it was received. The notice shall be deemed to have been given and shall take effect on that date. In the event of notice of termination being given by the Government of the United States, such notice shall be given to the diplomatic representatives at Washington of the other contracting powers, and the notice shall be deemed to have been given and shall take effect on the date of the communication made to the said diplomatic representatives.

Within one year of the date on which a notice of termination by any power has taken effect, all the contracting powers shall meet in conference.

ARTICLE XXIV.

The present treaty shall be ratified by the contracting powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other contracting powers a certified copy of the procès verbal of the deposit of ratifications.

The present treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other contracting powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 6th day of February, 1922.

[L. S.] CHARLES EVANS HUGHES
[L. S.] HENRY CABOT LODGE
[L. S.] OSCAR W. UNDERWOOD
[L. S.] ELIHU ROOT
[L. S.] ARTHUR JAMES BALFOUR
[L. S.] LEE OF FAREHAM
[L. S.] A. C. GEDDES
R. L. BORDEN [L. S.]
G. F. PEARCE [L. S.]
JOHN W. SALMOND [L. S.]
ARTHUR JAMES BALFOUR [L. S.]
V. S. SRINIVASA SASTRI [L. S.]
A. SARRAUT [L. S.]
JUSSERAND [L. S.]
CARLO SCHANZER [L. S.]
[L. S.] V. ROLANDI RICCI
[L. S.] LUIGI ALBERTINI
[L. S.] T. KATO
[L. S.] K. SHIDEHARA
[L. S.] M. HANIHARA

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive L, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament, concluded at Washington February 6, 1922.

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole.

Mr. LODGE. Mr. President, the act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes, was approved on July 12, 1921. The last section of that bill, section 9, reads as follows:

That the President is authorized and requested to invite the Governments of Great Britain and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval expenditures and building programs of each of said Governments, to wit, the United States, Great Britain, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which understanding or agreement is to be reported to the respective Governments for approval.

That is the direct mandate of Congress, adopted, I believe, unanimously by both Houses, authorizing and requesting the President to invite a conference with the Governments of Great Britain and Japan for the purpose of reducing naval armaments. The invitation to that conference thus approved by Congress followed, and the President extended the limitations set by the congressional action so as to make the invitation to the conference include all forms of armament, and also to include in the naval section of the conference France and Italy as well as the three powers named in the act of Congress.

The conference met on the 12th day of November last, and its work, which was also extended by the President's invitation to cover questions of the Far East, has now been laid before the Senate for its advice and consent.

Although the American proposition in regard to naval reduction was set forth by Mr. Hughes at the first and opening plenary session of the conference, the question of land armament was taken up at the third plenary session a few days later, when the conference listened to the views of France as expressed by M. Briand. In regard to land armaments, I should premise what everyone, I think, knows, that the United States had reduced her land armament—that is, her armies—to a very low point; too low, I am inclined to think, for the necessary protection or defense of the United States and her interests. England had reduced her army to a very low point, and it is now being still further reduced, according to what we read in the dispatches. Italy had reduced her army. The French Army, of course, was not on the footing of the Great War, but was left at a very high point.

M. Briand, in a speech of great power and eloquence, as I thought, explained to the conference and to the world why it was impossible for France, with her proximity to Germany and the peril in which she felt she was always placed, to make any reduction in land armaments at that time. Of course, Mr. President, at this conference, as at all international conferences, unless a peace is being dictated by a conqueror, the nations meet on an equality and their action must be unanimous. When France stated to the conference that she could not, with a view to her safety, make any further reduction in her land forces there was nothing more that could be done. That put an end to any action by the conference on the matter of land armaments.

Now, Mr. President, I come to naval armaments, which was the subject of the congressional mandate and was recognized, I think, by everybody as the principal and most immediate purpose of the conference. I am going to take the liberty to say one word about my own personal course in regard to the Navy of the United States, which now extends over a good many years. I was a member of the Committee on Naval Affairs of the House when in the year 1890 we authorized the first seagoing battleships, three in number—the *Indiana*, the *Massachusetts*, and the *Oregon*—ships which all became famous subsequently in the war with Spain. From that day to the present time I have done all that lay in my power as an individual Member of the House, and as a Senator serving here as I have for many years on the Naval Affairs Committee, to uphold and advance the building of the American Navy and its maintenance in a position of strength and power. It was one of the objects that I had nearest to my heart in all my public life.

But I could not fail, Mr. President, to recognize the change in the world relations caused by the Great War with Germany which began in 1914. No one could possibly overlook the terrible conditions in which that war left the civilized world, and especially western Europe. The resolution of Congress, therefore, simply reflected what I think was the overwhelming desire of the American people, and I believe of the people of Great Britain and Japan as well, that these three great maritime powers should come to some agreement by which the burden of taxation caused by great naval armaments could be reduced, with the belief also in the minds of many persons that naval limitation would promote the cause of world peace.

Of course, Mr. President, I do not think anyone connected with the conference or in any way responsible for its action had the slightest sympathy with the proposition which has been put forward here and there of disarming by example; that is, that we should disarm entirely both by land and sea without any reference to what the other nations of the world did. If there is any arrangement about disarming or reduction of armaments which would infallibly promote war and make it more likely, it would be for one nation to reduce itself to an absolutey helpless position leaving the other nations of the world fully armed.

The only way to secure any real reduction in armaments was by international agreement, and that was the work which the American delegation took up; that was the purpose they had in mind.

The American delegates met repeatedly before November 11. They had in all 12 meetings, lasting always from two to four hours, and most of those hours were given to the question of the reduction of naval armament. From those meetings came the proposition which Mr. Hughes made on the 12th of November to the nine powers assembled at the council table in Washington.

I ought to say, as I wish the Senate to know as far as possible just exactly what we did, that during those meetings we had before us, in fact in constant consultation with us when the Navy was under discussion, representatives of the Navy Department. The Secretary came to one or two meetings and then deputed the Assistant Secretary, the Chief of Operations, Admiral Coontz, and Admiral Pratt, his assistant, to represent the department in our consultations. We also had the advantage of information and advice from the general board of the Navy.

There is one thing that is often overlooked in matters of this kind, and I should like to express it very plainly. It is not for technical experts to make this treaty any more than I regard it as the duty of technical experts to make the tariff bill. They are present to furnish information and advice on all technical points, and with that special knowledge which only those who devote their life to the subject can give. But the policy to be followed must be the policy of the Government, whether it is the Executive acting through his representatives in a negotiation with foreign powers or whether it is a committee of the House formulating a tariff bill or whether it is the Finance Committee of the Senate considering that bill for amendments. The idea should be dismissed that the naval experts were to formulate the policy to be pursued or that we should ever have allowed them to do it. The policy, be it good or bad, was the policy of the Government represented by the American delegates at the conference.

Mr. McCORMICK. Mr. President, may I interrupt the Senator for a question?

Mr. LODGE. Certainly.

Mr. McCORMICK. The experts, of course, gave the delegates accurate estimates of tonnage and relative strength upon which the delegates based their action?

Mr. LODGE. Certainly; they gave us every possible detail which we wanted, so that we could make all the comparisons of tonnage, of armaments, of caliber, of speed, and all that.

I only wanted to define exactly what their position was, because I have heard the matter discussed as if it was the business of experts to settle the policy. It was not. We had the very best technical advice that could be given. We had it given with all the sense possible of public responsibility. We had all the information which could be laid before us, and some of that information necessarily was confidential. There was no such thing, as I have seen alluded to, perhaps, in the newspapers, as secret reports. There were no secret reports made. Nothing was given us in that form by the experts except the tables and figures and comparisons, but there were facts which every service, military and naval, in every country for the protection of the Nation does not give to the world and ought to be very severely censured if it did.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. LODGE. I yield.

Mr. SIMMONS. I wish to ask the Senator some questions for advice and because I have been somewhat troubled about it. The Senator will remember that the senior Senator from Missouri [Mr. REED] discussed some days ago at very great length——

Mr. LODGE. Yes; and I am going to reply to that speech point by point.

Mr. SIMMONS. What I desire to ask the Senator is with reference to the selection by the United States of capital ships exclusively.

Mr. LODGE. If the Senator will allow me, I should prefer to answer that when I come to it.

Mr. SIMMONS. Very well.

Mr. LODGE. I am going to take that all up and go into it, I am afraid, with a good deal of detail; I shall try to cover all those points.

Mr. SIMMONS. I have not investigated the matter at all for myself, because I have not had the time. I understood the Senator from Missouri to say that Great Britain had retained quite a number of battle cruisers, that Japan had retained quite a number of battle cruisers, but we had not retained any.

Mr. LODGE. We retained none because we had none to retain.

Mr. SIMMONS. But we were contemplating building some.

Mr. LODGE. Yes; we had begun to build some, and I shall explain by and by, if the Senator will allow me, just why we made the choice we did. It was done on what we thought the best naval advice.

Mr. SIMMONS. That is the point I was going to ask the Senator about—whether this was done upon naval advice and whether the delegates accepted the opinion of experts.

Mr. LODGE. It certainly was; and we have followed exactly what they advised in that respect. Later I shall give very elaborate figures about it.

Mr. SIMMONS. Then in that particular the delegates did permit the naval experts to determine the matter for them?

Mr. LODGE. No; we took their advice on what ships were best to retain.

Mr. KING. Believing that battleships were better than cruisers?

Mr. LODGE. That was the conclusion reached by the Navy.

Mr. SIMMONS. I should like to hear the Senator upon that point.

Mr. LODGE. I am coming to it, but I can not take up a large question like this and deal only with certain points here and there. If the Senator will allow me, I would rather go through the treaty, and I think I can show how the whole thing developed.

I merely mention this to show that we had the very best naval advice there was from responsible men selected by the department, and that for all facts and details we rested upon them; but the general policy as to such a matter as a ratio, for example, after having all the facts before us, we decided for ourselves, and it could not be done in any other way.

Mr. President, the entire action of the delegation is set forth in their report, which I hope Senators have read with care, for they there would find everything pretty fully stated. However, I am going to follow it, without reading it, in order to try to put in somewhat condensed form just what the delegates did. We believed that there was an opportunity to make a very large reduction and a very effective limitation for the future. The general considerations which were deemed to be pertinent I shall read:

> The first is that the core of the difficulty is to be found in the competition in naval programs, and that, in order appropriately to limit naval armament, competition in its production must be abandoned. Competition will not be remedied by resolves with respect to the method of its continuance. One program inevitably leads to another, and if competition continues its regulation is impracticable. There is only one adequate way out and that is to end it now.

It is too often overlooked in the consideration of this subject that the most important single object which was accomplished was putting an end to naval competition. The spectacular feature was the scrapping large numbers of ships and putting an end to great naval building programs, but the most effective thing for the future in regard to naval armaments was the absolute stopping of competition. That was done by limiting the tonnage of capital ships and the calibers of the guns to be used. The American delegation also reached the conclusion that this great reduction—

> can not be accomplished without serious sacrifices. Enormous sums have been expended upon ships under construction and building programs which are now under way can not be given up without heavy loss. Yet if the present construction of capital ships goes forward other ships will inevitably be built to rival them, and this will lead to still others. Thus the race will continue so long as ability to continue lasts. The effort to escape sacrifices is futile. We must face them or yield our purpose.
>
> It is also clear that no one of the naval powers should be expected to make these sacrifices alone. The only hope of limitation of naval armament is by agreement among the nations concerned, and this agreement should be entirely fair and reasonable in the extent of the sacrifices required of each of the powers. In considering the basis of such an agreement, and the commensurate sacrifices to be required, it is necessary to have regard to the existing naval strength of the great naval powers, including the extent of construction already effected in the case of ships in process. This follows from the fact that one nation is as free to compete as another, and each may find grounds for its action. What one may do another may demand the opportunity to rival, and we remain in the thrall of competitive effort.

Those were the principles laid down by the Secretary of State in his address upon which the American delegation acted. We came to the conclusion very early that in order to bring about a thoroughly efficient reduction of armaments we must include France and Italy. During the war neither of those powers had kept up its construction of ships; they had taken all their men and used them in the field and had not expanded their navies at all; yet at the same time they had been two of the great naval powers of the world and still were great maritime powers. So it seemed essential that they should form a part of the association of powers which should join in a naval reduction.

In brief, the plan which we proposed rested upon the general principles which I have stated at some length, and which are as follows:

(1) That all capital-shipbuilding programs, either actual or projected, should be abandoned;
(2) That further reduction should be made through the scrapping of certain of the older ships;
(3) That in general regard should be had to the existing naval strength of the powers concerned;
(4) That the capital ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

Then followed the details of the American proposition, which I shall not repeat here, but which I ask to have printed with my speech at this point. The extract covers all the details of our first proposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

More specifically, the plan in relation to capital ships was as follows:

CAPITAL SHIPS.

UNITED STATES.

The United States is now completing its program of 1916 calling for 10 new battleships and 6 battle cruisers. One battleship has been completed. The others are in various stages of construction; in some cases from 60 to over 80 per cent of the construction has been done. On these 15 capital ships now being built over $330,000,000 have been spent. Still, the United States is willing in the interest of an immediate limitation of naval armament to scrap all these ships.

The United States proposes, if this plan is accepted—

(1) To scrap all capital ships now under construction. This includes 6 battle cruisers and 7 battleships on the ways and in course of building, and 2 battleships launched.

The total number of new capital ships thus to be scrapped is 15. The total tonnage of the new capital ships when completed would be 618,000 tons.

(2) To scrap all of the older battleships up to, but not including, the *Delaware* and *North Dakota*. The number of these old battleships to be scrapped is 15. Their total tonnage is 227,740 tons.

Thus the number of capital ships to be scrapped by the United States, if this plan is accepted, is 30, with an aggregate tonnage (including that of ships in construction, if completed) of 845,740 tons.

GREAT BRITAIN.

The plan contemplates that Great Britain and Japan shall take action which is fairly commensurate with this action on the part of the United States.

It is proposed that Great Britain—

(1) Shall stop further construction of the four new Hoods, the new capital ships not laid down but upon which money has been spent. These four ships, if completed, would have tonnage displacement of 172,000 tons.

(2) Shall, in addition, scrap her predreadnoughts, second-line battleships, and first-line battleships up to, but not including, the *King George V* class.

These, with certain predreadnoughts which it is understood have already been scrapped, would amount to 19 capital ships and a tonnage reduction of 411,375 tons.

The total tonnage of ships thus to be scrapped by Great Britain (including the tonnage of the four Hoods, if completed) would be 583,375 tons.

JAPAN.

It is proposed that Japan—

(1) Shall abandon her program of ships not yet laid down, viz, the *Kii, Owari, No. 7,* and *No. 8* battleships, and *Nos. 5, 6, 7,* and 8, battle cruisers.

It should be observed that this does not involve the stopping of construction, as the construction of none of these ships has been begun.

(2) Shall scrap three capital ships (the *Mutsu,* launched, the *Tosa* and *Kago,* in course of building) and four battle cruisers (the *Amagi* and *Akagi,* in course of building, and the *Atoga* and *Takao,* not yet laid down, but for which certain material has been assembled).

The total number of new capital ships to be scrapped under this paragraph is seven. The total tonnage of these new capital ships when completed would be 289,100 tons.

(3) Shall scrap all predreadnoughts and battleships of the second line. This would include the scrapping of all ships up to, but not including, the *Settsu;* that is, the scrapping of 10 older ships, with a total tonnage of 159,828 tons.

The total reduction of tonnage on vessels existing, laid down, or for which material has been assembled (taking the tonnage of the new ships when completed), would be 448,928 tons.

Thus, under this plan there would be immediately destroyed, of the navies of the three powers, 66 capital fighting ships, built and building, with a total tonnage of 1,878,043.

It is proposed that it should be agreed by the United States, Great Britain, and Japan that their navies, with respect to capital ships, within three months after the making of the agreement, shall consist of certain ships designated in the proposal and numbering for the United States 18, for Great Britain 22, for Japan 10.

The tonnage of these ships would be as follows: Of the United States, 500,650; of Great Britain, 604,450; of Japan, 299,700. In reaching this result, the age factor in the case of the respective navies has received appropriate consideration.

Replacement:

With respect to replacement, the United States proposes:

(1) That it be agreed that the first replacement tonnage shall not be laid down until 10 years from the date of the agreement.

(2) That replacement be limited by an agreed maximum of capital-ship tonnage as follows:

	Tons.
For the United States	500,000
For Great Britain	500,000
For Japan	300,000

(3) That subject to the 10-year limitation above fixed and the maximum standard, capital ships may be replaced when they are 20 years old by new capital-ship construction.

(4) That no capital ship shall be built in replacement with a tonnage displacement of more than 35,000 tons.

Mr. LODGE. I should say that it was very clear to the American delegation, and they stood firmly on that point, that the only basis for starting the limitation of navies must be the naval armament which actually existed; in other words, that the existing ratios between the different fleets were the only ground on which we could begin the reduction of armament. The moment we left that ground and got into the very cloudy region of each country's deciding what its peace and safety and security demanded, there would be no standard and we could get nowhere. We therefore took as the basis from which to start the existing ratios between the three great fleets. The ratio at which we aimed, over which there was much contest, however, was, roughly, the well-known 5-5-3, that is, 5 for Great Britain, 5 for the United States, and 3 for Japan.

In the statement in reference to replacement there was an agreed maximum of tonnage of capital ships for the United States 500,000 tons, for Great Britain 500,000 tons, and for Japan 300,000 tons.

I shall not go into the proposal in detail, for it is all set down here with all the figures and with the ships which were originally included.

The most serious controversy which arose over this treaty grew out of the question of the ratio. Japan yielded to it finally only with the greatest reluctance and only on account of the willingness of the other Pacific powers to put a limitation on fortifications, a question to which I will come later.

Mr. KING. Mr. President, would it disturb the Senator if I should make an inquiry there?

Mr. LODGE. I am glad to yield to the Senator.

Mr. KING. Does the Senator think that in the establishment of the ratio full justice was done to France and Italy? I have in mind the fact that during the war they suffered very great losses in their capital ships, and it occurred to me that an injustice was done particularly to France.

Mr. LODGE. On the contrary we gave them much more than the ratio prevailing at that time would have allowed them.

Mr. KING. I agree that that is true.

Mr. LODGE. Under the ratio which we adopted for Great Britain, the United States, and Japan, France would have been entitled to only 130,000 tons, but we agreed that she should have 175,000 tons at once.

Mr. KING. Yes; I appreciate that fact; but it seemed to me that the conference did not quite take into account the losses in capital ships which France and Italy had sustained.

Mr. LODGE. Those losses were not severe, compared with those of England; and we lost practically nothing.

Mr. KING. Yes; it occurs to me that, if we take the existing ratio as the basis, the United States, perhaps, and Japan are at an advantage over Great Britain.

Mr. LODGE. Let me say here—it is a point which, perhaps, may not have occurred to the Senator—that as the fleets stood on November 12 we had four capital ships to one for France, while after this treaty goes into force we shall have two battleships to one for France; that is, we give her a very much better relation—and what is true of us is true of Great Britain and Japan—we give her a very much better relation to the navies of the world than she had before; that is, by reducing our Navy we leave her in a much better relative position.

Another difficulty which occurred and which led to very long discussion was in regard to the *Mutsu*, a Japanese ship which had just been completed and commissioned, a ship of 33,600 tons, and, of course, of the post-Jutland type. That ship had been largely built by popular subscription, and there was naturally a very strong feeling about it in Japan, just as there would have been in this country if we had a ship that had been built by popular subscription. The Japanese were very insistent on the retention of the *Mutsu*, and they offered, if they were allowed to retain it—and it was on the list to be destroyed in our plan—that they would scrap the *Settsu*, which would slightly increase their total tonnage, and that we should have the right to scrap the *Delaware* and *North Dakota*, which are our two oldest ships.

Mr. WADSWORTH. Oldest dreadnoughts?

Mr. LODGE. Yes; our oldest dreadnoughts—I am speaking always of capital ships—our oldest capital ships, and replace them with two ships of the *West Virginia* class, of the most modern post-Jutland type. Great Britain likewise was to have the right to build two new Hoods on destroying four ships—the *Thunderer*, the *King George V*, the *Ajax*, and the *Centurion*.

That arrangement was finally accepted; but meantime we had made the agreement to which I have already alluded, that no capital ships should be over 35,000 tons and no guns of a greater caliber than 16 inches should be used.

Great Britain had four new Hoods designed, had begun to assemble the materials, and had already spent, I think, about fifteen or sixteen million dollars, but the ships had not really been begun. Those ships were planned and designed to be 49,000 tons, but Great Britain accepted the limitation of 35,000 tons. That illustrates the importance of the limitation of tonnage, because if Great Britain had gone on and built those 49,000-ton ships we should have probably have gone on to compete, and Japan, too, and in such competition lies the worst feature of naval armaments. So that agreement was made.

In the case of the United States it was proposed to scrap all capital ships now under construction—that is to say, 15 ships in various stages of construction. Instead, 13 of these ships are to be scrapped or disposed of. The total number of capital ships which were to be scrapped by the United States, or disposed of, was stated to be 30. Under the treaty the number is 28, with a very slight difference in total tonnage.

In the case of Great Britain the construction of the four great Hoods has been abandoned, and while Great Britain is to have two new ships, limited to 35,000 tons each, four of the retained ships are to be scrapped, as already stated, when these two ships are completed.

It was also provided in the original proposal that Great Britain should scrap her predreadnoughts, second-line battleships, and first-line battleships up to and not including the *King George V.* These ships, with certain predreadnoughts which it was understood had already been scrapped, would amount to 19 capital ships, with a tonnage reduction on this account of 411,375 tons. This provision is substantially unaffected by the treaty, the fact being that under the treaty 20 ships are to be scrapped instead of 19 that were mentioned in the proposal.

Under the treaty Japan is to scrap all of the ships mentioned, with the exception of the *Mutsu.* They are all listed in the tables in the second part of the treaty. Japan also—

shall scrap all predreadnoughts and battleships of the second line. This would include the scrapping of all snips up to but not including the *Settsu;* that is, the scrapping of 10 older ships, with a total tonnage of 159,828 tons.

Under the treaty 10 ships are scrapped, including the *Settsu,* instead of excluding it.

The rules for scrapping vessels of war are set forth in the treaty, and I do not think it necessary for me to repeat them at this time. I think Senators who will take the trouble to examine the rules for scrapping vessels of war will find them extremely thorough and effective.

The size of each capital ship, as I have said, is limited to 35,000 tons. It is also provided that no capital ship shall carry a gun of a caliber in excess of 16 inches. Provisions for replacement of capital ships are all set forth in the tables which have been read here, which form section 2 of part 3 of chapter 2 of the treaty; and those tables give all the times of replacement and laying down, the age of the ships, and everything else. I printed the speed tables in the RECORD of March 10, 1922.

The treaty also deals with aircraft carriers, and the delegates finally agreed on a total tonnage for aircraft carriers as follows:

The United States, 135,000 tons.
The British Empire, 135,000 tons.
France, 60,000 tons.
Italy, 60,000 tons.
Japan, 81,000 tons.

The United States would have been ready to agree on a lower limit, but the other powers insisted on the one which I have read.

We have also limited the aircraft carriers to 27,000 tons, another very important limitation, but we make an exception for the United States, that the United States can take two of the uncompleted battle cruisers—the highest, I think, is 33 per cent completed—although they are 33,000-ton ships, and use them for two airplane carriers. That is a very important arrangement for the United States, because airplane carriers we must have. They probably are more important to the safety of the Navy just now than any other form of craft, and we have none. In fact, none of the powers have any except Great Britain, and hers are experimental, and she will probably have to replace them. This gives us an opportunity to use two of our battle cruisers partially completed, and, it was estimated, would make a saving of $15,000,000 over two new aircraft carriers.

Before going on to some of the less important provisions, I must say a word about submarines.

We were very anxious to limit submarines. Great Britain was anxious to have submarines entirely prohibited. To that none of the other powers were ready to agree. We proposed a limitation of 60,000 tons. I should say that the United States had more submarines than any other nation which was a member of the conference. We had 95,000 tons. Great Britain had about 83,000 tons. We offered a limitation of 60,000 tons for the highest—Great Britain and the United States. France declined to accept any limitation. She said it would be incompatible with her safety. As I have said, as the conference required unanimity, no limitation could be put upon the number of submarines to be built by any one of the powers, and, of course, if no limitation was put on submarines and all the powers could build as many as they chose, it necessarily followed that the vessels used for defense against submarines could not be limited either. If we had unlimited submarine building permitted, we had to have unlimited defense against submarines. That meant that there would be no limitation put on what are commonly called scout cruisers, no limitation on destroyers, in which branch we were immensely superior to all the other powers, and no limitation on submarine chasers, the small boats used for that purpose.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. LODGE. Yes.

Mr. GERRY. Was not a limitation put on the use of submarines in the treaty dealing with submarines and noxious gases?

Mr. LODGE. Yes; there was a limitation, which I hope will be of some value, which limits them under the provisions of international law and provides that for a breach of those provisions, whether the captain does it by governmental orders or not, other nations are entitled to treat him as a pirate.

Mr. GERRY. What I refer to in that treaty is, if I am not interrupting the Senator's argument, that article 1 and article 4 seem to me to be contradictory.

Mr. LODGE. They are not. I will tell the Senator just what they are. Article 1 states existing international law.

Mr. GERRY. That is what I understood.

Mr. LODGE. Article 4 is new. Article 4 states something which is not international law now. We first made them subject to the present international law, to which, as the Senator well knows, they were not subject during the war. Of course, this applies only to attacks on merchant vessels. No limitation is put on the use of the submarine as against a warship.

Mr. GERRY. It applies to visit and search, does it not?

Mr. LODGE. It applies to mercantile ships entirely.

Mr. GERRY. It applies to the right of visit and search?

Mr. LODGE. That is one thing; yes. Article 4 goes further.

Mr. GERRY. In other words, article 4 explains article 1, if I understand the Senator, by going further?

Mr. LODGE. No. Article 1 is simply the statement of existing law as applicable to submarines.

Mr. GERRY. And then article 4 changes existing law and practically nullifies article 1. Am I correct in that?

Mr. LODGE. No; it does not nullify it at all. That is why they are both put in.

Mr. GERRY. Article 1 simply restates international law?

Mr. LODGE. It declares the rules of civilized nations—that is, existing international law—in regard to the use of submarines against merchant ships, which were not observed during the last war. Then we say:

Belligerent submarines are not under any circumstances exempt from the universal rules above stated—

And we invite all other civilized powers to express their assent. Then article 3 makes the breaking of those rules an act of piracy. Then they go on to say in article 4:

The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914–1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

There was no prohibition before; there was nothing in international law which prevented their use.

Mr. GERRY. May I ask the Senator whether our naval officers contend that submarines can not be used for the purpose of visit and search according to international law?

Mr. LODGE. Of course they do not, if they visit and search. This is simply applying to the submarine the rules of international law, which include visit and search.

Mr. GERRY. Exactly; but article 4, as I understand it——

Mr. LODGE. Article 4 is a prohibition without any regard to visit and search.

Mr. GERRY. Then, under article 4 the submarine can not be used for visit and search?

Mr. LODGE. That is the new proposition; that it shall not be used at all against merchant vessels as a commerce destroyer.

Mr. GERRY. And the statement is made that it is impossible to use submarines in that way without breaking international law.

Mr. LODGE. It probably is impossible, as a matter of fact, to use them for commerce destruction without their breaking existing rules of law.

Mr. GERRY. I understand that a great many of our naval officers do not agree to that contention.

Mr. LODGE. I dare say that is true. If the Senator can find anything that all naval officers agree to, I shall be very much obliged to him if he will state it. I did not mean, however, to get off on the question of international law. That will come up later.

Mr. GERRY. Then the submarine is absolutely limited under the——

Mr. LODGE. The submarine is prohibited as a commerce destroyer, if we can get them to agree to it.

Mr. GERRY. Then there is a limitation on the submarine besides that contained in the treaty under consideration?

Mr. LODGE. There is a limitation on the use of the submarine, but not a limitation on the construction of submarines. To return to that, although we can not put a limitation on the number of scout cruisers, destroyers, or submarine chasers that could be built, we could put the same limitations that we put on the capital ships as to the tonnage and the caliber of guns, and those were put in. There was a limitation on the guns that could be carried by an airplane carrier; that is, if it has guns exceeding 6 inches, the total number of guns shall not exceed 10. It can not carry a gun in excess of 8 inches. It may carry without limit 5-inch guns and antiaircraft guns. With respect to auxiliary craft, the treaty provides that no vessel of war exceeding 10,000 tons, other than capital ships or aircraft carriers, shall be acquired by or constructed by, for, or within the jurisdiction of any of the contracting powers; and then it limits the caliber and the number of guns which cruisers and destroyers can use. Of course, the treaty also provides that none of the contracting powers will by gift, sale, or any mode of transfer turn over any vessel of war in such manner that the vessel may become a vessel of war in the navy of any foreign power; and we put a stop to the building of warships on foreign account.

Mr. President, having gone briefly over the most important parts of the treaty, I am going to take up the speech which was made here by the Senator from Missouri [Mr. REED] in regard to this treaty, and correct, as I think, some of the mistakes in it.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. LODGE. Yes.

Mr. GERRY. Is the Senator going to discuss how replacements of capital ships are made?

Mr. LODGE. That is all set forth in the treaty. What can I tell the Senator about it?

Mr. GERRY. I did not know whether or not the Senator was going to try to explain these tables any more fully than they are set forth. They seem rather complicated.

Mr. LODGE. If the Senator will look at one of the tables, he will see that we give first the ships scrapped, taking our own list, with the ages of the vessels scrapped in parentheses. The number in brackets behind each ship means the age of the ship. Where it is a zero, it means that it is a ship not yet complete; that is, that it is still in process of building. Then, when we come to retained ships, the Senator will find after each ship its age and when that ship can be replaced, which is covered by the capital letters in the first two columns, "Ships laid down" and "Ships completed," and then the ships retained; and Senators will see by following it down that the number of pre-Jutland ships retained entirely disappears, and the post-Jutland ships become the whole 15, as we gradually get rid of the older ships and replace them with new ones.

The replacement rules are laid down on page 19 of the treaty:

> Capital ships and aircraft carriers 20 years after the date of their completion may, except as otherwise provided in article 8 and in the tables in section 2 of this part, be replaced by new construction, but within the limits prescribed in article 4 and article 7. The keels of such new construction may, except as otherwise provided in article 8 and in the tables in section 2 of this part, be laid down not earlier than 17 years from the date of completion of the tonnage to be replaced, provided, however, that no capital ship tonnage, with the exception of the ships referred to in the third paragraph of article 2—

Those are the excepted ships—

> and the replacement tonnage specifically mentioned in section 2 of this part, shall not be laid down until 10 years from November 12, 1921.

Then follow the provisions for carrying out the replacements; and in the tables, if the Senator will examine them, he will see the ages and the dates of replacement for all.

Now, Mr. President, I wish to say something with regard to the speech made by the Senator from Missouri [Mr. REED] upon this naval treaty.

The Senator from Missouri, in his speech of March 16, spoke as follows:

> Mr. President, I desire to lay before the Senate, in connection with the treaties now under consideration, some facts which have not heretofore been discussed, and which, while they bear upon the disarmament treaty directly, have also a very important bearing on the treaty under consideration—

That was the four-power treaty—

> I propose to place before the Senate some figures with reference to the relative strength of the navies provided for in the naval treaty; and I believe I can say as a preliminary that the whole status has been misrepresented to the Senate and to the American people.

As I was one of those who made that representation, I take the liberty of saying that the status was not misrepresented. We have told the American people exactly what the facts were. Of course, errors are possible to all, but I think I shall show that the errors were not with us.

I continue to quote:

> The facts I am about to present are the work of naval experts of a high order, and are buttressed by documentary proof which demands, in my opinion, the attention of this body. If they are not given attention before the four-power treaty is acted upon, we will have so far committed ourselves that probably nothing we can do will extricate us from a dilemma which is fraught, in my judgment, with the very gravest danger.
>
> * * * * * * *
>
> I want a disarmament treaty made which will reduce to the minimum the armaments of all the nations of the world. I want that treaty so made that the United States will be safe and not placed at a disadvantage, and I am imploring the Senators who now pay me the compliment of their attention, and those who have been called away by other business, to study these figures, which I believe in every singular particular to be accurate, for I have taken pains to have them checked by two experts, who know their business if any two men in the United States know the business of comparing naval armaments and the speed and quality of ships.

These experts are anonymous. Those that we have called in, as I have said, are officers of the highest experience and best known in the Navy, and their names are there, and they are responsible.

The Senator from Missouri, I think, has not been very fortunate in choosing his advisers. The "two experts, who know their business if any two men in the United States know the business of comparing naval armaments and the speed and quality of ships" have not done their duty well. They have indulged in inaccuracies, omissions, and wrong conclusions, many of which seem so evident as to create surprise.

I will treat first of the inaccuracies. The Senator states that the *Kurama*, the *Ibuki*, and the *Ikoma*, until now, have been classed merely as first-class cruisers, and he cites as his authority "Jaynes Fighting Ships." On the contrary, in "Jaynes Fighting Ships" of 1920, the *Kurama*, the *Ibuki*, and the *Ikoma* are classed as Japanese battle cruisers. They carry four 12-inch guns and eight 8-inch guns in their main batteries. It is entirely inaccurate to class them as first-class cruisers. They are not so classed by any naval authority, including the Japanese themselves. It is apparent on the face of the matter that they are not.

In the case of the computation of tonnage to be scrapped, the United States, in the Senator's speech, is stated to have scrapped 762,940 tons; Great Britain, 92,000 tons; and Japan, 289,182 tons. Whatever the source from which these figures are derived, they are absolutely inaccurate as a computation of tonnage of fighting ships to be actually scrapped by the powers above mentioned.

The tonnage scrapped by the United States standard of measurement, under the American proposal, was as follows:

	Tons.
United States	845,740
Great Britain	583,375
Japan	448,928

When the *Mutsu* was taken in and the *Setsu* scrapped, and when two ships are reserved as aircraft carriers out of the scrapped tonnage, and when the *West Virginia* and the *Colorado* are taken in and the *North Dakota* and *Delaware* scrapped, and the 2 aircraft carriers reserved out of the 13 remaining new ships to be scrapped, and when the 4 of the King George type are scrapped, and the 2 new Hoods added, and the 2 new aircraft carriers reserved for Great Britain, the revised figures would be as follows:

	Tons.
United States	733,540
Great Britain	507,225
Japan	350,528

These figures—which are authentic, I am sure, which are furnished me by the experts of the Navy Department whom I have mentioned, who advised us through the conference—are entirely at variance with those submitted by the Senator from Missouri. Who could have told him that Great Britain scrapped only 92,000 tons, I can not imagine. She had scrapped a great many pre-Jutland ships, old ships, before she came here, and yet she scrapped much more than 92,000 tons.

Again the Senator from Missouri, in his speech, said that $650,000,000 had been spent already on the construction of new ships that are to be scrapped. That again is wrong. The original American proposal contemplated the scrapping of all the capital ships in the 1916 program which were not in commission, on which approximately $332,000,000 had been spent or obligated. There is no mistake about that. These are based on the Treasury and the drafts of the contracts establishing the obligations. That is all documentary.

In the final treaty as agreed to by the delegates, however, the battleships *West Virginia* and *Colorado* were reserved, and two of the battle cruisers kept for conversion to aircraft carriers. Subtracting the moneys involved in this matter from the original total, we have approximately $242,000,000, or considerably less than half the amount stated by the Senator from Missouri in his speech.

In submitting his table of ships to be retained the Senator from Missouri credits Great Britain with two super-Hoods, carrying each twelve 16-inch guns, and throwing a weight of metal of 25,000 tons each. I wish to invite the attention of the Senate to the fact that the two new Hoods are not "super-Hoods." The super-Hood was a ship planned by Great Britain, which would have had a displacement of approximately 50,000 tons. That ship might carry twelve 16-inch guns, but the greatest number of guns, according to the statement of the British experts, that the two new Hoods can carry is nine each. Indeed, there are many of the British experts who do not even believe that this reduced number of 16-inch guns can be put on the 35,000-ton ships, because we have reduced, as I have already said, the limit of tonnage to 35,000 tons and the British were planning 49,000-ton vessels, so evidently the Senator's experts have not noticed that limitation in the treaty. Furthermore, Great Britain has no 16-inch guns at present, and she will be forced to develop this caliber or else to content herself with placing on the new Hoods 15-inch guns.

The Senator from Missouri makes the accusation in his speech that the difference in method of computing tonnage in existence in the various nations before the war has not been taken into account, and in this connection makes the following statement:

> In order, therefore, to compare the tonnage of American ships as given in the table above with British ships as given in the table, we must add one-eighth, or 12½ per cent, to the British tonnage.
>
> Accordingly the British tonnage allowed by the treaty as to existing ships will be 628,820, as against 525,850, a difference of 20 per cent in favor of Great Britain.

Now, to assume that the experts of the Navy Department who advised the delegates were so colossally ignorant that they did not know the difference existing between the American tonnage, the Japanese tonnage, which is very like the American tonnage, and the British measurements, which are known as the legend tonnage, would be to assume a degree of ignorance which is impossible. They were perfectly familiar with it, and the figures were based, of course, on the American tonnage throughout in making our comparison. Subsequently the nations agreed on an international ratio and also on the metric tonnage, which appears throughout the treaty, and all reductions are made on the international tons.

Then the Senator from Missouri goes on to say:

> That fact has been concealed from the American people, whether designedly or stupidly, I do not know. I charge it to be a fact, and I charge it to be a fact of unspeakable perfidy, to thus deceive the American people and the American Congress.

This is strong language. Anyone using it should be absolutely sure of the ground on which he is standing. Unfortunately the Senator from Missouri again has evidently placed too much reliance on his "two experts."

To begin with, far from omitting to consider the different methods of measuring tonnage in existence in Great Britain, Japan, and the United States, they were all considered before the original American proposal, submitted to the conference on the opening day, was prepared, as every member of the delegation and all the experts know. In making the estimates of naval tonnage before the conference convened, for the purpose of arriving at a just estimate of strength, every British ship and every Japanese ship was reduced to the American standard tonnage, and the comparisons made on that basis.

Reduced to standard American tons, the present capital-ship tonnage retained by the United States, Great Britain, and Japan will be as follows:

	Tons.
The United States	500, 650
Great Britain	604, 450
Japan	313, 300

When the *West Virginia* and *Colorado* are included in the American table and the *North Dakota* and *Delaware* scrapped, and when the two new Hoods of 35,000 tons each are added to the British list, and the *King George*, *Ajax*, *Centurion*, and *Thunderer* are taken away, the capital-ship tonnage will be as follows, according to the American standard of measurement:

	Tons.
The United States	525, 850
Great Britain	578, 600
Japan	313, 300

To put it mildly, there is some difference between these figures and the ones given by the Senator from Missouri, which read as follows:

	Tons.
The United States	525, 850
Great Britain	628, 820
Japan	383, 985

So much for some of the inaccuracies furnished to the Senator from Missouri. An omission, however, is equally as important as an inaccuracy. Indeed, often it is more so. Let us, therefore, look over the Senator's speech for omissions. To begin with, the Senator from Missouri in enumerating the ships to be scrapped by the various powers says, in his paragraph on the United States ships, that "one battleship, the *West Virginia*, has already been launched." In no place in his enumeration of the ships to be scrapped by Japan does he mention that two of their ships have already been launched.

At no place in his speech does a statement appear to the effect that the average armor of the battleships classed in the list of the United States is 14½ inches as against 12½ inches for Great Britain and against less than 11 inches for Japanese ships.

Again, the fact is not mentioned that the total number of guns listed in the United States' list of ships total some 192 as against 166 for the British Navy and 96 for Japan, and that therefore the rapidity of fire is very much greater for the ships of the United States Navy.

Again, the fact is not mentioned that the 16-inch gun with which the United States is credited has something over 98,000 tons of muzzle energy as against 84,000 tons of muzzle energy for the 15-inch guns. Nor is it noted that the 14-inch guns with which seven of our ships are armed are 50-caliber guns as compared with 42-caliber 15-inch guns and 13½-inch 45-caliber guns carried by the British Navy. With the above facts in mind, the conclusions of the Senator from Missouri as to strength are entirely changed, for the ordnance and armor of the battleships of the United States may be said to be equal or superior to the ordnance and armor of the battleships of Great Britain and greatly superior to that of the Japanese ships.

Furthermore, there is one very important matter omitted entirely from the comparison made by the Senator from Missouri. This is the age factor. Glance at the table of ships. It will be seen that the United States had eight ships finished in 1917 or later, whereas Great Britain, with her two new Hoods completed, will only have four ships finished in the corresponding period. Though the United States has certain vessels that are older than those retained on the British list, this age factor greatly strengthens our Navy by comparison. The Senator from Missouri states:

> It would be interesting to know why Great Britain is credited with scrapping 24 capital ships, 20 of which are obsolete, offered for sale, and, in fact, already scrapped, and why Japan is credited with scrapping 3 capital ships which are not actually capital ships. Is it merely an attempt to pad the lists in order to make a presentable appearance against that of the United States?

Again the Senator's experts are at fault. All of the 20 ships which he speaks of as obsolete and offered for sale are classed in the dreadnought type, and all but three are of the same or later date than our two vessels, the *North Dakota* and *Delaware*, which will only go out when the *Colorado* and *West Virginia* are completed to take their places. The remaining three are dreadnaughts completed in 1909 and therefore less than 13 years of age. Also, the three ships of the Japanese Navy, the *Kurama*, *Ibuki*, and *Ikoma*, are capital ships built in 1907 and are less than 20 years of age, which is the age when ships retire from active service and are placed on the obsolete list.

In this connection it might be well to enumerate the figures of present strength as estimated by the official authorities of the Navy Department in an effort to compute the relative strength by tonnage. In making this estimate the Navy Department considered only dreadnoughts and the percentage of completion of the various ships under construction. This was the basis for the American proposal and it is the basis upon which the final treaty was concluded.

Countries.	Dreadnoughts actually constructed.	Ships under construction, percentage of completion.	Total.
	Tons.	*Tons.*	*Tons.*
United States	500,650	346,374	847,024
Great Britain	1,015,825	(1)	1,015,825
Japan	334,700	83,330	418,030

[1] No credit.

The Senator from Missouri has dealt in like measure with auxiliary tonnage of the various nations. In this connection the first thought that comes to anyone's mind is that no country is limited numerically in the amount of auxiliary tonnage that it may build, with the exception of the aircraft carrier.

In the enumeration of the auxiliary tonnage certain startling and significant omissions are made by the Senator from Missouri.

We are unquestionably behind Great Britain in the light cruiser type. However, if the United States will build, she has a right to do so. We have 10 scout cruisers now under construction and nearly completed. Let us glance over the tables which the Senator has submitted. It will be noted from them that the United States has 26 cruisers and Great Britain 70, including those which the dominions possess. The Senator, however, has entirely omitted to mention the fact that the United States has 316 modern destroyers, Great Britain has 20 flotilla leaders and 191 destroyers, or a total of 211, and Japan has only 69 destroyers. At present, therefore, the United States has 105 destroyers more than Great Britain and 247 more than Japan. Our destroyers are the most modern boats of the very finest type. There are no such destroyers afloat anywhere else. They are very large destroyers, of 1,100 tons. It is remarkable that the two experts should have permitted the Senator from Missouri to leave out such an important item.

The Senator from Missouri in his tables has made no mention of the submarines which the three powers possess. Had a summary of the submarine strength been made, it would have been seen again that the United States' position is strong. The present submarine strength of the three powers concerned is as follows:

Countries.	Submarines.	Tonnage.
		Tons.
United States (approximately)	130	87,000
Great Britain	100	82,000
Japan	51	36,800

In other words, we have 5,000 tons more of submarines than Great Britain, and 50,000 more than Japan. Again, it is remarkable that the two experts on whom the Senator from Missouri has been relying have failed to note this very significant fact.

So much for the omissions, and the Senate will note, to say the least, that they are important. Now, for certain conclusions.

In the interesting deductions which have been drawn by the Senator from Missouri in the matters of speed and battle strategy and tactics, particularly with regard to the matter of speed, he has not mentioned the fact that the speed of the main fighting fleet is the speed of the slowest ship composing that fleet. It will be noted that eight of the British ships are rated at 21 knots speed, and that therefore while the Queen Elizabeth type have 25 knots speed, yet to maintain their position in the line the speed of 21 knots, which is the speed of the American fleet, can not be exceeded. The point, therefore, made by the Senator from Missouri in the matter of speed with reference to the fighting ships has very little value.

Now let us look into this matter which the Senator from Missouri has dwelt upon at great length, namely, the question of battle cruisers. The general board of the Navy is composed entirely of naval experts whose whole duty it is to consider tactics and strategy. The question was put to them as to whether it would be wise for the United States, with a navy reduced to 18 capital ships, to retain battle cruisers or to have these ships all battleships. They returned a report which was unanimous to the effect that the battleships should be retained and the battle cruisers excluded. Both the British naval experts and the Japanese naval experts are of the same opinion and with the ratification of the naval treaty the death knell of the present battle cruiser will be sounded. Every country when limited to a specific number of capital ships will desire to have these ships as powerful as possible, for the final decision in a war is obtained in the great battle when strength meets strength.

The foremost British naval experts, those who have commanded the battle cruisers in action, have stated that by theorists on shore speed was often substituted for strength in armament, but that they who had fought in the vessels concerned felt differently in the matter.

It would be interesting to ask the two experts on whom the Senator from Missouri has based his dependence what they would do if the battle cruisers of either Great Britain or Japan clashed with the American fleet. Would they send them on the high seas to raid commerce or would they keep them with the fleet? If they sent them on commerce raiding expeditions, the main fighting fleet on the day of battle would be weakened by their absence. If they retained them with the main fleet, they would be of a type of ship almost too weak to lie in the line, for they have not the same fighting value as the battleship. Indeed, the present battle cruiser is but a luxury and can only be indulged in when the main line has been made secure. Therefore when navies are limited it will pass out of existence.

The Senator from Missouri in his speech said:

> It is true, however, that while the conference was in progress Japan by rush work laid down the keels of two of the battleships. This was so manifestly a threat as to require no comment.

In this connection I should like to point out to the Senate that Japan, like the other countries concerned, merely continued, and quite properly continued, her program until conclusions had been reached. There was no more threat in laying the keels of these two battleships than there was in the fact that we launched the *West Virginia* on the 17th of November, one week after the opening of the conference.

The Senator asks in one place, "What do we get from this treaty?" And by "this treaty" he refers to the four-power treaty. In reply let me quote from a report submitted by the General Board of the Navy on matters pertaining to the conference.

> If the Anglo-Japanese alliance is to be continued, the minimum strength that the United States can safely accept for its Navy is equality with that of the two nations combined. This means a two-power standard and a Navy the greatest in the world. No interpretative declarations by either or both of the countries can be as satisfying to the United States as the noncontinuance of the alliance.

This is a deliberate expression of the constituted board of naval experts as to the bearing of the Anglo-Japanese alliance and the strength of the Navy necessary to carry out our policies. The four-power treaty through the abrogation of the Anglo-Japanese alliance has made the naval treaty possible and also the continuance of the 5-5-3 ratio.

The Senator from Missouri laid great stress upon article 19, in which we agree to preserve the status quo in certain of the Pacific islands in our possession. In reaching this conclusion the United States representatives were guided by the underlying axiom which they had taken as their thesis during the conference, namely, defense should be amply guarded; offense disregarded. Therefore, agreements to discontinue the expansion of fortifications at points where the offensive element predominated were reached.

There are also certain fallacies in the statement of the Senator from Missouri. To begin with, Wake Island is impossible to fortify. Next, Guam could not be made a great fleet base without a vast expenditure of money, because it is too small.

Let me digress here to say that I have been a good deal amused at the agony of apprehension which some persons have expressed in regard to Guam. We took that island in the Spanish-American War; it was taken by the cruiser *Charleston*. We have had so little interest in the island that we have never passed a line of legislation in regard to it or to provide for its government or to make any provision about it at all. It has been left in the hands of the Navy, which captured it. The captain of the ship represents the capitors and rules the island. That shows the amount of interest we have taken in Guam. We have never fortified it, and nobody would vote to spend money in fortifying it. All we provide in this treaty is that we will not fortify so long as Japan does not fortify her islands.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. I yield.

Mr. McCORMICK. Those who at present are talking about fortifications at Guam are amongst the Senators who never have supported an appropriation of money in a sum sufficient to build even a naval base at San Francisco.

Mr. LODGE. That is quite true. The Senator from Missouri has made no mention of the fact that we hold Hawaii and that the Japanese have given up the right to fortify the Bonin Islands, Amami-Oshima, the Loochoo Islands, the Pescadores, and Formosa, without asking to reserve for themselves any position similar to that which we hold in Hawaii.

Those Japanese islands are the ones which threaten the Philippines. Formosa is the nearest one in which fortifications would threaten the Philippines. Of course, no island that Japan has could possibly be made a threat or menace to the United States.

Mr. KING. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. LODGE. I yield.

Mr. KING. Of course, under the treaties which have been negotiated we practically abandon the Philippine Islands to Japan and Great Britain; that is, in the sense that there will be no defensive or offensive operations on the part of the United States with respect to the Philippine Islands. I am not complaining of that, however.

Mr. LODGE. The Philippines will be in exactly the condition in which they now are and have been ever since they were taken.

Mr. KING. Obviously; and I think we ought to relinquish control of the Philippine Islands at the earliest possible moment.

Mr. LODGE. I do not think that follows. We have more protection for them by the four-power treaty than we have ever had since we have had them.

Mr. KING. Not from the United States, though.

Mr. LODGE. Of course, they are nowhere near the United States.

Mr. KING. No; but there is no protection upon the part of the United States of the Philippine Islands possible under these treaties.

Mr. McCORMICK. The critics of these treaties have never voted any great sums for the protection of the Philippine Islands.

Mr. LODGE. Of course not. We shall never fortify them. It would cost hundreds of millions of dollars to fortify them and probably take half a century to do it. We are not going to do it. Previously, however, we had no promise from anybody to respect the Philippine Islands, but now we have that promise from three great powers. The Senator from Utah may think that worthless, but, nevertheless, it is worth a good deal.

Mr. KING. I am making no complaint about the lack of fortification of the Philippine Islands, and if the Senator from Illinois [Mr. McCORMICK] in the two little thrusts which he has just submitted, and which are irrelevant to the question, attempts thereby to criticize Senators with respect to the Philippine Islands, he utterly misconceives their attitude. I know of no Senators who have desired to fortify the Philippine Islands. So far as I am concerned, I think we ought to relinquish control over them at once.

Mr. LODGE. That is a matter of present policy; but we are better protected as to the possession of those islands by the agreement under the four-power treaty than we have ever been before. The Japanese have given up the right to fortify all the islands which would be immediately formidable to the Philippines, and, as I have already said, none of their islands can be made formidable to us. Of course, when we agree not to extend fortifications all such agreements are reciprocal.

Neither has the Senator from Missouri mentioned the fact that in relinquishing the right to fortify the island of Amami-Oshima, which is a very large island, 60 miles long, the Japanese have yielded a position that is so far superior to any that we have given up that it is hardly to be mentioned in the same category. I state these points merely to show the just and fair spirit with which each nation approached these agreements, and, further, to make definitely clear that the United States were not yielding without a corresponding sacrifice on the other side.

The Senator from Missouri says there is not a single gateway in the waters of the seven seas that is not controlled by Great Britain. That is a very loose statement. Of course, Great Britain holds many strategical points. Incidentally she has held them for a hundred and fifty years. On the other hand, the large majority of them are in no way fortified in the modern sense of the word. For example, the Senator from Missouri specifically mentions Jamaica as capping one of the entrances to the Panama Canal. That situation has not grown out of any policies advocated by the American delegation at the conference. The fortifications at Kingston, Jamaica, at Bermuda, at Halifax, and all the other points adjacent to the United States are to all intents and purposes nonexistent. They have not been changed or increased for years, and are, therefore, no menace to the United States. They were abandoned by Great Britain as "strong places of arms," as they have been called, and she some time ago withdrew her fleet. They have never been kept up.

The Senator from Missouri draws most disquieting conclusions from figures which he has presented to the Senate. It might be of interest to him, as it will certainly be to the other Members of the Senate, to know exactly what the situation would have been as to the relative strength of the capital ships of the navies of the United States, Great Britain, and Japan had their contemplated building programs been completed. I have as an authority for the figures which I will now state no less a body than the General Board of the Navy. That board of officers has estimated that with our building program of 1916 and the building programs of the other two nations completed, namely, about the year 1928, the relative tonnage of capital ships, excluding predreadnaughts, would be as follows:

United States	100
Great Britain	106
Japan	87

By the treaty we have fixed the relationship:

United States	100
Great Britain	100
Japan	60

Mr. President, we have listened to considerable discussion on naval strategy and tactics in the speech delivered by the Senator from Missouri, but if he can devise any fairer method for estimating naval strengths than the strength of the battle lines on that day when they may meet in conflict, it would be well to have him state it.

The treaty on limitation of naval armaments is based on a fair and just proportion of fighting strength. Perhaps if his naval advisers had advised him more fully they would have shown him that the battle line is composed of three parts, the van, the center, and the rear. We have heard at length arguments which have attempted to show the disadvantage in which the United States has been placed through this treaty which we are called upon to consider. I will ask the Senate to give some slight consideration to the analysis which I am about to present. At present the United States has three post-Jutland ships to Great Britain's one, and will continue this superiority until 1925, when Great Britain, if she lays down two new Hoods, not super-Hoods, will also have three post-Jutland ships.

Even with three post-Jutland ships, if she builds them, Great Britain would only have two with 16-inch guns and one with 15-inch guns, against our three ships with 16-inch guns, or she may have a total of eighteen 16-inch guns and eight 15-inch guns, making twenty-six in all, against our twenty-four 16-inch guns.

At the head or van of the line, which will be maintained by our three post-Jutland ships, we shall have considerable preponderance, especially so as the old Hood is very weakly armored, while our three ships are a heavily armored homogeneous type.

At the rear of the line we shall have four 12-inch 50-caliber gun ships, against four ships of 13½-inch 45-caliber gun ships. Probably Great Britain will have a slight superiority at the rear of the line.

In the center of the line we shall have eleven 14-inch gun ships, carrying a total of eighty-four 14-inch guns of 50 caliber and forty guns of 45 caliber, totaling one hundred and twenty-four guns, against ten ships of Great Britain carying 15-inch 42-caliber guns, with a total number of guns of eighty only. In the center we oppose one hundred and twenty-four guns to Great Britain's eighty. In the center of our fighting line we shall be vastly superior.

In a fight the *Renown*, *Repulse*, and *Tiger* will be in the fast wing and not in the main body, leaving 17 ships of Great Britain against 18 of the United States, with the United States superior at the head of the line, vastly superior in the center, and only somewhat inferior at the tail of the fighting line. Even with the three battle cruisers thrown into the main fight as best they may be, they will not have the fighting strength of any of the dreadnoughts.

As compared to the capital ships of Japan, with their 4 battle cruisers out of 10 capital ships, the fighting strength of the United States is necessarily greatly superior.

Therefore in the effort to come to an equality in fighting strength with Great Britain and to a ratio of five to three with Japan it will be seen that the United States, while endeavoring in every way to preserve these fair ratios, has in no wise allowed her naval strength to be jeopardized. No naval man of standing will say that on the day of battle, which is the day of the crucial test, he would prefer the Navy of Great Britain or the Navy of Japan to that of the United States.

Mr. President, while the opposition in this country has been drawing a very dreadful picture of how much the United States has sacrificed through the conference agreements, I should like to call attention to what the opposition in Japan thinks of the matter.

The Yorodzu of the 4th of February states as follows:

Japan has been conquered by Great Britain and the United States at the conference. The unrest and concern of the people for their safety will increase in the future. We must strive for the construction of a new Japan which may be able to escape the menace of the United States.

Again, the same paper on the 9th of February states as follows:

Why do our delegates at Washington not rebuke the insolence of the United States? Has not the Chinese delegation declared its dissatisfaction with the results of the conference? While Japan has been forced to give up all that she possessed in China except the lease of Port Arthur and Dairen and the South Manchuria Railway and limit even the defenses of a part of her homeland, Britain has acquired the right of control of a railway in China and the United States has increased her exports to China.

All the Japanese must immediately concentrate their efforts on the opposition to the ratification of those treaties made at Washington.

The Hochi on the 10th of February states:

The conference was a great success for Britain and the United States, and President Harding may well congratulate himself for it. For Japan it was a failure, and we can not bring ourselves to be gratified by it.

Japan has sustained such a loss through the conference as she would have suffered had she been defeated in her desperate war with Russia.

The Yomiuri on the 11th of February stated:

Great Britain has been the largest gainer at the conference, cultivating her friendly relation with the United States, substituting the quadruple entente for the Anglo-Japanese alliance without hurting the feelings of Japan, and keeping the naval strength of the United States down to the level of her own. Securing the good will of China by restoring Wei-hai-wei (no longer of value to her).

The United States comes second to Great Britain in point of success. She has secured a 40 per cent naval superiority over Japan, her potential enemy, and regained the good will of China.

France comes third, through securing a voice in Pacific questions vitally affecting her international position.

China is next to France in her attainments. She, aided by the United States and Great Britain, made Japan yield on the Shantung question and compelled the powers to conclude treaties and agreements favorable to her interests. She lost nothing and gained a great deal.

The most miserable is Japan. She has gained a breathing space in naval competition by the enforcement of the naval holiday, and this is a considerable boon to her. But the days of her unrestricted freedom of action are at an end. The California questions are left unsolved, the pressure of foreign capital is on the increase, and the clandestine movements of foreign missionaries in Korea are growing brisker. These factors may cause enmity and hatred between America and Japan in a few years. Our people should carefully gauge the results of the Washington conference.

The Yorodzu of the 15th of February loudly denounces the Government for its ever-yielding policy in connection with the conference. The foreign minister during the interpellations in the Diet stated that in order to insure peace in the Pacific Japan's claims have been abandoned, not only in the naval ratio, which was absolutely essential for national defense, but in the actual issue involved in the fortification of the Pacific and the question of cables in the territory under Japanese mandate.

This paper bitterly declares that the Washington conference has been of success for America, rescuing her from the international isolation threatened because she threw overboard the League of Nations, and enables her to exploit economic resources in the Far East, while the American Continent is under the lock and key of the Monroe doctrine.

The Japan Chronicle of the 15th of February states:

America has killed two birds with one stone, having secured assistance for China and freed herself of the supposed danger of China being controlled by Japan on the other.

Thus America enhances her political and economic position in China. While Britain gained less, she will be enabled to maintain her old position in China.

Japan's gain is limited to being freed of suspicion and misunderstandings by other nations and having the way paved to some extent for minimizing the estrangement between China and herself.

The two pictures thus presented by the opposition, one in the United States and the other in Japan, are so diametrically opposed to each other that it is difficult to reconcile them. The basis of the estimates are the same, for the treaties which serve us serve Great Britain and Japan as well, and the figures submitted by the Senator from Missouri, in so far as they are accurate, are available alike to those countries.

Mr. President, having read those statements of the Japanese opposition, and having been privileged to hear for some weeks past the views of the opposition in this country, I remembered a similar case, because I once made something of a study of one of the men concerned in it. It was in 1842. The Webster-Ashburton treaty had been made by Mr. Webster, as Secretary of State, and Lord Ashburton, sent out here by Great Britain. The treaty was taken up in the Senate. They discussed it in secret session, but Mr. Benton subsequently published his memoirs and recollections of 30 years; there was not much secrecy left after that and undoubtedly things were given out. I am quoting, because it is a convenient condensation, from Mr. George Ticknor Curtis's Life of Daniel Webster. He speaks first of Mr. Rives, of Virginia, who favored the treaty. Then this which follows sounds so familiar:

Mr. Benton made an elaborate and violent attack upon every stipulation of the treaty, and every part of the negotiation and correspondence. He condemned them equally for what was done and what was left undone. His principal objections—

These are worth listening to.

His principal objections to the whole transaction were: (1) That there had been but one negotiator, and he from an interested State; (2) that the negotiation was not conducted on a basis of absolute right, but as a matter of bargain and sale; (3 and 4) that no protocols, notes, or minutes of the conferences had been kept, and consequently obscurity rested upon the origin and progress of the different propositions; (5) that the American negotiator had taken upon himself to act for the British envoy, presenting the British claims as American and pressing British arguments upon Maine, "victimizing that deserted and doomed State"; (6) that incongruous matters had been mixed in the same treaty; (7) that ratification had been forestalled by private consultations with Senators; (8 and 9) "the solemn and mysterious humbuggery by which Dr. Franklin had been made to play a part in ravishing this ratification from our alarms and screening the negotiator from responsibility for his gratuitous sacrifices" and the "awful apparition of the disinterred map," shown to alarm Senators into ratification. He discussed all these general obections at length and took up all the different parts of the negotiation in detail and could find no redeeming merit in any of them.

On the boundary question he made out 12 important sacrifices by America to 6 insignificant concessions by the British.

* * * * * * *

Mr. Benton then proceeded to take up and discuss the sins of omission which related to the Columbia River dispute; the subject of impressment; the outrage on the *Caroline;* and the liberation of American slaves, all of which, he said, ought to have been put finally at rest, and in each case according to the extreme claims of the Americans. He condemned Mr. Webster in unmeasured terms for not taking a high and unyielding tone on all these matters and insisting on a final settlement. He was peculiarly severe on the correspondence in the *Creole* case. Mr. Webster, he said, had laid down the law correctly, but it was all talk, nothing was done. Lord Ashburton had engaged only for the suaviter in modo, while the fortiter in re remained as it was. It was "solemn bamboozlement" to repeat this engagement to the Senate and ask them to be satisfied with it. It was "a contrivance suggested by our Secretary to cover his desertion of the South."

The debate went on, some of the Senators spoke for the treaty; Mr. Calhoun stated his reasons for voting to ratify it, and Mr. Buchanan made a long speech in opposition; but when it came to a vote the Senate voted for it—39 to 9.

I took occasion at that time to look up the debates on the English side—I take it now from Mr. Curtis's abstract, because it is easier to find—and examined the view they took. This is the opposition that I read from:

Lord John Russell spoke of the settlement of the boundary. He admitted the importance of a settlement, but was not satisfied with the terms. Lord Ashburton's first dispatch should have been firmly adhered to, but disadvantageous concessions had been in fact made. Mr. Webster was unfair in insisting on the river boundary so strongly and afterwards leaving it. The correspondence, he thought, showed that better terms might have been obtained. Lord Ashburton he considered a bad appointment. His feelings were not earnestly enough enlisted in the colonial interests of Great Britain, and so the hold of the country on those Provinces was endangered.

Then Lord Palmerston, who was the leader of the opposition—

On the 21st of March moved for copies of the instructions given by the Government to the British envoy, and in a speech of more than three hours' length made an elaborate attack on the whole course of the negotiations and the result attained. He gave an account of the difficulty from the treaty of 1783, together with all the negotiations and attempts at settlement which had been made down to the appointment of Lord Ashburton. In speaking of the interpretation of the treaty of 1783, he declared that he believed the red-lined map of which much had been heard, lately found by Mr. Sparks in the Royal Library at Paris, was the one alluded to by Dr. Franklin, as that used by the commissioners, marked with a strong red line following the boundary as laid down by the treaty; and this line, he said, was the boundary which had always been claimed by Great Britain. There was another map, similarly marked, in the State paper office at London. He criticized the appointment of Lord Ashburton on the ground that he was unskilled in diplomacy and inclined to be favorable to the United States. The first blunder of the envoy was in beginning with an ultimatum instead of allowing himself room for concession. He then showed great weakness in receding from his ultimatum and allowing a division of the Madawaska settlement, contrary to the wish of the inhabitants and the right of Great Britain—

And he condemned it very strongly.

There is one other that I noted, because of the man who made it.

Mr. Macaulay—

Afterwards Lord Macaulay—

declared the treaty to be in every way deficient. They had a right to expect that the dignity of the country would be preserved, that the difficulties should be effectually put at rest, and that cordial feelings between the two countries should have been the result. But, he said, the honor of the country had been compromised by the "humble, caressing, wheedling tone" which Lord Ashburton had adopted, and which contrasted strongly with the "firm, resolute, vigilant, and unyielding" manner of Mr. Webster.

Not at all like Benton's description.

They did not, of course, have to ratify the treaty in Parliament; but they had a vote of approval, which was unusual, in both Houses, approving Lord Ashburton's negotiations and the result, and the votes were carried by large majorities. History may not repeat itself, but oppositions sometimes do. After recording these remarks of the opposition in England and in the United States Senate, when I was writing a biography of Daniel Webster, I came to his conclusion that the attacks of Lord Palmerston and Senator Benton demonstrated pretty thoroughly that the Webster-Ashburton treaty was a good one. At all events, it has endured unchanged for 80 years.

Mr. President, I have trespassed very long on the time of the Senate, but I wished to bring these facts, so far as possible, before the Senate as a preliminary to acting upon the treaty.

There is one matter that I overlooked.

It will be remembered that in the covenant of the League of Nations there is a provision for reduction of armament, and I had the curiosity to get these minutes in order to see what they have done practically toward the reduction of armaments. This is an extract from the official journal of the League of Nations—Special Supplement No. 6—October, 1921:

Resolutions and recommendations adopted by the assembly during its second session (September 5 to October 5, 1921), Geneva, 1921.

I shall not read all the resolutions and recommendations. I shall ask to have them all printed; but I shall read the final report made by M. Léon Bourgeois, which contained the final resolutions adopted by the council:

The council postpones for the present the consideration of the assembly's resolutions 5, 7, 8, 10, and 11, and takes forthwith the following decisions:

1. The council instructs the secretary general to inform M. Viviani, the president of the temporary mixed commission, that the latter is asked to continue the work which it has begun.

2. The temporary mixed commission is invited to meet as early as possible and to lay before the council the names of new members up to the number of six, which it desires to coopt. The commission is invited to make proposals on general lines for the reduction of national armaments which, in order to secure precision, should be in the form of a draft treaty or other equally definite plan, to be presented to the council, if possible, before the assembly next year.

3. The temporary mixed commission is asked to carry out its statistical investigation upon the lines indicated in the body of the assembly report on the reduction of armaments.

4. The temporary mixed commission is requested to continue the examination of the questions of the private manufacture of armaments and the trade in arms.

5. A communication should be sent to the Governments who will participate in the forthcoming Washington conference on disarmament in the terms of the draft included in this report. In the meantime a new letter should be sent to the States which have not yet notified their attitude in respect of the convention of St. Germain, to request them to do so.

6. The temporary mixed commission shall be asked to examine—in consultation with the permanent advisory commission—whether it is advisable to address an appeal to the scientific men of the world to publish their discoveries in poison gas and similar subjects, so as to minimize the likelihood of their being used in any future war.

I ask to have the entire resolutions and recommendations printed as an appendix to my remarks.

Mr. LODGE. What I have read is simply a reference of the subject to committees to talk about it and to get information, which would not mean any action for 10 years. At least we have succeeded in getting definite action. If this treaty is ratified—as I believe it will be—by all the signatory powers, it will mean an absolute reduction of armaments, a stopping of competition in armaments, and in another year a sensible relief to the taxpayers of all the countries involved. Whatever else it is, it is a real and concrete achievement and not a reference to commissions of experts. It really means something.

Mr. President, in conclusion I only desire to say that the American delegation went into this work on the subject of armaments with but one idea, and that was so far as possible to bring about a limitation of armaments among the great maritime nations of the world. I think that has been done. I think it is work of great value, and I hope the Senate will approve and ratify it.

APPENDIX.

[Extract from League of Nations official journal (special supplement No. 6), October, 1921. Resolutions and recommendations adopted by the assembly during its second session (September 5 to October 5, 1921), Geneva, 1921.]

VI. RESOLUTIONS AND RECOMMENDATIONS ADOPTED ON THE REPORTS OF THE THIRD COMMITTEE.

1. REDUCTION OF ARMAMENTS.

The assembly thanks M. Branting, chairman of the third committee, and the rapporteur, Lord Robert Cecil, for their valuable work. It is convinced of the urgent necessity of passing beyond the stage of the enunciation of principles and of proceeding to carry them into practical effect. The assembly therefore approves the report and the following resolutions submitted by the third committee with reference to the reduction of armaments:

1. That it is desirable that the temporary mixed commission should be asked to continue the work which it has begun.

2. That the temporary mixed commission be asked to make proposals on general lines for the reduction of national armaments which, in order to secure precision, should be in the form of a draft treaty or other equally definite plan, to be presented to the council, if possible, before the assembly next year.

In order to enable the temporary mixed commission to accomplish this task the council should be asked to strengthen this commission.

3. That a statistical investigation be made with regard to the armaments of the various countries upon the lines indicated in the body of the report of the third committee.

4. That the temporary mixed commission be requested to continue the examination of the question of the private manufacture of armaments and the trade in arms.

5. That the council be requested to invite all the members of the league and interested States which are not members of the league to take part in an international conference on the private manufacture of arms and the trade in arms, which should meet as soon as possible at a date to be fixed under the responsibility of the council. It is considered highly desirable that this date should be prior to the next session of the assembly.

The temporary mixed commission should be intrusted with the task of preparing the program of the conference and of submitting to it a draft convention.

6. That the urgent importance of ratifying the convention at the earliest possible moment be strongly impressed on all the States signatories to the arms traffic convention of St. Germain, whether members of the League of Nations or not, and that at the same time all nonsignatory States be invited to adhere to the convention.

The assembly expresses its earnest desire that the importance of this subject may be strongly urged at the forthcoming Conference on Disarmament at Washington.

7. The assembly, taking note of the view expressed in the report of the temporary mixed commission on the reduction of armaments with regard to the desirability of making provision for excluding the import of arms and ammunition in time of peace from countries in which the traffic is uncontrolled, invites the council to prepare a draft protocol for this purpose for the consideration of the various Governments. At the same time it expresses the earnest hope that this procedure will not in any way be permitted to delay the general ratification of the convention of St. Germain.

The steps that may eventually have to be taken for the destruction of the surplus stocks of munitions may be considered by the temporary mixed commission.

8. That, subject to the conditions set out in the recommendation of the first assembly, the recommendation that members of the league should undertake not to exceed for the next two financial years following the present year the sum total of expenditure on military, naval, and air forces provided for in the budget of that year, be again forwarded to all members of the league, together with a statement showing the replies already received to this recommendation.

9. That the temporary mixed commission be asked to examine—in consultation with the permanent advisory commission—whether it is advisable to address an appeal to the scientific men of the world to publish their discoveries in poison gas and similar subjects, so as to minimize the likelihood of their being used in any future war.

10. That it is desirable that propaganda in favor of the reduction of armaments, as contemplated in the covenant, should be carried out with earnestness and conviction among all nations.

11. In pursuance of the third resolution of the first assembly, the assembly is of opinion that the secretariat should be asked to complete the organization of the section of the secretariat dealing with the question of the reduction of armaments, and that this section should have a directorship of its own, or other equivalent organization, quite separate from and, if necessary, in addition to, those already proposed by the fourth committee of the assembly.

(Resolutions adopted on October 1, 1921.)

[Extract from minutes of the fourteenth session of the council of the League of Nations held at Geneva. Second part. September 12 to October 12, 1921.]

The members of the council of the League of Nations are represented as follows:

China by M. Wellington Koo, president.
Belgium by M. Paul Hymans.
Brazil by M. Gastão da Cunha.
The British Empire by Mr. A. J. Balfour.
France by M. Léon Bourgeois.
Italy by Marquis Imperiali.
Japan by Viscount Ishii.
Spain by M. Quinones de Leôn.
Secretary general, Sir Eric Drummond.

FOURTEENTH MEETING (PRIVATE).

Held on Wednesday, October 12, 1921, at 3.30 p. m.

Present, all the representatives of the members of the council and the secretary general.

510. Albania.

511. Resolutions of the assembly concerning the reduction of armaments.

The council adopted the report of M. Léon Bourgeois (Annex 274), together with the following resolutions:

"The council postpones for the present the consideration of the assembly's resolutions 5, 7, 8, 10, and 11, and takes forthwith the following decisions:

"1. The council instructs the secretary general to inform M. Viviani, the president of the temporary mixed commission, that the latter is asked to continue the work which it has begun.

"2. The temporary mixed commission is invited to meet as early as possible and to lay before the council the names of new members up to the number of six, which it desires to coopt. The commission is invited to make proposals on general lines for the reduction of national armaments which, in order to secure precision, should be in the form of a draft treaty, or other equally definite plan, to be presented to the council, if possible, before the assembly next year.

"3. The temporary mixed commission is asked to carry out its statistical investigation upon the lines indicated in the body of the assembly report on the reduction of armaments.

"4. The temporary mixed commission is requested to continue the examination of the questions of the private manufacture of armaments and the trade in arms.

"5. A communication should be sent to the Governments who will participate in the forthcoming Washington Conference on Disarmament in the terms of the draft included in this report. In the meantime a new letter should be sent to the States which have not yet notified their attitude in respect of the convention of St. Germain to request them to do so.

"6. The temporary mixed commission shall be asked to examine—in consultation with the permament advisory commission—whether it is advisable to address an appeal to the scientific men of the world to publish their discoveries in poison gas and similar subjects, so as to minimize the likelihood of their being used in any future war."

The British, French, and Italian representatives agreed to ask Mr. Fisher, M. Viviani, and M. Schanzer whether they could continue to serve on the commission, and if not, to request them to appoint substitutes.

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole and open to amendment and consideration article by article.

The reading clerk read article 1, as follows:

ARTICLE I.

The contracting powers agree to limit their respective naval armament as provided in the present treaty.

The VICE PRESIDENT. Without objection, the article will be agreed to.

The reading clerk read article 2, as follows:

ARTICLE II.

The contracting powers may retain respectively the capital ships which are specified in chapter 2, part 1. On the coming into force of the present treaty, but subject to the following provisions of this article, all other capital ships, built or building, of the United States, the British Empire, and Japan shall be disposed of as prescribed in chapter 2, part 2.

In addition to the capital ships specified in chapter 2, part 1, the United States may complete and retain two ships of the *West Virginia* class now under construction. On the completion of these two ships the *North Dakota* and *Delaware* shall be disposed of as prescribed in chapter 2, part 2.

The British Empire may, in accordance with the replacement table in chapter 2, part 3, construct two new capital ships not exceeding 35,000 tons (35,560 metric tons) standard displacement each. On the completion of the said two ships the *Thunderer, King George V, Ajax*, and *Centurion* shall be disposed of as prescribed in chapter 2, part 2.

The VICE PRESIDENT. Without objection, the article will be agreed to.

The reading clerk read article 3, as follows:

ARTICLE III.

Subject to the provisions of article 2, the contracting powers shall abandon their respective capital shipbuilding program, and no new capital ships shall be constructed or acquired by any of the contracting powers except replacement tonnage which may be constructed or acquired as specified in chapter 2, part 3.

Ships which are replaced in accordance with chapter 2, part 3, shall be disposed of as prescribed in part 2 of that chapter.

Mr. KING. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gerry	Nelson	Stanley
Ball	Hale	New	Sterling
Borah	Harris	Oddie	Sutherland
Broussard	Harrison	Overman	Swanson
Bursum	Hitchcock	Page	Townsend
Cameron	Johnson	Pepper	Trammell
Capper	Jones, Wash.	Pittman	Underwood
Colt	Kellogg	Poindexter	Wadsworth
Cummins	King	Pomerene	Walsh, Mass.
Dial	Lenroot	Sheppard	Walsh, Mont.
Edge	Lodge	Shields	Warren
Ernst	McCormick	Shortridge	Williams
Fernald	McNary	Simmons	Willis
France	Moses	Stanfield	

Mr. SUTHERLAND. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from New York [Mr. CALDER] are detained at a meeting of the Committee on Finance.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Fifty-five Senators have answered to their names. A quorum is present. The question is upon agreeing to article 3. Without objection, the article is agreed to.

The reading clerk read article 4, as follows:

ARTICLE IV.

The total capital ship replacement tonnage of each of the contracting powers shall not exceed in standard displacement, for the United States, 525,000 tons (533,400 metric tons); for the British Empire, 525,000 tons (533,400 metric tons); for France, 175,000 tons (177,800 metric tons); for Italy, 175,000 tons (177,800 metric tons); for Japan, 315,000 tons (320,040 metric tons).

The PRESIDING OFFICER. The question is upon agreeing to article 4. Without objection, the article is agreed to.

The reading clerk read article 5, as follows:

ARTICLE V.

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers.

The PRESIDING OFFICER. Without objection, the article is agreed to.

The reading clerk read article 6, as follows:

ARTICLE VI.

No capital ship of any of the contracting powers shall carry a gun with a caliber in excess of 16 inches (406 millimeters).

The PRESIDING OFFICER. Without objection, article 6 is agreed to.

The reading clerk read article 7, as follows:

ARTICLE VII.

The total tonnage for aircraft carriers of each of the contracting powers shall not exceed in standard displacement, for the United States, 135,000 tons (137,160 metric tons); for the British Empire, 135,000 tons (137,160 metric tons); for France, 60,000 tons (60,960 metric tons); for Italy, 60,000 tons (60,960 metric tons); for Japan, 81,000 tons (82,296 metric tons).

The PRESIDING OFFICER. Without objection article 7 is agreed to.

The reading clerk read article 8, as follows:

ARTICLE VIII.

The replacement of aircraft carriers shall be effected only as prescribed in chapter 2, part 3; provided, however, that all aircraft carrier tonnage in existence or building on November 12, 1921, shall be considered experimental, and may be replaced, within the total tonnage limit prescribed in article 7, without regard to its age.

The PRESIDING OFFICER. Without objection article 8 is agreed to.

The reading clerk read article 9, as follows:

ARTICLE IX.

No aircraft carrier exceeding 27,000 tons (27,432 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers.

However, any of the contracting powers may, provided that its total tonnage allowance of aircraft carriers is not thereby exceeded, build not more than two aircraft carriers, each of a tonnage of not more than 33,000 tons (33,528 metric tons) standard displacement, and in order to effect economy any of the contracting powers may use for this purpose any two of their ships, whether constructed or in course of construction, which would otherwise be scrapped under the provisions of article 2. The armament of any aircraft carriers exceeding 27,000 tons (27,432 metric tons) standard displacement shall be in accordance with the requirements of article 10, except that the total number of guns to be carried in case any of such guns be of a caliber exceeding 6 inches (152 millimeters), except antiaircraft guns and guns not exceeding 5 inches (127 millimeters), shall not exceed eight.

The PRESIDING OFFICER. Without objection article 9 is agreed to.

The reading clerk read article 10, as follows:

ARTICLE X.

No aircraft carrier of any of the contracting powers shall carry a gun with a caliber in excess of 8 inches (203 millimeters). Without prejudice to the provisions of article 9, if the armament carried includes guns exceeding 6 inches (152 millimeters) in caliber the total number of guns carried, except antiaircraft guns and guns not exceeding 5 inches (127 millimeters), shall not exceed 10. If alternatively the armament contains no guns exceeding 6 inches (152 millimeters) in caliber, the number of guns is not limited. In either case the number of antiaircraft guns and of guns not exceeding 5 inches (127 millimeters) is not limited.

The PRESIDING OFFICER. Without objection, article 10 is agreed to.

The reading clerk read article 11, as follows:

ARTICLE XI.

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the contracting powers. Vessels not specifically built as fighting ships nor taken in time of peace under government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this article.

The PRESIDING OFFICER. Without objection, article 11 is agreed to.

The reading clerk read article 12, as follows:

ARTICLE XII.

No vessel of war of any of the contracting powers, hereafter laid down, other than a capital ship, shall carry a gun with a caliber in excess of 8 inches (203 millimeters).

The PRESIDING OFFICER. Without objection, article 12 is agreed to.

The reading clerk read article 13, as follows:

ARTICLE XIII.

Except as provided in article 9, no ship designated in the present treaty to be scrapped may be reconverted into a vessel of war.

The PRESIDING OFFICER. Without objection, article 13 is agreed to.

The reading clerk read article 14, as follows:

ARTICLE XIV.

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6-inch (152 millimeters) caliber.

The PRESIDING OFFICER. Without objection, article 14 is agreed to.

The reading clerk read article 15, as follows:

ARTICLE XV.

No vessel of war constructed within the jurisdiction of any of the contracting powers for a noncontracting power shall exceed the limitations as to displacement and armament prescribed by the present treaty for vessels of a similar type which may be constructed by or for any of the contracting powers: *Provided, however,* That the displacement for aircraft carriers constructed for a noncontracting power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement.

The PRESIDING OFFICER. Without objection, article 15 is agreed to.

The reading clerk read article 16, as follows:

ARTICLE XVI.

If the construction of any vessel of war for a noncontracting power is undertaken within the jurisdiction of any of the contracting powers, such power shall promptly inform the other contracting powers of the date of the signing of the contract and the date on which the keel of the ship is laid, and shall also communicate to them the particulars relating to the ship prescribed in chapter 2, part 3, section 1 (b), (4), and (5).

The PRESIDING OFFICER. Without objection, article 16 is agreed to.

The reading clerk read article 17, as follows:

ARTICLE XVII.

In the event of a contracting power being engaged in war, such power shall not use as a vessel of war any vessel of war which may be under construction within its jurisdiction for any other power, or which may have been constructed within its jurisdiction for another power and not delivered.

The PRESIDING OFFICER. Without objection, article 17 is agreed to.

The reading clerk read article 18, as follows:

ARTICLE XVIII.

Each of the contracting powers undertakes not to dispose by gift, sale, or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the navy of any foreign power.

The PRESIDING OFFICER. Without objection, article 18 is agreed to.

The reading clerk read article 19, as follows:

ARTICLE XIX.

The United States, the British Empire, and Japan agree that the status quo at the time of the signing of the present treaty with regard to fortifications and naval bases shall be maintained in their respective territories and possessions specified hereunder:

(1) The insular possessions which the United States now hold or may hereafter acquire in the Pacific Ocean, except (a) those adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands.

(2) Hongkong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean east of the meridian of 110° east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its territories, and (c) New Zealand.

(3) The following insular territories and possessions of Japan in the Pacific Ocean, to wit: The Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa, and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire.

The maintenance of the status quo under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified; that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces; and that no increase shall be made in the coast defenses of the territories and possessions above specified. This restriction, however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace.

Mr. KING. Mr. President, I would like to inquire of the Senator from Alabama [Mr. UNDERWOOD], the Senator from Massachusetts [Mr. LODGE] not being in the Chamber at this moment, whether any efforts other than those referred to by the Senator from Massachusetts were made to bring other nations into the naval conference with a view to securing an agreement upon their part to limit naval armament.

It is clear that the treaty binds only the nations who have subscribed to it. As I understand the treaty, there is no inhibition whatever upon other nations, and they may engage in the construction of capital ships, either battleships or battle cruisers, and for that matter all forms of naval war craft or war agencies, without limitation or restriction.

Mr. UNDERWOOD. Mr. President, the Senator asks me a question that is manifestly not within my power to answer, for this reason: The Senator will recall that Congress requested that a conference be called looking to a reduction of armament by the nations of Great Britain, Japan, and the United States. That conference was not called by the delegates who attended it, but by the President of the United States. The President of the United States extended the scope of the conference beyond the three powers named, to France and Italy. Whether the President made any effort to invite any other nations in or not, I do not know.

Of course, when the conference met it was not within the power of the delegates to the conference to invite other delegates into the conference because, acting as commissioners for the President of the United States, their powers were limited to the call that he had issued and to conferring with the nations which had been called together on the invitation of the President of the United States.

But manifestly it did not make any difference, because outside of the five powers which signed the treaty there are no nations in the world that have navies which can reasonably be called navies, and there is no other nation in the world whose navy this Government should desire to reduce. What may happen in the future no man can tell, but certainly there is no probability of any nation in the world, outside of the five nations which signed the pending treaty, building a navy that would in any way rival even the navies of France and Italy, who have the smallest navies of the powers which signed the treaty.

Mr. KING. If the Senator will pardon me, to much of his statement I agree, namely, that the President called these nations and, of course, the delegates selected by the President to represent the United States could not amplify or extend the invitation; but the delegates must have invited Italy and France to become parties to this naval agreement.

Mr. UNDERWOOD. Not the delegates or the commissioners. I believe they are called delegates commonly, but their commissions read as commissioners. No; they did not invite those nations. The President of the United States invited Italy and France to the Conference on Limitation of Armament.

Mr. KING. Oh, I understand, to the conference, but I referred to the treaty now before us.

Mr. UNDERWOOD. There were two invitations issued, one to the four nations beside those nations included in the limitation of armament, and under the President's invitation as agreed to by those powers it was limited to those four nations outside of the United States.

The other request was in reference to far eastern questions, where eight other powers were invited in by the President of the United States, and their powers were limited to the far eastern questions. Of course, those two separate organizations were working at the same time within the scope of the invitation which had been accepted, and so far as the commissioners to the conference were concerned, they had no powers in that matter whatever.

Mr. KING. The Senator recalls that Holland participated in the conference?

Mr. UNDERWOOD. In the far eastern conference under the invitation of the President.

Mr. KING. And the Senator doubtless has perceived that the representative of Holland, since his return, has been severely criticized because his Government was not called upon to participate in the conference, or, rather, in the pending treaty.

Mr. McCORMICK. If the Senator will permit me, he was criticized because he did not make his Government a party to the four-power treaty.

Mr. KING. Yes; and to the naval limitation treaty.

Mr. McCORMICK. I think the Senator is mistaken.

Mr. KING. The Senator from Illinois has very much information, but he does not possess all the springs of information.

Mr. UNDERWOOD. Of course, the Senator from Utah refers to a matter that was beyond my jurisdiction. As one of the commissioners or delegates to the conference, I had no right to extend such an invitation. The stream can not rise higher than its source, and when I accepted the President's commission I and my colleagues on the American delegation were limited to the duties prescribed in our instructions. Of course, the invitation could not have been extended by the delegates; it must have been extended by the Nation; and we did not represent the Nation in that respect.

Mr. KING. Mr. President, if I may make one observation in reply to a suggestion made by the Senator from Alabama. If I understood his attitude correctly, it was that because the United States has no fear of any other nation becoming its naval rival, therefore we are not interested whether the other nations construct capital ships or not. I suggest to the Senator that the United States can not afford to take that position. If a large number of nations should embark upon the construction of capital ships, it seems to me that it would be a cause of con-

cern to the United States, because when such ships were completed, though the number constructed by each nation might be small, a crisis might arise which would drive those nations together. The fact that the four-power treaty, but recently ratified, constitutes, as many believe, an alliance, and the other nations may form alliances, and some nations having capital ships may unite to form an alliance, or combination. Their navies might not constitute a menace to the United States, but the fact that they have capital ships and continue to build them might be regarded as a cloud in the sky which might presage international controversies and militate against the peace of the world. So it does seem to me that it would have been wise for the President at some period of the conference to have attempted to secure the consent of other nations to a policy restricting the construction of capital ships.

Mr. UNDERWOOD. Mr. President, I think the Senator's proposition is entirely theoretical. I think if many of the nations to which he refers had been invited to disarm when they had no battleships, they would have wondered why they had been summoned to the conference; and if that had been done it certainly would have taken a good deal more time to have worked out in this treaty the problem which Congress had laid down to be solved. If nations which did not have ships and did not have armaments had been invited to disarm it would have been like calling on a citizen to lay down his gun when he does not have a gun. Of course, however, I am not speaking of the question with any authority, for, as I have said, the commissioners to the conference had no authority to act in the matter.

Mr. KING. Of course, the Senator from Alabama will perceive that the call for the conference was not limited to the consideration of capital ships, but to all forms of naval armament?

Mr. UNDERWOOD. Of course, when I said "capital ships" I meant any fighting ships. I do not think there is a thing in the proposition advanced by the Senator from Utah except a theory, for it is quite probable that during the 15 years of the life of this treaty no nation in the world not a party to the treaty will have any naval armament which need be regarded seriously, because it takes time and it takes a great deal of money to build capital ships; and without capital ships, of course, no nation could stand up an hour in battle line against the navy of any one of the powers which have joined in this treaty.

Mr. KING. This treaty places no limitations whatever upon the construction and use for war purposes of submarines?

Mr. UNDERWOOD. Undoubtedly, it does not.

Mr. KING. It places no limitations whatever upon aircraft as a weapon in war?

Mr. UNDERWOOD. Mr. President, I should be glad if the Senator from Utah would ask his questions all at one time, for I do not care to be getting up and down, though I am glad to answer them. Of course, the Senator knows just as well as I do, for he has read the treaty, that there is no limitation on submarines, because the conferees were unable to agree to a limitation on submarines. It was not because we did not want to agree but because we could not reach such an agreement. There is no limitation on aircraft as such, yet there is a limitation on aircraft carriers, which for naval purposes limits the amount of aircraft that may be used.

Mr. KING. Mr. President, I wanted to lend emphasis to the matter by having the Senator from Alabama answer my questions singly, not en bloc. It is obvious that some of the good people of the United States who think that the ratification of this treaty will bring about the millennium and will, in a naval sense, completely disarm all of the powers signatory to the treaty, are mistaken. I venture to assert that there will be great activity on the part of many nations in the construction of submarines and airplanes and other naval weapons and instruments of naval warfare.

Mr. UNDERWOOD. Mr. President, I do not desire to take up the time of the Senate, but I have a few words to say in reference to the pending treaty. The Senator from Utah has given me the opportunity to say them now.

The Senator from Utah states—I do not know whether he states it in the way of an objection to the treaty or not—that the people of the United States are going to be very much disappointed in the treaty because it does not prevent in the future the building of all types of naval vessels. Mr. President, I think that one of the great acts of Congress, and one which history will record as one of the mileposts in the progress of civilization, was the passage of a joint resolution by the Senate of the United States, which was finally passed by Congress, requesting the President of the United States to call a conference of the three great naval powers—the British Empire, Japan, and the United States—looking to a limitation of armament. I think it was wise on the part of the President to extend that invitation also to France and Italy. I do not say that the pending treaty is a treaty of peace, for it is manifest that, notwithstanding the many great points for good in the treaty, when it is brought down to its last analysis the naval strength of the five powers which have joined in it is the same that it was last year, relatively speaking, that their relative strength will continue to be the same.

There is a manifest reason for that. The subject was carefully gone over by the American delegates in the beginning before they made a proposal to the conference favoring a limitation of armaments. We could not have proposed to the other nations that they limit their armaments and reduce their building programs because they did not need their navies; that was a question that could have been discussed for weeks and months and years. We could not put it on the basis that one nation was greater than another, for they were all sovereign nations and had a right to do what they pleased within the scope of their national power. Our Government invited them here to lay aside a part of their sovereign rights by entering into a contract to limit the building of navies in the future. When we came to seek a basis, the only basis which we could find on which we might hope to reach a favorable agreement was the status quo, the amount of armament which each nation possessed when the conference met.

That is the basis on which the proposal of the American Government was worked out; that was the basis on which this treaty was finally agreed upon. It involved a reduction in armament and a limitation of armament, and in the end it left each one of the five nations relatively in the same position, except that France and Italy have been given some little advantage, due to the fact that they had not engaged in adding to their naval strength during the Great War. The difference in their favor, however, is not a material one.

Mr. President, I do not think that this treaty is going to be a disappointment to the American people. We may discuss and contend and differ about the other treaties which have come before the Senate from the conference, but I do not believe there has ever been an event in American history that was hailed with more unanimous approval on the part of the American people than the announcement of the American delegation to the conference in favor of stopping the building of battleships and armaments and a reduction of the navies of the world, involving, of course, a reduction in the cost of building and maintenance. Irrespective of party, irrespective of class or clan, from the Atlantic Ocean to the Pacific Ocean, a wave of approval swept over the country; and, in my judgement, so far as this naval treaty is concerned, that approval still remains in the hearts and minds of the American people. And it is an accomplishment, Mr. President, not so much because of the reduction in the number of battleships, not so much because of the details of the proposal, but it is one of the greatest accomplishments in the history of the world that such an agreement has been reached by great nations. This treaty, which the Senate of the United States will probably ratify to-day, is a milestone in the history of the world.

For ages past men have talked about laying aside the sword, about reducing armaments, about lifting the burden of the bayonet and the soldier from the backs of the masses of the people, but nothing looking toward a realization of that great end has ever been done by international agreement. One nation may have reduced its armament and another increased its armament, but for the first time in the history of the world five nations, great in their naval power and armament, have met together and not only agreed to reduce their armament, not only agreed to lift that burden of taxation from their people, but they have agreed to a naval holiday of 10 years, in which no building shall be done with the exception of replacement ships; that for 10 years they shall cease to arm and threaten each other by continual increases in their naval establishments.

More than that, while the actual saving flowing from this treaty in reduced appropriations for this year or next year may not be very great, yet there will be many hundreds of millions of dollars saved to the American people in the years to come if this treaty goes into effect.

Had we continued the program of 1916 upon which we had entered and then continued the program of 1918, which Congress had ordered, we would have piled the appropriations up into the hundreds and hundreds of millions, if not billions, of dollars before we had carried out those programs; and we would have forced the other great powers to have taken similar action or lose their position of naval strength. As a result of the conference, the only five nations possessing naval armament, after meeting together, have agreed to reduce their armaments and to stop the reckless race of building.

I think this treaty is a document of which the Congress of the United States should be proud. So far as the delegates to the conference were concerned, they were merely the hands of the Government; the conference itself was initiated right here in this Chamber; and I think that every Member of the Congress who voted for the resolution calling the conference together is entitled to his share of the credit for this undertaking.

Mr. President, the pending treaty provides not only for a reduction of arms, not only does it declare a naval holiday for 10 years, but it establishes a precedent in the world that may hereafter mean an onward step in the realm of peace among nations. No man can predict what the future holds, but I believe firmly that at the end of the 15-year period, which is the life of this treaty, the great democratic peoples of the world, having found that they could meet and agree not to arm nation against nation, will demand that the action which has been taken here shall be renewed in the future, and, instead of the nations of the world arming against each other, they will disarm for the universal peace of the world.

Mr. WALSH of Montana. Mr. President, I entertain no doubt that this treaty will be ratified by practically the unanimous vote of this body, as it should be. That it was a great accomplishment no one can and no one, so far as I know, has any disposition to deny. I rise, however, to call attention in a very general way to how far the hopes of the people of the United States with respect to general disarmament have failed by the course that has been taken.

It will be remembered that when the matter was under consideration by the Senate during the winter of 1920-21 some contention arose as to whether, if a conference were called, its activities should be confined to limitation of naval armaments alone, or whether an effort should be made to accomplish a reduction in the land armaments of the world as well as the naval armaments. It may be well to recall at this time some of the history of this great conference.

It was provided by article 8 of the covenant of the League of Nations that the council should be charged with the duty of preparing a plan for general disarmament, to be submitted to the respective Governments of the world for their approval or disapproval; and early after the organization of the council it undertook that duty, appointing for the purpose of preparing a plan a committee consisting of three representatives from each of the nations represented upon the council, one a military officer, one a naval officer, and the third an officer of the aerial service, except in the case of Brazil, where one officer acted in the threefold capacity. This action was taken by the council in the month of May, 1920. It proceeded with its work, but, of course, was immediately embarrassed by the fact that the United States was not represented upon the committee, and it was recognized that it would be impossible to accomplish anything in the nature of a general reduction of armaments without the cooperation of the United States. It reported its difficulties to the council, which passed a resolution asking the Government of the United States to send representatives to sit in a consultative capacity with the committee which was then dealing with the subject.

I will have you bear in mind that represented upon that committee was every State having a representative on the council of the League of Nations, namely, Great Britain, France, Japan, Italy, Spain, Belgium, and Brazil. That body was engaged, not merely in an effort to accomplish a reduction in naval armaments but in an effort to accomplish a reduction in land as well as naval armaments. An invitation was sent, as I say, to the President of the United States, who, as I always thought, rather inconsiderately declined the invitation, and thereupon a resolution was introduced in the Senate requesting the President to accept the invitation and send representatives to that committee thus engaged in the work, so that at the time the Senate first took action with respect to the matter the work of endeavoring to get an agreement between the nations of the earth with respect to the limitation of armaments was well under way, and under way pursuant to the Versailles treaty and the covenant of the League of Nations.

Four days thereafter the celebrated Borah resolution, asking that a conference of the three great naval powers be held for the purpose of agreeing upon a plan of limitation of naval armaments, was introduced, and, with the resolution to which I have referred, was sent to the Committee on Foreign Relations. Meanwhile, the naval appropriation bill came before the Senate, and an amendment was offered by the Senator from New Jersey [Mr. EDGE] in substance like the Borah resolution, which received the approbation of the Senate, and after some delay in the House, said at the time to be due to Executive interference, the House acceded to the amendment to the appropriation bill to which I have referred, and the appropriation bill was thus agreed to by both Houses carrying the resolution.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I do.

Mr. BORAH. Simply in the interest of accuracy, let me say that I do not know that I understood the Senator; but the resolution which was offered by the Senator from New Jersey in the form of an amendment to the naval appropriation bill died with that session, because the appropriation bill died. The resolution was reintroduced at the next session, went to the Naval Committee, was there defeated, and when the naval appropriation bill came out was again offered and afterwards adopted.

Mr. WALSH of Montana. I think the Senator is correct about that. That feature I had forgotten about. However, the question was discussed at some length on the floor as to whether the invitation, when it was extended, should not be sufficiently comprehensive to embrace limitation of land armament as well as limitation of naval armament; but, as I say, it went through restricted to naval armament. However, when the invitation was extended it was general in its terms—a conference for the limitation of armament, not alone naval armament but land armament as well.

It may be well to recall that the three nations embraced in the Borah resolution—Great Britain, the United States, and Japan—grievously burdened as they were by the competition which had grown up between them as well as by reason of obligations incurred during the war, were still perfectly able, in view of the resources of all of them, to carry the burden which they were assuming. It was heavy, indeed. Our appropriation bill for naval construction amounted to something over $100,000,000—$105,000,000, as I recall—out of a total for all military purposes of something over $800,000,000.

I am not sure that a real agreement ever could be arrived at among the nations of the earth—though I see no reason why it should not be—for a reduction of armaments until they were really of no value for purposes of international war, but were useful simply for police purposes; but if such an agreement could be arrived at I see no reason why our appropriations for military purposes should not be cut in two. My recollection is that in the year 1910 and thereabouts our annual appropriations for both the Army and Navy were not to exceed $360,000,000, while last year, three years after the close of the war, we appropriated something over $800,000,000.

I can see no reason why that great bill should not be cut in two through some reasonable agreement among the nations of the earth looking to a limitation of armaments. That would mean the saving of $400,000,000 a year. After 10 years' work, and with the expenditure of about that much money, we constructed the Panama Canal, regarded at the time, and still regarded, as one of the greatest engineering works ever undertaken and carried to a successful conclusion by the energy and skill of man, and we ought to save enough on our Military Establishment every year to build a Panama Canal, or to construct public works equivalent thereto.

It was not only important to the United States directly that the limitation should extend to land armament as well as to naval armament, but it is all important to the great countries of Europe, which are being consumed annually regularly now by the frightful burden created by their land armaments. Until recently, at least, France, with a national debt of over $50,000,000,000, was endeavoring to carry an army of 800,000 men, consequently disturbing, as a matter of course, to the peace and quiet of all Europe. Italy maintains an army of 350,000 men, Czechoslovakia and Yugoslavia each 150,000 men, more than is deemed adequate for the protection of this great country of ours, reaching from ocean to ocean, and numbering a population of over 100,000,000 people. Belgium has an army of 150,000 men. The savings of their people, which ought to be utilized in the restoration of industry and in the reestablishment of business, are being consumed daily to support these great military establishments. The consequence is felt by us as well as by them.

No one can doubt that the distressed state of industry in this country is directly due to the fact that the capital of Europe, the accumulations and the savings of the people of Europe, which ought to be utilized in the establishment of industry there, which would call for and consume the products of industry in this country, are idle.

I remarked that the call of the President for the conference, apparently in recognition of the situation of affairs to which I have just briefly alluded, was for a conference for general limi-

tation of armaments. Yet apparently no effort was made, at least none of which I am aware, to secure anything in the nature of an agreement for the limitation of land armament.

Mr. KELLOGG. Mr. President, I think the Senator recalls that France absolutely refused to go into any agreement for a limitation of land armament.

Mr. WALSH of Montana. No; I do not recall anything of the kind.

Mr. KELLOGG. That is the fact, just the same.

Mr. WALSH of Montana. I do not recall that. I read Mr. Briand's speech with very great care; but I remind the Senator that the invitation to which I have referred, inviting the Government of the United States to participate in the deliberations of the committee, was extended to us by France, and she would hardly be in a situation to decline. But why should she decline, and what reason was assigned by France for declining? Was it impossible to satisfy France so as to induce her not to decline, and what effort was made to satisfy France in order to induce her to consent to consider land disarmament? Those are matters with respect to which I should like to have some information, and I intended to address an inquiry along that line to the Senator from Alabama [Mr. UNDERWOOD], if he had done me the honor to stay and hear what I had to say.

Mr. President, we need not be in very great doubt about why France took the position at the conference which she did assume. She assented, in the first place, to the provisions in the covenant of the League of Nations in relation to the preparation of a plan of disarmament, because she was guaranteed against further invasion by Germany by the separate treaty which she made with the Government of the United States and with Great Britain. She was by that treaty assured by both those nations that in case of further aggression against her people by Germany, they would both come to her aid.

I have all kinds of sympathy with the attitude taken by the people of France. I do not blame them at all for being in a highly sensitive frame of mind with reference to a future invasion of their territory by Germany. They have every reason to feel apprehensive about it. Their memories concerning the invasion of 1870 are still keen, if they had not the more recent experience to make them extremely cautious in that regard; and they can recall, no doubt, the history of their country during the Napoleonic wars, and the troubles which succeeded them.

But, Mr. President, what were we asked to do? We were asked simply to undertake toward France an agreement jointly with Great Britain, that in case her soil were again invaded by Germany we would come to her aid. That was the price we were obliged to pay, and the only price we were obliged to pay, to get France into a conference for the reduction of her land forces, which would, of course, be followed by a reduction by Italy, by Yugoslavia, by Belgium, and by the other countries associated with her.

I never was able to understand why the United States should not enter into that kind of an agreement. I never was able to understand what reason could be urged for opposition to the treaty which was negotiated with France to that end. We had just gone to the aid of France, to help her repel the invader from her soil. If Germany had known at the outset that the United States would join in the war with France and if she had known that Great Britain would join in the war with France she never would have dared to invade the soil of France, and the war of 1914 would never have occurred, or at least it would not have occurred when it did.

So, looking to the future, Mr. President, what had we to pay? All that was necessary was to ratify that treaty and agree with France to go to her aid in case Germany should again invade her soil. That was the text of Mr. Briand's speech. He insisted that they were going to protect themselves against a further invasion by Germany, inasmuch as Great Britain and the United States were not ready to carry out the agreement negotiated in their behalf by Mr. Lloyd-George and Mr. Wilson. We never would have been called upon to pay a dollar or to put a man into the field if we made an agreement of that kind, because Germany would never dare invade France if there were an agreement with the United States and Great Britain that they would come to her aid if Germany did. It would cost us absolutely nothing. On the other hand, Mr. President, if we look forward to a period 25, 50, or 75 years hence and we find then a Germany rehabilitated, a great military power again, so puissant in herself, or with the aid of such allies as she could engage, as that she dared invade France again, we would again be in exactly the same situation in which we found ourselves in 1917, and with or without any agreement with France, we would be obliged to come to her aid for our own protection.

So I should like very much to inquire of the Senator from Massachusetts, if he were present, or the Senator from Alabama, what advances were made to the delegates from France along the lines of the treaty negotiated in 1919 by Mr. Wilson, looking to an agreement between the United States and Great Britain on the one side and France on the other, to protect her against a further invasion from Germany.

I appreciate, as a matter of course, Mr. President, that when Mr. Briand came over here and found no disposition whatever upon the part of those in power in this country to carry out that agreement or to ratify it or to negotiate something substantially the same, he spoke his piece and went home. I have never understood that it was in any wise intimated to him that any protection would be given to France at all. Under those circumstances nothing else was to be expected of France except an answer to the effect that she could not consent to the reduction of her army.

I find no fault with this present treaty, Mr. President. I am curious to know, indeed I am profoundly anxious to know, why something was not done, if nothing was done, to induce France to consider the subject, some kind of guaranty to be given her of protection against a further invasion by Germany.

I still retain the hope that the burden of these great armies will be found so oppressive upon the peoples of Europe that the committee of the council engaged in this matter will still find an opportunity to do the work with which it is charged, and that we may look to them, as we must now look, for relief from the present oppressive conditions, if relief is to be had at all. I repeat the profound regret I feel that the conference here accomplished so little, much as I am pleased that it accomplished as much as it did. I am very glad to give my approval to its work.

I see the Senator from Massachusetts has come into the Chamber, and I will be very glad to get the information I desire from him, if he can give it to us. I was calling attention to the fact that the call of the President for the conference was for the consideration of limitation of armaments; not for the limitation of naval armaments, as contemplated, but for the limitation of armaments generally.

Mr. LODGE. I stated that when I began to speak.

Mr. WALSH of Montana. The work, however, appeared to be limited to navies, so far as the limitation of armament was concerned, and I wanted to inquire of the Senator why that was.

Mr. LODGE. I explained that when I began my speech.

Mr. WALSH of Montana. Unfortunately, I was unable to be present.

Mr. LODGE. That was the first point I took up. Of course, the Secretary of State brought forward his proposition about the limitation of armaments on the first day of the conference.

Mr. WALSH of Montana. But that was for the limitation of naval armaments only.

Mr. LODGE. Yes; for the limitation of naval armaments. The second day was taken up in the appointment of committees only, and the third meeting, about a week later, was when M. Briand made his speech, and none of us were surprised at it, but expected it. He made a very strong and eloquent address, in which he said it was impossible for France to make a reduction in her land forces. That, of course, put an end to the conference doing anything about it.

Mr. WALSH of Montana. That is all right. Of course, Mr. Briand said it was impossible for them to reduce, because they had to protect themselves from further invasions from Germany. What I want to know is whether any further effort was made to make any arrangement by which France could be in a way assured against a further invasion by Germany?

Mr. LODGE. None was made by the United States.

Mr. WALSH of Montana. Or by anyone else?

Mr. LODGE. Not here, that I know of. Subsequently, of course, the Senator saw in the newspapers that England made some offer.

Mr. WALSH of Montana. Was any suggestion made that the Government of the United States might be willing to ratify a treaty substantially like that negotiated in Paris?

Mr. LODGE. Not that I know of.

Mr. WALSH of Montana. There was no tender of that kind on the part of the United States?

Mr. LODGE. No; there was nothing said about it.

Mr. WALSH of Montana. So that when Mr. Briand made his speech saying that by reason of the prospects of further invasion from Germany they could not disarm, that ended the thing?

Mr. LODGE. That ended it, certainly, because he could not agree to anything.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. WALSH of Montana. I yield the floor.

Mr. EDGE. I wish to ask the Senator from Montana a question. I understood him to say that the resolution originally passed by the Senate requesting the President to call a conference to consider the limitation of armaments included only the three nations—Great Britain, Japan, and the United States. It is quite correct that the resolution which orignally passed the Senate was limited to those three nations, but near the close of the session, at which time the naval appropriation bill was under consideration, when I presented the amendment, I included also France and Italy, and the matter as considered by the Senate requested the President to invite the four nations.

At that time the Senator from Idaho [Mr. BORAH], as I recall the debate, felt that the presence of France and Italy might not assist in bringing about actual results, and in reaching a conclusion and an agreement to limit armaments, because of the fact that from the standpoint of naval power, they of course were not in the same class with the other three nations; and that suggestion was accepted on the floor, as I recall, unanimously, without a division. That amendment, as the Senator from Idaho had correctly stated, passed the Senate, as I recall it, by a unanimous vote after an amendment suggested by the Senator from Montana was defeated, the suggested amendment proposing to refer the entire matter to the League of Nations for consideration. The naval appropriation bill died with the close of the session, so that of course that particular action was of no direct force.

Mr. WALSH of Montana. Of course I have not any information as to what the Senator from New Jersey may have thought before tendering the amendment.

Mr. EDGE. The Senator must have misunderstood what I stated. I said that I introduced the amendment, which was debated on the floor of the Senate, including the five nations, but during the debate by agreement, as I recall it now, I do not think by an act of the Senate, the two nations were taken out because of the feeling that perhaps under the circumstances they could not contribute to a unanimous agreement. I personally disagreed with that viewpoint, although I felt that the matter was of sufficient importance to be passed even with the limited number of nations included. I took the viewpoint that a greater number of nations would result in greater benefit, as has been proven by the actual result of the conference itself.

Mr. WALSH of Montana. I do not recall that the amendment of the Senator from New Jersey underwent any amendment during the course of its consideration. It reads as follows:

The President is authorized and requested—

That is the question as it was considered and not as it was passed. It was in that shape on the 1st day of March, 1921:

The President is authorized and requested, if not incompatible with the public interest, to invite the Governments of Great Britain, France, Italy, and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval building program of each of said Governments, to wit, the United States, Great Britain, France, Italy, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which conclusion is to be reported to their respective Governments for their approval.

Mr. EDGE. There is no question between the Senator from Montana and myself as to the amendment as it was finally adopted. He is entirely correct. I am simply drawing his attention to the fact that as introduced the thought of the proponent of the amendment was, as I am quite sure the RECORD will disclose, to include the countries of France and Italy, and the CONGRESSIONAL RECORD of that date will disclose a debate running over several hours, as I remember it now, in which the Senator from Idaho, the Senator from Montana, the Senator from New Jersey, and others participated on the question of whether these two nations should be included or excluded.

Mr. WALSH of Montana. I do not undertake to controvert the statement of the Senator from New Jersey. I merely say that I have no recollection of it, and it was in this form when I discussed it on March 1, 1921.

However, I would not like to have the statement of the Senator from New Jersey that I proposed to let the matter be referred to the League of Nations go without some comment. The fact about the matter is that prior to all that time the council of the League of Nations, through its committee, was engaged in dealing with the subject. An invitation was extended to this Government to send representatives to join in that work which was then going on. My amendment proposed that the invitation be accepted. It read as follows:

The President is further requested—

That is, in addition to the course suggested by the amendment of the Senator from New Jersey—

The President is further requested to express to the council of the League of Nations the earnest desire of the Government of the United States to cooperate with the commission by the said council appointed charged with the formulation of plans looking to a general reduction of armaments, for submission to the several Governments for their consideration and action, and that he be, and he hereby is, further requested promptly to designate with due authority representatives to sit with such commission in a consultative capacity pursuant to the invitation heretofore extended by the said council to the Government of the United States.

Now, if the representatives had been sent in response to that invitation extended to us by France, as well as by the other nations, how could France refuse to sit in the conference and consider land disarmament as well as naval disarmament?

Mr. HITCHCOCK. Mr. President, it seems to me before we vote upon the pending treaty that it is perfectly reasonable to trace somewhat the genesis of the idea which has now finally been incorporated in the form of a solemn treaty which is likely to receive the almost unanimous vote of this body.

I believe we can legitimately go back as far as the year 1916, because when the naval appropriation bill for that year was passed, providing as it did in war time for a large naval program, an amendment was incorporated in the bill authorizing and directing the President of the United States, when an opportune time arrived after the close of the war, to call a conference in Washington for the purpose of entering upon an agreement for disarmament. That resolution was introduced in the House by a Democrat and was passed by the Democratic House of Representatives, and came to the Senate and was here accepted.

Coming down, now, to a period after the close of the war we find that on December 11, 1920, the Senator from Montana [Mr. WALSH] again brought the matter of the disarmament movement before the Senate by offering a resolution urging the President of the United States to accept an invitation from the League of Nations to participate unofficially in the meeting of the League of Nations commission on the subject of disarmament. The resolution was referred to the Committee on Foreign Relations, then as now Republican, and was never reported. The Senator from Montana made an appeal to the Senate at that time to the effect that, notwithstanding the fact that the United States had not become a member of the League of Nations, it could very properly cooperate with the league in the work of agreeing upon a plan of disarmament in order to save the world from bankruptcy.

Some three days later, namely, on the 14th day of December, 1920, the Senator from Idaho [Mr. BORAH] introduced a resolution which, omitting the preamble, read as follows:

That the President of the United States is requested, if not incompatible with the public interests, to advise the Governments of Great Britain and Japan, respectively, that this Government will at once take up directly with their Governments and without waiting upon the action of any other nation the question of disarmament, with a view of quickly coming to an understanding by which the building naval programs of each of said Governments, to wit, that of Great Britain, Japan, and the United States, shall be annually reduced during the next five years 50 per cent of the present estimates or figures.

Second, that it is the sense of the Congress, in case such an understanding can be had, that it will conform its appropriations and building plans to such agreement.

Resolved further, That this proposition is suggested by the Congress of the United States to accomplish immediately a substantial reduction of the naval armaments of the world.

That resolution introduced by the Senator from Idaho was favorably reported by the Committee on Foreign Relations, with certain amendments, on January 18, 1921.

The Senate not acting upon the resolution, the same Senator from Idaho [Mr. BORAH] on February 15 offered his resolution in substance as an amendment to the naval appropriation bill, and during the discussion of that bill in the Senate from that time on until the hour of adjournment the subject of disarmament was a live one in the Senate.

Finally, the Senator from New Jersey [Mr. EDGE], on the 1st of March, almost the last day of the session, offered an amendment in the same terms, almost in the same words, and it was adopted. Unfortunately, however, that never became a law for the reason that the naval appropriation bill was not perfected before the adjournment on the 4th of March, having been, as I recall, tied up in conference.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. HITCHCOCK. I yield.

Mr. KING. While the Senator is giving the various steps which were being taken, may I call his attention to the fact that the Senator from Idaho also offered a resolution, which was referred to the Committee on Naval Affairs, inquiring as to whether or not there might be a suspension of the 1916 program?

Mr. HITCHCOCK. I had that in mind, but I want to make this a close history if I can. I examined that matter also.

After Congress reconvened under the call of President Harding, the Senator from Idaho [Mr. BORAH] promptly reintroduced his resolution on April 13, and, it not having been acted upon, a little later, on the 4th day of May, he again offered it

as an amendment to the naval appropriation bill then again pending in the Senate.

Now, up to that time it was well understood that President Harding's administration was opposed to this plan of a conference for the reduction of armament. The influence of the administration was used in the House of Representatives during the consideration of that bill, and it was sufficient to prevent the incorporation of such a provision in the bill by the House of Representatives.

Finally, on the 13th day of May, as I recall it, the Senator from Maine [Mr. HALE] openly stated upon the floor of the Senate that as a result of conversations with the President and as a member of the Committee on Naval Affairs he felt justified in saying that President Harding was opposed to the amendment being inserted in the naval appropriation bill and opposed to having Congress direct him to call a disarmament conference in Washington. I think that will be found in the RECORD on May 13.

Mr. EDGE. Has the Senator the exact language before him used by the Senator from Maine in making the statement to which he refers?

Mr. HARRISON. If the Senator from Nebraska will permit me, I should like to read the exact language.

Mr. EDGE. I should like to have the exact language, as it has been referred to.

Mr. HITCHCOCK. I shall be glad if the Senator from Mississippi will read it.

Mr. HARRISON. On May 13, 1921, I think at several places the junior Senator from Maine [Mr. HALE] made such a statement. At one place in the RECORD he said:

> Mr. HALE. I stated that my impression, after talking with the President, was that he considered that this is not the time to go ahead with a resolution of this kind. Of course, the Senator realizes that our foreign relations at the present time are extremely delicate and that the country at large is looking to the President to straighten out those foreign relations.

At another place on the same page of the RECORD he said:

> Mr. HALE. I will say that I went to see the President with the Senator from Washington, and we talked over the question of disarmament, and I gathered from what was said there that the President thought it was not necessary for Congress to go ahead in this way with a resolution asking for disarmament.

Mr. HITCHCOCK. Nevertheless, the Senator from Idaho, in cooperation with Senators on this side of the aisle, pressed the idea of incorporating in the naval appropriation bill a demand for a disarmament conference here in Washington, and notwithstanding the opposition of the administration, it was finally announced in the newspapers of Washington that the President had abandoned his position, and when the Senator from Idaho pressed his amendment to a vote here in the Senate it was agreed to, as I recall, with only four dissenting votes. At the same time the House of Representatives had adopted a motion to allow a separate vote upon this question, which was then in conference. When put to a vote in the House of Representatives, it carried by a majority of 330 to 4. The result of that action of Congress was that on the 10th of July the State Department announced that invitations would soon be sent to foreign countries to join in the conference to be held in Washington; and they were sent during the following month.

Mr. President, I have briefly recited these facts of history for the purpose of showing that the genesis of this idea was Democratic; that it was initiated in the House of Representatives; that it was followed up in December, 1920, by the activity of the Senator from Montana [Mr. WALSH], and three days thereafter was taken up by the courageous Senator from Idaho [Mr. BORAH], who finally, by a determined fight lasting over weeks and months, with Democratic support, compelled the administration to abandon its opposition to the idea and to call the disarmament conference, against which, with determination, it had set its face for many weeks.

Mr. President, I have said this much in order that the facts and the statements introduced in the address by the Senator from Massachusetts [Mr. LODGE] this morning may not be taken as a conclusive showing of the great achievements of this administration at the disarmament conference. We are all ready to vote for the ratification of the treaty, as I understand, with possibly very few exceptions, on both sides of the aisle; but the credit should be given to the Senator from Idaho for the courageous and determined fight which he has made to compel his party to align itself with the Democratic forces of this country, which began in 1916 to insist on a disarmament conference, and which has steadily made the fight for efforts of this kind to secure peace for the world.

Mr. President, I think it is deplorable that the conference was not able to bring about land disarmament; I think it was deplorable it was only able to secure a reduction in naval armament to the extent practically of capital ships; that it was not able to make any reduction in the submarine equipment of navies; and that its efforts have been so crippled and thwarted by the opposition of special interests. Nevertheless a great step forward has been taken. We are all ready to vote for the treaty; but we want it distinctly understood that the initiative of this step was Democratic and that its great success was due finally to the courageous struggle made by the Senator from Idaho, which resulted in forcing upon an unwilling administration the calling of the disarmament conference.

I think, Mr. President, it would have been possible, if an early effort had been made, to secure not only naval disarmament but some land disarmament. Certainly the League of Nations has undertaken to bring about not only naval disarmament but land disarmament. Its progress has not been great as yet, and I noticed the Senator from Massachusetts rather gloated over the fact that it has not yet succeeded in going very far in that work. It does not, however, lie in our mouths to criticize the League of Nations for its failure to accomplish its objects. We remained out of the League of Nations, and when the Washington conference was called it was called purely to consider the problems of the Pacific Ocean and not the problems of the world. In calling the conference and in its subsequent proceedings many nations were excluded from participation. No effort was made to bring about a reduction of the great armaments of Europe.

The world to-day is not suffering from naval armament to anything like the same extent that it is suffering from land armament. To-day upon European soil there are maintained by such nations as France and Poland and Italy and Great Britain millions of men. Their numbers should be greatly reduced. One great reason why the recuperation of Europe is so slow, one great reason why rehabilitation has made such little progress in Europe to-day is because of the enormous armies which are there maintained. France, at the present time, as we have been told time and again, is maintaining an army of over 700,000 men. The German people can do nothing as they are under a most crushing defeat, struggling as they are with impossible reparations to pay, are compelled to cripple themselves still further by paying for that enormous army, a large part of which is an army of occupation on German soil.

We should, in my opinion, have cooperated with the other nations of the world in European matters. It may be all right for us to form a little combination in the waters of the Pacific Ocean to secure a peaceful settlement of possible disputes, but the great thing for the United States to do is to join with the other nations of the world for universal disarmament. The great opportunity for the United States is to join the other nations which are trying to rehabilitate Europe. It is Europe in which we are interested. Our interests in the Pacific Ocean and on the Asiatic coast are absolutely insignificant compared with our tremendous interests in Europe.

Mr. President, from what is this country suffering to-day? We are in the midst of one of the most terrible depressions which have ever afflicted us. Four or five million men are out of work; last year there was a record of 8,000 commercial failures in the United States; and there are going to be over 12,000 failures this year, the greatest number in the history of the country. We are suffering because to-day we are not able to sell our surplus products. Our copper mines in the West are still closed and tens of thousands, yes, hundreds of thousands, of men are out of work on that account. In the cotton fields of the South there are probably five or six million bales of cotton of last year's crop still unsold in the warehouses, mortgaged for more than they will sell for; our manufacturing institutions, which have a capacity to produce $2,000,000,000 more of manufactured goods than the American people can consume, are not able to sell their surplus; they are working but 50 per cent of their capacity and are reducing the wages of their employees from quarter to quarter. Our railroads, which ought to be carrying the great commerce of the country, are scarcely able, with their greatly reduced freight and passenger traffic, to pay their fixed charges in many cases, notwithstanding the fact that freight rates and passenger rates also are exorbitant.

Mr. President, out in the section of the country where I live we are able to raise a great deal more wheat and corn and hogs and cattle and other products of agriculture than the people can consume; we should like to sell that surplus to Europe at good prices, but, as a matter of fact, for the last 18 months our prices have been on the toboggan, and the farmers of the West have been compelled to sell their cattle, compelled to sell their wheat, compelled to sell their corn at prices which do not even reimburse them for the cost of production. We have

depression all over the country; we have had it for months; and we are going to have it for months longer, in spite of the little palliatives to which resort has been had. Our unfortunate condition is not due to any domestic trouble; we have all the assets in the United States to-day which we had under the eight prosperous years of the last administration.

Why are we not prosperous? We are not prosperous because our great customer, Europe, is in the slough of despond. We are doing nothing to help Europe out. Governments over there are bankrupting themselves by maintaining great armaments which they do not need, and we are making no effort at cooperation with them in bringing about a reduction.

So, I say that while some credit may be given, doubtless, to the Washington conference for the work which it has done in bringing about a little relief in the Pacific Ocean and forming a little combination there which may be called an alliance, it has done nothing practically to relieve the economic distress of this country. I do not understand how the administration, that should be not only patriotically interested but must be politically interested in the welfare and prosperity of the country, can now neglect the great opportunity of cooperating with Europe in its rehabilitation. Instead of that it devotes its energies to this comparatively small matter in the Pacific Ocean.

So, in the midst of my congratulations for the negotiation of this treaty, for which I expect to vote, I again express regret that this administration has done nothing to bring about cooperation with the nations of Europe, so that they may escape bankruptcy, so that they may rehabilitate themselves, and so that our former great customers in Europe that have made us prosperous by buying our surplus may again make us prosperous by buying our surplus which they really need.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED.

As in legislative session,

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 9606) to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes, and it was thereupon signed by the Vice President.

COMPENSATION FOR NIGHT WORK BY POSTAL EMPLOYEES.

As in legislative session,

Mr. TOWNSEND. I submit a resolution and ask unanimous consent for its immediate consideration. I assume that there will be no opposition to it. I will say, by way of explanation, that when the Post Office appropriation bill was under consideration some days ago an amendment was proposed affecting the compensation of employees of the Post Office Department engaged in night work. I said at that time that I should take the matter up before the committee at the earliest opportunity. I do not know what kind of a bill to introduce to cover the matter. So I am presenting a resolution authorizing the Committee on Post Offices and Post Roads to investigate the subject. It will not involve any expenditure, but will enable us to get at the facts; and that is what I want. The resolution is merely to form the basis for hearings before the committee for the purpose of determining the cost and other considerations which may be involved.

Mr. KING. Has not the Senator's committee authority, without a specific resolution, to consider the subject referred to?

Mr. TOWNSEND. I have presented the resolution simply that the committee may have something definite upon which to work. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 259) was read, as follows:

Resolved, That the Senate Committee on Post Offices and Post Roads be, and hereby is, authorized to investigate the matter of night work by the postal employees for the purpose of determining the extent of such work and the best method for reducing it, and whether necessary night work in the Post Office Department should be compensated by shorter hours or increased pay. Such committee shall report its findings to the Senate, with such recommendations as to it may seem desirable, not later than July 1, 1922.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution, as in legislative session?

Mr. WALSH of Massachusetts. Mr. President, I sincerely hope the resolution will be adopted. The subject is one which has been considered by the Committee on Post Offices and Post Roads, and is of pressing importance. I hope that favorable action may be taken at once on the resolution.

Mr. HARRISON. Mr. President, what is the use of passing the resolution if the Post Office and Post Roads Committee has already considered this question? It is to authorize the Post Office and Post Roads Committee, as I understand, to consider it further. Is that the idea?

Mr. TOWNSEND. Yes. I stated before the Senate, as the Senator will remember, that the House committee did not consider it, and that it was not brought before our committee until after we had made our report. A statement was made then, but we were unable to determine or to be furnished with what it would cost, and what the effect would be upon the service. That was after our bill had been reported, and the report had been agreed to by our committee.

Mr. HARRISON. The committee could investigate it, though, without the passage of this resolution.

Mr. TOWNSEND. This will enable us to have something before us upon which we can proceed to work. We have nothing before us now.

Mr. HARRISON. Of course, it is not the intention to let down lightly those who refused to allow an amendment to be incorporated when it was proposed in the recent Post Office appropriation bill to do the very thing that is now sought to be done?

Mr. TOWNSEND. Is the Senator asking a question?

The PRESIDING OFFICER (Mr. MOSES in the chair). The Senator from Michigan asks unanimous consent for the present consideration of the resolution. Is there objection?

The resolution was considered by unanimous consent and agreed to.

ROADS, BRIDGES, AND TRAILS IN ALASKA.

Mr. KELLOGG obtained the floor.

Mr. NEW. Mr. President, if the Senator from Minnesota will yield to me for a moment, I ask unanimous consent, as in legislative session, to report back favorably, from the Committee on Territories and Insular Possessions, House Joint Resolution 282, and I submit a report (No. 579) thereon. I ask unanimous consent for the immediate consideration of the joint resolution, for the passage of which there is an emergency.

Mr. KING. Let it be read.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent to make a report as in legislative session. Is there objection? The Chair hears none. The Senator further asks unanimous consent for the immediate consideration of the joint resolution. Is there objection?

Mr. KING. Let it be read.

Mr. KELLOGG. I have no objection if it does not lead to long debate. I have to leave the city at 6 o'clock, and I should like just a few moments on the treaty before leaving.

Mr. NEW. If it leads to debate, I shall withdraw it; I shall not press it at all.

Mr. KELLOGG. I have no objection, then.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The Assistant Secretary read the joint resolution (H. J. Res. 282) to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923, as follows:

Resolved, etc., That the Secretary of War is authorized to direct the Board of Road Commissioners for Alaska to incur obligations prior to July 1, 1922, for the construction and maintenance of roads, bridges, and trails in Alaska of not to exceed 50 per cent of the appropriation for this purpose for the fiscal year ending June 30, 1922, payment of these obligations to be made from the appropriation for the fiscal year ending June 30, 1923.

Mr. KING. Mr. President, may I ask just a question?

Mr. NEW. Mr. President, if an explanation is desired, as it very properly should be, I will say this:

The appropriation for this work in Alaska for this year is $425,000. To carry out that work it is necessary to make contracts in the United States for the delivery of material. It has to be fabricated here and delivered there. If they are to wait until the appropriation is available, it will be too late for them to proceed with the work this season. The money will not be available until probably the 1st of July, or certainly along in June, when it would be too late for them to make the contract, get the material there, and do the work. This joint resolution has passed the House unanimously, and is recommended by the Secretary of War, by the Alaskan Road Commission, by Governor Bone, and by all who have anything to do with it. It authorizes contracts to the amount of 50 per cent only of the amount of the appropriation, in order that they may get the material there in time to work on it this season.

Mr. OVERMAN. Mr. President, does the Senator remember how much the total appropriation is?

Mr. NEW. Four hundred and twenty-five thousand dollars.

Mr. OVERMAN. In the present Interior Department bill that we just passed?

Mr. NEW. Yes. The appropriation for this work is $425,000, and this joint resolution would authorize the making of contracts for material to the extent of $212,500.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. NEW. Yes.

Mr. WALSH of Montana. This has not heretofore been found necessary with reference to the appropriations for road work in Alaska, has it?

Mr. NEW. I do not know that it has, but it is now said to be necessary.

Mr. WALSH of Montana. That is what I want to know. I can very readily understand that the season being so short in Alaska, work must be begun promptly if it is to be done at all; but while I have served on the committee for many years, I do not remember that we were ever before called upon to anticipate in that way the appropriations for a fiscal year, and I was wondering what are the peculiar circumstances which suggest that course at this time.

Mr. NEW. I do not know that it was ever asked for before, but I do know that the statement made now is that they need certain fabricated material, which has to be made here in the United States and delivered there in time to be used during the working season on those roads, and this is to enable them to get it. That condition may not have existed heretofore.

Mr. WALSH of Montana. Of course the Senator will appreciate that that is a condition that has always existed.

Mr. NEW. It may have. As to what has happened in times past, I can not say.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

As in legislative session,

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of members of the Bridgeport (Conn.) Chamber of Commerce, praying for the passage of House bill 10622, authorizing the Secretaries of War and of the Navy to loan, issue, or sell surplus equipment to the Boy Scouts of America, which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Hebron, Amston, Leonard Bridge, and South Coventry, all in the State of Connecticut, protesting against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the petition of 39 leading manufacturing companies of Meriden, Conn., praying for the prompt enactment of a protective tariff law based on American valuations, which was referred to the Committee on Finance.

He also presented resolutions of Cheshire Grange, No. 23, and Ekonk Grange, No. 89, Patrons of Husbandry, of Cheshire and Moosup, respectively, in the State of Connecticut, favoring avoidance of the impending coal strike by means of conference and arbitration, which were referred to the Committee on Education and Labor.

He also presented a petition of members of Lincoln Council, No. 4, Junior Order of United American Mechanics, of Waterbury, Conn., favoring the passage of more stringent immigration and naturalization laws, and also the creation of a department of education, which was referred to the Committee on Immigration.

Mr. FERNALD presented memorials of sundry citizens of Wilton, Dryden, Weld, and Jay, all in the State of Maine, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. SIMMONS presented resolutions of Nancy Carr Council, No. 29, of Durham, and General Green Council, No. 20, of Greensboro, Sons and Daughters of Liberty, in the State of North Carolina, favoring the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

Mr. WILLIS presented a petition of the Central Labor Union of Chillicothe, Ohio, praying for the passage of House bill 9691, providing for the creation of Federal local option districts, etc., and for the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented the memorial of Mrs. Carrie Craig and 70 other citizens of Columbus, Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. LODGE presented a resolution of the City Council of Fitchburg, Mass., favoring the enactment of the soldiers' compensation bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Board of Aldermen of the city of Holyoke, Mass., favoring modification of the eighteenth amendment to the Constitution of the United States so as to allow the manufacture and sale of beers and light wines, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7415) to correct and amend the service and military record of Herbert Langley, United States Marine Corps, reported it without amendment and submitted a report (No. 580) thereon.

Mr. NEW, from the Committee on Territories and Insular Possessions, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8460) to authorize the occupation and use of certain lands in Alaska by Ketchikan Post, No. 3, American Legion, and for other purposes (Rept. No. 581);

A bill (H. R. 8690) to add a certain tract of land on the island of Hawaii to the Hawaii National Park (Rept. No. 582); and

A joint resolution (H. J. Res. 249) authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church (Rept. No. 583).

FORT M'HENRY (MD.) RESERVATION.

Mr. FRANCE introduced a bill (S. 3349) to amend the act approved May 26, 1914, entitled "An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and City Council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside," to provide for the restoration of Fort McHenry and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes, which was read twice by its title.

Mr. FRANCE. I submit a statement explanatory of the bill, which I ask may be printed in the RECORD in 8-point type, together with the bill, and both referred to the Committee on Military Affairs.

There being no objection, the bill and accompanying statement were referred to the Committee on Military Affairs and ordered to be printed in the RECORD in 8-point type, as follows:

A bill (S. 3349) to amend the act approved May 26, 1914, entitled "An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside"; to provide for the restoration of Fort McHenry and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes.

Be it enacted, etc., That the act approved May 26, 1914, entitled "An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside," be, and hereby is, amended to read as follows:

"That the Secretary of War be, and he is hereby, authorized and directed, so soon as it may no longer be needed for uses and needs growing out of the recent war, to begin the restoration of Fort McHenry, in the State of Maryland, now occupied and used as a military reservation, including the restoration of the old Fort McHenry proper to the condition in which it was on the 1st of September, 1814, and to place the whole of said military reservation in such a condition as would make it suitable for preservation permanently as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key; and that the Secretary of War be, and he is hereby, further authorized and directed, as are his successors, to hold the said Fort McHenry in perpetuity as a military reservation, national park, and memorial, and to maintain it as such, except that part mentioned in section 3 hereof and that part now in use by the Department of Commerce for a light and fog-signal station under revokable license from the War Department with the maintenance of the electric lights thereto, the said reser-

vation to be maintained as a national public park, subject to such regulations as may from time to time be issued by the Secretary of War: *Provided*, That the citizens of Baltimore City and of the State of Maryland shall be given as free and full access to and use of said national park as they would enjoy if this were a part of the park system of Baltimore City.

"That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans, which shall be approved by the Secretary of War, and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States: *Provided*, That permission is hereby granted the Secretary of the Treasury to use permanently a strip of land 60 feet wide belonging to said fort grounds, beginning at the north corner of the present grounds of the fort and extending south 63 degrees 30 minutes east, 650 feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Co. and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the lands of the dry-dock company so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore & Ohio Railroad Co., have access to and from said immigration station and grounds over the right of way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the act, approved March 4, 1913, setting aside a site for an immigration station and providing for an outlet therefrom: *Provided, however*, That if the Secretary of the Treasury accepts and makes use of said strip of land for the purposes aforesaid the War Department shall have equal use of the railroad track and other roads constructed over which to reach the city streets and railroads beyond from the other parts of the fort grounds: *Provided further*, That the Secretary of War may, in case of a national emergency or war, temporarily and only for the period of such war close the said military reservation and use it, if he shall deem it to be necessary, for military purposes.

"That there be, and hereby is, authorized to be appropriated out of funds in the Treasury of the United States heretofore made available but not appropriated the sum of $100,000, or so much thereof as may be necessary, for use by the Secretary of War in the restoration of said military reservation, and for other purposes consistent with this act; and, further, that there be, and hereby is, appropriated $10,000 annually for the maintenance and care of the reservation."

—

A CALL TO THE PEOPLE OF AMERICA TO PRESERVE TO POSTERITY THE BIRTHPLACE OF THE STAR-SPANGLED BANNER, FORT McHENRY, WHICH IN 1814 STOOD FIRM AGAINST THE INVADER AND DELIVERED THE REPUBLIC FROM DISASTER.

THE STAR-SPANGLED BANNER.

[From the original manuscript of Francis Scott Key.]

O say can you see by the dawn's early light
What so proudly we hail'd at the twilight's last gleaming,
Whose broad stripes and bright stars through the perilous fight
O'er the ramparts we watch'd, were so gallantly streaming?
And the rocket's red glare, the bomb bursting in air,
Gave proof through the night that our flag was still there.
O say does that Star-Spangled Banner yet wave
O'er the land of the free and the home of the brave?

On the shore dimly seen through the mists of the deep,
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, half conceals, half discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected now shines in the stream,
'Tis the Star-Spangled Banner—O long may it wave
O'er the land of the free and the home of the brave!

And where is that band who so vauntingly swore
That the havoc of war and the battle's confusion
A home and a country should leave us no more?
Their blood has washed out their foul footstep's pollution.
No refuge could save the hireling and slave
From the terror of flight or the gloom of the grave,
And the Star-Spangled Banner in triumph doth wave
O'er the land of the free and the home of the brave.

O thus be it ever when freemen shall stand
Between their lov'd home and the war's desolation!
Blest with vict'ry and peace may the heav'n-rescued land
Praise the power that hath made and preserv'd us a Nation!
Then conquer we must, when our cause it is just,
And this be our motto—"In God is our trust."
And the Star-Spangled Banner in triumph shall wave
O'er the land of the free and the home of the brave.

—

[From a London newspaper of June 17, 1814.]

It is understood that the grand expedition preparing at Bordeaux for America, under the gallant Lord Hill, is destined for the Chesapeake direct. Our little army in Canada will at the same time be directed to make a movement in the direction of the Susquehanna, and both armies will, therefore, in all probability meet at Washington, Philadelphia, or Baltimore. The seat of the American Government, but more particularly Baltimore, is to be the main object of attack. In the diplomatic circles it is also rumored that our naval and military commanders on the American station have no power to conclude any armistice or suspension of arms. They carry with them certain terms, which will be offered to the American Government at the point of the bayonet. The terms are not made public, but there is reason to believe that America will be left in a much worse situation as a naval and commercial power than she was at the commencement of the war.

—

FORT McHENRY.

The 1st of September, 1814, saw the city of Washington burned, the handful of American warships driven to port by force of superior numbers, the Atlantic coast from Maine to Louisiana open to attack, and the fate of the Union in the balance. It was then that Fort McHenry stood firm against the invader, redeemed our eastern seaboard, and delivered the Federal Government from serious disaster or utter ruin.

Yet, great as were the services which Fort McHenry rendered in that fateful month and year, our once feeble Government, now become the most powerful in the world, has done but little to commemorate the spot which inspired "The Star-Spangled Banner," a spot which not only rescued the young Republic in an hour of grave difficulty, but brought the war with Britain to a close and ushered in a century of peace.

Apparently forgotten by the Government are the patriots who proved their claim to liberty by the performance of deeds; neglected are the grounds of Fort McHenry, sacred to the holiest traditions of the American people.

The question for the people of America to answer is, Shall these ramparts go to ruin, shall modern buildings encroach upon the soil of this sacred ground? Surely a patriotic people will not permit these battlements that once repelled a victorious invader to be thus dishonored. Let us restore them as they were, so that coming generations may see them with the eyes of those gallant first defenders, or else let us level them to the earth.

In the two and a half years of war preceding the defense of Fort McHenry, scores of the fastest sailing vessels afloat had set forth from beside its parapets. Eluding the frigates that once impressed American seamen, these light-armed clipper ships pursued and captured enemy merchantmen by the hundred, prisoners by the thousands, and booty that ran into millions.

To the enemy the waters of the Chesapeake had now become little better than a "nest of privateers and pirates." It was clear to them that the Chesapeake must be rid of these pests, the Federal Capital captured, and Baltimore forced to pay for damage done and be made the point of a wedge to drive the North and South apart. Then Fredericksburg and Richmond could be threatened or captured on the south, Philadelphia and New York on the north.

The British were driving south from Canada and were at Plattsburg. They proposed to sweep down and make a junction with the 9,000 troops quartered on the fleet in the Chesapeake. Then by uniting their forces from Lake Champlain and the Chesapeake and having neutralized New England, they would coerce and subjugate America once again. To quote from an officer with the attacking British fleet:

"A large proportion of the peninsular army would be transported to the other side of the Atlantic. The war would be carried on with vigor and no terms would be listened to except and as a British general should dictate in the Republic Senate House." (G. R. Gleig-Narrative of Campaigns, 1812–1821.)

Washington had fallen easily, a body of our Regulars and militia had been defeated at Bladensburg, and the Chesapeake coast line was at the mercy of the "redcoats"—all but that section protected by the guns of Fort McHenry and troops gathered in the vicinity. To be pitted against our soldiers were Continental veterans fresh from their victories on the Continent of Europe. In the Chesapeake were not only Wellington's Invincibles but Nelson's marines, distinguished at Trafalgar and the Battle of the Nile.

The invading fleet numbered some 50 sail—a large proportion of them classed as men-of-war and frigates of the line. Against this armada with its troop transports, America could oppose nothing afloat.

The hope of the Middle Atlantic seaboard and perhaps the Union itself lay in the city of Baltimore, and the hope of Baltimore lay in the garrison and guns of Fort McHenry and such untrained troops as could be mustered for other land defenses.

No wonder that Gen. Sir Robert Ross, who commanded the British troops, declared that he would "eat his supper in Baltimore" subsequent to his first day on land. Nothing seemed to him more certain even if, as he said, "it rains militia." Balti-

more was picked to be his winter headquarters and a logical base for further operations north, south, or west.

Early on Sunday morning, September 11, the alarm was sounded through the streets of Baltimore. The British fleet had entered the Patapsco River. The cannon boomed on the courthouse plaza, summoning the militia to arms.

The defensive force and equipment of Fort McHenry were supplied largely by the citizens of the beleaguered port. Regardless of a blazing sun, men and women toiled with pick and shovel to throw up breastworks at every approach to the city and its chief reliance, Fort McHenry. Maj. Gen. Samuel Smith was in command of the militia, and under him was Brigadier General Stricker. Sailors, lacking ships to go to sea, were converted into land forces under the brilliant Commodore John Rodgers.

Before dawn had streaked the sky on the 12th of September the British were astir, and boat after boat carried men and arms to North Point, where now stands Fort Howard. General Ross, who had won his laurels in Holland, Egypt, and the peninsula, took command. At his side was Rear Admiral Cockburn, who was hated for his plundering of defenseless villages. Admiral Sir Alexander Cochrane, successor of Admiral Warren as commander in chief of the British forces in America, remained on his flagship and in person supervised the plans for the attack by water.

The American commanders sent forward outposts to engage the British, and scarcely were the latter assembled on shore when General Ross fell. Tradition has it that two youths, perched in a tree, shot him when he passed within range of their rifles. As he was carried to the rear, he demanded that he be covered, for fear the knowledge of his fall would reach his men and dismay them. Shortly after giving these directions he lost consciousness, and died in the arms of his aid, Sir Duncan McDougall.

The encounter at North Point was that phase of the engagements which in their entirety might be called the Battle of Baltimore, the attack upon Fort McHenry being the crucial or decisive action. The first encounter, wholly on land, was on the afternoon of the 12th. The British stormed the American earthworks, but were checked by a fire of shot, slugs, scrap iron, and nails. The lines of both armies swayed back and forth, with victory smiling first on one side and then on the other. The British lost 600 that day, the Americans 150.

At dusk a great storm broke and the fighting halted. At daybreak the rain ceased and the battle began anew, the British commander, Brooke, who had succeeded Ross, ordering his men forward to avenge the setbacks of the day before.

The fleet was all commotion, for an officer from Colonel Brooke's staff had urgently requested Admiral Cochrane to open the bombardment of Fort McHenry, which, if successful, would seal the fate of the city. Soon the ships weighed anchor and, sailing up the Patapsco, got into battle formation 2¼ miles off the fort. The decks were stripped, the bomb and rocket vessels opened their fire, and 16 ships hurled bombs, rockets, and solid shot into the ramparts. The garrison of the fort—1,000 Volunteers and Regulars—was under Col. George Armistead. Armistead unmasked his batteries and directed a brisk fire, but the range of his guns and mortars fell short of the ships. This was disheartening, and his anxiety was not lessened when a 24-pounder in the southeast bastion was demolished by an exploding bomb, mortally wounding an officer and several of the cannoneers.

Observing the confusion in the fort, Admiral Cochrane signaled three of his bomb vessels, and they moved closer to the ramparts to hasten the victory. Armistead seized his opportunity, and ordered a well-directed fire, and his wide-mouthed cannon wrought havoc on the decks of the three, one of them, the *Erebus*, being disabled.

In the shadow of the British fleet that day and night rode the American vessel *Minden*, flying a flag of truce, and used by American agents in the exchange of prisoners. While the bombardment raged, none watched with more anxiety than Francis Scott Key. He had gone to the British fleet in the Potomac to seek the release of an old friend, Dr. William Beanes, a physician seized on charges of taking up arms against British stragglers. Key obtained his release, but on the eve of the operations both were transferred to the *Minden*, which was detained under a guard of marines until the British plans should be carried out.

From the decks of the cartel ship Key and his companions watched every belch of the cannon. Midnight came and 1,250 men, equipped with scaling ladders, dropped from the fleet into barges, with the intention of surprising from the rear the defenders of the fort.

How the hearts of the patriots beat as, helpless to give the alarm, they saw this strategy under way with every prospect of success. In attempting to effect a landing, however, the expeditionary force struck lights and these lights cost it a possible victory. The defenders promptly set fire to a haystack and, as its glow revealed the barges, Fort McHenry and the redouts shook with the salvos of the guns. The 6-gun battery under Sailing Master Webster, which the British had planned to take by storm, was served that midnight coolly and quickly by a little group of cannoneers, whose valor was sustained by the thought of home and country, and to whom Colonel Armistead afterwards said he was "persuaded the country was much indebted for the final repulse of the enemy." Many of the landing party were killed and others wounded; two boats were sunk and the survivors made back to the fleet. The defenders lost 4 killed and 24 wounded. The master stroke had been delivered and had failed; 1,800 shells had been thrown into the fortifications, but no white flag flew from the great staff on the ramparts.

Sunset had cast a leaden gloom upon the spirits of the defenders, but dawn found their hopes high and the invader beaten off. That night, with the fate of the city and perhaps the existence of the Union hanging by a thread, Key paced the deck of the *Minden*, and each shell that sped screaming from the ships was a stab at his heart, a challenge to all he held dear. When the first blush of morning tinged the sky Key gazed toward the battlements and with straining eyes beheld the Stars and Stripes, scarred, but still defiantly floating. The cannonading had ceased; the troops, many of them wounded, had been conveyed to the ships and the fleet was setting its sails. The joy of Key was unrestrained, and from his soul there came "the Star-Spangled Banner." He put into words the exaltation which coursed through the veins of every loyal American as the tidings of the triumph spread. Conceived in the midst of shrieking shell and of bursting bomb, the national anthem of America was born in victory. The battle had been fought and freemen had dealt a crushing blow to the invader.

How brief, though momentous, the message which went by courier to Washington from General Smith:

HEADQUARTERS, HAMPSTEAD HILL, BALTIMORE,
September 14, 1814—10 a. m.

Hon. JAMES MONROE,
Acting Secretary of War.

SIR: I have the honor of informing you that the enemy, after an unsuccessful attempt both by land and water on this place, appear to be retiring.

We have a force hanging on their rear.

I have the honor to be,
Your obedient servant,

S. SMITH,
Major General, Commanding.

P. S.—The enemy's vessels in the Patapsco are all under way going down the river. I have good reason to believe that General Ross is mortally wounded.

The attack on Fort McHenry in September, 1814, marked the last major engagement of the war prior to the signing of the treaty of peace at Ghent. For some weeks commissioners from the United States and Great Britain had been discussing terms of peace at Ghent, but the Americans would not accede to the British demands and agreement seemed impossible. When, however, the news of British defeats at Plattsburg and at Baltimore reached London the British ministry quickly yielded the points most objectionable to the Americans and the treaty was signed.

To the citizens who came to wander through the redoubts in the days that followed, how wonderfully complete seemed this impregnable fortress! How impassible appeared the moat of murky waters between the outer ramparts and the star fort walls; how massive the masonry; how impressive the thick wooden doors with their studded surface; how doughty the cast-iron cannon in grim silhouette against the sky! The fort, conceived in fear and born in hope, now lived a life of love—a love that had its greatest expression in the World War, when cannon mounts, feeble with age, stood watch over the wounded brought from the battle fields of Europe. To-day, more than 100 years after the supreme effort of 1814, though apparently neglected by the Government it saved, the old fort smiles to the sky, serenely awaiting the final day of decay, unhonored but not unsung.

The time has come for our great Federal Government to show an active interest in the fact that Fort McHenry marks the spot where a decisive blow in the War of 1812 was struck; where Francis Scott Key was inspired by the valor of its defenders to write America's national anthem, "the Star-Spangled Banner." In a word, Fort McHenry, standing as a silent sentinel for a century at the approaches to Baltimore, a

uniquely historic point on the Atlantic coast, and most celebrated in the songs of the Nation, should be recognized by the Government it saved.

What finer tribute could we pay those immortals whose blood was spilled at the altar of liberty in 1776, in 1812, and in 1918 than by restoring Fort McHenry to its condition in those early days of the Republic, with the ancient cannon once more set up, by removing unsightly buildings from its grounds, and by dedicating it as a national park to the carrying out of the ideals of Americanization? We have done this at Yorktown, for example; why not at Fort McHenry? On the grounds of Fort McHenry is the immigration station of the Government, which will receive new citizens who enter America through the port of Baltimore. What more living lesson in democracy could these be given than to be welcomed on ground once trodden by patriots and sacred to the traditions of liberty achieved through the shedding of blood?

It is to such an ideal that this booklet is dedicated: That Fort McHenry through its restoration may be honored by the Government which it saved in 1814, thus furnishing a splendid inspiration of patriotism for our children and our children's children. It has been prepared, further, with the thought foremost in the minds of the undersigned citizens of the United States that Fort McHenry ever may serve as a beacon light of our liberty, that loyalty may be intensified at a time when loyalty is a vital need and love of country may be enshrined in the heart of every native-born and adopted son and daughter of the United States of America. In doing this we shall have carried out the prayer of the author of our national anthem:

O! thus be it ever when freemen shall stand
Between their lov'd home and the war's desolation!
Blest with vict'ry and peace may the heav'n-rescued land
Praise the power that hath made and preserv'd us a Nation!

Key Compton, John R. Bland, Henry Walters, Van Lear Black, Eugene Levering, Daniel Willard, Frank A. Furst, Joseph I. France, R. Howard Bland, Clinton L. Riggs, William H. Welch, R. Brent Keyser, Blanchard Randall, B. Howell Griswold, jr., Robert Garrett, John Walter Smith, Walter B. Brooks, O. E. Weller, Right Rev. John Gardner Murray, W. S. Thayer, Waldo Newcomer, William L. Marbury, George Weems Williams, W. Hall Harris, Norman James, Jacob Epstein, J. M. T. Finney, Frank J. Goodnow, W. W. Symington, Arthur B. Bibbins.

ESTIMATED COST OF RESTORATION OF FORT MCHENRY.

PLAN.

The estimate is based upon the cost of restoring Fort McHenry to the condition it was in at the time of its bombardment by the British, as shown by plans on file in the district engineer office, customhouse, Baltimore, Md. Certain buildings which were not in existence in 1814 would be left standing and used in connection with the maintenance of the reservation as a park.

The following structures would remain in place:

Buildings of immigration station.
Star Fort with buildings therein.
Upper water battery.
Lower water battery.
Building No. 22, to be remodeled.
Buildings Nos. 51, 60, 61, and 62, to be used as quarters for superintendent and laborers.
Building No. 75, old magazine.
Building No. 77, chapel.
Buildings Nos. 94 and 95, for storehouse and garage.

It is proposed to use the following portions of the existing road system:

(a) All concrete roads.

(b) Main macadam road through center of grounds (Fort Avenue, extended) with both branches leading from junction northeast of Star Fort to the sea wall.

(c) The macadam road leading from the axial road toward the wharf.

(d) The macadamized portion of the road leading southwest from the entrance and along the sea wall.

The present cinder road around the sea wall would be replaced by macadam, 14 feet wide. Portions of macadam and cinder roads not utilized under the scheme of restoration would be removed and the existing roads straightened in places.

The present wooden building at the entrance to the fort would be removed and replaced by ornamental iron gates.

COST.

It is estimated that the buildings can be removed and the pillars and foundations taken out of the ground for the value of the salvaged materials therein. The sea wall is in good condition and requires few repairs.

STAR FORT.

Painting, new roofs, and miscellaneous repairs to six buildings, at $700 each	$4,200
Sodding, stone coping, roads, and walks	2,000
Repairs to outside brick wall	1,000
Total	7,200

DETACHED EMPLACEMENT OPPOSITE SALLY PORT.

Pointing up brickwork, sodding, steps, etc	600

UPPER WATER BATTERY.

Sodding, grading, repairing walls, and magazine doors	$3,000

ROADS.

New macadam $\frac{3380 \times 14}{9}$=5,256 square yards, at $3	15,768
Removing 3,600 yards of cinder road, at 40 cents	1,440
Straightening roads and removing portions not used	1,792
Total	19,000

ENTRANCE.

New approach and iron gates	1,800

GRADING.

Regrading and landscape gardening, 36 acres, at $400 per acre	14,400

MISCELLANEOUS.

Procuring and setting up old guns, placing tablets, etc	4,000

SUMMARY.

Star Fort	7,200
Detached emplacement	600
Upper water battery	3,000
Road	19,000
Entrance	1,800
Grading	14,400
Miscellaneous	4,000
Total	50,000
10 per cent for consulting landscape architect, plans, surveys, and incidentals	5,000
Total	55,000

ESTIMATED YEARLY MAINTENANCE.

	Per annum.
1 superintendent	$2,000
2 laborers, at $1,200	2,400
1 horse, maintenance	350
Machinery, tools, materials, and repairs	2,250
Total	7,000

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 3350) for the relief of Alice M. Gorman; and

A bill (S. 3351) for the relief of G. Dare Hopkins; to the Committee on Claims.

By Mr. COLT:

A bill (S. 3352) to remove the charge of desertion against William H. Riddensdale; and

A bill (S. 3353) to remove the charge of desertion against Henry C. Mowry (with accompanying papers); to the Committee on Military Affairs.

By Mr. STANLEY:

A bill (S. 3354) granting an increase of pension to John S. Cisco; to the Committee on Pensions.

CHIPPEWA INDIAN AGREEMENTS.

Mr. KING submitted the following resolution (S. Res. 260), which was referred to the Committee on Indian Affairs:

Resolved, That the Committee on Indian Affairs of the Senate be, and it is hereby, instructed to investigate the following matters and submit its findings to the Senate at the earliest practicable day:

First, in what respects, if any, the agreements entered into by the United States with the Chippewa Indians of Minnesota pursuant to the authority contained in the act of January 14, 1889 (25 Stats. L. 642), have been violated, disregarded, or ignored by the United States, its officers and agents.

Second, what property, if any, conveyed to the United States in trust under said agreements has been disposed of by the United States, its officers and agents, in violation of the terms and provisions of said agreements and to the loss and injury of said Indians and for which the United States is or may become liable.

Third, what property, if any, ceded to the United States in trust under said agreements has been disposed of by the United States in violation of the terms of said agreements without any consideration, or without adequate consideration, to the Indians, can be recovered, and the proper steps to be taken.

Fourth. What funds, if any, received from the disposition of property ceded to the United States in trust under said agreements have been appropriated or expended by the United States in violation of the terms and provisions of the agreements creating said trust, and to what extent the United States has become liable therefor.

Fifth. What laws have been enacted by Congress since said agreements were entered into that are in violation of the terms and provisions of said agreements and have caused or will cause loss or injury to said Indians if carried into execution.

Sixth. What legislation, if any, is now pending before Congress that would, if enacted into law, be in violation of said agreements and would cause loss and injury to said Indians and create a claim or claims against the United States.

Seventh. To what extent, if any, Congress can, independent of said Indians and without their assent being had or obtained, lawfully change, alter, or amend said agreements to the financial loss and injury of said Indians without creating a legal liability against the United States for the resulting loss.

Eighth. That at said inquiry the Chippewa Indians of Minnesota shall be permitted to appear through a representative of their own selection and present the claims of said Indians.

And said committee is further instructed to advise the Senate what action, if any, is necessary to be taken to compose the controversy between the Chippewa Indians of Minnesota and the Government of the United States and to adjust their differences upon honorable terms, and if legislation is necessary to submit a draft thereof.

NAVAL ARMAMENT TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament.

Mr. KELLOGG. Mr. President, I am compelled to leave the city at 6 o'clock, and I ask the indulgence of the Senate for about 5 or 10 minutes on the pending treaty.

I am very glad to hear the announcement by the distinguished Senator from Nebraska and other Senators on the other side of the Chamber that they are prepared, practically unanimously, to vote to ratify this treaty. I congratulate them. The Senator from Nebraska, however, while he is perfectly willing that the treaty shall be ratified, and thinks it is something of an accomplishment, wishes to place the credit where it belongs, and does not want the credit to go to the President.

Mr. President, let us ratify the treaty. Let history take care of the credit. I am perfectly willing to give to the distinguished Senator from Idaho [Mr. BORAH] all the credit that he is entitled to, and I concede that he is entitled to credit. I am perfectly willing to give the distinguished Senator from Montana [Mr. WALSH] the credit of advocating the resolution for calling a disarmament conference; but when it is stated that the President was opposed to disarmament, I beg to disagree with the distinguished Senator. I know that he was not opposed to it. I know that it was always his idea to call a conference, hoping that something like the treaty which has been submitted to the Senate would come out of that conference; and he, as the Senator from Indiana [Mr. NEW] says, repeatedly said so. It may be that he thought that a resolution from Congress requiring him to call a conference was not proper; but whatever he may have thought about that I do not know. I know that he believed in such a conference and intended to call such a conference.

It is said that under the covenant of the League of Nations such a conference was intended and might have accomplished greater things. Mr. President, I recall the speeches of distinguished statesmen in the British House of Commons and the House of Lords in 1919 when the subject of a proposed League of Nations was under discussion, and I think also in 1918. Those distinguished statesmen considered that a dream not to be realized, except possibly in the far-distant future. They had little confidence that it could be realized; and what has the League of Nations done toward disarmament? It has done nothing. Had the President of the United States called together all of the nations of the world, or of Europe, to undertake a general disarmament of land and naval forces, he would not have succeeded.

The Senator from Montana [Mr. WALSH] has said that France refused to consent to a reduction of her army because we refused to protect France against Germany. It is against our traditional policy to enter into such an alliance to go to war to protect any nation's independence; but it is not alone Germany that France is afraid of. Is France going to disarm her land forces with Russia looming in the distance, disturbed and uncertain? Have we forgotten the raid Russia made on Poland only in 1920, and came near succeeding? That disturbed France much more than disarmed Germany has disturbed her.

Mr. President, I am very glad that we are all united, or are going to be, in a vote for this treaty. I consider it a great accomplishment, the first step ever taken for real limitation of armament. I hope it will go further as time goes on, and that we may be enabled to get an agreement for the limitation of land armament; but that we have not been able to get that does not detract from the credit of this work, or its advantage to the world. I have never known a step taken which meets my hearty, enthusiastic support more than this, because I believe it to be a step in the right direction.

The Senator from Nebraska [Mr. HITCHCOCK] says we have done nothing for the disturbed financial condition in our own country; that we are passing through a depression unequaled in the history of the country; and that we have done nothing to alleviate it. I think the Senator is mistaken. Much has been done. I am aware that all the relief can not be accomplished by legislation. The actual working out of economic laws must do much; but much has been done in the last six months. This Congress, realizing the critical condition of the agricultural communities, passed a bill authorizing the War Finance Corporation to extend aid to farmers, and $308,000,000 have been advanced in aid of marketing farm products in this country since the 1st of September last, and the prices of farm products all over the country have very greatly increased. In the year 1921 we exported more wheat and more of many of the leading farm products than we did in 1920. We have done a great deal to restore confidence, to encourage agriculture, and to encourage business, and while we can not do everything by legislation, undoubtedly it has had a great effect in the restoration of confidence and in the betterment of business conditions throughout the country.

Mr. WILLIAMS. Mr. President, some of these "pleas in confession and avoidance" made on the other side of the Chamber would be very amusing if they were not illustrations of "lame and impotent conclusions." The Senator from Minnesota [Mr. KELLOGG] has just said that the League of Nations has done nothing. The junior Senator from Texas [Mr. SHEPPARD] some time ago made a rather convincing statement of what the League of Nations had done.

Mr. KELLOGG. Mr. President, I said it had done nothing toward disarmament.

Mr. WILLIAMS. Oh, toward disarmament. Neither has anybody else, except toward disarmament at sea, and the danger of war is not coming from a sea power at all. It never has. It has come from armed forces on land, and when the Senator is boasting about this little halfway measure he becomes amusing. It is good as far as it goes, and I voted for it, and I am glad I was able to do so, because it was a new point of departure toward disarmament on the element where armament can be used in war. France has not disarmed, and Italy has not disarmed. The only parts of the world which have disarmed are the two great English-speaking powers, the United States and Great Britain, and they did not do it in consequence of this conference held at Washington, but each one proceeded to reduce land forces on its own account, because of their magnificent common sense, which they have illustrated in the past and are illustrating better now than any other peoples on the face of the globe; the magnificent common sense which declines to follow militarists and other people in the preachment of the doctrine that you must in time of peace be always preparing for war.

We have, upon the contrary, taught the doctrine that in times of peace we should prepare for more peace, and we have preferred, on the other side of the water and on this side of the water as well, with magnificent common sense to strain our muscles to the breaking point, if necessary, when danger and war came, rather than to keep our people bowed down all the time during peace by immense burdens in preparation for war, which comes about once every twenty-odd years in our history and a great war once in about 15 years in Great Britain's history.

With what poor grace it comes from a man who was one of those who cut off the right arm of the League of Nations now to glory in the fact that the League of Nations can not do as much as otherwise it might have done, because when he and others kept us out of it they did cut off the right arm, and it has been fighting with nothing but one arm since; but it has kept down a war between Italy and Yugoslavia incidentally, and, incidentally, it has kept down a war between Poland and Germany about Silesia, besides all the numberless other things recited by the Senator from Texas in his very able speech.

Mr. President, I have stood by these treaties; I have stood by them under difficulties. I believe that the four-power treaty is an alliance to keep the peace in a part of the world upon some subjects of controversy. I believed the League of Nations was an alliance between all the powers of the world of any consideration to keep the peace everywhere upon all subjects. I believe that there was behind each one of them latent force, just as there is behind the judgment of a justice of the peace or the decree of a chancery court latent force. If anybody resists the judgment or the decree, the constable or the sheriff will be there. If anybody resists the sheriff or the constable, the posse comitatus will be there, and if anybody resists the posse comitatus the military will be there.

So behind the four-power treaty and behind the covenant of the League of Nations there stood a force which everybody knew stood there half revealed but present to enforce the decree, first, in public opinion; second, in economic measures; third, in moral force; and, fourth and last, if necessary, in physical force.

I have never made any disguise of it. I said upon the floor of the Senate once that I had never been idiot or fool enough to think that any decree of any court of justice, national or international, would amount to the paper upon which it was written unless the criminal was afraid that the decree could be enforced. Of course, force may be in the background; it may be in the remote background; it may depend upon the fact that everybody in the council of the League of Nations, or all four of these four powers parties to this treaty, shall vote unanimously. It may be true that if one of them does not join in the decree, that one will not be bound to use any force. It may be true that even if the representative commissioner advises his

country to use force, its legislative power may decline to do it; but still there is in the mind and imagination of the criminal nation, as in the mind of every criminal individual, the idea that force is possible, and it is the possibility and the fear of the use of force that keeps the peace among those of bad will.

If there had to be a fight in order to enforce every judgment of a justice of the peace or every decree of a chancery court, civilization would be in anarchy; but the criminal does not fight. He surrenders, or he becomes a fugitive from justice. He takes himself somehow out of the fighting arena, because he knows that the possibility of fight is there, and the possibility of a fight in which he is a woeful minority and the balance of the civilized world is a magnificent majority. That is all about that.

With what poor grace does such an argument come from any man who poisoned the League of Nations, or attempted to poison it, with reservations, emasculating it; a man who did not even have the courage to come out and seize a bludgeon, as the Senator from Idaho [Mr. BORAH] had the courage to do, as the Senator from California [Mr. JOHNSON] had the courage to do, and say, "I will have none of it; I will kill it," but who at that time pretended to be in favor of it with certain "modifications" and "limitations" which would render it inoperative, which would emasculate it, in other words. He and all the others of his ilk of that day and in that fight thought poisoning a surer and safer way of killing than bludgeoning—poisoning under pretense of administering helpful medicine.

The Senator from Minnesota was one of that holy poison squad. He did not even belong to the buldgeon squad, which at least fought in the open, representatives of frank barbarism, who did not intend to be bound by any sort of a fool covenant to keep the peace. He did not even belong to that crowd. There was at least courage in that bludgeon squad's methods—barbarous courage, uncivilized courage, lacking in vision, lacking in sympathy with poets' dreams and prophets' predictions, but at least courage and no pretense of loving the thing they killed. I said during the debate on that subject that that was the difference between the two.

So, in connection with the four-power treaty, there has been an attempt to poison it by reservations and amendments "with intent to kill." Poison is not the most respectable form of murder. If you want to kill a thing kill it outright, do not poison it. They attempted to poison the League of Nations and failed, but thereby weakened it by keeping the greatest country in the world in potential power out of it. Now, for God's sake, do not come here and talk about the League of Nations having "done nothing." Nobody contends that it has done as much as it might have done if we had been members of it.

Let me say this now, Mr. President, the man who takes to his soul the unction that the League of Nations, as far as the United States are concerned, is dead, is playing the part of the ostrich, with his head in the sand. It will never be dead. The United States will come into it, whether as a member or an outside auxiliary, and she is beginning the auxiliary work now through the four-power treaty, and denying it while she is doing it. Just as surely will she begin to cooperate with it as a member or as an auxiliary as that truth is truth, and God is love, and love is peace, and peace is progress, and progress is civilization. If those things be not true, then you may give up all fear on one side and all hope upon the other of anything like the League of Nations; but as long as those things are true and as long as God reigns and as long as it is insane and foolish for men to go at one another's throats to settle a controversy which they might settle as ordinary controversies within a nation are settled, just as long as those eternally true things are true, the hope will exist in the mind of this generation, and the certainty in the mind of some generation, of a League of Nations, or something very much like it.

There is just one thing that legislatures can not do, that public opinion can not do, that elections can not do, and that is to stop the growth of a divine principle, and the divine principle here is the principle of peace on earth to men of good will. It is coming. The little cheeping voice of a Senator here and there, whether from Minnesota or from somewhere else, will have no more effect upon it than shooting peas out of an old-fashioned muzzle-loading shotgun could have upon the rock of Gibraltar.

Mr. McCORMICK. Mr. President, will the Senator yield?

Mr. WILLIAMS. I will yield in a moment. There is this difference, however. The rock of Gibraltar is a stationary thing, and if we could shoot peas at it long enough and often enough and enough peas, we could reduce it; but this is a growing, progressive principle, spelling the progress of civilization, and therefore it can not be killed; it has life and resistance inside of it.

I now yield to the Senator from Illinois.

Mr. McCORMICK. I have very great regard for the courage, the candor, and the sincerity of the Senator from Mississippi. Therefore I am led to ask him if he believes that the entrance of the United States into the League of Nations will remain a political issue in the United States?

Mr. WILLIAMS. Just as surely as God's created sun rises, and just as surely as God's begotten Son, the Prince of Peace, was born.

Mr. McCORMICK. The Senator believes that the party to which he belongs will continue to advocate the entrance of the United States into the League of Nations?

Mr. WILLIAMS. If it does not, though I think it will, some other party will arise which will do so, because this sort of an idea and this sort of principle can not be killed by politics or by anything else.

Mr. BORAH. How can we have it as a political issue when one party is going in at the front door and the other at the back door?

Mr. WILLIAMS. Its representatives and those of the other party upon this floor and upon the floor at the other end of the Capitol go in one door and out the next, and then swap partners and reverse doors, reminding me of an old-time country dance when the favorite figure that the darky called out while he was playing his fiddle was, "Swap partners." But the principle remains there and the people remain there, and human intellect and conscience more and more informed from day to day are there to operate upon the subject matter.

Now, the politicians have said that the League of Nations was defeated here at the last election. They say that is what beat Wilson. I can give 86 reasons why Wilson or his party was beaten, 85 of which have nothing in the world to do with the League of Nations. One was an Irish-American lobby in the city of Washington opposing the League of Nations, just as they have opposed the four-power treaty, because they do not want the United States to enter into any friendly agreement with Great Britain, hoping some day for war between the two to furnish "Ireland's opportunity." I wonder when patriotic and real and exclusive Americans will wake up to that obvious and dangerous fact?

Another was the secret ballot of the German-Americans who were mad because Wilson had dared to make war upon the Kaiser.

Another was the great universal principle of "the swing of the pendulum." You can not keep any people exalted to a very high stage of altruism and self-sacrifice for very many years at a time. Ours had been kept up there during the war period and naturally reaction set in right after the war.

Another reason was the natural-born fools. The natural-born fool thinks that you can turn 100,000,000 people in a state of peace into a people with 4,000,000 soldiers, and that they ought not to cost anything. When the natural-born fool found that taxes had to be levied in order to pay for the 4,000,000 soldiers and all the munitions of war and transportation and everything else incidental to war, he naturally got mad with the party in power that created the necessity for levying the taxes. I say, naturally—I mean, of course, naturally for him. The fellow was really astonished after having helped to eat his pie to find two things; first, that it was gone; and, secondly, that it had to be paid for. His name was Legion.

Those are three or four reasons I have given. I shall not give the other 81, but if any of you call on me in private I will give the other 81 reasons. The League of Nations had almost nothing in the world to do with it. The main thing that had to do with it was "the swing of the pendulum."

I was about to add that it is peculiar to a pendulum that when it swings one way it swings back, but it is also peculiar that it starts back on the original route a little bit later on. Of course, I am not going to be led off into what I imagine my genial friend from Idaho intended me to be led off into when he interrupted me, a discussion of how my good party colleagues got out of one door and then came back through the same door, while his colleagues were going into the door and then coming back out the same door.

I am not going into that any more. It was a lamentable spectacle and the whole American people on both sides witnessed it. The fiddler cried, "Change your partners," and you changed your partners. But, revenons a nos moutons—the League of Nations.

It was not a political issue at all, but a moral and ethical issue—its aim keeping the peace of the world, guaranteeing the peace of the world, stopping the insanity of jumping at one another's throats whenever there is a controversy, instead of seeking some tribunal to sit in fairness upon the controversy, adjudge it, and make a decree, with public opinion to enforce the decree, and if needful an armed public opinion—an

amphictyonic council of the civilized world not only to decree but to enforce peace.

Mr. President, I hope to live to see the day—I shall be out of politics then—when these United States will agree that as far as they are concerned they will leave every controversy between them and any other nation to fair arbitral determination of some sort, somehow. Perhaps I shall not, because I am 68 now, and I do not hope to live beyond the Scriptural age of man, but whether I live to see it or not, somebody will live to see the time when man will wonder, when woman will wonder that there ever was a state of barbarism under which nations, of the white race at any rate, would fly at one another's throats in order to settle a controversy that might be settled without bloodshed.

But I did not rise to make a speech upon the general subject. I rose merely to call attention to the position of the Senator from Minnesota [Mr. KELLOGG] who, after having cut off the right arm of the League of Nations, then comes here and gloats upon the fact that it has not fought as well without its right arm as perhaps it could have fought with it.

Mr. KING. Mr. President, the Senator from Mississippi [Mr. WILLIAMS], as well as a number of other Senators during the discussion to-day, alluded to the League of Nations and to its achievements or to its lack of achievements. Reference has also been made to the admirable address delivered on the 5th day of October, 1921, by the junior Senator from Texas [Mr. SHEPPARD] upon the work of the League of Nations. In the last two or three pages of that address is found a résumé of its accomplishments. I ask unanimous consent to have printed in the RECORD, in the regular 8-point type, the paragraphs which I have marked.

There being no objection, the matter referred to was ordered to be printed in the RECORD in 8-point type, as follows:

SUMMARY.

"Reviewing this account of the league, what are the points that impress us most?

"First. For nearly two years an organization embracing nearly all the civilized nations, comprising a billion four hundred million of the billion seven hundred million people on the globe, has been discharging functions of the highest importance under the treaty which settled the affairs of the earth at the conclusion of a universal war, arranging differences and restraining hostilities, which uncomposed might have imperiled the peace of mankind—interchanging views on subjects essential to world harmony and world progress—establishing technical bodies combining the best thought of the earth on objects of common interest and concern, such as international law, armament, health, finance, labor, relief work, cooperation with Red Cross, proper administration of territories changing hands as a result of war, statistics, conditions of transit and travel, passport facilities, repatriation of prisoners, the white-slave trade, the trade in opium and other dangerous drugs, and so forth.

"Clearly it is history's first example of definite and harmonious cooperation among so many nations of the world for so long a time on so large a scale and with such practical and far-reaching results.

"Second. The creation by the league of the Permament Court of International Justice is a step of first magnitude toward the peaceful settlement of international disputes. On the committee which the league designated to frame this court sat some of the foremost jurists of the world, including Elihu Root, of the United States. The judges elected by the league to preside in this court are noted experts in international law, including John Bassett Moore, of the United States. The Hague peace conferences of 1899 and 1907, which were recognized as the most notable attempts toward permanent peace for mankind that had yet been made, put forth every effort to create a world court to administer matters within the scope of international law as the fundamental, initial step toward the triumph of justice over force in world affairs, but both conferences failed. What they failed to do the league has accomplished.

"Third. For nearly two years the league has supervised the government of the territories of the Saar Basin and free city of Danzig, handling problems of the most delicate nature, keeping in view the interests of the inhabitants and the purposes to which these districts were devoted by the treaty of Versailles It is executing with efficiency various other duties assigned it by the peace treaties, including the supervision of international rivers, protection of minorities in certain countries, and so forth.

"Fourth. It has settled the controversy between Sweden and Finland over the Aaland Islands, showing such thoroughness and fairness and such consideration for all concerned as to enhance its position as peacemaker in the eyes of the world.

"Fifth. While it has not as yet reached a final decision in the dispute between Lithuania and Poland, the fact that both countries ceased hostilities when the league was appealed to and refrained from renewing them during the efforts of the league to compose the matter is in itself a remarkable and promising achievement. It is doubtful whether these countries would have submitted to any other tribunal than the league. It is certain that a conflict which might otherwise have rekindled another general war through the involvement of Russia has been kept in abeyance by the moral prestige of the league.

"Sixth. It has aided materially in settling an incipient quarrel between Poland and Austria over the disposition of Jewish fugitives and saved these unfortunate people from bitter experiences.

"Seventh. It secured the definition of the frontier of Armenia, but has been prevented from extending more substantial aid by the fact that the treaty of Sevres has not yet been enforced by the allied powers. The appeals to the league in the Albanian, Austria-Yugoslavia, Panama-Costa Rica, Greece-Bulgaria, Bolivia-Chile, France-Hejaz, and Persia-Soviet controversies show that the world is looking to the league as a source of international justice.

"Eighth. The confirmation of the transfer of the sovereignty of Eupen and Malmedy from Germany to Belgium was another function which it successfully performed.

"Ninth. The fact that an organization of 51 nations, comprising more than three-fourths of the earth's population, is pledged to the peaceful settlement of disputes, and may discuss the merits of controversies everywhere, has a composing effect on all the world and tends to localize whatever hostilities may from time to time break out. It has organized the public opinion of almost all mankind for peace, and has thus minimized the chances for the spread of a conflict from country to country and alliance to alliance which before the advent of the league was a perpetual threat to humanity.

"Tenth. Its technical financial organization has rendered an immense service through the Brussels conference, where the most comprehensive survey of world finances yet known was made and an international credit system devised with wonderful possibilities. An endeavor to apply this system to Austria, with the allied powers suspending their claims for a period of 20 years, has been balked by the refusal of the United States to take a similar step as to her claims. The Brussels conference warned all countries against any measures of drastic deflation.

"Eleventh. Its permanent commission on disarmament is making a profound study of that fundamental question. Mention should here be made of the fact that the absence of the United States from the league has been recognized as one of the greatest obstacles in the way of disarmament. The failure of the United States to ratify the treaty of St. Germain for the regulation of the traffic in arms, although she had previously signed it, is another barrier to the peaceful aims of mankind. It is probable that this matter will be brought to the attention of our Government at the coming conference on limitation of armament.

"Twelfth. The league worked out a system of mandate administration under the covenant more than a year ago, but both the league and the allied powers have been halted by the claim of the United States that she must be consulted as to mandates and must approve them before they become operative.

"The mandate system of the league is a new and refreshing thing in history. It provides that territories changing control as a result of the war must be administered as a sacred trust for civilization and in the interest of the inhabitants, the mandatory power making a report every year to a league of nations, and thus subjecting its record to the light of a world publicity, the bar of world opinion. In arresting the application of this system for so long a time, with the world in so restless and disturbed a condition, the United States has done more to imperil peace and delay the return of stability than may easily be measured.

"Thirteenth. Through its representative, Dr. Nansen, the league has aided in the return of hundreds of thousands of war prisoners to their homes.

"Fourteenth. Through its technical bodies and its commissions it is dealing more effectively with the arrest of epidemics, the suppression of the opium traffic, the white-slave trade, and other objects of international concern than has ever been possible before.

"Fifteenth. Its technical committee on transit and the great conference at Barcelona held under its direction on this important subject have made marked advances toward the elimination of useless and unnecessary burdens on international shipments. The object is to make possible an uninterrupted shipment on a continuous bill of lading from and to all parts of the world.

"Sixteenth. Carrying out the spirit of article 23 of the league covenant whereby the member nations agreed to establish an international organization to secure and maintain fair and

humane conditions of labor, both in their territories and in the countries with which they had commercial and industrial relations, part 13 of the Versailles treaty established the International Labor Organization. Membership in the league carries with it membership in this organization; but the latter has an existence entirely distinct from that of the league.

"The International Labor Organization was authorized to operate through a general conference and to establish an international labor office to collect and distribute information on all subjects relating to industrial life and labor and perform such other duties as might be assigned it by the conference, as well as certain functions assigned it by the treaty in connection with international disputes.

"The general conference meets annually and is composed of four representatives of each member nation. Two of the representatives are selected by the Government, one representing employers, the other employees. The work of the conference is to discuss desirable legislation affecting workers and to embody them in recommendations to member countries for legislative or treaty enactment, as may seem in each case advisable. Its recommendations are in no sense binding on the member nations.

"As heretofore indicated, two of these conferences have already been held—the first at Washington in 1919, the second at Geneva in 1920—and their recommendations have been described. It is worthy of note that 36 nations have either enacted legislation or have bills pending in their legislative bodies carrying out one or more of these recommendations. To be more specific, 13 have enacted such legislation and 23 have measures pending.

"The International Labor Office has been in operation for more than a year and its activities are of the greatest interest and assistance to the world-wide cause of labor. Investigations by a special commission of experts are being made into the causes of unemployment throughout the world, into conditions surrounding emigration with a view to international understandings for regulation of emigrant traffic and treatment of working-class emigrants. The office is studying from a standpoint of world-wide scope the subjects of cooperation, insurance against sickness, old age, and accident; maternity insurance; help for widows and orphans; industrial relations; agricultural labor; laws affecting labor in all the nations of the earth.

"Seventeenth. The recent reference by the supreme council of the allied powers to the league council of the Upper Silesian question with power to act, evidences the rapid advance of the league toward the position the covenant intended it to occupy in the maintenance of world stability.

"Eighteenth. The unanimity and the spirit of concession which have marked the league's proceedings for nearly two years are among the chief evidences of its capacity to function under the covenant."

Mr. WADSWORTH. The Association of the Bar of the City of New York at a recent meeting adopted a certain resolution with respect to the pending treaties. It is very brief, and in view of the importance of that association I ask unanimous consent that it lie on the table and be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The resolution was ordered to lie on the table, as follows:

Resolved, That the Association of the Bar of the City of New York approves and adopts the report of its committee on international law, dated March 13, 1922, and the resolutions contained therein, and the secretary of this association is requested to transmit these resolutions to the Senators in Congress from the State of New York, and this association expresses its conviction that the peace of the world and the welfare of the people of the United States require the prompt ratification of the several treaties now pending before the Senate.

The PRESIDING OFFICER. The question is on agreeing to article 19 of the pending treaty, which has been read. Without objection, the article is agreed to.

Mr. LODGE. Mr. President, several Senators have suggested to me that it would be more agreeable if we could arrange to vote to-morrow. So I offer the following proposition for unanimous consent.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be read.

The reading clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 3 o'clock p. m., on the Calendar Day of Wednesday, March 29, 1922, the Senate will proceed to vote, without further debate, upon any amendment or reservation that may be pending, any amendment or reservation that may be offered, and upon the resolution of ratification of Executive L, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament through the regular parliamentary stages to its final disposition.

The PRESIDING OFFICER. Is there objection to entering into the agreement as read? The Chair hears none, and it is so ordered.

Mr. LODGE. Now that unanimous consent has been given, and in order to save time to-morrow, so that Senators may have all the time possible to speak, I suggest that the rest of the treaty be read article by article at this time, or else that unanimous consent may be given to dispense with the reading of it article by article. I make the request for unanimous consent that the further reading article by article may be dispensed with.

The PRESIDING OFFICER. The Senator from Massachusetts requests unanimous consent that the further reading of the treaty by articles be dispensed with. Is there objection? The Chair hears none, and it is so ordered.

Mr. ASHURST. Mr. President, I ask unanimous consent to have printed in the RECORD an address with reference to disarmament by Hon. Charles H. Rutherford before the Arizona Bar Association at Nogales, Ariz., on February 11, 1922.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF HON. CHARLES H. RUTHERFORD BEFORE THE ARIZONA BAR ASSOCIATION AT NOGALES, ARIZ., FEBRUARY 11, 1922.

DISARMAMENT.

Mr. President and gentlemen of the Arizona Bar Association, the anthropologists tell us it has taken some few hundreds of thousands of years for man to emerge from the jungle and to attain his present position, a position which we call "civilized," and which, at any rate, represents the height of his advancement.

Is man, of his own volition, going to undo this work of untold and uncountable centuries and plunge once more into the depths of barbarism, the status of his Cro-Magnon or Neanderthal ancestors, the status of the cave dwellers, the lake dwellers, the jungle dwellers?

He is, most assuredly, unless he adopts some measure of international policy that will bring about a complete cessation of that foolish, that suicidal, that barbarian thing called war; the thing that has brought upon the world of the twentieth century a condition closely approaching international bankruptcy and international anarchy.

I say international bankruptcy advisedly and with full knowledge of what the term involves. It is after all a simple term and one that is familiar to all of us. It simply means that, like the individual, a nation is in a bankrupt state when its liabilities exceed its assets, and that it is the condition of no small part of civilization to-day. There is no use in disguising the fact or in sticking our heads in the sand like the ostrich; the civilized world to-day which participated in the World War, with the sole exception of the United States, is unable to meet its obligations and is therefore in a bankrupt condition. I realize that it is impossible for any court to issue a decree in bankruptcy against a nation but this does not alter the fact.

It remains to inquire the reason, and the answer is simple. It is war—war past, war present, and war to come. Just as we may and frequently do—relieve the ordinary bankrupt by removing some of his disabilities and by giving him a chance to readjust his affairs, so we can relieve a bankrupt world by removing the fundamental, the sole and only cause of the trouble, and that is war.

Tables have been printed time and again within the past year showing that all of the revenues of civilized States, including our own, from 70 to 90 per cent are being spent to-day for war purposes, the interest and amortization charges on the debts incurred in waging past wars, the maintenance of armies and navies in anticipation of wars to come.

This condition was keenly realized when the World War was brought to a conclusion by the signing of the armistice, and one of the cardinal objects of the formation of the League of Nations was to secure a large measure of disarmament. That the attempt failed is not to be laid at the door of the promulgators of the league idea; they, at least, were sincere and in earnest in their attempts to solve the one great international problem. It was perhaps not to have been expected that this first effort would meet with complete success. The minds of men were too wrought up by the fearful disturbances of the preceeding four years to allow them an unclouded perspective, and it may be that there was error in the conception of a supreme international body that should undertake by force to eliminate warfare. I am not called to judge upon this point or even to venture an opinion. The great fact is that the league has failed to function as many hoped it would, even if we feared that it was a foredoomed failure.

I do not believe that force is the proper solution of this problem, which must be solved if our wonderful civilization is to endure. I believe that President Harding is more nearly upon the right track in calling a conference of the great powers to discuss the possibilities of a sweeping reduction of armaments as the one practical means of preventing such another cataclysm as a suffering world has just endured. I take it as axiomatic that when nations have great armies, huge navies, submarines, fleets of fighting aircraft, and all other appliances and appurtenances of war, they are going to use them; that so long as we train hundreds of thousands of men to fight, on the land, in the water, under the water, and in the air, just so long we are going to have war. Had any man prophesied in the early months of 1914 that another year would see the world, the whole civilized world, struggling on the battle fields of France, of Russia, of Belgium, of Italy, and of Asia Minor we would have called him a lunatic. And yet the magazine was loaded, the train laid, and it required but the mad act of a crazy anarchist, the Serbian, at Sarajevo, in Bosnia, to touch the match to the powder and to cause the explosion of June 28, 1914, that set the civilized world at war a few weeks later.

Nobody with reasoning powers will be foolish enough to allege that it was the assassination of Prince Ferdinand and his wife—morganatic, by the way—that caused the Great War. This was but the excuse for which Germany had been waiting, the opportunity for which she had sought for years.

Nor did the Kaiser lose time in taking advantage of the situation. I shall not attempt to review the major happenings of the war, but will call your attention to just one point, and that is the most solemn treaties, the most weighty international pacts, were but as a mote in the sunbeam when they interfered in any way with the purposes of the belligerents. The territory of Belgium was invaded without a scruple, the treaties being contemptuously called "scraps of paper" and most assuredly treated as such. The solemn covenants concerning the conduct of war, and especially concerning the treatment of noncombatants, Red Cross organizations, civic corporations, and hospitals were completely disregarded and the butcherly Huns threw aside every mask and

cloak of civilization, every treaty obligation, every Hague convention, every rule of what was called "civilized" warfare, if, indeed, there is such a thing.

Here we have evidence not to be disregarded that the most solemn treaties, the most binding engagements, are indeed but scraps of paper when they stand in the way of national ambition or national lust for dominion.

The crowning atrocity came on April 22, 1915, when the Germans loosed in front of Ypres the first cloud of poisonous gas against the unprotected enemy and introduced into warfare a new element that made it more brutal and more bestial than ever before.

If we read the history of all warfare with attention we shall find, I think, that such was the inevitable outcome—the ultimate expression of brutality. Our ancestors of the jungle days fought with clubs and stones, leading the way to the deadlier spear and sword, the bow, and finally to gunpowder and all the train of modern high explosives, culminating as regards the latter, in 1878 when Alfred Nobel, the founder of peace prizes, made his fame and his fortune by dissolving guncotton in nitroglycerine and thus fathering the whole tribe of nitrogen derivatives, which represent the acme of deadly effectiveness. The introduction of chlorine, phosgene, mustard gas, the sternutators, the lachrymators, and all the rest of the wretched family was but another step in the horrid evolution of means of destruction.

They shocked the world, they brought undying opprobrium on the name of Germany, but they were used none the less, and the only possible defense was retaliation in kind.

If the world retains its armaments, its fighting tools, we shall see another war just as surely as the sun will rise to-morrow morning, and the imagination fails when one attempts to picture its horrors.

It seems to me that there is but one remedy—disarmament—and this may prove a partial failure. It is, none the less, the only thinkable remedy, and most assuredly the only one upon which we may count with any confidence for results. We will admit at the very outset that certain police forces are necessary, both on land and sea, but national armament should stop just there. I believe if the five or six great world powers agree to the measures of limitation proposed by the President, to whom the credit of the great idea is solely due, we will have erected the one possible barrier against future war. If the nations fail to come to such agreement, we can but prepare for another outbreak, and possibly before we and the world are many years older.

I said a moment ago that even disarmament might not avail to save our civilization, and in making that statement I am well within the facts. I have had opportunity within the week to examine the advance sheets of a work not yet published in this country, "The Riddle of the Rhine," written by Maj. Victor Lefebure, of the British Army—and I am free to confess that the author has shaken my faith, even in disarmament. He was one of the leaders in the British chemical warfare divisions, and he points out the deadly fact that any organic chemical industry can be turned overnight into an arsenal for the production of every deadly gas. We know that when the United States was drawn into the World War we realized the importance of this subject speedily, and we know also that just before the armistice was signed Professor Lewis, of Northwestern University, was manufacturing at the rate of 10 tons per day at the "Mousetrap," near Cleveland, a gas so deadly that it broke new ground entirely. Its composition has not been disclosed—pray God it will never be—but we have the positive assurance of men who know that it exceeded in deadliness anything that even the fertile deviltry of the Germans had been able to invent up to that time.

The trouble of this whole wretched business is that the very same elementary substances that our chemists combine to form dyes, medicines, synthetic perfumes, yes, even synthetic foods, are the fountain stones of the manufacture of lethal gases, and the plant which to-day is turning out indigo or cocaine or attar of roses can to-morrow be making poison gas, with hardly a change in equipment.

Synthetic chemistry is the greatest blessing the world has known for many a century, but it is a Janus-like creature. It has blessings in one hand, curses in the other; with one face it looks to making our lives pleasant and more comfortable because less laborious, with the other it looks to the very dissolution of our civilization; I might say to its complete obliteration, for it is certain that another great war would be strictly a chemical war, in which the casualties would be counted by computing the number of men engaged.

I confess this is painting a gloomy picture, but anyone who will do a few hours' reading can verify the facts for himself. As representatives of one of the learned professions, I ask you to look into this phase of the subject, which, I confess, was new to me until a very short time ago.

Be all these things as they may, we must agree that some measure of limiting armaments offers the only possible escape from a terrible condition, and we must join, irrespective of our political affiliations, in giving credit where credit is due—in this case to our honored President, Warren G. Harding, whose powerful mind sketched out the first completely practicable method of avoiding the thing that has cursed humanity from its earliest history and which, unless checked, can not be prevented from destroying what humanity has toiled for æons to build up.

Should not we, the exponents of a profession of peace, one which depends for its very existence on stability and on civilization, put behind our President and his advisers every ounce of energy and of effort that we can bring to bear on the issue?

TARIFF ON VEGETABLE OILS.

Mr. SHEPPARD. Mr. President, as in legislative session, I ask to have inserted in the RECORD without reading two telegrams on the subject of a tariff on vegetable oils.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

DALLAS, TEX., *March 27, 1922.*

Hon. MORRIS SHEPPARD,
Senate Office Building, Washington, D. C.:

Please deliver the following telegram to Senators MCCUMBER, WATSON of Indiana, CURTIS of Kansas, and SIMMONS of North Carolina, members of the Finance Committee, also to Senator GOODING, chairman of western tariff bloc, immediately:

"The emergency vegetable oil tariff has saved cotton-oil industry from disaster and has given the southern farmers $8 per ton additional for cotton seed for past crop, aggregating $25,000,000. Texas and Oklahoma Cottonseed Crushers' Association both on record and 80 per cent of the independent crude cotton oil mills. These two States are now for a tariff on vegetable oils, with duties as high as provided in present emergency bill. Many mills who were at New Orleans meeting, the results of which are the present brief submitted to the Finance Committee by the Interstate Cottonseed Crushers' Association, have changed their minds and feel they were misled by the importers, exporters, and what are known as the larger interests in the business.

"The organized farmers have demanded tariff on vegetable oils. Their interests are primary and they deserve protection against cheap oriental vegetable fats, and if they are placed on the free list the price of all fats produced in this country will be materially lowered. There has been a paid propaganda against the tariff, amply financed, but none for it because of the disorganized and impoverished condition of the independent crude cottonseed oil mills. Hope Finance Committee will grant proper duties to protect the American farmer and the independent crude cotton oil industry."

W. A. BENNETT,
President Texas Cottonseed Crushers' Association and owner of mills at Seymour and Jacksboro, Tex.
ED WOODALL,
President mills at Hillsboro, Grandview, Hubbard, Mount Calm, and Frost, Tex.
J. S. LECLERQ,
General Manager Dallas Oil & Refining Co., Dallas, Tex.
L. R. MUNGER,
General Manager mills at Mexia, Teague, and Wortham, Tex,
E. R. CALLIER,
President Trinity Cotton Oil Co., Dallas, Tex.
J. W. SIMMONS,
General Manager mills at Sweetwater, Quanah, and Hamlin.
J. A. UNDERWOOD,
Mills at Honey Grove and Wolfe City, Tex.
B. W. COUCH,
President mills at Fort Worth and Taylor, Tex.
C. C. LITTLETON,
General Manager mills at Fort Worth, Gainesville, Whitesboro, Weatherford, and Nocona, Tex.
W. F. PENDLETON,
General Manager mills at Farmersville, Celina, and Munday, Tex.

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DALLAS, TEX., *March 27, 1922.*

MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

Am advised that renewed efforts are being made to put vegetable oils on free list. Texas farm bureau, our cotton association, and other agricultural interests believe that it would be rank discrimination to force our farmers to compete with oriental producers of vegetable oils when manufacturing interests are protected by tariff. Our once promising peanut industry has been practically destroyed by such competition. Please present our views to Senate committee and others in position to help.

JOHN T. ORR,
President Texas Farm Bureau Federation.

DEATH OF REPRESENTATIVE LUCIAN WALTON PARRISH.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. LUCIAN WALTON PARRISH, late a Representative from the State of Texas, and transmitted the resolutions of the House thereon.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The resolutions of the House of Representatives were read, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
March 28, 1922.

Resolved, That the House has heard with profound sorrow of the death of Hon. LUCIAN WALTON PARRISH, a Representative from the State of Texas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, this House do now adjourn.

Mr. SHEPPARD. Mr. President, it becomes my sad duty to announce to the Senate the death of Representative LUCIAN WALTON PARRISH, of Texas. He was a man of splendid achievements, of high promise, representing the best type of American citizenship. At some later date I shall call the attention of the Senate at greater length to his life and career.

I offer the following resolutions and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Texas will be read.

The resolutions (S. Res. 261) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. LUCIAN WALTON PARRISH, late a Representative from the State of Texas.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess till 12 o'clock meridian to-morrow.

In accordance with the third resolution the Senate, in open executive session (at 5 o'clock and 15 minutes p. m.), took a recess until to-morrow, Wednesday, March 29, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 28, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed Heavenly Father, the earth wind has blown and death has made its encroachment upon us and we are touched with sorrow. In the strength of noble manhood, in the light and promise of the Christian's faith, he has left us. Be with those who have such heaviness of soul and darkness of outlook and give them great peace. May we be impressed that the flowers of life wither even while they unfold; that the year is dying that we have just called "new." O teach us how few our days and how urgent is life. Lay Thy hand of wisdom upon our country and direct all who make and interpret our laws, and may the precepts and examples of Him who spoke with divine authority prevail among our people. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that we dispense with business under the Calendar Wednesday rule to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with business under the Calendar Wednesday rule to-morrow. Is there objection?

There was no objection.

DEATH OF THE LATE REPRESENTATIVE PARRISH.

Mr. SUMNERS of Texas. Mr. Speaker, it becomes my sad duty to announce to the House that death has again claimed one of our Members, this time a man in the full vigor of life, a man whose going from us leaves a sense of personal loss to every Member of this body. Last night a message came from Texas to members of the Texas delegation that LUCIAN W. PARRISH, a Member of this body, had lost in the brave fight which he was making against death. We understand the funeral will be to-morrow afternoon at his home.

At a later time I shall ask that a day be set apart for proper proceedings and resolutions in the House. At this time I send to the desk to be read the following resolution.

The SPEAKER. The gentleman from Texas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 311.

Resolved, That the House has heard with profound sorrow of the death of Hon. LUCIAN WALTON PARRISH, a Representative from the State of Texas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT.

Accordingly (at 12 o'clock and 7 minutes p. m.), in accordance with the resolution heretofore adopted, the House adjourned until to-morrow, Wednesday, March 29, 1922, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LINTHICUM: A bill (H. R. 11083) to repeal and reenact chapter 100, 1914 (Public, No. 108), to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ATKESON: A bill (H. R. 11084) granting a pension to Catherine J. Mock; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 11085) granting a pension to Carrie E. Jackson; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 11086) granting an increase of pension to Rosa Green; to the Committee on Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 11087) granting an increase of pension to John F. Scott; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4864. By Mr. CULLEN: Petition of the Women's Council of the Seneca Club, of Brooklyn, N. Y., urging retention of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

4865. By Mr. APPLEBY: Petition of citizens of Monmouth County, N. J., urging the passage of the Ackerman daylight savings bill; to the Committee on Interstate and Foreign Commerce.

4866. By Mr. CULLEN: Petition of the National Association of United States Civil Service Employees at Navy Yards and Stations, at Brooklyn, N. Y., relative to retention of certain supply stations; to the Committees on Military Affairs and Naval Affairs.

4867. By Mr. FULLER: Petition of citizens of Ottawa, Ill., protesting against the Hill bill (H. R. 9691); to the Committee on Ways and Means.

4868. Also, petition of the board of supervisors of La Salle County, Ill., urging passage of the Hill bill (H. R. 9691); to the Committee on Ways and Means.

4869. Also, resolutions of the city council of the city of Peru, Ill., favoring legislation to permit the manufacture and sale of pure beers and light wines; to the Committee on Ways and Means.

4870. Also, resolutions of the Streator (Ill.) Ministerial Association, protesting against the propaganda to modify existing law so as to permit the manufacture and sale of beer and wine; to the Committee on Ways and Means.

4871. By Mr. KISSEL: Petition of the Seneca Club, of Brooklyn, N. Y.; to the Committee on Military Affairs.

4872. Also, petition of the Twenty-seventh Signal Company, New York National Guard, of Brooklyn, N. Y.; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *March 29, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

NAVAL ARMAMENT TREATY.

The VICE PRESIDENT. The Senate resumes the consideration of the pending treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament.

The VICE PRESIDENT. The question is on agreeing to chapter 2 of the treaty.

Mr. WARREN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	France	Moses	Sutherland
Borah	Glass	Nelson	Swanson
Broussard	Gooding	New	Townsend
Bursum	Hale	Oddie	Trammell
Cameron	Harris	Overman	Underwood
Capper	Harrison	Page	Wadsworth
Caraway	Hitchcock	Phipps	Walsh, Mass.
Colt	Johnson	Pittman	Walsh, Mont.
Culberson	Jones, Wash.	Poindexter	Warren
Cummins	King	Pomerene	Watson, Ga.
Dial	La Follette	Rawson	Weller
Edge	Lenroot	Sheppard	Williams
Ernst	Lodge	Simmons	Willis
Fernald	McNary	Spencer	

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on business of the Senate. I ask that this announcement may stand for the day.

Mr. SUTHERLAND. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from

Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

Mr. JONES of Washington. I was requested to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from Illinois [Mr. MCKINLEY], the Senator from South Dakota [Mr. NORBECK], the Senator from Oklahoma [Mr. HARRELD], the Senator from North Dakota [Mr. LADD], the Senator from New Hampshire [Mr. KEYES], the Senator from Colorado [Mr. NICHOLSON], the Senator from Louisiana [Mr. RANSDELL], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Wyoming [Mr. KENDRICK] are absent on business of the Senate.

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present.

Mr. WALSH of Montana. Mr. President, apropos of some discussion on yesterday touching the treaty now before us, I desire to call attention to a dispatch from Paris appearing in the Washington Post this morning in a rather inconspicuous part of the paper, as follows:

The council of the league to-day increased the membership of the mixed committee on disarmament, adding Lord Robert Cecil, of England; Gustave Ador, former president of Switzerland; former Premier Nitti, of Italy; M. Lebrun, former French minister of marine; Señor Gonzales Hontoria, former Spanish minister of foreign affairs; Señor Urrutia, Colombian minister to Switzerland; and Prince Sapieha, former Polish minister.

The council also urged the committee to resume as soon as possible the active work of preparing a basis for the general disarmament plan which the council will submit to the assembly of the league next September.

I am happy to announce accordingly that the work of the league in its effort to procure pacification and disarmament of Europe seems to be progressing with the cooperation of the first statesmen of Europe.

Mr. President, in Swift's lines on his own death he reviews what his associates will say concerning his probable dissolution as the evidences of age and decrepitude begin to manifest themselves. This one will predict that the Dean will not last a year; another one says that he will die within six months; another dear friend makes a prediction that he will not last 30 days; but he does last 30 days, to the great discomfiture of the friend who made the prognostication; and the Dean says:

I had rather die
Than his predictions prove a lie.

I sometimes think that the esteemed gentlemen upon the other side feel some kind of twinges of regret every time the League of Nations accomplishes anything, like the adjustment of the Silesian boundary controversy and the settlement of the controversy over the Aland Islands. I trust, however, that they will be glad to approve anything that is accomplished now by this rather imposing committee on disarmament.

I want to submit also, Mr. President, another article appearing in the same issue of this newspaper, affording us some hope that, notwithstanding it was found impossible by the disarmament conference in Washington to accomplish anything whatever toward disarmament, so far as land forces are concerned, the situation appears not to be altogether hopeless:

PARIS, March 28 (by the Associated Press).—When debate was resumed in the Senate to-day on the question of budget expenses recoverable from Germany, Senator Fourment presented the socialist view of the general financial problem in connection with reparations, asking whether it was really necessary to keep 800,000 men under the colors. Was there not, he asked, a danger of giving France the semblance of militarism in the eyes of the world?

Senator Fourment advocated suppression of bearer bonds as a preventive of fiscal evasion, and the creation of an international fund, with an international loan, for the payment of pensions.

Mr. BORAH. Mr. President, I am gratified that the pending treaty is here, and that we shall have an opportunity to vote for it. I, therefore, do not rise to criticize the treaty, but simply to suggest that it ought to be considered, not only in the Senate Chamber but elsewhere, as the beginning, and only the beginning, of the work of disarmament. I have no doubt but this treaty represents all that it was possible to secure from the disarmament conference: I have no doubt that our delegates did everything possible in the way of securing disarmament that it was practicable to do. Nevertheless, I should regard this treaty as a disaster rather than a benefit if the treaty should be regarded either here in the Senate Chamber or elsewhere as comprising all that there is to do in the matter of disarmament even during the next 10 years, the life of the treaty.

It is perfectly proper for us to congratulate ourselves and the country upon what has been achieved, but it is exceedingly important that we utilize the occasion also for considering what there is yet to do. Really, Mr. President, while it is a beginning, which, as the Senator from Alabama [Mr. UNDERWOOD] said yesterday, ought to mark, and, perhaps, will mark, an era in the progress of civilization, nevertheless it accomplishes very little compared with what we must ultimately accomplish in order to get the benefit of this first step in the cause of disarmament. In other words, if we regard it as the beginning, we can not praise it too much; but if we regard it in any sense as a completed program, and the country is to understand that disarmament has been accomplished, I would consider it as a misfortune.

There has been much dispute about who was the author of the disarmament conference. The real author of the disarmament conference was public opinion. It never would have been called without the power and stress of public opinion, and able as were the delegates who represented us they could not have accomplished or achieved anything at all worth while without the power of public opinion; and so without the continued, sustained, and well-directed power of public opinion, the treaty which is before us will, in the end, amount to but very little in the way of ridding the world of the armaments under which it is now bending.

It is not, therefore, Mr. President, that I wish to be understood as appreciating any less than do others the worth of the pending treaty, but it is that I would be understood as saying that it is but the beginning, and unless we go forward, molding and directing public opinion to achieve real disarmament, we shall not reap very much benefit from what has already been achieved.

Consider the Navy, Mr. President, as it is left under the agreements in the pending treaty, and yet I understand, as I said a moment ago, at the first step the members of the conference accomplished all that was possible. But suppose that we were to be content with that; suppose we should sterilize the interest and the enthusiasm which has been aroused in favor of disarmament and should rest with the achievements thus far accomplished, what would be the condition of the world with reference to naval armaments alone? No such naval armaments have ever been known in the history of the world as will exist when this treaty shall have been ratified. I have before me the statement which was placed in the RECORD a few days ago by the Senator from Massachusetts [Mr. LODGE] with reference to the capital-ship strength of the various nations, which in itself is stupendous; but in addition to that the conference was wholly unable to deal with the question of submarines or to deal with any other implements of modern sea warfare other than airplane carriers. The great instruments of modern sea warfare are left untouched, uncontrolled, and unlimited. To-day, Mr. President, so far as the Orient is concerned, Japan has all the navy that she needs to dominate and control the entire situation. When we take up and review the budgets of the respective nations which were here assembled and compare those budgets as they will go into effect after the ratification of the treaty with the budgets which were carried last year the difference will be found to be almost insignificant.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. WILLIAMS. In reenforcement of what the Senator from Idaho is saying I should like him to permit me to read an extract from the April number of the World's Work, showing a curious popular apprehension of the practical effect of the naval disarmament treaty. The article, among other things, says:

A curious misconception of the most dramatic achievement of the Washington conference seems to have become widespread in the United States. That achievement was truly epochal in human history; it wrote "Finis" to the ruinous and war-breeding race of the nations for greater relative naval strength. That race had led America, Great Britain, and Japan into projects for navies of much greater size and power than any now in existence. These projects were abandoned at Washington, and each country agreed to a permanent relative power and to a fixed maximum.

And this is especially what I wish to call attention to—

But this fixed maximum (and here enters the popular misconception) is not less than the navies these countries now possess, but is considerably larger in every case. Thus the "Hughes-plan" American Navy is a more powerful Navy than the one we now possess.

By the "Hughes plan" we lose 4,000 tons in capital ships, but we gain 135,000 tons in aircraft carriers. And as no limits were set upon submarines, destroyers, and auxiliary craft, the "Hughes-plan Navy" remains in these respects the Navy of our previous program, which called for considerable building in these craft. The "Hughes-plan Navy" will probably cost about $50,000,000 a year more than our present Navy; but it will cost $120,000,000 a year less than the Navy we should otherwise soon have had, with every prospect that that Navy would grow continually larger and more costly. We have achieved a great moral gain and avoided a great financial burden, but we should remember exactly what the gain was and exactly how the burden was lifted.

I happened to be reading that a few minutes before the Senator took the floor, and it comes so absolutely apropos in

reinforcement of what he is saying that I wanted it inserted in his speech.

Mr. BORAH. Mr. President, the quotation which has been read by the Senator from Mississippi ought to be utilized, not, of course, for diminishing the credit due the achievement which has resulted, but to indicate what is yet ahead of us if we are going to have real disarmament.

The weapons of modern warfare on the sea are all as yet practically without any limitation or control. I read this morning a statement that—

> Japan is building large submarines of such great cruising radius that they will be able to cross the Pacific and operate on our western coast for a month and then return to Japan without refueling.

Mr. McCORMICK. Mr. President, I should like to inquire from what that quotation is taken?

Mr. BORAH. It is from the April number of the Atlantic Monthly in an article by Mr. Gardiner.

Mr. KING. Mr. President, will the Senator yield?

Mr. BORAH. I will yield in just a moment. We are simply beginning the great struggle for disarmament, which can only be carried to a successful conclusion by the same power which has brought us thus far on the way, and that is the power of public opinion. I now yield to the Senator from Utah.

Mr. KING. Mr. President, the Senator heretofore in some of his admirable addresses has referred to Archibald Hurd, one of the great naval experts of Europe. In a recent article written by him and appearing in the Fortnightly Review of January of this year he states that one of the results of the Washington conference will be to—

> set up a higher standard for submarines, placing upon each nation what amounts practically to an obligation to continue building submarines—

And so forth.

In effect, he declares that the work of the Washington conference will not diminish the cost of naval armaments in the future.

Mr. BORAH. It will if we go ahead with the work and do not regard the result of the Washington conference as the conclusion of the work.

Mr. EDGE. Mr. President——

Mr. BORAH. I yield to the Senator from New Jersey.

Mr. EDGE. The Senator has stressed the necessity of continued activity in the direction of the reduction of naval armaments. In that suggestion I entirely concur; but, in view of the reference to the activities of the League of Nations, I am wondering if the Senator in his thought as to future activities along this line believes that the agency of the League of Nations would be the most conducive to real, practical results or that some other instrumentality had better be employed.

Mr. BORAH. I do not think it is worth while or necessary for me to digress and discuss that proposition. I will say, however, in view of the suggestion made by the Senator from Montana [Mr. WALSH] this morning, that it might be applied particularly to those who are known as "irreconcilables," that there are no twinges of regret over here upon our part, so far as I know, at any success which the League of Nations may have or may enjoy in settling the controversies and difficulties in Europe, or any success which it may have in relieving Europe of the burdens of armament. I have my own opinion as to what it has accomplished. It is not necessary at this time to debate it. It might differ entirely from the view entertained by those who are more earnest in support of the league; but if it should transpire that the league can adjust the controversies of Europe, can assist in relieving Europe of its armament, and can mollify the situation, no one will be more happy to record that fact than the Senator from Idaho.

Mr. WALSH of Montana. Mr. President, will the Senator suffer a further interruption there?

Mr. BORAH. Yes.

Mr. WALSH of Montana. I am very glad to hear this avowal from the Senator from Idaho, in view of the attitude he has always taken with respect to the League of Nations. I think, without regard to party affiliations, every one of us who attended the meeting of the Interparliamentary Union at Stockholm last summer was profoundly impressed with the seriousness with which the European statesmen there assembled took the work of the League of Nations and how they regarded it as a live and active and most beneficial agency for the adjustment and settlement of the many perplexing problems that confront the nations of Europe. Regret was generally expressed that the United States was not a member of the league; but a determination was manifested, notwithstanding that, to use and develop this agency for the purpose of settling their own troubles and controversies.

I submit, Mr. President, whether the Senate of the United States and the executive authorities of the United States might not very wisely take into consideration whether the United States might not be helpful by sending representatives to act, as they were invited to do, in a consultative capacity, merely observers, as we do in connection with other agencies established by the treaty of Versailles, to lend at least our moral support to what they are doing, instead of standing back and jeering at what they are trying to do.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Montana what, in a practical way, the League of Nations has accomplished, in view of the present disturbances in Europe and the Near East?

Mr. WALSH of Montana. I refer the Senator——

Mr. POINDEXTER. One second, in order to call the Senator's attention to the particular matter I have in mind. The league already includes practically all the European nations; and if it has any effect, as its advocates claim, it would seem that it could accomplish some substantial service for mankind in Europe, in that section of the world composed of its constituent members. I read the other day——

Mr. BORAH. Mr. President, I do not want to interrupt the Senator, but——

Mr. POINDEXTER. I will stop in just one second. I read the other day a very circumstantial account of a parade of the so-called red army in Moscow, and a declaration of Mr. Trotski that they proposed to dictate their policies, so far as Russia was concerned, at the point of the bayonet, so to speak. The world is disturbed about the controversy between the nationalist Turks and the Greeks, and there are many other such warlike operations going on within the area of the League of Nations. I have heard of nothing substantial that they have done even to mollify that situation.

Mr. WALSH of Montana. If the Senator from Idaho will permit me, I respectfully refer the Senator from Washington to the able review by the Senator from Texas [Mr. SHEPPARD] here a few weeks ago of what has been accomplished.

Mr. BORAH. Mr. President, I do not want to get into a discussion of the league question because that is not what I rose to discuss this morning. I only wanted to say in answer to the Senator from Montana that the league can not achieve anything which will make me at all regretful of the position which I have taken. If it accomplishes anything substantial, I will rejoice with the Senator from Montana in that fact. I have always felt that until Europe should adopt some kind of a federalizing principle with reference to Europe there is no hope for Europe, and it is possible that the league itself may have the effect of bringing about in Europe something in the nature of a federalized Europe. I believe, as has been said by Mr. Wells, who is a great advocate of the league—and I do not always agree with him—that until Europe does federalize itself to some extent, no one who is a friend of America can expect America to go into such a chaos as obtains there.

That, however, is aside from what I rose to say.

I have referred briefly to the condition in which the naval treaty leaves the world with reference to naval armament. Perhaps there will be a saving of something like fifty to one hundred and fifty or two hundred million dollars, as it has been estimated, in the way of actual expenditure, by reason of this treaty.

Mr. WILLIAMS. The Senator means, for America alone?

Mr. BORAH. I mean for America alone; and that is about all that will be saved, too, altogether, because it is now apparent that the other nations are transferring the expenditure from the battleship side to the submarines and other instruments of naval warfare. When, however, we compare one hundred and fifty or two hundred million dollars with the budgets which are actually being prepared, and the amount of money which we will have actually to raise, we can see how much work there is ahead before the taxpayer will get any real relief from this great movement of disarmament.

But naval disarmament is not alone the one which must have consideration at the hands of those who believe in disarmament. I was opposed from the beginning, as you all know, to including land disarmament in this call. I felt that the situation in Europe would not admit of any progress, that nothing could be accomplished in regard to it; and it seems to me, in view of subsequent events, that that belief was well founded. That, however, is no reason why the movement should not continue and the cause go forward until the situation may be such that the question of land disarmament can become a subject to be dealt with in a practical way.

At the present time, Mr. President, there is no limitation at all upon armament with reference to land. It was suggested here the other day in the Senate that France had reduced her

army. It may be true; I do not know; it is very difficult to get the exact facts in regard to that; but the latest information I have been able to secure is that she has not, and, according to Poincare's statement lately made, they do not propose to do so. Japan certainly has not reduced her army. I have here an item from the press a few days ago which advises us as to her attitude in regard to that matter. This is dated March 18, and is a press dispatch:

Japanese reactionaries have apparently won their fight against an almost universal demand for army reduction.

The militarists are standing pat, announcing they prefer cabinet crises to reduction of armaments.

Besides insisting upon a large army, reactionary leaders have proposed a bill to restrict liberal thought. Recent developments in Japan, believed to presage a more liberal era, have only served to bring out the full force of reaction and militarism.

The Japanese War Minister, Yamanishi, is at outs with the premier over the army. He has announced he will agree to a reduction of not more than 50,000 men and that the money saved must be applied to the purchase of more machine guns.

And so forth. That is true in France; that is true in Japan. There is not very much desire in the United States, either, to reduce the Army. We now have an Army of 150,000 men. That is the same sized Army that we had before the four-power treaty was ratified and before the naval armament conference met, and they contend that nothing has happened which justifies the reduction of the Army in the slightest; so we are not getting any benefit from the standpoint of reduction of the Army by reason of anything which took place at the conference. In addition to the 150,000 Regular Army, we have now, as I am advised, a National Guard approaching 150,000 men; so we have at the present time a force of something like 300,000 men. We are advised, nevertheless, by General Pershing and by the Secretary of War that it would be very dangerous to reduce the Regular Army below the 150,000 mark.

One statement which was made by the Secretary of War last night is really surprising to me. I should like to know more about it. Perhaps the paper does not give the full statement.

"I consider Hawaii and the Panama Canal Zone," said Mr. Weeks today, "to be the two most important points at which this Government should maintain troops. It is absolutely essential that the Canal Zone be fully protected at all times against any possible contingency or attack."

Secretary Weeks stated that a most careful study was being made of all possible methods of defending the Panama Canal against attack from any quarter.

Of course, I understand perfectly that the Panama Canal should be policed; that there should be sufficient guards and sufficient protection to prevent evildoers or those who might be disposed to destroy it from accomplishing their end; but here is a statement which seems to indicate that the authorities in charge of the War Department contemplate some kind of an attack, that there is still a danger there. Mr. President, if we have entered into the four-power treaty and if we are proceeding now upon the theory of disarmament and upon the theory that these things mean peace, there ought to be some manifestation of that in our program with reference to the strength of the Army. I do not believe that there is any danger of attack on the Panama Canal in the sense that some nation is going to attack it, some country is going to assail it. If I thought so, I would regard the four-power treaty as a trap, as a camouflage to protect the enemy, as calculated to mislead the people and to lull them to sleep while the enemy is lurking about for the purpose of availing itself of the advantage of our sleep.

I hope that when the Army bill reaches the Senate these people will have experienced a change of feeling, and that it will manifest itself in our appropriation bills. I think we could very well afford to reduce the Army to a hundred thousand men, in view of the fact that we have a National Guard of 150,000 men, and if we do so I will be glad to credit it to the conference.

I observe that France takes a position with reference to her army almost identical with the view which is held by the representatives of our Army. I deplore these things, because I know if we proceed along that line that inside of five years—yes; inside of two years—the last vestige of benefit in the way of economy will have been wiped out; that no benefit whatever will be realized by the taxpayers from these treaties. If we are going to fill the public mind with the idea that there is still danger of attack from some foreign power, what benefit shall we derive from the conference? Where is the nation which is going to attack us? Is it Germany? Is it Austria? Is it Spain? Is it Italy? Is it France? There are only two nations in the world which, by any possible stretch of the imagination, could assail and attack us at the Panama Canal Zone or anywhere else. I need not mention those nations. But if the danger does lie with reference to those nations—and it can lie nowhere else—then we are making a fatal mistake in ratifying this treaty, and we made a fatal mistake in having ratified the four-power treaty. If we are not to have the faith which the treaties express, according to their proponents, if we are not to rely upon them, then they are a delusion and a snare. The way to manifest our reliance and to manifest our faith is to lead on in the cause of disarmament, which I trust we may do. We take risks in war; let us take some risk in the great cause of disarmament.

Mr. President, it has been about four years now since the war closed, but we are not by any means free of the war spirit, of the idea that we must rely in these matters entirely upon force, that there is no other security. I think there will have to be a regeneration in our mental attitude, as well as a reconsideration of our budgets in regard to these things. I hope that those who have been advocating these treaties will put it in the form of a concrete fact, to wit, in our appropriation bill, and place a little less reliance upon force as the only remedy or the only method for the settlement of international affairs.

Mr. President, I would not take from the conference the honor or the glory which justly belongs to it, even if I could. I would not detract from the prestige of its delegation, or any one of them, even if I could. But I am interested in what has already been achieved only as a part of a great cause—a cause just begun and which must be carried forward to final success or civilization must perish. The cause of disarmament will fail, utterly fail, the moment the people lose interest in it or the moment they cease to be active and persistent in the cause. This is the people's fight, and to lull them into inactivity by giving out the word that disarmament has been achieved or that sufficient has been achieved to warrant inactivity would be to betray the whole cause and to imperil civilization. I have said what I have said, therefore, to-day as an indication of what I trust shall be my course in the future and something as a suggestion to those who are concerned in the cause to continue in the good work.

Mr. JOHNSON. Mr. President, there is one part of this treaty to which I desire to advert, because it has been of extraordinary interest to me and to many who reside in the territory from which I come; that is article 19. With the rest of the treaty, that which relates to naval disarmament and which constituted the subject of the very brilliant opening of the arms conference, in common with everybody else, I was in full accord and to it gave enthusiastic indorsement. I am very glad indeed to register that approval and that indorsement.

When first I read article 19, however, I had some very serious misgivings. It will be observed that the article provides for the maintenance of the status quo in the Pacific with regard to fortifications and naval bases. Under it, without going into vast detail, we no longer will endeavor to fortify or make defensible the Philippine Islands nor will we attempt to establish a naval base at Guam.

It seemed to me at first, Mr. President, that this was an abandonment of the Philippines and a retreat in the Pacific. I could not quite reconcile that abandonment of the Pacific with the maintenance of a great naval base at Singapore by the British and with the maintenance of those bases which Japan in reality maintains and can maintain under this provision.

When the Foreign Relations Committee had this treaty under consideration I asked that some of the experts be called and that some information be afforded us. I was alone in that request; it did not have even a second, and the treaty was reported without any hearing or any evidence whatsoever. I then set about endeavoring to ascertain what I could in respect to it. I am not a naval strategist nor am I versed in military tactics at all. I talked with the Assistant Secretary of the Navy; I talked at length with many others who presumably are expert concerning naval affairs. I interviewed others whose knowledge of fortifications is well known, and every one of them has assured me that this article 19 is not unjust to the United States and that the view I entertained respecting it was erroneous.

I am not entirely satisfied even now, Mr. President, although I concede my ignorance of the technical aspect of the question, and I would not for an instant put any view of mine in contradistinction to the views of the experts and our military and naval strategists. But, even though I am uncertain, I feel that I can not do otherwise than accept the views which have thus been put so emphatically to me. Whatever misgivings I have concerning article 19, though to my untutored mind it may seem to constitute an abandonment of the Philippines and a retreat in the Pacific, I feel I can do nothing else but accept the unanimous view which has been asserted to me, and the statements officially presented and those made by officials unofficially to me. I shall therefore yield my personal views of article 19 and vote for the ratification of the treaty as reported.

Mr. FRANCE obtained the floor.

Mr. WARREN. I ask the Senator from Maryland to yield to me for a moment.

Mr. FRANCE. I yield.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I realize that we are in executive session, and that the time belongs to the consideration of the treaty, but there is a conference report which I desire to call up. It is a partial report, and will require only adoption and the appointment of conferees for further consideration to dispose of it. The House is waiting and can not act until we act. So I ask unanimous consent for that reason to call up the conference report on House bill 10329, the Interior Department appropriation bill.

The VICE PRESIDENT. Is there objection? The Chair hears none, and as in legislative session the Chair lays before the Senate the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

Mr. WARREN. I ask that the report may be agreed to.

Mr. KING. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. KING. I presume from the report submitted that there are a number of items upon which an agreement has been reached. Does the Senator ask us now to ratify the action of the conferees in agreeing upon those items?

Mr. WARREN. Certain matters have been agreed to and certain others have to go back for further consideration.

Mr. KING. It seems to me, if we are asked to ratify the action of the conferees as to those items upon which they have agreed, and which now the Senator desires we shall approve, we ought to be advised about them.

Mr. WARREN. As a matter of fact, there are only three or four real differences, and they have been reconciled, but on account of the troublesome, and I might say almost obnoxious, rule of the House in one respect, a number of items, some 15 or 20, have to go back, because the conferees on the part of the House fear that they may contain legislation. We have agreed upon them, and the conferees on the part of the House will ask the indorsement of the House of those items.

Mr. WALSH of Montana. Mr. President, I notice that a reduction has been made in the appropriation for the continuance of the work of construction of the transmountain road in the Glacier National Park from $100,000 to something like $65,000. I called the attention of the department to that feature, and I have not yet had an opportunity to confer with them about it. Inasmuch as this is not a final report, why should it not stand over until to-morrow morning?

Mr. WARREN. It would simply delay the further consideration of the appropriation bills and result in a congestion which I would like to avoid.

Mr. WALSH of Montana. I hope the Senator will find no serious objection to the request I make that the matter stand over until to-morrow.

Mr. WARREN. If the Senator will state directly what he has in mind, I can perhaps give him some information upon it.

Mr. WALSH of Montana. I have in mind the appropriation to which I referred, the usual appropriation of $100,000 for the continuance of the work of construction of the transmountain highway through the Glacier National Park. The usual appropriation is $100,000. That was heretofore carried in the bill.

Mr. WARREN. Yes; it was.

Mr. WALSH of Montana. Apparently the House has cut it to $65,000.

Mr. WARREN. The House did cut all of those matters, and the Senate put them up to the Budget estimate. In settling it they have asked us to take a certain percentage off all those items, which we have agreed to, and that, with others, is not in further conference.

Mr. WALSH of Montana. My recollection is that about one-third was taken off this item. I would like to have an opportunity to confer with the department further in regard to it.

Mr. WARREN. I have no desire to cut the Senator off. I think in the end he would have to take it up with the conferees as conferees rather than with the department.

Mr. WALSH of Montana. I should not care to insist upon the delay if this were a final disposition of it, but the bill remains here, anyway.

Mr. WARREN. If the Senator will acquaint himself with the fact he desires to ascertain very soon, I shall not press it further now. This matter has been delayed for two months almost, for various reasons, and I am anxious to get it over to the House.

Mr. ASHURST. Will the Senator permit me to propound an inquiry as to amendment No. 81?

Mr. WARREN. Certainly.

Mr. ASHURST. Am I correct in understanding that the conferees have agreed to restore the matter stricken out by the Senate and to reinsert the following paragraph:

For continued investigation of the feasibility of water storage on the lower Colorado River for irrigation and other purposes and related problems, $100,000.

Mr. WARREN. That matter was settled by a slight change in language, and the appropriation of $100,000 was left in.

Mr. ASHURST. I thank the Senator.

Mr. PITTMAN. There was an item carried in the bill as it came from the House making an appropriation for the Yellowstone National Park, which was stricken out by the Senate, I believe.

Mr. WARREN. We have stricken out nothing that was provided for that park. In fact, there was nothing added by the Senate, and hence nothing stricken out or added in conference. The House put in the amount estimated. The Senator is speaking of the Yellowstone?

Mr. PITTMAN. Yes. I was referring to that. What about the Grand Canyon National Park?

Mr. WARREN. The Grand Canyon item is still in disagreement.

The VICE PRESIDENT. The conference report will lie over for the present.

Mr. WARREN subsequently said: Mr. President, I move that the Senate further insist upon its amendments to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, still in disagreement between the two Houses, and request a further conference with the House, and that the Vice President appoint the conferees on the part of the Senate.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. PITTMAN. Mr. President——

Mr. WARREN. As I understand, the report of the committee of conference has been agreed to. My request is simply that the Senate insist on its amendments and that the Chair appoint the conferees on the part of the Senate.

Mr. PITTMAN. At what time was the conference report agreed to?

Mr. WARREN. It was agreed to this morning.

Mr. PITTMAN. I thought the conference report was to go over until to-morrow morning.

Mr. WARREN. No; it was simply laid aside in order that the Senator from Montana might have an opportunity to consider an item which was contained in the bill. He has done so, and is now satisfied to have the action taken that I have suggested.

Mr. PITTMAN. Mr. President, there are some other Senators who are interested in matters which are contained in the bill.

Mr. WARREN. I do not wish to take up time which belongs to the consideration of the pending treaty, but I wish to suggest to the Senator from Nevada that, while of course it is nothing to me personally, the conference reports on appropriation bills must be considered if the Senate is to transact its business. They have to be passed on here in the Senate in order that they may be sent over to the House of Representatives.

Mr. PITTMAN. I realize that the Senator from Wyoming is very industrious in these matters—in fact, he possibly may be too industrious—but I notice a number of these bills have been reported to the Senate on one day and on the next day have been passed. There were several Senators this morning who desired to investigate items which are contained in this very important bill. I made inquiry with regard to a certain item in the bill and the Senator from Wyoming stated that it was still in conference, but I want to look into it further. I certainly understood, however, at that time that the report was to go over until to-morrow morning.

Mr. WARREN. Until some other Senator may want it to go over for another day?

Mr. PITTMAN. Mr. President, there are a great many things in this bill, in my opinion, which should be considered.

Mr. WARREN. I should be very glad if the report might be considered. It has been before us for some days, having been presented by me, as I recall, four days ago. Of course, if the Senator objects, it will have to go over.

Mr. PITTMAN. I give notice, Mr. President, that I will move a reconsideration of the vote by which the conference report was adopted. I understand it was adopted.

The VICE PRESIDENT. The understanding of the Chair is that the conference report was not agreed to.

Mr. WARREN. The conference report, as I understand, was agreed to, but I have not the slightest objection to the vote by which it was agreed to being reconsidered. There is no disposition on the part of the chairman of the Committee on Appropriations to secure action on any measure which is not understood, but I submit that, with 96 Senators, it is very difficult to make every Senator understand what is contained in the appropriation bills if he will not look at them. This conference report has been printed and has been lying on the desk of the Senator from Nevada, I presume, as it has been on the desks of other Senators. So I suggest now that Senators examine the report sufficiently so that at some time we may have it taken up and acted upon.

Mr. PITTMAN. Under that understanding——

The VICE PRESIDENT. It is the understanding of the Chair that the report has not been agreed to.

Mr. PITTMAN. Very well. I misunderstood the Senator from Wyoming. I will say that to-morrow morning I will be prepared to present to the Senate the matter which I have in mind.

Mr. WARREN. The Senator understands that the subjects which the Senate is considering in open executive session and which are privileged keep us waiting here for days at a time to secure action upon measures which ought to be transmitted to the other House in order that further proceedings may be had between the House and the Senate.

Mr. PITTMAN. I understand that, and that is one reason why I want the report to go over. I desire to be attending to this business, so far as I am personally concerned.

Mr. DIAL. Will the Senator from Maryland yield to me that I may offer a resolution?

Mr. FRANCE. I yield to the Senator from South Carolina.

CAUSES OF DEPRESSED PRICE OF COTTON.

Mr. DIAL. Mr. President, as in legislative session, I desire to offer a resolution and ask for its immediate consideration. If there is any objection to it, I shall not press it.

The VICE PRESIDENT. Without objection, the resolution will be read as in legislative session.

The resolution (S. Res. 262) was read, as follows:

Resolved, That the Federal Trade Commission is hereby requested to investigate the cause, or causes, of the present depressed price of cotton in the United States, and especially with reference to cotton exchanges' operations; to ascertain their methods and plans of operation and to secure any and all data that may be available in connection therewith; whether trading carried on by such exchanges is done in a fair, just, and legal way, and whether, in its opinion, the present laws operate equitably to the grower of cotton, or whether they are in any way prejudicial; and that it consider in connection with said investigation stocks of raw cotton now on hand in the United States and elsewhere, yearly world consumption for 1919, 1920, and estimates for 1921, and the imports and exports of raw cotton into and from the United States; that it ascertain the quantity of linters, untenderable and unspinnable cotton in the United States; that it ascertain the size of the cotton crop in the United States for the years 1919, 1920, and 1921, and the number of contracts said to have been sold on each of such exchanges during each of said years herein mentioned, together with amount of cotton delivered on contract; that in the event it finds remedial legislation necessary, either in the manner of making or executing contracts or otherwise incident to such trading, that it so inform the Senate concerning such facts, with such recommendation as it may believe feasible to make.

Mr. DIAL. I ask for the immediate consideration of the resolution.

The VICE PRESIDENT. As in legislative session, the Sentor from South Carolina asks unanimous consent for the immediate consideration of the resolution. Is there objection? The Chair hears none, and the question is on agreeing to the resolution.

The resolution was agreed to.

Mr. DIAL. I thank the Senator from Maryland.

NAVAL ARMAMENT TREATY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament.

Mr. FRANCE. Mr. President, I desire to say but a few words in explanation of my vote upon the pending treaty. It is not pleasant for me to mar the beautiful picture of harmony which would have been created by a unanimous vote in ratification of the pending treaty, but I shall vote against it. I shall stand in the minority here in the Senate, but, standing in the minority here, I believe that I shall stand with the overwhelming majority of the American people.

When innumerable doves of peace are beating the air with obedient wings, when all our senses are being enchanted with the intoxicating harmonies of universal pacifism, when we have recently surveyed floating from our public buildings the flags of the great empires of the earth in places of equal honor with the incomparable flag of this Republic, the first prophet and last defender of liberty, it is not pleasant for me to disturb the perfect harmony by rising here to remind the Senate that languishing in prison cells, under sentences of extraordinary severity, are men convicted under a Federal statute of the crime of pacifism.

When the greatest assault in history was being made upon the institutions of liberty by one of the mighty empires of Europe these men, standing in the minority, painted the horrors of war. They dwelt upon its inhumanity. They called attention to the crime of the shedding of one man's blood by another. They extolled the beauties of universal brotherhood, universal love, and universal peace, and for that, under a Federal statute clearly out of harmony with the Constitution of the United States, they were convicted of the then newly created crime of pacifism and were cast into prison where to-day they languish. And now men are taking to-day, even in the legislative halls of the Republic, the positions which those men took.

I believe that those men were unjustly convicted. I believe they should be freed, but I believe they were mistaken—mistaken, however, when they were exercising the constitutional right of every man who is a citizen of this Republic to express the minority, even if the repugnant, opinion. But they were doing then what is being done now to-day. They were preaching pacifism. Now, to my mind pacifism is nothing less than the doctrine which desires peace at any price. It is the doctrine which says, "Let us have peace regardless of the terms of that peace." Pacifism is for peace and for disarmament even when injustice is in the saddle and when the iron hoofs of empire are crushing the anguished hearts and trampling upon the inalienable rights of men.

I am not a pacifist. I do not believe that any progress can be made in the direction of disarmament, in the direction of doing away with the settlement of international disputes by force, until there shall be set up some different method of settling international disputes, until there shall be some international tribunal where oppressions, wrongs, and injustice can be remedied and where the oppressed can find redress.

Loathing war as I do, looking forward fondly as I do to the time when there shall be set up international tribunals for the establishment of international justice, I shall vote against the pending treaty. I shall vote against it because that time has not come. I must confess, as the Senator from Montana [Mr. WALSH] was indicating a few moments ago, to certain twinges of conscience with reference to my attitude upon the League of Nations when I contemplate this new international arrangement which is far less satisfactory. The League of Nations at least pretended to set up a tribunal of justice which should take the place of force in the settlement of international disputes, but under this arrangement we are offered disarmament with no substitute whatever in the way of an international tribunal designed to give us justice.

Mr. President, I am surprised at much of the shallow thought of the statesmanship of our time. It seems not to have ever occurred to some of the statesmen who have been studying the problems of peace, of war, and of disarmament that armaments are not the disease, that great armies and great navies and great guns are not what ails the world, that these are not in themselves the disease, but that they are only the symptoms of the disease and that those symptoms will persist until the disease is cured. Of course, the disease is nothing else than international injustice and oppression. Loving peace as I do, I love liberty, progress, and justice far more. I do not wish to see disarmament, I do not wish to see the navies disappear until I can be assured that there may be set up the means by which justice may be secured and by which the progress of liberty throughout the world may be made more certain.

I want to say to the Members of the Senate and I want to say to the Members of the House of Representatives that the people of the United States understand this question better, I believe, than do their representatives. The people of the United States love the American Navy. Throw upon the screen of any moving-picture palace or theater of humbler degree in any part of the Republic the animated picture of great American battleships bravely plowing the turbulent waters of the ocean, bearing the Stars and Stripes, representative not only of the wealth, the majesty, and the power of this great Republic, but of its invincible devotion to the higher ideals of liberty, and from the spectators, whose hearts beat true to American traditions, there will arise tumultuous applause. The American people love the American Navy. They realize that it is their first line of defense. They realize that with their great wealth the support of this Navy is an insignificant burden upon them. They realize, further, that our Navy will never be used to promote injustice

or oppression, and that it will always be used in the defense of the American ideals of emancipation, of elevation, of liberation.

I shall vote against the ratification of this treaty; and from having noted an actual canvass in my State made some time ago by one of the newspapers, I am convinced that the people of Maryland—a State which has done so much for the Navy, not only in contributing to the great Navy of the United States heroes of years past and of more recent days, but in contributing at Annapolis every year a magnificant class of young midshipmen—are opposed to the crippling of our splendid Navy. I know that they will trust the Republic. I know that the people of the United States believe that this Republic should have the most powerful Navy in the world as a first wall of defense for the protection of our own liberties and as the great benevolent right arm to be always extended for conciliation, for propitiation, for mercy, for humanity, for liberty, and for justice over all the peoples of the world.

Oh, Mr. President, what a prophet was the Father of our Country when he warned us against the insidious wiles of foreign influence! How insidious are these influences! Is there an American Senator or an American Representative or an American citizen who believes that our financial condition is such that we can not afford to support the largest Navy in the world? I do not know of such a one. It was not long since that all of our newspapers, before the insidious influence of foreign lands began to operate, were speaking proudly of our great achievements in building up a Navy. As an illustration of that, I desire to close my remarks with an editorial from the Washington Post of December 23, 1920, which, to my mind, reads like good, old-fashioned Americanism; an Americanism still held by such reactionary old gentlemen as myself; an Americanism which will be held by this reactionary old gentleman, he hopes, until he is consigned to his eternal rest, perhaps with the flag draped about him in some recognition of what he has tried to do in maintaining and defending the ideals of this Republic. From the Washington Post of only a year ago I read this editorial:

AMERICAN SUPREMACY AT SEA.

Within three years the United States will hold supremacy over the seas. After 300 years of undisputed supremacy, the British Navy will take second place and the Stars and Stripes will float over a fleet stronger than the two fleets that fought the Battle of Jutland. In number of ships, in number of guns, and in size of guns and weight of broadsides the American fleet will be overwhelmingly superior to the British fleet. The two navies will stand about as follows in 1924, counting capital ships only:

	Great Britain.	United States.
Ships	18	27
Displacement, tons	487,450	983,000
Heaviest guns, inch	15	16
Greatest speed, knots	31.50	33.25

Japan is building eight capital ships and by 1924 will be a promising rival of Great Britain. Indeed, some naval experts are of opinion that the Japanese fleet by that year will be more effective than the British, although the British fleet will excel in tonnage. A point to be borne in mind is that while the American and Japanese ships are new, the British vessels are of an older pattern. No first-class capital ship has been laid down in Europe since the war began, while the United States and Japan have been building up their navies quite actively. The program adopted in 1916 in the United States provided for 157 ships of various types. Among them are 4 battleships of 32,600 tons each and 6 battleships of 43,200 tons each, besides six battle cruisers of 35,300 tons each, with a greater speed than any similar vessels afloat or planned.

Japan's program calls for 24 capital ships, of which at least 8 will be of the latest type, equal to those of any other fleet. Japan's spokesmen announce that the Empire can not halt its shipbuilding program while the United States continues to increase its fleet, and it is recognized that the disparity of strength will be in favor of the United States in spite of all that Japan can do.

There is no reason to look for a cessation of American naval increase. President-elect Harding has in fact already announced his policy, in his speech at Norfolk upon his return from Panama. He favors a Navy and a merchant marine second to no other in the world.

I will say that this is not a criticism of the President, because the President believes that under this plan we shall have a Navy second to none in the world, and, therefore, a Navy in harmony with what he said upon this occasion:

Therefore he will not interpose objections to a reasonable continuation of the expansion program, and certainly he can not be expected to cut down the program adopted in 1916 and now in process of execution.

The resources of Great Britain and the disturbed conditions in the British Isles do not seem to encourage a great naval increase. Hence it need not be apprehended that the United States will fail to take first place by 1924, or perhaps by 1923.

Premier Lloyd-George took occasion only yesterday to discuss the question of disarmament. Speaking to the British and imperial delegates to the League of Nations, he said there could never be real peace until the nations ceased competition in armament and until all nations were in the League of Nations, for all nations must act together in this matter. No nation dares to take the risk of disarmament unless all will agree to disarm.

Of course, Mr. President, when Mr. Lloyd-George said that he overlooked, as have all the statesmen of the world recently overlooked, the fundamental principle to which I have called attention, the principle that to attempt to get rid of the symptom until you cure the disease is the utmost of folly. All the armies of to-day might be disbanded, all of the battleships might be scrapped, but if oppression and injustice remained new methods of warfare would be invented. From the beginning of the world men have fought, generally on the one side fighting against injustice and oppression and on the other side fighting for self-aggrandizement, exploitation, and oppression. Men have fought since the beginning of time. They fought with stones; they fought with stone weapons; with bronze-tipped spears; they defended themselves with shields made of hides; they fought in canoes; they fought, after gunpowder was first discovered, with makeshift arms; and now they fight with vast machinery of the utmost perfection and power of destruction. If all the navies of the world should be destroyed to-morrow, and the reason for those navies should remain, we would still have conflicts just as deadly, just as destructive, between merchant ships carrying guns.

Some one has said that in the old days we had wooden ships and iron men, while to-day we have iron ships and wooden men. That is not true of the American Navy. The American Navy is made up of iron men, with courage in their blood, with patriotism in their hearts, and with a knowledge of world conditions which constitute those men among the best prepared in this Republic to know what our naval policy should be; and generally they are opposed to this wholly irrational scheme.

But scrap the big battle cruisers and the big dreadnoughts of the world and then let one imperial nation attempt to take advantage of a weaker but honest competitor in the markets of the world, and before we know it merchantmen will be carrying guns, and great disasters like the *Lusitania* disaster, one of the most terrible in all the history of the world, will have their repetition.

Mr. President, I am not surprised that the Senator from Montana [Mr. WALSH] feels that the rejection of the League of Nations plan, which, at least, attempted to substitute an international tribunal of justice for force, was a mistake and that that plan should have been accepted rather than this. The editorial continues:

These statements, like all others that have appeared on the subject, omit one all-important qualification. Everything depends upon the nation that is superior in arms. If it is determined to have peace, it can have peace instead of war.

Here is the essence of the whole matter. I challenge any Senator or any Representative in Congress to go out upon the streets or to talk, as I do when I have occasion, with his farmer neighbor across the fence and ask him whether a nation should have a large navy. I am sure if a Senator will ask his neighbor at home whether a nation should have a big navy or not the average neighbor would answer very much in this language:

Everything depends upon the nation that is superior in arms. If it is determined to have peace, it can have peace instead of war. We deny—

And the average American will deny, as was denied a year ago by the editor of the Post—

We deny that superiority in armament makes a nation warlike or that competition in armaments drives nations into armed conflict. Great Britain herself is a witness against Mr. Lloyd-George. The British Navy is supreme on the seas, and yet Great Britain does not provoke war. She did not start the World War, although her navy was armed to the teeth and could have defeated Germany by a sudden stroke at any time before the completion of the Kiel Canal.

The strongest army in the world in 1919 was the United States Army. But it did not seek war. The possession of enormous armed strength on land and sea did not make the United States a whit more warlike than during the seemingly pacifist years 1914–1916. Who is the American who believes that in 1924, when the United States will possess the greatest Navy afloat, this Nation will seek war? We believe the United States will use its Navy to promote peace, as the British Navy has been used.

The most important part of Mr. Lloyd-George's observation is that which makes it clear that the nations do not trust one another.

Mr. President, there is still some slight evidence of this condition to-day, even after the great disarmament conference; a condition under which the nations do not trust one another.

That is a solid, incontrovertible fact, a fact that outweighs the mountains of theories concerning brotherhoods, leagues, and peace based on loving confidence. Not trusting one another, the nations must retain their independence and their strength. So far as the well-meaning and reliable nations can cooperate for the world's welfare, well and good; but they have traitors and assassins among them, and therefore they dare not depend upon leagues as substitutes for armies and navies.

The United States craves the privilege of cooperating with enlightened and free nations for the sake of all mankind. At the same time, seeing the world as it is, and not as it might appear through

rainbow-tinted spectacles, the United States uses its resources in its own defense. As this Nation contains most of the world's wealth and as its resources are the greatest in the world, it is proper that the United States Navy should be the most powerful in the world.

This is an editorial from the Washington Post of a year ago.

Mr. President, it is not many years since Great Britain, under the hysteria of a pacifist movement there, was almost persuaded to do what we shall do when we ratify this treaty. A great naval expert of Great Britain, a man who has since been highly honored by the Empire, called attention to the grave danger which might confront the Empire within a few short years if she should adopt the policy which we are adopting to-day, when, with war threatening, I say, from many directions, we are preparing to scrap so much of our great—real and proposed—Navy. He warned them, I say, as to the danger which might confront Great Britain in a few years if she adopted a policy of drastic naval reduction. By a very narrow margin the contrary policy was adopted, and the great British fleet was preserved; but if it had not been for the courage and for the vision of that Briton who refused to be swept from his feet by an unreasoning hysteria of pacifism the history of the last war would have been very different, and the future course of history would have been in a totally different direction.

I believe that we should build our Navy. I believe that we should go on to complete our 1916 program. I believe that the great institutions of liberty upon the Western Continent will face grave dangers during the next decade. I believe that we should be prepared with ships and men to defend the American ideal and the American flag against the menacing dangers of the great empires of the world, which hate with a deep, abiding hatred which will never die as long as the imperial system lives the very system and ideals of Americanism, which are in conflict with everything for which the empires stand.

There is not one of those great empires which would not crush the life out of the American ideal and the American system if it could—an ideal and a system which, unless they be destroyed, will march steadily on with irresistible conquering force until the ideals and system of imperialism have been wiped from the earth, which for so many centuries has been stained and cursed by them.

I shall vote against this treaty if I vote alone, and I shall wait for the patient years to vindicate my vote; and I know that the majority of the American people fully realize that this policy, which is indeed a sudden reversal of a well and long considered policy—this policy of scrapping so much of the great American Navy at the very moment when that Navy was coming to a position where it would have held supremacy of the seas—is a grave mistake.

As far as I am concerned, I can vote "nay" with perfect confidence that my vote is the proper vote, and if that unhappy time shall ever come, which I pray God may not be, when we shall be menaced by a combination of the empires which hate us, if we shall be unprepared the blood, the havoc, the destruction shall not be charged to me nor to my record as a Member of the Senate of the United States.

Mr. FRANCE subsequently said:

Mr. President, I ask unanimous consent to insert as a part of my remarks this morning two resolutions which I introduced, being a resolution of January 14, 1919, for the calling of an international conference, and a resolution of April 12, 1921, providing for an international conference and consultation.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolutions referred to are as follows:

JANUARY 14, 1919.

[Senate resolution 412, by Mr. FRANCE.]

Whereas on the 11th day of November, 1918, the President of the United States announced the signing of an armistice between the United States and the Central Powers, against which this Nation had been at war, the President at that time declaring, "The war thus comes to an end"; and

Whereas it has not as yet come to the knowledge of the Senate of the United States that peace negotiations have been entered into with the enemy; and

Whereas the keeping for any length of time of an American Army upon European soil is undesirable and a cause of vast expense and of deep anxiety to the American people; and

Whereas profound unrest among the people of many nations and violent revolutions in several countries, which spirit of unrest and revolution are augmented by the hardships resulting from the maintenance of armies of occupation, and by that underproduction, throughout the world, of the necessities and commodities of life which has resulted from the long withholding of many millions of men from productive industry must be a cause for deep concern on the part of the several Governments: Therefore be it

Resolved, First. That the Senate, as part of the treaty-making power of the Government, does hereby consent to and most earnestly advise that, at the very earliest possible moment, negotiations be entered into with the enemy looking to the establishment of a just peace, and that all subsidiary questions which might delay the establishment of such a just peace between the nations, without which peace national stability is everywhere endangered, may be postponed for a later discussion at an international conference.

Second. That the Senate, as part of the treaty-making power of the Government, does hereby consent to and most earnestly advise that at the earliest possible moment consistent with the safety of this Nation American troops be returned from Europe; and, further, that after the establishment of peace the President call upon the Governments of North and South America to appoint two delegates each to an international conference, to be held at some suitable time and place, to consider plans for the closer cooperation of these Governments in promoting justice, progress, and friendship among and within the said countries of the Western Continent; and, further, that the President also, at some time subsequent to this conference of the American Republics, call upon all the nations to appoint delegates to another international conference to be held at some suitable time and place to discuss and consider plans for the promotion of justice, progress, and friendship among and within the nations of the world, such conference to particularly discuss and consider plans for the removal, so far as may be, of the economic and social causes of war, and to this end particularly give attention to—

First. The congestion of population of some nations.

Second. The underpopulation of other nations.

Third. The unregulated competition between the more populous and industrial countries for the raw products and trade of the less populous and agricultural ones.

Fourth. The exploitation of the weaker and the less advanced by the stronger and more highly organized nations.

Fifth. A larger self-determination of peoples and nations.

Sixth. The possibility of the cooperation of the more advanced nations, for the improvement of the conditions of the backward countries, particularly those of Africa and parts of Asia, by the formulation of plans for the reclamation of waste lands, for the utilization of natural resources, including water powers, for wise colonization, for education, and for the spread of civilization, in the interest of those countries and of the world.

Seventh. The best means for the wider and more rapid extension of education and civilization throughout the world, looking to the ultimate elimination of national, racial, and religious antagonisms.

Eighth. The establishment of constitutional republics or of governments of such uniformity throughout the world as would make for that national stability upon which could be based a permanent international order.

Ninth. The elimination of all causes of national enmities and the establishment of friendship and justice between the nations, with a view to the ultimate establishment of a league of nations or world federation of republics, for the purpose of promoting the cause of progress and of peace throughout the earth.

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IN THE SENATE OF THE UNITED STATES,
April 12, 1921.

Joint resolution (S. J. Res. 10) providing for the reestablishment of peace and the calling of an international conference to institute a concert of nations to advise concerning international cooperation as a substitute for the League of Nations.

Whereas on the 11th day of November, 1918, the President of the United States announced the signing of an armistice between the United States and the powers with which the United States had been at war, the President at that time declaring "the war thus comes to an end"; and

Whereas it is most desirable that there shall be a prompt termination of the status of war by the formal legal reestablishment of peace between the United States and Germany; and

Whereas the peace treaty has failed to receive the advice and consent of two-thirds of the Senate; one of the reasons for the negative action being that more than one-third of the Senate hold that the covenant of the League of Nations incorporated in said treaty, if adopted by the United States, would contravene its fundamental principles as declared in the Declaration of Independence by subjecting the external relations of the United States to the control of a foreign body not recognizing these principles, would violate the Constitution by attempting to change the form of government of the United States without a constitutional amendment, and would ignore and tend to destroy the right of States under the law of nations to defend themselves and to extend civilization in behalf of all civilized nations by means of war when other means are impossible; and

Whereas there is a profound unrest throughout the world, due in large part to the failure of the Paris peace conference to formulate such plans for peace and for international cooperation for the advancement of justice, liberty, and the general welfare as would commend itself to the great liberal spirit of the age and the new enlightened conscience of mankind; and

Whereas the long-continued underproduction and rapid destruction during the war of the necessities and commodities of life, particularly of food, have resulted in a serious shortage, which makes imperatively necessary an immediate reorganization of all agricultural, industrial, financial, and commercial activities for the maximum production in all countries and for the distribution among the nations by the normal methods of trade and commerce of such food, necessities, and commodities; and

Whereas because of the close community of financial, industrial, and commercial interests of all of the nations of the world, the industrial and financial prostration and paralysis of Germany, Austria, Russia, and other recently belligerent countries of Europe, with the necessarily ensuing unemployment, impoverishment, and starvation of their citizens, with the threatened unrest and revolution in certain of these countries, are impeding the rehabilitation and are menacing the peace of the world and the stability of all governments; and

Whereas, therefore, it is desirable to bring about immediately a situation of general peace and to take measures for establishing at the earliest practicable moment a form of international organization, approved by the public sentiment of the people of the United States, to deal with the social and economic problems growing out of the present war, and to bring about as nearly peaceful relations as possible between States by judicious and carefully wrought out measures of international cooperation; and

Whereas those opposing the plan of international organization contained in the covenant of the League of Nations recognize that it has now become necessary for the United States to cooperate methodically and permanently with the States and countries of the world and to take the lead in establishing a concert of nations to direct such cooperation by considered advice, but have heretofore been confined to an indirect and imperfect expression of their views by means of reservations to the said covenant proposed in the Senate: Now, therefore, in order to promote a general pacification, to declare the plan of international organi-

zation approved by those opposed to the plan of the League of Nations, be it

Resolved, etc., That the status of war with Germany, declared by the Congress by Senate Joint Resolution No. 1, on the 5th day of April, 1917, be, and it is hereby, declared to be terminated and the full status of peace be, and it is hereby, declared to be reestablished.

2. That the President be, and he is hereby, authorized and advised to make treaties of peace without annexations or indemnities and of trade and intercourse with the Republic of Germany, all matters of dispute between the two countries to be submitted for arbitration to The Hague tribunal.

3. That in pursuance of this resolution declaring the reestablishment of peace all American troops now upon foreign soil shall be immediately returned to the United States.

4. That the President is hereby authorized and directed, by invitations to be sent out by him during the month of June, 1921, to invite the States signatory of or adherent to the convention for the pacific settlement of international disputes, of July 24, 1899, and their successors, and all other States since recognized or which may be recognized prior to the sending out of the invitations to send three delegates each and also two delegates in behalf of each of the colonies, protectorates, and dependencies, respectively, of the various States having colonies, protectorates, or dependencies, to assemble at Washington, on a date in September, 1921, to be fixed in the invitation, to consult concerning the formation of a more perfect general concert and union, the establishment of general justice, the assurance of the general tranquillity, the promotion of the general welfare, and the securing generally of the blessings of liberty to the peoples now living and to their posterity.

5. That the list of said States to be invited shall include the following: Argentine Republic, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Finland, France, Germany, Great Britain, Greece, Guatemala, Haiti, Hedjaz, Hungary, India, Ireland, Italy, Japan, Yugoslavia, Luxemburg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Persia, Peru, Poland, Portugal, Rumania, Russia, Salvador, Serbia, Siam, South Africa, Spain, Sweden, Switzerland, Turkey, Uruguay, and Venezuela.

6. That the invitations shall expressly state that the motive of the United States in issuing them is to initiate and bring about a concert of nations as a substitute for the League of Nations and shall be expressly with the understandings as herein set forth, namely: There shall be an international conference of the States, composed of three delegates from each of the States, and an assembly of the colonies, protectorates, and dependencies, composed of two delegates from each of the colonies, protectorates, and dependencies, the international conference and the assembly of the colonies, protectorates, and dependencies to sit separately but at the same time. The assembly of the colonies, protectorates, and dependencies shall deliberate exclusively concerning social and economic measures and shall report to the international conference. The international conference and the assembly of the colonies, protectorates, and dependencies shall be the first of a series of periodical conferences and assemblies of similar character, meeting at periods of three years at places determined by the international conferences. The general object of the conferences and assemblies shall be to constitute a concert of the States and countries of the world on the general lines of the international conference of American States and the inter-American high commission, by means of central and national institutions and processes adapted to carry on orderly discussion, deliberation, and judgment concerning matters of common interest with a view to inducing such peaceful and voluntary action of the States in the common interest as may be needful to bring about international cooperation. All resolutions agreed upon either in the international conference or in the assembly of the colonies, protectorates, and dependencies shall be of an advisory character, and any international or pannational organs or processes initiated or instituted shall be of a voluntary nature and shall have only advisory powers. The international conferences shall establish and maintain a system of advisory correspondence, with continuation committees sitting in the intervals between the conferences to prepare for the international conferences and the assemblies of the colonies, protectorates, and dependencies and to carry on the system of correspondence. The more specific objects of the international conference, of the assembly of colonies, protectorates, and dependencies, and of the continuation committees, and the purpose of the correspondence between the States participating shall be—

(a) To consider the common and mutual interests and the social and economic relations of the States and peoples of the world as naturally and necessarily united for mutual aid and benefit and to recommend such projects of uniformity or reciprocity in the action of the States, respectively, as will enable them to cooperate for the general welfare.

(b) To formulate a body of international law based on the security of the fundamental rights of the individual as the prime function of all Governments and for applying as between States the analogies of the laws of partnership and cotenancy, and as between States and their respective colonies, protectorates, and dependencies the analogies of the laws of conservatorship, guardianship, and trusteeship.

(c) To devise methods for the advancement of the peoples of colonies, protectorates, or dependencies from the status of dependence to that of independence and to full participation in the international conferences.

(d) To decide concerning the admission into the international conferences of any communities claiming to be States formed by the division of existing States or by the junction of States or parts of States.

(e) To promote cooperation among the more advanced nations for the improvement and advancement of the backward countries and territories, particularly those of Africa and parts of Asia, by the formulation of plans for the reclamation of waste land, for the utilization of natural resources, including water powers, for wise colonization, for the promotion of education and the spread of civilization throughout the world.

(f) To consider the problems of the congestion of some and the underpopulation of other nations and the unregulated competition between the more populous and industrial countries for the trade and raw products of the less populous agricultural ones.

(g) To study the problem of international finance, credits, and exchange with a view to the prompt shipment on suitable credits, particularly into Russia, Germany, Austria, China, Africa, and any other agriculturally or industrially undeveloped or prostrated countries, of tools, agricultural implements, seeds, and other materials necessary to production, as well as foodstuffs, necessities, and commodities, for the purpose of encouraging a resumption of production which will be favorable to the rehabilitation of the world.

(h) To localize hostilities between States by cooperative policing of the high seas of otherwise and to take such action in case of such hostilities that the result of any armed conflict between States may be to increase the area within which the rights of the individual are effectively secured and to render more perfect the union of all the States for mutual aid and benefit.

(i) To make further provision for the pacific settlement of international disputes and for the settlement of such disputes according to accepted principles of law and by due process of law; and for this purpose to establish an international supreme court of justice and a system of inferior international courts having jurisdiction of controversies between States in which the parties in interest are citizens of different States, and also of such controversies between States in their own right as may be susceptible of decision by application of accepted principles of public or private law.

(j) To encourage the establishment, where stable governments do not exist, of constitutional republics or governments of such character as would make for that national stability upon which would be based a permanently peaceful international order, and to promote the institution in each nation of appropriate national agencies of international correspondence and concert and the control by national legislatures of the appointment and instruction of national delegates to the international conferences.

(k) To promote amity and mutual understanding between the oriental and occidental peoples and to proceed with all possible means and speed to conciliate the people of Russia, China, India, Afghanistan, the Central Powers, and Turkey, in order that these nations or countries may not form against the western powers a hostile coalition which might menace the peace of the world.

7. That the President is hereby further authorized and directed, by invitations to be sent out by him during the month of June, 1921, to invite each of the aforesaid States to send five delegates, to be selected from the organized labor bodies of each of said States, to an international conference on labor to be held at Washington at the same time with the international conference of the States and the assembly of the colonies, protectorates, and dependencies, said international conference on labor to sit concurrently with, but separate from and independent of, the international conference of the States and the assembly of the colonies, protectorates, and dependencies. This international conference on labor may send communications to and advise with the other two aforesaid conferences. It shall be the function of the international conference on labor to consider and deliberate upon all questions affecting the general welfare of labor throughout the world and to make recommendations to the international conference of the States and to the assembly of the colonies, protectorates, and dependencies of measures which, in the opinion of the international conference on labor, would tend to promote the establishment of general justice, the assurance of the general tranquillity, the promotion of the general welfare, and the securing generally of the blessings of liberty to the peoples now living and to their posterity.

8. That the functions of the United States as the initiator and host of the international conference of the States, of assembly of the colonies, protectorates, and dependencies, and of the international conference on labor shall be in the charge of a committee which shall come into existence in the month of May, 1921, and shall consist of the then Secretary of State as chairman, the then Secretary of the Treasury, the then Secretary of Commerce, two Members of the Senate, to be appointed by the President of the Senate, and two Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives.

The delegation of the United States to the international conference and to the assembly shall be nominated to the President by said organization committee and said nominees when approved by the President shall be appointed by him by and with the advice and consent of the Senate. The said organization committee shall also suggest to the first international conference and to the first assembly a plan for their organization, a program of matters to be considered, a project for regulating the action of the continuation committees, and a plan for organizing and regulating the central and national agencies of correspondence and concert; but nothing in the plans, project, or program so suggested shall be inconsistent with the provisions of this resolution.

9. That the general expenses of the international conference and of the assembly shall be borne by the United States, each participating State, however, paying the salaries and expenses of its own delegates and of the delegates in behalf of its colonies, protectorates, and dependencies.

10. That there is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, for the carrying out of the provisions of this resolution the sum of $500,000.

11. That the provisions of this resolution shall take effect immediately after its passage and its approval by the President.

Mr. SHEPPARD. Mr. President, in connection with the remarks of the Senator from Montana [Mr. WALSH], let me say that in the summary of the work of the League of Nations at the conclusion of my speech in the Senate on Wednesday, October 5, 1921, which summary was republished in yesterday's RECORD at the request of the Senator from Utah [Mr. KING], I find that the eleventh item—the item relating to disarmament—should have included the fact that the last assembly of the league, which met at Geneva on September 5, 1921, directed the league's committee on disarmament to prepare a general plan of disarmament for presentation to the next assembly, which meets this year, the nations to furnish inventories of existing armaments, with a statement of cost. This last assembly also recommended an international conference on restriction of the manufacture of arms and condemned the use of poison gas in war. It recommeded that world-wide propaganda be instituted for disarmament.

It will be seen, therefore, that the league is developing a broad and comprehensive plan for disarmament—disarmament on land, disarmament on sea, disarmament in air—a plan embracing nearly all the nations of the world. It will be seen further that the statement that the league has done nothing toward disarmament is without foundation.

Mr. HARRISON. Mr. President, I have not heretofore discussed any of these treaties, and in the consideration of this particular treaty there has been little discussion on this side, for the reason we were anxious to cooperate with those who

were steering it through the Senate, that a vote might be taken at the earliest possible moment.

There is no partisanship in the consideration of these treaties, nor was there any in the Conference on the Limitation of Armament. I hardly believe there was ever held a conference so free of politics as this one. While it was called by a Republican President and three of the four delegates representing this Government happened to be members of the majority party, so far as I have heard politics did not creep into it; and, that being true, it has been to some of us a matter of regret that certain Republican spokesmen high in the councils of the party—one holding the second highest official position in the service of the Government have seen fit recently to claim it as a great administrative or Republican achievement. The chairman of the Republican congressional campaign committee, whether he employed those words or not, conveyed that meaning; and the Vice President, in his speech on Sunday, which was reported throughout the country, claims it in the first paragraph as a great administrative achievement.

Mr. President, I am speaking now in behalf of this treaty not as a Democrat but as an American. We on this side of the aisle who did oppose the four-power pact did so with regret.

It was not because we desired to prolong the discussion of it or to vote against it that the fight was waged here, that the suggestions of modifications were offered and the amendments or reservations proposed. We earnestly and sincerely hoped that the treaty might be so framed that we could give it our support. From the beginning to the end we have desired that the result of the disarmament conference might be such that it would be acceptable to representatives on both sides of the aisle, and we were indeed sorry that at least one reservation was not accepted to the four-power pact, so that we might have been permitted in the end to vote for it.

We were against that pact because we believed it to be an alliance of the four great powers. We believed it to lay the germs of distrust amongst other nations and be a breeder of wars. We believed that the four powers who joined in the pact should agree to respect the rights of other nations, great or small, the same as according to the terms of the treaty, they were to respect the rights of the parties to the treaty. We believed that it should have been amended so that not only would we be compelled to refrain from all acts of aggression as against the other parties to the treaty and they as against us, but that we and the other powers to the pact by its terms would agree to refrain from all acts of aggression against other powers which might not be named in the pact. We desired that the treaty might be amended so that if a controversy should arise in the Pacific other nations interested than the four nations named in the pact might be invited into the conference that their views might be presented, and that this Government might then take sides in the interest of right and justice as presented in the controversy, without guaranty or obligation upon our part.

It was because such reservations were not included in the four-power pact that the great majority of Democratic Senators in the end voted against it. I have no doubt that if a reservation such as that proposed by the Senator from Arkansas [Mr. ROBINSON], carrying out the suggestions I have just referred to, had been adopted by the Senate there would not have been half a dozen votes against the final ratification of that treaty. So, Mr. President, the opposition to the four-power pact was not partisan; it was solely in the interest of peace, against "entangling alliances," and toward a good understanding among all nations. I would not have the country get the impression that because there were quite a number of us who voted against the four-power pact there was any partisanship in it or that there was any lack of sincere interest in the success of the disarmament conference.

Sirs, no better proof could be offered that there was no partisanship during the disarmament conference or since the treaties have been presented here than the fact that from the time the conference met until it adjourned no voice was lifted on this side in criticism of the work of the conference. We held our tongues. We wished it well. We tried to cooperate to the fullest extent in having that conference succeed, and I dare say that no member of the delegation representing this Government rendered more splendid service than the Democratic member of that delegation, the leader of the Democrats in this body Mr. UNDERWOOD.

When gentlemen of the opposing party go out upon the hustings from now on until the coming election, proclaiming these treaties as a great achievement of the present administration, I would have those who hear them proclaim that doctrine recall the facts which prompted the convening of the disarmament conference.

I would have those hearers remember how, when other treaties were presented—and that was not very long ago—to this body, the discussion was strung out for days, for weeks, into the months, and almost into years, before the final action was taken. Nothing like that was evidenced in the consideration of these treaties. Indeed, this side of the aisle, through a majority of the minority who opposed the four-power pact in its original form, tried in every way to amend it by reservations or otherwise, to carry out the ideas I have just suggested; we tried to shorten the discussion and we agreed, with only a few weeks' debate, to vote upon the treaty. Unanimous consent was obtained, and the treaty was hastened to its ratification, even though there was very strong opposition to it.

Those who in the coming months hear these spellbinders proclaim that this is an achievement of this administration and of the Republican Party should remember that within less than 48 hours after the naval treaty was presented to the Senate for consideration a unanimous-consent agreement was entered into to vote upon it within less than 50 hours after it was presented, and when the roll is called there will be as few Democrats as Republicans casting their votes against it. It will be ratified almost unanimously. So we are still cooperating and trying to expedite the ratification of these treaties which in our opinion justify it, and the course which is to be pursued as to the other treaties which are to come along, three or four in number, I believe will show the same degree of cooperation and support from this side of the Chamber.

Mr. President, it can not be charged that there is any partisanship in the consideration of these treaties.

As to the history of the matter, what right have the Republicans to claim this treaty, if there is any good in it, as an administration achievement or a Republican achievement? I agree with the Senator from Idaho [Mr. BORAH] that much work lies ahead for us to do toward reducing these large expenditures for the building of armaments, both for the Navy and upon land; that the work is just begun. I agree with him that the success of this conference is not as great as we had hoped for. I am sorry that we are not called upon to ratify a treaty limiting land armament. I am sorry that the treaty pertaining to gases does not go further and prevent their manufacture. I am sorry that there is not a treaty here to prevent the building of submarines and other smaller naval craft. But they are not here. So far as they were concerned, the conference did fail; but this treaty now pending is no doubt the best the American delegates could obtain. It is better than nothing. It does provide for a 10-year naval holiday so far as the building of capital ships are concerned, and will be some saving to the American taxpayer. So I am for it, and enthusiastically for it, and I am sure that that sentiment is entertained by practically every Senator on this side of the aisle.

Mr. President, this conference was called for the limitation of armaments, and in the first call there was nothing said about a four-power alliance; indeed, I suppose the thought had never been conceived. So those in the country who are prone to criticize those of us who opposed the original four-power pact must know that it was not in the original call, had no place in the conference, and the suggestions offered by us to it were of a constructive rather than destructive character—intended to eliminate its highly objectionable features and make it helpful instead of harmful.

Mr. President, what right has anyone who belongs to the party which to-day is in the ascendency here to claim the results of the conference as an achievement? Are the Republicans not willing to admit that those of us who have been for the plan all the time did something to bring it about? The Senator from Idaho [Mr. BORAH] was indeed modest when he said that the author of the disarmament conference resolution was public opinion. Yes; it was public opinion, but the two men who crystallized public opinion in this country and forced the Congress, as well as the President, to call the disarmament conference were the Senator from Idaho [Mr. BORAH] and the ex-President of the United States, Woodrow Wilson. It was those two men who popularized the idea and influenced public opinion to force the passage of the disarmament resolution and the calling of the disarmament conference.

I am reminded by the distinguished Senator from Georgia [Mr. WATSON] of what happened in a Democratic conference before this conference proceeded with its work. In that conference, made up of Democratic Senators, I had the pleasure of offering a resolution wishing for the disarmament conference complete success, and in order that the country may know that from start to finish we on this side were at heart for the success of the disarmament conference, I want to take time to read a resolution which was unanimously adopted in the conference of Democratic Senators on September 28, 1921, after

the distinguished senior Senator from Alabama [Mr. UNDERWOOD] had been appointed as one of the delegates. The resolution was embodied in an article in the New York Tribune, which reads as follows:

SENATE DEMOCRATS VOTE SUCCESS TO ARMS PARLEY—RESOLUTION ALSO EXPRESSES GRATIFICATION AT SELECTION OF UNDERWOOD.

[From The Tribune's Washington bureau.]

WASHINGTON, September 29.—Senate Democrats, in conference today, adopted by unanimous vote a resolution offered by Senator HARRISON, of Mississippi, expressing the hope that the Conference on Limitation of Armament would succeed, and also expressing gratification that Senator UNDERWOOD had been named as a delegate. The resolution follows:

"Whereas it has been a principle of the Democratic Party, for which its leaders have worked, to reduce taxes through limiting large expenditures for armaments:

"*Resolved*, That it is the sense of this conference that the fullest measure of success attend the disarmament conference called by President Harding to meet in the city of Washington on November 11, 1921; and

"Further expresses its gratification at the selection as a member of the conference representing the Government of the United States the Hon. OSCAR W. UNDERWOOD, the leader of the Democratic minority in the Senate, whose broad statesmanship and sincere advocacy of disarmament and wise counsel amply qualify him as an ideal representative."

So, Mr. President, in the consideration of this treaty, in agreeing to this unanimous consent to vote to-day at 3 o'clock, with but little less than 12 hours for discussion of the great questions involved in it, we have been carrying out the wish and hope of the Democratic Party throughout the country as expressed in this conference of Democratic Senators months ago.

I would not have the country forget that it was back in 1912 when a Democratic Member of the House of Representatives, Mr. Hensley, proposed and had adopted in the House a resolution expressing the hope that some plan might be evolved disarming the nations of the world. I would not have the country forget that in 1916, through Democratic committees in the House and in the Senate, there was incorporated in the naval appropriation bill the idea and the plan of calling a conference for disarmament.

I would not have them forget, either, that it was ex-President Wilson, fighting as no man had ever fought before, who had incorporated in the covenant of the League of Nations article 8, providing for a plan of disarmament.

I would not have them forget that the distinguished Democratic Senator from Montana [Mr. WALSH], on December 11, 1920, offered a resolution, which was referred to the Committee on Foreign Relations just four days before the distinguished Senator from Idaho [Mr. BORAH] offered his celebrated resolution calling for a disarmament conference. I would not have them forget that it was the resolution of the distinguished Senator from Idaho which was referred to the Committee on Naval Affairs and was voted down in the Committee on Naval Affairs by the Republican members of that committee who were then present, and that every Democratic member of the committee then present voted to report out the Borah resolution.

They should not forget, either, that as public opinion continued to crystallize the Senator from Idaho again offered his resolution, and it again went to the Committee on Naval Affairs, and again the Republican members of that committee voted unanimously against reporting the resolution, and again the Democratic members of the Committee on Naval Affairs voted favorably to report the resolution.

Ah, we will not forget how the Senator from Washington [Mr. POINDEXTER] and the Senator from Maine [Mr. HALE] fought for days and days when the naval appropriation bill was under consideration before the Senate to defeat the Borah resolution, which was offered as an amendment to the naval appropriation bill. The RECORD is full of the utterances of these Senators and others who were on the inside who knew that President Harding had sent the word "down the line" not to accept the Borah resolution in any form. During all this time and at every step the solid Democratic minority was supporting the Senator from Idaho in his efforts to have his resolution passed. It was only after the force of public opinion had moved you and moved the White House that the resolution was finally agreed upon, and as a result of it the disarmament conference was called by President Harding.

Mr. President, there can not be and there is not any politics in this. There should be no partisanship in it. We want to cooperate with you, as we have done in the past, to see these treaties move on out of the way. If you had accepted the suggestions offered on this side of the aisle when the four-power pact was up, as embodied in the Robinson amendment, there would have been little opposition to that pact, the country would have been better satisfied, and there would be little or no disgust now among those nations which are not parties to it.

Mr. EDGE. Mr. President, there seems to have been a rather continuous effort on the part of a number of Senators on the other side of the Chamber to connect the accomplishments of the Washington conference with the activities or lack of activities of the League of Nations. The continued reference during the session of yesterday and during the session of to-day to the renewed activities of the League of Nations, coming at this time, would lead one to infer that there was a distinct relationship. To me it is amusing, if not pathetic, that they deem it necessary to emphasize the possible activities of the league as having any relationship whatsoever to the actual accomplishments of the Washington conference.

The fact remains, and it can not be successfully controverted, that the conference which met at Washington for approximately 10 weeks, participated in by the representatives of nine nations, accomplished by unanimous consent more in that time than has ever been accomplished by any international conference of any character and, in my judgment, even more than has heretofore ever been hoped for. Without a constitution, without a supergovernment, without a covenant of any kind, simply sitting around the table, authorized by their Governments to endeavor to reach agreements which would bring about at least a start toward disarmament, the delegates unanimously agreed and the results have been represented by the treaties which we have already ratified and are still considering.

The League of Nations may develop in the future some real, definite plan to contribute to the problem of disarmament. I do not know. As the Senator from Idaho [Mr. BORAH] has suggested, I hope it can do so. It has been in existence for two or more years, and certainly it has had opportunities of all kinds and character because of the turbulent condition in Europe, yet what tangible agreement has resulted? True, the United States does not hold membership in the league, but there is no trouble in the United States, so far as concerns those difficulties which would necessarily and properly be adjusted by such a conference, beyond that which we have met through the conference in Washington. Land disarmament or reduction in Europe could certainly have held and should have held the attention of the league, and the absence of the United States, in my judgment, should not greatly deter, if at all, real positive results if that type of organization is to bring about any results of any kind. European conditions can well focus their attention.

My view of the difference, as I think very well evidenced by the results of the Washington conference as compared to the lack of results on the part of the subdivisions or subcommittees of the League of Nations, is simply because of the fact that this conference worked without supergovernments or constitutions or covenants; rather the representatives sat around the table and conferred as business men sit around the conference table and endeavor to reach conclusions on any subject or any problem they have before them, while under the covenant of the League of Nations the procedure, as we well know, is entirely different.

I believe the result of the Washington conference marks a new era in the settlement of international difficulties, and when differences have arisen, following the usual and ordinary exchange of diplomatic notes through the state departments of different countries, if that fails to bring about a solution, the calling together of representatives of the nations involved in the difficulty or the prospective misunderstanding, without any agreement before they enter into their negotiations, but conferring as representatives ready to give and take, as evidenced by the successful results of the Washington conference, will be the accepted method of settling international disputes.

I have no desire to take from our friends on the other side of the aisle any of their feeling of assurance as to the possible results of the future activities of the League of Nations. If it relieves their minds at all to bring into this debate the League of Nations, with its known failure of accomplishment in this direction during its existence of two or three years, they are certainly entitled to do so; but it would seem to me that the comparison itself of that deplorable lack of results with the definite accomplishments of the conference would make it of doubtful expediency.

I am, however, glad to see the disposition evidenced on the other side of the Chamber to at least join practically unanimously in the ratification of the pending treaty. It marks the commencement certainly of the recognition of a principle that competition between nations in building warships and ironclads is a policy of an age behind us. Perhaps it has not gone far enough, but the principle is certainly definitely established, and if we maintain the ratio of navies as provided under the conference agreement we shall certainly be in relatively the same

position, or even a better one, than we were before the agreement, and the great burden of taxation will be materially relieved.

While referring briefly to that situation, I want it to be understood that I am one of those who believe most positively that with the 5-5-3 ratio, now that our Navy is to be parallel with and equivalent to the other great naval powers, it is our first duty and responsibility to maintain and keep to the pink of perfection the ratio of five allotted to us. The personnel necessary to properly man those ships must be provided, and we must also provide all the equipment necessary for the navy yards and all that is essential to maintain a Navy of the first class. The American people, while I believe they are heartily in favor of this mutual agreement to limit armament, are opposed to any reduction in personnel or appropriations necessary to keep our allotment of the 5-5-3 ratio up to the very maximum of efficiency.

While, in the ratification of the pending treaty, navy personnel is hardly the question before us, yet to me it would seem most unfortunate if as a result of a mutual limitation of armament we should feel that that involved also a lessening of the power of the Navy allotted to us by the agreement reached at the conference.

Mr. KING. Mr. President, yesterday, during the colloquy between the Senator from Alabama and myself, the Senator misapprehended my position in relation to this treaty. I am not opposed to it and shall vote for its ratification, but in so doing entertain the view that it will fail to accomplish all that is expected by many people. I stated in substance yesterday that the treaty does not presage the millenium and will prove in its application and operations a disappointment to the people of the United States, who have been led to believe that it, together with the other treaties formulated at the Washington conference, would bring about world disarmament and relieve the American people of all military and naval burdens.

That this treaty does possess some virtue is gladly conceded, and that it leaves much to be desired all must frankly confess. It does not deal with the question of land disarmament, nor with the entire question of naval disarmament; and there is serious doubt as to whether in dealing with only one factor of naval disarmament it has not accentuated the evils that exist and will be exaggerated by other factors.

Sufficient has already been said by Senators who have discussed this treaty to indicate that there will be but little, if any, reduction in the naval budget which the United States will be called upon to meet during the coming year, as well as during the immediate future. Indeed, the Senator from New Jersey [Mr. EDGE] has just indicated, if I interpreted his remarks correctly, that the burden resulting from naval expenditures will be exceedingly onerous. The Senator from Alabama yesterday declared that for the coming year, and perhaps for several years, there would be no appreciable reduction in the naval expenditures of the United States.

Of course, the reason is obvious. The Washington conference dealt only with capital ships, and it only limited the number of capital ships to be constructed, but it did not limit other naval craft and agencies and instrumentalities to be employed in naval warfare. It did not deal with submarines or airplanes, or bombs, or naval warcraft of less than 10,000 tons. Indeed, the entire field of naval war is left unrestricted and unrestrained, except that branch which deals with capital ships.

With the marvelous developments in modern science and in the engines of destruction, both upon land and upon sea, it is manifest that the future, and the immediate future, will devise innumerable weapons to aid in carrying on naval warfare which may prove to be infinitely more destructive of human life and of the forces of belligerent powers than capital ships. It is also manifest that to restrict one naval weapon without any attempt to restrict others will direct attention to such other naval weapons, as well as to undeveloped fields.

I venture the prediction, Mr. President, that notwithstanding this treaty and the ratio of capital ships provided therein, the demands which will be made by the executive departments of the Government for the coming fiscal year will exceed $400,000,000. Congress, in my opinion, partly in response to the demands of the Navy Department, will vote appropriations approximating that amount. And there is but little prospect, unless other treaties are negotiated or the League of Nations is successful in its purposes and present activities, of the naval Budget of the United States for the next 10 years being less than $300,000,000 to $350,000,000 per annum. In other words, notwithstanding this treaty, the United States will, in my opinion, expend more each year for a number of years than it expended annually for many years prior to 1917. This treaty establishes a standard from which it will be difficult to depart. The ratio, if carried out, will involve stupendous appropriations upon the part of the United States, so that there is a possibility of its increasing in the aggregate rather than diminishing the naval costs of the United States. However, with all of its defects and imperfections, I can perceive some advantage in the treaty, and, as stated, will support it.

Mr. President, the Senator from New Jersey [Mr. EDGE] seems disturbed because of the numerous allusions to the League of Nations. He seems to rest under the belief that the discussion of the league was projected into the debate by its devotees and by those who do not ascribe to the Washington conference a degree of perfection never before attained by human wisdom. I think the record will show that Senators on the other side of the aisle, who have been the proponents of the four-power pact, have not failed to conceal their hostility to the League of Nations. Directly or indirectly, they have attacked it and attempted to belittle its achievements. There has been an evident purpose to glorify the work of the Washington conference and to detract from the achievements of the Paris conference. The efforts to discredit the League of Nations have been, as I have followed the discussion, manifest. The purpose seems to have been to place the work of the Washington conference in juxtaposition to the League of Nations and claim for the former virtues and advantages to which the latter may lay no claim whatever.

I venture to suggest, however, that the pitiful efforts made by many of our Republican friends to discredit the League of Nations and its splendid achievements will not be welcomed by a majority of the American people or by the liberal sentiment and the progressive forces of the world. The League of Nations, notwithstanding the obstacles interposed to its success and notwithstanding the powerful opposition which it has encountered from the Republican administration and from many Republican leaders, is still a living and vital force throughout the world.

Undoubtedly the absence of the United States from the league has materially weakened it and has constituted an impediment to its more effective operation. Its record of achievements is, however, impressive, and challenges the admiration of all who desire world peace and seek world fellowship. The league will not, I sincerely hope, be destroyed by the Washington conference, although the alliance which results from the four-power pact may further weaken it. It is quite possible that the nations now belonging to the league may regard the alliance between the United States, Great Britain, Japan, and France as an attack upon the league and as designed to absolutely bring about its destruction. Of course, if this view should become universal and should be sincerely accepted by a large number of nations now supporting the league, the result upon the league would not only be unfortunate but, indeed, disastrous.

My principal opposition to the four-power treaty grew out of the fact that I believed that it would be regarded as an alliance and would provoke resentments and counteralliances; that it would be regarded by some nations as an assault upon the league by the four great powers, signatories to the treaty, and as the beginning of a war upon the league which would end only in its destruction. Believing as I do in the league—that is, in a world league, with the necessary provisions for conciliation, arbitration, disarmament, and the enforcement of the mandates and sanctions of the league—I view with disfavor any movement calculated to destroy the league or to devitalize it or to diminish the confidence of the people of the world in its work and in its beneficent purposes. I look with apprehension upon groups or alliances of nations, believing that other groups and other alliances may be formed, thus reviving the old system which has been discredited and which has brought so much of sorrow and woe to the world.

But returning to the treaty before us and its effect upon our naval expenditures, let me say that we appropriated for the current year approximately $500,000,000. That tax was enormous, and imposed a burden upon the American people which they ought not to be called upon to bear in peace times. For the coming fiscal year, notwithstanding this treaty, if we are to follow the views of the Senator from New Jersey [Mr. EDGE] and the Senator from Washington [Mr. POINDEXTER], the appropriation will not be greatly reduced. I make the prediction that Senators who urge enormous appropriations will resist all efforts made by Senators upon the floor to cut the naval expenses to reasonable limits.

When the Senator from Idaho was speaking a few moments ago I called attention to an article which discussetd the accomplishments of the Washington conference, and referred particularly to the treaty which is now before us. In view of the extravagant claims which have been made by partisan Republicans

as to the work of the Washington conference, I desire to make further reference to the article which seems to point a rather different story.

The Senator from New Jersey has just stated that the achievements of the Washington conference were the greatest that the world had ever seen. Mr. President, I might say in passing that those who are acquainted with history can point to a half dozen conferences and congresses of nations where the results, so far as disarmament was concerned, were greater than will be the result of the ratification of this treaty which we are now considering.

The article to which I refer was written by Mr. Archibald Hurd, one of the greatest naval experts in the world, and appeared in the Fortnightly Review of January, 1922. It is entitled "Washington naval standards; war fleets of four million tons." He says:

What will be the influence of the naval agreement on the world's fleets? It will impose upon the maritime nations of the world what will come to be regarded as a liability to maintain warships of all types, of approximately 4,000,000 tons displacement, costing, roughly, £800,000,000; and unless amendments are accepted—

And there is no evidence of a disposition to accept amendments, let me add—

it will set up a higher standard for submarines, placing upon each nation what amounts practically to an obligation to continue building submarines——

Mr. EDGE. Mr. President——

Mr. KING. I yield to the Senator from New Jersey.

Mr. EDGE. Do I understand the Senator from Utah to have made the statement that many international conferences in the past had accomplished greater results in the matter of the limitation of naval armaments than had been accomplished by the Washington conference?

Mr. KING. The Senator from New Jersey understood the Senator from Utah correctly, but I have not time to go into that question now.

Mr. EDGE. Will the Senator enlighten us by stating when the conferences which he has in mind were held?

Mr. KING. If the Senator will do me the honor, when I discuss the other treaties, to listen to me I shall try to enlighten him, although I do not know how successful I shall be.

Mr. EDGE. I should think that now would be a particularly appropriate time, inasmuch as we are about to vote on the subject.

Mr. KING. The Senator, of course, may indicate the line of argument which he desires to pursue for himself, but I decline to permit him to prescribe the line of argument which I shall follow.

Mr. EDGE. I bow to the Senator's privilege.

Mr. KING. Mr. Hurd, in his article, further proceeds, completing the sentence when I was interrupted by the Senator from New Jersey:

in opposition to the whole spirit of the American notes to Germany during the war, and the naval clauses of the peace treaty, which called upon Germany to surrender all her submarines and to undertake to build no more of that description. The conference, in short, will result in an inconsiderable reduction in the number and size of surface vessels, but an expansion of the submarine flotillas. In the face of these facts it has been suggested that the Washington conference is bringing about "naval disarmament," and that navies are going to be practically abolished.

That is the propaganda which has been conducted in the United States. The author continues:

On examination it must become apparent that it is doing little more than varying the factors of naval power, subtracting from the surface tonnage of the world by scrapping obsolescent capital ships, while adding to its submarine tonnage, and checking what might have proved a most ruinous rivalry in naval power expressed in terms of super-dreadnoughts, costing anything from £7,000,000 to £10,000,000 each.

There is the crux of the situation. Instead of spending the large sums which in the past we have expended for super-dreadnoughts, and which the United States had proposed to continue to expend in the future for capital ships, possibly larger sums will be devoted to the construction of submarines, aircraft, and other weapons of offensive and defensive warfare. In other words, as suggested by Mr. Hurd—

there will be a transference of expenditures from capital ships to various other kinds of instrumentalities for naval warfare.

As Mr. Hurd states—

there are various factors in naval warfare. The United States has very foolishly been emphasizing capital ships and ignored to too great an extent undersea warcraft and aerial warcraft.

Our naval board has pursued reactionary policies rather than progressive ones. It has stubbornly followed the 1916 program, calling for hundreds of millions of capital ships, notwithstanding the fact that the war demonstrated that there were other important factors which challenge the supremacy of the capital ship.

As Senators know, Great Britain built no capital ships during the closing years of the war, nor has she built any since, and the same is true of France. As intimated by Mr. Hurd, the Washington conference deals with a factor in naval warfare, to wit, capital ships, the utility of which, in view of modern science and aerial warfare and undersea warfare, may be seriously, if not successfully, called into question.

The Senator from Idaho has just called attention to the fact that one nation is already devising a superior type of submarine. This type is much larger, and the submarines will have a wider cruising radius and greater carrying capacity. They will, indeed, have greater speed and will constitute formidable warcraft. Undoubtedly they will make more uncertain the value of capital ships for war purposes.

The naval experts in other nations are devising new types of warcraft, some operating upon the surface and some underneath the surface. Undoubtedly there will be remarkable developments in submarine warcraft, particularly since there has been a limitation in the use of capital ships. Undoubtedly Great Britain, France, and Japan, and perhaps the United States, will spend much more money in the construction of submarines and smaller naval craft than they would have expended except for this treaty. And so, as some writers are now insisting, the effect of the present treaty will merely be to divert some of the funds employed in the construction of battleships to the construction of other naval craft, and the net result, so far as saving is concerned, will be inappreciable.

Last Friday, in the House of Commons, the British air minister presented a report to Parliament showing the importance of aircraft, not only in land but in naval warfare, and made a strong appeal for large appropriations for the military and naval air-service branch of the Government. He referred to the importance of aerial craft for military purposes, both offensively and defensively, directing attention to the importance of developing aerial warfare and to the great work which had been done by aircraft not only upon land but upon sea. He also alluded to the efficacy of aircraft in the revolutionary movement in South Africa, whereby a few airships dispersed hundreds of armed revolutionists and enabled the loyal troops to quickly quell the revolutionary outbreak.

Mr. Hurd proceeds:

The Hughes scheme was also exposed to the legitimate criticism because it allotted to each of the three powers a large tonnage of submarines, thus raising the cruiser problem in acute form, since the cruiser, in association with small craft, is the antidote to the submarine. Mr. Balfour at the outset made it clear to the conference that the British delegation would support a proposal for the abolition of submarines, or, failing that, would welcome an understanding limiting the aggregate tonnage of each power, as well as the size of submarines which each power might be allowed to build. It at once became apparent that certain maritime countries, weak in large surface craft, would regard with disfavor any agreement which restricted their freedom to build submarines. It was suggested that the British delegation were impelled by the very weakness of the position of the British Isles in relation to supplies of food and raw materials to take a biased view of the problem.

You ignore, it was declared in effect, the needs of those States with limited funds for naval defense, which can not afford to build many surface craft—battleships, battle cruisers, light cruisers, and destroyers—and who have welcomed the submarine as offering to them an effective and cheap means of providing for their defense. The submarine is the antidote to the capital ships, and we can not agree to its excommunication.

He further says, after examining the program which was laid down by Secretary Hughes and the ratio of 5-5-3:

These alterations do not vitiate any of the arguments in the preceding pages of this article, but, on the contrary, reinforce the contention that the influence of the naval agreement upon naval expenditure in this country as well as elsewhere will not be considerable.

He makes the further observation:

In these circumstances not only will the adoption of "piracy" in the next war remain a possibility—

Speaking of submarines and their use—

but the suspicion that attack may again be made upon sea-borne commerce by "the assassins of the sea" may lead to a general movement for arming merchant ships, besides imposing upon the naval powers with considerable mercantile marines the heavy responsibility of maintaining large numbers of patrol craft.

In other words, Mr. Hurd sees the use of submarines enlarged and emphasized, an increase in their production and use, the necessity of larger expenditures for patrol craft, for submarine chasers, for scout cruisers, and for other important and costly weapons of war.

The main influence for good which the naval agreement will exert, if the submarine menace can be laid—

But, of course, it is obvious from his pages that it can not be laid—

will be the elimination of all idea of naval rivalry and the creation of a new spirit in relation to the armaments of the sea. That it will result in considerable naval economies, apart from the sums which might have been expended in the construction of new capital ships, is an anticipation which, as has been shown, rests upon no foundation.

It is clear, Mr. President, that Mr. Hurd does not expect important economies from the Washington conference or any material alleviation from the burdens resulting from the construction of naval warcraft. We know that France intends to construct larger and better submarines. It has been stated by numerous persons, some of whom are naval experts, that the submarine is the weapon which places the small state—at least for defensive purposes—upon a plane of substantial equality with the great state, and that with the development of submarines and aircraft an offensive naval war is rendered more difficult.

Admiral Sims, as well as other great naval experts, has repeatedly declared that it would be impossible for Great Britain to bring her capital ships across the Atlantic and make war upon the United States, or for the United States to send its war fleet to the Asiatic coast to make war upon Japan or any Asiatic power. As a result of submarines and aircraft and bombs and torpedoes, the greatest naval experts in the world have revised their judgment as to the value of capital ships, and many have declared that the day of the capital ship has passed. Without expressing any opinion upon that matter, it is obvious that with swift scouts and large cruisers and submarines, with a radius of several thousand miles; with airplane carriers and improved airships which may drop bombs upon warcraft; with the perfection achieved in the sowing of the sea with bombs and mines, which proved destructive of great war vessels, battleships are not as formidable as they formerly were; and it is clear that with the limitation in the construction of battleships large amounts will be devoted to the construction of other instrumentalities of naval warfare. Mr. Hurd has very much reason for the conclusions which he has drawn and the convictions which he has expressed.

Mr. President, I have before me the Fortnightly Review of February, 1922, which contains an article entitled "Evasions of Washington," by Mr. Lancelot Lawton. Speaking of the Washington conference, he says it—

> has changed very little the territorial arrangements of the Far East. From a strategical point of view none of the powers will be at all inconvenienced. Great Britain retains Hongkong; France has Saigon, with its splendid anchorage of Camranh Bay; while Japan's favored position in Manchuria and Mongolia is actually strengthened by formal reaffirmation and recognition. But what about the limitation of naval armaments, it will be asked—surely in this respect the achievement of the conference was immense? To which I make reply: "Take up a map and glance for a moment at the vast expanse of the Pacific, and you will realize that Japan, situated as she is in the remote east, with China lying at her very doorway, occupies an almost unassailable position." In view of these geographical realities the ratio of battleships was not so important to her as many would have us believe. So long as she possesses an adequate fleet of submarines and supply of airplanes her position is as near to being impregnable as any position could well be.
>
> Washington, therefore, has not achieved quite so much as has been imagined. Its success is only spectacular and superficial; the Pacific problem remains, in fact, unsolved; and the evil day of reckoning has merely been postponed. One can not help feeling that Washington has not even grasped what the Pacific problem really is. This was hardly to be wondered at. Statesmen wait on public opinion, and public opinion in turn waits on statesmen. Who leads and who is led it would be hard to determine. Hence things move slowly, and it is only when we are actually face to face with a great crisis that we bestir ourselves—often, alas, too late.

He further says:

> The Japanese, who, unlike the western powers, are not saturated with sentiment, perceive where they are going. They have been willing to agree to a reduction of naval armaments which does not impair in the slightest degree their unassailable position in the Far East. At the same time they continue to maintain what is undoubtedly the most powerful army in the world. In so far as the Washington conference permits them to effect naval economies, it will relieve their internal difficulties, which were certainly becoming rather pressing. For this the Japanese must be profoundly grateful to President Harding. But to speak quite plainly, they have given up nothing that matters. Their secret military and economic agreements with China remain, and they still possess a colossal army, with a navy strong enough to insure against all comers the safe transport of troops to the Asiatic continent.
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> * * * * * * *

He further says:

> The four-power agreement to maintain the status quo in the Pacific entirely ignores the wrongs of the past and realities of the present. It is merely a device of the diplomatists to justify all the previous hopes that were centered upon Washington. But it is neither a solution nor even the beginning of a solution——

Mr. BORAH. Mr. President, from what is the Senator reading?

Mr. KING. From an article in the February number of the Fortnightly Review by Mr. Lancelot Lawton. This writer declares the work of the Washington conference to be spectacular and superficial. I have not time to read the entire article, Mr. President, but a perusal of it will not be reassuring to those who attribute such supernatural qualities to the work of the Washington conference and ascribe to it invisible other powers to heal the nations and to destroy the hard visage of war. In my opinion, there is much loose talk of the flamboyant and, I was about to say, "flapdoodle" character relative to the accomplishments of the conference.

It were better to describe the work of the conference as it actually is and seek to appraise it at its true value. Already the minds of the people have been inflamed and their imaginations wrought up to the highest point in expectation of universal peace and a relief from the burdens of naval and military armament. Some Senators who are now so loud in their declamatory utterances as to the transcendent virtues of the conference will have their faith and, indeed, their sincerity tested in the next few months, and particularly when the naval and Army bills are brought before the Senate for discussion.

In the Saturday Review of February 11, 1922, appears an article entitled "The Results of Washington." The article is rather gloomy and pessimistic and sees but unimportant gains by reason of the conference. It declares that the conference yielded to the demands of the French for a huge fleet of submarines when the British proposed the total abolition of submarines, although their own submarine fleet was the best in existence. It refers to the action of the conference in declaring a submarine tax upon merchant vessels as unlawful, and then states that the provision "will certainly be disregarded." The writer proceeds to state that if France builds a great fleet of submarines Britain will be compelled to build antisubmarine craft in proportion, and thus incur great expense.

This language is also employed:

> Owing to the action again of France, the arms conference was a complete failure in bringing about a reduction of land armaments—certainly, viewed in all implications, as great a matter as any that came before the conference. It may be said, however, without unfairness, that America was concerned much more in a reduction of naval than of land armaments.

The article further declares that—

> the conference failed to take really effective steps to protect China from encroachments. It passed at an early stage Senator Root's four pious resolutions about maintaining unimpaired the sovereignty and territorial integrity of China—resolutions which did no more than echo former statements of the powers, and can easily be broken by an aggressive power. The same may be said of the nine-power treaty which reaffirms the doctrine of the "open door," and leaves China to herself. Another failure was shown in giving in to Japan's demand to cancel the fourth of the Hughes resolutions, allowing the board of reference, which is to be set up, to examine the past as well as the future concessions and agreements made by China with the other powers. Japan thus secured by default her extensive claims in Manchuria and other former concessions of the greatest value.

In conclusion the article says:

> To sum up, the truth about the conference is that if its conclusions are indorsed by the Senate some of the problems of the Pacific may be considered as settled for a time, but others, and not the least important, remain.

Mr. President, I have not called attention to these articles in any critical spirit, but to show the point of view of others who have examined the work of the conference with great interest and with a desire to discover what was really accomplished. It is disquieting to those who expected naval disarmament upon the part of the nations participating in the conference to learn that perhaps but little saving will result from the treaties accomplished and that "factors," using the expression of Mr. Hurd, of naval warfare not in the past regarded as of such paramount importance will now be emphasized and developed to the highest possible degree of perfection.

It is known that not only in the United States but in many lands research work is being done with a view to improving aircraft as well as submarines. Scientific men and experts are giving their attention to all forms of aircraft and to the production of the most deadly explosives. The Washington conference imposed no restrictions upon aerial warfare. In my opinion, a remarkable impetus will be given to the development of aircraft and, as I have stated, submarines much more deadly and effective than any heretofore dreamed of will be produced, so that the economies supposed to have resulted from limitation in the construction of capital ships will be lost in the expenditures for various other engines of destruction, both upon land and upon sea.

Lord Percy Scott, Admiral Sims, Admiral Fullam, and other naval experts in the United States and elsewhere have stated, in effect, that the primacy of the battleship had come to an end. Experiments recently conducted by the Navy Department show the deadly effects of bombs dropped from the air upon or in the vicinity of the most powerful warships. There has been too much emphasis laid by our Naval Board upon the capital ship. The surface craft have been emphasized, and the fact that naval warfare must be conducted upon three planes has not been always in the minds of our naval constructors and those determining our naval policies. The Washington conference deals with the heavy craft of one plane, but does not deal with the other two planes—under the sea and over the

sea. Unless other treaties are negotiated, and unless the League of Nations brings about a limitation in naval armament, there will be remarkable development in airplanes and in submarines. The scout cruiser with the swiftness of light will be developed and other water craft of a deadly nature will be developed to take the place of the capital ship.

The hope which I have of future reduction in armament rests largely upon the League of Nations. If the powers who have signed the treaty before us shall immediately signify their desire to cooperate with the League of Nations and work with it for the purpose of bringing about world disarmament, then the work of the conference may be of far-reaching importance and benefit to the world. It is to be hoped that there will be no attempt by the signatories to the four-power pact to set up a rival organization or to cripple or disparage or weaken the league.

Mr. President, there are other treaties which we will act upon within the next day or two. I shall not enter upon an examination of them at this time. It has been said by many that at least two of them are merely magnificent gestures. The great powers assembled at the conference professed the greatest interest and devotion to the welfare of China. They professed a desire to maintain her territorial integrity and to recognize her political independence. A treaty will be presented to us which scarcely measures up to these high-sounding protestations and declarations. It in effect declares that China is not a nation and is incapable of governing herself or of providing her own revenues to meet governmental expenditures. A treaty was drawn which imposes upon China tariff duties.

It is tantamount to saying that the powers will not permit China to manage her own fiscal or internal affairs or to enact legislation for her own welfare and development.

Mr. President, in conclusion, let me say that some of the work of the conference can be indorsed by the American people. It promises some benefits, but its record is not without alloy, and the future alone can determine just what good has been wrought. I have been desirous of supporting the treaties prepared at the conference and have earnestly attempted to discover reasons to justify voting for the ratification of all of them. As indicated, I shall vote for the pending treaty, sincerely hoping that it may prove of benefit to the United States and to the world.

Mr. LENROOT. Mr. President, most of the time occupied by Senators on the other side of the aisle in the debate upon this treaty has been an endeavor to show that the result of the Washington conference, after all, was a weak, puny infant, never destined to reach maturity, and really not of any particular value anyway; yet yesterday afternoon the Senator from Nebraska [Mr. HITCHCOCK] occupied about 20 minutes in endeavoring to claim paternity for this puny infant for the Democratic Party, and this afternoon reference has been made to the attempt that has been made from time to time to contrast this treaty and the other treaties growing out of the Washington conference with the Versailles treaty.

Mr. President, it is true that there are some very sharp contrasts between these treaties and the Versailles treaty. One of the contrasts is in the fact that in the Versailles treaty Shantung was taken from China and given to Japan, while the Washington conference rectified that wrong and restored Shantung to China.

Mr. President, it is clear from the speeches which have been made on the other side of the aisle that the Democratic Party stands to-day upon the League of Nations and the treaty of Versailles as they stood two years ago; that if they had the votes to-day they would enter into the Versailles treaty and the League of Nations exactly as presented to the Senate by President Wilson. When they admit that, Mr. President, it is a little curious how they found it so difficult, and so many of them found it impossible, to support the four-power treaty, because they said they were afraid that some time we might be called upon under it to come to the aid of Japan against Russia, whereas if they had the power to-day to ratify the Versailles treaty they would bind the United States, in case this island of Sakhalin, about which they have talked so much, were invaded by the red army of Russia, not to go into a conference but to send American soldiers and American battleships across the Pacific Ocean to drive the Russians out of the island of Sakhalin.

Mr. President, we have heard much about the four-power treaty being an alliance and the troubles we would get into if we ratified it, even if there be no commitment to force, because, it has been repeatedly said upon the other side of the aisle, if we enter into an understanding with four nations it is sure to result in an alliance among nations not within the group. Yet, Mr. President, after all this talk about this four-power treaty being a quadruple alliance, we yesterday found the Senator from Montana [Mr. WALSH], in discussing the question of land disarmament, complaining because the United States has not entered into a triple alliance with Great Britain and France against Germany.

If it was wrong for the United States, France, Japan, and Great Britain to enter into a friendly understanding to consult together with reference to disputes which may arise in the Pacific, if the very existence of that understanding would give rise in the future to an understanding between Germany, China, and Russia, I would like to ask Senators on the other side, if that be true, why they were willing to vote to ratify the Anglo-Franco-United States treaty, which committed the United States to war, which committed the United States to again send its soldiers across the Atlantic Ocean to fight against Germany? That is exactly what they proposed to do, and that is what the Senator from Montana insisted yesterday we ought to have done in this Washington conference; that we ought to have made such an agreement with France, in order to secure a limitation of her army, and that we ought now to enter into a triple agreement, not for consultation, not for conference, but that the United States ought to agree to go to war in Europe, join with Great Britain and join with France in fighting Germany in case there was any unprovoked aggression upon France by Germany in the future.

Mr. WALSH of Montana. We did that in 1917.

Mr. LENROOT. We did that in 1917, yes; but we did not do it because Germany invaded France.

Mr. WALSH of Montana. Such an agreement as that proposed by France would be a protection against us being obliged to do it again.

Mr. LENROOT. We did not do it because Germany invaded France, and the Senator from Montana was one who helped win the election in 1916 upon the promise that we would not get into the European war. Germany had invaded France then. Was the Senator from Montana, was the Democratic Party, in favor of going to the aid of France in 1914? Were they in favor of going to the aid of France in 1915? Were they in favor of going to the aid of France in 1916? If they were, why did they not say so to the people of America, in which case President Wilson would not have been elected to a second term?

Mr. WALSH of Montana. Since that time the party of the Senator from Wisconsin, or many members of it, have taunted the Democratic Party because they did not go in as soon as the *Lusitania* was sunk, or as soon as Belgium was invaded, and I dare say the Senator from Wisconsin joined in that.

Mr. LENROOT. If the Senator thinks that is an answer, he is welcome to it.

The Senator from Montana, however, would have the United States enter into an agreement to do at any time in the future what his party thought in 1914, 1915, and 1916 the United States never should do. They complain about the quadruple treaty in the Pacific on the ground that it is an alliance, although there is no commitment to force; but if the Democratic Party had the votes to-day, they would have the United States enter into the Versailles treaty, with its commitment upon the part of the United States to send its soldiers to every part of the globe and fight in every quarrel of the world, although it might not affect us in the least. If they had the votes to-day, they would ratify the treaty making a triple alliance against Germany, a treaty entered into between Great Britain, France, and the United States, to send our boys across the Atlantic to fight, although the issue might not in the least concern the welfare of the United States.

That is the record, Mr. President, the Democratic Party is making in this debate. That is the record which will be read by the American people.

Mr. CARAWAY. Mr. President, I do not think the Senator from Wisconsin hurts his reputation by being inconsistent. I, for one, do not hold it against him. However, it is hard to understand how one who claims to have such a correct knowledge of international law as does the Senator from Wisconsin could assert that an alliance between four powers to consult together about the best means of waging war against some other nation with which one of these powers may be engaged in a controversy is the same thing as the League of Nations, which sought to bring into a common council all the nations of the earth, those with whom we may have had a controversy, as well as those with whom we entertained friendship, and there adjust any differences which might arise.

I am sure he fools himself; he has the power of intoxicating himself with his own reasoning, but he does not fool anyone but himself when he asserts that there is no difference between an alliance under which four powers bound by a treaty agree to

consult as to the best means of resisting aggression and a conference among all the people to settle all international difficulties in a peaceable manner.

I shall not argue with a Senator who has that viewpoint; it is useless; a man who can not see a difference between an agreement among three or four men that they will stand together and resist any other man's assertion of right, and a community of law-abiding citizens, under which all of them agree to assert their rights under a common law which affects each one of them alike. Here are four nations which bind themselves that if a controversy shall arise between one of those nations and some other outside power the four will consult together in order to devise the best means of resisting aggression. The league provided all nations should have a common council, as all citizens of a country shall recognize a common law, and if a difference should arise they would consult together under the law as to the best means of adjusting the differences. That is the difference between the four-power pact and the League of Nations. One is an alliance for war; the other a pact for peace.

I would, if I could, follow the logic of the Senator from Wisconsin, but I feel that if I were to do so I should meet myself coming back. The Senator thinks it is a wonderful thing for four nations to get together to adjust their differences, but a horrible thing for all nations to agree to do so. If it is a good thing for four nations so to agree—and it may be—how much better would it be for all the nations so to agree that they will adjust peaceably all their differences? Law grew up by groups of people asserting a common right. Nobody contends that the old feudal times, when one lord defended his clan against another, were better than our times, when all of us who are citizens of a common country recognize a common sovereignty and obey a common law. Yet the comparison is made here of all the people of the world who say they want to inaugurate a reign of law as against a reign of individual selfishness, and four nations which bind themselves together to respect each other's rights. Here are four nations which have bound themselves together to respect each other's rights, and it is said it augurs well for peace. How can Senators say that if the agreement of four nations to consult together in order to keep the peace is a wise thing, an understanding among all the nations of the earth to consult together is a bad thing? I have no power of following that kind of logic. The Senator from Wisconsin may have that field to himself.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McNary	Smoot
Ball	France	Moses	Spencer
Borah	Frelinghuysen	Myers	Stanfield
Broussard	Gerry	Nelson	Sterling
Bursum	Glass	New	Sutherland
Calder	Gooding	Oddie	Swanson
Cameron	Hale	Overman	Townsend
Capper	Harris	Owen	Trammell
Caraway	Harrison	Page	Underwood
Colt	Hitchcock	Pepper	Wadsworth
Culberson	Johnson	Phipps	Walsh, Mass.
Cummins	Jones, Wash.	Pittman	Walsh, Mont.
Curtis	King	Poindexter	Warren
Dial	La Follette	Pomerene	Watson, Ga.
Dillingham	Lenroot	Rawson	Watson, Ind.
Edge	Lodge	Sheppard	Weller
Elkins	McCormick	Shields	Williams
Ernst	McCumber	Shortridge	Willis
Fernald	McLean	Simmons	

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present. The hour of 3 o'clock having arrived, under the unanimous-consent agreement the Senate will proceed to vote on the treaty. The treaty is in Committee of the Whole and the question is on agreeing to chapter 2. Without objection, it is agreed to.

Mr. LODGE. The further reading of those chapters has been dispensed with.

The VICE PRESIDENT. The question now is on agreeing to chapter 3. Without objection, it is agreed to. If there are no amendments to be proposed to the treaty as in Committee of the Whole, it will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The treaty is in the Senate and open to amendment. If there are no amendments, and without objection, the Senate will proceed to the consideration of the resolution of ratification, which the Secretary will report.

The Assistant Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive L, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament, concluded at Washington February 6, 1922.

The VICE PRESIDENT. The question is on the adoption of the resolution of ratification, and the question will be taken by yeas and nays.

The reading clerk proceeded to call the roll.

Mr. LODGE (when Mr. BRANDEGEE's name was called). The Senator from Connecticut [Mr. BRANDEGEE] is detained from the Senate. If present he would vote "yea."

Mr. CARAWAY (when his name was called). I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]. I am informed that if he were present he would vote as I shall vote. I vote "yea."

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. If present he would vote as I am about to vote. I vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I am reliably informed that on this question he would vote as I shall vote. I therefore feel at liberty to vote. I vote "yea."

Mr. BROUSSARD (when Mr. RANSDELL's name was called). My colleague [Mr. RANSDELL] is absent on business of the Senate. If he were present he would vote "yea."

Mr. CARAWAY (when Mr. ROBINSON's name was called). I wish to announce that my colleague [Mr. ROBINSON] is unavoidably absent on official business. If present he would vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG], who is absent. If he were present he would vote as I shall vote, and I am therefore at liberty to vote. I vote "yea."

Mr. DIAL (when Mr. SMITH's name was called). My colleague [Mr. SMITH] is detained on official business of the Senate. If he were present he would vote "yea."

Mr. STERLING (when his name was called). I have a pair with the Senator from South Carolina [Mr. SMITH]. I am informed that that Senator, if present, would vote as I intend to vote, and I am therefore at liberty to vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], who is absent. I understand, however, that he would vote as I expect to vote upon this measure, and therefore I feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BALL. My colleague [Mr. DU PONT] is absent on account of illness. If he were present he would vote "yea."

Mr. MCCORMICK. I have a standing pair with the Senator from Wyoming [Mr. KENDRICK]. I am informed that if he were present that Senator would vote as I shall vote, and therefore I am at liberty to vote. I vote "yea."

Mr. ERNST (after having voted in the affirmative). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I am informed that if present he would vote as I voted. Therefore I allow my vote to stand.

Mr. CURTIS. I was requested to announce that the Senator from Oklahoma [Mr. HARRELD], the Senator from Minnesota [Mr. KELLOGG], the Senator from New Hampshire [Mr. KEYES], the Senator from North Dakota [Mr. LADD], the Senator from Illinois [Mr. MCKINLEY], the Senator from Colorado [Mr. NICHOLSON], the Senator from South Dakota [Mr. NORBECK], and the Senator from Nebraska [Mr. NORRIS] are absent on the business of the Senate. If present these Senators would vote "yea."

I also wish to announce that the Senator from Pennsylvania [Mr. CROW] and the Senator from Michigan [Mr. NEWBERRY], if present, would vote "yea."

Mr. GERRY. I desire to announce that the Senator from Alabama [Mr. HEFLIN], the Senator from New Mexico [Mr. JONES], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Wyoming [Mr. KENDRICK], and the Senator from Kentucky [Mr. STANLEY] are absent on official business. If present they would all vote "yea."

The roll call resulted—yeas 74, nays 1.

YEAS—74.

Ashurst	Curtis	Hale	McLean
Ball	Dial	Harris	McNary
Borah	Dillingham	Harrison	Moses
Broussard	Edge	Hitchcock	Myers
Bursum	Elkins	Johnson	Nelson
Calder	Ernst	Jones, Wash.	New
Cameron	Fernald	King	Oddie
Capper	Fletcher	La Follette	Overman
Caraway	Frelinghuysen	Lenroot	Owen
Colt	Gerry	Lodge	Page
Culberson	Glass	McCormick	Pepper
Cummins	Gooding	McCumber	Phipps

Pittman	Simmons	Townsend	Watson, Ga.
Poindexter	Smoot	Trammell	Watson, Ind.
Pomerene	Spencer	Underwood	Weller
Rawson	Stanfield	Wadsworth	Williams
Sheppard	Sterling	Walsh, Mass.	Willis
Shields	Sutherland	Walsh, Mont.	
Shortridge	Swanson	Warren	

NAYS—1.

France

NOT VOTING—21.

Brandegee	Kellogg	Newberry	Robinson
Crow	Kendrick	Nicholson	Smith
du Pont	Keyes	Norbeck	Stanley
Harreld	Ladd	Norris	
Heflin	McKellar	Ransdell	
Jones, N. Mex.	McKinley	Reed	

The VICE PRESIDENT. Two-thirds of the Senators present having voted in the affirmative, the Senate advises and consents to the ratification of the treaty.

Mr. STANLEY subsequently said: Mr. President, I was temporarily absent from the Chamber when the roll was called on the naval limitation treaty. If present, I would have voted "yea."

NOMINATIONS REPORTED.

Mr. POINDEXTER. Mr. President, I ask unanimous consent, as in closed executive session, to report favorably from the Committee on Public Lands and Surveys certain nominations and ask that they may go to the calendar; also a similar favorable report from the Committee on Naval Affairs certain appointments, and I ask that they may go to the calendar.

The VICE PRESIDENT. Without objection, the nominations will be received and placed on the Executive Calendar.

PUBLIC-LAND ENTRIES BY DISABLED EX-SOLDIERS.

Mr. SMOOT. Mr. President, as in legislative session, I present a conference report on House bill 9633. It is a complete report, and I ask unanimous consent for its consideration.

The report was read, considered, and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

REED SMOOT,
T. J. WALSH,
Managers on the part of the Senate.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

ADDRESS BY THE VICE PRESIDENT IN BROOKLYN.

Mr. CALDER. Mr. President, in Brooklyn last Sunday, under the auspices of the Brooklyn Institute, Vice President Coolidge delivered a most comprehensive address on the subject of "A year of reconstruction." I ask unanimous consent that this address be printed in the RECORD in the regular RECORD type.

There being no objection, the Vice President's address was ordered to be printed in the RECORD in 8-point type, as follows:

A YEAR OF RECONSTRUCTION.

At the Brooklyn Institute of Arts and Sciences, Brooklyn, N. Y., at 3 o'clock Sunday afternoon, March 26, 1922, Vice President Calvin Coolidge spoke as follows:

The fundamental ideal of mankind is the attainment of liberty. This motive has been predominant through all the centuries. The course which it follows depends on environment. Institutions grow up to fit conditions. Failing that they disappear. The institution which developed national liberty was monarchy. The institution which maintains individual liberty is the Republic.

Parliamentary government is not peculiar to any time or place. The germ of it has scarcely ever failed to appear in the development of any people. Wherever it has been able to grow to maturity into a true form of representative Government its nature has been determined by the predominance of contending forces. There is no such thing as a free man in a subject State. There were parliaments in Spain and France which developed earlier than that of Great Britain. No doubt the largest contributing factor to their decline and final disuse was the menace of foreign conquest. For purposes of national defense a commander in chief surpasses a legislative body. A constant pressure from without upon the countries of the European Continent made it necessary to submerge the freedom of the individual to insure the freedom of the realm. The grant of authority to raise money to support the army in time of war was carried over by the monarch into a claim of the right to support the government by the same taxes in time of peace. At the outbreak of the French Revolution the states general, which in theory alone possessed the taxing power, had not been summoned for 175 years.

Across the English Channel there was more seclusion. England was free from foreign invasion after the days of William the Conqueror. A sturdy people found an almost invincible ally of national defense in their surrounding waters. There the predominant force against the development of freedom came from within. Relieved of pressure from without, individual liberty was able to prevail. In the long contest culminating with the Stuarts, who even sought to preserve the claim of the monarchy by the device of foreign wars, the power of the King has been steadily limited, the power of Parliament steadily enlarged, until it stands to-day practically supreme. The power which it holds over the individual has scarcely any limit save in the temper of the people. The supports of stability were strengthened by an upper house, heriditary in its foundation, but continually refreshed with new memberships drawn from the people. By this means vested interests and popular rights are both protected. But when party control of the House of Commons changes, the whole Government changes with it. The dominant power in the Commons is the dominant power in the whole Empire.

The working out of these principles has been apparent in American history. The early colonists were strongly individual in theory, but public peril contributed largely to making them national in practice. When General Wolfe won victory on the Plains of Abraham, the colonists, relieved of the menace of an alien invasion, were ever after unhampered from without in the natural desire for greater liberty. They soon found that so long as they remained with the British Empire they were subject to the claims of supreme authority on the part of a Parliament then dominated by the influences of a king ambitious to grasp the entire sovereign power. That problem was solved by the American Revolution, which took from the territory of the British Empire but added to the freedom of all British subjects.

Creative action grows into institutions. The experience of the Revolutionary period was gathered up, declared, and adopted in the American Constitution. That instrument of government recognizes that sovereign power resides in the people alone. It was created to guarantee individual liberty. It intrusted the supreme authority of government to neither executive nor legislature. It provided a republic to be administered by representatives of the people. As a further guaranty of freedom its powers are limited and its functions divided and separated. There are three departments: Legislative, executive, and judicial, independent of each other, with power to function only in their own sphere, but each acting as a check on the other. The sovereignty of the people does not, therefore, express itself with that completeness in the legislative body which is the characteristic of the British Parliament, but is divided between the Congress, the President, and the Supreme Court of the United States. To impose any burden on the people these three great powers must act in substantial harmony, but acting alone any one of them can save the people from any diminution of their liberties.

It is thus that under our institutions there are more full and complete guaranties of the rights of the people than under any other Government in the world. That was very nearly the sole consideration moving those who organized the American system. Thought of national peril sinking to the minimum, thought of individual peril rose to the maximum. How closely these have always been connected is shown not only by the course of history but by the curious coincidence that just after Lincoln had come into power, to check the rising tide of domestic claims and counterclaims, Secretary Seward suggested smothering them all in foreign complications and wars. The great service of Lincoln is that he preserved national integrity and advanced individual liberty.

Another safeguard arises from our having a continuing Government. The entire membership of the House of Representatives, but only one-third of the membership of the Senate, is renewed each two years; the Presidency is renewed each four years; and the Supreme Court is renewed irregularly, as its members hold by life tenure. As must always be done, speed is

sacrificed for safety. We have adopted the party method of political expression. It is easy to see that the two Houses may be dominated by different parties and that the President and the Congress may be of a different political faith. A government chosen piecemeal means that any one election may be inconclusive.

One of the most remarkable examples of such an election took place in 1918. It is almost axiomatic that a Government successful in the conduct of a war will be successful in securing the indorsement of the people. From the middle of July, when the Americans, advancing through the retreating lines of the war-worn French, for the second time beat back the German invasion at the Marne, there was a steady succession of victorious advances ending in the complete triumph of armistice day.

Six days before this greatest military triumph ever recorded, notwithstanding a personal appeal to the people soliciting their support for his party made by the Commander in Chief himself, the American national election brought the almost unbelievable result of a defeat at the polls of the party under which the war had been conducted, taking from it the control of both Houses of Congress. After the fourth day of the following March the President and the Congress were of different parties.

Under some circumstances this might have made little difference in the work of reconstruction. Under the dominating personalities then in control at either end of Pennsylvania Avenue it was destined to make a great deal of difference. Our own completion of reconstruction at home and our inescapable participation in reconstruction abroad were hindered and delayed. A treaty of peace was negotiated by the President and submitted to the Senate in the summer of 1919, where it was debated for many months and rejected. The Congress enacted some remedial legislation which was approved and some which was vetoed. There was an entire lack of harmony and cooperation between the executive and legislative branches of the Government, aggravated by the severe illness of the President, which made him almost inaccessible. Demobilization of military forces was very largely accomplished and necessary legislation provided for the return of the immense properties of transportation and telephone and telegraph lines to their former private ownership, but with enlarged Government regulation. The Congress started a system of relief for the disabled and of vocational training for former service men. A reduction of expenditures was begun, but when the fundamental requirement for economy was provided by a budget bill it was vetoed. The peace resolution duly enacted was also disapproved by Executive veto. Yet there was a very commendable amount of necessary and important legislation. The private interests of the Nation were all the while recovering themselves through the lapse of time, but when the first regular session of the Sixty-sixth Congress ended on June 5, 1920, the public requirement of reconstruction, necessarily to be accomplished by Government action, reaching up even to the establishment of peace itself, remained for the most part unaccomplished. Clearly the time had come to go to the country for a determination of policy and a party unity of administration.

The National Government functions in response to public sentiment. There was need of that thoroughgoing agitation, of that clarification of the public thought, and expression of the public mind which comes only from a presidential election. It was only until after that event that there could be any adequate determination of policies having sufficient public support to make their adoption practical. All elections are the result of mixed motives.

Through the campaign of 1920 there ran a great variety of issues, but its result made plain, by unquestioned expression, the main desires of the country. It was another declaration of independence. It expressed a distinct reaction against militarism and any form of engagement which placed any qualification or limitation on the privilege of refraining from all armed intervention in contentions between foreign countries which did not involve our own interests. It reiterated a desire for securing all possible guaranties of peace. It was particularly distinct in its demand for abolishing all Government extravagance. It was a clear and unmistakable mandate for economy in the conduct of our foreign relations and in the management of our domestic affairs. That these policies might be adopted the election unified party control of the Presidency and the Congress.

All of this meant a general readjustment. It meant the facing of painful facts. It meant a period of economic stress and strain. The first years of the war sent large amounts of gold to our country in exchange for supplies. This resulted in the natural inflation of prices. The financing of our own war needs through the issue of bonds which, when they found their way into Federal reserve banks as security for rediscounts, greatly increased the issue of currency, caused a further and much greater artificial inflation. The results of this continued long after the armistice in a round of increasing prices and increasing wages. This condition brought forth a general statement from President Wilson in the late summer of 1919 when he made his decision on railroad wages. "Increase in wages," he said, "will, moreover, certainly result in still further increasing the costs of production and, therefore, the cost of living and * * * would utterly crush the general campaign which the Government is waging with energy, vigor, and substantial hope of success to reduce the high cost of living." Economic forces caused this warning to go for the most part unheeded until in the spring of 1920 inability to buy was all at once transformed into inability to sell. Producers found themselves without a market. Inflation had broken down, as it always does. The reaction was severe. There were great losses, all of which are not yet revealed, but the disaster of a panic was averted, and deflation now appears to have completed its course.

When as the result of the election the new administration came into power a year ago, there was a condition of economic disorder. National finances were administered under war-time tax laws. Railroad transportation was in great stress for credit. The emergency fleet, which had cost billions to construct, was disorganized and disintegrated. Proper methods of administering war relief had not been devised. There was an impending avalanche of foreign peoples and foreign merchandise toward our shores. There were great disproportions between the returns for production and the cost of distribution. Agriculture was not thriving. Employment was uncertain. There were methods which caused improper restraints in the building trades. Cost of government was a stupendous burden. There was friction and irritation in the Orient. Our attitude toward Mexico and Russia was undefined. There was need of more friendly relations with the Latin-American Republics. We lacked the respect and confidence of Europe. We were still in a state of war with the Central Powers. It was plain that there must be something more than a treatment of local symptoms. It was a time when it was necessary to seek out and remove the fundamental causes of national disorders.

A special session of the Congress was summoned to meet on the 11th day of April. The ordering of the finances of the Nation lies especially within their province. In accordance with the recommendations of the President work was at once begun on a revenue bill for the purpose of revising, equalizing, and reducing internal taxation, and on a tariff bill for the purpose of revising the customs duties in accordance with the principle of protection and to meet the exigencies of foreign exchange.

Tax bills are not popular measures. They are not enacted for the purpose of securing public favor, but with a sordid desire of securing revenue. There is never any question about the American Government meeting its obligations. There can be no such thing as a perfect national tax bill. It must always be the result of a compromise between the contending forces of different sections and different policies. The problem of the present Congress was to provide for a greater equalization of taxation. That has been done. It was to reduce the amount of taxation. That has been done. It was to secure a better method of administrtaion. That has been done.

Our national finances had been conducted under the stress of war. Under that compelling force the Government had taken, through loans and taxation, close to one-fifth of the wealth of the country. When it is considered how small a proportion of the total wealth could be converted into a cash or credit asset, it will be realized how severe had been the strain and how much need there was of relief. The present problem was to raise substantially four billions of revenue, so distributed as to cause the least possible discouragement to those general business activities which promote industrial development and provide profitable employment.

The main theory of the American Government is that it shall be conducted for the welfare of all the people. It is ever watchful to maintain not only political but economic freedom. It has no favorites. It is based on the belief in equality. It recognizes that class distinctions are artificial and unreal, that under the natural conditions of equal opportunity, generally speaking, economic rewards will be in proportion to service rendered.

This theory has to be remembered in relation to taxation. If there are no privileged classes, there can be no special servitudes. These always go together. We have refused to establish privileged classes because we believed such a system of society to be unfair, unjust, unnatural, and contrary to the public in-

terests. For the same reasons we can not impose special servitudes. It is impossible to impose a disproportionate burden of taxation upon a selected few without doing injury to the general welfare. Such an attempt not only defeats itself in its purpose to raise revenue but causes economic disarrangement, stifles industry, and results in general distress among the very people that it has sought to relieve.

There is little time under the stress of war to consider general economic welfare. When, for the fiscal year beginning July 1, 1917, it was necessary to appropriate almost $19,000,000,000, and for the following fiscal year more than twenty-seven billions, the money had to be taken wherever it could be found. A heavy system of excess-profits taxes, and, in addition, surtaxes on incomes rising to a total of 73 per cent, were laid to meet the outlay for military operations. When war conditions no longer existed it was found that the revenue from excess profits had shrunk to about one-sixth, and while taxable incomes had increased nearly twelvefold in number and more than threefold in amount, the number and amount of incomes of over $300,000 had been cut in two.

The excess-profits taxes were, therefore, discontinued and the surtaxes reduced, probably not yet enough to produce the largest amount of revenue or secure the highest degree of general prosperity, but enough materially to advance the public welfare. The charges against the heads of families with moderate incomes have been diminished by almost one-half. Those charges on transportation and sales which became popularly known as "nuisance taxes" have been repealed and the burden of past taxation has been reduced under the new law $728,900,000 for the first year it is in effect, and will be followed by a large reduction in the succeeding year. Further revision of revenue is in prospect and has been recommended by the President, but these changes already made in our system of taxation are fundamental in principle and are in the right direction. They accomplish a distribution of the burden. They constitute a real reform. The ability to reduce taxation and yet easily meet current requirements from current income without resorting to loans is an accomplishment in which, among the great nations of the earth, America stands alone.

One of the first domestic problems to receive attention was the perfection of an adequate organization for the administration of Government relief of war veterans. This had been divided up between the Treasury, the War Risk Insurance Board, Vocational Training Board, and other departments, creating confusion and resulting in applicants being referred from one bureau to another, causing endless delays. The whole work was unified and placed under the supervision of the Veterans' Bureau. To increase facility of contact the country was divided into 14 districts with 140 suboffices.

It is easy to realize what a stupendous task this work is when it is remembered that there has already been paid to disabled veterans and their dependent relatives about a billion and a half dollars and there is going out of the Treasury each day close to a million and a quarter dollars. The Government already has nearly 30,000 hospital beds, and will soon have 35,000. There are about 29,000 men already in hospitals who receive, besides their keeping and care, from $80 to $157 each month. The awards for compensations run over 200,000 each month and the awards for insurance over 140,000, while there are 15,000 compensation claims and 1,200 insurance claims received during the same time. There are about 105,000 men receiving vocational training, most of them under pay and at a maximum cost of $160 each per month. There are already in existence 107 hospitals which provide 182 employees for each 200 patients. There are 5,000 schools used throughout the country for training ex-service men and 7,000 institutions for placement training.

Two hundred thousand claims were awaiting adjustment when the War Risk Department was reorganized. All of these claims which were uncontested were adjudicated long ago. There are about 700 claims received each day which are at once decided. It may take time to establish and determine facts, but there are no longer claims awaiting adjudication and the work of the department is current. This stupendous task is not yet completed. It is being perfected day by day. The department is in contact with all public and private charities, every office of the Red Cross, and every Legion Post. It is impossible to prevent every abuse or to administer every needed relief, but for this purpose there has been provided the best possible organization. No expenditure of money or effort has been withheld. Under a business system, in accordance with scientific principles, the Government is giving expression to that great obligation which the people feel toward veterans suffering from the results of the war.

In order that we might be free from a threatened inundation of war-distressed peoples, which, instead of relieving them, would only result in the discomfort of our own citizens, a temporary restriction was placed on immigration, limiting it to 3 per cent during the year of each nationality already represented here. This has been an effort to prevent complications in a threatened condition of unemployment during a time of readjustment of wages. It has not been free from hardships in individual instances, but it has without doubt protected our country from much undesirable immigration.

There was likewise impending an avalanche of merchandise and agricultural products. An exchange of commodities, imports and exports, are desirable and are to be encouraged upon a sound and stable basis. America was the Nation least in distress for cash. There was a great temptation for those who needed cash to dump merchandise on our market at a sacrifice which affliction always imposes. Such a bankrupt sale could not have restored balance to foreign trade and foreign exchange which would be to our advantage, but would have tended to injure our own producers and our own wage earners, without proportionate benefit to ourselves or anyone else. For the protection of agriculture and to prevent those sacrifice sales which are referred to in trade circles as "dumping" an emergency tariff law was enacted, which will remain in effect pending a permanent revision of the tariff. In so far as it has tended to produce stable conditions it has been beneficial. Without doubt it has been of material assistance to the live-stock interests in the West, and to a less degree to the industries of the East.

Under Government operation of the railroads large sums were expended for improvements and new equipment, which were charged to the roads. On their return to private ownership there were great amounts of unadjusted claims. The roads were in want of credit, both to settle with the Government and provide themselves with means for necessary extensions and improvements. In order to relieve the acute situation in which they were found they were permitted under the provisions of law to fund their debts to the Government through duly secured obligations, which were placed on the market through Government agencies. This has given the necessary relief and provided funds, which has resulted in an increased employment of labor.

The Shipping Board found itself in control of many hundreds of Government-owned ships, into which there had gone $3,500,000,000. Their maintenance and operation cost many millions each month. Their depreciation in value was simply enormous. The problem presented was to get the Government out of the shipping business with as little loss as possible, and to provide an American merchant marine, that American goods might not have to be carried to market in the ships of competitors, and that there might be sufficient ships to provide for an adequate national defense. There has been worked out and presented by the President to the Congress a plan which promises to secure these results. For the first time within generations there is a fair prospect that our country will have a merchant marine, supported from a small proportion of the revenue derived from shipping and holding a place on the seas worthy of the American people.

Two important conferences dealing with domestic questions have been held in Washington. It became apparent late in the summer that a situation was developing which might result in a serious condition of unemployment. The Government did not wait for such a situation to develop, but, through the Department of Commerce and Labor, immediately brought to Washington representatives of the public and of managers and employees of all kinds of industrial activities. Plans were perfected and put into operation for local relief which are estimated to have secured employment for more than a million and a half people which, although it did not provide a complete remedy, afforded very great alleviation.

Another conference was for the promotion and encouragement of agriculture. Notwithstanding very bountiful crops, a season of low prices threatened this great enterprise with a distress so acute as to affect the economic condition of the whole Nation. Early in the session $25,000,000 of public money was provided for use of farm loan banks. Fifty million dollars was secured through private sources for the relief of the live-stock industry. There was further regulation of the packing industry and of dealing in grain futures, both made for the benefit of the producer. The largest measure of relief was that which gave the War Finance Corporation power to extend practically unlimited credit to the farmers, which has already been availed of to an extent of about $200,000,000. As the result of the conference provision is being made for greater freedom of cooperation in marketing and better understanding between the interests of banking, transportation, and agriculture. There has

been a desire on the part of the Government to extend every possible relief. The marked success which has been accomplished is reflected in the greater prosperity of all agricultural interests.

An action which is likely to result not only in great benefit to agriculture but to business in general was that of the President visiting one day the office of the Interstate Commerce Commission to advise with them as to what could be done to secure the readjustment of freight rates. There have already been thousands of reductions, and there is under way an investigation which has for its object the substitution of scientific rates for those which were adopted arbitrarily in the haste of the war. If such rates can be discovered and accepted, as now seems probable, it will do much to promote greater business activity.

The restrictive policies employed in the building trades have long been notorious. They have resulted in a lack of housing facilities and in a loss of employment which has been felt in that great variety of trades and occupations which supply building operations. As a result of investigations and conferences an amicable adjustment was made under the direction of the Attorney General and embodied in a decree, entered in the United States district court, which does away with all future limitations on the productive capacity of the individual workman, confirms the privilege of the employer to purchase materials of whoever he may desire, prohibits discrimination by organized employees against employers and trade associations, and the use of such discrimination to force the collection of debts or claims. This has removed restrictions and limitations from a great key industry which can but result in a renewal of building activity and the stimulation of many allied industries. It is a guide for future action, friendly, effective, and mutually beneficial.

There is due the United States from foreign Governments about $11,000,000,000, mostly for money paid by our Government to our citizens for supplies produced here which were sent abroad during the war. Under an act of Congress a commission has been appointed by the President to settle all these claims and to agree upon terms of payment of interest and principal, which is not to exceed a rate of 4½ per cent for a limit of time not in excess of 25 years. The returns from this source, whether applied to current expenses or the reduction of the public debt, will give a great deal of relief to the present burden of taxation.

There has been passed by the House and about to be reported to the Senate a tariff bill. There were difficulties in arranging a revenue bill, but they were insignificant when compared to those which are met in framing a tariff measure. It is a comparatively easy task to remove and reduce duties and draw a bill merely for the purpose of revenue; one which will provide protection and increase revenue is quite another matter. We are living under a pre-war tariff modified by the emergency tariff. Heretofore there have been certain fixed standards, which could be approximately ascertained, of cost of production abroad and cost of production at home. The difference between these two measured in a fairly accurate degree the protective needs of each industry. Foreign exchange has heretofore varied but a trifling amount. No one knows at the present time what represents either domestic or foreign cost of production. No one knows what the rate of exchange will be. This uncertainty has required painstaking investigations to see if a flexible tariff could not be provided which might have a system of administration that could be adjusted to meet changing conditions. Heretofore import duties have been determined in accordance with the foreign value of merchandise. As the rate of exchange and unsettled conditions tend to make that now almost fictitious, an attempt has been made to provide for rates of duty in accordance with American valuations. This means the fair market value of the merchandise in our own markets. This is the principle adopted by most other countries. Both these systems are being worked out, compared, and considered, and that which appears to be best will be presented to the Senate for adoption.

The drafting of a bill of this kind requires a study and comprehension of the facts relative to almost every industry in the United States. It is doubtful if any measure was ever presented to the Congress which was the result of so much painstaking effort and care. There is back of it not only the facts and arguments assembled by the Tariff Commission as the result of intensive investigation permanently engaged in, but the taking of evidence and months of deliberation, representing many hours each day of the committees of the House and Senate, assisted by the expert knowledge of the Treasury Department and the best judgment and information of those engaged in productive enterprise. There has been no delay of action, but there has been continuing determination to present the best tariff bill which industry and intelligence could devise.

The first thought and the chief effort of the present administration has been for a constructive economy. To secure that is to accomplish reconstruction. It has not been considered enough merely to go on under the old system of advising departments to refrain from extravagances and adopt business methods. There has been a complete change in the administration of the financial operations of the Government through one of the first acts of the present Congress in the adoption of a Budget system. This means the coordination of expenditures and the centralization of authority.

The rules of the House and Senate have been changed to bring the consideration and presentation of all appropriations under the direction of a single committee. An experienced banker and trained business man, who has achieved success in the administration of private enterprises and in the conduct of the business operations of the war abroad—General Dawes—has been made Budget commissioner. He has coordinated the different departments so that in a few months there has been a saving of nearly $75,000,000 in the purchase of supplies and economy in general expenditures which will reach about three hundred million during the year. The Congress has provided for a reorganization of the various departments of government for which a plan is being perfected by a joint commission representing the President and the Members of the House and Senate. The number of public employees has been reduced nearly 60,000. The Army has been reduced by 85,000 and there is a proposal for a further reduction of 35,000, which would mean a reduction in all of more than one-half. There have been, and are proposed, large reductions in the naval forces. This important and effective work is beginning to show in the appropriations and expenditures of the Government.

Prior to the war the annual appropriations were a little over a billion dollars. For the last fiscal year they were slightly more than five and one-half billions. For the present fiscal year it is estimated that this will be reduced to somewhat less than four billions, and for the next fiscal year, for which appropriations are now being made, there will be a reduction to about three and one-half billions. The interest and payments required for the public debt are about one billion three hundred and fifty millions. The cost of ministering to the requirements of the Veterans' Bureau is about one-half a billion. The cost of the Army and Navy is over eight hundred millions and another quarter of a billion goes into pensions. If from present expenditures there be deducted those items that arose from the war and the extra amount now being expended on good roads and the Army and Navy, the present cost of running the Government would not exceed the pre-war cost by more than two or three hundred millions. This represents an achievement in economy which is almost incredible.

No doubt the proper measure of legislation is not number but weight, but something of the industry which has characterized the present Congress may be understood when it is remembered that the Senate has passed 496 bills and joint resolutions and that the House has passed 452. It is a work which will bear inspection and comparison. The record is there. It represents a solid and substantial achievement under the direction of men who make great sacrifices in the public service. To be appreciated it needs but to be known.

Twenty-five years ago America gave little thought to its foreign relations. Occasionally it reasserted the Monroe doctrine. But the responsibilities incurred as a result of the war with Spain brought new relationships, and our participation in the World War left us a dominating power among the nations. There are new interests and new obligations. We did not seek them; we can not evade them.

Shortly after the assembling of the Congress a resolution was adopted ending the condition of war. It carefully refrained from interfering with the peace treaty which other nations had made and carefully reserved all the rights which had accrued as the result of participation in the war. A treaty of peace with Colombia was concluded, disposing of a long-standing difference which arose from our relation to the Republic of Panama and the canal. A treaty was offered to Mexico which would have recognized her Government and declared her adherence to those principles of protection of the rights of persons and of property which are the necessary mark of a civilized State. Mexico has so far refused to execute it. A more than friendly interest in the people of Russia has been declared in our willingness to consider commercial relations on the presentation of evidence that there is to be maintained those rights of free labor, respect for contracts, and security of property, without which there can be no commerce, and our good faith demonstrated by great private charities and the ap-

propriation of $20,000,000 for the relief of her starving population. Treaties of peace have also been concluded with Germany and Austria. Our army of occupation is being brought home. The war is done. Peace reigns.

There has been a steady determination not to interfere in those European affairs with which we had no direct concern. When there was an attempt to place responsibilities on our Government for the fixing of reparations, it was firmly declined, but with the assertion that reparations must be met to the limit of ability. There has likewise been a refusal to participate in the Genoa conference out of a feeling that the chief causes of economic disturbance in Europe can only be settled by their own domestic action, and our unwillingness to become involved in any way in their political questions. The sincerity of American sympathy for European distress is revealed and established in loans of almost a billion dollars made since armistice day, in addition to the administration of enormous charities.

One of the great achievements of the past year, one which promises to be one of the achievements of history, was the convening, the deliberations, and the agreements of the Washington Conference on the Limitation of Armament. There have been other gatherings which represented aspirations as high, and determinations as noble, as those which characterized this latest expression of the world's hope. If others have failed of complete success, they have not failed to make their mark upon history, nor have they ceased to be remembered as expressing a high ideal. This conference had the advantage of profiting by their mistakes and being instructed by their results. The conference proceeded on the fundamental theory of substituting for the sanction of force in international relations the sanction of reason. It declared the belief that differences could be adjusted without even resorting to arbitration by the simple device of taking counsel together.

This theory the conference proceeded to put into practice. Realizing that the greatest guaranty of peace is the removal of the causes for war, it settled and removed long-standing controversies in the Orient by mutual understandings. Both Great Britain and Japan have agreed to retire from occupations distasteful to China, and Japan has further agreed to retire from Siberia. An alliance for war between Great Britain and Japan has been ended. An agreement for peace between those two powers, and France and the United States, has begun. Competitive naval armament between five great powers is to cease. The use of poison gas in warfare and of unlawful submarine attacks on merchant ships have been forbidden. Hereafter there is to be equal opportunity among the nations in China and our claims in the island of Yap have been conceded.

These are accomplishments toward peace commensurate with the late accomplishments in war. They are results which mark off this conference as the beginning of a new era. For the first time powers great enough to control world action have voluntarily agreed to a limitation of armaments; voluntarily recognized the existence of a common purpose, a universal brotherhood, an all-pervading spirit of righteousness and of mutual obligations and responsibilities.

It has been a year of progress altogether worthy of a great people. It does not mean that the burdens of existence are to be lifted from mankind. It does not mean that military establishments are to be no longer required. An agreement to maintain a parity between navies is not an agreement to abolish navies. There will be a great saving of expenditure, but it will not be so much in present costs as in future requirements. These great remedial policies which are being adopted are fundamental in principle. They mean that hereafter a larger proportion of human effort can go into productive activity. They diminish the material waste of extravagance in government and the spiritual waste of distrust in diplomacy. Liberty has taken increased guaranties. Reason is more firmly enthroned. Hope and faith are revealed more clearly as the great realities.

As in legislative session,

PETITIONS AND MEMORIALS.

Mr. FERNALD presented memorials of sundry citizens of Gardiner, Litchfield, Hallowell, Carmel, Bangor, and Stetson, all in the State of Maine, remonstrating against the enactment of Senate bill 2747, the so-called Federal cooperative reclamation bill, which were referred to the Committee on Irrigation and Reclamation.

Mr. MYERS presented resolutions of the Chambers of Commerce of Troy and Kalispell, and the Commercial Club of Columbia Falls, all in the State of Montana, praying for inclusion in Senate bill 2747, the so-called Federal cooperative reclamation bill, of provision for reclamation of logged-off lands, which were referred to the Committee on Irrigation and Reclamation.

Mr. PEPPER presented a petition of the Philadelphia (Pa.) Board of Trade, favoring the ratification of the four-power treaty, which was ordered to lie on the table.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of the soldiers' bonus bill, except as applied to disabled soldiers, which was referred to the Committee on Finance.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 3355) for the creation of an American battle-monuments commission to erect suitable memorials commemorating the services of the American soldier in Europe; to the Committee on Foreign Relations.

A bill (S. 3356) to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. TOWNSEND:

A bill (S. 3357) setting aside a parcel of land as a home for the Sault de Ste. Marie Band of Chippewa Indians of Lake Superior and providing for the relief of said band; to the Committee on Indian Affairs.

By Mr. TOWNSEND (for Mr. NEWBERRY):

A bill (S. 3358) granting a pension to Carrie Shanahan; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 3359) for the relief of Lewis-Wedum Co. and others; to the Committee on Public Lands and Surveys.

By Mr. BURSUM:

A joint resolution (S. J. Res. 185) authorizing the Secretary of War to grant permits for removal of rock and gravel from military reservations; to the Committee on Military Affairs.

AMENDMENT OF AGRICULTURAL APPROPRIATION BILL.

Mr. SWANSON submitted an amendment proposing to increase the appropriation for the acquisition of additional forest lands at headwaters of navigable streams, to be expended under the provisions of the act of March 1, 1911 (36 Stat. L., p. 961), as amended, from $50,000 to $1,000,000, intended to be proposed by him to House bill 10730, the agricultural appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TREATY ON SUBMARINES AND NOXIOUS GASES.

Mr. LODGE. Mr. President, I desire to call up the treaty dealing with submarines and noxious gases.

The Senate, as in Committee of the Whole and in open executive session, proceeded to consider the treaty between the United States, the British Empire, France, Italy, and Japan relating to the use of submarines and noxious gases in warfare.

Mr. LODGE. I ask that the treaty may be read.

The VICE PRESIDENT. The Secretary will read the treaty.

The Assistant Secretary read the treaty, as follows:

EXECUTIVE M—SUBMARINES AND NOXIOUS GASES.

TREATY SUBMITTED BY THE PRESIDENT OF THE UNITED STATES BETWEEN THE UNITED STATES, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN, RELATING TO THE USE OF SUBMARINES AND NOXIOUS GASES IN WARFARE.

The United States of America, the British Empire, France, Italy, and Japan, hereinafter referred to as the signatory powers, desiring to make more effective the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, and to prevent the use in war of noxious gases and chemicals, have determined to conclude a treaty to this effect, and have appointed as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Henry Cabot Lodge, Oscar W. Underwood, Elihu Root, citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Hon. Arthur James Balfour, O. M., M. P., Lord President of His Privy Council; the Right Hon. Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty; the Right Hon. Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

And for the Dominion of Canada: The Right Hon. Sir Robert Laird Borden, G. C. M. G., K. C.;

For the Commonwealth of Australia: Senator the Right Hon. George Foster Pearce, Minister for Home and Territories;

For the Dominion of New Zealand: The Hon. Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

For the Union of South Africa: The Right Hon. Arthur James Balfour, O. M., M. P.;

For India: The Right Hon. Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the French Republic: Mr. Albert Sarraut, Deputy, Minister of the Colonies; Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honor;

His Majesty the King of Italy: The Hon. Carlo Schanzer, Senator of the Kingdom; the Hon. Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington; the Hon. Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan: Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower; Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun; Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated their Full Powers, found in good and due form, have agreed as follows:

ARTICLE I.

The signatory powers declare that among the rules adopted by civilized nations for the protection of the lives of neutrals and noncombatants at sea in time of war, the following are to be deemed an established part of international law:

(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine can not capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

ARTICLE II.

The signatory powers invite all other civilized powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgment upon future belligerents.

ARTICLE III.

The signatory powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found.

ARTICLE IV.

The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914–1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

ARTICLE V.

The use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties,

The signatory powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves and invite all other civilized nations to adhere thereto.

ARTICLE VI.

The present treaty shall be ratified as soon as possible in accordance with the constitutional methods of the signatory powers and shall take effect on the deposit of all the ratifications, which shall take place at Washington.

The Government of the United States will transmit to all the signatory powers a certified copy of the procès-verbal of the deposit of ratifications.

The present treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

ARTICLE VII.

The Government of the United States will further transmit to each of the nonsignatory powers a duly certified copy of the present treaty and invite its adherence thereto.

Any nonsignatory power may adhere to the present treaty by communicating an instrument of adherence to the Government of the United States, which will thereupon transmit to each of the signatory and adhering powers a certified copy of each instrument of adherence.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 6th day of February, 1922.

[L. S.]	CHARLES EVANS HUGHES.	
[L. S.]	HENRY CABOT LODGE.	
[L. S.]	OSCAR W. UNDERWOOD.	
[L. S.]	ELIHU ROOT.	
[L. S.]	ARTHUR JAMES BALFOUR.	
[L. S.]	LEE OF FAREHAM.	
[L. S.]	A. C. GEDDES.	
	R. L. BORDEN.	[L. S.]
	G. F. PEARCE.	[L. S.]
	JOHN W. SALMOND.	[L. S.]
	ARTHUR JAMES BALFOUR.	[L. S.]
	V S SRINIVASA SASTRI.	[L. S.]
	A SARRAUT.	[L. S.]
	JUSSERAND.	[L. S.]
	CARLO SCHANZER.	[L. S.]
[L. S.]	V. ROLANDI RICCI.	
[L. S.]	LUIGI ALBERTINI.	
[L. S.]	T. KATO.	
[L. S.]	K. SHIDEHARA.	
[L. S.]	M. HANIHARA.	

Mr. LODGE. Mr. President, unless some Senator objects, I ask that the reading of the treaty by articles may be dispensed with.

Mr. BORAH. Mr. President, I wish to ask a question or two, although I have no desire to delay the consideration of the treaty. Is there any way to determine under this treaty what a merchant vessel is?

Mr. LODGE. Not under this treaty; but that has been determined many times by the Supreme Court. It is a matter which has to be decided in each case.

Mr. BORAH. The reason I ask the question is that I notice that France is proposing a reservation which will leave her free to determine for herself what constitutes a merchant vessel. What effect would it have upon this treaty if she should attach that kind of a reservation to the treaty?

Mr. LODGE. It would come back to us for ratification, for our acceptance.

Mr. BORAH. If France should attach such a reservation, it would not come to the Senate, would it?

Mr. LODGE. Oh, yes.

Mr. BORAH. If it were simply a reservation?

Mr. LODGE. Certainly; reservations have to be accepted by this Government.

Mr. McCORMICK. Not by the Senate, however.

Mr. LODGE. Why not? If the reservation affects the treaty, why does it not have to conform to the ordinary procedure?

Mr. McCORMICK. Does the Senator from Massachusetts hold that the reservation which was adopted by the Senate the other day in connection with the treaty then under consideration will have to be adopted by the parliamentary bodies of the other powers?

Mr. LODGE. It will have to be accepted by them, but I do not know precisely what procedure they will follow.

Mr. McCORMICK. That is welcome news; I was not so advised.

Mr. LENROOT. Mr. President, I should like to ask the Senator from Massachusetts if the reservation be merely one of construction of the treaty by a party to the treaty whether it will have to be presented to the Senate?

Mr. LODGE. It will have to be accepted by the other powers by constitutional methods, as the treaty provides.

Mr. LENROOT. But failure to object amounts to acquiescence, does it not?

Mr. LODGE. Oh, yes.

Mr. UNDERWOOD. Mr. President, if the Senator from Massachusetts will allow me, I wish to state that the question of what is a merchant vessel is a matter that a prize court must determine.

Mr. LODGE. Absolutely; in each case.

Mr. UNDERWOOD. As to what effect one nation claiming the right to define for itself what constitutes a merchant vessel would have on international law I can not say, but I think international law has very clearly fixed the doctrine that if the principles of international law are complied with, and a treaty restates international law, the vessel must be taken to a court and the question of its title determined. Then the real issue is whether it is a merchant vessel or not. If it was a vessel of war, of course a different principle governs.

Mr. LODGE. That has been the practice in all cases, of which there are many.

Mr. BORAH. My interest in the matter is developed by reason of the reservation which France proposes to put upon her treaty, as indicated yesterday. I do not know whether she will do so or not; but if France is going to determine for herself what constitutes a merchant vessel under this treaty, I should think it would have a very marked effect upon what we should do.

Mr. UNDERWOOD. I should think in the end the prize court would determine the question if the rules of international law prevail.

Mr. LODGE. Absolutely.

Mr. UNDERWOOD. But, as the Senator from Massachusetts suggests, if a reservation is put on the treaty, undoubtedly it will have to come back to this Government and come back to the Senate for determination.

Mr. BORAH. No; under the doctrine of reservations it would not have to come back to the Senate, as I understand; but, of course, it would have to come back to the executive department.

Mr. UNDERWOOD. I may be mistaken about it, but I do not agree with the Senator about that. The Senate is a part of the Government in making treaties, and a treaty is changed by a reservation. A Government may reserve its rights under a reservation. The other Government may not have to agree to that reservation, but it has to accept it; and there is no power that I know of in the hands of an American Executive to accept a change of a treaty unless the Senate consents.

Mr. BORAH. The Government might accept it by simply failing to reject the treaty.

Mr. LODGE. If it changes the character of the treaty, I think it would have to come back here. If it is an interpretive reservation, I suppose the general practice has been that acquiescence may be indicated by no representation being made by the other Government; but if a representation is made by any other Government, of course it has to come back to that Government, and it seems to me it is clear that the provision in the treaty "in accordance with the constitutional methods of the signatory powers" would require that any change in its character effected by amendment or reservation would have to come before the Senate of the United States.

Mr. BORAH. I sincerely hope that the two Senators are correct, but I do not so understand it, and we did not so understand it during the league discussion.

Mr. LODGE. I think this phraseology, "in accordance with the constitutional methods of the signatory powers," has only been rather recently used. That is my impression.

Mr. BORAH. But, as I understand, the construction placed upon it by the Senator from Alabama is that the character of a merchant vessel must be determined by the prize court, and so forth; but in the meantime it is at the bottom of the sea.

Mr. UNDERWOOD. Of course, if the question comes up that it has been unlawfully sunk, it still is a matter for the nations to determine, either in court or before a tribunal; but I thought the Senator was referring to the capture of a vessel and its being taken to a prize court.

Mr. BORAH. Of course, the liabilities, and so forth, are afterwards determined; but I am speaking now of preventing interference with merchant vessels as a practical proposition.

Mr. UNDERWOOD. That is in the hands of the captain of the submarine.

Mr. BORAH. Yes; and with no guide for him to determine except his own ipse dixit or his discretion as to what it is.

Mr. LODGE. There is no guide that I know of that can be established, other than the courts, to determine the character of the vessel.

Mr. BORAH. I rather think that is correct; but I was just trying to get at the practical working of the treaty.

Mr. LODGE. I think that is the practical working. I think it has been under the old law, before the days of submarines.

Mr. BORAH. One other question, and then I will not detain the Senate further. Article 4 says:

> The signatory powers recognize the practical impossibility—

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. I yield.

Mr. WALSH of Montana. Before the Senator passes from the matter under consideration, will he permit an interruption from me? There is another question that has been presented in connection with this matter of merchant ships. France is insisting or may insist upon a reservation to the effect that any ship which would otherwise be a merchant ship but which carries guns, even for her own protection, would not be regarded under this treaty as a merchant ship and would be likely to be sunk. It will be recalled that we were obliged to consider that question while we were neutrals in the late European war. A bill or a joint resolution was introduced here authorizing the President to equip our merchant vessels with guns for their own protection against the depredations of submarines. That was not passed, but failed by reason of the lapse of the session; but the President of the United States, acting within what he conceived to be his constitutional authority, proceeded thus to equip our merchant vessels with guns to protect themselves against the assaults of submarines. That same situation may be repeated at any time.

Mr. LODGE. The Secretary of State at that time, Mr. Lansing, sent a note, in which he defined so far as it could be defined what constituted defensive as against offensive armament—that is, what took the ship out of the defensive-armament class—but that is a question of fact. I brought together here on that discussion all the authorities I could find in the way of decisions of the courts. The leading case is that of the *Charming Betsy*, which was a decision of Marshall. Merchantmen armed for their own protection have been sustained as not losing their character as merchantmen on that account, but it has had to be decided in each case whether the ship retains its character as a merchantman or whether it has been armed for offense. I do not see how it is possible to make any general rule on the subject in any treaty or anything else.

Mr. WALSH of Montana. The trouble about it is this, and it addresses itself to me as a practical question, as it does to the Senator from Idaho: Two of these European nations get into a war, and we continue our trade, of course, with the other neutral nations; and one or the other conceives that goods not contraband going to a neutral port will eventually find their way into the country of one of the belligerents, and it resolves upon the same plan of unrestricted submarine warfare. If the ship arms itself so as to protect itself against the depredations of submarines, will it still be a merchant ship?

Mr. LODGE. That is the precise thing that must necessarily be a question of fact—what armament constitutes the ship a merchantman; how much she can carry without losing her character as a merchantman?

Mr. WALSH of Montana. Would it not be extremely desirable, in order to avoid unfortunate controversies, if it could be defined in some way?

Mr. LODGE. How can it be defined when every case may vary? No general definition can be made.

Mr. WALSH of Montana. If that is the case, then if a ship carried any armament whatever—even that which would be of very light caliber, comparatively speaking—she would run the peril of being classed outside of the class of merchant ships given the protection of this treaty.

Mr. LODGE. There have been all sorts of cases, with all sorts of limitations, which have been admitted by the courts—for instance, the caliber of the guns which would indicate that the ship had lost her character as a merchant vessel, and whether she was carrying bow chasers or only stern chasers. The carrying of a bow chaser—I am speaking of the old-fashioned ships—was an indication that she was not armed simply for defense; the carrying of a stern chaser was an indication that she was armed simply for defense; and there are an infinity of facts which would go to determine the character of the vessel. I do not believe it is humanly possible to draw a general statement that would cover every possible case.

Mr. WALSH of Montana. Then, in that situation of affairs—and I followed with some care the consideration of the subject by the courts, as well as by the executive departments of the Government concerned at the time when it was rife here in the Senate—conceding all these difficulties to which the Senator adverts, suppose, now, that France should attach a reservation to the effect that any ship carrying armament, either defensive or offensive, should fall without the protection of this

treaty. What would we do about it? Of course, the ratifications, as I take it, will be exchanged by the President without any further action upon the part of the Senate.

Mr. LODGE. Yes. The Senator from Idaho, of course, was speaking of a change in the treaty, either by amendment or by reservation, on the part of France.

Mr. WALSH of Montana. Yes. I am assuming now that France attaches to her ratification such a reservation as I have suggested—namely, that a ship carrying any armament will fall without the definition of a merchant ship as used in the treaty before us—and then the treaty comes back, and the President of the United States accepts it with that reservation, and the exchanges are made. We would then find ourselves bound as a matter of course by that definition, and no ship carrying any armaments whatever would be entitled to protection by the treaty.

Mr. LODGE. Of course, that is a complete disregard of all the decisions on the subject, and I should think that that would hardly be accepted by our Government without some consideration. France alone could not change the international law of the world.

Mr. WALSH of Montana. Any definition that might be attached might be subject to question, of course. I merely inquire whether some effort ought not to be made to arrive at an understanding as to how a ship would take herself out of the protection of this treaty.

Mr. LODGE. That would be a very long and difficult process. It never has been achieved yet.

Mr. BORAH. Mr. President, suppose France should adopt a reservation by which France retains the full right to decide what is a merchant ship. The Senator thinks that that would have to come back to the Senate if that kind of a reservation were put on, does he?

Mr. LODGE. I think so.

Mr. BORAH. If that is true, I am not disturbed about the situation; but if France should retain by reservation the full right to determine for herself what constitutes a merchant ship, and that should be accepted by the President, and we should finally conclude that the Senate did not have to act upon it, we would practically destroy this treaty; would we not?

Mr. LODGE. I think so.

Mr. BORAH. One other thing, and I will close.

Mr. LODGE. If, by France deciding, it is meant that the captain of the submarine is to decide, of course nobody could accept such a proposition as that.

Mr. BORAH. My guess is that France is not going to permit a certain power to arm her merchant ships and then agree not to use submarines.

Mr. LODGE. Of course, there are some limitations on that, as the Senator knows, in the treaty we have just ratified.

Mr. BORAH. Yes.

Mr. KING. Mr. President, may I make an inquiry of the Senator in view of his last statement that if the reservation to which he refers should be attached to the treaty by France when she ratifies it, it would have to come back to the Senate here for our approval? The Senator expressed the view that if that were true he did not know that he should object. Suppose, however, that France, resting upon the theory that she may judge for herself when war breaks out what is a merchant ship, determines at that time that a merchant ship may carry arms and still be a merchant ship. Does not the Senator think that the uncertainty which he has in mind now will be persisted in, even though France does not attach a reservation, if she places that construction upon it?

Mr. BORAH. That is a situation which might of course arise at that time, but I had in mind the question of final ratification of the treaty, and our being bound by it. Of course, it is practically no treaty at all under those circumstances. If all these nations are going to determine, when war breaks out, what constitutes a merchant vessel, this is worse than a blank piece of paper.

Mr. LODGE. I think the Senator will find that nearly every nation will determine that, or insist upon its right to determine it.

Mr. BORAH. I suppose so.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, I wish to say that the phrase "merchant vessel" is well defined in international law.

Mr. LODGE. Absolutely.

Mr. WILLIAMS. Those who have any cognizance of the literature upon the subject, the representatives of every nation, will know it.

Mr. BORAH. I generally agree with the Senator from Mississippi, but when he says that the phrase "merchant vessel" is well defined, I want to say to him that I have found in my limited investigation a great deal of difference of opinion about what constitutes a merchant vessel. I understood that there was considerable difference of opinion in the conference here as to what constitutes a merchant vessel, and that France was by no means satisfied with England's idea of what constituted a merchant vessel. I may be misinformed; I do not know about that. I got it rather directly, however.

Mr. LODGE. There was not any very great discussion. The delegates took the general legal expression, "merchant vessel," which has been defined, and not always similarly defined, in the cases. In the case of the *Charming Betsy* Chief Justice Marshall said:

> The degree of arming which should bring a vessel within this description has not been ascertained, and perhaps it would be difficult precisely to mark the limits, the passing of which would bring a captured vessel within the description of the acts of Congress on this subject.

I do not think there is much to be added to that; but I do not want to take the Senator's time.

Mr. BORAH. I am very glad to have the Senator discuss the question.

Mr. LODGE. On the 19th of September, 1914—and this is what I was referring to a moment ago—Mr. Lansing sent to all the representatives of foreign powers the following circular defining the status of an armed merchant vessel:

> (A) A merchant vessel of belligerent nationality may carry an armament and ammunition for the sole purpose of defense without acquiring the character of a ship of war.
>
> (B) The presence of an armament and ammunition on board a merchant vessel creates the presumption that the armament is for offensive purposes, but the owners or agents may overcome this presumption by evidence showing that the vessel carries armament solely for defense.
>
> (C) Evidence necessary to establish the fact that the armament is solely for defense and will not be used offensively, whether the armament be mounted or stowed below, must be presented in each case independently at an official investigation. The result of the investigation must show conclusively that the armament is not intended for and will not be used in offensive operations.
>
> Indications that the armament will not be used offensively are:
>
> 1. That the caliber of the guns carried does not exceed 6 inches.
> 2. That the guns and small arms carried are few in number.
> 3. That no guns are mounted on the forward part of the vessel.
> 4. That the quantity of ammunition carried is small.
> 5. That the vessel is manned by its usual crew and the officers are the same as those on board before war was declared.
> 6. That the vessel intends to and actually does clear for a port lying in its usual trade route or a port indicating its purpose to continue in the same trade in which it was engaged before war was declared.
> 7. That the vessel takes on board fuel and supplies sufficient only to carry it to its port of destination or the same quantity substantially which it has been accustomed to take for a voyage before war was declared.
> 8. That the cargo of the vessel consists of articles of commerce unsuited for the use of a ship of war in operations against an enemy.
> 9. That the vessel carries passengers who are as a whole unfitted to enter the military or naval service of the belligerent whose flag the vessel flies, or of any of its allies, and particularly if the passenger list includes women and children.
> 10. That the speed of the ship is slow.

Then it goes on about port authorities, as follows:

> (D) Port authorities, on the arrival in a port of the United States of an armed vessel of belligerent nationality claiming to be a merchant vessel, should immediately investigate and report to Washington—

And so forth.

Mr. McCORMICK. May I ask the Senator under what date that was written?

Mr. LODGE. That was written on the 19th of September, 1914. Then finally it stated that—

> The conversion of a merchant vessel into a ship of war is a question of fact which is to be established by direct or circumstantial evidence of intention to use the vessel as a ship of war.

In drafting a general treaty we could only use the phrase which is used in all diplomatic proceedings—that is, "merchant ship"—but when you come to the question whether it is an armed ship, which takes it out of the category of merchant ships and relieves it of the protection which it has as a simple trader, you open up all those questions of fact which can only be decided by investigation. We can not possibly cover them in any general statement.

Mr. BORAH. I presume it is true that you could not write into a treaty all those details, but I do not think that removes the possibility of France saying that she would determine for herself whether or not a vessel was a merchant ship.

Mr. LODGE. What does she mean by saying she will determine it?

Mr. BORAH. I have an idea that she meant the same thing she meant when she said she would not consent to a limitation of submarines, that she does not propose to have the submarine interfered with by an armed merchant vessel.

Mr. LODGE. Then it is a question of the amount of armament.

Mr. BORAH. Yes; and she will determine how much armament constitutes a ship an armed vessel.

Mr. LODGE. Who will?

Mr. BORAH. France.

Mr. LODGE. If the Senator from Idaho will excuse me, it does not mean anything definite to say "France." Who will determine it? Will it be the captain of a submarine or a French court?

Mr. BORAH. It might be a French court; nevertheless, France will determine for herself, either through her captain or through her court, what constitutes a merchant vessel.

Mr. LODGE. I can not conceive how any other nation should accept a proposition of that sort.

Mr. BORAH. I am satisfied the Senator will find in a few days they are seriously considering that proposition.

Mr. LODGE. I dare say. I have no information about what the French Government is contemplating, but of course if it is put in in the form the Senator suggests, it practically destroys the inhibition of the use of submarines under existing rules of international law.

Mr. BORAH. That brings me to article 4, which I presume is the reason why France is acting as she does in regard to this matter. Article 4 provides that—

> The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914–1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

If article 4 should be accepted in good faith as it is written, it would practically prohibit the use of submarines as they were used during the war.

Mr. LODGE. For the destruction of commerce. Nothing affects their use for military purposes.

Mr. BORAH. Oh, no; but, as a matter of fact, the submarine did very little service in the war except in the destruction of commerce.

Mr. LODGE. That is quite true. Their formidable qualities were entirely in the destruction of merchant vessels.

Mr. BORAH. They are not so useful for war purposes; they are principally useful for destroying commerce.

Mr. LODGE. Absolutely.

Mr. BORAH. As the instrument is fit for no other use, it will likely be used for that purpose.

Mr. LODGE. There is no better lawyer than the Senator from Idaho, and he has noticed, undoubtedly, that articles 1 and 2 state the accepted rules of international law. Those were accepted by the signatories. Those are the recognized provisions of international law.

Article 4 is a new proposition entirely, applied only to submarines.

Mr. BORAH. And if accepted and lived up to in good faith, it would really have the effect of limiting the use of submarines.

Mr. LODGE. It would limit their use to purely military purposes.

Mr. BORAH. That is true.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts that the reading of the treaty article by article be omitted? The Chair hears none.

Mr. WADSWORTH. At the risk of having it thought that I am out of sympathy with the dictates of humanity, I desire to make a few observations concerning article 5 of this treaty, which has to do with the use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices.

I know full well that there is a very strong and widespread sentiment, not only in this country but in other countries, against what is known as chemical warfare, and I notice that the first paragraph of this article refers to its use as having been "justly condemned" by the general opinion of the civilized world. In my judgment, a large number of people very much misunderstand the actual results of chemical warfare.

Mr. LODGE. Mr. President, before the Senator goes into that, he did not quite complete the reading of the article. Of course, he is aware of the fact that the use is prohibited by The Hague convention, and it received the assent of all the powers of the world.

Mr. WADSWORTH. It did not receive the assent of all the powers of the world. The American delegates refused to agree.

Mr. LODGE. Does the Senator refer to both treaties?

Mr. WADSWORTH. The American delegation at The Hague convention, which promulgated the prohibition against the use of poisonous gas, declined to agree.

Mr. LODGE. Declined to agree to the use of poison gas?

Mr. WADSWORTH. Declined to agree to the prohibition of it.

Mr. LODGE. To the prohibition of all poison gas?

Mr. WADSWORTH. Yes. As I was saying, I think a large number of people misunderstand the actual effect of this method of warfare. Comparatively speaking, when it was first used in this war it was new, it was mysterious, it was horrifying. Likewise, in its immediate effect it was cruel, as are all methods of warfare, as are all weapons. But an examination of the annual report of the Surgeon General of the Army for the year 1920 discloses some rather interesting facts as to the actual effect of this weapon when used upon belligerents, upon troops in action.

During the war the American Expeditionary Forces suffered in battle casualties—that is, killed and wounded—to the number of 258,338 men. Of these 34,249 died on the field of battle; 13,691 died in hospitals as the result of their injuries incurred in battle. There were admitted to the hospitals, exclusive of marines, 224,089 men. Of this number 70,552, or 27.3 per cent of the whole number, were suffering from gas alone. Of the 70,552 gas cases only 1,221 died. Of the 153,537 admitted to the hospitals suffering from bullets, high explosives, and other methods of war except gas, 12,470 died. I think it is a generous estimate to state that 200 men in the entire American Expeditionary Forces were killed on the field of battle by gas alone. The deaths which did occur from gas occurred in much the larger proportion after the expiration of two, three, four, or five days, when the soldier had been brought back to a hospital.

Mr. STANLEY. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Kentucky.

Mr. STANLEY. I have not been following the Senator very closely. Is his argument confined to the use of gas between belligerents?

Mr. WADSWORTH. Not entirely. I will come to that later.

If we assume that about 200 men were killed upon the field of battle by gas alone, and hence were not included in the 1,221 who died in hospitals as a result of gas, we would then have 1,441 men in the American Expeditionary Forces who died from gas. That is less than 2 per cent of the entire number of men gassed. If we take the 187,586 men who were injured by bullets, high explosives, bombs, bayonets, hand grenades, and so forth, we find that 46,449 died, more than 24 per cent. Therefore the death rate from gas is one-twelfth the death rate from high explosives and bullets. A soldier, therefore, who suffered a gas injury had twelve times the chance for his life that the man had who suffered from bullet or high explosive wound. I think this fact is not generally well known.

The question has come up quite often since this new method of warfare was engaged in—engaged in first by the Germans in violation of their agreement to refrain from its use, an agreement reached in The Hague convention—as to the after effects of gas.

The impression has gone forth that a man who has been gassed is disabled to a greater or less degree for the rest of his life, and especially that a predisposition toward tuberculosis has been set up in his system. Some figures on that are rather interesting. In the Sugeon General's report for the year 1920 we find this paragraph:

> One hundred and seventy-three cases of tuberculosis occurred during the year 1918 among the 70,552 men who had been gassed in action. The number of cases of tuberculosis for each 1,000 men gassed was 2.45. Since the annual rate of occurrence of tuberculosis among enlisted men serving in Europe in 1918 was 3.50 and in 1919 4.30 per 1,000, it would seem to be apparent that tuberculosis did not occur any more frequently among the soldiers who had been gassed than among those who had not been.

Mr. President, without attempting to go into extended remarks, or of course attempting to give my opinion as that of one learned in these matters, I think an examination of the medical authorities and the investigations made by physicians among disabled men in the United States, in France, and in Great Britain will disclose the fact that the theory that gas injuries are conducive to tuberculosis is exploded. In fact, some of the most eminent investigators of the question have stated, after the most exhaustive investigations, that they are unable to ascertain any marked predisposition toward tuberculosis among those who have suffered from gas. I am well aware that these conclusions reached by men who have studied the question are not in accordance with the public sentiment of the time. I think, however, they are worth relating.

Something has been said upon more than one occasion concerning the effect of gas poisoning upon the eyes. If, again, we will take the Surgeon General's report, we will find that 86 men in the American Expeditionary Forces were totally blinded—lost the sight of both eyes—440 were partially blinded in both eyes, and 644 were blinded in one eye. Of the gassed patients it is stated that 4 were blinded in both and 25 in one eye, a total of 29. These 29 were only 3.85 per cent of all those suffering blindness in one or both eyes. In other words, the bullets or high explosives and other methods of warfare than gas were responsible for twenty-five times as many blinded as the gas.

Mr. President, chemical warfare accounted in the British Army during the last 16 months of the war, which was approximately the period of our participation in the war, for 160,000 gas casualties. The death rate of that 160,000 was 2.5 per cent, about one-eleventh of the death rate among those who suffered from bullets and high explosives and shells.

Chemical warfare during our participation in the war accounted for 30 per cent of all the casualties in the American Expeditionary Forces. It accounted for a like percentage of casualties in the British service and, I assume, a like percentage in the French service.

I know I am speaking in contradiction of a very well-defined public sentiment, but, nevertheless, I think I am justified in making this observation. The question has occurred to me, Can any weapon which in a great war accounts for one-third of all the casualties be definitely and finally barred from use in the wars of the future? Will a nation in the future, with its back to the wall, fighting desperately for its life, refrain from using a weapon against the soldiers of its enemies which the last war has shown accounts for 30 per cent of the casualties?

It is easy, Mr. President, to declare prohibitions against the use of weapons in warfare. If I read history aright, the same protest was made against gunpowder many generations ago. It became too effective, however, for any nation to decline to use it if its life were threatened. I fear, should another great war curse the world and nations be driven to desperation in protecting themselves against what they may consider to be unprovoked and piratical attack, that when that day shall come article 5 of the pending treaty will not be worth the paper it is written on. Speaking for myself alone, I am not enthusiastic about entering into declarations concerning which there is a very strong probability of violation in the future.

War is cruelty organized. We can not escape that conclusion. All war is cruel. There is not a weapon used in it that is not cruel. Which is the more cruel, a high-explosive shell which tears off a man's arm and blinds him and condemns him for the rest of his poor life to stagger down the pathway toward the grave, never free from suffering, or a gas wound which mutilates not at all and from which the medical records now show the soldier, in a comparatively short time in an overwhelming majority of cases, entirely recovers? If we are to draw the line of demarcation as between a more cruel weapon and a less cruel weapon, frankly I can not see why it should be drawn in favor of the high-explosive shell and against the gas.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nebraska?

Mr. WADSWORTH. Certainly.

Mr. HITCHCOCK. I suggest to the Senator, while I rather sympathize with his argument, that after all the use of poisonous gases is only in its infancy, and if we permit the cultivation and development of the poison-gas science it may be a much more terrific and destructive element in the next war.

Mr. WADSWORTH. Doubtless that is true. The same degree of progress, however, could be noted in high explosives. The high explosive was never used to any considerable degree until this war. Of course, gunpowder was used for a long time before, but not high explosive as now known.

Mr. BORAH. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Idaho.

Mr. BORAH. The Senator says he is very much of the opinion that article 5 would become a dead letter in some emergencies which he has described. I have no doubt at all but what that would be true; but does not the Senator think that the same rule would apply, for instance, with reference to submarines? Does the Senator think that any nation which was fighting for its life would hesitate to use its submarines against a merchant vessel which was feeding its enemy? I think that a man carrying on the war at the head of the army or at the head of the navy who would give orders that merchant vessels should be respected which were carrying food to the enemy that was pushing him to the wall would be immediately displaced and somebody else put in his place.

Mr. WADSWORTH. I think there is this distinction: The submarine as used in the last war was used very largely against noncombatants, against the passengers and crews of merchant vessels, unarmed and helpless. When it is used against a belligerent vessel, a vessel of war, I think it is just as merciful and just as cruel as the high-powered shell from the 14-inch gun, not much more, not much less. What I have been arguing about is the use of chemical warfare between armies and between navies, which use is prohibited by the pending treaty. The use of the submarine against war vessels is not prohibited by the treaty.

Mr. BORAH. No; but the submarine is practically worthless as a war vessel, as the records of the last war show.

Mr. WADSWORTH. I would hardly subscribe to that. There were a good many vessels sunk by submarines.

Mr. BORAH. If Mr. Lee, who represented the English Government, is correct in his figures, which I have, it was practically a useless war instrument. It accomplished very little in that respect. Its efficiency in effect was wholly with reference to the destruction of commerce.

Mr. WADSWORTH. That was the principal use made of it, of course, by the Imperial German Government, and yet it was made use of by the German Government and by the other belligerents in attacks upon war vessels; but this treaty does not pretend to prevent or prohibit that.

Mr. President, it has seemed to me there has been much misunderstanding about this weapon which is now called new; yet I think centuries ago certain gases were used in the wars of the ancient peoples; Greek fire was used; but, as I understand, article 5 might be construed to prohibit a flaming liquid?

Mr. LODGE. Oh, yes.

Mr. WADSWORTH. The question is, Can the treaty prevent one of two armies or prevent both armies from using weapons which will tend to destroy their respective enemies? I contend that no treaty can do that. Not only is war cruelty organized, but war is waged for destruction, and if the whole world knows that every chemical industrial plant within the borders of a nation stands ready any day of the year to turn out a weapon such as poison gas, which may be used by its soldiers in the field in the next great war, if there shall be another, the whole world will use that weapon. Not a day goes by in the industries of the United States but what poison gas is made as an incident to industry. Take chlorine. It is made from common salt; it is used all over this country to purify the water supplies of cities. Phosgene is used for exceedingly important industrial purposes.

Poison gas is used for the whitening of print paper, which makes it possible for newspapers to be printed in the form in which they now appear. These elements are used every day in our industrial life. Can any Senator tell me, that being the case and the weapon standing ready to hand in the event of a desperate struggle between armies, no army will use it, especially when it is known that in the last great war the weapon accounted for 30 per cent of all the casualties? Let us look things straight in the face as practical people.

It would be a blessing, Mr. President, could we abolish all these cruelties, such as the high explosives and the airplane bomb. Can there be anything much more cruel in its effects than a 2,000-pound bomb dropped from an airplane, literally tearing men to pieces? Nothing is said in this treaty about the use of airplanes which fly in the dark of the night and drop their loads of destruction upon huddled human beings, be they soldiers or civilians.

Mr. FRANCE. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Maryland.

Mr. FRANCE. Does not the Senator believe that all these horrors will be things of the past when we shall have ratified the pending treaties? I understood that the purpose of this treaty was to secure the peace of the world. If that is not its purpose, I should like to know what its purpose is.

Mr. WADSWORTH. I understand the Senator's sarcasm.

Mr. FRANCE. I should like to inquire of the Senator from New York, who is the chairman of the Committee on Military Affairs, if these treaties are merely treaties to make new rules for warfare, or if they are treaties to secure the peace of the world?

Mr. WADSWORTH. The Senator from Nebraska [Mr. HITCHCOCK] pointed to the possible development of this weapon if it is not prohibited. There is no possible way of preventing its development. It is being developed to-day. If we should disband our Army and our Navy completely, it would still be developed in our industries. It is being developed in every industrial country of the world. The industries to which I have referred have been familiar with the effects of gas upon the human organism for many years.

Mr. WALSH of Montana. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Montana.

Mr. WALSH of Montana. In connection with what the Senator from New York has said, that this development will go on, I desire to remind him that we were told a week ago that it was the purpose of the British Government to prosecute experiments for the purpose of producing more deadly gases, not that it intends to precipitate the use of them but to be in readiness in case another country should do so.

Mr. WADSWORTH. Exactly.

Mr. WALSH of Montana. Of course, the other country will be prosecuting similar experiments; so that the work of developing this weapon expressly for the purpose of war will apparently go on.

Mr. WADSWORTH. Inevitably. Mr. President, no nation in its senses will dare to refrain from developing it in research.

Mr. WALSH of Montana. What I mean is that it will not be necessary to rely upon such development as may take place in industrial life; the development will apparently go on by the nations themselves for the express purpose of using gases in war in case of an exigency.

Mr. WADSWORTH. The Senator from Montana has cited the case of Great Britain; I am not familiar with that; but why not be perfectly frank about it? We are doing it.

Mr. BORAH. And on a very large scale.

Mr. WADSWORTH. We are developing chemical warfare.

Mr. WALSH of Montana. I referred to a statement made about a week ago to the effect that British experts were over here in this country examining into the developments and experimentations that have been taking place here in the Chemical Warfare Service of our Army with a view to acquainting themselves with such improvements as we have made, and it was in that connection stated to be the purpose of the War Department fully to expose to the British experts everything that had been done here, so that they might have the advantage of any improvements and progress that had been made in that direction by our Government.

Mr. WADSWORTH. There is no doubt about that. Not only will development go on in industry inevitably—we could not stop it if we tried to—but every nation will endeavor, in the open or behind closed doors, to continue its research under governmental auspices, for no nation will dare take a chance. Poison gases have proved too effective a weapon to be ignored. I should be much discouraged if the Army of the United States ceased to experiment in the perfection of gas masks on account of this treaty. We do not dare stop endeavoring to perfect a mask which will protect our soldiers in the event that their enemy shall use gas against them, and the only way to perfect a mask is to experiment with the gases and to see what kind of gases will penetrate the masks. So the entire research circle is involved.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield further to the Senator from Montana?

Mr. WADSWORTH. I yield.

Mr. WALSH of Montana. I should like to inquire whether the production of poisonous gases and the prosecution of experiments for the purpose of developing this weapon has not been restricted in Germany by the combined action of the Allies?

Mr. WADSWORTH. Yes; I think it has been.

Mr. WALSH of Montana. Would it not be possible, then, to restrict the development by various nations in exactly the same way? In other words, in addition to the agreement here not to use poison gas, might it not be advisable to have a further provision to the effect that no nation shall conduct researches for the purpose of developing gases as a weapon of warfare, and providing for reports and inspection exactly as in the case of Germany? Would it not be possible in that way to restrict the research to industrial activities?

Mr. WADSWORTH. I think not, Mr. President. Two, three, or five nations might enter into an agreement to restrict research work in gases projected for war purposes, but we could not stop private citizens of a country engaging in such research work; that would be utterly impossible. We might just as well enter into an agreement prohibiting a group of nations from conducting research in ballistics and in the tensile strength of steel in order to prevent in the future guns being manufactured which will shoot more than 70 miles, as the Big Bertha, fired by the Germans, did during the recent war. We can not stop these activities.

It may be discouraging for a Senator to make such an admission, but, Mr. President, we have got to look facts in the face; we can not stop research work. When a weapon is invented by a private citizen, whether it be a Colt automatic or a Browning machine gun, if he is a patriotic citizen, he takes it first to his Government, and if the Government can use it, is the Government to say to him, "No; you must stop your efforts toward developing that gun"? The Government will never do it in the world. Nor can we stop the development of the use of gases. It will go on inevitably; it will go on to the end of time, in my humble judgment. We may not live to see the day, but for one I would not be the least surprised if chemical warfare, developed to its highest point of perfection, made war infinitely more merciful than it is to-day. It is quite within the realm of possibility that gases shall be developed which shall put a whole opposing force out of action and yet not injure permanently a man in that force.

I think article 5 is drawn somewhat carelessly. It starts out with this paragraph, although this is not apropos of my argument, Mr. President—

> The use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties—

The phrase "other gases" is all inclusive. It reads:

> Asphyxiating, poisonous, or other gases.

Mr. LODGE. To be used in war.

Mr. WADSWORTH. Yes; but there are gases used in war other than asphyxiating or poisonous gases.

Mr. TOWNSEND. What for?

Mr. WADSWORTH. For balloons, such as helium gas, and hydrogen. A strict construction would seem to prevent the use of any gas in war. Undoubtedly that is not meant.

I glance at the French text, and notice that the phrase is:

> Gaz asphyxiants, toxiques ou similaires.

It would seem in the French text that the word "similaires" ties the matter up, but in the English text the equivalent of "similaires" is not used. That, however, is a point of comparatively small importance.

I make these observations, lonely as I may be while making them, because I honestly believe that the condemnation referred to in article 5 as a "just condemnation" is not a just condemnation; that this form of warfare is not more cruel than other forms: in fact, the figures show that it is less cruel. I know, too, that there is a very grave dread that chemical warfare gases may be used indiscriminately against civilian populations. That is true; but so can every other weapon used prior to the World War and during the World War be used against civilian populations. Cities were shelled by high-explosive shells; Paris was bombarded by the so-called Big Bertha at a distance of 72 miles.

Many more people in the cities of Paris and London, innocent civilians, were brutally killed by high explosives than were kill by gases. In fact, I think none were killed by gases. The German planes that bombarded London at night and Paris at night dropped high explosives upon innocent people. To my mind that is contrary to the laws and usages of war. But I do not recollect that any specific prohibition of the use of high explosives on that account has been agreed upon by any two nations. And so if we are measuring and comparing cruelties and the dangers to civilians while a great war is going on, for the life of me I can not see how the danger is any greater when it is accompanied by the use of chemical warfare gases than it is when chemical warfare gases are not used.

In my humble judgment article 5 of this treaty will neither add to nor detract from the cruelty of war. My dread is that it will be disregarded, and once more a group of great powers will in the end convict themselves of insincerity.

Mr. LODGE. Mr. President, I am never very sure about my own memory, but I find that I was not mistaken in saying that the United States signed the treaties prohibiting the use of poison and poisoned weapons.

By the first Hague convention it was prohibited—

> To employ poison or poisoned arms.

And it was signed by Mr. Stanford Newel. I think the Senator probably overlooked it by looking at the adhesions on the first page. We signed; we did not adhere.

The second Hague convention——

Mr. WADSWORTH. Mr. President, may I interrupt the Senator? I have not examined that in some time, but my recollection is so clear that the American delegates declined to adhere or to agree on that occasion——

Mr. LODGE. Mr. President, they signed. They did not adhere, of course. They signed. The powers that adhered were the powers that did not sign, but adhered afterwards.

Mr. WADSWORTH. I will take the Senator's word for it, if it is in that book; but it is contrary to the testimony given before our committee.

Mr. LODGE. That is possible.

In the second Hague convention this language is used:

> In addition to the prohibitions provided by special conventions it is especially forbidden—
> To employ poison or poisoned weapons.

That treaty was signed by Joseph H. Choate, Horace Porter, U. M. Rose, David Jayne Hill, C. S. Sperry, and William I. Buchanan on the part of the United States. The ratification there was deposited at The Hague. In the first Hague convention Mr. Stanford Newel, minister at The Hague, signed,

and, of course, the name of the United States did not appear in the list of adhesions at the beginning.

Mr. WADSWORTH. With no reservation?

Mr. LODGE. No reservation that I can find at all. We have reservations, but not on that subject.

Mr. WADSWORTH. It is quite possible—in fact, it is more than possible; it is probable, now—that I was mistaken; but I invite the Senator's attention to the result. The nations paid no attention to it.

Mr. LODGE. That is quite true, yes; but I think, if the Senator will pardon me, that that is no argument. Undoubtedly the number of deaths in this war arising from poisoned wells was very small. Is that a reason for restoring to general use the poisoning of wells, which has been driven out of use simply by the effect of public opinion?

This clause in this treaty is not expected to prevent the use of poison gases at present. It is expected to do something toward crystallizing the public opinion of the world against it, and trying to make that public opinion more effective. I am aware that the losses of life in this war from poison gases were less than those from high explosives and other weapons; but it hardly seems to me an argument to say that because you kill more men with shells, therefore it is well to add another method of killing them. It seems to me just as well to get rid of methods of killing men, and to limit them as much as possible. The only way in which you can ever reach it is by the effect of public opinion. That is all that this clause is intended to effect. It is hoped that it will have some effect in that way.

It was obvious to the conference that it was impossible to make regulations for the production or the use of these poison gases, because they were made in the production of dyes and in all sorts of chemical productions of different kinds, and could not be dealt with. At least, no way yet has been found for their regulation or control for use in war; but there is the hope that public opinion may be crystallized against them, and I do not think it is an argument against a thing of this sort, any more than it is an argument to say, "What is the use of having statutes against murder? There are lots of murders. They will go on just the same. What is the use of passing statutes?"

In some way we want to build up public opinion, and the attempt was made here. It was made at The Hague. Of course, no attention was paid to it in the war. If the world is cursed with another such war, I dare say they will break out and use poison gases again; but there is always the hope that the opinion of the world may be so crystallized that it will prevent it, as public opinion alone has practically prevented the poisoning of wells or the giving of no quarter to prisoners. That has been done simply by the opinion of the world, and perhaps we shall get an opinion of the world by and by that will gradually be against all these methods; and if we can do something to stop one it is already something gained, and that was all. It is a repetition of what The Hague convention said, and was done with the same purpose.

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole and open to amendment. If no amendment be proposed as in Committee of the Whole, it will be reported to the Senate.

Mr. WADSWORTH. Mr. President, I simply desire the record to show my disagreement with article 5. Apparently I am not to have an opportunity to vote on it.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. If there be no amendment in the Senate, without objection the resolution of ratification will be presented to the Senate.

The Assistant Secretary read the resolution of ratification, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive M, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, Italy, and Japan relating to the use of submarines and noxious gases in warfare, concluded at Washington February 6, 1922.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCKINLEY]. I understand that if present he would vote as I shall vote, and therefore I will vote. I vote "yea."

I also desire to announce the absence of my colleague [Mr. ROBINSON] on official business. If present, he would vote "yea."

Mr. SHEPPARD (when Mr. CULBERSON's name was called). The senior Senator from Texas [Mr. CULBERSON] is unavoidably absent. If present, he would vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I am advised that if he were present he would vote as I shall vote, and I therefore vote. I vote "yea."

Mr. DIAL (when Mr. SMITH's name was called). My colleague [Mr. SMITH] is absent on official business. If he were present, he would vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I am informed that if that Senator were present he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], who, if present, would vote as I shall do. I therefore feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BALL. Has the senior Senator from Florida [Mr. FLETCHER] voted?

The VICE PRESIDENT. He has not.

Mr. BALL. I have a general pair with that Senator, but I understand that if present he would vote as I intend to vote. I vote "yea."

Mr. FERNALD. Making the same announcement as before, I vote "yea."

Mr. BROUSSARD. My colleague, the senior Senator from Louisiana [Mr. RANSDELL], is absent on business of the Senate. If present, he would vote "yea."

Mr. TRAMMELL. My colleague [Mr. FLETCHER] is temporarily absent from the Senate on official business. He is paired with the senior Senator from Delaware [Mr. BALL], and if present would vote "yea."

Mr. LODGE. I desire to announce the absence of the senior Senator from Connecticut [Mr. BRANDEGEE] on account of illness. If present, he would vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from Illinois [Mr. MCKINLEY], the Senator from North Dakota [Mr. LADD], the Senator from Colorado [Mr. NICHOLSON], the Senator from Oklahoma [Mr. HARRELD], the Senator from South Dakota [Mr. NORBECK], and the Senator from New Hampshire [Mr. KEYES] are absent on business of the Senate. If present, all these Senators would vote "yea."

I also wish to announce that the Senator from Delaware [Mr. DU PONT], the Senator from Minnesota [Mr. KELLOGG], and the Senator from Michigan [Mr. NEWBERRY] are necessarily absent. If present, they would vote "yea."

Mr. GERRY. I desire to announce that the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MCKELLAR], the Senator from New Mexico [Mr. JONES], and the Senator from Wyoming [Mr. KENDRICK] are absent on official business. If present, they would all vote "yea."

The roll call resulted—yeas, 72, nays 0, as follows:

YEAS—72.

Ashurst	France	McNary	Smoot
Ball	Frelinghuysen	Moses	Spencer
Borah	Gerry	Myers	Stanfield
Broussard	Glass	Nelson	Stanley
Bursum	Gooding	New	Sterling
Calder	Hale	Oddie	Sutherland
Cameron	Harris	Overman	Swanson
Capper	Harrison	Owen	Townsend
Caraway	Hitchcock	Pepper	Trammell
Colt	Johnson	Phipps	Underwood
Cummins	Jones, Wash.	Pittman	Walsh, Mass.
Curtis	King	Poindexter	Walsh, Mont.
Dial	La Follette	Pomerene	Warren
Dillingham	Lenroot	Rawson	Watson, Ga.
Edge	Lodge	Sheppard	Watson, Ind.
Elkins	McCormick	Shields	Weller
Ernst	McCumber	Shortridge	Williams
Fernald	McLean	Simmons	Willis

NOT VOTING—24.

Brandegee	Heflin	McKellar	Page
Crow	Jones, N. Mex.	McKinley	Ransdell
Culberson	Kellogg	Newberry	Reed
du Pont	Kendrick	Nicholson	Robinson
Fletcher	Keyes	Norbeck	Smith
Harreld	Ladd	Norris	Wadsworth

The VICE PRESIDENT. The yeas are 72, nays none. Two-thirds of the Senators present having voted in the affirmative, the Senate advises and consents to the ratification of the treaty.

TREATY CONCERNING CHINESE PRINCIPLES AND POLICIES.

Mr. LODGE. Mr. President, I shall not ask the Senate to continue with the consideration of the next treaty, but I ask that it may be taken up, so that it will be before the Senate and be the unfinished business.

The VICE PRESIDENT. The Chair lays before the Senate the treaty, which will be read by title.

The Assistant Secretary read as follows:

Executive P—A treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to principles and policies to be followed in matters concerning China, concluded at Washington February 6, 1922.

Mr. LODGE. I shall call the treaty up in the morning, and hope to have it disposed of.

GENERAL FEDERATION OF WOMEN'S CLUBS.

Mr. CUMMINS. As in legislative session, I report favorably, without amendment, from the Committee on the Judiciary the bill (H. R. 9979) to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs," and ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary read as follows:

Be it enacted, etc., That section 2 of the act entitled "An act granting a charter to the General Federation of Women's Clubs," approved March 3, 1901, be, and the same is hereby, amended to read as follows:

"SEC. 2. That the said corporation is authorized to acquire, by devise, bequest, or otherwise, hold, purchase, and convey such real and personal estate as shall or may be required for the purposes of its incorporation not exceeding $500,000, with authority in said corporation, should it be by it deemed necessary so to do, to mortgage or otherwise encumber the real estate which it may hereafter own or acquire and may give therefor such evidences of indebtedness as such corporation may decide upon."

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEACE PORTAL BETWEEN THE UNITED STATES AND CANADA.

Mr. LODGE. Before moving to go into secret executive session I offer the resolution which I send to the desk, for which I ask present consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 263), as follows:

Resolved, That the Senate of the United States desires to express its cordial sympathy with the erection and dedication of the peace portal between the Dominion of Canada and the United States as a memorial of the peaceful relations so long existing between the two countries, and extends to Samuel Hill and his associates its warm appreciation of their valued services in promoting this new bond of friendship between Canada and the United States.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent and unanimously agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in closed executive session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess in open executive session until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate, in open executive session, took a recess until to-morrow, Thursday, March 30, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 29 (legislative day of March 16), 1922.

UNITED STATES PUBLIC HEALTH SERVICE.

Asst. Surg. John F. Mahoney to be passed assistant surgeon in the United States Public Health Service, to rank as such from March 18, 1922.

Asst. Surg. Marion F. Haralson to be passed assistant surgeon in the United States Public Health Service, to rank as such from March 18, 1922.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

AIR SERVICE.

First Lieut. William Lewis Wheeler, Infantry, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY.

CHAPLAINS.

To be chaplains, with rank of captain, from March 23, 1922.

Chaplain Frank Campion Armstrong.
Chaplain Nathaniel Alexander Jones.
Chaplain George Runyan Longbrake.

POSTMASTERS.

CALIFORNIA.

Joseph C. Dutra to be postmaster at Chula Vista, Calif., in place of G. A. Wiard. Incumbent's commission expired January 24, 1922.

Fred C. Alexander to be postmaster at Yosemite National Park (late Yosemite), Calif., in place of M. A. Thornton, removed.

Bertha Johnson to be postmaster at Cutler, Calif. Office became presidential October 1, 1921.

GEORGIA.

James M. Lawson, jr., to be postmaster at Aragon, Ga. Office became presidential January 1, 1921.

Thomas W. Cobb to be postmaster at Warthen, Ga. Office became presidential April 1, 1921.

James W. Long to be postmaster at Ashburn, Ga., in place of J. F. Jenkins. Incumbent's commission expired August 7, 1921.

IDAHO.

William W. McNair to be postmaster at Middleton, Idaho. Office became presidential April 1, 1921.

Arthur W. Gayle to be postmaster at Dubois, Idaho, in place of J. E. Paul. Incumbent's commission expired January 24, 1922.

INDIANA.

John W. Williams to be postmaster at Walton, Ind. Office became presidential January 1, 1920.

William M. Lyon to be postmaster at Hillsboro, Ind., in place of H. J. Harris, resigned.

William E. Robinson to be postmaster at Jeffersonville, Ind., in place of J. E. Burke. Incumbent's commission expired July 21, 1921.

Ulysses G. Butcher to be postmaster at Oakland City, Ind., in place of Curtis Butler, resigned.

IOWA.

Glen M. Reynolds to be postmaster at Irwin, Iowa, in place of W. S. Branson, deceased.

KENTUCKY.

Lillian G. Hall to be postmaster at Eddyville, Ky., in place of P. C. Mayhugh. Incumbent's commission expired February 4, 1922.

MAINE.

Ivory J. Bradbury to be postmaster at Hollis Center, Me. Office became presidential April 1, 1921.

MASSACHUSETTS.

George B. Waterman to be postmaster at Williamstown, Mass., in place of P. J. Dempsey. Incumbent's commission expired January 24, 1922.

MISSISSIPPI.

William B. Stone to be postmaster at Fulton, Miss. Office became presidential April 1, 1921.

Henry P. Patton to be postmaster at Sardis, Miss., in place of J. H. McCraw. Incumbent's commission expired January 24, 1922.

MISSOURI.

Archie C. Atterberry to be postmaster at Atlanta, Mo., in place of W. N. Bledsoe. Incumbent's commission expired March 8, 1922.

John W. Smith to be postmaster at Browning, Mo., in place of J. R. Williams, resigned.

NEBRASKA.

Chester W. Harris to be postmaster at Ansley, Nebr., in place of L. D. Russell, removed.

Herbert C. Robbins to be postmaster at Wallace, Nebr., in place of H. C. Robbins. Incumbent's commission expired August 6, 1921.

NEW YORK.

George E. Opdyke to be postmaster at Landing, N. Y., in place of G. E. Opdyke. Incumbent's commission expired March 16, 1921.

John B. Read to be postmaster at Poland, N. Y., in place of Thomas McMahon. Incumbent's commission expired May 15, 1920.

NORTH CAROLINA.

A. Eugene Ward to be postmaster at Lake Junaluska, N. C. Office became presidential October 1, 1920.

OHIO.

Frank A. Hawkins to be postmaster at West Farmington, Ohio. Office became presidential October 1, 1921.

OKLAHOMA.

William A. Geren to be postmaster at Wetumka, Okla., in place of J. C. Puryear, resigned.

OREGON.

John A. McCall to be postmaster at Klamath Falls, Oreg., in place of W. A. Delzell. Incumbent's commission expired January 24, 1922.

PENNSYLVANIA.

Julia A. Ernst to be postmaster at Beavertown, Pa. Office became presidential July 1, 1921.

TENNESSEE.

Hilary R. Vaughn to be postmaster at Hendersonville, Tenn. Office became presidential April 1, 1921.

TEXAS.

Frances Ruge to be postmaster at Bandera, Tex. Office became presidential July 1, 1920.

Claud A. Howard to be postmaster at Bronson, Tex., in place of C. A. Howard. Incumbent's commission expired January 24, 1922.

VERMONT.

Walter J. Reirden to be postmaster at Richford, Vt., in place of C. M. Boright. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 29 (legislative day of March 16), 1922.

CHIEF JUSTICE OF SUPREME COURT OF HAWAII.

Emil C. Peters to be chief justice, Supreme Court of the Territory of Hawaii.

ASSOCIATE JUSTICE OF SUPREME COURT OF HAWAII.

Antonio M. Perry to be associate justice, Supreme Court of the Territory of Hawaii.

UNITED STATES MARSHALS.

Albert L. Sittel to be United States marshal, southern district of California.

W. F. Appleby to be United States marshal, western district of Tennessee.

POSTMASTERS.

ARKANSAS.

James H. Elkins, Blytheville.
Edwin C. Widener, Delight.
Benjamin W. Allen, Hamburg.
Ida Burns, Heber Springs.
Henry R. Osterholt, Jerome.
James F. Rieves, Marion.
Grace P. Stark, Marked Tree.
John Q. Skipper, Morrillton.
Edward L. Hamilton, McCrory.
Henry Bringman, Pine Bluff.
William O. Roberts, Sheridan.
Lee R. See, Swifton.
Edgar E. Hudspeth, Texarkana.

CONNECTICUT.

William S. Tifft, Seymour.

DELAWARE.

Stephen W. Miller, Camden.
Arthur S. Hearn, Laurel.
Mark L. Davis, Milford.
Josiah D. Robbins, Milton.
Willard L. Harris, Wyoming.

FLORIDA.

Charles N. Hildreth, jr., Live Oak.

GEORGIA.

Henry A. Moses, Uvalda.
Emmett D. Dial, Woodstock.

IDAHO.

Benjamin O. Braham, Kellogg.

INDIANA.

Joseph A. Spears, Loogootee.

IOWA.

Sid J. Backus, Algona.
Laura M. Smith, Montour.

KANSAS.

William R. Logan, Eskridge.
Henry Uhlenhop, Leonardville.
Leo Herrman, Liebenthal.
Philip S. McMullen, Norwich.

KENTUCKY.

Wyatt M. Insko, Carlisle.
Francis A. Wiseman, Cecilia.
Snowden Shirley, Sanders.
Albert R. Hornback, Sonora.

LOUISIANA.

Esther Boudreaux, Donner.
Harry J. Monroe, Elton.
Carl C. Brown, Haynesville.
Dennis M. Foster, jr., Lake Charles.

MAINE.

Everard J. Cove, Biddeford.
William C. Bryant, Lewiston.
Robert A. Alexander, Saco.

MASSACHUSETTS.

Russell E. McKenzie, Foxboro.
William S. Curtis, Hanover.
Samuel F. Brown, Indian Orchard.
Harry E. King, Millis.
Arthur I. Randall, Rockland.
Thaddeus B. Fenno, Westminster.
Benjamin R. Gifford, Woods Hole.

MICHIGAN.

Lewis J. Hough, Flushing.

MINNESOTA.

John J. Fitzgerald, De Graff.
Otto C. H. Heinzel, Sauk Rapids.
Edward B. Hicks, Winona.

MISSOURI.

Russell E. Worth, Bogard.
Fred R. Moran, Branson.
Alfred L. Jenkins, Chula.
Ada C. Luna, Gainesville.
Lewis E. Nicholson, Green Ridge.
Avery P. Blankenship, Holcomb.
Joseph Snider, Ludlow.
Mary Shivers, Malden.
Mary E. Blackburn, Malta Bend.
Lawrence J. Glover, Newark.
Henry Dodge, New London.
Fred M. Meinert, O'Fallon.

MONTANA.

Leontine M. Turco, Absarokee.
James N. Starbuck, Valier.

NEW HAMPSHIRE.

Albert C. Cochran, Andover.
Dana B. Rounds, Hill.

NEW JERSEY.

Fred D. Matteson, Berlin.
Charles Morgenweck, sr., Egg Harbor City.
Mary E. Cubberley, Hamilton Square.

NEW MEXICO.

Claud E. Herndon, Cloudcroft.

NORTH CAROLINA.

Marion B. Prescott, Ayden.
Jethro A. Hooper, Elizabeth City.
Otis M. Davis, Fremont.
Walter H. Finch, Kittrell.
Mack H. Brantley, Spring Hope.
Charles M. Freeman, Troy.

OKLAHOMA.

LeRoy K. Butts, El Reno.
James W. Elliott, Fairland.
George M. Caldwell, Maramec.
Dan Voorhees, Walters.

RHODE ISLAND.

Henry D. Banks, East Greenwich.

SOUTH CAROLINA.

Thomas J. Karnes, Georgetown.

TENNESSEE.

Mamie B. Riley, Humboldt.
Solomon Seches, Memphis.
Helen M. Ruef, Sewanee.
Ocie C. Hawkins, Stanton.

TEXAS.

Charles E. Wood, Alto.
Hugo Simon, Farmersville.
Lee K. McKewen, Huntington.

Wilmer D. Randolph, Menard.
Augustus S. Hightower, Millsap.
Thomas A. Matlock, Petrolia.
Hugh D. Burleson, Streetman.
Frank L. Irwin, Terrel.
John Plummer, Thurber.

WEST VIRGINIA.

Scott Straley, Janelew.
Herman H. Haeberle, Macdonald.
John W. Kastle, jr., Martinsburg.
J. Carlin Hustead, Meadowbrook.
William N. Cummins, Red Jacket.
Mamie H. Barr, Winfield.

WISCONSIN.

Theodore Buehler, jr., Alma.
James W. Simmons, Corliss.
Emma Thompson, Deer Park.
Harry J. Lugner, Nashotah.
Carlton C. Good, Neshkoro.
Harry B. Loper, West De Pere.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 29, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father of infinite truth and wisdom: Look upon us and see that our minds are awake with good desire. We accept this day as having some good meaning. Thou wilt not disappoint us; direct Thy purpose and in all diligence and high expectation may it be accomplished. Be with the family that is just now in the shadows of their sacred dead. Comfort them in faith that the blossom of the pure womanhood has only been transplanted to the gardens of God. Shed Thy light upon us that understanding and knowledge may prevail. We ask for true strength and true greatness to be revealed unto us. Bless our whole country. May our entire citizenship stand together in compelling desire for those principles that enrich and ennoble our Republic, and may the springtime of God come everywhere. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

WAR DEPARTMENT APPROPRIATION BILL.

The SPEAKER. The unfinished business is the bill making appropriations for the Army on which the previous question was ordered. The question is on agreeing to the amendments. Is a separate vote demanded on any amendment?

Mr. SISSON. Mr. Speaker, I ask for a separate vote on the items increasing the National Guard. I believe there are three of those items. I have not before me the bill as amended. Is that correct?

The SPEAKER. Yes.

Mr. SISSON. I ask for a separate vote on those amendments.

The SPEAKER. On each one of the three?

Mr. SISSON. Well, I do not know the numbers; I have not the amendments before me.

The SPEAKER. Does the gentleman want a vote on all three?

Mr. SISSON. On all three of those amendments. One amendment is——

The SPEAKER. The Chair thinks he understands what the gentleman desires. Is there any other amendment on which a separate vote is demanded?

Mr. BLANTON. I ask for a separate vote on the Dempsey $15,000,000 proposition.

The SPEAKER. Is there a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The question was taken, and the other amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 79, line 25, strike out "$800,000" and insert in lieu thereof "$1,002,800."

The question was taken, and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. CRAGO) there were—ayes 33, noes 48.

Mr. CRAGO. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that there is no quorum present. Clearly there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 188, nays 145, answered "present" 1, not voting 96, as follows:

YEAS—188.

Andrew, Mass.	Dunn	Kirkpatrick	Pringey
Ansorge	Dupré	Kissel	Purnell
Appleby	Dyer	Kline, Pa.	Radcliffe
Arentz	Echols	Kraus	Raker
Aswell	Edmonds	Kreider	Ramseyer
Bacharach	Elliott	Layton	Rayburn
Barbour	Ellis	Lazaro	Reavis
Barkley	Fairchild	Lea, Calif.	Rhodes
Beedy	Favrot	Leatherwood	Rogers
Benham	Fenn	Lee, N. Y.	Ryan
Bixler	Fish	Lehlbach	Sanders, Ind.
Blakeney	Focht	Lineberger	Scott, Mich.
Bland, Ind.	Fordney	Linthicum	Scott, Tenn.
Bland, Va.	Free	Little	Siegel
Blanton	Freeman	Logan	Smith, Idaho
Bond	Frothingham	Luhring	Smith, Mich.
Brooks, Pa.	Funk	Lyon	Snyder
Brown, Tenn.	Gallivan	McArthur	Stedman
Bulwinkle	Gensman	McClintic	Stephens
Burdick	Gernerd	McCormick	Strong, Pa.
Burroughs	Glynn	McFadden	Summers, Wash.
Butler	Graham, Ill.	McLaughlin, Mich.	Swank
Cable	Greene, Mass.	McLaughlin, Nebr.	Sweet
Campbell, Pa.	Greene, Vt.	McLaughlin, Pa.	Swing
Cantrill	Griest	McPherson	Tague
Carter	Griffin	MacGregor	Taylor, N. J.
Chandler, N. Y.	Hadley	Magee	Taylor, Tenn.
Chindblom	Hardy, Colo.	Maloney	Ten Eyck
Clarke, N. Y.	Hawes	Mapes	Tilson
Classon	Hawley	Merritt	Timberlake
Cole, Ohio	Hayden	Michener	Tinkham
Colton	Hays	Mills	Treadway
Connell	Hickey	Montague	Tyson
Connolly, Pa.	Hutchinson	Montoya	Underhill
Copley	Jefferis, Nebr.	Moores, Ind.	Vaile
Coughlin	Jeffers, Ala.	Morin	Vestal
Crago	Johnson, Ky.	Mott	Volk
Crowther	Johnson, Wash.	Nelson, A. P.	Walsh
Cullen	Jones, Pa.	Newton, Mo.	Wason
Curry	Keller	Norton	Weaver
Dale	Kelley, Mich.	O'Brien	Webster
Dallinger	Kelly, Pa.	O'Connor	White, Me.
Darrow	Kennedy	Osborne	Winslow
Davis, Minn.	Ketcham	Paige	Wood, Ind.
Dempsey	Kiess	Parker, N. Y.	Wyant
Denison	Kindred	Petersen	Yates
Dowell	King	Pou	Zihlman

NAYS—145.

Ackerman	Dickinson	Lawrence	Sears
Andrews, Nebr.	Dominick	London	Shaw
Anthony	Drane	Longworth	Shelton
Atkeson	Driver	Lowrey	Sinclair
Bankhead	Evans	Luce	Sinnott
Beck	Foster	McSwain	Sisson
Begg	Frear	Madden	Smithwick
Bird	French	Mann	Sproul
Black	Fuller	Martin	Stafford
Bowers	Fulmer	Mead	Steagall
Bowling	Garner	Millspaugh	Steenerson
Box	Garrett, Tenn.	Mondell	Stevenson
Brand	Garrett, Tex.	Moore, Ill.	Strong, Kans.
Briggs	Gilbert	Moore, Ohio	Sumners, Tex.
Britten	Goodykoontz	Moore, Va.	Thomas
Brooks, Ill.	Green, Iowa	Morgan	Thompson
Browne, Wis.	Hardy, Tex.	Nelson, J. M.	Tillman
Buchanan	Harrison	Nolan	Tincher
Burtness	Haugen	Oldfield	Towner
Burton	Hersey	Oliver	Tucker
Byrnes, S. C.	Hoch	Overstreet	Vare
Byrns, Tenn.	Hooker	Padgett	Vinson
Campbell, Kans.	Huddleston	Park, Ga.	Voigt
Cannon	Hudspeth	Parks, Ark.	Volstead
Chalmers	Hukriede	Perkins	Wheeler
Chandler, Okla.	Humphreys	Porter	White, Kans.
Clague	Johnson, Miss.	Rankin	Williams
Clouse	Johnson, S. Dak.	Reece	Williamson
Cole, Iowa	Kincheloe	Reed, W. Va.	Wilson
Collier	Kinkaid	Ricketts	Wingo
Collins	Knutson	Roach	Wise
Cooper, Ohio	Kopp	Robertson	Woodruff
Cooper, Wis.	Langley	Robsion	Woodyard
Cramton	Lanham	Rouse	Young
Crisp	Lankford	Rucker	
Davis, Tenn.	Larsen, Ga.	Sanders, Tex.	
Deal	Larson, Minn.	Sandlin	

ANSWERED "PRESENT"—1.

Herrick

NOT VOTING—96.

Almon	Connally, Tex.	Gorman	James
Anderson	Doughton	Gould	Jones, Tex.
Bell	Drewry	Graham, Pa.	Kahn
Boies	Dunbar	Hammer	Kearns
Brennan	Fairfield	Hicks	Kendall
Brinson	Faust	Hill	Kitchin
Burke	Fess	Himes	Kleczka
Carew	Fields	Hogan	Kline, N. Y.
Christopherson	Fisher	Hull	Knight
Clark, Fla.	Fitzgerald	Husted	Kunz
Cockran	Gahn	Ireland	Lampert
Codd	Goldsborough	Jacoway	Lee, Ga.

McDuffie	Patterson, Mo.	Rose	Sullivan
McKenzie	Patterson, N. J.	Rosenbloom	Taylor, Ark.
Mansfield	Perlman	Rossdale	Taylor, Colo.
Michaelson	Quin	Sabath	Temple
Miller	Rainey, Ala.	Sanders, N. Y.	Upshaw
Mudd	Rainey, Ill.	Schall	Walters
Murphy	Ransley	Shreve	Ward, N. Y.
Nelson, Me.	Reber	Slemp	Ward, N. C.
Newton, Minn.	Reed, N. Y.	Snell	Watson
Ogden	Riddick	Speaks	Woods, Va.
Olpp	Riordan	Stiness	Wright
Parker, N. J.	Rodenberg	Stoll	Wurzbach

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Kahn (for) with Mr. Bell (against).

Mr. Riordan (for) with Mr. Walters (against).

Mr. Sanders of New York (for) with Mr. Jacoway (against).

Mr. Sullivan (for) with Mr. Christopherson (against).

Mr. Carew (for) with Mr. Anderson (against).

Mr. Cockran (for) with Mr. Rosenbloom (against).

Mr. Hogan (for) with Mr. Lee of Georgia (against).

General pairs:

Mr. Miller with Mr. Almon.

Mr. Michaelson with Mr. Woods of Virginia.

Mr. Reed of New York with Mr. Goldsborough.

Mr. Lampert with Mr. Quin.

Mr. Patterson of New Jersey with Mr. Upshaw.

Mr. Mudd with Mr. Brinson.

Mr. Kearns with Mr. Drewry.

Mr. Wurzbach with Mr. Fisher.

Mr. Brennan with Mr. Kunz.

Mr. Murphy with Mr. Rainey of Illinois.

Mr. Olpp with Mr. Ward of North Carolina.

Mr. Kleczka with Mr. Doughton.

Mr. Speaks with Mr. Jones of Texas.

Mr. Hull with Mr. McDuffie.

Mr. Himes with Mr. Sabath.

Mr. Fess with Mr. Taylor of Colorado.

Mr. Snell with Mr. Wright.

Mr. Reber with Mr. Clark of Florida.

Mr. Rose with Mr. Fields.

Mr. Dunbar with Mr. Hammer.

Mr. Faust with Mr. Kitchin.

Mr. Patterson of Missouri with Mr. Connally of Texas.

Mr. Shreve with Mr. Taylor of Arkansas.

Mr. Ireland with Mr. Stoll.

Mr. Kendall with Mr. Mansfield.

Mr. Hicks with Mr. Rainey of Alabama.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the second amendment, which the Clerk will report.

The Clerk read as follows:

Page 79, line 25, strike out the proviso which reads as follows: "*Provided*, That this appropriation shall not be used to provide forage, bedding, etc., for more than 4,000 animals."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 80, line 20, after the parenthesis, strike out the figures "$9,000,000" and insert in lieu thereof "$11,000,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. SISSON. Mr. Speaker, I demand the yeas and nays.

Mr. STAFFORD. Mr. Speaker, may we have the amendment reported again?

The amendment was again reported.

The SPEAKER. On that the gentleman from Mississippi demands the yeas and nays.

The yeas and nays were refused.

Mr. STAFFORD. Mr. Speaker, I demand a division.

The House divided; and there were—yeas 146, noes 62.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 114, line 24, after the word "navigation," strike out the figures "$27,635,260" and insert in lieu thereof the figures "$42,815,661."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 172, noes 75.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

Mr. MANN. Mr. Speaker, a point of order. The yeas and nays have been refused.

Mr. BLANTON. Not on this vote. The gentleman is mistaken.

The SPEAKER. That was on the other amendment. The question is on demanding the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. ANTHONY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following resolution:

Senate Resolution 261.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. LUCIAN WALTON PARRISH, late a Representative from the State of Texas.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess till 12 o'clock meridian tomorrow.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 282) to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

REPORT OF ALASKAN ENGINEERING COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on the Territories:

To the Congress of the United States:

I transmit herewith, for the consideration of the Congress, the report of the Alaskan Engineering Commission, for the period from January 1 to December 31, 1920.

WARREN G. HARDING.

THE WHITE HOUSE, *March 27, 1922.*

AUSTRIAN DEBT FOR PURCHASE OF FLOUR.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 160.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 160, which the Clerk will report.

The Clerk read as follows:

Senate joint resoltuion No. 160 authorizing the extension for a period of not to exceed 25 years of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

Mr. MONDELL. Mr. Speaker, I make the point of order the motion is not in order. The resolution is not a privileged one.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] makes the point of order the resolution is not privileged.

Mr. LONGWORTH. Mr. Speaker——

The SPEAKER. Does the gentleman from Ohio desire to be heard on the question of the point of order?

Mr. LONGWORTH. I would like to be heard on the point of order.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. LONGWORTH. Mr. Speaker, the question involved in the point of order is whether this resolution carries with it the privilege conferred under the rules of the House upon bills raising revenue. The Constitution provides that bills for raising revenue must originate in the House, and paragraph 2 of Rule XI provides that bills relating to the revenue and such measures as purport to raise revenue and the bonded debt of the United States shall be referred to the Committee on Ways and Means. Paragraph 56 of Rule XI provides that the Ways and Means Committee have the right to report on bills raising revenue at any time.

The gentleman from Tennessee [Mr. GARRETT] the other day suggested that if this was a resolution to raise revenue, and hence privileged in the House, it would follow that the pre-

rogative of the House to originate bills raising revenue had been violated, because the resolution had passed the Senate first, and that we should request of the Senate, if this resolution should be held privileged as raising revenue, to return it to us. The question involved here, Mr. Speaker, is whether the construction of the words "raising revenue" are necessarily the same from the constitutional point of view as from the point of view of interpreting the rules of the House.

The point I desire to make, Mr. President, is this, that the Speaker may construe this resolution to be in order as a privileged matter without also holding at the same time that the constitutional prerogative of the House to originate bills raising revenue has been violated. I call the attention of the Speaker to the almost uniform course of decisions of Speakers of the House in passing upon the construction of the words "raising revenue" as applied to the rules of the House.

Section 3076, of Fourth Hinds', refers to a case where Mr. Payne, of New York, as a privileged motion, moved that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of a bill to provide for reciprocal trade relations with Cuba, and the point of order was made that that was not a bill raising revenue. But the Speaker, Mr. Henderson, said:

The Chair will call the attention of the gentleman from Minnesota to Rule XI, clause 59, which provides that the Committee on Ways and Means may report at any time on bills raising revenue; and it has been repeatedly held that that included bills affecting the revenue. So that under the decisions under that rule the Chair is clearly of the opinion that the gentleman has a right to call up the bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. LONGWORTH. With pleasure.

Mr. MANN. Is it not a fact that the House took the position when the treaty was passed providing for reciprocal relations with Cuba that it was a matter that the House had to act upon, and that the Senate could not, because it affected the raising of the revenue?

Mr. LONGWORTH. I was not a Member of the House at the time, and I do not recall.

Mr. MANN. I do not know in what form it came before the House. The House took the position at that time that it was a matter so much affecting the revenue that it must be passed by the House. I think we passed a law to that effect.

Mr. STAFFORD. That was the Cuban reciprocity act, which was voted upon in special session called by President Roosevelt on November 9, 1903.

Mr. LONGWORTH. Not this particular one. This was when Mr. Henderson was Speaker. That was the term before I came to Congress. I do not recall it.

Mr. MANN. I spoke of the essential question as to the matter of fact of raising revenue.

Mr. LONGWORTH. The decision of the Chair was based on the fact that this was a bill that affected revenue, and did not raise revenue necessarily.

Now, in section 4624 of Fourth Hinds', "The words 'raising revenue' in the rule giving privilege to the Committee on Ways and Means are broadly construed to cover bills relating to the revenue." Section 4625 reads:

Under later decisions the words "raising revenue" in the rule giving privilege to the Ways and Means Committee is broadly construed to cover bills relating to the revenue.

That was the case of a joint resolution in reference to a free zone on the frontier of Mexico, and a point of order was raised that it was not a privileged resolution because it did not raise revenue. But the Chair held that it was not necessary that a bill should directly raise revenue, but it was privileged if it affected, even in a remote degree, the revenue, as this resolution now before us does. It does not raise revenue, but it affects, at least remotely, the revenue.

Mr. GARNER. Mr. Speaker, will the gentleman yield in that connection?

Mr. LONGWORTH. I yield.

Mr. GARNER. The resolution, as I understand it, has for its purpose something affecting the United States Grain Corporation. Now, while the United States Grain Corporation was a corporation owned by the Government, yet technically it is a private corporation. This resolution only concerns the proceeds of loans made to Austria by the Grain Corporation.

Mr. LONGWORTH. Such profits as it may make will eventually be covered into the Treasury.

Mr. GARNER. The Speaker would be in error if he should rule that it would affect the Treasury. It only affects the credits due to the Grain Corporation.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. WALSH. Assuming that the effect of this legislation would be to provide that the receipt of this sum will just balance the books of the corporation, does that affect the revenue of the Government in any way?

Mr. LONGWORTH. As a matter of fact, this obligation of Austria is a direct obligation to the United States.

But, Mr. Speaker, the point I am desiring to bring out is this: That the rulings of the Chair have always been to broadly construe, in relation to the House, the phrase "raising revenue." On the contrary, the courts in interpreting the phrase "raising revenue" have always construed it very strictly wherever the question was involved of the right of the Senate to originate a bill that was objected to on the ground of raising revenue, and Justice Story laid down the rule, which has been followed uniformly by the Supreme Court, that revenue bills are those that levy taxes in the strict sense of the word and are not bills for other purposes which may incidentally create revenue. In other words, it does not follow by any means that the ruling of the Chair sustaining the privilege of this motion to go into Committee of the Whole House means that this bill is one raising revenue in the sense that the House is being deprived of its privilege to originate revenue bills.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. STAFFORD. Would the gentleman from Ohio go to the extent in his position of contending that if we passed a law authorizing the Emergency Fleet Corporation to sell its ships, to be paid for in a certain time, the modification of that law extending that time would be a bill affecting revenue and be privileged under the rules of the House?

Mr. LONGWORTH. I do not think it would be necessary to answer that question in this precise connection. Of course, there is a very fine line that comes in all these questions affecting revenue. Many bills do affect the revenue indirectly which are not, properly speaking, revenue bills.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. COOPER of Wisconsin. What is the form of the indebtedness of the Austrian Government to the United States?

Mr. LONGWORTH. It is in the form of an obligation.

Mr. COOPER of Wisconsin. Is it in the form of a demand note? They all are, as I understand it; $10,000,000,000 of them.

Mr. LONGWORTH. No. It is a bond, in a sense, which is quoted fully in the report.

Mr. COOPER of Wisconsin. Is there any time fixed for the payment?

Mr. LONGWORTH. Yes; the 1st of January, 1925; and the object of this resolution is to extend the period for 25 years for the payment both of the principal and the interest, and that provision, in my judgment, does affect remotely the revenue.

Mr. COOPER of Wisconsin. My understanding is that these obligations were demand notes.

Mr. LONGWORTH. No. The gentleman is thinking of the loans to the Allies.

Mr. COOPER of Wisconsin. That is what I thought.

Mr. LONGWORTH. This is not a war loan at all. It is purely for charitable purposes.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. LONGWORTH. I yield with pleasure.

Mr. MANN. We have in bills on irrigation projects and on a good many sales of public lands the provision that certain amounts of money shall be paid to the Government by those who purchase the land. We frequently extend the time of payment. Would the gentleman from Ohio claim that a bill to extend the time of payment of any of those sums should go to the Committee on Ways and Means and have a privileged status in the House as a bill affecting the revenue of the Government, though doubtless we will get more revenue that way than we will this way?

Mr. LONGWORTH. No. I would not claim that the Committee on Ways and Means had jurisdiction.

Mr. MANN. What is the distinction between a payment due to the Government that is not privileged and an extension extending the time for the payment of a loan due a private corporation owned by the Government and making that privileged?

Mr. LONGWORTH. I think this proposition stands on about the same basis as the original Liberty loan acts, which loaned money to various governments and provided for the payment. This provides for the payment by way of extension. It extends the period of the payment. The Grain Corporation bill was reported as a privileged bill by the Committee on Ways and

Means. It was taken up, as a matter of fact, under suspension of the rules, and passed almost unanimously, but it was reported as a privileged bill, as I recall.

Mr. MANN. The Committee on Ways and Means has reported in my day bills establishing a collection district and relative to an employee in a customhouse as privileged, but none of them ever got by as privileged.

Mr. LONGWORTH. The only reason that the one affecting customs districts did not get by as being privileged was because there was a clause in it which referred to the merchant marine.

Mr. MANN. Oh, no. They used to call up those bills as privileged until some bright gentleman—I think I was the first one, though not very bright—made the point of order that those bills were not privileged.

Mr. LONGWORTH. The gentleman was bright enough to make the point.

Mr. MANN. And the Speaker sustained the point of order that it was not a privileged bill, because it was not a bill raising revenue or a bill affecting the revenue, although it affected the customs service.

Mr. GARNER. Does not the gentleman know that every bill that comes from the Ways and Means Committee is privileged, according to the gentleman from Michigan [Mr. FORDNEY] and now followed by the gentleman from Ohio [Mr. LONGWORTH]?

Mr. MANN. No; but doubtless they would be glad if such bills were privileged.

Mr. LONGWORTH. I concede, Mr. Speaker, that there is a twilight zone in a great many of these bills affecting the revenue, but the point I desire to bring out clearly as to the contention of the gentleman from Tennessee [Mr. GARRETT], that any bill in order to be privileged because it raises revenue must originate necessarily in the House of Representatives, is that the distinction is quite obvious between the constitutional construction of the phrase "raising revenue" and the construction of the Presiding Officer of this House, where the only thing involved is the procedure of the House.

Mr. WALSH. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from Massachusetts.

Mr. WALSH. The gentleman is aware, of course, that the obligation of the Government of Austria was received from that Government under the signature of the vice president and treasurer of the United States Grain Corporation.

Mr. LONGWORTH. Yes.

Mr. WALSH. And apparently it is an independent transaction between the Government of Austria and the United States Grain Corporation, although the obligation is to pay to the United States Government in gold coin.

Mr. LONGWORTH. Yes.

Mr. WALSH. But it is a private transaction.

Mr. LONGWORTH. While the United States Grain Corporation acted then, as it does in all these transactions, as the agent of the United States Government, all the funds of the Grain Corporation eventually must find their way into the Treasury of the United States.

I do not desire to detain the House any longer, Mr. Speaker.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. Does the gentleman desire to discuss the point of order?

Mr. MONDELL. I wish to discuss the matter very briefly, Mr. Speaker.

The SPEAKER. The Chair is ready to rule.

Mr. MONDELL. Just a moment, if the Chair will allow me. I am favorable to the resolution which the gentleman from Michigan [Mr. FORDNEY] has attempted to call up. I think there is very little opposition to it in the House. There was, however, a very important question raised when the matter was first presented by the committee, as to whether or no this measure was privileged. If it was privileged because it raised or directly affected the revenue, then it should not have originated in the Senate. I think there are few who will contend that it does directly affect the revenue, and therefore it does not fall within the provision of the Constitution that revenue bills must originate in the House, but the gentleman from Ohio [Mr. LONGWORTH] raises the question as to whether or no there is a difference between the class of revenue measures that must originate in the House under the Constitution and the class of measures which may be considered privileged when reported from the Committee on Ways and Means. While there may be something in that argument, may I suggest that if there be a class of bills which do not fall within the constitutional provision that they must originate in the House, but which may nevertheless be considered as privileged when reported by the Committee on Ways and Means—whether that be true or not—this bill can not by any process of reasoning be brought within any such rule of construction, because it is not only not a bill raising revenue but it is not a bill directly affecting the revenue. It is a bill extending for a certain period of time the payment of certain obligations given by Austria to the Grain Corporation; and as the gentleman from Illinois [Mr. MANN] and other gentlemen have very clearly pointed out, if a measure of this sort may claim a privilege, then there is a very wide variety of bills that, when reported from the Committee on Ways and Means, might be declared to have a privileged status. It seems to me it is very clear, Mr. Speaker, first, that this is not a bill raising revenue or directly affecting it, and that therefore it might properly originate in the Senate; and, second, not being a bill raising revenue or directly affecting revenue, it has no privileged status here, although reported from the Committee on Ways and Means.

Mr. MOORE of Virginia. Mr. Speaker, may I say just one word on an interesting point suggested by this discussion? So far as the bills that are described in the Constitution as revenue bills are concerned, any question as to the character of those bills has been set at rest by decisions of the Supreme Court. There is quite a line of decisions by the Supreme Court and the other Federal courts to the effect that revenue bills within the meaning of the Constitution are in the strict sense revenue bills, bills that are designed simply for the purpose of raising revenue. That seems to be clear under the decisions; but on the other point I agree perfectly with the view presented by the distinguished gentleman from Illinois [Mr. MANN] and the gentleman from Wyoming [Mr. MONDELL], that if you are going to hold that a bill of this sort is within the meaning of the rule, then perhaps 75 or 85 per cent of the measures that are brought before the House might be placed in that category and would be considered as privileged.

Mr. MANN. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. MANN. Where do we get our claim to originate general appropriation bills?

Mr. GARRETT of Tennessee. Only by custom. There is nothing in the Constitution about that.

Mr. MANN. Why, from the very beginning of the organization of Congress this House has maintained that a general appropriation bill was a bill affecting revenue, raising revenue under the Constitution.

Mr. LONGWORTH. For a great many years the Ways and Means Committee had jurisdiction over appropriations as well as over measures raising revenue.

Mr. MANN. Certainly; and that is the only place where we get the claim which we have maintained ever since the Government was started, and have kept it in spite of a very ambitious body located elsewhere, which would like to have the privilege.

Mr. GARRETT of Tennessee. They have not learned about it yet. [Laughter.]

Mr. LONGWORTH. Will the gentleman yield?

Mr. MOORE of Virginia. I will.

Mr. LONGWORTH. I agree with the gentleman entirely, and I quoted a decision by Judge Storey that from a constitutional point of view the phrase "raising revenue" was always construed very strictly, but my point was that from the point of view of the rules of the House it had been construed very liberally, and I think the gentleman will concede that a bill which might be classed as a bill affecting the revenue under the procedure of the House would not necessarily be a bill which sought to be a bill raising revenue under the Constitution.

Mr. MOORE of Virginia. The Constitution is construed and its authorities cited in the case of Miller against Roberts (202 U. S. 429). While I agree with the gentleman from Ohio as to the point he has just made, I think he must agree with me that if the rule is given any such construction as he contends for, then any bill that remotely affects the question of revenue is privileged.

The SPEAKER. When this bill came over from the Senate the question was raised whether it was obnoxious to the provision of the Constitution that all bills for raising revenue must originate in the House, and, secondly, whether if that were not true that it was within our rule which gives the Ways and Means Committee power to report from the floor bills for raising revenue—both phrases being the same in the Constitution and the rules.

The Chair has had time to investigate the question with some care, and it seems to the Chair quite clear that this is not a bill for raising revenue as defined in the Constitution. The best definition the Chair has seen is in the Thirteenth of Blatchford, where the court says:

Certain legislative measures are unmistakably bills for raising revenue. These impose taxes upon the people, either directly or indirectly, or lay duties, imports, or excises for the use of the Government, and to

give to the persons from whom the money is exacted no equivalent in return, unless in the enjoyment in common with the rest of the citizens of the benefit of good government.

It seems to the Chair that that is a good definition of the phrase "for raising revenue," and that it does not include this bill. At the same time the Chair does not feel that it is necessary in this case to define exactly what the phrase does mean. The Chair was struck by the prudence of the court in another case, where in the One hundred and sixty-seventh United States it said:

What bills belong to the class of bills for raising revenue is a question of such magnitude and importance that it is the part of wisdom not to attempt by any general statement to cover every possible phase of the subject.

In accordance with that the Chair will not attempt to rule what bills could and what may not come under this phrase, "bills for raising revenue." While it seems very clear that a bill which postpones the payment by the Government of Austria of an obligation incurred to the Grain Corporation is not a "bill for raising revenue," the Chair recognizes force in the argument made by the gentleman from Ohio [Mr. LONGWORTH] that there is a difference by construction in the meaning of the same phrase when it occurs in the Constitution and in our rules. That has arisen somewhat out of necessity or convenience because every tariff bill, for instance, contains necessarily administrative features which are connected with raising revenue and yet which strictly are not "bills for raising revenue." Because of that and similar cases there have grown up by rulings of Speakers, acquiesced in by the House, precedents which hold some bills privileged, though not strictly and exclusively raising revenue, but relating to or affecting the revenue. But the Chair does not think these precedents can sustain the point made by the gentleman from Michigan that this bill is privileged. It seems to the Chair that it is not a bill for raising revenue under the rule any more than under the Constitution, and therefore the Chair sustains the point of order.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution.

Mr. GARNER. Why does not the gentleman ask unanimous consent to give the bill a privileged status, and then we will take it up under the rules of the House.

Mr. FORDNEY. Then, Mr. Speaker, I modify my request and ask unanimous consent that the resolution may be given a privileged status.

The SPEAKER. The gentleman from Michigan asks unanimous consent that Senate joint resolution be given a privileged status.

Mr. HARDY of Texas. Mr. Speaker, I have no idea of objecting to this request, but I want to ask unanimous consent for the consideration of another matter after this is disposed of.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. HARDY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein a report of the Shipping Board touching discriminations and various forms of Government aid to shipping. This is a very illuminating report; it is not very long, and I think it is well worthy of being printed in the RECORD, because it will afford a splendid opportunity for study of this great question.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I see the gentleman holds a document in his hand. Is that the one that he desires to have printed?

Mr. HARDY of Texas. That is the one.

Mr. MANN. I think I have one in my office which is three times as thick as that which the gentleman now holds.

Mr. HARDY of Texas. I have no doubt the gentleman has, and that has been sent to all of the Members of Congress. I wish this particular one could be placed in the RECORD so that Members may see it also.

Mr. MANN. Is it the same thing?

Mr. HARDY of Texas. No; it is different.

Mr. MANN. Was not the former one printed and sent around to Members of Congress?

Mr. HARDY of Texas. This was made in November.

Mr. MANN. Has not that been printed?

Mr. HARDY of Texas. Not that I ever heard of. It was sent with a letter of transmittal from the chairman of the Shipping Board to the members of the Merchant Marine and Fisheries Committee, but I do not think it was sent to the general membership of the House.

Mr. MANN. I received one some time ago, which I think was printed by the Committee on the Merchant Marine and Fisheries and which was sent to Members.

Mr. HARDY of Texas. I do not think this is the one. I want to get it in the RECORD, so that all of the Members can see it.

Mr. MANN. I hope the gentleman will defer his request until we can find out whether it has been printed or not.

Mr. SCOTT of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. SCOTT of Michigan. Is not this the first publication sent to the members of the Committee on the Merchant Marine and Fisheries?

Mr. HARDY of Texas. This was sent in November.

Mr. SCOTT of Michigan. Yes.

Mr. MANN. I have a printed copy of it.

Mr. HARDY of Texas. It must have been printed as a document, but it has not gone into the RECORD in any way.

Mr. MANN. But there is no need to print all of these things in fine print in the RECORD. No man with sense will read it in the RECORD. This has been printed in proper shape as a document.

Mr. HARDY of Texas. This is very illuminating, and Members of Congress should have an opportunity to read it.

Mr. MANN. It is so illuminating, I will state to the gentleman, that when I received it with a letter from a gentleman urgently in favor of ship subsidy, coming from the Shipping Board, I read it, and found that it was an argument against ship subsidy. I read it. It is in print. What is the use of printing it in the RECORD? It is available to everyone.

Mr. HARDY of Texas. But it is not in print accessible to Members of Congress.

Mr. MANN. Well, I am just an ordinary Member of Congress, and I have it.

Mr. WALSH. Mr. Speaker, is it the gentleman's purpose to have this voluminous document which we received the other day also printed in the RECORD?

Mr. HARDY of Texas. No.

Mr. WALSH. It has already been printed once, and has been received and probably read by a great many Members and forgotten by this time. I do not think we ought to establish the precedent of printing it in the RECORD.

Mr. HARDY of Texas. Does the gentleman know that this has been printed.

Mr. WALSH. I received a copy of it early in the year. I am quite sure.

Mr. HARDY of Texas. Mr. Speaker, I shall withdraw my request at present until I can further investigate the question.

AUSTRIAN DEBT FOR PURCHASE OF FLOUR.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 160, authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield pending that?

Mr. FORDNEY. Yes.

Mr. GARRETT of Tennessee. Has the gentleman any thought in his mind about the time which he wishes to use?

Mr. FORDNEY. No. I would like to arrange time that is agreeable. I do not think it is necessary to take up very much time. It is a matter that ought not to take up much time. I suggest 30 minutes on a side, if that would be agreeable.

Mr. GARNER. I have had some requests for time on this side of the House for general discussion of other matters.

Mr. FORDNEY. I have had no requests.

Mr. GARNER. The gentleman from Kentucky [Mr. THOMAS] asked for some time.

Mr. MONDELL. Mr. Speaker, may I suggest to the gentleman that we will take up an appropriation bill very soon, and then will have some general debate upon that.

Mr. GARNER. I have a request only from the gentleman from Kentucky. I do not know that I shall occupy more than 5 or 10 minutes. I imagine 30 minutes on a side probably would be sufficient. A gentleman in front of me just now asked for 5 minutes. The gentleman knows how these requests come.

Mr. MONDELL. Mr. Speaker, we can be rather liberal under the five-minute rule if gentlemen need more time. I think an hour ought to be enough.

Mr. GARNER. Very well; that would be agreeable.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that general debate be limited to 30 minutes on a side, one-half to be controlled by the gentleman from Texas [Mr. GARNER] and one-half by myself.

The SPEAKER. Pending the motion, the gentleman from Michigan asks unanimous consent that the time for general debate be limited to one hour, half to be controlled by himself and half by the gentleman from Texas [Mr. GARNER]. Is there objection?

Mr. KING. Mr. Speaker, reserving the right to object, will that give sufficient time for the gentleman from Michigan to yield to a few interrogatories in connection with the bill?

Mr. FORDNEY. I think so.

Mr. MANN. Reserving the right to object, will that grant sufficient time to make a statement about this loan, which is not apparently in the report?

Mr. GARNER. No; that will not give sufficient time, and if we had six hours it would not give sufficient time, because they have not the information. There was no hearing on this bill; there is no information so far as the committee is concerned touching the legislation at all.

Mr. MANN. I suspected that was the truth.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the joint resolution by title.

The Clerk read as follows:

Senate Joint Resolution 160, authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

The SPEAKER. The question is on the motion of the gentleman from Michigan.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 160, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the Senate joint resolution which the Clerk will report.

The Clerk read as follows:

Whereas the economic structure of Austria is approaching collapse and great numbers of the people of Austria are, in consequence, in imminent danger of starvation and threatened by diseases growing out of extreme privation and starvation; and

Whereas this Government wishes to cooperate in relieving Austria from the immediate burden created by her outstanding debts: Therefore be it

Resolved, etc., That the Secretary of the Treasury is hereby authorized to extend, for a period not to exceed 25 years, the time of payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and to release Austrian assets pledged for the payment of such loan, in whole or in part, as may in the judgment of the Secretary of the Treasury be necessary for the accomplishment of the purposes of this resolution: *Provided, however*, That substantially all the other creditor nations, to wit, Czechoslovakia, Denmark, France, Great Britain, Greece, Holland, Italy, Norway, Rumania, Sweden, Switzerland, and Yugoslavia, shall take action with regard to their respective claims against Austria similar to that herein set forth. The Secretary of the Treasury shall be authorized to decide when this proviso has been substantially complied with.

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, on the 15th day of March, 1920, the House passed practically unanimously a bill which authorized the Grain Corporation to dispose of 5,000,000 bushels of flour for cash or on credit at such price and on such terms and conditions that might be necessary to carry out the purposes of the act which was to provide relief for the starving population of a number of countries in Europe. That bill was the result of a great deal of pressure brought on Congress both by the administration and by many well-meaning citizens outside to relieve the frightful cases of destitution and starvation prevailing principally in Poland, Armenia, and Austria. The original proposition involved a loan of about $150,000,000. The Congress was loath at that time to grant such a loan, particularly after the war was over, based on charity, pure and simple. And by the process of evolution we arrived at an extension of credit under circumstances which took no money whatever out of the United States Treasury directly. It was found that the Grain Corporation had on hand as a net profit from its various transactions about $50,000,000 worth of flour. It was flour of not such a high grade as could be well disposed of in this country, but it was amply good for the starving people abroad. Following the passage of that bill about $24,000,000 worth of flour was sold to Austria on credit. We received from Austria an obligation similar to that which had been given to other countries who came to Austria's aid under the same circumstances, notably Great Britain, France, and Italy. The essential features of that obligation are these:

The Government of Austria for value received promises to pay to the Government of the United States of America, or assigns, on the 1st day of January, 1925, the principal sum of $24,066,798.56, on which interest will be paid half yearly at the rate of 6 per cent per annum from date of this obligation to the date of payment. Both the principal and the interest of this obligation will be paid in gold coin of the United States of America of the standard weight and fineness existing at the date of this obligation at the Treasury of the United States of America in the city of Washington, D. C., or at the option of one holder, at the subtreasury of the United States of America in the city of New York.

The principal and interest of this obligation will be paid without deduction for and will be exempt from any and all tax and/or charge, present and future, imposed by authority of the Government of Austria or its possessions or by any political or taxing authority within Austria.

This obligation is one of a series of obligations of similar tenor but in different amounts and payable in different currencies, all maturing on the 1st day of January, 1921, designated as "relief series B of 1920."

The Government agrees that no payment will be made upon or in respect of any of the obligations of said series issued by the Government of Austria before, at, or after maturity, whether for principal or for interest, unless a similar payment shall simultaneously be made upon all obligations of the said series issued by the Government of Austria in proportion to the respective obligations of said series.

Pursuant to the powers conferred upon it, the Reparation Commission has authorized the Austrian Government, under the control of the Austrian section of the Reparation Commission, to issue the present series of bonds, which shall be a first charge upon all the assets and revenues of Austria, and shall have a priority over costs of reparation under the treaty of Saint-Germain, or under any treaty or agreement supplementary thereto, or under arrangements concluded between Austria and the allied and associated powers during the armistice signed on November 3, 1918, without prejudice to the obligations of Austria to pay the expenses of the armies of occupation, of the Reparation Commission, and of restitution, and ,to make deliveries and payments in kind under the treaty of Saint-Germain (except under article 181, and paragraph 19 of annex 2 of part 8), and under any protocols or agreements in force to the extent to which such deliveries may be required by the Reparation Commission or in accordance with the provision of the said treaty, protocols, or agreements by an interested power.

In other words, this bond constitutes a mortgage on all of Austria's assets, and the fact is that to-day the total income of the Government of Austria is not sufficient to pay the interest on this debt.

Mr. GARRETT of Texas. Will the gentleman yield, if it will not interrupt him?

Mr. LONGWORTH. Very briefly.

Mr. GARRETT of Texas. I want to ask the gentleman, as this bond does not mature until January, 1925, why need it be extended at this time?

Mr. LONGWORTH. Simply because of the fact that Austria's assets and her funds are tied up absolutely by these mortgages. Now, at the time we passed this bill the situation in Austria was described by the then Secretary of the Treasury, Mr. GLASS, based upon definite information he had received from persons who had been in Austria, and was as follows:

AUSTRIA.

In Austria the acute misery and suffering are probably greater than in Poland. Two-tenths only of the present Austrian State are self-supporting in food, and the remaining eight-tenths, even before the war, produced food to supply themselves for six months of the year at most, and were dependent for the remaining six months upon importations. Consequently the situation to-day, especially in Vienna, has become exceedingly grave, due to a shortage of coal and food. There is every indication that unless some relief is afforded immediately the population can not withstand the strain of conditions that are already well-nigh intolerable. Coal and food rations for domestic consumption have been reduced below a safety minimum, and it is only a question of days before existing stocks will be exhausted, when even the present reduced rations will become impossible unless new supplies are obtained. Already the forests in the neighborhood of Vienna are being cut down for the fuel, as are also many of the wooden dwellings. Famine riots have broken out in some Austrian towns during the past months, and, although the population of Vienna has shown admirable patience, this city and large parts of Austria are faced with the danger of a complete breakdown, which, according to the chancellor, Doctor Renner, must unavoidably occur by the end of January unless outside assistance is obtained.

Mr. WALSH. Will the gentleman yield?

Mr. LONGWORTH. I will yield to the gentleman from Massachusetts.

Mr. WALSH. Is it the contention of the gentleman from Ohio that the collection of this debt by the United States should be postponed in order to give Austria a chance to contribute to reparation payments of France and Great Britain?

Mr. LONGWORTH. No; not at all. The object of this is to release Austria's revenues and assets from the mortgage which all those other nations hold upon it, and our release is based only on the condition that every other Government does the same thing in advance.

Mr. WALSH. What are they going to do with these funds when released—where are they going?

Mr. LONGWORTH. I assume that these funds will be used for the carrying on of the Government.

Mr. GARNER. Where does the gentleman get authority to make that statement?

Mr. LONGWORTH. I have no authority. I said I supposed. I do not know.

Mr. GREEN of Iowa. This is really for the purpose of enabling the Austrian Government to function, so that it may have its revenues, which are very insignificant and very small, indeed, to enable it to continue and go on with a view of relieving these suffering people to a certain extent.

Mr. WALSH. Will the gentleman state where he gets that information?

Mr. GREEN of Iowa. I get it from the Senate report and the investigation and hearings had on the subject.

Mr. WALSH. I did not know but what the gentleman was reading from a bulletin of the League of Nations.

Mr. KINDRED. Will the gentleman yield?

Mr. LONGWORTH. I promised to yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. The bond due our people, I understand, is something about $24,000,000 and some odd dollars?

Mr. LONGWORTH. Yes.

Mr. MANN. And the amount due Great Britain is equivalent to $16,000,000?

Mr. LONGWORTH. So I am informed.

Mr. MANN. Can the gentleman explain that part of the report where it says that Great Britain has loaned $16,000,000 and £5,560,460 and 8,863,960 lira? What do those figures mean?

Mr. LONGWORTH. These figures were taken from the Senate report.

Mr. MANN. The committee acted without any information, of course.

Mr. LONGWORTH. All the information was that these other Governments had loaned large amounts to Austria and were willing to release the assets if we did. I do not care whether it is sixteen or twenty or forty millions.

Mr. MANN. Would it not be just as well to have information on the subject? The figures in the report here are not intelligible or intelligent.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. I will.

Mr. GARNER. Of course they are not. Those figures were copied by the committee. There was no hearing before the committee. They are copied from another report, and there is not a man on the committee that knows more about it than does the gentleman from Illinois.

Mr. MANN. The figures $16,000,000 in one case and $16,000,000 in another and 154,000,000 lira——

Mr. GREEN of Iowa. I hope the gentleman from Texas is speaking for himself as to the matter of lack of information.

Mr. GARNER. I could not speak for the gentleman from Iowa, because, as I said before, he knows very little about anything.

Mr. MANN. If the gentleman from Ohio [Mr. LONGWORTH] can explain these figures, I think perhaps I will vote for them.

Mr. LONGWORTH. I do not regard it as a matter of very much importance as to the exact amount that the other Governments have loaned to Austria. All I need to know is that Austria is in a desperate state; that we have loaned Austria, or rather we have sold to her on credit $24,000,000 worth of flour; that she is unable to pay that debt or the interest on it; and when I voted for the grain corporation bill I cared nothing about what security we got. I regarded it, and I regard it now, as an act of noble charity. I do not regard it in the same class as the debts owed to us by our allies, which were made for war purposes, and which they have agreed to pay us, and which I believe they will pay us. This was made long after the war was over.

Mr. LONDON. In answer to the question of the gentleman from Illinois [Mr. MANN], I suggest that the figures appearing on the first page of the report, of dollars, pounds, and lira, represent three separate loans, and the loan was in specific currency on each occasion. On one occasion it was written dollars, and on another it was written pounds, and on another it was written lira.

Mr. MANN. Does the gentleman from New York say that the Government of Great Britain is loaning money in lira or dollars?

Mr. LONDON. The only explanation that I have is the one I have given.

Mr. MANN. That is no explanation. [Laughter.] I have been trying ever since this thing started to get some intelligent statement. The gentleman from Ohio may know, but he will not tell.

Mr. LONGWORTH. I repeat that these figures are taken from the Senate report. They are a matter of absolutely no importance whatever. All we want to know is that other countries have come to the relief of Austria; that they are willing to release their loan, provided we do. I do not care whether it is $16,000,000 or 16,000,000 lira, or what it is.

Mr. LAYTON. As a matter of fact there is but one thing in this whole proposition, and that is that we know we have loaned so much money and will never get it back; it does not make any difference about hearings or anything else.

Mr. LONGWORTH. We know this: That the House passed, practically unanimously, a bill which authorized the sale of this flour to Austria, and it knew what the condition of Austria was then—that it was desperate. We know to-day there is practically no improvement.

Mr. LAYTON. That it is worse.

Mr. LONGWORTH. If anything, it is worse. And we know we can not get any interest on this; and even if we could, even if Austria was physically able to pay, this whole thing was a gift of charity. It was not based on war. We did what other nations did, came to the relief of starving people. Now, all this resolution undertakes to do is to postpone for 25 years the collection of that debt. And all of these technicalities that have been raised as to the value of this security, and whether it is properly expressed in francs, or lira, or in pounds, I do not think has anything to do with it. [Applause.]

Mr. GARRETT of Texas. Here is the question I want the gentleman to answer. I do not care anything about the figures that the gentleman raises the question about. What I want to know is this: If this obligation does not mature until January 1, 1925, and we do not press Austria for settlement of interest prior to that time, how would Austria be any less embarrassed than she is now if we delay it for 25 years?

Mr. LONGWORTH. If somebody had a mortgage on all of the gentleman's assets and income, and it was more than he could pay, he would be very much relieved by some such action as this. We are doing this out of charity.

Mr. WALSH. Why not cancel the debt?

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

AUSTRIAN DEBT FOR PURCHASE OF FLOUR.

The committee resumed its session.

Mr. GARNER. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, as a general thing when the Republican members of the Ways and Means Committee get in trouble and get to a high hill which they have difficulty in climbing they call on the gentleman from Ohio [Mr. LONGWORTH], and he pulls over it all the camouflage information that he can gather on the outside and from his own intellect. When the committee ascertained that there was absolutely no information touching this matter naturally the gentleman from Michigan thought the gentleman from Ohio could perform better than anybody else, and he put him up to take the brunt of the fight.

Now, let us see what this bill really is. Some days ago Congress created a commission to do this identical work, and I want somebody to tell me why that commission does not function, if need be, in the matter of this Austrian indebtedness.

Mr. LONGWORTH. I am perfectly willing to answer it now.

Mr. GARNER. I will permit you to do so in a few moments. Nobody denies that this commission has the power to function. This commission, when appointed, can function and can function quickly, because all they have to do is to sit around the table with the duly authorized Austrian agent and settle the whole matter as proposed in this resolution.

But, gentlemen, that is not the reason for this resolution. In my opinion, this resolution is brought here for one purpose, and that purpose is that the refunding commission may say in the future that Congress has taken the lead in putting off the payment of the principal and interest of our foreign indebtedness for 25 years, and they are therefore authorized by precedent of Congress in extending the debt and interest on the loan for 25 years.

Mr. LONGWORTH. Will the gentleman permit me to ask him a question?

Mr. GARNER. I will.

Mr. LONGWORTH. Does the gentleman consider that the security is in the same class as those people to whom we loaned money?

Mr. GARNER. The gentleman from Ohio says the security is not in the same class as the other loans. Gentlemen, suppose you were representing Italy; suppose you were representing Greece, and you are negotiating with this Refunding Commission for the purpose of extending your debt; would you not call their attention to the action of Congress, in which they remitted not only the debt and interest for 25 years but released to Austria the security which it had given to secure the loan?

Mr. YOUNG. Mr. Chairman, will the gentleman yield?

Mr. GARNER. In a moment.

I say that the purpose of this bill, in my opinion, is to give this commission a shield behind which it can stand when anyone undertakes to criticize it for the methods pursued in settling these debts due from foreign governments.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. GARNER. In one second. I do not know, and neither do you know, and no man here knows but that when this security is released and this debt is extended for 25 years Austria will give that same security to some private individual or some other country. We release our security. What for? In order that Austria may give it to somebody else? There is not a particle of information before this House on that subject. There was none before the Senate, nothing to indicate that when this security was released some private individual, maybe some American banker, if you please, may not step in and say, "Now, for part of what you owe me or of what I will advance to you in addition, give me this security."

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. GARNER. I will yield to the gentleman in a moment. I will yield first to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I wonder, when the Italian loan is up before the American commission for settlement and the Italian representative reads of the passage of this resolution to the American commissioners, whether the gentleman thinks the Italian commissioner would read the gentleman's speech to the American commissioners at the same time. [Laughter.]

Mr. GARNER. Well, I will say to the gentleman from Illinois that I think this resolution should not pass before this situation is called to the House's attention. When it was discussed in the committee room it was suggested that this was merely a matter of $24,000,000, a mere bagatelle in proportion to the sums of money that we have been considering and talking about for the last four years.

Mr. MANN. In comparison with those sums of money, it is a mere bagatelle.

Mr. GARNER. That is a small consideration. Why, there was no hearing. They merely remarked that the Senate had passed it unanimously. I took the trouble to look at the Senate record, having curiosity to know what was said over there. There is only a short passage in the Senate record devoted to it. The Senate called it up, and it was stated that the Austrians could not pay, and it went through.

Mr. LONGWORTH. There was quite an extended debate in the Senate, covering four or five pages.

Mr. GARNER. But there was no information given.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GARNER. Yes.

Mr. GARRETT of Tennessee. Of course, we passed the Russian relief bill without information. Is not this one of those emotional bills?

Mr. GARNER. Well, I will say to my friend from Tennessee that such is the only argument we have had offered on this floor, that it is charity, and the additional fact that a charming lady by the name of Todd has interviewed everybody concerning it. I do not know whether that is "emotional" or not, but that is the situation as we find it. [Laughter.]

Mr. GARRETT of Tennessee. The gentleman will concede that he and I are immune. [Laughter.]

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. GARNER. Yes.

Mr. KING. I understand that there is security in the shape of bonds that are a first charge on the assets of the Austrian nation. Have we some of those bonds in the possession of the Treasury here?

Mr. GARNER. I will say to the gentleman from Illinois that I have not that information, and no one else has it. I repeat, that when a committee that comes into this House without information touching a measure that is brought before it, a measure involving $24,000,000, if it has not information that measure ought to be recommitted until they can bring in some information to this House which will at least afford some degree of satisfaction. They have certainly not done it in this case, and whenever you begin to send bills back to committees, when they come before you without information, you rebuke them to that extent, so that in future they may try to bring in some information upon which you can vote intelligently.

Mr. KING. Was there any information before the committee as to what was to be done after these bonds were taken out of the Treasury and sent back to Europe?

Mr. GARNER. I have tried to tell the gentleman from Illinois and every other gentleman that there was absolutely no information. I hope that makes it plain. The only information that exists on God's green earth is what the gentleman from Iowa [Mr. GREEN] in his mind thinks he knows. [Laughter.]

Mr. KING. Does the gentleman think they will reach the hands of international bankers?

Mr. GARNER. I do not want to impute bad motives to a government, but I say this can be done. You can release this security, and that same security can be given to the National City Bank of New York to secure whatever debts it had then against the Austrian Government or whatever extensions it might make after to-day.

Now, as to what the gentleman from Ohio [Mr. LONGWORTH] said in reference to reparations, I do not know anything about that matter. I think the commission that we created to look into this matter can get information. They would be the proper parties to settle the matter with Austria. That is why I suggested to the committee that we ought to refer it to the commission and let the commission settle it. But they said, "This commission is not yet functioning, and this is a very important matter." Gentlemen, do you know how long it will take the various countries to pass these bills? Read the resolution and see under what conditions the release of the security is to be made. All that those Governments have got to do is to pass an act releasing its security after ours is effective. Some of those legislative assemblies are not now in session and will not be in session for a year.

Mr. YOUNG. Some of those Governments can act without an act of their legislative body.

Mr. GARNER. Gentlemen undertake to give us information that they do not know themselves. I doubt if the gentleman knows.

Mr. MANN. The gentleman from Texas is well informed.

Mr. GARNER. I admit that I am not informed.

Mr. MANN. Can he give us information as to what is meant by "substantially the other nations of the world"?

Mr. GARNER. I will say that the gentleman from Iowa [Mr. GREEN], every time you ask him about a matter of information, smiles and tells you he knows all about it. I want him to get up and divulge what is in his mind in regard to this situation.

Mr. GREEN of Iowa. The gentleman wants me to answer?

Mr. GARNER. Yes. That is what I ask the gentleman.

Mr. GREEN of Iowa. In the bill, to wit, the particular nations that are stated as parties in the bill.

Mr. MANN. What are "substantially all" of thirteen?

Mr. GREEN of Iowa. If the gentleman does not know what nations are meant by the words following "to wit," then I can not tell him.

Mr. MANN. What are "substantially all" of 13 nations?

Mr. GREEN of Iowa. Oh, I can not tell the gentleman what the Senate meant by that language.

Mr. MANN. No; I guess not.

Mr. GREEN of Iowa. But I can tell you what nations are referred to.

Mr. MANN. The nations are set out in the resolution.

Mr. GREEN of Iowa. Of course.

Mr. MANN. But what does "substantially all" of them mean?

Mr. GREEN of Iowa. It means the major part.

Mr. MANN. Does it mean seven, then?

Mr. GREEN of Iowa. It means the particular nations mentioned there.

Mr. MANN. Does it mean all of them? No. That would not be "substantially all." What does it mean? Does it mean seven, a majority, or a minority? Does it mean twelve, eleven, seven, or six? Who knows? Even the gentleman from Iowa fails to tell us. [Laughter.]

Mr. GREEN of Iowa. Even the gentleman from Illinois can not get away from the fact that the nations are specifically mentioned there, and the joint resolution tells him just exactly what they are.

Mr. MANN. Nobody knows which nations will be required under this to remit.

Mr. GREEN of Iowa. But it specifies particularly the nations.

Mr. MANN. It does not. It specifies "substantially all" of 13 nations. What does "substantially all" of them mean?

Mr. GREEN of Iowa. It specifies that these nations have got to remit.

Mr. MANN. It does not say anything of the kind.

Mr. WALSH. Will the gentleman from Texas yield?

Mr. GARNER. I yield to the gentleman from Massachusetts.

Mr. WALSH. I understood the gentleman from Iowa to state that one purpose of this legislation was to permit the Austrian Government to function. I should like to ask the gentleman if he knows of any legislation pending before the Ways and Means Committee designed to permit the Government of Russia to function or the new government of Ireland to function?

Mr. GARNER. Oh, well, that is one of those expressions that fall from the lips of the gentleman from Iowa [Mr. GREEN] when he thinks he has information, and has none, and has got to say something. [Laughter.] Now, gentlemen, "substantially all" of these nations must act before Austria can function.

Mr. GREEN of Iowa. "The gentleman from Iowa" just said they did not have to.

Mr. GARNER. "Substantially all" of these nations must remit this security before Austria can function. Now, how long is it going to be before these nations will remit this security? They say this must be done at once, and therefore this commission will not have time to act, that Congress must act quickly. It will take from six months to a year for these other nations to act. Who will say that this commission will not be in shape to function within 30 or 60 days? Why not leave this proposition to our commission that we created for that purpose? You will get your action just as quickly as you will by passing this joint resolution, and the relief will reach Austria just as quickly as it will by Congress setting a precedent by passing this joint resolution necessitating the approval of all the other nations and extending this time of payment 25 years. That part of it I am opposed to.

Mr. LONGWORTH. The gentleman has always been against making any loan of this sort.

Mr. GARNER. Yes, Mr. Chairman; I am against making loans of this kind, and I am especially not in conformity with the views of the gentleman from Ohio when he wants to remit all the debts due us by foreign countries.

Mr. LONGWORTH. "The gentleman from Ohio" does not want to do that, and never said he wanted to.

Mr. GARNER. The gentleman now says he does not; but I heard him here in a speech in the House say substantially that if it made any difference with the theory of the protective tariff he was willing to let them all go.

Mr. LONGWORTH. No; the gentleman from Ohio never made any such remark, or anything approaching it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARNER. I yield to myself one minute more.

Now, gentlemen, nothing can be lost, I repeat, by recommitting this resolution to the Committee on Ways and Means; and if you gentlemen do not want to set a precedent that will come back to plague some of you when you discuss foreign loans in the future, you had better refer this back to the committee, and at least require them to give you some information before you vote on an important matter like this.

Mr. ROACH. Will the gentleman yield for a brief question?

Mr. GARNER. Yes.

Mr. ROACH. Has the gentleman any knowledge as to the character and value of these securities which it is proposed to release by this joint resolution?

Mr. GARNER. I will tell my friend what I have said already four or five times—that there is no information. [Laughter.]

Mr. ROACH. Would it not have been an easy matter for the committee to have obtained that information?

Mr. GARNER. Oh, yes; it would have been an easy matter to get information on this subject; but the trouble is you have Republican members of your committee who do not seem to want any information. They think that they can make you swallow anything they bring in here.

Mr. ROACH. Has Austria asked for the passage of this joint resolution?

Mr. GARNER. I do not know that she has.

Mr. FORDNEY. I yield to the gentleman from Iowa [Mr. GREEN] five minutes.

Mr. GREEN of Iowa. Mr. Chairman, I hope I can furnish some information to the House, but I despair of getting any information into the mind of the gentleman from Texas.

First, I will answer the inquiry which the gentleman from Missouri [Mr. ROACH] directed to the gentleman from Texas as to the nature of these assets. They constitute practically all the property of the Government of Austria, including its revenues; but, just the same, they are really of no value, because they can not be sold to realize anything out of them and because the claims of these other countries are equally a lien upon them.

Mr. CARTER. What are they?

Mr. ROACH. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. ROACH. What was the object in taking the securities if they were of no value?

Mr. GREEN of Iowa. Because we took whatever we could get. I think myself we might as well have not taken any.

Mr. ROACH. What are the securities?

Mr. GREEN of Iowa. It is upon what was formerly the crown property——

Mr. LONGWORTH. If the gentleman will read the report he will not ask that question; that is all in the report. That is what the report is for.

Mr. GREEN of Iowa. The gentleman from Illinois asked if some of the bonds would not be given up. Certainly not. If the gentleman will read the resolution, he will see that it provides that no bonds shall be given up. In fact, we hold no bonds.

Mr. KING. If the gentleman refers to me as the "gentleman from Illinois," I want to say that I have read the report and the resolution. I want to know where the bonds are going and to whom they are going before we consent to this.

Mr. GREEN of Iowa. They are going to nobody. The resolution does not provide for anything leaving the United States Treasury. If it was not for the misleading statements made by the gentleman from Texas, nobody would have thought of such a thing. All we hold is the obligation set out on page 2 of the report.

Mr. BUCHANAN. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. BUCHANAN. What right have you to release the bonds of Austria and then keep them in the United States Treasury?

Mr. GREEN of Iowa. We do not release the bonds. There are no bonds. We simply extend the time for payment. If the gentleman would read the report and the resolution he would not make such statements or ask such questions.

Mr. BUCHANAN. What are you going to release?

Mr. GREEN of Iowa. We are going to release nothing but the lien given by the obligation; we only extend the time for payment, and that is contingent on other nations releasing. We do that for the purpose of enabling the Austrian Government to function.

Gentlemen say this is an emotional bill. Perhaps it is. It certainly does appeal to me where men, women, and children are dying of starvation and the Government of Austria has no means of relieving them. That Government has nothing whatever but the assets that are pledged to this Government. These assets are its revenues and ordinary Government property. It has not enough to continue, as stated in the report, until the next harvest, and it has got to borrow from some other source to get funds enough to keep the Government as an entity to furnish supplies to starving people.

Mr. CARTER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CARTER. What is the evidence that we hold as assets of the Austrian Government that we are going to release—what is the document, and what do we do to release it?

Mr. GREEN of Iowa. The document is in the hands of the United States Government and is set out on page 2 of the report.

Mr. CARTER. What is the document if it is not a bond?

Mr. GREEN of Iowa. It is not a bond; it is a pledge by the Austrian Government as security and evidence of indebtedness.

Mr. WALSH. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman.

Mr. WALSH. Does not the Government of Austria support the children who are starving?

Mr. GREEN of Iowa. So far as it can. Austria, as stated by Mr. Hoover, has become the poorhouse of Europe, struggling along without the power to take care of its people, without the power unless we release the assets to carry on organized government.

Mr. WALSH. I thought the poorhouse was in the Volga district in Russia. [Laughter.]

Mr. GREEN of Iowa. It may excite the laughter of some Members of the House that people over there are dying of starvation, but I think we ought to have some compassion for them and relieve them.

Mr. STEVENSON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. STEVENSON. What I would like to find out is, what are the assets that are to be released?

Mr. GREEN of Iowa. All the Government property and its revenues, as I understand it, pledged for security. The obligation set out on page 2 creates the lien. It is taken jointly by our Government and the other nations mentioned in the resolution. There is no way that we can get anything out of this security, if it can be called such.

Mr. FORDNEY. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Chairman, I intend in my time to read a communication I have received from the Women's Legislative Committee. It is as follows:

WOMEN'S LEGISLATIVE COMMITTEE,
March 29, 1922.

Hon. JOHN I. NOLAN,
House of Representatives, Washington, D. C.

MY DEAR MR. NOLAN: The American Friends' (Quakers) Service Committee, the Women's International League, and the American Committee for Austrian Relief have requested me to express to you their deep appreciation of your support of S. J. Res. 160, introduced in the Senate by Senator LODGE and in the House by Representative LONGWORTH.

The Women's Legislative Committee was fortunate enough to be able to put before each Member of the Senate their reasons for the necessity of the immediate passage of this bill. Owing to the lack of time and to a much larger membership, we are not able to do this in the House. May I therefore ask you to present the following statement, which I believe represents not only the point of view of the four or five thousand women represented in these organizations but of the majority of American women.

The women of America are unable to rest or to enjoy the peace of their own homes while the children of other nations starve. It is impossible for us to gather at our own well-filled tables with our children about us without turning sick at heart at the thought of the famine-stricken mothers and children of Europe. The knowledge of their suffering is ever present with us. The majority of women being occupied in their homes and not being present in your legislatures or your councils often find it difficult to make their opinions felt and their wishes known. It is therefore possible that the deep feeling of interest of women in legislation which looks toward the conservation and betterment of life has not been adequately expressed. We therefore take this opportunity to assure the Members of this body that we have prized beyond our ability to express every generous and disinterested act looking toward the welfare of mankind which has passed this House.

So great is the interdependence of life in this century that if we think only of our own welfare, the starvation and despair of Europe must eventually overwhelm America. The command to "love one another" is therefore not merely a sentiment but an economic necessity. We believe that it is not only in the interest of humanity but of true statesmanship and prudence that this bill, which will enable Austria to have a chance for life, should be immediately passed.

During these recent years the Governments of the various countries have required of women that they agree to, and participate in, a destruction of life unparalleled in history. This war would end all war if what it has cost women could be put into words. Women therefore feel that they have a right to demand of those who represent them in the Senate and the House that the same power be put into the saving of life in time of peace as has been concentrated upon the destruction of life in time of war.

For the past five years the resources of our entire world have been concentrated upon the destruction of human life. With the coming of peace women believe that the saving of life should be the most important concern of the community, and that all other affairs of State should be secondary to the one duty of a Christian nation, which is feed and save the starving people of our world. This is the only bonus which women ask or can accept from their Governments, and they ask this in the name of their universal motherhood and of their irreclaimable dead.

Sincerely yours,

HELEN M. TODD,
Chairman Women's Legislative Committee.

Mr. GARNER. Mr. Chairman, I yield nine minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I do not know much about this bill or resolution, and I do not think anyone else does. However, I heard a couple of clear and lucid statements, one from the gentleman from Ohio [Mr. LONGWORTH] and the other from the gentleman from Iowa [Mr. GREEN]. Mr. LONGWORTH stated the bill would extend the time for payment, but that it was not an important matter, as Austria would never be able to discharge the debt. I thought if Austria could never pay the debt, why take up the time of this House in extending the time five years before the debt is due for the payment of a debt that will never be paid? [Laughter.] I consider the gentleman from Ohio one of the ablest Members of the House, but he evidently got his wires crossed on this question. The gentleman from Iowa [Mr. GREEN], in speaking on this Austrian bond question, made the statement that the bonds are worthless and then immediately stated that the Austrian Government can not function without these bonds. [Laughter.] Now, it occurred to me, How could a government function with worthless bonds? These two statements, to my mind—I may be obtuse—were both as clear as Stygian darkness. [Laughter.] Mr. GREEN denies he made the statement, but I heard him make it. Mr. GREEN, in my opinion, is a gentleman, and I do not believe he realizes what he did say. If he knew he did make the statement, I do not believe he would deny it. He was evidently suffering from a momentary confusion of ideas, probably superinduced by the illuminating information contained in the committee's report on the bill. [Applause.]

There are a great many people in this country who desire to make a Santa Clause out of the United States so as to give the world the privilege of plucking from our national Christmas tree any kind of money or food gifts that it desires. All this agony is for the people of foreign countries, but the matter of relief seems to be of secondary or rather of no consideration for home people with the party of great foreign charity and high moral ideas. I have been taught that charity begins at home, and it seems strange to me why the Republican Party fails to do anything to relieve the suffering people in America, but expends its charity exclusively on foreigners. We have from four to six millions of people out of work in this country, and about 700,000 soldiers of the last war out of work tramping the streets of the cities and the byways of the country seeking employment which they fail to find under this administration of normalcy and universal prosperity, and yet we have loaned money and extended charity to various foreign countries, and recently we gave to Russia $24,000,000. Not so very long ago I introduced a bill in this House for the relief of suffering families of coal miners in various regions of the coal-mining industry. That bill was sent by the Speaker to the Committee on Mines and Mining. That committee permitted me to make a statement as to the merits of the bill, which I did. I requested the committee to grant a hearing on the bill in order that witnesses might be produced to testify as to the suffering condition of coal miners' families in some of the coal fields. That request was denied by the committee for the reason, as the committee ruled, it did not have jurisdiction in the matter, because the bill contained an appropriation and should be referred to the Committee on Appropriations. I then requested that the appropriation be eliminated and that the committee authorize the appropriation which could then be made by the Committee on Appropriations. This request was refused. I then introduced another bill of the same import and prevailed on the Speaker to assign it to the Committee on Appropriations. I then requested in writing the chairman of that committee, Hon. MARTIN B. MADDEN, to grant a hearing on the bill. I did not receive a reply to my request. I thought possibly Mr. MADDEN did not receive my first letter, and I wrote him a second letter, making the same request, and forwarded it by registered mail and asked for a return receipt, which I received.

I did not receive any reply to either letter from that militant champion of the laboring man, especially about election time, and the bill for the relief of families of miners pending before his committee sleeps the sleep that knows no waking. The Committee on Mines and Mining refused to consider the bill because it contained an appropriation, and on that account would be subject to parliamentary objection, and yet the bill appropriating $24,000,000 to Russia was reported to the House from the Committee on Interstate and Foreign Commerce and was subject to the same parliamentary objection, but none was made; and yet the Committee on Mines and Mining would not consider the bill for the relief of the miners because it might be subject to parliamentary objection, which was a tacit admission that such objection would be made. The shibboleth of the Republican Party is millions for Russia and other foreign countries but not a cent for suffering humanity at home, and the veiled threat of parliamentary objection, if necessary, is made to defeat the bill.

As an offset to this bill the Republicans have introduced a resolution for an investigation as to the condition of the coal situation throughout the country. The resolution does not carry any appropriation whatever to relieve the wants of starving coal miners and their families, who can not live on Republican investigations nor exist on Republican promises.

Why does not the Republican Party do something for the poor of our own country? That party never adopts a political platform that does not proclaim in rambling rhapsody its adoration and love for the laboring people of the country, and just before every election that party makes ringing and platitudinous professions about what it will do for the laboring people, but after the election it forgets about all its profuse promises and expends its charities in foreign countries. With from 4,000,000 to 6,000,000 people out of work in the United States, why does not the Republican Party at least attempt to enact some legislation to relieve the situation? With a coal strike impending, the entire alleged statesmanship of the Republican Party from the President down is unable to do anything to prevent a coal strike, although that party imputes to itself a corner on all the intellect and morality of the universe.

Nero fiddled while Rome burned, and the Republican President, the greatest living statesman, spends his time having pictures of Laddie Boy taken and plays golf in Florida while

financial disaster is threatening the whole country, and boasts of being the proud possessor of 50 pairs of trousers while suffering coal miners in his own State are half naked and half starved and mine operators have been deprived of business. You are helpless. Yet you will go out in the campaign this fall and will try to deceive the laboring people and mine operators by telling them what you have done for them, whereas you have done nothing. You talk about prosperity. Is there any prosperity in the country with 6,000,000 men out of work, with agricultural products below the cost of production, and while exports have fallen off two-thirds, with factories closed and business practically at a standstill? The President and Mr. Hays are always seeing prosperity, but what they actually see are only Antigonish ghosts, without substance. They see visions by day and dream dreams by night, but their hallucinations will not deceive disinterested, rational people.

So great is the suffering of destitute miners in parts of the country, not because of strikes but because of nonemployment under this administration of normalcy, that charitable women of Washington City have for some time been requesting public donations of food and old clothing and other necessaries to relieve the miners' needs, and many Congressmen have donated garden seed to enable the men in the coal regions to raise gardens on which to exist while the Republican administration looks on complacently and unconcernedly and will not move a finger to assist the miners, nor will it exert itself to avert an impending coal strike, which it could easily do by getting the operators and miners together to arbitrate their differences. A Republican congressional committee, whose chairman is a Chicago millionaire, refuses to grant a hearing on a bill which has no reference to a strike but is designed to give relief to people who are in dire distress and furnish food for hungry, crying children, and at the same time a Republican Congress wrestles in a professed spirit of agony over the hungry in Europe and passes bills carrying appropriations of millions of dollars for their relief. This Congress refuses to consider a bill appropriating a comparatively small sum for relief of humanity in our own land. The police drive the poor off park benches when they seek rest on them for weary, bedless bodies.

In my district there is seldom any trouble between miners and operators, and those differences are usually settled by conference and conciliation in accordance with the policy formulated by Woodrow Wilson. In the county in which I reside, which is one of the largest coal-producing counties in the State of Kentucky, 90 per cent, I suppose, of the white miners are of pure American ancestry, and nearly all the mine operators are natives of the State and are gentlemen of clear business vision, and consequently strikes in that field are rare.

I do not believe there would be any strike were it not for the activities of the Guggenheim interests in West Virginia and other interests of the same type, and despite such activities I do not believe there would be any strike if the operators could get contracts so as to give the miners a reasonable amount of employment, but operators can not keep mines running and can not give miners employment unless they can sell coal. In my district, one of the best in the way of employment for miners in the country, the miners are employed not much more than half of the time, if that much, while in many other parts of the country employment is much less, and my information is that in the Hocking Valley, in the President's own State of Ohio, the miners have not been employed over 50 days in a year, and many of them are ragged and half starved.

Miners can not live on thin air and visionary Republican promises, and operators can not give them employment without contracts for the sale of coal, which they can not obtain under this Republican administration of normalcy which has closed down a great many factories all over the United States and has broken the backbone of prosperity except in the business of speculating in watered stocks and bonds in Wall Street. This administration has practically destroyed our export trade, which has fallen off two-thirds within the last year. If factories in this country are to be kept running, we must sell a large part of our manufactured products to foreign countries, and these factories use coal, and when they close down the demand for coal is very much reduced. If information contained in the public press be correct, this administration intends, instead of seeking a pacific settlement of the coal question, to have coal imported from Europe as ship ballast in the event of a strike, and thereby furnish labor in foreign countries with employment which, of course, will tend to reduce the wages of labor in this country and deprive our domestic operators of business. This Republican administration has replaced American labor in the Panama Canal Zone with British negroes in order to reduce the wages of American labor to carry out the policy of Secretary of War Weeks to reduce the wages of American labor to a parity with European labor. Coal is selling in this country on an average, it has been testified, of $10.41 a ton, while the coal miner in the bituminous fields does not receive a dollar a ton for mining on a pick basis. During the war the operators made big money, but now they are making but little, if any. One part of the public declares the operators are getting all the profits, and another part avers that the miners are getting the profit. In my opinion the men who handle coal after it has left the hands of the operators are the profiteers who receive most of the profits, and in many instances the railroads compel the operators to furnish them coal at cost on the penalty of withholding cars from them. In my opinion neither the miners nor operators are to blame for the retail price of coal being $10.41 a ton, but I believe that situation has been brought about by the railroads and retail dealers and the coal monopolies of West Virginia and Pennsylvania.

On March 13, 1920, at a conference in New York City coal operators signed an agreement with the miners to hold an interstate joint conference with the miners prior to April 1, 1922. Those operators now refuse to abide by their signed agreement and refuse to go into conference with the miners. This refusal, in my opinion, was brought about by the operators of the Republican feudal barony of West Virginia for the purpose of taking business away from operators in other fields and reducing wages below a living standard.

I do not believe operators in the western Kentucky fields would be partners to this transaction if they were not necessarily forced to it through self-defense. West Virginia is without a republican form of government, and about the only law executed in that State is the will of the Guggenheim and similar interests which has adjusted wages downward until the wages of most miners in that State are less than $300 a year, and the business of operators in other fields nearly ruined and the public liberally fleeced in coal prices.

Strikes are always financially hurtful to employer and employee and should never occur if they can possibly be avoided, and they generally can if both sides to strike controversies would meet in a proper spirit of conciliation, as was demonstrated during the administration of Woodrow Wilson. The laborer is worthy of his hire and should have not only a living wage but should receive sufficient remuneration to educate his children and lay by something for old age and also misfortune which may overtake anyone. Not only should the laborer receive proper compensation but the employer should receive a fair profit on his investment, and if this spirit prevails in adjustment of differences between employers and employees strikes would soon be a thing of the past.

Austria owes the United States $25,000,000, and the pending resolution is to extend the time of payment 25 years and release the security Austria has furnished for the payment of the debt, which means that it will never be paid. The assets of Austria will be used to discharge its European indebtedness while the taxpayers of this country will have to foot the bill. It is time for Congress to do something for the destitute of our own land and not expend all its charities on people who were recently trying to destroy our own Government. [Applause.]

There is no question in my mind but what there is a well-defined effort in this country to release the debts owed to us by European countries growing out of the war, amounting to over $11,000,000,000, so that the holders of foreign bonds may be paid their interest on those bonds. Foreign bonds are mostly held by sunshine patriots who did not go into the army during the war, but remained in safety at home and profiteered on the necessities of the public.

Republican leaders in Congress declare there is and has been all during the life of this administration perfect harmony between the President and the House in regard to legislative measures and cite their mere ipse dixit as evidence of how good and how pleasant it is for brethren to dwell together in peace. I presume they can point with pride to the harmony existing between the President and House on the surtax, the excess-profits tax, the sales tax, the bonus bill, and many other measures as convincing proof of the truth of their declaration. The harmony between the President and the House on legislative matters is about like that existing between two tom cats flung across a clothes line with their tails tied together.

The working man wants employment that he may buy bread, and instead this administration of normalcy and prosperity gives him a stone and begins a useless and belated investigation of nonemployment in order to cover indifference and inaction in regard to an impending coal strike. The farmer has appealed for relief from agricultural depression and has been given a depression breeding emergency tariff tax, which has restricted the sale and lowered the prices of agricultural prod-

ucts below the cost of production, and to a great extent has deprived him of foreign markets. It has depressed business conditions, closed down many factories and mines, and deprived coal operators of markets for coal. This administration has coddled the soldier and professes to be his best and only friend, but when the soldier asks for a bonus it gives him a pawn ticket and a gold brick. [Applause.]

Mr. GARNER. Mr. Chairman, I yield four minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I do not want the House to think that the entire membership on the Democratic side of the aisle is opposed to this resolution. I for one am distinctly in favor of it. Austria is asking us to extend payment of her debt to the Grain Corporation for 25 years so that she may use her resources to allow her to buy the necessaries of life and feed her people—her starving women and children. If some one on behalf of Austria came into this House to-day with a resolution asking you to give her $24,000,000, stating that her people were starving and crying for food, I do not believe there would be any considerable number of Members present who would refuse to give her that sum. She is not asking that. She is asking you to grant her time—to waive for a time our lien—so that she may buy food for her people, and that food is to come largely, almost entirely, from this country. I speak on this question largely because I was in Austria immediately after the war. I found conditions there such that the hearts of this House would go out to those people, not only to the extent of extension of time but to the extent of giving them funds, if necessary.

When we realize that Austria has been deprived of all her rich possessions and left with insufficient territory to produce food for her people; that the coal and iron mines upon which she thrived in years gone by are all practically contained in Czechoslovakia, now a separate and distinct nation, with scarcely the ties of friendship; that she is no longer connected with the countries of the world in commerce and trade, because that portion of her territory with the seaport of Trieste is likewise in another country, it can scarcely be wondered at her financial condition and distress of her Government and people.

What the future of Austria will be no one can predict, but that it is a dismal outlook is the consensus of opinion. Her people are hard working, industrious, and thrifty. They endeavor to look upon the bright side of life, and are happy and cheerful whenever there is the slightest hope or expectation of success. I hope America may be a bright spot in the life and history of this distressed nation.

Mr. BROOKS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. I have only four minutes. I do not see how we can refuse to pass this resolution. It is not on a parity with the loans we made to the nations to carry on the war. It was a separate and distinct loan, not made for cash, but made for 194,000 tons of flour that we sold them, or that the Grain Corporation sold them. We put no actual money into it, except in the shape of food, and they are asking us to extend time of payment. That is a small matter when we realize that Austria has not and can not pay the interest, much less the principal, of the indebtedness. Such is war, gentlemen.

Czechoslovakia herself, a country which was under the domination and control of the Austrian Empire for centuries, has granted the extension, and if that country, after being subject to such domination and control for all those years, can grant that request, why should not the United States, who feels so friendly and so considerate, not alone for Austria, but has done so much for all the world, act favorably and without delay. The way to bring peace and the way for us to gain friends and to keep peace throughout the world is in the manner we have been doing it, by helping those who need help, and by showing them that while the United States can fight, yet after the fighting is over she is ready to extend a helping hand to those who need it—to feed the hungry and assist the poor. I trust the resolution will be agreed to.

Mr. FORDNEY. Mr. Chairman, I have never known a bill to come from the Committee on Ways and Means affecting the revenues of the country since the Republican Party has been in control of the House when the gentleman from Texas [Mr. GARNER] has not moved to recommit it either by a motion or by request, and I suppose I never will so long as he is in the minority. Much merriment and criticism has been made about figures appearing in the report. The question is asked, What do lira and francs mean? What difference does it make to us? The Finance Committee of the Senate put those figures in the report to the Senate, and we have put them into this report for what they are worth. I suppose it has to do with the depreciated value of those currencies reduced to American dollars. What difference does it make to you or to the people of the country? The point is, that is the claim of the Government of the United States against the Government of Austria, which is for $24,055,708.92. Gentlemen will remember that nearly two years ago a request came to us to appropriate money to purchase supplies to send to Europe to feed the starving in Austria, in Poland, and in Armenia.

After much consideration it was simmered down to 5,000,000 barrels of flour that was then in the possession and the ownership of the Grain Corporation, a Government organization using Government money, spending Government money, and whatever proceeds that came from it belonged to the Government, and, therefore, it is absolutely Government property, money or otherwise. Appeals came to us showing that in Austria they were starving to such an extent that 96 per cent of the women and children sent to the hospitals in Austria died.

Mr. GARNER. Will the gentleman yield?

Mr. FORDNEY. I decline to yield just now, please. It was pointed out by communications sent here from American representatives over there that people were starving to death on the streets of Vienna.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. Let me say to the gentleman whether that is true or not it is certainly true those people were starving over there, and if this money, $24,000,000, saved a single life, will you say the money was not well spent? Is there any man in this House inhuman enough if he saw a person before him starving to death, black, white, or brown, to say that money would not be well spent, at least in the eyes of God, if we gave every cent we had to the saving of human life from starving to death?

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. Briefly, I have very little time, and I would rather not.

Mr. GARRETT of Tennessee. Did the gentleman make that same argument when he appeared before the Committee on Rules two years ago with reference to the bill presented?

Mr. FORDNEY. I do not remember just now my argument—I decline to yield any further—let me answer the gentleman. Whatever argument I made there in favor of the loan I was criticized for it by some gentlemen of this House, but when information came to me that people were starving to death in Poland, in Austria, and in Armenia by the thousands some gentleman said to me in this House, "Why do not you give this money instead of the people's money"? I say the money I have would amount to a mere bagatelle in saving human life that was in great danger of starving to death then, but I said to this gentleman, "You are a wealthy man. Name the amount you give, and by the gods I will double it." [Applause.] This Congress, this House, appropriated 5,000,000 barrels of flour. Great Britain said if the United States Government would furnish the flour, Great Britain, France, and Italy will furnish the remaining supplies to feed the people, and Great Britain will furnish the ships to carry that flour over there and save these starving people. Generously the Congress of the United States appropriated, through the Grain Corporation, 5,000,000 barrels of flour, a kind of flour that our people did not want; it was whole wheat flour, I believe, prepared during the war, wholesome, that would sustain life, and it was sent over there. Those people appreciated it, and it did save human life beyond any question.

Mr. LAYTON. Will the gentleman yield?

Mr. FORDNEY. What difference does it make to us whether these other items mentioned are in or not? The securities our Government holds for these obligations are such securities as the Government of Austria are able to give. It includes the forests, Government property of Austria, which our Government and the Governments of Great Britain, France, and Italy, and I believe Belgium, hold a mortgage upon to-day, if you please. These people need loans now to function the Government properly, on which to give securities for loans they so badly need now, and information comes to us that Great Britain, France, and those other nations that joined in contributing to these supplies at that time are willing to release those securities in order to enable Austria to borrow money which is so badly needed.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The joint resolution will be read for amendment.

The Clerk read as follows:

Whereas the economic structure of Austria is approaching collapse and great numbers of the people of Austria are in consequence in imminent danger of starvation and threatened by diseases growing out of extreme privation and starvation; and

Whereas this Government wishes to cooperate in relieving Austria from the immediate burden created by her outstanding debts: Therefore be it

Resolved, etc., That the Secretary of the Treasury is hereby authorized to extend for a period not to exceed 25 years the time of payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and to release Austrian assets pledged for the payment of such loan, in whole or in part, as may in the judgment of the Secretary of the Treasury be necessary for the accomplishment of the purposes of this resolution: *Provided, however*, That substantially all the other creditor nations, to wit, Czechoslovakia, Denmark, France, Great Britain, Greece, Holland, Italy, Norway, Rumania, Sweden, Switzerland, and Yugoslavia shall take action with regard to their respective claims against Austria similar to that herein set forth. The Secretary of the Treasury shall be authorized to decide when this proviso has been substantially complied with.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. I think at a time when we are dealing with this matter that it is just as well to keep history straight. During the closing days of the Wilson administration a request came from the executive department to make loans to buy food for Austria. A bill was introduced. It went to the Committee on Ways and Means. The Committee on Ways and Means was Republican. They side-stepped it. They reported some kind of a bill and unloaded it on the capacious shoulders of the gentleman from Kansas [Mr. CAMPBELL], chairman of the Committee on Rules. Then they came before the Committee on Rules and asked for a rule to make in order a bill of some sort. The gentleman from Kansas at that time was playing the political game, so finally they sent for Barnes, I believe, a member of the Grain Corporation. He said, "I have the power to send this flour now, what we have, but I want the indorsement of the Congress," and that left a way out for the gentleman from Michigan and the gentleman from Kansas, who were then eternally and everlastingly cussing the President who was then in office. The gentleman from Michigan has a soft, personal heart, but the gentleman from Michigan did not then deal candidly with the Committee on Rules. The gentleman from Michigan said, "We have got to play politics with this thing. Here is an Executive up here whom we are cussing"——

Mr. FORDNEY. Where did the gentleman ever hear me make such a statement as that, either in those words or in those terms or conveying such a sentiment or any such expression in reference to the President?

Mr. ASWELL. Did he say it on the floor?

Mr. GARRETT of Tennessee. No; I am not avoiding any responsibility for what I say. I will ask the gentleman if he did not say it?

Mr. FORDNEY. Not to my knowledge did I ever use such language about the President or with reference to this loan that now is the time to play politics. I do not believe I ever said that in my life on this floor or in committee.

Mr. GARRETT of Tennessee. Well, if I have done the gentleman an injustice——

Mr. LONGWORTH. As a matter of fact, it was not brought in under a rule but under suspension of the rules, and not a single Republican voted against it, but a substantial number of the Democrats did.

Mr. GARRETT of Tennessee. Mr. Barnes was told to go on and loan on his own responsibility; send this flour on his own responsibility. There was no bill that ratified his act, even. He had the power. He asked indorsement from the Republican Congress, but did not get it.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. I ask unanimous consent for five minutes more, inasmuch as I see gentlemen arising who seem to desire to interrupt me.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. My impression is that we passed it——

Mr. GARRETT of Tennessee. Here is what occurred in regard to it. There was a request for a law. The Committee on Ways and Means then passed the buck to the gentleman from Kansas [Mr. CAMPBELL]. They had a long hearing in the Committee on Rules, and Mr. Barnes said that he had the authority to do this anyway, and they told him to go ahead and do it and take the responsibility.

Mr. MANN. The gentleman is in error as to a part of it, not in what he stated but in remembering all that occurred. We passed the resolution in the House under suspension of the rules, which was approved by the President on March 30, 1920, authorizing the United States Grain Corporation to sell or dispose of flour then in its possession, and so forth, not to exceed 5,000,000 barrels, for cash or on credit, to feed the population of Europe. Under that resolution these obligations were taken.

Mr. GARRETT of Tennessee. Does it say "to feed the population of Europe"?

Mr. MANN. It says—

as may be necessary to carry out the purposes of this act and to relieve populations in the countries of Europe or countries contiguous thereto suffering for the want of food.

Mr. LONGWORTH. I hold in my hand the bill that passed the House, H. R. 12954, a bill providing for the relief of populations in Europe and countries contiguous thereto suffering for the want of food. This bill begins as follows:

That for the participation of the Government of the United States in the furnishing of foodstuffs to populations in Europe and countries contiguous thereto.

That was passed in March, 1920, under suspension of the rules, and substantially all of this side supported it and a substantial part of your side helped to pass it.

Mr. MANN. And it was under that that the obligations arose.

Mr. DENISON. That was the act under which this obligation was made. The bill passed the House on March 15, 1920, with 285 voting for it and 12 against it. I noticed the gentleman from Tennessee [Mr. GARRETT] voted for it.

Mr. GARRETT of Tennessee. Of course——

Mr. LONGWORTH. And the gentleman from Texas [Mr. GARNER] was against it.

Mr. GARNER. The "gentleman from Texas" has been consistent. [Laughter.]

Mr. GARRETT of Tennessee. But the thing to which I wish to direct attention is the manifest purpose of the gentleman from Michigan [Mr. FORDNEY] to play politics with suffering. I doubt if he knows whether there is a starving child in Austria now. Has the gentleman any information about that?

Mr. FORDNEY. I did not catch the gentleman's question.

Mr. GARRETT of Tennessee. Does the gentleman know whether there is a starving child in Austria now?

Mr. FORDNEY. Only by hearsay. I do not know anything about it. I never was there.

Mr. GARRETT of Tennessee. So he did not care to investigate this?

Mr. FORDNEY. I did then. We investigated it as best we could. We held hearings. We received letters from overseas, especially from the relief societies, where they pointed out that they saw people starving to death, and I have in my possession a statement made by——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TINCHER. Mr. Chairman, I move to strike out the last word. I fully agree with the gentleman that just left the floor that we should keep the record straight. An examination of the record and the hearings before the Ways and Means Committee will disclose that on March 15, 1920, Secretary Glass appeared before the Ways and Means Committee and asked for an appropriation of $150,000,000 for starving people in Austria; that the Ways and Means Committee, or at least the Republican members or the majority thereof, took it up with the Rules Committee under some form of resolution. My recollection is, and I think it will bear investigation, they referred out a bill for $50,000,000 in cash. In discussing the matter with the chairman of the Rules Committee, the gentleman from Kansas [Mr. CAMPBELL] said if this money is to buy food with, why not send the food, and Mr. FORDNEY agreed with that proposition. And that was the resolution brought out over the protest of the then Secretary of the Treasury, who wanted an appropriation of $150,000,000 in cash. The United States Grain Corporation had flour for which there was no market in this country. It was flour that had been manufactured pursuant to regulations in war time and that was not satisfactory to the consuming public of America in peace time.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Gladly.

Mr. LONGWORTH. The gentleman is entirely correct. The Committee on Ways and Means favorably reported, in the first place, House bill 12193, the bill that the gentleman refers to, which appropriated $50,000 in cash. Some difficulty was found in the Committee on Rules as to the advisability of appropriating cash. Then it was stated that the Grain Commission had 5,000,000 barrels of flour on its hands. Then House bill 12954 was introduced, providing for the sale of the flour on credit; and it is the Austrian credit which is the subject matter of this resolution.

Mr. TINCHER. Yes. I will say that it was discussed from the charitable standpoint. There was not anyone who seriously contemplated the possibility of getting any tangible assets in exchange for this flour when the bill was discussed here.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. I yield.

Mr. GARNER. Is that any reason why we should by affirmative action tell our debt-funding commission and tell the Gov-

ernments of Europe that Congress has declared that the policy of remitting the payment of interest and principal for 25 years is a good policy?

Mr. TINCHER. No; and I think that if this resolution provided for that there would not be three men supporting it.

Mr. GARNER. It provides for that very thing.

Mr. TINCHER. Let me tell you the difference between this side of the House and that side. Your Secretary of the Treasury wanted to give them $150,000,000 in cash. We gave them $25,000,000 worth of flour. The gentleman from Kentucky [Mr. THOMAS] has his policies. What are they? We are confronting a crisis in the form of a coal strike, and you have on your side but one man with the nerve sufficient to attempt to care for that crisis with a specific remedy. What is it? It is to appropriate out of the Federal Treasury money to feed the strikers. He criticizes the committee presided over by the gentleman from Illinois [Mr. MADDEN] for not doing more than returning to him a registry receipt in reply to a letter on that subject which the gentleman from Kentucky had sent him. I suppose if the party of the gentleman from Kentucky were in power, his party would favor the granting out of the Treasury money to reimburse the owners of the coal mines, and enable the people who use the coal to pay their taxes, and let them have their strike. I say it is regrettable that under the laws of this country and under the rules and regulations of the Post Office Department it was possible for BOB THOMAS to even get a return receipt for the letter that he sent to MARTIN MADDEN. [Laughter.] That is a good sample of the difference in the statesmanship and leadership on the different sides of this House. [Applause.]

I yield back the remainder of my time.

Mr. COCKRAN. I have but one regret at the course which this debate has taken. I am afraid that the rather lively historical discussion to which we have been listening may becloud to some extent the very obvious intention to do right which governs both sides of the Chamber.

I do not know—and I do not care, much—what happened in the past about the creation of this debt, but I am very much concerned about what is happening now and what is likely to happen in the future. As I take it, the question actually before this body is not whether any securities that could by any chance be marketable are to be released so that this country as creditor may dispose of them in other directions to reduce or satisfy this debt, but whether the time to pay that debt shall be extended. The only certificate or evidence of this debt in existence is the written obligation, a copy of which is appended to the report of the committee, and that is simply a formal acknowledgment by the Austrian Government that it owes us a sum amounting to $25,000,000, for payment of which it pledges its revenues. This pledge in no way differentiates the debt from ordinary obligations of a government. For payment of any debt that any government contracts its revenues are always impliedly pledged.

Now, this resolution is a proposal that the Secretary of the Treasury shall have the right to extend the time of the Austrian Government for payment of the principal and interest of the particular debt, not to exceed 25 years.

Mr. KING. With no security.

Mr. COCKRAN. There is no security for the debt except this paper. If there is any other security, I have not been able to locate it.

Mr. KING. The paper is secured by the assets.

Mr. COCKRAN. What assets?

Mr. KING. The revenues of the Government.

Mr. COCKRAN. There is nothing in the possession of this Government or any of its officers to be released except this paper. Am I right about that, Mr. Chairman of the Committee on Ways and Means? There is no asset of Austria in the possession of this Government that we can release. The only evidence of this debt is this paper.

Mr. FORDNEY. There is Government property in Austria.

Mr. COCKRAN. I am speaking of property here—property available to this Government.

What then is the question before us? Austria admittedly is unable to pay this debt. She will not pay either principal or interest because she can not pay it. If you refuse to pass this resolution, so far as the debt is concerned, you will be in exactly the same condition as if you passed it. You will not obtain payment anyway, because it can not be obtained. What then is the object of this measure, it may be asked? Simply this: If it is passed, you will refrain from formally proclaiming Austria bankrupt. If you do not pass it, she must be adjudged bankrupt, so far as a nation can be adjudged bankrupt. There is only one way by which a nation can be adjudged bankrupt, and that is when she fails to meet a public obligation, satisfaction of which has been demanded by the holder of it. While that demand is withheld there is no failure to meet the obligation and therefore no act of bankruptcy.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. COCKRAN. Yes.

Mr. GARRETT of Texas. If there are no assets to be released, what did the gentleman from Michigan [Mr. FORDNEY] mean when he stated just at the conclusion of his remarks that the assets that would be released by this legislation could be hypothecated for other purposes, and that that would aid Austria?

Mr. COCKRAN. I can not undertake to explain the meaning of the gentleman from Michigan. But I can understand this report of the Committee on Ways and Means, and it is the statements it embodies that I am discussing.

Mr. FORDNEY. When I spoke of releasing property I had already stated that it was Government property in Austria on which the Austrian Government as well as ours held a mortgage.

Mr. GARRETT of Texas. That is what you proposed to release?

Mr. COCKRAN. The main trouble we are experiencing in this discussion, it seems to me, is the unconquerable disposition of some gentlemen to consider in the spirit of attorneyship measures which should be considered in the spirit of statesmanship. [Laughter.] Gentlemen talk about the obligation of a government as if it were a debt due by one individual to another to secure which a watch was put up with a pawnbroker or shares of stock deposited with a banker. What were described mistakenly by the gentleman from Michigan as assets are not anything that you can put your hands on. Not merely are they nonattainable, they are nonexistent. These so-called assets are future revenues allocated or assigned by the Austrian Government to the payment of a specific debt. But this obviously means the revenues over and above the necessary expenses of the Austrian Government itself. Now, it is exceedingly doubtful if the whole revenue of that Government will suffice to pay its current expenses. It is absolutely certain they will not be sufficient to support the Government and at the same time pay either the principal of the debt or any part of the interest on it. Everybody concedes that. The Austrian Government must be left the means of supporting itself or it can not function. If it ceases to function, it can not collect any revenues whatever. And in that event no part of our debt, either principal or interest, can ever be paid. Here, Mr. Chairman, is a condition that nobody could have anticipated. It is a consequence of war. You are dealing with a country that can not pay its obligations—obligations solemnly contracted, I concede. What is the remedy?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COCKRAN. Mr. Chairman, as I was interrupted, I ask a little additional time to complete what I have to say.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. I understand the gentleman makes it very clear that the United States could not foreclose if it wanted to.

Mr. COCKRAN. No; certainly not. The very term "foreclosure" is wholly inapplicable to the situation that faces us. When you foreclose, it means you foreclose on something you can get your hands on. I should like to know what there is pledged here that any Government could put its hands on, or just how we could proceed to enforce payment of the debt if we tried?

Mr. ASWELL. Will the gentleman yield?

Mr. COCKRAN. Yes; I yield to the gentleman from Louisiana.

Mr. ASWELL. What effect will this legislation have as a matter of precedent?

Mr. COCKRAN. If gentlemen would only get the viewpoint of attorneyship out of their heads and realize that they are dealing with a matter that must be approached in the light of statesmanship it would greatly simplify our task. The essence of statesmanship is dealing with events of the future, and therefore without precedent. Attorneyship is the application of rules established from experiences of the past to matters in dispute between individuals. I do not know how we should deal with these debts due by other nations until the question of dealing with them actually arises. They may then be in a position where we can exercise pressure on them, or they may not. We are dealing with conditions without parallel in all human ex-

perience. We can not proceed according to fixed rules and invoke a court to enforce what we might call our rights.

We must deal with each situation as we find it. Here is a debt that can not be paid. Suppose we refuse to pass this measure extending the time of payment. Suppose we go as far as we can and demand immediate payment of the debt—the whole debt and all the interest. Payment will not be made. It can not be made. What will be the effect of such procedure? Austria will be formally proclaimed bankrupt. Her currency has already sunk to a point where it is hardly of any value. Reject this proposal—proclaim her formally bankrupt, and at the same time announce that no forbearance will be shown her—what possible chance to restore her credit can then remain? Put this crowning burden upon her and Austria can never recover from the depths which she will have reached; and then this debt of ours is gone beyond any hope of ever collecting it. Even if you were dealing with an individual debtor unable to meet his obligations, but who has some assets which, though not now fluid, yet by a process we call "nursing" might be made valuable in the future—to afford him time in which to realize on them is the obvious policy to pursue. That is the only thing we can do here. We can do Austria infinite damage by refusing to pass this resolution which has become necessary by reason of the situation that has arisen. We can do ourselves no good, but much harm, by refusing to pass it. Its rejection will reduce, if not wholly destroy, all chance of ever obtaining payment of the debt. That being the exact condition, I think I can appeal to patriotism as well as to humanity and to the common sense of the House to pass this resolution.

Mr. LAYTON. Will the gentleman yield?

Mr. COCKRAN. I yield to the gentleman from Delaware.

Mr. LAYTON. I agree with the gentleman as far as the humanitarian aspect of this is concerned, but I should like to have this question answered: Do you believe this body has any constitutional right to vote money out of the Public Treasury for foreign purposes in time of peace?

Mr. CARTER. Charity purposes.

Mr. LAYTON. Well, whether for charity or otherwise, has this body any constitutional right to do that, or to vote money out of the Federal Treasury even for such purposes as the suffering coal miners within this country?

Mr. COCKRAN. Does the gentleman want an answer?

Mr. LAYTON. I should like to have an answer to my question.

Mr. COCKRAN. Yes; there is no limit to the power of Congress to appropriate money.

Mr. LAYTON. Then the gentleman is not in agreement with the late President Grover Cleveland, who vetoed a proposition looking to the purchase of wheat for certain stricken sections.

Mr. COCKRAN. I was in disagreement with Grover Cleveland more than once in the course of my career. [Laughter.] That, however, is a matter of historical or personal interest, but in no way affecting the question before this body.

Mr. LAYTON. The Constitution has become a purely historical matter. That is what I deplore.

Mr. ASWELL. Will the gentleman yield?

Mr. COCKRAN. I yield to the gentleman from Louisiana.

Mr. ASWELL. Why not have the commission handle this matter? Why have Congress do it?

Mr. COCKRAN. Whether the matter be left with the Secretary of the Treasury or with a commission of which he is a member is a distinction without much difference. In the first place the commission is not yet in existence.

Mr. ASWELL. Why not wait until it is?

Mr. COCKRAN. The committee introduced this resolution, I assume, because the situation with which it deals is urgent.

Mr. ASWELL. If there is no chance of collecting our debt, how is it urgent?

Mr. COCKRAN. If you refuse to pass this bill you proclaim the insolvency of Austria, and that may prove fatal to her. It is true that you will only be proclaiming formally an insolvency which exists actually, but formal proclamation of it may, nevertheless, be fatal to Austria's ever recovering its credit.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. COCKRAN. I yield to the gentleman from West Virginia.

Mr. REED of West Virginia. The gentleman has made an admirable presentation of this case. Is it not true that America invites the neighbors of Austria to join with her in this?

Mr. COCKRAN. We make it a condition.

Mr. REED of West Virginia. Yes.

Mr. COCKRAN. The gentleman from Virginia, Judge MOORE, has called my attention to the fact that the phraseology of the resolution is defective in this respect: It says "provided, however," that other nations agree to extend the same forbearance as this country. He thinks it ought to be written "on condition, however," and I would be perfectly willing to offer that amendment on his behalf.

Mr. HUDSPETH. Will the gentleman yield?

Mr. COCKRAN. I yield to the gentleman from Texas.

Mr. HUDSPETH. The debt is not due until 1925, is it?

Mr. COCKRAN. I do not know what time the main obligation is due. I have not looked into that, but the interest is due. It can not be paid. And that being the case, the occasion for passage of this resolution is urgent—of the utmost urgency. [Applause.]

Mr. WALSH. Mr. Chairman, the gentleman from New York [Mr. COCKRAN] in his comparison between attorneyship and statesmanship would have us believe that he was including himself and recommending himself very highly in the latter class, when all he has done has been to indulge in a lot of idle prophecy. The report upon this measure, as has been pointed out in debate, leaves it very doubtful what the purpose is in extending the time for the payment of this debt. Although this country is one of our late enemies and suffered severely as the result of the war, in passing this charitable legislation for her benefit I would like to know if the purpose is to permit Austria to again pawn her resources and put them up as security in order that she may pay other nations the demands made by the reparations commission for other nations to whom she owes millions of dollars?

Mr. BLACK. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. BLACK. I have read the report, and I find that these securities contain a provision that the reparations commission shall stand aside and we have the preference. Now, if we pass this bill it restores the lien of the reparations commission and will enable them to come in and get these very revenues.

Mr. WALSH. I think very likely that is the purpose. Nobody here knows, the question has never been asked, the information has never been forthcoming, but I think in view of the conditions industrially that prevail in this country to-day—yes, and agriculturally, despite the fact of some legislation, prices of agricultural articles are slowly rising and increasing—I think it is time that we paid a little attention to conditions here at home [applause] and stop being sympathetic about people who were seeking to destroy our Government only a few years ago. Let us pay a little attention to conditions here and to the restoration of peace and prosperity within our own borders. [Applause.] Of course, you can get well-meaning ladies of charitable societies to write pathetic letters about conditions abroad, but we are not responsible for those conditions. We are responsible to a large degree for conditions existing within our own borders, and the people are going to hold us responsible. They will hold us responsible if we embark on legislation which will put further burdens on the people when they are carrying this tremendous load of taxation, made necessary in no small degree because we have been so generous in doling out money. Why, all any foreign nation has to do is to write to some of our officials that people need milk and bread or food or money, and it finds instant response in the Congress or the committee. We go to work and appropriate by the millions, and I object to the United States of America being considered the almoner of the world. [Applause.] It is time we put a stop to it.

Mr. LONDON. Mr. Chairman, I move to strike out the last word. The argument of the gentleman from Massachusetts [Mr. WALSH] is not valid in this case. We are not called upon to make a new appropriation. We are not called upon to expend anything. Nor are you called upon to give away anything. Austria is powerless and bankrupt. By the terms of peace made after the World War, she has been crippled and mutilated. A great deal of the mining territory of Austria has been taken away. The grain-producing section of Austria has been largely separated from her. She has been deprived of important railroad centers. She is a mere wreck. For that matter, no European country has been in a position to strictly insist on the terms of peace made with Austria. Even France has been more liberal toward Austria than she has toward Germany, one of the reasons for it being that France fears the movement on the part of Austria to ally herself with Germany. By showing friendship to the destitute people of Austria, France seeks to delay the day when Austria and Germany will unite, or to prevent it altogether. You are not losing anything by the passage of this bill.

Mr. KING. You are losing securities.

Mr. LONDON. Well, let us see what security you lose. Under the obligations now possessed by the United States the bonds are a first charge on the assets and revenues of Austria. The present revenues are insufficient to carry on the ordinary expenses of the Austrian Government. So far as the assets are

concerned, I assume that some forests, some of the salt mines, and, if I remember right, the railroads are national property in Austria and are subject to a first charge. It would be an act of international vandalism for the United States to take possession of the State and national enterprises of Austria. Let me make this suggestion. The $25,000,000 was given for bread to men and women and children who were starving. The debt should be wiped out right now by act of Congress.

Mr. MANN. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. MANN. I understood the gentleman to say that the present revenues of Austria were not sufficient to pay the ordinary expenses of the Government.

Mr. LONDON. That is true.

Mr. MANN. If that is so, how will the release of these assets permit the Austrian Government to function and borrow money as stated in the report by the Committee on Ways and Means?

Mr. COCKRAN. Will the gentleman yield?

Mr. LONDON. Does the gentleman want to explain the action of the Ways and Means Committee?

Mr. COCKRAN. Oh, no; that is too big a job. [Laughter.]

Mr. LONDON. I yield to the gentleman.

Mr. COCKRAN. The obvious purpose of that is to enable the Austrian Government to use these revenues for its own expenses so that it may function, and if they be insufficient for that purpose to borrow some more. At the present time the Austrian Government has no power to use its revenues for any other purpose than to try to meet this debt, but even using them solely in that direction will not meet this debt. This measure leaves the money to be derived from revenues free for any purpose that will maintain the Austrian Government in operation.

Mr. MANN. If the revenues are not sufficient to pay the running expenses of the Government, how will they give any credit to anybody to borrow money?

Mr. COCKRAN. She is probably able to meet her running expenses to-day, but she certainly will not be if denied the use of these revenues.

Mr. LONDON. Oh, no; she is not.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONDON. I understand the situation to be this: Almost all European governments are treating Austria with some degree of consideration. They realize that Austria has been completely disrupted by the war. They are extending favors to the Austrian Government which they do not extend to the other defeated powers. It is quite likely that if this lien is removed private capital, private financiers, may loan their money to the Austrian Government, and it is quite likely that we are legislating in favor of private interests; but we can not help that. That is not my purpose.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. KING. Are any of these suffering people going to get any of this money, in the opinion of the gentleman?

Mr. LONDON. In my opinion one of two things may happen: One that the United States by saying to the other governments, "We are ready to extend the date of payment for 25 years, and we want you to do likewise; we do not want you to crush Austria; we want to give Austria a chance to develop during the next 25 years," will give Austria a new lease of life. Another thing that might happen is that this will enable private capital to loan money to Austria and take possession of her assets.

Mr. KING. It will also enable Austria to pay certain creditors of hers from whom she borrowed money during the war.

Mr. LONDON. If the gentleman will examine the proceedings of the other countries toward Austria he will find that Austria has been treated as a favorite child, because her utter helplessness makes it impossible to exploit her. Her misery is her strongest protection.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BARKLEY. Can the gentleman state whether these securities are of such a character that they would be accepted by any banking institution as security for a loan to Austria?

Mr. LONDON. Private financiers have been loaning money to China and other dependent countries with railroad concessions or mines as security for the loan. Austria possesses forests, salt mines, railroads, the telegraph and telephone, power work, and so forth. These assets can certainly be a valuable form of security so far as private capital is concerned.

Mr. BARKLEY. Are these assets included in the securities that are a basis for this lien?

Mr. LONDON. Yes.

The debt arising out of a loan made for the purchase of bread for a starving people should be canceled. Whether private capital or the people of Austria as a whole will benefit by the cancellation of the debt will depend upon the question whether the Austrian people have sufficient political consciousness to control the nation's assets in the interest of the entire people.

Mr. FORDNEY. Mr. Chairman, I move that all debate upon this resolution and all amendments thereto close in 35 minutes.

The CHAIRMAN. The gentleman from Michigan moves that all debate upon this resolution and all amendments thereto close in 35 minutes.

The motion was agreed to.

Mr. MANN. Mr. Chairman, I am not sure that I can say what I want to say in five minutes, but I shall do the best I can. I regret very much that there has been no hearing on this resolution, apparently in either House of Congress, no facts stated in connection with it which cover the subject. The report in the case contains some unintelligible and misleading figures which gentlemen excuse themselves for by stating that they copied them from a Senate report. It is natural that they might be that, I suppose, but that is not a very good reason for copying them. However, we are confronted with the proposition that we have to vote on this question without sufficient information, and I am going to vote for it.

Here is the situation: Two years ago this country joined with 12 other countries in furnishing to the depleted and dismembered country of Austria supplies to keep her people from starving. We gave flour. I do not know what the other people gave, but they gave something. Austria gave a mortgage, practically speaking, as a lien upon her assets and her income to all of the 13 countries for the amounts which they had advanced in money or property. This mortgage was authorized by the Reparations Commission, so that our lien came ahead of the payment to the Reparations Commission. They agreed to pay us 6 per cent interest semiannually. The time for that first interest payment has long since passed. We would not be declaring Austria bankrupt by failing to do this. Austria is bankrupt so far as paying our debt is concerned. She has not paid us. But that is not all. We know that she is not now going to pay us. We know that she can not possibly pay us either the interest or the principal as provided in the bond. I do not know just how it will affect the payment of the reparations by Austria. Probably Austria will not pay much in the way of reparations, but if we extend our time, we postpone our lien. Knowing that Austria owes us money, knowing that she is not going to pay us at the time the money is due, according to the bond, will we have the grace to join with 12, or a substantial part, if anybody knows what that means, of 12 other nations, in remitting the payment for 25 years, probably forever, and let them have a little more courage to try to put themselves on their own feet? Will we give them our blessing or will we hold over them a threat which will not do us any good but which will do them great harm? I think we can afford to say to them, "Do the best you can, you have our good wishes at least." [Applause.]

Mr. MADDEN. Mr. Chairman, I am not sure that I thoroughly understand the situation. This is how I look upon it: As a result of our sale to Austria of $34,000,000 worth of flour, we hold from Austria a first lien on her revenues. If we release that lien, we place the Reparation Commission of the allied nations as a first lien holder on the revenues of Austria. The question now arises, What will the Reparation Commission do with any revenues that may be collected from Austria? Will that commission distribute those revenues among the allied nations, creditors of Austria, under the treaty which authorized the collection for distribution, or will the Reparation Commission authorize the use by Austria of the funds which we release and which they may collect?

I have listened to this debate. I have received very little information either from the debate or from the report of the committee. I have reached my own conclusion after serious thought. I am as sympathetic as anybody, but we have many people in America where our sympathy might properly be extended. I do not believe we will help Austria by releasing the obligation of Austria to the United States. We may not help ourselves by continuing to hold the obligation, but I prefer to take the chances of holding the obligation than to release it with the uncertainty of what will become of Austria through the Reparation Commission, for I do not believe the American people will justify action on our part that will release the Austrian obligation to America and then place Austria in the hands of the Reparation Commission and enable that commission

to collect the obligations of Austria under the treaty terms, not one dollar of which is to come to America.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GREEN of Iowa. The gentleman perhaps has overlooked one thing, and that is the mortgage, so called, we hold is in reality a second mortgage, and that is subject to the claims the Reparation Commission might have for the payment of expenses of the commission and the payment of occupying troops, and the Reparation Commission has never undertaken to enforce that claim that is ahead of ours.

Mr. MADDEN. There ought not to be any occupying troops in Austria by any nation in the world if she is prostrate, and there ought not to be any obligation anywhere that will compel Austria to pay for the maintenance of troops of the Allies, and if that is the result of our releasing the obligation that we hold, that she is to be compelled to pay for the maintenance of allied troops there, I am for one against the release. [Applause.]

Mr. BLACK. Mr. Chairman, I am going to vote to recommit this bill. If the Austrian obligation was one that was due immediately, I might be willing to vote for it, but it is clear this obligation does not mature until the 1st of January, 1925. The mere fact that the Austrian Government has failed to meet some interest payments does not mean the repudiation of the debt any more than the fact that Great Britain has not met its interest payments upon its indebtedness and France and Italy have not met their interest payment.

Mr. JOHNSON of Washington. If the gentleman will permit, we do not undertake to feed any of those countries. Here we are sending flour to feed a country, and we have tied a string to it, and——

Mr. BLACK. If the gentleman will permit, I will get to that feature of the matter in just a moment, I hope. Now, what is the situation? The Austrian Government signed the treaty of St. Germain, and under that treaty it was placed under the Austrian section of the Reparation Commission, and therefore when this flour was sold to the Austrian Government and these other food supplies were furnished by the different nations, the representatives of these nations went to the Reparation Commission, and as a prior condition to the sale they demanded that the commission allow a first lien to secure the payment for these food supplies. Now, if we take this action as proposed in the bill to-day, what is the result? We immediately release our lien and restore the priority of reparation claims. Now, let us see from the contract agreement itself what the obligation is:

> Pursuant to the powers conferred upon it the Reparation Commission has authorized the Austrian Government, under the control of the Austrian Reparation Commission, to issue the present series of bonds, which shall be a first charge upon all the assets and revenues of Austria, and shall have a priority over costs of reparation under the treaty of St. Germain.

Now, immediately when this bill becomes a law we lose our priority of lien and the lien of the Reparation Commission becomes effective on these very same assets which we propose here to release.

Mr. LONDON. Will the gentleman yield?

Mr. BLACK. In just a moment. I am opposed to doing that. If we are going to have a commission to settle up these obligations of indebtedness with the European countries, why not turn over this obligation to the commission to suggest a settlement that will be satisfactory to the United States? The present arrangement is a fair one. The present lien provides that when the Austrian Government takes in its revenues that it shall not be allowed to prefer one creditor over the other. Great Britain loaned $16,000,000 at the same time we loaned $24,000,000. France loaned $16,000,000; Italy also, I believe, loaned the same amount; and it was provided in the obligation that whenever payment was made, either of interest or principal, that a ratable portion be paid to each of the other nations, thereby preventing preference of creditors. That is fair. The United States Government has no complaint to make against that arrangement. But I am not willing to vote for this bill, and without any definite information as to what will be the effect of postponing the indebtedness for 25 years and restoring the preference lien of the Reparation Commission.

Mr. LONDON. Will the gentleman yield?

Mr. BLACK. I will.

Mr. LONDON. Does not the proviso guard against that? Does not the proviso stipulate that any creditor nation, which includes the United States, interested in reparation should take similar action with regard to their respective claims?

Mr. BLACK. No; if the gentleman will permit, that language refers to a similar claim for food supplies. At the time we made these loans to the Austrian Government other European nations also participated in the loans for food supplies, and this language does not refer to the reparation indebtedness, but only for the same kind of indebtedness as is referred to in this bill.

Mr. SANDERS of Indiana. Mr. Chairman, it seems to me that the proposition before the committee is a very simple one. The gentleman from Texas [Mr. GARNER] warns the House that if this measure is passed it will give a precedent to the Allied Debt Commission to deal with the question of the allied debt to the United States and that the commission will extend all debts 25 years. No proposition could be more absurd, because the act which created the commission gives this authority:

> That nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or obligations due to the United States of America beyond June 15, 1947.

That is 25 years approximately.

The provision of the pending resolution is:

> That the Secretary of the Treasury is hereby authorized to extend, for a period not to exceed 25 years, the time of payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation.

This law does not extend the debt for 25 years.

So far as the provision of time for that loan is concerned the two measures are substantially identical. The only difference between this measure and the authority granted in the funding bill is that by the express terms of this bill the Secretary of the Treasury acts alone. Under the provisions of the other bill the commission would have absolute authority to do everything that is authorized by this measure. And the gentlemen who are objecting to this measure on the ground that we are authorizing something to be done that ought not to have been done are wasting their breath, because we have already given such authority to a commission.

Mr. DENISON. This resolution authorizes the remission of the interest for 25 years, whereas we would not expect the commission to do that.

Mr. SANDERS of Indiana. What we might expect the commission to do, I do not know, but this measure in terms gives the Secretary of the Treasury substantially the same power as is contained in the other measure. The only thing this does is that it expressly authorizes the Secretary of the Treasury to release the lien on these assets, but the general power contained in the measure which created the commission authorized the extension of the time of payment of those debts, upon such terms and security as they should determine.

Mr. KINCHELOE. Will the gentleman yield?

Mr. SANDERS of Indiana. I can not yield in five minutes. The gentlemen say the Secretary of the Treasury is going to proceed to do something that he ought not to do; that he is going to give up a lien he ought not to give. Do not forget this is merely authority for the Secretary of the Treasury to act. This resolution does not extend the time of payment or release the lien. It merely authorizes the Secretary of the Treasury to deal with the proposition, and in dealing with the proposition and dealing with the Allies, and having in mind the policy of the commission, the Secretary of the Treasury is going to deal with this whole proposition in a sensible and sane way. It may be very essential that the power to deal with this situation should be left with the Secretary of the Treasury so that it can be done now. It is largely an administration matter, and we should grant the authority within reason that the administration needs. Some gentlemen advance the proposition that three of the five members of the commission have been named, and hence they could act. We know, as a matter of law, that the commission is not created until the five members are named and confirmed. The three could not act now. This measure simply grants to the Secretary of the Treasury, who will be one of the commissioners, the power and authority to act now and deal with this proposition in the way substantially as authorized by the general act dealing with these debts.

Mr. LONDON. Is not the work of the commission limited to the debts of allied nations? It has nothing to do with this debt whatever.

Mr. SANDERS of Indiana. The gentleman is in error about that, for the law creating the commission included debts owing to the United States Grain Corporation, and this is one of those debts.

Mr. LONGWORTH. Mr. Chairman, most of the arguments that have been made in opposition to this bill are based upon the utterly false theory that it involves a new obligation when, as a matter of fact, the precise contrary is the case. What is this transaction? It is simply this: We authorized, some two years ago, the Grain Corporation to sell to the Government of Austria any portion of 5,000,000 barrels of flour. It appropriated no money from the Treasury whatever. It created no charge whatever on the Government. It simply sold to the Government of Austria, to feed their starving people, $24,000,000

worth of flour that could not be disposed of in this country. Now, what are we undertaking to do to-day? We are undertaking to extend the time of the credit that Austria established at that time. And what was that? Merely an obligation to pay us $24,000,000 on the 1st of January, 1925, with interest semi-annually. We received no interest, and we probably never will. When the 1st of January, 1925, rolls around, what are we going to do about it? It is true that the assets of Austria and her revenues are pledged by this obligation, but when the 1st of January comes around, what are we going to do about it? If Austria refuses to pay any of the principal, are we going to go into Austria and take physical control of the Austrian railroads and the Austrian forests and the Austrian treasury? The thing is too absurd to talk about for a moment. It is true that we have a lien on those assets, but it is a lien upon which none of us, this country or any of the other countries that cooperated with us, would ever think of foreclosing. And all we are doing is to extend for 25 years the payment of interest we can not get and the payment of a principal that we will never levy upon.

Now, gentlemen, this transaction takes place upon the authority of a bill which passed this House under suspension of the rules, with 285 votes, as I recall, for it, and only 12 against it. We are simply extending the period at which that loan is due and remitting the interest upon it. It was an act then of generosity. That is all that we need consider now in this connection. The Senate has passed this bill unanimously. Do we want to be outdone in generosity by the Senate of the United States. Shall we be outdone in generosity by the other nations who have assisted Austria in her hour of need? The measure through which this transaction was created was based upon a sentiment of Christian charity, and that ought to be the spirit to animate us to-day. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, let me inquire of the Chairman how much time is remaining and who has the time?

The CHAIRMAN. There are 11 minutes remaining, 1 minute of which the gentleman from Ohio has and 10 minutes to be disposed of on recognition by the Chair.

Mr. GREEN of Iowa. Mr. Chairman, if there is no objection, I would like to have the gentleman from Illinois and the gentleman from West Virginia divide that time.

Mr. LONGWORTH. Mr. Chairman, I yield back the balance of my time.

Mr. CAMPBELL of Kansas. Mr. Chairman, a great deal has been said about the extension of the credit that created the obligations to this Government from the Government of Austria. Poland was connected with it in the original application for a loan to purchase food. The original application was one for $150,000,000. That was the question that came first before the Committee on Rules. That committee did not see fit to make in order a bill to come on the floor of the House with its authority for that amount. It was finally reduced to $50,000,000.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. Was not that due to the fact that it was stated by Mr. Barnes that they had authority to deal with this flour without any legislation necessary?

Mr. CAMPBELL of Kansas. I am about to give the record. Then for the purpose of forcing the Committee on Rules to do what they did not think was necessary to be done, one of the greatest arrays of talent appeared before that committee that had ever appeared before any committee of this House, including ministers of the gospel of all denominations and the highest dignitaries of the church in this country, and in addition to that a woman who had made a success on the stage, who had been in Austria, in Poland and in all that country where the greatest of the suffering was. Her appearance before the committee was a success. I find from the hearings here that the chairman of the Committee on Rules made a statement at the conclusion of her statement that nobody with anything else than a heart of stone could listen to what she had to say without being moved. I remember very distinctly giving her tears, but I did not feel ready at that time to give cash, because I had wired early that morning for Mr. Barnes to come down from New York. We waited until after 4 o'clock in the afternoon, when Mr. Barnes arrived and was put on the stand, and testified that he had 5,000,000 barrels of flour that he had been attempting to sell, and that he could not sell it. I asked him if that flour could be immediately shipped. He said it could if he had the authority. He did not quite feel that he had the authority to sell it to Austria and Poland because the time for the advertisement of its sale for cash had not expired, and he did not feel that he had authority to sell it on credit, and suggested that if the Congress would give him the authority to sell it on credit that could be done, and that he might do it in any event.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. It is important to keep the record clear. My recollection is that Mr. Barnes stated that in view of the fact that the Grain Corporation and the administration had been under such severe criticism, while he did not doubt his authority, he would like to have the approval of the Congress for exercising it.

Mr. CAMPBELL of Kansas. I think that is correct. Then I sent for the gentleman from Michigan [Mr. FORDNEY], the chairman of the Committee on Ways and Means, and stated to him what had been stated by Mr. Barnes; and a bill was prepared and was passed under suspension of the rules on the next suspension day.

That is the history of the matter; and it was all done then for charity. There was not an idea that the Government of the United States would ever get back a dollar, although it was stated in the hearing before our Committee on Rules that the people of Austria were willing to pawn the crown jewels, pawn anything that they had under the old dominion, for food for the then starving people. We authorized the sale of flour that was not salable in this country on credit and such time as they required. That was done. I see no reason why we should now quibble over extending the time for payment. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, how much time remains?

The CHAIRMAN. Six minutes.

Mr. DENISON. Mr. Chairman, I thought I would have five minutes, but the time is limited and I will take only a minute to state my position.

I did not vote for the original bill granting this loan to Austria because I was not here. I was at my house ill at that time. I do not think I would have voted for it if I had been here. But I am not willing to vote for the pending resolution at this time. I think it ought to be recommitted. I, for one, have not sufficient information to know what I am doing, and I do not think the rest of the House has. We do not know what the facts are over there. I think the matter can at least be deferred until next session. The debt will not have matured by that time, and possibly our Foreign Debt Commission will have been completed and gotten to work. I think the commission can deal with this matter more efficiently than the Congress anyway, because they would know what terms and conditions could be obtained. I do not think we should release what securities we have and let them be turned over to other nation. Therefore I think I shall vote against the resolution.

If we are going to give this money to Austria as a charity we ought to at least see to it that it goes to the Austrian people who need it. We ought not to release our securities in order to permit Austria to use them to satisfy other creditors. I fear that will be the result of this resolution. Therefore I shall vote to recommit it to the Committee on Ways and Means for further consideration, with the hope that the committee can at a later time give us more light and information so we can act intelligently.

Mr. GREEN of Iowa. Mr. Chairman, gentlemen talk about referring this resolution back to the Committee on Ways and Means for further information. There is no further information that can possibly be given. The nature of the security is stated on the second page of the report. It is all the assets that Austria has, assets that that nation itself is not able to turn into funds, and certainly we shall not be able to do anything with them.

Gentlemen have asked us where we would be in case the Reparation Commission undertook to get reparations from Austria. There is no way of finding out. We may assume that inasmuch as the Reparation Commission has now a prior lien, but has not enforced it from Austria, it will not undertake to collect reparations. In fact, it would be useless to attempt anything of the kind.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. KINDRED. Would it not be extremely unfortunate for Congress to release this security and then have the Reparation Commission grab the security and devote it to the payment of awards?

Mr. GREEN of Iowa. The Reparation Commission can not do that. Austria can not possibly raise funds to meet its obligations by its taxes or the sale of property or otherwise. The only thing it can do is to continue to issue more obligations, and if it can find any government charitably inclined, such government might extend further aid.

Mr. SMITH of Michigan. Has Austria asked for this?

Mr. GREEN of Iowa. Yes; Austria has asked for this on her bended knees. The other countries in Europe have put us to shame and disgrace. England has let Austria have more money than we have. France has let Austria have more money than we have; and even Italy, bankrupt and poverty-stricken as few countries are, has let Austria, its hereditary enemy, have more money than we have, and they offer, along with us, to release whatever securities they have.

Gentlemen, are we, the richest country in the world, to stand back and say that these countries that have suffered so much in the war are to do more for humanity, more for the starving people of Austria, more for those who are suffering so much, than we? Shall Austria's ancient enemy which has so much to forgive be more merciful than we are?

The gentleman from Illinois [Mr. MANN] admirably answered the argument which he himself made. As he says, we have nothing from which we can force collections. This lien is of no value. We can not get anything out of it. There is no way in the world by which we or any other nation can realize a cent on it; but we can give Austria an opportunity to say whether some other nation will be a little more generous in the future and continue some further advances, more as a matter of charity, than in the expectation of receiving anything in repayment.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. The gentleman speaks of the liberality of England, France, and Italy. They can afford to be liberal with our money, can they not? They owe us $11,000,000,000 now, and we are unable to collect a nickel from them.

Mr. GREEN of Iowa. They are not liberal with our money; they are liberal with their own money. They are taking the money out of their own treasury. What they got of us they spent in this country for munitions and supplies.

Mr. JOHNSON of Mississippi. Why do they not pay their debt to us first?

Mr. GREEN of Iowa. Because they believe we can wait better than a starving people. They advanced this money to Austria because of the pity they took upon her people, whose condition would almost move a heart of stone. That is why they advanced this money. They had no more hope of getting it back than we had.

Mr. JOHNSON of Mississippi. If we pass this resolution, how will it help the starving people of Austria?

Mr. GREEN of Iowa. Austria believes that if we release this security it may get more funds elsewhere. At least the Government of Austria can go on and continue to function, and it can not go on under present conditions. If we refuse this extension their Government will cease to exist, and the last condition of these wretched people will be worse than the first.

Mr. CABLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

An amendment offered by Mr. CABLE: Page 2, line 3, after the word "corporation," strike out the comma and the balance of the paragraph and insert in lieu thereof a period.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question being taken, the amendment was rejected.

Mr. KETCHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KETCHAM: Page 2, line 3, after the word "corporation," strike out the comma and insert a colon, and strike out all the language following down to and including the word "resolution" in line 7.

Mr. KETCHAM. Mr. Speaker, in support of my amendment I desire to point to what I regard as a dangerous provision of the resolution which has not been referred to very extensively in the course of the debate. A live issue before the country just now is the cancellation of the foreign loans. It is openly charged in the debate on the floor that certain influential House Members favor cancellation, and propaganda is unquestionably very common in support of such a proposition. With this fact in mind, I ask your careful attention to the language of this resolution which my amendment would strike out:

And to release Austrian assets pledged for the payment of such loan, in whole or in part, as may in the judgment of the Secretary of the Treasury be necessary for the accomplishment of the purposes of this resolution.

While the report of the committee well says that "this loan rests upon an entirely different basis from the allied loans made during the war"; yet a loan is a loan, whatever may be its purpose, and I can not escape the conviction that the language "release Austrian assets pledged for the payment of such loans" will rise up to plague us should the proposed cancellation of foreign loans ever get beyond the propaganda stage. It would not require much ability to frame up an argument for cancellation of loans to an ally based upon this proposed official abandonment of our last ray of hope of recovering $24,000,000 loaned to Austria, so recently our bitter enemy.

I offer this amendment with the hope that it will serve notice that the House views with disfavor anything that offers the slightest encouragement to those who would cancel our foreign loans. I am in sympathy with the extension proposed in the resolution, but I do not believe that the language which my amendment seeks to remove is wise in view of the cancellation agitation already referred to, and I hope my amendment will prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question being taken, the amendment was rejected.

Mr. LONDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Strike out line 4, on page 1, and all appearing on page 2, and insert in lieu of the matter stricken out the following: "Cancel and discharge the debt incurred by Austria for the purchase of flour from the United States Grain Corporation and to release Austrian assets pledged for the payment of such loan."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 2, noes 86.

Accordingly the amendment was rejected.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise and report the joint resolution back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration S. J. Res. 160, authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes, had directed him to report the same back to the House with the recommendation that it do pass.

Mr. FORDNEY. Mr. Speaker, I move the previous question on the joint resolution to the final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the preamble.

The preamble was agreed to.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, and was accordingly read the third time.

Mr. WALSH. Mr. Speaker, I desire to offer a motion to recommit the joint resolution.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. WALSH. I am.

The SPEAKER. The Chair will recognize the gentleman.

Mr. WALSH. Mr. Speaker, I move to recommit the joint resolution to the Committee on Ways and Means, and on that I move the previous question.

The SPEAKER. The gentleman moves to recommit the resolution and on that he moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to recommit the resolution to the Committee on Ways and Means.

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 88, noes 83.

Mr. LONGWORTH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. The Chair thinks there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will bring in absent Members. As many as favor the motion to recommit will as their names are called vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken, and there were—yeas 114, nays 189, answered "present" 1, not voting 126, as follows:

YEAS—114.

Aswell	Dowell	Larsen, Ga.	Rucker
Bankhead	Drane	Lawrence	Sanders, Tex.
Beedy	Driver	Layton	Sandlin
Bell	Edmonds	Lazaro	Sears
Bird	Fairfield	Logan	Shaw
Black	Favrot	Lowrey	Sisson
Bland, Va.	French	Lyon	Smithwick
Blanton	Fulmer	McSwain	Steagall
Bowling	Garner	MacGregor	Sumners, Tex.
Box	Garrett, Tenn.	Madden	Swank
Brand	Garrett, Tex.	Martin	Sweet
Briggs	Gensman	Montague	Taylor, Tenn.
Brooks, Pa.	Goodykoontz	Moore, Ill.	Tillman
Buchanan	Graham, Ill.	Moore, Va.	Towner
Bulwinkle	Harrison	Oldfield	Tucker
Burdick	Hayden	Oliver	Tyson
Byrnes, S. C.	Hoch	Overstreet	Vinson
Byrns, Tenn.	Hooker	Padgett	Walsh
Cable	Hudspeth	Park, Ga.	Walters
Cantrill	Humphreys	Parks, Ark.	Weaver
Carter	Jeffers, Ala.	Radcliffe	Williams
Chalmers	Johnson, Miss.	Rankin	Williamson
Clague	Jones, Tex.	Rayburn	Wilson
Collins	Ketcham	Reed, W. Va.	Wingo
Connell	Kincheloe	Rhodes	Wise
Davis, Tenn.	King	Ricketts	Woodyard
Deal	Kraus	Roach	Wyant
Denison	Lanham	Robsion	
Dominick	Lankford	Rouse	

NAYS—189.

Ackerman	Dyer	Langley	Raker
Andrew, Mass.	Echols	Larson, Minn.	Ramseyer
Andrews, Nebr.	Elliott	Lea, Calif.	Reece
Ansorge	Faust	Leatherwood	Riddick
Appleby	Fish	Lehlbach	Robertson
Arentz	Fitzgerald	Lineberger	Rodenberg
Atkeson	Focht	Linthicum	Rogers
Bacharach	Fordney	Little	Sanders, Ind.
Barbour	Foster	London	Scott, Mich.
Barkley	Free	Longworth	Scott, Tenn.
Beck	Frothingham	Luce	Shelton
Begg	Fuller	Luhring	Siegel
Bland, Ind.	Funk	McArthur	Sinclair
Boies	Gahn	McLaughlin, Mich.	Sinnott
Bond	Gallivan	McLaughlin, Nebr.	Smith, Idaho
Bowers	Gernerd	McLaughlin, Pa.	Smith, Mich.
Britten	Gilbert	McPherson	Sproul
Brooks, Ill.	Glynn	Magee	Stafford
Browne, Wis.	Green, Iowa	Maloney	Stedman
Burroughs	Greene, Mass.	Mann	Stephens
Burtness	Griest	Mapes	Stevenson
Burton	Griffin	Mead	Strong, Kans.
Campbell, Kans.	Hadley	Merritt	Strong, Pa.
Campbell, Pa.	Hardy, Colo.	Michener	Summers, Wash.
Cannon	Hardy, Tex.	Mills	Swing
Chandler, N. Y.	Hawes	Millspaugh	Tague
Chandler, Okla.	Hawley	Mondell	Taylor, N. J.
Chindblom	Herrick	Montoya	Thompson
Cockran	Hersey	Moore, Ohio	Tilson
Cole, Iowa	Hickey	Moores, Ind.	Timberlake
Cole, Ohio	Hogan	Morgan	Tincher
Collier	Huddleston	Morin	Tinkham
Colton	Hukriede	Mott	Treadway
Connolly, Pa.	Hutchinson	Nelson, A. P.	Underhill
Cooper, Ohio	Johnson, Ky	Nelson, J. M.	Vaile
Cooper, Wis.	Johnson, Wash.	Newton, Mo.	Vestal
Copley	Jones, Pa.	Nolan	Voigt
Coughlin	Keller	Norton	Volk
Crago	Kelly, Pa.	O'Brien	Volstead
Cramton	Kennedy	Olpp	Wason
Crowther	Kindred	Osborne	Webster
Cullen	Kinkaid	Paige	White, Kans.
Curry	Kirkpatrick	Parker, N. Y.	White, Me.
Dallinger	Kissel	Perkins	Woodruff
Darrow	Kline, N. Y.	Petersen	Young
Dempsey	Kline, Pa.	Porter	
Dickinson	Kopp	Pou	
Dupré	Kreider	Purnell	

ANSWERED "PRESENT"—1.

Steenerson

NOT VOTING—126.

Almon	Evans	Kearns	Patterson, Mo.
Anderson	Fairchild	Kelley, Mich.	Patterson, N. J.
Anthony	Fenn	Kendall	Perlman
Benham	Fess	Kiess	Pringey
Bixler	Fields	Kitchin	Quin
Blakeney	Fisher	Kleczka	Rainey, Ala.
Brennan	Frear	Knight	Rainey, Ill.
Brinson	Freeman	Knutson	Ransley
Brown, Tenn.	Goldsborough	Kunz	Reavis
Burke	Gorman	Lampert	Reber
Butler	Gould	Lee, Ga.	Reed, N. Y.
Carew	Graham, Pa.	Lee, N. Y.	Riordan
Christopherson	Greene, Vt.	McClintic	Rose
Clark, Fla.	Hammer	McCormick	Rosenbloom
Clarke, N. Y.	Haugen	McDuffie	Rossdale
Classon	Hays	McFadden	Ryan
Clouse	Hicks	McKenzie	Sabath
Codd	Hill	Mansfield	Sanders, N. Y.
Connally, Tex.	Himes	Michaelson	Schall
Crisp	Hull	Miller	Shreve
Dale	Husted	Mudd	Slemp
Davis, Minn.	Ireland	Murphy	Snell
Doughton	Jacoway	Nelson, Me.	Snyder
Drewry	James	Newton, Minn.	Speaks
Dunbar	Jefferis, Nebr.	O'Connor	Stiness
Dunn	Johnson, S. Dak.	Ogden	Stoll
Ellis	Kahn	Parker, N. J.	Sullivan
Taylor, Ark.	Upshaw	Wheeler	Wurzbach
Taylor, Colo.	Vare	Winslow	Yates
Temple	Ward, N. Y.	Wood, Ind.	Zihlman
Ten Eyck	Ward, N. C.	Woods, Va.	
Thomas	Watson	Wright	

So the motion to recommit was lost.

The following pairs were announced:

On the vote:

Mr. Steenerson (for) with Mr. Perlman (against).

General pairs:

Mr. Miller with Mr. Almon.

Mr. Michaelson with Mr. Woods of Virginia.

Mr. Reed of New York with Mr. Goldsborough.

Mr. Lampert with Mr. Quin.

Mr. Patterson of New Jersey with Mr. Upshaw.

Mr. Mudd with Mr. Brinson.

Mr. Dunn with Mr. Drewry.

Mr. Wurzbach with Mr. Fisher.

Mr. Butler with Mr. Kunz.

Mr. Murphy with Mr. Rainey of Illinois.

Mr. Ellis with Mr. Ward of North Carolina.

Mr. Kleczka with Mr. Doughton.

Mr. Hull with Mr. McDuffie.

Mr. Himes with Mr. Sabath.

Mr. Fess with Mr. Taylor of Colorado.

Mr. Ireland with Mr. Wright.

Mr. Blakeney with Mr. Clark of Florida.

Mr. Rose with Mr. Fields.

Mr. Dunbar with Mr. Hammer.

Mr. Kahn with Mr. Kitchin.

Mr. Anderson with Mr. Connally of Texas.

Mr. Patterson of Missouri with Mr. Taylor of Arkansas.

Mr. Gorman with Mr. Mansfield.

Mr. Shreve with Mr. Rainey of Alabama.

Mr. Christopherson with Mr. Riordan.

Mr. Hill with Mr. Carew.

Mr. Hicks with Mr. Jacoway.

Mr. Kearns with Mr. Crisp.

Mr. Codd with Mr. Lee of Georgia.

Mr. Brennan with Mr. McClintic.

Mr. Reber with Mr. O'Connor.

Mr. Snell with Mr. Sullivan.

Mr. Wood of Indiana with Mr. Thomas.

Mr. Kendall with Mr. Ten Eyck.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question now is on the passage of the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 142, noes 50.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point that no quorum is present.

Mr. GARRETT of Tennessee. Will the gentleman withhold that to permit a suggestion?

Mr. BLANTON. If it will not interfere with a record vote. I do not want to lose the right for a record vote.

Mr. GARRETT of Tennessee. I was going to suggest that the record was made on the motion to recommit and that a further roll call is merely delaying the consideration of the resolution.

Mr. BLANTON. A "no" vote on the motion to recommit is not an "aye" vote on the passage of the measure.

Mr. WALSH. I make the point of order that we have just had a record vote and no business has intervened in the meantime.

Mr. BLANTON. Mr. Speaker——

The SPEAKER. The Chair does not care to hear the gentleman from Texas. The Chair thinks that the gentleman has a right to have a quorum present, and the Chair will count. [After counting.] Two hundred and thirty-three Members present, a quorum. The ayes have it and the resolution is passed.

On motion of Mr. FORDNEY, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

EXTENDING CERTAIN PROVISIONS TO CERTAIN VETERANS OF THE WORLD WAR—CONFERENCE REPORT.

Mr. SINNOTT. Mr. Speaker, I present a conference report for printing under the rule on the bill (H. R. 9633) to extend the provisions of section 2305 of the Revised Statutes, and of the act of September 29, 1919, to those discharged from the military and naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes,

and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

REED SMOOT,
T. J. WALSH,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, submit the following written statement explaining the effect of the action agreed on.

The effect of said action is to restore the language of the bill as it passed the House.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

INTERIOR DEPARTMENT APPROPRIATION BILL.

Mr. CRAMTON. Mr. Speaker, I present herewith for printing under the rules a conference report upon the bill (H. R. 10329) making appropriations for the Department of the Interior.

EXTENSION OF REMARKS.

Mr. APPLEBY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Army bill, passed this morning.

The SPEAKER. Is there objection?

There was no objection.

Mr. APPLEBY. Mr. Speaker, as I am particularly interested in the rivers and harbors section of the bill under discussion, and the time allotted for debate on this section being too limited to give opportunity to all of the Members of the House desiring to be heard on the same, although my statement will be very brief, I have requested the privilege of extending my remarks in the RECORD.

The appropriation carried by this section will, I hope, take care of, in part at least, the project carried in the rivers and harbors bill recently reported to the House, which is of the greatest possible importance to the industrial development of New Jersey. It is the project known as the New York and New Jersey channels. The improvement proposed is a channel, 30 feet deep, from the main ship channel north of Sandy Hook through Raritan Bay via Seguine Point and Arthur Kill to Kill Van Kull, with channels north and south of Shooters Island through Kill Van Kull to deep water in upper New York Bay, and a channel, 30 feet deep, to the Pennsylvania Railroad coal piers at South Amboy. Justification for the deepening of the Raritan Bay Channel is found in the present and prospective commerce of South Amboy and Perth Amboy and of Arthur Kill between Perth Amboy, Chrome, Roosevelt, and Carteret, or points above. Carteret is about the same distance from Sandy Hook by either the northerly or southerly entrance to Arthur Kill, but with the same depth in both entrances vessels from points some distance above Carteret would probably use the Raritan Bay entrance rather than the congested waters of Kill Van Kull, upper New York Bay, and the Narrows. The relief of these main channels of New York Harbor is one of the important objects to be attained by the proposed improvement of the channel through Raritan Bay. On Arthur Kill there are many important industries which find the present channel depth insufficient to accommodate the class of vessels that are most economical for their business, and a depth of 30 feet is desired in this channel and also in the channels north and south of Shooters Island. The total commerce of all three waterways under consideration amounts to approximately 40,000,000 tons a year, of which about 26,000,000 tons pertain to Arthur Kill. In view of the steady increase of commerce and the remarkable growth of the industries located along this waterway, it is believed by the Engineering Corps of the War Department that the further improvement of these channels, with a view to securing a depth of 30 feet and a width of 400 feet throughout, should be undertaken without further delay.

The deepening of this waterway is also a matter of the greatest importance to the shipping interests of this country. It will permit many large plants located along this waterway to load and unload cargoes directly into ocean-going vessels and do away with the enormous delay and expense of lighterage, as well as allowing these vessels to load directly their coal and oil fuel. About 60 per cent of the Arthur Kill traffic is coal from the coal-dock terminals at South Amboy and Port Reading. The Standard Oil Co. now discharges its deep-draft vessels at Bayonne and pumps to its refinery at Bayway, whereas these vessels would go direct to Bayway if they had a channel 30 feet deep. The tonnage in oil at the present time, if my information is correct, is well over 2,000,000 tons annually.

The magnitude and importance of the commerce of this waterway are well known. Gradually its banks are being occupied by industrial plants of various kinds, and it seems practically certain that traffic will continue to increase. Manufacturing and terminal sites on navigable waters adjacent to New York Harbor and vicinity are becoming scarce, and those unoccupied, with the deepening of this channel, will soon be in demand. It seems to be thoroughly understood that great industrial development on both the New York and New Jersey sides of the improved waterway is certain to follow.

In view of the steady increase of commerce and the remarkable growth of the industries located along this waterway and its tributaries and the stimulation for a still greater industrial growth the improvement will bring it is therefore thought that ample justification is found for the expenditure of the funds necessary to provide channels of the depth and width recommended by the War Department and that the project should be adopted without delay.

In this brief statement I have quoted in part from the report of the engineers of the War Department. Their first survey for the project was made in 1915. And so you will note that the proposed improvement has been on the way for the past seven years. It is now considered one of the most important projects before the department. It is estimated that it will take several years to complete it.

When these deeper channels are completed it will mean that ocean-going steamers can go directly to these various terminal points, unload and load their cargoes to and from European ports, and thereby greatly lowering the cost of transportation not only for the steamship lines but for the land carriers as well.

In view of these facts, fellow Members, I trust the amendment for the increased appropriation as offered by Mr. DEMPSEY will receive your vote and become a part of the pending legislation.

Mr. GOODYKOONTZ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon Senate Joint Resolution 160, the Austrian relief resolution, passed this afternoon.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. GOODYKOONTZ. Mr. Speaker, on last Wednesday the House passed the bill, which had previously gone through the Senate, conditionally granting Austria an extension of 25 years within which to pay the American Government the debt of $25,000,000 she owes us for flour sold her and "to release Austrian assets pledged for the payment of such loan." The bill met no serious opposition in the Senate, but was strongly contested in the House.

Having voted against the bill I desire, by way of extension of remarks, to state my reasons therefor. In my judgment the bill constitutes the entering legislative wedge, being driven home by mauls in the hands of powerful international bankers, of those who are behind the movement to bring about a cancellation of the huge debt of more than $10,000,000,000 owing us by foreign Governments. That such a plan was on foot I long suspected. More recently insidious propaganda has been percolating through the usual channels.

In order to give the proposition an air of great respectability, a public speech made in December at Cleveland, Ohio, by Mr. Justice Clarke, the friend of the late Secretary of War, Hon. Newton D. Baker, and appointed by ex-President Wilson, was widely circulated, in which speech Justice Clarke declared to the world that the war debts "should be promptly and wholly canceled."

In an address made in the Chamber of the House the 5th of January last I directed attention to the utterance of Mr. Justice Clarke, and warned the American people that a plan, deep

laid and subtle, was on foot to induce our Government to cancel the loans.

Every day that passes adds to the dark evidences of the schemes devised and the plan being pursued to have us give up the Great War loans that represent the toil and labor, self-sacrifice, and abnegation of millions of American citizens.

The bold schemers behind this project are after a great stake. Never before in the history of the world was so large a sum—ten billions—involved. No bank robber with jimmy and nitroglycerin, with bowie knife and dark lantern, ever planned with greater cunning, stealth, and determination to accomplish his purpose than the persons and interests that are now seeking the annulment of the foreign loans made by this Government during the war.

"Propaganda" is a new word, but an apt one, coined out of a necessity to represent the work, underground chiefly, of manufacturing a public opinion to effectuate an object.

My attention has been called to a weekly trade bulletin called The Current, of date March 16, issued by a New York City firm of stockbrokers, from which I read the following:

VITAL DEVELOPMENTS OF THE WEEK.

1. Foreign debts to us, with interest, $11,000,000,000, should become live issue on April 22, this date being end of moratorium as to interest.
2. As to this, we believe the question of cancellation now more widely agitated may influence next general election.

Your attention is directed to the concluding paragraph, which tells us that the question of cancellation is being widely agitated, and, furthermore, that the same may influence the next general election. How influence, may I ask? To me the declaration implies that those who are interested in the cancellation—foreigners, acting through and by their agents, the international bankers—expect to take a hand in American elections with the view of putting in Congress men who will vote for cancellation of the loans. To what ends they will go and by the use of what methods and means remains to be seen.

The question naturally arises, Why are the international bankers interested? The answer is: These men have banks not only in New York but in Paris, London, and Berlin. Their vaults are filled to capacity with the bonds of foreign Governments—some of them insolvent—securities bought at a low figure, and if our Government releases its claim then the value of their securities will be enhanced. In addition to this, such bankers are the fiscal agents of foreign Governments, and deem it their duty to advance the cause of their principals.

But, Mr. Speaker, to my mind the most convincing evidence of the movement I have described consists in a well-prepared address of Mr. Otto H. Kahn, the well-known international banker of New York. The speech was delivered "at the Advertising Club," and is being circulated by an organization styling itself "Committee of American Business Men." I presume every Member of Congress has received a copy of the speech. The one sent me was accompanied with a note saying that "the committee will be indebted to you (me) for any comment or suggestion you (I) may care to make." Evidently the "committee" has adopted this method of sounding out Members of Congress, the greater number of whom are expected to stand for reelection. The "suggestions" and "comments" I have to make I am, therefore, offering in this public way, not only for the benefit of the "committee" but also for the benefit of the country.

The argument of Mr. Kahn admits "that the debts are justly due us," and concedes that "the allied nations took material compensation from the vanquished to the extent that there were assets to distribute—territorial, physical, or financial—not to mention the obtainment of advantages of a less tangible but none the less very real nature. America, on the other hand, asked nothing and received nothing of the material spoils of war. We are carrying the immense burden of our war expenditures without any compensating tangible return whatsoever."

Of the assets taken over by England I might mention Mesopotamia, covering the regions of the Tygris and the Euphrates—a territory as rich as the valley of the Nile, except four times larger in area.

Of the assets taken over by France were Alsace and Lorraine, with their iron, coal, potash, and other tremendous wealth. Likewise these two countries took over a vast empire in Africa, and now own practically the entire rubber supply of the world. The United States motor-car industry is almost entirely dependent upon these two nations for its rubber supply.

To catalogue the vast properties, rights, and benefits obtained by our allies from the conquered nations would require many pages. It was only Uncle Sam who came away empty handed. Now it is proposed to cancel the notes given us by the Allies.

The apparently friendly attitude of Mr. Kahn, as indicated by the quoted matter, is soon dispelled, for by a further reading of his address we find him saying that the "reparation sum" placed upon Germany "is greatly beyond Germany's capacity to pay"; that in order to remove the causes which stood in the way of "stabilizing and normalizing Europe," he proposes as and for a remedy as follows:

I would cancel the allied war debts to America to the extent that they are war debts, not as a free gift but in consideration of and return for adequate pledges and appropriate action on the part of the nations concerned, leading to the elimination, as far as actually possible, or at least the prompt and essential mitigation of the remediable circumstances and conditions which keep Europe in turmoil and prevent it from exercising its normal and natural functions either as consumer or producer. Subject to that consideration in each instance, I would cancel all the allied war debts to us, regardless of the solvency of the nation concerned, and I would impose the stipulation that the war debts which the various allied nations owe as between themselves be likewise canceled.

Here, then, we have an open declaration by an international banker of his view on the subject. The fact that this speech was made, printed, and circulated is palpable evidence that the agitation will go on and, as The Current puts it, will be carried into the next general election.

The action of the House in extending the time for the payment of the Austrian loan will be heralded abroad as the attitude of Uncle Sam on all the foreign loans.

Furthermore, the release of the Austrian assets pledged to secure the loan is tantamount to handing over the security to our former allies, who thereby become the holders of a first mortgage to secure the huge indemnity exacted by them under the treaty of Versailles.

The stand I have taken I well know will make me the subject of attack by powerful interests, and I shall probably be marked by them for slaughter in the next election. Being convinced that I am right, I shall go ahead without regard to consequences. On the other hand, I am reassured by letters coming to me from men in every walk of life approving my stand. This morning's mail brought to me nine letters on the subject. Briefly, they are as follows:

Mr. M. T. Roberts, a business man, of Eggleston, W. Va., tells me that I am right and he is pleased with my efforts.

Mr. S. T. Goshorn, a justice of the peace, of Piedmont, W. Va., says that he can not commend my speech too much; that it expresses his sentiment.

Mr. P. M. Nelson, postmaster at Beverly, W. Va., says that he has read my address and that it embodies everything that is fair and just, and suggests that my speech on the subject be distributed all over the country.

Messrs. Marcum & Marcum, prominent lawyers, of Huntington, W. Va., write that they heartily indorse my position and say that we would be very foolish out of pure sentiment to cancel the $11,000,000,000 due us from foreign nations.

John H. Meek, Esq., of the law firm of Vinson, Thompson, Meek & Renshaw, Huntington, W. Va., says he indorses my position most heartily.

Mr. O. P. Vines, cashier of the Citizens' National Bank, Hinton, W. Va., says he likes the stand I have taken and feels sure that I will have the full support of my constituents on the question.

Ex-Major of Infantry Charles C. Robinson, now department vice commander for the second district of the American Legion of West Virginia, at Morgantown, W. Va., says he wishes to commend me for my frank and open statements, and feels sure that I will find the American people behind me with their support on the proposition.

Hon. J. Frank Marsh, secretary of the State board of education, at Charleston, W. Va., says, in regard to my stand on the matter, that he is pleased with the recognition I am getting for myself and the honor I am bringing to the State.

Hon. Howard Post, a member of the House of Delegates of West Virginia, at Clarksburg, W. Va., says he has read the address with pleasure, and congratulates me upon the splendid and clear argument I have offered against the cancellation; that he thinks he is safe in saying that at least 99 per cent of the citizens of West Virginia are with me in the matter; that foreign nations owe us this money and every cent of it should be paid with interest; that we should ask no quarter and surely give none.

It is eminently proper that I should give publicity to the views of our people on this subject. These are only a few of the many letters I have received in the matter.

The position of every candidate for Congress in the primaries and in the next general election on this all-important subject should be clearly stated. The people are entitled to know not only what the candidates have to say on the subject but they ought to fully investigate, with a view of determining whether or not his heart is right.

Mr. KETCHAM. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by setting forth therein the wage scales in the bituminous coal sections, incident to the pending coal strike.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, is this very lengthy?

Mr. FOSTER. Here it is. It is not very long.

Mr. GARNER. I do not see the gentleman from Massachusetts [Mr. WALSH] here. He usually objects to matters of this kind. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Speaker, I have the honor to represent the tenth district of Ohio. It embraces six counties, as follows: Athens, Gallia, Jackson, Lawrence, Meigs, and Vinton. Each county contains bituminous coal mines. The present wage scale expires with the end of this month. A strike is now called. I have been asked by several Members of the House what the present wage scale is. Because of these inquiries, I herewith append a statement showing the wages paid for the different kinds of work necessary for the mining of coal in each county in that district.

By way of explanation, it may be said that the wages differ according to the nature of the work, the thickness of the coal vein, and other conditions surrounding the working places. Pick mining, or hand mining, embraces about 15 per cent of the total of the coal mined, while the coal known as machine mined is approximately 85 per cent.

Of the number of men employed in and about a mine, the day laborers compose about 30 per cent of the total.

Detailed mining scale for Athens County.

PICK MINING.

Run of mine	per ton	$1.1164
Entries, dry	per yard	3.6217
Breakthroughs, in entries	do	3.6217
Breakthroughs, in rooms	do	2.5110
Room turning	per room	5.4896

MACHINE CUTTING.

By Jeffrey machine, in room	per ton	.14
By Jeffrey machine, in entry	do	.1790
By punching machines, in room	do	.1744
By punching machines, in entry	do	.1905

LOADING.

In room, with hand drilling	per ton	.80
In entry, with hand drilling	do	.9290
Breakthroughs, in entries (entry price)	do	.9290
Breakthroughs, in rooms (per ton)		Entry price.

INSIDE DAY-LABOR SCALE.

Tracklayers	per day	7.50
Tracklayers' helpers	do	7.25
Trappers	do	4.00
Trappers (where old men are employed)	do	5.41
Bottom cagers, drivers, trip riders	do	7.50
Water haulers, machine haulers	do	7.50
Snappers on gathering locomotives	do	7.50
Timbermen	do	7.50
Pipemen for compressed-air plants	do	7.42
Wiremen	do	7.50
Motormen	do	7.50
Motormen (minimum)	do	7.50
Other inside day labor	do	7.25
Spike team drivers, extra	do	.25

OUTSIDE DAY-WAGE SCALE.

First blacksmith	per day	7.77
Second blacksmith	do	7.45
Blacksmith helpers	do	7.25
Mine carpenters	do	7.45
Dumpers	do	7.25
Trimmers	do	7.25
Greasers and couplers	do	5.06

When engineers and firemen are employed by the day, the minimum rate shall be $7.25 for eight hours' work. This shall not apply to men employed at a monthly rate. This rule shall also apply to coal washers.

Detailed mining scale for Meigs and Gallia Counties.

Pick mining	$1.146
Entry, per yard	2.486
Breakthroughs between rooms and entries, per yard	2.486
Room turning, under 12 feet	2.486
Room turning, over 12 feet	5.477

MACHINE MINING.

Cutting in rooms	.1520
Cutting in entries	.1906
Cutting in breakthroughs, rooms, or entries	.1906
Loading, shooting, drilling in rooms	.7880
Loading, shooting, drilling in breakthroughs between rooms	.9189
Loading, shooting, drilling in entries	.9189
Loading, shooting, drilling in breakthroughs between entries	.9189
Loading top or bone coal, per ton	.4002
Loading top or bone coal, per 27-bushel car	.4346
Loading slate, per 20-bushel car	.2188
Loading slate, per 27-bushel car	.2966

DAY LABOR.

Tracklayers, water bailers, pipemen, motormen, trip riders, drivers, wiremen, timbermen, and bottom cagers	$7.275
Pushers, pump men, and all other inside day labor, except otherwise named	6.90
Trappers	4.00
Trappers (if old men)	5.1325
Head dumpers and trimmer	6.90
All other men about the tipple, minimum	6.60
Greasers, couplers, and slate pickers	4.00
Slate dump men	6.60
Blacksmiths, minimum	7.29
Hoisting engineers, minimum	7.275

Detailed mining scale for Jackson, Vinton, and Lawrence Counties.

Pick mining	$1.18
Entry (5 by 8) (coal alone), per yard	2.0354
Entry (5 by 8), per yard (slate)	1.5870
Entry rock or rock mixture (one-third more than slate)	2.1197
Breakthroughs, per yard	2.0354
Rooms turned less than 12 feet wide (E. P.)	2.0354
Cutting in rooms—chain machines	.1608
Cutting in entries—chain machines	.1990
Cutting in breakthroughs between rooms (E. P.)	.1990
Loading, drilling, and shooting in rooms	.8166
Loading, drilling, and shooting in entries	.9482
Loading, drilling, and shooting in breakthroughs between entries (E. P.)	.9482
Loading, drilling, and shooting in breakthroughs between rooms (E. P.)	.9482
Loading, drilling, and shooting in room turning	.9482

DAY LABOR.

Drivers, pushers, trimmers, dumpers, and other inside labor, except otherwise named	6.90
Motormen, tracklayers, and water bailers	7.20
Trappers	4.00

The coal mined in these three counties ranges in thickness from 22 inches to 4 feet 4 inches, and the above mining rates apply to the thin and thick mining alike.

Coal mining in southeastern Ohio has been at a low ebb during the past year. The mines in the tenth district have worked less than 25 per cent, while mines in eastern Ohio have worked approximately 40 per cent. Abnormally high freight rates have contributed to this condition. It is not uncommon to find shipments of coal from a point in Ohio to a point in Ohio where the freight rate is greater than the price of the coal.

The condition of the miners in southeastern Ohio is bad. In my home county of Athens the American Red Cross has for several weeks had charge of the distribution of clothing and food. In some of the schools the children are being fed by the Red Cross. Several thousand members of the families of miners are reported by the Red Cross as being in needy circumstances.

I think it but fair to all residents of the tenth congressional district as well as to the Members of Congress that these conditions be made public. One of the essentials in remedying conditions is that the truth be brought to light. This is accomplished in part by submitting data as above given, so that conditions may be understood exactly as they are.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate Joint Resolution 160.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on forest-land exchange.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, are the remarks on some particular measure that is pending or on the subject in general?

Mr. RAKER. They are my own remarks on the subject in general.

Mr. WALSH. Any newspaper clippings?

Mr. RAKER. There are no newspaper clippings in this matter.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. J. Res. 263) authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof, when the Speaker signed the same.

ADDITIONAL HOSPITAL FACILITIES FOR EX-SERVICE MEN AND WOMEN.

Mr. LANGLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10864, to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau. Pending that I ask unanimous consent that general

debate upon the bill be limited to four hours, one-half to be controlled by myself and one-half by the ranking Democrat on the committee. I assume that there is practically no opposition to the bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that general debate upon the bill be limited to four hours, one-half to be controlled by himself and one-half by the ranking minority member on the committee. Is there objection?

Mr. BARKLEY. Mr. Speaker, reserving the right to object, is the debate to be limited to the bill?

Mr. LANGLEY. No.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Kentucky that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10864.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10864, with Mr. GREEN of Iowa in the chair.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospital and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital plants shall be of fireproof construction and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau.

SEC. 2. That the construction of new hospitals or dispensaries, or the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

SEC. 3. That for carrying into effect the preceding paragraphs relating to additional hospital and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,000,000, to be immediately available and to remain available until expended.

Mr. LANGLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GREEN of Iowa, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10864 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. CONNALLY of Texas, for an indefinite period, on account of illness in his family.

Mr. PATTERSON of Missouri (at the request of Mr. FAUST), for an additional 10 days, on account of the serious illness of his father.

Mr. CLARKE of New York, for 10 days, on account of business and planning for spring plowing.

ORDER OF BUSINESS.

Mr. GARRETT of Tennessee. Mr. Speaker, may I ask the gentleman from Kentucky if it is the purpose to continue the consideration of the hospital bill to-morrow?

Mr. LANGLEY. Yes.

Mr. GARRETT of Tennessee. I think Members ought to know of this fact.

ADJOURNMENT.

Mr. LANGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Thursday, March 30, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. S. 1730. An act for the relief of Philip S. Everest; without amendment (Rept. No. 853). Referred to the Committee of the Whole House.

Mr. DRIVER: Committee on the Public Lands. H. R. 10361. A bill authorizing the sale and patent of certain alleged public lands in Louisiana; with amendments (Rept. No. 854). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 2763. A bill for the relief of Sanford Kirkpatrick; without amendment (Rept. No. 855). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 1730) for the relief of Philip S. Everest; Committee on Indian Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 10062) granting a pension to Emma F. McClaughry; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10436) granting an increase of pension to John H. Hoover; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10962) granting an increase of pension to Harriet M. Miller; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KENDALL: A bill (H. R. 11088) for the erection of a public building at Somerset, Somerset County, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. LEATHERWOOD: A bill (H. R. 11089) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. WINSLOW: Joint resolution (H. J. Res. 296) authorizing and directing the accounting officers of the General Accounting Office to allow credit to the disbursing clerk of the United States Veterans' Bureau in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. APPLEBY: Joint resolution (H. J. Res. 297) authorizing and requesting the President of the United States to call a conference of maritime nations with a view to the adoption of effective means for the prevention of pollution of navigable waters by oil-burning and oil-carrying steamers by the dumping into such waters of oil waste, fuel oil, oil sludge, oil slop, tar residue, and water ballast; to the Committee on Foreign Affairs.

By Mr. KINDRED: Memorial of the Legislature of the State of New Jersey, urging the passage of the Appleby bill, to protect the navigable waters of the coast from pollution by fuel oil and waste; to the Committee on Rivers and Harbors.

By Mr. ANDREW of Massachusetts: Memorial of the Legislature of the State of Massachusetts, in favor of an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor for women and children; to the Committee on Labor.

By Mr. HAYDEN: Memorial of the Legislature of the State of Arizona, relating to the restoring of a specified section of the White Mountain Indian Reservation to the public domain; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Nebraska: A bill (H. R. 11090) granting an increase of pension to Mary Dickson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11091) granting an increase of pension to Elisha T. Baer; to the Committee on Pensions.

By Mr. CABLE: A bill (H. R. 11092) granting a pension to Margaret A. Addington; to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 11093) for the relief of August Michalchuk; to the Committee on Claims.

Also, a bill (H. R. 11094) granting an increase of pension to Eva Shaw; to the Committee on Invalid Pensions.

By Mr. GORMAN: A bill (H. R. 11095) authorizing the reinstatement of James A. Murphy as second lieutenant in the Regular Army; to the Committee on Military Affairs.

By Mr. HICKEY: A bill (H. R. 11096) granting a pension to Catharine Hand; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 11097) granting an increase of pension to Bertha M. Snow; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 11098) granting a pension to Morgan A. Harris; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 11099) granting a pension to Annie E. Homan; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 11100) granting an increase of pension to Mary Ann Jolly; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 11101) granting an increase of pension to Roscoe City; to the Committee on Pensions.

Also, a bill (H. R. 11102) granting an increase of pension to Nancy M. Henderson; to the Committee on Invalid Pensions.

By Mr. SMITHWICK: A bill (H. R. 11103) providing for a preliminary examination and survey of Bayou Chico, Fla.; to the Committee on Rivers and Harbors.

By Mr. SUMMERS of Washington: A bill (H. R. 11104) granting a pension to Susan Tyler; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 11105) granting an increase of pension to Thomas Samuel Garen; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4873. By the SPEAKER (by request): Petition of Juan Nieves Mercado, of Barceloneta, P. R., protesting against the governorship of E. Mont Reilly; to the Committee on Insular Affairs.

4874. By Mr. ANSORGE: Petition of George A. Kent, of 522 West One hundred and thirty-fourth Street, New York, favoring the bill retiring emergency officers (S. 1565); to the Committee on Military Affairs.

4875. Also, petition of Norman M. Cohen, advocating adequate care of the wounded, crippled, and maimed soldiers and for governmental provision for proper recreation for tubercular patients at Fox Hills Hospital; to the Committee on Public Buildings and Grounds.

4876. Also, petition of Inwood Post, American Legion, of New York, protesting against the removal of patients from Fox Hills Hospital to hospitals remote from their homes; to the Committee on Public Buildings and Grounds.

4877. By Mr. CLAGUE: Petitions for stabilizing the prices of farm products from citizens of the counties of Faribault, Jackson, Cottonwood, Redwood, Brown, and Rock, in Minnesota; to the Committee on Agriculture.

4878. By Mr. CLARKE of New York: Petition of citizens of Norwich, N. Y., protesting against the passage of House bills 4388 and 9753 and Senate bill 1948, and any other bills relating to Sunday observance; to the Committee on the District of Columbia.

4879. By Mr. CRAMTON: Petition of the Rev. Arthur A. Hahn and other residents of Millington, Mich., protesting against the passage of House bill 9753 and similar bills; to the Committee on the District of Columbia.

4880. By Mr. CURRY: Petition of citizens of Oakland, Calif., against the enactment of a Sunday law; to the Committee on the District of Columbia.

4881. By Mr. FENN: Petition of citizens of Connecticut against the passage of House bill 9753 or any bill regulating Sunday observance; to the Committee on the District of Columbia.

4882. By Mr. FULLER: Petitions of the Evangelical Church and congregation, the First Baptist Church, and the Advent Christian Church, all of Mendota, Ill., protesting against any modification of the prohibition enforcement law; to the Committee on Ways and Means.

4883. By Mr. GALLIVAN: Petitions of Robert Treat Paine, of Boston, Mass., and others, urging the passage of the Lodge resolution providing for the deferment of the payment of the Austrian loan for 25 years; to the Committee on Foreign Affairs.

4884. By Mr. HADLEY: Petition of Mildred Pratt and other residents of Ferndale, Wash., urging the revival of the United States Grain Corporation and a fixed price for the 1922 crop of wheat; to the Committee on Agriculture.

4885. Also, petition of F. M. Wormach and other residents of Clear Lake and other places in the State of Washington, protesting against the passage of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

4886. By Mr. KISSEL: Petition of the Insurance Federation of the State of New York, of Albany, N. Y., opposing the Fitzgerald bill; to the Committee on the District of Columbia.

4887. Also, petition of the New England Importers & Traders Association (Inc.), of Boston, Mass., relative to the proposed tariff on wool; to the Committee on Ways and Means.

4888. By Mr. KNUTSON: Petition of citizens of Bemidji, in the State of Minnesota, against the passage of House bill 4388; to the Committee on the District of Columbia.

4889. By Mr. McCORMICK: Petition of citizens of Missoula County, Mont., opposing the passage of House bills 9753 and 4388 and Senate bill 1948, and any other legislation pertaining to Sunday observance; to the Committee on the District of Columbia.

4890. By Mr. MEAD: Petition of Loyd Hedrick, manager of the Purina Mills, of Buffalo, N. Y., relative to certain provisions in tariff bill; to the Committee on Ways and Means.

4891. By Mr. RAKER: Petition of Edward A. Filene, president of William Filene's Sons Co., of Boston, Mass., indorsing and urging the immediate passage of Senate joint resolution 160, providing for the postponement of the Austrian debt for a period not to exceed 25 years; also petition of the Local Federation of Shop Crafts of Dunsmuir, Calif., protesting against the four-power pact and the scrapping of any of our war vessels; to the Committee on Foreign Affairs.

4892. Also, petition of the National Lutheran Council, of New York City, N. Y., indorsing Joint Resolution 31, by Senator JONES of Washington, proposing to amend the Constitution to authorize uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

4893. Also, petition of the auxiliary to United Spanish War Veterans, Department of California, indorsing Senate bill 1252 and urging its passage; to the Committee on Ways and Means.

4894. By Mr. SNELL: Petition of sundry residents of Altona, N. Y., requesting the passage of the Voigt bill (H. R. 8086) to prohibit the manufacture of filled milk; to the Committee on Agriculture.

4895. By Mr. SNYDER: Memorial of the Ignotus Club of Zion's Church, of Rome, N. Y., opposing changes in the Volstead Act raising the authorized alcoholic content of beverages; to the Committee on the Judiciary.

4896. By Mr. WATSON: Resolutions passed by the Pennsylvania Branch of the Society of American Foresters and by the Center County Conservation Association, protesting against the proposal to transfer the Forest Service or any part of it from its present jurisdiction in the Department of Agriculture; to the Committee on Agriculture.

SENATE.

THURSDAY, *March 30, 1922.*

(Legislative day of Thursday, March 16, 1922.)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

As in legislative session,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 160) authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 263) authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof, and it was thereupon signed by the Vice President.

RECOGNITION OF PALESTINE AS HOMELAND OF JEWISH PEOPLE.

Mr. LODGE. Mr. President, I desire to offer resolutions of the Legislature of Massachusetts with regard to recognizing Palestine as the homeland of the Jewish people. I ask that they may be printed in the RECORD and referred.

The resolutions were referred to the Committee on Foreign Relations, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
In the year 1922.

Order relative to recognizing Palestine as the homeland of the Jewish people.

Whereas the supreme council of the Allied Peace Conference meeting at San Remo recognized the right of the Jewish nation to a national existence in Palestine and conferred upon Great Britain a mandate over Palestine; and

Whereas the various great nations of the world have approved the establishment of the national homeland for the Jews in Palestine; and

Whereas the people of the United States, individually and through their spokesmen in Congress and by leading men in all walks of life, have expressed their gratification at the realization of the national hopes of the Jews; and

Whereas the General Court of Massachusetts views with pleasure the progress of the Jewish people in Palestine, in developing the economic resources of the country, in founding institutions of learning, and in creating a spiritual center, so that it may the better serve mankind: Therefore be it

Ordered, That the General Court of Massachusetts urges the Government of the United States of America formally to recognize the present status of the Jewish people in Palestine and thus to approve the fulfillment of its yearning desire for a national home in the land of its forefathers; and be it further

Ordered, That copies of this order be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, to each of the Senators and Representatives in Congress from Massachusetts, and to the Zionist organization of America.

In house of representatives, adopted March 29, 1922.
In senate, adopted in concurrence March 29, 1922.
A true copy. Attest:

F. W. COOK,
Secretary of the Commonwealth.

CALL OF THE ROLL.

Mr. LODGE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	Nelson	Spencer
Borah	Harris	New	Sutherland
Cameron	Harrison	Oddie	Swanson
Capper	Hitchcock	Overman	Trammell
Caraway	Johnson	Page	Underwood
Colt	La Follette	Pittman	Wadsworth
Culberson	Lenroot	Poindexter	Warren
Cummins	Lodge	Rawson	Watson, Ga.
Dial	McNary	Sheppard	Weller
Fernald	Moses	Simmons	Willis

Mr. SHEPPARD. I wish to announce that the Senator from Montana [Mr. WALSH] is detained on official business.

The VICE PRESIDENT. Forty Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Bursum	Jones, Wash.	Sterling	Walsh, Mont.
Glass	Phipps		

Mr. JONES of Washington. I wish to announce that the following Senators are absent on business of the Senate:

The Senator from Nebraska [Mr. NORRIS], the Senator from Illinois [Mr. MCKINLEY], the Senator from Oklahoma [Mr. HARRELD], the Senator from Colorado [Mr. NICHOLSON], the Senator from North Dakota [Mr. LADD], the Senator from New Hampshire [Mr. KEYES], the Senator from South Dakota [Mr. NORBECK], the Senator from Louisiana [Mr. RANSDELL], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Wyoming [Mr. KENDRICK].

Mr. SUTHERLAND. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. FRELINGHUYSEN], and the Senator from Indiana [Mr. WATSON] are detained at a meeting of the Committee on Finance.

The VICE PRESIDENT. Forty-six Senators having answered to their names, a quorum is not present.

Mr. LODGE. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

The following Senators entered the Chamber and answered to their names:

Broussard	France	Gerry	Townsend
Ernst			

The VICE PRESIDENT. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. LODGE. I ask that the order to the Sergeant at Arms may be vacated.

The VICE PRESIDENT. Without objection, it is so ordered.

THE SHIPPING BOARD.

Mr. DIAL. Mr. President, I have been intending for some time to make some remarks in regard to the Shipping Board, but I realize that the Senate is anxious to dispose of the treaties now pending before it, and I will only take a few moments.

I notice that the Shipping Board has come to Congress asking for subsidies or, at least, it is apparent that it is expecting some kind of assistance. I am not surprised that they should come to Congress and ask for help, considering the manner in which they have carried on the business intrusted to their care. I have had occasion to familiarize myself to some extent with their methods, and I must say that I know of no Government officials who look upon their duties as lightly as do the members of the Shipping Board, although several of its operatives are drawing salaries as high as $30,000 a year. They were before the Committee on Commerce some time ago, and I never was reminded more forcefully of 14-year-old giggling schoolgirls than I was on that occasion.

I noticed in the newspapers a day or two ago that they have some 164 ships tied up in a river in the neighborhood of New York, and the report stated that they had 600 guards, and yet, notwithstanding all those guards, they allowed something like $400,000 worth of Government property to be stolen from those ships. That, I suspect, is about in keeping with the manner in which they have performed their duties, and therefore I am not surprised that they are asking for more money out of the people's pocket to carry on the enterprise in which they are engaged.

The fact is that instead of trying to look out for business they have tied up ships to keep them from carrying on business. I believe that out of something in the neighborhood of 1,500 steel ships they were operating some time ago only 382. It is even claimed that they did not have enough ships in commission to carry the corn which we donated to the starving people of Russia. So, Mr. President, I think that Congress ought to be very slow to throw away any more money on such an incompetent set as the Shipping Board.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a resolution adapted by the Lambs' Club, of Kemmerer, Wyo., favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. NELSON presented a memorial, numerously signed, of sundry citizens of Bemidji, Minn., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CAPPER presented memorials of sundry citizens of Labette County, Kans., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. HARRIS. I present a telegram from the Country Bankers' Association of Georgia, which I ask may be referred to the Committee on Finance and placed in the RECORD.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

ATLANTA, GA., *March 29, 1922.*

Senator WILLIAM J. HARRIS,
Washington, D. C.:

While the country bankers of Georgia are not very strong on tariffs, yet, since we are going to have a protective tariff, we ask that this tariff bill extend its protection to the products of the farmer, especially peanuts, peanut oil, and cottonseed oil, that are affected by the importation of foreign soyabean oil, peanuts, and peanut oil. If the present tariff is removed the farmer will get approximately $8 per ton less for his cotton seed and approximately $15 per ton less on peanuts. The farmers need this protection against oriental labor and must have it.

COUNTRY BANKERS' ASSOCIATION OF GEORGIA.

Mr. ASHURST presented a certified copy of house joint memorial No. 1, adopted by the Legislature of Arizona, urging the restoration to the public domain of a certain tract of land in the San Carlos division of the White Mountain Indian Reservation, which was referred to the Committee on Indian Affairs, as follows:

HOUSE OF REPRESENTATIVES,
FIFTH STATE LEGISLATURE,
First Special Session.

House joint memorial 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Fifth Legislature of the State of Arizona, in special session assembled, do respectfully represent that—

Whereas the boundaries of the White Mountain Indian Reservation were described in Executive order dated December 14, 1872, and the present south boundary of the said reservation is described in the recommendation of the Interior Department of the United States dated

July 30, 1873, and approved by the President August 5, 1873, by the following language:

"All that portion of the valley of the Gila River in the Territory of Arizona hitherto included in the San Carlos division of the White Mountain Indian Reservation as established by Executive order dated December 14, 1872, lying east of and above the site of old Camp Goodwin, be restored to the public domain."

And in compliance with the said recommendations one Paul Riecker, United States deputy surveyor, did survey in the year 1883 the said south boundary of the said reservation, the notes and maps whereof being now on file in the office of the Department of the Interior at Washington, D. C.

That in executing the instructions contained in the said recommendations of the Department of the Interior, to wit: "All that portion of the valley of the Gila River River * * * lying east of and above the site of old Camp Goodwin be restored to the public domain," the said Deputy Surveyor Riecker erred in so far as not including within the said survey as portions of the valley of the Gila River the course and drainage basins of Bonita Creek and other tributaries of the Gila River lying east of and above the site of old Camp Goodwin, and being by actual physical characteristics part and parcel of the valley of the Gila River.

That all that part of the valley of the Gila River south from a point 14 miles, 45.23 chains, directly north of that point of beginning at old Camp Goodwin described in the President's letter of approval of August 5, 1873, and being the point where the Baldwin survey (and Riecker survey) intersects the summit of the Gila Range of mountains which bears southeast and northwest, and which point being an angle point, is marked as follows: An iron post 3 inches in diameter, 20 inches in the ground to rock, surrounded by a mound of stone, which iron post is capped and said cap stamped "W M I R A P in W 14 M 45.23 chs P L in E Angle 1915 in S.", due east to a point of intersection with the east line of that part of the White Mountain Indian Reservation restored to the public domain by Executive order dated July 21, 1874, the same being known and designated on the official maps and plats as 109° 30' west longitude, and being approximately 35 miles in length, is not now and never has been used or occupied by the Indian wards of the White Mountain or San Carlos Reservations or any other Indians; nor is it of a character that would invite dwelling or sustain life of even an Indian; nor does it contain cattle or other stock of Indians; that no agricultural land is embraced in said section excepting a few acres along the Bonita Creek; that the said section is rough and hilly and what is known as a broken country; that it does contain in season feed for range stock and live water, the latter being the lifeblood of the cattle interests of the said section.

That by virtue of the facts hereinabove set forth, i. e., the section of country in question being in the valley of the Gila River "lying east of and above the site of old Camp Goodwin," being at present and as long as memory of man records uninhabited by Indians; being of no value as agricultural land; being a rough, hilly country of value to no one but that great pioneering class of the American frontier, the cattle raiser, it is hereby

Resolved by the Fifth Legislature of the State of Arizona, in special session assembled, That Congress be memorialized to take immediate action to the end that the above specified section of the White Mountain Indian Reservation be restored to the public domain. It is further

Resolved, That copies of this memorial be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Department of the Interior, and to the Hon. HENRY F. ASHURST and the Hon. RALPH CAMERON, United States Senators, and Hon. CARL HAYDEN, Congressman from Arizona, urging upon each the justness of the request, correcting an error of long standing, aiding a great industry and a large number of pioneers, while working a hardship on no class or individual; that they may do all in their power to secure the sought-for legislation.

And your memorialists will ever pray.

Adopted by the senate March 16, 1922, by viva voce vote.

P. C. KEEFE,
Speaker of the House.
OSCAR ZAPF,
Chief Clerk of the House.

Adopted by the senate March 16, 1922, by viva voce vote.

H. B. WILKINSON,
President of the Senate.
ROY N. DAVIDSON,
Secretary of the Senate.

Mr. ASHURST presented resolutions adopted by Stephen D. Little Garrison, No. 125, Army and Navy Union, of Nogales, Ariz., favoring the enactment of beneficial legislation for veterans of all wars, the imposition of an excess-profits tax rather than a sales tax for raising the necessary funds therefor, and the passage of the so-called Morgan bill increasing the pensions of Civil War veterans and their widows, which were ordered to be printed in the RECORD and referred to the Committee on Finance, as follows:

Preambles and resolutions adopted Monday, February 13, 1922, by Stephen D. Little Garrison, No. 125, Army and Navy Union.

Whereas in response to an insistent public demand the Congress of the United States is giving attention to the problem of providing adequate compensation, justly earned and due to World War service men, and is framing appropriate legislation to provide such compensation: Be it

Resolved, By Stephen D. Little Garrison, No. 125, Army and Navy Union, at Nogales, Ariz., embracing former service men of all wars of the Republic, would call to attention by the Congress that aged and infirm soldiers of other wars, who served well and faithfully, many now in dire poverty and want, are needing provision to meet advancing infirmities and disabilities of age, and should be awarded by act of Congress provision fully as liberal as that in course of enactment for World War veterans; hence, be it further

Resolved, That this Stephen D. Little Garrison, Army and Navy Union, urges upon the Congress adoption of suitable legislation to provide adequate compensation or pensions to service men (and their widows) of the war against Spain, of the various Indian wars, of the Philippine war, of the Boxer war in China, etc.; and that officers and men of those wars who by an act of Congress were deprived of travel pay and subsistence en route be restored the same and paid their just dues under a law that was repealed in 1899; and be it further

Resolved, That this garrison urges upon Congress speedy enactment of the Morgan bill, now pending, increasing pensions of Civil War veterans and their widows, as those still surviving from that great conflict are very aged, while pensions now paid are wholly inadequate; and

Whereas methods for providing funds necessary to meet such proposed pension and compensation legislation are causing very great and unnecessary concern; and

Whereas the past 30 years have witnessed growth within these United States of plethoric and swollen fortunes in the hands of profiteers, most of them of alien birth; be it further

Resolved, That this Stephen D. Little Garrison, No. 125, Army and Navy Union, would suggest to the Congress that all funds to meet pension and compensation legislation can be met by reenactment of the excess-profits tax, which is eminently right and just, because it can not be passed along to the consumer; and such passing of taxation should be prohibited by law; and be it further

Resolved, That Stephen D. Little Garrison, Army and Navy Union, opposes most earnestly imposition of a sales tax to meet these pension and compensation measures, because profiteers can put such a tax right back upon those for whom the proposed legislation is to be enacted, and upon the American people at large. Let those who have profited and are profiteering upon democracy pay for the blood and effort that made possible their unholy profiteering; and be it further

Resolved, That the commander and adjutant of this garrison are instructed hereby to transmit to United States Senator RALPH CAMERON, United States Senator HENRY F. ASHURST, and Hon. CARL HAYDEN, Member of Congress, copies of these resolutions, requesting them to present the same in the United States Senate and House of Representatives, respectively, asking that they be spread upon the minutes of each branch of Congress.

NOGALES, ARIZ., *February 22, 1922.*

The undersigned, commander and adjutant of Stephen D. Little Garrison, No. 125, Army and Navy Union, hereby certify that the foregoing resolutions were adopted in due form at a regular muster of said garrison, Monday, February 13, 1922.

ALLEN T. BIRD, *Commander.*

Attest:
[SEAL.] F. B. CARROON, *Adjutant.*

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIAL:

A bill (S. 3360) to authorize the building of a bridge across the Congaree River in South Carolina; to the Committee on Commerce.

By Mr. HALE:

A bill (S. 3361) granting an increase of pension to Joseph A. Libby (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3362) authorizing the Secretary of the Treasury to promulgate schedule of fees to be charged vessels at the national quarantine, port of New York; to the Committee on Commerce.

By Mr. CAMERON:

A bill (S. 3363) authorizing the Secretary of War to deliver to Frank Luke, jr., Post, No. 1, the American Legion, Phoenix, Ariz., one piece of German field artillery with certain equipment; to the Committee on Military Affairs.

By Mr. FERNALD:

A joint resolution (S. J. Res. 186) authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden; to the Committee on Public Buildings and Grounds.

By Mr. HARRIS:

A joint resolution (S. J. Res. 187) authorizing the Director of the Census to collect and publish additional cotton statistics; to the Committee on Agriculture and Forestry.

RECOGNITION OF INDEPENDENCE OF THE PHILIPPINE ISLANDS.

Mr. KING. I ask unanimous consent to submit a resolution, which I request may lie on the table.

The resolution (S. Res. 264) was ordered to lie on the table, as follows:

Whereas the Congress of the United States by the act approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," vested in the Philippine Legislature, created by said act, general legislative power with respect to the Philippines, in order that by the use and exercise of popular franchise and governmental powers the people of the Philippines might become prepared to assume the responsibilities and enjoy the privileges of complete independence; and

Whereas the Congress of the United States in said act expressly declared that it was the purpose of the Government of the United States to withdraw its sovereignty from the Philippine Islands and to recognize the independence of the islands as soon as a stable government should have been established therein; and

Whereas, in conformity with the provisions of said act, a stable government, founded upon principles of political liberty and upon popular franchise, has been erected in the Philippine Islands and is exercising political powers therein, subject only to the powers vested in the Governor General of the Philippines and other officials appointed by the

President of the United States, and certain supervisory powers exercised by the Secretary of War, and the right of appeal to the Supreme Court of the United States from final judgments and decrees of the Supreme Court of the Philippine Islands: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President enter into negotiations with the powers having territorial interests in the Pacific, or adjacent thereto, for the purpose of concluding a treaty or treaties whereby said powers agree to recognize the Philippine Islands as an independent State, and covenant to respect the political independence and territorial integrity of such Philippine State, when such State shall have been established and declared by the United States, and that upon the execution and ratification of such a treaty or treaties the sovereignty of the United States over the Philippine Islands shall be transferred to an independent Philippine government, and that thereupon all sovereignty by the United States over the Philippine Islands shall cease and determine.

HOUSE BILL REFERRED.

The bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

TREATY CONCERNING CHINESE PRINCIPLES AND POLICIES.

Mr. LODGE. I ask that the pending treaty may be proceeded with.

The Senate, as in Committee of the Whole and in open executive session, proceeded to consider Executive P—a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to principles and policies to be followed in matters concerning China, concluded at Washington February 6, 1922, which was read as follows:

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal:

Desiring to adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other powers upon the basis of equality of opportunity;

Have resolved to conclude a treaty for that purpose and to that end have appointed as their respective plenipotentiaries;

The President of the United States of America: Charles Evans Hughes, Henry Cabot Lodge, Oscar W. Underwood, Elihu Root, citizens of the United States;

His Majesty the King of the Belgians: Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Hon. Arthur James Balfour, O. M., M. P., Lord President of His Privy Council; the Right Hon. Baron Lee, of Fareham, G. B. E., K. C. B., First Lord of His Admiralty; the Right Hon. Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

And—

For the Dominion of Canada: The Right Hon. Sir Robert Laird Borden, G. C. M. G., K. C.;

For the Commonwealth of Australia: Senator the Right Hon. George Foster Pearce, Minister for Home and Territories.

For the Dominion of New Zealand: The Hon. Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

For the Union of South Africa: The Right Hon. Arthur James Balfour, O. M., M. P.;

For India: The Right Hon. Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the Republic of China: Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary at Washington; Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary at London; Mr. Chung-Hui Wang, former Minister of Justice.

The President of the French Republic: Mr. Albert Sarraut, Deputy, Minister of the Colonies; Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honor;

His Majesty the King of Italy: The Hon. Carlo Schanzer, Senator of the Kingdom; the Hon. Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington; the Hon. Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan: Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower; Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun; Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Her Majesty the Queen of The Netherlands: Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary; Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington;

The President of the Portuguese Republic: Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington; Mr. Ernesto Julio de Carvalhoe Vasconcelos, Captain of the Portuguese Navy, Technical Director of the Colonial Office.

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

The contracting powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

ARTICLE II.

The contracting powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or, individually or collectively, with any power or powers, which would infringe or impair the principles stated in Article I.

ARTICLE III.

With a view to applying more effectually the principles of the open door or equality of opportunity in China for the trade and industry of all nations, the contracting powers, other than China, agree that they will not seek, nor support their respective nationals in seeking—

(a) Any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China.

(b) Any such monopoly or preference as would deprive the nationals of any other power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category of public enterprise, or which by reason of its scope, duration, or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking or to the encouragement of invention and research.

China undertakes to be guided by the principles stated in the foregoing stipulations of this article in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries, whether parties to the present treaty or not.

ARTICLE IV.

The contracting powers agree not to support any agreements by their respective nationals with each other designed to create spheres of influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

ARTICLE V.

China agrees that, throughout the whole of the railways in China she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese railways.

The contracting powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement or otherwise.

ARTICLE VI.

The contracting powers, other than China, agree fully to respect China's rights as a neutral in time of war to which China is not a party; and China declares that when she is a neutral she will observe the obligations of neutrality.

ARTICLE VII.

The contracting powers agree that whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present treaty, and renders desirable discussion of such application, there shall be full and frank communication between the contracting powers concerned.

ARTICLE VIII.

Powers not signatory to the present treaty, which have governments recognized by the signatory powers and which have treaty relations with China, shall be invited to adhere to the present treaty. To this end the Government of the United States will make the necessary communications to nonsignatory powers and will inform the contracting powers of the replies received. Adherence by any power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE IX.

The present treaty shall be ratified by the contracting powers in accordance with their respective constitutional methods, and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other contracting powers a certified copy of the procès-verbal of the deposit of ratifications.

The present treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other contracting powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 6th day of February, 1922.

	CHARLES EVANS HUGHES	[L. S.]
	HENRY CABOT LODGE	[L. S.]
	OSCAR W. UNDERWOOD	[L. S.]
	ELIHU ROOT	[L. S.]
	BARON DE CARTIER DE MARCHIENNE	[L. S.]
	ARTHUR JAMES BALFOUR	[L. S.]
	LEE OF FAREHAM	[L. S.]
	A. C. GEDDES	[L. L.]
	R. L. BORDEN	[L. S.]
	G. F. PEARCE	[L. S.]
	JOHN W. SALMOND	[L. L.]
	ARTHUR JAMES BALFOUR	[L. S.]
	V. S. SRINIVASA SASTRI	[L. S.]
[L. S.]	SAO-KE ALFRED SZE	
[L. L.]	V. K. WELLINGTON KOO	
[L. S.]	CHUNG-HUI WANG	
[L. S.]	A. SARRAUT	
[L. S.]	JUSSERAND	
[L. S.]	CARLO SCHANZER	
[L. S.]	V. ROLANDI RICCI	
[L. S.]	LUIGI ALBERTINI	
	T. KATO	[L. S.]
	K. SHIDEHARA	[L. S.]
	M. HANIHARA	[L. S.]
	BEELAERTS VAN BLOKLAND	[L. S.]
	W. DE BEAUFORT	[L. S.]
	ALTE	[L. S.]
	ERNESTO DE VASCONCELLOS	[L. S.]

Mr. LODGE. Mr. President, unless there is some objection, I ask unanimous consent that the reading of the treaty by articles be dispensed with.

The VICE PRESIDENT. Is there objection? The Chair hears none. The treaty is before the Senate as in Committee of the Whole, and open to amendment.

Mr. WALSH of Montana. Mr. President, the first article of this treaty recites that—

> The contracting powers, other than China, agree:
> (1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China.

When another of these treaties was under consideration I advanced the idea that that is a mere declaration of a rule of international law which would obtain even though it were not thus expressed in the treaty. My esteemed friend, the Senator from Alabama [Mr. UNDERWOOD], took issue with me upon that matter and felt it important enough to dilate upon on several occasions, asserting that no such principle of international law was recognized, and sustained his contention by references to history, showing that nations had repeatedly violated the territorial integrity of others by invading their territory.

Of course, Mr. President, regrettable as it may be, that has often occurred; but it has not occurred by right at all, but by wrong; and every nation which invades the territory of another sets up some reason to justify before the world what otherwise would be deemed by all the world to be a wrong on its part. That is the way the matter is treated by the writers on international law.

I should regret it very much indeed if the view thus expressed by the distinguished Senator from Alabama should remain unchallenged in this body. I content myself, therefore, with referring to just a few paragraphs in the latest work on international law, Oppenheim. I read from section 124, at page 178:

> Independence and territorial as well as personal supremacy are not rights, but recognized and therefore protected qualities of States as international persons. The protection granted to these qualities by the law of nations finds its expression in the right of every State to demand that other States abstain themselves, and prevent their agents and subjects from committing any act which contains a violation of its independence and its territorial as well as personal supremacy.

If a State has a right to demand that every other State respect its territorial integrity and political independence, the reverse must necessarily be true—that every State undertakes that it will so respect the territorial integrity and political independence of the others.

Section 125:

> The duty of every State itself to abstain and to prevent its agents and subjects from any act which contains a violation of another State's independence or territorial and personal supremacy is correlative to the respective right of the other State.

That is the correlative of the proposition which is laid down in the excerpt just read.

> It is impossible to enumerate all such actions as might contain a violation of this duty. But it is of value to give some illustrative examples. Thus, in the interest of the independence of other States, a State is not allowed to interfere in the management of their international affairs nor to prevent them from doing or to compel them to do certain acts in their international intercourse. Further, in the interest of the territorial supremacy of other States, a State is not allowed to send its troops—its men of war—or its police forces into or through foreign territory, or to exercise an act of administration or jurisdiction on foreign territory without permission.

In time of peace, and with a perfectly peaceful purpose, one State has no right to transport its troops through the territory of another State in order to get at an enemy beyond, much less has it any right to invade that State for purposes of war against it.

Section 126:

> Independence is not boundless liberty of a State to do what it likes without any restriction whatever. The mere fact that a State is a member of the family of nations restricts its liberty of action.

And the same proposition is laid in another section, in which it is stated that each State must expressly or tacitly consent to be bound for its international conduct by the rules of international law; that is to say, it is implied that each State has undertaken to conform its conduct to the rules of international law.

Section 129:

> From the earliest time of the existence of the law of nations self-preservation was considered sufficient justification for many acts of a State which violate other States. Although, as a rule, all States have mutually to respect one another's personality, and are therefore bound not to violate one another, as an exception, certain violations of another State committed by a State for the purpose of self-preservation are not prohibited by the law of nations.

That is to say, for self-preservation one State may invade another State; that is all. The rule is the other way, that it has no right to do so, and that it tacitly has undertaken that it will not do so.

Section 134 explains that intervention is a violation of the implied undertaking on the part of one State not to interfere with the affairs of another State. It provides, in part:

> Intervention is dictatorial interference by a State in the affairs of another State for the purpose of maintaining or altering the actual condition of things. Such intervention can take place by right or without a right, but it always concerns the external independence or the territorial or personal supremacy of the respective State, and the whole matter is therefore of great importance for the position of the States within the family of nations. That intervention is, as a rule, forbidden by the law of nations which protects the international personality of the States, there is no doubt. On the other hand, there is just as little doubt that this rule has exceptions, for there are interventions which take place by right, and there are others which, although they do not take place by right, are nevertheless admitted by the law of nations and are excused in spite of the violation of the personality of the respective states they involve.

I should regard it as singularly unfortunate, Mr. President, in this day and age, if this great Nation of ours were to go on record as subscribing to the doctrine that there is no implied

obligation upon the part of any State to respect the territorial integrity of its neighbors.

Mr. UNDERWOOD. Mr. President, it is always a pleasure to listen to my colleague, the Senator from Montana [Mr. WALSH]. He is always clear in what he says, and often convincing. But I still maintain what I said several days ago in reference to this question. Of course, when I was a schoolboy, many years ago, and studied Vattel and other works on international law, I recall that the writer on international law proclaimed the academic doctrine which has just been read by the Senator from Montana. I recognize that. I do not think there has ever been any dispute among the textbook writers as to that being the principle on which nations live.

When the other day I stated that nations were not governed in their conduct by any international law which required them to respect the rights of other nations, I did not refer to it as an academic question, which I admit to be true, which I more than admit ought to be true; but I referred to it then and I refer to it now as a fact.

International law is not made by enactments of nations, except in one way, and that is when they meet together and agree by treaty that certain rules shall govern their conduct in regard to each other. Until the organization of the League of Nations I know of no general declarations along these lines, except some which in the last decade or two have come out of The Hague. What the Senator has said in reference to the principle that nations should respect each other's rights is true, but that does not make it international law. It is an announcement of what international law should be.

In the end international law consists of those principles which are so well defined in the history of the world that all nations have respected them and maintained them. For instance, the so-called international law against piracy is recognized by all nations and maintained by all civilized nations. That is an extreme case; I could cite many others of lesser degree. But what I contended in my discussion before the Senate a day or two ago was that although the principle as announced by the Senator from Montana is a correct principle for nations to live up to and to maintain, it is not international law, because the history of the past shows that it has been violated many times by almost all the great nations of the world in their day and time. You can not contend that a matter is international law when it is only recognized by its nonobservance by the nations of the world.

I am sure the Senator from Montana will not contend with me that this principle has been one which has been recognized by the action of the nations of the world. Nations, through excuses of their own, have gone into wars of combat with other powers and have given the best excuse they could. If they won the fight, they have usually maintained the excuse; but after they have won the war, regardless of the invalidity of their action in beginning the war, the lack of justification for their beginning the war, they have then proceeded to treat the other State as if it had no rights—divided its territory and subjected its people. That has been going on for so many centuries that it has established the general rule of action for nations in that regard.

There may be a few exceptions to the rule. The declaration of this Government in favor of the Monroe doctrine, through the power and force of this Government, has brought about a respect of the territorial rights, at least, of a number of the South American Republics, but it certainly did not receive general acceptation by the nations of the world until comparatively recently. I suppose we can say now, especially since the signing of the treaty of Versailles, that the so-called Monroe doctrine may be accepted as an international law of the world. That is an exception to the rule.

I think we were justified in going into the war with Spain. As a Member of the House of Representatives I voted for the resolution declaring war. But when we came out we took away from Spain the Philippine Islands and pretended to compensate her for them by paying $20,000,000. I think the payment was a mere subterfuge. It could not be considered adequate compensation for a territory comprising the greatest group of islands in the Pacific Ocean and embracing 10,000,000 people.

Mr. LODGE. I ask the Senator is it not true that we did exactly the same thing when we took all that territory from Mexico at the conclusion of the Mexican War?

Mr. UNDERWOOD. Absolutely.

Mr. LODGE. We paid $20,000,000 for it.

Mr. UNDERWOOD. I think we paid $20,000,000 then. It is something like our treaties with some of the Indian tribes, when we bought large quantities of land in this country for a few beads and baubles.

Of course, if gentlemen want to justify aggression because of a superiority of numbers or a superiority of race, that may open another question for argument; but, at any rate, the Kingdom of Spain, which had possessed those islands for hundreds of years, had a right to them. Her international rights existed. We did not respect her international rights, and we took the islands by force of arms. I know of no other nation in the world which protested against our doing so, which I think would have been done if it had been in violation of international law.

About 1880 Great Britain, through an excuse, took possession of Egypt, violated the rights of sovereignty and territorial integrity in Egypt, and maintained her position until a few days ago, when, for some good reason, she returned that country to its people.

Mr. KING. I would like to inquire of the Senator, if there had been a treaty existing between the United States and Spain at the time we went to war with Spain, under the terms of which we had solemnly agreed to respect the territorial integrity of her islands, especially the Philippine Archipelago, does he believe that it would have made any difference in the final result? Would we not have taken the islands just the same, regardless of the treaty, as we did when we did not have a treaty specifically referring to the Philippine Islands?

Mr. UNDERWOOD. I think so; but that has nothing to do with the question which is in issue between the Senator from Montana and myself, because that is a treaty between only two nations, which does not make international law. We are discussing the proposition as to whether there is a question of international law involved in respect to the rights of all nations, and I concede the academic question. I conceded it the other day and I do so now. The Senator is absolutely right from an academic standpoint, the standpoint of the text-writers, and that ought to be the rule. His position is clearly correct that each nation should respect the rights of others, but I say international law goes further than a mere announcement in a textbook. The real test is whether it is a principle which the great civilized nations of the world acknowledge, respect, and live up to, and I say all the precedents of the past clearly demonstrate that there is hardly a civilized nation in the world which has not violated that principle. I know they have given excuses for doing so, but they have violated the proposition of respecting the territorial rights of their neighbors, and no protest came from the other nations of the world unless those other nations thought their own interest was involved.

Therefore I say it is idle to pretend that the territorial rights of people, the sovereignty of nations, are protected by an understanding of international law which requires their rights to be protected. It does not exist as a fact, no matter what may be proclaimed about it in theory.

But I do say that when a number of great nations meet together and enter into a treaty mutually binding themselves to respect each other's rights, each other's territorial integrity, each other's sovereignty, then we come very much nearer to making what we all deem should be international law in fact and not merely in theory.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Alabama yield to the Senator from Nevada?

Mr. UNDERWOOD. Certainly.

Mr. PITTMAN. Does the Senator understand that an agreement to respect the rights and not to commit aggressions against territory still exists after war is declared?

Mr. UNDERWOOD. Oh, no; but of course I am assuming that if it is international law when two powers go to war the other powers that recognize it as international law will protest against the violation of what they consider to be international law. Of course, as I said to the Senator from Utah, we may have had a treaty with Spain, so far as I know, in which we mutually agreed to respect each other's rights and then violated it as soon as we went to war; but that was a contest between two nations. If it had been recognized as international law that the territorial integrity of the two nations should not be interfered with when the war was over and the balance of the world had been prepared to maintain it, we would have wound up the war and Spain would still have possessed the Philippine Islands.

Mr. PITTMAN. Has not such an aggression as is prohibited in the pending treaty always been considered as a casus belli?

Mr. UNDERWOOD. It has been between the two nations themselves, but I am discussing the question from the broader standpoint, not from the standpoint of two nations involved in a quarrel but the understanding of a great moral principle to be maintained in the world that is recognized by all.

Mr. PITTMAN. Take, for instance, the Japanese aggression against the island of Sakhalin. They took the northern half of that island, which I believe now is designated as Sakhalin. They took possession of it on grounds which they considered sufficient to themselves, but so far as Russia was concerned, Russia would have a right to treat that as an act of war.

Mr. UNDERWOOD. They conceded the southern half at the end of the war. The Senator said the northern half, but I presume he meant the southern half.

Mr. PITTMAN. No; I am talking about the northern half, of which they are now in possession by reason of the alleged massacre of Japanese subjects.

Mr. UNDERWOOD. Undoubtedly the Senator is right about that.

Mr. PITTMAN. As a matter of fact, if Japan had had an agreement with Russia to respect their territorial integrity, I doubt if they would have held that that treaty bound them not to take possession of the island on the ground they have now taken possession of it.

Mr. UNDERWOOD. I think that is true, but that is the same question which the Senator from Utah raised. That is an issue between two individual nations. I am discussing a principle of international law, which means the recognition of a principle by all civilized nations. Of course, I recognize that we probably had a treaty with Spain to recognize her rights when we went to war with her and she went to war with us. I do not say we had, because I never read it. I think probably we had some kind of a treaty with Mexico when we took California away from her. But that involves only the individual nations. That does not make international law.

Mr. PITTMAN. What I am getting at is that if there is no cause of war between two nations, if they are on friendly terms, then we would not expect either one of them to commit an act of aggression against the territory of the other, and I do not think it has ever been done as long as we were on friendly relations. But when they are not on friendly relations and causes arise which justify war, then this formal agreement of ours ceases to have force and effect.

Mr. UNDERWOOD. Of course, the Senator is discussing one side of the question and I am talking about another. I do not dispute at all what the Senator says in reference to individual nations. I am talking about it from a broader standpoint of international law. If it were an established principle of international law and two nations went to war, when the war was over I think they would respect the territorial rights of each other and return the landed property. But they do not do it now and never have done it.

Of course, it is not only a question of cause of war that makes one nation take the other's territory but it is greed and desire. It was not a cause of war that made Germany take the Shantung Peninsula, and the balance of the world recognized it. There was no real cause of war. It is true two of her citizens happened to be killed in the Province, but it was a matter that could have been settled, as are other causes. There was no threat to German citizens at large. There was no threat to the life of the German Government. But because of an incident of that kind Germany moved her troops into Shantung and demanded a leasehold interest in government, and she maintained it until after the Great War was over and until very recently, when her successor under that contract has agreed to move out.

If it had been a matter of international law, I mean not theoretical international law but actual international law, I think the moral force of the powers of the world would many years ago have prevented Germany from extending her possession of Shantung, because she had no cause of complaint against China. However, it was not recognized as international law.

We did not recognize it as international law when our Government sat still and allowed the Japanese Government to take Korea, although we had a treaty with Korea in which we recognized her national life and her national integrity. We did not regard that as a principle of international law which had been violated; at least, the action of our Government did not, and I regret the action of our Government in the matter.

Mr. KING. Mr. President——

Mr. UNDERWOOD. I yield to the Senator.

Mr. KING. Does the Senator think there ever will be international law, either by the methods which have slowly developed international law as a system or international law resulting from world-wide and mutual treaties, which would preserve indefinitely and against legitimate reparations the territorial integrity of all belligerent nations?

Mr. UNDERWOOD. The Senator uses the term "legitimate reparations," and I am afraid, with the word "legitimate" injected in the question, it would be difficult for us to get at a determination of the question at all, because I might not agree with him as to what would be legitimate reparations. But leaving that word aside, I will state that I supported article 10 of the League of Nations covenant, in which 27 nations sat at a table and agreed to respect and preserve each other's rights, because I believed that that principle should be international law, not international law in the theory of a textbook writer, but international law in fact and as declared by those nations which were great enough and powerful enough to make it international law. I am glad to say that that principle to-day is recognized by all those nations which signed the treaty of Versailles. But generally international law has never made any such principle effective, and therefore I say in fact, not theory, it has not existed in the world as international law.

Mr. KING. Will the Senator pardon me if I suggest that I do not think it was understood by many of us who supported article 10, and gladly supported it, that a proper interpretation of that article "froze into immutability," to use the language of the Senator from California [Mr. JOHNSON], the status quo of all nations as their boundaries then existed or as they might be delimited by the instrumentalities set up by the League of Nations. I do not understand that it was intended that the status quo of the boundaries of all nations then existing and those who joined the league was to be forever preserved either by that treaty or by international law.

Mr. UNDERWOOD. What was intended, as I understand it, was that those rights should not be taken away from a nation by force. Of course, there are tribunals provided for in the League of Nations to determine the questions as matters of right and as matters of justice. I am not contending on that side. What I am contending against is the disruption of national integrity and national sovereignty by force of arms regardless of right or wrong.

I am taking issue only in part with what the Senator from Montana [Mr. WALSH] has said. I am not taking issue with him, and did not the other day, as a matter of theory; I am taking issue with him as a matter of fact. I think that every time we make the declaration in the League of Nations or in the treaty now pending that we will respect the rights of other nations and their territorial integrity—and it has only been done in the last few years—we come that much nearer to making a fact of what has been the theory of textbook writers as the law of the world as between nations.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Alabama yield to the Senator from Texas?

Mr. UNDERWOOD. With pleasure.

Mr. SHEPPARD. Suppose one of the contracting powers fails to observe the obligation of article 1 to respect the sovereignty or independence of China, what course would the other contracting nations pursue?

Mr. UNDERWOOD. Of course, my friend and I were both very earnest and very strong supporters of the League of Nations. We both voted for its unconditional ratification. We had that same question asked us about article 10 I do not know how many times. Notwithstanding the question, we voted for article 10. That is aside, but I just wanted to call my friend's attention to our position, because we occupied the same position in that matter.

There is no obligation of force in the pending treaty. There is no obligation that one of the nine nations which signed the treaty can call on another nation to use force. But there is a moral obligation that will make the nation which violates it an outlaw in the face of the world. More than that, a nation which would violate this contract to respect the rights of China would be in a very serious position with eight other nations under this treaty in reference to its position in world affairs. I do not say that an obligation of that kind may not lead to force of arms. Anything may lead to force of arms. But there is no obligation whatever for it to lead to force of arms.

Mr. SHEPPARD. I ask the Senator what course the other contracting nations would probably pursue if one of the contracting powers should violate its obligation?

Mr. UNDERWOOD. I think they would pursue the same course that this Government pursued as to Shantung, except that there would be nine powers involved instead of one.

Mr. SHEPPARD. The Senator means that the contracting powers would make merely a protest?

Mr. UNDERWOOD. They would make their protest so earnest and so forceful that I think the other nation which violated the obligation would reconsider its action and discontinue that violation. I am sure the Senator from Texas

agrees with me as to the sanctity of moral obligations. I believe in moral obligations, of men and of nations, and so does the Senator from Texas.

I know there are some men who do not believe that a moral obligation carries weight; there are distinguished and able men on the floor of the Senate who do not believe that the world can be governed by anything but force; who believe that men are only governed by force; but I do believe in the great power and force of moral obligations. I have known the Senator from Texas for twenty-odd years and I know he agrees with me about that. That is the obligation of this treaty; and I think it is idle to say that a treaty in which nine nations have engaged in a contract to respect a great moral principle has no binding force and effect in the lives of nations. I do not know whether or not I have clearly answered my friend's question, but if I have not I will try to do so.

Mr. SHEPPARD. The Senator from Alabama has not made clear what course the other nations would pursue against an offending nation, a nation failing to carry out its obligations under this treaty, except to say that they would make a protest.

Mr. UNDERWOOD. I say they would make a protest; and I can not say anything more, because if a protest should not answer, then, so far as this Nation is concerned in the future, the matter would have to come to the Congress of the United States for an answer to the Senator's question; and I can not answer for future Congresses.

Mr. SHEPPARD. Let me ask the Senator a further question as to subdivision 2 of article 1, which reads:

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

What course is this Government expected to pursue in order to carry out that subdivision?

Mr. UNDERWOOD. Of course, in the first place, not to interfere with the Government of China; and, in the next place, if any other nation should try to interfere with the Government of China, to protest vigorously against such action.

If the Senator from Texas will only review the history of events which confronted the Conference on the Limitation of Armament in connection with far eastern questions when the pending treaty was written, he will realize that these declarations mean a great deal to China. The Chinese people are a great people; they are an industrious, earnest race.

Their civilization dates back far previous to ours. For thousands of years they enjoyed a civilization when our race of people was semibarbarous. They had developed the arts and the sciences; they had adopted religions; and to-day there is hardly a place in the civilized world where the Christian religion is making more rapid and greater strides than it is making in the Republic of China. However, after two or three thousand years under a monarchical government, during which time the people of China had been taught to respect the power and sovereignty of the Emperor, overnight the Government fell and a republican government was established in its stead. There are 400,000,000 people in China, and it takes time for those people to recognize and accept the new form of government as they accepted their government in the past.

Our own Government was in a chaotic condition for at least 10 years after the Revolutionary War; and it has not been more than 10 years since China proclaimed herself a republic. The fact is that the difficulty in China is due to a weakness of the Government. She has been torn asunder by the establishment of a so-called revolutionary government at Canton, covering five of her Provinces. Most of the other Provinces are controlled by military mandarins, who do not respect the mandates or the authority of the Government at Peking. So, governmentally, China is torn asunder. Almost any nation in the world, of modern war power, if left unrestricted, could proceed to dismember the Chinese Republic and tear China asunder. That is what Germany wanted to do at the close of the Boxer rebellion. She was sustained by some of the other powers, and if it had not been for the moral force of the United States protesting against the dismemberment of China her dismemberment would probably have been accomplished at that time.

However, our Government and the people of our country, to their great glory in the history of nations, unselfishly used their moral influence and efforts to protect and maintain the integrity of the Chinese Empire at that time, the sovereignty of their Government, and their existence as a homogeneous people; and it was not done by force of arms; it was done by moral effort and moral suasion.

Mr. SHEPPARD. Then, is it the Senator's contention that the opportunity for China to develop and maintain an "effective and stable government," which this article obligates the contracting powers to provide, means merely the exercise of moral influence in that direction?

Mr. UNDERWOOD. It goes that far; I do not say it goes farther.

Mr. SHEPPARD. Suppose it should develop that China could not, unaided, maintain internal order or "an effective and stable government" of her own, are we not then obligated under this article to take friendly steps, and military steps, if necessary, in conjunction with the other powers, to aid her in maintaining order?

Mr. UNDERWOOD. I do not think there is any obligation to that effect.

Mr. SHEPPARD. I think there is an obligation to employ whatever means might be necessary to provide the opportunity we promise in the treaty.

Mr. UNDERWOOD. I do not think there is any obligation to that effect. As to what would be done under the circumstances mentioned, that is a different question. As I said a while ago, that will be a question, so far as our Government is concerned, for the Congress of the United States to answer when the time arrives.

Mr. SHEPPARD. I understand that the treaty creates a moral obligation to carry out its provisions and then that Congress is to decide how that obligation shall be carried out.

Mr. UNDERWOOD. But I say there is no moral obligation in this treaty for us to use force.

Mr. SHEPPARD. If it should develop that force should be necessary to enable China to maintain "an effective and stable government," then we would be morally obligated to aid in providing it. To my mind, there can be no other conclusion.

Mr. UNDERWOOD. Of course, the Senator has a right to his own conclusions; I am not disputing with the Senator about his own viewpoint.

Mr. SHEPPARD. Is not that the Senator's own viewpoint?

Mr. UNDERWOOD. It is not my viewpoint. I have just said so.

Mr. KING. Mr. President, if the Senator from Alabama will yield, does he not think that this is an affirmative obligation rather than a mere negative one?

Mr. UNDERWOOD. Yes; I think it is an affirmative obligation, undoubtedly, but not an affirmative obligation that we shall use arms to carry out.

Mr. SHEPPARD. Wherever force shall be necessary or whatever other means shall be necessary, they should be employed.

Mr. UNDERWOOD. There is nothing said about force in this treaty.

Mr. SHEPPARD. No; but I say that whatever means shall be necessary to carry out the obligation ought to be employed; otherwise the treaty means nothing.

Mr. KING. Mr. President, will the Senator from Alabama indulge me for just a moment?

Mr. UNDERWOOD. Yes.

Mr. KING. The first subdivision of article 1 is what might be denominated a negative obligation; that is, we agree—

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China.

Now, obviously that would not require us, if some other nation should aggress upon China, to interfere. There is merely an obligation that we shall respect her integrity. But by subdivision 2—

The contracting powers, other than China, agree—

And this is something affirmative, it seems to me—

(1) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

We agree to do something; and, as the Senator from Texas has suggested, suppose that some power should intervene and should prevent the maintenance of an effective and stable government upon the part of China, how would we carry out the obligation which we assume to enable her to maintain an effective and stable organization? Of course, if we could do it by making representations by acts of conciliation, that would, perhaps, measure up to the requirements; but supposing that all of our efforts in those directions of moral suasion utterly fail, that an aggressive movement was continued by some other nation, and that that aggressive movement not only threatened but culminated in the overthrow of stable government and in the prevention of China establishing a stable government, would the powers which have signed this treaty have discharged their obligation if they should sit down supinely and permit the assumption by some other power of the control of China?

Mr. UNDERWOOD. Mr. President, if the Senator is through—and I wanted to give him time to make his statement——

Mr. KING. My remarks embrace more than a question. They include a statement and a question.

Mr. UNDERWOOD. I am glad to have the Senator make his statement, but I do not think the Senator is correct. I think there is no moral obligation in this treaty of itself to

use force, and it was not intended that there should be any moral obligation to use force. I do not say that some day in the future the Government of the United States, expressing its determination through the Congress of the United States, may not say to an offending nation, "Here, you stop," and enforce its orders, or try to enforce them. That is in the realm of speculation, and I am not going into the field of what may happen; but I say there is no moral obligation to use force contracted for on the part of our Government in this treaty, and I do not think it is necessary. I still come back to the proposition that there is a great moral force in this world. For generations and centuries it may have been under the heel of power; but every day and every hour that we live the moral force of men and nations is rising above the mere use of physical force and power and we are coming to the point where those moral forces will dominate the world. I believe in them themselves, and I believe that is what this treaty stands for.

Mr. WALSH of Montana. Mr. President, will the Senator pardon an interruption there?

Mr. UNDERWOOD. Certainly.

Mr. WALSH of Montana. I am disposed to take the same view of this matter that the Senator does, that there is no obligation here to use force; but it must be admitted that the question of the Senator from Texas [Mr. SHEPPARD] is exceedingly pertinent.

By subdivision (1) of article 1 the contracting powers agree—

To respect the sovereignty, the independence, and the territorial and administrative integrity of China.

That is, they all say: "We will keep our hands off. We will not interfere with China."

Mr. UNDERWOOD. Undoubtedly.

Mr. WALSH of Montana. Of course, so far as we are concerned, then—that is, the contracting powers—the fullest opportunity is given to China herself to develop a stable government.

Now comes in subdivision (2), by which the powers agree—

To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

Is that a mere repetition of subdivision (1), or does it mean something else? Is there a supplementary obligation? Is there something more there than the mere matter of respecting the integrity of China—that is to say, keeping our hands off?

To illustrate: Of course, the Senator does not want to conceive of the possibility of Russia being rehabilitated; but, just for the sake of argument, let us conceive of a rehabilitated Russia, which invades China, and thus prevents China from setting up for herself and developing and maintaining an effective and stable government. We agree by this provision to provide for China—

the fullest and most unembarrassed opportunity * * * to develop and maintain for herself an effective and stable government.

Would that obligate us to keep Russia off?

Mr. UNDERWOOD. No; I think not. I do not think there is any obligation in this treaty for us to keep Russia off; but I do not say that we would not do it.

Mr. WALSH of Montana. Oh, no; I agree; but the question is, What does this mean? What obligation do we assume?

Mr. UNDERWOOD. My construction of it, and listening to the discussion of the treaty around the board by the men who made it, my viewpoint is—and I think that is the viewpoint of the men who made the treaty—that when they say:

To provide the fullest and most unembarrassed opportunity—

They meant it as if they had said:

To encourage the fullest and most unembarrassed opportunity.

In other words, these declarations are declarations on the part of these nine nations as to what they will do. They are obligating themselves around that board between themselves, believing at the time this treaty was made that they were the only nations directly interested who could sit at the board. Of course, if Russia had had a government that our Government and the other Governments recognized, she would have been invited to the board; but as our Government and the Governments of these other eight nations did not recognize Russia, she was not invited to the board; but she is the only nation in all the world that might have been invited that had any interest in the matter.

Of course, I recognize that the word "provide" might be construed to mean something else, but I understand these obligations in section (1) to relate not to outside sources, not to be an obligation as to what we are going to do in reference to other nations; but as to these other eight nations sitting at the board with China, making nine in all, it is a contract on their part as to what they will do in reference to this matter. Of course, if some outside power came into the field and tried to overthrow this agreement, then it would be up to the Congress of the United States and the Governments of other nations to determine, independently of any obligation here, what they would do.

Mr. SHEPPARD. Mr. President, in the case of internal disturbances, suppose it should develop that China, on account of one-half of her territory being under the control of one government and the other half under the control of another, was unable to maintain internal order. What, then, would be the duty of these contracting powers?

Mr. UNDERWOOD. Of course there is no obligation at all as to internal matters. The Government at Peking practically changed twice, I think, in real control while this conference was being held.

Mr. SHEPPARD. But this subdivision makes no distinction between internal matters and external matters. It says:

To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

Mr. UNDERWOOD. To be sure—to China.

Mr. SHEPPARD. Suppose it should develop that she is unable to develop and maintain for herself a stable and effective government. Are we not then obligated to aid her in establishing a stable government?

Mr. UNDERWOOD. Not at all.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Florida?

Mr. UNDERWOOD. I do.

Mr. FLETCHER. Is it not true that the language itself answers the Senator's question? In other words, it is for China to develop for herself an effective and stable government.

Mr. UNDERWOOD. Undoubtedly.

Mr. FLETCHER. The only thing that the contracting parties agree here to do is that so far as they are concerned they will contribute as best they may in trade, in good will, in encouragement and support, toward achieving the fullest and most unembarrassed opportunity to China.

Mr. UNDERWOOD. Undoubtedly.

Mr. FLETCHER. In other words, she is to be given not military aid or naval aid or some other kind of aid, but she is to be given, so far as they can give it by their encouragement and support and cooperation, the opportunity to build and establish her own government. It is entirely for her to determine her own affairs and her domestic questions. They must be settled by herself, and the government must be established by China herself, and be made effective and stable by her.

Mr. SHEPPARD. Will the Senator from Alabama permit me to ask the Senator from Florida a question?

Mr. UNDERWOOD. Yes.

Mr. SHEPPARD. What would be the case if it should develop that China is unable to maintain internal order?

Mr. FLETCHER. There is no obligation here on the part of anybody else to interfere with that at all, as I understand.

Mr. SHEPPARD. Then this treaty amounts to very little.

Mr. FLETCHER. Really, section (2) of article 2 is not much more than a statement of sections (3) and (4). Sections (3) and (4) are along the same line and in the same direction, and back of them is the same spirit, as I understand.

Mr. UNDERWOOD. Undoubtedly the Senator from Florida is right. Of course, when we come to construing language, there are a vast number of constructions that we can place on it; but when this treaty, in section (2) of article 2, contracts—

To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government—

It means just what it says; it means an unembarrassed opportunity from us, the other contracting powers, for her to set up her own form of government, without being embarrassed by any action on our part; and if the Senator will read the other clauses, as the Senator from Florida suggests, they clearly sustain the whole article.

Section 3 reads:

To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China.

Mr. SHEPPARD. That relates to other nations, not to China.

Mr. UNDERWOOD. "To use their influence."

Mr. SHEPPARD. That provides equal opportunity for other nations. Section 2 means "opportunity for China herself."

Mr. UNDERWOOD. To be sure; but this is opportunity for China as well as for us. If the Senator knew the difficulties in China at present, he would realize that this section means something:

For the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations.

The real difficulty in China has been that her Government has been so weak that when any other power faced her and demanded concessions during the last two decades she has been compelled to yield, and to yield whether she wanted to or not.

Mr. SHEPPARD. And the very powers that are now uniting in this solemn obligation to respect what is left of her territorial and administrative integrity are the powers that have been pillaging her and plundering her.

Mr. UNDERWOOD. Not all of them, by any means. This Government, although it may have some bad marks against it in parts of the world, can not be accused of ever having pillaged or plundered China, and I think that may be said for most of the powers that signed this treaty.

There we simply contract to use our influence against these efforts. We also contract—

To refrain from taking advantage of conditions in China—

The treaty recognizes the present conditions—

To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

This treaty is an absolute declaration of right to China on the part of eight other nations sitting at that table. It is something that I do not think has ever happened in the history of the world before. Here was a great territory, practically as large as the United States, having a population of over 400,000,000 people, not savages, but people of an old civilization; not one that would satisfy us, probably, but an old civilization that satisfies them; people of high moral character, because it is said, and it is probably true, that there is no man more honest in his individual dealings than a Chinaman, and honesty is a test of character the world around; a people who had built great highways when the western world was a wilderness; a people who have erected great buildings, who established the silk industry, and taught the world how to raise and manufacture silk. Here is this great nation which, because it had fallen without an effective government, was the prey of any nation that desired to rape its territory; and all that has been done in this pact by these nations is to guarantee among themselves—every nation sitting at the board, except Russia, that could possibly be interested in that territory—the rights of these peoples, their territorial integrity, their right to govern themselves, their protection in their trade, and equal opportunity to all nations in that territory.

You may criticize this pact and say that some of China's territory has been taken and not returned. You may say that Japan has not given up Port Arthur. Japan acquired Port Arthur under the same right, if it be a right, the right of power, under which we acquired the Philippine Islands, the State of California, and the States of New Mexico and Arizona; she acquired it as a concession at the end of a war. You may say that she is in Manchuria and has only promised to come out, and has not come out. I think she will come out.

Those are matters of the past. There is no man on this floor who can deny that China's territorial integrity and her national sovereignty are not the better off because this treaty has been made, and we are not making this treaty for ourselves; we are making it for a great people, 400,000,000 people, and a territory they have lived in and possessed for 4,000 years. They have the right of protection at home and the right to govern themselves. What we claim here in these States of our own we are freely and willingly giving to our neighbor.

I say no such thing ever happened in the history of the world before, when nine great powers, which are capable of tearing a nation to pieces, meet in solemn conclave and agree to protect the right of the nation which is down until she can maintain her standing among the nations again, get on her feet, and develop her national life and her Government in the interest of her own people.

No more altruistic treaty has ever been written in the annals of nations than this, and I believe it means great good to the world. I believe that with this understanding between these nations such disputes as have arisen about China's territory will not occur in the future as to new aggressions or new conditions which may arise. I believe these eight nations which have contracted with China will live true to the terms of this treaty, and it is a great onward step in the history of nations, viewed from the high moral plane of national understanding.

Mr. WALSH of Montana. Mr. President, the debate has departed very widely from the particular question which precipitated it, and with reference to that I desire to say that I am very highly gratified indeed that there is so little difference between the distinguished Senator from Alabama and myself. I want it distinctly understood that so far as I am concerned—and I believe it is the correct principle of international law—any nation which invades the territory of another nation, makes war upon it, is a lawbreaker. If I understood the position of the Senator from Alabama correctly the other day, he said he thought it was not a lawbreaker. I understand now that he does not take that position.

Mr. UNDERWOOD. I may not have made myself as clear the other day as I should have done. My position was not that it was not a lawbreaker, but that they did continually break the law, which prevented it from being international law.

Mr. WALSH of Montana. There is no doubt about that, and to make myself clear upon that matter, Mr. President, I think every individual member of society in any civilized country by becoming a member of such society undertakes that he will respect the rights of person and property of his neighbors, and the law raises an implied undertaking upon his part that he will do so. If he does not do so, but seizes without right the property of his neighbor, the law implies an obligation upon his part to pay for it, and he may be sued in contract.

It does not by any means prove that a principle is not a principle of international law because it has been repeatedly violated. Indeed, you can hardly conceive of a claim of one nation against another nation except that claim arises by reason of a breach either of a treaty or of some principle of international law.

I said that one, by becoming a member of society, undertakes that he will respect the rights of person and property of every other member of society, and that is my conception of the relation existing between members of the great family of nations. When we recognize the Government of a certain country, its representative comes here, presents his credentials to the President of the United States, and the President of the United States recognizes him as the representative of a Government exercising jurisdiction over a certain area, and by that act it appears to me that we undertake that we will respect that territory.

In the case of the individual member of society, if he violates his implied obligation to respect the rights of his neighbor he may be haled into a court and compelled to do justice, and the court will apply the principle to which I have adverted. Unfortunately, up to the present time we have been unable to set up any international tribunal before which an offending nation may thus be haled.

My part of the country was settled up before there was any established government, and if one did a wrong to his neighbor the wronged individual had no court to which he could appeal, but he was obliged to take the law into his own hands and go out and exact rude justice according to his own notions. That is the state of affairs in the world. So a nation, feeling that it has been wronged, takes the law into its own hands. But I would have it understood that in that case it must justify its conduct to the world; it must expose to the world that it has exhausted every means of securing justice for its alleged or claimed wrongs before it resorts to war to exact justice from its neighbor.

Reference was made to the Mexican War and to the Monroe doctrine in the course of the discussion here. What is the Monroe doctrine except a recognition of the principle for which I am contending? The United States declared to every nation in Europe, "You have obligated yourselves to respect the integrity of the South American Republics, and we propose to see that you observe that obligation into which you have entered." Otherwise there is no justification for our conduct at all in the matter. We are merely saying, "We will not tolerate or palliate upon your part any excuse for invading this territory. If you have any cause of complaint against these people, we propose to see that it is determined in some other way than by invading their territory or challenging their sovereignty."

It will be recalled very well that in the Mexican War we did not invade Mexico claiming any right to do so; nor did we claim we were not obligated under international law to refrain from doing so, but whether it was specious or otherwise, President Polk set up the claim that Mexico had invaded our territory, and he proposed to drive the Mexicans from our territory, and to punish them for the wrong done us. That may or may not have been specious, but we felt called upon to put forth to the world an excuse for our invasion of Mexico, or a justification of it.

That is all that interests me in this matter. I do not want to have a wrong done by Germany in invading the territory of Belgium or of France palliated in the slightest degree by the contention that there was no international wrong done. I speak entirely aside from the specific obligation under which she rested to respect and to preserve the territorial integrity of Belgium. Without regard to the specific treaty in that case, I think the world ought to hold that Germany had impliedly obligated her-

self to respect the territory of these countries, and to refrain from invading them, and she can only defend herself, if she can defend herself at all, by establishing her contention that she was acting in self-defense. Of course, the world does not accept that excuse, and I am sure the German people to-day can scarcely believe it.

Mr. KING. Mr. President, during the debates upon the treaties before us the discussion has taken wide range. While some of the treaties prepared at the Washington conference have been the subject of criticism, there has been a disposition upon the part of Senators to discover whatever merits these treaties possess and to appraise the work of the conference at its highest possible value. I have given to the treaties most earnest consideration and have been desirous of finding sufficient reasons to justify their ratification. I believe that some of the treaties possess merit and call for the approval of the Senate. It is my conviction, however, that when the work of the conference is fully analyzed and appraised many of the boastful claims made in its behalf will be successfully challenged by the American people, and there will be widespread disappointment because the results will fall so far below expectations. This anticlimax will be largely due to the extensive propaganda carried on throughout the United States by some partisan Republicans and by many hysterical and emotional people, whose desires for world peace and the abatement of war led them to think that the Washington conference had united all nations and secured universal disarmament and world peace.

Senators have been importuned to ratify this series of treaties upon the ground that they provided for complete disarmament. The letters and petitions received by Senators indicate the misapprehension existing among the people as to the purposes and the accomplishments of the conference; and I repeat, that further investigation of the work of the conference and the effects of the treaties will bring disillusionment to many who have been promised such marvelous results from the conference.

I hope the treaty on the limitation of naval armament may prove of great value and lighten somewhat the burdens of taxation, not only in the United States, but in other countries. But the effects of this treaty have been, in my opinion, greatly exaggerated and distorted. The people were led to believe that it would end naval warfare and lead to the destruction of warcraft and all other weapons and agencies employed in naval wars. This treaty was universally acclaimed as the supreme achievement of the conference. As stated throughout the land the view prevailed that it would bring about world disarmament, and that it presaged a millennial era. But an examination of this treaty discloses many defects and serious imperfections.

Naval warfare has undergone remarkable development during the last decade and vital changes as the result of the lessons and experiences of the recent war. Certain naval experts in Great Britain regarded the capital ship as the greatest and the highest possible agency in naval warfare. They were unwilling to admit that the progress of science and of naval development could produce an instrumentality of a factor that would menace or challenge or in any manner impair the preeminence of the capital ship. That view was accepted by some of the naval experts in the United States, and they planned a navy which disregarded or disparaged submarines and aircraft and other agencies and factors which have weakened the claims of the capital ship and compelled a revision of naval standards regarded by self-complacent experts as immutable because of their supposed perfection. The Battle of Jutland and the experiences of the war demonstrated the importance of mines, bombs, torpedoes, aircraft, destroyers, swift cruisers, and submarines, and have left the naval experts who clung so tenaciously to the capital ship in an amazed and bewildered condition.

I called attention yesterday to the fact that the Air Minister of Great Britain but a few days ago, in his speech in the House of Commons, emphasized the importance of aircraft, not only for defensive, but for offensive naval and military operations. The report of his address indicated that he looked upon aerial warcraft as of paramount importance. His statements conveyed the thought that future wars would be fought in the air and from the air rather than upon land or upon the surface of the sea.

Mr. Churchill, during the course of his debate, referred to the remarkable development in aerial warcraft, and stated in substance that if the World War had continued longer, the aircraft of the allied nations would have carried destruction and defeat to the armies of the Central Empires.

After the United States entered the war intensive study was given to the development of explosives and gases for use in aerial warfare, and we were assured by the Secretary of War that the armistice alone prevented a most deadly and destructive rain of explosives and gases upon the German armies, and also upon German cities. Many scientific men believe that the wars of the future will be fought by aircraft, and by submarines, and by naval craft lighter than battleships and battle cruisers, and by other forces and agencies, perhaps, not yet fully developed. The Washington conference did not deal with aerial warcraft or submarines or swift-sailing cruisers, or warcraft of less than 10,000 tons, or bombs or torpedoes or mines. It established a ratio of capital ships to be observed by the United States, Great Britain, France, Japan, and Italy, but it did not limit the use of submarines or aircraft or naval war vessels of less than 10,000 tons, or mines, or other agencies of destruction.

Undoubtedly there will be astounding progress in war mechanics, and important development in the use of submarines, and of all forms of aerial craft unless a world association of nations creates a spirit of concord among the nations. Swift flying machines will be invented, having a radius of many hundreds of miles and capable of carrying large torpedoes and bombs, explosives, and deadly gases which will work havoc and prove powerful factors in war, both upon land and upon sea. France is already building larger and swifter submarines, and the same is true of other nations. We will soon have undersea craft with a cruising radius of thousands of miles. Vessels will be constructed that will carry scores of aerial craft, and new methods of sowing the seas with mines will be discovered. Warcraft with great speed will be constructed, and they will be powerful factors in deciding sea contests. In other words, we will probably witness great advancement in all forms of warcraft, the cost of which will be prodigious, and the savings resulting from capital ship limitation will be absorbed in the construction of various other forms of naval warcraft.

I called the attention of the Senate yesterday to the able article written by Archibald Hurd, the great naval expert, appearing in the Fortnightly Review of January, 1922. Mr. Hurd apparently discovers no advantage in this treaty and no relief from the burdens of naval construction.

He declares that the treaty does little more than vary the factors of naval power, that it scraps obsolescent capital ships, but adds to the submarine tonnage and transfers expenditures from capital ships to other kinds of naval warcraft and instrumentalities to be employed in naval warfare. He points to the fact that the plan announced by Secretary Hughes leaves to the three powers a large tonnage of submarines which will result in increasing the number of cruisers, because cruisers in association with smaller craft, constitute the antidote to the submarine. Mr. Hurd also indicates that with the increased use of submarines it will lead to a general movement to arm merchant ships and compel those nations which have any considerable mercantile marine to maintain an enormous number of patrol craft.

Mr. Launcelot Lawton, in an article in the Fortnightly Review of February, 1922, appraises the Washington conference and declares in substance that its work has changed but little the territorial arrangement of the Far East, nor affected the situation strategically. He states that "Great Britain retains Hongkong and France Saigon with its splendid anchorage of Camranh Bay, and that Japan's position in Manchuria and Mongolia is strengthened." He further declares that, in view of the geographic realities, the ratio of battleships was not so important to Japan as some would believe, and that with the possession of submarines and airplanes her position is as impregnable as any position could be. He finally concludes that the success of the conference is "only spectacular and superficial, the Pacific problem remains in fact unsolved, and the evil day of reckoning has merely been postponed."

The Washington conference, in my opinion, missed the opportunity to bring proper reductions in the naval budgets of the world. I predict that demands will be made for large appropriations to strengthen our Navy, to increase the number of submarines, to build airplane carriers and various forms of aircraft, and to develop other factors which will become increasingly important in naval warfare as the years go by. If we do have a naval holiday in capital ship construction there will be no naval holiday in other lines of naval warcraft development, nor will there be any surcease in behalf of the American taxpayer from heavy burdens which the maintenance of our Navy will place upon him, unless international efforts are put forth to supplement the work of the League of Nations and that of the Washington conference.

In my opinion, substantially the same results in the limitation of naval armament attained by the Washington conference

could have been secured if Congress, when it had under consideration the naval appropriation bill in the special session in May, 1921, had announced its abandonment of the 1915–16 naval program which provided for 17 capital ships, and if Senators and Congressmen had declared for a naval policy calling for material reductions in capital ship construction.

Great Britain during the latter part of the war constructed no capital ships and has built none since the war. The same is true of France and many other nations. This policy was adopted because of the enormous cost of capital ships and because they believed that the League of Nations would evolve a plan which would bring about both naval and land disarmament and introduce new and effective agencies to adjust and settle international controversies. Japan also was in a position to welcome any program that would permit her to reduce her military and naval budget.

May I add parenthetically that I have deprecated the severe assaults made here and elsewhere upon Japan and Great Britain and other nations? I have sometimes felt that some Americans have been too critical of other nations. Japan's progress and development challenge the admiration of the world. The Japanese people have serious problems, not the least of which is the racial question, which has been provocative of so much distrust, misunderstanding, and, indeed, resentment. But the mass of the people of Japan desire peace, and the liberal and democratic forces are being strengthened and it is believed will soon, if they do not now, control her policies. Japan's domestic and foreign policies, it is thought by many who are familiar with her present situation, will be determined by those elements in Japan which seek moral and intellectual progress and peace and fellowship with the world. I am not condoning or seeking to extenuate those policies of Japan which have been and still are imperialistic, but I do believe that the American people should seek to more clearly understand the Japanese point of view and treat with less rancor and antipathy and, indeed, with greater sympathy a nation and a people who have come out of the past full panoplied for world position and world service as Minerva sprang from the brow of Jove.

Many jingoists and those who insisted upon the United States adopting a naval policy that would cost hundreds of millions affected to believe that Great Britain and Japan had designs against the peace of the United States. The fact is that Great Britain has sought the friendship of the United States and has desired that a community of interests be recognized. What is true of Great Britain is likewise true of her Dominions. Canada, Australia, New Zealand—all entertain for the United States an enduring friendship. It is true questions arise from time to time which produce irritation, but Great Britain and her Dominions appreciate the importance of maintaining amicable relations with the United States. There are racial, linguistic, religious, and intellectual ties which tend to unite nations and bring into bonds of amity peoples of different nations.

When it was announced that our 1916 naval program giving the United States naval supremacy in the world would be completed, officials of Great Britain announced that she would not seek to prevent America's naval preeminence. She desired to terminate all naval rivalry, and even the jingoist cries of the United States did not provoke her to a race for naval supremacy.

Japan's naval program, which was the subject of consideration at the Washington conference, was prepared 12 or 15 years ago. Work upon it had but slow progress, and I believe that the best thought of Japan favored a modification of that program. The movement of our fleet to the Pacific coast, the constant demands for fortifications in the Pacific, and the enormous appropriations to execute the 1916 program, calling for a Navy the greatest in all the world, together with the great flood of bitter criticism of Japan which periodically if not constantly inundated the United States, undoubtedly filled some of the Japanese people with fears and apprehensions. They were not able to understand why the United States, with its wealth and power, with its inexhaustible resources, should be so feverishly engaged in naval construction. Japan knew that she could not send her fleet across the Pacific and attack the United States. Her people knew that Great Britain had no designs upon the United States and, indeed, that no other nation or combination of nations desired any controversy with this Nation. The situation gave the reactionaries and the jingoists of Japan an excuse to inflame sections of Japan's population against the United States. Undoubtedly, some portions of the Japanese press and many of the people were led to believe that we sought territorial acquisition in the Pacific, either insular possessions or certain economic or other concessions upon the Asiatic mainland. But, I repeat, Japan earnestly desired some manifestation upon the part of the United States of a purpose to abandon any competitive naval policy. We all know that Japan entered the League of Nations with the utmost enthusiasm, and the Emperor of Japan issued a statement immediately following the signing of the Versailles treaty in which, speaking for the Japanese people, he proclaimed their loyalty to peace and their desire to observe the obligations imposed upon Japan by the Versailles treaty and the covenant of the League of Nations.

Mr. President, there is much in the record to justify the charge that the naval rivalry which has existed since the war has been largely due to the naval activity upon the part of the United States. This Nation has been the storm center of naval activity. If at the close of the war we had announced an abandonment or a modification of the 1916 program, Japan would have materially modified her naval program, and our belligerent and militant attitude has been largely responsible for the naval expenditures incurred by other nations since the termination of the war, as well, of course, as those which the United States has been compelled to meet.

The treaty limiting naval armament, we all sincerely hope, will not only reduce naval expenditures but be promotive of a better international understanding. It is unfortunate that more nations did not participate in the conference and that the subject of naval disarmament was not treated in a broader and more comprehensive manner. Unfortunately, we still have submarines and destroyers and war vessels of less than 10,000 tons, and aerial fighting craft and mines and other known agencies of naval warfare and of death and destruction. There is no limit fixed by this treaty upon these agencies and instrumentalities. Thousands of cruisers and naval war craft, provided the tonnage of each vessel is less than 10,000, can be constructed. Submarines without limit as to number or size may be built; indeed, whatever weapon science or the genius of man may devise to carry on naval warfare, may be used without limit, except capital ships. And, as I have indicated, many experts believe that their days are numbered, and that without treaties limiting their construction, their preeminence as fighting craft would soon be denied and their use greatly reduced.

It is to be regretted that the conference was unable to deal with all agencies which in the future will constitute the forces for naval as well as land warfare. The work of the conference, conceding what many claim for it, demonstrates the importance of a world conference, a world League of Nations, which is empowered to deal not only with naval limitation but with the question of world disarmament.

France felt disinclined to ban submarines so long as other nations might employ them and so long as her security was not assured. The League of Nations, with the broad program for which it stands, can deal with all questions involved and bring to France and other nations that assurance of territorial integrity and protection as will banish their fears, and which led them unreservedly to assent to a disarmament program which would involve all nations of the league.

It is claimed by some enthusiastic and partisan Republicans that the treaties numbered 6 and 7, which relate to the principles and policies to be followed in matters concerning China and providing Chinese customs tariff, are remarkable achievements and will be of great interest to the inhabitants of China. I am unable to accept this view and believe that further study of these treaties and their operation will not justify the vainglorious claims made in their behalf.

Treaty No. 6 is merely a reaffirmation of the open-door policy which was proclaimed many years ago, and adhesion to which has been given by all signatories to this treaty. Moreover, all such signatories who accepted the covenant of the League of Nations gave solemn assurance that they would respect the territorial integrity and political independence of China. The Versailles treaty and the covenant of the League of Nations provide China guaranties and protection far more important than the provisions of the treaty which I am now discussing. If Japan, Great Britain, France, Belgium, and Portugal will not observe their solemn obligations contained in the league covenant with respect to China and her integrity and independence and the open door, they will not observe the terms of this treaty and the protestations therein made.

This treaty gives China no more—indeed, gives her much less—than does the League of Nations, to which China is a party. It does, however, give her the assurance that the United States seeks no advantages to China's hurt, and will respect her sovereignty and independence. Did China need such assurances from the United States? Is China benefited by our assurances? As stated, she not only has assurances from the other nations signatories to this treaty, but she has other solemn covenants not only to respect her territorial and administrative integrity but to guarantee the same. Moreover, the United States has in the past declared for China's economic

and political freedom. Obviously, this treaty means nothing to China, and is of no importance to the United States. It is a friendly declaration—a sort of magnificent international gesture, and that is all. No one is deceived by it except some thoughtless people who were anxious to discredit the league, disparage the work of President Wilson, and ascribe to the present administration achievements surpassing those of all time.

Treaty No. 7 is a repudiation of the solemn and pious protestations contained in treaty No. 6. It in effect treats China as a conquered province, or at least as a nation incapable of managing her own affairs. Protesting that her integrity and independence will be respected, this treaty fastens upon her a tariff law by which she is restricted to imposing tariff duties of substantially 5 per cent upon importations. The United States, while joining in binding China by treaty so that she may not impose tariff duties upon American articles introduced into China, is providing a tariff bill laying duties so high as to prohibit imports in many instances.

It has been the traditional policy of the United States not to interfere with the internal affairs of other nations or to control the exercise of their sovereign national rights. The laying of duties is a sovereign right of a nation. China has the right, as an independent nation, to determine its own domestic policy and to lay and collect such taxes as she may desire in her own way and according to the national will. An attempt to require China, by treaty or otherwise, to fix the tariff duties which she may be permitted to lay and collect on imports, or to control the internal taxation of China, is in contravention of the settled policy of the United States and an unwarranted interference with the independent powers and sovereign rights of the Chinese Government.

And yet this treaty limits the power of China to lay and collect taxes upon imports. China is weak, and because of internal dissensions feels unable, perhaps, to assert herself and her independence as she otherwise would. European nations, years ago, coerced her into the signing of treaties abridging her sovereign powers and restricting the tariff duties which she laid upon imports. The United States became a party to treaties which perpetuated this wrong and this infringement upon the sovereign power of the Chinese State. It is urged that because China came to the peace table bound by tariff treaties there was no impropriety in negotiating another which slightly ameliorated her condition and permitted an inconsiderable increase in tariff duties. The principle to me is intolerable. I think it is an affront to China, a grave wrong committed against a sovereign State and against the dignity and honor of a great people. And yet this is one of the ornaments of the Washington conference, which produces choruses of adulation and songs of glorification of the marvelous achievements of the Washington conference.

Mr. President, the American people should study carefully, dispassionately, and indeed sympathetically the work of the conference. I have attempted to do so, earnestly desiring to support the treaties there framed. The result of my investigations has brought the conviction that the conference missed some opportunities for higher service and that the net results of its accomplishments, beneficial as they may be and doubtless are, will prove increasingly disappointing as the days go by.

I now come to a discussion of the four-power treaty. Its provisions have been analyzed and the discussion has been so searching and comprehensive that I can not hope to add much of value to the discussion. Much was said during the debate as to who prepared the four-power treaty, and there was criticism because of the limited information furnished by the President and by the State Department as to the genesis of the treaty, as well as the reasons for its preparation. I have not been so much concerned as to who prepared the treaty. I have been profoundly interested in the terms of the treaty and in the reasons assigned for its existence. In my opinion, no sufficient explanation has been offered to justify its ratification by the Senate of the United States. I assume that no sufficient explanation can be offered. I believe that the more the treaty is examined the stronger will be the opposition to it. Some persons have sought to justify it because they believed that it removed the United States from its isolation and signalized the active participation of this Republic in the affairs of the world.

It has been suggested by one Senator that "it introduces the United States into the League of Nations by means of the back door." I am not able to accept that view. If I believed that this treaty would be instrumental in taking the United States into the League of Nations, I should vote for it, imperfect, ambiguous, and uncertain as are its provisions; but I fear that it will be calculated to weaken the league and embarrass its operations and provoke international groupings, combinations, alliances, and counteralliances which will inevitably result in international strife and possible sanguinary conflicts.

Let me say at this point, although I shall return to the matter later in my remarks, that if Russia regards this treaty as an alliance among the United States, Japan, Great Britain, and France, she will undoubtedly seek a counter alliance. It is known that Germany is displeased with the attitude of Japan, Great Britain, and France and is exhibiting a disposition to refuse to execute her obligations under the Versailles treaty. Germany, perhaps more than any other nation, is interested in the rehabilitation of Russia. Before the war Russia was one of Germany's best markets and Germany annually purchased hundreds of millions of Russia's products. Russia's prosperity depends largely upon Germany, whose rehabilitation will only come with Russia's prosperity. It is natural that these two mighty nations should seek close economic relations. Thus they will naturally be brought into close political relations. We also know that Russia is now seeking to establish intimate relations with China.

Controversies over boundaries and Provinces in Siberia and northern China will doubtless be compromised in order to bring these two States into more friendly relations. Undoubtedly, this quadruple alliance, or agreement, unless it is expanded or amplified so as to include China and Russia, will tend to bring them together. In my opinion China's opposition to this treaty will increase when the people of that nation discover its terms, its implications, and, above all, its apparent aggrandizement among the nations of the earth of the Japanese Empire.

The world to-day needs not a four-power alliance, not a combination or group of four of the great military and naval powers of the earth, no matter how beneficent the announced purposes of the alliance may be, but it needs a league of all nations, an association in which all will be partners and which furnishes the machinery, the instrumentalities, and the sanctions for the determination of international controversies and the adjustment and settlement of all causes of war.

Mr. President, some who have supported the treaty base their arguments upon the alleged innocuousness of the treaty. They contend that it is so harmless and anemic as to provoke no fears or apprehensions upon the part of nations outside of the combination. Of course that view is not tenable; but if it were, undoubtedly some nations will regard the treaty as the basis of an alliance upon the part of four great powers, and they will, in attempting to fathom its purpose and ascertain the reason for its existence, perceive some sinister or menacing design and plan to advance the interests of the four nations involved or to interpose obstacles to the advancement and development of some other nation or nations. If it is an alliance and stands for the purposes which have usually brought nations together in an alliance, then it will prove a distinct evil, if not a menace, and will injuriously affect the peace and honor of the United States, if not the peace of the world.

Mr. President, I repeat that no satisfactory explanation has been offered to justify the ratification of this treaty. Frantic efforts have been made to indissolubly connect it with the other treaties to which I have referred, as well as those which I have not mentioned but which were formulated at the Washington conference, and statements have been made by some advocates of the four-power treaty that unless the Senate ratified it the other treaties might be defeated. Indeed, Senators have stated that unless that treaty were ratified they would vote against the treaty limiting naval armament.

The attitude of many earnest defenders of the treaty has been equivalent to a threat, and indicated that they would coerce, if they could not convince, Senators to vote for the ratification of the four-power pact. In my opinion it is disingenuous, if not insincere, to contend that the other treaties are dependent upon this quadruple alliance treaty, and that their fate will or should be determined by the Senate's action upon the latter.

The resolution offered by the Senator from Idaho, which became the basis for calling the Washington conference, did not contemplate a treaty such as the four-power pact. During the discussion of the naval appropriation bill in the early part of 1921 the navalistic régime and the jingoists throughout the land clamored for enormous appropriations, and demanded the building of the largest Navy in the world. Some Senators opposed these hysterical appeals and contended that the 1915–16 naval program should be abandoned because it was archaic and because its completion would not only entail huge expenditures but would inevitably provoke other nations to enlarge their navies and increase their naval budgets. The American people were not in favor of the navalistic policies advocated by the Naval Board and by bellicose and militant American citizens, and demanded that the naval expenditures be ma-

terially reduced. Senators will recall that some of us who opposed the naval bill which was enacted into law in May last insisted that if the United States suspended naval construction upon capital ships other nations would welcome the decision and promptly follow the example. I remember bringing to the attention of the Senate the statement of a British naval official who declared in the House of Commons that the attitude of the United States in carrying forward the construction of 17 huge capital ships would compel Great Britain, which was then building no capital ships, to revise her naval program and begin work upon the construction of super-Hoods; that is, of capital ships of greater dimensions and power than any the United States was building.

Senators also took the position that if the capital ships of the 1916 program were completed, in view of the effect such action would have upon other nations causing them to construct one or more larger battleships and in view of the developments in aircraft and submarines, they would be obsolescent, if not obsolete, when completed, so that after having spent hundreds of millions the United States would then not have an efficient, scientific, and modern fleet.

Mr. President, it was apparent during the consideration of the naval bill in the spring of 1921 that the time had come to limit naval as well as military armament. The League of Nations was hampered in working out a program for world disarmament by the militant position of the United States. Japan and Great Britain, as well as some other nations, were reluctant, if not unwilling, to assent to a plan calling for the disarmament of the nations within the league, while the United States, and perhaps Russia, were outside the league and were exhibiting a military, if not an imperialistic, attitude. Some nations suspected then, and they suspect now, the motives and the aims of the United States. They are not convinced that the American people are free from the ambitions and appetites which have guided many powerful nations. They remember that we took Porto Rico, Cuba, and the Philippine Islands from Spain. It is true we gave to Cuba an autonomous government, but nevertheless it is so bound that it may not break certain bonds uniting that Republic and the United States. Some nations likewise remember that we took from Mexico a large part of her domain; that we acquired Alaska and the Hawaiian Islands and the Philippine Islands; and that we occupied with naval forces Haiti and Santo Domingo.

Following the World War the President of the United States went to Europe to aid in preparing a treaty which would consolidate the gains of the war and also liquidate its liabilities and provide for the disordered condition in the world. Pursuant to announcements made in eloquent and impressive terms—announcements which had received enthusiastic support from the enlightened and liberal forces of the world—President Wilson, with other great statesmen, projected a plan to bring all nations into world fellowship and into a virile and effective league which would be authorized, without interfering with the sovereign and national authority of its members, to apply the principles of justice and international law to prevent controversies, promote peace, and bring about world disarmament. The treaty which he signed was not ratified, and the peoples of many nations regard the action of this Republic, in rejecting the treaty and the league, as tantamount to a declaration of hostility to the league and to its purposes, and as evidence of a design upon the part of the United States to pursue a policy of isolation and selfishness.

Notwithstanding the great work which the league has done and the multiplying evidence of its importance, and indeed its imperative necessity to cure the ills of the world and to promote world peace, this Nation has, under the Republican administration, exhibited an implacable hatred of the league and a determined purpose to thwart the execution of the plans which it projects and the policies which in good faith it is seeking to execute.

In view of these facts shall we hastily condemn those who distrust the United States and regard it as possessing imperialistic designs? Of course, we know that we have no selfish ends to serve and sincerely desire the welfare of all nations.

Mr. President, during the war and before the United States entered the conflict, Congress enacted a measure which "authorized and directed the President to call a conference for the purpose of considering and bringing about a reduction in the naval strength of the world." The war prevented President Wilson from immediately acting upon the authority given, but at the Paris conference he attempted to secure not only a reduction in the naval strength of the world but to bring about a general disarmament.

Early in 1921 the Senator from Idaho offered a resolution which in effect directed the President to call together in conference the United States, Great Britain, and Japan in order that a policy might be agreed upon to secure a proportionate reduction in the naval strength of these powers. This resolution was opposed by the President of the United States and by the leaders of the Republican Party. This fact was made known in the press and was revealed by the statements of the Senator from Maine [Mr. HALE] upon the floor of the Senate. He declared in substance that the President did not believe there was any necessity for the resolution. Public opinion and the insistence of the Democrats in Congress compelled the administration to accept the Borah resolution, and it passed both Houses with practical unanimity.

Pursuant to this resolution the President issued invitations to a few nations to attend a conference to be held in Washington beginning November 11. The conference was primarily called to consider the limitation of naval armament. It is true reference was made in the formal invitation extended by the President to the discussion of Pacific and far eastern questions. The agenda prepared did not provide for the discussion of a four-power treaty, nor did it indicate that the conference would be asked to agree upon such a treaty. The Secretary of State, in his notable address when the conference was opened, in a rather bold and dramatic way presented a plan for the limitation of naval armament upon the part of Great Britain, Japan, and the United States. The delegates, and the people of the United States generally, approved this plan and welcomed a program that seemed to promise relief from the staggering burdens which competitive rivalry in naval craft involved. There was no thought at the time that a four-power treaty would be negotiated. The work of the conference centered around the limitation of naval armament, and but slight attention was given by the American people to any other subject before the conference. Later, when the treaty was presented it came as a shock to the public. Nothing had foreshadowed its appearance and no sufficient reason for its presentation was suggested.

Following the adjournment of the conference the people began to appraise its work, and everywhere the question was propounded, "Why was this treaty formulated, and what relation does it bear to the purpose for which the conference was called, as that purpose was announced in the resolution offered by the Senator from Idaho?"

No adequate reason for the treaty was offered by the Senator from Massachusetts when he presented it to the plenary session. Neither he nor the able Senator from Alabama has submitted convincing reasons for its ratification by the Senate. The eloquent appeals that have fallen from the lips of the Senator from Massachustts and other Senators who opposed the treaty of Versailles for world peace, for the removal of the causes of war, and for the reign of law and of international fellowship, excited surprise and amazement when the attitude of the same Senators, with respect to the Versailles treaty, was recalled.

The efforts of President Wilson to promote world peace and to bring all nations into world fellowship were bitterly opposed by the Senator from Massachusetts and others who now so loudly avow their devotion to the cause of peace and world amity. One can scarcely believe that there has been a sincere conversion, and Senators and others may be pardoned if they experience skepticism when they listen to the fervid appeals of these new converts for a broader and more generous world spirit.

We were offered the opportunity to ratify a treaty that would not only have limited naval armament but would have brought about, within a reasonable time, the practical disarmament of all nations. The four-power treaty is a pitiful thing, if one is to believe the views of its advocates in the Senate who are urging ratification, but it may be a treacherous and a menacing instrument if it is to be interpreted, as contended by some who are its supporters and others who are its opponents. There is so much of doubt and uncertainty as to its meaning and implications and purposes as not only to justify but to demand the most careful scrutiny of its provisions.

Any treaty which seems to call for a departure upon the part of the United States from its traditional policy demands the most serious consideration. The treaty is presented in such a mysterious and enigmatical manner that not only the curiosity but the suspicions of honest and patriotic Americans necessarily are aroused. The question is constantly propounded, "What is the purpose of this treaty?" It is not related to the limitation of armament treaty, and its ratification is not essential to the execution of the terms of the naval limitation treaty.

No valid reason has been suggested for this treaty unless it be that it terminates or will have the effect of terminating the Anglo-Japanese alliance. In my opinion, the defense of this treaty upon that ground is an afterthought and, indeed, a sub-

terfuge. The treaty of Versailles specifically declares that all treaties which contravene in any manner its provisions are terminated. This was so understood by Great Britain, France, and Japan. It was understood that the Versailles treaty and the League of Nations established a new order in the world. The Versailles treaty, in addition to prescribing peace terms, sought to unite all nations in a world union to establish and perpetuate world peace. It was realized that the old system, under which alliances were fostered and groupings of nations occurred, must end if a new day was to dawn and world peace was to come.

Accordingly it was designed that all treaties, alliances, and international agreements, which in any manner were contrary to the Versailles treaty and the league, should be abrogated. Great Britain and Japan appreciated the fact that alliances were not to be permitted under the league and that a world union and a world alliance could not tolerate the grouping of a few nations, great or small, and the formation of alliances by a few or many nations. Later it was declared by representatives of Great Britain and Japan that they regarded the Anglo-Japanese alliance as having been terminated by the obligations assumed in the Versailles treaty. Arguments, it seems to me, are unnecessary to prove that the Anglo-Japanese alliance was inconsistent with the Versailles treaty. Senators can easily perceive situations arising which would lead to acute controversies between the alliance or one member of the alliance and the League of Nations. When Japan and Great Britain entered into a world league under covenants to respect and preserve the territorial integrity and political independence of all members of the league, and when, in addition, they accepted and covenanted to abide by the provisions of the league and the orders of the instrumentalities and agencies thereby created, it becomes manifest that they regarded an alliance as violative of the spirit, if not the letter, of the covenant of the League of Nations.

One of the objects of the league was to bring about a rational and proper world union and to prevent racial or sectional or geographic or economic groupings and combinations which tend to divide nations and are calculated to engender international strife. It becomes apparent, therefore, why Japan and Great Britain formally placed on record their declaration that, in view of the League of Nations and its requirements as to existing treaties, the Anglo-Japanese alliance was terminated. We have not been advised by what process of ratiocination or legerdemain this superseded treaty of alliance was galvanized—but not vitalized—by Great Britain and the United States, both before and during the conference, to be paraded as a frightful specter which could only be banished by a quadruple alliance between the United States, Great Britain, France, and Japan.

It seems to me that neither the American people nor Congress have been dealt with in good faith in respect to this matter.

One is compelled, in the absence of information which has been denied to the American people and to the Senate, to explore whatever avenue is open for reasons for this course. Speculations and conjectures necessarily will be indulged in when valid reasons are not adduced. Many who have earnestly sought to learn the reason for the four-power treaty, and have been told that it was necessary in order to terminate the Anglo-Japanese alliance, are compelled to doubt the sincerity or honesty of the statement, in view of the indisputable facts which establish that the treaty no longer exists. I repeat, the Anglo-Japanese alliance was terminated by the Versailles treaty; the parties to the treaty construed it as having been terminated and Great Britain and Japan formally accepted and declared that construction.

It would seem that the contention that the Japanese alliance was still in existence and could only be terminated by a quadruple alliance was a threat without foundation, and was held *in terrorem* over the Senate to abate opposition which it was known would be inevitable to the creation of an alliance, such as is provided in the four-power treaty. The Anglo-Japanese alliance was a defensive and offensive combination dealing with the interests of Great Britain and Japan in the Pacific, in Asia, and in India. The Versailles treaty ended all such alliances and combinations. That was one of its great virtues.

Those who framed the league were familiar with the wars that had been waged and the blood that had been shed by reason of alliances among nations. The old system of checks and balances and alliances and groupings of nations had been discredited. Its evil effects were appreciated by the world, and the enlightened conscience of all nations demanded that these alliances should end and that all nations should come together in an association or league, containing ample provisions for the settlement of international controversies and guaranties and sanctions for the prevention of war.

Ipso facto then the Versailles treaty would terminate treaties, alliances, and combinations formed among nations. Why then does the Senator from Massachusetts and others who have demanded the ratification of this treaty give, as a pretext for its ratification, that without it the Anglo-Japanese alliance will continue? But, conceding that the Versailles treaty did not abrogate this alliance, is it necessary, in order to purchase its abrogation, that a quadruple alliance be formed in which the United States shall be a party?

The Anglo-Japanese treaty has not proven a menace to the peace or security of the United States. Indeed, many Americans have believed that it was of benefit to this Republic. Those urging the ratification of the four-power treaty insisted that the Anglo-Japanese alliance was a menace to the Philippine Islands. In what manner it was a menace has not been pointed out. Great Britain, we know, would not provoke war with the United States over the Philippine Islands, nor would Japan. If the latter had attempted the conquest of the Philippine Islands, Great Britain would have protested. Australia and New Zealand would have denounced such a course, because they would regard Japan's sovereignty over the Philippine Archipelago as a menace to their security. It is absurd, in my opinion, to argue that the Anglo-Japanese alliance constituted a danger to the United States. Indeed, the treaty of 1911 between Japan and Great Britain specifically provided that the alliance there formed should not be operative or binding in the event that either of the parties was brought into conflict with some third power with which the parties or either of them had treaties of arbitration. Between the United States and Great Britain such a treaty exists, so that in the event of a conflict between the United States and Japan, Great Britain was under no obligations to aid Japan. Moreover, if there were such an obligation, in my opinion neither Great Britain nor any of her dominions would consent to aid Japan in a conflict with the United States.

But the Anglo-Japanese alliance provides that where there is an obligation to aid, it only arises in the event of an "unprovoked aggression" by another power. Does the United States contemplate any unprovoked or aggressive action against Great Britain or Japan in the Pacific or elsewhere? Manifestly not. It is obvious, therefore, that in no aspect of the case can it be considered that the Anglo-Japanese alliance was a menace to the United States.

I respectfully insist that no sufficient reason has been assigned justifying this four-power treaty. If there is a reason, it has been concealed. The reason given, and which I have briefly discussed, is not tenable, and, in my opinion, it is not complimentary to the fairness or to the intellectual integrity of the opponents of the treaty to urge as a reason for its ratification the pretended or alleged existence of the Anglo-Japanese alliance. The American people may be fooled and duped by this specious argument, but sooner or later the scales will fall from their eyes.

It is, in my opinion, absurd to state, as it has been repeatedly declared, that the four-power treaty is so inextricably connected with the other treaties that they must stand or fall together. I affirm that the four-power treaty is so disassociated from the naval armament treaty that one may stand and the other fall. Neither is essential to the success or validity of the other.

Mr. President, the United States secures nothing by this treaty, but it confirms the titles to the Pacific insular possessions of the other signatories to the treaty. Many of these islands are held as the fruits of war and conquest. The United States makes no claim to them, although this Nation should insist that the mandated islands are held in trust by Great Britain and Japan, and that their title is not absolute and indefeasible. Can this treaty motivate upon the fear that the United States may assert a claim to some of these Pacific islands, and it is important for Japan and Great Britain to obtain a release of all claims?

I ask again, What is the purpose of this treaty? Japan, Great Britain, and France are members of the league. They have, by the terms of the league, covenanted "to respect and preserve, as against external aggression, the territorial integrity and existing political independence of each other." A like obligation has been assumed by every other member of the league. The territorial integrity therefore not only of their insular possessions but of all their possessions is guaranteed by the league.

Great Britain has no designs upon Japan's insular possessions. Japan does not seek Great Britain's insular possessions in the Pacific or elsewhere. France has no designs upon the insular

possessions of either Great Britain or Japan. As stated, there are mutual covenants between these three nations, as well as nearly 50 other nations, to respect not only these insular possessions but to preserve them as well as all other territory belonging to the members of the league. If neither of these three nations made any claim to the insular possessions of the others, why this treaty? It was not to protect themselves or either of them from aggression by any of these nations.

If these three powers could not trust themselves under the Versailles treaty, which contains stronger covenants than are found in the quadruple treaty, it is clear they could not obtain any greater protection from each other under the treaty before us. These three nations are members of a world league which is behind them and which guarantees the protection of their territorial integrity and political independence. No nation menaces their insular possessions in the Pacific. It is possible Russia might some day seek to recover the southern half of the island of Sakhalin, but such a contingency is not so imminent as to justify Japan's seeking an alliance with other powers. If Japan aims to secure control over Chinese or Russian territory, then it is obvious that an alliance such as this treaty provides would be of great value to her.

In searching for reasons for this treaty one is driven to mere conjectures and speculation. Apparently the only reason for dragging the United States into this compact is that it may be said there is an agreement or combination or alliance with reference to Pacific questions, to which the United States is a party. This Republic has refused to enter into the league and has assumed an attitude of comparative isolation and has attempted to place upon its own brow the crown of world primacy. Its wealth and material position in the world compel more or less of world adulation, though they create secret resentments. Some nations of the world believe that we have been and are selfish; that we failed in the discharge of our duties following the war with respect to the problems which the settlement of Europe created. Perhaps it was thought that if the United States could be induced to enter into the four-power treaty it would be the beginning of a broader and wider activity upon the part of the United States in world affairs. Manifestly neither of the other parties to this treaty believes that the United States coveted the insular possessions of either Japan, Great Britain, or France in the Pacific Ocean or elsewhere. These nations know that the United States seeks no new territory, and, indeed, will soon be ready to relinquish authority over the Philippine Archipelago. The United States knows that the other parties to this treaty contemplate no movement looking to the acquisition of any of its Pacific insular possessions. If, therefore, Great Britain, Japan, and France are bound by the Versailles treaty to respect and preserve the Pacific insular possessions of each, and if, as everyone knows, the United States does not covet such possessions, and if—and such is known to be the fact—none of these three nations seeks to possess any of the insular dominions of the United States whether covered by the four-power treaty or otherwise, then, I ask, in all sincerity, what is the object of the compact?

Judged by all accepted standards applied to human conduct, there seems to be absolutely no reason justifying the treaty. According to the professions of some of its advocates it seems to be so meaningless, so absolutely innocuous, that those who seriously inquire as to its origin and purpose become dissatisfied with the empty phrases explanatory of its existence and purpose, and skepticism, as to the sincerity of some who are connected with the treaty, was provoked, and this skepticism finally ripened into distrust, suspicion, and open hostility to its ratification. It is not believed that four great nations would enter into a meaningless treaty, and so efforts are made to discover whether there are hidden reasons or some secret questions and matters which some of the interested parties have been unwilling to reveal. And these suspicions multiply when upon investigation it is ascertained that any possible controversy between the four powers would not arise out of their insular possessions.

The most superficial knowledge of Pacific problems furnishes indubitable proof that any serious dispute between the United States, Great Britain, Japan, and France in the region of the Pacific would grow out of the mainland of Asia and not the islands in the Pacific, which come within the terms of the treaty. In my opinion there would have been less ground for objection to this treaty if its terms had been broader and it had dealt with all controversies and questions arising, or likely to arise, between the four powers, not only in the Pacific, but in the Far East.

If the treaty merely calls for consultation between the four powers, in the event of any controversy arising out of their insular possessions in the Pacific, then the treaty may be of little value, even if it is not so regarded, because, as stated, Great Britain, Japan, and France have a stronger agreement in the Versailles treaty for their mutual protection and for the settlement of controversies than that afforded by the four-power pact, and because they do not contemplate any aggressive movement against the United States, nor does the United States covet any of their insular possessions in the Pacific. If it is believed that this treaty is necessary for the protection of the insular possessions of the four powers against the aggressive movement of any other nation, then it is manifest that Russia was in contemplation, and that, not satisfied with the guaranties of the league, it is intended to secure by this treaty the protection of the United States. There are many who believe this treaty is designed as an alliance for the protection of the rights of the four powers, not only of their insular possessions, but also of each other generally against the aggression of any nation in the region of the Pacific, including the Asiatic mainland. Being unable to perceive any reason for the treaty if it deals only with the insular possessions of the four powers, they are driven to the conclusion that there are meanings to be attached to the treaty, and implications arising from its terms, which involve the United States far more than has been declared by the proponents of the treaty. There are patriotic Americans who perceive in this treaty a scheme to unite the four powers against China and against Russia, or to protect Japan against any aggressive movement upon the part of China, or Russia. No one pretends to submit any valid reason why it is of any benefit to the United States. No one suggests that this treaty was proposed by the United States, or was ever regarded as necessary for the safety or welfare of the United States. When the Borah resolution was under discussion, no one in either branch of Congress dreamed of an alliance between the parties to this treaty, or of any treaty embodying similar terms. I repeat, there are many who can not understand why the treaty was not made applicable to that field where controversy is not only possible, but perhaps probable, and why it did not relate to the Asiatic mainland, and why China was not made a party to the treaty, and why it was not drawn so as to permit Russia, when a stable and enlightened government is erected therein, to become a party to the treaty and to avail itself of any provisions calculated to promote peace and avert war.

If it is replied that the nine-power treaty is broad enough to cover the matter just referred to, then it is proper to inquire, "Why the necessity of this treaty?"

Mr. President, any effort to deal with the problems of the Pacific must take into account the mainland and the interests of China and Russia. If peace is desired in the Pacific it must be sought not in the insular possessions, except Sakhalin, referred to in this treaty, but in China and Mongolia and Manchuria and Siberia. The clouds are not in the Pacific Ocean. They hover over the mainland of Asia.

This treaty seems to be a mere smoke screen to cover other movements and conceal other purposes. Were it not for the League of Nations the United States might possibly be warranted in considering the question of entering into an agreement with all nations that had interests in the Pacific and in China, Mongolia, Manchuria, and Siberia, with a view to settling controversies that might arise within that region, but even then the objections to an alliance or combination of such a character are numerous and valid.

Much has been said about alliances and the attitude of the fathers of this Republic with respect to alliances. In my opinion, "entangling alliances" are as objectionable now as they were in the days of Washington and Jefferson. Notwithstanding the great changes in the world—and that fact has been stressed by proponents of this treaty to justify departing from the advice of Washington—entangling alliances are as harmful now as they were in the early days of this Republic. This Nation must not form entangling alliances. It must not promote a combination or alliance of a few nations or pursue a course that will divide the world into groups and combinations.

Many speeches have been delivered during the debate upon this four-power treaty, and when the Versailles treaty was under consideration, in which the evils flowing from alliances among nations were fully portrayed. If this treaty is not an alliance or does not contemplate some of the results and force and vitality of an alliance, then, I repeat, it is innocuous and, there being no reason for its existence, it should not have been ratified. If it constitutes an alliance or if it shall be regarded by the signatories, or by other nations, as an alliance, then it should have been approved.

Yesterday, in the admirable address of the Senator from Mississippi [Mr. WILLIAMS], he stated in a candid and honest way that this treaty did constitute an alliance, and as I interpreted

his position, that was the only reason for its justification. He also interpreted the treaty as implying force, and argued with great vigor that compacts and agreements and laws without force behind them were of no utility. He believes in a world union which can put force behind its decrees, as courts have behind their judgments officers of the law and the *posse comitatus*, and finally the Army and the military and naval forces of the Government.

The able Senator from Alabama [Mr. UNDERWOOD] stated in substance, in reply to a question asked by the Senator from California [Mr. JOHNSON], that an alliance would result from the treaty and that a situation might arise which, if it did not involve war, would at least involve financial obligations upon the part of the signatories to the treaty.

That other nations, no matter what view may be taken by the parties to this treaty, will regard it as an alliance, as a more or less defensive or offensive movement upon the part of the four nations signatory thereto, I have no doubt. Moreover, it will be regarded by some nations as a scheme upon the part of the United States to set up its own world group. This view in part arises because the United States refused to enter the League of Nations or to assume any of the burdens involved in the pacification of Europe following the war.

This treaty will be regarded by some, who deplored or resented our refusal to ratify the Versailles treaty, as a plan to set up a rival organization. The question will be asked, "Why was the United States unwilling to join with European nations and many other nations to settle the problems of the war and to bring about world peace but is now willing to enter into engagements with three great military and naval powers, ostensibly for the purpose of preserving peace in the region of the Pacific?" They will inquire, "Are the Pacific and the Orient more important than Europe?" "Is Japan more vital than the Occident, than the nations of Europe who are struggling against the great tide of sorrow and adversity which the war set in motion?"

Is the United States more interested in Japan than it is in the Christian nations of Europe, nations who were recently our allies and who gave their blood and treasure, as we gave our blood and treasure, in defense of civilization and in vindication of national rights?

The action of this Government will be regarded by many as cynical and selfish, and they will speculate and conjecture, indulging doubtless in many baseless conceptions and unjustifiable resentments, but nevertheless earnestly seeking to learn why America turned its back upon Europe and the world alliance to seek an alliance with three great naval and military powers to deal with Pacific problems only. The nations constituting the league have been anxiously looking to the United States to join with them in covenants to respect the territorial rights of all nations and to labor to promote the peace of all nations. They have recognized the importance of this Nation, its paramount position in the world, and they have supplicated, but thus far in vain, the United States to participate with them in carrying out the beneficent purposes for which the league was organized. Will not some nations regard the action of this Nation as a deliberate purpose to organize a league or association of its own?

It will be remembered that President Harding often spoke of an association of nations and conveyed the idea that he favored some sort of association of nations. His attitude before the election was uncertain. His addresses left his hearers in doubt as to his exact position. Some believed he was for the league with reservations. Others asserted that he was vehemently opposed to any kind of a league or alliance. Thirty-one eminent Republicans, among them being Secretary Hughes, Mr. Hoover, and Chief Justice Taft, made a strong and vigorous appeal to the American people to support Harding upon the ground that his election was the surest way of bringing the United States into the League of Nations. Millions of Americans voted for President Harding with the understanding that he was for the league with reservations. He had voted for the league with the Lodge reservations, and thus declared in effect that the covenant must be preserved. The contention that his election was a repudiation of a League of Nations is not sound, nor can it be successfully contended that his election provided that the League of Nations, with the Lodge reservations, was not desired by the American people. I think the evidence is overwhelming that the American people expected that upon the election of Mr. Harding the United States would enter the league after obtaining such modifications as were deemed necessary for the protection of our national interests.

Support is given to the four-power treaty by many who regard it as a bridge to carry the United States into the League of Nations. They affect to believe that it will place our Nation in such a position as to inevitably draw it into the league. In my opinion, this view is untenable and does not indicate clarity of judgment as to conditions in the world or the effects of treaties, or the character of the treaty.

Many will regard this treaty as an effort to weaken the league. Some small States, now members of the league, will regard it as a plan to establish a powerful group of nations revolving around the United States. They will see in the movement a force and strength and power which may eclipse the league and ultimately wholly destroy it. They will regard the attachment of Great Britain and France and Japan to this treaty as an indication that they have abandoned, or intend to abandon, the league. Other nations will resent the association of four great powers and will attempt to form another league or alliance which will counterbalance the one by this treaty set up. It will constitute an example, whether regarded as an alliance or as a friendly grouping of friendly nations, which will likely be followed by other nations; and we will witness during the next few years frantic struggles upon the part of nations to form groups and countergroups and combinations and alliances and associations for political or economic advantage and protection, or for territorial aggrandizement. The psychology of this movement will be bad, and its effects, in my opinion, will be distinctly disadvantageous, if not dangerous, to the peace of the world. Undoubtedly Russia and Germany and a large part of the population of China will regard this treaty as an alliance, aimed, if not directly at Russia and China, at least calculated to protect and promote the interests of the four powers signatory to the treaty, to the disadvantage of other nations, particularly China and Russia.

The world was prepared, following the war, for a rational international association. There was a practically unanimous demand for the overthrow of the old system of checks and balances and alliances and the birth of a new era and a new day where freedom and justice and equal opportunity were to be the inheritance of all nations. I repeat, this treaty will be regarded as reactionary and as a backward step and as opposed to the great spiritual and moral tide which, it is hoped, is sweeping humanity forward.

Undoubtedly the Russian people will regard this treaty as containing a menace to their country. They will not be able to understand the reason for the United States refusing to participate in European affairs and yet eagerly seeking the opportunity of associating with Japan, Great Britain, and France with respect to Pacific problems.

The ardent champions of the four-power treaty have claimed as one of its principal virtues its brevity and its simplicity. Brevity often contributes to clarity of expression. It sometimes conduces to uncertainty and difficulty of interpretation. The debates in the Senate over this instrument, and the variety of views expressed here and elsewhere as to its meaning, refute the claims of the Senator from Massachusetts and others that the instrument is clear and unambiguous in its meaning. Even the President of the United States, who presumably was in close contact with the conference and particularly with the delegates selected by him to represent the United States, construed the treaty differently from his appointees and interpreted it to mean that the principal islands or the mainland of Japan were not embraced within its terms. Other persons who were seeking to determine the meaning of the treaty reached the same conclusion as did the President. The delegates to the Washington conference speedily disillusioned the President, and let it be known to the American people that Japan proper was within the terms of the treaty. Thereupon another treaty was prepared—a treaty between the same four powers supplementary to the above, signed February 6, 1922—which was designed to remove all doubts as to the insular possessions and insular dominions in the region of the Pacific, to which the treaty should apply. By this supplemental treaty only a portion of the insular possessions of Japan were included.

Again, the treaty was so obscure and indefinite in its terms, and uncertain as to its meaning, that what is denominated a declaration accompanying the above four-power treaty was prepared by the conference and signed by the delegates of the four powers who were signatory to what is called the four-power treaty. Evidently this declaratory statement, which is in effect another treaty, or at least a treaty contemporaneously executed and relating to the subject matter of the four-power treaty, and therefore is to be construed in connection therewith either for the purpose of changing, modifying, interpreting, or otherwise, was deemed necessary by the delegates representing the four powers, in order to remove doubts as to the meaning of the treaty. There were conflicting views as to whether the mandated islands in the Pacific Ocean were within the terms of the treaty or not, and even with the declaration which I have just

mentioned there is still uncertainty as to the rights of the respective parties to the treaty as to the mandated islands. It is uncertain as to whether or not the four-power treaty is an attempt to withdraw the mandated islands in the Pacific from the control of the League of Nations. It is also uncertain as to what the rights of the United States are in relation to the mandated islands. It may be claimed that the islands are unimportant and can not be the subject of controversy between the signatories and the treaty or other powers.

The claim of the unimportance of the islands is refuted by the tenacity with which Great Britain sought control of the islands south of the Equator and Japan of those north of the Equator. Even before the United States entered the war secret treaties between Great Britain, France, and Japan provided the disposition to be made of the islands lying in the Pacific and which it was expected would be taken from Germany. They were deemed important by those powers then, and they were regarded as important when the Versailles treaty was drawn.

The four-power treaty does not make clear what the rights of the United States are relating to the mandated islands or in what manner or before what tribunals the United States could assert any claim to these islands in the future.

While it is true that questions which, according to the principles of international law, lie exclusively within the domestic jurisdiction of nations, nevertheless controversies may arise as to what are domestic questions. The meaning of the treaty was so clouded or so uncertain as to whether domestic questions were reserved by the signatory powers that subdivision 2 of the declaration above referred to was deemed necessary and constitutes a part of the supplemental treaty. And yet it must be said if the position of Republican Senators is to furnish any guide, that even these clarifying and explanatory and interpretative words still leave the subject enveloped in doubt.

The Senator from Massachusetts and other Republican Senators, when the Versailles treaty was under consideration, notwithstanding that treaty quite clearly indicated that the domestic concerns of the members of the league were not brought within the treaty, insisted upon a strong reservation which declared that the United States reserved to itself exclusively the right to determine what questions were within its domestic jurisdiction, and further declared that "all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way, either to arbitration or to the consideration of the council or to the assembly of the League of Nations, or of any agency thereof, or to the decision or recommendation of any power."

It will be observed that paragraph 2 of the declaration falls far short of the explicit provisions in the reservation insisted upon by the Senator from Massachusetts and other Republican Senators when the Versailles treaty was being considered.

It is contended that the four-power treaty relates solely to the insular possessions of the signatory powers, and that in determining what Japan's insular possessions are the supplementary treaty signed February 6, 1922, and which was ratified yesterday, governs. Yet there are various views entertained as to the meaning of the four-power treaty and just what territory directly or indirectly it applies to, and what obligations are assumed by the powers who have negotiated it. It is declared in the treaty that it is for the purpose of preserving the general peace and the maintenance of the rights of the four powers in relation to their insular possessions and insular dominions in the region of the Pacific. It is clear that controversies may arise in the regions of the Pacific not directly connected with the insular possessions referred to, but which inevitably would affect a portion or all of said insular possessions and thus bring into operation the full force and power, whatever it may be, of the treaty.

A controversy between Japan and some power other than one of the signatories of the treaty, and which in its inception related to Japan proper or to the mainland of Asia, might quickly draw within its encircling movement all of Japan's insular possessions. And if China should seek to expel Japanese authority from Korea and she should be powerful enough to attack Formosa or other insular possessions of Japan, hoping thereby to weaken the power of Japan, to what extent would the controversy be brought within the terms of the treaty? It is easy to conceive of disputes which might eventuate in war between one or more of the signatories to the treaty, or between one or more of them and some other power, and which would soon involve the insular possessions in the Pacific of the belligerent nations.

Does the treaty cover cases of that character? Obviously, serious differences would arise as to the meaning of the treaty or as to its application with respect to controversies analogous to the illustrations or suppositious cases which I have just mentioned. Section 1 of the four-power treaty declares that should there develop a controversy arising out of any Pacific question and involving their—meaning the high contracting parties—said rights, which is not satisfactorily settled, and so forth, then certain steps should be taken. It would seem that the controversy referred to would relate to the insular possessions of the parties, and yet the section refers to "any Pacific question." Controversies arising upon the mainland of Asia or Japan proper, or the continental possessions of the United States, might involve a Pacific question, and such controversy might indirectly affect the insular possessions of the high contracting parties. Manifestly there is ample ground for dispute as to the interpretation which all persons would place upon these words to which I have just called attention.

The debate over the meaning of section 1 has been exhaustive, and I do not pretend that I can make any contribution thereto, but the fact that it has been the subject of earnest discussion and diversified views offers demonstration that its terms are not unambiguous or free from doubt.

The Senator from Massachusetts and others who have so eloquently pleaded for ratification of the treaty insist that under article 1 no obligation is assumed by the high contracting parties other than that they shall invite the four powers to a joint conference in the event of any controversy arising out of any Pacific question and involving their insular rights and possessions in the Pacific. When the conference is to be called, in the event of any controversy, is not determined, nor is it clear as to the mode of procedure when the conference convenes or the method of arriving at a conclusion, whether by unanimous vote or by majority vote, or how a deadlock may be avoided, or what course shall be pursued in the event the four parties are unable to agree. No provision is made for arbitration or for the selection of some independent power to aid in determining the controversy or breaking any deadlock that might arise. The section provides that "at the joint conference the whole subject—that is, the controversy—will be referred for consideration and adjustment." That is to say, if when a controversy arises between two or more signatories to the treaty and a joint conference is called and the four powers respond, they will refer the subject matter of dispute to themselves for consideration and adjustment. The section contemplates that the controversy will be adjusted and the high contracting parties covenant that it will be referred for consideration and for adjustment.

Supporters of the treaty have contended that the obligation of the treaty would be fulfilled if representatives of the high contracting parties met and considered the controversy; that there was no obligation to "adjust" the dispute and no method of compelling adjustment. In other words, that the provisions of this section were so innocuous as that if the parties did not elect to meet, or if they met and did not consider the controversy or adjust it, nothing further could be done. If I understand the Senator from Massachusetts and others who have defended the treaty, they point with great satisfaction to this provision and assert that its chief virtue lies in the fact that it contains no strength, no force, no power, no vitality, and no authority. It merely opens the way for representatives of the four powers to confer in the event of a dispute arising among them.

I concede that there are advantages arising from conferences where disputes exist between two or more nations, but I can not believe that it was the intention of all the delegates to the conference that this section should bear the construction which has been placed upon it by a number of Senators who are its earnest supporters. Already we learn from the dispatches from overseas that France is not satisfied with the interpretation placed upon the treaty. If we are to believe the dispatches, some public men in France interpret the treaty as containing some authority or power to create agencies by which controversies arising would be settled, even though the adjustment and settlement were not brought about by a mere "conferring" of the signatory powers.

There are many who insist that "consideration and adjustment" mean that the controversy will be adjusted—that is, that it will be settled and "determined"; that the treaty means more than a mere meeting of representatives of the four powers for the purpose of talking or conferring over a controversy; that it means that the four powers shall take steps to settle, determine, and adjust and conclude the subject of the controversy, no matter what means may be required, following the conference to effectuate that object.

In the speech of the able Senator from Wisconsin [Mr. LA FOLLETTE] that point was elucidated with great clearness and the absurdity shown of the claim that the conference merely meant a meeting or "getting together" of representatives of the signatory powers. Whether his interpretation is right or that offered by the Senator from Massachusetts is to be accepted, the fact still remains that there is and will continue to be conflicting views as to the meaning of section 1.

An examination of section 2 of the four-power treaty emphasizes more clearly the differences of opinion that may arise and already have arisen as to the meaning of its provisions. Here, again, the Senator from Massachusetts and Senators who have urged the ratification of the treaty with apparent exultation, if not exaltation, proclaim as the chief virtue of this section that there is no force or authority behind it. Apparently these Senators belong to that school of pacifism which denies the majesty of the law or sanctions for its observance and enforcement. They seem to be enamored with the thought that nations agree to confer. I might add in passing that they have that right regardless of treaties, and already there exist between the United States and the other powers who have signed the treaty before us treaties providing that disputes which are not adjusted by diplomacy shall be submitted for investigation and report to international commissions to be created in the manner defined in such treaties.

As indicated, there are many who entertain the view that this section means that force shall be employed if that is the most "efficient measure" to meet the exigency that necessitated "frank and full" communication between the high contracting parties. This section provides that if the "rights of either of the powers is threatened by the aggressive action of any other power," there shall be "full and frank communication between the signatories to this treaty." This is an obligation, but the obligation calling for a full and frank communication does not stop there. These communications must be for the purpose of enabling the parties to arrive at an "understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation." There is not only an agreement to communicate for the purpose of reaching an understanding, but it seems manifest that the agreement is that an "understanding" shall be reached.

It is obvious that if some other power has made war upon one of the signatories to the treaty, which threatens the insular dominions in the Pacific of such power, then an obligation arises upon the part of the signatories to the treaty to not only fully and frankly communicate but to reach an "understanding" which will call for "efficient measures" to be taken to protect the rights of the nation so assailed. If diplomacy would be an efficient measure, then the obligation would be discharged if diplomatic representations brought peace, but if military or naval force were the only efficient measure and if, moreover, it required the military and naval forces of all the powers, then it would seem that the exigencies of the particular situation would call for that and that an obligation to that extent is assumed under the treaty.

At any rate, if that is not the correct interpretation it is beyond controversy that such interpretation is placed upon its terms by statesmen, publicists, and intelligent persons who have earnestly sought to ascertain the true meaning of this instrument. Moreover, if we are to believe reports as to the utterances of Japanese statesmen and French writers, that is the view which they take of the treaties. Undoubtedly the Japanese people believe that the four-power treaty constitutes a quadruple alliance, and that Japan, as to her insular possessions at least, receives the same guaranties as were extended to her with respect to all of her possessions by the Anglo-Japanese treaty of 1911.

Senators, as well as many patriotic Americans who find no cause for the rejection of treaties because they may involve the use of force, construe section 4 of the four-power treaty as an obligation upon the part of the signatories to the same to employ force necessary for the protection of the insular possessions and insular dominions of each and all of the parties to the treaty.

It is not a mere captious criticism to say that article 2 is uncertain in another respect. Is unanimity required by the four powers when they are adopting the most "efficient measures" to meet outside aggression or will a majority vote determine what measures shall be adopted, and if the latter, what obligation rests upon the nonassenting nation? Would its refusal to accept the decision of the majority constitute a breach of treaty, and, if so, would such breach be *casus belli?* If a unanimous decision were reached by the powers, that force was required in defense of the assailed nation, and one of the agreeing parties failed to observe the decision and make its proper and just contribution, to what penalty would such a nation be subjected?

Senators will recall that vehement protests originated in the Senate and elsewhere when the first draft of the League of Nations was submitted because it did not clearly state whether certain important decisions made by the council and by the assembly were to be unanimous or reached by a majority vote of the members of those organizations. The final draft of the covenant met this criticism, and provision was made that such decisions of the council should be by unanimous vote.

Mr. President, I have called attention to some of the features of the treaty which have aroused discussion and developed contrariety of views. This treaty will, in my opinion, lead to misunderstandings between the nations who have signed as to its meaning and implications and obligations. When some crisis arises which tests the treaty, then its imperfections, uncertainties, and weaknesses will be fully disclosed. I am not now alluding to the effects of the treaty upon other nations, nor the jealousies and suspicions and resentments which may be aroused because of the belief or fear that it constitutes an alliance and indicates a purpose upon the part of four great naval and military powers to assume a dominating if not an oppressive position in the world. That it will be regarded by some nations as an offensive and defensive alliance upon the part of these four great naval and military powers will be conceded if we are to judge the future by the past. Already the Koreans and the Russians, particularly those inhabiting Siberia, are expressing their disapproval.

They affect to see in the treaty a combination which seeks the advancement of Japan and her elevation to a position of paramount, if not supreme, importance in the Orient. Already we are advised by the newspapers published in eastern Siberia that the four-power treaty is regarded as a menace to the Russian people and to Russia's Asiatic territory. Opposition to the treaty also comes from various parts of China, particularly from what is called the Cantonese section.

China and Russia have always been the steadfast friends of this Republic. The most friendly and cordial relations have existed between the United States and China, and when some of the great powers were seeking to bind China, to carve up her territory and to establish spheres of influence which, in fact, constituted the economic if not the political subjugation of China, her people looked to this great Republic for relief. China's unhappy situation aroused in the United States profound sympathy and a determination that China should no longer be the victim of intrigues and exploiting policies of foreign powers.

Neither China nor Russia will understand why this four-power treaty was entered into. No matter what explanations may be offered, the Russian people and the Chinese people will regard with fear and apprehension and growing resentment and anger the work of the conference and the action of the four powers in ratifying this treaty. No sufficient explanation can be made of article 2, and, indeed, for that matter, of article 1, of the treaty. Those nations appreciate that there is no controversy between the high contracting parties as to their insular possessions in the Pacific. They will be unable to understand the motives of the parties in negotiating a treaty which contains the provisions found in paragraph 1. Their opposition to the treaty will be stronger as they consider article 2 of the treaty, and, in my opinion, their resentment will increase when they learn that various reservations offered to the treaty were defeated. It must be conceded that in the draft of article 2 Russia was in the minds of the representatives of the four powers. It would seem that the only possible aggressive action with respect to the insular possessions in the Pacific of the four signatories to the treaty would be upon the part of Russia. Of course, if China, roused by the aggressive action of other nations and the indignities to which she has been subjected by European and other nations, should develop a strong national spirit, no one could foretell the consequences. Thousands of her young men have been educated in the United States and Europe, and they have carried back to their land a new spirit, and that great inert mass of people, responding to their appeals and to a nationalistic spirit, will, like a mighty lion shaking its invincible locks, break asunder all bands which limit the freedom of their country and all fetters which bind her people. Who can say that they may not seek an alliance with Russia? It is known that for several years the soviet régime has cultivated the friendship of the Chinese and sought to draw them within the influence of the Bolshevik government.

I dislike to indulge in criticism of other nations, particularly our former allies in the Great War. Indeed, I have only feelings of deep regard for most of the nations of the earth. I do not approve of intemperate and harsh criticisms of other na-

tions, nor do I look with favor upon the boastful attitude taken by so many Americans when they speak of their own country. I have sometimes thought that we were not sufficiently considerate of the feelings of other nations, nor sufficiently appreciative of their great achievements. Many do not appreciate that China has a civilization which dates back more than 4,000 years. Many Americans display lamentable ignorance as to the accomplishments of other nations and the great contributions which they have made to civilization. However, in the discussion of international questions we are sometimes compelled to speak rather frankly of other nations. China feels that she has been oppressed by Japan and Germany and France and Great Britain. Foreign nations have controlled her economic life, and to-day more than 70 per cent of her territory is, economically at least, under the control of other powers. We need not be surprised if the Chinese people view this treaty as a scheme to exalt Japan and to further weaken the authority of the Chinese Government. The question will be asked, "Why was there not a quintuple combination or alliance, instead of a quadruple one?" May not Russia's fears be increased when she learns that the Senate refused to adopt a reservation which would have provided Russia an opportunity to confer with the four contracting powers in the event of any controversy affecting her interests and the interests of the four powers which are involved in the treaty? The reservation offered by the Senator from Arkansas provides that—

the high contracting parties will respect the rights and possessions of other nations and refrain from all acts of aggression against any other power or powers. If there should develop between any of the high contracting parties and any other power or powers a controversy which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord subsisting between any party or parties to this compact and any other power or powers, the high contracting parties shall invite all powers claiming an interest in the controversy to a joint conference to which the whole subject will be referred for consideration and adjustment.

This reservation confessedly was to enable Russia and China to participate with the four powers in settling controversies that rise among them. The treaty in its present form would prohibit Russia from conferring with the four powers in the event of any controversy arising between her and Japan or between Russia and either of the other parties to the treaty. The four powers may confer, and they are to devise efficient measures in the event of any aggression by Russia or China which threatens the rights of Japan or either of the other parties to the treaty. But neither Russia nor China can participate in any conference. The Senate has declared by its vote in rejecting this proposed reservation that Russia shall not be invited, nor shall China nor any other power, notwithstanding their interests or their desires to avert war and promote peace.

During the debate frequent reference has been made to what Russia believes to be the aggressive action of Japan in Siberia. Japan has seized the northern half of Sakhalin, and her troops are now occupying portions of Russian territory. I do not call attention to this fact for the purpose of indulging in criticism, but we can not close our eyes to the fact that this situation may bring about a serious conflict between Russia and Japan. Who can doubt that if such a conflict should arise it would not extend to some of the insular possessions of Japan. Under such conditions the United States, France, and Great Britain will be required to arrive at an understanding with Japan as to the most "efficient measures" to be taken, jointly or separately, to meet such exigency. This would array these nations, apparently, if not in fact, against Russia. The treaty precludes any conference at which Russia could be heard. It would seem that the treaty instead of making for peace in the Pacific will be provocative of controversy and international resentments and fears.

Mr. President, the terms of this treaty, upon many matters, are so uncertain and ambiguous as to leave those who analyze it in doubt as to its meaning and effects. A number of reservations were offered for the purpose of removing ambiguity and of protecting the interests of the United States. These reservations were all rejected.

I have just called attention to the reservation offered by the Senator from Arkansas [Mr. ROBINSON] and its rejection by the Senate. The New York World, under date of March 18, criticized, editorially, this action of the majority, notwithstanding it has been, and still is, an earnest supporter of the treaties. In its editorial of that date it refers to the fact that under article 2 of the quadruple treaty nothing is said about bringing Russia into the conference. Indeed, it declares that Russia is to be excluded, notwithstanding the fact that "the complaining witness (referring to Japan) is a member of the court in which the controversy may be settled." It expresses an inability to understand why Republican Senators voted against a policy which would have brought Russia into the conference where her interests were involved and where the peace of the Pacific was jeopardized. The editorial proceeds:

Taking everything into consideration, that is a dubious method of stabilizing peace in the Far East, inasmuch as it is certain that Russia will not indefinitely submit to continued Japanese occupation of territory in Siberia and in northern Sakhalin. If there is any trouble and the United States is obligated to enter a conference, the only rational thing would be to bring Russia into the conference, too. A conference to which only one member of the dispute is admitted is not a conference at all. Not only should Russia be admitted but the United States should make it plain at the outset, in order to prevent further misunderstandings, that such is to be its policy.

The four-power treaty does not provide for this, but the Senate can provide for it without amending or mutilating the agreement in any respect. To attach the Robinson formula to the treaty as a resolution of the Senate does not change the obligations or responsibilities of the United States. It neither adds to them nor subtracts from them. It simply rounds out the conference, in so far as this country can do it, and makes that conference complete.

Other reservations, perhaps not so important, but clarifying and calculated to secure a better understanding among the parties to the treaty, were inconsiderately, indeed contemptuously, rejected by the majority. Permit me to refer to several of these rejected reservations.

Senators have sought to justify the treaty upon the ground that it abrogated the Anglo-Japanese alliance, yet there is nothing in the four-power treaty which prevents a renewal of such alliance, assuming that it was not terminated by the Versailles treaty and is abrogated by this treaty. A reservation was offered by the Senator from Wisconsin [Mr. LA FOLLETTE] which, in effect, declared that the United States ratifies the treaty with the understanding that the Anglo-Japanese alliance, concluded in 1911, is not "in fact or in substance to be renewed during the life of said treaty." Thirty Senators voted for this reservation and 62 against it.

Another reservation offered, and also rejected, declared that the ratification of the treaty was with the understanding that during the life of the treaty no treaties should be entered into between the parties with reference to their insular possessions in the region of the Pacific, or with reference to the Asiatic mainland, which in any manner would prejudice the objects and rights of the parties to the treaty or which would be inconsistent with its terms.

Another reservation was likewise rejected, which declared that ratification of the treaty was with the understanding that, in the event of independence being given to the Philippine Islands, the signatories to the treaty would recognize and respect the political independence and territorial integrity of the Philippine Islands, following their independence.

Why there should be objection to this announcement of a policy so important and so in harmony with the principles of justice and freedom, I am unable to determine. The United States has by law declared its purpose to relinquish control over the Philippine Islands. This solemn promise unquestionably will be observed. The charge has often been made in the press of the United States that Japan coveted the Philippine Archipelago. Is it not a wise and prudent course for the United States to pursue when entering into this four-power treaty to take steps, by proper agreement or reservation, to protect the independence of the Philippine Islands when the Filipinos establish a government of their own?

The Versailles treaty provided for the withdrawal of the United States from the league if it so desired. A reservation was offered to the four-power treaty, which was defeated by a vote of 63 to 28, which declared that the United States reserved the right to withdraw at any time if any of the parties to the treaty wrongfully engaged in war with any country which imperiled the peace of the Pacific. The President under this reservation was to judge whether such a contingency arose.

Another reservation which was rejected provided that article 2 of the treaty should not apply to a situation arising out of the military occupation by any of the high contracting parties of any part of the mainland of Asia included within the boundaries of the Chinese or Russian Empires as they existed in 1890.

A reservation was defeated which declared the right of the United States to withdraw upon its giving one year's notice of its intention to do so.

I have not time to discuss these various reservations, as well as other important ones, which were offered. Some of these reservations were undoubtedly in the interest of the United States and made more definite the meaning of the treaty, and their rejection can not be defended.

Mr. President, in an illuminating article in the March number of the Atlantic Monthly Hon. Samuel W. McCall, a statesman of recognized ability, examines in a critical but impartial manner the work of the conference. A perusal of his article will disillusion some who have been enthusiastic in their praise of the treaties before us. He declares that—

with the exception of a port and perhaps the sale of a railroad and a doubtful concession upon the post office question, China promises to retire from the conference empty handed. The door, however, is to be opened in the interest of the trade of other nations. All are to be admitted upon equal terms and at low rates of duty. The net result of it all promises to be that the powers will have done little for China and much for themselves. As to the restoration of the loot of three-fourths of a century, a proposition to that end checked the flow of fine phrases and threw a cold chill over the conference.

Speaking of the four-power treaty, he controverts the position of the Senator from Massachusetts [Mr. LODGE] "that no military or naval sanction lurks anywhere in the background," and insists that—

the treaty creates a defensive and an entangling alliance. It is the very sort of alliance against which Washington warned us. What reason is there why we should, for the first time in history, depart from his solemn injunction? What have we or the world to gain? Does it in the slightest degree remove any cloud upon our title to the Sandwich Islands or the Philippines or increase our ability to defend them? Indeed, one of the other treaties in the group of treaties framed by the conference promises to prohibit us from constructing naval bases at Guam or in the Philippines.

He further declares that these treaties—

crown Japan as the Empress of the Orient. With her naval bases so near the China coast, and her proximity to the open door, she is likely in any crisis to have her own way. The power of the West to safeguard China against the possible aggressions of Japan will be much reduced by the abandonment of our right to fortify Manila and Guam. That nation is to be congratulated upon the triumph of her diplomacy won single-handed and in open competition with the western nations.

Governor McCall refers to the folly of ignoring Russia, which creates "a great and dangerous vacuum in the affairs of men." In the concluding portion of his article he clearly indicates that the proper policy for the United States to pursue would be to unite with the 50 nations who have already banded together within the league to execute the high purposes to which it is devoted. He declares that—

the essential thing is to present a united front against war. This country is the only obstacle to world union. If we shall take our place by the side of Europe and Asia and Africa, then the prophecy of the Latin poet may be at last fulfilled, the rough ages will become gentle and the gates of war be closed.

Mr. President, there is another phase to this question for consideration. In the event of conflict between the parties to this treaty and the League of Nations, where is the supreme authority to lie? Great Britain, Japan, and France are members of the league. They have solemnly covenanted to observe its provisions and stipulations. Article 11 of the covenant of the league provides that—

any threat of war, whether affecting the members of the league or not, is a matter of concern to the league, which shall take action to safeguard the peace of nations.

Assuming that a controversy arises between Japan and Great Britain in regard to their insular possessions in the Pacific, it would be the duty of the league to intervene, and through the instrumentalities of the league adjust the controversy and prevent war.

Article 12 of the covenant provides that if any dispute likely to cause a rupture between members of the league arises between them, they will submit the matter either to arbitration or to inquiry by the council. The league provides methods of arbitration and conciliation and establishes an international court which may pass upon certain disputes submitted for its consideration. In the event of a dispute arising between Great Britain and Japan, as I have suggested, will the provisions of the league govern? Will its machinery for arbitration, conciliation, and judicial determination govern? Or will the provisions of the four-power pact control the contentious States? If the league assumes jurisdiction, will the parties to the four-power pact deny its authority and jurisdiction and will it be superseded, at least where there is conflict?

Let us suppose a controversy arises between the United States, which is not a member of the league, and Japan which is bound by the terms of the Versailles treaty. It would be the duty of the League of Nations to intervene, to compose the differences between our Nation and Japan. Will Japan follow the league and carry out the orders and mandates given by it, or will it be governed by the four-power treaty? In the event that it gives its adhesion to the league and insists that the United States accept the procedure and agencies established by the league, what position will the United States take?

These are but a few of the many questions that suggest themselves when the situation is considered and the four-power treaty is examined.

When this treaty is contrasted with the covenant of the league, its imperfections become more patent. There is no tribunal established to interpret its meaning. No agencies are provided looking to conciliation or arbitration. To the most superficial student of history and world forces it is apparent that if it has any purpose that purpose transcends the protection of the few insular possessions described in the treaty, and that if any controversy arises involving the interests of either of the parties to the treaty other nations will be involved. This treaty closes the door to them—shuts them out from peaceful means for settling the controversy, and seeks to weld, for offensive or defensive action, the four parties to the treaty. Why were there not provisions for arbitration and for reference to an international tribunal? Why was the international court, recently established by the league, ignored?

Mr. President, I repeat what I have heretofore suggested. Many peoples and some nations will regard this pact as nations a century ago regarded the Holy Alliance; they will regard this organization as one seeking, if not world hegenomy, at least the domination of the Pacific and the Orient.

Mr. President, in my opinion this Nation should be strengthening the league instead of attempting to weaken it. It should seek affiliation with it rather than attempt to alienate therefrom nations who have pledged allegiance to the same.

Some Senators may deride, and often do, references to the League of Nations, and proclaim with manifest delight their belief in the early demise of this great world association.

I believe, Mr. President, that we should reexamine its provisions and seek such changes in its constitution, if any be required, as may be deemed necessary for the welfare of the United States, and then our Nation, uniting with other nations, should bring to fruition its important and beneficent mission. Imperfect as the league is, it constitutes an important advance in the direction of world concord.

Some of the assaults made upon the Versailles treaty are justified, at least in part. No treaty dealing with such mighty problems and drawn while the smoke of battle was in the eyes of the people could in a perfectly just and righteous way deal with the questions brought to the peace table at Paris. Racial prejudices and deep-seated antipathies, based upon hundreds of years of oppression, suspicions, and wrongs, could not be forgotten. Imperialistic ambitions were not dead and the greed of nations for territory and trade still persisted. But the league has wrought great deeds and aided in guiding a war-torn world from bloody fields and deadly hates to sunlit heights where the rancor and bitterness are yielding to the spirit of friendship and international good will.

With the United States and Russia outside the league and iconoclastic assaults being made in this country and elsewhere upon the league, it has not been able to function in the highest degree or to execute all of the powers with which it is endowed. Instead of aiding it in accomplishing the humane and beneficent purposes for which it was established, we by this four-power treaty, indirectly if not directly, assail it and seek to undermine its foundations.

My principal objection to this treaty is found in the fact that, as I interpret it, it arrays the United States and other nations in opposition to the league. It seeks to set up a rival organization, to establish an alliance whose power will challenge the league, and to reintroduce into the world policies and systems which for ages have been provocative of international strife and war. If we are to have alliances, let us have a world alliance; or if we are to have alliances and not a world alliance, let us be wise enough to become parties to an alliance which will not engender suspicions, create resentments, and provoke international jealousies.

No treaty drawn at the time the Versailles treaty was prepared could have prescribed an absolutely just standard. That was recognized; but the treaty was flexible, and provision was made for readjustments and for the correction of errors or wrongs recorded in the treaty. Tribunals were established to deal with international controversies and machinery set up competent and adequate to meet all proper requirements of all peoples to the end that justice might be done to all members of the league.

For years prior to the treaty the most advanced nations of the world had sought to establish an international court and to provide tribunals for conciliation. The League of Nations answered the demands of the most advanced thinkers and was a response to the conscience of the civilized and liberal forces of the world. The Versailles treaty and the league sought the destruction of alliances and secret agreements and the removal of the prolific causes of international controversy and fratricidal wars.

If, as some Senators contend, the boundaries of nations set up by the Versailles treaty were not proper and if the economic or political rights of some peoples were not fairly recognized and provided for, the league furnished the machinery and agencies to rectify injustices or wrongs and to vindicate the rights and liberties of small as well as great nations.

I shall not review the work of the league, important and beneficent though it is. Notwithstanding the assaults made upon it and the obstacles which have been interposed to prevent its successful functioning, it is still a vital and important force for good and for justice. It should be strengthened and not weakened. It should be defended and not attacked. The Christian people of this Nation did much to inspire throughout the world a demand for a world league to diminish if not to end the causes of war and to promote international brotherhood. I avow my faith and belief in a world association of nations and in an alliance of all peoples and all States for the purpose of promoting the peace of the world. If this great Nation should, even at this late hour, give its mighty influence to sustaining the league and executing the purposes for which it was established, the authority of the league would be strengthened and its influence would be world pervasive. If that course were taken, the treaties before the Senate, including the four-power pact, would be unimportant and, indeed, unnecessary from any point of view.

The league provides not for a mere limitation of naval armament upon the part of three or four powers but it provides for world disarmament. It does not divide the world into sections or deal with the interests of a few peoples or a few nations only. It seeks universality and the application of the principles of justice and freedom in all parts of the world. There is no controversy, great or small, no international problem, important or insignificant, that may not be determined, and righteously determined by and through it and its agencies.

President Wilson and those who conceived a world association of nations were not only prophets who had vision but they were statesmen who comprehended the practical problems and questions to be met by peoples and governments. There are some supporting this treaty who would destroy their work and deny the wisdom of establishing an international association of nations, an association in which individual and national rights would be not only unassailed or questioned but fully protected, and yet one so effective as to remove the causes of international conflicts and thus tend to promote peace throughout the world.

Mr. President, I have occupied more time than I intended in the discussion of this treaty. There are many objections to the treaty which I have not considered, but which will be forced into the international forum, perhaps sooner than is anticipated even by those who opposed its ratification. In my opinion, there will be an awakening in our own land, and when the shadows of the night are banished the American people will perceive the tragic mistake made when this country failed to approve the treaty of Versailles. Then will be the day of vindication for those men and women of vision who saw in a world association the healing of the nations and the lifting up of a standard of righteousness and international justice and fraternity.

Speaking of Woodrow Wilson, I said in this Chamber just before he left the White House—I ask that it be printed in the usual RECORD type—

"A dispassionate review of his acts as President and the results and accomplishments of his administration will for all time place him among the world's foremost figures. Even in the hour of defeat his greatness is recognized and his influence is pervasive.

"He reached the high place which history will accord him because of his intellectual integrity, his exalted ideals, his devotion to human liberty, and his deep sympathy for the sorrows and sufferings of the world. He saw peoples shackled by industrial chains and nations oppressed by despotic power, and he sought their liberation.

"This Nation he regarded as the favored child of Providence, an evangel to lead the way along the pathway of international development. The imperialism of nations, the mad ambitions which prompted rulers to seek territorial gain and conquest, filled him with sorrow, indeed with anger; but it was the great inarticulate mass, struggling and groping for light and freedom, to whom he gave the rich outpourings of his heart. He sought to lighten the burdens of labor, to lift up the downtrodden, and to inspire courage in the hearts of those who saw nothing in life but the cold tragic processes of a materialistic universe. He believed that there were moral and spiritual forces operating within this little world of ours, and that beyond the stars there was One whose power was omnipotent and whose love extended to struggling humanity and whose law operated for man's salvation.

"Woodrow Wilson is a commanding figure in the world to-day. He will soon leave his high station, but his teachings and his example will not be forgotten, and as the years go by his fame will increase and men will pay homage to his memory. He gave his strength fighting for principles which he believed to be right, for his country and its honor, for the liberation of the world from war, and for the establishment of a union of the nations of the world to promote justice and international peace.

"In my opinion time will vindicate this great man, and the purposes of his heart will be fully comprehended by his countrymen.

"We speak of Jefferson as the father of Democracy, the founder of an undying faith, the prophet of liberty, and the foe of tyranny. We speak of Lincoln as the great emancipator, the apostle of justice and righteousness. Those who come after us will speak of Woodrow Wilson as one who sought to extend the principles established by Jefferson and to bring emancipation to oppressed people everywhere. It will be said of him that he gathered into his great soul the highest moral and spiritual and liberalizing forces of his time, and gave his strength, if not his life, in order that there might be a new baptism of freedom and a consecration to the ideals which promote justice and international fellowship. And so there will be linked the names of Jefferson and Lincoln and Wilson, and our children and those who come after us will seek his shrine and there pay homage to a great Democrat and to the strongest defender of the weak and oppressed who appeared among men during the greatest crisis in the world's history."

Mr. BORAH. Mr. President, I shall occupy the time of the Senate for a few moments, and if I am not interrupted only a few moments. I want to say something in regard to the Chinese treaty before we vote upon it. I am not willing that it should be voted upon without some expression as to the construction which I place upon its effect. It has not been discussed in the Senate and I am not advised as to the construction and effect which others may place upon it. I may be in error, but such time as I have been permitted to give to it has enabled me to arrive at certain conclusions in regard to it, and those I desire briefly to state.

The preface to my remarks may be aptly expressed in a paragraph or two from an editorial in the New York Times under date of February 6, 1922. In that editorial it was said:

> Nothing was said by Mr. Balfour about past agreements of that kind. Those had been firmly kept by Japan from the purview of the conference. And suppose that in the days to come any nation should seek to separate itself from "the collective action taken in Washington" in respect to China? "Why," said Mr. Balfour, "that nation will not be able to plead ignorance." Not such an awful fate, when you come to think of it.
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> If Mr. Balfour was frank, the Japanese ambassador was equally so. Baron Shidehara joined cordially in the expressions of good will for China. Japan is "vitally interested in the speedy establishment of peace and unity in China." But let there be no misunderstanding. "To say that Japan has special interests in China is simply to state a plain and actual fact." This does not necessarily mean imperialistic designs, conquest, annexations of territory. There is much talk of a "new" Japan, not militaristic but industrial. But it must not be forgotten that an industrialized Japan will cast as covetous an eye upon China as ever did militarized Japan. On this point Baron Shidehara was entirely explicit:
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> "It is indeed to the Asiatic mainland that we must look primarily for raw materials and for the markets where our manufactured articles may be sold. Neither raw materials nor the markets can be had unless order, happiness, and prosperity reign in China. Under good and stable government, with hundreds of thousands of our nationals resident in China, with enormous amounts of our capital invested there, and with our own national existence largely dependent on that of our neighbor, we are naturally interested in that country to a greater extent than any of the countries remotely situated."
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> That can scarcely be mistaken, whether regarded as a statement of fact or a declaration of intention. Of course, the Japanese ambassador spoke smooth things about the open door in China and equal opportunity for all. But it is plain to the wayfaring man that Japan is acutely conscious of the special advantage which she enjoys in China, by virtue both of propinquity and penetration, and that she means unhesitatingly to maintain it. She is there, and there she stays.

It is agreed by all students of Far Eastern matters that there can be no peace in the Pacific or in the Far East until the Chinese problem is solved, and it is very generally agreed that there can be no solution of the Chinese problem that is in harmony with peace other than that which does justice to China. If the aggressions which have taken place in the Far East during the last 10 or 15 years are to be continued, the fruits of the conference lately held will be Dead Sea fruit.

The treaty which is before us is designed, we are advised, to aid and assist China. If it is adhered to in good faith, if the spirit of the treaty is observed, it will undoubtedly be of service to China and beneficial to the cause of peace in the Pacific and in the Far East.

On the 3d of July, 1900, I think it was, our then Secretary of State, John Hay, put out his circular with reference to the open door. In that circular is this statement:

> To bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and by international law, to safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.

This is the cardinal principle of what is known as the open door, for which we are indebted to the statesmanship of Mr. Hay. The nations which assented to this policy were Great Britain, Russia, France, Germany, and Japan. I think it will

be conceded that so far as the United States is concerned it has lived up to that doctrine faithfully. It has observed the principle which was announced, and I do not know that it has ever been charged with digressing in any respect from that principle.

Later in 1902 what is known as the first Anglo-Japanese treaty or Anglo-Japanese alliance was made. I read a paragraph from that treaty:

The Governments of Great Britain and Japan, actuated solely by a desire to maintain the status quo and general peace in the extreme East, being moreover specially interested in maintaining the independence and territorial integrity of the Empire of China and the Empire of Korea, and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree as follows:

ARTICLE I. The high contracting parties having mutually recognized the independence of China and of Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country. Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the interests which she possesses in China, is interested in a peculiar degree politically as well as commercially and industrially in Korea, the high contracting parties recognize that it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests if threatened either by the aggressive action of any other power or by disturbances arising in China or Korea, and necessitating the intervention of either the high contracting parties for the protection of the lives and property of its subjects.

Since the announcement of the doctrine of the open door, and since the negotiation of the first Anglo-Japanese alliance, both of which were designed to protect the territorial and administrative integrity of China, to stay aggressions in China, there has been a more pronounced policy of aggression with reference to China than was ever known before in the history of the Far East. Indeed, Mr. President, the difficulties now foremost and uppermost for consideration with reference to the Far East are difficulties which spring from a disregard of the principles of the open door and the principle of policy announced in the Anglo-Japanese alliance.

I am advised by those who seem to be well informed that practically 77 per cent of the Chinese territory is now under the control or domination of foreign powers. Not all of that has been acquired since the announcement of the doctrine of the open door and the Anglo-Japanese alliance, but a very considerable amount of it.

Mr. McCORMICK. Mr. President——

Mr. BORAH. I yield to the Senator from Illinois.

Mr. McCORMICK. In what degree is the domination exercised by foreign governors over this 77 per cent of the territory, or does the Senator mean that 77 per cent of the territory lies in the so-called spheres of influence?

Mr. BORAH. That is what I have reference to. Of course, in some instances there is actual physical domination of the territory.

Mr. McCORMICK. The Senator does not mean that foreign administrators or troops are in occupation of 77 per cent of the territory?

Mr. BORAH. No; but what I understand to be the contention is that in 77 per cent of the territory the dominating influence is a foreign power.

During the existence of the Anglo-Japanese alliance China had presented to her what are known as the 21 demands. These demands consisted of five different groups, as they were styled—first, second, third, fourth, and fifth. The first group relates almost exclusively, I think, to the matter of Shantung. The fifth group was afterwards, under the pressure of public opinion, withdrawn, and was not urged finally by Japan. The second, third, and fourth remain, and also the first except as it has been modified by the present treaty now being negotiated between China and Japan. I read the second, third, and fourth groups. The second group reads:

The Japanese Government and the Chinese Government, since the Chinese Government has always acknowledged the special position enjoyed by Japan in south Manchuria and eastern inner Mongolia, agree to the following articles:

ARTICLE 1. The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

As I understand, that remains unchanged. There is no resolution and no provision in the Shantung treaty modifying this particular provision.

ART. 2. Japanese subjects in south Manchuria and eastern inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming.

ART. 3. Japanese subjects shall be free to reside and travel in south Manchuria and eastern inner Mongolia and to engage in business and in manufacture of any kind whatsoever.

ART. 4. The Chinese Government agrees to grant to Japanese subjects the right of opening the mines in south Manchuria and eastern inner Mongolia. As regards what mines are to be opened, they shall be decided upon jointly.

ART. 5. The Chinese Government agrees that in respect of the (two) cases mentioned hereinbelow, the Japanese Government's consent shall be first obtained before action is taken:

(a) Whenever permission is granted to the subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railway in south Manchuria and eastern inner Mongolia.

(b) Whenever a loan is to be made with a third power pledging the local taxes of south Manchuria and eastern inner Mongolia as security.

ART. 6. The Chinese Government agrees that if the Chinese Government employs political, financial, or military advisers or instructors in south Manchuria or eastern inner Mongolia, the Japanese Government shall first be consulted.

ART. 7. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years, dating from the signing of this agreement.

III.

The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Hanyehping Co. have close relations with each other at present and desiring that the common interests of the two nations shall be advanced, agree to the following articles:

ARTICLE 1. The two contracting parties mutually agree that when the opportune moment arrives the Hanyehping Co. shall be made a joint concern of the two nations, and they further agree that without the previous consent of Japan China shall not by her own act dispose of the rights and property of whatsoever nature of the said company, nor cause the said company to dispose freely of the same.

ART. 2. The Chinese Government agrees that all mines in the neighborhood of those owned by the Hanyehping Co. shall not be permitted, without the consent of the said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which it is apprehended may directly or indirectly affect the interests of the said company the consent of the said company shall first be obtained.

IV.

The Japanese Government and the Chinese Government, with the object of effectively preserving the territorial integrity of China, agree to the following special article:

The Chinese Government engages not to cede or lease to a third power any harbor or bay or island along the coast of China.

My understanding is, Mr. President, that this question was not dealt with by the conference at all and was not dealt with by any treaty or any resolution emanating from the conference. Of course, I have seen in print some statements upon the part of delegates from Japan as to future action, and so forth, to which I do not give any consideration, for the reason, in the first place, I do not know whether those delegates are correctly quoted, and, in the second place, I should not think of forming an opinion as to the future policy of a country from the individual statement of some particular citizen of that country.

It is quite clear that practically none of the questions which relate to the territorial integrity of China and which have menaced the territorial integrity of China are settled by this or any other treaty except, we will say, the Shantung treaty, to which I may refer later. I understand perfectly that it was not within the power of the conference to effectuate anything along that line, and it is not in criticism of the conference that I make this suggestion, but rather to recall a situation and a condition which confronts us with reference to far eastern questions.

We, in my opinion, will never secure a solution of them other than through the power of public opinion, if we do at all; in other words, Japan is in Manchuria and inner eastern Mongolia; she is in possession of lines of railway; she is now in control practically of large portions of Siberia, and her policy of penetration continues. The Japanese declined to permit the conference to take these matters up for consideration. We were advised by the public prints that when Mr. Hughes proposed a commission, which was to have something of an investigating power with reference to aggressions in China, it was proposed to make it retroactive. The commission, in the first instance, was designed to gather together facts and circumstances with reference not only to future aggressions and acts upon the part of governments as affecting Chinese territory but it was designed to enable the commission to go into past transactions. That proposition was rejected, as we are informed. The Japanese Government declined to accept that resolution. So these questions remain unsettled and undetermined so far as the treaties formulated by the Washington conference are concerned.

I do not undertake to say, Mr. President, that it was at all within the power of the conference to have done more than it did. I only undertake to say that it ought to be understood that any Senator voting for this treaty must not be considered as indorsing the acts which have already taken place in China or as giving moral approval to their continuation or to the continued possession of the territory which has thus been seized.

Mr. KING. Mr. President, may I interrupt the Senator from Idaho?

Mr. BORAH. I yield.

Mr. KING. I should like to ask the Senator whether, in his opinion, this treaty does anything more for China than did the promulgation of the doctrine of the open door by Mr. Hay, to which assent was given by the very same powers that are signatories to this treaty? Will China be any more secure? Is not this a rather magnificent gesture upon the part of the

United States and the other powers, a promise to do that which they have promised heretofore to do, namely, to respect China's territorial integrity and her political independence?

Mr. BORAH. In my judgment the treaty has this merit: It is a reaffirmation of a very sound policy, and I do not think a man or a nation can make a moral resolution to reform himself or itself too often, although it may not be lived up to. I have always believed in taking a New Year's resolution, and I have found sometimes it has helped for a considerable period. I think if you make good resolves often enough it may help in ultimate recovery from bad practices. All these Governments, or most of them, signing this treaty have made the same promises with regard to China that are made in this treaty some six times heretofore. It can do no harm and may do good to make them the seventh time.

Mr. KING. I should like to inquire of the Senator from Idaho, if he will permit me, whether there was any evidence before the Committee on Foreign Relations tending to show that any of the powers which signed this treaty had relinquished any of their spheres of influence or whether they were as strongly intrenched now and propose to be as strongly intrenched in the future, notwithstanding this treaty, as they were anterior to its adoption?

Mr. BORAH. Mr. President, I do not understand that any of the seized territory has been released. That was a matter which both Great Britain and Japan regarded as outside of the jurisdiction of the conference.

Mr. President, I have called attention to these circumstances and conditions in order to make a very brief observation upon the treaty itself. If I considered that this treaty would have the effect of confirming—not in express terms, I grant you, but in moral effect—these past aggressions, I should feel that I could not vote for it. I should very much fear unless it is clearly declared otherwise, the construction which will be placed upon the treaty, rather than the making of the treaty, will be that of giving moral sanction to the aggressions which have already taken place. In other words, it may be contended that the powers, having met and having declined to take up and correct the evils and the wrongs of the past, and having made a treaty dealing entirely with the future, so far as the present conditions are concerned, they must be considered as having been settled, acceded to, acquiesced in, and morally confirmed.

I am perfectly aware that the treaty itself in its express terms can not be construed to that effect; but I look at the surrounding circumstances and the facts which accompany the making of the treaty; and I am not quite willing, so far as I am individually concerned, to have even the presumption raised that the United States has acquiesced in the aggressions which have taken place or in any way became an accomplice or connived at the holding of territory which we have always considered was taken in violation of the Hay doctrine, and was certainly taken in violation of the Anglo-Japanese alliance, although to that, of course, we were not a party.

The very fact that the matter was suggested in the conference by the Chinese delegation, and that the conference refused to deal with it owing to the objection of certain parties, might very well give rise to the argument in the future upon the part of certain Governments, that while the conference did not expressly settle all past transactions it tacitly did so. As I have said, no one has discussed this treaty; the view has not been expressed one way or the other by its negotiators as to what effect it would have along those lines.

One word more, Mr. President. As I said a moment ago, we find that China to-day has——

Mr. KING. Mr. President, before the Senator leaves that point will he yield to me for a moment?

Mr. BORAH. Yes.

Mr. KING. I have noticed in the press that the Cantonese Government, which speaks for a large part of the people of China, perhaps, from 100,000,000 to 180,000,000 people, has denounced the Chinese tariff treaty. I was wondering if the Senator had learned whether in their denunciation they had included this treaty. It was claimed there that the tariff treaty was an infringement of the sovereignty of China; that, whereas the conference had professed to recognize the sovereignty of China and its right to control its domestic affairs, here was a clear violation of that profession, and an attempt by the signatory powers to determine the kind of a tariff China should impose upon herself.

My recollection is that in the same interview, which was given out by Wu Ting Fang, and by others who had participated in a public meeting, they had denounced the pending treaty. I should like to ask the Senator whether he has learned of any general approval of this treaty by any element in the Chinese Empire?

Mr. BORAH. I have no information upon that subject at all.

Mr. President, I have very great sympathy and very great respect for the Chinese people; I believe them to be a noble race, and I understand, as we all do, the misfortunes which have overtaken them in these days. I have no opinion to express as to what their future may be; but I know that they are entitled to the sympathy and the moral support of the United States in their effort to extricate themselves from the unfortunate dilemma in which they are now found.

China has many reasons highly to regard the friendship of the United States. I feel that, with very rare exceptions, we have always been her friend, and she has trusted us as no other nation in the world has ever trusted any other country. I did not want to cast a vote upon this treaty with the slightest implication that the United States Senate, or, at least, those who are willing to express themselves upon it, are even conniving at what I regard as great wrongs toward the Chinese people.

This treaty was designed for the benefit of China; it was undoubtedly intended to help China; I sincerely hope it may help her; but it would be a great detriment to China if it should be construed as confirming and acquiescing in the wrongs which have already been committed against China.

Mr. President, I ask permission to print, in this connection, two letters from Charles Edward Russell, a student of far eastern affairs, and a man noted for his broad sympathy with wronged peoples:

WASHINGTON, D. C., *March 17, 1922.*

DEAR SENATOR: The news from China these days is most disquieting. I have no doubt you noted yesterday that General Wu Pei-Fu has taken the field against Chang Tsao-Lin and that a new civil war has begun, to be attended, we must fear, with all the horrors that usually belong to such conflicts. This is the certain result of the four-power pact, and ought to give us the gravest uneasiness as to the length to which its disastrous influence upon China may go. I suppose you know that Wu Pei-Fu, a very able man, and, I believe, an honest one, represents Chinese nationalism, and that Chang Tsao-Lin, the military governor of Manchuria and former bandit, represents the Japanese influence in north China. What has happened seems clear enough. Since the disarmament conference rejected China's just and moderate demands for independence and sovereignty, and the four-power pact served notice upon her that she must submit to a continuation of the existing conditions of subjection, men like Wu Pei-Fu have come to the conclusion that the western world intends to do nothing for China except to bind her fast and deliver her to the exploiters, and they have therefore resolved to fight against these intolerable conditions.

We should never lose sight of the fact, so easily overlooked by the conference, that the continuation of present conditions insured by the four-power pact means the continuation of Japanese supremacy, and that this is a condition to which the new China will never submit without a struggle. Since the rejection of China's pleas by the conference Chang Tsao-Lin, the emissary of Japan, a ruthless, powerful, resourceful man, has been visibly stretching his influence down from the north upon Peking, which he to-day largely controls. With the warrant of the four-power pact back of him and the apparent support of Japan by the United States, the influence that he represents must gain enormously in prestige and power. Thus it is against this menace of the loss of all they had hoped for that the Wu Pei-Fu element has taken the field.

The situation is most deplorable, because it may breed the greatest calamities China has known in modern times. Obviously, if Chang Tsao-Lin is successful, he will become the dictator of all northern China. Either then he will imitate Yuan Shi-Kai and seize the Government in his own name, or, if he listens to British influence, he will carry out the favorite British design of restoring the Emperor. In either case there will be revolution, assassinations, widespread punishments, and a reign of terror to be ended only with terrible bloodshed and devastations, for young China will never submit willingly to another Yuan Shi-Kai nor to any return of the Manchus. On the other hand, if Wu Pei-Fu should win, his victory would be a moral and essential defeat for Japan, which in the existing conditions Japan could not be expected to take easily.

All these contingencies of evil and disaster the disarmament conference might easily have prevented. The largest promise for Chinese unity, Chinese democracy, Chinese progress, lies in Chinese independence. If the western nations would get out of China and take their exploiters with them, China could take care of herself and would do so in a way to astonish the reactionary and refute the cynic. The proposal to do this was before the conference, submitted by the delegates of France. I assume that you remember its historic rejection by the delegates of Great Britain and the reason they gave of the necessity to defend Hongkong with heavy artillery at Kowloon. With that rejection the last hope of peace and progress for China seems to have disappeared.

It is melancholy to reflect upon what all this means for us as for China. There was a time when the influence of the United States there exceeded the influence of all other nations together. To a degree beyond precedent in international affairs the Chinese people trusted and sought the leadership of the United States. There was a time when they would have gone anywhere or attempted anything under that leadership, wisely used. That time will not come again. The United States deliberately threw away the greatest opportunity to do good that was ever intrusted to any nation. It could have pacified, united, and inspired China. Instead it has joined hands in the four-power pact with China's exploiters and sent her reeling backward, perhaps for generations. When we reflect that until China is pacified there will be no peace in the Pacific region, that China will not be pacified until it is free, that upon China depends to a great extent the condition and progress of the vast Orient, and that the Orient comprises a large proportion of the children of the earth, the disaster seems almost illimitable. We might have lighted up and led the world, and we turn to insure the safety of private investments and the progress of alien assimilation.

Yours very truly,

CHARLES EDWARD RUSSELL.

To Hon. WILLIAM E. BORAH,
United States Senate, Washington, D. C.

WASHINGTON, D. C., *March 18, 1922.*

MY DEAR SENATOR BORAH: There is another phase of the four-power pact I beg leave to draw to your attention, although I have no doubt you are already familiar with it. Of course, the real purpose of the Anglo-Japanese alliance was to secure Japan's assistance in maintaining British supremacy in India. British statesmen have never been in the least deceived as to the perilous nature of the British tenure there. On Saturday we had news that in view of the highly threatening situation in Indian affairs, Great Britain had called upon Japan for the assistance to which the treaty gave warrant. The four-power pact supersedes the Anglo-Japanese alliance, and is its successor. Do we succeed also to the obligations in regard to India, implied if not expressed? Great Britain is certainly too wise to surrender, particularly in these uneasy times, the great asset of help she had in the arrangement with Japan. If the United States, as one of the successors to the old contract, is not to be expected to furnish assistance in an Indian crisis, has Great Britain another agreement with Japan that will fill this hiatus? And if she has, in what respect does it differ essentially from the old Anglo-Japanese alliance that Mr. Hughes assured us many times must be obliterated?

We have news to-day that Ghandhi, the leader of the Indian people, has been sentenced by the British Government to six years' imprisonment for advising his countrymen not to buy British goods, for that is what the case really means. We have, then, a compendious and satisfying view of what that British supremacy in India really means that Japan is now called upon to uphold. Do we wish to take our place side by side with Great Britain and Japan in this endeavor? Morally if not physically, is not this exactly what we shall be doing anyway under this pact? Is it not what the British people understand us to be doing? And the Indian people no less? Is it not true that the Indian movement for freedom, like all of the Chinese movements to the same end, was inspired by the United States, believed to be the conspicuous example of liberty and democracy, and is it not true that when we appear to both these peoples hand in hand with the nations they regard as their oppressors, we strike the chill of despair into their hearts?

Besides all this, I must view the pact with the greatest uneasiness, because it seems to me to be undeniably the entering wedge of the Anglo-American alliance, for many years the dearest object of British statecraft. In my judgment, it was for this that the country has been for so many years inundated with always increasing British propaganda, that our scholiasts and so large a part of our press have been aligned, that so many and such subtle influences have been at work to reach and infect the public mind with representations most favorable to Great Britain and an alliance with her. I am without the least racial prejudice on this subject, but it has been my lot to observe much British governmental operations at close range and much of the effect thereof in British dominions, and for this country to ally itself with a nation of such ideals and practices seems to me the collapse of every hope the world has had of the United States.

Yours very truly,

CHARLES EDWARD RUSSELL.

Mr. WADSWORTH. Mr. President, at the risk of being charged with threshing over old straw, I desire to revert for just a moment to an incident which occurred upon yesterday afternoon during the discussion of the so-called submarine and poison-gas treaty.

In the course of my remarks I made the assertion that the United States upon a certain occasion had refused to give its assent to a convention prohibiting the use of asphyxiating gases in warfare, and I stated at the time that that refusal was registered at a convention or meeting at The Hague. The senior Senator from Massachusetts [Mr. LODGE], in replying, took occasion to say that the United States had not done any such thing; and I will confess that the senior Senator from Massachusetts almost persuaded me that I was mistaken in my statement. I find, however, upon looking through the records of The Hague conventions that I was right. On July 29, 1899, there was promulgated at The Hague an international declaration respecting asphyxiating gases. The declaration was confined entirely to that one subject. At the convention the United States was represented in the person of Admiral Mahan. The one paragraph which is of interest and importance and around which the entire convention revolves reads as follows:

> The contracting powers agree to abstain from the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases.

That convention was signed by all the countries whose delegates were present, with the exception of the United States. The United States flatly declined to agree to that convention; and Admiral Mahan at the time, in arguing against it, referred to the fact that that method and type of warfare could be no more cruel than that involved in the sinking of a battleship and the resultant drowing of sailors in the dead of night.

That our Government has had this conception of its own attitude, first established upon this occasion, is evident from the further fact that in a booklet printed by the War Department, entitled "Rules of Land Warfare," dated 1914, corrected to April 15, 1917, we find on page 1 a reference to this declaration at The Hague of the 29th of July, 1899, and a note added to this effect:

> This has never been ratified by the United States.

It is worthy of mention, Mr. President, that that paragraph, in the declaration of July 29, 1899, does not appear in The Hague Convention of 1907 specifically. It should be said, however, that The Hague Convention of 1907 prohibits the use of poison or poisoned weapons. To that the United States agreed; but the United States has never agreed until yesterday that asphyxiating gases should be prohibited in war.

I mention this, Mr. President, in the interest of historical accuracy.

Mr. SPENCER. Mr. President, the express purpose of this so-called nine powers treaty relating to principles and policies to be followed in matters concerning China is, as declared in the preamble—

> To stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other powers upon the basis of equality of opportunity.

Mr. President, as an illuminating side light interpreting what this treaty intends to do and perhaps may be expected to do, I ask the consent of the Senate to have printed in the RECORD three documents. Two of them are already historic, and one of them, having to do with this treaty, will, in my judgment, become historic in the years to come.

The first of those documents is a memorandum which bears the date "somewhere about September, 1914," and is the memorandum published by the Black Dragon Society of Japan. The Black Dragon Society is a secret organization of Japanese who live in China. So far as I am able to find out, the name came because of the fact that the members of this organization, who were largely Japanese officers, were in consultation in Heilungchiang, or the Black Dragon Province of Manchuria, and therefore the name of this society was called the Black Dragon Society. It represented the power of Japan in China; and this memorandum—which I will not read, but which I do ask consent of the Senate to place in the RECORD at this point—is illuminating as to the purposes of Japan in China. It speaks of the change from a republican government to a monarchy under the control of Japan, and it indicates all through its length and breadth the absolute domination of China by Japan.

The second document that I ask leave to print following this statement is the so-called 21 demands of Japan upon China, which, if I remember correctly, bears the date January 18, 1915.

The third document to follow here consists of the eight articles of the pending treaty, which comprises the substantive parts of the treaty.

If I may have that permission, Mr. President, it concludes my remarks.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

[First document.]

PART I. THE EUROPEAN WAR AND THE CHINESE QUESTION.

The present gigantic struggle in Europe has no parallel in history. Not only will the equilibrium of Europe be affected and its effect felt all over the globe, but its results will create a new era in the political and social world. Therefore whether or not the Imperial Japanese Government can settle the Far Eastern question and bring to realization our great imperial policy depends on our being able to skillfully avail ourselves of the world's general trend of affairs so as to extend our influence and to decide upon a course of action toward China which shall be practical in execution. If our authorities and people view the present European war with indifference and without deep concern, merely devoting their attention to the attack on Kiaochow, neglecting the larger issues of the war, they will have brought to naught our great Imperial policy and committed a blunder greater than which it can not be conceived. We are constrained to submit this statement of policy for the consideration of our authorities, not because we are fond of argument but because we are deeply anxious for our national welfare.

No one at present can foretell the outcome of the European war. If the Allies meet with reverses and victory shall crown the arms of the Germans and Austrians, German militarism will undoubtedly dominate the European Continent and extend southward and eastward to other parts of the world. Should such a state of affairs happen to take place the consequences resulting therefrom will be indeed great and extensive. On this account we must devote our serious attention to the subject. If, on the other hand, the Germans and Austrians should be crushed by the Allies, Germany will be deprived of her present status as a federated State under a Kaiser. The federation will be disintegrated into separate States and Prussia will have to be content with the status of a second-rate power. Austria and Hungary, on account of this defeat, will consequently be divided. What their final fate shall be no one would now venture to predict. In the meantime Russia will annex Galicia and the Austrian Poland; France will repossess Alsace and Lorraine; Great Britain will occupy the German colonies in Africa and the south Pacific; Serbia and Montenegro will take Bosnia, Herzegovina, and a certain portion of Austrian territory, thus making such great changes in the map of Europe that even the Napoleonic war in 1815 could not find a parallel.

When these events take place, not only will Europe experience great changes, but we should not ignore the fact that they will occur also in China and in the South Pacific. After Russia has replaced Germany in the territories lost by Germany and Austria, she will hold a controlling influence in Europe, and, for a long time to come, will have nothing to fear from her western frontier. Immediately after the war she will make an effort to carry out her policy of expansion in the East and will not relax that effort until she has acquired a controlling influence in China. At the same time Great Britain will strengthen her position in the Yangtze Valley and prohibit any other country from getting a footing there. France will do likewise in Yunnan Province, using it as her base of operations for further encroachments upon China and never hesitate to extend her advantages. We must therefore seriously study the situation, remembering always that the combined action of Great Britain, Russia, and France will not only affect Europe but that we can even foresee that it will also affect China.

Whether this combined action on the part of England, France, and Russia is to terminate at the end of the war or to continue to operate, we can not now predict. But after peace in Europe is restored, these

powers will certainly turn their attention to the expansion of their several spheres of interest in China, and, in the adjustment, their interests will most likely conflict with one another. If their interests do not conflict, they will work jointly to solve the Chinese question. On this point we have not the least doubt. If England, France, and Russia are actually to combine for the coercion of China, what course is to be adopted by the Imperial Japanese Government to meet the situation? What proper means shall we employ to maintain our influence and extend our interests within this ring of rivalry and competition. It is necessary that we bear in mind the final results of the European war and forestall the trend of events succeeding it so as to be able to decide upon a policy toward China and determine the action to be ultimately taken. If we remain passive, the Imperial Japanese Government's policy toward China will lose that subjective influence and our diplomacy will be checked forever by the combined force of the other powers. The peace of the Far East will be thus endangered and even the existence of the Japanese Empire as a nation will no doubt be imperiled. It is therefore our first important duty at this moment to inquire of our Government what course is to be adopted to face that general situation after the war? What preparations are being made to meet the combined pressure of the Allies upon China? What policy has been followed to solve the Chinese question? When the European war is terminated and peace restored we are not concerned so much with the question whether it be the dual monarchies or the triple entente which emerge victorious, but whether, in anticipation of the future expansion of European influence in the Continents of Europe and Asia, the Imperial Japanese Government should or should not hesitate to employ force to check the movement before this occurrence. Now is the most opportune moment for Japan to quickly solve the Chinese question. Such an opportunity will not occur for hundreds of years to come. Not only is it Japan's divine duty to act now, but present conditions in China favor the execution of such a plan. We should by all means decide and act at once. If our authorities do not avail themselves of this rare opportunity, great difficulty will surely be encountered in future in the settlement of this Chinese question. Japan will be isolated from the European powers after the war, and will be regarded by them with envy and jealousy just as Germany is now regarded. Is it not then a vital necessity for Japan to solve at this very moment the Chinese question?

PART II. THE CHINESE QUESTION AND THE DEFENSIVE ALLIANCE.

It is a very important matter of policy whether the Japanese Government, in obedience to its divine mission, shall solve the Chinese question in a heroic manner by making China voluntarily rely upon Japan. To force China to such a position there is nothing else for the Imperial Japanese Government to do but to take advantage of the present opportunity to seize the reigns of political and financial power and to enter by all means into a defensive alliance with her under secret terms as enumerated below:

THE SECRET TERMS OF THE DEFENSIVE ALLIANCE.

The Imperial Japanese Government, with due respect for the sovereignty and integrity of China and with the object and hope of maintaining the peace of the Far East, undertakes to share the responsibility of cooperating with China to guard her against internal trouble and foreign invasion and China shall accord to Japan special facilities in the matter of China's national defense, or the protection of Japan's special rights and privileges and for these objects the following treaty of alliance is to be entered into between the two contracting parties:

1. When there is internal trouble in China or when she is at war with another nation or nations, Japan shall send her army to render assistance, to assume the responsibility of guarding Chinese territory, and to maintain peace and order in China.

2. China agrees to recognize Japan's privileged position in south Manchuria and inner Mongolia and to cede the sovereign rights of these regions to Japan to enable her to carry out a scheme of local defense on a permanent basis.

3. After the Japanese occupation of Kiaochow, Japan shall acquire all the rights and privileges hitherto enjoyed by the Germans in regard to railways, mines, and all other interests, and after peace and order is restored in Tsingtao the place shall be handed back to China to be opened as an international treaty port.

4. For the maritime defense of China and Japan, China shall lease strategic harbors along the coast of the Fukien Province to Japan to be converted into naval bases and grant to Japan in the said Province all railway and mining rights.

5. For the reorganization of the Chinese Army, China shall intrust the training and drilling of the army to Japan.

6. For the unification of China's firearms and munitions of war, China shall adopt firearms of Japanese pattern, and at the same time establish arsenals (with the help of Japan) in different strategic points.

7. With the object of creating and maintaining a Chinese Navy, China shall intrust the training of her navy to Japan.

8. With the object of reorganizing her finances and improving the methods of taxation, China shall intrust the work to Japan, and the latter shall elect competent financial experts who shall act as first-class advisers to the Chinese Government.

9. China shall engage Japanese educational experts as educational advisers and extensively establish schools in different parts of the country to teach Japanese, so as to raise the educational standard of the country.

10. China shall first consult with and obtain the consent of Japan before she can enter into an agreement with another power for making loans, the leasing of territory, or the cession of the same.

From the date of the signing of this defensive alliance, Japan and China shall work together hand in hand. Japan will assume the responsibility of safeguarding Chinese territory and maintaining the peace and order in China. This will relieve China of all future anxieties and enable her to proceed energetically with her reforms, and with a sense of territorial security she may wait for her national development and regeneration. Even after the present European war is over and peace is restored China will absolutely have nothing to fear in the future of having pressure brought against her by the foreign powers. It is only thus that permanent peace can be secured in the Far East.

But before concluding this defensive alliance two points must first be ascertained and settled. (1) Its bearing on the Chinese Government. (2) Its bearing on those powers having intimate relations with and great interests in China.

In considering its effect on the Chinese Government, Japan must try to foresee whether the position of China's present ruler, Yuan Shi-kai, shall be permanent or not; whether the present Government's policy will enjoy the confidence of a large section of the Chinese people; whether Yuan Shi-kai will readily agree to the Japanese Government's proposal to enter into a treaty of alliance with us. These are points to which we are bound to give a thorough consideration. Judging by the attitude hitherto adopted by Yuan Shi-kai we know he has always resorted to the policy of expediency in his diplomatic dealings, and although he may now outwardly show friendliness toward us, he will in fact rely upon the influence of the different powers as the easiest check against us and refuse to accede to our demands. Take for a single instance his conduct toward us since the Imperial Government declared war against Germany and his action will then be clear to all. Whether we can rely upon the ordinary friendly methods of diplomacy to gain our object or not it does not require much wisdom to decide. After the gigantic struggle in Europe is over, leaving aside America, which will not press for advantage, China will not be able to obtain any loans from the other powers. With a depleted treasury, without means to pay the officials and the army, with local bandits inciting the poverty-stricken populace to trouble, with the revolutionists waiting for opportunities to rise should an insurrection actually occur while no outside assistance can be rendered to quell it, we are certain it will be impossible for Yuan Shi-kai, single-handed, to restore order and consolidate the country.

The result will be that the nation will be cut into many parts beyond all hope of remedy. That this state of affairs will come is not difficult to foresee. When this occurs, shall we uphold Yuan's Government and assist him to suppress the internal insurrection, with the certain assurance that we could influence him to agree to our demands, or shall we help the revolutionists to achieve a success and realize our object through them? This question must be definitely decided upon this very moment, so that we may put it into practical execution. If we do not look into the future fate of China, but go blindly to uphold Yuan's Government, to enter into a defensive alliance with China, hoping thus to secure a complete realization of our object by assisting him to suppress the revolutionists, it is obviously a wrong policy. Why? Because the majority of the Chinese people have lost all faith in the tottering Yuan Shi-kai, who is discredited and attacked by the whole nation for having sold his country. If Japan gives Yuan the support, his Government, though in a very precarious state, may possibly avoid destruction. Yuan Shi-kai belongs to that school of politicians who are fond of employing craftiness and cunning. He may be friendly to us for a time, but he will certainly abandon us and again befriend the other powers when the European war is at an end. Judging by his past we have no doubt as to what he will do in the future. For Japan to ignore the general sentiment of the Chinese people and support Yuan Shi-kai, with the hope that we can settle with him the Chinese question, is a blunder, indeed. Therefore in order to secure the permanent peace of the Far East, instead of supporting a Chinese Government which can neither be long continued in power nor assist in the attainment of our object, we should rather support the 400,000,000 Chinese people to renovate their corrupt Government, to change its present form, to maintain peace and order in the land, and to usher into China a new era of prosperity, so that China and Japan may in fact, as well as in name, be brought into the most intimate and vital relations with each other. China's era of prosperity is based on the China-Japanese alliance, and this alliance is the foundational power for the repelling of the foreign aggression that is to be directed against the Far East at the conclusion of the European war. This alliance is also the foundation stone of the peace of the world. Japan, therefore, should take this as the last warning and immediately solve this question. Since the Imperial Japanese Government has considered it imperative to support the Chinese people, we should induce the Chinese revolutionists, the imperialists, and other Chinese malcontents to create trouble all over China. The whole country will be thrown into disorder and Yuan's Government will consequently be overthrown. We shall then select a man from amongst the most influential and most noted of the 400,000,000 of Chinese and help him to organize a new form of government and to consolidate the whole country. In the meantime our army must assist in the restoration of peace and order in the country, and in the protection of the lives and properties of the people, so that they may gladly tender their allegiance to the new Government which will then naturally confide in and rely upon Japan. It is after the accomplishment of only these things that we shall without difficulty gain our object by the conclusion of a defensive alliance with China.

For us to incite the Chinese revolutionists and malcontents to rise in China we consider the present to be the most opportune moment. The reason why these men can not now carry on an active campaign is because they are insufficiently provided with funds. If the Imperial Government can take advantage of this fact to make them a loan and instruct them to rise simultaneously, great commotion and disorder will surely prevail all over China. We can intervene and easily adjust matters.

The progress of the European war warns Japan with greater urgency of the imperative necessity of solving this most vital of questions. The Imperial Government can not be considered as embarking on a rash project. This opportunity will not repeat itself for our benefit. We must avail ourselves of this chance and under no circumstances hesitate. Why should we wait for the spontaneous uprising of the revolutionists and malcontents? Why should we not think out and lay down a plan beforehand? When we examine into the form of government in China, we must ask whether the existing Republic is well suited to the national temperament and well adapted to the thoughts and aspirations of the Chinese people.

From the time the Republic of China was established up to the present moment, if what it has passed through is to be compared to what it ought to be in the matter of administration and unification, we find disappointment everywhere. Even the revolutionists themselves, the very ones who first advocated the republican form of government, acknowledge that they have made a mistake. The retention of the republican form of government in China will be a great future obstacle in the way of a Chino-Japanese alliance. And why must it be so? Because in a republic the fundamental principles of government, as well as the social and moral aims of the people, are distinctly different from that of a constitutional monarchy. Their laws and administration also conflict. If Japan act as a guide to China and China models herself after Japan, it will only then be possible for the two nations to solve by mutual effort the Far East question without differences and disagreements. Therefore, to start from the foundation for the purpose of reconstructing the Chinese Government, of establishing a Chino-Japanese alliance, of maintaining the permanent peace of the Far East, and of realizing the consummation of Japan's imperial policy, we must take advantage of the present opportunity to alter China's republican form of government into a constitutional monarchy, which shall necessarily be identical in all its details to the constitutional monarchy of Japan, and to no other. This is really the key and first principle to be firmly held for the actual reconstruction of the form of

government in China. If China changes her republican form of government to that of a constitutional monarchy, shall we, in the selection of a new ruler, restore the Emperor Hsuan T'ung to his throne or choose the most capable man from the monarchists or select the most worthy member from among the revolutionists? We think, however, that it is advisable at present to leave this question to the exigency of the future when the matter is brought up for decision. But we must not lose sight of the fact that to actually put into execution this policy of a Chino-Japanese alliance and the transformation of the Republic of China into a constitutional monarchy is in reality the fundamental principle to be adopted for the reconstruction of China.

We shall now consider the bearing of this defensive alliance on the other powers. Needless to say, Japan and China will in no way impair the rights and interests already acquired by the powers. At this moment it is of paramount importance for Japan to come to a special understanding with Russia to define our respective spheres in Manchuria and Mongolia, so that the two countries may cooperate with each other in the future. This means that Japan, after the acquisition of sovereign rights in south Manchuria and inner Mongolia, will work together with Russia after her acquisition of sovereign rights in north Manchuria and outer Mongolia to maintain the status quo and endeavor by every effort to protect the peace of the Far East. Russia since the outbreak of the European war has not only laid aside all ill feeling against Japan, but has adopted the same attitude as her allies and shown warm friendship for us. No matter how we regard the Manchurian and Mongolian questions in the future, she is anxious that we find some way of settlement. Therefore, we need not doubt but that Russia in her attitude toward this Chinese question will be able to come to an understanding with us for mutual cooperation.

The British sphere of influence and interest in China is centered in Tibet and the Yangtsze Valley. Therefore, if Japan can come to some satisfactory arrangement with China in regard to Tibet, and also give certain privileges to Great Britain in the Yangtsze Valley, with an assurance to protect those privileges, no matter how powerful Great Britain might be, she will surely not oppose Japan's policy in regard to this Chinese question. While this present European war is going on Great Britain has never asked Japan to render her assistance. That her strength will certainly not enable her to oppose us in the future need not be doubted in the least.

Since Great Britain and Russia will not oppose Japan's policy toward China, it can readily be seen what attitude France will adopt in regard to the subject. What Japan must now somewhat reckon with is America. But America in her attitude toward us regarding our policy toward China has already declared the principle of maintaining China's territorial integrity and equal opportunity and will be satisfied, if we do not impair America's already acquired rights and privileges. We think America will also have no cause for complaint. Nevertheless, America has in the East a naval force which can be fairly relied upon, though not sufficiently strong to be feared. Therefore in Japan's attitude toward America there is nothing really for us to be afraid of.

Since China's condition is such on the one hand and the powers' relation toward China is such on the other hand, Japan should avail herself in the meantime of the European war to definitely decide upon a policy toward China, the most important move being the transformation of the Chinese Government to be followed up by preparing for the conclusion of the defensive alliance. The precipitate action on the part of our present cabinet in acceding to the request of Great Britain to declare war against Germany without having definitely settled our policy toward China has no real connection with our future negotiations with China or affect the political condition in the Far East. Consequently all intelligent Japanese, of every walk of life throughout the land, are very deeply concerned about the matter.

Our Imperial Government should now definitely change our dependent foreign policy which is being directed by others into an independent foreign policy which shall direct others, proclaiming the same with solemn sincerity to the world and carrying it out with determination. If we do so, even the gods and spirits will give way. These are important points in our policy toward China, and the result depends on how we carry them out. Can our authorities firmly make up their mind to solve this Chinese question by the actual carrying out of this fundamental principle? If they show irresolution while we have this heaven-conferred chance and merely depend on the good will of the other powers, we shall eventually have greater pressure to be brought against the Far East after the European war is over, when the present equilibrium will be destroyed. That day will then be too late for us to repent of our folly. We are therefore impelled by force of circumstances to urge our authorities to a quicker sense of the situation and to come to a determination.

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[Second document.]

JAPAN'S ORIGINAL 21 DEMANDS.

Translations of documents handed to the President, Yuan-shih-kai, by Mr. Hioki, the Japanese minister, on January 18, 1915:

GROUP I.

The Japanese Government and the Chinese Government being desirous of maintaining the general peace in eastern Asia and further strengthening the friendly relations and good neighborhood existing between the two nations agree to the following:

ARTICLE 1. The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

ART. 2. The Chinese Government engages that within the Province of Shantung and along its coast no territory or island will be ceded or leased to a third power under any pretext.

ART. 3. The Chinese Government consents to Japan's building a railway from Chefoo or Lungchow to join the Kiaochow-Tsinanfu Railway.

ART. 4. The Chinese Government engages, in the interest of trade and for the residence of foreigners, to open by herself as soon as possible certain important cities and towns in the Province of Shantung as commercial ports. What places shall be opened are to be jointly decided upon in a separate agreement.

GROUP II.

The Japanese Government and the Chinese Government, since the Chinese Government has always acknowledged the special position enjoyed by Japan in south Manchuria and eastern inner Mongolia, agree to the following articles:

ARTICLE 1. The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

ART. 2. Japanese subjects in south Manchuria and eastern inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming.

ART. 3. Japanese subjects shall be free to reside and travel in south Manchuria and eastern inner Mongolia and to engage in business and in manufacture of any kind whatsoever.

ART. 4. The Chinese Government agrees to grant to Japanese subjects the right of opening the mines in south Manchuria and eastern inner Mongolia. As regards what mines are to be opened they shall be decided upon jointly.

ART. 5. The Chinese Government agrees that in respect of the (two) cases mentioned herein below the Japanese Government's consent shall be first obtained before action is taken:

(a) Whenever permission is granted to the subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railway in south Manchuria and eastern inner Mongolia.

(b) Whenever a loan is to be made with a third power pledging the local taxes of south Manchuria and eastern inner Mongolia as security.

ART. 6. The Chinese Government agrees that if the Chinese Government employs political, financial, or military advisers or instructors in south Manchuria or eastern inner Mongolia, the Japanese Government shall first be consulted.

ART. 7. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years dating from the signing of this agreement.

GROUP III.

The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Hanyehping Co. have close relations with each other at present and desiring that the common interests of the two nations shall be advanced, agree to the following articles:

ARTICLE 1. The two contracting parties mutually agree that when the opportune moment arrives the Hanyehping Co. shall be made a joint concern of the two nations, and they further agree that without the previous consent of Japan, China shall not by her own act dispose of the rights and property of whatsoever nature of the said company, nor cause the said company to dispose freely of the same.

ART. 2. The Chinese Government agrees that all mines in the neighborhood of those owned by the Hanyehping Co. shall not be permitted, without the consent of the said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which it is apprehended may directly or indirectly affect the interests of the said company, the consent of the said company shall first be obtained.

GROUP IV.

The Japanese Government and the Chinese Government, with the object of effectively preserving the territorial integrity of China, agree to the following special articles:

The Chinese Government engages not to cede or lease to a third power any harbor or bay or island along the coast of China.

GROUP V.

ARTICLE 1. The Chinese Central Government shall employ influential Japanese advisers in political, financial, and military affairs.

ART. 2. Japanese hospitals, churches, and schools in the interior of China shall be granted the right of owning land.

ART. 3. Inasmuch as the Japanese Government and the Chinese Government have had many cases of dispute between Japanese and Chinese police to settle cases which caused no little misunderstanding, it is for this reason necessary that the police departments of important places (in China) shall be jointly administered by Japanese and Chinese, or that the police departments of these places shall employ numerous Japanese, so that they may at the same time help to plan for the improvement of the Chinese police service.

ART. 4. China shall purchase from Japan a fixed amount of munitions of war (say, 50 per cent or more) of what is needed by the Chinese Government, or that there shall be established in China a Sino-Japanese jointly worked arsenal. Japanese technical experts are to be employed and Japanese material to be purchased.

ART. 5. China agrees to grant to Japan the right of constructing a railway connecting Wuchang with Kiukiang and Nanchang, another line between Nanchang and Hanchow, and another between Nanchang and Chaochou.

ART. 6. If China needs foreign capital to work mines, build railways, and construct harbor works (including dockyards) in the Provinces of Fukien, Japan shall be first consulted.

ART. 7. China agrees that Japanese subjects shall have the right of missionary propaganda in China. (Refers to preaching Buddhism.)

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[Third document.]

ARTICLE I.

The contracting powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

ARTICLE II.

The contracting powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or individually or collectively, with any power or powers, which would infringe or impair the principles stated in Article I.

ARTICLE III.

With a view to applying more effectually the principles of the open door or equality of opportunity in China for the trade and industry

of all nations, the contracting powers, other than China, agree that they will not seek, nor support their respective nationals in seeking—

(a) Any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region in China;

(b) Any such monopoly or preference as would deprive the nationals of any other power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category of public enterprise, or which by reason of its scope, duration, or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking, or to the encouragement of invention and research.

China undertakes to be guided by the principles stated in the foregoing stipulations of this article in dealing with applications for economic rights and privileges from governments and nationals of all foreign countries, whether parties to the present treaty or not.

ARTICLE IV.

The contracting powers agree not to support any agreements by their respective nationals with each other designed to create spheres of influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

ARTICLE V.

China agrees that, throughout the whole of the railways in China, she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese railways.

The contracting powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement, or otherwise.

ARTICLE VI.

The contracting powers, other than China, agree fully to respect China's rights as a neutral in time of war to which China is not a party, and China declares that when she is a neutral she will observe the obligations of neutrality.

ARTICLE VII.

The contracting powers agree that whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present treaty, and renders desirable discussion of such application, there shall be full and frank communication between the contracting powers concerned.

ARTICLE VIII.

Powers not signatory to the present treaty which have governments recognized by the signatory powers and which have treaty relations with China shall be invited to adhere to the present treaty. To this end the Government of the United States will make the necessary communications to nonsignatory powers and will inform the contracting powers of the replies received. Adherence by any power shall become effective on receipt of notice thereof by the Government of the United States.

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole and open to amendment. If no amendment be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The treaty is in the Senate and open to amendment. If no amendment be proposed, the resolution of ratification will be read.

The reading clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive P, Sixty-seventh Congress, second session, a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to principles and policies to be followed in matters concerning China, concluded at Washington, February 6, 1922.

The VICE PRESIDENT. Without objection, the question will be taken on agreeing to the resolution of ratification. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. LODGE (when Mr. BRANDEGEE's name was called). The Senator from Connecticut is absent on account of illness. If present, he would vote "yea."

Mr. CARAWAY (when his name was called). I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]. I am informed that he would vote as I shall vote, and I shall therefore vote. I vote "yea."

I desire to announce that my colleague [Mr. ROBINSON] is absent on official business. If present, he would vote "yea."

Mr. ELKINS (when his name was called). I have a pair with the Senator from Mississippi [Mr. HARRISON]. I understand that if present he would vote as I shall vote on this question. I vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I have been assured that on this question he would vote as in favor of the treaty. I therefore vote. I vote "yea."

Mr. UNDERWOOD (when Mr. POMERENE's name was called). At the request of the senior Senator from Ohio [Mr. POMERENE], I desire to announce that he is absent on official business, and that if he were present he would vote in favor of the ratification of this treaty.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I understand that if he were present he would vote as I intend to do, and I therefore vote. I vote "yea."

Mr. STERLING (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. I understand that that Senator, if present, would vote as I intend to vote. I am therefore at liberty to vote, and I vote "yea."

Mr. WILLIAMS (when his name was called). The Senator from Indiana [Mr. WATSON], with whom I have a general pair, is unavoidably absent; but I understand that if he were present he would vote "yea." I am therefore at liberty to vote, and I record my vote in the affirmative.

The roll call was concluded.

Mr. CURTIS. I desire to announce that the senior Senator from Pennsylvania [Mr. CROW], the junior Senator from Pennsylvania [Mr. PEPPER], the Senator from Delaware [Mr. DU PONT], the Senator from New Jersey [Mr. EDGE], the Senator from Minnesota [Mr. KELLOGG], the Senator from Michigan [Mr. NEWBERRY], the Senator from Idaho [Mr. GOODING], and the Senator from Indiana [Mr. WATSON] are necessarily absent and if present would vote "yea."

I also desire to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from Oklahoma [Mr. HARRELD], the Senator from New Hampshire [Mr. KEYES], the Senator from North Dakota [Mr. LADD], the Senator from Illinois [Mr. MCKINLEY], the Senator from South Dakota [Mr. NORBECK], and the Senator from Colorado [Mr. NICHOLSON] are absent on business of the Senate, and if present would vote "yea."

Mr. GERRY. I desire to announce that the Senator from Alabama [Mr. HEFLIN], the Senator from Virginia [Mr. GLASS], the Senator from New Mexico [Mr. JONES], the Senator from Wyoming [Mr. KENDRICK], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Oklahoma [Mr. OWEN], the Senator from Kentucky [Mr. STANLEY], the Senator from Mississippi [Mr. HARRISON], and the Senator from Arizona [Mr. ASHURST] are absent on official business. If present, they would all vote "yea."

Mr. FERNALD. I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I understand that if present he would vote as I am about to vote, and therefore I vote "yea."

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is absent on business of the Senate. If present, he would vote "yea."

Mr. BROUSSARD. My colleague [Mr. RANSDELL] is absent on official business. If present, he would vote "yea."

Mr. SHEPPARD. My colleague, the senior Senator from Texas [Mr. CULBERSON], is unavoidably absent. If present, he would vote "yea."

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], who is absent, but I understand that if present he would vote as I have voted, and therefore I allow my vote to stand.

The roll call resulted—yeas 66, nays 0, as follows:

YEAS—66.

Ashurst	Fletcher	Moses	Stanfield
Ball	France	Myers	Sterling
Borah	Frelinghuysen	Nelson	Sutherland
Broussard	Gerry	New	Swanson
Bursum	Hale	Oddie	Townsend
Calder	Harris	Overman	Trammell
Cameron	Hitchcock	Page	Underwood
Capper	Johnson	Phipps	Wadsworth
Caraway	Jones, Wash.	Pittman	Walsh, Mass.
Colt	King	Poindexter	Walsh, Mont.
Cummins	La Follette	Rawson	Warren
Curtis	Lenroot	Sheppard	Watson, Ga.
Dial	Lodge	Shields	Weller
Dillingham	McCormick	Shortridge	Williams
Elkins	McCumber	Simmons	Willis
Ernst	McLean	Smoot	
Fernald	McNary	Spencer	

NOT VOTING—30.

Brandegee	Harrison	McKinley	Ransdell
Crow	Heflin	Newberry	Reed
Culberson	Jones, N. Mex.	Nicholson	Robinson
du Pont	Kellogg	Norbeck	Smith
Edge	Kendrick	Norris	Stanley
Glass	Keyes	Owen	Watson, Ind.
Gooding	Ladd	Pepper	
Harreld	McKellar	Pomerene	

The VICE PRESIDENT. On this question the yeas are 66, and there are no votes in the negative. Two-thirds of the Senators present having voted in favor of the resolution of ratification, it is agreed to, and the Senate advises and consents to the treaty.

CHINESE CUSTOMS TARIFF TREATY.

Mr. LODGE. I now call up the last treaty, and ask that it be read.

The Senate, as in Committee of the Whole and in open executive session, proceeded to consider Executive Q, a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, relating to the Chinese customs tariff, concluded at Washington, February 6, 1922, which was read as follows:

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal:

With a view to increasing the revenues of the Chinese Government, have resolved to conclude a treaty relating to the revision of the Chinese customs tariff and cognate matters, and to that end have appointed as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Henry Cabot Lodge, Oscar W. Underwood, Elihu Root, citizens of the United States;

His Majesty the King of the Belgians: Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India: The Right Hon. Arthur James Balfour, O. M., M. P., Lord President of His Privy Council; the Right Hon. Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty; the Right Hon. Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

And—

For the Dominion of Canada: The Right Hon. Sir Robert Laird Borden, G. C. M. G., K. C.;

For the Commonwealth of Australia: Senator the Right Hon. George Foster Pearce, Minister for Home and Territories;

For the Dominion of New Zealand: The Hon. Sir John William Salmond, K. C., Judge of the Supreme Court of New Zealand;

For the Union of South Africa: The Right Hon. Arthur James Balfour, O. M., M. P.;

For India: The Right Hon. Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the Republic of China: Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary at Washington; Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary at London; Mr. Chung-Hui Wang, former Minister of Justice;

The President of the French Republic: Mr. Albert Sarraut, Deputy, Minister of the Colonies: Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honor;

His Majesty the King of Italy: The Hon. Carlo Schanzer, Senator of the Kingdom; the Hon. Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington; the Hon. Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan: Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower; Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun; Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Her Majesty the Queen of the Netherlands: Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary; Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington.

The President of the Portuguese Republic: Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington; Mr. Ernesto Julio de Carvalho e Vasconcelos, Captain of the Portuguese Navy, Technical Director of the Colonial Office;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

The representatives of the Contracting Powers having adopted on the 4th day of February, 1922, in the city of Washington, a resolution, which is appended as an annex to this article, with respect to the revision of Chinese customs duties, for the purpose of making such duties equivalent to an effective 5 per cent ad valorem, in accordance with existing treaties concluded by China with other nations, the Contracting Powers hereby confirm the said resolution and undertake to accept the tariff rates fixed as a result of such revision. The said tariff rates shall become effective as soon as possible, but not earlier than two months after publication thereof.

ANNEX.

With a view to providing additional revenue to meet the needs of the Chinese Government, the powers represented at this conference, namely, the United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal, agree:

That the customs schedule of duties on imports into China adopted by the Tariff Revision Commission at Shanghai on December 19, 1918, shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent effective, as provided for in the several commercial treaties to which China is a party.

A revision commission shall meet at Shanghai, at the earliest practicable date, to effect this revision forthwith and on the general lines of the last revision.

This commission shall be composed of representatives of the powers above named and of representatives of any additional powers having governments at present recognized by the powers represented at this conference, and who have treaties with China providing for a tariff on imports and exports not to exceed 5 per cent ad valorem and who desire to participate therein.

The revision shall proceed as rapidly as possible with a view to its completion within four months from the date of the adoption of this resolution by the Conference on the Limitation of Armament and Pacific and Far Eastern Questions.

The revised tariff shall become effective as soon as possible, but not earlier than two months after its publication by the revision commission.

The Government of the United States, as convener of the present conference, is requested forthwith to communicate the terms of this resolution to the Governments of powers not represented at this conference but who participated in the revision of 1918 aforesaid.

ARTICLE II.

Immediate steps shall be taken, through a special conference, to prepare the way for the speedy abolition of likin and for the fulfillment of the other conditions laid down in Article VIII of the treaty of September 5, 1902, between Great Britain and China; in Articles IV and V of the treaty of October 8, 1903, between the United States and China; and in Article I of the supplementary treaty of October 8, 1903, between Japan and China, with a view to levying the surtaxes provided for in those articles.

The special conference shall be composed of representatives of the signatory powers, and of such other powers as may desire to participate and may adhere to the present treaty, in accordance with the provisions of Article VIII, in sufficient time to allow their representatives to take part. It shall meet in China within three months after the coming into force of the present treaty, on a day and at a place to be designated by the Chinese Government.

ARTICLE III.

The special conference provided for in Article II shall consider the interim provisions to be applied prior to the abolition of likin and the fulfillment of the other conditions laid down in the articles of the treaties mentioned in Article II; and it shall authorize the levying of a surtax on dutiable imports as from such date, for such purposes, and subject to such conditions as it may determine.

The surtax shall be at a uniform rate of 2½ per cent ad valorem, provided, that in case of certain articles of luxury which, in the opinion of the special conference, can bear a greater increase without unduly impeding trade, the total surtax may be increased but may not exceed 5 per cent ad valorem.

ARTICLE IV.

Following the immediate revision of the customs schedule of duties on imports into China, mentioned in Article I, there shall be a further revision thereof to take effect at the expiration of four years following the completion of the aforesaid immediate revision, in order to insure that the customs duties shall correspond to the ad valorem rates fixed by the special conference provided for in Article II.

Following this further revision there shall be, for the same purpose, periodical revision of the customs schedule of duties on imports into China every seven years, in lieu of the decennial revision authorized by existing treaties with China.

In order to prevent delay, any revision made in pursuance of this article shall be effected in accordance with rules to be prescribed by the special conference provided for in Article II.

ARTICLE V.

In all matters relating to customs duties there shall be effective equality of treatment and of opportunity for all the contracting powers.

ARTICLE VI.

The principle of uniformity in the rates of customs duties levied at all the land and maritime frontiers of China is hereby recognized. The special conference provided for in Article II shall make arrangements to give practical effect to this principle; and it is authorized to make equitable adjustments in those cases in which a customs privilege to be abolished was granted in return for some local economic advantage.

In the meantime, any increase in the rates of customs duties resulting from tariff revision, or any surtax hereafter imposed in pursuance of the present treaty, shall be levied at a uniform rate ad valorem at all land and maritime frontiers of China.

ARTICLE VII.

The charge for transit passes shall be at the rate of 2½ per cent ad valorem until the arrangements provided for by Article II come into force.

ARTICLE VIII.

Powers not signatory to the present treaty whose Governments are at present recognized by the signatory powers, and whose present treaties with China provide for a tariff on imports and exports not to exceed 5 per cent ad valorem, shall be invited to adhere to the present treaty.

The Government of the United States undertakes to make the necessary communications for this purpose and to inform the Governments of the contracting powers of the replies received. Adherence by any power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE IX.

The provisions of the present treaty shall override all stipulations of treaties between China and the respective contracting powers which are inconsistent therewith, other than stipulations according most favored nation treatment.

ARTICLE X.

The present treaty shall be ratified by the contracting powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other contracting powers a certified copy of the procès-verbal of the deposit of ratifications.

The present treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other contracting powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 6th day of February, 1922.

CHARLES EVANS HUGHES [L. S.]
HENRY CABOT LODGE [L. S.]
OSCAR W. UNDERWOOD [L. S.]
ELIHU ROOT [L. S.]
BARON DE CARTIER DE MARCHIENNE [L. S.]
[L. S.] ARTHUR JAMES BALFOUR
[L. S.] LEE OF FAREHAM
[L. S.] A. C. GEDDES
[L. S.] R. L. BORDEN
[L. S.] G. F. PEARCE
[L. S.] JOHN W. SALMOND
[L. S.] ARTHUR JAMES BALFOUR
[L. S.] V. S. SRINIVASA SASTRI
SAO-KE ALFRED SZE [L. S.]
V. K. WELLINGTON KOO [L. S.]
CHUNG-HUI WANG [L. S.]
A. SARRAUT [L. S.]
JUSSERAND [L. S.]
CARLO SCHANZER [L. S.]
V. ROLANDI RICCI [L. S.]
LUIGI ALBERTINI [L. S.]
[L. S.] T. KATO
[L. S.] K. SHIDEHARA
[L. S.] M. HANIHARA
[L. S.] BEELAERTS VAN BLOKLAND
[L. S.] W. DE BEAUFORT
[L. S.] ALTE
[L. S.] ERNESTO DE VASCONCELLOS

Mr. KING. Mr. President, may I inquire of the Senator from Massachusetts [Mr. LODGE] whether any explanation of this treaty will be made?

Mr. LODGE. I did not hear the Senator's question.

Mr. KING. I inquire whether it is the purpose of the Senator from Massachusetts or the Senator from Alabama [Mr. UNDERWOOD] to make any explanation of the pending treaty?

Mr. LODGE. If any explanation is required, the Senator from Alabama, to whose skill and ability we owe this treaty, is the person to make it.

Mr. KING. If I may have read at the desk a resolution explanatory of my views, I shall be glad then to hear from the Senator from Alabama, and if the treaty is in conformity with what I conceive to be the traditional policy of the United States and our proper obligation to China, I shall be glad to support it. May I have the following resolution read?

The VICE PRESIDENT. The Secretary will read the resolution as requested.

The reading clerk read Senate Resolution 209, submitted by Mr. KING January 16, 1922, as follows:

Whereas it has been the traditional policy of the United States to refrain from interfering with the domestic policy and internal affairs of other nations, and from attempting to direct or to control the exercise of their sovereign national rights; and

Whereas China has for centuries been an independent nation, governing its territories and people, and promoting the peace of the State and the welfare of the people, according to Chinese customs and institutions; and

Whereas it is the sovereign right of every nation to determine its own domestic policy and to conduct its internal affairs, including the laying and collection of taxes, in its own way and according to the national will; and

Whereas at the Conference for the Limitation of Armament, now in session, certain powers, including the United States, have under consideration the adoption of a program which would control the Chinese finances and taxes, and would otherwise abridge the political and fiscal autonomy of China: Now therefore be it

Resolved, That it is the sense of the Senate of the United States that the traditional policy of the United States to refrain from interference with the internal affairs of other nations be adhered to, at this time, in all dealings and relations between the United States and China;

Resolved further, That the Senate hereby expresses its disapproval of any policy or program which seeks to abridge the political independence or to restrict the administrative or financial autonomy of China, or which seeks in any manner to limit Chinese national authority with regard to the enactment of such laws or measures as China may deem necessary to the national welfare, provided, of course, that such laws or measures be consistent with international law;

Resolved further, That any attempt to require China, by treaty or otherwise, to fix the tariff duties which she may be permitted to lay and collect upon imports, or to control the internal taxation of China, is in contravention of the settled policy of the United States, and an unwarranted interference with the independent powers and sovereign rights of the Chinese Government, and is in violation of international law, and that international comity which should exist between free and independent States.

Mr. UNDERWOOD. Mr. President, I will say to the Senator from Utah that I shall be glad to discuss this question in a moment very briefly and to answer any question that he may desire to ask. I would like to have the articles agreed to first and then discuss them as they stand. I ask unanimous consent that the second reading of the articles may be dispensed with, as they have all just been read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. I ask for their adoption down to the resolution of ratification.

The VICE PRESIDENT. The question is on agreeing to the articles of the treaty.

The articles were agreed to.

The VICE PRESIDENT. The treaty is as in Committee of the Whole and open to amendment. If there are no amendments to be proposed as in Committee of the Whole the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The treaty is in the Senate and open to amendment. If there are no amendments to be proposed in the Senate, and without objection, the resolution of ratification will be read and considered.

The resolution of ratification was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive Q, Sixty-seventh Congress, second session, a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to the Chinese customs tariff concluded at Washington February 6, 1922.

Mr. UNDERWOOD. Mr. President, I realize that if there is a sovereign power that exists in a government which is necessary to the life of a government it is the power to raise revenue to support the government, because no government can exist without that power. I recognize fully that the right to control customs revenues in a government is a part of its sovereign power. So the question of the Senator from Utah as to whether the treaty invades the sovereign power of China is a pertinent one. On its face and without explanation I think it might be regarded that the treaty did invade that sovereign

power, but we have to understand the history of this case to some extent in order to understand the necessity for the treaty.

Because nations possess sovereign powers, and sometimes sovereign powers that are vital to the life of the nation, it does not at all mean that they do not soemtimes yield a part of those sovereign powers and make concessions of their sovereign powers for their own good and the good of the world. We have done so in some of the treaties we have ratified within the last week. All nations do so. We have made a treaty yielding our sovereign right to control the waters of the St. Lawrence River in order to preserve Niagara. It is a matter of very small moment, and yet we have yielded our sovereign control over the waters of that river. There are many other instances where sovereignty is yielded.

Of course, I realize the power of taxation is a very vital part of sovereignty, but this situation has grown up. It is a condition where we are acting for the benefit of China. I think it was in 1853 that the so-called opium war took place. I shall not go into all the details, but during the progress of the war the American, British, and French consuls took possession of some of the ports of China and administered the customs revenues. There was great confusion in the administration of the customs revenues, and afterwards China yielded to Great Britain a concession that she would not charge on imports coming into the territory of China more than 5 per cent ad valorem. Two years later she made the same concession to the United States——

Mr. WILLIAMS. To France.

Mr. UNDERWOOD. I thought it was the United States second and France third. The Senator from Mississippi may be right. At any rate, in two or three years concessions were made to the United States and France, and then to the other nations, including the eight nations which signed the pending treaty contract, and in addition to those were Spain and Sweden. Those treaties ran along for a number of years and were renewed from time to time until we came down to this question.

Before going into the treaties I wish to answer the question of the Senator from Utah. When the conference met on far eastern questions we found that there were 10 nations in the world with whom China had made treaty contracts surrendering that portion of her sovereignty, and by those contracts had agreed not to charge more than 5 per cent ad valorem or equivalent duties in specific rates against the goods of those countries crossing the Chinese border. That may seem very remarkable. I am not justifying those treaties. They happened long before our time. I wish the Senate to remember that such treaties have not only been made with China, but some years ago, and not so many years ago, under the McKinley tariff, this Government of ours made certain reciprocity treaties with other countries by which we agreed that we would only charge certain tariff rates against certain countries, and in fact under present laws we have made certain concessions in tariff rates, not probably as far as this tariff rate goes, but along the same line. So our own Government from time to time has made concessions to other governments limiting the amount of tariff duties which we would charge.

Mr. HITCHCOCK. Mr. President, can the Senator from Alabama see no distinction between the condition of China, though, and the condition of an independent and powerful country like the United States, which may make a reciprocal bargain with another country and for the reciprocal good of the two countries agree with the other upon tariff rates? Here is the case of a tariff being forced upon China from which China gets no compensating benefit, various countries simply uniting and compelling China to accept an utterly inadequate tariff.

Mr. UNDERWOOD. I will say to the Senator from Nebraska that there is no difference in principle; but I see the point that the Senator makes. Of course, there is no difference between the United States making the concession of a lower tariff or lowering our tariff walls to a South American Republic, as we have done under reciprocal treaties, and the agreement which China makes in this instance. I understand what the Senator means is that he thinks China was forced into this agreement; but I want to assure him that that is far from being the fact. Not one syllable of this treaty was written until China first consented and asked that it be done.

Mr. WILLIAMS. It was framed on China's initiative, was it not?

Mr. UNDERWOOD. Yes.

Mr. KING. Will the Senator yield to me?

Mr. UNDERWOOD. Yes; I yield.

Mr. KING. I apologize for interrupting the Senator.

I take the Senator's word as to the attitude of the delegates representing the Peking Government, but the Senator certainly must know that there has been profound disappointment expressed by the Chinese people over this treaty; and that the Cantonese government and its representatives—call them revolutionary or not; I express no opinion in regard to that—have denounced this treaty as being hostile to the best interests of China and as having been imposed upon her by a group of nations which are seeking her economic, if not her political, destruction.

Mr. UNDERWOOD. I am not responsible for what "hot-air artists" may contend, either in China or elsewhere, I know that some of the leading men in the Cantonese government approve of this treaty. They may not have so announced publicly, but I know it otherwise.

More than that, I know that in every country there is an organization party which supports the government, and there is also an opposition party; and the opposition criticizes anything which the government does. I know that this treaty was not only made at the request of China—I know it because I prepared the treaty, and I spent four weeks in consultation about it—but I know that it met with the approval of the Chinese Government before it ever was reported to the plenary session of the conference.

Mr. KING. Will the Senator yield to me?

Mr. UNDERWOOD. I will.

Mr. KING. The Senator from Alabama may denominate the persons in China who are opposed to the Peking military régime as "hot-air artists"; he may make any criticism he pleases of them; but I venture to state to the Senator that he will discover that the mass of the Chinese people will resent this treaty, and he will find that instead of those persons in China who are opposed to this treaty being "hot-air artists" they constitute a formidable part of the Chinese people.

Mr. UNDERWOOD. I think the Senator is entirely wrong.

Mr. KING. Time will tell.

Mr. UNDERWOOD. The Senator from Utah is entirely wrong, because he does not understand the facts. If the Senator really understood this issue, he would not be wrong about it; but he does not understand China's position.

I want to call the attention of the Senator from Utah to the real situation. I do not believe the Senator from Utah is a member of the Foreign Relations Committee, but the Senator from Nebraska [Mr. HITCHCOCK] is, and therefore he will know what I shall say is correct. Before I come to this particular treaty, however, I wish for a moment to review the history of the matter. Under the original treaty with China, starting in 1853, and coming on down China had agreed to charge a duty of 5 per cent ad valorem on goods coming into China, or specific rates equal to that

Mr. WILLIAMS. Not less?

Mr. UNDERWOOD. Not more than 5 per cent. The treaties on that subject were renewed from time to time, but for convenience the 5 per cent ad valorem was converted into a specific duty in all instances. For instance, if a suit of clothes worth $10 was imported into China, a 5 per cent ad valorem rate would be 50 cents; but, instead of leaving the duty at 5 per cent ad valorem, to vary with the cost of the clothes, by treaty agreement the ad valorem rates were converted into specific rates, and it was provided that the duty on a suit of clothes should be not 5 per cent but 50 cents. Of course, I am speaking only figuratively, because that was not the actual rate of duty. As time went by the value of goods went up, so that instead of a suit of clothes being worth $10, say, it increased to $15. Then the duty charge of 50 cents did not represent a 5 per cent ad valorem basis, but much less—about 3⅓ per cent. China then asked of the nations that they carry out their treaty with her by making her 5 per cent duty effective; that is, to give her 5 per cent really on the true value of the goods. So the nations agreed to the request, and the rate was changed from time to time. No longer ago than the 26th day of May, 1921, the Senate of the United States ratified a treaty with China which attempted to make that 5 per cent rate effective. That treaty was reported by the Foreign Relations Committee and ratified by the Senate, as I have stated, on the 26th day of May, 1921, approved by the President on October 30, 1921, and finally proclaimed on the 7th day of November, 1921, a few days before the meeting of the Washington conference. That was the most recent attempt by the United States by treaty to make the 5 per cent ad valorem rate effective.

When China came to the conference she said that the 5 per cent duty which, not the conference, not myself, but which the Senate of the United States on the 26th of last May made for her, did not afford sufficient revenue to enable her to run her Government.

Mr. LODGE. Mr. President, may I interrupt the Senator for a moment?

Mr. UNDERWOOD. Certainly.

Mr. LODGE. I merely wish to call the attention of the Senator and of the Senate to the fact that our present existing customs treaty with China was signed at Washington in October, 1920, having been negotiated by Bainbridge Colby and Mr. Wellington Koo, representing China. That treaty was not ratified and did not go into effect until the dates stated by the Senator from Alabama.

Mr. HITCHCOCK. Mr. President, I wish to say that I very well recall when that treaty was before the Committee on Foreign Relations, and I should most certainly have opposed it and made the best fight I could against it had it not been for the fact that it did slightly better the condition of China.

Mr. LODGE. It certainly did.

Mr. HITCHCOCK. I thought then and I said then and I think now that it is a perfect outrage for the great nations of the world, while pretending to recognize the independence of China, to dictate to her as to what her revenues shall be and what tariffs she shall levy.

Mr. LODGE. I agree with the Senator in principle entirely as to that, but we have to look at the other side of the picture. Suppose we should not ratify this treaty. In that event China will be bound hand and foot by the old treaty. The pending treaty gives her a very substantial increase in her revenues. If we defeat it, she must continue with the old duties. So far as it being American policy is concerned, I merely mention the fact that we have had customs treaties with China since 1853.

Mr. HITCHCOCK. I really think, if the Senator from Alabama will permit me, that we commit a most egregious act of insincerity when in the first article of the treaty just ratified we say—

(1) The contracting powers, other than China, agree to respect the *sovereignty*, the independence, and the territorial and administrative integrity of China—

And then combine to impose this outrage upon her. I think that is hypocrisy ingrafted onto a treaty. I think if we were going to do that thing we ought to say that we propose to deprive China of that much of her independence and that much of her sovereignty and dictate to her a 5 per cent tariff. I can not view it as anything else than an outrage committed by powerful nations in combination, and it is all the more egregious when we take into account that China, as we all know, is suffering because her national Government can not raise even enough revenue to pay Japan $15,000,000 or $20,000,000 cash to buy the Shantung Railroad, and that railroad has got to remain part in the control of Japan on that account.

Mr. UNDERWOOD. I think the Senator is mistaken about that. My information as to the Shantung Railroad is that they could raise the cash, although not through the Government but by the people. They do not expect to raise it by the Government.

To come back to this treaty, if the Senator will examine on the record my statement, when I reported the treaty to the committee, on far eastern questions and my statement at the plenary session of the conference, he will note that I called attention there to this very thought and said I hoped the day was not far distant when complete autonomy could be given to China in the control of her tariff rates. I wish to say that, so far as I am concerned, I should be glad to have that done now, but China does not want it now; it would be most inconvenient to China to have it conceded now. I say, however, that it does not lie in the mouth of the Senate of the United States to criticize the work of a commissioner of the President in trying to raise the tariff duties which China could levy when within the year the Senate of the United States has ratified an independent treaty with China confining her tariff rates to 5 per cent effective.

Mr. WALSH of Montana. I rise, Mr. President, to inquire of the Senator what nations there are which insist upon imposing these restrictions upon China? I assumed that the American delegates and the American public had every desire to free China from every restriction in relation to her revenues; I assumed that the American delegates did everything they could to attain that end.

Mr. UNDERWOOD. The Senator is entirely right.

Mr. WALSH of Montana. But they could not get everything they wanted for China by reason of the opposition of some other countries which wanted to keep her tied down. So I rose to inquire what other countries there are which want to keep China restricted. But now I learn from the Senator, if I understood him right, that in the judgment of the American delegates they continued to keep China tied down for her own good.

Mr. UNDERWOOD. Oh, no; not the American delegates. The Senator is wrong about that; but he is entirely right about the proposition in general. I represented the American delegation in writing this treaty, and I stated repeatedly what the Senator says.

I did not agree to one word in this treaty until China's representatives agreed to it first. More than that, I stated what Senators on this floor do not seem to be willing to concede, and that is that this is a sovereign right and it is in regard to a trade contract, and that China has the right this hour or this day, if she wants to, to denounce the existing contracts and this contract, and to renew her entire autonomy with reference to writing these tariff rates. I stated that on the floor of the far eastern committee without contradiction; so that when Senators are trying to make it appear here that this is in opposition to the interests of China they are overlooking entirely the fact that this is not one of those treaties that once made can not be revoked. We did it. We made certain concessions in the reciprocity treaties under the McKinley bill to certain Republics in South America and probably some others—I do not recall all, but certainly to the South American Republics—conceding them lower rates of tariff under certain conditions; and then, without rhyme or reason or asking consent, the Government of the United States passed the Dingley bill and revoked every one of those concessions without saying "By your leave" or anything else. It has been repeatedly done, and it can be done in this instance.

The Senator from Massachusetts was in his seat in the committee when I made that announcement in reference to this very matter, and it did not bring about a dispute. It was not denied, and, more than that, it was conceded by some of the ablest delegates there; so that all of this idea that some wrong is being done China by this treaty is a mere imagery. It does not exist. China wants to keep these treaties. She has the right to denounce them. That is a right recognized in international law. There are certain classes of treaties that can not be denounced. The Senate itself passed here, at the instance of the senior Senator from Washington [Mr. JONES], a joint resolution denouncing a lot of trade contracts in reference to the shipping of this country, and the former President of the United States signed the joint resolution. There was nothing unusual in this. China can denounce these treaties if she wants to, but she does not want to. What China does want in this matter is to get more money, and I, representing the American delegation on that subcommittee, tried to arrange this treaty so as to conform as nearly to her desires as I could.

Of course, I met with some objections. One of the greatest difficulties that I had in arranging this treaty grew out of the fact that notwithstanding the fact that we had a favored-nation treaty with China, she had a number of years ago conceded to Russia first a reduction of duties of one-third for goods crossing the Russian border and then, when France demanded the same right in Indo-China, she made the same concession there, and England demanded it at Hongkong, and she made it there, with the result that although for years we had had a favored-nation-clause treaty with China, and so did some of the other countries, because these demands had been made upon her she had made the concession. I admit that when it was originally made it did not seriously affect us, because the class of goods coming in from Russia were not in competition with the class of goods coming from America, and the rate existing then was only about 3½ per cent, because the 5 per cent was not effective, and a third of it was only about 1 per cent; but if these rates of duty are going to be increased to 12½ per cent, then one-third would be $4 on the hundred, and it would have been a very serious discrimination against the United States if it had been maintained.

I do not care to discuss the difficulties with other countries, because that is not necessary and it is not a wise thing to do; but there were some grave difficulties in securing the concession in this treaty that lets our goods and the goods of all other nations go into China on the same basis, whether by land or by sea.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. UNDERWOOD. Yes; I yield.

Mr. WATSON of Georgia. I will ask the Senator from Alabama if it is not true that in each instance which he has mentioned China yielded to force, and is she not yielding to force now?

Mr. UNDERWOOD. No; she is not. I can say that of my own knowledge. She did yield to force in the beginning about this, in all probability, but she is not yielding to force now, and I know it because I will tell the Senator from Georgia

that at one time in these negotiations I thought they were about to fail, and I told the representative on the committee from China—I was chairman of the committee—that I was ready to report the matter back to the full committee and say that we could go no further, we would have to fail of action; and he earnestly urged me, on behalf of his Government, to do all I could to put this treaty through as we have it.

Mr. PITTMAN. Mr. President——

Mr. UNDERWOOD. I yield.

Mr. PITTMAN. This treaty is better than those they had, and this was the best that you could get, and they knew it.

Mr. UNDERWOOD. To be sure; but there are other reasons why they want this treaty now, and I hope the Senator will not ask me to express them on the floor. There are other good reasons why China prefers to have this treaty now. She could denounce the treaty if she wanted to.

Mr. PITTMAN. Mr. President, I intend to vote for this treaty, and that is one of the two reasons why I propose to do so. The other reason is that both the Senator from Alabama and the Senator from Massachusetts have expressed the same view of the principles involved in this matter that is held by all of us.

Mr. UNDERWOOD. To be sure.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. UNDERWOOD. I yield.

Mr. KING. If I understand the Senator, the situation in brief is this: China was bound by half a dozen chains. This releases one chain, but still leaves her bound by five chains.

Mr. UNDERWOOD. No; it releases the whole situation as far as it goes. I will say to the Senator that the Chinese people are very slow ever to repudiate a contract or an obligation. They have the right to denounce a trade obligation. We have done it. Other nations have done it. China has the right to do it, but she is very slow to denounce any obligation that she has made. She much prefers to make a new obligation to carry out what is necessary for her conditions, and she preferred to enter into this new obligation, giving her greater revenue, improving the conditions of her tariff revenue, and not disturbing its present administration. That is the important thing to her right now—its present administration. Under its present administration all the revenues collected, even in the Provinces of Canton that are said to be in rebellion, go to Peking. The military mandarins in the Provinces do not get this revenue, as they take the internal revenue that comes out of the Provinces, that no longer goes to Peking and formerly went there. So the Government of China does not desire at this time to have this condition disturbed, although her representatives and delegates have repeatedly said that they hoped the day was not far distant when complete autonomy in the management of their own revenues might be in their hands, and in that statement I have repeatedly agreed with them. I agree with them now. They do not want it now.

Of course, as far as our Government is concerned, it is entirely within the power of our Government to ratify this treaty and allow China to get the increased revenue that she desires under it, and then, if we want to, to pass a separate resolution notifying China that we no longer hold her to this contract, and that she can charge our merchandise going into China as much as she pleases; but I do not think that would be the wise thing to do. We must be just to China, but we must also be just to ourselves. We have a very large trade in China, a developing trade; and if we want to be just to our own people, why should we say that we will tear down the wall and allow China—I do not think China would take advantage of it, if you want to ask my opinion about that; I think she would be fair—but why should we allow China to impose a limited rate on the imports coming from other countries into China and allow her to put an increased and a higher rate on the merchandise coming out of America? Is that what we want to do to protect American trade and American citizens and American rights? We have some rights in this matter; but I think the thing to do is to enter into this treaty that China wants us to ratify. It is the best that we can make.

Mr. OVERMAN. Mr. President, do I understand that we have ratified a treaty of this kind before?

Mr. UNDERWOOD. Within the year—the Senator from North Carolina ratified it—one that gave her only 5 per cent effective, and I am trying to give her 12 per cent. Here it is. It is on my desk if the Senator wants to see it—a treaty setting out the specific rates on each article.

Mr. HITCHCOCK. Mr. President, of course it is fair to say that the reason why that treaty was ratified without any objection was that it took the place of a treaty that was worse. It gave China some relief.

Mr. UNDERWOOD. Oh, to be sure; the Senator is right about that; but this treaty does the same thing. It gives China this much more relief.

Mr. HITCHCOCK. I do not want to be too critical of this particular item in the treaty, because I think there are some provisions in the treaty that are desirable; but I should like to ask the Senator, if he is at liberty to answer the question, what nation objected to relaxing that rule against China and giving China more latitude in fixing her tariff duties?

Mr. UNDERWOOD. Objections were made. I hope the Senator will not ask me that question. Those objections were made not so much in open session as they were in private conversation, because a representative at a session could merely say, "I refuse assent," and those who were dealing with him had to work it out. I think it is far better for international intercourse to assume that the objections were made, and not to attempt to place the responsibility here. I think it is better for our country, it is better for China, and I hope the Senator will not push the inquiry.

Mr. HITCHCOCK. I have not any desire to pry into any objectionable matter.

Mr. UNDERWOOD. Objections were made; but I want to say that the objections that were made were not to giving China entire autonomy in the control of her tariff, because she never asked it. Her delegates said they hoped it would be granted at some other date, and they would ask it, but in this convention they have never asked it, and we recognized that at this time it was not desirable for them to get it.

Mr. HITCHCOCK. Will the Senator permit me to put another question, in this form? Did the delegates in negotiating this treaty have before them the figures showing the average tariffs levied by the countries of the world?

Mr. UNDERWOOD. Oh, yes; all that was referred to.

Mr. HITCHCOCK. What reason was there for compelling China to adopt a tariff lower than the other countries?

Mr. UNDERWOOD. As I said, this was practically what China asked at this time. Of course, when you come to change tariff rates you very seriously affect commerce. The commerce of some of these countries in that section of the world was very much tied up in the Chinese trade. They said that if these rates were unduly increased suddenly it would produce a reaction on their home Governments, because, in hard and difficult times like this, it would likely destroy business enterprise in their countries, and that radical, sudden changes should not be made at this time.

Mr. HITCHCOCK. I think that was a very reasonable objection; but why, then, was it not proposed to create a commission composed of representatives of these interested powers, so that the tariff might be changed from time to time, in the contingencies, and it would have an elastic character?

Mr. UNDERWOOD. There is a commission provided for in this treaty, except that there is a limit on the rate. The rate is still limited, but the commission has been created. It will not be a very difficult proposition in the future. If China says she needs more tariff rates, this raises the limit, so to speak, and authorizes a commission to operate. The commission is provided for in this treaty.

Mr. HITCHCOCK. However, the commission is given no power to increase the maximum.

Mr. UNDERWOOD. Not to go in the first instance above 7½ per cent, and when the McKaye class of treaties is agreed to, not to go above 12½ per cent; but to that extent the commission can operate, and that has not been done before. This is a very much more liberal proposition, both in rate and in power, than the treaty which was ratified by the Senate last May; and, more than that, this treaty leads; it is on the way to complete autonomy for China in the control of their tariff rates, whereas the treaty which was ratified last spring by the Senate had nothing of that kind in it.

I want to say to the Senate that I would be glad, so far as I am concerned, to give China complete autonomy to-morrow in the control of her tariff rates. I want to see China as independent and as sovereign a nation as possible. I want to say to my colleagues here that I did my utmost to aid China in accomplishing what she wanted in reference to the tariff, and if this treaty were defeated it would not help China. It would throw her back on the treaty which was ratified last May, holding her down to 5 per cent effective, giving her no commission, and at the same time you would leave the discrimination on the Russian and the Indo-China border against the merchandise of your own country.

Mr. OVERMAN. What, if anything, have we to do with collecting the revenue?

Mr. UNDERWOOD. The collection of China's revenue is primarily under the control of the Chinese Government, but under an understanding which China arrived at a long time ago a British subject is the head of that revenue system. I can not recall the exact figures now, but the larger proportion, probably three-fourths, of the employees in the Chinese customs system are Chinese. Of the balance of the employees the larger percentage are British, although there are some Americans, some Japanese, and some French. But it is conceded by all—China, Japan, France, everybody—that the administration of the Chinese customs laws has been admirable. It has been honest, it has been fair, it has been efficient, and there is no complaint against the administration. The disturbed conditions of China to-day afford one reason why China wants this treaty ratified instead of insisting on complete autonomy in the control of her tariff system at this time. That is the real situation.

If there are any further questions about the matter, I will be glad to answer them.

Mr. SIMMONS. Mr. President, I think I understand the treaty, but I want to be sure that I do understand it. I have had some little doubts about this treaty. If I understand the Senator's statement this is about the situation: China has treaties with a number of nations fixing the tariff duties to be imposed upon the exports to those foreign countries. Those rates vary; they are not uniform. One of the objects of this treaty, probably the chief object, as I understand the Senator, is to make those rates uniform as between all the nations signatory to this compact.

Mr. UNDERWOOD. Yes; that is one of the objects. It is the one most vital to us.

Mr. SIMMONS. The second object is to supersede those treaties which allow a much lower rate than China finds it necessary to impose in order to meet her present obligations.

Mr. UNDERWOOD. The Senator means under the old treaties?

Mr. SIMMONS. Under the old treaties.

Mr. UNDERWOOD. Yes; and this increases her rates of duty so that she will get considerably more revenue.

Mr. SIMMONS. Again, I understand the Senator to say that under the present arrangement a British subject is at the head of the customs system.

Mr. UNDERWOOD. He is not directly at the head, but he is the next man to the head, and he really runs the system.

Mr. SIMMONS. And that China, for reasons which need not be stated here, is satisfied with that condition and wishes to have it continue.

Mr. UNDERWOOD. Because of the disturbed conditions at home.

Mr. SIMMONS. Those are the three reasons why the Senator thinks this treaty should be ratified?

Mr. UNDERWOOD. They are.

Mr. KING. Mr. President, I listened with interest to the statement made by the Senator from Alabama and his defense of the pending treaty. At the outset of his remarks he conceded intellectual integrity to me in opposing the treaty, but assumed that my opposition to it resulted from my ignorance of the facts. I willingly pay tribute to the Senator because of his great knowledge upon tariff matters as well as upon public questions generally, but I beg to assure him that I have given some attention to the questions involved in this treaty, and he has submitted nothing that has added to the information which I already possess.

I think the statement made a moment ago by the Senator from Nebraska [Mr. HITCHCOCK], that this treaty is an "outrage," appropriately describes it. China came to the Washington conference seeking justice and hoping to be freed from oppressive chains which had been fastened upon her by a number of nations. The pacific character of the Chinese people led them to submit to unjust exactions which were made by European and other powers and subjected them to indignities against which every self-respecting people should protest. No one can justify the actions of Great Britain, France, and other nations in their infringements upon the territorial integrity and sovereignty of China and in subjecting her to economic, if not, in a measure, to political bondage. Sitting at the peace table were nations protesting their sincere friendship for China and avowing their purpose to respect her territorial integrity and her political independence and to treat her as an independent and sovereign nation. This treaty is not in consonance with the solemn protestations made. It is an infringement upon the rights of China and is violative of her sovereign authority. It is not sufficient answer to say that wrongs have been perpetrated and chains have been forged and therefore they shall be continued with but one of the chains removed. And yet, as I understand the position of the Senator from Alabama, he defends this treaty because it relieves China to a slight extent from burdens which have been placed upon her by the United States and other nations. He recites what all Senators knew—the fact that various treaties were imposed upon China, most of them by European nations, which denied to her fiscal autonomy or the sovereign right to determine the tariff duties which she would lay upon imports.

No nation is sovereign, in all that that term implies, if it may not establish its own system of taxation and determine the manner in which it will treat imports. And it is no reply to this statement to say that the United States has at various times negotiated reciprocity treaties with various nations. It is the assertion of a sovereign power if a nation contracts with another nation for the exchange of commodities on a certain basis. Certainly the sovereign powers of the United States were not infringed when it authorized the President of the United States to admit free of duty, or with a reduction in the tariff rates, of certain commodities from other nations, conditioned upon such other nations permitting similar or other commodities produced in the United States to be introduced into their territory under similar conditions.

The only justification urged by the Senator for this treaty is that it is somewhat better than existing treaties. In the past, while China was helpless and was terrorized by powerful nations she yielded to their demands and permitted them to fix tariff rates. Not only that, but she was forced to submit to control, more or less effective, by representatives of a foreign nation. The treaties which created this situation were an infringement upon the sovereignty of China. They can not be defended in international law or upon those principles of comity which should govern the relation between free and independent States.

When I read in the press, during the course of the conference, that it was proposed to formulate a treaty which would fix tariff duties China would be permitted to lay and collect upon imports, I felt that the conference was not respecting the sovereignty of China and was proposing a plan which was in contravention of the settled policy of the United States. Accordingly, on the 16th of January of this year I offered in the Senate the resolution which has just been read to the Senate. I hoped that the resolution might have some effect upon the conference and deter the delegates from adopting a policy which would abridge the political independence or restrict the administrative or fiscal autonomy of China, or which would in any manner limit China's national authority with regard to the enactment of such laws or measures as she regarded necessary for her national welfare.

It seemed to me that the United States had an opportunity at the conference to exhibit in no uncertain manner its friendship for China and her people. It was known that China was torn with internal dissentions, and it was believed by many that those who represented her at the conference did not entirely represent the views of the Chinese people. Whether that be true or not, it was an opportunity for our Government to give renewed assurances of its profound interest in the welfare of the Chinese people.

In view of the altruistic professions toward China of the nations participating in the conference, every act, in so far as it affected China, should have been in consonance with such professions. In my opinion, the nations who had imposed unfair tariff measures upon China should have promptly proclaimed the abrogation of all treaties respecting the same. They should have announced to China her entire freedom to determine her own domestic affairs and to execute such national policies as she deemed for her best interest. All the treaties fixing tariff duties should have been denounced and the Chinese Government left to pursue such course as her people desired to be followed.

The Senator has referred to the high sense of honor which the Chinese people have and their respect for treaties. That very fact should have prompted our Nation, as well as the other nations at the conference, to have released China from all binding and oppressive treaties—treaties which interfered with her sovereignty and were against her honor and dignity. The Senator, as I understood his position, contended that a course of this character would have led to administrative chaos, or at least would have resulted in some immediate disadvantage to China. Doubtless the Peking Government was anxious to have some control, as she now has, of the administration of her tariff laws and regulations. It seems to me, however, that if the treaties now existing were abrogated, the Peking Government could have, by proper law or decree, perpetuated the present rates imposed upon imports and continued to utilize existing administrative machinery. However, conceding what the Sen-

ator says to be true, the treaty negotiated should have gone no further than to fix tariff rates for a limited period until China provided an administrative system and fixed such other tariff duties as met the national will.

Those representing China at the Washington conference, as everybody knows, were under more or less restraint. They did not feel that they could break with the past or ignore existing conditions and international obligations, no matter how those obligations were incurred.

The Senator doubtless possesses many sources of information as to the wishes of the Chinese people, but I venture to declare that this treaty will not meet with the approval of the great mass of the inhabitants of China. Senators are familiar with the attitude of the southern Provinces of China. Representatives of those Provinces have denounced this treaty and have felt that it was an infringement upon the sovereign rights of the Chinese Nation. I believe that there will be a growing feeling of resentment upon the part of the Chinese people toward this treaty and that it will not be long before it will be denounced by a responsible Chinese Government.

Mr. President, I have been desirous of supporting this treaty as well as all treaties formulated at the Washington conference, but I can not bring my conscience to support it. Conceding that it is an improvement over existing treaties, I believe that it is unwise for the United States to join with other nations in imposing upon China this treaty which has no limit as to time and which so clearly is an unwarranted interference with the independent powers and sovereign rights of the Chinese Government and of that international comity which should exist between free and independent States.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. It will be read.

The Assistant Secretary read the resolution of ratification, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive Q, Sixty-seventh Congress, second session, a treaty between the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to the Chinese customs tariff concluded at Washington February 6, 1922.

The VICE PRESIDENT. The roll will be called on agreeing to the resolution of ratification.

The reading clerk proceeded to call the roll.

Mr. LODGE (when Mr. BRANDEGEE's name was called). The Senator from Connecticut [Mr. BRANDEGEE] is necessarily absent. If present, he would vote "yea."

Mr. ELKINS (when his name was called). I have a general pair with the Senator from Mississippi [Mr. HARRISON]. I understand that if present he would vote as I am about to vote, and I am therefore at liberty to vote. I vote "yea."

Mr. ERNST (when his name was called). I am paired with the senior Senator from Kentucky [Mr. STANLEY], who is unavoidably absent. I am advised that he would vote as I am about to on this question, and therefore I feel at liberty to vote. I vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I am informed that on this question he would vote as I shall vote, and I therefore vote. I vote "yea."

Mr. DIAL (when Mr. SMITH's name was called). My colleague [Mr. SMITH] is detained on business of the Senate. If he were present he would vote "yea."

Mr. STERLING (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH]. If that Senator were present he would vote as I shall vote, and therefore I am at liberty to vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. He is absent, but I understand he would vote as I expect to vote on this measure, and therefore I am free to vote. I vote "yea."

Mr. NEW (when the name of Mr. WATSON of Indiana was called). I desire to announce that my colleague [Mr. WATSON of Indiana] is absent on account of illness. If he were present he would vote "yea."

Mr. WILLIAMS (when his name was called). Reiterating the statement made when I last voted, I vote "yea."

The roll call was concluded.

Mr. BALL. I desire to announce that my colleague [Mr. DU PONT] is absent on account of illness. If he were present he would vote "yea."

Mr. DILLINGHAM. I transfer the general pair which I have with the Senator from Virginia [Mr. GLASS] to the Senator from Pennsylvania [Mr. PEPPER] and vote "yea."

Mr. CARAWAY. I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]. I understand that if he were present he would vote as I am about to vote, and therefore I shall vote. I vote "yea."

I wish to announce that my colleague [Mr. ROBINSON] is absent on official business, and if present he would vote "yea."

Mr. BROUSSARD. My colleague [Mr. RANSDELL] is absent on official business. If present he would vote "yea."

Mr. UNDERWOOD. The senior Senator from Ohio [Mr. POMERENE] is unavoidably absent and asked me to announce for him that if he were present he would vote for this treaty.

Mr. SHEPPARD. The senior Senator from Texas [Mr. CULBERSON] is unavoidably absent. Were he present he would vote "yea."

Mr. CURTIS. I wish to announce that the Senator from Pennsylvania [Mr. CROW], the Senator from New Jersey [Mr. EDGE], the Senator from Minnesota [Mr. KELLOGG], the junior Senator from Pennsylvania [Mr. PEPPER], and the Senator from Michigan [Mr. NEWBERRY] are necessarily absent. If present, these Senators would all vote "yea."

I also wish to announce that the Senator from Oklahoma [Mr. HARRELD], the Senator from New Hampshire [Mr. KEYES], the Senator from North Dakota [Mr. LADD], the Senator from Illinois [Mr. MCKINLEY], the Senator from Nebraska [Mr. NORRIS], the Senator from Colorado [Mr. NICHOLSON], and the Senator from South Dakota [Mr. NORBECK] are absent on business of the Senate, and if present they would vote "yea."

Mr. GERRY. I wish to announce that the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. HARRISON], the Senator from Alabama [Mr. HEFLIN], the Senator from New Mexico [Mr. JONES], the Senator from Wyoming [Mr. KENDRICK], the Senator from Arizona [Mr. ASHURST], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Kentucky [Mr. STANLEY] are absent on business of the Senate. If present, these Senators would vote "yea."

The roll call resulted—yeas 58, nays 1, as follows:

YEAS—58.

Ball	France	Nelson	Sterling
Broussard	Frelinghuysen	New	Sutherland
Bursum	Gerry	Oddie	Swanson
Calder	Gooding	Overman	Townsend
Cameron	Hale	Owen	Trammell
Capper	Harris	Page	Underwood
Caraway	Johnson	Phipps	Wadsworth
Colt	Jones, Wash.	Pittman	Walsh, Mass.
Cummins	Lenroot	Poindexter	Walsh, Mont.
Curtis	Lodge	Rawson	Warren
Dial	McCormick	Sheppard	Weller
Dillingham	McCumber	Shortridge	Williams
Elkins	McNary	Simmons	Willis
Ernst	Moses	Smoot	
Fletcher	Myers	Spencer	

NAYS—1.

King

NOT VOTING—37.

Ashurst	Harrison	McKinley	Robinson
Borah	Heflin	McLean	Shields
Brandegee	Hitchcock	Newberry	Smith
Crow	Jones, N. Mex.	Nicholson	Stanfield
Culberson	Kellogg	Norbeck	Stanley
du Pont	Kendrick	Norris	Watson, Ga.
Edge	Keyes	Pepper	Watson, Ind.
Fernald	Ladd	Pomerene	
Glass	La Follette	Ransdell	
Harreld	McKellar	Reed	

The VICE PRESIDENT. On this question the yeas are 58, the nays 1. Two-thirds of the Senators present and voting having voted in the affirmative, the Senate advises and consents to the ratification of the treaty.

Mr. LODGE. Mr. President, I move that the Senate return to legislative session in order to dispose of the conference report on the Department of the Interior appropriation bill. When that is disposed of, it is my intention, if I am present, or it may be done by the Senator in charge of the conference report, to move to adjourn until Monday at 12 o'clock, after having a secret executive session.

The VICE PRESIDENT. The question is on the motion to return to legislative session.

The motion was agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I ask that the Senate shall resume the consideration of the Interior Department appropriation conference report.

There being no objection, the Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. PITTMAN. Mr. President, on yesterday I stated that I should refuse to give unanimous consent to the consideration of the report until I had an opportunity to examine it. Therefore it went over until to-day. I find on page 54 of the bill an item numbered 52. This was an amendment to the bill which was presented by the Senate committee. As I understand it, the amendment was introduced at the suggestion or request of the Department of the Interior. I have letters in my possession from the Interior Department approving the amendment.

The amendment was suggested by the Interior Department to enable that department to carry out a compromise of a dispute with regard to the Newlands project that had been threatening litigation for several years. It seems that in the Newlands irrigation project, as in many other projects in the West, the engineering department originally made a great many errors with regard to the amount of land in some cases that was irrigable under the project, and in other cases with regard to the amount of water that could be supplied to the land under the project.

In the Newlands project there were mistakes made. According to a letter by Mr. Newell, dated December 5, 1916, which I shall place in the RECORD later on, he estimated that the Newlands project could irrigate 375,000 acres of land.

Mr. McNARY. Mr. President, will the Senator yield for an inquiry?

Mr. PITTMAN. Certainly.

Mr. McNARY. There was so much disturbance in the Chamber at the time the Senator from Nevada started to speak that I did not hear what he said. Will he kindly give me the number of the amendment to which he is addressing himself?

Mr. PITTMAN. It is amendment No. 52, found on page 54 of the bill.

Later on, however, and about the time that water was about to be furnished under the project, the engineers determined that there was sufficient water to irrigate 187,000 acres, and on that basis they estimated the cost per acre for the construction of the project.

Under the reclamation act the total cost of construction is divided among the total acres of irrigable land within the project. Then the payments originally were divided over a period of 10 years, but since extended. In addition to the construction charges, there are charges known as operating charges and maintenance charges. These are charges for operating the project during the irrigation season and otherwise, and for maintaining the ditches, dams, and diversions. According to the plan of the irrigation department, under the law, those costs were to be divided among the total number of irrigable acres of land; in other words, the cost of operation and maintenance was to be divided among 187,000 acres of land. As a matter of fact, there have only been 70,000 acres of land made available for irrigation under the Newlands project.

What was the result? The result was that the amount which was fixed at the time homesteaders entered on this project of $2.20 an acre for construction charges and 40 cents an acre for operation and maintenance charges was not enough to pay for the operation and maintenance, because there were only 70,000 acres paying the charges instead of 187,000 acres.

Then what was done? A deficit was carried every year until that deficit reached the sum of $191,000. The department has been trying to make the homesteaders who took up the 70,000 acres of land pay this deficit, because there is no one else to pay, although the Government contracted with the entrymen on the 70,000 acres that they were only to pay their proportionate part of the cost of operation and maintenance on 187,000 acres of land.

Mr. STERLING. Will the Senator from Nevada again indicate to what item of the bill he is calling attention?

Mr. PITTMAN. Yes, sir. I am discussing amendment numbered 52, on page 54.

Along in 1906, when this project was just about finished and water was ready to be distributed, in accordance with the law, the Department of the Interior issued a circular fixing the charges for construction, operation, and maintenance at $2.60 an acre per year. Now they are insisting that the men who went there under that contract shall pay nearly twice as much, solely by reason of the fact that the departments themselves made mistakes.

The directors of the irrigation district have authorized their attorneys to institute injunction proceedings against the collection of any part of this deficit, amounting to $191,000, and the department is afraid the injunction will be granted. I wish to say that the question involved here does not affect only this one irrigation district, but similar conditions exist in practically every irrigation district in the United States. The settlement that has been reached between the Interior Department and the representatives of the irrigation district is now up for ratification by a vote of the district, and unless amendment numbered 52 is kept in the pending bill then the whole proposition may fall, because the provisions contained in the amendment were part of the compromise agreement between the Interior Department and the irrigation district.

Mr. McNARY. Will the Senator from Nevada yield for a question?

Mr. PITTMAN. I yield.

Mr. McNARY. Do I understand that the Senator from Nevada is in favor of the amendment which was added by the Senate to the bill as it came from the other House?

Mr. PITTMAN. Yes, sir.

Mr. McNARY. It has been agreed to, has it not, by the conferees on the bill?

Mr. PITTMAN. No. Unfortunately, the conferees on the part of the Senate have receded from their insistence upon the amendment, and that recession means the defeat of the compromise which has been reached between the Government and the district after a controversy which has existed for five years.

Let me tell the Senate why. I hold in my hand the preliminary proposal of settlement, which I will read. This is signed by Mr. Morris Bien, on behalf of the Reclamation Service. It reads:

PROPOSED ADJUSTMENT OF NEWLANDS PROJECT—OPERATION AND MAINTENANCE DEFICIT.

The operation and maintenance deficit since the passage of the reclamation extension act is about $55,000, and we see no legal basis for recommending any relief from payment of this sum and recommend the payment to be made in equal annual installments over a period of 10 years.

In regard to the operation and maintenance deficit prior to the extension act, amounting to about $135,000, we are willing to recommend that the same be charged against the entire area of the project, 187,000 acres, the district lands being charged with about one-third of $135,000, amounting to $45,000, the same to be payable by continued installments after the 20-year period until fully paid.

MORRIS BIEN.

That was the first proposal of settlement by the Government and was made during February last. That was not accepted by the representatives of the irrigation district, but it was the basis of the settlement which was reached. That settlement rejected the amount of $55,000 and accepted the amount of $45,000 out of the $135,000.

But that was not all of the settlement finally agreed upon. The district had just adopted resolutions providing for the drainage of the whole project. That drainage was to cost about $700,000.

In the middle of that project are 4,887 acres which are occupied by the Paiute Indians, being in the nature of a reservation under an Indian agent. There is no way by which the district can compel those Indian lands to pay their proportionate part of the cost of drainage. The Department of the Interior, however, recognized the fact that the drainage system was just as much of a benefit to the Indians as it was to the settlers on the project, and therefore the department proposed the amendment which I will in a moment read. Mind you, Mr. President, a part of the proposition was that the Indians should pay, or rather the Government should pay on their behalf, their proportionate share of the drainage cost, and unless the Indians shall pay their proportionate part of the drainage cost, amounting to $49,603.05, the whole settlement which it has taken five years to arrive at may fall through if this proposition fails, because it will throw a burden of $49,603.05 on the settlers which they should not be called upon to pay. I shall now read the amendment, which is as follows:

The Secretary of the Interior is authorized, by agreement or otherwise, to bring 4,887 acres of Paiute Indian lands in the State of Nevada within the provisions and benefits of a drainage district, organized pursuant to the laws of said State, for the purpose of draining the lands within the Newlands irrigation project; and there is hereby appropriated the sum of $2,500 for the purpose of paying the first installment assessable against said Indian lands: *Provided*, That the total amount of the charges assessed against said Indian lands shall not exceed $49,603.05, and shall be payable in 20 annual installments: *Provided further*, That the Indian lands so drained by said district shall not be amenable to any lien which is subject to foreclosure created by the laws of said State for failure to pay charges when due: *And provided further*, That the money herein appropriated shall be reimbursed in accordance with such rules and regulations as the Secretary of the Interior shall prescribe.

Mr. President, I now desire to read a letter with regard to this very amendment addressed to the Commissioner of Indian Affairs by Mr. Morris Bien, Acting Director of the United States Reclamation Service. The letter is dated December 3, 1920, and reads:

The COMMISSIONER OF INDIAN AFFAIRS.

MY DEAR MR. COMMISSIONER: There is inclosed copy of a resolution of the board of directors of the Truckee-Carson irrigation district, Newlands project, Nevada, relative to the amount of benefits they think

should be apportioned to the Indian lands adjacent to and outside the boundaries of the district.

As I understand the proposition, 4,077 acres of these lands have a water right and 840 acres of public domain were added by departmental order of November 21, 1917, of which 810 are irrigable, making a total of 4,887 acres irrigable area, and that all these lands are allotted to Paiute Indians. We feel—

This is the Acting Director of the Reclamation Service speaking—

We feel that the Indian lands should pay on the basis of benefits received, the same as lands within the irrigation district, and if you agree with this view, I suggest that you attempt to have an item included in the Indian appropriation bill for the next fiscal year sufficient to pay this charge based on an area of 4,887 acres at $10.15 per acre, which is believed to be a proper charge, and amounts to $49,603.05; and we believe that if an appropriation is asked it should be requested in lump sum instead of in partial payments extending over a period of 20 years. I suggest, therefore, an item in the Indian appropriation bill in the following or in similar language:

"For cooperation by the United States Reclamation Service in providing a drainage system for certain lands allotted to Paiute Indians within the Newlands reclamation project, Nevada, the sum of $49,603.05, to be transferred to the reclamation fund."

Very truly yours,

MORRIS BIEN, *Acting Director.*

Mr. McNARY. Mr. President, if the Senator will yield I should like to inquire what is the date of that letter?

Mr. PITTMAN. The letter was addressed to the Commissioner of Indian Affairs by the Assistant Director of the Reclamation Service on December 3, 1920. That was the view of the Reclamation Service at the time this question arose. I have commenced at the beginning. At that time there were bills pending having to do with the question, and since that time it has been a matter of constant consideration by the Department of the Interior, which in February, when this whole matter of the Newlands project came up for settlement, took into consideration this very item. I now read a letter from the Acting Secretary of the Interior. It is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 9, 1922.

Hon. H. P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: Further reference is made to your letter of February 3, 1922, inclosing for report a copy of H. R. 10211, providing for the inclusion of certain Paiute Indian lands in a drainage district in Nevada and for the payment of the proportionate cost of draining such land.

A recent report has been received from the field based on an investigation made by the assistant engineer of the Indian irrigation service which shows that practically all lands of the Newlands irrigation project, except the Indian lands, are included in a drainage district created under the State laws of Nevada, for the purpose of draining the lands under the Newlands project. The Paiute Indian lands, for which water rights have been acquired under this project, consist of approximately 4,047 acres. Of this area approximately 1,200 acres are now waterlogged and are unfit for cultivation, which condition indicates the necessity of drainage for these lands. The drainage district has not included the Indian lands in the project because of the fact that it would require specific action from Congress authorizing their inclusion.

It is my understanding that the proposed drainage project is estimated to cost $700,000. Dividing the acreage, including the Indian lands, into this cost will place the per acre assessment at $10.15.

The records show that the charge for acquiring water rights for the Paiute Indian lands was $97,848, and that $47,293.20 has been expended on account of maintenance and operation. The construction cost on a per acre basis is about $20 and the annual operation and maintenance assessment for a 10-year period about $1 per acre. Both these charges, as compared with similar charges on other projects, are quite reasonable. In view of these facts, the Indian lands can readily stand an additional charge of $10.15 per acre for drainage purposes.

In view of this situation and of the fact that the Indian lands will of necessity have to be drained, the only reasonable deduction is that provision should be made to include them within the State drainage district and make provision for the payment of their proportionate part of the expense entailed.

The bill as introduced provides for the drainage of 4,887 acres. This area is in excess of the actual amount for which water rights have been acquired. The irrigable area of Indian lands, as above set forth, is 4,047 acres. This reduction of the area naturally reduces the total proportionate share of the cost of the drainage. The total amount for this work appearing in line 5 should be, therefore, changed to $41,077.05, and the annual installment should be reduced to $2,100 instead of $2,500 as appears in line 6. The area appearing at the end of line 8 should also be changed to 4,047 acres instead of 4,887. With these changes I shall be pleased to see the bill enacted into law, providing it meets with the approval of your committee and the Congress.

Sincerely,

E. C. FINNEY, *Acting Secretary.*

As I have said before, this dispute between the homesteaders in this district and the Government has been going on for several years. I have stated the cause of it. To go further in the matter, I am going to ask leave to place in the RECORD the resolutions passed by the board of directors of the irrigation district touching this matter, as they explain it further.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The president [of irrigation district] then stated that there were 5,480 acres of land allotted to Indians, lying a short distance outside of the boundaries of the district and that a great portion of said land would receive a material benefit from the construction of the proposed drainage system, pursuant to the proposed contract with the United States Government, and that it would be advisable for the board to advise the Secretary of the Interior of the amount of benefits that said Indian land would receive from the construction of the proposed general drainage system.

After a discussion of the amount of benefits that the Indian land would receive from the construction of the drainage system, it was moved by Mr. Vencill and seconded by Mr. Holmes that the following resolution be adopted and a copy forwarded to the Secretary of the Interior:

"That whereas all of the following described lands: All of sections 9, 10, 15, 16, 17, 20, 21, and 22, and the SE. ¼ of section 8, and the SE. ¼ of section 3, and the NW. ¼ NW. ¼ of section 23, all in township 19 N. range 30 E., containing 5,480 acres of land, are situate in close proximity to the boundaries of this irrigation district, and that all of said lands will receive a direct and an indirect benefit from the construction of a general drainage system as voted upon by the electors of this district at a special election held in the district on April 6, 1920, pursuant to the proposed contract for such construction by the United States Government; and

"Whereas the board of directors of this district have examined the above-described lands for the purpose of determining what benefits said lands will receive from the construction of such drainage system and for the purpose of advising the Department of the Interior, in order that the necessary steps may be taken to secure an appropriation for the payment of the proportion of benefits that will accrue to said lands upon the proposed contract for the construction of a general drainage system by the United States Government: Now, therefore, be it

"*Resolved*, That it is the opinion and judgment of this board of directors that the said lands will be benefited at the rate of $9.05 per acre, and that the total benefits that should be apportioned to said lands in the judgment of this board is the sum of $49,594; and be it further

"*Resolved*, That a copy of this resolution be forwarded to the Secretary of the Interior at Washington, D. C., in order that he may take such steps as are advisable to secure the payment of the sum of $49,594 to the United States Government in the same manner and at the times as provided in that certain proposed contract to be entered into with the United States Government for the construction of a general drainage system in this district."

The resolution was carried by a unanimous vote.

Mr. PITTMAN. The situation is simply this: The Department of the Interior recognized the fact that they had no right to charge this deficit of $182,000 to the homesteaders on about one-third of the land in the project. They recognized that; and in the proposal I have just read, which was made in February, they agreed to charge only one-third of that, or approximately one-third, to the district, collecting the other two-thirds from new entrymen on the project as they come on later, in the form of a construction charge. As to the $55,000 of deferred maintenance and operation charges, they first sought to charge them the whole $55,000, but they have now reduced that down to about $30,000; but in addition to that they agreed at that time that the department would undertake, mind you, to get authority from Congress to pay this $49,603.05 on behalf of the Indians to the irrigation district for this drainage of the Indian lands.

Unless this amendment becomes law there is no authority to make this payment on behalf of the Indian lands; and if the payment is not made on behalf of the Indian lands, then it must be charged to the settlers on the 70,000 acres of land, and that was not the agreement. The whole proposition falls. The Department of the Interior is just as anxious to get this question settled as are the entrymen on that land. There has been a threat of litigation for several years.

Mr. WARREN. Mr. President, of course I do not want to take the Senator's time——

Mr. PITTMAN. That is all right; I am trying to be clear on the matter.

Mr. WARREN. The Senator is very clear about it, and the conferees have done the best they could; but these are the circumstances:

In the first place, the matter was not submitted, I think, by the Indian Affairs Bureau. It was not estimated for. As I remember it, on the floor the chairman of the Committee on Appropriations consented to let it go in and go to conference, hoping that it might be taken care of. The committee has done its very best to care for it; but, as the Senator knows, it is legislation, and it is appropriating for something that has not yet been legislated for. The consequence is that we could not maintain it when it came to the final pull. I shall be glad to cooperate with the Senator in any way that will bring about what he wants, but probably it will have to be done in some separate legislation under the rules of both House and Senate. We can not take care of it in the present measure. It has already been agreed upon in conference, and the Senate was compelled to recede.

Mr. PITTMAN. Mr. President, I have just read the preliminary proposition; and I will have here by Monday the proof that this item was included in the settlement, and that it has met with the approval of the Department of the Interior and the Reclamation Service.

Mr. WARREN. If the Senator is basing his ideas of appropriation on anything that the Interior Department or the Reclamation Service may ask for, I will say that if that were the criterion we would appropriate a great deal more than we do. I am very glad to have their approval of these matters, and I

was very glad to undertake to do what I could with this matter; but I think it is entirely idle to attempt now to force it through on an appropriation bill, certainly on the measure that is now before us.

Mr. PITTMAN. Mr. President, it is true that this is an appropriation bill, and usually these matters have come before the Indian Affairs Committee, where they used to make these appropriations; but the new system we have now, which has practically destroyed all except one appropriations committee, is so confusing, so obstructive of any intelligent consideration of a proposition by anybody except the Committee on Appropriations, that it is very difficult to tell what is going on until the matter is thrown right here on the floor of the Senate. The poor old Indian Affairs Committee is just as dead as all the rest of these committees are. I do not even know exactly where the room is that they occupy.

Mr. WARREN. I may say to the Senator that the present chairman of the Indian Affairs Committee and the ex-chairman of the Indian Affairs Committee and others had this bill under consideration and acted upon it, so that what the Senator wishes to throw on the change in the Appropriations Committee falls to the ground.

Mr. PITTMAN. Perhaps it does. I have already apologized for my criticism by saying that I can not understand it yet, but I believe my criticism is fair.

Mr. WALSH of Montana. Mr. President, if the Senator will pardon an interruption——

Mr. PITTMAN. Yes.

Mr. WALSH of Montana. While the chairman of the Committee on Indian Affairs is diligent in the performance of his duties, it may be remarked that there is not an Indian to be taken care of in his State, and the same condition exists in the House. The chairman of the House Committee on Indian Affairs is Mr. SNYDER, of the State of New York. There are some Mohawks up there, I believe.

The chairman of the Indian Affairs Committee of the Senate is from the State of Missouri, and has no Indians at all in his State. So I am not sure that the Senator from Nevada ought to object to taking the consideration of that matter away from the Indian Affairs Committee and giving it to the care of the Senator from Wyoming, who has some immediate concern in the future of the Indians.

Mr. WARREN. I may say to the Senator from Montana that the ex-chairman of the Senate Indian Affairs Committee, who was one of the members of this conference committee, and who has sat not only through the consideration of the bill but in conference, is the Senator from Kansas [Mr. CURTIS]; and there is probably no man living, outside of those living entirely with the Indians, who knows more about Indian bills that have been taken care of heretofore in the Senate than does the Senator from Kansas.

Mr. OVERMAN. And, Mr. President, Mr. CARTER, a Member of the House, who was on this conference committee, was chairman of the Indian Affairs Committee over there, as I understand.

Mr. WARREN. Mr. CARTER is another member of the conference committee. Men could hardly be selected to serve on a conference committee who knew more about it than those that were selected.

Mr. WALSH of Montana. I desire to subscribe to everything the Senator has said in commendation of the ability and the sympathy of the Senator from Kansas [Mr. CURTIS] with all Indian problems. I was referring to the fact that we must trust now to the representative of the Indian Affairs Committee upon the general Committee on Appropriations, the chairman of the Indian Affairs Committee, who has not any Indians in his State at all.

Mr. PITTMAN. I have no doubt that the Senator from Kansas would support every proposition of benefit to the Indians, as he always has; and if this matter had been brought before the Indian Affairs Committee and there discussed, and he had become familiar with it, I have no doubt that he would have supported it more actively in conference. When, however, we used to do business for Indians through the Indian Affairs Committee, instead of through men from New York and Missouri, there were quite a number of men on the Indian Affairs Committee who were from States where they have Indians. In fact, I think two-thirds of the members of the Indian Affairs Committee were from States where they look after Indians. I do not know exactly how many members of the Appropriations Committee are from States where they look after Indians, but I venture to say that not one-fifth of them are from States that have any material work to do with Indians.

This amendment was put in the bill in the committee, and, not being a member of the Appropriations Committee, I do not know exactly who put it in the bill. I do not know whether the Senator from Kansas [Mr. CURTIS] put it in or not, but it was in the bill when it came to the Senate, and it takes care of the agreement made by the Department of the Interior with this irrigation district. I assume that an amendment of that kind was not put in the bill unless it was considered by the committee that put it in. The amendment was unanimously adopted by the Senate.

Mr. ODDIE. Mr. President——

Mr. PITTMAN. I yield to my colleague.

Mr. ODDIE. I wish to say that I offered this amendment on the floor of the Senate on January 11. It was included in this bill as it passed the Senate. I am in complete accord with the views expressed by my colleague on this matter, and I hope the Senate will insist on this amendment.

Mr. PITTMAN. Of course the Senator from Wyoming does not desire his bill held up on this matter. That is perfectly natural. I know well enough that if the Senate Committee on Appropriations had been the only committee that had to do with this matter this amendment would have stayed there, because they put it there; but when our Senate Committee on Appropriations, which has a few western men on it, has to go over and agree with an Appropriation Committee of the House, consisting of 33 members, only 2 of whom are from arid land States, and then we have to recede because it is a matter that affects only one little section of one State, we are dropping into a policy that eventually is going to affect practically all of these reclamation projects and Indian lands out in the West. It is going further than that. When we get the agricultural appropriation bill before conferees consisting of members of the Appropriations Committee of the House, we are going to find the same arbitrary disposition manifested on the part of the conferees there. They will not care for any little appropriation attempting to protect cotton from the boll weevil in the South, because four-fifths of the members of the Appropriations Committee of the House do not know anything about that subject. They will not care anything about protecting against hog cholera, because they do not have much hog cholera in New York City. They will not be at all interested in the destruction of predatory animals throughout the West, or the destruction of coyotes that are running rabid through the State of Washington now by the thousands. That is away out in the State of Washington. It is too far away for consideration by conferees who live in the State of New York and the other Eastern States. That is what we are drifting to, and we might as well recognize it. We should repeal the new rule that turns over all appropriations to one committee.

I know that the Senator from Wyoming is doing the best he can, and it is our duty to help him. I do not see any way in which we are ever going to help him in this matter except by standing by the amendments of the Senate and letting him go back over there and say: "Now, here, if we are going to have legislation you will have to be a little more reasonable in the matter, and you can not expect us to recede from everything that is done over there." We might just as well have an issue in regard to it now as later. If this body is to be informed, every time we have to recede, that it is by reason of the arbitrary rules of the House, it seems to me it is time for us to say that such rules of the House will have to be amended or we must stop trying to do business with them.

We have heard, time and time again, that the reason our conferees have such great difficulty in agreeing with the conferees of the House is that under their rules the conferees can not agree.

This amendment is not a small matter. It is a matter of great importance. There is no doubt about that. It is a matter which affects one of the greatest irrigation districts in this country, which was one of the first established. It is named after the late Senator Newlands, who was the real father of the irrigation law, the man who fought for it for 10 years in the House of Representatives, who fought for it under the most bitter criticism, and frequently under bitter ridicule. The men who have gone on that project have been mistreated from the very day they entered, and the Government now recognizes that fact. The Reclamation Service has been attempting for several years to force these men to pay $182,000, which they now admit they do not owe. The service proposes to accept about half that amount.

A written proposition from the Secretary of the Interior has gone to the directors of that irrigation district, agreeing to accept half of that amount, and agreeing also to have the Indians of that district pay their proportionate part of the cost

of the drainage of that district, and this amendment was put in for the purpose of enabling them to carry out this settlement they have had with that district. The proposition is about to be submitted to a vote of the district in accordance with the laws of the State of Nevada, and then, after all that trouble is gone to, after this litigation has lasted several years, after the people in that district have prepared to call their election, for the Congress of the United States to refuse to make an initial appropriation of $2,500 to allow them to carry out their agreement with the entrymen of that district is too unreasonable to require much further argument.

The whole thing about the matter is simply this, the conferees on behalf of the House know nothing on earth about irrigation or about Indians, and they do not care anything about them. They have simply dismissed it from their minds by saying, "We will not agree to it. It is an amendment from the Senate."

Mr. WARREN. May I interrupt the Senator to say that I think the RECORD will show that this amendment was offered on the floor by the Senator's colleague [Mr. ODDIE], although, of course, I may be mistaken. I think it will show that I stated at the time that it was legislation, but that it could go in by unanimous consent, and we would try to protect it. If I erred at all, I erred in letting it go in, because I knew it was legislation; but I erred because of my wish to do what the Senator wants—to have this legislation passed. We have faithfully performed our duty, and we have been compelled to recede. It seems to me that the better plan for the Senator is to pursue the course which has already been started, with a special bill. We can make the appropriation, even in a deficiency bill, if we can get it through in season, and thus accomplish what the Senator wants.

Mr. PITTMAN. Mr. President, my colleague [Mr. ODDIE] offered his bill before this bill came out of the committee. The committee had my colleague's bill before it at the time they considered this appropriation bill.

Mr. WARREN. It was against the rule to put it in.

Mr. PITTMAN. This amendment is not in the exact words of my colleague's bill. The committee must have considered it, because it is not in the exact words of that bill. The amendment was not put in on the floor of the Senate. It was put in by the committee and was passed by the Senate without comment. It is not subject to objection.

Mr. WARREN. I have said to the Senator that it was offered on the floor and accepted without any consideration whatever by any member of the committee, except that the chairman was willing to let it go in for further consideration. This is my remembrance of it. However, the action was taken a long time ago.

Mr. PITTMAN. I do not know what the RECORD shows about it, one way or the other, but I do know that the amendment was the one authorized by the Department of the Interior, and I know that it is the one which is embraced in their agreement, an agreement signed by the Secretary of the Interior with the irrigation district under the Newlands project, and I know that if that amendment is not retained in this bill, the whole understanding will fall, and litigation will proceed in that district. I will examine and read the RECORD to the Senate in a few minutes.

I think that if this matter were presented to the House conferees, as it may be presented, the House conferees would realize that they were doing an injustice, not alone to the homesteaders out on that project, but that they were doing an injustice to the Department of the Interior; that they were forcing both those homesteaders and the Government itself into litigation which they have both been trying their best to avoid. In other words, unless this amendment is adopted, this agreement will fall, and if that agreement falls, the Department of the Interior, under the existing law, will attempt to collect from those on the 70,000 acres this entire amount. They have started collecting it, and attorneys for the irrigation district have been authorized to start suits for injunction. Everyone has been trying his best to arrive at an agreement which would prevent that litigation, and after months and months of action on the matter, in which agents have come on here representing the directors of this district, in which the representatives of the State have participated for weeks in trying to bring this settlement about we brought it about. Now, when the authorization of law has been passed by the United States Senate, the Senate conferees are willing to let it go like this, without any further effort with the conferees of the House.

I do not believe that the conferees of the House really understand the necessity which caused the introduction of that amendment. If they did, I do not think they would hesitate a moment to agree to it, and I think they ought to have a chance to understand it and work on it.

I ask leave, Mr. President, to place in the RECORD two or three letters from the irrigation district and from the department bearing on this subject. I will not try to get them out of the file at the present time, but there are two or three of them I want to put in the RECORD.

There being no objection, the letters referred to were ordered to be printed in the RECORD.

Mr. PITTMAN. Mr. President, I desire to correct the chairman of the Committee on Appropriations in connection with an error into which he fell.

Mr. WARREN. Mr. President, before the Senator proceeds, if he will allow me to interrupt him, he is privileged, of course, to make the correction, but I should have made it myself had he not intended doing so. The amendment of which he has spoken, I find, was put on the bill by the subcommittee and not on the floor of the Senate.

Mr. PITTMAN. That is, the amendment which I have been discussing was put on the bill in the committee?

Mr. WARREN. Yes. I have refreshed my memory. The truth is that the Senator, though not intentionally, has helped my memory to become somewhat confused by delaying the conference report for several days. I thought I was stating the fact in reference to the amendment, but I now wish to make the correction.

Mr. PITTMAN. I am not surprised that the Senator is confused, as all of us are, in view of the rather unusual character of the proceedings of late; but I did not remember the amendment being offered on the floor, and in looking the matter up I find that it was adopted as one of the committee amendments and not as one offered on the floor.

Mr. President, I will be compelled to oppose the adoption of this partial conference report, for the reasons I have stated. Under the rules the amendment can not be acted upon separately. Therefore, the report should be sent back to the conference committee. I think we are entitled to support in this matter from every Western Senator.

APPENDIX.

CHARGES ON TRUCKEE-CARSON PROJECT.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., December 5, 1906.

Mr. L. H. TAYLOR,
Salt Lake City.

DEAR SIR: My letter of December 3 in reply to yours of November 18 concerning the charges on the Truckee-Carson project referred to your statement that the $26 fixed as the cost of the project per acre included maintenance.

On July 16, 1904, in a report signed by A. P. Davis, Geo. Y. Wisner, W. H. Sanders, J. H. Quinton, and yourself, the statement was made that "the irrigation of 375,000 acres under the project, including maintenance for 10 years, is estimated at $9,375,000, or $25 per acre."

In our letter of July 27, 1904, asking the Secretary of the Interior to issue a public notice as to the charges, I increased the total cost to $26 per acre and refrained from referring to the question of maintenance as it did not seem advisable to commit ourselves upon this point, upon the estimates made in advance of the completion in any important part of the work.

The report of the board estimated the cost of the work at $8,000,000 and the operation and maintenance for 10 years at $1,375,000. The accuracy of the estimate of cost made at that time can not now be fully verified as to the work already completed with the data at hand in this office.

I suggest that at your earliest convenience you consider this matter and make report also on recommending a definite cost in two items, namely, building charge and operation and maintenance charge, for use in connection with the notice to be issued this winter as to water-right applications for the lands to which water can be furnished next spring.

It is desired that these figures be such as to secure the return to the reclamation fund of the amount expended, due consideration being given to the probable cost of the remainder of the work necessary for the complete project.

Very truly, yours, (Signed) F. H. NEWELL,
Chief Engineer.

FARM UNITS AND IRRIGABLE AREAS.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., March 5, 1907.

Mr. L. H. TAYLOR,
Fallon, Nev.

DEAR SIR: In view of the near approach of the opening of the irrigating season and the possible delay in obtaining formal announcement required by the reclamation act in regard to farm units and irrigable areas, you are instructed to give general notice that you will be ready to furnish water at the beginning of the irrigation season for all lands on the farm unit plats now submitted, limited by beneficial use, and not exceeding the amount to be fixed in the water-right application of acre-feet per acre per annum.

The first installment of the charges for building the works ($2.20) per acre will be due and payable at the local land office December 1, 1907,

for all lands shown on these farm unit plats for both private land and land subject to the provisions of the reclamation act, whether or not water is used thereon. Water should be furnished to all such lands if desired by the entrymen or owners at the opening of the irrigation season; but after 30 days from the issuance of public notice by the Secretary of the Interior, no water will be furnished to any land unless the owner or entryman has filed in the local land office an application for a water right.

The operation and maintenance charges will be fixed as soon after the end of the irrigation season as practicable, and due notice of the charges and date of payment will be given. A minimum charge of 40 cents per acre per annum for operation and maintenance charges will be payable for all lands shown on the farm unit plats whether water be used thereon or not.

You will give this notice as great publicity as possible, and it is desired that you send individual notices to this effect to all entrymen and owners of lands to be irrigated and shown on the farm unit plats to be now subject to water-right applications.

Very truly yours,

A. P. DAVIS,
Acting Chief Engineer.

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JANUARY 11, 1922.

Hon. E. C. FINNEY,
First Assistant Secretary,
Department of the Interior, Washington, D. C.

DEAR SIR: We are in receipt of yours of December 24 and have delayed replying thereto until such time as the board of directors of the Truckee-Carson irrigation district could meet and take up the matters contained in your communication.

The board of directors held an adjourned regular meeting on Monday, the 9th instant, and after a lengthy discussion of the matters contained in your letter have by resolution authorized us, as the district's attorneys, to take such steps as we deem advisable to prevent the United States Reclamation Service from crediting the sum of approximately $15,600 to the operation and maintenance deficit that accrued between the years 1906 and 1917, both inclusive, instead of crediting such sum to the operation and maintenance cost that will be incurred during the irrigation season of 1922. This sum of approximately $15,600 is the difference between the 1921 collections and accruals, which amount to approxmately the sum of $122,700, and the actual cost of operation and maintenance of the system of works in the season of 1921, amounting to the approxmate sum of $107,100.

Please do not construe the action of the board of directors of the district in authorizing us to take such steps as we deem advisable to prevent arbitrary action by the United States Reclamation Service in crediting the said sum to the operation and maintenance deficit that accrued prior to the year 1917, notwithstanding the plain and, we think, positive provisions of section 5 of the extension act, which in part provides:

"If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on any project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge on the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season"—

as being a determination to disregard any opportunity to amicably adjust the matter, but merely to insure the holding of the excess collections and accruals of the season 1921 in abeyance until the water users and the board of directors are convinced that the Reclamation Service will not enter into an equitable adjustment of the collections of the operation and maintenance deficit.

It is not the desire nor sentiment of the board of directors or of the water users of the Truckee-Carson irrigation district to avoid or quibble over the payment of any liability that they have incurred through the United States Reclamation Service and which they have received the benefits of. The sentiment of the board of directors is, however, that the operation and maintenance deficit was incurred for the benefit of not only some 5,000 acres of Government Indian lands now in the project, but also for the benefit of hundreds or thousands of other prospective and contemplated settlers in the Newlands reclamation project and if, as we are informed, the total cultivated area is now approximately 70,000 acres in the district as against a contemplated 206,000 acres to be brought into the project, an attempt to place the collection of the entire sum upon the holders of the 70,000 acres in the irrigation district and excluding the Indian lands and public lands to be hereafter settled seems unreasonable and unjust.

Referring to that portion of your said letter wherein you state that you will be pleased to hear from us with an expression of the views of the Truckee-Carson irrigation district and ourselves as to the possibility of making a satisfactory agreement embodying—

(1) The payment of the entire operation and maintenance deficit at the end of the 20 years by the district;

(2) The question of the return of the money to be expended for tunnel repairs on the Truckee Canal;

(3) The payment by the landowners of the Truckee-Carson irrigation district of an equitable share of the cost of construction of the Spanish Springs Reservoir, should it be found possible to construct the same;

(4) The assumption by the district of operation and maintenance and construction payments in order to remove the present liens upon the lands and to enable farm loans to be secured; and

(5) An adjustment of the cost of Fernley drainage along the lines recommended by the Fortier and Bixby report on the Newlands project of August, 1921.

We have to say that—

(1) The board of directors of the Truckee-Carson irrigation district does not feel that the operation and maintenance deficit should be paid by the Truckee-Carson irrigation district or the water users included therein, but believe that the same should be repaid to the reclamation fund through the collection of the same as a construction charge placed against lands contemplated to be settled upon in the Newlands reclamation project when ample storage facilities have been acquired to replace the original storage contemplated in Lake Tahoe. Or if such proposition does not meet with the approval of your department the board of directors and the water users of the district will be very glad to hear from you relative to the spreading of the operation and maintenance proportionately over all of the entered and unentered lands of the Newlands reclamation project as it will exist 20 years from now, the time that you suggest that the payment of the operation and maintenance deficit commence.

(2) and (3) Referring to the embodying in the agreement the return of cost of repairs on the tunnel on deferred payments, we understand that the character of work to be done has not as yet been decided upon and until such information is available, together with the estimated cost of the work and whether or not it constitutes repairs or construction, it seems premature to discuss the same, and we think that the same situation exists relative to the return of any portion of the cost of construction of the Spanish Springs reservoir.

(4) As to the assumption by the irrigation district of the operation and maintenance and construction payments, we refer you to our letter dated September 27, 1920, to Mr. John F. Richardson, project manager, and the letter of Director A. P. Davis, dated November 2, 1920, addressed to us in reply thereto, wherein Mr. Davis stated that it would be better for the district to wait a few years until the reclamation service had had a chance to settle, if possible, the storage situation, construct at least a part of the much needed drainage channels, and secure settlement of a larger part of the lands than are now under cultivation. It is our understanding that the board of directors and the water users of the district are still desirous of taking over the operation of the operation and maintenance and would be glad to hear from you relative to the present attitude of the United States Reclamation Service in that respect, and also as to taking over the collection of the construction cost, so that the matter can be discussed and put to a vote of the landowners of the district.

(5) As to an adjustment of the cost of Fernley drainage along the lines recommended by the Fortier and Bixby report, we do not have a copy of the report at hand. This matter seems to be one which should be adjusted between the local water users and we are not in a position to advise you at this writing of the desires of the board relative thereto, as we believe the matter has not been called to our attention and has not, we believe, been discussed. Such an adjustment would, of course, be subject to the will of the voters of the district.

We heartily indorse and adopt, and believe that the board of directors of the Truckee-Carson irrigation district and the water users would likewise indorse and adopt your statement that the ensuing five years will be very critical ones in the project's history, and that it is important that all cooperate intensely and harmoniously in order to fully realize the plans which both the district and the United States desire to accomplish for the advancement of the Newlands project, and believe that the first step in securing such cooperation and harmony is a fair and just settlement of issues that seem to have reached a crisis. The work of the United States Government in making it possible to reclaim, settle, and cultivate the vast areas of land in the Newlands reclamation project is fully realized and appreciated, we believe, by each and every individual living in the Newlands reclamation project, and hence it is the earnest desire of the board of directors, as representatives of all of these settlers, homesteaders, and landowners, to reach an amicable adjustment of the operation and maintenance deficit and other problems that now and will hereafter arise, and to this end we earnestly urge that you authorize and direct that the excess accruals of the year 1921, aggregating approximately the sum of $15,600, be held in abeyance for a period of 90 days in order that full consideration may be given by the Secretary of the Interior to the equities of the request of an adjustment along the lines contained in this letter or in our letter addressed to Mr. John F. Richardson, project manager at Fallon, under date of November 16, 1921, and arrangements be made for a thorough discussion of all of the phases of the situation with the Nevada Senators and Congressman in Washington, D. C., and such others as may be desired.

As hereinbefore stated, the homesteaders, settlers, and landowners of the irrigation district do not desire to have this matter litigated for numerous reasons which affect both the district and the United States Reclamation Service, and we assure you that such litigation will only be resorted to when the prospects of an amicable adjustment of the operation and maintenance deficit is beyond possibility.

We call your attention to a letter addressed to us under date October 25, 1920, from Director A. P. Davis, wherein it is stated:

"You are advised that the Reclamation Service is not at present attempting to collect from the Truckee-Carson irrigation district any deficit in the operation and maintenance account which arose prior to the passage of the extension act of August 13, 1914 (38 Stat. 686), and that any future arrangement made for that purpose will be preceded by appropriate notice to the district so that it may have full opportunity to take such action in the matter as it may consider advisable."

And ask if you will go a step farther and give us assurance by wire that a disposition of the excess accruals over actual cost of operation and maintenance for 1921 will be held in complete abeyance for a period of 90 days in order that an adjustment may be made to the satisfaction of the United States Government and to the landowners and settlers in the Truckee-Carson irrigation district, and that the reclamation fund may be repaid through such adjustment as provided by law.

We are forwarding a copy of this letter to the project manager at Fallon, Nev., for his information, and likewise a copy to the Senators and Representatives in Congress of this State in Washington.

Respectfully,

COOKE, FRENCH & STODDARD.
By ROY W. STODDARD.

Mr. WARREN. I move the adoption of the conference report.

Mr. McNARY. If the Senator will yield for just one question, I want to submit a matter to him. The bill as it passed the Senate appropriated, on page 93, $100,000 for the continued investigation of the feasibility of water storage on the lower Colorado River for irrigation, and other purposes, and related problems. The Senate receded from that amendment and accepted an amendment of the House in the following language:

For the continued investigation of the feasibility of irrigation, water storage, and related problems on the Colorado River and investigation of water sources of said river, $100,000.

There is an addition to the language as found in the bill as passed by the Senate. It goes beyond the idea of discovering, if possible, sources of storage for irrigation, and goes into the investigation of the water sources of the river. I wondered why the amendment was changed to include that language.

Mr. WARREN. Those who considered that the matter was larger than the "lower Colorado" struck out the word "lower" and added the words which the Senator has repeated, so that the whole subject of the sources and storage of the water of the Colorado would be considered.

Mr. WALSH of Montana. Mr. President, I am constrained to oppose the adoption of this partial report of the conference committee, and I may say in this connection that I do not see any very good reason for acceding to the partial report. We make no progress on the matter at all.

Mr. WARREN. The Senator is mistaken about that. As I have tried to explain to him and others, the House rule requires that anything that is considered obnoxious to it, even though put on in the Senate, has to go back to the House for indorsement. We had agreed upon perhaps twenty-odd items which are required to go back to the House for acceptance, and those, of course, can be reported to the House and adopted, and it will bring it down to the matters actually in disagreement. There is progress being made, and it is the usual way. It has always been the practice ever since I have been in the Senate that where there can not be a full agreement on appropriation bills and where we are trying on the part of the Senate to maintain those things which we have put in, this action is required. If we could immediately concede everything the House asked for, we could get a full report at once and not have a partial report.

Mr. POINDEXTER. May I ask a question of the Senator from Wyoming?

Mr. WALSH of Montana. I yield to the Senator.

Mr. POINDEXTER. Is it not true that by the process which the Senator from Wyoming has just described, where the Senate puts in what may be called legislation, or what the House might interpret to be legislation, but which the Senate, for reasons sufficient to itself, adopts as a part of the bill, and it goes back to the House, the result of the procedure which the Senator describes is to deny the Senate a conference upon those matters?

Mr. WARREN. Not exactly as the Senator puts it. It would if it were abused. I have objected to that system, and I object to it now, and I expect we shall get some change; but it will require action on the part of both Houses perhaps to get a change. The proposition is this: That when my colleagues and I go into conference with a bill we simply say, "Is this to be a full and free conference?" The House conferees say, "Yes; except that we may have to go back and get the approval of the House as to some items, but we will move en bloc for these recessions, and they will be made." That has been the practice so far, as far as the Committee on Appropriations is concerned. There is always a chance of some one item or two being held up, but aside from that, never since the change in the House rules has there been anything further on the part of the Committee on Appropriations than one or two amendments.

Mr. POINDEXTER. To put it in a different form, the position of the House conferees is that under the House rules they have no authority to agree to these matters at all in conference. They have to take them back and get the immediate, direct action of the House. It seems to me that is a complete denial of the principle of a conference.

Mr. WARREN. In a way, yes; but there have been tentative agreements, and we have thought it better for the present, until matters get straightened out on the other side, to go on in that form, and so far we have been very successful in getting agreements.

Mr. POINDEXTER. As I understand the Senator, he expects that some different system will have to be worked out?

Mr. WARREN. I think so.

Mr. WALSH of Montana. Of course, I can understand perfectly well that if this could be cut up into three or four different subjects, reducing the number of oppositions each time, it would be much more easily possible to get an eventual agreement. That is the only advantage I can see in dividing a thing up and considering it piecemeal.

Of course, opposition to reports of this kind always comes from somebody who is dissatisfied with the action with respect to some particular item. My dissatisfaction arises particularly with reference to the item of the bill for the continuance of the work of construction of what is known as the transmountain road in the Glacier National Park. Notwithstanding the fact that for years an effort was made to secure recognition for this most desirable highway, which will be the most scenic highway in America when completed, if not in the world, it was put off until finally, after repeated recommendations from the Park Service, an appropriation of $100,000 was made last year, and the work is under way. A recommendation was made by the Budget Committee, after every effort to pare down to the bone, for a similar appropriation for this very worthy project, but the House of Representatives, pursuant to a policy of economy, with reference to which I shall have something additional to say presently, notwithstanding the fact that the work was under way and that which had been done would suffer more or less by reason of the fact that it was not continued, made an appropriation of $50,000 only. The Senate very promptly and very commendably raised it to the amount recommended in the Budget, $100,000. I have no doubt that the Senate conferees have done the very best they can to secure the acquiescence of the House in the Senate amendment, but it is cut to $65,500, a reduction of something over 33⅓ per cent.

With it, Mr. President, is an appropriation of a similar character with similar results in the Mount Rainier National Park, in Washington. Concerning the origin of this work, I am not fully advised, but in that connection an amendment for an appropriation of $45,000 for the completion of widening 3 miles of the Nisqually Glacier to Paradise Valley Road was made by the Senate. This was cut to $21,800.

Mr. President, I desire to remark that last night there came in my mail an advertisement by the American Bar Association of the forthcoming meeting of that association at San Francisco. With it is presented a schedule of rates which will be offered by the railroad companies, and, as is usual in such cases, inducements are made to take trips to places of interest.

The circular advises those who desire to make the trip that they will have an opportunity to return by way of the Canadian Pacific, affording them an opportunity to view the scenery of the Canadian Rockies, and particularly to stop off at the celebrated Lake Louise.

In the summer of 1920 we went to San Francisco to attend the Democratic National Convention, and my recollection is that there were some half dozen members of this body who, thus induced by advertisement and other means, returned to the East by way of the Canadian Rockies, and enjoyed the scenery that was afforded by that trip.

No one knows anything about the Mount Rainier National Park or the Glacier National Park, or at least the great bulk of the people of this country know practically nothing about those parks, and yet the Glacier National Park is separated from the Canadian Rockies by nothing except the arbitrary international boundary line. The country is exactly the same. The attractions are exactly the same. The glaciers are there in as great abundance upon our side of the line as they are upon the other side of the line. The lakes are as beautiful south of the line as they are north of the line. The forests are just as attractive, both with respect to magnitude and with respect to variety. In other words, Mr. President, the conditions are substantially the same, as, indeed, they are in the Mount Rainier National Park. The only difficulty about the matter is that Canada spends money in order to build roads in these parks and to advertise their beauties, and thus attract to her parks on the other side of the line the tourist travel which ought to be confined to our own country.

Mr. President, this is a matter that is of national concern. It is not a local matter at all. We are endeavoring every year to divert to this country of ours the tourist travel from European countries, endeavoring to urge the people to "see America first." But what is the use of doing all that kind of thing unless we can offer them the same attractions, unless we can open up these parks by roads and trails, so as to make them available?

Who was it over in the other branch of the Congress, I should like to inquire, who knows so much about this matter as to justify the reduction in the estimates, in the first instance, from $100,000 to $50,000, and then afterwards to stand upon the amount that was finally agreed upon, $65,000, and in the case of road construction in the Mount Rainier National Park to reduce it from $45,000 to $21,800? I am advised by the Park Service that all this was done against their earnest protest. They used every persuasion they could to hold these figures. What reason is there, what reason can be assigned for this action? We must act some way or other on some substantial evidence.

Mr. WARREN. Mr. President, is the Senator addressing his questions to me?

Mr. WALSH of Montana. I did not intend them to be directed personally to the Senator, but I shall be glad to have him answer them.

Mr. WARREN. Of course, the Senator knows that there are Members of Congress who are supposed to look after these things. The bill came to us, as the Senator has seen it, appropriating $50,000 for this item. We had the regular estimates, and, without going any further, the Senate committee increased the amount up to the full estimates in every case as to Government parks, including the one in which the Senator is particularly interested. We were met by strong resistance on the part of the conferees from the House, one gentleman from Idaho, one gentleman from Oklahoma, and one gentleman from Michigan. They were not disposed to relent at all, but after three days' wrestling with them we compromised by cutting two

hundred and some odd thousand dollars, which we had added to all of the park items, down to $115,000, and agreed to leave it to the director, Mr. Mathers, of the National Park System, or his assistant, to see that we might get even-handed, unprejudiced justice as far as we could do so, and the Senator now has the result before him.

Of course, I am sorry to see it done, but it was the only way we had any hope of arriving at an agreement. Therefore there was $12,500 added to the item to which the Senator has referred. The fact that there was a certain amount appropriated last year and the year before that does not mean anything except that the House has attempted to reduce the entire bill. We had about 115 or 120 disagreements, and I think every one of them, with the possible exception of two or three, are in the matter of amount, where we seek to get more and they seek to hold us down to less.

The Senator, of course, must concede that conferences are instituted for the reconcilement of differences, and we find it impossible, as I think the Senator will find it impossible in a conference, to have one side claim all of the amounts which they have put in or to maintain their position against all of the amounts which they are resisting. I am aware of these criticisms, and I never flinch under them, because they are part of the game; but I am determined always, when any item is placed on a bill in the Senate, to defend it to the last possible point where I can succeed in obtaining anything.

Mr. WALSH of Montana. The Senator will understand perfectly well that nothing I have said and nothing that I shall say is in any wise criticism of the Senator from Wyoming, representing the Senate or otherwise.

Mr. WARREN. I understand that perfectly.

Mr. WALSH of Montana. I am calling attention to the fact that this was the best the Senate conferees could do, and I am very glad that we have now from the distinguished chairman of the conference committee what I supposed was the situation. There was apparently no reason urged for these cuts. The total amount, the House conferees said, must come down. They did not care about any particular items at all, or about the merits of any of the particular items, but the whole thing must come down.

Let me call attention to some more of this policy of economy of which the newspapers have told us not a little. Most of the items to which I now desire to call attention are still in abeyance, and I trust that when the report is finally made we shall have no cause to complain.

For instance, we are deeply interested in the matter, of course, all over the West in the public-land surveys. Years elapse often before the man who, before the survey is made, goes away out on the frontier and settles is able to get title to his land simply because the surveys have not been made. The Budget Committee recommended an appropriation of $700,000 for making public-land surveys. The House thought they had better cut it down, that that was a good place to pare, and so they cut it down to $600,000, and the Senate committee promptly put it back to $700,000.

The matter of classifying lands by the Geological Survey, so that entries may be made under the mineral homestead act, is a very important work, a work of special importance in the intermountain States. The Budget Committee recommended, as I understand, an appropriation of $300,000 for that purpose, and the House cut it in two and made the appropriation $150,000. The Senate committee put it back to the amount recommended for that purpose—$300,000—and has been obliged to submit to a cut of $75,000, so that we now have $225,000 reported.

Now, it will be observed that that is just a splitting of the difference between the House amount and the Senate amount. There is no reason for it at all. It is just arbitrarily, apparently, that they cut the amount in two; not that it would do, that it would satisfy, that it would be enough to accomplish the work, but arbitrarily they split the difference.

More important, perhaps, than any of these to the people of my State are the appropriations for irrigation. I wish to invite attention to one or two of those items. The Milk River project, in the State of Montana, was one of the first projects undertaken under the reclamation act; indeed, Mr. President, the work was prosecuted by the Geological Survey even before the passage of the reclamation act in 1892. Unfortunately, after the work was entered upon, a long controversy arose with Canada concerning the distribution of the waters of the streams which were to be utilized in the irrigation of the lands to be reclaimed. That went on for many years, and eventually resulted in the negotiation of a treaty; but after the negotiation of the treaty a controversy arose concerning its construction, which has been pending for nearly 10 years, and only lately was determined by the International Joint Commission. So the work has been delayed and the overhead has been accumulating and accumulating upon those people until the amount is running up to such a sum as that fears are entertained that the land, although rich and valuable, will not be able to bear the burden which is imposed upon it.

In that situation of affairs the department recommended an appropriation of $890,000 for the prosecution of that work, which the House of Representatives proceeded to cut down to $340,000, some $600,000 less than the amount recommended. The Senate committee and the Senate promptly put it back to the amount recommended. The amendment is now pending in the committee, but the policy of economy seems to prevail over there, I am afraid, and will deny us the opportunity to get a substantial appropriation for the completion of this work.

The North Platte project in Nebraska and Wyoming is in exactly the same situation. The Senate was obliged to increase the House appropriation from $1,440,000 to $1,690,000. The appropriation for the Rio Grande project in New Mexico was raised $100,000 in the Senate in order to conform to the estimate. The North Dakota pumping project was raised $30,000 in the Senate in order, likewise, to make it conform to the estimate. The Belle Fourche project in South Dakota was raised $30,000. The Senator from Wyoming suffers in exactly the same way, for the appropriation for the Riverton project in his State, which was recommended to be $1,075,000, which was practically cut in two, and $675,000 was appropriated by the other House. These items are still in conference. So I call attention to the fact that the vital interests of the West, in practically every feature with which this bill deals, are involved in his conference report and in such other reports as may be made with reference to the bill. It is a question as to whether the Senate is going to be obliged to yield with reference to all of these thus vitally important matters. I understand there is a policy of economy, but I want the public to know, at least in the section of the country from which I come, exactly what that policy means for us.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH of Montana. I yield.

Mr. JONES of Washington. I wish also to suggest to the Senator from Wyoming in connection with irrigation appropriations that, as a matter of fact, there is no real economy in retaining the House figures, because the appropriations are simply allotments of moneys in the reclamation fund. That fund is not subject to other appropriations, and the estimates, as I understand, of the Budget Bureau are based on the amount of money that will come into that fund and be available for the next fiscal year. So there is not really any economy in a recession from the amendments which the Senate has adopted. The Senate simply placed in the bill the amounts which the Budget Bureau estimated should be allotted from the reclamation fund under these various projects. If the money is there, and it is not appropriated for these purposes, it will not be used at all. If it is not in the fund, of course, it will not be taken out of the General Treasury.

Mr. WALSH of Montana. The Senator is quite right about that; but, of course, when the statement goes out that the appropriations are cut by so much, it does not make any difference where the appropriations come from.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. PITTMAN. Mr. President, I desire to correct the chairman of the Committee on Appropriations in connection with an error into which he fell.

Mr. WARREN. Mr. President, before the Senator proceeds, if he will allow me to interrupt him, he is privileged, of course, to make the correction, but I should have made it myself had he not intended doing so. The amendment of which he has spoken, I find, was put on the bill by the subcommittee and not on the floor of the Senate.

Mr. PITTMAN. That is, the amendment which I have been discussing was put on the bill in the subcommittee?

Mr. WARREN. Yes. I have refreshed my memory. The truth is that the Senator, though not intentionally, has helped my memory to become somewhat confused by delaying the conference report for several days. I thought I was stating the fact in reference to the amendment, but I now wish to make the correction.

Mr. PITTMAN. I am not surprised that the Senator is confused, as all of us are, in view of the rather unusual character of the proceedings of late; but I did not remember the amendment being offered on the floor, and in looking the matter up

I find that it was adopted as one of the committee amendments and not as one offered on the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. PITTMAN. I ask for the yeas and nays on agreeing to the report.

Mr. WARREN. Does the Senator want a division, or does he desire the yeas and nays? However, I do not object. The Senator may call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. STERLING (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from Colorado [Mr. NICHOLSON] and vote "yea."

Mr. WALSH of Montana (when his name was called). I transfer my pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN] to the junior Senator from Alabama [Mr. HEFLIN], and vote "nay."

The roll call was concluded.

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the senior Senator from Delaware [Mr. DU PONT], and vote "yea."

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW], and vote "yea."

Mr. COLT. I transfer my pair with the junior Senator from Florida [Mr. TRAMMELL] to the senior Senator from Connecticut [Mr. BRANDEGEE], and vote "yea."

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is absent. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK], and vote "nay."

Mr. ERNST (after having voted in the affirmative). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the junior Senator from New Hampshire [Mr. KEYES], and permit my vote to stand.

Mr. LODGE (after having voted in the affirmative). I find that my pair, the Senator from Alabama [Mr. UNDERWOOD], has not voted, and is not present. I therefore transfer my pair with him to the junior Senator from Pennsylvania [Mr. PEPPER], and allow my vote to stand.

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oklahoma [Mr. HARRELD], and allow my vote to stand.

The result was announced—yeas 30, nays 9, as follows:

YEAS—30.

Ball	Frelinghuysen	McNary	Smoot
Bursum	Gooding	Moses	Spencer
Calder	Hale	Overman	Sterling
Cameron	Jones, Wash.	Page	Sutherland
Capper	La Follette	Phipps	Warren
Colt	Lenroot	Poindexter	Willis
Curtis	Lodge	Rawson	
Ernst	McCumber	Shortridge	

NAYS—9.

Broussard	Myers	Pittman	Walsh, Mass.
Gerry	Oddie	Sheppard	Walsh, Mont.
King			

NOT VOTING—57.

Ashurst	Glass	McLean	Smith
Borah	Harreld	Nelson	Stanfield
Brandegee	Harris	New	Stanley
Caraway	Harrison	Newberry	Swanson
Crow	Heflin	Nicholson	Townsend
Culberson	Hitchcock	Norbeck	Trammell
Cummins	Johnson	Norris	Underwood
Dial	Jones, N. Mex.	Owen	Wadsworth
Dillingham	Kellogg	Pepper	Watson, Ga.
du Pont	Kendrick	Pomerene	Watson, Ind.
Edge	Keyes	Ransdell	Weller
Elkins	Ladd	Reed	Williams
Fernald	McCormick	Robinson	
Fletcher	McKellar	Shields	
France	McKinley	Simmons	

The VICE PRESIDENT. A quorum of the Senate has not voted.

Mr. WARREN. I ask that there may be a call for a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Frelinghuysen	Moses	Shortridge
Broussard	Gerry	Myers	Smoot
Bursum	Gooding	Oddie	Spencer
Calder	Hale	Overman	Sterling
Cameron	Jones, Wash.	Page	Sutherland
Capper	King	Phipps	Walsh, Mass.
Colt	La Follette	Pittman	Walsh, Mont.
Cummins	Lodge	Poindexter	Warren
Curtis	McCumber	Rawson	Willis
Ernst	McNary	Sheppard	

The VICE PRESIDENT. Thirty-nine Senators have answered to their names. A quorum is not present.

Mr. WARREN. Mr. President, the conference report that we have before us is one that stalls our business on the part of the Appropriations Committee, and has done so for the last week. If it is the desire of certain Members of the Senate to do that, of course I can not help it. There was a desire on the part of a good many Senators to complete the consideration of this conference report to-night, so that we might take the conference matter up again to-morrow with the House, and, if possible, adjourn the Senate over Friday and Saturday, or at least over Saturday. It seems to be the opinion of some Senators, however, that we ought to remain in session the balance of the week. So I now move that the Senate adjourn.

ADJOURNMENT.

The motion was agreed to, and (at 6 o'clock and 39 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 31, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 30, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We desire to thank Thee, blessed Lord, that with this day there come so much of hope, promise, and good cheer. We are grateful that there is strength for our weakness, wisdom for our ignorance, food for our hunger, and sunshine for our sorrow. By Thy power we are preserved in reason and in intelligence to appreciate the bounties of our heavenly Father. In us may there be a deep desire to know Thy laws and the spirit to accept and obey them. Continue to let us feel the sweet attraction and blessedness of Thy love and mercy and keep us good and happy all the way, through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. TILSON. Mr. Speaker, I wish to propound a unanimous-consent request. A few days ago I secured permission of the House to extend my remarks in the RECORD. My purpose in doing so was not solely that I might embalm my words of wisdom in an historical mausoleum but that if occasion arose I might send them forth to a waiting world. I discovered later that unless I obtained special permission those remarks would be printed in type so small that I would have to send out with them magnifying glasses in order that the people might read them. At the present price of magnifying lenses and the present state of my finances that would be rather inconvenient. I therefore ask that those remarks may be printed in the usual 8-point RECORD type.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the remarks referred to may be printed in 8-point type. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, under leave granted by the House, I here insert some remarks made by me on the occasion of the fiftieth birthday anniversary of Charles W. Hoyt, of New York, head of the large advertising business known as Hoyt's Service, Inc.

The address is as follows:

PENDING TARIFF LEGISLATION.

An address by Hon. JOHN Q. TILSON, Representative in Congress from Connecticut, delivered at the Hotel Ambassador, New York City, March 24, 1922, on the fiftieth birthday anniversary of Charles W. Hoyt.

Mr. Toastmaster, guest of honor, and friends of the guest of honor: I am delighted to join in this splendid and well-deserved tribute of esteem and admiration to my long-time friend, fellow townsman, and fellow Yale man, Charles W. Hoyt. If it had not been forbidden by the committee in charge of this occasion, I should be tempted to refer to some of the sterling qualities the possession of which have placed our friend at the early age of 50 in the very forefront of a great business profession. Others, however, are to have this pleasing privilege, so far as it is to be permitted at all. I have been requested to talk to this gathering of business men on the subject of tariff legislation and its effect on business.

A tariff speech at a birthday celebration might appear to some about as inappropriate to the occasion as the speech of the old-fashioned political campaigner at a funeral held in the

fall of 1896. This particular funeral preceded the election, so that no reference is here made to the funeral that followed. A goodly number of friends having arrived somewhat early the old campaigner—the ruling passion strong even in death—arose and solemnly said:

"Friends and fellow citizens, while awaiting the arrival of other friends of the deceased, I wish to take advantage of this opportunity to make a few remarks on the free and unlimited coinage of silver at the God-given ratio of 16 to 1."

There are a number of points of difference, however, between that occasion and this one. The guest of honor is about the most alive man I know, and unlike Mark Anthony we have come to praise him, not to bury him. Then the tariff question is far from being as dead as Julius Cæsar or free silver, for issues may come and issues may go, but the tariff goes on forever, and will continue so long as we are an industrial Nation with standards of living for working people higher than those of other countries.

At first glance there may not appear to be a very close relationship between tariff legislation and the advertising and publishing business, but the connection is actually close and vital. It has been charged that the publishing business or, to be more exact, that the great daily newspapers of the country are hostile to a protective tariff on the ground that such legislation restricts imports and that the restriction of imports injuriously affects advertising. The unreasoning attitude of so many of the metropolitan dailies on the subject of the tariff lends color to this charge. If true, it is a short-sighted policy on the part of those responsible for it. In the end the publishing and advertising business and all other business, except importing, will be better and greater if a condition of universal prosperity prevails, which can not prevail so long as foreign competitors hold sway in the domestic market.

It has long been my contention that the tariff is neither a local nor a party issue, and it should not be made so. It should be considered and discussed when no political campaign is imminent, so that it may be considered calmly, dispassionately, and with a view to ascertaining the possible economic effect rather than its effect on the next election.

Naturally, I can approach the subject only from the standpoint of a protectionist, for that is what I am. As this is not a partisan gathering, I think that I ought to say this, so that you may be advised and be ready to make such discount of what I am about to say as you may judge to be necessary.

From my viewpoint, the question of whether we have an adequately protective tariff resolves itself very largely into the question whether we shall continue to produce here in America such of the articles we use and consume as we can produce with reasonable economy and efficiency. In other words, shall we produce what we need or purchase it from some one else? We should not attempt to force, by means of protection, the growing of tropical fruits in the steam-heated greenhouses of New York and New England; and by the same token other industries, which by the nature of things belong in the "hothouse" category, have no place in the protective system. On the other hand, where an industry has heretofore thrived or can be made to do so by imposing a duty sufficient to equalize labor costs it is clearly within the protective principle and should have consideration.

It is not my purpose, however, to enter upon a discussion of protective principles, but rather to refer briefly to the present tariff situation, its effect upon business, and what the prospects for the immediate future are in this direction.

Our present tariff law went into effect October 3, 1913, and therefore had been in force less than 10 months when the war broke out in Europe. In these few brief months it was clearly demonstrated that the duties provided by it were altogether inadequate in a great number of industries. Destructive foreign competition had already begun its deadly work. Then came the great World War, enacting and putting into full force the highest protective tariff ever known, being altogether prohibitive in a great number of cases. The prosperity that ensued under such abnormal conditions was itself abnormal, and brought some very unfortunate results, such as extravagance and high cost of living, in its train.

Peace came at last, but the train of consequences once set in motion could not be so readily halted as the hostile armies. Great industrial disturbances had occurred in almost every country in the world and financial chaos reigned supreme in some of them. Financial confusion emphasized and increased the industrial confusion and still disturbs industrial conditions. In this chaotic condition the resumption of the importation of foreign goods was somewhat slow and far from uniform, wherein lies one serious element of difficulty for us.

It was the autumn of 1920 before we began to feel the effect of serious foreign competition, and then at first only in a comparatively few industries. In the early months of 1921 it was being felt more keenly and in an ever-widening circle of industries, but still so unequally that although many were seriously injured many others appeared to be affected not at all. It was at this stage that the Committee on Ways and Means began the preparation of the general tariff bill now in the Senate. It was not an easy task under the conditions then existing. It was difficult to secure information that was not liable to become misinformation overnight and without notice to the holder. One fact, however, stood out conspicuously and became more clear with each passing month, and that was that more and more industries were suffering and were suffering more keenly from foreign competition. These industries appealed for relief to the only source from which relief in such matters can come, and Congress, or at least the House of Representatives, took up the task.

Some of those producers who had not yet felt the pressure of unequal competition joined in the cry that "we have now become a creditor Nation," as if that fact ought to cause us to enjoy standing helpless while the foreigner metaphorically cuts our throats. It may give voice to a grand and glorious feeling to boast that we are now a "creditor Nation," but if the only large factory in a small mill town is compelled to close its doors because its foreign competitor is underselling it in the American market you will have hard work showing the people who are out of work where they gain anything by it. Yes; we have become a creditor Nation, and I sincerely hope that we get paid, but not at the price of seeing our own mills closed and our own labor and capital thrown out of employment.

During the year 1921, especially while the tariff bill was in committee and in the House, business was what we might call "spotty." There were some bright spots here and there, and, as we all too well recall, some very dark ones. There were so many conflicting elements and cross currents that it was not easy to fully diagnose the trouble. I would not contend that the severe industrial depression caused all the trouble or that the lack of adequate protection caused all the depression in industry, but after a somewhat prolonged investigation I am convinced that no other one element had more to do in causing and prolonging the slump in business; and I am just as fully convinced that the cause must be removed before it will be possible for business to fully recover.

If any of you took the trouble to examine carefully the goods you bought or examined during the last Christmas holidays, for instance, I warrant that you found a large percentage of the articles then offered for sale to be of foreign origin, and that condition continues to this day. My friend and fellow townsman, sitting here at my left, A. C. Gilbert, makes, or is equipped to make, all kinds of wonderful toys. My friend sitting over there, Harry Ives, of Bridgeport, specializes in toy trains, and produces the best that can be made. Having children of my own of toy age, I have visited a number of toy places in New Haven, New York, and Washington, and have there found more toys made in Germany than I found made in New Haven, Bridgeport, and all the other toy towns combined. The company over which Walter Camp, the friend of all of us, presides makes clocks in New Haven—that is, when there is a market for them. There have not been very many made during the past year. One of the former workmen of this company, while unable to find another job, had some leisure on his hands, so it occurred to him to investigate where the clocks were coming from that were being sold in New Haven. He found that there, under the shadow of the smokeless stacks of the New Haven Clock Co., there were more German clocks being offered for sale than of all the different American clock makers combined.

A few months ago I was in Kansas City, and while there I spent more than an hour one day in a large sporting goods store that would do credit to Fifth Avenue. A large proportion of the goods carried in the store were of the kind for the manufacture of which the States of Connecticut, New York, and New Jersey are particularly noted. It was a matter of deep regret to me to find American articles, one after another, being replaced by foreign articles, and that this was being done very rapidly in this class of merchandise. The reason given was that German goods can be bought so cheaply that the profit in selling them is too large and too tempting to be resisted. I inquired as to whether these goods were sold to the consumer at a price much below that of the comparable American article, and was informed that this was not at all necessary. On account of the much smaller profit on the American articles, I was told that few were sold except when specially asked for by a customer.

The resultant effect of a large number of instances like the ones referred to is forcibly illustrated in a letter received by me yesterday from a large manufacturer of cutlery, scissors, and surgical instruments in New Jersey. A part of the letter reads as follows:

Here are some interesting facts regarding these nippers. Since last January, when I met with your committee in Washington, we have not produced a single pair, although our business prior to that time on this item was very large. The reason, I hardly need explain, is that the German goods have driven us from the market, and this department of our plant is shut down.

This is also true of our manufacture of solid steel scissors. I think I am safe in saying that since January, 1921, there has not been a single pair of steel scissors completely manufactured in the city of Newark. There have been possibly some very small quantities completed from stock which were on hand, but to take a piece of steel and start from the beginning to make scissors, I am very certain has not been done since the date above mentioned.

There were in this city approximately 3,000 men employed in grinding and finishing, and the manufacture of cutlery, especially of scissors, was rapidly growing. To-day these men are walking the streets in search of employment or have drifted into other trades.

How can we expect to have our national business prosperous if this condition exists in the various manufacturing industries in the country? I am not interested in the German manufacturer or in the German importer, who is rapidly growing rich at the expense of American manufacturers and American working people. I have tried very hard to explain to a great many of our workmen who come back to us seeking employment that it is impossible for us to make these goods and compete with Germany. They can not understand why the German factories should be running overtime and the German goods selling in this market while they have to seek work of any kind in order to live.

I have referred to these specific instances as illustrations only. Multiply by 1,000 and you will have begun to figure out one of the reasons why business has tarried so long in the slough of despond. Business has been and still is sick in the industrial sections of the country. The best medicine I know for the disease is a good stiff dose of the good old protective-tariff remedy.

In my illustrations I have referred to Germany, so you may wonder how it is that Germany, so recently and so completely overwhelmed by her enemies, can so quickly rise again and become an effective competitor. Remember that Germany was not devastated and that her industrial equipment was in many respects increased rather than diminished during the war. The facilities are there and some of the cheapest and best labor in the world. Necessity furnishes the spur, and a most effective competition is the result. I have said cheap labor. It is made so in part by necessity and by reason of the exchange situation. Labor is high when measured in marks at their former value, but at the present price of marks German labor is so cheap as to make it impossible for an American manufacturer to pay our wage scale and successfully compete.

It was to meet the German situation as much as for any other reason that the American valuation plan was first brought forward and finally written into the House tariff bill. The plan is not entirely free from difficulties. Neither is any other plan, except the impossible plan now being followed of permitting the exporter to fix the valuation of his goods for duty purposes. What would you think of a plan where every taxpayer in a town is permitted to finally determine the valuation of the property on which he is to be taxed? Can not you imagine how rapidly and how much the grand list of that town would shrink? Are foreigners any more honest than our home taxpayers? It is also much easier for the foreigner to accomplish his purpose, for he is far away and outside the jurisdiction of our courts. He can and does invoice the goods to his agent here, who pays the duty on the invoice value whatever the foreigner chooses to make it. The agent then proceeds to sell the goods for what he can get for them here, which is the real American value. Is it wrong to make the foreigner pay the duty on a fair valuation of his goods? And can there be any fairer value than that for which the goods will sell in the market where they are offered for sale?

American valuation does not necessarily mean higher rates of duty, for the method of valuation is, of course, taken into account in fixing the rate. If the rate is high enough and the valuation is fairly made, it should not matter materially which method is employed; but herein lies the difficulty. Foreign valuation has not been heretofore fairly and honestly administered, and it is well-nigh impossible that it should be. Under this plan our Government has lost millions of revenue and our domestic producers have lost a large share of the protection to which they are entitled under the law. Under present conditions our producers can not endure much longer this unfortunate, one-sided plan. They must have relief from an intolerable situation, and American valuation is the most hopeful thing in sight.

Before I close you would naturally expect me to give you some definite idea as to when tariff relief may be expected to materialize. Unfortunately I can not do so. In my opinion the tariff bill should have become a law more than six months ago. As I have said, it is perfectly clear to my mind that we can not fully recover from the depression through which we have been struggling so long until proper tariff legislation has been enacted. Therefore every week's delay in finally settling the matter is an unnecessary prolongation of conditions from which men of thought and action, like those before me to-night, have been working so hard trying to extricate us.

On July 21, 1921, the House of Representatives passed a tariff bill, since which time the responsibility has rested upon the other branch of Congress. Yet, I would not judge harshly the Senate of the United States. The problem to be worked out is difficult, complex, and complicated. My own judgment is that quick action would have been far better, even if need be at the expense of thoroughness, trusting to further revision at a later date, if found necessary, to correct errors based on faulty information. The Senators, however, sharing equal responsibility, have taken a different view, and I would not impugn their motives nor unduly criticize, although I fail to agree with, their judgment. I hope that our captains of industry will have the patience and the resources—and it will call for much of both—to hold out a little longer, and that our working people will be enabled to live through the depression with as little hardship as possible. Even though unduly delayed, relief will surely come, and when it comes I believe that it will be of such a character that under it industry will soon resume its normal condition and then go forward and upward to new levels of prosperity heretofore unknown.

POINT OF NO QUORUM.

Mr. KNUTSON. Mr. Speaker, in view of the importance of the bill under consideration (H. R. 10864), I make the point of no quorum.

The SPEAKER. The gentleman from Minnesota makes the point of order that there is no quorum. It is clear there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their name:

Almon	Gorman	Mansfield	Shreve
Anderson	Gould	Michaelson	Slemp
Andrew, Mass.	Graham, Pa.	Miller	Snell
Ansorge	Greene, Mass.	Mills	Snyder
Bond	Hammer	Mott	Speaks
Brennan	Haugen	Mudd	Stafford
Brinson	Hays	Murphy	Stevenson
Brown, Tenn.	Hicks	Nelson, Me.	Stiness
Carew	Hill	Newton, Minn.	Stoll
Chandler, Okla.	Himes	O'Brien	Strong, Pa.
Christopherson	Hull	O'Connor	Sullivan
Clague	Husted	Ogden	Taylor, Ark.
Clark, Fla.	Hutchinson	Olpp	Taylor, Colo.
Clarke, N. Y.	Ireland	Parker, N. J.	Temple
Cockran	Jacoway	Parker, N. Y.	Timberlake
Codd	James	Patterson, Mo.	Tincher
Connolly, Pa.	Johnson, Miss.	Perlman	Vare
Crowther	Johnson, S. Dak.	Quin	Voigt
Davis, Minn.	Kahn	Rainey, Ala.	Volstead
Dempsey	Kearns	Rainey, Ill.	Walters
Doughton	Kelley, Mich.	Ransley	Ward, N. Y.
Drewry	Kitchin	Reber	Ward, N. C.
Dunbar	Kleczka	Reed, N. Y.	Watson
Echols	Kline, N. Y.	Riddick	Winslow
Edmonds	Knight	Riordan	Wise
Evans	Kraus	Rogers	Woods, Va.
Fess	Kunz	Rosenbloom	Woodyard
Fields	Lampert	Rossdale	Wright
Fisher	Lee, Ga.	Ryan	Wurzbach
Gallivan	Lee, N. Y.	Sabath	
Goldsborough	Linthicum	Sanders, N. Y.	
Goodykoontz	McDuffie	Schall	

The SPEAKER. Three hundred and six Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

ADDITIONAL HOSPITAL FACILITIES FOR EX-SERVICE MEN AND WOMEN.

Mr. LANGLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10864, the hospital bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10864, with Mr. GREEN of Iowa in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10864, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau.

Mr. LANGLEY. Mr. Chairman, I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Chairman, the House is about to take up for consideration under a unanimous-consent agreement entered into at my suggestion some days ago the bill (H. R. 10864) to authorize appropriations to the extent of $17,000,000 to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for veterans of the World War. I assume there will be very little, if any, opposition to the enactment of this legislation, at least to the provisions for additional hospital facilities. There may be grounds for difference of opinion as to some of the details of the legislation, but so far as the necessity, the wisdom, and the advisability of making abundant and liberal provision for the disabled veterans of the World War there is no ground for difference of opinion, and there is, I assume, no difference of opinion on either side of the House. Mr. Chairman, in view of this unanimous sentiment favorable to the essential features of this legislation, I think it is not necessary for me to discuss it at length. I shall take advantage of the opportunity afforded me to discuss some other matters which, I think, are of considerable interest just at this time.

Mr. Chairman, various newspapers and newspaper writers seem to be engaged in a systematic attempt to create the impression that the Congress, and particularly the House of Representatives, is not working in harmony with the President. A recent statement characteristic of this attempt is to the effect that "the President is at loggerheads with the Republican leaders in Congress, particularly in the House of Representatives, on practically all matters of domestic and foreign policy."

This class of statement is so ridiculously and absurdly untrue, and here in Washington is so well known to be untrue, that one might very properly ignore it were it not for the fact that such statements printed in papers of wide circulation are certain to create a false impression in the country.

The fact is that instead of the President and the Congress being at loggerheads, as these writers and journals would have the country believe, there has never been a time in my quarter of a century of experience in Congress when the relations between the President and the Congress, particularly the House of Representatives, were more pleasant, cordial, sympathetic, and harmonious than at the present time. [Applause.]

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. Well, I prefer not to be interrupted just at this point. I desire, however, to say that while what I have just said relates primarily to the majority, it is also true, as you all know, in the main with regard to the minority. [Applause.]

Anyone who will take the trouble to read the recommendations made by President Harding to this Congress from time to time and to examine the record of the Congress will find that practically all of these recommendations have either been written into law or are in process of enactment, and this applies particularly to the record of the House of Representatives.

I invite comparison with any period of American history and challenge anyone to find a record of finer relations or more harmonious cooperation between the President and the Congress. I do not mean that the Congress has halted in the performance of its duty to inquire the Executive view as to every detail of its program; that would neither be practical nor in accordance with the spirit of our institutions, and President Harding would be the last to suggest or approve such a procedure. [Applause.]

Neither do I wish to convey the impression that the action of the Congress, or of either body, has at every moment of time and in all of the stages of legislation been exactly or precisely to the breadth of a gnat's eyelash just what the President would have preferred. Such a condition would not be desirable, because it could not be possible unless we all became identical mollycoddles. Nevertheless, there has been a general and substantial accord between the President and Congress, not only in matters of primary importance but in the consideration of many questions of policy and detail. There has been an unbroken practice and habit of consultation, a spirit of mutual cooperation, and a larger measure of accord than I can recall in all my service. [Applause.]

This all being true, and known to all men who care to know the truth, why this constant reiteration on the part of certain writers and certain newspapers that Congress and the President are at loggerheads, accompanied on the part of a portion of the press with the suggestion that the President must proceed to assume a dictatorship over Congress or all will be lost, including honor?

There are two general reasons—one professional political, and representing a variety of impulses; the other very practical, though also divisible into various lines of thought and purpose.

Of the professional political phases of the attempt to create the impression that Congress and the President are at loggerheads, one, at least, has had no particularly sinister motive. It grows out of the hankering for excitement, the irksomeness of quietude, a desire to have something snappy to write about. Certain gentlemen of the pen and of the press would have a distressing time of it if all went smoothly and there was an effective statute against stringing the public and drawing the long bow. There just must be something doing; and if the fields of fact afford no excitement, it must be found in the realms of fancy and imagination.

The motives back of some of this misrepresentation of the relations between the Executive and the Congress are not so innocent and inoffensive as those I have just mentioned. They find their inspiration in the exigencies of personal and party politics, largely the former. Since the beginnings of organized government there has been a certain class of people who have imagined that the way to personal favor and preferment at the hands of those in position of authority was to arouse distrust, to magnify differences, to create friction, to pose as special friends and champions by bearing false witness, by fomenting trouble. The English language has a number of uncomplimentary titles for gentlemen of this ilk which it is not necessary for me to quote.

Then, of course, there are always the exigencies, the impulses, and the temptations of party politics. Nothing would serve the purposes of a political campaign better than to create the impression of a lack of party harmony, cooperation, and solidarity. There is always the hope that sufficient reiteration may be accepted as proof and that constant hammering may tend to create at least a semblance of the friction proclaimed as existing.

So much for the professional political influences behind the effort to make it appear that the President is at loggerheads with the Congress. Even more important, because better organized, and infinitely better provisioned and provided, are those forces and influences which endeavor to create this impression because they are opposed to legislation or policies approved by the Congress and particularly by the House. There are those who fondly hope, by an anvil chorus of persistent reiteration, to create, in a limited degree, at least, the lack of cooperation and the difference of opinion which they persistently insist already exists. While these influences have a variety of differences with the Congress, the present mainsprings of this croaking chorus are those who disagree with the view of the House of Representatives touching the soldiers' bonus and relative to the Army and the Navy.

The antibonus campaign of certain metropolitan papers has given us the finest example we have yet had as to the length to which some people are willing to go in a campaign of misrepresentation. They advised the House to turn its back on pledges that had been solemnly made by a large majority of the Members, or on their behalf by their party associates, in harmony with the expressed view of the people. They assumed, without leave or authority, to declare Executive views on a measure relative to which the President very properly refrained from committing himself one way or the other. The vote in the House, whereby approximately four-fifths of those present gave their approval to the measure, ought to be quite sufficient answer to these journals, unless they are prepared, as I presume some of them are, to indict the Congress, at least the House, as a whole.

And then there is that comparatively small but very active, very positive, and very persistent class who may always be found advocating the largest establishments and appropriations for military and naval purposes that anybody may suggest. They have not approved the House appropriations for the Military Establishment, and therefore we are told, frantically or solemnly, as the case may be, that the President does not approve what we have done.

I leave to these folks a monopoly of assuming to report the President's position on these matters, but I venture the assertion that the President's view with regard to the Military Establishment is much more nearly in harmony with the action which has been taken by the House than it is with the attitude of the majority of the newspapers and newspaper writers who have assumed to know and to promulgate his views.

We are soon to take up the naval bill, and again we shall hear the anvil chorus of assertion that we are proposing to wreck the Navy and that we are entirely out of harmony with

the President in what we are proposing to do. The committee in framing this bill, after very considerable consultation with those in the House who have experience and responsibility, has had two major objectives: First and foremost, that of maintaining in fighting trim and in condition for prompt action a Navy on the seas of the size and strength we are authorized and justified in maintaining under the terms of our agreement relative to the limitation of naval armaments. Second, the committee has had in mind the fact that as we proposed and become a party to an agreement limiting armaments and intended and expected to reduce naval expenditure it is our duty and our obligation to uphold the hand of the President and of the administration and emphasize the splendid work that has been accomplished by giving visible and practical evidence of at least a portion of this great accomplishment through a very substantial reduction of the cost of the Naval Establishment. [Applause.]

Unfortunately, through the pressure of selfish local interests, which have been operating for many years but which had a riotous carnival of extravagant influence during the war, a large part of our Navy is ashore. It is a lamentably backward and unassuming village along our coast line that has not its naval base or station, that has not its grappling hooks on the National Treasury through the naval bill. There may be some question as to the relative size of navies afloat, but there is no manner of question about the size of navies ashore. We far outrank and outclass them all.

Of course, every community wants to keep its navy yard and its naval base, its dry docks, its shops and its anchorages, its snug harbors, and its placid shore stations for the naval personnel not essential to the ships at sea, but we can not yield to these persuasive influences if we are to do our duty to the people in reducing expenditures or to the administration in reflecting their splendid work in the practical terms of appropriations. [Applause.]

The committee believes it has provided an adequate force in men and officers. I am inclined to the opinion that it has made sufficient provision in men, and am quite certain that it has provided liberally for officers. Let this not be forgotten: That those who are insisting upon very material increases above those provided in this bill are, if they are informed, doing so, not to provide adequate forces at sea or adequate reserves but in order to maintain unnecessary forces and establishments on land, a dry and well anchored navy.

No, Mr. Chairman; the President and Congress are not at loggerheads. There is a spirit and a purpose of cooperation; frequent consultations are the order of the day. The President's recommendations and the party program have been carried out or are in process of accomplishment. It has met with presidential approval so far as completed, and I have no doubt will continue to as perfected. Both the military and naval bills will, I have no doubt, receive presidential approval as they shall be agreed upon between the two Houses. Congress will see to it that, while preserving a thoroughly efficient and adequate Navy, there shall be no failure to reflect in the naval bill the splendid work of the administration in the Conference on Limitation of Armament.

In the closing days of the session, as we shall wind up and perfect the program, these assertions and prophesies of lack of party harmony and cooperation will prove silly enough. I am only referring to them briefly now, in the midst of the active work of the session, in order to reassure those good folks at home who may have been misled or disturbed and who have not understood the influences that have spread abroad the disturbing misinformation with regard to the relations between the President and the Congress. I assure them that all goes well; that the Congress and the President are cooperating in the spirit of accommodation, adjusting differing views, if any develop, and working in harmony to the completion of the program which we confidently expect will serve the best interests of the American people and meet with their approval. [Applause, the Republican Members rising.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its chief clerk, announced that the Senate had passed without amendment the bill (H. R. 9979) to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs."

ADDITIONAL HOSPITAL FACILITIES FOR EX-SERVICE MEN AND WOMEN.

The committee resumed its session.

Mr. CANTRILL. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, it is sweet to see brethren dwell together in unity [applause], and I have taken these few moments in order to contribute my mite toward the harmony of the majority party, or rather to emphasize the harmony which exists between the Executive and Republican majority in the legislative branches. [Laughter.] In order to find the beginnings of this harmony we need go no further back than the passage of the Army bill in the last Congress, when the Congress insisted upon adhering to the amendment offered by the gentleman from South Carolina [Mr. BYRNES], reducing the Army to 150,000 men, and the President signed the bill although he had fought the Byrnes amendment, but sent us word that he had no doubt that a little later he would come back and ask Congress to increase the number. Of course, he did not come, because he had proceeded upon a false basis. He had an idea that they could not get the soldiers out of the Army.

Another evidence of that harmony is to be found in the President's annual message delivered to Congress at the beginning of this session, in December last, in which, turning to the Republican side of the Chamber, he emphasized his belief in party Government and party responsibility and in a very delicate but notwithstanding very feeling manner indicated what he thought of those who had joined with the Democrats and voted as they did on the surtax proposition. [Laughter and applause.] Now, of course, until the gentleman from Wyoming spoke, the whole country believed and had the right to believe that there were very sharp differences between the majority party of the Congress and the Executive on the present Army bill. If there is no difference between the President and the Congress, then there is a very woeful and distressing difference between the President and his own Secretary of War. If there does not exist difference of sentiment, a pronounced and marked difference of sentiment, between the President and the majority party of the Congress on the naval program, then there is a distressing difference, such as would ordinarily break up a Cabinet, existing between the President and his own Secretary of the Navy. Do you mean to tell me that with the Secretary of War and the Secretary of the Navy, in their demands for a larger Army than Congress has indicated it would give, and a larger Navy than it seems disposed to give—do you mean to tell me that the President is standing with the Congress and not his own Cabinet officers? I do not believe it, Mr. Chairman.

The President made another recommendation in an unofficial way. He said that if you want to pass a bonus bill, put a sales tax in. What became of that proposition, and why? [Applause.] Was there no difference between the President and the Republican Members of Congress on that?

The President in his annual message, in December, recommended on the tariff that they give him substantially the power to make it. What has become of that? What has become of the tariff, anyhow? [Applause.] That was one of the first things we started on here when this Congress began.

Mr. GARNER. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. GARNER. I wonder if it is because of some of the matters he speaks of that the President authorizes the statement that he does not propose to defend this Congress at the coming election? [Applause.]

Mr. GARRETT of Tennessee. That is undoubtedly true.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. CANTRILL. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. GARRETT of Tennessee. Gentlemen, to all reasoning men there would seem to be no other conclusion to be drawn except that drawn by my friend from Texas. The gentleman from Wyoming, however, is a reasoning man, and I do not know whether he cares to state any opinion about that or not. [Laughter.]

Mr. MONTAGUE. In line with the harmonious hostilities just discussed by the gentleman from Wyoming, may I ask the gentleman from Tennessee what he thinks of the statement of General Pershing, Chief of Staff, which appears in the papers this morning, as to the personnel of the Army, wherein the number fixed by the House and by the Chief of Staff widely differ? What does the gentleman think of the press, largely composed of Republican papers, declaring that the President is popular but the Congress is very unpopular with the country?

Mr. GARRETT of Tennessee. As to the statement of General Pershing about the matter, I would assume that General Pershing would not issue any statement that did not have the approval of the Secretary of War, and I certainly should regard it as a very remarkable thing if the Secretary of War, a member of the President's Cabinet, were urging a proposition that the President himself was opposed to.

Of course, the other suggestion as to what the press is carrying about the President being popular and the Congress not

popular, that is very delicate ground for me to tread upon. [Laughter.] There is so much jealousy and envy and enmity on the majority side about that matter that I hesitate to trench upon it. [Laughter.]

Mr. MOORE of Virginia. Does the gentleman recall a delicate intimation by the President of his opinion of the farm bloc, that is working for the agricultural interests?

Mr. GARRETT of Tennessee. As contained in the message by the President delivered here last December? Yes; I remember the soft and gentle way in which the President proceeded to take the hide off of those gentlemen who had voted right on the surtax matter. [Laughter.]

Now, Mr. Chairman, it seems very remarkable that the majority leader should feel it his bounden duty on one day to lecture the House—which proceeded very promptly to show him what they thought of his lecture—on the matter of maintaining the Budget [laughter], and then on the following or the next day feel it necessary to lecture the Republican press of the country [applause] because of the fact that the press is publishing the news of the day. [Laughter.] There are certain papers surely that do not misrepresent the attitude of the President of the United States. I can not believe, for instance, that the Washington Post under any circumstances would misrepresent the attitude of the President of the United States or his feeling toward the Congress, or that it would permit anything to get into its columns which did not reflect the President's views, and you will recall just about two or three weeks ago there came to the Washington Post from the houseboat owned by the owner of the Post, down in Florida, upon which boat the President was a guest——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. One more minute.

Mr. CANTRILL. I yield the gentleman one minute more.

Mr. GARRETT of Tennessee. There came to the Post a message which, in substance, advised that the President had gotten extremely tired of a number of things that were going on among the Republicans in Congress, and evidently in answer to the suggestion that there was going to be an effort to pursue him down there by some of the members of the majority party and have a conference with him on the bonus bill, he sent the message back through the Washington Post that he did not want anything to do with them. [Applause, the Democratic Members rising.]

Mr. CANTRILL. Mr. Chairman, I would like to be notified at the expiration of 10 minutes.

The CHAIRMAN. Very well.

Mr. CANTRILL. Mr. Chairman and gentlemen of the House, I regret exceedingly that to-day, with this bill pending before the House, the majority leader [Mr. MONDELL] saw fit to take up the time of the House with a political speech. In my judgment, this measure is nearer to the hearts of the American people than any other piece of legislation which has been brought into this Congress. [Applause.] As a member of the committee I would not waste my time during the consideration of a measure of this character by discussing politics. There is no politics in this bill. It has a unanimous report from the Committee on Public Buildings and Grounds.

The legislation is written for the purpose of taking care of the disabled veterans who followed the victorious American Army in the World War. [Applause.] I do not believe there is a man or a woman in the United States who, if permitted to make a choice of any piece of legislation for speedy and favorable action by this House, would not say that the first duty of the American Congress is to take every care possible of the disabled and wounded soldiers in the American Army. [Applause.] And that is the purpose of this bill. I recommend it for passage, as has done every member of the Committee on Public Buildings and Grounds who has given thorough consideration to the provisions in this bill.

I do not believe there will be any objection to the passage of the measure. It is true that in the bill there is a change of policy as to the construction of the hospitals provided for in the bill. I believe that change of policy is wise and to the best interests of the country and to the best interests of the disabled veterans, because under the policy of concentrating all the power of construction and alteration and repair of the hospitals in the Veterans' Bureau I believe a better system of hospitals will be more speedily built up for the care of these men than under the present law. It has been shown by the hearings before the committee that there is immediate need for the construction of many hospitals to take care of the disabled men. The applications that have come in from all parts of the country for hospital treatment have been in excess of all the estimates that were made by the Public Health Service and by the other departments of the Government. A great many of our former service men are broken in health. Their nerves are shattered; in many cases their minds have been affected, where there is an especial need for immediate hospitals to care for them; and it is the purpose of this bill—the committee acting upon the advice of the Veterans' Bureau, the Public Health Service, the officers of the American Legion, and all those who are familiar with the condition of the ex-service men the country over—this bill is drawn for the purpose of meeting those conditions and giving immediate aid to those veterans of the World War. God knows there is need of it. Let us pass this bill and put immediately on foot the construction of those hospitals, so that these men can have the immediate treatment that they deserve.

There is an authorization of an appropriation of $17,000,000 carried in this bill. The committee after careful hearings is of the opinion that this $17,000,000 is actually needed now. Those who came before the committee asked for a little larger amount than the $17,000,000, but the committee finds that a great many of these hospitals in some parts of the country can be built on Government land, and that it will not be necessary to make appropriations to buy the land, and consequently the committee is of opinion that the $17,000,000 will meet every requirement that is now pending before the Government to take care of the disabled men.

So far as I can see, there is not a single objection that can be raised against the bill. No man or woman in the country, as I said before, will deny to the disabled service men the full protection of the Government. It is the Government's first duty to care for the disabled soldier who lost his health and his strength in defense of our flag, and the sum of money authorized in this bill, only $17,000,000, is indeed a paltry sum when compared to the hundreds of millions that the Congress almost daily appropriates for the other activities of the Government.

Mr. LAZARO. Mr. Chairman, will the gentleman yield for a question, for information?

Mr. CANTRILL. I yield to the gentleman.

Mr. LAZARO. While these hospitals are under construction will the Government make ample provision to take care of these disabled men in private hospitals, so that they will not lack treatment?

Mr. CANTRILL. I will say to the gentleman that if he will read the report he will find in it the statement that there are 9,000 disabled men who are now in private contract hospitals, and that situation, to speak candidly and frankly, is a disgrace to the American Government, that we have to contract out our disabled veterans, to be at the mercy of the greed of those who run private hospitals. That is the purpose of this bill, to do away with private hospitals and to have Government hospitals where the United States Government can give the very best that can be had in the land, and give it early, to every disabled soldier in the American Army. [Applause.]

Mr. LAZARO. Mr. Chairman, will the gentleman yield further?

Mr. CANTRILL. Yes.

Mr. LAZARO. I will further say to the gentleman that I fully agree with him and am heartily in favor of the bill. Two years ago I spoke on the floor of this House and told the Congress then that we were not making sufficient provision for these disabled men. But what I am interested in at the present time is this: I would like to see these men taken care of properly in private hospitals until these new hospitals are constructed.

Mr. CANTRILL. I will say to the gentleman that I have no doubt the Veterans' Bureau will do everything it can to take care of them under present conditions, but under the present conditions the Veterans' Bureau can not properly take care of them because the Government does not own the hospital facilities that it needs and desires.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. CANTRILL. Yes.

Mr. LAYTON. As a matter of fact, in the beginning does not the gentleman think that these cases, many of which are due to nervous disturbance, could have been very much better taken care of if there had been a general hospitalization distributed among the States, so that the soldier boys of Delaware, for instance, could have been cared for among their own people, and the soldier boys of California could have been cared for among their own people?

Mr. CANTRILL. I will say to the gentleman from Delaware that that is probably true, but those things are in the past. Congress to-day is considering only this bill which is before the House, which, in the judgment of the committee, is the best bill that could be drawn to meet present conditions.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CANTRILL. I hope, Mr. Chairman, that the bill will unanimously pass the House. [Applause.]

The CHAIRMAN. The gentleman from Kentucky [Mr. LANGLEY] is recognized.

Mr. LOWREY. Before the gentleman from Kentucky begins, will he yield for a question?

Mr. LANGLEY. I yield to the gentleman from Mississippi.

Mr. LOWREY. Of course, we are all in favor of providing liberally for the veterans, but I think the last report we had from the bureau was to the effect that there were about 7,000 beds not in use and available at that time. Were they in the contract hospitals, or where were they? I want to get into the RECORD an explanation of that.

Mr. LANGLEY. As I recall it, some of them were in the contract hospitals and some in other institutions, like soldiers' homes; but the trouble about that has always been that the beds referred to were not the kind of beds needed for the particular class of patients who are most in need of treatment at this time; that is, to tubercular and nervous and mental cases.

Mr. KINDRED. Will the gentleman yield just a moment?

Mr. LANGLEY. Yes.

Mr. KINDRED. The beds which were available were for medical and surgical cases mainly, and the cases that most urgently require hospitalization are nervous and tubercular.

Mr. LANGLEY. That is correct. Mr. Chairman, I would like to be notified when I have used 10 minutes, after answering these questions.

Mr. LARSEN of Georgia. I wish to ask the gentleman from Kentucky a question, in view of his statement as to the need being for hospitals for tubercular patients.

Mr. LANGLEY. And nervous and mental cases.

Mr. LARSEN of Georgia. Is it not a fact that the appropriation made a year ago carried $18,600,000 for hospitals for tubercular patients?

Mr. LANGLEY. No; not for these alone.

Mr. LARSEN of Georgia. And that the tubercular hospital facilities which should have been provided under that bill have not been provided yet; and not only that, but not even the location, at least for the one in New York, has been agreed upon up to this time?

Mr. LANGLEY. Most of that money has been expended. The question as to the wisdom of all of the expenditures is a subject that I would prefer not to discuss, because other gentlemen have indicated to me that they desire to discuss it, and I have promised to yield time to them.

Mr. LARSEN of Georgia. I am heartily in favor of the bill or of any provision that will tend to the benefit of these ex-soldiers.

Mr. LANGLEY. I heartily concur in the statement made by my colleague who preceded me [Mr. CANTRILL] that the first consideration should be given to our disabled soldiers. That is our highest duty, and that is why I said the other day that I regretted that under the arrangement we could not pass the hospital bill before we passed the bonus bill.

Reference has already been made to the necessity for additional money. It was originally estimated that it would take $85,000,000 to complete the hospital-building program. That was the estimate of the Public Health Service. If this bill is passed it will total a little less than $42,000,000, or less than half of the amount that was originally estimated by the Public Health Service as necessary.

In the hearings something was said about divided jurisdiction, and it will probably bob up again before this debate is over. One of the great troubles we have had in the administration of the affairs of our Government has been that there has been too much duplication of work. It will be contended that we are creating two building jurisdictions. It is true that the Supervising Architect has control of the plans and specifications and construction of post-office buildings, which I hope we will be erecting in the very near future. [Applause.] But he does not draw plans or supervise the construction of all of the buildings for some of the departments. He does not draw the plans and specifications for the buildings for the Army and Navy and some of the buildings for the Interior and State Departments. I am not questioning his capacity. No one can. That is not the point. This is a new situation with which we are now confronted, created largely by the Sweet Act. I think if there is any foundation for the idea that this bill will create a divided building jurisdiction, I wish to say that I would rather see a divided building jurisdiction than a divided hospital jurisdiction. [Applause.] That is what has been the trouble we have had all along. At one time I think we found five or more jurisdictions acting more or less independently of one another in finding hospitals for these sick soldiers. There were State institutions, contract institutions, institutions under the Public Health Service, institutions under the War Risk, soldiers' home institutions, St. Elizabeth Asylum, and so forth.

To repeat somewhat, your Committee on Public Buildings and Grounds, of which I have the honor to be the chairman, has held numerous exhaustive investigations of this whole hospitalization situation. The Public Health Service during the last Congress thoroughly considered the matter and advised the committee that it would require $85,000,000 to complete the hospitalization program which they had mapped out. Of course, that was a sum too enormous to be considered at that time in view of existing conditions, although I introduced a bill for the purpose of bringing about a full discussion of the situation. After many hearings, in which the American Legion, Public Health Service, the War Risk Insurance Bureau, and many other high public officials were heard, it was decided that the sum of $18,600,000 would be sufficient to meet the immediate needs for hospitalization purposes. A bill reported by the committee which, as amended, carried that amount of money was reported and passed. This money was placed under a hospitalization board headed by Doctor White. I have no criticism to make on the distribution of that fund, but, having talked frequently with the President of the United States on the subject, I know that it is his most earnest desire that the hospitalization of the boys in serious condition should be hastened as much as possible, and he thought that a number of existing institutions could be prepared and enlarged and made available for hospitalization within a very short time, while to build new hospitals it would take a much longer time, as you gentlemen know. That experiment was tried. In some respects it was successful; in other respects it was not. A good many of these buildings were nonfireproof and unsuited to the hospitalization of certain classes of cases. The President, as you gentlemen will remember, first appointed the Dawes Commission to ascertain from an executive standpoint exactly what the situation was. This commission made its recommendations.

The President later on appointed the White Commission, as heretofore indicated, to administer the fund carried in our bill of the last Congress. Recently he appointed another commission, and that commission approved unanimously the bill which I recently introduced, providing that this additional sum authorized by the bill now under consideration should be controlled by the Director of the Veterans' Bureau under the President's direct supervision. I will insert in the RECORD a copy of that resolution of the commission, which was personally approved by the President. I will also insert a letter which I have received within the past few days from the President heartily agreeing in the phraseology of that bill and urging its speedy enactment. I think that the controlling factor in the mind of the President, as well as the last commission, headed by General Sawyer, in reaching the conclusion that these functions should all be consolidated under the director of the bureau, subject to the President's supervision, was the provisions of section 9 of the Sweet Act, which confer absolutely upon the Director of the Veterans' Bureau the duty of hospitalizing all of our disabled ex-service men, and that greater expedition could be accomplished by this consolidation than by having a divided jurisdiction between an independent bureau, responsible directly to the President, and another department in the matter of drawing plans and specifications and building. In other words, that it would be much more expeditious to have a divided building jurisdiction than it would be to have a divided hospitalization jurisdiction.

Of course, as you gentlemen well know, the hospital situation is growing worse all the time, and more so than was at first anticipated. There were on the 1st of last month in hospitals of various classes 30,879 patients. The analysis of different classes of patients in these hospitals and nature of the hospitals was set forth fully in the committee's report, and I need not go into detail in this matter at present.

Mr. BARKLEY. Will the gentleman yield?

Mr. LANGLEY. I yield to my colleague.

Mr. BARKLEY. Under the Sweet bill, known as the Veterans' Bureau act, it is provided that the President may transfer certain hospitals from the Public Health Service to the Veterans' Bureau.

Mr. LANGLEY. Yes.

Mr. BARKLEY. But that the personnel and officers transferred shall retain their rank, grade, and all the rights they now have under the Public Health Service.

Mr. LANGLEY. Yes.

Mr. BARKLEY. How is that situation affected by the provisions of this bill?

Mr. LANGLEY. Section 9 of the Sweet bill transfers the whole hospitalization question to the Veterans' Bureau and directs the director of that bureau to have entire control and jurisdiction of it, and that is one reason why——

Mr. BARKLEY. The gentleman is a little mistaken in interpreting that act. It provides that the Veterans' Bureau shall be responsible for the hospitalization——

Mr. LANGLEY. Yes; that is the same thing, in substance.

Mr. BARKLEY. But the hospitals thus far have been under the jurisdiction and control of the Public Health Service, and the Public Health Service physicians are now in charge. They have requested the President to transfer some 60 of these hospitals to the Veterans' Bureau.

Mr. LANGLEY. I am coming to that in a moment. I am glad the gentleman brought it up.

Mr. BARKLEY. I want to know what effect will the passage of this bill have on the Sweet bill, which gave authority for the officers to hold their rank and grade under the Public Health Service?

Mr. LANGLEY. That is an administrative matter, but I feel authorized in saying that an Executive order will shortly be promulgated by the President transferring these 60 hospitals under the Public Health Service to the Veterans' Bureau, and I do not think it will affect the status of these officers at all.

Mr. DENISON. Will the gentleman yield?

Mr. LANGLEY. For a brief question.

Mr. DENISON. I would like for the chairman of the committee to tell the House where this money is needed and where it is going to be spent and what for.

Mr. LANGLEY. If the gentleman will read the bill——

Mr. DENISON. I have read the bill, but it is in general terms, and I want to know the facts.

Mr. LANGLEY. It is left with the President and the head of the Veterans' Bureau.

Mr. DENISON. I know that; but is not the House entitled to information as to where the money will be needed and where it is going to be spent?

Mr. LANGLEY. The hearings show that, and a bulletin has been issued giving the zones or districts. I can not in a 10-minute speech give gentlemen all that information, and besides I can not tell in advance what an executive authority is going to do pursuant to a discretionary power conferred by an act of Congress not yet passed.

Mr. DENISON. But the gentleman is asking us to pass this bill, and I am going to vote for it, but I think the House is entitled to know where the work is going to be done and where the money is going to be spent.

Mr. LANGLEY. In various sections of the country. I can not tell the names of the places where the hospitals will be located, but I could tell you where I think they should be located. It is to be left to the discretion of the director of the bureau subject to the supervision of the President. We must lodge responsibility somewhere, and I am in favor of eliminating any doubt as to where that responsibility is. [Applause.]

Mr. DENISON. Is it going to be used in building new hospitals or in repairing old ones?

Mr. LANGLEY. Under the terms of the bill it covers both. If there is any doubt about that I am perfectly willing to amend it so that it does cover both.

Mr. DENISON. What is going to be done?

Mr. LANGLEY. The gentleman will have to ask the director and the President of the United States.

Mr. DENISON. I am sorry that the chairman has no information to give the House.

Mr. LANGLEY. I do not think that statement is quite justified. I have given a lot of information, even if gentlemen do fail to see it. That is not my fault.

I have here a letter from the President containing but a few lines, and before I have it read I wish to say that the President appointed a hospitalization board, which was the third, the first being the Dawes Commission and then the White Commission and then this third board, and this third board unanimously recommended the bill which is now before you.

On this 11th day of February, 1922, at a meeting of the Federal Board of Hospitalization, House bill 10864 was carefully considered and the following recommendations, expressed in the form of resolutions, were unanimously adopted:

Be it resolved, That it is the sense of this board and that it recommends to Congress immediate legislation authorizing an appropriation of $17,000,000, to be immediately available and to remain available until expended, the amount to be in addition to appropriations now available or heretofore made under authorization contained in the act approved March 4, 1921, entitled "An act providing additional hospital facilities for patients of the Bureau of War Risk Insurance and of the Federal Board for Vocational Education, Division of Rehabilitation, and for other purposes," to be expended in accordance with and for the purposes authorized by said act, except that the money expended and the work to be done as provided in said act be under the direction and supervision of the Director of the United States Veterans' Bureau, subject to the approval of the President, under such rules and regulations as he may prescribe.

Resolved, That it is the sense of this board, and it so recommends, that all hospitals hereafter erected shall be constructed of fireproof type, and that the location and nature thereof, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be determined by the Director of the United States Veterans' Bureau, subject to the approval of the President.

Resolved, That it is the sense of this board, and it so recommends, that in the construction of new hospitals or dispensaries, or in the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed, the President may determine the manner in which such construction, alteration, remodeling, or repairing may be done, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

Unanimously adopted.

Present: C. E. Sawyer, C. R. Forbes, M. W. Ireland, E. R. Stitt, C. C. Pierce, for Public Health Service; Wm. A. White, Chas. H. Burke.

Approved:

WARREN G. HARDING.

The President approved of it. Somebody suggested that the President had signed it without knowing what it was, and some even suggested that they did not know whether it was his signature, but let that go for what it is worth. I went, in company with Senator FERNALD, chairman of the Senate Committee on Public Buildings and Grounds, to see the President to discuss this matter, and he heartily concurred in the provisions of this bill. At his request I sent him a copy of the bill and report, and I will ask the Clerk to read in my time the letter I received from the President. He does not attempt to dictate to the House what it shall do, but this is his reply when we asked him directly whether the bill was in the shape he wanted it.

The Clerk read the letter, as follows:

THE WHITE HOUSE,
Washington, March 22, 1922.

Hon. JOHN W. LANGLEY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LANGLEY: I had yours of yesterday inclosing copy of H. R. 10864, together with a copy of the report of your committee to the House. Apparently the bill is acceptable as drawn and provides the agencies for promptly carrying out the purposes of the bill. I quite agree about the desirability of its early enactment.

Very truly yours,

WARREN G. HARDING.

Mr. SWING. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. SWING. I agree with the gentleman in all that he says about the duplication of organization. I want the gentleman's opinion as chairman as to the duplication of hospitals. Under the first appropriation made by Congress of $18,600,000 a hospital was located in Palo Alto in California. Now, it is intended, according to the information I have, to locate, if this bill passes, another hospital within 30 miles of the hospital at Palo Alto at Livermore. So there will be two hospitals in the northern part of California 30 miles apart and none in Lower California, 600 miles long, where there ought to be a tubercular hospital.

Mr. LANGLEY. Let me say that I never heard of it until the gentleman mentioned it. It is not the intention of the committee to do anything of that kind. In the bill of the last Congress, of which I was the author, we fixed the zones; but it was stricken out in the Senate. We thought then and think now there ought to be a tubercular hospital in southern California, and I shall help the gentleman in any way I can to bring it about.

Gentlemen of the House, this bill has been carefully considered. We have spent a great deal of time on it. It is a unanimous report of the committee. The American Legion indorses it, and so does the administration, and I hope you will help pass it without any amendment changing the material purposes of the bill. [Applause.]

The CHAIRMAN. The gentleman from Kentucky has occupied 17 minutes.

Mr. LANGLEY. I yield 10 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I can not enter upon a discussion of the merits of this bill without first expressing my own thanks and that of all ex-service men to the committee for reporting out this measure. In the time allotted to me I am going to discuss the situation as it exists in the State of New York.

Last year here Congress passed an appropriation for $18,600,000. That money was to be expended for tubercular, neuropsychiatric, and surgical hospitals, to be built by the White committee under the Treasury Department. Several Members of the House from New York went to the White committee and pointed out that an emergency existed there for the care and treatment of tuberculars and neuropsychiatrics. That was over one year ago, and up to the present time the White committee has not even purchased the ground for a tubercular hospital in the State of New York. The proof of the pudding is in the eating. They admitted a year ago that the emergency existed

and they set aside $1,000,000 to build a tubercular hospital. That amount of money is still on hand for that purpose, but the ground has not even been bought and we are no nearer relief for the tubercular veterans than we were 12 months ago. I want to be fair and just in all my remarks concerning what the White committee have done and what they have failed to do, but it is obvious that they have been guilty of criminal negligence in the State of New York in failing to act promptly or at all. During all this time our tuberculars have been kept at Fox Hill and in other hospitals not fit to take care of that disease; hundreds of them are there to-day, and many have died from tuberculosis due to the fact that this committee has failed to provide a proper hospital for them.

Mr. KINDRED. Mr. Chairman, will the gentleman yield for a question?

Mr. FISH. I yield.

Mr. KINDRED. Is it not true that, according to a recent authoritative report from Colonel Wickersham, the chief of the hospitalization committee of the American Legion, there are at present in the State of New York, farmed out, over 2,000 neuropsychiatric and tubercular cases?

Mr. FISH. I think the gentleman has his figures somewhat too high.

Mr. KINDRED. Those are the figures given me by Colonel Wickersham.

Mr. FISH. Colonel Wickersham is not always accurate in his statements, nor is he chairman of the hospitalization committee of the American Legion. He is one of the members of that committee. I regret very much to inform the gentleman that it is often the case that men who hold responsible positions in the Legion in their enthusiasm make statements that are inaccurate, and even go to lengths that are absolutely unwarranted in making out that Congress is not liberal toward the disabled soldiers.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. SMITH of Michigan. What is the reason that the White committee, which has all of the money on hand, has failed to act for this length of time when there is a need for them to act?

Mr. FISH. The White committee unfortunately meets only from time to time. It was an emergency committee, but they have failed to function as such; and, as I said before, the proof is that they have not got one single hospital ready for occupancy by the veterans of the World War. There are 80 beds in one hospital, but that is all. Other hospitals have been promised, but are not ready for occupancy by ex-service men, and they do not occupy those beds in spite of the fact that the White committee writes the word "conpleted" opposite the names of these hospitals. It is due to the failure of the White committee that the Committee on Public Buildings and Grounds turned over to the Director of the Veterans' Bureau the power to select the new sites and to build the new hospitals, hoping that they would be constructed as an emergency proposition and contracted for by large builders and constructed within eight months instead of being passed out by degrees under the purchase-and-hire system and not completed when promised. The whole record of the White committee is a record of broken promises—of promises made and then broken and then extended to be broken again. [Applause.]

The gentleman from New York [Mr. KINDRED] referred to a member of the Legion, and I think it is only fair to Congress to say that there is a great amount of misrepresentation to the public as to what Congress has done for the disabled men. I understand that the gentleman whose name the gentleman from New York mentioned persuaded the superintendent of schools in New York to get all of the school children in that city to write to their Congressmen here protesting that they had not fulfilled their duty and obligations to the disabled men. An act of that kind is worse than any sort of Bolshevism, because it undermines the faith and the confidence of the younger generation, and especially of aliens, in the gratitude and liberality of Congress toward the disabled veterans. Congress has appropriated more funds for our veterans than any other nation, and they are to-day receiving bigger compensation and better treatment than that afforded by any nation in the World War. Every request made for the disabled has been met willingly and gladly. We have appropriated approximately one billion and a half for our disabled and we are paying out daily a million and a quarter. It is the duty of Democrats and Republicans alike to go home and tell the people that Congress at no time has failed to look after the disabled, nor will they fail to look after them liberally in the future. [Applause.]

Mr. KINDRED. Does not the gentleman know that the consultants on hospitalization in the Treasury Department through the statement of one of its officials to me personally made the statement that they are negotiating on behalf of tubercular patients for the Levi P. Morton farm at sea level on the Hudson River, when within 15 miles from it there is an ideal location at an altitude of 2,000 feet in the Catskill Mountains?

Mr. FISH. I will say to the gentleman that although that is in my district the proposition has been turned down, and quite properly so. [Applause.]

Mr. LANGLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman, this bill proposes an authorization for an appropriation of $17,000,000. The bill previously passed carried an appropriation of $18,600,000. Prior to that the act of March 3, 1919, carried something like $9,000,000. When this committee in the last Congress began the investigation of the hospital question the appropriation of $9,000,000 was already available for use. Under the recommendation of the committee, at a later date, the bill for $18,600,000 was passed. That money has been allocated. I need not take the time now to mention the locations or the method of its distribution. In the bill brought from the committee to the House and passed unanimously by the House we recommended a zoning plan, with certain kinds of hospitals in the different portions of the country. That provision was removed from the bill in the Senate and the matter was left entirely to the discretion of the Secretary of the Treasury, who under his committee of consultants decided upon the location and the amount for each hospital. They decided whether the building should be a new hospital or should be some existing hospital remodeled or a building purchased for that purpose.

This bill as it stands now proposes a $17,000,000 authorization but leaves the determination of the kind of hospital, whether new or old, practically at the unrestricted discretion of the Director of the Veterans' Bureau. Of course, it says under the direction of the President, but we all know full well that the President would not have the time or opportunity to go into all the details and he would act largely upon the recommendation of the director of the bureau in this particular.

Mr. RAMSEYER. Will the gentleman yield?

Mr. ANDREWS of Nebraska. So to make clear the purpose of the bill and in response to the query of the gentleman from Illinois [Mr. DENISON], I say that this bill places the question of the kind of building, the location of the building, substantially at the discretion of the Director of the Veterans' Bureau. Now I will yield to the gentleman very gladly.

Mr. RAMSEYER. I thank the gentleman.

Mr. ANDREWS of Nebraska. I thank the gentleman for his patience.

Mr. RAMSEYER. I want to ask the gentleman a question relative to the construction of the language on the first page, beginning with the fourth line therein, "is hereby authorized to provide additional hospitals," and so forth, "by construction on sites now owned by the Government," and so forth. Now, is the money authorized here limited to the construction of new buildings, or can you, under the language of this bill, buy buildings suitable for hospital purposes which are in existence?

Mr. ANDREWS of Nebraska. I think you can do either. You can accept gifts also, and under the terms of section 2 the matter of buildings constructed will be practically under the control of the director of the bureau, with the President giving the direction. Of course, the director will approve the plans and submit the proposition.

Mr. RAMSEYER. Is the gentleman sure this language permits the Director of the Veterans' Bureau, with the approval of the President, to purchase buildings in existence? It seems to me the language here limits the use of money for the construction of buildings.

Mr. ANDREWS of Nebraska. I leave that to the chairman of the committee; but I will say it was the understanding that the director had practically unlimited discretion.

Mr. RAMSEYER. That is, to use the money for the construction of buildings or to use the money to buy buildings already constructed?

Mr. ANDREWS of Nebraska. If the gentleman will read section 2, I think he will find that question quite fully answered.

Mr. LANGLEY. If the gentleman will permit me a second, that question has been raised before with me and also before the committee, and I have talked with the Director of the Veterans' Bureau regarding it, and there is not any doubt that he has the power under this bill that covers what the gentleman has in mind.

Mr. RAMSEYER. Is it the purpose of the committee to give the director power to use some of this money to buy buildings already constructed?

Mr. LANGLEY. If suitable for hospitals——

Mr. RAMSEYER. I doubt whether the language of this bill would permit the Director of the Veterans' Bureau to use the money authorized to purchase buildings already constructed.

Mr. KINCHELOE. Will the gentleman yield?

Mr. ANDREWS of Nebraska. I will.

Mr. KINCHELOE. I want to ask the gentleman for some information, because I am sure he has given this hospital proposition a great deal of study, perhaps as much as any man in the House. Is it the gentleman's idea that the Director of the Bureau under this bill, either section 1 or section 2, has the right to expend some of this money for the enlargement of existing hospitals?

Mr. ANDREWS of Nebraska. I think so.

Mr. KINCHELOE. Under section 2 it says:

That the construction of new hospitals or dispensaries or the alteration, remodeling, or repair.

Does the gentleman think under the word "alteration" there the director would have the right to enlarge existing hospitals?

Mr. ANDREWS of Nebraska. That is the understanding of the committee.

Mr. KINCHELOE. The reason I ask that, and I am sure the gentleman will agree with me, is that in view of the need of these hospitals the quickest way to get the hospitals for these boys is to enlarge the existing hospitals, and I was anxious to know about that proposition.

Mr. ANDREWS of Nebraska. That is the view the committee took of this proposition, as I understand it.

Mr. KINCHELOE. In regard to the $18,000,000 of which the gentleman spoke, in the allocation of that was there any for the enlargement of existing hospitals?

Mr. ANDREWS of Nebraska. Certainly.

Mr. KINCHELOE. I will say to the gentleman personally——

Mr. ANDREWS of Nebraska. I think the gentleman from Illinois [Mr. BROOKS] has a tabulation of the allocation of that allotment which would explain better to the gentleman at a glance and answer the question fully.

Mr. KINCHELOE. The gentleman knows from a study of the hospitals, but take the question of the hospital at Dawsonsprings, where the hospital has been completed at a cost of $2,250,000. Now, the overhead charges have been taken care of and every dollar expended there would be for additional beds, and all they would have to do would be to connect up the plumbing and lights and other things, and you have the beds ready.

Mr. ANDREWS of Nebraska. I must decline to yield except for a brief question.

Mr. BRIGGS. Does this statement show the number of beds that have been made available under this appropriation of $18,000,000?

Mr. ANDREWS of Nebraska. It does at a glance, and I would be very glad to have the gentleman look at it.

Mr. BRIGGS. Does the gentleman intend to put it in the RECORD?

Mr. ANDREWS of Nebraska. I might get unanimous consent to insert it in the RECORD. If there is no objection I would be glad to insert in the RECORD this statement for the information of members of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none.

The statement is as follows:

Statement showing expenditures under $18,600,000 appropriation for hospital facilities, October 10, 1921.

Hospitals.	Amount.	Number of beds.	Type.	Condition of plans.	Date of completion of plans.	Work to begin.	Completion of hospitals.
U. S. Public Health Service:							
No. 27, Alexandria, La	$60,000		T. B	Completed		Construction under way.	November, 1921.
No. 63, Lake City, Fla	300,000	100	T. B	do		do	February, 1922.
No. 50, Prescott, Ariz	600,000	400	T. B	Nearly completed.	Completed	do	April, 1922.
No. 55, Fort Bayard, N. Mex	850,000	250	T. B	Approximately 40 per cent.	do	December, 1921	May or June, 1922.
No. 62, Augusta, Ga	814,000	300	N. P	Just begun	Nearly completed.		Do.
No. 60, Oteen, N. C	748,000	200	T. B	do		December, 1921	Do.
No. 42, Perryville, Md	500,000	300	N. P	Nearly completed.	Completed	Under way	March, 1922.
National Home Disabled Volunteer Soldiers:							
Milwaukee, Wis	1,400,000	500	T. B	40 per cent	Oct. 10-15	November	April, 1922.
Dayton, Ohio	750,000	250	T. B	do	do	Nov. 1	Do.
Leavenworth, Kans	600,000	200	T. B	do	do	do	Do.
Marion, Ind	100,000	50	N. P	do	do	Construction under way.	May, 1922.
Provisional:							
No. 1, Fort Walla Walla, Wash	450,000 45,000	150	Unassigned	Nearly completed.	Completed	do	April, 1922.
No. 2, Fort Logan H. Roots, Little Rock, Ark.	250,000	300	N. P	do	do	do	November, 1921.
Fort McKenzie, Wyo	102,000	242		do	do	Under way	May or June, 1922.
No. 4, Central New England Sanatorium, Rutland, Mass.	740,000	300	T. B	About 35 per cent completed.			
R. C. Orphanage, New York City	2,750,000				Studies proceeding	Awaiting judgment on site.	
Total	11,059,000	3,542					

CONTEMPLATED HOSPITALS—PLANS NEARLY COMPLETED.

	Amount.	Number of beds.	Type.
Palo Alto	$1,650,000	500	N. P.
Alabama, hospital for Negro ex-service men	2,250,000	500	T. B.
		500	N. P.
New York, for district No. 2	1,250,000	300	T. B.
Western Pennsylvania	1,000,000	250	T. B.
Total	6,150,000	2,050	
Already allocated	11,059,000	3,542	
Total	17,299,000	5,592	

Appropriation	$18,600,000
Less	17,209,000
Reserve	1,391,000

This leaves the balance as a reserve in case we are not able to build within the allotment that we have made so that all institutions shall be completed within provisions of 384.

Mr. ANDREWS of Nebraska. I must now complete the statement I have in mind, because my time is passing very swiftly. Let me say this: There was not the slightest disagreement among the members of the committee as to the appropriation of the amount of $17,000,000 in full. Just a word as to the need. We have been told by the Committee on Appropriations, and we learn from official reports, that there are now something over 7,000 vacant beds available for the use of disabled soldiers.

In the hearings that question was brought out; the director was asked why he needed this additional appropriation with

that number of vacant beds available. He desires, he said, to vacate the places now held in contract hospitals; he desires to remove men so far as possible from private hospitals where they are now located and place them, as largely as possible, in hospitals owned, controlled, and operated by the Government itself. Now, when these additional buildings are constructed and ready for use, many of those soldiers in the contract hospitals or in private hospitals will be transferred to the Government hospitals, under the direction and control of the Veterans' Bureau.

Now, let me invite your attention to section 2 for a moment, because I think the language of that section as it stands here will lead to a conclusion that the committee does not desire to reach. Let me read the language as it stands:

SEC. 2. That the construction of new hospitals or dispensaries, or the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed, shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

That language, I believe, would bring under the control of this act all Government hospitals of every description. I do not think the committee intended to do that. I think the committee intends that the hospitals under the Veterans' Bureau shall be designated alone by the terms of this section, and hence I would suggest that a modification of the language in this form might cure that difficulty, namely, "That the construction of new hospitals or dispensaries for the treatment of the patients of the United States Veterans' Bureau, or the alteration, remodeling, or repair of all such hospitals or dispensaries heretofore constructed or hereafter constructed under this act." Then there will be no question about it. We will have removed that doubt, and I believe that at the proper time it would be wise for us to make some such modification as this.

Now, with reference to the matter of the business principle involved. There were differences of opinion as to the building operations. Some thought that the use of existing building facilities through the Treasury Department should be utilized instead of practically creating a new agency for building operations. Let the hospital board and the director decide what kind of hospitals should be built, where they should be built, and then let the Secretary of the Treasury build them accordingly. By that plan we would avoid all waste and duplication. The funds could then be accounted for through regular channels with efficiency and economy in the highest degree.

Upon this point there were some differences of opinion. But the committee, regardless of differences of opinion upon this or any other point, stands for the enactment of the bill in suitable form as speedily as possible in order that increased hospital facilities may be provided promptly.

At present hospitalization for disabled veterans is the urgent demand. In the near future, however, the necessities will rapidly increase with respect to the need of many of these veterans for homelike accommodations.

As we plan for hospitalization now as the urgent need of the hour, we should also incorporate in our plans wise provisions for future demands. The Federal and State homes for soldiers of the various wars will be needed in the near future, and we should plan accordingly. We can do much now in the line of economy by taking this fact into consideration. As we plan for the present, therefore, we should also plan for the future.

The Director of the Veterans' Bureau is required under the law to carry tremendous responsibilities. He will meet untold complications in providing suitably for the veterans under his charge.

Our work should simplify matters as far as possible and gradually develop the facilities that will be needed in the future. During the past two years your committee has sought to apply this principle, and during that time it has effected economies approximating $50,000,000.

Mr. Chairman, I yield back the remainder of my time. [Applause.]

Mr. LANGLEY. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. LINEBERGER]. [Applause.]

Mr. LINEBERGER. Mr. Chairman and gentlemen of the committee, as this bill vitally affects my disabled comrades of the World War I have scrutinized it very carefully, because I believe it is a measure which will have a very far-reaching effect in the solution of the great problem before the country in connection with taking care of these disabled soldiers—men to whom the country owes a lasting debt of gratitude. I think the bill as a whole is extremely well drawn. [Applause.] There was in my mind at first thought some slight objection or likelihood of objection to section 2, but after giving the matter very thorough consideration and discussing it with many who have given it a very close study, I have decided that is the most important and most meritorious clause in the entire bill.

The secret of success in this work is centralization. This hospitalization work must be placed under the care of the Veterans' Bureau, which is charged with the entire program of hospitalization in order to give effect to the desires of the Congress and carry out the program with the least possible friction. Of course, I do not desire at this time to do more than to merely touch upon one particular phase of this bill, which I believe is of vital importance, particularly to my section of California. We are not, out in southern California, from where I come, going to say that any particular location should or ought to be considered in preference to any other for a hospital, but I do want it to go into the RECORD that 65 per cent of all tubercular and neuropyschiatric cases in the State coming under the Veterans' Bureau exist or are situated in southern California. The last appropriation was spent, and I think quite properly, in Palo Alto, which is in the so-called San Francisco Bay section. In southern California at this time there are three contending locations for one of these new hospitals, and I want them to have full opportunity to present their claims before those whose duty it shall be to decide upon locations before any decisions are reached.

Mr. ANDREWS of Nebraska. Will the gentleman yield for a question?

Mr. LINEBERGER. I will.

Mr. ANDREWS of Nebraska. Does the gentleman mean to say that 65 per cent of all the tubercular patients under the jurisdiction of the bureau, or simply of those in California?

Mr. LINEBERGER. Only those that are in California, but on account of our salubrious climate there we have a higher percentage of disabled ex-service men than any other section of the country. I am glad that my colleague directed that inquiry to me.

The locations to which I refer are located in southern California. One is at Monrovia in my district, the other is at the National Soldiers Home, at Sawtelle, and the third is at Arrowhead Springs, near San Bernardino.

Now, not only in my own section, but throughout the country, there will likely be a disposition—in localities seeking the location of these hospitals, to contribute the land, and that will mean a great reduction in the expense of putting into operation these plants. Free locations or sites should not alone be the determining factor. There are also many locations like that at the National Soldiers' Home, at Sawtelle, where the land is owned by the Government, or at Arrowhead, where it is leased under very favorable conditions to the Government. Any new hospital built in California should be located in the south, where the majority of the patients are located, where facilities are now lacking, and where the climate can not be equaled, especially for tubercular cases. The city of Monrovia has peculiar advantages in this respect.

This is a very liberal bill, and it is going, in my mind, to largely solve this great problem. These men to-day who are located in private hospitals are not receiving the attention which they should receive. The Government is being in many cases charged exorbitant rates for very inferior service, and it will be impossible to remedy these conditions until the Government embarks upon a thoroughly considered scheme of hospitalization. I am very glad indeed that the bill has been drafted in the manner in which it has. It is extremely simple. I, therefore, feel that every Member of this House should, and will, give it his united support. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANTRILL. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. RUCKER], a member of the committee.

Mr. RUCKER. Mr. Chairman, I do not think I shall want five minutes. I shall take only a minute. I am glad this bill is before the House for consideration to-day. I am one of those who thought this bill ought to have been taken up before the bonus bill—that mongrel that I voted for, and I want to say that I am not at all proud of the vote that I cast for it. This pending bill has afforded me more personal pleasure than any bill that I have ever participated in framing since I have been a Member of this House.

Congress has been abused and criticized for its alleged lack of attention to those of our boys who came back from across the seas disabled. I am very glad to hear the gentleman from New York [Mr. FISH], himself an ex-service man with a splendid record, defend the Congress from these accusations. Congress has been liberal, or it attempted to be liberal, in its appropriations for the care of the sick and afflicted soldiers. This bill will go very far toward relieving the condition that will stress upon the country for many years to come.

Mr. BROOKS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. I yield.

Mr. BROOKS of Illinois. What would the gentleman think about the advisability of expending this money for the future needs of the soldier, as well as at the present time, in building these hospitals in such a way that they could be used as soldiers' homes in 10 or 15 or 20 years from to-day?

Mr. RUCKER. Oh, when this Government builds these magnificent hospitals I think they will be available for use for many years to come, and I think they will be suitable and so constructed that they be used for the purpose the gentleman has suggested.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. KINDRED. Let me suggest that a hospital like a hospital for the insane, which is the class of hospitals that is very much needed now, would not be adaptable for a soldiers' home.

Mr. RUCKER. Well, I can not say as to that, but they can be utilized in some way permanently.

Mr. Chairman, I yield back the balance of my time, expressing the hope that this bill will receive, as I believe it ought to receive, the unanimous support of the House. [Applause.]

Mr. CANTRILL. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. THOMAS].

The CHAIRMAN. The gentleman from Kentucky is recognized for 10 minutes.

Mr. THOMAS. Mr. Chairman and gentlemen of the House, yesterday I made a few remarks in which I incidentally, merely as a matter of jest, referred to a story which the gentleman from Illinois [Mr. WILLIAMS] related to me concerning a trip made by himself and Mr. TINCHER to Pennsylvania in hunt of prosperity. My remarks were merely a jest. I did not incorporate them in my revised remarks. But it seems the distinguished and important statesman from Kansas became very much offended at those remarks and proceeded to make a speech upon the floor of this House in which he stated that I had introduced a bill in aid of an impending strike in this country; and he even went so far as to say that I ought not to be allowed the postal facilities of this Government.

That bill does not contain a single reference to any strike. The bill simply provides for an appropriation of $600,000 to relieve suffering humanity among the miners wherever it is needed, or so much of that sum as may be required for that purpose, and the distribution of that fund, as provided by the bill, is to be under the direction of the President of the United States. It seems that the gentleman from Kansas is not willing to trust his own President with the distribution of funds to relieve want and distress.

Why, the gentleman from Illinois [Mr. WILLIAMS] did not become offended at my remarks. He has too much sense to do so. [Laughter.] And, besides, Mr. WILLIAMS is a gentleman. Sometimes I have thought—I hope it is not true, and I do not charge it—that it is now the closed season in some districts in Kansas for sending gentlemen to Congress. [Laughter.]

Why should not those mining people be relieved of suffering as well as foreigners? I have never advocated a strike in my life, and his statements to that effect are absolutely and unqualifiedly false. I do not believe in strikes where they can possibly be avoided, and I have never advocated violence in any strike, but believe disputes should be settled by conference and conciliation if possible. And yet because I introduced a bill to relieve starving children and hungry women, and requested in writing the chairman of the Committee on Appropriations for a hearing upon that bill, and thought possibly the chairman did not receive the first communication, if the postal facilities in this country are in the condition as described by the gentleman from Illinois [Mr. MANN] and the other gentleman from Illinois [Mr. WILLIAMS], under the administration of Mr. Hays, and to make sure that the chairman received my request, I registered the letter and asked for a receipt, which I received. Because of this offense the distinguished gentleman from Kansas says that I am not even entitled to a receipt, and should be denied the postal facilities of this Government.

No doubt the gentleman from Kansas probably believes he is the greatest statesman ever sent to Congress from that State. No doubt the gentleman will admit it, for he really looks wiser than Solomon in all his glory. [Laughter.] The gentleman is obsessed with the idea that he is a great and important statesman; but he evidently mistakes corpulence and noise for statesmanship. [Laughter.]

Now, personally I like the gentleman. [Laughter.] You know, it is said, "Whom the Lord loveth he chasteneth." [Laughter.] I do not think that he ought to have made such remarks about me as he did. I am willing to prod Republicans, and I do it. If I can, I will romp upon them with hobnail shoes. But I am not going to wantonly and knowingly insult a man on the floor of this House because I do not happen to agree with his peculiar ideas.

Why, the Republicans are now holding an investigation of the mining situation before the Republican Committee on Labor. I presume that the gentleman from Kansas will next arise in his seat and charge that the Committee on Labor is in favor of a strike because it is investigating the condition of the suffering coal miners. That would be about as sensible as the charge that the gentleman made against me. The gentleman from Kansas is one of these agriculturalists who makes his money in town and spends it on the farm, and is in great love with the farmers of Kansas. Why, I believe it would be a sight for the gods and men to see him making a campaign for reelection on a Kansas sway-back pony, wearing a broad-brimmed hat—Mr. TINCHER, not the pony [laughter]—and telling the farmers how much he admires them. If I were to be as uncharitable as he is, I suppose, because he has advocated bills for the relief of farmers, with which, with all deference to the distinguished gentleman I agree, it would be as fair to charge the gentleman with being in the position of trying to organize a strike among the farmers. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CANTRILL. I yield 10 minutes to the gentleman from Texas [Mr. LANHAM], a member of the committee.

Mr. LANHAM. Mr. Chairman, if congressional thought and action were always so in accord and agreement with the sentiment of the people as in the case of the present desire for proper provision for adequate hospitalization of disabled ex-service men, I think it would be well for the country. There has been some unjust and ill-advised criticism of Congress in this regard. Generally speaking, there has been congressional ardor rather than congressional apathy.

It seems likely that we should have made much better progress in this matter if the advice given to Congress in a communication from the then Secretary of the Treasury, Mr. GLASS, on December 5, 1919, had been heeded. He evidently anticipated some of the delay which has occurred, and realized also the length of time required to prepare for proper care of the disabled soldiers. He recommended an appropriation of $85,000,000 for this purpose. I mention this merely as a part of the history of proposed legislation of this character.

At present we have before us a bill providing for $17,000,000, and I feel that there will be little, if any, opposition to the main purpose of this measure.

In the consideration of this particular bill and the one of last year providing for $18,600,000, a commendable spirit and a desire for prompt action have been reflected in the deliberations of the committee from which this measure emanates. There have been no legislative Gordian knots of red tape to be cut. These two measures, dealing with this important subject of governmental endeavor, have been brought to the floor of the House with dispatch and quickly considered. Such delays as may have occurred have been administrative and not legislative.

Mr. ANDREWS of Nebraska. Will the gentleman yield at that point?

Mr. LANHAM. I will.

Mr. ANDREWS of Nebraska. Is it not true that the committee might have brought in the bill quite a while ago if executive officers had found it possible to report to the committee with such information as we desired from them?

Mr. LANHAM. The statement of my colleague on the committee is quite correct, and whenever there has been delay of any kind in the committee it has been attributable to the request from those in charge of administration that they might give further data for consideration concerning desirable features which they wished to suggest.

Before this bill was introduced, as stated by the gentleman from Nebraska, we appropriated approximately $27,000,000 for this laudable purpose. This is indicative of the spirit which has animated both the Committee on Public Buildings and Grounds and the Congress itself. It seems, however, that, due perhaps to that interdepartmental jealousy which sometimes exists here at the Capital in the administration of congressional acts, there has been some delay.

The bill which we formerly passed, carrying $18,600,000 for hospital purposes, authorized the expenditures thereunder to be made under the direction of the Secretary of the Treasury. We placed in his hands the proper authority in order that the power of action might be concentrated and results quickly obtained.

There have been also some interdepartmental jealousies with reference to this particular bill, as manifested in the hearings which many of you have read. The Treasury Department, hav-

ing an authorized agency of the Government in matters of construction, has felt that perhaps its authority was being impaired and its usefulness questioned by the effort to transfer this responsibility to the Director of the Veterans' Bureau. And there has been a controversy also in the testimony of witnesses before us with reference to the relative merits of a contract system and one of purchase and hire. But I think there has been in the minds of those gentlemen also, as in the minds of the members of the committee, the desire for expeditious action toward proper hospitalization.

Why has the committee suggested the transfer of this authority to the Director of the Veterans' Bureau? In the first place, I want to call your attention to two recommendations which were made in this regard. Mr. Hanford MacNider, the national commander of the American Legion, appeared in person before the committee, and I quote the following from his testimony:

The American Legion hopes that if and when Congress acts upon H. R. 8791, a bill to appropriate $16,000,000 for further hospital construction, that the appropriation will be made to the Director of the United States Veterans' Bureau. This for the reason that he is solely responsible to-day for the hospital care and treatment of beneficiaries of the United States Veterans' Bureau. He receives all the criticism, but lacks authority and funds to properly equip the United States Veterans' Bureau to carry on this work. This is not necessarily an indictment of the Treasury Department, nor is it intended to convey the impression that the Director of the United States Veterans' Bureau is better able to build hospitals, but made only in a spirit of fairness and equity for the reason, as stated above, that the Director of the Veterans' Bureau is responsible, therefore he should have the opportunity to carry on his work unhampered by divided authority and endless red tape.

The amount mentioned, $16,000,000, was increased to $17,000,000 in the bill as finally reported.

We had before us also the resolutions which were adopted by the Federal Board of Hospitalization at its meeting on February 11, 1922, from which I quote the following:

Resolved, That it is the sense of this board and that it recommends to Congress immediate legislation authorizing an appropriation of $16,000,000, to be immediately available and to remain available until expended, the amount to be in addition to appropriations now available or heretofore made under authorization contained in the act approved March 4, 1921, entitled "An act providing additional hospital facilities for patients of the Bureau of War Risk Insurance and of the Federal Board for Vocational Education, Division of Rehabilitation, and for other purposes," to be expended in accordance with and for the purposes authorized by said act, except that the money expended and the work to be done as provided in said act be under the direction and supervision of the Director of the United States Veterans' Bureau, subject to the approval of the President, under such rules and regulations as he may prescribe.

Resolved, That it is the sense of this board, and it so recommends, that all hospitals hereafter erected shall be constructed of fireproof type, and that the location and nature thereof, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be determined by the Director of the United States Veterans' Bureau, subject to the approval of the President.

And this report has the approval of the President. As stated by the commander of the American Legion, I do not take it that the approval of this suggestion by the President is intended as any criticism of the Secretary of the Treasury in his administration of the funds which were placed at his disposal.

Mr. TREADWAY. Will the gentleman yield?

Mr. LANHAM. Briefly, yes.

Mr. TREADWAY. I am interested to know the attitude of the gentleman and the members of the committee relative to whether or not the Veterans' Bureau has a suitable force for constructive purposes?

Mr. LANHAM. I was just coming to that.

Mr. TREADWAY. Thank you.

Mr. LANHAM. I want to say, gentlemen, that despite these two recommendations I have some doubt of the wisdom of this suggestion.

We are all inspired by the same commendable impulse, but all subject in our zeal to the possibility of erroneous judgment. As intimated by the query of the gentleman from Massachusetts, the Veterans' Bureau has no suitable force for construction purposes. Certainly it is the desire of all of us to avoid whenever possible and practical the additional expense of a duplication of functions. This is one prime consideration which prompted the Budget legislation. Of course, we are interested primarily in results and in some action that will lead to them effectively and expeditiously, and I feel sure that each of us is willing to make some sacrifice of individual opinion if necessary to bring about such a consummation. The report of the Federal Board of Hospitalization from which I have quoted contains this additional expression:

Resolved, That it is the sense of this board, and it so recommends, that in the construction of new hospitals or dispensaries, or in the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed, the President may determine the manner in which such construction, alteration, remodeling, or repairing may be done, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

So, believing that in the Treasury Department we have organized in the Government at the present time an agency whose business it is to construct buildings, the original proposal of section 2 of this bill was modified to read as follows:

SEC. 2. That the construction of new hospitals or dispensaries, or the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

It seems to me that under the terms of this section, and in order to avoid duplication, both of effort and expenditure, and to prevent the unnecessary establishment of further agencies for constructing buildings, it is a reasonable inference that the President will avail himself of the means already at hand.

The CHAIRMAN. The time of the gentleman from Texas has expired.

By unanimous consent Mr. HAYDEN and Mr. ANDREWS of Nebraska were given leave to extend their remarks in the RECORD.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent that all gentlemen may have the privilege of extending remarks in the RECORD on this bill for the next 10 days.

Mr. MANN. That can not be done in committee.

Mr. LANGLEY. The gentleman is correct. In the stress of the moment I overlooked that point.

Mr. TAYLOR of Tennessee. Mr. Chairman and gentlemen of the committee, I am a member of the committee that reported out this bill providing additional hospitalization for our disabled soldiers. I enthusiastically supported the bill in the committee, and I am just as enthusiastic for its passage. The disabled soldiers of the Republic are the Nation's wards and are entitled to the most tender solicitude and most generous support of the Nation. The most illustrious pages of our country's history are those which record the care and liberality which our Nation has shown its brave defenders in times of stress and storm. In my opinion, the thing that has inspired the American soldier to perform such brilliant feats of valor in every war in our country's history has been the consciousness that if harm befall him in his country's service a grateful Government will provide for him and his dependents.

Mr. Chairman, we have always been generous to our soldiers, and that fact is the chief asset and glory of the Republic. Whenever, if ever, we change our policy of caring for our soldiers and their dependents, we will violate the spirit of patriotism and destroy the bulwark that has rendered our country secure to itself and invincible to its enemies. [Applause.] I not only favor generous provisions for the disabled soldiers of the World War and their dependents but I favor it for the disabled veterans and their dependents of all our wars.

In an editorial in a recent issue of the National Tribune our attention was called to the painful fact that the veterans of the Civil War are passing to the great beyond at the appalling rate of more than 2,000 per month, so that in a few brief years none of these old battle-scarred heroes will remain to testify "in the flesh" to the greatest crisis in our Nation's history. During the short month of February, according to the report of the Commissioner of Pensions, 2,164 Civil War veterans passed away and 1,922 widows, making a total of 4,068, or more than 50,000 for the calendar year 1922. As a result of age and infirmity not one of these veterans is able to perform manual or other labor, and they should not be required so to do. Every one of them should now be on the pension roll at a rate of at least $75 per month, and their widows at the rate of $50 per month; and the Invalid Pensions Committee and this Congress will be derelict in the performance of their duties if this session is permitted to adjourn without such action. Any less amount will not be sufficient to provide the comforts to which they are entitled.

The last Congress properly gave to the soldiers of the Spanish-American War a pensionable status. I favor increasing their rate also as their age advances and their disabilities require.

Despite administrative handicaps, and the ramifications of red tape, the United States spent over a billion and a half dollars in relief for veterans of the World War from October 6, 1917, to February 1, 1922. In a report issued by Director Forbes, of the Veterans' Bureau, this amount was applied as follows: Vocational training, $226,293,259.70; insurance, $294,621,689.83; compensation, $310,149,892.17; allotments, $300,947,327.60; allowance, $282,107,540.78; medical and hospital services, $105,655,210.91; administrative, $47,561,869.53; total, $1,567,336,790.52.

The bonus bill, which has just passed the House, contemplates in its various processes an expenditure of $4,000,000,000. In

addition to this contemplated expenditure the Government is now spending approximately one million a day for relief purposes for the veterans of the World War. For the next fiscal year a sum has already been authorized for this purpose which will approximate four hundred million. The figures to which I have just referred do not include assumed liabilities of the Government to owners of war-risk insurance policies which amounts to $860,154,493. Neither do they include the $60 bonus paid to our ex-service men upon their discharge, which totaled $256,239,900. The $18,600,000 authorized by Congress for the construction of additional hospitals is also not included in the figures just given. The report of Director Forbes shows conclusively that the United States has been far the most generous of all the nations in the treatment of its ex-service men. For total permanent disability Great Britain paid her ex-service men annually per capita $376.48; Canada, $540; France, $314; Italy, $55.44; whereas the United States has paid its soldiers annually per capita $1,200, or $100 per month. In addition to this, Uncle Sam was more generous than any of the other nations to the families and dependents of soldiers while they were absent in the military or naval service. France allowed the dependents of her soldiers during the war period $50.15 per year; Great Britain, $202.36; Italy, $11.24; while the United States allowed $360, or $30 per month. The United States has approved for vocational training 303,276 and 104,923 are still in training. England, under the labor ministry's scheme, has approved 58,000 ex-service men for training, and only 24,000 are still in training. In the language of Director Forbes—

the United States has spent as much as both France and Great Britain combined for benefits in favor of disabled ex-service men, despite the fact that the casualties of France and Great Britain were far greater.

And in conclusion, Mr. Speaker, I am proud to say that no patriotic American regrets a single solitary dollar that has been expended for our disabled ex-service men; on the contrary, we are proud of the magnificent showing we have made. And the great concern of the entire citizenship of this Nation to-day is that the dependents of those who made the supreme sacrifice in the military and naval service and those who are handicapped as a result of disabilities incurred in such service shall have the very best that the Nation affords. [Applause.]

Mr. LANGLEY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. KINDRED].

Mr. KINDRED. Mr. Chairman and gentlemen of the committee, I first want to join with my colleague, the gentleman from New York [Mr. FISH], himself a distinguished ex-service man, in expressing my utter condemnation and contempt of any propaganda which would try to place Congress in a false light in making the slightest suggestion that Congress had not at all times been willing to liberally appropriate a sufficient sum for the alleviation of the suffering of the sick and disabled veterans of the World War.

A brief survey of some of the facts and statistics with reference to the hospitalization system and conditions since the middle of the World War up to the present time will convince every Member of the House of the urgency of the appropriation proposed by the pending bill.

I want to say in perfect good faith and with no intention of criticizing the principle of the bill that the appropriations provided herein do not go half far enough. I believe I shall be able to prove this by a survey of the facts respecting the number of ex-service men who will be, according to all reliable actuaries of the Government, in need, in urgent need, of treatment during the next four to six years.

In the first place, we are all made aware by the intelligent report accompanying the pending bill that the number of ex-service men and women under treatment as of date February 23, 1922, was approximately 30,800. Of this total number—and this is a pertinent fact to which I now invite special attention—4,200 neuropsychiatric cases, including all classifications of nervous and insane persons, are unable to secure hospital treatment in Government-owned and Government-controlled hospitals. I am not going into any arraignment of the improper and unscientific way in which these unfortunate ex-service men have been treated. There are, however, many well-founded proofs of the fact that there has accompanied this system of "farming out" some of the vilest commercialism that was ever known in the treatment of human beings. That constitutes one of the facts that would suggest urgency here.

The same general proposition applies to a large number of tubercular cases. In other words, there are over 9,000 tubercular and neuropsychiatric cases which are unable to be accommodated in Government-owned and Government-controlled hospitals, there being 4,200 neuropsychiatric cases and over 4,800 medical and surgical and tubercular cases.

There has been a misleading statement put out by well-meaning men to the effect that there are several thousand vacant beds owned and controlled by the Government. If that be true, and I accept it as being true, those beds are vacant in that class of hospitals which treat medical and surgical cases, but, as has been pointed out, our main and urgent need is for hospitals for the treatment of 9,000 neuropsychiatric and tubercular cases, nearly one-third of the total that are disabled and sick among the ex-service men. According to a letter addressed to me very recently by Colonel Forbes, the Director of the Veterans' Bureau—and I desire here to make that letter and some other letters bearing on the subject a matter of record—he points out that there will be in the near future 36,000 cases of all classifications which will need hospitalization. The appropriation—$18,600,000—which the Sixty-sixth Congress made over one year ago provided for approximately 6,000 beds. It is the delay, the inexcusable delay, upon the part of the consultants on hospitalization of the Treasury Department which has brought criticism upon the motives of the American people and the motives of this Congress. They have delayed inexcusably and incompetently. I have already said something with reference to that, with no personal feeling toward any one of the consultants of the hospital committee, but from a knowledge of the facts which are set forth by the records which they show in their own department. Reference has been made by my colleague, the gentleman from New York [Mr. FISH], to the fact that although $1,000,000 was appropriated for the specific purpose in the State of New York to provide a tubercular hospital, the so-called progress report—indeed, a misnomer—of the consultants on hospitalization of the Treasury Department indicates a blank under the heading of "Remarks" with regard to the $1,000,000 appropriation for the metropolitan district of New York. They record a perfect blank under the heading "Remarks." They say as to the condition of the plans that "preliminary studies are under way" more than one year since the $18,600,000 became available.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LANHAM. Mr. Chairman, I yield the gentleman from New York, Doctor KINDRED, five minutes.

Mr. KINDRED. Mr. Chairman and gentlemen of the committee, in conclusion I wish to say that there will be required to properly and humanely care for our ex-service men and women, veterans of the World War, not only 6,200 beds as is proposed in the program of the Director of the Veterans' Bureau to which I have referred, but there will be also required in the next four to six years a sufficient number of hospital beds to take the place of from ten to eleven thousand hospital beds which will have to be abandoned because of the disgraceful conditions of the old hospital buildings in which ten to eleven thousand ex-service men and women are now quartered. In addition to those ten or eleven thousand hospital beds which would be required in the near future—that is, within about four to six years—there will be required, in addition to the program of the Director of the Veterans' Bureau for 6,200 beds, about 10,000 beds in order to care for the increase in the number of tubercular and neuropsychiatric cases. These two classes of cases have increased during the last year and a half at the rate of 25 per cent every 18 months. There are now about 10,000 of these two classifications who most urgently need hospitalization, and, therefore, if they increase in the next year or in the next year and a half in the same ratio as they have increased during the last year and a half, we will require additional hospital facilities for 10,000 more of those classifications.

Mr. BROOKS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KINDRED. Yes.

Mr. BROOKS of Illinois. What about the cure of these neuropsychiatric cases. Are they curable?

Mr. KINDRED. The gentleman has asked an important and a pertinent question. The answer to that question bears upon the essential conditions involved in providing quickly proper hospital facilities, because it is a well-known medical fact that if mental and nervous cases, and the same applies to tubercular cases, are not treated intensively during the first year or two after the inception of their disease they are hopeless and have no chance for cure. Therefore it is all the more sad, from a humane and scientific and economic point of view, that we should not be able to give these two classes of patients as rapidly as possible the proper hospital conditions under which they can be cured.

Mr. BROOKS of Illinois. The gentleman made the statement that the peak of the load had not yet been reached.

Mr. KINDRED. The peak of the load with reference to certain classifications, namely, in the classification of epilepsy, which constitutes a large number of the neuropsychiatric cases, will not be reached for 25 years, because the epilepsy has been brought about by injuries to the skull and to the brain, and in the process of repair of a broken skull there may not be any symptoms of epilepsy for 20 to 25 years.

Mr. SIEGEL. Mr. Chairman, will the gentleman yield?

Mr. KINDRED. Yes.

Mr. SIEGEL. The gentleman is making these statements as an expert and not as a Member of Congress?

Mr. KINDRED. I am making them in both capacities.

Mr. SIEGEL. The reason I ask that question is that I would like the Members of the House to understand the gentleman is personally familiar with the statements that he is making.

Mr. KINDRED. That is very courteous of the gentleman. Mr. Chairman and gentlemen of the House, I have always been in favor of some constructive, efficient hospital system. We are providing here a mere driblet which will tide us over temporarily. The Surgeon General of the Public Health Service, Dr. H. S. Cumming, recommended to the Secretary of the Treasury, the Hon. CARTER GLASS, who transmitted the recommendation to the Sixty-sixth Congress, that there should be appropriated $85,000,000 to properly develop the hospital system which we shall need for our ex-service men. We are appropriating now, very properly, $17,000,000, and in perfect good faith I am going to suggest an amendment at the proper time to increase this amount to actually meet the needs of the sick and disabled ex-service men for the next several years.

The present needs for additional hospitals require much more than the appropriation carried in this bill, and I am confident that Congress will respond to these needs liberally, just as Congress has already liberally appropriated for hospitals and hospital facilities in the past—$10,000,000 by the Sixty-fifth Congress and $18,000,000 by the Sixty-sixth Congress, making a total, with the $17,000,000 carried in this bill, of $45,600,000 appropriated for hospitals and hospital facilities, in addition to approximately $2,000,000,000 appropriated for ex-service men's compensation, insurance, allotments, and so forth, reference to which is made here in the form of the accompanying chart and letter:

UNITED STATES VETERANS' BUREAU,
Washington, March 14, 1922.

Hon. JOHN J. KINDRED,
House of Representatives, Washington, D. C.

DEAR MR. KINDRED: In accordance with your request, I am forwarding herewith statement as of January 31, 1922, showing the fiscal operations of the United States Veterans' Bureau, the former Bureau of War Risk Insurance, and the former Rehabilitation Division of the Federal Board for Vocational Education.

Respectfully,

C. R. FORBES, *Director.*

Recapitulation as of Jan. 31, 1922.

Organizations.	Appropriations, transfers, and other credits.	Expenditures.			Allotments.	Covered into Treasury.	Loans from revolving fund.	Balance.
		Administrative.	Direct.	Total.				
Losses on war-risk insurance on American vessels, their cargoes, etc.	$103,140,513.74	.....	$35,089,566.22	$35,089,566.22	.....	$67,000,000.00	.....	$1,050,947.52
Military and naval family allowance	298,615,000.00	.....	282,107,540.78	282,107,540.78	.....	14,500,000.00	.....	2,007,459.22
Military and naval insurance	402,888,552.44	.....	287,131,236.76	287,131,236.76	.....	.....	.....	115,757,315.68
United States Government life-insurance fund	51,763,857.42	.....	5,458,076.25	5,458,076.25	.....	.....	.....	46,305,781.17
Military and naval compensation	397,150,000.00	$236.51	309,965,012.23	309,965,248.74	.....	.....	.....	87,184,751.26
Medical and hospital services	112,710,272.00	6,937,211.74	13,906,567.68	20,843,779.42	[1] $65,513,022.59	.....	.....	26,353,469.99
Salaries and expenses (including national security and defense appropriations)	53,443,906.00	47,589,904.14	.....	47,589,904.14	.....	696,850.70	.....	5,157,151.16
Vocational rehabilitation	248,500,000.00	23,500,095.84	202,532,552.95	226,032,648.79	.....	.....	.....	22,467,351.21
Vocational rehabilitation, revolving fund	1,082,820.48	.....	.....	.....	.....	.....	$779,742.33	303,078.15
Army allotments trust fund	269,000,000.00	.....	249,485,653.58	249,485,653.58	.....	.....	.....	19,514,346.42
Navy allotments trust fund	45,800,000.00	.....	45,746,958.34	45,746,958.34	.....	.....	.....	53,041.66
Marine Corps allotments trust fund	3,895,000.00	.....	3,891,449.25	3,891,449.25	.....	.....	.....	3,550.75
Coast Guard allotments trust fund	1,831,000.00	.....	1,823,266.43	1,823,266.43	.....	.....	.....	7,733.57
Total	1,989,820,922.08	78,027,448.23	1,437,137,880.47	1,515,165,328.70	65,513,022.59	82,196,850.70	779,742.33	326,165,977.76

United States Public Health Service	$55,481,985.99
National Home	6,955,000.00
War Department	2,479,266.76
Navy Department	596,769.84
Total	65,513,022.59

We should at once provide a hospital system that would properly care for curable and incurable ex-service men, and which will at the same time stop all this unjust criticism and impugning of the motives of Congress and of the Members who have at all times desired to pursue a policy most liberal and fair to the ex-service men. [Applause.]

Mr. LANGLEY. Will the gentlemen on the other side use some time now?

Mr. LANHAM. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Chairman, I shall be glad indeed to vote for the appropriations authorized by this bill, but the House and the country should not gain the impression from its passage that this will be the last expenditure necessary to properly hospitalize the ex-service men who are, or who will be, in need of this kind of care and attention. The bill carries a million dollars more than was requested by the Federal Board of Hospitalization, but this is not enough to do all that should ultimately be done. The memorandum signed by the members of that board and approved by the President on February 11, 1922, asks for only $16,000,000, but the House by this bill is allowing $17,000,000, which again demonstrates that so far as money for hospitalization is concerned it is no fault of the Congress that ample facilities have not been provided.

The Director of the Veterans' Bureau has with great vehemence and severity criticized those who have been heretofore charged with the construction of hospitals. Under this bill the director, subject to the approval of the President, is given the authority to provide additional hospital facilities for persons who served in the World War, and if he does not get satisfactory results from this $17,000,000 he must take the same dose of criticism that he has given to others in connection with hospital work, and is expected to swallow it cheerfully, because otherwise he would be unfit for the responsibilities that will be imposed upon him.

I believe the Committee on Public Buildings and Grounds acted wisely in authorizing the President to supervise all new hospital construction. This will permit him to coordinate the activities of every architectural, engineering, and constructing bureau and department of the Government, thus to obtain results at the earliest possible moment. The President, as the head of the administration, ought to be able to suppress all rivalry and compel all branches of the public service to work together in harmony.

My primary object in addressing you to-day is to point out the fact that there exists in the Southwest a most serious situation in reference to a large number of ex-service men who are in immediate need of hospitalization. I want also to express the hope that the President, as soon as the funds herein authorized are available, will see that proper hospital facilities are provided to meet this situation, particularly in southern Arizona.

It may be true, as some respected medical authorities assert, that climate is of no benefit, that tuberculosis of the lungs and throat can be cured in one place as well as another, but thousands of those who suffer from that dread disease sincerely believe that a dry climate will aid in their recovery. It is universally recognized that proper care is half the battle against this malady, but notwithstanding the statements of some physicians there is much well-grounded medical opinion that the right kind of climate is beneficial in the treatment of tuber-

culosis. In the following statement Dr. John W. Flinn, of Prescott, Ariz., has, in my opinion, correctly set forth that which has been repeatedly demonstrated to be a fact:

As between care—that is, fresh air, good food, rest, and competent medical attention—and climate, the latter must always continue to be a secondary consideration. In the least favorable climate good care, provided the surroundings be the best obtainable, will produce much better results than the best-known climate without this care. If the patient must choose between the two, he should take the care and let the climate go, but if he be so fortunate as to be able to have them both his prospects of recovery are certainly brighter than they could be if he were compelled to depend on one alone.

The belief that climate is helpful is so widespread and so persistent that, despite any advice to the contrary, large numbers of ex-service men are coming to the Southwest each year in the hope of relief. From all parts of the United States they are moving to Colorado, New Mexico, or Arizona, and when they arrive there they demand immediate hospitalization by the Federal Government, which up to the present time can not be provided.

To demonstrate that this belief is founded on good medical authority let me quote from this book, entitled "A Handbook of Medical Climatology," by Dr. Samuel Edwin Solly, who says:

In that portion of the country known as the great Southwest, the winter climate of Colorado, northern New Mexico, and Arizona may be characterized in a phrase as *cold, dry;* that of New Mexico and Arizona south of latitude 35° as *warm, dry;* and that of the coast of southern California (west and south of the mountain ranges) as *warm, moist.*

Arizona affords the best desert climate of the United States, and as winter residences for health seekers it possesses the three towns of Tucson, Phoenix, and Yuma. As the entire territory of Arizona is west of the great Continental Divide and slopes steadily toward the Pacific, it is subject to a certain amount of ocean influence, not to the extent to which the winter rains in California bear witness but sufficiently to be subject between December and March to occasional rains or snows on the high plateaus and on the southwest slopes of the mountains. There are few cloudy days in Arizona, and the spring weather is usually dry.

Mr. KINDRED. Will the gentleman yield, briefly?

Mr. HAYDEN. I yield to my good friend from New York.

Mr. KINDRED. May I ask the gentleman from Arizona if there is at the present time any Government hospital for tuberculosis in Arizona?

Mr. HAYDEN. There is a modern, well-constructed Public Health Service hospital at Prescott, which is now being enlarged to accommodate about 1,100 patients. Tucson has a temporary hospital conducted by the Public Health Service in lumber buildings, inflammable and unsafe, which will accommodate about 300 men. At Phoenix there is a small contract hospital which has been ordered to be closed in the near future.

Mr. KINDRED. If the gentleman will allow me to say, I fortunately spent a winter in his delightful city of Phoenix, Ariz., and have also been at Tucson, some 125 miles south of Phoenix. Tucson is at an elevation of a little over 2,000 feet. It has delightful mountain air in summer and very exhilarating air in winter, and is ideal for tubercular patients.

Mr. HAYDEN. The gentleman from New York mentioned, in the course of his remarks a few moments ago, that it was contemplated that a certain stock farm on the Hudson River be acquired for a tuberculosis hospital. I would like to have the gentleman express his opinion, as I know he is qualified to do by reason of his long medical experience, supplemented by extended travel, as to the relative merits of the location of a hospital for tuberculosis in a damp climate at sea level in New York or in Arizona at locations such as he has just described.

Mr. KINDRED. I have been informed only to-day by my colleague, the gentleman from New York [Mr. FISH], that the proposition to take over the Governor Morton stock farm at sea level had actually been laughed out of court. The distinguished consultants on hospitalization of the Treasury Department dropped that proposition, because they knew that when it saw the light that it would be condemned.

From the standpoint of public health and medical science, with such an insane proposition to locate a tubercular hospital in a damp place where sore throat and consumption are very common, there is no comparison between Tucson and the Hudson River.

Mr. BARKLEY. What kind of a hospital is that at Fort Bayard, N. Mex.?

Mr. HAYDEN. I understand that there is a well-conducted Public Health Service hospital at Fort Bayard. I have never been there. It is located at a suitable altitude where the climatic conditions are somewhat similar to Prescott in my State, which is about 5,000 feet above sea level. In cases of tuberculosis, where the patient's heart is in no way affected, such an altitude is conceded to be of great benefit. I am informed that in perhaps half of the cases of tuberculosis there is no weakness of the heart. But where a patient's heart is in any way affected, a high altitude is not beneficial and is also liable to bring on certain nervous disorders. Consequently all tubercular persons should not be sent to high altitudes, and that is the reason why such a large number of them come to southern Arizona, where they may obtain the benefit of the dry air and a mild winter climate, and yet where altitude is sufficient to be exhilarating but not injurious to the heart.

Mr. KINDRED. An altitude like that of Tucson, Ariz., of about 2,500 feet, does not have an injurious effect on the heart or the nervous system, and is therefore ideal, because it is stimulating and the arid climate helps to kill the tubercular germs more rapidly.

Mr. HAYDEN. In that connection permit me to quote from a paper in the Transactions of the American Climatological Association, written by Dr. J. T. Eskridge, and entitled "Nervo-vascular disturbances in unacclimated persons in Colorado":

At altitudes varying from 5,000 to 8,000 feet the inconvenience of the unacclimated seems to have its origin in the increased respiratory activity, and this, in turn, leads to increased work of the heart, which, by its overwork, causes at first an active hyperemia and an irritability of the nerve centers. Later the nerve centers suffer from imperfect nutrition, induced by a poor blood supply, which results from passive hyperemia. We have, then, the "irritable weakness" of the old pathologists. After the nerve centers have become irritable neither the respiratory act nor the heart's action is performed as regularly and methodically as in the normal condition; and in consequence various unpleasant symptoms are experienced by the unacclimated. Persons possessed of considerable vigor and capable of adapting themselves to greater changes in their environments go to high altitudes and live almost as they had done at sea level, and find no appreciable inconvenience in doing so; but for those advanced in years and for those of feeble health the consequences are far different.

The need for greater hospital facilities in southern Arizona has been brought to the attention of those in authority in times past. A proposal was made only a few months ago for the sale of a fireproof hospital that had been partly constructed by certain good Christian people of Phoenix. The uncompleted building and the tract of land offered to the Government was, under any reasonable appraisement, worth $200,000. In their anxiety to help the disabled veterans they offered to turn the entire property over to the United States at a price of $165,000. This hospital could have been completed in 90 days and made available for the care and treatment of ex-service men, but nothing was done. Instead, an order has been issued that the local contract hospital shall be closed and the patients moved away.

There is also imperative need for a large permanent hospital, thoroughly fireproof in its construction, at Tucson. A larger number of veterans of the late war have voluntarily gone to Tucson than to any other city in Arizona. The existing Public Health Service hospital at Pastime Park consists of a number of wooden buildings, hastily constructed in an attempt to meet this emergency, but all who know the facts concede that much more must be done.

That the condition of many of the disabled ex-service men in Tucson is not only desperate but disgraceful to this great Republic is shown by the following newspaper article:

UNITED STATES RED TAPE LEAVES STRICKEN WAR VETS TO DIE ON STREETS OF TUCSON.

TUCSON, ARIZ., *March 21.*

Invisible bars of official red tape and Government regulation block the gates of Pastime Park here to hundreds of tubercular veterans of the World War entitled to hospitalization and in need of expert attention.

Massed in Tucson in a common battle against the life-sapping disease are 1,200 stricken "buddies."

Two hundred and seventy-eight are now crowded together in hastily built frame hospital wards and 1-room cottages. A recent inspection showed the 6 feet-apart regulation on cot spacing was violated.

Soon the number of patients in these temporary quarters will have to be reduced to 252. Death and a summer exodus may solve the problem.

But for the 1,000 others—there is no room.

They are scattered about in cheap lodging houses, private homes, and hotels. Many have had to walk the streets and daily face denial of the care their critical conditions necessitate.

A few have some money. But their tiny savings are fast dwindling. Most of them are too ill to work. Every one is a potential emergency case.

NO ROOM IN PARK.

Yet there is no room for him at Pastime Park, the incongruously named hospital provided there for the men who helped win the war and now strive to win the battle for life.

What is more, a recent order from Major General Forbes, head of the Government Veterans' Bureau, says that no more men will be sent to the Tucson station.

And still more, the Chamber of Commerce of Tucson, with citizens of this "city of healing air," have had for a year in the hands of Washington officialdom an offer to provide a $500,000 permanent hospital, built to meet the summer heat, equipped with modern conveniences—they have offered to rent such a place to Uncle Sam, have offered to solve the problem for him, and no reply has ever been received.

PROBE BARES CONDITIONS.

Such is a summary of high lights contained in a report Ralph A. Horr, vice commander of the Disabled Veterans of the World War, will take to Washington after an investigation here in which I participated.

These statistics were provided by Claude Smith, local commander of the Disabled Veterans' organization that pioneered the fight against existing conditions. In this fight A. L. Irvin, head of the local American Legion Post, is now joined.

And supplying further data is Dr. S. H. James, commander of the hospital.

"A real emergency exists," he says. "It will grow worse in another year, and within four years the peak will be reached. By that time the temporary wooden structures may be falling to pieces."

Says Claude Smith: "I have listed the names of each man in this section entitled to hospitalization and not getting it. I am one of them, but I have a little money. I have given this to Commander Horr, together with data of what the fellows have been and are now up against."

OTHER STATIONS.

The Government has in this district tuberculosis stations at Prescott, Ariz.; at Camp Kearney, San Diego, is opening another at Livermore, Calif.; and is prepared to send tubercular veterans to a number of other camps.

"But there are other elements to meet," points out Doctor James. "Cases involving heart disturbances, asthmatic conditions, throat and nervous troubles are affected by climate or altitude of these other stations.

"In Tucson alone are all these elements overcome. The sufferers have a Tucson psychology. You can send them to San Diego or Prescott, or where you will, but they won't stay there. They feel better here and they're going to come if they have to walk."

"And they do come here, whether the Government provides for them or not," declares Irvin. "They come by freight car or on the brake-beams—but they come, and what are you going to do about it?"

Mrs. Mary Blair, secretary of the Red Cross here, personally has cared for as many as 40 cases a day.

Men have collapsed in the street while waiting for a chance in the hospital. Red tape in the Veterans' Bureau has held men weeks and months—periods when they were in dire need of attention—before they could enter Pastime Park.

"I don't know what might have happened to scores of the fellows if we hadn't been on the job to help," said Smith and Irvin in chorus. "We've dug down in our own pockets and in the public pockets. The Red Cross fund has all but been exhausted—for there have been 1,000 men around here who couldn't get in."

PASSING THE BUCK.

Who's to blame?

"The Veterans' Bureau blames the Senators, and the Senators pass it along; but we do know that the local Vet Bureau has its hands pretty well tied with red tape," Smith charges.

Officials of the local Veterans' Bureau admit the emergency. General Forbes "seems to have been misinformed," says one who can not be quoted.

Citizens of Tucson, backed by the chamber of commerce, did much toward building such places as now are provided.

While delays and red tape kept hundreds waiting about the city a "field day" was declared. Hundreds went out and threw together the temporary structures.

For 192 men there are but three showers, and there are three more for the other men in the wards. The frail cottages do not withstand the summer heat and bring only discomfort.

The only solution is a permanent and properly built hospital.

Otherwise hundreds will die from Government neglect.

—

WHAT TUCSON PEOPLE SAY.

TUCSON, ARIZ., March 21.—Here are opinions of those in the best position to know just how critical is the condition of Pastime Park, Government station for tubercular veterans here:

Dr. S. H. James, commander of Pastime Park: "There is a real emergency at this moment; but this is just the beginning. Next year we will have a greater influx of tubercular 'vets' than ever. This is the spring season and during the summer conditions will be at their best. Within four years the peak of the rush here will be reached. Only a large permanent hospital will solve the problem. I know the men will come here if they have to walk."

Claude Smith, Tucson commander of the Disabled Veterans of the World War: "There are more than 1,200 tubercular veterans in and around Tucson. There is room for but 252 in the hospital. The rest must get along as best they may, as I have had to do. Soon their money will be gone, and then what? The Red Cross, the American Legion, the citizens, and my own organization have fed hundreds and found rooms for them. We have fought with the heads of the Veterans' Bureau for space in the hospital. Uncle Sam, the men are here. What are you going to do about it?"

—

MARX DEMANDS ACTION.

(By Judge Robert S. Marx, of Cincinnati, national commander Disabled American Veterans of the World War.)

The Government must take at once some definite steps to remedy shameful conditions of the kind existing at Tucson, Ariz.

The Langley bill, now before Congress, appropriating $16,500,000 for hospital facilities, must be adopted without further delay and hospital construction started immediately.

Conditions found at Tucson are reflected in other institutions in other parts of the country. The Disabled American Veterans of the World War has dedicated itself to the task of remedying these conditions.

Certainly such statements would not be made without foundation in fact, and I trust that this publicity will result in greater efforts for immediate relief. The only true solution, however, is the construction of a thoroughly modern, well-built hospital in Tucson.

I have no desire to prolong this discussion, but I can not forbear to again quote from this work by Doctor Solly, who has long been recognized as an authority on climatology. These extracts will, I hope, give to some gentlemen in authority a better understanding of the climatic conditions in southern Arizona:

Phoenix (elevation, 1,100 feet): This town has become favorably known as a winter resort of low altitude. It is situated near the center of the great Salt River Valley about 2 miles north of that stream. The Salt River Valley is a favored region for the cultivation of fruit, as snow seldom falls and the rich alluvial bottom lands yield largely under irrigation.

The average temperature (from records for 12 years) is—for January, 49°; for July, 90°; for the year, 69°. By seasons it is as follows: Winter, 51°; spring, 67°; summer, 87°; autumn, 69°.

The average annual rainfall is 7 inches. The amount falling in each month is light, the heaviest rainfall occurring in August and December. The average annual wind movement (taken from observation for three years) is 2⅞ miles per hour. Gen. A. W. Greely says that "Phoenix is the locality where the wind is perhaps the feeblest of any point in the arid regions."

Tucson (elevation, 2,400 feet): An old Spanish grant is said to show a town here in 1553, built on the site of the Indian pueblo which is lost in the mists of tradition. Another account dates the Spanish Mission of San Xavier from 1694. At any rate, in the words of a thoughtful writer, "it is certainly of sufficient age to promise permanence."

The town is surrounded by mountains. On the north are the Santa Catalinas, east the Rincons, south the Santa Ritas, and on the west the Tucson range, with its most prominent peak—Tucson Mountain. Water is brought from the Santa Cruz River. The winter climate has been highly praised for its warmth and sunniness.

The record by season is shown in the following table, the figures for temperature and rainfall being based on the reports of the Army posts for 14 years:

Seasons.	Temperature.	Rainfall.	Relative humidity.
	Degrees.	*Inches.*	*Per cent.*
Winter	52	3.01	52
Spring	67	1.22	34
Summer	87	5.47	27
Autumn	70	2.41	32
Year	69	12.11	36

In conclusion let me repeat that when the funds authorized to be appropriated by this bill are available for expenditure, I sincerely trust that the President will direct that prompt and proper steps be taken to provide every means for the complete and adequate hospitalization of all those who have served their country in time of war and who are now in Arizona or who may hereafter come to that State seeking to have restored the health and vigor which they lost while bearing arms in defense of the honor of their country. [Applause.]

Mr. LANGLEY. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Chairman, Mr. Frazer, the Assistant Director of the Veterans' Bureau, while in New York yesterday, made the following statement, according to the press:

New York has been badly treated; that is a fact. The State has got no hospitals; the program of decentralization that is being followed by the Government has left New York to the last in delivery of the files. This district seems to have had especially hard luck in administration. The whole district is in a turmoil and it is a fact that we have found in this office—I am not blaming anybody—evidences of total lack of efficiency.

That is the indictment which was made by the Assistant Director of the Veterans' Bureau in describing the condition in New York City. A year has elapsed and nothing has been done from a practical standpoint to send these ex-service men who are suffering from tuberculosis to a place or places having a higher climate.

A few moments ago there was some discussion on this floor as to whether these men should be sent out West or somewhere else. These veterans feel that they are entitled to hospital treatment either in Sullivan County or in the Adirondacks. I know of no reason in the world why they should not be treated in one or the other of the places that I have just mentioned.

The American Legion Weekly has said editorially this week about this situation, as follows:

AND THE DISABLED PAY.

The hospital crisis which Congress should have foreseen in 1919 is now developing fully. The disabled are now paying the penalty for the failure of the Government to realize that the Surgeon General of the Public Health Service was right when he estimated that 30,000 ex-service men would require hospital care before 1922.

A few weeks ago the Veterans' Bureau finally gave the word to close the ramshackle Fox Hills Hospital in New York. Six hundred men, many of them with tuberculosis, were patients in it when the "abandon ship" call was sounded.

Where are the 600 going? To Government hospitals? Not at all. For the most part they are being distributed among private hospitals and sanatoria, but some of them will have to pack up and go to New Mexico or California or some other Western State. Imagine sending a man suffering from tuberculosis in an advanced stage 3,000 miles away from his home and friends because no hospital facilities are available nearer!

The most tragic thing about this is that the site of the tuberculosis hospital to be established in New York under the hospital appropriation of a year ago has not even been selected yet. And it is not reassuring to know that seven other temporary war-time hospitals of the Fox Hills class must be abandoned this year. It means a further stern demand for more hospital beds and more discomfort for the disabled.

Meanwhile Congress is still considering the new Langley bill appropriating $17,000,000 for additional hospitals. If Congress reads aright the lesson of Fox Hills it will pass this measure at once.

There has been a lot of talk to the effect that Congress is to blame for inaction. Congress has appropriated the money, but the administrative officers have failed and neglected to act.

There is not a hospital in the State of New York which is in the condition which the Fox Hills Hospital at Staten Island is. It was decided a few weeks ago that the patients were to be removed, but instead of trying to remove them to hospitals in the vicinity of New York an effort is being made to shift these men—many of whom would not last a trip to the West—to thousands of miles away from New York. Properly, many of them have said that they would rather die where they are than to move away where they would not see a relative of any kind on account of the expense of travel.

There is another matter with which we are faced in New York. Our friends of the Legion, in their zealousness to obtain results, started the pupils in the public schools in a campaign of writing letters to Members of Congress. Each pupil in the public schools was asked to write to the Member of Congress representing the particular district in which he resided, to the effect that there were 20,000 to 200,000 ex-service men walking the streets of New York who could not obtain hospital treatment. As a matter of fact, we knew that was not true. There is no such condition anywhere. What was the consequence? The children went home to their parents and told them the story which had been handed out at school. The parents got the idea that that was the true condition. All over the city of New York the story was spread that Congress was neglectful in either making appropriations or trying to take care of these men. We all know that the contrary is true. No man can or would resist a description of these ex-service men appealing for hospital treatment while suffering from diseases from which they can not recover. It was wrong to plant strange thoughts in the plastic minds of these children and can not be too severely condemned.

We are going to pay our tribute to the last soldier dead coming from France this coming Sunday, in New York City. Many of them came from New York. If these men who passed away in making the supreme sacrifice could speak to the country at large and speak to this Congress, they would say that it is the duty of Congress to make this appropriation, which Congress intends to do, and to appeal to all American citizens to indorse by deed and action the words contained in an editorial of the Legion, dated March 31 and entitled:

THE NEXT MAN'S GOD.

We who were yanked out of whatever rut we happened to be in in 1917 and 1918 and sent to a cantonment and to France may have come back with a cootie or two that wouldn't delouse, but we also came back with a broader outlook. We learned, for one thing, to respect the religion of the man at our side, whatever it happened to be. We may have been Protestants or Catholics or Hebrews; it made no difference, and it made no more difference to the chaplain who was officially handed the job of being our spiritual father and brother.

The chaplains, in fact, were the exponents of this religious liberalism. Rabbi Lee J. Levinger, one of the 12 Jewish pastors assigned to the A. E. F., and a member of the Legion's ritual committee, in a recent book, "A Jewish Chaplain in France," writes this description of the chaplains of the Twenty-seventh Division assembled in their quarters following afternoons spent in burying soldier dead:

"Every evening we gathered about our grate fire and relaxed from the grim business of the day. If we had allowed ourselves to dwell on it, we would have been incapable of carrying on the work; it was so ghastly, so full of pathetic and horrible details. We sang, played checkers, argued on religion. Imagine us singing the "Darktown Strutters' Ball," or discussing the fundamental principles of Judaism and Christianity for several hours! The five of us were all of different creeds—Catholic, Baptist, Christian, Christian Scientist, and Jew."

One of the members of this group was Father Francis A. Kelly, former national chaplain of the American Legion.

Another passage from Rabbi Levinger's book merits citing in this connection:

"A Catholic priest told us briefly what we should do in case we found a dying Catholic in the hospital or on the field, with no priest at hand. Then I was asked how best the others might minister to a Jewish soldier in extremity. I repeated to them the old Hebrew confession of faith: 'Shema Yisroel adonoi elohenu adonoi echod'—'Hear, O Israel, the Lord is our God, the Lord is One.' I told them to lead the boy in reciting it, or, if necessary, just to say it for him, and the next morning when I brought down copies of the words I was deeply touched by their eagerness to know them."

This tolerance, this reciprocal respect for another's belief, is spirit of the Legion's spirit. It was not demobilized, but goes marching on as the Legion itself goes marching on to its great destiny.

But, unhappily, this spirit is not universal. Not all America went to war, so that not all America returned with a broader outlook. Outside the Legion voices have been raised in an effort to make the Legion the vehicle for religious bigotry. Not a single scrap of evidence is available to show that they are being heeded. Even the most stupid mongrel finds in time that he is barking up the wrong tree.

Mr. LANGLEY. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. KREIDER].

Mr. KREIDER. Mr. Chairman and members of the committee, there is no more pressing problem confronting the Congress than to provide for the proper and necessary hospitalization and care of our sick and wounded soldiers.

There is nothing for which Congress will be criticized and condemned more than to permit our soldiers who entered the war sound in body and mind and who came back broken in either or both to be told that we have not provided the necessary facilities for their proper care.

To assist these men in their efforts to regain their health; to assist them in their physical rehabilitation; to assist in giving them the necessary training; to become self-supporting, whenever this is possible, and if this be impossible, then to care for them, is not only our duty but a privilege.

The bill which we are considering to-day is intended to supply the necessary hospital requirements. It authorizes the President of the United States to expend, through the Director of the United States Veterans' Bureau, the sum of $17,000,000, to provide additional hospital and out-patient dispensatory facilities for our soldiers. I hope there will not be a single Member of Congress who will vote against this bill.

On February 7, 1921, we passed a similar bill. That bill carried an authorization for the expenditure of $18,600,000 for hospitalization purposes. It is to the credit of the Congress that that bill was passed unanimously, not a single vote being reported in the negative.

It was then my privilege as a member of the Committee on Public Buildings and Grounds to assist in the framing of that bill, and it was again my privilege to support this bill in the committee.

When the bill was written a year ago, it was thought that the authorization was sufficient to provide the necessary housing facilities to care for all of our ex-soldiers, but we find that the number desiring and entitled to treatment is much larger than was anticipated. As a result, the housing of some of our ex-soldiers is very unsatisfactory, while others are not housed at all.

The hearings held by our committee disclose the fact that many of our patrons are being housed in all sorts of hospitals and buildings, many of which are of the temporary character; some are wooden structures, highly inflammable, and entirely unsuitable for hospital purposes. It should be said that neither Congress nor the Government desired to use these buildings, but as nothing better was available the Government was forced to do so because of the number of applicants for hospital care and treatment.

It is absolutely necessary that additional facilities be provided at the earliest possible moment.

It is gratifying to know that the Federal Board of Hospitalization has decided upon and adopted a general policy or program of hospitalization. With regard to construction the board recommends that all hospitals hereafter erected shall be constructed of the fireproof type; this is certainly desirable from every viewpoint.

The board also recommends that the nature and location, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be determined by the Director of the United States Veterans' Bureau, subject to the approval of the President.

Both of these recommendations are written into this bill, and must and should be followed. Those who are in direct and active control, and who must assume the responsibility of caring for our ex-service men, should be given discretionary powers, for they are in a far better position to know the requirements than we are here on the floor of the House.

The recommendations in the hospitalization program includes dispensaries; it is believed that a great many men who are now in hospitals, if they had out-patient treatment, would not be in hospitals. It is said that 60 per cent of our hospital population is composed of ambulatory men; that is, walking patients. The majority of the cases are tuberculosis, mental, and nervous disorders.

The establishment of modern dispensaries, where out-patient treatment can be given, which includes everything but putting a man to bed, will be a great step forward toward economy and better service to the men; and, after all, the service to the men, the deserving, disabled ex-soldier, is a matter of first consideration.

Of the expenditures of $17,000,000 authorized in this bill, it is intended that between $6,000,000 and $7,000,000 shall be expended for dispensaries.

Mr. Chairman, I do not want to consume the time of the House in any further discussion; I believe we all understand the bill; I believe that we all want to provide for our deserving ex-soldiers, and we are all glad to do it as quickly as possible.

Let me again express the hope that we will pass this bill to-day without a dissenting vote. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CANTRILL. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. JEFFERS].

The CHAIRMAN. The gentleman from Alabama is recognized for 15 minutes.

Mr. JEFFERS of Alabama. Mr. Chairman and gentlemen of the committee, I do not wish to take up too much time in discussing this bill in detail, but will say briefly that, in view of the fact that this bill authorizes an appropriation of $17,000,000 for the purpose of making ready to take care of disabled ex-service men and women, I am heartily in favor of it. I hope every Member of this House will be able to see his way clear to support this measure, and I trust that the purpose for which this money is appropriated will be carried out by the responsible governmental agency without delay.

As I see it, that is the main point, which needs to be emphasized most—that is, the necessity of speedy action in carrying out the purposes of this bill.

Just here let me say that I heartily join Comrade FISH, of New York, in thanking the Committee on Public Buildings and Grounds for reporting out this bill.

In this connection I am forcibly reminded of the fact that $18,600,000 were provided for by Congress more than 12 months ago, and that as yet there is nothing in the way of new hospitals to show for any part of that $18,600,000 except a lot of plans and blue prints.

Of the $18,600,000 provided for by Congress in March, 1921, more than 12 months ago, $12,500,000 was to have been spent for the building of new hospitals. The other $6,100,000 was to be used for remodeling or extending existing plants. It is true that some work has been done toward remodeling or extending existing hospital facilities, but the fact remains that, of all the beds which the $18,600,000 was supposed to provide for disabled ex-service people, the only beds in the country to-day that are ready as the result of the appropriation of $18,600,000 in March, 1921, are 100 beds at Lake City, Fla., and they have been ready only since the 28th of February, 1922.

Now, my friends, that is a record of shame!

The dilatory tactics on the part of those whose duty it was to administer the expenditure of this appropriation are certainly most deplorable. In this connection let me read you a paragraph in the report of the national legislative committee of the American Legion, which report was read and adopted at the national convention of the Legion at Kansas City last November. It bears directly on this subject, and I believe it will be of interest to every Member of this House who has at heart the welfare of the disabled ex-service people, and I believe also that it will be of interest to every citizen of the Nation who has any concern for the disabled men and women who served under our colors during the World War. The paragraph to which I refer is as follows:

> The Secretary of the Treasury states that his first concern is for the disabled. If such is really the case, it is time that he devoted some attention to the problems of the disabled. Six months ago Congress appropriated $18,600,000 for the remodeling and improving of existing hospital facilities, and provided for the expenditure of $12,500,000 of this sum on the construction of five new hospitals. Although a board of hospital consultants has made recommendations as to where and how the five hospitals were to be built, the Secretary of the Treasury has taken no action upon the matter. He is probably concerned with the saving of this $12,500,000 at the expense of the disabled.

Another paragraph from the same report, which was read and adopted at the same time by the Legion in convention assembled, and which also bears directly on this same subject, is as follows:

> Six million one hundred thousand dollars of the appropriation of $18,600,000 has been allocated to remodel and improve existing facilities. Although this appropriation is six months' old, no action has been taken by the Treasury Department to expend $12,500,000 for the building of five new hospitals. This delay is deplorable in view of the urgent need for hospital facilities, particularly for neuropsychiatric and tubercular cases. The Secretary of the Treasury appointed a committee of hospital consultants. That committee has reported to the Secretary, making certain recommendations on the expenditure of the $12,500,000. The Treasury Department has taken no action. At best, it will take several years to complete these hospitals, and in the meantime our disabled comrades, suffering from diseases of the central nervous system, will continue to languish in jails, almshouses, and State insane asylums, deprived of the best care and treatment which has been repeatedly promised to them. They are unable to aid themselves. The leisurely procedure of the Treasury Department in providing these new hospital facilities is to be condemned.

That is what the report says.

Mr. MADDEN. Why does the gentleman say they are languishing in jails?

Mr. JEFFERS of Alabama. I was reading from a report of the legislative committee of the American Legion; and when they say that these men are languishing in these little jails, in these small places all over this country, they are telling what they know, I will have you to understand, and they would not put it in their report if it was not so.

Mr. LAZARO. Will the gentleman yield to me to answer that question?

Mr. JEFFERS of Alabama. Yes.

Mr. LAZARO. That is very often because the State has not room for an insane man, and until room is made for these insane men in the asylum they have to keep them somewhere where they will not harm anyone, therefore they keep them in jail.

Mr. JEFFERS of Alabama. I thank the gentleman for that comment. The statement is true. Disabled ex-service men suffering from mental trouble have languished in jail on account of the lack of hospital facilities. American Legion representatives have gotten them out of jail right here in the District of Columbia. Anyone sufficiently interested can find what the conditions are without looking very far.

Mr. LANGLEY. Will the gentleman permit me——

Mr. JEFFERS of Alabama. If you will not take up too much of my time.

Mr. LANGLEY. I am inclined to think, from what I have heard, that the remarks of the gentleman are not entirely without some foundation on that point.

Mr. JEFFERS of Alabama. I thank the gentleman. It is too bad that whenever a man stands up here on the floor of Congress and makes any statement here with reference to the disabled service boys which reflects in any way upon any man connected with this administration, people want to get up here and impugn the legislative committee of the American Legion for making statements of the absolute truth. The country ought to know the truth, even though it does necessitate criticizing high-ranking administration officials.

Mr. MADDEN. The gentleman does not think I was trying to do anything of that kind?

Mr. JEFFERS of Alabama. I do not want to do you any injustice, but you asked me why I said they were languishing in jail, and I told you I was reading from the report of the legislative committee of the American Legion, and that if it was not so they would not have said it.

Mr. MADDEN. I accept the gentleman's statement.

Mr. MANN. The gentleman from Alabama is very much excited.

Mr. JEFFERS of Alabama. I heard that side remark of the gentleman from Illinois. I have every respect for the gentleman from Illinois, and with regard to his remark that I appear to be excited let me say that I think it is time to be excited. Feeling the way I do about this shameful delay on the part of the people responsible for providing facilities for the treatment of these ex-service people under the appropriation made in March, 1921, let me say it is very hard indeed to keep from appearing excited when discussing the outrageous delay which has occurred. If the Secretary of the Treasury had been a little more excited about it there would be hospitals ready for patients now in place of a lot of blue prints. [Applause.] The report shows that not even a pick has yet been stuck in the ground to start the work on the five big hospitals proposed, and in some cases the sites are not even selected yet.

The language of the paragraph just quoted is clear enough for anyone to understand. I call your attention to the wording of the last sentence wherein it flatly says that "the leisurely procedure of the Treasury Department is to be condemned."

To be perfectly frank about it, it appears to me that the failure of the Secretary of the Treasury to handle this matter with all possible speed and dispatch may well and properly be termed as absolute criminal negligence. I believe that it can be said safely, without fear of successful contradiction, that ex-service men have gone to their untimely graves as a result of this negligence.

The last paragraph of that bill providing for the sum of $18,600,000 is as follows:

> For carrying into effect the preceding paragraphs relating to additional hospital facilities there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $18,600,000 to be immediately available and to remain available until expended, of which sum not to exceed $6,100,000 shall be used for remodeling or extending existing plants.
> Approved March 4, 1921.

You will note that it says that "the sum of $18,600,000 is to be immediately available." As stated above, more than 12 months have passed and the report of the consultants on hospitalization, who were working under the direction of the Sec-

retary of the Treasury, shows the following facts regarding five new hospitals:

First, for a hospital at Tuskegee, Ala., for the care of negro tubercular and neuropsychiatric cases $2,250,000 was allotted on November 16, 1921, more than eight months after the appropriation was made. I find now that the bids for that hospital are "to be advertised in April, 1922." Think of that! More than 12 months have elapsed now, and the bids for the construction of the hospital not yet advertised!

Second, for a neuropsychiatric hospital at Palo Alto, Calif., $1,400,000 was allotted on November 16, 1921, and the report now shows that "bids are to be opened April 10, 1922." Think of that! More than 12 months have elapsed now, and the bids for the construction of the hospital not yet opened!

Third, for a tubercular hospital "somewhere in western Pennsylvania" $1,000,000 was allotted on November 16, 1921, and the report on that hospital is as follows: "Choice of site practically completed." Think of that! More than 12 months have elapsed now, and the site not yet selected!

Fourth, for a general hospital to be located at Jefferson Barracks, Mo., $1,000,000 was allotted November 16, 1921, and the report on that is that a "contour survey is being made." Think of that! More than 12 months have elapsed now, and they say that they are making a contour survey to decide just where to put the hospital!

Fifth, for a tubercular hospital in the metropolitan district in New York City $1,000,000 was approved November 16, 1921, and the report on this is as follows: "Preliminary studies have been made for sites under consideration, and negotiations for site pending." Think of that! More than 12 months have elapsed now, and they are still negotiating for the site!

Consider carefully the five examples as set out above, my friends, and I believe you will agree with me that the record made so far by the Secretary of the Treasury on this work is a record of shame and constitutes absolute criminal negligence!

Permit me to quote further from the report of the national legislative committee of the American Legion:

ARMY AND NAVY HOSPITAL FACILITIES.

Repeatedly, President Harding and General Sawyer have told the Congress and the people that there were from 10,000 to 12,000 beds available for the care and treatment of discharged disabled men. Undoubtedly there are some 10,000 or 12,000 beds in abandoned Army cantonments. These camps, poorly and hastily constructed, are rapidly deteriorating. They are not even suitable for housing men in the prime of health. The fire hazard is extreme. The Army and the Navy state: "Yes; we have these beds, but no personnel, nor have we authority to employ personnel to provide hospital care and treatment for beneficiaries of the Veterans' Bureau." Therefore these ten or twelve thousand beds are, in fact, "paper" beds. They exist on paper; as a matter of fact, they can not be used for the care of our disabled.

The committee of hospital consultants, appointed by the Secretary of the Treasury to make recommendations on how to expend the $18,600,000 for the building of new hospitals, states that there is a need to-day of 10,000 or 12,000 beds; that after the $18,600,000 has been expended there will remain a need for some 5,000 more beds, and it recommends that the Secretary of the Treasury request of Congress an additional appropriation of $16,000,000. The Secretary of the Treasury takes no action either to build new hospitals or to provide a permanent building program as his committee of hospital consultants recommends.

Note the reference in the last sentence of the extract just quoted to the honorable Secretary of the Treasury.

I want to tell you that ex-service men and women were in attendance on the floor of this last Legion convention in Kansas City from every nook and corner of this country. I want to also state that the ex-service people of this country are able to understand these things and they are intelligent enough to inform all citizens with whom they come in contact of existing conditions. They all had it plainly put before them there last November that the appropriation for the $18,600,000 was approved on March 4, 1921, and that nothing had been done about it, and this was in November, 1921. They also heard and understood that the committee of hospital consultants had told the Secretary of the Treasury that there was a need of 10,000 to 12,000 beds and that after the $18,600,000 had been expended there would remain a need for some 5,000 more beds; and these representatives of the ex-service people of this Nation also understood that the committee of hospital consultants had recommended that the Secretary of the Treasury request of Congress an additional appropriation of $16,000,000. That was in November last. They now see that the bill asking for the additional $16,000,000 which has been increased in this bill to $17,000,000, is just now being brought up on the floor of this House, and that so far as the $18,600,000 appropriation is concerned they now see that nothing has been done yet practically, and five more months have elapsed since the report referred to was adopted at the Kansas City convention.

The ex-service people all over this country, as well as all loyal American citizens who have at heart the interests of the disabled ex-service men and women, will remember that in the report of the national legislative committee of the American Legion was included this statement:

The Secretary of the Treasury takes no action either to build new hospitals or to provide a program as his committee of hospital consultants recommends.

I have quoted from the official report of the American Legion for your information, and now I wish to quote a representative of the Disabled American Veterans of the World War. The following statement was recently made by Mr. Ralph Horr, of Seattle, Wash., national vice commander of the Disabled American Veterans of the World War. This appeared in the San Francisco Chronicle about the middle of March, 1922:

Twenty-five per cent of all our cases are nervous cases—

Said Horr—

There is no provision made for such cases anywhere in the United States. In San Francisco alone there are 1,000 former service men walking the streets who, if the Government does not take care of them, must be later adjudged insane, and they will become a permanent care upon the State. These men may not be insane now, but their mental condition is such that they will become so unless they are cared for in time.

The situation in San Francisco is duplicated in every other city of the same size. There must be special treatment for cases such as this outside of State asylums where these men are now being taken.

In the tubercular cases the situation is about the same. There are not sufficient hospital facilities to care for tubercular cases. I have just been in Tucson, Ariz. There every available bed is taken in the Government's tubercular hospital. Men are piling in daily who can not be cared for. Some come by box car; some come in on the brake rods; some pay their own expenses. The order has gone out by the Federal authorities that no more men be sent there, but they are coming of their own accord, because there is no other suitable place, as they think, to go. And they can not be cared for.

In every State institution where disabled service men are cared for I have found even worse crowded conditions than in the United States Public Health Service hospitals.

And this fact is most significant: Only 3 per cent of men who go into State institutions are rehabilitated. How can a man suffering from nervous breakdown be rehabilitated in a State insane asylum? It can not be done.

The situation is desperate for thousands and thousands of splendid men who would "come back" had Congress paid any serious attention to the problem of the disabled.

You will see that this statement of Mr. Horr, an official of the Disabled American Veterans of the World War, bears out the statement as quoted above from the report of the American Legion and goes to show that nothing has been done yet to relieve the situation, which was so justly criticized by the Legion last November.

In looking into this matter, trying to see what manner of man this is that President Harding has, in his own wisdom and after holding "front-porch consultations" with the "best minds" of the Nation, placed in his Cabinet as Secretary of the Treasury, we find that it is a man who, according to available information, was an officer and director in banks and insurance companies with resources of more than $800,000,000; that he was an officer and director of other corporations of known assets of more than $700,000,000; that he is the head of a family whose members have control of affairs of corporations totaling more than a billion and a half of dollars.

We see that the Mellon family is interested in between 75 and 100 big concerns of this country. One of these concerns is the Standard Steel Car Co. We have seen that the Standard Steel Car Co. was known to be war profiteers on the Government of the United States of the very worst type.

We find that another concern in which Mellon was interested is the liquor business, known as Overholt & Co., which in its warehouses a year ago had liquor worth $18,000,000.

Among other numerous concerns in which he was interested and which were engaged in the fabrication of iron and steel and other war commodities are the Aluminum Co. of America, the New York Shipbuilding Co., the Osgood-Bradley Car Co., the McClintic-Marshall Co., and the Ritter-Conley Co.

Regarding this Mr. Mellon, the Chicago Tribune, which paper, I believe, claims allegiance to the Republican Party, discusses him as follows:

Japan has a genro. It is the class of the elder statesmen. It is the dead thumb of octogenarianism upon the present. Ultra conservatism always is property and age. Uncle Andrew Mellon, Secretary of the Treasury, is a man of much property. You hear that he is second or third in point of personal wealth in the United States.

Uncle Andrew Mellon is head of the American genro. President Harding merely comes up from somewhere, but Uncle Andrew Mellon always existed because what he represents and what he thinks always has existed.

The elder statesmen are against the soldier bonus. Uncle Andrew is against it because the war is over and all the values which were in danger and which have been saved are now out of danger. The soldier is an uneconomic force except when he is needed to preserve the balance and the working power of economic force. They are badly disturbed when a foreign governor general takes control of an occupied territory.

Then all ordinary laws of economic cause and effect go out of office and the soldier boy is the boy relied upon to keep the homeland functioning as it ought to function normally. Then he is invaluable, because without him all values would go to pot.

If the German soldier had been able to carry through the plans of the German military leaders, the German mark would not be a beggar on the doorstep of financial solvency, and if he had been able to do the superhuman, which was required of him, Uncle Andrew Mellon's fortune might be barely equal to a square meal.

The difference between the value of the dollar and the value of the mark is now the sacrifices made by the American soldier. He created that value. If he had not done so, it would have no value. The only reason these men of wealth have wealth is because American soldiers determined that depreciated currency should be in Germany and not in the United States.

To whom would Uncle Andrew like to pay a small percentage of his money? To the American soldier who saved him from the German tax collector or to the tax collector? Buddy, join the Legion, as your father joined the G. A. R., and impress as a political fact upon the elder generation that it is in luck, and much in luck.

Concerning Mr. Mellon's aluminum interests, Mineral Industry has furnished figures showing that the gross profits from this industry rose from $3,345,000 in 1909, before the war, to $74,250,000 in 1918, and in a report of the Republican majority of the congressional Subcommittee on Investigation of War Expenditures, Mr. Mellon's own party says of him:

The subcommittee is of the opinion that the settlement of this—the Standard Steel Car—claim constitutes a palpable fraud upon the Government.

So we find that the Secretary of the Treasury mentioned in the extracts from the American Legion report, as I have already quoted, was no other than the Hon. Andrew Mellon, the present administration's Secretary of the Treasury. In my opinion he is one of the most flagrant supergrafters of this country, and yet it is he who has the colossal nerve and unmitigated gall to pose as the Nation's first and foremost, most conspicuous, and most notorious "conscientious objector" to adjusted compensation.

By the way, let me say just here, that I have heard it said, perhaps some of you gentlemen on the Republican side of the House can tell me how true it is, that the Hon. Andrew Mellon has been more embarrassment to the present administration than any other person who is or who has been connected with the administration, except perhaps the late lamented "Boastmaster General," the Hon. Will Hays, whose passing brought such favorable comment from some of the Members of this House on both sides of the aisle.

In opposing adjusted compensation for ex-service men we hear a good deal about Mr. Mellon's desire to give first consideration to the care of the disabled. That was a pitiful bit of thin camouflage on his part and I believe the ex-service people of this country saw through it without any trouble. Regarding his concern for the disabled we have only to refer again to the fact that more than one year ago out of an appropriation of $18,600,000 there were $12,500,000 especially set aside for the building of new hospitals for the care of tubercular and neuropsychiatric patients and up to date this same Secretary of the Treasury, the Hon. Andrew Mellon, who claimed to feel such a deep concern for the disabled veteran, can give no better account of his stewardship on that particular proposition than to show a lot of blue prints and a report to the effect that they are still making preliminary studies of different sites upon which to build these hospitals.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS of Alabama. Yes.

Mr. LAZARO. The gentleman spoke of the tuberculous cases and mental cases.

Mr. JEFFERS of Alabama. Yes.

Mr. LAZARO. Is the gentleman aware of the fact that unless these men get immediate treatment it will soon be too late to care for them?

Mr. JEFFERS of Alabama. Yes. This money has been lying there now for a year or more, and the Secretary of the Treasury is supposed to have made provision long before now.

Mr. ANDREWS of Nebraska. Will the gentleman yield for a question?

Mr. JEFFERS of Alabama. I will.

Mr. ANDREWS of Nebraska. With the appropriation that we have before us now and the information you have from the Legion authorities, about how long will we have to wait probably to secure the completion of hospitals under this fund, under the terms of the bill?

Mr. JEFFERS of Alabama. I do not know. It depends, of course, upon how that money is administered. The gentleman is on the Committee on Public Buildings and Grounds and ought to have that information; but from the failure of Mr. LANGLEY, the chairman of the committee, to answer the inquiry of Mr. DENISON a few minutes ago and from your inquiry now I am forced to the belief that the committee does not know much about what is expected to be done with this $17,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JEFFERS of Alabama. I ask for five minutes more.

Mr. CANTRILL. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. LANGLEY. Now that the gentleman has five minutes more will he yield?

Mr. JEFFERS of Alabama. You have control of some time and I have only five minutes, which I need. If you will give me another minute I will yield to you for your question.

Mr. LANGLEY. I can not do that.

Mr. JEFFERS of Alabama. All right, I am sorry, but I can not yield to you then.

Now this bill provides that the director of the Veterans' Bureau should handle this $17,000,000 under the direction of the President of the United States. There is serious question in the minds of some Members of the House as to whether or not it is wise to turn this over to the Veterans' Bureau. For my part I am willing to try the change. Certainly the Veterans' Bureau can not make a worse showing with this appropriation than has been made by the Treasury Department on the last appropriation. If the Veterans' Bureau does not make a better showing than has been made by the Secretary of the Treasury and his consultants, then the Veterans' Bureau will not be worthy of its name.

I hope to God for the sake of the suffering ex-service men and women in this country, who are and who have been languishing in almshouses, State insane asylums, contract hospitals—some of which are reported to be absolutely filthy—and in some instances in the jails of the country, that such a delay as has taken place with the $18,600,000 appropriation provided for in March, 1921, will not apply to this appropriation of $17,000,000. I hope and trust that if the Veterans' Bureau is given jurisdiction that they will be able to make a better showing than has been made by the Treasury Department. [Applause.]

I know that the Veterans' Bureau has come in for a lot of criticism. I realize, however, the immensity and complexity of the task of the Veterans' Bureau, and for my part I am inclined to withhold criticism of the bureau and the administration of its affairs and to give them every chance to make good.

Quoting from the recent address of the chairman of the rehabilitation committee of the American Legion, let me say that I think "it is to our advantage that they operate splendidly, not poorly. We are after results, not scalps."

I must say, however, that some of the criticism to which the Veterans' Bureau has been subjected has been the failure of people within the bureau to issue statements that will hold water. They should be very careful about this. The Veterans' Bureau should at all times be absolutely frank and truthful with the ex-service people of the country, with the citizens of the country, and with the Members of Congress.

Here is an illustration of what I mean: Recently I wrote to the bureau asking them if they could use to advantage certain hospital facilities which were available for immediate use in Alabama. The letter I received from the bureau in reply to my inquiry contained the following statement: "With the completion of the large hospital now under construction at Tuskegee, Ala., and the extensive improvements now under way at Augusta, Ga., it is believed that additional beds will not be needed in the State of Alabama." Now, as a matter of fact, there is no hospital "now under construction at Tuskegee, Ala." The situation regarding that particular hospital is that even though the money was appropriated in March, 1921, it was not allotted to the building of a hospital until November 16, 1921; and although $2,250,000 was allotted on November 16, 1921, for the building of this hospital at Tuskegee, the fact now is that the contract for the building of the hospital has not yet been let. The last report from the Treasury Department on that hospital was that "bids to be advertised in April, 1922."

Regarding the "extensive improvements" mentioned in the letter to me from the Veterans' Bureau as being "under way" at Augusta, Ga., let me say that the latest report from the Treasury Department says regarding the situation at Augusta that "contract awarded February 3, 1922, material reported in transit." The possible date for the completion of that work at Augusta is September, 1922.

And yet in the face of these facts some man in the Veterans' Bureau writes me a letter with the name of C. R. Forbes signed to it, to the effect additional beds will not be needed in the State of Alabama on account of the fact that "a large hospital is now under construction at Tuskegee, Ala., and extensive improvements are under way at Augusta, Ga."

With farcical statements like that coming from the Veterans' Bureau over the signature of Colonel Forbes—of course, I know that the probability is that Colonel Forbes did not sign that letter himself, but some one in the bureau signed his name to

the letter—is it any wonder that the Veterans' Bureau comes in for scathing criticism? Suppose I sent that sort of a letter from the Veterans' Bureau down to Alabama, and it is turned over to a newspaper man down there, of course, any newspaper man knowing the truth about the situation would be fully justified in writing a strong article criticizing the Veterans' Bureau for trying to get away with such a crude bit of camouflage.

It may be that there is in existence a blue print for the hospital at Tuskegee, and they may call that a "hospital under construction," but I would not call it that.

For my part, I want to see the Veterans' Bureau function properly and handle its business properly, and I am not one who would direct unfair criticism at the bureau. I merely point out the foregoing example to show that the Veterans' Bureau is itself responsible for at least a part of the criticism that is directed against it. In this connection I believe the Veterans' Bureau would do well to deal with the Members of Congress and with the veterans themselves in an absolutely fair and truthful manner.

My friends, in discussing this bill on the floor here to-day the majority leader [Mr. MONDELL] took occasion to talk about the sympathetic, harmonious, and cordial relations between this Congress and the President. Speaking of harmony, I just want to recall to your minds, my friends, something that happened here on Monday last when the distinguished leader of the majority stood here and pleaded frantically until he looked as if he was going to have apoplexy any minute, and with tears streaming from his eyes cried out to the Members that they should "stand by the Budget." It was like a voice crying out in the wilderness, and his plea fell upon deaf ears. Now, I am sure he has not forgotten the spanking that the House then gave him when they voted on the appropriation for rivers and harbors last Monday. Republicans and Democrats harmonized on that occasion, but I doubt if the majority leader was able to appreciate the harmony. [Laughter.]

When that happened, I was reminded of the spectacle here last December when a special vote was taken on the surtax feature of the revenue bill. I was a new man in the House—and am still one, for that matter—but up to that time I had had an idea that the Republican leader of the Republican majority was, in the eyes of his Republican colleagues, something more than a nonentity. I remember my astonishment on that occasion when, metaphorically speaking, the House of Representatives took the letter that had been sent up here by the President regarding the surtax feature, and with that letter patched up the clothing of the majority leader, reinforcing his defense as it were, and Congress promptly and emphatically placed the toe of its boot upon that patch with a solid whack that was heard from one end of the country to the other, resounding and reverberating and echoing and reechoing from the Statue of Liberty to the Golden Gate, and from the wind-swept Great Lakes in the north to the sun-kissed shores of southern Florida. [Laughter and applause.] The gentleman from Wyoming said to-day that "good folks back home" know of the harmony that exists. He was evidently speaking then, my friends, for the benefit of the "good folks back home."

The most harmonious occasions that I have noticed here have been the times when a great many of the gentlemen on the Republican side of the House have joined with the gentlemen on the Democratic side, and they have, with one accord, taken some good wallops at the leadership of the gentleman from Wyoming. [Laughter.]

[Mr. JEFFERS of Alabama had leave to extend his remarks in the RECORD.]

Mr. JEFFERS of Alabama. Mr. Chairman, I have some other matter bearing on this subject which I will extend in the RECORD, under this permission, at a later date.

[By unanimous consent Mr. Box was given leave to extend his remarks in the RECORD.]

Mr. LANGLEY. Mr. Chairman, may I ask the Chair how much time remains on each side?

The CHAIRMAN. The gentleman from Kentucky [Mr. LANGLEY] has 18 minutes remaining and the gentleman from Kentucky [Mr. CANTRILL] has 45 minutes remaining.

Mr. LANGLEY. Mr. Chairman, I am in rather an awkward position. Two members of the committee have not yet spoken. I made a mistake and miscounted the time. I thought I had 10 minutes more, and I wonder if I can not get unanimous consent to have 10 minutes more.

The CHAIRMAN. The Chair does not see how that can be done, inasmuch as the time was fixed in the House.

Mr. CHINDBLOM. I will say to the gentleman that, as far as I am concerned, if I can get 10 minutes during the 5-minute debate, I will make my remarks at that time.

Mr. CANTRILL. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I with every other Member of this House believe that the Congress should appropriate every dollar that is necessary to in any way take care of the disabled ex-service men. As has been said by some who have preceded me, the treatment that some of the disabled ex-service men have been accorded is little less than an outrage, and especially those who deserve hospital treatment. I am willing to vote for this $17,000,000, or any other amount that is necessary to build hospitals for these men. But, Mr. Chairman, I want the money that the Congress appropriates used for the purpose for which it is appropriated. I think there has been unconscionable delay not only in the hospitalization of the ex-service men but the delays by the bureau from one end of the land to the other in letting these men who are disabled know their status without writing to them day in and day out and to their Congressmen to send in additional affidavits, or by cutting them off without a word from compensation that they are receiving.

There is one provision in the bill and which runs through it to which I most positively dissent. We have been trying, or we have said that we were trying, to cut out duplication of work, to economize in all departments of the Government, and yet in this very bill, after years and years of building up in the Treasury Department an architect's office that is supposed to have and should have, if it does not have, the greatest experts in the country on building, we intend now to enter upon a new venture and make an architect's office in some other department of this Government.

Mr. MADDEN. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. MADDEN. Not only that, but the bill places no limitation whatever on the amount that they can expend for the new architect's office, or any other establishment they may seek to organize.

Mr. RAYBURN. None.

Mr. MADDEN. They can expend most of the appropriation for it.

Mr. RAYBURN. We will spend a great part of $17,000,000 in building up another bureau in the Government and may not have any hospitals completed in any reasonable time, if at all.

Mr. MADDEN. Exactly.

Mr. RAYBURN. Mr. Chairman, in my time I desire to have read a letter from me to the Director of the Bureau.

The Clerk read as follows:

MARCH 28, 1922.

Col. C. R. FORBES,
Director of the Veterans' Bureau, Washington, D. C.

DEAR SIR: So many complaints come to me of the administration of the law with reference to disabled ex-service men by the regional office at Dallas that I feel justified in calling upon you to make, at the earliest possible moment, an investigation of the treatment the disabled ex-service men are receiving from this office. Not only do these complaints come from the disabled ex-service men themselves but from citizens who have a patriotic interest in seeing that those who gave so much to the country should be taken care of as Congress, in passing the war risk legislation, intended that they should be. Men who are disabled are having their compensation either totally discontinued or cut to practically nothing by a harsh and unjustified construction of the law. I was in charge of the original war risk act and I know that it was the intent of Congress that there should be a liberal and not a harsh construction placed upon the act. These disabled ex-service men are in a bad humor, are disappointed, and have a right to be. Congress realized that these men had given so much to their country and passed the most liberal law ever enacted, believing and knowing that the country would uphold a generous compensation to them. I realize that this is the time when we should economize in every department of the Government, but I believe that it is an inhuman economy to be niggardly and closefisted with those who came out of the World War maimed and disabled. I hope that you will call attention of the head of the regional office at Dallas to the fact that many believe that this law is being given an unjustified and harsh construction by the bureau.

Sincerely yours, SAM RAYBURN.

Mr. RAYBURN. Mr. Chairman, I am opposed to putting this additional burden upon the Veterans' Bureau for the simple reason that I think the Veterans' Bureau has already more work than it can attend to. I know that it has more work than it is attending to. In the last Sweet Act we provided that this Veterans' Bureau should be a separate bureau of the Government. I feared then, and I believe now, that that was a mistake. We provided for 14 regional officers, with power to make final decisions in compensation and in insurance claims. I feared then that that was a mistake, and I believe now it was a mistake, as I feel certain it has caused delay in the adjustment of claims. I take up cases with the War Risk Bureau here and they tell me that the case has been decentralized and has been sent to Dallas. More delay. I take up the case with the Dallas office and they tell me that that case has not been decentralized and that it is in Washington. We have these disabled ex-service

men from one end of the country to the other who have not, three years after the war is over, had their compensation yet adjusted. It is a shame. It is an outrage, and those responsible for that kind of condition ought to be called to the bar of justice and of popular opinion. I say that the Veterans' Bureau has more to do than it is attending to.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. BARKLEY. Has the gentleman's attention been called to cases where ex-service men have had their compensation either decreased or totally cut off without the slightest explanation?

Mr. RAYBURN. Yes; without the slightest explanation or notice. I find such cases in the district that I have the honor to represent, and I would hate to put into the record of this House the mental attitude of the average disabled ex-service man in this country. He believes that the law passed by Congress, which is the most liberal one ever passed in any country in the world, should be followed by this bureau, and yet one month a man will be on one basis of compensation and the next month he will be on another basis of compensation. It seems to me that it is time that the bureau should begin to function. I have never been a critic of the Veterans' Bureau. I have been its defender. I had hoped that they would straighten these matters out, but the principal thing that they do is to send flying squads over the country to create false hopes in the minds of some disabled ex-service man and then leave them to write letters to the bureau.

I trust, Mr. Chairman, before long the bureau will straighten out these claims and give to these weary and long-suffering men what Congress intended they should have.

Mr. CANTRILL. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, I suppose there will be no opposition whatever to the passage of this bill. I raised a question awhile ago when the gentleman from Kentucky [Mr. LANGLEY] was discussing the measure, that it seems to me is capable of raising some confusion in the administration of the war risk insurance act. When we passed what is known as the decentralizing act, the Sweet bill, changing the name of the War Risk Insurance Bureau to the Veterans' Bureau and consolidating under the bureau all of the functions that pertain to the care and treatment of ex-service men, there was a provision in the law which authorized the President to transfer certain hospitals under the jurisdiction of the Public Health Service to the Veterans' Bureau. Of course, we all understand that all of the hospitals that have been erected in the past and those that now exist in the country for the care of ex-service men have been erected and are now under the jurisdiction of the Public Health Service. It has been rumored that the President is about to issue an Executive order transferring some 60 of these hospitals from the Public Health Service to the Veterans' Bureau. We provided in the Veterans' Bureau act that whenever these hospitals are transferred from the Public Health Service to the Veterans' Bureau, the personnel of the Public Health Service which is transferred shall retain all of the rank and grade, and so forth, which they possess now as members of the Public Health Service. I do not know whether this bill makes provision for giving the Director of the Veterans' Bureau absolute control over the appointment of physicians who are to be under him in these new hospitals or not. I have been told that these hospitals that are to be constructed out of the $18,000,000 are to be upon the same basis as those which will be transferred from the Public Health Service to the Veterans' Bureau in the event they are transferred. If that is true, then all of the physicians that are to be in charge of these hospitals that are to be transferred and those that are to be erected out of the $18,000,000, while appointed by the Public Health Service, are to be under the jurisdiction of the Veterans' Bureau. I would like to know whether I am correct in that interpretation.

Mr. ANDREWS of Nebraska. Does the gentleman understand that an order has been issued transferring the hospitals from the Public Health Service to the bureau?

Mr. BARKLEY. I do not understand that it has been issued, but I am told that it has been prepared but that the President has not actually signed it. Whether he will sign it I am unable to say, not being one of his advisers. What I am anxious about is that there shall be no more confusion or duplication in the interpretation of the law in behalf of the ex-service men. Another thing: The gentleman from Texas [Mr. RAYBURN] has just referred to a situation which, I think, we can all testify to. I do not know just where the blame lies, but I have had numbers of cases called to my attention recently where men have had their rating and compensation suddenly reduced without any explanation whatever from the bureau as to the reason for it. There may be some justification for that, but certainly an ex-service man who has been disabled is entitled to the courtesy of a reason by the bureau whenever his compensation is reduced and he is taken from a certain rating and reduced to another rating.

Mr. ANDREWS of Nebraska. Should he not have medical examination as the basis of such action?

Mr. BARKLEY. Certainly; but in most cases they have not done it. In many cases called to my attention men have written to the bureau itself asking why they have been taken from one basis and put onto another, and they have been able to receive no information whatever. And when we write down to the bureau and ask for that information we are not much luckier than the ex-service men in obtaining information in reference to it. I do not know where the fault lies. I do not like to say it is the director of the bureau, who, while of course he is responsible for the conduct of the bureau, is not in personal charge of all the details. As I say, I do not know where the fault lies, but certainly there ought to be enough responsibility somewhere to make the bureau give the reasons which actuated it in reducing the compensation and rating of an ex-service man.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANTRILL. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, of course my purpose is to support this bill. I have asked for this time to make an explanation for general information about another matter. Many Members of Congress have received, and are daily receiving, inquiries as to the present situation with reference to the so-called Towner-Sterling educational bill. It may be because I am a member of the Committee on Education that I received more inquiries than other gentlemen, but I know that a number of inquiries have been made of many Members on both sides of the House as to what the situation is in reference to that proposed legislation about which there is a good deal of general interest in the country. A few days ago I wrote to the chairman of the Committee on Education, the gentleman from Ohio [Mr. FESS], calling attention to the fact that there had been no meeting of the Committee on Education at this session of Congress and expressed to him my opinion that there is a great deal of general interest in the country concerning the status of this legislation, and asked him whether it was his purpose to call a meeting of the committee to pass upon the legislation at this session of Congress. My letter was as follows:

MARCH 9, 1922.

Hon. S. D. FESS,
House of Representatives.

DEAR MR. FESS: As the ranking Democrat on the Committee on Education, I write this to ask if it is your intention to call a meeting of the Committee on Education for the purpose of considering the Towner bill at this session of Congress. I respectfully request that the committee be called together for that purpose. I will thank you for the courtesy of informing me of your attitude with respect to this matter.

With high regard,
Yours very truly,
W. B. BANKHEAD.

I do not know whether you approve of the attitude expressed in the reply of the chairman of the committee, and I am not offering it for the purpose of criticism at all, but merely for the information of Members of the House to explain the attitude of the chairman of the committee in reference to the legislation, and I will ask the Clerk to read the letter in my time.

The CHAIRMAN. Without objection the letter will be read in the time of the gentleman.

There was no objection.

The Clerk read as follows:

MARCH 11, 1922.

Hon. W. B. BANKHEAD,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: Replying to your letter of inquiry as to the consideration of the Sterling-Towner bill, I am writing to state that, as you know, several bills are now before our committee. The bill to which you refer includes the several individual bills. I have thought from the beginning that the separate bills, such as physical education and home economics, both of which have already had hearings, should not be taken up until after a decision had been reached on the larger bill. As you recall, the larger bill has had hearings and was advanced by committee action in the last Congress.

In view of the fact that the Committee on Reorganization is at work, the chairman of which has laid before the President a plan of reorganization which includes a department of education and public welfare, it would be impossible to consider the Sterling-Towner bill looking to creating a department of education until after the reorganization plan is submitted to Congress, unless that is unduly delayed. The President has had this matter before him for about 10 days. This is why I would advise against taking up the Sterling-Towner bill at this time.

Yours very truly,
S. D. FESS.

Mr. BANKHEAD. I think a correct interpretation of the statement of the chairman of the committee, and I give it for

the information of the members of the committee and of the country, is that there will be no meeting of the Committee on Education to consider the bill at this session of Congress.

Mr. BARKLEY. Will the gentleman yield?

Mr. BANKHEAD. I will.

Mr. BARKLEY. Can the gentleman give any information as to the status of the reorganization referred to in the letter?

Mr. BANKHEAD. My statement that there will probably be no meeting of the Committee on Education was predicated upon the proposition that there has been no initial meeting of the Committee on Reorganization, and that it does not seem likely there will be any, in view of the situation existing in the President's Cabinet with reference to that proposition.

Mr. BARKLEY. The gentleman is not aware of the efforts of the President to create some harmony in the Cabinet on this subject?

Mr. BANKHEAD. I am not an expert on Republican harmony. I would not undertake to answer the gentleman. The gentleman from Wyoming [Mr. MONDELL] to-day very fully qualified as an expert on harmony between the Executive, the Cabinet, and the Congress, and I refer the inquiry to him.

I think it entirely proper for me to say, further, that in my opinion there is a complete understanding between the chairman of the Committee on Education [Mr. FESS], the Republican leader [Mr. MONDELL], and the Republican steering committee that the Towner bill shall not be given a chance for passage at this session of Congress.

The method of administering to it the coup de grace is very simple. It can not be reported favorably out of the committee without a meeting of the committee, and no meeting of the committee will be called by its chairman, Doctor FESS. It is one of the oldest and yet the most effective of all methods of giving the sleeping potion to a bill. The Committee on Education is an important committee of the House. It has many important bills pending before it, and yet it has not had a single meeting to transact business since the present Congress convened in April, 1921. It is very plain to me that such a situation has been inspired if not directed by those at present in authority to put the Towner-Sterling bill into a state of suspended animation. I respectfully challenge a refutation of this charge.

I want all friends of education, especially the American Educational Association, to understand why no progress has been made in the House on the Towner bill, and why, in my opinion, none will be made as long as the present group of obstructionists control the situation.

Mr. CANTRILL. I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. CHINDBLOM. And the chairman of the committee also yields five minutes.

Mr. UNDERHILL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. UNDERHILL. Mr. Chairman, like all Members of the House who have been heard thus far on this bill, I want to declare myself in favor of the proposition. But I have another matter I want to call to the attention of the Members of the House. I offered a resolution some few days ago, which was referred to the Committee on Rules, for an investigation of the Washington or Victory Memorial. For some unknown reason—to me, at least, consequently I can not criticise it—they have refused that investigation. In yesterday's news the press carried a report that the site that had been deeded or ceded to this organization was found by the Attorney General and General Harris as having a clear title, and that Lieutenant Colonel Sherrill wrote the officials instructing them that they could begin operations. Before those operations begin I want to bring to the attention of Members of the House some conditions and situations in reference to this project. In the first place, a memorial was planned to cost about $3,000,000, to be called the George Washington Memorial. It was to take the form of a university. There was granted this organization a charter, and I wish to read from that charter the purposes of the organization:

First. The corporate name of said corporation shall be George Washington Memorial Association, and its object shall be to advance and secure the establishment in the city of Washington, D. C., of a university for the purposes, and with the objects substantially, as contemplated and set forth in and by the last will of George Washington, the first President of the United States of America, and to increase the opportunities for the higher education of the youth of said United States, and to this end to collect, take, and hold moneys, gifts, and endowments, to take and to hold by purchase, donations, or devise real estate, to erect and furnish buildings to be used by said university, when legally established, and, in advancing the object of this corporation, to sell, convey, mortgage, and exchange any real and personal estate which it may hold, and to do any and all things which may be lawfully done in carrying out the objects of this corporation.

That was the original plan—the charter was issued in 1898—but apparently they did not begin active operations until about 1912, and from 1912 to 1921 they have succeeded in collecting something in the vicinity of less than $500,000, and in the meantime they have changed the whole plan and object. Now they propose to erect a Victory memorial, to cost between eight and ten million dollars. May I briefly describe this Victory memorial? It is an elaborate building, to contain a large convention hall. In this convention hall there is to be placed in the ceiling a star for every American soldier who was in the service during the World War, or about four and a half million stars, at $5 per star.

Then, in addition to that there are several thousand stars, gold stars, to be placed in the ceiling or in the dome of this building, to commemorate every man who paid the supreme sacrifice, and those stars are to be retailed at $100 per star. Those stars can be easily seen by the use of a powerful telescope from the main floor of the building, and it is the purpose of these people to go before the legislatures of the various States and ask those States to appropriate by direct issue or by bond issues enough money to supply the cost of placing the stars at $5 apiece for the ordinary star, and $100 apiece for those who died in the service.

They think that by so doing they can raise the $8,000,000 that it is going to cost, but that does not include the furnishings, and I understand that they contemplate furnishings to cost $1,000,000 or $1,500,000 more. The American Legion has taken up this matter, and in no uncertain way they have declared against any such proposition, any such exploiting of their service and the service of their comrades, and I think the Members of the House want to know what they say. I read:

THE AMERICAN LEGION, NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., February 20, 1922.

Hon. JOSEPH WALSH,
House Office Building, Washington, D. C.

MY DEAR MR. WALSH: The American Legion at its third national convention adopted unanimously the following resolution:

"Whereas there has been pending in Congress for some time legislation relative to the erection of the George Washington memorial; and

"Whereas it has been proposed that this memorial should be changed to include within it a memorial to all the men and women of the recent World War; and

"Whereas it is believed that this is not the proper time for the erection of a memorial until adequate legislation has been enacted for the disabled and unemployed and compensation: Be it therefore

"*Resolved by the American Legion in convention assembled*, That we do protest against the erection of any public building by or with the consent of our National Government on any Government land in any way designed to commemorate the men and women who served in the World War until proper and adequate legislation has been enacted for the relief of the disabled, first; the unemployed, second; and adjusted compensation, third."

I have heard it rumored that you contemplate the introduction of a bill authorizing the Committee on Public Buildings and Grounds to investigate this association. I want you to know that the American Legion will support such a resolution as I understand you contemplate introducing.

Sincerely,

JOHN THOMAS TAYLOR,
Vice Chairman National Legislative Committee.

Now, I want to bring to your attention the way that the half million dollars they have to start this $10,000,000 building was raised. Back in 1917 they sent to all the little towns in my State a circular or letter which purported to state the amount which that city or town was assessed for the George Washington Memorial, and many of these little towns, thinking that it was a Government function and that the assessment was a Government or State appropriation, placed in their town warrants anywhere from $25 to $300, and the residents of those towns voted to contribute that amount. Now, nothing was known about it at first, but when it was found out what the purpose was, some towns tried to get their money back, but they have not succeeded. I have a list of the towns that appropriated money and also a statement of the amounts they appropriated, and likewise some remarks made by the selectmen of these various towns in connection with the appropriation and the misunderstanding that they had at the time.

The movement for raising funds was especially lively in 1917. The following statements, the truth of which does not appear to have been challenged, have been printed:

Massachusetts has raised $32,000 for this project, of which $16,000 has been spent in this State for promotion. The agencies of publicity and propaganda—including the cost of the Saturday evening dinner—have thus absorbed half of the money raised.

The promoters hit upon a device which the Commonwealth ought to forbid, that of assessing municipalities with certain sums, as if these appeals were in the nature of obligations. The little town of Peru, for instance, was held up for $75, which it has appropriated and paid. Tisbury has yielded its assigned amount. In fact, a map has been issued of the towns which have responded to the ingenious form of "holdup." In this way $8,000 has been obtained.

The chairman of the Massachusetts Advisory Council of the George Washington Memorial Association, in an official statement published February 15, 1917, said:

It is true that in the last three years of preliminary organization some $16,000 has been expended, but not 1 cent of this will be taken from the final contribution to the fund and but a small part of it was derived from those contributions, even temporarily. * * * The $16,000 was not all spent in Massachusetts, a part of it going toward organization work in other States. The only actual expenses met in this State thus far have been office rental, the issuance of circulars, and the organization of town and city committees. Ultimately every cent given by States, towns, or individuals will go toward the memorial and not a cent toward expenses. These latter are being covered entirely by subscriptions never intended nor made toward the memorial, but definitely given to carry on the work of raising the great patriotic fund.

On February 18, 1917, the memorial association reported that "after four years of endeavor" it had on hand $241,173.09 of the $2,500,000 it purposed to raise. But this was "actual cash." According to Charles J. Bell, trustee of the "permanent building fund" and president of the American Security & Trust Co., of Washington, "more than $500,000" had been raised. Of the cash, it was stated, "With the exception of $10,000, this money is invested so that it is returning to the fund nearly $1,000 in interest a month."

On May 17, 1914, the Boston Herald reported that—

The council reports that among the towns that have been unusually prompt in raising their quota of the sum are Uxbridge, Upton, Bolton, Pembroke, Charlton, Auburn, Norwell, and others. Great progress has also been made in Pittsfield, Waltham, Lawrence, Andover, Avon, Brookline, Dalton, Cheshire, East Longmeadow, and other places.

In the spring of 1917 towns on the cape found that there had been general misunderstanding as to the scheme, it being believed that both the National and State Governments had sanctioned it, made appropriations, and obligated the towns—at least morally—through patriotic appeal to vote each its "quota."

Up to that time, 80 Massachusetts towns had voted "per capita appropriations, averaging $100," according to a statement printed in the Boston Herald of February 18, 1917. Leaflets sent out told of the "nation-wide response," and how "46 governors and former governors have indicated their approval," and "a gratifying spirit of cooperation has been shown on the part of the following States and insular possessions." Here follows a list of 46 States, with Hawaii, the Canal Zone, and the Philippines, although up to that time no State or possession had made an appropriation.

Apparently the promoters traded on the patriotic spirit and lack of knowledge of the smaller towns of Massachusetts, not one of the larger communities being led to vote a dollar. According to the plan—

The general rule is to get an appropriation by town warrant on the basis of a toll of about 6 cents per capita, so that the appropriation covers a wide range—$10 to $20 up to $500.

From the map prepared by the "advisory council," the following Massachusetts towns had at that time appropriated money—although some question had been raised as to the power to do it legally, but this had been silenced by the quoting of the statute, chapter 116, acts of 1903, permitting appropriations for "monuments to soldiers and sailors":

Barnstable, Brewster, Bourne, Chatham, Eastham, Harwich, Orleans, Sandwich, Yarmouth, Becket, Florida, Tyringham, Washington, Acushnet, Berkeley, Raynham, Swansea, Gosnold, Oak Bluffs, Andover, Boxford, Groveland, Newbury, West Newbury, Swampscott, Gill, Monroe, Northfield, Warwick, Wendell, Blandford, Holland, Cummington, Goshen, Greenwich, Hadley, Huntington, Ashland, Bedford, Carlisle, Chelmsford, Lexington, North Reading, Shirley, Cohasset, Foxboro, Wellesley, Westwood, Weymouth, Duxbury, Halifax, Hanover, Hanson, Hingham, Kingston, Marion, Marshfield, Norwell, Pembroke, Rochester, Rockland, Auburn, Berlin, Boylston, Bolton, Charlton, Dana, Harvard, Lancaster, Milford, Oakham, Oxford, Petersham, Phillipston, Princeton, Southboro, Upton, Uxbridge, and Webster.

As the result of the Herald's revelations regarding the "George Washington Memorial Building," two towns on the Cape, Provincetown, and Wellfleet, are holding up payments of appropriations already voted, and are likely, at special town meetings, to rescind the appropriations. Truro will not give a cent. Neither will Dennis.

Other Cape towns, which have parted with their money, are anxiously waiting to see whether court decisions will uphold the opinions of various town counsel in other parts of the State that such appropriations are illegal, hoping, meanwhile, against hope that somehow they may get at least part of their money back.

Cape towns are not rich enough to have town counsel, but are so stirred by what is now termed "trading on their patriotism" that they are almost ready to hire one.

It is really astounding how many towns have appropriated money for this far-away building in the District of Columbia under a total misapprehension. In some cases selectmen say they understood that the governor and the legislature had set the seal of approval on the plan; that State appropriations had been made or were to be made; that each town was to "give its quota," as the literature sent out by the promoters said, and that it was in the nature of an assessment, or at least an obligation. The appeal to patriotism and public duty had force, and the coming Pilgrim tercentenary celebration had a misty influence.

I am not here to defend the action of any of our towns or to criticize the action of some perhaps well-meaning woman or body of women in building a memorial to George Washington or a victory memorial with their own money, but with money that they can collect from the deluded public. When they come before my State and before the towns and the cities in my State and ask them to contribute money in a camouflaged way, using as a lever an appeal to be patriotic, I protest. I also protest because I know from the past experience that this organization will get along just about so far, and, judged by their past successes, it will be some 10 years before they get another $1,000,000. They will go to work and start this building on this site given by the Government, which might be used as a site for a public building, an archives building, or some other useful building; but they do not seem to care whether the records of these soldiers are put in a safe building or not. What they want by and by is to have anybody who is interested come down and get the record off the ceiling of this memorial building. What they will do will be to get it along so far, and then they will come to Congress and ask Congress to appropriate $5,000,000, $6,000,000, $7,000,000, or $8,000,000 to finish this building. It may be that they do not have that in mind. They may think the people of this country are foolish enough to build a convention hall for the use of organizations that come here and hold conventions. But the business men of Washington a very short time ago when they wanted a convention hall succeeded in less than a month in raising more money than this organization had raised in 10 years.

The George Washington Memorial Association should surrender its charter and the money contributed for a Washington University, which was to cost $3,000,000, or carry out the original plan. If they are to build or start a victory auditorium or something else to cost $10,000,000 they should get a new charter. George Washington needs no additional monuments to perpetuate his greatness and fame. The tomb of the unknown soldier is a shrine that a victory memorial can not displace. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LANGLEY. Mr. Chairman, by agreement with my colleague from Kentucky [Mr. CANTRILL], in control of the time on the other side of the House, I was to have three minutes. I yield two minutes of that time to the gentleman from New Hampshire [Mr. BURROUGHS].

The CHAIRMAN. The gentleman from New Hampshire is recognized for two minutes.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for a moment?

Mr. BURROUGHS. I regret I have only a few minutes. I am sorry.

Mr. BANKHEAD. I only wanted to get unanimous consent to extend my remarks.

Mr. BURROUGHS. Mr. Chairman, I am glad of an opportunity to vote for this bill. I am glad to vote to authorize an appropriation of $17,000,000, or any other amount that may be needed, in order to provide necessary additional hospital facilities for persons who served in the World War. This, as I understand, will make a total of about $42,000,000 either appropriated or authorized for this purpose. The Congress of the United States will gladly double this amount, if necessary, in order to give every sick or disabled ex-service man the hospital facilities he needs. I believe this bill meets a real need. I am confident it is in every sense a most meritorious measure. I hope and expect it will pass without serious opposition.

Mr. Chairman, a few days ago on the floor of this House I stated briefly some of the reasons why it was not possible for me to support or vote for the adjusted compensation bill in the form in which it was presented.

In concluding my remarks, after quoting sundry statistics showing the immense expenditures to date for the benefit of the disabled ex-service men and their dependents, I said:

I make these statements, Mr. Speaker, and quote these figures not for the purpose of showing that the Government of the United States has done its full duty, or, indeed, is doing all that should be done for its disabled ex-service men. I know that is not the fact. A great deal yet remains to be done. There is altogether too much delay in acting upon worthy claims.

It is my experience, Mr. Chairman, and I understand the experience generally of all Members who have been obliged, because of decentralization, to take up claims with the district office of the Veterans' Bureau at Boston, Mass., that there certainly has been most inexcusable and reprehensible delay at that office in acting upon worthy claims. My experience fur-

ther leads me to the conclusion that the apparent inattention and consequent delay in adjudicating the claims which I have been obliged to take up with the district manager at Boston is a chronic condition in that office, tolerated by the district manager and therefore properly chargeable to him. To date my dealings with the district manager at Boston have, with rare exceptions, been wholly unsuccessful as regards obtaining either reports on the cases or satisfactory adjudication of the claims in which I have been pleased to express an interest. My files show a great many instances where the district manager has not even taken the trouble to make reply to my letters and telegrams of inquiry as to the status of claims pending in his office. I have been forced to appeal in personal interviews and by letter to the Director of the Veterans' Bureau for corrective action on his part, so far as the district manager at Boston and his office was concerned. The director, in order to assist in obtaining reports on these long-delayed cases, has repeatedly telegraphed and written the district manager at Boston, and in many cases it is acknowledged to me that no replies are received. No matter whether the claimant has a compensable status or not, a statement of the degree of disability should be given promptly in every case. As it is now, the amount of correspondence on the many cases I have pending in the office of the district manager at Boston is enormous. The replies I receive are few and far apart. Meantime it is the claimant who suffers, and unjustly so, because of the unwarranted delay and evident inattention on the part of the district manager at Boston and his office.

I have no acquaintance with this district manager nor, so far as I know, with any of the office force under his direction. The only means I have of judging them and their fitness for the jobs they hold is by results, and that is exactly what I do not get. My sole purpose in taking up the time of the House for these few minutes is to place on record my earnest and emphatic protest against a continuance of the negligence and inattention concerning cases which I am obliged to take up with the district manager at Boston. I want to say further that officials of the American Legion, the American Red Cross, and other organizations in my State interested in the welfare of the disabled ex-service men, with whom I am constantly in communication concerning these various claims, are equally emphatic in their protest against the attitude of this same district manager.

As a basis for my protest, Mr. Chairman, I want to cite a few cases in point in order to bear out my contention that there is altogether too much delay in acting upon worthy claims and also in the hope that these claims, as well as additional ones in which I may express my interest, may be properly and promptly adjudicated.

(Case of A. A. H. C 523758.)

March 9, 1921. Initial letter taking claim up with War Risk Insurance Bureau.

March 21, 1921. Letter from acting director setting forth award under rating of temporary partial 10 per cent disability, or $11.40 per month from May 25, 1920.

March 31, 1921. Wrote director requesting reexamination of claimant with view to increased award.

April 30, 1921. Acknowledgment from director of foregoing letter with no reference to request for reexamination, but with particular reference to increasing award on account of dependents.

July 5, 1921. Renewed request for reexamination of claimant on receiving advice from him that such action had not been taken.

July 12, 1921. Director acknowledged foregoing letter, but again made no statement as to reexamination of claimant.

October 28, 1921. Claimant advises he was reexamined on October 10, 1921.

October 29, 1921. Wrote director calling attention to fact of reexamination on October 10, 1921, and requested prompt consideration of report. No reply whatever was made to this request.

December 9, 1921. Wrote director strenuously about claim and advised that claimant had been obliged to seek charity of his home city to provide means of support of himself, wife, and child. This letter was presented to the director personally.

December 10, 1921. Director wrote advising that "Bureau records disclose claimant was examined on October 10, 1921, for the purpose of determining whether or not the compensation should be increased, but the report of this examination has not been received in this bureau. I have accordingly wired the district manager at Boston, Mass., to expedite the report of this examination for my personal attention."

On December 23, 1921, the director advised me by telephone that this claimant's compensation had been increased to 20 per cent, dating back to discharge, and that a check for the accumulated amount due would be promptly sent forward.

So that the record discloses that although the examination of the claimant was made on October 10, 1921, the report of same was apparently not received by the director from the district manager at Boston until on or about December 23, 1921, almost two weeks after the director telegraphed the district manager to send same to him personally without delay. A period of approximately nine months dragged out between the time of request for the reexamination of claimant and the date on which his award was amended, and a period of over two months passed between the date of his reexamination and the date of the amended award.

(Case of R. W. H. C. 370204.)

January 22, 1921. Submitted receipted bills covering medical, surgical, hospital, and nursing expenses, together with a receipted bill for an artificial leg. These bills aggregated approximately $675. This claimant is rated as temporary total.

February 6, 1921. Director acknowledged receipt of bills and advised: "The bills in question have been referred to the district supervisor, United States Public Health Service, Boston, Mass., for attention. When the claim, properly certified, is received from the district supervisor prompt action toward settlement will be taken by the bureau."

July 11, 1921. Having received word from the claimant that his claim for reimbursement on account of the bills in question had not been settled, addressed a letter to the director of the bureau protesting against the unwarranted delay and calling for immediate action.

July 25, 1921. Director acknowledged receipt of foregoing letter and advised: "The bills for these expenses were forwarded to the bureau's supervisor in Boston, Mass., February 7, 1921, for necessary corrections. A telegram has accordingly been sent to the supervisor requesting him to wire report of the action taken in this matter."

August 19, 1921. Claimant advises all bills had been returned to him for correction, and he had returned same to the district supervisor at Boston, Mass.

August 24, 1921. Wrote director of bureau setting forth above statement.

December 19, 1921. Claimant advises that early in October, 1921, he promptly complied with further requirements of district supervisor at Boston in regard to bills in question, but no word or payment has reached him.

December 20, 1921. Called on director personally and demanded immediate action.

December 22, 1921. Director advises by telephone that a check for $687.62 was mailed that morning to claimant to cover reimbursement.

It will be noted, Mr. Chairman, that this claim for reimbursement of legitimate expenses incurred by the claimant was filed by me on January 22, 1921, and was not finally settled until December 22, 1921, or exactly 11 months after the date of filing. For practically 10 months of this time the claim was shelved in the office of the district supervisor at Boston with the possible exception of perhaps a week when the bills were being corrected by the claimant. The bills were not sent to the claimant for correction until seven months after filing, in the first instance, and nine months after initial presentation to the bureau for their final correction.

Note, also, that whereas the director personally telegraphed the district manager at Boston on July 25, 1921, for a wire report in order to obtain action, no attention was paid to same by the Boston office, so far as I have been advised, although the director in his letter to me of July 25, 1921, had said: "I shall write you again as soon as a reply from the supervisor has been received."

By reason of the settlement made with this claimant this case can now be considered as closed so far as his interests are concerned.

(Case of L. D. W. C264167.)

This case involves the question of a change of vocational training from machine designing work to a commercial course and my letter requesting investigation addressed to the Director of the Veterans' Bureau was dated November 3, 1921. The decision rendered in this case was adverse to the desire of the claimant, but the delay in arriving at that conclusion is fairly set forth in the following quoted letter which I presented to the director of the bureau under date of January 24, 1922:

Col. C. R. FORBES,
Director Veterans' Bureau, Washington, D. C.

MY DEAR COLONEL FORBES: I deem it highly important that the following statement of facts should be brought to your personal attention and receive your personal investigation and prompt action.

Mr. W. is a resident of my home city, Manchester, N. H., and his mother has for some time past been known to me through the fact that she has done housework for us. She has spoken and written to me concerning her son's case. My interest in the matter is therefore personal as well as official in an endeavor to bring about a speedy and proper adjudication of his claim.

It appears that Mr. W. has been in training at Providence, R. I., for about two years. On November 1, 1921, he wrote me concerning his condition and I quote you a portion of his letter (also set forth in my letter to you dated November 3, 1921):

"I have been in training here for about two years and have been constantly bothered with my leg. I have been going to the doctors about every week and they do not seem to be able to help me at all. About six months ago a Doctor Mahoney, who is a specialist here, wrote a letter to the Federal board office requesting that I be given a special board at school. I am taking machine design and that necessitates quite a lot of standing. The board was given me, and about a month ago the same doctor recommended that I be given a different line of training. He suggested accounting. * * * He wrote this request to the Federal board people here over a month ago and I can not get any action on it at all. The doctor of the public health office also called up the local supervisor here and gave the same opinion as Doctor Mahoney. He suggested that I be transferred to the Bryant & Stratton school here in Providence.

"My disability is a compound fracture of both bones of the right leg, upper and middle third. I also have a foot drop. On account of extensive injury to the muscles and tissues my leg tires easily and causes pain when it is tired."

I have recited fully Mr. W.'s disability, in order that it may be seen that his present training as machine designer is in fact a handicap, as testified to by Doctor Mahoney, as well as by the public health physician.

In writing you concerning this matter it is with the idea of bringing to your attention, for appropriate action, the unwarranted and absurd situation which has developed in connection with your district office at Boston, Mass., as will be seen by the following statements.

On November 28, 1921, you wrote me as follows:

"We note his (W.'s) desire to be transferred from machine designing to a commercial course. As records on file do not bear upon the point in question, we are referring the matter to our representative at the district office in Boston, with the direction that his request be taken into consideration and report submitted. Upon its receipt we shall be pleased to inform you accordingly."

On that date you wrote the district manager at Boston for investigation and report concerning this case, and your records will also show that you have further written for the report in question on the following dates: December 12, 1921; December 29, 1921; January 13, 1922; January 23, 1922. Your records will also show that urgent telegrams were sent by your bureau to the district manager at Boston on this case on the following dates: December 16, 1921; December 19, 1921; January 4, 1922; and January 9, 1922.

And yet to date the medical report in question has not been furnished you as directed, even in the face of five official letters and four official telegrams.

As a matter of fact, the report of medical examination of Mr. W., made at Providence, R. I., by the public health physicians, left Providence for your Boston office on November 18, 1921.

In order to supplement the efforts of your bureau to obtain from Doctor Brides the medical report of examination in question, I telegraphed him on January 9, 1922, as follows:

"Have been for days pressing Veterans' Bureau for immediate action on application L. D. W., C-264167, for transfer vocational training from machine designing to commercial course, due to poor physical condition. Bureau advises no reply received to several official telegrams sent you this matter. Bureau awaits medical report furnished your office by Providence office last November 18. This matter important and justifies your personal attention by forwarding immediately report in question. Wire reply."

Note the reply I received by telegraph the next day (January 10, 1922), signed "Brides"—

"Re tel December 9 case L. D. W. Telephoned Providence to-day to send medical report to-morrow."

And, in confirmation of this telegram, Doctor Brides wrote me under date of January 12, 1922, in part, as follows:

"Immediately upon receipt of duplicate medical report from Providence, copy will be forwarded to Washington for action."

On January 21, 1922, having been advised on the morning of that day by your office that the medical report in question had not been received, I again telegraphed Doctor Brides as follows:

"You telegraphed me January 10, case L. D. W., you had telephoned Providence that day to send medical report. Your letter 12th stated immediately upon receipt duplicate medical report copy will be sent to Washington. Report not yet received. I consider situation ridiculous. That medical report rendered November 18 must reach Washington Monday with copy to me."

Up to this morning your bureau has not received the medical report in question, and neither have I received a copy, nor any further word from Doctor Brides concerning it.

* * * In the past there has been much well-founded criticism placed at the doors of the War Risk Insurance Bureau, but as time went on conditions were expected, and have, improved, and it was hoped that with the passage of the act creating the Veterans' Bureau conditions under its terms would be so improved as to do away with unnecessary delay in the settlement of the claims of meritorious nature. The very establishment of the regional or district offices was for that sole purpose.

But under the conditions set forth in this letter you can not uphold the present management of your district office at Boston. At present this is a matter for your personal attention as Director of the Veterans' Bureau, in order that remedial steps may be immediately taken to correct the unwarranted and serious mismanagement herein complained of.

So, in the consideration of this matter it is my desire, first, that W.'s case be immediately and satisfactorily adjudicated, and, second, in order to prevent similar conditions in other cases, that you make such changes in your district office at Boston as may bring about proper efficiency in management as well as expeditious handling of these deserving cases.

At the present time I have pending before the office of the district manager at Boston, in various stages of neglect and delay, some 20 cases, in each of which I have long ago recorded my interest and urged prompt action. On many of them no reply whatever has reached me to date.

It is not the fault of the law, Mr. Chairman, that delays occur. It is the fault of incompetent men administering the law that delays occur. I am glad to say that many, in fact most, of the officials with whom I come in contact appear to be courteous and conscientious and reasonably efficient in the discharge of the duties imposed upon them. I want to make all reasonable allowances on account of the great number of claims pressing for attention and a certain amount of confusion naturally attendant upon the processes of decentralization. But when all that has been taken into account I must still insist that the action or nonaction at the Boston office, as shown in the cases cited, is without any sort of justification or excuse. More flagrant and utter disregard of the plain, ordinary rights of claimants would be hard to imagine. I see no occasion for weeks and months of vexatious delay in getting the simplest sort of medical report necessary as a basis of adjudication.

When these boys, most of whom are maimed and sick in body or in mind, and many of whom are wholly without funds, keep writing in desperation to me for help, and I know that the Government of the United States has made provision to meet their needs, as in most cases it has done, I have little patience with any official who can not find a way to acknowledge, if not to answer, my letter or telegram of inquiry. If the district manager at Boston can not do this, it is high time for the district manager at Boston to give place to some one who can. I call upon him now to wake up and see to it that these plain, ordinary duties of his office are performed. I call upon the Director of the Veterans' Bureau to see that he does this or demand his resignation without delay. [Applause.]

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. BURROUGHS. Yes.

Mr. CHALMERS. Does not the gentleman think the cure will be to abolish the regional offices?

Mr. BURROUGHS. Well, I had some question originally as to the wisdom of decentralizing this work, but it was the desire of the American Legion, and we passed the Sweet bill accomplishing that purpose.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. BURROUGHS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. LANGLEY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BARKLEY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CANTRILL. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman has 17 minutes remaining.

Mr. CANTRILL. I yield five minutes to the gentleman from New York [Mr. GRIFFIN]. [Applause.]

Mr. GRIFFIN. Mr. Chairman and gentlemen, my interest in this bill is a sort of legacy coming down from my former membership of the Committee on Public Buildings and Grounds. In 1919 I had the honor to report the first bill for the hospitalization of the wounded and disabled soldiers of the World War. That carried with it an appropriation of $9,500,000. Since that date we have appropriated $20,000,000, and, with the present appropriation of $17,000,000, we will have appropriated $46,000,000 for the construction of hospitals and for the hospitalization of disabled soldiers, sailors, marines, and so forth. In addition to that, I want to put on record, so as to give a general survey and bird's-eye view of what Congress has done, the appropriations made by Congress for the relief of the ex-service men. I do that in order to combat by figures the wild statements that are given currency to the effect that Congress is neglecting or has neglected the ex-service men, particularly the disabled soldiers.

To account for the numerous complaints which are heard respecting the administration of the war risk insurance act, we must go back to the very beginning. I have the fullest appreciation of the fidelity and patriotism of the draft boards, but I can not help but believe that in their zeal they unconsciously put upon the country a tremendous burden of financial responsibility. They inducted many men into the Army who had been rejected by the Regular Army surgeons upon their offer of voluntary enlistment.

In their zeal to get men they often drafted men without discrimination. They took strong men who could, would, and did fight, but they also drafted men physically unfit for the duties of a soldier. They selected men with rheumatism, flat feet, and other organic troubles, with the inevitable result that the efficiency of the Army was seriously impaired and the hospital facilities taxed to the utmost in caring for men who were wholly unfitted for Army work. The boards seemed to think unwillingness to fight was a just provocation to make them fight. I hope posterity will profit by their error, and if we should ever have another war and the selective draft is resorted to, I hope the questionnaire will culminate with the supreme question, "Do you want to fight for your country?" If the answer were in the negative, I would not honor such a man by placing him in a combat corps, but immediately assign him to the labor corps and detail him to work in the munition factories, shipbuilding plants, and in the transportation service. I would give him soldiers' pay.

Unfortunately, there was no authority for such a course upon our entrance into the World War. Many things were left to chance, and the selection of soldiers was one of them. The result of our mistaken policy has been to create a long train of unpleasant consequences.

In the first place, the men who escaped military service were permitted to enter munition factories, shipbuilding plants, and other war-time industrial occupations and draw wages far greater than the country was paying its soldiers on the fighting line. This disparity provoked a great deal of the discontent which was behind the movement for adjusted compensation.

The zeal of the draft boards in sending men into the combat corps with organic troubles which unfitted them for Army work was almost immediately reflected in a large hospitalization list. Many of these men barely gave a month's service. They had one trouble or another and were in many cases discharged within a few days of their arrival at the training camps. Many others lingered on for months. They were a burden to the country then and they are going to be a burden for many years to come.

There is hardly one of them who does not want compensation. The word seems to be passed along that Uncle Sam is paying out money to ex-soldiers and they all feel that they ought to get what is coming to them. It is with these that I have found most difficulty. Many make application for compensation, setting forth certain disabilities. The Veterans' Bureau justly requires that they should connect their disability with their Army service with adequate proof. This is only what any self-respecting honest man would require where he is intrusted with the expenditure of other peoples' money. We should not complain of the Veterans' Bureau because it seeks to protect the United States Treasury.

Another criticism that I have heard here to-day is that the decentralization of the Veterans' Bureau was a mistake. I do not agree to that proposition. The idea of creating 14 divisional offices in the United States for the care of the veterans' claims, in my opinion, was a good one. It enables the veteran to file his application and be examined in his own vicinity and ought to result in the expeditious handling of his claim. It avoids the long delay involved in correspondence with Washington. Before undertaking to criticize the Sweet bill, we ought to give it a fair trial. The American Legion advocated the modification of the law, and I believe in the end it will justify their judgment.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. GRIFFIN. If the gentleman will pardon me I can not yield now, because I have so little time.

In addition to the appropriations for hospitalization, Congress has appropriated for compensation for disabled veterans and expended since the passage of the act $256,063,428. Then, for vocational education, which you know goes only to the disabled or debilitated veterans, we have appropriated and there had been laid out, to December 15, 1921, $249,000,000. The total altogether in the way of appropriations for the benefit of the ex-service men of the World War is $551,208,428, or over half a billion dollars.

Now, gentlemen, this is not a party question. There is no room here for demagogy or partisanship. I say that Congress has done its full and complete duty toward the ex-service men.

It may be that in the administration of the act there have been some instances of inefficiency, carelessness, neglect, and delay; but I want to say that in so far as my dealings with the Veterans' Bureau are concerned, I have found its officials courteous, diligent, prompt, and efficient. Now, that may seem a strange thing for a man from this side of the aisle to say, but I believe it is due to the men at the head of the Veterans' Bureau to say that they are doing honestly the best that they can. [Applause.]

APPENDIX.

TABLE I.—*Appropriations for hospitalization.*

Date of approval.	Amounts appropriated.	Amounts expended.	Unexpended balance.
Act of Mar. 3, 1919	$9,050,000		
Deficiency act of Mar. 6, 1920	500,000	$5,575,769	$1,440,239
	400,000	3,528,992	
Sundry civil act for 1921, June 5, 1920	295,000		
Sundry civil act for 1922, Mar. 4, 1921	300,000		
Act of Mar. 4, 1921	18,600,000	4,161,343	[1] 14,438,657
Total	29,145,000	13,266,104	15,878,896
Present bill	17,000,000		
	46,145,000		

[1] In connection with the apparently large balance, amounting to $14,438,657, above shown as unexpended from the appropriation of Mar. 4, 1921, it should be stated that up to Feb. 13, 1922, this had all been allotted for hospital construction except $893,727.83, which amount is to be kept available as a reserve fund to be used in providing for emergencies in which allotments do not cover the projects, or for providing for changes occasioned by the addition of new beds.

TABLE II.—*Statement showing amounts, expenditures, and unexpended balances of all appropriations for vocational rehabilitation as of January 31, 1922.*

VOCATIONAL REHABILITATION.

Date of Approval.	Amounts appropriated.	Amounts expended.	Unexpended balances Jan. 31, 1922.
Act of June 27, 1919	$8,000,000	$7,132,989.95	$867,010.05
Sundry civil act for 1920, July 19, 1919	8,000,000		
Deficiency act of November 4, 1919	5,000,000		
Deficiency act of March 6, 1920	11,000,000	30,960,936.47	39,063.53
Deficiency act of June 5, 1920	7,000,000		
Sundry civil act for 1921, June 5, 1920	90,000,000		
Deficiency act of June 16, 1921	15,000,000	101,729,705.66	3,270,293.34
Sundry civil act for 1922, March 4, 1921	65,000,000		
Deficiency act of December 15, 1921	40,000,000	86,709,015.71	18,290,984.29
Total	249,000,000	226,532,648.79	22,467,351.21

TABLE III.—*Vocational Training.*

	Number of students.
In 48 United States vocational schools	5,011
In placement training in industrial institutions	40,000
In colleges and other educational institutions	60,000
Total	105,011

TABLE IV.—HOSPITALIZATION.

Summary of all hospitals built or leased and now under the control of the United States Veterans' Bureau, with bed accommodations and patients under treatment as of January 31, 1922.

UNITED STATES ARMY.

The United States Army has allocated a certain number of beds in military hospitals for the use of the United States Veterans' Bureau. Funds are allotted to the United States Army to cover the cost of Veterans' Bureau patients in these hospitals, the cost being based upon the percentage of Veterans' Bureau patients to the total patients in each hospital. The facilities available in military hospitals are as follows:

Location of hospital.	Total available beds.	Patients under treatment.
Walter Reed General Hospital, Washington, D. C.	750	410
Fitzsimmons General Hospital, Denver, Colo.	1,221	759
Letterman General Hospital, San Francisco, Calif.	288	97
Beaumont General Hospital, El Paso, Tex.	200	111
Post Hospital, Fort Sam Houston, Tex.	300	273
Army and Navy General Hospital, Hot Springs, Ark.	171	84
Total	2,930	1,734

UNITED STATES NAVY.

The United States Navy has allocated a certain number of beds in naval hospitals for the use of the United States Veterans' Bureau. Funds are allotted to the United States Navy to cover the cost of Veterans' Bureau patients in these hospitals, the cost being based upon the percentage of Veterans' Bureau patients to the total patients in each hospital. The facilities available in military hospitals are as follows:

Location of hospital.	Total available beds.	Patients under treatment.
U. S. Naval Hospital, Chelsea, Mass.	539	369
U. S. Naval Hospital, Portsmouth, N. H.	217	4
U. S. Naval Hospital, Newport, R. I.	266	4
U. S. Naval Hospital, Brooklyn, N. Y.	250	209
U. S. Naval Hospital, League Island, Pa.	250	91
U. S. Naval Hospital, Washington, D. C.	250	103
U. S. Naval Hospital, Norfolk, Va.	94	8
U. S. Naval Hospital, Charleston, S. C.	216	22
U. S. Naval Hospital, Key West, Fla.	40	4
U. S. Naval Hospital, Pensacola, Fla.	25	2
U. S. Naval Hospital, Great Lakes, Ill.	600	560
U. S. Naval Hospital, Fort Lyons, Colo.	595	408
U. S. Naval Hospital, Mare Island, Calif.	12	12
U. S. Naval Hospital, San Diego, Calif.	7	7
U. S. Naval Hospital, Puget Sound, Wash.	1	1
Total	3,362	1,804

NATIONAL HOMES FOR DISABLED VOLUNTEER SOLDIERS.

Of the hospitals of the National Home for Disabled Volunteer Soldiers where facilities have been allotted to the United States Veterans' Bureau, two hospitals are operated entirely for the use of the United States Veterans' Bureau, namely, the National Sanatorium at Johnson City, Tenn., and the sanatorium at Marion, Ind. At the other branches the facilities are only in part available to the United States Veterans' Bureau. Funds are allotted to the National Home for Disabled Volunteer Soldiers as they are to the United States Army and to the United States Navy. The branches of the National Soldiers' Home making hospital facilities available to the United States Veterans' Bureau are as follows:

Location of hospital.	Total available beds.	Patients under treatment.
Togus, Me	151	9
Johnson City, Tenn	936	936
Dayton, Ohio	533	521
Marion, Ind	962	810
Danville, Ill	14	14
Milwaukee, Wis	107	39
Leavenworth, Kans	188	127
Hot Springs, S. Dak	136	124
Sawtelle, Calif	300	271
Total	3,327	2,851

THE INTERIOR DEPARTMENT.

Location of hospital.	Total available beds.	Patients under treatment.
St. Elizabeths Hospital, Washington, D. C	827	827

UNITED STATES PUBLIC HEALTH SERVICE.

All hospitals operated by the United States Public Health Service are available in total or in part to the United States Veterans' Bureau. However, certain of these hospitals, namely, the marine hospitals and three other hospitals, are operated entirely out of funds appropriated to the United States Public Health Service and that service is reimbursed by the United States Veterans' Bureau at a rate of $3.50 per day for the treatment of Veterans' Bureau beneficiaries treated in those hospitals. The other hospitals operated by the United States Public Health Service are the United States Veterans' Bureau hospitals, and these hospitals are maintained entirely out of funds allotted by the United States Veterans' Bureau to the United States Public Health Service. The hospitals operated out of Public Health Service funds and available in part to the United States Veterans' Bureau are as follows:

Location of hospital.	Total available beds.	Patients under treatment.
U. S. Marine Hospital No. 2, Boston, Mass	27	13
Marine Hospital No. 3, Buffalo, N. Y	25	18
Marine Hospital No. 5, Chicago, Ill	48	48
Marine Hospital No. 6, Cleveland, Ohio	60	42
Marine Hospital No. 7, Detroit, Mich	41	41
Marine Hospital No. 8, Evansville, Ind	41	41
Marine Hospital No. 10, Key West, Fla	29	5
Marine Hospital No. 11, Louisville, Ky	40	29
Marine Hospital No. 12, Memphis, Tenn	66	54
Marine Hospital No. 13, Mobile, Ala	82	70
Marine Hospital No. 14, New Orleans, La	376	289
Marine Hospital No. 15, Pittsburgh, Pa	45	45
Marine Hospital No. 16, Portland, Me	16	16
Marine Hospital No. 17, Port Townsend, Wash	42	42
Marine Hospital No. 18, St. Louis, Mo	63	63
Marine Hospital No. 19, San Francisco, Calif	79	61
Marine Hospital No. 20, Savannah, Ga	80	66
Marine Hospital No. 21, Stapleton, N. Y	77	36
Marine Hospital No. 22, Vineyard Haven, Mass	11	0
U. S. Public Health Service, No. 29, Norfolk, Va	146	62
U. S. Public Health Service No. 66, Carville, La	[1] 102	3
U. S. Public Health Service No. 70, New York City	[2] 4	2
Total	1,401	1,046

[1] These beds available only to patients suffering from leprosy and can not be considered generally available, consequently these vacant beds have been subtracted from the total available beds for this class of hospital.

[2] This hospital is used largely for the examination and treatment of nonhospitalized beneficiaries.

The hospitals operated by the United States Public Health Service which are maintained out of funds provided by the United States Veterans' Bureau are as follows:

Location of hospital.	Total available beds.	Patients under treatment.
U. S. Veterans' Bureau No. 24, Palo Alto, Calif	521	416
U. S. Veterans' Bureau No. 25, Houston, Tex	650	502
U. S. Veterans' Bureau No. 26, Greenville, S. C	640	492
U. S. Veterans' Bureau No. 27, Alexandria, La	497	497
U. S. Veterans' Bureau No. 30, Chicago, Ill	577	535
U. S. Veterans' Bureau No. 32, Washington, D. C	197	178
U. S. Veterans' Bureau No. 34, East Norfolk, Mass	[1] 226	118
U. S. Veterans' Bureau No. 35, St. Louis, Mo	578	485
U. S. Veterans' Bureau No. 36, Boston, Mass	503	444
U. S. Veterans' Bureau No. 37, Waukeshaw, Wis	218	218
U. S. Veterans' Bureau No. 38, New York, N. Y	250	98
U. S. Veterans' Bureau No. 41, New Haven, Conn	481	410
U. S. Veterans' Bureau No. 42, Perryville, Md	414	361
U. S. Veterans' Bureau No. 44, West Roxbury, Mass	228	222
U. S. Veterans' Bureau No. 45, Biltmore, N. C	325	293
U. S. Veterans' Bureau No. 48, Atlanta, Ga	105	82

[1] Available to epileptic patients only.

Location of hospital.	Total available beds.	Patients under treatment.
U. S. Veterans' Bureau No. 49, Philadelphia, Pa	396	380
U. S. Veterans' Bureau No. 50, Prescott, Ariz	750	626
U. S. Veterans' Bureau No. 51, Tucson, Ariz	269	251
U. S. Veterans' Bureau No. 52, Boise, Idaho	212	186
U. S. Veterans' Bureau No. 53, Dwight, Ill	225	199
U. S. Veterans' Bureau No. 54, Arrowhead Springs, Calif	153	151
U. S. Veterans' Bureau No. 55, Fort Bayard, N. Mex	1,094	959
U. S. Veterans' Bureau No. 56, Baltimore, Md	637	526
U. S. Veterans' Bureau No. 57, Knoxville, Iowa	170	170
U. S. Veterans' Bureau No. 59, Tacoma, Wash	265	265
U. S. Veterans' Bureau No. 60, Oteen, N. C	1,084	953
U. S. Veterans' Bureau No. 61, Staten Island, N. Y	840	645
U. S. Veterans' Bureau No. 62, Augusta, Ga	246	242
U. S. Veterans' Bureau No. 63, Lake City, Fla	128	114
U. S. Veterans' Bureau No. 64, Camp Kearney, Calif	502	301
U. S. Veterans' Bureau No. 65, St. Paul, Minn	272	242
U. S. Veterans' Bureau No. 67, Kansas City, Mo	128	128
U. S. Veterans' Bureau No. 68, Minneapolis, Minn	315	281
U. S. Veterans' Bureau No. 69, Fort Thomas, Ky	139	107
U. S. Veterans' Bureau No. 71, Sterling Junction, Mass	53	24
U. S. Veterans' Bureau No. 72, Helena, Mont	129	119
U. S. Veterans' Bureau No. 74, Gulfport, Miss	157	127
U. S. Veterans' Bureau No. 75, Colfax, Iowa	97	89
U. S. Veterans' Bureau No. 76, Maywood, Ill	898	869
U. S. Veterans' Bureau No. 77, Portland, Oreg	93	81
U. S. Veterans' Bureau No. 78, North Little Rock, Ark	79	79
Total	15,741	13,405

RECAPITULATION AS OF JANUARY 31, 1922.

Branch of service.	Number of hospitals.	Total beds available.	Number of patients under treatment.
Army	6	2,930	1,734
Navy	15	3,362	1,804
National homes	9	3,327	2,851
Interior Department	1	827	827
United States Public Health Service	22	1,401	1,046
United States Public Health Service (Veterans' Bureau)	42	15,741	13,405
Total	95	27,588	21,667
Beds occupied		21,667	
Surplus beds		5,921	

CONTRACT INSTITUTIONS.
(January 31, 1922.)

Tuberculosis	2,893	
Neuropsychiatric	4,236	
General medical and surgical	1,978	
Total		9,107
Total patients under treatment		30,774

Mr. LANGLEY. I yield to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE of Wisconsin. Mr. Chairman, I am heartily in favor of this bill. I have heard no objections raised to it, and believe that it will be passed unanimously. I desire to call your attention and the people of this country to the threatened coal strike, and place the blame where I believe it rests.

THE THREATENED COAL STRIKE.

Because of a drastic cut in their wages, amounting to one-fourth of the present wage, 500,000 coal miners will go out on a strike April 1, which gives promise of being one of the largest and most bitter industrial struggles in the history of this Nation. These striking miners are now getting less than a living wage.

The Department of Labor, through its division of conciliation, has offered its good offices in an effort to get the operators of the coal mines to arbitrate their differences and avert a great industrial struggle which will shake this country from center to circumference, and which will cause great suffering among our people. This strike will injure the public millions of dollars a day and will engender intense and bitter class hatred with all of its attending dangers. The miners have informed the Commissioner of Labor that they are ready and willing to meet with the Bureau of Conciliation and the operators, as requested by the Department of Labor. The coal-mine operators refuse.

On March 10, 1920, the miners and operators entered into a contract, made at the solicitation of the United States Government, settling their differences as to wages and hours, and providing that the parties to this agreement should get together and have an interstate joint conference prior to April 1, 1922, for the purpose of settling any differences between them.

SECRETARY OF LABOR DAVIS BLAMES OPERATORS.

Secretary of Labor Davis, a member of the President's Cabinet, and who presumably speaks for the administration, says in regard to the refusal of the operators of the bituminous coal mines to keep their agreement with their employees:

I have always believed, and every citizen is with me in the belief, that employers and employees who have signed a wage agreement or contract should observe it in spirit and to the letter. If the two parties to a trade dispute get together it is always possible to work out a satisfactory settlement and maintain peace.

In fairness it must be said that the miners' officials were willing and ready to go into the conference agreed upon, but some of the operators declined to meet.

The operators and miners were bound to a conference; that this conference might have led to a new agreement, and the country might not have been confronted with a stoppage of coal production, a suspension avoided, ample supplies of coal and a gradual reduction in prices would have resulted.

I can not but express keen disappointment at the failure of certain operators to fulfill the terms of their obligation to meet in conference with a view to peace in the coal industry for two years more.

The Secretary of Labor says further:

There may be faults on both sides of this bituminous dispute, but the side that openly repudiates its written and signed obligations has crippled its case before the bar of public opinion.

The agreement signed by the parties regarding a future conference is as follows:

Resolved, That an interstate joint conference should be held prior to April 1, 1922, the time and place for holding such meeting to be referred to a committee of two operators and two members from each State herein represented, together with the international officials of the United Mine Workers of America.

The mine operators, notwithstanding this solemn agreement, which both parties entered into at the instance of the Government, now absolutely refuse to keep their agreement, and are taking advantage of the fact that there are millions of men out of employment and give notice that April 1, 1922, they will reduce the wages of their employees one-fourth of the present wage.

MINERS NOW GETTING LESS THAN A LIVING WAGE.

The miners now are getting less than a living wage, and are engaged in one of the most hazardous and unhealthy employments of any class of labor. In any of the leading coal-mining districts in the United States, excepting certain anthracite districts, the miners are not employed on an average of to exceed three days a week. I herewith give a table showing the number of days the miners were employed in 1921 and their average earnings:

District.	Average days worked in 1921.	Average annual earnings.
Pittsburgh	123	$762
Ohio	118	550
Indiana	148	.....
Illinois	159	.....
Western Kentucky	.....	180
West Virginia	80	500

Tennessee, approximately one-third of the miners worked one-third time, averaging $105 a month per man for the time they worked.

CONSUMER WOULD NOT BE AFFECTED BY REDUCTION OF 25 PER CENT ON MINERS' WAGES.

The average retail selling price of bituminous coal March 1 was $10.41, of which the coal miners received not to exceed $1.97. If the operators of the mines are successful in reducing the wages of the miners 25 per cent, the maximum reduction the consumer would get would be 49 cents on the ton. But the operators are not going to put themselves to the trouble of conducting a labor war just for the sake of saving the public some money. They will keep a large share of the 49 cents for themselves. If the coal operators were generous enough to divide the wage cut on a 50–50 basis with the public we would get our coal 25 cents per ton less than we do now, while the miner who now earns too little to live decently will be deprived of one-fourth of his wages.

ACTION OF OPERATORS UNJUSTIFIABLE.

In a time like this, when we are recovering from the effects of the World War, when there is widespread industrial depression, with 5,000,000 men out of employment, is it right for the operators of the mines to take advantage of the necessities of their employees, ignore the request of the Government of the United States to meet its Conciliation Board, repudiate a written contract with their employees, and cause widespread suffering to the consumers of coal throughout the United States?

POWERFUL FINANCIAL INTERESTS BACK OF MINE OPERATORS.

What great interests are back of the mine operators that are powerful and arrogant enough to defy the Government itself? In other words, who own the coal mines? I answer, the railroads and the United States Steel Co. own over 75 per cent of the coal mines in the United States, both anthracite and bituminous, and completely control the output of coal. What large financial institutions own the stock in these railroads and, therefore, own these coal mines and coal railroads? I answer again, they are owned by the following financial institutions:

1. J. P. Morgan Co.
2. First National Bank of New York.
3. Equitable Trust Co.
4. Guaranty Trust Co.
5. Equitable Life Assurance Association of the United States.
6. Mutual Life Insurance Co. of New York.
7. American Surety Co.
8. Mechanical & Metals National Bank.
9. National City Bank.
10. National Surety Co.
11. New York Trust Co.
12. Chase National Bank.
13. United States Steel Co.

As an illustration as to how the various coal companies doing business before the public in their own names, but in reality are controlled by one of the large aggregations of capital mentioned, take the United States Coal & Coke Co. All of the stock of this company, amounting to $2,000,000, is owned by the Illinois Steel Co. (capital stock $18,650,600), which is owned by the Federal Steel Co. of New Jersey (capitalization $46,484,300 common and $53,260,900 preferred). All of the capital stock of the Federal Steel Corporation is owned by the United States Steel Corporation. (Brief for the United States (pp. 755–756), U. S. of A., appellant, *v.* U. S. S. Co. et al., Supreme Court, October term, 1916, No. 481.)

In the same way the United States Steel Co. owns the Pocahontas Coal & Coke Co., and going further we find that J. P. Morgan Co. and the financial institution just named hold a majority of stock in the United States Steel Corporation.

The men who control these great financial institutions control these coal railroads.

The coal railroads controlled by these great financial institutions are:

Norfolk & Western Railway.
Western Maryland Railway.
Berwind-White Coal Mining Co.
Pennsylvania Coal & Coke Corporation.
Pennsylvania Railroad.
Erie Railroad.
Pennsylvania Coal Co.
Reading Co.
Philadelphia & Reading Railway.
Philadelphia & Reading Coal Co.
Lehigh & Wilkes-Barre Coal Co.
Central Railroad of New Jersey.
Lehigh Valley Railroad.
Lehigh Valley Coal Co.
Delaware, Lackawanna & Western Railroad.
Delaware & Hudson Co.
Coxe Bros. & Co.
New York, Ontario & Western Railroad.
Maryland Coal Co. of West Virginia.
Pittsburgh Coal Co.
Rocky Mountain Fuel Co.
Chesapeake & Ohio.
Virginian Railway.

MEN WHO CONTROL THE RAILROADS.

A group of 25 men control 82 per cent of the country's steam transportation system, operating 211,280 miles of railroad. These 25 men divide between them 193 directorships. This means that they averaged nearly eight directorships apiece. These 25 men sit together on the board of directors of 99 class 1 railroads. The names of these 25 men are as follows:

1. Robert S. Lovett.
2. William Rockefeller.
3. H. W. De Forest.
4. A. H. Smith.
5. G. F. Baker.
6. H. S. Vanderbilt.
7. Samuel Rea.
8. L. P. Loree.
9. A. J. County.
10. A. W. Krech.
11. F. N. Davis.
12. Fairfax Harrison.
13. W. W. Atterbury.
14. J. E. Reynolds.
15. Charles Steele.
16. Howard Elliott.
17. M. H. Smith.
18. Charles Hayden.
19. A. H. Harris.
20. Julius Kruttschnitt.
21. Charles E. Ingersoll.
22. E. T. Stotesbury.
23. E. V. R. Thayer.
24. T. De Witt Cuyler.
25. H. Walters.

A SUPERCORPORATION.

It should be noted that the first eight men referred to all belong to the inner banking circle, centering around the house of Morgan and the National City Bank of New York.

I have thus shown that the men that I have named own our coal and our railroads and control financial institutions strong enough to dominate our entire banking system. I will place in

the RECORD a chart which will illustrate how our coal mines, railroads, and a dozen New York City banks are practically one large supercorporation dominating the industrial life of the Nation.

(Chart omitted from the RECORD.)

This same group of capitalists not only own the coal and the railroads but they also control iron, steel, copper, petroleum oil, cement, water transportation, and a large part of the developed water powers of the United States.

The Lockwood committee of the New York Legislature has shown clearly the existence of a conspiracy dominated by the Morgan steel combine to hold up the prices of building materials. In this case these same interests took advantage of the people's necessities for homes, which conditions were caused by the war, when all building was stopped, to exact an exorbitant and unconscionable profit. As a result, building has seriously been interfered with and rents raised so high as to take at least one-half of the average wage earner's income.

EXORBITANT PROFITS OF COAL COMPANIES DURING THE WAR.

Senator CAPPER, in a speech before the Senate, made the statement that the American people paid for the coal mines and steel mills during the war by paying these concerns in excess profits more than their entire net wealth. He proved this by official figures.

When William G. McAdoo was Secretary of the Treasury and had possession of the income returns of these companies, he made the statement that the profits of the coal operators ranged as high as 2,000 per cent and that profits as high as 100 per cent on capital stock was not uncommon. The Treasury reports for the year 1917 show that 185 coal companies reported upon earned profits on their capital stock of over 100 per cent net incomes.

The United States Steel Corporation, which I have shown was extensively interested in coal, with a capital stock of $868,583,600, that same year received a net income of $478,204,342, according to their own report.

My colleague from Minnesota [Mr. NEWTON], in an able address, placed some tables in the CONGRESSIONAL RECORD—March 7, page 3528—taken from reliable sources, showing that the anthracite coal companies made an increase in their net profits during the war averaging 83 per cent over the pre-war period. He also shows that their pre-war profits were excessive.

At the signing of the armistice, November, 1918, anthracite coal, according to the operators' own figures, sold at the mouth of the mine for $6.10. October, 1920, two years afterwards, when farm produce had deflated so that it was selling for less than the cost of production, anthracite coal sold at the mouth of the mine for $7.95, $1.85 per ton in advance of two years previous, and $2.90 more than it did December 1, 1917, when we were engaged in war and when the companies were making over 100 per cent profits.

The following are figures furnished by the anthracite operators themselves:

In 1902 anthracite sold for $3.75 per ton at the mouth of the mine. The price stayed about the same when it was raised to $4 per ton in 1912. The following gives the cost of coal at the mouth of the mine:

	Per ton.
June, 1912	$4.00
May, 1916	4.40
May, 1917	4.70
December, 1917	5.05
November, 1918	6.10
August, 1919	6.60
April, 1920	7.45
October, 1920	7.95

DEFY THE GOVERNMENT.

These same interests that defy the Government now defied it during the war, regarding the Government's right to make prices. The Government fixed the price of almost all of the commodities we produced but did not succeed in fixing the price of steel, copper, gasoline, or coal, although the Government used millions of dollars' worth of these products a day.

ROOSEVELT COMPELLED THE COAL COMPANIES TO SUBMIT TO A CONFERENCE.

In 1902 when these same companies under similar conditions refused to confer, Theodore Roosevelt threatened to take over the coal mines and have the Government operate them if they did not comply with his order. The coal companies complied. A commission of seven men were appointed by the President, the strike was stopped, and the coal famine relieved, and there was no further refusal on the part of the coal operators to confer with their employees for 20 years. With the many great accomplishments of the Roosevelt administration, none was applauded more by the American people than his bold and fearless stand against these the most powerful combinations of capital when they attempted to substitute war for conference as a method of government in industry.

The commission appointed by President Roosevelt to investigate and make an award were: Brig. Gen. John M. Wilson, Mr. E. W. Parker, Judge George Gray, Mr. E. E. Clark, Mr. Thomas H. Watkins, and Bishop John L. Spaulding, with Hon. Carroll D. Wright as statistician.

UNEMPLOYMENT.

The unjustifiable and arbitrary action of the coal operators will throw over half a million men out of employment to join an army of unemployed that the Assistant Secretary of Labor informs me to-day is now 5,000,000. Figuring three persons dependent upon each one of the unemployed, which is a very conservative estimate, we have 16,500,000 people without means of support, the most serious industrial crisis this Nation has ever faced.

UNEMPLOYMENT AFFECTS PUBLIC HEALTH.

One of the most interesting documents bearing upon the significance to the country of widespread unemployment is the Statistical Bulletin of the Metropolitan Life Insurance Co. under the caption, "Will unemployment affect public health?" It proceeds to show that the effect of unemployment upon the health of the Nation is so immediate as to be a matter of very grave concern.

Referring to the high wages during the war, this bulletin recites:

> Despite popular misconception that wage earners spend their higher incomes in wasteful ways, the real evidence is that much of the increased income was expended wisely in securing a more wholesome home environment. Department-store records show that wage earners bought heavily of such useful goods as furniture, bedding, carpets, and other lines of household equipment. Both industrial and ordinary insurance companies report unprecedented sales of higher-priced plans of insurance to wage earners. The "industrial" or weekly premium applicant became a candidate for "immediate" and "ordinary" insurance.
>
> Savings banks reported record-breaking deposits from this group of the population. Lodges and other fraternal associations gained largely in membership. Vacation resorts gave testimony that the wage earner took advantage of his increased earnings to provide healthful outdoor recreation for his family. Skilled medical and nursing care became available to many persons who heretofore relied upon free clinic and hospital facilities. All these factors helped to lower the death rate of the industrial population of the United States and Canada.

UNEMPLOYMENT INCREASES CRIME.

Unemployment tends to weaken the natural bonds which unite society and which cause the individual unconsciously to act for the best interest of society as a whole. These periods are marked by increase of crime and is one of the causes to-day of the crime wave. The business depression of 1893, which marks a period of great unemployment, also marked a period of increase of crime. A report of the general superintendent of police of Chicago for the year ending December 31, 1893, is as follows, and statistics from other cities show the same conditions:

Report of general superintendent of police of Chicago for year ended December 31, 1893, pages 70–71.

Classification of offenses.	1893	1892	1891
Assault	3,874	2,539	1,496
Burglary	2,965	1,629	1,479
Doing business without license	1,807	159	146
Extortion by threats	49	1	3
Inmates of opium dens	363	154	85
Murder	40	20	19
Robbery	1,062	818	585

I believe that it is the duty of this Congress to investigate this matter at once, and upon ascertaining the facts pass legislation that in the future will prevent the American people from being victimized and made dependent upon any person or corporation for a great basic necessity like coal. I believe that our President should follow the precedent set by his great predecessor, Roosevelt, and compel the coal operators to operate their coal mines or the Government of the United States operate them itself.

Mr. CANTRILL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, there is a responsibility to the ex-service men which forms an issue that none of us can escape when we face these men on the hustings this year. The last Sweet bill that was passed contained a provision which authorized the expenditure of $20 a month to employ a special nurse when a disabled ex-service man was on his back unable to help himself. The distinguished gentleman from New York [Mr. FISH] went before that committee having that bill in charge and pleaded with tears in his eyes for at least $50 a month to employ a nurse under such circumstances, and he was turned down absolutely. The committee gave him hardly any hearing, and when he begged for time on the floor of this House even to speak on the matter he was denied the opportunity. He got up and asked unanimous consent to show the

necessity of it, and asked that he might proceed for five minutes, and the RECORD shows that he was denied even that request. When he placed the matter before this House by amendment proposing to allow as much as $50 a month to employ a nurse for a disabled ex-soldier on his back and unable to care for himself, this House turned him down by an overwhelming vote. We can not escape that responsibility. That is a matter for which Members must answer to the ex-service men of this country. If there is on earth a pitiable sight it is a disabled soldier in a hospital or somewhere else on his back, unable even to brush the flies away, and dependent upon Congress for a nurse, while we provide only a measly little old pittance of $20 a month. Why, there is no opportunity on earth to employ a nurse for $20 a month, and we know it, and the distinguished gentleman from New York [Mr. FISH] is here on the floor, and I call upon him now to say if it is not a fact that he has been before that subcommittee having such legislation in charge, and been urging them to bring a measure to increase this amount to as much as $50 a month. Is not that so?

Mr. FISH. That is the fact.

Mr. BLANTON. And the gentleman has not been able to get a hearing on the matter. He has been put off and put off and put off. Yet you say we have done our full duty. Have you ever been on your back, absolutely helpless, unable to care for yourself, unable to have the benefit of some loving hand to care for you, dependent absolutely upon the gratuity of your own Government, for which you fought, and then have your Government say, "We will give you $20 a month to employ a nurse," when some nurses these days in some instances make as much as $20 a day? To allow only $20 a month for a nurse for a disabled soldier under such helpless circumstances is an absolute denial of the benefit of a nurse to such a soldier. I have one rule in my office that is absolute. That is that when a soldier calls on me to assist him I do not ask where he lives or who is his Congressman, I assist him without asking any questions. [Applause.]

Mr. CANTRILL. I yield the remainder of my time to the gentleman from Oklahoma [Mr. SWANK].

Mr. SWANK. Mr. Chairman and gentlemen of the committee, I am for the bill under consideration which authorizes an appropriation of $17,000,000 for the construction of additional hospital facilities for our soldiers of the World War. Ample provisions for these boys should be provided and all adequate assistance given to the sick and wounded. I am glad always to speak for them and to vote for their benefit and protection.

I wish to use the time allotted me to discuss to some extent the conditions in some of our fraternal insurance organizations. A short time ago I prepared a resolution asking for an investigation into the management of the Woodmen of the World. Before that resolution was introduced I found that House Resolution 291 had been introduced February 21, 1922, providing for a congressional investigation into the affairs of this order, and my resolution was abandoned. I am, therefore, supporting House Resolution 291.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SWANK. Yes.

Mr. CHINDBLOM. Upon what theory does the gentleman base the jurisdiction of Congress to investigate this organization?

Mr. SWANK. On the ground that Congress has jurisdiction to inquire into the affairs of any order of this nature when the rights of a large number of people are affected. I think it has made investigations in the past of insurance organizations.

Mr. CHINDBLOM. Of private insurance organizations?

Mr. SWANK. Yes; when in this condition.

Mr. BLANTON. If the gentleman will yield, I will tell the gentleman upon what it is based—on the basis that the officers in this company are absolutely robbing 900,000 policyholders in almost every State in the Union.

Mr. SWANK. I can not yield further.

When the membership in such an organization loses confidence in their officers something is wrong, and it is time for the lawmakers to pause and think for a remedy. The different States have laws for the protection of policyholders, but laws are enacted to meet conditions, and future conditions can not always be foreseen. With changed conditions, there is sometimes a need for a change of law. At least, no law has yet been found adequate for the protection of the members of the Woodmen of the World. There is no law to-day that meets the situation, and when this condition exists the lawmaking body of the country should do something for the protection of the great number of its citizens affected. The fraternal societies have done much good for the country. They have furnished a system of insurance for the man and the woman who could not pay a premium for one year in advance. The fraternal system furnishes them with a plan whereby they can make a small monthly payment and lay aside a legacy for the protection of their loved ones. It furnishes a plan for the poor man and the wage earner to provide for their families. The fraternal work of some of these societies is excelled by none. Remove that fraternal feeling from mankind and Bolshevism will stalk abroad in the land and the anarchist will have found his ideal state. God makes no distinction between classes. It is not the money that makes the man but, as Pope said, "Worth makes the man and want of it the fellow."

The two chief objects of these societies are fraternity and protection. As fraternalists we do not provide ourselves with an insurance policy as an investment but as a protection for our loved ones, to provide them with food and clothing and with some of the comforts of life. The protection of home and family is our most sacred pledge with our loyalty to God. The great membership in these societies, therefore, have rendered an invaluable service to their Government and to society by protecting their homes and their families. A good home and proper living conditions for all of our citizens are the best safeguards for the future security of this Republic. Therefore I think it entirely proper at this time to direct the attention of the Members of Congress on this floor to some of the conditions that exist and methods used in perpetuating abuses in the administration of the affairs of one of these societies, namely, the Woodmen of the World, with headquarters at Omaha, Nebr.

In 1899 I joined this order, and it was a great order until the present management came into power. This was the first secret order with which I affiliated. I have promptly paid my dues since that time to the present. I have sung the praises of woodcraft in every section of the State where I live and in other States. It has done a wonderful amount of good, and that record would still be unbroken with the proper management of its affairs. No man should be bigger than the membership whom he is supposed to serve. When he becomes a dictator, with the laws so manipulated as to give him absolute control with an effort to destroy every member who does not submit to his dictation, then I believe it is time for Congress to take a hand.

The Woodmen of the World was not organized for profit nor the enrichment of its officers, but for the protection of the homes of the members, with a rate that the wage earner could afford to pay. When I became a member my policy was for $2,000, which I still carry. My rate was $1.30 per month on this amount, exclusive of the war tax and local camp dues. The constitution provides that in addition to the monthly rate extra assessments can be levied, and that is one of the reasons the rate can be lower than that of the old-line companies. No member would object to an extra assessment when necessary to relieve some extraordinary occasion. As I now remember, but two of these extra assessments have been collected since my membership in the society.

I have had the honor of being head consul of the jurisdiction of Oklahoma and therefore a delegate to two of our sovereign camps or national conventions. I attended the sovereign camp at Jacksonville, Fla., in July, 1913. That was the last sovereign camp presided over by that great fraternalist, our first sovereign commander and founder of the order, Joseph Cullen Root. At that time in his report to the sovereign camp he gave it as his opinion that it would not be necessary to raise the rates. That was preached all over the country by the officers of the order, but as soon as Sovereign Commander Root died the present sovereign commander began laying his plans for a raise in rates. The first raise after that time came in July, 1915, during the sovereign camp at St. Paul, Minn., where I was again a delegate. Not a word of the proposed raise in rates was uttered until after the convention assembled. Again it was stated that no further raise was contemplated, but at the sovereign camp in Atlanta, Ga., in July, 1917, another raise was made. Again it was stated that there would be no further raise in rates, but lo and behold, the greatest raise was yet to come. At Chicago, Ill., July, 1919, the most unjustifiable raise of all was put into effect at this convention. Before the sovereign camp convened in Chicago the present sovereign commander stated that there would be no raise in rates.

At the Chicago sovereign camp in 1919 the sovereign commander, W. A. Fraser, said that the order was insolvent some 60 per cent. What would you think of a bank or any other business establishment doubling the salary of its chief officers when the institution was in an insolvent condition? You know that no company or firm would be permitted to do such a thing. The salary of the sovereign commander of the Woodmen of the World has been increased from $7,500 per year in 1900 to $25,000 in 1919. But that does not tell it all. At the sovereign camp in St. Paul in 1915 the convention increased the allowance

for the sovereign commander by $2,500 per year for "entertainment purposes." Now, whom was he going to entertain but W. A. Fraser. He could use that money in any way he wished, without any accounting, and it is therefore nothing but additional salary? Therefore instead of receiving $25,000 per year salary he receives $27,500 per year.

Think of it. Almost four times as much as the salary of a United States Senator, and more than twice as much as is received by a Cabinet officer of the United States. Gentlemen of the committee, think of paying $27,500 salary per year to a man as head of a fraternal organization, and when he is neither an actuary, an insurance man, nor a fraternalist. Had the founder of the order lived he would never have permitted the order to pay him any such an exorbitant amount, contributed, as it was, largely by poor men. He was in the order for the benefit of the membership and not for the purpose of enriching himself. The present sovereign commander has a peculiar brand of fraternalism. Fraternalism has changed in the order since the election of W. A. Fraser. Our first sovereign commander was an insurance man, an able actuary, and a fraternalist.

Some people evidently prefer the dark to the light "on account of their evil deeds." At the sovereign camp at St. Paul in 1915, as a delegate from Oklahoma and past head consul, I introduced a resolution requiring the salaries of the sovereign officers to be published in each issue of the Sovereign Visitor, our official paper, and the sovereign commander, W. A. Fraser, said at that time that such a requirement had no place in the laws of the order. Why did he oppose the resolution except for the reason that he wanted to keep the members in the dark as he had done up to that time? He knew that if the membership found out what enormous salaries were being paid to their officers that they would rise in rebellion against such management.

He wanted the salary and got it, but wanted the members kept in the dark as much as possible. Why should not the people who employ and pay a man know the amount of his salary? At that convention I predicted that at the next sovereign camp W. A. Fraser would be out for another increase in salary. He had gained more power in the order and was not so modest now, and his salary was raised to $25,000 per year, and he still received the $2,500 for "entertainment purposes." He tells the boys that he is a big man and worth more than that. His extravagant management of the affairs of the order has almost brought it to ruin. By his autocracy, extravagance, and mismanagement he has ruined many a home and blasted the last fond hope of many dying fathers when, by the impossible rates, he caused them to lapse their insurance. He has brought more tears to the eyes of widowed mothers and caused more hungry children to cry for bread than any man I ever knew. Yet he is not satisfied. He admits that the rates are too high when he advertises a "second cash refund to our members." No man ever joined the Woodmen of the World with a view of having anything refunded except the full face of his policy at his death. It was his, for the contract was as sacred as ever bound honest men, but W. A. Fraser took from his wife and children that which was intended to assist in keeping the "wolf from the door" after he started for that "everlasting camp." In the printed advertising of the sovereign commander he says: "Insurance at cost—society 100 per cent solvent plus." Now, that can mean nothing but that we are collecting more than necessary, even with our exorbitant salaries, to pay all cost of running the order and in addition pay all death losses.

Mr. Chairman, my policy was issued December 18, 1899, in the order for $2,000. My rate up to the raise in 1915, on the $2,000 policy, was $1.30 per month. With the war tax I paid $1.40 per month on this policy for $2,000. This was in addition to the local camp dues. The order contracted to pay my beneficiaries $2,000 at my death and, in addition, to erect a monument at my grave. Now, what has the present ruler of all "he surveys" done in my case? In a letter from the sovereign clerk, dated November 30, 1921, was sent me a "statement of rates," and so forth. It says:

> You are now paying a monthly rate of $1.40, and have a lien of $290 charged against your certificate, being continued in force for the death benefit, subject to the lien, but not for the monument and disabilities benefits.
>
> Privilege No. 4 says:
>
> If you do not wish to have a lien charged against your certificate you can rerate on this privilege and exchange your old certificate for the universal certificate, which will be in full force and effect, for the death and modified disability benefits, but without the monument benefit. Your rate will be $64.76 per year, or $5.62 per month.
>
> Privilege No. 5 says:
>
> If you wish to have your certificate in full force and effect for the death, monument, and disability benefits, and not have a lien charged against it, your rate will be $71.08 annually, or $6.16 monthly, and no lien will be charged against your certificate.

Privilege No. 5 contains the same benefits that were promised me in my original policy. This is only one concrete case, and there are thousands of others, where the increase is greater and more unjustifiable.

Now, gentlemen of the committee, just think of that increase in my case. Before 1915 I was paying $16.80 per year on $2,000 for my insurance in the Woodmen of the World, and am now required to pay for the same benefits the sum of $71.08 per year on the $2,000, or an increase of over 323 per cent. Who will deny the fact that such an increase is unjustifiable? As I said before, many policies were raised more than this. It is nothing but confiscation and putting money into the pockets of W. A. Fraser and other sovereign officers from the sorrow of widowed mothers and orphaned children.

The sovereign commander was present at a special head camp of the Oklahoma Woodmen in the fall of 1919 at Oklahoma City, and before arriving he sent word ahead that he and the general attorney would spend the whole day in explaining the new rates. When he landed he soon found out that some of the other members knew something about the affairs of the order, and when members know of the excessive extravagance and reckless management of the affairs of the Woodmen of the World by the sovereign officers they denounce that management as they did in Oklahoma. At the head camp in Enid, Okla., in March, 1921, none of the sovereign officers attended, and did not even try to elect a ticket, as was done in most of the other States. Since 1900 the membership of the order has paid to its sovereign commander the enormous sum of $254,500, and to the sovereign clerk the sum of $182,300, and in addition large sums as mileage and per diem. The other sovereign officers received large amounts in salaries and per diem. The present sovereign commander, W. A. Fraser, as such officer has drawn as salary alone the past six years the sum of $115,000, and in addition to this amount he was sovereign adviser of the order for many years, and in that capacity received a large salary. The sovereign camp in New York City, July, 1921, paid its delegates the sum of $30 per diem and mileage in the amount of 20 cents for each mile traveled in attending the convention. That amount was, of course, favored by the sovereign commander, for otherwise it would not have carried for such a large amount. As soon as old Sovereign Commander Root died, the present commander, W. A. Fraser, had another coin made with the image of himself instead of the founder of the order, as formerly was done.

Mr. Chairman, we sought to remedy the situation at the last sovereign camp, but the sovereign commander controlled that convention as before by questionable methods, and changed the constitution which required head camps and sovereign camps to meet every two years. In New York it was changed, and unless this Congress can find a way out there will be no sovereign camp until 1925. Why did he want to put off for four years? There is but one answer, and that is that he was afraid that the members would "get him" in two years and thought that we could not keep up the fight for four years. But Mr. Fraser, the membership is thoroughly aroused and more determined than ever.

The members know that the order can not survive under your management, and we are still "after you." [Laughter.] Many members are remaining in the order hoping that its affairs will be readjusted and that it may be brought back to the principles of fraternalism and protection. Mr. Fraser, you have grown rich, wealthy, and powerful out of the funds of the Woodmen of the World. The membership have lost confidence in you, as you well know, and you should heed the cries of the widow and orphan for protection. We can never return to the principles upon which the order was founded until the removal of W. A. Fraser as sovereign commander, and we intend to keep up the fight until that time.

Mr. Chairman, the resolution under consideration asks that the House give the Speaker authority to appoint a committee of seven members to investigate the affairs of the Woodmen of the World and ascertain whether there is any way whereby the sovereign commander can be forced to call head camp meetings in the different States and a sovereign camp convention that the membership may have a fair voice in its management.

I think the resolution in itself, and which can be substantiated amply, is sufficient to warrant an investigation. A short time ago we had a membership of 900,000, which in the past two years has been greatly decreased. This membership constitutes a great number of our citizens, home builders, and those who want to provide protection for their families. An investigation is the most effective relief that can be granted. I know that Congress has much to occupy its time, but this is someing that Congress should take cognizance of and start a probe.

The present sovereign commander has so changed the constitution of the order that any member of the society who, in the judgment of the sovereign commander, says anything derogatory about any of the sovereign officers may be dragged across the United States at his own expense to be tried before the sovereign commander, W. A. Fraser, in Omaha, Nebr. [Laughter.] In no civilized country of the world would the people stand for a law like that. That is the law of the king and emperor, but can not prevail in free America. He has already sent a summons to a Member of this House to appear before him in Omaha, Nebr., to stand trial because he charges that said Member made statements in the House derogatory to the sovereign officers. That is the method used by W. A. Fraser, the head of the order at this time. He is threatening to cancel the insurance of said Member, on which he has paid for 20 years, and to expel him from the order.

Mr. Chairman, I may be next, but propose to set forth the facts in the management of the affairs of the order. I wish to inquire from the membership of this House if you will permit a Member to be threatened with expulsion from any order for the reason that said Member calls the attention of the House to the management of such order? We can not afford to let this threat go unnoticed. Who is W. A. Fraser that he assumes more authority than the Constitution gives any other citizen, officer, organization, or court? Section 6 of the Constitution of the United States provides that "for any speech or debate in either House they—the Members—shall not be questioned in any other place." Yet W. A. Fraser would set this provision aside and expel a Member of this House and cancel his insurance for criticizing the management of the Woodmen of the World. Are we going to submit in that manner and be driven by threats from any officer of any organization from an investigation of the affairs of such order? On that insurance policy that I have been paying for more than 22 years I am laying myself liable to expulsion from the order and having my policy canceled for citing the facts in this speech. W. A. Fraser defies the law and sets himself up greater than Congress itself and assumes more power by so questioning a Member of the House for his "speech or debate." Mr. Chairman, if you or any other Member of this House should ask for an investigation of the affairs and management of the Woodmen of the World or should make a speech in the House criticizing any of the sovereign officers, you would face expulsion and have your insurance canceled, no matter how long you had paid, and your wife and children would be deprived of that which is rightfully theirs, all to satisfy the autocracy of one man.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. SWANK. I will.

Mr. CAMPBELL of Kansas. Does the gentleman, in view of what he has said, want to make 12 members of the Committee on Rules put themselves in contempt of this august person? Nay, nay. [Laughter.]

Mr. SWANK. That is what I want to find out, whether he is bigger than Congress. [Laughter.]

This is not the first investigation that has been asked in this House. Many investigations have been made in the different States. This is a question of such magnitude that Congress should order an investigation, and should do it now. Thousands of good people, though poor, would have their rights preserved. A national convention or sovereign camp should be called at some central place in the United States and an election had by regularly elected delegates selected at the different head camps. I feel sure that Congress would order an election and the sovereign camp convened after making an investigation. This is a case of national importance and should have the attention of Congress. We would not be here with this resolution and urging its adoption had not the sovereign commander moved the next sovereign camp up from two to four years, and thereby providing himself with $110,000 more salary before another sovereign camp convened. If another sovereign camp convened in 1923, as the constitution of the order provided before the national convention of 1921 changed it to four years on request of the sovereign commander, then in that event we would not ask the adoption of this resolution. The great membership have lost confidence in the present management. I am sure if another convention could be held in the near future and the members given an opportunity to express themselves, that the troubles confronting the order would be adjusted satisfactorily to all except to those sovereign officers who have fattened on the money taken from widows and children of deceased members. It is a reasonable resolution and one that contains the greatest merit. Has it come to pass in the history of the American Congress when a Member elected by the people does not dare to talk about the affairs of any order unless his talk is first approved by the head officer of that society? Ah, but some one says why not settle the matter in court? Mr. Chairman, the sovereign commander uses the funds of the membership with which to fight them. It is a sacred trust fund, but not so considered by him. In conducting the fight for the membership we have been compelled to spend our own money in connection with that collected from other members. I have spent much time and money for just an humble member in fighting to have a fair settlement of the affairs of the order. If a sovereign camp could be convened, with delegates fairly elected, then all would abide the result. The head of no order or organization should be permitted to threaten a Member of this House for calling the attention of Congress to conditions in such organization and for requesting an investigation.

I hope that the Committee on Rules will report the resolution favorably, and that it will be adopted by this House in the name of humanity and fraternity. [Applause.]

Mr. LANGLEY. Mr. Chairman, I want to say that I am going to yield for one more speech which will exhaust all the time, and at the conclusion of that speech I think the Clerk should read the first section of the bill and immediately after that I will move that the committee rise. I yield the balance of my time to the gentleman from Iowa [Mr. KOPP].

Mr. KOPP. Mr. Chairman, when we entered the World War hospitalization became one of the most important subjects for the consideration of the American people. It could not be otherwise, for war means destruction. Wounds of every kind and diseases of every nature are the inevitable result. War takes the flower of youth and robs it of health and strength and hope and reason.

We are a rich Nation—the richest in all the world. Our duty to the disabled ex-service men is in direct proportion to our wealth. We shall be recreant to that duty if we do not expend for them every dollar that will in any way contribute to their health and happiness. Science has made great advancement. Medical skill can do many marvelous things that were not dreamed of when our fathers fought the Civil War. The disabled ex-service men are entitled to the benefit of every advance in science and to all the skill that the medical profession can exercise. They are the Nation's wards, and in dealing with them we can not be too generous.

Heretofore several appropriations have been made by Congress for hospital facilities, totaling over $25,000,000. It was thought that these appropriations would prove sufficient. It was thought that they would provide adequate hospital facilities. We now know that these appropriations have proven insufficient. We now know that they have not provided adequate hospital facilities.

Many ex-service men have been unable to obtain hospital treatment. Many others have been treated in contract hospitals, where the treatment accorded them has been entirely unworthy of ex-service men. Some contract hospitals, indeed, have been of a very high order, but many of them have neglected the ex-service men intrusted to their care and have been wholly indifferent to their welfare. The facts would justify criticism much more severe.

In another respect the hospital facilities have failed to meet the needs of the ex-service men. From among the disabled ex-service men two great classes have emerged—those suffering from tuberculosis and those suffering from mental trouble. The disabled ex-service men may now all be divided into three classes—the tubercular, the mental, and those having general and surgical disabilities. Each class numbers about one-third. It is apparent to everyone that tubercular and mental patients should be placed in hospitals built especially for them. In many cases this has not been done because it has not been possible.

Some of our hospitals are unfit even for those afflicted with general and surgical disabilities. Some of them are comprised of temporary war shacks. They can neither be heated nor ventilated properly. In some instances the location of hospitals is undesirable and even unhealthful. Some of the hospitals are not fireproof. Disabled ex-service men should not be kept in any building that is not fireproof. Especially is this true of those who are suffering from mental troubles, for if fire should occur many of these would be completely at the mercy of the flames. The American people would never forgive those in authority if hospitalized ex-service men should be burned to death in a fire trap.

The President of the United States has been keenly interested in this subject. He has realized that more adequate provision must be made. In order to coordinate the different hospitalization activities and bring about unity of purpose he created a board, known as the Federal Board of Hospitalization, composed of the following officials: The Surgeon General of

the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service, the Superintendent of St. Elizabeths Hospital, the Board of Managers for the Home of Volunteer Soldiers, the Commissioner of Indian Affairs, the Director of the United States Veterans' Bureau, and an official designated by the President, known as the chief coordinator, who is president of the board. This board made a complete and thorough investigation of this entire subject and determined that the amount named in this bill, to wit, $17,000,000, would make it possible to do full and complete justice in hospitalization to the disabled ex-service men. Your Committee on Public Buildings and Grounds, after extended hearings, came to the same conclusion. This amount will make it possible to dispense with every doubtful contract hospital. With this amount it will be possible to build sufficient special hospitals for the tubercular and mental patients.

On March 1 of this year there were 30,879 ex-service men in the hospitals. A large number have heretofore been in the hospitals for varying periods. The total number of ex-service men who had been admitted to hospitals up to March 1 of this year was 220,654. The peak of hospitalization, however, has not yet been reached. That will probably come in three or four years, when there will likely be 35,000 ex-service men in the hospitals. It is feared that tubercular and mental cases as a direct result of the war will develop for several years to come. It is thought that many of those who have been in the hospitals and have been discharged will find it necessary to return from time to time.

Of the total number given above as being in the hospitals on March 1 of this year, 12,274 were tubercular patients. Ex-service men suffering from tuberculosis are, of course, found in all parts of the country. Proportionately, the most are found in the Southwestern States, where the climate is beneficial for this disease and whither many have gone in the hope of being cured. It is now well established, though rather contrary to current opinion, that cures of tuberculosis, especially of incipient tuberculosis, are possible in every State in the Union, and hence, while proper provision will be made for the Southwest, tubercular hospitals will be established in all parts of the country. The hospitals, in any event, must be taken to the people as well as the people to the hospitals. On account of family ties and other sentimental reasons many people will not go far from home in order to take treatment. With the care that can be given to the tubercular ex-service men, after the passage of this bill, it is reasonable to hope that many of them will be completely restored to health.

On March 1 there were 9,069 mental patients in the hospitals. All classes of disabled ex-service men evoke our sympathies, but none more so than those having mental trouble. According to Dr. Thomas W. Salmon, one of the distinguished alienists of this country, "the ratio of insanity among the ex-service men is practically three times what it is among civilians of the same age." This means that of the 9,069 mental patients in the hospitals on March 1, two-thirds, or over 6,000, were afflicted with mental trouble solely on account of the war. The toll taken by war is, indeed, terrible. Of these mental patients, over 4,000 are in contract hospitals. This is a most unfortunate condition. Some of the contract hospitals are wholly unfit for mental patients. In some cases the buildings are in no way adapted to their needs. In some instances the physicians and nurses in charge of them have not had training or experience along these lines and do not know how to treat mental diseases. The importance of this can not be emphasized too strongly. The patients are practically all young men. Many of them can be cured if promptly given the proper care and attention. They are entitled to the best and should have it without delay. Again quoting Doctor Salmon, "Every day of delay means that some man who is now on the borderland between curability and incurability passes over into the incurable stage." How important, then, that everyone who is connected with this problem should take prompt action.

According to modern authority, institutions for mental patients should not consist of one large building, but rather of a group of detached buildings, each building housing from 150 to 250 patients. These buildings will not be useless even when the time for hospitalization has passed. Unfortunately, many of these mental patients can never be cured. Many of them, I regret to say, will be shrouded in mental darkness as long as life lasts. When every attempt has been made to cure them and when every effort has failed, it will still be necessary to house them. They will become permanent wards of the Government. The hospitals to be erected under the provisions of this bill can later be utilized as domiciles for the incurables. These incurables will need our solicitous care through all their remaining years. How helpless we feel when we contemplate their sad condition. How anxious we are to serve them, and yet how little we can really do for them. Would that we could do more.

When the previous hospitalization bill was passed the Veterans' Bureau was still a part of the Treasury Department. Since then, by a change in the law, it has become an independent bureau, and the director now reports to the President instead of to the Secretary of the Treasury. Under the law as it now stands the Director of the Veterans' Bureau is responsible for the care and treatment of the disabled ex-service men, and for that reason this bill gives him the power to erect the hospitals. The committee took the position that as the director had the responsibility he should also have the authority. This is likewise the view of the Federal Board of Hospitalization and has been approved in writing by President Harding. Furthermore, the commander of the American Legion, Col. Hanford MacNider, in strong and vigorous language, on behalf of the American Legion, has expressly approved this provision of the bill. Colonel MacNider, a brave soldier who won renown on the field of battle, and who, I am proud to say, is a citizen of my own State, is devoting himself to the cause of the American Legion and knows the sentiments and wishes of that great organization. In this matter of hospitalization, which is so close to the hearts of the ex-service men, I believe in following their wishes. We need these hospitals without delay. Therefore let there be no divided authority.

Let us speed the passage of this bill. Let us hasten the day when every disabled ex-service man will have the best care that a grateful and generous Nation can give him. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and outpatient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and outpatient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital plants shall be of fireproof construction and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

Mr. LANGLEY. Mr. Chairman, I move that the committee do now arise.

Mr. MADDEN. But I have an amendment that I want to have pending for the information of the House.

Mr. GARRETT of Tennessee. The section will be open for amendment to-morrow.

Mr. MADDEN. I think it is only fair to have this amendment pending for the information of the House so that Members can read it.

The CHAIRMAN. Does the gentleman from Kentucky yield for that purpose?

Mr. LANGLEY. No; because other amendments are to be offered. There is no reason why we should take up all of this time in recognizing one amendment when there are others who desire to have theirs pending.

The CHAIRMAN. The gentleman from Kentucky moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GREEN of Iowa, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10864 and had come to no resolution thereon.

GEORGE W. TURNER.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to proceed for five minutes to present certain facts and reasons to the Members of the House why the name of a good soldier, George W. Turner, with an honorable record, should be removed from the so-called slacker list, published in the CONGRESSIONAL RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, in the CONGRESSIONAL RECORD of March 6, 1922, on page 3858, in the first column—about the middle of the column—under the subhead "Local board for

county of Davis, State of Iowa," the last name appearing there is that of George W. Turner, of Belknap, Iowa. The facts in the case are that George W. Turner went into the first draft in September, 1917. He was in the service with an honorable record until June 16, 1919, and over half of that time he served in France. On June 16, 1919, he received an honorable discharge at Camp Dodge. He then went back to the farm, where he had been before he went into the Army. He knew nothing about anything being against his record until last January, when notices were posted in the post offices of Davis County, Iowa, offering $50 reward for his arrest as a deserter from the Army. On January 20 of this year he wrote me a letter and gave me his whole record, when he went in the Army, when and where he served, the dates of his transfers to different organizations, and so forth, and many other details of his Army service, stating that on July 14, 1918, he was placed in the Fifty-ninth Infantry, Fourth Division, which fought at Chateau-Thierry, and so forth. I shall not read the letter. I submitted this letter to the War Department, and on February 4 the War Department wrote me and explained and apologized for the error through which his name appeared on the list of alleged deserters and said:

However, it is evident that Mr. Turner was not a draft evader in any sense of the term, and that the publication of his name as a deserter from the draft was a mistake. The department regrets that this error has been made, and desires to assure you, and also Mr. Turner, that every step possible will be taken to give wide publicity to the fact that the name appeared upon the list through error. His name has been removed from the list, and will not be included in the list to be published in the CONGRESSIONAL RECORD.

Notwithstanding this assurance to me and to Mr. Turner, his name did appear in the CONGRESSIONAL RECORD of March 6, this month. On the 8th day of March I called the War Department on the phone and called their attention to what had occurred. The same day The Adjutant General wrote me a letter, a few sentences from which I desire to read at this time:

With further reference to the case of George W. Turner, who was reported as a draft deserter, and it was subsequently ascertained that his name did not properly belong on the deserter list, he having served honorably and received an honorable discharge, and whose name was, nevertheless, published in the CONGRESSIONAL RECORD as a draft deserter, it is very much regretted that, through oversight in this office, his name was not removed from the list of draft deserters published in the CONGRESSIONAL RECORD.

In closing, The Adjutant General says:

Thanking you for bringing the case to my attention, and with apologies for the inexcusable oversight of this office, as you had specifically brought the case to attention, I am, yours very truly.

The situation is this: His name had been removed from the list of alleged draft deserters in the War Department before his name was published in the CONGRESSIONAL RECORD.

His name appears in the CONGRESSIONAL RECORD by an oversight. Now, it is true next month his name will likely appear among the list of those whose names were removed from the list in the War Department. But the trouble with the list in the CONGRESSIONAL RECORD is that, under the present unanimous agreement given the gentleman from South Dakota [Mr. JOHNSON] to publish the names of alleged deserters in the CONGRESSIONAL RECORD, when a man's name once gets in the CONGRESSIONAL RECORD it stays there forever unless corrected in the manner I shall ask in a moment.

Mr. MADDEN. It ought to be removed from the permanent RECORD.

Mr. RAMSEYER. That is what I am coming to. Now, Mr. Speaker, I ask unanimous consent to remove and omit from the permanent RECORD the last line under the subhead "Local board for the county of Davis, State of Iowa," on page 3858 of the CONGRESSIONAL RECORD of March 6, about the middle of the first column, reading as follows:

90. Geo. W. Turner (George Turner), Belknap, Iowa.

I ask unanimous consent that that line be omitted from the permanent CONGRESSIONAL RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent to change the CONGRESSIONAL RECORD for the purpose indicated. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, what date was this list published?

Mr. RAMSEYER. March 6—this month.

Mr. MONDELL. Then the permanent RECORD has not been published?

Mr. RAMSEYER. I understand it has not yet been made up. I am not absolutely sure about that.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. RAMSEYER. Mr. Speaker, I also ask unanimous consent to extend my remarks in the RECORD by printing the letters from which I have quoted.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

FLORIS, DAVIS COUNTY, IOWA, *January 20, 1922.*

Congressman C. W. RAMSEYER,
Washington, D. C.

DEAR SIR: I am writing to ask if you will help me to get my service record straightened out. I am on the list of deserters and my name is is every post office in the county with $50 reward for my arrest.

Now, Mr. RAMSEYER, I'll tell you a little about my Army service. I answered the call and went in the first bunch from Bloomfield, September 22, 1917, to Camp Dodge. I was transferred October 30 to the One hundred and thirty-third Infantry of the Thirty-fourth Division. Was sent to France in a casualty outfit for replacement. I sailed from Boston June 30, 1918, landed in Liverpool, England, July 14, crossed to France and was placed in the Fifty-ninth Infantry, of the Fourth Division, on or about July 18.

The Fourth Division was driving on the point of that horseshoe bend just above Chateau-Thierry and was in the lines when I was placed in the Fifty-ninth Infantry. We were fighting the Prussian Guards, driving them away from Paris, and I believe that was the most severe fighting of the whole war. We were relieved by the Seventy-seventh Division August 16, and the Fourth had lost nearly 7,000 men since I had been placed in the division.

August 27 I was sent to the field hospital, was taken from there to Base Hospital No. 18, and later was sent to Hospital No. 22, at Bordeaux, in southern France. Was discharged from the hospital at Bordeaux in October, was on special duty at a replacement camp and did guard duty for "Hard-Boiled Smith" at a prison farm near Paris for about two or three weeks. I was then transferred to Company I, One hundred and forty-fourth Infantry, Thirty-sixth Division, which division I was with until we landed in New York, June 6, 1919. Was sent to Camp Dodge and given an honorable discharge the 16th day of June, 1919. My discharge is marked "No A. W. O. L.; no absence under G. O. 31114 or under G. O. 45. Character excellent." I was one of the first ones called from this county and about the last one home.

Now, you see, through some mistake, they stick my name up in every post office in the county and offer $50 for my arrest. I do not like to have this against me on my record, so if you will help me get this thing fixed up I'll be very thankful to you. My grade was private first class, No. 1412914.

Yours truly,

GEORGE W. TURNER.

P. S.—My address was Belknap at the time I entered the service.

Mr. RAMSEYER, will you please look into this thing for me and get the War Department to take my name from that list. The charges are that I never was in the service at all; that I did not report for duty when called. I think the fault started here at Bloomfield with the local board.

Yours very truly,

GEORGE W. TURNER,
Floris, Iowa.

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WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 4, 1922.

Hon. C. WILLIAM RAMSEYER,
House of Representatives.

MY DEAR SIR: Referring to the letter herewith from Mr. George W. Turner, of R. F. D. No. 3, Floris, Iowa, which was left at this office by you in connection with a letter to you from this office of the 27th ultimo, relative to the publication of Mr. Turner's name in the list of alleged draft deserters of the local board for Davis County, Iowa, which list appears to have been recently posted in the post offices of Davis County, and referring especially to Mr. Turner's request that his draft record be straightened out in view of his record of service in the Army, I have the honor to advise you as follows:

The list of alleged draft deserters of the local board for the county of Davis, State of Iowa, was dated January 17, 1922, and was to be released to the morning papers of January 27, 1922. In connection with your call upon this office in the interests of Mr. Turner, a telegram was sent to the commanding general of the Seventh Corps Area, at Fort Crook, Nebr., on January 26, 1922, just as soon as the fact was discovered that Mr. Turner's name should not be included in the list, which telegram instructed the commanding general to hold up the list from publication until further instructions. A reply from the commanding general at Fort Crook set forth that the telegram from this office was received by him too late to stop the publication of the list which had already been released for the morning newspapers of January 27, 1922. It is regretted, therefore, that the department was too late in preventing the publication of the list in the newspapers on the 27th ultimo. It appears that some of the postmasters in Davis County posted the list prior to January 27, 1922.

An investigation of the draft records in the case of George W. Turner, Serial No. 760, Order No. 90, a registrant of the local board for the county of Davis, State of Iowa, shows that he was reported as a delinquent through error on the part of the local board. The local board in a letter dated September 14, 1917, to the adjutant general of the State explained its action in this respect as follows:

"I want to make an explanation in regard to George Turner, serial No. 760, who was reported to you on Form 146–A. On August 8 we received notice from Mr. Turner, who was in North Dakota, wanting a permit to be examined by the local board at the place where he was located. We gave him permit by telegram to be examined by another local board, but did not get the result of his examination until we had reported him on Form 146–A.

"Mr. Turner is not a slacker, and wants to go when his turn comes. Mr. Turner was in my office to-day and showed me a letter he had received from you asking him to report to you on September 15. I would like to have Mr. Turner to remain here and go with our next bunch, if you will permit him to do so. We thought after this explanation of his case was made to you it would be all right to send him next week with the other boys. Mr. Turner wants to do the right thing, and will do whatever you insist."

Notwithstanding this explanation on the part of the local board, the State adjutant general included the name of George Turner on the list of final delinquents and deserters of the local board for Davis County, Iowa, which list was forwarded to the department. When the names

were transcribed from the final list to the list to be released for publication the construction placed upon certain remarks appearing opposite the name of George Turner was such that it was not deemed necessary to refer to the individual record of the registrant, with which the above quoted matter was filed. The final lists of delinquents and deserters were separate records from the individual records, to which individual records reference was made only in such cases where it was deemed necessary in order to ascertain the true status of the case. However, it is evident that Mr. Turner was not a draft evader in any sense of the term, and that the publication of his name as a deserter from the draft was a mistake. The department regrets that this error has been made, and desires to assure you, and also Mr. Turner, that every step possible will be taken to give wide publicity to the fact that the name appeared upon the list through error. His name has been removed from the list and will not be included in the list to be published in the CONGRESSIONAL RECORD.

Mr. Turner was regularly inducted into the military service by his local board on September 21, 1917. The local board for Davis County, Iowa, sent its first contingent of four men to Camp Dodge on September 5, 1917. Mr. Turner went with the second contingent of 29 men, which was entrained at Bloomfield, Iowa, on September 22, 1917. The military records show that he served overseas from June 20, 1918, to June 6, 1919, and was honorably discharged on June 16, 1919, at Camp Dodge, Iowa.

Very respectfully,

P. C. HARRIS,
The Adjutant General.

(1 inclosure.)

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, March 8, 1922.

Hon. C. W. RAMSEYER,
House of Representatives.

MY DEAR MR. RAMSEYER: With further reference to the case of George W. Turner, who was reported as a draft deserter and it was subsequently ascertained that his name did not properly belong on the deserter list, he having served honorably and received an honorable discharge, and whose name was, nevertheless, published in the CONGRESSIONAL RECORD as a draft deserter, it is very much regretted that, through oversight in this office, his name was not removed from the list of draft deserters published in the CONGRESSIONAL RECORD. Effort was made to remove his name from the list sent to the commanding general Seventh Corps Area, but the list was published by him before receipt of the telegram from this office directing removal of Turner's name. The notice of removal of his name from the list was given the same publicity as the original list, but, as stated above, the removal of his name from the list for publication in the CONGRESSIONAL RECORD was overlooked. In the next publication of draft deserters in the CONGRESSIONAL RECORD a statement will be inserted that Turner's name has been removed.

Thanking you for bringing the case to my attention, and with apologies for the inexcusable oversight of this office, as you had specifically brought the case to attention, I am,

Very truly yours,

P. C. HARRIS,
The Adjutant General.

ADJOURNMENT.

Mr. LANGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes) the House adjourned to meet to-morrow, Friday, March 31, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

578. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting a tentative draft of a bill for the relief of the Houston Chamber of Commerce, Houston, Tex., was taken from the Speaker's table and referred to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LEATHERWOOD: Committee on Indian Affairs. H. R. 9411. A bill to provide for the payment of claims of Chippewa Indians of Minnesota for back annuities; with an amendment (Rept. No. 858). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 6967. A bill for the relief of Claude L. Seiler (Rept. No. 859). Laid on the table.

Mr. BOX: Committee on Claims. H. R. 9453. A bill for the relief of the owners of the steamboat *Kanawha* (Rept. No. 860). Laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONTAGUE: A bill (H. R. 11106) for the construction of a wharf and a walk at Jamestown, Va.; to the Committee on Appropriations.

By Mr. FULMER: A bill (H. R. 11107) to authorize the building of a bridge across the Congaree River in South Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 11108) to extend the provisions of section 127a of the national defense act as amended; to the Committee on Military Affairs.

By Mr. LANGLEY: Joint resolution (H. J. Res. 298) authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden; to the Committee on Public Buildings and Grounds.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 299) authorizing the Chief of Engineers to make an examination and survey of the banks of the Potomac River from Washington, D. C., to and beyond Great Falls; to the Committee on Public Buildings and Grounds.

By Mr. SWING: Joint resolution (H. J. Res. 300) authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of the Grand Army of the Republic at the California and Nevada State encampment, to be held at Riverside, Calif., in May, 1922; to the Committee on Military Affairs.

By Mr. MacGREGOR (by request): A resolution (H. Res. 312) expressing a favorable opinion of proposed Senate resolution to establish the united nations of the world, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROGERS: A resolution (H. Res. 313) with reference to the feasibility of examining, prior to their departure, persons intending to emigrate to the United States; to the Committee on Foreign Affairs.

By Mr. BRITTEN: A resolution (H. Res. 314) authorizing an investigation into the operations and accounts of the Radio Corporation of America, the American Telephone & Telegraph Co., the Westinghouse Electric & Manufacturing Co., the General Electric Co., and the United Fruit Co.; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Ohio: A bill (H. R. 11109) granting a pension to Edna McConahy; to the Committee on Invalid Pensions.

By Mr. COLLINS: A bill (H. R. 11110) to authorize the Secretary of the Interior to sell to the legal heirs of W. H. McCarty and Sallie McGee McCarty the south half of the south half of sec. 9, T. 15 N., R. 1 E., Choctaw meridian, Holmes County, Miss.; to the Committee on the Public Lands.

By Mr. GERNERD: A bill (H. R. 11111) granting a pension to Kate S. Good; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 11112) granting a pension to Mark Y. Judd; to the Committee on Pensions.

By Mr. KUNZ: A bill (H. R. 11113) for the relief of Charles Emmet Smith; to the Committee on Claims.

By Mr. SHAW: A bill (H. R. 11114) granting an increase of pension to Lurinda Jane Neighbors; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4897. By Mr. DOMINICK: Petition of S. C. Smith and others relative to the Georgia-Carolina boundary line dispute; to the Committee on the Judiciary.

4898. By Mr. EDMONDS: Petition of Philadelphia Board of Trade relative to amending merchant marine act of 1920; to the Committee on the Merchant Marine and Fisheries.

4899. By Mr. FRENCH: Petition of citizens of Culdesac, Idaho, protesting against the enactment of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

4900. Also, petition of citizens of Moscow, Idaho, protesting against the enactment of House bill 9753 or any other Sunday bills; to the Committee on the District of Columbia.

4901. Also, petition of citizens of Rathdrum, Idaho, protesting against enactment of House bill 9753, etc; to the Committee on the District of Columbia.

4902. By Mr. FULLER: Petition of the First Presbyterian Church and congregation and the Methodist Episcopal Church and congregation, both of Mendota, Ill., opposing any modification of the prohibition law; to the Committee on Ways and Means.

4903. Also, petition of the Rockford (Ill.) Varnish Co. favoring House bill 10159 to protect interstate and foreign commerce against bribery and other corrupt trade practices; to the Committee on the Judiciary.

4904. By Mr. GALLIVAN: Petition of Gillette Safety Razor Co., Boston, Mass., urging the adoption of the American valuation plan; to the Committee on Ways and Means.

4905. By Mr. KISSEL: Petition of Flatbush Chamber of Commerce (Inc.), Brooklyn, N. Y., relative to the Brooklyn Navy Yard; to the Committee on Naval Affairs.

4906. Also, petition of A. C. Hegeman, Esq., New York City, N. Y., relative to the Fitzgerald bill (H. R. 10034); to the Committee on the District of Columbia.

4907. By Mr. LARSON of Minnesota: Petition of certain citizens of the eighth congressional district of the State of Minnesota in opposition to the compulsory Sunday observance bill, H. R. 4388; to the Committee on the District of Columbia.

4908. By Mr. LINTHICUM: Petition of the H. B. Davis Co., of Baltimore, Md., favoring House bill 10159; to the Committee on the Judiciary.

4909. Also, petitions of William Booth Price, of Baltimore, Md., and E. A. Krause, 537 North Lakewood Avenue, Baltimore, Md., favoring passage of Towner-Sterling bill; to the Committee on Education.

4910. Also, petition of Maryland Uniform Co., of Baltimore, Md., favoring the McKenzie bill (H. R. 10972); to the Committee on Adjustment of Pay, etc.

4911. By Mr. A. P. NELSON: Petition of Citizens' Civic Council of Milwaukee County, Wis., heartily and unqualifiedly approving the proposed Great Lakes-St. Lawrence deep-waterway project; to the Committee on Interstate and Foreign Commerce.

4912. Also, petition of citizens of Douglas County, Wis., and of Hines, Wis., protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

4913. By Mr. PAIGE: Petition of citizens of Massachusetts, relative to conditions in Austria, etc.; to the Committee on Foreign Affairs.

4914. By Mr. PATTERSON of New Jersey: Petition of 24 residents of the first congressional district of New Jersey favoring suspension of the payment of the debt of Austria for 20 years; to the Committee on Ways and Means.

4915. By Mr. RIDDICK: Petition of farmers of Montana, indorsing the Pittman bill to amend the farm loan act; to the Committee on Banking and Currency.

4916. Also, petition of farmers of Montana, urging revival of the United States Grain Corporation; to the Committee on Agriculture.

4917. Also, petition of citizens of Billings and Gildford, Mont., protesting against passage of any bill for Sunday observance; to the Committee on the District of Columbia.

4918. By Mr. SINCLAIR: Petition of Mat Sloan and 14 others of Killdeer, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4919. Also, petitions of J. L. Corrigan and 28 others of Sherwood, N. Dak.; George Peterson and 22 others of Fairmead, Calif.; and A. E. Peterson and 2 others of Gascoyne, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4920. Also, petitions of Mike C. Petrick and 4 others of Pisek, and J. P. Husa and 19 others of Belden, both in the State of North Dakota, urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4921. By Mr. SMITH of Michigan: Petition of the Albion College faculty, against the provision of Fordney tariff bill relative to certain provisions; to the Committee on Ways and Means.

SENATE.

FRIDAY, *March 31, 1922.*

The chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we turn our thoughts toward Thee this morning, gratefully recognizing Thy goodness and Thy grace so continually bestowed upon us. We thank Thee for recent accomplishments and what they may mean to the world at large as well as to our own loved country and its institutions.

The Lord give guidance and wisdom supreme to-day, so that everything may meet with Thine approval, and when the night comes that there may be had satisfaction in heart and life that work nobly accomplished has met with Thine own gracious acceptance. We ask in Christ Jesus' name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, March 16, 1922, when, on request of Mr. WARREN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

TRAVEL PAY OF DISCHARGED ENLISTED MEN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a draft of proposed legislation amending section 126 of the national defense act approved June 3, 1916, as amended, with respect to the payment of travel pay of enlisted men on discharge, which was referred to the Committee on Military Affairs.

CALL OF THE ROLL.

Mr. WARREN. Mr. President, when we adjourned last night we were in the midst of a roll call on a conference report. I think we now should have a quorum. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ball	Harreld	Nicholson	Spencer
Borah	Harris	Norbeck	Sterling
Broussard	Heflin	Norris	Sutherland
Cameron	Hitchcock	Oddie	Swanson
Capper	Johnson	Overman	Townsend
Caraway	Jones, Wash.	Owen	Trammell
Colt	Kendrick	Page	Underwood
Culberson	Keyes	Pepper	Wadsworth
Cummins	Ladd	Phipps	Walsh, Mass.
Dial	Lenroot	Pittman	Walsh, Mont.
Fernald	Lodge	Poindexter	Warren
Fletcher	McKinley	Ransdell	Watson, Ga.
France	McNary	Rawson	Williams
Gerry	Moses	Sheppard	Willis
Glass	Myers	Shields	
Gooding	Nelson	Shortridge	
Hale	New	Simmons	

Mr. SUTHERLAND. I was requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

The PRESIDENT pro tempore. Sixty-five Senators having answered to their names, a quorum is present. The presentation of petitions and memorials is in order.

REGISTRATION AND VOTING IN RHODE ISLAND.

Mr. GERRY. Mr. President, I send to the desk a letter in regard to registration and voting, which I ask may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

PROVIDENCE, R. I., *March 27, 1922.*

HON. PETER G. GERRY,
United States Senate, Washington, D. C.

DEAR SIR: Can anything be done to right a great wrong that is going on year after year in Rhode Island by keeping a great number of honest working men and women from voting at the election?

Here in Providence everybody who wants to register as a voter has to go to the city hall between 9 o'clock in the morning and 5 in the afternoon. This is just the time when laboring people are at work, and they can not go and register without losing their time or their jobs, or both. It is not so in other States. Why must it be so here?

If men and women do not register before the end of June, they can not vote in November. If they can not vote, they are at the mercy of those who can.

We want justice, not mercy.

Your friend,

EUGENE L. DONAIS.

PETITIONS AND MEMORIALS.

Mr. STERLING presented a petition of sundry citizens of Plankinton and Stickney, in the State of South Dakota, praying for the revival of the United States Grain Corporation, so as to stabilize the prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. SPENCER presented memorials of sundry citizens and members of women's clubs of St. Joseph, Mo., remonstrating against inclusion in the pending tariff bill of increased duties on women's leather gloves, which were referred to the Committee on Finance.

Mr. CAPPER presented memorials of sundry citizens of Labette County, Kans., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution of the Twinsburg (Ohio) Chamber of Commerce, favoring the enactment of legislation providing a fivefold plan of adjusted compensation for veterans of the World War, the funds therefor to be raised by a sales tax, which was referred to the Committee on Finance.

He also presented, in the nature of a memorial, a letter from the Business Men's Club of Cincinnati, Ohio, giving their views

on the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a resolution of Columbus Chapter, Daughters of the American Revolution, of Columbus, Ohio, favoring the total suspension of immigration during such period as may be needful, which was referred to the Committee on Immigration.

Mr. LADD presented the memorials of A. H. Anderson and 13 others, of Carpio, and Irwin J. Wagoner and 91 others, of Napoleon, all in the State of North Dakota, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Napoleon, N. Dak., remonstrating against inclusion in the pending tariff bill of high duties on chemicals that go into the manufacture of medicines, and also against the levy of duties on articles not grown or manufactured in the United States, which was referred to the Committee on Finance.

He also presented petitions of G. H. Gisleberg and 3 others, of Maddock; Jacob G. Krueger and 9 others, of Kief; Hans Freitag and 71 others, of Scranton; George Knall and 11 others, of Bismarck; Ole S. Erickstein and 5 others, of Tagus; Louis Johnson and 15 others, of Norma; J. P. Ramsey and 17 others, of Binford and vicinity; D. D. Cunningham and 14 others, of Mosher; F. L. Compton and 19 others, of Buffalo; Thomas Landsveck and 71 others, of Dunseith; B. Pieker and 18 others, of Wildrose; Eddie Tormanen and 31 others, of Ellendale and vicinity; Thorvald Tvetin and 93 others, of Hatton and vicinity; Olaf Dilland and 32 others, of Tioga and vicinity; and Paul Haning and 22 others, of Oriska and vicinity, all in the State of North Dakota, praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

HENRY S. KIERSTED.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 2232) for the relief of Henry S. Kiersted, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

DEVELOPMENT OF UNDERGROUND WATERS IN NEVADA.

Mr. PITTMAN. From the Committee on Public Lands and Surveys I report back favorably, without amendment, the bill (S. 2983) to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes, and I submit a report (No. 584) thereon.

This is an emergency measure and should be acted upon at once if it is to be acted on at all. I ask unanimous consent for the present consideration of the bill. It is favorably reported upon by the Department of the Interior and there is a unanimous report from the Committee on Public Lands.

Mr. LENROOT. I suggest that it go over one day. I have not had an opportunity to examine it.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

Mr. LENROOT. I object.

Mr. PITTMAN. I understand that the bill must go over on objection. I shall call it up after the Senator from Wisconsin has examined it.

The PRESIDENT pro tempore. Objection is made, and the bill will be placed on the calendar.

Mr. PITTMAN subsequently said: A few minutes ago I reported from the Committee on Public Lands and Surveys the bill (S. 2983) to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes. The Senator from Wisconsin [Mr. LENROOT] has examined the bill and now states that he has no objection to it. I ask unanimous consent for the immediate consideration of the bill.

Mr. JONES of Washington. I think the bill should be read.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior may, if he shall find that any permittee has been unable, with the exercise of diligence, to begin or continue operations for the development of underground waters within the time prescribed by sections 4 and 5 of the act of Congress approved October 22, 1919 (41 Stats. 295), extend the time for the beginning, recommencement, or completion of the said operations described in said sections for such time, not exceeding two years, and upon such conditions as he shall prescribe.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Montana:

A bill (S. 3364) for the relief of W. O. Whipps; to the Committee on Military Affairs.

A bill (S. 3365) to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont. (with an accompanying paper); to the Committee on Indian Affairs.

By Mr. McKINLEY:

A bill (S. 3366) granting a pension to William D. Harrington; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3367) for the relief of T. C. Napier; to the Committee on Claims.

A bill (S. 3368) for the purchase of a site for and the erection of a post-office building at Fort Benning, Ga. (with an accompanying paper); to the Committee on Appropriations.

By Mr. SPENCER:

A bill (S. 3369) granting an increase of pension to Jacob E. Richards; to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 3370) granting an increase of pension to Harriett H. Harrison; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3371) for the relief of Capt. Sven Christenson, Quartermaster Corps, United States Army; to the Committee on Military Affairs.

AMBASSADOR EXTRAORDINARY TO HAITI.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The ASSISTANT SECRETARY. A resolution (S. Res. 249), by Mr. KING, requesting the Committee on the Judiciary to investigate the power of the President to appoint an ambassador extraordinary to Haiti without the advice and consent of the Senate.

Mr. WARREN. Mr. President, the mover of the resolution is not in the Chamber. It seems to me it ought to lie over until he is present. It may keep its place without prejudice.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the resolution just reported may go over. Is there objection?

Mr. WALSH of Montana. I ask that it may go over without prejudice.

The PRESIDENT pro tempore. Without objection, it is so ordered. The morning business is closed.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I ask unanimous consent that the Senate resume the consideration of the conference report on the bill making appropriations for the Interior Department.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the consideration of the conference report named by him. Is there objection?

There being no objection, the Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

Mr. MYERS. I ask the Senator from Wyoming [Mr. WARREN], who is in charge of the pending conference report in the Senate, if this is a final report on the bill?

Mr. WARREN. It is not.

Mr. MYERS. Then I wish to say a few words about some matters which I understand are embraced in the partial conference report which is now before the Senate.

Mr. WARREN. A roll call was ordered on the report, and it is now in process of being taken.

Mr. MYERS. But we adjourned the session of the Senate on yesterday, I understand, and other business has since intervened. I do not understand the parliamentary status is such that the Senate must begin exactly where it left off on yesterday. This is a different day, and I had supposed we would begin over again. I shall not long delay action on the report, but I do not understand there is any parliamentary rule which requires the roll immediately to be called. Therefore, if I am in order, I will now say a few words.

Mr. WARREN. The Chair may decide that question.

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. PITTMAN. The Senate adjourned on yesterday after a roll call had disclosed the lack of a quorum. The Senate proceeded this morning with morning business. The Senate not having taken a recess, but simply having adjourned on yesterday, my inquiry is, Does not the Senate begin business de novo this morning? In other words, is the Senate debarred from debating the question which has just now been taken up by unanimous consent?

Mr. WARREN. The Senator from Nevada will remember that a call of the roll was had upon the adoption of the conference report.

Mr. PITTMAN. There was a vote taken, but it was disclosed that there was no quorum present.

Mr. MYERS. That roll call was null and void, because no quorum was present.

Mr. WARREN. The Chair had directed the calling of the roll and the roll call proceeded.

Mr. PITTMAN. But there was no quorum present, and after that the Senator from Wyoming called for a quorum. The call did not disclose a quorum, and then the Senator from Wyoming moved an adjournment. We adjourned, and this morning when the Senate convened we proceeded with the regular order, which was the morning business. After the morning business had closed the Senator from Wyoming asked unanimous consent that the Senate proceed to the consideration of the conference report. The conference report has been taken up on a new day, by unanimous consent. Is it not, therefore, open to debate?

Mr. MYERS. I think the Senate starts this morning de novo. I have never heard of any rule to the contrary.

Mr. LENROOT. If I may make a suggestion to the Chair, this identical question has been before the Senate on a previous occasion. If the Chair has Gilfry's Precedents before him, I suggest that if he will turn to page 48 of those Precedents he will find that in a similar case it was held that when the pending matter again came before the Senate the question resumed exactly the same status as when the adjournment was had, and that the roll call must proceed.

Mr. SWANSON. I think the Senator from Wisconsin has properly stated the parliamentary situation; but in this case the roll call was a nullity because the absence of a quorum was disclosed. The question now occupies the status of a roll call having been ordered and begun, but no response having been made, so the pending matter is subject to debate. It has been decided that after a roll call has been ordered, but no response has been made, the pending question is subject to debate.

Mr. LENROOT. I will read from Gilfry's Precedents in order that the Senator from Virginia may see that the precedent I have quoted is exactly in line and covered an exactly similar case.

Mr. SWANSON. From what page is the Senator about to read?

Mr. LENROOT. I read from page 28 of Gilfry's Precedents, as follows:

[Fifty-eighth Congress, second session; Journal, pp. 198, 200.]

FEBRUARY 26, 1904.

On motion by Mr. Hale,

The Senate proceeded to consider, as in Committee of the Whole, the bill (S. 2263) to require the employment of vessels of the United States for public purposes; and the reported amendment having been agreed to, and the bill further amended on the motion of Mr. McCUMBER and the motion of Mr. Allison.

A further amendment having been proposed by Mr. Daniel,

After debate, on motion by Mr. Carmack, to recommit the bill to the Committee on Commerce, the yeas were 12 and the nays were 30.

On motion by Mr. Teller,

The yeas and nays being desired by one-fifth of the Senators present,

* * * * * * *

The number of Senators voting not constituting a quorum, the Presiding Officer (Mr. Gallinger in the chair) directed the roll to be called, when 48 Senators answered to their names.

A quorum being present, on motion by Mr. Hale,

Ordered, That the bill as amended be reprinted.

On motion by Mr. Hale, at 4 o'clock and 17 minutes p. m., the Senate adjourned.

On the following day, February 27, on motion by Mr. Hale, the Senate resumed, as in Committee of the Whole, the consideration of the bill S. 2263.

The question being on the motion of Mr. Carmack to recommit the bill to the Committee on Commerce, the President pro tempore (Mr. Frye) held that the roll call should be immediately resumed, without debate or other intervening business.

So Senators will see that the case cited in the precedent was identical with the case we now have before us.

Mr. MYERS. I call the attention of the Senator from Wisconsin to the fact that it is not identical in this respect. In the case cited on the day when the bill was being considered a quorum developed.

Mr. LENROOT. Certainly; but an adjournment was immediately had.

Mr. MYERS. Yesterday a quorum did not develop.

Mr. LENROOT. But that could not make any difference, because an adjournment was had, and the question was brought back the next day immediately to the same position which it would have occupied had there been no adjournment.

Mr. MYERS. There has never been a valid vote taken on the pending conference report.

Mr. LENROOT. Certainly; and neither was there in the case cited.

Mr. MYERS. In the case cited the roll call disclosed the absence of a quorum, but a quorum immediately appeared.

Mr. LENROOT. Yes; the roll call did not disclose a quorum, but the presence of a quorum was developed and then an adjournment was immediately had. Nevertheless the Chair held the next day that the question immediately before the Senate was to proceed with the calling of the roll.

Mr. SWANSON. Mr. President, the rule is and has always been that when a question comes up on a subsequent occasion it comes up in the same situation in which it was left when last under consideration. That has been the universal rule. There had been debate in the Senate for a long time as to whether a question could be debated after the roll call had commenced. The rule provides that there can be debate until there has been a response on the call of the roll, but that nothing can interfere with the roll call after it has begun and a response has been made. If the roll call is now begun anew, it seems to me, inasmuch as there has been no response, that the question on which the roll is being called is subject to debate. I know that subsequent to the decision cited it was ruled that debate could be allowed after the yeas and nays had been ordered, provided no response had been made.

Mr. LENROOT. Yes; but in the precedent cited there was a roll call, exactly as in the case now before us, and the roll call failed to disclose the presence of a quorum.

Mr. SWANSON. Until there has been a response to the roll call debate may be had. That is the issue. There has certainly been no response to second the roll call.

Mr. MYERS. Mr. President, I should like to call attention to another point of difference between the case cited by the Senator from Wisconsin [Mr. LENROOT] and the one now before us. It does not appear from the precedent read by him that other business had intervened the next day between the adjournment of the day before and the time when the measure was called up. I admit that if immediately upon convening this morning the Senator from Wyoming had arisen and demanded another roll call on the conference report, so that the Senate would have resumed just where it left off last night, prima facie the case would present a stronger appeal for regularity, but the Senator from Wyoming suffered other business to intervene. If other business may intervene for 20 minutes, as has been the case this morning, it may intervene for 20 days, and if it may intervene for 20 days it may intervene for 6 months. So, under the contention which is made, the conference report could be allowed to go over for six months, or until next August or next September, for instance, if we shall be in session then, called up at that time and an immediate roll call insisted upon, so that the Senate, after that lapse of time, would begin just where it left off. I hold that intervening business makes a material difference. If I understood correctly the Senator from Wisconsin there was no intervening business in the precedent cited by him.

Mr. SWANSON. There is a rule which provides that there shall be no debate after a response has been made, and there is another rule which provides that nothing shall interrupt the roll call. If it were not for that rule the question on which the roll is being called could be debated after there had been a response on the roll call, whether the roll call had been completed or not, but after there has been a response the rule provides that nothing shall interfere with the roll call until it is completed. In this instance, the roll call was completed but no quorum was disclosed, so that it is necessary to commence another roll call, but it has not been started, and, consequently, I insist that the rule does not apply, and that debate may be permitted, because no response has been made on the new roll call which may be ordered. I repeat that debate can not take place in the middle of a roll call, because the rule provides that nothing shall interfere with the roll call when it is once begun; but, in this instance, the roll call has not been begun.

Mr. LENROOT. But the roll call has begun; that is the difficulty.

Mr. MYERS. I should like to inquire of the Senator from Wisconsin if business intervened in the case cited by him from the precedents?

Mr. LENROOT. It must have, because the Senate adjourned in that instance as in this.

Mr. MYERS. The Senator says it "must have," but does the RECORD show that business had intervened?

Mr. LENROOT. I have not the RECORD before me, but when the Senate adjourns morning business is in order, and presumably in the case cited morning business intervened.

Mr. MYERS. I do not think we are permitted to assume that other business intervenes unless the RECORD so shows. I think the Senator from Wyoming [Mr. WARREN] was guilty of laches in not calling up the conference report immediately after the Senate convened.

Mr. LENROOT. He could not have called it up immediately; it would have been against the rule to call it up immediately.

Mr. MYERS. He could have called it up at once after the Senate met, just as he did 20 minutes later. With great respect for both the Senator from Wisconsin and the Senator from Wyoming, I think the intervention of other business makes a material difference.

Mr. WARREN. Mr. President, the Senator is mistaken. I waited until morning business was closed, and then asked unanimous consent for the consideration of the conference report, which was granted, and it is now before us. The report has been read and reread; a roll call had been ordered and was proceeding when a quorum failed, and we adjourned. I think the debate which is proceeding is entirely out of order and that the Chair should rule. I am ready to abide by the decision of the Chair.

Mr. MYERS. I think the fact that morning business has intervened makes a difference, but I submit to the Chair the question whether or not it will be in order for me to proceed.

The VICE PRESIDENT. The general rule has to be applied according to circumstances. The roll call was ordered yesterday and started. Thirty-nine Senators voted on the roll call, disclosing that a quorum was not present. The roll was then called to ascertain the presence of a quorum, and, as the Chair recalls, the total number of Senators responding was 39. A quorum not being present, a motion to adjourn was made and carried.

The Senate came into session this morning under that motion, and the regular procedure of the Senate was in order, irrespective of the question that the Senate had under consideration when it adjourned. That regular order was proceeded with until the time came to take up the question which was under consideration when the Senate adjourned. When that question is taken up, the Senate must proceed in the same way as if there had been no adjournment; so that, the roll call having started and responses having been made, there can not be any further debate on the question on which the roll was being called. The only thing that is in order now is to have the roll call proceed.

Mr. MYERS. Mr. President, the yeas and nays have been ordered?

The VICE PRESIDENT. The yeas and nays have been ordered. The question is on agreeing to the conference report. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES], which I transfer to the senior Senator from Connecticut [Mr. BRANDEGEE], and will vote. I vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. Assuming that he would vote as I intend to vote, I vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW], and will vote. I vote "yea."

Mr. SIMMONS (when his name was called). I transfer my general pair with the junior Senator from Minnesota [Mr. KELLOGG] to the senior Senator from Missouri [Mr. REED], and will vote. I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Delaware [Mr. DU PONT], and will vote. I vote "yea."

The roll call was concluded.

Mr. DIAL. I desire to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is detained on business of the Senate.

Mr. CARAWAY. I desire to announce the unavoidable absence of my colleague [Mr. ROBINSON]. I will let this announcement stand for the day.

Mr. WATSON of Indiana (after having voted in the affirmative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. In his absence I transfer that pair to the junior Senator from Maryland [Mr. WELLER], and will permit my vote to stand.

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD], and will vote. I vote "yea."

Mr. KENDRICK. Has the senior Senator from Illinois [Mr. MCCORMICK] voted?

The VICE PRESIDENT. He has not.

Mr. KENDRICK. I have a general pair with the senior Senator from Illinois. In his absence, I transfer that pair to the senior Senator from Ohio [Mr. POMERENE] and will vote. I vote "yea."

Mr. MCCUMBER (after having voted in the affirmative). I understand that my pair, the Senator from Utah [Mr. KING], has not voted. I therefore transfer that pair to the Senator from New Mexico [Mr. BURSUM] and will allow my vote to stand.

The result was announced—yeas 49, nays 20, as follows:

YEAS—49.

Ball	Gooding	McLean	Shortridge
Borah	Hale	McNary	Spencer
Calder	Harreld	Moses	Sterling
Cameron	Harris	Nelson	Sutherland
Capper	Jones, Wash.	New	Swanson
Colt	Kendrick	Nicholson	Townsend
Cummins	Keyes	Norris	Wadsworth
Curtis	Ladd	Overman	Warren
Dillingham	La Follette	Page	Watson, Ind.
Fernald	Lenroot	Pepper	Willis
France	Lodge	Phipps	
Frelinghuysen	McCumber	Poindexter	
Glass	McKinley	Rawson	

NAYS—20.

Ashurst	Gerry	Pittman	Trammell
Broussard	Heflin	Ransdell	Underwood
Caraway	Hitchcock	Sheppard	Walsh, Mass.
Dial	Myers	Shields	Walsh, Mont.
Fletcher	Oddie	Simmons	Watson, Ga.

NOT VOTING—27.

Brandegee	Ernst	McKellar	Smith
Bursum	Harrison	Newberry	Smoot
Crow	Johnson	Norbeck	Stanfield
Culberson	Jones, N. Mex.	Owen	Stanley
du Pont	Kellogg	Pomerene	Weller
Edge	King	Reed	Williams
Elkins	McCormick	Robinson	

So the conference report was agreed to.

Mr. WARREN. I move that the Senate further insist upon its amendments in disagreement between the House and the Senate and request a conference with the House, and that the Vice President appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN conferees on the part of the Senate at the further conference.

SUPPLEMENTAL APPROPRIATIONS, DEPARTMENT OF AGRICULTURE (S. DOC. NO. 175).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Agriculture, fiscal year 1923—for general expenses, Bureau of Plant Industry, drug and other plants, $6,000; nut culture, $5,000; general expenses, Bureau of Chemistry, table sirup investigations, $10,000; general expenses, Bureau of Soils, soil survey investigations, $10,000; in total amount $31,000—which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF NEAR EAST RELIEF.

The VICE PRESIDENT laid before the Senate a communication from the general secretary of the Near East Relief, transmitting, pursuant to law, a report of the activities of the Near East Relief for the year ended December 31, 1921, which was referred to the Committee on Foreign Relations.

ADDITIONAL DISTRICT JUDGES.

Mr. CUMMINS. I ask unanimous consent that the Senate proceed to the consideration of House bill 9103, the unfinished business.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CALDER. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. I yield to the Senator from New York for a matter which I understand will not require any time.

THE COAL-MINING INDUSTRY.

Mr. CALDER. I have asked the Senator to yield to me in order that I might submit a Senate resolution; and if there is no objection, as I think it will cause no debate, I will ask unanimous consent for its present consideration. I send it to the desk and ask to have it read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 265) was read, as follows:

Whereas an existing controversy between coal-mine operators and their employees vitally touches the interests and welfare of the public as a whole: Therefore be it

Resolved, That the Federal Trade Commission be, and is hereby, directed to make inquiry immediately into the conditions in the production and distribution of bituminous coal; to require data as to the factors in the cost of production, including labor, investment, supplies, and all other items, the cost of transportation, the margins in wholesaling, jobbing, and retailing of coal, and the price paid by the consuming public, and to report the facts to the Senate as expeditiously as possible, by way of partial reports from time to time, and final report at the earliest moment.

Mr. BORAH. I understand the resolution calls for an investigation upon the part of the Federal Trade Commission of the coal situation, including the cost of production, ownership of mines, profits, and so forth.

Mr. CALDER. It does.

Mr. BORAH. Has the Senator made inquiry of the commission? I understand they have this information.

Mr. CALDER. I understand they have practically all the information asked for; not all of it, but most of it.

Mr. BORAH. Does the resolution call for an investigation or a report?

Mr. CALDER. A report.

Mr. BORAH. I think they have all the information the Senator wants. That is my opinion from my talk with them. I thought the resolution called for an investigation.

Mr. FRELINGHUYSEN. Let it be read.

Mr. CALDER. I ask that the resolution may be read again, so that it will be clear.

The VICE PRESIDENT. The Secretary will again read the resolution.

The resolution was again read.

Mr. BORAH. I presume that if the Federal Trade Commission already have the information they would understand that all they have to do under that resolution is to report to the Senate what they have.

Mr. CALDER. That would be my expectation, of course, Mr. President.

Mr. SUTHERLAND. Mr. President——

Mr. CUMMINS. I can not yield further, if the resolution is to involve debate.

Mr. SUTHERLAND. I merely desire to object to the consideration of the resolution.

The VICE PRESIDENT. There is objection to the immediate consideration of the resolution. It will go over for one day, under the rule.

RESERVATIONS FOR THE BOTANIC GARDEN.

Mr. FERNALD. Will the Senator from Iowa yield for just a moment in order to permit the consideration of Senate Joint Resolution 186, if it will not lead to any debate?

Mr. CUMMINS. If it does not involve debate, I yield for a moment.

Mr. FERNALD. I think there will be no objection to it. It is simply a resolution providing for the transfer of jurisdiction over certain parcels of land from one department of the Government, which is quite willing to give it up, to another.

Mr. CUMMINS. I will yield if it is to provoke no debate.

Mr. FERNALD. I thank the Senator. I report back favorably without amendment from the Committee on Public Buildings and Grounds the joint resolution (S. J. Res. 186) authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden, and I ask for its present consideration.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, is hereby authorized and directed to transfer to the jurisdiction of the Joint Committee on the Library the following United States reservations for use in connection with the Botanic Garden: No. 6–A, 6–B, 6–C, 6–D, 6–E, 6–F, 6–G, 6–H, 6–I, 6–K, 6–L, 6–M, 6–N, 6–O, 6–P, 6–Q, 6–R, 292, and 293, all of which lie along the site of the old James Creek Canal, from Maryland Avenue to P Street SW., Washington, in the District of Columbia.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CUMMINS resumed and concluded the speech begun by him March 10, 1922. His speech, entire, is as follows:

Friday, March 10, 1922.

Mr. CUMMINS. Mr. President, the consideration of the administration of justice in our own country may not be so interesting as the discussion of our relations with foreign powers, but I believe that before I have finished Senators will be of the opinion that it is quite as important to lend our energies to perfect the administration of our own laws as it is to create new relations with foreign powers.

The American people are in the habit of claiming—and in many respects the claim is just—that we stand very near the front in the civilization of the world. In one respect, I believe, it can be fairly stated that we are marching in the rear rank of all civilized people. There is not a country of which I have any knowledge which so imperfectly administers justice through the courts as the United States, and it will shock all Senators, I am sure, when the facts are fairly before them.

When we contemplate a situation in which thousands and thousands of persons accused of crime must lie in jail for a year or two years, if they are unable to discharge themselves by giving bond, awaiting trial, and when we reflect upon the fact that in many parts of the United States it is utterly impossible to secure the trial of a civil case within a year or two years, where both attorneys and parties are ready to proceed with the trial, it is to me a source of great humiliation. I am speaking, of course, of the Federal courts. It is for the purpose of correcting, in part, the condition which everyone deplores that I am bidden by the Committee on the Judiciary to lay before the Senate House bill 9103.

Before I proceed to the discussion of the details of the bill, it seems to me that I ought to give a general idea of the state of business in the Federal courts throughout the country; and in this connection I beg to say that the document which accompanied the report in this matter contained some typographical or clerical errors. These have been corrected, and a new print will be at the disposition of Senators who desire to consult what might be called the statistics of the measure.

What I am saying now is gathered from the report of the Attorney General, which he is required to make at the end of each year. On the 30th of June, 1921, there were pending in the district courts of the United States 46,345 civil cases. I want Senators to contemplate that statement alone.

Mr. FLETCHER. Does the Senator mean to say that there were that number of cases at issue and ready for trial, or only that number of cases on the docket?

Mr. CUMMINS. It is impossible for me to say that they were ready for trial, because it was not practicable to determine the state of each particular case. I am simply giving what the dockets of the district courts throughout the country showed.

Mr. NORRIS. Did the Senator say that was limited to civil cases?

Mr. CUMMINS. Civil cases.

Mr. NORRIS. That many civil cases?

Mr. CUMMINS. There were of civil cases, including, of course, civil cases to which the United States is a party, 46,345.

Mr. OVERMAN. That does not include bankruptcy cases?

Mr. CUMMINS. No; that does not include bankruptcy cases. I will speak of them presently. It has been stated and shown to our committee by evidence that can not be gainsaid that there are districts in the United States in which there was not a single civil case tried in the year preceding June 30, 1921, solely because of the accumulation of criminal cases which the court thought, and I do, too, should have precedence in trial.

Mr. SHIELDS. Mr. President, can the Senator give the source of that statement? Who was it made the statement there were districts in which no civil case had been tried during that year?

Mr. CUMMINS. Specifically speaking, the junior Senator from Missouri [Mr. SPENCER].

Mr. SHIELDS. That was not a part of the hearings, then. I was satisfied no such statement appeared in the printed hearings.

Mr. CUMMINS. It was stated in the presence of the Judiciary Committee, or members of the Judiciary Committee, who were considering the bill.

Mr. SHIELDS. I was not present when the Senator from Missouri appeared before the committee.

Mr. CUMMINS. He is my authority for that one district. I have some knowledge of the situation in my own State, and while I am not asking for any additional judge, the situation, with which I am perfectly familiar, is deplorable. I do not think there were more than one or two civil cases tried in the northern district of Iowa during the year preceding the resignation of the judge in that district.

Mr. OVERMAN. Why was that? Iowa has not a very large number of criminal cases. Why is it that the judge has not been able to try any civil cases?

Mr. CUMMINS. Because he was busy during that time trying criminal cases.

Mr. OVERMAN. The record shows that he did not have very many criminal cases.

Mr. CUMMINS. He tried them.

Mr. OVERMAN. When he got through he ought to have tried some civil cases.

Mr. CUMMINS. But he did not get through. That is the difficulty. He did not get through with them. It is true he was able to reduce the number of civil cases pending to rather a reasonable limit, anyhow, but it took all of his time.

There were pending on the 30th of June, 1921, in all of the district courts of the United States 26,802 criminal cases, not including what are ordinarily known as draft cases, of which there were 27,582. We had in the courts of the country pending June 30, 1921, 27,582 cases in which men were charged with some offense against our draft laws. These men stand accused criminally before the community, and our judges seem so far to have been unable to either try or dispose of those cases.

Mr. OVERMAN. Was it not in evidence before us that the district attorneys did not expect to try those cases and never expect to try any of them? The district attorney from New York City and the district attorney from Chicago appeared before our committee and said they do not call these cases up and do not expect to try them. Is not that the evidence before our committee?

Mr. CUMMINS. The evidence is, as I recollect it, that the United States does not feel that it will be able to convict more than a small proportion of these accused persons and therefore will probably never try them. Nevertheless they stand upon the dockets of the courts and must be disposed of in some way or other.

Mr. BORAH rose.

Mr. CUMMINS. I will yield to the Senator in a moment. There were pending on the 30th of June, 1921, 37,365 bankruptcy cases, mainly, of course, before referees, but in all of those cases, or in many of them, it will be necessary for the district courts to make orders of some kind.

I yield now to the Senator from Idaho.

Mr. BORAH. I wish to inject a single remark here, because it is pertinent to the figures which the Senator has just inserted with reference to the draft cases. The war has been closed for four years and we are the only country that I know of in the world that is still purporting to punish violations of the draft law or matters growing out of that condition of affairs. It does not seem to me that those 27,000 cases ought to be considered here. They ought to be considered by the Department of Justice.

It is nothing less than a crime to keep these men under charges. If we are not going to try them they ought to be discharged at once. They ought to have been discharged long ago. On the other hand, if we are going to try them they ought to have been tried long ago. As a matter of fact, the cases have been postponed and continued and the shadow is upon the men, and yet it seems that it is never intended to take the cases up.

Mr. CUMMINS. I agree with the Senator from Idaho.

Mr. SHIELDS. Mr. President, will the Senator yield?

Mr. CUMMINS. In just a moment. If the Department of Justice or the district attorneys, in cases that they really do not expect to be tried, do not dismiss them, the court ought to dismiss them. What I am trying to get is a sufficient judicial force to dispose, in one way or the other, of the cases that have been pending a very long time.

Mr. SHIELDS. I can give the Senator from Idaho some information along that line. We had Colonel Hayward, district attorney for the southern district of New York, before us. There are 7,000 draft cases upon the docket of the New York court. He stated that the witnesses were scattered, there are no records, some of the witnesses are dead, and it is impossible now to try the cases. There will be very few if any convictions, and most of them should be dismissed, he said.

I would like to say that I think the Senator is in error about the bankruptcy cases being tried before the judge. Those cases are pending before referees and will be disposed by the referees.

Mr. CUMMINS. Possibly the Senator from Tennessee did not hear the statement I made that those cases were pending mainly before referees, but that in many of them it would become necessary for the court to make orders of various kinds.

Mr. SHIELDS. I think the Senator is mistaken about many of them. In Massachusetts they have perhaps the largest number. There are 3,000 draft cases there and they never expect to try them. There is congestion growing out of both the draft cases and the bankruptcy cases. It is confined, when you get to the bottom of it, as experts from the Department of Justice told us, to six or eight cities. It is not all over the United States.

Mr. BORAH. Will the Senator allow me to make a statement, and then I will not interrupt him again?

Mr. CUMMINS. Certainly.

Mr. BORAH. I was informed that last year they imported a judge from Vermont down into the district of New York and that he disposed of 700 cases in one day. I think that ought to be looked into. It may suggest a method of getting rid of a vast amount of this accumulated material that we never expect to do anything with except to let it clog the docket.

Mr. KING. I might suggest that we appoint some of these new judges from Vermont.

Mr. CUMMINS. I think the Senator must have read an exaggerated statement, although the work of this judge in the eastern district of New York is very remarkable even when we confine it to the truth. As I am informed, this judge went to Brooklyn and the first day he disposed of 46 cases and only worked part of the day. Then he gave notice that he would consider that he had done less than a day's work if during the remainder of the time he was in that district he was unable to dispose of 100 cases.

Mr. BORAH. I have the statement of the junior Senator from New York [Mr. CALDER]. I am quite sure I am not mistaken about the facts which he gave me. It was such a ray of light that I clung to the fact hours afterwards, thinking that perhaps there was some method, other than of making more judges, of disposing of a lot of this docket business. I am sure the Senator from New York will justify what I said. He might have been mistaken, though I doubt it very much.

The way the judge did that was to say to these people that those who pleaded guilty would be let off with a fine, "but if you insist on going to trial, I can not tell what will happen to you." There were 700 of them came in and pleaded guilty, and he disposed of the cases by fines, and collected I have forgotten how much, but a very large sum of money for the United States.

Mr. CUMMINS. That information had not come to my knowledge. I hope it is true.

Mr. OVERMAN. The evidence before the committee——

Mr. CUMMINS. Just a moment, please. Of course, the necessity for these addifional judges is not based upon the draft cases or upon the bankruptcy cases. I have given the number of those cases simply to make my statement complete with regard to the work that is pending in the district. The necessity arises on account of the accumulation of the civil cases and of the criminal cases exclusive of the draft cases.

Mr. OVERMAN. It was stated before the committee, according to my recollection, that most of the criminal cases were prohibition cases growing out of violations of the prohibition law and that from 25 to 50 per cent of them were submissions that did not take any time at all, but they ground out from 50 to 100 of them in half an hour's time.

Mr. CUMMINS. How does the Senator account for the fact that they are on the docket and continue to be on the docket from one year to another?

Mr. OVERMAN. Oh, they keep putting them on. I saw an instance of one judge who went to New York and disposed of 150 cases in 45 minutes. He was a country judge, by the way.

Mr. CUMMINS. But the Senator from North Carolina knows very well that a judge can only dispose of cases so rapidly as that when there is no contest whatever, when all that they need is an order entered by the court, either of dismissal or upon a plea of guilty.

Mr. OVERMAN. This was a country judge sent up there to try the cases, and he either tried them or dismissed them. He dismissed a lot of cases, but he disposed of the business.

Mr. CUMMINS. That is an admirable example, but we may place side by side with that statement, which is undoubtedly true, the statement that it was believed—I do not know whether

I ought to say this or not—by the Senator from Tennessee that we ought to have another district judge in that State, and therefore I assume that, rapidly as the district judge disposes of some of these cases, he was not able to dispose of the cases as rapidly as they should have been disposed of.

Mr. SHIELDS. The statistics, as appeared from the report of the Attorney General and as stated by the Senator from Tennessee before the committee, showed that the middle district of Tennessee was the only district in the United States, outside of one district in Mississippi, that did not have a district judge. The cases on the docket from that district outnumbered those of six or seven other districts which the committee reported were entitled to new judges, yet the committee reported that the middle Tennessee district was not entitled to any.

Mr. CUMMINS. I hope the Senator will adhere to that notion, because that is one of the merits of the bill, which provides that we can send country judges into the crowded, populous districts, judges who will be able to dispose of the business that is now pending in the courts.

Mr. NELSON. Mr. President——

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. NELSON. I simply desire to call attention to the fact that most of the draft cases, so called, are confined to four districts—the Boston, Mass., district, the southern and eastern districts of New York, and the district of New Jersey. Most of the draft cases are in those four districts. In the other districts they are few and far between. The district attorney of New York, who appeared before our committee, giving the number of those cases, said he did not think over three or four of them would be tried.

Mr. CUMMINS. It is quite true, as stated by the Senator from Minnesota. I hope that I have not left the impression, because I have stated the number of those cases, that therefore these additional judges are necessary on account of the accumulation of such cases as either draft or bankruptcy cases.

Mr. SHIELDS. In regard to the rapid disposition of those cases, the judge from Memphis came up into the middle district of Tennessee and tried 256 of them in a week. Quite a number of them were trial cases. The fact is, as Senators must have realized, these cases are for violation of the tippling laws, that should be tried in the State courts. They are merely police court cases. They ought to try one every 15 or 20 minutes.

The docket of the middle Tennessee district showed that at the time stated, June, 1920, there were pending a thousand cases, and the judge from the eastern district, who held court in the western district, also had a thousand cases on his docket. There are six districts for which additional judges are recommended which have less business than the two districts in Tennessee referred to, and in some of them the number of cases is as low as 378. The bill as it came here from the other House allowed a judge to the middle district of Tennessee, which has no judge, but while the Senator from Tennessee was ill and not present the Judiciary Committee struck out the provision for a judge for the middle district of Tennessee, and there is no provision made in the bill for such a judge. I could tell the reasons which I have heard why that action was taken.

Mr. CUMMINS. I am not passing on the propriety of that action.

Mr. SHIELDS. And I will tell them during the course of the debate. It was probable that the President would have appointed a man there who would not be hand in glove with the prohibitionists, and it was understood the prohibitionists did not want that district created, because the President might appoint the man upon whom all the Republicans in the State had agreed.

Mr. CUMMINS. I envy the Senator from Tennessee the possession of secrets which are entirely unknown to me.

Mr. SHIELDS. I do not charge that to the Judiciary Committee, but I state it as a fact that it was understood that Judge Gore would be appointed down there. He is the chairman of the Republican executive committee for the State, a splendid man and lawyer, who would be absolutely free from any partiality or corruption or bias in any lawsuit he might try. I know the prohibitionists were protesting against him, for I, myself, got letters protesting against him; but I simply replied that it was a Republican fight and I had nothing to do with it.

Mr. CUMMINS. Mr. President, to come back to the original suggestion, I desire to say that I am sure the Senator from Tennessee has verified what I said, namely, that in his opinion an additional judge in Tennessee is needed, and that, notwithstanding the celerity with which another judge disposed of business, the dockets are still so congested that additional judicial help ought to be provided. We will come presently, Mr. President, to this very controverted field, as to the distribution of this additional judicial help; but before I reach that point I wish to survey for a moment our judicial system.

Mr. NORRIS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator from Iowa has given a short synopsis of the nature of the cases that were pending. I wish to know if he could give us any information as to how many of the criminal cases which are now pending have arisen from some war statute other than the draft act? For instance, does the Senator know how many of these cases have arisen under the espionage law?

Mr. CUMMINS. They have all been collected in the report and denominated "draft cases"; so I assume that the cases that are not under the selective draft law are enumerated under the criminal cases and not under the draft cases.

Mr. NORRIS. What I am trying to get at is this: For instance, there are quite a number of cases where people have been arrested and are in jail—so I am informed, at least, and I think the committee were at one time informed to that effect—cases arising out of the alleged violation of the espionage law. Those cases would not be included, would they, under the head of draft cases?

Mr. CUMMINS. Not at all. They are under the head of criminal cases.

Mr. NORRIS. Can the Senator tell how many such cases there are?

Mr. CUMMINS. They have not been segregated before our committee, and I do not know what the proportion of the espionage cases is as compared with other criminal cases.

Mr. SPENCER. Mr. President——

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. SPENCER. I wish to verify what the Senator from Iowa has just stated with regard to the general state of the docket in some of the judicial districts. I think I heard the Senator cite the western district of Missouri as an illustration. What he said was entirely correct as to the western district of Missouri. That court which, as I shall show at some other time, has transacted as much business with a single judge as has any other district in the Mississippi Valley with two judges. The United States district judge for the western district of Missouri was unable, working constantly during the entire past year, to try a single civil case. The time of the court was entirely occupied by the pressure of criminal cases; so that in this western district of Missouri in the last year, with a large civil docket pending and pressing for trial, there has not been a single civil case tried.

Mr. OVERMAN. Mr. President, there are some things in reference to this matter which I can not understand. I am not asking for a new judge in my district, but I live in a district which has more criminal cases for trial than has the judicial district in which the Senator from Missouri lives; yet the court in my district is trying civil cases all the time and there is no complaint. It is at the same time disposing of the cases which are on the criminal docket. I can not understand how it is, it is very strange to me, that the judges of some courts have time to try civil cases and others have not.

Mr. SHIELDS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Tennessee.

Mr. SHIELDS. In reference to what the Senator from Missouri [Mr. SPENCER] has stated—and, of course, he speaks upon information furnished by others as to the condition of the courts in his district, he not being there and not personally knowing the facts he states—I desire to say that there is not any doubt as to the amount of business in the several courts of the United States. The Attorney General has furnished the Committee on the Judiciary, through an expert from his office, the exact figures in reference to the cases pending and the cases that have been tried in the last 12 months; and I do not think those figures bear out the statement of the Senator from Missouri. I think his information is erroneous, as he will realize if he will secure the evidence furnished by Mr. Strong, of the Department of Justice, as to the number of cases pending on the docket of the court in the district to which he has referred and the number of cases that were tried during the last year.

Mr. OVERMAN. To what district is the Senator referring?

Mr. SPENCER. To the western district of Missouri.

Mr. CUMMINS. That information can not be found in the table printed in the report.

Mr. SPENCER. The number of cases pending in the western district of Missouri is 1,229. In regard to the civil cases, I took the pains to verify the figures in the last few days by telegraphic communication with the district attorney of that district, and

what I have said is precisely the fact, that during the last year the trial judge has not been able to try a single civil case, and that condition, as no one knows better than the distinguished Senator from Tennessee [Mr. SHIELDS], is, so far as justice is concerned, simply atrocious.

Mr. OVERMAN. Mr. President, I notice in the report of the Attorney General that in the western district of Missouri the total number of cases is 515.

Mr. SPENCER. No. The Senator doubtless does not have the correct reference.

Mr. OVERMAN. Whereas in the district from which I come there were 1,300 cases.

Mr. SPENCER. Is the Senator from the eastern or western district of North Carolina?

Mr. OVERMAN. I am from the western district.

Mr. SPENCER. In the western district of North Carolina, with two judges, there were pending, according to the report, 1,256 cases, of which by far the larger number were criminal cases, there being 805 criminal cases.

Mr. OVERMAN. As compared to the 515 cases in the district in Missouri.

Mr. SPENCER. Which would mean, with two judges, less than 650 cases to a judge.

Mr. OVERMAN. I do not know whether the Senator from Missouri was a member of the committee when that committee reported a bill providing for an additional judge in the western district of North Carolina. The additional judge was provided, however, because the sitting judge could not try any cases. He is 76 years old, crippled and feeble, and only now and then tries a civil case when he desires to do so. So that to all intents and purposes we really only have one judge.

Mr. SPENCER. I should think the docket was in a very unfortunate state.

Mr. OVERMAN. That is the reason the Senate allowed that district an additional judge.

Mr. CUMMINS. I think we dealt fairly with the fourth circuit.

Mr. SHIELDS. Mr. President, I presume the Senator from Iowa would like to state the general proposition underlying this proposed legislation, and then questions affecting the several districts and their merits will come up afterwards. Under those circumstances I shall not interrupt the Senator further.

Mr. CUMMINS. It matters little to me in what order I take up the various districts, for I know that there will be very great difference of opinion in regard to the distribution which we have made of these judges.

I am trying now to impress the Senate with the one fact that we do need additional district judges and that the way in which we are now administering justice throughout this country is shameful. No man ought to lie under the shadow of an accusation for a year or two years if he desires to be tried, much less ought he be consigned to a jail, and, because he is not able to give the necessary bond, to remain there simply because his Government will not provide a judge by whom he may be tried. It is likewise true of civil cases. I have no doubt that very many of the 46,345 civil cases which were pending in July will never be tried. I understand perfectly well that the mere state of the docket, as indicated by the number of cases pending, is not an accurate criterion of the work which the judge of that court will be called upon to perform, but it is the best evidence we have, and we hear from every quarter the most earnest complaints with regard to the trial of civil cases. Every Senator here has heard those complaints. I want to begin this discussion with the understanding that it is accepted as a truth that we do need some additional judicial force, if we are to administer the laws of this country in a way creditable to civilized life.

Mr. OVERMAN. Mr. President, I dislike to interrupt the Senator, but, if he will pardon me, the Senate has had before it 8 or 10 bills providing additional district judges. After a thorough investigation those bills have been reported favorably out of the Committee on the Judiciary and have passed the Senate. There were 8 or 10 such bills in the previous Congress and 8 or 10 in the present Congress, as I recall. Why does not the House pass those bills in cases where the judges are really needed?

Mr. CUMMINS. I am not either a critic or an apologist for the House. I do not know why it has not done what the Senator from North Carolina suggests; but it is sufficient to say that the House has now passed a bill in which, I think, it cares for every one of the districts which are involved in the Senate bills, and, moreover, it has added to the number some 14 or 15 judges. The House has said that this country needs 23 additional district judges. The Senate committee has reduced that number to 19.

I now desire to get clearly in the minds of Senators our judicial system, so that they may see, without troubling themselves to examine the report of the Attorney General and similar documents, just what we are trying to do. The judicial system of the United States is composed of 1 Supreme Court, 9 circuit courts of appeal, and 86 district courts. I think I am right about that. We have 9 circuits, 86 districts, 34 circuit judges, and 106 district judges. In the main, these judges constitute at the present time our judicial system. We have, in addition, as a part of the Federal judicial system, the Court of Claims, with 5 judges, and the Court of Customs Appeals, with 5 judges. We have also the Supreme Court of the District of Columbia and the Court of Appeals of the District of Columbia, and then the ordinary number of police judges and juvenile judges and the like.

This is the judicial system of the country. A glance at this map before you will show you how the country is divided into circuits.

The first circuit is composed of the States of Rhode Island, Massachusetts, New Hampshire, and Maine.

The second circuit is composed of the States of New York, Vermont, and Connecticut.

The third circuit is composed of the States of Pennsylvania, New Jersey, and Delaware.

The fourth circuit is composed of the States of Maryland, West Virginia, Virginia, North Carolina, and South Carolina.

The fifth circuit is composed of the Gulf States—Georgia, Florida, Mississippi, Alabama, Louisiana, and Texas.

The sixth circuit is composed of the States of Michigan, Ohio, Kentucky, and Tennessee.

The seventh circuit is made up of the States of Wisconsin, Illinois, and Indiana.

The eighth circuit, which is the empire in our judicial system, is composed of North and South Dakota, Minnesota, Nebraska, Iowa, Kansas, Missouri, Arkansas, Oklahoma, Colorado, Wyoming, Utah, and New Mexico.

The ninth circuit is composed of the Pacific territory States—Montana, Washington, Oregon, California, Idaho, Nevada, and Arizona.

This bill proposes to add judges as follows: Two judges in Massachusetts. I want to say in the very beginning that while I am loyal to this bill, and I have been directed by the Judiciary Committee to report it, when it comes to the matter of distribution of judges there may well be difference of opinion. I do not want to see the judicial force increased beyond the number which we have named in the bill, and I should have been vastly better satisfied if my attempt before the Judiciary Committee had succeeded, by which the number to be added would have been limited to 14 or 15. Personally, I believe that we have authorized the appointment of judges in some districts which we ought not to have authorized. That is, I think that other districts are better entitled than the ones which have received the approval of the Judiciary Committee, and whenever I am asked about that I, of course, intend to say frankly what my views are; but these matters were all carefully considered in the Judiciary Committee. I do not remember a bill before that committee that received more careful and intelligent and, I think, unselfish consideration. While I did not agree with every act of the Judiciary Committee, I stand for the bill.

Mr. HARRISON. Mr. President, will the Senator tell the Senate where he thinks the committee made a mistake, and what changes he thinks should be made so as to carry out his ideas?

Mr. CUMMINS. I do not intend to go over that part of the work of the committee.

Mr. HARRISON. The Senator is not going to give us his own individual ideas about it?

Mr. CUMMINS. If any Senator here proposes an amendment to the bill, I shall have no hesitation in saying what I think about the proposed amendment; but in the absence of any amendment I do not intend to review the work of the committee. I simply want the Senate to understand that this is a subject upon which there is room for fair difference of opinion in the distribution of these judges.

Mr. HARRISON. The Senator made that very elaborate explanation, saying that the committee report does not agree with his individual views touching these matters, following the statement that in Massachusetts they have one district judge now, and it is proposed in this bill to add two more. Was that the reason why the Senator made that explanation?

Mr. CUMMINS. Not altogether. I am frank to say that that is one instance.

Mr. HARRISON. The Senator thinks that they need but one additional judge up there, does he?

Mr. CUMMINS. If I were distributing the judges according to my individual judgment, I would have put but one additional judge in Massachusetts; but the committee, for reasons which seemed to it entirely satisfactory and persuasive, assigned two judges to the district of Massachusetts.

Mr. ROBINSON. What is the state of the district court docket in the State of Massachusetts?

Mr. CUMMINS. I do not recall simply from memory, but I can easily state it.

In Massachusetts, as of date of June 30, 1921, there were 206 civil cases to which the United States was a party. There were 186 criminal cases, including prohibition cases. There were 142 admiralty cases. There were 923 other civil cases. The bankruptcy cases were 1,434. The draft cases were 3,943. The prohibition cases, as distinguished from other criminal cases, were 68.

Mr. ROBINSON. Sixty-eight? That is comparatively a very small number.

Mr. CUMMINS. It indicates very clearly that the people of Massachusetts are making an heroic effort to observe the law.

Mr. ROBINSON. Or that they are very indifferent to it—one or the other.

Mr. CUMMINS. I always draw the conclusion most favorable to morality if I can.

Mr. ROBINSON. Has the Senator the aggregate number of cases that are pending in the District Court for Massachusetts? How many cases, all told, are pending in that court?

Mr. CUMMINS. I have not that number. It is not added up in that way. The Senator can take the figures that I have given and add them up, but I have not added them.

Mr. ROBINSON. If my mind followed the Senator's statement correctly, there are something less than 1,500 cases all told pending in the district court of Massachusetts.

Mr. OVERMAN. Outside of the draft cases.

Mr. ROBINSON. Outside of the draft cases.

Mr. SHIELDS. Draft and bankruptcy cases.

Mr. CUMMINS. Yes; outside of the draft and bankruptcy, I think there are about 1,300, I should say.

Mr. ROBINSON. Has the Senator before him the information as to where the Massachusetts district court sits? Does it sit at one place only, or at different places in the State of Massachusetts?

Mr. CUMMINS. I think only in Boston, but I am not sure about that.

Mr. WALSH of Montana. Mr. President——

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WALSH of Montana. The Senator from Nebraska [Mr. NORRIS] asked a little while ago for some information of a very interesting character, namely, the number of espionage cases pending. I am able to supply that information from testimony given by the Attorney General in the month of January a year ago. He told us at that time that there had been 736 cases arising under section 3, or section 3 as amended, of the espionage act; that 581 of those had resulted in a conviction, while 315 cases were still pending.

Mr. NORRIS entered the Chamber.

Mr. CUMMINS. I thank the Senator from Montana for answering the question. Possibly the Senator from Nebraska did not hear the answer. I will state to him that the Senator from Montana has just answered the question which was put to me by the Senator from Nebraska, but which I was unable to answer at that moment.

Mr. NORRIS. I was called out, but I got word that the Senator from Montana was going to answer my question, and I came back as soon as I could.

Mr. WALSH of Montana. With the permission of the Senator from Iowa, I will repeat that in the month of January a year ago the Attorney General gave to a subcommittee of the Judiciary Committee the following information: That there were 736 cases under the espionage act disposed of, 581 of which resulted in a conviction, and that there were still pending 315 cases.

Mr. NORRIS. What was that date?

Mr. WALSH of Montana. January, 1921.

Mr. NORRIS. If the Senator from Iowa will permit me, I should like to ask another question about that matter.

Mr. CUMMINS. Certainly.

Mr. NORRIS. Can the Senator state in how many, if any, of these undisposed-of espionage cases the defendants were in jail?

Mr. WALSH of Montana. No; there is no information about that.

Mr. CUMMINS. Mr. President, I now proceed with the analysis of this bill as applied to the map hanging on the wall.

I had just stated, when interrupted by the Senator from Mississippi, that this bill assigns two additional district judges to the State of Massachusetts, that State being a single district. It assigns three additional judges to the State of New York, one in the eastern district and two in the southern district of New York. It assigns two additional judges to the State of Pennsylvania. That State is composed of three districts, and this bill adds a judge to the eastern district and a judge to the western district. It adds no district judge in the fourth circuit, but it does add an additional circuit judge to the fourth circuit—a very desirable and, I think, a very necessary addition.

The fourth circuit has been for years the only circuit in which the Circuit Court of Appeals has been made up of two judges. There are in truth three judges in that circuit now, because when we abolished what was known as the Commerce Court one of the judges of that court was assigned to the fourth circuit, as they were circuit judges of the United States.

In the fifth circuit the bill proposes an additional judge for the northern district of Texas, and, as I recall it now, that is the only additional judge in the fifth circuit. One of the reasons for the addition of a judge in Texas is the partial disability of one of the present district judges, whose ill health makes it impossible for him to do work which a man in sound condition might be able to do.

In the sixth circuit the bill proposes an additional judge for the eastern district of Michigan. The showing for that district seems to me very clear, and those who remember the very rapid and wonderful growth of the city of Detroit will not be surprised that additional judicial force is necessary in that part of the country.

Mr. ASHURST. Before the Senator leaves the discussion of the fifth circuit, he will bear in mind that an additional judge was granted to the northern district of Georgia. The Senator did not mention that.

Mr. CUMMINS. That is true. I had not reached that point in the bill, but there is an additional judge authorized for the northern district of Georgia.

Mr. FLETCHER. The State of Texas has four districts and four judges, has it not?

Mr. OVERMAN. It has five.

Mr. CUMMINS. It has five districts and five district judges, who hold court in about 25 places.

I was proceeding simply to make the Senate acquainted with what the bill proposes, and I had just said that we have added one district judge for the eastern district of Michigan. We have also added a judge for the northern district of Ohio. Those are the two additions made to the judicial force in the sixth circuit.

In the seventh circuit one additional judge has been authorized for the northern district of Illinois. In the eighth circuit we have authorized an additional judge for the district of Minnesota. Minnesota is a single district. It is one of the few States having a large population—that is, a population of considerably more than 2,000,000—in which there is but a single district, and one additional judge has been authorized for the district of Minnesota. One judge is assigned to the eastern district of Missouri, one to the eastern district of Oklahoma, and, as I recall it, we have made no further additions in the eighth circuit.

In the ninth circuit the bill proposes an additional district judge in Montana, largely, I think, because of the immense distances which both the court, the litigants, and witnesses must travel in order to reach the places in which courts are held in that part of the country.

The bill proposes an additional judge in the northern district of California, and also one in the southern district of California, making two additional judges for that State.

It proposes also an additional district judge in the State of Arizona, and I think the weightiest reason for the additional judge in Arizona is similar to the reason which prompted us to add one in Montana, because it is almost impossible for a single judge to travel over so wide a territory and do the work which a judge is required to do.

That is what the bill proposes with reference to the additional judicial force. I have not supposed that very many well-informed people would question the wisdom of the substantial additions which we have suggested.

The condition of the dockets throughout the country very clearly demonstrates that these additions will do no more than take care of the work with reasonable promptitude.

It must be understood that the committee treats this matter partly as an emergency, partly as growing out of conditions which we hope will not prevail very long. If the people were to become more law-abiding and not violate the prohibition

statutes so frequently, a very large part of the work of the district judges would disappear, and it is not likely that cases similar to those which grew out of the war will arise, when those pending are once disposed of. Therefore I want Senators to know that we have provided that the district judges appointed under this bill shall have no successors, unless Congress in the meantime otherwise orders.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. CUMMINS. I yield.

Mr. ROBINSON. Did the Committee on the Judiciary give consideration to any proposition for the creation of courts of inferior jurisdiction to hear and determine misdemeanor cases?

Mr. CUMMINS. That subject was discussed before the committee; at least, it came to my attention. I do not know that the Senator from Montana [Mr. WALSH] proposed a plan of that kind formally, but I think the matter was considered.

Mr. ROBINSON. The complaint has been made that on account of the great increase in the number of misdemeanor cases, particularly those arising under the prohibition laws of the United States, the Federal district courts are being converted into police tribunals, and that the greater portion of their time is being consumed in the consideration of cases of comparatively minor importance.

I wonder whether the committee, in the consideration and report of this bill, went into that subject very fully and passed upon the question as to whether or not it would be advisable to create Federal courts of jurisdiction inferior to that of the Federal district courts, authorized to determine misdemeanor cases of certain classes.

Mr. OVERMAN. That was before the committee at our first hearing, but I do not know whether or not the Senator from Iowa was present. I thought we could dispose of a great many cases by providing such courts. The Chief Justice of the United States was a witness before our committee, and I asked him the question, and it was his opinion that we could not do it.

Mr. CUMMINS. I was present at the meeting to which the Senator from North Carolina refers, but I heard more of the suggestion from the Senator from Montana. I still remember that there was no amendment or plan of that sort offered formally to the committee for its adoption.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield.

Mr. WALSH of Montana. The matter was considered by the committee in connection with the bill for which this is a substitute. That was a bill providing for what have been described as "roving" judges. It provided for the appointment of 18 judges, to be assigned to the various districts by the Chief Justice of the United States. In support of that bill the Chief Justice himself, as well as the Attorney General and a committee appointed by the Attorney General, appeared before the Committee on the Judiciary. They urged the necessity for additional judges, and descanted at some length upon the increase of business consequent upon the passage of the prohibition laws and other legislation of that character.

In that connection I addressed an inquiry to the Chief Justice as to whether he had given consideration to the project of creating what might be called auxiliary or deputy judges to whom would be assigned the trial of minor cases and other matters coming before the court which might generally be denominated as police court business. I was prompted to make that inquiry because the experience which is now being had by the district courts of the country generally in connection with violations of the Volstead Act is not at all new to those of us in the West who have been familiar with the trial of cases of similar character arising on the Indian reservations, for instance, or upon the military reservations, or in other places within the exclusive jurisdiction of the United States, but particularly the Indian reservations. Little petty horse-stealing cases, cow-killing cases, liquor prosecutions, or anything of that kind on the Indian reservations come before the United States district court, and it becomes necessary in most of those cases to procure indictments. Prosecution can not be had by information, so that witnesses must travel long distances to the court, in the first place, to attend the sessions of the grand jury. Then they must come back again to attend the sessions of the petit jury, and it is an imposition upon a man qualified by training and learning and experience to act as judge of the district court to place upon him the duty of sitting in the trial of those cases. I accordingly asked of the Chief Justice if he had given consideration to the matter, and he said he had not, and dismissed the suggestion, I thought, rather cavalierly.

It was then taken up by several of the members of the committee, who advanced the argument, first, as my recollection is, that a man who was guilty of a petty offense was just as much entitled to trial before a learned and competent judge as a man who was guilty of murder. Of course no one could combat that question, but the experience of all nations has been that it is a wise thing to put the disposition of petty cases in the hands of men who have not the talent that we would like to see in an Associate Justice or Chief Justice of the Supreme Court of the United States. I think we might very properly follow the experience in our Federal judicial system.

Then it was said again, in opposition to that, that the office of Federal judge was one of high dignity and honor, and that it would lessen the office in the estimation of the public generally if another man were elevated to that office whose business was simply to handle petty and inconsequential cases, an argument which I think as flimsy as the other.

Those two reasons were urged against it. The matter was dismissed with such contumely by the Chief Justice and the committee that I did not press it.

Mr. CUMMINS. I wish to answer the Senator from Arkansas, giving my own views. I was not favorably impressed with the suggestion that we might create deputy judges or commissioners for the trial of lesser offenses, for two reasons. I see no reason why it is not entirely within our constitutional power to do it; in fact, I am quite sure that it is.

Mr. OVERMAN. That is, if we appoint them for life.

Mr. CUMMINS. Certainly, they must be appointed for life.

Mr. OVERMAN. The idea was to appoint commissioners, but not judges to hold for life, and the committee thought if they appointed anybody they would have an inferior court having a hold for life on the office.

Mr. CUMMINS. I have no doubt they would have to hold during good behavior, because we have no authority to create inferior courts except under the terms of the Constitution, which provides that judges are to be appointed during good behavior.

There is one great difficulty in assigning the proper jurisdiction to a court organized simply for the purpose of trying the lesser offenses. Our Federal statutes create such a wide range of punishment for misdemeanors that it would be quite impossible to say that the lesser judges should have jurisdiction of misdemeanors, because under many of our statutes, upon conviction of a misdemeanor, a man may be put in the penitentiary for 10 years or less. We also in our statutes provide for fines of wide range and for jail sentences or penitentiary sentences of wide range. I myself would not know how to describe the jurisdiction which the so-called police judges ought to have.

Moreover, there are 86 districts in the United States, including Alaska and Hawaii. We would have to appoint at least 86 additional judges, and even if we were to attempt to get inferior men—that is, men of less legal ability than those we hope to get for district judges—the expense would be much greater, taking the expense altogether, than to add the 19 or 20 additional district judges contemplated by the bill.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. CUMMINS. Certainly.

Mr. NELSON. I want to call the attention of the Senator to the language in the Constitution:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury.

Now, the Supreme Court has construed the words "infamous crime" to mean any crime that is punishable by imprisonment in a State prison, so that whenever and wherever the punishment prescribed for an offense is confinement in a State prison for not more than a year and a day, it must be by indictment by a grand jury and prosecution in court. Therefore it is out of the question to carry on such cases before anything like a court commissioner.

Mr. CUMMINS. No; not a court commissioner, but we could have inferior courts with their grand juries who could try the lesser crimes, but we would not advance any by so doing. We would have greater expense, and I think we would bring the judiciary of the United States somewhat into disrepute if we attempted to create judges of that character.

Mr. OVERMAN. I probably did the Chief Justice a wrong when I stated that he said it could not be done. The idea was in my question whether or not certain judges could be appointed. He said, agreeing with the Senator from Minnesota [Mr. NELSON], that we could not appoint judges for inferior courts to try these cases without appointing them for life.

Mr. CUMMINS. I do not think we could appoint without appointing during good behavior, which is synonymous with "for life."

Mr. KING. Mr. President——

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. KING. Several months ago I received communications from two judges, one from the ninth circuit and one from the eighth circuit, both district judges. Neither was from my State, however. One of the judges took the position that judges could

be appointed to try these misdemeanor cases, and that the tenure of their office might be less than for life. Later he wrote me that a very able lawyer in his State had been investigating the subject, and was rather of the opinion announced by the Senator from Iowa, that the appointment would have to be for life.

He then suggested, as did the judge from the eighth circuit who wrote me, that commissioners might be appointed much the same as the court appoints referees in bankruptcy—that we might authorize the court to appoint commissioners, to take pleas in misdemeanor cases. He stated that from his experience and from his inquiries, he was of the opinion that if a commissioner were appointed—a lawyer, or the clerk of the court, if he were a member of the bar—and that person would address himself to the misdemeanor cases, and the defendants and their lawyers, if they had attorneys, were to be advised that the commissioner was looking after their cases, the overwhelming majority would come in and plead guilty.

The idea of the judge was that this commissioner be authorized to take a plea, to make a preliminary examination, and then report promptly to the judge. His idea was that the judge in that way could be relieved of hundreds of these small cases, and that if there was nothing to the contrary appearing, he would act upon the recommendation of the commissioner and the district attorney, and he might dispose of those cases with very great promptitude and relieve the court of a great deal of the business.

Mr. CUMMINS. I do not quite see the force of that, because if the defendant desires to plead guilty the district attorney can present his plea of guilty to the court just as readily as a commissioner could present it.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. It occurred to me from my own observation that there are more likely to be pleas of guilty entered in the higher courts than there would be before a commissioner or any deputy or subordinate.

I rose, however, to say that at the time the bill previous to this one was before the Senate I had some considerable talk with a few of the lawyers in my own State. At that time it was suggested that commissioners be clothed with the necessary judicial power, but the objection was made that if those cases were to be heard upon their merits it would necessitate having a deputy clerk, perhaps a deputy marshal, perhaps a court stenographer or the necessary facilities to preserve the record in the case, and all of this would be adding to the expense and probably would not relieve the situation, and that it would be very much better to have the additional judge, in our own State at least, for the purpose of taking care of the large number of cases which were accumulating upon the dockets.

Personally I have no doubt that the committee has done wisely by the presentation of this bill in the form in which it now is, and I think that more dignity will attach to the transaction of this business than would if it were to be taken care of by deputies or commissioners or by a court of any inferior standing than that of the district court itself. More than that, it seems to me that as a deterrent from evil doing the district judge will have more influence than would any one of the inferior courts that we might create.

Mr. CARAWAY. Mr. President——

Mr. CUMMINS. I yield to the Senator from Arkansas.

Mr. CARAWAY. I have not any very large experience with district courts. I am entirely familiar with them as they are in my own country. I know in the criminal courts that 99 per cent of the cases are misdemeanors and of no great importance.

Until 1909, when we adopted our Criminal Code, every one of the misdemeanors was embraced with section 335. I see no reason why a commissioner—I so call him, but I agree with the Senator that he must be appointed during good behavior—can not be so empowered. I think that is the power given to Congress, to appoint an inferior court. Why could he not be given the power to accept the plea of guilty or, if the defendant wanted to waive his right of trial by jury—and let him do it in writing, so that no question might arise—then let the commissioner proceed to give him a trial as a police court does, a summary trial, or if he desires a jury trial, why not let him impanel a jury as a justice of the peace and try him? He then has his right of appeal. I do not think we could cut him off from that. I do not think it would be wise to do it.

I believe that 90 per cent of all these misdemeanor cases now clogging the courts in my country could be disposed of promptly, as well as a large percentage of the criminal matters in the Federal court. I believe we could get an entirely competent man for $2,000 a year. There would be no other machinery. He would be his own clerk, as a justice of the peace, in my State and in many other States, is his own clerk. He would issue his own process. The deputy marshal could impanel a jury for him or summons it if it were demanded.

I can not agree with the Senator from Ohio, who seems to suggest that it would detract from the dignity of the court. The Federal courts become like police courts. You can not get within a block of the Federal court down in my country because of the negroes who flock around there. They have a perfect right to come; they have been asked by the marshal to come. I am not falling out with that, and do not speak disrespectfully; but they look upon it as a great day when they go to court. They literally sit all over the court, from foundation to roof; they are on every step; and one proceeds up and down the stairs with difficulty when going before the jury to testify or before the court to enter a plea.

The court can not be harsh with them. I have heard some folks now and then, who did not understand, say that a negro ought to have the same kind of a trial as a white man; but those who know him do not insist that he shall have that kind of trial and take that sort of punishment. I know that in my section of the country 90 per cent of the criminal business of the courts could be disposed of by police tribunals, leaving the district court a dignified tribunal to try cases of importance, and not compelling men to serve on juries and the court to try cases that ought to be settled by a police tribunal and that could be so settled, I am sure.

Mr. SHORTRIDGE. Will the Senator from Iowa yield to me for a moment?

Mr. CUMMINS. I yield to the Senator from California.

Mr. SHORTRIDGE. The remarks of the Senator from Arkansas [Mr. CARAWAY] prompt me to recall to Senators a portion of the fifth amendment of our Constitution, which reads:

> No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

Of course, we understand full well the meaning of those words, namely, "capital or otherwise infamous crime," the latter term conveying in legal meaning the idea of felony, which is a crime punishable by imprisonment in the penitentiary. It is perfectly obvious that a defendant who was accused of violating the prohibition law, where the punishment may exceed one year and be carried out or inflicted in the penitentiary, could not be proceeded against without presentment or indictment by a grand jury.

There is another thought of which I would remind Senators, and that particularly because of the remarks of the Senator from Arkansas, who appears to suggest the erection of inferior tribunals for the trial of so-called minor misdemeanors. Of course, the judge presiding over such an inferior court would be performing judicial functions; the tribunal would be a court, and the presiding judge would be a judge; and in and about the trial there would be the performance of judicial functions.

Mr. CARAWAY. And, if I may suggest to the Senator from California, as Shakespeare said, "A rose by any other name would smell as sweet." I do not care whether such an official be called a judge or a commissioner.

Mr. SHORTRIDGE. The Senator from Arkansas will see the importance of what I am saying. The tribunal would be a court, which has been defined to be a place wherein justice is judicially administered. If we turn to Article III of the Constitution, perhaps, the purpose of my rising will be observed. Section 1 of Article III of the Constitution reads:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior.

Mr. CARAWAY. If the Senator will pardon me, I admitted that in my very opening statement. I said that I conceded judges would be appointed during good behavior. I never doubted that.

Mr. SHORTRIDGE. Then, do I understand the Senator from Arkansas to advance the idea that, should we create these inferior tribunals, then we concede that they would be courts, that the presiding judges would be exercising judicial functions, and that necessarily, therefore, they would have to be appointed for good behavior or during life?

Mr. CARAWAY. I say I think it goes without saying that one who has the power to hear and determine a matter judicially is a court, I do not care what he may be called, and under our Constitution he must hold office during good behavior. I concede that. I do not think any lawyer would contend otherwise.

Mr. SHORTRIDGE. If the Senator from Iowa will pardon me a moment longer, in respect to the suggestion of inferior tribunals to try misdemeanors, I desire to say that personally I am unalterably opposed to that suggestion or any such court. My views are grounded upon this fundamental conviction of my life, that liberty is far more precious than property. The liberty of the humblest man should be hedged around about and guarded by the ablest judges who can be found. Therefore I am opposed to the idea that so-called minor offenses should be disposed of by men of inferior attainments or courts of no importance.

Mr. CARAWAY. May I suggest that under the same theory, then, the Senator from California is opposed to police courts, for such courts, as ordinarily constituted, are certainly inferior to, we will say, courts of larger jurisdiction.

Mr. SHORTRIDGE. Yes; but in every State of the American Union, I think, there is the right of appeal from the so-called inferior courts.

Mr. CARAWAY. And there would be in this case.

Mr. SHORTRIDGE. There might be.

Mr. CARAWAY. I do not think we could take away from a citizen his inalienable right to appeal; nobody would suggest that it could be taken away; but I do not believe that the man who enters a plea of guilty would care to appeal.

I beg pardon of the Senator from Iowa for taking so much of his time; but, if he will pardon me, I should like to make one further observation. I do not know how it is in California, but in my State there are no such things as professional bondsmen, and many men who would enter pleas of guilty, if they were permitted to do so, when they are first arrested will stay in jail for two or three months awaiting the opening of the court. They would have had their cases disposed of and would be serving their sentences or would have gone back home while they lie in jail waiting for trial.

Mr. KING. Waiting for the grand jury?

Mr. CARAWAY. Waiting to be indicted; yes.

Mr. CUMMINS. Mr. President, the discussion of this particular subject is very interesting. I have no doubt that our system can be improved, although I feel, as the Senator from California has suggested his feeling to be, that we ought not to be careless or indifferent about the rights of those who are accused of crime. I think we will begin the reform, when we take it up, by amending the Constitution, so that it will not be necessary to call a large body of men to charge crimes of lesser character. I do not believe that the grand-jury system, as found in the Federal statutes, and as we find in a great many of the State statutes, ought to continue in its full vigor. Many of the States have already provided for trying persons accused of crime upon information without an indictment, and I think that that will gradually become, if we ever get courage enough to change our Constitution, the practice of the United States. However, the plan suggested has not been worked out; it has not been proposed by way of amendment, and I rather think that the time we consume in discussing proposed changes of that character is so much time wasted. The committee has not attempted any radical reform of that kind, nor do I believe that any considerable number of Senators want to attempt any radical change of that character.

I have now endeavored to inform the Senate with regard to the assignment of the several additional judges proposed by this bill, and Senators will be in a position now to compare the showing which has been made respecting the business of the various districts, and to ascertain for themselves whether we have assigned the additional judges to the districts to which they ought to be assigned. I have no doubt when we come to that detailed inquiry it will be found exceedingly interesting, and it will be discovered that there is very great conflict of opinion about it.

I pass now to section 3. I desire to explain that section of the bill before I take up section 2. Section 3 is a revision of the Judicial Code, with which I assume all Senators are familiar, respecting the assignment of district judges and circuit judges; that is their assignment, in the case of circuit judges, to district work, or, in the case of district judges, to districts other than their own.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. CUMMINS. I yield to the Senator from Louisiana.

Mr. BROUSSARD. I note that the report of the committee, where the bill as reported is set out, on page 2, section 13, reads as follows:

A district judge for a district may be designated to act in another district of the same circuit—

The words are "in another district of the same circuit." On the other hand, the bill itself, on page 13, reads:

A district judge for a district may be designated to act in another district or the same circuit.

Which is correct?

Mr. CUMMINS. The correct wording is "of the same circuit."

Mr. BROUSSARD. In the bill the words are, "or the same circuit."

Mr. CUMMINS. That is a misprint; that is all.

Mr. BROUSSARD. While I am on my feet may I ask the Senator from Iowa, is it the purpose of this bill to assign a district judge or a circuit judge to another circuit?

Mr. CUMMINS. It is the purpose of this bill to permit the assignment of district judges to other circuits.

Mr. BROUSSARD. To other circuits?

Mr. CUMMINS. To other circuits. That may be done now under some circumstances.

Mr. BROUSSARD. Is it proposed to enlarge that power?

Mr. CUMMINS. It is proposed to enlarge that power.

Mr. BROUSSARD. In other words, is it the understanding of the Senator that a judge from Minnesota may be assigned to Louisiana?

Mr. CUMMINS. It is.

Mr. BROUSSARD. What is the purpose of that provision?

Mr. CUMMINS. The purpose of the present statute as well as the purpose of this proposed legislation is to utilize to the fullest extent the judicial force of the United States, so that we need not create more district judges than are necessary to perform the work.

Mr. BROUSSARD. But it is proposed to create additional judges under this bill?

Mr. CUMMINS. Certainly; but if we did not put provisions in the bill that would enable us to utilize the full strength of the judges or mobilize them, in a certain sense, we would find it necessary to add many more judges than it is proposed to add here.

Mr. BROUSSARD. Mr. President, I had thought at the time the eighteenth amendment was submitted that we would have to reduce the number of judges in the United States. I see now that it is proposed not only to add 18 additional judges, but to shift them around and have men tried by judges who possibly are not altogether in sympathy with the ideas of the people over whom they are presiding.

Mr. CUMMINS. I hope the Senator from Louisiana does not suspect that the Committee on the Judiciary proposed this enlargement of the power of assignment in order to inflict upon any community a judge whose sentiments might not be in harmony with those of the people of that community.

Mr. BROUSSARD. Does not this bill provide for that very thing?

Mr. CUMMINS. It can be done now.

Mr. BROUSSARD. Is not that the purpose of this bill?

Mr. CUMMINS. I never heard of such a purpose.

Mr. BROUSSARD. Why not create a sufficient number of additional judges in each circuit to take care of the business of that circuit?

Mr. CUMMINS. Simply because we want to limit the increase as much as possible. We are not courting additional expense. This bill if it is passed in its present form will probably entail an additional expense of $200,000 annually. I estimate the annual expense incurred in the salaries of these judges and in the necessary attendants upon these judges to be about $11,000 for each additional judge; and we want, of course—and I am sure the Senator from Louisiana is in sympathy with that desire—to limit the expense of the Government of the United States as much as possible.

Mr. BROUSSARD. I regard it as fundamental that a judge appointed for a given district is appointed to preside over the cases which arise among the people occupying that jurisdiction.

Mr. CUMMINS. That never has been so.

Mr. BROUSSARD. I think it is absolutely contrary to the principles of our Government to assign a judge from a distant territory to preside over cases arising in another community.

Mr. CUMMINS. The United States found it necessary long ago to abandon that principle. It never has prevailed. Otherwise, we must have a Supreme Court of the United States in every State, and we must have circuit courts of appeals in small communities. All these judges are compelled to try and decide cases which arise long distances from their homes.

At any rate, it is the purpose of section 3 to enlarge the power of assignment of judges so that the judges can be employed to their greatest capacity, and the general idea of the

section is this: Possibly I can give better information by simply reading it.

A district judge for a district may be designated to act in another district of the same circuit—

It ought to be "of the same circuit"; it is printed "or the same circuit."

(including territory attached thereto)—

That means such territory as is attached under the law to various circuits—some of the ninth circuit, some of the first circuit, and so forth.

(a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is or who is to be necessarily absent from his district.

(b) In aid of a district judge who on account of the accumulation and urgency of business is unable to perform speedily all the work of his district—

I want Senators to remember that that is practically the law now, and has been for many years.

(c) In aid of a district judge when the public interests so require.

These are the circumstances and conditions under which a district judge can be assigned to work in another district of his circuit, and the assignment is to be made by the senior circuit judge of that district.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. Why should not this bill provide that a district judge may be sent from one circuit into another?

Mr. CUMMINS. I shall come to that presently.

Mr. POMERENE. It can be done now. That is, they are sent from our circuit to the New York circuit.

Mr. OVERMAN. It applies only to New York.

Mr. CUMMINS. That is the only circuit, however.

Mr. POMERENE. I know; but why should it not be so? I do not know now of any particular case in which there is a necessity for anything of that character, but it seems to me that it might arise.

Mr. CUMMINS. That is precisely what we think. We want the district judges to be assignable throughout the country just as they are now assignable to the New York circuit.

Mr. SHIELDS. I should like to say to the Senator from Ohio, however, that that is a question on which there is a very serious division of opinion, and was before the committee; and I hope he will reserve his judgment until he hears what will be said upon that subject.

Mr. POMERENE. I can conceive of possible objections to it; but while I agree with the Senator that it should be hemmed in with certain restrictions—I have no doubt about that—it has occurred to me that there might be a good many times when it would be found good policy to do it.

Mr. CUMMINS. I hope Senators will dismiss the political notion from their minds, for there can not be any politics in this suggestion. It disparages and destroys our respect for the courts of the country to assume or even to harbor the thought that the Chief Justice of the United States or the senior circuit judges of the nine circuits of the United States will exercise their right of assignment in order to accomplish any political purpose. If I believed that to be true, I should want to abolish all the courts. If I could not hold enough confidence in the judicial tribunals of my country to believe that they will act judicially and fairly in order to secure the best results in the disposition of cases pending in the various parts of the country, I should be rather ashamed to be a citizen of the United States.

Mr. BROUSSARD. Mr. President, may I interrupt the Senator?

Mr. CUMMINS. Certainly.

Mr. BROUSSARD. Would the Senator advocate, for instance, that a law violator in one section of his State should be tried by a judge from another jurisdiction, or that a party charged with an offense in the southern portion of his State should have a judge from the northern portion of his State assigned to try him?

Mr. CUMMINS. We never have made any distinction. We do not know any difference between the northern part of our State and the southern part of our State.

Mr. BROUSSARD. Would it aid in establishing confidence in the courts of the State if such were the case?

Mr. CUMMINS. The confidence never has been impaired in my State. Litigants would just as soon try their cases in the northern district as in the southern district and in the southern district as in the northern district. We have respect for and confidence in both our judges, and it never occurs to us, and I hope it does not occur to anybody that——

Mr. BROUSSARD. I would suggest to the Senator that I am familiar with the laws of the State of Louisiana, and there the constitution guarantees that a man shall be tried by the judge of the jurisdiction, except in certain cases where the accused party may ask for a change of venue. I do not know what the law is in the Senator's State, but I assume that it is the same.

Mr. CUMMINS. Does the Senator from Louisiana suggest that under no circumstances should a Federal judge outside of the State of Louisiana try a case in Louisiana?

Mr. BROUSSARD. No; but there are a number of districts in that circuit, and I claim that one of the judges in that circuit should be assigned to that district.

Mr. CUMMINS. There is no more community between the western tip of Texas and Louisiana than there is between Louisiana and Missouri, and therefore there is no more danger in taking a judge from without the circuit than there is in taking one from within the circuit.

Mr. BROUSSARD. That may be; but if that be a fact why not restrict the bill to the circuits?

Mr. CUMMINS. Simply because there are some circuits in which the amount of work is so great that the judges we have added here will be wholly unable to administer justice with the celerity required.

Mr. BROUSSARD. Then the Senator admits that this bill does not meet the demands?

Mr. CUMMINS. I do not admit it. On the contrary, I think it does meet the demands.

Mr. BROUSSARD. With this provision; but——

Mr. CUMMINS. It would meet the demands less perfectly, it would be less adequate, if this provision were stricken out. I quite agree to that.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. CUMMINS. Certainly. I yield.

Mr. CARAWAY. I happen to know, or else the spokesman of the people did not correctly represent them, that this bill with section 2 in it is being supported by a certain powerful influence because they believe that if judges in a certain circuit do not enforce the law according to their ideas they can send some other judge to that circuit to do it. I happen to have been approached by the representative of these people and urged to support the bill with section 2 in it; and he said that if section 2 was stricken out, the bill, so far as they take an interest in it, would be destroyed. It was the idea—and the man is a lawyer, and I understand that he gets $25,000 a year—that they would hold over a judge the constant threat, "If you do not enforce the law according to our ideas, we will put somebody else there who will"; and, if I may say so to the Senator from Iowa, in my section of the country we had a very striking example of sending in a judge who was not in sympathy with your views. Even I can remember when one sat upon the bench, and if you had a right you could not protect it, and therefore you had as well not have it at all. They were men of ability, too, and yet everybody shudders as he remembers the kind of justice that was dealt out under those men. One of them used to be chief justice of my State when they had the right to name a chief justice without consulting the people, and one sat on the Federal bench in my district; and I know, and the Senator knows, and we need not try to disguise from each other the fact that people may have wholly different ideas.

Suppose, for instance, the antilynching bill were to pass. Of course it never was intended to be passed; it was only a bid to induce the negro to continue to vote the Republican ticket; but if it were at some time to become the law, do you not know that there will be a constant threat held over the judges in some sections, "If you do not try these causes according to our view, we are going to get back of the matter with this powerful organization and send a judge there who will try them according to our idea"? That is a threat, and it is a thing that will do more to discredit the judiciary than anything else. It is a constant threat held over the judge that "if you do not try these causes the way we desire, if you do not get the results that we want, we will send somebody here that will." It is a humiliation to which no judge ought to be compelled to submit. Of course the Senator can laugh it away.

Mr. CUMMINS. I am wondering if the Senator has not disposed of his own objection when he said he felt there was no probability, or possibility even, that the antilynching law would be passed.

Mr. CARAWAY. I do not think the proponents of it were expecting to pass it. That is just merely an invitation to continue to be faithful.

Mr. POMERENE. May I interrupt the Senator a moment?

Mr. CARAWAY. Certainly.

Mr. POMERENE. Do I understand the Senator to say that there is an organization which intends to hold threats over the

judges in connection with their action in cases pending before them?

Mr. CARAWAY. A gentleman coming from the Senator's own State came to me about this bill, and wanted to know if I would support it. I said I could not support it with section 2 in it, and he said, "That is the thing we are most interested in. There are judges who do not enforce the law, and if we have not some power to send other judges into such districts, I do not know what we are going to do," and he followed me clear down the hall to argue with me that if I favored enforcing certain laws we would have to have section 2 in the bill, so that they could get a judge who was in favor of enforcing the law. The Senator from Iowa and I talked about that very matter yesterday.

Mr. CUMMINS. Inasmuch as the Senator has gone so far, I think he must go a little further, and he must not leave all the influences which are supposed to be about Washington under this cloud.

Mr. CARAWAY. Unless the gentleman who came to me and had the conversation should permit me to make it public, I shall have to decline to do it, though I have no doubt but what he has approached a great many other Senators on this same matter. He came to me with that idea. I know there are other Senators who are disgusted with it; I feel certain of that. I know, and the Senator from Iowa must know, that that is the only excuse for that provision in this bill.

Mr. CUMMINS. I want to assure the Senator from Arkansas that during all of the consideration of this bill in the committee I never heard a suggestion of that character. No member of the committee made any such suggestion, no one from the Senate made any such suggestion, and no one from the outside made any such suggestion. I do not doubt but that the Senator from Arkansas has been stating the facts accurately, but I think inasmuch as he has disclosed that part of it he ought to take measures so that he would be at liberty to disclose the rest of it.

Mr. CARAWAY. I shall very gladly communicate with the gentleman, because, while I do not think it was confidential, I have always hesitated to repeat private conversations; I am very much averse to doing that. I am astonished at the statement of the Senator that it has never been suggested that that was one of the ideas behind this provision, because members of the committee have suggested that very thing to me. It has been rather fully discussed and rather fully understood, and not later than 15 or 20 minutes ago a member of the committee discussed that very feature of it with me. I understood that section 2 had been stricken out of the bill, and then reconsidered and put back into the bill. Is not that true?

Mr. CUMMINS. That is true.

Mr. CARAWAY. It went out on account of hostility to sending alien judges into districts to try cases, to giving to the Chief Justice the power to send out a horde of judges all over this country to designated places, concentrating in his power the whole judiciary system.

Mr. CUMMINS. The Senator has mentioned two perfectly distinct things. It was presented to the committee and argued very earnestly, and for a time very effectively, by the Senator from Tennessee, that the power of assignment should not be enlarged, because it was better that the judges should be confined in their judicial work to their own States, or to their own districts. That is true; but when I say that it was never even hinted that there was any organization——

Mr. CARAWAY. I did not say that that was suggested in the committee.

Mr. CUMMINS. When I say it was never hinted that there was any organization interested in having this section as distinguished from some other provision of the bill, I say what I believe to be the fact. I have heard of that since the bill was reported, but I am sure all the members of the committee will bear me out in saying that no such suggestion was ever made in the committee, and it is perfectly shocking to me to have it thought that the Chief Justice of the United States and the nine senior circuit judges could be approached by any selfish interest in order to secure the assignment of judges to particular localities in the country.

Mr. CARAWAY. I presume the Senator can, and I will let him, choose his own language. I never said anybody could approach the Chief Justice.

Mr. CUMMINS. Under this bill the Chief Justice is the only person who can assign district judges beyond their own circuits.

Mr. CARAWAY. Suppose the Chief Justice is sick or absent; can not an associate justice do that?

Mr. CUMMINS. If the Chief Justice is absent or ill, he must have some one to act in his stead.

Mr. CARAWAY. I wanted to show the inaccuracy of the statement of the Senator that the Chief Justice alone could do it. I did not say there would be any corrupt or selfish motive. It might be the honest conviction of the Chief Justice of the United States that a certain judge was not disposing of the business as he believed it ought to be disposed of. He could send somebody else into that district to do it.

It is personal government, so far as the Chief Justice is concerned. It is wrapped up on the bosom of the Chief Justice to determine whether or not he ought to send judges to certain districts.

Mr. CUMMINS. Is not the Senator from Arkansas willing to put enough confidence in the Chief Justice to believe that he wants to have the judicial business of this country done, and that he will select judges, if they are to be sent out of the circuits in which they reside, with reference to the business to be done? If New York requires an additional judge, he will send one to New York. If Philadelphia requires an additional judge, he will send one there. I can not imagine how the business of this country can be done without such a provision. The Chief Justice has the power now with reference to the second circuit.

Mr. CARAWAY. The judges now can go if they are willing to go. I want to ask the Senator a question. The constitution of my State, and I expect of his State also, has a provision in it about which I want to ask him. The Senator asked me if I had confidence enough to trust to the Chief Justice. I would not intrust the liberties of this country to any one man selected for life, I do not care whether he was the present Chief Justice or one who has gone or the one who is to come after the present one. I have an idea that the makers of the constitution of the Senator's own State provided, as I know they provided in my State, that a man must be tried where he is accused of committing an offense. The makers of the constitution of my State said that there is not power enough under heaven to make a man go out of the county where he is accused of committing a crime to be tried. He has a right to be tried where the offense is alleged to have been committed, to be tried by a jury of his peers, men who know him. He has a right to be tried by the judge of that locality, and you can not force him out of that jurisdiction.

The makers of the Constitution were so jealous of the rights of the individual to a local trial, by people who knew him and knew the conditions, that they wrote a provision into the organic law that you can not remove him for any cause. If it transpired in a county in my State—and I suspect the same is true of the Senator's State—that you could not get a jury because practically everybody had formed or expressed an opinion, it would be thought best to let the man go untried, to let justice be defeated, rather than to give somebody the power to take him out of that jurisdiction, where a jury can be had, or to go out of that jurisdiction and bring a jury in.

Mr. CUMMINS. This does not change that.

Mr. SPENCER. Either side could have another judge. The accused is not entitled to a judge of the district in which he lives. Either the State or the defendant could remove the judge from the bench by a change of venue.

Mr. CARAWAY. The Senator does not know the constitution of my State.

Mr. SPENCER. Is not that true in Arkansas?

Mr. CARAWAY. Nobody can remove the judge except by impeachment. If everybody knew he was not enforcing the law, unless you could impeach him before the legislature, he would have a right to sit, and nobody would have a right to remove him.

Mr. SPENCER. Does the Senator mean to say that in the State of Arkansas, if either the defendant or the State makes an application for a change of venue on the ground of the prejudice of the judge, there is no provision by which another judge may be called into that district?

Mr. CARAWAY. No; you can not disqualify the judge. I dare say that in the Senator's own State there is a wise constitutional provision that a defendant can swear that the judge will not give him justice and he can go somewhere else.

Mr. SPENCER. That is not true in my own State.

Mr. CARAWAY. Can he not get a change of venue?

Mr. SPENCER. He does not go anywhere else, but they bring in another judge, and I suspect that is the law in Arkansas.

Mr. CARAWAY. I happen to know it is not the law. It is a good guess, but it is not the law. Under this bill, instead of trying to remove the defendant out of the jurisdiction, you give one man the power to send in a judge. Of course, all of us know about how influential and strong a trial judge may be in the Federal courts, with the power to question the veracity of every witness who appears for the defendant, if it is a criminal case, with the power to express an opinion as to the weight of

the testimony and the credibility of the witnesses; with the power to tell the jury that, in his judgment, the defendant is proven to be guilty of the offense of which he stands charged. If he does say somewhere in the charge, "Of course, you are the sole judges of the weight of the testimony and the credibility of the witnesses" that will remove all error. The trial judge may become as much of a tyrant now as Jeffreys was in England when he made his reign the infamy of the courts.

Mr. SPENCER. Mr. President, if the Senator from Iowa will permit me a moment, the power does not lie, under this bill——

Mr. CUMMINS. I must not stand here and have this immaterial argument go on.

Mr. SPENCER. Will the Senator yield to me for a statement?

Mr. CUMMINS. I yield for a statement.

Mr. SPENCER. Under the provisions of this bill the power does not rest in any single man or any single judge to send a judge from one circuit into another. There must first be the request of the senior judge of the circuit to which the man is to be sent, and then there must be the consent of the senior judge of the circuit from which the man is sent, and when those two combine, then the Chief Justice of the United States makes the designation. How there is any danger in that provision I do not see.

Mr. SHIELDS. The Senator is mistaken in the bill. No such thing is provided for. There is a clause in the bill allowing the Chief Justice to make the designations whenever in his opinion the public interest requires it. I am not going to interrupt the Senator from Iowa further to go into that.

Mr. SPENCER. I do not find that.

Mr. SHIELDS. The Senator has not considered the bill. He is not on the committee. If he looks at the bill he will find that it provides as I have stated.

Mr. SPENCER. I shall be glad to have the Senator point out that provision to me.

Mr. SHIELDS. I will do it at the proper time.

Mr. CUMMINS. When asked the question by the Senator from Arkansas, I was about to read that part of the bill which gives to the senior circuit judges the right to assign district judges.

The second paragraph of section 3 provides:

(2) Such designation shall be made by the senior circuit judge whenever he is satisfied that condition (a), (b), or (c) exists.

Mark you, that is when a judge is physically or mentally unable for the time being to perform his duties or is necessarily absent from his district; or—

(b) In aid of a district judge who on account of accumulation and urgency of business is unable to perform speedily all the work of his district.

(c) In aid of a district judge when the public interests so require.

The closing phrase of paragraph 2 is:

Whenever he is satisfied that condition (a), (b), or (c) exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable.

This is the provision, if Senators will carry the matter in mind, for the assignment of judges from one district to another in the same circuit.

Section 3 also amends section 14 of the Judicial Code as follows:

A circuit judge may be designated to act as district judge in any district of his circuit or of attached territory in any case where a district judge might be so designated.

That, of course, is for the purpose of utilizing as fully as possible the full strength of the circuit court of appeals. That is, when the circuit court of appeals can spare a circuit judge, that circuit judge can be assigned to the work of the district courts, and the designation is to be made by the senior circuit judge.

(3) This section shall apply to the circuit judges formerly comprising the Commerce Court.

I come now to the point that is particularly objectionable to the Senator from Arkansas.

SEC. 15. (1) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or its attached territory (called herein the aided district) in place of or in aid of a judge thereof in case—

Now appears the provision referred to by the Senator from Missouri [Mr. SPENCER]. These things must concur in order to warrant the assignment of a district judge beyond his home work:

(a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and

(b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States that neither the business of that district nor of other districts in that circuit will suffer by the proposed designation.

Those are the things that must be certified in order to give the Chief Justice the right to make the designation, and then it provides:

Such designation may be made by the Chief Justice, if, in his judgment, the public interests so require.

Mr. POMERENE. Mr. President, will the Senator yield for a moment?

Mr. CUMMINS. Certainly.

Mr. POMERENE. I think it may be pertinent to the feature of the bill which the Senator is now discussing for me to observe that in the State of Ohio, because largely of the rapid increase in our industrial centers, the litigation in those centers has very largely increased, and the litigation, perhaps, in the rural districts has been correspondingly decreased. About eight or nine years ago our legislature passed a law which authorized the chief justice of the supreme court of the State to take common pleas judges from one county or district and send them into other counties where there was an overcrowded docket. They even go to the extent of taking judges from counties where there is plenty of litigation to occupy their time and arrange an exchange with other counties.

There are 88 counties in the State, and I think in the eight or nine years that system has been in existence there has not been a single complaint against it. I believe my colleague would verify the statement in that behalf. I know it has been eminently satisfactory, not only to the judiciary but to the lawyers and to the litigants as well.

Mr. WILLIS. Mr. President——

Mr. CUMMINS. I yield to the junior Senator from Ohio.

Mr. WILLIS. I only want to confirm what my colleague has said. We have had exactly this system for a number of years. I am somewhat familiar with its operation, and I have yet to hear of the first complaint that has been made against its operation. It has worked perfectly, to the universal satisfaction of our people.

Mr. SHIELDS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Tennessee.

Mr. SHIELDS. The Senators from Ohio have just stated a condition that exists in every State in the Union. There is no such question in this matter. This is the case of sending lawyers from the Atlantic to the Pacific or from one State to another, from far-distant manufacturing States to agricultural States, mining States, or grazing States, where they have different systems of law, where they would be at a loss to administer the law in that particular jurisdiction to which they are going. In a State the same laws apply to every county, and there is nothing more common than an exchange of judges within the same State, administering the same law to the same people and trying them before the same jury. That is not a parallel case.

Mr. CUMMINS. It is difficult to understand the statement of the Senator from Tennessee in view of the fact that for years there has been the right of assignment within the circuit, and the circuit judge could assign a district judge in North Dakota to hold a court in Arkansas, and he could assign a district judge in Utah to hold court in Minnesota. There is as much variety in the nature of the cases which arise in that territory as there is in the entire United States.

I am afraid that we are beginning to think on very narrow and sectional lines. There never has been any complaint with regard to the assignment of judges. The only hope is, at least the only purpose is, that we shall be able to utilize the strength of these judges to the best possible advantage. If the Chief Justice finds that a district judge in Iowa has not sufficient business to fully occupy his time, he can send him to Ohio, he can send him to New York, he can send him anywhere, provided always that certain conditions which are prescribed in the bill are fulfilled.

The suspicion of the integrity of the appointing power or assigning power provided for in the bill is entirely new to me. It comes as the greatest surprise of my senatorial career. I did not know that Senators had any prejudice against the courts of the United States or any suspicion that they would not and do not discharge their duties with the utmost fidelity. It will take me at least a little while to become familiar with that idea, because I did not hear a word of it in the committee and I did not know that it exists in the Senate.

Mr. WILLIS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. WILLIS. Is it not a fact that the plan the Senator has been so clearly describing has been in effect for many years in

that provision of the law which makes possible the designation of district judges all over the United States into the second circuit?

Mr. CUMMINS. The law which allows the district judges to be assigned to the second circuit is not very old, but I think it has given the highest satisfaction. The judges who have been assigned to the districts in New York have performed their duties in a way that commended them, I think, not only to the people of New York, but to all the people who are familiar with their work.

(At this point Mr. CUMMINS yielded the floor for the day.)

Friday, March 31, 1922.

Mr. CUMMINS. Mr. President, when the Senate suspended the consideration of this bill some days ago I was considering section 3 of the measure, and inasmuch as some time has elapsed since the Senate had the matter under consideration, I am tempted to and I will venture upon some repetition, but as little as possible.

This bill in its first section provides for the appointment of 19 additional district judges of the United States. I had pointed out, in my former observations, the districts in which these additional judges were to be appointed and the circuits in which they are to be located. I do not think I need repeat what I said on a former occasion with regard to the necessity of an additional judicial force in our judicial system; at least I will not reiterate what I said before with regard to the state of the various dockets throughout the country.

If the report of the Attorney General, from which my statistics have been taken, is to be relied upon, it must be assumed that there is very great need of additional judges, for we now present the spectacle of both criminal and civil cases remaining undisposed of for years at a time. Just now there are thousands of civil cases which ought to be speedily disposed of. There are even more criminal cases which the lowest conception of the administration of justice requires shall be tried and judgments entered therein without delay.

After pointing out what the bill proposes with regard to the appointment of additional judges, I had passed to section 3, as I thought that logically it should be considered before we approached the consideration of section 2. Section 3 contains the provisions which are believed to be necessary with regard to the designation of judges to perform their judicial duties beyond the districts for which they were originally appointed.

A very considerable debate arose at this point in my discussion, and without referring to the general character of that debate, because there at once developed differences of opinion with respect to this part of the bill, I may say that it seems to be assumed that the bill proposed some very radical departure from the former policy of the country with regard to the designation of judges to perform their duties outside their own districts, and for the purpose of bringing my discussion to a close I take up at this time the present law upon that subject. Some Senators seemed to forget that we had any provision in our statutes authorizing the appointment or designation of district judges and other judges for work beyond their own districts, and I think I ought to make the existing law upon that subject perfectly clear, in order that we may intelligently consider what additional authority is given for the designation of judges.

Section 13 of the Judicial Code provides:

When any district judge is prevented, by any disability, from holding any stated or appointed term of his district court, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, any such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same circuit to hold said court and to discharge all the judicial duties of the judge so disabled during such disability.

Thus, as Senators will observe, in the case of the disability of a district judge to continue his duties a circuit judge may designate some other district judge to hold court in the district of the disabled judge, but it will also be observed that it must be within the circuit in which the home district of the disabled judge lies. I proceed:

Whenever it shall be certified by any such circuit judge, or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the Chief Justice—

I want Senators to remark that, because it will become a point of argument, and possibly of difference, when we come to consider the bill now before us—

The Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district in another circuit to hold said court and to discharge all the judicial duties of the judge so disabled during such disability. Such appointment shall be filed in the clerk's office and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk to the judge so designated and appointed.

I want to emphasize the provisions of this section of the statute. In the event of disability the circuit judge of the circuit may designate a district judge to supply the place of the disabled judge, but that designation must fall within the circuit within which the district lies, and when it is desired to designate a district judge for work beyond the circuit in which his district is, then the designation is to be made by the Chief Justice of the United States. I will point out a little later or more fully just wherein the proposed bill enlarges this authority. But the distinctive characteristic of the section I have just read is that there must exist disability on the part of the district judge whose place is to be supplied.

Section 14 of the judicial code provides—and mark this:

When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof. Each of the said district judges may, in case of such appointment, hold separately at the same time a district court in such district, and discharge all the judicial duties of the district judge therein. (36 Stat. L. 1089.)

It will be noted that this section provides for the very condition which we are attempting to guard against or to remedy in the present bill; that is, when there is an accumulation or urgency of business, the circuit judge may appoint any district judge to perform his judicial duties beyond his own district, but in the same circuit. So much we have provided in the pending bill.

Section 15 provides:

If all the circuit judges and the circuit justice are absent from the circuit, or are unable to execute the provisions of either of the two preceding sections, or if the district judge so designated is disabled or neglects to hold the court and transact the business for which he is designated, the clerk of the district court shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint in the manner aforesaid the judge of any district within such circuit or within any other circuit; and said appointment shall be transmitted to the clerk and be acted upon by him as directed in the preceding section. (36 Stat. L. 1089.)

Section 16 simply continues the power for making changes from time to time.

Section 17 provides:

It shall be the duty of the senior circuit judge then present in the circuit, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section 14, the district judge of any judicial district within his circuit to hold a district court in the place or in aid of any other district judge within the same circuit. (36 Stat. L. 1089.)

That means, of course, that the senior circuit judge may designate one of his associates to perform the duties of a district judge whenever the public interests so require.

Section 18 provides:

SEC. 18. Whenever, in the judgment of the senior circuit judge of the circuit in which the district lies, or of the circuit justice assigned to such circuit, or of the Chief Justice, the public interest shall require, the said judge, or associate justice, or Chief Justice shall designate and appoint any circuit judge of the circuit to hold said district court. (36 Stat L. 1089.)

These are the general provisions of the Judicial Code with regard to the designation of judges to hold courts in other places than those in which they ordinarily hold courts.

We have one special act which applies to the subject. In 1913 there was passed an act which applies only to the second judicial circuit. I assume that it was made applicable to that circuit alone because of the tremendous accumulation of business in and about New York City. I read that part of it which seems to be pertinent:

Whenever it shall be certified by the senior circuit judge of the second circuit, or, in his absence, by the circuit justice of said circuit, that on account of the accumulation or urgency of business in any district court in said circuit it is impracticable to designate and appoint a sufficient number of district judges of other districts within said circuit to relieve such accumulation or urgency of business, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district court in another circuit to hold a district court within the said second circuit, and to have and exercise within the district to which he is so assigned the same powers that are vested in the judge thereof: *Provided*, That such judge so designated and appointed shall have consented in writing to such designation and appointment; *And provided further*, That the senior circuit judge of the circuit within which such judge so designated and appointed resides shall certify in writing that the business of the district of such judge shall not suffer thereby. Such appointment shall be filed in the clerk's office and entered on the minutes of the said district court—

And so forth.

The thing that I wish to emphasize with regard to this special act is that we have not, in the bill now before us, enlarged

the powers of the Chief Justice further than to give him the right to designate or assign district judges to any of the circuits of the United States, precisely as in 1913 we gave him the power to assign district judges to any point in the second circuit. That is the substance of the additional power that we have given to the Chief Justice.

The pending bill differs from the special act in another respect. We have eliminated that part of the existing law which requires the consent of the designated judge. In every other respect there is no essential difference between the powers of the Chief Justice under the bill now proposed and the existing law relating to the second circuit.

I take up now, Mr. President, for very brief consideration the amendments which we have proposed to the law which I have just read. They are all in section 3 of the pending bill. I will comment upon them as I read them:

SEC. 3. That sections 13, 14, 15, 16, 17, and 18—

Which are the sections I have just read—

as amended by the act of October 3, 1913—

I have also read that act or its material parts—

of the Judicial Code, be amended to read as follows:

SEC. 13. (1) A district judge for a district may be designated to act in another district or the same circuit—

Senators will remark that there is a typographical error at that point which I will ask the Senate presently to correct. The word "or" should be "of."

another district of the same circuit (including territory attached thereto)—

(a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is to be necessarily absent from his district.

It will be noted that the only change we make in the present law so far as this paragraph is concerned is that we add the provision "or who is or who is to be necessarily absent from his district." I am sure that there can be no reasonable objection to the addition of that contingency for assignment or designation.

(b) In aid of a district judge who on account of the accumulation and urgency of business is unable to perform speedily all the work of his district.

There is practically no change whatever as compared with the present law in that paragraph.

(c) In aid of a district judge when the public interests so require.

That is no enlargement upon the existing law.

(2) Such designation shall be made by the senior circuit judge whenever he is satisfied that conditions (a), (b), or (c)—

And I have just read those conditions—

exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable.

The last phrase in that paragraph is added, but it is for the further protection of the home district and certainly no one can object to that.

SEC. 14. (1) A circuit judge may be designated to act as district judge in any district of his circuit or of attached territory in any case where a district judge might be so designated.

That is not essentially different from the present law.

(2) Such designation may be made by the senior circuit judge (who may designate himself) whenever he is satisfied that the occasion therefore exists and that the public interests so require.

That is simply a better and more complete expression of the thought of the existing law.

3. This section shall apply to the circuit judges formerly comprising the Commerce Court.

This is new in the present bill, and it ought to be explained, although possibly it is very clear to all Senators. A few years ago we created a court known as the Commerce Court. It was in existence a short time and was then abolished. The judges who comprised that court were circuit judges of the United States, and the bill which abolished the court provided that the circuit judges who composed the Commerce Court should be assigned to the several circuits for judicial work in those circuits. One of the judges was impeached, as we all know, which left four judges of that court, and they have been assigned to the several circuits. There is one assigned to the second circuit, one to the seventh circuit, as I remember, one to the fourth circuit, and one to the eighth circuit. The purpose of the paragraph which I have just read is to subject these judges to the same obligation in the way of designation and assignment as the judges who were regularly appointed as circuit judges and who compose the circuit court of appeals.

SEC. 15. (1) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or its attached territory (called herein the aided district) in place of or in aid of a judge thereof in case—

That is substantially provided for in the present law—imperfectly, it is true; but it is provided for completely, so far as the second circuit is concerned. This is to be done in case—

(a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and

(b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States that neither the business of that district nor of other districts in that circuit will suffer by the proposed designation.

Here are the conditions upon which district judges may be designated for the performance of judicial labor in other circuits than their own. In my opinion we have surrounded this power with some safeguards which are not found in the statute as it now exists. They are not found even in the special act which was passed with regard to the second circuit. The bill further provides:

(2) Such designation may be made by the Chief Justice if, in his judgment, the public interests so require.

That does not give the Chief Justice any higher authority than he now has, except that it covers a broader field. It gives the Chief Justice the same authority with regard to all the circuits of the United States that he now has completely with regard to the second circuit, but he can not exercise that power unless the senior circuit judge of the home district—that is, the district from which the district judge is to be taken, and the senior circuit judge of the district to which aid is to be given—shall certify to the matters and things contained in paragraphs (a) and (b).

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield to the Senator from Florida.

Mr. FLETCHER. I ask the Senator to yield to me for a question. Under subdivision (a), for instance, will the senior circuit judge of the district where aid is needed simply certify that there is need of the aid of an additional judge in that district generally, or will he certify that there is need of the aid of an additional judge and point out what judge and from what district he wants him to come, or will he simply certify that there is need of an additional judge in a certain district; and then is it for the Chief Justice to call on some senior circuit judge in some other circuit to ascertain whethere or not he could spare from that circuit a district judge, and then certify the district judge?

How will the Chief Justice be able to designate a particular judge from a certain circuit to be sent to a given district unless there is some specification as to the judge?

Mr. CUMMINS. The practical application of this bill, if it becomes a law, will be found in section 2, to which I am shortly to refer. Necessarily, even at the present time, there must be some communication between the Chief Justice and the senior circuit judge in order to reach a conclusion with regard to the need of additional help in a particular district. At the same time there must be some communication between the Chief Justice and the senior circuit judge of the circuit from which the judge is to be taken in order to ascertain whether, without injury to the public service, that judge may be taken from that circuit, and from what particular district he shall be taken in order to best serve the public interest.

Mr. FLETCHER. That is what I have in mind; that section 2 authorizes the Chief Justice "if, in his judgment, the public interests so require" to make the designation. It may be in the practical working out of the act these communications will develop the need and how the need may be supplied; but in subdivision (a) all that is required as to a circuit that is in need of an additional district judge is that the senior circuit judge shall certify to the Chief Justice that there is such a need. The bill does not point out how it is to be supplied or from what circuit a designation is to be made, or anything of the kind. The Chief Justice is given authority to make the designation; but how will he know from which circuit to make the designation unless he follows that up by inquiring in the different circuits?

Mr. CUMMINS. That may only be ascertained by preliminary communication between the Chief Justice and the senior circuit judges of the two districts which are concerned.

Mr. SHIELDS. Will the Senator from Iowa allow me to answer the inquiry of the Senator from Florida?

Mr. CUMMINS. I yield.

Mr. SHIELDS. The bill grants broad and unlimited discretion to the Chief Justice to select from the circuit the judge whom he wishes to select.

Mr. CUMMINS. I take it, Mr. President, that it would be unnecessary to put into the bill specific provisions with regard

to every step that must be taken in order to provide for the exercise of the power which we have given to the Chief Justice; but, as I remarked, that is one of the important reasons supporting section 2, to which, as I understand, my friend from Tennessee [Mr. SHIELDS] is not devotedly attached; but we will discuss that later.

I now read paragraph (3), of section 15, which is as follows:

(3) For the purposes of this section the District of Columbia is to be deemed one of the districts which may be aided and likewise a circuit, the Supreme Court of the District of Columbia is to be deemed a district court to which designations may be made, the justices of the court of appeals as circuit judges, and the chief justice thereof as the senior.

The application of that paragraph lies here: Judges of the district court, and in some cases of the circuit court, may be designated for judicial work in the District of Columbia, and judges may be brought, I assume, from any part of the country to aid the Supreme Court of the District of Columbia in the work which has accumulated in this District; but it is to be observed that there is no power given to assign the judges of the Supreme Court of the District of Columbia to labor beyond the District of Columbia.

SEC. 16. (1) The designation provided for by sections 13, 14, and 15 shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.

I will not read the remainder of section 3, because I assume that there will be found no objection to the remaining parts of that section. It simply embraces what might be called the administrative portions of the proposed law and provides for presenting and preserving the evidence which shows that a judge doing his work in a particular place has authority under this proposed act to do it.

Section 4 of the bill proposes to create a new circuit judge for the fourth circuit.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield to the Senator.

Mr. SHIELDS. Before the Senator leaves the provisions of the bill which he has been discussing, authorizing the Chief Justice to designate judges to sit in different parts of the United States, I desire to ask him whether he thinks that power is necessary? The Senator will bear in mind other provisions of the bill creating 19 new judges to relieve the congestion which it was expected the Chief Justice would relieve by assigning judges; and, in addition to those 19, the Senator will also bear in mind there are amendments now pending, I believe, providing for six or eight other judges. If this bill shall pass, there will be some 25 judges, and therefore there will be no necessity of giving this great and unlimited and dangerous power to the Chief Justice to send judges around to try particular cases at particular places. I repeat my question, however, which is, If the appointment of the 19 or 25 new judges which are asked for shall be authorized, will there be any necessity of giving this additional power to the Chief Justice?

Mr. CUMMINS. Mr. President, I think that section 3, amending the several sections of the Judicial Code, is very desirable, even though we add no judge to our judicial force. I think that section is a great improvement in phraseology, and in its effect and in its administrative provisions, if you please, it is very much better than the present law; but I quite agree that if we had added no district judges to our system, in all probability section 3 would not have been considered necessary. However, inasmuch as we are adding very materially to our judicial force, it seems to be wise at the same time to revise these sections of the code. So far as the power of the Chief Justice is concerned, however, there is no considerable or appreciable addition to that power. There is one great change, and that is that when assigning judges to the second circuit under the existing law we must have their assent to the designation, whereas if section 3 is passed as it is now their assent will be unnecesary.

Mr. OVERMAN. Mr. President, does not the Senator see that there is a great change here in our judicial system, partaking of a military feature, in that we have a staff and chief of staff for the judiciary, and provide for the staff to be called to Washington to meet, and the chief of staff, the Chief Justice, will assign these men? Is not that an entire change in the system? Does it not partake of a military feature that we ought not to bring into force in connection with the judicial system?

Mr. CUMMINS. I think not. I am utterly unable to perceive any approach to a military system. The complete independence, the complete separation of the judicial system from all other departments of the Government, are preserved in this law even more sedulously than in the existing law.

I think my friend from North Carolina has one of those beautiful imaginations which are able to conjure up parallels where they do not exist. No; I am bound to say to the Senator from North Carolina that I have no such apprehension, and do not find in this bill any such suggestion.

Mr. SHIELDS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Tennessee.

Mr. SHIELDS. I should like to say that I differ with the Senator's statement that the complete separation of powers is preserved in this bill. On the contrary, I will undertake to show that they are very much confused, and that it is proposed to give the Chief Justice both legislative and executive powers; but that really is not the question I rose to discuss. As to an analogy of this to the military organization, what does the Senator think about its being copied after the system now prevailing in England, in which the Lord High Chancellor is the head of the judiciary? Chief Justice Taft, in his evidence before the Judiciary Committee of the House, testifying in behalf of this bill, said that he was the executive head of the judiciary. Now, the Lord High Chancellor of England is both a judicial and a political officer. He goes in and out with an administration. Are we not somewhat copying after the system in England in creating a political as well as a judicial head of the Federal judiciary?

Mr. CUMMINS. No, Mr. President; I see no similarity at all; and I must dissent from the statement of the Senator from Tennessee and declare, as far as my mind can comprehend the question, that under existing law the Chief Justice does not perform any legislative function, nor does the Chief Justice or any other judge perform any executive function, properly speaking. The Supreme Court of the United States appoints its clerk. It may be that the Senator from Tennessee has in mind that that is an objectionable executive function. Every district judge appoints the clerk of his district. That appointment must be made by some one, and I take it that the fact that appointments of that character are made by judges does not indicate that our judiciary is attempting to intrude itself upon either the legislative or the executive branches of the Government.

The appointment of a clerk by a court, while it has some executive characteristics, is not, properly speaking, an executive function; and that is true, of course, of all the officers that may be necessary to make up a completed system. I reply further to the Senator from Tennessee that this bill does not give to the Chief Justice a single function or a single power that he does not already have in character.

Mr. SHIELDS. Mr. President, we will disagree about that; but I want to refer to the statement the Senator made awhile ago that the appointment of a clerk was not an executive function. My recollection of the authorities is that all appointments to office are, in strictness, executive acts—executive functions. That is so stated in the textbooks upon the subject of the separation of powers. They all lay down that rule; but our constitutions, both Federal and State, do not follow that strict division of power but authorize the appointing power to be vested in judges and in legislative departments, and, of course, we are bound by the constitutions. As to the appointment of clerks by Federal judges, that is authorized by the Constitution. It is executive but it is constitutional.

Mr. CUMMINS. I agree entirely with the Senator from Tennessee; and it may be remembered that in my suggestion I said that the appointment of a clerk is an act of an executive character, but when performed by a judge—authorized, of course, by the law—it does not constitute an invasion of the executive branch of the Government or an invasion of the legislative branch of the Government.

Mr. SHIELDS. Because authorized by the Constitution.

Mr. CUMMINS. I am sure the Senator from Tennessee and I will agree upon that.

Mr. SHIELDS. Certainly; but that particular authority of the judiciary is conferred by the Constitution.

Mr. CUMMINS. It, of course, is conferred by the Constitution, or it could not be done and would not be done.

I was remarking, when interrupted by the Senator from Tennessee, that the fourth section of this bill provides for an additional circuit judge for the fourth circuit. Senators will recall the composition of the fourth circuit. It consists of the States of Maryland, Virginia, North Carolina, South Carolina, and West Virginia. This circuit never has had but two regular circuit judges. It is the only circuit in the United States which had not been previously provided with at least three circuit judges. You all know that the circuit judges constitute the circuit court of appeals; and until Judge Knapp, who was formerly a member of the commerce court, was assigned to the fourth circuit, that circuit had but two judges. The committee was of the opinion that the business in that circuit and the conditions which surround it entitled it to a third circuit judge, and section 4 so provides.

I now approach the part of the bill which has seemed to alarm some of my friends upon whose judgment I usually confidently rely, but which, as it seems to me, is not only a desirable part of the bill but, I think, it is a necessary part of the bill if the distribution of our judges throughout the country in order to accomplish more perfectly than is now being done their judicial work shall be successful. I will take the liberty of reading it. Allow me first, however, to remind Senators that section 3 of the bill, as well as the present law, imposes the duty of designation upon two classes of judges. When district judges are to be designated within their respective circuits, the senior circuit judge executes that duty. When district judges are to be designated to points beyond their respective circuits, the chief justice is to perform that task.

I want Senators to remember that this division of authority—and it is a necessary division of authority—requires absolutely, and by virtue of its own arrangement, some kind of consultation between the circuit judges and the Chief Justice. The inquiry of the Senator from Florida [Mr. FLETCHER] made that very clearly apparent. When the Chief Justice has the authority to take a judge from a circuit and assign him to duty outside the circuit, and the senior circuit judge of that circuit has the authority to take a district judge and assign him for duty within the circuit, in order to avoid conflict there must necessarily be a consultation between the Chief Justice and the circuit judges. This consultation might be carried on—I concede that—by correspondence. It could be done by correspondence, but it will not be as well and as efficiently done through correspondence as it will if carried on in the way set out in section 2, and that section I proceed to read:

SEC. 2. That it shall be the duty of the Chief Justice of the United States, or, in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September at Washington, or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each circuit. If any of said senior circuit judges is unable to attend, the Chief Justice, or, in case of his disability, any justice of the Supreme Court in the order of seniority, may nominate any other circuit or district judge belonging to the circuit whose senior circuit judge is unable to attend, that each circuit may adequately be represented at said conference.

It shall be the duty of every senior or other circuit or district judge to attend such conference, and to remain throughout its proceedings, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

It shall be the duty of the senior district judge of each district court of the United States to make, on or before the 1st day of August of each year, a report to the senior circuit judge as to the condition of the business in his district and a recommendation as to what additional judicial force, if any, is needed to dispose of the business of such district with reasonable dispatch.

That provision is made in order that each circuit judge may come to the conference fully informed with regard to the state of the business in every district in his circuit. Now, speaking of the district judge, it provides:

It shall not be sufficient for him merely to state in his report the cases as shown upon the docket of the court, but, after investigation, he shall express his best judgment as to the condition of business existing or likely to arise in his court during the ensuing year. The senior circuit judge, or, in his absence, a judge representing the circuit at the conference, shall present such reports to the conference, with a summary thereof, and his comments thereon.

If this part of the bill becomes a law, there will then be a conference of all the circuit judges, together with the Chief Justice, and each of those circuit judges will be armed with a complete report of the state of the business in every district in his circuit. They will come prepared to confer in an intelligent way, looking to the dispatch of judicial business everywhere throughout the country. I read again:

The Attorney General shall, upon the request of the Chief Justice, report to such conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

The Attorney General makes his report only upon the request of the Chief Justice. It would be a very appropriate thing always to make that report, because so large a part of the business pending in the various district courts throughout the country, and in the circuit courts of appeals as well, is business in which the United States is interested; that is, it consists of causes to which the United States is a party. I continue reading:

The said conference shall be presided over by the Chief Justice of the United States, or, in case of his disability, by any justice of the Supreme Court in the order of seniority.

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

Instead of having occasional and disjointed and disconnected communications between the Chief Justice and the various circuit judges, we have provided for a meeting at which the requirements of all the districts can be considered and compared, and if it is necessary to designate judges for work outside their districts, it can be done with some comprehension of the real needs of the country, and it can be done in no other way.

I appeal to the good sense of Senators, and ask them if they were members of the judicial force and wanted to distribute that force throughout the country so that the greatest efficiency could be secured, would they not insist upon a consultation which would disclose these needs? The needs can not be considered in their absolute sense. They must be considered in their comparative sense. A great many of the courts, at least when they give their account of the business pending before them, will indicate that they need additional force, but there must be a comparison of these necessities, so that the public welfare may be most certainly promoted.

The last paragraph of this section is as follows:

The Chief Justice and each justice or judge summoned to and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the Chief Justice.

I have read section 2 in its entirety, and will not comment upon it further than to say that it does not increase the power of the Chief Justice in any respect. It simply enables the Chief Justice to do the work which has been committed to him in section 3 more understandingly than he otherwise could perform it. It does not add to or take from the authority of the senior circuit judges in any form. They are left with exactly the same authority that section 3 reposes in them, but it does enable these circuit judges, comparing the needs of their circuits with the needs of other circuits, in a conference of which every senior circuit judge is a member, to arrange the designations or the assignments so that the maximum judicial work will be performed.

I am utterly unable to understand the objection to this section. I can understand how great differences of opinion may arise upon the first section of the bill. Some may think we do not need any additional judicial force. Some may honestly and sincerely believe that we do not need so large an addition to the number of our judges as is provided in that section. Others may believe that we need to add still more circuit judges for the reasonable dispatch of the business which comes before them. All these things I can understand, but I can not understand how Senators who believe that there ought to be additional judges, and who believe that by reason of population and commerce and all other conditions out of which litigation grows there are some communities or localities of the United States which are deprived of sufficient judicial force, and therefore that assignment or designation is necessary from one district to another or from one circuit to another, can possibly object to the provisions of section 2, which are simply intended and the only purpose of which is to make the provisions of section 3 intelligently workable.

Mr. President, I do not intend to further continue my discussion of the bill at this time, but before it is taken up by other Senators I would like to have the opportunity of perfecting the amendment of the committee in the nature of a substitute by making some minor amendments which have appeared to be necessary since the bill left the committee.

On page 13, line 14, I move that the word "or" be stricken out and that the word "of" be substituted in lieu thereof.

The amendment to the amendment was agreed to.

Mr. CUMMINS. In line 2, page 15, I move to strike out the word "by," which is used twice through a typographical error, so that that line would read, "in that circuit will suffer by the proposed designation."

The amendment to the amendment was agreed to.

Mr. CUMMINS. In line 16, page 16, there is a misprint. The word used is "cout," if that be a word. I move to strike it out and to insert the word "court."

The amendment to the amendment was agreed to.

Mr. CUMMINS. In lines 2 and 3, page 17, I move to strike out the words "the chief justice or associate justice allotted to that circuit, or by." That is simply a repetition of language found in another place in the bill.

The amendment to the amendment was agreed to.

Mr. CUMMINS. In line 8, page 17, I move to strike out the words "this section or."

The amendment to the amendment was agreed to.

Mr. CUMMINS. In line 22, page 17, after the word "appointed," I move to strike out the comma and insert a period.

The amendment to the amendment was agreed to.

Mr. CUMMINS. With these suggestions, Mr. President, I give way to other Senators.

Mr. SHIELDS. Mr. President, the Senator from Iowa who has charge of this bill and I differ widely upon pretty nearly every proposition that is presented in this bill. We disagree as to the constitutionality of certain provisions of the bill vesting very large and unprecedented powers in the Chief Justice of the United States over the judges of the circuit courts of appeal and the judges of the district courts of the United States.

We differ as to the propriety and the policy of the provisions for the mobilization of the Federal judiciary with the Chief Justice as commander in chief. We differ as to the necessity of designating judges from one circuit to hold court in another circuit, as I believe there are ample judges now to dispose of all the business in the district courts of the United States without such designation. Certainly if the number of judges is increased, as proposed by the bill, there will be no necessity of designating a district judge from one circuit to another, and the provisions giving these vast powers to the Chief Justice, both executive and legislative in character, will be wholly unnecessary and inadvisable.

We differ entirely upon the statement made by the Senator from Iowa when he began his presentation of the bill upon a former day, that there was a shocking condition in the Federal courts of the United States, that there were thousands of cases that could not be tried, that there was a congestion of both civil and criminal business, and that there was a demand for a large increase of judges, although the Senator said in his personal opinion there was no such increase demanded as is provided in the bill as reported to the Senate.

Now, Mr. President, as we differ so widely, I wish to go at some length into the general principles that control legislation of this character before I come directly to the provisions of the bill. I am led to do this because I believe the bill is of a most revolutionary character. I believe it contains the germs, at the least, of the most serious assault that has ever been made upon the integrity and independence of the judiciary of the country. I believe that I can demonstrate that by analyzing the provisions of the various bills from which this one was finally formulated.

Mr. President, the legislation which the Senate is now considering did not originate with the Congress. The bill first introduced in the Senate was prepared under the direction of the Attorney General, with the approval of the Chief Justice, and those high officers advocated its passage before the Committees on the Judiciary of the Senate and the House of Representatives.

The bill now under discussion closely follows that bill in many important particulars, and contains provisions which have a dangerous tendency, conflict seriously with the spirit if not the letter of the Constitution and the long-established policy of the Congress concerning the judiciary, and are revolutionary in their character.

Mr. President, the American people have been afflicted for some years with a mania for changing their form of government, its organic and statutory laws, its matchless common-law jurisprudence, the accumulated wisdom of centuries, and the great traditional policies established by the fathers, under the beneficial and successful administration of which our people have been happy and prosperous and our country grown great and powerful. This compelling desire for innovation approaches a great national disease. It has not been confined to the radicals of foreign birth who give utterance to their seditious and treasonable views in public meetings and certain publications of more or less general circulation. It has affected some of our public men and has appeared in legislative proposals and in the coloring and tendency of legislative and judicial pronouncements with greater or less virulence. It has among certain classes assumed the form of proposals for the overthrow of our Government by violence and bloodshed, but its most dangerous form are pacific measures to be written into law which in the end mean peaceful revolution and the destruction of the wisest system and scheme of government ever invented and put into operation in any age. This pestilential malady has recently developed in most unexpected places, and, I regret to say, is now directed against the independence of the judiciary.

The Constitution of our country and the great principles guiding those who framed it are, I am aware, familiar to Senators, and ordinarily it is a useless consumption of time to discuss them; but it has been well said that when contemplating changes in our organic, statutory, or common law it is always useful to refer to elementary principles that we may have them in mind in providing for what are supposed to be defects in the law and proper remedies for those defects.

The great corner stone of our form of government and the keystone of its organic structure is the principle requiring the separation of the powers of Government—the executive, the legislative, and the judicial—into three great coordinate and independent departments to be exercised by the particular department in which the powers are vested, without interference from the other departments and through different persons and officers. This division and separation of powers constitutes the great checks and balances of our system of government, which it is conceded have saved us from executive usurpation and despotism, tyranny of legislative majorities, preserved the independence of the judiciary, and contributed more than any other principle to the stability and permanence of our institutions and the protection of the civil and political rights of the people.

Mr. Justice Miller summed up the merits of the principle of the separation of the powers of government under our system in the case of Kilbourn *v.* Thompson (103 U. S. 188) as strongly as ever has been done by any jurist. The justice there says:

> It is believed to be one of the chief merits of the American system of written constitutional law that all powers intrusted to the Government, whether State or National, are divided into the three grand departments—the executive, the legislative, and the judicial; that the functions appropriate to each of these branches of Government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of the system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no others.

I will also read the opening paragraph of the chapter upon the separation of powers, found in Willoughby on the Constitution, where the principle, its importance, and the far-reaching consequences of confusing the executive, the judicial, and legislative powers and allowing individuals of one of these departments to exercise the powers of another department, are stated concretely and forcefully:

> A fundamental principle of American constitutional jurisprudence, accepted alike in the public law of the Federal Government and of the States, is that, so far as the requirements of efficient administration will permit, the exercise of the executive, legislative, and judicial powers are to be vested in separate and independent organs of government. The value of this principle or practice in protecting the governed from arbitrary and oppressive acts on the part of those in political authority has never been questioned since the time of autocratic royal rule in England. That the doctrine should govern the new constitutional system established in 1780 was not doubted. Washington, in his farewell address, said: "The spirit of encroachment tends to consolidate the powers of all governments in one, and thus to create, whatever the form of government, a real despotism."
>
> Madison, in the Federalist, wrote: "The accumulation of all powers, legislative, executive, and judicial, in the same hands, whether of one, a few, or many; whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny." John Adams wrote: "It is by balancing one of these three powers against the other two that the efforts in human nature toward tyranny can alone be checked and restrained and any degree of freedom preserved." And Hamilton asserted: "I agree that there is no liberty if the powers of judging be not separated from the legislative and executive powers." Webster states the same doctrine when he says: "The separation of the departments (of government) so far as practicable and the preservation of clear lines between them is the fundamental idea in the creation of all of our constitutions, and doubtless the continuance of regulated liberty depends on maintaining these boundaries.
>
> "Under the influence of this doctrine most of the States in their first constitution incorporated what have since been known as 'distributing clauses.' Thus Massachusetts in her constitution, adopted in 1780, provided that 'in the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise legislative and judicial powers, or either of them; the judicial shall never exercise legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men."

Mr. President, the abandonment of this great fundamental principle means either executive supremacy, legislative oligarchy, or a judicial autocracy, any of which would be intolerable.

While it is perhaps too much to assert that one of the three coordinate departments is of greater importance than the others, yet it is generally conceded that the judiciary is the balance wheel of our system and the great bulwark of the liberties of the American people. If our Government is to last and our free institutions be preserved the judiciary must be upheld and kept separate and independent of the executive and legislative departments. It is the citadel and guardian of the Constitution and has in the last analysis the supreme power of interpreting that great charter of our liberties.

The courts come closer to the people than the other departments. They protect and enforce their civil and political rights. They adjust their most intimate domestic relations. They protect the living and settle the estates of the dead.

They decide their contractual controversies and redress trespasses to person and property.

Placed apart and above political intrigue and strife, the blandishments and storms of popular favor and disfavor, and all struggles for partisan advantage and supremacy that beat upon the other departments, they have justly acquired and hold the confidence of the people to a greater extent than those departments.

Daniel Webster, in discussing the judiciary in the House of Representatives, said:

I look upon the judicial department of this Government as its main support. I am persuaded that the Union could not exist without it. I shall oppose whatever I think calculated to disturb the fabric of government, to unsettle what is settled, or to shake the faith of honest men in the stability of the laws, or the purity of their administration.

The distinguished Attorney General, Hon. Harry M. Daugherty, recently said in an able and eloquent public address in this city:

I believe that this Government will stand as indestructible as our mighty hills and majestic mountains, and that there shall continue to flow from it benefits for our people as copious as the waters of our streams and rivers. I do not believe that any branch of our Government shall fail, but to the judiciary, more than to anything else, must we look for the preservation and perpetuation of our Government. A wise and courageous judiciary, resting on the confidence of the people, will save it from disintegration, revolution, and destruction.

The Congress has no higher and more important duty than to guard, protect, and preserve the independence of the courts and the judges, and keep them absolutely free from all political and other hurtful influences.

Chief Justice Marshall, in speaking of the independence of the judiciary in the Virginia Convention in 1829, said:

The judicial department comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not to the last degree important that judges should be perfectly and completely independent, with nothing to control them but their God and their conscience? I have always thought from my earliest youth till now that the greatest scourge an angry heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent judiciary.

I will again quote from Daniel Webster. In the Constitutional Convention of Massachusetts, 1820, speaking upon the same subject, he said:

There is nothing, after all, so important to individuals as the upright administration of justice. This comes home to every man; life, liberty, reputation, property, all depend on this. No government does its duty to the people which does not make ample and stable provision for the exercise of this part of its powers. Nor is it enough that there are courts which will deal justly with mere private questions. We look to the judicial tribunal for protection against illegal or unconstitutional acts, from whatever quarter they may proceed. The courts of law, independent judges, and enlightened juries, are citadels of popular liberty, as well as temples of private justice. The most essential rights connected with political liberty are there canvassed, discussed, and maintained; and if it should at any time so happen that these rights should be invaded, there is no remedy but a reliance on the courts to protect and vindicate them.

The Supreme Court of the United States is, of course, the most important and powerful of all our courts. Its jurisdiction and powers and its successful judicature is beyond the comprehension and grasp of the lawyers and statesmen of other nations. They have no court comparable to it. It has power to determine when the executive and legislative departments exceed their constitutional powers and limitations, and to declare their acts void. It has jurisdiction of sovereign States, and to determine when their constitutions and legislative acts violate the Federal Constitution, and to review the judicial decisions of their highest courts when they concern the Federal Constitution and laws. It has jurisdiction of controversies between the sovereign States and between them and foreign Governments. Its jurisdiction also extends to controversies between individuals and corporations in a large number of most important matters.

It has in numerous instances so wisely and justly determined and settled great questions which have shaken our Government to its very foundation and threatened to disrupt and destroy the Republic as to avert such disastrous consequences.

It is the duty of the American people to uphold it in the high position the Constitution has placed it and keep it separate and apart from everything that would detract from its purity and its power and the confidence in which the people hold it. This can only be done by guarding it from all encroachments, however small and however harmless they may seem, by the other departments, and from all the political influences which follow participation in executive, legislative, or political activities. It is equally important that it be kept within its constitutional limitations.

Mr. President, the dignity, the integrity, and the independence of the district courts and the circuit courts of appeals must also be protected and upheld. The district courts come close to the people, and there should not be even the shadow of dependence cast upon the judges presiding in them. Subject to review for errors of law and fact that may be committed, their judges should be as free, untrammeled, and independent in thought and judgment as the Chief Justice of the Supreme Court of the United States. They must not be made subservient to or dependent upon the favor of the judges of the higher courts. The people's respect for them must not be lowered and their confidence in them must not be lessened if their efficiency in maintaining peace and order and the administration of justice is to be sustained.

I wish here, at the risk of wearying the patience of the Senate and of being subject to servility of quotation, to again read from the great speech of Daniel Webster upon the importance of the judiciary in our governmental system and the great care that should be taken in shielding it from all influences that tend to lower it in the respect and confidence of the people:

But of the judicial branch of the Government and of the institution of the Supreme Court, as the head of that branch, I beg to say that no man can regard it with more respect and attachment than myself. It may have friends more able; it has none more sincere. No conviction is deeper in my mind than that the maintenance of the judicial power is essential and indispensable to the very being of this Government. The Constitution without it would be no constitution; the Government, no government. I am deeply sensible, too, and, as I think, every man must be whose eyes have been open to what has passed around him for the last 20 years, that the judicial power is the protecting power of the whole Government. Its position is upon the outer wall. From the very nature of things and the frame of the Constitution, it forms the point at which our different systems of government meet in collision, when collision unhappily exists. By the absolute necessity of the case the members of the Supreme Court become judges of the extent of constitutional powers. They are, if I may so call them, the great arbitrators between contending sovereignties. Every man is able to see how delicate and how critical must be the exercise of such powers in free and popular governments. Suspicion and jealousy are easily excited, under such circumstances, against a body, necessarily few in number and possessing by the Constitution a permanent tenure of office. While public men in more popular parts of the Government may escape without rebuke, notwithstanding they may sometimes act upon opinions which are not acceptable, that impunity is not to be expected in behalf of judicial tribunals. It can not but have attracted observation that in the history of our Government the courts have not been able to avoid severe and sometimes angry complaint for giving their sanction to those public measures which the representatives of the people had adopted without exciting particular disquietude. Members of this and the other House of Congress, acting voluntarily and in the exercise of their general discretion, have enacted laws without incurring an uncommon degree of dislike or resentment; and yet, when those very laws have been brought before the court and the question of their validity has been distinctly raised, and is necessarily to be determined, the judges affirming the constitutional validity of such acts, although the occasion was forced upon them and they were absolutely bound to express the one opinion or the other, have, nevertheless, not escaped a severity of reproach bordering upon the very verge of denunciation. This experience, while it teaches us the dangers which environ this department, instructs us most persuasively in its importance. For its own security and the security of the other branches of the Government it requires such an extraordinary union of discretion and firmness, of ability and moderation, that nothing in the country is too distinguished for sober sense or too gifted with powerful talent to fill the situations belonging to it.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Tennessee yield to the Senator from Louisiana?

Mr. SHIELDS. I yield.

Mr. BROUSSARD. There are so few Senators present to listen to the argument of the Senator from Tennessee that I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harris	Nicholson	Spencer
Borah	Heflin	Norbeck	Sterling
Broussard	Johnson	Norris	Sutherland
Bursum	Jones, Wash.	Oddie	Swanson
Cameron	Keyes	Overman	Townsend
Capper	King	Page	Trammell
Caraway	Ladd	Phipps	Underwood
Colt	Lenroot	Poindexter	Wadsworth
Culberson	Lodge	Ransdell	Walsh, Mass.
Cummins	McKinley	Rawson	Warren
Dial	McNary	Sheppard	Watson, Ga.
Fletcher	Moses	Shields	Weller
France	Nelson	Shortridge	Williams
Hale	New	Simmons	Willis

Mr. SUTHERLAND. I desire to announce that the following Senators are detained from the Senate in attendance upon the Committee on Finance:

The Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], and the Senator from New York [Mr. CALDER].

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, a quorum is present.

Mr. SHIELDS. Mr. President, what have these well-established policies, evident truths, and sound principles to do with

the bill before the Senate, you may ask of me. I will go directly to that subject.

The first bill introduced in the Senate and the House, in August, 1921, of the series of bills which the Committee on the Judiciary considered before finally reporting the one before the Senate, prepared under the direction of the Attorney General, and which he and the Chief Justice approved and appeared before the Senate and House committees and advocated, in my opinion violated the spirit, if not the letter, of the constitutional separation of the powers of government, and certainly the long-established policy of the Congress in the creation of district judges, and is the most serious assault that has been made upon the purity, integrity, and independence of the judiciary in many years.

While some of the most obnoxious provisions of that bill do not appear in the present bill, I will briefly refer to them as showing the radical changes and innovations which it was proposed to make in our judicial system, which after all in a milder degree are reflected and appear in the provisions of the bill reported, to which I will come later.

That bill, Mr. President, by section 1 provided for the creation of 18 judges, 2 from each of the 9 judicial circuits, to be known, in the language of the bill, as judges of the district court of the United States at large. They were not attached to any court or required to reside in any district in conformity to the present practice and system.

The second section—and this is found in the present bill—provided that the Chief Justice of the United States, or, in case of his disability, one of the other justices of the Supreme Court, as soon as might be after the passage of the bill, and annually thereafter, should summon to a conference on the last Monday of September at Washington, or at such other time and place in the United States as the Chief Justice might designate, the senior judge of each circuit, or, in his absence, some other circuit judge or district judge. It was made the duty of every senior judge or other circuit or district judge to attend this conference, and to remain throughout its sessions, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States might be improved. In other words, it did not relate alone to the congestion of business and the assignment of judges, but provided for almost unlimited superintendence or oversight of their circuits.

Mr. President, this section and the one similar to it which appears in the bill that was finally reported might be called the social section of the bill. It is a great social function of the judiciary of the United States, presided over by the Chief Justice, here in Washington or at any other place—at times it may be at White Sulphur Springs in Virginia, or at San Francisco, or at Colorado Springs in Colorado, or any other nice place—to meet and talk over the judicial affairs of the United States and such other matters that they may enjoy. All of their expenses are to be paid, or at least $10 a day and traveling expenses are allowed. Let any Senator examine this provision, and if he can really find any merit in it except that of a social function, I shall be astonished.

I think that the judges ought to have seasons of enjoyment and recreation; but they ought to have them at their own expense and in times of vacation, and not at the public expense, as provided in this bill.

Mr. KING. Mr. President, may I interrupt the Senator? Will the Senator later on recur to this section?

Mr. SHIELDS. Yes; I will.

Mr. KING. Then I shall not interrupt the Senator now.

Mr. SHIELDS. I shall be glad to have the Senator propound his question at this time, however.

Mr. KING. I had in mind this inquiry: Would this meeting have any power to discipline in any way or to bring any pressure to bear upon any of the district judges? Would it have any power to make it easier or harder for them? Would it have any authority to assign cases to such a judge, or to deprive him of hearing certain cases? In other words, does the Chief Justice or do the circuit judges under this bill have any authority to supervise, to control, or to direct in any manner the activities of the district judges or of any judges?

Mr. SHIELDS. I shall discuss that subject fully at a subsequent part of my remarks. I think unquestionably the bill grants such authority.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. WARREN in the chair). Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I yield to the Senator from Iowa.

Mr. CUMMINS. Not replying to the suggestion of the Senator from Utah [Mr. KING], but rather to the statement of the Senator from Tennessee, who a moment ago declared that the conference provided for in section 2 is a mere social occasion, I think he would be willing to modify that statement if I were to read again in his hearing what the conference is really for:

> Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor.

That is the purpose of the conference. The conference itself does not assign any judge to any part of the country. That is left entirely with the senior circuit judges and the Chief Justice.

Mr. SHIELDS. If the Senator had noticed, I read the very same portion of the bill that he reread. While it does provide in a general way for the discussion of these matters, if we take the whole bill together it is merely colorable.

They do nothing at the time, although there is a provision there that can be used greatly to the prejudice of the independence of the district judges. I shall discuss that later.

This same section contained another provision. I am now speaking of the first bill that was prepared and introduced with the approval of the Attorney General and the Chief Justice. I read:

> It shall be the duty of the Attorney General to report to such conferences at the first and at each annual meeting thereafter all matters which he deems meet for its consideration, and to advise it upon the state of business in the United States courts, and to take part therein as a member of the conference.

Mr. President, you will mark that the Attorney General not only reports upon the business of the United States, but he reports upon all the business pending in the Federal courts, and he is to take part in the conference which, it is said, provides for the selection and designation of judges to the various circuits and various districts of the United States. A more monstrous proposition was never written in regard to the judiciary of any country. Here is a provision that a prominent and powerful representative of the executive department, the counsel for the United States, the greatest and most numerous litigant in the Federal courts, shall appear and report to the Chief Justice and the senior judges of the several circuits, to be a member of that conference, to take part in the selection and designation of judges to try the cases of his great client. I wish to say that that proposition was so abhorrent to the committee that it was not considered for a moment, and was stricken out without debate.

Mr. CARAWAY. Mr. President, may I interrupt the Senator? Did the Chief Justice appear before the committee to advocate that provision?

Mr. SHIELDS. The Chief Justice and the Attorney General advocated the passage of the entire bill, including this provision.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I do.

Mr. CUMMINS. Does the Senator from Tennessee recall anything that the Chief Justice said with regard to that particular provision of the bill?

Mr. SHIELDS. The Chief Justice, in the hearing before the Senate Judiciary Committee and in the hearing before the House Judiciary Committee, appeared and supported this bill. In the hearing before the Senate committee he referred to this particular section of the bill.

Mr. CUMMINS. In the hearing at which I was present the Chief Justice advocated the addition of 18 judges, two to be appointed from each circuit, and he advocated the conference to be held in Washington. I may not have been present at the time, possibly, but I did not hear any reference made by him to the paragraph designed to make the Attorney General a member of the conference.

Mr. SHIELDS. The Senator does remember that the Chief Justice approved the bill as a whole, and asked the committee to favorably report it?

Mr. CUMMINS. No; I do not remember that he approved it as a whole, but he appeared there when we were considering the bill, and his remarks were mainly directed to the necessity of an additional judicial force and to the propriety and wisdom of a general conference which would enable the designations or assignments to be intelligently made.

Mr. SHIELDS. In the main, his evidence was in regard to the congestion of the dockets.

Mr. CARAWAY. May I ask the Senator a question?

Mr. SHIELDS. Certainly.

Mr. CARAWAY. Did the Chief Justice come of his own volition, or was he requested to come?

Mr. SHIELDS. I could not answer that question. I did not know of any invitation.

Mr. CARAWAY. This was the only bill before the committee providing for an increased judiciary?

Mr. SHIELDS. As I remember.

Mr. CARAWAY. And he appeared in advocacy of that bill?

Mr. SHIELDS. I may be mistaken. The House passed the bill first, and it came over to the Senate and was referred to the Judiciary Committee. Whether it was before us at the time the Chief Justice appeared or not, I do not remember, but the Chief Justice advocated the passage of this particular bill, providing for 18 judges for the United States at large, and some one—I rather think it was the Senator from North Carolina [Mr. OVERMAN]—spoke of them as roving judges. Of course, with great respect I spoke of it as a flying squadron which the Chief Justice wanted to create to send about the United States to try lawsuits. In any event, I speak of it now in that way.

Mr. CUMMINS. I am sure no one here desires to disparage the Chief Justice.

Mr. SHIELDS. I will disclaim that at any time. It is no personal attack I am making.

Mr. CUMMINS. The Senator does not desire to disparage the Chief Justice, nor does the Senator from Arkansas, I am sure, but I think we ought to understand just how this bill came into existence.

The Attorney General, knowing the congestion of business in the courts of the country, asked two or three judges—I do not remember whether it was two or three—and two district attorneys to act as a committee to consider the whole matter, and to report to him a bill which would relieve the congestion of business throughout the country. They considered the subject for a long time, and finally did make a report, and they put their report in the form of a bill, which the Senator from Minnesota [Mr. NELSON] introduced, and which was referred to the Committee on the Judiciary. We appointed a time for a hearing upon that bill, and at the hearing there appeared the members of the committee who had investigated the subject and made the report to the Attorney General; the Attorney General himself, and the Chief Justice. All of them spoke about States and districts. I do not know how all these people happened to be before the Judiciary Committee. The Senator from Minnesota probably knows, because he was instrumental in bringing them before the committee, but it can not be said that the Chief Justice appeared for any other purpose than to give aid to the Judiciary Committee, and to give what information he could with regard to the accumulation of business in the various parts of the country which needed additional judicial force. I do not recall that anything whatever was said to him, or that he said anything to the committee, with regard to making the Attorney General a member of the conference which was proposed to be held annually, but the Senator from Minnesota will remember more distinctly than I.

Mr. NELSON. Mr. President——

Mr. SHIELDS. It is not necessary to depend on the recollection of Senators. It is printed here in the hearings, and I will read from the printed evidence, which will fully sustain the statement I made to the effect that the Chief Justice came before the committee and approved this whole bill, and spoke of it as a bill which had been prepared by this committee. He also did the same thing before the House Judiciary Committee. I am not criticizing the Chief Justice. Nobody has any more respect for judges than I. Whether or not it was proper for the Chief Justice of the Supreme Court of the United States to appear before a committee of the judiciary and advocate a bill to give him very great and unprecedented power over the judiciary of the United States is a question about which each Senator may have his own opinion. I have mine. That the Chief Justice wanted this legislation, that he did go before the committees of both Houses, that he came before the Senate committee twice, and that he did talk to Senators outside of the committee, doubtless to the Senator from Iowa himself, favoring the passage of this bill can not be denied—I do not think will be denied. The propriety of all this is a question for the Chief Justice. I think it was at least rather unprecedented.

Mr. NELSON. Will the Senator allow me to interrupt him briefly?

Mr. SHIELDS. I yield.

Mr. NELSON. I think the reason Chief Justice Taft appeared before the committee was that before he was appointed Chief Justice he had sat with the committee of judges and attorneys who formulated the bill.

Mr. SHIELDS. I think the Senator means before he sat on the bench.

Mr. NELSON. No; before he was appointed.

Mr. SHIELDS. I think he was appointed before he made the speech before the American Bar Association at Cincinnati advocating a bill of this kind.

Mr. NELSON. He met with that committee, to my knowledge, long before he was appointed Chief Justice. The committee was composed of three district judges and the United States attorneys from Chicago and New York, and he sat with them and cooperated with them, and I think that is one of the reasons why he appeared before the Judiciary Committee. That is my opinion. I do not want to say that that is the reason he assigned.

Mr. SHORTRIDGE. Mr. President, may I call the Senator's attention to the opening sentence of the Chief Justice when he appeared before our committee on October 5 last? The Chief Justice said:

> I do not consider it a kindness, gentlemen; I consider it an opportunity, because I have always been and am now very much interested in rendering the Federal courts more efficient in the dispatch of business.

Then I would beg to invite the Senator's attention to what the Chief Justice said as it apears on page 12 of the proceedings, the last paragraph. I will not take the time to read it, but therein the Chief Justice avows——

Mr. SHIELDS. The Senator knows that those hearings sustain my statement that he appeared twice before the committee, once before the whole committee and once before the subcommittee, and advocated the passage of this bill.

Mr. SHORTRIDGE. Unquestionably.

Mr. SHIELDS. And I think the Attorney General appeared, and not only that, but the Senator from Iowa failed to state that he brought two of his assistants to that hearing on the bill.

Mr. SHORTRIDGE. The Senator will remember that there were many other judges who appeared before us.

Mr. SHIELDS. There were three on this committee.

Mr. SHORTRIDGE. Federal judges.

Mr. SHIELDS. I have disclaimed any personal reflection or assault upon the Chief Justice again, but as to his interest in it I do not suppose the Senator from California would for a moment controvert anything I have said in that respect.

Mr. SHORTRIDGE. Certainly not.

Mr. SHIELDS. I will not ask the Senator whether or not the Chief Justice talked to him out of the committee room in favor of this bill. I am not going to put that question to any Senator.

Mr. SHORTRIDGE. It so happens that he did not, but it would have been very proper for him to have done so.

Mr. SHIELDS. Every man has his own conception of judicial propriety.

Mr. SHORTRIDGE. Since my learned friend from Tennessee seems to think there was some impropriety in the Chief Justice appearing before the committee, or that there would have been some impropriety in the Chief Justice speaking to the Senator from Tennessee, or a Senator from any State, I am curious to know wherein lies any impropriety, when the Chief Justice is at the head of the judicial department, and is only anxious to see a speedy administration of the law. I can not see any impropriety.

Mr. SHIELDS. I think I will satisfy the Senator from California about that. The Chief Justice has no more to do with the judges of the district courts of the United States, and with the trial of cases, and procedure in those courts, or the congestion of business in them, than does King George. His interference is purely voluntary and officious, and I will undertake to prove it before I get through.

I did not intend to express my views of the activities of Chief Justice Taft, and what has been said was brought out by questions, but I have stated the facts, the most of which appear in the printed hearings. I did not intend to bring them out, but there is no doubt about them.

If I were to go further I would say that since then the Chief Justice has had introduced in both Houses a bill, revolutionary in its character, for the purpose of limiting the jurisdiction of the Supreme Court, and he appeared before the House Committee on the Judiciary yesterday and advocated the passage of that bill. It is a very elaborate thing. I have read it and found it revolutionary in its character; but I could not take it all in at one reading. It is 17 pages long. There is more in it than in all the legislation we have had heretofore on the appellate jurisdiction of the Supreme Court. Practically, it emasculates that jurisdiction and makes the circuit courts of appeal courts of final jurisdiction in many cases, only allowing a review in the Supreme Court by certiorari, heard and determined without oral argument.

I will now go back to the provisions of the remarkable bill I was discussing when the personality of the Chief Justice was injected into this debate. The bill, as has been observed from the language of it, proposed to create a flying squadron of 18 judges, to be known as judges "at large," unattached to any court, a proposition startling in its novelty and potentialities.

It is only equaled by the further provision for the mobilization of these judges under the command of the Chief Justice, to be assigned from circuit to circuit and district to district to hold court in his discretion.

Mr. OVERMAN. Mr. President——

Mr. SHIELDS. I yield to the Senator from North Carolina.

Mr. OVERMAN. I inquired of the Senator from Iowa [Mr. CUMMINS] whether he did not think that this had something of the nature of a military organization in it, like the General Staff. Under the General Staff the soldiers are summoned here by the Chief of Staff, and the Chief of Staff assigns them. Is there not some similarity between the two?

Mr. SHIELDS. I think the Senator likens the Chief Justice to the Commander in Chief, and the senior circuit judges to the General Staff, and the district judges to the men in the ranks.

Mr. OVERMAN. I think they have some similar characteristics.

Mr. SHIELDS. Yes; there is a very natural similarity in the Senator's characterization of the bill.

The Constitution authorizes the creation of such inferior courts as the Congress may from time to time ordain and establish, but there is no provision for the creation of roving judges, unattached to courts.

Courts are organized entities or bodies vested with such judicial powers and jurisdiction as the legislative authority may confer upon them, with fixed places and times for meeting, and provided with judges, clerks, and other officers ordinarily necessary to exercise that jurisdiction. Judges are merely constituent parts of courts.

Mr. Justice Brewer has defined courts and judges very clearly, as follows:

> Now, under the authority of the United States there are but three courts known in law—the district, circuit, and Supreme Court; and as Congress alone can, by the Constitution, ordain and establish courts, none can exist but such as they create and name. * * * A court is not a judge, nor a judge a court. A judge is a public officer who, by virtue of his office, is clothed with judicial authorities. A court is defined to be a place in which justice is judicially administered. It is the exercise of judicial power, by the proper officer or officers, at a time and place appointed by law.

The bill I am now discussing does not make these judges officers of any court, nor does the appointment to be made by the President with the advice and consent of the Senate. These powers, although legislative and Executive, were proposed to be vested in the Chief Justice, an officer of the judicial department. I doubt whether such legislation would be constitutional, but I do not care to discuss that proposition; the policy of the scheme is sufficient to condemn it.

I refer to these things as illustrative of the radical innovations that are sought to be made in our judicial system and how the power given the Chief Justice in the bill before the Senate may be construed.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. SHIELDS. I yield.

Mr. NORRIS. I am very much interested in the argument the Senator is making. I want to ask this question as a matter of information as much as anything else. It seems to me the Senator is making a very unique argument as to why the bill would be unconstitutional as a law, and he does that mainly by drawing a distinction between judges and courts.

First, let me say to the Senator that Congress has from time to time by various acts provided for the doing of certain things by judges as distinguished from courts, such, for instance, as the issuing of a temporary injunction issued by a judge and not a court. Finally, it is true, that matter is passed upon by a court, but the temporary injunction is first issued by a judge, not a court, as I understand it. We have passed laws which give that authority.

Now, if the Senator is correct, and under the Constitution of the United States Congress only has power to create courts, would it not follow that all such acts, even though authorized by an act of Congress, of judges would be unconstitutional? Would it not follow, for instance, that a United States judge could not issue, and that Congress could not give him authority to issue, a temporary injunction?

Mr. SHIELDS. The Senator really has not considered this, because he is an able lawyer, and if he had thought of it he would not have asked that question. I am not insisting on the constitutional question, as I have just said. It is not necessary, because the provision for the flying squadron of judges at large is not carried in the present bill, and I was only referring to it to show how the provisions which do appear for the designation of judges may be construed.

Now, the provision of the Constitution for the creation of judges of the Supreme Court and judges of the inferior courts, of course, is in the ordinary constitutional phraseology. It states general principles and general powers. It does not go into detail, and the powers which those judges have must be found in the common law system which was in force in the country at the time the Constitution was adopted, as is the case with a great many other things with which the Senator is familiar.

The granting of an injunction of attachment is a judicial function, and where we create a judge under our Constitution he exercises the same judicial functions that a judge at common law exercises, subject to statutory changes.

Mr. OVERMAN. I think the courts have held it is inherent.

Mr. NORRIS. I am not disputing that this is inherent in a court, and I am basing my question upon the assumption that the Senator's constitutional argument is correct. I am not disputing that. He may be entirely correct. It looks unique to me at first blush. It never occurred to me before. However, there are certain things that are inherent in courts, but not in judges as distinguished from courts. When I said injunctions I ought to have said temporary restraining orders.

Mr. SHIELDS. Or the Senator might have used the term "extraordinary process." That is the general expression in such cases.

Mr. NORRIS. Yes; some such expression as that. We give judges authority to exercise that kind of jurisdiction, but they never act as a court until later, when the matter comes up for determination before the court as to whether it should be made permanent or not.

Mr. SHIELDS. They can exercise those powers in court or at chambers. They are merely interlocutory and preparatory steps in a case. The final judgment must be by the court.

Mr. NORRIS. If we have given it to a judge as distinguished from a court, is not that true?

Mr. COLT. Mr. President——

Mr. SHIELDS. I yield to the Senator from Rhode Island.

Mr. COLT. I understand the Senator from Tennessee to criticize the rotation of judges or the assignment of judges from one district to another.

Mr. SHIELDS. I have not reached that part of my argument. I will do that when I consider the provisions of the bill on that subject.

Mr. COLT. I understood that that is the primary feature of the bill, so far as the transfer of judges from one district to another is concerned. Does not the Chief Justice of the United States assign, and has he not since the formation of the Supreme Court assigned, his associates to different circuits?

Mr. SHIELDS. No; that is done by statute.

Mr. COLT. There is a special provision for it?

Mr. SHIELDS. Yes; and there is an amendment now pending to the bill before us to repeal that law. The Chief Justice thinks the judges of the Supreme Court have too much to do. The Senator from Florida [Mr. TRAMMELL] wants to relieve them of their circuit duties, so they can pay more attention to the duties directly incumbent upon them as justices of the Supreme Court in the hearing of cases on the dockets of that court.

Mr. COLT. When I was appointed district judge of Rhode Island in 1881, I was immediately assigned by Judge Lowell to sit in Massachusetts on the circuit court of Massachusetts. Has not the system of the assignment of district judges from one district to another within the same circuit, under the direction of the senior circuit judge, prevailed for a very long period of time?

Mr. SHIELDS. Yes; that is the law now and it ought not to be repealed. The power to assign them ought to be left with the circuit judge of the circuit, and I will give my reasons for it when I reach that subject.

Mr. COLT. Would the Senator limit the district judge for the district of Rhode Island to holding court within the State of Rhode Island, which is in the district of Rhode Island?

Mr. SHIELDS. I would allow him to be assigned with his consent to any other district in the first circuit composing four of the New England States. That is the present law, and it has worked well, and there is no necessity for any change in it. I am opposed to giving the power of assignment to other circuits to the Chief Justice without the consent of the district judge.

Mr. COLT. It would seem to me, if the Senator will permit a further interruption for a moment, that his main argument loses sight of the fundamental proposition of the jurisdiction of a Federal court. It is national. It is not State. It knows no State lines. It was designed to relieve suitors from any local prejudices. The very purpose of inserting the provision that suits may be brought in the Federal court between citizens of different States was to emphasize the national idea. In the matter of admiralty, does it make any difference in what district or before what judge an admiralty case is heard?

Mr. SHIELDS. Well, Mr. President, I want to finish discussion of this bill this afternoon. I am willing to yield for a brief interruption, but I can not yield for a general discussion.

Mr. COLT. I do not intend to do that, but will the Senator, in the consideration of the question, give some weight to the national jurisdiction of the Federal court, and that it does not make any difference where a judge lives or of what district court he may happen to be judge?

Mr. SHIELDS. I will get to that later.

Mr. COLT. May I ask the Senator what laws he acts under or administers? He does not act under State laws.

Mr. SHIELDS. He acts under the Constitution and acts of Congress.

Mr. COLT. Does he not administer Federal laws?

Mr. SHIELDS. I am talking about the act creating the district and providing that the judge for it shall be appointed from the district and shall live in it. Federal judges are Federal officers. Those of the inferior courts are appointed for certain fixed circuits and districts. They administer, as do all other judges, the laws of the United States and of the States which are applicable to the cases they hear and decide.

Mr. CARAWAY. Mr. President, may I suggest to the Senator that they were just as careful to guard that as they were to guard the jurisdiction of the court with reference to litigants. A man must sue within the district where he lives.

Mr. SHIELDS. The general principle applicable to juries that a man is entitled to trial by a jury from the vicinage ought to be applied to judges as far as possible.

The provision requiring the Attorney General to report to the conference of judges, called by the Chief Justice, of matters which he deems meet for its consideration; to advise it upon the state of business in the United States courts; and to take part therein as a member of the conference can not be properly characterized by anyone who believes in the purity, impartiality, and integrity of the judiciary. It not only authorizes the interference of the executive department in the affairs of the judiciary through one of its chief officers but actually allows the counsel for the United States, the largest litigant in the Federal courts, to take part in arranging the business of the courts and the selection and assignment of judges to try the cases of his great client.

Concerning the provision for the Attorney General to appear and take part in these conferences, Mr. President, I am of the opinion that the Attorney General should not do so. I am speaking now of the officer generally and not of the particular incumbent of the office at this time.

The Attorney General should not assume that the Department of Justice is a part of the judiciary or that his prerogatives concern the establishment of inferior courts and providing judges for them. I have thought that the Department of Justice or, rather, some of the gentlemen who from time to time temporarily discharge its duties have labored under the impression that that department was charged with an oversight of the judiciary. Some years ago when the first employees' liability act was declared unconstitutional by Judge Evans, of the district of Kentucky, and Judge McCall, of the western district of Tennessee, I read with astonishment a statement made by an assistant attorney that the department had long had Judge Evans upon "the unfriendly list," but that it was surprised at the action of Judge McCall, as "he had been appointed by the then President." This was a most outrageous assault upon the Federal judiciary. I do not remember the name of the man who made that statement, and I am really glad I do not. I hope no one does. Such a character ought to go back to the oblivion from which he sprung. The President ought to have removed him on the day he made the statement, and I hope he did. A member of the Attorney General's staff, arguing for the power of sending district judges from circuit to circuit, as an illustration of the advantages of such a course to the Government, said that the district judges in New York in convictions under the Sherman antitrust law had only imposed fines, but that recently a district judge from a distant State, holding court in New York, had imposed jail sentences. The presumption is that the facts were different in the cases and that the judges imposed the sentences called for by the facts of the respective cases, but that is not the criticism I make of his argument. It is the principle involved, that judges should be designated and selected to try particular cases and to pronounce particular sentences, to which I object. If any Senator can defend such a proposition, he will vote for the pending bill.

Now, let us recur to the bill which is before the Senate. The first section provides for the appointment of 19 judges conformably to the past practice of appointing judges from particular districts where they must reside. These judges are to be appointed because of the supposed congestion of business in the districts and the necessity of relieving congestion supposed to exist. I will later undertake to show that there is no such congestion. I will ask that section 1 of the bill as reported by the Committee on the Judiciary may be included in my remarks without reading, as I desire to have it appear where the new judges are to be appointed.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Without objection, it is so ordered.

The section referred to is as follows:

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

For the district of Massachusetts, two; for the eastern district of New York, one; for the southern district of New York, two; for the eastern district of Pennsylvania, one; for the western district of Pennsylvania, one; for the northern district of Texas, one; for the eastern district of Michigan, one; for the northern district of Ohio, one; for the northern district of Illinois, one; for the district of Minnesota, one; for the eastern district of Missouri, one; for the eastern district of Oklahoma, one; for the district of Montana, one; for the northern district of California, one; for the southern district of California, one; for the district of Arizona, one; and for the northern district of Georgia, one.

Whenever a vacancy shall occur in the office of any district judge appointed pursuant to this act the same shall not be filled unless the Congress shall so provide.

Mr. SHIELDS. The second section provides for the calling of conferences of the senior circuit judges of the several circuits at such place as the Chief Justice may designate. I have characterized this section as the social section of the bill. It makes it the duty of the circuit judges to attend such conferences and to remain throughout the session. The Attorney General, upon the request of the Chief Justice, shall also report to the conference as to the business of the several courts of the United States—not as to the cases in which the United States is a party, but as to all of their business. The section further provides:

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

There is provision for traveling expenses of $10 per day and for subsistence for the judges attending such conferences.

Section 3 has been read by the Senator from Iowa. It provides for the assignment of judges within the various circuits by the senior circuit judges. There was also a provision that the Chief Justice make such assignments, but on motion of the Senator from Iowa that provision has been stricken out of the bill. He thought that was too much, and I did also. The circumstances in which a designation may be made by the circuit judges are as follows:

(a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is to be necessarily absent from his district.

(b) In aid of a district judge who, on account of the accumulation and urgency of business, is unable to perform speedily all the work of his district.

It is not provided who is to determine the existence of the facts which authorized a new judge to be sent into a district to displace the resident judge appointed to hold court in that district and usurp his lawful jurisdiction and powers.

The third section or provision is rather startling:

(c) In aid of a district judge when the public interests so require.

Who is to determine what the public interest requires? The senior judge, in his discretion, when he thinks the public business requires it may remove the judge of the district by sending another judge from another district in States in the circuit to hold court and pass upon the liberties and the property rights of the people of that district.

Mr. KING. Mr. President, may I inquire of the Senator whether the resident district judge shall have any voice under the proposed law in determining whether an exigency exists justifying the importation of a judge from some other State?

Mr. SHIELDS. I have read the Senator the entire provision upon the subject. The old law, as I remember, required a certificate from the clerk before another judge could be assigned to a given district; it was necessary under the old law to furnish some evidence of the need; but under this bill unlimited power is given the circuit judge.

Under the provisions of the bill authorizing the Chief Justice to assign judges from circuit to circuit the judge of the circuit where an additional judge is supposed to be needed shall certify that fact and then the judge of the circuit from which the district judge is to be taken shall certify that he can be spared from that circuit, and when those proceedings are had it is provided—

Such designation may be made by the Chief Justice if, in his judgment, the public interests so require.

Thus leaving it entirely to the Chief Justice in the end.

A judge may be assigned from one circuit to another, not on the certificate of the two circuit judges, but if, in the judgment of the Chief Justice, "the public interests so require." That power is repeated in a subsequent provisions of the bill in these words:

SEC. 18. (1) Any power given by section 13, 14, or 15 to the senior circuit judge may be exercised by the Chief Justice or associate justice allotted to that circuit, or by the circuit judge who, on account of the illness or absence from the circuit of the senior, is acting as such.

Thus giving the Chief Justice the absolute power to assign judges within and without circuits when in his judgment the public interests require. That section, Mr. President, was stricken out upon motion of the Senator from Iowa; but the Chief Justice is still left with the absolute power in his hands to determine when a district judge shall be assigned from one circuit to another circuit, what district judge shall be designated, and how long the designation shall continue in force.

Mr. President, this power to assign judges carries with it the power to select a judge with known preconceived opinions to acquit or convict defendants and to decide civil cases in a certain way. The opportunities for abuse and oppression are apparent, broad, and indisputable. The objection is not that this great power will be abused but that it may be abused, and in judicial proceedings justice requires that courts be constituted, so far as possible, absolutely to exclude all opportunity for favoritism and abuse of discretion and power.

Even now, before this bill has become a law, selfish interests are contriving and conspiring to take advantage of it to control the courts and judicial decisions by securing the designation to try their cases of judges who are in sympathy with them or who have fixed convictions upon the law and the facts. I am reliably informed that the Anti-Saloon League, through its paid lobbyists, has attempted to influence Senators to vote for the provisions of this bill giving the Chief Justice the power to assign judges in his discretion to courts, and, of course, to try certain cases pending in those courts. This is certainly not complimentary to the Chief Justice, for it is an assumption that he can be influenced by the agents of the Anti-Saloon League—a false, unjust, and infamous assumption.

Right here I wish to go a little further into the activities of the Anti-Saloon League in interfering with this legislation. A few days ago, when this bill was under discussion, I stated that there was evidence of pernicious activity upon the part of the paid lobbyists of the Anti-Saloon League to control legislation concerning the judiciary, and especially that of my State. I referred to the fact that when this bill passed the House a provision was made for a district judge for the middle district of Tennessee, but that at the last meeting of the Committee on the Judiciary of the Senate, when I was ill and absent, this provision was stricken from the bill. In the same connection I called attention to the fact that it was generally conceded in Tennessee that Mr. John J. Gore, a prominent lawyer of Tennessee and one of the leaders of the Republican Party of that State, would be appointed judge in the event the office was created, and because he had been opposed to the prohibition amendment the Anti-Saloon League was already waging a war upon him and protesting against his appointment. I called attention to the coincidence between the striking out of the middle Tennessee district and the protest against Colonel Gore, and left it to Senators to infer whether there was any connection between them. I then made and now make no charge against anyone.

Mr. Wayne B. Wheeler, described, as I shall read later, in a circular issued by the superintendent of Tennessee as one of the greatest American lawyers and diplomats, stationed here in Washington in charge of this matter, and in whose office, it is said, all legislation in regard to prohibition is initiated, gave out an interview to the Tennessee papers concerning my statement, from which I will read:

Wayne B. Wheeler, legislative agent of the Anti-Saloon League, when questioned about the matter admitted that protests against Gore had been sent to the Department of Justice.

"These consisted"—

Continuing the interview—

"of letters from certain people in Tennessee which were forwarded to me by our State superintendent," said Wheeler. "I merely filed them with the Department of Justice. I don't suppose they ever got to the Senate committee."

Wheeler denied that he or his organization had influenced the committee in striking Tennessee from the bill.

"On the contrary, we believe Tennessee needs and should have the additional judgeship," said he. "If Senator SHIELDS will offer an amendment to the bill to take care of the Tennessee situation, we will use our influence to put it through."

Who are the Senators within my hearing that Mr. Wayne B. Wheeler can control to vote for this bill? Who is it that he is going to use his influence with?

Of course, we will not indorse any candidate who is not in sympathy with law enforcement.

It seems that he thinks that "law enforcement" means the enforcement of the prohibition law, that that is the only law upon the statute books, and that if you are not in favor of enforcing that just in accordance with his views and the bills that are prepared for Senators to introduce and vote for, you are against law enforcement. That is the legitimate inference. I supported the prohibition amendment and believe it ought to be efficiently enforced by reasonable and proper laws, but I deny that the amendment is the corner stone of our constitutional system, that it has priority over all other provisions of the Constitution, or that prohibition is now the chief object of our Government.

I received a letter from Mr. Wheeler concerning this Tennessee judgeship, and I will read it and my answer. I know I am giving entirely too much importance to what Mr. Wheeler says and does; but as he seems to be engaged now in initiating legislation, passing laws, and influencing Senators, and is proposing inferentially to influence the President in appointing judges and the Chief Justice in the assignment of judges, I think I may notice him a little.

This letter is dated March 14 and addressed to myself. I read:

DEAR SENATOR SHIELDS: I notice that you have been quoted in the paper as being under the impression that the Anti-Saloon League was opposed to an extra judgeship in Tennessee. Permit me to inform you that we now are and always have been in favor of having an extra judgeship for the State. As I remember it, the Chief Justice went on record in one of the hearings in favor of it. I have a letter from the United States attorney in the middle district of Tennessee in which he says—

It seems he was interfering with the discharge of the duties of the district attorney down there—

"In this district the docket is fearfully congested, so that it is almost impossible for a case to be called for trial until a year and a half old, and, of course, this greatly militates against successful prosecution.

"So far Congress has failed to pass the bill creating an additional judgeship, and until it does no results in the enforcement of law in this district can be very successful."

It is very clear to me that you need an extra judge in that district, and I hope that you will urge the adoption of an amendment to provide for it. I will gladly do anything I can to aid you in securing this amendment. Our only interest in this measure is to secure, if possible, a better enforcement of the law.

This district attorney, instead of answering that letter evidently calling him to task for supposed dereliction in his duties, wrote an apologetic letter. If I were President of the United States and there was a district attorney who would apologize to any interest for the manner in which he discharged his duty and took a reprimand from it, I would remove him as soon as I heard it.

I replied to Mr. Wheeler's letter as follows:

Your letter tendering to me your assistance in providing a United States district judge for the middle district of Tennessee received.

I do not wish or need your assistance in this matter.

The Senators and Representatives from Tennessee are amply able to take care of all legislation concerning their State, and I resent any interference by outsiders and special interests, especially concerning the judiciary.

A friend of mine sent me a circular that had been issued in Tennessee by one of Mr. Wheeler's subordinates, who I understand was recently imported from Indiana, which is germane to this question. It asks for contributions to aid Congressmen who will support all the laws of the Anti-Saloon League, and to maintain the headquarters here in Washington, but I will let the circular speak for itself. I am going to read just part of it.

A number of Congressmen who hold the balance of power and pile up majorities in Congress come from the Southern and Western States, where money for organization and educational purposes is scarce. They have always had to have help from the national league.

I do not know the southern Senators or Representatives to whom he refers, and think the statement is false.

Again:

In addition to the above the amount from Tennessee for the national league helps to provide for the maintenance of the entire national organization. It also helps to provide for the maintenance of our national office at Washington, D. C., under the very successful management of the Hon. Wayne B. Wheeler, one of the greatest diplomats and attorneys in America.

That word "diplomats" I have always heard used in a different sense, and a man who has on his letterhead, as Mr. Wayne Wheeler has, "Legislative superintendent," is generally called a lobbyist; but that is a nice, euphemistic way to put it.

Mr. SIMMONS. A diplomatic way.

Mr. SHIELDS. Yes; that is diplomatic in a circular asking for contributions.

From this office needed legislation is initiated, a constant watch is kept—

Now, mark this, Senators, and govern yourselves accordingly:

From this office needed legislation is initiated, a constant watch is kept on the actions of Congress, and when opposition appears danger signals are flashed to every State in the Union.

The success or failure of national enforcement depends upon the power of our national organization and its Washington headquarters, backed by the States, to defeat the nomination and appointment of enforcement officials, such as United States district attorneys, Federal enforcement officers and agents, United States district judges, and many other applicants for office who are out of sympathy with the enforcement of prohibition. Every State logically must carry its proportionate burden of this expense.

As to whether or not Mr. Wheeler is interested in Federal judges and the appointment of them, the circular issued by his subordinate down there answers very fully; but I have given too much attention to that. I presume everybody knew that such things were going on here before I read these letters.

Mr. KING. Mr. President, if I may interrupt the Senator, the Senator knows that a portion of the legislation enacted by Congress results from the persistent efforts of individuals and organizations. There are lobbyists in Washington and they press their demands to secure and to defeat legislation. They are here and often crowd the corridors, and have been particularly active during the past year. They have infested the Finance Committee rooms, and are even now claiming the attention of the Finance Committee and submitting statements in support of their demands, a record of which, as I am advised, is not kept. They are seeking to secure legislation and to obtain embargoes and tariff rates which would give many corporations a practical monopoly.

Mr. SHIELDS. There is no one who condemns that more than the Senator from Utah and myself; and we make no exceptions in regard to the Anti-Saloon League. Put them all in a single bed together where they belong.

Mr. KING. The ranking Democratic member of the Committee on Finance, the distinguished Senator from North Carolina [Mr. SIMMONS], is not even permitted to participate in the hearings which I have just referred to. When we come to discuss the tariff bill it will be apparent that as to some schedules there will have been testimony given which has not been available to the minority or to any Senators except those who constitute the majority of the Committee on Finance in the Senate. In my opinion this is a most remarkable procedure. It has been suggested that Congress is very responsive to the importunities of various interests in the United States, interests which do not always represent the people or their interests.

Mr. SHIELDS. I know the Senator does not approve legislation by special interest, and I am in full accord with him.

Mr. CUMMINS. Will the Senator yield to me for a question?

Mr. SHIELDS. I will. I hope, however, the Senator will ask me to yield only for a question, because I want to finish my remarks.

Mr. CUMMINS. It has some of the characteristics of a question, but I can not put it in a word or two.

Mr. SHIELDS. I would like to have the Senator let me finish, for I really am not very well this afternoon.

Mr. CUMMINS. I simply want to ask a question or two about Mr. Wheeler.

Mr. SHIELDS. The Senator will have to go to somebody else. I do not know Mr. Wheeler by sight.

Mr. CUMMINS. The Senator has referred to him.

Mr. SHIELDS. I have given all the knowledge I have.

Mr. CUMMINS. The Senator has referred to him and said something about his solicitude for the passage of this bill.

Mr. SHIELDS. Has he spoken to the Senator about it?

Mr. CUMMINS. He has.

Mr. SHIELDS. I do not care to go into the Senator's private concerns about this matter, and I can not yield for that purpose.

Mr. CUMMINS. His approach to me was absolutely appropriate, and I for one do not think that a man who has an interest in legislation ought to be denounced as a public enemy. I think the people of this country have as much interest in what we are doing as we ourselves, if not a good deal more.

Mr. SHIELDS. Does the Senator approve of special interests interfering in the courts of the country?

Mr. CUMMINS. I approve the action of any man coming to me and saying that he would like to have the courts of this country so reinforced that cases which come before the courts can be disposed of. I think it is an entirely appropriate suggestion. The Anti-Saloon League want the prohibitory law enforced. No matter whether we are in sympathy with it or not, we must be in sympathy with that suggestion, and when Mr. Wheeler comes to me and says that the prohibitory law is failing of enforcement, and failing because there are not enough judges to dispose of the cases, I think he is doing a thing becoming to every citizen who believes in the enforcement of the law, and I see nothing inappropriate in such a suggestion. When you have accumulated tens of thousands of criminal cases founded upon the prohibition law, which can not be disposed of, you have reached a condition which I think is humiliating to every lover of law and order, and we either ought to repeal the prohibitory law or we ought to furnish judges enough to enforce it.

Mr. SHIELDS. What I had to say about the representative was directed to his efforts to control the appointment of judges to try cases in which he was interested. I will denounce such efforts by any interests.

Mr. President, what right has the Anti-Saloon League to interfere in the appointment of judges and the holding of courts in this country? Would such interference be tolerated upon the part of capital, of railroad companies, of corporations in general, of organized labor, or of any other special interest? Certainly not. This instance should meet with the severest condemnation. It is nothing less than an effort to fix judges for the trial of certain cases. Jury fixing is infamous, but judge fixing is damnable.

The United States district judges are allowed great latitude in influencing the finding of juries upon the facts of the case. They may call the attention of the jury to parts of the evidence that they think important and express their opinion upon the facts or may advise them on the facts without committing error provided the issues of fact are ultimately submitted to the determination of the jury. This every lawyer knows in a majority of cases is controlling with the jury. This is the reason why the Anti-Saloon League desires a law for the assignment of judges from circuit to circuit, and it will be the cause of contentions between other interests concerning judges to dispose of cases where their rights are involved.

This interest has not hesitated to advocate laws which are believed to violate the constitutional guaranties of the security of the home, the rights of personal liberty and private property, and now they propose to invade the sacred precincts of the courts and pollute the administration of justice by placing judges upon the bench who have at least to some extent prejudged the cases they are to try.

This action of the Anti-Saloon League only illustrates the horrible consequences of vesting this new and great power over the trial courts in the hands of one man. Its blighting effects will fall upon both the high office of Chief Justice and the district courts. The action of the antisaloon interest in favoring this bill simply forecasts that its representatives will attempt to influence the Chief Justice to assign judges selected by them solely for the purpose of trying prohibition cases and without regard to the interest of other litigants of greater importance and the great mass of the business pending in the courts. If this bill becomes a law the Chief Justice may be assailed with applications from all sorts of interests and all sorts of influence in the designation of judges. The Anti-Saloon League and the whisky interest may contend before him. The coal operators may ask for judges to try striking miners and the miners will want a judge who will favor them. Capital and corporations may ask for judges favoring their views upon public questions, and various interests—labor, farmers, and others—may also clamor for representation upon the bench.

Mr. President, I do not for one moment believe that the present Chief Justice or any successor in that high office whom the President of the United States might nominate or the Senate confirm would yield to any such influence or be a party to such corruption; but he should not be placed in a position where even the shadow of suspicion could fall upon him.

The imperial executive power proposed to be given over the judges of the inferior courts is too great to be concentrated in the hands of one man. It is a power no good man ought to want and no bad man should have. The abuse of such a power by the King of England in the appointment and removal of judges of the Colonies was one of the chief causes for the Revolution assigned in the Declaration of Independence.

I hope that the Congress will never approve any measure that will in the slightest and the most remote manner shock the confidence of the people in the purity of the highest judicial officer in the world and in the impartiality of their courts.

I appeal to Senators to favor no policy and no law which will tend to lower the dignity and bring dishonor upon that high office honored and adorned by John Marshall and his learned and illustrious successors.

Mr. President, the bill finally proposed providing for a multitude if judges, 19 in number, without regard for the necessities of business in particular districts, certainly not based upon any uniform rule or system, and for conferences of circuit judges, to be called and presided over by the Chief Justice, to make plans for the assignment of district judges to hold courts out of their districts and out of their circuits, as may there be out-

lined and determined and, in the end, largely left to the will of the Chief Justice, is subject to many serious objections.

Judges should never be authorized to exercise powers not strictly judicial. Their whole time, with proper seasons, of course, for recreation and repose, and their serious thoughts should be devoted to the duties of their high office. They should be wholly judges, always judges, and nothing but judges. The judicial power is incompatible with any other pursuit in life. All the faculties of every man who assumes it ought to be constantly exercised and confined to the serious consideration of his judicial duties. Above all things, judges should not be charged with the exercise of executive or political duties. I believe that it is the opinion of the bar and the people of the United States, and especially as relates to the Federal judiciary where the tenure of office is practically for life, that when a man accepts a judgeship and becomes a high priest of justice, ministering at the altar, he should be separated from all business concerns and forswear political ambition and preferment.

The power given the Chief Justice to call conferences of the circuit judges, adopt plans, and ultimately himself assign judges is a dangerous innovation of doubtful constitutionality. The Chief Justice and the Supreme Court are, by the organic law constituting that court, given no original jurisdiction over the trial of cases in the district courts, and they have no right to interfere in any manner or to control the proceedings of those courts by moral or other influence. There should be no opportunity for such influence and no semblance of its exercise. It is true there is no provision here for direct control of district judges in the trial and decision of cases, but need Senators be told of the questions which can be discussed by the Chief Justice with the circuit judges in the conferences, and how their views and wishes can be passed down to the district judges? Is not this an opportunity for political influence and power over the judiciary of which a designing man could avail himself in times of great political turmoil?

Would any Senator favor giving the chief justice of the highest court in his State the power to summon the judges of the inferior courts before him in conference to make reports of the condition of the dockets and business of their districts and then, in his discretion, divide up this business and assign and send judges out of their jurisdiction as he might think to the public interest? The people of the States would not tolerate such an assault upon the independence and purity of their courts. They would consider such an arrangement, however honest and patriotic those promoting it might be, a potential political machine subject to great abuse and eventually contaminating the judges with partisan spirit and strife which would destroy the integrity of their courts.

A very serious objection is that the bill confers upon the Chief Justice executive power. The Constitution vests the power to appoint judges in the President of the United States. This bill vests it in the Chief Justice for the time being. The commission of the President authorizes and directs a judge to hold court in a certain district, where he is to reside and where he is known to the people. This bill gives the power to the Chief Justice to modify that appointment and send this judge away from his home to preside over the courts and dispose of the business of other people, to whom he may be unacceptable. The assignment may be for any period—for life. When the judge of a particular district is nominated to fill an existing vacancy the people of the district have the right to protest against the appointment for any valid or sufficient reason, and, in that way, they have a certain choice in the selection of their judge.

Mr. OVERMAN. I ask the Senator if the bill was not reported to the Senate by a bare majority of the Judiciary Committee, and if section 3, which he has been discussing, was not at one time defeated in the committee?

Mr. SHIELDS. Yes; it was several times defeated, and brought back at the last meeting of the committee, when several district judges were added, and then, I understand, by only one majority.

The appointment can be made under this bill without the knowledge of the people of the district, without their consent, and without an opportunity to protest. It is an encroachment upon the prerogatives of the Executive, and, worst of all, it deprives the people of the very limited right they have in the selection of Federal judges. It is wrong in principle and it is unjust in practice. While the present bill is not so obnoxious as the one which the Chief Justice appeared before the Judiciary Committee to advocate, it is the entering wedge for the recognition of a bad policy and an assault upon the independence of the judiciary, which may grow and grow and sap and undermine that independence. The powers of government are not only separated into three great departments, but it is the policy of the law that the individual holding office in one of those departments shall not also exercise the functions of another department, for without this they can not be separate and independent and must necessarily be contaminated with political influence.

Mr. CUMMINS. Will the Senator yield to me for a moment at that point?

Mr. SHIELDS. For a question?

Mr. CUMMINS. For a question; yes.

Mr. SHIELDS. I yield.

Mr. CUMMINS. The Senator says he does not object to the authority of a circuit judge to assign district judges within the circuit. Is there any more danger in giving the Chief Justice the authority to assign a district judge of Michigan to hold court in the adjoining State of Illinois than there is in giving the circuit judge the authority to assign the same district judge to hold court in Tennessee?

Mr. SHIELDS. I think so, and I will discuss that in a few minutes.

This policy forbidding the mingling of the separate departments was violated in the early part of our Government in several prominent instances, but they were condemned by the people, and for many years the objectionable practice has been abandoned. I will read from Judge Baldwin's American Judiciary some of the cases referred to and how they were rebuked by the people:

It may well be doubted if the advantages to be gained by their counsel in such a position are not outweighed by the evil of exposing it to criticism as dictated by selfish considerations. A member of the New York convention thus alluded upon the floor to the measures supported by the Chief Justice and chancellor:

"He regretted that such an opinion and plan had been proposed by the Chief Justice. It must have arisen from the politics of the Supreme Court. The judges of that court had been occupied so much in politics that they had been compelled to press upon the public a system that had nothing else to recommend it than such a relief to themselves from the burden of official duties as would leave them to the free exercise of their electioneering qualifications. But for this the Chief Justice might have shown a Holt or a Mansfield. The elevated character of the chancellor had been often asserted and alluded to. He meant no disrespect to that honorable gentleman. He respected him as highly as any man when he confined himself to the discharge of the official duties of his office; but when he stepped beyond that line, when he became a politician instead of being his fancied oak, which, planted deeply in our soil, extended its branches from Maine to Mexico, he rather resembled the Bohon Upas of Java, that destroyed whatever sought for shelter or protection in its shade."

In the New York constitutional convention of 1821, Peter R. Livingston appealed to the lawyers present to say "whether it has not been the case that when a man in the country of any political standing has had a suit depending at a circuit court, he has not consulted with his counsel to know what judge was to preside at the circuit, and whether he has not been frequently told that a political judge was to preside, and it would not do to let the cause come on." Who, he asked, were the present judges of their supreme court? "Judge Spencer came into office under a Republican administration, Judge Van Ness was appointed by a mongrel council, and the elevation to the bench of Judge Platt was occasioned by the defection from the Republican ranks of a man elected to the senate from the county of Dutchess, who acted the part of a political Judas and sold his party. We have been bought and sold—there is not one of these men who would have been on the bench if our administration had been truly Republican. * * * There is not a man in this convention who is a Republican of any standing or character who would like to have his liberty or property placed in the hands of a political judge of a different party."

The Chief Justice, as the presiding officer of the Supreme Court, is vested with as much power as any officer in our Government, and there should be no extension of it. The consumption of his time in investigating the condition of the dockets of the 86 districts in the United States, and marshaling and assigning 150 judges to various parts of the country to relieve such congestion, if done efficiently, will require much time and deliberation. If not done well, it should not be done at all. To place this burden upon the Chief Justice will require him to neglect the duties of his office and retard the business of the Supreme Court. That court is now, I understand, 18 months behind with its work, and at the adjournment of each year leaves a very large number of importanat cases unheard and undetermined, notwithstanding many of them involve questions which the business of the country—immense interests—and that of the Government concerning its revenues and other activities have been compelled to halt and await determination. The Chief Justice and one of the associate justices have recently in public addresses called attention to the congestion of the docket of that court and advocated measures for the restriction of its jurisdiction, and at their instance bills of a most drastic character have been introduced for that purpose.

The power of assigning judges is not a judicial power and does not in the remotest manner concern the exercise of the jurisdiction of the Supreme Court. It concerns other courts and the rights and duties, personal and official, of other judges. The judicial power is the power to try and determine contro-

versies—lawsuits brought and presented to the court according to established practice and procedure. The power to establish courts and provide them with judges and other officers is a legislative power. Congress alone has this power concerning the Federal courts.

It has long been settled in this country that administrative or other powers nonjudicial in their character can not be conferred upon the judges of courts.

Mr. Justice Harlan, in Interstate Commerce Commission *v.* Brimson (154 U. S. 484, 485), speaks of the rule that Congress may not impose upon the courts of the United States any duties not strictly judicial as a salutary doctrine, and there are other cases recognizing the existence of the rule. Chief Justice Jay and his associates when the Supreme Court was first organized challenged the constitutionality of the provision requiring them to go out upon the circuit and hold the circuit courts, and when Chief Justice Marshall came into office he concurred with them in the soundness of their contention, but said that as the law had been in force for some 13 years and there was very little business in the Supreme Court at that time they would follow the statute.

If it could be done, the legislatures could so consume the time of the judges as to embarrass them and make it impossible for them to discharge their judicial duties and powers. It is like the taxing power—it is the power to destroy. It would allow political powers to be conferred on judges, which would absolutely destroy their usefulness and the confidence of the people in the courts so necessary to peace, law, and order.

The Chief Justice or the associate justices could as well be authorized to exercise the legislative power of arranging and laying off Federal districts and circuits and fixing the places and times for holding courts as the executive power of providing and appointing judges for those courts. These things are all foreign to their jurisdiction and powers, nonjudicial in their character, and within the constitutional powers and duties of other departments of the Government, but not more so than that of designating judges to hold courts in other circuits, which is practically, as I have undertaken to show, the executive power of appointment.

The assignment of district judges to hold district courts in other circuits, from one extreme part of the United States to another—from the Atlantic States to the Pacific States, from the Lake States to the Gulf States, and from the commercial and manufacturing States to the mining and agricultural States—will result in great confusion and a practical denial of justice in many cases.

There is a radical difference in the constitutions, statutory laws of these States, and the judicial opinions of their courts construing them, and in the laws of contracts, wrongs committed with force, and the vast domain of general jurisprudence. The common law is the basis of the jurisprudence of some States and the civil law in others, and in all of them these systems have been more or less modified by statutory enactments, without uniformity and with innumerable distinctions and exceptions. From an investigation made in the Library of Congress, it appeared that in the five years from 1909 to 1913, inclusive, there was enacted by the national and the several State legislatures 62,014 statutes, and that during the same period 65,379 judicial decisions for publication were delivered by the national and State courts of last resort, included in 630 volumes. This does not include the thousands of opinions delivered and filed for publication by judges of the district courts and the circuit courts of appeals of the United States and by numerous intermediate appellate courts of the States. There are, therefore, on an average, more than 12,000 statutes and an equal number of judicial opinions enacted, delivered, and published in the United States each year. There is no good lawyer in full practice who does not know that it requires great diligence to keep up with the statutes and reported cases of authority of his own State. There is no truthful lawyer who will claim that he can keep up with the legislative and judicial modifications of the law in all the States of the Union. Judges who have fixed salaries have little disposition or time to keep informed of such matters, and they can not and do not do so sufficiently to enable them to go into strange jurisdictions every six months or each year and try and decide lawsuits with intelligence and that certainty of determination which should be present in every judicial decision. A system of visiting or alternating judges would be most objectionable in equity cases, where it is necessary to make successive orders and decrees, often with months of intervals, in the progress of the cause. The judge who heard the argument and made the first decree would probably not be present to follow it up in the subsequent stages of the cause and the new judge could not do so with the clearness necessary to the proper administration of justice. These visiting judges would come with the occasion and depart with the occasion. They would not understand the customs and character of the people whose lawsuits they were called to hear and determine and they would not feel that responsibility that the local judge feels to the people among whom he resides, and, being a mere temporary judge unknown to the people of the district, he would not have and command that cooperation and confidence necessary for the satisfactory and efficient discharge of judicial duties. Permanent judges, under our present system, reside in their districts, are of the people, and their character, probity, and ability are known to the people whose rights they determine and have their respect and confidence.

The policy of providing for permanent judges in each Federal district, followed since the beginning of our Government, is sound and practical and should not be departed from. In temporary emergencies judges from districts near by or in the same circuit may be called on for relief, but they should always come from the same State or the same circuit, so as to obviate the objections I have stated as much as possible. The senior circuit judge should make the assignment required. There can be no controversy but that he is better qualified to do so by his superior and more accurate information of the character and ability of the district judges of his circuit and the conditions of the litigation pending in the several district courts. This is the present law. It has worked well in practice and there is no emergency which requires that it be changed so as to vest this dangerous power in the Chief Justice.

The provisions of this bill, authorizing the Chief Justice to make assignments—substantially appointments—of judges will not meet with the approval of the litigants and the people of the country. They want no centralized control of their courts.

The assignment of judges from district to district and from circuit to circuit without their consent is also unjust and a substantial interference with their tenure of office under their commissions as judges of a particular district. Well might a district judge be willing to exercise the duties of his office in one district but not in another district.

Why should the practice that has prevailed for 100 years of providing additional judges for districts where the business is increased and the dockets are congested so as to require such action be abandoned? It is the only sound, just, and economical way of providing new judges. The Members of Congress, Senators and Representatives, residing in their States and districts, are in close touch with the people, the bar, and the courts, and they know when such congestion and the necessity for additional judges exist, and it is their duty to introduce bills and relieve the situation. The Chief Justice has no such information of conditions in all of the 86 Federal districts of the United States, and it is not his duty or within his prerogatives or power to look after and legislate for such conditions. The duty and the power should be left in the legislative department to provide for the new judges by proper and intelligent legislation, and to the Executive to select and appoint the judges, with due consideration for the opinions and the choice of the people over whom they are to preside, with the advice and consent of the Senate.

This bill provides for more judges than the evidence before the Judiciary Committee shows are necessary to be created, and can not but impress the public that it is the result of logrolling and reciprocal courtesy, which will be hurtful both to the judiciary and the Congress. This is an infirmity that has always found its way into omnibus bills for any purpose when a number or all the States have similar interests, real or fancied.

The subcommittee was of the opinion that conditions causing the existing congestion in some of the courts would soon pass away, and that 12 judges were ample to meet the present emergency, but the whole committee increased the number to 17, for what reason I shall not now undertake to express an opinion.

In that I agree with the Senator in charge of the bill, who has so expressed that opinion in presenting this bill.

The present conditions grow largely out of the increase of jurisdiction of the district courts by various acts of Congress, many of them of questionable constitutionality, creating new criminal offenses against the Federal Government, which have heretofore been speedily and effectually punished by the proper local authorities in the several States. General Crim, Assistant Attorney General, a very able and learned lawyer, in an address recently delivered to the General Assembly of New York, said:

> An enormous percentage of the work being done by the Department of Justice is work that could be done more efficiently and at much less cost by the local government. The burden of this character of work is

so great on that department that it is fairly staggering under its load. Unless relieved, bureaucracy is inevitable, with its attendant evils. The percentage of the work which it is doing that could be better done by responsible local self-government is so great that it impairs the efficiency of the administration of those laws which deal with things essentially national in their scope.

Why should it be necessary for a citizen to appeal to the President of the United States to prevent a small still from being operated in New Jersey?

Why should it be necessary for a citizen to appeal to the President of the United States to prevent a man with a jug of alcoholic liquor from selling it at a Sunday school picnic in Virginia?

Why should it be necessary for a citizen to appeal to the President of the United States to punish the larceny from a freight car in the yards of this city of a package consigned to Omaha, Nebr.?

Why should it be necessary for a citizen to appeal to the President of the United States to prevent a printer in a small town in Kansas from printing tons of obscene matter and disseminating but a fraction of it through the mails?

Why should it be necessary for the credulous widow to appeal to the President of the United States to bring to the bar of justice the rascal who has defrauded her out of her money by a stock-selling scheme at New York City?

Why should it be necessary for a citizen to appeal to the President of the United States to prevent an unscrupulous scoundrel in Kansas from selling opium to school children?

Why should it be necessary for a citizen traveling in an automobile from New York to Chicago, who has had his machine stolen at Philadelphia, Pa., to appeal to the President of the United States to have that man punished, when it was taken under the very eyes of a local policeman?

Why is it necessary for a citizen to appeal to the President of the United States for relief where a rascally cashier of a State bank has betrayed his trust and stolen its funds, simply because that bank, a creation of the State, is a member of the Federal reserve system?

Mr. President, if some of the jurisdiction were restored to the State courts there would be no lack of enforcement of law and no congestion in the Federal courts. Take, for instance, the statute making the carrying of a stolen automobile from one State to another a Federal offense. That is a larceny that could be punished in either State. There are more than a thousand cases of that kind pending in the Federal courts now, and this statute should be repealed. There are several other statutes of a similar character. If the Congress will repeal these statutes and restore to the State courts their jurisdiction the Federal courts would have great relief and the expense of additional judges would be unnecessary.

Now, Mr. President, I come directly to the alleged congestion. The Senator in charge of the bill, the senior Senator from Iowa [Mr. CUMMINS], was shocked, he said, by the delays of justice in the courts growing out of the fact that there was pending in the district courts 142,000 cases on the 30th day of June, 1921. In stating that there were then 142,000 case he was justified from a reading of the evidence introduced before the Committee on the Judiciary when the committee was considering the pending bill. But the facts utterly fail to sustain any such condition of the dockets of the Federal courts.

The statistics show that a very large number of cases reported as pending in the several district courts are cases in bankruptcy, which are really nominal and do not occupy the time of the judge, and a large number of draft cases which can not and will not be tried and ought to be dismissed because the parties are dead or the witnesses are scattered and can not be found and the chief cause for prosecuting them has ceased to exist.

In support of that statement I have the report of the Attorney General made to Congress in December, 1921, and the testimony of Mr. Hayward, the district attorney in New York City, where the largest number of the draft cases are pending. The fact is that by far the greater number of draft cases in the Federal courts are in the States of New York, Massachusetts, and New Jersey. There are very few in the courts of other States. Mr. Hayward admitted that he would never be able to secure many convictions; in fact, I believe he said that he would, perhaps, never secure a dozen convictions in New York.

It is conceded by the judges who investigated this matter, Judge Sater, of Cincinnati, Judge Pollock, of Kansas, and Judge Grubb, of Alabama, that even this apparent congestion is temporary. After those judges had examined the whole situation they made a report at the request of the Attorney General. I was very much impressed with the intelligence and ability of all three of those judges; and, as evidence that they were industrious, energetic, and great judges, no congestion exists in their courts. They have the executive ability to clean up their dockets and they do not want any relief. Their dockets are about as large as those of any of the other judges except those where draft cases appear. Judge Grubb, in speaking of the character of this alleged congestion, said it was largely confined to several cities, and then said:

> I can give the cities. There are Boston, New York, Philadelphia, Pittsburgh, Chicago, St. Louis, Atlanta—the Atlanta district—California, the San Francisco district, and Detroit. I think those are the principal points of congestion, but there are some others.

The facts are that the temporary congestion can be relieved by the present judges in a few months, and in less than a year these additional judges will have nothing to do but draw their salaries for life.

Mr. CUMMINS. I should like to suggest at that point, if the Senator will permit me, that the same judges recommended the appointment of 18 additional judges in order to meet this very condition.

Mr. SHIELDS. Yes; and I know that the judges were not very proud of their recommendation.

Mr. CUMMINS. I do not know as to that.

Mr. SHIELDS. I invite the attention of the Senator from Iowa to the statement that the testimony of those who appeared before the Committee on the Judiciary in the hearing had by the committee when considering this bill was not full and was misleading. The witnesses utterly failed to show the real condition of the dockets of the district courts concerning the number of cases there pending for trial and which consume a substantial time of the court.

The statement made that there are pending in the district courts 142,402 cases nominally is true, but the witnesses failed to state that more than half of these cases, judging by the record of previous years, go off without trial; in fact, the figures which I shall present show that thousands of them go off without trial—that is, they are dismissed, discontinued, compromised, nolle prossed, dismissed on motion or demurrer, or judgments are entered upon pleas of guilty, and dead civil cases are retained on the docket. These facts all appear in the report made by the Attorney General upon his official oath for 1921, in which the statement is made that the statistics are carefully revised. This report to Congress was made for the purpose of showing the business of these courts without special reference to this legislation and, I think, is absolutely reliable. I will read from it the pending business in the Supreme Court, the circuit courts of appeals, and the district courts for the fiscal year of 1921.

The number of cases and other proceedings docketed in the Supreme Court for the last fiscal year was 565. The number of cases and other proceedings pending at the close of the year was 367.

The cases and the proceedings disposed of during the year was 608.

It has been a long time since I appeared in the Supreme Court of the United States, and I do not understand what is included in the term "other proceedings." I do not understand the distinction between cases and "other proceedings" in a court that has only jurisdiction to try and determine lawsuits.

The report shows that about one-half of the 608 cases were disposed of without argument, being applications for writs of certiorari dismissed, cases dismissed on motion, and compromised.

The number of cases actually considered by the court was 574, of which 227 were argued orally and 347 submitted on printed briefs; 47 cases were settled by the parties and dismissed without a hearing, and 230 cases were denials of petitions for writs of certiorari. There were, then, less than 300 cases argued and in which opinions were filed, or about 33 cases to each of the nine judges of the court.

This is approximately a correct statement of the work of the Supreme Court for one year, as I get it from a statement furnished the chairman of the Judiciary Committee by the clerk of the court and from the report of the Attorney General.

Mr. President, I may have something more to say on the pending measure. I do not suppose anyone else desires to speak on the bill this evening, and I suggest to the Senator from Iowa that we adjourn or take a recess.

Mr. CUMMINS. I am advised that others who are interested in the bill are not prepared to go on at this time, and I intend to make a motion for an executive session.

Mr. LA FOLLETTE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Wisconsin before I make the motion.

Mr. SHIELDS. The Senator understands that I am not through, but I am yielding that he may make whatever motion he desires to submit. I am not through with my argument and I shall be entitled to the floor when the consideration of the bill is resumed.

POST-OFFICE BUILDING AT MADISON, WIS.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill (H. R. 9604) for the acquisition of a post-office site at Madison, Wis., which I send to the desk, together with the report.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the provision of the act of Congress approved September 7, 1916 (39 Stat., p. 742), which authorizes the acquisition of a site and the erection and completion thereon of a suitable building for the use and accommodation of the post office, United States courts, and other governmental offices in the city of Madison, Wis., at a limit of cost of $550,000, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a suitable site in said city at a cost of not exceeding $350,000.

Mr. LA FOLLETTE. The report is very short, but I shall not ask to have it read, unless the reading is called for. I will just state that the bill does not make any appropriation, but simply provides for the purchase of a site out of an appropriation already made.

Mr. LENROOT. May I ask my colleague if this is the bill which passed the House?

Mr. LA FOLLETTE. It is the bill which passed the House, and it was reported from the committee to the Senate by the Senator from Maine [Mr. FERNALD].

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISSUANCE OF MEDALS, ETC.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 10297) to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the eighth paragraph under the caption "Medals of honor, distinguished service crosses, and distinguished service medals," Army appropriation act approved July 9, 1918, to the extent that it establishes limitations of time as a condition of issuance or a condition precedent to issuance of such medals and crosses to persons, or the representatives of deceased persons who served in the Army of the United States from April 7, 1917, to November 11, 1918, inclusive, is amended so as to extend such respective limitations for a period of one year from and after the approval of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECOGNITION OF INDEPENDENCE OF THE PHILIPPINE ISLANDS.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. I would like to have the attention of the Senator from Massachusetts [Mr. LODGE]. Yesterday I offered a resolution the purport of which is that the Senate express a desire that the President shall negotiate treaties with the nations which are interested in the Pacific for the protection of the Philippine Islands as an independent State, and that upon such treaties being negotiated the United States shall relinquish control. I had the resolution lie upon the table, because I was not sure whether it should go to the Committee on Foreign Relations or the Committee on Territories and Insular Possessions. The chairmen of both those committees are in the Senate Chamber at this time, and it is immaterial to me to which committee the resolution shall be referred.

Mr. LODGE. If it involves treaties it necessarily goes to the Committee on Foreign Relations. It is not that I am looking for additional burdens that the suggestion is made.

Mr. KING. It is my impression that it should go to that committee. I did not want it sent there until I conferred with the Senator from Indiana [Mr. NEW], as I wish to respect the dignity of each committee. I ask, Mr. President, that the resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so referred.

EXECUTIVE SESSION.

Mr. CUMMINS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. CUMMINS. I move that the Senate adjourn until 12 o'clock on Monday.

The motion was agreed to, and (at 5 o'clock p. m.) the Senate adjourned until Monday, April 3, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 31, 1922.

PROMOTIONS IN THE REGULAR ARMY.

To be colonels.

Lieut. Col. Grayson Villard Heidt, Quartermaster Corps, from December 22, 1921.

Lieut. Col. James Cooper Rhea, Cavalry, from December 22, 1921.

Lieut. Col. James Hanson, Infantry, from December 24, 1921.

Lieut. Col. Fred Radford Brown, Infantry, from December 24, 1921.

Lieut. Col. William Topping Merry, Infantry, from January 1, 1922.

Lieut. Col. Lawrence DuVal Cabell, Quartermaster Corps, from January 2, 1922.

Lieut. Col. Clyffard Game, Quartermaster Corps, from February 5, 1922.

Lieut. Col. George Washington Stuart, Infantry, from February 11, 1922.

Lieut. Col. Robert Cherry Foy, Field Artillery, from March 2, 1922.

Lieut. Col. Duncan Kennedy Major, jr., Infantry, from March 5, 1922.

To be lieutenant colonels.

Maj. Walter Herbert Neill, Quartermaster Corps, from December 22, 1921.

Maj. Edmund Anthony Buchanan, Cavalry, from December 22, 1921.

Maj. Benjamin Delahauf Foulois, Air Service, from December 23, 1921.

Maj. Roy Wilson Ashbrook, Infantry, from December 24, 1921.

Maj. Ralph Hill Leavitt, Infantry, from December 24, 1921.

Maj. Goodwin Compton, Infantry, from January 1, 1922.

Maj. Launcelot Marmaduke Purcell, Quartermaster Corps, from January 2, 1922.

Maj. James Edmund McDonald, Infantry, from February 5, 1922.

Maj. Carl Frederick von dem Bussche, Quartermaster Corps, from February 11, 1922.

Maj. Thomas Worthington Hollyday, Field Artillery, from February 24, 1922.

Maj. Albert Louis Rhoades, Coast Artillery Corps, from March 2, 1922.

Maj. Sam Pruitt Herren, Infantry, from March 5, 1922.

Maj. Fay Warrington Brabson, Infantry, from March 6, 1922.

To be majors.

Capt. Ellicott Hewes Freeland, Coast Artillery Corps, from August 2, 1921.

Capt. Spencer Albert Townsend, Cavalry, from August 11, 1921.

Capt. Richard Clark Birmingham, Infantry, from August 25, 1921.

Capt. Felix Rossiter McLean, Infantry, from August 26, 1921.

Capt. Craigie Krayenbuhl, Field Artillery, from September 10, 1921.

Capt. Paul Barrows Parker, Infantry, from September 11, 1921.

Capt. Arthur Marion Jones, Cavalry, from October 11, 1921.

Capt. James Cornelius Ruddell, Coast Artillery Corps, from October 15, 1921.

Capt. Thomas Green Peyton, Cavalry, from October 20, 1921.

Capt. Joseph Hamilton Grant, Infantry, from October 23, 1921.

Capt. Joseph James O'Hare, Coast Artillery Corps, from October 26, 1921.

Capt. Arthur Monroe Ellis, Infantry, from October 26, 1921.

Capt. Maurice Levi Miller, Infantry, from November 2, 1921.

Capt. Junius Henry Houghton, Air Service, from November 2, 1921.

Capt. Abram Vorhees Rinearson, jr., Coast Artillery Corps, from November 5, 1921.

Capt. Benjamin Anthony Yancey, Infantry, from November 7, 1921.

Capt. William George Patterson, Coast Artillery Corps, from November 8, 1921.

Capt. Douglas Jenkins Page, Field Artillery, from November 26, 1921.

Capt. James Nephew Caperton, Cavalry, from November 29, 1921.

Capt. Charles Compton Smith, Cavalry, from December 4, 1921.

Capt. Harrison Herman, Cavalry, from December 10, 1921.

Capt. Frank Clark Scofield, Coast Artillery Corps, from December 16, 1921.

Capt. George Joseph Newgarden, jr., Infantry, from December 16, 1921.
Capt. John David Miley, Infantry, from December 16, 1921.
Capt. John Forest Goodman, Infantry, from December 18, 1921.
Capt. Ferdinand Francis Gallagher, Coast Artillery Corps, from December 19, 1921.
Capt. Barrington Lockhart Flanigen, Coast Artillery Corps, from December 22, 1921.
Capt. Robert Kenneth Whitson, Infantry, from December 22, 1921.
Capt. Otto Frederick Lange, Infantry, from December 23, 1921.
Capt. Harlan Leslie Mumma, Infantry, from December 24, 1921.
Capt. Alexander Mathias Weyand, Infantry, from December 24, 1921.
Capt. Walter David Mangan, Field Artillery, from January 1, 1922.
Capt. Robert Rau Duncan McCullough, Cavalry, from January 2, 1922.
Capt. Elon Albert Abernethy, Infantry, from January 4, 1922.
Capt. Nelson Bateman Russell, Infantry, from January 8, 1922.
Capt. Henry Parker Blanks, Infantry, from January 21, 1922.
Capt. Carl Archibald Bishop, Infantry, from February 5, 1922.
Capt. Ansel Griggs Wineman, Field Artillery, from February 11, 1922.
Capt. James Ellis Slack, Cavalry, from February 22, 1922.
Capt, Marvin Randolph Baer, Infantry, from February 22, 1922.
Capt. Marvin Conrad Heyser, Field Artillery, from February 24, 1922.
Capt. Harold Preston Kayser, Infantry, from March 2, 1922.
Capt. Basil Dennis Spalding, Infantry, from March 5, 1922.
Capt. Gordon Waterman Ells, Infantry, from March 6, 1922.
Capt. Sidney Guthrie Brady, Field Artillery, from March 23, 1922.

To be captains.

First Lieut. Ellis DeVern Willis, Infantry, from August 2, 1921.
First Lieut. Thomas Reed Taber, Ordnance Department, from August 2, 1921.
First Lieut. Harry William Lin, Coast Artillery Corps, from August 2, 1921.
First Lieut. Edward Brooks Harry, Cavalry, from August 6, 1921.
First Lieut. Harry Lee Franklin, Infantry, from August 9, 1921.
First Lieut. Harold Paul Stewart, Cavalry, from August 10, 1921.
First Lieut. Darrow Menoher, Cavalry, from August 11, 1921.
First Lieut. Mark Andrew Devine, jr., Cavalry, from August 14, 1921.
First Lieut. Edwin Eugene Aldrin, Air Service, from August 16, 1921.
First Lieut. Robb Steere MacKie, Infantry, from August 25, 1921.
First Lieut. Thomas Lamar Cleaton, Coast Artillery Corps, from August 26, 1921.
First Lieut. Fred Thurston Marsh, Infantry, from August 26, 1921.
First Lieut. Ashley Hearn Conard, Cavalry, from September 1, 1921.
First Lieut. Boniface Campbell, Field Artillery, from September 3, 1921.
First Lieut. Lloyd Marlowe Hanna, Coast Artillery Corps, from September 4, 1921.
First Lieut. Raymond Shener Jett, Cavalry, from September 8, 1921.
First Lieut. James Willard Walters, Ordnance Department, from September 10, 1921.
First Lieut. Richard Cox Coupland, Ordnance Department, from September 10, 1921.
First Lieut. Walter Alfred Elliott, Infantry, from September 11, 1921.
First Lieut. William Joseph Burke, Coast Artillery Corps, from September 15, 1921.
First Lieut. George William Brent, Coast Artillery Corps, from September 18, 1921.
First Lieut. Jack Raymond Burke, Cavalry, from September 20, 1921.
First Lieut. William Hobart Little, Cavalry, from September 23, 1921.
First Lieut. Samuel Francis Cohn, Infantry, from October 7, 1921.
First Lieut. John Augustus Rodgers, Infantry, from October 11, 1921.
First Lieut. Deane Childs Howard, jr., Quartermaster Corps, from October 13, 1921.
First Lieut. James Emerson Troupe, Coast Artillery Corps, from October 14, 1921.
First Lieut. Ward Edwin Becker, Coast Artillery Corps, from October 15, 1921.
First Lieut. William Wayne Murphey, Coast Artillery Corps, from October 16, 1921.
First Lieut. Earl Hendry, Ordnance Department, from October 16, 1921.
First Lieut. Timothy Sapia-Bosch, Infantry, from October 20, 1921.
First Lieut. Harold Artemas Packard, Coast Artillery Corps, from October 20, 1921.
First Lieut. Raymond Miller Richardson, Coast Artillery Corps, from October 23, 1921.
First Lieut. Edward Garrett Cowen, Coast Artillery Corps, from October 23, 1921.
First Lieut. Kenyon Putnam Flagg, Coast Artillery Corps, from October 26, 1921.
First Lieut. Joseph Burske Hafer, Coast Artillery Corps, from October 26, 1921.
First Lieut. Walter Hay Rice, Coast Artillery Corps, from October 26, 1921.
First Lieut. Henry Augustine Harkins, Coast Artillery Corps, from October 29, 1921.
First Lieut. Juan Luis Oliver, Infantry, from November 1, 1921.
First Lieut. Edward Lucien Supple, Coast Artillery Corps, from November 2, 1921.
First Lieut. Fred Beebe Hanchett, jr., Coast Artillery Corps, from November 2, 1921.
First Lieut. Samuel McCullough, Coast Artillery Corps, from November 2, 1921.
First Lieut. Mahlon Milton Read, Coast Artillery Corps, from November 5, 1921.
First Lieut. Allen Ferdinand Crum, Coast Artillery Corps, from November 6, 1921.
First Lieut. Bernard Clark Dailey, Coast Artillery Corps, from November 7, 1921.
First Lieut. Eduardo Andino, Infantry, from November 8, 1921.
First Lieut. John Woodbury Leavitt, Coast Artillery Corps, from November 15, 1921.
First Lieut. Robert Elwyn De Merritt, Coast Artillery Corps, from November 15, 1921.
First Lieut. James Franklin Powell, Air Service, from November 17, 1921.
First Lieut. William Dalton Hohenthal, Coast Artillery Corps, from November 22, 1921.
First Lieut. James Ralph Lowder, Coast Artillery Corps, from November 22, 1921.
First Lieut. John Thomas Schneider, Field Artillery, from November 24, 1921.
First Lieut. Willard Warren Scott, Coast Artillery Corps, from November 26, 1921.
First Lieut. Edwin Philip Hart, Coast Artillery Corps, from November 27, 1921.
First Lieut. Leonard Louis Davis, Coast Artillery Corps, from November 27, 1921.
First Lieut. Harold Leo Stiebel, Coast Artillery Corps, from November 29, 1921.
First Lieut. Webster Fletcher Putnam, jr., Coast Artillery Corps, from December 1, 1921.
First Lieut. Merle Halsey Davis, Ordnance Department, from December 4, 1921.
First Lieut. George Berry Dobyns, Coast Artillery Corps, from December 4, 1921.
First Lieut. Henry Devries Cassard, Coast Artillery Corps, from December 9, 1921.
First Lieut. Edward Hanson Connor, jr., Infantry, from December 10, 1921.
First Lieut. Neal Creighton, Air Service, from December 11, 1921.
First Lieut. George Peter Toft, Quartermaster Corps, from December 15, 1921.
First Lieut. Alonzo Maning Drake, Air Service, from December 16, 1921.
First Lieut. Charles Raymond Melin, Air Service, from December 16, 1921.

First Lieut. Victor Herbert Strahm, Air Service, from December 16, 1921.
First Lieut. Robert Jesse Whatley, Infantry, from December 18, 1921.
First Lieut. Waldo Sebastian Ickes, finance department, from December 18, 1921.
First Lieut. Ira Robert Koenig, Air Service, from December 19, 1921.
First Lieut. Harry Allen Sanford, Philippine Scouts, from December 22, 1921.
First Lieut. Earl Wells, Philippine Scouts, from December 22, 1921.
First Lieut. Raynor Garey, Field Artillery, from December 22, 1921.
First Lieut. Philip Schneeberger, Air Service, from December 23, 1921.
First Lieut. Gouverneur Hoes, Infantry, from December 24, 1921.
First Lieut. Victor Schmidt, Coast Artillery Corps, from December 24, 1921.
First Lieut. George Franklin Parris, Air Service, from December 24, 1921.
First Lieut. Fred Bidwell Lyle, Field Artillery, from December 25, 1921.
First Lieut. Karl Shaffner Axtater, Air Service, from December 26, 1921.
First Lieut. Clinton Bowen Fisk Brill, Quartermaster Corps, from December 28, 1921.
First Lieut. William Joseph Flood, Air Service, from December 28, 1921.
First Lieut. Francis Dundas Ross, jr., Infantry, from December 30, 1921.
First Lieut. Frank Edward Monville, Quartermaster Corps, from January 1, 1922.
First Lieut. George Merrill Palmer, Air Service, from January 1, 1922.
First Lieut. Charles Rawlings Chase, Cavalry, from January 2, 1922.
First Lieut. Loren Francis Parmley, Cavalry, from January 4, 1922.
First Lieut. Erle Fletcher Cress, Cavalry, from January 4, 1922.
First Lieut. Lynn Packard Vane, Coast Artillery Corps, from January 6, 1922.
First Lieut. John Austin Pixley, Coast Artillery Corps, from January 7, 1922.
First Lieut. Otta Marshall, Coast Artillery Corps, from January 8, 1922.
First Lieut. Edwin Cleveland Callicutt, Coast Artillery Corps, from January 9, 1922.
First Lieut. Ray Harrison Green, Quartermaster Corps, from January 11, 1922.
First Lieut. Hugh Williamson Rowan, Chemical Warfare Service, from January 12, 1922.
First Lieut. Russell William Goodyear, Quartermaster Corps, from January 12, 1922.
First Lieut. Lewis Rinehart Pfoutz Reese, Air Service, from January 15, 1922.
First Lieut. Byron Turner Burt, jr., Air Service, from January 21, 1922.
First Lieut. Earle Gene Harper, Air Service, from January 28, 1922.
First Lieut. Philip Gilstrap Bruton, Corps of Engineers, from January 29, 1922.
First Lieut. Eugene Joseph Minarelli FitzGerald, Infantry, from January 31, 1922.
First Lieut. Charles Earl Whitney, Ordnance Department, from February 5, 1922.
First Lieut. Lotha August Smith, Air Service, from February 5, 1922.
First Lieut. Edward Higley Guilford, Air Service, from February 11, 1922.
First Lieut. Junius Augustus Smith, Air Service, from February 22, 1922.
First Lieut. William Henry Carthy, Air Service, from February 22, 1922.
First Lieut. Horace Leland Porter, Corps of Engineers, from February 22, 1922.
First Lieut. Arthur Leo Lavery, Coast Artillery Corps, from February 22, 1922.

APPOINTMENTS IN THE REGULAR ARMY.

GENERAL OFFICERS.

Brig. Gen. Edward Fenton McGlachlin, jr., to be major general from April 1, 1922, vice Maj. Gen. William George Haan, who is to be retired from active service March 31, 1922.

Col. William Henry Hay, Cavalry, to be brigadier general, vice Brig. Gen. Edward Fenton McGlachlin, jr., to be appointed major general.

POSTMASTERS.

ARIZONA.

Mary E. Brown to be postmaster at Parker, Ariz., in place of M. E. Brown. Incumbent's commission expired February 25, 1922.

COLORADO.

Byron T. Shelton to be postmaster at Hayden, Colo., in place of M. Q. Starr. Incumbent's commission expired March 8, 1922.
William W. Hofer to be postmaster at Simla, Colo., in place of E. S. Spangler, resigned.

CONNECTICUT.

Oliver M. Bristol to be postmaster at Durham, Conn. Office became presidential April 1, 1921.

FLORIDA.

Walter D. Griffin to be postmaster at Bradentown, Fla., in place of J. H. Humphries. Incumbent's commission expired January 31, 1922.

ILLINOIS.

William L. Bauman to be postmaster at Iuka, Ill., in place of M. D. Brubaker. Incumbent's commission expired February 4, 1922.
H. L. Haynes to be postmaster at Ramsey, Ill., in place of Samuel Shockey. Incumbent's commission expired February 4, 1922.

KANSAS.

Clarence L. Gray to be postmaster at Luray, Kans., in place of C. P. Fallis, resigned.
Elizabeth Simpson to be postmaster at Medicine Lodge, Kans., in place of U. C. Kerr, resigned.
John M. Cable to be postmaster at Toronto, Kans., in place of William McHaley. Incumbent's commission expired February 4, 1922.
Byram L. Sams to be postmaster at Offerle, Kans. Office became presidential April 1, 1921.

NEVADA.

Erwin E. Frost to be postmaster at Golconda, Nev. Office became presidential January 1, 1921.

NEW YORK.

Augustus W. Stevens to be postmaster at Great Neck, N. Y., in place of J. C. Spalding, deceased.

NORTH CAROLINA.

Howard M. Bullard to be postmaster at Chadbourn, N. C., in place of E. J. Britt. Incumbent's commission expired January 24, 1922.
Jefferson D. Whitehead, jr., to be postmaster at Enfield, N. C., in place of H. S. Harrison. Incumbent's commission expired January 24, 1922.
Vance Thompson to be postmaster at Vineland, N. C., in place of G. W. Hill. Incumbent's commission expired January 24, 1922.

OHIO.

Edward Brichta to be postmaster at Glendale, Ohio, in place of E. J. Meagher, resigned.

OKLAHOMA.

William R. Casteel to be postmaster at Sapulpa, Okla., in place of C. C. Taylor, resigned.

RHODE ISLAND.

Charles W. Holroyd to be postmaster at Thornton, R. I., in place of C. F. Holroyd. Incumbent's commission expired August 6, 1921.

SOUTH CAROLINA.

Jefferson M. Davis to be postmaster at Pinewood, S. C. Office became presidential April 1, 1921.

TEXAS.

James W. Johnson to be postmaster at Italy, Tex., in place of T. S. Hamilton, resigned.
Colonel E. Dutro to be postmaster at Mission, Tex., in place of I. J. Wright. Incumbent's commission expired July 21, 1921.
John Q. Hanna to be postmaster at Blackwell, Tex. Office became presidential October 1, 1920.

VIRGINIA.

Otis R. Thornhill to be postmaster at Culpeper, Va., in place of R. T. Green. Incumbent's commission expired April 16, 1922.
Lilburn T. Addington to be postmaster at Wilder, Va. Office became presidential April 1, 1921.

WISCONSIN.

Henry W. Graser to be postmaster at Menomonee Falls, Wis., in place of H. W. Graser. Incumbent's commission expired January 24, 1922.

John H. Zahrte to be postmaster at Sparta, Wis., in place of J. P. Rice. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 31, 1922.

UNDERSECRETARY OF STATE.

William Phillips to be Undersecretary of State.

ASSISTANT SECRETARY OF STATE.

Leland Harrison to be Assistant Secretary of State.

APPRAISER OF MERCHANDISE.

Genevieve Cline to be appraiser of merchandise in customs collection district No. 41, with headquarters at Cleveland, Ohio.

REGISTER OF THE LAND OFFICE.

Arthur Wellington Doland to be register of the land office, Spokane, Wash.

RECEIVER OF PUBLIC MONEYS.

Frank Adelbert Savage to be receiver of public moneys, Spokane, Wash.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF PORTO RICO.

Carlos Franco Soto to be associate justice of the Supreme Court of Porto Rico.

PROMOTIONS IN THE NAVY.

To be commanders.

Cleon W. Mauldin.
Christopher R. P. Rodgers.
William A. Hall.
Charles M. Austin.
John P. Miller.
Harry L. Pence.
Andrew S. Hickey.
Reuben L. Walker.
Wilfred E. Clarke.
Edwin B. Woodworth.
Aubrey W. Fitch.
Robert V. Lowe.
Hamilton F. Glover.
Guy E. Baker.
Willis W. Bradley, jr.
Miles A. Libbey.
Raymond A. Spruance.

To be lieutenant commanders.

Francis Cogswell.
Preston B. Haines.
Ernest L. Gunther.
Frederick C. Sherman.
Leslie L. Jordan.
Marion C. Robertson.
James M. Doyle.
Elmer D. Langworthy.
Frederick G. Reinicke.
Elmer K. Niles.
Scott B. Macfarlane.
Romuald P. P. Meclewski.
Herbert R. Hein.
Ole O. Hagen.
Robert H. Skelton.
Alfred G. Zimermann.
Roger W. Paine.
Milton H. Anderson.
Oliver L. Wolfard.
Francis S. Craven.
George M. Lowry.
John A. Fletcher.
Oscar C. Badger.
Robert K. Awtrey.
Scott D. McCaughey.
Frank J. Lowry.
Aylmer L. Morgan, jr.
Lyell St. Louis Pamperin.
Harold R. Keller.
John C. Thom.
Paul M. Bates.
John W. Reeves, jr.
Guysbert B. Vroom.
Glenn F. Howell.
Francis M. Collier.
Ellis S. Stone.
Morris D. Gilmore.
William E. Baughman.
Bernhard H. Bieri.
Thomas S. King, 2d.
Howard S. Jeans.
Daniel J. Callaghan.
Thomas Baxter.
Thomas S. McCloy.
George B. Ashe.
Eric L. Barr.
Ralph F. Wood.
Walter S. Davidson.
Henry J. Shields.
Robert P. Hinrichs.
Norman L. Kirk.
Pat Buchanan.
William F. Callaway.
Franz B. Melendy.
Joseph R. Mann, jr.
William C. Barnes.
Wallace B. Phillips.
Frederick L. Riefkohl.
John W. Gates.
Harvey S. Haislip.
Charles G. McCord.
Ralph C. Lawder.
Robert P. Molten, jr.
William J. Butler.

To be lieutenants.

Henry F. Floyd.
Henry P. Samson.
William H. Porter, jr.
Simon P. Fullinwider, jr.
Arthur B. McCrary.
William S. Heath.
Peter K. Fischler.
Harry K. Leventen.
Smith D. A. Cobb.
Charles G. Moore, jr.
Herbert R. Sobel.
Evan G. Hanson.
George C. Cummings.

To be lieutenants (junior grade).

John O. Huse.
James L. Wisenbaker.
Joseph S. Ives.
Arthur B. McCrary.
Peter K. Fischler.
Harry K. Leventen.
Smith D. A. Cobb.
Charles G. Moore, jr.
George C. Cummings.
Herbert R. Sobel.

To be pay inspector.

Frederick B. Colby.

To be paymasters.

Arthur H. Mayo.
Samuel R. White, jr.
Eaton C. Edwards.

To be medical inspector.

Frederick G. Abeken.

To be surgeon.

William W. Hargrave.

To be passed assistant surgeon.

Maurice S. Mathis.

To be passed assistant dental surgeons.

Edward A. Hyland.
Clarence E. Garcia.

To be naval constructor.

Edward C. Hamner, jr.

To be civil engineer.

Henry F. Bruns.

To be chief machinists.

Will Mueller.
Patrick H. Cassidy.
George C. Martin.
George Keeser.

POSTMASTERS.

ALASKA.

William L. Harber, Fort Yukon.

GEORGIA.

Robert J. Walsh, Garfield.

IDAHO.

William F. McCullough, Mullan.

ILLINOIS.

Charles W. Grant, Bement.
Bernard A. Dorries, Breese.
Charles W. Jones, Chandlerville.
Edgar H. Mills, Lawrenceville.
Frank E. Walters, Seaton.
Ralph K. Crawford, West Point.
Alfred J. Meyer, Worden.

INDIANA.

Harry C. Watts, Aurora.
Orpheus M. Dickey, Shoals.

IOWA.

Lou A. Brink, Clarence.
Oscar J. Houstman, Olin.

KANSAS.

Guy H. Byarlay, Green.

MARYLAND.

Harry C. Saunders, Goldsboro.
Alice C. Widmeyer, Hancock.
William K. Lambie, Mount Savage.
Raymond R. Russell, Reisterstown.
C. Virginia Mullikin, Trappe.
Carroll L. Smith, Walkersville.

MICHIGAN.

Fred U. O'Brien, Coral.

MISSISSIPPI.

Daniel F. Smith, Carriere.
Robert B. O'Reilly, Cruger.
Lora I. Colemon, Doddsville.
Henry I. Brown, Enid.
Rubye N. Brasfield, Lorman.

NEW JERSEY.

Milton A. Whyard, Englewood.

NEW MEXICO.

Lucy R. Haynie, Cimarron.
Charlie McDonald, Lovington.
Fern I. Brooks, Maxwell.
Joe P. Medinger, Tyrone.

NEW YORK.

Moses W. Drake, Bay Shore.
Abram L. Van Horne, Fultonville.
Roy T. Merrill, Holley.
Charles R. Merrill, Homer.
George A. Case, Honeoye Falls.
Clarence D. Tarbell, Ithaca.
John W. Hedges, Pine Plains.
Fred C. Stadler, Pleasantville.
Allen T. Wells, Pottersville.
Harrison M. Russell, Staatsburg.
August P. Lenz, Thendara.
Frederick F. Dickermon, Walton.
Percy Burr, West Haverstraw.
Albert Van Essendelft, West Sayville.
Mortimer F. McKeel, Yorktown Heights.

NORTH DAKOTA.

Mark Johnson, Ellendale.

PENNSYLVANIA.

J. Russell Clayton, Bryn Athyn.
Nathaniel E. Lyons, Cheat Haven.
John O. Whiteman, Claridge.
Joseph B. Seifert, Dover.
John W. Aumiller, Eagles Mere.
Edgar J. Dowling, Gouldsboro.
Frank R. Jones, Iselin.
Emma A. Smith, Seelyville.
Ernest H. Ryder, Shawnee on Delaware.
Harry P. Medland, Waymart.
Herbert M. Black, West Sunbury.
George W. Kreidler, Yoe.

RHODE ISLAND.

Florence E. Booth, Oakland Beach.

TEXAS.

Arthur H. O'Kelley, Atlanta.
Martha A. Luccock, Keene.
Alice Crow, Kountze.
G. Lafayette Hardcastle, Lexington.
Daniel I. Dudley, Plano.

VIRGINIA.

Dwight D. Ball, Barboursville.
Harvey W. Nester, Fieldale.

WISCONSIN.

William H. Fieweger, Kimberly.
Martin A. Hanson, Menomonie.
Albert H. Anderson, Nelson.
Clifford J. Tice, Redgranite.
Frank H. Colburn, Shiocton.
Donald C. McDowell, Soldiers Grove.
Mabel R. Gross, Stone Lake.
George E. Bogrand, Wausaukee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 31, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, with a knowledge of sin and with a sense of weakness we continue to approach Thee. Vouchsafe to hear our prayer and let Thy blessing rest upon us and our country. Hearken unto the voices that go up silently before Thee that peace may come out of discord, confidence out of suspicion, and bring forth all citizens zealous of good works. Grant, Heavenly Father, that all struggle and strife for better things may be restrained and governed that they shall work out the greatest good and the least harm. May all evil by which man hurts his fellow man come to an end. O let the bright and blessed day come soon, when friendship, fraternity, and fidelity shall abound among all citizens and every fireside shall glow with happiness and contentment. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 282. Joint resolution to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

ADDITIONAL HOSPITAL FACILITIES FOR EX-SERVICE MEN AND WOMEN.

Mr. MONDELL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10864, the hospital bill.

The SPEAKER. The gentleman from Wyoming moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10864, the hospital bill. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

Mr. WALSH. I ask for a division, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts asks for a division.

The House divided; and there were—ayes 31, noes 3.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on agreeing to the motion of the gentleman from Wyoming that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10864.

The question was taken; and there were—yeas 317, nays 0, answered "present" 1, not voting 112, as follows:

YEAS—317.

Ackerman	Dallinger	Huddleston	Michener
Almon	Darrow	Hudspeth	Miller
Andrews, Nebr.	Davis, Minn.	Hukriede	Millspaugh
Appleby	Davis, Tenn.	Hull	Mondell
Arentz	Deal	Humphreys	Montague
Aswell	Dempsey	Husted	Montoya
Atkeson	Denison	James	Moore, Ill.
Bankhead	Dickinson	Jefferis, Nebr.	Moore, Ohio
Barbour	Dominick	Jeffers, Ala.	Moore, Va.
Barkley	Doughton	Johnson, Ky.	Morgan
Beck	Dowell	Johnson, Wash.	Morin
Beedy	Drane	Jones, Pa.	Nelson, A. P.
Begg	Driver	Jones, Tex.	Nelson, J. M.
Bell	Dupré	Keller	Nolan
Benham	Dyer	Kelly, Pa.	Norton
Bird	Echols	Kennedy	Oldfield
Bixler	Edmonds	Ketcham	Oliver
Black	Elliott	Kiess	Osborne
Blakeney	Ellis	Kincheloe	Overstreet
Bland, Ind.	Evans	Kindred	Padgett
Bland, Va.	Fairfield	King	Paige
Blanton	Faust	Kinkaid	Park, Ga.
Boies	Favrot	Kissel	Parker, N. J.
Bowling	Fenn	Kline, N. Y.	Parks, Ark.
Box	Fitzgerald	Kline, Pa.	Patterson, N. J.
Brand	Fordney	Knutson	Perkins
Briggs	Foster	Kopp	Petersen
Britten	Frear	Kraus	Porter
Brooks, Ill.	Free	Langley	Pringey
Brooks, Pa.	Freeman	Lanham	Purnell
Browne, Wis.	French	Lankford	Quin
Bulwinkle	Frothingham	Larsen, Ga.	Radcliffe
Burdick	Fulmer	Larson, Minn.	Raker
Burroughs	Funk	Lawrence	Ramseyer
Burton	Gahn	Layton	Rankin
Byrnes, S. C.	Gallivan	Lazaro	Rayburn
Byrns, Tenn.	Garner	Lea, Calif.	Reavis
Cable	Garrett, Tenn.	Leatherwood	Reece
Campbell, Kans.	Garrett, Tex.	Lehlbach	Reed, W. Va.
Campbell, Pa.	Gensman	Lineberger	Rhodes
Cannon	Gernerd	Linthicum	Ricketts
Cantrill	Gilbert	Little	Riddick
Carter	Glynn	Logan	Roach
Chalmers	Goodykoontz	London	Robertson
Chandler, Okla.	Graham, Ill.	Longworth	Rodenberg
Chindblom	Green, Iowa	Lowrey	Rose
Clague	Greene, Mass.	Luce	Rosenbloom
Classon	Greene, Vt.	Luhring	Rouse
Clouse	Griest	Lyon	Rucker
Cole, Iowa	Griffin	McArthur	Sanders, Ind.
Cole, Ohio	Hadley	McClintic	Sanders, Tex.
Collier	Hardy, Colo.	McCormick	Sandlin
Collins	Hardy, Tex.	McFadden	Scott, Mich.
Colton	Harrison	McKenzie	Scott, Tenn.
Connally, Tex.	Haugen	McLaughlin, Mich.	Sears
Connell	Hawes	McLaughlin, Nebr.	Shaw
Cooper, Ohio	Hawley	McPherson	Shelton
Cooper, Wis.	Hayden	McSwain	Sinclair
Copley	Hays	MacGregor	Sinnott
Coughlin	Herrick	Madden	Sisson
Crago	Hersey	Magee	Smith, Idaho
Cramton	Hickey	Maloney	Smith, Mich.
Crisp	Hill	Mann	Smithwick
Cullen	Hoch	Mapes	Sproul
Curry	Hogan	Martin	Steagall
Dale	Hooker	Mead	Steenerson

Stephens	Thompson	Vestal	Williamson
Stevenson	Tillman	Vinson	Wilson
Stoll	Tilson	Voigt	Wingo
Strong, Kans.	Timberlake	Volk	Wise
Summers, Wash.	Tincher	Volstead	Woodruff
Sumners, Tex.	Tinkham	Walsh	Woodyard
Swank	Towner	Ward, N. C.	Wright
Sweet	Treadway	Wason	Wurzbach
Swing	Tucker	Weaver	Wyant
Tague	Tyson	Webster	Yates
Taylor, N. J.	Underhill	Wheeler	Young
Taylor, Tenn.	Upshaw	White, Kans.	
Ten Eyck	Vaile	White, Me.	
Thomas	Vare	Williams	

ANSWERED "PRESENT"—1.

Fuller

NOT VOTING—112.

Anderson	Fields	Lee, N. Y.	Robsion
Andrew, Mass.	Fish	McDuffie	Rogers
Ansorge	Fisher	McLaughlin, Pa.	Rossdale
Anthony	Focht	Mansfield	Ryan
Bacharach	Goldsborough	Merritt	Sabath
Bond	Gorman	Michaelson	Sanders, N. Y.
Bowers	Gould	Mills	Schall
Brennan	Graham, Pa.	Moores, Ind.	Shreve
Brinson	Hammer	Mott	Siegel
Brown, Tenn.	Hicks	Mudd	Slemp
Buchanan	Himes	Murphy	Snell
Burke	Hutchinson	Nelson, Me.	Snyder
Burtness	Ireland	Newton, Minn.	Speaks
Butler	Jacoway	Newton, Mo.	Stafford
Carew	Johnson, Miss.	O'Brien	Stedman
Chandler, N. Y.	Johnson, S. Dak.	O'Connor	Stiness
Christopherson	Kahn	Ogden	Strong, Pa.
Clark, Fla.	Kearns	Olpp	Sullivan
Clarke, N. Y.	Kelley, Mich.	Parker, N. Y.	Taylor, Ark.
Cockran	Kendall	Patterson, Mo.	Taylor, Colo.
Codd	Kirkpatrick	Perlman	Temple
Connolly, Pa.	Kitchin	Pou	Walters
Crowther	Kleczka	Rainey, Ala.	Ward, N. Y.
Drewry	Knight	Rainey, Ill.	Watson
Dunbar	Kreider	Ransley	Winslow
Dunn	Kunz	Reber	Wood, Ind.
Fairchild	Lampert	Reed, N. Y.	Woods, Va.
Fess	Lee, Ga.	Riordan	Zihlman

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Fuller with Mr. Jacoway.
Mr. Dunbar with Mr. Hammer.
Mr. Snyder with Mr. Riordan.
Mr. Lampert with Mr. Fisher.
Mr. Reed of New York with Mr. Lee of Georgia.
Mr. Newton of Missouri with Mr. McDuffie.
Mr. Shreve with Mr. Pou.
Mr. Michaelson with Mr. Rainey of Illinois.
Mr. Gorman with Mr. Carew.
Mr. Clarke of New York with Mr. Woods of Virginia.
Mr. Brennan with Mr. Drewry.
Mr. Ireland with Mr. Goldsborough.
Mr. Anderson with Mr. Kunz.
Mr. Patterson of Missouri with Mr. Fields.
Mr. Wood of Indiana with Mr. Brinson.
Mr. Snell with Mr. Kitchin.
Mr. Strong of Pennsylvania with Mr. Johnson of Mississippi.
Mr. Hicks with Mr. Taylor of Colorado.
Mr. Bacharach with Mr. Sullivan.
Mr. Rogers with Mr. O'Connor.
Mr. Fairchild with Mr. Cockran.
Mr. Hutchinson with Mr. O'Brien.
Mr. Olpp with Mr. Stedman.
Mr. Perlman with Mr. Clark of Florida.
Mr. Christopherson with Mr. Sabath.
Mr. Knight with Mr. Buchanan.
Mr. Reber with Mr. Taylor of Arkansas.
Mr. Kendall with Mr. Rainey of Alabama.
Mr. Rossdale with Mr. Mansfield.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The yeas have it, and the House accordingly resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill, and the gentleman from Iowa [Mr. GREEN] will please resume the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, with Mr. GREEN of Iowa in the chair.

Mr. LANGLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 1, line 7, after the word "bureau," insert "by purchase and remodeling or extension of existing plants."

Mr. MADDEN. Mr. Chairman, I desire to offer a substitute for the section.

Mr. LANGLEY. Mr. Chairman, I do not think the substitute is in order until the perfecting amendment has been disposed of.

The CHAIRMAN. The gentleman from Illinois may offer his substitute.

Mr. LANGLEY. He may offer it and have it pending, but we must perfect the paragraph first.

Mr. KINCHELOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KINCHELOE. This is a perfecting amendment. Does it not take precedence of the substitute?

The CHAIRMAN. That is not the question before the Chair. The question before the Chair is whether the gentleman from Kentucky [Mr. LANGLEY] is entitled to his five minutes.

Mr. KINCHELOE. I understood the Chair recognized the gentleman from Illinois.

The CHAIRMAN. If a perfecting amendment is offered the question is first on the perfecting amendment. The gentleman from Kentucky is entitled to recognition for five minutes, unless he desires to yield to the gentleman from Illinois.

Mr. LANGLEY. Mr. Chairman, I have no pride of opinion about the exact phraseology of this bill. I have a considerable feeling of pride that there shall be expedition in the passage of the hospital bill. It was the purpose of the committee to include in the phraseology in which the bill is now drawn the purchase and remodeling or extension of existing plants. Some question has been raised as to whether the language of the bill as printed is broad enough to include that. I offer this amendment in order to make that point perfectly clear, because we want to give to the executive authorities the widest discretion in the hospitalization of our disabled ex-service men.

Mr. WALSH. Will the gentleman yield?

Mr. LANGLEY. I yield to the gentleman from Massachusetts.

Mr. WALSH. Did the gentleman's committee have hearings on this measure?

Mr. LANGLEY. We have had so many hearings in the past year and a half that I may say that I dream of them every night. We have heard almost everybody.

Mr. WALSH. The gentleman from Alabama [Mr. JEFFERS] yesterday pointed out that there were a lot of blue prints and plans existing, and that actual construction work had never been begun upon projects heretofore authorized. Did the gentleman or his committee find out why these hospitals that have been authorized heretofore have not been constructed?

Mr. LANGLEY. The gentleman's question raises a point that I feel some hesitancy about discussing, but his direct question compels me to say that I do not think there has been as much expedition under the bill which we passed in the last Congress, appropriating $18,600,000, as there should have been. Explanations were made why the completion of the repairs or extension of certain institutions had been postponed beyond the dates originally fixed. The hearings show very clearly that there have been delays. I do not think—if you compel me to say it—that the work done under the bill of the last Congress has been as expeditious and as satisfactory to the country as it ought to have been, and I want to say I do not believe it is the fault of my beloved friend, Col. Edward Clifford, Assistant Secretary of the Treasury, who has done everything he could to expedite this work. I think it has been due primarily to the division of responsibility for the hospitalization of our sick soldiers. It should all be under one authority. It should be under the man directly responsible to the President, and all be done under the President's supervision, so that we can fix the responsibility on one man instead of on two or three men.

Mr. WALSH. Does this bill do that?

Mr. LANGLEY. This bill does that, and that is exactly what the committee is seeking to do.

Mr. WALSH. I hope it will not be found two months from now that it does not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the time of the gentleman from Kentucky be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Kentucky be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. LANGLEY. I thank the gentleman for his courtesy.

Mr. BARKLEY. Will the gentleman yield?

Mr. LANGLEY. I yield to my colleague from Kentucky.

Mr. BARKLEY. Can the gentleman advise the House whether the Supervising Architect's Office has had anything to do with the delay which has occurred in carrying out the previous appropriations?

Mr. LANGLEY. I would not like to say that. I know delay has occurred, and I think delay which could have been avoided has occurred.

Mr. ASWELL. Why?

Mr. BARKLEY. Where does that responsibility lie? The gentleman says it does not lie with Colonel Clifford.

Mr. LANGLEY. I do not think it does.

Mr. BARKLEY. But somewhere in the Treasury Department it does lie.

Mr. LANGLEY. I will say frankly to the gentleman that one man says it lies one place and another man says it lies another place, and I do not know which one is lying. [Laughter.]

Mr. GRIFFIN. Will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. GRIFFIN. Is it not a fact that two years ago it was reported to the Committee on Public Buildings and Grounds that the Supervising Architect was from five to seven years behind in the perfection of plans for construction already authorized?

Mr. LANGLEY. I think that is the common knowledge of all the Members of the House.

Mr. KINDRED. Will the gentleman yield?

Mr. LANGLEY. I yield to the gentleman from New York.

Mr. KINDRED. The gentleman and I concur in the belief that divided authority has necessarily delayed the construction of the hospitals authorized under the $18,600,000 appropriation by the Sixty-sixth Congress; but does that divided authority, in the opinion of the gentleman from Kentucky, chairman of the Committee on Public Buildings and Grounds, explain in any degree the facts set forth in the report on the progress of the work, by the consultants on hospitalization in the Treasury Department, where it is stated, in regard to the $1,000,000 appropriation for western Pennsylvania, that "preliminary studies are still under way"; and in regard to the appropriation of $1,000,000 for St. Louis, "preliminary studies are still under way"; and in regard to the metropolitan appropriation in New York, "preliminary studies are still under way"?

Mr. LANGLEY. Let me say to my friend from New York that I like all of these gentlemen, and do not like to take a position that this man or that man has neglected his duty—public officials, whether Democrats or Republicans—and especially Republicans.

Mr. KINDRED. This is in no sense a party matter.

Mr. LANGLEY. I know it is not; but the gentleman understands the embarrassment that I am laboring under in going into a matter of detail; but I may say broadly that the present organization, as carried out under our bill of the last Congress, has not functioned up to date—has not accomplished what it should have accomplished.

Mr. BARKLEY. Does the gentleman know whether the Treasury Department took into consideration the need of getting action in building hospitals immediately as compared with other public buildings?

Mr. LANGLEY. I have been somewhat fearful that under the stress of other business they have not realized the vital necessity of immediate action on hospitalization.

Mr. BARKLEY. I think the gentleman's fears are well grounded.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. BLAND of Indiana. Has the gentleman anything in the conduct of the Veterans' Bureau by the director to warrant him in thinking that if this appropriation is put under him it will be carried out any more promptly?

Mr. LANGLEY. With the approval of the President and the direct supervision which is given him under this bill over the whole matter—yes.

Mr. BLAND of Indiana. The President can not build hospitals.

Mr. LANGLEY. The President can direct. He has shown the utmost sympathy with the ex-service men; he has appointed three different commissions trying to solve this problem, and this is the third. He has approved the action of the third commission.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LANGLEY. Certainly.

Mr. BANKHEAD. Can the gentleman inform the House what the President has in mind if the matter is turned over to him?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BANKHEAD. Mr. Chairman, I ask that the gentleman from Kentucky have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Under section 2 of the bill you are turning over to the President authority to handle this matter in such a manner as he may determine. I imagine that that is the remedy you have in mind to correct this delay. The President will take charge of the situation at once and give such orders and directions as will remedy the situation. Can the gentleman tell us what the President has in mind, the ways and means that he will adopt to get expedition?

Mr. LANGLEY. I know from various talks with the President on this subject and from what I know of his activity and deep personal interest in the matter that he will take every step possible to expedite the situation.

Mr. BANKHEAD. What steps? That is what I want to find out.

Mr. LANGLEY. I can not predict, of course, in what manner the Executive discretion will be exercised in advance of the enactment of the law conferring that discretion.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. LANGLEY. Certainly.

Mr. BLAND of Indiana. Has the gentleman heard whom the President is going to assign to that duty or whom Colonel Forbes, under the direction of the President, is going to assign the duty?

Mr. LANGLEY. I have not.

Mr. BLAND of Indiana. It has not come to the gentleman who is the particular person in the medical department who is going to have charge?

Mr. LANGLEY. I know several gentlemen, faithful public officials, who are going to do their very best to perform their share of the work.

Mr. BLAND of Indiana. Has it not come to the gentleman to whom a party must go in order to get a contract to build a hospital?

Mr. LANGLEY. It has not.

Mr. MANN. Will the gentleman from Kentucky yield?

Mr. LANGLEY. I will.

Mr. MANN. If it would not be improper, I would like to ask a question about the amendment. [Laughter.] Is it the purpose of the amendment to authorize the purchase of private hospitals?

Mr. LANGLEY. The amendment paraphrases the language of the last act. Some gentlemen of the House called my attention to the fact that there was some doubt under the language of the bill as drawn of authority to take advantage of an opportunity to get an existing structure that would be suitable for hospital purposes.

Mr. MANN. The gentleman means private hospitals.

Mr. LANGLEY. I suppose so—yes; of course, private hospitals.

Mr. JEFFERS of Alabama. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. JEFFERS of Alabama. In view of the negligence on the part of some one, under the act approved March 4, 1921, giving the Secretary of the Treasury jurisdiction over this matter; in view of the fact that the hospitals have not been even started and therefore many veterans are walking the streets of this country or have gone to an untimely grave on account of this delay, I think the inaction of the Secretary of the Treasury constitutes criminal negligence. Does the gentleman agree with me?

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. LANGLEY. That is a mere matter of opinion. The gentleman is entitled to his opinion.

Mr. WILLIAMSON. Mr. Chairman, I have an amendment which I desire to offer.

Mr. DYER. Mr. Chairman, there is an amendment already pending, is there not?

The CHAIRMAN. There is an amendment pending, but the Chair can not tell what the amendment of the gentleman from South Dakota is until he sees it.

Mr. WILLIAMSON. Mr. Chairman, I send the amendment to the desk.

The CHAIRMAN. The Chair has examined the gentleman's amendment, and does not think it is in order at this time, as it is an amendment to be offered at the end of section 1.

Mr. LANGLEY. Mr. Chairman, I ask for a vote on my amendment.

Mr. MADDEN. Mr. Chairman, I offer a substitute for the section, which I desire to have reported.

Mr. ANDREWS of Nebraska. Mr. Chairman, I would like to have a few minutes on the pending amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

Mr. MONTAGUE. Mr. Chairman, if it is agreeable to the gentleman from Illinois, may we not have the original amendment read before we have the substitute read?

The CHAIRMAN. The Chair would say that the gentleman from Illinois offers a substitute for the entire section.

Mr. LANGLEY. Of course, the preferential vote is on the amendment.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 1, line 7, after the word "bureau," insert "by purchase and remodeling or extension of existing plants and."

Amendment offered by Mr. MADDEN as a substitute for the section: On page 1, after the enacting clause, strike out all of section 1 and insert in lieu thereof the following:

"That the President is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, or by the alteration and extension of existing Government hospital and out-patient dispensary facilities and equipment. Such hospital and out-patient dispensary facilities shall include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads and trackage facilities leading thereto, vehicles, live stock, furniture, equipment and accessories, and shall also provide accommodations for officers, nurses, and attending personnel. The acceptance of gifts or donations for any of the purposes named herein is hereby authorized. Such hospital plants shall be of fireproof construction, and the location, cost, and nature thereof, whether for the treatment of tuberculosis or neuropsychiatric or general medical and surgical cases, shall be as the President shall direct."

Mr. MADDEN. Mr. Chairman, there seems to be a good deal of doubt as to where responsibility lies for any delay that may have occurred in the past. I do not think you can solve the difficulty at issue more clearly than by placing the responsibility upon the President of the United States direct. It seems to me that if there is anybody who should be responsible, it is the President. He represents the people of the Nation, and he is as much interested in the proper care of the wounded and sick soldiers as anybody can be. The responsibility should not be any longer in doubt. This bill as reported by the committee, in the first instance, provides that the Director of the Veterans' Bureau, subject to the approval of the President, is authorized to do certain things, and then on the next page of the bill they take the authority granted to the President on the first page away from him and vest it directly in the Director of the Veterans' Bureau. My purpose is to see to it that somebody, somewhere, who is responsible to the American people shall be held responsible for the proper care of these men. [Applause.]

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LANGLEY. The gentleman will observe that the language on page 2, to which he refers, merely provides that the Director of the Veterans' Bureau is authorized to accept gifts or donations.

Mr. MADDEN. Yes. I know he is authorized to do certain things without any authority from the President. What I am trying to do is this: I am trying to see to it that whoever the President may place in charge, he will be subject to the orders of the President, and not be in a position to give orders to the President. I can tell some of the reasons why the delay occurred in supplying facilities under the $18,600,000 appropriation. That bill authorized the appointment of a board. The board was appointed and that board arrogated to itself supreme power as to location and character of equipment for the care of the men, and they have listened to nobody, not even the President.

I do not want that to occur again. I want the President to be supreme, because I know the President is anxious to care for these men, and I know that he has been embarrassed by the attitude of the board which exists to-day under the former appropriation.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SNYDER. Will the gentleman tell us what happens to the law now in existence? Does this board continue to operate under that?

Mr. MADDEN. It will not continue under this.

Mr. SNYDER. No; but in addition to this, will the board appointed under the previous law continue to operate?

Mr. MADDEN. It will not, except as to what they are already authorized to do, but this will take away from the board all power.

Mr. SNYDER. Does it give the President the power?

Mr. MADDEN. Yes.

Mr. SNYDER. Not only over what we are legislating for now but what has already been done?

Mr. MADDEN. Yes. My amendment gives power to the President to name any agency of the Government, or another amendment will, that he may see fit to name.

Mr. SNYDER. Does this law supersede the one that is now in existence and take the power from the board that is now in existence?

Mr. MADDEN. It will if another amendment that I propose to offer is adopted.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SWING. Mr. Chairman, I ask unanimous consent that his time be extended for one minute.

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask that it be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SWING. Under the gentleman's amendment as I heard it read, it omits the power to purchase an existing plant.

Mr. MADDEN. It does not indicate whether he should have the power to purchase or not, but it does provide this in addition to what the section as reported by the committee provides. The section reported by the committee provides that, with the approval of the President, the Director of the Veterans' Bureau is authorized to provide additional hospital and out-patient dispensary facilities, either by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, and I add to that the words "or by the alteration and the extension of existing Government hospital and out-patient dispensary facilities and equipment."

Mr. SWING. Is that language broad enough to cover——

Mr. MANN. The substitute offered by my colleague, as I understand, does not carry in it the amendment just offered by the chairman of the committee, but it will be easy to insert it.

Mr. SWING. That is the point that I desire to know about.

Mr. MADDEN. It does not carry that amendment.

Mr. SWING. Does the gentleman think that this is broad enough to cover a situation which I know exists, where the Veterans' Bureau, in order to get available beds, took a lease on an existing plant with the permission to purchase and expended more than $100,000 in improvements on the property, intending to buy it?

Mr. MADDEN. I do not think it would.

Mr. KINCHELOE. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. KINCHELOE. Personally I have no objection to the gentleman's substitute, but would the gentleman object, if the substitute were adopted, to adopting the amendment of the gentleman from Kentucky?

Mr. MADDEN. I will not object.

Mr. KINCHELOE. That is all right.

Mr. KINDRED. Is it not a wise proposal of the gentleman to bring about undivided authority and a full and centralized authority in the hands of the President particularly, because it will bring a power fundamentally important to select men who may not only mean well but know their business with respect to a hospital policy?

Mr. MADDEN. It gives absolute power to select.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LANGLEY. I ask that the gentleman have another minute.

Mr. ANDREWS of Nebraska. Five minutes.

Mr. MADDEN. I do not want to take up too much time of the committee.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. ANDREWS of Nebraska. Reference has been made here to two boards. It has been intimated here that those boards came into existence under statutes. My understanding is that those boards were appointed only by the President, with General Dawes at the head, and one by the Secretary of the Treasury, with Doctor White at the head, and they were simply agencies, one for the President and the other for the Secretary of the Treasury, and under the provisions of the legislation and the terms of this bill neither of those boards would have any statutory existence whatever. It is merely a matter of decision on the part of the President or any other authority as to whether any new appointments would be made or not.

Mr. KINCHELOE. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. KINCHELOE. If the gentleman has the substitute, I wish he would turn to it.

Mr. MADDEN. I have not it here.

Mr. KINCHELOE. The amendment I want to suggest to the gentleman was after the words "Veterans' Bureau," in line with the amendment of the gentleman from Kentucky, add "by extending existing plants and."

Mr. MADDEN. Yes. If the gentleman now will allow me to proceed, so gentlemen may understand the effect of the amendment if it should be adopted and get a clear conception and what this amendment means. Section 2 of the bill now provides:

That the construction of new hospitals or dispensaries, or the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, the engineering, the constructing, or other forces of any of the other departments of the Government to do or assist in such work.

Now, my amendment to section 2 would read like this:

Any sums allotted hereunder by the President for any additional hospital or out-patient dispensary facilities as he may determine for the most efficient, expeditious, and economical accomplishment of the purposes of this act.

Section 3 provides:

That for carrying into effect the preceding paragraph relating to additional hospital and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,000,000, to be immediately available and to remain available until expended.

Now, I propose to offer a substitute for that if this substitute of mine should be adopted.

Mr. LANGLEY. That is not before the committee.

Mr. MADDEN. No; now I am simply trying to explain it and show that there is no embarrassment about the amendment.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LANGLEY. I ask that the gentleman have five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Now, I propose a substitute for section 3 of the bill. Section 3 in the bill leaves the manner of expenditure for architect fees and clerks and all accessory expenditures wide open and places no limit anywhere on how much money can be expended for those incidental purposes. The entire amount might be expended for purposes not intended by the act. What I propose is this:

For carrying into effect the provisions of this act the sum of $17,000,000 is authorized to be appropriated; not to exceed 3 per cent of the sum shall be available for the employment in the District of Columbia or in the field of necessary technical and clerical assistance at the customary rates of compensation exclusively needed in the preparation of plans and specifications for the projects authorized herein, and for the supervision of the execution thereof, and for traveling expenses and field and office equipment and supplies in connection therewith.

That is the whole story. We are trying to limit the expenditure of this money, so that it will go to the purposes for which it is intended. That is all I am trying to do.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LINTHICUM. I am very much interested in the gentleman's amendment. Under this amendment the President would have charge of the erection of the hospitals under the $17,000,000?

Mr. MADDEN. He would.

Mr. LINTHICUM. Would the other board cease to be in existence?

Mr. MADDEN. No.

Mr. LINTHICUM. It puts it entirely in the hands of the President?

Mr. MADDEN. Yes.

Mr. BURTON. Does your amendment authorize the acquisition by purchase of private or municipal hospitals?

Mr. MADDEN. It does not.

The CHAIRMAN. The Chair wishes to state the parliamentary situation. The Chair thinks that the amendment of the gentleman from Kentucky [Mr. LANGLEY], being a perfecting amendment, is entitled to be voted on first. The Chair doubts whether the amendment offered by the gentleman from Illinois [Mr. MADDEN] would be in order at this time if objected to.

Mr. LANGLEY. If the Chair will hear me, having heard the gentleman from Illinois in advance of a vote on my perfecting amendment, I desire to be heard briefly in reply to the gentleman from Illinois.

Mr. SNYDER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman can not do that and at the same time make an objection. If the gentleman wishes to be recognized as against the substitute offered by the gentleman from Illinois, the Chair will recognize him.

Mr. LANGLEY. Does the Chair mean to rule that I can not later object to its being considered?

The CHAIRMAN. No; the Chair does not so rule.

Mr. LANGLEY. I do not think, Mr. Chairman, that it is properly a substitute and therefore I object, and if it comes up later I desire to be heard.

But I would like to state to the Chair and to the membership of the House that in order to satisfy the gentleman from Illinois I will offer at the end of section 1 the language, "subject to the approval of the President," so that there may be no question about it, because the whole purpose of the bill has that in view.

Mr. WILLIAMSON. Mr. Chairman, a parliamentary inquiry.

Mr. SNYDER. Mr. Chairman, is it in order to move to strike out the last word?

The CHAIRMAN. Yes.

Mr. SNYDER. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. SNYDER. I endeavored to find out from the chairman of the Committee on Appropriations whether, if this bill should become a law, it would supersede the law which is now in existence, which last year appropriated $18,600,000, and which, it has been clearly demonstrated here, has not been expeditiously handled. The affairs of that bureau or that commission seem to be in a more or less dormant condition. It seems to me that no legislation should be enacted here to-day that would create a renewal of the situation. That is the curse of most legislation of this kind that I have observed since I have been a Member of this House. It will create confusion if we continue the board that now exists and then create another bureau under the President. Then we would be operating all over the country in confusion. By all means, if there is any legislation passed now, it should include and take over the power to expand and supervise the expenditure of the amount which was appropriated a year ago. There has not been any language used here this morning that makes it clear to me.

Mr. MOORE of Virginia. May I make this suggestion? A while ago we were informed by the gentleman from Illinois [Mr. MADDEN] that if this amendment should be adopted his design is to offer an additional amendment that will clear up this situation. Will not the gentleman tell us what his amendment is?

Mr. MADDEN. The first amendment?

Mr. MOORE of Virginia. No; the second amendment.

Mr. MADDEN. The second amendment, to be a substitute for section 2, provides that "Any sums allotted thereunder by the President for any additional hospital or out-patient dispensary facilities shall be expended by such agency or agencies of the Government as he may determine for the most efficient, expeditious, and economical accomplishment of the purposes of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLAND of Indiana. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. GARRETT of Tennessee. Mr. Chairman, I would like to make a parliamentary inquiry before the gentleman from Indiana begins.

Mr. BLAND of Indiana. Not out of my time.

The CHAIRMAN. The gentleman from Tennessee will state his parliamentary inquiry.

Mr. GARRETT of Tennessee. I would like to know just what the parliamentary situation is. Is the amendment offered by the gentleman from Illinois [Mr. MADDEN] offered as a substitute for the section or as substitute for the amendment?

The CHAIRMAN. The amendment offered by the gentleman from Illinois was offered as a substitute for the amendment offered by the gentleman from Kentucky [Mr. LANGLEY].

Mr. MANN. Oh, no. It was to strike out the section and insert a substitute for the entire section, not as a substitute for the perfecting amendment.

The CHAIRMAN. The gentleman from Illinois so offered it.

Mr. MANN. The Chair did not correctly understand it.

The CHAIRMAN. In any event, the Chair held in effect that the motion of the gentleman from Illinois was not in order at this time, if there is objection.

Mr. MANN. Mr. Chairman, the Chair will see that it is in order. It is in order to strike out language and insert other language at any time. It is in order to offer an amendment while that is pending to perfect the language. The vote comes

first on the amendment to perfect, but both amendments are in order at the same time. There is no possible question about that.

Mr. GARRETT of Tennessee. Either can be pending.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that it is not only the Chair's opinion, but that of the parliamentary clerk.

Mr. MANN. Then the parliamentary clerk does not understand the situation. Here is the motion of the gentleman from Illinois [Mr. MADDEN] to strike out from section 1 all after the enacting clause and insert that language in lieu thereof. That is in order, although it can not be voted upon until all amendments to perfect the text have been considered.

Mr. WILLIAMSON. Mr. Chairman——

The CHAIRMAN. The Chair will state to the gentleman from Illinois that it will not affect the parliamentary procedure, whichever way the Chair rules, because the amendment of the gentleman from Kentucky [Mr. LANGLEY] will first be voted on, and then we can take up the other.

Mr. GARRETT of Tennessee. Pardon me, Mr. Chairman, but it would affect the proceeding if it should be held that the motion of the gentleman from Illinois [Mr. MADDEN] is in any sort of way a substitute for the amendment offered by the gentleman from Kentucky. I do not see how it could be so; but there is a gentleman who has an amendment to offer to the Madden amendment, and he wishes the opportunity to offer it.

The CHAIRMAN. The Chair has been corrected by both gentlemen from Illinois [Mr. MANN and Mr. MADDEN] as to the manner in which the gentleman from Illinois [Mr. MADDEN] offered his amendment. The Chair finds that it is not offered as a substitute for the amendment of the gentleman from Kentucky. The Chair misunderstood about that.

Mr. LANGLEY. If the Chair understood me to make a point of order on the substitute, that was not what I meant. I meant that it ought not to be considered now until the perfecting amendments were first discussed and voted upon. There is no question about that.

Mr. BLAND of Indiana. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. WILLIAMSON. Mr. Chairman, a parliamentary inquiry.

Mr. KINCHELOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. A parliamentary inquiry is not in order unless the gentleman from Indiana yields.

Mr. BLAND of Indiana. I can not yield at this time.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry. We do not understand here whether the Chair has ruled that the substitute of the gentleman from Illinois [Mr. MADDEN] is in order or not.

The CHAIRMAN. The Chair thinks that it is in order, as the gentleman from Illinois now states. The Chair misunderstood what the gentleman from Illinois offered.

Mr. LONGWORTH. We could not hear the ruling of the Chair.

Mr. KINCHELOE. Mr. Chairman, another parliamentary inquiry, in view of the ruling of the Chair.

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. BLAND of Indiana. I do not yield.

Mr. KINCHELOE. The Chair recognized the gentleman from Ohio [Mr. LONGWORTH] for the purpose of propounding a parliamentary inquiry, and that is what I am doing.

Mr. BLAND of Indiana. I do not yield now. The gentleman can propound his inquiry later.

Mr. KINCHELOE. I want to know from the Chair when it is in order to offer an amendment to the substitute of the gentleman from Illinois.

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. BLAND of Indiana. I do not yield.

Mr. KINCHELOE. I am addressing the Chair, not the gentleman from Indiana, and if I can ascertain it I want to know when it will be possible for me to offer an amendment to the substitute of the gentleman from Illinois?

The CHAIRMAN. The Chair thinks the gentleman from Kentucky is out of order.

Mr. BLAND of Indiana. Mr. Chairman, I very much favor the substitute that has been offered by the gentleman from Illinois [Mr. MADDEN]. Most of you men who have been here since the Veterans' Bureau was created have become familiar with its acts and its record as to efficiency, and I am sure that no member of the Committee on Public Buildings and Grounds, that reported out this bill, can say that the record of that bureau for efficiency or good service commends it to this House as being the proper responsible agent to build the hospitals at this particular time. The gentleman from Illinois [Mr. MADDEN] is right when he says we should put this up to the President without tying his hands. If you say in the bill that the Director of the Veterans' Bureau shall do it, then the Veterans' Bureau will do it; but if you say that the President shall do it, he can not come back and say, "You tied my hands and made it so that nobody but the Veterans' Bureau could do it."

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. BLAND of Indiana. I can not yield. Then the responsibility is on him and on whatever agency he thinks best to do this work. What qualifications has the Veterans' Bureau for building hospitals, will you please tell me? What experience have they had? Their present duties are more than they can carry out. The institution has no responsible head and very little efficient organization. The organization the director has does not perform the duties that the statute imposes upon it. You gentlemen know that the conceded inefficiency of this organization is every day bringing Congress into disrepute with the whole country. That fellow—the director over there—is like a gander in a hailstorm and does not know what it is all about. [Laughter.] He has men underneath him who are giving him bad advice, and he takes it. He has men underneath him whom it seems some power is holding there and whom nobody can remove, who are either dreadfully ignorant or who are not acting in good faith with the administration, and as a result the boys are permitted to suffer for compensation and for hospitalization. The letters that come from that organization to the Members of Congress are little less than scandalous. I have one in my pocket, and Colonel Forbes himself says in substance, "If I find the man who wrote that letter in reply to your appeal for compensation for the boy, I will fire him before the sun goes down"; but the sun has never gone down, and I understand the man has been promoted.

Mr. FISH. Mr. Chairman——

Mr. KINCHELOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will suspend a moment. The gentleman from Kentucky has been trying for some time to get recognition.

Mr. KINCHELOE. I would like to ask the Chair when it will be in order to offer an amendment to the Madden substitute?

The CHAIRMAN. It will be in order at any time when the gentleman gets recognition.

Mr. FISH. Mr. Chairman, if what the gentleman from Indiana [Mr. BLAND] says is true, the President ought to have removed the head of the Veterans' Bureau before this. He represents the President. He is appointed by the President. Now, I do not like to come before the House and present any recommendation of the American Legion, but I think you will all admit that the American Legion has demonstrated its interest and sympathy for the disabled veterans of the World War.

The commander of the Legion came before this committee and advocated personally that the authority should be placed in the hands of the Director of the Veterans' Bureau. He does not hold any brief for the director, and no one has criticised the Veterans' Bureau when it has deserved it more than the American Legion. He told the committee that the authority should be placed in the hands of the man responsible so that he could be held accountable. With your permission I will read you what he said:

> The American Legion hopes that if and when Congress acts upon H. R. 8791, a bill to appropriate $17,000,000 for further hospital construction, that the appropriation will be made to the Director of the United States Veterans' Bureau. This for the reason that he is solely responsible to-day for the hospital care and treatment of beneficiaries of the United States Veterans' Bureau. He receives all the criticism, but lacks authority and funds to properly equip the United States Veterans' Bureau to carry on this work. This is not necessarily an indictment of the Treasury Department, nor is it intended to convey the impression that the Director of the United States Veterans' Bureau is better able to build hospitals, but made only in a spirit of fairness and equity for the reason, as stated above, that the Director of the Veterans' Bureau is responsible, therefore he should have the opportunity to carry on his work unhampered by divided authority and endless red tape.

Mr. LANGLEY. Mr. Chairman, we are not making any progress as we are going on now, and I desire to move that all debate on my amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Kentucky moves that all debate on the first amendment, offered by the gentleman from Kentucky, close in 10 minutes.

Mr. TREADWAY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. TREADWAY. That will have no bearing on the pending amendment, the substitute offered by the gentleman from Illinois.

The CHAIRMAN. It does not interfere with the substitute.

Mr. TREADWAY. And debate will not close on the substitute until action is taken, so that there will be ample time for further debate.

The CHAIRMAN. It will have nothing to do with the amendment offered by the gentleman from Illinois.

The question was taken, and Mr. LANGLEY's motion was agreed to.

Mr. CONNALLY of Texas. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. FISH]. Mr. Chairman and gentlemen of the committee, we have had a great deal of discussion ever since the war began and the Bureau of War Risk Insurance was first established on the delinquencies and shortcomings of that bureau. The expenditures of the Government now for various forms of soldier relief approximate half a billion dollars. That sum will increase as the years go on. We are going to continue to have complaints about the workings of that bureau. This morning I introduced a resolution to change the rules of the House by establishing a standing committee on the Veterans' Bureau consisting of 21 Members of this House. I have no criticism to make of the committees who have heretofore handled that character of legislataion, but it seems to me that the logical thing to do when the expenditures have reached a half a billion dollars, when soldier relief is growing in importance, is to provide a committee of the House whose special duty it will be to study measures affecting the bureau, to look into, as a primary consideration, the proper functioning of that bureau, and to have in charge all of the various matters that pertain to it. If we are to spend more money for the Veterans' Bureau than for the Army, which has a standing committee, if we are to spend more money for the Veterans' Bureau than we do for the Navy, which has a standing committee, if we are to spend more money for the Veterans' Bureau than for any other governmental department of the Nation, it does seem to me that the question is of sufficient importance and dignity to put able Members now on insignificant committees, doing very little, if anything—it seems we should establish this committee and put these capable Members on it and let them solve the questions with which we are continually confronted. They will have the time to study proposed legislation and propose improvements.

Mr. RAYBURN. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. RAYBURN. Does the gentleman expect to give the special committee the power to appropriate?

Mr. CONNALLY of Texas. No.

Mr. RAYBURN. Then, his criticism goes to the committee handling this legislation.

Mr. CONNALLY of Texas. I tried to make myself clear that I was not criticizing any committee, but my colleague, perhaps, feels affronted because the Committee on Interstate and Foreign Commerce has always handled the legislation heretofore. I am sure the committee has done the best it could; it was a new project, and it was experimental. But I will say this: One trouble with the organization of the House now is that it is top-heavy. [Applause.] We have a few committees that handle the more important matters of legislation in this body, and many able Members are marooned on insignificant committees. As far as the Committee on Interstate Commerce is concerned, it seems to me that there are sufficient matters and questions that properly belong to that committee to consume all of its time.

Mr. BARKLEY. Will the gentleman yield?

Mr. CONNALLY of Texas. I will.

Mr. BARKLEY. Is it not true that one of the reasons for the creation of the pension committees in the House has been because Congress handles claims of individual soldiers of prior wars, whereas that is not true and will never be true with the soldiers of the last war.

Mr. CONNALLY of Texas. I do not know about that; I have not been here as long as the gentleman. That may have been true, but that is no argument against my proposed plan.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANGLEY was recognized.

Mr. WALSH. Mr. Chairman, the gentleman from Kentucky has occupied five minutes in support of his own amendment, and there has been five minutes against it. The time has been limited and I think other Members are seeking recognition.

The CHAIRMAN. Does the gentleman from Massachusetts make the point of order?

Mr. WALSH. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WALSH. Mr. Chairman, it seems to me that the point submitted by the gentleman from Illinois [Mr. MADDEN] is well taken. We are about to embark upon a further hospitalization and construction program, and we ought in a way to profit by the mistake, if it was a mistake, which resulted from previous legislation. If we can now centralize this responsibility in the President and permit him to designate the Director of the Veterans' Bureau, if he wishes to assume that responsibility, or the Secretary of the Treasury, if he wishes to assume that responsibility, or to place it in the hands of some other official, it would be the wise thing to do. Of course, the President would not be able to inspect the plans and go into all of the details, and if we would do this we would avoid repeating the mistakes and the delays and the misunderstandings and the holding up of projects which it is charged have resulted from the previous legislation. It would seem to me if the amendment of the gentleman from Illinois were amended by incorporating the language which the gentleman from Kentucky proposes to be inserted in the original language of the bill, the result will be that the construction of these hospitals, the purchase of them, the extension of them, or the acquirement of further facilities will be much expedited, and that the delay which has resulted from previous legislation can well be obviated. I do not believe that the Director of the Veterans' Bureau, with the tremendous burden which he now has in administering the beneficiary provisions of the war risk act, is in any shape to take on this added technical responsibility.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. FISH. Does the gentleman think that the Treasury Department has nothing to do at all?

Mr. WALSH. They have a bureau in the Treasury Department that has trained technical experts for just this kind of work, and the Veterans' Bureau does not know any more about building a hospital than it does about tearing down a henhouse. That bureau is administering the provisions of the war risk act.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. LANGLEY. Is it not true that the President must have the aid of the members of his Cabinet to run the detail work of the respective departments, and is it not equally true that he must have somebody under his supervision to run this independent bureau, which is on all fours with the executive departments, and does the gentleman expect the President to go out and buy hospital supplies and things of that sort himself? The committee has no such intention as that.

Mr. WALSH. Oh, I have conceded all that the gentleman has said. Of course, the President will not be able to undertake this himself, and I have said that he will have to rely upon somebody; but we will be centering the responsibility upon the President, and we will not be setting up in the Veterans' Bureau another independent department or division which will have to do with construction work. Perhaps, if we relieve them from that responsibility and take away from them whatever responsibility they have in connection with that work now, we will find that it will expedite the dispatch of their legitimate business, which is passing on these claims for compensation and insurance, and the cleaning up of business that has been accumulating there, from time to time. I submit that the plan proposed by the gentleman from Illinois seems to have great merit in it, and I trust the substitute will be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

Mr. LONGWORTH. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the Langley amendment.

There was no objection, and the Clerk again reported the Langley amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KINCHELOE. Mr. Chairman, I offer an amendment to the substitute offered by the gentleman from Illinois, which I send to the desk.

Mr. LANGLEY. Mr. Chairman, I do not think that is in order now, because we are considering perfecting amendments to the section itself and not perfecting amendments to the substitute, which will come up later. I make the point of order that it is not in order now.

Mr. LONGWORTH. Oh, the amendment is in order. It is only the question of precedence of the votes on the motion.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky [Mr. KINCHELOE].

The Clerk read as follows:

Amendment offered by Mr. KINCHELOE: After the words "United States Veterans' Bureau" in the Madden substitute add the following: "by purchase and remodeling or extension of existing plants, and."

Mr. MADDEN. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. KINCHELOE].

Mr. LANGLEY. Mr. Chairman, permit me to make a point of order. It seems to me that we ought not to take up the question of an amendment to the substitute until the section itself is perfected. I have given notice that I have another amendment to offer to perfect the section, and the gentleman from South Dakota [Mr. WILLIAMSON] also desires to offer an amendment. I do not think it is now in order to take up the amendment to the substitute until we reach the substitute.

The CHAIRMAN. The vote on the Kincheloe amendment to the Madden substitute will not prejudice the rights of the gentleman from Kentucky in the least.

Mr. LANGLEY. But it seems to me we are crossing a stream before we get to it by taking up the substitute before the section is perfected.

The CHAIRMAN. The Chair feels obliged to overrule the point of order. The question is on the amendment offered by the gentleman from Kentucky [Mr. KINCHELOE] to the substitute offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. LANGLEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 2, line 12, after the word "shall," insert the words "subject to the approval of the President."

Mr. LANGLEY. That is merely to meet the objection offered by the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I hardly think that is just what the gentleman wants to do. I take it that what the gentleman wants to do is to make this subject to the approval of the President.

Mr. LANGLEY. That is correct.

Mr. MANN. I understand the bill provides that the work shall be done in the discretion of the Director of the Veterans' Bureau.

Mr. LANGLEY. And I want to put in the words "with the approval of the President."

Mr. MANN. The gentleman wants to put in "subject to the approval of the President," but what he does provide by his amendment is that it shall be subject to the approval of the President as to whether this shall be done in the discretion of the United States Veterans' Bureau.

Mr. LANGLEY. Perhaps the gentleman is right. Let us insert this in line 5:

Subject to the approval of the President, the Director of the United States Veterans' Bureau is authorized—

And so forth.

I ask unanimous consent to change that and offer it after the word "and," in line 5, page 2.

Mr. MANN. The gentleman means after the word "bureau," although I am not sure. "In the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President."

The CHAIRMAN. Has the gentleman from Kentucky decided upon his modification?

Mr. LANGLEY. I am trying to get the advice of various experts on the question. What I want to do is to meet the objection of the gentleman from Illinois [Mr. MADDEN], and I want to make it clear that the director nowhere in this bill is authorized to do anything without the approval of the President.

Mr. LONGWORTH. Why not put the amendment after the word "bureau," in line 13?

Mr. LANGLEY. Well, that is line 12.

Mr. LONGWORTH. No; line 13.

Mr. LANGLEY. I acknowledge the error; I had the wrong print. It is line 13.

The CHAIRMAN. What modification does the gentleman wish?

Mr. LANGLEY. I want to make it quite clear this is all subject to the approval of the President, and I propose an amendment at the end of section 1. As the gentleman from Illinois [Mr. MANN] seems to take objection to the amendment as reported by the Clerk, I will withdraw that request and ask that it be put at the end of the section. Strike out the period and insert the language I have sent up, page 2, line 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 2, line 13, after the word "bureau," strike out the period, insert a comma, and add "subject to the approval of the President."

Mr. LAYTON. Mr. Chairman, I rise simply to make an inquiry of the chairman of the committee. Does the gentleman mean to say that the treatment of tubercular and neuropsychiatric or general medical and surgical cases would be subject to the approval of the President?

Mr. LANGLEY. No. If the gentleman will notice, page 2, line 6, has a semicolon, and in line 6, page 2, there is this further language "and the Director of the United States Veterans' Bureau is authorized," and so forth. Now, the gentleman from Illinois [Mr. MADDEN] criticizes that because he said that we put it under the President in the first instance and did not do it here. Now, my purpose is to meet that objection by striking out the period, insert a comma, and add "subject to the approval of the President." I do not think it will make very much difference, but I do this to humor my friend from Illinois.

Mr. LAYTON. Just a moment, if the Chairman pleases. As I understand his amendment, it is in line 13, to strike out the period.

The CHAIRMAN. The question is on the amendment.

Mr. LAYTON. I do not think I have concluded yet unless my time is out.

The CHAIRMAN. The Chair thought the gentleman from Delaware had concluded.

Mr. LAYTON. If I understand the gentleman's amendment, in line 13 it strikes out the period and puts in a comma, and then he inserts the words——

Mr. LANGLEY. "Subject to the approval of the President."

Mr. LAYTON. "Subject to the approval of the President." Now, let me read:

Such hospital plants shall be of fireproof construction——

Mr. LANGLEY. Where is the gentleman reading from?

Mr. LAYTON. Page 2, line 8:

Such hospital plants shall be of fireproof construction, and the location and nature thereof, whether for the treatment of tuberculosis, etc., shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President.

Mr. LANGLEY. That is a discretionary power.

Mr. GRIFFIN. Mr. President, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York is not entitled to recognition——

Mr. GRIFFIN. Then I rise to oppose the amendment. Now, Mr. Chairman and gentlemen——

Mr. KINDRED. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York can not be interrupted for a parliamentary inquiry unless he yields.

Mr. GRIFFIN. The gentleman from Kentucky [Mr. LANGLEY] offers an amendment which he obviously makes to conciliate an apparent sentiment in this House against the Veterans' Bureau and to gibe in with the proposed substitute of the gentleman from Illinois. Now, I compliment him upon his conciliatory spirit, but I am satisfied that the Committee on Public Buildings and Grounds have given special care and long consideration to the problem as to where the power to construct hospitals should be placed. I know, as a matter of fact, that they have had to face this condition—it was true two years ago, and it is true to-day—namely, that the building business of this Government is concentrated in a bureau of the Secretary of the Treasury's office known as that of the "Supervising Architect," and that bureau is from five to seven years behind on existing authorizations. It has been utterly impossible to get any plans through that bureau of the Government, and it seemed a hopeless thing to put further burdens upon it. As the gentleman from New York has intimated, the American Legion was aware of the difficulties——

Mr. SNYDER. Will the gentleman yield?

Mr. GRIFFIN. Or rather the difficulty of hurrying the construction of these hospitals through the medium of the Supervising Architect's Bureau, and they assented to the proposal that the Veterans' Bureau be given the responsibility to build the hospitals provided in this bill.

Mr. SNYDER. Is not that delay on the part of the architect's office due to the fact that the appropriations have not been made for the authorization more largely than the fact that they have not been able to spend also?

Mr. GRIFFIN. That was not the case two years ago.

Mr. SNYDER. That is the fact.

Mr. GRIFFIN. It may be so.

Mr. FISH. I think the representative of the American Legion made the statement that the objection of the legion was the Supervising Architect himself.

Mr. GRIFFIN. Yes. That is my impression. It is not the want of disposition on the part of the Veterans' Bureau to utilize the appropriation of $18,600,000 heretofore made. They are bound by existing laws, whereby the task of constructing the new hospitals fell necessarily upon the Supervising Architect of the Treasury. There is where the difficulty has lain. Now, you are not going to help matters, let me venture to say,

by putting the burden upon the President, because he will, as a matter of course, turn it over either to the Supervising Architect of the Treasury or perhaps to the Veterans' Bureau.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. KINDRED. Under the proposal of the gentleman from Illinois [Mr. MADDEN], which would centralize this authority in the hands of the President, is it not more probably true that the President will at all times select men who are competent to select sites for hospitals, and that judgment may not reside in the present or any succeeding Director of the Veterans' Bureau?

Mr. GRIFFIN. Well, the President has selected the Director of the Veterans' Bureau, and the President has the power to remove him if he determines that he ought to be removed. You are not helping matters one iota by delegating the authority to the President to do this building. It is outside of his jurisdiction.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, may I ask unanimous consent to proceed for five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRIFFIN. Now, my colleague from New York says this amendment of the gentleman from Illinois is along the line of centralization. True; that is one of the reasons why I think we ought to pause before enacting any further legislation of that kind. The evil that we are troubled with to-day is too much centralization. We want to decentralize and distribute the overswollen powers that are concentrated in certain branches of our Government. The Secretary of the Treasury, for instance, has a burden on his back that entitles him to the distinction of being called the Pooh-bah of our Government. I do not know whether he likes it or not, but one thing is certain, his widely diversified powers and responsibilities do not make for efficiency or economy.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. I yield to the gentleman from Virginia with pleasure, because I know, as a member of the Joint Committee on Administrative Reorganization, he is familiar with the facts.

Mr. MOORE of Virginia. I think the theory of the gentleman from Illinois [Mr. MADDEN] is correct, but I am afraid if his amendment is adopted it will practically result in placing the authority with the Treasury Department, where it is located now, and where it has not been properly and satisfactorily executed. At the same time, if the gentleman will give me half a minute more, I can not agree that the only alternative to using the Treasury Department is to make use of the Director of the Veterans' Bureau. It strikes me that the President ought in some way or other be given the right to select his agents from the entire field of choice. I would like to see this measure amended in such a way as to exclude the Treasury Department and perhaps also to exclude the Director of the Veterans' Bureau, and find some method of insuring greater speed and efficiency than will be possible otherwise.

Mr. GRIFFIN. I think that has been done by the perfecting amendment offered by the gentleman from Kentucky [Mr. LANGLEY]. He provides that whatever is done in the way of construction shall be subject to the approval of the President. Now, with that as an intimation to the President, he can exercise a veto upon any determination of the Veterans' Bureau, and if he finds that they are unable to perfect the plans or carry them through to a finality he can remove the head of the Veterans' Bureau and appoint somebody else to take charge of the work.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. I yield to the gentleman.

Mr. ANDREWS of Nebraska. Is it not true under the bill as drawn, and also under the amendment of the gentleman from Illinois [Mr. MADDEN], the President could go anywhere for the service to construct the buildings, inside or outside of Government agencies?

Mr. GRIFFIN. I doubt if that is true; but, if it is true, it is a power that I do not think the President wants, nor do I think it is a responsibility that we ought to place upon his shoulders.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. I yield.

Mr. LANGLEY. Permit me to call the gentleman's attention to the fact that I stated yesterday to the committee that the President in a letter signed by his own hand stated that this is the way he wants it done. He wants the Veterans' Bureau, now charged under the Sweet Act with the hospitalization of disabled soldiers, to have control of it, subject to his supervision. I can not see what else on earth can be done.

Mr. GRIFFIN. I think we ought to be consistent. We have created the Veterans' Bureau, and we ought to trust them to the limit to carry out the purposes for which they were organized and appointed. I think that ought to be done. [Applause.]

Mr. McSWAIN. Mr. Chairman, I offer an amendment.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent that the debate on my amendment be now closed.

Mr. McSWAIN. Oh, no. I have an amendment to offer to it.

Mr. LANGLEY. Very well.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last two words.

Mr. BEGG. Mr. Chairman, I want to offer an amendment to the substitute amendment to the paragraph, if that is in order at this time.

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Ohio [Mr. BEGG] is recognized to offer an amendment.

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER. I respectfully ask the Chair when it will be in order for the Chair to recognize some one on the Committee on Public Buildings and Grounds? Will it be in order in this debate some time to-day?

The CHAIRMAN. The Chair has tried to recognize various gentlemen equitably.

Mr. RUCKER. I am a member of the committee, and yet I have repeatedly tried to obtain recognition without success. No member of the committee has been recognized, apparently, except the chairman.

The CHAIRMAN. The Chair was not aware before that the gentleman from Missouri was a member of the committee. Otherwise he would have granted him recognition. The Chair will recognize the gentleman from Missouri.

Mr. RUCKER. I thought the gentleman from Massachusetts [Mr. TREADWAY] was recognized.

Mr. Chairman, the debate this morning has taken a course that I least expected. The committee which has had this bill under its charge and consideration had no purpose on earth except to do its duty and provide means for constructing hospitals so badly needed by our soldiers.

Now, the controversy here is turning on the question whether the Veterans' Bureau or the Treasury Department shall control the construction of the buildings authorized under this bill. I, for one, have no criticism to offer of the Treasury Department. I will make no criticism. We all know that though Congress has appropriated the money for the buildings, the buildings have not been constructed. We know that brave men who sacrificed their all for this great country of ours have died and are dying daily for want of proper care and treatment.

Mr. KNUTSON. Will the gentleman yield?

Mr. RUCKER. I say it is a crying shame that such conditions exist.

Mr. KNUTSON. Will the gentleman yield?

Mr. RUCKER. Yes; I yield to the gentleman.

Mr. KNUTSON. This condition which the gentleman complains of has existed for a long time. Is not that true? I merely want to get it on record that it is not anything recent.

Mr. RUCKER. No; it is not recent. We have authorized these buildings for more than a year and they are not yet built. I say we owe a duty to these soldiers and that we ought to construct these buildings. Somebody wants the Treasury Department to do it. I do not care a fig about the Treasury Department. I have no criticism of it, but the Treasury Department has proven that it can not or will not act promptly.

Mr. ELLIS. Will my colleague yield?

Mr. RUCKER. In just a moment. The pending bill provides that the Director of the Veterans' Bureau be charged with the responsibility. Why not? Oh, some gentleman here a minute ago grew somewhat excited and indulged in a veiled criticism of the Veterans' Bureau; but gentlemen ought to remember that one of the easiest things on earth for a man to do is to criticize somebody else having official power and owing official duty. I want to call attention to the fact that the Veterans' Bureau overnight grew from a small bureau to one of magnificent proportions, the greatest bureau in the land. They were untried men, untrained men, dealing with new problems, and, of course, great confusion existed. Under the control of the magnificent gentleman who is now there that confusion has disappeared. [Applause.] I challenge any man in this House to show that the Veterans' Bureau for the last several years has not been efficiently and well administered. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. RUCKER. Yes; with pleasure.

Mr. BLAND of Indiana. I accept the gentleman's challenge to show that there is inefficiency in the Veterans' Bureau. I will be very glad to submit a number of letters admitting that they have made the gravest mistakes when the facts were right in front of their noses. I will put letters in the RECORD to show their incompetency in this office, if you want me to.

Mr. RUCKER. I believe I have more soldiers in my district than anybody else.

SEVERAL MEMBERS. Oh, no.

Mr. RUCKER. It looks to me like they were all soldiers, because we are paying pretty liberally; and I want to say to this House that the only confusion that has confronted me in the discharge of my duty to these men—and it is a pleasant duty—the only confusion that exists emanates from the Sweet bill, which decentralized the power and drove a great many soldiers to St. Louis, necessitating correspondence here and correspondence in St. Louis; but as long as the law has been administered by the office here every solitary case I have had has been courteously and efficiently disposed of and administered. I have no brief to speak for Colonel Forbes, the Chief of the Veterans' Bureau, but I believe he is the right man in the right place. [Applause.] I will applaud President Harding as long as he keeps him there and will say to him that it would be misguided judgment if he should ever see fit to remove him as long as that office is conducted as it now is. Somebody says he can not build houses. I will tell you that, in addition to being a magnificent soldier and a good administrative officer, he has had much experience as an engineer, a contractor, and builder. He has had vast experience. He is not a new, untried man. Colonel Forbes told our committee that with this authorization, and this bill enacted into law, he would construct buildings much more quickly and at an expense at least 20 per cent less than the Treasury Department constructs buildings for.

Gentlemen, I sincerely hope that wisdom will guide the action of this House to-day. We have in this country a most deplorable condition—men farmed out into any kind of a shack called a hospital that the director could hire, leased out as it were; and frequently crippled and maimed soldiers, suffering from physical and mental breakdown, are being transported from place to place, exposed to the elements, and dying in trying to get housing where their cases may be administered to. I say it is a shame, and that we should quit squabbling. I have no choice for the one or the other; no preference. All I want is that we lodge this authority in some one man, somebody who is responsible and who will construct these buildings as authorized by Congress to take care of these thousands of dying men who need attention. [Applause.]

Mr. KOPP. Will the gentleman yield?

Mr. RUCKER. I promised to yield first to my colleague from Missouri [Mr. ELLIS].

Mr. ELLIS. I want to say that I am in full accord with what my colleague has said, and I want to set at rest any controversy as to the authority given to the President in this bill. It seems to me that section 2 is being entirely ignored in this debate. In section 2 authority is given to the President—

To require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Chair would like to inquire of the gentleman whether this is an amendment to the amendment?

Mr. BEGG. It is.

The CHAIRMAN. The gentleman from Ohio offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG to the amendment offered by Mr. MADDEN: After the word "facilities," at the end of line 2, insert "and to take over all present activities tending to provide hospital facilities."

Mr. BEGG. Mr. Chairman and gentlemen of the committee, if the Madden amendment is adopted, it provides that the President is hereby authorized to provide additional hospital and out-patient dispensary facilities. The point was raised by the gentleman from New York whether it would do away with the two boards that have been created and acting under the President's action. My amendment follows the words "out-patient dispensary facilities, and to take over all present activities tending to provide hospital facilities," and then goes on with the Madden amendment.

Mr. ELLIOTT. Will the gentleman yield?

Mr. BEGG. I will.

Mr. ELLIOTT. Is it the intention under the gentleman's amendment to take over the construction of the hospitals under the previous legislation?

Mr. BEGG. Yes.

Mr. BARKLEY. Will the gentleman yield?

Mr. BEGG. I will.

Mr. BARKLEY. Under the Veterans' Bureau act the President had authority to take over all hospitals.

Mr. BEGG. That has been disputed, else what is the need for any legislation turning all this over to the President. I am going on the assumption that he has not, because the point has been raised, and the gentleman from Illinois would not offer an amendment if the President had the authority without any further legislation. Every complaint that has been made against any department, either of the Treasury Department or of the Veterans' Bureau, may be raised again even if we localize it. Every man insists that what he wants is speed. If the Madden amendment is adopted and my amendment is adopted taking over all present construction, if the President assigns it to the Veterans' Bureau and in four months he has not had the speed, without any legislation he can take it away from the Veterans' Bureau and put it under the Treasury Department or the War Department. He does not need any added legislation to put it where he wills to get the greatest amount of speed in the construction of available hospital facilities. It seems to me that there can be no argument at all against the Madden amendment, if the speeches that are being made are founded on facts. One man claims that we are not getting action by the Veterans' Bureau, and another complains that he can not get action under the Treasury Department. If you pass the Madden amendment, we give the authority to the man who will be charged with the responsibility, and if he finds that he is not getting action under the Treasury Department let him go to the Veterans' Bureau, already created, or he can give it to a contractor in the city where the hospital is to be built under the Treasury or the War Department, or wherever he wants to put it. So, it seems to me, that if we want to avoid duplication and complexities and knotty problems about which we are complaining now the thing to do is to give the sole power, without any directory orders as to what the President shall do, and that he will certainly get results, and if he does not he alone is to blame.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LANGLEY. Mr. Chairman, I ask that the gentleman have two minutes more; I want to ask him a question.

The CHAIRMAN. The gentleman from Kentucky asks that the gentleman from Ohio have two minutes more. Is there objection?

There was no objection.

Mr. LANGLEY. Will the gentleman yield?

Mr. BEGG. Certainly.

Mr. LANGLEY. Does not the gentleman think that the bill as reported by the committee already confers the power?

Mr. BEGG. I will say that I do not think so, because the gentleman is willing to grant everything anybody offers as an objection. If the gentleman was sure of his ground he would oppose these amendments. I do not believe that there is any guesswork in the Madden amendment, and I know there is guesswork in the gentleman's proposition.

Mr. LANGLEY. Does the gentleman think the committee after having considered this for a year and a half, having had hearings after hearings and perfected a bill that they think meets the situation, and the only amendment that has been accepted is one that made clearer what they thought was not clear—does the gentleman think that because somebody else has a little different view that he ought to come in here and override the work of a committee of the House?

Mr. BEGG. I will say that there is no intention to override the committee. I think the committee deserves great credit, but the gentleman's bill turns this over to the Veterans' Bureau. A year from now if they do not get results we will be right here in the same position that we are now, whereas if we give it to the President under the Madden amendment he can proceed without any further legislation. [Applause.]

Mr. LYON. Mr. Chairman and gentlemen of the House, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. MADDEN]. It seems to me that if the Madden

amendment is adopted it will only tend to further delay the construction of hospitals so badly needed. There are only two propositions, as I understand it, and that is whether the construction shall be done under the supervision of the Treasury Department or whether it shall be done under the supervision of the Veterans' Bureau. The effect of the Madden amendment will leave it an open question by passing the buck to the President of the United States. As I understand, the President has indicated by a letter to the chairman that he is perfectly willing for the work to be done under the Veterans' Bureau. Now, if it was not the purpose of the gentleman who offered the amendment to leave the construction under the Treasury Department, why the amendment? He knows, and I think every man here knows, that if his amendment had been offered to put the construction back into the hands of the Treasury Department he could not get it through, because we have all seen the effect of what they have done under the other appropriation. But instead of offering an amendment to keep it under the Treasury Department, he offers the amendment to leave it in the hands of the President. I tell you that if you do, those of the Committee on Public Buildings and Grounds who saw the number of people brought to us by the Treasury Department to convince us that the matter ought to be left in their hands know that there will be drives made on the President of the United States by the Treasury Department on the one hand and by the Veterans' Bureau on the other that will result only in further delaying hospital construction.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. LYON. Yes.

Mr. ANDREWS of Nebraska. Did not the hearings show that the Treasury Department was simply explaining the record and *not* asking one way or the other with reference to the doing of this work?

Mr. LYON. After they saw the attitude of the committee, I think the Assistant Secretary of the Treasury did admit that, so far as he was personally concerned, he did not care.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. LYON. Yes.

Mr. CHINDBLOM. In all fairness, does the gentleman think it is right to say that Colonel Clifford reached that conclusion only because of the attitude of the committee and after the attitude of the committee has been exhibited?

Mr. LYON. Oh, no. I do not want my remarks to have that construction.

Mr. CHINDBLOM. That is the implication the gentleman's words leave.

Mr. LYON. I do not mean that.

Mr. KOPP. Is it not true that the only departments of the Government that know anything about this subject or that would be competent in any way to take care of it without long investigation and examination are the Treasury Department and the Veterans' Bureau?

Mr. LYON. I think so.

Mr. KOPP. And one or the other ought to be chosen.

Mr. LYON. Yes; and that being so, there is no reason why this amendment should be adopted.

Mr. SNYDER. Is it not fair to suppose that the President would put the administration of the act in the hands of those most competent to handle it?

Mr. LYON. The President has already said whom he thinks ought to handle this.

Mr. KOPP. He has said it in writing, has he not?

Mr. LYON. Yes.

Mr. SNYDER. There is no opposition to that, if the President sees fit to do it. We want him to put it in the hands of somebody who will act.

Mr. CHINDBLOM. Mr. Chairman, I am a member of the Committee on Public Buildings and Grounds which framed this legislation. Last evening, on account of the large number of gentlemen who wanted to speak in general debate, I forbore addressing the committee at that time. I am not here representing or defending any department of the Government, but I think we should be careful in our criticism of the officers and departments which have been appointed and established, respectively, to carry out legislation passed by Congress. Gentlemen have said that the Supervising Architect is five or seven years behind in the performance of certain work. We all know that the authorizations which were made by Congress in 1913—and they were the last ones that were made for public buildings—have been altogether inadequate for proceeding with building operations during the war and since the war.

Mr. BLACK. Mr. Chairman, will the gentleman yield for a question?

Mr. CHINDBLOM. Yes.

Mr. BLACK. I want to say that it is my understanding that plans for all those buildings have been drawn.

Mr. CHINDBLOM. Yes; the plans are ready. It is only a question of getting more money from Congress, and we are being importuned in the Public Buildings and Grounds Committee all of the time to make further appropriations for these various projects in order that the Treasury Department may go ahead with the building.

Mr. LANGLEY. Will the gentleman help the chairman bring about such legislation?

Mr. CHINDBLOM. The gentleman knows my attitude. We have been considering that matter in the committee, and there has been a desire upon the part of everyone to proceed just as expeditiously as possible, when building conditions in the country are such that the Government can get a fair return for its expenditures.

Mr. Chairman, one would think that the Treasury Department is on trial here for its work in the construction of hospitals. I want to go back a little and trace the history of the matter. The first bill for the construction of hospitals or for the providing for hospital facilities for the soldiers in the late war was that of March 3, 1919. Congress then placed the work of building certain hospital projects, some of which had been started during the war by the War Department, in the hands of the United States Public Health Service, and not in the hands of the Supervising Architect. The next act was that of March 4, last year, under which $18,600,000 was appropriated for expenditure under the direction of the Secretary of the Treasury. That is the only sum that has been appropriated which has been expended and used by the Supervising Architect. The Sweet bill authorized the Director of the Veterans' Bureau to allot and allocate certain funds to the Public Health Service for the alteration and completion and remodeling of certain plants such as might be determined upon, and under that authority a large amount of money has been allotted to the Public Health Service.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BARKLEY. Is it not true that even those hospitals constructed under the jurisdiction of the Public Health Service were planned by the architect in the Treasury Department, so that while the law put the responsibility on the Public Health Service the plans were all prepared and supervised by the Supervising Architect in the Treasury Department?

Mr. CHINDBLOM. The office of the Supervising Architect loaned some of its technical, architectural, and engineering personnel to the Public Health Service, and they were employed in the work, but the work was conducted under the control and supervision of the Public Health Service.

Mr. BARKLEY. But they could not begin construction until the architect's office had prepared the plans.

Mr. CHINDBLOM. There were not many plans to be prepared under the act of March 3, 1919, except for making changes. The gentleman will remember that the act of March 3, 1919, turned over to the Public Health Service certain existing projects which had already been started.

Mr. KINCHELOE. Oh, the gentleman is mistaken about that, because the Dawsonsprings hospital had not been started.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CHINDBLOM. I think perhaps the gentleman from Kentucky is correct. There were some new projects, principal among which was the Dawsonsprings sanitarium. We have expended up to this time—and I have made careful search in the various departments to ascertain these facts—or authorized the expenditure up to the present time for hospital purposes by money which has been appropriated for or allotted to the Public Health Service, the Supervising Architect, or to the Director of the Veterans' Bureau, who in turn has allotted it to the Public Health Service, a total sum of $30,260,000. The present bill provides for $17,000,000 more, and that will make the total amount authorized or which will have been authorized when this bill is passed to be expended for hospital purposes $47,260,000.

So that we may say that the Congress of the United States has responded generously to the requirements of the disabled and diseased soldiers who returned from the late war. I want to say that in the committee there was no difference of opinion whatever, no disagreement, as to the question of authorizing this appropriation of $17,000,000. We were all in favor of that program, but there was difference in the committee as to how

this money should be expended and by whom the preparation of the plans and supervising the construction was to be done, and for myself, together with three or four other gentlemen on the committee, I stated and they stated that we reserved the right upon the floor of the House, if the question arose, to support propositions with reference to the details of this bill. Personally, I think that the substitute suggested by the gentleman from Illinois would be wisely adopted by this House. I would let the President of the United States select the Director of the Veterans' Bureau if he wishes, the Supervising Architect of the Treasury Department if he wishes, or any other agency he might select, or arrange to have contracts made, as has been suggested, in various parts of the country for the erection of these plants, and I would give the President complete authority to handle this matter in any way that he saw fit.

Mr. GRIFFIN. Will the gentleman yield?

Mr. CHINDBLOM. I have not the time. It has been said here that the President has submitted a proposition that the Veterans' Bureau should do this work. The President has O. K'd the general plan of it and approved the authorizing of the expenditure of $17,000,000 for hospitals just as we have. Now, as both the Director of the Veterans' Bureau and the Supervising Architect in the Treasury Department are under the control of the President, there certainly would be no objection to authorizing him to select the agency or the department that he desires to choose for the purpose of doing this work.

Mr. LANGLEY. Will the gentleman yield a moment?

Mr. CHINDBLOM. If I can have a couple of minutes more.

Mr. LANGLEY. I hope the committee will grant that, because the gentleman is a member of the committee and was very courteous in giving way yesterday and not taking any time in general debate because of the embarrassment of the chairman of the committee in the matter of time, although he was entitled under the practice to time. I have in my hand a letter addressed to me by the President. This letter says—I will send it to the Clerk's desk and ask that it be read.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the letter which the gentleman from Kentucky has may be read by the Clerk within my time.

Mr. LANGLEY. That is an added evidence of the gentleman's courtesy which I deeply appreciate.

The CHAIRMAN. Without objection the Clerk will read the letter in the time of the gentleman from Illinois. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, March 22, 1922.

Hon. JOHN W. LANGLEY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LANGLEY: I had yours of yesterday inclosing copy of H. R. 10864, together with a copy of the report of your committee to the House. Apparently the bill is acceptable as drawn and provides the agencies for promptly carrying out the purposes of the bill. I quite agree about the desirability of its early enactment.

Very truly yours,

WARREN G. HARDING.

Mr. CHINDBLOM. Why, Mr. Chairman, if the chairman of this committee, as he apparently did, sent this bill with a report of the committee to the President, and the President wrote him an acknowledgment and stated his views at all upon the measure, I would be very much surprised if he vetoed it in advance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LANGLEY. Now, I want to ask the gentleman this, and I will not interrupt him further. The chairman of the Senate Committee on Public Buildings and Grounds went with me, or, rather, I went with him, to the President and asked him about this bill, and we did that because it was claimed that his approval of the hospital board, headed by Brigadier General Sawyer, was merely perfunctory. We talked with him for 10 minutes and went over the details of the measure, and he said, "I am for the bill as it is drawn." He did not mean that there might not be some minor amendment, but he said, "I am in favor of the agency provided by the bill. Will you send me a copy of your bill and the report so that I can put in writing what I think about it?" That is what happened. I did not send it up there except at his request. I called up afterwards and asked if I could give his letter out for publication, and he said, "Certainly; and if I had known you were going to give it out I would have made it stronger than I did." [Laughter.]

Mr. CHINDBLOM. There is no doubt about that. The President wants legislation passed to take care of these soldiers, and so do we. Now, there has been criticism of the Supervising Architect of the Treasury. The only money that was appropriated which he has used was under the bill passed March 4, 1921.

What happened? We amended the bill, and it took months to have it amended so as to authorize the remodeling of existing buildings. Further than that, the President called in General Dawes and asked him and other gentlemen to consider the matter of hospitalization of the soldiers. A little while later—two or three months later—the so-called White committee was appointed. That carried us to the months of June and July, and finally into August, last summer. Then we finally began work upon this hospitalization program and in three or four months this work that has been begun by that committee will be completed. I think the gentleman from New York has some cause to complain. You remember we had pending here and in the other body a bill which related to a hospital that was to be built by the State of New York under an act passed by the Legislature of the State of New York, and that matter was pending there a long time. They have had trouble in New York, I am told, with finding a suitable site up there. There are many things that caused delay for six or seven months in the building program. Let us be fair and reasonable with this department. I think they have done as well as they could have done under all the circumstances. Now, let us place this responsibility upon the one man who can command all of the agencies, all of the officials, all of the departments of the Government for the completion of this program which is so essential and which is so dear to the heart of every one of us. [Applause.]

Mr. McSWAIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. LANGLEY. Mr. Chairman, I desire to hurry the matter along as much as possible, of course. I ask unanimous consent that the debate on section 1 and all amendments thereto close in 20 minutes. I want to be heard for two or three minutes.

Mr. TREADWAY. Reserving the right to object, how will that time be divided?

Mr. McSWAIN. I want five minutes.

The CHAIRMAN. The Chair will call the attention of the gentleman from Kentucky [Mr. LANGLEY] to the number of gentlemen who are seeking recognition.

Mr. LANGLEY. The Chair will readily understand that I do not want to prevent gentlemen from having opportunity to be heard, especially those who did not get a chance yesterday.

Mr. RAYBURN. Mr. Chairman, my colleague from Texas [Mr. GARRETT] has an amendment to offer in good faith, and he has been trying to get recognition for an hour or two to offer his amendment. I think he ought not to be excluded.

Mr. McSWAIN. I have an amendment that I wish to offer, and I wish to have a few minutes in which to discuss it.

Mr. LANGLEY. This is an important section. Let us make it 40 minutes. I want five minutes of that time myself.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on the first section and all amendments thereto close in 40 minutes. Is there objection?

Mr. RAYBURN. Reserving the right to object, I want to know if my colleague from Texas [Mr. GARRETT] is going to get recognition for five minutes of that time, so that he can offer an amendment?

Mr. LANGLEY. I want five minutes to oppose the Madden amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will state that an amendment in some instances can be considered only as pending.

Mr. GARRETT of Texas. I offer an amendment, Mr. Chairman, so that it will be pending.

Mr. RAYBURN. Mr. Chairman, why not have all the amendments read now for information? I ask unanimous consent that all amendments offered be read for information.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the several amendments be read for information. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

Amendment proposed by Mr. GARRETT of Texas: Amend line 15 of the substitute, after the word "personnel," by striking out the period and inserting a comma and the following: "and to furnish all patients who are admitted to said hospital or hospitals with suitable and comfortable clothing whenever it shall appear that such patients are without financial means and not drawing compensation."

Amendment proposed by Mr. McSWAIN: Page 2, line 6, insert "and also to provide proper and suitable recreational centers."

Amendment proposed by Mr. WILLIAMSON: At the end of section 1 insert "*Provided, however,* That the director, with the approval of the

President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof."

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, the amendment that I have proposed seems to be obviously desirable, and if it were not for the fact that the bill enumerates so particularly the different parts of a hospital that may be constructed or acquired, to wit, such things as tracks, roads, vehicles, and so forth, I would not have thought it necessary that a recreational center should be added. But since so many parts are enumerated, it seems to me, on the principle that enumerating certain things excludes other things not enumerated, the absence of the words "recreational center" might be considered as an exclusion.

Now, Mr. Chairman, the main thing I desired to obtain recognition for is this, to say that I believe in centralizing authority and in centralizing that authority upon the person of some officer who may be reached by proper criticism; and the officer that I consider the person upon whom that responsibility should be placed here is the one named in this bill brought in by this committee, to wit, the Director of the Veterans' Bureau. [Applause.]

I claim some little right to be interested in ex-service men, and I think I have shown some considerable activity in their behalf before that bureau. I have had, I reckon, as many claims denied as have been allowed, but I have no criticism to make of the director personally. [Applause.] Why talk about criticizing him and calling him "a gander in a hailstorm" because some one subordinate out of 10,000 employees has written a foolish letter? I have received foolish letters, too. But how about the Treasury Department? A constituent of mine overpaid his income tax in 1919 to the extent of about $1,500. That claim was allowed about the first of the year 1921, as a proper claim for refund. In the year 1921 this man got into such financial straits that he was unable to raise the money to pay the interest on his mortgage debt. After about one year's delay the $1,500, that was in the hands of the Treasurer for two years, and one year after it was allowed as a proper sum of money to be refunded, was paid to him; but when it reached his home in Spartanburg, S. C., that man was already in bankruptcy. The $1,500 would have enabled him to pay the interest on his debt, and perhaps would have saved him from bankruptcy. Talk about "expedition" and about putting the building of hospitals into the hands of a department that deals in such speed as that!

Why, Mr. Chairman, I say let us put the responsibility here, in the hands of Charles R. Forbes, a contractor of experience, a man of ability, a man who commanded a regiment of Engineers in a time of hostilities. He has the ability, and if he has not got it, put somebody there as director who can and will do this, where we can reach him and see that the duty is performed. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, I realize that when the subject matter of legislation has been debated for two hours there is some impatience on the part of the committee to have the speeches cut short.

I am opposed to the amendment offered by the gentleman from Illinois [Mr. MADDEN]. I am in favor of the amendment offered by the gentleman from Kentucky [Mr. LANGLEY], which meets most of the objections urged by the gentleman from Illinois. The gentleman from Kentucky [Mr. LANGLEY], on page 2, has offered an amendment to line 12 which makes the act of the Director of the Veterans' Bureau subject to the approval of the President. We have a legislative duty to perform. The Committee on Public Buildings and Grounds had the duty to investigate and see upon what department this task of building the hospitals should be laid. Of course, in all our legislative acts we could say that the duty should be performed by the President, or such agencies as he should determine, and very glibly say, "Since we leave it to the President of the United States it ought all to be well," but it is our legislative duty to choose the department. It is not proper for this Congress to put upon the President the duty of selecting the department. [Applause.] We created the United States Veterans' Bureau, and put upon that bureau all of the duties relating to the relief of the ex-service men. That department has the duty of hospitalization. It has the duty of determining when the soldier should be given hospitalization. It has the duty of assigning the soldier to the hospital. That bureau has every reason under the sun to have more information concerning the location of hospitals, where they are needed, what kind are needed, and upon what kind of hospitals the greatest stress should be laid in order to give the relief needed at the particular time. There is every reason in the world for giving this power of constructing hospitals to the Veterans' Bureau with the exception that the Veterans' Bureau is not ordinarily a building organization.

The provisions of this bill which permit the Veterans' Bureau and the President to reach out and use any other agencies of the Government for the purpose of plans and architectural drawings, and so forth, meet that objection. So it seems to me it is our clear duty to locate this responsibility in its natural and logical place. When we have done that, then we have answered the criticism that there has been delay in the building of these hospitals. If we pass it on to the President, then the President is compelled to elect and to change from one bureau to another. We have already delegated it in the form of law to the Treasury Department. If we pass this up to the President, then we put upon him the duty and the obligation to hear this question anew and see if a change ought to be made. The committee has decided that this change ought to be made. It is put in a logical place, and it seems to me this committee ought to vote down the Madden amendment so as to locate this clearly and definitely in the Veterans' Bureau. [Applause.]

Mr. DYER. Will the gentleman yield for a question?

Mr. SANDERS of Indiana. If I have the time.

Mr. DYER. Will the gentleman state what other departments have building departments besides the Treasury?

Mr. SANDERS of Indiana. The Treasury Department has, the War Department has certain facilities, the Navy Department has certain facilities. I do not know that I could enumerate all offhand where the different facilities are located, but this bill puts the power into the President's hands to draw all of these facilities and put them at the disposal of the Veterans' Bureau.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GARRETT of Texas. Mr. Chairman, I wish to call the attention of the House to a condition existing in the hospitals of this country concerning disabled ex-service men that ought not to exist and that ought to be corrected in the bill that we are now considering. I have offered an amendment to the Madden substitute, which, if the substitute is defeated, I shall offer to the original text of the bill, providing that the disabled ex-service men who are without means, and who when they are admitted to a public hospital are not drawing compensation, shall be furnished by the manager of such hospital with suitable and comfortable clothing so that they may have the privilege of attending Red Cross hut meetings given for their entertainment or of going down town or any other place, mixing among their fellows and not be ashamed of themselves. In the hospital at Camp Logan in my State last November there were about 40 ex-service men out of 257 who did not have sufficient clothing to attend the Red Cross hut gatherings that the people of that city gave to entertain the men and try to make them forget their troubles for a moment. There were 257 men out of about 800 who were not drawing compensation. That was quite a large number. Many of them would never get compensation perhaps. Some of those men were there dying of tuberculosis. They did not have sufficient clothing, and were unable to get compensation because of the fact that the two years had elapsed and they could not connect their disability with their line of service. But I say that the Congress ought to emphasize the fact that no ex-service man—I do not care where he comes from—shall be allowed to remain in such a condition after he is admitted into a public-service hospital that he can not have sufficient clothing to walk the streets of a city or sit down among his comrades in a Red Cross hut, theater, or other gathering and feel comfortable. These men could not do that because they did not have proper clothing. We should not forget that when the draft act stretched forth its strong hand it took all classes of men. It took men who did not have jobs as well as those who had them. It took men from the country as well as from the city, and it took men who when they came out of the service had nothing except themselves. Now, disease has overtaken them along the way. Their people are poor. Perhaps their fathers and mothers were tenants on a farm or in the city—it matters not where. They have been sick for weeks. The Public Health Service admitted them into a hospital. They file their claims for compensation. The physician examines them and says, "You now have tuberculosis, but I can not tell when it developed. I can not tell how far back it goes. Perhaps it began in France."

This soldier believes and the doctor believes, although he can not swear to it, that when the soldier had the "flu" back in France that then and there the germ of tubercular disease was planted, and because of the fact that he was dismissed from the service in apparently good health he can not get relief. His health is broken down and he is in the Public Service Hospital without sufficient clothing. I found one in

the hospital at Houston and sat down by his side and talked with him, and he said, "Mr. Congressman, this overall suit is all that I have." He was then pale and about ready to die.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. GARRETT of Texas. I will.

Mr. FROTHINGHAM. Who is to furnish this clothing?

Mr. GARRETT of Texas. The Veterans' Bureau, out of money that is appropriated.

Mr. FROTHINGHAM. Under the gentleman's proposed amendment, who is to provide or furnish the clothing?

Mr. GARRETT of Texas. When the bill goes into effect, whoever is in charge of the hospital, whether the Veterans' Bureau or the Treasury Department, the manager of the hospital shall see to it that out of the money which will be appropriated under this bill for the purpose of maintaining these hospitals a sufficient amount shall be furnished for this purpose, just as you would furnish money to build a road to the hospital or for any other activity in connection with the operation of the hospital.

Mr. FROTHINGHAM. I am asking simply for information. I wanted to know whether you provided that the Federal bureau or the War Department should furnish the clothing.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, shortly after I arrived at Washington as a Member of Congress I undertook to get the Public Health Service to take over Fort Meade, S. Dak., for the purpose of providing immediate means for the hospitalization of the disabled veterans of the World War. Brig. Gen. Charles E. Sawyer at that time was a member of the Committee on Hospitalization, of which Dr. William Charles White was chairman. I arranged for a conference and furnished him with complete data on Fort Meade and left a folder showing pictures of all the buildings and surroundings. After going over the matter with some care, he declared that with the information at hand Fort Meade would seem to be an ideal location, and promised to take the matter up direct with the President and the Committee on Hospitalization. He also requested data as to what States were included in Public Health District No. 10, in which Fort Meade is located, and the number of ex-service men that had been enrolled from these States. This I supplied him with in the following letter:

APRIL 9, 1921.

Hon. CHARLES E. SAWYER,
Brigadier General, M. R. C., Room 244,
State, War, and Navy Building, Washington, D. C.

MY DEAR GENERAL: As suggested by you yesterday when we had our brief conference with reference to Fort Meade as an available institution for the disabled World War veterans, I find that the Public Health Service District No. 10 embraces the States of Montana, North and South Dakota, and Minnesota. The following are the number of service men for the above States:

	White.	Colored.	Total.
Montana	38,851	198	39,049
North Dakota	27,166	97	27,253
South Dakota	30,068	62	30,130
Minnesota	106,407	511	106,918
	202,492	868	[1] 203,350

[1] Total in district.

Upon the percentage basis that you figured yesterday as the approximate number of disabled, you will find that Fort Meade will care for a very large part of this territory, and I trust that you may be able to use the building and equipment for the purposes suggested in my folder, which I left with you.

* * * * * * *

Yours truly,

WM. WILLIAMSON.

This fort was personally inspected by Asst. Surg. Gen. W. G. Stimpson, of the Public Health Service, who made a report thereon on September 7, 1920, reading in part as follows:

ARCADE BUILDING,
Seattle, Wash., September 7, 1920.

SURGEON GENERAL UNITED STATES PUBLIC HEALTH SERVICE,
Washington, D. C.:

We have the honor to report that we arrived at Sturgis, S. Dak., on August 29 and inspected Fort Meade, a short distance—1½ miles—from that town. There is a wide macadam road nearly level, in first-class condition, between the city and the fort. This road winds through a beautiful wooded valley. The fort is beautifully situated on a level plot of land in a cup-shaped depression between the hills, which protects it somewhat from the winds.

There are at present only an officer and 18 enlisted men stationed at this fort, but the War Department has kept everything in excellent condition. The grass is cut, the roads are in fine shape, the woodwork of all buildings is well protected by paint, and even the windows of those buildings that are unoccupied are clean. There is a large amount of equipment in the buildings, including cooking stoves, furniture in the officers' quarters, hospital beds and bedding, and sterilizing apparatus in the hospital. The water supply is obtained from springs in an uninhabited watershed in the mountains, some of which is part of the Black Hills forest reserve, and the rest part of the reservation belonging to the fort. The pipe line has been well constructed and is protected against freezing. A full description of the buildings and grounds is on file at the bureau.

* * * * * * *

The climate of Fort Meade is suitable for tuberculosis. The altitude is 3,400 feet and the air is dry and stimulating. There are few hot days and there are, as a rule, no severe storms before Christmas. After that date there are on an average of six storms during the rest of the winter, but these storms do not usually last over 24 hours. The average annual rainfall is 19 inches and there is a large percentage of sunshiny days.

* * * * * * *

Fort Meade can be opened and used as a hospital with very little delay if a lease is granted by the War Department, especially if the equipment now there is allowed to remain. The post hospital, with a capacity of 75 patients, will be ready to use with a small amount of additional equipment. Ambulant cases can be placed in the barrack buildings without alteration, so that the post could be made available for over 125 patients in a short time. If it were found after trial that use of the post for hospital is a wise move the barrack hospital could be converted into hospital wards, as many of them as are necessary, and temporary wards can be erected for ambulant cases of tuberculosis; if, on the other hand, the continuation of the post as a hospital should prove to be inadvisable, the place can be closed, as no expense would have been incurred for alteration of buildings; the only cost would be that which was necessary for its operation while in use.

Respectfully,

W. G. STIMPSON,
Assistant Surgeon General.
CHAS. L. STRATTON,
Assisting Constructing Engineer.

It has also been visited by Col. C. R. Forbes, Director of the United States Veterans' Bureau, and he has repeatedly assured me that the fort can be reconditioned at small public expense and made into a very satisfactory hospital plant and training school for the disabled veterans. He also informs me that he desires to take charge of the fort and utilize it for hospital and training purposes just as soon as funds are available, provided he can secure an Executive order directing that the fort be turned over to the Veterans' Bureau for the purpose.

Should the pending bill become law hospitalization will be transferred from the Treasury Department to the Veterans' Bureau. As the bill carries an authorization for an appropriation of $17,000,000 for caring for the disabled veterans there will be ample funds available for carrying out the reconditioning of Fort Meade by the director. As stated, the War Department has steadfastly taken the position that it has no authority under existing law to turn the fort over to another department, nowithstanding that it admits that it has been practically unoccupied for more than ten years and wholly unoccupied since 1914 but for a few caretakers. If my amendment is adopted there will be no longer a question of authority involved, as it expressly authorizes the President, upon the request of the director, to transfer any buildings, structures, and grounds that may be available for the purpose contemplated by the bill.

In a late conference with Secretary of War John W. Weeks he stated that the War Department could not now utilize Fort Meade, and that there was little likelihood of its being needed by his department for an indefinite period, if at all. He also advised me that so far as he was concerned he would be very glad to turn it over to the Public Health Service or the Veterans' Bureau at any time that a request might be made for it from the proper source.

Practically every Legion post in South Dakota is strongly urging that the fort be turned into a hospital and training school at the earliest possible date. In this they are joined by many of the posts in adjoining States. The proposed conversion of Fort Meade into a hospital is also indorsed and strongly urged by John H. Dykes, chairman of the national legislative committee of the Disabled American Veterans of the World War.

There is urgent necessity for the early utilization of this fort for the benefit of the disabled. Adequate hospitalization has already been too long delayed, and much unnecessary suffering has been caused in consequence. There has been an insistent and practically unanimous demand by the disabled soldiers within my State for accommodations at the fort. Here the surroundings are delightful, the water supply abundant and pure, and the buildings themselves all that can be desired. There is ample space, many fine trees, and a beautiful mountain stream near at hand. Both the commander, Fred B. Ray, and the adjutant, David F. Heffron, American Legion, Department of South Dakota, are familiar with the location and have inspected the buildings. These men have given their unqualified indorsement to the proposition of converting the fort into a home for the disabled soldiers. What I want to make certain of is that the authority of the President to transfer the buildings and grounds at Fort Meade from the War Department to the Veterans' Bureau, in the event of this bill becoming law, shall be unquestioned.

Mr. Chairman, there was so much confusion at the time the amendment that I offered to section 1 was read that I do not believe the proviso was heard by a great many Members of the House. I therefore will read it again:

Provided further, That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such building, structures, and grounds to the United States Veterans' Bureau upon request of the director thereof.

Now, gentlemen, I have studied the pending bill very carefully and I find that the language in the bill is identical, so far as authority is granted to spend money for construction work is concerned, with the bill passed by Congress by the act of March 4, 1921, and also under the act of March 3, 1919. It is also identical so far as authority is granted to utilize existing available structures owned by the Government. The War Department has held that the Secretary of War, under existing law, has no authority to turn over any buildings or structures not used or occupied by the department to the Veterans' Bureau.

Mr. LANGLEY. Will the gentleman yield?

Mr. WILLIAMSON. I will.

Mr. LANGLEY. I want to say to the gentleman that I was not aware when the bill was drawn that the War Department had made such a ruling. I thought the President had sufficient authority to do what the gentleman's amendment seeks to do, and I see no objection to it.

Mr. WILLIAMSON. The chairman informs me that he has no objection to the amendment.

I have consulted with other members of the committee, and without exception they are in favor of the amendment. I discussed the amendment with Colonel Forbes, and he stated that he was in favor of it, and the chairman tells me that he had a conference with him at which he stated that he thought the amendment would strengthen the bill and make a better measure out of it. Under the bill as it stands there is no authority to use any part of the fund provided for or appropriated in this bill for anything but new construction. You can analyze the language as carefully as you will and you can not find any authority in any part of it for taking over existing buildings and hospitals. All the money appropriated is to be used for new construction. There are buildings in this country and hospitals in control of the War Department that can be turned over to-morrow that are in a fine condition. Tuberculous patients can be placed there now and be given immediate attention.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. COOPER of Wisconsin. Does not section 2 provide for what the gentleman seeks to provide for in his amendment?

Mr. WILLIAMSON. I think not.

Mr. COOPER of Wisconsin. It provides for remodeling or repair of all hospitals or dispensaries heretofore or hereafter constructed.

Mr. WILLIAMSON. That only refers to hospitals now under the control of the Veterans' Bureau or the Public Health Service in the Treasury Department.

Mr. KINCHELOE. The committee has accepted an amendment to the Madden substitute, and an amendment offered by the gentleman from Kentucky to section 1 of the bill.

Mr. WILLIAMSON. Those amendments do not go to the proposition I am trying to get before the committee at this time. I told you a moment ago that the War Department holds that they have no power to transfer any buildings to the Veterans' Bureau, and my amendment will cure that defect. I have a letter from the Secretary of War which takes that position.

Mr. MANN. Will the gentleman yield?

Mr. WILLIAMSON. I will.

Mr. MANN. This bill is practically in the language of the existing law so far as maintaining additional structures is concerned.

Mr. WILLIAMSON. Practically in the same language.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The time has been limited.

Mr. WILLIAMSON. I desire to submit the following for the information of the House.

The improvements upon the grounds consist of macadam drives, shade trees, and the buildings and structures listed below. These are all in fine physical condition and could not be built to-day for twice their original cost. Accommodations for at least 1,250 beds can be arranged for in the hospital and various barracks with practically no expense except the additional furnishings required:

LIST OF BUILDINGS.

1. Band stand.

2. Officers' quarters. Size, main building, 44 by 37; wings, 28 by 15; brick and stone; slate roof; electric light; steam heat; water and sewer; 5 water-closets; 4 wash sinks; 5 washstands; 2 laundry tubs; 4 baths; cost of building, $25,000.

3. Officers' quarters. Size, 34 by 58; 2 wings, each 15 by 34 feet; brick and stone; slate roof; steam heat; electric light; water and sewer; 4 each water-closets, wash sinks, laundry tubs, and bathtubs; cost of building, $24,001. Suitable for hospital purposes.

4. Officers' quarters. Size, 41 by 58; reinforced concrete; tile roof; steam heat; electric light; water and sewer; 4 water-closets; 4 wash sinks; 4 washstands; 4 bathtubs; 4 laundry tubs; cost of building, $24,018. Suitable for hospital purposes.

5. Bachelor officers' quarters. Building, 97 by 33; each wing 24 by 48 feet; foundation, stone and concrete; walls, brick; roof, slate; steam heat; electric light; water and sewer; 9 water-closets; 3 wash sinks; 9 washstands; 2 laundry tubs; 9 bathtubs; cost of building, $41,626. Suitable for hospital purposes.

6. Hospital. Size, 46 by 55; 27 by 45; 34 by 50 feet; walls, brick; foundation, stone; roof, slate; electric light; hot-water heat; water and sewer; 8 water-closets; 9 wash sinks; 12 washstands; 6 baths; fully equipped with all modern hospital appliances; cost of building, $44,708.

7. Quartermaster office and warehouse. Size, 150 by 32 feet; foundation, stone; walls, brick; roof, slate; steam heat; electric light; water and sewer; water-closets, urinals, and washstands; cost of building, $19,518.

8. Bakery. Size, 28 by 51 feet. Built of stone; slate roof; stove heat; electric light; water and sewer; 1 wash sink; 2 ovens, capacity 864 pounds bread; cost of building, $4,879.

9. Bowling alley. Size, 100 by 18 feet; wings each 3 by 16 feet; built of brick, stone, and concrete; stove heat; electric light; two alleys; cost of building, $5,012.

10. Gymnasium. Size, main building, 42 by 64 feet; each wing 34 by 52 feet; foundation, stone; walls, brick; roof, slate; steam heat; electric light; water and sewer; 2 water-closets; 2 urinals; 1 wash sink; 5 washbasins; 2 showers; cost of building, $24,757.73.

11. Fire station. Walls, brick; foundation, stone; roof, slate; floor, concrete; electric light; size, 25 by 43 feet; cost of building, $1,969.

12. Noncommissioned officers' quarters. Size, 31 by 32–29 by 39 feet; foundation, stone; walls, brick; roof, slate; stove heat; electric light; water and sewer; 2 water-closets; wash sinks; washstands and bathtubs; cost of building, $5,218. Suitable for hospital purposes.

13. Band barracks. Size, 76 by 39 feet; foundation, stone; walls, brick; roof, slate; electric light; steam heat; water and sewer; 4 water-closets; 2 urinals; wash sinks and washstands; 2 laundry tubs; 2 bath showers and bathtubs; cost of building, $24,964. Suitable for hospital purposes.

14. Three single barracks. Size, main building, 37 by 110 feet; wing, 37 by 64 feet; foundation and walls, stone; roof, slate; steam heat; electric light; water and sewer; 8 water-closets; 6 urinals; 2 wash sinks; 14 washstands; 3 showers; 4 bathtubs; cost of each building, $31,420. Suitable for hospital purposes.

15. Single barracks. Building, 110 by 27 feet; each wing, 36 by 27 feet; walls, brick; foundation, stone; roof, slate; electric light; steam heat; water and sewer; 8 water-closets; 4 urinals; 2 wash sinks; 14 washstands; 4 laundry tubs; 4 shower baths and tubs; cost of building, $45,850. Suitable for hospital purposes.

16. Two double barracks. Size building, 39 by 72 feet; two wings each 39 by 103 feet; foundation, stone; walls, brick; roof, slate; electric lights; steam heat; water and sewer; 16 water-closets; 12 urinals; 4 wash sinks; 28 washbasins; 8 showers; 6 bathtubs; cost of each building, $67,410. Suitable for hospital purposes.

17. Administration building. Size, 92 by 44 feet; foundation, stone; walls, brick; roof, slate; steam heat; electric light; water and sewer; 3 water-closets; 2 urinals; 5 washstands; cost of building, $29,180. Suitable for hospital purposes.

18. Four brick stables. Size, 155 by 67 feet; foundation, stone; walls, brick; roof, slate; floor, clay, concrete, and brick; electric light; water and sewer; cost of building, $17,375.

19. Four stone stables. Size, 156 by 67 feet; walls and foundation, stone; roof, tile; floor, clay, concrete, and brick; electric light and water; cost of building, $18,468.75.

Mr. TREADWAY. Mr. Chairman, in view of the numerous amendments that have been adopted and agreed upon, it seems to me there is very little difference between the suggestions of the committee and the so-called Madden amendment.

Under the Madden amendment, as I take it, the method of procedure that the committee recommends can be adopted, if such is the judgment of the President. Therefore I think that we will accomplish more for the welfare of the hospitalization needs of the veterans by adopting the Madden amendment. We are all agreed on one point. There is only a division of views as to the manner in which we shall accomplish the purpose at which we are aiming. We all want the very best service possible for the hospital needs of the veterans. There is absolute unanimity of agreement upon that point. The difference that has appeared here in debate to-day is simply as to the method of obtaining this object. We have followed the requests of people interested in legislation for the veterans in some of our previous bills, and when you decentralize authority, to my mind, you ruin the object for which the legislation is proposed. The gentleman from New Hampshire [Mr. BURROUGHS] yesterday pointed out marked difficulties that we are having under the decentralization method of caring for veterans. We never have had in my experience since the adoption of the war-risk insurance act as poor service in New England as we are getting to-day. Every New England Member can furnish a similar list to that furnished by the gentleman from New Hampshire yesterday. The authority is in no one place, and that is what I am afraid we are getting ready to do if we do not centralize the authority for construc-

tion. There is under the Government authority ample ability to construct the needed hospitals. Why establish a new system of architectural and constructive methods? That is what we would have to do, and as a result we would delay the needs of the hospital plans just that long. It seems to me that such a body as would necessarily have to be created under the Veterans' Bureau would mean just that much longer delay in caring for the needy soldiers. The demand is for immediate construction, not the establishment of additional machinery. Therefore, in view of the experience that we have had under the decentralization system of the Sweet bill, it seems to me we should at least place this authority in the hands of the President solely, and let him choose the instrumentalities under which the construction shall proceed. [Applause.]

In expressing the views I have I am offering no criticism aimed at the head of the Veterans' Bureau. On the contrary, I regard him as an efficient executive, already overburdened with duties. In my judgment the best results for the veterans will be obtained and in the shortest space of time by giving all the authority to the President.

Mr. FITZGERALD. Mr. Chairman, I wish to say that I agree absolutely with the statements which the gentleman from Massachusetts has just made with his reasoning, but not with his conclusions; I arrive at the opposite pole. On October 10, 1921, I offered a resolution in this House asking for a special committee to investigate what had become of the $18,600,000 that we appropriated on March 4 a year ago, because not one bed had been furnished to any disabled soldier. Colonel Forbes, although in no way to blame, was popularly supposed to be responsible for the situation, was being criticized to me, and, I presume, to every other Member of Congress. I made an investigation personally of the situation. I went to the Treasury Department and spent more than an hour with the Assistant Secretary of the Treasury having this matter in charge. I was introduced to the chairman of the Board of Consultants, and I was able to arrive at a conclusion in my own mind as to where the responsibility lay. I then proceeded with a number of Members of Congress to put Colonel Forbes through a cross-examination as to what could and should have been done with this money, and he demonstrated satisfactorily to us that with that amount of money and the facilities which he should have been able to borrow from the Treasury Department he would have had 30 to 50 per cent of the beds which the money appropriated by Congress would have furnished occupied, instead of having these men dying in the streets and subjected to the misery and cruelties to which they have been subjected in some of these private hospitals, and I do not except the Soldiers' Home at Dayton, whence they have been driven to the streets, and where they called in a sheriff to quell a riot because they could not keep order in the tuberculosis ward in the soldiers' home. The President wants the power put with the Director of the Veterans' Bureau. We know what he wants, and we are satisfied that it is the only place other than the Treasury Department for this power to repose. We have tested the Treasury Department, and on account, not of the fault of any one man, but on account of the peculiar system there adopted, on account of the wishes of these physicians to do an ideal sort of job, while overlooking the emergency, forgetting that men were suffering and needing attention, nothing was accomplished while our soldiers died neglected. It seems to me we should take the responsibility of placing the direction of this construction under Colonel Forbes, with power in the President to supervise and to veto anything that he thinks improper. [Applause.]

May I add that the Members of this House who assisted me in the investigation were SAMUEL S. ARENTZ, of Nevada; ROY O. WOODRUFF, of Michigan; and LOUIS A. FROTHINGHAM, of Massachusetts.

Mr. CHALMERS. Mr. Chairman, a billion dollars for aviation and not a plane on the firing line; $18,600,000 for beds over a year ago and not a bed for a sick soldier! It seems to me that we will be making no mistake in placing this responsibility where it belongs, namely, in the Veterans' Bureau. We are all of one mind. There is no question about the sentiment of this House. We are all in favor of voting $17,000,000 for these sick men, and you know and I know that there are other $17,000,000 to follow when they are needed. We are all of one mind, but we differ as to methods. We did not get results a year ago in the Treasury Department. Let us try the Veterans' Bureau. We have heard some unkind things said here this afternoon about Colonel Forbes. There is not a man in this House who does not believe that Colonel Forbes is honest. There is not a man here that does not believe that Colonel Forbes is a fine executive, that he is skilled, that he is sympathetic, that he is capable, that he has a big heart. There is not a man here who does not know that he has been giving of himself night and day to this service. If there are ills in the Veterans' Bureau, and we all know there are, they should be laid at the door of Congress. I want to say to you that this decentralization and the sending of the files all over the country has caused more trouble to you and to me and to the boys that we are trying to serve than anything else in connection with the Veterans' Bureau. I hope that Congress will wake up some day and rectify the mistake. The Sweet bill is a good bill; it is doing good service; but there were some mistakes, and they ought to be corrected. That is a matter for Congress. I do not like to see Congress in a discussion of this kind criticize those who are not to blame. I believe if we turn the $17,000,000 over to the Veterans' Bureau, under the direction of Colonel Forbes, under the supervision of the President of the United States, we will get results. Let us try it. [Applause.]

Mr. LANGLEY. I am exceedingly sorry that my good friend from Indiana [Mr. BLAND] chose to say what he did say about Colonel Forbes. Some of you know perhaps, and many of you may not know, that Colonel Forbes was a soldier in the Boxer rebellion, that he was an overseas soldier in the late war. He went over the top time and again. He was gassed three times, in addition to being wounded. One time his lung was almost burned out with gas, and he was burned with mustard gas until his entire body now is in a sensitive condition. He told me this himself, and he gave me the details. He is at this moment suffering as one of our overseas veterans while you are criticizing him. Do you believe that a man like that, a soldier like that, can not be trusted, who has his whole heart wrapped up in the cause of his sick fellow soldiers, would betray them or fail to do all he can to help secure treatment of the sick men who were over there with him? Gentlemen, it is preposterous, and you ought to be ashamed of yourselves to treat him this way. [Applause.]

I say it is an outrage. Gentlemen, of course there are mistakes everywhere that can not be helped. I have been in the executive departments some years myself, and in a new bureau like that there are bound to be errors. But it is not the fault of Colonel Forbes. He has worked as hard as any living man, trying his utmost to make provision for these sick and disabled ex-service men to whom we owe so much.

The gentleman from Massachusetts is mistaken when he says that with the amendment agreed upon the section reported by the committee and the substitute offered by the gentleman from Illinois are practically the same. They are not the same. The committee in trying to perfect the measure has accepted certain minor amendments, but the main proposition still remains, that the President himself can not carry out the details of this work any more than he can carry out the details of the work of any department; and you might just as well provide that the President shall run the State Department, now so ably run by the distinguished Secretary of State, or say that any other department of the Government shall be run directly by the President. It can not be done as an administrative proposition. I have followed the gentleman from Illinois. I followed his committee; I always vote regular. But this committee has worked hard and long and has brought in here this present bill, and is willing to accept amendments suggested by the gentlemen which apparently improve its details. That is what the five-minute rule is for. I say I think the Members of this House ought to stand by the committee and vote down the Madden amendment, because that amendment means that the Veterans' Bureau, now authorized to have charge of the hospitalization of these men, shall be cut out from the consideration of the main question, which is the quickest way to construct these hospitals. That is all I have to say, boys, except as I stand by your committees I hope you will stand by mine. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Chair would like to state the parliamentary situation. There is an amendment to perfect the text by the gentleman from Kentucky. There is also an amendment by way of substitute to the first section offered by the gentleman from Illinois, to which the gentleman from Ohio has offered an amendment. There has also been read for information, but not yet offered, an amendment by the gentleman from South Dakota [Mr. WILLIAMSON]. There is also offered an amendment to the amendment by the gentleman from Texas, and an amendment of the gentleman from South Carolina to the amendment of the gentleman from Illinois. The Chair should say those two last amendments have been read for information but not yet offered. The vote first comes on the amendment offered by the gentleman from Kentucky and then it will be in order for the gentleman from South Dakota to offer his amendment.

Mr. SANDERS of Indiana. May we have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by the gentleman from Kentucky: Page 2, line 13, after the word "bureau" insert the words "subject to the approval of the President."

The question was taken, and the amendment was agreed to.

Mr. WILLIAMSON. Mr. Chairman, I now desire to offer my amendment, and ask the Clerk to report it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 1 insert: *"Provided, however,* That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof."

The question was taken, and the amendment was agreed to.

Mr. McSWAIN. Mr. Chairman, I desire to offer my amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment to the amendment offered by the gentleman from Illinois.

Mr. McSWAIN. No; the amendment is to the text.

The CHAIRMAN. The Chair misunderstood the gentleman. It is an amendment to the text, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. McSWAIN: Page 2, line 6, after the word "personnel" insert the words "and also to provide proper and suitable recreational centers."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Ohio to the amendment offered by the gentleman from Illinois, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG to the amendment offered by Mr. MADDEN: After the word "facilities," at the end of line 2 of the Madden amendment, insert "and to take over the present activities tending to provide hospital facilities."

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas [Mr. GARRETT], which the Clerk will report.

The Clerk read as follows:

Amend line 15 of the substitute, after the word "personnel," by striking out the period, inserting a comma, and the following: "and to furnish all patients who are admitted to said hospital or hospitals with suitable and comfortable clothing whenever it shall appear that said patients are without financial means and not drawing compensation."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is upon the substitute offered by the gentleman from Illinois as amended by the motion of the gentleman from Texas.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. MADDEN) there were—ayes 73, noes 70.

Mr. LANGLEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. LANGLEY and Mr. MADDEN to act as tellers.

The committee again divided; and the tellers reported—ayes 86, noes 81.

So the substitute was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the construction of new hospitals or dispensaries, or the alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

Mr. MADDEN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 2, strike out lines 14 to 20, inclusive, and insert in lieu thereof a new section, as follows:

"SEC. 2. Any sum allotted hereunder by the President for additional hospital or out-patient dispensary facilities shall be expended by such agency or agencies of the Government as he may determine for the most efficient, expeditious, and economical accomplishment of the purposes of this act."

Mr. MADDEN. Mr. Chairman, I desire to say in connection with this amendment, now that we have placed the responsibility on the President, this gives him the power to name any agency that he chooses to name to carry out the purposes of the act, and I think it may be fairly said, with the responsibility on the President, if one agency named by him fails to function he will see that some other agency is named that will function.

Now, what is the purpose of the act? The purpose of the act is to supply facilities for the care of the wounded and sick soldiers. Complaint has constantly been made that these facilities have been retarded, that we have not had the action that we should have from the agencies that have had charge in the past. This certainly centralizes the responsibility. It centralizes the power, and the amendment that I offer is logical, in view of the adoption of the amendment that had already been offered by me. Here is an opportunity to place the responsibility, and there is no restriction on the right of the President to place that responsibility in the agency that he may name. He will not, if this amendment is adopted, be compelled to come back to Congress for further legislation if the agency indicated by him fails to function, whereas under the bill without this amendment no action could be taken by anybody in the world, not even by the President, to force action on the part of the agency that has the responsibility under the act, without coming back to the Congress for further legislation.

Now, what we want is expeditious action. This offers the opportunity for that expeditious action. We are all in favor of doing everything we can for the veterans who are wounded or sick. No one is more anxious to do it than I, and I have been importuned time out of mind by men who have not been able to get the facilities to which they were entitled. Here we offer the opportunity to place the responsibility somewhere, and I am willing to place that responsibility on the President of the United States. [Applause.]

Mr. LANGLEY. Mr. Chairman, if the Members will take the time to glance over section 2 of the bill they will observe that it does exactly what the gentleman from Illinois [Mr. MADDEN] contends ought to be done. It says that the construction of new hospitals or dispensaries—I think the word "enlargement" ought to be in there, preceding "remodeling or repair of all hospitals"—shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work.

Now, it simply means, Mr. Chairman, if you are going to tear all to pieces this bill which the committee has labored on earnestly, and had hearings on day after day for nearly a year, and which the President states that he wanted done, and let anybody who has not paid attention to these hearings—I do not care whether or not it is the chairman of the Committee on Appropriations, for whom I have the highest regard—to try to rewrite in a day on the floor the bill reported by this committee, I do not think it is the thing to do.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. LINEBERGER. Does the gentleman propose to insert the word "extension" between the words "alteration" and "remodeling"?

Mr. LANGLEY. Yes; either that or the word "enlargement," I do not care which. I propose to offer that amendment. I do not want my remarks to be construed as in anywise reflecting upon the Committee on Appropriations. But there are 435 Members of the House and only 35 members on the committee.

Mr. MADDEN. I hope the gentleman will not assert that I am the Committee on Appropriations.

Mr. LANGLEY. No; but the gentleman is the distinguished chairman of it.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. GARRETT of Tennessee. Of course, I only heard the Madden amendment read from the desk, and I may be inaccurate in my recollection concerning it; but the only difference, if I recall it correctly, between that and section 2 of the bill is that the bill as reported by the committee would confine the President in employing architectural and engineering assistance to the departments of the Government, while under the Madden amendment he can go outside of the departments of the Government.

Mr. LANGLEY. It would mean he could go out and employ private individuals.

Mr. GARRETT of Tennessee. That is all the difference, is it not?

Mr. LANGLEY. What effect would that have on the existing law and the section of the Revised Statutes limiting it to competitive bidding?

Mr. GARRETT of Tennessee. Understand me; I am not speaking from any advocacy or any opposition to the Madden

amendment at the present moment. I want to find out just what it is before I vote on it. But, if I understand it correctly, the bill would limit the President in selecting departments of the Government for the architectural and engineering work, whereas the Madden amendment would enable him to go outside and select people outside the Government service.

May I first ask the gentleman if I am correct about that?

Mr. MADDEN. It would. And in the next section I have a limitation on the amount that can be expended for the architect's fee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I ask unanimous consent that the gentleman from Kentucky may have five minutes more.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Tennessee that the time of the gentleman from Kentucky be extended five minutes. Is there objection?

There was no objection.

Mr. LANGLEY. The gentleman from Tennessee [Mr. GARRETT] is a lawyer, and I used to be accused of being one myself. He knows that the general rule of construction is that whenever you impose a specific duty upon a specific individual the general law governing that necessarily applies. The general law provides for the manner in which these buildings may be constructed and provides that it shall be by competitive bidding except in the case of a public exigency. That is section 3709.

Mr. MOORE of Virginia. Does not the Madden amendment confine the President to the use of governmental agencies?

Mr. MADDEN. I think the Madden amendment places too great a limitation upon him.

Mr. MOORE of Virginia. The Madden amendment certainly confines the President to the use of Government agencies. It is in terms written that way. I ask that the amendment be again reported.

Mr. LANGLEY. Not to be taken out of my time, if you please.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 2, strike out lines 14 to 20, inclusive, and insert in lieu thereof a new section, as follows:

"SEC. 2. Any sum alloted hereunder by the President for additional hospital or out-patient dispensary facilities shall be expended by such agency or agencies of the Government as he may determine for the most efficient, expeditious, and economical accomplishment of the purposes of this act."

Mr. LANGLEY. That is practically the same proposition. We are all, of course, in favor of its being expeditious; but it is practically the same thing that is in this amendment, and the gentleman apparently simply wants to get in a substitute drawn by himself instead of the proposition of the committee.

Mr. RAYBURN. Will the gentleman yield to allow me to ask the gentleman from Illinois a question?

Mr. LANGLEY. Certainly.

Mr. RAYBURN. I had understood that the amendment of the gentleman from Illinois [Mr. MADDEN] was intended to mean exactly the opposite; that it was intended to restrict the President rather than to allow him to go on the outside.

Mr. MADDEN. I made a mistake in answering the gentleman from Tennessee. It is intended to restrict.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. I do not think the gentleman made a mistake in answering. In so far as the expenditures upon actual construction are concerned, under the Madden amendment they will be expended through such department of the Government as the President may designate.

Mr. MADDEN. That is true.

Mr. GARRETT of Tennessee. That is true.

Mr. MADDEN. But the work——

Mr. GARRETT of Tennessee. But as to the drawing of plans, as to the engineering, then the President can go entirely outside the Government and employ private persons.

Mr. MADDEN. I think he could, but then the next section restricts the amount that can be expended for that purpose.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, had further insisted upon its amendments numbered 43, 47, 50, 51, 53, 54, 55, 56, 58, 59, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 91, 112, and 113, disagreed to by the House of Representatives, had requested a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN as the conferees on the part of the Senate.

ADDITIONAL HOSPITAL FACILITIES FOR THE EX-SERVICE MEN AND WOMEN.

The committee resumed its session.

Mr. LANGLEY. I ask unanimous consent to proceed for two minutes.

Mr. MANN. I ask that the gentleman may have five minutes more. I want to ask him a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Kentucky be extended five minutes. Is there objection?

There was no objection.

Mr. KOPP. Will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. KOPP. The committee drew this bill, as the gentleman knows, in accordance with the wishes of the President, that the Director of the Veterans' Bureau should be intrusted with this building, subject to his approval. Now, the statement has been made by the gentleman from Illinois that if the Director of the Veterans' Bureau should prove incapable of doing this work, or should not perform it properly, the President could do nothing until he came back to Congress and asked us to change the law. Is it not a fact that the President can at any time remove the Director of the Veterans' Bureau and employ a new one?

Mr. LANGLEY. Certainly. Anybody with any ordinary sense knows that. [Laughter.]

Mr. MANN. He can not remove him.

Mr. LANGLEY. My long experience in the public service enables me to say that the appointive power, with the exception of civil-service employees, is coequal with the power to dismiss, so the gentleman from Illinois is not correct.

Mr. MANN. As far as the original provision and the Madden amendment are concerned, do they not both authorize whatever governmental agency has charge of this to have the work done outside?

Mr. LANGLEY. They may do it, yes; except there is a general law to which I called attention a little while ago, section 3709 of the Revised Statutes, which provides that all work must be done subject to competitive bidding except in the case of a public exigency.

Mr. MANN. Here is the law which supersedes any law on the statute books. It says the construction, and so forth, shall be done in such manner as the President may determine.

Mr. LANGLEY. Of course the gentleman knows that the President must enforce existing law under his oath of office.

Mr. MADDEN. But this will be the existing law that he obeys when he determines how it shall be done.

Mr. LANGLEY. The gentleman is a lawyer, I believe, and he knows that all acts must be construed in pari materia, and he knows the President would not violate existing law.

Mr. MANN. I am not saying that he would. I can not see any difference between the two propositions.

Mr. LANGLEY. I can.

Mr. NORTON. Mr. Chairman, I have an amendment.

The CHAIRMAN. The Chair will say to the gentleman from Ohio that the gentleman from Kentucky has an amendment which is preferential.

Mr. LANGLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 15, after the word "the," insert the word "extension."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. WILLIAMSON. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The Clerk read as follows:

At the end of the amendment offered by Mr. MADDEN add the following: "*Provided further*, That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof."

Mr. LONGWORTH. Mr. Chairman, I reserve a point of order that there is no such words as the "Veterans' Bureau" in the bill.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent to modify the amendment.

The Clerk read as follows:

Modified amendment by Mr. WILLIAMSON: At the end of the amendment offered by Mr. MADDEN add: "*Provided*, That the President may utilize such suitable buildings, structures, and grounds now owned by the United States as are available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon request of the director thereof.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from South Dakota.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. MADDEN], as amended.

The question was taken, and the amendment was rejected.

Mr. WILLIAMSON. Mr. Chairman, I offer a perfecting amendment to section 2.

Mr. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Insert, after section 2, the following: "Section 3——

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The gentleman from South Dakota asked to offer an amendment to section 2.

The CHAIRMAN. That will take precedence. The Chair understood that the amendment of the gentleman from Ohio was to section 2. The Clerk will report the amendment offered by the gentleman from South Dakota.

The Clerk read as follows:

Amendment by Mr. WILLIAMSON: At the end of section 2 insert the following: "*Provided*, That the President may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof.

Mr. GARRETT of Tennessee. May I ask the gentleman from South Dakota a question?

Mr. WILLIAMSON. Yes; I yield.

Mr. GARRETT of Tennessee. This authorizes the President to transfer any building owned by the Government of the United States to be used for hospital purposes if in his opinion it is satisfactory for hospital purposes.

Mr. WILLIAMSON. At the request of the Veterans' Bureau.

Mr. DYER. He might ask for the Capitol.

Mr. GARRETT of Tennessee. If that is the gentleman's idea, I am in considerable sympathy with his purpose, but this is a law presumably being made to last a long time. Whether it is desirable to place the power in the hands of the President of the United States that would enable him to transfer the Capitol to the Veterans' Bureau for hospital purposes is a proposition that I am not quite sure I am ready to commit myself to.

Mr. WILLIAMSON. He may transfer such buildings, structures, and grounds as are available, and the Capitol or the House Office Building would not be available.

Mr. GARRETT of Tennessee. It would be if Congress was not in session. You are putting a tremendous control in the President's hands over public buildings.

Mr. WILLIAMSON. It might be helped by putting in the word "suitable" after the word "available."

Mr. GARRETT of Tennessee. May I ask the gentleman what specific purpose he has in mind by adding this amendment, what conditions actually exist?

Mr. WILLIAMSON. The language of this bill is identical with the law already in force, and the Secretary of War holds that he has no authority to turn over any building to the Veterans' Bureau for hospital purposes. The object is to give the President authority to turn over such buildings as are not being utilized in the War Department to the Veterans' Bureau. There are certain buildings to-day that could be utilized by the Veterans' Bureau, but the War Department says that it has no authority to turn over any building, although the Secretary of War is entirely willing to turn it over.

Mr. GARRETT of Tennessee. Some camps——

Mr. WILLIAMSON. Camps and any other building that would be suitable for hospital purposes.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. MANN. Are these buildings that the gentleman thinks should be turned over now in active use by any other department of the Government?

Mr. WILLIAMSON. They are not, and have not been for many years.

Mr. MANN. Why would it not be perfectly proper, then, to add, after the words "United States," the words "not otherwise in active use"?

Mr. WILLIAMSON. I am willing to accept that modification.

Mr. GARRETT of Tennessee. I think that would be a desirable amendment.

Mr. MacGREGOR. Mr. Chairman, may I ask the gentleman from Illinois a question? It may be desired by the Veterans' Bureau to take Fort Porter, which is located in the city of Buffalo, for hospital purposes. The War Department may be willing to surrender it. It now contains a battalion of soldiers.

Mr. MANN. I suppose that the battalion of soldiers would be removed before it was turned over, in any event, and if a battalion of soldiers was removed it would not then be in active use.

Mr. MacGREGOR. That is what I wanted to get at.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DYER. Recently the President, by Executive order, transferred a portion of Jefferson Barracks, Mo., a military reservation, to the Veterans' Bureau for the purpose of putting up a hospital there for wounded soldiers. Would this amendment which the gentleman suggests interfere with that?

Mr. MANN. I will be frank to say that I do not know.

Mr. DYER. It says "not being used for any other purpose."

Mr. MANN. I suggested the words "not otherwise in active use."

Mr. DYER. This is in active use, of course.

Mr. MANN. Then they would not transfer it while it is in active use.

Mr. DYER. They have already done so.

Mr. MANN. That is already settled then. That is under existing law. Existing law provides for certain transfers, but it was held by the War Department in the case the gentleman from South Dakota has in mind that the existing law does not cover the fort up there, and he desires to cover it. I do not think it would be wise to permit the President to turn over the Capitol Building for any such use.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent to insert in my amendment after the words "United States" the words "not otherwise in active use."

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to modify his amendment. Is there objection?

Mr. WINGO. Mr. Chairman, reserving the right to object, do I understand the modification reads "not now otherwise in active use"?

Mr. WILLIAMSON. No; "not otherwise in active use."

Mr. WINGO. My understanding is that there are about four Army posts that the War Department thinks might well be dispensed with, and that Congress does not agree to that. If this amendment should be adopted with the language suggested, leaving out the word "now," all on earth they would have to do would be for the Secretary of War to remove the troops and quit using those four posts for the time being, and then the President could make an order abolishing those Army posts even though Congress does not want it done.

Mr. WILLIAMSON. Oh, I do not think there is the slightest danger of anything of that kind being done by the President of the United States.

Mr. WINGO. The gentleman does not think the President will carry out the recommendations of the Secretary of War in respect to that?

Mr. WILLIAMSON. I think the President will turn over buildings only, not being used by the War Department.

Mr. WINGO. Does the gentleman know of any Army posts not now in active use?

Mr. WILLIAMSON. Yes; Fort Meade, in South Dakota.

Mr. WINGO. What other one?

Mr. WILLIAMSON. That is the only one that I have in mind now.

Mr. WINGO. If that is what the gentleman has in mind, would it not be safer legislation to specifically authorize the President, if he sees fit, by Executive order to turn over for hospital purposes that fort, specifically naming it.

Mr. WILLIAMSON. I do not think that we should specifically require the President to occupy or utilize any particular fort. I do not think the Congress should say what particular structures should be utilized, but if the Veterans' Bureau finds Fort Meade available and makes a request for it, I think the President should be authorized to turn it over.

Mr. WINGO. Heretofore the plan has been in the last Congress, when they wished to turn over Fort Logan H. Roots, in

my State, to specifically by act of Congress, in one of the hospitalization bills, authorize the President to transfer it from the War Department for hospital purposes. I suggest that the gentleman's amendment takes control away from Congress, and under it they can abolish Army posts anywhere in the United States. I do not care particularly myself. There is no Army post in my district.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from South Dakota as it is proposed to be modified.

The Clerk read as follows:

Modified amendment by Mr. WILLIAMSON: At the end of section 2 add: "*Provided*, That the President may utilize such suitable buildings, structures, and grounds, now owned by the United States, not otherwise in active use, as may be available for the purposes aforesaid, and the President is hereby authorized, by Executive order, to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof."

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota to modify his amendment in the manner indicated.

There was no objection.

Mr. WINGO. Mr. Chairman, I move to amend the amendment by adding the word "now," so that it will read "not now otherwise in active use."

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment by Mr. WINGO: After the word "not" and before the word "otherwise," in the amendment of the gentleman from South Dakota, insert the word "now."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Arkansas.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

Mr. FISH. I have an amendment at the desk.

The CHAIRMAN. An amendment to the amendment?

Mr. FISH. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, after the word "work," strike out the period, insert a comma, and add the following: "and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such points as he may consider reasonable."

Mr. LANGLEY. An amendment has just been adopted adding certain language after line 23, so the gentleman's amendment should come after the amendment.

Mr. FISH. That is agreeable; let it come at the proper place.

Mr. WALSH. It is in the proper place.

Mr. FISH. Then line 20, after the word "work." The purpose of the amendment is to give authority to the President. There seems to be some dispute over that point, to go out and make these contracts with private builders. If this bill is anything at all it is an emergency measure, and where the White committee fell down is in the fact they did not employ the biggest contractors in the country, such as George A. Fuller and others, and get this work done in eight months. There are a number of big contractors in the country to-day who can take hold of these matters and complete these buildings inside of eight months, and that is the purpose of the amendment. I do not believe the chairman will have any objection.

Mr. LANGLEY. I will say I think the President has that authority under present law, and therefore, to make it entirely clear, I have no objection to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NORTON. Mr. Chairman, I have an amendment at the Clerk's desk which I ask to have reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. NORTON: Insert after section 2 the following:
"SEC. 3. When the expenditure herein provided for exceeds $3,000, other than lands bought or the compensation of persons employed, the Director of the United States Veterans' Bureau shall make contracts for buildings to be erected or remodeled or work to be done with the lowest and best bidder after advertising for proposals for not less than two weeks or more than four weeks in a newspaper in general circulation in the county where the building is to be constructed or the work performed."

Mr. WALSH. Mr. Chairman, I reserve the point of order on the amendment. I will say to the gentleman that I think perhaps if he modifies it to provide that the President shall make the contract——

Mr. NORTON. I will change it in that respect. I will modify it afterwards.

Mr. WALSH. I think the gentleman ought to modify it before he discusses it.

Mr. NORTON. I will modify it in that respect. I ask unanimous consent that it may be modified as suggested.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment by Mr. NORTON: Insert after section 2 the following:
"SEC. 3. When the expenditure herein provided for exceeds $3,000, other than lands bought or compensation of persons employed, the President shall make a contract for buildings to be erected or remodeled or work to be done with the lowest and best bidder, after advertising for proposals for not less than two weeks or more than four weeks in a newspaper in general circulation in the county where the building is to be constructed or the work to be performed."

The CHAIRMAN. Is there objection to the modification? [After a pause.] The Chair hears none.

Mr. NORTON. Mr. Chairman and gentlemen of the committee, the entire fault found by Director Forbes with what has been done was mainly for the reason that this was purchase and hire work, as it is called. In other words, that of this $18,600,000 more than one-third was spent without any contract of any kind whatsoever. Now I will call attention to what Mr. Wetmore and what Director Forbes said on this subject before I proceed. I asked:

What did you finally say was the portion spent of the $18,600,000 by contract and the portion spent by purchase and hire? You have made two or three statements, and I do not remember what the final statement was. Was it 30 per cent or 40 per cent?

Mr. WETMORE. I mean 30 per cent of the cases.

Mr. NORTON. I mean what per cent, taking the entire amount of the appropriation?

Mr. WETMORE. I do not know. I can not say what per cent of the appropriation. Mr. Von Nerta, who is present, has the figures.

Mr. VON NERTA. Of the contract at the present time it is about 65 per cent; under purchase and hire, 35 per cent. Two additional hospitals, however, will go under the contract—Tuskegee and Perryville—and then the percentage will be 80 per cent contract and 20 per cent purchase and hire.

Then a few lines below:

Mr. NORTON. Then it might run $5,000 or $6,000 a week that he had the authority to spend, or more?

Mr. WETMORE. It might. The idea I am trying to convey to the committee is that these men are not hampered from lack of proper authority in getting along with the work.

So, gentlemen, you see that $6,000,000 at least of this $18,600,000 was spent by what they call "purchase and hire," without any contract being made. Now, I am not charging that was wrongfully spent; but the opportunity is too great for any Congress to allow. Let us see what Director Forbes says on the subject.

I read:

Colonel FORBES. No. I want to make myself clear on that. The method of purchase and hire of buildings is all wrong. I think the only way to award a contract is to call for competitive bids and award the contract to the lowest responsible bidder.

Then down further he says:

You could go to many reputable concerns and engage them to draw your plans and you could call for bids among reputable people and you would get a reputable bid, and you would have your work done on time and in such a manner as would pass inspection.

That is the opinion of the man that you are now putting in charge of this work. He said if you made a contract it would be done and you would get reputable work. I do not know what he means by it. Further on, and in answer to a question by Mr. ANDREWS of Nebraska, Colonel Forbes said:

My dear sir, the Treasury Department is doing the work themselves.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. NORTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NORTON. Colonel Forbes says:

The only way to do honest work in any class of business is by competitive bids.

That is the expression of the gentleman you are now putting in charge. Then he goes on to say:

The term of purchase and hire is used with a view to expediency, but there is no expediency, as a report will show.

Now, gentlemen, it has been stated that this work is covered by general statute. I make the statement that it is not covered in any way whatsoever at the present time by general statute. There is not any statute on the books requiring any part of this work to be done under contract. The statute referred to has nothing to do with this kind of a contract. The only work of this nature that requires a contract is where you build lighthouses. They are specifically provided for. Gentlemen, you know that not a city in the United States would think of making

a contract even for work to cost $500 without advertising for bids. I do not say it is wrong, but the opportunity for wrongdoing is too great.

You are putting on the President the expenditure of this enormous sum, $17,000,000. The President should be protected at least to the extent that this money should not be expended until bids have been asked for and received. Therefore I think it would be unwise and unsatisfactory to pass any bill of this nature through the House involving this enormous expenditure and say to any man, "You can expend this money without any contract whatsoever."

To remedy emergency cases I have inserted the limitation of $3,000 and requested advertisement for only two weeks. They have been almost two years doing nothing. Two weeks is none too long. A protection should be placed here. The section of the Revised Statutes which has been referred to by the chairman of the committee [Mr. LANGLEY] does not apply to this matter in any way whatsoever. I wish I had the time to read it. I would like to ask for further time in which to show that this section does not apply at all in this case. It applies only when you are purchasing things for a department, and then you have to advertise for competitive bids. But by purchase and hire all this work can be done under the bill we have here. Strange as it may seem, there is no law to require bids for this work. I would like to see you point to any statute, with all the work that is going on here and throughout the United States, that requires a person to advertise for bids of any kind whatsoever when a building is to be constructed; not when it is to be furnished, but when it is to be constructed. I would like to see the statute covering that subject. I say there is not a city in the Union, not one, when $500 is to be expended where they do not require an advertisement to be had and let the contract to the lowest bidder. Therefore I think this amendment should go into this bill to protect every man who votes for it, and especially to protect the President. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MANN. Mr. Chairman, I would like to make one suggestion to the gentleman from Ohio [Mr. NORTON] and others. The gentleman's amendment provides that the President make a contract on everything over $3,000. I suppose that means a great many different items under the provisions of this bill. The Madden amendment, which so far stands as the action of the committee, provides that the President shall select agencies for the acquirement of these hospital facilities. It does not pretend to say—it would be abhorrent to say—that the President should give attention to all the details in the acquirement of these different facilities; and I suggest to the gentleman from Ohio that it seems to me odd, if not absurd, to say that the President himself shall make contracts in all of these cases.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. NORTON. It seemed perfectly absurd to me that it should be placed under the President direct. I thought it was better the way it was in the bill.

Mr. MANN. Well, if the House acts, and acts contrary to my opinion, I will not say it is absurd, because I am not so fresh as to say that when the House has done anything it is absurd. I only say in advance, it seems to me absurd. Now, if the House wants to say that the President, with all the duties he has to perform, shall give attention to the making of a contract if you buy furniture, or do plumbing, or acquire a building, or build a chimney, or do anything of that sort, very well. But it seems to me it is adding a good many burdens to the President. I have no objection to the principle involved.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. LANGLEY. The gentleman is making an excellent argument. I wish to thank him for confirming the argument I made a little while ago against the Madden amendment for putting too much of a burden on the President.

Mr. MANN. I am not opposing the amendment. The Madden amendment is all right. It provides that the President shall have authority; and thereupon one opposed to the Madden amendment offers an amendment to it, to make it ridiculous. I think we should vote down that ridiculous amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. NORTON].

The question was taken, and the amendment was rejected.

Mr. HUMPHREYS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREYS: On page 2, after line 20, insert a new section as follows:

"SEC. 4. That the foregoing hospitals and other facilities shall be available for veterans of the war with Spain, the Philippine insurrection, and the Boxer rebellion suffering from neuropsychiatric and tubercular ailments and diseases."

Mr. HUMPHREYS. Mr. Chairman, I want to ask the gentleman who is in charge of the bill a question.

Mr. LANGLEY. Do you mean the gentleman from Illinois [Mr. MADDEN]? [Laughter.]

Mr. HUMPHREYS. Anybody who can give me this information. When we passed the other bill last year for the $18,600,000 it carried this provision as section 6. I was wondering why it was dropped out of this bill?

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. ANDREWS of Nebraska. Our committee adopted an amendment substantially, I think, in the same language.

Mr. LANGLEY. I did not quite catch the gentleman's amendment.

Mr. HUMPHREYS. My amendment is the same as section 6 of the other bill.

Mr. LANGLEY. Then I rise for the purpose of calling the attention of the Chair to the fact that I have a committee amendment to be proposed as section 4 of this bill.

Mr. HUMPHREYS. In my time will the gentleman read that?

Mr. LANGLEY. I will ask the Clerk to read it.

Mr. GRIFFIN. Will the gentleman yield?

Mr. HUMPHREYS. Let us hear this amendment read first.

The CHAIRMAN. Without objection, the amendment will be read in the time of the gentleman.

Mr. LANGLEY. This is the amendment adopted by our committee.

The Clerk read as follows:

SEC. 4. That all hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available for veterans of the Spanish-American War, the Philippine Insurrection, and the Boxer Rebellion suffering from neuropsychiatric and tubercular ailments and diseases.

Mr. HUMPHREYS. The amendment that I have offered ought to be adopted in the place of the one the gentleman offers. His amendment provides that all hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available. We do not know just where the President is going to put this, as I understand it. I have offered mine exactly as it was before, and it says that the foregoing hospitals and other facilities shall be available for veterans of the War with Spain, the Philippine Insurrection, and the Boxer Rebellion suffering from neuropsychiatric and tubercular ailments and diseases. That is exactly the language in the bill that we passed before.

Mr. LANGLEY. I was conversing with one of my colleagues back there and did not catch exactly the wording of the gentleman's amendment. I do not want to be put in the attitude of failing to offer the amendment in accordance with the instructions of the committee. I have not the slightest preference as to who shall offer the amendment.

The CHAIRMAN. The Chair will state that in the present parliamentary situation the gentleman's amendment, being offered as section 4, would not be in order until after section 3 has been read.

Mr. HUMPHREYS. It may be either section 3 or section 4. I have no desire to be the author of this myself. I had just as lief that it come from the committee. All I want is to have it in the law. If the gentleman will offer it I will withdraw mine.

Mr. LANGLEY. I am going to offer it.

The CHAIRMAN. Does the gentleman from Mississippi withdraw his amendment?

Mr. HUMPHREYS. I do.

Mr. LANGLEY. I will offer mine as section 4 when we get to it.

The CHAIRMAN. It will be in order after section 3 has been read. The Clerk will read.

The Clerk read as follows:

SEC. 3. That for carrying into effect the preceding paragraphs relating to additional hospital and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,000,000, to be immediately available and to remain available until expended.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: At the end of the section add: "Not to exceed 3 per cent of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistance at the customary rates of compensation, exclusively to aid in the preparation of plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, field-office equipment, and supplies in connection therewith."

Mr. KINDRED. Mr. Chairman, I desire to offer a perfecting amendment to this same section.

The CHAIRMAN. Unless the gentleman offers it as an amendment to the amendment it is not in order.

Mr. KINDRED. I want to amend the $17,000,000 by proposing to make it $35,000,000.

The CHAIRMAN. That is not in order at this time. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. LANGLEY. Mr. Chairman, I desire to be heard just a moment on the amendment. It seems to me it is too much of a limitation upon the power that the bill proposes to confer upon the President. I can not see the necessity of the limitation fixed in the amendment offered by the gentleman.

Mr. MADDEN. If I may be heard upon it I wish simply to say that under the language of section 3 there is no limitation whatever on the amount that can be expended out of the $17,000,000 for architects' fees and for clerks or inspectors or anything needed in the preparation of the plans. I am only seeking to preserve as much as possible of the $17,000,000 that we are appropriating for the construction of hospitals, and not to have any large sum out of that amount spent for clerical hire and other things in connection with the preparation of the plans.

Mr. KINCHELOE. Why should there be any expense at all except for traveling expenses?

Mr. MADDEN. It costs money, no matter where you are; but if you let it alone and place no limit on it, nobody on earth will know how much they will spend for that purpose.

Mr. KINCHELOE. Under this bill they can not go out and hire architects outside of some branch of the Government.

Mr. MADDEN. Seventeen million dollars is at their disposal, and they can employ as many people as they like in the building of these hospitals.

Mr. KINCHELOE. The gentleman means in preparing the plans.

Mr. MADDEN. In any way they like.

Mr. KINCHELOE. My experience is that they spend enough.

Mr. RUCKER. They could not do it without the President's consent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the amendment was agreed to.

Mr. KINDRED. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 25, strike out "$17,000,000" and in lieu thereof insert "$35,000,000."

Mr. KINDRED. Mr. Chairman, I desire to be heard very briefly on the proposal to increase the amount of the appropriation carried by this bill, for the reason that the 6,000 beds which were provided by the Sixty-sixth Congress in the appropriation act carrying $18,600,000, will not take care of the 9,000 neuropsychiatric and tubercular and other cases not now under treatment in Government-controlled hospitals, but "farmed out" in State or private institutions, but will leave 3,000 of these patients unprovided for.

The estimate of the Director of the Veterans' Bureau is for 6,200 additional beds. This appropriation of $17,000,000 at the rate of cost of each bed provided under the $18,600,000 appropriation, namely, about $3,500 for each hospital bed, will provide for about 5,800 hospital beds. Therefore, it is clear that under the program of the Director of the Veterans' Bureau we will be short, even after this appropriation is expended and we have 5,800 beds—we will be short approximately 3,000 hospital beds. I submit that before a single hospital which is provided for in this bill will be completed and available there will be, under the same ratio of increase of neuropsychiatric cases and tubercular cases—25 per cent increase in each year—and on the basis of the existing 9,000 cases unprovided for, there will be 2,500 additional neuropsychiatric and tubercular cases each year. We are now providing for a little over 5,000. Therefore, before a single hospital will be available under this appropriation we will again be confronted by criticism and misunderstanding by the people of this country as to the motives of this Congress and this great Government.

In addition to that, Mr. Chairman and gentlemen, we have to provide not only for the increase in new cases, as pointed out, but these cases will continue to increase, according to the actuaries of the Government, until 1929, but we will also have to provide for between 10,000 and 11,000 ex-service men who are now occupying unfit shack hospitals like that on Staten Island, the Forest Hills Hospital, which has been a disgrace to the Government. I hope that my amendment will be adopted providing $35,000,000 to establish and equip the hospitals that are actually and urgently needed, in order to properly hospitalize and care for these worthy wards of the United States Government.

Mr. ANDREWS of Nebraska. Mr. Chairman, I rise to oppose the amendment. The gentleman proposes to increase this appropriation to $35,000,000. The director himself asked for $16,000,000 and $800,000 for the special enlargement of certain buildings. The committee added $200,000 and made the appropriation $17,000,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. KINDRED].

The question was taken, and the amendment was rejected.

Mr. WALSH. Mr. Chairman, I have an amendment to section 3, line 23, page 2, to strike out the words "authorized to be."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 2, line 23, strike out the words "authorized to be."

Mr. MADDEN. To that, Mr. Chairman, I make the point of order that the Committee on Public Buildings and Grounds is not authorized to make appropriations.

Mr. WALSH. The Committee on Public Buildings and Grounds has followed the rule. This is an amendment from the floor.

Mr. LANGLEY. I think the Committee on Public Buildings and Grounds has as much right to interfere with the Appropriations Committee as the Appropriations Committee has to interfere with the Committee on Public Buildings and Grounds. [Laughter.]

The CHAIRMAN. The Chair will say to the gentleman from Massachusetts that apparently the amendment has the effect to make a direct appropriation.

Mr. WALSH. That is the purpose of the amendment, to dispense with the necessity of waiting for a deficiency appropriation bill. There have been delays, and here is an opportunity to obviate them. I offer an amendment which makes a direct appropriation.

The CHAIRMAN. Does the gentleman hold that it would have been in order in the first instance for the Committee on Public Buildings and Grounds to have reported a direct appropriation?

Mr. WALSH. No; it would be a violation of the rules of the House by the Committee on Public Buildings and Grounds to report a bill in the way that it will be if my amendment is adopted.

I am offering this amendment from the floor, and I am not a member of either the Committee on Appropriations or the Committee on Public Buildings and Grounds.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LANGLEY. Mr. Chairman, I now offer the amendment, which I have sent to the desk as a new section, and I am offering it as a committee amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 2, after line 26, insert a new section, as follows:

"SEC. 4. That all hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available for veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, suffering from neuropsychiatric and tubercular ailments and diseases."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. LANGLEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GREEN of Iowa, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10864, to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical,

surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, and had directed him to report the same back to the House with sundry amendments thereto, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LANGLEY. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. LANGLEY. Mr. Speaker, I ask for a separate vote on the so-called Madden substitute to section 1 of the bill, and on that I shall demand the yeas and nays.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. WALSH. Mr. Speaker, I demand a separate vote upon the Williamson amendment to section 2 of the bill.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross. The question is on agreeing to the other amendments.

The other amendments were agreed to.

Mr. LANGLEY. Mr. Speaker, I ask for the yeas and nays on the Madden amendment as a substitute to section 1.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Mr. Speaker, the so-called Madden amendment having been reported as an entire substitute for section 1, if the amendment should be defeated in the House, then section 1 as reported to the House from the Committee on Public Buildings and Grounds will remain in the bill as reported by that committee, will it not?

Mr. LANGLEY. But it has been amended.

Mr. MANN. But the amendments were not reported to the House. The only amendment reported to the House in respect to section 1 is the Madden amendment, striking out all after the enacting clause and inserting a new section. Certain amendments were agreed to in Committee of the Whole House on the state of the Union before the substitute was voted on, but they are not reported to the House and are not now before the House.

The SPEAKER. The Chair thinks the gentleman from Illinois is correct. If the substitute be defeated, then the only proposition before the House will be the section as it was originally reported by the committee.

Mr. LANGLEY. That is all right.

The SPEAKER. The Clerk will report the Madden amendment.

The Clerk read as follows:

Page 1, after the enacting clause, strike out all of section 1 and insert in lieu thereof the following:

"That the President is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by the purchase and remodeling or extension of existing plants and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, or by the alteration and extension of existing Government hospital and outpatient dispensary facilities and equipment. Such hospitals and outpatient dispensary facilities shall include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads and trackage facilities leading thereto, vehicles, live stock, furniture, equipment, and accessories, and shall also provide accommodations for officers, nurses and attending personnel, and to furnish all patients who are admitted to said hospital or hospitals with suitable and comfortable clothing whenever it shall appear that such patients are without financial means and not drawing compensation. The acceptance of gifts or donations for any of the purposes named herein is hereby authorized. Such hospital plants shall be of fireproof construction, and the location, cost, and nature thereof, whether for the treatment of tuberculosis or neuropsychiatric or general medical and surgical cases, shall be as the President shall direct."

The SPEAKER. The question is on agreeing to the amendment, and on that the gentleman from Kentucky demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 168, answered "present" 1, not voting 124, as follows:

YEAS—137.

Ackerman	Bowling	Cockran	Evans
Almon	Box	Collier	Fenn
Andrews, Nebr.	Brand	Collins	Frear
Appleby	Briggs	Connally, Tex.	Fulmer
Aswell	Brooks, Ill.	Copley	Garner
Bankhead	Bulwinkle	Cramton	Garrett, Tenn.
Barkley	Burton	Crisp	Garrett, Tex.
Beedy	Byrnes, S. C.	Davis, Tenn.	Gilbert
Begg	Byrns, Tenn.	Deal	Graham, Ill.
Bell	Cable	Dominick	Griest
Bird	Campbell, Kans.	Doughton	Hardy, Colo.
Black	Cannon	Drane	Hardy, Tex.
Bland, Ind.	Carter	Driver	Harrison
Bland, Va.	Chindblom	Echols	Hawes
Hayden	London	Parks, Ark.	Sumners, Tex.
Hersey	Longworth	Patterson, N. J.	Swank
Hoch	Lowrey	Perkins	Tague
Hooker	Luce	Quin	Tillman
Huddleston	McClintic	Radcliffe	Tinkham
Hudspeth	McLaughlin, Mich.	Raker	Treadway
Humphreys	McPherson	Rankin	Tucker
Husted	McSwain	Rayburn	Tyson
Jeffers, Ala.	Madden	Roach	Underhill
Johnson, Ky.	Mann	Rouse	Upshaw
Jones, Tex.	Merritt	Sanders, Tex.	Walsh
Kelley, Mich.	Montague	Sandlin	Ward, N. C.
Kincheloe	Moore, Ill.	Sears	Weaver
Kindred	Moore, Va.	Shaw	White, Kans.
Lanham	Moores, Ind.	Sinnott	Wilson
Lankford	O'Connor	Sisson	Wingo
Larsen, Ga.	Oldfield	Smithwick	Wise
Lawrence	Oliver	Sproul	Wright
Lea, Calif.	Overstreet	Steagall	
Lehlbach	Padgett	Stedman	
Logan	Park, Ga.	Stoll	

NAYS—168.

Arentz	Fitzgerald	Layton	Robertson
Atkeson	Focht	Lazaro	Robsion
Barbour	Fordney	Leatherwood	Rodenberg
Benham	Foster	Lineberger	Rose
Bixler	French	Little	Rucker
Blanton	Frothingham	Luhring	Scott, Mich.
Boles	Gahn	Lyon	Scott, Tenn.
Brooks, Pa.	Gensman	McArthur	Shelton
Browne, Wis.	Gernerd	McCormick	Sinclair
Burdick	Glynn	McFadden	Smith, Mich.
Burroughs	Goodykoontz	McLaughlin, Nebr.	Snyder
Burtness	Green, Iowa	MacGregor	Steenerson
Cantrill	Greene, Mass.	Magee	Stephens
Chalmers	Greene, Vt.	Maloney	Stevenson
Chandler, Okla.	Griffin	Mapes	Strong, Kans.
Clague	Hadley	Martin	Summers, Wash.
Classon	Haugen	Mead	Sweet
Clouse	Hawley	Michener	Swing
Cole, Iowa	Hays	Miller	Taylor, N. J.
Cole, Ohio	Herrick	Millspaugh	Taylor, Tenn.
Colton	Hickey	Mondell	Ten Eyck
Connell	Hill	Montoya	Thomas
Cooper, Ohio	Hogan	Moore, Ohio	Thompson
Cooper, Wis.	Hukriede	Morgan	Tilson
Coughlin	Hull	Morin	Timberlake
Crago	James	Nelson, A. P.	Tincher
Cullen	Jefferis, Nebr.	Nelson, J. M.	Towner
Curry	Johnson, S. Dak.	Newton, Mo.	Vaile
Dale	Johnson, Wash.	Nolan	Vestal
Dallinger	Jones, Pa.	Norton	Voigt
Davis, Minn.	Keller	Osborne	Volstead
Dempsey	Kelly, Pa.	Paige	Wason
Denison	Kennedy	Parker, N. J.	Webster
Dickinson	Ketcham	Porter	Wheeler
Dowell	Kiess	Pringey	White, Me.
Dupré	Kinkaid	Purnell	Williamson
Elliott	Kissel	Ramseyer	Winslow
Ellis	Kline, Pa.	Reavis	Woodruff
Fairfield	Knutson	Reece	Wurzbach
Faust	Kopp	Reed, W. Va.	Wyant
Favrot	Kraus	Rhodes	Young
Fish	Langley	Ricketts	Zihlman

ANSWERED "PRESENT"—1.

Linthicum

NOT VOTING—124.

Anderson	Fairchild	Lampert	Rosenbloom
Andrew, Mass.	Fess	Larson, Minn.	Rossdale
Ansorge	Fields	Lee, Ga.	Ryan
Anthony	Fisher	Lee, N. Y.	Sabath
Bacharach	Free	McDuffie	Sanders, Ind.
Beck	Freeman	McKenzie	Sanders, N. Y.
Blakeney	Fuller	McLaughlin, Pa.	Schall
Bond	Funk	Mansfield	Shreve
Bowers	Gallivan	Michaelson	Siegel
Brennan	Goldsborough	Mills	Slemp
Brinson	Gorman	Mott	Smith, Idaho
Britten	Gould	Mudd	Snell
Brown, Tenn.	Graham, Pa.	Murphy	Speaks
Buchanan	Hammer	Nelson, Me.	Stafford
Burke	Hicks	Newton, Minn.	Stiness
Butler	Himes	O'Brien	Strong, Pa.
Campbell, Pa.	Hutchinson	Ogden	Sullivan
Carew	Ireland	Olpp	Taylor, Ark.
Chandler, N. Y.	Jacoway	Parker, N. Y.	Taylor, Colo.
Christopherson	Johnson, Miss.	Patterson, Mo.	Temple
Clark, Fla.	Kahn	Perlman	Vare
Clarke, N. Y.	Kearns	Petersen	Vinson
Codd	Kendall	Pou	Volk
Connolly, Pa.	King	Rainey, Ala.	Walters
Crowther	Kirkpatrick	Rainey, Ill.	Ward, N. Y.
Darrow	Kitchin	Ransley	Watson
Drewry	Kleczka	Reber	Williams
Dunbar	Kline, N. Y.	Reed, N. Y.	Wood, Ind.
Dunn	Knight	Riddick	Woods, Va.
Dyer	Kreider	Riordan	Woodyard
Edmonds	Kunz	Rogers	Yates

So the substitute as amended was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Linthicum (for) with Mr. Dyer (against).

Mr. Vare (for) with Mr. Sanders of Indiana (against).

Additional pairs:

Mr. Kline of New York with Mr. Campbell of Pennsylvania.

Mr. Butler with Mr. Riordan.

Mr. Volk with Mr. Vinson.

Mr. Smith of Idaho with Mr. Gallivan.
Mr. Funk with Mr. McDuffie.
Mr. LINTHICUM. Mr. Speaker, did the gentleman from Missouri [Mr. DYER] vote?
The SPEAKER. He did not.
Mr. LINTHICUM. I desire to recall my vote of "aye," and ask to be recorded as "Present," as I am paired with the gentleman.
Mr. KING. Mr. Speaker, I was not in the Hall listening——
The SPEAKER. The gentleman can not vote.
The result of the vote was announced as above recorded.
Mr. TOWNER. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. TOWNER. As I understand it the amendments upon which a separate vote was not demanded were adopted in gross. Is that correct?
Mr. MANN. There was one other amendment.
Mr. TOWNER. I know that is true, but that is not the point.
Then, Mr. Speaker, I want to raise a point of order by an inquiry of the Speaker. It was stated by the Speaker before this vote was taken that the original text of section 1, if this amendment was defeated, would be that part of the bill adopted by the House.
Upon that proposition I desire to raise this question: The amendments being adopted in gross, and the Langley amendment having been adopted as one of the amendments adopted in gross, this vote being completed now, it stands as one of the amendments that has been adopted and confirmed by the House, and therefore section 1 does not revert to the original form but remains as amended by the vote that we took.
Mr. WALSH. Mr. Speaker, will the gentleman yield?
Mr. TOWNER. Certainly.
Mr. WALSH. When were those amendments reported to the House?
Mr. TOWNER. Those amendments were reported to the House by the Chairman of the committee, who reported all the amendments that were adopted by the committee.
Mr. WALSH. You struck out all those amendments by agreeing to the substitute, which was reported to the House.
Mr. TOWNER. The substitute was reported to the House, but these amendments were also reported to the House.
Mr. MANN. Oh, no.
Mr. WALSH. Did we not perfect the text of section 1, and after we had perfected it——
The SPEAKER. The Chair would like to hear the gentleman clearly. Will the gentleman please repeat that?
Mr. WALSH. Mr. Speaker, with the permission of the gentleman from Iowa [Mr. TOWNER], I was propounding an inquiry as to what took place with respect to the agreement to perfect the text of the bill. After that was done we agreed to the substitute for the perfected text, and that was adopted by the committee and reported to the House. Now, the House has rejected that substitute, but the amendments have never been reported to the House.
Mr. DOWELL. Mr. Speaker, may I ask the gentleman from Massachusetts a question in the time of the gentleman from Iowa?
Mr. TOWNER. Yes.
Mr. DOWELL. What is the use in perfecting the text unless it is to be used in the event the substitute is not adopted?
Mr. WALSH. If the substitute is voted down in the committee, the perfected text goes to the House. But if you have adopted a substitute and say, "We prefer this as the perfected text," then those amendments go by the board.
Mr. DOWELL. There would be no use in perfecting the text unless it would be to use it in the event the substitute is not adopted.
Mr. TOWNER. We are here now in the House to consider what was done by the committee. We have considered the question and voted upon it, and voted down the substitute; but we voted, when we voted on the amendments in gross, to perfect the text of section 1. We perfected the text by the Langley amendment. Otherwise we are placed in a ridiculous position. We can not perfect the bill, and the amendments adopted in the House go for nought.
Mr. WALSH. How could we vote on the perfecting of the text if we had agreed to adopt the substitute?
Mr. TOWNER. That has nothing to do with the action of the House.
Mr. LANGLEY. I want to assure the gentleman from Iowa that, whatever took place in the Committee of the Whole, we have voted on it in the House in such a way as to take care of all controverted points.
Mr. MANN. The gentleman assumes, I think, that those amendments were adopted in gross. The only amendments which were agreed to in gross were the amendments which were reported to the House. Suppose some gentleman offers an amendment in Committee of the Whole and some other gentleman offers an amendment to the amendment, and the amendment to the amendment is agreed to, but the amendment as amended is disagreed to. Would the gentleman claim that the amendment that had been agreed to and reported to the House was adopted?
Mr. TOWNER. That is entirely different.
Mr. MANN. I contend that it is the same thing.
Mr. TOWNER. It is not, Mr. Speaker. We agreed upon certain amendments to the text of the bill. Now we are in a situation where the substitute has been stricken out, and yet we agreed to the amendment that the committee agreed to when we agreed to the amendments in gross. There is no way in making effective the action of the House in overruling the Madden amendment unless the House may have the same right the committee had in perfecting the text of section 1, if it is to become part of the act.
Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?
Mr. TOWNER. Yes.
Mr. LONGWORTH. Has the House any right to act upon any amendments except those reported to it?
Mr. TOWNER. These amendments were reported to the House.
Mr. LONGWORTH. Oh, no.
Mr. TOWNER. If anybody had asked for a vote on that particular amendment it would have been the duty of the Speaker to order it reported.
Mr. MANN. It was not reported.
Mr. TOWNER. An amendment can be reported to the House only by the chairman of the committee reporting the bill and stating that certain amendments were adopted in the committee. His language is general. He does not particularize. The Speaker then asks if a separate vote is demanded on any amendment, and as to the others, and all the others, they are put and voted on in gross.
Mr. WALSH. What would have become of these amendments if the House had adopted the substitute?
Mr. TOWNER. The House, if it had adopted the substitute, would have negatived those amendments, I answer the gentleman.
Let me state that again, Mr. Speaker, because I think the Speaker did not hear: If the House had adopted the substitute in their action just now all this matter would have been done away with, but it has not done so. But we have reverted to the original text. How? To the original text, as this House has decided it should be amended by the amendments adopted in the committee and also by the House.
Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?
Mr. TOWNER. Yes.
Mr. KINCHELOE. If the House is not able to consider the amendment to the original text, then by the same analogy it would not have the power to consider section 1 without amendment?
Mr. TOWNER. Exactly.
Mr. REED of West Virginia. Is it not true that when the Madden substitute was voted on it was a substitute for the perfected text and not for the original?
Mr. TOWNER. Why, certainly.
Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. COOPER of Wisconsin. Was not the substitute offered by the gentleman from Illinois a substitute for the entire original first section of the bill as amended?
The SPEAKER. Yes.
Mr. COOPER of Wisconsin. Then, if the ruling of the Speaker is to stand and the House is now to be permitted to vote only on the original text of the first section, how does the original text get here at all from the Committee of the Whole? The committee did not adopt it. The committee never even voted on the original section. The committee adopted the amended section. And therefore, as the substitute was a substitute for the amended section, either the amended text of the first section comes back from the committee, or no part of the amended section at all comes back. As I have said, the Committee of the Whole never passed on the original first section upon which we are now asked to vote—not at all. The committee voted only on the text of that section as amended. Therefore, if anything comes back here from the committee it must be the entire amended first section.
Mr. PARKER of New Jersey. Mr. Speaker, in all this matter we have to revert to the original practice of the House of Representatives. At first there was no printing. There was

an original bill which was in the hands of the Speaker. That bill was handed to the Chairman of the Committee of the Whole, and went into the hands of the Clerk. When amendments were adopted it was not only done orally but by writing in the amendments so far as they perfected the bill, and when a substitute was adopted, the amended section being stricken out or indicated to be stricken out, the substitute which was adopted was attached to it. Under those circumstances when the Chairman of the Committee of the Whole reported the bill to the Speaker he reported a distinct entity, a bill written out, with its amendments written on it, the striking out, made and shown, and the substitute standing in its place. I suggest this only because while I am conscious that under the present practice it is supposed that nothing is reported except what remains, yet the report being made formerly by the committee of the original bill written out and presented to the House with all its amendments, I think we ought to consider that this is done so now, in order to get to any sensible conclusion. [Applause.]

Mr. HOCH. Mr. Speaker, it seems to me the proposition might present itself to us in this way: When we were voting in the committee we were voting on a certain choice. Now, what was that choice? It was a question whether we would take the Madden amendment or whether we would take the perfected text. That was the choice. Now, if the ruling of the Speaker is correct, we are to vote upon a different choice, namely, a choice between the Madden amendment and the original text, and we have the anomalous situation of a vote in the House which is supposed to be upon the same proposition that we voted upon in the committee, but which, as a matter of fact, is an entirely different proposition, and we are being asked to vote upon a proposition which is essentially different from the proposition that was presented to us in the committee, which, it seems to me, is an illogical result. [Applause.]

Mr. BLANTON. Mr. Speaker, I am sure that the Speaker will remember that this identical question was presented to Mr. Speaker Clark, and he held that where the House turns down a substitute adopted in the Committee of the Whole it leaves the legislation in exactly the same condition as it was before the Committee of the Whole adopted the substitute.

The SPEAKER. Can the gentleman cite the Chair to that decision?

Mr. BLANTON. I can not remember the case, but that was his decision.

The SPEAKER. The Chair does not quite understand the gentleman.

Mr. BLANTON. The decision was that where the House turned down a substitute that had been adopted in the Committee of the Whole it left the legislation in the identical situation in which it was before the substitute was adopted by the Committee of the Whole.

The SPEAKER. That is, that it leaves it with the amendments in?

Mr. BLANTON. If the amendment is a mere substitute, the amendment would not go in.

The SPEAKER. No; but in this case the section had already been amended.

Mr. BLANTON. That would leave the amendments in it in exactly the same situation it was in before the substitute was adopted by the Committee of the Whole.

The SPEAKER. The Chair wishes the gentleman would cite the Chair to that case.

Mr. BLANTON. I remember distinctly the decision, but I can not cite the case.

Mr. TILSON. Mr. Speaker, the gentleman from Kansas [Mr. HOCH] was on the right track, but he did not go back far enough to get all the facts. When the Committee of the Whole began its consideration of the bill it was in a certain shape. There was then an opportunity to vote whether a given section remain in that shape or whether certain amendments should be added to it. Certain amendments were temporarily added to it, but immediately after they were rejected when the Committee of the Whole House on the state of the Union struck out all that it had done and substituted in its place something else known as a substitute amendment. When the Chairman of the Committee of the Whole House on the state of the Union reported back to the House he correctly reported that the committee had had under consideration a certain bill and had directed him to report it with certain amendments. He reported the fact that the final action of the committee was the adopting of the substitute amendment in place of what was already in the bill. The House rejects the substitute and then we go back to what the original bill contained, for that is all that the House has any knowledge of.

The SPEAKER. The gentleman states that the Committee of the Whole adopted a substitute in place of the original text. Is it not a fact that the Committee of the Whole adopted a substitute in place of the original text as amended?

Mr. TILSON. The action of the Committee of the Whole was to strike out the original paragraph and every amendment thereto, the Committee of the Whole preferring the substitute to the original text or to the original as amended, for the Committee of the Whole had its choice and could have adopted it in any form. The completed work of the committee was the substitute, and its final action alone is reported to the House.

Mr. DOWELL. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. DOWELL. Is it not true that the House has to act on the report of the Committee of the Whole House on the state of the Union?

Mr. TILSON. Yes.

Mr. DOWELL. How do you get rid of the amendments which the report of the Committee of the Whole House submitted?

Mr. TILSON. By agreeing to or rejecting them. The Committe of the Whole House on the state of the Union itself got rid of the perfecting amendments by finally rejecting them in adopting the substitute.

Mr. DOWELL. No; it offered a substitute which the House rejected and you have the amendments recommended by the Committee of the Whole House, and there is no way except upon the recommendation of the Committee of the Whole to accept the amendments to the text.

Mr. WALSH. Mr. Speaker, the House can not agree to something that has never been reported to it, and when the Chairman of the Committee of the Whole House on the state of the Union makes a report he does not say "I report a bill with certain amendments that have been agreed to and certain amendments that have not been agreed to." The gentleman from Iowa would have one believe that the House, when it has voted upon amendments in gross, voted to agree to a lot of amendments with a proviso that if the substitute was eliminated, then the amendments were in it; that if it was voted down in the House, therefore we have agreed to these amendments. Certainly the House is not in a position where a vote it has already taken must depend on the vote which follows it. The situation is as I have stated. In my judgment the chairman of the committee, the gentleman from Iowa, reported the bill back to the House with certain amendments. The amendments were among those with the substitute for the first section of the bill. It makes no difference what was done to the section in the Committee of the Whole, the effect of it was to strike out the language as proposed in the bill, and whether there were amendments or no amendments to it the House or the Speaker has no means of knowing, because the substitute is simply one amendment. If the House rejected that one amend-, ment the text is left in the bill, because we do not report a negation or a negative to the House. It seems to me, having rejected the substitute which the committee agreed to and which it could have agreed to without amendment, we are not dependent on amendments which were agreed to in the committee and which the committee immediately negatived because that is the report to the House.

My recollection is that the present Speaker has ruled on this very question a few months ago. I do not recall the bill, but I have an impression it was the Sweet bill with the Wason bill incorporated in it. We were threatened with a tangle at that time which the Speaker eliminated by ruling that the original text of the bill was restored by voting down the substitute.

Mr. TOWNER. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. TOWNER. In this particular case, what was the substitute for the original text? It is not at all impossible to suppose that the committee would have voted for the substitute not because it was a substitute for the original proposition, but a substitute for what was amended and therefore voted for this proposition. Now, the amendment which was adopted as a substitute has been voted down. Under the gentleman's contention, we can not have the question before us as it was presented to the committee and we certainly ought to have it.

Mr. WALSH. Of course, the gentleman from Iowa will appreciate the fact that the Chairman, when he reports to the House the final action of the committee, does not report the successive stages, as pointed out by the gentleman from Illinois. If we have a dozen amendments and amendments thereto, it is only the final action of the committee that is reported.

Mr. DOWELL. Was it not the final action of the Committee of the Whole when they adopted an amendment perfecting the text?

Mr. WALSH. It certainly was not, because we disregarded that when we adopted the substitute.

Mr. DOWELL. We offered a substitute for that, but we leave the text amended.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. BEGG. Is there any other means of this body, which is technically a separate body from the Committee of the Whole House on the state of the Union, gaining any information in respect to what the Committee of the Whole House did than through the Chairman of that committee?

Mr. WALSH. There is not.

Mr. BEGG. Then the Chairman reported that we had adopted this amendment which was a substitute for the paragraph, and in making that report, did he make any reference whatsoever to the action that the committee took on the original paragraph before we struck it out?

Mr. WALSH. He did not, because that was a negative action. It was all superseded by the action of the committee in eliminating its previous amendments, which were adopted. To do otherwise would get into the field of speculation. Those amendments may have been eliminated by other action of the committee. The committee in its final action adopted the substitute.

Mr. MANN. Mr. Speaker, unless the Speaker is desirous of hearing this discussion, I ask for the regular order.

Mr. BEGG. Mr. Speaker, I would like to ask the gentleman from Massachusetts just one more question to finish up the questions that I have asked. That being true, that we can not get any information from this committee other than by what comes from the Chairman of the Committee of the Whole House on the state of the Union, the only way that we can find out, technically, that the Committee of the Whole House did amend the original paragraph, would be to somehow get back into the Committee of the Whole House and have him instructed to report further. Is that true?

Mr. WALSH. Of course, that is done by a motion to recommit.

Mr. LITTLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LITTLE. It appears that some amendments were adopted in the Committee of the Whole House and that the Chairman did not report them. Is there any reason why he should not give the rest of his report?

Mr. WALSH. The previous question has been ordered.

Mr. GREEN of Iowa. I made the usual report.

The SPEAKER. The Chair understands the gentleman to inquire whether the Chairman of the Committee of the Whole could make a supplementary report.

Mr. LITTLE. Yes.

The SPEAKER. The Chair does not believe that he could after the House has acted.

Mr. PARKER of New Jersey. Mr. Speaker, I desire again to make my suggestion, which is that the whole report in theory is before us. The original bill is here with the amendments written into it, and the vote simply has eliminated the substitute put there; but when that substitute is taken away the original bill with those amendments written into it is here. The report was not made from the minutes but from the bill itself.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman demands the regular order. The Chair understood the gentleman from Iowa to raise the point of order whether or not the first section stands without the amendments or with the amendments.

Mr. MANN. I have no objection to the Chair ruling on that. I thought the Chair had ruled upon it. No point of order is pending. There is an amendment pending.

The SPEAKER. The gentleman made a parliamentary inquiry, but the Chair supposes that the action of the clerks will probably depend upon the ruling of the Chair. When the gentleman from Illinois [Mr. MANN] first asked the question, the Chair was referred to a citation and answered the gentleman according to the precedent, that the original section would stand. During the roll call the Chair looked up that precedent. It was the only precedent that he could find. That is a precedent back in 1852, and it does not now seem to the Chair to entirely cover the matter. The Chair is informed by the parliamentary clerk that once or twice the present occupant of the chair has ruled in accordance with that precedent, but on reflection and on hearing the argument the Chair is disposed to rule the other way.

This seems to the Chair to be the status: When the Chairman of the Committee of the Whole House reports, he simply reports that there are sundry amendments. The Chair would suppose that if the Chairman reported in extenso, he would report every amendment which had been adopted by the committee all through the bill. Therefore, there would appear before the House in that event just what action the committee took. It seems to the Chair that he would then have reported these amendments to the first section. All rulings ought, as far as possible, to give expression to the will of the House. There can be no question that the will of the House in committee and the vote of the House was as between this section as amended and the substitute.

It was not between the original section and the substitute, and therefore in equity we should wish to give effect to the action of the committee and let the House exercise the same option the committee exercised. There is this objection which the Chair sees, which is both a technical one and a real one, and that is that these amendments to the section were nullified by the vote adopting a substitute for the whole section, and at the same time, as the Chair suggested before, if everything was reported that amendment would be reported. It seems to the Chair that that is the alternative that was before the committee, and that ought to be the alternative before the House. It seems to the Chair that it would be fair if the House could vote upon every question that comes up in the committee provided somebody wishes to and demands a separate vote. That would not have been done this time, because the Chair misled by stating that the amendment to the section was not before us. But in the future, if the House choose to ratify this ruling, then the House could always decide whether they wanted the original section, the section as amended, or the substitute. If anybody demanded a vote on a substitute, then somebody should demand a vote on the amendment also and have a vote on the substitute and a vote on the amendment, so that the House could decide whether it wanted the substitute or did not want the substitute, or whether it wanted the original section as it stood, or the original section as amended, and therefore the Chair reverses his previous ruling.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Have the amendments been voted upon?

The SPEAKER. They have.

Mr. WALSH. And it is not too late to ask for a separate vote upon some of the amendments to this amendment?

The SPEAKER. It is too late now, and the Chair regrets it is too late, partly by the action of the Chair.

Mr. TINCHER. I understand under the ruling of the Chair on this proposition that henceforth if a section of a bill is stricken out and there are five or six perfecting amendments to that section and amendments to this amendment, of course, I have a right as a Member of the House to demand a separate vote on any amendment that prevailed in the committee, but that where a whole section with amendments was stricken out in the committee, according to my process of reasoning, if it did not prevail in the committee, that failure deprives me of my right to a separate vote in the House on the amendment, because it was voted out by the committee. I do not care particularly about the precedent, but I am interested to know that henceforth when a committee reports in a bill with the recommendation that the amendments be agreed to and that the bill do pass, that I have got to look into the past and see what amendments were adopted, and again, subsequently, where the House reverses the committee on an amendment where it voted for the striking out of a section. Also may I suggest that under the rules perfecting amendments are voted on first——

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry.

Mr. WALSH. I ask for the regular order.

The SPEAKER. The gentleman makes a parliamentary inquiry.

Mr. BARKLEY. Mr. Speaker, I understood the Chair to say that the fact that he had unintentionally misled the House with reference to the effect of the vote on the amendments in gross would prevent a separate vote being demanded on amendments reported by the committee to the original text. Now, the House having voted in gross on the amendments under the belief that they were voting on the amendments included in section 1, which were stricken out by the substitute, would not the ruling of the Chair now give any Member a right to demand a separate vote upon an amendment agreed to in the committee to section 1?

The SPEAKER. No. Of course, it does not follow if the Chair had not ruled that way and made that request. The Chair has no idea of what this amendment is, and, of course, he has no bias on the question.

Mr. BANKHEAD. Under the ruling of the Speaker, how does the situation now stand as it will go into the RECORD?

The SPEAKER. The first section will be adopted as amended. The Clerk will report the other amendments.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: At the end of section 2 add the following: "*Provided*, That the President may utilize such suitable buildings, structures, and grounds now owned by the United States, not otherwise in active use, as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof."

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

Mr. MANN. Mr. Speaker, I ask for one minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MANN. The amendment offered by the gentleman from South Dakota [Mr. WILLIAMSON] practically in the same form, but not quite, was agreed to as an amendment to section 1, and is in the bill. Fearing that the substitute would prevail, he offered it to section 2. It is not desirable to have it agreed to twice in the bill. The only thing to do is to vote it down. [Cries of "Vote!"]

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. KINCHELOE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman from Kentucky opposed to the bill?

Mr. KINCHELOE. No, sir.

The SPEAKER. Does any gentleman who is opposed to the bill desire to offer a motion to recommit?

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent——

The SPEAKER. If not, the gentleman from Kentucky [Mr. KINCHELOE] is recognized to offer a motion to recommit.

Mr. KINCHELOE. Mr. Speaker, I move to recommit the bill H. R. 10864 to the Committee on Public Buildings and Grounds, with instructions to report the same back immediately, with the following amendment: On page 1, line 7, after the word "bureau," insert "by purchase and remodeling or extension of existing plants and."

The SPEAKER. The gentleman from Kentucky offers a motion to recommit, which the Clerk will report.

Mr. MANN. That is already in the bill.

Mr. KINCHELOE. No.

Mr. MANN. Yes; that is already in the bill.

Mr. LANGLEY. Under the ruling of the Chair it is in the bill.

Mr. MANN. It is in the bill under the ruling of the Chair.

Mr. KINCHELOE. I understood the Speaker to say that hereafter he would rule that way, and did not understand that it was already in the bill. Of course, if it is already in the bill, I do not desire to press my motion to recommit, and therefore I gladly withdraw it.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to amend the title to conform to the text.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to amend the title to conform to the text. Is there objection?

There was no objection.

On motion of Mr. LANGLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ELECTION OF A MEMBER TO COMMITTEES.

Mr. GARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Mr. HARRY ST. GEORGE TUCKER, of Virginia, be, and he is hereby, elected to the Committees on Railways and Canals, Revision of the Laws, and Expenditures in the Treasury Department.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article contained in the Infantry Journal of January, 1919, prepared by myself, on the subject of land settlements for ex-service men.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD by inserting an article on land settlements for ex-service men. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, in the Infantry Journal of January, 1919, there appears an article which was written by myself while in France during the month of September, 1918, and in view of its relevancy to the question of land settlement, which is covered by the provisions of the bill passed by this House respecting the adjustment of compensation for former service men, I am hereby inserting said article in the RECORD for the information of the Veterans' Bureau and the country:

EDITOR INFANTRY JOURNAL:

The August number, containing the contribution by Secretary Lane respecting after-the-war employment for the boys in khaki, has been accidentally brought to my attention. Speaking for myself and many serious minds in the service, I thank Secretary Lane for bringing up the subject, even in military circles, as it indicates a true statesmanship. After a rather intimate association with hundreds of young men from several of the Southern and Middle West States, and having often heard this question spoken of by the men in my company, I conclude it may be interesting and probably helpful for your readers, including Secretary Lane, to have a few words indicating the soldier's point of view on the question of post-bellum employment.

Let me preface these statements by a personal reference to show that I have no personal interest except that of our country's well-being. I am already established at the age of 43 with a family, a profession, and about 400 acres of South Carolina soil.

A majority of the boys in the service appear to be from the farm, true, certainly, as to the line. Maybe the town boys predominate in the Quartermaster Corps and other auxiliary branches. Naturally most of these farm boys will take up their work with their families, will later marry the neighborhood girls, and soon become leaders in their respective communities.

But many of the boys from the cities express a desire to become farmers, and this desire should be encouraged. Another class to be dealt with consists of boys from the tenant class. These boys have the national and natural desire to become landowners. Therefore we have a group composed of city-raised would-be-farmers and the sons of tenants. Just exactly how to present to these men the plans to be formulated by the Government commission suggested and how to aid these boys to become transformed from soldiers who are daily clothed, fed, and trained by superior officers without having even to take thought for themselves, into self-reliant, energetic, and progressive farmers is a most complicated problem.

I have thought that the camps and cantonments constructed at considerable expense throughout America may be used as powerful educational and industrial centers for our boys during the period of demobilization. The Nation not only has the right but perhaps the duty to summon the illiterate and untrained and to require them to submit to such discipline and instruction as may be necessary to rid the Nation of ignorance and to give the masses high ideals. The problems of education and social uplift are big enough to challenge our most heroic spirits, and we trust that the peace to be made at the end of the present war will make it unnecessary for a long time to come to use a national military crisis to stir all the people to a great self-denying effort.

There is a mere detail not to be overlooked in respect to settling ex-soldiers on the farm in new country, such as cut-over lands, recently drained or irrigated lands. These boys, because of close association in Army life with large numbers, have their social feelings highly pitched, and they will not be content to be isolated in sparse and lonely new country.

The new lands need boys and they need the new lands. The two must be brought together. Somehow the prohibitory isolation must be eliminated. How can it be done? By taking a hint from French community life and arranging and planning for farm villages. There the men live close together and from thence go out to their several fields. In this way cooperation in labor and the purchase and use of farm machinery will be encouraged. These communities may be started by inducing some tenant farmer, preferably one with several daughters, to set up a sort of boarding house in the new lands where the ex-soldiers may find food, shelter, and companionship.

In a little while they will be bringing girls from every quarter of America to become wives, and maybe even from France. After a man is married, he loves the farm more than ever. Then the problem of shelter, fuel, and the eternal "three times a day" become imminent and preeminent. Farm life permits the husband and father a regularity of habit and opportunity to be continuously with his family found in few other callings. Thus what begins with a boarding house soon becomes a village and soon the schoolhouse, the church, the lodge, the singing society, the music club, and the library will appear, and thus the ideal commune of patriotically educated and pure-minded people is established.

Our leading educators may be called upon to aid the Government in planning and executing a system of intensive education at said camps, modeled somewhat after the intensive military training carried on there during the war. These courses of instruction in farming, draining, irrigation, road building, and all the branches of mechanical industry may be conducted on the elective principle, so that the men may concentrate their thoughts for a few weeks or months in preparation for civilian service. These places will thus become labor employment bureaus to which application may be made and from which will go out streams of trained, earnest, vigorous young manhood to overcome and more than overcome the loss, consumption and destruction incident to war. By the qualification card system those most efficient and best prepared would go first, and others would follow as outside demand and their own training progressed.

This idea could be extended even beyond the period of demobilization and the camp sites used for several years thereafter for educational purposes.

Another suggestion. If some such plan of encouragement be authorized by law, would it not be well to have the matter presented to the soldiers for their consideration as soon as possible? Why? In order that they may begin to plan and save their money. I think some sort of savings-bank system should be inaugurated in conjunction with military service here. In fact, the boys need very little money, but it is practically impossible either to save or remit it to their families or banks in America.

It is therefore uselessly squandered. If the boys could be assisted to save fifteen, twenty, or thirty dollars a month, they would have enough to buy stock and farm tools, and habits of economy would be encouraged, and habits of extravagance discouraged.

In conclusion I can truly bear witness to the fact that our boys have their desires set upon achieving success in civil life commensurate with what they are doing under arms. They will come back with a vast fund of information otherwise impossible and undreamed of. They will come back with trained and disciplined minds, with strong characters, and with patriotic resolutions unknown to the people of America, except to the generation which followed Washington in the field, which moved in quick response to the flaming words of Patrick Henry, which thought out and felt that religion of democracy whose high priest was Thomas Jefferson. Americans are proud, wherever they are scattered over the earth at duty's post, to think how powerful in resources America is. Their hearts leap with joy to hear themselves hailed in many tongues, even in the tongues of German prisoners, as the saviors of civilization and humanity. Imagine their pride to find that even the street urchins in the remotest foreign cities pronounce with confidence and affection the name of Woodrow Wilson. But, above all, Americans feel and realize that the greatness of our composite Nation is not a social greatness merely, is not a geographical greatness, is not an industrial greatness, is not a military greatness, but, above all, is a moral grandeur. Because we are right, because we speak for mankind, because justice even between friend and foe is our guide, we find the minds and the hearts of all broad-minded, unselfish men and women everywhere willing to follow our leadership, wishing to share our country's blessings and willing to bear their part of the burden. We must be wise enough to profit by the mistakes of other great nations, such as Rome and Germany. The general diffusion of intelligence and virtue by education is imperative. Peace has her glories. The uplift of all the people, the according to every man the products of labor, equal and exact and speedy justice before the law, are problems that call forth energy equal to that now in the power of those working so effectually to conduct the war to a victory not only of glory but, greater still, of justice and a long-enduring peace.

JOHN J. MCSWAIN,
Captain, Infantry, United States Army.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RANKIN, for two days, on account of attending memorial service on the landing of the last of overseas dead; and

To Mr. MCSWAIN, for two days, on account of attending exercises in honor of the last soldier dead to be brought to America.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9979. An act to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs."

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that March 29 they had presented to the President of the United States, for his approval, the following bills:

H. R. 9606. An act to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes; and

H. J. Res. 263. Joint resolution authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof.

LEAVE TO EXTEND REMARKS.

Mr. KING. I ask unanimous consent to extend my remarks in the RECORD on the subject of appropriations for the contract auditing division.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD on the legislation for the contract auditing division. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. KING. Mr. Speaker, in speaking of the contemplated appropriation for the War Department for the coming year, I called attention on March 22 to the fact that the appropriation for the contract audit section had been cut from $1,300,000 to $1,000,000 and that this cut would seriously hamper the investigation of war contracts and the recovery of millions to the United States Treasury.

I called attention briefly to the need of not only continuing the work of investigation but of expanding it, and inserted a letter I had written to Secretary of War Weeks on the subject.

I now desire to insert a letter received from Mr. Weeks with certain inclosures explaining about the work of the war audit section and in answer to my letter to him:

WAR DEPARTMENT,
Washington, March 27, 1922.

Hon. EDWARD J. KING,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In reply to your inquiry of the 20th instant regarding the amount of funds that may be available for use in continuing the present audit of war contracts from the total provided in H. R. 10871, Army appropriation bill, for the field service of the Finance Department, I desire to advise you as follows:

The bill in question, now before the House of Representatives, provides the sum of $1,000,000 for the compensation of clerks and other employees of the Finance Department for field service and is $267,000, or 21 per cent less than the estimate for such purpose contained in the budget submitted by the President. In view of this reduction it will be necessary to eliminate or greatly reduce as of June 30 next the activities of the Finance Department connected with the auditing of war contracts unless additional funds are provided or the enlisted personnel of the Army be continued at 150,000, this in order that the personnel available for the ensuing fiscal year may devote their entire attention to disbursing functions in order to keep abreast of current requirements. The number of employees it would be possible to retain on finance duties will be so limited that only a small proportion can be assigned to the audit of war contracts.

The personnel of the Finance Department is composed of two groups, civilian employees and enlisted men. The latter are stationed principally at posts, camps, and stations with other units of the Army, their number being regulated on a pro rata basis dependent upon the size of the Army. The civilian employee is on duty in the larger offices in cities and other points where it is uneconomical to place soldiers. Their number is determined by the amount of funds appropriated by Congress.

If the present bill reducing the Army to 115,000 men becomes a law it will be necessary to reduce the present enlisted quota of the Finance Department from 709 to 369. The latter figure represents the exact proportion of men the Finance Department will be entitled to for an Army of 115,000. The present quota, 709, is slightly in excess of the normal quota, due to the demands made on the Finance Department. If the Army is reduced to 115,000 it will not be possible to favor the Finance Department with any excess. The reduction therefore of enlisted men will amount to 340. Likewise, if the item of $1,000,000 for civilian employees is not increased the reduction in the civilian force for the ensuing fiscal year will be from 905 to 715, a loss of 190 employees. The total combined force, enlisted and civilian, if the present bill becomes a law, will amount to 1,084, in contrast with a minimum of 1,614 estimated as required for the ensuing year based on an Army of 150,000. Should the Army be reduced to 115,000 the minimum field requirements for the Finance Department will be a total of 1,228, of which number but 369 can be enlisted; the remainder, 859, will have to be civilians. Under the contemplated bill it will be possible to employ but 715 civilians, or 144 less than the number actually required. This reduction of 144 will necessarily most seriously affect the contract audit work and materially reduce, if it does not entirely eliminate, the personnel now engaged in that activity.

To provide for this deficiency there should be added to the present item in the bill $201,600 if the Army is reduced to 115,000, or $267,000 if the Army remains at 150,000.

I appreciate your interest in this matter, and as you have requested detailed and complete information respecting the audit of war contracts, the necessity for its continuation, and the enlargement of the work for coordination with the Department of Justice, in order that the interests of the Government may be protected, I inclose herewith a brief survey of the work accomplished in auditing war contracts by the Finance Department and the results obtained by them to date.

Sincerely yours,

JOHN W. WEEKS,
Secretary of War.

The following statement shows the sums found due, recovered, and so forth, by the contract auditing activity of the Finance Department:

(a) Grand total amounts found due to date		$33,106,974.44
The present status of these cases is as follows:		
1. Actual recoveries in money and property or by deduction from claims awards	[1] 1,839,295.25	
2. Indebtedness acknowledged by contractor who offers compromise or return of missing property in kind	55,328.98	
	1,894,624.23	
3. Charges against contractors which will apparently require legal action to recover and have been reported to Department of Justice or General Accounting Office for such action	4,370,014.49	
4. Amounts included in reports of audit, but found to have been covered in previous claims settlements	1,196,909.11	
5. In process of collection, directly or through other War Department branches, held pending reinvestigation, etc	25,645,426.61	
Pay of employees engaged in contract audit from Aug. 1, 1920, to date	297,752.52	

(b) In addition to the $1,894,624.23 above, $10,574,154.95 was reported as collected by individual offices upon completion of contracts or settlement of property accounts previous to the establishment and organization of the contract auditing activity.

(c) There are, in addition to the reports included in the above statement, reports of audit totaling approximately $2,000,000 on hand in the office of the Chief of Finance, which have been received from field activities and which are being given a final check before action on them will be taken.

Total of (a), (b), and (c), $45,681,129.39.

The total number of contracts audited since August 1, 1920, is 15,489.

TYPICAL EXAMPLES OF WAR CONTRACTS AUDITED BY THE CONTRACT AUDIT SECTION, OFFICE OF CHIEF OF FINANCE.

1. A contract was made by a bureau of the War Department for the disposal of a large amount of a special kind of supplies. An audit of this contract was made by the contract audit section which developed

[1] Complete data on reductions made in claims settlements as a result of audits not yet available.

the fact that the amount being received by the United States was very much less than the true value of the property sold, and that the United States was being put to expense for the purpose of converting the property from a condition in which it was to be paid for under the contract at a higher price to a condition in which a lower price was applicable.

The Department of Justice took up this case with a view to recovering any funds wrongfully withheld from the Government, the amount of which will be subsequently determined.

2. A contract was made by a bureau of the War Department for the disposal of a very large quantity of surplus raw material. An audit of this contract has indicated that the contractor has underpaid the Government in the amount of $1,854,076.04.

This case is now in the hands of the Department of Justice.

3. Production contracts made by a branch of the War Department with a large corporation for a certain class of war material. An audit of these contracts has demonstrated that this contractor was paid about $9,600,000 for which (as far as the War Department records show) no services were rendered or property delivered.

This case has also been given to the Department of Justice, who will call upon the contractor for an accounting for this sum.

4. Contracts with a corporation where materials were supplied to contractor by the Government and not accounted for by him in finished articles delivered or materials otherwise returned to the Government. The amount found due from this contractor is $1,371,368.02.

This case is being prepared for transmittal to the Department of Justice.

5. A contractor had two contracts with the Government, one of which provided that the contractor should be furnished Government material, and the other contract provided that the contractor should furnish his own material. An audit of these contracts showed that the Government material had been used on both contracts. The amount involved is approximately $700,000.

This case is now the subject of correspondence between this office and the contractor.

6. On a contract for the sale of surplus war supplies, when shipments were made to Government arsenals, the Government was to pay the freight. An audit showed that under this provision the Government had paid approximately $30,000 in freight to private manufacturers.

The same contract provided that the price to be paid for the material was to be determined to a considerable extent by commercial sales during the period of the contract. The contractor furnished statements covering the amount of such sales, which were used as the basis upon which he made his payments to the Government. When an audit of the contract was undertaken and the contractor was called upon to show the correctness of these figures, he stated that they were made without first-hand knowledge on his part, but had been obtained from a third party, and that he understood that the basic papers upon which these figures were based had been destroyed. The approximate amount involved is $2,200,000.

This matter is being made the subject of further investigation.

7. Audit of contract with Gray & Davis (Inc.), Cambridge, Mass., shows a charge of $37,395.43. This was a terminated contract and was referred to the Claims Board for remark. The Claims Board in final settlement deducted $34,812.64. The difference between these amounts was accounted for when the property report was completed.

8. Audit of a contract with Eddystone Munitions Co. shows a charge of $14,731.62. The matter was referred to the War Department Claims Board for information as to whether deduction was made in settlement. This office was advised by the Claims Board that liability of contractor was not known when settlement was made, and accordingly no deduction had been made. Attempts are now being made to collect this amount.

9. As a result of an audit of contracts for the manufacture of certain articles of equipment, it was found that the contractor was indebted to the United States in the sum of $44,527.51 on account of Government-owned material not accounted for. A cash collection was made covering the value of this property.

10. The Finance Department recovered $71,093.39 in cash as the result of an audit by the contract audit branch of a number of ordnance contracts between the Government and the Republic Iron & Steel Co.

11. T. A. Gillespie on one ordnance contract overused Government material valued at $98,984.61, which was determined after a complete audit of the contract. The amount due was collected by the Finance Department.

12. A contract was placed with the Washington Steel & Ordnance Co. for machining 14-inch high-explosive shells. Forgings of the value of $104,450.89 were delivered by the United States to the contractor's plant for use under this contract. The armistice intervened before work was started on this contract, and these forgings had apparently been lost sight of. The audit of the contract disclosed that the forgings were still on hand at the plant, and that while the department had been advised in November, 1918, that the forgings had been shipped to the contractor, no action had subsequently been taken toward recovering the material, which has since been accomplished as result of the audit by the office of the Chief of Finance.

13. Wessel, Duval & Co. entered into a sales contract with the Government to sell surplus nitrate of soda on a commission basis. In auditing the contract it was found that the full amount due the Government had not been turned over and there was still due $8,657.29. The report on audit was submitted to property audit branch for collection February 24, 1922, the matter was taken up with the contractor, and settlement effected March 16, 1922.

The above cases are quoted as typical of many hundred contracts already audited, and are illustrating the reasons why a complete audit is vitally necessary for the public interest.

Mr. LANGLEY. I ask unanimous consent that all gentlemen who spoke on this bill may have 10 legislative days in which to extend their remarks.

Mr. WALSH. Not 10 days. I would not object to five days, and it must be their own remarks.

Mr. LANGLEY. I modify my request in that way.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that all Members who spoke on this bill have five days in which to extend their own remarks. Is there objection?

There was no objection.

ADJOURNMENT UNTIL MONDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns it adjourn to meet on Monday next.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns it adjourn to meet on Monday next. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until Monday, April 3, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

579. A letter from the Secretary of War, transmitting a tentative draft of a bill to amend section 126 of the national defense act, approved June 3, 1916, as amended; to the Committee on Military Affairs.

580. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill to authorize the President, in his discretion, to retire certain officers of the Navy; to the Committee on Naval Affairs.

581. A letter from the general secretary of the Near East Relief, transmitting report of the Near East Relief for the year ending December 31, 1921; to the Committee on the Judiciary.

582. A letter from the Secretary of War, transmitting a supplemental report to a fifth report of the Chief of Engineers, United States Army, regarding any contracts for work on river and harbor improvements entered into but not completed prior to April 6, 1917 (H. Doc. No. 219); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GILBERT: Committee on District of Columbia. H. R. 11021. A bill for the prevention of venereal diseases in the District of Columbia, and for other purposes; with amendments (Rept. No. 864). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BENHAM: Committee on Public Lands. S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan; without amendment (Rept. No. 861). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10287. A bill for the relief of John Calvin Starr; with an amendment (Rept. No. 862). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 154. An act to extend the benefits of the employers' liability act of September 7, 1916, to Arthur E. Rump; with amendments (Rept. No. 863). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRAND: A bill (H. R. 11115) to amend section 12 of the act approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. WILLIAMS: A bill (H. R. 11116) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended; to the Committee on the District of Columbia.

By Mr. SWING: A bill (H. R. 11117) to authorize the President, in his discretion, to retire certain officers of the Navy; to the Committee on Naval Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 11118) to provide for the deportation of certain undesirable aliens; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Virginia: Resolution (H. Res. 315) relative to Philippine independence; to the Committee on Insular Affairs.

By Mr. PATTERSON of New Jersey: Resolution (H. Res. 316) providing for six months' salary to be paid the widow of Joseph C. Lee; to the Committee on Accounts.

By Mr. CONNALLY of Texas: Resolution (H. Res. 317) amending the rules of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 11119) granting a pension to Martha J. Corrie; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11120) granting a pension to Carrie M. Zumwalt; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 11121) granting a pension to Arthur Gross; to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 11122) for the relief of Jonathan P. Hadfield; to the Committee on Claims.

By Mr. GRIFFIN: A bill (H. R. 11123) for the relief of the next of kin of Maria Consiglia Porforio; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 11124) granting an increase of pension to Edward Jackson; to the Committee on Pensions.

Also, a bill (H. R. 11125) granting a pension to William Henry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4922. By Mr. CHALMERS: Petition protesting against the enactment of compulsory Sunday observance bills now pending before the House; to the Committee on the District of Columbia.

4923. By Mr. DRANE: Petition of citizens of St. Petersburg, Fla., relative to House bill 9753; to the Committee on the District of Columbia.

4924. By Mr. FULLER: Petition of the Booth Fisheries Co., of Chicago, protesting against the passage of House bill 10427, amending section 6 of an act for the protection and regulation of fisheries in Alaska; to the Committee on the Merchant Marine and Fisheries.

4925. Also, petition of the executive committee of the National Association of Casualty and Surety Agents, protesting against the passage of the Fitzgerald bill (H. R. 10034); to the Committee on the District of Columbia.

4926. Also, memorial of the city council of the city of Chicago, favoring pneumatic-tube mail service for the city of Chicago; to the Committee on the Post Office and Post Roads.

4927. Also, petition of members of Normal Lodge, No. 509, I. O. O. F., of Chicago, Ill., favoring Senate bill 1565, for retirement of disabled emergency officers; to the Committee on Military Affairs.

4928. Also, petition of the Traders' Live Stock Exchange, of Chicago, favoring passage of Senate bill 1565, for the retirement of disabled emergency officers of the World War; to the Committee on Military Affairs.

4929. Also, petition of the members of the First Congregational Church, of Peru, Ill., opposing any modification of the prohibition enforcement act; to the Committee on Ways and Means.

4930. Also, petition of sundry citizens, of Marseilles, Ill., favoring the passage of the Hill bill to permit the manufacture and sale of beer and wine, and the taxing of the same to pay a soldiers' bonus; to the Committee on Ways and Means.

4931. Also, petition of 398 citizens, of Ottawa, Ill., protesting against the passage of the Hill bill to permit the manufacture and sale of wine and beer; to the Committee on Ways and Means.

4932. By Mr. GALLIVAN: Petition of Decatur & Hopkins Co., Boston, Mass., urging passage of House bill 10159, the commercial bribery bill; to the Committee on the Judiciary.

4933. By Mr. GERNERD: Papers to accompany House bill granting a pension to Kate S. Good; to the Committee on Invalid Pensions.

4934. By Mr. KISSEL: Petition of Steward Davit & Equipment Corporation, New York City, N. Y., urging the passage of House bill 10159; to the Committee on the Judiciary.

4935. Also, petition of American Lutheran Publicity Bureau, New York City, N. Y., relative to the church and state; to the Committee on the Judiciary.

4936. By Mr. KRAUS: Memorial of sundry citizens of Hartford City, Ind., against passage of House bill 9753; to the Committee on the District of Columbia.

4937. By Mr. OSBORNE: Petition of Mrs. S. Ross and others, citizens of Los Angeles, Calif., in opposition to House bills 9753 and 4388 and Senate bill 1948; to the Committee on the District of Columbia.

4938. By Mr. STEENERSON: Petition of citizens of Argyle, Minn., and vicinity, urging revival of the Grain Corporation; to the Committee on Agriculture.

4939. By Mr. TOWNER: Petition of R. H. Knight, jr., of Bull Run, Oreg., and 79 other citizens of the State of Oregon, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4940. Also, petition of Mr. P. M. Wimberly, of Dallas, Tex., and 223 other citizens of the State of Texas, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

MONDAY, *April 3, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, as the recipients of Thy mercies we realize our dependence upon Thee, and look unto Thee this morning for Thy help. Grant unto us such knowledge, such wisdom, that according to Thy good pleasure results shall be realized, and in this day of happy outlook, with the singing of birds about us, may gladness fill our hearts and may we rejoice in opportunities of service to Thee, to the land we love, and to all the interests of humanity. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities, and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 9979. An act to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs"; and

H. J. Res. 282. Joint resolution to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

HOSPITALIZATION OF EX-SERVICE MEN.

The bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities, and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. ASHURST. Is it the soldiers' hospitalization bill?

The VICE PRESIDENT. It is. The Chair may be in error in referring it to the Committee on Finance.

Mr. CURTIS. I think if it is a bill making appropriations it ought to go to the Committee on Appropriations. If it has reference to a transfer of hospitals, it should go to the Committee on Finance.

Mr. ASHURST. It is the bill which has just passed the House, and which appropriates $17,000,000 for the construction of hospitals.

The VICE PRESIDENT. In the opinion of the Chair it should go to the Committee on Appropriations, and it will be so referred.

Mr. ASHURST. I desire to give notice that as soon as the routine morning business is disposed of I shall submit some observations on the bill which has just been referred.

Mr. WARREN subsequently said: From the Committee on Appropriations I report back House bill 10864 and ask that that committee be discharged from its further consideration and the reference of the bill to the Committee on Public Buildings and Grounds. The bill authorizes the expenditure of some $17,000,000, but it does not contain an appropriation. It should go to the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. Without objection, the change of reference will be made.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented a resolution adopted by the Neodesha (Kans.) Chamber of Commerce, favoring the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented petitions of Jewell Post, No. 72, American Legion, of Jewell; sundry citizens of Kanopolis; and employees of Rock Island Lumber & Coal Co., of Independence, in the State of Kansas, praying for the passage of the soldiers' bonus bill, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Wamego, Kans., praying for the continuance of the mail delivery service in that city, which was referred to the Committee on Post Offices and Post Roads.

Mr. KENDRICK presented a resolution of the Fremont County Bee Keepers' Association, of Lander, Wyo., favoring inclusion in the pending tariff bill of an adequate duty of not less than 5 cents per pound on imported honey, which was referred to the Committee on Finance.

Mr. MOSES presented memorials of sundry citizens of Danbury, Londonderry, Derry, West Windham, Hudson, Pittsfield, Gonic, and Winchester, all in the State of New Hampshire, remonstrating against the enactment of Senate bill 2747, the so-called Federal cooperative reclamation bill, which were referred to the Committee on Agriculture and Forestry.

Mr. JONES of Washington presented a petition of sundry citizens of Ferndale, Wash., praying for the enactment of legislation reviving the United States Grain Corporation, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a resolution adopted by Auxiliary No. 50, Sons of Veterans, of Parsons, Kans., favoring the passage of the so-called Morgan bill, providing for increased pensions to veterans of the Civil War and their widows, which was referred to the Committee on Pensions.

Mr. KELLOGG presented a memorial of sundry citizens of Blackberry, Minn., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS. I present certain petitions and resolutions representing some 110 different organizations in the city of Cleveland, Ohio, signed by several thousand persons, relative to the proposed amendment of the Volstead Act. I do not ask that they be placed in the RECORD, except the brief letter accompanying the petitions and resolutions. I ask that it be printed in the RECORD and that the petitions and resolutions be referred to the Committee on the Judiciary.

The petitions and resolutions were referred to the Committee on the Judiciary, and the letter was ordered to be printed in the RECORD, as follows:

DRY MAINTENANCE LEAGUE OF CUYAHOGA COUNTY,
Cleveland, Ohio, March 23, 1922.

Hon. FRANK B. WILLIS,
Senator from Ohio, Washington, D. C.

DEAR SENATOR: On February 20, 1922, the City Council of Cleveland, Ohio, by a vote of 23 to 8, adopted a resolution calling upon Congress to amend the Volstead Act to permit beer and light wines.

The churches of Cleveland, Bible schools, and many civic organizations immediately protested against this vote by resolution, petition, and by personal protests from hundreds of the citizens to the council. Attached are copies of petitions adopted by approximately 110 organizations, representing not less than 75,000 voters of greater Cleveland, protesting against this resolution of our council and affirming their faith in the prohibition laws and the eighteenth amendment. These resolutions were mailed to this organization with a request that they be forwarded to the Congress of the United States. Therefore we are submitting the same to you, trusting that they will be presented as requested with the proper attention being called to the same as a repudiation of the resolution sent by our city council.

Very truly, yours,

DRY MAINTENANCE LEAGUE,
GEORGE C. SOUTHWELL, *Secretary.*

REPORTS OF COMMITTEES.

Mr. McNARY. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, and I submit a report (No. 585) thereon. I desire to give notice that at the first convenient opportunity, perhaps to-morrow, I shall call up the bill for consideration by the Senate.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McNARY, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, reported it without amendment.

Mr. CUMMINS, from the Committee on Interstate Commerce, to which was referred the bill (S. 1345) to amend an act entitled "Interstate commerce act," approved February 28, 1920, reported it without amendment, and submitted a report (No. 586) thereon.

He also, from the same committee, to which was referred the bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, reported it with amendments and submitted a report (No. 587) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 9671) to amend section 87 of the Judicial Code, reported it without amendment and submitted a report (No. 588) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3372) for the relief of the estate of John McQuiddy, deceased; to the Committee on Claims.

A bill (S. 3373) granting an increase of pension to Henry Mott;

A bill (S. 3374) granting a pension to Asenath Welch (with accompanying papers);

A bill (S. 3375) granting a pension to Sarah J. Brown;

A bill (S. 3376) granting a pension to Vesta A. Brown (with accompanying papers);

A bill (S. 3377) granting a pension to Henry V. Faris (with accompanying papers);

A bill (S. 3378) granting a pension to Marinda A. Wilcox (with accompanying papers);

A bill (S. 3379) granting a pension to Addie E. Auten (with accompanying papers);

A bill (S. 3380) granting a pension to Mary E. Allen (with accompanying papers);

A bill (S. 3381) granting a pension to Fannie R. Harvey (with accompanying papers);

A bill (S. 3382) granting an increase of pension to John W. McAndrew (with accompanying papers); and

A bill (S. 3383) granting a pension to Effie D. Hunter; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3386) granting an increase of pension to Louis Miller (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 3387) granting a pension to Hattie Smith; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3388) granting a pension to Emsley P. Canutt (with accompanying papers); to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3389) granting a pension to Nancy H. Hism; to the Committee on Pensions.

By Mr. JOHNSON:

A joint resolution (S. J. Res. 189) authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of Grand Army of the Republic at the California and Nevada State encampment, to be held in Riverside, Calif., in May, 1922; to the Committee on Military Affairs.

DRAINAGE EXPENSES ON PAIUTE INDIAN LANDS, NEV.

Mr. PITTMAN introduced a bill (S. 3384) authorizing an appropriation to meet proportionate expenses of providing a drainage system for Paiute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service, which was read twice by its title.

Mr. PITTMAN. Mr. President, this bill carries the same provision as the amendment which I proposed to the Interior Department appropriation bill, which amendment was eliminated by the conferees. I have discussed the matter with the Senator

from Kansas [Mr. CURTIS], who is a member of the Committee on Indian Affairs. While the bill carries an appropriation, he agrees that it should go first to the Committee on Indian Affairs, and if approved by that committee, it will then come back to the Senate and be referred to the Committee on Appropriations. For that reason I ask that it be referred to the Committee on Indian Affairs. The Senator from Kansas will assist me, I understand, in trying to get an early report of the bill from that committee.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Indian Affairs.

COOPERATIVE TRADE ORGANIZATIONS.

Mr. EDGE. Mr. President, I desire to introduce a joint resolution, and also a bill, for appropriate reference, and if I may have the indulgence of the Senate for just a moment, I desire to explain why I am introducing a joint resolution as well as a bill covering the same subject. If the Secretary will read the joint resolution by title, I shall make a brief statement with reference to it.

The joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade, was read the first time by its title, and the second time at length, as follows:

Joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Whereas the revival of the industrial activities of the United States is essential to the welfare of the individual as well as the Nation; and

Whereas business has been suffering severe depression, from which its reconstruction should be stimulated by every legitimate means; and

Whereas business procedure that will without protecting monopolies eliminate waste in production or distribution, lower costs, simplify and standardize methods, increase efficiency and the morale of business is a beneficial factor in economic progress; and

Whereas congressional action has already been taken to assist in agricultural cooperative marketing and distribution; and

Whereas the industrial tendency is toward the substitution of research and scientific business methods for previous uncertainty and ignorance; and

Whereas business is hesitating because unable to secure guidance, legal or governmental, which will clearly indicate the proper lines of conduct in business association; and

Whereas business is entitled to know in definite terms what it legally can and can not do: Therefore be it

Resolved, etc., That a joint committee of Congress is hereby created, to be composed of six Members, three of whom shall be appointed by the President of the Senate and three by the Speaker of the House of Representatives.

SEC. 2. That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affect industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade, to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression, with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

SEC. 3. Such committee is hereby authorized during the Sixty-seventh Congress to sit during the sessions or recesses of the Congress, at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1.25 per printed page, the expenses involved in carrying out the provisions of this resolution to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

SEC. 4. That the committee may from time to time report to Congress, and shall submit a final report on or before December 4, 1922.

The bill (S. 3385) to regulate trade associations, and for other purposes, was read twice by its title.

Mr. EDGE. The bill by its title is self-explanatory, and the joint resolution provides for the appointment of a commission of three Senators and three Members of the House for the purpose of, first, investigating the same subject. I am introducing the bill at this time not with any intention of pressing it at once but will urge the passage of the joint resolution so that the committee or commission, if authorized, can have the bill as a basis upon which to direct their inquiry. I think it will be thoroughly agreed and appreciated that it is the duty of Congress in some way to provide for defining the legal rights and privileges of trade associations. At the present moment every one seems to commend cooperation, and yet because of recent decisions of the Supreme Court it is practically impossible to decide just what is cooperation and what is combination in restraint of trade. I think it is a most important question, a question with reference to which Congress can, through legislative authority, be of great assistance in stabilizing industry. I hope we can get expeditious action upon the joint resolution. Congress has already demonstrated its interest in cooperation by passing practically without opposition a bill to provide for cooperation and cooperative marketing among agricultural associations. This is exactly in the same direction, and I am quite sure the same spirit of cooperation on the part of Congress will be found when the measure comes before us for consideration.

The VICE PRESIDENT. Is it the opinion of the Senator from New Jersey that reference should be to the Committee on Commerce of both the bill and the joint resolution?

Mr. EDGE. I shall be very glad to have them referred to the Committee on Commerce.

The VICE PRESIDENT. Without objection, the bill and the joint resolution will be referred to the Committee on Commerce.

FINANCING OF AGRICULTURAL OPERATIONS.

Mr. SIMMONS introduced a bill (S. 3390) to provide credit facilities for the preservation and development of the agricultural industry, including live stock, in the United States; to extend and stabilize the market for United States bonds and other securities; to create an agency for the liquidation of commercial assets owned by the United States, for acting, when required, as depository of funds belonging to the United States, and otherwise performing services as fiscal agent of the United States; and for other purposes, which was read twice by its title.

Mr. SIMMONS. Mr. President, I wish to say that this bill is intended to provide a system which will absorb and succeed the present War Finance Corporation, with greatly enlarged and extended powers. I think this bill provides a sound, well-balanced, and workable system for financing the agricultural operations of the country. If it is enacted it will give the farming classes, who represent about 40 per cent of our population, banking and credit facilities, if not equal, at least comparable to those which the Federal reserve system now gives to those classes of our people who are engaged in trade and in industries other than farming, as well as those engaged in speculative ventures.

A little later I shall ask the indulgence of the Senate for the purpose of making a detailed statement of the general provisions of the bill. In brief, it establishes a banking system as well adapted to the requirements and conditions of agriculture as the Federal reserve banking system is adapted to the requirements and conditions of trades and industries other than farming.

The PRESIDING OFFICER (Mr. SPENCER in the chair). What is the suggestion of the Senator from North Carolina as to the reference of the bill?

Mr. SIMMONS. I suggest that it be referred to the Finance Committee.

The PRESIDING OFFICER. It will be so referred.

Mr. SIMMONS. Upon reflection, as the bill relates chiefly to credits for farmers and agriculturists, if there is no objection, I ask that the bill be referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. I think the bill should go to the Finance Committee.

Mr. SIMMONS. I make no objection. I would not object to its reference to either of those committees. At first blush I suggested the Committee on Finance, but on reflection I thought it should go to the Committee on Agriculture and Forestry, because all the War Finance Corporation legislation has been handled by that committee.

Mr. CURTIS. I have not had time to read the bill. I would like to have the question of its reference go over until to-morrow, so that we can find out what it is.

Mr. HARRISON. The Committee on Agriculture and Forestry has considered this whole subject. That committee reported out the original amendment to the War Finance Corporation act, and I think the bill should go to that committee, because they have studied the question.

Mr. SIMMONS. That is the reason why, on reflection, I suggested the Committee on Agriculture and Forestry, not only because it deals with agricultural credits, but because the last act reviving the War Finance Corporation, which deals very largely with the same matter that this bill deals with, came from that committee, and I assumed that in the consideration of that measure that committee did, as a matter of fact, very thoroughly investigate many of the very questions which are involved in this bill. I think that would be the better reference of the bill.

Mr. FLETCHER. Had the Senator thought about the Banking and Currency Committee? The Banking and Currency Committee handled the farm loan act.

Mr. SIMMONS. But the Banking and Currency Committee have never handled War Finance Corporation legislation.

Mr. FLETCHER. No; but I suppose this to be something on the order of the farm loan act.

Mr. SIMMONS. This bill provides for a body to supersede the War Finance Corporation.

The PRESIDING OFFICER. Without objection, the bill will be referred to the Committee on Finance.

SCHOOLS FOR AERONAUTICS.

Mr. WALSH of Massachusetts. I offer the following resolution, for which I ask present consideration.

The VICE PRESIDENT. The resolution will be read.

The reading clerk read the resolution (S. Res. 266), as follows:

Whereas immediate and adequate consideration and development of the science of aeronautics is vital to the commercial and industrial expansion and to the protection and prosperity of the United States; and

Whereas the science of aeronautics is recognized by all nations as a dominant factor in relation to transportation facilities and the national defense; and

Whereas many foreign nations, cognizant of the necessity and importance of aircraft, have initiated programs of mail and passenger transportation far superior to the present policy of our Government, with reference to the stimulation, maintenance, and advance of aeronautics for all national purposes; and

Whereas aircraft is indispensable for the patrolling and for the protection of our coast and boundaries, and to supplement to a considerable degree naval craft, coast artillery defenses, and other means of protection and defense now maintained by the Army and the Navy; and

Whereas at the Conference for the Limitation of Armament no action was taken to reduce, limit, or control the aircraft of the countries represented, although the development of aircraft had a pronounced effect upon the reduction and limitation of navies; and

Whereas it should be apparent to the most casual observer that a sufficient and properly trained personnel capable of developing, instructing, and directing aeronautics, and available for the national defense, is extremely important; and

Whereas it daily becomes more evident that if the United States is not to be completely outdistanced in the field of aeronautics, and is not therefore to be left defenseless, a separate school of aeronautics should be created and maintained, or separate schools of aeronautics should be established in the United States Military Academy and in the United States Naval Academy: Therefore be it

Resolved, That the Secretary of War and the Secretary of the Navy are directed to report to Congress (1) whether or not it is feasible and advisable to establish a school of aeronautics, to be known as the United States Academy for Aeronautics, with buildings, grounds, and equipment necessary for instructing and training cadets; (2) whether or not it is practicable to use a part of the buildings and grounds of the United States Military Academy and of the United States Naval Academy for separate schools in aeronautics, to the end that young men desirous of qualifying for commissions in the United States Air Service may be appointed as cadets to such separate aeronautical schools in the same manner as cadets are now appointed to qualify for commissions in the United States Army and the United States Navy; and (3) whether or not it is feasible to take over one of the existing navy yards or arsenals for the purpose of converting the same into a Government plant for the development and manufacture of aircraft of various kinds suitable for national, commercial, and defense purposes.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Is there objection to the immediate consideration of the resolution?

Mr. CURTIS. I think the resolution should go over until to-morrow.

The PRESIDING OFFICER. It will lie over under the rule.

Mr. STERLING. Mr. President, may we have the resolution read again?

The PRESIDING OFFICER. The Senator from Kansas asks that it lie over under the rule.

Mr. STERLING. Very well.

HEARINGS BEFORE COMMITTEE ON PATENTS.

Mr. JOHNSON submitted the following resolution (S. Res. 268), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-seventh Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer at a cost not exceeding $1.25 per printed page to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 31, 1922, the President had approved and signed the bill (S. 3209) granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota.

"LUSITANIA" CLAIMS (S. DOC. NO. 176).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, ordered to lie on the table:

To the Senate:

I transmit herewith a report from the Secretary of State in response to the resolution adopted by the Senate on August 16, 1921, concerning American passengers aboard the steamship *Lusitania* at the time of its sinking and concerning claims against Germany filed with the Department of State by American citizens as a result of the loss of the *Lusitania*.

WARREN G. HARDING.

THE WHITE HOUSE, *April 3, 1922.*

Mr. POMERENE. Mr. President, this is a matter which will be of great interest to those who were connected with that disaster, and I move that the message and accompanying papers may be printed as a public document.

The motion was agreed to.

AMBASSADOR EXTRAORDINARY TO HAITI.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Assistant Secretary read Senate Resolution 249, submitted by Mr. KING March 6, 1922, as follows:

Whereas the President of the United States has designated Brig. Gen. John H. Russell as high commissioner to Haiti, with the rank of ambassador extraordinary to the Government of that country, without having sent the nomination of said Brig. Gen. John H. Russell to the Senate for the advice and consent of the Senate with respect to his appointment to said office: Now, therefore, be it

Resolved, That the Committee on the Judiciary is hereby requested to investigate the question as to the power of the President under the Constitution to appoint an ambassador extraordinary to Haiti, without the advice and consent of the Senate in that behalf, and report their findings and opinion to the Senate.

Mr. KING. Mr. President, I have just spoken to the Senator from Illinois [Mr. MCCORMICK], who heretofore asked that this resolution might lie over, and objected to its consideration. He has no objection to its going to the Committee on the Judiciary, because there is a legal question involved. I think the Senate is entitled to the opinion of that committee, and I ask its reference to the Committee on the Judiciary.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Judiciary.

APPOINTMENTS BY EXECUTIVE ORDER.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Assistant Secretary read Senate Resolution 258, submitted by Mr. HARRISON March 20, 1922, as follows:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order setting aside the civil-service rules, and to furnish to the Senate the reasons therefor.

Mr. HARRISON. I serve notice that I shall call up the resolution to-morrow. I ask that it may lie on the table until to-morrow.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

BUREAU OF ENGRAVING AND PRINTING.

Mr. CARAWAY. Mr. President, I wish to introduce a resolution, but I want to make a brief statement before doing so.

Mr. CURTIS. Mr. President, this is Monday morning and we have not had a call of the calendar for a considerable length of time. There are quite a number of Senators who have asked that we have the calendar to-day until 2 o'clock. Of course, if speeches are made it means we will have no calendar this morning. So far as I am concerned I have no objection.

Mr. CARAWAY. I hope the Senator will not object. I shall not occupy the time of the Senate long.

Mr. President, I wish to call to the attention of the Senate the extraordinary procedure which resulted in the issuing of an Executive order dismissing and disgracing the Director of the Bureau of Engraving and Printing and a number of chiefs of divisions of that bureau. I want to disclaim in the beginning any desire to criticize the President for exercising any authority that may be vested in him to bring about efficiency in Government employment. I wish to say in advance that if any man on the Government rolls is either inefficient or dishonest he has no right to remain; whether he has been there a long or a short time; but I do say that no man ought to be dismissed and disgraced without having had an opportunity to know of what offense he is charged, who brings the charge, and

what evidence were submitted to sustain it. That is the phase of the order against which I wish most emphatically to protest.

It has been 400 years since anyone in an English-speaking country has thought it proper or thought it just to submit anyone to a star-chamber proceeding. It has never been thought in any English-speaking country where English laws and constitutions prevail that one might be charged with an offense, tried, and convicted and his punishment decreed without his knowledge. But here are men who have long devoted their best energies to the Government employ, men who have risen to high places, men of standing in the community, men of families, who have been summarily dismissed and disgraced from the service because the Executive either wanted to fill their places by deserving Republicans or else some enemy of these individuals has the Executive ear. Whatever the reason I want to protest against it. But in the meantime, Mr. President, I should like to wait until the gentlemen on the other side of the Chamber are through their conference.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CARAWAY. The matter is of sufficient importance that any Senator could afford to give enough of his time to learn what the facts are.

Here thirty-odd men who have led upright lives, so far as the record shows, men who have held important places, places of responsibility the duties of which they have discharged efficiently, overnight, by a night order, are removed from their places, dismissed from service, and no explanation given except that it is "for the public good"; which is equivalent to saying there is something against the character of the men that makes their severance from the service necessary. If there is, the President ought to specify it; if there is not, he ought not to disgrace these men and deny them the right to engage in honest employment by such an infamous order, for it is infamous unless there is some good and sufficient reason to warrant his issuing it.

If there were charges against them, nobody would complain if the President had suspended them from their duties and put other men in their places until a thorough investigation might have been had. That, however, was not done, but men, pursuing their daily occupations, with no knowledge of any investigation having been made, with no complaints against their services or their character having been made, are summarily, at night, dismissed not only from their places of employment but dismissed from the service and thereby disgraced. I say there is not a reputable employer anywhere who would now take one of these men into a place of responsibility until this matter had been thoroughly investigated and the facts established.

Therefore, I wish to introduce a resolution calling upon the President to tell us, if it is not incompatible with the public good, why he removed these men. They have a right to know, and the country has a right to know.

I want also to know why he did it in violation of law, because section 6, part 1, volume 37, of the Statutes at Large, page 555, provides that no one in the classified service may be removed therefrom except upon a charge in writing given to him notifying him of the offense of which he is charged, and permitting him to reply thereto in writing, and to submit affidavits, if he cares to do so, whether the charge is well founded.

The President is not above the law, although for the argument's sake I may concede that he may disgrace and remove these men from the service, and they have no legal redress; he may exercise the authority vested in him and override the statute and dismiss and disgrace these men; but in doing so, if he acts without just cause, he will more disgrace himself and the high office he holds than he will disgrace these humble citizens, whose right to make an honest living he has sought to destroy.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Montana?

Mr. CARAWAY. I yield.

Mr. WALSH of Montana. I want to inquire of the Senator from Arkansas if he does not really think he takes the matter too seriously? In view of the general course of proceedings, will it not very properly and very justly be assumed that these men have been removed for purely political reasons?

Mr. CARAWAY. Well, I do not know as to that. That was the first impression I had, that it was purely a political move; but I do not know whether it was or not. I do not know but that it was a yielding to a particular faction, although I presume that political advantage was expected to be derived. However, I want to protest, Mr. President, with all the vehemence that I may, against the removal from office of a man who happens to disagree with the administration in politics if that removal carries with it disgrace.

If this administration is prepared to follow Mr. Daugherty—and I rather think Mr. Daugherty spoke with the knowledge and the approval of the administration—and override the civil service, let them do it by law. The Republicans have a majority in both Houses of Congress; let them take the responsibility and go back to the spoils system and fill every office from doorkeeper up and down with their political henchmen, if they can find that many in the country who yet remain faithful to this administration; but let them do it like men, and say, "You are removed, not because you are inefficient or dishonest but because we do not agree with you politically and we want these places for our political henchmen." It is infamous to drive men out of public employment with a charge which brands them either as inefficient or corrupt—and nobody is going to believe when he investigates this matter that these men were inefficient.

Let me consider the case of one of them, Mr. George U. Rose. He entered the employ of the Bureau of Engraving and Printing 39 years ago at $1.25 a day. When he was discharged he was drawing $5,000 a year as Chief of the Engraving Division, the most highly technical division of the whole bureau. Nominally he is a Republican, but he is a citizen of the District of Columbia from birth and never had an opportunity to vote. Of course, he has not been offensive in his politics one way or the other, but has enjoyed a steady line of promotion through Democratic and Republican administrations until he has reached the head of the division of which he had become an employee 39 years ago. He has been in the service nearly long enough to retire with a pension, but without a moment's notice, at night, a special messenger brought him a copy of an Executive order dismissing him not only from his place of employment but from the classified service, and disgracing him and his family, for what reason nobody understands. He has a right to know; the country has a right to know; all of us want to know. If the President had said there were irregularities in the bureau; that somebody stole—and that possibly may be true—the situation, perhaps, would be different; but a clerk stole $175,000 worth of bonds from the Treasury Department recently and plead guilty to the charge, and yet nobody says that Secretary Mellon ought to be kicked out of office as a criminal because an irregularity occurred in his department for which he was not responsible. If there were some irregularities in the Bureau of Engraving and Printing—and I do not know whether there were or not—the President owed it to the people to say against whom the charges were made, so that the guilty might suffer without destroying the reputations of men who have devoted an honorable lifetime to the public service.

Take another case, that of the director, Mr. James L. Wilmeth, who came into the service in 1895, at $60 a month, as a money-order assorter. He was made assistant chief of that division in 1903 at $1,800 a year; law clerk in the office of the Comptroller of the Treasury in 1906 at $2,000 a year; chief clerk of the Treasury Department in 1910, under Franklin MacVeagh, a Republican, starting in at $3,000 a year and subsequently promoted to $4,000 a year. He was made Director of the Bureau of Engraving and Printing in 1917 at $6,000 a year. He never sought and never received any outside influence in order to secure promotion; he never had a politician speak to anyone in his behalf, but trusted always to his merit for promotion. He never asked for promotion, but it came to him voluntarily. The same statement applies to Mr. Rose.

Another of the men who has been summarily dismissed, Mr. James M. Fisher, was at the date of his discharge Assistant Director of the Bureau of Engraving and Printing at a salary of $3,500. He is from Virginia, and was at one time clerk to the Committees on Interstate Commerce, Alcoholic Liquor Traffic, Pensions, and Immigration in the House of Representatives. He also did reporting for committees in the House of Representatives. He never sought promotion. In 1893 he entered the Treasury Department as confidential secretary to the second comptroller, at $1,800 a year. He was transferred to the Bureau of Engraving and Printing at $1,600; promoted to chief of division of assignments; promoted to chief clerk, division of assignments and review, at $3,000 a year; promoted to the position of assistant director of the bureau at $3,500 a year. No complaint has ever been lodged against him and he never sought any outside influence, but rose simply by merit.

Take another man, John J. Deviny, superintendent of work, executive in charge of the night force. He was born in the District of Columbia; entered the civil service 22 years ago at $300 a year, less than a dollar a day, as an apprentice in plate printing; he was cleaner of pots and mixer of inks. He was promoted from time to time until at the date of his discharge he

was receiving $3,500 a year. He is president of the Washington Club of Printing House Craftsmen. He had been recommended for director of the bureau. He never sought any political help from any source. Incidentally he held the same position during the war and worked 13 hours a day for $3,500 a year, when Charles Johnson & Co., ink manufacturers, of Philadelphia, offered him $7,500 a year if he would quit the Government service and enter their employ; but he felt it his duty to serve his country in time of war and remained in the Government service.

In this connection I wish to read a letter—and by the way, Mr. Wilmeth, Mr. Fisher, and Mr. Deviny all received similar letters—addressed to Mr. Rose from the Treasury Department at Washington, dated March 7, 1921. The letter is as follows:

DEAR MR. ROSE: During my term as Assistant Secretary I have given much time and attention to the affairs of the Bureau of Engraving and Printing, and have been greatly pleased and impressed with its management and personnel. Your work has especially commended itself to me, and I wish now to thank you for your hearty cooperation and support. I am soon to leave the Treasury Department, and before doing so it is desired to express to you my personal feelings and regards.

With kindest regards and best wishes,

Sincerely yours,

J. H. MOYLE,
Assistant Secretary of the Treasury.

Thus the Assistant Secretary of the Treasury, a Democrat, wrote to Mr. Rose, a Republican, whom he had promoted. That was the character he had then, and I take it the character that he has now.

Let me take another case. E. H. Ashworth has been in the bureau 28½ years. He was the custodian of dies, rolls, and plates—possibly the most responsible position in the service. He is not of the organization, but is a check on the organization. The law requires that he be checked up each year; so the present Secretary of the Treasury, Mr. Mellon, appointed a committee, and all of them were Republicans, and they put in three months investigating this particular department, this division, this office that Mr. Ashworth holds. They completed their investigation and made their report to the Secretary of the Treasury at 4 o'clock Friday afternoon last. With that report went a letter from these three Republicans especially commending Mr. Ashworth for his efficiency, for his faithfulness, and for the condition in which they found the matters under his custody. They commended him in a letter to the Secretary of the Treasury at 4 o'clock Friday afternoon. At 6.45 the same evening the President, by an Executive order, disgraced and dismissed this man from the public service—commended by a committee that had a thorough knowledge of his efficiency, of his character, and of the services he was rendering; commended at 4 o'clock and dismissed and disgraced by the Executive at 6.45 that same day; and his case is not altogether alone.

Here is Ralph H. Chappell. He is a graduate of Annapolis, an officer in the American Navy once, a veteran of the Spanish-American War. We was in charge of machinery. He got $3,000 a year. No complaint ever has been made against him, and yet by this same Executive order he was dismissed from the service and is a disgraced man.

Take H. I. Wilson, an overseas veteran of the last war, a man in charge of a bureau, drawing $3,600 a year, a man who quit his place when war came and went across the sea and offered to die for our flag. He came back and went to work at his old employment, and without a minute's notice, without a charge being made against him, without an opportunity to speak in his own behalf, is summarily dismissed from the service.

James A. Chamberlain, foreman of the garage down there, was also an ex-service man, getting $1,600 a year. He was driven out of public employment, driven out of an opportunity to make an honest living, disgraced by an Executive order, and the Assistant Secretary of the Treasury now says there is not even an implication against the character of any of those men for either inefficiency or integrity!

Mr. Hill, who got the job that Mr. Wilmeth had, possibly disclosed the real reason. I want to read his little interview for whatever it is worth. Mr. Hill says:

Of course, the Democratic Senators will howl when they see good Democrats turned out of office, but they are guilty of the same thing. There are Republicans who came back with my appointment yesterday who were discharged last July by Democratic officials.

I presume he means July of year before last, because there were no Democrats in power in July last year to discharge them.

Mr. HARRISON. Where is he from?

Mr. CARAWAY. I think he is from Ohio.

Mr. Hill thinks—whether he knows or not—that it was a political matter, because he gave out that interview. He hastened to do it; he can not wait until he gets his seat warm as director of the bureau, until he says:

Of course, the Democratic Senators will howl when they see good Democrats turned out of office.

Hill's idea is that we howl about that. Mr. Hill may be a very efficient man, but he knows very little, I think, about the temperament of Members of the Senate, because I want to repeat, if it is necessary to return to the spoils system in order to save whatever there may be of this administration from going on the rocks, if you have the courage to do it, go back to the spoils system. I have had some sympathy with the belief that to the party in power belongs the offices; but I do not think you ought to get them and be a hypocrite about it. I think you ought to show more courage in getting these places than you do in taking the post offices away from Democrats by pretending to have a civil-service examination which does not disclose anything except whom the political boss in that particular country wants. That is all it discloses—not efficiency. It is not intended to disclose it; but, except for the hypocrisy, I have no objection to your taking those offices.

These men who have gone out—men who have toiled early and late, from early manhood until past middle age, to build up a reputation as honorable and intelligent men in the community, who have wives and children—have a right to expect that you will have courage enough to say that you took their places for political reasons, and not reflect upon them either as to their efficiency or as to their character.

The Post—and I think it has a better right to speak for this administration than the administration has to speak for itself, because I think their policies are initiated about 50–50; the Post as often suggests to the President as the President suggests to the Post, but between them there is always harmony—the Post says, quoting an article, that both the Attorney General and the Secretary of the Treasury deny that there was any investigation of the bureau prior to the Executive order dismissing these men. Now, the Attorney General has ordered a probe to find out why it was the President dismissed these people. First, act; discharge the men; disgrace the men; disrupt the public service; and then put the Attorney General behind the movement to find out why it was that the President did it! Of course the President and the Attorney General both know why it was done, but now they are to have an investigation.

It reminds me very much of a story of the first jury trial alleged to have happened in California. The rule used to be to hang a man charged with stealing a horse, and investigate whether or not he was guilty at some time when nothing else was pressing; but a lot of people wanted a jury trial—a good old jury trial as they had had it in New England—and finally public sentiment became so strong that one man charged with horse stealing was given a trial. The evidence was produced and the arguments made, and the jury instructed and retired. Just as they were about to reach a verdict of "Not guilty," some man came and kicked on the door and said: "Here, you jury have got to go somewhere else to consider this case. We want this room to lay out the corpse in." They had hanged the man while the jury was determining his innocence.

These men are discharged from the service, disgraced, and the Attorney General now is asked to find some reason that will justify the President in having so acted, and the Post says this:

Justice officials ordered to probe engraving bureau—Attorney General to hold "exhaustive investigation" after Wilmeth's removal.

In another headline from this same official organ that always knows what the President thinks he knows it says that after this investigation is had some officials assert that the facts will sustain the "quick action" taken by the President. In other words, the Attorney General now is going to find a reason that will justify in the minds of the American people the action of the President; and if I may be permitted to say so, basing my observation on what I have observed of the Attorney General's pliancy, he will find whatever the administration wants him to find. He will find, wherever they want him to find it, corruption. He will find, wherever they want him to find it, inefficiency. He will find whatever in the opinion of the President of these United States and the Attorney General is necessary to justify the President for issuing this outrageous Executive order and disgracing these men who so long and so faithfully had labored for the public good.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Kentucky?

Mr. CARAWAY. I yield to the Senator from Kentucky.

Mr. STANLEY. I have heard the charge made, and the intimation that it was true, but so far it has gotten no response from the Attorney General, that his great address delivered in Cincinnati is submitted to certain powerful lobbyists for their approval before it is even given to the Associated Press.

Mr. CARAWAY. The present Attorney General?

Mr. STANLEY. That the present Attorney General is in the habit of calling in known lobbyists, paid lobbyists, and submitting for their approval printed copies of addresses, one of which was an address delivered to the American Bar Association in Cincinnati. A man who will do that will certainly be pliant to a President or anybody else.

Mr. CARAWAY. Well, I should say that I think the Attorney General does well to submit his remarks to somebody before he delivers them. I felt about the Attorney General, from what I heard about him, like this: We had a Senator from my State at one time—Senator Clarke. He very cynically said that appointive offices were created for those who could not be elected to office; and I thought it was very appropriate, then, that the President should give to the Attorney General one of these appointive offices.

Mr. STANLEY. Mr. President, may I interrupt the Senator at that point?

Mr. CARAWAY. I yield to the Senator.

Mr. STANLEY. There is hope for the Attorney General. It is said of a predecessor in his office that after he went out one Senator asked another what had become of the ex-Attorney General. He replied: "He is down in Philadelphia studying law." There is hope for this one.

Mr. CARAWAY. No; no. He has had an opportunity and did not, and he will not.

The junior Senator from Alabama [Mr. HEFLIN] hands me a newspaper clipping. Is this from the Post?

Mr. HEFLIN. From the News.

Mr. CARAWAY. Its headline is:

"Politics cause," says Sack. Finds dismissals result of congressional complaints.

And he says that Congressman FESS, chairman of the Republican congressional committee, and Representative MADDEN, of Illinois, chairman of the powerful Appropriations Committee, had both been down interviewing the department and demanding that places be given to the faithful. The article is as follows:

POLITICS CAUSE, SAYS SACK—FINDS DISMISSALS RESULT OF CONGRESSONAL COMPLAINTS.

(By Leo R. Sack.)

Pressure applied by Republican Congressmen tired of seeing Democrats hold down soft positions in Government bureaus in Washington is chiefly responsible for the overnight shakeup of executive personnel in the Bureau of Engraving and Printing.

Changes at the bureau are regarded by well-informed Republican Congressmen as a first step in administration house cleaning which has as its object substitution of "deserving" Republicans for Democrat officeholders.

Changes at the Shipping Board, occurring to-day, are a part of the general scheme of reorganization.

TILSON SEES PRESIDENT.

In every Government department, with the exception of the Departments of State and Commerce, Republican Congressmen allege choice jobs are held by Democrats, and constituents of theirs who, under the rules of the game, should be taken care of can not be placed. The action at the Shipping Board and the Bureau of Engraving and Printing was taken, Congressmen say, in an effort to prevent open protest on the floor of the House of Representatives by Representative TILSON, of Connecticut, chief of the Republican complainers.

TILSON, accompanied by Representative FESS, of Ohio, chairman of the Republican congressional committee, and Representative MADDEN, of Illinois, chairman of the powerful Appropriations Committee, took their complaint to Chairman Lasker, of the Shipping Board, early in the week. The Shipping Board immediately began house cleaning. W. E. Stevens, of Pennsylvania, who would "play ball" with the Congressmen, was installed as comptroller.

"BE PATIENT," HE IS TOLD.

TILSON went to the White House with his complaint and was told to be patient; that matters were being straightened out.

TILSON later received a visit from John Adams, chairman of the Republican national committee, who also pleaded patience.

"We are working on it," Adams is reported to have told TILSON.

Congressmen were especially enraged over failure of Secretary of the Treasury Mellon to supplant Democrats with Republicans.

INTERNAL REVENUE NEXT SPOT?

They charge the Bureau of Internal Revenue, one of the largest organizations in the Government service, is literally permeated with Democrats. In an effort to straighten out this situation Elmer Dover, northwestern manager of the Republican national committee during the Harding campaign, was named Assistant Secretary of the Treasury. Dover and Collector of Internal Revenue Blair are now at loggerheads, presumably because Blair won't turn his department upside down in order to give jobs to Republicans.

Congressmen expect additional changes within the Treasury Department in a short time.

They do not want to return to their home districts to face charges of petty politicians that despite a Republican administration "Democrats are holding all the jobs."

Mr. President, the first play I ever saw that I recall, in which Blanche Bates was starring——

Mr. McCORMICK. Mr. President, a parliamentary inquiry. Is this discussion in order if objection is made?

The PRESIDING OFFICER. The discussion is not in order, but it is proceeding without objection.

Mr. McCORMICK. Inasmuch as the facts may be laid upon the Senate upon inquiry if the resolution goes over, I ask for the regular order.

Mr. CARAWAY. Mr. President, just one moment.

Mr. HEFLIN. Mr. President, if the Senator will permit me a moment, before the Senator from Arkansas proceeds with his statement he asked that he be permitted to make a statement, and the Senator from Kansas [Mr. CURTIS] said that he would like to go on with the business of the Senate, but that he would not object, and no one else objected and the Senator proceeded; and I think that was tantamount to unanimous consent.

Mr. McCORMICK. If my friend the Senator from Alabama be right in his contention, the Senator from Arkansas could continue until the conclusion of business to-day.

Mr. CARAWAY. Yes; and would not waste half as much time as the Senator from Illinois has.

Mr. HEFLIN. He should be given a reasonable amount of time to finish his statement.

The PRESIDING OFFICER (Mr. SPENCER in the chair). There has been no unanimous consent given. The Senator from Arkansas was proceeding because there was no objection made. The regular order is called for.

Mr. McCORMICK. I do not mean to be discourteous to the Senator from Arkansas, but I insist on the regular order.

Mr. CARAWAY. That is all the Senator can do. He can do that, however, as well as anyone. I want to have the resolution read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 267) as follows:

Whereas without notice as required by law, and without warning, the President of the United States, under an Executive order issued Friday, March 31, 1922, dismissed James L. Wilmeth, Director of the Bureau of Engraving and Printing, and 31 other chiefs of divisions of that bureau; and

Whereas all of said persons were within the classified service; and

Whereas the law permits the dismissal of persons within the classified service only after written notice of and an opportunity to reply to charges should be given the accused: Now, therefore, be it

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public good, (a) what facts warranted the dismissal of the men mentioned, from the classified service; (b) on what authority and by what authority he dismissed these employees from the service.

Mr. CARAWAY. I ask unanimous consent for the consideration and adoption of the resolution.

Mr. McCORMICK. I object.

Mr. CURTIS. I ask that the resolution go over under the rule.

The PRESIDING OFFICER. Under the rule, the resolution will go over.

Mr. CARAWAY. I give notice that after the conclusion of the morning hour I shall continue and conclude these remarks, with the permission of the Senator from Illinois.

MALT LIQUORS AND WINES FOR MEDICINAL PURPOSES.

Mr. MOSES. Mr. President, I ask that Order of Business No. 2, being Senate resolution 117, requesting the Secretary of the Treasury to transmit to the Senate a copy of the regulations reported to have been drawn by the Bureau of Internal Revenue to provide for the use of malt liquors and wines for medicinal purposes, which has been on the calendar for some months, be indefinitely postponed. This is a resolution introduced by me at the time we were considering the antibeer bill and was a request for information. It has been on the calendar and is called every time the calendar is called, and it is wholly dead and useless. I move that it be indefinitely postponed.

The motion was agreed to.

HOSPITALIZATION OF EX-SERVICE MEN.

Mr. ASHURST. Mr. President, I am obliged to leave the Chamber within a few minutes, to be gone for an hour, and I ask unanimous consent to be allowed to proceed 10 minutes. The subject upon which I desire to speak is House bill 10864, being a bill appropriating $17,000,000 for the hospitalization of ex-service men.

Mr. CURTIS. Mr. President, I do not like to object, but this morning was set aside especially by rule for the consideration of the calendar, and if the time is going to be taken up by debate it will be impossible to consider the calendar. Therefore I shall have to object.

Mr. ASHURST. I will state to the Senator that I can compress my remarks into seven or eight minutes.

Mr. CURTIS. If the Senator will limit his talk to five minutes, I shall not object.

Mr. ASHURST. I think I can finish in a few minutes.

This bill passed the House on the 31st of March, and was sent to the Senate this morning, appropriates the sum of $17,000,000, to be immediately available, and to remain available until expended, for the further hospitalization of ex-service men.

It provides, amongst other things, that the Director of the Veterans' Bureau, subject to the President's order, shall have the power to expand and increase present existing hospital facilities for ex-service men and to acquire additional sites and build new hospitals thereon.

The Senate will remember that I have discussed this subject several times, and upon this occasion I am painfully reminded of the fact that althoug' we have a committee which was appointed to investigate this important subject—that committee is composed of five of our most esteemed Senators—and I have urged repeatedly that they go to Arizona to investigate this subject, I have been unable to get the committee to go to Arizona.

Mr. President, what are the facts? I read from the El Paso Times of Sunday, March 26, 1922——

Mr. WALSH of Massachusetts. Mr. President, may I inquire from what the Senator is reading?

Mr. ASHURST. I am reading from the El Paso Times of Sunday, March 26, 1922. Since the Senator has interrupted me, I will say that he is a member of the committee, and I ask him now to tell the Senate and the country that he is willing to go and investigate these conditions, because if I can induce the other members of the committee to come into the Chamber I am going to ask them why they refuse to go to Arizona to investigate these conditions.

This is the fifth speech I have made laying these facts before the country. It is not improved. It has grown steadily worse. What excuse have Senators to offer for such a flagrant disregard for public duty?

Mr. WALSH of Massachusetts. Mr. President——

Mr. ASHURST. Having asked the Senator a question, I will now yield to him, but let him be brief.

Mr. WALSH of Massachusetts. Of course the Senator will understand that the nature of our duties here in the Senate has prevented the committee from traveling throughout the country to inspect the hospital accommodations provided for our disabled soldiers as they have desired. The problem the Senator has under consideration is of an administrative character. The Chief of the Veterans' Bureau or some official in that bureau should have investigated the conditions the Senator has described, and should have prescribed a remedy, for that bureau has the money, the means, and the facilities to remedy the conditions. The criticism, if justified, should not be directed against the committee but against the executive department. I might add that I have personally visited enough of these temporary hospitals in my own State to agree with the Senator in the belief that much is to be desired in improving conditions.

Mr. ASHURST. I have laid the matter before the Veterans' Bureau. These ex-service men have the right to have a voice in selecting the place where they desire to receive hospitalization.

Mr. WALSH of Massachusetts. Of course, the Senator is very properly going to urge the passage of the appropriation bill, in which action I heartily concur. It is of very pressing importance and of the greatest necessity to get the appropriation for more hospital bills passed. I join with the Senator in the assertion that when the day of reckoning comes to find those chargeable with the neglect of our disabled ex-service men, not only will the administrative offices of the Government be subject to condemnation but the Congress of the United States, because of its repeated delays in passing appropriation bills providing for the building of hospitals, will be equally subject to severe condemnation.

The article referred to by Mr. ASHURST is as follows:

[From the El Paso Times, Sunday, March 26, 1922.]

UNITED STATES RED TAPE LEAVES STRICKEN VETS TO DIE ON TUCSON STREETS.

(By Gene Cohn.)

TUCSON, March 25.—Invisible bars of official red tape and Government regulation block the gates of Pastime Park here to hundreds of tubercular veterans of the World War entitled to hospitalization and in need of expert attention.

Massed in Tucson against the life-sapping disease are 1,200 stricken "buddies."

Two hundred and seventy-eight are now crowded together in hastily built frame hospital wards and 1-room cottages. A recent inspection showed the 6-foot-apart regulation on cot spacing was violated.

Soon the number of patients in these temporary quarters will have to be reduced to 252. Death and a summer exodus may solve the problem.

But for the 1,000 others—there is no room.

They are scattered about in cheap lodging houses, private homes, and hotels. Many have had to walk the streets and daily face denial of the care their critical conditions necessitate.

A few have some money. But their tiny savings are fast dwindling. Most of them are too ill to work. Every one is a potential emergency case.

NO ROOM IN PARK.

Yet there is no room for him at Pastime Park, the incongruously named hospital provided here for the men who helped win the war and now strive to win the battle for life.

What is more—a recent order from Major General Forbes, head of the Government's Veterans' Bureau, says that no more men will be sent to the Tucson station.

And still more—the Chamber of Commerce of Tucson, with citizens of this "city of healing air," have had for a year in the hands of Washington officialdom an offer to provide a $500,000 permanent hospital, built to meet the summer heat, equipped with modern conveniences—they have offered to rent such a place to Uncle Sam; have offered to solve the problem for him, and no reply has ever been received!

PROBE BARES CONDITION.

Such is a summary of high lights contained in a report Ralph A. Horr, vice commander of the Disabled Veterans of the World War, will take to Washington after an investigation here in which I participated.

These statistics were provided by Claude Smith, local commander of the disabled veterans' organization that pioneered the fight against existing conditions. In this fight A. I. Irvin, head of the local American Legion post, is now joined.

And supplying further data is Dr. S. H. James, commander of the hospital.

"A real emergency exists," he says. "It will grow worse in another year, and within four years the peak will be reached. By that time the temporary wooden structures may be falling to pieces."

Says Claude Smith: "I have listed the name of each man in this section entitled to hospitalization and not getting it. I am one of them, but I have a little money. I have given this to Commander Horr, together with data of what the fellows have been and are now up against."

OTHER STATIONS.

The Government has in this district tuberculosis stations at Prescott, Ariz., at Camp Kearny, San Diego, is opening another at Livermore, Calif., and is prepared to send tubercular veterans to a number of other camps.

"But there are other elements to meet," points out Doctor James. "Cases involving heart disturbances, asthmatic conditions, throat and nervous troubles are affected by climate or altitude of these other stations.

"In Tucson alone are all these elements overcome. The sufferers have a Tucson psychology. You can send them to San Diego or Prescott, or where you will, but they won't stay there. They feel better here and they're going to come if they have to walk."

"And they come here whether the Government provides for them or not," declares Irvin. "They come by freight car or on the brake-beams—but they come, and what are you going to do about it?"

Men have collapsed in the street while waiting for a chance in the hospital. Red tape in the Veterans' Bureau has held men weeks and months—periods when they were in dire need of attention—before they could enter Pastime Park.

"I don't know what might have happened to scores of the fellows if we hadn't been on the job to help," say Smith and Irvin in chorus. "We've dug down in our pockets and in the public pockets. The Red Cross fund has all but been exhausted, for there have been 1,000 men around here who couldn't get in."

Who's to blame?

"The Veterans' Bureau blames the Senators and the Senators pass it along; but we do know that the local veterans' bureau has its hands pretty well tied with red tape," Smith charges.

Officials of the local veterans' bureau admit the emergency. General Forbes "seems to have been misinformed," said one who can not be quoted.

Citizens of Tucson, backed by the chamber of commerce, did much toward building such places as now are provided.

While delays and red tape kept hundreds waiting about the city, a "field day" was declared. Hundreds went out and threw together the temporary structures.

For 192 men there are but three showers, and there are three more for the other men in the wards. The frail cottages do not withstand the summer heat, and bring only discomfort.

The only solution is a permanent and properly built hospital.

Otherwise hundreds will die from Government neglect.

Mr. CURTIS. Mr. President, the Senator was yielded five minutes to conclude his remarks and he has now occupied 10 minutes. I hope that he will not take any further time.

Mr. ASHURST. Mr. President, in conclusion I am proud of the action of the House of Representatives in having passed the bill appropriating $17,000,000 to further hospitalize these soldiers; the bill should have been passed six months ago. I urge the Committee on Appropriations, not to-morrow but to-day, to consider the bill and report it to the Senate at the earliest possible moment and then, Mr. President, the Veterans' Bureau——

Mr. CURTIS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

Mr. ASHURST. This is an important subject. This is one of the most important subjects that can come before the Congress. I beg of the Senator from Kansas not to press for the regular order for a moment or two.

The PRESIDING OFFICER. The regular order is called for.

Mr. ASHURST. I ask three or four minutes to lay the matter before the Senate.

Mr. CURTIS. The bill will be before the Senate at a later time, and the Senator can discuss it then. The Senator is preventing other Senators from doing any business at all.

The PRESIDING OFFICER. The regular order is demanded.

Mr. ASHURST. Mr. President, I want to be recognized under the regular order.

The PRESIDING OFFICER. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. CURTIS and Mr. ASHURST addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ASHURST. Mr. President, I demand recognition.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. CURTIS. I ask unanimous consent that we begin the call of the calendar at Order of Business No. 499.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the call of the calendar shall begin with Order of Business No. 499. Is there objection? The Chair hears none.

The Secretary will report the first bill on the calendar under the unanimous-consent agreement.

The bill (S. 3140) to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges under Federal irrigation projects, and for other purposes, was announced as first in order.

Mr. ASHURST. Mr. President, I shall not take over two minutes to finish.

Mr. CURTIS. The Senator has five minutes on this bill. Let him proceed.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a question?

Mr. ASHURST. I have only five minutes, but I yield.

Mr. WALSH of Massachusetts. I heard the Senator state, just before he was interrupted, that many new hospitals had been built throughout the country for the care of disabled soldiers. I wish to read just a line from the report made last fall by the committee to which he referred:

On August 1, 1920, not a single new hospital had been completed, although the first $9,000,000 appropriation was made in March, 1919.

As a matter of fact, there have been no new hospitals built, or at least completed, unless it has happened during the last few weeks. Up to date only makeshift and temporary hospital facilities have been provided. The long delays in and out of Congress in solving this problem is a sad commentary on our boasted sense of gratitude.

Mr. ASHURST. I may have misspoken. I am willing to give the bureau and the Treasury Department all the credit that is due. The soldier shares in the general belief that if he is afflicted with tuberculosis a certain climate will arrest the progress of the disease.

In conclusion I again urge that committee to go to Arizona and investigate conditions and, respectfully, of course, I urge the Committee on Appropriations at the earliest possible moment to report the bill H. R. 10864, which makes an appropriation of $17,000,000 for further hospitalization.

I return the bill to the desk. I yield the floor.

CONSTRUCTION CHARGES ON IRRIGATION PROJECTS.

The PRESIDING OFFICER. The pending bill on the calendar is Senate bill 3140, to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges under Federal irrigation projects, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation and Reclamation with an amendment, in line 11, on page 1, to strike out "one year" and insert "two years," so as to make the bill read:

Be it enacted, etc., That where an individual water user or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the act of June 17, 1902 (32 Stat., p. 388), or any act amendatory thereof or supplementary thereto, is unable to pay any construction charge due and payable in the year 1922, or prior thereto, the Secretary of the Interior is hereby authorized, in his discretion, to extend the date of payment of any such charge for a period not to exceed two years from December 31, 1922: *Provided*, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior by a detailed verified statement of his assets and liabilities, an actual inability to make payment at the time the application is made, and an apparent ability to meet the deferred charge when the extension expires; also in cases where water for irrigation is available, that the applicant is a landowner or entryman actually cultivating the land against which the charge has accrued: *Provided further*, That similar relief may be extended by the Secretary of the Interior to an organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary: *And provided further*, That each charge so extended shall draw interest at the rate of 5 per cent per annum from its due date in lieu of any penalty that may now be provided by law, but in case such charge is not paid at the end of such extension period, any penalty that would have been applicable save for such extension shall attach from the date the charge was originally due, the same as if no extension had been granted.

SEC. 2. That the Secretary of the Interior is hereby authorized, in his discretion, after due investigation, to furnish irrigation water on Federal irrigation projects during the irrigation season of 1922 to landowners or entrymen who are in arrears for more than one calendar year in the payment of any operation and maintenance or construction charge, notwithstanding the provisions of section 6 of the act of August 13, 1914 (38 Stat., p. 686): *Provided*, That nothing in this section shall be construed to relieve any beneficiary hereunder from payments due or penalties thereon required by said act: *Provided further*, That the relief provided by this section shall be extended only to landowners or entrymen who are actually cultivating the land against which the charges have accrued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN ALABAMA.

The bill (S. 3156) to change the terms of the district court for the northern division of the southern district of Alabama was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the last sentence of section 70 of the Judicial Code, as amended, is amended to read as follows:

"Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division at Selma on the second Mondays in January and July."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN COLORADO.

The bill (S. 2967) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, was announced as next in order and was read, as follows:

Be it enacted, etc., That section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, be, and the same is hereby, further amended to read as follows:

"SEC. 73. That the State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesday in May and November, at Pueblo on the first Tuesday in April, at Grand Junction on the second Tuesday in September, at Montrose on the third Tuesday in September, at Durango on the fourth Tuesday in September, and at Alamosa on the first Tuesday in October.

"That the Secretary of the Treasury in constructing the public buildings heretofore authorized to be constructed at the cities of Grand Junction and Durango be, and he is hereby, authorized and empowered to provide accommodations in each of said buildings for post office, United States court, and other governmental offices, and the existing authorizations for said buildings be, and the same are hereby, respectively amended accordingly; and the unexpended balance of all appropriations heretofore made for the construction of said buildings and all appropriations which may be provided in any pending legislation, or that hereafter may be made for the construction of said buildings, are hereby made available for the purpose stated in this paragraph: *Provided*, That if at the time of holding the terms of said court in any year in any of the said cities of Grand Junction, Durango, and Alamosa there is no business to be transacted by said court the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colo.: *And provided further*, That the marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the five said places where said court is to be held by the terms of this act."

Mr. KING. Mr. President, may I inquire whether the bill involves any additional expense?

Mr. NELSON. The only change in existing law is to create another place for holding court in Colorado. It is otherwise simply a repetition of existing law.

Mr. KING. Will it necessitate the erection of another building for holding court?

Mr. NELSON. I do not think that will be necessary at all. Colorado is a large State and this is for the convenience of the people.

Mr. KING. If it is preliminary to a large appropriation for another courthouse——

Mr. NELSON. No; it carries no appropriation and makes no change in the existing law. It simply permits the court to be held in another place.

Mr. KING. Does the Senator know whether it is contemplated, when this bill is passed, that an appropriation will be sought to erect another courthouse?

Mr. NELSON. I know nothing about it. I do not think so, however. At least I have had no intimation of that kind.

Mr. KING. Of course, it is quite clear that it may involve a very large appropriation subsequently for the erection of another courthouse. I should be very glad to be advised about it.

Mr. CURTIS. If the Senator objects, I suggest that the bill be temporarily passed over until the Senator from Colorado [Mr. PHIPPS] returns to the Chamber.

Mr. KING. May we temporarily lay it aside and return to it when the Senator from Colorado is present?

The PRESIDING OFFICER. Without objection, the bill will be passed over temporarily without prejudice.

PAROLE OF PRISONERS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 534) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 1 of the act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910 (36 Stat. L., p. 819), as amended by an act approved January 23, 1913 (37 Stat. L., p. 650), be amended to read as follows:

"That every prisoner who has been or may hereafter be convicted of any offense against the United States and is confined in the execution of the judgment of such conviction in any United States penitentiary or prison for a definite term or terms over one year, or for the term of his natural life, whose record of conduct shows that he has observed the rules of such institution, and who, if sentenced for a definite term or terms of more than one year, has served one-third of the total of such term or terms for which he was sentenced, or, if sentenced for the term or terms of more than 45 years, or for the term of his natural life, has served not less than 15 years, may be released on parole as hereinafter provided."

SEC. 2. That section 3 of the act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, be amended to read as follows:

"SEC. 3. That if it shall appear to said board of parole from a report by the proper officers of such prison or upon application by a prisoner for release on parole, that there is a reasonable probability that such applicant will live and remain at liberty without violating the laws, and if in the opinion of the board such release is not incompatible with the welfare of society, then said board of parole may in its discretion authorize the release of such applicant on parole, and he shall be allowed to go on parole outside of said prison, and, in the discretion of the board, to return to his home, upon such terms and conditions, including personal reports from such paroled person, as said board of parole shall prescribe, and to remain, while on parole, in the legal custody and under the control of the warden of such prison from which paroled, and until the expiration of the term or terms specified in his sentence, less such good-time allowance as is or may hereafter be provided for by act of Congress; and the said board shall, in every parole, fix the limits of the residence of the person paroled, which limits may thereafter be changed in the discretion of the board: *Provided*, That when any prisoner has been at large on parole for five full years and has faithfully kept the conditions of his parole, the board of parole may, in its discretion, order his final discharge from custody and release him from further supervision on parole: *And provided further*, That no release of parole shall become operative until the findings of the board of parole under the terms hereof shall have been approved by the Attorney General of the United States."

Mr. KING. Is there any Senator here who can explain the difference between the bill as originally introduced and the committee amendment or between the bill and existing law?

Mr. NELSON. The radical and most material difference between the bill as originally introduced and the committee amendment is this: The original bill proposed to make it mandatory on the board to grant a parole when the prisoner had served for a certain length of time and his record for conduct had been good; but, as the Senator will observe by reading the second section of the substitute, the amendment leaves the matter of the prisoner's parole to the discretion of the parole board, and they may exercise their judgment upon the facts of the case.

The bill was referred to the Department of Justice and the department reported it back, recommending the substitute which is now reported by the committee.

As I have said, the main difference between the amendment and the original bill is that in one case such prisoners would be automatically paroled if they had served for a certain length of time and had complied with certain rules, while under the proposed amendment it is left discretionary with the parole board to apply their judgment to the case in every instance.

Mr. KING. Does the bill as reported by the committee propose to shorten the period of service before prisoners may have the privilege of the parole?

Mr. NELSON. It does in some respects, but does not in others. It makes the matter a little clearer and more definite as to life convicts. If the Senator from Utah will observe the language, he will notice that convicts who are sentenced for 45 years or for life are made eligible for parole after they shall have served 15 years if they have a record for good behavior.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the Judiciary to the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION AND BILLS PASSED OVER.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The joint resolution will go over.

The bill (S. 14) providing for the election of a delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Obviously, the consideration of that bill would involve a great deal of debate. I ask that it may go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 3111) to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes, was announced as next in order.

The Assistant Secretary read the bill.

Mr. KING. I should like to inquire of the Senator from Indiana [Mr. NEW], who is a member of the Military Affairs Committee, if he is familiar with this bill and what changes it proposes to make in existing law?

Mr. NEW. I regret that I am not familiar with the provisions of the bill, Mr. President, and I do not know just what changes it proposes to make in existing law.

Mr. KING. I will ask that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

The bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign, to widows, former widows, and dependent parents of such soldiers and sailors, and to certain Army nurses was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

RECORDS OF OFFICERS AND ENLISTED MEN IN WORLD WAR.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, which had been reported from the Committee on Military Affairs with amendments on page 2, after line 15, to strike out sections 2 and 3, as follows:

SEC. 2. That the Secretary of War is further authorized and directed to furnish to the adjutants general of the several States and the District of Columbia a tabulated statement for each unit of the Army which served during the World War, which statement shall show, as to each unit, the following:

(a) The title of the organization; the race of the unit, white or Negro; the date it was authorized; its maximum strength; where and when mobilized or organized; and when it left the United States, if at all, for service overseas; its stations, assignments, and service, both in the United States and overseas, with the dates thereof, and appropriate remark as to combat or other service of importance; when returned to the United States; when and where demobilized, transferred, or otherwise discontinued as a distinct organization: *Provided*, That overseas service for the purpose of this act shall include any service outside or beyond the continental limits of the United States. If the unit did not go overseas, the stations in the United States shall be given.

SEC. 3. That the Secretary of War is further authorized and directed to furnish to the adjutants general of the several States and the District of Columbia a tabulation and statement showing the designation of each noncombatant unit which formed a part of or was attached to any division or other tactical unit during the World War, and the dates of joining or relief therefrom, in such form as may be used as an addition to the histories of divisions and other tactical units heretofore furnished to the adjutants general of the several States and the District of Columbia.

On page 3, line 20, to change the number of the section from "4" to "2"; in line 23, to strike out "$350,000" and insert "$250,000"; and on page 3, line 24, to change the number of the section from "5" to "3," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to furnish to the adjutants general of the several States and the District of Columbia, for historical purposes, the following documents and information concerning officers and soldiers from their respective States and the District of Columbia who were in the military service of the United States during the World War:

(a) True and correct copies of the individual record cards of all officers and all enlisted or selected men, excepting such as have heretofore been so furnished.

(b) A statement as to each officer or enlisted or selected man who died in the service, showing the place and date of death of such officer or man and the cause of death, whether by wounds, accident, or disease; and such statement shall be furnished in each case, irrespective of whether the individual record card of such officer or man has heretofore or is to be hereafter furnished. In all such cases, if death occurred in hospital, the name or number and the location of such hospital shall appear; and if death occurred in action or in the field, the official designation of such action, if any, together with the local designation of the place where the same occurred shall appear.

SEC. 2. That for the purpose of carrying into effect the provisions of this act there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $250,000.

SEC. 3. That this act shall be effective from the date of approval by the President.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I ask that the report of the committee be printed in the RECORD following the bill which has just been passed.

There being no objection, the report (No. 513) submitted by Mr. WADSWORTH on February 24, 1922, was ordered to be printed in the RECORD, as follows:

The Committee on Military Affairs, to which was referred the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

Strike out sections 2 and 3.

On page 3, line 17, after "Sec.," strike out the figure "4" and insert the figure "2."

On page 3, at the end of line 20, strike out the sum of "$350,000" and insert "$250,000."

On page 3, line 21, after "Sec.," strike out the figure "5" and insert the figure "3."

This measure is explained in a report from the Secretary of War, which is appended hereto and made a part of this report, as follows:

WAR DEPARTMENT,
Washington, February 16, 1922.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

MY DEAR MR. CHAIRMAN: Referring to Senate bill 2992, providing for the completion of the statements of service of World War soldiers and for the furnishing of a historical sketch of each organization in service during that war, I earnestly recommend that provision for the completion of the statements of service be made at the earliest practicable date.

The completion of the statements of service is a necessary preliminary to the handling of claims for bonus, and should the bill for bonus pass it is most desirable that all causes for delay in its payment be eliminated. All preliminary work should be completed in advance of the receipt of applications for bonus and all causes for delay removed. Failure to complete the statements of service would be a cause of delay that can be removed by providing for their completion in the near future.

It is further recommended that sections 2 and 3 be eliminated from the proposed bill, as the work involved in those sections would interfere with the prompt completion of the statements of service and is not so urgent that it can not be deferred until after the completion of the statements of service and the work incident to the payment of the bonus. If sections 2 and 3 are eliminated, the amount ($350,000) carried in the proposed bill should be reduced to $250,000.

This proposed legislation has been submitted to the Director of the Bureau of the Budget, as required by paragraph 3b of circular No. 49 of that bureau, and the director advises that this requested legislation is not in conflict with the financial program of the President.

Yours truly,

JOHN W. WEEKS,
Secretary of War.

BILL PASSED OVER.

The bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

RICHARD P. M'CULLOUGH.

The bill (H. R. 2558) for the relief of Richard P. McCullough was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to restore Commander Richard P. McCullough, United States Navy, to a place on the list of commanders of the Navy to rank next after Commander Walter Albert Smead, United States Navy.

Mr. KING. Mr. President, I should like to inquire of the Senator from Washington whether, if this bill shall be passed, it will automatically advance to higher grades the officers who are in advance of the position which Mr. McCullough will occupy under the bill?

Mr. POINDEXTER. It will have no effect on the grades of these officers. It will advance Mr. McCullough to some extent, but this is justified by the circumstances stated in the report. He will not be advanced, however, to his original position. He will still suffer the loss of some numbers.

Mr. KING. I recall the committee considering this case, but some of the facts in the multitude of other bills which come before the Senate have escaped my recollection. I recall, however, that the board which made one examination—and it is referred to on page 3 of the report accompanying the bill—said:

The board, having proceeded to deliberate upon the evidence before it, * * * decided that the mental, moral, and professional fitness of the candidate to perform the duties of a naval officer, at sea, in the grade of lieutenant (junior grade) has been established to its satisfaction, but that in the subject of navigation the candidate shows in his written examination papers a deficiency in the satisfactory working knowledge of that subject necessary for promotion to lieutenant.

I inquire of the Senator whether the error which was made in the grading of his examination papers is responsible for this report?

Mr. POINDEXTER. That is one of the chief circumstances that the committee considered in making a favorable report on the bill.

Mr. KING. Suppose that there had been no error in the grading—the error which was afterwards discovered by Admiral Kimball, and which he attempted to rectify? Assume that there had been no error in the computation or in the grading. Would this officer still have been deficient in navigation?

Mr. POINDEXTER. I think not. The committee assumes not, although there was no way of determining positively whether that would have been the case or not. I assume, from the fact of the examining officer reporting that fact and calling attention to it, that he meant to imply that if the mistake had not been made the officer would have qualified.

Mr. KING. It seems to me that they can very readily determine whether that error was responsible for his failure to receive the proper rating in order to qualify; and if by making the correction he would be able to qualify, that fact ought to be very clearly apparent, it seems to me, from the papers and the ratings.

Mr. POINDEXTER. The committee assumed that that was the case, judging from the fact that the examining officer called especial attention to it.

Mr. KING. Mr. President, it is not very clear, but I shall not object. I should like, however, to ask the Senator a further question in regard to this bill and also in regard to House bill 7870, the next bill on the calendar. Both of these bills seem to be for the relief of men who failed to pass the necessary and statutory examination. Now, they come back, some time afterwards, and say, "We failed in the examination. We want to be restored to the grade that we would have been entitled to occupy if we had not failed." It occurs to me that if we proceed to restore to positions everybody that fails, or any considerable number of those who fail, we might just as well abolish the system of examination and promotion based upon fitness and upon examination. It occurs to me that we are opening the door for a deluge of bills. We know that a large number of young men have failed in their examinations. It is a very dangerous precedent, it seems to me.

Mr. POINDEXTER. Mr. President, I agree entirely with the position of the Senator so far as it concerns the inadvisability of restoring to their grades everybody that has failed in an examination for promotion, and if this bill had no other basis than that, of course, the committee would not have recommended it. These two cases are peculiar cases. They arose at a time when there was a change in the regulations of the department in regard to allowing a reexamination of officers where there had been a failure upon one subject. Prior to that time, officers had been allowed an opportunity to stand a second examination where there had been a slight deficiency in the first examination, and these officers supposed they would have the benefit of that; but there was a change in the regulations by which they were denied it.

There is another circumstance in the case of both of these officers that the committee thought justified the partial relief that is given in their cases. In the first place, they are not promoted to a higher rank. They simply get a somewhat advanced position in the rank which they already hold. The bills would restore to them some of the numbers which they lost in that rank. The reason they lost so many numbers was that in losing a year's seniority, as it is called, they not only went to the foot of their own class but in the meantime another class had graduated from the Naval Academy, by reason of a change in the date of the graduation of that class, within less than one year; so that these two men went to the foot not only of their own class but also of the succeeding class.

The circumstances were these: The officers in question had been at sea. They came back without very much opportunity for preparation for this examination, and they failed very slightly upon the subject of navigation. One of these men had been engaged for months in engineering duties on board ship and had had no opportunity to refresh his mind on the subject of navigation. They have both passed with distinction many examinations since that time for higher rank, and both of them served with distinction in the war. Commander Johnson received the Navy cross from the United States and the cross of the Legion of Honor from France for distinguished service in the war with Germany, and was cited for bravery in action in the capture of Vera Cruz. Commander McCullough was cited by the Governments, both of Great Britain and the United States, for his conduct in command of a ship in an attack upon

an enemy submarine. In view of those circumstances, and the peculiar conditions under which the loss of seniority occurred, the committee felt that to advance them a certain series of numbers in the rank which they already hold was justified.

Mr. KING. Mr. President, I have such great confidence in my friend from Washington that, in view of his statement, I shall not oppose these bills; but I should like to ask him one question. Does the Senator think that the passage of these bills will not afford a precedent which will in the future result in numerous applications for remedial legislation and tend to affect the morale of the school and of the classes and to induce persons who failed to try to bring political pressure to bear to secure their reinstatement or to secure their advancement and promotion to grades which they failed to attain by reason of their failure to pass the examination?

Mr. POINDEXTER. No, Mr. President; it would not have that effect. In the first place, there are already a number of precedents in various Congresses, which are set out in the report of the committee, for action of this kind. It could not apply except under the circumstances and conditions of these cases. It could not possibly have the effect of relieving every officer who failed to some extent in his examination of the result of that failure. If it had that effect, I should oppose it as vigorously as the Senator from Utah suggests.

I have no personal interest of any kind whatever in either one of these cases, but they seem to be meritorious cases. An injustice seems to have been done to these meritorious, brave, and efficient officers, who through a long course of service subsequent to the occurrences recited in these bills seem to have earned the recognition which they are given.

Mr. KING. Mr. President, just one word. I shall not oppose these bills; but I suggest to the Senator that we have before the committee now a number of cases which seem to me to be appealing. The Senator knows that a number of men went into the Air Service and discharged with ability and fidelity the responsible duties which rested upon them. They took the examination after the war, here quite recently, for permanent positions in the Navy. Though they were proficient fliers, the very best that there were in the service, perhaps—though many of them were instructors as well as pilots, because they were somewhat deficient in navigation—and they had had nothing particularly to do with navigation in the technical sense, they were denied positions; and the Navy now, as I am advised, is seeking aviators, fliers, pilots, when it has discharged the very best men that there are in the United States.

Mr. POINDEXTER. Mr. President, there is quite a question as to the wisdom of the policy applied in those examinations; and I think the entire question is very likely to be investigated under a resolution introduced by the junior Senator from Massachusetts [Mr. WALSH].

Mr. KING. Yes; the resolution has already passed.

Mr. POINDEXTER. Those were examinations for original commissions, not cases of promotion of an officer, and involved none of the circumstances that are involved in these two bills.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE SHIPPING BOARD.

Mr. DIAL. Mr. President, I desire to make a few remarks in reference to what I said the other day concerning the Shipping Board. I received a letter to-day from Mr. Lasker, the chairman of that board, in which he states that some of the facts which I stated were not correct. I do not desire to misrepresent Mr. Lasker or anyone else, and I take great pleasure in stating what he says. I quoted from the newspapers that the Shipping Board had 164 ships tied up in some river near New York, and it was claimed that they had 600 guards, and that they had allowed $400,000 of the Government's property to be stolen, and I commented upon that state of affairs. Mr. Lasker writes me that that is a mistake; that there was less than $1,000 worth of property stolen. I am glad to make the correction.

Mr. President, in what I said that day I had more reference particularly to the chairman of the board and the operators than I had to the other members. I am glad to know that not so much property has been stolen; but that does not materially change my opinion of the operation of this board. I do not claim to be an expert on shipping, but my information is that they have these ships overmanned, and that they have a great number of useless guards, and that they are going to tremendous expense that is unnecessary. It occurs to me that instead of keeping the ships up there in those cold waters, where they are frozen up, according to the newspapers, they might move them farther south and save considerable expense in coal and watching force, and so forth.

I criticized them for not getting more business and not making their operations more profitable. In that I am satisfied that I am correct, because I received my information from Mr. Lasker himself before the Commerce Committee, of which I am a member. He stated that wherever there were cargoes, and he could get an individual ship to take them, he was glad to hold back the Government ships and let the private operators carry the cargoes; and he further stated that he spent a great deal of his time in trying to find purchasers for these ships and people who would organize companies to take them over. I think, perhaps, his time might be better employed.

Mr. President, since I made those remarks I have received some letters criticizing the board very severely for their dilatory tactics in not settling with some of our citizens who have claims against the Shipping Board. They state that they are put to unnecessary delay, expense, and trouble; and if that is the case, I hope it will be corrected.

I am glad to make the correction, as I did not desire to misrepresent Mr. Lasker. I received my information from a newspaper.

I. C. JOHNSON, JR.

The bill (H. R. 7870) for the relief of I. C. Johnson, jr., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to restore Commander Isaac C. Johnson, jr., United States Navy, to a place in the list of commanders in the United States Navy, to rank next after Commander Walter A. Smead, United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF HOMESTEAD ACT.

The bill (H. R. 8815) to amend the act of March 1, 1921 (41 Stat. p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries," was announced as next in order, and was read, as follows:

Be it enacted, etc., That the act approved March 1, 1921 (41 Stat. p. 1202), be amended to read as follows: "That any bona fide settler, applicant, or entryman under the homestead laws of the United States, or any desert-land entryman whose entry is subject to the provisions of the act of June 17, 1902 (32 Stat. p. 388), who, after settlement, application, or entry, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to the service is unable to return to the land, may make final proof, without further residence, improvement, cultivation, or reclamation, at such time and place as may be authorized by the Secretary of the Interior, and receive patent to the land by him so entered or settled upon, subject to the provisions of the act or acts under which such settlement or entry was made: *Provided*, That no such patent shall issue prior to the conformation of the entry to a single farm unit, as required by the act of August 13, 1914 (38 Stat. p. 686): *And provided further*, That this act shall not be construed to exempt or relieve such applicant or entryman from payment of any lawful fees, commissions, purchase money, water charges, or other sums due to the United States, or its successors, in control of the reclamation project, in connection with such lands."

Mr. PITTMAN. I want to offer an amendment to the bill, and ask that it be temporarily passed over.

Mr. WARREN. I hope the Senator will prepare his amendment so that it can be taken up and considered. This is an important measure. It is simply to allow disabled soldiers to prove up on their homesteads without further delay.

Mr. PITTMAN. The amendment I have in mind is rather to enlarge it than to limit it.

The PRESIDING OFFICER. The bill will be temporarily passed over.

Mr. WARREN subsequently said:

I ask that the Senate return to the consideration of House bill 8815. The Senator from Nevada [Mr. PITTMAN] is willing that it shall be taken up now.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TAHOE NATIONAL FOREST LANDS.

The bill (H. R. 8832) to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to accept on behalf of the United States title to certain lands owned by William Kent and situate in the county of Placer, State of California, in section 24, township 15 north, range 16 east, Mount Diablo base and meridian, and within the Tahoe National Forest, free and clear of all incumbrances, more particularly described as follows:

Beginning at a point on the shore of Lake Tahoe, said point being the northeast corner of that part or parcel of lot 55 as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907, conveyed by Hulda S. and Chris Nielsen to M. L. Effinger by deed dated September 24, 1906, and recorded in the county recorder's office in said Placer County in deed book No. 105, page 221; thence west from said point along a line parallel to the south line of said lot 55, 220 feet more or less to a point on the east line of Sunnyside Avenue where said line intersects said east line of Sunnyside Avenue; thence north on said east line of Sunnyside Avenue 145 feet more or less to a point on the north line of section 24, township 15 north, range 16 east, Mount Diablo meridian, where said east line of Sunnyside Avenue intersects said section line; thence east along said section line 220 feet more or less to the shore of Lake Tahoe; thence in a southerly direction along the shore of Lake Tahoe 145 feet more or less to the place of beginning.

Beginning at a point on the west line of Sunnyside Avenue 100 feet north of the point of intersection of the extended south line of lot 55 as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907; filed in the county records of the city of Placerville, State of California, on the 18th day of November, 1907; thence west on a line parallel to said extended south line of said lot 55, 300 feet more or less to the east line of a tract of land deeded by William Kent to the United States of America on February 28, 1920, said deed being recorded in the records of said county of Placer in book 175 of deeds at page 381; thence north on said east line of said tract deeded by William Kent to the United States of America to the north line of section 24, township 15 north, range 16 east, Mount Diablo meridian; thence east along said section line to the point of intersection of the west line of Sunnyside Avenue with said section line; thence south along said west line of Sunnyside Avenue 150 feet more or less to the point of beginning.

And in exchange therefor may issue patent for certain lands owned by the United States within the Tahoe National Forest and situate in the county of Placer, State of California, in section 24, township 15 north, range 16 east, Mount Diablo base and meridian, more particularly described as follows:

Lot 51 and the south half of lot 52, as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907; also all that tract of land in the northeast quarter of section 24, township 15 north, range 16 east, Mount Diablo base and meridian, and more particularly described as follows: Beginning at a point on the westerly side of Sunnyside Avenue as laid down and delineated on that certain above-mentioned amended map as Sunnyside tract, which point is 65 feet west of the southwest corner of lot 51 of said Sunnyside tract, and from said point of beginning running parallel to the north boundary of the tract of land conveyed to Alice M. Schmiedell by deed dated the 23d day of March, 1908, and recorded in the office of the county recorder of Placer County, in book 110 of deeds, at page 261, said boundary being parallel to the south line extended of lot 52 of said Sunnyside tract; running thence westerly 300 feet; thence north 1° 37' east 150 feet to a point on the southerly line of a parcel of land conveyed by William Kent to William McFadden by deed dated the 12th day of September, 1912, and recorded in the office of the county recorder of said county in book 137 of deeds at page 201, said point being 300 feet west of the west line of Sunnyside Avenue; thence south 88° 28' east 300 feet more or less along said southerly boundary of the lands so conveyed to William McFadden to the west boundary of said Sunnyside Avenue; thence south 1° 37' west 150 feet more or less along said west boundary of Sunnyside Avenue to the point of beginning.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF FOOD CONTROL AND RENTS ACT.

The bill (S. 2919) to extend for a period of two years the provisions of Title 2 of the food control and the District of Columbia rents act, approved October 22, 1919, as amended, was announced as next in order.

Mr. MYERS. I think that bill will lead to some debate and that there will be some amendments offered. I therefore ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

SITE FOR PUBLIC BUILDING IN NEW YORK CITY.

The joint resolution (H. J. Res. 257) to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the President of the United States shall appoint a commission consisting of three officials, who shall have authority to exchange the land known as the old post-office site in the city of New York for other land to be deeded by the city of New York in exchange for such site, and the Secretary of the Treasury is hereby authorized and empowered to make all necessary deeds of conveyance of the property now owned by the Government upon the exchange of said respective properties; that this commission shall confer and arrange with the authorized committee of the board of estimate of the city of New York, consisting of the mayor, comptroller, and president of the Borough of Manhattan.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAJO TIMBER CO.

The bill (S. 1945) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Navajo Timber Co., of Delaware, out of any moneys in the Treasury of the United States standing to the credit of the fund "Indian moneys, proceeds of labor, Fort Apache Indians," the sum of $4,904.10, the same to be a reimbursement for a deposit made by said Navajo Timber Co. with the Commissioner of Indian Affairs of the United States on October 15, 1913, to accompany a bid for the purchase of certain timber on the Apache and Sitgreaves National Forests, Ariz., and on the Fort Apache Indian Reservation, Ariz.

Mr. KING. I would like to have an explanation of the bill.

Mr. WILLIS. The facts are very clearly set forth in the report. Briefly, this Navajo Timber Co., of Ilyria, Ohio, at the request of the Government, made a bid upon certain timberlands, and put up a certified check for $5,000. Later it was found impossible to carry out the terms of the proposed agreement, and the $5,000 had been paid into the Treasury. This is simply to pay back to the company that amount, minus the cost of resale.

In order that the record may be straight, I ask unanimous consent to have printed in the RECORD the report of the committee, which contains a letter from the then Secretary of the Interior, Franklin K. Lane, than whom there has been none higher in the Government service. It explains the whole matter.

There being no objection, the report submitted by Mr. CAPPER March 2, 1922, was ordered to be printed in the RECORD, as follows:

[Report to accompany S. 1945.]

The Committee on Claims, to whom was referred the bill (S. 1945) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

A similar bill was favorably reported and passed by the Senate in the Sixty-fourth Congress, and also received the approval of the House Committee on Claims. The report of this committee is appended hereto and made a part of this report.

—

[House Report No. 1371, Sixty-fourth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, having considered the same, report thereon with a recommendation that it do pass, for the reasons set forth in Senate Report No. 187, Sixty-fourth Congress, first session, as appended hereto and adopted as the report of this committee.

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[Senate Report No. 187, Sixty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

In lines 6 and 7 strike out "not otherwise appropriated, the sum of $5,000," and insert in lieu thereof "standing to the credit of the fund 'Indian moneys, proceeds of labor, Fort Apache Indians,' the sum of $4,904.10."

The facts in the case are fully set forth in a letter from the Secretary of the Interior, which is appended hereto and made a part of this report.

—

DEPARTMENT OF THE INTERIOR,
Washington, January 28, 1915.

Hon. N. P. BRYAN,
Chairman Committee on Claims, United States Senate.

MY DEAR SENATOR: Reference is made to your letter of December 8, 1914, inclosing a copy of Senate bill 6710, to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber.

The file containing the papers out of which the claim in question has arisen is voluminous, and deals principally with matters pertaining to the nonconsummated sale of approximately 330,000,000 feet of timber on the Fort Apache Indian Reservation, Ariz., to the Navajo Timber Co. In view of this fact I believe your purpose will be best served by giving you a detailed account of all the essential facts dealing with the claim in question rather than by transmitting the file in the case.

On August 27, 1913, the department approved regulations and an advertisement for the offering for sale of 330,000,000 feet of timber on the Fort Apache Indian Reservation, Ariz. The advertisement called for the opening of bids on October 15, 1913. The only bid received was that of the Navajo Timber Co., by R. W. Hill, president, Elyria, Ohio. This company made an offer of $2.50 per 1,000 feet during the first five years of the contract period and $3 per 1,000 feet during the second five years of the contract period. These are the minimum prices which it was stated in the regulations would be received for this timber.

On October 20, 1913, upon the recommendation of the Indian Office the department accepted the proposal of the Navajo Timber Co., and awarded the sale to them, subject, however, to the condition that the said company, within 60 days from the date of the approval of this letter by the department, should make a showing satisfactory to the department that it had the financial standing and ability to conduct a lumbering operation of this character and extent.

The regulations under which this timber was offered for sale required that each bid should be accompanied by a certified check on a solvent national bank drawn in favor of the superintendent of the Fort Apache Indian School in the amount of $5,000, and stated that

such deposit might be retained as a forfeit if the bid were accepted and the bond and agreement of purchase required by the regulations were not furnished within 60 days from the date on which the bid was accepted. The Navajo Timber Co. submitted with its bid a certified check for $5,000 on the First National Bank of Elyria, Ohio, drawn in favor of the superintendent of the Fort Apache Indian School.

By Indian Office letter of October 23, 1913, Mr. R. W. Hill, president of the Navajo Timber Co., was advised that the bid of his company had been accepted by the First Assistant Secretary of the Interior on October 20, 1913, and his attention was directed to the requirement of the regulations under which this timber was offered, which provided, among other things, that the deposit of $5,000 made with his bid might be retained as a forfeit if the contract and bond required by the regulations were not furnished within 60 days from the date when the bid was accepted, and that prior to the approval of the contract and bond by the department it would be necessary for him to make a satisfactory showing to the department as to the financial responsibility of the Navajo Timber Co.

On January 9, 1914, the department, upon the recommendation of the Indian Office, advised Mr. R. W. Hill, president of the Navajo Timber Co., that it would extend the time to April 1, 1914, within which he would be allowed to make a showing satisfactory to the department as to the financial responsibility of the Navajo Timber Co., and to properly execute the contract and bond sent him with Indian Office letter of October 23, 1913.

Under date of March 31, 1914, Mr. R. W. Hill, president of the Navajo Timber Co., advised the Indian Office of the fact that he was not able, within the time granted him, to finance the project, and requested that the deposit of $5,000 made by his company be returned.

Under date of May 14, 1914, the Acting Forester of the Forest Service, United States Department of Agriculture, advised the Indian Office regarding the action taken by the Forest Service with regard to the $5,000 deposit accompanying the bid submitted by the Navajo Timber Co., of Delaware, for the timber in the Sitgreaves and Apache National Forests recently offered for sale. In this letter he stated, among other things, that in view of the good faith manifested by the company in its attempt to finance the sales the Forest Service felt that the company was justly entitled to receive a refund of the amount deposited, less $140.23, the amount expended by the Forest Service in advertising the sale.

Under date of August 3, 1914, the Comptroller of the Treasury decided that a refund of the deposit of $5,000, less $95.90, which had been expended by the Indian Office in advertising the sale, should not be made. This decision rested upon the ground that the $5,000 which had been submitted with the bid for timber and had been covered into the Treasury on December 31, 1913, as "Indian moneys, proceeds of labor, Fort Apache Indians," would not be expended for the benefit of the Indians, as contemplated by the act of March 2, 1887 (24 Stat. L. 463), if it were returned to the Navajo Timber Co.

The timber which was included in this sale was the same as that included in the sale of February 14, 1912, to the Navajo Lumber & Timber Co., except that an adjoining tract was added, and it is my understanding that the persons interested in the Navajo Timber Co. were the same, or largely the same, as those who formed the Navajo Lumber & Timber Co. I am making an unfavorable recommendation on Senate bill 6709, which provides for the reimbursement of the $5,000 forfeit deposited by the Navajo Lumber & Timber Co., but feel that the $5,000 deposited by the Navajo Timber Co. on the second bid for the Fort Apache timber, less the cost of advertising the timber, should be returned to the bidders as a matter of equity. It is my view that no damage was suffered by the Fort Apache Indians through the failure of the Navajo Timber Co. to fulfill its agreement except such advertising cost, and that retention of the whole $5,000 deposited by that company would be practically a double forfeiture on a single sale. However, in my opinion, the refund should be made from the trust funds of the Fort Apache Indians, to which the forfeited deposit was credited, and not from the general funds of the United States.

I recommend that the words standing to the credit of the fund "Indian moneys, proceeds of labor, Fort Apache Indians," the sum of $4,904.10 be substituted for the words "not otherwise appropriated, the sum of $5,000," in line 6 of Senate bill 6710, Sixty-third Congress, and that the bill as thus amended be enacted into law.

If after consideration of the facts as above stated you feel that you would like to see all the papers on file in the department regarding the proposed sale of timber and the forfeit made, I shall be pleased to forward the same to you upon request.

Cordially yours, FRANKLIN K. LANE.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION IN THE DISTRICT OF COLUMBIA.

The bill (S. 1739) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was read.

Mr. KING. There are some provisions in the bill with which I am not familiar. It would take some little time to consider them, and I suggest that it go over.

Mr. WALSH of Montana. Before it is passed over, because it will come up for consideration again, I invite attention to the provision of section 2 of the bill, which reads:

That for the purposes of this act, any person maintaining a place of abode in the District of Columbia on July 1 of any year and for six months or more prior thereto shall be considered a resident of the District of Columbia, and shall be taxable on his tangible personal property if located in the District of Columbia during the period of his domicile therein.

So we would all be subject to taxation in the District of Columbia, as well as to taxation at home.

Mr. UNDERWOOD. We might find that we were no longer residents of our States.

Mr. WALSH of Montana. I question the power of Congress to make officials of the Government taxable here in the District of Columbia.

The PRESIDING OFFICER. The bill will be passed over.

RAILROAD SIDINGS IN THE DISTRICT OF COLUMBIA.

The bill (S. 3083) authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and to insert:

That the Commissioners of the District of Columbia are hereby authorized in their discretion to grant to any steam railroad company authorized to have tracks in the District of Columbia permits to construct overhead or underground sidings from the lines of said railroad into such squares or parts of squares in the District of Columbia as may be included within any industrial area now or hereafter established under authority of law: *Provided*, That no grade crossings shall thereby be created; but such overhead or underground crossings may cross a street, avenue, or road within such industrial area.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill authorizing the construction of elevated railroad sidings adjacent to steam railroad tracks in the District of Columbia.

JOHN T. EATON.

The bill (S. 288) for the relief of John T. Eaton was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John T. Eaton, of Helena, Mont., out of any money in the Treasury not otherwise appropriated, the sum of $560, in compliance with the findings of the Court of Claims, Senate Document No. 220 of the first session of the Sixty-third Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

H. L. M'FARLIN.

The bill (S. 1087) for the relief of H. L. McFarlin was announced as next in order.

Mr. KING. Let that go over.

Mr. CARAWAY. Mr. President——

Mr. KING. I will withhold my objection until an explanation can be made of the bill.

Mr. CARAWAY. I would be glad if the Senator would let us consider the bill. I wish to make a statement in regard to it.

The PRESIDING OFFICER. If there is no objection, the bill is before the Senate as in Committee of the Whole.

Mr. CARAWAY. Mr. McFarlin was what is known as a screen-wagon contractor, carrying the mail to Little Rock. The war came on, a great cantonment was erected there in which 70,000 soldiers were kept for the purpose of training, and Mr. McFarlin incurred an absolute loss of between $15,000 and $16,000. After giving his services, after giving whatever capital was necessary to purchase and keep going the equipment to transport the mail, he lost nearly $16,000. He was a small merchant, a man of high character, a long-time resident of that place, and instead of doing as a great many contractors did when costs were enhanced incident to the war, instead of surrendering his contract, he went ahead and fulfilled it to the letter. It cost him everything he had accumulated in a lifetime. He rendered the service under the most unfavorable circumstances.

The Government was the beneficiary, the Postmaster General says Mr. McFarlin should be reimbursed, and the inspectors who investigated the case say he should be reimbursed. He has been out of the use of this money now for four years—nearly five. He would not get a penny interest. This represents the savings of a lifetime, which he devoted to fulfilling a contract he entered into before anyone had a right to suspect the war was coming, and, I think, instead of being penalized for being patriotic and going ahead and devoting the last penny he had accumulated to fulfilling his contract, he ought to be paid the money he lost.

Mr. KING. I know of scores of cases like it. There are five or six in my own State. I know of one instance where a contract was in existence to transport the mail from Price, Utah, to Uinta Basin, a distance of some 130 or 140 miles over the mountains. Owing to the tremendous development of the parcel post, and the contractor being compelled to haul coal and lumber and everything else carried by the parcel post, he lost

perhaps $25,000 to $50,000. He carried out his contract, as he should have done, as any honorable man would have done. He can not be reimbursed. I know of many cases parallel to that.

Mr. CARAWAY. If the Senator will pardon me, Congress passed a law to reimburse those who sustained losses by reason of the war. This man's contract expired one day too soon. If it had run one day longer, the Post Office Department could have reimbursed him, and would have done so. He labored under exactly the same disadvantages the other people did who have been paid. It seems to me to be unfair; of course, I do not mean to apply that to the Senator from Utah. It seems that the Government should not refuse to pay a man who suffered loss by reason of the Government making changes in conditions which existed at the time when the contractor entered into a contract. If it were a private party, nobody would contend that the contractor could not have gone into a court of equity and had redress.

Mr. KING. What change did the Government cause by its act?

Mr. CARAWAY. The Government entered into a war. The Government located a cantonment at Little Rock, where 70,000 soldiers were trained, and cost this man this amount of money more than it would have cost him if the conditions had remained the same as they were when he entered into the contract.

Mr. KING. That is to say, he was compelled to carry more mail?

Mr. CARAWAY. Of course, by reason of the Government changing its relations and locating a cantonment there, and destroying this man's whole life savings.

Mr. KING. It seems to me the Government ought to make provision to take care of that case as well as others of the character to which I have referred. As the Senator knows, many people had contracts to construct buildings and because of the war coming on prices went up and they lost money in the construction of buildings and in the execution of their contracts.

Mr. CARAWAY. If the Senator will pardon me, we took care of that class of people who had contracts to erect buildings for the Government. We relieved everybody whose conditions were changed by reason of the Government entering into war and the tremendous increase in the cost of materials.

Mr. KING. I shall not object to the consideration of the bill.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 9013) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CARAWAY. Mr. President, the Senator from Utah has withdrawn his objection and it will take but a moment to pass the bill. Will the Senator from Iowa yield a moment for that purpose?

Mr. CUMMINS. I yield for that purpose.

The Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Claims with an amendment in line 6 to strike out "$25,824.77" and insert "$15,048.52," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to H. L. McFarlin, of the county of Pulaski and State of Arkansas, the sum of $15,048.52 in full compensation for loss and damage suffered by the said H. L. McFarlin under his contract for transporting United States mail at Little Rock, Ark.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KATE CANNIFF.

Mr. WALSH of Montana. Mr. President, the bill next on the calendar is an exceedingly meritorious one and has been pending a long time. I ask the Senator from Iowa if he will not permit it to be considered?

Mr. CUMMINS. Will it lead to any debate?

Mr. WALSH of Montana. No. If it does, I shall withdraw the request.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 289) for the relief of Kate Canniff, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Canniff the sum of $1,345, out of any money in the Treasury not otherwise appropriated, in full compensation for the death of her husband, James Canniff, who received injuries April 15, 1901, while in the service of the United States on the lighthouse tender *Haze*, and as a result of which he died on October 20, 1909.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. SHIELDS. Mr. President, when I suspended discussion of the bill on account of the recess on the last day the Senate was in session, last Friday, I had to some extent gone into detail with reference to the condition of the dockets in the various Federal courts. I wish to recall what was then said and to repeat for the sake of clarity some things that were said at that time.

There is said to be congestion in the docket of the Supreme Court of the United States. The report of the Attorney General, filed for the fiscal year ending June 30, 1921, shows the condition of the dockets of the several courts to be as I shall now state it:

SUPREME COURT.

Cases and other proceedings docketed for the fiscal year 1921	565
Cases and other proceedings pending at the close of the year	367
Cases and other proceedings disposed of	608

The report shows that about one-half of these are disposed of without opinions, being applications for certiorari, dismissed without argument, and cases dismissed on motion.

The number of cases actually considered by the court was 574, of which 227 were argued orally and 347 submitted on printed arguments; 47 cases were settled by the parties and dismissed without a hearing; 230 cases were denial of petitions for writs of certiorari. There was, then, less than 300 cases argued and in which opinions were filed, or about 33 cases to each of the nine judges of the court. This is approximately a correct statement of the work of the Supreme Court for one year.

Circuit courts of appeals.

Circuit.	Number of judges.	Cases determined, 1921.	Number of cases pending June 30, 1921.
First	3	52	37
Second	4	268	122
Third	3	124	98
Fourth	3	90	34
Fifth	3	176	88
Sixth	3	155	79
Seventh	5	132	125
Eighth	5	203	240
Ninth	4	172	121
Total	33	1,372	944

From the tabulated statement just read it appears that the average for each judge in all the circuits was 42 cases determined in 1921. The three judges in the first circuit only determined 17 cases each. The highest in any circuit was in the second circuit, where 67 cases were determined by each judge.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. SHIELDS. I yield.

Mr. BORAH. Did I understand the Senator to say that in the first circuit the judges determined only 17 cases each?

Mr. SHIELDS. The Senator understood me correctly.

Mr. BORAH. Is that in the Massachusetts circuit?

Mr. SHIELDS. That is the first circuit, which consists of the States of Rhode Island, Massachusetts, New Hampshire, and Maine, four States.

While all the judges hear the arguments made, only one writes the opinion in the case.

Mr. BORAH. Is that the circuit in which the judges determined 17 cases apiece?

Mr. SHIELDS. It is.

Mr. BORAH. That is the first circuit?

Mr. SHIELDS. It is the first circuit.

Mr. CUMMINS. Mr. President——

Mr. SHIELDS. I yield to the Senator from Iowa.

Mr. CUMMINS. Can the Senator from Tennessee give the Senate any information with regard to the amount of time the circuit judges sat in the district courts during the last year?

Mr. SHIELDS. I can not. There was no evidence produced with reference to that. But Senators, as lawyers of experience in all the courts, State and Federal, can very readily see that those judges, if industrious and holding court in reasonable hours, could have disposed of those cases in about two months.

Mr. CUMMINS. I ask for information entirely, because while I know that the circuit judges have in many instances held the district courts in their circuits, I do not know to what extent that has been done heretofore. I hoped the Senator from Tennessee in commenting upon the alleged idleness of the circuit judges had some information upon that subject.

Mr. SHIELDS. The statistics are taken from the report of the Attorney General made in pursuance of an act of Congress for the fiscal year ending June 30, 1921, and filed last December. The report is corroborated by other statistics, and I can not imagine that there is any doubt that the statements I have made are facts and are correct. I repeat, that as lawyers of experience and observation, Senators know that the general run of litigation is much the same year in and year out, and except in certain States which have certain classes of litigation the cases are of about the same degree of difficulty and require something like the same amount of time, and a mere statement of the number of cases tried by a court is very good evidence of whether that court is industrious and competent to discharge the duties incumbent upon the judges.

Mr. CUMMINS. I have no reason to doubt the statistics which are now being given by the Senator from Tennessee, but if it be true that circuit judges in many instances did hold district courts and notwithstanding their work upon the district bench the number of cases now appearing to be pending upon the district dockets would indicate the great need of some additional judicial force. I know of many instances, and so does the Senator from Tennessee, in which the district judges have been called in to sit upon the circuit court of appeals. That is a very common thing at least throughout the western country, and it is also a very common thing for the circuit judges to hold the district courts. That is true, and I am sure the Senator from Tennessee has information of that kind lately received. I refer to a communication which I am told he has from one of the circuit judges of the seventh circuit.

Mr. SHIELDS. When the circuit courts of appeals were first established there were not three circuit judges who were authorized by statute to sit in and hold these courts in the several circuits. In that condition, district judges were generally designated. I know that was the case in the circuit where I resided until another circuit judge was created, when the court was composed of three circuit judges and district judges were no longer needed. They ought to be allowed to continue their work in their district courts. I do know, however, that as a matter of courtesy, and, perhaps, as a compliment, district judges were called in and sat in this intermediate appellate court. I think they liked to do that. The district judges prefer to sit in the intermediate appellate court, the circuit court of appeals, much more than do the judges of that court like to sit in the district courts and try jury cases, chiefly in these days criminal cases, for the district courts now are largely police courts. It is not very pleasant, as a rule, for a lawyer to preside in those courts and dispose of that class of business. It becomes rather monotonous.

Whether or not the three circuit judges of the first circuit have aided the district judges, I do not know; but judging by the number of cases in the district court of Massachusetts—and for that district relief is asked in this bill; in fact, it is asked that two additional district judges be provided for the district—I would think that the circuit judges are not doing much district court work in the first circuit. However, at the proper time, Mr. President, I shall offer an amendment that they be required to serve in the district courts and to assist the district judge of Massachusetts, that being the only docket that is claimed to be congested in the circuit, in disposing of the cases there pending; for upon the face of the record they have an abundance of time to do so. The adoption of such an amendment would save the creation of two additional district judges for that State, who are proposed to be created by the bill.

Mr. CUMMINS. Mr. President, will the Senator once more yield to me?

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I do.

Mr. CUMMINS. I do not possess, nor does the testimony that has been laid before the committee furnish, any information with regard to the work of the circuit judges of the first circuit, but I do know one of the judges of that circuit. I know Judge George W. Anderson. He was appointed by President Wilson while a member of the Interstate Commerce Commission. I know that while he held that position he was a most industrious man, and I can not conceive that Judge Anderson, whatever one may think of his general views on other subjects, failed to employ all his time in the work which devolved upon him by reason of his appointment as circuit judge. I feel that I ought to say that much, because I know the man well and I know that he is a man of the most industrious disposition and works as diligently as any man could.

Mr. SHIELDS. Mr. President, I am glad to know that there is a circuit judge in that circuit who is so industrious and capable, because the district court may need him. He is the sort of man who ought to be assigned to that district to clean up the docket. It is apparent that the present district judge there is not doing a great deal, judging from the number of cases which have been tried.

However, I wish to ask the Senator from Iowa this question: Upon the face of this record, showing that the court of the first circuit, comprising three judges, only tried 52 cases in a year and left pending at the end of the year 37 cases, does it appear that they are doing their full duty? If they were industrious, would they not have cleared their docket before they went into the district courts, and was it not their duty to do so?

Mr. CUMMINS. I do not know. I could only answer that question after we had all the information with regard to the character of the cases. I know that in the circuit court of appeals in the first circuit there has been a great deal of litigation of a very important character; I know that that court has consumed a great deal of time in hearing preliminary motions and in reviewing injunctions and matters of that sort; and I suppose that such work would not appear upon the table which the Senator from Tennessee is presenting. I am not able to answer from any personal knowledge of the situation.

Mr. SHIELDS. Mr. President, I do not know any of the judges in Massachusetts or in the first judicial circuit; I presume they are all capable, honest, and competent men, and I am not making any personal criticism of them; but upon the face of this record, that three judges tried only 52 cases a year and at the end of that year left 37 cases yet pending, I can not believe that they have been very industrious.

As to the magnitude of the cases, I desire to say there is no great difference in that respect. It will be found that every docket contains some small cases and some large cases, some criminal cases, and some civil cases, though I will say that the statistics here show, I believe, that only two of these cases were criminal cases.

Mr. CUMMINS. How can a judge be honest if he does not give his time and his abilities to the transaction of the business or the performance of the duties for which he is appointed? I can not understand how the Senator from Tennessee can draw the conclusion he does without at the same time impeaching the honesty of our circuit judges—not their honesty in the sense of being unduly influenced in any respect, but their honesty in respect of rendering the service for which they were appointed.

Mr. SHIELDS. The only way I can answer the Senator is that the cold facts are against these judges. We know that some of the Federal judges do not hold court more than three hours a day. I understood the chairman of the committee, while we had this matter under investigation in the Committee on the Judiciary, to say that the judges in the District of Columbia only sat about three or three and a half hours a day. I do not know anything about that personally.

Mr. OVERMAN. Mr. President, in contrast with what the Senator has said, that the judges referred to by him in Massachusetts disposed of only 52 cases, I believe, in a year——

Mr. SHIELDS. Yes.

Mr. OVERMAN. I wish to say that I telegraphed the attorney general of North Carolina asking him how many cases the Supreme Court of North Carolina disposed of in a year. He has replied to me by telegram stating that the cases disposed of by the supreme court annually are 950 in number. Those cases, furthermore, involve the writing of opinions. I hardly presume that the judges who disposed of only 52 cases a year wrote opinions in all of those cases.

Mr. SHIELDS. How many judges of that court are there?

Mr. OVERMAN. There are five judges.

Mr. SHIELDS. So that the total represents nearly 200 cases apiece?

Mr. OVERMAN. Yes. I may say that the superior court judges disposed of 9,000 cases, according to the information furnished by the attorney general of the State.

Mr. SHIELDS. Those are the trial judges?

Mr. OVERMAN. They are the trial judges, the superior court judges.

Mr. SHIELDS. Certainly, Mr. President, in view of the facts there should not be created two additional judges for the district of Massachusetts until we have further evidence of the necessity of the Government going to that expense. Provision for those two judges can well be stricken from the bill, and a separate bill, when all the facts appear, may be introduced and passed, if required, to relieve any emergency existing in that district.

Now, I will take up the situation in other circuits. The average of the cases determined in the circuit courts of appeals shows that the judges in most of those courts are practically doing nothing, and in such circuits they could be assigned to the trial of cases in the district courts. I say they are doing nothing upon the presumption that before they should go into the district courts they would clean their own dockets, but in each circuit it appears that at the end of the fiscal year they leave almost as many cases pending as were tried during the year. It is their first duty to try the cases on their own dockets; and they generally do it.

Mr. CUMMINS. Mr. President, I leave that controversy between the Senator from Tennessee and the Senator from North Carolina, who proposed the addition of one circuit judge to the fourth circuit. If the circuit judges are doing nothing or practically nothing, as the Senator indicates, he ought to direct his criticisms, among other things, to that part of the bill which provides for the appointment of an additional circuit judge in the fourth circuit.

Mr. SHIELDS. Mr. President, I am not discriminating in favor of any circuit or any district. I think this is the worst case of logrolling of any legislation that has ever come before the United States Senate since I have been a Member of it. I think the entire bill ought to be defeated. I think its enactment will be a judicial and legislative scandal.

Mr. CUMMINS. What is the Senator's evidence of logrolling? Was there any logrolling before the committee?

Mr. SHIELDS. Oh, I have no specific evidence except the manner in which the judgeships were distributed among the members of the Judiciary Committee having under consideration the bill.

Mr. CUMMINS. The Senator can not be serious about that.

Mr. SHIELDS. I am making no charge against any Senator.

Mr. CUMMINS. The distribution of judges, as I said in the beginning, does not meet my personal view entirely, yet the distribution was made with fair regard to the showing made before the committee, and that showing was exactly the showing which the Senator from Tennessee is now presenting, namely, the report of the Attorney General for the fiscal year ending June 30, 1921.

Mr. SHIELDS. The Senator must admit, though, that the facts to which I am now calling attention were not called to the attention of the committee or discussed when we had this bill before us.

Mr. CUMMINS. When the Senator speaks of logrolling he ought to remember that at least a majority of the members of the Judiciary Committee do not secure additional judges for their States. Here is the Senator from Missouri [Mr. REED], who is a member of the Judiciary Committee, and lives in the western district of that State. No additional judge was given to that district, although the showing in behalf of the western district of Missouri would probably put that district in the category of districts needing additional judicial force.

Mr. SHIELDS. And I think ahead of the eastern district, for which a judge was provided.

Mr. CUMMINS. Very likely. I am not disputing that; but so far as the committee dividing these judges among the districts represented upon the Judiciary Committee is concerned, that is a suggestion which I am sure the Senator from Tennessee, upon reflection, will recall.

Mr. SHIELDS. No; I do not recall the facts, but I do disclaim any charge——

Mr. CUMMINS. I mean, the Senator will disclaim it.

Mr. SHIELDS. I had already done that, before the Senator rose to his feet. I expressly said that I did not make any charge against any Senator.

Mr. CUMMINS. Then there was no logrolling, so far as I know.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that whereas with reference to the State of Missouri the eastern district of Missouri does get an additional judge, and I am not saying but that it is entitled to it, I do say that the committee has utterly failed to distribute these judges according to the state of the business in the different districts. There are more cases pending in the southern district of Florida undisposed of, and the business there is more congested, than in States where the committee has given two judges, and it has refused to give one to the southern district of Florida.

Mr. SHIELDS. Mr. President, we will come to these districts later.

Mr. CUMMINS. That shows that there was no logrolling in the committee, because the State of Massachusetts, to which the Senator from Florida undoubtedly refers, has no member upon the Judiciary Committee.

Mr. SHIELDS. Perhaps that is why it did not get a judge.

Mr. CUMMINS. But the State of Massachusetts did get two judges, without any membership upon the Judiciary Committee.

Mr. FLETCHER. I was simply answering the suggestion of the Senator from Iowa that these judges were distributed according to the business and the needs, as shown by the table to which the Senator from Tennessee has referred.

Mr. CUMMINS. There was a difference of opinion among the members of the Judiciary Committee with regard to this distribution—the Senator from Florida knows that—and the distribution was made according to the views of the majority of that committee.

Mr. REED. Mr. President, if the Senator will pardon me, since the Missouri situation has been drawn in question, permit me to say that the position I took with the committee was that undoubtedly there was an imperative need for two additional judges in Missouri. I pressed that on the committee, but I was informed that the subcommittee had determined that they could give only one judge to the State. They were trying to cut the number of judges just as closely as they could. I was then asked whether my preference was to have a judge for the western or for the eastern district, and I made the suggestion that the judge be appointed from the western district, where I thought the business was more rapidly increasing, but that the bill be so drawn that he could be assigned to either district. I thought that was settled when I went away, but something happened, and the judge was named from the eastern district, and nothing was done for the western district.

If the Senator will pardon just one further word, I know from personal investigation now, much better than I did when I was talking with the committee, the condition of the dockets in both the eastern and the western districts. It is now practically impossible to secure the trial of an important civil suit in either district until after a very long delay, and the courts are getting behind more and more in their business. The judge of the eastern district is worked to the point where he is threatened with a serious break in his health, and the business is still accumulating. The judge in the western district, I think, is not suffering any break of his health, but if he keeps on under the stress that he is under at present nobody can tell when it will happen. I have taken pains to investigate this matter by talking with leading members of the bar, men who have considerable business in the Federal courts. There is no question but that in the State of Missouri there is an imperative need for two judges, but I want, and the people of Missouri want, two men who live in Missouri appointed to those places.

We do not want somebody sent in there who lives a thousand miles away to start holding court, and then have somebody else sent in from some other place, and have the lawyers chasing them all over the United States after that for three or four years to get their business wound up. That phase of this bill I do not like. There may be, and I think the Senator is making a very strong showing that there are, places where they do not need judges; but they do need them in the State of Missouri, and they need them very badly.

Mr. SHIELDS. Mr. President, I have given this statement of the condition of the dockets of the various circuit courts of appeals to show that the 33 judges holding them can not, in the nature of things, be very busy. Some of these circuits have more business than others; but the dockets show that in at least half of them the judges can not possibly be occupied half of their time in disposing of the business in their courts, and that they ought to be required to relieve congestion wherever it may exist in the district courts. It is my opinion that if they would not only try the cases which the report of the Attorney General shows were determined during the year, but would also try those that were held over undetermined, they could dispose of all of the docket within six months. There is a provision now for them to be assigned to the district courts, to relieve the district judges; but it should be made imperative, and not voluntary, as it now is.

I will now go to the district courts of the United States:

Cases pending in the district courts June 30, 1921, as shown by the annual report of the Attorney General for the fiscal year 1921, pages 150 and 151, nominally aggregate 142,402; but in this aggregate are included 37,341 bankrupt cases, which will be disposed of by the referees in bankruptcy, 27,580 draft cases,

which the witnesses appearing before the Committee on the Judiciary showed would never be tried, but would have to be dismissed for want of evidence and other causes, and 4,643 civil cases between corporations and individuals, which have been on the dockets for more than five years without any order being made in them, and are evidently dead cases, never to be tried.

Mr. CUMMINS. Mr. President——

Mr. SHIELDS. I yield to the Senator.

Mr. CUMMINS. At this point I should like to make one observation to the Senator from Tennessee, and that is with regard to the bankruptcy cases. The Senator from Tennessee assumes that the bankruptcy cases do not and ought not to consume any considerable time on the part of the district judges. I ask him this question:

The district judge appoints the receivers, the trustees, and the referees in bankruptcy, and he must in most instances fix their fees. I venture to say that if the district judges had the time to consider those matters properly and review the accounts of receivers and trustees and referees, we would save every year more than the entire salaries, with incidental expenses, entailed by the addition of 19 additional judges. As the Senator from Tennessee knows, it has become well-nigh a scandal that the judges of the district courts are not able to review or consider properly the bankruptcy proceedings, and the Judiciary Committee has just considered a bill which is intended to correct some of these evils and abuses. While I have no special knowledge upon the subject, my general observation leads me to believe that the exorbitant amounts paid to trustees and receivers and referees could be so pruned that the people who are involved in these unfortunate cases would receive a benefit every year of more than the entire amount that these additional judges would require for compensation and for incidental expenses.

Mr. SHIELDS. The Senator has asserted that I know that there is a scandal in regard to these cases. I have no such information. The evidence on the hearings and from the Attorney General's reports all separates the bankruptcy cases from other cases, and treats them as unlitigated cases to be disposed of by the referees; and the statement of the Senator now is the first contention that such was not the fact that I have heard in the four or five months we have been considering this bill.

The Senator has forgotten that the creditors meet and elect the trustees. The district judge has nothing to do with that. As I understand the bankrupt act—it has been a good while since I have had anything to do with it——

Mr. CUMMINS. Mr. President——

Mr. SHIELDS. I am going to ask the Senator to let me finish my tabulated statement, so that I can present this matter in an intelligent manner, and so that Senators can see that there is trouble in the district courts of the United States that does not demand so much additional judges as it demands more work by those who are now in office.

Judging by everything in this record, the Senator is mistaken about these bankruptcy cases. They require hardly any attention whatever from the district judge, and are so treated throughout the hearings in this matter.

I will give a tabulated statement of these cases, as shown by the report of the Attorney General:

United States, criminal	57,112
United States, civil	9,728
Bankrupt cases	37,341
Other cases	38,221
Total	142,402

From this total deduct cases that will not be tried:

Bankrupt cases	37,341
Draft cases	27,580
Dead civil cases	4,643
Total	69,564

Leaving upon the dockets of the United States district courts June 30, 1921, cases to the number of 72,838.

There are 86 Federal districts, in all of which courts are established, and there are 106 district judges, who should have the assistance of not less than 15 of the judges of the circuit courts of appeals in the trial and disposition of the cases pending in the district courts.

The report of the Attorney General, pages 150 and 151, further shows that during the fiscal year 1921 cases were finally disposed of in the district courts as follows.

I ask attention to this, for it shows the work of the judges, the cases tried and disposed of, much more clearly than a report of cases pending on the dockets would:

Civil cases of the United States	6,301
Criminal cases of the United States	47,299
Other civil cases—that is, between private parties	16,886
Total determined by all the United States district courts for fiscal year 1921	70,486

That appears to have been fairly good work, though not nearly as much as the State courts do; but let us look at the manner in which those cases were disposed of.

Of these cases, a large number were disposed of without trial, as follows:

CIVIL CASES.

Dismissed or discontinued	1,431
Compromised	374
Total	1,805

CRIMINAL CASES.

Nol prossed	10,461
Dismissed on motion and demurrer	1,617
Pleas of guilty	28,536
Total	40,614

OTHER CIVIL CASES.

Dismissed or discontinued	10,353
Total	52,772
Total cases disposed in 1921	70,486
Total cases disposed without trial	52,772
	17,714

But few of these cases were submitted to juries. The report shows as follows:

Civil cases tried by juries	470
Criminal cases tried by juries	6,523
Total	6,993

Of course, every lawyer knows that there are cases in the district courts which the judge tries without a jury and which often consume more time than jury cases; but when you look at these figures you see that there were very few of those, from other statements here.

It thus appears that less than two-sevenths of the cases disposed of during the fiscal year ending June 30, 1921, were tried by the judges, and less than 10 per cent of them were jury cases.

Those figures are astonishing, and yet that is what the official report of the Attorney General shows beyond question.

It also appears that the 106 district judges, aided by at least 15 of the judges of the Circuit Court of Appeals—I am allowing that some of them did district court work without knowing it—only tried during the fiscal year of 1921, 17,714 cases, and only 6,993 of them were jury cases. That is well worth repeating. There are 106 district judges, and taking it for granted they were aided by 15 circuit judges, they only tried, on the average, about 100 cases each. Congress should know the reasons for this bad showing and who is responsible for it before passing this bill creating a swarm of additional judges, adding greatly to the expenses of the Government and the burden of taxation under which the people of the United States are now staggering, and especially when it is admitted by the Attorney General and the commission he appointed to investigate the condition of the dockets of the district courts that the present alleged congestion is temporary and will largely pass away in three or four years. It must be remembered that the judges proposed to be provided for will be appointed for life—say, on the average for 20 years—while the emergency will not last one-fourth of that period of time.

We have no evidence or detailed statement of the nature and character of the 142,402 cases, less 68,984 bankrupt, draft, and dead cases, which, deducted from the gross aggregate, leaves 73,418 pending on the dockets of the district courts June 30, 1921, as shown by the report of the Attorney General, and it would have been almost impossible for the Department of Justice to have ascertained and furnished such information. It is reasonable to assume that the cases that were pending June 30, 1920, were first tried and disposed of, and that the majority of the cases pending June 30, 1921, were new cases brought and docketed during the fiscal year of 1921. There is, however, no evidence upon this subject, and it is impossible to state how many of the pending cases are old cases and how many of them are new cases or anything about their character.

It is also fair to assume that the cases brought in the fiscal year 1921 were of the same character as those disposed of during that fiscal year and that the same percentage of them were, or will be, nol-prossed, dismissed voluntarily and upon motion and demurrer, and went off on pleas of guilty. We can only judge the pending cases by those that have been disposed of. They must be of the same character. There is no evidence that the pending cases are in anywise different from those of the previous year or that the frivolous and weak cases were weeded out and only those calling for jury trials or a substantial consumption of time were retained. The cases were coming in every day to the end of the fiscal year. There may not be so many of them to be dismissed summarily, but, judging by the

percentage above shown, certainly one-half of them would go off without trial. However this may be, the bad showing of the work of the district judges in the trial and disposition of litigated cases during the fiscal year ending 1920 is pertinent in the inquiry whether or not the alleged congestion is the fault of the judges or of increased litigation.

If the character of the cases pending June 30, 1921, for trial is the same as those disposed of during the previous year, there would be only about 200 cases for each of the 120 judges to try, or if they are only half as frivolous as those of the previous year there would be about 400 for each judge, not counting the 20 or 25 judges proposed to be created by this bill.

This record of the work of the Federal judges compares very unfavorably with the work of the judges of the State courts. Whether it grows out of the fact that the Federal judges hold their offices during good behavior, which ordinarily means for life, and the State judges as a rule hold theirs for a term of years and are elected and responsible to the people, and are more diligent and effective, is the subject of a most pertinent inquiry, and in considering this legislation should not be overlooked. I have not statistics of the number of cases disposed of in a year from all the States, but I have some from Tennessee, which I have no doubt are a fair average. I will give those of the docket of 1921 of the supreme court, the court of last resort; the court of civil appeal, an intermediate appellate court; and the chancery courts, courts of equity jurisdiction; circuit courts, which are courts of common-law jurisdiction; and criminal courts of the four largest counties of Tennessee:

	Cases.
Supreme Court of Tennessee (5 judges), annual docket	900 to 1,000
Court of civil appeals (5 judges), annual docket	800
Nashville courts:	
Circuit court (3 judges)	2,755
Chancery court (2 judges)	855
Criminal court (2 judges)	1,631
Memphis courts:	
Criminal court (2 judges)	1,515
Circuit court (3 judges)	3,882
Chancery court (2 judges)	1,400
Knoxville courts:	
Criminal court (1 judge)	1,200
Circuit court (1 judge)	741
Chancery court (1 judge)	661
Chattanooga courts:	
Criminal court (1 judge)	1,893
Circuit court (1 judge)	968
Chancery court (1 judge)	616

Each of those courts is for only one county, the county in which each of those cities is situated.

An analysis of these statistics will show that the judges of these courts upon an average try and determine, respectively, each year twice as many cases, and in several instances four times as many as are tried by the Supreme Court, the Circuit Courts of Appeals, and the District Courts of the United States; and from long observation as a lawyer practicing in some of these courts and as a member of the Supreme Court of that State, I assert that these judges consider and decide the cases coming before them as carefully and as correctly as the judges of the Federal courts. The conclusion is inevitable that there is something wrong in the organization of the Federal courts that produces the alleged congestion supposed to exist in their dockets, and with a few notable exceptions, it is not additional judges that the prompt dispatch of business in those courts requires and imperatively demands.

Now, as to the various districts provided for and the necessity of creating the judges that are asked for them, I will call attention to statistics and discuss them when we take up each particular case. At this time I only wished to go into the general principles and facts that affect the whole bill.

Mr. President, in discussing the bill and the one upon the same subject which was first introduced in the Senate, I referred to the origin of the bill and those supporting it, and my statements were challenged. I did not have the time then to refer to the evidence upon the subject, but I wish now briefly to do so. I will do so without comment unless comment is provoked.

I now read from the report of the Attorney General for the fiscal year 1921, page 3:

FEDERAL JUDGES AT LARGE.

Congestion in the Federal courts, due to the ordinary increase of population and the development of commercial and industrial America, has been an ever-increasing weakness in the machinery of Federal justice. It is no uncommon thing for a district court docket to be from six months to two years in arrears. This, of course, means loss of evidence, death of witnesses, defeat of justice, and expense to the taxpayers. Many criminal cases can never be tried. Large business interests lose heavily through delay.

In those districts where congestion is of a permanent nature, I have been willing to recommend additional judges to be permanently assigned. Recently, however, this congestion became so serious as to demand immediate relief, which could not be secured by the creation of permanently assigned judges without a great burden upon the Treasury, as in my opinion at least 30 judges would be necessary if permanently assigned. I therefore created a voluntary commission of three Federal judges (Hon. John E. Sater, of Ohio; Hon. W. I. Grubb, of Alabama; and Hon. John C. Pollock, of Kansas) and two United States attorneys (Col. William Hayward, of New York City, and Mr. Charles F. Clyne, of Chicago), with George E. Strong, an attorney of the Department of Justice, to assist them. With their cooperation and valuable assistance, together with suggestions by the Chief Justice of the United States and others, I decided upon a plan which was submitted to the Congress. I reported that there is a generally congested condition in the Federal dockets throughout the United States; that there were as many as 5,000 to 20,000 cases pending and undisposed of in a single district on July 1, 1921. This congestion is due to the natural growth of the country, but is temporarily aggravated by legislation of Congress increasing the jurisdiction of the Federal courts, by war legislation, shipping and railroad operations on the civil docket, and prohibition, selective service, and the narcotic law on the criminal docket. It is thought that the generally congested condition throughout the United States, due to these new laws and temporary war conditions, will show a decrease after a few years. Hence, an elastic method of relieving this congestion would be the most efficient and least expensive one.

As the reconstruction period passes and the people become adjusted to the new conditions, there will be, in my judgment, less violation of the national prohibition and other Federal police laws. Then, too, as the States enforce these laws there will be relief for the Federal courts.

For the above reasons and because of the necessity for economy we confined our recommendations to an elastic method of handling the generally congested condition of the United States courts. We believed that immediate temporary relief was necessary. In those districts where congestion is permanent and due to normal growth of business there should be additional judges, but in many districts the congestion is but temporary and can be relieved by the use of a judge at large who will assist in clearing the docket and then proceed to another district.

The commission, therefore, in cooperation with the Chief Justice of the United States and myself, has recommended 18 Federal judges at large, 2 to be appointed in each judicial circuit. These judges are to be assigned as needed. As this is an emergency, I trust that Congress will pass the necessary legislation as soon as possible. Federal judges at large will permit elasticity in the Federal judicial system and economy in the handling of temporarily congested dockets. It will encourage uniformity in judicial procedure and prompt expedition of business, for as these judges render services when necessary in any district where assigned, they will receive and carry with them the beneficial practices of each district and thereby become familiar with reforms and improvement in practices.

I had really overlooked that. I did not know this was a general reform bill.

This department, with the approval of the commission, further recommended an annual meeting of judges from each circuit to consider ways and means of improving Federal procedure and handling congestion as it may arise. Justice can not be measured in dollars and cents—

But the fines which will be imposed are, in the opinion of the Attorney General, ample to meet the cost of the increased number of judges, the Attorney General overlooking the fact that the cases would be tried by some judge and, of course, the same fines would come.

While the Attorney General has dealt in general statements—and the record shows that he is mistaken in many particulars—that shows how the bill originated.

Hon. William H. Taft, Chief Justice, appeared also before the Committee on the Judiciary on October 5, 1921, and made a statement concerning this bill. I read from that statement:

One of the difficulties of the achievement of dispatch of business—

I said "this bill." I mean the bill first introduced providing for the flying squadron of judges from the Nation at large and for the conferences in which the Attorney General was to participate.

One of the difficulties of the achievement of the dispatch of business has been the variation of conditions in the different districts and circuits. In some places there would be a judge who had but half his time occupied; in another place there would be a judge who would be overwhelmed with work. This bill introduces a reasonable system of watching and supervising conditions by the judges of the courts of appeals, with a view to having them get at the actual facts as to where the arrears are. You gentlemen are all familiar with the fact that dockets are quite misleading in the number of cases that they seem to show. There is a lot of stuffing in the docket. Many of the cases ought to be dismissed.

Again he said:

The principle of this bill with respect to the use of the increase of the judges by 18 is the executive principle of having some head to apply the judicial force at the strategical points where the arrears have so increased that it needs a mass of judges to get rid of them.

It is proposed that there shall meet, at any time of the year—but it is suggested that it shall be in the fall, a week before the Supreme Court meets in Washington—a council or committee of the nine senior judges, one from each circuit, and the Chief Justice, together with the Attorney General; that each member of the committee is to bring what he ought to know, namely, the condition of his circuit acquired from the reports required to be filed with him by the district judges, and of course by the clerks. The Attorney General, having further opportunities for inquiry, investigation, and conclusion, is to be present to aid. That council is to take up the question of the arrears in the county and then agree informally as to where the judges are needed and whence they can be had. That is the first step in the bill.

Further on I read from the record:

Senator SHIELDS. They—

Referring to the district judges—

will feel almost anything they are subjected to. Then there have been some investigations in the last 15 years here in Washington. Some of those judges ought to have been investigated, and I am not defending some of them; but there is a sort of feeling that they are a little nervous, and it is seldom that they decide a lawsuit against the Government. The Department of Justice exercises a little too much influence, perhaps. That is nothing against this bill, but I think that we ought to keep the executive and judicial departments separate, and this provides for the Department of Justice—the Attorney General—to go into this conference about the assigning of a judge—a sort of general supervision over their duties. I do not think that the Attorney General has any place there.

Chief Justice TAFT. The Attorney General is charged with the administration of justice in deparments. You have to have an executive principal in the dispatch of all business.

Senator SHIELDS. It should come from the judiciary, though, and not from one of the coordinate departments of the Government. It is an infringement of one department on the other. I think the Attorney General ought to make these reports of the conditions in his department, but to have him have a voice as to the judges and assigning work to the judges, and so on——

Chief Justice TAFT. This assignment is made by the circuit judge and the Chief Justice. This council does not do anything but take up and consider and deliberate on and agree upon among themselves what shall be done with reference to meeting the arrears of the particular court. The assignment is left completely to each circuit judge and to the Chief Justice.

Of course, that provision of the bill has been read and shows for itself.

Mr. CUMMINS and Mr. FLETCHER addressed the Chair.

The PRESIDING OFFICER (Mr. HEFLIN in the chair). Does the Senator from Tennessee yield; and if so, to whom?

Mr. SHIELDS. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CUMMINS. Mr. President, I do not intend to make any general reply to the review of the pending subject to which we have just listened, but I can not forbear some observations. I assume, and I think the whole country ought to assume, that the judges of the Federal courts are men of high character, of more than ordinary attainments, and do their work with a deep sense of the responsibility which rests upon them, not only fairly but industriously. There may be exceptions; it may be true that in the whole number a few men may be found who disregard the duty which the law imposes upon them, but I am sure that very few such men will be found. My observation in reference to that matter, which has been very slight in the last 20 years, but which was a most intimate observation before that time, leads me to believe that the Federal judges are, in the main, hardworking, energetic, and faithful public officials. So much for the criticism which we have just heard.

I do not give any weight to the analysis which the Senator from Tennessee has made with regard to the number of cases disposed of from time to time or the probable length of time which will be required to dispose of such cases in the future. The police court records of every city in the Union will disclose just the situation which is indicated in some of the statistics which have been given by the Senator from Tennessee. I have no doubt that a police court justice before whom is brought many trivial—I ought not to use that word, however—many offenses committed during the day before can dispose of them with very great rapidity. I have known or often heard of greater celerity in the disposition of cases of drunkenness, vagrancy, or some other offense against municipal ordinances where the defendant is brought before a police court justice simply upon a warrant and is immediately tried than is indicated in any of the cases cited by the Senator from Tennessee.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield.

Mr. SHIELDS. The Senator from Iowa is speaking of criminal cases of which I have given the statistics, which were tried in the criminal courts of four counties in Tennessee. Those, however, are not police courts, but are courts of record; and no man may be tried in them unless a grand jury first finds a presentment or indictment against him. Those courts are attended by all the formality and safeguards which surround a United States district court, and certainly no police cases go into the circuit court and the chancery courts for those courts try civil cases.

Mr. CUMMINS. I was certainly not intimating that the cases which the Senator from Tennessee has mentioned are the ordinary police-court cases. I was simply stating that I could find a court which disposed of a great many more cases in a given time than even the judges in Tennessee could dispose of; but I think that is no fair criterion of the work of the Federal courts.

I have before me a memorandum which will be submitted at the proper time by the Senator from Illinois [Mr. MCCORMICK] if the occasion arises. He left it with me in his brief absence from the Senate floor. It indicates the character of some of the cases which are to be tried in the Federal courts. It also indicates the length of time that is required or probably will be required to dispose of such a calendar as we now find in the district court of the northern district of Illinois. I infer that this memorandum was prepared by the United States district attorney for the northern district of Illinois, although I am not sure of that. However, the memorandum, which is undoubtedly accurate, states:

There are over 15 great mail fraud cases on the docket, and each of them will consume one month in trial.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. Just a moment.

That is the time it has taken in the past to try such cases.

There are 10 other minor fraud cases—

That is, cases involving the use of the mails to defraud—

that will consume two weeks each. There are six great antitrust cases ready for trial and awaiting judges. Each of these cases will consume not less than three weeks; and I am told that one—

Naming the case—

will consume two months of court days.

Then he adds:

A number of income-tax cases are ready for trial, and several large cases under the Volstead law. These cases have congested and will congest the docket on the criminal side of the court unless judges can be secured.

What is true of the northern district of Illinois is true of a great many other districts in the United States. If these cases when tried shall consume the length of time anticipated by the district attorney, it will require the continuous service of one judge for two years and a half to dispose of the cases which are mentioned in the memorandum without being able to do anything whatsoever upon the civil docket or in the trial of the hundreds and hundreds of other criminal cases which are not mentioned in the memorandum.

Mr. President, I know something about the antitrust cases which are pending in the State of Illinois.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield.

Mr. SHIELDS. I did not hear who it was who made that statement.

Mr. CUMMINS. The Senator from Illinois handed me this memorandum before he left the Chamber, and I assume he left it anticipating that there might be an effort made to amend the bill so that the additional judge for the northern district of Illinois would be eliminated from it.

Mr. SHIELDS. But did I not understand that some officer made that statement?

Mr. CUMMINS. I believe it was made by the district attorney for the northern district of Illinois——

Mr. SHIELDS. Is that Mr. Clyne?

Mr. CUMMINS. Because I had a conference with Mr. Clyne within the last two or three days, and he gave me substantially the same information.

Mr. SHIELDS. Before the committee my recollection is that he was not very strenuous in his view that another judge was needed. I will ascertain what he said before the committee, and I will also present, in answer to the district attorney, a letter I received from one of the United States circuit judges, in which he disagrees with the district attorney.

Mr. CUMMINS. I know what is in the letter.

Mr. SHIELDS. I did not show it to the Senator. He has obtained it in some other way; but I rose to remark that the trouble is that a new district attorney is needed and not a new district judge.

Mr. CUMMINS. I do not know about that. Mr. Clyne is a very estimable gentleman and was selected as district attorney by one in whom the Senator from Tennessee has vast confidence, I am sure.

Mr. SHIELDS. I understand Mr. Clyne is a Democrat and was appointed by President Wilson, but as the Senator knows, all men make mistakes sometimes.

Mr. CUMMINS. I do not intend to discuss Mr. Clyne further, but the Senator from Tennessee does not know anything about Mr. Clyne, I am sure, more than I know about him.

Mr. SHIELDS. The Senator is a little mistaken as to that.

Mr. CUMMINS. Possibly, but I am not going to try Mr. Clyne.

Mr. SHIELDS. I do not care to criticize Mr. Clyne. I understand that he is a Democrat and, of course, he will be supplanted very soon.

Mr. CUMMINS. I do not know about that.

Mr. SHIELDS. Things that are going on indicate it very strongly.

Mr. CUMMINS. I am not willing, however, to accept the view of the Senator from Tennessee that all public officials who are connected with the courts are inefficient, incompetent, or dishonest. That is the real conclusion to be drawn from the Senator's remarks.

Mr. SHIELDS. I have not stated that public officials are dishonest or incompetent. I know some of the district judges and some of the judges of the circuit court of appeals, as well as some district attorneys, who are very able men. I do not know that I am aware of an incompetent district judge, but I should say that I do know a number of district attorneys whom I would consider very incompetent and who are blocking the business of the courts. The judge can do nothing without a competent district attorney. There is too much politics in that office.

Mr. CUMMINS. From the suggestions which he has just made, I suppose the Senator from Tennessee includes Mr. Clyne among the list of incompetent officials?

Mr. SHIELDS. The Senator has no right to make that assumption. I will be heard as to him before I get through.

Mr. CUMMINS. Precisely. I do not know Mr. Clyne probably as well as does the Senator from Tennessee, for I am not of his political faith, but Mr. Clyne has had no full opportunity to discover whether he is or is not a competent prosecutor, because many times he has had no judge before whom he could try his cases. There are a thousand criminal cases pending in the northern district of Illinois now ready for trial, and the reason they are not tried is because a judge before whom the trial can be had can not be secured.

I know something about the criminal cases pending under the antitrust law; I know what they are, and I know the length of time, generally speaking, that is required to try one of those cases. What hope has the district attorney if he prepares his case for trial and can not find an opportunity to try it? The court simply becomes a refuge of malefactors and criminals. Our judicial system every day is allowing men who are charged with crimes to escape because there is no opportunity to try them.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield.

Mr. REED. The Senator states that the district attorney had no judge before whom he could try these cases. The Senator certainly will admit that until Judge Landis concluded to devote the balance of his time to the baseball situation there was a judge there.

Mr. CUMMINS. Judge Landis may be criticized because he accepted the position he did in baseball recreation, but I never heard it charged against him that he was not an exceedingly energetic and industrious judge, and I venture to say that his record will compare most favorably with the record of any other district judge in the United States in the disposition of cases that were pending in his court.

Mr. REED. That is the very point. The Senator says that he was one of the best, and yet he seems to have had time enough to earn $50,000 on the side looking after baseball matters. They must have taken a little of his time.

Mr. CUMMINS. I shall not, so far as I am concerned, drift into a discussion of the propriety of a judge accepting a position of that character; but I do know that this particular judge was prompt, efficient, and decisive in his work upon the bench. But, Mr. President, I have only this general reply to make to the observations of the Senator from Tennessee; for I still believe, and the Senator from Florida believes with me, I am sure, that there are at least some districts in which additional judicial force is absolutely necessary if we are to do justice both to the Government and to those accused of crime and to the various litigants who appear in the court for the adjudication of their controversies.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield to the Senator from Florida.

Mr. FLETCHER. I agree with the Senator. I was going to call attention, though, to this fact: The Senator said that there was no judge in the northern district of Illinois before whom these cases might be tried. They have two judges already in the northern district of Illinois.

Mr. CUMMINS. Precisely.

Mr. FLETCHER. And they have an eastern district and a southern district, each with one judge; so they have four judges in Illinois now, and two in the northern district.

Mr. CUMMINS. They are trying cases just as rapidly as they can try them; but I am speaking about these important cases that are pending there which can not be tried.

Mr. FLETCHER. I am inclined to think they need another judge there.

Mr. CUMMINS. And our criminal law, and especially our prohibition law, and our antitrust law, and our law against frauds perpetrated upon the Post Office Department become a mockery if those who are accused of these crimes can not with reasonable promptitude be brought to the bar of justice and either acquitted or convicted, and, if convicted, punished according to the law.

Mr. OVERMAN. Does the Senator understand that Mr. Clyne advocated a new judge in his district?

Mr. CUMMINS. I do not know.

Mr. OVERMAN. I do not think he did; and I think he says here that he disposed of 200 cases, and two or three hundred were submissions. I do not recollect that he said he needed a new judge.

Mr. CUMMINS. The Senator from North Carolina will remember that when Mr. Clyne came before the Judiciary Committee it was to advocate, together with the three judges named by the Senator from Tennessee, and the district attorney of the southern district of New York, a bill which provided for the appointment of 18 additional district judges, two in each circuit.

Mr. OVERMAN. That is correct.

Mr. CUMMINS. And it was not necessary for him to speak, nor would it have been pertinent for him to have spoken, about the necessities of the particular district which he now represents.

Mr. OVERMAN. In connection with that, I asked him these questions:

> How many have been disposed of in the last six months?
> In the last six months I think we have gotten rid of probably 200.
> How many were submissions or pleas of guilty?
> I should say in my judgment probably two-thirds of them.

That is so all over the United States as to half or two-thirds of these cases on the dockets.

Mr. CUMMINS. Why, certainly; but, notwithstanding that fact, notwithstanding the way in which they have disposed of the cases, as has been so well stated by the Senator from Tennessee, all these things being granted, the dockets still remain as they are; that is, with 142,000 cases pending upon them.

Mr. OVERMAN. When you take off the draft cases, and when you take off the bankruptcy cases, and when you take off two-thirds of them that are submissions, that reduces the number almost to a minimum.

Mr. CUMMINS. Not at all. If that were true, the courts would close every year with no dockets at all.

Mr. SHIELDS. That is what they ought to do.

Mr. CUMMINS. Yes, I know; the Senator from Tennessee comes all the time to his criticism that our Federal judges are not competent and are not honest, in the sense of giving a fair day's work, in holding their respective courts. If they do not, every one of them ought to be impeached, and we ought to have a series of judges who will give their time and their energies to the work which they are assigned to do.

Mr. OVERMAN. I do not think anybody would agree to that.

Mr. CUMMINS. Why not?

Mr. OVERMAN. The Senator will agree with me, I think, that the Federal judges do not work like our State judges.

Mr. CUMMINS. Some of them do and some of them do not.

Mr. OVERMAN. Very few of them do. They take long vacations, and they sit short hours. Some of them meet at 10 o'clock and adjourn at 3 o'clock, and some of them take three or four months' vacation in the year; and there is the trouble, I think.

Mr. CUMMINS. The Senator says "some of them."

Mr. OVERMAN. I am not reflecting on them. I am not going to call the name of any judge, of course.

Mr. CUMMINS. Why does not the Senator from North Carolina, instead of imputing this wrongdoing to all the judges and thus staining in a way the entire Federal judiciary, point out the particular instances he has in mind? And if he has the evidence of it, he ought to present it to the Members of the House, and the judges affected ought to be impeached.

Mr. OVERMAN. I think not, Mr. President.

Mr. CUMMINS. Why not? Why should they not be impeached?

Mr. OVERMAN. I would not call any man's name, but I know that the other day they sent a man from my State to hold court in a certain State in this Union, and he came back, and I said: "What are you doing here?" He said, "Why, I came back here to spend a day in Washington, because they do not try anything on Saturday, and they sit short hours Monday, Tuesday, and Wednesday, and they do not sit at all on Saturday."

Mr. CUMMINS. Very well. If the Senator thinks that these judges should sit six days in a week, or possibly seven—I do not know whether he believes that they ought to observe the Sabbath or not——

Mr. OVERMAN. I do not believe in anybody sitting on Sunday, of course.

Mr. CUMMINS. But if they should sit six days in a week, and 10 hours a day, and certain judges fail to do it, those judges ought to be removed, if that is to be the standard established throughout the United States.

Mr. OVERMAN. No; I am not making any standard; but I am agreeing with the Senator from Tennessee that if these judges would do their duty fully, they would try the cases on these dockets without any additional judges.

Mr. CUMMINS. I will answer that again by saying that if they do not do their duty fully they ought to be exposed and they ought to be impeached.

Mr. OVERMAN. No; I do not think so.

Mr. CUMMINS. I do not understand the logic of the Senator from North Carolina. Are we to permit the dockets of this country to be crowded as they now are crowded, tens of thousands of criminals arraigned or indicted who can not be tried, hundreds and thousands of civil cases that can not be tried—are we to permit that and make no effort to remedy it? There are but two possible remedies. One is to remove the judges who are guilty of a failure to do their full duty, and the other is to add additional judges. We must do one or the other.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. I have not enough detailed information to discuss the condition of the dockets in the various sections of the country, but I do know something about conditions in Ohio. We have four district judges—one of them Judge Sater, who was appointed by President Roosevelt; another one Judge Killits, who was appointed by President Taft; and two, Judge Westenhaver and Judge Peck, who were appointed by President Wilson. Two of them are Republicans and two of them are Democrats, and I am glad to say that they are the highest type of judges that you can find anywhere, and they are working all the time, working to the breaking point; and in the northern district of Ohio, whether this bill passes or not, there must be another judge if we are going to take care of the dockets. I have just returned from Ohio. I have talked with members of the bar there who are conversant with the conditions, and it is little short of a crime to leave those dockets crowded as they are, and to have the long delays that are always incident to an overcrowded docket.

Whatever may be said of others, I could not sit silently here and have it said that these judges were not doing their duty. I think that Judge Sater, of Columbus, joined in a report which was made to the Judiciary Committee.

Mr. CUMMINS. Judge Sater was one of the committee appointed by the Attorney General to consider this matter.

Mr. POMERENE. Yes; and he is a man who works day and night, as do all of these other judges out there, whatever may be said of judges elsewhere.

Mr. SHIELDS. Mr. President, I should like to join with the Senator from Ohio in a word about that. I met Judge Sater here. I formed a very high opinion of him. He not only lives in Ohio, but he lives in Cincinnati, one of the largest cities in the West.

Mr. POMERENE. No; he lives in Columbus.

Mr. SHIELDS. Well, he has Cincinnati in his district.

Mr. POMERENE. Cincinnati and Columbus are both in the district.

Mr. SHIELDS. They are two of your largest cities, then?

Mr. POMERENE. Yes.

Mr. SHIELDS. He is an able man, and evidently a man of fine executive ability and industry, and his dockets are clean, and he goes out to other districts and helps others. There is no congestion in his district.

Mr. POMERENE. I do not say that there is a congestion in the southern district. The congestion is in the northern district; and if the Senator will look at the report which has been made by the Judiciary Committee, he will see what a tremendous docket they have.

Mr. SHIELDS. I have not examined that, but I have examined the report that the Attorney General sent out, and requested the district attorneys to give him information, and he asked the district attorney of the northern district of Ohio whether there was any congestion there, and he replied, "No."

Mr. POMERENE. When was that?

Mr. SHIELDS. Some time last summer.

Mr. OVERMAN. Was that the southern district?

Mr. POMERENE. No; I am speaking about the northern district.

Mr. OVERMAN. The southern district only has 71 cases on its docket. Judge Sater is a good man.

Mr. SHIELDS. Judge Sater keeps his docket clean.

Mr. POMERENE. Judge Sater is a good man, and so is Judge Peck. Judge Peck was sent down to the State of Tennessee, and held the court for nearly a month in Knoxville, and he was sent to Grand Rapids, and was there several weeks, and he was sent to New York.

Mr. OVERMAN. Maybe that is the reason why his docket is crowded.

Mr. POMERENE. His docket is not crowded.

Mr. OVERMAN. Whose docket?

Mr. POMERENE. Judge Peck's.

Mr. OVERMAN. What district is that?

Mr. POMERENE. It is the southern district. He sits most of the time in Cincinnati, and Judge Sater sits most of the time in Columbus, and between them they hold the court at Dayton and at Steubenville; but the crowding is in the northern district, where there has been a tremendous increase in population and in industrial development. I know from what I hear of Judge Killits—I dislike to say this—that he is under such a nervous strain that he ought to be away on a vacation, but he is staying on his job.

Mr. OVERMAN. The southern district has only 71 cases on the docket.

Mr. POMERENE. Oh, no; the Senator is mistaken.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I yield to the Senator from Michigan.

Mr. TOWNSEND. While I am not familiar with the Federal judge situation throughout the United States, I was greatly surprised at some of the remarks of the Senator from Tennessee [Mr. SHIELDS] in what seemed to me rather general strictures on the Federal judiciary. We have two district judges in our State.

Judge Tuttle, who presides in the eastern district, is a comparatively young man. He took hold of that work with all of the ambition possible, and he has made a remarkable record in the disposition of cases. He is far behind in his work now, and yet, speaking about an 8-hour or 10-hour day's work, that man holds night sessions almost every night in the week, to the great discomfiture of the lawyers generally, who feel that he is holding them too closely to the job. The man can not stand it. It is not possible for any man to stand that amount of work, and yet he works from early in the morning until late at night on these cases and still is unable to catch up with the docket. He could do it if any man on earth could do it, but the work there is simply appalling, and it results in the defeat of justice, litigants can not get justice, and, at the same time, it can not result in the class of work which ought to be required of a judge. No judge can work 12 to 15 or 18 hours a day. He is working under strain. His hours should be limited, and he should have a vacation once in a while, and that in the interest of the litigants themselves.

Mr. OVERMAN. Mr. President, I was on the Judiciary Committee and passed upon the question of Michigan, and I voted for a new judge for that State. That is why I want the House to pass that bill which we sent over to them, together with other bills.

Mr. POMERENE. In view of the statement which has just been made by the Senator from North Carolina with regard to the amount of litigation pending in Ohio, I want to say that I have before me the report of the Judiciary Committee, and I refer to pages 8 and 9, which contain a statement showing the business pending in the United States district courts for the year ending June 30, 1921, compiled from information furnished by the Attorney General. In the northern district of Ohio there are, of United States civil cases, 155; in the southern district there are 67.

Of criminal cases, including prohibition cases, in the northern district there are 579; in the southern district 71.

Mr. OVERMAN. That is what I said.

Mr. POMERENE. The Senator said one.

Mr. OVERMAN. Read the next.

Mr. POMERENE. Admiralty cases, northern district, 21; southern district, 1. All other civil cases, northern district, 656; southern district, 309.

Total, northern district, 1,411 cases; southern district, 448 cases.

Bankruptcy cases, northern district, 722; southern district, 497.

Draft cases, northern district, 540; southern district, 6.

Prohibition cases, 317 in the northern district and 18 in the southern district.

The population of the northern district is 3,195,651, and the population of the southern district is 2,563,717.

So that indicates that in the northern district of Ohio there is a total of 1,411 United States civil, criminal, admiralty, and other civil cases, and in addition to that 722 bankruptcy cases, 540 draft cases, and 317 prohibition cases. Senators need not think there is no need for an additional judge in the northern district of Ohio. I know better.

Mr. OVERMAN. If the Senator will read the second column he will find it says, "Criminal, including prohibition cases." So that the number of prohibition cases he read was included in the criminal cases.

Mr. POMERENE. I am reading what the Committee on the Judiciary reported.

Mr. OVERMAN. I am asking the Senator to read the second column, which contains the word "including."

Mr. POMERENE. I know that; but they are separated, and this shows the number in the other column.

Mr. OVERMAN. Then you take one from the other to show the number of cases.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield to the Senator from Florida, if the Senator from Ohio has concluded.

Mr. POMERENE. If there is any mistake about this——

Mr. CUMMINS. There is no mistake. It is simply a matter of adding them up.

Mr. POMERENE. I think so.

Mr. CUMMINS. Attached to the report of the committee is the showing which the Senator from Ohio has in his hand.

Mr. POMERENE. Mr. President, I want to add another word. When I began the practice of the law in my own county in the common pleas court we were two years behind the docket before we could get another local judge. We had two.

I know what it means to lawyers and litigants not to be able to get their cases tried, and to postpone the trial of cases for a year or two years is the equivalent of a denial of justice. That is universally recognized among all people who are familiar with courts and the result of litigation, and I would rather have a few too many judges than too small a number of judges.

There is nothing which creates so much unrest as to have either civil cases or criminal cases on the docket and not be able to try them. This class of work is growing all the while, and year after year the Congress of the United States is passing additional laws creating criminal liabilities, and that will continue to increase this work. We are simply going to destroy the health, if not the lives, of some of these judges unless they get some relief. That is the condition in the northern district of Ohio.

Mr. FLETCHER. Mr. President, I rise not to combat what the Senator from Ohio has said, but just at this point to draw a little comparison.

In the northern district of Ohio they have two judges. The total number of cases pending in that district is 1,411, according to this report, outside of bankruptcy and draft cases. They have two judges, and the total number of cases pending and undisposed of is 1,411.

In the southern district of Florida there is one judge, and the total number of cases pending and undisposed of is 1,633. Yet the committee denies to Florida an additional judge and proposes to give one to the northern district of Ohio. I have no objection to that district having an additional judge; I think they ought to give the northern district of Ohio that judge; but that is the situation, there are 1,411 cases to be disposed of by two judges in the northern district of Ohio, and in the southern district of Florida there are 1,633 cases to be disposed of by one judge, and the committee says we are not entitled to an additional judge.

Mr. POMERENE. Mr. President, with the situation such as the Senator from Florida describes, I am in sympathy with his desire to have an additional judge there, and I will help to get one, because as a lawyer I know what that means to the people of Florida, as I know what it means to the people of Ohio to have an overcrowded docket and not be able to try the cases.

Mr. FLETCHER. I am much obliged to the Senator. It does mean a denial of justice. The Senator from Michigan [Mr. TOWNSEND] has just stepped out, but I rose while he was in the Chamber to call attention to a comparison between Michigan and Florida. In the eastern district of Michigan the total number of pending cases, according to the statement furnished by the committee, is 754. They give the eastern district of Michigan an additional judge. The total number of cases on the docket and undisposed of is, I repeat, 754. In one district in Florida the total number of cases pending is 1,633, and they refuse to give Florida an additional judge.

In the western district of Michigan the cases pending amount to 131, and the question naturally arises why they can not take the judge from the western district and send him over to the eastern district when he is needed, and take care of the situation in that State with two judges.

The pending business in that State, with two judges, does not equal the pending business in one district in Florida; yet the committee refuses to give that district an additional judge.

Mr. OVERMAN. In the district where I live we have over 1,000 cases pending, and I did not ask for an additional judge because I think the judge can do the work.

Mr. CUMMINS. Mr. President, I do not intend at this moment to take up the merits of the amendment which the Senator from Florida undoubtedly intends to propose. I do not think I ought to do that just now, while I am replying to the Senator from Tennessee. The Senator from Florida knows, and a great many Senators know, the reasons which prompted the committee in its action with regard to the southern district of Florida. But I was discussing the suggestion, or intimation, or charge—possibly it rises to the dignity of a charge—that the Federal judges generally throughout the United States were lazy, indifferent to their obligations, and were failing to do the work which men of ordinary competence and diligence should do.

Whenever you pursue that inquiry to a particular judge, or into a particular district, you will discover that some other judge is the guilty person or it is in the next district that the objectionable condition prevails. I venture to say that nineteen-twentieths of the Federal judges of the United States do all the work that is within the power of men to do consistent with their health and with the dignity and the importance of the cases which are submitted to them for disposition.

I think the Senate will not accept, and it should not accept, the statistics which have been given to us by the Senator from Tennessee as evidence of the infidelity of the Federal judges.

Mr. SHIELDS. Mr. President, I will ask the Senator if he is not referring to the statistics given by the Attorney General which were read here by the Senator from Tennessee?

Mr. CUMMINS. Certainly.

Mr. SHIELDS. They are not my statistics; they are those of the chief of the Department of Justice.

Mr. CUMMINS. As I have said before, I think the Senator from Tennessee has correctly stated the statistics which he presented. I have no quarrel with them, but I do insist that they fail to establish the conclusion which the Senator from Tennessee draws from them. They do not prove that the district judges of this country are idle or negligent or reckless men. Every Senator here knows his own district judges. Every Senator here knows his own circuit judges, those within his locality, and before we get through with it, if there is to be any serious attention given to the charge of the Senator from Tennessee, I want the Senators here to rise and say whether in their opinion their district judges and their circuit judges are violating their obligations from day to day and failing to render to the people of the country the service which they were appointed to render.

I say now that you will find very few Senators willing to make that sort of a charge against the men who have been appointed to administer the laws of the United States and appointed to do justice between the citizens of different States. It can not be true—in the very nature of things it can not be true—unless we impute the grossest incompetence or the grossest indifference to the Presidents of the United States, the Presidents who have appointed these men, and we must survey the acts of a great many Presidents when we come to examine the authority under which all the judges of the United States are now performing their duties.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. I would like to ask the Senator if he does not believe that the figures furnished by the Senator from Ten-

nessee indisputably establish the fact that there is a temporary congestion, which will, of course, pass away, and, secondly, that the figures which have been submitted to us are not fair in the sense that they do not reveal exactly the situation; for instance, a large number of draft cases which will not be tried, a large number of small misdemeanor cases which, when brought to the attention of the court, will be disposed of very quickly by nolle pros or pleas of guilty or otherwise, and a large number of cases which are hangovers upon the docket for many years and never will be tried, so that by a diligent effort to clear the dockets in most of these districts the dockets could be brought down current within a very short time?

Mr. CUMMINS. I agree with everything the Senator from Utah says except his conclusions.

Mr. KING. If the facts are right, the conclusions are right.

Mr. CUMMINS. If it were not that a large number of these cases were bankruptcy cases and a large number of them draft cases, and if it were not for the fact that a great many criminal cases do not involve jury trial, we would need 150 judges instead of 18 or 19.

The Senator from Utah was not here when I indicated what I had been informed was the state of the criminal docket in the northern district of Illinois. There are cases there now clamoring for trial, both sides ready for trial—some 25 cases, which alone would require the time of a judge for more than two and one-half years to dispose of them, without giving any attention whatever to the great volume of other criminal cases that may be pending and without touching in any way the civil dockets.

Mr. President, I rose only to repel the suggestion of inefficiency, incompetency, and infidelity on the part of the Federal judges. I have had as much to do with Federal judges as most Senators. I practiced law and was in the courthouse nearly all the time for 25 years. I have tried cases before a great many Federal judges. I never knew a Federal judge who comes within the classification assigned to nearly all of them by the Senator from Tennessee. The present Federal district judge in my State—not referring to the one just appointed, but the one who sits in the southern district of Iowa—is a Democrat, appointed by President Wilson, and a more faithful, hard-working, persistent judge than he I do not know. He has already broken his health. Although he was a comparatively young and a very vigorous man, he has already impaired his health in attempting to do more work than one man can do.

Mr. SHIELDS. Does the Senator refer to the southern or the northern district of Iowa?

Mr. CUMMINS. I am speaking now of the southern district of Iowa.

Many Senators know him, because he served in the House of Representatives for quite a period, and he has been prominent in other walks of life. I can not stand here and hear a man who works as hard as he does, and as every district judge with whom I am acquainted does, assailed even in the parliamentary way employed by the Senator from Tennessee. Here and there will be found a man who does not do all the work that he could do. Here and there will be found a community in which lawyers will not, according to their custom, sit in trial for 8 or 10 hours and wherein a judge must necessarily yield to the customs long established in those communities. But I venture the assertion that the United States is not served by any body of men more faithfully and earnestly and conscientiously than by its judges, from the Supreme Court of the United States to the district judges of the United States.

We need some additional force. Even if the cause is but temporary, we must dispose of these cases. The natural growth and development of the country will lead to more and more litigation falling within the jurisdiction of the Federal courts if the laws governing their jurisdiction remain unchanged.

I do not intend, Mr. President, to make any further general observations, and I now submit the bill, so far as this discussion is concerned.

Mr. FLETCHER obtained the floor.

Mr. SHIELDS. Mr. President, will the Senator from Florida allow me to make an observation?

Mr. FLETCHER. I yield to the Senator from Tennessee.

Mr. SHIELDS. The Senator from Iowa has criticized the statistics which I have produced from the report made last December by the Attorney General of the United States under his official oath, printed and on record here all this time, and yet no one has appeared to contradict them. They are, of course, not made upon my personal knowledge. It is those statistics that I have presented here, and not any personal information. Nor have I indulged in any personal abuse or criticism of any judge in the United States, as might be inferred from what the Senator has said, whether he so intended it or not.

Mr. CUMMINS. I stated distinctly that the statistics and tables presented by the Senator from Tennessee are, in so far as I know, accurate, but I dissent entirely from the conclusions which the Senator from Tennessee draws from those tables.

Mr. SHIELDS. In other words, the Senator admits the fact, he admits there here are 120 judges who are, resolving every doubt in their favor, trying not over 200 cases a year, probably about 100 cases apiece, and yet he says that is no evidence and no deduction can be drawn from that that they are not discharging their duties, that they are not industrious and efficient.

These statistics do not give any particular districts, and I am aware that there are some districts—I do not think over half a dozen in the United States—where some additional help ought to be given; but the fact that the judge of a court of record, with all the facilities for attending to business that they have in the United States district court, does not try over 100 or 150 average cases during a year, such as are heard in the courts of the United States, is, to my mind, conclusive that, as a whole, the judges are not efficient and industrious.

I think that if the Senator wants to refute the necessary inference from these facts he ought to produce some facts as to the nature of the litigation, showing it took a longer time, or something to show that the Attorney General's report is untrue and unreliable. A little evidence of that kind would be more satisfactory and convincing than several hours of general eulogy of judges.

Mr. FLETCHER. Mr. President, I desire to offer an amendment to the substitute proposed by the committee.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The ASSISTANT SECRETARY. In line 22, on page 10, insert after the word "and," the first word in the line, the words "for the southern district of Florida, one," so that it will read: "For the district of Arizona one, and for the southern district of Florida one, and for the northern district of Georgia one."

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Georgia?

Mr. FLETCHER. I yield.

Mr. HARRIS. I was out of the Senate when the Senator from Tennessee [Mr. SHIELDS] made reference to the work of the United States district judges. I am sure he was not referring to the two district judges in Georgia—Judge Beverly B. Evans and Judge Samuel H. Sibley—when he stated that the Federal judges who will be given assistance under this bill are not overworked. I personally know, and my colleague will bear me out in this statement—he is a lawyer and I am not—that there are no judges in the United States, whether in the State or the United States courts, who are worked harder than the two judges in Georgia. I believe the work they are doing will shorten the lives of both of these men unless some relief is given them.

Since their appointment to these positions they have held court practically every day except Sundays and Christmas. They are not only lawyers of unusual ability and make splendid judges but they are conscientious men of the highest character and have the respect and confidence of all the people of our State. The record furnished by the Attorney General, which is in the report of the Judiciary Committee, shows that the amount of business transacted and the number of cases to be disposed of is greater in Georgia than any other State except one. Some years ago Congress passed a bill providing for an additional judge, and the late Judge Wallace Lambden, a splendid man and able lawyer, was appointed to this position and held it until his death.

Mr. SHIELDS. Mr. President——

Mr. FLETCHER. I yield to the Senator from Tennessee.

Mr. SHIELDS. I did not make any reference to Georgia especially. It is very easy, and it has been indulged in here a great deal, to get up and talk about industrious judges and hard-worked judges, but there is sworn evidence as to what these judges are doing, how many cases are on their dockets, and how many they try in the course of a year. That is what Senators ought to be governed by and not by any general conversation coming second hand as to what the judges are doing.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Minnesota?

Mr. FLETCHER. I should like to proceed, but I yield to the Senator.

Mr. NELSON. Does the Senator from Florida expect a vote on his amendment this evening?

Mr. FLETCHER. I hardly suppose we will reach a vote, but I should like to submit some observations on the amendment.

Mr. NELSON. If he does I shall have to suggest the absence of a quorum. It seems to me we ought to take up the bill in its order after this general debate.

Mr. FLETCHER. The bill is up in its order. The committee has reported a substitute and that is subject to amendment.

Mr. NELSON. We ought to take up the bill section by section.

Mr. OVERMAN. I have some remarks to make on the bill to-morrow. I do not see why any Senator should not offer an amendment to the bill and then let us take up the whole matter and discuss it.

The PRESIDING OFFICER. The Chair is of the opinion that it is in order to offer an amendment now to be taken up at the proper time.

Mr. NELSON. Very well. I suggest the absence of a quorum.

Mr. FLETCHER. I am not going to ask for a vote on the amendment this afternoon. I merely wish to discuss it. I want to give reasons for it. I do not think we will get time to vote on it. I want to present arguments in favor of my amendment. I am not going to ask for a vote to-day. I want a yea-and-nay vote when the amendment to the amendment is voted on. I do not want to have it passed upon without a yea-and-nay vote, but I do not expect to get a vote this afternoon.

Mr. NELSON. I desire to make a statement to the Senate as to what actuated the committee in leaving out Florida, and to explain the situation from end to end about that case.

Mr. FLETCHER. I shall be very glad to have the Senator do that.

Mr. NELSON. But I do not like to discuss it now without a quorum.

Mr. OVERMAN. Let us have a quorum.

Mr. FLETCHER. But I have the floor, and I am proposing to discuss the amendment which I have offered. I do not see why I can not do so. The Senator from Minnesota will have ample time to reply after I have finished.

The PRESIDING OFFICER. The Senator from Florida has the floor. He has not yielded for any purpose except to be interrogated.

Mr. FLETCHER. I have no objection if the Senator wants a quorum. Does the Senator want to call a quorum?

Mr. OVERMAN. I think we had better have a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Florida yield for that purpose?

Mr. FLETCHER. I yield.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	Oddie	Spencer
Ball	Heflin	Overman	Stanley
Bursum	Jones, Wash.	Page	Sterling
Capper	Kendrick	Pepper	Sutherland
Cummins	Keyes	Phipps	Swanson
Dial	King	Poindexter	Trammell
Edge	McKinley	Pomerene	Walsh, Mass.
Ernst	McNary	Rawson	Warren
Fletcher	Moses	Reed	Watson, Ga.
Gooding	Nelson	Sheppard	
Hale	New	Shields	

Mr. SUTHERLAND. I desire to announce that the following Senators are detained from the Senate in attendance upon the Committee on Finance:

The Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN].

The VICE PRESIDENT. Forty-two Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and the following Senators answered to their names when called:

Walsh, Mont. Willis

The VICE PRESIDENT. Forty-four Senators have answered to their names. A quorum is not present.

Mr. CUMMINS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. McNARY. I desire to announce the absence of my colleague [Mr. STANFIELD] on public business.

Mr. NICHOLSON, Mr. HARRELD, Mr. CARAWAY, Mr. CURTIS, and Mr. LA FOLLETTE entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators having answered to their names, a quorum is present.

Mr. OVERMAN. I move that the order to the Sergeant at Arms, made upon the motion of the Senator from Iowa, be vacated.

The motion was agreed to.

Mr. CUMMINS. I ask unanimous consent that when the Senate concludes its business this evening it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. FLETCHER. Does the Senator from Iowa desire to go on further this evening? It is nearly 5 o'clock.

Mr. CUMMINS. I move that the Senate proceed to the consideration of executive business.

Mr. FLETCHER. Before the question is put on the motion to proceed to the consideration of executive business, let me say that I understand we have agreed by unanimous consent to take a recess until 12 o'clock to-morrow when we conclude our business to-day, at which time my amendment will be pending, and I will be entitled to proceed on that amendment.

The VICE PRESIDENT. The Senator's amendment to the amendment of the committee will be the pending question.

EXECUTIVE SESSION.

Mr. CUMMINS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

RECESS.

Mr. CUMMINS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) pursuant to the order heretofore made, the Senate took a recess until to-morrow, Tuesday, April 4, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 3, 1922.

UNITED STATES MARSHAL.

Edgar C. Snyder, of the District of Columbia, to be United States marshal, District of Columbia, vice Maurice Splain, whose term will expire April 6, 1922.

PROMOTIONS IN THE REGULAR ARMY.

VETERINARY CORPS.

To be lieutenant colonel.

Maj. John Alexander McKinnon, Veterinary Corps, from March 26, 1922.

CHAPLAIN.

Chaplain Julian Emmet Yates to be chaplain, with the rank of lieutenant colonel, from March 27, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Capt. Sterner St. Paul Meek, Infantry, with rank from July 1, 1920.

SIGNAL CORPS.

First Lieut. Asa Vern Wilder, Coast Artillery Corps, with rank from August 4, 1921.

INFANTRY.

Capt. Frank Ellsworth Brokaw, Cavalry, with rank from July 1, 1920.

POSTMASTERS.

ALABAMA.

Exa B. Carroll to be postmaster at Slocomb, Ala., in place of J. G. Turner, resigned.

CALIFORNIA.

John L. Pope to be postmaster at Lower Lake, Calif. Office became presidential July 1, 1921.

COLORADO.

William A. Baghott to be postmaster at Kit Carson, Colo. Office became presidential April 1, 1921.

FLORIDA.

Algeron Keathley to be postmaster at Brooksville, Fla., in place of Algeron Keathley. Incumbent's commission expired January 31, 1922.

INDIANA.

Leslie L. Konkle to be postmaster at Versailles, Ind., in place of W. H. Smith, removed.

KENTUCKY.

Lillian C. Duty to be postmaster at Winchester, Ky., in place of S. F. King. Incumbent's commission expired February 16, 1922.

MAINE.

Earle H. Roberts to be postmaster at Port Kent, Me., in place of Irenee Cyr. Incumbent's commission expired July 23, 1921.

Ralph B. Parker to be postmaster at Wells, Me., in place of W. J. Storer. Incumbent's commission expired June 27, 1920.

MARYLAND.

Peter G. Cowden to be postmaster at Cumberland, Md., in place of F. B. Beall. Incumbent's commission expired January 24, 1922.

MASSACHUSETTS.

C. Montford Brigham to be postmaster at Northboro, Mass., in place of M. H. Ryan. Incumbent's commission expired January 24, 1922.

MINNESOTA.

Edwin A. Rolloff to be postmaster at Balaton, Minn., in place of W. C. Galbraith, deceased.

Helmer C. Bacon to be postmaster at Dawson, Minn., in place of A. H. Lund. Incumbent's commission expired January 24, 1922.

C. Edward Sarff to be postmaster at Keewatin, Minn., in place of C. E. Sarff. Incumbent's commission expired February 18, 1922.

Patrick W. Moran to be postmaster at Olivia, Minn., in place of J. R. Landy, declined.

NEBRASKA.

Rolland C. Shetler to be postmaster at Riverton, Nebr., in place of Lizzie Smith. Incumbent's commission expired February 4, 1922.

NEW JERSEY.

Harry T. Hagaman to be postmaster at Lakewood, N. J., in place of Charles McCue. Incumbent's commission expired August 6, 1921.

NEW YORK.

William V. Fitzpatrick to be postmaster at Cleveland, N. Y. Office became presidential April 1, 1921.

Herman C. Stevens to be postmaster at Locke, N. Y. Office became presidential January 1, 1921.

James R. Rodman to be postmaster at Port Ewen, N. Y. Office became presidential July 1, 1920.

NORTH CAROLINA.

John L. Wornble to be postmaster at Moncure, N. C. Office became presidential April 1, 1921.

Charles R. Grant to be postmaster at Mebane, N. C., in place of J. T. Dick. Incumbent's commission expired January 24, 1922.

Festus E. Sigman to be postmaster at Thomasville, N. C., in place of C. L. Harris, resigned.

NORTH DAKOTA.

Edward F. Hamilton to be postmaster at Cavalier, N. Dak., in place of John O'Keefe. Incumbent's commission expired January 5, 1920.

Hilliard Campbell to be postmaster at Walhalla, N. Dak., in place of Joseph Deschenes. Incumbent's commission expired January 24, 1922.

OHIO.

Reno H. Critchfield to be postmaster at Shreve, Ohio, in place of W. K. Miller. Incumbent's commission expired January 31, 1922.

OREGON.

Karl A. Bramwell to be postmaster at Halsey, Oreg., in place of D. S. McWilliams. Incumbent's commission expired January 24, 1922.

PENNSYLVANIA.

Howard L. Harbaugh to be postmaster at Fairfield, Pa. Office became presidential January 1, 1921.

John R. Diemer to be postmaster at Catawissa, Pa., in place of C. M. Harder. Incumbent's commission expired February 4, 1922.

Laura A. Heffner to be postmaster at Centralia, Pa., in place of J. J. Ryan. Incumbent's commission expired February 4, 1922.

SOUTH DAKOTA.

Paul W. Lambert to be postmaster at Fairfax, S. Dak., in place of W. M. Walters. Incumbent's commission expired July 23, 1921.

TENNESSEE.

Arthur B. McCay to be postmaster at Copperhill, Tenn., in place of F. P. Singleton. Incumbent's commission expired March 1, 1922.

TEXAS.

James W. Stubblefield to be postmaster at Hull, Tex. Office became presidential July 1, 1920.

Thomas A. Guthrie to be postmaster at Mingus, Tex. Office became presidential July 1, 1920.

VIRGINIA.

Sylvester A. Ratliff to be postmaster at Norton, Va., in place of Roy Kilgore, removed.

WASHINGTON.

Harry E. Stark to be postmaster at Okanogan, Wash., in place of B. L. Smith. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Andrew J. Bosch to be postmaster at Gratiot, Wis. Office became presidential April 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 3, 1922.

PROMOTIONS IN THE ARMY.

William Lewis Wheeler to be first lieutenant, Air Service.

Frank Campion Armstrong to be chaplain, with the rank of captain.

Nathaniel Alexander Jones to be chaplain, with the rank of captain.

George Runyan Longbrake to be chaplain, with the rank of captain.

POSTMASTERS.

CALIFORNIA.

Alvin L. Woodin, Atascadero.
Wayne E. Dorman, Casmalia.
Charles J. Towson, El Monte.
Warren A. Bradley, Gustine.
Lillian C. Linde, Keeler.
John W. Mullen, Mendocino.
Carl G. Lykken, Palm Springs.
Eugene S. Franscioni, Soledad.
Lena E. Reed, Stagg.
Frank S. Stephenson, Terra Bella.

GEORGIA.

James M. Lawson, jr., Aragon.
James W. Long, Ashburn.
Thomas W. Cobb, Warthen.

IDAHO.

Arthur W. Gayle, Dubois.
William W. McNair, Middleton.

ILLINOIS.

Victor F. Boltenstern, Cambridge.

INDIANA.

William M. Lyon, Hillsboro.
Ulysses G. Butcher, Oakland City.
John W. Williams, Walton.

KENTUCKY.

Lillian G. Hall, Eddyville.

LOUISIANA.

John C. Yarbrough, Mansfield.

MARYLAND.

John H. Dean, North East.

NEBRASKA.

Chester W. Harris, Ansley.
Herbert C. Robbins, Wallace.

NORTH CAROLINA.

A. Eugene Ward, Lake Junaluska.

OREGON.

John A. McCall, Klamath Falls.
Ralph R. Huron, La Grande.
James E. Whitehead, Turner.

PENNSYLVANIA.

Ellis D. Keyes, Ariel.
Mike Humenik, Slovan.
Elber E. Brunner, Yorkhaven.

SOUTH DAKOTA.

Lester W. Button, Bradley.
Samuel E. Lawver, Canova.
Emma Peterson, Draper.
Metha A. Schnaidt, Menno.
John W. Woods, Worthing.

TEXAS.

Frances Ruge, Bandera.
Claud A. Howard, Bronson.

VERMONT.

Earle J. Rogers, Cabot.
Burton M. Swett, East Hardwick.
Frank C. Stewart, Fairfax.
Berton M. Willey, Greensboro.
Walter J. Reirden, Richford.
Laura B. Stokes, Waitsfield.

WASHINGTON.

George D. Montfort, Blaine.
William W. Campbell, Colville.
Clarence E. Hiatt, Deer Park.
Mary A. Johns, Kalama.
Etta R. Eggleston, Manette.
Allan Austin, Onalaska.
Rachael A. M. Miller, Port Blakely.
Lewis Murphy, Republic.
Cora A. Smith, Seaview.
Fannie I. Jennings, Spangle.
George D. Potter, Springdale.
May V. Garrison, Sumas.
Vinnie M. Seglem, Vader.
H. Robert Nelson, Wilkeson.

WEST VIRGINIA.

Daniel A. Jackson, Rowlesburg.
Marion I. Jackson, Ward.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 3, 1922.

POSTMASTER.

Louis N. Chase to be postmaster at Weston, in the State of Massachusetts.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 3, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art above all things—all tumults, all conflicts, all life, and supreme from everlasting to everlasting—hear us while we pray. We would not bring to Thee our complaints, but we would offer Thee something of our thanksgiving, something of our faith, something of our aspiration, and may they be acceptable to Thee. Fill us with a sense of our blessings and with the profoundest reverence for Him who bestows them. Sustain and bless our country, and O may Thy Spirit rest upon the troubled waters of human life. Gladden and strengthen all of us with new hope and new zeal. May our devotion and service to the public be without flaw or hesitation and always more than is necessary. In the name of Jesus of Nazareth. Amen.

The Journal of the proceedings of Friday last was read and approved.

THE HOSPITAL BILL.

The SPEAKER. The Chair would like to make a statement in relation to a response to a parliamentary inquiry that he made on Friday last. The House will remember that after some slight discussion the Chair differed in some measure from some of the precedents and announced that inasmuch as the motion to strike out a section had passed in committee and been voted down in the House, that then the section stood as it had been amended in committee and not in its original form. The Chair in making that statement thought, and still thinks, that he was following the dictates of equity and reason in that particular case, and he was also advised that there was a ruling by Speaker Clark in the same line. The Chair has not been able to discover any such ruling by Speaker Clark, although on further investigation it may be found. There is an old legal maxim that "hard cases make bad law," and the Chair is not at all certain that his position Friday would be the wise one as a general precedent, although it seemed proper in the particular case. He therefore wishes to file a caveat and say that in the future that ruling will not be used or considered as a precedent to bind the present occupant of the chair; but if the question comes up again the Chair will carefully investigate and make a deliberate decision. Of course, we all recognize that it is extremely important that precedents should be followed. There may be occasions when it will be wise for the House to overrule old precedents and establish a new one. But it is important that the House should always know what the established law is and consequently know what to expect. The doctrine of stare decisis should be followed whenever possible, and therefore the Chair thinks it fair to the House to state that his action in the future will not be influenced by his statement of Friday.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. In view of the statement just made by the Chair as to his ruling on Friday, as the Chair will recall by the terms of the ruling itself in effect, certain amendments that had been adopted to the section went into the measure. No separate vote was had upon them; it was the effect of the ruling. I assume, in view of the statement of the Chair, that if the question comes up again he would treat it de novo in effect, that that will not affect the engrossment of the bill.

The SPEAKER. The gentleman is correct. The Chair does not change the ruling for that purpose.

MEMORIAL EXERCISES ON THE LATE REPRESENTATIVE JAMES.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that May 7, 1922, may be set aside for memorial exercises on the life, character, and services of the late ROBER A. JAMES, Representative of the fifth district of the Commonwealth of Virginia.

The SPEAKER. The gentleman from Virginia asks unanimous consent that Sunday, May 7, 1922, may be set aside for memorial exercises on the late Representative JAMES, of the Commonwealth of Virginia. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to revise and extend some remarks I made on the hospital bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SINNOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

The Clerk read the conference report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

REED SMOOT,
T. J. WALSH,
Managers on the part of the Senate.

Mr. SINNOTT. Mr. Speaker, this bill provides that the ex-service men regularly discharged from the Army and afterwards awarded compensation, or treated for wounds received or disabilities incurred in line of duty, may have the privilege of the provisions of section 2305 of the Revised Statutes as a credit in their residence on the homestead.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first bill on the Calendar for Unanimous Consent.

SEQUOIA NATIONAL PARK, CALIF.

The first bill on the Calendar for Unanimous Consent was the bill (H. R. 7452) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

Mr. OSBORNE. Mr. Speaker, reserving the right to object, this bill is of so important a character that I think it should receive more consideration than it can on the Unanimous Consent Calendar. I think it does not belong on that calendar and therefore, with personal regret, I object.

Mr. BARBOUR. Does the gentleman object to its consideration?

Mr. OSBORNE. I object to the consideration of the bill, and I think it should be stricken from this calendar.

Mr. BARBOUR. Mr. Speaker, I understand the gentleman objects to its consideration.

The SPEAKER. Does the gentleman from California object to its being passed without prejudice?

Mr. OSBORNE. I object to its being passed over without prejudice. I think it ought to be stricken from the calendar.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. OSBORNE. Mr. Speaker, I object.

ROCKY MOUNTAIN NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8675) to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, when this matter was brought up before the gentleman from Illinois raised a question about certain provisions of the bill. Has the gentleman from Colorado any further information to give the House?

Mr. VAILE. Yes; I can give the House a little further information on that. At that time, as I recall the colloquy here on the floor, the gentleman from Illinois suggested that possibly the building could not be completed in the time limited by this grant, which it was contemplated the Government should accept, that limitation being to the effect that the building should be completed on or before December 1, 1923. I was confident at that time, and still am confident, that my colleague, Mr. TIMBERLAKE, the author of this bill, can secure from the donors, who are the Womens' Club, of Estes Park, Colo., an extension of time, if such extension is necessary. We have not been able to secure a definite statement to that effect as yet, because they have not had their annual meeting and will not have for some days to come. But I state this. I have received a letter from Director Mather, of the National Park Service, in which he says:

> As Congress apparently is favorable to making funds for construction work in the parks immediately available, as appears to be the case from the present Interior Department bill now in conference and covering the fiscal year 1923, we could, if the item of appropriation is granted for such an administration building, begin construction quite early in the year and have it completed during the summer months, before the time limitation set in the deed; in fact, we could begin construction any time after July 1 and still complete the small administration building in time. Should the appropriation not be granted or some other conditions now unforeseen prevent construction, the United States would not be obligated in any way by the acceptance of the tendered gift at this time.

I believe that disposes of the inquiry.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, why should the Government accept any grant of land with a string attached to it, as is proposed in this matter to be granted by this woman's club?

Mr. VAILE. One reason is that if we do not accept this land the Government will likely have to pay a very great deal more for other land by purchase.

Mr. STAFFORD. This land is outside of but contiguous to the land in the national park?

Mr. VAILE. It is in the village of Estes Park, where the administration of the park is now carried on in rented quarters. Mr. Mather calls attention, as I did the other day on the floor, to the fact that we have been paying $600 a year rental for quarters already cramped and inadequate. He further states:

> The owner of this building states that he can get a much higher rent for this building for commercial purposes than the $50 per month that we are paying, and the present lease contains a clause to the effect that "no such lease shall extend beyond May 31, 1923." It is my purpose to submit to the department for presentation to Congress, if the above-mentioned bill passes, an item of $5,000 to $6,000 for the construction of a new administration building urgently needed on this donated site.

Unless we accept this gift we will either have to rent at a much higher figure some other quarters, or erect a building on ground less favorably situated, at an expense of some $10,000 to $20,000. If the only question is refusing accepting the gift for fear we would not be able to complete the building in the time in which Mr. Mather says we can, and, as an alternative, having no administration building or having the administration carried on in rented quarters or in a building to be later constructed by the Government on more expensive land, it seems to me there is no doubt about what we ought to do.

Mr. WALSH. They could put up a building on Government-owned land.

Mr. VAILE. But it would be inconvenient for administration purposes.

Mr. WALSH. Why?

Mr. VAILE. Because all of the business of the park is done in the village of Estes Park. If you want to go into the hills somewhere, clear outside of the place where business is carried on, of course we can do it.

Mr. WALSH. But the Government builds lots of buildings on its own land far remote from its activities, as far as villages or settlements go.

Mr. VAILE. I do not think that should be a precedent for continuing to do it, when we can put a building in a conveniently located place.

Mr. WALSH. Of course, there is some appeal in that argument, but it is rather unusual for people to offer to give the Government something and then say, "Of course, if we give this to you, you have got to do something within a certain time."

Mr. VAILE. I do not think it is particularly unreasonable.

Mr. WALSH. I say unusual, not unreasonable.

Mr. VAILE. Perhaps it is an unusual thing. I do not know enough of the history of such transactions to know whether it is or not, but here is a piece of land that these ladies could sell at a very respectable figure if they were not willing to donate it to us. If we are to accept it and put a building upon it, we can have it, but they say they do not want it tied up permanently, and why should we ask them to do that?

Mr. WALSH. We are not asking them to do anything. They are asking us to do something.

Mr. STAFFORD. Is there any condition attached as to the character of the building that these grantors impose on the Government, whether it should be architectually in consonance with the surroundings?

Mr. VAILE. I think they are willing to leave that to the judgment of the department.

Mr. STAFFORD. To the munificence of the department.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to accept a certain tract of land in the town of Estes Park, Colo., described as lot 5, Buena Vista Terrace, in the southeast quarter of the northwest quarter, section 25, township 5 north, range 73 west of the sixth principal meridian, Larimer County, Colo., donated by the Estes Park Woman's Club as a site for an administration building for the Rocky Mountain National Park.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VAILE, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSIGNMENT OF CERTAIN FEMALE PRISONERS IN STATE REFORMATORIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I assume that the gentleman from Minnesota has some amendments that he wishes to offer to make the bill intelligible.

Mr. VOLSTEAD. I intend to offer certain amendments, and I ask that they may be reported now for information.

The SPEAKER. The gentleman from Minnesota offers amendments which will be reported for information.

The Clerk read as follows:

Page 2, line 17, strike out "house of refuge" and insert in lieu thereof "State reformatory."

Add at the end of line 18, page 2, the following: "*Provided*, That no person shall be confined in any place not subject to public supervision."

Mr. STAFFORD. Mr. Speaker, reserving the right to object, does the gentleman intend by the suggested amendment to strike out houses of refuge?

Mr. VOLSTEAD. Yes. That is, it is stricken out all through the bill except at that point.

Mr. STAFFORD. Well, it is not stricken out so far as the amendment to section 5549 is concerned.

Mr. VOLSTEAD. No; that will be left as it is.

Mr. STAFFORD. Why?

Mr. VOLSTEAD. The Senate struck it out so far as it applied to women.

Mr. MANN. There is nothing in section 5549 as reported as to houses of refuge——

Mr. STAFFORD. From my reading of the bill some weeks ago I came to the conclusion it was necessary to include houses of refuge and State reformatories so as to make it in consonance with the amendatory section.

Mr. MANN. I suggest to the gentleman from Minnesota and some gentlemen interested in the bill that they amend section 5550 and make it State reformatory or house of refuge. The present law provides confinement in a house of refuge, but, as I understand the amendment of the gentleman from Minnesota, as offered it would strike out altogether any house of refuge and provide for a confiement in a State reformatory.

Mr. STAFFORD. Now, in Wisconsin we have—and I assume that is the status in other States—State reformatories under the control of the State government. We also have houses of refuge under the supervision of private institutions. Under the original law these minors were to be sent to these houses of refuge under private control. Now, it is proposed to divert the original purpose of the law so far as minors are concerned, and take away that privilege entirely of having them confined in houses of refuge. There is a difference so far as Wisconsin is concerned between a State reformatory and a house of refuge.

Mr. MANN. I think myself it would be wiser to amend the bill by inserting the language on page 2, lines 11 and 12, that provide State reformatories and say "or house of refuge."

Mr. STAFFORD. That is true.

Mr. MANN. And also to insert in line 17, after the word "in," the words "and State reformatory, or," so it would leave it to the court to determine whether the confinement should be in a house of refuge or a State reformatory, which, I think, will accord with the amendment offered by the gentleman.

Mr. STAFFORD. I wish to say to the gentleman from Illinois and also to the gentleman from Minnesota that that was the amendment I had considered advisable in considering these two sections, for you are not in anywise restricting existing law.

Mr. VOLSTEAD. My understanding was the Senate did not intend that and carried the phrase "State reformatories" instead of "houses of refuge."

Mr. MANN. The present law provides the confinement of minor children in a house of refuge. The purpose of this bill was to substitute that by providing for the confinement of women not in a penitentiary or a common jail but also to have them confined as children are in special institutions. But whereas the present law provides for a house of refuge this bill as originally applied attempted to provide for State reformatories.

Mr. VOLSTEAD. No; that was the amendment in the Senate.

Mr. MANN. Well, that is the one passed in the Senate; I do not know how it was introduced. Now, I think it would be wiser to leave it to the court to determine whether in a particular case the confinement should be in a house of refuge. It might be where they want to send a child or a woman to a State reformatory in the discretion of the court.

Mr. TILSON. Would it not be possible to employ language that would provide either a reformatory or a house of refuge, or a house of correction, or any of those institutions, whatever the name might be?

Mr. MANN. It is perfectly possible under the construction now, because the house of refuge covers nearly all of these things.

Mr. TILSON. The word "reformatory" would be perhaps broad enough to include those named here.

Mr. MANN. Here is the fact about it. It is sometimes desired by the people interested in these children or women to have them confined in an institution which is under private or semiprivate control. A State reformatory, of course, never is. Now the gentleman is offering an amendment which I think is proper, but in any case, whatever the institution is, it shall be subject to public inspection. If you put in "house of refuge" or "State reformatory" you leave it to the court to determine, where in some cases it may be desirable to send a number to some private institution, and some they may desire to send to a State reformatory.

Mr. STAFFORD. May I call the attention of the gentleman from Minnesota to the fact that this Senate bill amends existing section 5549 by adding a provision, as the gentleman well knows, for confinement of these older persons in State reformatories, but does not repeal in any way the existing section 5549, which provides for the confinement of these juvenile offenders in a house of refuge?

Mr. VOLSTEAD. Section 5550 is to be enacted in this bill.

Mr. STAFFORD. The gentleman does not get my criticism. You are not reenacting 5549 in this Senate bill. You are adding thereto a new provision. Under existing section 5549, juvenile offenders under 16 years of age are authorized to be confined in houses of refuge. By your proposed amendment you intend to eliminate entirely the confinement of those juvenile offenders and make no provision whatever for their confinement.

Mr. VOLSTEAD. They would be confined in State reformatories.

Mr. STAFFORD. There would not be any provision under this bill for their confinement. By providing for the confinement of those juvenile offenders you would have to amend existing section 5549 by substituting State reformatories for houses of refuge.

Mr. VOLSTEAD. The gentleman is mistaken. There is another provision of the statute that will cover that so far as that is concerned, and there would be a provision for incarcerating them in the State reformatories.

Mr. STAFFORD. Unless the gentleman sees his way clear to accept the amendment suggested by the gentleman from Illinois [Mr. MANN] I will be constrained to object, because there will be no adequate provision for the confinement of offenders under 16 years of age.

Mr. BRAND. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BRAND. I think the gentleman misconstrues the section. As it passed the Senate, section 5549 was amended in two particulars. In the first place, the Senator from Montana [Mr. WALSH] prepared and introduced an amendment which would add to the class of juvenile offenders provided for in the present law female offenders against the laws of the United States who have been convicted of lewdness and prostitution. This was not in the original section, and the object of the amendment—and that is the beginning of this legislation—was to include that class of offenders against the statutes of the United States.

Mr. STAFFORD. There is no objection to that.

Mr. BRAND. The second point I wish to call your attention to is that the Senate bill as amended by Senator HARRIS, of Georgia, strikes out the words "house of refuge" and inserts in lieu thereof the words "State reformatory."

Mr. STAFFORD. That is where the gentleman is in error. It is not changed so far as section 5549 is concerned.

Mr. BRAND. That was the purpose of the amendment. The first part of section 5550 was so amended, but by a mere mistake the words "house of refuge" were not stricken from line 17 in said section.

Mr. STAFFORD. The Senate bill only seeks to amend section 5549 by adding an additional paragraph.

Mr. BRAND. Yes; that is true.

Mr. STAFFORD. Providing for the confinement of these older offenders. It leaves intact section 5549 as it exists to-day for the younger offenders.

Mr. BRAND. The gentleman is mistaken about that.

Mr. STAFFORD. I am not mistaken about it. I have read the law. The first section reads:

That section 5549 of the Revised Statutes of the United States be, and it hereby is, amended by adding thereto the following.

It leaves intact 5549, which provides for offenders under 16 years of age to be confined in houses of refuge. There is no amendment proposed by the gentleman from Minnesota to change "house of refuge" to "State reformatories" in 5549.

Mr. BRAND. As I understood the gentleman, he took the position that 5549 did not leave any provision for taking care of these juvenile offenders.

Mr. STAFFORD. The gentleman misunderstood me. Section 5549, as it exists at present, provides for the confinement of juvenile offenders under 16 years of age in houses of refuge.

Mr. BRAND. Of course, I agree with that.

Mr. STAFFORD. There is no provision by the Senate amendment or the proposed amendment of the gentleman from Minnesota providing for the confinement of those juvenile offenders in houses of refuge.

Mr. BRAND. That is where they would be sent unless his amendment is agreed to.

Mr. MANN. We are absolutely agreed that we want to correct section 5550 to make it read that way.

Mr. BRAND. If the gentleman will give me a minute's time, I wish to say that as it stands now, under the Senate amendment juvenile offenders will be sent to the houses of refuge and not to State reformatories, but it was the intention of the author of this amendment to so change the law which would authorize the courts to send these juvenile offenders to State reformatories. No church, Mr. Speaker—I do not care what denomination it may be—ought to have control of convicts. They ought not to be leased or rented to any religious denomination. The State and Federal courts ought to retain control over convicts sent from those courts, and they ought to be sent to a State reformatory or some other State institution where the State would have supervision or control over them. No church ought to be made a prison for any sort of convict.

Mr. WALSH. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection?

Mr. STAFFORD. Unless the gentleman from Minnesota [Mr. VOLSTEAD] wishes to accept the amendment of the gentleman from Illinois [Mr. MANN], I will feel constrained to object.

Mr. WALSH. Mr. Speaker, I call for the regular order.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War; and

H. R. 9604. An act for the acquisition of a post-office site at Madison, Wis.

The message also announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2983. An act to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes; and

S. J. Res. 186. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 160. Joint resolution authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referre to its appropriate committee, as indicated below:

S. 2983. An act to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes; to the Committee on Irrigation.

GALLATIN NATIONAL FOREST.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 255) for the consolidation of forest lands within the Gallatin National Forest, and for other purposes.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the Gallatin National Forest, Mont., not to exceed 24 sections, if in the opinion of the Secretary of Agriculture the public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor may cause to be patented to the party conveying to the United States not to exceed an equal value of land within such national forest, or the Secretary of Agriculture may authorize the party conveying to cut and remove an equal value of timber within any national forest in the State of Montana, the value of the land or timber to be determined by the Secretary of Agriculture and acceptable to the owner as fair compensation: *Provided*, That before any such exchange is effected notice of the contemplated exchange, reciting the lands involved, shall be published once each week for four successive weeks in some newspaper of general circulation in the county of Gallatin, Mont., and in some like newspaper published in any county in said State in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Gallatin National Forest.

With a committee amendment, as follows:

Amend, on page 2, line 8, by inserting, after the word "published," the words "without expense to the United States."

Mr. SINNOTT. Mr. Speaker, this bill is unnecessary. It is disposed of by the general exchange act. I ask unanimous consent that it may be laid on the table.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be laid on the table. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

OVERTIME COMPENSATION, MEAT-INSPECTION SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10672) to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920."

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I wish to inquire whether the Committee on Agriculture considered the proposal of limiting the hours of employment during which these workers might be employed?

Mr. HAUGEN. No. That was not considered.

Mr. STAFFORD. The gentleman is well aware of the fact that in the Postal Service we limit the number of hours that employees may be employed. Why should not these public officials be restricted in the number of hours that they may be employed?

Mr. MANN. Well, sometimes it is absolutely necessary to inspect the meat.

Mr. STAFFORD. Yes; but it is not necessary to work 24 hours a day, or 16 hours.

Mr. MANN. It is necessary to permit them to do it if they are going to get the meat out unless you increase the number of inspectors or have a surplus of inspectors.

Mr. STAFFORD. Then, I think it might be well to have a surplus of inspectors.

Mr. MANN. Well, in the Post Office Department they have substitutes, but not so in this service.

Mr. STAFFORD. In the Post Office Department they are limited to eight hours. I think there should be some limit of time fixed that these public servants should be required to work.

Mr. MANN. They are not required to work.

Mr. STAFFORD. They are virtually required to work. If they were given orders to continue at their employment they would continue to work, otherwise they would lose their positions.

Mr. MANN. Well, the Committee on Appropriations might give us a surplus, but probably they will not.

Mr. STAFFORD. There is no prospect of their giving a surplus. I wanted to know if any gentleman would have any objection to limiting the hours of employment?

Mr. HAUGEN. My understanding is that their hours are limited. If they work overtime they are allowed pay for time and half time.

Mr. STAFFORD. We are not considering the pay, but I am considering this subject from the standpoint of whether any officer of the Government should compel these workers to work more than a certain number of hours a day.

Mr. HAUGEN. There is no objection on their part to working overtime, provided they get pay for time and half time. Of course, the packers are compelled to pay for part of it and the Government for the rest.

Mr. STAFFORD. My idea is that it would be better for the protection of the employees and their welfare to limit the number of hours to not more than 10, say, in any one day, so as to save them from being compelled to work 16 hours a day.

Mr. MANN. There are times when it may be desirable to have them work long hours, and the next day they may not work very much. The meat has to be inspected.

Mr. STAFFORD. I will not press my view on the bill, although I strongly believe there should be a 10-hour limitation.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act approved July 24, 1919, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920" (41 Stat. L., p. 234, and the following), be, and the same is hereby, amended as follows:

I. By striking out on page 241, line 46, after the word "determine," the comma and inserting in lieu thereof a period.

II. By striking out on page 241, in said line 46, the following provision, beginning on said line 46 and ending with line 48: "and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

ERADICATION OF CITRUS CANKER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10673) to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, this seems to be a bill to pay a claim, and not a very good claim at that.

Mr. HAUGEN. I desire to say to the gentleman that evidently some one in the department misplaced confidence in people who subscribed and promised to pay certain amounts of money. The department advanced the money. It is a small amount.

Mr. MANN. Is not this a case where the Government agreed to pay a certain amount of money if the State paid a certain amount of money, and thereupon the State, having agreed to pay the money, expended it? They expected to have the money contributed to the State by private contributions, but not getting it they now ask the Government to pay it.

Mr. HAUGEN. We are paying the money that should have been paid by the people who subscribed. They did not make good. They repudiated their promises.

Mr. MANN. The money was expended by the State officials?

Mr. HAUGEN. Yes; with the understanding that an equal amount was to be paid by the subscribers.

Mr. MANN. Not only by an understanding, but they had secured from private individuals promises to contribute a certain amount of money if the Government would pay an equal amount. Then the State officials go ahead and spend the money. It is their business to collect it. But not being able to collect it according to their agreement, then they ask the Government to pay it. Poor Uncle Sam!

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. WALSH. They are just following the usual course, are they not?

Mr. MANN. Yes. Here was a case where the people of Alabama urged the Government to contribute a certain amount of money to help eradicate citrus canker. The Government agreed to pay half, and the State of Alabama officials agreed to raise half. They said they had raised it. Then they went ahead and spent it. Then they found out they had not raised it. Then they wanted Uncle Sam to pay what they had spent. Uncle Sam paid his half.

Mr. LAWRENCE. The other half did not grow, did it?

Mr. MANN. I will say this, that I doubt whether any money was ever more profitably expended in the history of the work of the Agricultural Department than was expended in the eradication of the citrus canker. Good results came out of it.

Mr. WALSH. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. WALSH. What happened which resulted in their not being able to get this money from the people who had subscribed it?

Mr. HAUGEN. As stated in the report—

In Alabama a subscription list was prepared in the city of Mobile, the two counties of Baldwin and Mobile being the areas chiefly interested in cooperating with the Bureau of Plant Industry. Subscriptions were pledged in excess of $3,000, a part of which was advanced by the local banks. On this basis the work was laid out by the State Board of Agriculture of Alabama and inspectors employed. The Department of Agriculture authorized the State board to spend not to exceed $3,000 of Federal funds, based on the subscription fund, which it was anticipated would be paid. Many of these subscription funds were later repudiated, some on account of the disorganization of the nursery and land business, the feeling that the citrus canker would destroy the industry discouraged many, and a number of others were unable to pay. The inspectors were employed by the department. Their salaries have been paid, but a number of claims for necessary traveling expenses incurred in going from place to place under orders and on official duty have been disallowed through lack of funds. They were employed and ordered about by a representative, representing both the State and the department, who, if he had held rigidly to the letter of the law, would never have incurred liabilities on a mere promise or obligated the Government beyond the actual cash in hand, or the cash that had been allowed to him by Federal authority. The total of the claims presented so far is $688.98, which is claimed by 10 men.

As this report states, the subscriptions were not paid, and as a result the Government is pledged to pay the $688.98. As I have stated, it was expected that the subscribers would make good. They did not make good. The money was advanced and should be paid. I agree with the gentleman that in the expenditure of this money caution should have been exercised, and that they should have collected the money in advance so as to be sure that they had it and that the Government should never have been called upon for any part of the amount which had been subscribed; but the money has been advanced.

Mr. WALSH. I was asking what, if anything, happened which caused them not to honor the subscriptions that they had agreed to make?

Mr. MANN. The work was so successful that the citrus canker was done away with, and they could not see any reason why they should pay for it after it was done.

Mr. LAYTON. Their idea was to let the Government do it.

Mr. WALSH. That was a pretty good reason, where the Government was concerned. That is the usual process of reasoning in such cases.

Mr. HAUGEN. Possibly they thought that the Government could pay it more easily than they could.

Mr. MANN. We have been trying to get a rise out of somebody from Alabama, but do not seem to be able to.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of the appropriation of $79,720 for "Eradication of citrus canker" made available by the Agricultural appropriations act of March 3, 1921, not to exceed $1,200, for the payment of miscellaneous expenses incurred during the fiscal years 1916 and 1917, in connection with cooperative work of the United States Department of Agriculture and the Alabama State Board of Horticulture, in the eradication of citrus canker in the State of Alabama.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

FORT FETTERMAN MILITARY RESERVATION.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10002) to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation, in the State of Wyoming.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

Mr. SINNOTT. Will the gentleman withhold his objection?

Mr. BLANTON. I will reserve the objection.

Mr. SINNOTT. I ask unanimous consent that this bill may retain its place on the calendar.

The SPEAKER. The gentleman asks unanimous consent that the bill may be passed without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

POSTAL SAVINGS SYSTEM.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8334) to amend the laws relating to the Postal Savings System.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ROUSE. I object.

RURAL CARRIERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7544) authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. McCLINTIC. Reserving the right to object, Mr. Speaker, this bill does not provide any way for a rural carrier to have

the opportunity to file a reply to any complaint that might be made against him by the Post Office Department. It does not provide that an inspector shall be detailed to investigate any charge that might be made against a rural carrier. I do not believe it would be a good policy on the part of the department to reduce the pay of one rural carrier 25 per cent, another 50 per cent, another 75 per cent, and so on. In other words, this bill if enacted into law would, in my opinion, work a hardship on those splendid men who are engaged in this occupation, and I can not favor legislation which might be used by some unscrupulous person to injure carriers who might have charges filed against them for various reasons. I reserve the right to object.

Mr. STEENERSON. If the gentleman will reserve his objection I will make an explanation.

The compensation of rural carriers is fixed by statute. The department has no control over it, except that where there is a failure of service or a delinquency the department may remove or suspend without pay, but can not do anything less than that. They may suspend a rural carrier and he loses his salary, but they can not deduct anything from it. This is in the interest of the rural carriers. We had a hearing on this bill, and there was no objection on the part of any representative of the rural carriers.

A letter from the Postmaster General requesting the committee to consider the advisability of this legislation and explaining its purpose follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., June 11, 1921.

Hon. HALVOR STEENERSON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. CHAIRMAN: Under existing law rural letter carriers may be disciplined only by reprimand, suspension from duty without pay, or removal.

Suspension from duty without pay often works an undue hardship on the employee, and, in the opinion of the department, it would be far preferable in many cases to reduce temporarily his rate of pay, thus sufficiently penalizing the carrier without depriving him entirely of his income. Such action can not, however, be taken at this time, as the reclassification act of June 5, 1920, fixes specifically the rates of pay for routes of various lengths.

It is, therefore, recommended that your committee consider the advisability of enacting appropriate legislation in this matter, and the following tentative draft is submitted:

"That the Postmaster General be, and he is hereby, authorized in his discretion, whenever for disciplinary purposes he deems it advisable to do so, to reduce temporarily the pay of rural carriers, provided that in no case shall such a reduction in pay be of more than one grade as fixed by the act of June 5, 1920, nor extend over a greater period of time than one year."

Sincerely yours,

WILL H. HAYS, *Postmaster General.*

Mr. McCLINTIC. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. McCLINTIC. I should like to know if the rural carriers' organization has made any recommendation relative to the merits of this proposed legislation?

Mr. STEENERSON. None whatever.

Mr. STAFFORD. Then it should be considered. If they have made no representation concerning it, that is a very good reason why we should consider it.

Mr. McCLINTIC. Inasmuch as this provides a method of laying rural carriers off for the period of a year, I will object.

Mr. LINTHICUM. I hope the gentleman will reserve his objection.

The SPEAKER. The gentleman from Oklahoma objects. The Clerk will report the next bill.

RURAL ROUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8927) authorizing establishment of rural routes of from 36 to 75 miles in length.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. McCLINTIC. Reserving the right to object, Mr. Speaker, if I understand the law, there is a method at the present time which can be put into effect for the purpose of establishing these motor routes. It has been the policy of the Post Office Department in the past to establish a number of these long routes, known as motor routes, in States where they have no macadam roads, and when bad weather came the service was seriously injured, because the route was too long for the carrier to make in a day. Inasmuch as we have at the present time a method by law whereby rural routes of this length can be established, I do not believe it ought to be changed.

Mr. STEENERSON. Will the gentleman withhold that for a moment?

Mr. McCLINTIC. I will.

Mr. STEENERSON. Mr. Speaker, under the present law the routes of horse-drawn vehicles are limited to 36 miles and the motor-drawn vehicles are limited to a minimum of 50 miles; so between the two there is no possibility of either one kind of route or the other. Now, there are cases where the motor routes might be lengthened, and it would afford accommodation to many deserving families in certain parts of the country if this authority was granted. Of course, the department would not avail itself of the authority if the service could not be maintained with efficiency. The department has recommended it and the committee has considered it carefully, and we think the authority to establish these routes between 50 and 36 miles ought to be granted.

Mr. McCLINTIC. If I understand the gentleman correctly, the motor routes up to 50 miles can be established?

Mr. STEENERSON. From 50 miles upward, but not less than 50 miles.

Mr. McCLINTIC. If this bill becomes a law it will have the effect of repealing the statute which makes it necessary that petitions be circulated and that the patrons of the route, or a certain number, sign it before a motor route can be authorized.

Mr. STEENERSON. I do not think so; there is not a word in the bill about that. The existing law is not repealed.

Mr. McCLINTIC. It has been my experience in Oklahoma that practically every motor route established has proven unsatisfactory. Many petitions have come to me from the patrons of these routes asking that they be abolished and wagon routes be established to take their place.

Mr. STEENERSON. It is news to the chairman of the committee; I never heard of it.

Mr. McCLINTIC. I dare say that 90 per cent of the motor routes where they have no macadam road have proven unsatisfactory.

Mr. STEENERSON. This would give the department authority to establish motor routes less than 50 miles. Fifty miles is the minimum now, and this would wipe out that restriction, so that really it is in the interest of the patrons which the gentleman has in mind.

Mr. McCLINTIC. Mr. Speaker, I have heard a number of complaints about the establishment of motor routes, and I do not think that it is a wise policy to authorize the Government to destroy or repeal the laws relating to this subject. Therefore I object.

The SPEAKER. Objection is made by the gentleman from Oklahoma.

ADDING TO THE SISKIYOU NATIONAL FOREST, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10461) adding certain lands to the Siskiyou National Forest in Oregon.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

Mr. HAWLEY. Will the gentleman reserve his objection?

Mr. BLANTON. I will.

Mr. HAWLEY. Mr. Speaker, this bill proposes to add to the Siskiyou National Forest, in Josephine County, Oreg., somewhat over 120 acres of land that is so situated as to include about all the land suitable for the use of tourists, campers, and others who visit the Oregon caves. It is necessary for the construction of accommodations for visitors and for camp sites. An excellent road has been constructed nearly to the caves and it will be completed in the near future.

Mr. BLANTON. Does this bill restrict the acquisition to 120 acres?

Mr. HAWLEY. One hundred and twenty acres and lot 1, and I do not know exactly the area of lot 1, but a few more acres.

Mr. BLANTON. How much are we going to pay for it?

Mr. HAWLEY. It only transfers it from the jurisdiction of the Department of the Interior to that of the Department of Agriculture.

Mr. BLANTON. All public land?

Mr. HAWLEY. It is already public land, and this is to prevent it going into private hands, thus permitting some private owner to charge exorbitant prices for camping privileges to tourists.

Mr. BLANTON. Can the gentleman tell us how many extra employees this additional will entail and how much in salaries?

Mr. HAWLEY. None at all; there is no additional expense.

Mr. BLANTON. Mr. Speaker, I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the northeast half of the northeast quarter and the northeast quarter of the northwest quarter of section 31, township 39 south, range 6 west, of the Willamette meridian, are hereby added to and made a part of the Siskiyou National Forest in Oregon.

The following committee amendments were read:

1. Page 1, line 3, strike out the word "northeast," where it first occurs in said line, and insert in lieu thereof the word "north."
2. Page 1, line 3, strike out the word "and" and insert in lieu thereof a comma (,).
3. Page 1, line 4, after the word "quarter," where it occurs the second time in said line, insert the following words: "and lot one."
4. Add a new section as follows:

"SEC. 2. The Secretary of Agriculture is hereby authorized, in his discretion, to sell the merchantable timber on the land added to the Siskiyou National Forest by section 1 hereof in accordance with the regulations governing the sale of public timber in the national forests, and the entire proceeds of any sale of the timber on such land shall be deposited in the Treasury of the United States in a special fund designated as 'The Oregon and California land-grant fund,' referred to in section 10 of the act of Congress approved June 9, 1916 (39 Stat., 218), and be disposed of in the manner therein designated, the land added forming part of the area which revested in the United States under the provisions of the said act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAWLEY a motion to reconsider the vote whereby the bill was passed was laid on the table.

LAKE GEORGE, YAZOO COUNTY, MISS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1162) declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice, to retain its place on the calendar.

The SPEAKER. Is there objection?

There was no objection.

MESCALERO RESERVATION INDIANS, NEW MEXICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6294) promoting civilization and self-support among the Indians of the Mescalero Reservation, in New Mexico.

The SPEAKER. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I reserve the right to object.

Mr. WALSH. Mr. Speaker, I reserve the right to object.

Mr. LINTHICUM. Mr. Speaker, I do not know much about this bill; I do not know what it aims to accomplish, but I do know that if it is going to promote civilization it is a good thing. I also know that if we would also introduce some bill to continue civilization and civil service in this country it would be a good thing. I note that the President by drastic order——

Mr. MANN. Oh, now, now!

Mr. LINTHICUM. The other evening removed summarily the heads of the Bureau of Engraving and Printing.

Mr. WALSH. Mr. Speaker, we have all noticed that. I do not think it is necessary to occupy the time of the House in comment upon it.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman from Maryland asks unanimous consent to speak for five minutes. Is there objection?

Mr. WALSH. Reserving the right to object, is the gentleman going to make some caustic observations upon the dismissals from the Bureau of Engraving and Printing?

Mr. LINTHICUM. I do not think I have ever made any caustic observations. I want to comment somewhat upon this summary removal of the men and women from the Bureau of Engraving and Printing, because I think it was very unusual.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent for five minutes in which to reply to the gentleman's speech.

Mr. WALSH. Mr. Speaker, I object to the bill and to the requests of each gentleman.

The SPEAKER. Objection is heard.

Mr. ROACH. Mr. Speaker, will the gentleman from Massachusetts reserve his objection to the bill?

Mr. WALSH. I reserve my objection to the bill, but not to the requests of the gentleman from Maryland and the gentleman from Texas.

Mr. ROACH. Mr. Speaker, if there is any information that I can furnish the gentleman with reference to the bill, I shall be very glad to do so. I do not think there could well be any objection made to the bill itself. The assistance proposed to be rendered to the Indians on the Mescalero Indian Reservation under the provisions of this bill is to be paid for out of the sale of timber from their reservation, which has already been contracted by the Indian agent. This Mescalero Indian Reservation has timber on it of the approximate value of two and one-half million dollars, and the Commissioner of Indian Affairs informs our committee that contracts have already been let for the sale of $450,000 worth of this timber. It is proposed to repay such loans as may be advanced to this reservation under provisions of this bill out of the sale of this timber off the reservation. If there is any further information that I can give the gentleman, I would be very glad to do so. I do not see how there can be any objection made to the passage of the bill.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. ROACH. Yes.

Mr. MANN. This is practically a loan by the Government to the Indians?

Mr. ROACH. It amounts to that; yes; but in that connection the Commissioner of Indian Affairs informed our committee that a sale has already been perfected of $450,000 worth of timber upon which certain payments would shortly be coming due. These payments extend over a period of 10 years, but some of the payments will be due in the near future, and payments on these timber contracts will be made from time to time, as they become due.

Mr. MANN. This loan is to be made without interest?

Mr. ROACH. Under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. MANN. The Indians have assets, and the suggestion is that we loan them money against those assets without interest.

Mr. ROACH. As far as I recall, the matter of interest I do not believe was mentioned or discussed.

Mr. MANN. It is practically a loan.

Mr. ROACH. Yes; that is what it amounts to.

Mr. MANN. Does not the gentleman think, if we start to loan money to people who need it—and the Indians, I admit, are in a peculiar situation, of course—it would be perfectly fair and a little better precedent if we should require that some interest on the loan be paid?

Mr. ROACH. I am not prepared to state that the Secretary of the Interior intends to finance this bill wholly out of the payments made on this timber, but that is the impression that I gained of the matter—that such amounts of these payments as were made from the sale of the timber were to be so utilized, and the bill gives the Secretary of the Interior or the Indian agency authority to utilize those payments in the promotion of the general welfare of that tribe of Indians by building homes, by improving their property, buying them live stock, and supplying them with necessary farming implements, and so forth, to enable them to make some progress in the matter of civilization.

Mr. MANN. Of course, as far as supplying them homes is concerned, that is mostly bunk. They would not live in homes if you built them palaces, but as far as furnishing them facilities for cultivating the soil or for grazing or anything of that sort, it is highly desirable. They have a large forest, and the contract has been let to cut part of that forest within the next 10 years, to the total amount of $450,000. The forest is increasing in value, I apprehend. The proposition now is that we shall advance them $250,000 against that. No one knows just when the advances will be made or when they will be repaid.

Mr. ROACH. It is known to this extent, that the total amount of $450,000 already contracted is to be paid within a period of 10 years from date.

Mr. MANN. Yes. I apprehend that $250,000 might be paid back much before the expiration of the 10 years. We do assume that it would be all paid back in 10 years, although experience teaches us that the history of such things is that they are rarely ever paid back. They always have some new use for the money.

But it would not be fair to give consideration to the question as to whether, if we are not to loan this money, they should pay some interest on it. If we get any money of the Indians in the Treasury, we pay interest on it.

Mr. ROACH. Had I not been under the impression that these advances would really be taken care of out of the payments from the sale of this timber, I would have raised before the committee the question of interest, but it did not occur to me for the reason, as stated, that I was under the impression that the money was really to be paid out from the money derived from the sale of timber.

Mr. MANN. If it was only to be paid out of money that comes in from the sale of timber, certainly I should not think there would be any opposition.

Mr. ROACH. I am not prepared to state that such is true, but I have that impression. I do not want to be understood as stating such to be the fact, however. At any rate, the loans so made are to be paid from these timber sales.

Mr. MANN. Would it not be wise to find it out? If we sell the timber for these Indians, I can see no reason, as the money comes in, why it should not be turned over for the use of the Indians, and that is the purpose of the bill.

Mr. ROACH. Under the circumstances, if the gentleman feels obliged to object——

Mr. MANN. I do not know that I shall object, but the gentleman in charge of the bill, I should think, would want to give the House full information, and it would not hurt to let it go over for a couple of weeks until he finds out about these particular matters inquired about.

Mr. ROACH. I ask unanimous consent that under the circumstances the bill be passed without prejudice.

The SPEAKER. The gentleman asks that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

LEASES FOR POST-OFFICE PREMISES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10244) repealing the law relating to the termination of leases for post-office premises.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Reserving the right to object, will the gentleman state what has arisen to make such legislation necessary?

Mr. STEENERSON. There is a statute which makes it mandatory in all leases of post-office premises to include a clause that the lease shall terminate in the event a public building be built there, and without this statute the department could, of course, cancel such lease at any time they thought proper; and it developed, in the city of New York especially, as this clause was mandatory to be included in the lease, that it increased the rent, and the joint commission had it up. And as I recall, one building to be built—the Pennsylvania station—it would make a difference in the rental of $175,000 for the period of the lease.

Mr. MANN. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. MANN. I believe it has been the policy of the Post Office Department for many years, in making a lease, to put in a cancellation clause providing the Government could cancel the lease at any time.

Mr. STEENERSON. Yes.

Mr. MANN. Has that policy been changed?

Mr. STEENERSON. Yes; in some cases.

Mr. MANN. Because this provision does not make any difference whether it is in or out of the lease if the cancellation provision is in. Now, some time ago, maybe a year or so ago, I called at the department about the lease of a substation in Chicago, a place where they wanted to make a lease. The owner of the property absolutely refused to make a lease to the Government with the cancellation clause in it. He said he could lease his property for the same length of time to private parties without a cancellation clause, and he was not going to lease it to the Government, rentals being now high in Chicago, and in two or three years they would drop down and the Government might cancel the lease and leave the property on his hands. He said, "Get somebody else's property, but you can not get mine." And the department absolutely refused to consider any proposition that did not contain the right of cancellation in it. Of course, if the cancellation clause is still continued in leases it does not make any difference whether this provision about cancellation in erecting a Government building is in or not, because they can cancel with or without an excuse. Now, is that changed?

Mr. STEENERSON. I am so informed that where it is thought it would affect the rental to be paid they take it out, but this other clause is mandatory to be included.

The situation in New York is a special illustration of the disadvantage. It was said before the commission and before the Committee on Post Offices and Post Roads that by reason of this mandatory clause they were prevented from leasing desirable places.

Mr. MANN. I do not see how it could make any difference in the city of New York, because they do not build any substations there at all. The Government does not own any Government buildings in which there are substations, and in any event it certainly can not apply in the city of Chicago and can not apply in the city of New York, and it can not apply in any other place where they have substations.

Mr. STEENERSON. Oh, yes.

Mr. MANN. There is only one substation owned by the Government in the United States, and that is in my district. It was built by the Government.

Mr. STEENERSON. The post office in the Pennsylvania Terminal was built by the United States. Outside of that the stations in New York are all built by private contractors, but the rental is agreed upon in advance. We are now negotiating with the Pennsylvania Railroad, or one of their subsidiary building companies, for an additional building for post-office purposes, and they stated before the joint commission——

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects, and the Clerk will report the next bill.

SPECIAL CANCELING STAMPS OR POSTMARKING DIES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10941) authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10941) authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies.

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to grant permission for the use in first and second class post offices of special canceling stamps or postmarking dies for advertising purposes in the following cases only: First, where the event to be advertised is for some national purpose for which Congress has made an appropriation; second, where the event to be advertised is of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit: *Provided*, That such permit shall not be for a longer period than six months and the duration of the event to be advertised: *Provided further*, That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriation either for the purchase of special canceling stamps or postmarking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee.

SEC. 2. That any permission granted under this act is hereby revoked in the event the Government shall find it expedient or necessary to use special canceling stamps or postmarking dies for its own purposes.

Mr. BLANTON. Mr. Speaker, I offer an amendment. On page 1, line 10, strike out the following words: "Of general public interest and importance."

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 10, strike out the words: "Of general public interest and importance."

Mr. BLANTON. Mr. Speaker, it is, I take it, of general public interest and importance to the people of the United States that to-day, when there are already 5,000,000 American citizens out of work, walking the streets idle, that through the autocratic call of certain leaders 600,000 more able-bodied men are called from their work into a state of idleness. It is a loss not only to the people of the United States, it is a loss to those 600,000 men and their families. I want to cite to them the situation that exists in——

Mr. MANN. Mr. Speaker, I make the point of order the gentleman is not discussing the bill under consideration.

Mr. BLANTON. Mr. Speaker, I submit I am speaking upon the subject of "general public interest and importance to the people."

The SPEAKER. That, of course, does not make his amendment in order. The gentleman will discuss the subject of his amendment.

Mr. BLANTON. Under the rules and practice of the House, is it not in order to speak on any subject that is germane to and embraced in the specific language that is under discussion?

The SPEAKER. Oh, the gentleman should not seriously argue that.

Mr. BLANTON. I only follow the distinguished gentleman from Massachusetts before he became Speaker, when he used to speak in that fashion.

The SPEAKER. That may be, but objection being made, of course it is not in order to discuss this subject. Because the words "public interest and importance" are in the bill, it does not make everything of public interest in order.

Mr. BLANTON. May I call the Speaker's attention to the fact that once when the present Senator from Texas [Mr. SHEPPARD] happened to be on the floor, he moved to strike out the last word, which happened to be the word "dollar," and he was permitted to speak at great length on the subject of the American dollar even over objection.

Mr. MANN. Under the theory of the gentleman, if he moved to strike out the word "Congress," he could talk on everything that Congress has jurisdiction over.

Mr. BLANTON. Of course, if the gentleman from Illinois does not want me to discuss this important question that is of vital interest to the people just now——

Mr. MANN. Let the gentleman discuss it in a proper way and at the proper time, and not through a subterfuge.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes on this important subject.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection?

Mr. STEENERSON. Mr. Speaker, there are a couple of bills here that I know the gentleman is anxious——

Mr. BLANTON. The gentleman will expedite them probably by giving me a little show here. I am going to help the gentleman expedite the bills.

Mr. STEENERSON. Does the gentleman want five minutes?

Mr. BLANTON. Just five minutes. That is all I want.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, to these 600,000 miners who have been called from their work, and are now in idleness, and whose families are going to suffer, I want to cite the situation that exists in the United States in every American open-shop plant. Take, for instance, the steel industry. Under the American open-shop plan that industry to-day is giving employment to 264,000 Americans, and is paying to them an average wage of over $1,900 each. And there has not been a day during the last 12 months that they have not had work in continuous employment. Their families are satisfied. Last year they bought 255,000 shares of stock in the concern for which they work. Take the open-shop plant of Henry Ford to-day. He is employing under the American open-shop plan 63,500 Americans, and he is paying them a minimum of $6 apiece. And he has established the 40-hour week for them. He gives them also representation in all of their problems of employment.

Take the packers, if you please. They are employing to-day under the American open-shop plan 22,500 American citizens, and they are paying them a wage of at least $4.80 apiece as a minimum, and then on up according to the earning capacity of the various employees. It is all under the American open-shop plan. And if you will find me a factory that has been running continuously in the United States for the last 12 months you will find it is an open-shop factory, not an open-shop factory that denies to its employees the right to be heard or the right of representation, but open-shop factories that give to their employees the right to be heard through representatives whom they may select.

I submit to these miners that if they will look into the coal fields where the open shop is maintained, if they will look into the coal mines of Kentucky and West Virginia and such places, where the American open-shop plan has been in force for the last 24 months, they will find that the miners there are satisfied. They are receiving wages amply sufficient to maintain their families, and they are perfectly satisfied. There has not been a month during the last 12 months when they have not had work. And they have the expectation of having continuous work for the next 12 months. And I submit to these 600,000 miners who have quit work at this time, when there are 5,000,000 able-bodied men already idle and seeking work, that they are placing a hardship upon the 5,000,000 men and their families, and not only that, but they will close up lots of plants and factories in the United States, and they will take from other men and their families the right to work. Already the railroads are laying off their employees because they can not get coal. That is the direct result for which these 600,000 striking miners and their leaders are responsible.

I want to say to them that it behooves them to stop and think whether their leaders are working for their best interests. If they conclude that their leaders are not, I say to them it is their duty to their country in these days of reconstruction following the war—it is their duty to their country and their flag—as loyal citizens to go back to work and produce, not the least that they can, but produce the very maximum. That is what I have been taught all my life. It is the duty of every American citizen to produce the maximum of which he is capable. I expect if they did it there would be no more unrest and dissatisfaction in this land. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired. Does the gentleman withdraw his amendment?

Mr. BLANTON. I withdraw the pro forma amendment.

Mr. STEENERSON. Mr. Speaker, the demand for special authorization from Congress for the use of special canceling stamps in the different post offices in the country has become so great that in order to save the time of Congress in considering them it was deemed best to have a general law on the subject giving the Postmaster General authority to govern these permits under certain limitations, namely:

Provided, That such permit shall not be for a longer period than six months, and the duration of the event to be advertised: *Provided further*, That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriation either for the purchase of special canceling stamps or postmarking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee.

First. Where the event to be advertised is for some national purpose for which Congress has made an appropriation; second, where the event to be advertised is of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit.

The bill was unanimously reported by the committee and approved by the Postmaster General.

The following from the report on H. R. 2185 passed last year throws some light on the matter:

APRIL 16, 1921.

Hon. HALVOR STEENERSON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. STEENERSON: In reply to your letter of the 15th instant, with which you submit a copy of bill H. R. 2185, providing for a "Pageant of Progress Exposition" canceling stamp to be used by the Chicago post office and asking for a report and recommendation on said bill, I beg to state that on account of the multiplicity of requests from numerous sources for the use of special dies advertising various projects, the department found it necessary to take some decided action and an order was signed by a former Postmaster General August 18, 1901, of which the following is a copy:

"It is hereby ordered that postmarking dies shall not be used for advertising purposes except upon special permission from the Post Office Department, application for which should be made to the Fourth Assistant Postmaster General, and which will not be granted unless it be for some national purpose for which Congress shall have made an appropriation."

Subsequently some exceptions were made and special dies carrying recruiting data for the Army and Navy, also special dies carrying legends in the interest of the conservation of national forests, were furnished and which were paid for out of the appropriations under the control of the several departments referred to.

The requests received from various organizations, both governmental and private, for authority to use canceling machine dies for advertising various enterprises have become so numerous that it is apparent that the public regards the use of inscriptions on these dies as a good advertising medium which has led to the conclusion that there is no good reason why they should not be used to familiarize the public with various service features which might from time to time be determined as the most important concerning the operation of the Postal Service.

Based upon the foregoing conclusion, the department has recently expended $3,802.10 in the purchase of 200 dies bearing the slogan "Address your mail to street and number," which have been furnished to certain of the larger offices, including Chicago.

In view of the recent decision of the department in reference to this matter and the fact that it is uniformly denying all requests for special dies, I am of the opinion that it would be unwise to make any exception through congressional legislation and therefore have to submit an adverse report upon the proposed bill.

However, should the Congress decide that the conditions in this case are of such merit as to warrant favorable action in the matter, I would suggest that the bill be amended so as to read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to permit the use in the Chicago post office of special canceling stamps bearing the following words and figures: "Pageant of Progress Exposition, Chicago, July 30 to August 14, 1921."

The purpose of this recommendation is to relieve the department from furnishing the dies and placing the expense therefor upon the exposition, as has been the invariable course followed heretofore.

Sincerely, yours,

WILL H. HAYS, *Postmaster General.*

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEENERSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10740) providing for a "Don't Miss 300th Anniversary Celebration, Gloucester, Mass., August, 1923," cancellation stamp to be used by the Gloucester, Mass., post office.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Minnesota whether, in view of the passage of the bill we have just passed, he thinks it advisable and necessary to pass this bill?

Mr. STEENERSON. I do, because this bill that we have just passed through the House goes to the Senate, and it might take time before it is reached. I will say that we have included five or six other canceling bills in this same bill, and some of those events advertised are near at hand.

The SPEAKER. Is there objection?

Mr. STEENERSON. If the gentleman from Illinois will read the additional bills included in this one, he will find that the dates of some of these events are very close at hand; some 60 days; two or three of them from Chicago.

Mr. MANN. Three of them are from Chicago. I am not familiar with them, but I think the date of "Chicago Boys' Week" has been changed. Maybe I am mistaken about that. But one of the dates of the numerous enterprises of this sort in Chicago was changed a few days ago, according to the Chicago newspapers.

Mr. STEENERSON. They have not advised the Committee on the Post Office and Post Roads.

Mr. MANN. They probably do not consider it important to give the information.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. WALSH. I would like to ask the gentleman from Illinois a question. In these events they include the Pageant of Progress Exposition at Chicago. If I recall correctly, we passed a special bill in the last Congress, or at the last session, for that. Did they not make sufficient progress at the last exposition?

Mr. MANN. Well, Chicago made more progress at the last exposition than Massachusetts has made in the last 10 years. [Laughter.] But as to continuing to make progress, we have not reached that state of self-sufficiency yet where we think we can not progress further.

Mr. WALSH. Of course it is necessary to have these special canceling dies to advertise Chicago; otherwise until we get this Great Lakes and St. Lawrence waterways project completed we may forget that there is such a place as Chicago.

Mr. MANN. Well, we are not afraid that anybody will forget that Chicago is on the map, but we like to do the best we can.

Mr. STEENERSON. It seems to me that inasmuch as not only Illinois but Massachusetts is being taken care of by this very important measure both gentlemen ought to be satisfied with it.

Mr. STAFFORD. Mr. Speaker, I am not seeking local recognition, but I want to be advised whether the same criticism or objection should not have been leveled at the act just passed as could be leveled at the language in the second section of this bill, "That any permission granted under this act is hereby revoked in the event the Government shall find it expedient or necessary to use special canceling stamps or postmarking dies for its own purposes." Would it not be better in the potential mood?

Mr. MANN. In one case we leave it to the Postmaster General or the executive authorities to revoke it. This is an act of Congress that does revoke it.

Mr. STAFFORD. Of course, it is to be exercised by the department officials. That language, "That any permission granted under this act is hereby revoked in the event the Government shall find it expedient," and so forth, is contingent upon the exercise by some department official virtually of the discretion.

Mr. MANN. I understand. The act is the act of Congress revoking the permission. I do not know whether it makes any difference if it gives the authority to the Postmaster General to revoke it. In one case it would be a direction to the Postmaster General to revoke it and in the other a legislative act of revocation.

Mr. STAFFORD. I thought it was granting to the Post Office Department discretionary power to exercise it if in their judgment there was a conflict, as expressed in section 2.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to permit the use in the Gloucester, Mass., post office of special canceling stamps bearing the words and figures "Don't Miss 300th Anniversary Celebration, Gloucester, Mass., August, 1923."

With a committee amendment, as follows:

Strike out, on page 1 all of lines 3 to 7, inclusive, and insert in lieu thereof the following: "That the Postmaster General be, and he is hereby, authorized and directed, under rules and regulations to be prescribed by him, to permit the use of special canceling stamps, as follows: In the Gloucester, Mass., post office, dies bearing the words and figures 'Don't Miss 300th Anniversary Celebration, Gloucester, Mass., August, 1923.' In the Chicago, Ill., post office, dies bearing the words and figures 'Chicago Boys' Week, May 19–25, 1922.' In the Sunbury, Pa., post office, dies bearing the words and figures 'Old Home Week, 150 Birthday, July 1–2–3–4, 1922.' In the Indianapolis, Ind., post office, dies bearing the words and figures 'Indiana Health Exposition, May 19–27, 1922, Indianapolis, Ind.' In the Chicago, Ill., post office, dies bearing the words and figures 'International Live Stock Exposition, Chicago, December 2d to 9th, 1922.' In the Chicago, Ill., post office, dies bearing the words and figures 'Pageant of Progress Exposition, Chicago, July 29 to August 14, 1922': *Provided*, That no permit shall be granted for a longer period than six months and the duration of the event to be advertised: *Provided further*, That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriation either for the purchase of special canceling stamps or post-marking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee.

"SEC. 2. That any permission granted under this act is hereby revoked in the event the Government shall find it expedient or necessary to use special canceling stamps or post-marking dies for its own purposes."

Amend the title so as to read: "A bill authorizing the use of special canceling stamps in certain post offices."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended.

There was no objection.

On motion of Mr. STEENERSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CERTAIN LANDS IN LASSEN COUNTY, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10554) authorizing the Secretary of the Interior to issue patent to Lassen County of California for certain lands, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I notice that the bill is introduced and has been reported by the gentleman from California [Mr. RAKER]. The reports that he makes on bills are usually more informing than the bills themselves, but this is an exception—the bill seems to be more informing than the report. Yet the bill itself is not sufficiently informing. So I wish to inquire what are the county uses and purposes for which it is proposed to have this public land used?

Mr. RAKER. Anything that the county may wish to use it for.

Mr. STAFFORD. A scavenger station or a garbage disposal plant?

Mr. RAKER. It is ordinary land for which people pay $1.25 an acre. The county wishes to buy it for county purposes. That is expressed in the resolution of the board of supervisors and the letter of the district attorney. The object is to allow the county to buy it to use for any purpose that they may want to use it for.

Mr. STAFFORD. Have the board of supervisors any well-defined plan of the purposes for which they wish to use this land?

Mr. RAKER. They have not divulged that to me. It is for general county purposes. They wish to pay $1.25 an acre for it, just what anybody else would pay, and they can use it for any county purposes for the benefit of the people of the county.

Mr. STAFFORD. They might use it for a graveyard.

Mr. RAKER. Yes.

Mr. STAFFORD. Or for burying old horses.

Mr. RAKER. Yes; they could put an incinerating plant there, or anything they want to, for county purposes.

Mr. STAFFORD. If they should use it for those purposes it would not impair the value of any surrounding public land?

Mr. RAKER. In no degree whatever.

Mr. MANN. Is there any timber on this land?

Mr. RAKER. None whatever. It is nontimbered land.

Mr. MANN. What character of land is it?

Mr. RAKER. Sagebrush land.

Mr. MANN. Is it used for the county poorhouse?.

Mr. RAKER. No, indeed.

Mr. MANN. Is it to be used for the county poorhouse?

Mr. RAKER. They are going to use it for general purposes. Part of it now is being maintained by the county, wherein there have been some burials by the county for 40 years.

Mr. MANN. Some what?

Mr. RAKER. A burial ground. On one corner of it is a schoolhouse owned by the county. The county wants it for all county purposes. It is away out in the outer district of the county, and the people want it, and the county is willing to pay for it. They want to fence off the graveyard at one end, and fence it off for a dumping ground at the other end.

Mr. MANN. There is no doubt about the county being willing to pay for it. There seems to be some uncertainty about the use that is to be made of it.

Mr. RAKER. The county will pay the same price for it that is paid for all Government land of this kind, $1.25 an acre.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. I should like to ask the gentleman from California why he omitted in line 10 the words "uses and"? Those words appear in line 8—

Shall use said tract of land for county uses and purposes only.

Then it says—

Provided, That whenever said lands cease to be used by said county for county purposes——

Mr. RAKER. This is the same language that we have used in several other bills.

Mr. COOPER of Wisconsin. But why did you omit the words "uses and"?

Mr. RAKER. They were not thought necessary.

Mr. COOPER of Wisconsin. Then why did you use them in the first place?

Mr. RAKER. We thought it would amplify it, and in the other case would make no distinction.

Mr. COOPER of Wisconsin. I will not object if the gentleman will consent to insert in line 10, after the word "county" the words "uses and."

Mr. RAKER. I think that is all right.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patent to Lassen County (one of the duly organized and existing political divisions of the State of California, a body corporate and politic, with full power to hold and own real estate), of, California, for the following tract of public land, to wit: The northeast quarter of the southeast quarter of section 4, township 37 north, range 11 east, Mount Diablo base and meridian, Susanville land district, in the State of California, upon payment therefor to the Secretary of the Interior for the Government of the United States the full sum of $1.25 per acre, which patent shall be issued upon the express condition that Lassen County shall use said tract of land for county uses and purposes only: *Provided*, That whenever said lands cease to be used by said county for county purposes or are attempted to be sold or conveyed, then, in that event, title to said lands and the whole thereof shall revert to the United States: *Provided further*, That such patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits that may be found in such land, and the right to the use of the land for extracting the same.

With the following committee amendments:

Page 1, line 4, after the word "authorized" strike out the word "an" and insert the word "and."

Page 1, strike out all of lines 5, 6, and 7, down to and including the words "of" in line 7.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. RAKER. Mr. Speaker, I move to amend on page 2, line 10, after the word "county" by inserting the words "uses and."

Mr. COOPER of Wisconsin. Will not the gentleman consent also to insert the word "only," so that it will read as it reads in the previous part of the paragraph? They might use it for county purposes, and at the same time use it for some other purpose.

Mr. RAKER. We want it for county purposes and nothing else.

Mr. COOPER of Wisconsin. Then put in the word "only" after the word "purposes."

Mr. RAKER. I move to insert after the word "purposes," in the same line, the word "only."

The SPEAKER. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 2, line 10, after the word "county," insert the words "uses and," and after the word "purposes" insert the word "only"—

So that as amended the line will read—

be used by said county for county uses and purposes only.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

TO AUTHORIZE THE SECRETARY OF WAR TO SELL PITTSBURGH STORAGE SUPPLY DEPOT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10925 to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I wish to inquire if the land described in lines 10 and 11 and following are a part of the Pittsburgh Storage and Supply Depot at the present time?

Mr. HULL. It is.

Mr. STAFFORD. The report does not disclose the fact that this acre of land is a part of the larger tract described in the fore part of the bill.

Mr. HULL. As I understand, it is a part of the supply depot.

Mr. KELLY of Pennsylvania. I can assure the gentleman that it is a part of the property.

Mr. COOPER of Wisconsin. Reserving the right to object, what is the reason for selling any property like that at private sale?

Mr. HULL. Private and public sale.

Mr. COOPER of Wisconsin. What is the idea of selling it at private sale at all?

Mr. HULL. They want to sell it and get the most money they can out of it.

Mr. COOPER of Wisconsin. I shall object unless the word "private" is stricken out.

Mr. KELLY of Pennsylvania. Let me state to the gentleman one reason for this—and I am sorry that the gentleman from Pennsylvania [Mr. MORIN] is not here to go into it more fully. The purpose of selling this land is to enable Pittsburgh and the county of Allegheny to secure a tract for an approach to a new bridge ordered by the Secretary of War. It is proposed to sell it at private or public sale, so that a part can be transferred to the city of Pittsburgh and the county of Allegheny.

Mr. COOPER of Wisconsin. Why is it necessary to put in the word "public" if it is to carry out an arrangement that is already made?

Mr. MANN. The first bill introduced provided only for a private sale, it being understood that it would be sold to the county of Allegheny. The Secretary of War asked that there be inserted in the bill a provision authorizing a public sale in order that it could not be held up.

Mr. KELLY of Pennsylvania. That is true.

Mr. STAFFORD. The letter from the Secretary of War confirms what the gentleman from Illinois has just stated. The letter says:

You are advised that according to the terms of this bill the property must be sold at private sale, and the city of Pittsburgh and county of Allegheny are the only possible purchasers of this property.

The report is to the effect that the other bill limiting it to private sale was objectionable to the Secretary of War, and he wanted to have it provide for a public sale so as to protect the department in not being held up.

Mr. COOPER of Wisconsin. Who was the proposed purchaser——

Mr. KELLY of Pennsylvania. The city of Pittsburgh and the county of Allegheny that wanted it for an approach to a bridge. I would like to say that this little bill is a matter of considerable importance at the present time to the city of Pittsburgh. The Secretary of War in 1917 ordered the county to raise certain bridges on the Allegheny River, which involved a tremendous expense. During the war it was impossible to get the materials, and since that time little has been done for the reason that the cost was tremendous, and the bonding power of the county has been practically exhausted. I have been trying to get the Secretary of War to approve of other improvements on the Monongahela and the Allegheny, and have met the statement that no improvements will be made until these bridges are raised. I have put through two bills for improvements on the Monongahela—one at Glassport—and the Secretary of War has refused approval on the ground that these bridges are not yet raised on the Allegheny. Now, the city and county are anxious to meet this situation, and this approach to one bridge is a vital factor.

Mr. COOPER of Wisconsin. This bill would permit him to sell it to any corporation or any private individual at private sale. It does not limit the sale to either the city or the county. This is a bill which would authorize the sale of about 19¼ acres of land in the city of Pittsburgh to anybody at private sale. There is not anything in the bill, on the face of it, which shows any such intention as the gentleman from Pennsylvania has described.

Mr. KELLY of Pennsylvania. That is the intention.

Mr. COOPER of Wisconsin. Why does the bill so carefully omit anything that would indicate what the real intention is?

Mr. KELLY of Pennsylvania. The gentleman from Pennsylvania [Mr. MORIN] introduced the bill after consultation with the Secretary of War.

Mr. COOPER of Wisconsin. It is immaterial at whose suggestion it was introduced. What does the bill propose to do? It proposes to authorize the Secretary of War, in his discretion, to sell 19 or more acres of land in the city of Pittsburgh to any person at private sale. The bill does not in even the remotest degree indicate that it is contemplated to sell the land to the city of Pittsburgh or the county of Allegheny.

Mr. KELLY of Pennsylvania. The gentleman from Illinois has explained the matter, that the first bill was for private sale alone.

Mr. COOPER of Wisconsin. To whom?

Mr. KELLY of Pennsylvania. To the city of Pittsburgh and the county of Allegheny, but the War Department objected to this provision.

Mr. HULL. Mr. Speaker, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. HULL. If we should have the bill read as the gentleman from Wisconsin [Mr. COOPER] wants it to read, we would simply tie it up. The Secretary of War wants to get as much money out of this property as possible, and he wants it broadened out. It was at his suggestion that it was made to read at public sale.

Mr. COOPER of Wisconsin. Oh, that does not meet the objection at all. The bill proposes to sell approximately 20 acres of land in the city of Pittsburgh to anybody at private sale.

Mr. HULL. Private or public?

Mr. COOPER of Wisconsin. Private sale, I am talking about. The bill does not say to the city of Pittsburgh or to the county of Allegheny. It does not say to anybody. It leaves it to the unlimited discretion of the Secretary of War to sell it at private sale to any purchaser.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. BLANTON. I would like to ask the gentleman from Iowa a question. If it is the intention of the Secretary of War to get as much out of this property as possible, does not the gentleman think he would be likely to get more money if we restrict him to selling it at public sale where everybody would have a chance to bid, and not at private sale where only in some instances one particular person has a chance to bid?

Mr. HULL. I have not the slightest doubt in the world that if you pass this bill you will get the most money out of that property that can be received. If you confine it to public bids, it may be that the city of Pittsburgh and the county of Allegheny can not negotiate as they would wish to for a part of it. I know that is what they wanted put in the bill themselves, and they ought to know what they want.

Mr. BLANTON. A city or a county has the same right to buy property at public sale that it has to buy property at private sale.

Mr. HULL. They may want to negotiate, as I say.

Mr. COOPER of Wisconsin. With whom?

Mr. HULL. Between themselves, the county and the city. As I understand it, they contemplate a joint proposition to get a piece of this land.

Mr. COOPER of Wisconsin. Negotiations are to be made with the Secretary of War?

Mr. HULL. Yes.

Mr. COOPER of Wisconsin. Suppose this bill, in express terms, authorized him to sell to the county of Allegheny or to the city of Pittsburgh, at private or public sale, certain lands; that would on the face of the bill show what was contemplated, but here is a bill which, in express terms, proposes to authorize the sale of approximately 20 acres of land in the city of Pittsburgh at private sale to anybody.

Mr. HULL. If you are going to get the most money out of it that it is possible to get, and if somebody else wants to pay more than the county of Allegheny or the city of Pittsburgh, I do not know that we would have any objection to it. We are going to have a great many of these propositions, and we want to get just as much money out of them as we can.

Mr. COOPER of Wisconsin. That same argument could always be made whenever it might be proposed to sell any public lands. The gentleman might say that the Government could get more money if it could have an opportunity to sell any of its land at private sale. The gentleman could make that argument every time the Government wished to sell. But there could not be a worse practice than to authorize any man to sell not his own land but land belonging to the United States Government to anybody for any price in his discretion and at private sale. I object to the bill in its present form.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore (Mr. DOWELL). Is there objection?

There was no objection.

SALE OF CERTAIN LANDS OF RAPID CITY INDIAN SCHOOL, SOUTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10478) to authorize the Secretary of the Interior to sell certain lands, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, my only criticism of the bill is as to where the proceeds of the sale shall go. The bill provides that the money derived from the sale of these small tracts of land shall be available for expenditure for improvements at this school. The Committee on Appropriations is making the determination as to the amount of money that shall be available for all school purposes. I think it is the general practice to have such funds turned into the Treasury as miscellaneous receipts, and I would inquire whether the gentleman from South Dakota has any objection to an amendment of that kind.

Mr. WILLIAMSON. No; I should have no objection to an amendment of that kind.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of the objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to sell and convey, under rules and regulation to be prescribed by him, two parcels of land included within the Rapid City Indian School Reserve, S. Dak., the first containing fifty-five one-hundredths of an acre, being a portion of the northwest quarter of the southeast quarter, section 4, township 1 north, range 7 east, Black Hills meridian, south and east of the Pennington County Highway; the second, containing 3.59 acres, being a portion of the southeast quarter of the northeast quarter, section 8, township 1 north, range 7 east, Black Hills meridian, south and east of the Rapid City, Black Hills & Western Railroad right of way: *Provided*, That the proceeds derived from the sale of this land shall be available for expenditure for improvements at said Rapid City Indian School.

With the following committee amendments:

Page 1, lines 3 and 4, strike out the words "and directed."

Line 4, after the word "convey," insert "at not less than their appraised value."

Line 7, strike out the word "Reserve" and insert in lieu thereof the word "grounds."

Lines 8 and 9, before the word "fifty-five," insert the word "approximately"; strike out the words "being a portion" and insert in lieu thereof the words "in the southeast corner."

Line 11, after the word "meridian," insert the word "lying."

Page 2, line 2, at the beginning of the line, insert the word "approximately."

Line 3, strike out the words "being a portion" and insert in lieu thereof the words "in the southeast corner."

Line 5, after the word "meridian," insert the word "lying."

Line 7, after the word "the" insert the word "net."

Line 8, after the word "of," strike out the words "this land" and insert the words "these tracts."

The SPEAKER pro tempore. Is there objection to taking the vote of the various committee amendments in gross? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to amend by striking out the word "regulation" in line 5, page 1, and inserting in lieu thereof the word "regulations" in the plural.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 1, line 5, strike out the word "regulation" and insert in lieu thereof the word "regulations."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I move to amend, on page 2, line 8, by striking out after the word "be" the words "available for expenditure for improvements at said Rapid City Indian School" and by inserting in lieu thereof the words "covered into the Treasury as miscellaneous receipts."

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 2, line 8, after the word "be," strike out the remainder of the proviso and insert in lieu thereof the words "covered into the Treasury as miscellaneous receipts."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, read the third time, and passed.

The title was amended.

On motion of Mr. WILLIAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently a quorum is not present.

Mr. MANN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Bland, Va.	Butler	Classon
Andrew, Mass.	Bond	Campbell, Pa.	Cockran
Ansorge	Bowers	Cantrill	Codd
Anthony	Brennan	Chandler, Okla.	Collins
Atkeson	Brinson	Chindblom	Connolly, Pa.
Bacharach	Brooks, Pa.	Christopherson	Copley
Beedy	Brown, Tenn.	Clague	Coughlin
Bixler	Buchanan	Clark, Fla.	Crago
Bland, Ind.	Burke	Clarke, N. Y.	Crowther

Dale	Johnson, Wash.	Nelson, Me.	Schall
Drane	Kahn, Calif.	Nelson, J. M.	Siegel
Drewry	Kearns	Newton, Minn.	Sinnott
Dyer	Kelley, Mich.	Newton, Mo.	Snell
Edmonds	Kendall	Nolan	Snyder
Elliott	Kennedy	Norton	Speaks
Fairfield	Kiess	O'Brien	Sproul
Faust	Kindred	Ogden	Steagall
Favrot	Kirkpatrick	Olpp	Stevenson
Fenn	Kitchin	Overstreet	Stiness
Fields	Knight	Paige	Strong, Pa.
Fisher	Kreider	Patterson, Mo.	Sullivan
French	Kunz	Perkins	Tague
Fuller	Lampert	Perlman	Taylor, Ark.
Gallivan	Langley	Petersen	Taylor, Colo.
Goldsborough	Lazaro	Porter	Taylor, N. J.
Gorman	Lee, N. Y.	Purnell	Temple
Gould	Lehlbach	Rainey, Ala.	Upshaw
Graham, Pa.	London	Rainey, Ill.	Vare
Griest	Luhring	Ransley	Voigt
Griffin	McDuffie	Reavis	Volk
Hammer	McLaughlin, Pa.	Reber	Walters
Hawes	McPherson	Reed, N. Y.	Ward, N. Y.
Hicks	McSwain	Riddick	Ward, N. C.
Hogan	Mansfield	Riordan	Williams
Hooker	Martin	Rogers	Wilson
Husted	Michaelson	Rosenbloom	Winslow
Hutchinson	Mills	Rossdale	Woods, Va.
Ireland	Montoya	Rucker	Wurzbach
Jacoway	Moores, Ind.	Ryan	Yates
James	Morin	Sabath	Young
Johnson, Miss.	Mott	Sanders, Ind.	
Johnson, S. Dak.	Mudd	Sanders, N. Y.	

The SPEAKER. Two hundred and sixty-four Members have answered to their names; a quorum is present.

Mr. WALSH. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

CONFERENCE REPORT, GOVERNMENT-OWNED RADIO STATIONS.

Mr. GREENE of Massachusetts. Mr. Speaker, I submit a conference report for printing under the rules.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

House joint resolution 7; to amend section 2 of a joint resolution entitled: "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public and for other purposes, approved June 5, 1920.

INDEPENDENT OFFICES APPROPRIATION BILL—CONFERENCE REPORT.

Mr. WOOD of Indiana. Mr. Speaker, I desire to call up the conference report on the independent offices.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment number 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Salaries: Comptroller General, $10,000; Assistant Comptroller General $7,500; assistants to Comptroller General—four at $6,000 each; chief clerk, $3,000; chiefs of divisions—seven at $3,000 each; chief of appointment division, $2,500; assistants to chiefs of divisions—three at $2,750 each, four at $2,500 each; chiefs of sections—10 at $2,500 each, 13 at $2,250 each, 2 at $2,000 each; assistant chiefs of sections—11 at $2,000 each, one $1,900; chiefs of subsections—3 at $2,000 each; disbursing officer, $3,000; deputy disbursing officer, $1,800; private secretary, $1,800; attorneys—one $5,000, 4 at $4,000 each, 4 at $3,600 each, one $3,100, 5 at $3,000 each, one $2,750; law clerks—one $2,500, 4 at $2,400 each, 4 at $2,250 each, 2 at $2,200 each, 9 at $2,000 each, 4 at $1,800 each, one $1,600; accountants—one $2,500, 2 at $2,400 each, 3 at $2,100 each, 3 at $2,000 each; investigators—one $4,000, one $3,000, 20 at $2,000 each; reviewers—8 at $2,100; principal clerks—17 at $2,000 each; clerks—164 of class 4, 218 of class 3, 255 of class 2, 267 of class 1, 56 at $1,000 each, 70 at $900 each; check assorters—4 at $1,000 each; duplicating machine operator, $900; carpenter, $1,400; foreman of messengers and laborers, $1,400; chief messenger, $1,000; messengers—one $1,000, 15 at $840 each; assistant messengers—29 at $720 each; laborers—one $720, 21 at $660 each; messenger boys—14 at $480 each, one $420; forewoman of charwomen, $660; charwomen—22 at $240 each; and temporary clerks, stenographers, typists, and other assistants, to be paid at a rate not exceeding $1,800 per annum, $375,000; in all, $2,293,190.

"Contingent expenses: For traveling expenses, rent, telephone service, purchase and exchange of books, office supplies (including stationery) and equipment, repairs and maintenance, and miscellaneous items, $175,261."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $11,000 except the following: Six in excess of $11,000 each but not in excess of $25,000 each, and four in excess of $25,000 each but not in excess of $35,000 each"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 28, 29, and 31.

WILL R. WOOD,
EDWARD H. WASON,
Managers on the part of the House.

F. E. WARREN,
W. L. JONES,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 21: Appropriates $2,468,451 for the General Accounting Office in the detailed manner proposed by the House, instead of $2,496,101 in a lump sum, as proposed by the Senate. The detailed salaries proposed in the House bill have been reduced in amounts of individual salaries and in number of salaries in the aggregate of $400,000, of which $375,000 is made available for temporary clerks, stenographers, typists, etc., with a salary limitation of $1,800, and $25,000 is added to the appropriation of $150,261 proposed in the House bill for contingent and miscellaneous expenses. The aggregate proposed in the substitute for the House provision is $150 less than the amount carried and is $27,650 less than the amount proposed by the Senate under the lump sum.

On No. 35, relating to salary limitations on Shipping Board and Fleet Corporation funds: Inserts a substitute for the House and Senate provisions which allows 6 employees between $11,000 and $25,000 each per annum and 4 between $25,000 and $35,000 each per annum, instead of 13 in excess of $11,000, as proposed by the Senate, and 6 between $11,000 and $25,000 each, as proposed by the House.

The committee of conference have not agreed upon the following amendments of the Senate:

No. 28, relating to an appropriation of $1,500,000 for the purchase of land in the city of Washington.

No. 29, increasing the appropriation for the Tariff Commission from $300,000 to $375,000.

No. 31, relating to the authority granted the United States Shipping Board to continue to use sums received from the liquidation of assets up to $55,000,000.

WILL R. WOOD.
EDWARD H. WASON.
Managers on the part of the House.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I desire to draw the attention of the House to what the conferees have agreed to in reference to the salaries of the Shipping Board officials. The House has twice gone on record as not voting salaries in excess of $25,000. When this was up on the 15th of March the gentleman from Illinois [Mr. MANN] expressed himself upon this particular proposition and, I think, convinced the House that we might put a limitation of $25,000 upon any salary paid by the Shipping Board, yet the conferees have agreed for some reason or other to permit them to pay four officials between $25,000 and $35,000, and unless the report is recommitted or defeated the House will go on record here as reversing the action taken upon two former occasions. Now, Mr. Speaker, I appreciate the fact that the Shipping Board is in a very serious tangle and they have very important matters before it, but I do not believe the

Shipping Board is bigger than the Government of the United States, and I do not believe it has any problems any more serious to handle than other departments or branches of the Government. I do not believe that we ought to pay to one man a sum almost equivalent to the salary of three Cabinet officers.

And, furthermore, I think these officials ought to be content with the honor of the position. We are told that other Government officials must take part of their compensation in the honor and dignity of serving their Government. During the war we were told that men came down here at nominal salaries from patriotic motives, and we ought to have a little patriotism during peace times. And, in fact, one of the officials of the Shipping Board, who has recently left the service and who did great work in reorganizing the Emergency Fleet Corporation, came down to Washington and worked, I believe, for a dollar a month. He is Mr. Powell, formerly of the Bethlehem Shipbuilding Corporation and of the Fore River Shipbuilding Corporation. He was vice president in charge of the Emergency Fleet Corporation. And I hope we will say to the Shipping Board, "You have got to get along without four $35,000 beauties upon your pay roll." [Applause.] "You have got to handle these matters with men with a salary not in excess of $25,000, and if those men will not accept that and are unwilling to work for that stipend, let them withdraw from your service and you will find plenty of other men who will be willing to handle these matters."

I appreciate the fact that legislation is a matter of compromise, but it seems to me here is a pretty serious principle involved, and if we agree to $35,000 as a salary to these officials we are establishing a very dangerous precedent, and one that will be thrown at us in the future when other departments come before us and ask to have temporary legal assistance or executive assistance. They will say, "This question is just as vital as that involved in the Shipping Board, and we ought to give these men $26,000 or $35,000 a year."

Now, Mr. Speaker, the Shipping Board is evidently making headway and progress in adjusting its affairs, and I suppose we will be told, although we passed the measure providing for Government aid to the merchant marine, that they will be able to speed up and wind up its business and get out of this mess that the war has brought upon us. But in order to do that, I do not think that Congress is in a very enviable position if we provide the salaries called for in the conference report. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, after a very full discussion by the House, in which this matter was thoroughly gone over, we made this provision with regard to the matter of salaries in the Shipping Board. We said that not more than six officers or employees of the United States Shipping Board should be paid an annual salary in excess of $11,000, and that no compensation should be paid to exceed $25,000. The Senate amended the House provision with this kind of a statement:

> Not more than 13 officers or employees shall be paid an annual salary or compensation in excess of $11,000.

So that the Senate provision was that 13 officers could be paid any salary above $11,000 that the Shipping Board thought fit to give them. In other words, the sky was the limit. Now, I realize the fact that if we take that as a basis our conferees have made a very considerable reduction in the interest of economy, and this is the substitute they have agreed upon. They have agreed now that no officer or employee of the Shipping Board shall be paid a salary or compensation in excess of $11,000, except the following: Six in excess of $11,000 each, but not in excess of $25,000 each; four in excess of $25,000 each, but not in excess of $35,000 each.

Now, gentlemen, having in memory the statements that have been made in the hearings by the representatives of the Shipping Board, we know what that will mean. It will mean the limit on each provision. In other words, it will mean that six men will not be paid anything less than $25,000 a year, and it means that four will not be paid anything less than $35,000 a year. Gentlemen, this is not the judgment of the committee or the House. I realize the fact that the committee think they have probably done all that they could so far as conference is concerned, but it seems to me that it is our duty, unequivocally and almost, if not entirely, unanimously, to say that the House will not agree to such a provision. [Applause.] It seems to me that it is our duty to say to the Shipping Board and to the gentlemen who have brought in this conference report, "You must have some respect for the judgment of the House regarding this matter." I think anyone reading the debate here in the committee and in the House, anyone who has gone through the matter as carefully as gentlemen did who sat during the entire hearings and then gave us the benefit of their advice and interpretation, and anyone who read the cold statements of fact that were made by the representatives of the Shipping Board, must realize that these salaries are not only excessive but they are ridiculously so, and that they are indefensible. I do not see how anyone with a regard for economy, that we all profess we are trying to practice here, can vote to support this conference report containing the provisions that are now found in it. And so I agree with the gentleman from Massachusetts [Mr. WALSH] that we ought not to agree to it. [Applause.]

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the greatest piece of work this Government ever undertook was the construction of the Panama Canal, and we paid General Goethals, in charge of that work, $15,000 a year. But it is proposed by this conference report that we pay four men with the Shipping Board more than we pay all the Cabinet officers combined. When this bill was before the House it was repeatedly stated that the Shipping Board had two men, and only two, at a salary of $35,000 each. I do not know what the facts may be. But here is a conference report that proposes to give to them four men at $35,000 each. I appreciate the needs of the Shipping Board; I appreciate the fact that compromise is necessary in conference, but I do not believe that this House is warranted in paying a salary of $35,000 a year to anybody in the Government service short of the President. [Applause.] And we might as well say so now. [Applause.] All the good men in the world are not dead yet, and all the people who can manage the Shipping Board are not in the employ of the Shipping Board. Jobs of that kind are not so easy to obtain now; but whether they are or not, let the House say that a salary of $25,000 out of the Treasury is enough, and to do that, let us reject the conference report. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, I have yielded 5 minutes to each of three gentlemen on this side who desire to express their indignation. I think it only fair to give as much time to the other side. I yield 15 minutes now to the gentleman from Virginia [Mr. HARRISON] in order that he may parcel it out among gentlemen on his side.

Mr. HARRISON. I would like to yield 30 minutes.

Mr. WOOD of Indiana. I will divide the time equally.

Mr. BYRNS of Tennessee. I call the gentleman's attention to the fact that there is something else in this report besides the Shipping Board that some of us want to refer to, and therefore I think we ought to have some time to discuss the board. The gentleman ought to use 30 minutes of the time.

Mr. WOOD of Indiana. I yield 30 minutes to your side.

Mr. HARRISON. Mr. Speaker, as one of the conferees I declined to sign the conference report on the ground that I did not approve of the action of the conferees on the part of the House in the surrender of the position of the House on the Senate amendment. The number 35 compromise, as proposed by the conferees, is infinitely worse than the bill in its original form. The existing law authorizes only six employees to receive salaries in excess of $11,000, and there is no maximum limit. The bill under consideration as originally reported amended existing law so as to authorize the appointment of 13 at salaries in excess of $11,000, and there was no maximum limit. After full debate in the House the reported bill was amended, and the maximum salary was limited to $25,000 and the number of employees to receive salaries over $11,000 was fixed at six. The bill went to the Senate, and the Senate amended the bill so as to restore to the bill its original provision, authorizing 13 employees with salaries in excess of $11,000 without a maximum limit. The position of the Senate has been before the House now on several occasions, and each time the House has insisted with great emphasis that the employees receiving great salaries should not exceed six and the maximum salary paid should be limited to $25,000.

I placed in the RECORD on the first occasion this bill was before the House a salary list. It was then shown under existing law two employees received $35,000 each, one $30,000, and two $25,000 each.

While the matter was pending in the Senate the Shipping Board, with little regard for the opinion of the House, gives more than two employees $35,000 each, and proposes to give four $35,000 each, and six men $25,000 each; and if this House should adopt the conference report it would indorse the proposition that the Shipping Board is contending for, that we should give salaries to the amount of $35,000 to four people, and salaries to the amount of $25,000 to six people, in the very

face of the fact that this House again and again refused to sanction any such salaries.

I said it is infinitely worse than if we left the bill in its original shape, because in its original shape the responsibility rested on the Shipping Board. If we adopt the amendment as proposed by the conferees in this case, we directly sanction the proposition that four of these employees should receive $35,000 each and six of them should receive $25,000 each. We assume the responsibility which has heretofore rested with the board.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. GRAHAM of Illinois. Did you ever hear of any official of the United States, either in time of peace or in war, that was paid that much salary, except the President?

Mr. HARRISON. No. Not only that, but the Department of Justice, which has bankruptcy law, which has the admiralty law, which has the criminal law, with all its branches and forms of legal questions to dispose of, does not pay over $1,000 a month to anybody. The result of indorsing such salaries will be that the Department of Justice will be before this body in very short order asking for increased compensation to their employees.

Now, Mr. Speaker——

Mr. SEARS. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. SEARS. If we grant the request of the Shipping Board, would not the Department of Justice be justified in coming to Congress and asking for an increase?

Mr. HARRISON. If you will read the hearings had before the Subcommittee on Appropriations, you will find that they are already asking for increased salaries to employees in the Department of Justice.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. LINTHICUM. What are the duties of these men who get the $35,000 at the present time?

Mr. HARRISON. Well, they are at the heads of these various bureaus. I do not know exactly what they are—heads of various departments in the Shipping Board. But, whatever they are, the fact is that at the time this law went into effect, and when we limited the right of the Shipping Board to employ anybody over $11,000, there were a number of employees getting $15,000 and $17,000 and $20,000; and when this law went into effect reducing their salaries to $11,000 there were no resignations, and they are still at work in the Shipping Board, and very grateful to be there. If resignations do become in order, there are others to take their vacated places. There were kings before Agamemnon.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. LONGWORTH. I understood the gentleman to say a moment ago that he never heard of a Government official receiving a salary of $35,000. I understand there were certain officials under the Director General of Railroads who received salaries which ran that high. I think they ran as high as $50,000.

Mr. HARRISON. I do not know as to that.

Mr. Speaker, I reserve the rest of my time, and I yield 10 minutes to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER. The gentleman from Tennessee is recognized for 10 minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, I think this conference report should be voted down for several reasons. There are two very serious objections that I have to the provision relating to the Shipping Board. In the first place, I do not think that Congress ought to raise the limitation as to the number of employees who may be paid in excess of $11,000.

Gentlemen will remember that when that limitation was first put on it went on as a House provision through an amendment adopted on the floor of the House. The number of employees in the Shipping Board who might receive in excess of $11,000 was limited to three. The sundry civil bill containing the appropriation at that time went to the Senate, and the Senate adopted an amendment raising the number from 3 to 10, and then in conference a compromise was agreed upon, which I, as a member of the conference, thought was permanent, providing that 6 should be permitted to receive salaries in excess of $11,000 each. Then this bill was reported to the House, and the Committee on Appropriations of the House recommended that 13 receive in excess of $11,000, and the House by an overwhelming vote went on record fixing the number at 6. It then went to the Senate, and the Senate raised the number to 13, and now we have this provision reported by the conferees, which, as stated, makes the number 10 and provides that 4 of them may receive salaries from $25,000 to $35,000 and 6 may receive salaries from $11,000 to $25,000.

Now, as has been stated, the maximum amount will be adopted, and hence the salary of 4 of them is fixed at $35,000 and the salary of the other 6 is fixed at $25,000.

I am sure this House does not want to go on record for the first time in its history as fixing salaries at that amount for any official of the United States except the President of the United States. So I am opposed to this proposition, because in the first place it increases the number, and in the second place it fixes these high salaries and creates a precedent which will rise to mock you and permit other departments to come back later on asking for increased salaries. What is this increased number for? They tell us it is to pay attorneys in the Shipping Board. You saw in the papers the other day the picture of a lady serving as Assistant United States Attorney General of this Government. It was stated that she was handling a $45,000,000 patent case. I noticed the other day an account of a suit against the Government which is being defended by the Department of Justice, amounting to $125,000,000. and we have been told that there are claims down there which the Department of Justice must defend amounting to possibly $500,000,000 in the aggregate. Yet the Attorney General is not paying anybody in his department exceeding $1,000 a month. Yet the Shipping Board ask this Congress to give them the privilege of paying salaries ranging from $25,000 to $35,000 for some of these employees. This House by a record vote has decided that it will not increase the number above six, and I think it should stand pat and not adopt this conference report.

Mr. SCOTT of Michigan. What litigation has the Shipping Board?

Mr. BYRNS of Tennessee. Litigation involving claims which have been filed against the Shipping Board.

Mr. SCOTT of Michigan. True; but they have the determination of their own claims. The Shipping Board attorneys do not go into the Court of Claims. They simply appear before their own board.

Mr. BYRNS of Tennessee. I think they appear before the court, but they are limited——

Mr. WALSH. There are admiralty suits.

Mr. BYRNS of Tennessee. They are certainly of no greater importance than the claims that come before the Department of Justice, and really not so important, because these claims are largely of an accounting nature, and involve no new principles of law like many of those with which the assistant attorneys general are frequently confronted.

Mr. TREADWAY. Will the gentleman kindly give us the information as to who these people are whose services are so valuable to the Government?

Mr. BYRNS of Tennessee. I do not recall all of their names. I know Mr. Marshall Bullitt, of whom we have heard on this floor, was formerly receiving $25,000 a year. I know that there was a Mr. Allison who was receiving $20,000 a year, and some others whose names I do not recall; but I also know that while they were getting these salaries, before Congress fixed the limitation of not exceeding $11,000, when that limitation was made they did not surrender their places or cease their connection with the Shipping Board, but they are now employed by the Shipping Board and render just as effective service, I am sure, for $11,000 a year as they did at the larger salaries, and I dare say they will continue to hold their places there. If not, then there are others equally as competent who will take their places.

Now, there is another feature of this report to which I wish to refer briefly, and that is the one relating to the General Accounting Office. I have wondered whether this Congress is to decide what shall be fair salaries for the Accounting Office or whether or not that is to be turned over to the Accounting Office. Gentlemen will remember that when the bill was reported here in the first instance it carried an appropriation in a lump sum of $2,500,000 for salaries and contingent expenses in the General Accounting Office. This House, when the matter was called to its attention, promptly passed an amendment by an overwhelming majority in which it fixed those salaries and placed the employees upon a statutory basis, in exact accord with the amounts suggested in the request of the general accounting officer. Later on, when the bill went to the Senate and the lump sum was restored and the conferees reported back the Senate amendment with the recommendation that the House adopt it, this House again went on record by an overwhelming majority, declaring that this lump sum should not prevail but that the salaries of these men should be fixed as the general accounting officer originally indicated that he was going to fix them.

Now, what have the conferees reported? It is true that the conferees have placed the greater portion of them upon statu-

tory salaries, thereby adopting in part what the House desired; but in some instances I notice they have raised the number who are to be increased—some of these chiefs of divisions. They have reduced a few salaries, they have increased others, and have increased the number of other positions; but they leave to the General Accounting Office $375,000 as a lump sum. It is but fair to say that they include a provision that he shall not pay any salary exceeding $1,800 to any clerk or stenographer or other employee out of that sum. I admit that this largely cures the objection which Members of Congress had to the original provision. But, gentlemen, I want to be on record here now as saying that I am opposed to lump sums. I know that the chief of that office says he can save money if you will give him a lump sum; but you never heard of a head of a department or bureau chief who did not make the same contention; and if you were to adopt their ideas you would give them all lump sums. I think Congress ought to keep its hand on these salaries and that they should be fixed as they were originally fixed by the House, in accord with what the general accounting officer stated when he was before the Committee as to the salaries he was going to pay and the number of those he was going to employ. [Applause.]

I yield back the remainder of my time, Mr. Speaker.

The SPEAKER. The gentleman yields back two minutes.

Mr. HARRISON. I yield one minute to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker and gentlemen of the House, I want to suggest just one thought which occurs to me in connection with the discussion of this matter. I mean no reflection on anybody connected with the board, but it seems to me that any man in America, with our country in its present condition, who is not willing to serve the country for $25,000 a year is a very good man to disconnect from the public service. [Applause.]

I yield back the remainder of my time.

Mr. HARRISON. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, I do not know that it would be possible for me to add anything to the criticisms that have been heaped upon the decision of the conferees on this proposition, or those who have consented to this report. It seems to me that their conduct in this matter is indefensible. I was anxious that those who are proposing to surrender to the Senate conferees might see fit to give us some reason that actuated them in agreeing to that course of conduct. I assume that the chairman of the conference committee will give us his views before the vote on this proposition is taken. It was universally charged against the old Shipping Board under a former administration that they were guilty of great extravagance, great waste, and great confusion, but after the present gentleman, Mr. Lasker, chairman of the Shipping Board, was appointed there were great claims on the part of his friends that he was such a fine man himself and so able that he would administer the affairs in such a way as to bring order and economy out of this chaos. It seems to me that if there is an extravagant man to-day in the service of the Government of the United States, measured by his recommendation that he has made to the Congress of the United States, it is the chairman of the Shipping Board, with reference to salaries of the employees. Here is this House, after hearing all the arguments he presented before the committee, after a full and fair consideration, and by a tremendous majority, instructing in effect the House conferees to insist on the provisions carried in the House bill limiting the number to six who shall not receive a salary over $11,000, and absolutely limiting the employment of any man in excess of $25,000.

Yet the conferees come back with an agreement which they expect this House to ratify increasing the number of those who shall receive as much as $11,000 up to six, four of whom shall not receive in excess of $35,000. If you want to get some conception of the extravagance of the personnel of this Shipping Board I want to call your attention to the figures inserted in the RECORD by the gentleman from Virginia [Mr. HARRISON] in the Committee of the Whole, found on pages 1464–1471 of the CONGRESSIONAL RECORD.

There are 2 men drawing salaries of $35,000; 1 a salary of $30,000; 2 of $25,000; 7 with a salary of $12,000; 15 a salary of $11,000; 1 at a salary of $10,800; 19 at a salary of $10,000; 1 with a salary of $9,500; 29 with a salary of $7,500; 7 at a salary of $6,500; 49 with a salary of $6,000; 5 with a salary of $5,500; 5 with a salary of $5,400; and 43 with a salary of $5,000.

It seems to me that the time has arrived in our duties here when we ought to undertake to show by our votes on the floor some semblance of fair and decent economy in the administration of these affairs. There seems to be no possible justification for this agreement on the part of the House conferees increasing these salaries to the tremendous amount named in the conference report. I do not believe, gentlemen of the House, that their conduct will find any substantial support on the floor. This conference report should be voted down unanimously in order to carry out the wishes of the House on this proposition. [Applause.]

Mr. HARRISON. Mr. Speaker, how much more time have I remaining?

The SPEAKER. The gentleman has 10 minutes.

Mr. HARRISON. I yield two minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, I am afraid that it is destined to be recorded as history that the United States Shipping Board proved to be the rat hole down which the Wilson administration poured billions of dollars without any justifying result, and that the succeeding administration followed suit by pouring down hundreds of millions of dollars with results equally unsatisfactory. We have here a big job, and we ought to have big men at the head of it. This is the only theory upon which we can justify the payment of large salaries. Unfortunately, we have no assurance after we have paid the high salaries that we are getting the big men. The very fact, if it be a fact, that they are unwilling to serve their Government for anything like a reasonable salary as compared with other governmental salaries, is fairly good evidence that they are men, as the gentleman from Texas [Mr. SUMNERS] says, who ought to be separated from the public pay roll. [Applause.]

On examination you will probably find that in every case these men are men made of common clay very much like other mortals. A recent experience with one of these inordinately high-salaried individuals more than demonstrated this conclusion. It was brought to my attention that in one department of the Shipping Board there were a number of surplus employees whose aggregate salaries amounted to something near $200,000 a year, whose services could be dispensed with without affecting the efficiency of the department. I learned that a list of these surplus employees, whose salaries ranged from $10,000 down, had been submitted to one of these over $25,000 men more than a month before, with the request that they be taken off the pay roll. Finally two other Members of this House joined me in calling upon the high-salaried official in order that he might verify or explain the situation. He admitted the facts as stated and informed us that he would take steps to let them go, but thought it would take six months to work it out. So far as I have been informed, about the only person whose services he has dispensed with thus far is the one man in the department who had the courage and the common honesty to report the list of unnecessary employees and ask for their discharge. This seems to have been an offense that could not be overlooked, and he was let go, but do not forget that nearly two months had elapsed since he had dared give the information, and yet this official drawing a salary of more than $25,000 sat supinely while a considerable number of surplus employees were drawing pay from the Treasury without rendering commensurate service, some of them receiving salaries as high as $10,000. This is the kind of men for whom we are asked to provide salaries equal to almost three times the salary of a Cabinet officer. I am opposed to it. [Applause.]

Mr. HARRISON. Mr. Speaker, I yield to the gentleman from Maryland [Mr. LINTHICUM] five minutes.

Mr. LINTHICUM. Mr. Speaker, I do not know that I can add anything to enlighten the House on this subject; in fact, I believe the House is very nearly unanimous on it now that the salaries are too large and that it will vote accordingly. I have been thinking of late that not only Congress but that the people generally are reckoning the ability of men by the amount of money they draw in their salary or income. Many men in this country would enjoy a position of this kind if they were paid far less money than men are now receiving, and men just as capable. I have no doubt that you have in your own district men who could perform this work just as well as these men perform it, and who would feel that it is an honor to serve the Government for far less money. Men are not always in the game for the dollar. Many men on the floor of this House can go back and earn twice the salary that they get here, but they are here because they like the occupation and they like the work. There are men in the shipping business in this country who do not demand these positions merely for the dollars and cents, but they are in the shipping business because they have been brought up in it; they like the occupation and they like the work. Recently we were passing a revenue bill and men on the floor of the House said that if we taxed the multimillionaires of this country too much they would withdraw from business, that they would not continue, and we would then lose not only the occupation for various employees but the

enterprise and the work of those men who are engaged in conducting big business; that they would quit, put their money in quiet investments, and cease to give employment to the thousands. Every man engaged in big business in this country is not engaged in it merely for the dollars and cents there is in it, but he likes it and he performs that occupation because that is the business that he enjoys. I believe we can find men who would feel it an honor to serve the Shipping Board, men who would be proud of a Government position to make a record for the Shipping Board at far less salary; they would not be looking merely at the dollars and cents; they would not measure their work by the dollar mark, but by a living salary with efficient work. I believe plenty of them can be found, not only in your district and in my district, but I believe there are men in the Shipping Board itself who will perform that work for less money. We have to draw the line somewhere, and I know of no better time or place than to start on this bill to-day and eliminate these exorbitant salaries. [Applause.]

Mr. HARRISON. Mr. Speaker, with the statement that my colleague has made an inquiry of the Railroad Administration office and has been informed that the high salaries paid there were $25,000 a year during the war, I yield back the remainder of my time.

Mr. WOOD of Indiana. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Speaker and gentlemen of the House, I am opposed to raising salaries under existing conditions generally, and if I had carte blanche authority to raise salaries among United States Government employees, the Shipping Board would not need to look to me for a long, long time. When I came to Congress I was apprised of the fact that there was a rotten condition there, and I am frank to say that it is getting "no better fast." About as good proof of the condition that exists in the Shipping Board to-day is the demand that they are making of this Congress for these outrageous and unconscionable salaries under the conditions under which they are working. Think of a man who says that he is big and broad, who says that he is a big business man, that he knows the institution that he is managing, and that is managing that institution at a loss in Government money every day, sitting down there and howling at Congress to get Congress to raise his salary! [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. WOOD of Indiana. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, I call the attention of the committee to the fact that the head of this organization himself, Mr. Lasker, was found for $12,000 a year. The President did find a man big enough for $12,000 a year to head this organization, and I do believe that the head of the organization, if he will make any kind of a search, can find men big enough to be his subordinates for a little more than twice the amount of the salary he gets, or $25,000 a year, maximum.

I do not care to be personal in any of these matters, but I know that the distinguished chairman of this committee is going to tell us what a wonderful job of work they are doing and what wonderful men they have there, and I want to precede his statement of the great work that they are doing with the fact that one of their $30,000 employees was the vice president of a $12,000,000 concern that went broke. That is the kind of reputation that he brought to the Shipping Board to get his $30,000 a year out of the Government.

I do not believe it is good psychology in respect to the public, I do not believe it is good politics, when the people are as restless as they are on account of the slow headway we are making in cutting down the expenses of the Government, to pursue the course that has been suggested here. The American public does not fully appreciate that it takes a long time to cut down expenses. We can not get down from a war basis to a peace basis in a period of 12 months, but we do know that we can cut salaries from $35,000 to $25,000 a year without doing very great damage. Charles Evans Hughes has done as great work as any man in America, and he did it for $12,000 a year.

It is not fair to say that he was prompted solely by the honor that he gets out of being Secretary of State. While it is a great honor to be a successful Secretary of State, it is also a great honor to take hold of an institution in as chaotic condition as the Shipping Board and out of that chaos bring order, system, efficiency, so that the Government can maintain its line of ships on a paying basis.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. WOOD of Indiana. Mr. Speaker, if there is anybody here who wants to air his objections to this item and has not done it, it is his fault.

Mr. OLIVER. Mr. Speaker, will the gentleman allow me just one minute?

Mr. WOOD of Indiana. Yes.

Mr. OLIVER. Mr. Speaker, in justice to the gentleman from Indiana, I hardly think he is very anxious for the House to accept the conference report, and in support of this belief I wish to read to the House a statement which the gentleman made recently in reference to the action of the Shipping Board in this very matter we are now discussing. On page 4934 of the RECORD the gentleman from Indiana [Mr. WOOD] said:

I am criticizing and will continue to criticize this board——

Mr. WOOD of Indiana. Will the gentleman give the date of that?

Mr. OLIVER (continuing the reading):

for the exorbitant fees they are proposing to pay, unjustifiable in my opinion——

Mr. WOOD of Indiana. Give the date of that.

Mr. OLIVER (continuing the reading):

I maintain that instead of paying——

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. OLIVER. Under leave to extend, I wish to set out the statement made by the gentleman from Indiana [Mr. WOOD] on August 12, 1921, when the House was discussing the payment of these large salaries by the Shipping Board. Mr. WOOD used at that time this language in reference to the Shipping Board:

I am criticizing and will continue to criticize this board for the exorbitant fees they are proposing to pay, unjustifiable in my opinion. I maintain that instead of paying these men $25,000 and $35,000 a year for expert lawyers they could have gone into the State of Virginia, the State of Indiana, the State of Illinois, or almost any State, into any town of 5,000 inhabitants, and could have gotten men who have never received $10,000 a year in their lives who are as good, if not better, lawyers than any of the high-priced gentlemen who have been selected. They are paying these men simply because they happen to belong to some high-priced firm with an established reputation.

Mr. WOOD of Indiana. No; I will not give the gentleman any more time.

Mr. OLIVER. Page 4934 of the RECORD in which the gentleman criticized them for paying these very fees.

Mr. WOOD of Indiana. Mr. Speaker, the gentleman has made that speech three different times before this body and I hope that all have heard it. It is a pretty good time to call back to the attention of those who have the best interests of their country at heart the speech delivered by Benjamin Franklin when they were first to take the vote on whether they would accept or reject the Constitution of the United States. In that speech Benjamin Franklin referred to those who had frequently criticized him for changing his opinion, and he gave emphasis to a phrase that will be memorable for all time, to the effect that fools never change their opinion and men of reason sometimes do.

I feel to-day a good deal like the second lieutenant that my good friend FORDNEY tells so much about, and I expect that I am about in the predicament that he was in, but I have the confidence of knowing that I come to you with what has been convincing to me concerning this situation.

When you gentlemen were in power you had six directors of the Shipping Board. They all failed, many of them ignominiously, with a loss of more than $3,000,000,000 to the Government of the United States. We have had one. I am sufficiently within his confidence to know that if it were not for the fact that he has never yet placed a zero opposite his name he would go out to-morrow. I know that misery loves company. Some gentlemen here would like to see this man fail because their friends failed. There is not much consolation in that character of logic for the good of the United States.

I have repeatedly said to you that I am as much opposed to these high salaries as you are, and if this were a governmental affair I would stand here in opposition with you to-day against these large salaries. I am opposed to them. But this is not a governmental affair. Now, let us be reasonable. Let us suppose that by some good chance we, who would like to see a merchant marine established in this country, flying the flag of the United States, as it did once, the envy of the world, should have this responsibility turned over to us, what would be our first thought? To get the best men at the head of these different responsibilities that we could possibly get.

Now, you talk about a $35,000 salary being paid governmental officials. No such amount has been paid as salaries, but larger amounts have been paid as special fees. You know and I know, and you gentlemen on this side will remember it for a long time, that many district attorneys resigned during the last administration in order that they might have special employment that gave them as much as $100,000 in fees. I know of more than half a dozen that did this, and some here would like to see that thing prevail. If this was a governmental

establishment, I would say with you that no such precedents should be set. But it is not. It is a temporary thing at best. We are trying to evolve some scheme whereby we can turn this business over into the hands of business men with foresight enough and patriotism enough and business sagacity enough to make it what it should be as a private enterprise. And you are trying to kill it before its birth. The responsibility is yours.

And I say to you now that I want you to say to me and to your conferees what it is you desire. If you want to hamstring this thing, do it. Do not thrust your responsibility upon me or upon these conferees. Conferences are always a matter of compromise. We attempted to make a compromise. We come back to you and meet with your derision. Now you must take the responsibility.

You have the right to say to us how far we shall go and no farther. Yours shall be the responsibility and not ours. It is for you to say to the world, "We have not only had six, but seven failures—six Democrats and one Republican—in running this Shipping Board administration. It is your responsibility and not ours. It is the hope of those who are in charge of this responsibility that within the year, and with the proper organization, this thing may be turned over to private enterprise. Now, is it not the part of prudence, of wisdom, to trust those who are charged with this responsibility rather than take it on ourselves, when we know nothing of the intricacies of the business? It is a very important matter for us each individually to determine.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. WOOD of Indiana. I will.

Mr. MONTAGUE. I have great respect for the gentleman and his character and integrity. He stated to us just now that wise men sometimes change their minds and fools do not. Will the gentleman give us the reason why he changed his mind?

Mr. WOOD of Indiana. I will tell you why. It is because I was convinced that these gentlemen had a problem with which there was nothing to be compared. There is nothing comparable with it in our experience——

Mr. MONTAGUE. Were not those facts before you when you gave the former opinion?

Mr. WOOD of Indiana. They were not. I was never placed in a position where I had the information that we now have. And I commend to you the report in the hearings which was made by these gentlemen. This is the biggest business on the face of the earth. Talk about your great steel industry; talk about your United State Steel Corporation, or the Amalgamated, and they are drops in the bucket as compared with the magnitude of the Shipping Board. So we have nothing with which to compare it. And I do not want to take upon my shoulders the responsibility of saying to these men who have given a year in investigating the magnitude of this thing that I know more about it than they do.

Ben Franklin did not know, and he was willing to submit to posterity and the good, calm judgment of the American people whether or not the Constitution would survive. That Constitution which has become the admiration of the world, with few faults as compared with its virtues, was doubted by Franklin.

Mr. BYRNES of South Carolina. Will my friend tell me if this amendment is agreed to if the Shipping Board intends to employ men who are not in the service now, or merely increase the salary of those already in the service?

Mr. WOOD of Indiana. My understanding is this: That they need above all things somebody to place at the head of the insurance department. They lost over $250,000 last year because they did not have somebody there who knew about that business. My understanding is that they will employ at least one competent admiralty lawyer that they so greatly need.

Mr. BYRNES of South Carolina. Is it not the intention to pay larger salaries to those now in the employ of the Shipping Board?

Mr. WOOD of Indiana. No; not if they can keep them at their present salaries.

The SPEAKER. The time of the gentleman from Indiana has expired. All time has expired.

The question is on agreeing to the conference report.

Mr. WOOD of Indiana. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

Mr. WALSH. Mr. Speaker, I move to recommit the conference report to the conferees.

The SPEAKER. The gentleman from Massachusetts moves to recommit the conference report to the conferees.

Mr. WOOD of Indiana. Mr. Speaker, I would like to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. WOOD of Indiana. Whether or not it is proper to consider with reference to the motion submitted by the gentleman from Massachusetts an instruction to the conference committee?

The SPEAKER. Of course, if this motion carries it recommits the whole matter to the conference committee.

Mr. MANN. Mr. Speaker, I move to recommit, adding instructions to the managers on the part of the House not to agree to any proposition involving the payment of a salary of more than $25,000 a year.

Mr. WALSH. Mr. Speaker, I accept the amendment.

Mr. MANN. And on that I move the previous question.

Mr. BYRNS of Tennessee. Mr. Speaker, what is the motion?

The SPEAKER. The gentleman from Massachusetts [Mr. WALSH], having accepted the amendment of the gentleman from Illinois [Mr. MANN], moves to recommit the conference report to the conferees with instructions not to agree to any salaries in excess of $25,000, and on that the gentleman from Illinois moves the previous question.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield for a question?

Mr. MANN. It can be done by unanimous consent.

Mr. BYRNS of Tennessee. Under the amendment there were only six that received $25,000. Would not the gentleman's amendment authorize the conferees agree to salaries of $25,000 to more than six?

Mr. MANN. It would. I suppose it may be necessary to have some ground for compromise in order to get on with respect to other things. But that conference report will have to come back to the House.

Mr. BYRNS of Tennessee. It puts the House in a rather inconsistent attitude to say that they may do that and come back.

Mr. MANN. The conferees understand the sentiment of the House. I would not undertake to say whether it would be six or seven in a compromise. If I felt that way about it, I would try to instruct the conferees of the House to agree to no change in the House amendment.

Mr. BYRNS of Tennessee. I would suggest that the gentleman consent to do that.

Mr. MANN. I do not think that is the way to accomplish anything in a conference.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves the previous question on recommitting the conference report.

Mr. HARRISON. Mr. Speaker, could an amendment be offered?

The SPEAKER. Of course not. No amendment could be offered to the motion for the previous question.

Mr. HARRISON. I mean an amendment to the proposition of the gentleman from Illinois.

The SPEAKER. Of course not, if the previous question is agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. If the previous question should be voted down, then it will be in order to offer an amendment.

The SPEAKER. Yes. The Chair is aware of that fact. The question is on the motion to order the previous question.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. BYRNS of Tennessee. Mr. Speaker, a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 92, noes 63.

Mr. GARRETT of Tennessee. Mr. Speaker, I object to the vote because there is no quorum present.

The SPEAKER. The gentleman from Tennessee objects to the vote because there is no quorum present. It is apparent that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. As many as are in favor of the motion for the previous question will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 181, nays 89, not voting 160, as follows:

YEAS—181.

Ackerman	Bowers	Chalmers	Dale
Anderson	Brooks, Ill.	Chandler, Okla.	Dallinger
Andrews, Nebr.	Brown, Tenn.	Clague	Darrow
Appleby	Browne, Wis.	Clouse	Dempsey
Arentz	Burdick	Cole, Iowa	Denison
Barbour	Burtness	Cole, Ohio	Dickinson
Beck	Burton	Colton	Dowell
Begg	Butler	Connell	Dunbar
Benham	Cable	Cooper, Ohio	Dunn
Bird	Campbell, Kans.	Cooper, Wis.	Echols
Boies	Cannon	Cramton	Elliott

Ellis	Keller	Mondell	Stephens
Fairchild	Kelly, Pa.	Montoya	Strong, Kans.
Fairfield	Ketcham	Moore, Ill.	Summers, Wash.
Fess	King	Moore, Ohio	Sweet
Fish	Kinkaid	Moores, Ind.	Swing
Focht	Kissel	Morgan	Taylor, Tenn.
Fordney	Kleczka	Murphy	Thompson
Foster	Kline, N. Y.	Nelson, A. P.	Tilson
Frear	Kline, Pa.	Nelson, J. M.	Timberlake
Free	Knutson	Newton, Mo.	Tincher
Freeman	Kopp	Osborne	Tinkham
French	Kraus	Parker, N. Y.	Towner
Frothingham	Larson, Minn.	Patterson, N. J.	Treadway
Gahn	Lawrence	Purnell	Underhill
Gensman	Leatherwood	Radcliffe	Vaile
Gernerd	Lehlbach	Ramseyer	Vestal
Glynn	Lineberger	Reece	Voigt
Goodykoontz	Little	Reed, W. Va.	Volstead
Green, Iowa	Longworth	Rhodes	Walsh
Greene, Mass.	Luce	Ricketts	Wason
Greene, Vt.	McCormick	Roach	Watson
Griest	McFadden	Robertson	Webster
Hadley	McKenzie	Rose	White, Kans.
Hardy, Colo.	McLaughlin, Mich.	Scott, Mich.	White, Me.
Haugen	McLaughlin, Nebr.	Scott, Tenn.	Williams
Hawley	McPherson	Shaw	Williamson
Hays	MacGregor	Shelton	Wood, Ind.
Herrick	Magee	Shreve	Woodruff
Hersey	Maloney	Sinclair	Woodyard
Hickey	Mann	Sinnott	Wyant
Himes	Mapes	Slemp	Yates
Hoch	Merritt	Smith, Idaho	Young
Husted	Michener	Smith, Mich.	
Jefferis, Nebr.	Miller	Stafford	
Jones, Pa.	Millspaugh	Steenerson	

NAYS—89.

Almon	Dominick	Lea, Calif.	Sanders, Tex.
Aswell	Doughton	Lee, Ga.	Sandlin
Bankhead	Driver	Linthicum	Sears
Barkley	Dupré	Logan	Sisson
Bell	Fulmer	London	Smithwick
Black	Garner	Lowrey	Steagall
Bland, Va.	Garrett, Tenn.	Lyon	Stedman
Blanton	Garrett, Tex.	McClintic	Stoll
Bowling	Gilbert	Mead	Sumners, Tex.
Box	Hardy, Tex.	Montague	Swank
Brand	Harrison	Moore, Va.	Ten Eyck
Briggs	Hayden	Oldfield	Thomas
Buchanan	Huddleston	Oliver	Tillman
Bulwinkle	Hudspeth	Overstreet	Tucker
Byrnes, S. C.	Humphreys	Padgett	Tyson
Byrns, Tenn.	Jeffers, Ala.	Park, Ga.	Vinson
Carter	Kincheloe	Parks, Ark.	Weaver
Collier	Kindred	Pou	Wingo
Collins	Lanham	Quin	Wise
Connally, Tex.	Lankford	Raker	Wright
Crisp	Larsen, Ga.	Rankin	
Davis, Tenn.	Layton	Rayburn	
Deal	Lazaro	Rouse	

NOT VOTING—160.

Andrew, Mass.	Faust	Knight	Reed, N. Y.
Ansorge	Favrot	Kreider	Riddick
Anthony	Fenn	Kunz	Riordan
Atkeson	Fields	Lampert	Robsion
Bacharach	Fisher	Langley	Rodenberg
Beedy	Fitzgerald	Lee, N. Y.	Rogers
Bixler	Fuller	Luhring	Rosenbloom
Blakeney	Funk	McArthur	Rossdale
Bland, Ind.	Gallivan	McDuffie	Rucker
Bond	Goldsborough	McLaughlin, Pa.	Ryan
Brennan	Gorman	McSwain	Sabath
Brinson	Gould	Madden	Sanders, Ind.
Britten	Graham, Ill.	Mansfield	Sanders, N. Y.
Brooks, Pa.	Graham, Pa.	Martin	Schall
Burke	Griffin	Michaelson	Siegel
Burroughs	Hammer	Mills	Snell
Campbell, Pa.	Hawes	Morin	Snyder
Cantrill	Hicks	Mott	Speaks
Carew	Hill	Mudd	Sproul
Chandler, N. Y.	Hogan	Nelson, Me.	Stevenson
Chindblom	Hooker	Newton, Minn.	Stiness
Christopherson	Hukriede	Nolan	Strong, Pa.
Clark, Fla.	Hull	Norton	Sullivan
Clarke, N. Y.	Hutchinson	O'Brien	Tague
Classon	Ireland	O'Connor	Taylor, Ark.
Cockran	Jacoway	Ogden	Taylor, Colo.
Codd	James	Olpp	Taylor, N. J.
Connolly, Pa.	Johnson, Ky.	Paige	Temple
Copley	Johnson, Miss.	Parker, N. J.	Upshaw
Coughlin	Johnson, S. Dak.	Patterson, Mo.	Vare
Crago	Johnson, Wash.	Perkins	Volk
Crowther	Jones, Tex.	Perlman	Walters
Cullen	Kahn	Petersen	Ward, N. Y.
Curry	Kearns	Porter	Ward, N. C.
Davis, Minn.	Kelley, Mich.	Pringey	Wheeler
Drane	Kendall	Rainey, Ala.	Wilson
Drewry	Kennedy	Rainey, Ill.	Winslow
Dyer	Kiess	Ransley	Woods, Va.
Edmonds	Kirkpatrick	Reavis	Wurzbach
Evans	Kitchin	Reber	Zihlman

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. Fuller with Mr. Jacoway.

Mr. Beedy with Mr. Cullen.

Mr. Faust with Mr. Rainey of Illinois.

Mr. Davis of Minnesota with Mr. Cantrill.

Mr. Hicks with Mr. O'Brien.

Mr. Olpp with Mr. Drewry.

Mr. Snell with Mr. Johnson of Kentucky.

Mr. Reber with Mr. Ward of North Carolina.

Mr. Atkeson with Mr. Hammer.

Mr. Strong of Pennsylvania with Mr. Riordan.

Mr. Hutchinson with Mr. Clark of Florida.

Mr. Clarke of New York with Mr. Sullivan.

Mr. Lampert with Mr. Fisher.

Mr. Rogers with Mr. Drane.

Mr. Bland of Indiana with Mr. Martin.

Mr. Kearns with Mr. Campbell of Pennsylvania.

Mr. Sanders of Indiana with Mr. Favrot.

Mr. Patterson of Missouri with Mr. Hawes.

Mr. Kendall with Mr. Kitchin.

Mr. Wurzbach with Mr. McDuffie.

Mr. Perlman with Mr. Kunz.

Mr. Knight with Mr. Taylor of Colorado.

Mr. Volk with Mr. Stevenson.

Mr. Christopherson with Mr. Cockran.

Mr. Rossdale with Mr. O'Connor.

Mr. Speaks with Mr. Tague.

Mr. Gorman with Mr. Carew.

Mr. Reed of New York with Mr. Brinson.

Mr. Hukriede with Mr. Wilson.

Mr. Johnson of South Dakota with Mr. Sabath.

Mr. Snyder with Mr. Goldsborough.

Mr. Michaelson with Mr. Fields.

Mr. Winslow with Mr. Hooker.

Mr. Bacharach with Mr. Johnson of Mississippi.

Mr. Funk with Mr. Upshaw.

Mr. Blakeney with Mr. Jones of Texas.

Mr. Chindblom with Mr. Griffin.

Mr. Ireland with Mr. Gallivan.

Mr. Morin with Mr. Woods of Virginia.

Mr. Luhring with Mr. Taylor of Arkansas.

Mr. Brennan with Mr. Rucker.

Mr. Codd with Mr. Rainey of Alabama.

Mr. Vare with Mr. Mansfield.

Mr. Taylor of New Jersey with Mr. McSwain.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the motion of the gentleman from Massachusetts [Mr. WALSH] to recommit the conference report.

The question being taken, on a division (demanded by Mr. WALSH), there were—ayes 162, noes none.

Accordingly the conference was recommitted.

The announcement of the result was received with applause.

The SPEAKER. The Clerk will report the first amendment in disagreement.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry. The motion to recommit having prevailed, does not that carry the entire matter with it?

The SPEAKER. The Chair is rather disposed to think that inasmuch as the bill has to go back to the conferees with the conference report, that would carry with it the whole subject matter.

Mr. WOOD of Indiana. I do not think that is the rule.

The SPEAKER. The Chair will be glad to hear the gentleman, because the question may not be entirely free from doubt.

Mr. WOOD of Indiana. The vote we have just had is with reference to the conference report. There are some two or three questions that are in disagreement, but it would be very advantageous to the conferees to know what the opinion of the House is with reference to these questions which are in disagreement. It would be at least a saving of time.

Mr. WALSH. We have just recommitted the conference report. The papers being in the possession of the House, of course when the motion to recommit passes, theoretically it carries the report and the bill back to the conferees.

The SPEAKER. Exactly.

Mr. WALSH. But the situation is such that these amendments still in disagreement can not be agreed to by the conferees in any event unless the House first takes action upon them.

Mr. MANN. Why not? They are in conference.

Mr. WALSH. They are in conference, but since we modified the rule it has been held that matters involving legislation or that are in violation of the rules of the House must first be voted upon by the House.

Mr. MANN. Practically they can not agree, but theoretically the committee of conference can agree to them because they are in conference.

Mr. WALSH. I do not think theoretically they can agree.

Mr. WOOD of Indiana. I will state to the gentleman that with reference to the matters that are in dispute the conferees are in agreement; but under the rules we have to bring these questions back to the House eventually, so that it would simply be a waste of time to send them back to the conferees now.

The SPEAKER. May the Chair make a suggestion? Suppose the House should agree to a Senate amendment. That Senate amendment should not go to the conferees. Yet the bill and the conference report are in the hands of the conferees.

Mr. MANN. Mr. Speaker, the House has disagreed to all of the Senate amendments that are not yet disposed of, and these amendments have already been sent to conference. The House just recommitted the conference report and all of those amendments are now in the hands of the conferees.

The SPEAKER. That is what the Chair thinks.

Mr. MANN. Now, how can the House act upon one of those amendments that has been sent to conference? It is in conference.

Mr. DOWELL. And it is not before the House at all now.

The SPEAKER. That is what the Chair was stating.

Mr. WALSH. Mr. Speaker, the House recommitted the report to the committee of conference. These amendments are included in the report.

The SPEAKER. The Chair thinks that it would undoubtedly save time if we could vote on these amendments now, but the Chair finds it difficult to see how the House can legally do it.

Mr. WOOD of Indiana. Mr. Speaker, I understand that the conferees reported these things on which there is a disagreement. Upon the matters upon which there was an agreement the House has disagreed and sent the report back. Now, there are things upon which there is still a disagreement. The House as a business proposition ought to conduct this matter in a businesslike way. For the purpose of saving time we at least ought to have the idea of the House on these matters of disagreement, so that when we go back we can have an idea of what the House wants.

The SPEAKER. The Chair recognizes the fact that it would save time, but the trouble is how to overcome the objections. The Chair does not see, inasmuch as the bill and report go back to conference, how you can separate the matters in disagreement from the bill.

Mr. TILSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TILSON. Is it correct that before the committee of conference acted upon the report it would have been within the authority of the conferees on the part of the House to have accepted the other amendments still in disagreement? The House having just had an opportunity to act upon the amendments, and having recommitted the entire subject matter, report, and bill, would the conferees now have the authority to agree to these amendments without further action on the part of the House?

Mr. WOOD of Indiana. No.

The SPEAKER. The Chair does not think that they could agree to the other amendments.

Mr. MANN. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. MANN. The gentleman stated that the amendments could not be agreed to by the House.

Mr. TILSON. No; by the conferees on the part of the House. I wish to know whether the status of these amendments has been changed by the action of the House just taken.

Mr. MANN. Not under the rules.

The SPEAKER. The Chair thinks that only by unanimous consent could you get the opinion of the House. There might be unanimous consent given to permit the House to consider under the new rule whether it would give its conferees authority to come to an agreement on these Senate amendments.

Mr. MONDELL. Mr. Speaker, I was anxious to assist the conferees on the part of the House to dispose of these questions that must be decided by the House, and therefore I have been inclined to hope that it would be proper to take these questions up and pass on them at this time. But on full consideration, Mr. Speaker, I do not see how that can be done under the rules, and I think it would be of doubtful wisdom to attempt to do it by unanimous consent as matters now stand. We would like to see these other questions decided and disposed of, but the conference report is in fact in the hands of the conferees and not before the House, and it does not seem to me that it would be good practice to consider them even by unanimous consent. It would be difficult to report such action if taken, and we might establish a questionable precedent and find ourselves in serious difficulty in the future if in this state of affairs we attempted to take any further action on the matters in controversy between the two Houses.

Mr. TOWNER. Mr. Speaker, the action of the House has resulted in refusing to receive the report and therefore we can not take any action on anything that is contained in it. We must wait now for whatever action the conferees agree upon when they make a further report to the House.

Mr. GARRETT of Tennessee. Mr. Speaker, I suppose what the Chair has said amounts to a practical ruling on the parliamentary inquiry I made.

The SPEAKER. Yes; the Chair rules that the matter has all gone to conference.

INTERIOR DEPARTMENT APPROPRIATION BILL—CONFERENCE REPORT.

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the Department of the Interior appropriation bill.

The Clerk read the title, as follows:

A bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 13, 18, 19, 20, 27, 29, 30, 32, 34, 35, 40, 44, 45, 48, 52, 57, 60, 61, 62, 63, 66, 67, 84, 87, 102, 105, 106, 109, 110, and 111.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 10, 11, 23, 36, 37, 41, 46, 49, 64, 65, 68, 69, 88, 92, 95, 98, 99, 101, 104, 107, and 108, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,300"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,900"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,100"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,520"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$600"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,120"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,600"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$450"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,490"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,650"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,250"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,100"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Restore the sum stricken out by said amendment, and on page 15 of the bill, in line 19, strike out "1922" and insert in lieu thereof "1921"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Vancouver, Spokane, and Seattle, Wash."; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$525,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "For the continued investigation of the feasibility of irrigation, water storage, and related problems on the Colorado River, and investigation of water sources of said river, $100,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$1,450,940"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,500"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$178,700"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including not to exceed $19,000 for reconstruction and improvement of about 4 miles of entrance road, $22,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$43,000"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for continuing the widening of the Nisqually Glacier to Paradise Valley Road, $21,800"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$106,800"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$78,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 43, 47, 50, 51, 53, 54, 55, 56, 58, 59, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 91, 112, and 113.

LOUIS C. CRAMTON,
BURTON L. FRENCH,
C. D. CARTER,
Managers on the part of the House.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1, 2, and 3, relating to contingent expenses, Department of the Interior: Appropriates $60,000, instead of $58,000 as proposed by the House and $66,500 as proposed by the Senate, for miscellaneous items, and $75,000 as proposed by the House, instead of $85,000 as proposed by the Senate, for stationery.

On Nos. 4 and 5: Modifies the paragraph in the House bill transferring from the Interior Department to the Superintendent of the State, War, and Navy Department Buildings the jurisdiction over the care of the Interior Department buildings, as proposed by the Senate, to include the transfer of the mechanical equipment of such buildings.

On No. 6: Makes the appropriation for fuel and miscellaneous items for the Interior Department Building available for "power," as proposed by the Senate.

On Nos. 7 to 38, inclusive, relating to surveyors general's offices: Appropriates a total for salaries and expenses for these offices of $197,230, instead of $182,230 as proposed by the House and $211,250 as proposed by the Senate.

On Nos. 38, 39, and 40, relating to the offices of registers and receivers: Appropriates $372,000 as proposed by the House, instead of $400,000 as proposed by the Senate; provides that the revenues for the fiscal year 1921 shall be used as the basis of determination for the discontinuance of certain offices, instead of the revenues for the fiscal year 1922; excepts the land offices at Vancouver, Spokane, and Seattle, Wash., from the operation

of the paragraph providing for the discontinuance of certain offices; and restores the matter, stricken out by the Senate, abolishing the land office at Springfield, Mo., and the offices of register and receiver at that place.

On Nos. 41 and 42, relating to the protection of the public lands: Appropriates $525,000, instead of $485,000 as proposed by the House and $550,000 as proposed by the Senate, and makes $15,000, as proposed by the Senate, available for clerical services in making current the work of the General Land Office.

On Nos. 44, 45, 46, 48, 49, 52, 57, and 60, relating to Indian affairs: Strikes out the appropriation of $88,000, proposed by the Senate, for the Greenville Indian School, California; strikes out the language, inserted by the Senate, making the appropriation for irrigation on the Fort Hall Reservation, Idaho, "available until expended"; strikes out the paragraph, inserted by the Senate, making $2,500 available for the expenses of a commission to appraise the timber of the Chippewa Indians in the State of Minnesota; inserts the paragraph, proposed by the Senate, providing for the payment of $3,632.92 from the funds of the Flathead Tribe in settlement of contract obligations; strikes out the paragraph, inserted by the Senate, authorizing the drainage of certain lands of the Paiute Indians in Nevada; strikes out the paragraph, inserted by the Senate, relating to nontaxable Indian lands in the State of Oklahoma; strikes out the paragraph, inserted by the Senate, appropriating $3,500 for the education of Alabama and Coushatta Indians in Polk County, Tex.

On Nos. 61 to 67, inclusive, relating to the Pension Office: Strikes out the increase of $360, proposed by the Senate, in the appropriation for statutory employees; provides, as proposed by the Senate, that employees on the temporary roll shall serve without sick leave, and also provides that employees transferred from the statutory roll to the temporary roll shall not lose any of the rights or privileges which they had theretofore received as statutory employees; provides for 11 persons at $2,000 each on the temporary roll, as proposed by the House, instead of 10, as proposed by the Senate.

On Nos. 68 and 69, relating to the Patent Office: Appropriates for officers and employees in the Patent Office in accordance with the personnel act of February 18, 1922, as proposed by the Senate, the amount of the House bill being increased on that account from $1,500,200 to $1,951,340; appropriates $7,500, as proposed by the Senate, in accordance with that act for special and temporary services of typists.

On No. 81: Restores the appropriation of $100,000 for the investigation of water storage on the lower Colorado River, modified so as to make that sum available for the investigation of irrigation, water storage, and related problems on the Colorado River, and for investigations of water sources of said river.

On Nos. 83, 84, 85, and 86, relating to the Geological Survey: Appropriates $325,000, instead of $275,000, as proposed by the House, and $400,000, as proposed by the Senate, for topographic surveys; appropriates $300,000, as proposed by the House, instead of $352,000, as proposed by the Senate, for geological surveys; appropriates $225,000, instead of $150,000, as proposed by the House, and $300,000, as proposed by the Senate, for the examination and classification of lands.

On Nos. 87–90, inclusive, and 92–104, inclusive, relating to the National Park Service: Strikes out the appropriation of $38,878.10, inserted by the Senate, for sanitation in the General Grant National Park; Glacier Park—appropriates $93,200 for maintenance, as proposed by the Senate, instead of $80,000, as proposed by the House, and appropriates $65,500, instead of $50,000, as proposed by the House, and $100,000, as proposed by the Senate, for continuing construction of the transmountain road; Mesa Verde—appropriates $21,000, as proposed by the Senate, instead of $13,000, as proposed by the House, for maintenance, and appropriates $19,000, instead of $19,200, as proposed by the Senate, for reconstruction of an entrance road; Mount Rainier—appropriates $46,000 for maintenance, as proposed by the Senate, instead of $38,000, as proposed by the House, and appropriates $21,800, instead of $45,000, as proposed by the Senate, for continuing the widening of the Nisqually Glacier to Paradise Valley Road; Rocky Mountain—appropriates $53,000, as proposed by the Senate, instead of $39,000, as proposed by the House, for maintenance; Sequoia—appropriates $37,000 instead of $25,000, as proposed by the House, and $50,000, as proposed by the Senate, for continuing construction of the Middle Fork Road; appropriates $9,000, as proposed by the Senate, instead of $5,500, as proposed by the House, for the construction of storehouses, bunk houses, and quarters; and strikes out the appropriation of $54,706.20, as proposed by the Senate for sanitation; Yellowstone—appropriates $80,800, as proposed by the Senate, instead of $80,000, as proposed by the House, for construction of physical improvements.

On Nos. 105 and 106, relating to the Columbia Institution for the Deaf: Appropriates $95,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for support, and $9,000, as proposed by the House, instead of $10,000, as proposed by the Senate, for repairs to buildings.

On Nos. 107 and 108, relating to Freedmen's Hospital: Appropriates $77,535, as proposed by the Senate, instead of $70,000, as proposed by the House, for maintenance and operation.

On Nos. 109 and 110, relating to the Territory of Alaska: Strikes out the increase of $4,500, proposed by the Senate, for improvements and furnishing of the executive mansion.

On No. 111: Appropriates $1,400,000 as proposed by the House, instead of $1,662,000, as proposed by the Senate, for a deficiency in operating revenues of the Alaska Railroad.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 43: Relating to surveying the public lands.

On No. 47: Authorizing the payment of tuition to the public schools of Minnesota for Chippewa Indian children.

On Nos. 50 and 51: Appropriating $20,000 for a new building at the Indian school at Carson, Nev.

On Nos. 53 and 54: Appropriating $45,000 for new buildings at the Indian school at Albuquerque, N. Mex.

On No. 55: Providing for the continuance of the Osage Boarding School, Oklahoma.

On No. 56: Restricting expenditures from Indian tribal funds unless specifically appropriated by Congress.

On Nos. 58 and 59: Appropriating $60,000 for a new building at the Salem (Oreg.) Indian School.

On Nos. 70–80, inclusive, and 82, relating to the Reclamation Service: Increasing the appropriations for the Reclamation Service by $1,500,000.

On No. 91: Striking out the appropriation of $88,000 for the Grand Canyon National Park.

On Nos. 112 and 113: Authorizing the use during the fiscal year 1923 of certain receipts from proceeds of sales and refunds in connection with the construction work of the Alaskan Railroad.

LOUIS C. CRAMTON,
BURTON L. FRENCH,
C. D. CARTER,
Managers on the part of the House.

Mr. CRAMTON rose.

Mr. RAKER. Mr. Speaker, I desire to make a point of order against the conference report.

Mr. STAFFORD. Mr. Speaker, I make the point of order that it is too late to make a point of order.

Mr. WINGO. Oh, the point of order that the gentleman from California is going to make is in order at this time.

Mr. STAFFORD. But the point of order must be made before the conference report is acted upon. I think the Speaker will find precedents to confirm the position I take that the point of order either must be made before the conference report is read or immediately after it has been concluded. The reading of the conference report has been dispensed with.

The SPEAKER. The agreement was that the statement should be read in lieu of the report. If it was read in lieu of the report, would not that allow the point of order to be made?

Mr. STAFFORD. No; the statement is virtually proceeding with a discussion of the conference report.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WALSH. If the statement is read in lieu of the report, I think the precedents are that the point of order must be made before the statement is read.

Mr. STAFFORD. That is the point that I make—that the point of order made by the gentleman from California comes too late. The theory of that is that the statement is a virtual discussion of the report, as it is in fact a written discussion, instead of an oral discussion. It is a written discussion explaining the purpose of the report. It has always been my practice, when I wanted to make points of order against a conference report, to make the point of order even before the conference report was read, and there are precedents to that effect.

Mr. WINGO. Mr. Speaker, but the present Speaker has ruled, as I recall, that where the unanimous-consent request is that the statement be read in lieu of the report, the proper time for making the point of order is at the conclusion of the reading of the statement.

Mr. STAFFORD. But there should have been a reservation of the point of order.

Mr. WINGO. I submit, Mr. Speaker, that there should be some stability to the rulings of the House.

Mr. STAFFORD. There should be a reservation of the point of order at least. When we proceed with the reading of the statement in lieu of the report we proceed to a discussion of the conference report. The reading of the report has been waived.

Mr. WINGO. But the only thing waived is the reading of the report.

Mr. STAFFORD. And all of the rights connected with the reading of the report.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WALSH. I understood the gentleman from Arkansas to say that the present Speaker had ruled that a point of order could be made upon the completion of the reading of the statement?

Mr. WINGO. Yes; that is my recollection.

Mr. WALSH. On the contrary, he has made just the opposite ruling several times.

Mr. WINGO. To a specific inquiry addressed to the Speaker upon one occasion whether the point of order should be made prior to the reading of the statement when read in lieu of the report——

Mr. STAFFORD. The reading of the report.

Mr. WINGO. Will not the gentleman permit me to conclude my statement to the Speaker? The Speaker held then, not upon a specific ruling, it is true, but it amounted to the same, that the House had the choice of expediting matters and that it might waive the reading of the report and have the statement read, and the status remained the same. I do not recall the bill, but if the gentlemen deny it, we will find it.

The object of waiving the reading of the report is for convenience, to save the time of the House. In other words, read one thing or the other, and then reach the point where a point of order could be made, because the matter is not presented before the House so that it is ready for the point of order until the conclusion of the reading. Could the point of order be made before the statement is read? No; but the House reads this so that the House may have a formal knowledge of what is in the report for the same reason a bill is read, and by unanimous consent the statement is read for the information of the House instead of the report. It is then that the House knows formally what is presented, and at the immediate conclusion of the reading of that statement is the time to present any objections that go to the report under the rule.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. WALSH. The gentleman asked me to deny a statement which he made. I do not care to enter a specific denial, but I shall make a wager with him that he can not find the precedent where the present Speaker held that a point of order can be made after the statement is read.

Mr. WINGO. Oh, under this administration I would be afraid to bet on a Republican horse, because you never can tell where you would find yourself. You might have an Executive order setting the whole thing aside.

Mr. STAFFORD. Mr. Speaker, to follow the logic of the rule, it is just the same as when points of order are reserved on appropriation bills introduced in this House. The reservation is made before the bills are referred to the Committee of the Whole House. Furthermore, on conference reports, they should be made before even the report is considered and read, and certainly after the reading of the report has been dispensed with and an argument has been had, as it has virtually by the reading of the statement, it is too late to make the point of order. Is it to be contended that if we had proceeded to debate the conference report, and that was what was done, then the point of order could be made, as has been attempted? The gentleman from California has been sleeping on his rights.

Mr. RAKER. Oh, I have not slept yet.

Mr. STAFFORD. He should have reserved all points of order to the conference report before the statement was read.

The SPEAKER. The Chair is not aware of ever having ruled on the question. The parliamentary clerk has assured him that he has not, but is now ascertaining the fact. The Chair notes astonishment on the face of the gentleman from Massachusetts [Mr. WALSH], and the Chair will be glad to hear any recollection that he has.

Mr. WALSH. I have a recollection, though I do not recall the bill, when a conference report was presented and some gentleman on the minority side asked the Chair if a point of order should be reserved at the time of the presentation of the conference report. The Chair stated at that time that it was not necessary to reserve the point of order at the time of the presentation of the report, that the proper time to make the point of order was after the report had been read and before the statement was read.

The SPEAKER. The Chair thinks there is no doubt about the rule that the proper time to make the point of order is after the reading of the report.

Mr. MANN. Mr. Speaker, Speaker Clark on a number of occasions ruled—and it was necessary to only rule once—that in order to reserve the right to make a point of order where unanimous consent was asked to have the statement read in lieu of the report, if that consent were granted, it was necessary to reserve a point of order upon the conference report, because the only time that the point of order can be made is at the conclusion of the reading of the conference report. That has been the practice of the House ever since.

Mr. STAFFORD. Mr. Speaker, I wish to call your attention to the language in the Manual as found on page 231, wherein we find, midway down the page, that in the House points of order against reports are made or received after a report is read, and before the reading of the statement.

The SPEAKER. There is no question about that point.

Mr. WINGO. That is not the question here.

The SPEAKER. There is no question about that. The only one about which the Chair has any doubt is when a statement is read in lieu of a report—whether that takes the place of the report and therefore gives the right.

Mr. WALSH. Ordinarily, if the report is read the statement is not read.

The SPEAKER. Exactly.

Mr. STAFFORD. Here we have a precedent stated in paragraph 6441, the syllabus of which states that the point of order should be made on the conference report before the statement is read.

The SPEAKER. There is no question about that.

Mr. STAFFORD. It is the uniform practice that the statement is read in lieu of the report, and the Speaker knows many times, I believe, in his experience here, that when a statement is read in lieu of a report the reservation of the point of order is made prior to the reading of the statement in order to save the rights of the Members.

The SPEAKER. The Chair is informed by the parliamentary clerk that the Chair has never ruled on this question, and no authority is cited for allowing it after the statement, and the gentleman from Illinois states that Speaker Clark explicitly ruled in such cases that the point of order must be reserved. Therefore the Chair sustains the point of order.

Mr. CRAMTON. Mr. Speaker, the report offered to the House by the conferees upon this appropriation bill is an agreement upon a large number of items in the bill. As to some other items the conferees did not have the authority to enter into an agreement by reason of the House rules, and as to those amendments due action will be taken after the report is disposed of. Following the adoption of the report of the conferees, if the House sees fit to adopt it, and following the action that the conferees hope to see taken with reference to those amendments where the conferees lack authority, there will then remain in disagreement between the House and the Senate only three matters—first, the appropriation for the Grand Canyon National Park; second, the increase of $100,000 proposed by the Senate for land-survey work; and third, a group of 10 amendments with reference to the Reclamation Service, wherein the Senate proposed an increase of $1,500,000 for reclamation over the amount proposed by the House.

The bill as passed by the Senate proposed a net increase of $3,117,839.30 over the House bill. The amendments as agreed upon by the conferees involve a recession upon the part of the House, first, for $459,840 for the Patent Office. By reason of the Lampert bill, which recently passed Congress and which increased the compensation and the force for the Patent Office, this increase is necessary, and the increase which your conferees have agreed to is only the increase made necessary by the Lampert bill. That is $459,840 of the increase accepted by the House conferees. In addition to that your conferees have accepted increases aggregating $305,135 for a number of items, and are going to ask the House to accept $112,500 of further increase on items where the House conferees did not have authority to act.

Therefore the House conferees, out of this total of something better than $3,000,000 added by the Senate, are asking you this afternoon to accept increases amounting to $417,635 other than the Patent Office increase.

The Senate have agreed to recessions on their part amounting to $816,864.30.

Now, Mr. Speaker, unless there is some question with reference to particular items——

Mr. COOPER of Wisconsin. Why do the conferees strike out the appropriation for the maintenance of the Grand Canyon National Park?

Mr. CRAMTON. The conferees have not stricken that out. That item was stricken out by the Senate, and in conference we did not reach an agreement. The conferees are going to ask the House to further insist on a disagreement and to go back to conference upon that item.

Mr. COOPER of Wisconsin. I am very glad to hear the gentleman say that. That park, in the opinion of travelers generally, is the most wonderful natural object in the world, and it ought to be carefully watched and maintained by the Government.

Mr. CRAMTON. I may say to the gentleman from Wisconsin that I think a great deal of the difficulty that we have experienced in regard to that item has been based upon a misunderstanding of the situation, and we are very hopeful that a result will eventually be secured that will be quite satisfactory to the gentleman from Wisconsin and other friends of the parks.

Mr. SISSON. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. SISSON. As I understood the statement of the gentleman, the four hundred thousand dollars and odd was made necessary by the passage of the bill increasing the compensation of the employees of the Interior Department?

Mr. CRAMTON. Yes. That amount we really could not argue about.

Mr. SISSON. Then you add sundry items that aggregate about $300,000?

Mr. CRAMTON. Three hundred and five thousand dollars that we have agreed to accept.

Mr. SISSON. And the Senate has receded on items aggregating——

Mr. CRAMTON. Eight hundred and sixteen thousand dollars.

Mr. SISSON. I understand that the total difference between the House and the Senate was $3,000,000 and odd?

Mr. CRAMTON. Yes.

Mr. SISSON. How do you account for that?

Mr. CRAMTON. There is one group of amendments in reference to the Reclamation Service, of $1,500,000, in disagreement, in which we want to ask the House to further disagree.

Mr. SISSON. I see. That difference accounts, practically, for the whole thing?

Mr. CRAMTON. There is a difference of $100,000 in another item.

M. STEENERSON. What became of the provision which the Senate put on the bill with reference to registrars and receivers in land offices? I supposed that was one of the items in disagreement.

Mr. CRAMTON. No. The Senate accepted the House provisions in the main. There were one or two amendments put on by the Senate. Agreements were reached as to them, and those are included in the report now pending before the House.

Mr. STEENERSON. What is the change from the way the House passed the bill on that subject?

Mr. CRAMTON. The Senate language puts in an express provision with respect to Spokane, Seattle, and Vancouver. It does not change the purposes of the House committee, but clears up the situation. Then the Senate also originally proposed to save the Springfield, Mo., office, and the Senate have receded as to that.

Mr. STEENERSON. The two offices will be consolidated; the offices of register and receiver will be consolidated in one office?

Mr. CRAMTON. There was no disagreement between the House and the Senate as to that in the main. The effect of the House provision was to cut out about 15 of those offices entirely and in about 20 or more offices to effect a consolidation, so that from 35 to 40 offices were affected; but the Senate language is identical with the House language as to that. There is nothing in conference on that subject except as I have indicated.

Mr. STEENERSON. What was the change with reference to the Chippewa Indians in Minnesota? I noticed there was something as to that.

Mr. CRAMTON. An amendment was put on by the Senate, from which the Senate receded, with reference to the survey of timber. The Senate has receded as to that. I am frank to say that there was a feeling in conference that if the delegation in Congress from Minnesota can get together to solve all that question with respect to the Chippewa Indians in Minnesota it will be desirable. The other amendment on which we ask action to-day is the one that proposes to appropriate from the funds of the Chippewa Indians $46,570 for school purposes.

Mr. STEENERSON. Was that one of the items that the conferees could not act upon?

Mr. CRAMTON. Yes. That was one of the items that the conferees could not act upon. We must ask a separate vote on it to-day.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CARTER. I just wanted to let the gentleman know that there were two or three gentlemen on this side who would like to have something to say on the conference report. It would take about 20 minutes.

Mr. CRAMTON. I want to call the attention of my colleague to the lateness of the hour and to the fact that we would like to dispose of the conference report this afternoon.

Mr. CARTER. Well, give us 15 minutes.

Mr. CRAMTOM. I will yield that amount of time to my colleague.

Mr. BLANTON. Mr. Speaker, will the gentleman yield to me for one question?

Mr. CRAMTON. Yes.

Mr. BLANTON. I want to say that I have sent to the editor of the New York World a copy of a speech that I made here in the House. In Sunday's issue of that paper they misquote me in many particulars. I have asked the editor to hew to my speech delivered here in the House and correct his misquotations. I wanted to say that for the information of gentlemen who may have seen the article in the New York World.

Mr. MONDELL. Mr. Speaker, will the gentleman yield for one minute?

Mr. CRAMTON. Yes.

Mr. MONDELL. I want to occupy that minute, or a portion of it, in calling attention to the effect of the legislation which passed the House some time ago relative to the Patent Office. It seems that that legislation will increase the appropriations for salaries in the Patent Office $1,951,340 the first full year that it is in operation—$2,000,000 increase, practically, in one comparatively small bureau of the Government. If we were to increase the expenses of the Government at that rate in all the bureaus of the Government, it would, I am certain, run considerably beyond $100,000,000 of increase.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. Is the gentleman acquainted with the letter printed in the New York Times from the former Commissioner of Patents, Mr. Ewing, in which he urged upon those who favored an increase in the Patent Office to continue their agitation in favor of the Lehlbach bill, so as to increase still more the salaries provided for in the Lampert bill, so called?

Mr. MONDELL. I am not familiar with any such letter, if such there was, and I assume there was from what the gentleman says.

Mr. STAFFORD. I have read the letter.

Mr. MONDELL. If anyone wrote such a letter, he thereby proclaimed himself either an exceedingly reckless person or an extraordinarily ignorant one, because, as a matter of fact, the Lehlbach bill would not have increased the cost of the force in the Patent Office in any such amount as the bill that we did pass; and the proof of that is to be found in the fact that the friends of that increase, if they believed that the Lehlbach bill would bring a larger increase than the other bill, would have simply amended the Lehlbach bill so as to make it immediately operative as to the Patent Office.

Mr. STAFFORD. You know the friends of the other bill realized that the Lehlbach bill did not have any chance in the other body.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from California.

Mr. BARBOUR. I would like to ask the gentleman why the item of $38,878.10 for sanitary purposes in General Grant National Park, Calif., was stricken out by the conferees? That was an amendment put in by the Senate.

Mr. CRAMTON. Yes; that was an amendment. It was not originally before the House. The estimate came in after the bill was considered in the House. I think it only proper to say that in considering the increases put in the bill for national parks by the Senate the conferees came to an agreement as to the general amount of increase, and then followed, with one exception, the advice of the Director of the National Park Service as to the items that were most urgent. That did not happen to be one of those deemed most urgent.

Mr. BARBOUR. Can the chairman of the subcommittee in charge of this bill give me any information as to the probability of this item being accepted and incorporated in an appropriation bill in the near future?

Mr. CRAMTON. I do not know what the gentleman calls the near future, but I should say that a year from now it would receive very serious consideration.

Mr. BARBOUR. I appreciate that information very much, because the sanitary situation in General Grant National Park

is a very serious matter. The health officer of Fresno County, Calif., in which a large portion of the park is situated, has been up there, and he has advocated closing the park unless something is done to relieve that condition.

Mr. CRAMTON. I will say that, generally speaking, in the park items your committee were quite liberal with items for sanitation, appreciating their importance, but they could not take care of all of them this year.

Mr. BARBOUR. This General Grant National Park consists of 4 square miles, and the camping facilities are all in a little restricted part of the area. Thirty thousand people were in the park this last year, so that shows the necessity of having these matters properly attended to. Is the same thing true as to the appropriation for Sequoia?

Mr. CRAMTON. For Sequoia, the same situation exactly.

Now I yield 15 minutes to my colleague, the gentleman from Oklahoma [Mr. CARTER], to yield to other Members.

Mr. CARTER. I yield five minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, Mark Smith once said:

> The Grand Canyon of the Colorado River in Arizona offers to man the most stupendous wonder on the whole surface of the earth for his contemplation and enjoyment. God put it there for people to see.

The tongue of man can never form words to describe the glories of that mighty gorge. The eye alone can convey an impression of its vastness and its ever-changing beauties. The Grand Canyon can rightfully be called the greatest of the national parks, and it is the duty of Congress to make it accessible to increasing thousands of Americans who are learning to love their country more because they know it better.

For some unaccountable reason it is proposed that no appropriation be made for the maintenance and improvement of the Grand Canyon National Park during the next fiscal year. This failure to provide funds will still leave every acre of it a national park because Congress has by law dedicated and set apart this area for the benefit and enjoyment of the American people. That law contemplated that Congress would provide money to build roads and trails and make other improvements in order that the public may have better access to its many recreational, scientific, and educational attractions. Since it is a national park, what justification can there be for discriminating against the Grand Canyon when much larger sums than $88,000 are carried in this bill to be expended in the improvement of other national parks? For example, $361,800 is here appropriated for the Yellowstone National Park, $280,000 at Yosemite, and $178,700 for the Glacier National Park in Montana.

No proposal to establish a national park has received more careful consideration than the legislation to create the Grand Canyon National Park. The first bill with that object in view was introduced in the Senate on January 5, 1886, by the late ex-President Benjamin Harrison, then a Senator from Indiana. Other bills were proposed from time to time, but none of them were enacted.

The basis for the act to establish the Grand Canyon National Park is to be found in a bill (H. R. 20447) which I introduced in the House on January 24, 1917, after much correspondence with my constituents and numerous conferences with the officials of the Departments of the Interior and of Agriculture. An identical bill (S. 8250) was introduced in the Senate on February 14, 1917, by Senator ASHURST. These bills were referred to the Governor of Arizona, the Arizona State Land Commission, the Board of Supervisors of Coconino County, Ariz., and to many other citizens of that State for criticism and suggestions, but the Sixty-fourth Congress adjourned without action on these measures by either House.

In the Sixty-fifth Congress Senator ASHURST introduced the bill (S. 390) which was reported to the Senate by Senator Mark Smith on March 21, 1918, and passed that body on May 16. On October 18 I reported the bill to the House from the Committee on the Public Lands in a form which met every substantial objection to the creation of a national park at the Grand Canyon. The bill, which had the unanimous indorsement of the Arizona State Legislature, passed the House and became a law on February 26, 1919. In a statement explaining the purpose of that measure I said:

> The area of the present Grand Canyon National Monument is 1,260 square miles, but the proposed park will contain only 996 square miles, so that 264 sections of land that are now withdrawn from all forms of entry will be made available for grazing and other uses. It is the intention of the bill that nothing but the scenic portions of the canyon, with sufficient areas back from the rim to permit the construction of roads, shall be included within the national park.
>
> It is believed that by the establishment of a national park at the Grand Canyon the way will be paved for securing appropriations by Congress for the construction of roads and trails which will make the canyon much more accessible to visitors. Over 100,000 tourists visited the Grand Canyon in 1915, and large numbers are certain to come each year, particularly if good roads are constructed so that automobiles can drive along the rim and view the greatest natural wonder in the world.

Having sponsored the creation of this national park, I have naturally been interested to see that appropriations were made for its development. The first sum allowed in 1919 was but $40,000, which was increased to $60,000 in 1920 and to $100,000 in 1921.

This year the Budget Bureau asked that the appropriation be again fixed at $100,000, but the Commitee on Appropriations recommended that but $88,000 be allowed, and that sum was agreed to by the House. The Senate Committee on Appropriations increased the total to $90,500, but the whole appropriation was stricken from the bill, which is the occasion for having this item in conference and under discussion to-day.

The need for appropriations for this park is primarily for roads and trails. It has long been recognized that Congress should provide funds to make the Grand Canyon National Park more accessible to tourists. In June, 1909, W. R. Mattoon, of the Forest Service, submitted "A working plan for the Grand Canyon National Monument" to the Secretary of Agriculture, in which he pointed out the need for protection against forest fires and the establishment of a system of roads and trails. The following quotation contains the substance of the road plans as recommended in this report:

> The center of the tourist travel for some years in the future will remain as now between Grand View, on the east, and Dripping Springs, on the west, a distance of 30 miles along the rim. From the larger standpoint, however, the zone of travel will increase over a wider strip nearly 90 miles in length from the Little Colorado River, on the east, to Cataract Canyon, on the west.
>
> The ultimate road system, looking many years into the future, should consist of the following roads:
>
> (1) An interior road from Little Colorado River, on the east, to Cataract Canyon, on the west, touching the rim at Grand View and Hermit Basin.
>
> (2) Branches of the above road to Hance ranch, Grand View Point, the rim 4 miles west of Grand View; two to Grand Canyon, one each from the east and west; Dripping Springs; Bass camp.
>
> (3) Roads along rim from Hance ranch, north and east, to Navajo Point, including Moran, Zuni, Papago, and Pinal points.
>
> Grand View west to Hermit Basin, including Thor Hammer, Shoshone, Yaki, Yavapai, Hopi, Mohave, and Pima points.
>
> The length of the main interior road will be about 90 miles; the total of branches, 20 miles; the rim roads, 30 miles. The total mileage is 140 miles, and the cost of construction, estimated at $4,000 per mile, is $560,000.

It will be noted that this estimate was made in 1910, when construction costs were very much lower than at present. In my opinion, it will require more than three times $560,000 to build all the roads that are needed if the Grand Canyon National Park is to be adequately developed. The Mattoon report recommended that $107,500 be immediately appropriated by Congress for roads and trails. In a letter dated March 30, 1910, and addressed to Hon. F. W. MONDELL, chairman of the Committee on the Public Lands, Hon. James Wilson, the then Secretary of Agriculture, said:

> The Forest Service has caused to be prepared with great care working plans for a system of roads and trails to render all practicable parts of the Grand Canyon National Monument accessible to the public. An important feature of these plans is a road which is to follow the southern edge of the canyon far enough back to preserve the fringe of trees along the rim.
>
> A bill has been introduced in the House by the Hon. RALPH H. CAMERON, Delegate from Arizona—H. R. 20819—to appropriate $110,000 to be expended under the direction of this department in carrying out these plans. This bill has been referred to the Committee on Appropriations, and it is hoped will become a law at this session.

The Cameron bill did not become a law, but if $110,000 was needed for such improvements at the Grand Canyon in 1910 can anyone explain why $88,000 should not be expended for the same purpose during the fiscal year 1922-23? In the meantime there has occurred a tremendous development of the automobile industry, so that thousands may visit the Grand Canyon by that means of conveyance, which was available to but very few 12 years ago.

It is my desire that the Grand Canyon shall be made accessible at as many points as possible, not only to the citizens of Arizona but to thousands of others from all parts of America. I shall not be content until all practicable facilities for tourists, particularly those traveling by automobile, are provided. The greatest convenience is a system of roads entering all parts of the national park and extending for miles along the rim of the canyon. It will take some years to carry out such a development and cost considerable sums of money, but in the aggregate the amount will be no greater than has been expended in other national parks.

There should be no discrimination and no delay. I sincerely trust that the House will instruct its conferees to insist that every dollar that has been appropriated by the House shall be agreed to by the Senate. There is no other way in which this disagreement with the Senate can be justly settled.

Mr. CARTER. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, I must feel a want of contentment in the action of the conferees. Personally, they are delightful gentlemen, and therefore this goes to the matter of principle. I refer particularly to the amendment No. 44 on page 41 of the bill placed there by the Senate for the reconstruction of a school building destroyed by fire on December 17, 1921; the Granville Indian School of California. I have heard to-day the statement regarding the savings and the difference between what the House bill was and the Senate bill—the items they have receded in and items the Senate has receded in. They talk about cutting the appropriations to the bone, and as economies these are all right, but sometimes I am thinking that they are just deceiving and deluding the people and nothing else. This cutting to the bone means nothing unless it has some relative value on the subject involved.

Here were 100 Indian children going to this school which is well equipped with 28 other buildings and all the equipment that goes with buildings for an Indian school. There is the farm, the land, the cattle, and the horses, and in the meantime while the appropriations bill is pending the building is destroyed by fire. These children have been scattered like the four winds of Heaven. Some go to Oregon, some to Nevada, and some to northern California, and some go out without anything to eat. We do not get a hearing before the conference committee. I do not know whether I have a right to criticize them for that or not, but nevertheless when an amendment is placed on a bill, an amendment that has merit, one that is dealing with the education of children, we ought to have an opportunity for a hearing. The amendment should have been agreed to by the House conferees. The children ought to receive an opportunity for education. That is all that this amendment does.

The House conferees immediately took it up but I find another item appropriating a large sum for a gymnasium. There you have a school fairly started and all the equipment, but you gave them appropriation for a gymnasium. Here are 100 Indian children in Plumas County, Calif., denied the right to go to school when the evidence has been presented here that by the middle of July this year this building could have been rebuilt and the school could have been opened, and everything started without any delay or trouble; the only closing would have been from the time the fire occurred until the end of the present school year. I am very sorry indeed for some things, and that I am placed in the position where it will not permit me to say on the floor what I want to say, but on the question of fairness, justice, and right, that is all these people want. I am very sorry that the conferees did not include this amendment in the agreement.

The SPEAKER. The time of the gentleman from California has expired.

Mr. CARTER. Mr. Speaker, I yield the balance of my time to the gentleman from Arkansas [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, I regret that under the provisions of this bill the United States land office at Harrison, Ark., in my district, may be discontinued. There are contiguous to that office more than 101,000 acres of public lands subject to homestead. This office has been maintained for a number of years. It is conducted in a commodious and beautiful Federal building, where the offices of the register and receiver are located.

I know that the reason given for abolishing all but one office in Arkansas is that the Camden land office is far behind the required acreage and its cost of maintenance too much and that the Harrison land office costs 66.07 per cent of the revenue yielded by it, and that the majority have decreed that every land office in America must be discontinued if the cost of maintaining same exceeds 33⅓ per cent of the revenues of the office. I observe also that 25 or 30 other offices are abolished throughout the Nation, but I insist that the conferees provide in their final report for a continuance of this Harrison office, because I assure you that its loss will be keenly felt by prospective homesteaders in this section. It has always been the policy of the Government to encourage homesteading, and within a few miles of Harrison is a large forest reserve, which I am seeking to have thrown open by legislation to homestead, which, if done, will add greatly to the acreage already subject to entry. This Republican administration is shrieking economy, economy, and yet it is penny-wise but pound foolish. It is lavish in some directions and stingy when it comes to helping those who need help most. If this office under discussion is closed and moved to Little Rock, intending homesteaders in my district, invariably poor people, will be compelled to go two or three times as far to get to the land office as is the case now. I shall certainly insist, if but one office is allowed my State, that this office be permanently located at Harrison, because of its nearness to the great bulk of the Government's public lands.

Mr. ARENTZ. Mr. Speaker, will the gentleman from Michigan yield?

Mr. CRAMTON. Yes.

Mr. ARENTZ. At the bottom of page 7 of the conference report, in the second line from the bottom, I find the words:

For continuing the widening of the Nisqually Glacier to Paradise Valley Road.

Mr. CRAMTON. It is the road that is to be widened, and not the glacier.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent now to offer one motion in respect to several items in disagreement.

Twelve or thirteen amendments are included in this motion, but they relate only to three matters, first, the addition of $100,000 proposed by the Senate for land survey work; second, the addition of one and one-half million dollars for the reclamation work; and third, the appropriation for the Grand Canyon National Park. On those three items we are asking the House to further insist on its disagreement to the amendments of the Senate. I ask unanimous consent to consider all of those amendments in gross in order to expedite matters.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the consolidation of these several amendments in one motion. The Clerk will report the several amendments.

The Clerk read as follows:

Amendments numbered 43, 70, 71, 74, 75, 76, 77, 78, 79, 80, 82, and 91.

The SPEAKER. Is there objection to these being considered together?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, what action does the gentleman intend to take in respect to the disposition of the other amendments that are in disagreement?

Mr. CRAMTON. We will take those seriatum.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Then, Mr. Speaker, I move as to those amendments that the House further insist upon its disagreement to the Senate amendments.

The motion was agreed to.

Mr. CRAMTON. Mr. Speaker, I now call up Senate amendment No. 47.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Amendment No. 47, page 47, of the bill, after line 13, insert: "The Secretary of the Interior is authorized to withdraw from the Treasury of the United States, in his discretion, the sum of $46,570, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota arising under section 7 of the act of January 14, 1889, and to expend the same for payment of tuition for Chippewa Indian children enrolled in the public schools of the State of Minnesota: *Provided*, That the Secretary of the Interior may make payments therefrom of such amounts as he deems proper and just in aid of public schools of the State of Minnesota which have enrolled Chippewa Indian children therein during the fiscal year 1922, and in excess of the rate of compensation fixed in any existing contracts with public-school districts, where such rate is inadequate."

Mr. CRAMTON. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 47 and concur in the same.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. STAFFORD. Is it proposed, if this proviso be adopted, to pursue a different policy with respect to the amounts that may be allowed to public schools for the education of Indian children?

Mr. CRAMTON. This is a case where we have already turned over to the State of Minnesota certain school buildings and certain authority is carried in this bill in respect to land and buildings, and so forth. An attempt has heretofore been made to appropriate money of the Indians for tuition in these State schools. That legislation heretofore has not become effective. This is to make a provision of that kind effective. Some contracts have been made already, due to the former attempted legislation. This will carry out that legislation. This is money taken from the tribal funds of the Indians.

Mr. STAFFORD. How much is it proposed to allow to the public-school districts in excess of the amount now provided in existing contracts, as stated in the proviso?

Mr. CRAMTON. I have not the amount exactly; but it is not large, as I understand it.

Mr. STAFFORD. And, as I understand, we have a certain rate generally throughout the country which we pay to schools when they educate Indian children.

Mr. CRAMTON. I am not sure that that is the case. I am advised by the Indian Office, in explanation of the proviso permitting payment of compensation which may in a given case be in excess of an existing contract for the fiscal year 1922, that "it is appropriate to say that in a few cases contracts have been executed at a given rate per pupil per day and in other cases have not been so executed. However, when applications were received from all districts within the Chippewa Reservation, it was found that there was not sufficient money to allow a rate of compensation which was adequate and proportionate to the actual cost of education of each pupil in some of the public schools. The contracts, then, which were executed were necessarily at a lower rate per pupil, limited by the amount of money available instead of by the equities of the case." I take it that the standard to which the gentleman refers will not be exceeded under this legislation.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 50: Page 53, line 20, after the figures "$10,000" insert "for dining room and kitchen $20,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 50 and concur in the same. This is a building that is greatly needed.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 51: Page 53, line 21, strike out "$90,000" and insert "$110,000."

Mr. CRAMTON. This is simply a total, and I move that the House recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 53: Page 55, line 13, after the figures "$9,000," insert: "for construction of a gymnasium and an assembly hall, including equipment for both buildings, to replace the building destroyed by fire February 12, 1922, to be immediately available, $45,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur, with an amendment, which I send to the desk.

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following:

"For construction of buildings for a gymnasium and assembly hall, including equipment to replace the building destroyed by fire February 12, 1922, $42,500, to be immediately available."

Mr. RAKER. Will the gentleman yield to me for a couple of minutes?

Mr. CRAMTON. I yield two minutes to the gentleman.

Mr. RAKER. I want to call the attention of the House to the amendment just passed—for a "dining room and kitchen." They already have one. That is on page 53. It is all right. I believe in improving. Here on amendment 53, now, we replace a gymnasium and assembly hall that has been destroyed by fire. The rest of the school is continued. But the Indians in northern California that are entitled to relief and consideration have been deprived of their property more than any class of people in the United States to-day. When their buildings are destroyed their children are scattered, and they are not even given the opportunity to erect a new building. I hope that the conferees in this great committee the next time, particularly when it comes to the deficiency bill, will be able to have it placed in the bill before this Congress adjourns, and that the building may be completed before the next term of school in August. I believe we will be able to make such a showing that the gentleman will accede to that request because of the necessity and justice of it.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on receding and concurring in the Senate amendment as amended.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 54: Page 55 of the bill, line 16, strike out "$109,000" and insert "$154,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur with the necessary amendment to make the total correct.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the sum proposed in the said amendment insert "$151,500."

The amendment was agreed to.

The SPEAKER. The question is on receding and concurring in the Senate amendment as amended.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 55: Page 62 of the bill, line 8, after the word "pupil," insert a colon and the following: "*Provided*, That the Osage Boarding School may be continued, in the discretion of the Secretary of the Interior, for a period not exceeding six years from July 1, 1922, and that the limit of $300 allowed per capita shall not apply to such school for the present fiscal year."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 56: Page 64 of the bill, line 14, after the word "prescribe," insert a colon and the following: "*Provided further*, That hereafter no money shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes at salaries at the rate heretofore paid, and one attorney each for the Choctaw, Chickasaw, and Creek Tribes, employed under contract approved by the President, under existing law: *And provided further.*"

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur with an amendment striking out the language of the amendment and inserting the language which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan moves to strike out the language inserted by the Senate and insert in lieu thereof the following, which the Clerk will report.

The Clerk read as follows:

Provided further, That hereafter no money shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress: *Provided further*, That for the current fiscal year money may be so expended from such tribal funds for equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes at salaries at the rate heretofore paid, and one attorney each for the Choctaw, Chickasaw, and Creek Tribes employed under contract approved by the President, under existing law: *And provided further,*

The SPEAKER. The question is on the House receding and concurring with the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 58: Page 67 of the bill, line 25, after "$20,000" insert: "For boys' dormitory, $60,000."

Mr. CRAMTON. Mr. Speaker, I move to recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the matter inserted by the said amendment insert the following: "For boys' dormitory, $50,000."

Mr. RAKER. Will the gentleman yield for a question?

Mr. CRAMTON. Certainly.

Mr. RAKER. I want to make the record straight. For instance now, in this amendment No. 44, if the Senate had stood pat, the three Senators had refused to agree, it would have come back here with a disagreement? Is that correct?

Mr. CRAMTON. I think that is self-evident.

Mr. RAKER. I want the record so that there will be no question about it.

Mr. CRAMTON. I would not want to embarrass any of the Senators for anything in the world.

Mr. RAKER. I do not want to embarrass anybody, but that is the procedure, is it not?

Mr. CRAMTON. I do not know of any other way it ever happens. I will say, yes.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have the right to extend and revise my remarks on this bill.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, does the gentleman want to extend his remarks on this wonderful contribution he has made to the proceedings here?

Mr. RAKER. I do not want——

Mr. WALSH. The gentleman does not catch the procedure under which we are operating.

Mr. RAKER. I will have to get advice.

Mr. WALSH. The gentleman needs it.

Mr. RAKER. There are others who need it as much as I do.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur in the amendment with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 59, page 67, line 26: Strike out "$160,000" and insert in lieu thereof "$220,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In lieu of the sum proposed in said amendment insert "$210,000."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Michigan.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

Mr. CRAMTON. The next one is No. 72, on page 90 of the bill.

The Clerk read as follows:

Senate amendment No. 72, page 90, line 24, after the word "operation" insert the words "with authority."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur. The question is on agreeing to that motion.

The motion was agreed to.

The Clerk read as follows:

Senate amendment No. 73, page 90, line 25: After the word "Reservoir" insert "to purchase or condemn and to improve suitable land for a new town site to replace the portion of the town of American Falls which will be flooded by the reservoir, and to provide for the removal of buildings to such new site and to plat and to provide for appraisal of lots in such new town site and to exchange and convey such lots in full or part payment for property to be flooded by the reservoir and to sell for not less than the appraised valuation any lots not used for such exchange."

Mr. WALSH. Mr. Speaker, I reserve a point of order on the amendment.

Mr. CRAMTON. That is the Senate amendment. If the gentleman will reserve his point of order, I will say it was my purpose to move to recede and concur in the Senate amendment. If the gentleman will further withhold the point of order—and I am sure I do not know what the point would be—the language is the same as the current law, and under that the Federal court has sustained the right of the Government to proceed upon this line of work that has been entered upon. This is simply to complete work already entered upon.

Mr. WALSH. Which is in accordance with current law with reference to similar projects?

Mr. CRAMTON. This is the same project. It is the same language as the current law as to the Minidoka project.

Mr. STAFFORD. I was under the impression that the Senate bill had passed the House carrying this same authorization.

Mr. CRAMTON. That language was stricken out by the House on a point of order. That is legislation that was inserted in the Senate. We are bringing it in under the rule.

Mr. STAFFORD. I understood it was by a separate bill.

Mr. CRAMTON. Oh, no. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

Mr. CRAMTON. The next is Senate amendment numbered 112, on page 117.

The Clerk read as follows:

Senate amendment No. 112, on page 117: At the top of the page insert: "Authority is granted to purchase during the fiscal year 1923, from the appropriation made for the construction and operation of railroads in Alaska, articles and supplies for sale to employees and contractors, the appropriation to be reimbursed by the proceeds of such sales."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 113, after line 5, page 117, insert: "During the fiscal year 1923 there shall be covered into the appropriation established from time to time under the act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914, as amended, the proceeds of the sale of material utilized for temporary work and structures in connection with the operations under said act, as well as the sales of all other condemned property which has been purchased or constructed under the provisions thereof; also any moneys refunded in connection with the construction and operations under said act, and a report hereunder shall be made to Congress at the beginning of its next session."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. CRAMTON moves that the House recede from its disagreement to the Senate amendment numbered 113 and agree to the same with an amendment as follows: After the word "cession," in the last line of the matter inserted by said amendment, insert the following: "*Provided*, That the aggregate amount credited to such corporation under the authority contained in this paragraph shall not exceed $200,000."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Michigan.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Certainly; I yield.

Mr. STAFFORD. What is the purpose of authorizing this money to be covered into a separate continuing appropriation for the fiscal year and not covered into the Treasury as miscellaneous receipts?

Mr. CRAMTON. I will say to the gentleman that the language inserted by the Senate is the same language as has been carried in the bills heretofore appropriating for the Alaska Railroad under which any amount of obsolete machinery and surplus supplies could be sold and the moneys received used for new construction work. Some question was raised in the House when this bill was here on first passage, and as a result we are putting in a limitation that in any event the amount realized and used for construction work shall not exceed $200,000, to avoid any great extension of the authorized cost; and I am advised by Colonel Mears, in charge of that work, that that limitation will be entirely satisfactory to them as well.

Mr. STAFFORD. If there are sales of property exceeding $200,000, then they will be covered into the Treasury?

Mr. CRAMTON. Yes. Then the money will go into the Treasury as miscellaneous receipts.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Michigan.

The motion was agreed to.

Mr. CRAMTON. Mr. Speaker, I move that the House agree to the further conference asked for by the Senate and that the Speaker appoint the conferees.

The SPEAKER. The gentleman from Michigan moves that the House agree to the further conference asked by the Senate and that the Speaker appoint the conferees. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. CRAMTON, Mr. FRENCH, and Mr. CARTER.

LEAVE OF ABSENCE.

Mr. FUNK, by unanimous consent, was granted leave of absence for 10 days, effective April 3, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. DOMINICK, by unanimous consent, was granted leave to withdraw from the files of the House the papers relating to H. R. 9377, H. R. 9378, and H. R. 9379, all the Sixty-sixth Congress, no adverse reports having been made thereon.

EXTENSION OF REMARKS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill 7544 and the bill 10941.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. LARSEN of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Veterans' Bureau.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. LARSEN of Georgia. Mr. Speaker, on March 17 I introduced a resolution providing for appointment of a committee to investigate the Veterans' Bureau, particularly the operation of its regional offices.

The reported shortages at some of the regional offices arising from causes brought to the attention of the House in the resolution offered, together with the apparent extravagance and un-

doubted mismanagement and inefficiency, which is testified to almost daily by Members on the floor of this House, demand an immediate investigation.

I have requested the chairman of the Rules Committee, to which the resolution was referred, to arrange for an early hearing, but so far as I am advised no date has been fixed.

Surely there is no desire upon the part of anyone to make a political issue of a matter so vital to the interest of our ex-service men. Certainly there is no such intention upon my part, and the fact that most of the criticism—and by far the severest arraignment—of the bureau has come from the Republican side, indicates beyond question that desire to benefit the ex-service man is the one and only motive which prompts criticism.

Demonstrating inefficiency in the bureau, I bring to attention of Members two instances regarding recent developments in cases handled through my office. The first relates to claim for insurance from my home county. Briefly stated, it is as follows:

On November 4 of last year the bureau advised me that an insurance award had been made to Green Norris, whose interest I was endeavoring to protect. They advised, however, that they were unable to pay the amount of award due, inasmuch as they had no record as to whereabouts and post-office address of said Norris.

On November 7 I notified the bureau that a letter addressed to Norris, in care of G. C. Bidgood, his attorney, Dublin, Ga., would be promptly delivered. I thought remittance had been made until March 1, when I received a letter from Mr. Bidgood asking when claimant's check might be expected. I then took the matter up with the bureau and was advised just as I had been in November—that they were unable to deliver checks because they had no information as to claimant's post-office address. I again advised the bureau, by telephone and letter, that any communication addressed to Norris in care of his attorney, at Dublin, Ga., would be received, and called attention to the fact I had furnished the correct address four months prior to that date. Upon a third inquiry, made March 20, I was again advised they were without information as to Norris's proper address. I then wrote the director as follows:

MARCH 22, 1922.

Col. C. R. FORBES,
Director Veterans' Bureau, Washington, D. C.

MY DEAR COLONEL FORBES: I have heretofore supposed that employees in the bureau, intrusted with the dictation of correspondence, answering letters written by Members of Congress concerning our ex-service men, would at least make a reasonable effort to familiarize themselves with the record in the case before undertaking to write upon important matters pertaining to it. In this, it seems, I am in error.

I call your special attention to the last paragraph of your letter dated March 20, regarding the above-stated case, and to the fact that on November 7 of last year I gave you the address of Green Norris, one of the beneficiaries. Again on March 7—just four months later—I stated I had given you the address in November and again informed you that a letter addressed to him at Dublin, Ga., care of G. C. Bidgood, his attorney, would be delivered. A few days later in telephonic conversation with Mr. Wright, of the congressional service section, I told him that the post-office address which you seemed to interpret as "Lallie," and which you said could not be found in Georgia, was Lollie, located in Laurens County, some 8 miles from Dublin, where his attorney resides. It is assumed Mr. Wright made a notation in the file to this effect, and if he did not, I am sure it was because he did not think it necessary, inasmuch as I had previously given the proper address in two different letters.

Certainly you must know that such uncalled-for errors are very annoying and that neither the public nor Congress will long continue to endure such negligence and inefficiency.

I suggest that the question as to Mr. Norris's post-office address be settled. I know it is possible to do this whether we can agree upon person to whom insurance should be paid or not.

Awaiting your reply, I am,
Sincerely yours,
W. W. LARSEN.

Officials admit receipt of my previous letters and verbal instructions, but offer no excuse as to delay and inefficiency.

Another case well representing conditions as they now exist is illustrated by decision recently made in the fifth regional district at Atlanta, Ga. I quote from a letter written me by the district manager under date of March 27, as follows:

Under date of March 7, 1922, the following award was approved in favor of the above-named claimant:

"Eight dollars monthly payment, commencing December 16, 1919, continuing during the period in which his disability, arising from defective mental development, remains temporary partial 10 per cent. The district board of appeals has found that this is no vocational handicap to a farmer. He is, therefore, not eligible for training under section 2."

The plain statement is that the district board of appeals has ruled that 10 per cent mental disability is no "vocational handicap" to a farmer.

We can not expect any man to efficiently administer the affairs of the ex-service man who does not know that 10 per cent mental disability is a serious handicap in any line of business. Certainly it is as great a handicap in farming as it would be in any other line of endeavor. It takes as much business ability to successfully operate a 10-horse farm as it does to operate the average successful business enterprise, and more than is used in the operation of a major portion of the Veterans' Bureau. It certainly takes equally as much business ability to operate such a farm as it does to successfully direct affairs of the average country bank.

I have long realized the regard which certain gentlemen, not all of them housed in the Veterans' Bureau, have for the farmer. For their benefit I desire to take advantage of this opportunity to say that the purest, most unselfish, and patriotic blood of this country has always come from the farm. It has at all times guided the destiny of the Nation and has successfully met every emergency that has confronted it. If we take from this Nation the native business ability, the patriotic impulse, the virtue and Christian spirit, developed and nurtured upon our farms, it will at once degenerate and decay.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my remarks in reference to the conference report on the bill that we had up to-day relating to the Shipping Board.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ADJOURNMENT.

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 4, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

583. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill for the relief of Ulric O. Thynne, of London, England; to the Committee on War Claims.

584. A letter from the Postmaster General, transmitting claim of Geston P. Hunt, postmaster at Rushville, Ind., for the loss of $10,026.64, through the post office on March 9, 1921; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MONTOYA: Committee on Indian Affairs. H. R. 10957. A bill to rebuild the assembly hall of the Indian school near Tomah, Wis.; with amendments (Rept. No. 865). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROACH: Committee on Indian Affairs. H. R. 10772. A bill providing that relief extended to any incompetent or restricted Indian in furnishing food, clothing, fuel, or medical care, or necessary assistance to him or to his family, shall be a charge against the said Indian or his estate; without amendment (Rept. No. 866). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 11118. A bill to provide for the deportation of certain undesirable aliens; without amendment (Rept. No. 867). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. J. Res. 165. A joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke; without amendment (Rept. No. 868). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds. H. J. Res. 298. A joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden; without amendment (Rept. No. 870). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WATSON: A bill (H. R. 11126) to extend the commissary privileges to the widows of officers or enlisted men of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 11127) to aid and extend the commissary privileges to the widows of officers or enlisted men of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. HUDSPETH: A bill (H. R. 11128) to authorize the construction of a bridge over the Rio Grande, between the

cities of Del Rio, Tex., and Las Vacas, Mexico; to the Committee on Interstate and Foreign Commerce.

By Mr. KLINE of New York: A bill (H. R. 11129) to amend section 4730 of the Revised Statutes relating to pensions; to the Committee on Pensions.

By Mr. HAYDEN: A bill (H. R. 11130) appropriating $75,000 for the relief of the Indians of the Gila River and Papago Reservations, in Arizona; to the Committee on Appropriations.

By Mr. DUNN: A bill (H. R. 11131) to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes; to the Committee on Roads.

By Mr. KLINE of New York: A bill (H. R. 11132) making eligible for retirement under certain conditions officers of the United States Army, Navy, or Marine Corps, other than officers of the Regular forces, who incurred physical disability in line of duty while in the service of the United States during the war; to the Committee on Military Affairs.

By Mr. WRIGHT: A bill (H. R. 11133) for the erection of a post-office building at Fort Benning, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. PRINGEY: A bill (H. R. 11134) to render final judgment on any claims of the Eastern Emigrant and Western Cherokee Creek and Seminole Indians against the United States in relation to tribal lands, funds, and property; to the Committee on Indian Affairs.

By Mr. CLOUSE: A bill (H. R. 11135) to prohibit the Commissioner of Internal Revenue and other officers of the United States from selling or disposing of property seized or distrained for taxes until after publication for 60 days, and for other purposes; to the Committee on Ways and Means.

By Mr. MOORE of Virginia: A bill (H. R. 11136) providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and for the conveyance thereof by the Secretary of the Treasury; to the Committee on the District of Columbia.

By Mr. McARTHUR: Joint resolution (H. J. Res. 301) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade; to the Committee on the Judiciary.

By Mr. MOORE of Virginia: Resolution (H. Res. 319) authorizing the Speaker of the House of Representatives to appoint a committee to investigate the wholesale removal of responsible officials of the Bureau of Engraving and Printing; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 11137) authorizing the Secretary of War to donate to Fresno Post, No. 4, American Legion, of Fresno, Calif., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 11138) authorizing the Secretary of War to donate to Madera Post, No. 11, American Legion, of Madera, Calif., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. BLAKENEY: A bill (H. R. 11139) for relief of the late Lieut. Col. Asa Bird Gardiner; to the Committee on Military Affairs.

By Mr. COPLEY: A bill (H. R. 11140) granting a pension to William Russell; to the Committee on Pensions.

By Mr. HOCH: A bill (H. R. 11141) granting a pension to Margaret J. Briggs; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 11142) granting a pension to Charles F. King; to the Committee on Pensions.

Also, a bill (H. R. 11143) granting an increase of pension to Sarah E. Wilderman; to the Committee on Invalid Pensions.

By Mr. MICHAELSON: A bill (H. R. 11144) granting a pension to Alice E. Deitrick; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 11145) granting a pension to Henry C. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11146) granting an increase of pension to Caroline Bast; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 11147) granting a pension to Prentiss M. Woodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11148) granting a pension to William H. Turnbull; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 11149) granting a pension to George J. Meyer; to the Committee on Pensions.

Also, a bill (H. R. 11150) granting a pension to Emil Schmitt; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 11151) granting an increase of pension to Angeline Tait; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4941. By the SPEAKER (by request): Petition of George Noble Todd-Windermere, engineer and inventor; Mrs. Mattie B. Maltby, Chester A. Miller, Chester Wright, and Mrs. Jessie Deane, of San Diego, Calif., urging the commission of George Noble Todd-Windermere as general chief engineer to build merchant marine boats, ships, and submarines and grant him the exclusive use of his patents, etc.; to the Committee on Patents.

4942. By Mr. ARENTZ: Petitions of the Humboldt County Chamber of Commerce, and Messrs. Born, Cooney, Richardson, Pearce, Wilkinson, Gray, Moore, Defenbaugh, and Fishburn, of Winnemucca; Messrs. Crowley, Whitaker, Newland, Stonebaker, Brown, Cushin, Alley, Rolph, Willig, Noble, Swager, Olsen, Brabazon, and Webster, of Sulphur, Nev., protesting against House bill 10598; to the Committee on Interstate and Foreign Commerce.

4943. By Mr. FOCHT: Petition of citizens of Burnham, Mifflin County, Pa., urging adequate tariff law based upon American valuation plan; to the Committee on Ways and Means.

4944. By Mr. FRENCH: Petition of citizens of Idaho, protesting against enactment of House bill 9753; to the Committee on the District of Columbia.

4945. By Mr. GERNERD: Petition of members of the Interstate Milk Producers' Association, of Barto, Pa., favoring House bill 8086; to the Committee on Agriculture.

4946. By Mr. KELLY of Pennsylvania: Resolutions of Daniel W. Brooks Post, American Legion, protesting against decrease in the Navy; to the Committee on Naval Affairs.

4947. By Mr. KISSEL: Petition of the Laundry Board of Trade, of New York City, N. Y., relating to certain provisions in tariff bill; to the Committee on Ways and Means.

4948. Also, petition of the Society of Colonial Wars in the State of New York, of New York City, N. Y., urging retention of Fort McHenry and to preserve same as a memorial, etc.; to the Committee on Public Buildings and Grounds.

4949. By Mr. McARTHUR: Petition of M. C. Knott and others, of Oregon, opposing the passage of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

4950. By Mr. ROSE: Petition of members of Local Union No. 3519, United Mine Workers of America, of Bennington, Pa., protesting against continued imprisonment of war-time political prisoners and asking for their early release; to the Committee on the Judiciary.

4951. By Mr. SINCLAIR: Petition of H. J. Laub and 34 others, of Heil, N. Dak., urging the revival of the Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4952. Also, petition of John Johnson and eight others, of Zah, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4953. Also, petition of Nick Wallin and nine others, of Sanish, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4954. Also, petition of D. D. Cunningham and 14 others and 182 citizens of Max, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4955. By Mr. SMITH of Michigan: Petition of Battle Creek Trade and Labor Council against Sunday bills (H. R. 9753 and 4388 and S. 1948); to the Committee on the District of Columbia.

4956. Also, petition of Mrs. James Seeney and 100 other citizens of Battle Creek, Mich., against Sunday blue laws; to the Committee on the Judiciary.

4957. By Mr. SNYDER: Petition of the Women's Christian Temperance Union, of Rome, N. Y., against a resolution of the common council of that city with reference to light wines and beer; to the Committee on the Judiciary.

4958. Also, petition of residents of the city of Utica, N. Y., favoring the immediate enactment of a protective tariff measure; to the Committee on Ways and Means.

4959. By Mr. SWING: Petition of Sons of Revolution of the State of California protesting against heavy reduction in the personnel of the United States Navy; to the Committee on Naval Affairs.

4960. Also, telegram of American Legion Post of Riverside, Calif., urging adequate appropriation for maintenance of Organized Reserves Army training camps; to the Committee on Military Affairs.

4961. Also, telegram of the Chamber of Commerce of Riverside, Calif., urging adequate appropriations for maintenance of Organized Reserve Army training camps; to the Committee on Military Affairs.

4962. By Mr. YOUNG: Petition of the Brotherhood of Railway Clerks, Freight Handlers, Express, and Station Employees, urging the acceptance of Henry Ford's offer in connection with the Muscle Shoals project; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *April 4, 1922.*

(Legislative day of Monday, April 3, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes; receded from its disagreement to the amendments of the Senate numbered 47, 50, 51, 55, 72, 73, and 112; receded from its disagreement to the amendments of the Senate numbered 53, 54, 56, 58, 59, and 113, and concurred therein severally with amendments; insisted upon its disagreement to the amendments of the Senate numbered 43, 70, 71, 74, 75, 76, 77, 78, 79, 80, 82, and 91; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon and that Mr. CRAMTON, Mr. FRENCH, and Mr. CARTER were appointed managers at the further conference on the part of the House.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 8675. An act to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon;

H. R. 10478. An act to authorize the Secretary of the Interior to sell certain lands not longer needed for the Rapid City Indian School;

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County of California for certain lands, and for other purposes;

H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920";

H. R. 10673. An act to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama;

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices; and

H. R. 10941. An act authorizing the Postmaster General to grant permission to use special canceling stamps or post-marking dies.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 160) authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes, and it was subsequently signed by the Vice President.

SUPPLEMENTAL ESTIMATE, WAR DEPARTMENT, 1923 (S. DOC. 177).

The PRESIDING OFFICER (Mr. TOWNSEND in the chair) laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, War Department, fiscal year 1923, for mileage of officers and contract surgeons, $500,000, in addition to the $2,000,000 included in the 1923 Budget, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER laid before the Senate a memorial of minority members (Socialist Party) of the Municipal Assembly of Juncos, Porto Rico, remonstrating against the course pursued by the presidents of the Senate and House of Delegates of Porto Rico in the political and personal campaign waged against Gov. E. Mont Reily, and indorsing the administration of Governor Reily, whom the memorialists state is held in high esteem by the majority of the Porto Rican people without party distinction, which was referred to the Committee on Territories and Insular Possessions.

Mr. SIMMONS presented a memorial of sundry citizens of Hamlet, N. C., protesting against inclusion in the pending tariff bill of increased duties on women's leather gloves, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution unanimously adopted by the Kansas City (Kans.) Chamber of Commerce, favoring placing on the free list in the pending tariff bill of vegetable oils and fats, which was referred to the Committee on Finance.

Mr. CAMERON presented the following joint memorial of the Legislature of Arizona, which was referred to the Committee on Agriculture and Forestry:

FIFTH STATE LEGISLATURE, STATE OF ARIZONA,
First Special Session.

Senate joint memorial 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the fifth State Legislature of the State of Arizona, in special session assembled, respectfully represent:

Whereas under the act of Congress of August 24, 1921, entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," it is provided that advances may be made until July 1, 1922; and

Whereas the cattle interests of Arizona have suffered during the past few years in a manner whereby acceptance of the provisions of the said act of Congress offers material aid and relief; and

Whereas the singular climatic conditions existing throughout the State of Arizona make it impossible to round up and count cattle in the winter months, and of delay in forming companies to receive applications, will prevent many worthy producers from obtaining much needed relief by being unable to make formal application on or before July 1, 1922, the final date fixed by the said act of Congress for receiving applications: It is therefore

Resolved by the Fifth Legislature of the State of Arizona, in special session assembled, acting upon petition of the Arizona Cattle Growers' Association, praying for aid and relief, That Congress be memorialized to grant to the said War Finance Corporation full powers to extend the time set until July 1, 1923, as vital to the life and interests of many of the cattle raisers of the State of Arizona: It is further

Resolved, That suitably engrossed copies of this memorial be forwarded to the President of the Senate of the United States, the Speaker of the National House of Representatives, the Hon. HENRY F. ASHURST, the Hon. RALPH CAMERON, United States Senators for Arizona, Hon. CARL HAYDEN, Member of Congress for Arizona, praying them to do their utmost to secure, in the interests of the cattlemen of Arizona, the extension of time so vital to their several and joint interests, and a copy to the chairman of the War Finance Corporation, Washington, D. C.

Adopted by unanimous vote of senate, March 2, 1922.

H. B. WILKINSON,
President of the Senate.
ROY N. DAVIDSON,
Secretary of the Senate.

Adopted by the house March 3, 1922, by unanimous vote.

P. C. KEEFE,
Speaker of the House.
OSCAR ZAPF,
Chief Clerk of the House.

Approved March 3, 1922.

THOMAS E. CAMPBELL,
Governor of Arizona.

Filed in the office of the secretary of state of Arizona this 3d day of March, A. D. 1922, at 3.23 p. m.

ERNEST R. HALL,
Secretary of State.
By JOHN MCK. REDMOND,
Assistant Secretary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWNSEND:

A bill (S. 3391) granting an increase of pension to Kate Buman (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3392) to designate a building site for the National Conservatory of Music of America; to the Committee on the Library.

By Mr. CAMERON:

A bill (S. 3393) for the relief of the Indians of the Gila River and Papago Reservations in the State of Arizona; to the Committee on Indian Affairs.

A bill (S. 3394) to provide for the development of the lands within the Colorado River Indian Reservation for the benefit of the Indians and of veterans of the World War; to the Committee on Irrigation and Reclamation.

By Mr. NEW:

A bill (S. 3395) granting an increase of pension to Frances Ann Weddell (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 3396) creating the positions of Second Assistant Secretary and private secretary in the Department of Labor; to the Committee on Appropriations.

By Mr. SUTHERLAND:

A bill (S. 3397) granting a pension to A. J. Cline; to the Committee on Pensions.

ADDITIONAL DISTRICT JUDGES.

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS OF AGRICULTURAL APPROPRIATION BILL.

Mr. JOHNSON submitted an amendment proposing to appropriate $5,000 for the investigation and determination of the best varieties of potatoes and the best sources of seed-potato supply for and the most effective methods of fertilizing and cultivating the potato crop in California, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

He also submitted an amendment proposing to appropriate $40,000 for the establishment and maintenance of a forest experiment station in cooperation with the University of California, to conduct silvicultural, dendrological, and other experiments and investigations, and so forth, to determine the best methods for the conservative management of forests and forest lands and for the protection and handling of brush or chaparral growth on watersheds important in the supply of water for irrigation and other purposes, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title and referred as indicated below:

H. R. 8675. An act to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon; and

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 10478. An act to authorize the Secretary of the Interior to sell certain lands not longer needed for the Rapid City Indian School; to the Committee on Indian Affairs.

H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920"; and

H. R. 10673. An act to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama; to the Committee on Agriculture and Forestry.

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices; and

H. R. 10941. An act authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies; to the Committee on Post Offices and Post Roads.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. FLETCHER obtained the floor.

Mr. CUMMINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	New	Spencer
Ball	Hale	Norbeck	Stanley
Borah	Harreld	Norris	Sterling
Bursum	Harris	Oddie	Swanson
Cameron	Harrison	Overman	Townsend
Capper	Heflin	Page	Trammell
Caraway	Hitchcock	Pepper	Underwood
Colt	Jones, N. Mex.	Phipps	Wadsworth
Culberson	Jones, Wash.	Poindexter	Walsh, Mass.
Cummins	Kendrick	Pomerene	Walsh, Mont.
Dial	Keyes	Ransdell	Warren
du Pont	Lenroot	Rawson	Watson, Ga.
Elkins	McKinley	Sheppard	Williams
Ernst	McNary	Shields	Willis
Fernald	Moses	Shortridge	
Fletcher	Nelson	Simmons	

Mr. DIAL. My colleague [Mr. SMITH] is unavoidably detained. I ask that this announcement may continue through the day.

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are detained at a meeting of the Committee on Finance.

Mr. MCNARY. I desire to announce the absence of my colleague [Mr. STANFIELD] on public business. I ask that the announcement may stand for the day.

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, will the Senator from Florida yield to me for a few minutes?

Mr. FLETCHER. I am very glad to yield to the Senator from Idaho.

THE COAL MINERS' STRIKE.

Mr. BORAH. Mr. President, we are again in the midst of a coal catastrophe. It is perhaps too early to discuss the subject matter in its entirety, because it is too large a subject to master in any reasonable length of time, and particularly the intricacies of the present situation. But there is one feature of the situation which I think ought to be accentuated, and the importance of which can not be overestimated, and that is the question of the contractual relations between the operators and the miners.

I regard the situation as a very serious one for many reasons. It would be serious under any circumstances and under any conditions in the country, because the public is largely at the mercy of this industry; it can not live and thrive without the industry; but it is particularly serious at this time. It is said there are from 4,000,000 to 5,000,000 men out of employment in the country, generally speaking; that is to say, aside from this industry. Now to throw out of employment some 500,000 or 600,000 men in addition to the already idle men makes the situation an exceedingly serious one. It is a crisis, industrially speaking.

The contract under which the miners were working up until the 1st day of April of this year, last Saturday, had in it the following clause:

Resolved, That an interstate joint conference be held prior to April 1, 1922. The time and place for holding said meeting is referred to a committee of two operators and two members from each State herein represented, together with the international officers of the United Mine Workers of America.

This was a part of the contract which had been made a long time previously and under which they had been working for many months. This particular clause of the contract had in no sense been abrogated, modified, or changed. It was binding upon the parties until the 31st day of March, 1922. So we have, Mr. President, the extraordinary situation that those who control this great industry either can not or will not perform the solemn obligations of their contract.

I am perfectly aware that there has been some contention to the effect that the contract had been abrogated or disregarded by the miners themselves. I think there have been some

changes in the contract from its original terms, but it is not necessary to discuss those changes, for the reason that, whatever misunderstandings may have occurred or whatever changes may have taken place, the contract was regarded as still binding and still obligatory. The miners continued to work under the contract and the mine operators continued to regard the contract as binding. So whatever disputes had arisen or whatever infringement or modification had taken place, they were not deemed to have abrogated the contract. We find, therefore, that the contract is a binding obligation though wholly disregarded in this respect by the mine operators.

Mr. President, there is another feature of this question. Suppose there had been no contract; suppose that the contract, in other words, had been wholly abrogated, and was in no sense binding upon the operators, still the highest obligation rested upon them to secure a conference or to avail themselves of the benefits of a conference with the miners. The industry, Mr. President, the mine owners, owed something to the public; they owed it to the public to use their utmost efforts to bring about an understanding between themselves and the miners. If the miners had refused to confer, the criticism would have been upon them; but neither the miners nor the mine owners, neither the operators nor the workers, can, in view of the interest which the public has in this matter, afford for a moment to take the position that, contract or no contract, they will decline, disregard, or refuse an opportunity for a conference in regard to the future working of the mines. So, it is immaterial, in my opinion, in the larger aspect of the case, as to whether the contract was technically binding or not. However, for fear that I should be misunderstood, I will say that, in my opinion, it was technically binding.

We have reached a point with reference to this industry where the contractual relation between the mine owners and the operatives seems to have broken down; and nothing could be more serious to the country than such a situation. If it comes to be understood that the mine owners and the miners can no longer enjoy the benefit of a conference by the results of which they shall both be bound and which in good faith they will carry out, we have reached the point where the public, in its own defense, must take some drastic measures in order to control the industry. That, to my mind, is the most important feature of the controversy as it is now presented to us.

There has not been, Mr. President, very much dispute upon the part of the operators as to the fact that they have violated their contract. Some have offered one excuse and some another, some have offered one justification and some another; but that the contract was binding upon them and that they have disregarded it is practically conceded upon the part of those who control this great industry. For instance, the statement of Mr. Penna, who is at the head of the Indiana Coal Operators' Association, according to the public print, is as follows:

> I do not think the operators of the central competitive field will meet the miners to make a new agreement before April 1.

Mr. President, if the mine owners refuse to meet with the miners to deal with the question of wages, it is perfectly apparent that one of two things must follow: Either a strike is inevitable and the miners cease to work, or the miners go back to work for wages absolutely dictated by the mine owners themselves. If there can not be consideration of and regard for each other's rights through the medium of a conference, then it is perfectly apparent that they must pull apart entirely or one surrender absolutely to the other.

That is a condition in this great industry, Mr. President, to which the American people will not submit. In my judgment they will neither permit the men who work in the mines to control the industry, nor the men who own the mines to dictate the terms upon which the men who work in the mines shall labor.

The third party in this controversy is the one who is always lost sight of, and that is the public. It does not make any difference what the circumstances are or the causes which give rise to the conflict, nor how long the conflict is carried on, nor the amount of loss that ensues, the third party, the public, is the party which must in the end bear the brunt of the loss, because it will finally be passed up to the public either by an increased price of coal or in other ways.

I should read further, however, from Mr. Penna's statement, because I have read only a part of it, and I do not desire to do Mr. Penna or anyone else any injustice by stating only a portion of his position. Mr. Penna proceeds:

> I can not answer for Pennsylvania and Southern Ohio, unless it is that the miners' demands are so impossible that the operators of those districts regard it a waste of time and money to meet to discuss them. All operators share this opinion, especially in view of the fact that we were in almost six months' continuous conference in 1920—discussing the same absurdities, practically all of which were denied by the Federal Commission.
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> * * * * * * *
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> There is no reply to the mine workers' charge—that the operators have violated the agreement in refusing to meet them except to admit the fact, and the only excuse is that a contract with the United Mine Workers is of no value. Under the present contract we have had more than 200 strikes in Indiana, each of which is admitted by the miners' officers a violation of the contract by the miners.

Whether the fault be here or there, with the miners or the mine operators, it appears that they have lost confidence in each other, are unwilling to meet, are unwilling to contract, and when a contract is made they regard it as wholly worthless. If that comes to be the settled policy with reference to this great industry, then it devolves upon the Congress of the United States and the Government, and particularly the party in power, to find a remedy which will protect the public interest. It is simply inconceivable that the industry can continue to serve the public if contractual relations between the two factors, those who own the mines and those who work them, have broken down.

I am perfectly aware, Mr. President, that the public will hesitate a great while before adopting the drastic measure of public ownership; and there are many things which may be done this side of public ownership in the way of regulation which might effectuate a cure; but, whether it be by drastic regulation and control or by public ownership, the mine operators of this country ought to understand that they are inviting the public to take that step by refusing to comply with the solemn obligations of their contract in assisting to find a solution of the difficulty.

It has been said, Mr. President, in the public prints that the Government at this time finds itself helpless and powerless to remedy the situation. It may be that, owing to the law as it now stands and the situation as we find it, the Government is in a sense helpless, but certainly the Government is not going to remain helpless; certainly we are not going to consent to a recurring catastrophe, which happens about once a year, all of the expense of which is finally borne by the public. We are not going to continue to consent to such a condition of affairs.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. FLETCHER. I should like to inquire of the Senator whether the investigation which was made not long since of the conditions in the West Virginia coal fields, in connection with which a report was submitted, as I remember, by Senator Kenyon, would be helpful in the present situation? Did that investigation develop any facts or reach any conclusions which would tend to solve the present problem of which the Senator is speaking?

Mr. BORAH. I do not know that it threw very much light upon the situation. Of course, beyond the question which I am discussing to-day is the controverted field involving the question of profits and the question of wages, both of which will at the proper time come up for legislative consideration and discussion.

Mr. NELSON. Mr. President, may I ask the Senator a question for information?

Mr. BORAH. Certainly.

Mr. NELSON. Have we not provided by law a board of arbitration to act in the case of such controversies as that at present existing? My impression is that we created such a board some years ago, I think at the instance of Senator Newlands, who was very much interested in the legislation.

Mr. STERLING. Mr. President——

Mr. BORAH. I yield to the Senator from South Dakota.

Mr. STERLING. If the Senator from Idaho will allow me, I think the Senator from Minnesota must refer to the Board of Mediation and Conciliation.

Mr. NELSON. Yes; that is what I had in mind—the Board of Mediation and Conciliation.

Mr. STERLING. The question is whether such a board would have jurisdiction over the subject which the Senator from Idaho is now discussing. As I understand—and I have just come into the Chamber—the Senator from Idaho is referring to the coal situation.

Mr. BORAH. Yes, sir.

Mr. STERLING. Of course, the Board of Mediation and Conciliation has primarily to do with interstate commerce and disputes between employers and employees engaged in interstate commerce.

Mr. BORAH. Mr. President, I think the Senator from South Dakota is correct in his construction of the law.

I am not assuming to-day to place the responsibility for the exorbitant and outrageous price which we have to pay for coal, nor to dissect and analyze the entire coal situation. Undoubtedly, when we arrive at an analysis of the entire situation there will be justification for difference of view, but I do want to say that the mine operators of this country, the mine owners, must take responsibility for the situation as it exists up to this time when they refuse to carry out their contract to confer with the men, who are willing and ready to confer with them. A conference might not result in a solution, but certainly, until the first step is taken and a conference is had and good faith is disclosed, there is no possibility of a reconciliation, and the refusal to take that step, it seems to me, lies at the door of the operators and not at the door of the miners.

APPOINTMENTS TO AND REMOVALS FROM OFFICE.

Mr. CARAWAY and Mr. OVERMAN addressed the Chair.

The VICE PRESIDENT. The Senator from Arkansas is recognized. Does he yield to the Senator from North Carolina?

Mr. OVERMAN. I thought the Senator from Florida [Mr. FLETCHER] had the floor yesterday evening at the time the Senate recessed, and he agreed to yield to me.

Mr. CARAWAY. Does the Senator desire to consume much time?

Mr. OVERMAN. I do not care to occupy much of the time of the Senate.

Mr. CARAWAY. Let me yield to the Senator, then, and I will take the floor later.

Mr. OVERMAN. The Senator from Florida [Mr. FLETCHER] was recognized this morning, and yielded the floor to the Senator from Idaho.

Mr. FLETCHER. That is correct, Mr. President. If I am recognized now, I am willing to yield to either of these Senators.

Mr. NORRIS. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. NORRIS. The point of order is that the Senator from Florida is not entitled to the floor at the present time. He yielded it to the Senator from Idaho.

Mr. OVERMAN. I had forgotten that.

Mr. NORRIS. If he had the floor then, he lost it by that yielding.

Mr. OVERMAN. That is correct.

Mr. NORRIS. The Senator from Arkansas having been recognized, he is entitled to the floor.

Mr. FLETCHER. I have an amendment pending to the bill, and I want to get to it as soon as I can. I am perfectly willing to accommodate other Senators, and I am not claiming any rights.

The VICE PRESIDENT. The Senator from Arkansas is recognized.

Mr. CUMMINS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. CUMMINS. What is the pending question?

The VICE PRESIDENT. It is the amendment offered by the Senator from Florida [Mr. FLETCHER] to the judicial bill.

Mr. OVERMAN. I did not know that the Senator from Arkansas desired to address himself to that amendment.

Mr. CARAWAY. I will say to the Senator that I shall be through in a few minutes.

Mr. President, yesterday I had nearly concluded some remarks I was desirous of making touching the Executive order that the President issued Friday, discharging from the public service the Director of the Bureau of Engraving and Printing and 31 chiefs of bureaus of that institution, when the Senator from Illinois [Mr. MCCORMICK] felt compelled to protect the record of the administration by taking me off the floor. I am conscious of the unpleasant situation, and I have, therefore, nothing but sympathy for the Senator from Illinois, who wanted, as far as he could, to shut off discussion of this extraordinary order of the President.

Men with services ranging all the way from 20 to 39 years, services that had been acceptable to both Republican and Democratic administrations, men against whom no charge has ever been made, either of inefficiency or of dishonor, were removed from their positions and discharged from the public service by an Executive order. I venture the assertion that no President in the history of this country since civil service has become the law of this Nation ever dared so autocratically to disregard the law and disregard the rights of human beings as did the President by this Executive order.

The law is plain. It required the President—and he is not above the law—to follow a certain procedure under which these men could at least have protected their reputation by denials. The President ignored that. He ignored this law with the Attorney General in conference with him. Therefore there is no reason, if there was any knowledge of the law in the Attorney General's office, why the President should have run roughshod over the rights of these men and wholly disregarded the law of the land.

I think the gravest hurt is to the public morale. When men and women lose confidence in the justice of their Government and in the men who are charged temporarily with the administration of law, they have been done a great injury. I do not care how a man may apologize in his heart for the administration; he may assert that the President was within his rights; but I say that there is no man with any human kindness in his heart who can read that order and not know that it was an inhuman order, and no man with any knowledge of the law of his land can read it and not know that it was a violation of the law by the President when he issued it.

The first play, I think, that I ever witnessed was Blanche Bates in The Darling of the Gods. One line in that play has stayed with me all these years. She was caught in a rather compromising position, and by misrepresenting the facts escaped, and with a cynical smile said: "It is better to lie a little than to be unhappy much." But death came, and she was denied admission into Paradise; and then, turning, she said: "There is a little word called 'honor,' and I had it not, and for that reason I am condemned for a thousand years to wander in outer darkness."

There is a little word called "honor." It is as binding upon the President of these United States as upon the humblest citizen of this land; and it is all the more regrettable when the President shall forget it and deny justice to men upon whom he has the power to inflict an irremediable injury.

Here are men who have been destroyed, their reputations of a lifetime swept away, by an Executive order, and, forsooth, the President says that he has no explanation to make. Later on he may find some reason that he hopes the public will accept; but I think the President does the public a grave injustice. They are not going to accept a reason that it takes the Executive days and days, with all the machinery and all the agencies and all the ingenuity of the administration at his back, to conjure up to offer to the public for this drastic and unjust order that he issued on Friday.

He attempts now to do, by having his secretary write a private letter to one of these injured parties, what he ought to do publicly. These men who have been summarily dismissed, with an appointment, as I understand, called on the President, but the President, of course, was compelled to be away—to play golf, perhaps; and what is the call of justice, and why should he refrain from his amusements that men and women might have justice done to them and to their reputations? So he was absent, and the secretary of the President writes this letter to one of them. It is dated April 3, 1922:

THE WHITE HOUSE, *Washington.*

MY DEAR MR. DEVINY: I have shown to the President the statement left by you and your associates on the occasion of your call at the White House this afternoon. He asks me to make reply and say that he would have been very glad to meet your delegation had he been present at the time of your call—

But, of course, he saw fit not to be present—

Though he is not yet prepared to make his statement relative to his Executive order which was made effective on Friday evening, March 31.

Not yet prepared to tell why he destroyed the reputations of these men, and denied them a right to make an honest living—not yet prepared!

The President has had no wish to reflect upon the character of any Government employee, but he did hold that a sweeping change in the bureau was essential for the good of the service. He regrets the insinuating publicity no less than those do who have been discontinued from the public service.

Yours sincerely,

GEORGE B. CHRISTIAN, Jr.,
Secretary to the President.

Oh, well, Mr. President, it is a great thing to be President of these United States and hold more or less in the hollow of your hand the destiny of a hundred and ten millions of people; but, if I may be permitted to say so, it is a despicable thing to do a great injury to a number of them, or to one of them for that matter, and then decline to say to them privately or to say to the public why he did it. He knows; he must know; and, therefore, to deny them the right to be told of the offense, if any they have committed, that justified him in destroying their reputations that they have been a lifetime in building is inexcusable; and there is a stronger word that I would use if it were

not for the proprieties of the occasion. It is regrettable! It is going to bring the blush of shame to every man and woman that voted to make him President of these United States. I do not care what they may say by way of apology; they are bound to feel humiliated by this act of his.

Mr. Hill, who profited by this order, I never saw, and I am frank to say I hope I never shall. He belongs to that class of people about whom I have known all that I want to know—men who seek their own ends, who are satisfied if they triumph, even if everyone else perishes. He gave out an interview day before yesterday in which he said that "of course the Democratic Senators were going to howl when good Republicans get jobs." That satisfied him day before yesterday. Yesterday afternoon he rushed into print again. He loves to talk.

Mr. WILLIAMS. Mr. President, before the Senator reads that would he mind a slight interruption?

Mr. CARAWAY. I yield to the Senator, with pleasure.

Mr. WILLIAMS. Suppose Mr. Hill had stood upon what he said, and suppose the President had said frankly that they wanted to turn out a certain lot of Democrats and put in a certain lot of Republicans; then that would not have hurt the reputations of the people who were removed.

Mr. CARAWAY. Oh, no; it would have been to their credit that they were Democrats.

Mr. WILLIAMS. And a good many of us not very much in love with the civil service might have thought that probably in the same fix we might have done the same thing. In that connection, did the Senator from Arkansas ever read "Martin Chuzzlewit"? I suppose he has.

Mr. CARAWAY. I did.

Mr. WILLIAMS. The Senator remembers the death scene of old Martin, when they were all gathered around waiting for what they could get, and Pecksniff, in his characteristic and inimitable way, made a speech, and old Anthony interrupted him after a while—Anthony was a plain, blunt old scoundrel—and said: "Pecksniff, Pecksniff, let's not have any hypocrisy." Does the Senator recall that scene?

Mr. CARAWAY. I recall that; but to do that you would have to abolish this administration.

Mr. President, I started to read some of Hill's interview; and, incidentally, I hope that everybody who would like to know Mr. Hill will observe his picture. When he had succeeded to the desk of a man whose disgrace, as I now understand, he helped to bring about, his first official act was to have his picture taken with a smile that spread from ear to ear and disclosed every false tooth in his head.

Mr. Hill says:

I understand there will be further lay offs in other branches of the Treasury Department than this, which will divert public attention from us.

In other words, in order to cover up this wrong and divert the public attention the administration has in contemplation other outrages upon the civil service. Other men and other women are to have their reputations destroyed so that the public may forget the incident by which Hill and his crowd crawled into place last Friday.

Mr. President, I ask unanimous consent to have published in the RECORD, as a part of my remarks, this story, "Harding to explain."

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Is there any objection? The Chair hears none.

The matter referred to is as follows:

[From the Washington Daily News of Monday, April 3, 1922.]

HARDING TO EXPLAIN—TO CLEAR UP MYSTERY OF UNWARNED DISMISSALS AT ENGRAVING BUREAU—SENATOR CARAWAY OFFERS RESOLUTION DEMANDING EXPLANATION—JUSTICE DEPARTMENT AGENTS SCRUTINIZED PLANT, HILL SAYS—OTHER DISCHARGES COMING.

It was intimated by Department of Justice officials that a White House statement within a week would clear up the mystery which still surrounds the dismissal without warning of 28 employees of the Bureau of Engraving and Printing.

Director Hill, of the bureau, said the fact the Department of Justice had admitted an investigation had been going forward and that there was an additional probe of the bureau now under way in connection with an inventory of stock, should indicate to the public the reason for the President's summary action.

The United States Secret Service Department denied knowledge of wrongdoing at the bureau. It was suggested at the Capitol to-day that the President's going over the head of William Moran, Chief of the Secret Service, and calling on William J. Burns's agents indicated changes due in the Secret Service and favorable consideration by the President of the proposal to combine all investigating agencies of all departments under Burns.

ASKS PRESIDENT TO EXPLAIN.

Senator CARAWAY, of Arkansas, to-day introduced the following resolution:

"Where as without notice, as required by law, and without warning the President of the United States, under an Executive order issued Friday, March 31, 1922, dismissed James L. Wilmeth, Director of the Bureau of Printing and Engraving, and 31 other chiefs and assistant chiefs of divisions of that bureau; and

"Whereas all of said persons were in the classified service; and

"Whereas the law permits the dismissal of persons within the classified service only after written notice and an opportunity to reply to such charge should be given the accused: Now, therefore, be it

"*Resolved*, That the President of the United States be requested to report to the Senate, if it be not incompatible with the public good, (a) what facts warranted the dismissal of the men mentioned from the classified service, (b) on what authority and by what authority he dismissed these employees from the service in the manner followed."

Senator CARAWAY pointed out the case of E. H. Ashworth, which he considered as one of particular injustice.

A similar resolution was introduced in the House by Representative MOORE of Virginia, except that MOORE proposed the appointment of a House committee to ascertain the facts. He suggested that the known attitude of Attorney General Daugherty toward the civil service incapacitates his office for a proper investigation.

COMMENDED AT 4 P. M.; FIRED AT 6.45.

"Mr. Ashworth was for over 28 years custodian of dies, rolls, and plates. On January 3 a committee from the Treasury Department was appointed to check over his work and supplies.

"This committee reported on Friday at 4 p. m. that Mr. Ashworth's work was found in splendid shape and commended him for his business methods and faithful service.

"At 6.45 he was dismissed from the service by the Executive order of President Harding without notice."

NO POLITICS, HILL DECLARES.

Politics had nothing to do with the changes made in the Bureau of Engraving and Printing, Louis A. Hill, new director, said to-day.

"I have been 21 years a workman here. I came in as a workman and know nothing of politics. Not a man advanced is a politician. They are all technical men promoted on merit. As many Republicans as Democrats were put out, and I imagine as many Democrats as Republicans have been promoted. I don't know the politics of the men, but selected them to speed up production," he said.

"The bureau can not have political appointees in it. The work is too technical," he added. "My predecessor, James L. Wilmeth, is the only nontechnical man who has been connected with the work here."

OTHER LAY OFFS WILL DIVERT ATTENTION.

"The change was for efficiency. The fact that Saturday was the biggest production day the plant has had in months proves the wisdom of the change and the smoothness with which it was made."

Questioned as to hints at wrongdoing, Hill said merely that the special agents of the Department of Justice, under direction of William J. Burns, were making an inventory of the plant for him.

"I asked the inventory as a business man taking over a big business. What the agents will find I am not at liberty to say. I believe that the President's action in making the drastic change was founded on facts discovered in a special Department of Justice scrutiny of the plant. Those facts I can't talk of now. Mr. Burns's office or the President are the ones to issue statements.

"I understand there will be further lay offs in other branches of the Treasury Department than this, which will divert public attention from us," he concluded.

Hill does not believe civil service laws were violated. He said the men were likely removed for cause, "for the good of the service," and that was legal under civil-service regulations.

Mr. CARAWAY. There is still another story, more remarkable. It appears under the headline "White House ax soon to fall on Treasury Department."

It was published yesterday afternoon in the Times—and let me say, while comparisons are invidious, and sometimes odious, the Times at least has had independence. I mean, it has had entire independence. It is not like one other paper published in the District of Columbia, which always finds that the President is right about what he has done, and will be right whatever he may do. The Times has this story:

BLOW DUE IN INCOME-TAX UNIT—THREESCORE OFFICIALS ON LIST—E. H. BATSON AND MAPES INCLUDED.

The end of the scrapping of unsympathetic bureau organizations by the White House is not yet.

Threescore officials of high and low degree in the income-tax section of the Treasury Department were getting ready to-day to look for new jobs.

President Harding has called for a list of the deputy commissioners and division heads in the Income Tax Bureau and others with a view to removing those who do not qualify as "Harding Republicans."

God bless his soul, if he turns out everybody who in his heart is not a Harding Republican there will not be enough men to act as custodians for the building. The article continues:

E. H. BATSON ON LIST.

E. H. Batson, Deputy Commissioner of Internal Revenue, in charge of the income-tax unit, will be one of the first to go. He will be succeeded by E. W. Chatterton, assistant in that unit, it was stated to-day by those in close touch with the movement of the Harding resurfacing machine—

Whatever that particular kind of a machine may be.

Chatterton was formerly a clerk in the Post Office Department, but was taken to the Income Tax Bureau when Dan E. Roper was promoted from First Assistant Postmaster General to Commissioner of Internal Revenue.

On the same list of those slated for discharge is Carl A. Mapes, solicitor of the Bureau of Internal Revenue. Mapes was appointed by President Harding a few days after the inauguration. It was a hurry-up appointment, it is said, that has never met with general approval by party leaders—

Whoever they are.

It was learned to-day that President Harding has already tentatively agreed on a prominent Ohio Republican to succeed Mapes.

I would like to know, Mr. President, how many prominent Republicans there are in Ohio. If they have not all been given jobs—I am talking about the Republicans—there is some mistake in the census enumeration of the Republican population of that State.

Mr. POMERENE. There were a great many more of them in 1920 than there ever will be again.

Mr. CARAWAY. Of course, and there are a great many of them now who would insult you if you accused them of having voted that way in 1920, and I would not blame them; a man has a right to protect his reputation. This article continues:

The income-tax unit has given the White House great concern, it is said, because so many division heads and subordinates there have failed to give the Harding administration the "party support" that was expected. In fact, some of them are said to be so lukewarm in support of the President's policies as to be classed as "friends of the Democratic Party."

Mr. President, without taking up the time of the Senate to read the entire article, I shall make it a part of my remarks if there is no objection.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

WHITE HOUSE HAS NAMES.

Some time ago steps were taken to reorganize the income-tax unit, and the names of several officers who could not be regarded as "Harding Republicans" were sent to the White House.

A high official of the Treasury Department, in close touch with the administration, declared to-day that Internal Revenue Commissioner Blair would not be dropped. It was further stated that the administration felt that with sympathetic officials in charge the task of cleaning up back work would be speeded up in a way that would reflect great credit on the administration and make good the preelection promises of the party of a business policy.

Nine heads in the income-tax unit are being carefully checked up and dismissal or transfer faces each. In some cases, it is said, their present assistants will succeed them. In three or more divisions there will be a clean sweep, both the division head and his assistant being slated for removal.

THOSE NOW ON THE LIST.

The nine division heads are: B. E. Hunsinger, staff division; C. B. Allen, administrative division; B. S. Kimbrell, personal audit division; F. R. Clute, corporation audit division; C. M. Justice, field division; S. Alexander, special audit division; A. H. Fay, natural resources division; W. R. Campbell, review division; and Edward White, statistical division.

The assistants who are being considered for either dismissal or promotion are: F. M. Woodward, administrative division; Oliver Kinsel, corporation audit division; J. L. McGrew, field division; P. F. Cain, special audit division; H. L. Sincoe, natural resources division; F. A. Urice, review division; and J. T. Jamison, statistical division.

The nine division heads constitute what is known as the executive committee, with Deputy Batson as chairman. It was pointed out to-day that should the deputy and a majority of the members of the executive committee be out of harmony with the policies of the administration their rulings would completely demoralize the work of the unit.

Under the direct supervision of the nine division chiefs are two subordinates, who, in turn, direct a staff. A dozen of these subchiefs, it is said, are slated for removal.

"There is no cause for alarm," said a leading Harding Republican to-day. "To get the best results and to give the country a thoroughgoing business administration it is necessary to have officials all along the line who will work in harmony and keep an eye on the wishes of the Chief Executive.

Mr. CARAWAY. It is all interesting, and I rather think every word of it is true. If I may be permitted to go back to the statement of the senior Senator from Mississippi [Mr. WILLIAMS], I have not been so unalterably wedded to the civil service. I do believe, however, that the administration ought to have the courage to disclaim any reasons other than politics for thus demoting and degrading and dismissing from the service these men and women. If it feels that it is in such a precarious condition, and that its conduct of public affairs has so absolutely fallen down, that if the public should find it out it would be itself retired at the first opportunity, so that it wants to surround itself by people who will keep secret its failures to properly administer public affairs, it ought to be permitted to do it. However, as I have said, every Republican Member of both the House and Senate ought to demand that the administration shall have the courage to say, "We are removing these men and women simply because they are not of the political faith of this administration; we have secrets which we do not want the public to learn, and we are afraid to have near us honest people who are not partisans. Therefore we want to discharge them all and surround ourselves with people who will swear we are right whether we be right or wrong." If they will do that, I shall not complain much. I rather imagine the American people, however, will complain very bitterly.

Here is another article; a most remarkable one. It has appeared twice, and the administration has not denied it. It is headed, "Why Wilmeth was fired—Clean-up in Treasury outcome of charges filed with Congress." I want to read this, because it affects the honor of at least one Member of the Senate.

Mr. WILLIAMS. In what paper does that appear?

Mr. CARAWAY. This is in the Times.

Mr. STANLEY. What is the issue?

Mr. CARAWAY. Yesterday afternoon's issue. It reads:

Mystery surrounding the discharge of James Wilmeth, Director of the Bureau of Engraving and Printing, and several other employees by Executive order was partly cleared up to-day when it was learned a large number of charges, supported by affidavits, involving the director and many employees of the bureau had been in the hands of the Department of Justice and Members of Congress for several months.

As I said, Mr. President, this affects vitally the honor of one Member of the Senate, and I want to call it to the attention of the Senate, because the Senator reflected upon may know. I do not know who he is. It is said:

ACTION PROMPTED BY THREATS.

A demand for immediate action, under threat of newspaper exposé, caused the precipitate action of the administration. This situation tends to disprove thoroughly the charges of "playing politics" made against the administration.

Accusations involving the director of the bureau and certain other employees, it was learned to-day, were filed with the Department of Justice and with members of the House Committee on Finance more than a year ago.

I presume it evidently meant the House Committee on Ways and Means. The article continues:

No apparent action was taken by the Department of Justice.

Members of Congress, seeking to eliminate the abuses charged, it is understood, met with insurmountable obstacles in obtaining official action or official cooperation.

Late in December, 1921, or early in January, 1922, employees of the bureau and public-spirited citizens interested in the case filed further supporting affidavits with the Treasury Department, the Department of Justice, and Members of Congress.

As a result of this action the Treasury Department ordered an investigation of the bureau. This inquiry, which was conducted in secret, was made, it is charged, by persons who had long been associated with Director Wilmeth in his work as chief clerk of the Treasury Department.

Apparently no action was taken as the result of the investigation, and it was assumed the bureau was given a clean bill by the investigating committee.

SECOND INVESTIGATION.

Shortly after this, additional affidavits supporting the charges against the bureau management were filed with the Treasury Department, Department of Justice, and Members of Congress.

At this time, it is learned, the charges reached the ears of the President.

President Harding immediately ordered the Secretary of the Treasury to conduct a thorough inquiry into the charges.

Comptroller of the Currency D. R. Crissinger—

That is another Ohioan—

was directed by Secretary Mellon to make a personal investigation.

Again there was no apparent action resulting from the inquiry. Director Wilmeth continued in office. However, intimations were made that a considerable number of employees were to be discharged by the director. Employees who were concerned in the charges against Director Wilmeth state that most of their number were to be included in the proposed dismissals.

The threatened discharge of these employees, it is believed, led to the summary action forced upon the administration in the dismissal of the director and many of his assistants.

Here is the story:

SUMMARY ACTION TAKEN.

Last Thursday employees of the bureau and others who have made charges against the director visited Comptroller Crissinger and members of the Finance Committee of the House and at least one Member of the Senate.

They stated that unless Director Wilmeth and certain other employees of the bureau were discharged at once, galley proofs of the charges with a detailed account of alleged abuses at the bureau would be immediately released for publication.

Treasury officials asked for one week's delay.

This was refused, and 24 hours was given for action, with a threat of immediate publication in case no action was taken.

STORY IN TYPE.

The galley proofs shown to Members of Congress and to the Treasury officials are said to have contained accusations of such astounding nature as to cause Treasury officials to fear for the reputation, not only of the Bureau of Engraving and Printing but of the Treasury Department, and even the entire financial fabric of the Government.

Intimations are made, it is understood, concerning the duplication of Government securities of large denominations.

It is charged that during the war large numbers of Liberty bonds were printed in duplicate, and that these bonds, or coupons therefrom, are being received at the Treasury Department every day, and are being redeemed without question.

Treasury officials fear, it is said, the effect that would be produced through widespread publication of charges of duplicated bonds—that is, securities without compensating reserves.

It is believed that is the reason action has not been taken previously on the charges brought against the bureau.

I do not know whether it is true or not. I am frank to say it sounds to me to be unreasonable, but here is the charge, made in a reputable newspaper published in the Capital City, that irregularities, which of course amounted to forgeries and frauds, had been committed by employees in the Bureau of Engraving and Printing, and that the knowledge of the felonious acts had been brought to the attention of Members of the House, to the attention of at least one Member of the Senate, and laid before the President of the United States, the Secretary of the Treasury, the Attorney General, and employees in that office; but, in order to hush up this story, they permitted these people who had a knowledge of the facts to drive out of office the men who held the places, and presumably to take the places themselves. That would be a compounding of a felony, and every

man who assented to it, every man who for any reason at all agreed that he would keep secret these acts of this administration, in order to get a place himself, or in order to protect the administration from criticism, himself would have committed a crime. It is such a vicious charge that I say I do not lend credence to it; but at least it has found its way into the public print, and some Member of the Senate, if he was actually approached and does have information of this, and some Members of the House, if the story is correct; the President of the United States, the Secretary of the Treasury, and the Attorney General of the United States, at least, are technically guilty of a felonious crime if this statement is true.

Therefore, in order to prove that it is not true, at the conclusion of my remarks I shall introduce a resolution of investigation. I know that no Senator can afford to object to its immediate consideration, because no man can afford himself to be suspected as being the one who had this information and agreed to hush it up. No man who is a friend of this administration, and no man who is a lover of his country, can afford to let a story which would involve the honor and integrity of the highest officials in this land go unanswered, and the only way to hush it up is to show there is no truth in it, and the way to do that will be to grant this request for an immediate investigation of the entire matter, so that everything pertaining to the removal of these people from office, and the foundation of this story, may be known. The honor of the administration, the honor of the Senate, the honor of the House, are all involved, and the confidence of the American people in the integrity of their Government could not and should not be shaken. Therefore I say that I am sure no Senator will object to an investigation. I can not conceive of anyone doing it.

Mr. President, I have another newspaper story, which comes from "the organ," and it would be highly offensive to the administration to question anything which appears in this paper, and I would not do it. I know that it is either what the President said or what the President is going to say. It will make no difference which said it first, the other will adopt it. If the Post happens to get ahead of the President and declares what the President intends to do, the President will back up the Post and do it, or if the President does a thing the Post will say that is the thing the President ought to do. I am not criticizing the Post; I am just talking about it.

Anyway the article in the Post reads:

Bureau order clear. Leaders see no reason for Harding to explain terms.

I do not know who the leaders are. It is always such a handy thing, do not you know, when you want to back up a thing to say, "The leaders." Anybody is the "leader" who happens to be on the side doing the thing that the Post wants done.

Leaders see no reason for Harding to explain terms.

That means that the President has no intention of doing it, because, with all due deference to the President, I know that after the Post has said he was not going to do it he will not do it. He never has changed his mind when it comes to backing up the Post, although he has been rather inclined to change his mind about other things and even go away to Florida in order to keep from being harassed by the leaders when they were trying to settle whether the soldiers should be given a real bonus or be handed a gold brick. The decision was finally made in favor of the gold brick, and the President came back.

The article continues:

Disloyalty rampant in all departments, Senator asserts.

I do not know what Senator that is—oh, yes; I do. That was the junior Senator from Oklahoma [Mr. HARRELD].

Declares some hold-overs are reporting more frequently to Tumulty than to administration.

I do not know why an employee should report to either. It might be that if he did it would be a cause for removal, because he does not owe his allegiance to the administration nor does he owe it to Mr. Tumulty. He owes it to the American people, whose dollars pay his salary and whose Government he serves.

The article says:

Impatient Republicans in Congress—

And God knows they have a right to be impatient. The country is impatient with them.

Impatient Republicans in Congress and disgruntled Democrats who are insisting that the President disclose the reason for the Executive order issued on Friday making sweeping changes in the personnel of the Bureau of Engraving and Printing are not likely to get a great deal of information from the Chief Executive, it is said.

Oh, well, I presume I am a disgruntled Democrat, but if any Democrat is disgruntled with the political situation now he is an awfully hard man to please, if "disgruntled" means we are dissatisfied with the political outlook. I think it might be said that every Democrat and every self-respecting citizen of the American Republic is disgruntled with the administration. I know that every justice-loving man and woman everywhere is "disgruntled" with the Executive order which the President issued last Friday, and for which he has not been able to find a reason that would justify him in the minds of the American people, and therefore he declines to give any.

Mr. President, I shall not delay the Senate by reading all of this article, but if I may I will include it in my remarks. It appears in the Washington Post of April 4, 1922, under the head of "Bureau order clear."

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

BUREAU ORDER CLEAR—LEADERS SEE NO REASON FOR HARDING TO EXPLAIN TERMS—CHARGES MADE BY HARRELD—DISLOYALTY RAMPANT IN ALL DEPARTMENTS, SENATOR ASSERTS—DECLARES SOME HOLDOVERS ARE REPORTING MORE FREQUENTLY TO TUMULTY THAN ADMINISTRATION—DEMOCRATS STIRRING UP POLITICAL ROW, OTHERS ASSERT—CARAWAY INTRODUCES RESOLUTION.

[By Harry N. Price. Copyright, 1922, by the Washington Post Co.]

Impatient Republicans in Congress and disgruntled Democrats who are insisting that the President disclose the reasons for the Executive order issued on Friday making sweeping changes in the personnel of the Bureau of Engraving and Printing are not likely to get a great deal of information from the Chief Executive, it is said. The President, according to administration officers, knew when he issued the order the consternation that would result. It has been repeatedly said there was no politics involved.

If a few Republicans are doubtful of the President's reasons for the order, it is because they have little faith in their chief, or because they may desire to embarrass him. As for the Democrats, it is only natural, Republican leaders say, that they should attempt to kick up a political row for their own benefit. During the Democratic administration, Republicans say, the Democrats were not so keen about the observance of civil service rules and regulations, but now that they are out they are insisting that Democrats under civil service must be retained, even if they are inefficient. As one Republican put it yesterday: "Why can not the Democrats be game?"

ORDER BASED ON KNOWLEDGE.

President Harding, as has been said, had full knowledge of conditions in the Bureau of Engraving before he issued his Executive order. To give to Members of Congress, Republicans or Democrats, the details of the reasons for his order at this stage of the inquiry, other than what he stated in the order, that it was "for the good of the service," obviously would interfere in all probability with the inquiry.

It has been common gossip for months that under the Democratic administration there was built up in the Treasury a Democratic machine which controlled the most important positions. Many of the men still retain their positions. Senator Harreld, of Oklahoma, commenting upon the conditions yesterday, said:

"Disloyalty is rampant in the departments of the Government in Washington. It is not confined solely to any one department. We have found that a great many of the men who hold positions because of their support of previous administrations have lately reported more frequently to Joseph P. Tumulty (former President Wilson's secretary) than to the Harding administration."

CHARGE DEMOCRATIC CONTROL.

Secretary Tumulty and Mr. McAdoo are the closest personal and political associates, and it is openly charged by Republicans in Congress that they still retain control of some of the most important Government departments through their appointees.

An instance is cited where Mr. McAdoo recently appeared as counsel in a Shipping Board case and was successful where Republicans had failed. He is said to have secured for his services, involving only one day's work, a fee of $10,000.

It is further charged that retention of McAdoo appointees in bureaus of the Treasury Department has resulted in delays of years in auditing income tax returns because of the obstructive methods of the Democrats.

Mr. CARAWAY. Now, I am being entirely fair with everybody, so I have asked to publish what the friends of the administration say and what those who do not agree with the administration say, but the junior Senator from Oklahoma [Mr. HARRELD] is so clear and convincing in his statement and so candid that I want to single him out for particular honor. I want to read a part of his interview:

Disloyalty is rampant in the departments of the Government in Washington. It is not confined solely to any one department. We have found that a great many of the men who hold positions because of their support of previous administrations have lately reported more frequently to Joseph P. Tumulty (former President Wilson's secretary) than to the Harding administration.

And, therefore, in the mind of the distinguished Senator from Oklahoma, the reputation of a lifetime, a character for honesty and uprightness, a wife and children who love the employee, are not to be considered or taken into consideration because he has been disloyal to the Harding administration. Brush it all aside, damn them now and hereafter, and let their children and their children's children who come after them live under the stigma and disgrace in order to put somebody in their places who will be loyal to the Harding administration.

Mr. WILLIAMS. And who will not talk to Joe Tumulty.

Mr. CARAWAY. Yes; who will not talk to Mr. Tumulty. There is a rather disconcerting thing about this interview, but I

just want to read one other little extract. The Secretary of the Treasury, Mr. Mellon, apparently in an interview, said:

Nothing was now pending in the bureau, Mr. Mellon stated, involving the honesty of any group of former employees, and there was nothing pointing to any individual. He said that while the politics of the former officials were known in a general way, in reality most of the employees of the bureau could be said to have no politics as they had no vote.

I read that much of his statement to show that the Secretary of the Treasury, under whose jurisdiction this bureau is, knew of no charge affecting the integrity of these men.

Let me call attention to this, and with it I shall close. There were four women who went down under this drastic and unjustifiable order of the President, women who had gone into the bureau years and years ago, who had toiled upward against all the obstacles that have been placed in the way of women's advancement in public employment through all the years, who had kept their reputations pure, who had perfected their efficiency and had finally come to places of responsibility and places that paid them well. Without an opportunity to be heard, without opportunity to utter one word in their own defense, and now with the statement from the Secretary of the Treasury that there was not a charge against them, they were all dismissed from the public service. They were turned out, their reputations destroyed, and the Post says, and it speaks for the administration, or always has, that the President does not intend ever to tell why he dismissed and disgraced these women.

I imagine that the women will also notice that not only did the President dismiss these women but filled their places with men. This administration shuts the door of hope in the face of women, who through long years of faithful service had toiled upwards to places of responsibility. They were summarily discharged and disgraced, and four good Republicans whose reputation will pass muster even with the junior Senator from Oklahoma, are given their places, and these four good Republicans are men.

I do not know, Mr. President, whether the President can afford to maintain his avowed intention of destroying the reputation of these men and women publicly and answering them privately by saying, "I am sorry if I hurt you, but I can not help it. I can not afford to make any public statement because I have no statement that the public would accept, and therefore you must bear your injury and love me as best you may."

With that, in conclusion, I have a resolution which I wish to ask unanimous consent out of order to introduce and have considered at this time. It is a resolution that deals with the article which I have read. I am sure no Senator can afford to object to it, because it involves the honor of the Senate and the House and the administration. I do not believe that the charges are true, and I want to give a chance to have them disproved.

Mr. STERLING. Mr. President, I have no objection to the presentation of the resolution. That much may be done out of order and not against the regular order, but I shall object to the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the presentation of the resolution at this time? The Chair hears none.

Mr. CARAWAY. Mr. President, at the request of several Senators I will ask that the resolution may be read, although it is a literal copy of the resolution introduced by Congressman MOORE of Virginia yesterday, with the exception that it adds a statement with reference to this article that charges there were irregularities amounting to fraud committed by men in the Treasury and that knowledge of that fact came to the administration and it was hushed up, and these men were dismissed and their places filled by others. That is the only new charge there is in it. I will ask to have it read.

The PRESIDING OFFICER. Without objection, the Secretary will read the resolution.

The Assistant Secretary read as follows:

Whereas pursuant to an——

Mr. NELSON. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Objection is made.

Mr. CARAWAY. There had already been a request for permission to have it read and no one had objected, and the Assistant Secretary had commenced to read. Objection can not come in the midst of reading the resolution.

The PRESIDING OFFICER. It is the opinion of the Chair that objection lies at any time in the form of a point of order.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Does objection to the present consideration constitute an objection to the reading of the proposed resolution?

Mr. STERLING. Mr. President, I objected to the present consideration of the resolution, but the Senator from Minnesota [Mr. NELSON] calls now for the regular order.

The PRESIDING OFFICER. Which means an objection to the presentation of the resolution.

Mr. CARAWAY. Well, I still have the floor, and I will read it myself:

Whereas, pursuant to an order of the President—

I will inflict the Senate now because I can not read so melodiously as the Assistant Secretary.

Whereas, pursuant to an order of the President issued——

Mr. STERLING. Mr. President, if the Senator will permit me?

Mr. CARAWAY. I yield.

Mr. STERLING. I do not know the rule, but I call for the regular order.

Mr. CARAWAY. I did not yield for that. I heard that very question tested out when the Senator from North Dakota [Mr. MCCUMBER] had the floor in order to explain the bonus matter and saying he would not yield, and the Chair held that he, having the floor, could not be taken off of the floor in that way.

Mr. STERLING. During the course of the Senator's remarks on yesterday the regular order was called for——

Mr. CARAWAY. Oh, yes.

Mr. STERLING. And the Senator from Arkansas yielded.

Mr. CARAWAY. Yes; I did that. I did that not because I thought it was right, but because it was so painful to some Senators on the other side of the Chamber that out of consideration for their feelings I quit.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Nebraska?

Mr. CARAWAY. Yes, sir; I do.

Mr. NORRIS. The Senator from Arkansas refers to what happened yesterday. When the Senator was taken off the floor on yesterday it was because there was not anything then pending before the Senate. Now there is a bill pending before the Senate and there is also a pending amendment. The Senator from Arkansas is speaking to that amendment. He may talk about the Holy Bible if he desires to do so; nor is there anything to prevent him talking about the resolution. He is strictly in order under the rules of the Senate.

Mr. STERLING. Mr. President, I understood that the bill providing for the appointment of additional district judges was the business before the Senate at the time the regular order was called for.

Mr. NORRIS. No.

Mr. CARAWAY. No.

The PRESIDING OFFICER. The Chair is of the opinion that the objection was made during the morning hour.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. Did the Senate adjourn or take a recess upon yesterday?

The PRESIDING OFFICER. The Senate then took a recess.

Mr. CARAWAY. Mr. President, I shall again commence at the beginning and read the resolution. Senate Resolution 269 is as follows:

Whereas pursuant to an order of the President, issued the afternoon of March 31, and immediately effective, there was a wholesale removal of responsible officials of the Bureau of Engraving and Printing and the appointment of other officials in their stead; and

Whereas the order was made notwithstanding the law, which provides "that no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him and be furnished with a copy thereof and also be allowed a reasonable time for personally answering the same in writing and affidavits in support thereof"; and

Whereas previous to being notified of their sudden dismissal by a letter from the Secretary to the President, accompanied by a copy of the President's order, none of the said persons, so far as they were aware, had been complained of to the Secretary of the Treasury, to whose department the Bureau of Engraving and Printing belongs, or complained of by him, or otherwise made the subject of complaint; and

Whereas the order recites that the action of the President dismissing the said persons was taken "for the good of the service," which carries the implication that the officials removed had been guilty of misconduct, which is a grave injustice to them if, as is alleged to be the fact, they are persons of capacity, character, and experience, who have discharged their duties faithfully and efficiently, some of them being officials whose inventions and improvements have been freely used by the Government to its great advantage, some of them having heretofore declined attractive offers of private employment because of their devotion to the interests of the Government, and some of them being war veterans; and

Whereas it was stated by the press at the time the order was issued that it was approved by the Attorney General, who was then in conference with the President, and it is now similarly stated that the Attorney General will cause an ex parte investigation of conditions in the bureau for the purpose, apparently, of determining whether the order, already executed, was justified by the facts; and

Whereas in view of his recent utterances, which shows that he is hostile to the general policy embodied in the civil service law, such an investigation made and any decision promulgated by the Attorney General would hardly inspire public confidence; and

Whereas it is in every sense proper and desirable that there should be a thorough and impartial inquiry into every feature of the transaction in question; and

Whereas it is also now charged that irregularities amounting to theft have occurred in said bureau; and

Whereas it is in the public press charged that the people were dismissed to prevent those who sought their dismissal from exposing these irregularities; and

Whereas it is charged that a Member of this Senate knew of said irregularities; and

Whereas if said statement in said publications be true, said acts would in fact be a compounding of a felony: Therefore be it

Resolved, That the President of the Senate appoint a committee of five Members, who shall ascertain and report:

The specific facts and reasons upon which the order is based, and by what, if any, real investigation it was preceded; whether the persons removed, or any of them, have failed in the performance of their duties; whether there is ground for believing that the good of the service is likely to be promoted by their removal or by the new appointments; and whether or not the facts indicate that the order may be regarded as a step in the direction of a return to the discredited spoils system by disregarding the spirit and, as is also claimed, the letter of the civil service law. Also find what, if any, basis of fact there is in the story of irregularities charged and the compounding thereof.

Mr. President, I shall ask immediate consideration for the resolution, hoping that the Senator from South Dakota, realizing the impropriety of permitting the charge to go forth that the administration had compounded a felony and that a Member of the Senate had knowledge of it, will not object to its immediate consideration.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the immediate consideration of the resolution. Is there objection?

Mr. STERLING. Mr. President, I note what the Senator from Arkansas has said and the implication contained in his words with reference to the President, that the President had assisted in compounding a felony, and so forth. Of course, I resent anything like that.

Mr. CARAWAY. Well, let us resent it by permitting the investigation to be immediately had and prove that it is not true. I do not think it is true; but it is charged.

Mr. STERLING. I object to the present consideration of the resolution and ask that it go over under the rule.

The PRESIDING OFFICER. Objection is made to the present consideration of the resolution.

Mr. NELSON. I ask for the regular order.

Mr. CARAWAY. The regular order is that I have the floor. I am not going to have anything more to say about the resolution, except that, inasmuch as the Senator from South Dakota [Mr. STERLING] says he resents the imputation of the charge against the President, I resent it, too; I do not believe it is true. The President is not a member of my party, but if he were I would not by an objection of mine prevent the facts being immediately known. If a charge is made against the President of these United States, whether the President is of my party or not, I should be anxious to develop from what facts he deduced the charges. If it is not true—and I do not believe it is—let us denounce the charge by ascertaining the facts and not sit here in the Senate and say "I resent it," and at the same time "I object to the consideration of the resolution."

Mr. NEW. Mr. President, for the greater part of two mornings the Senate has now listened to what, at times at least, has degenerated into the character of a personal diatribe directed against the President of the United States. The President is uninjured by anything of the kind, especially coming from the source from which it emanates.

Mr. President, there are times when not even the President of the United States can take—I did not quite catch the remark of the Senator from Utah. Was it directed to me?

Mr. KING. I was not addressing myself to the Senator, but if the Senator is very anxious to know what I said I shall be glad to advise him.

Mr. NEW. It was the remark about which I inquired.

Mr. KING. I repeat, I was not addressing myself to the Senator, but I have no objection to telling him what I said.

Mr. NEW. The remark was uttered in such an audible tone that I thought it might have been addressed to me; that was all.

Mr. President, as I have said, there are times when not even the President of the United States may make public every motive that actuates him and every reason which impels action on his part; and the action which was taken two or three days ago with reference to removals in the Bureau of Engraving and Printing falls within that category. There were good and sufficient reasons for the President's action; but whether or not they will be given to the public, I can not say. Much depends upon circumstances; but reasons exist just the same and are amply sufficient to warrant the action taken by the President.

Mr. President, I do not believe that the indignation of the Senator from Arkansas is based entirely upon the removal of the Chief of the Bureau of Engraving and Printing and a few other employees who were removed concurrently with him.

A voice was heard in Ramah, lamentation, bitter weeping.

It appears that some of the faithful are about to be separated from the public service, and it creates great indignation on the other side of the Chamber. If in the spring of 1913 Senators on this side of the aisle had taken notice of events of a similar character to those of which the Senator from Arkansas now so vociferously complains, there would not have been room in the CONGRESSIONAL RECORD for anything else. Mr. President, I undertake to say and to attempt to justify by the facts that there never was so partisan an administration as the one which closed on the 4th day of March, 1921. That administration filled up the departments here with incompetents to the point where if a caller on business wanted to reach the head of one of the departments he had to elbow his way through a crowd, like getting up to the ticket wagon of a circus; it was almost like a salmon run in Alaska in the spring, when the fish, seeking the upper stretches of the fresh water, so fill the streams that they crowd each other out on the banks. That was the condition in regard to the departmental offices; the appointees fairly crowded each other out on the sidewalk. Ten thousand of them have, very happily, been separated from the service since the present administration came in; a great many more thousands can be separated to the very great benefit of the service; and, speaking for myself, I very earnestly hope they may be; but whether or not they shall be, I do not undertake to say. I can, however, at least express the hope that they may be.

Mr. President, I do not know that I have anything more to say on this subject. The reason for the removals in this case was stated to be for the benefit of the public service. As I said in the beginning, and now repeat, there are times and circumstances when all the reasons which actuate the Executive can not with propriety be stated, and this is one of them.

Mr. STANLEY. Mr. President, will the Senator yield for a question?

Mr. NEW. Certainly.

Mr. STANLEY. Does the Senator regard the removal of a Democrat and the placing in his stead a good loyal Republican as a sufficient reason for the change?

Mr. NEW. It certainly would be to me, if that question is addressed to me personally.

Mr. STANLEY. I admire the Senator for the candor of his utterances, and, although I hold no brief for the civil service, I presume he speaks for his chief.

Mr. NEW. That is merely the Senator's presumption, of course.

Mr. HITCHCOCK. Mr. President, I am very much surprised at the open statement of the Senator from Indiana that in order to give a place to a Republican it would be a sufficient reason to discharge without any allegations and without any hearing a Democrat under the protection of the civil service law. The civil service law is a statute of the United States, just as much entitled to be respected and observed as any other law; and yet the Senator from Indiana deliberately says to the Senate and to the country that it would be a sufficient reason, as far as he is concerned, to discharge a man under the supposed protection of the civil service law because he was a Democrat and could be replaced by a Republican.

Mr. NEW. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HITCHCOCK. I yield.

Mr. NEW. The Senator from Indiana said nothing of the kind. The Senator from Kentucky asked the Senator from Indiana if he would regard it as a good and sufficient reason to replace a Democrat with a Republican, and I said that to me it certainly would. No mention was made of the civil service law.

Mr. HITCHCOCK. Mr. President, we are dealing now with the cases of men who were under the protection of the civil service law; and the Senator from Indiana has avowed, apparently referring to them, that so far as he is concerned it would be a sufficient reason to violate the law, discharge the men, and put in other men for political reasons.

But, Mr. President, what the Senator from Indiana thus frankly avows has been since the very advent of this administration apparently the deliberate purpose of this administration, particularly in one department of the Government. I refer to the Post Office Department. It is a matter of common knowledge, held by all men who have come in contact with the subject, that for more than a year the Post Office Depart-

ment has been run and operated as a political machine, and under the Executive order issued by the President of the United States all postmasters have been appointed wholly upon the consideration of political reasons.

The pretense of an examination has been continued—examinations which during the administration of Woodrow Wilson were strictly lived up to; examinations which were lived up to to the extent of appointing the man who received the highest rating under his civil-service examination, even if the Congressman protested against it, and even if the Senator protested against it; those appointments were made under the civil-service ratings nevertheless. In fact, my judgment is that the matter was carried to too great an extreme, because in that way presidential appointments were virtually transferred to the comparatively obscure examiners who made these examinations and reports. I think it was carried to too great an extreme; but under the present administration we have gone to the other extreme, and it has been almost the rule in making appointments that men or women with high ratings have been ignored, and men or women with inferior ratings have been preferred.

That is not all, Mr. President. It is susceptible of proof that when no available Republican was found upon the list after a civil-service examination the Post Office Department has required the Civil Service Commission to go back and rerate the men or the women in order that a Republican applicant might be put upon the list. I think that is a matter which is susceptible of proof, and, if necessary, it can be produced.

Mr. President, I want now to refer the Senator from Indiana to a case of which I have personal knowledge in my State.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HITCHCOCK. I yield.

Mr. NEW. I merely want to say that I hope there are instances in which that can be proven. It would be a great relief to me, at least, to be able to prove it.

Mr. HITCHCOCK. I will say this of the Senator from Indiana: At least he is not a hypocrite; and one of the charges which can be brought against this administration is that it is proceeding in a hypocritical manner. It is holding out to the great mass of the people who believe in the civil-service law that it is living up to the civil-service law, and here in Washington, in responding to the demands of politicians in the House and in the Senate, the civil-service law is being deliberately and systematically violated.

Mr. STANLEY. Mr. President——

Mr. HITCHCOCK. I yield.

Mr. STANLEY. The President of the United States could not do a better thing to save his face in his present sad predicament than to come out boldly and say what the Senator from Indiana has the courage and the manhood to say, but which he will never say. Better, a thousand times better, to proclaim himself a bold and an honest spoilsman than to "wear the livery of God to serve the devil in."

Mr. HITCHCOCK. Mr. President, there are a number of instances that have come under my observation, and there are, as I happen to know, a large number of instances that have come under the observation of all Senators, particularly on this side of the aisle, who felt that at some time the matter should be aired and that public opinion should be appealed to. I am going to take up one case in my State—the case of the postmaster at Clay Center, Nebr., a comparatively small town, a postmaster who served four years and was reappointed by the previous administration, and who still had two years to serve. Charges were brought against him, and two inspectors were sent out to Clay Center for an investigation. They made a lengthy report, of which I have a copy, which I read with care, and as a matter of fact the report recited facts which were to the man's credit, and if time afforded I could give extracts from that report here; but it wound up with the statement that for the good of the service and the town they recommended his removal.

I took up that matter with the department, with the then Assistant Postmaster General, and later with the Postmaster General, at that time Mr. Hays; and they admitted in my presence that it was so weak a report that it was very doubtful whether it would be acted upon. The facts stated in the report were so insufficient that Postmaster General Hays in my presence stated to the Assistant Postmaster General that he did not think that report would warrant a removal; but, Mr. President, the postmaster was summarily removed a few weeks later, and I am going to read now to the Senate some letters which will indicate the real reason of his removal. I have not all of the matter here, but I have hastily gathered a few letters.

I hold, first, in my hand a copy of a letter written by Fred B. Howard—a Republican editor of that town, Clay Center, Nebr.—dated October 4, 1921. It is addressed to Hon. W. E. ANDREWS, the Congressman from that district, and reads as follows:

MY DEAR MR. ANDREWS: By the use of the party whip, by the use of business threats, and by the use of misstatements in their petitions, it seems that the Thompson faction—

Thompson was the postmaster in question, in Clay Center—

That the Thompson faction have been able to make such a showing in the post-office matter here that it is about to be reopened. Positively, this must not be. After what has taken place there can be no back up without completely discrediting the party in this territory and making our delegation in Congress as well as ourselves the laughing-stock of the district. It is inconceivable that Senator HITCHCOCK should be able to override the judgment of the department based on an official investigation; and if this should prove to be true it will be a sad day for our workers in this district. I trust you will see the necessity of bringing every power possible to bear, not merely for the obtaining of needed relief in Clay Center, but in the final analysis for the saving of a bunch of faithful men from humiliation that will spell defeat for them and their friends in the approaching campaign.

Yours truly,

FRED B. HOWARD.

That letter was addressed, as I say, to the Republican Congressman from that district, and it was followed by another, written by the Republican governor of Nebraska, and it reads as follows:

Hon. W. E. ANDREWS.

MY DEAR CONGRESSMAN ANDREWS: I am writing you regarding the post-office situation in Clay Center. I expect you are aware of the fact that the present postmaster is a Democrat; has served off and on in that position for a number of years.

It was always "on"; it was not "off." He has been postmaster for six continuous years.

I do not think he has been popular in the place, and I know he has carried his partisanship to the extreme. In fact, that has been the nucleus of a little organization of Democrats in that community that has been unwavering in its opposition to the Republican Party and its representatives. I am wondering if something can not be done to bring about a change there. It should be done. I will greatly appreciate anything you can do to help out this situation. If there is any influence that I can use, please command me.

SAMUEL R. MCKELVIE, *Governor.*

About that time there appears in the files of the Postmaster General relating to Clay Center this official memorandum:

Under date of September 8, Representative ANDREWS telegraphed from Nebraska his recommendation for the appointment of an acting postmaster, and within past few days has repeatedly telephoned the department insisting that action be taken to displace the postmaster and appoint an acting postmaster there.

Under date of October 4, Congressman ANDREWS telegraphed Hon. Will H. Hays, Postmaster General, Washington, D. C., as follows:

MY DEAR MR. HAYS: I am greatly embarrassed by the unexpected delay of the department action in the appointment of an acting postmaster at Clay Center, Nebr.

W. E. ANDREWS.

Then, under date of October 7, the same Congressman, W. E. ANDREWS, addressed a long letter to Mr. Hays, Postmaster General. I shall read only a part of it:

WASHINGTON, D. C., *October 7, 1921.*

Hon. WILL H. HAYS,
Postmaster General, Washington, D. C.

MY DEAR MR. HAYS: I hand you herewith a letter which I have just received from Mr. Fred B. Howard, congressional committeeman for Clay County, Nebr. You will observe that he is editor of the Clay County Sun. He is one of the most effective newspaper men in the fifth congressional district of Nebraska. He publishes a good paper, and has a wide range of influence. His letter states the facts correctly from the party standpoint. It is very unfortunate for the Republican Party and that locality to be compelled to endure the last 20 days of this man Thompson. Thompson's political activity has been well known to everybody and can not be truthfully denied. Senator HITCHCOCK is battling for votes for next year for himself. The retention of Thompson as postmaster means the humiliation of Republicans in that locality, and it may count heavily in the matter of the senatorial election.

Then I quote now from a letter written by the same Fred B. Howard to the First Assistant Postmaster General, December 5, 1921:

A bunch of men who have never been found wanting when the party made an appeal are now in a most embarrassing position, and if you would save the organization, which has been and will continue to be effective if treated just fairly, you will enforce the original order of the department without further delay. If the situation did not warrant this urgent request, I would not make it.

Mr. President, there had been no original order. All there had been was a report of two inspectors who had been sent to Clay Center, and that report, by the confession of the Postmaster General in my presence, and in the presence of the then Assistant Postmaster General, had been so weak that he could not remove the man, and he did not remove the man until this insistent political demand came from Clay Center.

I have said that I have some regard for an outspoken, defiant attitude, like that of the Senator from Indiana, against the civil-service law, but who can defend an administration which stands apparently for the enforcement of the civil service, which

stands apparently for the appointment of postmasters after a civil-service examination, which stands apparently for the idea that when a postmaster is appointed he shall hold his office for four years, as the law provides he shall, and then, after making all that pretense to the country, secretly yields to this political influence for the removal of a man two years before his term expires?

Mr. President, I have stated that the Post Office Department, using its great influence, and evidently with the backing of the President of the United States, had compelled the Civil Service Commission to go over its ratings when it had reported a number of candidates for a post office and none of them happened to be a Republican. Let me read a letter, of which I hold the original in my hand, from the Hon. MOSES P. KINKAID, a Representative from the State of Nebraska in the Lower House, and, of course, a Republican. It is dated November 12, 1921, at Washington, addressed to a citizen of his district. I believe I will omit his name. It reads:

FRIEND SO-AND-SO: I am in receipt of your esteemed favor of the 5th instant, written in behalf of the candidacy of the former resident of your city, Mr. O. O. Howard, for the postmastership at Ericson. Will say Howard himself wrote me recently in the premises, and in the acknowledgment I made of the receipt of his letter I informed him of the status, which is that a civil-service examination has already been conducted of candidates for the Ericson office, with the result that but one candidate was reported as eligible, he the Democratic editor at Ericson.

Consequently, if that report is to stand, we would have no recourse but to permit the appointment of this Democratic editor; but I have secured an order to be made for the examination papers to be reviewed, and inasmuch as the Republican candidate barely failed to come up to the requirements it is possible that she may yet be found eligible. If so, she should receive the appointment, as she has been indorsed by the Republican patrons. In the event of the case being opened up to new candidates, what you say of the worthiness of Mr. Howard, and that fortified by so many signers of your letter, all old acquaintances of Mr. Howard, will be given due consideration.

With best wishes I remain,

Sincerely yours,

M. P. KINKAID.

I may say, furthermore, that the papers were rerated, and Mrs. Patrick was appointed, evidently under the dictation of the Post Office Department. I took the liberty of holding up that nomination when it came to the Senate, and finally the Committee on Post Offices and Post Roads notified the Post Office Department that the nomination was subject to very serious objection, and it was abandoned. But that letter shows and the act shows that there is a deliberate attempt to subvert and to destroy the civil service as applied, at least, to the post offices of the country. I think it is perfectly proper to cite that at this time, while it has nothing to do with the Treasury Department, as an evidence that the Treasury Department is not the only department in which this hypocritical attempt is being made to observe the law while in reality it is being destroyed.

Mr. DIAL. Mr. President, the Senator will not forget that the Post Office Department, although an advantage of five points is supposed to be given to ex-soldiers in their markings, is turning them down.

Mr. HITCHCOCK. I have received a great many complaints from ex-soldiers who claim that while they were given preference under the former administration, they appear now to be discriminated against, and I heard of a case this morning in which an ex-soldier who had received the highest rating and who required no favor of five points was refused the appointment.

Mr. DIAL. Even Republican ex-soldiers are being discriminated against.

Mr. HITCHCOCK. So I say that if there is in this country any sentiment which holds that the civil service law should be made a fact and not a farce it is about time for that sentiment to develop itself, and it is about time for this administration to either fish or cut bait in the matter.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. Does the Senator contend that the civil service law is applicable to the appointment of postmasters of the first, second, and third classes?

Mr. HITCHCOCK. I do not, but I contend that prior to the election of 1916 the Civil Service Association of the United States addressed a letter to Woodrow Wilson and an identical letter to the Republican candidate for President, asking them whether they would take the necessary steps by Executive order to place those post offices of the country under the protection of the civil service, in order to remove the scandal which had grown up as a result of the spoils system, and both those candidates, one representing the Republican Party and the other representing the Democratic Party, replied to the Civil Service Association that they would do so. Woodrow Wilson was elected, and he carried out to the letter the promise which he made. I furthermore say that when this administration came into office President Harding issued an Executive order in which he stated that the practice would be followed to this extent, that an examination would be held under the authority of the Civil Service Commission; that the commission should report to the Post Office Department the highest three as eligible. I am not certain how much further that order went, but I know that the Civil Service Commission, which ought to stand up and fight for the law under which it exists, has yielded to the importunities of the Post Office Department in many cases and has revised its ratings. I would like to inquire also what has become of the resolution which the Senate adopted a while ago authorizing and directing a committee of the Senate to inquire into that abuse. Have any meetings been held? Have any facts been developed? Has any report been made?

Mr. LENROOT. Does the Senator state that President Wilson placed all these offices in the classified service?

Mr. HITCHCOCK. I did not say he placed them in the classified service. He issued an Executive order directing that all appointments should be made after the Civil Service Commission had caused an examination to be held and had placed upon the eligible list the names of the three having the highest rating, and the man or the woman with the highest rating would receive the appointment, and that was done.

Mr. LENROOT. Was it placed in the Executive order that the person having the highest rating should get the appointment?

Mr. HITCHCOCK. It was.

Mr. LENROOT. Will the Senator state when that was done?

Mr. HITCHCOCK. It was done almost immediately after Woodrow Wilson began his second term of office.

Mr. LENROOT. I shall be glad if the Senator will put in the RECORD any such order issued at that time.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HITCHCOCK. Certainly.

Mr. NORRIS. Was my colleague in favor of the civil-service arrangement for postmasters when President Wilson put it in practice?

Mr. HITCHCOCK. I thought it was too extreme, and I told the President so. I said so here.

Mr. NORRIS. What was the part of it which the Senator thought was too extreme?

Mr. HITCHCOCK. I thought it left no discretion at all to the President of the United States. The Constitution vests in the President of the United States the power to appoint, and he should be left some discretion; but he made the order so rigid, in order to live up to the promise which he had made to the Civil Service Association, that if one person were given a rating of 94 by a civil-service examiner and another person were given a rating of 93, he could not exercise any discretion at all. I think there should be a discretion exercised, but I think there should not be a pretense made and an almost universal rule followed of disregarding those ratings, and then subordinating the commission to be a mere tool of the Post Office Department, by compelling it to rerate and rerate until a Republican shall get on the list; and I do not believe my colleague believes that is right.

Mr. NORRIS. I am going to express myself on the subject just as soon as I can get the floor in my own right.

Mr. HITCHCOCK. I will yield the floor.

Mr. NORRIS. But I want to ask my colleague another question. I take it, then, that my colleague prefers the order of President Harding to that made by President Wilson, because President Harding did retain the discretionary power as to the three highest on the list, instead of none, as President Wilson had made it.

Mr. HITCHCOCK. I think there should be some discretion left to the appointing power, but I do not think that by that means the civil service should be made a farce, and I do not believe that the Civil Service Commission should be degraded, as it has been degraded, into a mere tool of Republican politicians, and that their ratings should be made farcical, and revised and revised until a Republican could get on the list. That is what I believe.

Mr. NORRIS. Going back to my question again, so that the Senator will have it recalled to him, he then prefers the order of President Harding to the order of President Wilson, as far as the order is concerned?

Mr. HITCHCOCK. I am not complaining of the order. I am complaining of its execution. I am complaining of the hypocrisy of making such an order under the pretense that it is for the purpose of allowing men of any party to take examina-

tions and have a chance of being appointed, and then, if no Republican is on the list, sending the papers back time and time again to the Civil Service Commission with orders to revise and rerate. That is the practice I object to.

Mr. NORRIS. I go back again to my question, and repeat it——

Mr. HITCHCOCK. And I answer it in the same way.

Mr. NORRIS. The Senator has not answered it yet. I would like to know definitely whether the Senator prefers the order made by President Harding to the order made by President Wilson.

Mr. HITCHCOCK. I answer it in the same way that I did before, but I do not believe in having it applied in such a farcical and practically hypocritical way as it has been applied.

Mr. NORRIS. Mr. President, I have said before, and I want to repeat now, so that my opinion may be understood for whatever it may be worth, I never agreed with the order of President Harding where he provided that postmasters should be selected from the three highest on the list. I preferred the order made by President Wilson, which took away the discretionary power that was given to politicians. I am going to demonstrate by reciting some things which have happened that my colleague not only did not believe in civil service as far as appointments to post offices were concerned, but that he went so far as to make very serious charges against the Postmaster General under President Wilson because he took these post offices off the political pie counter. He is complaining now, and I think with justification, that the Republican President is putting them on the pie counter. The only difference between my colleague and myself is that I believe in the civil service when my party is in power as well as when the other party is in power, and he believes in the civil service when the Republican Party is in power, and that "to the victors belong the spoils" when the Democrats are in control; and I am going to prove it.

The tears he is shedding now for the civil service were tears of stone when Woodrow Wilson was in the White House. He is now anxious that postmasters should be selected on a competitive basis, and is complaining because the officials are putting Democrats out and Republicans in; but when Woodrow Wilson was in power, and before my colleague's reelection to the Senate was so close at hand, he was demanding that Democratic politicians be placed in the post offices, and that the Civil Service Commission should be scrapped. He even went so far, as I said, to make serious charges, through his private secretary, against the Postmaster General.

Mr. President, lest I be misunderstood, I want to say here that I think President Harding made a mistake when he changed the order. He has made a mistake in every case since wherever he or anybody under him has permitted political influence to interfere in the appointment of postmasters.

But when Woodrow Wilson was President and that order was made it was quite a common thing, after the postmaster had been selected according to the examination, to have it held up in the Senate of the United States by the political influence of my colleague in my State of Nebraska. It was my colleague who, after the order had been obeyed and the postmaster selected according to the civil service, got from the Committee on Post Offices and Post Roads of the Senate the papers in the case, stuck them in his pocket, and carried them there for the balance of the session, so that when Congress adjourned another appointment had to be made, and who then, when it was made again, repeated the operation and carried the papers during another session of Congress. Oh, he was anxious then to enforce the civil service law. Oh, he was then performing a piece of statesmanship that would put the whole Harding administration back into the ditch and make them look like 30 cents. Then it was that there was no virtue in the civil service law. Then it was that the only way to get good administration was to turn men out and put men in—turn them out because they were Republicans, put them in because they were Democrats.

It was during that administration, in a case where the civil-service examination in Nebraska showed that a contest between a Republican and a Democrat resulted in the Republican getting the highest standing on the list, that my colleague went to the Post Office Department and asked that an inspector be sent out there. It was in answer to my colleague's request that a post-office inspector be sent out there that one went there, went into the town where this thing had taken place, and went to see only men who were personal enemies of the Republican successful aspirant. It was in that case where they adopted the cowardly and inhuman method of charging the successful man with being pro-German, and there is something in some of the letters which I shall read later which will indicate that that did not originate in the department but originated here in the Capitol; not only in the Capitol but in my colleague's office in the Capitol, where his secretary, who signed the letters, had charge and full sway. A charge was made because of the lack of pains on the part of the President to make a personal investigation.

I said it was inhuman. It was not only inhuman but it was cowardly. The man never had the right or the opportunity to defend himself, and yet it was shown in the investigation that I made—and I defy any man to investigate and show to the contrary—that in every activity during the war this man led. He subscribed for more Liberty bonds than his quota called for. He was charged with making, at a meeting of the Eastern Star lodge, a mean remark about the President of the United States, and it was demonstrated and proven that the charge was absolutely false and without any foundation whatever.

Then, under that kind of régime, when I went down to ask for the papers, when I went into the First Assistant Postmaster General's office in the city of Washington and asked that I be given the papers, that I be allowed to see what this report was, what investigation the inspector had made, I was denied the right to see the papers, and I did not see them, either.

I was denied that right when, as a matter of fact, everybody knows the Senate has a constitutional duty to pass on the confirmation of postmasters. That was under an administration where the civil-service rule had been complied with, but the officials of the Post Office Department and my colleague, conniving together, had brought about in the Senate of the United States, by his carrying the papers away with him, the defeat of the civil-service rule adopted by President Wilson.

I thought, Mr. President, when I was denied access to these papers, that if I called attention to it in the Senate of the United States an investigation would be immediately demanded and unanimously put through, but it was not. I did that; I told about it on the floor of the Senate, that I had been denied that right. I know of one of these cases that happened in my State, and I would not bring my State in here if my colleague had not done it. He has brought the dirty linen out, and I am going to give it another dose or two of soap. That is all I am trying to do.

It seemed to me humiliating that while the order was made all right and the Civil Service Commission carried it out all right, in these cases in the State of Nebraska, at least, the First Assistant Postmaster General, in connection with my colleague and with the chairman of the Committee on Post Offices and Post Roads of the Senate, who was a Democrat, prevented, whenever they did not like it, the carrying out of President Wilson's order.

Now, let us see how my colleague, who is such a great civil-service reformer now, felt when he was not running for reelection and when his party was in power. At the time these letters, which I am about to read, were written there was a man here by the name of Earl B. Gaddis, who was private secretary to my colleague. Gaddis was also at that time Washington correspondent of the Omaha World-Herald, a great Democratic newspaper printed in Omaha, owned, edited, and published by my colleague. Other newspapers who had their representatives here had them admitted to the Senate press gallery, but the representative of the Omaha World-Herald could not be admitted to the press gallery because he was being paid by Uncle Sam and held a job at the pleasure and good will of my colleague, and it was contrary to the rules to admit such men to the press gallery. So he could not be admitted there. But he had an advantage which the men sitting in the press gallery of the Senate did not have. By virtue of the appointment given him by my colleague he was admited right on the floor of the Senate, so he had an opportunity to get the inside every time, and he did.

But while acting in this capacity, as my colleague's private secretary, Gaddis had some correspondence in regard to this very post office out in the State of Nebraska. There had been a civil-service examination held out there, and the favored Democrat did not get in. He was defeated in the examination and lost the office. In one case it was a woman, so he had some correspondence with this woman, and he wrote her as follows. The letter is dated, "United States Senate, Washington, D. C., May 31, 1919," and addressed:

MY DEAR MRS. WEEKES:

I have your letter and hasten to reply.

Burleson says: "Result of examination is only thing that will count—no politics—makes no difference if a Republican is chosen."

That is the kind of a Postmaster General we have, and this is what makes the Democrats boiling hot and has caused numbers of them to band together to insist upon Burleson's removal.

HITCHCOCK was the only Democrat in Congress to voice a protest against Burleson's tyranny, and, of course, Burleson didn't like it.

Think of it! There he sits, the only man in the Senate who had the courage to attack the great Burleson and denounce him as a tyrant. Here are his praises being sung by another great man of his own choosing, his private secretary, his newspaper correspondent, his newspaper editor, drawing a salary and getting his pay from Uncle Sam.

I continue the reading:

HITCHCOCK was the only Democrat in Congress to voice a protest against Burleson's tyranny, and, of course, Burleson didn't like it.

We will likely suffer distinct embarrassment one of these days of seeing a Republican newspaper man who writes bitterly partisan copy being chosen to supplant a Democrat in one of our good Nebraska towns. We held the appointment up for a long time—

I told you a while ago how—

by checkmating confirmation, but will be unable to do so with a Republican majority.

In other words, this faithful follower of the World-Herald and of the senior Senator from Nebraska and financially of Uncle Sam, says, "We did the work all right by having HITCHCOCK prevent confirmation." He saved the country for civil service notwithstanding "Burleson, the tyrant," but now we are about to have a Republican majority, and he can not do it any longer, powerful though he may be.

Again reading from the letter:

All of this is a burning shame, but Burleson, the tyrant, has the upper hand and proposes to keep it.

I hope Burleson will take notice in his retirement.

There is one ray of light, however, and it may penetrate the dark recesses to Democratic advantage before the Norfolk postmaster is chosen.

This letter is directed to Mrs. Weekes, who lives in Norfolk, and was a candidate for postmaster there. Continuing:

If Burleson is removed before the appointment comes, it may be that his successor will see to it that justice is done—

He has disclosed the kind of justice he wants—

I will watch developments closely and will keep you advised.

Again I say Burleson should be "strafed," then Democracy would stand at least an even chance of survival. Otherwise I fear the sins of this tyrant will be visited upon our party for years to come.

Cordially and sincerely yours,

EARL B. GADDIS,
Secretary to Senator Hitchcock.

Mr. President, I think I ought to continue the reading. There is some more along the same line. That letter was written May 31, 1919; and on the 31st of July, of the same year, Mr. Gaddis wrote another letter, which I think I ought to read, because it throws some light upon my colleague's conversion to civil-service reform, under a Republican administration, which he so much despised under a Democratic administration. The letter starts out:

UNITED STATES SENATE,
Washington, D. C., July 31, 1919.

MY DEAR MR. WEEKES—

This letter was apparently written to Mr. Weekes, although the previous letter was addressed to "Mrs. Weekes"—

Have your letter of the 19th, and hasten to reply to it.

Reference to the Ainsworth matter—

That was another postmastership case where the sleight-of-hand performance took place by which a Republican was put out and a Democrat put in—

the Ainsworth matter, which you mention as having been cited to you in the Senator's letter of May 31—the Senator could not obtain the appointment of a man there friendly to the Democratic cause.

Now the Senator is trying to get postmasters appointed according to the civil service, but it seems then that he was trying to get postmasters who were "friendly to the Democratic cause." Now listen to this:

When a Republican was named he managed to hold up the appointment—

Consider that in connection with the Senator's denunciation to-day of Republicans trying to prevent the operation of the civil-service rule. The Republicans learned their lesson from the Senator from Nebraska [Mr. HITCHCOCK]; that is the reason they do it so well. He is condemning them now because they will not let the civil-service rule be put in force, and yet his secretary says that he was then trying his best to prevent its enforcement, but did not always succeed, as is shown here, but he held up the appointment for a long time.

The Senator could not obtain the appointment of a man there friendly to the Democratic cause.

When a Republican was named he managed to hold up the appointment. That was all he could do.

That, in other words, was interfering with the rule, but the Senator now condemns others for interfering with the rule.

But now, under a Republican Senate, he will be forced to give up that and must see a shameless Republican named for the place. At no time, under this new system of Burleson's, did the Senator have the remotest chance of naming a Democratic friend.

Too bad, was it not?

Also with reference to the Scottsbluff matter—

Scottsbluff is another post office in Nebraska—

mentioned in Arthur Mullen's office—

Arthur Mullen is the Democratic national committeeman from the State of Nebraska, and is a very fine man—

mentioned in Arthur Mullen's office in Mrs. W.'s presence—we did not wire for the name of a man to name there. We merely suggested to Arthur that he get some Democrats in the examination there who might stand strong chances of passing the examination.

It seems that my colleague was in doubt whether or not Democrats could pass the examination.

We made it perfectly plain to Arthur that our only hope lay in getting some Democrat in the race there who could stand the examination.

I might add that the outlook now is that a Republican topped the list and must be named for the place. HITCHCOCK has no more chance of getting a Democrat in there than a snowball has in August weather in Nebraska.

That is too bad, especially in the case of a man who is now such a great and ardent admirer of the civil service!

So you see, with these facts in your possession, there is anything but politics being indulged in by the administration in naming of postmasters.

Senator HITCHCOCK has agreed with few things which this man Burleson has done since taking office, particularly since the war came on. And he has voiced that disagreement, as many other Democrats have done. But not a Democrat here in Washington has the least thing to do with the naming of postmasters. All they can do is get their friends to take examinations and pray that civil-service marks will lead later to their elevation to the places. That is all the good Lord could do if He were a Democrat now and here trying to get justice for His party in the naming of His postmasters.

If Gentle, at Norfolk, is not a loyal American—

Now, here is a hint; here is a way to hold up a nomination. Gentle was a Republican; he was a candidate for postmaster, and Senator HITCHCOCK's private secretary says this is the way to hold up the nomination. He says:

If Gentle, at Norfolk, is not a loyal American or is an immoral citizen, his appointment can be held up. But these are the only grounds upon which there is the slightest show of keeping him out of the place.

I agree with what you say about the damned inconsistencies in running the Post Office Department this way. It is a shame that we must endure it, the Lord knows; but the game can not be beaten the way it is played just now. Thank Heaven, there may be a way opened up later whereby it can be beaten; but when that time comes it may be too close to the time the Republicans will take the administration away from us simply because they play politics up to the limit all the time.

Arthur Mullen understands the difficulties precisely. Talk the matter over with him some time, or if you are in Omaha on July 24, when the national chairman and his party are there, join them and hear what they've got to say on the subject.

With kind regards and best wishes,

EARL B. GADDIS,
Secretary to Senator Hitchcock.

Mr. President, it will be noted that a suggestion is there made as to how appointments can be prevented. The civil-service rule is in force and there is no way to prevent the appointment, but the senior Senator from Nebraska [Mr. HITCHCOCK], the great civil-service statesman, is here ready and willing and able, if the evidence is furnished him, to prevent confirmation. A charge must be made that the successful Republican aspirant is not a true American or that his character is immoral, and the senior Senator from Nebraska will hold the nomination up and prevent confirmation. As I said awhile ago, he succeeded over two sessions of Congress in holding them up, without any charges being filed, simply by putting the papers in his pocket and carrying them away.

Mr. President, I have some more letters of a similar import, but I am not going to take the time of the Senate to read them at this moment. I wish to repeat what I said the other day, that for the man who says, "I am against the civil service in the Post Office Department or any other department and I believe when the opposition party is in power they have the right to wipe the slate clean and put their people in and the other fellows out for partisan reasons," I have nothing but admiration. I do not agree with him; I think he is wrong; but that is only my opinion. He may be right and I may be wrong; but, Mr. President, any party, no matter what party, and any man, no matter what man, who stands for civil-service enforcement when the opposition party is in power and for the abolishment of civil service when his own party is in power is, in my judgment, not a good public servant; he is not consistent; he is asking something of his enemies which he himself is not willing to concede. So when my colleague talks at length in the Senate condemning Republican officials for disobeying the civil service law, I agree with him in every instance where it can be shown that they have disregarded the law, and when any Senator says in his place here that he thinks such a violation has been committed, I will by my vote assist him in securing an investigation if he wants it; but, Mr. President, it seems to me——

Mr. REED. Mr. President——

Mr. NORRIS. I yield to the Senator from Missouri.

Mr. REED. I have not heard all of the Senator's remarks, but I should like to get his opinion frankly as to this state of affairs: We have what is called a civil-service examination for postmasters; and if only one person takes the examination and passes, instead of appointing him they order a new examination. When the new examination comes on, if there are two or three who take the examination, and any Republican gets across the dead line he is appointed, and the Democrat who first took the examination alone and passed, who in the second instance has passed at the head of the list, is denied the place. What does the Senator think of that kind of civil service?

Mr. NORRIS. I do not think it is any good. I condemn it. I think it is wrong. I am not defending it.

Mr. REED. I know the Senator is not.

Mr. NORRIS. I do not intend to defend it. I condemn it just as quickly when it is done by my party as though it were done by the Senator's party.

Mr. REED. Let me say to the Senator that that is the regular practice now. I am not defending it, and I am not particularly criticizing it, for I think we had some of that kind of thing in a degree, at least, under a previous administration.

Mr. NORRIS. Yes; we did.

Mr. REED. But it seems to me that that kind of a civil service is a mere bit of contemptible chicanery.

Mr. NORRIS. I think it is, and nobody condemns it more severely than I do.

Mr. CUMMINS. Mr. President——

Mr. NORRIS. Will the Senator just let me comment for a moment upon that?

Mr. CUMMINS. If the Senator will permit me, I want to observe that the Committee on Civil Service, of which I am a member, but whose meetings I have not been able to attend, has been for the last two or three weeks conducting an investigation upon a resolution introduced either by the junior or by the senior Senator from Arkansas. It has taken very considerable testimony. It has received the report of the Civil Service Commission upon every case that has been referred to by either of these Senators and possibly others. That committee is meeting this afternoon for the purpose of formulating its report, as I understand. It seems to me that before condemning the Civil Service Commission we ought to await the coming in of this report.

Mr. NORRIS. I am not willing for the Senator to put me in the attitude of condemning the Civil Service Commission. I have not done it.

Mr. CUMMINS. No; I know the Senator from Nebraska has not. The Senator from Missouri has.

Mr. NORRIS. I do not understand that the Senator from Missouri has. I think the Senator is entirely mistaken.

Mr. CUMMINS. If not the Senator from Missouri, then the senior Senator from Nebraska [Mr. HITCHCOCK] has condemned it.

Mr. NORRIS. Yes; I think he has.

Mr. CUMMINS. I venture to say that whatever may have been the derelictions of the Post Office Department—I think they have not been investigated—so far as the Civil Service Commission is concerned, I do not believe that it has been guilty of the things which have been charged against it.

Mr. NORRIS. Mr. President, I am not making a charge against the Civil Service Commission. My colleague has done so. I do not know what the facts are that he has ascertained in regard to the Civil Service Commission. If they are true, then I will join with him in their condemnation. He says, in effect, that the Post Office Department has compelled—that is the word he used, I think—the Civil Service Commission to have another examination, or something of that kind.

Mr. CUMMINS. I do not believe that is true; but it will all appear in the report of the committee.

Mr. NORRIS. I am very glad the committee is investigating.

Mr. REED. Mr. President, will the Senator permit me to interrupt him?

Mr. NORRIS. Yes.

Mr. REED. I have not been talking about the Civil Service Commission, and I did not know that there was an investigation. I am talking about the administration of this law as it applies to the Post Office Department. I think that I can produce letters from the Postmaster General or his assistant bearing out the statement that I made in regard to their ordering new examinations when only one person took the examination. I think I can take the record then and show that after the second examination had been called they had appointed a man who stood lower on the list than the man who first took the examination, and who took it the second time. I think that is the regular practice.

As I said, I am not rising to criticize anybody particularly; but I wanted to get the opinion of the Senator from Nebraska as to whether that kind of a civil service was any civil service at all, in the proper meaning of the word.

Mr. CUMMINS. Mr. President, there may have been some irregularities. I do not know. I am not familiar with the testimony adduced, and I do not know what the report will be.

Mr. REED. I am not talking about irregularities. I am talking about customs.

Mr. CUMMINS. Under the Executive order, as has been stated here many times, the Postmaster General may appoint one of the three persons receiving the highest ratings in the examination. What the Postmaster General has done in these instances, I do not know.

Mr. NORRIS. Mr. President, as I understand the practical working of the order, it is this: President Harding modified the order of President Wilson so that it now provides that in the case of first, second, and third class offices the Civil Service Commission shall hold an examination, and the President will appoint from the three highest on the list. In order for the President to know which one of those to appoint, the Post Office Department submits the three highest on the list to the Republican Congressman of the district in which the post office is located, if there is a Republican Congressman; if there is not a Republican Congressman in that district, he submits the name to somebody else connected with the party machinery, and the selection is made, and that is certified to the President by the Post Office Department, and he makes that appointment.

Mr. OVERMAN. Mr. President——

Mr. NORRIS. Let me finish first. I want to say that, in my judgment, that is entirely a nullification of the spirit of civil-service appointment of postmasters. There was talk about it very soon after President Harding went in; and, so that there might be no mistake about it, I wrote a letter to Postmaster General Hays calling his attention to that fact, and told him what I believed would be a serious result if they made such an order. It will in time result in Democrats refusing to take the examinations, because they will understand that if one Republican goes over the line they will stand no show.

Mr. MOSES. Mr. President, does the Senator think that is going to do any great harm to the public service?

Mr. NORRIS. Yes; I do think it is going to do great harm. If we, as Republicans, are going to pretend to the people of the country that we are going to put the Post Office Department upon a nonpartisan basis, then we ought to have the courage of our convictions and carry out an order that will do it. If, on the other hand, we are going to appoint men because they are Republicans, then we ought to be brave enough and courageous enough to say so, and do away with this farce and this flimflam of going through the theory of an examination. We ought to take one course or the other.

Mr. OVERMAN. Mr. President——

Mr. NORRIS. We are practicing deception under this rule, I think, to pretend to the people that it is nonpartisan when it is not anything but partisanship.

Mr. SWANSON, Mr. OVERMAN, and Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Nebraska yield, and if so, to whom?

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. SWANSON. I should like to state to the Senator a case in my own county. Under President Wilson's administration they held an examination. The Republican assistant postmaster stood first. He had been assistant there for years. He was efficient. He was promoted by President Wilson as a Republican. He was not confirmed, but I want to show you how the President acted. Then they put in an acting postmaster, and then held an examination. The acting postmaster had served for three or four months, and he could not stand the examination and get on the eligible list, but this Republican was first. Now, this acting postmaster has been in the service for five or six months—he had been in the service several months before and could not qualify—and they are holding him in and saying they are going to set aside this examination, and they hope he will be able to stand the second examination. I should like to ask the Senator whether that is carrying out even in a remote degree the President's order?

Mr. NORRIS. Oh, the Senator knows that that is not carrying it out. Anybody who will be honest with his own conscience will say that; but, Mr. President, I do not care to go into individual cases. I do know that under the prior administration in one way or another the nonpartisanship of the selec-

tion of postmasters was to a great extent nullified. I know it from personal observation in my own State—cases where I came in personal contact with the office. I have told you about some of them this afternoon that came under my personal observation, where my colleague was the Democratic means by which a Republican who had passed the highest examination was prevented from going in. But, Mr. President, I am not willing in one breath to condemn Democrats for doing that and condone Republicans for doing the same thing under a Republican administration; and while Senators say, as has been intimated here this afternoon, that it would be a good thing to put all the Democrats out and put Republicans in, we did not get into office by making that kind of a campaign. We did not say that out in the campaign, when we were running and trying to get votes.

Mr. MOSES. I did, Mr. President.

Mr. NORRIS. Then the Senator ought to have been defeated, if he did that.

Mr. MOSES. I was not. I had the largest majority ever had in New Hampshire.

Mr. NORRIS. Then the Senator can keep on.

Mr. MOSES. I am going to.

Mr. NORRIS. The Senator can be a spoilsman all his life.

Mr. MOSES. I am going to.

Mr. NORRIS. I am not finding fault with him. If he went out and made that kind of a fight, then he can go on with perfect consistency and carry it out. I did not make that kind of a fight. The Democratic Party did not make that kind of a fight. The Republican Party did not make that kind of a fight. There was not anything of that kind in any of the platforms.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I yield to the Senator.

Mr. REED. I want to state—and I have no quarrel with my friend from New Hampshire—that if he made that kind of a fight, the frank and manly thing to do, it seems to me—and he always does the frank and manly thing—would be to introduce a bill here to repeal the civil-service farce and say, "We are going back to the old system. If we win the election, we are going to take the offices. If the other side win the election, let them take the offices." Let us have done with the civil pension list, keeping a lot of people here until they are superannuated.

Mr. NORRIS. Exactly; any party that got into office on that kind of a platform would be justified in carrying out that kind of a project. I will concede their right to do it, as I concede now and always have conceded the President's right under the law to make any provision he pleases in regard to the appointment of postmasters.

Mr. MOSES. Mr. President——

Mr. NORRIS. In just a moment I will yield to the Senator. What I have condemned is making a campaign through the country and getting into office on the theory that you are going to enforce the civil service law in spirit and in letter, and then, when you get into office, turning your back on it and turning the offices over to the victors, regardless of civil-service merit.

I yield to the Senator from New Hampshire.

Mr. MOSES. If the Senator will permit me, I will say to him that any party that will make a campaign on that plank will sweep the country. I wish to say to him, further, that I do not care what pretense others may make, and I may be repeating myself, I have said more than once on this floor, that, so far as I am concerned, I make no pretense whatever. I think the administration should be surrounded by its friends, and in view of the performance that has gone on here on the floor of the Senate during the last two days, I merely wish to say——

The PRESIDING OFFICER. The Senator will suspend while the Senate receives a message from the President of the United States.

[A message in writing from the President of the United States was transmitted to the Senate by Mr. Latta, one of his secretaries.]

Mr. MOSES. I hope the message contains the names of a lot of good Republicans nominated for office. I want to say, further, Mr. President, apropos of the performance that has gone on here on the floor of the Senate for the last two days, because of what is described as an outrage, the "murder" of 27 officeholders, if Republican Senators eight and nine years ago had devoted their time and taken the time of the Senate in the discussion of questions of that character, there would have been no legislation whatever, because we saw the Democratic administration come in and absolutely ravage every department of the public service, and when they had filled the post offices with their own selections, then they put over them the blanket of the civil service law. They violated the civil service law after they adopted it, both in the letter and in the spirit.

I have seen a Democratic postmaster pass out of this life and out of his office, and I have seen the chairman of the Democratic State Committee appointed as an acting postmaster, and held there while he educated himself, at the expense of the Government, until he could take the examination of whatever character was then given, and of course he came out No. 1 and was appointed, the result being that the Democratic incumbency of those post offices ran not only over the eight years of the Democratic administration but two or three years more, because of the hiatus that was occasioned. I wish to say that the whole pretense here about this matter in the Bureau of Engraving and Printing is absolutely futile and childish and ridiculous. We have up in New England a verb——

Mr. NORRIS. I hope the Senator will not make a speech.

Mr. MOSES. I am not making a speech.

Mr. NORRIS. The Senator has not made one yet, but I hope he will not. I yielded to the Senator to ask a question.

Mr. MOSES. I am sorry to have trespassed on the Senator's time, and I thank him for the time he has yielded to me.

Mr. HARRELD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I can not yield now.

Mr. HARRELD. I wanted to ask the Senator a question.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. HARRELD. I wanted to put a question to the Senator.

Mr. NORRIS. I will yield after a while, but not now. I can not answer two Senators at once.

What the Senator from New Hampshire has described as happening under a Democratic administration I have been narrating, perhaps, before he came into the Chamber. I know that was going on, but that is no excuse for Republicans doing the same thing. If it is, then there will never be a reform or improvement in government, though we may live a million years. If we are going to justify crime by pointing to Democratic crime as a precedent there will be nothing but crime forever and eternally. The Senator complains of Democrats putting Republicans out, when, as a matter of fact, he stands on a platform of getting Democrats out and putting Republicans in.

Mr. MOSES. May I correct the Senator?

Mr. NORRIS. He ought to praise the Democratic Party for doing that, instead of condemning them.

Mr. MOSES. May I correct the Senator?

Mr. NORRIS. I yield; I do not want to misstate anything.

Mr. MOSES. I am not complaining because Democrats put Republicans out. What I am complaining of is this childishness of the Democrats, who are now complaining because we are putting Democrats out.

Mr. NORRIS. It makes a great deal of difference whether you are putting Republicans out or whether you are putting Democrats out.

Mr. MOSES. No; we took our medicine, and I think they should take theirs.

Mr. NORRIS. No; we did not take our medicine.

Mr. MOSES. I did; I do not know about the Senator from Nebraska.

Mr. NORRIS. Mr. President, the Senator had to take it sometimes, and I had to take it sometimes.

Mr. STANLEY. Mr. President——

Mr. NORRIS. I protested against it then, and I protest against it now.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I do not yield now.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. NORRIS. I would feel myself disqualified, after I had promised in every campaign I had ever made to be true to the Republican platform, which declared in favor of civil-service reform, if I violated the pledge after I was elected to office. A man who does not believe in it has a perfect right to condemn it, and I am not finding fault with my genial friend, the Senator from New Hampshire. He is a political spoilsman, according to his own definition. He believes in that doctrine.

Mr. MOSES. That is correct, Mr. President.

Mr. NORRIS. Certainly; there is no doubt about that.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I am not going to yield to anyone for the present.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. NORRIS. The Senator from New Hampshire has a perfect right to take that position. He is perfectly consistent when he takes it and carries it out, and I said at the beginning that I was not against that kind of people and that kind of officials. I have no complaint to make against them. I think they are wrong. But they may be right and I wrong. At least they have a right to believe that way if they want to.

Mr. HARRELD and Mr. NELSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield? And if so, to whom?

Mr. NORRIS. I yield first to the Senator from Oklahoma. He sought to ask me a question some time ago.

Mr. HARRELD. The Senator admits now that some fellows got into office by criminal procedure, and I want to know if the Senator thinks they ought to be confirmed in those offices and allowed to hold them?

Mr. NORRIS. No; I do not think so.

Mr. HARRELD. That is what I am complaining about. Now, I want to ask another question.

Mr. NORRIS. Let me answer that question first. Because a good many men got their offices by a violation of the law, I am not in favor of taking the mantle of the civil service law away, and saying we will put the whole thing on the political pie counter. If that is the question the Senator wants to ask——

Mr. HARRELD. No; but suppose an individual got an office in that way, should he be allowed to hold the office he secured by crooked methods?

Mr. NORRIS. No; he ought to be removed.

Mr. HARRELD. Does not the Senator know that the law of 1916 had a provision in it to the effect that appointments under that law should be made, but that the civil-service rules should not apply for two years?

Mr. NORRIS. Yes.

Mr. HARRELD. And that during that time thousands and thousands of people were blanketed in under that law?

Mr. NORRIS. Yes.

Mr. HARRELD. Does the Senator think they ought to be allowed to hold their offices?

Mr. NORRIS. Yes; I would say they ought to hold them. That was the law. They went in under the law. We made the law, and that has been the practice of every President, Democrat or Republican, who has ever issued an order extending the civil service. President Taft did the same thing; President Wilson did the same thing; President Roosevelt did the same thing. It is a common thing, after they get all the offices filled, for them to issue an order putting them under the civil service. They ought to put them under the civil service and have them filled by examination. I said so when the last order was made. I said so when President Taft made his order. I said so when President Wilson came in the second time, after he had been in office four years, and by order extended the civil service to cover the whole Post Office Department. I said then he would have been entitled to great credit if he had made the order at the beginning instead of at the end of his term, rather before he filled the offices with men of his party than afterwards. But I would rather take it then than not take it at all.

The Senator from Oklahoma [Mr. HARRELD] intimated by his question that whenever that is done, the next President ought to revoke that order. Where would we get under such a practice? You would get one President in and he would fill the offices with Republicans, and after he got them filled he would issue an order extending the civil service over those offices.

Mr. HARRELD. No, Mr. President——

Mr. NORRIS. Then a Democratic President would come in, and he would say, "These fellows came in under a false pretense," and he would revoke that order; he would fill the offices with Democrats, and when he got them all filled with Democrats he would put them again under the civil service; and so on forever, and you never would have any civil service. There is only one way to get it, if you intend to have it—when you get something put under the civil service keep it under the civil service. I thank God for every extension anybody makes, whether it puts in a Democrat or a Republican. There must be somebody in the office when the order is extended covering those offices, and Republicans can not object because the officeholders happen all to be Democrats or the Democrats because they happen to be Republicans. If that rule is carried out, then the civil service will never amount to anything. I yield now to the Senator from Minnesota.

Mr. NELSON. I may be somewhat tardy in my question, but it seems to me the Senator has departed from the discussion, and I shall be glad to hear him or some one else tell us whether the civil-service law and regulations have given us a better and more efficient service than we had before.

Mr. NORRIS. I think the question is a very proper one. Men will disagree about that. I have no hesitancy in stating where I stand. I think it has given us much more efficient Government, and it has met with many difficulties. There are a good many things done under it which are wrong. Mistakes are often made under it; there is no doubt about that. But if we should repeal the civil service law to-day and put every office in the United States on the political pie counter we would almost stop the wheels of Government. It would be almost an impossibility to carry it on.

I forgot to refer to the offices in the Bureau of Engraving and Printing, about which the Senator from New Hampshire spoke. I have not said anything about them. I do not know anything about it. I hear all kinds of rumors, but I do not know why those men were removed, though I do think we ought to know. I think there ought to be publicity given to the reasons. I hope the President will tell the Congress and the country why it was done. If he does not do that, if these things are to be done in secret and covered up, then we never will get anywhere with it. Publicity is one of the greatest cures of Government evils.

Mr. MOSES. Will the Senator yield for a question?

Mr. NORRIS. I yield first to the Senator from Kentucky, who arose first.

Mr. STANLEY. Mr. President, I apprehend that the Senator from New Hampshire [Mr. MOSES] fails to see, or, seeing, inadvertently misstates, the position taken upon this side by the Senator from Arkansas [Mr. CARAWAY] as well as by myself. There is very little difference of opinion between those on this side and on the other side who believe in rewarding faithful party service. I admire the candor and the nerve of the Senator from New Hampshire. I like to fight by the side of that sort of men when they are with me and to measure swords with them when they are against me. But I do not see how any honest man who believes that his party platform is binding upon him can escape from the very just condemnation of the Senator from Nebraska, and I wish to ask if either the Senator from New Hampshire or the Senator from Nebraska holds that a man admitting his allegiance to the principles of his party, and elected upon its platform, can repudiate it:

> We renew our repeated declaration that the civil service law shall be thoroughly and honestly enforced, and extended wherever practicable. The recent action of Congress in enacting a comprehensive civil service retirement law and in working out a comprehensive employment and wage policy that will guarantee equal and just treatment to the army of Government workers, and in centralizing the administration of the new and progressive employment policy in the hands of the Civil Service Commission, is worthy of all praise.
>
> We condemn the present administration for its destruction of the efficiency of the Postal Service and the telegraph and telephone service when controlled by the Government, and for its failure to properly compensate employees whose expert knowledge is essential to the proper conduct of the affairs of the postal system. We commend the Republican Congress for the enactment of legislation increasing the pay of postal employees, who up to that time were the poorest paid in the Government service.

I call upon the gentleman to repudiate his own platform or to stand on it. He can not do both.

Mr. NORRIS. The Senator can get the same thing in the Democratic platform, running back all the way through the history of the party. It is almost a rubber-stamp proposition in both parties.

Mr. MOSES. Mr. President——

Mr. NORRIS. Now I am going to answer the question of the Senator from Kentucky for myself.

Mr. BORAH. The Senator would not apply his remark to that one plank only?

Mr. NORRIS. No.

Mr. MOSES. The Senator from Kentucky connected me in his statement with the Senator from Nebraska, and I want to answer him.

Mr. NORRIS. I think, since I have the floor, I ought to have the privilege of answering first.

Mr. MOSES. Certainly.

Mr. NORRIS. Then I will yield to the Senator from New Hampshire. I agree with that platform and with that plank. I have always said so. If I did not believe in civil service, however, and had been nominated as a Republican, and had immediately in my campaign said that I did not believe in it, and concealed nothing in regard to it from my people, and had been elected, I would not feel that I was bound by the platform. The Senator from New Hampshire, running on the same platform, did not believe in it, thought civil service was a farce, and if he said to his people in his campaign that he did not believe in it, that he believed that to the victors belonged the spoils, and that he was going to get the offices for the faithful, just so they were Republicans, regardless of whether they were yellow dogs or not——

Mr. MOSES. We do not have any of that kind of Republicans in New Hampshire.

Mr. NORRIS. And was elected, then he had a perfect right, I think, to repudiate that plank in the platform. He practiced no deception. I believe in it. The party as a party has always thus gone on record and so has the Democratic Party, and both parties have always violated it.

Mr. STANLEY. Can the President repudiate it and practice no deception?

Mr. NORRIS. He could not, anyway. He did not repudiate it in the campaign, I will say that. But I am not going to answer for anybody else. I would not feel as though I could.

I yield now to the Senator from New Hampshire——

Mr. MOSES. For a reply to the Senator from Kentucky?

Mr. NORRIS. Yes; though I do not want to be interrupted by Senators who want to have a debate of their own.

Mr. MOSES. The Senator from Kentucky addressed a question jointly to the Senator from Nebraska and myself.

Mr. NORRIS. I think I ought to yield for that reason, and I do so.

Mr. MOSES. I want to say to the Senator from Kentucky that I stand on the plank which he has read. I base my position on that plank upon the two words "when practicable," and I believe that the application of the civil service law is practicable when we put Democrats out and put Republicans in.

Mr. NORRIS. That answer will always appeal to the politician. It will always appeal to the fellow who wants office. It will always appeal to the machine.

Mr. STANLEY. Mr. President, does the Senator——

Mr. NORRIS. I will not yield to the Senator to have a debate with the Senator from New Hampshire.

Mr. STANLEY. I want to ask the Senator a question.

Mr. NORRIS. The Senator may ask me, but not the Senator from New Hampshire.

Mr. STANLEY. I mean the Senator from Nebraska. Does the Senator from Nebraska read the words "when practicable" in the platform the way the Senator from New Hampshire read it?

Mr. NORRIS. Oh, no; I do not agree with the Senator from New Hampshire on that.

Mr. STANLEY. Does the Senator from Nebraska know anybody who understands the English language who would read it in that way except the Senator from New Hampshire?

Mr. NORRIS. There may be others. I suppose it would depend on how badly they want an office.

Mr. STANLEY. Ordinarily the Senator from New Hampshire does not make statements that are not creditable to the Senate.

Mr. NORRIS. Mr. President, after all, no man can deny that we appealed to the people of America, and so did the Democratic Party—we have been appealing to them for 20 years—on the ground that we would enforce the civil service law, that we would extend it, and we have equally condemned the other party because they do not enforce it in good faith. When it is violated by Republicans we have Republicans standing up and saying, "That is the best thing we can do; let us violate it all the more. We ought not to have it." And yet we come back to the people with another platform and another promise that if we are elected to office we will enforce it in good faith. The Democrats have done the same thing. It is not a square deal for the people of America.

When a man comes into the Senate like my colleague did—and that is the reason why I took the floor—condemning Republicans because they are not enforcing in good faith the civil service law, I cite to him and to all like him the old common-law maxim that those who want equity must do equity; that you can not come in here and denounce us while your own hands are tarnished with the slime of deceit and corruption that you have been practicing when you were in power. That applies equally to the Republicans who are doing the same thing. My colleague complains because we Republicans are not enforcing in good faith the civil service law. I join with him in the condemnation of Republicans for not enforcing it in good faith But the charge does not come from his lips with any consistency, because they are tainted with the very crime that he charges against us.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I yield.

Mr. STANLEY. Does the Senator from Nebraska contend that both parties are equally committed to the civil service and have an equal right to claim credit for inaugurating the system?

Mr. NORRIS. I am not going into a discussion of that question. I think I could claim, and perhaps could substantiate, but I would have to look the matter up some, that the Republican Party had probably done more for it than the Democratic Party. I may be wrong about that. I am not making any claim of that kind to-day, as I should want to look it up before I asserted it.

Mr. STANLEY. The Republican Party claims to be the mother and father, the grandmother and grandfather, of civil service, and we have been denied the credit for inaugurating that system. I am not making any claim for the Democratic Party for the paternity of the institution now. I just wanted to get the attitude of the Senator from Nebraska.

Mr. NORRIS. I have not made that kind of a charge against the Democratic Party. I will say that I think there are some things done by the Democratic Party, or by Democratic leaders, that have helped very materially in the civil service law. While I have nothing whatever in common with the late President Wilson and he has no use for me, any more than I have for him, I think, although he did some things that seemed to me were entirely wrong about it, that on the whole he did a great deal for civil service. He made a rule in regard to postmasters that I have always thought was better than the modification President Harding has made of it, and I said so to-day.

But I do not care particularly where civil service was born or who was its father or who its grandmother or what relation it has to this party or that. I am not looking for technicalities. I am not pointing them out. I am trying to talk about the practical application of the theory. While it has many things about it that sometimes result in wrong, and serious mistakes are made lots of times in its name, yet, in my judgment, it is so much better than the old spoils system that no thinking man would go back to the old system. Notwithstanding the opinion of my friend from New Hampshire, I believe that any party that would go out before the people of America and make a campaign on the theory that they were going to wipe the civil service law and rules off the books and go back to the pie-counter system would be swept out of existence with an avalanche of votes from which they would never recover.

Mr. MOSES. Mr. President, will the Senator yield to me?

Mr. NORRIS. If agreeable to the Senator, I will yield the floor and he can proceed.

Mr. MOSES. Mr. President, I merely wish to say to the Senator from Kentucky, if history is as I recall it, that the civil service law was written and pressed through Congress by a Democratic Senator from Ohio, George H. Pendleton. It was put into operation by a Republican President, Chester A. Arthur, and therefore, though sired by a Democrat, it has been damned by every practical man ever since.

Mr. STANLEY. Mr. President, the Senator does not do his party credit. An examination of the platforms of the various parties will show him that the principle of civil service was advocated by Republican platforms long before Chester A. Arthur was ever inaugurated. That will come up later.

Mr. President, I wish to say that the Senator from Arkansas [Mr. CARAWAY], notwithstanding the lucidity and force of his statement, and the Senator from Kentucky, myself, have totally failed to make themselves understood by the Senator from New Hampshire and by many of his colleagues. I am not disturbed by the firing of four or forty or four hundred Democrats. Call them all out of the service to-day and solemnly indict them for their loyalty to the principles of Jefferson, and Madison, and Jackson, and Tilden, and then stand them up against your rotten political wall and shoot them, and they will take their medicine like soldiers and like men. It is a death any Democrat may be proud to suffer. He can wear your charge and your dismissal as a badge of eternal honor, and in my country his children and his children's children will cherish his willingness to suffer in such a cause as more precious than all the honors and emoluments of office.

But that you will not, dare not, do. We are not complaining that you shoot. We are denouncing you for your infamous cowardice in shooting us in the back. Is that plain enough? You play the spoilsmen not like old Jackson or Cleveland, but like a political Pecksniff; you whine and palaver and pray and simper before long-haired men and short-haired women about your devotion to civil service——

Mr. MOSES rose.

Mr. STANLEY. Not the Senator personally, but the party which he represents, because he is a bigger man and a better man than his party.

Mr. MOSES. Mr. President, I have seen no Pecksniffian whining at the White House about the firing of these 27 people. They were employed; they were fired; they are fired, and they are going to stay fired; and there would have been no complaint on the floor of the Senate from anyone on the other side of the Chamber if it had been done by a Democratic President.

This is a matter of opinion which I can not prove, but I hold steadfastly to the opinion that if it had been done by a Democratic President no voice would have been raised on the other side of the aisle, and, so far as I am concerned, no voice would have been raised on this side of the aisle. I would have taken my medicine. Why do you not take yours?

Mr. STANLEY. I only wish that the Senator from New Hampshire or the Senator from Indiana [Mr. NEW] were in the White House. I only wish that your chief would dare to speak as you do. He can understand the English language, he can read and write, but he will never, in this world or in the world which is to come, O. K. what either one of you have said.

I am not condemning the action of the Senator from New Hampshire; I am not condemning the action of the Senator from Indiana—brave, clean, fearless spoilsmen. I am condemning the action of him who says that he does it for the good of the service if he does it for the good of his party.

Mr. MOSES. I think that is good doctrine, Mr. President.

Mr. STANLEY. These Democrats are not complaining that they have lost their places. They are not complaining of the pecuniary loss. Under a civil service honestly administered no man can be deprived of his place except for unworthiness, inefficiency, or moral turpitude. He is either incompetent, corrupt, or indecent, or he is entitled to stay. Every man and every woman who goes out under this shadow is stamped as corrupt, incompetent, or indecent. Wipe out the stain. Charge us with being Democrats and we will wear your charge like a halo, a badge of distinction to be coveted and treasured, and you will hear no complaint from the Senator from Kentucky or any of his ilk. But fire us like men! Let us out like men! Come out and fire us, and quit this sniping from the rear, under the flimsy pretense of civil service, which the Senator from New Hampshire and the Senator from Indiana have the decency to disown, and I commend your example to the other end of the Avenue.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. FLETCHER. Mr. President, I believe we are now ready to proceed with the consideration of the bill which is the unfinished business?

The PRESIDING OFFICER. The question before the Senate is the amendment of the Senator from Florida to the amendment reported by the committee.

Mr. FLETCHER. Mr. President, as the Chair has stated, the pending question is on the amendment which I have offered to the amendment in the nature of a substitute which has been reported by the Committee on the Judiciary to the bill as it came from the other House. My amendment, if agreed to, would provide an additional judge for the southern district of Florida. I desire to submit a few observations on that question, and to show, if I may, the actual situation in the southern district of Florida and the need for the additional judge provided for in my amendment. I propose to analyze the tables which are attached to the report of the committee, and I am quite sure I will be able to show that there is not a district in the whole list for which 19 judges are to be created where the need is so great, where the claim is so just, and the merit so pronounced as in the southern district of Florida.

Mr. President, let me call the attention of the Senate, first, to this fact: I introduced in the Senate in 1917, as I recall, a bill which provided for an additional judge for the southern district of Florida. The bill passed the Senate, went to the other House, was referred to the Judiciary Committee of the House, was reported favorably there, and went on the calendar. It was, however, never reached; and, therefore, never passed the House. In 1919 I introduced a similar bill here; that bill was reported out of the Judiciary Committee favorably; it passed the Senate, went to the House, was referred to the Judiciary Committee, again reported favorably there, and placed on the calendar; but, unfortunately, on account of the immense amount of business accumulated in that body, the calendar was not reached and the bill was never passed in the House.

The House passed the pending bill providing for 22 additional judges. Included in that bill was one judge for the southern district of Florida. That bill came to the Senate and was referred to the Judiciary Committee, and now that committee has reported back a substitute providing for 19 judges and entirely omitting the judge for the southern district of Florida. So we are in this position: The Senate having on two different occasions and in two different Congresses passed a bill providing for an additional judge for the southern district of Florida, which received the favorable action of the Judiciary Committee of the other House and went on the calendar there, but because of the pressure of business and the lack of time was not reached, at last the House having taken up the subject and included this additional judge in the bill which they passed, when that bill comes to the Senate the Senate reverses its action taken twice deliberately heretofore and strikes out the provision for the additional judge for the southern district of Florida. In doing that the committee acts very strangely, because the conditions have not improved in the southern district of Florida; the congestion continues there; it is greater now than it ever was; the table which the committee attaches to its report shows pending in that court 1,336 cases on June 30, 1921, whereas, according to the hearings before the House committee, the actual number of cases pending and undisposed of in that district to-day is 1,633. Such a condition practically amounts, in considerable degree, to a denial of justice to litigants.

We have in the southern district of Florida one of the best-qualified judges on the Federal bench in this country, a man who has had some 30 years' experience as a circuit court judge in that State and as a Federal judge for the past 10 years. He is overworked, he gets no vacation, he devotes himself entirely to his duties there; but it is simply impossible for any one man to accomplish all that is required to be accomplished in order that litigants may have justice in that district. The cases are increasing all the while; the congestion continues; the conditions, as I have stated, have grown worse year after year; and yet, in spite of the action of the Senate in 1917 and again in 1919, now, in this year, we are asked to decide that we will leave out the southern district of Florida and grant no relief whatever to that district. It is not fair. If the conditions had improved, if circumstances had changed so that litigants could have their business disposed of with reasonable dispatch, then there would have been some reason and some sort of excuse or justification for this action by the committee; but, on the contrary, as I have stated, the conditions have grown worse, the congestion has increased. Now, in spite of the laborious efforts of the sitting judge and in spite of the help that may be sent to him from time to time—and judges have been sent into that district to assist—in spite of all that, it has almost reached the point where it is scarcely worth while to go into the Federal court. We are almost in as bad a situation as are the people of Borneo, where, I believe, when one person sues another the custom requires that the litigants shall each put a live clam into a bowl of lime water, and the owner of the clam which winces first or keels over first loses; or parties in court are much like the contestants in these days of modern war, the nation that wins the war loses.

Now, Mr. President, let me analyze the tables, which, as I have said, are attached to the report of the Senate committee showing the business pending in all the district courts of the United States on June 30, 1921. As I have heretofore stated, the House hearings show that in the southern district of Florida there are 1,633 cases pending instead of 1,336 as indicated by the tables; but I will deal with the tables as I find them here.

Beginning with Massachusetts, the following is the situation: At this time Massachusetts has one district and one judge. The Senate Committee on the Judiciary proposes to add two more judges. The table shows the number of cases pending on June 30, 1921, in Massachusetts, as follows:

United States civil	206
Criminal, including prohibition	286
Admiralty	142
All other civil cases	923
Total	1,457

It is true there are bankruptcy cases pending to the number of 1,434 and draft cases to the number of 3,943, and prohibition cases amount to 68. Bankruptcy and draft cases, however, need not require a great deal of time or labor on the part of the judge, and we may for the present lay them to one side.

Compare the figures which I have given of the business pending in Massachusetts with the situation in the southern district of Florida. We find that the southern district of Florida has one judge and there are pending and undisposed of, according to the tables attached to the Judiciary Committee report—

United States civil	250
Criminal, including prohibition	594
Admiralty	165
All other civil cases	327
Total	1,336

As I have said, the House hearings show that there are to-day pending 1,633 cases in the southern district of Florida.

There are also 235 bankruptcy cases pending there, 18 draft cases, and the prohibition cases number 247. So there are as many civil cases pending, less 44, in the court of the southern district of Florida as are pending in Massachusetts; and yet it is proposed to give to Massachusetts two judges and deny the southern district of Florida one additional judge.

In the southern district of Florida there are considerably more than three times as many criminal cases pending as are pending in the Massachusetts district; there are 23 more admiralty cases than are pending in the Massachusetts court and there are more than one-third as many other cases as in the Massachusetts district. The total number of cases in the southern district of Florida, 1,336, according to the committee's table, compares with a total in Massachusetts of 1,357. Yet the committee proposes, as I have said, to give Massachusetts two additional judges and denies any relief whatever to the southern district of Florida.

Take New York: The committee proposes to provide an additional judge for the eastern district of New York and two additional judges for the southern district of New York. There are at present four districts in New York, with nine judges, and it is proposed to give New York three more judges. To be sure, there is a certain amount of congestion in the eastern and southern districts of New York, but it will be observed that in the northern and western districts—the northern district now having two judges and the western district one judge—there are pending in the northern district 1,251 cases and in the western district 855 cases, or a total for the two districts of 2,092 cases, where they have three judges, against a total of 1,336—which should be, really, 1,633—cases in the southern district of Florida, where there is only one judge.

It is argued that the northern district of Florida has pending only a total number of cases of 209, and that the judge of that district could assist in the southern district. Why can not three judges in the northern and western districts of New York, with the amount of business shown by the table, assist in the eastern and southern districts of New York? In the northern and western districts of New York we find three judges handling a little more business than the one judge has to attend to in the southern district of Florida, and yet the committee proposes to provide three additional judges in New York, one for the eastern and two for the southern district.

Take Pennsylvania. Coming to Pennsylvania, they have now in the eastern district two judges. The total number of cases pending in that district is 2,788. This is a little over twice the business in a district where they have two judges that there is in the southern district of Florida, where there is only one. The committee proposes to give the eastern district another judge.

In the western district of Pennsylvania the total number of cases is 2,449, and they have two judges now. This is less than twice the number of cases that are pending in the southern district of Florida. They have, however, two judges to attend to them. The committee proposes to add another judge there, making three, but does not recommend another judge for the southern district of Florida.

Take Texas. The northern district of Texas shows pending 140 civil cases, 557 criminal cases, no admiralty cases, and 523 of all other civil cases; total, 1,220. They have two judges in that district. The committee proposes to give them one more.

Think of that! In that district, with only 1,220 cases pending, as against 1,336 in the southern district of Florida, they have two judges now and we have one, and the committee proposes to give them another judge.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield to the Senator.

Mr. CUMMINS. I do not know whether or not the Senator from Florida is informed with regard to the situation in the northern district of Texas. The committee was advised that one of the judges in the northern district of Texas had been disabled by illness for quite a while, and probably would not be able soon to do all the work that a well man might be expected to do. The Senator from Texas [Mr. SHEPPARD] is here. He knows whether or not that is true.

Mr. FLETCHER. Mr. President, I do not mean to criticize this allowance to Texas. That is not my purpose at all. I am showing the discrimination. I am simply pointing out a comparison of the situation in the districts; and I say I am not arguing but that Texas is entitled to this judge. I am simply saying that if Texas, where at present they have two judges in this district, with only 1,220 cases pending, is entitled to another judge, the southern district of Florida, where there are 1,336 cases pending, certainly ought to have an additional judge.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. FLETCHER. I do.

Mr. WALSH of Massachusetts. Is the Senator arguing not only that there is discrimination but that there is not a need of these judges in these various districts?

Mr. FLETCHER. No; I am not arguing that there is not need. I will touch on that point a little later. I am simply comparing the business in these courts with the business in the southern district of Florida. I am not contending but that the need is as the committee found; but if the need is there in the cases where they have allowed the judge, the need is certainly plain and clear in the southern district of Florida.

Mr. WALSH of Massachusetts. I think I understand the point which the Senator is raising, and I rather sympathize with it in view of the statistics which he has read; but I understood the Senator from Tennessee [Mr. SHIELDS] to argue strenuously that there is not need of these additional judges. Am I correct in that?

Mr. OVERMAN. That is so, and I think I shall be able to demonstrate it.

Mr. FLETCHER. The Senator from Tennessee may take that position, but I am not arguing that at all.

Mr. WALSH of Massachusetts. But the contention of the Senator from Florida is that there is a need of more judges, but that the allotment has not been made without discrimination?

Mr. FLETCHER. Precisely. I contend that if there is any case anywhere in this whole list where it is clear that an additional judge should be provided, that case is the southern district of Florida; but, at any rate, whether it is the plainest, clearest case or not, it certainly is one case where this remedy ought to be applied. The business in that district—I am speaking now with reference to the northern district of Texas—does not approach the amount of business in the southern district of Florida, where there is only one judge, and yet they already have two in the northern district of Texas, and the committee proposes to add another.

I will admit that the number of cases is not a conclusive test. The character of the cases ought to be considered. Among the important cases in the jurisdiction of these courts are the admiralty cases. These require much time, careful consideration, and a great deal of labor. The admiralty cases pending in the southern district of Florida are 165. It will undoubtedly require much more time and labor to dispose of these cases than it would to dispose of three times the number of criminal cases or bankruptcy cases. There are no admiralty cases in the northern district of Texas. If there were only one judge in that district there might be some reason for adding another. Even then there would not be the need that there is in the southern district of Florida; but there are two judges there, and the committee proposes to give another, and omit a judge for the southern district of Florida.

Take Michigan: There are two districts and two judges in Michigan. The committee proposes to add one in the eastern district of Michigan. The table shows that in that district the pending business is, civil cases 109, criminal cases 378, admiralty cases 16, all other civil cases 251; total, 754. There is not one-half the business congested and pending in that court that there is in the southern district of Florida, and yet the committee proposes to add a judge in Michigan and refuses to add one for the southern district of Florida.

Take Ohio: There are two districts and four judges now. In the northern district, where they have two judges, there are pending civil cases 155, criminal cases 579, admiralty cases 21, other cases 656; total, 1,411. The business in that district is not as great as the business in the southern district of Florida. They already have two judges to attend to it, and the committee proposes to add another.

There are only 21 admiralty cases pending in that district, whereas in the southern district of Florida there are 165. The United States civil cases are 94 less in that district than in the southern district of Florida. There are two judges to take care of that business now. There is one judge to take care of the business in the southern district of Florida. The committee proposes to give the northern district of Ohio another judge.

Take Illinois: There are three districts in Illinois and four judges. There is a great deal of business in the northern district—not twice as much as in the southern district of Florida—but they have two judges now. The committee proposes to add another. The pending United States civil cases are 229, as against 250 in Florida. The criminal cases, including prohibition, are 1,092, as against 594 in Florida. The admiralty

cases are 10 in the northern district of Illinois, as against 165 in the southern district of Florida. The total number of cases in the northern district of Illinois are 2,184, as against 1,336, according to this table—really, 1,633—in Florida. They have two judges in the northern district of Illinois to take care of that business. They have one in Florida. The committee proposes to add another in Illinois, and refuses any relief in Florida.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Florida yield to the Senator from Tennessee?

Mr. FLETCHER. I yield to the Senator.

Mr. SHIELDS. The Senator doubtless has also observed that the seventh circuit has, I believe, either four or five circuit judges. It has only three States in it—Indiana, Illinois, and Wisconsin—and in all of them except Illinois the business is light. Two of those circuit judges live in the city of Chicago, which is the chief point of the northern district, and assist in the district courts there.

Mr. FLETCHER. I am much obliged to the Senator for mentioning that. It had for the moment escaped me. It only shows that the supply of judges there is very considerable. Certainly if they need another one, that need is not as great as in the southern district of Florida.

Now, take Minnesota. Minnesota has one district and two judges. There are pending, United States civil cases, 399; criminal cases, including prohibition, 382; admiralty cases, 29; all other civil cases, 1,130; total, 1,940, with two judges to attend to the business.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida further yield to the Senator from Tennessee?

Mr. FLETCHER. I yield.

Mr. SHIELDS. The Senator from Minnesota [Mr. NELSON] is here, and I have noticed that there are in his State a thousand and some civil cases other than those in which the United States is interested. I am very curious to know the nature of those cases. It looks to me as though it must be a class of cases involving one question. Can the Senator inform us what those cases are—something over a thousand civil cases in Minnesota in which the United States is not interested?

Mr. NELSON. Minnesota, with two and a half million people, is only one district, and we have two judges, and for a long series of years we have had to have outside judges to help them. Judge Amidon, of North Dakota, before he became disabled, spent more of his time in Minnesota in helping our judges than any other judge.

Mr. SHIELDS. I am curious to know the character of those cases.

Mr. NELSON. The Senator means those in which the Government is not interested?

Mr. SHIELDS. Yes.

Mr. NELSON. They are mostly of a commercial character. St. Paul and Minneapolis, the two cities having a population of over 600,000, constitute a great railroad center—outside of Chicago, perhaps the greatest railroad center in the West. Then we have Duluth, a city of about 100,000 people, up on Lake Superior. There probably are more vessels coming into that port than any other port of the United States outside of New York, because the number of ships that pass through the Sault Ste. Marie Canal is far greater than the number of vessels that pass through the Suez Canal. Then we have in the Duluth country the greatest iron mines in America. Minnesota produces, perhaps, 70 per cent of all the iron ore in the United States.

Mr. SHIELDS. I did not want to interrupt the Senator from Florida too much. I thought perhaps that was a class of cases like we find in some of the Western States, growing out of some particular matter.

Mr. NELSON. No; it is the general commercial business there.

Mr. SHIELDS. That is all I wanted to know.

Mr. NELSON. I want to say, if the Senator will allow me, that St. Paul and Minneapolis are the great jobbing towns for all that northwestern country, and they do a tremendous amount of business. Minneapolis is the great milling center of the country, and produces more flour than any other city in America.

I shall not take up the time of the Senator from Florida any further.

Mr. FLETCHER. I am taking up these States in the order in which they appear in the bill. I am not picking out any particular State nor any particular district. I am taking them up in the order in which they appear, and this is one instance where they have allowed an additional judge. I grant all that my good friend has said about the great State of Minnesota. It is a magnificent State. They have great enterprises there, and an enormous amount of business, undoubtedly, in those two great cities, and in Duluth also. As to the number of admiralty cases, however, there are only 29 appearing on this list.

They have, as he has said, two judges now. There is one district in the whole State, and the number of cases pending is 1,940, according to this list. The committee proposes to add another judge, and that would mean about one-half the amount of business for each judge that the judge of the southern district of Florida has before him. There are only 29 admiralty cases pending there, as I have said, as against 165 in the southern district of Florida. There are only 382 criminal cases pending there, as against 594 in the southern district of Florida. There are two judges, and the committee proposes to give them another, but denies any relief to the southern district of Florida.

Mr. DIAL. Mr. President, will the Senator tell us about how long these cases have been pending? Is there any great congestion?

Mr. FLETCHER. Some of them have been pending for two years or more. I have communications from attorneys to that effect. They are not all recently docketed cases. A great many of them have been pending a year and a half or two years; some longer than that.

Mr. DIAL. If they would put on more steam it may be that they could get rid of some of them.

Mr. FLETCHER. There is more business there than any man, no matter how well qualified he may be, and no matter how vigorous and strong he may be, can attend to.

Mr. DIAL. I was not referring to Florida alone, but to all the districts.

Mr. FLETCHER. Perhaps there is something in that suggestion, but as to this condition in the southern district of Florida, it is utterly impossible for any one man to keep up with that business.

Let us take Missouri next: There are two districts in that State and two judges. In the eastern district there are pending, United States civil cases, 46; criminal cases, including prohibition, 257; admiralty cases, 3; all other civil cases, 316; total, 622. They have one judge. The committee proposes to give an additional judge. With 622 cases on their docket undisposed of, the committee proposes to give them another judge, while the southern district of Florida has 1,633 cases undisposed of on the docket, and they deny an additional judge.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield.

Mr. CUMMINS. Just a suggestion. The Senator is using the figures 1,633 as applied to the total number of cases.

Mr. FLETCHER. I will confine it to 1,336.

Mr. CUMMINS. In order to be comparative, the Senator would have to treat the number pending as of June 30, 1921.

Mr. FLETCHER. The Senator is correct. I should call that figure 1,336 as the total shown, but I am merely saying that really the fact is that to-day there are some 1,633 cases pending.

Mr. CUMMINS. I have no doubt the other districts would show a like increase.

Mr. FLETCHER. They might show a similar increase, that is true; so I will say that the comparison would be as between 622 cases pending in that court in Missouri and 1,336 pending in the southern district of Florida.

Mr. POMERENE. Mr. President, has any Senator thus far suggested that one judge ought to be able to take care of that large docket in Florida?

Mr. FLETCHER. I have not heard of it. I only know that they have stricken out the provision in the bill as it passed the House which gave this additional judge to that district. I can not understand why. I think my good friend from Minnesota has some suggestion to offer. Perhaps he thinks Florida ought to be treated something like Minnesota, the whole State put in one district, and two judges appointed for the one district. We now have a northern and southern district, with a judge in each district; but that would not remedy the situation. I will deal with that a little later.

Just compare the business in that district in Missouri with the business in the southern district of Florida. For instance, of United States civil cases there are 46 in the eastern district of Missouri, as against 250 in the southern district of Florida. Of criminal cases, there are 251 in the eastern district of Missouri, as against 594 in the southern district of Florida. Of admiralty

cases, in Missouri there are 3, as against 165 in Florida. Of all other cases, there are 316 in Missouri, as against 327 in Florida.

The total in the Missouri district is 622, as against 1,336 in the southern district of Florida. Yet the eastern district of Missouri is to have an additional judge, and the southern district of Florida is denied one. The total number of cases pending in both districts of Missouri, with two judges, is only 1,137, as against 1,336 in the southern district of Florida, with one judge.

Let us turn to Oklahoma. In the eastern district of Oklahoma the table shows that there are pending United States civil cases 233, as against 250 in the southern district of Florida. Criminal cases, including prohibition, 764, as against 594 in the southern district of Florida. Admiralty cases none, as against 165 in the southern district of Florida. All other civil cases in the eastern district of Oklahoma 394, as against 327 in the southern district of Florida. Total in the eastern district of Oklahoma, 1,399, as against 1,336 in the southern district of Florida. Yet, with admiralty cases entirely eliminated and with civil cases less in number, the committee proposes to add another judge for the eastern district of Oklahoma, and denies consideration to the southern district of Florida.

Let us take Montana. Montana has one district and one judge. The cases pending are: Civil cases, 81, as against 250 in the southern district of Florida; criminal cases, including prohibition, 309, as against 594 in the southern district of Florida; admiralty cases, none, as against 165 in the southern district of Florida; all other cases, 135, as against 327 in the southern district of Florida. Total, 525 in Montana, as against 1,336 in the southern district of Florida. The committee proposes to give an additional judge to take care of this business in Montana, and denies relief to the southern district of Florida.

California now has two districts and four judges. The committee proposes to add one judge in the northern district and one in the southern district, giving them six judges in their two districts.

Take the latter district, which now has two judges. There are pending, United States civil cases, 129, as against 250 in the southern district of Florida. Criminal cases, including prohibition, 538, as against 594 in the southern district of Florida. Admiralty cases, 22, as against 165 in the southern district of Florida. All other cases, 490, as against 327 in the southern district of Florida. Total, 1,179 in that district of California as against 1,336 in the southern district of Florida. Yet the committee proposes to add one judge to that district in California, where they already have two, and denies any relief to Florida.

Mr. KING. Are these instances to which the Senator is calling our attention evidences of mistakes, or of unwarranted discrimination?

Mr. FLETCHER. I will have to leave the Senator to draw his own conclusion.

Mr. KING. Of course, I am opposed to the Senator from Florida getting an extra judge, and I am opposed to the whole bill. I wanted to say that to the Senator.

Mr. FLETCHER. That does not give me very much comfort. I am giving the total number of cases as furnished by the committee, and the amount of business pending, as shown by the committee's report. These figures unquestionably demonstrate that they are allowing judges in districts where the amount of business nowhere approaches the business in the southern district of Florida. Why they have done that I leave for the Senator to reason out.

Mr. KING. Of course, it must be a mistake.

Mr. FLETCHER. It occurs to me that it is a mistake.

Mr. KING. I think we ought to recommit the bill with instructions to correct these mistakes and report a bill perhaps providing for four or five judges altogether.

Mr. FLETCHER. I think there is a real need for judges in a number of these districts.

Mr. SHIELDS. There might be need for an additional judge in four or five districts in the United States, but not 25 or 30, as is proposed in this bill. I want to call the attention of the Senator from Utah to one very instructive thing about the figures which the Senator from Florida is presenting. It shows the standard the committee set when they struck out of the bill the additional judge which the House of Representatives gave to Florida. Although there was that amount of business, it was not thought that on account of its docket it needed a new judge. That was the standard they set as to that, and they set a similar standard in Tennessee by striking out the provision for the judge which the House had granted Tennessee. And yet, although they set that standard, they went along and allowed about a dozen judges in districts where they did not have nearly as much business as the southern district of Florida had, and they provided for additional judges in six or eight districts where they did not have nearly as much business as the court in Tennessee had.

Mr. KING. I think the first standard was right, and if they had adhered to it, I would have been entirely satisfied.

Mr. CUMMINS. Would it not be well for the Senator from Utah to defer final judgment until he hears some of the considerations, at any rate, which led to the exclusion of the southern district of Florida?

Mr. KING. Mr. President, I think perhaps that inquiry of the Senator is quite proper, although, may I say to the Senator, I listened with great pleasure to the instructive and able address of the Senator from Iowa, as I always listen to his addresses, and I say to the Senator now, and I do not want him to regard it as flattery, that there is no man in the Senate I regard with higher favor and friendship than he, and there is no man more honest in his legislative work than the Senator from Iowa. I listened to all he said in defense of this bill, and I have listened to the admirable address of the Senator from Tennessee [Mr. SHIELDS], and I am rereading it, as I am rereading the speech of the Senator from Iowa, and I shall vote on this bill in the light of what I have heard and what I shall hear in the future.

Mr. CUMMINS. If the Senator will allow me, I am not speaking of the Senator's ultimate judgment with regard to the merit of the proposition to add to our judicial force. I have said everything I have to say upon that subject. But the Senator from Utah seemed to be drifting to the conclusion that the committee had been guilty of some kind of discrimination——

Mr. KING. That they had made a mistake.

Mr. CUMMINS. Either intentional or otherwise, in the distribution that is proposed to be made of the additional judicial force. There is something to be said in favor of this distribution. It does not suit me entirely, because I was overruled more than once in the committee; but there are reasons which ought to be heard relative to the exclusion of the southern district of Florida from this distribution.

Mr. KING. I stated to the Senator from Florida that I was against his proposition, so the Senator from Iowa ought to be satisfied with my attitude.

Mr. OVERMAN. The Senator from Utah spoke of recommitting this bill for the purpose of bringing in districts where additional judges were needed, rather than to have a general bill like this.

Mr. KING. Somewhat of a pork-barrel bill.

Mr. OVERMAN. Yes; something in the nature of a pork-barrel bill. Would it not be better and wiser to let the bills the Senate has already passed, among them a bill providing for a new judge for Florida, be acted on by the House of Representatives, to let each district stand on its own bottom, rather than for us to put in a lot of bills in this pork-barrel fashion. We have provided, where we conceive it is necessary, to meet this so-called emergency by this bill. Let a Senator introduce a bill for his State, and let us take up each bill on its merits.

Mr. KING. I want none for my State, I assure the Senator.

Mr. OVERMAN. But would not that be wiser than a general bill like this?

Mr. KING. I agree with the Senator.

Mr. CUMMINS. Mr. President, I must be allowed to interrupt a moment more. The suggestion of a pork barrel is one that ought to be taken, I think, in a Pickwickian sense. So far as I know there is no such motive in the mind of any Senator. I take it that the Senator from North Carolina will vote his real conviction upon the subject. I take it the Senator from Florida will do likewise, and the Senator from Utah has assured us that he will. I would like to know what Senators are to be induced to vote for the bill upon consideration that somebody else will vote for the bill?

Mr. OVERMAN. It has every earmark of a pork-barrel bill. It starts in to create 19 new judges in 19 States, and that means 38 votes to start with. Is not that a pork-barrel bill? That is my idea of a pork-barrel bill.

Mr. CUMMINS. The Senator has a very low conception of the honor and integrity of his brother Senators. I am sorry they have fallen so low in his estimation.

Mr. OVERMAN. The Senator knows what a pork-barrel bill means.

Mr. CUMMINS. No; I do not.

Mr. OVERMAN. He has been here and heard them called pork-barrel bills before.

Mr. CUMMINS. I do not know what it is——

Mr. OVERMAN (interposing). His former colleague knows.

Mr. CUMMINS. Except that it is stated sometimes that they trade votes, and a Senator votes for a thing he does not believe in, in order to get somebody else to vote for a thing that he does believe in. Is that going to happen in connection with this bill?

Mr. OVERMAN. When we make 19 new judges we are apt to find 38 members of the Senate voting for them, and that looks a little like pork to me.

Mr. CUMMINS. While I was not in favor of the plan—I was in favor of the plan of appointing two judges in each circuit—the Senator from North Carolina was more influential than anybody else in the committee in changing that plan into something else, although I know that he does not want to add any judges to the already large judicial force.

Mr. OVERMAN. No; and I voted against the bill in the subcommittee and in the committee, taking the ground that it was unwise legislation, unusual legislation, and all wrong, as I expect to show later on the floor of the Senate.

Mr. FLETCHER. Mr. President, I did not frame the bill, and I am dealing with it as I find it. If we pursued the course indicated by the Senator from North Carolina, I would not have any fears about an additional judge for the southern district of Florida, because we have twice passed a bill in the Senate providing for such additional judge.

Mr. OVERMAN. I voted for such a bill twice in the Senate, and it is in the House now, where it sleeps. Instead of passing that bill as they ought to have done they sent to us this pork-barrel bill.

Mr. FLETCHER. They did not reach it. The committee, as I stated before, reported out favorably both bills on different occasions, and they were on the calendar, but the House had to adjourn before they reached that item on the calendar. The House finally did put that provision in the pending bill, and the bill came over to the Senate providing for an additional judge for the southern district of Florida. So that substantially both Houses of Congress have declared in favor of an additional judge for the southern district of Florida, but now the bill comes here and the Senate committee sees fit to strike out the provision for an additional judge for the southern district of Florida, thus reversing the action they had twice before taken—in 1917 and 1919—and then when the House agrees with them they will not agree with the House.

Referring again to the item about the condition in California, the committee proposes to add one judge for that district when they already had two and denies any relief in Florida.

Dividing the number of cases by 3, you will have 393 cases in the southern district of California pending before each judge as against 1,336 cases before the judge in the southern district of Florida.

The situation is somewhat similar in the northern district of California where they already have two judges.

Now, let us consider Arizona. I have heretofore favored the bill that was passed by the Senate providing for an additional judge in Arizona. At that time the separate bill providing for the additional judge for Florida was also passed. Now, Arizona is given an additional judge by the provisions of the pending bill.

Arizona has one district and one judge. There are pending in Arizona:

United States civil cases, 16, as against 250 in southern district of Florida.
Criminal cases, including prohibition, 122, as against 594 in southern district of Florida.
Admiralty cases, 0, as against 165 in southern district of Florida.
All other civil cases, 160, as against 327 in southern district of Florida.
Total cases, 310, as against 1,336 in southern district of Florida.

The committee proposes to give Arizona one more judge and denies to the southern district of Florida any relief.

I submit that there is not an instance or district in this whole table and provided for in this bill that has claims for an additional judge equal in merit to the claims of the southern district of Florida.

And now I come—and I am sorry the Senator from Utah [Mr. KING] is not present—to the only arguments I know of ever having been proposed against the amendment or for any opposition to an additional judge for the southern district of Florida. One is that the northern district of Florida is practically without any congestion, that the business in the northern district of Florida is not even sufficient to occupy the whole time of the judge in that district, and therefore it is argued that the judge in the northern district of Florida ought to be sent down to the southern district of Florida to help out. That has been done from time to time and is being done from time to time. Judges from other districts, from Alabama, for instance, have been sent to the southern district of Florida, but that does not meet the situation.

In the first place, it is no economy to do that, because when a judge goes out of his own district into another district he is allowed $10 a day for his subsistence, and there are other expenses which he is allowed, so that we are not saving any money by sending judges from outside districts into the district where the time required to keep up with the business would be so great as in the southern district of Florida.

The other argument is that we make the whole State of Florida into one district and thereby we would have two judges in the one district. In that case we would have one clerk with an office located somewhere, say in Jacksonville, and he would have 10 different offices, because we have 10 different places for holding court in the two districts, 10 different deputies or assistants, and 10 different officers conducting business throughout the State, with headquarters for all the papers and all the files in the chief office, and that would be very inconvenient to litigants.

Florida is peculiarly situated. From Key West to Tallahassee is just about as far as from Jacksonville to Washington. It is 900 miles from Key West, the extreme southern end of the State, to Pensacola, on the western end of the State. The only way to reach those two extremes is by rail, proceeding from Key West north to Jacksonville and then due west to Pensacola. There is no way of shortening the distance. That would not relieve the situation and it would not be economical. We would not accomplish any relief practically at all by making the whole State into one district and reassigning the judges who are there now in the northern and the southern districts.

It is true that the northern district of Florida has not an overburdensome amount of business, and the judge of that district does help in the southern district and elsewhere throughout the country. He is frequently sent to New York and other States. That practice would continue even if Florida is allowed an additional judge. It would still be necessary to have the help of the judge of the northern district. There is more work in the southern district of Florida than two judges can do, and they would need the assistance of the judge from the northern district for as much time as he could spare if an additional judge is granted.

Right in the face of the previous action of the Senate and the recent action of the House this injustice is proposed to be done the southern district of Florida.

The tables which I have quoted show the rankest discrimination in the proposals of the committee.

No matter what the situation or conditions may be in other States, and let it be understood that I am not criticizing the judgment of the committee with respect to the necessity for additional judges elsewhere, but I am much better informed with reference to the true situation and condition in Florida than the committee, having practiced law there for 30 years before coming to the Senate and being constantly in touch with attorneys and litigants. I say to you, Senators, and in all candor, that it would be a great wrong and an inexcusable blunder for you to refuse to adopt the amendment which I have proposed, providing for an additional judge for the southern district of Florida.

The situation as given in statements to me by those who know and as I have personal knowledge of in the southern district of Florida, and in fact in the entire State of Florida, is peculiar, more peculiar than that of any other State or district in the country, and for that reason its condition can not be compared with that of any other district or State, because there is no other part of the country having a situation or surroundings comparable with Florida.

The shape of the State, its geographical location, its coast line of practically 1,200 miles, and the directions of its lines of transportation all emphasize its peculiarities.

The five largest cities in the State in and around which litigation arises and is tried are: Jacksonville in the northeast corner, Pensacola in the northwest corner, Miami in the southeast corner, Key West at its southern extremity, and Tampa on its west coast. Pensacola is 400 miles west of Jacksonville, Miami is 335 miles south of Jacksonville, and Key West is 500 miles south of Jacksonville. Tampa is more than 200 miles from Jacksonville and 240 miles from Key West by steamer. By the necessary lines of transportation Pensacola is as far from Key West as New York is from Chicago or Tampa is from Washington. Tampa is just 24 hours from Pensacola and Key West is 36 hours from Pensacola.

Florida has a coast line of about 1,200 miles, indented with bays and harbors, most of them shallow, but in which small boats may land, and since the enactment of the prohibition amendment and the Volstead Act it is the mecca of violators of that law. Its proximity to the English isle, and within 40 miles, on the east, of Bemini, and Cuba within 100 miles on the south, offer peculiar inducements of easy access to the United States

by bootleggers, smugglers, and those who wish to violate the immigration laws.

In this connection I call attention to the headlines of a copyrighted article which appeared in the New York Herald and in the Tampa Times of February 13, 1922, showing the tremendous opportunities and the advantage taken of them by violators of the Federal laws. The headlines are:

Is Florida open door to Chinks?
Large scale smuggling of orientals is charged.
Vessels slip in from Cuba.
Tampa and west coast ports places of entry.

Another headline reads:

Five hundred orientals smuggled in, officials say.
Five thousand more wait in Cuba for entrance into United States.

That is one kind of business which does not have to be considered in some other districts. I wish to call attention also to an article from the Miami Herald of March 31, 1922. I will just read from the headlines:

Ten Chinese, shipped from Cuba, seized on cruiser in bay.
Coast Guard cutter, in command of Captain Miller, nips alleged smuggling plot; surprises ship.
Crew of three taken.
Sixty-year-old oriental rolls out of compartment during search for liquor; guns bring others forth.

So there is the immigration problem and also the smuggling problem with which we have to deal in the southern district of Florida. All of these violations and attempts at violations are matters within the sole jurisdiction of the Federal courts. These conditions exist and will continue to exist for years, and make a large and constantly increasing amount of business in the Federal court and are getting more and more burdensome, and some relief must be granted if the business of the courts in Florida, and especially in the southern district, is to be taken care of in any way approximating satisfaction.

The question is how to properly take care of them.

The lawyers practicing in the southern district who have business in the Federal court are practically unanimous in the belief that the only solution is an additional judge for the southern district, and there are many reasons why they are justified in this belief.

In the first place, an important item is the comparative expense to the Government in the handling of the business—whether the Government could more economically handle its business by the assignment or the appointment of an additional judge. If handled through the medium of the assignment of another judge, even from the same State, the expense would be a considerable item and might cost the Government for traveling expenses and per diem approximately the salary of an extra judge.

As the court now sits most of the time in Jacksonville, and only holds stated terms in other places—in Key West twice a year and once a year each in Ocala, Tampa, Fernandina, and Miami—with but one judge, who has in Jacksonville enough to occupy his time and properly feels that unless cases are ready for trial at these stated terms he should get back to Jacksonville as soon as possible, unless criminal cases are promptly ready for trial, and they frequently are not, they are continued, with the resultant expenses to the Government for witness fees, marshal's costs, and other costs incident thereto. This frequently results in either the failure or delay in the Government realizing upon fines which, if cases were promptly tried, would be immediately imposed and collected, but if not properly tried, convictions, on account of the loss of witnesses and other accidents, might not be secured, or if secured afterwards the chances of collecting the fines in money would be largely decreased.

Every time the judge of the northern district, or any other district, would leave the place of his residence to attend court in another part of the State he would, depending on where he went, have to travel from 500 to 1,000 miles. In addition to his transportation, there would be his per diem for expenses, so that, viewing it from an economical standpoint for the Government cases alone, it seems that it would probably be cheaper for the Government to pay the salary of an additional judge than to incur these expenses and run the risks of loss and delays in the trial of criminal cases. Right here it is not inappropriate to say that the enforcement of the Volstead Act and other criminal statutes will be greatly assisted by prompt trials and convictions, and all delays in such matters only make more trouble for the Government.

In addition to a judge coming into this district from his own, he would be expected also to take care of the business in his district; and if the judge of the northern district is selected to do this work, he would, if he properly takes care of his own district, have to make frequent trips there to do so, or he would allow the business in his district to suffer from want of attention, thus duplicating in his district the unsatisfactory expenses and burdensome conditions which exist in this one. With the large and increasing amount of business in the district and the docket so far behind, as it now is, there being about 1,600 cases undisposed of at present, periodical visits of judges can not properly take care of the business.

Mr. OVERMAN. Mr. President, the basis for the argument for the creation of an additional judge in Montana and Arizona was the long distances which it is necessary to travel in those States. I think the record will show that in the district court in Arizona only 131 cases are undisposed of. I am astonished to learn, from what the Senator from Florida has said, of the great distances which must be traveled by the judges in Florida. They seem to be as great as the distances which have to be traveled by judges in Arizona and Montana.

Mr. FLETCHER. The argument in reference to the great distances to be traveled by the judges in those States applies with equal force to Florida; and, in addition to that, the enormous amount of business in Florida is also to be considered.

In addition to the question of economy in handling the business, Congress, among other things, should consider the expense and costs to litigants in civil cases and the expedition of business. Under present conditions, as Florida is a common-law State, and many questions of practice and procedure arise to be determined before a case is at issue, I call this matter especially to the attention of lawyers, because it is one which is very important to be considered, that Florida, being a common-law State, the settlement of the pleadings must be attended to before the trial may be begun, the cost to litigants of having their attorneys reach the judge to settle necessary matters of pleadings is unduly burdensome, as trips by lawyers of 200 to 500 miles for that purpose, with the necessary expenses and compensation for the time taken to make such trips, is now only justified where the amount involved is large; otherwise litigants have to wait for months, until the judge gets to the division where the action is pending, and thousands of dollars of costs to litigants now expended would be saved if there was an additional judge located at some other convenient place in the southern district and the civil business greatly expedited.

It is admitted that the docket in the southern district needs relief, as there are practically 1,600 untried cases; but the mere number of cases does not, without a more intimate knowledge, disclose the true situation. On account of its coast lines and harbors and shipping there is a large amount of admiralty business in the district—much larger in proportion, probably, than most other districts. These cases frequently involve small amounts, and as the judge is required in litigated cases of this character to hear the testimony, it not only takes up a large portion of the time of the court but in small cases, where they are pending away from the residence of the judge, the delays in hearings frequently are such as to amount almost to a denial of justice.

In addition to all this, it is certain that the business in this district in the immediate future will be sufficient to keep two judges occupied. The southern portion of the State is rapidly increasing in population, more so than the western portion, and developing its resources in every way. Large amounts of capital from other States are being invested in enterprises of all kinds. A large portion of the big business of the State is interstate business. Litigation in relation to this goes into the Federal court and most of the nonresidents having litigation seek, if possible, the Federal court as a forum in which to litigate; so, without question, the increase of the business in the southern district is, and will be, rapidly increasing, and such increase will be permanent.

I will refer now to the thought which was in the mind of my good friend from Minnesota [Mr. NELSON]. The suggestion that the entire State of Florida be incorporated into one district, if adopted, would not apparently improve the situation nor meet the conditions. It would not, so far as the judge's expenses are concerned, reduce them in the least, for each judge would be entitled to his transportation and per diem expenses when away from the place of his residence. In addition to this, the handling of the entire business of a State through one clerk's office would seem to be quite impracticable, as the clerk would have to maintain, if he had a deputy at each place of holding court, 10 different deputies with 10 different offices, as I have heretofore stated, who would be scattered across the State, and some of them would be at a distance of about 1,000 miles apart, and it would be very impracticable to put upon one clerk, in addition to the personal duties he would have, the supervision of 10 different deputies with offices so scattered.

The foregoing reasons, showing the cost of the operation of courts in any other way, together with the burdens upon litigants in civil cases, justify the practically unanimous belief of the bar in the southern district that the most economical, expeditious, and satisfactory method of handling the business would

be the appointment of one additional judge in the southern district of Florida. This is a conservative statement of the situation, based on official and reliable information furnished me and my own observation, experience, and knowledge. I submit that the reasons for providing an additional judge for the southern district of Florida are convincing. There can be no answer to the claim.

I will read, in this connection, a letter from a distinguished lawyer, a member of the bar at Jacksonville, which shows the difficulties involved in bringing in a judge from another district. He says:

* * * If the congestion in the courts was attributable alone to accumulation of criminal cases, the 18-judge measure would be a practical means of relief; for the criminal procedure does not materially differ in the several districts, and the judge from Georgia, Alabama, Mississippi, or Louisiana can come into the southern district of Florida and try criminal cases with a reasonable degree of dispatch. But with civil business it is quite a different matter. Much of the civil business in this district is of a maritime nature. You can not make an admiralty lawyer, much less an admiralty judge, in a day or in a week. A judge from one of the interior cities has to feel his way along cautiously and doubts the correctness of his own conclusions, and is indeed fortunate if he comes out right in the end.

When he takes up bankruptcy business he is immediately confronted with a mass of property law of a purely local nature, resting in part in statutes and in part in decisions of the State courts construing the statutes. So when the judge turns to the law side of the court he finds, in addition to a procedure strange to him, the substantive rights of the parties affected by statutes and decisions entirely new to him. Every little question that arises during the trial, that would be turned off by a judge of such experience as Judge Call without conscious effort, but with entire accuracy, gives to a conscientious judge from outside an infinite amount of difficulty and consumes an immense amount of time. Upon the appellate bench the matter is very much simpler because the questions of procedure have been worked out in the lower court. The appellate court is only concerned with the decision of controlling issues, and where that decision turns upon doubtful questions of local law the doubt is ordinarily resolved, as it should be, in favor of the decision of the district judge.

Besides these considerations there are others that appear to be of trifling importance, but that you, as an experienced trial lawyer, will appreciate. The judge's coming is rarely announced for a day certain, and when it is announced for a day certain there is always more or less uncertainty as to just what work the judge will be engaged in. Directly one learns that a judge has been appointed to come into the district from outside, he goes about the giving of the necessary notices of hearing upon matters to be brought before the judge coming into the district only to find that the judge is coming a few days earlier or a few days later, or is to be engaged upon some other task, and by the time he has given another set of notices allowing 5 or 10 days, as the rule requires, he finds at the appointed time that the judge has tired of waiting for something to do and departed.

As you know, there is a great deal of nonresident capital invested in this State, and in addition to the very considerable admiralty and bankruptcy business a great deal of business is brought before the court on account of diversity of citizenship, and the delays in the disposition of business afford a premium to the removal of cases by defendants having that privilege. The population of the State has enormously increased and the business of the Federal courts with it. In addition to the creation of a number of courts of inferior jurisdiction, the staff of circuit judges has been more than doubled within my time, but in the Federal court we have the same staff that has existed from early times.

I doubt if, taken altogether, there is a more capable nisi prius judge than Judge Call to be found in any district court of the United States, but he is utterly unable to keep up with the work, and unless one of the 18 judges to be appointed was designated to spend his entire time in the southern district of Florida there would be no hope of ever getting rid of the congestion that now exists in this district.

Mr. President, I do not know that I can add any more to what I have said. I will point out to the Senate in a moment, however, how the districts in Florida are divided. Let me indicate on the map which Senators will see on the wall, placed here, however, for another purpose.

This is the northern district of Florida, from here to here [indicating on map]. This is the southern district. They might be more appropriately called the eastern and western districts, but they are not so designated. The northern district extends from about this line over here to the western line, with headquarters at Pensacola. Judge Sheppard sits at Pensacola. The southern district is all this portion of the State, with headquarters at Jacksonville. There is where Judge Call holds his chambers and has the headquarters of his court. He sits at Tampa, Ocala, Fernandina, Miami, and Key West; and you will see the distance he has to travel from Jacksonville, for instance, to Key West, or even down here to Miami, or even down here to Tampa. It is impossible to redistrict the State so as to remedy the situation, because if you do, for instance, Tampa, one of the important cities, would have to go in the northern district, and the litigants at Tampa would have to go around here to Pensacola to try their cases, some 600 miles. If you put Jacksonville over there, you would have Pensacola and Jacksonville, two large cities, in the northern district, with all these others in the southern district. The principal cities are Jacksonville, Tampa, Pensacola, Miami, Key West, Orlando, etc. The State can not be redistricted so as to meet the situation, and the whole difficulty calls for another judge for the southern district of Florida. The problem can not be solved in any other way.

EXECUTIVE SESSION.

Mr. CUMMINS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 5, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 4 (legislative day of April 3), 1922.

SECOND ASSISTANT POSTMASTER GENERAL.

Paul Henderson, of Illinois, to be Second Assistant Postmaster General, Post Office Department, vice E. H. Shaughnessy, deceased.

UNITED STATES ATTORNEYS.

Ralph Pringle, of Iowa, to be United States attorney, southern district of Iowa, vice Edwin C. Moon, resigned.

Philip H. Mecom, of Louisiana, to be United States attorney, western district of Louisiana, vice Hugh C. Fisher, resigned. (Mr. Mecom is now serving as United States attorney under appointment by court.)

J. D. Ernest Meyer, of South Carolina, to be United States attorney, eastern district of South Carolina, vice Francis H. Weston, term expired.

UNITED STATES MARSHALS.

Samuel J. Leaphart, of South Carolina, to be United States marshal, eastern district of South Carolina, vice James L. Sims, term expired.

Siegel Workman, of West Virginia, to be United States marshal, southern district of West Virginia, vice William Osborne, whose term expires April 6, 1922.

SURVEYOR GENERAL OF NEW MEXICO.

Manuel A. Sanchez, of New Mexico, to be surveyor general of New Mexico, vice Lucius Dills, term expired.

POSTMASTERS.

ALABAMA.

William E. Crawford to be postmaster at Decatur, Ala., in place of W. E. Crawford. Incumbent's commission expired January 24, 1922.

Kate B. Quillin to be postmaster at Clayton, Ala., in place of J. K. Quillin. Incumbent's commission expired January 24, 1922.

CALIFORNIA.

John K. Harries to be postmaster at Imola, Calif. Office became presidential January 1, 1922.

Elmer S. Slade to be postmaster at Calipatria, Calif., in place of E. S. Slade. Incumbent's commission expired March 8, 1922.

COLORADO.

Hugh L. Large to be postmaster at Longmont, Colo., in place of T. T. Donovan. Incumbent's commission expired January 24, 1922.

CONNECTICUT.

William P. Gourlie to be postmaster at Thompsonville, Conn., in place of J. T. Murray. Incumbent's commission expired January 24, 1922.

Oliver F. Toop to be postmaster at South Manchester, Conn., in place of T. J. Quish. Incumbent's commission expired January 24, 1922.

FLORIDA.

Leland M. Chubb to be postmaster at Winter Park, Fla., in place of G. N. Denning. Incumbent's commission expired January 31, 1922.

GEORGIA.

William E. Fitts to be postmaster at Rocky Ford, Ga. Office became presidential January 1, 1920.

HAWAII.

Frank Cox to be postmaster at Waimea, Hawaii. Office became presidential October 1, 1920.

IDAHO.

Joseph Morley to be postmaster at Idaho Falls, Idaho, in place of W. J. Coltman. Incumbent's commission expired January 24, 1922.

ILLINOIS.

George H. Townsend to be postmaster at Onargo, Ill., in place of W. R. Lovett. Incumbent's commission expired February 4, 1922.

Harlo F. Selby to be postmaster at Golden, Ill., in place of R. E. Downing. Incumbent's commission expired February 4, 1922.

Robert A. Blackmon to be postmaster at Lacon, Ill., in place of C. F. Buck. Incumbent's commission expired February 4, 1922.

William T. Robinson to be postmaster at Kenilworth, Ill., in place of W. T. Robinson. Incumbent's commission expired September 24, 1921.

Joshua L. Saylor to be postmaster at Glasford, Ill., in place of G. E. Tolle, resigned.

Frank Reed to be postmaster at Taylorville, Ill., in place of T. J. Cunningham. Incumbent's commission expired August 7, 1921.

Homer F. Kelly to be postmaster at Roseville, Ill., in place of M. S. Yoho. Incumbent's commission expired February 4, 1922.

William R. Buckler to be postmaster at Brockton, Ill., in place of S. D. Metcalfe. Incumbent's commission expired February 4, 1922.

INDIANA.

Sylvester C. Boyers to be postmaster at Freedom, Ind. Office became presidential July 1, 1921.

Flo Wilson to be postmaster at Universal, Ind. Office became presidential April 1, 1921.

Laura B. Kantz to be postmaster at Bristol, Ind., in place of A. E. Menges, deceased.

IOWA.

Frank Popper, jr., to be postmaster at Clutier, Iowa. Office became presidential October 1, 1920.

Harold A. Marmon to be postmaster at Mitchellville, Iowa, in place of C. L. Henney, resigned.

KANSAS.

George W. Butler to be postmaster at Morland, Kans. Office became presidential October 1, 1920.

Floyd B. Martin to be postmaster at Lane, Kans. Office became presidential January 1, 1921.

Minnie C. True to be postmaster at Pittsburg, Kans., in place of L. W. Johnson, resigned.

Emma V. Coerber to be postmaster at Lakin, Kans., in place of V. V. Goeden, resigned.

Elva M. Woodward to be postmaster at Haviland, Kans., in place of W. A. Corrigan. Incumbent's commission expired February 4, 1922.

William F. Greer to be postmaster at St. Francis, Kans., in place of Josiah Crosby, resigned.

Henry Washburn to be postmaster at Mulberry, Kans., in place of N. E. Bevans, removed.

Laura Kesler to be postmaster at Edna, Kans., in place of R. A. Watt. Incumbent's commission expired February 4, 1922.

KENTUCKY.

David B. Ramey to be postmaster at Praise, Ky. Office became presidential October 1, 1920.

Robert H. Ledford to be postmaster at Paint Lick, Ky. Office became presidential October 1, 1920.

William J. Manby to be postmaster at La Grange, Ky., in place of G. S. Morris, resigned.

LOUISIANA.

Joseph A. Richard to be postmaster at Hammond, La., in place of M. C. Wilson. Incumbent's commission expired January 31, 1922.

MARYLAND.

Charles W. Foxwell to be postmaster at Leonardtown, Md., in place of J. R. Duke. Incumbent's commission expired January 24, 1922.

MASSACHUSETTS.

Sara H. Jones to be postmaster at West Barnstable, Mass. Office became presidential January 1, 1922.

MICHIGAN.

Fred J. Smith to be postmaster at Pickford, Mich., in place of William Beacom. Office became presidential March 16, 1921.

Harvey Tewksbury to be postmaster at Kingston, Mich., in place of N. H. Burns. Incumbent's commission expired March 16, 1921.

James R. Dean to be postmaster at Boyne City, Mich., in place of W. J. Lewis. Incumbent's commission expired January 24, 1922.

Charles P. Neumann to be postmaster at Rochester, Mich., in place of R. D. Watson. Incumbent's commission expired January 24, 1922.

MINNESOTA.

William Guenther to be postmaster at Hokah, Minn. Office became presidential January 1, 1922.

MISSISSIPPI.

Thomas E. Walton to be postmaster at Natchez, Miss., in place of W. D. Deterly. Incumbent's commission expired June 30, 1920.

Samuel W. Pendarvis to be postmaster at Magnolia, Miss., in place of S. W. Pendarvis. Incumbent's commission expired July 21, 1921.

Sidney M. Jordan to be postmaster at Louisville, Miss., in place of J. O. Bennett. Incumbent's commission expired June 29, 1920.

MISSOURI.

Elam J. Nienstedt to be postmaster at Blodgett, Mo. Office became presidential April 1, 1921.

Lena B. Porter to be postmaster at Novelty, Mo. Office became presidential April 1, 1921.

Lavinia B. Jones to be postmaster at Pilot Grove, Mo., in place of R. S. Harriman. Incumbent's commission expired February 19, 1922.

Charles T. Lease to be postmaster at Forest City, Mo., in place of N. H. Cook. Incumbent's commission expired January 24, 1922.

Mayme E. Prather to be postmaster at Advance, Mo., in place of E. L. Potter, resigned.

Robert E. Ward to be postmaster at Liberty, Mo., in place of O. P. Gentry, deceased.

MONTANA.

John C. Bebb to be postmaster at Lewiston, Mont., in place of Grant Robinson, resigned.

Mary J. Tasa to be postmaster at Flaxville, Mont., in place of F. T. Tasa. Incumbent's commission expired February 5, 1922.

Ernest M. Goodell to be postmaster at Dutton, Mont., in place of W. M. Eaman. Incumbent's commission expired March 16, 1921.

Clarence R. Miller to be postmaster at Circle, Mont., in place of C. R. Miller. Incumbent's commission expired March 8, 1922.

NEBRASKA.

Clarence Rosecrans to be postmaster at Odell, Nebr., in place of J. S. Callan. Incumbent's commission expired February 4, 1922.

Owen N. Clark to be postmaster at Beaver Crossing, Nebr., in place of G. W. Norris. Incumbent's commission expired February 4, 1922.

Alvin O. Jones to be postmaster at Adams, Nebr., in place of I. T. Merchant. Incumbent's commission expired February 4, 1922.

NEW JERSEY.

Edith Vaughn to be postmaster at Smithville, N. J. Office became presidential April 1, 1921.

NEW MEXICO.

Callie L. Beagle to be postmaster at Magdalena, N. Mex., in place of R. J. Lentz. Incumbent's commission expired March 8, 1922.

Luciano R. Baca to be postmaster at Las Vegas, N. Mex., in place of Susano Ortiz. Incumbent's commission expired January 24, 1922.

NEW YORK.

Earl B. Templer to be postmaster at Valley Falls, N. Y., in place of M. A. Sweeney, resigned.

Leonard C. Palmer to be postmaster at Elizabethtown, N. Y., in place of G. L. Brown, resigned.

Edward H. Maloney to be postmaster at Dansville, N. Y., in place of G. L. Krein. Incumbent's commission expired January 24, 1922.

Ernest B. Dye to be postmaster at Hinckley, N. Y. Office became presidential July 1, 1921.

Stella Hackett to be postmaster at Central Park, N. Y. Office became presidential January 1, 1921.

Clarence J. Weyant to be postmaster at Fort Montgomery, N. Y. Office became presidential January 1, 1922.

George M. Grant to be postmaster at Parksville, N. Y., in place of W. J. Wagner. Incumbent's commission expired December 20, 1920.

George S. Peterson to be postmaster at La Salle, N. Y., in place of E. H. Schmeck. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

Annie L. Fisher to be postmaster at Battleboro, N. C. Office became presidential July 1, 1920.

OHIO.

Reed Wilson to be postmaster at Pleasant City, Ohio, in place of C. O. Flanagan. Incumbent's commission expired January 31, 1922.

Peter Weishaupt to be postmaster at Lynchburg, Ohio, in place of C. G. Stroup. Incumbent's commission expired January 31, 1922.

John R. Miller to be postmaster at Franklin, Ohio, in place of A. L. McCarthy. Incumbent's commission expired July 21, 1921.

John W. Swing to be postmaster at Bethel, Ohio, in place of J. M. Fitzpatrick. Incumbent's commission expired January 31, 1922.

George W. Smith to be postmaster at Wheelersburg, Ohio. Office became presidential April 1, 1921.

Ethel Shoemaker to be postmaster at Mount Blanchard, Ohio. Office became presidential April 1, 1921.

Jesse A. Hayes to be postmaster at Stockport, Ohio, in place of E. D. Humphrey. Office became presidential January 31, 1922.

Marold J. Taylor to be postmaster at Marengo, Ohio, in place of J. L. Wilson. Incumbent's commission expired December 20, 1920.

James K. Fulks to be postmaster at Ada, Ohio, in place of S. D. Hazlett, resigned.

OKLAHOMA.

Thomas L. Ogilvie to be postmaster at Forgan, Okla., in place of J. W. Mills. Incumbent's commission expired April 19, 1921.

George W. J. Perry to be postmaster at Boley, Okla., in place of C. F. Simmons, removed.

OREGON.

Henry Scott to be postmaster at Jordan Valley, Oreg. Office became presidential October 1, 1919.

Curtis C. Heidrich to be postmaster at Chiloquin, Oreg. Office became presidential October 1, 1921.

PENNSYLVANIA.

George F. Klinefelter to be postmaster at Shrewsbury, Pa. Office became presidential January 1, 1921.

Horace H. Hammer to be postmaster at Reading, Pa., in place of C. N. Seitzinger. Incumbent's commission expired February 4, 1922.

W. Winston Davis to be postmaster at Johnstown, Pa., in place of W. H. Strauss. Incumbent's commission expired August 7, 1921.

Charles E. Ehrhart to be postmaster at Dallastown, Pa., in place of J. W. Taylor. Incumbent's commission expired February 5, 1922.

RHODE ISLAND.

George W. Jenckes to be postmaster at Slatersville, R. I. Office became presidential October 1, 1920.

Frederick Baldwin to be postmaster at Mapleville, R. I. Office became presidential October 1, 1920.

SOUTH CAROLINA.

May A. Peake to be postmaster at Union, S. C., in place of B. B. James, resigned.

Clifton O. Crosby to be postmaster at Walterboro, S. C., in place of R. R. Miley, resigned.

SOUTH DAKOTA.

Ira D. Winter to be postmaster at Wall, S. Dak. Office became presidential January 1, 1920.

Alice S. Esget to be postmaster at Lily, S. Dak. Office became presidential April 1, 1921.

Charles H. McCrossen to be postmaster at Ashton, S. Dak., in place of C. H. McCrossen. Incumbent's commission expired January 31, 1922.

TENNESSEE.

Grant L. Landiss to be postmaster at Cumberland City, Tenn., in place of A. L. Bilbrey. Incumbent's commission expired August 1, 1921.

Christine M. Meister to be postmaster at Loretto, Tenn. Office became presidential January 1, 1921.

TEXAS.

Joe E. Williams to be postmaster at Hamilton, Tex., in place of W. B. Claunch. Incumbent's commission expired May 7, 1921.

Bessie F. Hefley to be postmaster at Cameron, Tex., in place of E. F. English, resigned.

UTAH.

Victor A. Neilson to be postmaster at Magna, Utah, in place of Clyde Panter, resigned.

Reid H. Gardner to be postmaster at Lehi, Utah, in place of Joseph Anderson. Incumbent's commission expired January 24, 1922.

VIRGINIA.

George H. Clark to be postmaster at Crockett, Va. Office became presidential January 1, 1921.

WASHINGTON.

Arthur H. Eldredge to be postmaster at Colfax, Wash., in place of C. F. Bensel. Incumbent's commission expired January 5, 1920.

WEST VIRGINIA.

Fred A. McFarlin to be postmaster at Adamston, W. Va. Office became presidential July 1, 1920.

WISCONSIN.

Blanche Delany to be postmaster at Sinsinawa, Wis. Office became presidential July 1, 1920.

William Abendschein to be postmaster at White Lake, Wis. Office became presidential July 1, 1920.

Ernest L. Messer to be postmaster at Unity, Wis. Office became presidential July 1, 1920.

Carrie B. Carter to be postmaster at Lyndon Station, Wis. Office became presidential October 1, 1920.

Albert F. Hahn to be postmaster at Humbird, Wis. Office became presidential January 1, 1920.

Jacob Johnson to be postmaster at Curtiss, Wis. Office became presidential January 1, 1921.

Elmer Carlson to be postmaster at Brantwood, Wis. Office became presidential January 1, 1922.

George E. Grob to be postmaster at Auburndale, Wis. Office became presidential July 1, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 4 (legislative day of April 3), 1922.

UNITED STATES MARSHAL.

Edgar C. Snyder to be United States marshal, District of Columbia.

PUBLIC HEALTH SERVICE.

Marion F. Haralson to be passed assistant surgeon.
John F. Mahoney to be passed assistant surgeon.

POSTMASTERS.

ALABAMA.

William E. Crawford, Decatur.

ARIZONA.

Mary E. Brown, Parker.

CALIFORNIA.

William F. Knight, Pasadena.

CONNECTICUT.

Oliver M. Bristol, Durham.

GEORGIA.

James P. Rose, Lyerly.
Wilson S. Williams, Woodbury.

KANSAS.

Clarence L. Gray, Luray.
Elizabeth Simpson, Medicine Lodge.
Byram L. Sams, Offerle.
John M. Cable, Toronto.

MARYLAND.

Peter G. Cowden, Cumberland.

MISSOURI.

Archie C. Atterberry, Atlanta.
John W. Smith, Browning.

NORTH CAROLINA.

Howard M. Bullard, Chadbourn.
Jefferson D. Whitehead, jr., Enfield.
John J. Buffaloe, Jackson.
Vance Thompson, Vineland.

OHIO.

Edward Brichta, Glendale.
Frank A. Hawkins, West Farmington.

OKLAHOMA.

George A. Strouse, Billings.
Blanche Probus, Dacoma.
William A. Geren, Wetumka.

PENNSYLVANIA.

Julia A. Ernst, Beavertown.
Nellie G. Kendig, Glenfield.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 4, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Gracious Lord, receive our offering of gratitude and grant unto us the blessing of Thy presence. Let Thy light shine forth, Thy power give strength, and Thy love bestow the mercy of forgiveness. O may Thy truth be wrought into human laws, into human institutions, and into human hearts. Spirit Divine, be with us to give us wisdom, to lighten the tasks, and direct the way. Establish our people in the ways of Thy commandments and be over our country like a happy summer time, giving promise of newer life and blessing to all. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE.

Mr. HUSTED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11065, making appropriations for the Departments of State and Justice and for the judiciary; and while that motion is pending I would be glad to come to an agreement as to the time for general debate.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman from New York [Mr. HUSTED] and myself have already had some discussion about the time, and the House being willing we have agreed upon 2 hours and 15 minutes on a side.

Mr. HUSTED. Mr. Speaker, I ask unanimous consent that the time of the general debate on this measure be limited to four and one-half hours, one-half of that time to be under the control of the gentleman from Kentucky [Mr. JOHNSON] and one-half under the control of myself.

The SPEAKER. The gentleman from New York asks unanimous consent that the general debate on the pending bill be limited to four and one-half hours, one half to be controlled by himself and the other half by the gentleman from Kentucky [Mr. JOHNSON]. Is there objection?

There was no objection.

The motion of Mr. HUSTED was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, with Mr. DOWELL in the chair.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HUSTED. Mr. Chairman, we are presenting to-day for the consideration of the Committee of the Whole a bill which is intended to cover, and which we believe does cover, all of the regular annual appropriations for the Department of State, including the entire foreign service, and also the appropriations for the Department of Justice, including the entire judicial system. It is really two appropriation bills in one, and so far as the House is concerned it is a new bill, in the sense that these items have never before been brought together under one cover. They have been taken from the diplomatic and consular bill; the legislative, executive, and judicial bill; and the sundry civil bill. The items have been arranged under the plan recommended by the President in the alternative budget. They have been very conveniently arranged. For example, take the part of the bill covering the State Department. First, we have all the items of appropriations relating to the State Department proper; next, all relating to the Diplomatic Service and then to the Consular Service; then to the various international boards and bodies which our Government partly supports, and finally to miscellaneous items. The advantages of this bill and of this arrangement are obvious from the legislative standpoint; they not only make for convenience but they make for economy. Heretofore when these items appeared in different measures it was impossible to get a real picture of the whole situation, and therefore extremely difficult to get balanced legislation. Now you can see all the activities of each department in their relations one to the other, so that you can make a proper estimate of the situation.

The State Department and the Department of Justice have grown tremendously during recent years. Take the State Department, for example: I think in 1895 the total appropriations were about $1,500,000. During the war they rose to something like $30,000,000, and now they stand at about $8,000,000.

The appropriations to-day are about twice as large as they were when we entered the war. So far as the State Department is concerned, that is partly due to a policy of expansion whereby the personnel of the department has been increased, particularly in the Diplomatic and Consular Service. It is also due to the increase of salaries, and to the increase of rents of our consulates and missions abroad, and to the increase of every kind of expense which the State Department incurs.

The increase in expenditures of the State Department is also due to additional activities which were not in existence before the war, particularly the viséing of passports, which work has cast upon our consulates a very heavy burden, indeed.

I suppose it will never be possible to get back to a pre-war basis; but the subcommittee felt that we should rather discourage the present policy of expansion and reduce just as much as was consistent with the maintenance of the activities of the State Department, at the most useful point of efficiency.

With respect to the Department of Justice the situation is somewhat different. In that department there has been no policy of expansion, but the business of the Department of Justice has increased tremendously on account of the war. For example, there are pending to-day in the State Department cases involving nearly $1,000,000,000. Those are claims actually in suit. In addition to that there are claims in suit in which the amount has not been determined, and they will probably come to at least a quarter of a billion dollars more. Those are civil cases alone.

About 60 per cent of all of our expenditures for the Department of Justice go into criminal business and only 40 per cent into civil business. The criminal business has increased tremendously, and it is a remarkable fact that while to-day crime in the States seems to be slightly on the decline, as shown by the records of the State courts, Federal crimes are upon the increase, and progressively so—that is, they are not only higher this year than they were last year, but each month the total number of crimes seems to be growing.

So when the subcommittee came to consider the question of reduction they had to consider questions of policy as well as questions of national need. In the State Department they had to consider the question of policy to a certain extent as well as the question of need. In the Department of Justice they had to consider solely the question of national needs.

As to the reductions effected, the appropriations recommended by this bill are about $7,500,000 less than the appropriations for the current year, and they are about $2,500,000 less than the estimates for the next fiscal year. You must not assume from that statement that the reductions in the estimates for the next fiscal year submitted by the department as compared with the appropriations for the current fiscal year are entirely due to retrenchment upon the part of the departments.

They are due partly to the fact that in the appropriations for the present year we carry in the State Department bill an item of $5,000,000 for Panama and an item of $1,000,000 for the international exposition at Rio de Janeiro and an item of $200,000 for the Limitation of Arms Conference. After you eliminate these extraordinary expenditures from the appropriations for the current year you will find that the estimates made by the departments for the next fiscal year are greater in amount than all the other appropriations for the current year. But the subcommittee has reduced these estimates by $2,500,000—$1,100,000 in the State Department and about $1,500,000 in the Department of Justice—and yet the reductions in the Department of State are greater in proportion than they are in the Department of Justice, because the appropriations for the Department of Justice are much greater than for the Department of State. The appropriations for the Department of Justice are about $18,000,000, whereas the appropriations for the Department of State are in the neighborhood of $8,000,000.

I want to call attention to the fact that these departments are partly self-sustaining. In the year 1921 the revenues of the Department of State were more than a million dollars in excess of all their expenditures. At the present time they are somewhat less on account of the enactment of the 3 per cent immigration law; but still at the present time I believe the income of the Department of State is equal to the cost of our entire foreign service.

The revenues of the Department of Justice are about one-third of the total expenditures of the department, and these revenues come from collections on judgments and from fines. It is the statement of the Attorney General that if we would grant him

money enough to keep the investigations up to date, and keep the business of the department up to date, that the recoveries in fines would more than cover the additional amount of money which the department asked for. The subcommittee went very carefully into the detailed estimates, and while I do not want to say that these detailed estimates were made up as a mere matter of guesswork, still we found that they were very unsatisfactory and that we could not depend on them as a basis for recommending appropriations. We found, for example, in examining the detailed estimates that estimates which should have traveled together, when there was a general increase, did not bear any relation to each other. For instance, items of travel and subsistence, which should bear almost exact relation to each other, were sometimes in a relation of 5 to 1. In many cases we asked for reestimates, and the reestimates bore no relation, or no very close relation, to the original estimates which the department made. So in making up our recommendations for the next fiscal year we did not rely so much upon the detailed estimates for the year 1922, or for the next fiscal year, as we did on the actual expenditures in the year 1921. We took them as our basis because that was the last year in which complete details had been furnished.

Mr. BLANTON. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. BLANTON. The gentleman's committee is an appropriating committee, and is authorized to appropriate only for those things which legislative committees make in order by law?

Mr. HUSTED. The gentleman is quite correct.

Mr. BLANTON. The gentleman speaks of spending more money than we did during the war. If that is true, why did the gentleman's committee time after time place in this bill matters wholly unauthorized by law?

Mr. HUSTED. The gentleman did not understand me correctly if he understood me to say that we were appropriating more money in either one of the departments than we did during the war. They are less than they were during the war.

Mr. BLANTON. It is the intention of the gentleman's committee to save as much as he can within the law.

Mr. HUSTED. Within the law.

Mr. BLANTON. The gentleman has not answered my question why he put in these things which are legislation pure and simple.

Mr. HUSTED. There is absolutely no new legislation in this bill, or appropriations unauthorized by law, which does not decrease the expenditures of the Government, except in the case of some legislation which is current law, which is in the present appropriation bill, and which has been carried for years. There is no other legislation of any kind in the bill.

Mr. BLANTON. When the time comes I shall call the gentleman's attention to numerous items of legislation.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. TOWNER. What about the items that were omitted, which caused the present appropriation for the next fiscal year to be $6,000,000 less than the present fiscal year?

Mr. HUSTED. It is seven and a half million dollars less than the actual appropriations for this year. The principal items are the $5,000,000 for the payment to Colombia under the treaty agreement, and $1,000,000 for the international exposition at Rio de Janeiro, and $200,000 for the Limitation of Arms Conference. I would say to the gentleman from Texas that there are no salary increases carried in this bill, that there are no new statutory positions created, and that there is no new legislation which is new to this bill which is not current law, which has not been carried in other appropriation bills, which does not reduce the expenditures of the Government. The principal items of new legislation are three. There is one reducing the salaries of the officers of the courts in the Hawaiian Islands.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. BLANTON. I point out one matter that is clearly legislation. Take, for instance, page 16, where appears the appropriation of $100,000 for the Pan American Union. The gentleman knows full well that under the law the life of that legislation extended over a period of only 10 years. The 10-year period elapsed two years ago. This is the beginning of the thirteenth year since the passage of the act. There is absolutely no legislation whatever for any dollar of this hundred thousand dollars.

Mr. HUSTED. I do not know that quite well.

Mr. BLANTON. I presumed that the gentleman was familiar with the act.

Mr. HUSTED. I am quite familiar with the situation. In fact, it is not an act at all; it is a resolution adopted by the Pan American conference, and that resolution provided for adherence by the members for a period of 10 years; but there is another provision in the resolution that membership may be terminated upon two years' notice, and it has not yet been determined to my satisfaction whether that two years' notice must be given within the 10-year period or at any time after the 10-year period has expired.

Mr. BLANTON. Does the gentleman happen to know that out of the hundred thousand dollars the employees of this Government in this particular department are using a part of that money to pay the premiums for insuring their own lives?

Mr. HUSTED. Yes; I am quite well aware of that.

Mr. BLANTON. And the gentleman is in favor of furnishing to our employees their life insurance?

Mr. HUSTED. I assume that that matter will be fully debated later on. That is my understanding. One of the principal items of new legislation is that decreasing the salaries of the Territorial court in the Hawaiian Islands. Under what was known as the Hawaiian homes commission act, which passed this House some few years ago, the salaries of all of these court officials were substantially increased. The Department of Justice notified the subcommittee that they had known nothing about it at the time, that the bill had never been submitted to them, and the title did not disclose the fact that these increases were to be made. It is the understanding of the subcommittee that very few Members of the House were aware of the fact that that bill increased the salaries to the extent to which it did. The Department of Justice also said that they would not have recommended those increases, and that the increases are not deserved, so that this bill carries legislation bringing those salaries back to the basis upon which they stood when the Hawaiian homes commission act was first passed. If any increases are deserved, let them come in here in the proper way, submit their case properly, and have those questions passed on by the House. They were not debated by the House at the time, as I understand it, when the bill went through.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CRAMTON. I am glad to hear the statement of the gentleman, because of similar action with reference to the governor and some other officials in Hawaii. I have made some investigation, and I can say that there was no mention whatever on the floor of the House or the Senate of the fact that there was any increase.

Mr. HUSTED. That is my understanding and that is the understanding on which the subcommittee acted. Another item of legislation is one relating to the provisions of law for the care of stranded American seamen in foreign ports. This is a very desirable piece of legislation, but the Comptroller General has recently rendered a decision that our consuls can not bargain with the masters of vessels for the transportation to the United States of these stranded American seamen at less than the rate fixed by law, which is, I think, about 2 cents a mile. We have introduced legislation under which our consuls may bargain in the future as they have in the past with the masters of vessels for the conveyance of these stranded American seamen back to American ports at less than the statutory rate.

The third item is one in relation to the clerks of the United States circuit courts. The clerks of the United States circuit courts are paid a salary of $4,500 each, and in addition to that $500 out of the fees of the clerk's office go into their own pockets. These clerks also pay the expenses of their offices out of the fees, and fix the salaries of their subordinates, subject only to the approval of the presiding justice. There was no reason which appealed to the subcommittee as a good reason why these clerks should be carried on any different basis than the clerks of the district courts. The clerks of the district courts get their salaries and the fees are covered into the Treasury, and we have introduced legislation providing that the clerks of the United States circuit courts shall get their salaries and that the fees shall go into the Treasury of the United States. Upon the basis of business being conducted at the present time, and under ordinary good management, this will mean a net saving to the United States Government of from $30,000 to $45,000 a year.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CAMPBELL of Kansas. Did the subcommittee take up the question of increasing the salaries of the deputy clerks of the United States district courts?

Mr. HUSTED. That was considered, but no action was taken upon it.

Mr. CAMPBELL of Kansas. The deputy clerks are working at a very low rate of pay.

Mr. HUSTED. We considered that as a legislative matter which did not come within our jurisdiction.

Mr. MANN. Will the gentleman yield for a question?

Mr. HUSTED. Certainly.

Mr. MANN. The gentleman was a member of the Committee on the Judiciary when Congress passed a bill fixing the salaries of the district clerks. Does the gentleman remember whether the matter of the circuit court clerks was considered at that time or not?

Mr. HUSTED. I do not want to be sure about it, but my recollection is that it was not considered.

There are no particular high spots in this bill, and there are very few controversial matters. But there are some items which should be discussed more fully, probably, than others, and I will touch briefly upon those in this general debate.

One is what is known as the emergency appropriation in the State Department. That is the appropriation for secret diplomatic work—for secret diplomacy. Before the war that stood at $75,000. During the war it went up as high as $600,000. In 1921 it was brought to $400,000; in 1922, in the bill of which the gentleman from Massachusetts [Mr. ROGERS] was in charge, it was reduced to $200,000, and we have further reduced it to $100,000, a sum which we consider fully adequate, especially under the testimony of the State Department officials themselves that very little of this money was expended for any purpose which could not properly be made public. As a matter of fact, this fund has been used as a reservoir upon which the department has drawn to fill wants in other appropriations.

Mr. HUDSPETH. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. HUDSPETH. I see in the International Boundary Commission of the United States and Mexico——

Mr. HUSTED. I will touch upon that in just a minute.

Mr. HUDSPETH. There is no provision here for the salary of commissioner. I want to ask my friend why?

Mr. HUSTED. I was going to take that up in just a moment and I will explain it fully. There is no need of a commissioner at the present time.

Mr. HUDSPETH. Who will do the work?

Mr. HUSTED. The work that is necessary will be done by an engineer, and all that is needed is an engineer to make survey and water gaugers to measure the water. All that is necessary to be done, all that can be done, is to preserve the data until such time as international relations with Mexico are resumed, when a commission can be reconstituted which can function, and some definite action be taken. We can do nothing now of substantial character except to preserve the data.

Mr. HUDSPETH. The gentleman has information, I suppose, that the river is changing and that land is in Mexico to-day that was in Texas yesterday. It is necessary to have a survey on that account.

Mr. HUSTED. I am advised of that, and we have made an appropriation to do all the work needed.

Mr. DUNBAR. The gentleman spoke of resuming international relations with Mexico. Can he inform the committee when these relations will be resumed?

Mr. HUSTED. No, sir. Our committee is an appropriation committee and we have not anything to do with that in this bill.

Mr. BLANTON. I did not want the gentleman to misunderstand me and think that I asserted that the department is spending more money now than during the war. What I meant was that the department was spending more money than they did before the war, and I call attention to the fact that the appropriations for the coming fiscal year will be more for these departmental appropriations than for the year 1916.

Mr. HUSTED. I will say to the gentleman that our sole purpose is to effect all the reduction possible without injury to some useful activity. We have gone just as far as we thought we could go safely. In many cases we have cut to the bone. I think in one or two instances we have cut appropriations further than circumstances justified, and I will say this, that there is no item of appropriation where we did not bring it down to an amount which we thought barely enough to cover the actual necessities of the Government at the present time.

Mr. EVANS. Is there any activity provided, either in the Department of Justice or the Department of State, where the conditions are exactly the same as they were in 1916, where there has been an increase in the expenditure?

Mr. HUSTED. Of course, it is obvious that there are not.

Mr. WINGO. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. WINGO. What provision, if any, is in the bill in reference to an item in which the gentleman knows I have been interested, namely, the funds sufficient to supply United States district attorneys where some of them do not have United States Supreme Court reports?

Mr. HUSTED. The committee made some provision for that.

Mr. WINGO. I find on page 42 that you provide for the purchase and rebinding of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, and so forth, and appropriate the sum of $20,000, of which not to exceed 10 per cent, in the discretion of the Attorney General, may be used for the purchase of United States Reports and the Federal Reporter. Does the gentleman think that will be sufficient?

Mr. HUSTED. I would say frankly to the gentleman that there are so many items in the bill that I can not carry all the details in my head, but I do recollect distinctly, and I will be glad later on to give the gentleman full information, that we did consider this matter and made some provision for it, such as we thought under the present régime of economy was sufficient to tide them over.

Mr. WINGO. The gentleman will recall that the Department of Justice has seemed to have no particular interest in these district attorneys.

Mr. HUSTED. I will say to the gentleman, if he will permit me to interrupt him, that the Department of Justice has this year evinced a very great interest in them and made a plea for them.

Mr. WINGO. That stricture really applies to former heads of the department. I was asking the gentleman whether or not that has really been taken care of.

Mr. HUSTED. Later on I will be able to furnish the gentleman full details about it, but I am not ready to give him all of the information that he would like yet. I will be able later to give him a detailed statement about it.

Mr. BURTON. Mr. Chairman, will the gentleman yield for a question?

Mr. HUSTED. Very gladly.

Mr. BURTON. On page 3, among reductions, the following are listed: "Clerks at embassies and legations, $94,828." Is that reduction due to a diminished number of employees or to diminished salaries? The same question would apply to the Consular Service, in which there is a proposed reduction of $100,000.

Mr. HUSTED. Well, that is partly a reduction in expenses, chiefly a reduction, I think, in expenses.

Mr. BURTON. This is under the head of salaries.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, I think I can answer that question.

Mr. HUSTED. It is a reduction in the lump sum, made up of both salaries and expenses.

Mr. ROGERS. It is a reduction, if the gentleman will permit, below the estimates; but it is no reduction below the sums available under the current law for 1922.

Mr. HUSTED. I will say to the gentleman from Ohio that we have been very careful to protect the Diplomatic and Consular Service, and particularly the Consular Service, and not to cut it below an amount sufficient to enable it to do all that it ought to do. Of course there is bound to be some reduction. Of course it is a question of policy as to how far we shall permit the Consular Service and the Diplomatic Service to remain expanded. They expanded tremendously during the war, and we feel they ought to get back a little toward the pre-war basis.

Mr. MANN. If the gentleman will permit, the salaries of consuls are fixed by law.

Mr. BURTON. Yes. Are the salaries at embassies and legations fixed by law?

Mr. HUSTED. The salaries of ambassadors, ministers, and consuls and, within certain limits, the salaries of secretaries in the Diplomatic Service are fixed by law.

Mr. BURTON. There have been no salary decreases in the Consular Service?

Mr. HUSTED. There have been many salary increases, so that there are more clerks in the higher salary ranges than there were a few years ago.

Mr. BURTON. Some of them could be discontinued?

Mr. HUSTED. There is no reduction below the current law. There is no reduction below the amount carried in the Diplomatic and Consular bill for the current year. These reductions are below the estimates made by the department for the next fiscal year.

Mr. BURTON. Then is this the case, that the estimates transmitted contemplated an increase in the number of consular officers?

Mr. HUSTED. Oh, they contemplate a very substantial increase for expense account, and for additional clerks, and for one thing and another.

Mr. BURTON. What I was especially calling attention to was the salaries in the Consular Service.

Mr. HUSTED. They are not affected at all.

Mr. BURTON. But the reduction of $100,000 must mean a decrease in the number.

Mr. HUSTED. The reduction is below the estimates for salaries and expenses, not below the current law. It does not reduce the present personnel, but it does prevent the increases which the department would like to make.

Mr. BURTON. In other words, the department recommended an increase in the number of consular officers. The committee did not think it best to agree to that increase?

Mr. HUSTED. We did not, because we thought reductions could be effected sufficiently to take care of any additional need. Of course, if we get into Russia we will need more consulates there, but so far as Germany and the Central Powers were concerned, while we withdrew from Germany and withdrew from Austria, the consular officers were not dismissed. They were *still* carried on the rolls and spread around here and there; and when we go back into Germany, as we have done now, and into Austria, we can use the men who are still on the list.

Mr. BURTON. They have been carried on the roll?

Mr. HUSTED. They have been carried on the roll. There is no evidence that any of them have been let go.

The next item is the item for post allowances. This is carried on page 13 of the bill. This is a provision which enables the State Department to pay more salaries. During 1918 and 1919 this appropriation stood at $700,000. In the year 1920 it was reduced to $600,000. It was carried at $600,000 in the year 1921. In 1922 it was reduced to $250,000, and we make a further reduction, bringing it down to $200,000. The purpose of this appropriation was to enable the Secretary to pay additional salaries to diplomatic and consular officers at posts where the cost of living had advanced. Take Japan, for example: The Japanese yen stands on practically the same exchange basis with the American dollar that it did before the war; but they say that the cost of living in Japan has advanced 100 per cent, and that a consular officer who received a salary of $3,000 would, as a matter of fact, have a salary with the purchasing power of only $1,500. In the past this has apparently been a very pressing matter, and it was really necessary to do something, and therefore this provision was made.

But we found that the basis upon which this advance in the cost of living at these different posts had been ascertained was very unsatisfactory. They say they took the index number of wholesale commodities in the country where the post was located, and then they figured out the rate of exchange, and figuring out the rate of exchange with the index number of the cost of commodities and considering also reports which came from these consulates and these missions, they estimated at the State Department here the advance in the cost of living, and then they paid them some additional salary out of this fund. Two years ago they were paying additional salaries to diplomatic and consular officers who were receiving as much as $6,000 and $8,000 a year, and during the last year and during the current year they have been paying to men at some posts 100 per cent advance upon $3,000 salaries, paying men $6,000 a year in good American cash whose salaries were only $3,000 a year. While we realize that conditions are disturbed in some of these countries, and while it is probably necessary that some provision should be made for this purpose, we think it rather a dangerous thing to put a large fund in the hands of the State Department to use for such purposes, so we cut it down $50,000, and possibly we might better have cut it down a little more, but we have cut it down as far as we thought we could do safely, and under very vehement protest, I can assure you.

I have already alluded to the Mexican Boundary Commission, and I think no further statement about that is needed.

With reference to the Alaska and Canadian Boundary Commission, that is a work which has been dragging along for years and years, and it seemed as if it never would come to a conclusion. It was for many years under the chargé of Doctor Barnard, but within the last year it has been turned over to Colonel Jones, who is the head of the Coast and Geodetic Survey. Colonel Jones gets no additional salary whatever for looking after this work, and I believe he is determined to bring it to a conclusion as rapidly as possible. He says this can be done within two years if he is not too much skimped in the matter of the appropriations. All of the work of defining the boundary has been completed. All of the monuments have been erected, but there is a lot of work yet to be done in making maps from field notes and in preparing the data in a form suitable for publication and preservation. However, I am glad to say that it does look as if this work would soon come to an end and this activity and expense be terminated.

The next item you will find on page 19. That is the one covering the British and American claims. These are claims of American nationals against the British Government, of British nationals against the American Government, of American nationals against British nationals, and of British nationals against American nationals in cases which can not otherwise be adequately handled and full justice be done to the litigants. There are pending to-day two cases before this commission involving one and one-third million dollars. There are 12 cases remaining to be presented, involving $7,500,000. The American awards made by this commission amount to $9,630 and the British awards to $120,416. The total cost of this arbitration has been greater than the total amount of these British and American awards from the time the arbitration commission came into existence down to date. Of course, this work was suspended during the war and very little business was done. They now propose to go forward and clean it up.

Mr. MANN. That probably answers what I was going to ask; but will it be cleaned up, or is this permanent?

Mr. HUSTED. It may drag along for a while, but it can not very well be permanent, because all of the claims are listed in the arbitration treaty. No other claims can be brought in unless a new treaty is entered into.

Mr. MANN. That treaty was nearly 12 years ago.

Mr. HUSTED. Nearly 12 years ago. The treaty was entered into in 1910, and then the Arbitration Commission was established and went ahead and did business for about a year. The war came on, and during the war the business of the commission was entirely interrupted.

Mr. MANN. Does the gentleman think it is likely to close up as long as three gentlemen get a summer vacation at $1,200 a month?

Mr. HUSTED. Past experience would make it appear very doubtful, but I believe this work will be pushed from now on, and that sufficient pressure will be brought to bear upon these gentlemen to compel them to consider cases and render awards. There are only a few cases pending altogether, although they involve in the aggregate a very large amount of money, indeed.

Mr. BLANTON. Before the gentleman closes will he yield for a question?

Mr. HUSTED. Yes.

Mr. BLANTON. The Mexican Government, as I understand, has provided a building out here on Sixteenth Street for its embassy. In case the State Department should see fit to recognize the government of Mexico at an early date, has any provision been made in this bill for the incidental expenses attached to such recognition?

Mr. HUSTED. Nothing, I think.

Mr. BLANTON. Are we to understand, then, by the action of the committee, as expressing the will of the administration, that there is probably no chance for the Mexican Government to be recognized during the next fiscal year ending June 30, 1923?

Mr. BURTON. If the gentleman will allow me, why should an appropriation provide for a contingency which may or may not occur? Until recognition is given, the Committee on Appropriations will have nothing to do with it.

Mr. BLANTON. Wise men make preparations sometimes in advance of probable contingencies.

Mr. HUSTED. If the gentleman will permit me, I think I can answer him. The bill does carry an item of $17,500 for an American ambassador to Mexico.

Mr. BLANTON. There are incidental expenses connected with it, of course.

Mr. HUSTED. Quite right. I was misinformed.

Mr. ROGERS. Before the gentleman leaves the discussion of the State Department, I desire to ask one or two questions. I observe that in the hearings the committee gave some attention to the question of the passport-control system, which, as he said earlier in his remarks to-day, is a great producer of revenue. It has always occurred to me that the effective way to enforce the immigration laws was to have some American instrumentality abroad by which inspection could be made before the intended emigrant started for the United States. I have heard it rumored that some governments have indicated reluctance to allow American officials to be assigned for the purpose of supervising the immigration problem at the point of origin.

Has the gentleman any information on that which was developed in the hearings and which he can impart to the committee?

Mr. HUSTED. I do not think we have any information on that. I do not think there was anything in relation to it in the hearings.

Mr. ROGERS. A year ago—and I notice this was dealt with to some extent in the hearings—the appropriation act provided the requisite authority for the acceptance for use as the American embassy of the Morgan house in London. Nearly a year has elapsed since that time. I have reliable information that the donor has always been ready and most willing to transfer it. I assume that we ought to have an appropriation for making the house ready for occupancy by the American ambassador. Is there any real justification for a year's delay in accepting the gift and in making the requisite changes?

Mr. HUSTED. If there is any I am not aware of it. I do not think any good reason can exist. It is going to be necessary to make the house over inside in order to have it suitable for the purposes of an embassy. Why plans and specifications have not been prepared for the work I do not know. I think it should have been done as a business proposition.

Mr. FISH. The gentleman must know where the responsibility lies.

Mr. ROGERS. I do not think the gentleman from New York is misapprehending my inquiry; but it is a little discouraging for Congress to try to assist the foreign service by providing permanent homes for our representatives abroad and then have a whole year elapse without the Department of State even taking title to the property that we have authorized them to acquire.

Mr. HUSTED. The commitee might be interested in having me read a statement by Mr. Carr, of the State Department:

> That gift has been accepted by the President, and Mr. Morgan has received a letter of thanks. Since that time the lawyers have been endeavoring to make a legal transfer of the property to the United States Government. Under the British law the transfer can not be made in simple form, but, as I understand it, has to be made to trustees or to some individual. The last proposal of the lawyers was that it be transferred to the American ambassador and the American consul general in London as trustees. However, the transfer has not as yet been perfected, but I think it will be in a very short time. There are also some complications or details about adjusting our legal requirements to the British requirements in respect to some other matters, but we will get title to it shortly, and a sound title.

Now, I had assumed that the delay in this matter is the usual unbusinesslike delay which you naturally expect in diplomatic negotiations.

Mr. ROGERS. I hoped at the time this authorization was granted a year ago that the title would very promptly be transferred to the United States. I have heard that the donor himself is exceedingly disturbed at the delay which has resulted. I had hoped further that the gentleman in this bill this year would be able to find that the title to the property had been accepted, and hence be able to recommend the requisite appropriation which he justly says will be necessary for actual occupancy by the ambassador.

Mr. HUSTED. The gentleman understands that the Committee on Appropriations acts only on estimates?

Mr. ROGERS. I understand that. Congress has done all that it could, and it did it promptly and completely. Now, it seems to me that when we have done all that we can and when the matter has become an executive matter, it is discouraging not to have this appropriation acted upon by the State Department for a whole year.

Mr. FISH. Will the gentleman answer me a question? Who is responsible for taking over the building, remodeling it, and putting it in order?

Mr. HUSTED. The State Department.

Mr. FISH. What individual, or what branch?

Mr. HUSTED. I do not know; anybody whom the Secretary of State assigns to it.

Mr. FISH. The gentleman does not know whether that task has been assigned?

Mr. HUSTED. I know nothing about it.

Mr. ROGERS. One other question: A year ago in the bill for 1922 an appropriation was authorized of $150,000 for the purchase of an embassy at Paris. I notice that in this year's hearings it was brought out that that $150,000 has been found to be entirely inadequate. I recall very well the sentiment of the House when the appropriation of $150,000 was authorized. I think it went through the House unanimously. I wondered if the gentleman from New York would look with favor on an amendment in the proper place which would give the additional sum necessary to make the prior appropriation a workable thing?

Mr. HUSTED. I would not want to give a definite answer without taking it up with the subcommittee and the whole Committee on Appropriations.

Mr. ROGERS. I wish the gentleman would consider it before the bill is ready for amendment.

Mr. HUSTED. Now, Mr. Chairman, I find that my time is passing rapidly and I have consumed more time than I anticipated. I will take up the item for the enforcement of national prohibition.

The Department of Justice asked for a direct appropriation of $150,000 for clerks and expert assistants in the enforcement of national prohibition. They omitted from the bill the allocation of $200,000 for legal assistants in the enforcement of prohibition. After very careful consideration the committee decided to restore the allocation of $200,000 for assistants and make an allocation, not a direct appropriation, of $150,000 for clerk hire. That disposal of the matter seemed to meet with the favor of all interested, and I think is a happy solution of it, because I believe the direct appropriation of $150,000 was not necessary. It simply gave the department $150,000 for clerical hire more than was actually needed.

They have gotten along with the money from the regular appropriation for clerk hire heretofore, and they can get along with it just as well during the next fiscal year as at the present time.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. HILL. On page 30 of the bill I find an item of $150,000 and on page 39 of $200,000. Does the bill appropriate in all $350,000 for the enforcement of the national prohibition act?

Mr. HUSTED. It does not appropriate a cent. It simply allocates from other appropriations certain amounts to be set aside and used for that purpose.

Mr. HILL. In other words, the bill provides that of the general appropriation for the department $350,000 may be used for prohibition enforcement?

Mr. HUSTED. That is it exactly. They are not compelled to use it, but they may use $200,000 for legal assistants to help district attorneys enforce the prohibition law, and they may use $150,000 for clerk hire for that specific purpose.

Mr. HILL. The gentleman has no reason to believe that they will not use it.

Mr. HUSTED. I have no advices about the matter.

Mr. BLANTON. Does the gentleman from Maryland approve of that?

Mr. HUSTED. Mr. Chairman, the next item is for the detection and prosecution of crime. We have increased the amount of the current appropriation $250,000, making the total appropriation $2,250,000. In 1921 that appropriation was $2,400,000. It was cut down to $2,000,000 in last year's bill, but there are to-day over 6,000 investigations which the Department of Justice is unable to make through lack of funds. This increase of $250,000 is made because of the apparent inadequacy of the appropriation for the current year. As a matter of fact, the amount of crime in the country is vastly greater to-day than it was in 1921, when $2,400,000 was barely sufficient, so that in giving them $2,250,000 I think no one need fear that we have exceeded a reasonable amount.

The CHAIRMAN. The Chair would inform the gentleman that he has consumed one hour.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. FESS. I notice that provision is made for books for the law library.

Mr. HUSTED. Would not the gentleman just as leave go into that under the five-minute rule, because that goes into minutiæ which I am not carrying in my mind, and I should be glad to give him the information when we consider the bill under the five-minute rule.

Mr. FESS. I simply wanted to ask whether we get the decisions from the Supreme Court—whether we are on the mailing list?

Mr. HUSTED. We are for a certain number, but not for all. I want to say a word about the Court of Claims, and to say what I have to say in the spirit of compliment. The Court of Claims is one of the most important courts in the United States to-day. It handles every variety of case which may possibly arise between a sovereign and a subject growing out of contract. It also handles a vast amount of cases under the Dent law and such other cases as are submitted to it by the Congress. This is a very busy court, and yet it is running at a minimum of expense. Its calendar is right up to the minute. There are now pending before the Court of Claims 700 cases involving $325,000,000, and there are war claims estimated to amount to between two and three billion dollars which will come to the Court of Claims. There are $300,000,000 worth of war claims alone there now. The court is doing a very wonderful work, and I am very glad of the opportunity to commend it for its diligence and its economy. While it is doing this vastly increased amount of work and doing it on time, it has not asked for any more money.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. MOORE of Virginia. Agreeing with the gentleman as to what he says about the Court of Claims, has the gentleman found that the Federal courts ordinarily work with as much diligence?

Mr. HUSTED. I do not want to say anything in criticism of the other courts at all.

Mr. MOORE of Virginia. I would like to know whether the gentleman has any opinion on that subject.

Mr. HUSTED. I simply wanted to say something in commendation of the Court of Claims.

Mr. MOORE of Virginia. I quite agree with the gentleman as to that, but I wanted to get the other matter discussed to an extent, if the gentleman is in a position to do it.

Mr. HUSTED. I might say to the gentleman that this is an appropriation committee, and I am here to furnish facts and not opinions, but I did want to go out of my way a little bit to say something for the Court of Claims.

Mr. MOORE of Virginia. The gentleman is such a very able and experienced lawyer and can take such very wide and careful survey of matters that any information he might furnish us would prove of value.

Mr. HUSTED. I deeply appreciate what the gentleman says, but prefer not to give an opinion on a subject on which I do not feel sufficiently informed. Mr. Chairman, another very important item is the item for assistants to the Attorney General and to the United States district attorneys. These men carry on chiefly the cases which have been pressed upon the Government as a result of war. Many of them are patent cases. The patent cases in actual suit which are handled by these assistants amount now to $231,000,000, and the patent cases which are to be filed and which will soon result in suits amount to $250,000,000 more, or $481,000,000 worth of patent cases alone. That does not include the cases where the amounts remain yet to be determined. There are 31 attorneys engaged in these patent cases. They are not on the statutory roll. They are engaged under an agreement with the Attorney General by which they can not charge more than $1,000 a month, or $12,000 in any one year, totally irrespective of the amount done in any one month or in any one year. They have to render itemized statements every month, they have to show that they have actually performed services to the value of $1,000 in order to get that amount and proportionately less, but they can not get any more than that. Some of these men have incomes from their profession of $100,000 a year and upward. They are some of the most eminent patent lawyers in the United States. They work in their own offices and they do not work here in the District.

Mr. FESS. Some of these cases are such that the best talent in the country is employed. Are we as a Government equipped to take care of such matters?

Mr. HUSTED. I am glad to say that we are fully equipped to meet anybody at the bar in the trial of these important cases involving millions of dollars. We have one patent case which involves about $125,000,000.

Mr. FESS. That sort of a case would employ the best talent in America on the other side. The Government is equipped to meet it?

Mr. HUSTED. The Government is equipped to meet it. And I want to say this, that I think the fact that these men are entering into these arrangements with the Government, whereby we get their services for $12,000 a year, is partly due, at least, to patriotic considerations.

Mr. MOORE of Virginia. They are not connected with the Shipping Board, then, are they?

Mr. HUSTED. They are not.

Mr. REED of West Virginia. I was interested in the gentleman's statement about the amounts involved in patent litigation. I do not just understand that. Are these claims against our Government or patents had in connection with the war?

Mr. HUSTED. They are patent-infringement cases.

Mr. REED of West Virginia. Did we infringe on the patents?

Mr. HUSTED. That is the claim.

Mr. REED of West Virginia. The ordinary patent litigation the Government has nothing to do with?

Mr. HUSTED. Some are cases of patent infringement and some are cases of patent appropriation.

Mr. COOPER of Wisconsin. Will the gentleman name some of the articles on which patents are said to have been infringed?

Mr. HUSTED. Well, I will mention alleged infringement of patents on certain types of building construction. They involve a tremendous amount of money. I want to say, as to the penal institutions, that we did not get very satisfactory information, for the reason that the estimates were made by the wardens at the penitentiaries, and they had no good, reliable information, or detailed information, here in the Department of Justice.

They had ample notice to get it, because we had preliminary hearings there in January, but they did not have it at the time our hearings were held, and we could not get it. But we found that the average cost of subsistence was about 30 cents per inmate per day. So, finding it as low as that, I came to the conclusion that the institutions must be reasonably economically administered.

Mr. CLOUSE. The gentleman says that the cost of the maintenance of the inmates in the Federal prisons is 30 cents a day.

Mr. HUSTED. The average, running through the year. Of course, that is partly due to the fact that we maintain fairly large and fairly productive and well-managed farms at these institutions.

Mr. CLOUSE. I was wondering if the gentleman had made any investigation with reference to detaining our prisoners, who are convicted of smaller crimes, in the penitentiaries instead of in the jails. Does the gentleman think that the Government ought to have four or five institutions, and then detain such prisoners as that at $1.17 a day for jail fees throughout the country?

Mr. HUSTED. That is a matter of legislation that does not come within our jurisdiction, and one which we have not considered. but it seems to me that the gentleman's conclusion about it is sound and correct.

I want to say a word in conclusion as to those who served on the subcommittee. Two of the members who were originally assigned to us did not serve with us. Mr. LEE of Georgia was engaged in another subcommittee and could not be with us, and Mr. TAYLOR of Colorado was unfortunately ill. But we were very fortunate in having assigned to our committee Mr. JOHNSON of Kentucky, who attended, I think, every session of the subcommittee, although he was sick enough half of the time to be in bed. [Applause.] And I want to thank that subcommittee and every member of it for the splendid support which I received from them. They were diligent, they were active, and they were in attendance all the time.

Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, in the first place, I desire to request that I be not interrupted relative to matters which may be more appropriately inquired about during the discussion of the bill under the five-minute rule.

As a minority member of the subcommittee I can not but congratulate the committee in their efforts, in the main, to curtail expenditures. There are, however, some appropriations made in the bill which have been made upon sentiment rather than out of necessity. There are others which may have been increased too largely, and others which, perhaps, have been reduced to too great an extent. Those I prefer to take up under the five-minute rule, rather than now. At this time I wish to discuss more particularly the report made by the committee. I do not wish to be understood as entertaining any thought that any statement made in the report is not true. Upon the contrary, I find that every statement made in the report is technically true, but calculated to mislead, and I wish to warn those who read it against forming opinions which are not justified.

On page 3 of the report we find this language:

> For the Department of State this bill proposes appropriations totaling $9,448,736.16, which is $7,405,609.93 less than was appropriated for the current fiscal year, and $1,137,665 less than the estimates for 1923. The appropriations for the current year include $5,000,000 for payment to Colombia, $1,000,000 for participation in the international exposition at Rio de Janeiro, and $200,000 for the Conference on the Limitation of Armaments. Leaving these appropriations out of the calculations, the amount recommended in the accompanying bill is $1,205,609.93 less than the current law.

It will be noticed that an appropriation made in the preceding bill, which now the current law, of $1,000,000 for the exposition at Rio de Janeiro has been eliminated and is not to be considered in making up the totals of the report. I have no criticism as to the elimination of that particular item, but I would be glad to know why similar items have been included in the report, unless to suggest unwarranted conclusions. A million dollars, I say, was appropriated for the Rio de Janeiro exposition. That amount is set aside and not considered in the report.

The current law also carried for the "Commission to Peru," $15,000. Upon the same theory or principle, why was not that $15,000 also eliminated from the report?

Again, for the "Arbitration with Peru," $45,000 was appropriated in the current law and is not carried in this bill. Why

is it included in the report, except for the purpose of comparing the amount appropriated in this bill with that of the preceding bill?

Again, there was appropriated in the preceding bill $60,000 for the "Arbitration with Norway." If the $1,000,000 for the Rio de Janeiro exposition is set aside and not considered in the report, why should not the $60,000 for the "Arbitration with Norway" also be eliminated from this report and not considered?

Again, in the preceding bill, payment to Anna Gayle White of $4,500 was authorized. Anna Gayle White has been settled with. She has received her $4,500. Yet that amount, while it is carried in this report for the purpose of running up the totals, should be eliminated from this report upon exactly the same principle as the $1,000,000 for the exposition at Rio de Janeiro was eliminated.

Again, we find that payment was made to Mary A. Higgins to the amount of $4,000. Mary A. Higgins has been paid, and because we do not pay her again the item is carried in the report, whereas it should be eliminated just as the appropriation for Rio de Janeiro was.

Next we have an item of $2,258.30 for the relief of Stewart & Corbin. They have been paid. That amount should have been eliminated just exactly as was the appropriation for the Rio de Janeiro exposition, and not carried in the report so as to swell one of the totals.

Then, in the preceding bill, there is an appropriation of $481,000 for "buildings and grounds for our embassies and legations." All of that $481,000 has been spent except $14,435, making $466,565 actually spent. Now, why should that $466,565 be carried in this report, except for the purpose of swelling a total, when all of the original amount except $14,435 has long ago been spent? Why should not that $466,565 also be eliminated just as was the $1,000,000 appropriated for the exposition at Rio de Janeiro?

Then there is the "Boundary Commission between the United States and Canada." For the current year $36,500 was appropriated in the preceding bill. This bill gives $30,000, making a saving of $6,500. But that is no real saving. The $36,500 was not needed, just as the gentleman from New York [Mr. HUSTED] said, because the field work is virtually completed. Nothing more is now needed except for office work. Therefore that is not a real cutting of appropriations because of a disposition to economize. It is a cut only because there is no necessity for the work, and it is so conceded.

Next, we have in the report a reference to an item for the relief of the widow of Joseph B. Akin of $1,095. The widow of Joseph B. Akin has been paid. Yet this amount of $1,095 is carried in the report to swell a total, while that, too, should have been eliminated just as was the million dollars for the Rio de Janeiro exposition.

Then, in the preceding bill there was an appropriation of $50,000 for the purpose of "prosecuting the suits affecting oil lands," notwithstanding that those suits have been withdrawn. That amount should be eliminated from this report, just exactly as the $1,000,000 was eliminated for the Rio de Janeiro exposition.

Then we have in the report an item of $5,000 for the suits which have been set aside relative to the Five Civilized Tribes. That, too, should not be in this report. Yet it serves to swell a total.

Then, in the report there is another $5,000 appropriation for the Pacific Railroad suits, which have been dismissed. That $5,000 is used in the report to swell a total in order to make it appear that this bill appropriates less than the preceding bill does.

Those figures that I have just read amount to $641,418. But that is not all. There is carried in the report as a saving an item of $1,500 for "rent of buildings." The building is not being rented. There is no excuse for another $1,500 to be spent; yet the item is carried in the report and serves the purpose of swelling a total in order to show that the appropriations this year are much less than they were last year.

Then, under the caption of "Chargé d'affaires ad interim," the appropriation for the current year is $58,000. The department recommended only $50,000 and the bill allows $50,000. The department recognizes that, because of changed conditions, they could get along with $8,000 less than last year; but the committee in its report uses that $8,000 reduction as a cut, when, if they had spent it, it would have been wasted. As I said, on account of changed conditions, the department did not ask for it, and said there was no use for it.

In the item, "Passport control act," the current law called for $600,000; but, because of changed conditions, again the Department of State said that $425,000 was sufficient. This bill carries, not the recommendation of the department, but instead $350,000; and they claim, in order to swell a total, that they should have the benefit of the difference between $350,000 and $600,000 instead of using the difference between $350,000 and $425,000, which is $75,000, and not $250,000, as used in the report. Therefore they have in their report used the amount $175,000, and that serves to swell a total and to unduly magnify the difference between the present bill and the preceding one.

Then, under the caption of "Salaries while being instructed for Diplomatic and Consular Service" for the current year, we have $90,000. This year, because of changed conditions, the department recommends $65,000; but, in making up the report, they have made the deduction from the $90,000 instead of from the $65,000, which makes a difference of $15,000.

Under the item of "Transportation of diplomatic and consular officers" the current law is $370,000. On account of changed conditions the department asked for only $300,000. The present bill allows $275,000; but, in order again to make the difference between these two bills appear large, $275,000 has been subtracted from $370,000 instead of from the $300,000. That again makes a difference of $70,000 in swelling a total.

Under the caption of "International Joint Commission to Great Britain," the current law provides $44,000. The department asked for only $38,000. The present bill grants $38,000. Yet the report, claiming a real cut, subtracted the $38,000 from the $44,000 of the current law, instead of subtracting it from the recommendation of the department. There, again, the total is swelled by $6,000.

Under the caption of "Interallied Committee for Reeducation for War Cripples" we have $6,000 allowed under the current law, but that committee has been discontinued entirely; and, because there is no occasion to appropriate this $6,000, again they claim a credit, thereby swelling a total in order to make the difference between the two bills as big as possible.

Under "International trade-mark registration" in the present law there is appropriated $14,100, but the department says we need only $9,600. That amount is appropriated in this bill. Yet, again, swelling a total, the report has subtracted what the department says they ought to have, from last year's appropriation, thereby making a balance of $4,512, which again swells a total.

The total of the sums which I have just read amounts to $286,012, which, added to those upon the preceding page that I have just read, make $927,430.

The report carries the statement that $1,205,609 has been saved as between this bill and the preceding one; yet if we take the $927,430, that I have just mentioned, from the $1,205,609 we have a difference between the two bills of only $278,179. But here comes a very important matter. They not only eliminated the $1,000,000 which went to the exposition at Rio de Janiero—but, as I have just said, the report fails to eliminate like sums which would reduce the difference to $278,179—but they eliminated entirely another item of $5,000,000.

Under the law we must pay Panama every year $250,000. This bill appropriates that $250,000, because that sum must be paid annually. But we are bound also by law to pay Colombia $5,000,000 every year for five years. The current law appropriated $5,000,000 for Colombia; but not one penny does this bill appropriate for the coming year to pay Colombia. We must pay it annually, but in this bill the $5,009,000 is eliminated and is not considered at all, and this item makes a great difference between the two bills. How are we to pay Colombia $5,000,000 in the next year unless it is appropriated? It can now be appropriated in no other way than in a deficiency bill. The $5,000,000 cuts a big figure in the reduction of $7,000,000 and more which it is claimed to be the difference between the two bills.

But that is not all. When we reach the Department of Justice, under the head of "Miscellaneous items" the current law appropriates $48,000; but, again, on account of changed conditions, the department asked for only $40,000. The committee gave them $37,000. There they did save $3,000, but only $3,000. Still they claim the difference between $37,000, which they gave, and the $48,000 which they gave last year, when, as I said, only $40,000 was asked for this year, the larger amount not being asked.

Then in the current law we have $7,500 for repairs to the Court of Claims building. That has been repaired and the money spent. No more money is asked for; none is needed for the purpose at all; yet, in the figures in the report this $7,500 is carried, while it should have been eliminated, just as was the $1,000,000 appropriated for the Rio de Janeiro exposition, which is carried for the purpose of increasing the difference between these two bills.

Then under the head of "Supreme Court reports" the current law allows $1,057.50. The department, under changed conditions, asked for $585. The committee gave the $585 asked for. They did not waste money by giving more than was asked; but in order to increase an apparent saving they have subtracted the $585 from the $1,057 instead of offsetting it against exactly the amount which was asked for.

Then we have the Leavenworth, Kans., prison. Last year for that we appropriated $818,100. This time the department asked for $763,600. The committee gave $756,600. Again the committee, with the effect of enlarging the difference between the two bills, subtracted the $756,600 from the $818,100 of last year, instead of subtracting it from the amount that the department asked for. That makes a difference of $54,500 in favor of the difference between the two bills.

Then, for the "National Training School for Boys," the current law gives $64,036; but the department this time asks for only $60,736, and that amount the committee gives. But, again, enlarging the difference between the two bills, the amount allowed is subtracted from the appropriation of last year instead of being subtracted from the amount asked for. Consequently, no saving has been made; and again the difference between these two bills is enlarged by the amount of $3,300.

Then, under the item of "Miscellaneous expenses," to be found on page 16 of the report, there is $665,000 in the current law. And, again, on account of changed conditions, the department only asked for $600,000. That amount is appropriated in this bill. In making that deduction they do not subtract the amount appropriated from the amount estimated for, but they subtract from the amount appropriated last year, when the necessities were greater, thereby making a difference of $65,000. The total of these last items is $133,772. So, if we also deduct those items, which merely seem to be reductions, but which in reality are not, then the excess in this bill for the Department of Justice over and above last year's bill is $436,832, and not $303,110 as stated in the report.

When the $5,000,000 that should be in this bill for the payment of the amount due Colombia is considered, and then take into account the items I have mentioned as having been used to swell the total relied on to reduce the amount appropriated by this bill, the balance will not be $1,205,609 in favor of this bill, but instead will be far more than four millions against the report.

Mr. HUSTED. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. HUSTED. The gentleman can not say that it would be five million and some odd dollars greater than the current law, assuming that the $5,000,000 payment to Colombia was taken out of the current law. The gentleman is taking the $5,000,000 out twice.

Mr. JOHNSON of Kentucky. No; I am taking it out but once. The report says that the appropriations in this bill for the Department of State are $1,205,609 less than current law, and that the appropriation herein for the Department of Justice is $303,110 more than current law. Therefore this bill is only $902,599 less than current law, according to the report. But if we deduct the items which should have been eliminated, just as was the $1,000,000 for the Rio de Janeiro exposition, then the balance would not be as stated in the report; and when the $5,000,000 for Colombia is considered, the difference would be still more against the accuracy of the report.

Now, Mr. Chairman, there is another item in the bill for the "Detection and prosecution of crime." That item is increased in this bill $250,000. That may be all right, and I doubt not that it is. I am not complaining about it at all; I agree with it. But if we need $250,000 more to prosecute crime, that means more prosecution; that means more cases; that means more juries; that means more witnesses.

But the amount for juries has been decreased $50,000 in this bill, and the amount for witnesses has been decreased $100,000. So, while the amount for the prosecution of crimes is increased $250,000, the amount for juries and witnesses is decreased $150,000; and the two propositions can not be reconciled in actual practice.

In my humble judgment it will be necessary either not to spend the $250,000, or bring in a deficit for some amount to meet the decreased amount of appropriation for juries and witnesses.

In the bill there is an item for "Claims between the United States and Great Britain." I regret that neither I nor the chairman of the committee can give you any enlightening information on the subject. This commission, as suggested by the chairman of the subcommittee, Mr. HUSTED, has been running along for years. The committee undertook to ascertain the number and amount and nature of the claims. That was insisted upon. Let me read to you from the hearings the astounding statements made in response to the questions put by different members of the committee:

Tattler—first claim; Tattler—second claim; Argonaut and French; David J. Adams; Lord Nelson; Canadienne; Eastry; Lindisfarne; King Robert; Yukon Lumber; Hardman; Cadenhead; Great Northern Telegraph; Hemming; Coquitlam; Favourite; Wanderer; Kate; Newchwang; Sidra; Jessie, Bayard & Pescawha.

That is the information that this committee has as to the claimants, and the nature of their claims.

Mr. MOORE of Virginia. Is there anything as to how old the claims are?

Mr. JOHNSON of Kentucky. I do not recall, but they are all old. Now, can anybody tell me why we should appropriate money to a live-for-ever commission to arbitrate claims that not only your committee but Congress is denied the right to know who the claimants are and the nature of the claims?

After that list was sent to the committee the request was renewed, but the committee was not given any information concerning it. Private information came to me and to the chairman of the committee, saying that if more detailed information were given it might embarrass the claimants or the attorneys.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Wisconsin. As I heard it, in one of the claims only the initials are given.

Mr. JOHNSON of Kentucky. I did not intend it that way, but if only the initials had been given they would have conveyed just as much information as the full name would have done.

Mr. COOPER of Wisconsin. And it is true that the committee could not tell from the testimony who the real claimant was?

Mr. JOHNSON of Kentucky. The committee to this moment does not know anything more about it than does the man in the moon. The department declines to tell Congress who the claimants are, as well as the nature of the claims.

Mr. COOPER of Wisconsin. That is public business, and the taxpayers are interested in that.

Mr. JOHNSON of Kentucky. The department declines to tell upon the assertion that it might embarrass some claimant or attorney. If it would embarrass them, so much more the reason why it should come out and why the Congress should know why they are appropriating this money. [Applause.] One of the items is for "Kate." Who is Kate? The arbitrators concluded to pay Kate, whoever Kate is, and they make this note relative to the payment:

Recommendation of payment of some amount as an act of grace.

They pay Kate, but they paid her only as an act of grace, and they will not tell the nature of the claim because it might embarrass the claimant or some attorney in this commission or for the claimant. Kate filed seemingly a questionable claim for $4,044.75, but as a matter of "grace" they paid her $1,008.05, and nobody on this earth except Kate and those whom light on this subject might embarrass knows to whom it was paid. Is such a thing to be tolerated?

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MOORE of Virginia. Is that the name of a woman or a boat?

Mr. JOHNSON of Kentucky. We do not know anything about it. All it says is "Kate," and there it stops. They will not give us any information, because they say it might embarrass somebody.

There are some other items in this bill which I wish to discuss, but I shall delay their discussion until we reach them under the five-minute rule.

Mr. Chairman, I now yield 15 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. SEARS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN (Mr. ROGERS). The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-five Members present; not a quorum. The Sergeant at Arms will notify the absentees, the Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Blakeney	Briggs	Chindblom
Atkeson	Bland, Ind.	Brinson	Christopherson
Bankhead	Bland, Va.	Britten	Clark, Fla.
Beedy	Bond	Burke	Clarke, N. Y.
Bixler	Bowers	Campbell, Pa.	Classon
Black	Brennan	Carter	Codd

Connolly, Pa.	James	Mudd	Sabath
Copley	Jefferis, Nebr.	Murphy	Sanders, Ind.
Coughlin	Johnson, Miss.	Nelson, Me.	Sanders, N. Y.
Crago	Johnson, Wash.	Newton, Minn.	Schall
Crowther	Kahn	Nolan	Sinnott
Davis, Minn.	Kearns	Norton	Slemp
Drewry	Kelley, Mich.	O'Brien	Snell
Dunn	Kendall	Oliver	Snyder
Dyer	Kennedy	Olpp	Speaks
Edmonds	Kiess	Osborne	Sproul
Elliott	Kindred	Overstreet	Stiness
Faust	Kitchin	Paige	Strong, Pa.
Fields	Kreider	Parker, N. Y.	Sullivan
Fisher	Kunz	Patterson, Mo.	Tague
Free	Lampert	Perkins	Taylor, Ark.
Fuller	Langley	Perlman	Taylor, Colo.
Funk	Lazaro	Petersen	Treadway
Gallivan	Leatherwood	Porter	Upshaw
Goldsborough	Lee, N. Y.	Pringey	Vare
Gorman	London	Rainey, Ala.	Volk
Gould	Luhring	Rainey, Ill.	Walters
Greene, Mass.	McArthur	Ransley	Ward, N. Y.
Greene, Vt.	McDuffie	Reavis	Ward, N. C.
Griffin	McKenzie	Reber	Webster
Hammer	McLaughlin, Pa.	Reed, N. Y.	White, Me.
Hardy, Tex.	Magee	Rhodes	Williams
Harrison	Mansfield	Riordan	Wilson
Hawes	Merritt	Robertson	Winslow
Hays	Michaelson	Rosenbloom	Wise
Hersey	Mills	Rossdale	Wood, Ind.
Hicks	Montoya	Rouse	Woods, Va.
Ireland	Morin	Rucker	Wright
Jacoway	Mott	Ryan	Wyant

The committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11065, the Departments of State and Justice appropriation bill, and finding itself without a quorum, he had caused the roll to be called, when 275 Members answered to their names, and he handed in a list of the absentees.

The committee resumed its session.

Mr. BYRNS of Tennessee. Mr. Chairman, by Executive order signed by President Harding, on Friday, March 31, 1922, the Director of the Bureau of Engraving and Printing and 31 chiefs and assistant chiefs of divisions in that bureau, including four women chiefs, were summarily removed from office and from the civil-service rolls. [Applause on the Republican side.] The secrecy and air of mystery surrounding the issuance of this order and the cause for its issuance is far from creditable to those responsible for it. [Applause on the Democratic side.] All of these officials have served the Government for many years. They had worked their way up by faithful, efficient service, from lower positions to responsible positions in the bureau, and so far as the public knows and believes no suspicion had ever attached to the good name or the record of any one of them. On the contrary, they enjoyed the confidence and respect of everyone who knew them.

This action in arbitrarily removing from their positions some of the most efficient and loyal officials of the bureau is nothing short of an outrage, and more especially so on account of the manner in which it was done. It is a sop of the rankest kind to certain malcontents in the bureau. Never before in the history of the civil service has a President taken wholesale action of this kind, and it was done without a hearing, without a word of warning, and without the slightest opportunity to be heard. This action may properly be described as "the shambles" of 1922. The dismissed officials left their desks on Friday at the close of business, and without a word or an intimation from any source that their services were to be dispensed with. They were not even aware that anything of the kind was under consideration.

While at their homes that evening they were notified by special messengers that they were no longer connected with the bureau, and the next morning they were humiliated by being told that they could not enter the doors of the bureau until after 10 o'clock, and then they were paced by watchmen of the bureau while they went for their personal belongings. Such methods would do credit to the methods employed by the disorganized régime in control in Russia. This action not only takes from these officials their jobs and salaries but it deprives them of all retirement privileges. Many of them had served a great number of years and would soon have reached the time when by age and length of service they would have been entitled to retire. I dare say that few, if any, of them have been able to accumulate much savings out of the salaries they have been drawing from the Government. And so, after they have given the best years of their lives to the Government, they are now compelled to go into private life and seek positions under the handicap of having no training or experience in private business. And all this was done by the President without giving them an opportunity to be heard or without even presenting a single reason for the action taken.

When these facts are considered and when it is remembered that most of them have families, the action taken can not be classed otherwise than arbitrary, cruel, and heartless. The reason assigned, "for the good of the service," may mean anything or nothing. If they were removed for political reasons and to give some of "the faithful" a good job, why not have been candid enough to frankly say so, and, if this be a fact, why remove them altogether from the civil-service rolls? I submit that every earmark of this order indicates it was a political move to reward those who have powerful political backing behind them.

The Evening Star, one of the most reliable papers published in Washington, Republican in policy, had this to say in its issue of yesterday afternoon concerning the visit of a Republican United States Senator from Oklahoma to the White House:

> He came to the White House to discuss patronage with the President, and when asked for an expression regarding the recent order bringing about the changes in the Bureau of Engraving and Printing, he said that he was sure the President had acted wisely and that he had every reason for making changes in the manner he did, and that he sincerely hoped the President would not stop there. He said he had called the President's attention to more than one case of disloyal Democratic holdovers, and he hoped there would soon be a change of conditions, and that loyal and efficient Republicans would be found in all the key positions in the Government in Washington.

[Applause on the Republican side.]

If the President wishes to put, as another paper expressed it, "Harding Republicans" in civil positions in Washington, he may, of course, do so, but the public may be pardoned for being a little skeptical of the claim that efficiency can only be found in a "Harding Republican." And I presume that this may be considered as a notice that all the other Republicans who just now seem to constitute a very large and increasing majority of their party need not apply for positions.

But what I protest against is the acceptance by the President of the ipse dixit of patronage-seeking Members of Congress, even though he be a United States Senator, that some official whose job he wants for one of his political henchmen is inefficient or disloyal, and without giving the man thus privately assailed an opportunity to be heard or even given notice of the accusation. [Applause on the Democratic side.]

The Washington Post, the peculiar and personal organ of the President, yesterday morning had a labored article attempting to show that this was a move in the interest of efficiency and that politics had nothing to do with it. It was stated that Republicans as well as Democrats had been removed.

I have made inquiry, and I understand that there were a number of Republicans, possibly a majority, among those who were dismissed. The very fact that these officials were retained by the last administration as chiefs of divisions is conclusive proof that a Democratic administration did not play politics in the civil service. But it is significant that those Republicans had lived here for many years, and they were inactive Republicans, without powerful political backing behind them. This was, no doubt, the head and front of their offending, for I assume that their positions were desired by those who were active in the ranks. As a matter of fact, it can be said of all those dismissed, whether they profess to be Republicans or Democrats, that they really had no politics in a voting sense, because they have been here for many years and have lost their identity as voters in their former homes. This newspaper states that other dismissals are to follow in the interest of efficiency. Then the writer, thinking, perhaps, that some one might ask why the President has waited for 14 months before beginning his efficiency program, said that great efficiency had already been brought about, and with the ridiculous logic which is characteristic of his paper in defending this administration, cited the fact that the customs receipts for the month of March this year were greater in amount than they were a year ago. Until a sound and responsible explanation is offered, the public will with good reason believe that this was a purely political move, taken without regard to the plain, ordinary rights of those affected.

This fact is emphasized by newspaper publications to the effect that prominent Republican Members of Congress recently read the riot act to the Shipping Board, demanding that Democrats be replaced by Republicans and threatening to take the matter up on the floor of Congress if this was not done.

I have not the slightest objection to this administration taking the offices if it desires them. They are entitled to fill every place which is not of a civil-service nature with a Republican if they wish to do so. [Applause.] But what I do insist on is, if this be the object and purpose of this action, that the administration should deal frankly with the public and not seek to cover up its real motive at the expense of the reputation of the men who were dismissed. [Applause on the Democratic side.]

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. BYRNS of Tennessee. I can not yield. I have not the time.

If any of them have been guilty of conduct justifying removal, why was not the public so informed when the order was issued?

If such facts exist, which every one who knows these gentlemen seriously doubts, why were they not made public when the order was issued, for its issuance under the circumstances was a plain aspersion upon the character and good name of every man and woman who was dismissed. The order itself provides that those who were entitled by age and length of service to retirement shall be retired and not dismissed, which in itself shows that there were at least some of those who were dismissed who were not thought unworthy of being retired upon retirement pay. And yet the order in the manner in which it was issued, and in the intimations and statements published in the newspapers at the time, reflects upon every one of these men and women who have served in the bureau for so long a time and with such fidelity and efficiency.

The civil service law provides a method whereby a civil service employee may be removed. If they were incompetent or inefficient, which their service and promotion belies, the law provides for notice and opportunity to be heard before final action. It is utterly inconceivable that the President, in the face of the plain letter of the law and the plain dictates of justice and fairness to these officials, should have permitted himself to be made the instrument of a conspiring element in the bureau to bring about the removal of these men and women from the bureau.

The suspicion that politics was the underlying reason for this order which so flagrantly violates the civil service law is heightened by the fact that the new officials were given new titles. Was this an effort to mislead the public into the belief that the action was taken because of a reorganization of the bureau? It would appear so, because the old positions have not been abolished except by slight and unnecessary change of title.

Efficiency is not promoted by changing the title of chief clerk to that of chief accountant, or by calling the chief of a division a superintendent of division, or the custodian of dies, rolls, and plates a vault keeper, or by changing the title of foreman of plate cleaners to that of technical foreman of plate cleaners, and that of storekeeper to that of custodian of supplies. The whole thing smacks of a cheap subterfuge which was unworthy of the administration. What right did the President have to abolish by Executive order positions created by act of Congress and create new positions which he can fill without regard to civil service? What right has he to destroy the civil-service status of these officials by abolishing their offices? If he can do this, then no civil-service employee is safe.

I shall not have time to refer to the individual cases of these 31 men and women who were dismissed. I wish I had time to take up each individual case, for it would serve to show the gross injustice and the indefensible wrong which has been done to all of these men and women in arbitrarily dismissing them without giving them a moment's warning or a chance to be heard. Six of them are from New York; six from the District of Columbia; three from Massachusetts; three from Virginia; three from Maryland; two from Pennsylvania; two from Tennessee; one from Connecticut; one from Michigan; one from Arkansas; one from Missouri; and one from Iowa. I have known the director, Mr. Wilmeth, ever since I have been in Congress. He came here many years ago from Arkansas, and by his ability, zeal, and faithful attention to duty worked his way up from one of the lowest positions in the Treasury Department to that of chief clerk, and was finally appointed director of this big bureau. He has always enjoyed the respect and confidence of those who knew him. He is a Democrat, so it is said, and if the President wanted to appoint a Republican in his place, that was his right, and I would be one of the last to utter a complaint.

But the President should have been frank enough to say so, if this was the reason. On the other hand, if he has been guilty of conduct which justified his summary removal from the bureau, then those facts should have been given to the public. I wonder whether it was the intention first to dismiss the director, with the hope that possibly hereafter some cause might be found for such arbitrary action. Mr. Fisher, the assistant director, whose politics I do not know, enjoys an equally high reputation for integrity and efficiency.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Can the gentleman give me a little more time?

Mr. JOHNSON of Kentucky. I yield five minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. MOORE of Virginia. Is the gentleman aware that after the harm has been done a letter from the President was received this morning by one of the removed officials stating that the President regrets that the order should be construed as a reflection on the character and conduct of the officials?

Mr. BYRNS of Tennessee. I am aware of it, and it only emphasizes the outrage of the action in this case. And it may also be said that the Secretary of the Treasury is quoted in the morning papers as having said that no charges involving the integrity of any of the retired officials had been filed. And yet they were removed under cover of the night and as if they had committed some crime against the Government.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. I can not yield.

I have known Mr. E. H. Ashworth, the custodian of dies, rolls, and plates, for many years. He came here from Tennessee 28½ years ago to accept a position with the Government, and has given the best years of his life to the service. He is a gentleman of the highest character and splendid standing, and has proven his efficiency and devotion to duty during all these years. On the very day he was dismissed his accounts and official conduct had been approved, after having been carefully checked up according to law by the annual committee appointed by the Secretary of the Treasury for the purpose of taking an inventory and investigating the accounts and records in the vaults and comparing the record with those kept by the Comptroller of the Currency. I hold in my hand a copy of the report made by that committee, composed of Mr. T. H. Braden, chairman and representing the office of the Secretary, and by Mr. S. L. Hommedieu, the representative of the Comptroller of the Currency and the national banks, and Mr. John F. Green, a representative of the bureau appointed under the provisions of the law to investigate Mr. Ashworth's office. It reads as follows:

MARCH 31, 1922.

The honorable the SECRETARY OF THE TREASURY.

SIR: Pursuant to and in compliance with the instructions of the department letter dated the 6th day of January, 1922, your committee, consisting of Messrs. T. H. Braden, Samuel L'Hommedieu, and John F. Green, appointed by said letter to examine the stock contained in the vault of the custodian of dies, rolls, and plates at the Bureau of Engraving and Printing, have the honor to report that the said stock has been examined and checked, and your committee submits its report in triplicate herewith.

Each and every piece of stock, both engraved and otherwise, has been examined and checked by your committee and found to correspond to the records of the custodian of dies, rolls, and plates.

All the stock which had been canceled in the year 1921 was destroyed by your committee by causing the same to be melted in the furnaces at the navy yard, with the exception of 25 photo negatives, which because of their nature were destroyed at the bureau. The destroyed material consisted of 16,214 pieces and weighed 147,330 pounds. The total stock examined and accounted for was 98,224 pieces.

Your committee regrets that it found several discrepancies in the records of the comptroller's office, which were corrected in accordance with the actual plates found in the vault and made to conform to the records of the custodian.

Your committee is grateful to both the officials and employees of the bureau alike for the many courtesies shown it and for the splendid cooperation and aid rendered it while engaged in its duties.

Respectfully,

(Signed) T. H. BRADEN, *Chairman.*
S. L'HOMMEDIEU,
JOHN F. GREEN.

That report was made to the Secretary of the Treasury at 4.30 o'clock on March 31, and at 6.45 in the evening of the same day the President, in consultation—so the papers tell us—with the Attorney General and the Comptroller of the Currency, signed an order dismissing Mr. Ashworth for the good of the service.

The Comptroller of the Currency was with President Harding when the Executive order was signed. If there was inefficiency in Mr. Ashworth's office, it must have developed after he left work that day, and one of the two men who advised with the President for Mr. Ashworth's dismissal stands convicted by the report of an administration committee, on which he was represented, of "discrepancies" in the records of his own office, which had to be corrected by Mr. Ashworth's record. I submit that under that report, if the President was honestly seeking efficiency, he should have dismissed the Comptroller of the Currency rather than Mr. Ashworth, the custodian of dies, rolls, and plates. And in doing that he would have simply been removing an appointive officer, a man appointed by him, and it would not have been necessary to violate the plain letter of the civil service law, as was done when Mr. Ashworth and these other officials were removed.

The same may be said of the character and standing of Dr. E. L. Beech, the storekeeper, who also came from Tennessee. [Applause.] If the President desired some Republican whose appointment was being pressed by some Senator or Congressman

to fill these positions, that is all right; but if this be true, why dismiss them from the civil service rolls and deprive them of their retirement privileges, for which they would have been very shortly eligible?

Mr. George U. Rose, jr., a native of the city of Washington, chief of the engraving division of the bureau, and a gentleman of the highest character and standing, has labored conscientiously in the bureau for 39 years. He took a firm stand as chief of the engraving division against inefficiency and rottenness and fought the element now in control. Some of these very people, openly defying efforts to reform conditions, have been conspiring to get his scalp, and they have finally succeeded, after a secret ex parte investigation, and been promoted themselves in the process.

Why, gentlemen, there were five ex-service men included in this dismissal order of the President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Please give me five minutes more.

Mr. JOHNSON of Kentucky. I regret very much that I have not the time, unless some gentleman who has had time promised to him will yield.

Mr. BLANTON. Will the gentleman give him five minutes of the time he had promised me?

Mr. JOHNSON of Kentucky. I did not know that I had promised the gentleman any time. [Laughter.]

Mr. BLANTON. I understood the gentleman to say that I would be recognized.

Mr. JOHNSON of Kentucky. I yield to the gentleman from Tennessee five minutes additional.

Mr. BYRNS of Tennessee. The names of these ex-service men are Mr. Wilson, who served his country overseas, and who was occupying the position of chief of the photolithographic section; Mr. Chappell, a Spanish War veteran, who was chief of the engineering and machine division; Mr. Slattery, a World War veteran, chief of the electrolytic section; Mr. Farrell, a Spanish-American War veteran, who was foreman of the building; and Mr. Chamberlin, foreman of the garage, a Spanish War veteran who is now drawing a small pension on account of disabilities incurred while serving his country during that war. These five war veterans have been summarily and arbitrarily dismissed without previous notice or an opportunity to show why such action should not be taken, and in the face of the reported declaration of the President as to his great admiration and his great desire to do justice to ex-service men. [Applause.]

The removal of these officials was an outrage on decency. It was a blow to administrative discipline. It is a strike at governmental efficiency. It is an under-the-belt, knock-out blow at economy and morale. It is a grave injustice. It is an arbitrary and tyrannical rebuke to conscientious effort without a hearing, without a word of warning, without an opportunity to be heard in an ex parte proceeding, such as no decent court would sponsor, these officials, who have given up their lives, who have sacrificed their blood and sinew, as well as their brain and skill to the Government, who have sacrificed time that others took for vacation in order to carry on for the Government in war time, have been cut off without a moment's warning.

The reason for their dismissal and that of the other officials should not be left to speculation. Man is powerless to clear himself of charges raised by innuendo, and it is not in keeping with fairness and fair play to put these men under suspicion unless there is a clear justification for it.

The same paper, the Evening Star, to which I have heretofore referred, also had this to say:

> One explanation, which comes from confidential sources to-day, of the radical steps taken by the Executive is this: That since the beginning of the war approximately fifty billions in securities have been turned out by the bureau, including bonds, currency, Treasury notes, internal revenue and other stamps, and all paper handled by the office, and that the transactions involved have never been audited.
>
> It is suggested that it would be inadvisable to audit them in the presence of and with participation by the officials and employees concerned, and that while not charging that anything is wrong, it was deemed advisable to make a change in personnel while the auditing proceeds.
>
> The statement is made that the Government does not indicate that aught is amiss, but that caution admonishes an auditing and accounting under the strictest conditions and surroundings.
>
> It is thought that comment upon this viewpoint may suggest that the personnel could have been suspended, without prejudice, during the auditing, without being dismissed, in circumstances which it is claimed will work hardship and are calculated to work injustice.
>
> So keen is the feeling in Congress upon the subject, and especially in the Senate, where the incident is likely to be further commented upon, that several Republican Senators to-day set on foot anxious inquiries directed to high sources to be more adequately informed upon the facts in the case.

Just how the incumbency of these officials would prevent a bona fide audit by an independent bureau of the Government it is difficult to understand. But even if this was true, why were they not, as suggested, temporarily suspended, without prejudice, during the progress of the audit, unless it be that there were those who wanted their places and were backed by such powerful political influence as to compel a disregard of their rights? And it may be asked, if it is found by the audit that everything is correct, how is this egregious wrong done to these faithful and honest officials ever to be righted? They have lost not only their jobs, the living for themselves and families, but an unwarranted and unjustified reflection has been cast upon them by the unprecedented and ruthless action taken.

The public should know whether this is the beginning of an insidious attack on the civil service. If the civil service laws and regulations are to be disregarded and civil service employees are to be dismissed without hearing and without even an explanation except the very general, indefinite, and misleading statement that it is "for the good of the civil service," then no civil service employee, high or low, whatever may be his record, can feel safe under this administration unless he is backed by powerful political support. The Attorney General several days ago offered some very severe criticisms of the civil service. From his statement we are certainly justified in believing that he is hostile to the civil service and that he would, if he could have his way, return to the old spoils system of choosing even the minor clerks in his department. The newspapers tell us that he was one of two high officials who were present and advising with the President when this order was signed at 6.45 o'clock on Friday evening. It is singular that the head of the Treasury Department, in which this bureau is located, and none of his assistants were reported to have been present at this conference. Is the country to be left to understand that the President indorses the sentiments of the Attorney General? Without reference to the merits of the civil service, the country is certainly entitled to know, and in the interest of ordinary and common decency and simple justice these dismissed officials are entitled to know just why they have been separated from the service. [Applause.] The gentleman from Virginia [Mr. MOORE] has introduced a resolution, which I understand has been referred to the Committee on Rules, asking that an investigation be made by a special committee to be appointed by the Speaker as to just what these officials have done and just what were the reasons for their dismissal.

I hope that the majority will be fair enough to these men and these women who have served their country so faithfully, and to these ex-veterans of the World War and the Spanish-American War, to permit that resolution to be reported out and adopted, so that the country may know just why this action was taken. [Applause.]

Mr. CLOUSE. Will the gentleman yield for a question?

Mr. BYRNS of Tennessee. I yield.

Mr. CLOUSE. The gentleman has been speaking of ex-service men. I recall a case that occurred over at Nashville, Tenn., some three years ago in appointing a postmaster, where an ex-service man stood at the top of the list, but an astute politician in the person of Charles McCabe was appointed postmaster. I wonder if the gentleman indorsed Mr. McCabe or the ex-service man.

Mr. BYRNS of Tennessee. I want to say to the gentleman that I did not indorse Mr. McCabe, but, on the contrary, I did everything in my power, as several gentlemen on this floor know, among them the gentleman from South Dakota [Mr. JOHNSON], to bring about the appointment of Mr. Webster, the ex-service man. [Applause.] I repeatedly urged his appointment.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. The gentleman from Tennessee always believes in clean and efficient government. He has made a very fine defense of some of the men who were removed from office.

If it should later develop that any of these men were removed from office because of neglect of their official duties or such grave misconduct as would occasion great financial loss, the gentleman from Tennessee would not attack that action?

Mr. BYRNS of Tennessee. Undoubtedly I would not. But the letter of the President and the statements made by the Secretary of the Treasury clearly refute any such suggestion.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 8815. An act to amend the act of March 1, 1921 (41 Stat. p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries";

H. R. 7870. An act for the relief of I. C. Johnson, jr.;

H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;

H. R. 2558. An act for the relief of Richard P. McCullough; and

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1945. An act to reimburse the Navajo Timber Co. of Delaware for a deposit made to cover the purchase of timber;

S. 3083. An act authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington;

S. 288. An act for the relief of John T. Eaton;

S. 1087. An act for the relief of H. L. McFarlin;

S. 2992. An act authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor;

S. 534. An act to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913;

S. 3156. An act to change the terms of the district court for the northern division of the southern district of Alabama; and

S. 289. An act for the relief of Kate Canniff.

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATION BILL, 1923.

The committee resumed its session.

Mr. HUSTED. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, during the debate yesterday on the conference report, particularly on the item relating to salaries of certain officials of the Shipping Board, the gentleman from Virginia [Mr. HARRISON], in charge of the conference report on the minority side, stated that so far as he knew no salaries had ever been paid to Government officials as high as $35,000. I stated at the time that my impression was that certain officials of the railroads in the last administration were paid as high, if not higher, salaries. The gentleman from Virginia thought that statement was not accurate. I find on investigation that it was entirely accurate. I read from the statement of the comptroller of the railroads as to the salaries in force on May 31, 1919.

The regional director of the eastern region received a salary of $50,000. The assistant regional director and the district director of the eastern region each received a salary of $35,000. The regional director of the Allegheny region received a salary of $50,000.

The regional director of the Pocahontas region received a salary of $40,000. The regional director of the southern region received a salary of $40,000. The regional director of the northwestern region received a salary of $50,000. The regional director of the central western region received a salary of $50,000. The regional director of the southwestern region received a salay of $50,000.

In other words, there were nine Government officials a very few years ago who were receiving as high or higher salaries than those complained of now. I simply state that in order that the country may be informed and will understand that the salaries being paid now are not unprecedented in recent years. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. OLDFIELD. Will the gentleman yield?

Mr. LONGWORTH. I would if I had the time.

Mr. HUSTED. Mr. Chairman, I yield one minute to the gentleman from California [Mr. LINEBERGER].

Mr. JOHNSON of Kentucky. I yield 20 minutes to the gentleman from California.

The CHAIRMAN. The gentleman from California is recognized for 21 minutes.

Mr. LINEBERGER. Mr. Chairman and gentlemen of the committee, the gentleman from New York [Mr. HUSTED], as usual, has made a very careful and analytical report of the bill. I notice, however, on page 25 that for the bringing home of criminals—for the actual expenses incurred in bringing home criminals from foreign countries, persons charged with crime—there is an appropriation of only $2,000. On page 43 of the same bill I notice that there is another item at the end of the paragraph for penal institutions, line 22, the following:

Expenses incurred in pursuing and identifying escaped prisoners and for rewards for their capture, $90,000.

I am very sorry, indeed, that there is not at this time any probability of expending any part of either of these amounts of money in bringing home that arch slacker, Grover Cleveland Bergdoll.

Mr. HUSTED. Will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. HUSTED. The $90,000 item covers very many other objects than that mentioned by the gentleman from California.

Mr. LINEBERGER. I understand that even though the item of $90,000 would cover other items, no part can be expended for bringing home Bergdoll inasmuch as he was never committed to the Federal prison at Fort Leavenworth. Many Members of this House remember that early in the last session the chairman of the Military Affairs Committee, the Hon. JULIUS KAHN, introduced a resolution reported to the House on the 18th of April, 1921, House Resolution 12, which authorized an investigation of the escape of this nationally famed slacker, whom I trust will soon be apprehended and brought home to justice.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. CONNALLY of Texas. The difficulty about bringing him home is that you have got to catch him first.

Mr. LINEBERGER. I expect to touch upon that shortly.

Mr. CONNALLY of Texas. I hope the gentleman will.

Mr. LINEBERGER. Let me read the resolution which I shall insert in the RECORD. It is as follows:

Whereas one Grover Cleveland Bergdoll, recently convicted by Army general court-martial as a draft deserter and sentenced to confinement for five years in the United States Disciplinary Barracks at Fort Jay, N. Y., has escaped from confinement; and

Whereas charges are made, and there is reason to believe, that a plot and conspiracy existed among and between divers and sundry persons, unknown, to consummate the escape of the said Bergdoll from confinement under his said sentence: Therefore be it

Resolved, That a select committee of five Members of the House be appointed by the Speaker of the House to investigate and procure all facts relevant to fixing responsibility for said escape and for the failure to recapture the said Bergdoll, and particularly to determine whether relatives, friends, counsel, or attorneys of the said Bergdoll participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture; or whether officers, noncommissioned officers, or privates of the Army or other persons connected with the Army or with the administration of the said disciplinary barracks or any other person participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture or were derelict in the performance of any duty devolved or devolving upon them which contributed to making said escape possible or prevented or hindered recapture or made it more easy for the said Bergdoll to elude recapture.

That the committee so appointed may conduct such investigation by subcommittee or otherwise, may hold sessions during the recess of the House, may employ whatever assistance, either clerical or legal, it may deem necessary to aid in conducting said investigation, may administer oaths, may summon and compel the attendance of witnesses and the production of papers and documents, may employ a stenographer or stenographers to report the same, and have the reports of said hearings printed for use.

That any and all expenses in connection with such inquiry shall be paid out of the contingent fund of the House upon vouchers to be approved by the chairman of the committee and by the Committee on Accounts: *Provided*, The expenses of said investigation shall not exceed the sum of $10,000.

That said committee shall report its findings to the House at the earliest possible date, together with such recommendations as it shall deem pertinent and advisable.

As the House well knows, some of the most distinguished Members of the House were appointed on that committee. John A. Peters, of Maine, no longer a Member of the House, was appointed chairman. CLIFTON N. MCARTHUR of Oregon, OSCAR LUHRING of Indiana, the late lamented and distinguished Member of the House, Henry D. Flood of Virginia, and BEN JOHNSON of Kentucky. On further investigation we find that this committee on the 18th of August last filed a report, No. 354, which contains a majority and minority report.

Upon further investigation we find that that report now lies in that shrouded mausoleum of bills, the House Calendar, and the Lord only knows when it will come up. There is no question but that the people of this country are very much interested in knowing what action this House proposes to take upon the recommendations set forth in that report. I find that very defi-

nite recommendations were made by the majority members signing the report. On page 33 I quote as follows:

> While there are many who participated in the conspiracy leading to Bergdoll's escape and the acquittal of those who brought it about, there are three who are infinitely more culpable than the rest. Those three are General Ansell, Colonel Hunt, and Col. C. C. Creeson. But thus far no punishment has been imposed upon anybody that could not be discharged by the Bergdoll millions, and counted a mere trifle.
>
> General Ansell is now out of the Army. He is beyond the jurisdiction of court-martial proceedings, but provision should be made against his future practice before any of the departments, before any court-martial, or in the courts of the District of Columbia or the Nation above whose safety and integrity he has placed gold.
>
> Colonel Hunt, within the next two months after he had participated so criminally in the escape of Bergdoll, was promoted from major to colonel and immediately retired on the pay of $3,600 a year. It becomes a serious question who is to pay this lifelong reward for his perfidy. Those whose backs already are burdened with the most onerous tax ever imposed must contribute; and, in addition, more than 4,000,000 of our soldier boys must, throughout Colonel Hunt's remaining years, contribute to this munificent retirement fund in recognition only of his instrumentality in this national tragedy. An outraged Nation has the right to demand that Colonel Hunt's annuity be discontinued.

Gentlemen of the House, I am not here to discuss the merits or the demerits of the recommendations made in this report. I simply desire to bring to your attention the fact that certain definite recommendations have been made upon the part of the majority membership. Referring now to the report of the minority membership of that committee, on page 51, I find the following:

> The $5,000 retainer paid Ansell & Bailey was payment for legal services and probably had no influence on the part played by Messrs. Ansell & Bailey in making possible the treasure hunt which led to the eventual escape.

That is one of the conclusions reached by the minority, which would seem at least to not discredit or impugn the motives of Ansell so far as his interest in accepting this fee was concerned.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. JOHNSON of South Dakota. As I understand it the gentleman is simply insisting that this report be brought before the House for action at once, as soon as it can be reached, and is not interested in the conclusion as to the guilt or innocence of anyone. Am I correct in that?

Mr. LINEBERGER. The gentleman is partially correct, inasmuch as I am not drawing any personal conclusions in the matter at all. I am simply quoting from the report itself, and trying to impress upon the House the necessity of bringing the matter up at the earliest possible moment. Naturally, I desire to see justice meted out to everyone guilty in this national tragedy of errors, which has well-nigh become a national disgrace.

Mr. JOHNSON of South Dakota. I want to say to the gentleman that I am in hearty accord with him upon that. I believe some action ought to be taken looking to a decision of the House upon the questions involved.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. MANN. What action could the House take on this report?

Mr. LINEBERGER. Inexperienced as I am in parliamentary matters, it would seem to me that after consideration and debate of the reports rendered by the majority and the minority membership of that committee, it would be proper for this House to pass a resolution recommending, if it saw fit, certain action on the part of the War Department, with a view to carrying out certain recommendations to which it might desire to commit itself or of those of one or the other of these reports.

Mr. MANN. The committee did not report any resolution, did it?

Mr. LINEBERGER. The committee has not reported a resolution, but the majority did make certain recommendations in its report.

Mr. MANN. If a resolution were introduced under the rules, would it not have to go to another committee of the House for consideration?

Mr. LINEBERGER. It would, but it is very unlikely that a resolution of any kind whatever will be introduced until the report itself is debated upon the floor of the House. I first want to get the report off the shelf, where it has been so peacefully reposing for the past eight months. I hope the gentleman from Illinois now understands what I am driving at.

Mr. MANN. Why does not the gentleman introduce a resolution which he thinks ought to be passed and have it referred to the appropriate committee, and see if the committee will report it out?

Mr. LINEBERGER. Because I desire that this report be brought up on the floor of the House and debated, so that the merits or the demerits of the report may be ascertained by the House, and I have no doubt that if the majority report is sustained after debate that such a resolution will be introduced either by myself or some other Member.

Mr. MANN. If the gentleman will pardon me for taking up his time, if we could have the report brought up and have somebody talk about it for some time as we do here in general debate and it would end there, then there would be nothing that the House could do.

Mr. LINEBERGER. But it is entirely proper for the House to pass a subsequent resolution making certain recommendations based on the report, as I understand it.

Mr. MANN. The gentleman may be correct, though I doubt whether the House can pass a resolution which has not been introduced without having it referred to the appropriate committee for consideration. Such a resolution can be introduced by any member.

Mr. LINEBERGER. I do not think the gentleman will question in the least that the people of the country, the patriotic American people who sent 4,500,000 of their sons out to fight the battles of this Nation in 1917–18, are very much interested in knowing the real facts in this iniquitious Bergdoll matter.

Mr. MANN. Does the gentleman think the country would learn the real facts because a few Members talked for four or five hours on the report here some afternoon?

Mr. LINEBERGER. They would be as likely to learn the real facts from a discussion of that kind as they are from some of the other discussions that I have heard on the floor of this House, in which various gentlemen, including the distinguished gentleman from Illinois, have taken part.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. Yes.

Mr. CONNALLY of Texas. What does the gentleman think of the proposition of introducing a resolution of inquiry asking the department or the President to state what steps, if any, have been taken by the proper department of the Government?

Mr. LINEBERGER. I am not here to dictate to the House. I do think this report ought to be brought up here and debated in the open before the country. The people of the United States want action on this thing, and they are not pleased by having it set aside on the inactive House Calendar, where it will probably never be brought up. What we want is action. If the men who fought the battles of this country in the World War had spent their time in delaying and further delaying matters, the war would never have been won. What we want is some action on this matter.

It has been placed on the House Calendar, and I have no desire whatever to lecture or to censure the Members of the House or the Speaker of the House or anybody else connected with the matter, but what I want is to see that justice is satisfied. And justice will never be satisfied until this matter is gone over from top to bottom. The American people are not going to stand for any whitewashing in this matter. If these gentlemen are guilty, Congress should make certain recommendations and publish them to the country, as far as it may be possible to do so. If they are not guilty, they should be cleared for all time of the charges and the insinuations which are carried in the majority report.

I was very sorry indeed at the time this committee was named that there was not at least one ex-service man placed upon it. I have never believed, nor do I believe now, in group or bloc representation in the House of Representatives, particularly so far as ex-soldiers are concerned.

Every man who is here and who incidentally served his country during the time of war has enough of honor in his inner consciousness of duty performed, but I do believe, in a vital matter of this kind, that the experience and knowledge of some ex-service men should have been brought to bear upon the investigation. I do not make that statement with a view of criticizing any of the gentlemen who formed the committee of five.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. LINEBERGER. I yield.

Mr. JOHNSON of South Dakota. I understand the chairman of the Committee on Military Affairs, Mr. KAHN, specifically requested several times that an ex-service man be appointed as a member of the Bergdoll committee. Does the gentleman know any particular reason that made the Speaker of the House so insistent in prohibiting any ex-service man being on that committee?

Mr. LINEBERGER. I do not. I heard the same thing at the time, and Mr. KAHN, the chairman of the Committee on Military Affairs, and dean of the California delegation, told me personally he would make such a request. However, the Speaker saw fit to do otherwise, and was acting entirely within his prerogatives in so doing. After he named the committee I did not criticize him, nor do I seek to do so at this time. I am

sorry that no ex-service man or men were included in the Speaker's nominations for this important committee.

Mr. FISH. Will the gentleman yield?

Mr. LINEBERGER. I will.

Mr. FISH. I remember that the gentleman from California [Mr. KAHN] requested that all members be ex-service men.

Mr. LINEBERGER. Be that as it may, I do not know whether or not that would have facilitated the discussion of this report after it was rendered.

I hope, gentlemen, that in the very near future, by some means or other, the gentleman in charge of getting this report onto the floor of this House will see that it is resurrected from the mausoleum where it lies, and that it be brought on the floor of this House, and that sufficient time will be given for thorough and intelligent debate. And I think that after such debate has been had, the gentlemen who are charged, by inference at least, will have a chance through their friends and those who view the matter from the opposite side of the situation to clear their skirts. At least, the American people and the ex-service men of the Nation, I assure you, are desirous of having this matter thrashed out and thrashed out at the earliest possible moment. [Applause.]

Mr. Chairman, I yield back the rest of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. LINEBERGER. I insert herewith the report of the committee.

[House Report No. 354, Sixty-seventh Congress, first session.]

ESCAPE OF GROVER CLEVELAND BERGDOLL.

Mr. JOHNSON of Kentucky, from the Select Committee to Investigate the Escape of Grover Cleveland Bergdoll, submitted the following report:

On the 18th day of April, 1921, the House of Representatives adopted House Resolution 12, reading as follows:

"Whereas one Grover Cleveland Bergdoll, recently convicted by Army general court-martial as a draft deserter and sentenced to confinement for five years in the United States disciplinary barracks at Fort Jay, N. Y., has escaped from confinement; and

"Whereas charges are made, and there is reason to believe, that a plot and conspiracy existed among and between divers and sundry persons unknown to consummate the escape of the said Bergdoll from confinement under his said sentence: Therefore be it

"*Resolved*, That a select committee of five Members of the House be appointed by the Speaker of the House to investigate and procure all facts relevant to fixing responsibility for said escape and for the failure to recapture the said Bergdoll, and particularly to determine whether relatives, friends, counsel, or attorneys of the said Bergdoll participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture; or whether officers, noncommissioned officers, or privates of the Army or other persons connected with the Army or with the administration of the said disciplinary barracks or any other person participated in a plot or conspiracy to effect or give aid to said escape or to prevent recapture or were derelict in the performance of any duty devolved or devolving upon them which contributed to making said escape possible or prevented or hindered recapture or made it more easy for the said Bergdoll to elude recapture.

"That the committee so appointed may conduct such investigation by subcommittee or otherwise, may hold sessions during the recess of the House, may employ whatever assistance, either clerical or legal, it may deem necessary to aid in conducting said investigation, may administer oaths, may summon and compel the attendance of witnesses and the production of papers and documents, may employ a stenographer or stenographers to report the same, and have the reports of said hearings printed for use.

"That any and all expenses in connection with such inquiry shall be paid out of the contingent fund of the House upon vouchers to be approved by the chairman of the committee and by the Committee on Accounts: *Provided*, The expenses of said investigation shall not exceed the sum of $10,000.

"The said committee shall report its findings to the House at the earliest possible date, together with such recommendations as it shall deem pertinent and advisable."

Under that resolution the Speaker appointed the following special committee: Messrs. John A. Peters, Maine; Clifton W. McArthur, Oregon; Oscar R. Luhring, Indiana; Henry D. Flood, Virginia; and Ben Johnson, Kentucky.

The committee held hearings on April 29, May 2, 3, 4, 9, 10, 11, 12, 13, 17, 18, 19, 23, and 24, and again on July 19, 22, 23, and 25, the latter hearings being for the purpose of inquiring into the conduct of Maj. Bruce R. Campbell. From the evidence and testimony given in those hearings the following report is made by the undersigned, a majority of the committee, to the House of Representatives:

A very brief statement of the case under investigation is as follows:

Grover C. Bergdoll, now about 28 years of age, was subject to the draft made during the recent World War. He evaded the draft, became a fugitive as a slacker, and continued such for something more than a year and a half. During that time he was in the United States, and frequently sent taunting and defiant letters to the highest authorities of our Government. His residence was in Philadelphia.

After the armistice was declared young Bergdoll returned to Philadelphia; and, it seems, spent at least a part of his time at his residence there. Just prior to January 7, 1920, the authorities received information to the effect that for several weeks he had been at one or the other of some four or five residences in or near Philadelphia. On the morning of the 7th of January, 1920, officers went to each of these residences, surrounded them, and made search of the several premises.

When the officers went to the residence owned by Grover C. Bergdoll, his mother refused them admittance, although the officers had a search warrant with them, and so told her. After spending considerable time endeavoring to get into the house, one of the officers placed his pistol against the door lock and shot it off. When, in this way, they had gained entrance into the house they were confronted by Mrs. Bergdoll, who held them off with an automatic pistol. However, they managed to get that away from her and then proceeded to search the house. When every part of the house had been searched and they were about to leave without finding Bergdoll, one of the party lifted up the top of a small window seat and found Bergdoll concealed therein, although it seemed next to impossible for a man of his size to get into such small space.

When Bergdoll had come out of the window box he was handcuffed to one of the officers, and another of the officers kept the key to the handcuffs. In this manner he was transported to Governors Island at New York, where the Government had a military disciplinary prison in charge of Maj. John E. Hunt. In due course of time he was tried, convicted, and sentenced to five years' imprisonment for violating the draft laws.

Under usual circumstances he would have been sent immediately to Fort Leavenworth, Kans., to begin serving his term. However, under one pretext or another, his being sent to Leavenworth was deferred. On May 20, 1920, he was permitted to leave the prison at Governors Island, accompanied by a guard composed of two sergeants, for the alleged purpose of going into the mountains of western Maryland to secure something more than $100,000 in gold which he claimed to have buried there. When he reached Philadelphia on that pretended mission he made his escape, drove through the country in an automobile, accompanied by one Ike Stecker, to the Canadian line, there abandoned the automobile, and went to Winnipeg, Canada. At that place, by false representations, he secured passports for himself and Stecker to London, from which place they found their way to Paris and thence into Germany, where, according to the best information, they still are.

Shortly after Bergdoll's incarceration at Governors Island it was urged that he was of unsound mind, and therefore should be released. However, he was declared to be of sound mind.

Next, habeas corpus proceedings were instituted for the purpose of securing his release. The writ of habeas corpus failed to bring his release. Having been convicted, and both the insanity plea and the habeas corpus proceeding having failed, some other means of securing his escape had to be resorted to.

Until that time D. C. Gibboney, of Philadelphia, was chief counsel for Bergdoll. It is generally conceded that Gibboney was not much of a lawyer, but more of a practical manager for better lawyers. It is in evidence, and undisputed, that Gibboney, representing Bergdoll, sought to employ Judge John W. Westcott, a very eminent New Jersey lawyer. Westcott denies vigorously that he ever accepted the employment, while Gen. Samuel Tilden Ansell and his partner, Edward S. Bailey, testified emphatically to the contrary.

It is admitted that Judge Westcott wrote a letter to the Secretary of War stating that he—Westcott—was "enormously" interested in Bergdoll's court-martial trial, and would be glad to have the Secretary of War give his personal attention to the case. The Secretary of War courteously replied, but said that the case had not come to his personal attention, and would not unless it reached him through the regular course of business.

It is also admitted that upon a certain occasion Gibboney gave Judge Westcott a $1,000 bill in payment of "a" fee. Judge Westcott denied that it was in payment of any fee on account of any employment by Bergdoll, stating that it was in payment of other employments.

Mrs. Bergdoll testified that at one time she paid Gibboney $10,000 in currency. While she would not state that she ever

gave Gibboney a $1,000 bill, she did state that she kept large sums of money in her house, and that upon different occasions she had had many $1,000 bills. Putting those circumstances together it is possible that the $1,000 bill which Judge Westcott received was paid to Gibboney by Mrs. Bergdoll and then by Gibboney to Judge Westcott, but not necessarily on account of Bergdoll.

After Bergdoll had finally escaped and had fled the country the grand jury was about to meet in Philadelphia for the purpose of returning indictments against all those engaged in the conspiracy through which Bergdoll escaped. Either just prior to the meeting of the grand jury or during their sittings Judge Westcott wrote a letter to the Attorney General of the United States confidently expressing the opinion that Gibboney was as innocent of any part in the conspiracy as an unborn child.

That letter was forwarded by the Attorney General to the district attorney at Philadelphia. Gibboney was not indicted.

The law firm of Ansell & Bailey was employed in April, 1920, by Gibboney to represent Bergdoll in an effort to have the court-martial conviction reversed or set aside.

As already stated, both Ansell and Bailey testified that Westcott was counsel, but only in "an advisory capacity," or as "advisor of Mr. Gibboney." General Ansell fell out with Judge Westcott over this question and quit speaking to him because of differences in their statements concerning it. But their falling out has nothing to do with the real issue in the case. Westcott contended for none of Ansell's fee. He merely declined to claim any of the honors (?) accompanying the victory won, not through the courts but through the gold-hunting expedition.

For the purposes of this investigation it is not deemed important whether Judge Westcott was a regularly employed and paid counsel for Bergdoll, or whether as a friend to Gibboney he merely was counseling him. But it can not be disputed that he was acting in either one or the other of those capacities. Neither is it considered important whether General Ansell knew in which of these two capacities Judge Westcott was acting, as General Ansell could have made and did make the same use of Judge Westcott regardless of the capacity in which he was acting.

It is interesting to know that General Ansell, until a short time before his employment in the Bergdoll case, had been an officer in the Regular Army of the United States for about 25 years; and that during the war he was the next officer in authority to General Crowder, the Judge Advocate General. However, during the war General Crowder was more directly concerned and employed in preparing and executing the draft law, thus virtually leaving General Ansell as the Judge Advocate General.

At the time above indicated General Ansell resigned from the Army and associated himself with the law firm of Ansell & Bailey, making a specialty of military law.

Somebody conceived the idea of concentrating Gibboney's cunning and energy, Westcott's influence with the then administration, and Ansell's standing with the Army officials into one general scheme of defense or escape. Each of these three agencies—purposely or unwittingly—was effectively and concertedly at work at the same time on either one or both of these two propositions.

It was known to Gibboney, Westcott, and Ansell that during the preceding October and November Mrs. Emma C. Bergdoll, the mother of the draft dodger, had, in full compliance with law, exchanged $105,000 in currency for that amount in gold at the Treasury of the United States, which gold she claims to have buried. It must be that the mind of one or more of the attorneys just mentioned turned to Mrs. Bergdoll's alleged buried gold, and, upon that story, built the one to which reference is made in a letter sent by General Ansell to Adjutant General Harris, dated Tuesday, May 11, 1920. That story was not used by any of the Bergdoll attorneys, nor did it have any semblance of plausibility until General Ansell was employed in the case, nor until it had been colored and recolored by his fertile imagination.

It is admitted that General Ansell called upon Adjutant General Harris in the afternoon of May 11, 1920, and that later that afternoon, at his office, dictated a letter to Adjutant General Harris relative to the conversation which they had just had about Bergdoll's release. That letter as dictated seems not to have been sufficiently strong for General Ansell's purposes. Consequently he directed Miss Sisson, his stenographer, not to typewrite the letter until the next morning. General Ansell that night, at his home, with lead pencil, wrote out another letter. Next morning that was typewritten by Miss Sisson, signed by General Ansell—not by the firm of Ansell & Bailey—and sent to The Adjutant General.

Miss Sisson, the stenographer, preserved her shorthand notes of the letter dictated on the afternoon of May 11, 1920. That letter was not sent. In her testimony before the committee she read those notes and reduced them to typewritten copy, reading as follows:

"MAY 11, 1920.

"MY DEAR GENERAL HARRIS: I wish to confirm, in this informal way, the statement I made to you a few moments ago orally in support of the request that I am making of you and the Secretary of War. I am counsel for Grover Cleveland Bergdoll, a so-called draft deserter, now in imprisonment at Fort Jay pending the review of his case by the War Department. Bergdoll is represented in Philadelphia by Mr. D. C. Gibboney, a gentleman of the highest standing in that city and a lawyer of unquestioned probity. Judge Westcott, formerly attorney general of New Jersey, and who doubtless is well and favorably known to Mr. Baker, is a consulting counsel in the case and adviser of Mr. Gibboney.

"Last Friday Mr. Gibboney, accompanied by Judge Westcott, came to my office and conferred with me about a situation concerning young Bergdoll's property, which was so strange that the truth of it, under normal circumstances, would hardly justify belief. In view of the fact that Mr. Gibboney believes Bergdoll's statement to be true, and in view of the numerous circumstances tending to support it, I myself believed it to be credible and such as to justify counsel in making of the department this present request.

"This young man has unquestionably inherited a very considerable property from his father. He has not heretofore developed that sense of responsibility required for the care and proper use of a large sum of money. I understand that the control and influence of his mother have not tended to the development of an adequate sense of responsibility in such matters. I am advised also that there have been family difficulties which seem to have produced a desire in this young man to get a physical control over his property, ungoverned by the other members of the family.

"The motive for his action was probably complex and not easily understood, but I am advised that at different times he took two large sums of money in gold coin and placed them in large metal containers; one, I am advised, he left with some person in western Maryland. This has been recovered. The other, Bergdoll states, he took, all alone, and buried it in an out-of-the-way place on some mountain side, at a place within a day's railway travel from this city. This sum amounts to about $150,000 gold coin. He is quite unable to direct Mr. Gibboney or me how to find it, and, of course, assuming his statement to be true, it can be found only by him in person. He is now thoroughly perturbed with the apprehension that he may never recover it and is intensely anxious to be permitted to go with counsel and under guard to find it. He wishes to recover it and turn it over to some proper custodian for safe-keeping and investment.

"And such is my request. Upon all the facts before me, it seemed entirely reasonable to me, and so it seemed to you. I hope and believe it will seem so to the Secretary. I do not desire to ask the privilege, but only that which is necessary for this man to conserve what is his. There can be no danger of escape. The department will, of course, send such guard as it sees fit, and all expenses will be borne by us. In addition, I shall hold myself, as counsel, responsible for the safe return of this prisoner to his place of confinement and that no advantage will be taken of such leave as is granted other than that which is the object of this request.

"May I ask that this communication, for the time being, will be kept within the knowledge of you and the Secretary alone, and may I ask you to take it up at your very earliest convenience with Mr. Baker and let me know the result?

"With very kindest regards, I am,

"Very sincerely yours."

The general tenor of the above letter, which was not sent to General Harris, should, by all means, be compared with the one which was sketched out that night with lead pencil, and which was sent the next day to General Harris. The charges made were most adroit and clever; were not authorized by other counsel in the case whose names were used; in some instances were not warranted by the facts.

The letter actually sent reads as follows:

ANSELL & BAILEY, ATTORNEYS AT LAW,
SUITES 710–712, RIGGS BUILDING,
Washington, D. C., May 11, 1920.

MY DEAR GENERAL HARRIS: Please permit me, in compliance with your helpful suggestion of a moment ago, to place before you in this manner my request, concerning which I have just spoken to you, in behalf of Grover Cleveland Bergdoll, together with a brief statement of the reasons therefor.

This man, in virtue of his conviction and sentence as a so-called "draft deserter," is now imprisoned at Fort Jay pending the review of his trial by the War Department. I am his attorney. His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and a lawyer. Of counsel also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows. These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request.

This young man was reared fatherless under family conditions which, even when partially revealed, threw considerable light upon conduct of his that, to say the least, is strange if not unintelligible. From the father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter perhaps is the most influential of the many complex motives for his actions in the instance I now speak of. In any event, it is now known that he did secrete one large sum of money, which was recovered a year or so ago. He now declares that he also hid a second large sum, the remainder of his fortune ($150,000), in a lonely spot on a mountain side, distant about a day's journey from this city; that he placed the gold coin in a metallic container and took it himself, unaccompanied, and hid it in a spot which he alone can identify. Circumstances indicate the truth of his statement.

He is now wrought up with fear and anxiety lest he may never recover the money, and accordingly earnestly asks me, other counsel joining him, to endeavor to arrange it that he may go, under guard and with his counsel, to recover the money and place it in safe-keeping, all expense to be borne by us.

We are requesting no privilege, only the necessary liberty of action, under guard. This prisoner has no desire to escape, nor could he if he wanted to. Notwithstanding the guard, as his counsel I stand responsible for his prompt return to prison, without advantage to him other than that involved in the object of his request.

I hope this request may be granted immediately. It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary.

May I ask prompt action upon this request? May I also ask that, if possible, knowledge of the contents of this communication, for obvious reasons, be confined to you and the Secretary, and, further, that you notify me personally at the first practicable moment after you have decided upon this request?

With kind regards for your many courtesies, I am,

Sincerely,

S. T. ANSELL.

The purpose of these changes is obvious when the two papers are compared and the end to be accomplished considered.

In the first sentence of the letter, which was not sent and which afterwards was pruned and put into more seductive form, he made the request of both General Harris "and" the Secretary of War, while the letter which was actually sent used this language:

"It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary."

If the letter had been sent as first written, it would have been necessary that the request go to the Secretary of War. The second letter—the one that was sent—merely expressed the hope that the request might seem reasonable to the Secretary, but omitted the specific request that the matter be referred to the Secretary.

Another sentence in the letter which was not sent reads as follows:

"Judge Westcott, formerly attorney general of New Jersey, and who doubtless is well and favorably known to Mr. Baker, is a consulting counsel in the case and adviser of Mr. Gibboney."

That sentence was changed to read as follows in the letter that was sent:

"His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and a lawyer. Of counsel also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows."

General Ansell is a man of extraordinary native ability, wonderfully improved by training and education. No man better knows the exact use of words and their effect than does he. The conclusion is irresistible that General Ansell was then using with emphasis the name of Judge Westcott to bring influence to bear upon the Secretary of War, should the communication ever reach him, and just as certainly to bring to bear additional influence with General Harris.

Also, in the letter first dictated, he said that Judge Westcott was "adviser of Mr. Gibboney." That expression or assertion is left out of the letter which was sent. Is it possible that General Ansell, even at that time, was giving more or less thought, with the view of later dividing responsibility, to the attitude of nonemployment which Judge Westcott assumed? Westcott admitted that he "advised" with Gibboney, but denied that he was employed by Bergdoll, and there is no contradictory proof.

In the letter which was not sent General Ansell used this language:

"Last Friday Mr. Gibboney, accompanied by Judge Westcott, came to my office and conferred with me about a situation concerning young Bergdoll's property, which was so strange that the truth of it, under normal circumstances, would hardly justify belief."

Upon consideration by General Ansell that language must have appeared too strong. No doubt he was apprehensive that that language might raise with General Harris a question as to the plausibility of the whole story. In that language General Ansell stated, in substance, that Gibboney and Westcott had conferred with him about a situation which "would hardly justify belief." So, if the story about which Ansell, Gibboney, and Westcott "conferred" would "hardly justify belief," it must be changed, if General Harris was expected to accept and act upon it. Then General Ansell's statement was changed into being such a plausible one that all of them—including Ansell—believed the story; and, in consequence, were "impelled" to make the request.

The changed or altered statement reads as follows:

"These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request."

When General Ansell dictated the statement that "would hardly justify belief," that statement being the result of a conference with Gibboney and Westcott, one must wonder whether or not those two gentlemen, or either of them, consented to the change from lack of belief to one so certain that they were "impelled" by it to ask for Bergdoll's release. It is a self-evident fact—the others not being in Washington—that Ansell made the change without consulting the others. He attributed to each of them a "belief" which, perhaps, neither entertained. In the first draft it is not stated that either believed the story, but in the second all are represented as believers in it.

It is interesting to note the reasons assigned by General Ansell for the burial of the gold. In the letter not sent he uses this language:

"This young man has unquestionably inherited a very considerable property from his father. He has not heretofore developed that sense of responsibility required for the care and proper use of a large sum of money. I understand that the control and influence of his mother have not tended to the development of an adequate sense of responsibility in such matter. I am advised also that there have been family difficulties which seem to have produced a desire in this young man to get a physical control over his property, ungoverned by the other members of the family."

In the letter actually sent to General Harris, General Ansell gave the following as an explanation of the unusual conduct of Grover Bergdoll:

"This young man was reared fatherless under family conditions which, even when partially revealed, throw considerable light upon conduct of his that, to say the least, is strange if not unintelligible. From his father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter perhaps is the most influential of the many complex motives for his action in the instance I now speak of."

In the letter not sent, General Ansell speaks of certain vague "family difficulties," which "seem" to have caused Bergdoll to desire a physical control of his property. These paragraphs clearly illustrate the difficulties, which even the astute mind of Ansell could not overcome, in giving adequate and sufficient explanation of the motives which prompted Bergdoll to bury the gold. Some excuse for this conduct had to be given, and the labored efforts of Ansell have only tended to make confusion worse confounded.

The letter which was not sent used the language: "There can be no danger of escape." That was changed in the letter which was sent to: "This prisoner has no desire to escape." That change makes the statement stronger to General Harris, and also lays the foundation for denial of personal responsibility in the future for counsel not attending the expedition.

It should be noted that General Ansell did not merely express the opinion that the "prisoner has no desire to escape." Instead he made the unqualified statement to that effect. How did he know the prisoner had no desire to escape? According to his own admissions he then had had no communication with

the prisoner relative to the expedition for the buried gold, and consequently no direct information upon which to base that statement as fact. It may be that the other attorneys who consulted with General Ansell about the release to get the alleged buried gold agreed to the statement that "there can be no danger of escape"; but it is possible, at least, that they would not have approved the statement as fact that Bergdoll had "no desire to escape." The former statement, no doubt, was based on the then, but afterwards violated, arrangement that one of counsel was to accompany the expedition; that the prisoner was to be handcuffed; that a commissioned officer was to go along, and that the guard was to be both ample and properly instructed.

The first proposition accompanied by the foregoing considerations is quite different from the one that "the prisoner has no desire to escape," especially since each and every one of the conditions just related were to be utterly disregarded.

It is going a long way for one of the counsel to make such a wide departure from the original statement without having the approval of the counsel whose names were used in the communication conveying the changed representations.

In the letter which was sent there is something that does not appear in the one which was not sent. That language is this:

"He (Bergdoll) is now wrought with fear and anxiety lest he may not recover the money, and accordingly earnestly asked me (Ansell), other counsel joining him, to endeavor to arrange it that he (Bergdoll) may go, under guard and with his counsel, to recover the money and place it in safekeeping, all expenses to be borne by us."

When it is considered that General Ansell stated that he had no communication with Bergdoll after he saw him at Governors Island on April 17, when, according to General Ansell, no mention was made of the proposed search for the buried gold, was very remarkable, to say the least.

It will be noticed that General Ansell says in the above quotation that Bergdoll earnestly asks him to endeavor to arrange it so that he (Bergdoll) may go, under guard and with his counsel, to recover the alleged buried gold.

If at that time General Ansell had had "no communication" with Bergdoll relative to the matter, how is it possible that Bergdoll so "earnestly" made that request of him? General Ansell can not claim that that request was conveyed to him through either Gibboney or Westcott, for the reason that he himself says in the above-quoted paragraph that the request was made by Bergdoll, "other counsel joining him" in the request. Nothing of that sort was said in the letter which General Ansell dictated to his stenographer immediately after he left General Harris on May 11. That must have been an afterthought, originating in his own mind and not warranted by the statement of either Gibboney or Westcott.

In both letters—the one which was not sent and the one which was sent—General Ansell stated that he would be responsible for the return of the prisoner.

General Ansell in his testimony repeated several times the statement that General Harris "did not expect" him to accompany Bergdoll on the expedition, but that he did expect some one or more of counsel to accompany it. Both General Ansell and his partner, Mr. Bailey, testified that the agreed arrangement was that Mr. Bailey was, at least, to meet the expedition at Hagerstown, Md., and accompany it during the remaining 20 or 25 miles of the proposed journey to the spot where the gold was said to be buried. The law firm of Ansell & Bailey was employed by Bergdoll, but General Ansell did not pledge the firm to see to it that Bergdoll was returned. Instead, the pledge was General Ansell's personal one.

It has been admitted by General Ansell and by everybody else who testified upon that point that at least one of Bergdoll's attorneys was to accompany the expedition.

General Ansell himself did not state that he told General Harris that he himself would not accompany the expedition. He merely expressed the opinion that General Harris "did not expect" him to do so. If General Ansell himself was not to go, but counsel was to go, then the question arises: Whom did General Harris "expect" would go? Neither of General Ansell's letters—the one which was sent nor the one which was not sent—indicates that Westcott was to go. In the letter which was sent Westcott is referred to as an attorney "in a consulting capacity," while in the one which was not sent Westcott was referred to as an "advisor of Mr. Gibboney." In addition, Westcott is an old, palsied man, not physically equal to the trip outlined by General Ansell.

General Ansell himself did not in his testimony make even the slightest claim that Westcott was to go. Therefore, according to General Ansell, not attorney except Gibboney or Bailey could have been expected to go. General Ansell says he himself did not contemplate making the trip; and since he knew that Judge Westcott could not, if he would; and, further, since he knew two days and two nights before the expedition started that his partner, Mr. Bailey, was not going, he was bound to know that the only one of counsel who might possibly accompany the expedition from beginning to end was Mr. Gibboney.

General Ansell knew several days in advance that the expedition would start May 20; and he knew that Gibboney himself did not contemplate making more than a part, if any, of the journey. So there is no escape from the conclusion that General Ansell knew, at least two days and two nights before the journey started, that his pledge made to General Harris in this respect was to be violated.

When General Ansell was on the witness stand the question was put to him a number of times, and by different members of the committee, to indicate at least one specific act done by him looking toward the redemption of that pledge. To each and every one of those questions he was either nonresponsive or evasive. To some of them he replied, in substance, that he had sought to have Bergdoll recaptured after the escape had been accomplished. In other words, all that he specifically claimed to have done was to undertake to lock the stable door after the horse had gone. He plead, in extenuation, after Bergdoll had escaped, that he offered a reward for his recapture. If he had been recaptured and the reward had been claimed, no doubt every one of the many who furnished information here and there would have claimed all or part of the reward, and litigation over it would have been interminable, and the day of payment far in the future, if at all. Then, it is most probable, indeed, that an officer, and not a private citizen, would have made the arrest; and an officer can not maintain a cause of action to enforce the payment of a reward for making an arrest which he should have made regardless of the reward.

The two letters—the one which was sent and the one which was not sent—when taken in connection with all of the other happenings in the case, show that General Ansell was not only taking advantage of his long association in the Army with General Harris, but was actually misleading him into having Bergdoll released for the purpose of seeking the alleged hidden gold. It also is clear that he undertook to use Judge Westcott for the purpose of bringing to bear a political influence upon anybody in the then administration who might be needed to make sure of the gold-hunt release; which, at last, spelled Bergdoll's escape. Then, when Judge Westcott, in response to General Ansell's urging, had not seen the Secretary of War in person, Ansell, still using him, had him write a letter to the Secretary of War asking him to take Bergdoll's case under personal advisement.

It was known to General Ansell that Judge Westcott had put Woodrow Wilson in nomination for the Presidency of the United States, both at Baltimore and four years later at St. Louis, and that Westcott was a personal friend of both the President and the Secretary of War. Knowing that, he took particular pains to inject Westcott's name into the letter which he wrote General Harris; and then, in his presence, had Westcott write a letter to the Secretary of War in Bergdoll's behalf, based upon Westcott's alleged "enormous" interest in the case.

It was made clear that Westcott's services as active counsel in the case were sought by both Gibboney and the Bergdolls, and just as clear that Westcott declined to act in that capacity.

Since Gibboney, practicing only in the civil courts, and Ansell, practicing as an expert in military law, met, it matters little which found the other, or how, as both were on a hunt for the Bergdoll gold, and each got much of it.

After the employment of the firm of Ansell & Bailey, both Ansell and Bailey visited Governors Island and saw Bergdoll, their visits being made at different times. Mr. Bailey returned from Governors Island to Washington and reported to General Ansell at his residence on the night of the 17th of May, at which time it became understood and agreed between them that neither was to go upon any part of the expedition. The question naturally arises that if one or the other of them was to go—and Bailey admits that he had agreed to join the expedition at Hagerstown, Md.—why was there a change of mind just following Bailey's return from a visit to Bergdoll to the effect that neither was to go at all? And, further, why was not General Harris so advised? He was within a stone's throw of them during these two days and two nights. What happened between May 11 and May 17 that did away with the necessity of even Bailey's going? Was information received by either Ansell or Bailey at Governors Island, where Bergdoll was confined under Colonel Hunt, that the gold was not buried at Hagerstown, or that the expedition would not proceed beyond Philadelphia, where Mrs. Bergdoll says the gold was buried and at which point Bergdoll escaped?

The fact has been established by Treasury officials that Mrs. Bergdoll, during October and November, 1920, exchanged $105,000 in currency for that amount in gold; and it is conceded that she took that gold by automobile from Washington to Philadelphia.

About a month and a half after Mrs. Bergdoll got the $60,000 in gold, which was the last amount gotten, young Bergdoll was arrested in his mother's house in Philadelphia. Shortly after his arrest and his transfer to Governors Island he there commenced telling about having buried two different amounts of gold. His mother had gotten two different amounts of gold—$45,000 and $60,000—and she has testified that she made two different burials of these amounts. She further states that her son neither knew that she had gotten gold nor that she had buried any.

It is admitted by Mrs. Bergdoll that young Bergdoll had been at her house in Philadelphia quite a little between the time she got the gold and the time when he was arrested and taken away to Governors Island. It is strikingly strange that he should be telling his associates in prison and counsel that he had buried two sums of gold, amounting to more than $100,000, while, if we believe the mother, she had actually buried the two different sums, aggregating approximately the same amount of which Bergdoll himself was speaking.

The conclusion is not an unreasonable one that if Mrs. Bergdoll did bury the gold gotten from the Treasury, and did make two different burials of it, then young Bergdoll must have known of the whole transaction. Otherwise he only imagined or dreamed of a condition that exactly coincided with the undisclosed but actual doings of his mother.

On the 19th of April, 1920, General Ansell prepared a contract fixing the fee which the firm of Ansell & Bailey was to receive as attorneys for Bergdoll. That tentative contract was submitted by General Ansell to Mr. Gibboney for his approval; but Mr. Gibboney declined to approve it. Thereafter, on the 23d day of April, Mr. Gibboney himself, representing Bergdoll with carte blanche authority, submitted a counter tentative contract to General Ansell.

Under the terms of the first tentative contract, Ansell & Bailey, according to the construction put upon it by Mr. Bailey, could have received $60,000. Still, according to Mr. Bailey, under the tentative counter contract submitted by Mr. Gibboney, Ansell & Bailey could have received $55,000.

General Ansell stated in his testimony that the tentative contract submitted by Gibboney to him was never executed, notwithstanding the fact that he also stated that the terms of that tentative counter contract were agreeable to him. Now, the question arises: If Gibboney prepared and submitted a paper whereby $55,000 was to be paid, and that paper was fully acceptable to Ansell, why was it not executed? Gibboney, when submitting the counter contract, was personally present with Ansell. All that was necessary was for both of them to sign it. Something, we know not what, only by surmise, must have become understood between those two men upon that occasion that caused them to abandon the execution of a contract agreeable to them both. But it is certain that after that date, from all the committee has been able to gather, neither the execution of that contract nor any other was ever mentioned or pressed by either of the proposed parties to it. General Ansell had gone to the trouble to prepare a contract for employment, and Gibboney had done the same about a counter one; yet, when their minds met in full agreement, all attempts to conclude the contract were abandoned by both.

For all that the committee really knows, General Ansell was employed by Gibboney to represent Bergdoll only in the then pending litigation between the United States and Bergdoll. General Ansell refused to even look at the first papers until he had been paid $100, and he refused to have anything to do with the case until he had been paid $5,000 more. Yet we find him departing from that employment and taking up another important piece of work, that of securing the expedition, without disclosed fee or contract for fee, when the actual work to be done by himself and partner, including the visit to Governors Island and the agreement to accompany the expedition for many miles in a mountainous region, to say nothing of the obligation for the prisoner's return, was bigger and more onerous—besides being fraught with the danger of questionable ethics—than was the original proposition, for which he proposed to charge $60,000.

The absence of a fee or a contract for one must be significant when taken in connection with one whose ever-first thought seems to have been given to the payment or securing of a large fee.

The suggestion that Bergdoll's escape defeated the collection of the Ansell fee is fallacious. Bergdoll had nearly a million dollars' worth of property within reach with which to pay fees at any time, either for the preparation of the brief in the military case or for procuring the gold-hunting expedition. Consequently it was not necessary to find the gold in order to get the fee.

Already it has been shown that neither Ansell nor Bailey contemplated going with the expedition after Bailey's return from Governors Island, where he saw Bergdoll two days before the expedition started. The only remaining attorney who might be expected by anybody, even by General Ansell himself, to go upon the expedition was Gibboney, and he even failed to accompany the expedition from New York to Philadelphia.

When Bergdoll arrived at the railroad station in North Philadelphia from Governors Island, Gibboney was there to meet him with a letter of identification from Colonel Hunt. However, Gibboney rode only a few blocks in the automobile with Bergdoll and his guards, when he abandoned the party never to join it again.

Mrs. Bergdoll testified that on the next morning after she received each of the sums of gold she had her chauffeur to drive her away from her residence to a point where she said she buried it. The Bergdolls owned a farm about 11 miles out of Philadelphia. Mrs. Bergdoll stated that she took the gold in her automobile and took along a shovel with which to bury it. She stated that when she had reached the spot of burial she sent her chauffeur away from the automobile to gather apples, and that while he was gathering apples she buried the gold. If that be true, the gold was buried on the Bergdoll farm, and it was not contemplated that the expedition procured by General Ansell was to go beyond Philadelphia. Can it be possible that an ascertainment of the fact that the gold which Mrs. Bergdoll had gotten from the Treasury had been buried on the Bergdoll farm, not far from Philadelphia, caused all of counsel to repudiate the pledge that counsel was to accompany the expedition?

The fact has been established that when Bergdoll and his guard arrived at North Philadelphia, under directions of Mr. Gibboney, who held Colonel Hunt's letter of identification, they went to the Bergdoll residence accompanied by "Judge" Romig and Ike Stecher. Stecher is the man who fled with Bergdoll, and who now is in Germany with him. The further fact has been just as well established that on that very afternoon these same parties drove out to the Bergdoll farm and roamed about over it, instead of going on to Hagerstown, Md., as represented to General Harris by General Ansell would be done.

In view of the foregoing, how is it possible to hold General Ansell blameless? Being 46 years of age, he is just in the prime of all of his abundant faculties. He is both able and alert. Intellectually he is wonderfully endowed; and having spent 25 years in the Army, where he had every phase of humankind to deal with, we must believe that he was fully equipped to counter any attempt at deception upon the part of Bergdoll, Gibboney, or the guards. He was far from being such a novice in the affairs of the world that Gibboney, Bergdoll, Romig, or the guards could have pulled the wool over his eyes and blinded him as to the inevitable result of the expedition which he alone had procured. Anybody who has seen and heard all of those associated, either directly or indirectly, with the plan or manner of Bergdoll's escape, not only must recognize General Ansell as the master mind of them all, but also as their dominating and controlling spirit. He is not the kind of man that will merely follow. Upon the other hand, his is the character of one who must lead. His ability, his experience, have equipped him to lead even the most intelligent of associates.

Bergdoll's escape was the direct result of the proposition submitted by General Ansell to General Harris. Even if General Ansell did not conceive the plan, he presented it and pursued it to its accomplishment. The others had exhausted all remedies known to them as attorneys practicing in the civil courts. It was General Ansell, resourceful and conversant with military possibilities, who must have conceived it.

In fact, Gibboney, Romig, and the Bergdoll family conspiring among themselves were unable to bring about the order for Bergdoll's release. Such, of course, was the object of the conspiracy, but in order to successfully accomplish it it was absolutely necessary to have the active assistance and cooperation of Ansell and Bailey and Colonel Hunt. Without the aid of these latter Bergdoll could not have left Governors Island.

When Bergdoll was arrested on January 7, 1920, as already said, he was taken, in handcuffs, directly to Governors Island, N. Y., and put in charge of Colonel Hunt, commandant of the military disciplinary barracks at that place.

While Bergdoll was confined there, Colonel Hunt was several times apprised of the dangerous character of Bergdoll and of the probability of his attempting to escape. The police authorities at Philadelphia well knew Bergdoll's character as a dan-

gerous, reckless fellow. Notwithstanding that advice, Colonel Hunt, according to his own testimony, preferred to rely upon a board of p-s-y-c-h-i-a-t-r-i-s-t-s as to Bergdoll's character.

When Bergdoll was arrested on January 7, 1920, after he had been a fugitive for more than a year and a half, approximately 30 guns and pistols were found in the house in which he was arrested. One of those guns was a rifle equipped with a Maxim silencer. All these weapons were removed from the house by Government authorities. However, immediately after his final escape from the same house on May 21, 1920, it was discovered that the supply had been replenished, as seven shotguns in the meanwhile had been brought in. In addition, there was a pistol or two and a blackjack in the house. After his escape to the Canadian line had been accomplished, and he had abandoned his automobile there, a large revolver and a Lueger repeating pistol were found in his automobile. These facts bear out the Philadelphia police in their opinion that Bergdoll was a dangerous man and would do violence if the occasion for doing so presented itself, the opinion of Colonel Hunt's board of p-s-y-c-h-i-a-t-r-i-s-t-s to the contrary notwithstanding.

Colonel Hunt admitted that he disregarded the admonitions and warnings as to Bergdoll's character and his possible escape; and, instead, relied upon the diagnosis made by his board of p-s-y-c-h-i-a-t-r-i-s-t-s. When testifying in his own behalf during his court-martial trial, and while referring to the warnings about Bergdoll, Colonel Hunt said:

* * * "The weight of those two warnings—the legal obligation contained in them—was just about the legal obligations of a communication from the mayor of Timbuctoo." (P. 260, court-martial trial of Colonel Hunt.)

One of the warnings given to Colonel Hunt was dated March 8, 1920, and was signed by William Weigel, colonel, General Staff. The communication reads as follows:

"1. Attention is directed to letter from the department adjutant dated January 20, 1920, addressed to you and relating to Grover C. Bergdoll.

"2. In addition to the precautions directed in the letter referred to above, the department commander directs that at all times when Bergdoll leaves the walls of Castle William, he be guarded by two armed sentinels. Whenever Bergdoll in his present status leaves the island, the commanding general directs that he be handcuffed to one sentinel and guarded by another sentinel. The dangerous character of this prisoner has been reported by the police authorities of Philadelphia, who are in a position to know the amount of force which is probably necessary for his restraint, and this direction is made because of the information gained from these experienced police officials."

Relative to those warnings Colonel Hunt, in his court-martial trial, testified as follows:

"Q. I asked you if you considered him a dangerous prisoner?—A. During the time of his trial I had more accurate information and was in better position to judge, in my opinion, of the dangerous character of Bergdoll, of his criminal mind, than the judge advocate, than the judge advocate's office, or the judge advocate of the department, or anybody else; I had received full information from a careful and scientific investigation, conducted by a board of officers, who inquired into his sanity. I received information from Major Baker, who was my p-s-y-c-h-i-a-t-r-i-s-t, and I regarded it as absolutely dependable. At the time I received these two communications I knew all about Bergdoll. I had received the official and scientific opinion of an authority in regard to Bergdoll. Those letters were worth to me just as much as they were based on facts, and they were not based on any facts at all. So far as this information was concerned there wasn't anything in that."

That was one of the several instances of his defiance of superior authority in Bergdoll's favor.

In addition to the court-martial trial with which we are now dealing Colonel Hunt was court-martialed three times on the charge of drunkenness. In one of these court-martial proceedings he was sentenced to be dismissed from the service. Appeal was made to President Taft, who, in his usual good nature, commuted his punishment to that of a reduction of 50 files. Upon one of these three occasions he undertook to anticipate and prevent conviction by making a solemn pledge that he would not indulge in any intoxicating liquors for a period of 10 years. That promise he failed to keep.

There can be no better nor more convincing proof of Colonel Hunt's defiance of authority and ignoring of instructions than is found in his own testimony before his court-martial trial on account of the Bergdoll escape.

Throughout that whole court-martial trial he contended that Bergdoll should have been treated like the least offending prisoner, notwithstanding the information which had been conveyed to him relative to Bergdoll's dangerous character, and his probable attempts at escape. His contention to that effect was based entirely upon the report of the p-s-y-c-h-i-a-t-r-i-s-t-s, the actual and patent facts to the contrary notwithstanding. Besides Colonel Hunt was conducting the prison on an "uplift" policy. He introduced witnesses to prove in effect that it was better to trust Bergdoll to the extent that he did well-known harmless prisoners than to keep him confined or under close surveillance, as he had been instructed to do.

He resented every suggestion made to him relative to keeping a close watch over Bergdoll. His determination to pursue his own narrow way about things; his ignoring directions and defying instructions from the higher authorities at Washington are not short of being criminal; and Bergdoll's escape is traceable directly to that criminality as one of the several important happenings contributing to that deplorable end.

Colonel Hunt first endeavored to excuse what, justly, may be termed the insufficient guard by claiming that he alone had the right to determine how much of a guard should accompany the prisoner, and that nobody else had any right even to make suggestions as to the sufficiency of the guard. Throughout his testimony in the court-martial trial he constantly exhibited that resentment and defiance.

When that attitude had aroused criticism, he sought shelter under the assertion that he did not have a commissioned officer who could be spared when the expedition started.

He said that one commissioned officer was absent on leave and that another had just returned from taking some prisoners out to Leavenworth and was too fatigued to then go upon this expedition, and that in consequence he sent the prisoner out accompanied by only two sergeants.

When he made that statement he must have thought that other people would overlook the fact that he himself could select the day and the hour when the expedition should start. Therefore he, after a conference with Bergdoll's counsel and some of the convicted conspirators, chose a day when, according to his own statements, he knew he could not comply with the instructions of his superior officers by sending a commissioned officer along. Except that he was acting in defiance of instructions and in collusion with the prisoner, his friends, and his attorneys, he would have selected a day for the expedition when all instructions could have been complied with, including the sending of a commissioned officer.

Bergdoll received surprisingly considerate treatment from Colonel Hunt. A man named Speicher slept in the same cell with Bergdoll. Speicher made many trips to New York during that time. There is no doubt that Bergdoll kept in close touch with the outside world through Speicher as well as through others.

Harry Weinberger, the New York lawyer, testified that Speicher upon one occasion came to his office and brought a note from Bergdoll. About that time Speicher got into some trouble and $200 was necessary to get him out of it. That amount was paid by Bergdoll through his mother. If Speicher was receiving that gift and probably others from Bergdoll, and delivering communications to Weinberger, it is reasonably certain that he was delivering communications from Bergdoll to outsiders and from outsiders to Bergdoll.

Mrs. Bergdoll testified that she was permitted to place $700 in the prison at the disposal of her son in order that he might purchase knickknacks for his fellow prisoners.

When O'Hare, one of the sergeants who was to accompany Bergdoll upon the expedition, was about to start thereon, he asked Colonel Hunt for handcuffs, but they were refused.

While in prison Bergdoll and the other prisoners were clothed in prison garb, easily distinguishable, and upon the clothing of each was a prison number. Colonel Hunt sent other prisoners than Bergdoll to Philadelphia, and he sent them in the prison garb, bearing their prison numbers. But when he came to send Bergdoll on his buried-gold mission he had the prison garb removed, and clad him in the uniform of an honorable soldier, except there was no cord around the hatband. It is quite easily seen that if Bergdoll had escaped in his prison garb, bearing a prison number, many persons would have been willing to halt him and bring him to account; but, the fact that he was clad in the uniform of a soldier of our country threw off suspicion; and, instead of blocking his escape, made it easier, as all respected the uniform of the country. Every direction which looked toward Bergdoll's safe-keeping was rejected by Hunt, and everything that might facilitate his escape was done without question or quibble.

There is some conflict between the testimony of Colonel Hunt and that of Sergeant O'Hare relative to the instructions given by Colonel Hunt to O'Hare when he was told that he was to go on the expedition as one of the two guards. Notwithstand-

ing this conflict it is quite certain that the main instructions given to O'Hare by Colonel Hunt were given merely by submitting to him, and having him read, the official letters from Washington.

It appears that Colonel Hunt called Sergeant O'Hare into his office and told him that the expedition would start on the morning of the 20th, and that he and another sergeant were to constitute the guard; but that as between himself and the other sergeant, he, O'Hare, was to be the principal officer.

Then Colonel Hunt gave the official letters to Sergeant O'Hare and told him to read them. While O'Hare was reading the letters Hunt turned to his desk and wrote with pen and ink.

When O'Hare had finished reading the letters Hunt turned to him and asked him if he understood them. O'Hare answered affirmatively.

Colonel Hunt never asked O'Hare a single question for the purpose of ascertaining whether or not he correctly understood them. He made no effort whatever to learn whether O'Hare understood them just as he, himself, did. As a matter of fact, O'Hare left Colonel Hunt and went upon the expedition as the principal guard, with only his own construction of the letters, without having them explained by Colonel Hunt, and without ascertaining whether the two of them understood the letters alike.

O'Hare testified that when he asked Colonel Hunt to give him handcuffs so that Bergdoll might be handcuffed, Hunt replied that handcuffs would make Bergdoll "too conspicious."

To test O'Hare's capacity to correctly understand the letters which Colonel Hunt, without explanation, had shown him, he was asked to spell the word "conspicuous," a word used by Hunt in talking to O'Hare. He spelled it "c-o-n-p-i-c-i-o-u-s."

The following colloquy during the hearings will clearly show O'Hare's lack of education and his consequent lack of ability to properly interpret the letters:

"Mr. JOHNSON. What did you say that Colonel Hunt said about the handcuffs?

"Sergeant O'HARE. He said they would be too 'conspicuous.'

"Mr. JOHNSON. Too 'conspicuous'?

"Sergeant O'HARE. Yes, sir.

"Mr. JOHNSON. Spell that word, please.

"Sergeant O'HARE. C-o-n-p-i-c-o-u-s.

"Mr. JOHNSON. The first line of the letter which General Ansell wrote to General Harris, and which letter was submitted to you by Colonel Hunt on that occasion for you to read, starts out this way: 'Please permit me, in compliance with your helpful suggestion.' What does the word 'compliance' there mean?

"Sergeant O'HARE. To request him to do something.

"Mr. JOHNSON. Tell the committee what you think the word 'compliance' means.

"Sergeant O'HARE. To do something.

"Mr. JOHNSON. The second paragraph in the same letter starts out this way: 'This man, by virtue of his conviction and sentence as a so-called draft deserter, is now imprisoned at Fort Jay, pending the review of his trial by the War Department.'

"What does the 'virtue' in that sentence mean?

"Sergeant O'HARE. I couldn't say.

"Mr. JOHNSON. What does the word 'pending' in that sentence mean?

"Sergeant O'HARE. Pending the opening up of the case, waiting for a new trial.

"Mr. JOHNSON. The next sentence in the letter reads: 'I am his attorney. His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and lawyer.' What does 'repute' mean in that sentence?

"Sergeant O'HARE. A man who is honest and a good reputation.

"Mr. JOHNSON. What does 'unexcelled' mean?

"Sergeant O'HARE. Unexcelled? Can't be beat.

"Mr. PETERS. That is right.

"Mr. JOHNSON. Spell 'unexcelled.'

"Sergeant O'HARE. U-n-e-x-c-e-l-l-e-d.

"Mr. JOHNSON. Another sentence in this letter reads: 'Of counsel also in consulting capacity is Judge Westcott, of New Jersey, whom doubtless the Secretary of State well knows.' What does the word 'consulting' there mean?

"Sergeant O'HARE. To assist.

"Mr. JOHNSON. 'Whom doubtless the Secretary well knows.' What does the word 'doubtless' mean?

"Sergeant O'HARE. Well known.

"Mr. JOHNSON. In the next sentence I find the word 'impels.' What does that mean?

"Sergeant O'HARE. Impel is to assist.

"Mr. JOHNSON. In the next paragraph I find the word 'partially.' What does that mean?

"Sergeant O'HARE. A kind of helping hand.

"Mr. JOHNSON. Spell it.

"Sergeant O'HARE. Partially?

"Mr. JOHNSON. Yes.

"Sergeant O'HARE. I can't do it.

"Mr. JOHNSON. Make an effort at spelling it.

"Sergeant O'HARE. I can't do it. I can't spell it.

"Mr. JOHNSON. In the next line I find the word 'unintelligible.' What does that mean?

"Sergeant O'HARE. Don't know anything; don't know much.

"Mr. JOHNSON. In the next line I find the word 'complex.' What does that mean?

"Sergeant O'HARE. Complex?

"Mr. JOHNSON. Yes.

"Sergeant O'HARE. A peculiar case.

"Mr. JOHNSON. In the concluding sentence of General Ansell's letter to General Harris I find the word 'obvious.' What does that mean?

"Sergeant O'HARE. I don't know, sir.

"Mr. JOHNSON. Can you spell it?

"Sergeant O'HARE. O-b-i-o-u-s.

"Mr. JOHNSON. In the same sentence I find the word 'practicable.' What does that mean?

"Sergeant O'HARE. Reliable.

"Mr. JOHNSON. Colonel Hunt, as I just said, has testified that he turned these letters over to you that you might read them for the purpose of being instructed as to what you were to do and where you were to go upon that journey. You now state, do you not, that you do not know the meaning of some of the words in those letters?

"Sergeant O'HARE. Yes, sir. When I read a sentence I can almost make out what it is, or read a paragraph."

It will be noticed by the last question and answer that O'Hare admitted that he did not know the meaning of many of the words in the letters. According to his own statements, the best he can do is "almost" make out what it means.

York, the sergeant who, with O'Hare, constituted the guard, admittedly was given no instructions whatever. If anything had happened to O'Hare York would have been absolutely without any sort of instruction.

As said, while O'Hare was reading the two letters, Hunt was writing a letter in longhand to Gibboney. That letter was shown by Hunt to O'Hare, that O'Hare might be able upon reaching North Philadelphia to identify Gibboney, by whom the letter was to be shown to O'Hare when he reached Philadelphia to report to Gibboney. That letter reads as follows:

GOVERNORS ISLAND, N. Y., *May 17, 1920.*

MR. D. CLARENCE GIBBONEY.

SIR: This letter is to serve the purpose of your identification in the matter which was arranged in my quarters on Governors Island.

Very respectfully,

JOHN E. HUNT, *Major, Infantry.*

When O'Hare, with his prisoner, arrived at the North Philadelphia station, Gibboney went to O'Hare and presented the letter which had been written by Hunt, and which O'Hare had seen before it was mailed to Gibboney. O'Hare states positively, and the above letter and every other circumstance bears him out, that when the expedition reached North Philadelphia, Gibboney, as Bergdoll's attorney, was to have control as to where the party should go. O'Hare, following his construction of the letters, including the one of identification written by Hunt, clearly showed that Hunt intended that O'Hare should report to Gibboney at Philadelphia, and there receive instructions from him as to the rest of the journey, since it is admitted by all that O'Hare knew neither the road nor the destination.

Believing, and correctly so, that from that moment Gibboney was to control their movements, O'Hare followed Gibboney's instructions and took Bergdoll to his own residence.

It seems clear that it never was intended that the expedition should proceed beyond Philadelphia; and it is no difficult matter to determine who knew in advance that it was not to proceed further.

Two days and two nights before the expedition started both Ansell and Bailey abandoned any intention to go that either may have had, as well as any understanding with anyone in authority that either of them was to meet the party at Hagerstown or anywhere else. Hunt did not direct O'Hare and York, the two guards, to compel Bergdoll to go farther than Philadelphia. Instead, he wrote the letter above referred to; showed it to O'Hare; then mailed it to Gibboney, and had Gibboney present it at Philadelphia to O'Hare in order, as Colonel Hunt says, that O'Hare might be able to identify Gibboney.

The question arises: For what purpose was Gibboney to be identified by O'Hare? Was it that he might merely make the acquaintance of Gibboney; or was it that Gibboney, just as O'Hare says, was to tell O'Hare where the party should go? That letter was not written as an introduction of Gibboney or for any other unimportant matter. It was written with the serious and important intent of having O'Hare report to Gibboney for instructions not given by him by Hunt himself. There can be no doubt about that.

Following Gibboney's directions, the party entered an automobile. Scarcely were they seated in the automobile until Gibboney gave directions to proceed to the Bergdoll residence, he himself leaving the automobile at a convenient place to go to the court room, where Mrs. Bergdoll was then being tried.

Neither Gibboney, Romig, nor Ike Stecker, all of whom said they were going on the journey to Hagerstown, Md., on a mission which required them to be out several days, had any baggage whatever when they met Bergdoll and the guard at North Philadelphia.

Mrs. Bergdoll, although a millionaire, usually does all of her own work, cooking, washing and ironing, and other household duties. Notwithstanding this fact, on the day before Bergdoll arrived at her residence in Philadelphia she arranged for Mrs. Stecker to come to her house on the following day to cook dinner. The next day—the day when Bergdoll and the party actually arrived at the residence—Mrs. Bergdoll had put part of the dinner on the stove to be cooked. Other provisions for the dinner were already in the kitchen. Mrs. Bergdoll purchases her meager supply of groceries from day to day, if not from meal to meal.

On this day there would have been nobody at the house for dinner if Bergdoll, O'Hare, and the others were not to be there, except Mrs. Bergdoll, her mother, and the gardener. But, in addition to those three, there were present for dinner Mrs. Stecker, Grover Bergdoll, "Judge" Romig, Ike Stecker, Sergeant O'Hare, and Sergeant York. Yet there was ample dinner for all nine. Still all those who were helping young Bergdoll, including Ansell and Hunt, disclaim that there was to be a stop at Philadelphia.

It was testified that Gibboney stated that the journey was not to be pursued farther than Philadelphia that day because the automobile which the party was to use was "knocking." No immediate steps, if any at all, were taken to repair the car.

When O'Hare, with his prisoner and the others, arrived at the Bergdoll residence nobody was there except Mrs. Bergdoll's mother, who was more than 80 years of age.

Bergdoll proposed that they take a ride through the city until dinner time, they having reached the Bergdoll house about 10 o'clock. This they did, returning to the Bergdoll residence about 12 o'clock. In the meantime Mrs. Stecker had arrived and was preparing dinner—not for three persons, but for nine.

After dinner was over it was proposed not to have the automobile repaired, but to take another ride. This also they did; and during that ride they visited the Bergdoll farm, 11 miles out in the country. What happened there can be only surmised; but it should be remembered that if Mrs. Bergdoll, or Bergdoll himself, ever buried any gold, it must have been on the Bergdoll farm.

After the visit to the Bergdoll farm the party returned to the Bergdoll residence in Philadelphia. After supper was over there was nothing done by Ike Stecker, the chauffeur, looking toward the repair of the car, but, instead, the party took another ride in the alleged disabled car, during which time they went to a show and to a saloon.

A bottle or bottles of gin were placed in different parts of the Bergdoll home, where any of the party could partake of it at will. It is conceded that all except O'Hare drank some of it. This will be mentioned again further along.

It must be noticed that Gibboney, one of the Bergdoll attorneys, and who had long been a friend and attorney for the Bergdoll family, was out in town and not at the Bergdoll residence. It must also be noted that "Judge" Romig, an intimate friend and confidential adviser of the family, was within the residence with O'Hare, York, and the prisoner.

It is interesting to see who Gibboney and Romig are. Gibboney was an attorney at law, with but little knowledge of the law. His principal profession or occupation was that of a self-styled "uplifter" or reformer. In the latter capacity he pretended to be stamping out the liquor traffic and other evils. The Bergdolls owned a brewery, and some 1,200 or 1,400 saloons dispensed their beer. By and by Gibboney, as uplifter and reformer, came to be recognized by the authorities as one who, for the sake of peace, should be consulted about the issuing of licenses for these and other saloons. His opinions relative to issuing licenses to the Bergdoll saloons not only did not cause a rupture between himself and the Bergdolls but it brought him and them closer together. He was the man to whom Colonel Hunt delivered Bergdoll and the two sergeants, York and O'Hare. In addition, Gibboney was the man who was on the outside of the Bergdoll residence to observe, while "Judge" Romig was within to report, which he did by telephone.

Who is "Judge" Romig? He was never a licensed attorney. He acquired the title of "judge" because he was a justice of the peace, before whom offenders in the Bergdoll saloons were tried for minor offenses. His conduct as justice of the peace so greatly endeared him to the senior Bergdoll that he, when upon his deathbed, asked "Judge" Romig to look after Grover when he was gone. From that day until this "Judge" Romig has been a constant visitor at the Bergdoll residence and their confidential adviser. It was he who accompanied Mrs. Bergdoll and drove her automobile from Philadelphia to Washington upon the two occasions when Mrs. Bergdoll got $105,000 in gold from the Federal Treasury.

Up to this point it is seen that General Ansell procured the release of Bergdoll from Colonel Hunt, and Colonel Hunt placed Bergdoll in the hands of Sergeants O'Hare and York; and they, by Hunt's orders, delivered him to Gibboney, and Gibboney turned him over to Romig, the foster father, who accompanied him to the Bergdoll residence, from which he escaped. All that was not accident; it was design.

General Ansell in his letter to General Harris extolled the virtues of Gibboney. Yet when he came to testify he disclosed that his information as to Gibboney was acquired after the escape and not before. So his statements were made as facts when he lacked the necessary information upon which to base an opinion as to Gibboney's real character. If General Ansell had said as much to General Harris about Gibboney as he virtually admitted to the committee, no doubt General Harris would have refused under those circumstances what he granted under the other unqualified representations.

Almost immediately after the receipt of the letter sent by General Ansell to General Harris on May 11, Hunt, at Governors Island, was advised over the telephone by Colonel Penn that Bergdoll was to be released. On Sunday, May 16, "Judge" Romig went over to Governors Island. He saw Bergdoll upon that occasion. As to whom else he saw and what was said the committee is not advised. However, "Judge" Romig testified that upon that occasion Bergdoll spoke to him of the contemplated expedition to recover the buried gold. According to "Judge" Romig's own testimony he all but flew up into the air as soon as Bergdoll mentioned "gold" to him, and he reprimanded Bergdoll for having even mentioned "gold." "Judge" Romig had accompanied Mrs. Bergdoll from Philadelphia to Washington in her automobile upon the two occasions when she got in the aggregate $105,000 in gold. He helped her to carry it from the Treasury Building at Washington into the automobile, and in Philadelphia he helped her to carry it from the automobile into the Bergdoll residence. But for some unaccountable reason he said he would not permit young Bergdoll, while at Governors Island, to even mention "gold." By reference to Romig's testimony it will be seen that when asked if he believed the story of buried gold he stated that he believed the gold to be where he had last seen it; that is, in the Bergdoll house. It must be concluded that Romig then knew that Bergdoll's release and the expedition were not a hunt for gold, but intended for Bergdoll's escape, and he commenced in time to disclaim participation.

In the natural sequence of things the conduct of O'Hare should next be considered; but as the conduct and trial of Colonel Hunt are in such close intimacy with Col. C. C. Cresson, the judge advocate who prosecuted—or, rather, who was selected or detailed to prosecute Colonel Hunt—it is deemed best that his acts and omissions should be considered at this point in the report.

As ugly as are many phases of this whole matter, none is more defenseless than the conduct of Colonel Cresson in his pretended prosecution of Colonel Hunt.

To turn those loose who turned Bergdoll loose but adds insult to injury, and Colonel Cresson was the principal one of the instruments through which this latter offense was perpetrated.

The charges upon which Colonel Hunt was tried, as set out in the specifications, were:

"He suffered and permitted the * * * said general prisoner, Bergdoll, to leave said barracks on the date aforesaid not properly and suitably guarded and not accompanied by at least one of said counsel, in view of said information and warning, in that he did send said Bergdoll from said barracks in the custody of two noncommissioned officers, namely, Sergts. John

O'Hare and Calvin York, Ninth Disciplinary Company, United States Army, whom he had detailed as guard over said prisoner for and during the journey contemplated by the instructions of The Adjutant General aforesaid, and then and there failed to instruct said guards, or either of them, to handcuff said prisoner or to direct that the said guard be provided with handcuffs for that purpose in case of need therefor, and failed and neglected to give said guards, or either of them, sufficient and adequate instructions as to their journey, the care and safeguarding of said prisoner, and their course of conduct in charge of said prisoner, and otherwise failed properly to instruct said guard, and also, in view of said information and warning as to said character of said prisoner as aforesaid, failed to send a commissioned officer with said guard as suggested in the instructions of The Adjutant General as aforesaid; by reason of all of which said carelessness, negligence, failure, and neglect of duty in the premises on the part of the said Lieut. Col. (then major, Infantry) John F. Hunt, United States Army, retired, and commandant as aforesaid, and as a result thereof said general prisoner Bergdoll did escape from the custody of said guard at Philadelphia, Pa., on or about the 21st day of May, 1920."

Concretely put, Hunt was charged:

1st. With not having the prisoner and the guard accompanied by at least one of the counsel.

2d. That he failed to instruct the guard to handcuff Bergdoll, or direct that the guard be provided with handcuffs in case of need thereof.

3d. That he failed and neglected to give the guard sufficient and adequate instructions as to their journey and safeguarding of the prisoner.

4th. That he failed to send a commissioned officer with the guard, as directed in the instructions of The Adjutant General.

5th. That he failed to send Bergdoll out with a suitable guard.

Colonel Hunt plead "not guilty" to each of those five charges; but when testifying in the court-martial trial, and also before this committee, he admitted that he did send the prisoner out without any of the counsel accompanying the expedition from New York to Philadelphia, and the expedition did not proceed beyond Philadelphia. The prisoner and the guard were actually unattended by any of the counsel during any part of the journey, except for the few city blocks while Gibboney was in the automobile with them, which was just before he turned the party over to either Romig or to Bergdoll himself.

As to the second charge, Colonel Hunt admitted he did not instruct the guard either to handcuff the prisoner or to take handcuffs along. On the contrary, he forbade both.

As to the third charge, which relates to instructions, it is not claimed by Colonel Hunt that he gave any instructions whatever to York, who was one of the two sergeants in whose charge the prisoner was placed. The only other guard was Sergeant O'Hare. The lack of instructions to him already has been commented upon. However, Colonel Hunt claims that he gave O'Hare verbal instructions in addition to having him read the letters already referred to. Everything that was said and done by either of them, and by all others who were connected with the unfortunate affair, goes to corroborate O'Hare and to discredit Colonel Hunt in this respect.

As to the fourth charge, Colonel Hunt admits that he did not send the commissioned officer, as he was told to do by the higher military authorities at Washington.

The fifth charge is that Colonel Hunt did not send a "suitable" guard.

O'Hare testified that he is 5 feet 5½ inches tall and that he weighs 130 pounds. Unquestionably he would have been an uneven match in a grapple with Bergdoll, who was a physical giant in comparison. It may be argued that O'Hare had a pistol; but what could he have done with a pistol if Bergdoll had seized him for the purpose of taking it away from him?

It has been clearly demonstrated that he did not have sufficient education to certainly understand the written instructions. One look at him discloses that he is a man far below the average in intelligence.

That he, without sanction or approval, permitted Bergdoll to be driven to the Bergdoll farm; that he accompanied Bergdoll to a show at night; and then, late at night, permitted Sergeant York to go into a saloon, is conclusive proof that he was not a "suitable" guard. That he permitted Bergdoll to get out of his sight while in the Bergdoll residence is but a finishing incident to establish his total inefficiency.

Sergeant York was the other of the two guards. As said, it is admitted by Colonel Hunt himself that he gave no instructions to him. Receiving no instructions whatever from Colonel Hunt, the charge must be true, as stated in the specifications, that he was not properly instructed. Colonel Hunt was not only delinquent in not instructing York but he was such in selecting him. He made a great boast that in O'Hare he knew he had a sober man. He lays no claim to knowing anything of the habits of York. As just stated, on the night of the first day that the party reached Philadelphia, York went into a saloon in the presence of O'Hare, who was York's immediate superior. Next, we find that in the Bergdoll residence a bottle of gin just "happened" to be wherever York went about the house; and it is not denied that both he and the prisoner drank freely of it.

The charge in the fifth specification, the one with which we are now dealing, relates to the "suitableness" of the guard. The question well may be asked, "Who, when made acquainted with the facts, will be willing to answer that the guard was 'suitable' for any purpose except for the easy escape of the prisoner?"

As to the five charges made in the specifications against Colonel Hunt, notwithstanding the fact that he plead "not guilty" to each of them, he specifically admitted three of them in his testimony, and the other two were established. Notwithstanding his admission of his guilt as to the first specification, the court acquitted him.

Another count in the specifications was that Colonel Hunt failed to provide the guard with handcuffs. To that charge he also plead "not guilty"; yet upon the witness stand he admitted the truth of the charge. In the face of that admission the court acquitted him.

To the third count Colonel Hunt again plead "not guilty"; but in his testimony he admitted that he did not send a commissioned officer. Still, as to that count the court again held him not guilty.

The other two counts in the specifications related to insufficient instructions to the guard and to the suitableness of the guard. Those two were established by the proof, but not by Hunt's admissions.

So all five counts were proven, three of them by Hunt's admissions, and yet the court found him "not guilty" on each and every one of them.

There can be no question that Sergeant O'Hare was imposed upon by Colonel Hunt. However, there can be no excuse made for the opportunity of escape which O'Hare gave Bergdoll. O'Hare was guilty of unpardonable negligence during the night spent in the Bergdoll residence in that he permitted Sergeant York to go upstairs and sleep with a bottle of gin, while he remained downstairs and slept in the same room (in another bed) with Bergdoll. Unless Bergdoll had had a safer and just as certain plan of escape, he either would have taken O'Hare's pistol from him while O'Hare was asleep, or he would have covered him with one of his seven shotguns, compelled him to hold up his hands and remain silent, and then go away in the automobile, possibly taking O'Hare with him and throwing him out in the road at such point as might best suit his purposes.

There can be no defense whatever made for Sergeant York. On their arrival at Philadelphia he got out of the automobile and went into a saloon. During that night and the next day at the Bergdoll residence on several occasions he drank gin, not only by himself but with the prisoner. He, too, is just as blamable as is O'Hare for letting Bergdoll get out of sight. He even did not sleep in the same room with the prisoner. Besides, when the telephone bells were ringing—no doubt as a signal to Bergdoll that everything was ready—York says he went to another floor of the house to get a drink of water, when there was water on the floor which he was leaving.

Lieut. Col. C. C. Cresson, as said, was the judge advocate detailed to prosecute Colonel Hunt in the court-martial trial.

Even before any testimony was introduced, Colonel Cresson made the following statement to the court:

"The Government disclaims, and personally and on behalf of the prosecution, any idea of there being anything crooked or any collusion on the part of Colonel Hunt in this matter, or that any money was used, the only charge in the matter being simply neglect of duty and failure to take due precautions in the matter." (P. 7, Hunt's court-martial trial record.)

By that declaration Colonel Cresson gave notice that he would not, if he could, prove that he did not furnish a sufficient guard if he was bribed not to do so.

In the same way this prosecuting attorney served notice that he would not prove, even if he could do so, that Colonel Hunt had failed to send a commissioned officer along with the guard if he had been paid not to do so.

The inevitable conclusion is that Bergdoll bought his way out; yet Colonel Cresson, the prosecutor, boldly announced that he would not prove that to be the case even if he could.

That statement by Colonel Cresson clearly shows what a shocking mockery the rest of the trial was.

On pages 16 and 17 of the record of the court-martial trial of Hunt it is shown that the defense undertook to prove by General Harris that he had inspected the prison on Governors Island, of which Colonel Hunt was commandant, on June 11, following May 21, when Bergdoll escaped, and that Colonel Cresson objected to the testimony, but afterwards withdrew this objection and permitted the condition of the prison after the escape to be inquired into, all of which had nothing whatever to do with the case, except to avoid the real issues.

On page 18 of the same record it is shown that the prosecution, without objection to the question, permitted General Harris to testify relative to an inspection of the prison made by him on April 10, 1918, as if the condition of the prison more than two years before the escape of Bergdoll had anything to do with his escape.

Again, that record shows on page 19 that General Harris was permitted, without objection on the part of the prosecution, to testify as to the condition of the prison in April, 1919, more than a year before the escape.

General Harris declined to say that the release of Bergdoll to go find the gold was not a precedent. The case he cited as precedent was where permission was given a prisoner to go to see his dying mother. No instance was cited where a man had ever before been permitted to go hunt for any instrument or for gold; gold buried to aid him in avoiding capture, in the first place, and to be used toward his escape in the next place.

Attention is invited to that part of the answer of General Harris when he said, "It is not infrequent—it is not a common occurrence to give consent for a man to go to his house to recover some effects or papers, particularly papers, but they are always sent under guard." In that sentence we have General Harris saying, first, that it is "not infrequent," and next, "it is not a common occurrence." So, no precedent for the Bergdoll release could be found.

It is to be taken as granted that the permission which was referred to as a precedent, where papers were to be gotten, that they were not such as could be used by the prisoner in effecting his escape, as the gold was to be used by Bergdoll.

On page 24 of the same record, in the testimony of Colonel Penn, we find the following question and answer, neither of which was objected to by the prosecution:

"Q. Up to the time of the 20th of May, this year, what would you have to say as to the administration of the disciplinary barracks by Colonel Hunt; was it satisfactory or otherwise?—A. It had been entirely satisfactory to the department."

Again the question may be asked: What did the administration's opinion of the condition of the barracks have to do with the escape of Bergdoll?

On the same page the following questions were put to Colonel Penn:

"Q. Do you know the reason, Colonel, for the disciplinary barracks being directly under The Adjutant General's Office, and not under the department, as other posts within the department are?—A. I don't know as I can state offhand the reason for that.

"Q. Would you say this, Colonel, that the handling of prisoners who are to serve a year or more require special study, that it was something entirely different from a guardhouse, and therefore required a man who had special training in it and would be in touch with the definite policy that was adopted at Washington?"

At this point the prosecution objected; and, in the course of his objection, used this illuminating and consistent sentence: "I will not raise an objection if you don't insist on that question."

But, after the defense "had insisted" on the question, strange as it may be, the prosecution withdrew the objection. After the objection had been withdrawn it was reput by having the stenographer read it to the witness. Just as soon as the stenographer had finished reading the question, Colonel Cresson, prosecuting, apparently anxious to have it answered for Hunt's benefit, put in and said, "Answer the question, if you can, Colonel."

The above quotation and comment are for the purpose of showing, just at this point, as can be shown in a great number of places further along in the record, that the prosecution nearly always gave way to what was desired by the defense. Usually when he did not give way the court helped out by overruling the objection.

After the witness had ceased to testify for the defense, Colonel Cresson, prosecuting, had the witness to further testify that Colonel Williams, of the Inspector General's Department, had, in May, 1919, a year before the Bergdoll incident, spoken very highly of Colonel Hunt's management of the barracks. The prosecution also had the witness testify that Maj. G. C. Shaw, of the Inspector General's Department, had reported Colonel Hunt's institution to be in excellent condition on May 6, 1920, and that the morale of the officers and enlisted men and prisoners reflected great credit upon Colonel Hunt as commandant of the place. That testimony is to be found on page 28 of the court-martial record.

But, again, the question may be asked: What did the condition of the prison or the morale of the men at any time have to do with the escape of Bergdoll, who did not escape from the prison?

One of the most ridiculous features ever injected into tragedy came when James H. Sparks was testifying. The defense asked whether or not Bergdoll looked like a dangerous man. It is needless to say that the prosecution did not object to having Sparks, a railroad brakeman, venture his scientific opinion along with that already given by the p-s-y-c-h-i-a-t-r-i-s-t. This witness would render the world a favor if he would only describe a really dangerous man merely by his looks.

In addition to the several warnings which had been given relative to Bergdoll being dangerous and liable to escape, Captain Yuill notified the authorities on Governors Island, when Bergdoll was taken there, that he was a very wealthy man and that they should not keep him in the ordinary garrison guardhouse, because in all probability he might bribe his way out.

When O'Hare was on the witness stand in Colonel Hunt's court-martial trial, testifying in response to questions put to him by the prosecution, the prosecution itself endeavored to conceal a material part of the escapade indulged in at Philadelphia, as is shown by the following questions and answers, to be found on page 81 of the court-martial record:

"Q. You got out to Bergdoll's house about what time? Do you remember?—A. I think it was between 11 and 12, the first time.

"Q. In the middle of the day?—A. Yes, sir.

"Q. And you stayed there until how long—how long did you stay there?—A. Oh, must have stayed there—we had dinner there and stayed there until about 2 o'clock.

"Q. What did you do this afternoon?—A. Then took a ride around again in the afternoon.

"Q. Now, skip over to the next day. When was the last time you saw Bergdoll, as you remember it?"

One can not but wonder and continue to wonder why the prosecution wanted to "skip over" the escapade of that night when Bergdoll was taken to the show by the guard and Sergeant York went into the saloon. Could it be that the prosecution was "whitewashing" Colonel Hunt's guards by concealing those incidents because the "suitableness" of the guard was one of the issues confronting Colonel Hunt?

On page 90 of the court-martial proceedings it is shown that while O'Hare still was on the witness stand the prosecution itself volunteered an announcement as follows:

"I think it is proper to appear here that the sergeant is a man that never takes a drink. He has taken no drinks in 19 years."

When O'Hare came to testify before the congressional investigating committee he stated that prior to the Bergdoll affair he did not know Colonel Cresson, who was prosecuting, and that Colonel Cresson did not know him; and that it was impossible for Colonel Cresson to know whether or not he (O'Hare) drank.

Pages 101, 102, and 103 of the record of Hunt's court-martial trial disclose that counsel for Hunt all but abandoned the defense of Hunt, such defense appearing to be unnecessary, no doubt, because of the attitude taken by the prosecution, and commenced the defense of O'Hare and York, who were to be tried later. Presumably he was moved by the old saw that "all three of them might hang separately unless they hung together."

Again, to show that Colonel Cresson, conducting the prosecution, was doing both big and little things to avoid the conviction of Colonel Hunt, the following questions and answers of the court-martial trial, to be found on page 105 thereof, read as follows:

"Questions by prosecution:

"Q. Sergeant, I believe you testified that it was against your orders to go to Canada?—A. Yes, sir."

That to which attention is invited is the fact that the witness had not so testified. The testimony of the witness upon the preceding day is to be found on page 97 and reads as follows:

"Q. In other words, if you got to Philadelphia and met Mr. Gibboney and Mr. Gibboney said you were to go to Canada, you would know that was wrong, wouldn't you?—A. Yes.

"Q. And you would have refused to go to Canada?—A. Yes."

It will be seen that the witness did not testify that it was "against his orders" to go to Canada; but, instead, he said he would have used his own judgment and would not have gone

to Canada. So there is another instance where the prosecution, by leading the witness, undertook to have it appear that Sergeant O'Hare did have detailed instructions from Colonel Hunt, when the prosecution was based upon the charge that he did not have such instructions from Colonel Hunt.

Frank Paul Keppel, formerly Third Assistant Secretary of War, was introduced as a witness by the defense to prove that the policy of the Secretary of War relative to the management of the disciplinary barracks at which Colonel Hunt was the commandant was in accord with the policy of Colonel Hunt.

The policy of the Secretary of War concerning the mere "management of the institution" had nothing whatever to do with the escape of Bergdoll at Philadelphia.

The witness was asked further: "Did you yourself make an inspection or two at the institution here?"

"A. I did; two inspections. * * *

"Q. On your second inspection did you find a decided change, or otherwise?—A. My impression is conditions were very much better the second time; the appearance of the place was better; the bearing of the prisoners was better, and it was evident the barracks were administered under a very careful supervision and along a definite policy; I recall that a number of prisoners at that time spent a good part of their time down at the end of the island, not within Fort Williams, but arrangements were made for making themselves useful down at the other end of the island; I don't think that was the case when I was first there."

But what did "the appearance of the place" have to do with the escape of Bergdoll at Philadelphia? Certainly the "appearance of the place" was changed to some extent by Bergdoll's absence.

The witness was actually asked: "Do you know what his (the Secretary of War's) opinion was of the conduct of the institution by Colonel Hunt?"

The opinion of the Secretary of War as to the general conduct of a prison did not excuse Colonel Hunt's refusal of handcuffs, for instance. Yet question after question like that was not objected to by the prosecution.

The defense introduced one McClellan, warden of the Chester County penitentiary, for the general purpose of proving that Colonel Hunt's prison policy was approved by him.

The defense asked him this question: "How did the general policies there compare with that of your institution?"

Even if the question had anything whatever to do with the case, it had not been proven that McClellan was properly conducting his prison at West Chester. Colonel Hunt's policies of managing a prison were permitted to be compared with McClellan's policy of running the West Chester prison, without anybody ever having said how well or how badly the West Chester prison was conducted. But, in order to get Mr. McClellan's and Colonel Hunt's idea of operating a prison, the following is quoted from the former's testimony:

"We have never used—I have never used arms with any guard; I don't allow any guard to carry arms in the institution. It might be well to tell you or the court that our institution is an open one—no walls—and our men work in the open, a mile from the institution at many times. We do not use arms. * * *

"Q. In what kind of a case, with one prisoner, would you consider handcuffs necessary?—A. Well, I would only consider handcuffs in the same light that I would consider a straightjacket—as a matter of restraint."

McClellan and Hunt might have been suitable wardens at a foundling institution, but certainly at no other place. Moreover, McClellan does not permit the word "guard" to be used in his institution; instead he requires everybody to use the word "officer."

In answer to a question this witness, whose testimony seems to have been seriously considered, answered:

"I know very little of Bergdoll.

"Q. You don't know, then, whether it was necessary to handcuff him and send two armed men or not, do you?—A. I don't think that the man lives that it is necessary to do that to if he is a normal man, unless he is insane.

"Q. If it became necessary to transfer a man of dangerous and escaping character, then you believe he should be handcuffed?—A. I don't think so."

If one will read the latter part of page 189 and page 190, which is a part of the testimony of McClellan given at the court-martial trial of Colonel Hunt, he will be utterly astounded at the length to which McClellan would go in conducting a prison. He said, in substance, that he saw no reason why he should take the word of a commanding general that a prisoner was desperate—he would not heed warnings—but would rely upon his own opinion and that of a psychiatrist rather than take heed from a warning or obey orders from a superior authority. Except that Hunt entertained those same notions, Bergdoll might not have escaped.

Another witness in Colonel Hunt's behalf was Capt. Edmund Banks Smith, a chaplain. He stated that he was associated with the prison on Governors Island prior to 1915; that he left there in 1915, but frequently went back. That good man, considering Hunt's administration from the "uplift" or "reform" standpoint, said in his testimony:

"I noticed a slow and gradual changing of what I might term the atmosphere of the prison, rather intangible to describe, but perfectly easy to feel, that appeared to me to show an improvement in the morale of the men."

It may be said, not in a spirit of reproach, that at the time when the chaplain "felt the atmosphere" that Bergdoll was "rather intangible" at Governors Island, where Colonel Hunt presided with such motherly intuitions. Perhaps if the reverend gentleman had then "felt the atmosphere" in Germany he would have found it full of the breathings of defiance and scorn coming from Bergdoll for the American flag.

Bergdoll escaped on May 21, 1920. Colonel Hunt's court-martial proceedings commenced July 21 thereafter. During the two months which intervened between the time when Bergdoll escaped and the beginning of Hunt's court-martial trial Hunt was promoted from major to lieutenant colonel. Then, while the trial was going on announcement actually was made to the court, while in session, that Lieutenant Colonel Hunt had again been promoted, this time to the rank of colonel.

Notice: During the two months immediately following the escape of Bergdoll he was promoted twice.

In the midst of the trial, while Capt. Samuel B. Shackford, a witness for the defense, was testifying, the attorney for the prosecution arose and said to the court:

"To save time, I don't think anywhere in the specification it charges that these sergeants were not competent. I don't think negligence was charged in that way, unless the guard was insufficiently instructed by Hunt. I think testimony along that line might be dispensed with. I am not going to object to it, however, but I want to call your attention to the fact that it is not charged that either of these sergeants were improper men or not good sergeants."

That was a monstrous assertion for the prosecution to make, inasmuch as one of the specifications charged Colonel Hunt with having permitted "Bergdoll to leave said barracks on the date aforesaid not properly and suitably guarded." If they were incompetent or drinkers or negligent they were not "suitable."

The very one whose duty it was to show that the guards were not "suitable" voluntarily stated, in substance, in the above-quoted language, that it was not charged that either of the sergeants "were" "improper men or not good sergeants." Colonel Hunt was directed to provide a "suitable guard," and in the charge it is plainly specified that he did "neglect his duty in that behalf." The prosecution now is helping out the defense by saying by reasonable inference that "improper men" as guards make a "suitable" guard.

The witness testified that Sergeant York "is trustworthy—depend on him absolutely." What a wonderful statement that is, in view of all the facts brought out against him.

Amos T. Baker, one of the p-s-y-c-h-i-a-t-r-i-s-t-s who regarded Bergdoll as so beautifully innocent and harmless, notwithstanding the many warnings as to his dangerous character, really testified that handcuffing "would be humiliating to the prisoner and might suggest to him the possibility of escape." Evidently he was proceeding upon the theory that it had never entered Bergdoll's head to escape. As the handcuffs were not used, and as Bergdoll escaped, it must be that the absence rather than the presence of handcuffs suggested the escape. No matter what the consequence had been, the witness would not abandon his theory. He, with Hunt's approval, wrote a pamphlet concerning the control and guidance of prisoners.

This witness further testified as follows:

"I do recall Major Hunt not wishing to humiliate the prisoner by attracting attention to him by sending a superfluous guard or unduly securing him."

Perhaps if Bergdoll had not been so rich he would not have been so easily humiliated; nor would three men, two sergeants and a commissioned officer, have been deemed a "superfluous guard," nor would the use of handcuffs been considered "unduly securing him."

In one of Hunt's many defiances of authority and advice, he said, "I don't think the War Department is particularly expert in arriving at any decision."

It also appears that Colonel Hunt was not at all averse to being put in charge of the prison at Fort Leavenworth, where Bergdoll would have been sent if he had not escaped. One

Grafton B. Perkins, an advertising agent, had in charge this prospective promotion for Colonel Hunt.

While this committee was conducting its hearings, it appeared in some of the western newspapers that one of the committee had expressed the opinion that Hunt had been "whitewashed" at his court-martial trial. Colonel Cresson, who conducted the so-called "prosecution" of Colonel Hunt, telegraphed and asked that the record of the court-martial trial of Hunt be considered by the committee, and that his prosecuting speech also be considered by the committee. He was replied to by wire that both had already been made a part of the record and were considered by the committee. Particularly did he ask that his speech be read to the committee. That request was complied with. Whatever of criticism of Colonel Cresson there is in this report has been gotten entirely from that record, his speech included.

On page 30 of that record Colonel Cresson, prosecuting, said in his concluding speech:

"As I stated in the opening of this case, I want to state again that the prosecution does not for a minute think, nor does it intimate, nor does it care to have anyone think of intimating that Colonel Hunt in any way wanted Bergdoll to escape, that he colluded in the matter or was in any way in any conspiracy."

In another part of his speech he said:

"Of course, the court realizes, as everyone does, that it is not a pleasant duty that devolves on the prosecution in any case, civil or criminal, to come before the court and ask that a brother officer be punished or be admonished or held guilty of neglect of duty."

In that speech Colonel Cresson also said:

"Colonel Hunt has a fine record as a prison officer and the Government is not denying that."

In another part of his speech Colonel Cresson said:

"I have sympathy for Colonel Hunt. He has a fine record, has been retired as a colonel. Colonel Hunt has indeed made a magnificent record as an officer and as to the care of some prisoners. * * * I am glad to be able to say that no one can throw any suspicion of crookedness on the part of Colonel Hunt in this matter."

Several times in this report Colonel Hunt's defiance of the directions of superior officers has been mentioned. It is not desired that this report be closed without having it clearly and distinctly understood that his attitude of "defiance" of orders was feigned, at least in material part, in order to fulfill the understanding arrived at between himself and some of those who saw him at Governors Island a very, very short time before the Thursday when he sent Bergdoll away from the island without handcuffs, without a commissioned officer, without the presence of one of the counsel, without a "properly instructed guard," and without a "suitable" guard. It matters not whether he were really stubbornly defiant of orders or corruptly so, he is guilty, the latter offense being more heinous, only.

Just here it should be emphasized again that the prosecuting judge advocate, Colonel Cresson, declared in the court-martial trial that he would not prove that Colonel Hunt corruptly refused the handcuffs, or corruptly failed to send a commissioned officer with the expedition, or corruptly failed to have one of the counsel accompany it, or corruptly failed to properly instruct the guard, or corruptly failed to provide a sufficient guard, even if he could do so.

Colonel Cresson's contention during the trial was that Hunt was guilty—but only of a technical offense—if he, without taking a bribe, disobeyed orders; but that if he disobeyed orders because he was bribed so to do, then he was not guilty.

Prisoners in making escapes use different instruments. Some use crowbars, some files, some saws, and some false keys. The instrument used by Bergdoll in making his escape was money. Crowbars, saws, and files make noise. There is an old, old saying that "money talks," but in illegitimate transactions like this its talking is done in whispers, and therefore difficult of proof.

No one can be so dense as not to know that Bergdoll could not have been detained at Governors Island for the unusual length of time that he was detained, instead of being sent directly to Leavenworth, without the use of money. Neither can any impartial mind fail to see that his expedition to recover the alleged hidden gold was procured by the use of money. It is fair to assume that every discrimination made in his favor, and that every step taken by him leading to his escape, was the direct result of his immense fortune. If he had not been a millionaire, immediately following his conviction, he would have gone with other prisoners to Leavenworth, where the doors would have been securely closed behind him, unless Colonel Hunt had been successful in his effort to be transferred there.

Because a thing is accomplished by employing a licensed attorney to do it does not necessarily put the act beyond merited condemnation. Money was spent lavishly by Bergdoll for the purpose of ingratiating himself, not only with the prison authorities but with his fellow inmates in the prison at Governors Island. There are many instances where money was used, apparently for legitimate purposes, but surely with the ulterior design of escape. His prolonged stay at Governors Island cost him at least six or seven thousand dollars, and it must be remembered in this connection that it was at General Ansell's request that Bergdoll was permitted to remain there.

The broad, well-defined trail leading to the escape did not become unmistakably evident until General Ansell induced General Harris to authorize the expedition to search for the gold. There can be no doubt about General Ansell's ability and learning, but it is certain that he did not get into the case because of that ability and learning alone. His influence with the Army officers with whom but recently theretofore he had been so long associated must have been considered. The large fee contemplated by him evidently was based not only upon what he might accomplish through legal channels; but, in addition, by exercised influence.

The many fees to be gotten from others, and the big one to be paid by Bergdoll, lured him into questionable paths. No one knew better than General Ansell that his course was, at least, doubtful. His own conscience seemed to have reprimanded him even before this investigation commenced. This is evidenced by the fact that while upon the witness stand, when it was taken for granted by those of the committee that his thoughts had not yet turned to his being a possible "pardon broker," he admitted, by citations to the law in various jurisdictions, that already he was mindful of that feature of the case. Then, when it was undertaken to ascertain to what limit he would not go for a fee, he cited instances in justification of himself where other attorneys had defended notoriously infamous characters. That manner of defense of himself did not first or suddenly come to him while upon the witness stand. This conclusion is based upon the fact that when he, but recently a general in our Army, was confronted with what he had done, he drew from his pocket a written statement, prepared in advance, citing cases, both American and English, to justify his defense of Bergdoll, our country's enemy.

While there are many who participated in the conspiracy leading to Bergdoll's escape and the acquittal of those who brought it about, there are three who are infinitely more culpable than the rest. Those three are General Ansell, Colonel Hunt, and Col. C. C. Cresson. But thus far no punishment has been imposed upon anybody that could not be discharged by the Bergdoll millions and counted a mere trifle.

General Ansell is now out of the Army. He is beyond the jurisdiction of court-martial proceedings, but provision should be made against his future practice before any of the departments, before any court-martial, or in the courts of the District of Columbia or the Nation, above whose safety and integrity he has placed gold.

Colonel Hunt, within the next two months after he had participated so criminally in the escape of Bergdoll, was promoted from major to colonel and immediately retired on the pay of $3,600 a year. It becomes a serious question who is to pay this life-long reward for his perfidy. Those whose backs already are burdened with the most onerous tax ever imposed must contribute; and, in addition, more than 4,000,000 of our soldier boys must, throughout Colonel Hunt's remaining years, contribute to this munficent retirement fund, in recognition only of his instrumentality in this national tragedy. An outraged Nation has the right to demand that Colonel Hunt's annuity be discontinued.

The conduct of Mr. Earl B. Wood should not go unnoticed.

On April 30, 1920, John J. O'Connor, a special agent of the Government in the Secret Service, who had been sent to Philadelphia to look after the Bergdoll case, addressed a letter to Frank Burk, Assistant Director and Chief of Investigation, Washington, D. C.

That letter reads as follows:

"DEAR SIR: On the evening of April 27 Lieut. George C. McDonald, who has been and is cooperating with me in the Bergdoll cases, obtained information through one Jacob Strohm, an uncle by marriage of the Bergdoll boys, that Grover C. Bergdoll is to gain his release within a period of two weeks.

"The information, in substance, is that a Colonel Ansell, a Washington attorney who has been retained by the Bergdoll family to attack the verdict of the court-martial, has guaranteed to bring about the release of Grover C. Bergdoll for a consideration of $10,000. In an effort to gain his freedom, counsel for

Bergdoll is expected to apply for the release on bond of Grover C. Bergdoll pending the decision of the court in re application for a writ of habeas corpus, which will give Bergdoll sufficient time to depart from the United States.

"If this can be brought about, it will be a repetition of an application which was made before Judge Hand in the southern district of New York, and at the time of the application counsel requested that the prisoner be turned over to the custody of the United States marshal pending decision. Judge Hand refused the request and ordered Bergdoll returned to the custody of the military authorities.

"If there is some way to prevent Bergdoll's being released pending the decision of the court before which the application will be made, we will have prevented Grover Bergdoll's escape, together with protecting Colonel Ansell, whom I believe to be misled, from having to explain the treacheries of his client and of his confederates.

"Very respectfully,

"JOHN J. O'CONNOR,
"*Special Agent.*"

When that letter reached the department it went to Mr. Wood, he having charge of all correspondence relating to the Bergdoll case.

When Mr. Wood received the letter he should have immediately brought it to the attention of the War Department, which then had charge of Bergdoll, for the purpose of having double precautions thrown around him.

It seems that every happening—whether of act or omission—resulted to Bergdoll's benefit, and not one to his real detriment.

All this could not have been accident. Somebody, carrying convincing persuasives in great bundles, must have preceded every doing in the case, to see that nothing was left to chance.

The opinion is freely ventured that if O'Connor had written the above letter of warning about any military prisoner other than Bergdoll, the millionaire draft dodger, that that letter or its contents would have been sent at once to the War Department.

In the concealment of this most important letter Mr. Wood finds himself with no consolation. There is no one with whom he can even divide responsibility for the offense. Confronted, as he was, when on the witness stand, by that predicament, he did not attempt to do so, as the following questions and answers show:

"Mr. JOHNSON. It (the letter) came to you because you were in charge of this (Bergdoll) particular case.

"Mr. WOOD. Yes, sir.

"Mr. JOHNSON. Have you stated when you received it?

"Mr. WOOD. It is on the letter. It looks like May 3, 1920.

"Mr. JOHNSON. When you received that letter, what did you do with it or about it?

"Mr. WOOD. I went to see the Assistant Attorney General, Mr. Robert P. Stewart, who was not in his office, as I remember it, and I discussed the matter with Mr. Herron, the assistant to Mr. Stewart, relative to what steps we should take if Bergdoll should apply for a writ of habeas corpus, and to take steps to resist the issuance of the writ.

"Mr. JOHNSON. Did you bring the contents of that letter to the attention of anybody else?

"Mr. WOOD. No, sir.

"Mr. JOHNSON Do you take full responsibility for the failure to bring the contents of that letter to the attention of anybody else?

"Mr. WOOD. Yes, sir; I take the responsibility. I handled the letter.

"Mr. JOHNSON. Do you take full responsibility for not having brought it to the attention of anybody else?

"Mr. WOOD. Yes, sir; I take full responsibility for the way that letter was handled.

"Mr. JOHNSON. Do you take full responsibility for not having brought the contents of this letter to the attention of anybody else?

"Mr. WOOD. I do.

"Mr. JOHNSON. That is all."

Believing that no man of Mr. Wood's most extraordinary make-up should continue in the public service, his dismissal is most earnestly recommended. More, it is recommended that he be forever disqualified from holding any appointive position whatever with the Government of the United States.

It has been said that there is perhaps no crime an exact definition of which is more difficult to give than the offense of conspiracy. It has been defined to be a combination of two or more persons by some concerted action to accomplish some criminal or unlawful purpose, or to accomplish some purpose not in itself criminal or unlawful by criminal or unlawful means.

It is not necessary to constitute a conspiracy that two or more persons should meet together and enter into an explicit or formal agreement for an unlawful scheme or that they should directly, by words or in writing, state what the unlawful scheme is to be and the details of the plan or means by which the unlawful combination is to be made effective. When two or more persons pursue by their acts the same object, often by the same means, one performing one part of the act and the other another part of the act so as to complete it, with a view to the attaining of the object which they were pursuing, this will be sufficient to constitute a conspiracy. Concurrence of sentiment and cooperative conduct in an unlawful and criminal enterprise and not formality of speech are the essential ingredients of a criminal conspiracy. Previous acquaintance is unnecessary, and it is not essential that each conspirator should know the exact part to be performed by the other conspirator in execution of the conspiracy. Moreover, all the conspirators need not enter into the agreement at the same time. When a new party with knowledge of the facts concurs in the plans of the original conspirators and comes in to aid in the execution of them, he is from that moment a conspirator.

The conspiracy may, of course, be shown by direct evidence, but direct evidence is not indispensable. Circumstantial evidence is competent to prove conspiracy from the very nature of the case. Generally speaking, the crime must be proven by acts of the party himself and of any other with whom it is attempted to connect him.

The evidence in a conspiracy is wider than perhaps in any other case. Taken by themselves, the acts of a conspiracy are rarely of an unequivocally guilty character, and they can only be properly estimated when connected with all the surrounding circumstances. The process is, after all, an inference from one fact to the existence of another.

The crime of conspiracy very, very frequently involves the use of money as a means to its successful accomplishment and, in such cases, as a general rule it is not necessary that direct evidence be adduced of the payment and receipt of the consideration. It becomes a matter of inference from one fact to the existence of another. That is this case.

It must be conceded that the motives which prompted Mrs. Bergdoll, the mother, and "Judge" Romig, the foster father, to take part in the conspiracy were not the motives that actuated either Gibboney, Ansell, Bailey, or Hunt. These latter had no affection for Grover Bergdoll, nor can it be said that his plight aroused their humanitarian impulses. What, then, incited their activities? There was, of course, the Bergdoll fortune ever present.

There are many, many offenses which are, indeed, most difficult of actual proof. There are a few impossible of good except by circumstances and by reasoning from cause to effect.

The eye of man is far more easily deceived than is his mature reasoning and calm judgment. Money may pass from hand to hand in an instant, and at some obscure place, and not be seen. While the passing of it may be proven beyond doubt, the consideration for which it did pass may be disputed. On the other hand, the full performance of the service to be rendered may be fully established; still the passing of the money in payment for the service may be proven only by appeal from the eye to the mental consideration of a chain of established facts. Again, that is this case.

However, no witness willing to tell the whole truth has seen the money actually pass. But everybody who heard or has read the testimony should be able to see an "effect" which could have been produced by no "cause" except money. In reasoning from cause to effect we see the Bergdoll millions, "the cause," standing out like Pikes Peak against the horizon of a rising sun. As the rays of light advance upon each succeeding scene in this unholy affair there is disclosed to the reasoning mind one hideous thing after another, pictured with the accuracy of the camera, until "the effect," the escape, stands out as clearly as the Egyptian pyramids against another horizon.

At first only long and meagerly defined shadows, reaching from the "cause," were cast across the Nation's integrity; but as the rays of discernment and analysis rose higher and higher the shadows shortened and shortened until a black spot stands, and will forever stand, exposed to the light of reason, although none but the guilty may have seen the corrupting influence pass from slacker to traitor.

But with the advent into the case of him who, by his partner, has been modestly declared to be "the highest authority in this country on military law," we find sorcerer-like deception practiced upon the trusting. Next we see a palsied old man, overflowing with that generous spirit of acquiescence and lack of resistance that always accompanies those who grow old beauti-

fully, placed and replaced in artist-like fashion wherever his name could best be commercialized.

Then we find the activities transferred from Washington, which for the then present must be obscured, to Governors Island. This transfer from Washington to Governors Island was so absolute that even an official letter of warning sent from Philadelphia to Washington forecasting Bergdoll's escape within two weeks was hidden away in a pigeonhole, never to find its way to Bergdoll's prison, that he might be properly guarded.

Then we find Bergdoll put into the same cell with a prisoner who is permitted to make almost daily visits to New York, bearing on one occasion, if not on others, a written message to a well-known leader in America against constituted government. Also we find a large sum of money placed at the prison, obviously that Bergdoll might purchase the good will and, perhaps, the silence of guards or the assistance of fellow prisoners.

Next, we see the commandant of the prison turn deaf, dumb, and blind to every direction that might hinder Bergdoll's escape. We see handcuffs denied, and every other official instruction violated. The plighted faith of counsel absconds before the prisoner does, that his going may be the easier. Finally, and as a fitting sequel to this sordid tale, we find that the derelict commandant at Governors Island was prosecuted by one whose shame should be measured only by his days. Following the flimsy pretense—only a pretense—at prosecution, the commandant's fate was given to a court composed of military officers who found him "not guilty" in the face of his own admissions that he had not complied with instructions for the violation of which he was then being tried.

Bergdoll escaped through the misdoing of somebody other than the Bergdoll family and their immediate, personal associates, such as Romig, Stecker, Gibboney, and Mrs. Bergdoll. It is hoped that this report bares to the Congress the others who are more guilty than even the Bergdoll family. Shall they go unwhipped of justice?

The mother, the brother, the foster father—only those who gave shelter and comfort out of love for the black sheep of the family—have been convicted. Shall those who, for money, conceived, connived at, and executed the escape continue to practice in our Nation's courts, to wear the uniform of an officer of our Army, or to collect an annuity from a wronged people?

* * * * * * *

The foregoing part of this report was written shortly after May 24, 1921, when it was thought by every member of the committee that the hearings had been concluded. However, about two months after that date the chairman reconvened the committee for additional hearings. These last-mentioned hearings were occasioned by the receipt of a communication sent by a special agent of the Department of Justice located at Philadelphia to the Department of Justice at Washington. That communication was forwarded to Mr. Peters, the chairman of this committee, under date of June 22, 1921.

The communication of the special agent at Philadelphia was written for the purpose of reporting that he had intercepted a letter written by Grover C. Bergdoll in Germany to his mother, Mrs. Emma C. Bergdoll, at Philadelphia. The communication states, among other things, that the letter ridiculed the seizure of the writer's property by the United States, and that the United States had started something that they could not finish; also that three neutral nations had offered him citizenship. Those statements, and a number of others, are not in quotation marks, but are represented to be a part of the substance of the letter.

That report—a rather lengthy one—embraces in quotation marks the following:

"We made the Americans look like a bunch of boobs before the whole world. They are all laughing at them. * * * You certainly did tell it to the investigators down at Washington, and you deserve credit. Why did you not tell them of the $5,000 which we gave Campbell up at Governors Island? If you did not, I would advise you to make it public, so that the grafters will be all exposed. We are writing a book which gives away the whole swindle from beginning to end, and the American public will wake up when they read it in the near future."

In the report the special agent says the word "decipiatur" was used in the letter, which, as near as he can determine, is a Latin word meaning "a joker."

Two or three weeks after the reception of that communication by the chairman of this committee he sent counsel for the committee to Philadelphia to confer with Mrs. Bergdoll relative to that part of Grover C. Bergdoll's letter suggesting that she tell the committee, if she had not already done so, that they had given Maj. Bruce R. Campbell $5,000.

The chairman of the committee also caused an examination to be made of the account of Bruce R. Campbell and his wife, Laura A. Campbell, at the bank in New York with which they did business. From that examination it was learned that Campbell had purchased an automobile, paying $1,500 therefor, and that also he had deposited with Wasserman & Bro., stock and bond brokers in New York, two sums of money amounting to $6,500. The automobile was purchased by Campbell and the deposits made with Wasserman & Bro. shortly after it was alleged that he had received $5,000 from the Bergdolls.

Upon that information another hearing was had, commencing June 19. In that hearing Mrs. Bergdoll was the first witness. She testified in substance that upon one occasion, shortly after the arrest of her son on January 7, she was at Governors Island, and that she and her son had a talk with Campbell, and that he said that if they would place $100,000 in his hands it could be used with those higher up at Washington and New York to his advantage. Mrs. Bergdoll says that she replied to that proposition by telling him to "go to hell." Then she said that her son Grover put his finger across his lips, indicating to her to be quiet. Continuing her story she stated that thereafter her son Grover asked her to bring to him at the prison $5,000, and that in a few days after this request she went back to the prison taking $5,000 with her, which she delivered to her son. She was most emphatic in saying that she did not know what her son was going to do with the money, and that she never found out afterwards what he did do with it.

She also testified that during the latter part of January or the early part of February, 1920, she was not certain which, while on the boat between Governors Island and New York, Campbell said to her that he had given the money to the proper person, whose name he called, but the name was not remembered by Mrs. Bergdoll.

When Mrs. Bergdoll first testified before the committee, which was about two months before her last testimony was given, she stated in just as positive a way that she had never given Campbell any money, other than $50 with which he was asked to purchase cravats and knickknacks for her son Grover while in prison.

Major Campbell, in testifying relative to that feature, said that Mrs. Bergdoll or somebody closely associated with the family—he was not certain which—gave him a small amount of money, something like $10 or $12, with which to make similar purchases for the prisoner. He says that he left that sum of money with a near-by store, so that Grover C. Bergdoll could get knickknacks with it.

It will be seen that Mrs. Bergdoll testified under oath in her first testimony that she gave Campbell $50 and no more. It is equally important to note that in her last testimony, when an effort was being made to incriminate Major Campbell, she rigidly adhered to that story. The press of the country carried the unqualified statement that Mrs. Bergdoll, when last testifying, stated that she gave Campbell the $5,000; when, as a matter of fact, she stated in no uncertain way that she did not give him the $5,000, or any sum except the $50, and no testimony whatever was produced to show that Campbell got any money except the small amount admitted by him and Mrs. Bergdoll, unless it be proven by his alleged admission to Mrs. Bergdoll while on the boat. If Campbell upon that occasion admitted having received any money and having turned it over to another, there is no testimony whatever showing that he referred to the $5,000 and not to the smaller sum which has been mentioned.

The reflection upon Major Campbell was made, not by Mrs. Bergdoll but merely by the question put to her by her absconding son in the intercepted letter.

An effort was made to corroborate the suggestion made by Grover C. Bergdoll, by showing that the bank account of Campbell and his wife was a very small one, indeed; so small as to forbid the possibility of his having $6,500 to deposit with Wasserman & Bro. in a "bucket shop" transaction. That account with Wasserman & Bro. was in the name of Campbell and his wife.

A young man in the Intelligence Bureau was sent from Washington to New York to examine the bank account of Campbell and his wife. The proper way to have secured testimony relative to that account was to have had some officer of the bank testify from the book entries. In the absence of that manner of establishing the bank account, the next best method was to produce a copy of that account. However, neither of those

things was done. Instead, the young man who went from Washington to New York returned, appeared before the committee, and, without the original entries, or without a copy of them, or without a single note or memorandum, testified that he had examined the account and that the largest entry in it was $252.50, Campbell's salary, which was deposited monthly; and that all the checks on that account were small; and that his monthly balances ranged between $7 and $60. Notwithstanding that testimony, the fact was afterwards established from the bank itself that during the very latter part of December immediately preceding the deposit with Wasserman & Bro. there was a deposit to that account of $5,037.

The next piece of attempted corroborative evidence against Campbell was the production of the books of Wasserman & Bro. That account showed that on the 10th day of February, 1920, Campbell deposited with that firm, to the credit of himself and wife, for speculative purposes, $4,500, and that within a few days thereafter he deposited the additional sum of $2,000 for the same purpose.

It should be noticed that our fugitive in Germany had charged, by innuendo, in the letter to his mother that they, meaning himself and mother, had given Campbell $5,000. The assumption was that the $5,000 of Bergdoll money had been used in the Wasserman & Bro. transaction, because Campbell was supposed not to have had other available money.

It must be borne in mind that Campbell did not deposit $5,000 with Wasserman, but that he did deposit $6,500 with them. If he got $5,000 of it from the Bergdolls, the question very appropriately may arise: Where did he get the $1,500 in excess of the $5,000? The answer consistently can be given that he got the $5,000 where he got the $1,500, and Grover Bergdoll does not make pretense that he got more than $5,000, while Mrs. Bergdoll says he got only $50, and he admits that he got something like only $10 or $12.

How very strange it is that the young man who went from Washington to New York to examine the bank account should testify that he had gone through the bank's books, in so far as they related to Campbell and his wife, and found no deposit bigger than $252.50, when, according to the report made by the bank itself, the deposit of $5,037 must have been staring him in the face.

Another remarkable feature in this most extraordinary case is that the special agent of the Department of Justice, located at Philadelphia, did not transmit a copy of the letter, instead of his construction of it. It seems reasonable that his very first act should have been to make a copy of the letter—better still, a photostat copy.

Major Campbell was the attorney designated by the War Department to defend Grover C. Bergdoll at his court-martial trial. The intercepted letter refers to others as having gotten dishonest money, but Major Campbell is the only one in that class whose name has been given to the committee by the special agent at Philadelphia.

Again, it may be asked, since Campbell's bank account was not correctly testified to, is it not equally possible that some name other than Campbell's may have been mentioned in the intercepted letter, while Campbell's name, as already stated, was the only one forwarded to the committee?

Major Campbell testified that he never had any conversation with either Mrs. Bergdoll or her son Grover, or with anybody else, concerning the payment to him of any money other than the small amount heretofore mentioned, and for the purposes indicated. Certainly no one in the whole United States will claim that he is less worthy of credit than any of the Bergdolls, especially that one in Germany, who makes the charge against him.

Campbell's father, now past threescore years and ten, testified in an open, manly way, which carried conviction with his manner, and told how, within his own knowledge, his son had gotten $6,000 in a "friendly gambling transaction."

Major Campbell also testified that he and his wife, not a very great while before the Wasserman transaction, had as much ready money as $24,000. Those statements have not been contradicted. If Campbell's integrity is to be reflected upon in any report that may be made, proof of the charge is challenged. There is not a scintilla of proof against him, except the mere suggestion made by Grover C. Bergdoll in the intercepted letter. The bank account and the Wasserman transaction, which were expected to corroborate the charge preferred by young Bergdoll, have been completely explained away. If there be any who still insist that Campbell got any of the Bergdoll money, let it be said to them that the only testimony given in support was the statement made by Grover Bergdoll to his mother, which, through the special agent, was repeated to this committee.

Those who heard or have read the rambling statements made by Major Campbell when he testified should know that during a part of the hearings he was in the Walter Reed Hospital as a patient; that while in France during the war he was twice gassed; that he was at a military camp in the State of Arkansas when summoned to come to Washington and appear before the committee; that upon his way here he was confronted while on the train by copies of various newspapers stating that Mrs. Bergdoll had appeared before the committee and testified positively that she had paid him $5,000 to be used for illegitimate purposes; and that upon his arrival here he was neither in physical nor mental condition to tell a concise, connected, and lucid story in explanation of the charge. However, in his disconnected and rambling testimony there was no material statement made by him that did not turn out, from other testimony and evidence, to be true.

Those who would criticize Major Campbell are asked only to turn to the testimony given by his old father, and the manner of its giving, and then compare it with the testimony given by any of the Bergdolls or by any of their hangers-on. The one is open, frank, and superlatively candid; that of the others, to mildly express it, is exactly the opposite.

The charges against Major Campbell were made in a most indirect manner by Grover Bergdoll. Bergdoll was not under oath nor subject to cross-examination; and his mother, who was expected to corroborate him, not only failed to do so, but actually contradicted him. Major Campbell assumed the burden of proof and clearly disproved the charges. He is therefore exonerated.

In that part of this report which deals with those whose names became involved in this affair, by the testimony which seemed to have closed on May 24, the testimony of no Bergdoll has been necessary for the conclusions reached. Every adverse criticism of anyone in that part of this report is founded almost entirely upon the acts and omissions of him who is criticized. However, in this, the latter part of this report—that which relates to the Campbell affair—Bergdoll testimony of necessity can not be avoided, and that fact is the apology for treating their testimony with any degree of seriousness.

In conclusion it is deemed proper to commend Thomas W. Miller, the Alien Property Custodian, for the seizure of the Bergdoll property. It is hoped that he will exercise what seems to be his legal right to compel Mrs. Bergdoll to produce the gold which she claims to have buried on the farm near Philadelphia.

The foregoing is respectfully submitted to the House of Representatives for its consideration and appropriate action.

BEN JOHNSON.
O. R. LUHRING.
H. D. FLOO.

VIEWS OF THE MINORITY.

By House Resolution 12 this committee was directed, in substance—

(1) To procure all facts relevant to fixing responsibility for the escape of Bergdoll from the United States military authorities and for the failure to recapture him.

(2) To determine whether any conspiracy existed to effect Bergdoll's escape or prevent his recapture, and, if so, what persons participated therein.

(3) To determine whether dereliction of duty devolving upon any persons existed which contributed to making said escape possible or hindered recapture.

I.

The committee, by its own action and through counsel and agents, has made exhaustive investigation of facts relevant to the escape of Bergdoll and has examined on oath all witnesses who are alive and available supposed to have any knowledge of or connection with the matter. The testimony of all the witnesses examined by the committee is in printed form in 18 prints of some 1,000 pages, and accompanies this report. A large number of the records and official reports procured from the Department of Justice and from the War Department are on file with the committee and have been examined by it so far as deemed necessary to form its conclusions.

The Department of Justice and every branch of the War Department consulted have furnished every facility for pursuing this investigation and apparently have been desirous of fully cooperating with the committee in its effort to reach the facts.

The committee believes that in accordance with the resolution passed by the House it has made a thorough investigation and procured all facts available relevant to fixing responsibility for this escape and for the failure to recapture.

II.

As bearing upon the question as to whether a conspiracy existed to effect the escape or prevent the recapture of Bergdoll

and, if so, what persons participated therein, it may be helpful to summarize the facts surrounding the escape.

SUMMARY OF FACTS.

Grover Cleveland Bergdoll, an American citizen, of Philadelphia, unmarried, 25 years old, worth more than a million dollars, and in good health, on August 11, 1917, having been duly registered, was ordered by the local draft board to make his appearance for physical examination on August 14, 1917.

On August 13, 1917, Bergdoll drew large sums of money from bankers and left Philadelphia and went into hiding to avoid military service.

On July 15, 1918, a questionnaire was mailed Bergdoll to be filed July 22, 1918.

On July 27, 1918, the local draft board reported to the adjutant general of Pennsylvania Bergdoll's failure to submit questionnaire.

On July 29, 1918, the adjutant general of Pennsylvania mailed notice to Bergdoll to report August 8, 1918, at 1 p. m. at the adjutant general's office, Harrisburg, Pa.

On August 13, 1918, the adjutant general of Pennsylvania reported to The Adjutant General at Washington that Bergdoll had been inducted into service on August 8, 1918, and was a deserter.

Bergdoll evaded arrest until January 7, 1920, when he was arrested by agents of the Department of Justice, turned over to the military authorities, tried by court-martial, convicted of being a deserter, and on March 30, 1920, was sentenced to imprisonment for five years. He was confined in the Atlantic branch of the disciplinary barracks at Governors Island, N. Y. He escaped from military custody at Philadelphia on May 21, 1920, under circumstances so extraordinary that the attention of the country has been directed to this case.

The history of the matter from the time of Bergdoll's arrest by agents of the Department of Justice on January 7 until his escape from the military authorities on May 21 is briefly as follows:

Immediately upon Bergdoll's arrest he employed one D. Clarence Gibboney, of Philadelphia, as his attorney, and Gibboney continued to be the principal attorney of Bergdoll until his escape. He was paid $12,500 and was given full authority to employ other counsel. Other lawyers who were connected with the case with Gibboney were Harry Weinberger, of New York; John W. Westcott, of New Jersey; and Samuel T. Ansell and Edward S. Bailey, of Washington. Capt. Bruce R. Campbell was detailed as military counsel for the defendant in the court-martial. Ansell & Bailey, a Washington law firm, of which the senior partner, Mr. Ansell, was formerly a brigadier general in the Judge Advocate General's Department and during the war was acting judge advocate general, resigning in July, 1919, to enter the practice of law in Washington, were retained in April, 1920, after the conviction of Bergdoll by court-martial, for the purpose of obtaining a review by the Secretary of War of the action of the court-martial.

Prior to the retention of Ansell & Bailey in the case counsel had used every means possible to prevent the conviction and sentence of Bergdoll. Insanity had been suggested and habeas corpus proceedings instituted, both without success. Mr. Ansell studied the record, informed Gibboney that his firm would take the case, received $5,000 as a retainer, and proceeded to prepare a brief on points of law involved with the hope of having the proceedings against Bergdoll quashed on review by the Secretary of War. By correspondence and negotiations with Gibboney, who had full authority to fix compensation of counsel, Ansell & Bailey were authorized to believe that if their efforts were successful in the War Department or by further appeal to the civil courts resulting in the release of Bergdoll, they could charge a further fee of some forty or fifty thousand dollars.

An interesting feature in connection with the efforts to obtain a review by the War Department of the proceedings against Bergdoll is the activity manifested by Judge John W. Westcott. Upon reading the brief which had been prepared by Mr. Ansell, Judge Westcott became violently enthusiastic. He mailed a copy of the brief to the Secretary of War with the following letter:

WASHINGTON, D. C., *May 7, 1920.*

Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I beg to inclose you a brief in the case of Grover C. Bergdoll. The brief is exhaustive and conclusive. There is not the slightest doubt in the world but that the war authorities made a mistake. I am enormously interested in the situation, and want, if possible, to keep the matter out of the courts. There is very little question but that the Judge Advocate General will properly dispose of the case.

I hope you are very well. It has been a long time since I last had the pleasure of seeing you, but I have kept a very interested gaze upon your work.

Believe me very cordially and sincerely yours,

JOHN W. WESTCOTT.

The cause of Judge Westcott's interest in the case is in dispute. He himself says that his professional ardor was aroused by the inherent merit of the case as elucidated by Mr. Ansell in his brief. On the other hand, it is suggested that his interest was stimulated by a retainer from Mr. Gibboney. It is not particularly within our province to decide the personal controversy between Mr. Ansell and Judge Westcott. It seems certain that Ansell & Bailey believed that Judge Westcott had been retained as associate counsel, and it is probable that Gibboney took advantage of the judge's enthusiastic nature and the fact that he was associated with Gibboney in other matters to get the benefit of his advice and reputation without the pecuniary compensation which he would have demanded had he appreciated his usefulness to the case of Gibboney's client.

As soon as the activities of the lawyers along these lines had ceased by the filing of briefs with the War Department, other activities were instituted by Gibboney in behalf of Bergdoll which finally resulted in his being permitted to leave the disciplinary barracks at Governors Island and obtain what proved to be the opportunity of escaping.

On the day the Ansell brief was filed with the War Department (May 4), at the request both of Mr. Ansell and Harry Weinberger, The Adjutant General sent orders to the commander of the disciplinary barracks not to transfer Bergdoll to Fort Leavenworth, as would be customary in such cases, but to keep him at the barracks at Governors Island. This was on the plea that habeas corpus proceedings before the district court in New York would be taken inside of two weeks, but such proceedings were never taken. The result was that Bergdoll remained at the barracks, however.

On the 7th of May, at Washington, Gibboney for the first time released the "pot-of-gold" story. On that day, having taken Judge Westcott to the office of Mr. Ansell, and having inculcated a belief in the minds of Ansell & Bailey (which was in a large measure borne out by the conduct of Judge Westcott himself) that Judge Westcott was an associate counsel in the case, Gibboney proceeded to relate to them the story that Bergdoll, having previously drawn out from the United States Treasury more than $100,000 in gold, had buried it in the mountains of western Maryland. He now desired to dig it up and place it in banks.

It is astonishing that anyone would believe this story without confirmation. It is a fact that Mrs. Bergdoll, assisted by one Romig, an old friend and confidential agent of the family, did, in October and November, 1918, withdraw $105,000 in gold from the United States Treasury in Washington. Two trips were made by these two persons in an automobile from Philadelphia. Gold certificates were presented at the Treasury and gold coin received in exchange, and with considerable labor transferred to the waiting machine, in which they made their way back to Philadelphia with their precious loads, weighing over 400 pounds. Mrs. Bergdoll testified that this was her own money, and that after taking it home and leaving it under the kitchen table overnight she buried it, though not in western Maryland.

While it is a fact that Mrs. Bergdoll withdrew this gold from the Treasury, neither Ansell, Bailey, nor Westcott made any attempt to verify the story told by Gibboney and made no inquiry at the Treasury as to the withdrawal of gold.

There is no evidence whatever that Grover Bergdoll buried any gold or that he was connected with any gold. Gibboney put forward Romig as authority for the story that Bergdoll had buried gold—the same gold withdrawn from the Treasury—but Romig does not deny that Mrs. Bergdoll withdrew this money and with him took it home to her kitchen in Philadelphia; nor does he dispute her story that she subsequently, alone, buried it. Romig would not say in his testimony that he knew or believed that Grover Bergdoll had buried any gold.

A brother of Bergdoll testified that he knew nothing about Grover having any gold and had no belief that he had buried any.

The story, however, served its purpose. Gibboney had cleverly introduced a suggestion at this meeting in Ansell's office that this gold could be used to pay lawyers' fees and that Bergdoll was the one man who knew where it was. It was necessary that he have a certain liberty of action in order to go and dig it up and put it in banks, which Bergdoll regarded as safer than the ground.

Gibboney's suggestion was that a request be made of The Adjutant General by Ansell for permission for Bergdoll to leave the barracks under guard and go out to Maryland in an automobile for the purpose of obtaining the gold.

On May 10, after the conversation referred to, Mr. Ansell went to The Adjutant General in person and placed before him the request that Bergdoll be allowed to go out for the purpose of hunting the gold. He gave Gibboney as his authority for the story and made the point that Judge Westcott was joining with him in the request. Major General Harris, The Adjutant General, testified:

"General Ansell said that he had discussed the matter with Gibboney, a prominent attorney of Philadelphia, and also with Judge Westcott, and that they firmly believed the story of Bergdoll that he actually had concealed this money in this lonely spot. General Ansell himself stated that he had come to the conclusion that he was telling the truth; that he actually had the money there."

The pot-of-gold story, which had probably started in the imagination of either Bergdoll or Gibboney, had acquired such momentum that when it reached General Harris it had behind it the weight of the alleged belief and influence of former Brigadier General Ansell, who had recently vacated the office of Acting Judge Advocate General; Judge John W. Westcott, one of the most prominent lawyers of the East, who had nominated Mr. Wilson twice for the Presidency; and Mr. D. C. Gibboney, who was represented at that time to be a man of high repute in Philadelphia. General Harris was impressed and asked that the request be put in writing. This was done by Mr. Ansell in the following letter:

"MY DEAR GENERAL HARRIS: Please permit me, in compliance with your helpful suggestion of a moment ago, to place before you in this manner my request, concerning which I have just spoken to you, in behalf of Grover Cleveland Bergdoll, together with a brief statement of reasons therefor.

"This man, in virtue of his conviction and sentence as a so-called 'draft deserter,' is now imprisoned at Fort Jay, pending the review of his trial by the War Department. I am his attorney. His home counsel in Philadelphia is D. C. Gibboney, of unexcelled repute as a man and lawyer. Of counsel, also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows. These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request.

"This young man was reared fatherless under family conditions which, even when partially revealed, throw considerable light upon conduct of his that, to say the least, is strange, if not unintelligible. From his father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter, perhaps, is the most influential of the many complex motives for his action in the instance I now speak of. In any event, it is now known that he did secrete one large sum of money which was recovered a year or so ago. He now declares that he also hid a second large sum, the remainder of his fortune—$150,000—in a lonely spot on the mountain side, distant about a day's journey from the city; that he placed the gold coin in a metallic container and took it himself, unaccompanied, and hid it in a spot which he alone can identify. Circumstances indicate the truth of his statement.

"He is now wrought up with fear and anxiety lest he may never recover the money, and accordingly earnestly asks me, other counsel joining him, to endeavor to arrange it that he may go, under guard and with his counsel, to recover the money and place it in safe-keeping, all expenses to be borne by us.

"We are requesting no privilege—only the necessary liberty of action under guard. This prisoner has no desire to escape, nor could he if he wanted to. Notwithstanding the guard, as his counsel, I stand responsible for his prompt return to prison without advantage to him other than that involved in the object of this request.

"I hope the request may be granted immediately. It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary.

"May I ask prompt action upon this request? May I also ask that, if possible, knowledge of the contents of this communication, for obvious reasons, be confined to you and the Secretary, and, further, that you notify me personally at the first practicable moment after you have decided upon this request?

"With kind regard for your many courtesies, I am,

"Very sincerely,

"S. T. ANSELL."

General Harris conferred briefly with General March, the Chief of Staff, but General March considered the matter to be entirely within the jurisdiction of General Harris, who had charge of all disciplinary barracks, and gave no consideration to the request other than to glance at the Ansell letter and see who signed it, and told General Harris that "if he thought it was all right, to go ahead." The Secretary of War was never consulted about the matter until after the escape.

At General Harris's direction a letter was written from his office to Maj. John E. Hunt, in command of the United States Disciplinary Barracks at Governors Island, N. Y., inclosing a copy of the Ansell letter, saying that the request had been approved by The Adjutant General and ordering Major Hunt to complete his arrangements with counsel for the prisoner and send him out under suitable guard, with at least one of his counsel, on the expedition purporting to be in quest of gold. It was suggested, but not ordered, that Major Hunt send an officer to accompany the guard. On May 14 a conference was held at Governors Island between Major Hunt, Mr. Bailey (Mr. Ansell's partner), and Mr. Gibboney, when plans for the expedition were agreed upon and the itinerary laid out, by which the party was to proceed by train to North Philadelphia, where Mr. Bailey was to join them and the party was to be met by an automobile and proceed directly to Hagerstown, Md., near the alleged location of the buried gold.

Major Hunt selected two sergeants, O'Hare and York, to take Bergdoll on the proposed trip. One of the sergeants, O'Hare, a day or two before the journey received some verbal instructions from Major Hunt, which were neither understood nor remembered. No other instructions were given him, though a copy of the Ansell letter to The Adjutant General was shown him. The principal thing and practically the only thing that stuck in his mind was that when he reached North Philadelphia on the trip he was to be met by a Mr. Gibboney, who should be identified by a letter which Major Hunt had shown O'Hare, and that Gibboney would tell him where to go. The other sergeant received no instructions whatever. The sergeants had pistols, but no handcuffs. No officer accompanied the expedition. The prisoner was dressed in a uniform which would not distinguish him as a prisoner except to the professional eye. No counsel accompanied the expedition, which never got any farther than Philadelphia.

Arriving at North Philadelphia on May 20, the two sergeants and Bergdoll were met by Gibboney and Romig. Romig had been a local magistrate in Philadelphia and was commonly referred to as "Judge" Romig, had been a friend of the Bergdoll family for years, and without doubt participated in the plans and helped carry out the details of the subsequent escape.

From the moment the two sergeants with Bergdoll were met by Gibboney and Romig in North Philadelphia the two sergeants were completely subordinated, on account of the superior intelligence of Gibboney and Roming and the fact that the sergeants were incapable of action except under orders, and, as they understood their instructions, their orders were now coming from Gibboney. The sergeants were stupid, ignorant, and in a strange place. Sergeant O'Hare, who was in charge of the expedition until Gibboney took charge of it, had never driven in an automobile before. He had only handled prisoners outside the barracks once before, and they were handcuffed and were bound for Fort Leavenworth.

Under the direction of Gibboney the party at North Philadelphia took an automobile (a Bergdoll machine which was there to meet them, driven by a man named Steche, who subsequently fled with Bergdoll) and started toward West Philadelphia. Going down the street Romig told Gibboney that the car was not in good shape for the trip, and Gibboney replied that in that case they had better go to the Bergdoll home. He then told Romig to show the sergeants the Bergdoll home, and left the party in practical charge of Romig, telling the sergeants that he would call them up later and give them instructions. Gibboney then left the party at Broad Street, and from that time until after the escape never communicated, directly or indirectly, with either of the sergeants, nor did the sergeants communicate with him or know where he was.

The remainder of the party—consisting of Romig, the two sergeants, Bergdoll, and Stecher—then drove to the Bergdoll home, Bergdoll taking the wheel and driving himself. Stecher went into the house to see whether his wife, who was expected to cook dinner for the party, had arrived. Apparently no concealment was made of the fact that the party was expected at the Bergdoll home, although, according to the plans for the trip made at the conference on May 14, they were supposed to have driven from North Philadelphia direct to Maryland. Neither Gibboney, Romig, nor Stecher had any luggage or toilet articles or night clothes with them, although the trip was to have taken several days. These various facts apparently excited no suspicion in the minds of the sergeants, who were then

acting in the nominal capacity of guards. Romig then said he had to go to court, and the remainder of the party then drove Romig to Fifty-second and Market Streets, where he was left. This was between 9.45 and 10 a. m. of May 20. After Romig left, Bergdoll took charge of the party and drove around town, stopping at one or two places, and returned to the Bergdoll home at 12 o'clock for dinner. Mrs. Stecher had arrived and had cooked the dinner. After dinner the party, consisting now of Bergdoll with the two sergeants and Stecher, reentered the car and drove around the city until supper time. The same car was used which was driven from the station at North Philadelphia and in which Stecher and Bergdoll the next day started for Minnesota. No attempt had been made up to this time to repair any trouble with the car, either real or imaginary. Arriving at the Bergdoll house, Mrs. Bergdoll had returned and Romig joined the party, having been absent all day, and took supper with them.

After supper the party took the automobile and took Mrs. Stecher to her home in West Chester. The rest of the party, including Stecher, Romig, Bergdoll, and the two sergeants as guests, went to the theater and enjoyed the evening. After the theater Romig left the others, and Bergdoll, Stecher, and the two sergeants returned to the Bergdoll home. Mrs. Bergdoll was also there. In making his dispositions for the night Sergeant O'Hare, nominally in charge of the party, slept in a room with Bergdoll on the second floor, he and Bergdoll occupying separate beds. Mrs. Bergdoll slept on the same floor. Sergeant York slept in a room on the third floor. Stecher, the chauffeur, slept on a room across the hall from York on the third floor. Apparently nothing of importance happened during the night, although it is obvious that the two sergeants (one of whom, O'Hare, who appeared before the committee, being noticeably inferior in physical capacity) were completely in the power of the other inmates of the house. Romig joined the party at breakfast about 9 o'clock, and remained with them until Bergdoll escaped.

During the forenoon entertainment was provided in the form of pool in the pool room on the third floor, accompanied by the phonograph and the pianola and graced by the presence of a bottle of gin, which appealed to York but not to O'Hare, who refrained from drinking it. After dinner there was more pool, and then about 15 or 20 minutes before Bergdoll escaped the party was conducted back to the sitting room. In the sitting room then were Romig, Bergdoll, and the two sergeants. Stecher had been outside, ostensibly working on the car. About five minutes to 3 the telephone rang. Bergdoll said he would answer it, and went into the bathroom, diagonally across the hall from the sitting room, for that alleged purpose. After Bergdoll went into the bathroom he was never seen again by either of the sergeants. Apparently the telephone, which had another connection downstairs, was still ringing, and Romig left the sitting room shortly after Bergdoll had left for the announced purpose of answering the phone in the dining room. The sergeants say that shortly after this Romig came upstairs and said, "I do not see those boys anywhere." That referred to Bergdoll and Stecher. Thereupon a search of the house and of the garage was made by Romig and the two sergeants, without result. Then Romig called up Gibboney on the telephone and told him of the escape. Romig testified that Gibboney expressed surprise when told of Bergdoll's escape and said, "I will get a taxi and come right out." He did come out, and arrived in about 20 minutes. Up to this time he was the only person who had been notified of Bergdoll's escape.

Mr. Gibboney has not testified before the committee. He died December 26, 1920. Incidentally, as some question was made as to the accuracy of the report of Mr. Gibboney's death, your committee summoned before it the dentist who identified Mr. Gibboney's body for the insurance people, and your committee is satisfied that Mr. Gibboney is deceased as stated.

Mr. Gibboney's statement, however, was taken promptly after the escape by Col. T. Q. Donaldson, on duty in the Inspector General's Department as assistant to the Inspector General.

In the statement referred to Mr. Gibboney said that he received Romig's telephone message about 10 minutes or quarter past 3; that he arrived at the Bergdoll home about half past 3, and after talking with the sergeants and Romig called up General Ansell at Washington on the long-distance telephone, and also tried to get Major Hunt, and after that he called the department of public safety and the chief of police to notify them of the escape. No authorities authorized to arrest the fugitive were notified until about three-quarters of an hour after Bergdoll and Stecher had disappeared.

Stecher had brought the automobile around and had it ready at the door and Bergdoll had gone through the bathroom by another door and downstairs and into the machine while the telephone bell was ringing. This was on May 21, 1920, at 3 p. m. From that moment all trace of Bergdoll was lost until July 20, 1920.

Immediately after receiving Gibboney's message Ansell walked over to The Adjutant General's office, told General Harris of the escape, and he in turn told the Secretary of War. General Harris did nothing except to call up Major Hunt about 5 p. m. Major Hunt had been informed of the escape about 5 p. m. He reported to the Military Intelligence Department at Governors Island about 5.45 p. m. The Secretary of War had placed the matter in the hands of the Military Intelligence immediately, and about 8 p. m. telegrams were dispatched to all of the five Army departments and the local authorities at Baltimore, Wilmington, and a few other points were notified.

At Philadelphia the local authorities seem to have been notified about 4 p. m., but neither they nor the United States Department of Justice in Philadelphia sent out any broadcast information, and the Department of Justice in Washington, which was notified about 5 p. m., appears to have taken no immediate action. There is no evidence of any information being sent out as to the method of Bergdoll's escape, the description of the car used, or of his companion, until May 29, when a circular was sent by mail to all parts of the country bearing a picture of Bergdoll, describing the car, stating the license number, and offering a reward of $2,500, which had been put up by Ansell.

Many possible clues were run down by United States agents and by detectives employed by Ansell, but no trace whatever of the fugitive was found until Romig, on July 20, brought information to the Federal authorities at Philadelphia that the Hudson car in which Bergdoll had escaped was at St. Vincent, Minn., a little town on the Canadian border. This information was sent Romig by Bergdoll. Investigation made at the time and recently at the request of your committee proved that the car had been abandoned by Bergdoll and Stecher at St. Vincent on May 30; the Pennsylvania license plates had been replaced by Indiana plates; in the car were found two fully loaded revolvers. Bergdoll and Stecher crossed the border and went to Winnipeg, Manitoba, Bergdoll calling himself George V. Riggs and Stecher, Frank J. Johnson. They made application for steamer tickets and for passports.

The passport applications were made out in the ticket office of the Great Northern Railway Co., were taken by the agent (Bishop) to the Royal Bank of Canada, at Winnipeg, and there signed by the manager of the bank (F. W. Doherty), one of the officials authorized by Canadian law to authenticate passport applications. The bank manager never saw either Bergdoll or Stecher, and the ticket agent made only the most superficial investigation of the applicants' identity. The passports came back from Ottawa, Bergdoll and Stecher bought steamship tickets, left Winnipeg for Quebec about June 25 and sailed from Quebec to Liverpool on the steamship *Victorian* on July 7. Their further movements have not been traced. It was reported to the American authorities on the Rhine in September, 1920, that Bergdoll and Stecher were in Eberbach, Baden, Germany, where they still remain.

CONCLUSIONS AS TO CONSPIRACY TO EFFECT ESCAPE.

Unquestionably a conspiracy existed to effect the escape of Bergdoll from the military authorities. The committee believes this conspiracy was participated in by Bergdoll, Gibboney, Romig, Stecher, and possibly Mrs. Bergdoll.

It does not find that any officer, noncommissioned officer, or private of the Army or any other person connected with the Army, or with the administration of the disciplinary barracks at Governors Island in any way knowingly participated in the conspiracy.

It does not find that any officer, noncommissioned officer, or private, or any other person connected with the Army or with the administration of said disciplinary barracks received any bribe or was approached with a view of bribery in connection with this escape.

Testimony was given by Mrs. Bergdoll to the effect that $5,000 in bills which she had brought to Governors Island and delivered to Grover was paid to Bruce R. Campbell, then a captain in the Army, about February 1, 1920, for the purpose of paying it to people higher in authority, but there is no evidence whatever that if this money or any part of it was paid to Campbell he paid anything to other people. Campbell was the military counsel assigned by the commanding general to defend Bergdoll at his court-martial. It was shown, and undisputed, that Campbell deposited with a New York broker on speculation account $4,500 in bills on February 10, 1920, and $2,000 on March 3, 1920, most of which he lost.

Campbell explicitly denies that he received any money from the Bergdolls, and accounts for the money deposited with the broker by saying that in 1915 he gave $500 in cash to a friend (now deceased) who was a successful speculator, well known for his generosity and fair dealing, and that in 1917 this amount, having grown to $6,000, was sent to Campbell by his friend through Campbell's father, and kept in its original form in bills by Campbell and his wife until the deposit with the New York broker in 1920.

We do not see how this money, if paid to Campbell, had any connection with the escape of Bergdoll or the failure to recapture him, because even if paid it was immediately lost by him and was not paid by him to any person in the Army or connected with the Government. There is no evidence that Campbell was in any way connected with the escape or had any knowledge of the plan.

The acceptance of money under such circumstances by Captain Campbell would be a serious offense, cognizable by the War Department, and we assume that the proper military authorities will institute such investigation as may be necessary to the end that Captain (now Major) Campbell may be exonerated if not found guilty.

Considerable sums of money appear to have been paid by the Bergdolls in counsel fees. Mr. Weinberger received $5,580 for legal services in the trial of Bergdoll. Gibboney was given $12,500, of which $5,100 later went to Ansell & Bailey. Romig was given sums aggregating about $1,000 for expenses, and $700 was deposited with the Army authorities at the barracks for various purchases and expenses for the benefit of the other prisoners. These expenditures appear to have been generally justifiable and to have been applied to the purpose for which they were paid. Weinberger did not know of the gold hunt. Westcott, if he knew of it, seems to have taken no active part in it. There is no evidence that Gibboney applied any part of his fee to bribery. There is no way to trace the amount of money given to Romig, or what he did with it. It was cash; Mrs. Bergdoll kept no adequate books and always had large amounts of cash on hand.

The $5,000 retainer paid Ansell & Bailey was payment for legal services and probably had no influence on the part played by Ansell & Bailey in making possible the treasure hunt which led to the eventual escape. The incident which led to the writing of the letter of May 11 and the other acts of Ansell & Bailey was apparently the desire to make secure the payment of the large prospective fee which Mr. Ansell expected to earn (forty to sixty thousand dollars) by placing in bank under the control of Gibboney the reputed $100,000 of buried gold.

Although Mr. Ansell was no longer in military service and owed no duty except to himself, his actions and attitude seem extraordinary. He accepted employment in the case of a man who was notorious on grounds which to any lawyer are justifiable, but without making any investigation and without ever having seen Gibboney before he accepted Gibboney at his own valuation and fell a willing victim to Gibboney's misrepresentations and machinations, and without making any attempt to verify its truth he indorsed in his letter to The Adjutant General the whole pot-of-gold story. His letter, based on these misrepresentations which he apparently believed, contains statements not true in fact and which were readily susceptible of disproof.

He further states: "This prisoner has no desire to escape, nor could he if he wanted to. Notwithstanding the guard, as his counsel I stand responsible for his prompt return to prison, without advantage to him other than that involved in the object of this request." And in spite of such a guaranty and in spite of the agreement that Bergdoll should go "under guard with his counsel," he took no precautions to assure that the journey would be as agreed and that the prisoner would be returned, and turned the whole affair over to Mr. Bailey and Mr. Gibboney. That both Mr. Ansell and Mr. Bailey relied upon Gibboney is an explanation, but not an excuse.

After the escape it would appear that Mr. Ansell did everything within his limited power to accomplish the recapture of the prisoner. He offered on May 24 a reward of $2,500, which was increased to $3,500, and paid considerable sums to detectives. It is not believed that Mr. Ansell assumed the responsibility he must be charged with because of any bribe or purchase of his services by money, nor is it believed that his motive was improper or that he conspired to effectuate the escape; for one reason, the escape was seriously to his pecuniary disadvantage in preventing him from securing his expected fee for appealing the court-martial conviction. But the letter and the personal pressure upon his former associate, General Harris, were a very important factor in gaining permission given for the trip, and the fact that Mr. Ansell did nothing to carry out his guaranty that Bergdoll should not get away undoubtedly contributed to the escape.

III.

AS TO WHETHER DERELICTION OF DUTY ON THE PART OF ANY PERSONS CONTRIBUTED TO THE ESCAPE OR HINDERED RECAPTURE.

The primary responsibility for the situation which made possible the escape rests upon General Harris. This responsibility he accepts and does not attempt to evade. As Adjutant General of the Army all military prisoners were under his general authority. Bergdoll could not have been let out on his alleged quest for gold without The Adjutant General's consent. There is no question of improper motives on the part of General Harris. It is apparent, however, that his mind was readily overcome by the strong statements of Ansell, and the one essential condition, without which nothing could have been accomplished, and the escape as planned would have been impossible, namely, an order from The Adjutant General permitting Bergdoll to leave prison, could not have been obtained had not General Harris readily yielded to the earnest and artful case put up by his former associate in the War Department, or, having been persuaded to consent, had he ordered, instead of suggested, that an officer accompany the proposed expedition.

Maj. John E. Hunt was in command of the disciplinary barracks at Governors Island, in which Bergdoll was confined at the time of the escape.

When the unusual order came from his superior officer authorizing the departure of Bergdoll, Major Hunt had knowledge of special facts concerning his prisoner, which were unknown to General Harris. Among other things he had been specifically warned three times that his prisoner was a desperate character, likely to attempt to escape. One warning was by the police authorities of Philadelphia, and two others from the Department of the East in command of General Bullard.

Having this knowledge, we hold that Major Hunt should have communicated it to General Harris and ascertained whether, in view of it, he desired to modify his order. If this was not in accord with strict military procedure we think the rules should be changed.

The order from The Adjutant General suggested that an officer accompany the expedition. If that suggestion had been carried out, in all probability the escape would not have occurred.

A suggestion in such a case amounts to an order when it is deemed reasonably possible by the recipient to carry it out. While it would have made Major Hunt short handed to detail one of his officers, in a case like this it should have been done. If not immediately available, an officer could have been obtained from some other place with little trouble.

When Bergdoll left the barracks he was in charge of two sergeants. In the one conversation between Major Hunt and the sergeant in charge before the departure, the question of handcuffs was brought up and the sergeant was told by Major Hunt that he would not need any and that they would make the group too conspicuous. No handcuffs were taken on the trip.

The prisoner was allowed to depart dressed in a uniform hardly to be distinguished from that of a private soldier. Less than ordinary precautions to prevent escape were used, although it was known to Major Hunt that his prisoner was not an ordinary one and would probably attempt to escape. In these respects we think there was a grave dereliction of duty on the part of Major Hunt.

When the selection was made of two sergeants as guards of Bergdoll they should have been first-class men, properly instructed in writing before their departure on such a peculiar errand. The men selected were stupid and entirely incompetent.

A few days before the trip Major Hunt talked briefly wih one of the sergeants. No written instructions were given him. No orders of any kind were given the other sergeant. The sergeant talked with could not remember and did not understand the instructions. He was allowed to think that he was to report to Gibboney and later take his orders from that source.

We believe that in sending out incompetent guards, insufficiently instructed, with the knowledge he had of the prisoner, Major Hunt was guilty of gross negligence that directly contributed to the escape.

Major Hunt, now Colonel Hunt, has been tried by court-martial for his neglect of duty in connection with this affair, and acquitted. We fail to see how a competent and impartial court could reach such a decision. It is certainly a serious reflection upon the court-martial system in the Army.

It is, of course, clear from the foregoing that the sergeants, O'Hare and York, were guilty of grave dereliction of duty in permitting their prisoner to escape from their custody.

They knew enough to know that they shouldn't go joy riding with a prisoner all over Philadelphia, that during the night

one should have been on guard while the other slept, and that the prisoner should not have been allowed to leave their presence. Their falling into the hands of Bergdoll's friends and ready acceptance of their orders were the natural consequences of defective instructions, coupled with a lack of natural acuteness. The sergeants were accustomed to act always under orders, and were practically incapable of independent action.

We think that in view of the mental caliber and history of the sergeants they are not so culpable as their superior officer, Colonel Hunt; nevertheless, they are guilty of negligence in the performance of their duties and should have been punished. They were court-martialed and acquitted. This we can not understand. It is no part of our duty to investigate the court-martial, but we think the officials of the War Department would do well to take cognizance of a situation and investigate the conditions under which such acquittals can occur.

Your committee finds a certain lack of efficiency in the efforts of various Government agencies to apprehend Bergdoll after his escape, and a lack of cooperation and coordination between the War Department and the Department of Justice, which should be noted.

Owing to the delay caused by the motoring of Gibboney out to the Bergdoll home, and then calling Ansell at Washington on the telephone, it was an hour before anyone in authority was notified of the escape. It was then obviously too late to look locally for a fugitive escaping in a high-powered automobile; yet no general call seems to have been sent out from either Philadelphia, New York, or Washington on the night of the escape, except short telegrams to the various military departments announcing the escape, but giving no particulars. More prompt and more vigorous efforts should have been made. It is inconceivable that two men, easily described, driving a Hudson supersix car, should have been able to travel from Philadelphia to the northern part of Minnesota without being once intercepted or reported.

No circular giving a description of the fugitives was prepared until May 29, the day before Bergdoll crossed the border. This was an excessive delay, responsibility for which must be placed upon the Military Intelligence Department in Washington.

There appears to have been little or no cooperation with the military authorities by the Department of Justice. The Washington office apparently relied on the Philadelphia office to send out necessary notices, and all the Philadelphia agents were engaged in hunting about the city.

On April 30, three weeks before the escape, John J. O'Connor, a special agent of the Department of Justice, who had been instrumental in the capture of Bergdoll in January, wrote a letter to the Bureau of Investigation of the Department of Justice in Washington, warning of a probable conspiracy to get Bergdoll out of the hands of the military authorities through habeas corpus proceedings, so that he might then escape from the country. This letter appears on page 381 of the record. It was duly received by the Department of Justice, was filed away, and was never communicated to the military authorities.

Assuming that Bergdoll's purpose in obtaining an order to leave the barracks was to flee the country, and not to dig up gold, his path could not have been made easier for him if he had laid it out himself. From the moment he left Governors Island and the conditions surrounding him became apparent he saw that he could depart when ready and without the use of violence. That such a condition existed is, of course, a scandal. We believe, however, that responsibility for it is confined to the persons named and in the degrees we have described. It is a satisfaction to find that it was in no degree due to bribery of any officer of the Army or official of the Government.

To summarize, in conclusion, we believe that, in accordance with the resolution, we have procured all facts relevant to fixing responsibility for the escape of Bergdoll and the failure to recapture him; that a conspiracy did exist to effect his escape, participated in by the civilian persons named and not by officers or privates of the Army or by agents of the Government; and that there was dereliction of duty (caused by negligence and incapacity and not by bribery) on the part of officers and others named which directly contributed to the escape.

JOHN A. PETERS.
C. N. MCARTHUR.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield the two minutes that the gentleman from California has just yielded back, and an additional five minutes to the gentleman from Alabama [Mr. JEFFERS].

Mr. JEFFERS of Alabama. Mr. Chairman and gentlemen of the committee, I am very glad, indeed, that my colleague the gentleman from California [Mr. LINEBERGER] has brought to your attention the report made by this committee last August. This committee was appointed to bring, as I understand it, a report to Congress, and Congress can consider that report. That is what the report is for, as I understand it. But since this report was brought in last August, no action has been taken.

Now, we have been meeting here and killing time one way and another, adjourning over Saturdays, and all that sort of thing, and we have had plenty of time in which we could have taken this matter up. I want to say that it is my opinion that the people of this Nation want this matter brought up here and threshed out by Congress.

As indicative of the strong and continuous interest in this matter on the part of the American Legion and all ex-service men and women of this country I wish to quote you from several different copies of the American Legion Weekly.

On page 16 of the American Legion Weekly, of April 15, 1921, we find an article headed "The Bergdoll trail," which is as follows:

When the Government of Baden released from custody Karl Neul and Frank Zimmer, the two Americans who attempted to capture Grover C. Bergdoll at Eberbach and were given prison sentences for alleged usurpation of authority, it did not rid itself by any means of the embarrassing problem into which Bergdoll's presence in Germany has developed. Both the War and State Departments at Washington have been busy on possible ways to obtain the delivery of Bergdoll himself from the German authorities. Although officials at Washington have hesitated to express for publication positive opinions that the United States Government itself can obtain the surrender of Bergdoll, dispatches from London lend strength to the reports that the British Government is willing to demand that Bergdoll be given up for prosecution under its immigration laws. The use of false passports by Bergdoll in passing through Canada and England on his way to Germany is said to be an extraditable offense.

On page 10 of the Legion Weekly, dated April 22, 1921, we find an article headed "Slacker notes," as follows:

The principal hope that Grover C. Bergdoll may be yanked out of Germany by extradition rests at this writing with the Canadian Government. The British Government has ruled that Bergdoll's offense in misusing English passport privileges is not extraditable, but that the Canadian Government does possess sufficient grounds on which to demand Bergdoll's surrender from Germany. It is understood that the Canadian Government has asked the United States Department of Justice for information upon which it may base the legal negotiations necessary to induce the German Government to send Bergdoll back to Canada. If Bergdoll were returned to Canada, it is regarded as certain that he would be shipped across the American border into the hands of American officials.

On page 16 of the Legion Weekly of July 8, 1921, I quote a very striking article, headed "A hero in Bergdoll's shoes":

The memory of the man into whose hands was placed the rifle that Grover Cleveland Bergdoll refused to bear, and who fell in battle overseas, will be honored by Overbrook (Pa.) Post with a fitting memorial. When Bergdoll failed to appear before his local draft board the next numbers on the list were called. The first man to be accepted was assigned to the Engineers and survived the war. The second, Russell C. Gross, of Philadelphia, entered the Infantry in the Eighty-second Division, and was killed in action in the Argonne, winning a citation for bravery in charging a machine-gun nest.

Overbrook Post intends now to change its name to Russell C. Gross Post and to build a community house that will bear the name of the dead hero and will memorialize the soldier and sailor dead of that section of Philadelphia. The community house is to be endowed, in order that it may embody the spirit of American patriotism beyond the lifetime of the Legion, as well as perpetuating the contempt of all fighting men for the arch slacker.

It was through an investigation conducted by Overbrook Post that the fact was determined that Gross was the first man to die in battle after being called ahead of his turn by the defection of Bergdoll.

My friends, has the lapse of time dulled our senses to the awful offense of all those who were in any way accessories to the crime by being in any way connected with the escape of this slacker and arch conspirator, Grover Cleveland Bergdoll? We know full well that had it not been for his gold he would now being doing his time at Leavenworth. That makes it all the harder for the ex-service people to stand—that is, the fact that his gold got him out.

I quote the following from an article on page 16 of the American Legion Weekly of September 2, 1921:

From the start a great hue and cry, partially at least, ascribable to the activity of the slackers themselves, was raised against the searchlight of publicity thrown on the whole ugly business. Persistent efforts have been made to convince public opinion that the War Department's lists were so full of errors that no dependence at all was to be placed in them; that they were so replete with the names of men who served honorably that their publication could in no sense be construed as branding those who really slacked. In numerous instances little nests of slackers have been found busied about a coldly calculative propaganda to keep themselves and their kind out of the pillory of public opinion. According to them, all of the 155,000 are heroes; some of them dead, others wearing congressional medals of honor.

"So pernicious and persistent was this propaganda," The Adjutant General of the Army, Maj. Gen. Peter C. Harris, recently declared, "that had it not been for the influence, prestige, and support of the American Legion, the Secretary of War might have found it absolutely necessary to stop the publication of the slacker lists soon after that publication began. Throughout the whole affair American Legion departments, posts, and members have been of the greatest service and help. They have not only bolstered up public opinion where it was weak and wabbly, but have rendered an immense practical assistance in

supplying information for the innocent and against the guilty. The Legion took the patriotic and right position on the publication of the slacker lists, and has maintained it with dignity, force, and effectiveness."

I mention this to bring to your attention more forcibly the fact that I have already stated, and that is that the American Legion is and has been constantly active in trying to bring these slackers to justice, as well as all those who might have been connected with the escape of any such slackers.

Further regarding the case of Grover Cleveland Bergdoll, I quote the following paragraph from page 41 of the report we have under discussion—House of Representatives Report No. 354:

In conclusion it is deemed proper to commend Thomas W. Miller, the Alien Property Custodian, for the seizure of the Bergdoll property. It is hoped that he will exercise what seems to be his legal right to compel Mrs. Bergdoll to produce the gold which she claims to have buried on the farm near Philadelphia.

In connection with this particular phase of the case, I quote the following from the record of the proceedings of the last national convention of the American Legion held at Kansas City last November:

REPORT OF AMERICANISM COMMITTEE.

VI. DRAFT EVADERS AND POLITICAL PRISONERS.

Whereas one Grover Cleveland Bergdoll, a prisoner, escaped from the military authorities of the United States Government; and

Whereas the Alien Property Custodian of the United States Government, acting under and by authority of his office, has seized all property belonging to the said Grover Cleveland Bergdoll: Now, therefore, *Be it resolved by the American Legion in convention assembled*, That we indorse the action of the Alien Property Custodian in seizing the property and assets of the said Grover Cleveland Bergdoll; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States and the Alien Property Custodian.

There is no doubt about the seriousness of this case in the minds of the men and women of this Nation who wore the uniform during the war. People all over the country know the attitude of the ex-service men and women on this proposition. They are interested. They want action now on the part of Congress on this proposition. The ex-service men and women who served during the war are appealing now for action upon this matter.

This report (No. 354) contains certain concrete recommendations. Why does not Congress get busy on this proposition and take it up and thrash it out? That was what the committee was appointed for. Provision should have been made for at least one ex-service man in Congress to have been appointed on this committee. I am told that it was supposed to have been that way, but no ex-service man was placed upon the committee. I do not know why not; perhaps the Speaker knows.

We are making provision here day after day for our heroes. That is all right, of course, and as it should be. But, my friends, in justice to our heroes, we ought also to give attention to our traitors, to our archconspirators, and amongst the archconspirators are many who may have helped to cover up this proposition and put it off from time to time, and especially those who were implicated in the escape of this man Bergdoll. The men and women who wore the uniform will never forget this case. You may think they will, but time will not expunge it from their memory. They want action, and they want it without delay. Why this deplorable lassitude on the part of Congress in connection with this matter? Are we going to continue to be indolent and to sleep supinely on this proposition, or will we show keen and deep interest in this matter, sufficient to see that this report is adopted and these recommendations taken up and handled? Does this appeal find patriotic response in the hearts of the Members of the Congress of the United States, or are we content to let this report stand and time pass on and nothing be done about all these offenders who were implicated in the escape of this archtraitor, Grover Cleveland Bergdoll?

I do not want to take up your time further, but I hope, my friends, that this will be brought up before Congress at an early date and appropriate action taken if Congress sees fit to carry out the recommendations of this committee. Congressional action can do it. I do not mean only about bringing Bergdoll back. There are difficulties, of course, about that; but I would like to see every possible step taken to that end. But your committee has made certain reports in connection with those implicated in his escape, with certain recommendations, and I want to see Congress take up these recommendations and see whether the Congress of the United States wants to put the implicated parties on the rack for their actions in this case or whether this Congress is willing to smooth the whole thing over and overlook the actions of those who were accessories to the crime.

In the language of the Army, I want to say on this proposition, "Let's go; let's have some action and let's have it soon." [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing in 8-point type the report of the special committee on the Bergdoll matter appended to my speech.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by printing in 8-point type the report referred to. Is there objection?

Mr. JOHNSON of South Dakota. Reserving the right to object, Mr. Chairman, the gentleman means to insert both the minority and the majority reports?

Mr. LINEBERGER. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JEFFERS of Alabama. Mr. Chairman, I shall ask for the same permission, to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. LANKFORD].

The CHAIRMAN. The gentleman from Georgia is recognized for 10 minutes.

Mr. LANKFORD. Mr. Chairman, two of the greatest needs of the farmer to-day are a good market where he can sell his products at a fair price and a good credit system by means of which he can obtain promptly the money he needs at reasonable interest on fair terms. Recently I have introduced bills seeking to help solve both these important problems. I want the farmer to sell all he can produce directly to the consumer at a fair price, and I want the farmer to get the money he borrows under a system better than he has ever been permitted to use so far. I now want to discuss briefly the bill I have introduced to help the loan situation. First, I want to mention some of the difficulties the farmers are confronted with when they seek a loan either from the present Government rural credit system, or from any of the long-term loan concerns doing business in this country. I hope to remedy these evils by the bill I have offered. Let us see what these trouble are that confront every farmer seeking a long-term loan. First, it takes entirely too long after the application is made to secure the loan. Second, it costs too much to get the loan. Third, a bonus or charge is made for paying off all or any part of the loan before it is due. Fourth, the loan can not be renewed or increased without a new unreasonable expense. Fifth, any part or all of loan paid off before maturity can not be reborrowed during term of loan without extra cost or fee. In order to remedy these troubles and make the securing of long-term loans by farmers easier and more hopeful, I have introduced a bill which I wish now to explain and discuss. The bill is rather lengthy and I will not insert it in full in my remarks. It is patterned after the war finance corporation act, but is called the farmers' finance corporation act. The bill is intended to finance the farmers of the country instead of financing war activities and handling conditions growing out of the World War. The special provisions of the bill which I deem of utmost importance and which I wish to discuss now are as follows:

SEC. 7. The corporation shall be authorized, empowered, and directed to make advances upon such terms not inconsistent herewith as it may prescribe for periods of 10 years from the respective dates of such advances to persons engaged in farming, truck raising, gardening, fruit growing, or stock raising. The advances shall be made upon farm lands and improvements as collateral security or upon unimproved lands taken in connection with improved lands. Any person authorized to secure advances under the provisions of this act who contemplates seeking such advances or loan may file his application, have his title approved, and have his proposed farm security inspected and approved for the full amount that may be advanced upon the proposed security, without securing any loan at the time of the application or immediately thereafter. The applicant for loan may at once execute and have recorded a loan deed securing the corporation in the full amount for which his property is approved and may thereafter at any time within 10 years execute his promissory note or notes to the corporation for any amount, in multiples of hundreds, not in excess of the amount specified in the loan deed, and there shall be immediately advanced to the borrower the amount of the note or notes. The borrower shall be permitted to retain as an approved credit any amount specified in his loan deed not covered by his outstanding notes and may from time to time execute additional notes, in multiples of hundreds, and secure additional advances until the full amount for which his property is approved as specified in the loan deed is borrowed.

SEC. 8. The borrower may at any time and from time to time pay off in multiples of hundreds any amount the borrower desires to pay on the said loan. The amount so paid off may be reborrowed in whole or in part at any time during the 10 years' period specified in the loan deed.

SEC. 9. The interest charged on advances under this act shall not be in excess of 5 per cent per annum and shall only be charged on the money actually obtained and only for the time the money is actually retained.

SEC. 10. The corporation shall make arrangements with the local banks in each community to pay cash to the borrowers for the notes executed in accordance with this act, and the corporation shall honor the drafts of such local banks for the amount of such note or notes so paid.

SEC. 11. No commissions, bonuses, abstract fees, or other charges shall be made or demanded by any Government agent or other person for services in helping secure money or repayment privileges under the provisions of this act except a reasonable inspection fee and abstract charge may be only made for approval of security and certification of title when application is first filed.

SEC. 12. The borrower at any time he desires upon payment of a reasonable charge for inspection may have his farm property reinspected to determine whether or not in view of increased values and recent improvements he is entitled to an additional approved credit value. If he is entitled to the additional loan, he may execute necessary supplemental loan deed and have the privileges of this act to the full amount thus aprpoved.

Mr. Chairman, I will not quote more of the bill now. The sections just read are self-explanatory and would cure the evils of the present long-term loan systems. I want the farmer to be permitted to have his loan approved for all his property will carry and then be permitted to get the money as he needs it. I want him to be allowed to pay back any amount he wishes and stop interest on money he does not need and then reborrow any amount paid back when he needs it. I want him to be allowed without extra expense to borrow and pay as he pleases so he stays within the limit his property is approved for. I want him to have cheap money promptly when he needs it and only be forced to keep it and pay interest while he needs it. I want the farmer after his loan is approved not to be required to take the money until he needs it; then when he needs it I want him to be able to walk into any bank, execute a note for any part of loan he may need and immediately get the cash for the amount of the note from the bank. I want him to be allowed without extra cost to come to this bank when he wishes and repay the amount he owes in whole or in part and then reborrow when he needs it. I am sure the banks throughout the country will gladly cooperate in the operations under this bill. Especially is this true of the country banks.

The banks would know that the farmers had an approved credit for thousands of dollars on their farms and would gladly make any advances for a short time the farmers might need, knowing that the farmer could secure money from the Farmers' Finance Corporation any day to take care of his note to the bank. The banks would gladly cash the farmer's notes under my plan and draw on the corporation, for the the money would be handled through the bank and much of it left there for deposit. The farmer's credit would be so much better when it was known he had an unused approved credit with the corporation which he could use any day. The amount the farmer had to his approved credit would be worth as much to him as though he had it in hand or on deposit, for he would know he could get it any day, and yet it would cost him nothing in the way of interest until he called for it. This bill would help the farmers and help every one that the farmers do business with. It would help the credit of the farmers. The creditors of the farmers would more gladly carry the items due them by the farmers and the farmers could more easily carry the items due them by others. The whole country would be benefited. A confidence of great value would be established. This bill if enacted into law would be a great shock absorber in times of depression or panic. All the country banks have a large number of farmers who are stockholders, directors, and other officials. Let one of these banks be about to close its doors for lack of ready cash while its directors, stockholders, and creditors have many times the amount of money needed by the bank as approved credit under the terms of this bill and what would happen? There never would be a minute's danger of the bank closing. The whole country would be much safer from financial depression and panics. The farmers would be encouraged to keep as large an approved credit as possible to be used in emergency. At present, if a farmer seeks to borrow money, he suffers agonies before he gets it. He pays too much for it. If he gets only what he needs, he later may need more and can not get it. If he gets more than he needs, he pays interest on what he does not need. If he wants to pay back part, he must pay a bonus for the privilege, and if he wants to reborrow later he must face a new commission and another long delay.

Mr. Chairman, I am very anxious for the loan provisions which I have just quoted to be enacted into law. I do not care so much whether they are part of a law establishing a new government agency or keeping the War Finance Corporation functioning under a new name or as an amendment to the present Federal rural credit system or otherwise. What I do want is for the farmers and the country to get the benefits which I am sure will flow from the enactment of the loan provisions offered in this bill. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HUSTED. Mr. Chairman, I yield 50 minutes to the gentleman from Massachusetts [Mr. TINKHAM.]

The CHAIRMAN. The gentleman from Massachusetts is recognized for 50 minutes.

Mr. TINKHAM. Mr. Chairman, I am a member of the subcommittee of the Committee on Appropriations on the State and Justice Departments that prepared the bill which is now before the Committee of the Whole House. There were no witnesses before that subcommittee at its various hearings who were not Government officials, except one individual by the name of Wayne B. Wheeler, who appeared saying that he was general counsel and legislative superintendent of the Anti-Saloon League of America. He desired to give his views regarding the disposition of funds in relation to the Department of Justice concerning the enforcement of prohibition. Before he made any statement he was examined at length, particularly in relation to the conformity of the Anti-Saloon League of America to the Federal statutes relating to the prevention of corrupt practices at Federal elections. You can read the evidence that has been printed in connection with those hearings.

As a result of the evidence he gave, there has been an examination made. The result of that examination and investigation is so important and has developed such facts that I believe the facts should be laid not only before this House but before the Department of Justice.

A law was enacted June 25, 1910, and amended August 19, 1911, and is one of the several laws to prevent "corrupt practices" at Federal elections. It is entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected." The first section of this law reads as follows:

Be it enacted, etc., That the term "political committee" under the provisions of this act shall include the national committees of all political parties and all committees, associations, or organizations which shall in two or more States influence the result, or attempt to influence the result, of an election at which Representatives in Congress are to be elected.

This law provides for detailed statements of money received in amounts of $100 or more, amount, name and address of the person from whom received, and money expended, with the name and address of each person paid $10 or more.

This law also provides that these detailed statements shall be made under oath and filed with the Clerk of the House of Representatives not less than 10 days before the election, and on each sixth day thereafter until the election, and another report to be filed within 30 days after the election. The law carries a penalty of $1,000 and imprisonment of not more than one year, or both.

No such statements were filed by the Anti-Saloon League of America or by any of its State branches, departments, or subsidiaries in 1910, 1912, 1914, 1916, or 1918.

In 1920 for the first time three returns were filed by Wayne B. Wheeler, signing himself as "Treasurer, campaign committee, Anti-Saloon League of America"; three by the "Anti-Saloon League of America, Department of West Virginia"; three by the "Anti-Saloon League of Maryland"; and only one return each by the "Wisconsin Anti-Saloon League," the "Anti-Saloon League of Colorado," "Anti-Saloon League of Oregon," and the "Iowa Anti-Saloon League."

The first return signed and sworn to by Wayne B. Wheeler was dated October 22, 1920, the second October 29, 1920, and the third December 1, 1920. Upon each of these returns was indorsed the following protest: "We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as the activities of the league are educational, scientific, and charitable rather than political as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses in connection with the national organization in the election of Congressmen as indicated in the report."

The congressional districts in the first return, dated October 22, 1920, in which "the Anti-Saloon League of America" admits under oath it spent money, were the fourth and fifth districts in Indiana, the eleventh district of Iowa, the sixteenth district of Texas, the seventh district of Minnesota, known as the "Volstead district," the thirteenth district of Missouri, the first and second districts of New Hampshire, the first, second, and forty-second districts of New York, the tenth, twentieth,

twenty-second, twenty-fifth, twenty-eighth, and twenty-ninth districts of Pennsylvania, and the first and sixth districts of Maryland.

The congressional districts in the second return, dated October 29, 1920, in which the Anti-Saloon League of America admits under oath it spent money, were the seventh district of Minnesota, known as the "Volstead district," the fifth district of Ohio, eleventh district of Maryland, twenty-fifth and twenty-eighth districts of Pennsylvania, the fortieth, forty-first, and forty-second districts of New York.

The law requires "the name and address of each person to whom any payment is made in excess of $10 or more." In each of the three reports of the Anti-Saloon League of America this provision of the law is violated in relation to some items.

Under date of November 4, 1920, Elizabeth Roberts, "bookkeeper and assistant treasurer" of the Wisconsin Anti-Saloon League, in the only return made by that league, states under oath, under the head of "Expenditures on behalf of candidates," a strictly political expenditure according to the return, that R. P. Hutton, of Milwaukee, had his "salary paid by the Anti-Saloon League of America, Westerville, Ohio," but does not state the amount.

In none of the three returns signed by Wayne B. Wheeler as "Treasurer, campaign committee, Anti-Saloon League of America," does any such person's name appear, nor is any amount traceable or returned under any possible item in these three returns as being so expended by the Anti-Saloon League of America, although they purport to be the entire expenditures of the Anti-Saloon League of America, made in connection with the congressional election of 1920, which not only would involve a violation of the act of June 25, 1910, which requires a detailed account of expenditures, name, address, and amount paid, but also involves a sworn false return, as the two returns are contradictory.

The structure of the Anti-Saloon League is as follows: There is a corporation known as the Anti-Saloon League of America, which is the national organization, and corporations in each or most of the States and the District of Columbia, known either as the Anti-Saloon League of that particular State or as the Anti-Saloon League of America, department of the State in which it is incorporated, and the national organization and the State organizations make one association or organization by the closest affiliations possible.

Vice presidents of the national organization are presidents, directors, or trustees of the various State organizations, and most of the national executive committee hold office in some State organization, which is also true of the national board of directors, and the national committee on financial management has one member who is on the headquarters committee of a State organization. As an example, William H. Anderson is a State superintendent of the Anti-Saloon League of New York. He is also a member of the national executive committee and also of the national legislative committee of the Anti-Saloon League of America.

This scheme of organization, the closest which American corporate law can devise, is known as the system of interlocking directorates and makes of such corporations in effect, so far as action and policy are concerned, one large corporate entity.

The plain intent and purpose of the law is to give publicity in Washington to all expenditures made by any committees, associations, or organizations attempting to influence congressional elections in two or more States. If any money is expended to influence an election in two or more States, the law, by the plainest language which could be employed, demands a return in form be made to the Clerk of the House of Representatives.

There can be no question that this law applies to any organization that attempts to influence an election, no matter what other activities the organization may have, because the law says so.

The expenditures of the national organization and of the State organizations with which it is affiliated or interlocked, attempting to influence the election of Congressmen, must be reported here in Washington as the activities are national and coordinated or the law is nullified.

Therefore any expenditures made for this purpose should be disclosed in a sworn report filed by the "committees, associations, or organizations," either through full returns at Washington made by the national organization, including expenditures of all its State branches in each report required by law, or by reports from the national organization and separate reports from each State where money is received or expended.

Nullification of the law would otherwise result through the formation of a national organization spending little or nothing in congressional elections and with its affiliated or interlocking State branches or departments in each State spending vast sums, about which there would be no report made in Washington as required by the law and its manifest intent and spirit.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. TINKHAM. The following organizations filed reports in connection with the 1920 election without protests that the law did not apply to them in their political activities:

Republican National Committee.
Democratic National Committee.
Republican National Congressional Committee.
Democratic National Congressional Committee.
National Committee, Single Tax Party.
Prohibition National Committee.
National Committee, Socialist Party.
Farmer-Labor Party of the United States.
Oklahoma State Democratic Committee.
Republican Senatorial Committee.
Harding-Coolidge Republican League No. 1.
National Non-Partisan Political Campaign Committee.
National Campaign Committee of the Sixteen Associated Recognized Standard Railroad Labor Organizations.
National Young Men's Republican League.
Harding-Coolidge Uptown Dry Goods Association.
Debs Campaign Conference.
National Welfare Union.
American Federation of Labor, National Nonpartisan Political Campaign Committee.
Pro-League Independents.

At this point I desire to draw attention to the fact that there has been recently issued by Parker Shields, superintendent Tennessee Anti-Saloon League, a leaflet asking for liberal contributions to this league, from which the following is a quotation:

> A number of Congressmen who hold the balance of power and pile up majorities in Congress come from the Southern and Western States, where money for organization and educational purposes is scarce. They have always had to have help from the national league.

This would clearly show that the Anti-Saloon League was systematically and liberally financing congressional campaigns and placing Congressmen of the United States under obligation to vote in Congress in accordance with its dictation.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I can not.

The CHAIRMAN. The gentleman declines to yield.

Mr. COOPER of Ohio. This is an important matter. I make the point of no quorum.

Mr. TINKHAM. Let me finish my statement.

The CHAIRMAN. The gentleman from Ohio makes the point of order that there is no quorum present.

Mr. COOPER of Ohio. If the gentleman will yield to me for half a minute——

The CHAIRMAN. The gentleman declines to yield.

Mr. COOPER of Ohio. I will withdraw my point of order.

Mr. TINKHAM. I will answer any question that the honorable Representative from Ohio desires to ask when I have finished my statement without interruption.

Another quotation is as follows:

> In addition to the above, the amount from Tennessee for the national league helps to provide for the maintenance of the entire national organization. It also helps to provide for the maintenance of our national office at Washington, D. C., under the very successful management of the Hon. Wayne B. Wheeler, one of the greatest diplomats and attorneys in America. From this office needed legislation is initiated, a constant watch is kept on the actions of Congress, and when opposition appears danger signals are flashed to every State in the Union.

Legislation initiated in the national office of the Anti-Saloon League in Washington and not in the Congress of the United States! To what degredation, to what debasement has Congress fallen that its shame can be thus heralded to the world!

There, verily, is an end of free institutions and free men. Cowardice, indeed, has completed their destruction and dishonor.

In connection with this general subject it may be of interest to the House of Representatives to know that in the Evening Star, Washington, Tuesday, March 21 last, in an interview, Samuel W. Small, secretary of the National Reform Association, is quoted as stating that that association has "a pledged financial income of over $2,000,000 annually," and that it was proposed to spend this amount at the next election in the congressional districts of the United States.

On page 472, part 2, of the hearings before the subcommittee of the House Committee on Appropriations relating to the Department of Justice, the following colloquy occurs:

Mr. TINKHAM. I did not think you had given your personal opinion as to whether or not you thought that the corrupt practices act applied to the Anti-Saloon League if it attempted to influence elections in two or more States. I do not think you have replied to that question.

Mr. WHEELER. I think that the national organization, as such, working in various States the law might be construed to cover that; and inasmuch as it can be construed that way, the only fair thing for us to do was to accept that construction until it was otherwise held.

Notwithstanding this statement by Mr. Wheeler, no returns were filed with the Clerk of the House of Representatives by the Anti-Saloon League of America or by any of its State branches, departments, or subsidiaries in 1910, 1912, 1914, 1916, and 1918.

I therefore charge that the following are violations of the act of June 25, 1910, as amended by the act of August 19, 1911, to prevent corrupt practices at Federal elections:

1. Failure to make returns to the Clerk of the House of Representatives by the Anti-Saloon League of America or any of its State branches, departments, or subsidiaries in 1910, 1912, 1914, 1916, and 1918.

2. Failure to give names and addresses of all persons receiving $10 or more in the three returns filed with the Clerk of the House of Representatives by Wayne B. Wheeler as treasurer campaign committee, Anti-Saloon League of America, in connection with the congressional election of 1920.

3. Failure of the Anti-Saloon League of America, department of West Virginia, to give names and addresses of all persons receiving $10 or more in the three returns filed with the Clerk of the House of Representatives in connection with the congressional election of 1920.

4. Failure of the Anti-Saloon League of Maryland to give names and addresses of all persons receiving $10 or more in the three returns filed with the Clerk of the House of Representatives in connection with the congressional election of 1920.

5. Failure of the Wisconsin Anti-Saloon League to file more than one return with the Clerk of the House of Representatives, and in that return to give the names and addresses of all persons receiving $10 or more in connection with the congressional election of 1920.

6. Failure of the Anti-Saloon League of Colorado to file any return under oath with the Clerk of the House of Representatives and without the names and addresses of all persons receiving $10 or more in connection with the congressional election of 1920, although a letter admits expenditures.

7. Failure of the Anti-Saloon League of Oregon to file more than one return with the Clerk of the House of Representatives and failure to file that return under oath in connection with the congressional election of 1920.

8. Failure of the Anti-Saloon League of Iowa to give the names and addresses of all persons receiving $10 or more in the return filed with the Clerk of the House of Representatives in the one return filed in connection with the congressional election of 1920.

9. Complete failure to file returns with the Clerk of the House of Representatives of numerous other State branches, departments, or subsidiaries of the Anti-Saloon League of America which received or disbursed money in connection with the congressional election of 1920. Notably the State of New York, the State of Pennsylvania, and the State of Minnesota.

10. That under date of November 4, 1920, Elizabeth Roberts, "bookkeeper and assistant treasurer of the Wisconsin Anti-Saloon League," in the only return made by that league states under oath under the head of "Expenditures on behalf of candidates," that R. P. Hutton had his "salary paid by the Anti-Saloon League of America, Westerville, Ohio," and in none of the three returns signed by Wayne B. Wheeler as "treasurer, campaign committee, Anti-Saloon League of America," does any such person's name appear, nor is any amount traceable or returned under any possible item in these three returns as being so expended by the Anti-Saloon League of America, although they purport to be the entire expenditures of the Anti-Saloon League of America made in connection with the congressional election of 1920 and that they are contradictory statements made under oath.

The records of the Clerk of the House of Representatives disclose a failure of the Anti-Saloon League of America and its subsidiaries to obey the Federal statutes, not only in one case but in many.

Nothing can shatter the very foundations of society, its respect for the law, and its belief that laws are to be obeyed than to have a great national organization refuse to obey laws that apply to it.

No more deadly thrust can be given to law and its enforcement than the claim of immunity from criminal statutes of general application by any one class, interest, or association.

No greater contempt of law can be shown than by reliance upon schemes to circumvent the plain meaning of a law and its spirit. American courts of justice have never allowed this to be successful. Interlocking directorates have been abolished and legal moral responsibility placed where it belonged.

The usual course for a Member of Congress to pursue in a situation such as has been disclosed is to ask for a committee of investigation of the House of Representatives. I, however, know as well as anyone who has knowledge of the House of Representatives that it would be absolutely futile for me to ask for the appointment of such a committee, as such an order of investigation could not be passed because of the power of the Anti-Saloon League of America and its influence in the House of Representatives.

I, therefore, publicly request, yes, I demand, that the Department of Justice, which I believe can not be intimidated or subverted by political influence and threats of reprisal from whatever source, and whose first duty is to enforce laws of the United States, investigate the facts which I have here submitted and upon finding that they are true to institute proper proceedings under the law.

This I do to the end that all laws shall be enforced equally against the politically powerful as well as against the politically weak, that laws passed to insure the purity of the ballot shall be given their full vigor and effect, and that impartial justice shall be respected and maintained in these United States. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. In a minute. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has 24 minutes.

Mr. TINKHAM. There have been two captious criticisms made concerning the hearing at which Mr. Wheeler was examined and the printing of the record of the hearing which I think should be answered and explained to the committee.

The first is the criticism that I should not have examined Mr. Wheeler as I did.

Mr. Wheeler was a volunteer witness who requested to appear before the committee. He made no objection to any of the questions asked, nor did any member of the committee. That should dispose of this criticism.

The second criticism is that the record of the hearing was not printed as it should have been.

The facts are these: That Mr. Wheeler was given permission by the committee to correct his testimony. As a member of the committee I had the right to correct my questions. Two copies of the record were brought to my office. One the original, with the corrections of Mr. Wheeler, and the other a copy, although it looked like an original so far as the typewriting was concerned. I dictated my corrections to a young man who had for six weeks been acting as my secretary, who was not very familiar with the correction of records. He made my corrections upon the copy instead of upon the original, and the copy with my corrections was returned to the clerk of the Committee on Appropriations and in due time this was printed. Saturday last Mr. Wheeler made discovery that his corrections were not in the printed hearings, and the matter in due course was brought to my attention. I found the original with Mr. Wheeler's corrections in my office, took it immediately to the Committee on Appropriations, and a reprint of the testimony with Mr. Wheeler's corrections as well as my own is now before the committee. That should dispose of this criticism.

Now, Mr. Chairman, I shall be glad to answer any questions.

Mr. COOPER of Ohio. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question. It seems he has made a very careful investigation, as he says, relative to the activities of the Anti-Saloon League. I would like to ask the gentleman from Massachusetts whether, while he was working along that line, he made any investigation of the activities of some other organizations, especially one known as the Association Opposed to National Prohibition; whether they had any large sums of money accumulated to influence the election of Congressmen in certain congressional districts?

Mr. TINKHAM. I have made no investigation as to the activities of any other associations, because the representatives of no other associations except the Anti-Saloon League appeared before the committee. Had they appeared and had there developed the same testimony that was developed in the examination of Mr. Wheeler, I should have included it in my statement to the House, and I would say that if there are any organizations whatsoever, no matter for what purpose they may be organized, that participated in congressional elections

in two or more States and attempted to influence results and have filed no returns under the law, they are equally guilty of violating the corrupt practices act with the Anti-Saloon League of America and its subsidiaries.

Mr. COOPER of Ohio. The gentleman from Massachusetts knows that there is such an organization. Was there not a statement inserted in the RECORD at your hearings relative to that question?

Mr. TINKHAM. It was inserted after the hearing, not at the hearing. Mr. Wheeler was given the right when the hearings were over to put certain statements into the RECORD.

Mr. COOPER of Ohio. There are a great many organizations that are opposed to national prohibition. Is not that a fact?

Mr. TINKHAM. I have heard that that is so. [Laughter.]

Mr. COOPER of Ohio. The gentleman fully realizes that they are spending a large amount of money, that to-day they are organizing in nearly every State in the Union for the express purpose of trying to defeat Congressmen who will not pledge themselves to the modification of the Volstead Act. I should like to ask the gentleman if he believes these organizations can work without the expenditure of large amounts of money?

Mr. TINKHAM. I think I should not be asked a question of that character. I will say this: I have no exact knowledge of what organizations may be operating to-day in the United States which are opposed to or which desire to change the Volstead Act. If there are organizations, I do not care what their character is, whether they favor prohibition, or are against prohibition, whether they are organizations of churches or organizations of bawdy houses, if they attempt, under this law in more than two States to influence congressional elections, a statement of their receipts and expenditures must be filed with the Clerk of the House of Representatives, and should have been filed since 1910 when this Federal statute was passed. The statute says "all committees, associations, or organizations." This is without any distinction whatever. Does not that fairly answer the question of the honorable Representative from Ohio.

Mr. COOPER of Ohio. If the gentleman will permit me, this is what I want to say to the House, that the gentleman from Massachusetts [Mr. TINKHAM] has put a large amount of work into the statement which he has given to this House to-day criticizing the Anti-Saloon League for their activity in politics. Now, I think if the gentleman here had been fair he would have looked deeper into the question, and he would have investigated the activity of those organizations that are opposed to the prohibition laws, and that to-day are spending hundreds of thousands of dollars in anticipation of defeating Congressmen for election this fall who will not pledge themselves to a modification of the Volstead Act.

Mr. TINKHAM. If any Representative of those organizations had come before the committee of which I am a member I would have asked him the same questions that I asked Mr. Wheeler, and if I found that his testimony was similar to Mr. Wheeler's I should have made a similar investigation; but Mr. Wheeler was the only witness, and he came there voluntarily, and I took up that specific case. The committee was not an investigating committee, and I am not an investigator.

Mr. COOPER of Ohio. May I ask the gentleman if he has read that part of the testimony which was inserted in the hearings?

Mr. TINKHAM. As a matter of fact, I have not had time.

Mr. COOPER of Ohio. If the gentleman will permit me, I notice here that the budget called for in the association opposed to national prohibition contemplates the expenditure of not less than $600,000. Then, in another place, it says:

Before a wheel can turn, the managing director must know that there is at least $200,000 in the treasury.

Now, I wish the gentleman would take the time to investigate those organizations—the association opposed to national prohibition.

Mr. TINKHAM. What is the date of that statement?

Mr. COOPER of Ohio. This statement was incorporated in your hearings on this bill before the committee.

Mr. TINKHAM. What is the date of that particular statement?

Mr. COOPER of Ohio. It does not give the date; but there is such an organization.

Mr. TINKHAM. If the representative of that organization had appeared before the committee, I should have made an investigation of that organization.

Mr. STAFFORD. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Wisconsin.

Mr. STAFFORD. Do the records filed by the Anti-Saloon League under the corrupt practices act, or the gentleman's investigation, show how much money was expended by the Anti-Saloon League in the election of Representatives in Congress, and for what purpose, and in what districts?

Mr. TINKHAM. I have given the districts, and I am going to ask the House to allow me to incorporate in the extension of my remarks three returns of the Anti-Saloon League of America, and the one return of the Anti-Saloon League of Wisconsin.

Mr. STAFFORD. The latter is the one in which I am particularly interested, because of the activities of certain bodies which failed to comply with the State law requiring returns, that have used thousands of dollars against me in times past. I wish to ask whether that return shows anything of the activities in any specific districts of the State of Wisconsin?

Mr. TINKHAM. This particular return of the Anti-Saloon League of Wisconsin does not show any particular activities in any particular district, except that it has attached to it as a part of it a specimen ballot in which certain Senators and Congressmen are designated and described and certain others otherwise designated and described. That I wish to have printed in the RECORD by unanimous consent.

The total expenditure as returned by the Anti-Saloon League of Wisconsin is $10,028.83.

Mr. STAFFORD. Does it give the districts in which the money was expended?

Mr. TINKHAM. It does not give the districts in which the money was expended, but the Anti-Saloon League of America has indicated, as I have read, in what districts the Anti-Saloon League of America expended money.

Mr. STAFFORD. I will ask the gentleman another question. I notice in the hearings on page 468, in which are enumerated certain districts in Minnesota, Ohio, Maryland, Pennsylvania, and New York, in which the Anti-Saloon League was active in the last campaign, that after the New York districts appears the language—

Omitted by error from former reports.

That conveys the idea that in a former report there were further districts returned. Has the gentleman any list of those districts?

Mr. TINKHAM. The districts in the first report, filed October 22, 1920, of the Anti-Saloon League of America, are as follows: Indiana, fourth and fifth districts; Iowa, eleventh district; Texas, sixteenth district; Minnesota, seventh district; Missouri, thirteenth district; New Hampshire, first and second districts; New York, first and second districts; Pennsylvania, tenth, twentieth, twenty-second, twenty-fifth, twenty-eighth, and twenty-ninth districts; Ohio, fifth, tenth, and eleventh districts; West Virginia, first and sixth districts; Maryland, first and sixth districts.

Mr. STAFFORD. Were those funds used in favor of candidates or were they used in opposition to candidates?

Mr. TINKHAM. This is what the return says:

The above amounts were expended in the following congressional districts to aid in the election of Congressmen opposed to the nullification of national constitutional prohibition.

Mr. HILL. Will the gentleman yield?

Mr. TINKHAM. I will yield to the honorable Representative from Maryland.

Mr. HILL. I would like to ask the gentleman this question: As I understood the gentleman, he said that the Anti-Saloon League of America is a corporation, and filed three separate reports signed by Wayne B. Wheeler, treasurer, showing expenditures of money to influence the election of Members of the House of Representatives. Is that correct?

Mr. TINKHAM. It is; but he signed his name as "treasurer, campaign committee, Anti-Saloon League of America."

Mr. HILL. Treasurer of the campaign committee?

Mr. TINKHAM. Yes.

Mr. HILL. Is this the same Wayne B. Wheeler who appeared before the Appropriations Committee and was questioned by the gentleman from Massachusetts?

Mr. TINKHAM. He is the same gentleman who appeared before the subcommittee which was formulating the State and Justice Department appropriation bill now before this committee.

Mr. HILL. Can the gentleman state for what purpose the treasurer of the campaign committee of the Anti-Saloon League of America appeared before the Appropriations Committee of this House?

Mr. TINKHAM. He appeared apparently not for political purposes. He appeared to advise the committee in relation to the policies that the committee should pursue and the sums of money that should be designated for the enforcement of prohibition and limitations to be put on language in the bill.

Mr. HILL. I notice that the gentleman refers to expenditures made by Wayne B. Wheeler, treasurer of the Anti-Saloon

League of America, in the seventh district of Minnesota, and the gentleman referred to it as the "Volstead district." Is that the district represented by the chairman of the Judiciary Committee of this House?

Mr. TINKHAM. If I am not mistaken, that is the district represented by Mr. VOLSTEAD.

Mr. BARKLEY. Mr. Chairman, is it in order for me to object to the attorney's leading the witness? [Laughter.]

Mr. HILL. I will say that I am trying to elucidate the truth for the benefit of the House and the Nation. I hope the gentleman will continue to make the same illuminating answers to the rest of my questions. [Laughter.] I would like to ask the gentleman if Wayne B. Wheeler, whom I see in the gallery at the present time—and I saw him in the gallery when the medical beer bill was voted on—whether this Wayne B. Wheeler is the same one who appeared before the Judiciary Committee as legislative agent of the Anti-Saloon League?

Mr. TINKHAM. I understand he is the same.

Mr. HILL. I want to ask the gentleman one more question. Does he think it is proper that the man who spends the money to elect Congressmen should come and ask favors of the legislative committee?

Mr. TINKHAM. What does the honorable Representative mean? [Laughter.]

Mr. HILL. I would like to put my questions in a different form since I see that the gentleman is so reluctant to answer. I would like to ask the gentleman if he thinks it proper that a gentleman who becomes treasurer and spends money to assist in the election of Members of Congress should be at the same time a legislative agent and go before this same Member of Congress in whose election he has assisted and ask for legislation for his employer corporation?

Mr. TINKHAM. It seems to me highly reprehensible that a man should allow his campaign expenses to be paid in part by any organization whatsoever which he knows in advance is coming before the committee upon which he sits as a member, or particularly as the chairman, to ask for legislation of any character.

Mr. HILL. I entirely agree with the gentleman.

Mr. MANN. Will the gentleman yield?

Mr. HILL. I will.

Mr. MANN. Did I understand the gentleman to say that this Anti-Saloon League, organized as a corporation in a particular State, is obliged to make a return in reference to elections of Members of Congress?

Mr. TINKHAM. In reply let me state what the organization of the league is.

Mr. MANN. I heard the gentleman's statement.

Mr. TINKHAM. There is a national organization, known as the Anti-Saloon League of America, and it has subsidiaries or departments in every State of the Union. Many of the offices of the national organization are also offices of the State organization. It has an interlocking system.

Mr. MANN. Let me ask the gentleman this question, a simple one, and get a simple answer, and I think I understand what it will be: Suppose the Anti-Saloon League in Massachusetts is organized under the laws of the State of Massachusetts and expends funds wholly within the State of Massachusetts with reference to the election of Members of Congress, does the gentleman insist that the corporation must make a Federal return?

Mr. TINKHAM. If it is interlocked with the national association, of course; else it would be a repudiation and nullification of that law.

Mr. MANN. Then I would like to ask the gentleman this question: Does the Massachusetts State Republican committee make any return with reference to its expenditures?

Mr. TINKHAM. The law provides, specifically, that only the national committees of all political parties and the national congressional campaign committees of all political parties shall make returns, thereby excluding the State committees. But there is no limitation put upon the other "committees, associations, or organizations." The law provides that such "committees, associations, or organizations" shall report their entire expenditures.

Mr. MANN. If it is not interlocked with the national Republican committee, then I do not understand its purpose.

Mr. TINKHAM. The law specifically provides for returns only of the regular political national committees; but there is no limitation upon other committees so far as State expenditures are concerned.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. EVANS. Is it not a fact that as to the two pieces of legislation, or the limitations, to which Mr. Wayne B. Wheeler directed his request, the gentleman himself consented to their being incorporated in the bill; and are they not now in the bill before the House?

Mr. TINKHAM. Oh, yes; I agreed to what was suggested. It is a reasonable suggestion.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. COOPER of Ohio. A few moments ago the gentleman from Massachusetts asked me a question as to where I found the statement I was reading to him. I would state to the gentleman that he will find the statement concerning the activity of the Association Opposed to National Prohibition, together with the amount of money they are supposed to have on hand before they can turn a wheel, and so forth, beginning on page 491, of part 2, of the hearings before the subcommittee of the House Committee on Appropriations on the Department of State and judicial appropriation bill. I ask the gentleman from Massachusetts to make an investigation of the activity of that organization, and if he finds anything wrong I would like to have him report their wrongdoing to Congress.

Mr. TINKHAM. I shall take the suggestion of the honorable gentleman from Ohio under consideration. Mr. Chairman, I ask unanimous consent to have incorporated with my remarks the first, second, and third return of the Anti-Saloon League of America and the returns of the Wisconsin Anti-Saloon League. Otherwise those papers may be lost.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

OCTOBER 22, 1920.

Hon. WILLIAM TYLER PAGE,
Clerk, House of Representatives, Washington, D. C.

DEAR SIR: Under the congressional act relating to the election of Congressmen and the duties of treasurers of the respective political committees, I submit this report as treasurer of the campaign committee of the Anti-Saloon League of America for the period up to October 23, 1920:

Amount of contributions and subscriptions	$2,500.00
Amount of contributions $100 or more	2,500.00

Of the amount contributed or subscribed, the following list shows the names of the contributors giving $100 or more, the addresses, and the amount contributed by each, to wit:

Samuel Dunlap, Circleville, Ohio	$100.00
W. F. Hutchinson, Columbus, Ohio	100.00
John Breece, Portsmouth, Ohio	100.00
E. M. Ogilvie, East Liverpool, Ohio	100.00
Pearl Selby, Portsmouth, Ohio	100.00
A. Z. Blair, Portsmouth, Ohio	100.00
Foster Copeland, Columbus, Ohio	100.00
Alexander Neff, Neffs, Ohio	500.00
W. S. George, East Palestine, Ohio	500.00
D. C. Boyd, Galion, Ohio	300.00
W. H. Hoover, North Canton, Ohio	500.00
Total	2,500.00

Amounts expended.

Printing sample ballots	$325.00
Printing public documents (extracts of Congressional Record)	496.11
Addressing envelopes	81.50
Clerks' and stenographers' hire:	
Miss Keith	66.00
Miss Dudley	64.00
Mrs. Pearson	50.00
Miss McCulloch	75.00
Organizers and field workers: Services and expenses of—	
F. B. Ebbert	400.00
Rev. S. E. Nicholson	503.00
Telephone and telegraph	75.00
Postage	50.00

The above amounts were expended in the following congressioned districts to aid in the election of Congressmen opposed to the nullification of national constitutional prohibition:

Fourth and fifth Indiana districts.
Eleventh Iowa district.
Sixteenth Texas district.
Seventh Minnesota district.
Thirteenth Missouri district.
First and second New Hampshire districts.
First and second New York districts.
Tenth, twentieth, twenty-second, twenty-fifth, twenty-eighth, and twenty-ninth Pennsylvania districts.
Fifth, tenth, and eleventh Ohio districts.
First and sixth West Virginia districts.
First and sixth Maryland districts.

The foregoing statement is respectfully submitted.

WAYNE B. WHEELER,
Treasurer Campaign Committee Anti-Saloon League of America.

WASHINGTON, D. C., *October 29, 1920.*

Hon. WILLIAM TYLER PAGE,
Clerk, House of Representatives,
Washington, D. C.

DEAR SIR: Under the congressional act relating to the election of Congressmen and the duties of treasurers of the respective political committees, I submit this additional report as treasurer of the campaign committee of the Anti-Saloon League of America for the period of October 23–29, 1920.

No additional contributions have been received.

AMOUNTS EXPENDED ON OBLIGATIONS ASSUMED.

Clerks' and stenographers' hire:	
Miss Keith	$16.66
Miss Dudley	15.84
Mrs. Pearson	16.66
Miss McCulloch	18.75
Organizers and field workers—services and expenses of:	
S. E. Nicholson	128.00
F. B. Ebbert	134.00
Telephone and telegraph	20.00
Postage	5.00
Printing and postage bills assumed	200.00

The above obligations were assumed in the following congressional districts:

Seventh Minnesota district.
Fifth Ohio district.
Eleventh Maryland district.
Twenty-fifth and twenty-eighth Pennsylvania districts.
Fortieth, forty-first, and forty-second New York districts (omitted by error from former report).

The foregoing statement is respectfully submitted.

W. B. WHEELER,
Treasurer Campaign Committee,
Anti-Saloon League of America.

—

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

W. B. Wheeler, being duly sworn, deposes and says that he is treasurer of the campaign committee of the Anti-Saloon League of America, that the foregoing statement by him signed is a true and correct report of the receipts, disbursements, or obligations of said campaign committee to October 29, 1920.

W. B. WHEELER.

Sworn to before me, the undersigned notary public in and for the District of Columbia, this 29th day of October, 1920.

FREDERICK A. THUEE,
Notary Public in and for the District of Columbia.

(My commission expires October 18, 1925.)

—

Hon. WILLIAM TYLER PAGE,
Clerk, House of Representatives, Washington, D. C.

DEAR SIR: We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as activities of the league are educational, scientific, and charitable rather than political, as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses only in connection with the national organization in the election of Congressmen, as indicated in the report.

W. B. WHEELER,
Treasurer Campaign Committee,
Anti-Saloon League of America.

—

THE ANTI-SALOON LEAGUE OF AMERICA,
LEGAL DEPARTMENT,
Washington, D. C., December 1, 1920.

Hon. WILLIAM TYLER PAGE,
Clerk House of Representatives, Washington, D. C.

DEAR SIR: Under the congressional act relating to the election of Congressmen and the duties of treasurers of the respective political committees, I submit this additional report as treasurer of the campaign committee of the Anti-Saloon League of America for the period October 29 to November 2, 1920.

No additional contributions have been received.

Amounts expended or obligations assumed.

Clerks and stenographers' hire:		
Miss Keith	$16.00	
Miss Dudley	12.76	
Mrs. Pearson	16.00	
Miss McCulloch	20.00	
Miss Lillian Berry	5.00	
Mrs. T. L. Himmelman	50.40	
Organizers and field workers, services and expenses of:		
F. B. Ebbert	199.00	
S. E. Nicholson	45.00	
L. G. Long	137.78	
David Hepburn	50.00	
Traveling, telephone, and other expenses:		
Telegrams	25.00	
Telephone	20.00	
Postage	44.92	
Traveling expenses of undersigned	110.00	
		$751.86
Summary of expenses filed in report Oct. 24		2,185.60
Summary of expenses filed in report Oct. 29		555.01
Total		3,492.47

The above amounts were expended or obligations assumed in the districts named in reports of October 24 and October 29, 1920.

The foregoing statement is respectfully submitted.

W. B. WHEELER,
Treasurer of Campaign Committee of
Anti-Saloon League of America.

—

THE ANTI-SALOON LEAGUE OF AMERICA,
LEGAL DEPARTMENT,
Washington, D. C.

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

W. B. Wheeler, being duly sworn, deposes and says that he is treasurer of the campaign committee of the Anti-Saloon League of America; that the foregoing statement by him signed is a true and correct report of the receipts, disbursements, or obligations of said campaign committee from October 29 to November 2, 1920.

W. B. WHEELER.

Sworn to before me, the undersigned, a notary public in and for the District of Columbia, this 1st day of December, 1920.

FREDERICK A. THUEE,
Notary Public in and for the District of Columbia.

Hon. WILLIAM TYLER PAGE,
Clerk, House of Representatives,
Washington, D. C.

DEAR SIR: We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as the activities of the league are educational, scientific, and charitable, rather than political, as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses only in connection with the national organization in the election of Congressmen, as indicated in the report.

W. B. WHEELER.
Treasurer of Campaign Committee of
Anti-Saloon League of America.

—

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

W. B. Wheeler, being duly sworn, deposes and says that he is treasurer of the campaign committee of the Anti-Saloon League of America, that the foregoing statement by him signed is a true and correct report of the receipts and disbursements of said campaign committee to October, 1920.

W. B. WHEELER.

Sworn to before me, the undersigned notary public in and for the District of Columbia, this 22d day of October, 1920.

FREDERICK A. THUEE, Jr.,
Notary Public in and for the District of Columbia.

(My commission expires October 29, 1920.)

—

Hon. WILLIAM TYLER PAGE,
Clerk of House of Representatives, Washington, D. C.

DEAR SIR: We respectfully protest any obligation on the part of the Anti-Saloon League of America to file this report under the above law, as the activities of the league are educational, scientific, and charitable, rather than political, as intended by the law. We file this report, therefore, under protest, covering those contributions and expenses in connection with the national organization in the election of Congressmen, as indicated in the report.

W. B. WHEELER,
Treasurer Campaign Committee Anti-Saloon League of America.

—

NOVEMBER 4, 1920.

Statement of expenditures of Wisconsin Anti-Saloon League primary election campaign (election November 2, 1920) in behalf of candidates on attached list, etc.

Names.	Addresses.	Salary.	Field expenses.
R. P. Hutton	Milwaukee	(1)	$227.47
J. I. Seder	do	$450.00	215.36
D. P. French	do	375.00	199.15
B. N. Hicks	do	375.00	263.48
N. C. Shirey	Madison	400.00	358.09
A. H. Zechiel	Eau Claire	350.00	381.99
J. P. Koeller	Oshkosh	300.00	479.78
T. W. Gales	Appleton	333.34	398.63
W. G. Jones	Madison	253.00	387.97
J. C. Bartholf	Milwaukee	333.32	255.10
C. M. Hodney	Madison	333.34	363.23
Total		3,503.00	3,530.25
		$7,033.25	

[1] Salary paid by Anti-Saloon League of America, Westerville, Ohio.

Extra office help	$172.25
Office Specialties Co. (stencils and ink)	12.50
Standard Paper Co. (paper and envelopes)	101.62
H. H. West Co. (miscellaneous office supplies)	9.60
Advocate Publishing Co. (printing and envelopes)	1,720.42
Telephone	139.06
Telegraph	9.37
Postage	830.76
Total	10,028.83

The foregoing amount was spent for educational and Americanization campaign, concurrently with political work for the candidates on list hereto attached.

STATE OF WISCONSIN, *County of Michigan, ss:*

Elizabeth Roberts, bookkeeper and assistant treasurer of the Wisconsin Anti-Saloon League, being first duly sworn, says that the foregoing statement of expense incurred or paid by said Wisconsin Anti-Saloon League in behalf of candidates named on attached printed list is correct and true, as she verily believes, and that the same constitutes all of the expenses incurred or paid by said league for the purposes named.

ELIZABETH ROBERTS.

Subscribed and sworn to before me this 3d day of November, 1920.

[SEAL.] EDITH R. HUTTON,
Notary Public, Milwaukee County, Wisconsin.

My commission expires March 2, 1924.

—

A DRY BALLOT ON REFERENDUM AND CANDIDATES—TAKE THIS TO THE POLLS FOR REFERENCE ON ELECTION DAY, NOVEMBER 2—REFERENDUM ON PROHIBITION ENFORCEMENT LAW (MULBERGER LAW)—DON'T FORGET TO VOTE FOR THIS ON THE SEPARATE PINK REFERENDUM BALLOT.

Shall chapter 556 of the Laws of 1919, entitled "An act to suspend the operation of chapter 66 of the statutes of 1917, entitled 'Excise and the sale of intoxicating liquors,' and to create sections 1569(1) to 1569(22), inclusive, of the statutes, relating to intoxicating liquors, to provide for the enforcement of Article 18 of the Constitution of the United States, providing penalties, making an appropriation, and defining intoxicating liquor," be continued of force and effect?

Yes [x].
No [—].

Dry Congressional and Legislative Candidates.

UNITED STATES SENATOR.

(Voted for by whole State.)

IRVINE L. LENROOT (Republican): Must be reelected. Next to Volstead perhaps most important man in Congress for drys. Defeat might mean repeal of Volstead Act.

GOVERNOR.

(Voted for by whole State.)

Robert Bruce McCoy (Democrat): Member Congregational Club, which took active part in voting Sparta dry. Opposes legalizing beer. For law enforcement and removal of sheriffs and district attorneys who are lax.

John J. Blaine (Republican): Voted for county option. Now receiving support of beer advocates. Refuses to state position on legalizing beer.

ATTORNEY GENERAL.

(Voted for by whole State.)

William J. Morgan (Republican): Openly opposed to legalizing beer. Lifelong dry fighter. Pledges law enforcement.

STATE SENATORS.

Tenth district: St. Croix, Pierce, Pepin, and Buffalo Counties, George B. Skogmo (Republican).

Twelfth district: Ashland, Bayfield, Price, Rusk, and Sawyer Counties, C. H. Werden (Republican).

Fourteenth district: Outagamie and Shawano Counties, Anton Kuckuk (Republican), Clinton B. Ballard (Independent).

Sifteenth district: Grant, Crawford, and Richland Counties, Henry E. Roethe (Republican).

Twenty-second district: Walworth and Rock Counties, Ed. T. Ridgeway (Republican).

Twenty-fourth district: Clark and Wood Counties, William L. Smith (Republican).

Twenty-sixth district: Dane County, Henry A. Huber (Republican).

Thirty-second district: La Crosse and Trempealeau Counties, E. F. Clark (Republican).

CONGRESSMEN.

First district: Kenosha, Racine, Waukesha, Walworth, and Rock Counties, H. A. COOPER (Republican). Voted for eighteenth amendment; no statement on beer and wine.

Third district: Crawford, Richland, Grant, Iowa, Dane, La Fayette, and Green Counties, James W. Murphy (Democrat). Openly opposes legalizing beer and wine. JOHN M. NELSON (Republican). Voted for eighteenth amendment. Refuses to state position on beer and wine; receiving support of beer and wine advocates.

Fourth district: South half Milwaukee County, Gerald P. Hayes (Democrat). Bone dry; declares against legalizing beer and wine.

Seventh district: La Crosse, Jackson, Monroe, Clark, Vernon, Juneau, Adams, and Sauk Counties, JOSEPH D. BECK (Republican). Opposes beer and wine.

Eighth district: Marathon, Portage, Waupaca, Waushara, Wood, and Shawano Counties, EDWARD E. BROWNE (Republican). Opposes beer and wine. Needs every dry vote. (Work hard for BROWNE).

Ninth district: Langlade, Forest, Florence, Marinette, Oconto, Outagamie, Brown, Kewaunee, and Door Counties, DAVID G. CLASSON (Republican). Voted against eighteenth amendment. Voted for Volstead Act. Andrew R. McDonald (Democrat). Indorsed by farmer-labor. Bone-dry union-labor leader.

Tenth district: Dunn, Barron, Chippewa, Eau Claire, Trempealeau, Buffalo, Pepin, Pierce, and St. Croix Counties, JAMES A. FREAR (Republican). Has dry record.

Eleventh district: Douglas, Bayfield, Ashland, Iron, Vilas, Burnett, Polk, Washburn, Sawyer, Rusk, Price, Taylor, Lincoln, and Oneida Counties, ADOLPHUS P. NELSON (Republican). Dry floor leader.

CANDIDATES FOR ASSEMBLYMEN BY COUNTIES.

Adams, J. F. McDowell (Republican); Ashland, A. L. Bigelow (Republican); Barron, J. L. Dahl (Republican); Bayfield, F. W. Downs (Republican); Buffalo, E. A. Kenyon (Republican); Burnett, E. H. Johnson (Republican); Chippewa, T. W. Bartingale (Republican); Clark, John Verkuilen (Republican); Columbia, Robert Caldwell (Republican); Crawford, Albert C. Johnson (Republican); Dane (first), Herman Sachtjen (Republican); Dane (second), James C. Hanson (Republican); Dane (third), Carl M. Grimstad (Republican); Door, John Peltier (Republican), Frank N. Graas (Independent) (voted to ratify; later voted to legalize beer. No statement); Douglas (first), J. B. French (Republican); Dunn, A. L. Best (Republican); Eau Claire, Rush Bullis (Republican), M. J. McRaith (Democrat); Florence, J. D. Grandine (Republican); Fond du Lac (first), J. J. Lamb (Republican); Fond du Lac (second), J. E. Johnson (Republican); Forest, J. D. Grandine (Republican); Grant (first), C. J. Weitenhiller (Republican); Grant (second), Charles E. Tuffley (Republican); Green, William Olson (Republican); Green Lake, Charles L. Bryden (Democrat), Samuel Owens (Republican); Iowa, William Smith (Republican); Jackson, W. F. Dettinger (Republican); Jefferson (second), William Everson (Democrat), H. W. Stokes (Republican); Juneau, Oscar Miller (Independent) (opponent very dangerous; Miller must be elected); Kenosha, P. M. Anderson (Independent) (very important to elect Anderson); La Crosse (first), Frank H. Fowler (Republican); La Fayette, James Goodman (Republican); Langlade, J. A. Barker (Republican); Lincoln, Ray M. Atcherson (Republican); Marathon (second), Louis H. Cook (Republican), Kurt Beyreis (Democrat); Marquette, J. F. McDowell (Republican); Monroe, Miles L. Hineman (Republican); Oconto, Peter Ankerson (Republican); Oneida, J. D. Grandine (Republican); Outagamie (first), Mark S. Catlin (Republican); Outagamie (second), Anton M. Miller (Republican), Daniel Crowe (Democrat); Pierce, Charles E. Hanson (Republican); Polk, George A. Nelson (Republican); Portage, William Scribner (Republican); Price, Joseph R. Farr (Republican); Racine (second), Henry F. Johnson (Republican); Richland, E. R. Cushman (Republican); Rusk, D. J. Summerville (Republican); Rock (first), A. E. Matheson (Republican); Rock (second), Edwin G. Fifield (Republican); St. Croix, George Oakes (Republican); Sawyer, D. J. Summerville (Republican); Trempealeau, H. A. Anderson (Republican); Vernon, L. M. Roseland (Republican); Walworth, Riley S. Young (Republican); Washburn, E. H. Johnson (Republican); Waukesha (first), W. A. Freehof (Republican); Waukesha (second), W. H. Edwards (Republican); Waupaca, Fred Hess (Republican); Waushara, F. W. Ploetz (Republican); Winnebago (first), Clark M. Perry (Republican); Winnebago (second), Nels Larson (Republican); Winnebago (third), George H. Jones (Republican); Wood, W. W. Clark (Republican).

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Mr. HUSTED. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, the honorable gentleman from Massachusetts [Mr. TINKHAM] makes a jewel of inconsistency. He is best known to fame for his vigorous insistence that the fourteenth and fifteenth amendments to the Constitution of the United States shall be in force and full effect; that there shall be a most rigid enforcement of, and compliance with, those amendments; but as to the eighteenth amendment to the Constitution, he joins with a multitude of other gentlemen in the country in looking for some way to get that amendment out of the Constitution without repealing it. He favors any kind of legislation that will evade the full effect of that amendment.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I would rather proceed. I have only 10 minutes in which to answer a 50-minute speech.

Mr. STEVENSON. I just wanted to call attention to the fact that the gentleman from Massachusetts does not seem to be as anxious to enforce the fourteenth and the fifteenth amendments of the Constitution in Boston as he is in South Carolina.

Mr. CRAMTON. That is another jewel of inconsistency. Having held a hearing of 40 pages, an investigation, if you please, of the Anti-Saloon League, represented by Mr. Wayne B. Wheeler, and that investigation having shown to any reasonable man that the Anti-Saloon League is the only organization with reference to liquor that has paid any decent respect to the election law, the gentleman forthwith proposes that we shall indict the officers of that organization which has complied with the law; but as to the other 20 or 30 organizations opposed to prohibition, who are shown by the record the gentleman himself has made to have violated that law—ignored it—the honorable gentleman says he has nothing to suggest.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I am sorry I can not. As I say, I have but 10 minutes in which to answer a 50-minute speech.

A jewel of inconsistency! The gentleman from Massachusetts said in reply to the gentleman from Ohio [Mr. COOPER] that the reason he does not ask any action against associations opposed to prohibition is because he does not know anything about their activities. His own record shows the evidence, and I will say to the gentleman that if he never had a chance until this morning to read that statement in full in the printed record it is because of a very embarrassing and unfortunate accident in his own office. It would have been in print a week ago except for that accident in the office of the gentleman himself whereby important portions of the testimony of Mr. Wheeler did not appear in the first edition of the hearings before the gentleman's subcommittee. He does not know of any wrongdoing on the part of all these other organizations, and still the testimony brought out by him from Mr. Wheeler shows that this Association Opposed to Prohibition, to which the gentleman from Ohio [Mr. COOPER] refers, has been active in influencing elections. I read from the statement of that organization in 1919, to be found on page 493 of the "second edition" of the hearings before the gentleman's subcommittee:

As to the Federal prohibition amendment all the lawyers who have been consulted are unanimous in the statement that it is illegally a part of the Constitution of the United States, and that therefore the United States Supreme Court will declare it null and void. But the members of the United States Supreme Court are extremely sensitive to public opinion. They must be made to feel the weight of public opinion that has been aroused all over the country by this attempt to prohibit, by constitutional amendment, the natural and inherent rights to free men in a free country. That sentiment can only be crystallized by the expenditure of a very considerable sum of money, and the Association Opposed to National Prohibition has nowhere near enough money to prosecute the campaign.

Mr. Chairman, if there is no law that would require them to make a report of how much money they used in their effort to influence a decision of the Supreme Court of the United States there ought to be a law, and I am surprised that the gentleman has not introduced such a law. Further, in the gentleman's own testimony brought out from Mr. Wheeler, on page 497 of the second edition of the hearings, there appears a list of liquor organizations between the years 1910 and 1920 that participated in congressional elections. That list is as follows.

United States Brewers' Association, 50 Union Square and 109 East Fifteenth Street, New York City; National German-American Alliance (Inc.), 419 Walnut Street, Philadelphia, Pa.; National Association of Commerce and Labor, Chicago, Ill.; National Retail Liquor Dealers' Association; Model License League, Louisville, Ky.; National Association of Manufacturers, St. Louis, Mo.; National Liquor League of the United States, Hugh A. Harvey, chairman congressional committee, Washington, D. C., 1912; National Federation of Retail Liquor Dealers; Wholesale Liquor Dealers' Association.

I read further from that same page of that same testimony which appeared before the gentleman's committee and was brought out by his own questioning of Mr. Wheeler:

The German-American Alliance and the brewers operated with an organization known as the National Association of Commerce and Labor, of Chicago. The political methods of this organization are set forth at length in the investigation made by the Senate Judiciary Committee, under Senate Resolution 307, of the Sixty-fifth Congress. You will find on page 1263 of the report of the hearings the detailed information which they secured by State surveys of each Congressman, his connections and the methods by which they attempted to influence votes, and their plans for securing nominations and elections of Congressmen.

You will find on pages 117, 289, 134, and 1312 a long list of business concerns that were boycotted because they would not aid the liquor organizations. You will find on pages 459 to 462 the sample reports of the political agents who worked for these liquor organizations. These reports disclose the political methods used by the German-American Alliance, the Brewers' Association, and the National Association of Commerce and Labor in influencing the election of Congressmen. The methods by which they raised their funds for carrying on the campaigns, and the defrauding of the Government of taxes which were used for corrupt purposes in elections, are disclosed on pages 85, 342, and 401; also on page 1077.

The methods by which they controlled newspapers and, in many instances, bought them in secret is set forth on pages 656, 701, 657, 675, 658, 462, 70, 73, and 458. The methods by which these organizations controlled the foreign-language press to carry out their program is revealed on pages 466, 471, 467, 621, 996, 557, 595, 551, and 630, etc.

The brewery connection with the "No beer—no work" campaign is set forth on page 199.

These organizations, interested in the election and defeat of Congressmen, at no time after the year 1910 complied with the Federal corrupt practice act.

Several thousand pages of testimony were taken revealing the political methods of these organizations, and the conclusions of the committee will be found in the CONGRESSIONAL RECORD of November 14, 1921, on pages 8603 to 8608. In the face of this testimony the attempt to find fault with the only organization that has complied with the law is unjustifiable.

If the gentleman has not read that it is because he has not made good use of the testimony brought out by himself, and the reference there given to page 1263 of the Senate hearings, giving the detailed information which the wets secured by State surveys of each Congressman, 100 questions about every candidate for Congress in this country, his connections, the method by which they attempted to influence votes, whether the man was in debt and the church to which he belonged, and so forth; the reference to the page showing a long list of businesses and concerns that were boycotted. You will find on page 459 to page 462 sample reports of the political agents who worked for these organizations. If he will look at the two volumes of Senate hearings lying on yonder table, he will find reason for the indictment of those organizations and abundant evidence already available to prove the active participation, country wide, by these wet organizations in elections, who, by the gentleman's own statement on the floor to-day, have filed no reports, as required by law. Mr. Chairman, there has been an investigation of those liquor organizations, as Mr. Wheeler called to the attention of the gentleman from Massachusetts, conducted by a subcommittee of the Committee on the Judiciary of the Senate. That subcommittee made a unanimous report, and that unanimous report received the unanimous approval of the full Committee on the Judiciary of the Senate and was accepted by the Senate, condemning those liquor organizations and their participation in politics in the most unmeasured terms, as shown by the following extract from the committee decision as published in the CONGRESSIONAL RECORD September 5, 1919, page 5187:

The allegations and charges made in said Resolution No. 307, hereinbefore set out, in regard to the brewing and liquor activities, were substantially sustained, as will appear from the printed record, volumes 1 and 2, herewith transmitted.

Your committee in entering upon the investigation directed by said Resolution No. 307 interpreted that resolution as requiring an inquiry into two subjects, to wit:

1. The conduct and activities of the brewing and liquor interest, political and otherwise, was specifically demanded; and

2. A general inquiry into pro-German propaganda and activities was required. The testimony taken having been printed, a review thereof is deemed unnecessary. Complying, however, with the mandate of the resolution requiring a report of the results established by the investigation, the following findings are herewith submitted for the information and attention of the Senate:

I.

With regard to the conduct and activities of the brewing and liquor interests, the committee is of the opinion that the record clearly establishes the following facts:

(a) That they have furnished large sums of money for the purpose of secretly controlling newspapers and periodicals.

(b) That they have undertaken to and have frequently succeeded in controlling primaries, elections, and political organizations.

(c) That they have contributed enormous sums of money to political campaigns in violation of the Federal statutes and the statutes of several of the States.

(d) That they have exacted pledges from candidates for public office prior to the election.

(e) That for the purpose of influencing public opinion they have attempted and partly succeeded in subsidizing the public press.

(f) That to suppress and coerce persons hostile to and to compel support for them they have resorted to an extensive system of boycotting unfriendly American manufacturers and mercantile concerns.

(g) That they have created their own political organization in many States and in smaller political units for the purpose of carrying into effect their own political will, and have financed the same with large contributions and assessments.

(h) That with a view of using it for their own political purposes they contributed large sums of money to the German-American Alliance, many of the membership of which were disloyal and unpatriotic.

(i) That they organized clubs, leagues, and corporations of various kinds for the purpose of secretly carrying on their political activities without having their interest known to the public.

(j) That they improperly treated the funds expended for political purposes as a proper expenditure of their business and consequently failed to return the same for taxation under the revenue laws of the United States.

(k) That they undertook through a cunningly conceived plan of advertising and subsidation to control and dominate the foreign-language press of the United States.

(l) That they have subsidized authors of recognized standing in literary circles to write articles of their selection for many standard periodicals.

(m) That for many years a working agreement existed between the brewing and distilling interests of the country by the terms of which the brewing interests contributed two-thirds and the distilling interests one-third of the political expenditures made by the joint interests.

The gentleman talks about this Chamber being dictated to by the Anti-Saloon League. The gentleman knows there is no organization that can dictate to this body of men. [Applause.] And the gentleman knows that if any resolution should come from him for an investigation of those organizations that his own questions brought into the hearings and which are shown to have violated the election laws, there will be very few votes here on the floor against it from those that respect the Anti-Saloon League as the recognized force that binds together through effective leadership the sentiment of this country of ours that is behind the eighteenth amendment. [Applause.] When the gentleman attacks Wayne B. Wheeler, when he attacks the Anti-Saloon League, I am not concerned about Wheeler or the Anti-Saloon League, but I think of those millions of faithful men and women all over this country that thank God for the eighteenth amendment and are now praying nightly for its enforcement, that this Republic may be the greater. And in so far as the Anti-Saloon League fairly represents that constituency it is entitled to the respect of Congress. Not until the gentleman shows that they have betrayed their constituency has he any right here, after they have fairly explained all their doings, to charge them with violations of this law while shutting his eyes to the real violators of the law.

The gentleman talked about the "deadly thrust" at law and order in this country that was brought about by some one or other. The deadly thrust at law and order in this country comes from those liquor organizations who were declared by a committee of the United States Senate, in that unanimous report of its Judiciary Committee, to have been guilty; that they have undertaken and frequently succeeded in controlling primaries, elections, and political organizations, and not one of them has ever filed a report under the law of which the gentleman speaks. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 10 minutes to my colleague from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, I do not suppose the degree of seriousness with which the House regards the gentleman from Massachusetts, the Hon. GEORGE HOLDEN TINKHAM, would justify very extended remarks in reply; but it seems the more sensational and ridiculous a statement is, coming from a Member of Congress, the more publicity it obtains in the United States, and I have no doubt that the charge which has been made by the honorable gentleman from Massachusetts [Mr. TINKHAM] will, as occurred with reference to the hearings, receive wide publicity throughout the United States. Unfortunately, the people of the United States who are not on the ground and are not in the galleries have a very poor opportunity to observe the relative proportion of things that happen on the floor of the House. Sometimes they are liable to be misled by the headlines that usually are found above sensational statements like the one to which we have referred. It would be an interesting thing, if it were possible, to analyze the mental gyrations of the honorable gentleman from Massachusetts. He was a member of the subcommittee of the Committee on Appropriations which was framing this bill for appropriations for the Department of Justice. During the deliberations of that committee, to determine how much money ought to be appropriated for the Department of Justice, Mr. Wayne B. Wheeler asked for permission to come before it. I am not a member of the Anti-Saloon League; I have never con-

tributed to its support in my life, and, so far as I know, it has never as an organization supported me in any race I have ever made for office.

I am not interested in the controversy between Mr. Wheeler and the gentleman from Massachusetts, but he has the right, as any American citizen has the right, to ask to come before the Committee on Appropriations or any other committee and to make statements in behalf of the appropriation for the Department of Justice for the enforcement of the eighteenth amendment or upon any subject before a committee. And while I do not know why he asked permission to go before that subcommittee, I have a suspicion that the fact that the gentleman from Massachusetts was on the committee may have had some influence in determining the propriety of asking and, if necessary, insisting that the Committee on Appropriations should give the Department of Justice all the money that it needed and asked for in order to enforce the eighteenth amendment and all other laws. But, at any rate, Mr. Wheeler went before the committee, and before he was permitted to open his mouth, before he was even permitted to say "Mr. Chairman," the gentleman from Massachusetts [Mr. TINKHAM] took him in charge and cross-examined him, as if he were a crap-shooting negro, before he was permitted to make the statement before the Committee on Appropriations which he came to make.

Mr. EVANS. And not a single question he asked was material to the subject being investigated.

Mr. BARKLEY. The gentleman gives evidence of the fact that he is thoroughly familiar with the questions.

Mr. COOPER of Ohio. Reading a part of the hearings before the committee, Mr. Wheeler made this statement in the presence of the honorable gentleman from Massachusetts. He said this:

Mr. WHEELER. I have already stated our viewpoint of it, and the fact that there might be some doubt with reference to it is the reason why I have asked our committee to file these reports; we are the only organization that does it. I find no criticism of the many liquor organizations that are doing the same thing for not filing a report.

He said this:

We are the only organization that does it—

That is, had filed a report on expenditure. I find no criticism of the many liquor organizations that are doing the same thing, namely, not filing reports. Mr. Wheeler stated that they had filed reports.

Mr. BARKLEY. Yes. The fact is that the Anti-Saloon League, to which the gentleman from Massachusetts has directed his remarks, is the only organization, either for or against the eighteenth amendment, that has filed any report with the Clerk of this House.

Now, the gentleman from Massachusetts becomes profound and serious when he has discovered that perhaps in some technical way Mr. Wheeler did not make his report as full as he thinks it should have been. But we hear no word of condemnation against those who filed no report at all.

Mr. HILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Maryland?

Mr. BARKLEY. I will yield with pleasure to my equestrian friend from Maryland. [Laughter.]

Mr. HILL. I want to ask the gentleman if he does not think that all such organizations that attempt to influence the result of national elections should file reports in accordance with the law? I will say to the gentleman that I think they ought to file them.

Mr. BARKLEY. There is but one answer to that question. Of course, if there is any organization in the United States that is spending money in two or more States to influence the election of Members of Congress they ought to report, and I hope that the new organization, with which I think the gentleman from Maryland is in sympathy, the Association Opposed to National Prohibition, which has established headquarters in Washington and which has announced that it proposes to take a hand in the election of Members of the Sixty-eighth Congress, will file reports as required by law, and if it does not file reports the gentleman from Maryland, I hope, will be as active in trying to enforce the law and seeing to it that it does file reports as the gentleman from Massachusetts is in regard to the Anti-Saloon League.

Mr. HILL. I will say to the gentleman from Kentucky that I shall include such a provision in the bill that I hope to introduce to-morrow morning.

Mr. BARKLEY. I am glad the gentleman is taking time by the forelock, and hope he will help to see that all laws are enforced.

The gentleman from Massachusetts [Mr. TINKHAM] has entertained us for an hour. Whatever he talks about has in it sufficient amusement to furnish entertainment to the House. But the gentleman from Massachusetts has taken this time, as he says, in order to emphasize his fundamental objections to the violation of law. In an article which appeared in the New York Evening Telegram recently over the gentleman's signature and under his handsome picture, he laid stress on the fact that the danger that now confronts the United States of America is the disregard for and the disrespect of law. I think in some respects the gentleman is right, though I do not agree to his premise. But while he was talking about the little, insignificant error he thinks committed by the treasurer of this league, on which he pounced for not giving some name—and I do not know whether that is an error or not, although he seems to enlarge on the point of not having given the name—yet during his speech and in all the gentleman's years of activity and service he has failed to denounce organizations that are seeking to undermine the laws of the United States, organizations that announce that they propose to take a hand in the campaign for the election of the next Congress, and will try to elect men who are pledged to repeal the prohibition act, and defeat Members of Congress who favor its enforcement, and ultimately will seek to secure the repeal of the eighteenth amendment to the Constitution. The gentleman from Massachusetts has never denounced this open and flagrant propaganda for violation of the law.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Kentucky is recognized for three minutes more.

Mr. BARKLEY. The disrespect for law in this country, which is liable to undermine the foundations of our Government, is not some innocent, unintentional disregard of a ministerial statute which requires merely the filing of reports with the Clerk of this House. The violation of the law and the disrespect for law that may undermine the foundations of our Republic and finally land it on the highway of nations as a wreck, as the gentleman predicted in the newspaper article to which I have referred, is that kind of violation and disrespect which holds in contempt the law of the land, the fundamental law of the land; disrespect in the minds of people who sympathize with those who undertake to create a sentiment against the enforcement of the law. I hope the gentleman from Massachusetts will make his investigation a little more fair and his activities a little more universal than he is now seeming to do, and without regard to the character of the law or amendment that Congress enacts will join hands with us not only in seeing that the laws are enforced but that there is maintained in the United States a healthy sentiment among the people of our Nation that respects and reveres every law of the Nation and of all the States. [Applause.]

The real trouble that confronts this Nation is not the failure of some benevolent organization to cross a "t" or dot an "i" in its report. One of the menaces to our institutions is the disregard and disrespect of law, to which the gentleman from Massachusetts has contributed as much as any Member of this House. [Applause.]

In this connection I wish to incorporate in my remarks an editorial written by William J. Bryan on "The enforcement of prohibition":

[From editorial in next issue of the Commoner.]

ENFORCEMENT OF PROHIBITION.

Acquiescence in the will of the majority when expressed in accordance with our Constitution and our laws is the vital principle of our Government. Jefferson said that acquiescence in the will of the people was the vital principle of the Republic from which there is no appeal except to force, the principle of despotism.

That acquiescence in the will of the majority is the recognized policy of this country can be proven by innumerable facts in our history. For instance, in 1876 the Democrats acquiesced in the election of a Republican President by a majority of one in the Electoral College when that one majority was secured by a decision of the electoral commission which voted eight to seven on every important question. In 1884 the Republicans acquiesced in the decision when Cleveland was elected by the vote of New York and the vote of New York turned upon a few hundred votes. In 1916 the Republicans again acquiesced in the decision when President Wilson was reelected by a small majority in the Electoral College and that majority came from California which went Democratic by a few votes.

Here we have three instances of acquiescence in the election of Presidents by a narrow margin. Although great interests were at stake there was no suggestion of resistance to the decree rendered according to the Constitution and laws. And yet we find a large element, made up of some who claim respectability, resisting a prohibition law based upon a constitutional amendment adopted by a large majority after a fight of 50 years. No important question has ever been settled by so decisive a majority as that recorded in favor of prohibition. More than two-thirds of the States in the Union went dry by their individual act. More than two-thirds of the Members of the Senate and House voted to

submit prohibition. Forty-six States out of 48 have ratified prohibition. Only two States, Connecticut and Rhode Island, have refused to ratify and they are small States, and in the largest of these one branch of the legislature favored ratification. Two Congresses have been elected since national prohibition was submitted—one since prohibition went into effect—and both of these Congresses have been dry by more than two-thirds majority.

And yet, instead of acquiescing in the will of the majority, the "wets" in city, State, and Nation are attempting to elect men to office pledged to violate their oath. They are trying to prevent the enforcement of the law and also trying to secure legislation which they know to be a violation of the prohibition amendment.

So bold are these enemies of Government that they insolently warn the Federal Government not to interfere with open conspiracies in neighboring nations and on the high seas. A Philadelphia paper recently insisted that the Federal Government should not interfere with rum runners outside the 3-mile limit. What a doctrine to preach in this enlightened age! The geographies teach us that three-fourths of the earth's surface is covered by water. The "wets" would confine civilization to one-quarter and turn over three-quarters of the earth's surface to those who are outlaws and who are engaged in conspiracies against governments.

Whenever a ship puts the black flag above the flag of any nation it can be sunk without fear of war. No civilized nation will lend its flag to the violation of the law of any other nation, and it will not protect its citizens when they disgrace their country and their country's flag by such kinds of piracy.

"Freedom of the seas" in this case will be "freedom to seize"; the nations that attempt to protect their homes from the invasion of alcohol will be prepared to seize those who attempt to use the seas for unlawful purposes.

Mr. JOHNSON of Kentucky. I yield 20 minutes to the Commissioner from Porto Rico [Mr. DAVILA].

Mr. DAVILA. Mr. Chairman, some days ago I heard two gentlemen from Kansas raising their voices in defense of E. Mont Reily, Governor of Porto Rico. According to my information the gentleman from Kansas [Mr. TINCHER] does not know E. Mont Reily. If that is the fact, I exonerate him; but the other gentleman from Kansas [Mr. STRONG], who is not my personal friend but who is a close friend of Governor Reily, knows the governor very well. I am sorry I can not exonerate him. It seems to me that there is some similarity between the gentleman from Kansas [Mr. STRONG] and E. Mont Reily. The Governor of Porto Rico is called a "strong" man, and the gentleman from Kansas is STRONG, "too." There must be something in common between these two strong men, although I will say that there is nothing strong in Reily's favor except the gentleman from Kansas. But while the gentleman from Kansas [Mr. STRONG] seems to be very active in defense of his close friend, E. Mont Reily, I have not heard a word in his defense from the gentlemen in this House from Missouri. There are 14 Members of the House on the Republican side from the great State of Missouri. I would like to hear a word from them, and especially from the gentleman from Kansas City [Mr. ELLIS], who comes from the same district as Governor Reily. He ought to know Reily better than any other Member of Congress. Let him take the floor of the House. I invite him to take the floor of the House right now, and I will yield the balance of my time provided he says something about E. Mont Reily. It would be extremely interesting. But I see the gentleman from Kansas City remains silent. Is not that an admission? Is not that a confession? I really believe so.

Mr. ROACH. Will the gentleman yield? I do not happen to be from Kansas City, Mo., but I happen to be from Missouri. I hold no brief for E. Mont Reily, the present Governor of Porto Rico. I have not had anything to say in the controversy which the gentleman has raised, because after reading what the gentleman said before concerning Governor Reily it occurred to me that all the complaints or charges that he makes against him relate to matters that are supposed to have occurred before his appointment and that might properly address themselves to the President, and no doubt did, and were considered by the President at the time of Governor Reily's appointment. Inasmuch as I had nothing to do with his appointment, and the appointment was a personal one by the President, I have not felt called upon to say anything in regard to the matter that the gentleman has heretofore presented and is now presenting to the House.

Mr. DAVILA. I am sorry to see that the gentleman from Missouri has not read my speech very carefully, unless he thinks that the charges I have made against Governor Reily are not enough for the removal of the governor. If he has reached that conclusion I have nothing to say to the gentleman.

Mr. Chairman, it is with deep regret that I arise again in this House to discuss the affairs of Porto Rico under the administration of E. Mont Reily. I am compelled to do so, however, not only in defense of my own good name but also in defense of an unwarranted and unjustified attack upon my people. The gentleman from Kansas [Mr. STRONG], a close personal friend of Governor Reily, has very warmly taken the defense of his good friend, the indefensible Mont Reily, and attempted to present my people and myself as disloyal to the American Nation. I will prove that the gentleman is acting under an erroneous impression and that his personal friend, E. Mont Reily, has assigned him a very difficult and embarrassing rôle.

Beginning with the ridiculous charges growing out of the $5,000 appropriated by the legislature, the governor says, and the gentleman from Kansas [Mr. STRONG] joins him in his assertion:

First. That the turning down of the payment of the appropriation is the cause of the hatred of the Resident Commissioner for the governor.

Second. That while I have stated that I declined to accept the appropriation and that the matter was brought to the attention of the auditor without my knowledge, yet it is a fact that I commissioned Mr. Barceló to secure in my name the payment of said appropriation.

The first charge is the only one which might connect me with the governor in this affair.

It is admitted that the governor did not know of the appropriation until his arrival in Porto Rico. At his request Judge Bonner submitted to him a statement, from which I quote the following:

On Saturday, July 30, 1921, on which date Governor Reily arrived in Porto Rico, accompanied by Hon. CORDOVA DAVILA, Resident Commissioner, I was informed by the commissioner that he wished to see me at my office. I cordially invited him to come whenever he found it convenient, but he did not do so. I submitted on the next Monday morning the whole matter of said appropriation to Governor Reily, and was informed by him that he agreed with my conclusions; that in his opinion no warrant should be issued covering the appropriation to the commissioner, and he further ordered that I should not set it up on the books of my office, inasmuch as he considered I had obeyed the law throughout the entire transaction.

I confess that I can not understand what the auditor means when he goes out of his way to say in connection with this matter that on my arrival in the island I told him that I wished to see him. I remember that when Judge Bonner arrived at the pier to meet the governor I introduced him to the new executive as a very efficient and honest man. I did that with a purpose; and it is very easy to explain my commendation of the auditor as well as my words when I said that I desired to talk to him. It is known that Reily while in Washington, and before his first visit to Porto Rico, recommended the removal of the auditor, the attorney general, and the commissioner of education of the island and that I opposed these removals. Notwithstanding this, Reily insisted on the removal of the auditor, Judge Bonner, to appoint in his place his friend from Kansas City, Mo., Mr. Kessinger. As I considered it a mistake to remove without cause an efficient officer, I felt it my duty to warn Judge Bonner about the intentions of the governor.

I never had any knowledge of the conversation between the auditor and the governor about the appropriation. Their private interview was entirely unknown to me. Admitting that the governor expressed his approval to the ruling of Judge Bonner, as I was not aware of this fact, I could not feel any personal animosity toward him for such a reason. And even assuming that E. Mont Reily acted on this matter and that his attitude was known to me, how can it be possible that I should feel personal animosity against him for this when I never had any animosity against the auditor who ruled that the appropriation was invalid? How can the governor reconcile my alleged interest in securing the payment of this sum when I made all possible efforts to keep in his position the same official who held that the appropriation was invalid and whose resignation was asked by E. Mont Reily?

The following cable which I have received from Judge Bonner in reply to my cabled inquiry shows that I had not any knowledge of the interview between the auditor and the governor and that I never mentioned the appropriation to him:

SAN JUAN, P. R., *March 16, 1922.*

Hon. CORDOVA DAVILA,
Washington, D. C.:

You never personally presented matter of appropriation to me orally or in writing, nor did you request me to submit matter to Governor Reily. Discussed it with other questions with him last August. Several days ago he requested me to state history of case in writing. Statement shows that you asked interview with me but did not come. The appropriation was never mentioned by you to me.

BONNER.

I can not understand why this matter was submitted by the auditor to Governor Reily. According to our organic law the decisions of the auditor shall be final, except that any person aggrieved by his action or decision in the settlement of an account or claim may, within one year, take an appeal in writing to the governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken. So, the governor has not any jurisdiction in the decisions of the auditor until an appeal is taken in writing. It is a fact that no appeal has ever been taken against the ruling of Judge

Bonner. The auditor acts in a judicial capacity and his decisions can not be controlled by the executive until an appeal is taken. Even assuming that the governor advised the auditor not to authorize the payment of the appropriation, this intervention of the executive is entirely officious because he has nothing to do with a case in which he has not obtained jurisdiction. Judge Bonner is not a man to follow any advice opposed to his own conclusions even if that advice comes from the executive of the island, and should the governor have disapproved his decision I am sure that this disapproval would not have affected him in the least.

The auditor says that he submitted the matter of the appropriation to the governor on August 1, 1921. Eight days after E. Mont Reily was fully informed by the auditor of the whole matter, I received the following letter:

EXECUTIVE MANSION, PORTO RICO,
OFFICE OF THE GOVERNOR,
San Juan, P. R., August 9, 1921.

Hon. FELIX CORDOVA DAVILA,
Resident Commissioner, San Juan, P. R.

MY DEAR JUDGE: You are perhaps aware that there will be a vacancy on the supreme bench of Porto Rico in the next few weeks. I have watched your course in Washington in the past year while you have been representing your people, and I have been greatly impressed with the splendid work you have been trying to accomplish. My attention has been especially attracted to you since my arrival here through your great loyalty to the American flag and people and your glorious patriotism exhibited during the past 10 days. I believe as an American that your loyalty and patriotism should not go unheeded, but should be rewarded. Porto Rico needs more men of your type of unquestioned character, ability, and unselfish leadership known for their sterling worth and patriotism. Since my inaugural your action has been brought so prominently before me I feel it would be better for Porto Rico if you could remain here and help solve the delicate problems before us, for we all need your help, good advice, and counsel.

Therefore I have decided, without consulting you, to recommend to our distinguished President your appointment to fill a vacancy that is to occur on our supreme bench. It would give me much personal pleasure if you would accept this appointment, for I believe your selection would meet with the hearty approval of 90 per cent of the loyal people of Porto Rico, whom you have served so faithfully and well.

Please give me an immediate reply.

Yours faithfully,

E. MONT REILY, *Governor.*

And this Resident Commissioner from Porto Rico who has been assailed by the governor as capable of entertaining personal feelings against him for his supposed intervention in the matter of the $5,000 is the same man who declined to accept a position for life on the supreme bench of Porto Rico.

The governor was so impressed by Judge Bonner's report that he immediately offered to the Resident Commissioner a life position on the supreme court bench, and at the same time asked for the auditor's resignation.

It is evident that I have proven beyond any doubt that the statement of the governor attributing to me personal animosity toward him on account of his alleged intervention in the matter of the appropriation is entirely unwarranted.

Regarding the second charge that I commissioned Mr. Barceló to secure in my name the payment of the allowance, I quote from a statement published by Mr. Barceló in the public press of the island, which is self-explanatory. It says:

I must explain, however, that, although I acted in Mr. CORDOVA DAVILA'S name in claiming payment of said account, I did so to maintain the claim as a matter of principle and notwithstanding the protests at all times made by Mr. CORDOVA DAVILA, that while he was Resident Commissioner he would never accept the appropriation.

It is also well to state that the last verbal statement which the auditor says was made to him in the matter and to which he replied by the letter published in El Tiempo, was not made by me nor in the name of Mr. CORDOVA DAVILA, but by the senate committee on finance and appropriations at the time said committee had the appropriation under consideration during the last legislature. It is a pity that we should have to lose time destroying such petty intrigue.

I also want to read a letter written by a prominent lawyer of Porto Rico who was assistant attorney general and later judge of the district court of San Juan. The veracity and integrity of this gentleman is well recognized in the island of Porto Rico:

SAN JUAN, P. R., *March 8, 1922.*

Mr. ANTONIO R. BARCELÓ,
San Juan, P. R.

MY DEAR FRIEND: Because of existing political controversies some one has been seeking to disparage the conduct of the Resident Commissioner of Porto Rico in Washington, Mr. CORDOVA DAVILA, regarding the $5,000 voted by the legislature with the approval of the former governor.

It has perhaps escaped your memory that I intervened in this question as a lawyer and at your request, and the reason for this letter is because I wish to clarify the matter by my knowledge of the case.

Immediately after the auditor of Porto Rico had denied payment of this appropriation you asked me to give you my opinion as to whether you could appeal to the governor with a probability of succeeding. I studied the matter and reached the conclusion, which I transmitted to you, that the Federal statutes and precedents cited by the auditor in support of his decision were not applicable to the rights of the Legislature of Porto Rico, and that an appeal from them to the governor should be made.

I also had the honor of informing you that in accordance with article 21 of the organic act, only Mr. CORDOVA DAVILA himself had the right to make such an appeal, he being the injured party, and in reply to this I remember perfectly that you said to me that if such was the case nothing could be done about it, because Mr. CORDOVA DAVILA did not wish under any circumstance to accept this appropriation, but that you had been acting on your own account with the desire that a definite decision in this matter be rendered once and for all.

All this occurred a long time before the arrival of the present Governor of Porto Rico.

Yours very truly,

R. RIVERA ZAYAS.

Now, Mr. Chairman, it is true that my friends in the island insistently advised me to accept the appropriation, and it is my impression that Mr. Barceló used my name, among other reasons, because he wanted to present the claim in a legal and proper way. I am not prepared to say whether the appropriation is valid or not, for I have not given careful consideration to this matter and have not studied the legal aspects of it. But I know that prominent lawyers in the island maintain the validity of the appropriation, alleging that if the matter is brought to the consideration of a court of competent jurisdiction the action of the legislature will be upheld. Let me say that there is nothing improper or immoral in the approval of this appropriation by the legislature. The island of Porto Rico does not spend a cent in her representation in Washington, while other insular possessions annually appropriate funds to be expended here for the benefit of the people and under the supervision of their representatives.

Porto Rico has only one Representative in Washington, and if the Resident Commissioner uses any appropriation allowed to him for the benefit of the people, rendering a proper account, I do not see anything in such a course which may be subjected to criticism. The Legislature of Porto Rico has acted openly in this matter, and has included the appropriation in a public law. There is nothing that our legislators desire to conceal, and the publicity given to the matter in the statutes of Porto Rico is the best proof of the honesty of their intentions. I want to state, however, that I will never accept such appropriation.

The gentleman from Kansas seems to be particularly interested in the cablegrams which I sent to Mr. Barceló and which were printed by him in the RECORD. In the first of these cablegrams I urged the Senate of Porto Rico to adopt a resolution making specific charges against the governor. I sent this cablegram to have them perfect the pleadings, as it were, when my people urged me to bring the matter before Congress, because I wanted the charges to be specific and not in general terms, and because it was natural to ask and receive the cooperation of the people in the same way that I was cooperating with them in their demand for an investigation. I merely asked the senate to ratify the charges which were made by the majority caucus of the legislature three months ago and which were sent to the President of the United States.

And the gentleman from Kansas, who declined to yield to the Resident Commissioner, after assailing his character, notwithstanding repeated interrogations addressed to him, asked this arrogant and sensational question, "Does the gentleman from Porto Rico deny sending this cablegram?" Of course, I sent it. Is there anything wrong in requesting from my people their cooperation in the investigation they were pressing me to ask from Congress?

The last part of the cablegram was sent in the name of Mr. Walter McK. Jones, a member of the Porto Rican Commission, because I did not agree with the conclusion reached by him. This disagreement was noticed by Mr. Barceló, who cabled me to consult Judge TOWNER and Congressman CAMPBELL of Kansas. I consulted with Mr. CAMPBELL of Kansas and he told me he did not want to interfere in our troubles with Reily; but that, in his opinion, it should be better for the Senate to act on the merits of the appointments and not to pass the resolution. I told him that my people were pressing me to ask for a congressional investigation, and that in my opinion I had not any other course to follow. He replied without approving my attitude and rather regretting it, that if I had made up my mind I could act on my own responsibility. The gentleman from Kansas [Mr. STRONG] asked if I sent this cable to Porto Rico. Certainly I did. Is there any improper conduct in consulting with two prominent Members of Congress?

But the gentleman from Kansas seems to have lost his self-control and self-respect when he asked these vicious and foolish questions:

Does the Resident Commissioner, CORDOVA DAVILA, deny that he recently cabled Senator Barceló in Porto Rico for money to carry on the fight here against the governor, and will he explain to this House and the country as to whether or not Mr. Barceló in complying with his request, and before he made his speech in Congress, cabled him $600 to the Dupont Bank in Washington, and said in his cable he would send more soon? Will the Resident Commissioner, CORDOVA DAVILA, give the date of this transaction and explain to the country as to whether or not that had any influence upon his attack upon the Governor of Porto

Rico? Will the Resident Commissioner, CORDOVA DAVILA, also explain as to whether or not a cablegram sent by him on February 17, 1922, of which the following is an extract copy—

FEBRUARY 17, 1922.

BARCELÓ, *San Juan:*

Your cable pleases me very much. Plans actively under way for action in Congress. I will make speech at earliest opportunity, followed by a resolution which will probably be introduced by a Republican.

CORDOVA DAVILA.

is an acknowledgment of the receipt of the $600 or in connection with it?

Does the gentleman mean to insinuate that Mr. Barceló has bought me for $600 to make a speech against the governor? This malicious and gratuitous innuendo, this perfidious insinuation of the gentleman from Kansas, needs not any refutation by me. Let it stand in the RECORD as it was printed and as the most serious reflection upon him. If the gentleman from Kansas really desires information regarding communications with my constituents, which he can not obtain from the cable messages secured in an underhand method, I will enlighten him by saying that Mr. Barceló, who was chairman of the commission named by the people of Porto Rico to come to Washington for the purpose of demanding the recall of Governor Reily, did cable me $600 on February 16, and that this money was used to pay legitimate expenses incurred by the Porto Rican Commission, which is still represented in Washington by Mr. W. McK. Jones, a member of the Porto Rican Legislature. These expenses included stenographer, printing, telephone and telegraph charges, and other legitimate and proper expenses, and have or will be paid by voluntary contributions from the people of Porto Rico who sent the commission to Washington and not from the public treasury of the island. I will even go further and say that if my explanation does not satisfy the curiosity of the gentleman from Kansas, I will be glad to give him a detailed account of how the $600 was expended if he will call at my office.

The cablegram from Mr. Barceló, which the gentleman from Kansas so well knows, although it was written in Spanish, contained 67 words, 60 dealing with the Reily affair and 7 announcing the sending of funds. In this cable, which did please me very much, Mr. Barceló says that they will not surrender their rights for any promise or concession on the part of the governor.

And now that the gentleman from Kansas displays such great interest in knowing how our private money has been spent, can he tell me who paid the expenses of three of the gentlemen who accompanied the governor from Porto Rico to Washington to campaign in his behalf? Can the gentleman explain whether or not the public money of Porto Rico has been used to defray the expenses of the governor's party? And can the gentleman explain if there is any law in Porto Rico which authorizes the governor to spend the public money of the island to defray expenses of this nature? These are very pertinent questions which I would like the gentleman to answer. His inquiries about the expenditures of our private funds suggest that he will have a greater interest in knowing the way in which the public funds of Porto Rico are used by the governor.

The gentleman appears to be very well informed about the cables sent by Mr. Barceló to the Resident Commissioner. How did the gentleman get this information? I know that the president of the senate can not send an official message to Washington without the governor passing upon the same, as the governor has the control of the cables. I had indications that Reily was violating our private correspondence, but I could not give credit to this report. The information printed by the gentleman from Kansas regarding the cable sent by Mr. Barceló has been a great surprise to me. It is my opinion that this matter ought to be investigated. When I was in Porto Rico I could not send an official message to Washington because the cable companies alleged that they were forbidden by Reily to transmit my cables. The governor said that he had not given such an order, but the fact is that I could not use the cables officially, and that the only reason given by the companies to justify their refusal was that they have to obey the orders of the governor.

I have reason to believe that the gentleman from Kansas did not obtain the information contained in these messages from the Committee on Accounts and it is my purpose to investigate this matter until I get all the facts.

I really feel indignant when I see that the sanctity of my correspondence has been violated by the officious magpie that sits in San Juan to indulge his curiosity by prying into the communications of other people through backstairs and gutter practices. This side light of the type of creature that has been sent there as governor bears out his sinister record in the Post Office Department, wherein it is charged that—

In 1904 he was investigated and recommended for removal for having made false affidavits and for having caused certain scurrilous articles to be published in the public press about certain prominent citizens in Kansas City, Mo.

I think, Mr. Chairman, that this matter demands an immediate investigation.

In another of the cables printed by the gentleman from Kansas I advised my friends not to surrender their rights under any circumstances, and the reason of my advice is very plain. I did not want my people to surrender their rights for any concession in the distribution of public offices. We are fighting for a sacred cause and not for public jobs. What we want is a decent and able man as the representative of the United States in the island. I know that E. Mont Reily is unfit to govern a people, that his reputation and character are entirely discredited, that his veracity and integrity can be successfully impeached, and there is no power in the world that can compel me to accept a man of his character and caliber as governor of my island.

In the last cable printed in the RECORD by the gentleman from Kansas I say:

Everything here favorable. Press helping us.

And that is true, gentlemen. Congress may not accord the investigation asked for by me, the President of the United States may keep Reily in Porto Rico, but the good people of this Nation, the disciples of Washington, Jefferson, and Lincoln are with us in our fight, and I am sure that our appeal to the American people will not be in vain.

In keeping with the brazen misrepresentation that has characterized Reily ever since he has been in Porto Rico is the ridiculous story of the flags that he has given to the Representative from Kansas to be retailed on the floor of this House. The gentleman solemnly stated that—

for four years prior to Governor Reily going to Porto Rico as its governor but 1,600 flags were sold in Porto Rico, while in the half year that he has been governor over 13,000 American flags have been purchased.

I want to say in all frankness that this is the first I ever heard of this. I do not deny it, because I know nothing about it; but I am equally frank when I say I do not believe a word of it. How does the governor know how many flags were sold among the 1,300,000 people living in Porto Rico during the four years prior to his coming there? I wonder if a census or record is kept of such sales or if it is simply a brazen assertion of facts when he deals in these numbers.

In the course of his harangue, which was principally notable for the mass of inaccuracies and misinformation which it contained, the gentleman from Kansas told of the parade of the Unionist Party through the streets of San Juan, following its triumph in the last election. He said there were—

thousands of its followers in line, each carrying the one-star flag. Not an American flag! A number of Porto Rican soldiers of the Regular Army who took part were court-martialed and relieved of their duty for several months.

Mr. Chairman, I participated in that parade. My carriage was decorated with a flag and only one flag, my national flag—the Stars and Stripes. So the gentleman is beside the facts when he says there was not an American flag in line. In fact, there were many American flags in that procession, and the local Porto Rican flag was to be found in profusion. The man in charge of the decorations and the parade, Mr. José Ruiz Soler, is one of the best-known citizens of Porto Rico, a former American soldier, who as color sergeant of the detachment that came to Washington to attend the second inaugural of President McKinley received the personal commendation of the martyred President. Mr. Soler is affiliated with the National Republican Party of the continental United States and a member of the Unionist Party in Porto Rico. His loyalty and republicanism can be personally vouched for by such a stanch party leader as Senator WATSON of Indiana, and it is unthinkable that this man would have engaged in the designs intimated by the gentleman from Kansas.

That his remarks about the Porto Rican troops are no more accurate than his statement concerning the flag is proven by the following communication from the commander of the forces in Porto Rico addressed to the editor of the San Juan Times, the recognized Reily organ in the island, under date of January 13, 1922:

COLONEL JARVIS CRITICIZES THE TIMES.

POST OF SAN JUAN, P. R.,
San Juan, P. R., January 13, 1922.

To the EDITOR OF THE TIMES:

I have just read an article in your issue of January 12, 1922, headed "Former Governor Post's article."

It has not been my policy to mix in the political squabbles and differences in the island with which the papers have been filled nor to cavil at the frequent inaccuracies, more or less unimportant, in referring to occurrences among the troops or to military activities.

All the papers in the city have been notified that information would be furnished, if desired, about any matters of interest concerning the troops that it is proper to publish and the request made of all of them that items be verified at headquarters before publication. If, however, any paper does not care to avail itself of the opportunity and publishes misleading news it merely reflects on the paper and possibly inconven-

iences some of its readers. I have not considered it of sufficient importance to offer correction, and I have no intention now of changing my policy in that respect. It is the privilege of a newspaper to gather news where it finds it, but I believe it is a duty also to ascertain the truth, and this is even more important as to assertions appearing in the editorial columns. In the article in question, however, your reference to the regiment is so prominently placed, so unequivocally stated, and the charge made is so serious that I feel that I can not ignore it. I have no intention to comment on other matters touched on in the article, and if I do so it is only incidental. I find it difficult to make a specific answer, as the charge is so general and sweeping, but a general denial is not an answer. The only incident referred to in such a way that it can be identified is not correctly stated. No question of disloyalty came to my attention. It is true that orders were issued in accordance with the instructions and long-established policy of the War Department, prohibiting all in the military service from engaging in political activities. For violation of such orders a noncommissioned officer was reduced. He was not a color sergeant. The action would have been the same whether his activity had been in favor of one or another party. I also early in the campaign reproved one young officer for unauthorized political activity. It just happens that these two men belonged to different political parties. No other instances of undue political activity came to my notice. Of course, men in the military service have political opinions, and many of the officers and enlisted men exercised their political rights according to their party affiliations, but it is safe to say that nowhere in Porto Rico was there less offensive partisanship than among them. It is my business to know of influences that may affect the loyalty and dependability of officers and men under my command, and I speak whereof I know when I say that no more loyal, patriotic troops exist than are found right here in Porto Rico. No reason to doubt the loyalty of any man has come to my attention, but, on the contrary, daily and unmistakable evidence of reverence for the flag, loyalty to country, and devotion to duty is evident.

Each officer and enlisted man takes the oath "to support and defend the Constitution of the United States against all its enemies whomsoever," and, make no mistake, the Porto Rican troops can be depended upon in any emergency to fulfill their obligation to the last letter.

A charge affecting his loyalty is the most serious that can be made against the character of a man in the military service. No disloyal man should be permitted to remain in the service. No such man under my command would be at liberty for a minute longer than it took to get him to the guardhouse. I therefore feel it my duty to call upon you for the evidence in support of your charge of disloyalty, or that you make full, complete, and public retraction of your derogatory remarks.

Yours truly,

M. S. JARVIS,
Colonel Sixty-fifth Infantry.

The gentleman from Kansas says that he was present at a banquet given in Porto Rico when the president of the senate, Mr. Barceló, in his address openly advocated the separation of the island from the United States, and that he was amazed because the banquet was presided over by the then governor of the island. I have not the speech of Mr. Barceló here, but if I get a copy of it I will gladly insert it in the RECORD, if permitted to do so by the House. Mr. Barceló denies this charge, stating that probably the gentleman from Kansas misinterpreted his words. Regarding the Governor of Porto Rico at that time, Hon. Arthur Yager, in justice to him I want to say that there is not a more patriotic and devoted American than he. His honesty and spirit of justice were recognized even by his enemies, and his record as a private citizen and as a public servant is the best evidence of his devotion to duty and loyalty to the flag.

The gentleman from Kansas says that Mr. Barceló and myself are controlling the public affairs of Porto Rico for our own benefit. This is the first time that I have heard this accusation against me. Let me say to the gentleman that I have not any intervention in the administration of the internal affairs of the island and the filling of public offices by the insular government. This charge has been made by the political enemies of Mr. Barceló with the purpose of weakening his prestige and popularity. As president of the senate and leader of the majority party, Mr. Barceló is naturally in close contact with the public affairs of the island. He will be right or wrong, as a human being, in the political activities of his life, but he is a patriot and not a dictator as has been said by Reily and his friends. His main desire is to see his country happy under a democratic and liberal régime, without any selfish motive and even at the cost of personal sacrifice.

The gentleman from Kansas asked me to—

also explain as to who the Mr. Jones is that is described in the cablegram of February 11.

He then proceeds to answer his own question by vouchsafing a mass of misinformation and innuendoes about this gentleman who has attained to a high place in the confidence of the Porto Rican people.

Mr. Jones is a good American who cast his lot with the Porto Rican people and has been a resident of the island for more than 16 years. The gentleman from Kansas, after referring to him in a slurring fashion, states that "as a matter of fact he has no residence there." This assertion is as unreliable, not to use a stronger term, as most of the statements of the gentleman from Kansas. Had he familiarized himself with the organic law of the island, he must have known that Mr. Jones could not be elected as a member of our general assembly unless he was an actual resident of the district he is elected to represent. Not only does he comply with this statutory qualification, but he has been identified with the upbuilding of Porto Rico for almost two decades and is one of our most public-spirited citizens.

A member of our general assembly, he has felt outraged at the type of man who has been sent to Porto Rico as the representative of this Nation and has dedicated his services like other public-spirited Porto Ricans to ridding the island of an administrator whose presence is universally regarded as a blight upon the land. I will say that Mr. W. McK. Jones welcomes the most searching investigation of his activities in this matter and stands ready to assist to the fullest extent any investigating committee that may be named.

The gentleman from Kansas [Mr. STRONG] says that I charge that the governor has removed judges who should not have been removed, and points out the reasons given by the executive to explain the dismissal of these officers. Should the gentleman have read my speech I presume that he would not have misrepresented me. I am not prepared to enter into the details of the innocence or guilt of these officers, because no reason has been given for their removal and no investigation has been made. While I do not believe the reasons that according to the gentleman prompted the governor to execute these illegal acts, I charge that these officers were removed without giving them an opportunity to be heard. The executive has no power to pass upon the innocence or guilt of a judge without a proper investigation as provided by law. The executive can only remove judicial officers for cause shown, which means a hearing and an investigation, according to the Porto Rican statutes, and it is a matter of record that they were removed without cause shown. The charge that one of the judges failed to docket 740 cases involving his unionist friends is unbelievable, and I dare say that this statement is not correct. All these charges made by the gentleman from Kansas on the information of the governor are demanding an investigation. The law presumes that every man is innocent until his culpability is established, and the judicial officers removed without investigation have in their favor the presumption of innocence.

The gentleman from Kansas informed you that Governor Reily has "protected the treasury and the taxpayers of Porto Rico" by refusing to approve an issue of bonds of $14,250,000 authorized by the last session of the Porto Rican Legislature. The legislature, according to the gentleman from Kansas, had "appropriated $1,800,000 over and above the tax income." He stated that the governor "refused to permit the issuance of these bonds for the reason that it would have financially wrecked the island, which is now already bonded for $15,000,000."

Now, Mr. Chairman, what are the facts in this connection? The president of the Porto Rican Senate has cabled me a full explanation of the charge made by the gentleman from Kansas. I will read:

The statement of Congressman STRONG, based on information provided by Reily, only proves the ignorance of the governor in accepting advice from the auditor which has been used to deceive Mr. STRONG. The present debt of the insular government is only $11,960,000, as against the insular tax of one-tenth of 1 per cent collected for several years. As a result of this tax surplus there is a redemption trust fund of $1,675,383, which the Treasury has intended to use in redeeming unmatured bonds. The greater part of this debt pertains to irrigation projects in the south of the island and to the improvements of the San Juan Harbor, payable from the receipts of the same. The last insular loans approved by the legislature amounted to only $8,250,000. Loans to the amount of $6,000,000 pertain to municipal loans payable by a special tax levied by each municipality. Such loans affect only the separate margins fixed by the organic act to apply to the municipalities. The last tax levied for the redemption of new loans was only one-fifth of 1 per cent, to be used in addition to the surplus in the existing trust fund of the previous tax of one-tenth of 1 per cent to pay $2,000,000 for the purpose of completing road work already approved by previous legislatures and the appropriations in the laborers' districts. Other loans are made payable by special taxes levied against the beneficiaries of the work provided for in the loans. The Eastern Railroad loan, which is for $3,000,000, is payable from a tax levied with the consent of the landholders of the said region, the law having been subjected to the study and investigation of the public service commission after hearings conducted by the commission to readjust the provisions of the law and to give an opportunity to the public-service enterprises for the construction of connecting lines within one year from the completion of the survey.

The governor's attitude proves his purpose to obstruct the execution of the laws and to create complete confusion of administration and to discredit the country. For this purpose the governor changed the previous heads of the departments, naming others who favored such a disturbing policy. Instead of executing and seeing to the enforcement of the laws enacted by the legislature, the governor's chief mission seems to be to delegate to himself all the powers of the legislative branch of the Government, and deliberately ignoring the provisions of the laws enacted by the legislature. The road improvement work has been abandoned, and the money already expended on these projects will be almost lost. The same thing has happened in connection with the municipal work loans, which have been obstructed the same as the road loans, thus creating an injurious situation affecting not only the progress and credit of the country, but causing misery and need among our laborers, who are unemployed during the crisis and who face an awful situation.

It is not true that the legislature has exceeded its credit margin. Property assessments now exceed $300,000,000, and the margin, according to the organic act, is $30,000,000. As our debt as shown is not $12,000,000, the legislature could easily increase this by $8,250,000, leaving a margin of $9,750,000. I rejoice in an opportunity to show the chaotic situation suffered by the island on account of the acts of Governor Reily. The information contained in this cable has been obtained from the treasury and can be verified by the treasurer.

Now that the gentleman is assailing the Porto Rican Legislature it is proper to say that there is not a legislative body in the world more honest than the Legislature of Porto Rico, that the president of the senate, Mr. Barceló, so frequently mentioned by the gentleman, is a patriot and an honest man, that he has the confidence of the people of Porto Rico, and that his integrity can not be successfully impeached by any man.

Governor Reily does not dare to give you the full truth in the matter of the removal of José Coll y Cuchí. He asserts that I told him that this appointment was made by Mr. Barceló, when as a matter of fact he knows that Mr. Coll y Cuchí was appointed by Acting Governor Benedicto, and he is fully aware of all the details connected with the appointment. The governor failed to state that he was also ready to remove the father of Speaker Coll y Cuchí, Doctor Coll, and it was only through my efforts that his intentions were not carried into effect.

When I was informed of the purpose of the governor I immediately went to see him. He admitted that he had decided to remove Doctor Coll. I remember that on that occasion I said to him:

Governor, you have reminded me of the many congratulations you have received as a result of the removal of Mr. José Coll y Cuchí as chairman of the workmen's relief commission, but if you remove to-day Doctor Coll, who is an able and highly respected man, you will have the universal condemnation of the people, who will think that you are committing an act of revenge and retaliation against the speaker because he is attacking you. After you remove Doctor Coll you will not be able to say that you dismissed Mr. José Coll y Cuchí from office for the good of the service, as your attitude will be construed by everybody as an act of personal animosity against the speaker.

In the face of my strong opposition the governor did not dare to remove Doctor Coll.

E. Mont Reily will not succeed in his efforts to weaken the solid opposition of our party against him. The speaker of the house, who is a brilliant man, is not my personal friend. Mr. Barceló and myself have disagreed on several occasions on matters of principle in the past, but the governor wastes his time when he attempts to sow the seeds of discord and dissention in our ranks, because in this crusade against him we all, friends and enemies, are presenting a united front and will not recede until full justice is done to the people of Porto Rico.

The gentleman from Kansas [Mr. STRONG] appears to be very much worried about the Campbell bill granting full self-government to the island of Porto Rico under the American flag, and he attempts to convey the impression that the introduction of this bill has been obtained, through the courtesy of the gentleman from Kansas, Hon. PHILIP P. CAMPBELL, by Mr. Barceló and myself. The gentleman further says that this bill is not the only one which has been introduced for Porto Rico independence.

Let me say to the gentleman that I am compelled to decline the honor of having taken part in the preparation of the Campbell bill, and that the only thing I did was to suggest an amendment after the bill was drafted and the elimination of one of its provisions. My suggestion was not accepted, however, by Mr. CAMPBELL. This is one of the most important bills which has been introduced in the House dealing with our insular possessions. The great domestic issues confronting the American people absorb almost entirely the attention of the Nation, and our difficult problems connected with our possessions are not very seriously considered. The history of the world shows, notwithstanding, that the development of these problems has played a very important part in the vitality and prosperity of nations.

The policy of Spain, placing the government of the overseas possessions in the hands of a few autocrats, caused her the loss of a powerful empire, while England, profiting by the experience of others and her own, has been able to consolidate the Empire in the last 50 years by granting to her colonies a form of government which satisfies the aspirations of the people.

Profiting from the teachings of history, let us work a solution which meets the desires of the people of the distant territories living under the flag and which will affirm the American sovereignty in the hearts of the natives. In my humble opinion this is a matter which deserves the most careful consideration by the statesmen of the Nation. It is not necessary to use the lamp of Diogenes to find these men in America. There is abundant and excellent material and a friendly disposition on the part of the Nation, but there is a lack of interest in the study of these affairs and a great deal of work remains to be done, which, if properly carried into effect, may be a valuable asset to the Nation. It requires sagacity and statesmanship to understand and solve our problems and to meet the requirements of our people in consonance with American principles and American ideals. Sooner or later this matter will come to the consideration of the American people, and it is better to face the situation without delay, to restore confidence in the people, and to clearly define once for all the American policy in the overseas possessions.

The gentleman from Kansas [Mr. STRONG] is mistaken when he says that his colleague, the Hon. PHILIP P. CAMPBELL, introduced the bill providing for an associated free state out of courtesy to the commission sent here by the people of Porto Rico. I could have introduced the bill myself without the assistance of any other Member of the House. I know that our friend, Mr. CAMPBELL, is as much interested in the measure as are the people of the island. He is not unmindful of its exceptional importance, and the contribution of the opponents as well as of the friends of the bill will be highly appreciated when the matter comes under the consideration of the Committee on Insular Affairs.

The statement that the Campbell bill provides for the independence of Porto Rico is entirely false, as is the assertion that other bills have been introduced in Congress providing for the independence of the island. I challenge the gentleman from Kansas [Mr. STRONG] to present the bills referred to by him in his remarks.

The assertion that the Campbell bill will not be seriously considered by Congress may be more or less correct, since the gentleman from Kansas seems to be thoroughly familiar with the sentiments and feelings of Congress in this respect, but I know that the Committee on Insular Affairs will soon grant hearings on this measure, and I have a letter from the President of the United States which leads me to believe that the matter is not so trivial as the gentleman thinks. The letter from the President is the best answer to the assertion that the bill provides for the independence of the island. The President's letter reads:

THE WHITE HOUSE,
Washington, February 18, 1922.

Hon. FELIX CORDOVA DAVILA,
House of Representatives, Washington, D. C.

MY DEAR MR. CORDOVA: I have to acknowledge yours of February 16 with which you inclosed to me a copy of the cablegram which was addressed to you by President Barceló under date of February 14. I have been very interested to read this message from the leader of the Unionist Party of the Porto Rican Islands. It is very gratifying to have this expression of confidence in the Federal Government of the United States and this manifestation of satisfaction in the association of the islands with the United States and our shared hopes under the American flag. I am assuming that Congress will give its earnest consideration to the bill proposed by Congressman CAMPBELL. I have no doubt that the action taken by the Unionist Party will add to the interest and earnestness of Congress in considering this measure.

Very truly yours,

WARREN G. HARDING.

The gentleman from Kansas has devoted the principal part of his speech to denouncing the Unionist Party and the sentiment for independence in the island as a serious menace to the United States.

This sentiment for independence is very old in Porto Rico. It dates back to the time of the Spanish régime. Spain alienated the affection of the insular people by her autocratic and despotic methods and because of the policy followed by the Spanish Conservative Party. The Porto Ricans were accused by the ruling class of being disloyal and traitors to the Spanish nation. The greatest enemies of Spain in Porto Rico were the Spaniards. They kept absolute control of the public affairs of the island and were opposed to any concession in the nature of self-government because they thought that every right granted to the native was a privilege lost by them. When the American soldiers arrived in the island they were acclaimed by the people as liberators and not as conquerors, as the gentleman from Kansas intimates, and the Porto Rican flag, now insulted by Governor Reily, was pinned on the coats of many of these American soldiers. The cordial reception given to them by the people made almost unnecessary the shedding of blood, and the American Nation took possession of the island without the sacrifices of life inherent to every war. As the people were disgusted under the Spanish rulers they accorded a cordial welcome to the soldiers of the land of freedom and democracy, notwithstanding that at that time a liberal form of government had been granted to the island by Spain. Let me quote from a proclamation of the commander in chief of the American forces, Gen. Nelson A. Miles, on his arrival in Porto Rico on the 25th of July, 1898:

In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity its military forces have come to occupy the island of Porto Rico. They come bearing the banner of freedom, inspired by a noble purpose, to seek the enemies of our country and yours and to destroy or capture

all who are in armed resistance. They bring you the fostering arms of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold.

Compare this proclamation, issued at the beginning of America's occupation, with the inaugural address of Governor Reily nearly a quarter of a century later. Surely, we are making progress!

It would be a mistake to use in the twentieth century after 24 years of American administration the old and discredited methods of the past. The people of the United States can not afford to adopt a policy which cost Spain her overseas possessions and destroyed the greatness of the Spanish Empire. There may be two or three gentlemen who, like Governor Reily, think that it is a good policy to use a club to suppress the sentiment for independence. They are mistaken. It is by persuasion and not by force that we may win the hearts of the people. You can stop an idea with another idea, but never with a club. Let us base our plea for Americanism on the force of American institutions and American ideals and let us infuse in the soul of the people confidence in justice through persuasion, arguments, and love. The only conquests of the world which have been enduring and everlasting in the hearts of the people are those obtained by love. There have been many Cæsars, but only one Christ, and while the autocratic governments of these early emperors have passed away the teachings of Christ still survive and the Christian doctrines are spread all over the world.

There is an element in the island who honestly and sincerely believe that independence is the only solution of our problems. It is our opinion that they are mistaken, and it is much better to persuade them of their errors than to charge them with disloyalty and treason. I firmly believe in the happiness of Porto Rico under the American flag, and I hope to see all my people, without exception, enjoying the benefit of our institutions in a permanent and indestructible union with our brothers of the mainland. It may be safely said that the Star Spangled Banner will wave forever on our public buildings, because it is the will of America and the forces of the Nation are behind the flag, but it will be more glorious to say that the American flag will never come down in Porto Rico because the Porto Ricans will not consent to that.

Governor Reily has on a number of occasions said that there are no more than 200 Porto Ricans who are advocating independence. Personally, I believe that the governor has perhaps underestimated the number. As I have already said, I believe, and the same sentiment is reflected by a majority of the people, that these well-meaning people are mistaken. When it comes to fixing the permanent political status of the island, the Congress of the United States will find that the people of Porto Rico will be perfectly contented to accept an autonomous government under the American flag.

It is my opinion, however, that the sentiment for complete independence will increase so long as E. Mont Reily is permitted to continue as governor of the island.

The strongest argument in favor of independence in Porto Rico to-day is E. Mont Reily. The greatest obstacle to the advancement of Americanism in the island to-day is E. Mont Reily. The advocates of independence are appealing for new recruits to their cause every day by pointing to E. Mont Reily as a symbol of Americanism. Do you expect to continue to hold the loyalty and respect of the people of Porto Rico when you send to the island as governor an irresponsible despot, who wraps himself within the folds of the Star Spangled Banner and then attempts to rule our people after the fashion of a Roman proconsul? The people of Porto Rico honor and respect the American flag, which is our flag as well as your flag. But I say to you in all seriousness, gentlemen, that the Stars and Stripes is being desecrated when it is made to serve as a shield to protect the conduct of a bully who wantonly insults our people and then seeks refuge beneath the folds of our sacred national emblem.

The charge of disloyalty against the Unionist Party is entirely unjustified. We have proven our loyalty not only by words of mouth but by plain and undeniable deeds during the crisis of the last war, when the patriotism of the citizens was subjected to a supreme test. It is very easy to speak about loyalty under the blessings of peace. It is not so easy to prove loyalty under the harass of war. The record of my island during the crisis speaks for itself and is second to none. No State of the Union can exhibit a better record than ours.

A prominent American writer, Mr. Henry A. Wise Wood, who visited the island in 1918, describing the activities of Porto Rico during the war in an article published in the New York Herald, said:

MAKING AMERICANS.

On March 2, 1917, American citizenship was conferred upon the Porto Rican. For nearly two decades he had had a land but no country. For 19 years he had been knocking at our door, unable to enter or go elsewhere. The flag over his head was not his flag, nor could he raise one of his own. So only two months before our declaration of war the Porto Rican was not an American citizen. Would he, therefore, be willing to fight for our cause?

It was this query, possibly, that caused the War Department to hesitate when announcing the draft to apply it to Porto Rico. But this hesitation, whatever its cause, had a galvanic effect upon the people of the island. Instantly there arose an indignant protest and a demand that Porto Rico be permitted to supply its full quota to the Army whose flag at last was its flag. Not only would it fight, but the opportunity to do so it demanded as its right. The children of Columbus's conquistadors were willing and ready to support the liberties of the New World, the world that he and their ancestors had carved out with their swords.

Already had the Unionist Party sent a cable to the President of the United States announcing its support of the war, with the demand that "Porto Rico be assigned its full quota of sacrifice and suffering to obtain victory."

But how did the individual Porto Rican react? A month after the declaration of war the Porto Rico Regiment of the United States Army was ordered to recruit its full strength and prepare for active duty. In three days it had enlisted 654 men and so had filled its ranks; in two weeks, drilled and fully uniformed, the regiment was on its way. Again, when Col. Roosevelt's volunteers were being recruited, it is said, 1,700 selected men signed up in seven days.

On August 27 an officers' training camp was opened at Cayay, amid the tobacco fields in the center of the island, with 250 Porto Ricans, 95 per cent of whom were graduates of colleges or universities in the United States. So thoroughly was the work done in this camp that on November 26, 88 per cent of these men were commissioned.

The results of this experiment caused great popular enthusiasm, and another camp, within the Morro Fortress, was opened with 400 men on February 1, 1918, and was hard at work when I visited it. One of its companies is wholly composed of negroes, so that officers of the lower ranks shall be provided for the negro regiments which are to be drawn from the island. Here also is being trained the home guard of San Juan, of 1,500 men, among them the foremost judges and professional and business men of the place, as well as 500 Boy Scouts.

Porto Rico has caught the war fever, and is glad of it—which is the more remarkable because its people are so little warlike that, although in the revolution belt, it has never known a revolt.

I had not pushed my inquiries far before it became plain that behind this enthusiasm for the war and ardent wish to serve in it was the stimulating influence of one man, an American Army officer. To such an astonishing extent does this soldier seem to have won the affections and confidence of these people that they have not only unquestionably put themselves into his hands in matters relating to the war but have requested the President to make him a brigadier general, so that the Porto Rican troops when they go to the front shall be commanded by him.

EAGER TO HONOR HIM.

A sheaf of these requests has fallen into my hands, from free translations of some of which I select the following excerpts:

The resolution of the House of Representatives of Porto Rico recites that "for some years there has lived among us a noble and generous son of America, directing with great foresight and commendable zeal the honorable and high duty of chief of the American troops in Porto Rico, whose name is well known by all—Orval P. Townshend"; that "Colonel Townshend has gained the love and gratitude of this island of Porto Rico by his open and decided efforts for the welfare and prestige of our land, honoring it by an efficient propaganda useful to the good name of Porto Ricans"; that "Orval P. Townshend, as colonel of the Porto Rican troops, has recently successfully carried through an intensive and arduous task to satisfy the wishes of the mothers of the future soldiers who are to give up their lives for the liberty of the world and for the triumph of justice and the rights of humanity, to satisfy those unselfish women who asked that the cantonment for the military instruction of their sons be established in Porto Rico, for the instruction of the sons whose lives they themselves offered with noble patriotism for the defense of the cause upheld by the noble American people"; that "the people of Porto Rico realize the efforts of Colonel Townshend to do full justice to Porto Ricans, and consider him one of their valuable champions"; and that, therefore, it is "resolved by this house of representatives, first, to make a matter of record a vote of thanks and gratitude to Col. Orval P. Townshend for his well-guided purpose in the performance of his official duties; second, that the Government be requested by cable, as a special favor, that Lieut. Col. Orval P. Townshend be promoted to the rank of brigadier general."

The majority of the soldiers were affiliated with the Unionist Party. The administration of the island was Unionist, and the patriotic spirit of our men deserved the highest commendation.

This patriotic attitude of the people of Porto Rico prompted the commander of the Porto Rican forces, General Townshend, to say that had not the draft applied to Porto Rico he was sure he could fill the quota of the island by simply calling for volunteers.

The best proof that can be shown of the patriotic sentiments of Porto Rico are set forth in the following letter from General Crowder to Major Wilson, the adjutant general of the island:

MY DEAR MAJOR WILSON: I have just received from Lieutenant Colonel Kramer a personal letter filled with a glowing description of the achievements of the selective draft in Porto Rico. His account of the accomplishments of the island has not added to my admiration of the work that has been done there, as I already knew from less direct information of the splendid efforts that had been exerted. But it prompts me at this particular time to express to you, and through you to Governor Yeager, Captain Van Deusen, and the other gentleman who so ably directed the administration of the selective service law, an appreciation of the work which is now drawing to a close.

I noted with pleasure in Colonel Kramer's letter that the percentage of delinquents and deserters on the island is probably lower than in any other administrative subdivision. This is indeed a tribute not only to the loyalty and patriotism of your registrants, but also to the splendid

spirit which you have infused into the administration of the selective draft. This remarkable spirit of cooperation is further emphasized by the fact that no member of the 76 local boards has charged the Government for his services.

As you see, we had no slackers in our country. Our local registration boards refused to receive any compensation for their work, and with this wonderful record we appeal to the American Congress, asking only justice for the people of Porto Rico.

The Unionist Party in convention assembled pledged its unconditional support to the American Nation. I was present at the convention, gentlemen, and I can not describe with words the patriotic enthusiasm of the people on that occasion. The resolution was adopted among the applauses of the members, and immediately the president of the senate, Mr. Barceló, sent to President Wilson the following cable:

SAN JUAN, P. R., *May 9, 1917.*

Hon. WOODROW WILSON,
Washington, D. C.:

The Unionist Party of Porto Rico, gathered in an assembly at San Juan, pledges its unconditional support to the American Nation and to its illustrious President in the present conflict, and expects that Porto Rico be assigned its share of sufferings and sacrifices until victory is obtained.

And while the Unionist Party, assailed as disloyal by Governor Reily and the gentleman from Kansas, was pledging its support to the Nation, the President of the Porto Rican Republican Party, which is an entirely different organization from the great American party, whose name it has appropriated, now supported by the governor, was being quoted in the San Juan Times as saying:

If our countryman (Jíbaro) goes to France, he does so not through his own volition, but because he is sent by law and by the national will.

It has been said that when Mr. Bryan visited Porto Rico he was so impressed with the anti-Americanism in the island that he was compelled to remind the people that he was, first, an American. I am going to prove with Mr. Bryan himself that the remarks attributed to him are entirely untrue. I quote from a statement made by Hon. William J. Bryan before the Committee on Insular Affairs on April 19, 1910, immediately after his return from Porto Rico:

I appeal to you gentlemen in dealing with these people of Porto Rico to remember that they are with us; that they are a part of us; and that their destiny is interwoven with our destiny. They welcomed us when we went there. For 12 years they have been loyal supporters. There has not been a suggestion of opposition to our country, and you will not find there to-day hostility to America or American institutions. Our language is spreading there and spreading rapidly. The children are taking it up and taking it up gladly. Those people are anxious to be one with us, and I think that we will find it to our interest in every way to make them feel that they are at home and that they are in their father's house.

* * * * * * *

I confess that the little visit I made to Porto Rico has made me even more friendly to that little island than I was before I went there. I confess that my acquaintance with those people convinced me, if I needed to be convinced, that they are loyal to the United States and loyal to our institutions, and that with their every motive—their motives of generosity, their motives of justice, and their motives of selfish pecuniary interest—we can afford to take them by the hand, assure them that we are friends, and ask them to walk with us in the path our Nation has pointed out and to be our rivals only to see which can the most contribute to the good of this which is now our common country. [Applause.]

I warn the Members of Congress and the American people about the character of information coming from Porto Rico in support of Reily. This propaganda has been initiated and is carried out by Reily himself, who has converted his office into a political club. They write letters, messages, and articles full of misinformation and insult. The articles printed in the RECORD by the gentleman from Kansas [Mr. STRONG], referring to the welcome accorded Governor Reily on his return to the island, are inspired by the executive's club. The Times of San Juan is to-day the paper of Governor Reily. Everybody knows that a number of articles published in that newspaper have been inspired by the governor himself. He is importing in Porto Rico the same policy of defamation which gave him a pitiful notoriety in Kansas City, Mo.

Mr. Chairman, some days ago on the floor of this House I charged E. Mont Reily as being morally and mentally unfit to govern the island of Porto Rico. I submitted for your consideration specific charges and requested a congressional investigation to establish the governor's guilt or innocence. Has Governor Reily denied the charges? Has Governor Reily come forward and demanded an exoneration at the hands of Congress? No, gentlemen, the governor has not denied the charges and he has not joined in the request for an investigation.

The gentleman from Kansas says that the friends of Governor Reily will welcome an investigation in connection with the management of the public affairs of Porto Rico by the leaders of the Unionist Party, but the governor himself has not said a word. I will welcome a full and complete investigation in the manner proposed by the gentleman from Kansas, the Unionist Party will welcome such an investigation, the people of Porto Rico are clamoring for it, and in justice both to Governor Reily and our people an investigation should be ordered. I therefore challenge the gentleman from Kansas, who appeared on the floor of this House as the authorized spokesman of Governor Reily, to introduce a resolution calling for a congressional investigation of the facts in connection with the so-called attempt of the gentleman from Porto Rico to secure payment of the $5,000, with all the activities of the Unionist Party, the legislative work of our general assembly, and the official acts of E. Mont Reily as governor of the island.

Let the gentleman from Kansas introduce a resolution or let him by his failure to do so admit that Governor Reily is not willing to face an investigation.

I have been authorized by the president of our senate and the speaker of the house to accept and demand the investigation proposed by the gentleman from Kansas, including all the suggestions made by the friends of the governor or by the governor himself.

It is a very poor defense of E. Mont Reily to attempt to exonerate him by launching a personal attack against the men who are protesting against his administration. Suppose, gentlemen, that I appear as an attorney before a court of justice to defend a man charged with the commission of a crime, and suppose that instead of defending the accused I start a personal attack against the attorney for the State. The judge will laugh, the State attorney will laugh, the jury will laugh at me, and after I finish my remarks a verdict of guilty will be the natural result of my unsuccessful task.

The gentleman from Kansas [Mr. STRONG] may prepare and deliver a number of speeches on the floor of this House insulting our people and praising Governor Reily, but he will not convince me or anybody else of the innocence of the governor until he is fully exonerated after a proper and impartial investigation. I will say to the gentleman that if after an investigation it should be found that the governor is not guilty, I will not be the last in proclaiming his innocence. I promise to this House that if the committee in charge of the investigation reports that I have been guilty of an improper conduct, I will resign immediately my position. Can E. Mont Reily make the same promise?

I have dealt with this matter probably at greater length than it deserves, but this was for the purpose of finally disposing of the charges that I have been actuated by a personal grievance growing out of the fate of the appropriation made by the Porto Rican General Assembly. I think I have convinced any fair-minded man that this was not the case, and feeling that way I decline in the future to be diverted from my purpose of securing a congressional investigation of the official conduct of the Governor of Porto Rico.

The friends of Reily in this body may resort to throwing sand in the public eyes by charging personal malice; they may draw a red herring across the trail by raising the $5,000 appropriation bogey, but they are not going to divert us from our purpose of having this maladministrator of a helpless people investigated by a jury of his peers. False as his accusations are against me they amount to nothing in considering his case. Reily stands indicted by a whole people, and the charges that he is leveling at his accusers will be futile for the reason that he can not indict a whole people. If he even remotely deserved the emulation of Roosevelt, as he brazenly but safely claims, now that that illustrious man is dead, he will prefer to prove his official conduct "as clean as a hound's tooth" instead of trembling before the possibility of an investigation.

I have information from Porto Rico that the grand jury is investigating the expenditure of the public funds appropriated by the legislature for the office of the governor. It is not my purpose to advance any information about this matter, because the case is under investigation, and it should not be proper to indulge in any comment at this time. I hate to impeach the honesty and integrity of a man under any circumstances, and I only do that when I feel compelled to act under the obligation of a public duty. I was informed that Governor Reily was boasting here in Washington that he had the best appointment that President Harding could award, with a salary of $50,000 a year, but I did not want to lay this charge to the governor in my first speech, for the reason that the information was given to me confidentially and I was not authorized to make it public. Some days ago I read a speech delivered in Kansas City, Mo., by Rev. Dr. Edwin A. Schell, at the Country Club Methodist Church. I quote from that speech:

Apparently the local reporters missed the significance of a recent address before the Lions Club, or were instructed to ignore it out of local pride, at which a new "excellency" boasted that he had the best appointment that President Harding could award and that his salary would be $54,000 a year. While the administration was planting poli-

cies of world-wide import—disarmament and a new association of nations—our local celebrity announces the relative importance he sustains by reason of being an "original Harding man" and the perquisites appertaining thereto.

By comparing our official contribution to the administration with the Secretaries of State, Treasury, Commerce, and Agriculture, by contrasting him with the new Chief Justice of the Supreme Court or with the probable Governor General of the Philippines, if, indeed, the comparisons will not be odious, we conclude that the administration needs a new "appointment" secretary and that we grow jackals hereabouts.

When I read this speech I sent a message to Doctor Schell with the purpose of knowing the sources of his remarks, and this is the reply that I received:

KANSAS CITY, MO., *March 21, 1922.*

Hon. FELIX CORDOVA DAVILA,
Resident Commissioner from Porto Rico,
House of Representatives, Washington, D. C.:

Before Lions Club last July, Reily said in effect governorship of Porto Rico is best political appointment President Harding has to give, and that the salary and perquisites would amount to $54,000 per year. Having visited the Philippine Islands during the administration of Cameron Forbes, without wishing to do injustice to Reily, consider him incompetent for a governship of Porto Rico. Common opinion here confirms me in my judgment.

EDWIN A. SCHELL.

Now, Mr. Chairman, the salary of the Governor of Porto Rico is only $10,000 a year, but the appropriations allowed him for necessary official expenditures, in the disbursement of which he should be guided by the strictest economy and rectitude, amount to nearly $40,000. How could the governor figure $50,000 as his salary? I have been informed that when the governor made this statement he added that in the next four years of his administration the salary will make a total of $200,000.

Mr. STEPHENS. Will the gentleman yield? I remember that when this subject was before the House before the gentleman from Kansas [Mr. TINCHER] charged that the Porto Rican Legislature had appropriated $5,000 for your extra expenses, and that Governor Reily vetoed that measure.

Mr. DAVILA. That is a foolish charge.

Mr. STEPHENS. Did Governor Reily ever veto any such measure?

Mr. DAVILA. No, sir. There is not a word of truth in it. I am sorry that a Member of Congress of the United States should repeat such a foolish and unjust charge.

Mr. TINCHER. Will the gentleman yield?

Mr. DAVILA. I yield to the gentleman from Kansas. I will say that when I made that statement I was not referring to the gentleman.

Mr. TINCHER. I referred to the fact that I had a cablegram in my hand from Governor Reily saying that he had stopped—I used the words "vetoed or stopped"—the payment to the gentleman of $5,000 a year. If you will examine the RECORD, you will see that those were the words that I used. Now, Governor Reily still claims, and has produced some written documents which he claims confirm the statement, that the first official act of his administration was, after conference with the auditor, to stop the payment of that $5,000. That is his statement. I do not charge that.

Mr. DAVILA. I can not yield any further, because I have not the time.

Mr. STEPHENS. I called attention to it because the gentleman from Kansas said that he "vetoed it," and I am asking for information.

Mr. TINCHER. I used the word "veto" or "stop."

Mr. STEPHENS. If the gentleman used the wrong word——

Mr. TINCHER. I did not use the wrong word. Let the gentleman read the RECORD.

Mr. STEPHENS. I did not read the RECORD.

Mr. TINCHER. I quoted the telegram I had in my hand.

Mr. STEPHENS. The gentleman quoted and I heard him, and I am asking for information.

Mr. DAVILA. Mr. Chairman, I can not yield any further.

The Governor of Porto Rico had no jurisdiction of the matter of the $5,000. If he acted in this matter, it was entirely beyond his jurisdiction. I received a letter from Governor Reily eight days after this alleged conversation with the auditor, in which the governor importuned me to accept a position on the supreme bench of the island.

Mr. HUMPHREYS. The gentleman, as I understand it, protested against the removal of the auditor and against the $5,000 matter.

Mr. DAVILA. Yes. It is a matter of common knowledge that I opposed the removal of the auditor. In fact, I recommended his reappointment to the Wilson administration, notwithstanding his decision that the appropriation was invalid, just as I opposed his removal to the Harding administration, although Governor Reily finally succeeded in having him removed. This was my consistent attitude toward the auditor, notwithstanding the opinion rendered as to the $5,000. General McIntyre knows that and the Secretary of War knows it. I appeal to them to say whether I did not oppose the removal of the auditor.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. DAVILA. Yes.

Mr. HUMPHREYS. As I understood the gentleman, when he made a speech here he made charges of misconduct on the part of Governor Reily as Governor of Porto Rico, citing what those acts of misconduct were, and the only response to that which we have heard from the governor's friends is not that Governor Reily did not commit the acts, but that the gentleman is mad at Governor Reily.

Mr. DAVILA. Yes; that is the only answer, and it is a very poor answer. The grand jury in Porto Rico is investigating the way in which Governor Reily has expended the public money of the island. Something may come from that investigation which may show plainly that Governor Reily is not the man to rule our people, and is not worthy of the confidence of the national administration.

The Grand Rapids (Mich.) Herald, in a recent editorial discussing the Porto Rican situation, said:

FELIX CORDOVA DAVILA, sole representative of 1,300,000 Porto Ricans in the Congress of the United States, rose in his seat last Thursday and solemnly charged Gov. E. Mont Reily, who rules Porto Rico by commission from President Harding, with deeds and words and attitudes inimical to the welfare of the islands and to loyal relations between the United States and its island wards. If the CONGRESSIONAL RECORD is any criterion, DAVILA received scant consideration at the hands of the House. But if a proper conception of the delicate importance of our colonial relations be consulted, he should be given careful and decisive attention. It seems to the Herald that even the most violently partisan friend of the new Republican Governor of Porto Rico should approve DAVILA'S concluding plea:

"This matter has become one of national interest. Under these circumstances, to be fair to the governor and to the people of the island, an investigation should be ordered. Either Reily or the people are responsible for the abnormality of the situation. If the governor is innocent, he is entitled to a public exoneration; and if we are right in our complaints, we are entitled to his immediate removal. The good name of the United States demands an investigation. Let the blame rest where it is merited."

Reily has had a tempestuous time in Porto Rico ever since he was sent to his important responsibilities by President Harding. A few weeks ago he returned to Washington for a White House conference in relation to his troubles. The fact that he then went back to San Juan has been taken as indication that the President stands with him in his difficulties. Perhaps he deserves the President's support. Certainly the country will approve the determined stand he took against Porto Rican movements seeking to incite sentiment favorable to separation from the United States. We would be the last to prejudge him on the strength of DAVILA'S impassioned indictment.

On the other hand, DAVILA has been elected three times, by convincing majorities, as the official spokesman of Porto Rico in Washington. Certainly a majority of Porto Ricans have demonstrated themselves to be fine citizens, intensely loyal to the United States. Certainly they have a right to be heard in protest against any phase of imported government under which they are asked to live. And DAVILA'S petition can not be ignored with impunity. He charges Reily with interfering with the island courts and judges; with violating organic law in persisting in appointments contrary to the approval of the native senate; with encouraging island Bolsheviks (despite his opposition to island Separatists); with undermining native faith in the United States by his irritating and domineering methods; and with importing a number of incompetent Missouri politicians (from his home bailiwick of Kansas City) to displace native administrators. Incidentally, DAVILA charges that Reily himself was once thrown out of the assistant postmastership of his home town for incompetence.

These are serious contemplations. Republicanism was properly prompt in an assault upon Bryan in days gone by for trying to fill up the Dominican customs service with "deserving Democrats." It shows poor consistency if it now complacently winks at Reily when he is charged with importing a worthless deputy sheriff from Kansas City to become chief of the secret service of an island whose language he can not even speak. Republicanism was properly critical of Francis Burton Harrison in the Philippines and sent its ablest colonial administrator, Gen. Leonard Wood, to succeed him. It can not afford to be less scrupulous in Porto Rico simply because the new governor is so close to the White House that the President calls him "Monty."

Reily may be 100 per cent all right. DAVILA may be 100 per cent all wrong. But that is neither here nor there. The one sure thing is that Congress and its Republican control will be 100 per cent all wrong if it does not find the truth. "If the governor is innocent, he is entitled to a public exoneration; if the complainants are right they are entitled to his immediate removal." Under existing condition, even though Reily be innocent of all charges, his utility is under serious handicap that must not be perpetual. Under existing condition Porto Rico can not be expected to be happy, nor can Porto Rico be expected to be satisfied. DAVILA has made a fair, square proposition. The Republican control in Congress should not be afraid to take him up.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield nine minutes to the gentleman from Ohio [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman and gentlemen of the committee, I avail myself of these nine minutes at this time to call attention of the House to a matter about which there is a considerable amount of curiosity throughout the country. I refer to that symbol of disloyalty, the arch slacker, the chief among the 160,000 draft evaders and slackers in the United States, Grover Cleveland Bergdoll. His case marks a certain impotency on the part of this Government, and it seems to me that the administration in charge has a duty to perform. In April, 1921, a committee was appointed by this House to in-

vestigate the very sensational features which were connected with the escape on May 21, 1920, of Grover Cleveland Bergdoll from the custody of the United States Army, where he was confined at Fort Jay, undergoing a sentence of five years for the offense against the law. One hundred and five thousand dollars in gold was withdrawn from the United States Treasury directly by the mother of this man and buried somewhere, apparently, from her testimony. The plea was, while he was in confinement at Fort Jay, without any reasonable explanation of why he was not taken to the disciplinary barracks, at Fort Leavenworth, where he should have been sent, that there was a large amount of gold buried by him in a pot in the mountains at the foot of some rainbow, which it was of great importance to him to recover. So the machinery was put in motion ostensibly to recover the gold, but in reality to recover the liberty of Grover Cleveland Bergdoll. There is evidence of an extended conspiracy. "Whoever touches pitch shall be defiled," and every person who has interested himself in the case for Grover Cleveland Bergdoll, or his associates and counsel, has been defiled. Samuel T. Ansell, Maj. (now Col.) John E. Hunt, retired, Judge John W. Westcott, D. Clarence Gibonney, now deceased, and others. I call attention to some peculiar circumstances connected with the case. The officer in command at Fort Jay, Maj. John E. Hunt, did not follow the suggestions that were given to him in a letter of instructions from The Adjutant General of the Army in regard to the care that should be taken concerning this expedition.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LINEBERGER. Will the gentleman please call the attention of the House to the fact that this very officer was promoted twice while this investigation was going on, that in the meantime the two poor sergeants who were connected with the affair were transferred to other outfits and reduced to privates, and that that officer is now drawing retired pay to-day from the United States Government? I wish the gentleman would elaborate on that.

Mr. FITZGERALD. I would rather not elaborate, because I am not here to make any charges against any of these people. Charges are suggested by the testimony and the findings set forth in various documents connected with this hearing and the report, but I shall not attempt at this time to say more than that. Every person who seems to have interested himself in behalf of Grover Cleveland Bergdoll is now under suspicion, or worse. Col. C. C. Cresson, who had charge of the prosecution of Hunt before the court-martial which acquitted him, has been recommended for disciplinary action. Gen. Samuel T. Ansell, a practicing attorney at the Washington bar, is recommended for disbarment by this committee. And one attorney contradicts another in the record in such important matters that an honest understanding seems to be impossible. One of the attorneys is now deceased. Among the living, one repudiates any employment with the case; two others swear that he was employed and acted under cover. Grover Cleveland Bergdoll not only evaded the draft successfully but he wrote insulting letters to the authorities showing his contempt for the Government and the power of the United States. He is now in a foreign country, presumably Switzerland. It seems to me that this report, having been on file in this House since August of last year, should be taken up and disposed of. I am informed by a Member from Texas [Mr. WURZBACH] that Colonel Cresson is suing certain newspapers for libel on account of things that grew out of the case.

The reputations of men concerned with this matter either ought to be made clear or the truth made known. Further than that, it is contended by one of the Members making the majority report that counsel were employed unnecessarily in this case, because there was a complaint and criticism of the composition of this committee in that it included no ex-service man.

Mr. Chairman, I ask unanimous consent to extend my remarks and include in the RECORD two letters passing between two members of this committee, showing the time, nature, and conditions of employment of two counsel before this committee, and further to indicate to the House at this time that neither one of these attorneys has seen fit to present any voucher for the payment of those fees; that counsel for this committee disagree with the majority members of the committee and were tending with their influence to persuade that committee not to make the findings that it did. This is altogether such a mess as to demand the early attention of the House.

Mr. FESS. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. FESS. When the resolution was in the House before we had not then resumed diplomatic negotiations with Germany, where this gentleman at that time was taken to be. Now, since these diplomatic relations have been resumed, what is the obstacle to bringing this man back for trial?

Mr. FITZGERALD. Because he has sought refuge, as I understand it, in the Republic of Switzerland at this time.

I want this Government to take every honest and available means to bring this man back into custody of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to extend and revise my remarks and to insert the two letters which I mentioned.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks as indicated. Is there objection? [After a pause.] The Chair hears none.

Following are the letters referred to:

[From Hon. John A. Peters, third district of Maine; home address, Ellsworth, Me.]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C.

Hon. BEN JOHNSON,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: I want to pay the remaining bills contracted by the Bergdoll committee, and ask your approval of the following:

Just before the recess I had the disbursing clerk give me the amount of our disbursements to date, and I find that it is just about $3,000. This includes all the expenses except counsel fees.

With the consent of the committee I engaged counsel. I arranged with General Sherbourne, the principal counsel, that he should receive $100 per day and expenses. He has been paid his actual expenses, and I have his bill which represents a total of 28 days' actual time spent. I propose to approve his bill and put through a voucher for $2,800.

Owing to certain criticisms touching the nonmilitary composition of our committee, both General Sherbourne and I thought it wise to engage as assistant counsel Mr. John Thomas Taylor, a prominent member of the American Legion, and its leading representative in Washington. Before I left Washington I had a talk with him in relation to his bill, and he told me that he always received $100 per diem for congressional work, but that he would cheerfully leave this matter to the committee. I do not think that it is fitting that the assistant counsel should receive the same amount that the leading counsel receives, and I suggest that $50 per day would be a more appropriate sum.

We shall be well within the appropriation of $10,000 at these figures, and of course we are all anxious to make a good financial showing, at the same time being fair and even liberal with counsel.

I am writing this to your office in Washington, not knowing your present location, but doubtless it will be forwarded.

Will you be kind enough to write me at Ellsworth, Me., and give me your views on the above suggestions. I would like to close the matter up at an early date and not ask the lawyers to wait for their fees.

Very truly yours,

JOHN A. PETERS.

[Copy of letter from Congressman BEN JOHNSON to ex-Congressman John A. Peters.]

BARDSTOWN, KY., *September 7, 1921.*

Hon. JOHN A. PETERS,
Ellsworth, Me.

MY DEAR MR. PETERS: I am just in receipt of your letter of 3d instant, asking that I approve compensations of $100 and expenses a day for Mr. Sherbourne as counsel for the Bergdoll committee, and half that sum for Mr. Taylor as assistant counsel for the committee.

I regret exceedingly that I feel that I can approve neither; first, because neither was necessary; and next, because both, in my opinion, are excessive.

It is not my purpose, either now or hereafter, to criticize any of your actions as chairman of the committee; and I would conclude this letter at this point except for the expression in your letter that you had engaged counsel for the committee with the consent of the committee.

I attended every meeting of the committee, and I feel that I can safely say that at no time was the question of employing or not employing counsel ever put to the committee.

At one of the early meetings of the committee, held in the Naval Affairs Committee room, you announced that you had decided to employ counsel and that you had made inquiries into the suitableness of one, whose name you did not call, and that you were awaiting an answer to a telegram of inquiry which you had sent to California.

After you had made this announcement I ventured the suggestion that you employ some one of whose character and ability you had personal knowledge. A day or so thereafter you told me you had employed Mr. Sherbourne.

That is all the action taken by the committee relative to the matter. However, it is but fair to say that the failure at the time of the committee to protest your decision to employ the one of whom you spoke on the occasion referred to warranted you in making that employment at a compensation approved by the committee, which latter was not done.

In this connection it is not out of place to say that the employment of Taylor was never submitted to the committee, and I never heard of his employment until I saw his name, as assistant counsel, printed on some of the hearings.

You spoke in your letter of certain criticisms touching the nonmilitary composition of the committee and that you and Mr. Sherbourne thought it wise to employ Mr. Taylor as assistant counsel because he was a prominent member of the American Legion and its leading representative in Washington. I never heard of the criticism of which you write, and if I had I would not have been willing to expend the public money either to quiet the criticism or to employ unnecessary counsel merely to secure the approval of any organization relative to the conduct of the committee. That should be judged on its real merit rather than on any approval or disapproval which in the least might savor of purchased sympathy or bias.

Very truly yours,

BEN JOHNSON.

Mr. HUSTED. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. CRAGO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in the regular 8-point type and insert therein two addresses made at New York on Sunday, on the occasion of the ceremonies for the returned soldier dead.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

REMARKS OF HON. THOMAS S. CRAGO, OF PENNSYLVANIA, RELATIVE TO THE CEREMONIES FOR THE RETURNED SOLDIER DEAD HELD IN NEW YORK CITY ON SUNDAY, APRIL 2, 1922.

Mr. CRAGO. Mr. Speaker, as chairman of the committee from the House appointed to attend the service in honor of the returned soldier dead to be held in New York City April 2, I wish to report that your committee attended this sacred service, and, by permission of the House, I am inserting herewith the addresses made by Senator CALDER, of New York, and by Colonel Wainwright, the Assistant Secretary of War.

This practically completes the work of returning to their homes the men who fell in France; and the services on this occasion, participated in by more than 15,000 people, under the auspices of the War Department, the Navy Department, the American Legion, the Veterans of Foreign Wars, the United Spanish War Veterans, the Grand Army of the Republic, and so many other loyal and patriotic organizations and people, evidenced the fact that we have not forgotten our fallen heroes, and that this Republic will ever hold in grateful remembrance the sacrifice these men made.

ADDRESS OF SENATOR WILLIAM M. CALDER AT THE ARMY BASE, BROOKLYN, N. Y., SUNDAY, APRIL 2, IN CONNECTION WITH THE MEMORIAL EXERCISES FOR THE RECEPTION AND DISPOSITION OF THE LAST CONTINGENT OF AMERICAN SOLDIER DEAD FROM FRANCE.

When Americans gather as we do here, how can they escape the conviction that in this governmental partnership of ours some make contributions to the National Treasury beyond calculation in dollars and cents? Seventy thousand homes, of which 1,064 are here represented, miss the gladsome ring of the voice of a stalwart youth, because, perchance, its last joyous note was interrupted as it urged comrades onward at Cantigny, Chateau-Thierry, or St. Mihiel. Our greatest reserve fund is the inspiration created by the sacrifices of heroic men and women for the Nation. To that fund these 70,000 families have made tremendous contributions.

You parents and friends of these noble dead know too well how feeble are words to heal the wounds that war has made, and how even time does not make them less deep. We gather not that we may console you, but to acknowledge the everlasting indebtedness of a grateful people to you and to them.

Fellow Americans, while we thus gather to acknowledge our indebtedness, it is well to remember that in the vocabulary of these youths "obligation" as well as "privilege" had a place. I have spoken of this Nation as a governmental partnership. These noble dead gave their all to that partnership. They, too, had an equal right to the privileges of American citizenship with those who eternally speak of the rights and privileges which belong to them. But these dead knew that unless the burdens and responsibilities of citizenship were cheerfully assumed, the privileges of that citizenship would not be worth the claiming. As a people, we should be exceedingly thankful that the great body of our citizenship do in fact appreciate that governmental obligations are impossible. This was made evident by the peaceable conduct of the universal draft. Never was a test more severe put to the work of the institutions of a free people and never did institutions justify themselves so magnificently. Beneath the occasional clamor for complete change and revolution of our system of government there lies the failure to grasp the truth that popular government requires the surrender of some rights in order that greater rights may be secured. The widespread recognition of this truth by our people is the argument which can not be answered by those who oppose and deride popular forms of government.

It is likewise the guaranty that those who promise a day when there shall be no civil duties but only civil privileges will fail to fool our citizenship. These mute forms, in unmatched eloquence, call for a more perfect acceptance of the high standards of responsibility which they and the gallant thousands of other days believed necessary for the creation and perpetuation of constitutional government. While these call for a more perfect acceptance of those standards, we rejoice in the knowledge that here is the testimonial that in every rank and condition among us there has been conformity to those standards. Here are the sons of native and foreign born, of farmers and factory hands, of rich and poor. Unmistakably they tell the tale of racial and religious and social differences forgotten in a mighty effort to promote that more perfect union for which our form of government was ordained by its founders.

My fellow citizens, the high standard of unity which these heroes followed can not be forsaken if the tasks of peace shall be met by living Americans as these dead Americans met the tasks of war. Resolutely we must stand against those who would divide the national unity of which the blood of these dead is the sacred cement. Bigotry and intolerance must not supplant mutual confidence and tolerance.

These lifeless forms are a thousand challenges to us to carry on the construction of the more perfect union necessary to the solution of the problems of mankind. Among the greatest of these problems is the preservation of peace itself. It can not be considered ungenerous for an American to state that in war Americans arrived when the need was greatest. We heartened and encouraged our allies. They went on and won with us. Won with the man power we supplied plus the man power we still were able to supply. Behind our lines and the lines of our allies there appeared to the consciousness both of our allies and our enemies a host still greater than we had sent. The world knew that America meant business.

Men and women, we can preserve the generations of the future from any scenes such as this if we, as a Nation, shall so resolve. Without the sacrifice of a fundamental American principle, we can agree that the sword will not be drawn until and unless national honor can not be otherwise maintained.

Under the same institutions and form of government by which these noble dead were inspired to sacrifice their all we can develop a public opinion in suppport of international arbitration which will hearten and encourage a like public opinion in every civilized nation on the face of the earth.

The surest way to escape participation in the conflicts of the future is by participation in the removal of the causes or war or in the adjustment of those causes by a substitute for war. While it may be that the causes can not all be removed nor a sufficient substitute be found, nevertheless the death of these men will not have been in vain if the world shall move forward along the path to peace.

My heart to-day goes out to you, the fathers and mothers and loved ones of these boys. I can readily understand that it is difficult for you to reconcile yourselves to the thought that they should have died so young. They left you as your precious boys just entering into manhood, and now their labors are finished. The span of life is not measured by years but by achievement. These heroes of ours, during the few brief months of their life across the sea, lived ages. They achieved the highest thing a human being can achieve, for "Greater love hath no man than this, that a man lay down his life for his friends." Each did a man's full duty; he flinched not nor did he falter. They achieved, they accomplished, they triumphed. They will forever live in the memory of a grateful Nation and in the hearts of the peace-loving peoples of the world. They have erected a monument by their deeds of valor which the ravages of time may not destroy.

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REMARKS OF THE ASSISTANT SECRETARY OF WAR AT THE CEREMONIES FOR THE RETURNED SOLDIER DEAD, NEW YORK CITY, APRIL 2, 1922.

In yonder covered pier are more than a thousand flag-draped caskets similar to the one before us. They are the last to come home. We, their comrades, and this great throng are here to pay them a last sad, fender farewell.

We stand, indeed, in the presence of our heroic dead. The freedom of mankind was their battle cry. They fought for eternal right and justice, as did the founders of this great Republic. These were no common souls. They fought and died for their country. In what nobler cause could man fight? How better could man die? No words can do fitting honor to their memory nor bespeak the measure of our devotion. Their story will live to inspire future generations of Americans down through the ages. They gave all, and in the giving gave us the example not only of how Americans can die but how they should live.

This is an historic occasion. We have seen the living and the dead return from that conflict in which this Nation cast its great strength in order that the decision should provide justice and peace for the world. Now that time has come when we have an opportunity to pay our respects to the last contingent of those who seek everlasting peace in the land whose flag they carried to victory.

In paying homage to these, the last heroic dead to be returned from France, we also honor their comrades who rest in our national cemeteries in Europe and those whose bodies have already been returned to their own country. Of our 77,080 heroic dead of the World War, 31,520 remain in our national cemeteries of France, England, and Belgium. Their graves, row on row, are mute evidence that in civilization's hour of need America answered, and that Americans are willing to die that liberty, so dear to us, may live. The bodies of 181 have found their final resting place in other foreign countries. These will be joined by 444 others. To their graves their relatives will lead their friends to hear the story of their lives and learn something of what our country means to the liberty of the world.

Forty-five thousand four hundred and fifty-nine have been returned to our own country. They rest in our national and private cemeteries over the wide stretch of our country, and provide shrines of patriotism at which our countrymen may kneel.

We are thankful that our unknown dead is less than 2 per cent of the number who fell, and that almost all can know where their hero sleeps. In this we are more fortunate than other nations, whose unknown dead amounts in some cases to almost 45 per cent.

Each whom we know has found that final resting place desired by those nearest and dearest to him. We mourn with the patriotic mothers and wives who gave their loved ones, and in honoring our heroic dead we also honor them. No mother, no wife ever gave son or husband in a better cause, nor did a son or husband ever meet a nobler death.

Let us resolve to forever honor the memory of these sons of America by perpetuating the cause in which they gave their lives. Our country must always strive for peace and justice in the world, even though we hazard our existence. Individually and collectively let us see to it, that should America ever be called upon again to wage the fight for civilization, that she shall be equal to the task, that her defenses shall not be crumpled, nor her strength dissipated. May no American ever be called upon to give his life unnecessarily because of omission on our part. These dead must not have died in vain.

Heroic dead! Each one of you is now enshrined in the heart of a grateful Nation. Dear comrades, we who clasped hands with you, laughed with you, sang with you, lived with you, crossed seas with you, fought with you, now bid you a last goodby. You will be ever in our thoughts and on our hearts.

Heroic dead, we salute you! Sweet be your deathless sleep. You live with the immortals. Hail and farewell!

TARIFF ON PEANUTS AND OTHER FARM PRODUCTS.

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the tariff on peanuts, peanut oils, and other vegetable oils, and include a letter and telegram from Mr. W. W. Webb, president of the Georgia Peanut Growers' Association, and also a telegram from the Country Bankers' Association of Georgia.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LANKFORD. Mr. Speaker, under the leave granted me to extend my remarks in the RECORD I wish to have printed at this time a letter and a telegram from the Hon. W. W. Webb, of Hahira, Ga., president of the Georgia Peanut Growers' Association; also I wish to have printed a telegram from the Country Bankers' Association of Georgia. I want the Congress and the country to have the benefit of these communications now while the question of tariff on peanuts and other farm products is being considered in the Senate. Regardless of what the Senate may do, the tariff bill will come back to the House on a conference report. Let all the friends of the farmers in Congress do everything possible along the lines sought in these communications.

The Hon. W. W. Webb, president of the Georgia Peanut Growers' Association, is a friend of the farmers, true and tried, and is devoting his magnificent energy and his all to their service. I wish we had many, many more like him, with a noble vision of the great possibilities of the agricultural interest and with a steadfast faith in their accomplishment, evidenced by his noble efforts in behalf of the men who toil on the farm. We would all do well to study closely his timely suggestions.

The letter and telegrams referred to are as follows:

HAHIRA, GA., *January 9, 1922.*

Hon. W. C. LANKFORD, M. C.,
Washington, D. C.

DEAR JUDGE: I am glad you are taking such a firm stand in behalf of the same tariff on certain agricultural products as is placed on the things the farmers must buy. I am interested in tariff on all farm products, and especially on peanuts.

The cotton farmers in the boll-weevil section substituted peanuts for cotton as a money crop. They found a profitable market. New machinery was installed and many products were developed out of peanuts—more than 72 in all. It has been proven by scientists that if every other product was destroyed the peanut would furnish food for man and feed for stock of the greatest values. Many luxuries are made from peanuts. All of which increase the consumption and demand. The advancing price made a happy country, especially in south Georgia, Alabama, and other States. The importation of oriental peanuts crept in to reap the benefits of American development of the many products of peanuts, but the farmers were protected by an embargo on oriental peanuts. The increasing price under the embargo brought prosperity to every business in the peanut belt.

We could not have an overproduction, the product had become so useful. The acreage was increased in 1920, with a full assurance of a profitable price, but, alas! while we were rejoicing the embargo was lifted unexpectedly and the oriental peanuts came in and blighted the hopes of our country with ruinous prices and absolutely destroyed the southern peanut industry. Having witnessed the good effects of the embargo on peanuts, in that it made us a prosperous people, we are asking to-day for protection on peanuts. The present administration is going to run the Government on a protective-tariff basis. If our southern Congressmen can not prevent protection on what the southern farmers have to buy, they certainly should try and get equal protection on what they have to sell.

They say that we will have to pay high for sugar and rice on account of tariff. I have been asked if I would vote for 2 cents per pound on sugar and rice if I could get 4 cents per pound tariff on peanuts. My answer is that I am willing for a tariff on everything else, if we can get 4 cents per pound on peanuts and on sufficient other farm products to equal or overcome the increased cost on articles we purchase. For a barrel of either sugar or rice would not be cheap to me at a penny a barrel if I did not have the penny. And if I had to get the penny as a profit on peanuts at the present price, I could not buy any sugar or rice; but if we get 4 cents per pound on peanuts, I can eat some of either at a high price. It is far better to make it possible, with protection, to buy sugar and rice at a high price than to make it impossible to buy it at a low price. Give us protection on peanuts and make us financially able to buy, rather than reduce us to a level with the foreign pauper labor. Protect us against Chinese and Japanese peanuts. Let the Chinese learn to eat their own, and they will not be blighting our prosperity with their products and at the same time appealing to the charities of America.

Let the Japanese and Chinese learn to eat more peanuts and peanut products, the best human food in the world. It will save them from starvation, and it will save the peanut growers of the South at the same time. We should protect the agricultural interests of our country, for it is the basis of our prosperity. If you can not get the tariff off of everything we buy, then for the sake of the tiller of the soil get it on peanuts and every farm product which will help the farmer.

A fair illustration is this: There is a town of 20,000 inhabitants. The incorporate limits includes quite a fine tract of timber. This timber could be sold and marketed very profitably if the trade from out of the corporate limits could be stopped. The mayor and council decided to put on a tariff to keep out competition, and the mayor in the meantime trades for all the timber. This went well for him. He could cut and sell at his own high price, for he had no competition. At the next meeting of the council one of its members, who was the owner of the only large flour and meal mill in the town, being a victim of the high-priced wood, proposed that since the tariff on wood was working so fine that the same tariff be granted on foodstuffs. This they did. All went well. At the next meeting of the council another member, who had in the town the only mill which was turning out cloth to supply the town, being a victim of high-priced wood and bread, proposed that since all was working so well they give him the same protection to his cloth. This they did. All went well. At the next meeting of the council the last man to be heard from was a shoe manufacturer, and he came forward with a similar request to those presented by, first, the fuel or timber man; second, the bread man; and, third, the cloth man. The lumberman, the first to get protection, now rises to speak. He says that as long as he was the only beneficiary the tariff was fine, but now since all are in the game he proposes that they do away with tariff altogether or use it only as a means of raising revenue. So it is when all are treated on a common level or on the same basis. So I appeal to you, as the peanut industry in the South is now drawing its last breath and will soon pass on to the hands of the undertaker, that you save its life while you may. The peanut price is far below cost of production.

In the consideration of tariff on peanuts it is only a question of whom our Government is in sympathy with, America or foreign nations. To reduce our people and our laborers to a level of those of foreign countries has a far-reaching effect. It brings not the price alone down but it brings everything else down with it. The morale of no country exceeds the prosperity of its working citizens. The agricultural industry is the basis of southern prosperity, and drag it down and you drag down its citizenship.

A horticulturist who goes out to prune in his orchard, not understanding his task, may cut the taproot of the tree instead of the needless growth. In so doing the tree dies. So with tariff revisers—they need to study the case lest they cut the taproot of our country's prosperity and thus reap for themselves and others a harvest of blighted and disheartened citizens. If the southern farmers can be assured of protection, they will plant a crop of peanuts in 1922 that will start the wheels of the machine called prosperity to running and grind out a blessing that will mean the enrichment of America. Otherwise the South loses in its efforts to make a success of the peanut industry and China and Japan win.

I certainly hope that you and those striving to get a fair deal for the farmers in the matter of tariff may prevail.

Sincerely yours,

W. W. WEBB,
President Georgia Peanut Growers' Association.

ATLANTA, GA., *March 25, 1922.*

Hon. WM. C. LANKFORD, M. C.,
House Office Building, Washington, D. C.:

Our farmers are greatly disturbed about peanuts and vegetable oils being placed on the free list. If this is done, our peanut industry will suffer irreparable damage. If assured of protection, our acreage will be maintained; on the other hand, if assurance is not given them quickly, the acreage will be reduced 75 per cent the coming season. Oriental oils in competition will seriously affect our hog production also. The crippling of these two important branches of farm industry will prove a calamity. We pray your best efforts to defeat this movement, as our people are already crushed with the ravages of the boll weevil and are now threatened with this influx of oriental oils and peanuts. We can but fear this influx of oriental oils and peanuts will tend to place our farmers on the low level of cheap oriental labor. Georgia farmers are unanimous for protection on farm products the same as on manufactured articles.

W. W. WEBB,
President Georgia Peanut Growers' Association.

ATLANTA, GA., *March 29, 1922.*

Hon. W. C. LANKFORD, M. C.,
Washington, D. C.:

While the country bankers of Georgia are not very strong on tariffs, yet since we are going to have a protective tariff we ask that this tariff bill extend its protection to the products of the farmer, especially peanuts, peanut oils, and cottonseed oils that are affected by the importation of foreign soy-bean oil, peanuts, and peanut oils. If the present tariff is removed the farmers will get approximately $8 per ton less for their cotton seed and approximately $15 per ton less on peanuts. The farmers need this protection against oriental labor and must have it.

COUNTRY BANKERS' ASSOCIATION OF GEORGIA.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 288. An act for the relief of John T. Eaton; to the Committee on Claims.

S. 289. An act for the relief of Kate Canniff; to the Committee on Claims.

S. 1945. An act to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber; to the Committee on Claims.

S. 3083. An act authorizing the construction of elevated railroad sidings adjacent to steam railroad tracks in the District of Columbia; to the Committee on the District of Columbia.

S. 2992. An act authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor; to the Committee on Military Affairs.

S. 534. An act to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913; to the Committee on the Judiciary.

S. 3156. An act to change the terms of the district court for the northern division of the southern district of Alabama; to the Committee on the Judiciary.

S. J. Res. 186. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden; to the Committee on Public Buildings and Grounds.

ADJOURNMENT.

Mr. HUSTED. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until Wednesday, April 5, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCORMICK: Committee on Indian Affairs. H. R. 10611. A bill to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stats. p. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes; without amendment (Rept. No. 871). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 10407. A bill authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.; without amendment (Rept. No. 872). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 10240. A bill to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry, and between the counties of Anderson, S. C., and Hart, Ga.; without amendment (Rept. No. 873). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUSTED: A bill (H. R. 11152) to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. CLOUSE: A bill (H. R. 11153) requiring district judges to impose workhouse sentences in all cases not meriting imprisonment in the penitentiary, authorizing the establishment of such workhouses, and for other purposes; to the Committee on the Judiciary.

By Mr. STEAGALL: A bill (H. R. 11154) to amend section 13 of an act known as the Federal reserve act, approved December 23, 1913; to the Committee on Banking and Currency.

By Mr. ZIHLMAN: A bill (H. R. 11155) creating the positions of second assistant secretary and private secretary in the Department of Labor; to the Committee on Labor.

By Mr. McARTHUR: A bill (H. R. 11156) to regulate trade associations, and for other purposes; to the Committee on the Judiciary.

By Mr. QUIN: Joint resolution (H. J. Res. 302) creating a committee to immediately investigate destructive flood conditions in certain counties of Mississippi on the Mississippi River caused by the construction of levees on the opposite bank or side of said river under Government supervision; to the Committee on Flood Control.

By Mr. FISH: Concurrent resolution (H. Con. Res. 52) expressing the satisfaction of the Congress of the United States in the rebuilding of Palestine by the Jews, and for other purposes; to the Committee on Foreign Affairs.

By Mr. VOLSTEAD: Concurrent resolution (H. Con. Res. 53) to create a joint committee of the Senate and House of Representatives to determine what employment can be furnished Federal prisoners, and for other purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 11157) granting a pension to Amelia M. Hetherington; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 11158) for the relief of Ruth Dixon Philbrick; to the Committee on Claims.

By Mr. COLE of Iowa: A bill (H. R. 11159) granting a pension to Anna Bell Kimball; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 11160) granting a pension to Tamar Ervin; to the Committee on Pensions.

By Mr. DALE: A bill (H. R. 11161) granting a pension to Martha G. Waldron; to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 11162) granting an increase of pension to Henrietta Hull; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 11163) granting a pension to Emily T. Buchanan; to the Committee on Invalid Pensions.

By Mr. HERRICK: A bill (H. R. 11164) for the relief of Frank Rector; to the Committee on Military Affairs.

By Mr. KELLER: A bill (H. R. 11165) granting a pension to Dennis Igo; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 11166) granting an increase of pension to Lorinda Sutton; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11167) granting an increase of pension to Robert A. Edwards; to the Committee on Pensions.

Also, a bill (H. R. 11168) granting an increase of pension to Manuel S. Sams; to the Committee on Pensions.

By Mr. SHAW: A bill (H. R. 11169) granting an increase of pension to Claude C. Reno; to the Committee on Pensions.

By Mr. SHELTON: A bill (H. R. 11170) granting a pension to Margaret Jones; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11171) granting a pension to Julia Van Wicklen Jolley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4963. By the SPEAKER (by request): Petition of George Noble Todd-Windermere, engineer and inventor, and others, relative to the lease and use of his inventions and patent rights; to the Committee on Patents.

4964. Also (by request), communications from Frank J. Batcheller, chairman national committee of the American Minute Men, of Newton Center, Mass., transmitting resolutions adopted by the Eastern Swedish Conference, representing a membership of 4,667, of the Methodist Episcopal Church; Philadelphia Conference, representing a membership of 101,091; the congregation of the First Baptist Church, of Walton, N. Y.; and the West End Baptist Church, of Oneonta, N. Y., urging the passage of House joint resolution 159, to prohibit sectarian appropriations by constitutional amendment; to the Committee on the Judiciary.

4965. By Mr. APPLEBY: Affidavits to accompany House bill 10774, for the relief of John H. Lang; to the Committee on Naval Affairs.

4966. By Mr. CROWTHER: Petition of numerous residents of Montgomery County, N. Y., urging the immediate enactment of House bill 8086; to the Committee on Agriculture.

4967. By Mr. FENN: Petition of the East Hartford (Conn.) Chamber of Commerce, protesting against the appropriation of $350,000,000 for reclaiming swamp lands in the South and West; to the Committee on Irrigation of Arid Lands.

4968. By Mr. KISSEL: Petition of the National Association of United States Civil Service Employees at navy yards and stations, Brooklyn, N. Y., urging retention of the naval supply station at South Brooklyn; to the Committee on Naval Affairs.

4969. Also, petition of the National Lutheran Council, New York City, N. Y., relative to certain legislation; to the Committee on the Judiciary.

4970. By Mr. RAKER: Petition of Mrs. Carletta Hayes, secretary of the Johnson-Reeds Creek Farm Center, of Red Bluff, Calif., relative to agriculture and allied industries; to the Committee on Agriculture.

4971. Also, petition of the special committee on resolutions of Gazelle Grange, No. 380, of Gazelle, Calif., relative to labor conditions on railroads and in coal mines; to the Committee on Labor.

4972. Also, petition of Mrs. Leafie Sloan-Orcutt, of Los Angeles; Aubrey F. Holmes, of Oakland; Paul W. Macfarland, of Los Angeles; Los Angeles Chapter, Disabled Emergency Officers of the World War, of Los Angeles, all in the State of California, and W. H. Kobbe, of Washington, D. C., indorsing the Bursum bill (S. 1565); to the committee on Military Affairs.

4973. Also, petition of William E. Johnson, of 1109 Oak Street, Oakland, Calif., indorsing and urging support of Senate bill 1565; to the Committee on Military Affairs.

4974. Also, petition of S. B. Vincent, manager of the Oregon Tourist and Information Bureau, of Portland, Oreg., urging support of Senate bill 2959; to the Committee on Appropriations.

4975. Also, petition of William Dolge, secretary of the State board of accountancy, of San Francisco, Calif., indorsing and urging support of Senate bill 2531; to the Committee on the District of Columbia.

4976. Also, petition of H. M. Remington, manager and traffic director of the California Growers and Shippers' Protective League, of San Francisco, Calif., indorsing and urging support of Senate bill 3031; to the Committee on Agriculture.

4977. By Mr. REED of West Virginia: Petition signed by G. E. James, F. P. Martin, R. L. Gaines, Aaron E. Brode, and 35 others, requesting the passage by Congress immediately of an adequate tariff law based upon American valuation; to the Committee on Ways and Means.

4978. Also, petition signed by citizens of Charleston, W. Va., asking that Congress refrain from passing House bill 4388; to the Committee on the District of Columbia.

4979. By Mr. SNELL: Petition of citizens of St. Lawrence County, N. Y., favoring House bill 8086, prohibiting the manufacture of filled milk; to the Committee on Agriculture.

4980. By Mr. SNYDER: Petition of Mr. and Mrs. W. C. Davies, of Frankfort, N. Y., and Ernest N. Ames and Frank L. Rickmyer, of Rome, N. Y., for the enactment of House bill 8086, prohibiting the introduction of imitation milk; to the Committee on Agriculture.

4981. By Mr. TAYLOR of Colorado: Petition from the Sarah Platt Decker Chapter of the Daughters of the American Revolution, of Durango, Colo., urging the enactment of more drastic immigration law; to the Committee on Immigration.

4982. Also, petition from citizens of Redvale, Colo., protesting against the enactment of compulsory Sunday observance bills; to the Committee on the District of Columbia.

4983. Also, petition from citizens of Fruita, Colo., protesting against the passage of House bill 9753 or other Sunday legislation; to the Committee on the District of Columbia.

4984. By Mr. TOWNER: Petition of H. L. Campbell, of Howe, Okla., and 131 other citizens of the State of Oklahoma, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4985. Also, petition of R. E. W. Goodridge, of Coleraine, Minn., and 43 other citizens of Coleraine, Minn., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4986. By Mr. WASON: Petition of Ernest E. and L. B. Whitmore, of Unity, N. H., protesting against the passage of House bill 9753 or any other Sunday bill; to the Committee on the District of Columbia.

4987. By Mr. WATSON: Resolution adopted at the conference of the Colonial Dames of America, approving the conversion of Fort McHenry into a city park; to the Committee on Military Affairs.

4988. By Mr. ZIHLMAN: Resolution by members of the Allegany Trades Council, of Cumberland, Md., expressing their opposition to the continued imprisonment of war-time political prisoners and indorsing the efforts of Senator Borah to ascertain the status of all cases of persons convicted under the espionage act; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *April 5, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, Thou art the author and giver of life. Thou hast given to us our span of life. We would spend it before Thee agreeable to Thy good pleasure. While we think many times our paths are strange and we know not how to go, we bless Thee that there is light from Thy presence and that where we fail to understand we can trust Thee to lead us in every line of duty, and Thou canst illumine the way for our feet. We humbly ask Thee this morning for Thy help and strength. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 3, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

HEARINGS BEFORE THE COMMITTEE ON PATENTS.

Mr. NORRIS. Mr. President, I wished to make an inquiry of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate. I understand the chairman is not here and I do not know who are the other members of the committee.

Mr. CURTIS. The chairman of the Committee to Audit and Control the Contingent Expenses of the Senate is a member of the Committee on Finance and is engaged at a hearing of that committee. I will send for him if the Senator desires.

Mr. NORRIS. I wish the Senator from Kansas would send for him. The Senator from California [Mr. JOHNSON] was called away from the city, but before he left he introduced the ordinary resolution providing that authority be given the Committee on Patents to hold hearings and take testimony. It was referred, of course, to the Committee to Audit and Control the Contingent Expenses of the Senate. I am informed by the Senator from California, who is chairman of the Committee on Patents, that a meeting of that committee is called for to-morrow to have hearings and to take testimony on a very important bill pending before the committee.

It is quite important therefore that the resolution should be passed to-day. There can be no objection to it. I have not examined it, but I assume it is in the regular form of resolutions passed in reference to hearings before all committees. I ask the Senator from Kansas if he will send for the Senator from New York [Mr. CALDER], who is chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CURTIS. I have sent for the chairman of the committee, and as soon as he comes I will speak to him about the resolution. It can be taken up by unanimous consent later in the day.

THE MUSCLE SHOALS PLANT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War transmitting an offer from Charles L. Parsons, of Washington, D. C., covering certain properties at Sheffield, Ala., and the first hundred thousand kilowatts of secondary power to be derived from the proposed water-power development at Muscle Shoals, etc., which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 2558. An act for the relief of Richard P. McCullough;

H. R. 7870. An act for the relief of I. C. Johnson, jr.;

H. R. 8815. An act to amend the act of March 1, 1921 (41 Stats., p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries";

H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;

H. R. 9604. An act for the acquisition of a post-office site at Madison, Wis.;

H. R. 9633. An act to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty;

H. R. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War; and

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented a resolution adopted by the New Mexico Wool Growers' Association at Albuquerque, N. Mex., March 16–17, 1922, favoring the passage of the Capper-French truth in fabric bill, which was referred to the Committee on Interstate Commerce.

Mr. SHORTRIDGE presented a letter in the nature of a petition of the Grain Trade Association of the San Francisco (Calif.) Chamber of Commerce, giving their views relative to the enactment of legislation to legalize the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Sacramento (Calif.) Grange, No. 12, favoring the passage of the Fordney tariff bill and inclusion therein of the American valuation plan, which was referred to the Committee on Finance.

He also presented the petitions of Janet Richards, Mrs. Court F. Wood, and sundry members of the District of Columbia Federation of Women's Clubs, in the District of Columbia, praying for the enactment of legislation to prohibit experiments upon living dogs in the District of Columbia or the territorial or insular possessions of the United States, which were referred to the Committee on the District of Columbia.

Mr. BURSUM. Mr. President, I ask unanimous consent to have printed in the RECORD certain resolutions adopted by the live stock convention with reference to legislation desired at the hands of Congress.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Mexico?

Mr. CURTIS. Mr. President, I should like to know what is the matter which it is desired may be printed in the RECORD? Is it a resolution, or what is it?

Mr. BURSUM. I have asked to have printed in the RECORD resolutions which have been adopted by the Live Stock Association in convention assembled, asking certain legislation from Congress.

Mr. CURTIS. And the Senator desires to have them noted in the RECORD and referred to the appropriate committees?

Mr. BURSUM. Yes.

Mr. CURTIS. I have no objection to that.

The PRESIDENT pro tempore. If there be no objection, the resolutions presented by the Senator from New Mexico will be printed in the RECORD.

Mr. CURTIS. Mr. President, I think there is a misunderstanding regarding the petitions presented by the Senator from New Mexico. I understood the Senator desired the petitions noted in the RECORD and referred to the appropriate committees. Is that correct?

Mr. BURSUM. I desire to have them printed in the RECORD.

Mr. CURTIS. I understand they are quite long.

Mr. BURSUM. No; they are very short. There are a number of papers accompanying the resolutions, but the resolutions themselves are very short; they will not occupy more than a page of the RECORD all told.

Mr. CURTIS. Could not one of the resolutions be printed without the names?

Mr. BURSUM. The resolutions refer to several different subjects, such as the activities of the Biological Survey, war-finance legislation, the payment of fees on forest reserves, and the tariff.

Mr. CURTIS. I suggest that the rule be followed and that they be noted in the RECORD and referred to the proper committee. In that way they will be printed by title, and the RECORD will indicate what they contain.

Mr. BURSUM. Mr. President, the only object in asking that the resolutions be printed in the RECORD is that the Senate may be advised as to the desires of those engaged in the live-stock industry. The printing of the resolutions, as I have said, will not occupy more than a page.

Mr. CURTIS. I shall not object.

Mr. JONES of Washington. Is it understood that the names signed to the petitions are to be printed in the RECORD?

Mr. BURSUM. Oh, no; merely the contents of the resolutions. As I have said, the whole thing will not take up a page.

The PRESIDENT pro tempore. In the absence of objection, the resolutions will be printed in the RECORD and appropriately referred.

The resolutions were referred as below indicated.

Resolution thanking our Representatives in Congress.

In full realization of the great interest and earnest endeavor of our Representatives in Congress to further the interests of the stockmen of this State, and with full appreciation of results already obtained—

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 20–21, 1922, That we express our sincere thanks to said Representatives for what they have done for us in the past and are planning to do for us in the future.

Ordered to lie on the table.

—

Truth in fabric resolution.

Resolved by the New Mexico Wool Growers' Association, in convention assembled in Albuquerque, N. Mex., March 16–17, 1922, That we believe in the honest labeling of all products; that we deplore the use of shoddy in the manufacture and sale of so-called all-wool goods under the term "all wool," which term is construed by the public to mean "virgin wool"; that we consider the French-Capper bill, now pending in Congress, the best effort yet attempted to correct such fraudulent practices, and that this convention indorses the French-Capper bill and urges its immediate enactment.

To the Committee on Interstate Commerce.

—

Cooperative work resolution.

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 20–21, 1922, That we most strongly indorse the work of the United States Biological Survey in the destruction of predatory animals and range-destroying rodents in this State; and be it further

Resolved, That we earnestly recommend the continuance of a committee to cooperate with them in their work and to join with a committee from the New Mexico Wool Growers' Association in making a study of the most practicable way to obtain for the Biological Survey a more stable source of revenue with which to continue their meritorious work.

To the Committee on Agriculture and Forestry.

—

Federal reserve bank resolution.

Whereas the Federal reserve banking system was created principally in the interest of our commercial institutions; and

Whereas present banking facilities are inadequate to properly finance agricultural and live-stock raising; and

Whereas long-term credits and the acceptance for loans of ranch property as collateral are absolutely essential to a stabilization of these industries: Therefore be it

Resolved by the New Mexico Wool Growers' Association in convention assembled in Albuquerque, N. Mex., March 16–17, 1922, That Congress amend the Federal reserve banking act so that long-time loans may be extended to live-stock growers and agriculturists; and be it further

Resolved, That lands and ranch property be accepted as collateral.

To the Committee on Banking and Currency.

—

Resolution recommending amendment of farm loan act and increase of loan limit.

Whereas owing to drought and deflation many live-stock producers who have invested the earnings of a lifetime in ranches and improvements now have their ranches inadequately stocked and due to lack of live-stock collateral are unable to avail themselves of the benefits to be obtained from the War Finance Corporation; and

Whereas there is now functioning a Government agency operating through Federal farm-loan banks, providing farmers with funds at a low rate of interest for a period of 33½ years, but with the amount for which any individual can apply so small that it is impracticable for the live-stock producers: Therefore be it

Resolved, That the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 20 and 21, 1922, recommends the enactment at this session of Congress of an amendment of the Federal farm loan act to include more fully grazing lands and improvements and a substantial increase of the loan limit; and be it further

Resolved, That a copy of this resolution be sent to the Secretary of Agriculture and to our Senators and Representatives in Congress.

To the Committee on Banking and Currency.

—

War Finance Corporation resolution.

Whereas since the War Finance Corporation has been revived and the scope of its work broadened to include the business of financing our live-stock and agricultural industries; and since the corporation has created machinery through which the live-stock and agricultural industries may be financed, and is attempting to secure the cooperation of the banks and lve-stock loan companies that are financing the industries: It is therefore

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled in Las Vegas, N. Mex., March 20 and 21, 1922, That we heartily indorse the action of Congress in passing legislation to help solve this reconstruction problem of the live-stock industries, and we further pray that the time for accepting new loans be extended and applications be accepted for loans up to January 1, 1923.

To the Committee on Finance.

—

Import duties resolution.

Whereas a measure relating to import duties will doubtless be considered during the present session of Congress, and since we believe our industries can not survive unless we are protected in our home markets; and, further, that the financial condition of those engaged in the basic industries—farming and stock growing—has a direct relation to the financial condition of every other person in the United States, no matter what his occupation may be: It is therefore

Resolved by the New Mexico Cattle and Horse Growers' Association, in convention assembled in Las Vegas, N. Mex., March 20 and 21, 1922, That we favor a substantial tariff upon live stock, agricultural, and meat products, and urge that there be fixed a duty of 6 cents per pound on dry, and 3 cents per pound on green hides. We indorse the truth-in-fabric measure, and urge the immediate passage of the same, and protest against the indifference of the merchants of the country in regard to this bill, believing that their lack of interest is not justifiable.

To the Committee on Finance.

—

Tariff resolution.

Whereas the sheep industry was threatened with annihilation by importations of cheap foreign wools and frozen lamb until the enactment of the Fordney emergency tariff bill; and

Whereas our costs of production can not be reduced to anywhere near prewar costs; and

Whereas farmers, bankers, merchants, and all classes of citizens, particularly in the West, are dependent on a stable and prosperous live-stock industry; and

Whereas the Southern Tariff Association and the farmers of the country, in conference recently in Washington, advocated proper protection for all agricultural and live-stock products: Therefore be it

Resolved, That the New Mexico Woolgrowers in convention assembled in Albuquerque, N. Mex., March 16–17, 1922, urge upon Congress the necessity of a specific duty on all wools used in the manufacture of wearing apparel imported into this country to the amount of 33 cents per pound based on scoured content, together with consistent duties on wool and wool on pelts, waste, and shoddy; and be it further

Resolved, That we favor adequate compensatory and protective duties on imports of articles manufactured from wool; and be it further

Resolved, That we favor a duty of 5 cents per pound on imported lamb and mutton, and 6 cents per pound duty on dry, and 3 cents per pound duty on green hides; be it further

Resolved, That we favor the use of American valuations as the basis of levying import duties, and are altogether opposed to ad valorem limitations on specific duties.

To the Committee on Finance.

—

Resolution indorsing Senate bill 3149.

Be it resolved, That the New Mexico Cattle and Horse Growers' Association, in convention assembled at Las Vegas, N. Mex., March 20–21, 1922, hereby expresses its earnest approval of Senate bill 3149, introduced by Senator H. O. BURSUM, respecting the transfer of all public domain from Federal ownership and control to that of the State, and copies of this resolution be sent to the Secretary of the Interior and to the Senators and Representatives in Congress.

To the Committee on Public Lands and Surveys.

—

Resolution protesting against transfers.

Whereas a movement is now pending in Congress to transfer in whole the control of the Forest Service from the Department of Agriculture to the Department of the Interior, and since we are of the opinion that the administration of this work can be handled more advantageously and with less duplication in the Department of Agriculture: Now, therefore, be it

Resolved by the New Mexico Cattle and Horse Growers' Association in convention assembled in Las Vegas, N. Mex., March 20 and 21, 1922, That we protest against this transfer being made; that it is now in the proper department for the best interest of the live-stock industries, and should remain where it is.

We believe the same to be true of the Bureau of Markets, and we ask that the administration of the same be left to the Department of Agriculture.

To the Committee on Public Lands and Surveys.

Public domain resolution.

Resolved, That the New Mexico Wool Growers' Association, in convention assembled in Albuquerque, N. Mex., March 16–17, 1922, approve Senator BURSUM'S bill, S. 3149, relative to the handling of public lands in New Mexico; and be it further

Resolved, That copies of this resolution be sent to our Representatives in Congress and to the chairmen of the Public Land Committees of the House and Senate.

To the Committee on Public Lands and Surveys.

—

Payment of grazing fees on national forests resolution.

Whereas the holders of grazing permits on the national forests of New Mexico are not in a financial position to pay any part of the grazing fees due April 1, 1922: Be it

Resolved by the New Mexico Wool Growers' Association in convention assembled in Albuquerque, N. Mex., March 16–17, 1922, That the payment of the 1922 grazing fees be deferred till December 1, 1922.

To the Committee on Public Lands and Surveys.

REPORTS OF COMMITTEES.

Mr. COLT. From the Committee on Immigration I report back favorably with an amendment the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921. The amendment continues for two years, instead of one year, the 3 per cent immigration restriction provision contained in the present law. I ask that the joint resolution be placed on the calendar.

The PRESIDENT pro tempore. The joint resolution will be placed on the calendar.

Mr. CAMERON, from the Committee on the District of Columbia, to which was referred the bill (S. 3169) to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes, reported it with an amendment and submitted a report (No. 589) thereon.

Mr. BURSUM, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 6569. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 590); and

H. R. 7340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 591).

Mr. HEFLIN, from the Committee on Agriculture and Forestry, to which were referred the following bills and joint resolution, reported them severally without amendment:

A bill (S. 2579) to provide for the publication of estimates of unginned cotton;

A bill (S. 3220) to amend section 2 of the United States warehouse act, approved August 11, 1916; and

A joint resolution (S. J. Res. 187) authorizing the Director of the Census to collect and publish additional cotton statistics.

ENROLLED JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on April 4, 1922, they presented to the President of the United States the enrolled joint resolution (S. J. Res. 160) authorizing the extension, for a period of not to exceed 25 years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

CONGAREE RIVER BRIDGE, S. C.

Mr. DIAL. From the Committee on Commerce I report back favorably without amendment the bill (S. 3360) to authorize the building of a bridge across the Congaree River in South Carolina, and I submit a report (No. 592) thereon. I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Richland-Calhoun River Bridge Commission be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Congaree River at a point suitable to the interests of navigation and at or near a point known as Bates Ferry, between the counties of Richland and Calhoun, S. C., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF ABANDONED BUILDINGS AT NOME, ALASKA.

Mr. NEW. Mr. President, I ask unanimous consent for the immediate consideration of House Joint Resolution 249, authorizing the Secretary of the Interior to donate and grant certain

buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church, for the passage of which there is an emergency. I do not think there will be any objection whatever to it; I am sure there will not be.

The circumstances are these: The War Department had a post at Nome, Alaska, called Fort Davis. On that post there were certain temporary wooden structures erected. The post has been abandoned. The structures are of no use whatever to the Government, but the women at Nome have asked the department for some of the buildings for hospital purposes. The Secretary of the Interior wants to grant them, but lacks the authority, and the joint resolution simply gives him the necessary authority.

I have a telegram from the ladies interested stating that unless the joint resolution is immediately passed, so that they may take advantage of the snow for the removal of the buildings, the whole purpose will fail and the donation will be of no use. That is the reason why I ask that the joint resolution may be considered. It has already passed the House.

Mr. CURTIS. Let the joint resolution be reported.

The PRESIDENT pro tempore. It will be read for information.

The reading clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to donate and grant to the Woman's Home Missionary Society of the Methodist Episcopal Church not exceeding three of the frame buildings on the abandoned Fort Davis Military Reservation in or near Nome, Alaska, the material so donated to be used for the erection of a hospital by said society for the use of white and native residents of the Nome district, Alaska.

Mr. OVERMAN. It has been reported favorably by the committee?

Mr. NEW. The committee reports favorably, and the Secretary of the Interior wants to have the donation made.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON PATENTS.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 268, which is designed to permit the Committee on Patents to hold hearings and to employ a stenographer, as all other standing committees have authority to do. For some reason, however, the resolution was not adopted at the beginning of the present Congress. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. OVERMAN. I ask that the resolution be read.

The resolution (S. Res. 268) submitted by Mr. JOHNSON on April 3, 1922, was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-seventh Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer at a cost not exceeding $1.25 per printed page to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAPPER:

A bill (S. 3398) declaring the railway bridge across the Kansas River in the State of Kansas, at a place about 1,578 feet from its mouth, in the city of Kansas City, Kans., an obstruction to navigation, and for other purposes; to the Committee on Commerce.

By Mr. ASHURST:

A bill (S. 3399) for the relief of the Indians of the Gila River and Papago Reservations in Arizona; to the Committee on Indian Affairs.

A bill (S. 3400) granting a pension to Ammon M. Tenney; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3401) to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; to the Committee on Commerce.

A bill (S. 3402) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. SHORTRIDGE:

A bill (S. 3403) to provide a uniform rule of naturalization and to amend and codify the laws relating to the acquisition and loss of citizenship, to equalize the citizenship status of men and women, to establish a method for the registration of aliens for their better guidance and protection, and for other purposes; to the Committee on Immigration.

By Mr. FRELINGHUYSEN:

A bill (S. 3404) granting an increase of pension to Charles Burrows; to the Committee on Pensions.

A bill (S. 3405) for the relief of the surviving children of John Moylan; to the Committee on Claims.

ADDITIONAL DISTRICT JUDGES.

Mr. STERLING. I have a letter from the junior Senator from Kentucky [Mr. ERNST], who was called suddenly from the city, leaving at midnight last night. As he can not be present to-day, he sent to me an amendment intended to be proposed by him to House bill 9103, the judicial bill, now pending. He desires to have the amendment printed, and I ask that it may be printed and lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOSPITALIZATION OF EX-SERVICE MEN.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

FRANCES KELLY.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 9275) for the relief of Frances Kelly, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

BUREAU OF INTERNAL REVENUE.

Mr. KING. Mr. President, I submit a resolution and ask that it may be read and then lie upon the table. During the afternoon, if I can secure the floor, I desire to submit a few observations in support of it.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The reading clerk read the resolution (S. Res. 270), as follows:

Whereas it is alleged that there is waste, inefficiency, and extravagance in the administration of the Bureau of Internal Revenue, due in part to the disorganized and demoralized condition of the bureau, caused by attempts to replace and reassign personnel for partisan purposes; and

Whereas it is alleged that the work of the recovery and collection of delinquent taxes, amounting to hundreds of millions of dollars, has been delayed by reason of assigning personnel to the work of auditing claims against the Treasury, for the refund of taxes already collected, and of claims for tax exemption, and that such claims are being injudiciously allowed to the detriment of the Government; and

Whereas it is claimed that numerous tax attorneys, agents, specialists, advisers, and lobbyists in the employ of claimants for refunds and exemptions, some of whom, it is claimed, pretend to have partisan political influence, are carrying on negotiations with officers of the Bureau of Internal Revenue, in regard to the allowance of such claims, which negotiations preclude a judicious examination of and action upon such claims, and will result in scandal, and the disadvantage of the Government: Now, therefore, be it

Resolved, That the Committee on the Judiciary of the Senate, or any subcommittee thereof, is authorized and directed to investigate the aforesaid matters, and to report to the Senate whether or not it be advisable to make a public record of tax exemption and tax-refund claims which have been decided or which are pending before the Bureau of Internal Revenue, and whether or not it be advisable to establish a court or public tribunal for the handling and allowance of claims for tax exemptions and refunds filed with the Bureau of Internal Revenue; and to recommend effective measures to relieve the Bureau of Internal Revenue from the influence of partisan politics. The committee is authorized to administer oaths, to send for persons and papers, and to employ such clerical and professional assistance as may be necessary, payment therefor to be made out of the contingent fund of the Senate, upon the order of the chairman of the committee.

Mr. CURTIS. Mr. President, I presume the resolution which has just been read will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, will it not?

Mr. KING. I have asked that the resolution lie on the table for the present.

The PRESIDENT pro tempore. The resolution will lie on the table.

APPOINTMENTS TO AND REMOVAL FROM OFFICE.

Mr. CARAWAY. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Arkansas will state his parliamentary inquiry.

Mr. CARAWAY. On page 4962 of the RECORD of yesterday, April 4, appear the proceedings in reference to a resolution submitted by me. I asked permission to submit a resolution out of order, and then asked also that it might be read. Now, here is what happened——

The PRESIDENT pro tempore. If the Chair may be permitted to interrupt the Senator, he desires to say that he is familiar with the RECORD on that point, and the present occupant of the chair is of the opinion that the resolution was offered by the Senator from Arkansas, and it will be laid before the Senate in its order.

Mr. CARAWAY. Very well.

ADDRESS BY SENATOR POMERENE.

Mr. UNDERWOOD. Mr. President, the senior Senator from Ohio [Mr. POMERENE] delivered a very able address on Thursday evening, March 30, 1922, before the Cleveland Association of Credit Men on the subject of the Great Lakes-St. Lawrence River improvement. It is an address which carries a great deal of meat in it, explaining the whole situation, and I think it is worthy of being printed in the CONGRESSIONAL RECORD. I ask that it may be printed in the RECORD in the regular RECORD type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

SPEECH OF SENATOR ATLEE POMERENE BEFORE THE CLEVELAND ASSOCIATION OF CREDIT MEN, CLEVELAND, OHIO, THURSDAY EVENING, MARCH 30, 1922.

THE GREAT LAKES-ST. LAWRENCE RIVER IMPROVEMENT.

The Great Lakes-St. Lawrence River improvement has two phases—one political, one economical.

When I speak of the political phase I do not have reference to our domestic partisan questions, but to the relations which the United States and Canada, as sovereign peoples, sustain to one another.

When I speak of the economical phase I use the term in its broadest acceptation. It includes not only navigation, but if we would get the maximum returns from this enterprise we must also take into consideration the tremendous possibilities in developing hydroelectric power—the cheapest power thus far known to man.

That we already have the political or legal right to navigate the St. Lawrence River upon the same terms and conditions as the nationals of the Dominion Government is evident to anyone who will examine the treaties.

TREATY RIGHTS IN THE ST. LAWRENCE RIVER.

By article 7 of the Webster-Ashburton treaty (1842) it was agreed that the channels in the River St. Lawrence on both sides of the Long Sault Islands and of Barnhart Islands, and so forth, "shall be equally free and open to the ships, vessels, and boats of both parties."

By article 26 of the treaty of Washington (1871) the "navigation of the River St. Lawrence, ascending and descending from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada not inconsistent with such privileges of free navigation."

By article 27 of the same treaty the British Government engaged to urge upon the Dominion Government to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.

In 1905 the Dominion abandoned the system of canal tolls, since which time all Canadian canals have been free to all vessels with their cargoes or passengers, whether these were Canadian or American.

By article 1 of the treaty of January 11, 1909, Great Britain and the United States agreed that the navigation of all navigable boundary waters between the United States and Canada "shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privileges of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries."

At the time of the ratification of these treaties no definite plan had been adopted, or is yet adopted, looking to the method of improving the river or of the proportion of the expense which should be borne by each of the two Governments. It necessarily follows that the first step after the determination of the practicability of the venture is to study the method by which the work is to be done, by which it is to be financed, and by which it is to be administered during the process of construction and in its maintenance thereafter.

I have such supreme faith in the spirit of fair dealing which always has inspired the people of the United States and our Canadian neighbors that I am quite sure but little difficulty is to be apprehended in this behalf. Write it down for all time, and without any reservation whatsoever, that what will redound to the benefit of the one nation in its transportation system will be of a proportional benefit to the people of the other nation.

I have heard it said that this great enterprise for the development of the middle continent and its commerce must not be undertaken because, while a portion of the route is along that part of the St. Lawrence River which forms the international boundary between the two nations, another extensive portion of the route lies wholly within the Dominion of Canada.

I can not agree with this position. I think it captious. Will the gentlemen who are disposed to hesitate because of this condition pardon me if I say to them that I think they are "seeing things at night"?

I recall with great pleasure and greater pride that these two great virile people who have accomplished so much in the past, and give greater promise for the future, have lived and wrought along a boundary line which is nearly 4,000 miles in length, at peace with one another for more than 100 years, without a fort or a soldier to police the boundary. And if anyone were to rise in the Halls of Congress at Washington or in the Parliament at Ottawa and suggest the organization and maintenance of a military force to police this boundary line, he would be hooted down by his associates. I have no more fear of trouble between the United States and Canada than I have of trouble between the citizens of Ohio and the citizens of Pennsylvania, and I am quite sure our Canadian friends across the boundary, on the other side of the Lakes, have no more fear of serious difficulty between the United States and Canada than they fear aggressions between the peoples of two of their great Provinces.

To be more specific, I have heard it suggested that if the St. Lawrence route was canalized and deepened, warships, it might be, of Great Britain or some other country, could wend their way up the St. Lawrence River into the Great Lakes and attack our great cities. I would lose faith in humanity itself and in the onward progress of civilization if I were to take counsel of such groundless fears in weighing a great enterprise of this character which will mean so much to the development of our two great countries.

Let us then in the consideration of this subject, assuming, of course, that the enterprise is regarded by investigators as practicable, suggest that the two Governments, either through their respective Departments of State or Foreign Affairs, or through commissioners specially appointed for that purpose, negotiate a treaty or convention by the terms of which the two countries shall agree to undertake the construction, the financing, and the maintenance of this channel from the unsalted to the salted seas.

Surely there will be no disposition upon the part of our Government to take any undue advantage of our Canadian friends, and I am quite confident that they will approach the subject in the same spirit.

THE ECONOMICAL SIDE OF THE PROBLEM.

Let us devote ourselves to-night rather to the economical side of the problem.

Forty-two million people in the United States are found in the States directly tributary to the Great Lakes-St. Lawrence route, and there are nearly five million in the Provinces of Manitoba, Alberta, and Saskatchewan.

Sixty-three and three-tenths per cent of the aggregate value of all of the farm property in the United States is within this territory.

In this territory is produced 75 per cent of the wheat, 65 per cent of the corn, 100 per cent of the flax, 85 per cent of the iron, 40 per cent of the copper, 46 per cent of the lead, and 74 per cent of the zinc.

The report of the International Joint Commission, page 107, shows that out of 2,973,890 square miles of land surface in the United States, 1,232,645 square miles, or 41.5 per cent of the total, lies in the area tributary to the proposed waterway.

The value of the farm lands in this area is $49,319,331,000, as against $79,925,989,000, or 63.3 per cent of the total value.

It embraces, too, many of the great manufacturing industries of the country, producing agricultural implements, automo-

biles, rubber manufactures, meat packing, and all sorts of iron, steel, paper, and furniture products.

It is estimated by the commission that the average savings on grain through the Great Lakes-St. Lawrence route will amount to from 8 to 10 cents a bushel on all grain exported, as compared with traffic prices now prevailing through lake and rail, or all rail hauls. But let me be a little more specific.

At the present time it is somewhat difficult to ascertain exactly what the traffic rates might be for wheat or grain from the upper lake region through the St. Lawrence to European ports. Certainly it is one rate under present conditions. It would be a much lower rate were the channel completed for ocean traffic. I am entirely clear in my own mind that it will result in very substantial savings.

Mr. Charles F. MacDonald, of the Duluth Board of Trade, told the International Joint Commission that the lake rate on grain from Duluth to Buffalo at the present time was 4 cents a bushel, and the transportation from Duluth to New York, including lake and rail rates, with insurance and incidentals, was about 15¼ cents a bushel, delivered in New York, but not on board vessel. The all-rail rate from Duluth to New York was 20.7 cents. With the present channels on the all-water route to Montreal there is little movement of grain. With deeper channels accommodating larger vessels, in his judgment, the movement would be greatly increased and the rate to Montreal would be about 11 cents.

Hugh J. Hughes, market director of the Minnesota Department of Agriculture, figured the cost of transporting a bushel of wheat from Duluth to Buffalo at 2¼ cents. At Buffalo the transfer charges from boat to rail were approximately three-fourths of 1 cent. The rail haul from Buffalo to New York amounted to 4 cents.

The cost of transfer from car to ship in New York, three-tenths of 1 cent. Freight charges under normal conditions from New York to Liverpool were 5¼ cents, making a total transportation charge from Duluth to Liverpool of 12.55 cents. Deducting the three items involving transfer and rail haul, amounting to 5.05 of 1 cent, there was left a total water haul of 7½ cents. In other words, fully one-half of the transportation charges from the terminals at Duluth to the warehouses in Liverpool were taken up by an overland portage that left the bushel of wheat when in New York Harbor farther away from its point of destination than when it left the ship at Buffalo. In his judgment the construction of a deep waterway from Duluth to the sea would result in a saving to the shipper of an amount equal to the cost of transportation from the lake boat at Buffalo to the ocean-going ship at New York.

Julius H. Barnes, than whom no man is better informed relative to the shipment of grain, says: "If the St. Lawrence waterway were opened so that either lake carrier would extend its trip down to Montreal or the ocean carrier go up to the head of the Lakes for its cargo, the transportation saving would amount to perhaps 10 cents a bushel." Surely this sum would be saved to the farmer on wheat actually transported to Liverpool, and this cheaper marketing would be reflected in a somewhat better price for the balance of his crop.

The Secretary of Commerce, Mr. Herbert Hoover, put the problem thus: "It is a sound economic assumption that the price of all agricultural produce was made at the points in the world where that produce must meet the tide and flow of similar produce from other quarters of the earth. In other words, the price to the farmer would be increased by whatever saving might be made in transporting and handling up to the point where his price was fixed by the flow of world current." He then adds: "If by the construction of the proposed canal it was possible to secure navigation of ocean-going ships on the Lakes or even of lake carriers to Montreal in a period of two or three days, it was not difficult to calculate that the transportation of wheat from Buffalo to Montreal would not exceed 1 cent a bushel or perhaps 2 cents. Putting it at 2 cents at the outside, there would be a saving of approximately 10 cents a bushel to the American farmer on his wheat reaching Liverpool."

At the time the commission held hearings in Buffalo the rate for the shipment of grain from the head of the Lakes to Buffalo was 4 cents a bushel, or about $1.20 a ton. From Buffalo to New York, including transfer and loading into the vessel's hold, $3.20 a ton. If the Lakes-to-ocean route is completed the voyage could be continued to Montreal for perhaps 3 cents a bushel, or 90 cents a ton. From Montreal the ocean rate is ordinarily equal to the rate from New York. So it would seem that the rate from Buffalo to Montreal would amount to about 90 cents a ton, whereas from Buffalo to New York, including transfer, and so forth, it would be $3.20, or a saving of $2.30 per ton. The ocean rates from Montreal to Great Britain are about the same as they are from New York to the British ports. Those who have studied the problem are very certain that there can be a saving to the farmers of from 7 to 10 cents a bushel in the transportation abroad when the St. Lawrence is completed.

Governor Harding, of Iowa, testifying before the International Joint Commission, says that a bushel of wheat can be shipped from Duluth to Buffalo for 2 cents; from Buffalo to the ocean-going boats for 17 cents; and from the ocean-going boats to Liverpool for 14 cents. This is the present method.

With the St. Lawrence canal a bushel of wheat could be shipped from Duluth to Montreal for 3 cents, and from Montreal to Liverpool for 12 cents. The difference of 12 or 18 cents in transportation cost could go into the pockets of the American farmer.

I might quote from other expert witnesses on this subject, but time forbids. Suffice it to say that it is my judgment after a careful study of this proposition that if this Great Lakes-St. Lawrence water route is completed so as to permit of ocean-going vessels moving from the ports of the Great Lakes to the ports of the Old World to market our wheat there will be a saving of from 5 to 10 cents a bushel, thereby increasing the price to that extent to the producer.

It will be noticed that the figures I give vary. This is due in part to the fact that they are based partly on estimates and partly because they are based on various rates prevailing at different times.

Similar savings would result in many other classes of traffic, whether of agriculture or manufactures.

INCREASE IN LAKE TRAFFIC.

The increase in lake traffic has kept pace with the improvement of her harbors, docks, and channels. It has grown by leaps and bounds. This is due in part to the increased production in midcontinent, and in part to the great ability, energy, and foresight of the Great Lakes marine service.

Before the Federal Government began to improve the Great Lakes, Lake Erie had no harbor extending in depth more than 5 feet, and a few harbors extending that depth in the other lakes. In 1824 improvements were first begun by the Federal Government. Between that date and June 30, 1918, $150,000,000 were spent by the Federal Government on channels, harbors, and rivers connected with this system of lakes. Now 27 harbors in these lakes will admit vessels drawing 19 to 21 feet, and 45 harbors of less importance admit vessels drawing 14 feet. Now the traffic from Lake Erie to Montreal is limited to vessels drawing 14 feet, that being the depth of the Welland Canal.

Iron ore was discovered in the Lake Superior region in 1844.

In 1855 there were 5,000 tons shipped in sailing vessels from the Lake Superior region to Cleveland.

Further discoveries and development tremendously increased this output.

In 1884, 68,000 tons were shipped.

Three years later this amount jumped to 400,000 tons.

In 1920 the iron-ore tonnage increased to 56,780,498 tons.

The total value of the iron ore shipped by water from Lake Superior increased from $8,741,955.87 in 1887 to $340,682,988 in 1920.

Coal shipments from Lake Erie ports to the upper Lakes over the same period increased from $4,735,454 in 1887 to $119,427,870 in 1920.

The tonnage of hard and soft coal for the last year was 14,156,259 tons.

GRAIN SHIPMENTS.

The first record of wheat shipments through the canal at Sault Ste. Marie was in 1870. The amount was 49,700 bushels.

Forty-five years later 255,481,558 bushels were shipped east by the same water route.

The total for 1920 was 143,456,487 bushels.

In 1870 the shipments of grain other than wheat aggregated 304,077 bushels.

In 1920, 51,630,135 bushels.

In 1870, 33,548 barrels of flour went through the canal.

In 1920, 7,477,533 barrels.

In 1920, $1,000,000,000 worth of freight was carried through the canal at Sault Ste. Marie. This amount is distributed as follows:

Coal	$119,000,000
Flour	86,000,000
Wheat	315,000,000
Other grain	78,000,000
Manufactured iron	6,000,000
Copper	18,000,000
Iron ore	340,000,000
Lumber	10,000,000
Stone	985,000
Salt	992,000
General merchandise	125,000,000

The total value of the freight through the canal increased from $79,000,000 in 1887 to $1,119,000,000 in 1920.

In 1855 the tonnage shipped through the canals at Sault Ste. Marie was 14,500 tons.

In 1920, 79,282,000 tons.

Four years earlier the tonnage was 92,000,000 tons.

And, now, before we dismiss this branch of our subject, let me ask, Does anyone seriously believe that we have reached the peak of production in the country tributary to the Great Lakes? In Indiana is located the center of our population. A little farther west is the center of agricultural production. Here in northeastern Ohio is the center of industrial development. Three of the five largest cities on the American Continent are on the Lakes—Chicago, Detroit, Cleveland.

Shall we believe that any one of these industrial centers, to say nothing of the many splendid lesser cities which dot the shores of the Great Lakes, have reached the limit of their growth or industrial activities? To even suggest the thought would offend our intelligence. The Middle West has not completed its growth. It is just beginning to grow and to feel its giant strength. Great things we have accomplished in the past. Greater things are in store for us. We must prepare for the future. Not the least of the tasks before us is to provide ourselves with the transportation facilities that may be necessary to accommodate not only the present traffic but the increased traffic for future years.

PRESENT RAIL AND RAIL-WATER TRANSPORTATION.

I think every student of our transportation system must admit that present rail and rail-water facilities are not keeping apace with the needs of the country.

Transportation, like production, ebbs and flows. Disturbed economic conditions will come in spite of all that human ingenuity can devise, but as sure as they come, so they will go. The progress of events is onward. New conditions must be met. It is estimated that at least one billion if not two billions a year should be added to the rail equipment in order to be able to accommodate the traffic which will come with returning good times, and this must continue for many years. But let us not deceive ourselves. Common prudence suggests that we ought not to spend two billion where one will suffice. Common sense admits that if certain routes of traffic are already congested, we ought to see other outlets, if they are practicable.

The points of greatest congestion now are New York City and New England. We know now as the result of very sad experiences during the war, if we did not know it before, that New York terminal facilities are wholly inadequate to meet the demands. I do not overlook the fact that these demands were made greatly excessive due to the conditions of the war, but to a very material, though a lesser, extent they did exist before the World War came.

The cost of handling traffic in New York is not going to be lessened by increasing traffic in this terminal. New York City and New York State will have their annual increases. Their shipping point will be New York City, as it ought to be, and if they improve their harbor and dock facilities sufficiently to keep apace with their own economic development, they will be doing well.

But shall the vast agricultural, manufacturing, and commercial interests of the Middle West and the Northwest, to say nothing of Canada, await the development of proper facilities in New York City?

I entertain none but the best of good will toward the great Empire State and the metropolitan city of New York, but if that city is not able to accommodate, as it has not been for years, the outgoing and incoming commerce of the great Central West, who is it that says we must be hampered in our development by its lack of capacity?

In speaking of the failure of New York to serve the commerce of the Middle West and his efforts to get cars for the shipment of wheat, Governor Allen, of Kansas, related this significant statement which had been made to him: "When you start a carload of grain from Chicago to New York and it reaches Trenton, N. J., it is only half way so far as time is concerned, and not one-half way yet so far as future expense is concerned." This may be a somewhat extravagant statement, but it epitomizes the experience of the great central and northwestern section of our country.

Mr. E. A. Kersten, of the S. S. Kresge Co., of Detroit, with a business aggregating over fifty millions a year, and a large part of whose sales are of imported articles, says, "That the average time consumed in getting merchandise from Europe or Japan through the port of New York to Detroit was four months, one month of which was used in the port of New York."

C. T. Bradford, of the International Harvester Co., said to the International Joint Commission that it was not at all unusual for goods to be from 60 to 75 days from date of shipment from Chicago to date of clearing from New York.

Mr. Carl W. Brand, of Cleveland, said "that delays in getting shipments through New York had resulted in importers having to carry a much larger investment in their business. In some cases the cost of handling goods through New York amounted to 20 per cent of the first cost."

Walter L. Ross, with a railroad experience of 30 years, said "he had been convinced that the primary cause of most of the transportation difficulties was congestion in New England and New York. In his judgment, the waterway project through the Great Lakes and the St. Lawrence River would relieve New York and New England and Maryland ports very materially, and thereby make for efficiency in transportation all over the country."

I dare say that the merchants and manufacturers of Cleveland and of the great State of Ohio can duplicate these experiences.

New York has talked for years about the expenditure of from $100,000,000 to $200,000,000 in improvements in New York Harbor. A prominent railroad executive is my authority for the statement that the transportation of the country, estimated in ton-miles, doubles every 10 years. If this statement is only approximately true, I am convinced that before New York City or the Government at Washington could spend the $100,000,000 or $200,000,000 in improving New York Harbor the annual increase of traffic in that city would be so great that even with these contemplated improvements completed the congestion would be as great then as it is now.

EXPENSE OF TRAFFIC IN NEW YORK HARBOR.

The Port Facilities Commission of the United States Shipping Board has gone into the question of the charges borne by steamship companies at New York. They find that the actual physical loading of the vessel was not the great source of loss and expense to-day, but rather the time the vessel was held in port. The case was cited of a small steamer of 6,500 dead-weight tons which was 15 days in port discharging 2,713 tons and loading 3,783 tons of general cargo. The port pay roll, supplies, interest, depreciation, hull, marine, and other insurance, charter hire, etc., amounted to $42,286. Other expenses, such as wharfage, pilotage, and the various stevedoring accounts amounted to $23,385, altogether $65,671, or an average of $4,371 a day. Hamburg, Rotterdam, and a few other of the efficient ports of Europe could easily have dispatched this vessel in five days before the war. On that basis the delays were costing nearly $5 a ton to the ship. Of course, this is no doubt an extreme case.

It may be said, as was urged before the commission, that the delays in New York Harbor were due to the failure of the New York authorities or of the Congress in furnishing funds for the necessary improvements. That may be true either in whole or in part, but the question now for us to determine is, keeping in mind not only the present demands but the future development of our country and the tremendous increases in outgoing and incoming freight to supply the needs of the interior of the continent, "Shall we make these expenditures in one harbor, which perhaps can not be developed sufficiently to take care of its annual increases, rather than to go to the development of the Great Lakes-St. Lawrence route, which for all time to come can bring the ocean-going vessels through its channel to the Great Lakes ports, such as Buffalo, Cleveland, Toledo, Detroit, Chicago, Milwaukee, and Duluth, to say nothing of the smaller but none the less important lake ports on both the American and Canadian side?"

PRACTICABILITY AND COST OF IMPROVEMENT.

Perhaps the strongest opponent of this Great Lakes-St. Lawrence route is Governor Miller, of New York. He is a great lawyer, whose vision seems to be limited to the boundaries of his own State. He seems to think that the scheme is not practicable and that it will cost too much. Governor Allen, of Kansas, after listening to the argument of Governor Miller, asked him somewhat facetiously, but pertinently, "Are you against the Great Lakes-St. Lawrence improvement because it will not work or because it will work?" With all due respect to Governor Miller he pleads like a skilled advocate who lacks confidence in his case. Others follow him with equally untenable objections.

One objection made is that in the St. Lawrence River traffic must be suspended for a period of five months during the winter because of the ice and the fog.

True, these are obstacles, but those who emphasize them forget that the same fog and ice for five months interferes with the ocean-going traffic to and from the great city of Montreal, through the lower St. Lawrence River, and yet her ocean-going traffic is greater than that of any Atlantic port in the United States save and except New York City alone. Two other Amer-

ican ports during the last year, I believe, have slightly exceeded Montreal. When this objection is made they forget that the lake traffic, too, is substantially suspended for four or five months, but nevertheless it is used to such an extent that 100,000,000 tons pass annually through the Detroit River, and it is all the time increasing, and would anyone say that the lake traffic is not a paying venture because ice interferes for four or five months in the year?

Again, they forget that the greatest congestion in rail traffic in the country is during the seven months when neither ice nor fog interferes with the St. Lawrence route.

Another objection urged is that ocean-going vessels will not enter the St. Lawrence. This is not tenable, because—

First, the cost of all rail traffic as compared with all water traffic is estimated as 5 or 6 to 1.

Second, already we have an enormous ocean traffic through the St. Lawrence to and from Montreal, which is perhaps second only to that of New York.

Third, there is a Great Lakes traffic amounting to nearly 100,000,000 tons annually, nearly eleven times as much as passes through the Suez Canal and almost twelve times as much as passes annually through the Panama Canal.

Having these facts in mind, who shall say that if the canalization of the St. Lawrence River from Montreal to Lake Ontario is completed that ocean traffic will not seek to go farther up the river; aye, even to the headwaters of Lake Superior?

Magna Swenson, the owner of the great Norwegian trans-Atlantic lines, has said:

"The moment the engineers who build the canal declare this canal is ready for operation, that moment his steamers would poke their noses into the St. Lawrence."

Certainly, in view of the enormous amount of ocean traffic at Montreal, 700 or 800 miles up the St. Lawrence River, the burden of proof is on those who contend that it will not go up farther to demonstrate the faith that is in them.

PLAN FOR CANALIZATION OF RIVER.

The distance from Lake Ontario to the Atlantic is approximately 1,000 miles. The Gulf of St. Lawrence extends to Quebec, or nearly so. The river is now improved for ocean-going vessels up river as far as Montreal. It is only 183 miles from Montreal to Lake Ontario. Only 33 miles of this distance must be canalized. The remainder of this distance needs little or no improvement, except a little dredging. The flow of water in this river is more nearly constant than in rivers usually. The variation due to seasons is seldom more than 25 per cent either above or below the mean level. For comparison purposes, it is interesting to note that there is a ratio of 30 to 1 between the spring flow and the late summer volume of the Mississippi River at Keokuk.

The engineers, Col. W. P. Wooten, United States Engineer Corps, for the United States, and Mr. W. A. Bowden, chief engineer of railways and canals for Canada, recommended the improvement. For convenience sake they divide the improvement into two sections.

First, the international section, extending from Lake Ontario to Cornwall, or the international boundary line, a distance of about 45 miles. The fall in the river is 91 feet. At present there are four canals on the Canadian side. The plan of the board contemplates the construction of a canal on the Canadian side with a prism depth of 25 feet at low water. This canal extends from the head of Long Sault Rapids down to Cornwall, a distance of 8 miles, and provided with two lift locks, with a depth of 30 feet on the sills. In order to concentrate the fall in the river so as to reduce the number of locks and lessen the mileage of restricted navigation the plans call for a series of dams. The plan is a combined scheme of navigation and water development. These dams will make possible a development of water power estimated at 1,500,000 horsepower. These engineers estimate the total cost of the entire international section, including flooded areas and power houses equipped to deliver one and one-half million horsepower, at $159,000,000. Damages, of course, should be paid to Canada for the four existing canals which will be put out of commission. This amount is not included in the cost as stated, nor for certain charter rights of the New York & Ontario Power Co.

Second, the national section of the river is that section which lies between Cornwall and Montreal, a distance of about 72 miles. The fall in the river is about 134 feet. In this section of the river lie the three rapids, Coteau, Cedars, and Cascades, the first at the outlet of Lake St. Francis, the second 9 miles lower down, and the last at the entrance to Lake St. Louis. A canal is proposed 220 feet wide, with a depth of 25 feet at low water on the south side of the river, a distance of 15 miles. Some dredging will be required in Lake St. Francis and Lake St. Louis. The cost of this improvement is estimater at $93,000,000, not including the putting out of commission of the present existing canals. The depth contemplated under this plan is 25 feet. To get an additional 5 feet in both the international and national sections the estimated increased cost would be $17,000,000.

The estimated annual operating and maintenance cost in connection with this scheme is $2,562,000, of which they charge $1,105,000 to cost of navigation and $1,457,000 to power. These figures do not include interest on investment. The engineering board estimates that 2,260,000 horsepower could be developed on the national section of the river, if this should be thought desirable later, at an estimated cost of $220,000,000.

IMPROVEMENTS SHOULD BE COMPLETED AT AN EARLY DATE.

Think what it will mean to have the Atlantic Ocean brought to the door of the great industrial centers of the Middle West. True, the very large ships will not enter. They are not expected to enter; 70 per cent of the commerce of the world is carried on vessels of 8,000 tons or less.

Major General Black gives some significant testimony to this effect. He says: "That out of 14,513 steamships listed in Lloyd's register for 1918–19, 81.45 per cent had drafts of 25 feet or less and 99.32 per cent drew 30 feet or less, leaving a percentage of sixty-eight one-hundredths of 1 per cent of vessels having 30 feet draft or over. The average draft of vessels passing through the Panama Canal is only 21 feet, and the Suez Maritime Canal Co. also states that the average draft of the vessels passing through the Suez Canal is a little over 21 feet."

It may prove necessary if this St. Lawrence improvement is completed and ocean vessels enter the Lakes to increase from time to time the depths of channels and of harbors, but what of it? Are we not from time to time increasing the depths of the harbors on the Atlantic and the Pacific and the Gulf, as well as the channels leading to them? Why then should we hesitate to embark upon this enterprise? Those who are most opposed to this improvement speak of the expense, but I have not yet heard them decry expense when they call upon the Congress of the United States for appropriations for their own harbors along the Atlantic.

The engineers who have made a very careful study of this project say that the total expense will not exceed $252,000,000, which will include the necessary equipment for the generation of electricity amounting to 1,500,000 horsepower. Of course, their figures are not as definite as they might be. They went into the subject fully enough to convince them of its practicability. Capable engineers that they are, and not only they but the International Joint Commission, suggest that before "any final decision is reached the report of the board together with such comments, criticisms, and alternative plans as have been filed with the commission should be referred back to the board enlarged by other leading members of the engineering profession, to the end that the whole question be given that further and complete study that its magnitude and importance demand."

I am so convinced of the wisdom of this project that I would be for it even if I knew that it were to cost twice the sum. It can not fail. The present traffic of the United States now requires it, and the future industrial development of our own country as well as of Canada accentuate the need of it.

The commission suggests that that part of the cost of the improvement which may be properly chargeable to navigation shall be in proportion to the benefits which each shall receive. This amount they suggest shall be readjusted periodically.

As to the cost of the power works they recommend that as each of the countries is entitled to half of the available power in the international section of the river the cost of the works necessary solely for the development of that power should be borne equally by each country.

They further recommend that the cost of the navigation works required for the combined use of navigation and power over and above the cost of works necessary for navigation alone should be apportioned equally between the two countries.

As to that part of the navigation works which lies wholly within one country they recommend that they should be maintained and operated by the country in which they are located, and that "navigation works" not lying wholly within one country and not capable of economic and efficient construction, maintenance, and operation within one country as complete and independent units, be maintained and operated by an international board, upon which each country would have equal representation.

These, of course, are merely suggestions which have been thrown out for consideration by the proper authorities of the two countries. All of these questions can be very readily determined by a conference between the two Governments and

certainly some equitable plan can be devised which will prove satisfactory to all concerned.

I hope for the speedy completion of the Great Lakes-St. Lawrence River improvement at an early date for the common good of the people of the United States and Canada.

PENSION AND COMPENSATION LEGISLATION.

Mr. FRANCE. I hold in my hand an article written by Mr. Henry P. Janes. It is a very good summary of pension and compensation legislation and it has been suggested that it would make a valuable public document. I ask that it be referred to the Committee on Printing for the judgment of that committee upon the propriety of making it a public document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

SCHOOLS FOR AERONAUTICS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which the Secretary will read.

The resolution (S. Res. 266) submitted by Mr. WALSH of Massachusetts on the 3d instant was read, as follows:

Whereas immediate and adequate consideration and development of the science of aeronautics is vital to the commercial and industrial expansion and to the protection and prosperity of the United States; and

Whereas the science of aeronautics is recognized by all nations as a dominant factor in relation to transportation facilities and the national defense; and

Whereas many foreign nations, cognizant of the necessity and importance of aircraft, have indicated programs of mail and passenger transportation far superior to the present policy of our Government with reference to the stimulation, maintenance, and advance of aeronautics for all national purposes; and

Whereas aircraft is indispensable for the patrolling and for the protection of our coast and boundaries, and to supplement to a considerable degree naval craft, coast artillery defenses, and other means of protection and defense now maintained by the Army and the Navy; and

Whereas at the Conference for the Limitation of Armament no action was taken to reduce, limit, or control the aircraft of the countries represented, although the development of aircraft had a pronounced effect upon the reduction and limitation of navies; and

Whereas it should be apparent to the most casual observer that a sufficient and properly trained personnel capable of developing, instructing, and directing aeronautics, and available for the national defense, is extremely important; and

Whereas it daily becomes more evident that if the United States is not to be completely outdistanced in the field of aeronautics, and is not therefore to be left defenseless, a separate school of aeronautics should be created and maintained, or separate schools of aeronautics should be established in the United States Military Academy and in the United States Naval Academy: Therefore be it

Resolved, That the Secretary of War and the Secretary of the Navy are directed to report to Congress (1) whether or not it is feasible and advisable to establish a school of aeronautics, to be known as the United States Academy for Aeronautics, with buildings, grounds, and equipment necessary for instructing and training cadets; (2) whether or not it is practicable to use a part of the buildings and grounds of the United States Military Academy and of the United States Naval Academy for separate schools in aeronautics, to the end that young men desirous of qualifying for commissions in the United States Air Service may be appointed as cadets to such separate aeronautical schools in the same manner as cadets are now appointed to qualify for commissions in the United States Army and the United States Navy; and (3) whether or not it is feasible to take over one of the existing navy yards or arsenals for the purpose of converting the same into a Government plant for the development and manufacture of aircraft of various kinds suitable for national, commercial, and defense purposes.

The PRESIDENT pro tempore. The question is upon agreeing to the resolution.

Mr. WALSH of Massachusetts. Mr. President, I do not understand that there is any opposition to this resolution.

Mr. CURTIS. I understand that the resolution only calls for information, and therefore there will be no objection, so far as I am concerned, and I think there will be no objection.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

ADMIRAL SIMS'S STATEMENT AND AMBASSADOR HARVEY'S ADDRESS.

Mr. HARRISON. The clerks at the desk are, I understand, anxious to clear the calendar of sundry matters that have become somewhat out of date. On their suggestion, I move that a resolution I offered some time ago, the resolution (S. Res. 91) requesting the President of the United States to furnish the Senate certain information as to the purported speech of Ambassador Harvey, made at the Pilgrims' Day dinner May 19, 1921, and as to the revocation of the leave of Admiral Sims, be indefinitely postponed.

The motion was agreed to.

RECORDS OF OFFICERS AND ENLISTED MEN IN THE WORLD WAR.

Mr. CUMMINS. Mr. President, on Monday last, during a call of the calendar, the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making appropriation therefor, was passed. I was not present in the Chamber at that time. The Military Affairs Committee had reported the bill with two amendments striking out a part of the bill in which I was particularly interested. In view of these circumstances, I desire to enter a motion that the Senate reconsider the vote by which the bill was passed and move that the House be requested to return the bill to the Senate.

Mr. HARRISON. Mr. President, I did not understand to what bill the Senator referred.

Mr. FLETCHER. I did not catch the title of the bill.

Mr. CUMMINS. The bill is one intended to require the Secretary of War to furnish the various States with historical information relating to the troops and the movement of troops in the World War.

Mr. FLETCHER. I recall the bill.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The question is on the motion of the Senator from Iowa that the bill be recalled from the House.

The motion was agreed to.

COTTON EXCHANGE METHODS.

Mr. DIAL. Mr. President, I desire to take just a few moments to state that I hope the Committee on Agriculture and Forestry will make a report upon a bill which I introduced some time ago. I would like to have the attention of the Senator from Nebraska [Mr. NORRIS].

On April 12, 1921, I introduced a bill to amend the present cotton futures contract law. It was immediately referred to the Committee on Agriculture and Forestry. On May 24 of last year I appeared before that committee and made a statement, and then I said I had no further witnesses to produce. The matter has been pending ever since. I have urged the committee and the subcommittee at various times to be kind enough to report the bill. Of course, I would be glad to have a favorable report, but I told them if they did not care to make that, to return the bill without any report, or, if they would not do that, to make an unfavorable report.

I want the matter disposed of by the Senate. I want to be perfectly agreeable to all my colleagues, and I have no particular complaint to make against the committee except as to the slowness with which they move. It does seem to me that 12 months is a long enough time to give consideration to the bill, especially when we remember that it took exactly 30 years for Congress to pass the original law on the subject. The hearings on the original law were voluminous and extended over many years, and all the testimony in those hearings is available for the committee in case they care for it. The matter is one of greatest importance to my constituents. In fact, I believe it is of as much importance as all the rest of the laws put together.

I wish to read just a short statement made before the Committee on Agriculture of the House. Some two months ago I went before that committee and they had witnesses there all the way from Houston, Tex., up to New York. They put those witnesses on the stand. One of them was Mr. Bailey C. Harris, president of the Galveston Cotton Exchange, and here is what he had to say:

We have offices in New Orleans and Savannah, and our head office in New York, although we are a southern firm. We have selling offices in Boston, Montreal, Bremen, Germany; Brussels, Belgium; Havre, France; Milan, Italy; and close working arrangements in Spain, in Scandinavia, in England, and in Japan.

Here is a startling statement of Mr. Harris:

Now, I have been in the cotton business about 23 years, 17 years of which time I have been in the business for my own account. Prior to the passage of the Smith-Lever bill, of course, you might say there were no regulations as to the grades or classification or anything else. The New York market was almost constantly used by two or three of the big houses for manipulation purposes, and they were really slaughtering the lambs, both the exporters and the local merchants and everybody.

When the bill was passed to which he refers that cured a great many of the defects of the then custom, but unfortunately it carried the vicious principle of the custom into the law, which law permits the seller of the contract to deliver all of the contract in any 1 of 10 grades instead of 32 grades under the custom. That is where they have kept slaughtering the lambs and everybody else ever since.

I hold in my hand an editorial from the Southern Textile Bulletin, of Charlotte, N. C., of March 16, 1922, which says, amongst other things:

More than 98 per cent of those, other than members, who have bought or sold contracts upon the New York Cotton Exchange have lost money, and the appearance of the New York Cotton Exchange in the rôle of protector of those who trade upon the American Cotton Exchange instead of with them is laughable.

Mr. President, I have no more love for the American Cotton Exchange than I have for the New York Cotton Exchange.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. DIAL. Certainly; I yield.

Mr. NORRIS. Has the Senator filed a motion to discharge the committee?

Mr. DIAL. No; I do not care to do that at present. I am merely going to say that I hope the report will be made by next week; if not, at that time I shall ask the cooperation of the Senator from Nebraska, if he will be kind enough to render it.

Mr. NORRIS. I should like to say to the Senator that I think his statement is correct, and that the bill introduced by him is entitled to a consideration which it has not received at the hands of the committee. The Senator's bill was referred to a subcommittee, and it has been delayed by methods which, so far as I know, are all right. It is still pending before the subcommittee, and the delay against which the Senator has been protesting has occurred. I think the matter has been delayed too long. I have already told the Senator in conversation with him that if he should file a motion to discharge the committee from the further consideration of the bill and to have the bill placed on the calendar, I would not oppose it; that, in fact, I would vote for it, unless on argument I should be convinced otherwise, because it seems to me that, regardless of whether we agree with the Senator or not as to the bill which he has introduced, he is entitled to more prompt consideration of the bill than he has received.

It is not really the fault of the Committee on Agriculture that the bill has been delayed, as the Senator from South Carolina knows. A majority of the subcommittee, I think, are Senators from the South, who are members of the Senator's own party.

Mr. HEFLIN. If the Senator from South Carolina will permit me, I desire to ask the Senator from Nebraska, who is on the subcommittee, to which he refers?

Mr. NORRIS. The Senator from New Hampshire [Mr. KEYES] is the chairman of the subcommittee, but he is not now present.

Mr. DIAL. The Senator from New Hampshire [Mr. KEYES] is the chairman of the committee, and the Senator from South Dakota [Mr. NORBECK], and my colleague, the Senator from South Carolina [Mr. SMITH], are also members of the subcommittee.

Mr. NORRIS. I think the colleague of the Senator from South Carolina is opposed to the bill of the junior Senator from South Carolina. The senior Senator from South Carolina, who is a cotton expert, is a member of the subcommittee. The senior Senator from South Carolina has been sick a part of the time, and it has been on his account, to some extent, that the delay has taken place.

Mr. HEFLIN. I think the senior Senator from South Carolina is yet sick.

Mr. NORRIS. I think he is.

I want to say to the junior Senator from South Carolina that if the motion were pending now I should not want the Senate to pass upon it at present; but, under the rule, such a motion has to lie over a day, anyway. I repeat, I myself think there has been unnecessary delay in the matter, but in large part the delay has come about in a way that casts no reflection or blame upon anybody. If, however, the Senator desires to make a motion to discharge the committee, he may do so. I think, however, that this matter should come up on a day when the chairman of the subcommittee may be here, and I think it ought to be taken up when the Senator's colleague also can be present, when the matter may be fought out.

Mr. DIAL. I appreciate very much the fairness of the Senator from Nebraska, and I was satisfied his attitude was as he has stated it. Of course, I wish to disclaim any intention whatever of reflecting upon the subcommittee, which has charge of the bill. My only complaint is the unnecessary delay. When I have anything to do I like to move along and have it disposed of, either one way or the other.

As to my colleague being opposed to the bill, I rather think the Senator from Nebraska [Mr. NORRIS] is mistaken about that. I think he wants to propose some amendments to the bill, but I do not know that he is opposed to the principle of the legislation which I have proposed. However, he has a right to his view, and I have a right to mine.

I desire to insert in the RECORD, as a part of my remarks, an extract from the Southern Textile Bulletin which I have marked. It is very short.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

NEW YORK COTTON EXCHANGE METHODS.

About two years ago a squeeze was being conducted in New York and southern cotton dealers who were caught on the short side made haste to ship cotton from Norfolk and Savannah, but when the cotton reached New York they found that members of the New York Cotton Exchange had rented every lighter or means of landing the cotton and had rented all available warehouse space, although they had no need of the lighters or the warehouse space.

The southern cotton dealers had to settle at enormous premiums with those who had conducted the "squeeze" and within five minutes after the forced settlement the quotation on the squeezed month dropped 5 cents per pound.

The members whose piety forces them to attempt to save the man who buys 10 bales upon the American Cotton Exchange made no objection when such cutthroat methods as above stated were used by their members to rob southern cotton dealers of 5 cents per pound on a large volume of short cotton.

In 1914 Lewis W. Parker, one of the ablest cotton manufacturers the South ever produced, bought a large amount of cotton futures for his mills, and those on the inside of the New York Cotton Exchange manipulated the market to depress the month that he had bought.

Facing a severe loss by reason of the undue depression of that month, Mr. Parker decided to take up the cotton—that is, to call for delivery.

His action at first threw consternation into the exchange, but they put into effect every bit of red tape and every technicality at their disposal and when he finally got his cotton most of it was of almost unspinnable grades. They had also cornered all the cotton warehouse space in New York and Brooklyn so as to put him to additional expense of shipping the cotton elsewhere. Lewis W. Parker paid a large price for his temerity in accepting cotton upon New York Cotton Exchange contracts.

We have told only a few of the things that they did to him, but there are men who were associated with him at that time that can tell a tale worth hearing.

We do not want to see the New York Cotton Exchange put out of business, and we know that there are many honest men among its members, but they should purge themselves before they seek to remove the mote from their younger brother's eye.

Mr. DIAL. Furthermore, Mr. President, I desire to say that I have introduced a resolution, which has passed the Senate, requesting the Federal Trade Commission to investigate cotton exchanges. The passage of that resolution need not interfere at all with the particular bill which I have introduced. There are many things about the cotton exchanges which I desire to have investigated; but I have not the least shadow of a doubt about the justice of my bill and about its sufficiency in affording great relief to our people should it be passed. In fact, unless we have some legislation to help the cause of cotton production, it will not be more than a year or two until we shall have to offer a premium to get people to raise cotton in the United States. There is now the darkest outlook for a crop of cotton which I have even known in my lifetime.

Mr. President, I hope the subcommittee having charge of my bill will speedily make its report. It will be a year next week since the bill was introduced. If the subcommittee can not see its way clear to make a report next week, I shall then move that it be discharged from the further consideration of the bill and that it be placed on the calendar. Congress is unconsciously aiding the cotton bears every hour it allows the present law to remain unamended.

My amendment does not interfere with the 10 tenderable grades; it only classifies them in three classes—A, B, and C, with a basic grade in each class. This is similar to wheat. This amendment will make a contract flexible enough for anyone to trade in, and definite enough to make it worth what it is claimed to represent, thereby the buyer and seller will be on equal terms, and unquestionably the value of the commodity will be enhanced.

BUREAU OF ENGRAVING AND PRINTING.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The reading clerk read Senate Resolution 267, submitted by Mr. CARAWAY on the 3d instant, as follows:

Whereas without notice as required by law, and without warning, the President of the United States, under an Executive order issued Friday, March 31, 1922, dismissed James L. Wilmeth, Director of the Bureau of Engraving and Printing, and 31 other chiefs of divisions of that bureau; and

Whereas all of said persons were within the classified service; and

Whereas the law permits the dismissal of persons within the classified service only after written notice of and an opportunity to reply to charges should be given the accused: Now therefore be it

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public good, (a) what facts warranted the dismissal of the men mentioned from the classified service; (b) on what authority and by what authority he dismissed these employees from the service.

The PRESIDENT pro tempore. The question is upon agreeing to the resolution.

Mr. ASHURST obtained the floor.

Mr. CURTIS. Mr. President——

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. CURTIS. I simply want to give notice that unless the Senator will strike out the "whereases" I shall move to have the resolution referred to the Committee on Civil Service.

Mr. KING. What are the words that the Senator asks to have stricken out?

Mr. CURTIS. The "whereases." If the "whereases" are stricken out, I have no objection to the resolution.

Mr. BORAH. Mr. President, to my mind a more serious question than the "whereases" is involved. As I understand, this is a resolution asking the President of the United States to inform the Senate why he dismissed somebody from office.

Mr. CURTIS. If not incompatible with the public interest.

Mr. BORAH. Even if the public interest is not involved, there is the legal question as to whether or not Congress has a right to ask the President how he shall discharge his duties under his executive authority with reference to officers. I think it involves a very serious legal question.

Mr. KING. Mr. President, if the Senator will yield, if there is a law which inhibits the President of the United States—I am assuming that—from removing employees of the Government without cause, certainly the Senator from Idaho would not contend that it was improper for Congress to institute an inquiry.

Mr. BORAH. Of course, if the President of the United States has violated a law which we had a right to pass, there is a way to reach it.

Mr. KING. That could be done by impeachment, as they attempted to impeach Andrew Johnson for an alleged improper removal of one of his Cabinet officers.

Mr. BORAH. Yes; or a committee could be appointed to investigate; but I simply desire to say that I think the most important proposition involved in it is that of the right of the Congress to ask the President with reference to why he dismissed some man from office. That is a matter which was once discussed very thoroughly before Congress, and on which a Democratic President, if I remember correctly, advised the Congress that it was none of their business, or words to that effect.

Mr. STERLING and Mr. CARAWAY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Kansas has the floor. To whom does he yield, if to anyone?

Mr. CURTIS. I yield to the Senator from South Dakota.

Mr. STERLING. I simply want to suggest to the Senator from Kansas that if this resolution is referred to the Committee on Civil Service, it should be referred preamble and all—the preamble as well as the resolution. The Civil Service Committee might not agree to the form, it might not agree to the preamble, and might make its report accordingly.

Mr. CURTIS. Mr. President, I think the Senator misunderstood me. I said that so far as I was personally concerned, if the "whereases" were stricken from the resolution, I had no objection to the consideration of the resolution; but in view of what has been stated, I shall insist upon my motion that the resolution as a whole go to the Committee on Civil Service.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kansas.

Mr. HARRISON. Mr. President, may I ask the Senator from Kansas and also the Senator from Arkansas a question? There is another resolution here that proposes to have a special committee to investigate the question of the dismissal of these parties. Could we not take that up first, before action is taken on this resolution?

Mr. CURTIS. Mr. President, in view of the wording of the resolution, which the Chair has held properly comes before the Senate, I think it should go to the Committee to Audit and Control the Contingent Expenses of the Senate. It could go to the Commitee on Civil Service and then be reported back and go to the Committee to Audit and Control the Contingent Expenses of the Senate; and when that resolution comes up I shall make the same motion with regard to it that I have made with regard to this one.

Mr. STERLING. Mr. President, if I may be allowed a word, while I am not seeking work for the Civil Service Committee, if it is appropriate that the first resolution—the one introduced by the Senator from Arkansas on day before yesterday—should go to the Civil Service Committee, I think there is additional reason why the second resolution, the one introduced on yesterday, should go to the Civil Service Committee.

Mr. CURTIS. Mr. President, the second resolution should go to two committees—the Committee to Audit and Control the Contingent Expenses of the Senate, in order to determine the question of expense, and the Committee on Civil Service.

Mr. CARAWAY. Mr. President, if I may interrupt the Senator from Kansas——

Mr. CURTIS. Certainly.

Mr. CARAWAY. I have no disposition to contend about which committee the resolution shall go to. I am only concerned that we shall finally get a vote upon it.

Mr. CURTIS. Then why not let both resolutions go to the Committee on Civil Service?

Mr. CARAWAY. I would rather, if the Senator from Kansas would agree, that both go, or at least that the second one go, to the Committee to Audit and Control the Contingent Expenses of the Senate. I only want action on it.

Mr. CURTIS. Mr. President, if the resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate, it would likely have to go to the Committee on Civil Service later on; so why not refer both of them there now?

Mr. CARAWAY. I do not think that necessarily follows. I presume the Senator from Kansas will agree with me that the Senate ought to have a chance to express itself upon these questions.

Mr. CURTIS. Certainly I do, but I think they ought to go to the committee first.

Mr. CARAWAY. I am willing to follow the Senator's first suggestion and let the first one go to the Committee on Civil Service and let the other one go to the Committee to Audit and Control the Contingent Expenses of the Senate. That was the Senator's first suggestion, and I shall not contest the matter if it is so agreed.

Mr. HARRISON. Mr. President, may I ask the Senator whether he will not incorporate in his motion instructions to the committee to report back within a few days?

Mr. CURTIS. Oh, no. If the committee does not report within a proper time, of course the Senator from Mississippi can move to discharge the committee. I move that the resolution be referred to the Committee on Civil Service.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate another resolution coming over from a previous day, which will be stated.

The Secretary read Senate resolution 269, submitted by Mr. CARAWAY on the 4th instant, as follows:

Whereas pursuant to an order of the President, issued the afternoon of March 31 and immediately effective, there was a wholesale removal of responsible officials of the Bureau of Engraving and Printing and the appointment of other officials in their stead; and

Whereas the order was made notwithstanding the law, which provides "that no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him and be furnished with a copy thereof and also be allowed a reasonable time for personally answering the same in writing and affidavits in support thereof"; and

Whereas previous to being notified of their sudden dismissal by a letter from the Secretary to the President, accompanied by a copy of the President's order, none of the said persons, so far as they were aware, had been complained of to the Secretary of the Treasury, to whose department the Bureau of Engraving and Printing belongs, or complained of by him, or otherwise made the subject of complaint; and

Whereas the order recites that the action of the President dismissing the said persons was taken "for the good of the service," which carries the implication that the officials removed had been guilty of misconduct, which is a grave injustice to them if, as is alleged to be the fact, they are persons of capacity, character, and experience, who have discharged their duties faithfully and efficiently, some of them being officials whose inventions and improvements have been freely used by the Government to its great advantage, some of them having heretofore declined attractive offers of private employment because of their devotion to the interests of the Government, and some of them being war veterans; and

Whereas it was stated by the press at the time the order was issued that it was approved by the Attorney General, who was then in conference with the President, and it is now similarly stated that the Attorney General will cause an ex parte investigation of conditions in the bureau for the purpose, apparently, of determining whether the order, already executed, was justified by the facts; and

Whereas in view of his recent utterances, which shows that he is hostile to the general policy embodied in the civil service law, such an investigation made and any decision promulgated by the Attorney General would hardly inspire public confidence; and

Whereas it is in every sense proper and desirable that there should be a thorough and impartial inquiry into every feature of the transaction in question; and

Whereas it is also now charged that irregularities amounting to theft have occurred in said bureau; and

Whereas it is in the public press charged that the people were dismissed to prevent those who sought their dismissal from exposing these irregularities; and

Whereas it is charged that a Member of this Senate knew of said irregularities; and

Whereas if said statement in said publications be true, said acts would in fact be a compounding of a felony: Therefore be it

Resolved, That the President of the Senate appoint a committee of five Members, who shall ascertain and report:

The specific facts and reasons upon which the order is based, and by what, if any, real investigation it was preceded; whether the persons removed, or any of them, have failed in the performance of their duties; whether there is ground for believing that the good of the service is likely to be promoted by their removal or by the new appointments; and whether or not the facts indicate that the order may be regarded as a step in the direction of a return to the discredited spoils system by disregarding the spirit and, as is also claimed, the letter of the civil service law. Also find what, if any, basis of fact there is in the story of irregularities charged and the compounding thereof.

Mr. CURTIS. I move that the resolution be referred to the Committee on Civil Service.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

ADDRESS BY HON. HENRY C. WALLACE.

Mr. CAPPER. Mr. President, I have here a copy of an address delivered by Hon. Henry C. Wallace, Secretary of Agriculture, at the annual dinner of the Washington Stock Exchange on Saturday night, on the farm-credit needs of this country. It is an exceedingly interesting discussion of the subject, and I am particularly impressed with the reasons given by Secretary Wallace for placing a representative of agriculture on the Federal Reserve Board. The address is short, and I ask unanimous consent to have it printed in the RECORD in 8-point type.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

ADDRESS BY HENRY C. WALLACE, SECRETARY OF AGRICULTURE, BEFORE THE WASHINGTON STOCK EXCHANGE, AT THE NEW WILLARD, APRIL 1, 1922.

FARM-CREDIT NEEDS.

Economic conditions during the past 18 months have directed attention sharply toward the farmer and the important part he plays in our national life. In the fall of 1920 prices of agricultural products almost overnight fell to figures which represented far less than the actual cost of production and far out of line with freight costs, wages, interest, taxes, manufactured goods, and practically everything else which the farmer had to buy. Farmers found themselves under the necessity of practicing the most rigid economy and restricting their buying to the bare necessities. As almost 40 per cent of our population depends directly upon the land for a living, this restricted buying by the farmer very quickly affected our entire industrial and business life. It compelled the slowing down, and in some cases the cessation, of many industries. The inability of so many farmers to pay their debts to the banks when due caused serious trouble and made necessary emergency legislation designed to relieve the tension and ease us through a period of very real financial peril. Many people have been disposed to look upon this emergency legislation, especially such as had to do with financial matters, as of the nature of class legislation solely for the benefit of the farmer. In this they are in error. Bankers and business in general have benefited from it fully as much as have the farmers; indeed, probably more.

As a result of this experience there has been much talk, first, of the need of giving more thought to the effect on agriculture in the administration of our larger credit machinery, and, second, of the need for a better system of agricultural credits. People who deal mainly with evidences of credit and those whose business does not give them an opportunity to know of conditions which influence agricultural production are not unnaturally disposed to regard such suggestions as having for their purpose the securing for the farmer of special privileges and undue advantages over other classes. My purpose this evening is to discuss these matters in their larger phases and try to show that not only should careful thought be taken of the effect on agriculture when administering our larger credit machinery, and not only is there need for a better system of agricultural credits, but that the taking of such thought and the meeting of such need will be to the advantage of the Nation at large and business and industry in general, rather than to the special advantage of the farmer.

To begin with, I advance some general statements which I think may be accepted as truisms. It is to the national interest:

First. That the production of such agricultural products as can be grown successfully in this country should be large enough, one year with another, to meet home needs. In short, that agriculturally the Nation should be self-sustaining.

Second. That so far as possible production should be by landowners or those who are in the way of becoming landowners, and that our system of renting land should be such as to enable the tenants to practice diversification of crops and store and market surplus grain and forage crops in the form of live stock. Only when such conditions obtain can we expect that regard for the maintenance of the fertility of the soil which is our greatest national material asset, and upon which the continued life of the Nation depends.

Third. That inasmuch as almost one-half of all our people live on the land, and the surplus population from the country goes to make up a very important part of our urban life, standards of living on the farm should be maintained and improved rather than lowered.

Fourth. That the farms should yield a fair rate of return on the money invested in land and equipment and a wage to those who work them which is fairly comparable, everything considered, with the wage return in the cities and industrial centers. Otherwise there will be an increasing drift of the better class of farmers to the cities, and in the course of time the land will be worked by people of the peasant type.

Fifth. That inasmuch as profits from the rapid advance in the value of land, which heretofore have been very much larger than the profits from yearly farm operations, are fast disappearing, conditions should be such that in the future our farmers can reasonably count on an adequate return from their farm operations.

Sixth. That hazards, risks, and conditions over which the farmer has no control, but which profoundly influence his returns one year with another—such, for example, as changes in the price level, which throw agricultural prices out of their normal relationship to other prices; weather conditions and insect pests, which greatly affect crop yields—should, so far as possible, be carried by the community at large rather than by the individual farmer.

Seventh. That every proper means should be used to establish agriculture upon a basis which will yield adequate returns for productive effort, rather than put a premium on speculative enterprise.

I take it that there will be general assent to the statements I have just made. It is when measures are proposed which seem necessary to insure the conditions suggested by these statements that differences of opinion arise. There is little difficulty in agreeing upon the ideals which we all wish to attain, but when we consider ways and means there is considerable clashing of views.

Take, for illustration, the proposed amendment to the Federal reserve act. The law now reads that when appointing the five appointive members of the Federal Reserve Board the President "shall have due regard to a fair representation of the different commercial, industrial, and geographic divisions of the country." The proposal is to insert the word "agricultural," so that the law will read that the President "shall have due regard to a fair representation of the different agricultural, commercial, industrial, and geographic divisions of the country." Or, as was suggested by the national agricultural conference held in January, "that in the selection of members of the Federal Reserve Board and the directors of the Federal reserve banks, due representation shall be given to agriculture, merchandizing, and manufacturing, to the end that credit policies may the more surely comprehend the welfare of all basic industries."

These proposals that agriculture, as well as commerce and industry, should be represented on the Federal Reserve Board, grew out of the belief that the needs of agriculture have not had due consideration by the board in determining its general policies, and that, as a result, farmers have suffered severely. Whether or not such belief is justified, certainly policies determined by this board may have a pronounced effect upon prices of agricultural products and upon agricultural credits. It seems to be accepted that commerce and industry and finance should be conceded representation on the board. Agriculture, which is our largest and most important industry, surely can claim a similar place in its own right, and in view of the injurious effect upon commerce and industry in general if policies should be adopted which react unfavorably upon agriculture, the astonishing thing is that anyone should object to such recognition. Such objections probably arise out of the fear that what is meant is that an ignorant partisan, familiar with the practical phases of farming but knowing nothing of financial matters, would be appointed were the law changed as suggested. Such a fear is absurd. The proposed change would simply put agriculture on a par with commerce and industry in the wording of the law, and it is a far-fetched assumption that any President would appoint any man not qualified for the position. In the interests of the country as a whole the membership of this board should be a cross section of our varied industrial life. Its policies so directly affect the welfare of agriculture, business, and industry in general that these policies should not be determined until they have had full consideration by men who have broad understanding of our agricultural, business, and industrial life, using the latter word in its broadest meaning.

A careful examination of the credit facilities of the country leads one to the conclusion that they have been devised almost entirely in the interest of industry and commerce. With the notable exception of the Federal farm loan system, the needs of agriculture have had little attention. I do not mean to suggest

that there has been a conscious purpose to develop a credit system to the injury of the farmer, but, rather, that industry, commerce, and business in general have been able to work out and use various credit devices especially adapted to their particular needs, and which the farmer, because of his isolation, of the individualistic character of his business, and of his longer period of turnover, has not been able to use for himself. Having in mind that agriculture is our basic industry, and that it can not be conducted efficiently in the absence of credit facilities suited to its needs, there should be no disagreement with the statement that both long-time and short-time money ought to be as easily and as cheaply available to the farmer as to industry and commerce. The security the farmer has to offer is as good, and the moral risk is fully as low, as with other classes of borrowers.

Heretofore when speaking of the credit needs of the farmer we have been disposed to classify them as long-term or mortgage credit, resting upon real estate as security, and short-term or personal and collateral credit. With the advent of the Federal farm loan system a new and broader conception of farm-mortgage credit has been developed. It is estimated that the total farm-mortgage debt in the United States is about $8,000,000,000. This debt is owing to commercial banks to the amount of approximately $1,500,000,000, to the insurance companies to the amount of perhaps $1,250,000,000, and the remainder to farm-mortgage companies, Federal and joint-stock land banks, various State funds and credit agencies, and individual investors. In well-developed farming sections the interest rate on farm mortgages has been fairly reasonable, although not so low as on other classes of securities no higher in character. In the more recently settled regions the interest rate has been higher than would seem to be justified by the character of the security offered. As a rule farm-mortgage loans run for a period of five years, and are generally made repayable in a lump sum at maturity, although companies which give especial attention to this class of business not infrequently provide for optional yearly payments before maturity.

Under normal conditions it has been possible to renew these mortgages, in whole or in part, upon the payment of a new commission and other incidental expenses, and this has been all the easier because there has been a fairly constant advance in the price of land, thus enhancing the security. However, when such mortgages have fallen due in times of depression or panic, renewals very often of necessity have been denied, and in some cases foreclosure, with consequent loss of the painfully accumulated savings of the farmer.

With the coming of the Federal farm loan system long-time amortized loans were introduced. While this system is hardly past the experimental stage, it promises to remedy many of the difficulties of long-time credit for the farmer. Evidently it has had a helpful effect in reducing interest rates for less-favored agricultural sections. As yet the Federal and joint-stock land banks provide but a relatively small part of the mortgage credit, somewhat less than 7 per cent of the total, but in the Southern and Western States, where interest rates were higher and loans more difficult to obtain, the loans from the Federal system now exceed 10 per cent of the total, and in five of these States exceed 15 per cent.

The most frequently urged objection to the Federal farm-loan system is the tax-exempt privilege of the bonds. I make no argument in favor of tax-exempt securities. I am conscious of the evils and dangers involved in our rapidly increasing volume of such securities, which make it possible for those who have large incomes to shift the tax burden from their own shoulders to those of others less able to bear it, but the Federal farm-loan system is very slightly responsible for the issuance of these tax-exempt securities. While the actual amount of such securities outstanding is not known, it has been estimated by members of the Treasury Department's staff that on January 1, 1922, it was about as follows:

State, county, and minor political subdivisions	$8,142,000,000
United States tax-free bonds (net outstanding)	2,184,000,000
Federal farm-loan bonds (net outstanding)	284,000,000
Bonds of insular possessions (net outstanding)	50,000,000
Total	10,660,000,000

This estimate is below estimates made by various students of taxation, and it makes no allowance for the existence of billions of dollars' worth of semitax-free securities which carry exemptions when held in amounts not exceeding a specified sum. Probably it is not far out of the way to say that we have at least $15,000,000,000 worth of securities upon which no income tax is levied.

In view of the fact that farm tax-exempt securities constitute less than 2 per cent of the whole, such criticism of the Federal farm-loan system is not well taken. It would be to the advantage of the farmer, of the average taxpayer, and of the Government itself, if all tax-exempt securities should be discontinued, but as long as other people are granted such privilege as comes from the issuance of such securities it does not lie in them to protest against similar benefits being extended to the farmer.

Short-time or working credit is secured by the farmer from two sources—the commercial bank and the merchant. Such loans by banks probably aggregate between three and one-half and four billion dollars. It is impossible to estimate the amount of such credit extended by the merchants, but necessarily this also must be carried mostly by the banks. The trouble with such short-time credit as has been available to the farmer is twofold. First, ordinarily the notes given run for a shorter time than he needs the money and therefore must be renewed; and second, except in favored agricultural regions, the interest rate is often higher than farm profits justify the farmer in paying. What the farmer needs is a form of personal credit available for varying lengths of time, according to the purpose for which it is used. It may be called intermediate credit. For the growing of crops credit running from three months to six months is needed; for live-stock growing or feeding the period may run from three months to a year and a half or two years, while for improvement or development purposes, such, for example, as the purchase of certain kinds of machinery, the building of silos and barns, the fencing and draining of land, not infrequently as much as three years' time is needed. Our personal credit machinery, therefore, is not at all adapted to farm requirements. In normal times and in favored regions the farmer can get along fairly well, but in times of financial trouble he is placed at a terrible disadvantage and often is obliged to sacrifice his live stock and grain to the disadvantage not only of himself but of the community at large. For many years past the farmer has been conscious of the disadvantage under which he has labored in this matter of personal credit, but has been unable to help himself. Now, however, due to the economic difficulties of the past two years, bankers and others who have to do with large financial operations, as well as business men whose dealings with farmers are more or less direct, have come to see that the problem is one for them as well as the farmer, and there seems hope of relief.

Two presentations of this matter, both of which have been made recently, are worthy of careful consideration. One is by the Congressional Joint Commission of Agricultural Inquiry, which, after prolonged hearings, last fall made an exceedingly valuable report on credit and has caused the introduction of a bill to amend the Federal farm loan act by establishing a farm credits department in each Federal land bank. In brief, this bill provides that Federal land banks may rediscount notes given for money advanced to farmers for agricultural purposes, such notes having a maturity of not less than six months nor more than three years, these notes to be converted into short-time debentures to be sold to the public in the same way that farm loan bonds are now sold. It is proposed further that such notes shall be eligible for rediscount at any Federal reserve bank when they have reached a maturity of not less than six months; also, the Federal reserve banks would be authorized to buy and sell the debentures issued by the Farm Loan Board, as they now buy and sell farm loan bonds.

The other report was made by the committee on agricultural credit, insurance, and taxation of the National Agricultural Conference. This committee recommended legislation to empower an agency of the Government to discount for banks, trust companies, incorporated live stock associations, and so forth, any note the result of money advanced or used in the first instance for an agricultural purpose; also, to make loans direct to cooperative associations of farmers, such loans to have a maturity of not less than six months nor more than three years at the time they are discounted. Such agency would be authorized to issue or sell debentures with a maturity of not more than three years and Federal reserve banks would be authorized to rediscount for such agency, as well as to buy and sell debentures and other obligations issued by such agency. The committee proposed also that the Federal reserve act be amended to give reserve banks authority to buy and sell notes secured by warehouse receipts covering readily marketable, nonperishable agricultural staples, and also notes secured by live stock.

When it is remembered that among the members of this committee were A. C. Miller, of the Federal Reserve Board; Eugene Meyer, jr., of the War Finance Corporation; Guy Huston, of the Joint Stock Land Bank Association; George Woodruff and Joseph Hirsch, of the American Bankers' Association; A. F. Lever, of the Federal Farm Loan Board; and Theodore H. Price, editor of Commerce and Finance of New York, its recom-

mendations are entitled to the respectful consideration of bankers and financial men generally.

In conclusion, permit me to say that in speaking to you of the need of better agricultural credit it is not with the thought of making a special plea for the farmer or of asking for him special favors to which he is not entitled or advantages over any other class of citizens. The point I have been trying to make is that credit facilities should be provided which are adapted to the peculiar needs of agriculture and thus make it possible for farmers to produce efficiently and abundantly. This is all the more important to our business and industrial life now that we are coming into a period of strenuous competition with foreign manufacturers. Therefore every effort to this end should have the friendly consideration of those who have had training and experience in financial and credit matters.

ADJUSTED COMPENSATION FOR VETERANS OF THE WORLD WAR.

Mr. NEW. Mr. President, I have here a synopsis of the proposed adjusted compensation bill, prepared by the Senator from Missouri [Mr. SPENCER], which puts into very concise and easily understandable form the provisions of that bill. I suggest that it would be well to have it printed in the RECORD, for the convenience particularly of service men, and I ask that that be done.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

SYNOPSIS OF BONUS BILL AS PASSED BY THE HOUSE OF REPRESENTATIVES, BY SELDEN P. SPENCER, UNITED STATES SENATOR FROM MISSOURI.

1. The name of the bill is the World War adjusted compensation act.

It applies to practically every veteran in military and naval forces in the United States between April 5, 1917, and November 12, 1918.

2. It provides for the payment of $1.25 for each day of oversea service, and $1 a day for each day of home service (excluding the first 60 days of service, which was taken care of by the original bonus of $60), with a limit of $625 for oversea service and $500 for home service.

It does not apply to anyone with a grade above that of captain in the Army and its relative rank in the other branches of service.

3. Four optional plans are provided:

a. For adjusted service pay, provided that if the amount coming to the ex-service man is $50 or less, it is payable at once.

b. To receive vocational training aid.

c. To receive farm or home aid.

d. To receive land settlement aid.

The choice must be made by the ex-service man by application to the Secretary of War if he was with the military forces, or to the Secretary of the Navy if he was with the naval forces, and must be made on or before July 1, 1923. Full regulations giving detailed information as to precisely what could be done will be compiled by the War Department and the Navy Department and distributed.

4. No one can interfere by any attachment or levy or any other legal or equitable process with this bonus. It comes from the Government direct to the ex-service man, or if he dies in meantime, to his named beneficiary or estate, nor can the rights under this law be assigned by the ex-service man to anyone else. He must avail himself of it himself.

5. If the ex-service man elects to take an adjusted service certificate, he receives a certificate for the amount due him at the rate of $1 a day or $1.25, as above provided, and in addition for an amount equal to 25 per cent of the actual service compensation, and in addition to this, interest on the full amount at the rate of 4½ per cent compounded annually for 20 years, so that the actual face value of the adjusted service certificate which the ex-service man has is about three times the amount due him at the rate of $1.25 or $1 a day for the time he served, as above indicated.

For example, if a man served 360 days oversea, he would be entitled to $1.25 per day for every day after the first 60 days. This would entitle him to $375. To this amount there would be added 25 per cent of it, or $93.75, and in addition there would be added interest on both amounts at 4½ per cent for 20 years, so that the face value of his certificate would be approximately $1,125.

This certificate is payable in 20 years; that is, on or before September 20, 1942. If the holder should die before this maturity, then the full amount is immediately payable to the person designated by him as his beneficiary, or, failing such designation, to his estate.

If an ex-service man needs any money at any time before September 1, 1925, he can borrow at any State or National bank a half of the amount actually due him for service at the rate per day mentioned above, plus interest on such amount at 4½ per cent compounded annually for the time the certificate has actually run. This loan is based not upon the value of the certificate at maturity but upon the amount due him at the rate per day indicated above, together with interest.

After September 30, 1925, the terms of the loan are more advantageous. A loan then can be made at any post office at 4½ per cent interest. Between October 1, 1925, and October 1, 1928, 85 per cent of the amount actually due for service, plus interest thereon compounded annually, can be borrowed, and as the certificate gets older the borrowing privileges are more and more liberal.

The second choice is vocational aid. To the man who selects this plan there is paid $1.75 for each day he takes vocational training provided for him, but the amount so paid shall not exceed in the aggregate 140 per cent of the amount to which he was entitled for service at the rate per day mentioned above. That is, if a man is entitled to $500 because of his service, he would be entitled to receive $700 if he took vocational training. The vocational training to be selected will be such as the man desires to take and will meet with the approval of the United States Veterans' Bureau. If the man taking vocational training should die before the training is completed, his beneficiary or his estate receives at once the balance due to him.

The third choice is farm or home aid. To the man who selects this plan there is paid at once the amount of his service compensation, computed at the rate per day as indicated above, and to this is added 25 per cent of the amount, but this amount, which becomes at once available, can be used only to enable the man to either make improvements on a city or suburban home or in connection with the farm.

The fourth plan is the land-settlement plan, and provides that the Government shall institute such reclamation projects as a selected board may determine, and when this board has determined what tracts of land shall be reclaimed, then employment, so far as practicable, shall be given in this reclamation work to veterans, and when the project is completed a certain number of acres, which shall not be too large for cultivation by a family and shall be sufficiently large to support the family, shall be allotted to veterans to apply for, and the veteran thus applying therefor shall be allowed to apply on the purchase price of such farm the amount which he is entitled for service as indicated above per day, and to pay the balance of the price of the farm in small installments running, if necessary, through a period of not exceeding 25 years.

If the veteran should die after he has made application for such land, then his beneficiary or his estate would succeed to his rights.

The above is simply a general synopsis of the bill, and is intended to give some idea of what the bill as passed by the House of Representatives provides.

APPOINTMENTS BY EXECUTIVE ORDER.

Mr. HARRISON. Mr. President, I was under the impression that Senate Resolution 258 was to be handed down by the Chair, but I am informed that it is on the table. I therefore move that Senate Resolution 258 be laid before the Senate and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution of the Senator from Mississippi will be read.

The Assistant Secretary read Senate Resolution 258, submitted by Mr. HARRISON on the 3d instant, as follows:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order setting aside the civil-service rules, and to furnish to the Senate the reasons therefor.

Mr. HARRISON. Of course, if there is no objection, and everyone is in favor of the resolution, I shall not occupy the floor.

Mr. MOSES. With reference to the resolution as it stands, the Senator from Mississippi makes an assumption which is not warranted. Does the Senator mean he wishes the President to send us the name of every person appointed by Executive order since the civil service was first instituted?

Mr. HARRISON. No; I mean since the President assumed the control of the Government.

Mr. MOSES. The Senator means the present President?

Mr. HARRISON. Yes.

Mr. MOSES. Mr. President, I assume this information is sought for the purpose of comparison, and if the resolution is to be adopted, I hope at least it will be amended so as to include the prior administration. I will say, further, for the information of the Senator and for the information of the Senate, that every Executive order setting aside the civil-service regulations and authorizing an appointment is printed in the annual report of the Civil Service Commission, and a full statement of the reasons is given always in the order; so that, in my capacity as chairman of the Committee on Printing, which is charged by the statute to guard against waste and extravagance in public printing, I should hope that the Senator would not ask for this information when he can readily go to the files of the reports of the Civil Service Commission and get it.

Mr. HARRISON. I am very glad to know that it is accessible, and there will be no obstacles thrown in the way. I am not asking for an unusual thing, then, according to what the Senator has said.

Mr. MOSES. The Senator is asking for an unusual thing, because he is asking for a lot of duplicated information to be sent by the President, when a diligent Senator could get it for himself.

Mr. STERLING. In corroboration of what has been stated by the Senator from New Hampshire, I simply call the attention of the Senator from Mississippi to the last report of the Civil Service Commission, in which is given the list of appointments under Executive orders.

Mr. HARRISON. When was that made?

Mr. STERLING. This is the 1921 report, containing a list of the orders excepting the persons named from the requirements of the rules, and they are given in detail.

Mr. HARRISON. Does that give the reasons for the orders?

Mr. MOSES. Yes; Mr. President, in every case the date of the order and the reasons for it are given. The first order printed here is dated October 2, 1920, and they run down to September 23, 1921.

Mr. HARRISON. That is one of the very reasons, may I say, why I offered this resolution and asked for its immediate consideration. That report gives the list only up to September, 1921, and I want to bring it down to date. It has been some months since then.

Mr. MOSES. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Senator will state his inquiry.

Mr. MOSES. Just what is the status of the resolution? Is the Senator asking unanimous consent for its present consideration?

Mr. HARRISON. It is already before the Senate.

The PRESIDING OFFICER. The resolution is on the table, and the Chair understands the Senator from Mississippi has moved to take it from the table and proceed with its consideration. That motion, the Chair understands, has not yet been put.

Mr. MOSES. If I may, I move that the resolution be referred to the Committee on Civil Service.

Mr. KING. Will the Senator from Mississippi yield to me?

Mr. HARRISON. I yield.

Mr. KING. I would like to inquire of the Senator from South Dakota whether or not that report, or any report which has been made by the Civil Service Commission, will reveal the fact that several hundred employees in the customs service of the Government have been removed or transferred by Executive order, or by some order, largely because, or ostensibly for the reason, that they have opposed the American valuation plan of determining the duties to be imposed upon articles imported into the United States? Has the President or has any executive officer given any information as to the reasons for those changes and transfers?

Mr. MOSES. The question is not addressed to me, Mr. President.

The PRESIDING OFFICER. The Chair desires to know whether the Senator from Mississippi has yielded the floor or not?

Mr. HARRISON. No; I have the floor, and I yielded to the Senator from Utah.

Mr. KING. And I propounded an inquiry to my distinguished friend from South Dakota.

Mr. STERLING. No; it does not. The Civil Service Commission report, under the head of "Executive orders," refers, I think, for the most part, to individual cases. So far as I have scanned that report, it does.

Mr. MOSES. If I may add a word, Mr. President, these orders which are issued are for the purpose of putting people into the classified service without regard to the civil service rules, and an Executive order has to be issued in every case. The Civil Service Commission invariably refuses its assent. That happens under all administrations, Republican and Democratic.

Mr. STERLING. Appointing some originally, or reinstating some?

Mr. MOSES. The Civil Service Commission always withholds its assent, but the Executive always overrides it. However, Mr. President, I am sure the Senator from Mississippi will pardon us if we go on talking, because it helps in the general policy of delay which I am sure his record shows he so much desires.

Mr. HARRISON. Mr. President, I did not yield to be upbraided in that way.

Mr. MOSES. I beg the Senator's pardon; I did not want to upbraid him. I thought I was stating a perfectly patent fact.

Mr. HARRISON. I am not trying to take up time unnecessarily, and I make a point of order against the motion of the Senator from New Hampshire to refer the resolution to a committee, because it is not in order. My motion must be put before that would be in order.

The PRESIDING OFFICER. The Chair did not understand that the Senator from Mississippi had yielded the floor for the purpose of allowing another Senator to make a motion to refer the resolution to a committee.

Mr. MOSES. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. MOSES. What is the motion now before the Senate?

The PRESIDING OFFICER. As the Chair understands, the Senator from Mississippi has moved to take from the table Senate Resolution 258.

Mr. MOSES. I move to amend that by adding the words "and refer it to the Committee on Civil Service."

The PRESIDING OFFICER. The Senator from Mississippi has not yielded for that purpose.

Mr. MOSES. He has made a motion, and I am entitled to move an amendment to his motion.

The PRESIDING OFFICER. The Senator from Mississippi was discussing his motion and until he yields the Senator from New Hampshire can not move to amend.

Mr. MOSES. I beg the Senator's pardon; I hope he will go on with his discussion of the resolution.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas.

Mr. HARRISON. I yield.

Mr. CURTIS. I want to ask as a parliamentary inquiry if a motion to commit a resolution to a committee does not have precedence?

The PRESIDING OFFICER. It may have, possibly, when a Senator has an opportunity to make such a motion. The Senator from Mississippi has the floor as yet.

Mr. MOSES. Will the Senator from Mississippi yield to me for a question?

Mr. HARRISON. I yield to the Senator, if I can get the floor again, for the purpose of allowing him to make his proposed motion, so that we can have the whole thing before the Senate.

Mr. MOSES. I simply ask the Senator from Mississippi to accept the amendment to his motion which I have proposed.

Mr. HARRISON. I do not want my resolution buried in that way.

Mr. MOSES. Oh, Mr. President, the Senator does not mean "buried." The Senator from South Dakota [Mr. STERLING], the chairman of the committee, will give the resolution every consideration, and very sympathetic consideration, I am sure.

Mr. HARRISON. Mr. President, I did not know that there would be any opposition to this resolution, and I am very much surprised. I thought there would be cooperation in trying to obtain this list of names of people who have been appointed by the President since the 4th of March, 1921, by Executive order. The Senator from New Hampshire, who is always alert, and who was yesterday styled a political spoilsman, cites us to this report——

Mr. MOSES. Mr. President, may I correct the Senator?

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. HARRISON. I yield.

Mr. MOSES. I want it to appear very clearly in the RECORD that I am self-styled that way.

Mr. HARRISON. I thought the Senator had a pretty good opinion of himself.

Mr. President, the report of the Civil Service Commission does not furnish the information I want. If it did, I would not press this resolution. It only furnishes a list of names of persons appointed under Executive order up to August, 1921. The great number of Executive orders, I understand, have been signed by the President since that time, only when influence has been brought to bear by the distinguished Senator from Illinois and others who sought patronage. So the list I want is not incorporated in this report of the Civil Service Commission. We need it, and we should have it.

Mr. MOSES. May I ask the Senator a question?

Mr. HARRISON. Another thing about this report which impresses me as I look over it is that the reasons are not assigned in all cases. They are supposed to be assigned, but they are not assigned in this report. I notice in numerous instances that no reason was assigned for the action. My resolution calls for the reasons as well as for a list of the names.

Now I yield to the Senator for a question.

Mr. MOSES. I simply wished to ask the Senator if he could not content himself in patience until the next report came out?

Mr. STERLING. May I correct the Senator in regard to his resolution? It does not call for any reasons at all. It just asks for names.

Mr. HARRISON. The resolution I have offered?

Mr. STERLING. I beg the Senator's pardon; I see that it does call for the reasons.

Mr. HARRISON. That is one of the things I wanted, because I thought that in some cases the reasons could not be given. I hope the resolution will be adopted, so that we may be informed as to just how many Executive orders have been issued placing these people in the classified service.

Mr. MOSES. What is the motion?

The PRESIDING OFFICER. The motion is to take from the table Senate Resolution 258 and proceed with its consideration.

Mr. MOSES. I move to amend that by striking out the words "proceed with its consideration," and add the words "refer it to the Committee on Civil Service."

Mr. HARRISON. I make a point of order against that.

The PRESIDING OFFICER. The Senator from Mississippi will state his point of order.

Mr. HARRISON. I make the point of order that that motion is premature, that the resolution must be before the Senate first, and then if the Senator wants to make his motion he can do so.

The PRESIDING OFFICER. The Chair understands that the motion is not amendable. The Chair will put the question.

Mr. CURTIS. I desire to know if it would not be in order at this time to move to commit the resolution, and if that would not have precedence over the motion to take it up.

The PRESIDING OFFICER. It is not before the Senate yet.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. KING. I desire to inquire if the resolution is not automatically before the Senate?

The PRESIDING OFFICER. The Chair understands not. It is still on the table.

Mr. KING. It is my understanding that under the rule it went over yesterday, and to-day automatically came before the Senate.

The PRESIDING OFFICER. It has been on the table for some time, the Chair understands. It was offered several days ago.

Mr. CUMMINS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. CUMMINS. My point of order is that during the morning hour a motion of this character is not debatable.

The PRESIDING OFFICER. The point of order is well taken; but the debate had closed.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. HARRISON. Is it in order and permissible at this time for me to answer the question propounded by the Senator from Utah, that the reason why we did not take up the resolution yesterday, when it was presented to the Senate, was because the Senator from Nebraska asked me to let it go over until to-day, and I did so at his instance.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi to take this resolution from the table and proceed with its consideration.

Mr. HARRISON. I ask for the yeas and nays.

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum, and the Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	France	Moses	Simmons
Ball	Frelinghuysen	Myers	Spencer
Borah	Gooding	Nelson	Stanley
Broussard	Harreld	New	Sterling
Bursum	Harrison	Nicholson	Sutherland
Calder	Heflin	Norbeck	Townsend
Cameron	Hitchcock	Norris	Trammell
Capper	Jones, N. Mex.	Oddie	Underwood
Caraway	Jones, Wash.	Overman	Wadsworth
Culberson	Kendrick	Page	Walsh, Mass.
Cummins	Keyes	Pepper	Walsh, Mont.
Curtis	King	Phipps	Warren
Dial	Ladd	Rawson	Watson, Ga.
du Pont	La Follette	Reed	Weller
Elkins	McCormick	Sheppard	
Fernald	McKinley	Shields	
Fletcher	McNary	Shortridge	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Mississippi [Mr. HARRISON] to proceed to the consideration of Senate Resolution 258, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the junior Senator from Ohio [Mr. WILLIS] and vote "nay." I will let the announcement of this pair and its transfer stand for the day.

Mr. SHIELDS (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE]. I understand that he is absent. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WATSON of Indiana (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], which I transfer to the junior Senator from Oregon [Mr. STANFIELD] and vote "nay."

The roll call was concluded.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on official business. I ask that this announcement may continue through the day.

Mr. STANLEY (after having voted in the affirmative). Has the junior Senator from Kentucky [Mr. ERNST] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. STANLEY. I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and allow my vote to stand.

The PRESIDING OFFICER (Mr. JONES of Washington, after having voted in the negative). The Chair desires to state that the senior Senator from Virginia [Mr. SWANSON] is necessarily absent, and I agreed to take care of him for the day. I transfer my pair with that Senator to the junior Senator from Michigan [Mr. NEWBERRY] and allow my vote to stand.

Mr. CALDER. Has the senior Senator from Georgia [Mr. HARRIS] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. CALDER. I am paired with the senior Senator from Georgia [Mr. HARRIS]. I transfer that pair to the senior Senator from Utah [Mr. SMOOT] and vote "nay."

Mr. DIAL. I wish to announce that the senior Senator from Georgia [Mr. HARRIS] is detained on official business.

Mr. KING (after having voted in the affirmative). May I inquire whether the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. KING. I have a general pair with the senior Senator from North Dakota. I transfer my pair with that Senator to the senior Senator from Ohio [Mr. POMERENE] and allow my vote to stand.

Mr. CURTIS. I wish to announce that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Oklahoma [Mr. OWEN], and that the Senator from Vermont [Mr. DILLINGHAM] is paired with the junior Senator from Virginia [Mr. GLASS].

The result was announced—yeas 28, nays 40, as follows:

YEAS—28.

Ashurst	Fletcher	La Follette	Simmons
Borah	Harrison	Myers	Stanley
Broussard	Heflin	Norris	Trammell
Caraway	Hitchcock	Overman	Underwood
Culberson	Jones, N. Mex.	Reed	Walsh, Mass.
Cummins	Kendrick	Sheppard	Walsh, Mont.
Dial	King	Shields	Watson, Ga.

NAYS—40.

Ball	Frelinghuysen	Moses	Rawson
Bursum	Gooding	Nelson	Shortridge
Calder	Harreld	New	Spencer
Cameron	Jones, Wash.	Nicholson	Sterling
Capper	Keyes	Norbeck	Sutherland
Curtis	Ladd	Oddie	Townsend
du Pont	McCormick	Page	Wadsworth
Elkins	McKinley	Pepper	Warren
Fernald	McLean	Phipps	Watson, Ind.
France	McNary	Poindexter	Weller

NOT VOTING—28.

Brandegee	Glass	McCumber	Robinson
Colt	Hale	McKellar	Smith
Crow	Harris	Newberry	Smoot
Dillingham	Johnson	Owen	Stanfield
Edge	Kellogg	Pittman	Swanson
Ernst	Lenroot	Pomerene	Williams
Gerry	Lodge	Ransdell	Willis

So Mr. HARRISON's motion to take from the table Senate Resolution 258 was rejected.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. MOSES. The motion which has just been rejected was a motion to take from the table and to consider, was it not?

The PRESIDING OFFICER. It was.

Mr. MOSES. A further parliamentary inquiry. Mr. President, would it now be in order for me to move to take the resolution from the table and refer it?

The PRESIDING OFFICER. In the opinion of the Chair, it would be.

Mr. MOSES. Then, I move to take from the table Senate Resolution 258.

Mr. HARRISON. I hope the Chair will not render an opinion prematurely on the motion. Does the Senator from New Hampshire make the motion?

Mr. MOSES. I am about to make the motion under the ruling of the Chair.

Mr. HARRISON. I did not understand the Chair to make a ruling.

The PRESIDING OFFICER. The Chair simply expressed an opinion that the motion suggested by the Senator from New Hampshire [Mr. MOSES] would be in order, but the Chair would be perfectly willing to listen to argument on the subject, because the Chair does not claim to be an expert parliamentarian.

Mr. MOSES. Of course, the Senator from Mississippi is, and therefore he will give us his opinion.

Mr. HARRISON. No; I am merely waiting for the motion to be made, and then I shall make a point of order against it.

Mr. MOSES. Then, I move that Senate Resolution 258 be taken from the table and referred to the Committee on Civil Service and Retrenchment.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire.

Mr. HARRISON. I make the point of order that the motion is not in order; that if a resolution or a bill is on the table the only motion which may be properly made is to take it from the table and lay it before the Senate; and that a matter must be before the Senate before it may be referred to a committee.

The PRESIDING OFFICER. The Chair is of the opinion that the two propositions may be coupled in one motion, and therefore overrules the point of order made by the Senator from Mississippi.

Mr. HARRISON. Then, I ask for a division of the question, so that the vote may first be taken on the motion to take the resolution from the table.

The PRESIDING OFFICER. The Senator from Mississippi asks for a division of the motion. The question is, Shall the resolution be taken from the table?

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on the part of the motion to take the resolution from the table.

The Assistant Secretary proceeded to call the roll.

Mr. SIMMONS (when his name was called). I have a pair with the junior Senator from Minnesota [Mr. KELLOGG], who is absent. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "yea." On the last vote I inadvertently overlooked the fact that my pair was absent.

Mr. STANLEY (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as on the last roll call, I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. In view of the necessary absence of the Senator from Virginia [Mr. GLASS], with whom I have a general pair, I transfer that pair to the Senator from Michigan [Mr. NEWBERRY] and will vote. I vote "yea."

Mr. DIAL. I desire to make the same announcement as to the absence of the Senator from Georgia [Mr. HARRIS] that I made on the former vote. He is necessarily absent on official business.

Mr. SHIELDS. Making the same announcement as previously in reference to my pair and its transfer, I vote "yea."

The result was announced—yeas 64, nays 1, as follows:

YEAS—64.

Ashurst	Gooding	Moses	Shortridge
Ball	Harreld	Myers	Simmons
Borah	Harrison	Nelson	Spencer
Broussard	Heflin	New	Stanley
Calder	Hitchcock	Nicholson	Sterling
Cameron	Jones, N. Mex.	Norris	Sutherland
Capper	Jones, Wash.	Oddie	Swanson
Caraway	Kendrick	Overman	Townsend
Curtis	Keyes	Page	Trammell
Dial	King	Pepper	Underwood
Dillingham	Ladd	Phipps	Wadsworth
du Pont	McCormick	Poindexter	Walsh, Mass.
Elkins	McCumber	Rawson	Walsh, Mont.
Fletcher	McKinley	Reed	Watson, Ga.
France	McLean	Sheppard	Watson, Ind.
Frelinghuysen	McNary	Shields	Weller

NAYS—1.

Bursum

NOT VOTING—31.

Brandegee	Gerry	Lodge	Robinson
Colt	Glass	McKellar	Smith
Crow	Hale	Newberry	Smoot
Culberson	Harris	Norbeck	Stanfield
Cummins	Johnson	Owen	Warren
Edge	Kellogg	Pittman	Williams
Ernst	La Follette	Pomerene	Willis
Fernald	Lenroot	Ransdell	

So the motion to take Mr. HARRISON's resolution from the table was agreed to.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The question recurs on the second part of the motion of the Senator from New Hampshire [Mr. MOSES].

Mr. HARRISON. Mr. President, I take it that the resolution is now before the Senate, and therefore I desire to discuss it.

Mr. CURTIS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas will state his parliamentary inquiry.

Mr. CURTIS. The morning hour not having expired, I ask if the motion is debatable?

Mr. HARRISON. It is after 1 o'clock.

Mr. MOSES. But the morning hour has not expired.

The PRESIDING OFFICER. The Chair understands that the motion before the Senate was divided; the question was taken on the first part of that motion; and now the question recurs on the second part of the motion. In the opinion of the Chair, the question is not debatable during the morning hour.

Mr. HARRISON. Mr. President, does the Presiding Officer hold that the resolution being now before the Senate, a motion made to refer it to the committee is not debatable? I understand the rule specifically states that a motion to proceed to the consideration of a bill is not debatable before 1 o'clock; I believe that is the hour stated; but there is nothing in the rule which prevents a Senator from discussing a motion to refer, whether before 1 o'clock or after 1 o'clock. The resolution now being before the Senate, I submit that I have a right now to be heard upon the motion to refer.

The PRESIDING OFFICER. The Chair is still of the opinion that the question having arisen in the way it did arise, namely, on the motion of the Senator from New Hampshire that the resolution be taken from the table and referred, and then, on request of the Senator from Mississippi that motion being divided, and action having been taken on the first part, the same rule applies to the consideration of the second part of the motion as would apply to the motion if undivided.

Mr. HARRISON. But I desire to offer a substitute for the motion at the proper time, and whether the resolution should be referred or whether we should proceed to its immediate consideration, I submit, Mr. President, a motion to refer is debatable. I do not like to appeal from the ruling of the Chair.

Mr. MOSES. Mr. President, in the case of the Senator's own motion to take from the table and consider his resolution, which was the manner in which he stated his motion, it was held not to be debatable.

Mr. HARRISON. But since then the resolution has been taken from the table and laid before the Senate.

Mr. MOSES. The Senate has acted on one-half of the motion to take from the table and refer.

Mr. HARRISON. Yes.

Mr. MOSES. And the Chair has ruled that it all reverts back to the one motion, which is not debatable, having been made prior to 2 o'clock.

Mr. SUTHERLAND. Regular order.

The PRESIDING OFFICER. An appeal may be taken, of course, but it is the opinion of the Chair that he has ruled correctly on the question now before the Senate. If it were an independent matter brought up at this time, the Chair would be inclined to agree with the Senator from Mississippi.

Mr. KING. Mr. President, will the Chair hear me for just a moment, if the Senator from Mississippi will yield?

The PRESIDING OFFICER. Certainly.

Mr. KING. It seems to me that the moment the motion was divided and the segregation occurred, the latter part of the motion would stand exactly in the situation as if it were a motion de novo; as if it were an original proposition. I can not conceive of its being carried back by some sort of a Siamese twin twist of the rule to a situation which existed anterior to the division. As soon as the division occurred and the separation resulted, then the latter part of the proposition stands or falls upon its own merit, the same as if it were an original proposition. I respectfully submit that the distinguished occu-

pant of the chair misconceives the rule and applies it in too narrow a manner.

The PRESIDING OFFICER. Perhaps the Chair does.

Mr. MOSES. Mr. President, the integral quality of my motion can not be destroyed.

Mr. HARRISON. Mr. President, I suggest to the Chair that Rule VIII, on page 13 of the Manual, reads as follows:

> At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

Now, here is the point I desire to impress upon the Chair:

> All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

This is not a motion to proceed to the consideration of any matter. I am going to offer a substitute for the motion to refer the matter to a committee, and I submit that when I do that it can be debated. A motion to proceed to the consideration of a matter can not be debated, but a motion to refer it to a committee certainly should be debated, so that the Senate may be informed whether they shall proceed to the immediate consideration of it or have it go to a committee. I submit that the rule expressly says that it shall not be debated if it is a motion to proceed to the consideration of a matter, and says nothing in the world about a motion with respect to reference.

Mr. MOSES. Mr. President, has the Senator from Mississippi appealed from the ruling of the Chair?

The PRESIDING OFFICER. If Senators will permit the Chair to say just a word, the Senator from Mississippi has read the rule which governs procedure under the calendar.

Mr. HARRISON. Yes.

The PRESIDING OFFICER. The Chair would like to ask the Senator if he believes that this motion would have been debatable if it had been voted upon as a unit, without having been divided?

Mr. HARRISON. No; in its original form it was not debatable.

The PRESIDING OFFICER. Now, it is divided for the convenience of the Senate, in order that it may vote on each question separately. That is the object of the division. The Chair still is of the opinion that the rule applies to the divided question the same as it did to the original question.

Mr. MOSES. And has the Chair so ruled?

The PRESIDING OFFICER. The Chair so rules.

Mr. HARRISON. If the Chair will permit me, the question was divided for the reason that all except one Senator wanted to proceed to take the resolution from the table, and they voted that way. We are divided on the question of whether we want to proceed to the immediate consideration of it or refer it to a committee.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MOSES. The Chair having ruled, is the Senator from Mississippi taking an appeal from the ruling of the Chair?

Mr. HARRISON. No; I do not want to appeal.

Mr. MOSES. Then the Senator is out of order.

Mr. HARRISON. But I move, as a substitute, to proceed to the immediate consideration of this resolution.

Mr. CURTIS. Mr. President, a point of order. That motion is out of order. The question is on referring it.

Mr. HARRISON. Mr. President, the motion that was voted on was to take the resolution from the table and proceed to its consideration. This motion is, since it is before the Senate, to proceed to its consideration; and it is a new proposition, offered as a substitute for the motion to refer it to the committee. We are divided now on that question, and I can not understand why the Senator should make a point of order.

The PRESIDING OFFICER. The Chair will not feel at all embarrassed if the Senator desires to take an appeal, because he does not claim to be an expert on the rules; but the Chair is thoroughly convinced that the only thing in order now is to vote on the second part of the question before the Senate.

Mr. HARRISON. I offer an amendment to the motion to refer, that the committee be instructed to report to the Senate within three calendar days.

Mr. CURTIS. I make the point of order that that is out of order.

Mr. REED. That is in order.

Mr. KING. Mr. President, a parliamentary inquiry. Would not a motion to refer the resolution to some particular committee be in order?

The PRESIDING OFFICER. A motion was made to refer it to a particular committee. That was the motion before the Senate—to take it from the table and refer it to a particular committee.

Mr. KING. Yes. Now, is not that amendable, I ask, as a parliamentary inquiry? The motion is to refer the resolution to some other committee, and obviously that is amendable. If that motion was proper, then it is proper to instruct the committee named in the first motion to report within a certain time, because it follows under the rule that a motion to refer is proper. It does not mean that you may not move to instruct the committee how to report, or when to report. So I submit that the amendment offered by the Senator from Mississippi is proper, just as much as it would be if he should move to refer the resolution to some other committee, to the Judiciary Committee or any other committee of the Senate, rather than the one named in the motion.

Mr. HARRISON. We can not hear the argument of the Assistant Secretary in his conversation with the Chair, but I assume that he is correct.

The PRESIDING OFFICER. The Assistant Secretary advises the Chair at his request as to a point on which the Chair is somewhat in doubt; but in order to solve the doubt the Chair will go contrary to the advice and everything else, and hold that the motion of the Senator is in order, and not debatable. So the question before the Senate is the motion of the Senator from Mississippi to amend the motion to refer by instructing the committee to report in three days.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MOSES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Frelinghuysen	McNary	Shields
Ball	Gooding	Moses	Simmons
Broussard	Harreld	Myers	Smoot
Bursum	Harrison	Nelson	Spencer
Calder	Heflin	New	Stanley
Cameron	Hitchcock	Nicholson	Sterling
Capper	Jones, N. Mex.	Norris	Sutherland
Caraway	Jones, Wash.	Oddie	Swanson
Curtis	Keyes	Overman	Townsend
Dial	King	Page	Trammell
Dillingham	Ladd	Pepper	Wadsworth
du Pont	La Follette	Phipps	Walsh, Mass.
Elkins	Lenroot	Poindexter	Watson, Ga.
Fernald	McCormick	Rawson	Weller
Fletcher	McKinley	Reed	Williams
France	McLean	Sheppard	

Mr. DIAL. I desire to announce the absence of the Senator from Georgia [Mr. HARRIS] on official business.

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. I understand that the yeas and nays have been ordered.

The PRESIDING OFFICER. They were ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CALDER (when his name was called). I transfer my pair with the Senator from Georgia [Mr. HARRIS] to the Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. DILLINGHAM (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. KING (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence, I transfer my pair with him to the senior Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. SHIELDS (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. SIMMONS (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "yea."

Mr. STANLEY (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WILLIAMS (when his name was called). Has the senior Senator from Indiana [Mr. WATSON] voted?

The PRESIDING OFFICER. He has not.

Mr. WILLIAMS. I have a pair with that Senator, and in his absence I am not at liberty to vote. If I were, I would vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Massachusetts [Mr. LODGE] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

Mr. FRELINGHUYSEN (after having voted in the negative). I transfer my general pair with the Senator from Montana [Mr. WALSH] to the senior Senator from Iowa [Mr. CUMMINS] and allow my vote to stand.

Mr. DIAL. I make the same announcement with reference to the Senator from Georgia [Mr. HARRIS], that he is absent on official business, and ask that this announcement may stand for the day.

Mr. BALL (after having voted in the negative). Has the senior Senator from Florida [Mr. FLETCHER] voted?

The PRESIDING OFFICER. He has not.

Mr. BALL. I transfer my pair with that Senator to the junior Senator from South Dakota [Mr. NORBECK] and allow my vote to stand.

The result was announced—yeas 21, nays 37, as follows:

YEAS—21.

Ashurst	Kendrick	Reed	Trammell
Broussard	King	Sheppard	Walsh, Mass.
Caraway	La Follette	Shields	Watson, Ga.
Dial	Myers	Simmons	
Harrison	Norris	Stanley	
Heflin	Overman	Swanson	

NAYS—37.

Ball	Frelinghuysen	Moses	Spencer
Bursum	Gooding	Nelson	Sterling
Calder	Harreld	New	Sutherland
Cameron	Jones, Wash.	Oddie	Townsend
Capper	Keyes	Page	Wadsworth
Curtis	Ladd	Pepper	Warren
Dillingham	McCormick	Phipps	Weller
du Pont	McKinley	Poindexter	
Fernald	McLean	Rawson	
France	McNary	Smoot	

NOT VOTING—38.

Borah	Gerry	McCumber	Shortridge
Brandegee	Glass	McKellar	Smith
Colt	Hale	Newberry	Stanfield
Crow	Harris	Nicholson	Underwood
Culberson	Hitchcock	Norbeck	Walsh, Mont.
Cummins	Johnson	Owen	Watson, Ind.
Edge	Jones, N. Mex.	Pittman	Williams
Elkins	Kellogg	Pomerene	Willis
Ernst	Lenroot	Ransdell	
Fletcher	Lodge	Robinson	

So Mr. HARRISON's amendment to the motion to refer was rejected.

Mr. HARRISON. Instead of referring the resolution to the Committee on Civil Service, I move that it be referred to the Committee on Post Offices and Post Roads, with instructions that they report to the Senate within three calendar days, and on that I ask for a division.

Mr. CURTIS. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. CURTIS. I make the point of order that this motion is not in order. It is not in order to move to substitute another committee.

The PRESIDING OFFICER. The Chair sustains the point of order, for the reason among other things he has already stated. In this respect the Chair may have been wrong in his former ruling, though he did it as a matter of expedition. This motion now changes the original motion as it came before the Senate, which was to take from the table and refer to a particular committee, and that motion was in order. A division of that question simply gave an opportunity to the Senate to vote on each one of those questions separately. Now, the motion of the Senator changes that proposition entirely.

Mr. HARRISON. The Chair holds, then, that we would have to vote down the motion to refer it to the Committee on Civil Service and then we could vote on the other motion.

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. HARRISON. It may be that some of the Senators present thought that my amendment did not allow sufficient time for the Committee on Civil Service to consider the resolution, just three days. So I move to amend by providing that they shall make a report within six calendar days. I make a point of no quorum.

Mr. MOSES. No business has intervened since the last vote, which disclosed a quorum present in the Chamber.

Mr. HARRISON. Mr. President, I submit that the Chair has just sustained a point of order against a motion I made, and that, therefore, business has been transacted. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	Myers	Spencer
Ball	Harreld	Nelson	Stanley
Borah	Harrison	New	Sterling
Broussard	Heflin	Norbeck	Sutherland
Bursum	Hitchcock	Norris	Swanson
Calder	Jones, N. Mex.	Oddie	Townsend
Cameron	Jones, Wash.	Overman	Trammell
Capper	Kendrick	Page	Underwood
Caraway	Keyes	Pepper	Wadsworth
Cummins	King	Phipps	Walsh, Mass.
Curtis	Ladd	Poindexter	Walsh, Mont.
Dial	Lenroot	Rawson	Warren
Dillingham	McCormick	Reed	Watson, Ga.
du Pont	McKinley	Sheppard	Weller
Fernald	McLean	Shields	Williams
Fletcher	McNary	Shortridge	
Frelinghuysen	Moses	Simmons	

The PRESIDING OFFICER. Sixty-six Senators have answered to the roll call, and a quorum is present.

Mr. HARRISON. Mr. President, were the yeas and nays ordered on this amendment?

The PRESIDING OFFICER. They were not.

Mr. HARRISON. I ask that the Secretary report the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. The Senator from Mississippi moves to amend the motion by adding the following words:

And that the committee be instructed to report the same back to the Senate within six calendar days.

Mr. STERLING. I make a point of order that any amendment is out of order.

The PRESIDING OFFICER. The Chair ruled that a similar motion before was in order, and no question was made of the ruling. The question is now on the amendment offered by the Senator from Mississippi.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CALDER (when his name was called). I transfer my pair with the senior Senator from Georgia [Mr. HARRIS] to the junior Senator from Oregon [Mr. STANFIELD], and vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. Not knowing how that Senator would vote, I withhold my vote.

Mr. SHIELDS (when his name was called). Making the same announcement as to my pair and transfer, I vote "yea."

Mr. STANLEY (when his name was called). Making the same announcement with reference to my pair and its transfer, I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement with reference to my pair and its transfer, I vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the Senator from Ohio [Mr. POMERENE], and vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The result was announced—yeas 26, nays 36, as follows:

YEAS—26.

Ashurst	Heflin	Reed	Underwood
Borah	Hitchcock	Sheppard	Walsh, Mass.
Broussard	Jones, N. Mex.	Shields	Walsh, Mont.
Caraway	Kendrick	Simmons	Watson, Ga.
Dial	Ladd	Stanley	Williams
Fletcher	Myers	Swanson	
Harrison	Norris	Trammell	

NAYS—36.

Ball	Frelinghuysen	Nelson	Shortridge
Bursum	Gooding	New	Spencer
Calder	Harreld	Norbeck	Sterling
Cameron	Jones, Wash.	Oddie	Sutherland
Capper	Keyes	Page	Townsend
Cummins	Lenroot	Pepper	Wadsworth
Curtis	McCormick	Phipps	Warren
Fernald	McKinley	Poindexter	Watson, Ind.
France	Moses	Rawson	Weller

NOT VOTING—34.

Brandegee	Gerry	McCumber	Pomerene
Colt	Glass	McKellar	Ransdell
Crow	Hale	McLean	Robinson
Culberson	Harris	McNary	Smith
Dillingham	Johnson	Newberry	Smoot
du Pont	Kellogg	Nicholson	Stanfield
Edge	King	Overman	Willis
Elkins	La Follette	Owen	
Ernst	Lodge	Pittman	

So Mr. HARRISON'S amendment to the motion to refer was rejected.

ADDITIONAL DISTRICT JUDGES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the resolution now goes to the calendar, and the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CUMMINS. Mr. President, I ask that the pending question be stated.

The PRESIDING OFFICER. The pending question will be stated.

The READING CLERK. The pending question is the amendment offered by the senior Senator from Florida [Mr. FLETCHER] to the amendment of the committee, in line 22, page 10, to insert before the word "and" the words "for the southern district of Florida, one."

Mr. NELSON obtained the floor.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Tennessee?

Mr. NELSON. For what purpose does the Senator ask me to yield? I have no objection to yielding if the Senator merely desires to introduce a bill or other paper.

Mr. SHIELDS. I wish to speak about one matter connected with the pending bill. It will require only a moment.

Mr. NELSON. I have no objection to yielding if the Senator desires to introduce some paper.

Mr. SHIELDS. I am informed that while I was absent from the Chamber this morning the Senator from South Dakota [Mr. STERLING], as a matter of courtesy to the junior Senator from Kentucky [Mr. ERNST], offered an amendment to the pending bill to restore to the bill a provision for a judge for the middle district of Tennessee. The House bill provided for this judge, and it is the House bill that was reported with amendments and is now being considered. The provision for a judge in the middle Tennessee is immaterial, in the sense that it would be considered by a conference committee, and therefore there is no amendment necessary in order that it may be finally considered.

Tennessee has two Senators in this body and, if I may be allowed to say so, they are both able to take care of the affairs of Tennessee and to provide all necessary judges, and they have introduced and had a bill of that kind passed on two occasions.

I have understood that the junior Senator from Kentucky moved to strike this provision from the House bill in the committee in its last meeting when I was absent on account of illness, and it was so stricken. It is not necessary that it be considered or that any amendment be offered to the bill. What has come over the spirit of the dreams of the junior Senator from Kentucky, what influences have changed his mind, I am not here to state and will not in his absence state any opinion I may have. But I do wish the Senate to know that the two Senators from Tennessee are amply able to take care of proper provisions for the judiciary of their own State.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. NELSON. I yield.

Mr. STERLING. I simply desire to say that I do not doubt the ability of the two Senators from Tennessee to look after the judicial requirements of that State, but I think the senior Senator from Tennessee knows that I presented the amendment suggested to the bill, providing for a judge for the middle district of Tennessee, at the special instance and request of the junior Senator from Kentucky [Mr. ERNST], and on his behalf and out of courtesy to him. The amendment was not offered as an amendment, but I think the RECORD will show that I submitted it as an amendment intended to be proposed at the proper time. I did not know the amendment had been offered.

Mr. SHIELDS. I want it distinctly understood that I was not resenting any action of the Senator from South Dakota, and I thought I had stated that much. If not, I now state that his action in the matter was mere courtesy to the junior Senator from Kentucky and was in no sense an interference with the prerogatives and duties of the Senators from Tennessee.

The provision is in the bill and is one that ought to have stayed in it. Tennessee has one of the ablest district judges in the United States. The Chief Justice went out of his way to say, when he was before the Committee on the Judiciary of the House, that Edwin T. Sanford, of Tennessee, was one of the ablest district judges of the United States and was overworked, and in that I agree with him. He is a fine judge, he is an industrious judge, and in the two districts for which he holds court, one of them not having a judge provided by law, he does twice as much business as some of the judges in districts for which assistance is provided, and five times as much as some of those judges.

Mr. NELSON. Mr. President, I propose to take the time of the Senate but for a few moments in discussing the amendment of the Senator from Florida [Mr. FLETCHER] proposing to appoint an additional judge for the southern district of Florida. The Senator from Florida on yesterday in his remarks, after adding between 200 and 300 cases to those listed in the report of the Attorney General as pending and undisposed of in the southern district of Florida, kept continually comparing that judicial district with other judicial districts of the country. The fact of the matter is, however, that Florida, with a population of not more than 1,000,000, has two districts, and as a result of the manner in which the State was divided into those districts in 1894 the district court in the northern district of Florida has very little business to transact. Let me read the figures as to the number of cases which were pending there undisposed of on June 30, 1921:

United States civil cases	4
Criminal, including prohibition cases	146
Admiralty cases	26
All other cases	32
Total cases	208

That is the number of cases pending in that district on the date indicated.

As a matter of fact, the judge of that district does not spend, and it is not necessary for him to spend, to exceed two months in the year in his district. He spends most of his time, and he has done so for the last two years, holding court in the State of New York.

The situation in Florida is peculiar in one respect, Mr. President. Some years ago, in 1890, a man by the name of Charles Swayne, from either Delaware or Maryland—there was some question raised in the impeachment case whether he was from one State or the other—was appointed district judge for the northern district of Florida. For some reason, Judge Swayne became very unpopular; and from what transpired in the impeachment proceedings I have reason to believe that there was some ground for his unpopularity. Four years after he had been appointed judge, largely, I presume, because of his unpopularity, most of the territory in the northern district—Swayne's district—was transferred to the southern district; so that out of 61 or 62 counties in the State of Florida, 41 counties were transferred to the southern district of Florida, including nearly all of the long peninsula, as Senators will see if they will examine the map hanging on the wall of the Chamber, from the Georgia line clear down to the coast, embracing all the towns of any consequence except Pensacola on the west; Tallahassee, the capital of the State; and a small town of about 3,000, Apalachicola. All the other towns of any consequence in a wide range of territory were transferred to the southern judicial district. From the best information I could obtain at the time, the transfer was made because of hostility to Judge Swayne.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator from Minnesota at that point, I desire to state that other important points in the northern district of Florida are Marianna, where there is one term of court held, Madison, Live Oak, Lake City, and Gainesville. Gainesville is far over toward the eastern part of the State. The distance from Gainesville to Pensacola must be 350 miles at least, Pensacola being at the extreme western end of the northern district, while Gainesville is at the eastern end of the district. A term of court is also held at Gainesville.

Mr. NELSON. As I have stated, two-thirds of the territory of Florida was put into the southern district in 1894, four years after Judge Swayne had been appointed. The hostility against him continued, and the delegation from Florida were constantly pressing for his impeachment. They finally suc-

ceeded in inducing the House of Representatives to prefer articles of impeachment against him in 1904. Judge Swayne was tried here. There was a large vote against him; my recollection is that on one or more of the articles of impeachment I voted for his conviction; but there was an insufficiency of votes to constitute the two-thirds vote which was necessary to convict him.

Mr. President, it seems to me if Florida would utilize the services of the judge in the northern district, who has little or no work to do, for the work in the southern district, the business could be properly transacted. Adding the number of cases in the two districts together, leaving out draft and bankruptcy cases, there would not be over 1,500 cases for the two judges.

As I have said, the judge of the northern district spends very little time in that district; most of his time being spent in holding court in the State of New York. It may be that the judge in the southern district has a great deal of work, but where there are two districts in a State and one judge has little or no work to do, why can his services not be utilized in the district where there is more work instead of his going outside into other States? If I have the list correctly, it appears that nearly all of the larger towns in Florida are in the southern district, including Jacksonville, with a population of 91,000; Key West, with a population of over 19,000; Miami, with a population of 29,000; Tampa and West Tampa, with a population of 59,000; Palm Beach, with a population of 8,650; St. Augustine, with a population of 14,237; Orlando, with a population of 9,282; and Lakeland, with a population of 7,062. All of those towns are in the southern district, which, as I have said, was carved out of Judge Swayne's district.

As I said a moment ago, the number of towns in what is left of the northern district, comprising the Panhandle, are Apalachicola, with a population of 3,066; Tallahassee, with a population of 5,637; and Pensacola, with a population of 31,000. There are some other smaller towns, but they are not of great consequence.

I have examined the railroad map of Florida and find that the railroad facilities in that State are good. There is a road which runs from Pensacola eastward through Tallahassee, connecting with the great lines running down the east and west coasts. A judge residing in any part of the State will experience no difficulty in reaching any other part where a term of court is to be held. There is even a railroad running to Key West, which is situated away down in the Gulf. There is also a railroad running down the western coast of Florida nearly the whole length of the State, and there are two lines, I believe, on the east coast. There are also lines running across from one of these railroads to the other. Thus the State has good railroad facilities.

Mr. President, to do exact justice in the case of Florida, either one of two things should be done: Either some of the territory now in the southern district should be placed in the northern district, where it really belongs, thus equalizing the districts and making it entirely possible for the two judges to conduct the business of the Federal courts in those districts; or, as has been done in Massachusetts and Minnesota, the State could be made one district and the services of the two judges could be utilized all over the State irrespective of district lines.

Massachusetts, with a population of over 3,000,000, has at present only one district judge, the entire State comprising one district. This bill proposes to add two additional judges to the Massachusetts district, and when the business and the population of that district are compared with others, that does not seem to me to be unreasonable.

The Senator from Florida yesterday made considerable ado about the distances by water around the coast of Florida from one place to another. Mr. President, as I have indicated excellent lines of railroad run there, and it is very easy by means of those railroads for a judge to travel from place to place where terms of court are to be held; he need experience no trouble in that respect whatever.

I imagine that one of the reasons back of the suggestion that an additional judge be provided for the southern district of Florida is that the judge in the northern district is not very well liked and that, therefore, the people of the State desire to secure an additional judge for the southern district.

The Senator from Florida stated that the creation of an additional judge for the southern district of Florida would not involve much expense. Mr. President, the creation of new judges does involve considerable expense, for every time a new judge is appointed there is created a life office. The judge not only receives his full salary while he is in office but he continues to draw that salary for life. It seems to me in the interest of economy—and we all talk economy, but fail oftentimes to enforce it—that no additional judge should be appointed for the southern district of Florida, but that one of two things, as I have indicated, should be done: Either equalize the districts from the standpoint of territory—and that can easily be done, as Senators may see if they will examine the map—or else do, as has been done in Massachusetts and Minnesota, make the entire State one district, and then the judges may be sent anywhere within the State to hold court.

Florida is not such a very large State. It is large compared with some of the Atlantic States and the New England States, but in comparison with our Western States it is not large. It contains 58,000 square miles. Minnesota has 83,000 square miles, and the distances from southern to northern or northeastern Minnesota, on Lake Superior, are fully as great as the distances in Florida. So it seems to me that it is utterly unfair and unreasonable, under the circumstances, to ask for another judge for the southern district of Florida. The people themselves can correct and remedy the matter at their next legislature. They can set back to the northern district some of the territory that belongs to the northern district, equalize it, divide up the territory, and divide up the business so that each judge will get his fair share of the business. As it is now they have one judge in the southern district with a large amount of business on hand, and they have one judge in the northern district with little or no business. The total number of civil cases in his district was only 4. The total number of criminal cases—I read from the last report of the Attorney General—

Mr. FLETCHER. Mr. President, if the Senator will allow me to interrupt him, the Senator suggests that the legislature can correct that situation. I submit that the legislature can not redistrict the State. Only Congress can take action of that sort.

Mr. NELSON. It can be done by an act of Congress.

Mr. FLETCHER. That would not meet the situation.

Mr. NELSON. A bill can be introduced in Congress, and there is no trouble in passing such a bill, dividing up the territory equitably. The representatives of Florida brought about this condition themselves by securing legislation detaching most of the important part of the northern district from that district and assigning it to the southern district, and leaving the judge with only that little panhandle that runs west to Pensacola. All the rest of the State, all the business end of the State, all the populous end of the State is in the southern district. The northern district has next to no business.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Certainly.

Mr. KING. If I understand the Senator, he is discussing now the two districts in Florida, and is accounting for the fact that in one district there is a vast amount of business and in the other but little. Why does not Congress amend the act so that either the senior judge could call upon the other judge, or there could be a redistricting of the State with reference to population and litigation?

Mr. NELSON. This judge now can be called into the southern district, but they do not want him there, I presume. The judge in the northern district spends most of his time holding court in New York City, and there are one or two other cases of that kind in the country. When they come up here I will refer to them. Here is one district with little or no business, the northern district of Florida. They have a judge there. Instead of utilizing him in the southern district of Florida, as they might and ought to do, he goes off to New York and holds court up there during the whole summer, and has little or no business.

My position is this—and I say it in all fairness: The territory and population of these two districts should be equalized and put in such a condition that there is a fair proportion of population and business and territory in each district. If that is done, the two judges that are there now can easily do all the business in Florida. The same result can be reached in another way, by doing as they do in Massachusetts and as we do in Minnesota, and having the State all one district. That can be done. If the State were made all one district, the judges could go all over the State and change with one another.

Mr. KING. The Senator, if he is making a plea now for legislation of either character, I think, speaks wisely.

Mr. NELSON. I say, either one of those things can be done. I do not feel like initiating legislation of that kind for Florida. I am simply suggesting it. The legislation to remedy this evil ought to come from the Senators from Florida. Instead of that, they come up now and ask for an extra judge for the southern district, and do not propose to do anything about the other matter.

Mr. KING. Mr. President, before the Senator concludes, if he has not already discussed the matter, I hope he will call attention to some of these other States—for instance, Massachu-

setts, where two judges are allowed—and demonstrate, as I think the Senator can, that there is no necessity for two additional judges in Massachusetts.

Mr. NELSON. I will refer to them when they come up; but Massachusetts has a lot of business. It has 3,000,000 people——

Mr. WALSH of Massachusetts. Four million.

Mr. NELSON. And there is a great commercial center there; and Massachusetts has only one Federal judge. Just think of that! Massachusetts to-day has only one Federal judge, and Florida, with not quite a million people, has two, and now the Senators from that State want a third, and they are finding fault because Massachusetts wants three.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that we are not finding fault with Massachusetts, but this is the situation: If we had an additional judge in the southern district of Florida we would still need all the time that Judge Sheppard, of the northern district, could spare from his court to assist the two in the southern district of Florida. Nobody dislikes Judge Sheppard. Everybody loves him, and he is a splendid judge; but he has his own court to attend to, and his district stretches over an area of 400 miles one way.

Mr. NELSON. I do not know what the reason is. I only know that he spends most of his time holding court in New York City, more than he does in the northern district of Florida.

Mr. FLETCHER. He does both; but in summer he is obliged to come to New York for some reason or other, and he spends most of his time there, and he is helping out with the work all the time. He is not loafing.

Mr. NELSON. I shall not take up the time of the Senate in needless discussion. I have aimed to state the facts as I know them.

Judge Swayne, when he went down there, turned out to be a most unpopular judge. After he had been there about four years, or something like that, they cut up his district into pieces, as it is now. They followed that up by impeachment proceedings and a trial, and he was finally acquitted. I have nothing to say about that matter. I think there was some good ground for complaint against Judge Swayne; but I ask Senators to look at the map and see what resulted from cutting up his territory as they did and putting everything in the southern district of Florida. Look at the State of Georgia, and you will see that practically all the territory south of the southern line of Georgia down to the Gulf is in the southern district, while the panhandle that extends westward, which I understand is the poorest part of the State, the least densely inhabited, with the least towns, is put into one district, and the facts show that there is little, if any, business there. The total number of all kinds of cases in the district, outside of draft cases and bankruptcy cases, is 208. They had only one draft case in that district. They had 192 bankruptcy cases.

I can say nothing more. I have no feeling about this matter, Mr. President. I have simply aimed in this case, as I have in the others, to work in the interest of economy and the welfare of the United States.

The Senator from Florida took occasion to compare Florida with Minnesota. I want to say to him that Minnesota to-day has 2,500,000 people. It contains 83,000 square miles. From the southwest part of the State to the northeast part, on Lake Superior, is a distance of probably seven or eight hundred miles. It has two large cities, the great commercial and jobbing center of that northwestern territory, with a population in the two cities—and they have grown together so that it is difficult to tell one from the other—of over 600,000. It is not only a great wholesale and jobbing place for all that northwestern country, but it is a great railroad center. Outside of Chicago, I think it is the greatest railroad center in the Northwest anywhere. In addition to that it is by all odds and by great lengths ahead of every other city as a milling center. The quantity of wheat ground there and the volume of flour manufactured there is enormous. They grind from 25,000 to 50,000 barrels a day, and even more.

Then, in the northeastern part of our State, in the territory contiguous to or back of Duluth, we have the greatest iron mines in America. We produce from those iron mines I think somewhere around 70 per cent of all the iron ore mined in the United States. In one of the ranges—I believe the Cayuna Range—there is considerable manganese ore. Our mines are peculiar in this respect: We have not only the common deep mines, where they bore in the ground and hoist the water and the ore up to the surface, but we have large mines there on the Mesaba Range, where they plow and scrape off the ground on the surface, scrape it down to the iron ore, lay railroad tracks on top of the ore, blast the ore on both sides, and load it onto the cars with steam shovels like they load gravel out of a gravel pit onto a freight car. The business of Duluth is enormous. That is the point from which all the iron ore is shipped and nearly all the coal that Minnesota uses. The shipping is immense. Minnesota is unfortunate in one way. While we have such an abundance of iron we have no coal, and the result is that our iron ore is shipped from Duluth, Two Harbors, Superior, and other points at the head of the lake, down to the ports on Lake Erie, and our supply of coal is brought up in vessels. All this traffic makes a good deal of business for our courts.

The Senator from Tennessee [Mr. SHIELDS] yesterday, in one of his questions, showed that he was astonished at the number of civil cases there were in Minnesota. If he knew the volume of business that was handled in the Twin Cities, as we call them, and at Duluth, in the iron mines and in the mills, he would not be astonished at that amount of litigation.

Mr. President, before I sit down I intend to refer to some remarks of the Senator from Tennessee [Mr. SHIELDS]. If I understood him correctly, he held this bill to be unconstitutional because it provided for the transfer of judges, not only within a circuit but from one circuit to another. I think he went so far as to say it was unconstitutional and irregular. I do not intend to quote the statutes now, but if he will refer to the statutes he will find that there are in them to-day provisions for the transfer of judges from one district to another district in the same circuit, and that the transfer is to be made upon the certificate of the clerk of the court under the existing statutes.

He will also find in the existing statutes two provisions for transfer of judges from a district court in one circuit to another circuit. It is nothing new; it is in the statute now. Let me read the last part of section 13 of the Judicial Code:

> Whenever it shall be certified by any such circuit judge or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district in another circuit to hold said court and to discharge all the judicial duties of the judge so disabled.

I cite this because it shows that this provision is not new. Under certain conditions district judges can be transferred from one circuit to another.

Section 14 of the Judicial Code provides:

> When, from the accumulation or urgeny of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk—

And so forth.

I call attention to that to show that in the existing provision of law the transfer of a judge from one district to another in the same circuit is made upon the certificate of the clerk.

We do not adopt any new theory, but we adopt a more systematic plan of carrying out what is already in the statutes. The provisions which we have incorporated in the bill were prepared by Judge Dennison, one of the ablest and best circuit judges. There were provisions in the bill as it came to us from the House and there were provisions in the "18 judge" bill, what some called "roving" judges, introduced at the instance of the Department of Justice, in reference to this matter, but we adopted this language, and see how plain it is. Instead of leaving it to the certificate of the clerk of the court, we leave it to the judge. The bill provides that section 13 of the Judicial Code shall be amended so as to read:

> SEC. 13. (1) A district judge for a district may be designated to act in another district of the same circuit (including territory attached thereto)—
>
> (a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is or who is to be necessarily absent from his district;
>
> (b) In aid of a district judge who on account of the accumulation and urgency of business is unable to perform speedily all the work of his district;
>
> (c) In aid of a district judge when the public interests so require.

Listen to this:

> (2) Such designation shall be made by the senior circuit judge whenever he is satisfied that condition (a), (b), or (c) exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable.

How much superior that is to this provision in the Judicial Code. I read it again:

> When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk—

It is left to the clerk of the court in the law as it is.

> Under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof.

We do not change the principle of transfer. We only put it in a plainer and more workable manner than it is in the existing statute. There is no innovation. If this bill is unconstitutional, as the Senator contends, we have had unconstitutional provisions in our statutes ever since the Judicial Code was adopted, and even before that, because some of these provisions are taken out of the Revised Statutes.

Section 16 of the pending bill refers to the transfer of judges from one district to another in the same circuit. It provides:

The designation provided for by sections 13, 14, and 15—

That is, by the senior circuit judge or the circuit justice—

shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.

(2) It shall be filed in the clerk's office and entered in the minutes of the district court of the aided district—

And so forth.

I want to call attention to the simple and plain way in which we have provided for the transfer of a judge from one circuit to another, as compared with the existing statute. The pending bill provides:

SEC. 15. (a) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or its attached territory (called herein the aided district) in place of or in aid of a judge thereof, in case—

(a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and

(b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States—

And so forth.

In other words, the circuit judge of the home circuit of the judge who is to be transferred and loaned to another circuit has to certify that he can be spared, and then the judge of the other circuit has to certify that he is needed, and when the two judges so certify to the Chief Justice of the United States, he makes the transfer. Is not that more logical and more reasonable than the provision contained in this law I have quoted, which provides:

Whenever it shall be certified by any such circuit judge or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge—

And so forth.

In this bill we not only provide that the circuit judge of the circuit that is loaning the judge must certify that he can be spared, but that the circuit judge of the circuit in which it is desired to secure his services must certify that he is needed. In any case, it is left in the hands of the Chief Justice.

So in principle there is nothing novel in this. If the Senator maintained that a district judge having been appointed to a given district is an immovable fixture, and we have no constitutional right to move him from his own district, we would have no right to move him to a district in the same circuit. If you can move a district judge from his district to another district in the same circuit, what constitutional impediment is there to having that same district judge moved to another district in another circuit? In other words, if I may use a rather vulgar phrase, if you can move him from his roost at all, there is no reason why you can not move him from a district in one circuit to a district in another, if you can move him from one district to another in the same circuit.

I do not want my friend from Florida [Mr. FLETCHER] to think we are discriminating against him. There was another case brought before our committee somewhat similar to the Florida case. An amendment was offered, and we rejected it on the same principle on which I am opposed to the Florida amendment. I refer to the eastern district of Washington. An amendment no doubt will be offered covering that. What are the facts? The eastern district of Washington has not any more business than the northern district of Florida, if as much. Let me call attention to the amount of business in that district. The total number of cases, outside of bankruptcy and draft cases, was 104. That is less than the number in the district in Florida. Judge Rudkin, of that district, spends most of his time holding court in the northern and in the southern districts of California, and has spent very little time in his own district.

I make these statements because I want the Senator from Florida to understand that I did not discriminate against him. I took the same view of the Washington case that I did of the Florida case. The western district of Washington has two judges to-day. One of the judges in the western district spent part of his time in the southern district of California, and the other judge of that district spent a large portion of his time holding court in the city of New York.

I shall not weary the Senate further. We preach economy on the stump and here in the Senate, but when it comes to applying it as a practical matter I am sorry to say that we fail. I have always felt and I feel to-day that while I owe a duty to my constituents, I owe a higher duty to the Government of the United States.

It is my duty here at all times to stand for the welfare and protect the interests of the Federal Government. The Federal Government has many of what I might call quasi enemies. They think everything is fair to get from the Government. "Go to the Government and get anything you will and it is all right. Grab with all your might in any direction. Uncle Sam has shoulders enough and pockets enough to bear it."

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Florida?

Mr. NELSON. Certainly.

Mr. FLETCHER. On that particular point I am quite convinced myself, and I believe I submitted an argument yesterday which would prove, that it would be more economical for the Government to place an additional judge in the southern district of Florida than it would be to keep sending help from the outside, even from the northern district.

But with reference to the case of Washington I call the Senator's attention to the fact that the table shows the total number of cases pending in the eastern district of Washington was 104 as against 1,336 pending in the southern district of Florida, and in the western district of Washington the total number of cases pending was 713 as against 1,336 in the southern district of Florida, and in the western district of Washington they already have two judges.

Mr. NELSON. I am aware of the fact, and it may seem ungracious to oppose Senators when they want additional judges. We are all creatures of circumstance, and we all have our friends and we all have our candidates for judges in one form or another. It may seem rather ungracious, but I refer to this case of the State of Washington more for the purpose at present of pointing out to the Senator from Florida that I was not actuated by any discriminatory feeling against their State. I took the same stand in reference to that matter that I did in the case of Florida, and I shall take it in every case if similar cases are brought here. I feel that my first duty is to protect the Federal Government, and next to that is the duty to do what is for the best interests of justice, economy, and good government.

Mr. TRAMMELL. Mr. President, I am sure that no one would question the sincerity at all times of the Senator from Minnesota and no one would for a moment think of him being actuated by any discriminatory motives.

It is the policy of the bill, as brought before the Senate by the committee, to afford relief to districts in which relief is needed. The committee has not recommended a policy of consolidation of districts nor of the discontinuance of a particular district in a State, but has adopted a policy of considering the districts respectively. On yesterday my colleague very forcefully brought to the attention of the Senate in argument and by statistics the fact that the southern district of Florida is one of the most congested in its business and is needing relief as greatly as any district in the United States. Based upon the case of merit, upon the conditions which demand relief, we are asking the Senate to allow an additional judge for the southern district of Florida. The merits of the question have previously been considered by the Senate. On two occasions the Senate has previously passed a measure providing for an additional judge for this district in Florida. The merits have also been passed upon by the House, the House Committee on the Judiciary having recommended an additional judge, and in the bill of which this is an amendment the House wrote a provision for an additional judge in the southern district of Florida.

Take the question of the two districts in the State. It is true that there is a much larger volume of business in the southern than in the northern district. It is true that there is more territory in the southern than in the northern district. But this condition exists in almost every State of the Union in the United States district courts. An analysis of the situation will disclose that in many States where an increase in the judiciary is being authorized there are districts which are not congested, and in a number of instances districts which will have but little, if any, more business than the northern district of Florida. Take the court which has no more business than the court can dispatch, necessarily if we look at the docket of pending cases we can not determine the amount and the volume of business in that district, because it is not allowed to accumulate and to congest the dockets. On the other hand, in the congested districts, necessarily the business accumulates and piles up on account of the judge not being able to dispatch the business promptly.

The northern district of Florida covers in a very large measure the older part of the State. That is one of the best sections

of our State, and there are many prosperous towns in that part of Florida which were not mentioned by the distinguished Senator from Minnesota [Mr. NELSON] in going over the list of cities and towns in the northern district.

I have not taken the time to compile the statistics, but I am confident that within that district there is a population of not less than 350,000. I know that the district embraces within its limits all of one congressional district and a considerable part of another congressional district in the State of Florida. It is true that the judge may have the time to work in another district, but, on the contrary, it is untrue that the judge of the northern district and the judge of the southern district of Florida would be able to attend to all of the business in the two districts.

In the Minnesota cases referred to it is true that in the two districts they have probably 200 more cases than they have in the two districts in Florida, but it is proposed on that account that an additional judge be given to Minnesota. In that case we would have an additional judge for Minnesota and the three judges in that State would find a docket of only about 100 more cases for consideration than the three judges would find in the two districts of Florida if we were allowed an additional judge for the southern part of that State.

The congestion in the southern district of my State is deplorable. It is absolutely impossible for one judge to dispatch the business coming before his court under the present conditions. There is not a judge in the United States who could do it. We have a very able and capable judge in that district, a man who is interested in his work, who is endeavoring to dispatch business, but it is humanly impossible for him to dispatch the work which is incumbent upon him in that large district.

Geographically speaking, it would be very inconvenient for the State of Florida to be consolidated into one district and have the headquarters of the court in one particular city. It is true that we have splendid railroad facilities and good train service, of which we are proud, but on account of the peculiar geographical condition and situation of the State we can not reach the northwestern part of the State from southern points without making an "elbow" to get into that part of the State. If one would go from any of the more northern or western section cities down into the interior or southern part of the State, it means a trip from Pensacola to Jacksonville and back down the other angle of the elbow to wherever he wishes to go.

It would be very impractical to have the districts consolidated. The most practical and logical thing to do is to have two districts in the State. If we consolidate the business of the two districts there will be more business than can possibly be dispatched, and dispatched as it should be, by two judges.

We have presented the case of the southern district of Florida, and, as I have before stated, the committee has adopted a policy of considering each district upon its own merits in other States. In this district, when the statistics were made which were presented to the committee, there were pending 1,336 cases, and we have only one judge. The bill provides for one new judge in the eastern district of New York and two for the southern district of New York, where they already have three judges, making a total of six, with nothing like the number of cases pending proportionately in those courts, according to the number of judges, that we have pending in the southern district of Florida. In the eastern district of Pennsylvania one additional judge is provided, although that district now has two judges, with a total of 2,788 cases pending, which is nothing like a proportionate number of cases, according to the number of judges, that are pending in the southern district of Florida.

In the western district of Pennsylvania, with a total of 2,449 cases pending, with two judges at present, it is proposed to authorize one additional judge. In that instance, if we divide the number of cases by two judges it will be found that there are only 1,224 cases pending before each judge. In the southern district of Florida there were 1,336 cases pending at the time the statistics found in the committee's report were prepared, and on account of the rapid increase of business to-day there are over 1,600 cases; yet an additional judge is authorized in the western district of Pennsylvania, with an average of only 1,224 cases to each judge, but an additional judge, in the opinion of the Senator from Minnesota [Mr. NELSON], should be denied Florida, with 1,336 cases pending in the southern district of that State.

In the northern district of Texas we find there are two judges at present, with a total of 1,220 cases pending. The committee proposes to allow one additional judge to the northern district of Texas, which will give that district three judges, with 1,220 cases pending—a smaller number of cases pending for three judges than we have in the southern district of Florida for one judge.

In the eastern district of Michigan, with a total of only 754 cases pending, having already one judge of course, there is to be authorized under the pending bill an additional judge.

For the two districts of Ohio it is proposed to give one new judge. At present there are four judges in Ohio and there are 1,411 cases pending there. There is an instance where, with four judges at present and with only 1,411 cases pending, in comparison with 1,336 cases pending in the southern district of Florida, it is proposed to give an increase of one judge to be added to the four already sitting there at the present time.

The northern district of Illinois has two judges at present, with 2,184 cases pending, and it is proposed to authorize one new judge there. Even with only two judges, according to the statistics, they have no more upon them in the way of litigation to dispose of for each judge than does the judge of the southern district of Florida; yet it is proposed to allow an additional judge in the northern district of Illinois.

Take the eastern district of Missouri. At present there is one judge; the total number of cases pending in that district is 622; yet it is proposed under the pending bill to authorize an additional judge for the eastern district of Missouri.

Montana, with one judge and a total number of cases of 525, is to be given an additional judge by the pending bill.

For California, with two judges in the district and only 1,179 cases pending, it is proposed to provide an additional judge.

Arizona, with only 310 cases pending, is to have an additional judge.

Oklahoma, with 1,399 cases in the eastern district, is to have an additional judge. The Oklahoma case is one that might very reasonably be compared with the Florida case, because the number of cases pending in that court is approximately the same as in the southern district of Florida.

I submit, Mr. President, that doubtless in a number of these instances an additional judge should be authorized, and that the public business requires that Congress provide for additional assistance for the purpose of dispatching the court business of the country; but I can not quite conceive of the logic of some of our friends who oppose Florida having an additional judge for the southern district of the State when, upon the other hand, they are supporting each of these additional judgeships as provided in the pending measure.

All we ask for is that Florida be dealt with just the same as the other States and districts of the Union have been dealt with by the committee. We feel that Florida is justly entitled to an additional judgeship for the southern district of the State. We are actuated by absolutely sincere motives and only desire to have the public business of the State which is transacted by the Federal courts expeditiously carried on, as it should be.

In our State we have a number of good Republicans, one of whom, no doubt, will be appointed to the judgeship should it be created. We have no hope of having a Democrat appointed to the judgeship there; but we do feel that the business of the court in the southern district of the State demands this relief and that Florida deserves this consideration at the hands of Congress. I very much hope, therefore, Mr. President, that the amendment offered by my colleague the senior Senator from Florida [Mr. FLETCHER] will be agreed to.

Mr. CUMMINS. Mr. President, I have no hestiation in saying that the southern district of Florida, considered in and of itself, is entitled to an additional district judge; but I desire to suggest to the Senate some of the reasons which influenced the Judiciary Committee in the exclusion of that district, all of which reasons, at least, have not been stated by the Senator from Minnesota [Mr. NELSON].

The general purpose of the committee was to provide the United States, as a whole, with a sufficient judicial force. In many instances the survey of the subject passed far beyond the immediate districts concerned. As the Senator from Minnesota has stated, the northern district of Florida has so little business of a judicial character that the judge of that district is able to employ half or more than half of all his time beyond the district, and latterly it has been employed beyond his circuit. It is very clear to me that in considering the needs of the southern district of Florida we ought to take into account and give great weight to the fact that the judge of the northern district of Florida could give half or more than half of his time to the work of the southern district of Florida, and I do not know of any reason why he should not be assigned to the southern district of Florida instead of being assigned to the southern district of New York.

Moreover, I desire to call the attention of the Senate to another fact. If Senators will look at the map that hangs on the wall, it will be seen that the States of Alabama and Georgia

lie immediately north of and adjoining the State of Florida. The State of Alabama is already provided with three district judges, and I say frankly that I think it has more district judges than its necessities demand. The State of Georgia has two district judges, but this bill provides another judge for Georgia. If that provision remains in the bill, it will be seen that the group of States composed of Georgia, Alabama, and Florida will have eight district judges. I think eight district judges are all that are required and, indeed, more than are required for the transaction of the judicial business of those three States. I have no doubt—at least, it was so with me, and I think it was so with some of the other members of the committee—that we took into account the judicial force of that group of States; and there is no reason in the world why the eight district judges should not combine their energies for the purpose of trying cases in those States.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER (Mr. BURSUM in the chair). Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I do.

Mr. SHIELDS. Referring to the argument the Senator is making as to the three States he has mentioned, and especially as to Florida, where he speaks of the northern district not having sufficient business to occupy the judge all the time—I have not examined it, and I do not know how it is in detail, but I will look at it—and therefore that he should aid in the southern district, where unquestionably great congestion exists, I ask the Senator, why was not that principle applied to the State of Ohio? It is conceded that the two judges in the southern district have their dockets clean and tried up, and that they are spending much of their time in holding court in other districts. Why give a new judge to the northern district of Ohio, instead of letting the two from the southern district relieve that congestion?

Mr. CUMMINS. I do not think that is true of the southern district of Ohio in the degree or anything approaching the degree in which it is true of the northern district of Florida; and the docket of the southern district of Ohio, as I remember, is very much larger than the docket in the northern district of Florida. Let us see.

Mr. SHIELDS. Mr. President, we know as a fact that those two judges are holding court in other districts.

Mr. CUMMINS. I do not know it personally.

Mr. SHIELDS. The Senator will remember that Judge Sater, of Columbus, of that district, stated before the committee that he held court in Pennsylvania and in Tennessee and in some other districts.

Mr. CUMMINS. Yes; I do know that; and I think it is a very common thing; but I do not know that Judge Sater was absent from his own district for months at a time, although he may have been. I have no information on that subject; but I desire the Senate to know that in the southern district of Ohio on the 30th of June last there were 448 criminal cases pending and undisposed of, and that there were 309 civil cases pending and undisposed of.

I mention these things, Mr. President, simply to show that the committee made an effort to provide sufficient judicial force in every part of the country; and with me, at least, the fact that the northern district of Florida had little business, and that there are to be six judges in Alabama and Georgia, influenced my action to some extent.

Mr. FLETCHER. Mr. President, permit me to call the Senator's attention to this situation, which evidently escaped the committee in considering this bill if they were looking at it from the standpoint the Senator now mentions.

New York, for instance, has nine judges already. The committee proposes to give that State three more. There are certain districts in New York where they certainly do not need any additional judges, and where they have no more business than in the northern district of Florida. Take Vermont and Connecticut, right around New York, and that whole region: In Vermont, for instance, the total number of cases is 185, and in Connecticut the total number of cases is 386. There they have two judges, nine judges in New York, right in that immediate vicinity, and the same way in New Hampshire.

Mr. CUMMINS. The committee took those facts into consideration. New York has a population of more than 9,000,000 people, and the circuit is composed of New York, Connecticut, and Vermont.

Mr. FLETCHER. They have 9 judges in New York alone, 1 in Vermont, 1 in Connecticut, 1 in New Hampshire, and so forth; but I say that if the committee were reviewing the matter from that standpoint they could have found in these circuits, right adjacent to each other, less need for additional judges than exists in the southern district of Flordia; and the Senator is altogether mistaken about the idea that the judge in the northern district of Florida has practically nothing to do, or that only a small portion of his time is taken up with his work. The figures show that there are pending in that court, undisposed of, 209 cases, and in addition to that 192 bankruptcy cases, 1 draft case, and 22 prohibition cases, making a total of 424 cases pending now in the northern district of Florida.

Mr. CUMMINS. That is including the draft and the prohibition and the bankruptcy cases.

Mr. FLETCHER. Yes; but there are 209 cases outside of that.

Mr. CUMMINS. I did not mean to be understood as saying that there was no business in the northern district of Florida; but I said that the business of the northern district of Florida did not consume more than half the time of the judge of that district.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. HARRISON. I notice that this report states the number of cases that are pending that have not been tried in the various districts, and it seems that that moved the committee to make its various recommendations. Did they not take into consideration the number of cases that were tried in these various courts? Does not the Senator think that that is a better way to judge as to the need of a new judge, rather than to state how many cases are left over and not tried?

Mr. CUMMINS. The committee undertook, as well as it could, to examine the report of the Attorney General showing the number of cases that had been disposed of in the various courts during the preceding year.

Mr. HARRISON. It would seem to me that the fact that there were not many cases left over shows that one judge was doing his duty, and that those who had a lot of cases left over were not doing their duty. What I rose to ask the Senator, however, was this: He was speaking of that southern tier of States there—Tennessee, Georgia, Alabama, and Florida.

Mr. CUMMINS. I did not speak of Mississippi.

Mr. HARRISON. That is why I am going to ask the Senator a question. I am wondering if there was any method in that madness or in that omission. Why was Mississippi omitted in the discussion of the Senator?

Mr. CUMMINS. There was no movement upon the part of anyone representing Mississippi for additional judicial force, and I infer from the record made by the report of the Attorney General that those representing Mississippi, not only here but in the other House, felt that they could not conscientiously ask for another judge, in view of the comparatively little business done in the court in Mississippi.

Mr. HARRISON. That does not answer the question that I propounded to the Senator. I asked him why it was that he omitted to mention Mississippi in connection with his discussion a few moments ago, when he said that there were so many judges for Alabama, Georgia, and Florida.

Mr. CUMMINS. I did not mention Mississippi because Alabama and Georgia lie immediately north of Florida and have an easy entrance into Florida through the means of communication that are established, and the judges of Alabama and of Georgia, assuming that all their time would not be required at home—and as to that I assert nothing—can easily reach Florida.

Mr. HARRISON. It was not, then, because if the one judge who is assigned to Mississippi under the law had been added to the sum total of those in Georgia and Alabama and Florida it would reduce the average that the Senator omitted the State of Mississippi?

Mr. CUMMINS. I should be sorry to arrange a system that would require the single judge that Mississippi has to be assigned anywhere else. I think the judge in Mississippi has all that a judge can comfortably do.

Mr. HARRISON. The Senator said that Mississippi was omitted because apparently the Senators and the delegation in the House made no move to bring that about.

Mr. CUMMINS. No; I said that it was not considered because apparently there had been no representations from Mississippi that the work there had accumulated so that an additional judge was necessary.

Mr. HARRISON. The Senator from Mississippi could do no more than to offer an amendment and to introduce a bill; and the Senator from Iowa, of course, is aware that there is pending a bill to create a new judgeship for Mississippi, and that an amendment was offered to this bill to that effect; and I think the Senator from Tennessee offered that amendment in the committee.

Mr. CUMMINS. I do not remember that the Senator from Tennessee offered such an amendment, though he may have done so.

Mr. HARRISON. It would have taken the usual course and been defeated had it been offered.

Mr. CUMMINS. I do not know that. If the Senator means that there was any discrimination on account of the locality from which the amendment came, he is very much mistaken, because we have added in this bill, I think, everything considered, quite as liberally to the South as we have to the North.

Mr. HARRISON. Yes; you have put in 3 judges for the South and 16 for the North. That is the liberality that the Senator's committee has shown.

Mr. SHIELDS. And that is enough.

Mr. HARRISON. That is enough under the present circumstances, I think. May I ask the Senator a question?

Mr. CUMMINS. Certainly.

Mr. HARRISON. Of course, the Senator is aware, because he has been on the committee for a long time and he has voted three times, I think, for a bill which has passed the Senate for the creation of another judgeship in Mississippi——

Mr. CUMMINS. Never.

Mr. HARRISON. The Senator may have done it when he did not know what he was voting for, but I will say to the Senator that on three different occasions bills have passed the Senate for the creation of a second judgeship for Mississippi.

Mr. CUMMINS. What the Senator means is that I did not raise my voice in protest against the bill when it was on its passage.

Mr. HARRISON. The thing I am surprised at is that the Senator did not raise his voice in behalf of it.

Mr. CUMMINS. I have never voted for a bill of that character, and I have never voted for one for the middle district of Tennessee. I have been opposed mainly to these additions heretofore.

Mr. HARRISON. Does not the Senator think this is an almost inexcusable course on the part of the committee when it is realized that Mississippi has one judge for two courts and at an expense of only $7,500 we could create one more judgeship in Mississippi? Three bills creating judgeships have passed in the Senate before, and this attitude of the committee seems unjust when you take into consideration the fact that in some of the adjoining States there are as many as three judges with little or no more business. Is there any excuse for omitting the creation of an additional judgeship for Mississippi under those circumstances?

Mr. CUMMINS. There was one reason for the omission of a provision for an additional judge from Mississippi, and that is outweighed by another reason. The reason for the creation of a new judgeship lies in the fact that Mississippi is one of two instances in the United States in which there is not a judge for each district. The other instance is the middle district of Tennessee. That can be said in favor of appointing a new judge in Mississippi. On the other hand, a comparison of the business done in Mississippi—and it is greatly to the credit of Mississippi that there is no more business than there is—I think shows that the State is not entitled to another judge.

Mr. HARRISON. But I had understood the Senator to say that he had not investigated the situation so far as Mississippi is concerned.

Mr. CUMMINS. The figures are before us.

Mr. HARRISON. The Senator refers to the figures showing the number of cases which are pending; but the Senator did not investigate, as I understood him to say, the number of cases now being tried in the courts there.

Mr. CUMMINS. The Senator misunderstood me. The report of the Attorney General shows the number of cases which were tried the year preceding the 30th of June, 1921, and all the members of the committee, I assume, have investigated those statistics.

Mr. HARRISON. Is it the opinion of the Senator that the Senate would not be justified in adopting an amendment to this bill creating another judgeship for Mississippi?

Mr. CUMMINS. Regrettable as that may seem to be, that is my opinion.

Mr. HARRISON. I am sorry to hear the Senator say that.

Mr. SHIELDS. I would like to know if the Senator thinks that of the middle district of Tennessee. He says he never voted for an additional judge for that district.

Mr. CUMMINS. Will the Senator please repeat the question?

Mr. SHIELDS. I would like to know if the Senator has the same opinion as to the middle district of Tennessee that he has of the Mississippi district? The northern district of Mississippi and the middle district of Tennessee are the only two districts in the United States which have no judges.

Mr. CUMMINS. The Senator from Tennessee stated the fact correctly. Does he now ask me my opinion as to the advisability of another judge?

Mr. SHIELDS. I do.

Mr. CUMMINS. I adhere to the action of the committee in that respect. I intend to be loyal so far as the committee in concerned. I have not been attempting, the Senator knows, to work out my individual views respecting the distribution of these judges.

Mr. SHIELDS. I have not made any such insinuation, even, much less statement, to the Senator, but the Senator said he had never voted for an additional judge for the middle district of Tennessee. Of course, a measure so providing could have passed without his vote. A bill has passed the Senate three times in the last 10 years for that purpose, but failed in the House. The Senator has two districts in his State and one judge in each, and the two districts in Tennessee, presided over by Judge Edward T. Sanford, of the eastern district, have more business than those two districts in the State of Iowa, where they have two judges. I will present the figures later. I invite the Senator's attention now to the fact that Judge Sanford is now doing more work than both of the Iowa judges are doing, each and every day.

Mr. CUMMINS. The Senator from Iowa begs leave also to remind the Senator from Tennessee that Iowa has not asked for an additional judge. I do not think we need an additional judge.

Mr. SHIELDS. But to put it back on the same basis Tennessee is on, Iowa ought to have one of those judgeships abolished.

Mr. CUMMINS. I question very much whether the Senator can, by any satisfactory evidence, prove that any judge in his State is doing twice as much work as a judge in my State.

Mr. SHIELDS. The Tennessee judge is doing more than both of the Iowa judges. I will present the figures later.

Mr. CUMMINS. The Senator will not be able to satisfy me, at least, by any proof he may have in his possession on that point, because I am familiar with my own State and know what has been done. I know that we have had one judge for the last year or more who has been practically disabled, and therefore has done no work, or substantially no work, other than the trial of criminal cases. The judge who has been at work has done as much, I venture to say, as any district judge in the United States.

Mr. President, I have nothing further to say, and I ask for a vote on the amendment offered by the Senator from Florida.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida [Mr. FLETCHER] to the amendment of the committee.

Mr. CUMMINS. Does the Senator from Florida desire a full Senate when we vote on this question?

Mr. FLETCHER. It is not material to me. I think we could carry the amendment now, as the Senate stands, and I am ready for a vote.

Mr. CUMMINS. Fearing that such would be the result, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harrison	Norris	Shortridge
Broussard	Heflin	Overman	Underwood
Bursum	Jones, Wash.	Page	Walsh, Mass.
Cameron	Kendrick	Phipps	Warren
Capper	Keyes	Poindexter	Watson, Ga.
Cummins	McKinley	Pomerene	Weller
Dial	McNary	Rawson	Williams
Fletcher	Moses	Reed	
France	Nelson	Sheppard	
Harris	New	Shields	

The PRESIDING OFFICER. Thirty-seven Senators having answered to their names, a quorum is not present. The Secretary will call the names of absent Senators.

The reading clerk called the names of the absent Senators, and Mr. LADD, Mr. ODDIE, Mr. PEPPER, Mr. SPENCER, and Mr. WADSWORTH answered to their names when called.

Mr. JONES of Washington. I desire to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN] are absent in attendance on the Committee on Finance.

The following Senators entered the Chamber and answered to their names:

Lenroot	Simmons	Curtis	Swanson
Townsend	Stanley	Gooding	Trammell

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Fifty Senators have answered to their names. A quorum is present.

Mr. CUMMINS. Mr. President, I ask unanimous consent that on the calendar day of Thursday, April 6, at not later than 4 o'clock in the afternoon, the Senate shall, without further debate, vote upon all amendments that are pending or that may be offered, and upon the bill through the regular parliamentary stages to its final disposition.

The PRESIDING OFFICER. Is there objection?

Mr. HARRISON. I regret to object; but one of the most important amendments that could possibly be offered to the bill has not been discussed at all, and I may want to discuss it unless it is accepted.

Mr. CUMMINS. There will be ample time between now and then.

Mr. HARRISON. Between now and 4 o'clock to-morrow?

Mr. CUMMINS. When we shall conclude this afternoon I will ask for a recess until to-morrow at 11 o'clock, and the recess will not be taken before half past 5.

Mr. HARRISON. There is a very important resolution which goes over from to-day until to-morrow, and I shall want it acted on to-morrow. So I object.

Mr. SHIELDS. Would it not be better to make it 4 o'clock Friday?

Mr. CUMMINS. I am willing to make it 4 o'clock Friday. Will the Assistant Secretary state the proposed unanimous-consent agreement, so that we may all understand it?

The Assistant Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Friday, April 7, 1922, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States; to provide for annual conference of certain judges of United States courts; to authorize the designation, assignment, and appointment of judges outside of their districts, and for other purposes, through the regular parliamentary stages to its final disposition.

Mr. HEFLIN. I thought it was the purpose of the Senator to vote this afternoon on the amendments that are pending now.

Mr. CUMMINS. I intend to ask the Senate to remain in session until half past 5 for the very purpose of voting on the pending amendments.

Mr. HEFLIN. The Senator does not intend to hold up the vote on all amendments until Friday afternoon?

Mr. CUMMINS. No; I do not. I desire to dispose of just as many of them as possible to-day.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement? The Chair hears none, and it is entered into. The question is on the amendment offered by the Senator from Florida [Mr. FLETCHER] to the committee amendment.

Mr. FLETCHER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. STANLEY (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Delaware [Mr. DU PONT] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], which I transfer to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. OVERMAN (after having voted in the affirmative). I observe that my pair, the senior Senator from Wyoming [Mr. WARREN], is absent. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and let my vote stand.

Mr. DILLINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. NEW (after having voted in the affirmative). As on the previous vote, I transfer my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Ohio [Mr. WILLIS] and allow my vote to stand.

Mr. KENDRICK. Has the Senator from Illinois [Mr. MCCORMICK] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. KENDRICK. I have a general pair with that Senator. In his absence I am compelled to withhold my vote.

Mr. HARRISON (after having voted in the affirmative). Has the junior Senator from West Virginia [Mr. ELKINS] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. HARRISON. I have a general pair with the junior Senator from West Virginia [Mr. ELKINS], and in his absence I withdraw my vote. If permitted to vote, I would vote "yea."

Mr. FRELINGHUYSEN. I observe that my general pair [Mr. WALSH of Montana] is absent from the Chamber. I transfer that general pair to the junior Senator from Maine [Mr. HALE] and vote "nay."

The result was announced—yeas 29, nays 29, as follows:

YEAS—29.

Ashurst	Harris	Rawson	Trammell
Broussard	Heflin	Reed	Underwood
Bursum	McKinley	Sheppard	Walsh, Mass.
Cameron	Myers	Shields	Watson, Ga.
Caraway	New	Shortridge	Williams
Dial	Oddie	Simmons	
Fletcher	Overman	Stanley	
France	Pomerene	Swanson	

NAYS—29.

Borah	Jones, Wash	McNary	Smoot
Calder	Keyes	Moses	Sterling
Capper	King	Nelson	Sutherland
Cummins	Ladd	Norris	Townsend
Curtis	La Follette	Page	Watson, Ind.
Dillingham	Lenroot	Pepper	
Frelinghuysen	McCumber	Phipps	
Gooding	McLean	Poindexter	

NOT VOTING—38.

Ball	Gerry	Lodge	Smith
Brandegee	Glass	McCormick	Spencer
Colt	Hale	McKellar	Stanfield
Crow	Harreld	Newberry	Wadsworth
Culberson	Harrison	Nicholson	Walsh, Mont.
du Pont	Hitchcock	Norbeck	Warren
Edge	Johnson	Owen	Weller
Elkins	Jones, N. Mex.	Pittman	Willis
Ernst	Kellogg	Ransdell	
Fernald	Kendrick	Robinson	

So Mr. FLETCHER's amendment to the committee amendment was rejected.

Mr. FLETCHER. I wish to reserve the amendment which has just been voted on for a separate vote in the Senate.

Mr. FRELINGHUYSEN and Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. FRELINGHUYSEN. I offer the amendment which I send to the desk.

Mr. REED. I am going to ask the Senator from New Jersey if he will not do me the favor to let me offer an amendment to the bill at this time, because I think I have to leave the city?

Mr. FRELINGHUYSEN. I withhold my amendment for the present, in view of the request of the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REED. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The READING CLERK. It is proposed to amend the committee amendment by inserting after the word "one" in line 18, page 10, the following:

For the western district of Missouri, one.

Mr. REED. Mr. President, I shall take the time of the Senate only very briefly to state the situation existing in Missouri. The business of the Federal courts of that State has been growing enormously for several years. We have two judges; one of them Judge Van Valkenburgh, happens to be a Republican, and holds court in the western district, and the other, Judge Faris, who happens to be a Democrat, holds court in the eastern district. Federal court terms are held at several points in the State. The House bill allowed two additional judges for Missouri, one for the eastern and one for the western district. The Senate committee eliminated the provision for an additional judge for the western district. I thought it had been arranged that there would be a different result from that, but I am not here now to urge that matter of procedure.

The city of St. Louis has been growing very rapidly, Kansas City has also been growing very rapidly; in fact, all of that

section of the country has been growing in population and business. Both of our judges are vigorous men; both are worked to the point of absolute exhaustion; and yet the business of their courts is falling behind.

I want to say for both Judge Faris and Judge Van Valkenburgh that they dispatch business rapidly; they are industrious; but it is greatly feared by members of the bar that they will break down under the strain which they are now enduring.

The increased criminal business, owing to the recent legislation of Congress, is now taking almost all of the time of those judges; civil business can not be attended to. I make that statement now from my personal knowledge, because I still practice law, and in that way I know the condition of the court dockets. The loss to the people of the State and to litigants through this congestion of business amounts to many times more than the salaries of the judges.

I think I will merely put into the RECORD, as much more conclusive than anything I can say, statements of the two district judges and the statement of his honor, Judge Sanborn, who is the presiding justice of the circuit court of appeals. Judge Sanborn states:

A dispatch from Washington in one of the newspapers states that you have renewed your endeavor to get an additional district judge for the western district of Missouri. One is greatly needed there, as you and I know, and I hope you will succeed. To that end I have written a letter to Senator NELSON and presented, as well as I could in a short letter, the great need of an additional judge there.

Sincerely yours,

WALTER H. SANBORN,
Senior Circuit Judge.

I will read an excerpt from a letter from Judge Faris, who is the judge of the eastern district:

I have your wire of to-day and have just wired you as follows: "Humanly impossible one judge to do work in eastern district Missouri. Health breaking under strain, and unable to keep up. Compared to five years ago, cases filed increased 100 per cent, not including bankruptcy cases. Latter increased over 30 per cent same period. Must have help. Letter follows."

In his letter the judge states:

As shown by the figures inclosed, I have disposed of 808 cases in the fiscal year preceding July 1, 1921, besides handling a vast amount of administrative work and all of the bankruptcy work. Since July 1, 1921, I have been disposing proportionately of more work than was done in the fiscal year of 1921. I can not keep this up, and I am frank to say to you that I am not going to keep it up. I simply can not stand the strain, and if Congress will not treat this district fairly, I shall be compelled to do what I can and let the rest go undone. If Congress continues to pursue the present course of taking over all criminal cases from the States, it will only be a short time until the 73 State judges will be enjoying perennial vacations and the two district judges will be doing all the work. The situation is very serious, and something must be done.

Very truly yours,

C. B. FARIS.

I agree with all the judge says, except that the State courts will still have business to do, but there is a vast amount being thrown into the Federal courts.

I have a letter here from Judge Van Valkenburgh, who is the judge of the western district. It is a very complete review of the business in the court. I shall read the letter and call it particularly to the attention of the Senate:

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF MISSOURI,
Kansas City, February 24, 1922.

Hon. JAMES A. REED,
United States Senator, Washington, D. C.

MY DEAR SENATOR: Your telegram of to-day asking for my views in regard to an additional judge for the western district of Missouri and condition of the dockets is duly received. I wired you this morning in general terms promising to follow with a letter containing additional data.

While this matter was before the Judiciary Committee of the Senate early this month Senator SPENCER telegraphed for information. I was ill at the time, but the district attorney compiled the data to the best of his ability, and the information conveyed is embodied in the inclosed file of telegrams which I have had copied and inclose for your information. This carried the matter up to February 9. Of course, it is not as accurate as the annual compilation for the Attorney General, but it is substantially so. You will realize that we have four outlying divisions: St. Joseph, Springfield, Joplin, and Jefferson City. The dockets are lodged with the deputy clerks at those points, and it would be impossible for us to get letter perfect figures from them without a consumption of time which is prohibitive for your needs. However, we can give that approximately.

Roughly speaking, Kansas City has from 70 to 75 per cent of the business of the entire district, civil and criminal, and if I give you the comparative figures for Kansas City you can get a fair approximation for the entire district. This, however, is to be noted: In the outlying divisions I have endeavored to keep the work up in all departments as nearly as practicable, feeling that it was better that the substantial part of our falling behind should be concentrated here at home in one division, where I could deal with it to better advantage than to have it scattered over the entire district; therefore while there has been a certain percentage of deferred business in these outlying districts, it has not been, and is not, so serious. Having informed yourself of the condition of the district for this fiscal year up to February 9 from the report of the district attorney to Senator SPENCER, I will submit some data in all departments affecting the Kansas City division. Of course, the business of the district for the last fiscal year, as well as that of other districts, is disclosed in the Attorney General's Report for 1921.

July 1, 1921, there were pending in the Kansas City division 69 criminal cases; since that date 480 prosecutions of all kinds have been placed upon the docket, making a total of 549. During this period I have disposed of 55 of the old cases and 388 of the new cases, aggregating 443, and leaving 106 still pending. In addition, the commissioners advise me that they have bound over for action by the next grand jury at the April term, or for the district attorney by information, 250 cases. There are still two months to elapse before that court opens on the fourth Monday in April, and at the present rate the number of cases bound over will total about 500, so that we shall start the April term with from five to six hundred criminal cases upon the docket. We shall probably dispose of a few, but not many, between now and then, because we can have no more juries in Kansas City before the next term. Meantime, we hold the St. Joseph term, beginning the first Monday in March; the Jefferson City term, which is fixed for the third Monday in March; and the Springfield term, which opens the first Monday in April. Following Kansas City we shall have the Joplin term, still in this fiscal year, which begins the second Monday in June. All these terms have now become very active, especially on the criminal side, and St. Joseph and Joplin particularly on the civil side. You may get some idea of the volume of business in these outlying districts when I tell you that 20 criminal cases had to be left undisposed of at the last term in St. Joseph, and that 43 new ones have been added to the docket, making a total of 63. This number will be increased to some extent before court opens. Because of the fact that I have five active divisions of this court, in each of which two terms are held annually, but a limited time can be allowed to each division. This, of course, greatly interferes with the dispatch of business where there is but one judge, who must distribute himself over the entire territory. But two weeks each can be allotted to the outlying divisions, and about eight weeks to the spring term at Kansas City. The November term can be somewhat extended by holding jury terms after the first of the year, excluding the Joplin term in January, but this is done at the expense of the equity docket, which can be held only at such times as no jury sessions are on. This climate is not adapted to court work in July and August, as you know, and not even our State courts attempt to hold trial terms during those months.

At the last spring term in Kansas City, which was the first term at which the extraordinary congestion of criminal business developed, 286 prosecutions were instituted, as against 480 for this November term. From this the great increase in the volume of business may be perceived; and this in spite of the fact that last year out of 722 prosecutions in the entire district I disposed of 655, in which there were 593 convictions, collected fines aggregating $99,000, and sent hundreds to jail and to the penitentiary in the hope of breaking the back of this crime wave. This year, in spite of that attempted object lesson, I have already disposed of more than one-half that number in Kansas City alone. We have thus far collected only a little more than $40,000 in fines, indicating an increased severity in prison sentences, always imposing the limit where the defendants have stood trial, and still the dance goes merrily on. It is realized, of course, because these parties and their attorneys are not fools, that this court, with its present force, must necessarily be hopelessly clogged if the present system continues; that if greater severity is exercised and the number of trials correspondingly and naturally increases, the court can not begin to handle the criminal docket alone, which, even at present, it can not quite compass. This court must therefore degenerate into a second-class criminal tribunal, and the civil business of the district must go to the dogs. This is so self-evident that I feel almost ashamed to presume to take up your time by stating it.

If Congress passes drastic laws, which meet with stubborn resistance, it can not expect those laws to be enforced unless it provides adequate machinery for that purpose. It seems hardly fair to throw upon the courts responsibility for a condition which they are helpless to remedy. Incidentally for several years, even before the present influx, this court, by comparison with other districts, has been entitled to an additional judge. If we have such, the very certainty that business can be reached and dispatched will have a wholesome effect upon the temper of the community and of those who are disposed to set the law at defiance. My great concern has been that the prestige of the Government should not suffer in the estimation of the public—a situation fraught with great future menace.

There is another consideration not disclosed by the naked figures of reports from the districts to the Attorney General. The district courts are now burdened with a great volume of business that is not disclosed by the figures of cases brought and disposed of. We have a large bankruptcy business, and many reviews come to the court from the orders and rulings of the referees. Some of these involve records and issues equal to the report of a master or a final hearing in general equity cases. They do not appear upon the docket as cases brought and disposed of. We have to sit in three judge cases, many of them where State statutes are involved, and we are drafted from time to time upon the circuit court of appeals, already overtaxed by the volume of appeal cases. If the district judges are kept sitting continuously in trial dockets and can not give necessary consideration to the briefs of counsel upon abstruse questions in involved and complex cases, of which we get many, the unsatisfactory disposition of those cases leads necessarily to a greater number of appeals and a greater burden upon appellate courts.

Applications for restraining orders, injunctions, and receiverships are greatly increasing in volume; they must be heard and they should be carefully considered. There are now pending something like 27 receiverships in this district, including those few in charge of circuit judges. The court should be able to give adequate supervising attention to such, and the work of the court is greatly increased by enforced attention to such proceedings. No week passes without one or more of such applications being presented. Furthermore, with but one judge in a district of this size and volume of business, it is impossible to follow up cases with promptness and decision. Where juries intervene with such continuity, equity cases wait upon juries, or great expense to the Government must be entailed. All the matters to which I have referred are pregnant with substance. I have been able to do little more than suggest the topics, relying upon the appreciation of sound and experienced lawyers like yourself and others upon the Judiciary Committee to accord to them their practical significance.

Recurring to the civil docket, I find that in Kansas City alone during the fiscal year ending July 1, 1921, 163 cases were brought and 121 disposed of. I held a civil jury trial docket in Kansas City in the fall but was unable to do so in the spring. This year already there have been filed 135 civil cases in Kansas City, and but 65 have been disposed of, no civil jury trials having been held in Kansas City.

Let me pause there. That is just the condition of the docket. The civil cases have to wait. Business of the very greatest

importance is held up. The loss to litigants is tremendous, and the general disruption of the legal business is becoming not only burdensome, but—I do not like to use the word "frightful"—it is in a very bad condition.

This letter continues:

Of course, in this number of 65 there have been a few equity cases and hearings to the court, but the greater part of these cases have been settled and disposed of because of the uncertainty of a jury session. These figures indicate, however, that the civil docket is increasing, while my ability to dispose of it has been obstructed by the mass of criminal work. In 1921, 73 civil cases to which the United States was a party were brought and 49 disposed of. This year, so far, 31 have been brought and 39 disposed of in Kansas City. These cases, of course, are not of the importance and do not entail such work as those to which the United States is not a party above referred to.

It will be instructive to compare the work of this district for the year ending July 1, 1920, with that of the year ending July 1, 1921. In the former year in the entire district 306 criminal cases were commenced and 263 disposed of; 211 civil cases to which the United States was not a party were brought and 241 disposed of. Last year 722 criminal cases were brought and 655 disposed of, and 226 civil cases were commenced and 181 disposed of. There was a net accumulation of 45 of such cases upon the civil docket.

It is further instructive to compare the work of this district for the last fiscal year with some other districts to which, I understand, it is proposed to give additional judges. Compare, with the figures above stated for the fiscal year ending in 1921 in this district, the eastern district of Michigan, in which 580 criminal cases were brought and 382 disposed of and 187 civil cases were brought and 132 disposed of. With the district of Arizona, in which 462 criminal cases were brought and 471 disposed of and 138 civil cases brought and 98 disposed of. I do not complain that these districts are to get help. I believe that the judicial establishments pretty well all over the United States should be greatly increased. I merely wonder why this district is ignored. It is idle to suggest sending in a nonresident judge from time to time to relieve the situation. In the first place such a judge would be needed all the time, and in the second place any visiting judge accomplishes but a small percentage of what can be accomplished by a resident judge, with local responsibility and knowledge of local affairs. This fact is notorious among all who have any knowledge and experience with nisi prius courts. The question of expense of providing an adequate number of judges is comparatively negligible; but this is immaterial. The Government must have adequate machinery with which to function, and its cost is as imperative as that of any other item in the Budget.

With sincere appreciation of your efforts, I am,

Cordially yours,

ARBA S. VAN VALKENBURGH,
District Judge.

Mr. President, in addition to that I desire to call attention particularly to the letter of Judge Sanborn, the presiding judge of the court of appeals, who stands in a disinterested position, and who is one of the very great judges of this country; and I think I can include right next to him these two district judges as among the very fine judges. I am not claiming that they are better than all the others. The country would be fortunate if it had judges of that character in all of our courts.

I present the petition of the executive committee of the Missouri Bar Association, signed by all of the members of the executive committee, in which they dwell upon the necessity of an additional judge in both the eastern and western districts. It is as follows:

Petition to Congress of executive committee of Missouri Bar Association to provide additional judges in Missouri.

To the Congress of the United States:

The executive committee of the Missouri Bar Association respectfully represents that the business in the Federal courts in both the eastern and western districts of Missouri has multiplied in the last three or four years to such an extent that the dockets have become badly congested, and that, although the judges of these courts are highly efficient and working hard and faithfully all of the time, they have been unable to dispose of the business coming before them, and that the civil docket in the western district is now nearly one year behind; that the business in both districts is growing constantly and that there is more than sufficient business in each district to provide constant work for an additional judge in each district.

Speaking for the bar of Missouri generally, we urge upon the Congress the creation of judgeships in both districts of Missouri. If the creation of new judgeships, as suggested, is not provided, it will result in the practical denial of justice to litigants in these districts.

We are sincere in stating that, in our opinion, there are no districts in the United States that are more in need of additional judges than the districts of Missouri.

C. W. GERMAN,
President.
KENNETH C. SEARS,
Secretary.
VINTON PIKE,
Vice President.
D. D. DUTTON,
Treasurer.
J. E. MCBAINE,
Vice President.
JNO. C. CARR,
Vice President.
R. B. OLIVER, Jr.,
Vice President.

I do not want to take the time of the Senate to read them, but I have here telegrams, and a large number that I do not hold in my hand but have upon my desk, which come from the very best of our lawyers, men who have large business, and without exception they all tell the same story.

So, Mr. President, I venture to ask that the Senate agree to this amendment. I am as much in favor of economy as other Senators. There is no economy in a congested court. There is no economy in trying to run a machine that is so overburdened that it can not do the work. The immense cost to litigants is a thing to be considered. The loss in money to the taxpayers who have to go to these courts to have their business attended to is to be considered. The convenience of lawyers who have to practice in the courts is to be considered. The salary of an additional district judge amounts absolutely to nothing in comparison with the distress and loss occasioned by failing to have a sufficient number of judges.

So far as I am concerned, I do not want to see unnecessary judgeships created anywhere; but we must take into consideration the fact that we have doubled and then doubled again and I think then doubled again the work of our United States courts. We have put upon them the burden of trying a vast flood of fraud cases that ordinarily, or before we enacted the mail-fraud statute, never would have reached the Federal courts at all. We have imposed upon them another vast amount of business growing out of the enlargement of our interstate commerce statutes, both civil and criminal. We have imposed upon them a vast criminal business growing out of the Mann Act, and now an almost illimitable flood of work growing out of the prohibitory law; and I think the chairman of the committee having this bill in charge will feel that, whatever may be the fate of this bill as a whole, it ought to include this additional judge.

Mr. CUMMINS. Mr. President, I feel with regard to the amendment offered by the Senator from Missouri [Mr. REED] precisely as I felt with regard to the amendment offered by the Senator from Florida [Mr. FLETCHER]. I was of the opinion, as a member of the committee, that there ought to be one additional district judge in Missouri; but, comparing the necessities in Missouri with the necessities elsewhere, and with our provisions made for other communities, I could not see my way clear to the addition of two judges in Missouri. I should be glad if the same arrangement could be made in Missouri that is expected to be made in Georgia, and have the district judge that we have added made a judge of both the eastern and the western districts; but there is no movement of that kind, and hence, I suppose, that will not be done.

The personal knowledge of the Senator from Missouri respecting the work that is actually being done and the work that is left undone has very great weight with me. So far as my own vote is concerned, I shall stand with the action of the committee; but there is nothing more to be said than has been said. The Senator from Missouri has read in substance the report of the Attorney General, and has supplemented it with a statement from the judge himself. Apparently nothing remains to be said, and I am quite willing to have it disposed of at this time.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri [Mr. REED] to the amendment of the committee.

On a division the amendment to the amendment was agreed to.

Mr. FRELINGHUYSEN. Mr. President, in the provisions of this bill the district of New Jersey is not provided for. In view of the location and certain conditions existing in my State, I desire to present some facts for the consideration of the Senate and at the close of my remarks to offer an amendment to this bill which I trust will receive the favorable consideration of the Senate.

In the first place, I wish to point out how the location of New Jersey results in much litigation which is not found to nearly so great an extent in most of the other Federal districts. We have an exceptionally long seacoast. This, coupled with the fact that we are located between the two great ports of New York and Philadelphia, results in the courts of our State trying exceptionally large numbers of admiralty and maritime cases.

Of these admiralty cases there were 178 pending at the close of business on June 30, 1921, this number being exceeded by only one district, that of New York, and equaled by two others. Another need is found in the fact that a great number of our large corporations are incorporated under the laws of New Jersey. Because of this we have a large number of cases; but here it is not only the number of cases which should be considered but the importance of these cases. Inasmuch as in many cases patents are involved, the litigation is important because of the large amount of money involved and also the large amount of time consumed in trying the cases. A case in point is the case between the Buckeye Powder Co. against E. I. du Pont de Nemours Powder Co., which consumed five months' time in the trying.

This case illustrates another point: That is, that although the plaintiffs are in a great many cases from outside the State, the litigation is brought to New Jersey because the defendant is incorporated under the laws of the State. The same applies to many of the citizens of the State who have either New York or Philadelphia for their place of business. Because of their citizenship in New Jersey they are tried under the New Jersey courts.

Therefore, in addition to the usual criminal, civil, and bankruptcy cases found on the docket of the average Federal court, we have in New Jersey, because of its location and laws governing corporations, large numbers of admiralty and corporation cases.

I want to say at this point that unfortunately I was unable to appear before the Judiciary Committee and present the claims of my State. It is a matter of great importance to the bar of New Jersey and to the State and to its jurisprudence. By reason of that fact I spoke to the chairman of the committee and asked that I have an opportunity of presenting my claims to the Senate, and I hope at least those Senators who are here will listen for a few minutes—and I will only take that time—to the claims of New Jersey, and to a statement of the present condition of the Federal courts of the State.

Another point which shows the need of another judge, which is also emphasized by our location, is the number of cases arising out of the prohibition enforcement law. In the hearings held before the committee it was brought out that one of the chief causes of congestion is the number of cases pending arising under the prohibition law. At the end of June, 1921, there were 395 criminal and 34 civil prohibition cases pending.

At the present time we have three Federal judges sitting at Trenton, the capital of the State, thus doing away with considerable overhead expense which is necessary when the judges move from place to place. These judges are giving full time to their duties; I should say that they are hard-working judges, of the highest character and standard of ability, but the dockets are overcrowded, there being 13,567 cases pending on June 30 of last year.

Comparing the number of judges to population for the entire country we find that the ratio is one judge to each 800,000 of population, which ratio would entitle New Jersey, with its 3,155,000 people, to four judges. In 1898 we had one judge in the district. Now we have three, but the volume of business has increased at a much faster rate, being tenfold larger now than at that time. In 1915, at the close of the fiscal year, 111 civil cases were pending, while on the same date in 1921, 331 cases were pending, a larger number than in any other district excepting the southern district of New York. In criminal cases in 1915, at the close of the fiscal year, there were pending 145 cases, while on the same date of 1921 there were pending 11,582, this large increase being partially accounted for by the number of selective-draft cases. In the admiralty cases we had 178 cases pending, and in bankruptcy 914 on June 30 last. Other cases to which the United States was not a party totaled 562, making the grand total of cases pending 13,567. This number in itself would justify another judge for this district, but when it is considered that the amount of litigation is increasing rather than decreasing, due to growth in population, expanding business enterprises, and the coming in of new corporations, an additional judge is an absolute necessity if the Federal courts are to discharge their functions expeditiously and the needs of the situation met.

Because of overcrowded dockets the Federal judges themselves have indorsed the need for the appointment of another judge. The New Jersey Bar Association has indorsed and requested that Congress act in the interest of the proper dispatch of the business coming before these courts.

I might say here that this bar association is composed of the ablest and best lawyers who have ever practiced in any court. We have a splendid bench and bar in New Jersey. These gentlemen have come here and urged that I present to the Senate and the Judiciary Committee the great need at the present time for an additional judge. The respective bar associations of the various counties of the States have likewise indorsed this request.

Unfortunately, I did not have an opportunity of appearing before the committee, but I know what the conditions of the courts are at the present time, how congested they are with business, and how necessary it is that we be given an additional judge to clear up the congestion. I am not asking it simply because it means more patronage and that we will have another judge. It is because the lawyers have come and told me that it is absolutely necessary. I shall therefore offer an amendment, which I did not have an opportunity to offer to the committee, and I ask that the Senate favorably consider giving New Jersey an additional judge. I offer the amendment which I send to the desk, and move its adoption.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The ASSISTANT SECRETARY. On page 10, line 13, after the word "two," insert the words "for the district of New Jersey, one" and a semicolon.

Mr. NORRIS. I would like to ask the Senator a question or two. He has impressed me very greatly by what he has said as to the necessity of another judge in New Jersey. I am impressed also by what other Senators have said, and I have some knowledge regarding conditions. I think the Senator must realize, and I believe we will all have to realize, that justice in the United States courts is becoming expensive. I wonder what the result would be to the taxpayers if we give an additional judge to every place which makes a good showing, as the Senator has made one, and there are quite a large number of districts which could make a showing almost as good as that which the Senator has made. I wonder what the result will be if we go on increasing the number of judges, as it is indicated will be necessary on account of the kind of litigation which is arising. The Senator referred to one case in New Jersey which took five months to try. That was between two great corporations, I assume. Does the Senator mean that the court was actually in session five months, actually engaged in the trial of that case? And what kind of a case was that? What was the nature of it?

Mr. FRELINGHUYSEN. I think it was a civil suit involving a contract. I do not remember the details of the case; the information was given to me. I know that the Federal courts in New Jersey are very much sought, and that by reason of the fact that New Jersey, under our general corporation laws, has been practically the home of corporations for a time, until some of that business went to other States, many of these large cases have been tried in the Federal courts there, and some very important ones.

Mr. NORRIS. Could the Senator give me any idea as to how much money it cost the taxpayers of the country to try that one case which took five months?

Mr. FRELINGHUYSEN. No; I can not. Of course, as the Senator knows, I am not a lawyer. I had to secure my information from the bar association and the judges with whom I have conferred. They say that the courts in New Jersey are so overcrowded with important cases that there is an absolute necessity for more assistance for the three judges who are now sitting, and they are judges who sit practically all the time. I know that Judge Rellstab is constantly holding court. Of course, New Jersey is not a very large State, and the center of our courts is practically Trenton or Newark, within an hour of each other. So the lawyers go either to Trenton or to Newark, and there the courts are held. It saves a great deal of expense to the Federal Government by reason of the fact that the overhead is reduced. I can not give any figures as to the present cost to the taxpayers of the Nation of the Federal courts in New Jersey. All I know is that the courts of New Jersey at present are congested and overcrowded, and we are asking for this judge because we need one, and I think, after taking it up with the Attorney General and with the judges in the State, it has been clearly established that three judges can not possibly handle the business there.

Mr. CUMMINS. Mr. President, there are comparatively few Senators here, and I know the difficulty of securing a quorum this late in the day. I believe there ought to be more Senators here before the amendment proposed by the Senator from New Jersey is voted upon. I move, therefore, that the Senate take a recess until 12 o'clock to-morrow.

Mr. HARRISON. Will the Senator withhold that motion a moment?

Mr. CUMMINS. I withhold the motion.

Mr. HARRISON. I hope the Senator will not move a recess, but will move an adjournment. There was a resolution pending to-day, which is fresh in the minds of all Senators, and there is no use letting grass grow around it before it is discussed again. So I hope that we can enter into a unanimous-consent agreement that to-morrow it may come up, and that then the Senator will move an adjournment.

Mr. CURTIS. Mr. President, the resolution is on the calendar, and it will have to be taken up by motion. Why not get rid of this court bill and get it out of the way?

Mr. HARRISON. A unanimous-consent agreement has been entered into to vote at a certain time on the judges bill, so there is no question but that the bill will be passed on Friday at 4 o'clock. If the Senator from Iowa will withhold his motion, I would like to submit a unanimous-consent request before that motion is made.

Mr. CUMMINS. I am willing to withhold the motion long enough for a unanimous-consent agreement to be entered into.

Mr. HARRISON. I present a unanimous consent request that to-morrow morning, on the convening of the Senate, the first order of business shall be the consideration of the resolution I have offered and which was pending to-day, and that not more than an hour and a half of discussion shall be had upon the proposition before the vote is taken.

Mr. MOSES. If the Senator will make that one-half hour, I think he will have no trouble in getting his agreement.

Mr. HARRISON. One-half hour, providing I can get the floor.

Mr. MOSES. Let there be no proviso about it.

Mr. CUMMINS. I suggest to the Senator from Mississippi that he should not ask for the consideration of his resolution until it is seen at least that those who desire to discuss the judicial bill have had an opportunity to do so. It is now agreed that we shall vote upon it at not later than 4 o'clock on Friday.

I presume there are half a dozen or a dozen amendments, and I hope that those amendments may be debated and disposed of before we reach the time for the final vote. The Senator from Kansas [Mr. CURTIS] just reminds me that there are 16 amendments. I think it is not fair to Senators who are proposing amendments to the judicial bill to take any time out of the period from now until 4 o'clock on Friday to devote to some other subject. That is the reason why I moved for a recess rather than an adjournment.

Mr. HARRISON. I do not want to interfere with the plans of the Senator, but when the first unanimous-consent request was made to-day it was to vote to-morrow at 4 o'clock, and I objected to that, so we could get more time. It was then put over until 4 o'clock on Friday. There will be ample time for consideration of the judges bill. The resolution that was up to-day will be disposed of one way or the other. I have no disposition to prolong the debate on it. I will consent to a half hour's discussion or an hour and a half to-morrow, but let us have action upon it.

Mr. MOSES. I understand that the resolution is pending with a motion to refer it to the Committee on Civil Service and Retrenchment.

Mr. CURTIS. No; the resolution, I understand, is on the calendar.

The PRESIDING OFFICER. The Senator is correct about that.

Mr. MOSES. Did it not go to the calendar at 2 o'clock?

Mr. LENROOT. Was not the motion to take from the table and refer, and that was divided, and so the motion to take from the table was never acted upon by the Senate?

Mr. HARRISON. It is now before the Senate, as I understand.

Mr. MOSES. The motion to take from the table was carried.

Mr. LENROOT. Then I am mistaken.

The PRESIDING OFFICER. True; and the Chair announced that the morning hour having expired when the resolution coming over from the previous day had been under discussion, it went to the calendar.

Mr. HARRISON. My unanimous-consent request, if granted, might expedite all this matter and save confusion, so I ask unanimous consent that upon the convening of the Senate to-morrow the resolution be taken up for discussion, and that not more than one hour and a half of debate——

Mr. MOSES. I thought the Senator was going to make it one-half hour?

Mr. HARRISON. One-half hour, if I can be given the half hour.

Mr. MOSES. I shall not object, if we can then take a vote on the disposition of the resolution.

The PRESIDING OFFICER. Does the Senator from Iowa withhold his motion for the purpose indicated by the Senator from Mississippi?

Mr. CUMMINS. I am perfectly willing to withhold my motion, but I must object to the request for unanimous consent.

Mr. HARRISON. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Harrison	McNary
Ball	Dial	Heflin	Moses
Broussard	du Pont	Jones, Wash.	Nelson
Bursum	Ernst	Kendrick	New
Cameron	Fletcher	Keyes	Norris
Capper	France	King	Oddie
Caraway	Frelinghuysen	Lenroot	Overman
Cummins	Harris	McKinley	Pepper
Phipps	Sheppard	Spencer	Warren
Poindexter	Shields	Sterling	Watson, Ga.
Rawson	Shortridge	Townsend	Weller

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The reading clerk called the names of absent Senators, and the following Senators answered to their names when called:

Sutherland Wadsworth

Mr. CALDER entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is not present.

Mr. CUMMINS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

The following Senators entered the Chamber and answered to their names:

Watson, Ind. Gooding Fernald

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. CUMMINS. I move that the further execution of the order of the Senate by the Sergeant at Arms be dispensed with.

The motion was agreed to.

Mr. HARRISON. Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. There is a motion to take a recess.

Mr. HARRISON. A motion to adjourn has preference over a motion to take a recess, but I suggest the absence of a quorum.

Mr. CURTIS. Mr. President, no business has been transacted since the last call for a quorum.

Mr. HARRISON. Oh, yes. I submit that at least three orders of business have been transacted. The Senator from Iowa moved to dispense with the order under the call to send out and request the attendance of absent Senators——

Mr. CURTIS. The Senator is correct.

Mr. HARRISON. And a motion to adjourn has been voted down.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	McNary	Shields
Ball	Fletcher	Moses	Shortridge
Broussard	France	Nelson	Smoot
Bursum	Frelinghuysen	New	Spencer
Calder	Gooding	Norbeck	Stanley
Cameron	Harris	Norris	Sterling
Capper	Harrison	Oddie	Sutherland
Caraway	Heflin	Overman	Townsend
Cummins	Kendrick	Pepper	Underwood
Curtis	Keyes	Pomerene	Wadsworth
Dial	La Follette	Rawson	Warren
du Pont	Lenroot	Reed	Watson, Ga.
Ernst	McKinley	Sheppard	Watson, Ind.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present.

Mr. HARRISON. Mr. President, I again ask unanimous consent that on the convening of the Senate to-morrow the Senate Resolution 258, which was under consideration to-day, may be taken up immediately, and that after one hour of discussion a vote thereupon be taken.

Mr. MOSES. I object.

Mr. HARRISON. I move that the Senate adjourn.

Mr. CUMMINS. I raise the point of order that the motion to adjourn is not in order, because a motion to take a recess was pending at the time the Senator from Mississippi formerly made his motion to adjourn. He can not make another motion to adjourn, because it would be purely dilatory.

Mr. HARRISON. Mr. President, I submit that since the motion to adjourn was made and voted down there has been a quorum call, there has been other business transacted, and that a motion to adjourn is always in order.

Mr. MOSES. What other business has been transacted—the Senator's request?

Mr. HARRISON. The Senator from New Hampshire has just objected to a request for unanimous consent which I made.

Mr. MOSES. Poor business that, Mr. President, I will say.

Mr. HARRISON. That may be true, in the opinion of the Senator.

Mr. CUMMINS. If the motion is in order, it puts the Senate into the power not of a few men but of one man. I do not believe that a motion to adjourn can be made under these circumstances.

Mr. SMOOT. Mr. President, what is before the Senate?

The PRESIDING OFFICER. The motion of the Senator from Mississippi [Mr. HARRISON] that the Senate adjourn, to which the point of order has been raised that it is dilatory. The Chair has not any doubt about that, and he does not think the Senator from Mississippi has any doubt; but the present occupant of the Chair dislikes to introduce a new rule that he has never yet seen enforced, although he would be very glad to do it.

Mr. SMOOT. Was there any question before the Senate at the time the Senator from Mississippi made his motion to adjourn?

The PRESIDING OFFICER. The Senator from Iowa [Mr. CUMMINS] moved to take a recess until 12 o'clock to-morrow, and the Senator from Mississippi moved to take an adjournment. Then the point of order was raised and a quorum was called for and developed; several votes were taken; and now, after his request for unanimous consent has been refused, the Senator from Mississippi makes another motion to adjourn. The Chair is inclined to put the motion. The question is on the motion of the Senator from Mississippi that the Senate adjourn.

The motion was rejected.

Mr. HARRISON. I suggest the absence of a quorum.

Mr. CURTIS. I make the point of order that that motion is dilatory, and that no business has been transacted since the last call for a quorum was made.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HARRISON. I appeal from the decision of the Chair.

Mr. MOSES. I move to lay the appeal on the table.

Mr. HARRISON. I submit that intervening business has been transacted.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire to lay on the table the appeal of the Senator from Mississippi from the decision of the Chair. That motion is not debatable.

Mr. HARRISON. I ask for a division.

The PRESIDING OFFICER. Those in favor of the motion of the Senator from New Hampshire will rise and stand until counted. [A pause.] Those opposed will rise. [A pause.] The appeal from the decision of the Chair is laid on the table.

Mr. HARRISON. Now, I suggest the absence of a quorum upon the count which was made on the division.

Mr. LENROOT. I make the point of order that no business has intervened since a quorum was developed.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum. Upon the count as announced by the Presiding Officer there is not a quorum present.

Mr. LENROOT. The Chair did not announce the result of the count, so far as I am aware.

The PRESIDING OFFICER. The Chair had already announced that there was a quorum present.

Mr. HARRISON. I refer to the last count on the division. I ask for another division to see if there is a quorum present.

The Senate again divided.

The PRESIDING OFFICER. On the second division 32 Senators have voted in favor of the motion of the Senator from New Hampshire and 14 have voted against it.

Mr. HARRISON. I suggest the absence of a quorum.

Mr. STERLING and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. STERLING. May not the Presiding Officer count Senators who are in their seats but are not voting on this question?

The PRESIDING OFFICER. The Chair does not feel disposed to do that.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	France	Nelson	Smoot
Ball	Freilinghuysen	New	Spencer
Broussard	Gooding	Norbeck	Stanley
Bursum	Harris	Oddie	Sterling
Calder	Harrison	Overman	Sutherland
Cameron	Heflin	Pepper	Townsend
Capper	Jones, Wash.	Phipps	Underwood
Caraway	Kendrick	Poindexter	Wadsworth
Cummins	Keyes	Pomerene	Warren
Curtis	La Follette	Rawson	Watson, Ga.
du Pont	Lenroot	Reed	Watson, Ind.
Ernst	McKinley	Sheppard	
Fernald	McNary	Shields	
Fletcher	Moses	Shortridge	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. CUMMINS and Mr. HARRISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CUMMINS. Mr. President, the question now is upon my motion to take a recess, is it not?

The PRESIDING OFFICER. That is correct.

Mr. HARRISON. Mr. President——

Mr. LENROOT. I demand the regular order.

Mr. HARRISON. I move, as a substitute, that the Senate adjourn until 11 o'clock to-morrow.

Mr. LENROOT. I make the point of order that a motion to adjourn to a given time is not privileged over a motion to take a recess.

Mr. HARRISON. I submit that it is.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HARRISON. I move that the Senate adjourn until to-morrow.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi that the Senate adjourn until to-morrow.

Mr. HARRISON. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand seconded? [A pause.] Not a sufficient number have seconded the demand. The motion is lost.

Mr. HARRISON. I ask that the other side be counted.

Mr. LENROOT. Mr. President——

Mr. MOSES. A point of order.

The PRESIDING OFFICER. A demand for the yeas and nays was made, and the Chair stated that it was not supported.

Mr. HARRISON. Mr. President, a parliamentary inquiry. As it takes one-fifth of the membership present to obtain the yeas and nays, I ask the Chair how many Senators raised their hands?

The PRESIDING OFFICER. Eight.

Mr. HARRISON. And how many were against it?

Mr. MOSES. That has nothing to do with it. It takes one-fifth of those present to call for the yeas and nays.

The PRESIDING OFFICER. The Chair was counting according to the roll call that was just had.

Mr. HARRISON. I ask for a division upon the motion to adjourn.

Mr. CURTIS. I demand the regular order.

Mr. HARRISON. I ask for a division on the motion to adjourn.

The PRESIDING OFFICER. The question before the Senate is the motion of the Senator from Iowa that the Senate take a recess until to-morrow at 12 o'clock.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. Those in favor of that motion will say "aye." [A pause.] Those opposed will say "no."

Mr. HARRISON. I ask for a division.

The PRESIDING OFFICER. Those in favor of the motion will rise.

Mr. HARRISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Those opposed will rise.

Mr. HARRISON. I suggest the absence of a quorum.

Mr. STERLING. Mr. President, what is the vote on the motion?

The PRESIDING OFFICER. The vote as counted by the Chair is 41 to 14; so the motion is agreed to, and the Senate stands in recess until to-morrow at 12 o'clock.

Thereupon (at 5 o'clock and 34 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 6, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 5, 1922.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, may the day be to us a message from the changeless heart of God to the changing heart of man. Let us enjoy life at its best and give the life of joy to others. Talk in whispers to our listening hearts. Send messages of happiness to all our homes and make for all feet a new earth and a new heaven for all weary eyes. Forgive our failures and help us to an increasing mastery over self. With unfaltering faith and courage endow us, and thus may we take our part in the furtherance of good will among all men and in upholding free and righteous government. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the particular phase of the bill H. R. 10329 relating to the abolition of land offices.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none.

NO QUORUM—CALL OF THE HOUSE.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present.

Mr. JOHNSON of Washington. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Washington moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Edmonds	Lampert	Riddick
Anthony	Fields	Langley	Riordan
Blakeney	Fish	Lineberger	Robertson
Boies	Fisher	Linthicum	Rodenberg
Bond	French	McDuffie	Ryan
Brennan	Fuller	McLaughlin, Pa.	Sabath
Brinson	Funk	Mansfield	Sanders, Ind.
Britten	Gallivan	Martin	Sanders, N. Y.
Browne, Wis.	Goldsborough	Michaelson	Schall
Burke	Goodykoontz	Morin	Shaw
Burton	Gorman	Mott	Snell
Carter	Gould	Mudd	Snyder
Chandler, N. Y.	Greene, Mass.	Nelson, Me.	Speaks
Chindblom	Griffin	Nelson, J. M.	Sproul
Christopherson	Hammer	Newton, Minn.	Steenerson
Clark, Fla.	Hardy, Tex.	Norton	Stiness
Clarke, N. Y.	Hawes	O'Connor	Strong, Pa.
Cockran	Hersey	Oliver	Tague
Codd	Hicks	Olpp	Taylor, Ark.
Connolly, Pa.	Ireland	Paige	Taylor, Colo.
Cooper, Ohio	Jacoway	Patterson, Mo.	Tinkham
Copley	Johnson, Miss.	Patterson, N. J.	Upshaw
Coughlin	Johnson, S. Dak.	Perkins	Vare
Crago	Kahn	Perlman	Voigt
Curry	Kelley, Mich.	Petersen	Ward, N. Y.
Davis, Tenn.	Kelly, Pa.	Porter	Webster
Dempsey	Kennedy	Rainey, Ala.	White, Me.
Denison	Kindred	Rainey, Ill.	Wilson
Dickinson	Kitchin	Reavis	Winslow
Drewry	Kreider	Reber	
Dyer	Kunz	Reed, N. Y.	

The SPEAKER. Three hundred and eight Members have answered to their names. A quorum is present.

Mr. JOHNSON of Washington. Mr. Speaker, I move to suspend further proceedings under the call.

The SPEAKER. The gentleman from Washington moves to suspend further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana, by direction of the Committee on Appropriations, presented for printing, under the rule, a conference report on the bill (H. R. 9981) making appropriations for the Executive and sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

DEPORTATION OF CERTAIN UNDESIRABLE ALIENS.

Mr. JOHNSON of Washington. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I call up the bill H. R. 11118, to provide for the deportation of certain undesirable aliens.

The SPEAKER. The bill is on the Union Calendar and automatically the House resolves itself into Committee of the Whole House on the state of the Union for its consideration. The gentleman from Oregon [Mr. MCARTHUR] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11118, with Mr. MCARTHUR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11118, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11118) to provide for the deportation of certain undesirable aliens.

Be it enacted, etc., That section 1 of the act entitled "An act to deport certain undesirable aliens and to deny readmission to those deported," approved May 10, 1920, is amended by adding at the end thereof a new subdivision to read as follows:

"(4) All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien shall be deported until the termination of his imprisonment, if any, upon such conviction:

"(a) The national prohibition act of October 28, 1919;

"(b) The act entitled 'An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes,' approved December 17, 1914, as amended;

"(c) Any other statute of the United States, or of a State or Territory, prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes, or of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves."

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, the bill presented for your consideration by the House Committee on Immigration and Naturalization—unanimously presented—is short and to the point. It provides for the deportation, if the Secretary of Labor so orders by his warrant, after hearing, of those aliens in the United States who may be convicted of violations of the Federal liquor and narcotic acts, and for the violation and conviction after serving sentence of those convicted under State laws of violations of narcotic and liquor acts.

We continually hear it said throughout the United States in regard to alien offenders, "Why not deport them?" The report presented to this bill has the deportation clause of the Burnett Immigration Act, which is the basic immigration law. The deportation clause is section 19 of that law.

It provides that—

except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States, or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry—

And so forth. Those are the moral turpitude clauses. This bill presented to this committee is in the nature of an amendment to an act approved May 10, 1920, which act, if the Members of the House will remember, was one which was passed to make certain the deportation of certain alien enemies and certain interned alien enemies. That act of May 10, 1920, provided eight classifications of those who might be deported in addition to the general provisions of the moral turpitude deportation clause which I have mentioned.

That act begins—and I call your attention to this—

That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States.

All this bill now before you does is to add three further classifications to the specially enumerated deportation clauses, to give the Secretary the opportunity, if he so desires and finds, to proceed on a warrant against aliens convicted of violations of the acts mentioned here and the State acts on the same subject.

The committee after hearings has come to the conclusion that the United States has gone far enough with violations of the narcotic act; for instance, by aliens in this country, who are filling up the jails in some places, and in other places paying fines and not being sentenced to imprisonment; but in the West, where there has been great trouble with alien narcotic violators the judges have finally come to giving them terms of imprisonment—one year, two years, five years, seven years—for violations of the narcotic act. By the enactment of legislation of this kind we want to make certain that at the conclusion of their sentences of imprisonment the Secretary of Labor may and probably will proceed against them and cause their deportation. It is not believed that the passage of this act will make it necessary to run deportations down to misdemeanor violations of the liquor act of the State; but if an alien is arrested for violation of State liquor acts and convicted over and over again, and thereby proves himself to be an undesirable alien, and the Secretary proceeds against him as an undesirable alien, and after hearing as provided by law orders him deported, you may be very certain that he will be an undesirable alien. That is the extent of this law.

I reserve the remainder of my time.

Mr. BLANTON. Will the gentleman answer just one question?

Mr. JOHNSON of Washington. Yes.

Mr. BLANTON. For the benefit of a number of people who are making the inquiry just at this time, will the chairman of the committee tell us about how many aliens have left the United States since the 3 per cent law went into effect? I have had a number of inquiries come to my office in the last week.

Mr. JOHNSON of Washington. The exact figures are available but not at my fingers' ends this minute. For the year prior to the beginning of the 3 per cent act the net increase of aliens into the United States was 500,000.

Mr. BLANTON. I wish to know the number of those leaving the United States.

Mr. JOHNSON of Washington. For eight months of the year following the act the increase was about 40,000 net. Our inquiry, however, proves the fact that many go out of the country to seek relatives to bring them in. Further inquiry develops the fact that when times are hard in the United States there are many people who have come here to work who go out of the United States.

I reserve the remainder of my time.

The CHAIRMAN. The gentleman reserves 52 minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 249. Joint resolution authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church.

DEPORTATION OF CERTAIN UNDESIRABLE ALIENS.

The committee resumed its session.

Mr. RAKER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. RAKER. I desire recognition.

The CHAIRMAN. Is the gentleman from California opposed to the bill?

Mr. RAKER. I am not.

Mr. STAFFORD. Mr. Chairman, I desire recognition in opposition to the bill.

The CHAIRMAN. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. I am.

The CHAIRMAN. Does any member of the committee desire recognition in opposition to the bill? If not, the Chair will recognize the gentleman from Wisconsin, who is opposed to the bill.

Mr. STAFFORD. Mr. Chairman and gentlemen, this bill if enacted in the form in which it is reported would delegate to the States the right and power of determining what aliens should be allowed to remain within their borders, because section (c) provides that if any alien is convicted of the violation of any State statute prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes, or of opium, and so forth, then the Secretary of Labor, under the mandatory provision of section 19 of the so-called Burnett Act, would be compelled to deport him.

The gentleman reporting this bill glosses over the main objections and tries to represent to this House that a person can be deported only after the violation of either the national prohibition enforcement act or a State prohibition act on successive occasions. I deny it. I claim that if any person is convicted of a violation of either the national prohibition act or any State prohibition act, convicted of one offense, then it is the duty of the Secretary of Labor to deport him immediately under the provisions of section 19 of the Burnett Act.

Mr. JOHNSON of Washington. How can the Secretary do that?

Mr. STAFFORD. Because you authorize him to do so in your bill; because you provide in section 1 that the act of May 10, 1920, is amended by adding a new section. Here is the act of May 10, 1920. It is now a dead letter, because it applies entirely to violations of war statutes. That is shown in the report, which will be found on pages 1 and 2, where you enumerate specifically the provision whereby the alien may be deported for violation of various war acts of Congress. Under section 19 of the so-called Burnett Act the alien could be deported after conviction of a crime involving moral turpitude committed within five years of his admission to the country; he may be deported if he is found guilty after conviction for a second offense regardless of the time limit.

Now you propose to out-Volstead VOLSTEAD by providing that for a violation of either a national prohibition act or a State prohibition act for the first offense, whether committed within five years or after five years of his coming here, not involving moral turpitude, he shall be deported under the provisions of the general law—and after, as the gentleman from Maine says, serving out his term of imprisonment.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CRAMTON. Does the gentleman understand that the act of 1920 is mandatory on the Secretary of Labor?

Mr. STAFFORD. I do.

Mr. CRAMTON. That in every case the Secretary of Labor has no discretion except to issue the warrant?

Mr. STAFFORD. That is the practice under existing law. I now call the attention of the House in reply to the gentleman from Washington and in reply to the gentleman from Michigan to the authority of the Secretary of Labor to mandatorially deport any alien convicted of a first offense of a violation of any prohibition law.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. Let me finish.

Mr. CRAMTON. I want to be sure that the gentleman has my question.

Mr. STAFFORD. Let me proceed, and I will get the gentleman's question afterwards. This is what we are attempting to amend as found on the first page of the report. Permit me to read it:

That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States.

Then it enumerates various offenses, mostly offenses involving a violation of war acts which are a dead letter to-day, and now it is proposed to add as a new section to that act paragraph 4 of this bill. Under section 19 of the so-called Burnett Act, the act of February 5, 1917, which you will find printed at the bottom of page 2 and most of page 3, the power of the Secretary of Labor has to deport aliens who have been convicted of crime involving moral turpitude within five years after the entry of the alien into the United States, or who has been sentenced more than once to a term of imprisonment because of a crime involving moral turpitude.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. MANN. Does not the act of 1920 expressly provide that in addition to the conviction the Secretary of Labor shall find after hearing that the person is an undesirable person in the United States?

Mr. STAFFORD. I think so.

Mr. MANN. Then it is not mandatory because they are convicted of a violation of a statute.

Mr. STAFFORD. It leaves it to the Secretary of Labor to find if he has been convicted.

Mr. VAILE. It authorizes him to do so.

Mr. STAFFORD. Very well; I am unwilling to vest in the Secretary of Labor that great authority to deport an alien who has been convicted for the first time of a violation of a State statute or a national statute involving the prohibition laws of the country. I can conceive of instances where in homes—and every Member representing a foreign constituency can conceive of a case, where younger people have become citizens and there happens to be an old member of the family, a parent who has not been able to take out citizenship papers, being convicted or fined for the manufacture of beer or light wine—and how many thousands of instances in the country where these foreigners are making their wine or beer—and yet the Secretary of Labor would be authorized to deport the father, to break the ties that bind the family, and send him back to a foreign country from which he may have been separated for many, many years.

Mr. VAILE. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. VAILE. The gentleman has drawn a horrible picture of this ogre, the Secretary of Labor, the President's chief adviser, and I want to ask the gentleman if he really believes that any Secretary of Labor, the President's most trusted adviser, is going to use the power conferred on him to deport a man for a trifling act?

Mr. STAFFORD. I am unwilling to vest any such authority in any Cabinet officer. I do not want to take any chances with any future administration calling to the enforcement of this act a man who is as fanatical as some men in this Chamber in the enforcement of the prohibition law.

Mr. VAILE. So the gentleman would not be willing to take a chance?

Mr. STAFFORD. I would not. I believe it is better to protect the rights of these aliens who are not guilty of any violation of law involving moral turpitude, but who are just merely guilty of a minor violation of a State statute or a national stat-

ute. You do not give him even a chance after he has been convicted the first time. You say to the Secretary of Labor that he may deport the man. In northern Wisconsin, in the district represented by my colleague [Mr. A. P. NELSON]—and he is one of the driest of the dry, and I go into those northern woods every summer because of hay-fever trouble—nearly every one of the farmers are manufacturing their home wine and home brew. Are you going to allow some State prohibition officer to go and arrest a man who does that, and are you going to put the authority in the Secretary of Labor to deport that man, when, under existing law, you permit aliens committing murder, rape, and the most heinous offenses after five years' residence to remain here?

I say that you are going too far in your exercise of autocratic power. You judge a law by the extreme cases and you want to test it by the extreme cases, and I certainly protest against such an unreasonable enactment of law.

Mr. HUDDLESTON. In reference to the question asked by the gentleman from Colorado [Mr. VAILE], to the effect that this act as proposed to be amended does not give the Secretary of Labor discretion merely, but makes it his duty to deport anyone who may have been convicted; it says that he shall be deported. So there is no discretion in the Secretary of Labor. Upon its being brought to his attention that some alien has been convicted, it becomes his mandatory duty to deport him.

Mr. STAFFORD. I am glad that the gentleman called my attention to it.

Paragraph 4 states:

All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien shall be deported until the termination of his imprisonment, if any, upon such conviction.

Now, gentlemen, there was reported just a few days ago a very well considered bill relating to the——

Mr. VAILE. Will the gentleman permit me to ask him a question?

Mr. STAFFORD. Not at present. There was reported just a few days ago a very well considered bill relating to the manufacture and control of narcotics from the Committee on Ways and Means, by the gentleman from Washington [Mr. HADLEY], wherein there is a provision providing for the deportation of those who have been convicted of violation of the narcotic act. But this bill goes to extremes, goes beyond anything that the Congress of the United States has ever passed, and violates, in my opinion, the fundamental principles of giving protection to the homes of the people when they commit no crime involving moral turpitude but are guilty of only an infraction of a punitory statute.

Mr. Chairman, I reserve the balance of my time.

Mr. VAILE. Mr. Chairman, in behalf of the chairman of the committee, I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, this committee has given a great deal of consideration to this subject. The chairman of the committee is always active and energetic in trying to get proper legislation, and he allows no other Member of the House or other committee to excel him in the work, to the end that the Members of the House may know what is going on, as well as the country generally, and he not only believes in enforcing the law, but believes in allowing those who are handsome and beautiful to appear before the committee and give their judgment, so that the Members of the House and the country may know. Therefore I desire to have the Clerk read in my time a clipping that appeared yesterday in a newspaper, after which I will proceed with this particular question.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FAIR LILLIAN VERSUS JOHN L.

John L. Lewis, president of the United Mine Workers of America, held the center of the stage in the capacious House Labor Committee room this morning, while Chairman JOHN I. NOLAN smiled at the crowds which filled rooms, corridors, and intervening spaces.

Along came Chairman ALBERT JOHNSON, of the Immigration Committee.

"I can beat that crowd all to smithereens," he whispered with a grin as he sent a notice to the press galleries for posting.

The notice read: "Lillian Russell, President Harding's European commissioner, will be present in person at the House Immigration Committee hearings Thursday morning at 10.30."

And now they say that Congressman WALLACE WHITE, of the Committee on Woman Suffrage, is preparing to negotiate with Rudolph Valentino to tell what he knows about California women voters.

[Applause.]

Mr. RAKER. Gentlemen, speaking of this bill, I think the criticisms made by the gentleman from Wisconsin——

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. MADDEN. What particular language of this bill does the newspaper clipping have reference to?

Mr. RAKER. That relates to another bill pending, showing that the chairman of the committee is always active.

One of the things is not necessarily punishment but deterrent, and when a man is convicted under the narcotic laws of the Federal Government, or under the State laws, or convicted under the act of October 28, 1919, or under the State laws regarding the sale of narcotics, or violating the prohibition law, and he is an alien, and after he has served his term of imprisonment, if there is a term of imprisonment, he can be arrested by the immigration authorities and given full hearings—the evidence will show his conviction—and in addition to that, under the act as it is now in existence, the Secretary of Labor must find that such alien is an undesirable resident of the United States.

Mr. MILLS. Will the gentleman yield?

Mr. RAKER. For a question.

Mr. MILLS. Has the committee any evidence to submit to the House of the need for such a law?

Mr. RAKER. Yes. We think so. I will explain it.

Mr. MILLS. Will the gentleman tell us whether there is any evidence that the Volstead law is being violated?

Mr. RAKER. Yes.

Now, that being the case, an alien who realizes, and it has been realized—we have amended the narcotic law, and that was the purpose of the Harrison amendment, to take charge of those and dispose of them who had been convicted already two or three times, and we cut so much out of it that there is no chance of getting anything out of it. But under the narcotic act you could keep a man in jail some time without putting him on the community to commit another crime. The same way with the liquor enforcement.

Mr. HUDDLESTON. Does the gentleman think that an alien that violates the prohibition law is any more an undesirable citizen than a native citizen who violates it?

Mr. RAKER. My dear sir, it is shown, because there is a statutory provision, except in a certain instance, that the court can deprive him of his citizenship. If a man deliberately and premeditatedly as an alien of this country came here, when we have a constitutional amendment conducted by practically all the States, practically all except one, when all the States have that kind of a law, and when this Congress by an overwhelming vote of both Houses passed it over the President's veto—when the American people have a law of that kind and people come to our country to receive its benefits and pleasures and opportunities, and they deliberately violate that law, because the punishment is so small that they will go back to it again, they do not belong here. The day will come when these persistent violators, these bootleggers in our country, if they continue, will compel the States to pass laws by which those citizens will not be permitted to come in them.

Mr. LAYTON. As a matter of fact, this bill is not confined to the bootlegger, where, if I understand, there is quite a diversity of opinion throughout the country as to the moral turpitude involved, but, as a matter of fact, this bill does seek at the same time to cover something that every normal man and woman in the United States is altogether interested in, and that is the suppression of the infractions of the Harrison Act.

Mr. RAKER. All right. Now, these are twins from hell itself, and liquor and narcotic drugs go together, and have from the beginning of time.

Mr. FAIRCHILD. Would not the gentleman's argument apply equally to the aliens who violate any other statute of the United States?

Mr. RAKER. No; and for this reason——

Mr. FAIRCHILD. How about the postal laws of the United States, where obscene literature is sent through the mails? Would it apply to that?

Mr. RAKER. Yes; that is a crime involving moral turpitude.

Mr. FAIRCHILD. How about counterfeiting?

Mr. RAKER. That is a crime involving moral turpitude.

Mr. FAIRCHILD. Does it apply to that?

Mr. RAKER. It applies to all such cases. To-day if you convict a man of a crime involving moral turpitude, you can deport him, but the decisions up to the present time have been to the effect that a man convicted of violation of the prohibition law is not guilty of a crime involving moral turpitude.

Mr. FAIRCHILD. Then, if you are seeking to punish crimes not involving moral turpitude, why not make this act apply to all such cases?

Mr. RAKER. We can not do everything at once. We have these two evils which have stalked through the world from the beginning of time, and the people of this country are trying to

do away here with the sale and distribution of narcotic drugs. The people of this country have been trying also to do away with the liquor evil. Therefore we have selected these two because they work hand in hand, and you can not separate one from the other, and it is a good thing to pack them right up and deal with them together. As the testimony shows, from 50 to 90 per cent of the men who violate the narcotic laws and the prohibition laws are aliens.

Mr. FAIRCHILD. Does not the gentleman understand that when you single out one or two statutes in this manner you, by implication, invite violations of all other statutes?

Mr. RAKER. No. We ought, by deporting these people, to give them an example that no more aliens living in this country who desire to receive the benefits of living in this country shall be allowed to violate the law, and then they will begin to say, "I will not violate it, because if I do I will not only get an imprisonment judgment but I will be sent back to the old country." Let me tell you not many of them will take the chances of that.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. WALSH. Can these people be deported from the State of California?

Mr. RAKER. My dear friend, do you not know that these aliens in California who have been debauching our country in the way of the narcotic trade, these Chinese, are violating the law to such an extent that for years we have been trying to get a better and more wholesome condition of affairs, and——

Mr. WALSH. How many of these are there in California?

Mr. RAKER. I do not know. We have tried to get a census, and we have not been able to get it.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. RAKER. In a moment. I read from the hearings:

Mr. RAKER. Just let me ask you this question: Would it be material as to the percentage or as to the exact number if, as a matter of fact, there is a persistent and determined effort on the part of aliens to violate these laws?

Mr. JONES. I would not say that it is material, whether it is 50 per cent or whether it is 80 per cent.

Mr. RAKER. The good result obtained by the example of not only the punishment or the fine but the finality of the judgment, followed by deportation, would deter these people and make them believe we mean business when we pass a law.

Mr. JONES. You have expressed my view on it, Mr. Congressman, better than I could myself.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MILLS. Mr. Chairman, will the gentleman yield for a short question?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. I would like to answer the gentleman's question. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. STAFFORD. I object.

The CHAIRMAN. Objection is heard.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes.

Mr. HUDDLESTON. Mr. Chairman, this bill provides for the deportation of any unnaturalized foreign-born person, any alien, who may be convicted of a violation of the national prohibition act of October 28, 1919, the Volstead Act, or—

(c) Any other statute of the United States, or of a State or Territory, prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes.

And so forth. Aliens are to be deported, not only for violating a Federal statute but for violating a State law.

To subject aliens to deportation under this bill it is not necessary that they shall be convicted by a court of record or after a jury trial. Even a police court conviction or a conviction by a justice of the peace will provide the required basis for their deportation.

Aliens so convicted are not merely deported without other punishment. The deportation is in addition to such punishment as may be given them by the courts convicting them. After they serve out their sentences or pay their fines they are then to be deported; that is, are to be sent back to the foreign land in which they may have been born.

The bill provides for a double punishment for a crime—punishment by the court which tries the alien and punishment by the Bureau of Immigration which deports him; punishment by fine and imprisonment in this country and then by banishment to some foreign land from which perhaps the alien fled to save his life. The bill discriminates between American citizens who violate our laws and aliens who violate them. The citizen expiates his offense by fine and imprisonment. The alien for the same offense is not only fined and imprisoned but is then banished for life.

THE HIGH-WATER MARK OF INTOLERANCE.

This bill, it seems to me, marks the high tide of fanaticism and intolerance. Section 19 of the immigration act of 1917 went far beyond anything that had previously been conceived in this country in so far as deportation is concerned. The proposal now is to extend the deportation provisions of the act of 1917 to persons who may be guilty of violating the prohibition laws, not merely the Federal prohibition laws, but the prohibition laws of any State.

I speak on this subject as one who has been a prohibitionist from boyhood, but not, as I hope, a fanatical prohibitionist, who has nothing in his mind except prohibition. I do not expect prohibition alone to save the world. But I am not willing to deport a man from the United States for violating a police statute such as the prohibition law, when I would not deport him if he had violated some law of more importance and involving more serious consequences.

WHEN FANATICISM AND UNREASON RUN RIOT.

Bear in mind that the act of 1917 fixes the period at five years after a man comes to the United States within which a man must have committed the offense for which he may be deported. Here there is no time limit. The alien may have lived here until he has raised up American-born grandchildren to manhood, and then, forsooth, because fanaticism and unreason run riot in Congress, he is to be banished to a land which he may not have seen for 50 years. And all this not for treason or plotting against the State, not for murder or theft, but merely because he is found with a flask of liquor in his pocket or is at an assemblage where forbidden liquors are consumed.

PUSHES INTO FIELD OF HYPOCRISY.

This bill not only reaches the limit of unreason but pushes into the field of hypocrisy. I say that with all deliberation. It would be indelicate for me to refer to Members of Congress or to officials of the Government, but let us refer to other men in prominent stations in society. Let us refer to the classes of wealth, prestige, and accredited culture who constitute the dominant elements in the United States. Let me ask you, gentlemen, how many of them have been guilty of violating the prohibition laws of the Federal Government or of some of the States. Many of them have their private cellars; they are the customers of the bootleggers and the rum runners; they are the "hooch hounds." They laugh at the prohibition laws. Do they deserve exile?

Let us look at this matter like sensible and honest men, and, above all, like courageous men. Will you say that an alien who sits down at a table where wine is served and perhaps drinks some of it himself—will you say that it is such a serious offense that he should be banished to some land where perhaps disorder, starvation, and ruin prevail, when you yourselves, it may be, some of you, have been guilty of a similar delinquency? If you have not been guilty I congratulate you. I want to say that some of the leaders in this land have done such things. At a recent social occasion, held in the city of Washington, and attended by some of the most prominent men in America, liquors were openly served, so I am reliably informed.

Let me say, in further amplification of the question I asked the gentleman from California [Mr. RAKER], that the alien who commits an offense does not become thereby more undesirable than the American who commits the same offense. It is the utmost of intolerance and unreason that would mete out to him a different measure of punishment.

My position upon the subject of immigration is well known. I have voted for every measure proposed in this House which would restrict immigration. I will vote to shut the doors of this country in the faces of undesirable aliens; but the time to deal with them as foreigners is before they enter, not after they are here. When an alien leaves his native land and puts his foot upon the soil of the United States, the flag reaches out over him, and the Constitution, not merely in its letter but in its spirit as the founders of the Republic conceived it, should grant him every protection.

EXILE AS A PUNISHMENT FOR CRIME.

I am not willing, because a wave of intolerance and Chauvinism has swept over us, to punish by double penalties a man who commits a crime. I am not willing to punish any crime by

banishment. You would deport the alien merely because the Constitution permits his deportation. It does not permit the deportation of a citizen who is a criminal, no matter how bad he may be. The same extreme and intolerant spirit that would deport the alien would banish the American if only it were constitutional to do so. The same spirit that lies behind this bill would drive into foreign exile those who are in opposition to those who are in the ascendency. It is un-American; it is unworthy. We ought not to go to any such extreme. There is no occasion for it.

The spirit of intolerance which animates the bill under consideration is the same spirit which brooks no difference of opinion. It would stifle freedom of speech and of press. It would deny the right of citizens to meet together. It would correct by thumbscrew and rack all errors of religious opinion. The disposition to deport an alien for the violation of the prohibition law and yet which would condone and laugh at the offense when committed by an American citizen is the spirit of persecution rampant. It would crucify all independent minds which did not bow to it. Had it the power, it would banish native-born Americans who did not speak and think and walk in the fashion the majority might hold was proper.

Mr. JOHNSON of Washington. Where would the gentleman deport an American citizen?

Mr. HUDDLESTON. To the same place that you would deport an alien who has lived here for 50 years and lost his citizenship in his native country. Where will you deport the alien to? He has become a man without a country. Will you send him to Russia? Will you deport him to Africa? Where are you going to send him? He knows nobody in the foreign country. It is not his country. You can not compel that country to receive him back. Perhaps if received back he would be promptly crucified. Would you send a Czarist back to be executed in soviet Russia? Is that within the spirit of the gentleman's intention? Would he send a proscribed Irishman back to Ireland to be hanged? Would he send an Armenian back to Turkish murderers?

Oh, the matter of not having anywhere to send the man is an unimportant detail that should give the fanatics little pause. Why not take his life for the difference in opinion? The same spirit of intolerance, the same spirit of fanaticism which would lead you to banish a man to some land where, perhaps, his life would be forfeited, where starvation would grip him, where disease and disaster would overtake him, that same spirit would send him to the gallows for the same offense or send him to ruin and death in any other shape.

Mr. WURZBACH. Is it not a fact that this law would also include within its terms a person who had declared his intention to become an American citizen and who had taken out his first papers?

Mr. HUDDLESTON. Oh, certainly; and that irrespective of the length of time that he has lived in the United States. [Applause.]

Mr. JOHNSON of Washington. I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen, in my section of the country there are not many aliens. We are not bothered much with the alien immigration question. However, I see in the hearings on this bill a declaration from parties in power and engaged in the enforcement of the law that over 50 per cent of the violators of the narcotic and liquor laws are aliens. Anyone who has ever had any experience in the enforcement of the law knows that that can be accounted for by the fact that to a great portion of the immigrants who come to this country our jails are a promotion and have no horrors for them. I know men who will deliberately walk out and commit another crime after being freed from jail, because the jail has no horror for them or for men of their class. They are aliens. They have no notion of ever becoming citizens of the United States. I have not much patience with the theory that we should not return them to the country from whence they came for fear something terrible would be done to them there. I remember one case in which a former Assistant Secretary of Labor refused to deport a Mexican anarchist. While it was admitted that he was an anarchist and was trying to do all kinds of injury to this country, a former Assistant Secretary of Labor would not deport him to Mexico for fear they would destroy his life there. Well, there might be worse things happen to civilization than the destruction of that life.

The statement has been made that the law we are amending is a dead letter. I challenge that statement. The law is not a dead letter. There are portions of the law living to-day. The gentleman called attention to certain crimes and said why not include those crimes. Those crimes are included, because they have been held to involve moral turpitude, and the same power you are giving the Secretary of Labor over these crimes in this amendment to the bill to-day is now pertaining to the very crimes the gentleman mentions.

If there are any crimes peculiar to certain foreigners it is those crimes, and I say to you that the enforcement of the narcotic act has been thwarted and disturbed more by the alien population in this country than any other and the redemption of which there is no possibility. They ought to be deported, they ought to be sent back. Any man who thinks that a jail is a palace ought to be deported from the country if he is not a citizen to the place from which he came. Every law has a reasonable and sensible enforcement, and there will not be any isolated cases like the picking up of the old gentleman my friend mentioned in the north woods where he goes hunting. The men that will be deported under this amendment are the men that are filling the jails of this country to-day to such an extent that the dockets of the courts are congested and cases can not be tried because of that congestion. [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. JOHNSON of Washington. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman, I am in full sympathy with this measure and the purpose of it. I have no sympathy for an alien who has been here 50 years and has not become a citizen. [Applause.] You will not find much Americanism in such men. We have too many of that kind now. This bill adds two offenses to a long list already in the law the convictions for which authorize the deportation of aliens. Among them is Bolshevism. There is need of putting out of the country those who are not in sympathy with American institutions—men who go around and preach the subversion of the Constitution of the country and in a hidden way trying to destroy the ideals of American life. I naturally expect when that spirit is abroad in the land to find measures like this meeting with hostility. The man who comes here and violates the law is not the kind of a man that America needs now. It is a shame that we have too many of our own people violating the laws. It is a shame that the 20 to 50 per cent of the violations of the narcotic and liquor laws are committed by Americans. I do not understand the spirit of the citizenship that fights this proposition in the face of the fact that the acts denounced violate the provisions of the Constitution. I do not want that kind of spirit to grow in America; there is too much of it now. Lawlessness is all too prevalent. We have come to have too little regard for the authority of law. We need to have some deep-seated genuine respect for what is in the Constitution of the United States and what is written in the statute books. If the ties of society can be weakened at all in America, they can be weakened by this spirit of lawlessness filtering into our life.

The fact that we have a large amount of it among our own people only makes it more dangerous when such men as gentlemen describe come from foreign countries into our life to blur and mar it. I hope that American public sentiment will protect itself. The idea of great hordes who have just arrived in the United States going about loaded down with booze and dope and hooch, which they are peddling. Members of the great body of citizenship, and even some Members of the great House of Congress, think that it is no offense or a trifling one. I wonder if the American people think so. We need not only to purge our life and our Nation from aliens who do that, but we need to purge this thing from the body of American citizenship. We need to get it out of the minds of our own people. I am not afraid of what my brother American will do who in his own heart loves the law. If he is an upstanding man of that stock from which free people come, he may divide into factions and fight like the mischief with his brother American, but you will never make a slave of him, you will find him with too much common sense to get him or his country into a pandemonium like France had 125 to 130 years ago, or like Russia has now. He believes in law; he believes in order; he has common sense enough to know that the enjoyment of life can not work out without law. He knows that his opportunity depends upon law and depends upon order. Americanism stands for law, and that is why I am for this bill. I hope it will pass. [Applause.] Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back four minutes.

Mr. JOHNSON of Washington. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Chairman, the question has arisen during the debate this afternoon as to the method of deporting aliens. This bill seeks to amend the present laws relating to arresting

and deporting aliens, and the regulations now in existence will therefore apply in this case. Officers are required to make thorough investigation of all cases when they are either informed or have reason to believe that a specified alien in the United States is subject to arrest and deportation; an application is filed generally with an inspector of immigration. It must state facts showing prima facie that the alien comes within one or more of the classes subject to deportation after entry, and should be accompanied by some substantial supporting evidence. The application should also be accompanied by the affidavit of the person giving information or by a transcript of a sworn statement taken from that person by an inspector. A warrant is then issued for the arrest of such alien, and he is granted a hearing to enable him to show cause, if any there be, why he should not be deported.

Mr. ROSSDALE. Is that provided in the bill?

Mr. CABLE. That is provided in the regulations on page 75, subdivision 5, of immigration rules 22 dealing with "arrest and deportation on warrant."

Pending determination of the case, in the discretion of the immigration officer in charge, the alien may be taken into custody or allowed to remain in such place deemed by such officer secure and proper. At the beginning of the hearing under the warrant of arrest the alien is allowed to inspect the warrant of arrest, and all the evidence on which it is issued. In addition, the regulation requires and makes it mandatory that he shall be apprised that he may be represented by counsel. His counsel shall be permitted to be present during the conducting of the hearing and to offer evidence to meet any evidence presented or adduced by the Government. A complete record of the testimony, both on behalf of the Government and the alien, shall be prepared and forwarded to the bureau, together with any written argument or brief submitted by counsel, and the recommendation of the examining officer and the officer in charge for determination as to whether or not a deportation warrant shall issue.

Mr. VAILE. And this bill gives him a right to that full hearing?

Mr. CABLE. This bill amends the law and will be administered under the same regulations as govern other deportation cases, providing in each case for a full hearing and to be represented by counsel.

Mr. ROSSDALE. Does the alien under this act have the right to a hearing?

Mr. CABLE. Yes; as I have stated above, a full hearing is afforded him similar to hearing in State courts. After the record, briefs, and recommendation of the examining officer and of the officer in charge reach the bureau, they are referred to the solicitor of the Department of Labor, who again goes over the evidence and the law of the case and makes his recommendation to the chief of his bureau, viz, Commissioner Husband, who, together with the Secretary of Labor, again for the fourth time review the finding and make their determination as to whether or not such alien is a desirable resident.

Mr. BIRD. I believe it is clear that it is not mandatory on the Secretary of Labor to deport, but under the language of the act of 1920 is it not mandatory that he make a case out of every violation?

Mr. CABLE. It is mandatory thus far: If a complaint is filed with the Secretary of Labor, or if he knows of a case that should be investigated, then his men make a thorough investigation and proceed as I have outlined above. Each case will be considered by the Secretary of Labor on its merits.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Chairman, I wish to say a word precisely on the question which has just been raised, as to whether the deportation provided in this bill is mandatory on the Secretary of Labor. I can do that best by putting the documents together far better than by comment. This bill merely proposes to amend the act of May 10, 1920, by adding certain sections to it. The proposed amendment strikes nothing out of the act of May 10, 1920. The enacting clause and first paragraph of that act read as follows:

Be it enacted, etc., That aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States, to wit.

They shall be deported from the United States if the Secretary of Labor, after hearing, finds that they are undesirable residents of the United States, and if he does so find they shall be deported under the conditions provided in sections 19 and 20 of the act of February 5, 1917.

I wish to call attention to a proviso of section 19 of the act mentioned. A judge can prevent the Secretary of Labor from taking the case up at all. Here is the language:

Provided further, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court or judge thereof sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence or within 30 days thereafter, due notice having first been given to the representatives of the State, make a recommendation to the Secretary of Labor that such aliens shall not be deported in pursuance of this act.

Mr. MANN. Does the gentleman think that that will apply to this act?

Mr. TEMPLE. This act is an amendment to the act of May 10, 1920, and that act says that the deportation shall be made in the manner provided in sections 19 and 20 of the act of February 5.

Mr. MANN. The act provides for deportation, but that does not carry the exception.

Mr. TEMPLE. The provisions of section 19 are what I read.

Mr. MANN. That is the manner of deportation, but there is no provision about finding that a man shall be deported.

Mr. TEMPLE. The act of May 10, 1920, makes the exception—that is, an amendment to that act—and does not strike out the exception.

Mr. MANN. This is a reference to the Burnett Act.

Mr. TEMPLE. Oh, no.

Mr. MANN. Yes; it is.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. TEMPLE. I would like just about 30 seconds more. The act under consideration reads:

Be it enacted, etc., That section 1 of the act entitled "An act to deport certain undesirable aliens and to deny readmission to those deported," approved May 10, 1920, be amended by adding at the end thereof a new subdivision to read as follows.

This is expressly an amendment to that act, and that act provides that aliens deported under its provisions shall be deported in accordance with section 19 of the act of 1917. That section, section 19 of the act of 1917, gives the judge authority to stop the whole business before it reaches the Secretary of Labor.

Mr. EVANS. As I understand, the regulations are by this act made part of the law. Is that correct?

Mr. TEMPLE. I do not think so. I would not interpret what the other speakers state, but that is not my understanding.

Mr. Chairman, I yield back the remainder of my time.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Chairman and members of the committee, apparently the native-born bootleggers of America fear the competition of the alien bootleggers of America, and to-day we have the first piece of legislation offered to this Chamber emanating from the bootleggers' union. I am not surprised that this type of legislation is offered to this House. Were to-day not, however, April 5, I should think that it were the 1st of April.

We stand here to-day looked down upon in this House by the picture of the most distinguished alien who ever sojourned in this country and fought for the cause of liberty. I refer to the Marquis de Lafayette, who fought in cooperation with General Washington.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. HILL. In a minute. I will just get through with this, and then I will yield.

In the days of Marquis de Lafayette "deportation" was known as "banishment." The old remedy of the old French monarchy, which was tied up with the Bastille, and which we thought had fallen with the fall of the Bastille, is now invoked to protect the native-born members of the bootleggers' union from foreign competition. [Laughter.]

I am inclined to think that this bill will pass, because I hold in my hand general order No. 17, I might say, of the generalissimo of the forces who back this bill, and for the first time to-day I am interested to notice that the bootleggers' union of America is fighting under the banner of the Anti-Saloon League of America. [Laughter.]

I am indebted this morning to some strange chance, because I have never been considered a follower of the Anti-Saloon League of America, and yet as a Member of this House this morning I received orders intended for some of the rest of you.

and in order that you will not miss your orders on this bill I will read the order of the generalissimo of the bootleggers' union of America and the Anti-Saloon League of America, which is as follows.

Mr. JOHNSON of Washington. Mr. Chairman, before the gentleman reads——

Mr. HILL. I do not care to yield yet.

Mr. JOHNSON of Washington. I want to ask the gentleman if he wants the prohibition laws enforced or not?

Mr. HILL. My views as to the enforcement of the prohibition laws will be taken up later.

Now, lest some Members have failed to read this order, I will read it. I understand some of the Members have received this order. I read:

The Anti-Saloon League of America. Legal department. Wayne B. Wheeler, general counsel and legislative superintendent, 30 Bliss Building, Washington, D. C.

I understood yesterday that he was also treasurer of the campaign committee, but he does not put that designation on this order. I read:

APRIL 4, 1922.

MY DEAR SIR: The appropriation bill, H. R. 11065, for the Justice Department as reported by the committee includes a designated sum of $200,000 for special United States assistant attorneys to enforce the national prohibition act. This is the same as last year. The Justice Department estimated that $150,000 additional was needed for clerks, stenographers, assistants, printing, etc., for these assistant attorneys. The committee amendment requires that this amount be taken from the total provided for these general purposes or items of expense.

Now comes the order for the day, the general order for to-day, issued by the combined forces of the bootleggers' union and the Anti-Saloon League of America:

On Wednesday H. R. 10075, to deport aliens who have violated the liquor or narcotic laws, will doubtless be reached for consideration.

Zero hour has struck, my friends. It has been "reached for consideration," and in a few minutes we will see the forces of the Anti-Saloon League and the forces of the bootleggers' union of America going over the top to pass this wonderful bill. [Laughter.]

Mr. GARRETT of Texas. There will not be any opposition to the amendment, will there? [Laughter.]

Mr. HILL. There will be a few. There will be a few of us who believe that George Washington and General Lafayette were the best guides for the American people in the way of deciding upon banishment who will vote against this bill.

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. HILL. Not yet. I read further:

It will help law enforcement to provide for the deportation of such aliens.

Years ago in France, before the Bastille fell, they would have said "banish" such aliens. I read further:

In many places most of the offenders against the liquor and narcotic laws are aliens. There are approximately 8,000,000 aliens in the United States.

Now, my friends, that is the general order for the day. Here is your order for to-morrow or the day after to-morrow.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. HILL. I can not yield yet. Mark this:

"It has been suggested," says General Wheeler, "that an amendment be added to take away the citizenship of Americans who use neighboring territory as a base for violating the laws of the United States."

I can see that this emanates from the "bootleggers' union, No. 1," located in Washington, and not a border association. [Laughter.] I read further:

Many so-called Americans are using the islands near our shores for liquor-smuggling headquarters. Unless there is some real objection to the amendment its adoption would help to discourage this indefensible practice.

Pass this law to-day, Members of this House, and you will be asked to pass a further law to take away the citizenship of any American who violates the national prohibition law.

Mr. GARRETT of Texas. That refers to the other law, does it not?

Mr. HILL. I can not yield. I read further:

I hope you can see your way clear to support these measures in the most effective form.

Yours cordially, W. B. WHEELER.

P. S.—The various wet organizations are becoming active in encouraging beer and wine candidates in districts where Congressmen have supported enforcement legislation. Are there any such candidates in your district? The friends of the eighteenth amendment will do their duty if they are correctly informed.

[Applause.]

I noticed the gentleman cheered, because the gentleman was here yesterday when a promise was held out that those who voted with the Anti-Saloon League should be financed in their campaigns.

Mr. BLANTON. Why should they not be?

Mr. HILL. Mr. Chairman, I ask for order. I have not yielded.

The bill provides that all aliens who violate the national prohibition act or State prohibition act shall be deported, whether or not they have had a jail sentence or only a fine, because paragraph 4 says:

All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien shall be deported until the termination of his imprisonment, if any, upon such conviction.

That means imprisonment or fine.

Mr. LAYTON. Will the gentleman yield?

Mr. HILL. Not yet.

Mr. LAYTON. I hope the gentleman, who is a neighbor of mine, will yield.

Mr. HILL. Not yet. Now, gentlemen, I shall vote against this measure. I expect to see you pass it, because you have received your orders from the Anti-Saloon League of America. But I say to you that legislation of this kind is the sort of thing that will break down all true endeavor to make this Nation properly temperate instead of fanatically intolerant. Such legislation destroys the foundations of American liberty. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. JOHNSON of Washington. I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, I feel in a fortunate position here to-day, in that never has anyone contributed anything to my campaign fund in 12 years, except one older brother, who has acted the part generously, and two years ago neither I nor anyone else paid one cent of expense for my nomination or election.

In one respect I am in somewhat the same position as my friend from Maryland [Mr. HILL]. Neither one of us makes much distinction between alien and American bootleggers. I do not care whether they are American or alien; I want to put them out of business. The gentleman from Maryland made it plain by his speech that he does not care whether they are American or alien, he does not want to interfere with their business. The gentleman from Maryland complains because in his "general order 17" Mr. Wheeler was insisting upon this bill to put the alien bootlegger out of business, and then he objected to the postscript put in by Mr. Wheeler asking an amendment to put the home bootlegger out of business. The gentleman from Maryland and myself are alike in making no distinction between the alien bootlegger and the American bootlegger, but there we part. I want them both put out of business. [Applause.]

There has been a great attempt to-day to put up a smoke screen around this bill, calling your attention to that which might be in the bill but is not, and saying little about what the bill really does contain. The bill provides that on its passage the Secretary of Labor may hold a hearing with reference to a particular alien who has been convicted of a violation of our law against the sale of intoxicating liquors or narcotics. There is nothing to say that he must hold a hearing; but if he holds a hearing and if the Secretary of Labor, a Federal official of the very highest standing, finds that such alien is an undesirable resident of the United States, then he may issue his warrant for his deportation. From the time the warrant is issued the statute is mandatory and the alien goes his way. He is deported.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. I should like to ask the gentleman if, in his opinion, it is not better, where the Secretary finds a man to be an undesirable alien, to order his deportation, rather than let the States toss that convicted violator from one State to another in an attempt to put the expense on the other State?

Mr. CRAMTON. I agree with my friend absolutely. I say from that point the law is mandatory, that the undesirable alien must proceed on his way; but until the Secretary of Labor issues his warrant, it is in his discretion; not as the gentleman from Wisconsin [Mr. STAFFORD] would like to have you believe, that the whole statute is mandatory, and that any man convicted of a technical violation of the liquor laws would have to be deported no matter how ridiculous it might be.

Mr. ROSSDALE. Will the gentleman yield?

Mr. CRAMTON. Unless I can get more time I can not yield. Now, that is the provision of the bill. Is that desirable? If a man comes to this country from abroad, and so persistently, so flagrantly, violates our law against the sale of intoxicating liquor or narcotics as to be found to be an undesirable resident, what shall we do with that man? If he is a citizen, we have no option except to keep him here. We have no other place to send him. But if he is an alien, I say we ought to send him out of the country as undesirable. [Applause.] He does not have the spirit of our American institutions in his heart. If a man is born in this country and has not the spirit of our institutions in his heart, so much the worse for the country. We can not put him out.

But if he comes here from abroad and proves after a period of probation—the gentleman from Alabama [Mr. HUDDLESTON] is evidently not a Methodist and does not believe in a period of probation—if this alien comes here from abroad and after a period of probation proves that he is undesirable, that he has not the American spirit in his heart, then I say send him home again, and the sooner the better. What is the American spirit? What is the spirit of our American institutions? Where is it codified? It is codified in the Constitution of the United States. If there is anyone here who in his heart does not subscribe to the Constitution of the United States——

Mr. MACGREGOR. There are a whole lot of them.

Mr. CRAMTON. I hope the gentleman from New York is not one of them.

Mr. MACGREGOR. Certainly not.

Mr. CRAMTON. I hope the gentleman does not stand here where he took his oath of office and say that he does not subscribe to the Constitution of the United States.

Mr. MACGREGOR. I do subscribe to it.

Mr. CRAMTON. I am glad to hear the gentleman say that.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. I would like two minutes additional.

Mr. JOHNSON of Washington. I yield to the gentleman two minutes more.

Mr. CRAMTON. The Constitution of the United States is a codification of the American spirit, and no one has the right to say that he will subscribe to one part of it and not to another. [Applause.] The eighteenth amendment to the Constitution says that in this country intoxicating liquors shall not be sold, manufactured, or transported. If there are those born in this country, even those in office, who are not willing to see the Constitution of the United States enforced, that is the misfortune of America; but if there are those who come here from foreign lands, where they had no opportunity, who have come to this land of broad opportunity, and they are not willing in return to support the supreme law of the land, the codification of our American spirit, for God's sake send them back where they came from. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I yield four minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, our incomparably handsome, most likable, and genial colleague from Maryland is absolutely sound on every question except one—the enforcement of the eighteenth amendment of the Constitution. He has assumed the leadership of the men in this Nation who are against the enforcement to the letter of that amendment. He stands for beer and light wines. He says that until to-day Wayne Wheeler, the distinguished attorney for the Anti-Saloon League, never dared to send him a communication. But he said that lately, as soon as this bill was framed and brought into the House, Wayne Wheeler has assumed the leadership for the bootleggers' union in this country, and immediately upon assumption of that leadership representing the bootleggers' union, is it strange that our colleague from Maryland should receive orders from Wayne Wheeler? [Laughter.] No, no; why, it is the natural sequence if that is true; if as a matter of fact Wayne Wheeler is representing them he was not far astray in sending orders to our friend from Maryland. [Laughter.]

But I want to say—and I hold no brief for Wayne Wheeler, and I never received one cent in my life from the Anti-Saloon League or any other prohibition organization for campaign expenses—I want to say, in justice to Wayne Wheeler, that if there is a man on God's green earth whom the bootleggers of the country hate, it is Wayne Wheeler. He is the man who has stood in their way; he is the man who is trying to put them out of business; he is the man who is trying to protect the homes of this country.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLANTON. If the gentleman will give me some time.

Mr. STAFFORD. I will give the gentleman a half a minute.

Mr. BLANTON. Very well.

Mr. STAFFORD. Does the gentleman know that every bootlegger in the country is the best friend the Volstead law has?

Mr. BLANTON. Oh, that is because the distinguished gentleman from Wisconsin and the distinguished gentleman from Maryland and other distinguished gentlemen who had something to do with the legislation some time ago and since have forced provisions in the Volstead law which permits the bootleggers of the country to violate the law with impunity and receive a 1-cent fine, as was received upon a plea of guilty in my own State just the other day. A violator of the liquor law of the country and the Constitution was fined 1 cent by a Federal judge in Texas. That is what makes the law ridiculous. It should be enforced as every law is enforced.

Mr. ROSSDALE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ROSSDALE. Does the gentleman suppose that Wayne Wheeler got this judge to be lenient to the bootlegger?

Mr. BLANTON. Oh, the gentleman's question answers itself through its absurdity. Wayne Wheeler stands for the abolition of the saloon and the liquor business of the country. He has done more than any other man in the country to abolish the saloons; he has done more than any other man in the country to protect the young manhood, the boys and girls of the country, and to protect the homes and the firesides; and he is the man whom we ought to commend, whom we ought to hold up in esteem, and not condemn or criticize without some reason for it. [Applause.]

Mr. STAFFORD. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Wisconsin has 24 minutes remaining and the gentleman from Washington has 10 minutes remaining.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I am reminded of the lines in the comic opera, I think "The Mikado," which run something like this:

> My object all sublime, I shall achieve in time,
> To make the punishment fit the crime, the punishment fit the crime.

This is rather a frantic scramble on the part of those who are endeavoring to conserve accommodations in our jails for American citizens, to provide some way of eliminating the foreign bootlegger. Of course, it appeals very strongly to gentlemen from the drastic dry States, such as the Representative from Kansas, where I understand they have become expert in fixing by legislation the length of bed sheets and other chamber linen, and also the Representatives from States from which we have just heard, where its senior Senator recently was called on to write a letter with reference to an organization operating within its borders and point out that unless the State put down the organization the organization would destroy the State.

I am somewhat familiar with the legislation enacted to enforce the prohibition amendment. I believed then as I believe now that we started in with too drastic a law for the enforcement, and to give due meed of praise to the distinguished author of that law I would say that I never heard him urge at that time nor since, nor do I think it occurred to him in his wildest dreams, that we should provide for the deportation of aliens who have violated some provision of a State law with reference to the narcotic or the prohibition laws; but I appreciate the gentlemen on the Pacific coast who have been unable to find out how many of a certain class of aliens there are living in their midst and are greatly terrorized because they are compelled to live in a state of ignorance, and if they gathered them all up in one place they would find that they would not equal the population of some modern-sized city in the United States.

The difficulty out there is that they always find some American citizen who is willing to sell their land to them, and, therefore giving them a chance to become landowners. And the difficulty with these alien bootleggers is that they are always able to find some American citizen who will buy the stuff. Talk about the distinguished counsel of the Anti-Saloon League of America. Why, he is the fellow that made bootlegging popular. He is not considered an enemy by the bootlegger, either native born or alien. He is the man who made it possible for them to ply their trade, and it may be that out on the Pacific coast, rather than build additional accommodations to their jails so that they can take care of these violators of the law, both alien and citizen, they prefer to have Uncle Sam bear the expense and ship them out of the country. I have no objection to providing

that by law, but I think we are entering upon a rather dubious experiment if we permit the States by legislation to say what aliens shall remain in the United States. In some of these very erratic and irrational States we may find that they will pass some very unreasonable law, with very heavy punishment, and they can come in then with their application and require that the alien shall be deported.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Chairman, I yield five minutes more to the gentleman from Massachusetts.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. NOLAN. I would like to state to the gentleman that I represent one congressional district on the Pacific coast, and I have not heard from anybody in California favoring the passage of this act. I would also suggest that every time the people in the State of California have been called on to pass on a State-wide enforcement act they have voted overwhelmingly against it.

Mr. JOHNSON of Washington. Has not the gentleman read the reports of the grand juries of his own State?

Mr. WALSH. Mr. Chairman, of course the gentleman, I think, is in that unhappy class that is not permitted to bask in the sunshine of the smiles of the Anti-Saloon League. How the gentleman from Maryland [Mr. HILL] got on that list I do not know. The gentleman naturally would not hear of this urgent and overwhelming demand, because the band from the Pacific coast in the gentleman's own State is led by the distinguished gentleman sitting at the table on the other side of the aisle, who recognizes, without employing the radio mechanism, the martial strains, and he can picture in his mind the banner flowing to the breeze as the Anti-Saloon League army marches along its course, attempting to keep up with the law which it has fathered and attempting to catch up with punishment for its enforcement.

I submit, Mr. Chairman, that we made the law a little too drastic at the start. We should have followed the course embarked upon in the great State of Kansas, or in Minnesota, or in Iowa, or in Nebraska, and if we had we would find that the prohibition legislation there was a matter of growth and development. They did not fall upon their unsuspecting citizens at one swoop with prohibition legislation. They found that they had to formulate the law and improve it from time to time as public sentiment supported and indorsed it.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Kansas.

Mr. TINCHER. Speaking of different State laws, I am wondering if the law of Massachusetts punishing witches by death is being successfully enforced.

Mr. WALSH. Mr. Chairman, I would state to the gentleman that Massachusetts never had any such law as that since the Constitution of the United States was adopted, and a great deal of the punishment of witches by death in Massachusetts is pure fiction and was used only years ago to frighten naughty little boys and little girls in Kansas and other Western States who would not behave and would not go to sleep at night. [Laughter.]

Mr. Chairman, I am very glad, indeed, to learn from the distinguished gentleman from Michigan [Mr. CRAMTON] that nobody has contributed to his campaign and that he, as he merits, has received the indorsement of his district. I trust he will continue to do so for years to come. However, there are campaigns in Michigan where the successful candidate can not make that claim. [Laughter.] I mention no names.

Mr. Chairman, I would like now to ask the gentleman from Washington [Mr. JOHNSON], who has charge of this measure, if he believes this bill in its present form is entirely free from complications in respect to putting into the power of a Cabinet officer authority, after hearing, to deport an alien for a violation of some State law.

Mr. JOHNSON of Washington. If the gentleman will permit me, I shall be very glad to answer that question.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield myself two minutes. Answering the question, I would state that in all the time that the United States has received immigration it has never had sufficient deportations to protect the United States. In 10 years' time the total deportations of the United States for all causes have been only a few over 30,000. We go about and gather people up after they are convicted and sentenced for certain abhorrent crimes, such as the violation of the Mann Act, we take them out of the poorhouses as public charges and send them back to the country whence they came, and yet we have been sitting here quietly for several years permitting them notoriously to violate our narcotic act by the peddling of dangerous drugs and to seduce and ruin our people, and now that we have a prohibition act we should try to have it enforced and should punish aliens who will not live up to it, even to the point of deportation if repeated violation makes such aliens undesirable as residents.

Mr. WALSH. Does the gentleman think there is any complication likely to arise——

Mr. JOHNSON of Washington. Not the slightest. If a man commits murder under a State law and serves his sentence, if they proceed against him under a warrant of this kind, they can and should deport him.

Mr. WALSH. How were they going to deport him if he should be hanged the day before? [Laughter.]

Mr. JOHNSON of Washington. Oh, they do not always hang men for murder.

Mr. STAFFORD. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, while the gentleman from Massachusetts disputed the historical authenticity of the story of the burning of the witch at Salem, he failed to take cognizance of the fact that the witch-burning spirit actuates the proponents of this legislation. This bill provides for the deportation of noncitizens for a violation of the prohibition law or of the prohibition regulation of any State. The penalty of deportation is to be added to the present penalties. I wish I could find language adequate to express what I think of the proponents of the bill. Unfortunately the parliamentary situation does not permit it. Parliamentary practice would not permit a Member to say to other Members that they are hypocrites, fanatics, or stupid. Deportation is one of the most cruel forms of punishment. It was practiced by the Bourbons of France, and I am not surprised that the Bourbons of Texas support it. If a man violates a law, punish him. If he happens to have had enough intellect to choose to be born in the United States, if at the moment of his birth he possessed enough genius to choose this flag, then if he violates a law of his own land he should be punished the more severely.

He flouts the law of his own choosing; the law of his own making. He violates a Constitution purchased by the blood of his forefathers, and he is so much more of a criminal, if distinctions are to be drawn between citizens and noncitizens in the enforcement of the law. Some countries of Europe have been so reorganized that a man can not be deported to the country of his origin. New governments and new allegiances have been forced upon many of the peoples of Europe as the result of the last war. We are continuing the hysterical war legislation. The principle of deportation was brought in during the war to deal with an extraordinary and unprecedented emergency. Now you are going to deport a man because he has taken a drink in violation of the law. Some of you would be deported if you happened to be foreign born and noncitizens. [Applause.] The noncitizen is to be a legal outcast. Let us be honest about it. Why, gentlemen, this proposition merely indicates that the mentality of Congress has become exhausted. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I yield one minute more to the gentleman.

Mr. LONDON. We have been in session nearly a year. The legislative projects that you were assembled for have been finished, and you have nothing to do. But there are some committees that, out of their fatigued brains, bring forth all sorts of inane, incoherent, monstrous, impossible things for us to contend with. I wish Congress would adjourn. [Applause.]

Mr. STAFFORD. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. MACGREGOR].

Mr. MACGREGOR. Mr. Chairman and gentlemen, I can not remain silent while you are perpetrating this piece of iniquity. History repeats itself. They used to boil men in oil when they did not agree with particular opinions. We are going that way now. Here you propose to make something immoral that is conceded to be moral.

Mr. VAILE. Conceded by whom?

Mr. MACGREGOR. Evidently by the law previous to this. It is conceded by your report that there was no moral turpitude in violating the prohibition law. There are thousands, yes millions, of our people who do not think there is any moral turpitude in violating the prohibition law.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. MACGREGOR. I can not; I have only four minutes.

In my district there are Italians, a splendid people, who have been accustomed to their wine. Do they think that there is any

moral turpitude in manufacturing wine for consumption in their own homes? Do the German people, who constitute the great basic people of my constituency, think there is any moral turpitude in the manufacturing of beer and wine in their own homes? Do the Polish people, who constitute another basic element of my constituency, think there is any moral turpitude in the consumption of beer and wine? No; they do not and they will not. They are most vehement in their resentment against the curtailment of what they consider their moral right. Now, you propose to take many hundreds, perhaps, of my people, who do not think that they have been guilty of any moral turpitude, because of some slight violation of the prohibition law, and cut them off from their families. They perhaps have been here many years; their children have grown up in the United States; their sons probably fought in the World War to make the world "safe for democracy." The mother and the father with their children are enjoying their lives in America. Perhaps the old people have not taken out their citizenship papers; I do not deem them guilty of any serious crime for not doing that in many, many cases. I am in favor of every man who comes to our country taking out citizenship papers and becoming a citizen, but there are, as I say, many hundreds who have not, and I do not consider that they have been guilty of any great or heinous crime. You propose to take these people, break up their families, and send them out into the world to God knows where; let their fate rest upon the arbitrary decisions of one man in the United States, whom you create a czar to determine the life and the liberty of the individuals covered by this infamous bill. We are becoming more and more to be a despotic, autocratic, czaristic country, placing might and power in individuals to determine the future, the life, the liberty of our citizens, and it is time that we should stop and not go any further with this specious, this futile, this czaristic legislation that you are seeking to place upon the statute books.

The prohibition amendment has been adopted; the Volstead Act has been passed. It should be enforced; but to enact this statute is going beyond the bounds of common sense. It is another step in the direction of creating disrespect for all law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I yield the balance of my time, six minutes, I believe, to the gentleman from New York [Mr. MILLS]. [Applause.]

Mr. MILLS. Mr. Chairman and gentlemen of the committee, it is difficult to remain silent, even if one has not any original thought to contribute to the discussion, when such a bill is presented to this body and when one has reason to fear that the measure will pass. I suppose one of the greatest faults in American public life to-day is hypocrisy, and of all the measures that are open to that charge this measure is one of the worst.

The gentleman from California this morning stated that the manufacturer and seller of drugs and the violators of the Harrison Act are in the same class with the violators of the Volstead Act. I wanted to ask him then, but he could not yield, and I desire to ask him now, whether he considers that great farming class of the State of California that is to-day devoting itself to the tremendous industry of grape growing, is in the same class with the manufacturer of heroin intended to be sold to minors in the streets and slums of New York City? He is putting them in the same class. And you gentlemen, in this legislation, are putting them in the same class. Read the history of the grape industry of California since prohibition went into effect and you will know what is happening. They are growing grapes and shipping them by the carload directly to foreigners to be manufactured into home-made wines. It is one of the bases of the prosperity of that State. Now, you gentlemen are going to say to the unfortunate foreigner who buys the grape and manufactures it into home-made wine for his own consumption that he is a criminal, to be torn from his fireside here in the United States and from his family, never to come back to this, his new home, while the grower of the grape, intended for the consumption of that foreigner, is to be considered among the foremost prosperous and respected American citizens. [Applause.] In the name of truth, in the name of honor, in the name of common sense, was there ever a more outrageous proposition put before a legislative body? To grow grapes and sell them to the foreigner to manufacture wine out of is a legitimate business, but we must deport the foreigner as a criminal. [Applause.]

In this country our citizenship is made up of all races and of all nationalities. They come here because they believe they are going to get fair play, a new freedom, and as they find that our laws are just and there is no discrimination shown they stay, and after one or two generations they become indistinguishable from the native-born American. What is going to be the effect of this class of legislation on these new arrivals? You are foisting an unjust measure on them. By this legislation you are telling them that it is all right for the Americans to grow the stuff to sell to them, but that he who buys it from those who grow it is a criminal if he uses it. If you are honest with yourselves you can not vote for such a proposition.

Mr. JOHNSON of Washington. What is the alien now if he uses this manufactured liquor?

Mr. MILLS. What is he if he makes homemade wine?

Mr. JOHNSON of Washington. Is he a violator of the law?

Mr. MILLS. I do not know whether he is a violator of the Volstead Act or not, but he may be a violator of some State law.

Now you gentlemen, of course, are going to pass this measure. It may or may not become a law. But even if I believed in this extreme legislation I should vote "no" on this proposition, because you are going so far in your frantic efforts to overcome your initial mistake that you are going to break down our whole system of law enforcement. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield the remainder of my time to the gentleman from Colorado [Mr. VAILE].

The CHAIRMAN. The gentleman from Colorado is recognized for four minutes.

Mr. VAILE. Mr. Chairman, it is rather a new idea to me to find Members of the House of Representatives of the United States impliedly, at least, charged with hypocrisy on account of the offense of endeavoring to support a statute of the United States passed in obedience to a plain constitutional mandate, and passed by an overwhelming majority of the Congress. It seems to me it ill becomes gentlemen of the House to bandy about such words as "hypocrisy" in that connection.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. VAILE. For half a minute.

Mr. FESS. Did we not have the same charge of hypocrisy leveled against the legislation that we are now trying to enforce?

Mr. VAILE. Yes; and I suppose it will be done in the future by anybody who does not like such legislation.

Mr. FESS. And by the same people?

Mr. VAILE. Yes; by the same people.

Let us look at this question from the immigration standpoint. We can admit to the United States whom we please; we can refuse to admit whom we please; we can deport out whom we please. The question of the admission of aliens to the United States or their residence in the United States is one which is addressed only to our own good judgment. If we wanted to be so unreasonable, we could provide that no one should come to the United States who had red hair. It is entirely up to us. We could provide that if aliens come into the United States they can not stay unless they comply with our rules, and as a matter of fact we do require such aliens to go back unless they comply with certain of our rules. One of our rules is that they shall not be mentally deficient. Another is that they must not belong to societies opposed to our Government. Here to-day we are proposing a rule which is that if they do not comply with certain statutes of the United States, passed, as I say, by an overwhelming majority of the Congress, they may then be sent back, if, after their conviction and after they have had another day in court before the Secretary of Labor, they shall be deemed by him to be undesirable residents. But lo and behold, when it comes to the matter of enforcing that kind of a rule we find that the sentiment of the House is pervaded with another idea. The enforcement of a particular law is obnoxious to some gentlemen and so they would have us understand that there is some new principle involved in sending an alien away because he will not comply with it. You may send him back because he is a mental degenerate, or you may send him back because he is a moral degenerate. You may send him back because he is likely to become a public charge; that is to say, because he is poor and incompetent. You may send him back for this or for that, but for Heaven's sake do not send him back because he violates the narcotic act or the prohibition act!

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. FAIRCHILD. Why not for the violation of any statute?

Mr. VAILE. That might be well enough, but we can not do everything at once.

Mr. FAIRCHILD. Will you vote for that?

Mr. VAILE. I want to see this statute passed. I do not want it encumbered by other things.

Now, it is said that an American-born violator of the law is as culpable as the alien violator. I think he is even more cul-

pable. But the American violator is here; he is our citizen. We have got to deal with him in some other way. We can say to the alien violator, "You can not stay unless you comply with our rule." Is it a great hardship?

The gentleman from Wisconsin [Mr. STAFFORD] gets up here and in an eloquent address says he is not willing to take the chance of putting this arbitrary power in the hands of the Secretary of Labor, the chance that the Secretary of Labor may hold as undesirable somebody who has been convicted and had his day in court and who will have another day in court; he is not willing to take the chance of the Secretary of Labor holding such a man undesirable. While he was speaking I counted in that gallery yonder 18 boys all less than 14 years of age, a group of bright youngsters from some school, eagerly listening to this debate to learn how their country's laws are made. They have since gone out of the gallery. I am not going to take the chance for those boys. I am more concerned about them than I am for the alien violator of our laws, who would wreck their young lives for a few filthy dollars.

My district comprises less than 8 per cent of aliens. I am informed by the district attorney that during his term of office—that is, since the beginning of the year 1921—70 per cent of convictions for the violation of the narcotic and liquor laws have been of aliens. Talk about taking a chance! There is chance enough to take from our own citizens who have no respect for their obligations to this country. I am not making light of that dreadful chance. It is full of perils, indeed; but must we take the additional chance which we are asked to take simply because of your extreme tenderness to aliens? We did not make these people. We did not compel them to come here. We do not have to have them, and if they do not comply with our laws we are not going to have them. [Applause.]

The gentleman from Alabama [Mr. HUDDLESTON] gives you a most pathetic picture of some man who has lived here for 50 years being deported to a country whose very language has grown strange to him, deported because he commits some trifling violation of law. In the first place, it is perfectly nonsensical to suppose that anyone is going to be deported for a trivial or a merely technical violation. This bill is intended to reach the criminal profiteer in vice and poison, and it will be so applied. But let us examine the gentleman's argument a little.

He says that the minute a man lands in this country the flag covers him and the Constitution protects him. Well, if he is so interested in the protection of the flag and of the Constitution, how does it happen that he has remained an alien for 50 years? [Applause.]

Mr. HUDDLESTON. Will the gentleman yield?

Mr. VAILE. I will.

Mr. HUDDLESTON. Many of these people have believed for years that the filing of their first papers made them citizens of the United States, and some of them have gone on for 50 years under that belief.

Mr. VAILE. That has happened in two or three States where they could vote on their first papers.

Mr. HUDDLESTON. It has happened in a multitude of States.

Mr. VAILE. The gentleman is mistaken. The Committee on Immigration and Naturalization has recently investigated that subject and found only three such States. But, at all events, there is no reason for their thinking that now. That subject has been thoroughly threshed out in our committee, and it has been thoroughly threshed out in the newspapers. But, in any case, does not that man owe any obligation to the flag which is supposed to protect him? Is the Constitution to be a dead letter as to him? Why, gentlemen, let us look at it from a reasonable standpoint. It is a question of our rules. Can we enforce our own rules, and can we enforce them by saying simply that people who will not abide by them can not live here? They can live in the countries from which they originally came. It ought not to be such a terrible hardship for them to go back to the country which gave them birth. I have very little sympathy with the cry that we hear that people who can not get along in this country, who can not conform to its laws, must nevertheless stay here because they will get along still worse in the country from which they came?

Mr. BLANTON. Will the gentleman yield for a question?

Mr. VAILE. I yield to the gentleman from Texas.

Mr. BLANTON. Even if we wanted to deport our own criminals, we could not do so, but we can deport aliens.

Mr. VAILE. Our own criminals are a separate problem. We have got to take care of them as best we can. They may fill our jails. It is unfortunate, perhaps, that we have not some place where we can send them; but, gentlemen, it is of no use to stand here and urge that the American is more culpable than the alien. Perhaps he is; for my part I believe that he usually is; but if so, he is our problem and the alien is some other country's problem, because the word "alien" means that he belongs to some other country and does not belong to us. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to deport certain undesirable aliens and to deny readmission to those deported," approved May 10, 1920, is amended by adding at the end thereof a new subdivision to read as follows:

"(4) All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts, the judgment on such conviction having become final, but no such alien shall be deported until the termination of his imprisonment, if any, upon such conviction:

"(a) The national prohibition act of October 28, 1919;

"(b) The act entitled 'An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes,' approved December 17, 1914, as amended;

"(c) Any other statute of the United States, or of a State or Territory, prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes, or of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves."

Mr. BOX. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I have a preferential motion. I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the enacting clause of the bill.

Mr. STAFFORD. Mr. Chairman, I am willing that the vote should be taken without debate.

The question being taken; on a division (demanded by Mr. STAFFORD) there were—ayes 30, noes 99.

Accordingly the motion was rejected.

Mr. BOX. Mr. Chairman, I move to strike out the last word. We have heard something here to-day about Salem witch burning by those who oppose this measure. I never engaged in any fight when a question of law and order was involved in which I did not hear from men who object to law enforcement something about the question of witch burning. I recognize that the remark made by the gentleman from Kansas [Mr. TINCHER] was a playful one, as he is supporting this measure. If I were able to do it, I should like to take the old New Englander with his fanaticism, if he had it, and his faults—and he had them—but with his upstanding, towering Americanism notwithstanding all, and set him over against the bunch—not here, but elsewhere—from which these words have come, whose record for crime and lawlessness is bad. I will take the noble old New Englander in preference. [Applause.]

Something has been said by way of comparison of the great Frenchman, Lafayette, with the liquor forces in America. That was an unfortunate and unhappy comparison. The great honor which we pay to the memory of Lafayette entitles him to more respectful treatment than that. He belongs in a nobler company. His name should never be presented in connection with such a cause. He joined with our forefathers in the establishment of a free America when they were led by Washington, whose name was presented by the gentleman from Maryland in the same connection. The lawlessness connected with the whisky business presented itself to the great Washington. The first great uprising against the law and authority of the United States after its Government was established was from the same lawless source; and while Washington was a liberal-minded man, he was above all a great, upstanding, Nordic American, knowing that law must be upheld, regardless of whether the citizen approved or disapproved it. He knew, declared, and acted upon the proposition that the orderly and regular enforcement of the law is necessary to the safety of the citizenship of the United States and to the continuance of a free Government. In his first administration he quelled the whisky insurrection. We are trying to hold down the same lawless business and reduce the evil of dope peddling. [Applause.]

Mr. STAFFORD. Mr. Chairman, I move to strike out paragraph (c), on page 2.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, beginning with line 10, strike out paragraph (c).

Mr. STAFFORD. Mr. Chairman, as I stated in my opening remarks, this bill is an amendment to a dead-letter law. Every paragraph to which this is amendatory refers to acts passed under the war powers of Congress.

I repeat, as you will find at the bottom of page 1 of the report, that this act makes it mandatory, upon the conviction of any person who has violated a State law, that he shall, upon

the warrant of the Secretary of Labor, be taken into custody, and then a hearing may be had. And the Secretary of Labor, after hearing, if he decides the alien is undesirable, may order that he be deported.

Further, this act you are seeking to amend by section 2 gives no power to the court over the decision of the Secretary of Labor in passing upon the question whether this alien is a desirable citizen or not. For section 2 of the act we are amending provides:

That in every case in which any such alien is ordered expelled or excluded from the United States under the provisions of this act the decision of the Secretary of Labor shall be final.

There have been many instances in the administration of this law under section 19 where the Secretary of Labor has gone beyond his constitutional authority in imprisoning without notice a large number of aliens on the ground that they were not in sympathy with our Government; but the Supreme Court, the palladium of the rights and liberties of the American citizens, have upheld the right of even the alien to be granted a hearing. I repeat that I am unwilling to vest in the Secretary of Labor the authority to deport an alien who has been sought after by some State prohibition enforcement officer fanatic and has been fined to grant to the Secretary of Labor the privilege of deporting that alien. As has been said many times in debate, the sponsors of this bill recognize the futility of national prohibition enforcement in communities where the sentiment is opposed to it, and now are trying to pass a legislative monstrosity by granting to the Secretary of Labor powers that were not even granted in war times to Cabinet officials or the President. That is your much-vaunted liberty and freedom under the American institution. On the one side you have an American citizen violating the law and paying a nominal fine, and beside him you may have an alien who has declared his intention to become a citizen subjected to a similar fine, and as soon as the fine has been levied and paid the Secretary of Labor takes him into custody with the power to deport him from these shores to some land where he has no home. [Applause.]

Mr. CLOUSE. Mr. Chairman, I rise to oppose the amendment of the gentleman from Wisconsin. Mr. Chairman and gentlemen of the committee, I have listened with considerable interest to the debate on this bill, and I think I came here with my mind open and free, not having prejudged the case, I am sure. But I am now prepared to say that I can not agree with the distinguished gentleman from Wisconsin that this bill deprives any individual, whether he be native or alien, in any unreasonable way of any right he has here under the flag of this country. I think, on the contrary, that this is a reasonable provision. I think it is one that should be adopted by this Congress and one that should be enforced after it is adopted.

Why, there is nothing in the argument that any man is deprived of his rights or of his liberty in an arbitrary manner, but, on the contrary, he must have been convicted of a violation of the statutes of the United States, and then only can the Secretary of Labor take action.

I shall support this bill, but I want to take this opportunity to call your attention to an existing law which is high-handed and in violation of the letter and spirit of that Constitution about which we have heard so much this afternoon. I believe that in the enactment of legislation for the enforcement of the eighteenth amendment it should at all times be reasonable in its character. But you have in connection with laws adopted in pursuance of the eighteenth amendment a statute now that takes the property of an American citizen, not of an alien, and confiscates that property without due process of law, and it is being indulged in in every State in this Union to-day.

Suppose that here in the District of Columbia a prohibition agent or one connected with the Revenue Department of this Government should go into a building owned by one of you gentlemen and should there find intoxicating liquors, or, perchance, find where an illicit still had at some time in the past been located. He arrests you, and the Commissioner of Internal Revenue immediately makes an assessment of a tax, together with a $1,000 penalty, provided under the Volstead Act. You can go into court and be abundantly able to show your innocence before the court and a jury of your peers, but notwithstanding that fact this assessment is enforced by notice after notice, and then a distress warrant is issued and levy is made upon your property, notwithstanding the jury has passed upon your innocence and given you a verdict of not guilty.

Now, I say to you that I have been a consistent supporter of prohibition. In my State 15 years ago the first political campaign in which I ever engaged was to make Tennessee, my native State, a prohibition State. I am in favor of prohibition now, but I am not in favor of any law that will take my property or your property or the property of any citizen of America without due process of law and giving him his day in court. [Applause.]

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to get a little information, if I can. Under the act of 1920 can the Secretary of Labor arrest a man before or after hearing?

Mr. JOHNSON of Washington. The act of 1920 applies to persons convicted.

Mr. MANN. Of course the act provides—

Shall upon the warrant of the Secretary of Labor be taken into his custody and deported in the manner provided * * * if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States.

Mr. JOHNSON of Washington. Exactly.

Mr. MANN. If it were a matter of original construction left to me, I should say that he could not issue the warrant until after the hearings. What I want to know is the fact. What does he do?

Mr. JOHNSON of Washington. He does issue a warrant, I think.

Mr. CABLE. The procedure requires two warrants. When information is lodged with the Secretary of Labor a warrant is issued and the man is taken into custody, and then if after the hearing is completed the Secretary of Labor finds that he is an undesirable citizen he is deported.

Mr. MANN. And that is the construction that the Department of Labor gives to this?

Mr. CABLE. Under the regulations.

Mr. MANN. So that under this bill any man who has been fined under the prohibition law for violation of either the national or a State law can at once be arrested?

Mr. CABLE. Yes; when information is lodged and the warrant is issued.

Mr. MANN. There is no requirement of information being lodged by the statute. On information being lodged he can issue the warrant any time he pleases?

Mr. CABLE. Yes.

Mr. MANN. On his own suggestion?

Mr. STAFFORD. The hearings disclose that that is the practice of the Department of Labor.

Mr. CABLE. That is the regulation.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 41, noes 91.

So the motion was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word. I am a prohibitionist. I participated in the prohibition contest in my own State when to do so there was sometimes almost involved the sacrifice of long-standing friendships. I have consistently supported the prohibition legislation that has been enacted here. I may say further that I am in full accord with the desire to restrain the activities of unworthy aliens. So strong is my view on that point that I deeply regret that the Committee on Immigration, instead of confining its work to legislation that is not very material, does not present for our consideration a bill looking to a permanent law upon the subject of immigration which would absolutely exclude all undesirable foreigners. For some unaccountable reason there has been a failure to bring in such a bill, although the promise was made a long time ago that an opportunity would be speedily given us to vote on such a measure. Why that promise has not been kept can only be conjectured. But it has not been kept, and thus we are now engaged in determining what we will do with offending aliens already admitted, when, in my humble judgment, we ought to be dealing with the far more important subject.

We are now on section (c) of this bill. Is it reasonable? One of its provisions in substance is that an alien may be deported if he violates the liquor laws of any one of the 48 States of the Union. Putting out of view the Federal law, we know that the State laws are almost as diverse as the conditions and characteristics of the 48 States. I was told a moment ago by a Representative that in his State the manufacture and the use of liquor for sacramental purposes is not permitted, and that it is not permitted for medicinal purposes. Accordingly, we are asked to say that an alien who violates the law of that particular State to the extent of making or importing or using liquor for sacramental or medicinal purposes shall be liable to deportation.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Not now.

Mr. BLANTON. That law——

Mr. MOORE of Virginia. Please wait one moment. Is that reasonable? I ask as a prohibitionist if that is a reasonable proposition? I ask if such legislation will not put us in the

attitude before the country of doing something unreasonable, and which may properly be charged as extreme and fanatical? One danger to the prohibition cause to-day is that by such legislation those who are deeply and heartily anxious that the cause shall prove a success may contribute to its final defeat. I do not discover—and this is rather significant—that the leader of the prohibition forces upon this floor, the gentleman from Minnesota [Mr. VOLSTEAD], the man entitled to more credit than anyone here for what has been done along prohibition lines, assumes any responsibility for this bill. To-day I have not heard his voice raised in favor of it. Mr. Wheeler has been criticized on the floor. I for one respect Mr. Wheeler and the great organization to which he belongs, and, so far as I know, there is an absence of evidence that Mr. Wheeler or that organization favors this provision. Regarding this provision as I do, I must oppose it. I must vote my convictions on this matter, as I shall hope always to vote my convictions on every measure. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I desire to say a word in opposition to the motion of the gentleman from Virginia. Several gentlemen are urging haste with respect to more restrictive immigration legislation. A great many people seem to think that you can take a pair of scissors and a paste pot and write an immigration act overnight—a strong, workable act. And yet when one comes on this floor with a deportation bill of this kind, designed to put some teeth into the immigration act, you find the very gentlemen who want more restrictive legislation are afraid of the teeth. Do you know what we are doing with our present deportation provisions? Deportation is a severe act, the last step, and one of the very hardest steps to accomplish. You do not pick a man up and send him out of the country just with a kick. It is a long process, as a rule. If the alien to be deported has been here some years the expense of sending him overseas is borne by the Government, and he is sent to his own country only with the consent of that country. That country usually consents because it wants to send other immigrants here. Let me refer you to these figures in respect to deportation for the last eight months' period, and we have had more deportations in the past year than for some time. For insanity, epilepsy, mental defective, and so forth, we deported 330. Those are the people that are found usually in insane asylums. The State asylums report to the Immigration Service and ask our Federal authorities to send them out of the country. Those deported because they were physically defective were 47 in eight months; because of loathsome or dangerous contagious diseases, 55; because they were likely to become, or had become, public charges, 1,190. Those are the poor broken wretches who failed in life's battle after coming here from some other country. They have collapsed and they are in the poorhouses, and we grab them up and shove them out. They have violated no law; they have simply broken down in the fight for existence. Who would leave the alien narcotic law violators in while he sends out the pauper? Of criminals we have deported 270 in eight months, and that number is above the average. As I said in the beginning, at any time the Secretary of Labor or any of his agents takes a man who is convicted under a State law and deports him as an undesirable citizen because he has violated a State law in regard to liquor or drugs, you may rest assured he is an undesirable alien, not fit to stay in the United States, and properly one to be deported.

Mr. CHALMERS and Mr. WALSH rose.

The CHAIRMAN. The gentleman from Ohio [Mr. CHALMERS] is recognized.

Mr. CHALMERS. Mr. Chairman, I move to strike out the last two words.

This seems to have developed into a contest between the "wets" and "drys." Now, in one sense of the word I suppose that I may be classified as a "wet"; that is, I am in favor of water transportation. And, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing in 8-point type an address I delivered last Saturday before the City Club of Baltimore on the subject of transportation.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. STAFFORD. Earlier in the proceedings I objected to extending the remarks of the gentleman from California, and therefore at present I shall be obliged to object to the request of the gentleman from Ohio.

Mr. WALSH. Mr. Chairman, I offer an amendment. On page 2, lines 10 and 11, strike out the words "or of a State or Territory."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 2, lines 10 and 11, after the word "States" in line 10, strike out the words: "or of a State or Territory."

Mr. WALSH. Mr. Chairman, I only desire to state that this amendment is along the line suggested by the distinguished gentleman from Virginia [Mr. MOORE] and along the lines which I suggested earlier in the day, to the effect that I believe we are entering upon a field that is likely to give rise to complications if we permit a Cabinet officer, situated in Washington, to pass upon the question of deporting people because they may have violated some State law.

Now, we have an all-comprehensive national statute, and it is as drastic as most of the State laws now in force, with possibly one or two exceptions. It seems to me that if this deportation provision in reference to the prohibition act be included in the law, we might well confine it to violations of the Federal statutes.

Mr. RAKER. Mr. Chairman, I rise in opposition to the amendment. I want to call the committee's attention to the fact that under the present law a man who is convicted of a crime for which he is punished for more than a year, and which involves moral turpitude, is deportable. There are 48 States of the Union now dealing with all those classes of cases, and any man convicted in any State of the Union to-day of a crime involving moral turpitude, where the judgment of the court is for more than a year, he is deported, namely, for crimes relating to theft, arson, burglary, and all other crimes of that character involving moral turpitude. And under the law to-day, after the man has been convicted and served a term of sentence as provided, it is the duty of the Secretary of Labor to make a complaint, or for some one to make a complaint, and then the party is arrested. Then it is the ordinary course of procedure to require a hearing before, first, the inspector, the immigration commissioner, and then it goes to the commissioner on immigration through his counsel; then goes to the Department of Labor through his counsel, and then finally comes to the Secretary of Labor after it has passed through all these proceedings, after due notice has been given, and when the Secretary finds the man is of an undesirable character and has been convicted under any of the laws of the 48 States he can then be deported.

These statutes to-day in regard to violating the narcotic laws are, most of them, State laws. Most of them do not involve moral turpitude, because opium for many years has been dealt in not only by England but by this country, and to-day we permit opium to be sold, and therefore it must be specifically provided that a man be deported after having been convicted by a State law. And there is no statute on the statute books now that reaches thousands of cases of those who are violating the narcotic laws and to prevent the ruining of the young men and women of this country, and where the testimony shows that 98 per cent of the violators are aliens. Then why do you want to be squeamish in regard to the deporting of these men who are destroying the very existence of the communities in which they live?

Mr. BLANTON. Mr. Chairman, I move to amend the amendment offered by the gentleman from Massachusetts by striking out the words "or Territory."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Amend the amendment offered by Mr. WALSH, by striking out the words "or Territory."

Mr. BLANTON. Mr. Chairman, this is the only parliamentary way by which I can get to speak on the question raised by the gentleman from Virginia [Mr. MOORE], who is a distinguished lawyer. He gave as his reason for objecting to subdivision 3 of the bill that various of the States had passed inconsistent laws. He said, forsooth, that some State had passed a law prohibiting this, and another State prohibiting that, and because such States had passed inconsistent laws he was in favor of striking out the third provision and limiting the bill to a Federal law. The distinguished gentleman from Virginia is too good a lawyer not to know that if any State should pass a law in any way inconsistent with the provisions of the eighteenth amendment it would be unconstitutional, because it would not be in conformity with the eighteenth amendment of the Constitution. The eighteenth amendment permits the States to pass regulatory measures with respect to prohibition only when those regulatory measures are consistent with the provisions of the eighteenth amendment to the Constitution.

Mr. MANN. Does the gentleman think the States had authority to pass such a law before the eighteenth amendment was a part of the Constitution?

Mr. BLANTON. But the eighteenth amendment specifically provides that the States are given the same concurrent right to pass laws to uphold the eighteenth amendment of the Constitution, which is to prohibit the sale and manufacture or gift of intoxicating liquors.

Mr. MANN. But the eighteenth amendment did not take away from the States any power which they had before the eighteenth amendment became a part of the Constitution.

Mr. BLANTON. I am in favor of this bill exactly as it is written, without the additional crossing of a "t" or the dotting of an "i."

Mr. MANN. Then why did you move to strike out a part of it?

Mr. BLANTON. Merely as a pro forma motion in order to answer the gentleman from Virginia [Mr. MOORE]. Under the parliamentary situation I had no other means, and I had to use a subterfuge in order to gain the floor.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. GRAHAM of Pennsylvania rose.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I rise to move to strike out the last three words.

Mr. Chairman, I suppose it will be of very little consequence what one may say on this measure, because the Members of the House seem to have practically made up their minds as to how they are going to vote, and they will not be influenced by reason in the matter of their voting. But I would like to call the attention of my colleagues to the fact that there never was a more undesirable piece of legislation than this bill which is now presented for their consideration. [Applause.]

Looking at it from a lawyer's viewpoint alone and without regard to the so-called division of "wets" and "drys," this is a bill which is intended to refer to the question of immigration and the regulation of immigration through restrictions more than anything else. The bill should be considered without regard to the question of enforcing prohibition. If you were dealing with this matter and were framing a scientific piece of legislation and would deport any alien who violated any national law, that might be received with some consideration. But when you are striving to select two classes of offenses, mere misdemeanors, and say that for them the punishment shall be deportation, you are making a distinction that is not justified in logic or in common sense. [Applause.]

The criticism of this bill made by the distinguished gentleman from Virginia [Mr. MOORE] is well founded. Any regulatory enactment of a State may become the subject of deportation. Is that just, equitable, or proper punishment? Think of it! A man may come here and do that which results in a fine, not imprisonment—he may commit an act which is malum prohibitum, not one which is malum in se; and for that, on a stranger in our midst, you are going to impose a penalty which is one of the severest penalties, in my judgment, that could be imposed. Does the punishment fit the crime? You are going to deport him for having violated perhaps a merely regulatory provision in some State law.

What right has this national body to impose penalties which are to be enforced for the violation of State laws? Let us confine ourselves to imposing penalties for the violation of Federal laws, laws made by this Congress. Let us enforce them if we see fit, even by deportation of aliens. But why say that everyone who violates some regulatory provision of some State law shall be liable to deportation if unfortunately he is an alien living in our midst?

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LAYTON. Do I understand that the Secretary of Labor could deport a citizen of Delaware against the will of the courts and the people of Delaware?

Mr. GRAHAM of Pennsylvania. If he is an alien resident, not a citizen resident in Delaware.

Mr. LAYTON. If he is not convicted by the people of Delaware?

Mr. GRAHAM of Pennsylvania. The man would have to be convicted of some violation of law, but it might be some very minor violation of law.

Mr. LAYTON. In other words, if he was deported, it would not be a Federal act in violation of the will of the State?

Mr. GRAHAM of Pennsylvania. No.

But the chief objection that I have against the enactment of such legislation as this is the looseness of its terms. Read it:

All aliens who may after this subdivision takes effect be convicted of any violation or conspiracy to violate any of the following acts—

And, then, in paragraph (c), wherein it says:

Any other statute of the United States or of a State or Territory prohibiting or regulating the manufacture, sale, transportation, importation, or exportation of intoxicating liquors for beverage purposes—

And so forth.

Think of the monstrous nature and character of a punishment like that for some trivial violation of the law which a man has perhaps inadvertently committed, but of which nevertheless he is guilty! For remember, my friends, that in those things——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WHEELER. Mr. Chairman, I ask for the regular order.

Mr. JOHNSON of Washington. Mr. Chairman, can we arrange for more time?

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may proceed for one minute more.

Mr. GRAHAM of Pennsylvania. I ask for one minute.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GRAHAM of Pennsylvania. I was going to remark that in these cases which become crimes merely because they are prohibited there is not necessarily any moral turpitude, except you may say that a man who violates any law is guilty of moral turpitude; but as between those things which men in conscience consider right and those things which they say are wrong there is a clear distinction in the law. And when you include in this section as crimes things which are merely made crimes by statute, which are not morally wrong, which are called bad only because prohibited, and for which men are liable to conviction because they are prohibited, in which even the intent of wrongdoing may be wanting, yet because they are prohibited the person may be convicted, I respectfully submit that when you so provide, singling out such cases and imposing the grave penalty of deportation, you are enacting a monstrous piece of legislation. [Applause.]

Mr. WHEELER rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. WHEELER. To demand the regular order.

The CHAIRMAN. There is not any regular order.

Mr. ROACH. Mr. Chairman and gentlemen of the committee, I rise in opposition to the motion of the gentleman from Massachusetts [Mr. WALSH]. I believe that the amendment should be defeated.

According to my understanding, in the adoption of the eighteenth amendment concurrent jurisdiction was conferred on the several States of the Union to enact such rules and regulations as they might enact or prescribe to assist the National Government in enforcing the eighteenth amendment. I can conceive that perhaps there might be violations of those State laws and regulations, and there would be cases in which persons should be punished for violations of State laws where perhaps there would be no direct violation of any Federal statute whatsoever.

But be that as it may, gentlemen, there have been some of the most surprising arguments made here on the floor of this House that I have ever listened to. I am not yet willing to concede that any violator of the laws of this country is bigger than the Constitution and laws of this Government.

It has been stated here that this bill should not be passed because it might be considered too drastic or fanatical. I want to answer that by saying that in our attempt to support the Constitution of the United States and enforce it, we are not going to write a law that is too drastic for that purpose.

That is exactly the trouble now, that the laws by which the eighteenth amendment is to be enforced are not sufficiently drastic. I am willing to write into this law the provisions of this bill, which to my mind are simply these, that the fundamental principle of this bill is that if an alien violates the eighteenth amendment to the Constitution, he shall be deported from the United States upon conviction for such crime, and I believe that should be the law. That is what this bill undertakes to do, and its enactment will assist us in upholding the law and preventing its being violated as is now being done. Of what particular benefit is an alien citizen who comes to our country and claims the protection of our flag, who having come here undertakes to tear down the Constitution of our country? [Applause.] Let us send him back where he belongs.

That is what this bill will do, and I am in favor of passing it without making a single change, and I particularly oppose the amendment of the gentleman from Massachusetts [Mr. WALSH]. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that at the end of five minutes debate on this amendment and all amendments to the bill be closed.

The CHAIRMAN. The gentleman asks unanimous consent that all debate on the amendment and all amendments to the bill be closed at the end of five minutes.

Mr. LONDON. I object.

Mr. JOHNSON of Washington. Then I move, Mr. Chairman, that at the end of five minutes all debate on this amendment and all amendments to the bill be closed.

Mr. GARRETT of Tennessee. The gentleman from Mississippi [Mr. LOWREY] desires five minutes.

Mr. JOHNSON of Washington. Then make it 10 minutes.

The CHAIRMAN. The gentleman from Washington moves that at the end of 10 minutes all debate on this amendment and all amendments to the bill be closed.

The motion was agreed to.

Mr. MANN. Mr. Chairman, the other day I was reading a story placed in the time when in England a great many crimes were punishable by death. The result was that it was rather difficult in many cases to convict a person of a crime; and the experience of mankind, at least in those countries where the people have to do with government, is that excessive punishment adds to rather than detracts from the frequency of crime. Suppose you should put into a law a provision that a man should be hanged if he violated the Volstead Act. How often do you think you could convict anyone? I believe in upholding the law, but as a practical question if you provided that if a man took a drink of wine he should be punished by imprisonment in the penitentiary for 10 years you could not convict one in a thousand who were brought before the court for trial, and no man here—with the exception of a few—if he were on a jury with a plain case before him would vote to send a man to the penitentiary for life because he had taken a drink of wine or because he had given somebody else a drink of wine.

I apprehend this bill will pass this House, and I predict now that the result will be a more lax enforcement of the law than there is now, because if you bring before a jury an alien with whom the people of his locality are acquainted who has been convicted of taking a drink of wine or of giving a drink of wine to his neighbor and say that in addition to punishment by a fine of $10 he shall be taken away from his wife and children and sent to a foreign land you will not be able to convict him. [Applause.]

Mr. VAILE. Is there any United States statute now which prohibits a man from taking a drink of wine?

Mr. MANN. There is a statute of the United States and there are statutes of many States. I believe there is no statute which prevents a man from taking a drink of wine in his own home if he owned the wine before the eighteenth amendment was adopted, but there is a statute against it otherwise, not only Federal but State. It is a question of the enforcement of the law. Do you think you will be more apt to enforce a law—which I am sorry to say is now frequently violated—if you attempt to provide a more drastic punishment in a few cases, and probably encourage people in the end to violate the law, because the juries will not convict them? [Applause.]

Mr. LOWREY. Mr. Chairman, I recognize the force of the argument of the gentleman from Virginia [Mr. MOORE] and those who take his position, and I shall vote for the amendment before us. I believe the Federal law is broad enough——

Mr. BOX. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. BOX. Does the gentleman know that the bulk of the laws against the sale of narcotics are the laws enacted by the State, and that he will greatly weaken one of the fundamental provisions of this law when he eliminates that feature of it from this bill?

Mr. LOWREY. I shall not take the time to argue that with the gentleman, because I rose really to present another matter. I have only five minutes.

Two or three gentlemen have spoken of this bill as being monstrous, or a legislative monstrosity. I want to refer to another law that I think is more a monstrosity. I once had a good friend who was hanged. I suppose a good many of you gentlemen have had the same misfortune. Some of you may have had very good fortune to escape yourselves when your friends were hanged. [Laughter.] My friend was hanged for murder. The newspaper account said that when he committed the murder he had spent five hours in the saloon of the town. He was a man who came from one of the best families and had been a fine citizen, but a man whom liquor drove absolutely mad. He came out of that saloon and shot down a man in cold blood. For that he was hanged. The newspaper account said he had spent five hours in the saloon. Who put the saloon there and for what was it put there? The good State in which I lived was getting a thousand dollars a year of the profits of that saloon and was in copartnership with the business, and putting its fostering hand over the business and protecting it and backing it with law. The State and National Governments were both in league with it and helped to put the thing there. They put it there for one purpose and one alone, that men might go there and get drink. When this man went there and got liquor he became crazed by it. He was a man whose appetite had got where he could not control it, and it drove him into the saloon, and when he came out drunk he committed this murder. Then the same State that had passed that law, that had put that saloon there, that had backed it up, that had taken a part of its profits, turned around and hanged the man for committing the crime that he committed in the insanity gotten out of that saloon. I submit that you will never find a law more monstrous than that. When we talk about monstrosities, let us remember we are fighting a law that was the most infamous monstrosity this country ever had to deal with. I am willing to modify this reasonably, but I am in favor of the law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired; and the question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

Mr. McCLINTIC. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 2, lines 10 and 11, strike out the words "or of a State or Territory."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. WALSH) there were 73 ayes and 95 noes.

So the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MCARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11118) to provide for the deportation of certain undesirable aliens, and had directed him to report the same back without amendment with the recommendation that the bill do pass.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. WALSH. Mr. Speaker, I desire to move to recommit the bill.

The SPEAKER. Is the gentleman from Massachusetts opposed to the bill?

Mr. WALSH. I am. I move to recommit the bill to the Committee on Immigration and Naturalization with instructions to report the same back forthwith with an amendment striking out, in lines 10 and 11, page 2, the words "or of a State or Territory."

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALSH moves to recommit the bill to the Committee on Immigration and Naturalization with instructions to that committee to report the same back forthwith with an amendment striking out, on page 2, lines 10 and 11, the words "or of a State or Territory."

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question.

Mr. BLANTON. Mr. Speaker, I make the point of order that this particular amendment sought in the motion to recommit was submitted by the gentleman from Massachusetts in the Committee of the Whole, and by an overwhelming vote the Committee of the Whole passed on this particular question and denied it, and it is now out of order under the rules of the House.

Mr. MANN. It is surprising that anybody who knows anything about the rules of the House would make such a point of order.

The SPEAKER. The point of order is overruled. The question is on the motion for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. WALSH) there were 64 ayes and 112 noes.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. STAFFORD. I ask for a division.

Mr. JOHNSON of Washington. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 222, nays 73, answered "present" 2, not voting 133, as follows:

YEAS—222.

Ackerman	Davis, Tenn.	Larsen, Ga.	Scott, Mich.
Almon	Denison	Larson, Minn.	Scott, Tenn.
Anderson	Dickinson	Lawrence	Sears
Andrews, Nebr.	Doughton	Layton	Shaw
Appleby	Dowell	Lazaro	Shelton
Arentz	Drane	Leatherwood	Shreve
Aswell	Driver	Lee, Ga.	Sinclair
Atkeson	Echols	Little	Sinnott
Bankhead	Elliott	Lowrey	Sisson
Barbour	Ellis	Luce	Slemp
Barkley	Fairfield	Lyon	Smith, Idaho
Beedy	Faust	McArthur	Smith, Mich.
Begg	Fess	McClintic	Smithwick
Bell	Fordney	McFadden	Steagall
Benham	Foster	McKenzie	Stedman
Bird	Frear	McLaughlin, Mich.	Steenerson
Black	Free	McPherson	Stevenson
Bland, Ind.	French	McSwain	Stoll
Bland, Va.	Fulmer	Mapes	Strong, Kans.
Blanton	Gahn	Michener	Summers, Wash.
Boies	Garrett, Tenn.	Miller	Sumners, Tex.
Bowers	Garrett, Tex.	Millspaugh	Swank
Bowling	Gensman	Mondell	Sweet
Box	Gilbert	Montoya	Swing
Brand	Graham, Ill.	Moore, Ohio	Taylor, Tenn.
Briggs	Green, Iowa	Morgan	Temple
Brooks, Ill.	Hadley	Murphy	Thomas
Brooks, Pa.	Hardy, Colo.	Nelson, A. P.	Thompson
Brown, Tenn.	Hawley	Nelson, J. M.	Tillman
Browne, Wis.	Hayden	Oldfield	Timberlake
Buchanan	Hays	Oliver	Tincher
Bulwinkle	Himes	Osborne	Towner
Burroughs	Hoch	Overstreet	Tyson
Burtness	Hooker	Padgett	Underhill
Burton	Hudspeth	Park, Ga.	Vaile
Butler	Hukriede	Parker, N. Y.	Vestal
Byrnes, S. C.	Humphreys	Parks, Ark.	Vinson
Byrns, Tenn.	Hutchinson	Pou	Volstead
Cable	James	Pringey	Walters
Campbell, Kans.	Johnson, Ky.	Purnell	Ward, N. C.
Cannon	Johnson, S. Dak.	Quin	Wason
Chalmers	Johnson, Wash.	Raker	Weaver
Clague	Jones, Pa.	Ramseyer	Wheeler
Clouse	Jones, Tex.	Rankin	White, Kans.
Cole, Iowa	Kelly, Pa.	Rayburn	Williams
Cole, Ohio	Ketcham	Reece	Williamson
Collier	Kiess	Reed, W. Va.	Wingo
Colton	Kincheloe	Rhodes	Wise
Connally, Tex.	King	Ricketts	Woodruff
Connell	Kinkaid	Riddick	Woods, Va.
Cooper, Ohio	Kline, Pa.	Roach	Woodyard
Cooper, Wis.	Kopp	Robsion	Wright
Cramton	Kraus	Rose	Wyant
Crowther	Langley	Rucker	Young
Dale	Lanham	Sanders, Tex.	
Dallinger	Lankford	Sandlin	

NAYS—73.

Andrew, Mass.	Hardy, Tex.	MacGregor	Riordan
Bacharach	Harrison	Magee	Rogers
Campbell, Pa.	Herrick	Maloney	Rossdale
Cantrill	Hickey	Mann	Stafford
Carew	Hill	Mead	Stephens
Chandler, N. Y.	Hogan	Merritt	Taylor, N. J.
Classon	Huddleston	Mills	Tilson
Cullen	Hull	Montague	Tinkham
Dominick	Husted	Moore, Va.	Treadway
Dunbar	Kirkpatrick	Moores, Ind.	Tucker
Dupré	Kissel	Newton, Mo.	Voigt
Fairchild	Kleczka	Nolan	Volk
Fenn	Kline, N. Y.	O'Brien	Walsh
Freeman	Knight	O'Connor	Watson
Frothingham	Knutson	Ogden	Winslow
Gernerd	Lee, N. Y.	Paige	Wurzbach
Glynn	Lehlbach	Parker, N. J.	
Graham, Pa.	Logan	Perlman	
Greene, Mass.	London	Ransley	

ANSWERED "PRESENT"—2.

Crisp	Longworth

NOT VOTING—133.

Ansorge	Britten	Clarke, N. Y.	Curry
Anthony	Burdick	Cockran	Darrow
Beck	Burke	Codd	Davis, Minn.
Bixler	Carter	Collins	Deal
Blakeney	Chandler, Okla.	Connolly, Pa.	Dempsey
Bond	Chindblom	Copley	Drewry
Brennan	Christopherson	Coughlin	Dunn
Brinson	Clark, Fla.	Crago	Dyer
Edmonds	Jefferis, Nebr.	Moore, Ill.	Sanders, N. Y.
Evans	Jeffers, Ala.	Morin	Schall
Favrot	Johnson, Miss.	Mott	Siegel
Fields	Kahn	Mudd	Snell
Fish	Kearns	Nelson, Me.	Snyder
Fisher	Keller	Newton, Minn.	Speaks
Fitzgerald	Kelley, Mich.	Norton	Sproul
Focht	Kendall	Olpp	Stiness
Fuller	Kennedy	Patterson, Mo.	Strong, Pa.
Funk	Kindred	Patterson, N. J.	Sullivan
Gallivan	Kitchin	Perkins	Tague
Garner	Kreider	Petersen	Taylor, Ark.
Goldsborough	Kunz	Porter	Taylor, Colo.
Goodykoontz	Lampert	Radcliffe	Ten Eyck
Gorman	Lea, Calif.	Rainey, Ala.	Upshaw
Gould	Lineberger	Rainey, Ill.	Vare
Greene, Vt.	Linthicum	Reavis	Ward, N. Y.
Griest	Luhring	Reber	Webster
Griffin	McCormick	Reed, N. Y.	White, Me.
Hammer	McDuffie	Robertson	Wilson
Haugen	McLaughlin, Nebr.	Rodenberg	Wood, Ind.
Hawes	McLaughlin, Pa.	Rosenbloom	Yates
Hersey	Madden	Rouse	Zihlman
Hicks	Mansfield	Ryan	
Ireland	Martin	Sabath	
Jacoway	Michaelson	Sanders, Ind.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Keller (for) with Mr. Lampert (against).

Mr. Crisp (for) with Mr. Cockran (against).

Mr. Hersey (for) with Mr. Gallivan (against).

Mr. Strong of Pennsylvania (for) with Mr. Tague (against).

Mr. Fuller (for) with Mr. Sullivan (against).

Mr. Jacoway (for) with Mr. Morin (against).

Mr. Johnson of Mississippi (for) with Mr. Dyer (against).

Mr. Hicks (for) with Mr. Kunz (against).

Mr. Brinson (for) with Mr. Olpp (against).

Mr. Codd (for) with Mr. Rainey of Illinois (against).

Mr. Ireland (for) with Mr. Sabath (against).

Mr. Patterson of Missouri (for) with Mr. Hawes (against).

Mr. Gorman (for) with Mr. Griffin (against).

Mr. Kendall (for) with Mr. Kindred (against).

Mr. Reed of New York (for) with Mr. Radcliffe (against).

Miss Robertson (for) with Mr. Connolly of Pennsylvania (against).

Mr. Patterson of New Jersey (for) with Mr. McLaughlin of Pennsylvania (against).

Mr. Lineberger (for) with Mr. Rodenberg (against).

Mr. Funk (for) with Mr. Vare (against).

Mr. Darrow (for) with Mr. Linthicum (against).

General pairs:

Mr. Longworth with Mr. Upshaw.

Mr. Christopherson with Mr. Ten Eyck.

Mr. Sanders of New York with Mr. Wilson.

Mr. Rosenbloom with Mr. Clark of Florida.

Mr. Ansorge with Mr. Martin.

Mr. Wood of Indiana with Mr. Fisher.

Mr. Davis of Minnesota with Mr. Garner.

Mr. Griest with Mr. Taylor of Arkansas.

Mr. Chandler of Oklahoma with Mr. Favrot.

Mr. Snell with Mr. Hammer.

Mr. Sanders of Indiana with Mr. Kitchin.

Mr. Dunn with Mr. McDuffie.

Mr. Edmunds with Mr. Taylor of Colorado.

Mr. Luhring with Mr. Deal.

Mr. Snyder with Mr. Carter.

Mr. Michaelson with Mr. Goldsborough.

Mr. Brennan with Mr. Lea of California.

Mr. Kahn with Mr. Jeffers of Alabama.

Mr. Kennedy with Mr. Drewry.

Mr. Reber with Mr. Collins.

Mr. Clarke of New York with Mr. Fields.

Mr. Blakeney with Mr. Mansfield.

Mr. Chindbloom with Mr. Rainey of Alabama.

Mr. Burke with Mr. Beck.

Mr. CRISP. Mr. Speaker, I voted "yea." I have a pair with the gentleman from New York, Mr. COCKRAN, but I overlooked it. I wish to withdraw my vote of "yea" and answer "Present."

The name of Mr. CRISP was called, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

QUESTION OF PRIVILEGE.

Mr. BLANTON. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I have already presented to the Speaker a copy of the New York World for last Sunday, which I submit raises the question of privilege, and upon that I ask recognition.

The SPEAKER. The Chair does not think that it raises the question of privilege. The Chair will recognize the gentleman to ask unanimous consent to address the House, if he desires to.

Mr. BLANTON. But I submit that under the rule any statement appearing in a newspaper which is a misrepresentation of facts, which would tend to bring into ridicule or disrepute the whole membership of the House, presents a question of privilege.

The SPEAKER. Will the gentleman cite some authority to that effect?

Mr. BLANTON. I call the Chair's attention to sections 2704 and 2705, volume 3, Hinds' Precedents.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. There is so much confusion on the floor of the House that it is impossible to hear. What is the matter now before the House?

The SPEAKER. The gentleman from Texas rises to address the House on a question of privilege.

Mr. BANKHEAD. On what statement?

The SPEAKER. On a statement that was attributed to him in the New York World, and the question now proposed to the Chair is whether that particular article raises a question of privilege.

Mr. BANKHEAD. Has that matter been submitted to the Speaker, or is it being presented now?

The SPEAKER. The gentleman is submitting it at this time.

Mr. BANKHEAD. It is being offered as a basis for rising to a question of privilege?

The SPEAKER. Yes. The Chair has already stated that he does not think it presents a question of privilege.

Mr. BLANTON. Mr. Speaker, I refer the Chair to sections 2704 and 2705 of volume 3, Hinds' Precedents.

The SPEAKER. The Chair does not think that those are at all analogous to this matter. In each of those instances the Member was criticized in his representative capacity.

Mr. BLANTON. I will call the attention of the Chair to the specific matter, if the Chair will permit. The New York World attributes to me a statement to the effect that all Members of the House receive, for instance, a whisky flask and a poker set and various other articles as a matter of right from the stationery room, and there is also attributed to me the statement that every Member receives each Congress $2,100 of mileage. If that statement is left unchallenged before the country it may place the membership in an entirely false attitude. All the charges that I made in Austin, Tex., are contained in the CONGRESSIONAL RECORD for January 12, 1922, in the speech that I made from this floor.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. Does the newspaper article to which the gentleman refers state that the gentleman made those remarks on the floor of the House or outside of the House?

Mr. BLANTON. Outside of the House. The article states that I say that every Member receives each Congress $2,100 of mileage, which is absurd, of course, as to Members from Virginia and Maryland. I did not make such statement either here or elsewhere, and I desire to correct it.

Mr. GARRETT of Tennessee. I am asking the question in order that I may have something in my own mind about whether it does present a question of privilege. If the gentleman is charged with having made it on the floor of the House, and is misrepresented in any statement that he made on the floor of the House, it might be different from what he might have been alleged to say in the State of Texas.

The SPEAKER. The Chair will cite the gentleman to a decision which he thinks covers the case, section 2708, volume 3, Hinds' Precedents:

No question of privilege arises from the fact that a newspaper has attributed to a Member certain remarks which he denies having used.

Mr. BLANTON. I agree to that.

The SPEAKER. Where does the gentleman find any distinction between this and the matter to which he refers?

Mr. BLANTON. This distinction: If the attributed remarks are true that every Member here receives each Congress $2,100 in mileage——

The SPEAKER. But the gentleman denies that they are true.

Mr. BLANTON. For instance, an average of $2,100 in mileage is received by the Texas Member for each Congress of three sessions, but is not received by every Member. Whisky flasks are received by some Members and poker sets are received by some Members, but not by all of them.

The SPEAKER. How are they received by any Member?

Mr. BLANTON. By a Member going over to the stationery room and having them charged against his stationery account.

The SPEAKER. He buys them.

Mr. BLANTON. He buys them against the stationery account. The remarks attributed to me would lead the country to believe that, as a matter of fact, every Member receives these.

The SPEAKER. The Chair will refer the gentleman to another decision, section 2691, volume 3, Hinds' Precedents, where a select committee was appointed to investigate certain charges against a Member. The Chair quotes from the finding of that committee:

But a libelous publication concerning a Member in his private character and capacity only has never been regarded as a breach of privilege, either of the body of which he is a Member or of the Member himself, and he must seek redress for such private injury in the same manner other citizens do, by vindication through the public press or by resort to the legal tribunals.

The Chair thinks it is entirely proper that the gentleman from Texas should deny having made the statement. The gentleman had opportunity the day before yesterday under general debate.

Mr. BLANTON. I then tried to get time.

The SPEAKER. But the Chair does not think it involves a question of privilege. The Chair will recognize the gentleman if he wishes to ask unanimous consent to proceed.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I object.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 9633. An act to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty;

H. R. 9604. An act for the acquisition of a post-office site at Madison, Wis.;

H. R. 8815. An act to amend the act of March 1, 1921 (41 Stat., p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries";

H. R. 2558. An act for the relief of Richard P. McCullough;

H. R. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War;

H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;

H. R. 7870. An act for the relief of I. C. Johnson, jr.; and

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution:

H. R. 9979. An act to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs"; and

H. J. Res. 282. Joint resolution to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded with the call of committees.

STATUE OF ABRAHAM LINCOLN.

The Clerk called the Committee on the Library.

Mr. FESS. Mr. Speaker, by direction of the Committee on the Library, I call up House Joint Resolution 127 to reerect the statue of Abraham Lincoln upon its original site.

The SPEAKER. The gentleman from Ohio calls up House Joint Resolution 127. This is on the Union Calendar. The House will resolve itself into the Committee of the Whole

House on the state of the Union for the consideration of House Joint Resolution 127, and the gentleman from Wisconsin, Mr. STAFFORD, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 127, with Mr. STAFFORD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 127, which the Clerk will report.

The Clerk read as follows:

House joint resolution (H. J. Res. 127) to reerect the statue of Abraham Lincoln upon its original site.

Resolved, etc., That the Superintendent of Public Buildings and Grounds of the War Department be, and he is hereby, authorized and directed to reerect the statue of Abraham Lincoln upon its original site in front of the courthouse, city of Washington, D. C., upon an appropriate foundation or pedestal in harmony with the statue.

Mr. FESS. Mr. Chairman, I yield 25 minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Chairman, inasmuch as there are several matters of historical data interesting to students of Lincoln, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. Mr. Chairman, the first monument erected to the memory of Abraham Lincoln was unveiled in the city of Washington on the 15th day of April, 1868, exactly three years after he had given to his country, to use his own former words, the "full measure of devotion."

As its temporary mantle was withdrawn by the then President of the United States, Andrew Johnson, the mighty voice of the multitude gathered there rose in approval when the white marble figure of the martyr, crowning a heroic pedestal, stood lifelike before them. The same Lincoln whom those about knew and loved seemed to stand again familiarly before them, in the words of the orator of the day and Lincoln's personal friend, "a plain, unassuming but noble and Godlike specimen of human nature." "Here it stands," he cried, "in the plaza of the city, and here it will stand, we hope, to be seen by generations long hence to come."

Since then many years have passed along; many seasons have come and gone. More than 50 springs have lighted up the parks about it, and the winds of more than 50 autumns have whirled the withered leaves about its base; a thousand morning suns have tipped the pure whiteness of its crest; for half a century the barrages of the elements have swept its area; storm after storm have lashed in fury around its base, yet, typical of the life of its human counterpart, it has firmly stood throughout the years, the inspiration of the generations which have in reverence and adoration approached it.

Unveiled and dedicated on the 15th day of April, 1868, this graceful monument marked the plaza of the city until the 20th day of December, 1920, when it fell by virtue of iconoclastic propaganda directed against it, and the saintly figure was lowered, together with its pedestal and the stones supporting its plane of exaltation, where his friends, neighbors, and compatriots had placed it, and all together rolled away as backyard rubbish, suggesting to us once more that—

> Imperious Cæsar dead and turned to clay
> Might stop a hole to keep the wind away.
> Oh, that that earth, which kept the world in awe,
> Should patch a wall t' expel the winter's flaw.

After a lifetime the figure, when it made its descent from the pedestal and passed into the sacrilegious hands of those who profaned it, was in as perfect condition as on the day of its ascension. Strong as the immortality of the person whom it represented, the pure stone image, "corruptible, yet had put on incorruption; not mortal, yet had put on immortality," and had it not been for the mental mob spirit of mad burlesque artists could have remained where it was placed by loving hands for a thousand years.

This noble monument was the monument of the masses. It appealed to the common people, who loved it. More than any other statue of Lincoln, it was preeminently "of the people, by the people, and for the people." These people who had personally seen Lincoln about Washington during the war, many of them in frequent touch with him, accepted this statue as almost a living personification of their dead friend, and many were the silent tears that dropped from the eyes of the few remaining citizens of Washington who were alive at its erection when they saw its base and pedestal junked. The monument was paid for out of the meager purses of the citizens of Washington, who had long suffered the privations of the war, and from the soldiers and sailors passing through the city.

Of all the thousands who witnessed the dedication of this statue of Lincoln, a few tottering souls remain. The distinguished company, Generals Grant and Howard; the orator, B. B. French; the Congress; the members of the civic organizations; and all the vast concourse of people in and around upon the streets and crowded in the windows and upon the roofs, and with the thousands since born, are gone. On, down past their sympathetic Lincoln and "slowly through the churchyard gate" they have been borne. They sleep their last sleep. Only then the dire deed of the humiliation of Lincoln and the removal of his statue was accomplished. To-day the statue lies prone upon the earth, but the good which it has done can not be demolished, and the monument built in memory's sanctuary can not be dismantled.

All questions involved in the resolution under consideration revolve around two subjects: First, the figure; second, the place.

The monument was about 40 feet in height to the top of the statue. It rested on a solid foundation of blue rock, 6 feet in depth. The base was an octagon, 6 feet in height and about 7 feet from side to side, on which the base of the column rested; the lower part corresponded with the base and the upper part with the shaft, being circular and molded. The shaft was 18 feet in height, with an average of 3 feet—tapering—and surmounted by a molded cap 4 feet square and 2 feet thick, on which rested the base of the statue itself. While the monument was a most substantial and symmetrical object itself, yet now that the propaganda directed against it for a number of years by a coterie of pseudo artists has succeeded, it is not thought that the reerection of the old pedestal would be advisable, especially in view of the fact that the statue itself, from every angle considered, is worthy of a new support. It is of pure white marble. It is a little larger than life-size, being 7 feet in length, while Mr. Lincoln was close to 6 feet 4 in his stocking feet. Few men exceeded Mr. Lincoln in height, and this is strikingly demonstrated to anyone who will take the pains to examine the photograph, now hanging in the office of Mr. Elliott Woods, the architect of the Capitol, of the second inauguration of Lincoln on the front steps of the Capitol, in which he is seen towering above all those about him.

The statue represents Lincoln standing with his left hand resting on the emblem of the Union—the Roman facii—his head erect, with slight inclination forward, and his right hand partially open, as in the attitude he was wont to take in addressing an audience.

IT IS ARTISTIC.

The charge is made that this statue is inartistic—that is to say, it is guilty of not conforming to the principles of art.

To charge a statue of a dead personage with being inartistic is equivalent to imputing immorality to a living personage, so far as successfully defending the charge is concerned. Either accusation is liable to be easily believed by the idle and uninformed, without even a desire or tendency on their part to refute it. In neither case does the indictment run "In the name of His Majesty, etc.," or "In the name of the people, etc.," or "In the name of the Commonwealth, etc.," but in that more simple, quiet, and diabolical form of the inquisition of slander beginning with the words "They say."

They say this white marble image of Abraham Lincoln is inartistic. The physical voice giving this statement utterance was that of a Government clerk, a mere blameless marionette whose simple wax cylinder mind recorded and repeated the impressions made by another.

Being after all the real tribunal in which the character of the object must be examined, the Congress will not on hearing be content with such a general charge of a want of conformity to the principles of art by simply saying it is inartistic, nor will the constant repetition of these words make that the truth which is not the truth.

The constant repetition of a phrase in speeches, poems, hymns, sermons, and in street-car ads, on billboards, and screens has been known to give the temporary appearance of a truth, sufficient to win a presidential election; and we well know we have acted on the suggestion of "Eventually; why not now?" so constantly before us, and taken it for granted that a certain "Castoria" is the "kind we have always bought," a phrase so often repeated that it must be so. And who is it that does not know that while in "the dear damp days beyond recall" the credit should have been given to Val Blatz, nevertheless by continuous and uninterrupted appeals to our eyesight we were convinced that it was not Blatz but Schlitz who made Milwaukee famous. Yet we can not do such violence to our conscience as to permit such practice to predominate in the sciences of painting, architecture, or sculpture.

Furthermore, the qualifications of those who protest in the name of art should be closely scrutinized before serious consideration should be given to their one and only cry. Of what schools of art are they? What entablatures of ancient Greece

have they studied? What association have they had with the works of the masters that they may sit in judgment on the works of other men? Can it be shown that the guardians of art in Washington have any more education in sculpture than that offered by a summer's junket at the people's expense from New York to Paris, Rome, and Venice, and back as couriers and cupbearers to a committee of double-breasted United States Senators visiting there to view and sample the fineness of arts, the main result of which being the birth of a persistent and perpetual effort to belittle the sculptored and bronze heroes of the monumental city and to replace them with memorial fountains flowing with aridity and crowded with nudity.

Long ensconcing behind the pillars of pull and preferment soon renders the meekest bureaucrat a grim image of intolerance, whose rules of action become as unchangeable as the Procrustean bed. Pliny says, "Alexander issued an edict that no artist but Appelles should paint him, Pyrgoteles engrave him, and Lysippus make statues in brass of him." So strict were the rules governing artists that even in the Byzantium school an artist who had dared to use the beautiful lines in the marble head of the Grecian Jupiter in the head of the Christ, instead of those prescribed, had to suffer for such an act the amputation of his hand.

Unfortunate would be the dawn of that day when the statuary of Washington City shall either be removed entirely or so judged in the dusk of autocratic ignorance.

But the maligners of this statue of Lincoln, in order to make a case, can not be permitted to rest on a general charge but should be made to specify violations in any conformity with the principles of sculpture.

Even the remote Egyptian times, as depicted in their works of art, demonstrate that the canon of proportions was well known to them; it has been followed through the beautiful marble statuary of Greece and Rome on down to present days. The isosceles triangle of Gibson is a very popular method for the calculations of proportions by sculptors in laying the foundation for a given piece of work. He has not taken his measurements from the average man, but selected the ideal man, borrowing, as the Greeks did, from Adonis, Mercury, Pollix, and Bacchus, taking the head from one, the limbs from another, and the body from a third. Perhaps one of the claims of the lack of conformity of this statue to the principles of art may have reference to its torso or limbs, the wise critic in his observations having used the famous isosceles triangle method, forgetting that the principle involved is not applied to studies from life. The artist who carved this figure knew Lincoln and produced him as from life, in which he had seen him. No claim ever being made that Lincoln had the legs of Adonis, the arms of Mercury, or the fat stomach of Bacchus, it was unnecessary to use the triangle test.

The cruel charge, if any, of the inartistic violation of the ethics of stone by this statue in not maintaining the Lincolnian proportions is therefore quashed and for naught held. The anatomy of the statue, which is one of the principles involved in sculpture, meets the test of the most meticulous criterion.

The principle of drapery is an important branch of the art of sculpture, and it is said that it is far more difficult to produce a statue in clothes than without them. The Phidian marbles are draped with exquisite skill. The drapery of a statue calls into play the highest skill of the sculptor—witness the silk cassock on Muhlenberg in Statuary Hall, the gloves on the hands of General Grant in the Rotunda, and the veil over the face of the nun at the Corcoran Art Gallery. Lincoln in this statue is dressed in his customary habiliments, the conventional unpressed trousers—the pressed article at that date indicating "store clothes," and no orders from London having at that time been received—the familiar Prince Albert coat, open in front; vest; high, rolled soft collar; and large black tie. It is rumored that some enemies of this statue would have been less violent in their campaign, and would have admitted it would have come nearer in meeting the measurements of their ornate minds had Mr. Lincoln been dressed in one of the model and artistic suits of Hart Schaffner & Marx.

There never was a time since the artists of ancient Greece chiseled their work out in the open under the spreading shade trees that they did not have, seated about them, a few laymen of ease who listened to their talk as they worked and admired their genius. So there are here in Washington those who, without talent themselves to paint or carve, delight in lounging about on the studio divans sighing in unison with the artist, synchronizing with his moods, harmonizing with his execrations and, like him, calling down the imprecations of the gods on the heads of the inartistic. With this layman class originated the fable that this beautiful statue of Lincoln was made by a gravestone maker—all this in further damnation of the statue by associating it with the robbing of tombs and the yawning of graveyards. Nothing is further from the truth. I emphatically deny that the maker of this figure was a gravestone maker. I know nothing of the art of a gravestone maker, but of the workmanship of the grave maker who, as Shakespeare tells us, builds stronger than either the mason, the shipwright, or the carpenter, because the houses that he builds last 'til doomsday, there remains no doubt.

But even if the artist had been a humble gravestone maker, one of the common people, who can say the great Lincoln, could he have said so, would not have praised the work the more! Lincoln himself had been a woodchopper. Even Christ found his best disciples among the lowly fishermen. Miss Vinnie Ream, the 18-year-old Government clerk, carved the figure of Lincoln now in the rotunda.

The artist of this figure, Mr. L. Flannery, had a brother and they were in business together under the name of Flannery Bros., but the brother, who was a monument maker, had no hand in the carving of the Lincoln statue.

THE FACE OF THE FIGURE.

The true beauty and correctness of this image of the martyred statesman is to be found, however, in its face. The real test of its artistic merit is: Is it, as Gardner says, a true exponent of the human spirit? And in this face art becomes a true interpreter of nature and gives evidence of the true emotions of the soul.

It must be remembered that the artist himself had resided in Washington all the time that Lincoln was President, and like other citizens was familiar with Lincoln's face and form, Lincoln frequently walking and riding about the city. The orator of the day took occasion to refer to Lincoln's well-known presence in Washington when he exclaimed, "Here he won from all who knew him—and who is there who did not know him?—golden opinions."

No doubt Flannery had often conversed with the President.

There had been a number of models of Lincoln submitted to the committee on award, and this one was selected, from among many, according to Mr. Crosby S. Noyes, father of the present owner, Mr. Theodore W. Noyes, in his paper, the Washington Star, because of its "excellent likeness." The money was raised almost entirely in Washington and was cared for and paid over to the sculptor by such excellent business men as Mr. Noyes, George W. Riggs, founder of the Riggs Bank, B. B. French, commissioner of public buildings, a position requiring him to be almost in daily consultation with the President, and 22 other and excellent business men. It seems reasonable to suppose that had not the statue been a fine likeness, they would have rejected it. One of the most notable things which occurred at the dedication was at the moment of its unveiling, when 20,000 people, struck by the close resemblance between the statue and their then dead friend, cheered vociferously in loud and long approval of the statue and of the artist. No discordant piping voice was heard to say, "It is inartistic."

All of this is sufficient evidence, coming as it does from our fathers, but to satisfy the doubly incredulous there is presented to us a witness—an expert witness—whose dramatic and convincing evidence will satisfy, it would seem, any doubting Thomas who before believing insists on seeing and putting his fingers into the nail prints. Let the witness be called. It is Mr. Freeman Thorp, a portrait artist of many years of national repute, a man over 80 but strong and robust as a youth.

Some time after this statue was taken down Mr. Thorp happened to be in Washington, and being a great authority on Lincoln, having known him personally in his lifetime and done yeoman service for him in Ohio during his campaign for President, he became much interested in the statue, and especially in its whereabouts.

THE EVIDENCE OF FREEMAN THORP.

It was understood that the monument, and especially the figure, was to be carefully preserved, when taken down, in the basement of the courthouse, before which it stood, but such was not the case. For a long while no one knew where it had been taken. The testimony of Mr. Thorp, our witness, and his opinion on the face of the statue appeared in the Evening Star, of Washington, on the 3d day of June, 1921, the editor and owner of which, Mr. Noyes, one of the city's most intelligent and noble citizens, who has worked untiringly to restore this monument, and is as follows:

THE LINCOLN STATUE—AN ACCURATE LIKENESS OF THE MARTYRED PRESIDENT.

TO THE EDITOR OF THE STAR:

Commending your editorial on the Lincoln statue, I desire to say that after a tedious search I have found the statue that was removed from its site in front of the courthouse. It is down near the river, in the rear of the old Bureau of Engraving, not stored at all, but lying outdoors roughly crated.

I do not know who chiseled the head and face, but it was accurately done by some one who studied Lincoln from life, as I did, and was not done from photographs. It is a better likeness of Lincoln than anything in plaster, stone, marble, or bronze that I have seen, and I have seen about all that have been made. Some have been made that are unquestionably great works of art, but the best of them are not accurate likenesses of him. This one is to those who, like myself, knew Lincoln pleasing to look at, because it is accurately modeled, and in its simple truth is in keeping with the unassuming man we loved.

FREEMAN THORP.

Such is the convincing evidence of a portrait artist of national reputation.

A sample of his work hangs in the lobby of this House in the oil painting of the Hon. Schuyler Colfax, Speaker of this House at the very time this statue was unveiled. Thorp's oil painting of Lincoln from life has recently been hung by order of the Senate in the main hall of the Senate wing not far from the main door. To many of us he has exhibited a pencil sketch of Lincoln's face made by him at Gettysburg at the time Lincoln delivered his famous address.

Mr. Thorp told me that he found the Lincoln with upturned face, covered partially with an old piece of gunnysack which he drew aside, disclosing dust and rainspots. With his handkerchief he wiped away the stains from the pure white marble and again the wonderful face of the Lincoln he had known more than half a century before gazed kindly upon him.

The resemblance to Lincoln was startling. The statue seemed almost to speak, and, quoting Pope, "the cold marble softened into life, grew warm." It was not hard to believe that the lips trembled and moved and that one heard the words, "With malice toward none and charity for all."

Thorp leaned over and looked into the fine face of the marble and there he recognized every line that had existed in life, and all of which, in combination, told the story of Lincoln's life and revealed those attributes which made him the permanent leader of his time and the exemplar of all time.

The marks of early poverty and adversity, deeply seated, were yet overcast with deeper furrows of power and confidence, yet all crowned with a nobility of intellectuality, sincere, affectionate—the incarnation of courage, the beatification of benevolence.

INFLUENCE OF POPULAR MARBLES.

John Ruskin says:

The sculptor does not work for the anatomist but for the common observer of life and nature.

The art of the ancients reached down into the common understanding of the people and its plea to them concerned the highest and noblest aims of their country. Xerxes, the Persian conqueror, perceiving this silent appeal and influence, dismantled the statuary and pulled down the temples in Greece, and the first measures Darius took to suppress insurrection among his victims was to raze their temples and statuary.

On the other hand, recognizing the influence of the marble, Augustus had statues erected in honor of the heroes of the Empire and who deserved the recognition of their country. His theory, and it seems a wise one, was that such a course was not only an acknowledgment of a debt owing by the nation but stimulated others to like heroic acts for the Empire. To elevate the warrior, the founder, or savior of a nation in the imagination of the people above the ordinary grade of people is a custom which has been handed down from generation to generation from the earliest periods of human history. By word of mouth, by pencil, by brush, by the chisel, has this work of immortalization gone on.

And so this exquisite white figure more than 53 years ago stepped into its position on its pedestal in front of the temple of justice and in the plaza of the city, fresh hewed, in the feelings and thoughts of the time, to become the object of admiration of the masses. Criticized? Yes; and so was the disk thrower by Myron, now and for centuries regarded as perfection in marble, and by contemporaries was declared a distortion and an overelaboration. Its artist creator in penury? Yes; but Phideas himself, known as the "sculptor of the gods," died in prison, an exile from Athens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. Will the gentleman yield me a little more time, so that I may finish to-night?

Mr. FESS. I yield to the gentleman 10 minutes.

Mr. KING. I think I can finish in 10 minutes. I thank the gentleman.

Powerful as was its face, yet it was, so to speak, the ensemble of all its beauties as a whole, that this statue spoke most strongly. As Pope, in his essay on art, says:

'Tis not the lips, or eye, we beauty call,
But the joint force and true result of all.

The whole design stood for something—the Nation. To gaze at it meant that one could not help being a better citizen and to rejoice that he was a brother citizen of Abraham Lincoln. The white figure seemed to symbolize the power of union, the strength of constitutions, and the permanency of republics, and the eternity of justice.

While standing before this statue in veneration, how many of us have been impelled to call to memory those eloquent words of Charles Sumner from his funeral oration on Lincoln at Boston:

Such a character awakened instinctively the sympathy of the people. They saw his fellow feeling with them and felt the kinship. With him as President, the idea of republican institutions, where no place is too high for the humblest, was perpetually manifest, so that his simple presence was like a proclamation of the equality of all men.

WHY IT WAS PLACED SO HIGH.

This statue of Lincoln stood high, but was it not this same spirit that has always incited humanity to lift aloft the images of its heroes and martyrs and gods that prompted the spirit of the city of Washington to raise this figure so high? The Greeks raised the statue of their favorite goddess Minerva to a height of 70 feet. It was the prevailing custom of the time to place statues on high columns. The statue of General Brock on the Canadian side near the Niagara Rapids, the Duke of York and Duke of Wellington columns in London will be confirmatory of this statement. According to the theory of our Fine Arts Commission, the figure was placed high because it was a little larger than life size to the observer. Such is the habit of theory. More than once it has been intimated that it was placed high to protect it against the acts of miscreants and enemies of Lincoln, there being some remaining in 1868.

It is indeed enlightening to get the true story of why Flannery placed this figure of Lincoln on such a high pedestal or column. About a year ago a reporter of the Baltimore Sun visited the old artist in his shack, not far from the Capitol, for the purpose of obtaining a human interest story about the celebrated statue. He found Flannery lying on a cot. He was very old, weary, and faint, even then—

The ebb and the flow of his aged blood
Were playing the game of eternity,
Whether his soul should ride in with the flood
Or adventurously on out to sea.

The reporter, as he told me, asked Flannery why he chose to place the statue on such a high pedestal.

Slowly and painfully the sculptor raised himself upon his elbow and with difficulty said:

Young man, on the evening of April 14, 1864, I was occupying a seat in Ford's Theater. Arriving early I witnessed the President and his party come in and enter the upper right-hand box amid the cheers of the audience. A number of times I observed the President's face as he sat on the side of the box nearest the audience.

Suddenly, while engrossed with the lines of the single actor then occupying the stage and in the middle of the second scene of the third act, a pistol shot rang out. I looked at the President's box. His head had fallen forward. He had been hit.

Instantly the figure of a man sprang from the box upon the stage and escaped across it.

I lived through the days and nights of gloom following the assassination. As to everyone else it was a personal lamentation. And when it fell to me to carve and erect this statue, I resolved and did place it so high that no assassin's hand could ever again strike him down.

THE PLACE.

The citizens of Washington, who originated, bought, and paid for this monument, desired it placed in front of the courthouse in Judiciary Park, as the fittest and most public place in the city and where its patriotic influences might be felt by the greatest number of persons. This spot was in the center of a busy mart, the seat of judicial sales of real estate and personal property, the latter kind sometimes, in the now forgotten past, including the human commodity.

Congress had no authority to locate it, just as Congress has no power to remove it now, the jurisdiction over the courthouse grounds then being in the mayor and the city council of the city of Washington. This city gave its authority to place the monument before the city hall and courthouse with the implied trust, no doubt, that it should remain inviolate. And the then government of Washington city, having full authority, confirmed and recognized the perpetual easement granted the monument association for the location of the statue by setting off the ground upon which it stood and surrounding it by an iron fence at the cost to the city of Washington of $800.

The monument association and its successors hold the right of easement in the plot of ground so set off, and those who reached up their long arms to pull the statue down were not alone iconoclasts but trespassers. It is a sacred spot in that it has held the statue of the great martyr so long. It likewise marks the place where the historical events taking place at the time of the dedication and where the feet of our ancestors have trod.

It is more than a statue. It is a landmark, and as such deserves that repose and veneration which has always, almost to worship, been the rule of nations from archaic times to now. Monuments were built from earliest times to designate where great events had taken place. Simple heaps of rock or large stones—but all this to the populace had the deepest meaning.

Jacob marked the place at Bethel where he had seen the angels "ascending and descending" his ladder, and the place of making his contract with Laban was commemorated in the same way. Rachel's grave was so marked.

AFTER ALL, SENTIMENT RULES.

From antiquity the human race has been taught to revere its monuments. Solomon, the son of David, even now exhorts us to "Remove not the ancient landmark which thy fathers have set."

The young man who was instructed to tell one of our committees that the statue was inartistic inadvertently murmured that he believed there was "some sentiment" connected with its removal. In addition to having a belief to that effect, he now knows, and his sponsors know, that there is a good deal of sentiment involved. He knows now that his rash statement pertaining to art in sculpture is repudiated by facts and overwhelmed by millions in this country, who, when the subject of Lincoln is touched, however small may be the features, are the sentimental defenders of every atom of his history and of every infinitesimal trace of his memory.

Sentiment opposed to the removal! What does the cold and dry pedant embalmed in civil service know of sentiment? In his cloistered confines he imagines true art is created not by merit but by his opinion. This is artistic, says he. Therefore it is artistic. And for him who dares protest or doubt, there is the case of Apollodorus, the architect, who incited the hate of and was put to death by Marcus Aurelius because he had been so indiscreet as to pick a flaw in a temple the drawings of which had been prepared by the Emperor himself.

Sentiment! Thackeray says—

Without sentiment there would be no flower in life at all.

No doubt our learned friend has discovered more sentiment involved in the situation than seemed to exist at first blush. He knows that the demolition and removal of this simple statue has aroused the people like no other single deed has done for years. Legislature after legislature has resolved against the sacrilege. Civic organizations have remonstrated. The remaining members of the Grand Army of the Republic have protested. The Loyal Legion, the Aztec Club, the Sons of the American Revolution, and President Harding himself have all implored that the statue might be restored to its original place.

Sentiment! Let our friend read history, and from its pages he can cull the fact that the peoples of the world have always resented, as a matter of sentiment, the removal and change of the location of their statues and monuments to their heroes and benefactors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. Mr. Chairman, may I have permission to proceed for a few minutes?

Mr. FESS. For how long a time?

Mr. KING. Say five minutes.

Mr. FESS. I yield to the gentleman five minutes.

Mr. KING. Thank you.

Mr. SMITH of Michigan. Does the gentleman intend to explain the picture?

Mr. KING. This line represents where the old statue stood, and this presents the height of the statue as it would be with the new pedestal.

Mr. SMITH of Michigan. That is the reconstructed monument?

Mr. KING. Yes. It is not proposed by anybody who is interested to erect this old pedestal. It would not have been so ungainly but for the fact that a mayor had cut down the street. This is the figure which is proposed and to which I have been addressing myself.

Mr. DENISON. How high was the original statue?

Mr. KING. About 40 feet.

Mr. DENISON. And how high is it proposed to erect it at this time?

Mr. KING. I have not the data on that. Possibly 20 feet.

Mr. DENISON. Can the gentleman state where the statue is now?

Mr. KING. As described in this statement I read here a while ago, by Mr. Thorp, it is down back of the old Bureau of Engraving and Printing, near the river. It was exposed, and through the efforts of two or three people, Colonel Sherrill put it into a box and planked it over. The pedestal lies alongside of it.

Mr. BIRD. Will the gentleman yield?

Mr. KING. If the gentleman from Ohio, the chairman of the committee, will permit me to finish.

Mr. BIRD. Did I understand the gentleman to say that Congress was without authority in taking it down?

Mr. KING. That is my judgment about it.

Mr. BIRD. If without authority in that, how could they give the authority to put it up?

Mr. KING. The government of the District of Columbia has changed. It is under the authority of Congress now, but was not at that time.

The Romans were especially jealous of their works of art. Tiberius, unknown to them, removed to his own palace a statue by Lysippus of an athlete annointing himself, and which had been standing in the baths of Agrippa, to which the public had access, and which, like Lincoln's first statue, was considered as belonging to the people. On their discovery of the removal, the populace showed its disapproval so fiercely that Tiberius became alarmed lest the people should revolt and was compelled to give up his object and replace the statue in its original place and thus appease the people.

For more than 900 years the magnificent statue of the Olympian Jupiter by Phideas stood in the sacred grove of Altis. Caligula desired to transport it to Rome. This desire gave great umbrage to the Grecian people, who had admired and worshiped it for centuries. So great was the remonstrance that he was compelled to abandon his enterprise.

Are all our hero statues to come down within the city? Du Pont has gone. Lincoln is down, and the chalk mark for destruction has been placed upon the statue of Admiral Farragut.

Before we let any commission proceed further on such a wild program let us remember that it is a well-known fact that the decadency of some of the richest and most powerful nations on earth began with a disrespect for statuary. It is related that Athenian youths, exhilarated by nectars brewed in their homes, in their nightly perambulations persisted in knocking the noses from the faces of the defenseless marble figures that marked the gardens and thoroughfares of that ancient city. As Rome conquered and the surrounding country succumbed, the peoples lost their monuments and statuary, 300 statues at one time being taken from the island of Rhodes to Rome. Nero, the tyrant, robbed the temple of Apollo at Delphi of 500 bronze statues, which he removed and placed in his celebrated palace on Palatine Hill.

And so Rome, in turn, witnessed the commencement of her decline in the removal of her statues. The Goth sacked Rome and finally set fire to it. The former citizens of Rome, now a ragged and unfortunate mob, sought for safety the mausoleum of Hadrian, and there, typical of their final destruction and in the last efforts to save their lives, threw down the magnificent statues which crowded the top of the mausoleum on the heads of their enemy tormentors, crowded beneath the walls.

REERECT THE STATUE OF LINCOLN.

No greater opportunity was ever given a group of men to right a wrong than is here offered us to-day.

Mr. CRAMTON. Will the gentleman yield?

Mr. KING. I will.

Mr. CRAMTON. While we are taking down these works of art in our own Capital, American funds are being used to restore the old temple of Apollo at Delphi.

Mr. KING. I thank the gentleman for the information.

There is no Member of this House who does not feel a personal affection for the memory of Abraham Lincoln, and how can articulate expression be better given to that love than by a vote of "yea" upon this resolution, which will raise his marble image from the ground, reerect and rededicate it to posterity? [Applause.]

HISTORICAL MATTER IN REGARD TO FIRST STATUE OF ABRAHAM LINCOLN.

Mr. KING. Mr. Speaker, prior to certain remarks in support of House Joint Resolution No. 127, to reerect the first statue of Abraham Lincoln, the House granted unanimous consent to extend in the RECORD certain material historical data, which I herewith append:

[From the Evening Star, Washington, D. C., Wednesday, April 15, 1868.]

THE DEATH OF LINCOLN—TRIBUTE OF THE CITIZENS OF WASHINGTON TO HIS MEMORY—THE CEREMONIES TO-DAY—DEDICATION OF THE LINCOLN MONUMENT—MASONIC CEREMONIES—UNVEILING OF THE STATUE—ADDRESS OF HON. B. B. FRENCH.

Three years ago this morning, at 7 o'clock, Abraham Lincoln breathed his last. The anniversary of that sorrowful day will be marked in various ways throughout the country, but nowhere with deeper feeling than in the city of Washington, where the martyred dead is remembered with so much of personal respect and affection. The department business is suspended to-day, as well as that of the municipal offices, and the public schools are closed in order to afford opportunity to all to witness the dedication of the monument to the memory of Abraham

Lincoln, raised by the citizens of Washington in front of the city hall. Flags are displayed at half-mast, and the heavy boom of half-hour guns serve to remind the most thoughtless of the solemnity of the occasion. The morning opened dark and gloomy, but lightened up to some extent as the hour for the dedication ceremonies approached.

THE LINCOLN NATIONAL MONUMENT ASSOCIATION.

At this time it may be of interest to give a brief history of the association through whose instrumentality the present monument to the memory of Abraham Lincoln was raised. In April, 1865, on motion of Mr. N. D. Larner, of the city councils, a joint committee was appointed by the councils to take action in reference to the erection of a monument in the city of Washington to the memory of Abraham Lincoln. This committee met at the mayor's office on the 28th of April, 1865, and formed itself into an association to be called the Lincoln National Monument Association, to carry out the objects proposed by the formation of the committee. Subsequently, the following officers were elected for the association: President, Richard Wallach, mayor; secretary, Crosby S. Noyes; treasurer, George W. Riggs; directors, Joseph F. Brown, Asbury Lloyd, John B. Turton, Dr. W. G. H. Newman, George H. Plant, Z. Richards, N. D. Larner, E. C. Carrington, John P. Pepper, S. J. Bowen, George F. Gulick, B. B. French, George R. Ruff, Charles C. Morris, John G. Dudley, John H. Semmes, James Kelley, William P. Ferguson, S. P. Brown, Dr. C. H. Nichols, Henry Addison, William H. Tenney.

To these were added a number of honorary directors, mostly Members of Congress, one from each State, as it was hoped at that time to secure a national subscription to the end of raising a monument at the National Capitol, the most suitable place, properly commemorative of the life and character of the lamented deceased. Owing, however, to the springing up of kindred associations in almost every State and city in the country, this hope was not realized, and with the exception of some contributions from Baltimore, among which was a handsome sum from John T. Ford, Esq., the proceeds of a benefit for the monument fund, given at his Baltimore theater, little, if anything was contributed outside of Washington. The money raised was, however, carefully husbanded, and was invested by the treasurer, Mr. Riggs, in Government registered bonds. The sum raised was, of course, inadequate to erect a monument on anything like the scale originally proposed, but was yet sufficient to raise a monument in the shape of a shaft and statue, creditable to the city; and it was determined by the association that this was the best course to pursue. Mr. Lot Flannery, of this city, who has achieved a number of successes in his art, among which is the admired monument over the victims of the arsenal explosion at the Congressional Cemetery, was the successful competitor for the work and the result is before the public.

THE MONUMENT.

The monument is about 40 feet in height to the top of the statue. It rests on a solid foundation of blue rock 6 feet in depth. The base is an octagon, 6 feet in height and about 7 feet from side to side, on which the base of the column rests, the lower part corresponding with the base and the upper part with the shaft, being circular and molded. The shaft is 18 feet in height, with an average diameter of 3 feet (tapering), and is surmounted by a molded cap, 4 feet square and 2 feet thick, on which rests the base of the statue and the statue itself. The figure at this height looks to be about life-size, and stands facing south. It represents Lincoln standing with his left hand resting on the emblem of Union—the Roman facile—his head erect, with a slight inclination forward, and right hand partially open, as in the attitude he was wont to take in addressing an audience. The design was first made in clay by Mr. Flannery last summer, and was subsequently cast in plaster. The model attracted much attention as a spirited design and excellent likeness. The encomiums bestowed upon his design induced him to submit it to the managers of the Monument Association, and the result was that it was unanimously selected from the various designs and models before the committee as the best offered. A contract was entered into with him by which he agreed to have the monument ready by the 15th of April, 1868, the anniversary of Mr. Lincoln's death. He has since devoted himself to the work, and the reproduction in marble is held to be greatly superior to the model. Last night between 7 and 8 o'clock the veiled statue was removed from the studio of Mr. Flannery, on Massachusetts Avenue, to the site of the monument in front of the City Hall. It had been designed to raise it to its pedestal last night, to be in readiness for the ceremonies of to-day, but in consequence of the unfavorable weather and the darkness of the night it was thought prudent to postpone an undertaking of so much delicacy until daylight. This morning it was safely raised to the top of the column upon which it is to stand. Some little work yet remains to be done about the base of the monument, which it is proposed to extend with the beautiful Tennessee marble, and an iron railing is to be placed around the monument, resting on a substantial foundation of stone.

HOISTING OF THE STATUE AND PREPARATIONS.

The statue was not moved from the studio until late yesterday afternoon, and it was landed near the pedestal about 6 o'clock, where it remained during the night in charge of some of the workmen and a small detail of police to prevent curious parties from interfering with the covering, the design being to keep it veiled until the time arrived for throwing it off. At daylight this morning the Messrs. Flannery were on the ground with their force, and the ropes being made fast to the statue, it was set securely on the top of the pedestal by 7 o'clock. Even at this hour there were quite a number of persons present anxious to get a glimpse of it, but in this they were disappointed.

Subsequently the hoisting apparatus, which was kindly loaned the artist by Captain Mullet, architect of the Treasury extension, and Mr. Clark, architect of the Capitol, was so placed as not to obscure the view, the time being so short that it could not be removed altogether.

Messrs. Downing & Bro. were also early on the ground with a force of workmen, and during the forenoon had a platform erected, 64 feet in length, 16 feet deep, and 6 feet in height, for the accommodation of those invited to be present.

THE PROCESSION.

The procession formed at the corner of Ninth and D Streets, and about 1.30 o'clock the line of march was taken up, when some of the members of No. 2 Steam Engine Co. commenced to fire a salute from a field-piece in front of the engine house. The right of the line was by the Grand Lodge of Masons, with members of the subordinate lodges, marshaled by A. M. Howard and headed by the Marine Band. The Sons of Temperance and Good Templars followed, Mr. John S. Hollingshead marshaling the former, assisted by George D. Egleston, of Metropolitan Division, W. H. Gonzalves, W. H. Harrison, C. H. Frost, J. S. Erly, J. W. Roberts, of Good Samaritan, and W. H. Chase. The band of the Twelfth United States Infantry headed the Sons, the Grand Lodge having the right of the line, followed by delegates of all the subordinate divisions. The beautiful flag of Federal City and fine banner of Good Samaritan Divisions were in line.

The Temple of Honor followed, marshaled by J. S. Stokes.

The Good Templars came next, the Grand Lodge being at the right of the line, followed by a number of the members of the subordinate lodges, marshaled by W. P. White, C. T. of Harmony Lodge, headed by Heald's Band of 17 pieces.

The Grand Lodge of the United States of the Knights of Pythias, now holding a session at Odd Fellows' Hall, Navy Yard, formed at the hall and with members of the subordinate lodges marched direct to the City Hall, reaching the grounds before the main procession arrived.

AT THE CITY HALL.

During the forenoon workmen were busily engaged in erecting a stand between the monument and the curbstone, 52 by 16 feet, capable of seating about 400 persons. From the flagstaff on the City Hall the national colors were displayed at half-mast, and the corporation offices were all closed at 12 o'clock. The large derrick had been removed from over the monument, and everything in readiness for the ceremony before 1 o'clock. The crowd began to gather about 12 o'clock, and in less than an hour the steps and portico of the City Hall were densely packed.

By 2 o'clock the entire space in front of the City Hall was crowded, while the housetops and windows of the houses opposite were filled with human beings. All the sanitary police, under Lieutenant Noonan, were on duty. No one was allowed upon the stand except those who had been invited by the committee. About 400 invitations were issued by Mayor Wallach and the committee to Cabinet ministers, heads of bureaus, Army and Navy officers, members of the Diplomatic Corps, and other distinguished persons. Invitations were also issued to the Senate and House of Representatives, but owing to the impeachment trial it was impossible for them to attend. Mayor Wallach this morning received the following letter from Speaker Colfax:

HOUSE OF REPRESENTATIVES,
April 13, 1868.

RICHARD WALLACH, Esq.,
Chairman, etc.

SIR: I am directed by the House of Representatives, before whom I have this day laid your invitation to be present on the occasion of unveiling and dedicating the statue of the late President Abraham Lincoln, to inform you that on account of a standing order requiring their presence in the Senate Chamber at the time indicated they are compelled to decline the same.

Very respectfully, your obedient servant,

SCHUYLER COLFAX,
Speaker House of Representatives.

Among those present were President Johnson, accompanied by Colonel Rives and Mr. Kershaw; Baron Gerolt, Mr. Rangabee, the Grecian minister; Major General Hancock and General Mitchell, General Emory, Colonel Capron, commissioner of agriculture; Ambrosio Abeita, Alexandro Padilla, governor of the Pueblos of Isleta (one of the 19 villages of the tribe in New Mexico); John Ward, agent; Gen. O. O. Howard, Mr. Cantazalli, secretary Italian Legation; Admiral Radford, Assistant Attorney General Binckley, Gen. Charles Thomas and Gen. Morris S. Miller, General Carr, of General Emory's staff; Gen. S. F. Carey, of Ohio; John Hitz, Esq.; Dr. John B. Blake.

General Grant was present and occupied a position on the sidewalk in front of Mr. Bradley's office, declining to take a seat upon the stand.

THE CROWD.

The assemblage was very large, and commenced to assemble in front of the city hall long before the hour for the ceremonies. At 2 p. m. the crowd, despite the rain, had so increased as to extend down Four-and-a-half Street below the Presbyterian Church, down Louisiana Avenue beyond Fifth Street, and an equal distance down Indiana Avenue. The open space at the intersection of these streets was densely packed, and the steps, areas, roof, and windows of the City Hall Building were closely occupied. The roofs and windows of all the buildings in the neighborhood were thronged, and the boys, as usual, secured eligible positions in the treetops. The attendance of colored people was very large, filling the space in the rear of the stand. There were probably from 15,000 to 20,000 present. It was undoubtedly the largest gathering of people ever assembled in Washington on such an occasion.

THE PROGRAM.

The following was the program of the ceremonies: Prayer by Reverend Doctor Hamilton; music by the Twelfth Infantry Band; dedication of the statue by the Masonic fraternity; music by the Marine Band; address by B. B. French, Esq.; music by Twelfth Infantry Band; unveiling of the statue by the President of the United States; music by the Marine Band; introduction of the artist; benediction.

THE CEREMONIES.

After the arrival of the procession on the ground and order had been restored, Mayor Wallach presiding, Rev. Dr. William Hamilton offered up a fervent prayer. After the band of the Twelfth United States Infantry had performed "The Heart Bowed Down," from the "Bohemian Girl," the dedication ceremonies followed.

THE MASONIC DEDICATION.

The Masonic order proceeded to perform the dedicatory services of the craft, as follows:

GRAND MASTER (Benjamin B. French). Right Worshipful Junior Grand Warden, what is the jewel of your office?

JUNIOR GRAND WARDEN (Joseph B. Will). The plumb, Most Worshipful.

GRAND MASTER. Have you applied the plumb to such parts of the base of this pedestal as should be plumb?

JUNIOR GRAND WARDEN (applying the plumb). I have, Most Worshipful, and the craftsmen have done their duty.

GRAND MASTER. Right Worshipful Senior Grand Warden, what is the jewel of your office?

SENIOR GRAND WARDEN (John H. Russell). The level, Most Worshipful.

GRAND MASTER. Have you applied the level to such parts of the base of this pedestal as should be level?

SENIOR GRAND WARDEN (applying the level). I have, Most Worshipful, and the craftsmen have done their duty.

GRAND MASTER. Right Worshipful Deputy Grand Master, you will now apply the proper architectural instrument to the base of this pedestal and see if the several angles thereof are duly and properly formed.

DEPUTY GRAND MASTER (John Lockie) (applying the level). Most Worshipful Grand Master, I have applied the level to the several

angles of the base of this pedestal, and find that the craftsmen have done their duty.

GRAND MASTER. As the implements of architecture in the hands of the skillful operative mason enable him to prepare and adjust the sundry materials of which the complete structure is composed, so do they, in the hands of enlightened and accepted speculative masons, teach them to prepare their minds as living stones for that spiritual building, that "house not made with hands, eternal in the heavens."

(The deputy grand master presented the corn.)

GRAND MASTER. Brethren, the corn, wine, and oil, which you carry in your processions and which are the consecrating elements used on occasions like this, are to remind us that in the pilgrimage of life we are to impart a portion of our bread to the hungry, to send a cup of our wine to cheer the sorrowful, and to pour the healing oil of consolation into the wounds which sickness hath made in the bodies or affliction hath rent in the hearts of our fellow men.

In placing the corn upon the foundation of this statue I invoke the blessing of plenty on the people of this city and upon the people of our whole country. Especially may they never want for that bread for which to eat is life eternal.

(The senior grand warden presented the wine.)

GRAND MASTER. In pouring the wine upon it, I do it in the fervent hope that the wine of joy may ever gladden the hearts of the people everywhere.

(The junior grand warden presented the oil.)

GRAND MASTER. In pouring oil upon the foundation of this statue, I hope and pray that its healing element may spread all over the face of this land and, like oil upon the troubled waters, calm the waves of discord and be conducive to that peace, harmony, brotherly love, and sincere affection, assuring happiness to all, that we believe would have rejoiced the heart of the good man whose semblance it supports had the will of God been that he should have lived to look once more upon a united people.

May the consolation of the gospel of the Prince of Peace accompany us all through life and illuminate our pathway as we pass through the dark valley of the shadow of death.

The grand master gave three raps with his gavel on the foundation and made the announcement: "I now pronounce this foundation properly prepared, well laid, true and trusty; and this statue, erected by the citizens of Washington to the memory of Abraham Lincoln, duly and fully dedicated to the American people." [Applause.]

The Marine Band then performed the Miserere from "Trovatore."

ADDRESS BY B. B. FRENCH, ESQ.

B. B. French, Esq., the orator of the day, then addressed the assemblage, as follows:

We have met here this day, my fellow citizens, to dedicate to the people of the United States here, in the central part of their own Capital, the form and semblance of one who they dearly loved in life, and whose memory they can never cease to revere; who three years ago this day yielded up his life a martyr to his love of his country, his love of his fellow men, and his unshaken confidence in the affection and reverence for his person of all around him.

The statue which we now inaugurate is emphatically the offering of the citizens of Washington to the memory of the man whose form and features it represents.

In April, 1865, the councils of the city adopted a resolution unanimously appointing a committee to consist of the mayor and three members of each board for the purpose of forming a Washington Lincoln Monument Association. That committee, in conformity with the resolution, elected a large number of their most respectable citizens, who, with the original committee, formed the association, with the Hon. Richard Wallach, mayor, as president; C. S. Noyes, Esq., as secretary; and George W. Riggs, Esq., as treasurer. Subscriptions were solicited from the citizens of Washington and a sum sufficient to secure the erection of the statue was obtained. A contract was entered into with Mr. Lot Flannery, of Washington, to furnish the statue, and it now stands before you the work of his hands.

Who can ever forget that night of horror when the awful intelligence was borne by the telegraphic wires all through the land that Abraham Lincoln had been struck down by the hands of an assassin?

"Oh, night of woe,
How are you joined with hell in triple knot."

And that day of grief which followed, when the messenger of death went forth with the sad tidings that our good President was no longer on earth—can it be forgotten? There is not one within the reach of my voice—and I think I may truly add, there is not one in this broad land—to whom it is not a wonder and a mystery how the people bore up as they did under so terrible, so appalling a calamity. But they did bear up, and although the President whom they almost adored was dead, the Nation lived. And let me say here that I believe nothing save the final disruption of "the great globe itself" can destroy this Nation. The providence of God watches over us, sustains us through all our trials, and will preserve us as a free and independent people through all time.

It does not require any monument or any words to perpetuate the memory of that great and good and pure man. Monumental marble may crumble into dust; bronze may melt away; granite may perish from the earth; but the memory of Abraham Lincoln shall live in human bosoms and be perpetuated on the living pages of history as long as any nation or people shall exist on earth. [Applause.]

But it is a satisfaction and a pleasure, tinged with melancholy, to look upon that venerated form and to view those features which, whatever else they may indicate, if true to the life, will glow with goodness, kindness, and love, and whereon never rested for a moment a single characteristic other than such as gave outward proof of a good and loving heart, a conscience void of offense, and charity toward all mankind. Oh, heaven, that such a man should have died in such a time and in such a manner!

I hardly know, my fellow citizens, where to begin on an occasion like this. Although the field is ample it has been thoroughly gleaned by the pen of the historian and the harvest has been garnered in the bosoms of a loving people. Still I am aware of your affection for his memory, and that you never tire in listening to a rehearsal of his virtues. [Cries of "Never!"]

Abraham Lincoln was unlike any other man. He seemed to be born to fill the very station he occupied for the last five years of his life and the faith that was in us stands firm to this day that he alone could have carried the country safely through the awful perils that beset it while he filled the responsible and dangerous position of Chief Magistrate. [Cries of "That's so."] We can say of him with as much truth as it was said of one of the greatest and best of English statesmen, he was, indeed—

The pilot weathered the storm.

Let us attempt to analyze the man. He was possessed of a heart as pure as the snowflake as it falls from above. Although of great simplicity of mind and manner, there was in that mind a penetration which seemed to read the very thoughts of others, and which spoke through the eye in language more powerful than could be uttered in words, a defiance to anyone who sought to deceive him. I have heard it called "shrewdness." It was more than shrewdness, and I hardly know how otherwise to characterize it, but in the strong language of the Apostle, as the "sword of the Spirit," for as I have myself seen the searching, powerful, inquisitive expression of that remarkable eye when turned upon one whose statement the President had cause to doubt, it has seemed to me to pierce the buckler of deception through and through, and that the wearer was conscious of his discomfiture before a word was uttered.

With a disposition as genial as a bright May morning, with a temper that could hardly be ruffled by the most untoward circumstances, with a soul absolutely beaming through the eyes, with an affection that captivated everyone, he was possessed of a firmness of purpose, in his determination to do right, that could not be overcome.

Pride of place was unknown to his character. To him that spark of the eternal which gleamed in the bosom of the most humble shone as bright as if it animated the breast of the proudest and highest in the land; and the widow and the fatherless ever found a ready listener to the tale of distress, and never left him without words of consolation and acts which spoke louder than words.

Even the language he used was as peculiar to him as was any other peculiarity of his nature—terse, pointed, plain; never wandering among the mazes of rhetoric after adornment, but simple as the man himself, and going as straight to the mark at which he aimed as an arrow from the bow of Tell. Solomon in all his glory of his proverbs might have envied him had he lived in these days of diffusive writing and still more diffusive speaking.

That single sentence in his last inaugural coming up undefiled from the pure well of his noble heart—"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in"—spoke the character of the man, and will live among the sayings of great and good men as long as human lips can speak or types can print; and as we read it now we can scarcely repress a tear as we reflect how soon after it was said the voice that said it was silenced forever, and the work that he was in was finished.

The first we know of Abraham Lincoln as a national man is that he came into the House of Representatives of the United States as a Member from Illinois at the first session of the Thirtieth Congress on the first Monday of December, 1847. He served through that Congress without any particular distinction, except that he was regarded as an honest, kind-hearted, genial, mirth-loving man, popular with all who knew him, and the few speeches he then made indicated a man of no inconsiderable talent. But no one, as I think, mistrusted the hidden mine of ability which existed under the unpretending exterior.

In the spirited canvass between him and the lamented Douglas, in 1858, he so conducted his part in the controversy as to convince his eloquent and talented competitor that he had "a foeman worthy of his steel," and the eyes of the whole people were turned upon him as "the rising man."

Whenever the people begin really to love a man, when he has fairly stolen away their hearts, they invariably bestow upon him a pet name. I believe I may say that the homelier the name the better the individual is beloved. So we find in the annals of those days that "Honest Old Abe," as a synonym for Abraham Lincoln, began to be a household phrase. There is probably no better indication of the love of the people—the real genuine affection of the masses—for men than in this pet nomenclature that they give. We can readily call to mind "The Father of his Country," "The Mill Boy of the Slashes," "Old Hickory," "The Defender of the Constitution," "Old Zack," with his "little more grape, Captain Bragg," "Old Ironsides," and many more. But we must return to the subject of our remarks.

In 1860 Abraham Lincoln was nominated as the Republican candidate for President of the United States, and the nomination was hailed throughout the loyal portion of the Union with an enthusiasm that gave assurance that he was truly the candidate of the friends of the Federal Government. He was triumphantly elected, and his election was, as we all know, the signal for the commencement of that dreadful effort to dissolve the Union that ended in four years of disastrous war and the final triumph of the Old Flag, but at a terrible sacrifice of human life and an immense expense of national treasure. Through this fratricidal war Abraham Lincoln stood at the head of the Government, calm, cool, firm, and determined. Ever hopeful in the darkest hours of the struggle and never for a moment ceasing to place his trust in that—

Divinity that shapes our ends,
Rough hew them how we will.

But the history of those dreadful years has been so many times written, and is so familiar to you all, that it would be a trespass upon your time and patience to repeat it here. I shall, therefore, content myself by saying that President Lincoln was found grandly equal to the great trust reposed in him, and performed every duty with a heroic firmness which met the admiration of all his friends.

But, while I refrain from recapitulating to you the public history that marked the momentous era of his term of office, I will endeavor to interest you by relations touching his more private life and character, some of which, in consequence of the official relations which for nearly his entire occupancy of the presidential chair existed between us, are probably known to no other person. No week passed that I did not see him, and I was often with him many times a week. This, of course, with a man like him led to numerous conversations between us and enabled me, with no particular intention of doing so, to observe the peculiar characteristics of Mr. Lincoln.

I will take the liberty, however, before commencing that part of my address to give you a brief account of the inauguration ceremonies of March 4, 1861, as written down by myself at the time, I having been honored with the chief marshalship of the occasion:

"At a few minutes after 11, the procession being formed in line in front of the City Hall, wheeled out into column of march and moved toward Willard's. In front of Willard's it again formed into line and so remained until 10 minutes past 12, where President Buchanan, who had been detained at the Capitol by official duty, arrived. He, with President Lincoln, Colonel Baker, and Mr. Pearce, of the Senate, then took their seats in an open carriage, which was received into the column of march with a proper salute from the military, music, and the cheering of the populace. The column then moved toward the Capitol. No more imposing or more orderly pageant ever passed along Pennsylvania Avenue. At the north door of the Capitol the President

and President elect were received and escorted in. In a few minutes they, with their attendants, appeared on the platform of the eastern portico, when Mr. Lincoln delivered his inaugural and was sworn into office. * * *

"The inauguration ceremonies over, we escorted the new President to the White House, where he received all comers with that cordial welcome that so strongly marks the sincerity of the man.

"In the procession was a triumphal car splendidly trimmed, ornamented, and arranged, in which rode 34 young girls. On our return the girls all alighted, and I conducted them in and introduced them to the President. He wished to be allowed to kiss them all, and did so. It was a very interesting scene and elicited much applause." The kisses bestowed by that good man on those young lips will only be forgotten when death has set his seal upon them. Such was the peaceful inauguration of Abraham Lincoln, which so many had prophesied could never be accomplished without the shedding of human blood! What I shall now say is from memoranda made at the time.

In August, 1862, just before the Second Battle of Bull Run, in a conversation with the President, he asked me my age. I gave it to him, when he remarked, with much emphasis, "10 years older than I am, and 10 years younger." I replied that he must not view his own years so disparagingly, when he repeated, "Yes, Mr. French, I am actually 10 years older than you are, the cares and troubles that are upon me are aging me rapidly—I feel it, and you will live to see me in my coffin." This was said with deep solemnity, so much so that I felt sad and tried to speak cheering words. Never in all my intercourse with Mr. Lincoln, except on this occasion and upon the death of his son William, did I witness any manifestation in words of despondency or grief. When Willie died, although he bore himself like a man and a Christian, his affections would assume their control over his sterner self at times and nature have her way.

As an evidence of Mr. Lincoln's power over his feelings, I will mention that on arriving at the Executive Mansion on Monday evening, March 2, 1863, to attend the reception then to take place, the President informed me that he had just received the news of the capture of our steam ram *Indianola;* but, said he, "it is known to no one else here, and as I do not wish it known until the reception is over, please not to mention it." He made some further remarks as to the misfortunes that were befalling us. The visitors commenced arriving, and he stood there shaking hands and conversing in his usual cordial and pleasant manner until the reception was over, when he turned to me and said, "I am glad this reception is over; I have been assuming a cheerfulness that I could not feel, for I could not forget that we have lost the *Indianola.*"

That President Lincoln was beloved by every loyal heart we all know, but I can not refrain from copying from my own description of the dedication of the National Cemetery at Gettysburg the following:

"As soon as the hymn (the consecration hymn) was sung, Marshal Lamon introduced the President of the United States, who, in a few brief but most appropriate words, dedicated the cemetery. Abraham Lincoln is the idol of the American people at this moment. Anyone who saw and heard, as I did, the hurricane of applause that met his every movement at Gettysburg would know that he lived in every heart. It was no cold, faint shadow of a kind reception; it was a tumultuous outpouring of exultation from true and loving hearts at the sight of a man whom everyone knew to be honest and true and sincere in every act of his life and every pulsation of his heart. It was the spontaneous outburst of the heartfelt confidence of the people in their own President."

Perhaps no living man ever had a keener relish for the ludicrous than Mr. Lincoln, and his power of illustration by story and anecdote was beyond that of anyone with whom I was ever acquainted; and such was the tendency of his mind to mirth that I have known him, when a grave question was propounded to him, to reply to it by relating some story perfectly illustrative of the answer required, but of such a nature that no one could resist an audible expression of merriment, in which he was certain most heartily to join, and although the surplus electricity of his nature seemed ever ready to pass off in a manner to make all around him innocently happy, he was ever careful to guard against injury to the feelings of any human being. And I think I can give you the assurance that not one in a hundred of the gross stories that are now imputed to him were ever even heard of by him.

To recall any of the illustrations that I have heard from his lips would be out of place here; but I can not refrain from stating one of his quaint and humorous pieces of advice to me, which you will all appreciate. The basement of the Executive Mansion was at one time so infested with rats as to render it almost uninhabitable. I called the President's attention to the fact, and he said to me, with that inimitable twinkle of the eye and expression of the countenance so remarkable in him, "Can you not procure a ferret, one of those little fellows that drive away the rats? And while you are about it, perhaps it would be well to get several and distribute them about the departments, for there are rats everywhere!" And the good President was so pleased with the idea that he asked me afterwards if I had got those ferrets.

The kindness of his disposition and his readiness to indulge his children may be illustrated by two occurrences that fell under my own observation. The preparations had all been made for the family to leave the city house and establish themselves for the summer at the Soldiers' Home. The carriage was at the door and Mrs. Lincoln and Tad were in it. The President came out to join them, when Tad said, "I have not got my cat." The President replied, "You shall have your cat," and he went into the household and returned in a few minutes with Tad's cat in his arms.

At another time when I was with him in his office conversing on official business one of the servants came in and spoke to him. He at once turned to me and asked me to excuse him for a short time, and he must go and give Tad his medicine, which he would take from no one else.

Such acts as these do honor to human nature, no matter whether done by Presidents or peasants; everyone who has a soul will appreciate them, and I have thought a thousand times, as I have seen the evidences of the minute attention given by the great and good Washington to the smallest matters that concerned his household and his home, while leading the armies of the United States or exercising the high functions of President of the infant Republic, how like in many particulars were these two truly great Presidents.

Although President Lincoln was always ready to assume any official responsibility that his position required, his innate sense of propriety was such that he never knowingly encroached on the prerogatives of his subordinates, no matter what their position might be. A somewhat curious instance of the delicacy of the President in this particular occurred in November, 1864. The day after the certain information of Mr. Lincoln's reelection reached this city it occurred to him that the laborers at the Executive Mansion ought to be granted a holiday. Almost any other man being President of the United States and possessing the power to command would have issued an order giving them a holiday. President Lincoln did no such thing, and what was my surprise at receiving a card from him in his well-known hand and which I now have:

"If Commissioner of Public Buildings chooses to give laborers at White House a holiday, I have no objections.

"A. LINCOLN."

"NOVEMBER 9, 1864."

Of course, the commissioner did choose, and the holiday was given.

The autographs of the beloved President are eagerly sought for and highly valued, and as an evidence of this, I may say that I have seen a simple card, similar to the one above alluded to, on which some request was written by Mr. Lincoln, elegantly framed and suspended in the library of a gentleman in Massachusetts, and considered so precious a memorial that no money can purchase it. And the last manuscript he ever wrote with a pen, on the evening of his assassination, is sacredly preserved, in like manner, in this city by the gentleman for whom it was written. I do not know how I can more appropriately close this, perhaps already too long address, than by reading an article prepared by myself for one of the city newspapers on the 23d of April, 1865. It is as follows:

"On Friday morning last, at 7 o'clock, all that was mortal of Abraham Lincoln, the sixteenth President of these United States, was borne from the Capitol, taking their departure for his home in Illinois, where they are to rest until the final resurrection.

"The past week has been a sad one to the whole Nation. It has been particularly sad for Washington, for here the unparalleled atrocity that deprived a people of a President whom they dearly loved and almost worshipped, and came near snatching from them a Secretary of State, particularly eminent for a head and a heart that gave him an exalted place in the affections of all who knew him, was committed; and as the awful news spread abroad on the wings of the lightning it carried with it sadness to every heart that beat responsive to the great principles of humanity which were so strongly implanted in the bosom of our beloved Chief Magistrate.

"At half-past 10 o'clock on Friday evening, the 14th instant, the bullet of the assassin sped through the brain of his illustrious victim, and from that instant he was as if he were dead, although he continued to breathe until the next morning at 22 minutes past 7.

"That Friday night was an awful one for Washington. The theater where the horrid event occurred was filled with people, and the appalling news spread, as it were, in a moment to all parts of the city. There was no sleep that night. The long roll—that startling call to all military men and to all civilians who understand it—was beat in the various camps within and about the city, and the troops were speedily under arms.

Ah! then and there was hurrying to and fro,
And gathering tears, and tremblings of distress,
And cheeks all pale, which, but an hour ago,
Blushed at the praise of their own loveliness.
* * * * *
And there was mounting in hot haste; the steed,
The mustering squadron, and the clattering car
Went pouring forward with impetuous speed,
And swiftly forming in the ranks of war.

"Many knew not for a time what it all meant, but everyone knew that some terrible calamity was upon us; and ere long the dread reality that our President had been assassinated and our Secretary of State stricken down by the dagger of some fiend in human shape came to be known, and a cordon of troops was soon posted all around the city to prevent, if possible, any egress from it and be prepared for any emergency that an extended conspiracy might render necessary.

"There was a general rush of our citizens to Tenth Street, where in a dwelling opposite the theater lay the dying form of Abraham Lincoln, surrounded by his almost distracted wife, his weeping son, his Cabinet ministers, generals, eminent physicians, and many others whose positions gained them ready admittance to the side of the dying President.

"I stood at his bedside in the early hours of the morning and there witnessed such a scene of solemnity and grief as I never saw before and hope never to see again—

There was silence deep as death,
And the boldest held his breath.

as if it were almost sacrilige to interrupt the solemn stillness about that dying couch.

"The stern Secretary of War sat with his head bowed down in grief; the good and kind Secretary of the Navy stood as if transfixed with sorrow; the ever mild and sunny countenances of the Secretary of the Treasury, the Secretary of the Interior, the Postmaster General, and Attorney General were now overspread with the clouds of distress and mourning; Major General Halleck, who had naturally assumed the direction of affairs, was quietly moving about, fixing his large and most expressive eyes on everything that seemed to require attention and directing in whispering tones of sadness what should be done. The noble form of Sumner, seated near the head of the bed, was bowed low, and tears were flowing from many, many eyes unused to weep.

"Not long after sunrise, I should think—time could not well be counted and the heavens were weeping in a gentle rain—at the request of some of the personal friends of Mrs. Lincoln I went to the President's carriage after Mrs. Secretary Welles, and ere I could return the noble martyr had ceased breathing. I witnessed the bearing of the remains to the presidential mansion, saw them removed from the temporary coffin in which they were borne there, and from that time until they were placed in the car at the railroad depot for transportation to Illinois I was much of the time with them. My official duties made me almost one of the President's household, and on all public occasions I stood at his side or near him, and I felt as if, even had duty not demanded my presence, I could not leave the inanimate form of him of whom I had seen so much and whom I loved so well in life.

"The days of preparation passed by; the lying in state in the East Room, where thousands stood at the side of their beloved and martyred chief and paid to his memory the tribute of respect with streaming eyes; the funeral services, attended by the noble assemblage of all who aided the Executive in the performance of his arduous duties in Washington—hundreds of the most respectable civilians of the country; the full Diplomatic Corps, whose rich dresses were in marked contrast to their sad, sad countenances, for they all loved Abraham Lincoln—the mourners, not only of the family but from his native and his adopted State; the reverend clergy in full numbers. I witnessed it all.

"I listened with a most melancholy but proud satisfaction to the religious services, full of submissive piety, but also full of exalted patriotism. I saw the immense concourse of people, civil and military,

who crowded Pennsylvania Avenue from Georgetown to the Capitol, as the funeral cortege passed along, marking by their bowed forms and their sighs and tears their deep grief at the loss of one whom they had looked upon as their father. I saw the sacred remains deposited on the catafalque in the center of the Rotunda of the Capitol, with the semblages of grief all around it, and heard the pious and eloquent divine, who had been from the first at the side of the departed and his mourning family (Doctor Gurley), repeat with great impressiveness, earnestness, and devotion so much of the burial service as was appropriate, ending with a prayer.

"The crowd then departed. The guard of honor, which had been ever present since the sad catastrophe, consisting at least of one major general and his staff, and often of two, were left in charge of the body.

"At 8 o'clock on Thursday morning the coffin was opened and the crowd admitted, and between that time and 10 o'clock in the evening nearly 40,000 persons looked in sorrow and in tears upon that beloved face.

"At 6 o'clock a. m. on Friday there were assembled in the Rotunda all the Cabinet ministers, the committee who were to accompany the remains, Reverend Doctor Gurley, Lieutenant General Grant, and many other high officers of the Army, the police of the Capitol, and a few prominent citizens. Doctor Gurley addressed with deep fervor and great impressiveness the Throne of Grace, and his prayer found a solemn response, I doubt not, in every bosom.

"The coffin was then closed and was borne by 12 sergeants to the hearse, and being escorted by a battalion of the Veteran Reserve Corps was followed by Lieutenant General Grant and Brigadier General Hardee, arm in arm, and many other officers of the Army, the Commissioner of Public Buildings, and captain of the Capitol police, all on foot, and by the President and heads of the departments and the committee in carriages to the Baltimore Depot, where it was placed in a car deeply and most appropriately draped in mourning and prepared for the occasion, where the reverend clergyman again offered up a prayer to the Father of us all; and at 8 o'clock the train moved off, and he whom we all loved so well and for whom we would have willingly given our own lives was borne in solemnity and gloom toward his final resting place in the bosom of the State who gave him to us."

Unveil thy bosom, faithful tomb,
Take this new treasure to thy trust,
And give these sacred relics room
To slumber in the silent dust.

Thus the remains of Abraham Lincoln left us to find a resting place in the capital of his adopted and beloved home. It was one grand, solemn, and imposing funeral procession from Washington to Illinois, and I have been told by a gentleman who accompanied it that no dwelling was passed in all that distance, whether the palace of the rich or the humble cottage of the poor, that did not exhibit some outward badge of the grief that reigned within.

And now, my fellow citizens, we have erected, as I believe, the first public statue to the memory of that President, who more than any other since Washington, lived and ever will live in the hearts of the loyal people. Here, where he won from all who knew him—and who is there who did not know him—golden opinions; here where in the midst of his friends, while enjoying a brief respite from the cares and perplexities, of his exalted but laborious station, he was struck down in death by the hand of a foul and cowardly assassin, have we this day placed upon its pedestal the plain, unassuming, but almost speaking semblance of that plain, unassuming, but noble and god-like specimen of human nature. [Applause.]

We have erected it where the earliest kiss of rosy day, as she approaches from the east, may fall upon it, and where the last gleam of evening's mellow light may salute it as the twilight darkens into night. Here it stands, as it were, in the plaza of the city; and here it will stand, we hope, to be seen by generations long hence to come. [Cries of "It will!"]

Let the fathers of the city, in times of trouble, gather around it and acquire inspiration by calling to mind the firmness, patience, fidelity, zeal, and nobleness of character of him whom it represents. Let the generations of young men gather around it and recall, as their example and their guide, the virtue, sobriety, modesty, and uprightness of life and purpose of that great man. And let us all bear in mind and ever profit by the remembrance how Abraham Lincoln placed all his trust in God, and implored His blessing upon every act of his exemplary life.

* * * God called him
Hence to lay his armor down,
To take his more than conqueror's wreath,
His martyr's glorious crown.

In the great hosts of freedom's sons,
Our Lincoln leads the van,
Himself the greatest, "noblest work
Of God, an honest man."

Arise, then, oh, my country, rise!
Be worthy of his fame,
Lift high the banner of the right,
Put all its foes to shame.

Follow where Lincoln's footsteps led—
His spirit be your own—
'Twill lead you on to victory; 'twill
Lead you to God's throne!

[Immense applause.]

After the address of Major French the band of the Twelfth Infantry performed Rans l'es Vaches.

Col. E. B. Olmstead was then introduced, and recited an original poem, which was received with great applause.

THE UNCOVERING OF THE STATUE.

Professor Heald's band then performed an appropriate air, when Mayor Wallach advanced to the front of the platform with the President and said:

"My friends, it is hardly necessary for me to inform you what is now to take place or who the distinguished person is who will perform this ceremony. The anxiety depicted in your upturned countenances plainly tells that you are awaiting the unveiling of the statue."

The President then pulled the cord, when the covering of the statue fell, and vociferous cheers were given by the crowd.

Mr. Lot Flannery, the artist, was here introduced and loudly cheered.

The Marine Band then performed a prayer by Donizetti, after which Reverend Doctor Gillette pronounced the benediction, and the crowd dispersed.

The Mrs. Ellen Spencer Mussey Tent, No. 1, Daughters of Veterans, went on record indorsing the reerection of the Lincoln statute in a letter June 20, 1921, as follows:

MY DEAR MR. KING: The members of the patriotic organization, Mrs. Ellen Spencer Mussey Tent, No. 1, Daughters of Veterans, whose soldier fathers fought under Lincoln for the honor and unity of their country and inculcated in the hearts of their children a wonderful love and reverence for that great and noble character, Abraham Lincoln, desire to express to you their very sincere appreciation of your action in introducing before Congress a motion to have the statue of Lincoln replaced in its former position in front of the City Hall, and to thank you for your interest in a matter which is very close to the hearts of the Daughters of Veterans.

Please accept congratulations on the success of your efforts, and sincere good wishes for your future welfare.

Cordially yours,

MRS. ELLEN SPENCER MUSSEY TENT NO. 1,
DAUGHTERS OF VETERANS,
By MARJORIE MAYNARD,
Secretary pro tempore.

Lieutenant General Miles, speaking before the Society of the Dames of the Loyal Legion at Washington, D. C., February 12, 1920, said concerning the statue:

Soon after the tragic death of President Lincoln his friends erected a suitable monument and placed it facing the broad avenue where our statesmen and Supreme Court judges pass it every day and in front of the courthouse, where it is seen by thousands of his devoted fellow countrymen. I can not describe to you my feelings a few days ago when I saw men engaged in taking it down. It seemed to me like a sacrilege, and my views are expressed in the following lines:

You may move or destroy the Lincoln statue,
But you ne'er can erase from hearts that are true
That reverence sublime that all patriots cherish
For a life made immortal, that never can perish.

From the humblest of homes to the head of the Nation,
Mid the desperate turmoil of war's desolation,
He led our brave sons in a righteous cause
And welded their faith to freedom's just laws.

Loyal hands had there placed it, on sacred ground,
Near the temple of justice and law profound.
In the distance the Nation's Capitol is seen,
Where patriotism and power are held supreme.

Place it back there again, we earnestly pray,
A Nation's gratitude will amply repay.
Put it back where the friends of the martyr's sad story
Had placed it, and leave it alone in its glory.

Demand that the Lincoln statue, recently taken down from in front of the courthouse, be placed again on—

the same consecrated spot where it was erected half a century ago—

was contained in a joint resolution introduced in the general assembly of the State of Ohio by State Representative Beaty.

Without qualification the representatives and senators of the eighty-third General Assembly of Ohio unanimously condemn this unpatriotic and unprecedented vandalism and demand that the venerated monument be replaced on the same consecrated spot where it was erected half a century ago—

Said the resolution.

ASKS PRESIDENT WILSON TO HELP.

The resolution further states—

That a copy of this resolution be transmitted to the President of the United States and to our two Senators and our Representatives in Congress, with the urgent and respectful request that they use their power and authority of their great offices to repair this wrong and restore the venerated shaft to its former place in its entirety as when dedicated in 1868.

In 1866 and 1867, the resolution states, immediately after the martyrdom of Lincoln—

Steps were taken in the city of Washington to erect a monument to Abraham Lincoln in front of the city hall there, and the movement was made successful by small contributions of the people, who knew personally and loved the mighty Lincoln.

FIRST ONE TO LINCOLN.

Said monument was the first one in memory of Lincoln, modest and plain, like himself, entirely best representing that great man ever yet erected—surmounted as it was by a life-size statue of him, as like as life.

Said monument was dedicated in 1868 in the midst of the largest and most august assemblage of our mightiest Americans, most of whom personally knew Lincoln well, and with them, also, were thousands of Union soldiers who had gone to battle at Lincoln's call.

UNVEILED BY PRESIDENT JOHNSON.

Notably, Andrew Johnson, President, unveiled the statue and made a memorable speech dedicating the monument and consecrating forever the sacred spot on which it has stood half a century.

Vandal hands have dared to desecrate, pull down, wreck, and destroy that monument, and hidden it away from human view, to the shame and disgrace of the whole American Nation.

—

LETTER FROM AN OLD RESIDENT OF WASHINGTON.

WASHINGTON, D. C., *January 25, 1920.*

MY DEAR MR. KING: I was so glad to read the notice in to-day's paper about your effort to have the Lincoln statue reerected. I had been wondering if some one in authority would not take up the removal of that statue when it had stood so long as a monument of love to him who had lost his life in the service of his country.

I knew Lincoln and shook hands with him when he ran for President. I was then living in Ohio. He was one grand, good man, and how well do I remember how our hearts were torn with anguish when the word came that he was shot. Never will I forget it, though so many years have passed since that awful tragedy. I thought of the event every time I passed the statue.

I for one am glad you have brought this matter to the attention of Washington people, and I know that you will receive more letters thanking you for your effort in bringing up the subject of its removal. I hope it will be placed again where it stood so long.

MRS. MARY FLORENCE EDMONSON.

605 TWENTY-SECOND STREET NW.,
Washington, D. C., June 15, 1921.

Hon. EDWARD J. KING,
Washington, D. C.

DEAR SIR: A stranger to you, with no claim on your attention, I crave indulgence and pardon for writing to you about a matter very near to all hearts that love Lincoln. I am deeply interested in your bill to restore the desecrated memorial to its proper and original site.

The few of us remaining after 1866, 1867, and 1868, who raised the money out of our poverty to pay for the only true Lincoln statue on earth, may be pardoned for asking reparation of the crime of destroying and despoiling it.

I saw the first dollar paid by subscriptions of poor people, mostly soldiers who knew Lincoln well. We were all young then, and poor—the country bankrupt.

It was built out of poverty and love by the mites of the lowly whom Lincoln loved as God does.

I saw it unveiled by President Johnson, 1868, in presence of such a throng of America's greatness as earth never before beheld, and alas! never shall again.

It was a great day.

At 83 I recall the scene vividly to memory but can not describe it. They who could are gone to the silent land.

It was built by us.

It is our monument.

It is a masterpiece, because it is a true, simple resemblance of Lincoln.

May God prosper you in assisting it to its own place. There is but one consecrated place.

PRIVATE DALZELL.

The following is a letter from Mr. Freeman Thorp, an artist who personally knew Lincoln and who painted the portrait of Schuyler Colfax, one of the Speakers of the House, now hanging in the House lobby. He also painted the portrait of Lincoln which was purchased by the Senate and now hangs in the main corridor in the Senate wing of the Capitol. He also painted President Grant and others:

WASHINGTON, D. C., *June 5, 1921.*

Hon. EDWARD J. KING,
House of Representatives.

DEAR SIR: In support of your resolution ordering the statue of Lincoln reerected on its original site in the courthouse grounds, permit me to say that having sketched Lincoln from life just before he was inaugurated, and again at Gettysburg, and studied him very carefully and thoroughly under conditions no other man now living has ever had, I made diligent search for the statue, seeking to know whether it is a real likeness of Lincoln. I consider a true likeness in historical statues or portraits of prime importance.

I found the statue lying out of doors and not safely boxed, and readily obtained assurance from the office of Colonel Sherrill that it should at once be made secure from accident or malicious injury.

There are other statues of Lincoln that are great, considered in the sense of modern works of art, yet none yet made so true and characteristic as a likeness of the rugged, strong, unassuming great man whose memory we all love.

As there is no man now living who can make a statue of Lincoln from life or from memory, this one should be preserved with the utmost care, here where the greatness of his life was enacted and where more of the people of this great Nation can easily see it than anywhere else.

With great respect,

FREEMAN THORP,
138 East Capitol Street.

Restoration of the Lincoln statue was urged on December 7, 1921, by a committee representing the Sons of the American Revolution which called on me:

The committee consisted of Admiral George W. Baird, who personally contributed for the erection of the statue; Rev. William Curtis White, representing the first Episcopal parish of the District; Fred Owen, for 44 years connected with the office of public buildings and grounds in Washington; David Lynn and Charles E. Fairman, architects.

GUARANTEE OF EXPENSE.

The committee stated that descendants of the original contributors to the Lincoln statue fund stood ready to meet the expenses for a new pedestal and reerection of the memorial through private subscriptions.

They also urged that Elliott Woods, architect of the Capitol, be appointed chairman of a commission to draw up plans for a new base for the statue and estimate the cost of replacing it. Mr. Woods had charge of remodeling the courthouse, and it was in process of this work that the Lincoln statue was removed.

Mr. Fairman, who is in charge of the art work in the Capitol, speaking against the removal of the old statue, quotes from Proverbs in saying, "Remove not the ancient landmark which our fathers have set." Mr. Fairman said: "Five hundred members of the Sons of the American Revolution living in the District desire the statue reerected as an act of simple justice. It is as important to preserve the art of 1868 as it is to preserve the art of 1921."

VIEWS OF ADMIRAL BAIRD.

Admiral Baird pointed out that the Lincoln statue "belonged to the people of Washington. I and my folks contributed to its erection and have an equity in it to-day. To allow its desecration sets a precedent for the removal of landmarks and statues, rich in sentiment, throughout the entire country. Congress should protect the inherent rights of the Commonwealth in all matters of sentimental value."

Reerection of the Lincoln statue on its original site in front of the courthouse, on a low and artistic base in harmony with the surroundings, was advocated January 17, 1922, by a committee representing the Aztec Club of Washington.

The committee consisted of Rev. William Hayloe Snyder, canon of Washington Cathedral; Col. J. F. Reynolds Landis, and Col. Robert N. Getty.

Elliott Woods, Architect of the Capitol, submitted a new design for the base of the statue, which later will be submitted to the House of Representatives for consideration. The new base suggested would raise the base of the statue approximately 5 feet from the level of the sidewalk.

I recall the statue from earliest childhood—

Reverend Snyder said—

and I viewed its removal with deep regret. I and scores of the older residents of Washington remark on the absence. For sentimental as well as artistic reasons the statue should be reerected at once.

The suggested pedestal would remove all criticism in regard to the former high pedestal, which, although artistic compared to art at the time of 1867, would not harmonize with the courthouse to-day.

—

This statue should be treasured as valuable evidence of art at the time of its erection—

Colonel Landis said.

PRESIDENT FOR REPLACEMENT.

Warren G. Harding, President of the United States, pledged his aid in replacing the statue on April 28, 1921, to a delegation headed by Gen. Nelson A. Miles, and consisting of more than 100 men and women representing patriotic organizations of the United States.

On May 2, 1921, President Harding wrote to Hon. NORMAN J. GOULD, chairman of the Committee on the Library of the House of Representatives:

I very recently received a call of a very notable delegation representing the Loyal Legion urging the reconsideration at the hands of Congress of the decision to remove the statue erected in memory of President Lincoln in front of the City Hall in 1868.

It is such a fascinating story, and there seems to be so much of appealing sentiment about the restoration of this statue to its original position, that I think Congress might well expedite the reconsideration of the action so that this memorial may be restored to the place it so long occupied.

I cordially believe the sentiment is one that we ought to sanction, and I am glad to express the hope that Congress will take favorable action in providing for the restoration.

Among those who have worked untiringly for the restoration of the statue are Hon. Norman J. Gould; Hon. Ben Johnson; Hon. Robert Luce; Hon. Herbert C. Pell, jr.; Hon Simeon D. Fess; Hon. Frank Park; Hon. Ralph Gilbert; Theodore Noyes; John C. Shanks; Hon. William R. Wood; Hon. Edward H. Wason; and Mrs. Gen. John A. Logan.

CHRONOLOGY.

January 24, 1920: Original resolution to reerect the statue of Lincoln introduced.

April 2, 1920: Committee on the Library holds hearing on the subject.

April 28, 1921: President Harding indorses reerection of statue.

May 25, 1921: Committee on the Library reports the resolution with the recommendation that it do pass.

April 5, 1922: House of Representatives begins consideration of resolution.

The CHAIRMAN. Unless there are some further remarks, the Clerk will read.

Mr. GARRETT of Tennessee. Will the gentleman from Ohio yield for a moment?

Mr. FESS. I will.

Mr. GARRETT of Tennessee. Is it hoped to conclude this bill this afternoon?

Mr. FESS. I think not.

Mr. GARRETT of Tennessee. Well, if we can not conclude it, I wonder if we can not rise now?

Mr. FESS. The gentleman from Indiana [Mr. MOORES] desires to be heard in opposition to the resolution.

Mr. GARRETT of Tennessee. Well, that can be done next Wednesday. I make the point of no quorum.

Mr. FESS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 127 to reerect the statue of Abraham Lincoln upon its original site and had come to no resolution thereon.

ADJOURNMENT.

Mr. FESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until Thursday, April 6, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV,

585. A letter from the Secretary of War, transmitting offer received from Charles L. Parsons, of Washington, D. C., covering certain properties at Muscle Shoals, Ala. (H. Doc. No. 220), was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 6650. A bill providing additional terminal facilities in square east of 710 and square 712 in the District of Columbia for freight traffic; without amendment (Rept. No. 877). Referred to the Committee of the Whole House on the state of the Union.

Mr. DUNN: Committee on Roads. H. R. 11131. A bill to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes; without amendment (Rept. No. 878). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNER: Committee on Insular Affairs. H. R. 10442. A bill to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921; without amendment (Rept. No. 874). Referred to the House Calendar.

Mr. BURTNESS: Committee on Indian Affairs. H. R. 9814. A bill amending the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service; without amendment (Rept. No. 875). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 11172) declaring the railway bridge across the Kansas River, in the State of Kansas, at a place about 1,578 feet above its mouth, in the city of Kansas City, Kans., an obstruction to navigation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 11173) to amend section 126 of the national defense act, approved June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. COLTON: A bill (H. R. 11174) to provide for the purchase of a site and the erection of a public building at Manti, in the State of Utah, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 11175) to authorize the printing of certain publications at United States Indian schools; to the Committee on Printing.

By Mr. CODD: A bill (H. R. 11176) authorizing the bestowal of campaign medals upon officers and enlisted men of the World War who served with what is known as the Archangel expedition, and for other purposes; to the Committee on Military Affairs.

By Mr. SINCLAIR: Concurrent resolution (H. Con. Res. 54) creating a joint commission of three Members of the Senate and five Members of the House to investigate the subject of crop insurance, with a view to determining the practicability of creating a Government crop insurance bureau, and for other purposes; to the Committee on Rules.

By Mr. JONES of Texas: Resolution (H. Res. 320) providing for the payment of one month's salary to Stella M. Weigel; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 11177) for the relief of Joy Bright Little; to the Committee on Claims.

By Mr. DOMINICK: A bill (H. R. 11178) for the relief of Hassie Cantrell; to the Committee on Claims.

Also, a bill (H. R. 11179) for the relief of Cecilia Rebecca Fretwell; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 11180) for the relief of Lewis Williams; to the Committee on Claims.

By Mr. GARRETT of Texas: A bill (H. R. 11181) for the relief of Emma Helberg, Laura Lackner, and F. W. Lackner; to the Committee on Claims.

By Mr. HADLEY: A bill (H. R. 11182) granting a pension to Esther E. Babcock; to the Committee on Invalid Pensions.

By Mr. JONES of Pennsylvania: A bill (H. R. 11183) for the relief of Mary L. Sprague; to the Committee on Claims.

By Mr. O'CONNOR: A bill (H. R. 11184) for the relief of Rose L. Kiefer; to the Committee on Claims.

By Mr. OGDEN: A bill (H. R. 11185) for the relief of Albert Neurath and W. R. Milward; to the Committee on Claims.

Also, a bill (H. R. 11186) for the relief of Lewis H. Francke and Blanche F. Shelley; to the Committee on Claims.

By Mr. STAFFORD: A bill (H. R. 11187) granting a pension to Kathryn Labonde; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11188) granting a pension to Jennie G. Miller; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 11189) granting a pension to Eunice A. Prettyman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4989. By Mr. ANDREW of Massachusetts: Petition of citizens of Danvers, Salem, and Beverly, Mass., opposing the passage of House bill 9753, or any other Sunday bill; to the Committee on the District of Columbia.

4990. By Mr. APPLEBY: Affidavits to accompany the bill granting a pension to Amelia M. Hetherington; to the Committee on Invalid Pensions.

4991. By Mr. ARENTZ: Petition of 29 business men of Winnemucca, Nev., protesting against House bill 10598; also protest of the Comstock (Virginia City) Chamber of Commerce; to the Committee on Interstate and Foreign Commerce.

4992. By Mr. KIESS: Evidence in support of House bill 11011, granting a pension to George O. Pratt; to the Committee on Invalid Pensions.

4993. Also, petition of citizens of Potter and Tioga Counties, favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

4994. By Mr. KISSEL: Petition of William Filene's Sons Co., of Boston, Mass., urging passage by House of Senate Joint Resolution 160; to the Committee on Ways and Means.

4995. By Mr. SINCLAIR: Petition of Henry Kytonen and seven others, urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4996. Also, petition of W. O. Johnson and 104 others, of Dunn Center, N. Dak., protesting against the passage of House bills 9753 and 4388 or Senate bill 1948; to the Committee on the District of Columbia.

4997. Also, petition of Mrs. A. O. Stoen and nine others, of Buffalo Springs, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

4998. By Mr. TEMPLE: Petition of Division 565, of New Castle, Pa., and Division 464, of Elrama, Pa., International Brotherhood of Locomotive Engineers, in support of House bill 10798; to the Committee on Interstate and Foreign Commerce.

4999. By Mr. TOWNER: Petition of James Harper, of Turtle Creek, Pa., and 82 other citizens of the State of Pennsylvania, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

THURSDAY, *April 6, 1922.*

(Legislative day of Wednesday, April 5, 1922.)

The Senate met at 12 o'clock meridian on the expiration of the recess.

Mr. CUMMINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Jones, Wash.	New
Ball	Fletcher	Kendrick	Nicholson
Bursum	France	Keyes	Norbeck
Cameron	Frelinghuysen	King	Norris
Capper	Gooding	Ladd	Oddie
Caraway	Harreld	La Follette	Overman
Culberson	Harris	Lenroot	Page
Cummins	Harrison	McKinley	Pepper
Curtis	Heflin	McNary	Phipps
Dial	Hitchcock	Moses	Pittman
Elkins	Jones, N. Mex.	Nelson	Poindexter

Pomerene	Simmons	Swanson	Wadsworth
Rawson	Spencer	Townsend	Walsh, Mass.
Sheppard	Sterling	Trammell	Watson, Ga.
Shields	Sutherland	Underwood	Williams

Mr. CURTIS. I desire to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Indiana [Mr. WATSON], and the Senator from New York [Mr. CALDER] are detained at a meeting of the Committee on Finance.

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is absent on official business.

Mr. McNARY. I desire to announce the absence of my colleague [Mr. STANFIELD] on public business.

The PRESIDING OFFICER. Sixty Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 11118) to provide for the deportation of certain undesirable aliens, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 11118) to provide for the deportation of certain undesirable aliens was read twice by its title and referred to the Committee on Immigration.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of members of James G. Blaine Council, No. 1, Junior Order United American Mechanics, of Stamford, Conn., praying for the enactment of House Joint Resolution 268, extending the operation of the immigration act of May 19, 1921, which was ordered to lie on the table.

He also presented a letter in the nature of a petition from Philip P. Wells, president Connecticut Forestry Association, of Middletown, Conn., praying for the passage of the Keyes bill, making an appropriation of $2,000,000 for continuance of the purchase of forest lands in the White and Appalachian mountains, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Mrs. Milton Simon, president of the Hartford Section, Council of Jewish Women, of Hartford, Conn., praying for an amendment of the immigration law so as to render its operation practicable and humane, which was referred to the Committee on Immigration.

He also presented memorials of members of the East Hartford Chamber of Commerce and sundry citizens of West Cornwall, all in the State of Connecticut, remonstrating against the enactment of Senate bill 2747, the Federal cooperative reclamation bill, which were referred to the Committee on Irrigation and Reclamation.

He also presented a resolution adopted by the directors of the Manufacturers' Association of Connecticut (Inc.), of Hartford, Conn., protesting against alleged persistent sinister political influences seeking to undermine the independence of action of Federal Reserve Board officers, and indorsing the Federal reserve system, which was referred to the Committee on Banking and Currency.

He also presented a petition of members of the National Ex-Service Men's Political Organization, of Waterbury, Conn., praying for the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented petitions of sundry employees of the Custodial Service, Treasury Department, of Naugatuck, New Britain, and Danbury, all in the State of Connecticut, praying for the enactment of legislation granting salary increases to employees of the Treasury Custodial Service, which were referred to the Committee on Appropriations.

He also presented a memorial of members of Mattabessett Grange, No. 42, Patrons of Husbandry, of Middletown, Conn., protesting against railroad or coal-mine owners and managers, or their workmen, creating conditions preventing the country's recovery from the scourge of war, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by members of Lady Fowler Council, No. 58, Sons and Daughters of Liberty, of Milford, Conn., favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

PROPOSED NEW OFFICIALS OF DEPARTMENT OF LABOR.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (S. 3396) creating the positions of Second Assistant Secretary and private secretary in the Department of Labor, asked to be discharged from its further consideration and suggested that it be referred to the Committee on Education and Labor, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3406) granting permission for erection of American Legion Memorial Hall on Federal building site at Corsicana, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. TOWNSEND:

A bill (S. 3407) authorizing the bestowal of campaign medals upon officers and enlisted men of the World War who served with what is known as the Archangel expedition, and for other purposes; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A bill (S. 3408) to amend section 126 of the national defense act, approved June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. JONES of New Mexico:

A bill (S. 3409) to extend the powers of the War Finance Corporation under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921; to the Committee on Finance.

By Mr. STANLEY:

A bill (S. 3410) to amend section 4886 of the Revised Statutes relating to patents; to the Committee on Patents.

By Mr. FERNALD:

A bill (S. 3411) granting a pension to Adeline R. Burroughs (with accompanying papers); to the Committee on Pensions.

AMENDMENT OF WAR DEPARTMENT APPROPRIATION BILL.

Mr. CURTIS submitted an amendment proposing to appropriate $191,000 for the building and improvement of roads through Fort Riley (Kans.) Reservation to connect with the State highways reaching said reservation from the north, south, east, and west, intended to be proposed by him to House bill 10871, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on April 6, 1922, the President had approved and signed the joint resolution (S. J. Res. 160) authorizing the extension for a period of not to exceed 25 years of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes.

ENLARGEMENT OF CAPITOL GROUNDS (S. DOC. NO. 178).

The PRESIDING OFFICER laid before the Senate a communication from the Attorney General in response to Senate Resolution 156, relative to steps necessary to be taken to complete the acquisition of lands between the Capitol and Union Station for the enlargement of the Capitol Grounds, as provided in the act approved June 25, 1910, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. OVERMAN. Mr. President, I do not rise to discuss the amendment now pending, but I do rise to say that I am opposed to the bill, and I think before I am through I will demonstrate to the Senate that it is not necessary, even though they call it an emergency bill.

I am opposed to this method of legislation. It is history repeating itself. One hundred and twenty years ago, and not since that time has a bill of this nature been introduced in either body of the Congress. Every student of history remembers what scandal and what criticism attended the passage of that bill. It was called by some the "midnight judges bill."

I am opposed to creating a wholesale lot of judges for life at great salaries and taxing the people, as this bill will do, to the extent of a quarter of a million dollars, when it is not necessary. Senators will remember that there was passed, at the time I just referred to, what was then called, as this is called, an emergency bill. A dead party was going out. Mr. Jefferson

was coming in. Mr. Adams had signed the commissions and Mr. Jefferson sent his Attorney General, on the night of March 3, with his watch in hand, to look at John Marshall, who was Secretary of State, signing the commissions. The hour of 12 o'clock arrived, and they had been signed. So great was the indignation and criticism of that bill in the country that all succeeding Congresses refused to make the appropriation to pay the salaries of the judges, and they had to go out of office.

I say, Mr. President, let every tub stand on its own bottom. If a judge is needed in any district, let a Senator from that State introduce a bill, have it referred to the committee, and let it be reported back to the Senate, and passed. But do not let us have a wholesale bill like this measure, which proposes to establish all these great offices, giving pie to this one and pie to that one, a bill that is, as I expect to show, a pork-barrel bill, although the Senator from Iowa [Mr. CUMMINS] resents that designation.

The present Presiding Officer, the senior Senator from Michigan [Mr. TOWNSEND], early in the session introduced a bill to establish an additional judge in Michigan. Such a judge was needed in that State at that time. The Senate Committee on the Judiciary reported the bill favorably, it passed the Senate and went to the House, but the House declined to pass it. Some 8 or 10 other bills of a similar nature have been introduced in the Senate, passed where they were believed necessary, gone to the House, but the House has refused to pass them. But now the House sends over to us, as I am going to show, this pork-barrel bill providing for some 20 judges in one bill, instead of passing the individual bills which we sent to that body.

Is it a pork-barrel bill? Why, Mr. President, it starts off with a provision for 19 judges, with 19 pieces of pie. As we have two Senators from each State, the bill starts off with 38 votes, and now there are some 16 amendments pending to add as many more judges. If we pass this bill, and the news goes out to the country of what we have done, there will be the same criticism and the same scandal and the same indignation among the people that followed the act which was passed creating 16 new judgeships in the time of Mr. Adams.

I say this method of legislating is wrong, and I am going to show, Mr. President, that there have crept into the bill provisions for judges in districts which, in my judgment, are not entitled to them. The bill provides for two judges for Massachusetts, a State which now has one judge.

I desire to remind Senators that the bill is now brought forward as an emergency bill, on the plea that the great number of cases arising out of prohibition legislation which are now on the dockets of the courts require additional judges in order that they may be tried. Therefore I shall base my argument upon the statistics which are to be found in the table furnished us by the Attorney General, showing the number of criminal cases which are now on the court dockets for the trial of which additional judges are said to be needed. Except for prohibition indictments and prosecutions the bill never would have been introduced, as the Senator from Iowa [Mr. CUMMINS] will admit.

Mr. SIMMONS. Mr. President, I should like to ask my colleague a question.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to his colleague?

Mr. OVERMAN. I yield.

Mr. SIMMONS. Is there a contention from any source that there is not at present a sufficient number of judges to try and dispose of the class of cases which are known as civil cases?

Mr. OVERMAN. I have not heard of such a contention.

Mr. SIMMONS. Is not that also true as to admiralty cases?

Mr. OVERMAN. It is. Indeed, I have not heard that there is any necessity for the creation of these additional judgeships except in connection with the trial of criminal cases. I will say in passing that there may be some 8 or 10 judges needed in this country; but to show that all the additional judges provided for are not needed I am going to quote the testimony of a judge who was a witness before our committee and who was called here by the Attorney General.

Consider the amendment of the Senator from New Jersey [Mr. FRELINGHUYSEN] providing for an additional judge for New Jersey. He did not introduce a bill to create an additional judgeship there, as I recollect; he did not go before the committee in advocacy of such a measure; and yet, when this "pie" is going around, he wants his piece, as do all the other Senators. That constitutes the viciousness of this proposed legislation.

Mr. FRELINGHUYSEN. Mr. President, will the Senator from North Carolina yield to me?

Mr. OVERMAN. I yield.

Mr. FRELINGHUYSEN. I stated very explicitly on yesterday that the reason why I could not appear before the Committee on the Judiciary to offer my amendment was because of the pressure of other public business; and that I had, therefore, asked the committee that I might have the privilege of introducing the amendment on the floor of the Senate and of showing the Senate the need of the State of New Jersey for another judge, which I tried to do on yesterday.

I desire further to say to the Senator from North Carolina that the appointment of an additional judge for New Jersey is not a question of "political pie," but the amendment has been offered because the State of New Jersey needs an additional judge in order to dispense justice and to enforce the law.

Mr. OVERMAN. I heard the Senator's able and interesting statement.

Mr. FRELINGHUYSEN. The Senate is the proper place to offer such an amendment.

Mr. OVERMAN. I know the Senate is the proper place, and if the Senate is going to pass the bill, let us give every State an additional judge.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. OVERMAN. I yield.

Mr. NORRIS. Did I understand the Senator to say that there are pending 16 amendments providing for the appointment of additional judges?

Mr. OVERMAN. I understand there are 16 such amendments pending.

Mr. NORRIS. Providing for 16 additional judges?

Mr. OVERMAN. Yes, sir; that is what I am told.

Mr. NORRIS. I will ask the Senator has that anything to do with the free coinage of silver?

Mr. OVERMAN. Hardly.

Mr. President, I am not complaining of the Senator from New Jersey particularly; I am only complaining in general against such procedure. The Senator from New Jersey spoke on yesterday and gave his reasons for not going before the Committee on the Judiciary and offering his amendment there. I appreciate the circumstances, but I must say that he never introduced a bill in the Senate for the appointment of an additional judge for New Jersey, as did the Senator from Michigan, as did the Senator from New York [Mr. WADSWORTH], and as other Senators have done, whose bills have been considered by that committee and reported if the committee favored the measures; but the Senator waits to make his proposal until this omnibus bill comes before the Senate.

I do not know whether the Senator ever thought of having another judge for New Jersey until this "pie bill" came over here from the other House. I am not charging the Senator from Iowa [Mr. CUMMINS] with any logrolling. He stands too high as a man, he is too great and too good a man, and is too much of a statesman for anything of that kind; nobody would make such a charge in connection with him. However, this bill is here; it comes over from the House of Representatives. Instead of passing the 10 independent bills providing for additional judges which we have sent to that body, they return to us a "pork barrel" bill. Now, it is proposed by amendments on the floor to add other judges to the bill. As I have said, I hardly suppose the Senator from New Jersey would ever have thought about another judge for New Jersey—for they have three in that district now—except, believing that this bill is going to pass, he thought why should not New Jersey also have another judge. I do not blame him. I do not blame any other Senator under the circumstances for trying to secure another judicial office in his State, an extra piece of "pie," if you please.

Mr. NELSON. Will the Senator allow me to make one correction in his statement?

Mr. OVERMAN. I yield.

Mr. NELSON. I think the Senate has passed only six bills for the creation of additional judgeships.

Mr. OVERMAN. I stated the number as being eight. Perhaps it was only six.

Mr. NELSON. The Senator stated that 10 such bills had passed.

Mr. OVERMAN. Well, say six.

Mr. NELSON. I think only six such bills have passed.

Mr. OVERMAN. Mr. President, the Senate passed two years ago six or eight bills providing for the creation of additional judgeships. Those bills have slept the sleep of death in the House of Representatives. Why? Nobody said that the bills were not proper or that they were unnecessary or that the judges were not needed. Why were they not passed? It was because if the House of Representatives had passed those bills,

and they had been approved by the President, as a result of such action 10 Democratic judges would have been appointed. Now, however, the House sends us here an omnibus bill providing for the appointment of 22 judges, and, should the bill become a law, as everyone knows, Republicans will be appointed to the judgeships. This proposed legislation would require the appropriation of a quarter of a million dollars to be a further burden upon the taxpayers of the country.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. OVERMAN. I gladly yield to the Senator.

Mr. CUMMINS. Mr. President, I wish to protest against some of the statements which have just been made by the Senator from North Carolina.

My observation is that when an individual bill is introduced for the purpose of providing an additional judge for a particular district it is regarded as purely a local affair, and the Senate passes every bill of that kind which is introduced and which receives the approval of the Judiciary Committee.

The pending bill commands the general attention of the Senate and of the country, and we are now investigating carefully, I hope as carefully as we can, the needs of the several judicial districts. My judgment is that a much more careful and painstaking investigation is being made now with regard to the needs of the several districts than has ever been made before. From that viewpoint I think the Senator from North Carolina must concede that this is not a logrolling affair.

Mr. OVERMAN. Mr. President, I want to say there that I will not admit that the great Judiciary Committee does not consider carefully every bill that comes to it for consideration and recommendation to the Senate.

Mr. CUMMINS. I have not said that it did not; I have said that every bill which passes the scrutiny of the Judiciary Committee comes into the Senate, and the Senate regards it as a local affair and passes it just as it would a bridge bill.

Mr. OVERMAN. That is the way it is proposed to pass the pending measure, because Senators want the amendments which they have proposed to it acted upon favorably, so that their States may be taken care of.

Mr. WILLIAMS. Mr. President, if the Senator will yield, of course I do not know about all the bills which are referred to the Judiciary Committee, but I wish to take issue with the Senator from Iowa in regard at least to one situation. I know that for something like seven or eight years we were begging for an additional judge in the State of Mississippi, where court is held at three different places, at each of which there are separate officials. We wanted a new judge, but we never could secure the enactment of the bill providing for the additional judge while there was a Democratic President to make the appointment. Now, I do not know that the Judiciary Committee was actuated by any partisan motive, but the fact remains that what I have stated is true, and the fact also remains that the evidence was abundant that the State of Mississippi had less judicial service in comparison with its business and its population than almost any other State in these United States. Now we are informed that perhaps we may be given an additional judge since there is a Republican President in office.

Mr. CUMMINS. The Senator has not been informed to that effect by me, nor has he been so informed, I think, by any member of the Judiciary Committee.

Mr. WILLIAMS. I did not say the Senator informed me to that effect.

Mr. CUMMINS. I do not think the State of Mississippi really needs an additional judge, and I am not in favor of another judge for the State of Mississippi.

Mr. OVERMAN. Mr. President, I decline to yield further. I think the Senator from Iowa is of the opinion that there are additional judges provided for several districts in the pending bill which ought not to be provided for, and I think every Senator will come to that opinion when he reads the bill carefully and informs himself as to what the statistics show.

There can be no question, Mr. President, that the House of Representatives refused to pass the bills proposing to create new judgeships which had been acted upon favorably by the Senate because, even though they were necessary, they would have involved the appointment of Democratic judges. Now, however, although we could not secure the appointment of Democratic judges who were needed, we have before us a bill proposing to provide 22 additional Republican judges. Is such a bill as that a logrolling measure? Is it a pork-barrel bill? It is a pork-barrel judges bill. I am sorry that after 120 years a pork-barrel judges bill comes before us. In my opinion it is scandalous.

Mr. WILLIAMS. Mr. President, the Senator is mistaken. There has been one other bill like it, which was passed immediately upon Adams going out of the Presidency and Jefferson coming in.

Mr. OVERMAN. That is the instance I had in mind when I said that for 120 years there had been no such bill pending before Congress.

Mr. WILLIAMS. That bill was finally defeated by Congress refusing to appropriate for the salaries of the perambulatory judges.

Mr. OVERMAN. In that instance there was so much criticism by all parties, and so much scandal attached to that measure, that, although the judges under the bill were appointed for life, no Congress under that emergency measure ever appropriated a cent for their salaries, and they lived and died as judges appointed to office without Congress having made an appropriation to pay their salaries.

When the object and terms of this bill are understood and it is realized that the people will be taxed $250,000 to provide 22 or more great judicial offices for life, despite the pledges which have been made that offices would be abolished and economies so far as possible would be instituted, I believe the country will be indignant over this bill. As I have said, it is not the way, Mr. President, to act upon this important question.

I am in favor of providing additional judges where they are needed. I voted for the bill of the Senator from Minnesota [Mr. NELSON]; I voted for the bill of the Senator from Michigan [Mr. TOWNSEND]; I voted for the bill of the Senator from Florida [Mr. FLETCHER], each of which bills provided additional judges, because I believed those judges were needed. I also have voted for other bills of similar character, but I am opposed to a wholesale bill such as the one now before us.

One of the witnesses before the committee was asked to come here by the Attorney General to appear before the committee. He is a great judge, and stated in his testimony that he had been assigned to practically every circuit in the United States, the business in his district in Alabama not being sufficient to occupy all of his time. I refer to Judge Grubb, a good man, appointed by President Taft, one of the best judges on the bench. He has been all over the country, and has held court in almost every district in the Union. Mr. President, I will read from his testimony. He was brought here as a witness, with Judge Sater, who also is a great, good judge. As I knew Judge Grubb I took the liberty to cross-examine him a little.

Mr. SHIELDS. He was one of the Attorney General's commission.

Mr. OVERMAN. Yes; the Attorney General commissioned him to look into this whole matter, and he came here and appeared before our committee. I concluded I would ask him some questions. Let us see what he said; let us get at the truth of this matter, as to whether or not the additional judges provided for are needed.

Senator OVERMAN. How many districts do you find are congested in the whole country?

Judge GRUBB. I can give the cities. There are Boston, New York, Philadelphia, Pittsburgh, Chicago, St. Louis, Atlanta—the Atlanta district—California, the San Francisco district, and Detroit. I think those are the principal points of congestion.

There are about eight of them; and it is shown by the statistics, Mr. President, that a great number of the cases are draft cases, and all of the witnesses testified that none of them ever would be tried. They never will be tried. The bankruptcy cases are always referred to a referee, and then there are all these whisky cases. It was testified that half of them—one great district attorney said two-thirds of them—were submissions of "guilty." There is no trial at all. He said "There were 700 cases on my docket, and two-thirds of them came in and submitted to a verdict of guilty." You generally catch a man redhanded with liquor in these cases, and yet that is the reason why they say that this emergency bill ought to pass. It proves nothing as to congestion.

Mr. CUMMINS. Mr. President, will the Senator permit a question at this time?

Mr. OVERMAN. Yes; I am always glad to yield to my friend from Iowa.

Mr. CUMMINS. Did the distinguished judge to whom the Senator from North Carolina is now referring join in the report recommending the appointment of 18 additional judges?

Mr. OVERMAN. Yes, Mr. President; I will come to that directly. He recommended that these other judges—18 roving, carpetbag judges, as they are sometimes called—and the Chief Justice should have a meeting here in Washington, like the head of an army, a chief of staff, and have the circuit judges here constitute the general staff to assign these judges, to send a man from Maine to California, or from North Caro-

lina to Wisconsin, to hold court. What does he know about the law in Wisconsin? What does he know about your people? What does he know about the conditions existing there? It is wrong in principle, and the Judiciary Committee turned it down. We would not pass any such bill as that, although these judges, who came here and recommended it, are good men, able men, but impractical. We would not stand for that bill at all, and I do not think any man in the Senate would stand for such a bill as that—to have 18 roving judges to be sent around at the will of the Chief Justice and his staff here in Washington, coming here once a year to send them around all over the country. It is fundamentally wrong.

Mr. NORRIS. Mr. President, may I ask the Senator a question for information?

Mr. OVERMAN. Yes.

Mr. NORRIS. Does not the bill that is now pending provide not for these judges but for judges to meet in Washington every year?

Mr. OVERMAN. Why, Mr. President, all that was left out of the wreck of that bill was section 2; and I am going to make some remarks about that, and why it ought not to pass. They dismantled the whole bill that asked for those roaming judges, but they left in section 2, in which it is provided that the judges shall come here in September, get $10 a day extra pay and their expenses, sit around a table with the Chief Justice presiding, and decide that this judge shall go here and that judge shall go there and that judge yonder. It is all wrong, Mr. President; and if this bill passes, what is the use of it? We are providing, they say, for additional judges at places where they are needed. If they are not needed, why call all the circuit judges of the United States here to Washington and let them sit up here in the Willard Hotel or around a table getting $10 a day extra and their expenses for the Chief Justice, the chief of staff, to find out where they should go, and assign them? I say it is fundamentally wrong. We ought not to mix up this matter with a kind of a military affair under which one man shall send a judge here or there. Chief Justice Taft says in his testimony that they want to have supervision over them and watch them. Watch a circuit judge? Watch a district judge? Why, they ought to be independent of Congress, independent of the Chief Justice, independent of everybody. They do not need any watchers. They are honorable men.

Mr. NORRIS. Mr. President, does the Senator mean to say that the Chief Justice meant, by watching them, to watch them during the year, or did he not have reference to watching them while they were in Washington? That would be more reasonable, because these judges come from the country and are unacquainted with the city here, and they will be invited to dinners and parties, and so on, and probably will need watching while they are here.

Mr. OVERMAN. I will read what he says if I can find it; but, Mr. President, this bill ought not to pass. I tell you, Senators, whenever you do pass a bill appropriating all of this money and creating this wholesale number of great offices, you are going to hear from it in the country. The people will not stand for it. I am getting letters of criticism now which I am going to read to you—one from a very great man, one of the greatest men in this country—on this subject, criticizing this bill. He has read the RECORD, he says, and his attention has been called to it, and he is opposed to it. I will find out directly what Chief Justice Taft says.

Mr. POINDEXTER. Mr. President, may I ask the Senator a question?

Mr. OVERMAN. Yes; I shall be glad to yield to the Senator from Washington.

Mr. POINDEXTER. Does not this bill carry two additional judges for North Carolina?

Mr. OVERMAN. No, sir. North Carolina, as the Senator will admit, is entitled to an additional judge if any district in this country is; but I did not ask it, and they do not ask it. The judges there are doing business, and I am going to show you that the judges there have more business every year than half the districts provided for in this bill have on their dockets. They will all admit that North Carolina is entitled to a new judge if any other district is.

Mr. CUMMINS. May I suggest that the Senator did not fully answer the question of the Senator from Washington? This bill provides for an additional circuit judge in the fourth circuit, and in that circuit is the State of North Carolina.

Mr. OVERMAN. Mr. President, I want to explain about that. I do not care anything about it. I said this to the committee: "If this bill is to pass, here is a bill which has passed the Senate four times. Every district or circuit in the United States has from two to five judges, except the fourth. We have only two. One of them is sixty-odd years old, and so is the other. If the thing is going around, a piece of pie, I am not asking it, and you gentlemen ought not to do it; I am against the bill; but this bill providing for an extra judge in the fourth circuit has passed the Senate half a dozen times, and it ought to be provided for."

Mr. CUMMINS. I have no doubt of that. I believe it is the wise thing to authorize the appointment of another circuit judge in the fourth circuit; but the Senator from North Carolina is mistaken in saying he has only two. The fourth circuit has three judges, one of whom was formerly a judge of the Commerce Court, and was assigned to the fourth circuit when that court was abolished.

Mr. OVERMAN. That is true; but what I said was true, also. They have only two judges. Judge Knapp is assigned there because he was left up in the air when they abolished the Commerce Court. He is over 70 years old.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. I do.

Mr. MOSES. The Senator from North Carolina is, I believe, a member of the committee which considered this bill.

Mr. OVERMAN. Yes.

Mr. MOSES. Can the Senator tell me on what basis the bill was framed in the form in which it emerged from the Committee on the Judiciary to the Senate? I listened with much interest to what the Senator had to say this morning——

Mr. OVERMAN. I am not going into the secrets of the committee, but I will say that we had a good deal of difficulty with it. We had the bill sent to us for the roaming judges. It was referred to a subcommittee, and we turned that down, and then we had another subcommittee and this bill was reported, and they considered that and a majority of the committee recommended this bill.

Mr. MOSES. No; but what I mean is, on what basis was the allocation of judges made?

Mr. OVERMAN. It was made upon the basis of these statistics which I am going to read.

Mr. MOSES. Last night the Senator from New Jersey [Mr. FRELINGHUYSEN] was calling attention to the situation which exists in his State—a State with a population of several million. The Senator from New Jersey will correct me if I overstate the figures. What is the population of his State?

Mr. FRELINGHUYSEN. Three million two hundred thousand; it will be 4,000,000 before long.

Mr. MOSES. And New Jersey had no additional judge provided by this bill. The State of Arizona, however, with a population of—will the Senator from Arizona give me the figures?

Mr. POINDEXTER. Three hundred and thirty-three thousand.

Mr. OVERMAN. That bill came from the House. I will tell the reason why the committee let it stay in the bill—because of the long distances the judge had to travel.

Mr. MOSES. The Senator does not mean to say that the courts in Arizona are held on a railroad train?

Mr. ASHURST. Mr. President, the State of Arizona has 113,956 square miles or more area than Connecticut, Massachusetts, Vermont, Maine, New Hampshire, and New York.

Mr. MOSES. May I ask the Senator a question?

Mr. ASHURST. I have not the floor.

Mr. OVERMAN. I am not going to yield to anybody. I think the Senator is able to take care of himself when the time comes, and he will answer the question. The Senator from Arizona [Mr. ASHURST] is amply able to take care of himself and his matter.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. OVERMAN. As to New Jersey, they have three judges there, I believe the Senator said, and they want more. They never thought of a fourth judge until this bill came up, I suppose because no bill was introduced, and I know that the Senator from New Jersey is one of the most diligent Senators here, and if they had needed a judge he certainly would have introduced a bill asking for it, and it would have been referred to our committee, so as to get it properly before us; but when this bill comes here we find not only him but a dozen other Senators coming in and introducing bills who never thought about a new judge until this bill came up, and then they said: "While the pie is going, give me a piece."

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Jersey?

Mr. OVERMAN. Yes.

Mr. FRELINGHUYSEN. I do not think the Senator from North Carolina wishes to be unjust to me and my sincerity.

Mr. OVERMAN. Not at all. I would not for the world.

Mr. FRELINGHUYSEN. I want to say that I have been constantly urged for the last three years to introduce a bill for an additional judge for New Jersey, and my attention has been called to the crowded condition of the courts. Possibly I have been derelict in not doing so.

Mr. OVERMAN. No; the Senator is never derelict in his duty to his constituents.

Mr. FRELINGHUYSEN. But it has been a matter of public concern; and I do not think the Senator is quite just when he says that I never thought of it until this bill was introduced.

Mr. OVERMAN. I want to say that the Senator from New Jersey is one of the most diligent and earnest Senators upon the floor, and if he had thought it was necessary to have another judge in New Jersey he would have introduced a bill. If he did not do it when he thought it was necessary, he has been very remiss in his duty, and so have other Senators.

Mr. POMERENE. Mr. President, I think my good friend from North Carolina is a little too comprehensive in his criticisms. This bill does provide for an additional judge for the northern district of Ohio; and notwithstanding—and I say it with all due respect—the Senator has quoted from Judge Grubb, who named certain districts where there were overcrowded dockets, and no reference is made to the northern district of Ohio, there is one needed there, and let me suggest this:

I did not introduce a bill for an additional judge, not because it was not needed but because this bill, which had been introduced, was to take care of the situation, as it was believed. In Ohio during the last 10 years our population has increased between 20 and 25 per cent. According to the census of 1910, we had 4,700,000 people. By the census of 1920, we had 5,700,000 people; and I know the character of those judges. Two of them are Democrats and two of them are Republicans; and you do not find any Democratic lawyer finding fault with the Republican judges, and you find no Republican lawyer finding fault with the Democratic judges.

Mr. OVERMAN. I reckon we got the Democratic judges by reason of death. We did not get them in any other way.

Mr. POMERENE. No; one of them came by reason of death, and the other one came by reason of a resignation in the State. That is all true; but I would congratulate any of the other States if they had United States district judges of the type and character of those we have in Ohio.

Mr. OVERMAN. Mr. President, Senators know the history of this country, and know that it never has been attempted in a hundred years to pass an omnibus bill for this purpose; and I think the Senator from Ohio would have introduced a bill if it had been absolutely necessary and his people had wanted it.

Mr. POMERENE. Mr. President, if this bill had not been pending I certainly would have introduced a bill; and I say that I not only would have been derelict in my duty if I had not done so, but the Senate of the United States will be derelict in its duty to the people of Ohio if it does not grant this additional judge for Ohio.

Mr. OVERMAN. Mr. President, that may be so. I am not taking issue with the Senator, except I say that if he had introduced a bill and sent it to the committee and it was necessary the committee would have reported favorably on it, and it would have been passed. What I am complaining of is that "every tub ought to stand on its own bottom"; that every Senator who needs a judge in his State ought to introduce a bill for the purpose, and bring it to the attention of the committee, and let the committee consider it, and have it reported to the Senate. That is the way we have been doing for a hundred years, ever since we had the scandal in this country on account of the judges bill. Why start another scandal now?

Mr. FLETCHER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Florida?

Mr. OVERMAN. I yield.

Mr. FLETCHER. In reference to proposals to increase the number of judges in the various districts, with which the Senator finds fault, perhaps he will allow me to say in regard to Florida that I endeavored yesterday, and propose to continue to endeavor, to put in the bill in the Senate just what it had when it came to the Senate from the House. The House of Representatives put the southern district of Florida in the bill, and they did it after having on two different occasions, in 1917 and 1919, unanimously reported a bill providing for an additional judge in the southern district of Florida. Those bills went on the calendar, and were never considered. They were never reached.

Mr. OVERMAN. I have just said that the Senator from Florida was very diligent, and he introduced his bill, and his bill was considered. His bill was recommended and the Senate considered it and passed it, and the Senator from New York and the Senator from Michigan and my friend, the chairman of the committee [Mr. NELSON], did the same thing. That is the way it is done. That is the way it should be done.

Mr. FLETCHER. Then the House put in the bill the provision for an additional judge for the southern district of Florida, and now the committee proposes to strike it out.

Mr. OVERMAN. We have stricken it out; we refused to grant the Senator's amendment. The House provided for a lot of other judges, in addition to the ones the Senate had provided for, and that is the pork-barrel feature I am talking about, because it means so many votes. Of course, this bill will pass, with all these Senators provided for. There are two Senators from each State, and the Senators from the States which are provided for will vote for the bill and pass it, and that is the feature that makes this a pork-barrel bill.

Mr. NELSON. Mr. President, I want to correct a discrepancy or a difference which seems to exist between the Senator from Iowa and the Senator from North Carolina. There are only two district judges in the fourth circuit, the circuit in which the Senator lives, and all the other circuits have from three to five district judges. In reference to the bills we have passed, we passed six independent bills providing additional judgeships in six different States. One of the bills, the New York bill, was amended so as to increase the number from one to two judges for the southern district of New York. We have passed six bills, providing for seven additional judges.

Mr. OVERMAN. I think that is so, Mr. President, and, of course, I stand corrected. Whatever the Senator says goes with me. I thought there were eight. There were 10 before, two years ago, which we reported out and passed the Senate—independent bills.

I started to read from the testimony, but I was diverted. I was about to read what Chief Justice Taft said. He stated:

> This bill introduces a reasonable system of watching and supervising conditions by the judges of the courts of appeals, with a view to having them get at the actual facts as to where the arrears are. You gentlemen are all familiar with the fact that dockets are quite misleading.

I may have misquoted the great Chief Justice, but this is what he said, reading from his testimony.

Statistics are misleading, Mr. President, as I am going to show. They are very misleading, and there are a lot of statistics, as a judge writes me, which the Senate should not go into, because they do not amount to anything. The dockets are crowded with old cases which have been hanging on, where the defendants are gone, which are just continued from time to time. Let us get down to some of the statistics.

Mr. SHIELDS. The Senator has not yet read what Judge Grubb said.

Mr. OVERMAN. I will read what Judge Grubb said in response to this question by the Senator from Tennessee [Mr. SHIELDS]:

> That is largely accountable for this congestion.

The judge went on to show why.

> Judge GRUBB. If you take away the white-slave law and the narcotics law and the prohibition law, there would be no congestion except in the big cities and recently developed districts.
>
> * * * * * * *
>
> Judge GRUBB. I think our conclusion, that judges at large be the method of relieving the present congestion, is most subject to criticism from the idea that judges at large are not permanently a good thing, and I agree with that proposition. I think, however, that considering the present congestion, our recommendation is the better view.
>
> Senator OVERMAN. You say there is not much congestion except in these cities you have named?
>
> Judge GRUBB. I think so; yes, sir.

He goes on to say, Mr. President, without reading it, that he has been in every district in the United States, had been assigned to the different districts time and again. He stated:

> In Atlanta there is congestion. Texas, I believe, claims to be congested; but there are five judges in Texas.

This bill provides for an extra judge in Texas, and the committee granted that, I suppose, because one of the judges is sick, according to what they say. We have a general law, passed a few years ago, providing that when any judge is incompetent to try the cases on the docket, has a disability, is unable by reason of the condition of his mind or his enfeebled physical condition to perform his duties, the President is authorized by the general law to appoint another judge. So that an additional judge in Texas is not needed. I continue reading:

> Senator SHIELDS. Do you maintain that the congestion in Atlanta grows to any extent out of the liquor cases?
>
> Judge GRUBB. Entirely out of prohibition. I have been there three or four times a year to assist them, and I asked the Attorney General whether I had been of any benefit to them, and he said he was sorry, but that I had not relieved the condition at all; that more prohibition cases had come in while I was sitting there than I had disposed of—I think between 3,000 and 4,000.

Senator BRANDEGEE. And that was a bone-dry State before the constitutional amendment was passed.

Judge GRUBB. I am quite sure that five judges ought to be enough in Texas.

We are giving them six.

Senator BRANDEGEE. Have you any tabulation or statistics which you want to file with us?

Judge GRUBB. Yes, sir. Mr. Strong has the statistics. I think the gist of the matter is that there are 142,000 pending cases of all kinds and only 102 district judges to try them, which would make over 1,400 cases per judge.

Senator SHIELDS. What States have you been in?

Judge GRUBB. All the circuits except the fifth circuit.

Senator SHIELDS. And New York?

Judge GRUBB. And New York.

Senator STERLING. These cities of which you speak where the business is congested are in the several circuits, are they not—the nine circuits?

Judge GRUBB. Yes, sir.

Senator STERLING. That is, there is one large city where there is congestion in each of the circuits?

Judge GRUBB. There are two in some, as Philadelphia and Pittsburgh. I think Brooklyn is congested also.

We have taken care of that situation. This is the statement of Judge Grubb, who has visited every district in the United States except the fifth. He says there is no congestion except in 9 or 10 places in this country, which he named. What are we to do about it? That is the testimony of their own witness, of the ablest judge who appeared before us.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. OVERMAN. I yield.

Mr. NORRIS. Assuming that the Senator's statement that this is a pork-barrel proposition is correct, how could he expect the bill not to include enough places in it so as to secure sufficient votes to pass it? I am not saying it is a pork barrel bill, by any means, but I am assuming the Senator's statement is correct. If that be correct, why does the Senator criticize the inclusion of an extra judge for Texas, for instance? Are there not two senatorial votes from Texas?

Mr. OVERMAN. I am not trying to pass the bill.

Mr. NORRIS. Are they not compelled to put them in if this is a pork barrel bill?

Mr. OVERMAN. I hope the Senators from Texas will not vote for it.

Mr. NORRIS. If we are practical men and want to pass a pork-barrel bill, we must put enough pork in it to get the votes to put it through, must we not?

Mr. OVERMAN. That is what pork barrel means. I hope to make such a showing that I can get even those Senators whose States are granted additional judges to vote against the bill. That is the pork-barrel feature. Let us provide for about 10 additional judges. That is all that is needed, as Judge Grubb says. Where there is congestion, it is easily seen, and we should provide extra judges in congested districts; but I do not believe in doing it by this sort of a bill, because it has not been done for a hundred years, and I do not believe in beginning now with such a bill as this. It tends to produce scandal. People will not understand our jumping in and creating a lot of judgeships at one time in a wholesale way. Let every case stand on its own bottom.

Mr. President, I want to read a letter from the clerk of the district court of North Carolina. I did not ask him to write to me. The Attorney General has been thinking about cutting his force, and this clerk gives me some most remarkable statistics. The committee has granted Massachusetts two more judges. How many criminal cases, including prohibition cases, are pending in Massachusetts? He says there are 244. There is only one place in the State where they are holding court; there are only 244 cases on the docket; and the committee has recommended that they be granted two more judges. One judge can try four times as many cases in a year as that number pending, as I will show.

Judge Connor, of the eastern United States district in North Carolina, one of the greatest judges of this country, disposed of 700 cases last year, 1921. Yet up in Massachusetts they want three judges to try 244 cases. One judge in North Carolina disposed of 700 cases, and they want three judges in Massachusetts to dispose of 244 cases.

Mr. McNARY. Mr. President, I am interested in the statement made by the eminent Senator from North Carolina in regard to the character of the cases, and the number seems so large that it rather amazes me.

Mr. OVERMAN. It is amazing. I have devoted my argument to the prohibition cases, as the Senator from Iowa [Mr. CUMMINS] started in with those, and as this whole argument is based upon them. The emergency arises because of the prohibition cases, and I am taking all criminal cases, including prohibition cases, and devoting my remarks to that class.

Mr. CUMMINS. I think the Senator from North Carolina must have misunderstood me. There will be a certain number of cases to be disposed of. It does not make any difference what kind of cases they are. If there be a large number of prohibition cases, they must be disposed of. If there be a large number of criminal cases of other kinds, they must be disposed of. If there be a large number of civil cases, they must be disposed of. What I said in regard to prohibition cases was that the existence of the prohibition law has greatly multiplied the criminal business of the Federal courts. No one can question that, and if we intend to enforce the prohibition law, those who are accused of crime in violating that statute must be speedily tried, or the enforcement of the law will fail.

I beg to call the attention of the Senator from North Carolina to the situation in Massachusetts.

Mr. OVERMAN. I am going to read that, if the Senator please.

Mr. CUMMINS. The Senator has already read a part of it.

Mr. OVERMAN. I am going to read it all, because the Senator from Oregon has asked me a question, and I want to be fair with him. I would rather read it myself than to have the Senator from Iowa read it.

Mr. CUMMINS. I would be very glad to have the Senator read it; but I have said all the while, and said everywhere, that I thought one additional judge sufficient in Massachusetts.

Mr. OVERMAN. The Senator has said that, and I know it; but here we have a provision for two.

Mr. CUMMINS. Why does the Senator not make a motion to strike it out?

Mr. OVERMAN. I am fighting the whole bill. I will let some one else move to strike it out.

Mr. KING. Will the Senator from Iowa support such a motion? I shall make the motion.

Mr. SHIELDS. I shall make a motion to strike both of the Massachusetts judgeships from the bill.

Mr. OVERMAN. In answer to the Senator from Oregon, who has asked me a fair question, I started out to say that my argument against this bill is based upon the criminal cases, including prohibition cases, because I understood that the reasons given before our committee for the passage of this bill was the number of arrests and indictments under the Volstead Act—prohibition cases. In regard to Massachusetts, I have given not only the prohibition cases but all the criminal cases, and they have only 206, which one judge can dispose of in one court in 30 days. Let us see what other cases they have.

Mr. KING. Mr. President, what reason was urged for giving Massachusetts two, with such a small docket in arrears?

Mr. OVERMAN. Mr. President, I do not intend to go into that question.

Mr. KING. Then it is obvious, if there is no good reason, that the committee must have made a most egregious blunder. Of course, they would not do anything improper.

Mr. OVERMAN. I do not want to criticize the committee, because I think the committee did what they believed was their duty. They are all honorable men, good men, fair men; but I did not agree with them. They are entitled to their opinion, and I am entitled to mine.

Mr. NORRIS. Mr. President, the Senator has compared the number of cases tried by three judges in Boston with one judge in North Carolina.

Mr. OVERMAN. One judge in North Carolina.

Mr. NORRIS. He has compared the number of cases one judge tried in North Carolina with the number tried by three judges in Boston.

Mr. OVERMAN. Yes. A judge in North Carolina tried 700 in one year.

Mr. NELSON. Mr. President, I want to call attention to the fact that the Senator refers to State cases and a State judge.

Mr. OVERMAN. No; I am talking about Judge Connor, of the eastern district of North Carolina.

Mr. NORRIS. I assumed the Senator referred to a district judge of the United States.

Mr. OVERMAN. Yes; he is a district judge of the United States.

Mr. NELSON. I understood the Senator to refer to a State judge.

Mr. OVERMAN. No; I referred to Judge Connor, whom Mr. Taft appointed. He is a Democrat, and there was a good deal of criticism because Mr. Taft appointed him. But, one of the ablest and best judges in the United States, it is a pity that there are not more like him.

Mr. NORRIS. I think the Senator wants to be absolutely fair, and I would like to know whether the Senator expects a man in Boston to try as many cases in a year as a man in North Carolina?

Mr. OVERMAN. It is pretty cold up there. They have one place of holding court.

Mr. CUMMINS. Does the Senator from North Carolina know that a judge in Massachusetts did not try as many cases as the judge in North Carolina?

Mr. OVERMAN. He did not try as many.

Mr. CUMMINS. How does the Senator know that?

Mr. OVERMAN. I do not know what he tried. I am showing that his docket has 200 cases on it, and they want to give them two more judges to try 204 cases. The judge in the eastern district of North Carolina has six places for holding court. He goes all over the State and holds court, and cleans up his docket. That is the reason he got rid of 700 cases. The judge in Boston sits in that great, magnificent courthouse and does not go anywhere else; but they want to give him two more judges to help him try 204 cases.

Mr. WILLIAMS. To hold up the pillars of the temple of justice.

Mr. OVERMAN. Massachusetts has 142 admiralty cases, all other civil cases, 923; bankruptcy cases, 1,434; and draft cases, 3,943. There is no use for me to read about the draft cases. All the witnesses, the Attorney General, and everybody else, said the draft cases would not be tried. They can not get the witnesses. They ought to nol-pros them all and get them off the docket, and then we could get at the real facts and know what we are talking about.

The Senator from Tennessee [Mr. SHIELDS] showed that they only tried in the circuit court 52 cases in the whole circuit, including Massachusetts. Those circuit judges certainly are not doing anything. Instead of giving them three district judges, let one of the circuit judges be assigned to Massachusetts to really try the cases. They have a right to do that.

The northern district of New York is congested and we have given them two judges. They have two already. In the eastern district of New York I do not think they need it, but we have given them one additional. The southern district of New York has four judges, and we have given them one additional. I am not criticizing the condition in New York, although the district attorney was here and said that of the 2,800 cases in the southern district at least 25 per cent of them are submissions. He said also he did not expect to try the draft cases. He said other cases were white-slave cases and narcotic cases, and they do not usually try them. Most of those petty offenders come into court and submit, and it does not take any time at all to dispose of that class of cases.

In the eastern district of Pennsylvania are 283 cases. Judge Connor tried 700 cases. They want another judge in the eastern district of Pennsylvania. They already have two judges to try 283 cases, but they want us to give them another judge, and the committee has given them another judge, making three judges to try 283 cases.

The western district of Pennsylvania has 137 cases. They have two judges to try 137 cases. Judge Connor tried 700 cases in a year, but they want two judges. With only 137 criminal cases on the docket, they want another judge. What for?

The Senator rather criticized me for what I said the other day about some of these judges. Some judges work harder than others. Judge Connor has tried these 700 cases and is doing his duty. He is serving his country faithfully. He believed when he accepted the office that he had a duty to perform in the trial of cases and that he should dispose of the business that came before his court. But there are many of these judges, not criticizing any individual by name, who just go into court and sit a few hours, and that is the end of it. They adjourn over Saturday and have three months vacation in the summer. When you and I and everybody else are working they are up at the summer resorts. I do not desire to make a criticism of the judges as a whole, but that is the condition in many cases.

I have already alluded to Texas. They have six judges in Texas and they want another one. Of course a judge may be feeble in one of the districts and may be crippled in health, in body or mind. If that is so, let the President meet this situation as the law permits him to do and appoint an additional judge.

Mr. CUMMINS. Mr. President, the Senator is speaking of the northern district of Texas. The Senator knows the committee was informed that one of the judges in the northern district of Texas has been disabled for a long time on account of sickness. We did not add a judge to the northern district of Texas, because there is not sufficient work there to demand more than two judges, but what will we do with an instance in which a judge becomes disabled? We have added, I was about to say, four or five judges in the last few years, either to the circuit court of appeals or to the district bench, solely because judges have become disabled.

Mr. OVERMAN. And such legislation is unnecessary as the Senator knows, and in order to get rid of such legislation as this we passed a general law.

Mr. CUMMINS. We have this option. We can pass a bill allowing a disabled judge to retire upon full compensation if he desires to retire, or we can add an additional judge to his district or to his circuit. So far as the effect upon the Treasury is concerned, it makes not a bit of difference which we do. We might just as well add another judge to the northern district of Texas as to enact a law which would enable the existing judge to retire upon full pay.

Mr. OVERMAN. My point is that it is not necessary to pass a bill, because we can take care of the situation under existing law. I found a judge in the western district of North Carolina, sick and old, and who would not retire, and all the President had to do was to appoint some man to aid him as an additional judge. We have a general law providing for that. What is the use of incorporating such a provision in this bill? What is the use of this legislation when we have a general law allowing the President in a case like that to find the facts? We do not know the facts, but the President gets the Attorney General to find the facts, and as soon as they are presented he appoints a judge. That is what I did in a case like that, and that is what Texas or another State can do.

Now I come to Missouri. The senior Senator from Missouri [Mr. REED] never thought about an extra judge in his district of Missouri, and never introduced a bill providing for an extra judge. He is a member of the committee. I believe he did say he wanted one, but he would like to have him transferred from another district to his district instead of his colleague's district, and when his colleague was provided for he came here and introduced an amendment to give him a judge in his district. What is that but pie? He got his piece of pie here yesterday afternoon in the form of an amendment. His colleague came before the committee and the committee gave him an extra judge in Missouri instead of giving it to Senator REED, although Senator REED was a member of the committee, and after the bill is on the floor then Senator REED comes here and asks for another judge and gets that other judge.

Mr. CUMMINS. Does the Senator say the committee gave that judge because the Senator happened to be a member of the committee?

Mr. OVERMAN. Oh, no. I said we did not give it to him, although he was a member of the committee, but he came into the Senate yesterday afternoon and got the additional judge, although he is not entitled to one.

Mr. CUMMINS. How did the Senator from North Carolina vote on that amendment? The Senator voted for the amendment proposed by the junior Senator from Missouri [Mr. REED]?

Mr. OVERMAN. I did not. I would have voted against it if I had had an opportunity to vote. They did not call the roll.

Mr. CUMMINS. The Senator was in the Chamber?

Mr. OVERMAN. I was.

Mr. CUMMINS. How did the Senator vote?

Mr. OVERMAN. I did not vote for it.

Mr. CUMMINS. Did the Senator vote against it?

Mr. OVERMAN. I did not. I did not vote at all.

Mr. CUMMINS. There were some of us who voted against it.

Mr. OVERMAN. But the Senate agreed to the amendment, and the Senator from Missouri was not entitled to the additional judge, and the Senator from Iowa admits that because he voted against the amendment offered by the Senator from Missouri. That is the way the thing goes. It is a piece of pie and the chairman of the committee was opposed to it, and yet the Senate gave the Senator from Missouri a piece of pie because the Senator from Missouri asked for it. Why not give it to the other 16? The truth of it is, if we are going to do this sort of business, let us give every State another judge; let us burden the taxpayers with a million dollars instead of a quarter of a million dollars; let us wholesale this thing through, and then see what the people will have to say about it.

Mr. SIMMONS. Mr. President, may I ask my colleague a question? My colleague has stated there is a general law upon the statute books authorizing the appointment of an emergency judge in case one of the judges of a district or State or circuit may be disabled by reason of his physical or mental condition. That judge, as I understand, is an emergency judge. If one of the judges of that district, especially the one appointed to assist because of the other's disability, should die, the district would not then be entitled to another judge, would it?

Mr. OVERMAN. That is true.

Mr. SIMMONS. There may be three judges in that district to-day, but one appointed as an emergency judge, and those three can be reduced to two and will be reduced to two upon the death of the disabled judge?

Mr. OVERMAN. That is the general law, and a very wise provision, too.

Mr. SIMMONS. Under the pending bill, if we add another judge to that district, those three judges are there permanently?

Mr. OVERMAN. Oh, yes.

Mr. SIMMONS. That district would always hereafter be entitled to three judges instead of two judges?

Mr. CUMMINS. Mr. President, the junior Senator from North Carolina [Mr. OVERMAN] is wrong about that. The pending bill provides that all the judges who are appointed under its provisions shall have no successors unless Congress otherwise orders.

Mr. SIMMONS. Then it is not a bill permanently increasing the number of judges that a district or circuit is entitled to?

Mr. CUMMINS. It is not.

Mr. SIMMONS. It is only in its nature an emergency measure, and upon the death of the present appointee there will be no successor appointed?

Mr. CUMMINS. There will be no successor.

Mr. SIMMONS. Then the point I have made is of no value, if that is true.

Mr. OVERMAN. I was discussing the western district of Missouri. Why was that district granted an additional judge? There are 170 cases pending there, and Judge Connor tried 700 cases.

Mr. CUMMINS. To what district is the Senator now referring?

Mr. OVERMAN. I am still talking about the western district of Missouri. Civil cases, 48; criminal cases, 170. Just think of that, Senators—civil cases, 48; criminal cases, 170—but Judge Connor tries 700. All other cases, 316; total, 600; bankruptcy cases, 300; prohibition cases, 188. I call the attention of the Senator from Ohio [Mr. POMERENE] to the fact that in reading down the column the number of prohibition cases, those cases are included in "all criminal cases," showing that the western district of Missouri only has 170 cases. Another judge is granted to that district, and they already have one, so there will be two judges there to try 170 cases.

Mr. CUMMINS. I observe that most of the votes to provide that district with an extra judge came from the other side of the Chamber.

Mr. OVERMAN. I do not believe there were five Democrats in the Chamber at the time. I was in the cloakroom at the time. The votes were all on the Republican side of the Chamber.

Mr. CUMMINS. Oh, we all voted against it.

Mr. OVERMAN. The Senator from Iowa and his fellow Republican Senators voted against it, of course. Really, that amendment was accepted. Nobody called a quorum to pass on the amendment offered by the Senator from Missouri, but they did call for a quorum when the Senator from Florida [Mr. FLETCHER] offered his amendment, and they demanded a yea-and-nay vote on the amendment of the Senator from Florida, who had a splendid case. Then here comes the Senator from Missouri [Mr. REED] with 48 civil cases and 170 criminal cases, and they do not call a quorum and do not have a yea-and-nay vote. The amendment goes in and he just gets the additional judge. Pie, pie, pie!

There are 11 more of these cases. What are you going to do with them? Of course, we ought to give the Senator from Washington [Mr. POINDEXTER] another judge. He came before the committee. He was very diligent and argued his case, but his case was not much better than many of the other districts. We refused him an additional judge. Because his judges were diligent, were good men and cleared the docket, we would not let him have an additional judge.

Mr. POINDEXTER. Our judges have a rule that if no motion or action is taken in a case within a year, it is stricken from the docket.

Mr. OVERMAN. They are good judges.

Mr. POINDEXTER. The showing as to the number of cases is not a true test of the amount of business transacted by them.

Mr. OVERMAN. That is true, and those judges know their business, no doubt. Many cases should be stricken right off the docket if the lawyers are not ready to try them. Some judges know how to transact the business of a court. Others do not, and so they think we ought to give them two or three additional judges because they are lazy and do not know how to run the business of the court.

Now I come to California. I am sorry my friend from California [Mr. SHORTRIDGE] is not here. He made a splendid fight for his judges. He was diligent. He came before the committee. He did not wait to come to the floor of the Senate to get a piece of pie. He made his case before the committee. We allowed him one additional judge, and after allowing him one he came in again and was allowed a second judge, one for each district.

The northern district of California has how many cases to be tried? It has only 147, while Judge Connor tries 700; but another judge is granted to that district.

The southern district of California has two judges. How many cases are there to be tried? There are 129. Judge Connor tries 700 cases; but it is proposed to give that district another judge to try the 129 cases.

Mr. CUMMINS. Mr. President, does the Senator from North Carolina think it is fair to judge of this bill by the number of prohibition cases or criminal cases that are to be tried?

Mr. OVERMAN. I refer to criminal cases.

Mr. CUMMINS. Take California, for instance. There are 2,419 civil cases pending in the northern district court there.

Mr. OVERMAN. There are only 490 in the southern district.

Mr. CUMMINS. It is just as necessary to try the civil cases as it is to try the criminal cases; but if the judges give all their time to criminal cases of course they can not try the civil cases.

Mr. OVERMAN. I wish to be fair in my statements. I said in the beginning that I was going to base my whole argument on the number of criminal cases, because, as I understand, this bill, so far as providing additional judges is concerned, is based upon the large number of criminal cases.

In the southern district of California, where an additional judge is allowed, there are 538 criminal cases, including prohibition, narcotic, white slave, and all other cases, and there are only 490 civil cases.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. I yield.

Mr. KING. I want to call the Senator's attention to the fact that one of the judges from California, a very able judge, has been holding court in New York, and I know he has held court in Nevada and elsewhere; indeed, he is giving considerable time to the holding of court in other States. Obviously, if there were any great pressure of public business in California, Judge Van Fleet, of whom I am speaking, could not be absent on so many occasions holding court in other places.

Mr. CUMMINS. If I may trespass upon the time of the Senator from North Carolina long enough to do so, I wish to say that there have been at least two judges from other districts and other States called into the northern district of California during the last year, and they have sat there for a very considerable length of time.

I do not know with regard to the particular judge of whom the Senator from Utah [Mr. KING] speaks, but the circuit judges of that circuit are doing the best they can fully to utilize the judicial force; that is all. It means nothing that a district judge in California is sent to another part of the country to try cases. It is simply the utilization of the judicial force. I am sure the Senator from North Carolina [Mr. OVERMAN] feels that that is true.

Mr. OVERMAN. Mr. President, these judges like to go about from place to place. I went over to New York, having been summoned there as a witness in a court, and I there found a judge sitting who, I think, was from Oregon or Washington, I do not know which. I refer to Judge Cushman. He sat there trying cases for seven weeks. There is a judge there now from North Carolina. He likes to go to New York occasionally; all the judges like to go there. They get $10 a day and have a good time. If judges should stay at home and try their own cases, they would get along much better.

I think if this bill is passed, making wholesale provision for so many judges, they will have nothing to do but to loaf, to go off to summer resorts and have a good time.

Mr. President, public officers ought to attend to the public business; they ought to work. Judges should understand they have got to work, to work as the judges of the State courts work. The judges in the State of North Carolina last year tried 9,000 cases and there were but 20 judges. The supreme court and superior court judges of the State sit almost constantly, but it seems that in the Federal courts the judges, for some reason or other, can not do that. I am sure I do not know why.

Mr. President, I wish to call attention to the unfairness of the statistics which have been furnished us. It is stated that there are 152,000 cases to be tried in the United States. I desire to ask of the Attorney General how many bankruptcy cases there are? There are 27,000. How many draft cases? Ah, of draft cases there are 37,000. So we have 27,000 bankruptcy cases and 37,000 draft cases, many of which are never going to be tried, or which at least will not take much of the

time of the judge. That makes a big hole in the total of 152,000 cases. There is where the statistics are juggled. I will not say "juggled"—I take that back—but the figures are sent to us in that way. We should examine them, however, from a judicial standpoint.

I venture to say that if the Senator from Nebraska [Mr. NORRIS], who was an able judge when he sat on the bench, will go through these statistics, remembering his own experience on the bench, he will conclude that half the judges provided for in the pending bill are not necessary. My friend, the Senator from Oregon [Mr. MCNARY], has also sat on the bench. I ask him as a judge who has sat on a bench in a State court to take these figures and go over them, and if he will do so I am satisfied that he will not vote for the pending bill.

My friend, the Senator from Iowa [Mr. CUMMINS], and I, if we sat down at a desk, could get together and agree on the number of judges who are actually needed. That number would not be 20, it would not be 18, it would not even be 15; but we could agree on the proper number. It would not be over 10.

So, Mr. President, I do not think the pending bill ought to be passed. I think we should pass through the Senate bills providing for judges as they are needed. Should there be any others needed, let Senators introduce a bill in each instance; have it go before the Committee on the Judiciary; if the judges are needed, let the bill be reported favorably, and let the Senate pass it; but do not let us pass a bill providing in a wholesale manner for additional judges.

As to New York, we have taken care of that State; as to Michigan, we have taken care of that State. We have also taken care of Minnesota, of Montana, of Florida, and other States. The Senate has previously passed a bill providing an additional judge for Florida, but for some reason or other the Senate committee has left that item out of this bill, although it was included in the House bill.

Mr. President, I now come to this section 2, which is bodily taken from a judicial bill which was previously before the Senate. That bill provided for roaming judges; it provided that a judge from North Carolina might be sent to try cases in Oregon, although the North Carolina judge does not know anything about the laws in Oregon or the conditions in Oregon or the methods of life there. Likewise, that bill provided that a judge might be taken from New Jersey and sent to North Caroline to try cases there, such a judge being entirely unacquainted with our laws and with our conditions. That is what is now proposed to be done—to sweep judges around all over the United States; to send them from one State to another. That proposition would not go down the throats of the Judiciary Committee. There was no trouble about killing that bill; but they did take from that bill a section which, in my judgment, is vicious, and that is embodied in this bill as section 2.

What is that section? It is now said we are going to take care of every State; we are going to give almost everybody who asks for it a piece of "pie"; we are going to take care of all of them. Therefore, we will put in section 2, so that the circuit judges of the United States may gather here in Washington next fall, on the 1st day of September, sit down with the Chief Justice, and assign the judges around through the country, whether they wish to go or not; take a judge by the nape of the neck and send him wherever it is desired that he shall go. That is to be done here in Washington by a few judges sitting around a table at the Willard Hotel, getting $10 a day. What is the use of that? Section 2 allows that to be done. Under the present law, where it is necessary for a judge to be sent from one court to another, that may be done. Then why this section of the bill which allows the circuit judges to gather here in Washington and send the district judges around through the country?

Oh, Mr. President, this bill will not do. It is wrong in principle. It is the worst kind of a pork-barrel bill; it bears every earmark of a pork-barrel bill; and worse than all, it is a juggling pork-barrel bill. I can not understand the idea of creating judges by wholesale in a pork-barrel bill at a cost to the taxpayers of this country of a quarter of a million dollars when the proposed new judges are not needed. It will not do to pass this bill. We ought to vote it down. Senators whose States are provided for, who have obtained a piece of pie in this bill, ought to vote against it; arise above selfishness. Then, if they can prove to the committee and prove to the Senate that an additional judge is needed in any district of the United States, separate bills may be introduced, as has been the practice for more than 100 years, and action can be taken upon the merits of each case. I say that this is the first time in 120 years that legislation of this character has been brought before the Congress. It is a repetition of history; it is on all fours with the bill which was passed early in the history of the Government which brought scandal and criticism. Such an effort ought not to be repeated in this day and time, for it is wrong and will bring disrepute on our judiciary. Let us keep our skirts clean and do right in this matter. Let the House act upon the separate bills which have been passed by the Senate; let them be considered as independent bills upon their merits, instead of considering an omnibus bill creating 19 or more new additional judges. With 2 Senators from each State and 19 States provided for, 38 Senators are affected, and with another judge provided for 2 more Senators are affected; thus by their votes we expect another pork-barrel bill to win out. By this method forty-odd votes; and then if 16 more judges are provided for in the bill, there will be about 70 Senators whose States will be affected by the measure and who will be inclined to vote for it. Are Senators going to vote for this measure because they are given a piece of pie? Are they going to vote for this bill because they have been taken care of? I do not think they will. I think they are going to vote on this bill on its merits; if they do, this bill will be defeated. I ask Senators not to vote on the bill, however, until they have examined the statistics. Some of my colleagues have been judges on the bench in their States. I ask them to look at the statistics. Let us send this bill back to the committee, and then let the Senator from Iowa, who is a fair man, and I get together and agree on what is needed in this country, and not create additional judgeships by wholesale because, forsooth, the party in power may appoint 25 Republican judges for life with large salaries involving great appropriations.

The people were promised by that party a reduction in the number of offices, a lessening of taxation, and reduced appropriations. As usual, this promise was a broken promise. This bill will increase the expenses of the Government by a quarter of a million dollars or more when all the judgeships proposed to be created are provided for. What will the little fellow think who holds or, perhaps, desires to hold some minor office? He will say, "You just railroaded through by wholesale a lot of judges who are to hold great offices for life. Are you going to cut down the number of poor clerks in offices which probably need more assistance than is needed by the Federal courts?"

Mr. President, I have no more to say on this question. I hope I have been fair. I did not intend to criticize any particular judge, but I have taken the statistics and shown that, as compared with the North Carolina judge, who lives in a pretty good section of the country, where perhaps there are no great cities but where there are many cases to be tried, the Federal judiciary is not overworked. Judges in North Carolina try cases; they know how to try them; they hold court; they do not loaf on the job; they do not go to the springs every summer and let the courts go to thunder. They try cases and keep their dockets cleared. As a matter of fact, I might say that the statistics show that North Carolina, with her two districts, is more entitled to judicial help than half of the States which have been provided for. Some Senator said to me, "OVERMAN, why do you not ask for a new judge for North Carolina?" I said, "We do not need an additional judge, because in North Carolina judges work and the cases are disposed of."

Mr. FRELINGHUYSEN. Mr. President, I do not want to take the time of the Senate to any extent. The burden of the criticism by the Senator from North Carolina [Mr. OVERMAN] seems to be that I have failed somewhat in my duty to my State and to my constituents—first, in not having the House include an additional judge in the House bill; secondly, because I did not present the claims of my State to the Judiciary Committee; and, thirdly, because I did not introduce a special bill. The Senator also complains that I should have known long ere this of the condition of the courts in my State and the congestion of the calendar or the docket.

It is true, Mr. President, that for nearly two years I have known of this condition, and it has been a matter of considerable discussion in conference with the judges in New Jersey, as well as with the Department of Justice. I myself wished to be cautious and absolutely sure that an additional judge was needed. I deliberately took occasion to discuss with the lawyers in my State, the State bar association, and the Federal judges the question as to whether we actually did need an additional judge.

I conferred with some of the Federal judges, as well as the Department of Justice, and it was only recently, after the bill had come to the Judiciary Committee, that the president of our State bar association brought to me the facts concerning the present situation in New Jersey and the condition of the docket. I was busily engaged in committee work and called it to the attention of the Senator from Iowa [Mr. CUMMINS], the chair-

man of the subcommittee, and he suggested that I bring up the matter before the Senate, so that I might present the claims of my State to the Senate. I still claim that that is my privilege and right and that I am not to be criticized for presenting the claims of my State even at this late day.

We have heard a great deal of talk about "pie" and "pork." I should say that the Senator from North Carolina was criticizing me somewhat for attempting to get this judge on the ground that I was trying to secure patronage for my State. Anyone who knows about the difficulty of selecting a judge and the numerous claimants for the position will know that it has no political value whatsoever; that it is only an embarrassment; that it is very awkward; and that as a political question it creates more enemies than friends.

My claim to the additional judge and the reason why I have introduced the amendment is the fact that the docket of New Jersey is congested; that we need this additional judge. New Jersey has grown rapidly in population, and with the growth of population comes more litigation and more crime, I regret to say; and therefore, as these cases accumulate, the judges are overburdened, and the only way this condition can be relieved and additional court facilities provided is through legislation by this body. The only question before this body is, therefore, whether or not an additional judge in the third circuit is merited; and upon the facts of the case I rest my claim.

I pointed out yesterday that there were some 13,000 cases in New Jersey. It is true that 10,000 of these are draft cases; but there are over 2,000 civil, admiralty, criminal, prohibition, and United States civil cases. I know that the district of Florida has as many, and a few more; and if I had known this condition yesterday I most certainly would have voted, on the facts, for an additional judge for Florida, because I believe one is needed. I did not know those facts, and if the opportunity occurs again I most certainly shall vote for an additional judge in Florida.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Florida?

Mr. FRELINGHUYSEN. I yield.

Mr. FLETCHER. I am very much gratified to hear the Senator's statement with reference to the southern district of Florida. I am satisfied that a good many Senators who voted against that amendment yesterday would have voted for it if they had been able to attend the session here and hear the facts related and the conditions actually explained. I want to suggest to my good friend from New Jersey that there is one way in which he can very easily correct that situation. Having voted against that amendment, it would be entirely in order for him to move to reconsider; and I believe that upon such a motion as that the Senate would concur with him, and we could have that matter reconsidered and properly attended to.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. FRELINGHUYSEN. I yield to the Senator.

Mr. WILLIAMS. May I inquire of the Senator from New Jersey and the Senator from Florida whether this is a new entangling alliance?

Mr. FRELINGHUYSEN. It absolutely is not. I have made no statement except that I intend to vote for the amendment of the Senator from Florida if it comes up again.

Mr. WILLIAMS. Because, if it is, it is contrary to the Republican platform.

Mr. FRELINGHUYSEN. I thank the Senator from Mississippi very much for his suggestion, but I want to say that the insinuation is not warranted or merited.

Mr. President, I have a letter from one of the Federal judges which I want to read to the Senate. I think the only thing that I have to prove is whether or not another judge is needed in New Jersey, and then leave it to the judgment of the Senate. There is where I rest the claims of my State.

I quote from a letter recently received by me:

> At the instance of Harvey F. Carr, Esq., president of the New Jersey State Bar Association, I submit for your consideration some of the reasons that occur to me why the United States court of this district should have an additional judge. I shall not refer to the number of cases, etc., for these give but a part of the story, the omitted part being the more illumining and instructive; besides these may all be obtained by referring to the Attorney General's reports. Neither will I dwell upon the fact that there is a constant increase of litigation in the United States courts, due to enlarged commercial activities and the continuing extension of the jurisdiction of these courts. In those respects this district is no different from the other districts. But the New Jersey district is unique in several particulars which augment to an abnormal degree the litigation brought into its court.
>
> First. Its geographical position.
>
> (a) It has an extended seacoast, and borders on the harbors of New York and Philadelphia, by reason of which it obtains a large admiralty and maritime business.
>
> (b) It lies between the metropolis and the large commercial and manufacturing city of Philadelphia, and the proprietors of many of the businesses carried on in those places have their citizenship and residences in this district, which is responsible for much of the litigation therein, founded upon diversity of citizenship.
>
> (c) Many railways, including almost all the transcontinental lines, cross the State to reach the seaboard, by reason of which the work of the United States court in this district in cases of railway accidents, violations of the Federal safety appliance and hours of service laws, and stealings of freight carried in interstate commerce, is abnormally increased.
>
> Second. The State is the domicile of the greater number of the large corporations—large in capitalization and scope of activities.
>
> By far the greater part of the business of these corporations is carried on outside of the district, but by reason of their domicile or citizenship being in this State, they are frequently made defendants in litigation instituted in the United States court, regardless of where the cause of action arose.
>
> The increase of litigation in the court of this district, due to the State's policy of securing under its laws the incorporation of the larger capitalizations of the country, is reflected in all branches of its jurisdiction, but principally in civil causes, both at law and in equity. The litigation of alleged infringement of patents is unusually large and burdensome, by reason of this domiciliary condition.
>
> The suit of Buckeye Powder Co. *v.* E. I. du Pont de Nemours Powder Co. for damages sustained for violation of the antitrust act, tried before me with a jury several years ago, consumed nearly five months' time. The alleged conspiracy was laid in another State, and of a very large number of overt acts alleged to have been committed in different parts of our country not a single one was laid in New Jersey. The only reason for bringing the suit in this district was because the defendant had been incorporated in this State.

I have a letter from another judge, which I will also read:

> I saw a copy of a letter which Judge ——— wrote you a short time ago with reference to the desirability of another Federal judge for the district of New Jersey. I heartily indorse all that he said. There is, however, another fact which I think should be called to your attention. This State, as you know, for a long time has been the home of a very large number of the great corporations of the world. This brings much litigation to the Federal courts of New Jersey, but the importance of that litigation can not be appreciated from the number of cases appearing on the dockets of the court. The real importance is due to the amount involved in those cases, it sometimes being as much as $50,000,000. This point could not be discovered in a tabulation of the number of cases arising in this district as compared with the number arising in other districts. I am sure that you would confer a very great favor upon the people of New Jersey if you could have an additional Federal judge for New Jersey included in the bill now before Congress.

Here is another letter from a member of a very prominent firm of lawyers in New Jersey:

> The accumulation of business undisposed of in the Federal courts is too well known to require detailed description. The present judicial machinery in many jurisdictions, New Jersey being one of them, is barely sufficient to dispose of current demands, without reference to the arrears. Delays in the trial and disposition of cases long at issue are so pronounced as to, in many instances, amount to denial of justice. Overworked judges are doing the best they can, but impatient litigants can not be made to understand why their causes are not heard, and questions involving sometimes the very life of important business enterprises remain undecided. Delay in the administration of criminal justice is indefensible and is the occasion of much discontent. But, laying aside entirely this branch of Federal jurisdiction, the congestion of the civil business extends to every field. The calendars are crowded with untried patent, bankruptcy, common-law, and equity cases, and it is not going too far to say that one of the causes retarding the restoration of normal business conditions arises out of the locking up in the courts of large sums, badly needed by their owners, and withheld from them by the failure of the courts to function promptly in the disposition of litigated issues and in the distribution of assets under judicial administration.
>
> The passage of Senate bill 2433 apparently offers a practical remedy for the clearing up of the arrears of business and the prevention of recurrence of like conditions, without permanent addition of unnecessary judges. The temporary expense to be incurred will be money well spent, and even in these times, when economy of public expenditure is of the utmost importance, no thoughtful person can reasonably object to the plan of relief proposed. It offers much better hope of practical relief than the additional appointment of permanent judges in the more congested districts, and will furnish a method of dealing with the arrears of business, flexible in application, and offering general relief to a greater extent than heretofore proposed by any plan which I have seen.

In this letter the writer speaks of Senate bill 2433.

I have a letter from the president of the New Jersey Bar Association, and I want to say for the New Jersey bar that New Jersey has always been known and respected for the standard of its courts. The judges of its State courts are appointed by the governor. The courts have always been bipartisan. The Republicans always recognize the traditional policy that a court should be evenly balanced, and there have been an equal number of Democratic and Republican judges. That traditional policy has never been violated. I know that when President Wilson was governor he reappointed Republicans whose terms expired, and that policy has been followed when we had Republican governors. So the standards of our courts have always been maintained upon a very high level. We have been somewhat proud of that, proud of New Jersey justice, and proud of the decisions and of the high intellectual attainments of our judges.

So it has been with the bar. They have always fought to keep political influence out of our courts. Therefore, in pre-

sent ng this amendment, I want to say to the Senator from North Carolina that I have no political interest in this whatsoever. The bench and the bar have appealed to me to present the claims of the State of New Jersey to the Senate. They know better than I what the condition is, and I take their word for it. They have brought to me the facts which I have read to the Senate as to what the condition is. They have pointed out the location of New Jersey, and how important these cases are. I therefore bring this appeal to the Senate to adopt this amendment.

Mr. WALSH of Montana. I rise to inquire of the Senator from New Jersey if any action has ever been taken by either House on a separate bill for the creation of an additional judgeship for New Jersey?

Mr. FRELINGHUYSEN. No; and that was the criticism of the Senator from North Carolina of my action in presenting this amendment. I do not think the Senator from Montana was in the Chamber when I told the Senator from North Carolina the reason why I had not offered a separate bill.

In the last year I have been trying to make an investigation of the condition of the Federal courts in New Jersey, and have conferred with the various judges. Before I urged this I wanted to see whether it was absolutely necessary; whether the 10,000 draft cases would ever be tried; whether the present numerous violations of the Federal prohibition law would continue; whether those cases would diminish rather than increase; whether they were making any headway with the civil cases and the admiralty cases; whether the congestion was due to the fact that the three judges were neglecting their duty. All those questions were taken up, and I have satisfied myself that this judge is absolutely necessary.

Mr. WALSH of Montana. Then the Senator can assure us that the delay was not in order that a Republican President might come in, so that a Republican judge might be appointed?

Mr. FRELINGHUYSEN. That was not the reason at all. I do not know how long we have had three judges, but I know that there are three now, and I think there was one added possibly during President Wilson's term. I want to make some investigation of that. But, as I pointed out before, no one realizes how conditions have changed in my State. We lie between New York and Philadelphia, and New Jersey has increased in population very rapidly, increasing the burdens of the courts, and increasing the litigation. Crime has increased, and the Federal prohibition act has brought a great deal of additional work to those courts. Notwithstanding the fact that we have apparently in that district a large number of judges, the conditions I have stated show why the docket has so many cases on it, and the crowding is also due to the fact that these important corporation cases are tried there, by reason of the fact that the corporations have a situs in our State, are incorporated there, and those cases are brought to our courts to be tried. If the Senator will make some inquiry from any of the prominent lawyers or judges in my State, whom he undoubtedly knows, he will find that I am not exaggerating that condition.

I just want to read a part of a letter from the president of our New Jersey Bar Association, a body who are very conservative and very cautious, who finally came to the conclusion stated here. They did not bring these findings to me until after the bill was in the Senate committee. They would not recommend this unless they knew that it was absolutely necessary. This is from Harvey F. Carr, of the firm of Carr & Carroll, Camden, N. J. I think he was one of our State judges. He said in the letter:

> With the exception of the southern district of New York, and possibly one or two other districts, New Jersey has more active civil cases on its docket than any other. Its equity and admiralty list is exceeded by only two or three districts in the country. The same is true of the bankruptcy cases. I have been holding this letter awaiting definite statistical information, but I have decided to forward the same, and as soon as the statistical information is received to send it to you. Much of this information can be found in the CONGRESSIONAL RECORD under date of December 9, 1921. I am not quite sure of the date, but this is within a day or two of it.
>
> There is such a congestion of business in our Federal courts that it takes about a year and a half to get a case tried. The condition is not a temporary one but has been the result of steady growth, due, doubtless, to the great increase in population in this State and the proximity of the cities of New York and Philadelphia. It is not generally realized that Newark, N. J., is a larger city than Cincinnati or New Orleans, and that Jersey City has a greater population than Rochester, N. Y.; Portland, Oreg.; or Denver, Colo.
>
> We have in this district three hard-working, efficient judges, who are doing everything humanly possible to handle the work of the court, but they are unable to stem the tide of constantly increasing business. There is no deadwood on the dockets; inactive cases are not permitted to encumber the trial lists. The cases handled here are of great importance on account of New Jersey being the domicile of so many of the great corporations.
>
> I am sending you herewith a number of letters referring to the need of an additional Federal judge in New Jersey. You will note that the New Jersey State Bar Association and the following county bar associations have declared in favor of an additional judge: Essex County, Hudson County, Passaic County, Mercer County, Camden County, Gloucester County, Cumberland County, Monmouth County, and Morris County. It is the opinion of the entire bar of this State, as well as that of the Federal judges in this district, that an additional judge is urgently needed.

Mr. President, I have tried to show that I have no other motive in offering this amendment than to see that the proper court facilities are afforded my State. Of course, if the Senate believes, after listening to this evidence, that there is nothing in this claim, that they do not need the additional judge, I will submit to their judgment, but the Senate is composed of able lawyers, the ablest in the country, and I object seriously to having my motives questioned, and to having Senators say this is a piece of pie or pork, when the judges of my State and its bar association present the facts upon which they rest their claim.

I submit the facts in this case, and I ask the Senate for its common-sense judgment, which will result, I know, in the granting to New Jersey an additional judge.

Mr. WILLIAMS. Mr. President, of course, you could get a petition of pretty nearly a majority of the bar, and of a great many other people, from almost any judicial district in the Union for another judge. That goes without saying.

A moment ago, when I interjected that mild international inquiry into the debate, as to whether there was an entangling alliance between the Senator from New Jersey [Mr. FRELINGHUYSEN] and the Senator from Florida [Mr. FLETCHER], I meant really to be funny, and sometimes my desire to be funny leads me into some degree of trouble; but if anybody is prepared to take it seriously I am prepared to make it serious. It does appear from the facts in the case that the Senator from New Jersey found no virtue in the amendment offered by the Senator from Florida until after the Senator from New Jersey had made up his mind to offer a similar amendment. Then, after he had made up his mind to offer a similar amendment, he discovered for the first time that the amendment offered by the Senator from Florida was meritorious.

Whether he voted against the amendment offered by the Senator from Florida or did not vote at all, I do not remember; at any rate, he discovered America immediately after Christopher Columbus had announced that he had it in sight.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER (Mr. BURSUM in the chair). Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. WILLIAMS. Certainly.

Mr. FRELINGHUYSEN. If the Senator will inform himself by referring to the RECORD, he will find that the Senator having this bill in charge offered this amendment for me practically at the same time the bill was reported; that I had spoken to the Senator from Iowa, who is handling the bill, of this demand from my State, and he suggested that I offer an amendment. I did not even know that an amendment was on the desk providing for a judge in Florida or any other judge. I simply asked the Senator from Iowa to present the claims of my State and introduce the amendment for me, which he very kindly did, and it was not until yesterday that the Senator from Iowa said to me, "I think your State is entitled to a judge, but you voted against Florida, and Florida has the same number of cases on the docket that you have."

I wish to say further that if the Senator thinks there is any entangling alliance or any agreement, he is very much mistaken.

Mr. WILLIAMS. Mr. President, of course, I am opposed to "entangling" alliances. However, in contradistinction to the Senator from New Jersey, I have been in favor of alliances which I thought "disentangled" things. I am always glad to receive enlightenment, and the Senator has just enlightened me. He now confesses that he voted against the amendment for an additional judge for Florida, but that he voted against it because he was not sufficiently informed at the time as to the merits of the amendment, but that when informed by the Senator from Iowa that New Jersey stood upon exactly an equal footing with Florida, as he contends, and which I deny, he discovered unexpected merits in the Florida amendment.

If the Florida amendment will carry two votes for this bill, and if the New Jersey amendment will carry two votes, that means four, and while I will not regard it as an entangling alliance for fear of violating the Republican platform, having lost my respect for George Washington, as the Republican Party has, and therefore not now quoting him, I must still insist that if anybody proposes to take what I said seriously, I am prepared to make it serious.

Now, Mr. President, the main argument made by the Senator from New Jersey in favor of giving New Jersey an extra judge

is that New Jersey has issued so many corporation charters that the cases in very many instances must be tried in the New Jersey Federal courts. If there is any way in the world to make New Jersey quit issuing trust charters, some of which contain—or used to contain and I suppose do yet—a provision that they shall not operate in New Jersey, then the deprivation of a judgeship for the State of New Jersey is one of the least punishments I can think of, and perhaps an efficacious one, though I doubt if it would be efficacious. I do not see much in that argument. New Jersey had better quit violating the interstate ethics of the Union and issuing all sorts of charters to trusts and combinations, to some of which she denies the liberty of doing business within her own boundaries, and then she will not have so many cases. She need not ask us to create a new judgeship in order to aid her to violate interstate comity and ethics.

Mr. President, of course when the question is asked whether a new judge is needed in a given territory the answer depends very much upon the qualifications of the existing judiciary there. Without knowing anything about the condition in New Jersey, and, therefore, without asserting anything, I recall right now a case where a Federal judge had gotten behind between two and three years with his docket, and where matters had reached a stage such that the lawyers within his judicial district carried their cases into the State courts whenever they could in order to avoid the jurisdiction of that judge. He had a habit of putting business over until "a more convenient day." Then he died and another man was appointed in his place. The other man in two sessions of the court cleaned up the docket. In that particular case it was not so much a new court that was needed as it was a new judge, and that is frequently the case.

I do not remember that New Jersey was ever neglected in connection with legislation. New Jersey is a doubtful State. No doubtful State is ever neglected. All you have to do as a rule is to prove that you are a doubtful State and then you can, if your party in Congress happens to be in the majority, secure the passage of nearly all the private bills that you want. That is not all. Maybe you can get a President, maybe you can get two or three Presidents, one after another. Why, Mr. President, when the eternal choir is formed on judgment day and the people are seeking special privileges in the way of getting to heaven I expect to see the doubtful States of the United States attempting to interfere with the angelic choir long enough to state that they *are* doubtful States and ought to be specially considered.

Be that as it may, I can not imagine New Jersey having been neglected with regard to judgeships or anything else, even with this new plea that because of the frequent issue of charters to trusts and combines she has brought upon herself an increase of litigation.

Now, Mr. President, to be serious for a moment——

Mr. FRELINGHUYSEN rose.

Mr. WILLIAMS. I will postpone being serious for a moment. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I was going to ask the Senator in what way he referred to New Jersey as a doubtful State? Does he mean in the coming political contest?

Mr. WILLIAMS. I do not know what New Jersey may do in a coming political contest. I doubt if the Lord would permit the archangels to guess—and it would only be a guess now on their part—what New Jersey was going to do in the future. I was merely referring to the history of New Jersey politically. She has been doubtful in the past. If there is any way for New Jersey to be consistent with her record of the last few years I suppose she will vote the Republican ticket; but there are two mighty good things about New Jersey. One is that the floating population, chiefly of aliens, is awfully uncertain, and nobody knows beforehand what they are going to do.

The other good thing about New Jersey is that the old, staid farmer population of the State have some mighty good principles, and they are apt to turn from one party to another upon a point of ethics and morals. If they happen to hold the balance of power during any election as between the two conflicting parties of aliens they will carry the State. They can not carry it unless the hyphenates are divided among themselves. So I do not know what New Jersey is going to do in the future. I would be a fool to attempt to predict, but I merely state the historical fact that she had been a doubtful State and that she has collected for in many ways—tariff ways, legislative ways, judgeship ways—I believe the little State now has three Federal judges—and in various other ways.

Mr. FRELINGHUYSEN. I admit we were doubtful when we elected Mr. Wilson, but that cured us.

Mr. WILLIAMS. That speaks mightly badly for New Jersey's stomach. Here are a people who take good medicine of the very best description—idealism, altruism, high purposes, civic righteousness, and world peace twice or more from Doctor Wilson, and now the Senator tells us that it disagreed with their stomach. There are people who can not get along on natural food, who can not get along on wholesome food, with whom milk disagrees, with whom butter disagrees, with whom plain bread disagrees. But let not the Senator fool himself about that. When New Jersey voted for Woodrow Wilson she honored herself and not him. When she voted for him for governor and President both she honored herself twice. It may be that in fulfillment of the Senator's devout political wishes she may disgrace herself hereafter, but at least that much of her past is safe and registered near the throne of God somewhere as a good act for the peace of the world and for civic righteousness.

The Senator can not get away from Woodrow Wilson if he wants to, and therefore he is foolish to mention him. He will be praying after a while to be rid of the memory of his opposition to Woodrow Wilson. If he lives the allotted age of man he will be praying several years before he dies to be relieved from the memory of it. Even New Jersey will, after a while, come to see that she was right twice and wrong afterwards.

Why, Mr. President, with the possible exception of David Lloyd-George—aye, without any exception—Woodrow Wilson stands to-day before thinking manhood and womanhood, not only of America but of the world, as the greatest and most unselfish man in political life who has during this generation grasped God's purposes in the history of the world, the man who has most clearly seen the God in history, as Mommsen calls him, der Göttin der Geschichte, and has seen how the God in history uses the instrumentalities of the common man's common sense and common conscience, for the purpose of working out his own plan, God's plan, for the coming of the peace of the world, and the upbuilding of the progress and civilization of the world.

I do not mean to be deflected from this little funny talk into a general exordium or eulogy, but long, long after the Senator from New Jersey dies, long, long after Woodrow Wilson—crippled in the Great War for world peace—has gone to his well-earned rest, the Senator's grandchildren and great-grandchildren will wonder how he ever could have said a disrespectful word of the greatest public man of his generation.

Mr. FRELINGHUYSEN. Oh, no, Mr. President; far be it from me to reflect personally on the former President of the United States in any manner whatsoever.

Mr. WILLIAMS. I did not say it was personal.

Mr. FRELINGHUYSEN. The Senator was discussing, I thought in a humorous vein, the political situation in New Jersey. I have refrained and I mean to refrain from any personal reflection on ex-President Wilson at any time whatsoever. In the heat of political campaign oftentimes that is done, but the Senator knows that on this floor I have never done that. I may disagree with President Wilson as to politics, but when it comes to any personal attack on him or any personal affront, the Senator knows I have never indulged in any such thing.

Mr. WILLIAMS. I did not use the word "personal" at all. I said "a disrespectful word"—politically disrespectful, historically disrespectful, philosophically disrespectful, even religiously disrespectful, if the Senator believes with me in the philosophy of Jesus of Nazareth. I am glad to learn that the Senator is beginning to apologize even earlier than I thought he would, and so the task of apology will not be left to his children and his grandchildren.

Now, Mr. President, to say a few serious words about the pending bill. The bill ought to be either fish, flesh, or fowl. It ought to be made one or the other. Either we ought to pursue the old time-honored practice of giving an additional judge to the territory which actually needs it, upon proof made to the committees of the House and Senate and upon vote taken in those two bodies, gradually increasing the judiciary as the needs of litigation require—either we ought to do that, or we ought to subscribe to the intent of the bill and organize a "flying squadron" annexed to the supreme Federal judiciary at Washington, to be sent wherever it may be desired.

We ought either to keep up the time-honored practice or else we ought to follow the theory of the bill as it was first promulgated and undertake to organize a squadron of light cavalry or dragoons on the outskirts of the judiciary system to protect it from congestion within. We ought to do one or the other. We ought not to mix them up. The bill ought to be fish, flesh, or fowl, one or the other. There ought to be some reliable theory running through it. If you are going to pass a bill for a flying squadron or light dragoons of the judiciary—a perambulatory

crowd of judges to be floating in space throughout the entire United States and spending more money, perhaps, for mileage and per diem than for their salaries—then you ought to do that and be done with it. John Adams tried it and failed; but you might, if you wish, try it over again. But you ought not to introduce a bill the principle of which is a perambulatory light dragoon flying skirmish-drill squadron and at the same time tack onto it various designations of judges in various particular areas and thereby gain Senatorial support for a general bill, in the general principles of which there appear to be many of the very Senators who have secured local judges who do not believe.

Now, make the bill one thing or the other. I am frankly opposed to a perambulatory judiciary, to carpetbagging Nebraska with a Louisianian, certainly to carpetbagging Mississippi or Louisiana with somebody north of Mason and Dixon's line, which will almost certainly happen if this bill passes. That is what it will come to; that is one of the things that it means; and I am opposed to it. I insist that I have a right to have the proposition voted upon fairly, and I insist that the vote will not be fair so long as one Senator after another gets a provision upon the bill creating a fixed judge for his judicial district. That is not fair; that is not a square way of legislating. Stand by your guns. Those of you who are in favor of the principles of this bill, vote it up or vote it down. If you vote it up, I shall not be hurt any more than will anybody else; if you vote it down, in my opinion, the country will be helped; but perhaps I am mistaken. However, make the bill fish, flesh, or fowl, and do not try to get votes for it by giving to special judicial districts, represented by certain Senators, a part of the "pie" in divergence from the general principle or theory of the bill. If it is going to be a national pie, or pretendedly so, without reward or largess to any Senator's State, then do not cut up the pie and distribute its slices to some for the sake of their votes.

Mr. NORRIS. Mr. President, I think all Senators are impressed with the importance of this proposed legislation. It deals with a fundamental principle of government. A delay of the trial of cases means a denial of justice, and a denial of justice hurts just as much if it comes by that route as though it came by one where actual corruption takes place. I realize, Mr. President, there are a great many places in the United States where there are not enough judges to transact the legitimate business that comes into the United States courts, and yet, after considering this measure with a great deal of soberness, I hesitate before I can bring myself to a state of mind where I can support this bill.

I hope that what I am going to say will be considered by no one as any reflection upon any individual, for I have no such intention. Some of the best officials of the Government are on the bench; some of the ablest and wisest and most patriotic and ablest and fairest men are judges of United States courts. That can not be said of all judges; it can not be said, of course, of all the State judges; but in what I shall say I am not intending at least to cast any reflection even upon the judiciary as a system. I certainly have no personal grievance against any judge. Those with whom I happen to be acquainted, I think, without exception, are able and conscientious men, who are doing their duty.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. NORRIS. I yield to the Senator.

Mr. STERLING. I merely wish to ask the Senator a question. There may be exceptions, of course, but will not the Senator from Nebraska admit the general high character and ability of both Federal and State judges?

Mr. NORRIS. I think so. I would admit it the same as I would admit that, as a general rule, Members of this body are high-class men. They are picked men; judges are picked men, but sometimes they are picked by politicians, and often mistakes are made when that is done. I am not willing to admit, and I do not believe, that the Federal district judges are any better class of men than are the general trial judges of the States.

I base that opinion upon my limited personal knowledge, experience, and observation. I do not know all of the judges, of course, either in the State or Nation; but, so far as I do know them, I am here to assert that the State judges, as a class, are just as able, just as competent, and just as good as are the Federal judges. About the only difference is that in most parts of the country the Federal judges work less and receive more pay.

Mr. President, to my mind, there is something fundamentally wrong with our judicial system. I know when I was a young man and started out in life, when I studied law and commenced to practice law, I thought it was the finest thing in the world; and in theory our Federal judicial system is fine. I do not think, however, it has worked out in practice so well as we would expect it to work out when we study only its theory.

From my experience in life, and especially in dealing with courts and lawyers, I have reached the conclusion that a life tenure of office is not good for the people; that while in theory the judge, appointed for life, is removed from temptation and has nothing but the straight and narrow path to follow—and often that is the result, as many judges have exemplified—yet too often the security of a life salary and a life position makes some men indifferent; it makes some forget the common people, the common run of humanity, the common folk, who are struggling, with more or less difficulty, to maintain themselves and those who are dependent upon them for a livelihood.

That is not the only objection to our judicial system; perhaps it is not an objection at all; I did not intend to offer it as one; but we have a duplicate system of judges in the United States. We have United States courts and United States judges, and then we have State courts and State judges. Thus there is a double set of judicial machinery in every community—two judges, two courthouses, a duplicate set of administrative officials, including marshals, sheriffs, clerks, and bailiffs, all doing the same kind of work, and the taxpayers footing the bill. It did not make so much difference years ago until great corporations began to be formed, until business began to be transacted on a large scale of combination, when litigation became important, involving more money. Then the fault in the system began to appear. To my mind, it is a serious problem and one which Congress should consider.

In my opinion this bill does not reach the fundamental error in our system, and I am inclined to think it would take a constitutional amendment to reach it. I do not expect to see that accomplished; I want, however, to call attention to the fault. I wish I could cause the American people to think about it, to work it over in their minds and in their hearts, and to realize that we have a judicial system that costs too much money. Justice is too expensive, Mr. President; so expensive, in fact, that the poor man can not afford to buy it.

Out in the more sparsely settled sections of the country, where the people, engaged in building up a new empire, are poorer, the places for holding United States court are hundreds of miles apart. I lived for a number of years in a town which was 250 miles from where the United States court sat. I have advised many and many clients who came to employ me as an attorney that they had better travel that 250 miles and hire a lawyer there, because I knew from my experience that cases are not tried the first time they are called; that delay ensues in one way or another because of technical proceedings; and that a man of ordinary means could not afford to hire a lawyer, pay his expenses and for his time while he closed up his office and traveled 250 miles, perhaps, to be in court five minutes and have the case continued until the next term, and carry his witnesses back and forth.

Mr. President, thousands and thousands of times this condition has meant bankruptcy for the man of ordinary circumstances who has been so unfortunate as to become involved in litigation in the United States courts. In saying this I mean no reflection on the court or the judge; I do not mean to intimate that justice would not be done when the case was reached for trial, but from the very nature of things such a condition means ruin in a financial sense.

Let me digress right there to inquire why is it that we have two sets of courts? Why should we not have only one set, so that all, rich and poor alike, could go into the same court? Our forefathers when they adopted the Constitution, I presume, felt that the judges in one State might be prejudiced against the people of another State, and that there ought to be a tribunal that would be fair as between the two. Is there anybody who believes that now? Is there any Senator here who will rise in his place and say that in his State a man from another State can not secure justice in the State courts? If there is, I pause to have him interrupt me. I should like to have the name of the State and be advised as to the character of its judiciary where a man from another State can not secure justice. It is only a fiction, Mr. President; there is nothing to that contention; it is all poppycock.

Whatever reason existed originally no longer exists. There is no reason why the Senator from North Dakota [Mr. LADD], if he comes down into Nebraska to sue me, should not be required to commence his suit in the State court of Nebraska. If he comes down into my State and—I will not say commits a crime, because I could not even have the heart to use an illustration of that kind with reference to the Senator from North

Dakota—if he were charged there with the commission of a crime, let us say with murder, and he were arrested in that State, where would he be tried, Mr. President? He would be tried in that State. He would be tried before a State judge, in a State courthouse; and there would be no way on earth for him to escape that, or to get a change of venue into another State. It could not be done. Everybody admits that. Nobody claims that that would be unjust to him. Nobody thinks for an instant that he would not have a fair trial, and the defendant in that kind of a case himself would never have the first idea that he would like to be tried somewhere else. He gets justice, and that is all he wants.

Suppose, however, that he is a corporation, and he comes down into the State of Nebraska. Perhaps he was incorporated in New Jersey, and he gets into litigation down there. If by any hook or crook under the law he is a defendant, and is sued there, and they have the right kind of service on him, so that they can hold his corporation, the first thing he does is to file a motion and have his case transferred from a State court to a United States court. Why? The law permits it. It permits it on the theory that he may not get justice in that State; and yet, if his own life were at stake, nobody would suggest such a thing or think of such a thing. If his liberty were at stake, no one would question but that he would get justice there; but if he were a corporation it would be different. He would be entitled to go into a United States court, and if he were suing me, and I were a poor man, he would be able to wear me out. I would not be able to continue the fight in that court, and the result is that I would settle to begin with, and submit to wrong, and even degradation, in order to keep out of court.

Mr. SHIELDS. Mr. President——

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. SHIELDS. Mr. President, my observation in my own State—I do not know the condition in any other State—is very much as the Senator from Nebraska says. Whatever may have been the reason for giving the Federal courts jurisdiction originally, on account of diverse citizenship, to get justice, I do not think it exists now. I believe, and in fact I know, that there are several times more suits between parties having diverse citizenship brought in our State courts than there are in the Federal courts. In every county where they exist there are thousands more in the State courts; and the chief litigants resorting to the Federal courts on account of diverse citizenship, as the Senator from Nebraska says, are the corporations, which often are seeking delay or to wear out the defendants.

The suit is not ordinarily brought in the Federal court originally; but, whatever the reason was for that, as the Senator says, it is gone now. I think there is but very little prejudice anywhere against citizens of other States in the courts of the several States, and a man living in one State can get justice in another as fully as he could in his home State.

Mr. NORRIS. I thank the Senator, and I think every man will agree with what the Senator says; and he says it from his experience of many years as a lawyer and as a judge.

Mr. President, in the illustration I gave a while ago, if the Senator from North Dakota comes down into my State and is charged with the commission of a crime down there, there is just as much reason for him to say, "I am a citizen of North Dakota, and I want this case transferred," when his life or his liberty is at stake, as if only money were at stake; and yet, if he said it, it would be denied, while if dollars were at stake, and he said it, it would be granted.

Mr. President, I say again that that is no reflection upon United States courts or upon United States judges; but the fact remains that it is generally believed by the great common people of America that these two systems of courts, existing as I have described them, are for two classes of people—one for the rich and one for the poor. There is some foundation, as I have already described, for that belief, not based, however, upon any corruption of the courts or any disposition on the part of any judge not to do right or enforce the law properly, but from the very nature of the conditions in most of the country that is true.

Mr. President, I do not ask Senators to take my word about this belief. When I say that the people have lost faith in some of our courts I know that many people, perhaps some Senators, will say: "That is just the raving of a crazy man's mind; there is nothing to it." But, Mr. President, I am going to put some witnesses on the stand, and those who do not believe in things that I say simply because I say them will have to hold their breath when these witnesses testify.

I think it is a fact conceded by students—I can prove it by testimony as high as your desk, Mr. President, from eminent lawyers and judges and students and philanthropists of America—that our judicial system is not doing justice to rich and to poor alike; and let me say again that that is all without casting any reflection upon any man. It is due to the system. In my judgment we ought to abolish every United States district court in America; we ought to abolish entirely the United States Court of Appeals and leave nothing of our United States judicial system except the Supreme Court of the United States. We ought to give to State judges and State courts all the jurisdiction now held by United States judges and United States courts. We would have to have more judges of the States, I admit, but we would have no duplication. We would not have a complete outfit of judge, of marshal, of sheriff, of clerk, of deputy clerk, of deputy marshal, of deputy sheriff, of bailiff, and again of bailiff, a whole machinery sitting here in this courtroom presided over by a United States court, when across the street was another outfit exactly like it, presided over by a State judge, doing exactly the same kind of business, enforcing exactly the same principles of law, with absolutely no difference except that in the one case the judge drew a larger salary than the other, and the marshal got paid more than the sheriff, and the clerk of the United States court charged more for his work than the State clerk did, the taxpayers footing the bill. You can say it is charged up to litigants, but it comes out of the taxpayers of the country in the end. There is absolute duplication, and justice is not secured, because, as I said, in most of the country the transferring of a case from a State court to a United States court means that a poor man is worn out, and he submits to whatever the other fellow asks rather than lose everything he has traveling back and forth litigating, even though he knows that in the end he would be able to win his case.

Mr. President, to satisfy my friends who do not agree with my idea of government or of jurisprudence, let me read from one of their leaders, Elihu Root. Let us see what that great lawyer has to say. He says:

> No one, however, doubts that it is the proper function of government to secure justice. In a broad sense that is the chief thing for which government is organized. Nor can anyone question that the highest obligation of government is to secure justice for those who, because they are poor and weak and friendless, find it hard to maintain their own rights. * * *
>
> I do not think that we should be overharsh in judging ourselves, however, for the shortcomings have been the result of changing conditions, which the great body of our people have not fully appreciated. We have had in the main just laws and honest courts to which people—poor as well as rich—could repair to obtain justice. But the rapid growth of great cities, the enormous masses of immigrants (many of them ignorant of our language), and the greatly increased complications of life have created conditions under which the provisions for obtaining justice which were formerly sufficient are sufficient no longer. I think the true criticism which we should make upon our own conduct is that we have been so busy about our individual affairs that we have been slow to appreciate the changes of conditions which to so great an extent have put justice beyond the reach of the poor. But we can not confine ourselves to that criticism much longer; it is time to set our own house in order.

Mr. President, ex-Senator Root, when he uttered those memorable words, was not advocating a change such as I have suggested, I admit. He probably would be opposed to this change. Lawyers, as a rule, have not given it consideration. The people have realized that there was a prejudice, perhaps unconsciously so, against the United States courts, but they have not themselves understood just why. They are too apt to find fault with an unjust judge here and there, and blame the whole system. They know there is something wrong. It has not given justice to the poor. It has made justice too expensive. However, I cite ex-Senator Root, not in advocacy of what I am advocating but to show that my statement of the conditions I have outlined, which I gathered from my experience in another part of the country, is true, according to ex-Senator Root's experience in the most populous portion of the country, where injustice came about, and injustice, as he said, to the poor.

Mr. President, mark my words, when the great bulk of the people of the country get the idea that those who are poor can not get justice where those who are rich can, we have struck at the very foundation of our Government. Right or wrong, such an idea must not be permitted to have circulation. The condition must be made right if it is wrong, and if the criticism is unjustified, then a system of education must be spread over the country in order to convince the people that it is wrong.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I yield.

Mr. STANLEY. I regret that I did not hear all of the address of the Senator from Nebraska, as I am very much interested in the question to which he is calling the attention of the Senate. As I gather, the Senator maintains that the attitude of the mass of the people toward the Federal judiciary,

and its failure to do complete justice between litigants who are rich and those who are poor, is due rather to the system than to the attitude of the judge himself?

Mr. NORRIS. I have said so. I will say to the Senator that before he came into the Chamber I tried to emphasize the fact that I was making no such charge against any judge.

Mr. STANLEY. So I gathered, and I heartily concur in that position. I have noticed in a late issue of Herbert Spencer's essays, "A Man Against the State," a very elaborate discussion of this question, and if I am not mistaken, a discussion of it by the present Chief Justice of the United States, in which it is pointed out that the cost incident to the prosecution of cases in the Federal court renders an appeal to the Federal judiciary by men of limited means practically impossible. Has the Senator gone into that phase of the question?

Mr. NORRIS. Yes; I have to some extent.

Mr. STANLEY. I just wanted to call it to his attention. I think that is one of the greatest troubles.

Mr. NORRIS. It is.

Mr. STANLEY. The custom of printing records and the expense of stenographer's reports have enormously increased the cost of judicial procedure.

Mr. NORRIS. I have not called attention to it specifically, but I am going to do so now, and I thank the Senator from Kentucky for calling my attention to it. The difference in cost between litigation in State courts and in United States courts is something enormous. I would ask Senators who are mostly lawyers and have practiced in United States courts and in State courts if it is not true that when a client came to them to try a case in the United States courts there was quite a different fee charged than when the case was pending in a State court, the same kind of a case, which would require the same study and the same work. I think universally the attorney's fee is greater to begin with. The marshal gets more fees than the sheriff. The clerk gets more fees in the United States courts, and, as the Senator from Kentucky says, when they carry the case from one court to another, there is a large stenographer's fee. Then there is the cost of printing the record. Expenses are doubled or trebled at every step of the litigation.

Mr. JONES of New Mexico. Mr. President, I would suggest another item of additional expense. The United States judicial districts are very much larger than the State districts.

Mr. NORRIS. I have already called attention to that.

Mr. JONES of New Mexico. Litigants have to travel long distances to the seat of the district to attend United States court.

Mr. NORRIS. Now I want to read some more testimony along the line of that which I read before. I am not going to read all I could, because I could fill the RECORD with this kind of testimony from eminent men.

Mr. STANLEY. At this point, Mr. President, not to break the continuity of the Senator's argument, I wish to remark that it has always impressed me that the framers of the Constitution never contemplated the establishment of district and circuit Federal courts for the cognizance of cases of which they now take jurisdiction.

Mr. NORRIS. I agree with the Senator in that. I do not believe they ever thought of giving them the jurisdiction which has been given them by law. We could remedy that to a great extent by the enactment of a congressional act.

Now, I want to read something on this point from Henry S. Pritchett. Henry S. Pritchett is the president of the Carnegie Foundation. He said:

> The world is to-day filled with the word "democracy." Sometimes it is used to denote a government in which the civil rights of the individual rest upon a constitutional guaranty, sometimes to describe a class rule more autocratic than that of the Czar. An autocracy can exist without law, but a free democracy can not.

Listen to this!

> the very existence of free government depends upon making the machinery of justice so effective that the citizens of the democracy shall believe in its impartiality and fairness.

I tried a while ago, in my weak way, to bring that same idea out. It is not enough that we have justice, but in a free democracy such as he describes, if we are really to have freedom and a happy people, we must have a people who believe that they are getting absolute fairness and justice. I think it has been shown clearly that these do not exist where there are two systems which are not working harmoniously together, and in such a situation you can not expect the people to believe they get justice, because, as a matter of fact, it is not true.

Now, I want to read what was said by Mr. Taft, the present Chief Justice of the United States, bearing on the same point. Understand, I am not claiming that any of these men from whom I am reading would advocate the abolishment of the United States courts as I do, but the statement I make that there is a condition in the country where the poor can not get justice, that it is an impossibility on account of the system, that justice is too expensive, and that that condition is an alarming condition, and cries aloud to fairness and to justice and to Heaven for remedy, is borne out by the men from whom I am reading, and that is the object of their statements. Mr. Taft said:

> Of all the questions which are before the American people, I regard no one as more important than the improvement of the administration of justice. We must make it so that the poor man will have as nearly as possible an equal opportunity in litigating as the rich man—

Now, listen to this—

> and under present conditions, ashamed as we may be of it, this is not a fact.

That is the statement of William Howard Taft, ex-President of the United States, now Chief Justice of the United States.

Mr. STANLEY. And a Federal judge for many years.

Mr. NORRIS. Yes; and it bears out my statement that under our system of dual jurisprudence there is justification for the common belief on the part of millions of common people that on account of their poverty alone justice does not reach the great masses of our people as it does those who are rich.

Mr. STANLEY. Mr. President, I may be mistaken, but as I recall the statement of Mr. Taft, to which the Senator referred, he at that time was addressing himself to the question of the cost of judicial procedure.

Mr. NORRIS. Yes; and it is a statement which plainly says that on account of the expense the poor can not get justice under our system.

Mr. POINDEXTER. He means that that is due to the jury system, does he not? I understand that Chief Justice Taft at one time advocated the abolishment of the jury system.

Mr. STANLEY. As I recall, he was not discussing the jury system at all; he was discussing the cost of judicial procedure.

Mr. POINDEXTER. I was referring to his general attitude toward the administration of justice. My recollection is that in an address he at one time advocated the abolishment of the jury system.

Mr. STANLEY. I do not think he ever went that far.

Mr. NORRIS. I do not know about that. I have quoted from an address delivered by ex-President Taft before the Virginia Bar Association.

I want to read now an extract from Chief Justice Olson in the eighth and ninth annual report of the Chicago municipal court for 1915. It will be found on page 128 of that report. Chief Justice Olson said:

> When litigation is too costly, the result for many persons is a denial of justice. Such denial or partial denial of justice engenders social and commercial friction. The sense of helplessness thus caused incites citizens to take the law into their own hands.

Is there anybody here who will deny that? As ex-President Taft said, however much ashamed we may be of it, or however much we may dislike to admit that it is true, we know it to be true that a denial of justice, when known to the people against whom it is denied, means that they take the law into their own hands. Revolution, Senators, is the natural result of that, and a denial of justice to the common people, to the poor people, has been one of the causes of every revolution which has ever been recorded in history; and you may deny it for one cause or another—if it is denied, they fail to get it.

I read on from Judge Olson:

> It causes crimes of violence. It saps patriotism and destroys civic pride. It arouses jealousy and breeds contempt for law and government.

When we have a citizenship in that condition, Mr. President, our country is in a perilous condition.

Mr. STANLEY. The matter of patriotism in its last analysis is the mental attitude of the citizen toward the institutions of his country.

Mr. NORRIS. I think it is, and of course that mental attitude can not be disassociated from the conditions that surround the citizen himself. If he is surrounded by injustice, it affects him. If he is happy and contented, it has the opposite effect.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. CAMERON in the chair). Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH of Montana. I would like to follow a little more intelligently the very interesting argument the Senator is making. Undoubtedly the Senator must refer to justice in civil proceedings rather than in criminal matters, because I suppose in criminal matters the justice is supposed to be administered without any expense to the defendant, and he is entitled to have counsel appointed if he is unable to procure counsel for himself.

With respect to civil actions, there is a great deal in what the Senator states, but is the Senator contending that it is more

expensive for litigants to conduct suits in the Federal courts than in the State courts?

Mr. NORRIS. Yes; that is my contention.

Mr. STANLEY. The Senator from Montana inadvertently, I suggest, states his case a little too broadly. It is true, so far as criminal actions are concerned, that the defendant, of course, in the nature of things can not be put to any very great expense in defending himself for some violation of a Federal statute, but if the finding of the lower court does not suit him, then the question of expense becomes very vital to him on appeal. I have known a great number of cases where appeals have not been taken because of the expense incident to the appeal, and it is not such an easy thing always to go up in forma pauperis.

Mr. WALSH of Montana. Of course, it is always expensive to travel from remote sections of the country to Washington, but aside from that I do not know where the cost is involved.

Mr. STANLEY. It is in the costs of the appeal.

Mr. WALSH of Montana. If the Senator from Nebraska will permit a further interruption, he was referring to Judge Olson, a very estimable and very able judge as well as publicist. But I do not know just how he figures out the conclusion at which he arrives so far as his own country is concerned. I can not see the difference between a man trying a case in the Federal court in the city of Chicago and trying it in a State court in that city if he is obliged to appeal or does appeal in certain controversies.

Mr. NORRIS. I do not know whether the Senator was here or not when I made my statement. I have not said that the men whose testimony I am reading would admit an agreement with me on the point I am discussing. So far as I know they would probably be opposed to it. They were not arguing the case I am arguing, but I am using their testimony to show that a state of facts existed which I had claimed, before I read their testimony, did exist.

Mr. WALSH of Montana. They are deploring generally the cost of litigation.

Mr. NORRIS. Yes. They are not discussing the question of the difference in expense; they are discussing the general proposition; but they have laid down certain facts, certain propositions, which I lay down, and I use their testimony to substantiate my position. I am suggesting what I believe to be not the only one, but one of the difficulties and one of the causes why this condition exists, and I am suggesting how it might be remedied.

I will say to the Senator from Montana that in my judgment the expense runs all through. Even though the man is in the same town where the United States court sits and the State court sits, it costs more money to try the case in the United States court than it does in the State court.

Mr. STANLEY. In the Senator's part of the country they are not in the same town.

Mr. NORRIS. Not very often.

Mr. WALSH of Montana. That is what prompted my inquiry, because that is not my experience. My experience is that one can try a case in a Federal court in the city of Helena at no greater expense. In fact, until quite recently it was less expensive, because the fees of witnesses in the Federal court were $1.50, while the fees of witnesses in the State courts were $3.

Mr. NORRIS. Did the Senator, when he was practicing law in the city of Helena, charge the same fee to a client in the United States court that he would in the same kind of a case in the State court?

Mr. WALSH of Montana. I do not know that there was any very material difference, assuming that the litigation was equally important and equally difficult. I do not think that would make any difference.

Mr. NORRIS. I think the Senator's testimony is the exception to the rule. If you employ a lawyer to do a thing in a United States court, as a rule it is more expensive than to employ the same lawyer to do the same thing in a State court.

Mr. WALSH of Montana. I am not able to offer any testimony along that line. I may say, so far as that is concerned, that I am not particularly partial to the United States court.

Mr. NORRIS. I have known men charged with crimes in a United States court who have said to me—of course, I did not have personal knowledge of the facts—that they have pleaded guilty to some small charge rather than go to the expense of fighting it and making a defense. You can talk about the expense being the same. As a matter of practice, so far as I have been able to observe it is not only not the same but I would say it is at least double in the United States court. The witnesses have to come very much farther, as a rule. They are liable to come 200 miles instead of 15 miles. You have to pay them, as a rule, save in the town where the United States court would be held, twice on the average what their attendance cost would be in the towns where the State courts are held. All the way through everything costs more.

Mr. STANLEY. I will say that in Kentucky, Indiana, and in the Mississippi Valley the cost of a record, the cost of obtaining witnesses, and so forth, are inordinately greater in the Federal courts than in the State courts. There are very few places excepted, a few large towns only, where the circuit court of appeals and the court of the district—usually a State is composed of one or two districts—are located in the same town. In fact, there is no such court of appeals, as I recall, in the State of Kentucky at all. We have to go outside of the State.

Mr. NORRIS. When two or three lawyers are traveling in Pullman cars and living in expensive hotels, all of which the clients have to pay, it means an enormous increase. I do not care to get my own individuality mixed in this matter, but I have a very distinct recollection of a friend of mine who lived in southwestern Nebraska, who was sued a great many years ago. It was the foreclosure of a mortgage. Whenever he had had any business there I had attended to it for him, and he came to see me about this matter. A claim was made under a mortgage foreclosure which he stated to me was very unjust and said he did not owe. The United States court was 250 miles away. From my office where he consulted me to the courthouse where that mortgage was recorded the distance was less than 3 blocks. If that case had been pending in that courthouse, I could have gone into court and attended to the motion that was necessary to make without expending half an hour's time and been back in my office. If I had permitted him to employ me, which I did not, I would have traveled 250 miles and looked into the case. I would have locked up my office while I was gone, and every lawyer knows that he can not afford to do that for an ordinary fee. I would have spent a week's time instead of 30 minutes' time, and he would have had to pay for it. As it was, he traveled the 250 miles, took my advice, with a letter of introduction, and hired a lawyer who was in the same city where the court was being held.

That is no exception. That man could better afford to have paid $250 extra than to litigate in that Federal court. He was in the United States court because some individual or corporation in New Jersey or some other State had bought the mortgage and was proceeding to foreclose it in the United States court there. I submit that is not justice. Does anyone call that justice? Is that the kind of justice with which we expect a people to be satisfied? Can we expect that man to love the United States courts? Yet there is nothing in it anywhere that reflects on any United States judge. The United States judge could not help it.

How much do you suppose it cost to serve the summons in that case? A United States marshal or deputy marshal would have to travel across the State, where if the case had been commenced in the court where it ought to have been commenced it would have been only 7 miles. Why, Mr. President, you only have to look at a case to see where the injustice comes. There is nothing fair in that. You can not expect a people, however patriotic, always to submit to that kind of proposition. We can not afford it. Justice is too expensive and life is too short to get it.

Mr. STANLEY. Mr. President, as illustrating the truth of what the Senator has said, in a great many of the States—in my State, for instance—the legislature passed an act prohibiting the transfer of civil cases to Federal courts where the amount in controversy did not exceed $2,000. I have known in my own limited experience of any number of cases, hundreds of them, where litigants having valid claims, as they thought, for amounts much exceeding the $2,000 limit, would bring the suit in a State court for less than $2,000, and take an inadequate compensation for their injuries or wrongs rather than incur the delay and inordinate expense incident to prosecuting the same case in the Federal court.

Mr. NORRIS. Mr. President, I also have known that to happen many times; in fact, it is quite a common occurrence. I was not through, however, reading from this document when I was interrupted. I now resume, reading an extract from an address of Lyman Abbott, as follows:

> If ever a time shall come when in this city—

That is, the city of Chicago—

> only the rich man can enjoy law as a doubtful luxury, when the poor who need it most can not have it, when only a golden key will unlock the door to the court room, the seeds of revolution will be sown, the firebrand of revolution will be lighted and put into the hands of men, and they will almost be justified in the revolution which will follow.

This quotation is from a man whose reputation is world-wide. He is known, by reputation, at least, by every Member of this body as one of the greatest writers of America. I suppose if I had used the same language I would have been criticized and

denounced by many men and many interests who will remain silent under the statement of so great a man as Doctor Abbott.

Mr. HARRELD. Mr. President——

Mr. NORRIS. I yield to the Senator from Oklahoma.

Mr. HARRELD. Has it not been the Senator's experience that the position so graphically described by Judge Olson and by Doctor Abbott is brought about equally as well by a congestion of the dockets of the courts?

Mr. NORRIS. Yes; I will say to the Senator that the crowding of the dockets, such as has been described here by Senators who have argued for this bill, will bring about injustice. I am not claiming that the condition to which I have referred is the only thing which produces injustice.

Mr. HARRELD. In my State there has been more complaint of litigants not being able to have cases tried because of the congested condition of the dockets than there has been about the cost of litigation, though I have heard complaints for both reasons.

Mr. NORRIS. The people in the Senator's State, at least those of them with whom he is acquainted, perhaps, do not feel the need of economy so keenly, because they have more money. They have been digging oil wells and getting rich, and, therefore, they do not care for a few dollars. If wealthy corporations were the only litigants, if they paid all the expenses and there was nothing for the Government to pay, I would not care much how many judges there were.

Mr. HARRELD. On the contrary, the complaint comes mostly from the poor litigants that they can not get their cases tried because of the congested condition of the dockets.

Mr. NORRIS. I said at the beginning that a delay very often meant a denial of justice, and that is the reason I am impressed with a great many of the arguments which have been made for this bill; and yet, as I said in the beginning, after all, it does not reach the fundamental sore; it does not strike at the root of the evil. If we provide now for additional judges, and combinations of wealth continue to develop in the future as they have in the past and litigation increases as it has increased, it will only be a few years until we shall provide for more judges. We will keep on adding to the pyramid, Mr. President, until by its own weight it will topple over, and there will be ruin and devastation in its wake. That is the reason I am afraid of it. I admit that there are many good arguments for the bill, and I am not really attempting to make an argument against it; I am not opposing it; it may be necessary as a temporary remedy. I want to call attention, however, to what to me is a very serious defect in our judicial system, and one which we ought to commence to remedy if we can.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH of Montana. The Senator has been referring to distances, and he is indisputably correct that there is an additional expense incident to travel to the place where the Federal court sits, which is usually, of course, at a very much greater distance from the home of the litigant than the place of the sitting of the local State court; but the Senator will remember that the Federal judicial system has been in existence now for 130 years.

Mr. NORRIS. Yes.

Mr. WALSH of Montana. And that the expense of travel, at least the time consumed in travel, at the institution of the system was vastly greater than it is now, and that, relatively, the disproportion of which he speaks between the costs in the respective courts has existed ever since the system was established, 130 years ago.

Mr. NORRIS. There are a great many costs now that did not really exist in the primitive days. The kinds of litigation now are very different from what they were then. There is hardly any comparison. For instance, the Senator from New Jersey [Mr. FRELINGHUYSEN] yesterday called attention to the condition in his State, and said that the trial of a case there last year required five months. I asked him what kind of a case it was and he was unable to tell me yesterday, but to-day he told me that it was a case involving the validity of a patent.

Mr. WALSH of Montana. Of course, the Federal court has always had jurisdiction of such cases.

Mr. NORRIS. Yes, sir; but they did not take five months to try one such case. One hundred years ago that would have been an unheard-of thing, while now it is a common thing. I wish to use that instance now, since it has been called to my attention, as the basis for a few remarks, if the Senator will allow me to proceed for a few moments——

Mr. WALSH of Montana. If the Senator will pardon me at that point, I want to remark that the reason for that is perfectly obvious. Industry is more complex now than it was 130 years ago.

Mr. NORRIS. Of course; the Senator has stated what I would have been glad to have stated.

Mr. WALSH of Montana. So that the trial of a case involving a patent which was taken out 100 years ago was comparatively a simple matter, as compared with the trial of a case involving a patent which is taken out now.

Mr. NORRIS. It was a very simple matter; but the cost is an important consideration now; so that a poor man has no business to attempt to get a patent. Does the Senator from Montana realize that if he were poor and invented a device, say, an electric light bulb, or something of that kind, which might involve putting out of business a device which was owned by a monopoly like the great Western Electric Co., or some of the other electric companies, though it might be more beneficial to man than almost anything else, he could not get anywhere with it, although the law protects him in his patent? Does he realize that he could not fight those companies and go through the courts? Where would he get the money to hire a lawyer who would spend five months in trying such a case?

Mr. WALSH of Montana. I painfully realize that, Mr. President.

Mr. NORRIS. There is absolutely no show for a poor inventor, although the books are full of statutes which in themselves are just.

Mr. WALSH of Montana. I could avail myself of some experience in just exactly that line. A client of mine invented the band which is used as a brake now on all automobiles; at least he so claimed. He did not invent it with the purpose of having it apply to automobiles, but it was designed as a brake for wagons. The incident occurred a number of years ago. Instead of the ordinary band brake he invented a brake consisting of a band which was to go about the hub of the wheel of a wagon. He insists—and I have no doubt, correctly—that that invention has been stolen and used as the means of braking automobiles. It is a very valuable invention, but, Mr. President, it would cost him exactly as much to try a case involving that patent in a State court as it would in a Federal court.

Mr. NORRIS. No; I do not think so.

Mr. WALSH of Montana. The whole state of the art would be exposed by the great corporation which acquired the title if the case were tried in a State court, just exactly the same as if it were tried in a Federal court.

I have had considerable experience in that regard, Mr. President. We used to have very expensive trials in the State court in Montana, involving testimony given by experts touching apex rights, concerning which the Senator from Utah will be able to testify. Exactly the same expense was involved in the State courts so far as the development of the geological features and all that kind of thing was concerned as would have been involved in the Federal courts. So that, so far as patent cases are concerned, the additional expense arises by reason of the vast development of industry and the great complexity of the questions, it seems to me, rather than because the case is tried in a Federal court instead of a State court. I do not see how the same expense in a State court can be avoided except to some little extent in the matter of travel. So the Senator must go deeper; he must find, it seems to me, some other way to relieve litigants of the tremendous costs of which he complains. My client would be no better off if he could try his case in a State court rather than in a Federal court. He was unable to raise the money, and I was unable to raise it for him to carry on the litigation, and, as the Senator has suggested in other cases, he was obliged to abandon whatever claim he had, but he would have been obliged to abandon it if he had prosecuted the case in the State court. He could not raise the money to prosecute it in the State court, and, so far as that is concerned, the difference in expense would have been inconsequential.

Mr. NORRIS. Mr. President, has the Senator concluded?

Mr. WALSH of Montana. I thought I should like to make that statement.

Mr. NORRIS. I am not finding fault with the Senator; I am obliged to him for his suggestion. However, I do not agree with him at all that a patent case can not be tried in a State court for less money than in a Federal court. The illustrations that I have given from my own experience and the other illustrations all show that, perhaps with rare exceptions in a few places—and I do not believe they constitute an exception—it is always more expensive to litigate in a United States court than it is in a State court.

Mr. WALSH of Montana. Will the Senator pardon me further?

Mr. NORRIS. I wish the Senator would allow me to proceed for a while now, but I will yield to him if he wants to proceed.

Mr. WALSH of Montana. I was merely desirous of calling attention to the statement made by the Senator from New Jersey that it took 5 weeks or 10 weeks, or whatever the period was, to try in the Federal court in New Jersey the patent case mentioned by him. I undertake to say it would have taken exactly as long a time and would have been just exactly as expensive if the case had been tried in a State court.

Mr. NORRIS. I am going to take that case up after awhile when I get through with the general proposition, but I assert that it will cost more to take the same case through a United States court than it will through a State court. I do not believe there is an exception to that rule. If there is, it will be in connection with some peculiar kind of case tried in a city where both State and Federal courts are held and where both litigants reside. In such a situation the expenses might be the same; but the very fact that we have State courts in every county, and there are only two or three places in a State where the Federal court sits, ought to demonstrate that it is many times more expensive to prosecute litigation in the one court than in the other. It costs more to serve the papers; it costs more to hire the lawyers; it costs more for travel; it costs more for witnesses; in fact, everything is more expensive. No sophistry can get around that conclusion, Mr. President, for the facts are standing out here in bold relief. It is no defense to say that in some city where a United States district court sits and where a State court sits, in the county seat, perhaps there may be no difference between the cost involved in prosecuting suits in the State and Federal courts, respectively. I think there will be, for a litigant never fools with the United States court without paying more money than in the case of the State court. I never was able to do it, and I never saw anybody else who was able to do it.

Let us take a patent case. The patent law on the face of it does justice to everybody, and the courts will do justice to you when you get to the right place; but what happens? If you invent a device and secure a patent that conflicts with something owned by a rich man or a large corporation, and you are poor, I will tell you what happens. The rich corporation, absolutely in defiance of the law, pays no attention to your patent, let us say, and commences the manufacture of the article. What are you going to do about it? You commence an injunction suit in the United States district court. That patent may be a difficult, intricate thing. It may be a patent on some chemical process that standing by itself is of no account, but must be used with a dozen or perhaps a hundred other processes in order to get the perfected article, but when so used it would revolutionize the thing thus obtained. Suppose, for illustration, it is that kind of a patent. The big monopoly commences manufacture, as I said, in open defiance of law, and you hire a lawyer—if you can get one without paying a large amount of money, more than you have—to commence a suit for an injunction against this concern. You commence it in the district court of the United States. It may be that they have manufactured the patented article in different parts of the United States. Very likely they have. Somebody will be appointed to take the evidence, and he will travel all over the United States taking it. He will be months taking it, perhaps years taking it. Eventually it will get back to the district court, and there your lawyers will argue whether it is sufficient or not. You have not been able to put up a bond to get a temporary restraining order, because you have not money enough to do it, and they keep right on manufacturing your patented article just the same all the time. When you get to trial you win the case, because you have a good case, you are honest, and they have no standing whatever. The judge decides in your favor.

It may be that somewhere in the taking of the evidence an error has been committed. If so, it has been safely guarded and tucked away. They take it to the court of appeals, and you have to send your lawyer there, and he has to travel to do it. You have had to pay a whole lot of money so far. You have probably lost everything on earth you had by this time, and can not go any farther; and if you have, all the time, perhaps, you have had an offer from the other side that they will pay all the costs and pay your attorney's fee if you will make an assignment of the patent to them. What are you going to do about it? Suppose you do not accept it. You have a little money; you have forty or fifty thousand dollars, but you ought to have a million dollars before you go into that kind of a fight. You go on then to the court of appeals. Perhaps the case is reversed on some technicality; but suppose it is not, but is affirmed. Two or three years have been lost. They are still making the patented article, paying no attention whatever to you. You win the case again.

They take the case to the Supreme Court of the United States. Maybe they find an error somewhere. If they do, the matter goes back for retrial. You travel all over that road again, and it takes two or three more weary years. What happens to you in the meantime? You probably die of old age before you get that far. But suppose you do not. Suppose you have had enough money to go that far and you win the case in the Supreme Court 10 years after the beginning. You have spent $50,000, and what do you get when you get the judgment of the Supreme Court? You get an injunction restraining them from manufacturing this article further. You are entitled to damages—maybe a million dollars, if it is an important patent; maybe $2,000,000, maybe several hundred thousand dollars. You proceed to get it. What do you do?

You have to commence another suit away back in the district court again, and another commissioner is appointed, and he roams all over the United States, wherever that article has been manufactured or sold or dealt in, and gathers evidence; and after two or three years of traveling he gets the evidence together and the case comes before the district court, and there the report of the commissioner is made and the matter is argued again.

Suppose you win that case, and they find there that you are entitled to $500,000 damages, and a judgment is rendered against them. What next? The same weary road—on up to the Supreme Court, and before the matter is finally decided maybe you have had to go up there three or four times. If errors have ever been committed, the case goes back for a retrial; but eventually, Mr. President, while you may have started out early in life, you finally, like Jarndyce against Jarndyce, reach the Supreme Court for the last time, and you are old, decrepit, gray-haired, ready to die, and get a final adjudication of your judgment. The chances are ninety-nine to one that you never will get that far. You can not get that far unless you are wealthy. The poor man will stop; the poor man will die somewhere on that road that he is traveling.

In a very important hearing a year or two ago before the Patent Committee some of the greatest patent lawyers in the United States were present to testify, and one of the greatest was on the stand making an argument when I put this question to him myself:

> Suppose a poor man does invent some important thing and gets it patented under the law, and, for the purpose of the argument, let us assume that there is not any question about the legality of the patent, and a great, rich corporation absolutely ignores it and defies it and goes ahead; and suppose that poor man came to you. What advice would you give him?

He was very honest, very frank, and told just what he would do, and he told the right thing; there is no question about it. He said:

> I would tell the man to sell out at the very best figure he could get. There is no hope for him.

I am not claiming that this will give full relief in a case of that kind. We could change that by changing the patent law. I am not claiming that this would give relief, but it would cheapen the matter a great deal. This five months' time in this court in New Jersey, I have no doubt, was not taken up by the judge, but it was taken up by the referees who were taking evidence, maybe traveling around in other States getting evidence. The case was perhaps pending that long; it perhaps needed an attorney every day in court somewhere for five months, but not before the United States court.

Mr. President, there is no doubt but that the most expensive place to litigate in the United States is in the United States courts. That can not be gainsaid; and justice is not any better there than it is in the State courts—not a particle.

Mr. President, I have gone over the fact that we have a duplicate system. That is very expensive. That is not efficiency. We have the most inefficient system in the world. We could hardly make it worse unless we should make it triplicate instead of duplicate. I do not know how the system can be defended on fundamental principles. Nobody claims now that justice can not be obtained before a judge because he happens to be a State judge. One of the fundamental principles which have come down in the common law is that a man charged with a crime must be tried by a jury of his peers; that no man can be hauled away from the place where the thing happened, or is alleged to have happened, and be tried in a strange land. That has been sacred in the common law. We adhere to it yet. We claim it as one of the stand-bys of human liberty. Why does it not apply to a judge? Not so much, I will admit. Why should not the same thing in a degree, at least, apply to a judge? How can we be consistent, Mr. President, if we say you will have to

submit to the verdict of a jury of your peers in the locality where the crime is alleged to have been committed, but you can be tried by a judge who has come 5,000 miles to try you? That is what this bill allows. That is what our United States courts allow. They can not help it.

The Federal judges are not familiar with local conditions as the State judges are. They are not responsive to the pulsations of humanity. They are held aloof by their positions, holding them for life as they do. Without charging, without even thinking of any individual, when you take the ordinary men, the able men of a community, and give them positions for life at a large salary, while I do not believe that all of them will be affected, while I am not claiming that half of them will be affected, I do know and we all know and God knows that many of them will be affected; that the security of a life position and a life salary makes them forget too often the toiling masses who are struggling for an existence. Thus we have another prejudice, either right or wrong, that has grown up against the Federal courts, and it is getting to be a common thing now.

One of the principal uses of the Federal judge is to have him issue injunctions. Some time ago the Federal Trade Commission, I understand, undertook to investigate the United States Steel Trust. They were promptly met with an injunction restraining them from considering it. They undertook, I understand—I am not familiar with the facts—to investigate the anthracite coal business or, anyway, some coal business, and were met with an injunction restraining them from going into it on the ground that the operation of coal mines was not an interstate business, and hence they had no jurisdiction. I am informed that at the same time, in one of our States where there is a good deal of coal mined, an action was commenced by a similar commission, holding its authority from that State, and they were met by a Federal injunction restraining them from going on with that investigation on the ground that the coal business was interstate. So they catch us coming and going. You can take your choice, you who are paying fabulous prices for coal and are perhaps doomed not long hence to pay increased prices. Some Federal judge somewhere will probably grant an injunction, whenever it is necessary, restraining a Federal commission, the Federal Trade Commission, for instance, from investigating and from publishing the facts.

Not long ago, I am informed, the United States Railroad Labor Board, provided for in the Esch-Cummins law, had a hearing on a complaint of some kind of a dispute between the Pennsylvania Railroad and its employees, and it was about to decide the case against the Pennsylvania Railroad when they were promptly met with an injunction restraining them from rendering a decision.

Mr. President, I do not believe such decrees, which I conceive to be unreasonable and destructive of good government, could be obtained in State courts. Some judge who has been influenced by a life tenure may, with perfect honesty, as he views the situation, grant such an injunction, but no Federal judge ought to have a right to grant an injunction against another Federal authority from performing a duty laid down by law.

I read from a paper called "Labor," of date February 25, 1922, in which it is said, only reading part of the article:

> In the meantime the 24-hour injunction granted by Judge Landis on December 9 is extended with each postponement and the labor board is restrained from handing down a decision originally intended to be made public on December 12 finding the Pennsylvania Railroad guilty of disregarding decisions of the labor board and violating the transportation act, all of which permits the carrier to continue defiance of the law in a "legal" manner.

Mr. President, if the judges of the United States courts would take less time in trying to issue injunctions restraining other public officials from performing their duty, they would have more time to clear these congested dockets and try these cases which are pending in the United States courts.

This same paper describes a condition which has occurred down in Alabama.

Mr. STERLING. What is the date of issue?

Mr. NORRIS. It is the issue of February 25, 1922. I do not know whether that injunction against the Federal Railroad Labor Board is still kept alive or not. I never heard of the board rendering its decision. But the idea of Congress passing a law providing for the establishment of a board to do certain things, and when they have hearings and decide the case the party that finds out it is going to be beaten in the hearing after the trial slipping over into court and getting an injunction restraining the board from handing down its decision. We can not be surprised if there is prejudice amongst the common people against United States judges.

In the same paper from which I read before there appears this article:

> On February 15 agents of the United States marshal, without legal warrant and in the most outrageous manner, invaded the offices of the joint strike committee and carried away books and documents, many of which had nothing whatever to do with the conduct of the strike, and are holding them while Buggs—

He was the receiver of a railroad down there—

> and other representatives of the railroad are making photographic copies to be used by private interests in their fight against striking employees.

That has been righted since, I think. The court has set it aside. But this describes how they got a subpœna, got the men in the office out of the way, and while they were gone got another subpœna duces tecum to get the documents, so as to photograph them and copy them, something which had nothing to do with the litigation which was pending. They wanted to fortify themselves against a labor union and used the United States court officers as instrumentalities by which they could get a record.

When I read that, Mr. President, I remembered most vividly that when the Federal Trade Commission was trying to investigate the packers in Chicago, when they sent over to the packers' offices and tried to get their letters, they were met with an injunction of the United States court compelling them, before they could get any letter or anything they had, to specify in the subpœna just what they wanted. They had to tell what it was they wanted, and they were restrained from going at large over the office and looking through the files.

So the injunction of the United States court, which holds the great meat monopoly in Chicago blameless, restrained the commission from obtaining any evidence against the monopoly without specifying just exactly what it wanted. So an injunction of another Federal court down in Alabama seems to favor a railroad company against a labor union. The same law that protects the packer in Chicago ought to protect the most humble laboring man in the union.

As I understand it, later on in this case down in Alabama the judge, when there was brought to his notice what had been done by the officials of the court, repudiated it, brought them into court, made them surrender everything they had taken, and destroyed all the photographs and copies; so again it was no fault of the judge himself.

Mr. President, when courts are operated hundreds of miles away from the people who are affected by their action you can not expect the same faith, the same confidence—no, nor the same justice—you would get from a court which operates in a community where the people affected live. That is the reason I think we ought to abolish United States courts and give all their jurisdiction to State courts.

There is a provision in this bill which seems to me to be injurious, and that is the roving provision, sending the judges around, bringing all senior judges here to Washington every year at the expense of the taxpayers. If we get justice at the end of this circuitous business, if at the end of Jarndyce against Jarndyce justice is dealt out, the people to whom justice ought to be given are dead before it reaches them.

I think there are some provisions in this bill which ought to be adopted, because there are some places where there ought to be more judges until we get the permanent remedy which I think would give permanent relief. But there is a provision in the bill providing for the senior circuit judges coming to Washington, and, with the Chief Justice of the United States, going over the judicial situation in the United States, reviewing it, talking about it, and I suppose agreeing on a plan for the next year.

Mr. STERLING. Mr. President, I hope at least that the Senator from Nebraska will consider what I believe to be the underlying reason or motive for that provision. It is for the purpose of expediting business in the Federal courts.

Mr. NORRIS. I know that.

Mr. STERLING. And it would be of relief to the people, the taxpayers, and to the litigants.

Mr. NORRIS. I know that is the object and the purpose of it, and the purpose of our whole United States judicial system was a noble one, as laid down by our forefathers, but when we come to put it in practical operation we find it does not work out right. It is duplicating, at an enormous expense, the State systems. I am not saying this was put in with any ulterior motive; I am not charging that by any means. The theory is beautiful, but I do not believe it will work in practice.

When these judges come to Washington at the expense of the taxpayers, I was about to say, what will they do? They will meet with the Chief Justice. They will be dined every evening somewhere. They will be run to death with social activities. They will be killed with social favoritisms before they get down to business. That is especially true in respect to the genial

Chief Justice we have, who dines out somewhere every night. I would like to pause right here to say, Mr. President, that I do not believe there is any man who can stick his legs under the tables of the idle rich every night and be fit the next day to sit in judgment upon those who toil. Honest though he may be, he can not get away from the atmosphere that will surround him, and ninety-nine times out of one hundred it will affect him and get him in the end.

There will come a time, if this is continued, when dinners will not be as fashionable or as enticing, when there will be people here in the Capital City who will not be dining out in high social fashion every night, and when they do go to social and friendly dinners you will find women there who wear dresses that come clear up over their shoulders and extend downward below the knees. When that time comes, Mr. President, even William Howard Taft would not accept an invitation to that kind of a dinner.

Mr. President, I do not believe there can be any doubt but what in the practical workings the annual pilgrimages these judges will make to Washington will have an unfavorable effect upon them and upon the common idea of the common folks as to the courts. We have to bear that in mind all the way through. It is demonstrated now that justice is too expensive. It is demonstrated by the testimony on all sides that the poor man has to pay too much to get justice, and when we add any more to the expense and to the other influences outside of the duties which ordinarily devolve upon judges, we further weaken the system. No man will be injured, no interest will be hurt, by the abolishment of the United States courts and the conferring of their jurisdiction upon the State courts.

Mr. SHIELDS. Mr. President, without any preliminary remarks upon the subject I want to place before the Senate the business transacted in the Federal courts of New Jersey and compare it with some of the other districts where the Senate has held, both in the Committee on the Judiciary and upon the floor of the Senate, that additional judges are not required.

In my opinion, there is absolutely no demand and no necessity for an additional judge in the district of the State of New Jersey. They have three judges there, one of the judgeships created, I understand, not later than 1916. In addition to that, the judge of the United States circuit court lives in the State of New Jersey and has ample leisure to devote much of his time to district business. The third circuit is composed of Pennsylvania, New Jersey, and Delaware, and there is no great amount of business in the circuit court. The statistics given in the Attorney General's report show that in the third circuit the cases determined in the fiscal year 1920–21 were 124 and that there were 98 cases remaining on the docket for three judges to dispose of. Delaware has practically no business. The principal business is in the States of New Jersey and Pennsylvania. Practically there are four judges already there who can be reached to transact whatever business there may be.

We have seen by statements made on the floor which can not be controverted that bankruptcy cases and draft cases can not be considered in a statement of the business pending in the courts. That was recognized by the Attorney General in his annual report and it was recognized by all the gentlemen who appeared before the committee while considering the bill. Those cases should, therefore, be eliminated.

Eliminating those cases, there were pending on the docket of the New Jersey Federal court on the 30th of June last 1,860 cases. With three district judges to try them, that would mean 620 cases each. If the circuit judge would give any of his time to the trial of cases, there would only be 465 cases each pending at the close of the year.

I wish to direct the attention of Senators to this fact, and every lawyer will recognize it at once. When we enumerate the cases pending on the docket of any court, it does not mean that they are all there ready for trial. Some of them may have been there for some time and are yet unprepared. Some of them may have just been filed that same day. Some of them may have been brought 30 days previously, and the return of the summons just made or even not yet made. Some of them may be just at issue, and in the usual course of procedure and practice of the court can not be tried for six months or until the next term or the second subsequent term of the court. Every lawyer, I think, will agree with me that of the cases nominally upon the dockets there are at least 25 to 33 per cent of them not then ready for trial and not then really pending. Do I place it too high?

Mr. CUMMINS. I do not think so.

Mr. SHIELDS. So a statement of pending cases does not give any clear idea of the congestion of the docket. While there are 1,860 cases pending in New Jersey, I should say that at least 500 of them could be stricken off as not ready for trial and not really pending in the sense of producing a congestion. But grant that they are pending; if three judges work, there are only 620 cases each, and they can all sit at the same time. With the assistance of the circuit judge in that State there are only 465 cases each.

Another consideration is that many of the cases which have just been brought or the indictments just found perhaps will go off the docket without a trial and without consuming any substantial amount of the time of the court. The statistics of the Federal courts of all cases disposed of in the year show that more than half of them are dismissed, discontinued, go off on demurrers sustained, or, in the case of criminal cases, about four-fifths of them go off on pleas of guilty, taking no time whatever of the court.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. SHIELDS. I yield.

Mr. DIAL. I would like to ask the Senator if it is not true also that the causes of a good many of these cases will be removed as we get further away from the war?

Mr. SHIELDS. I will answer that question upon the evidence of the three district judges who made the report to the Attorney General and the evidence of the Attorney General himself. The Attorney General himself said the peak of criminal cases growing out of prohibition and the war had been reached and he thought there would be a decline. They all admitted that the alleged congestion in the courts is temporary to a large extent, although the Attorney General stated that on account of increased population—and it has not been very enormous in the country in the last 10 years—and the increase in business, and so on, there would be some increase on the civil side of the docket; and I think he is correct about that. Generally speaking, that is true.

Let us come down now to what the three New Jersey judges did in the year 1920–21, as appears from the Attorney General's report. The civil cases they tried numbered 109. Deducting those dismissed, they tried only 109 civil cases. Of the criminal cases, there were 478, after deducting the draft cases, and of those there were pleas of not guilty and dismissed on demurrer 426, so they actually tried only 52 criminal cases in that State in that year. I have been referring only to United States cases. There were other civil cases to which the United States was not a party, of which they tried 480, making a total of 641 cases that were tried in that year by those three judges, with the assistance of a circuit judge, or, if we take the district judges only, there were 214 cases each. If we add the circuit judge, there were very many less cases tried per judge.

I referred to the fact that the adjoining State is Delaware, which has a district judge with comparatively no business to transact. There is an oportunity for assistance from that source. The circuit judge of that circuit can assign the Delaware judge to New Jersey under the present statute. He can be designated to go there and hold court, so there is that extra judge, which would make five judges available to try this comparatively small number of cases on the New Jersey docket.

As to the fact that these cases are not very much litigated, the Attorney General's report shows that only 50 of them were tried by juries. Everyone knows that outside of a certain character of equity cases it is the jury cases which consume the time of a court.

That statement is a little startling after the lurid statements from judges and lawyers which the Senator from New Jersey read, but it will be noted that in these very glowing statements with reference to the congestion and business in that State they never gave any statistics; they never told of the number of cases pending or decided by the court.

They dwelt at length upon the great prosperity, especially in the manufacture of corporations in New Jersey, and showed ample ground for litigation, and a fertile field for litigation; but when we look at the Attorney General's report it will be seen that that soil was not cultivated much and produced a very small crop of cases, and that the three judges there were trying a very small number of cases, perhaps less than any other district judge east of the Mississippi River. The fact is, if we take the figures and statistics reported by the Attorney General, there is less excuse for an additional judge in New Jersey than in any other State that has been suggested here.

I want to compare that just a little with my own State, where the committee denied an additional judge. There are two districts over which Judge Edward P. Sanford presides, and, as I

have had occasion to remark on more than one day when discussing this measure, he is a comparatively young man, in the full vigor of life, able and industrious, a good lawyer, and a good judge. No one questions that he devotes all the time that he should to holding court in the two districts. In those two districts combined in the year 1920-21 he tried 561 cases. At the end of the year, when this estimate was made, the cases pending similar to those on the New Jersey docket were 921 in number.

Mr. NELSON. Will the Senator allow me to ask him to what district he refers now?

Mr. SHIELDS. I am referring to the middle and eastern districts of Tennessee. I am putting them together, because that is the work one judge is doing in Tennessee.

We saw that there were 50 jury cases tried in the State of New Jersey by all three of those judges, with the assistance of the circuit judge. Judge Sanford tried 177 jury cases during that same year. So we can see what he was able to do. He is a good judge, but he has no preeminence over others. I believe if others were just as industrious as he, they could try the same number of cases. Generally the men who have been appointed to these positions are men of ability and able to do the work.

I will just refer briefly to Florida. There they had only one judge. There were tried in that year, 1920-21, by the judge of the southern district of Florida 539 cases, and 97 of them were jury cases.

There were pending on his docket nominally 1,254 cases at the same time 1,800 cases were pending on the docket of the three judges in New Jersey, aided by a circuit judge. The Judiciary Committee and the Senate have said that there was no necessity in Florida for an additional judge; and yet in Florida one judge is doing practically as much as three judges in New Jersey, although they are assisted by a circuit judge, with Delaware available to help them out. The case of New Jersey is absolutely without merit.

In the mountains of eastern Tennessee there used to be current among the lawyers an expression, referring to a case that had no merit, that it was an absolutely "sleeveless case." I do not know how generally that expression is used, but in my opinion it applies to the character of case presented by the Senator from New Jersey. It does not appear that the Senator from New Jersey ever offered his amendment until after the bill was reported. No special bill was ever introduced to provide an additional judge, as there was in the case of Tennessee and in the case of Florida.

If the facts are as I have stated, the conclusion is inevitable that there is no necessity of onerating the people of the country with an additional judge for New Jersey. I do not care to dwell upon that subject further.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from California?

Mr. SHIELDS. I yield.

Mr. SHORTRIDGE. Is it not conceded on all hands that while the number of cases pending untried may be significant, it is by no means conclusive of the work done or the work necessary to be done? May we not admit, does not the learned Senator from Tennessee admit, that the number of cases remaining on the docket at the end of a given year, while informing and more or less significant, is not indicative or conclusive of the labor performed? Do we not know from experience that an energetic, capable, learned, conscientious judge may take a week or a month to try a given case, and thereafter dispose of a dozen small cases in a day? With great and unfeigned respect for the Senator from Tennessee, to repeat, I ask him, are we to attach the greatest importance to the mere number of cases disposed of? Should we not know the nature of the cases and inquire as to the character of the judges who perform their duties in the several districts throughout the country?

Mr. SHIELDS. I will answer the Senator's questions, and I will answer the last question first. I have been presuming that all of the judges are honest; that they are all capable; and that they are all discharging their duties. The Senator from California says that we must inquire into the character of the judges. If my statement be not correct, if the judges are not discharging their duties, the remedy for any particular district is not a new judge but the removal of the judge who is not doing his duty but is holding a public office as a sinecure, drawing money from the Public Treasury without consideration.

Now, as to the number of cases tried during a given year in one district and the number pending on the docket at any particular period being indicative of the business of the district, I say it is indicative. It is very strong evidence as to what work the judge has to do and has done. As to whether it is conclusive or not, I say it is not; there are other facts that may be considered; but the best evidence we have as to congestion is that which has been furnished us by the Attorney General and by the commission selected by him to examine into all these matters, by his two assistants who appeared before us, and by the Chief Justice, who came before the committee to testify.

Of course, the Chief Justice did not undertake to give statistics, but only made a general statement. That is all he did and it is all he can ever do. No one man in the United States sitting here in Washington, presiding over the greatest court in the world, the duties of which ought to consume his entire time, can through the senior circuit judges, after consulting with them in a week's conference in the manner described by the Senator from Nebraska, possibly learn what is to be done in the various districts. In human nature that would be impossible.

The Senator from California, I believe, lives in the northern district of California. I do not know whether or not he practiced in the southern district of California; but I doubt whether he has very accurate information of what is going on in the southern district of his State. I am not now practicing law in Tennessee, but when I was practicing law and living in the eastern district of Tennessee I had very little idea of the business on the docket of the court in the western district of Tennessee, 500 miles away from me. So the evidence which has been furnished us is the best evidence we have in reference to the manner in which business is handled in the various courts.

Every lawyer knows that in States similarly situated the litigation is along similar lines. Men and women are much alike everywhere, socially, economically, and in their litigious inclinations, although I know some people are more litigious than others. In the section of Tennessee in which I live, the mountain section, the people are more litigious and the court has a bigger docket than in the other section, though it is the smallest, I believe, in area. The east Tennesseeans like a fight. There were more of them in the Army than from any similar area in the United States. They love a lawsuit better than do any people in the world. They begin a lawsuit in the lower courts and never end until the last court has a say about it.

To refer to the case of Florida, the district court there has as many admiralty cases as has the district court in New Jersey. The statistics so show. Florida is developing rapidly, and many big lawsuits come before the courts there. In Tennessee big ejectment suits come before the courts, involving coal lands and iron lands, embracing all the way from 1,000 to 100,000 acres, sometimes valued at millions of dollars.

Under our land system in Tennessee titles are purely artificial, the State having been formed from territory ceded by North Carolina; and I defy any man from another State, who has not been raised in Tennessee, to go down there and understand the land system in a year or to conduct an ejectment suit.

A suit of that character is more difficult than a corporation suit or an admiralty suit or any other kind of suit, and it requires much time.

Now, I want to ask the Senator from California does he believe that a judge who only tries 170 cases a year on the average is doing all he can do?

Mr. SHORTRIDGE. I can not answer that without knowing the nature of the cases being tried. There are many cases—civil and criminal, admiralty causes, causes involving patent rights, causes involving interstate commerce laws—which might take up the time of the most industrious and learned judge for weeks.

Mr. SHIELDS. Certainly those cases are about the same all over the United States.

Mr. SHORTRIDGE. That may or may not be so. But answering the Senator's question, I would not arbitrarily say, in considering whether a judge was good or bad, that the number of cases tried by him was conclusive, even though he tried but 107 cases or 117.

While I am on my feet, without wishing to break in on the Senator unduly, I would rely upon the matured judgment, deliberately delivered, of the Senator from Tennessee as to the present necessity of an additional judge for the middle district of Tennessee, and I hope it will not be regarded as offensive if I remind the Senator that hitherto he has thought that there was need of an additional judge for the middle district of Tennessee. I do not mention that to embarrass the Senator, for I would not embarrass him.

Mr. SHIELDS. There is nothing the Senator could say on that subject that would embarrass me, either as to the courts or the country or the people of eastern Tennessee.

Mr. SHORTRIDGE. Certainly not. I have relatives in eastern Tennessee who bear my name, and they are fairly good people.

Mr. SHIELDS. Mr. President, I can shorten the controversy. I absolutely, of my personal knowledge, do not know anything in the world about it. I have been in the Senate for nine years; I have never been in those courts, except casually. I venture to say that every other Senator here is in the same situation practically, although the Senator from California has not been away from the courts of his State so long. However, the best evidence before the committee, in fact, as I remember, the only evidence, that additional judges ought to be provided for California is found in the facts I have been stating as to the number of cases the judges tried and the number of cases pending on their dockets. Those facts, as in the case of every other district, are before us. There is no special evidence of any consequence except the lurid statement of some fellow—I will not use the word "fellow" and I do not want to make the statement too strong, but while there is a vacancy there is always hope of filling it, and as to some judges who are not trying many cases it looks to me as if they want some relief.

I do not attack the integrity of the judges. I never did that in my life; I never did it prior to the time when I was on the bench; I never did it on account of politics. My State is peculiar. I have practiced in that State before circuit judges and criminal judges and chancellors who were all Republicans. I have tried political suits in which I represented Democrats against lawyers representing Republicans, but I never suspected the integrity of one of those judges or that he was biased on account of politics or corrupt on any other account. The ticket for the supreme court and for the intermediate appeals court runs all over the State. The State is and ought to be Democratic, and while it slipped a cog at the last election it will never be done again, in my judgment.

Mr. SHORTRIDGE. I do not want to sit silent and admit that the Senator is a prophet.

Mr. SHIELDS. There are Democratic judges in that State also, and I have never suspected one of them, and no Republican lawyer in Tennessee does. I have the utmost confidence in the integrity and purity of the judiciary, and my contest in this case and my efforts here have been to sustain the judicial integrity and purity. I yield the floor.

Mr. CUMMINS. Mr. President, I desire to ask whether any other Senator is ready at this time to speak upon this bill or upon any amendment connected with it?

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arizona?

Mr. CUMMINS. I yield to the Senator from Arizona.

Mr. ASHURST. I was going to suggest that from the observation made by the Senator from Iowa it was apparent that we might be recessing or adjourning. It seems to me that we ought to proceed, because we must vote at 4 o'clock to-morrow.

Mr. CUMMINS. At 4 o'clock to-morrow.

Mr. ASHURST. I think we ought to go right along with the bill for another hour.

Mr. CUMMINS. My judgment is that before we could get a quorum the time would have come to adjourn, and I had it in my mind to move a recess, after an executive session, until 11 o'clock to-morrow. The Senator from Arizona knows how difficult it is to get a quorum at this hour in the afternoon.

Mr. ASHURST. Oh, I have no idea of making a point of no quorum. I probably shall do that which will drive out a quorum; I want to make a short speech, lasting three or four minutes.

Mr. CUMMINS. If the Senator wants to speak upon the bill, of course I shall not make any motion.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from Iowa or the Senator from Tennessee a question? I desire to know if the Judiciary Committee gave any attention to the suggestion of increasing the number of United States commissioners rather than increasing the number of judges? The judge of the district court of Boston, in addressing the bar association a short time ago, thought the congestion in the courts could be relieved very much by increasing the number of commissioners and increasing their jurisdiction, rather than by increasing the number of judges. Has the Judiciary Committee considered that aspect of the question?

Mr. SHIELDS. That was discussed in the committee; but while the committee really came to no definite conclusion in the way of a vote upon the subject, I think the majority of the opinion was that under the Constitution commissioners could not be vested with sufficient power. There was a difference in the committee upon the subject; but, as I say, I think the majority were of the opinion that such a remedy was not available.

Mr. WALSH of Montana. Mr. President——

Mr. WALSH of Massachusetts. I should like to have the opinion of the Senator from Montana, also.

Mr. WALSH of Montana. I think the opinion expressed by the Senator from Tennessee was universally entertained in the committee, that the judicial power could not be vested in commissions; that is to say, they could not be empowered to act the part of judges. It was suggested, however, that a very great relief could be accorded in substantially the same way—that is to say, by appointing what might be spoken of as auxiliary or deputy judges, given the power to try these comparatively trivial cases which come before the Federal courts and are generally referred to as police court business. For myself, I think it exceedingly unfortunate that these Federal judges, judges of the district courts, should be required to spend their time trying cases that in the ordinary jurisprudence would go for adjudication before some inferior tribunal, acting generally in a summary way.

Mr. WALSH of Massachusetts. The Senator's statement is in line with the opinion of the justice to whom I have referred.

Mr. WALSH of Montana. Yes. Such judges, however, would be United States judges. They would be appointed, as a matter of course, for life, just the same as the existing district judges. I should see no particular objection to that, however, because really the clerks of the district courts are practically appointed for life, because a judge having once appointed his clerk, he continues in office so long as the judge does, as a rule, and the judge remaining for life, the clerk remains for life. So I do not see that there would be any particular objection on the ground that these inferior judges would have a life tenure, just the same as the judges of greater dignity; but the Chief Justice seems to regard the suggestion with very little favor, and I am inclined to think that perhaps his opinion was somewhat influential with the committee. I spoke as apparently does the Senator from New Jersey about the matter because I received a letter from a very distinguished judge out West who expressed exactly the same view, that the situation would be greatly relieved if some system could be devised by the granting of jurisdiction to commissioners, as he expressed it, or to some other judges, judges of inferior grade, who would handle this police court business.

Mr. WALSH of Massachusetts. Has the increase in business been largely of a trivial character, similar to police-court business?

Mr. WALSH of Montana. I think the hearings before the committee rather tended to dissipate the public opinion that the congestion complained of is very largely due to the Volstead Act and other prohibition legislation.

Mr. WALSH of Massachusetts. That seems to be the popular opinion.

Mr. WALSH of Montana. Undoubtedly it has contributed very much to the aggregate of the business of these courts; but in the deliberations of the committee and in the assignment of judges as they are assigned by this bill practically no attention whatever was paid to the prohibition cases. The judgment of the committee, I think, in every instance, either in rejecting or in granting an additional judge, was based upon the business outside of the prohibition cases. I think the Senator in charge of the bill will confirm that view; but, notwithstanding that, there is a vast amount of business of that character which could as well be disposed of by judges of the caliber of the ordinary municipal judge, and, in my opinion, with substantial justice at, I think, a very much reduced cost to the Government of the United States, thus enabling the district judge to give his attention to more important matters.

Mr. WALSH of Massachusetts. May I ask the Senator from Montana if he has expressed an opinion about the provision of this bill that provides for the transfer of judges from jurisdiction to jurisdiction?

Mr. WALSH of Montana. I intend to say something about that when I discuss the bill, as I propose to do briefly to-morrow morning.

EXECUTIVE SESSION.

Mr. CUMMINS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

RECESS.

Mr. CUMMINS. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to, and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Friday, April 7, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate April 6 (legislative day of April 5), 1922.

MEMBERS OF THE RAILROAD LABOR BOARD.

The following-named persons for reappointment as members of the Railroad Labor Board, for terms of five years:

LABOR GROUP.

A. O. Wharton, of Missouri.

MANAGEMENT GROUP.

J. H. Elliot, of Texas.

PUBLIC GROUP.

G. Wallace W. Hanger, of the District of Columbia.

UNITED STATES ATTORNEY.

George Springmeyer, of Nevada, to be United States attorney, district of Nevada, vice William Woodburn, jr., resigned.

UNITED STATES MARSHAL.

Albert C. Sittel, of California, to be United States marshal, southern district of California, vice Charles T. Walton, whose term has expired. This nomination is made for the purpose of correcting the name of the nominee, who was nominated March 21 and confirmed March 29, 1922, as Albert L. Sittel.

PROMOTIONS IN THE REGULAR ARMY.

To be colonel.

Lieut. Col. James Justice, Infantry, from April 1, 1922.

To be lieutenant colonel.

Maj. Royden Eugene Beebe, Infantry, from April 1, 1922.

To be major.

Capt. Robert Sherman Barr, Ordnance Department, from April 1, 1922.

POSTMASTERS.

ALABAMA.

Frank M. Johnson to be postmaster at Haleyville, Ala., in place of E. P. Lakeman. Incumbent's commission expired March 8, 1922.

CALIFORNIA.

Donald A. Parker to be postmaster at Etna Mills, Calif., in place of R. A. Crandall, deceased.

Harry A. Bradford to be postmaster at Hayward, Calif., in place of C. J. Hammond, jr. Incumbent's commission expired April 8, 1922.

COLORADO.

Mary H. Cowie to be postmaster at Boulder, Colo., in place of J. O. Miller. Incumbent's commission expired May 10, 1920.

F. Julian Dyer to be postmaster at Crested Butte, Colo., in place of A. C. Miller, removed.

Samuel H. Carlson to be postmaster at Julesburg, Colo., in place of Finley Dye. Incumbent's commission expired January 24, 1922.

GEORGIA.

Lavonia L. Mathis to be postmaster at Bullochville, Ga. Office became presidential July 1, 1921.

ILLINOIS.

Louis E. Ude to be postmaster at Carmi, Ill., in place of L. H. Boyd, resigned.

Fred More to be postmaster at Charleston, Ill., in place of Frank Johnston, removed.

Harker Miley to be postmaster at Harrisburg, Ill., in place of J. W. Davis, resigned.

INDIANA.

Lillian R. Stuck to be postmaster at Orland, Ind. Office became presidential January 1, 1921.

IOWA.

Grant E. Olson to be postmaster at Soldier, Iowa. Office became presidential April 1, 1921.

Clarissa A. Chandler to be postmaster at Lawler, Iowa, in place of D. P. O'Connor. Incumbent's commission expired January 24, 1922.

John A. Ruesink to be postmaster at Lime Springs, Iowa, in place of D. E. Horton. Incumbent's commission expired January 24, 1922.

Fred E. Dunton to be postmaster at Riceville, Iowa, in place of J. E. Dargan. Incumbent's commission expired January 24, 1922.

KENTUCKY.

Luther P. Maxey to be postmaster at Adairville, Ky., in place of O. D. Procter. Incumbent's commission expired February 19, 1922.

MARYLAND.

Alonzo M. Moore to be postmaster at Cambridge, Md., in place of G. W. Wright. Incumbent's commission expired January 18, 1920.

MASSACHUSETTS.

D. Anthony Sheehan to be postmaster at Weston, Mass., in place of D. A. Sheehan, resigned.

MICHIGAN.

Lewis E. Kephart to be postmaster at Berrien Springs, Mich., in place of J. C. Hoopingarner. Incumbent's commission expired July 21, 1921.

Herbert E. McElheny to be postmaster at Gobles (late Gobleville), Mich., in place of R. E. Vickers, deceased.

MINNESOTA.

Ingebright A. Hanson to be postmaster at Frost, Minn. Office became presidential July 1, 1921.

Robert L. Bresnan to be postmaster at Madison Lake, Minn. Office became presidential April 1, 1921.

MISSISSIPPI.

Charles C. Swetman to be postmaster at Perkinston, Miss. Office became presidential January 1, 1921.

MISSOURI.

W. Arthur Smith to be postmaster at Purdin, Mo. Office became presidential January 1, 1921.

Lorenzo T. McKinney to be postmaster at Marceline, Mo., in place of J. S. Walker. Incumbent's commission expired January 24, 1922.

NEBRASKA.

Joseph S. Jackson to be postmaster at Inman, Nebr. Office became presidential July 1, 1921.

Minnie Johansen to be postmaster at Loup City, Nebr., in place of C. F. Beushausen. Incumbent's commission expired February 4, 1922.

Fred Wolter to be postmaster at Ohiowa, Nebr., in place of Fred Wolter. Incumbent's commission expired February 4, 1922.

NEW MEXICO.

Effie C. Thatcher to be postmaster at Chama, N. Mex. Office became presidential July 1, 1920.

NEW YORK.

William E. Cartwright to be postmaster at Arnagansett, N. Y., in place of Ira Baker. Incumbent's commission expired February 14, 1922.

Leslie R. Bell to be postmaster at Manlius, N. Y., in place of J. J. Costello. Incumbent's commission expired January 24, 1922.

NORTH DAKOTA.

Viola Tomlinson to be postmaster at Oriska, N. Dak. Office became presidential July 1, 1920.

Anna M. Potter to be postmaster at Granville, N. Dak., in place of M. A. Leavy, resigned.

OHIO.

John Q. Sanders to be postmaster at Waynesfield, Ohio. Office became presidential October 1, 1921.

John P. Grassbaugh to be postmaster at Bigprairie, Ohio, in place of J. P. Grassbaugh. Incumbent's commission expired January 31, 1922.

Jasper A. Barrell to be postmaster at Malta, Ohio, in place of F. C. Thomas. Incumbent's commission expired January 31, 1922.

Joseph H. McKinney to be postmaster at New Concord, Ohio, in place of H. E. Miller. Incumbent's commission expired January 31, 1922.

Paul E. Muckley to be postmaster at Waynesburg, Ohio, in place of M. M. Mowls, resigned.

OREGON.

William S. Bowers to be postmaster at Baker, Oreg., in place of G. H. Foster. Incumbent's commission expired April 19, 1921.

PENNSYLVANIA.

William E. Vance to be postmaster at Unity Station, Pa. Office became presidential April 1, 1921.

Mame E. Hughes to be postmaster at Ward, Pa. Office became presidential July 1, 1921.

Charles W. McLaughlin to be postmaster at Mercersburg, Pa., in place of H. B. Krebs. Incumbent's commission expired February 4, 1922.

SOUTH CAROLINA.

Caleb F. Pendleton to be postmaster at Cheraw, S. C., in place of L. J. Huntley. Incumbent's commission expired August 10, 1921.

SOUTH DAKOTA.

Alfred R. Dendy to be postmaster at White River, S. Dak., in place of A. R. Dendy. Incumbent's commission expired January 31, 1922.

TEXAS.

Robert L. Witty to be postmaster at Bomarton, Tex. Office became presidential April 1, 1921.

Jacob Bennett to be postmaster at Bremond, Tex., in place of L. V. Holbert, resigned.

VIRGINIA.

Charles R. Coakley to be postmaster at Arrington, Va. Office became presidential April 1, 1921.

Philip B. Nourse to be postmaster at East Falls Church, Va. Office became presidential October 1, 1920.

James F. Walker to be postmaster at Fort Defiance, Va. Office became presidential July 1, 1920.

Winer Owens to be postmaster at Haymarket, Va. Office became presidential January 1, 1921.

Homo D. Gleason to be postmaster at Lovingston, Va. Office became presidential July 1, 1920.

Ann E. Copps to be postmaster at Schuyler, Va. Office became presidential April 1, 1921.

Bernard W. McGinnis to be postmaster at Shipman, Va. Office became presidential July 1, 1921.

Eva C. Hudson to be postmaster at Tye River, Va. Office became presidential April 1, 1921.

Benjamin A. Dratt to be postmaster at Woodford, Va. Office became presidential April 1, 1921.

WISCONSIN.

Simon Skroch to be postmaster at Independence, Wis., in place of Simon Skroch. Incumbent's commission expired January 24, 1922.

WYOMING.

Frank J. Estes to be postmaster at Salt Creek, Wyo. Office became presidential January 1, 1920.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 6, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy Spirit, Thou dost bless us with the countless mercies of life, and we thank Thee for the promise that the rest of the way need not be made alone. We offer Thee the unspoken praise of our hearts. We seek that calmness of soul that accepts problems and hardships which stir our best energies. Abide with us, dear Lord, that they may unfold into the fruits of righteousness, wisdom, and happiness. Refine our faculties, increase their capacity, and give them unity and direction. We would have our principles alive with splendid zeal. Under the ministry of Thy Spirit may they reaffirm themselves in unselfish and unwearied service for our Republic. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE.

Mr. GARRETT of Tennessee. Yesterday afternoon the gentleman from Texas [Mr. BLANTON] rose to a question of privilege, but it was held by the Chair not to be a question of privilege on the ground that the matter did not present a question of privilege, and the gentleman from Texas asked unanimous consent that he might proceed briefly, stating that it was a matter affecting the entire House. Objection was made, but I have reason to think that that objection would not be pressed, and I ask unanimous consent that the gentleman from Texas may proceed for 15 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Texas [Mr. BLANTON] may proceed for 15 minutes. Is there objection?

Mr. WALSH. Mr. Speaker, is this a matter that he spoke on yesterday?

Mr. BLANTON. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes at the conclusion of my colleague's address.

The SPEAKER. The gentleman from Texas [Mr. GARNER] asks unanimous consent at the conclusion of the address of his colleague to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, during my entire career in Congress I have never yet said on the outside behind their backs anything about the House or any of my colleagues which I had not theretofore already said on this floor face to face in your presence.

On January 12, 1922, from this floor I made a speech against some of the perquisites of Congressmen. I made it in your presence face to face. A few days previous I had fought against the Ireland resolution passed by this House paying all losses of our restaurants in the Capitol and House Office Building out of the Treasury. As usual, I was ridiculed by a Member. The lady from Oklahoma claimed that I favored using one roller towel a week for a family. My speech from this floor on January 12, 1922, showed just what is furnished to Congressmen and the perquisites we enjoy. In my speech at Austin, Tex., I made just such statements as I had made on this floor.

Yet in attempting to quote me in last Sunday's issue the New York World garbled facts with fiction.

I did not say that Congressmen are shaved free. I said that our barbers have their barber shops, furniture, fixtures, lights, heat, water (hot and cold), towels, and such things furnished to them free, paid for by the Government, and in addition were paid salaries of $70 per month out of the Treasury, and that we paid them 25 cents for haircuts, when double and treble this fee is charged in commercial shops. I said the body rubbers in our bathrooms were paid $95 and $78 per month, respectively, out of the Treasury, and that it should stop.

I said that in our splendid offices we are supplied with a secretary and clerk, at an expense of $3,200 per annum, with $480 bonus added; that we are supplied with the finest furniture and carpets, two typewriting machines, comb and brush, clothes brush, soap, hot and cold water, electric fans, and clean linen towels every day. I did not say that the rug on my office floor cost $500. I said that the carpets and rugs in some of the large suites of committee chairmen cost $500. And if you will look on page 363 of our Clerk's last report you will see that the rugs and carpets for the Interstate and Foreign Commerce Committee rooms cost the Government $1,124.80. And on page 368 you will see that for the carpet on this floor our Government paid $10,078. And on page 366 you will see that for each Wilton rug that goes into our ordinary offices the Government last paid $191.75 each. In stores they would cost citizens much more.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment.

I did not say that the Government supplies each Congressman with a whisky flask, a poker set, pocketknives, and so forth. What I said was that in the Sixty-fifth Congress each Member had credited to his account in the stationery room $375, and in the Sixty-sixth Congress each Member had credited to him $375, and in the present Congress each Member has had credited to him already, since April 1 last year, $250, and will have another $125 credited to him there on December 1, ostensibly to buy stationery, and that we are permitted to draw this out in cash, if we want to, or we are permitted to buy anything kept in the House stationery room and have it charged against our stationery accounts. I said that these employees in the House stationery room are paid out of the Treasury to wait on us. I said that there is kept there for sale, and I exhibited on this floor the articles I procured for the purpose from said stationery room—whisky flasks covered with ostrich skin leather; ladies' fine bags covered with ostrich skin leather, worth wholesale $22.40; fine leather-covered poker sets, playing cards by the dozen; ladies fine manicure sets, all pearl covered, worth wholesale, $26——

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment.

Sets of carving knives, forks, and steels, copper chafing dishes, worth wholesale $15; pearl-handled pocketknives, worth wholesale $8; and large hunting knives. I showed that any Member could buy these things, if he desired, and have them charged against his $375 credit for each Congress of three sessions. And I said then, and I say now, that it should be stopped.

I did not say that each Member receives $2,100 mileage. What I did say was that in the Sixty-fifth and the Sixty-sixth Congresses, the mileage paid to the Texas Members would average $2,100 for each of these Congresses, and that it would average $2,100 for this Congress to each Texas Member. As a

matter of fact, it averages $2,191.44 to Texas Members. Where there are three sessions to a Congress, as in the Sixty-fifth, the Sixty-sixth, and the present Sixty-seventh Congress, each one of us Texas Members gets three mileage checks per Congress, and each of these checks average $730.48. To show exactly what each of these three mileage checks amounts to, I quote from the Sergeant at Arms' books the following:

Amount of each mileage check issued to Texas Members.

Hatton W. Sumners	$707.20
Marvin Jones	736.00
Clay Briggs	702.80
Sam Rayburn	673.20
Harry Wurzbach	783.60
John N. Garner	851.20
Eugene Black	514.00
Daniel E. Garrett	602.40
C. B. Hudspeth	934.00
J. J. Mansfield	840.00
John C. Box	646.40
Tom Connally	740.80
Rufus Hardy	729.20
Thomas L. Blanton	717.20
Morgan G. Sanders	700.00
James P. Buchanan	840.00
Lucian Parrish	733.48
Fritz Lanham	697.20
Total	13,148.68

The above total divided by 18 shows that the mileage paid Texas Members averages $730.48 for each of the three sessions of Congress, or an average of $2,191.44 per Texas Member per each Congress.

Of course Members living in different parts received different amounts. The majority leader, the gentleman from Wyoming [Mr. MONDELL] receives $766 per session, or $2,298 per Congress, while the gentleman from Florida [Mr. SEARS] receives $386 per session, or $1,158 per Congress, and the distinguished gentleman from California [Mr. RAKER] receives $1,453.20 per session, or $4,359.60 mileage per Congress. And I called attention to the fact that there are over 60 bachelors in Congress, and that we all get mileage whether we ride trains or not, and that this overpayment of unnecessary mileage should be stopped.

I called attention to the fact that after I knocked out on a point of order and kept us from getting last year our usual cedar chest, pine chest, and oak chest, when a few weeks ago I again had a point of order sustained against same a majority of you supported an appeal from the decision of the Chair and put these items back into the bill. And none of you can defend successfully our receiving cedar chests paid for out of the Treasury.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment. I have just a few matters more. Then I will yield.

Though you may not believe it, I am working for the best interests of every Member in Congress. We can not defend these little, measly items of petty graft. I have seen some of the biggest, most important men in this House defeated at the polls and left at home. And unless we put an end to all this foolishness, sooner or later each one of us will be left at home, for our people are going to hold us individually responsible for same.

In my speech at Austin, Tex., I told my big audience there, and also at Houston, and also at Denison, that the great majority of you are just as much against all of these little items of graft as I am, but you have learned that if you ever oppose any of such items you are immediately called a hypocrite and a demagogue, and you take the path of least resistance and say nothing. Why, a distinguished Member told me yesterday that if I kept up my fight my colleagues would all dislike me. If that is true, I am ready to accept their dislike. If I can not criticize the things I find here that I think should be stopped in the interest of the people without my colleagues disliking me, then I must accept your dislike. For I came here to serve not you, my colleagues, but my 314,000 confiding constituents in Texas. My first concern is their interest. And if representing their interest loses me the friendship of every colleague here I am ready to lose it. But you are not that kind of men. And I want your friendship. But I want it only if you are willing to give it, notwithstanding my fights for what I believe is right. [Applause.]

Now I yield.

Mr. GARRETT of Tennessee. The gentleman has referred to these matters as "graft."

Mr. BLANTON. I was only saying what the distinguished gentleman from Mississippi [Mr. SISSON] said they were.

Mr. GARRETT of Tennessee. Among other things, the gentleman refers to the stationery account. Of course, I suppose the public generally understands that there is under the law allotted to each Member during a session of Congress $125 for stationery?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. Now, may I ask the gentleman a question somewhat personal?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. Has there been a session of Congress at which the gentleman himself has not expended that much or more for stationery?

Mr. BLANTON. Not for stationery alone, because I bought various articles.

Mr. GARRETT of Tennessee. That comes within the legitimate scope of stationery.

Mr. BLANTON. Well, for instance, I bought a typewriter, an extra one, that I needed, which is my property. It belongs to me.

Mr. MONTAGUE. You did not buy it out of the $375?

Mr. BLANTON. I bought it out of the $375 that is allowed me per Congress. I can take that typewriter home with me when I go.

Mr. GARRETT of Tennessee. Did the gentleman in his address in Texas state this matter in a manner to leave upon the audience which he was addressing the fair impression that Members were expending their stationery allowance for things other than stationery and outside of the limit of the law?

Mr. BLANTON. I am glad the gentleman asked me that question. I stated at Austin just exactly what I said on this floor on January 12, 1922, in your presence; exactly that, and no more. I left no impression there that I did not make in the RECORD and in my speech here to-day, that a Member, if he wants to, can take it all out in cash if he can get along with a little stationery. As a matter of fact, the distinguished gentleman from Tennessee knows that each of the committees furnishes us with a good deal of stationery, our own committees.

Mr. GARRETT of Tennessee. I do not know how it is with the gentleman, but since I have asked the question of the gentleman himself, I will say for myself that year in and year out there has never been a year in which the allowance for stationery alone meets my requirements.

Mr. BLANTON. That may be true; but I want to ask the gentleman this: If we spend it all for stationery, why is it necessary to keep all these items in that stationery room for sale at wholesale prices to Members? The manager of the stationery room told me that the wife of a Member of the House had come to him one day and asked him to buy a ton of coal for her. He told me that another Member's wife had come to him and asked him to have her shoes half-soled and charged to her husband's stationery account. I say that is a matter that we can not defend before our own people. We ought to stop it and stand on this floor and not be afraid of the gaff of the Members. That is what I have got to stand. But I can stand it. I have stood it all my life, and I am not afraid of the gaff. I have stood more than that in my life, and I am not afraid of the gaff that always follows such a fight.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. GARRETT of Tennessee. Of course, the gentleman did not leave the impression upon his Texas auditors, nor does he intend to leave the impression here, that the stock which is now in the stationery room is costing the Government anything?

Mr. BLANTON. Well, if the gentleman will figure up what it costs to put in that stock of incidentals I have mentioned down there, and keep them, and the general wear and tear on them, selling them at actual cost, what it costs this Government, considering what salaries are paid to clerks there, the distinguished gentleman from Tennessee is a good enough accountant to find that it costs this Government much money.

The SPEAKER. The time of the gentleman has expired.

Mr. GREEN of Iowa. I ask unanimous consent that the gentleman from Texas have one minute more. I want to ask him a question.

Mr. GREENE of Vermont. I object.

Mr. GARNER. Mr. Speaker, I desire to be recognized for 10 minutes.

The SPEAKER. The gentleman from Texas [Mr. GARNER] is recognized for 10 minutes. [Applause.]

Mr. GARNER. Mr. Speaker and gentlemen of the House, in these United States there are all kinds of liars [applause]—there are artistic liars, there are inartistic liars, and then there is the common, ordinary liar.

Mr. BLANTON. Well, I will hold the gentleman personally responsible to me if he calls me one.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] will take his seat. The Sergeant at Arms will see that the gentleman takes his seat.

Mr. GARNER. Mr. Speaker, if I may have order—I hope that the gentleman [Mr. BLANTON] will not leave.

A MEMBER. He has left.

Mr. GARNER. Mr. Speaker, when I look over here and see this grand old man from Pennsylvania sitting here [Mr. BUTLER], I know that he is a truthful man, and you could not make him lie. [Applause.] When I come over on this side and look at our distinguished leader [Mr. GARRETT of Tennessee], every man in this House will testify that you could not wring a falsehood from him. [Applause, all the Members rising.]

But, Mr. Speaker, I have in my mind's eye—I can not observe him just at this moment, of course—but I have in my mind's eye an individual, not a man—an individual, a creature, who is as common and base a liar as ever spoke a word of English in this country. [Applause.] I have in my mind's eye, Mr. Speaker, a man who, if he had the opportunity—mark my language; I want to stay within the rules of this House—who would if he had the opportunity place in the CONGRESSIONAL RECORD the menu of the restaurant in this building where we get our lunches, without the cost price of the different articles, in order that he might make the people of Texas believe that you were getting your food free of charge at the cost of the taxpayers of this country. I know a miserable, cowardly creature—I have him in my mind's eye at this moment—who would go to the stationery room of the House Office Building, make inquiry as to the purchase of a whisky flask, and when he found that he could not get it because they did not have them for sale, would ask the superintendent to send to Philadelphia and buy him one, in order that he might parade it in Texas as though it was given to the membership of this House free of charge at the taxpayers' expense. That creature, as I say, I have in my mind's eye. I know this individual would charge you with nepotism in order that he might parade his virtue in Texas, and at the same time have two of his children on the pay roll of the Government.

Mr. Speaker, it is a harsh thing to speak about individuals, even if they are only in your mind's eye; but I, speaking for myself alone—I say it with as firm a conviction as I ever spoke a word from the floor of this House that I believe that individual, that creature that I have in my mind's eye, would do anything in order to accumulate wealth or to place himself forward from a political standpoint. [Applause.]

Mr. Speaker, I want to say one word for the Texas delegation. I have not mentioned a name up to date, but I want to say to the membership on the Republican side of the House, because the membership on the Democratic side already know it—I speak the sentiment of every Member of the Texas delegation when I tell you that we hang our heads in shame and in humiliation every time BLANTON, of Texas, is referred to as our colleague. [Applause.] I speak for the Democratic Party here, I believe, the sentiment of every man in it, when I say that we look upon him as a liability and a distinct injury to our party. [Applause.] Ah, Mr. Speaker, I wish the rules of this House did not prevent me from expressing the viewpoint of all Members of the House. If I could only suspend the rules, Mr. Speaker, I would say what is in the hearts of the Members. I would say now, if the rules did not prevent me from saying it, I would say what 430 men believe at this moment, that THOMAS BLANTON, of Texas, is a discredit to the House of Representatives and ought to be kicked out. [Applause.]

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, in view of what has been said about the restaurant, the barber shop, and the stationery room, I think it is proper that there should be a brief statement made with regard to those institutions at this time. For many years, certainly far beyond my 25 years of service, certain colored men have been employed in the House who in addition to their other duties, for which they were paid a small salary, serve the Members and the employees of the House as barbers. I have never been shaved or had a hair cut in the House for which I have paid less than I would pay at any commercial shop anywhere. While a certain gentleman stated a moment ago that there was a cut-rate price, I have never heard of it. The necessity for the maintenance of barber shops in the House is apparent to anyone who knows anything about the business of the House. If Members and employees are to maintain a proper appearance, they certainly need the services of a barber and a hair cutter occasionally, and can not always find the time to go down town. It is necessary to have a barber shop. The barbers in the House are paid a small sum for work which they actually perform. In addition to that they serve the Members and employees, and they are paid for that service by the Members or the employees whom they serve.

We have had for many years a session allowance of $125 each for stationery. We procure that stationery through the stationery room. There lies on my desk to-day a statement from the stationery room to the effect that my stationery account is exhausted, and nothing has been purchased on that stationery account, so far as I know, except stationery and those things necessary for carrying on the work of my office. [Applause.] That is not an uncommon experience; it is, I think, the usual experience of Members who endeavor to serve their constituents by answering promptly and fully their correspondence.

We do furnish a room for a restaurant in this building. That is absolutely essential for the conduct of the business of the House and for the accommodation of those who have business with the House and its committees or of the visiting public. All are treated alike and all pay the same price. Quite recently an arrangement has been made under which under certain conditions it is possible that there will be something of a charge on the contingent fund for the maintenance of the restaurant, but that is doubtful. We pay at the restaurant for what we obtain there, and pay, I think, a very good price.

Mr. ASWELL. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. ASWELL. Does the gentleman know of any article that any Member has secured from the stationery room or the House restaurant without paying for it?

Mr. MONDELL. I know of no article that any Member has received or will receive from the restaurant or the stationery room that he has not paid for or will pay for.

Mr. ASWELL. And enough more to cover the overhead.

Mr. MONDELL. Undoubtedly; beyond all question. Now, I have never inquired of the keeper of the stationery room as to whether he could secure for me a whisky flask. [Laughter.] He is an accommodating gentleman, and if a Member of Congress asked him to buy a whisky flask for him I suppose he would feel it his duty to do so. I should think it would be a reflection on the Member to make such a request. I am not an adept in the great American game, and I have no knowledge whether any Member ever asked the gentleman in charge of the stationery room to buy him a poker set. If a Member desired a poker set—whatever that is—and was ready to pay for it, I suppose the accommodating young man who is in charge at the stationery room might feel disposed to buy it for him. I do not know just why, Mr. Speaker, it is deemed essential to drag that sort of thing into a discussion relative to the Congress. I have been here a long time, and I am glad to be able to say that with exceptions that are so rare as to be negligible—so rare that I can count them on the fingers of one hand—I would say that there has not been a man I have served with that has not been honest, upright, and faithful, nor a man who would under any circumstances stoop to graft. [Applause.]

Mr. BARKLEY. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. BARKLEY. I ask unanimous consent that the gentleman from Wyoming have another minute, in order that I may call his attention to a matter that I think should go into the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARKLEY. The gentleman has referred to whisky flasks; and the gentleman from Texas [Mr. GARNER] has referred to that subject. In order that the record may be clear, I desire to state that on the 5th day of January of this year the gentleman from Texas [Mr. BLANTON] went to the stationery room and asked for a whisky flask. They did not have it.

Mr. MONDELL. Certainly not.

Mr. BARKLEY. And they advised him that they did not keep them for sale. He then requested the stationery room to order him one. The stationery room ordered him one from Charles M. Griskey Sons, of Philadelphia, Pa. The order is No. 1815, on the records of the stationery room. The flask was ordered under No. 573–3–3 Ost. It was a pint flask, covered with ostrich hide, for which Mr. BLANTON paid in cash at the time he got it, the price being $6. [Laughter and applause.]

Mr. MONDELL. I assume that that was all done for the purpose of being able to make the statement that whisky flasks

could be obtained in the stationery room. I can not say whether the Member from Texas [Mr. BLANTON] is correctly quoted or not, but he certainly has been quoted all over the country as having stated, while exhibiting this same flask, that they were furnished to all Members from the stationery room.

Mr. BARKLEY. That is, no doubt, the flask he exhibited in Texas.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. The gentleman from Wyoming, I think, has covered everything that was mentioned of any consequence in the statement of the gentleman from Texas except the question of mileage. I would like to ask the gentleman from Wyoming if he knows how long it has been the law that a Member of Congress shall receive 20 cents a mile each way over the shortest traveled route between his home and Washington?

Mr. MONDELL. Much more than a quarter of a century.

Mr. STAFFORD. Since 1866.

Mr. SISSON. I think I can enlighten the gentleman. One of the first controversies that came up on the floor of the House after the Government was organized was the equalization of compensation of Members of Congress. In order that their compensation might be equalized the fathers of this Republic and the First Congress—or I think the second—provided that mileage should be paid from the home of the Member to the city of Washington and return, so that every Member of Congress might receive exactly the same compensation for services rendered here.

Mr. GREEN of Iowa. As a part of the salary?

Mr. GARRETT of Tennessee. I have wondered why, since all through the history of the Republic the mileage has been given and such men have taken it as Madison, Lincoln, Clay, Blaine, Conkling, and Carlisle, the gentleman from Texas could not take it without being contaminated. [Laughter.]

Mr. MONDELL. Mr. Speaker, in order that it may be clear, may I say that the mileage allowance is granted once a session of Congress. For one, I desire to offer testimony to the effect that during my service here, while I never have traveled except as it was necessary to travel between Washington and my home, the mileage allowance made to me, though it is a considerable sum, has not fully paid the bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. In order that the RECORD may show a little more accurately in reference to the stationery allowance, I want to say a word. Each Member of the House is entitled to a credit in the stationery account of $125 for each session of Congress. The average cost to the average Member of the House for his stationery supplies amounts to a great deal more than $125 for each session of Congress. That allowance was made years ago, before a Member of Congress even had a secretary, much less two. It is credit in the stationery room. The Member of Congress can withdraw the entire $125 in cash if he chooses to do so. That is what I have usually done since I have been a Member of the House. Then he pays for his stationery or other supplies of that character as he gets them in cash out of his own pocket. Having the right to withdraw the $125 in cash, he may obtain from the stationery room any kind of supplies which they will purchase for him, and it is then charged up to his $125, but when he does that he pays the other bills for his stationery out of pocket. It is in no sense graft. It is in no sense securing anything from the Government free of charge, and the insinuation that because a Member of the House has purchased some article which is not strictly stationery through the stationery room he has thereby participated in a species of graft has no basis in fact whatever. [Applause.] And such an insinuation is unworthy of any man with brains enough and any honor at all who is permitted to sit in this House. [Applause.]

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATION BILL.

Mr. HUSTED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065, with Mr. DOWELL in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—DEPARTMENT OF STATE.

OFFICE OF SECRETARY OF STATE.

Salaries: For Secretary of State, $12,000; Undersecretary of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; Director of the Consular Service, $4,500; officers to aid in important drafting work—8 at $4,500 each, 5 at $4,000 each, 15 at $3,500 each, 15 at $3,000 each, 17 at $2,500 each, to be appointed by the Secretary, any one of whom may be employed as chief or assistant chief of division or as chief of bureau, or upon other work in connection with the foreign relations; assistant solicitors of the department, to be appointed by the Secretary—1 $4,500 (who shall also represent the interests of the United States in all matters or investigations before the International Joint Commission created by the treaty of January 11, 1909, between the United States and Great Britain), 5 at $3,000 each, 2 at $2,500 each; chief clerk, who shall sign such official papers and documents as the Secretary may direct, $3,000; law clerks—1 $2,500, 2 at $2,250 each, 3 at $2,000 each; law clerk and assistant, to be selected by the Secretary to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; 2 translators, at $2,100 each; private secretary to the Secretary, $2,500; private secretary to the Undersecretary, $2,000; clerk to the Secretary, $1,800; clerks—27 of class 4, 30 of class 3, 40 of class 2, 63 of class 1 (3 of whom shall be telegraph operators), 40 at $1,000 each, 10 at $900 each; lithographer, $1,400; chief messenger, $1,000; 8 messengers at $840 each; 27 assistant messengers at $720 each; 4 messenger boys at $420 each; packer, $720; 7 laborers at $660 each; 4 telephone switchboard operators at $720 each; chauffeur, $1,080; 10 charwomen at $240 each; in all, $608,140.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, I am glad to state that I represent some people in Texas who believe in constructive legislation. [Applause.] I represent largely the live stock and farming interests of western Texas. About 50 years ago under a live oak tree near the home of my late lamented friend, Lucien Parrish, there was organized the Texas Cattle Raisers' Association. At that time it was organized for the purpose of protecting the legitimate cattle raiser from what was actually known at that time as the "cattle rustler," or cattle thief, to protect the man who owned the cattle from the man who wanted to acquire them dishonestly. That organization has grown until it now is known as the Texas and Southwestern Cattle Raisers' Association, comprising men in the live-stock industry of the best business attainments and moral standing, leading citizens of the States of Texas, Oklahoma, Kansas, New Mexico, California, and Arizona. It has to-day a membership of something like 15,000, the largest organization in the interest of the live-stock industry in the world. This organization is now endeavoring to secure cheaper freight rates for the shipment of live stock to market and to pasture in other States. It has now an application, and its secretary is here asking for a cheaper rate on range cattle to the markets and to the feeding grounds of Kansas, Oklahoma, Wyoming, and the great northwest. A conference was held by representatives of the railroads in Chicago yesterday to see whether or not they could agree that Ex parte 72 should be removed and the 20 per cent increase of last year should be reduced. If that is not agreed to, it will then be taken up by the Interstate Commerce Commission, and if it is granted it means a reduction in the shipment of cattle from Texas to the States of Wyoming, Montana, Nebraska, Oklahoma, and Kansas of at least 50 cents per head. This great organization, that was headed by one of the ablest men in Texas last year, Hon. W. W. Turney, a live-stock grower as well as a great lawyer, composed of business men, of leading live-stock producers throughout the West, men who have given their lives to the live-stock industry, is asking certain things at the hands of Congress. The amendment which was passed last year to the War Finance Corporation permitting said corporation to rediscount live-stock loans, has been the means of loaning something like $30,000,000 in my State, which has somewhat relieved the live-stock producers and stimulated the price of live stock. The live-stock producer has had a hard struggle since the armistice was signed, and the drop in prices of his product, but I am happy to say that in my State conditions are a little improved at this time, so far as the prices of live stock, wool, and mohair are concerned. Representatives of this organization met in convention at Fort Worth, Tex., recently and passed certain resolutions, among them one asking for the continuance of the War Finance Corporation from July 1 of this year to January 1, 1923. I trust that some of the majority, who at present are in control of Congress, because I know the credit will go to that side over there, will offer a bill, as you are interested in the live-stock industry as I am, extending the provisions under which this finance corporation can rediscount live stock and agricultural paper until January 1, 1923.

Mr. Chairman, at the convention in Fort Worth recently certain resolutions were adopted. One of those commended the Members of Congress who had voted to revive the War Finance Corporation as applying to the rediscount of live-stock paper and commended the friends in Congress of the live-stock industry generally. I want to state to you that the work of that splendid organization—the War Finance Corporation—has been, in my judgment, the means of saving the live-stock industry from financial bankruptcy.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, may I have one more minute?

The CHAIRMAN. The gentleman from Texas [Mr. HUDSPETH] asks unanimous consent for one additional minute. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDSPETH. Gentlemen, I do not wish to clutter up the RECORD. I do not think I have done that since I have been a Member of Congress. There have been very few times when I have asked to extend my remarks and a very few times have I asked to embrace in my remarks documents of any character, but here are some resolutions in which you are interested, because they commend you, passed by this nonpartisan organization at Fort Worth, and which they have asked me to present to the Congress. Inasmuch as I do not wish to take up your time by reading the resolutions, I ask unanimous consent to extend my remarks by including them, and I trust every Member will read them carefully, and I am sure he will be profited thereby. [Applause.]

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

The following are the resolutions referred to:

Resolution approving stand of Congressman HUDSPETH.

Whereas an article was published in the Commercial Bulletin of Boston on March 11 showing the correspondence between Robert L. Studley, of the Boston wool dealers, and Congressman C. B. HUDSPETH, of El Paso, Tex., the letters of Mr. Studley showing the position and stand taken by the wool dealers in favor of ending the emergency tariff and the firm stand taken by Congressman CLAUDE B. HUDSPETH in the defense of the woolgrowers and the continuance of the emergency tariff until such time as a satisfactory permanent tariff may be enacted by Congress; and

Whereas the letters of Mr. HUDSPETH show the sentiment and ideas of the agricultural bloc in Congress and of all the believers in a just and protective tariff for the producers of raw material in the United States: Be it hereby

Resolved, That we, the New Mexico Woolgrowers in convention assembled in Albuquerque, N. Mex., March 16 and 17, 1922, do hereby cast a vote of thanks and appreciation to Congressman C. B. HUDSPETH and the entire agricultural bloc who are so ably defending the cause of the producers of raw material in the United States: Be it further

Resolved, That the secretary be instructed to telegraph this resolution to Congressman HUDSPETH so as to cheer him on in his good work.

—

Resolutions adopted by Texas & Southwestern Cattle Raisers' Association convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas the needs of our great agricultural industry have received such intelligent and sympathetic attention in Congress: Therefore be it

Resolved, That the Texas & Southwestern Cattle Raisers' Association indorses the action of those Congressmen and Senators who have, with such great determination and high sense of justice, endeavored adequately to protect the welfare of the agricultural and live-stock producer, and urges the continuation of their constructive and helpful action.

—

Resolution adopted by Texas & Southwestern Cattle Raisers' Association convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas, owing to drought and deflation many live-stock producers who have invested the earnings of a lifetime in ranches and improvements, now having their ranches inadequately stocked, and, due to a lack of live-stock collateral, are unable to avail themselves of the benefits obtained from the War Finance Corporation by others more fortunate; and

Whereas there is now functioning a Government agency operating through farm loan banks providing farmers with cheap money for a period of 33½ years, 3 per cent of the principal to be paid annually, but with the amount which any individual can apply for so small that it is impracticable for the live-stock producer: Therefore be it

Resolved, That the Texas & Southwestern Cattle Raisers' Association recommends the enactment at this session of Congress of an amendment to the farm loan act to include more fully grazing lands and improvements, and the increase of the loan limit sufficiently to place live-stock producers on a parity with other agricultural interests.

—

Resolution adopted by Texas & Southwestern Cattle Raisers' Association convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas we heartily commend the action of Congress in conferring upon the War Finance Corporation authority to make loans to producers on approved collateral through banks and loan companies, realizing that immense benefits have been and are being received from that source; and

Whereas we deplore the fact that in many sections, owing to necessary delay in forming companies to receive applications, climatic conditions which make it impossible to round up and count cattle in the winter months will prevent many worthy producers from obtaining much-needed relief before July 1, 1922: Therefore be it

Resolved, That we deem the extension for 12 months from July 1, 1922, of the powers granted to the War Finance Corporation vital to the interests of all producers; and be it further

Resolved, That a copy of this resolution be forwarded to the Secretary of Agriculture and to all Senators and Representatives in Congress from the agricultural States.

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Resolution adopted by Texas & Southwestern Cattle Raisers' Association convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas the Texas & Southwestern Cattle Raisers' Association ever since the enactment of the transportation act have protested against the provision of the act known as section 15a, providing as a basis of rate making 5½ cents upon the aggregate value of the railroad in groups selected by the Interstate Commerce Commission as unjust, unreasonable, and unsound, and placing undue burden upon live-stock shippers, depriving them of the rights and remedies to secure reasonable rates, and fixing a standard which was impossible to attain upon reasonable rates that the industry could afford to pay; and

Whereas under the application of that act in the decision of the Interstate Commerce Commission which puts the same into effect, commonly known as Ex parte 74, wherein 35 per cent was added to the rates in the western group, embracing all of the country east of the Rocky Mountains to the Mississippi River, including Chicago, in addition to the advance made of 25 per cent during the war, and thus increasing the pre-war rates by 65 or 70 per cent and making rates which are unjust, unreasonable, and prohibitory to live-stock shippers who have been deprived of the right to just and reasonable rates and compelled to pay unreasonable exactions destructive of their business, under which the business can not be carried on; and

Whereas the railroads under the present basis of operating expenses and with reduced volume of traffic that has been occasioned by these advances in rates have not been able to earn and can not earn anything approaching the 5½ per cent in the aggregate or on the aggregate value of the property as assigned to them by the Interstate Commerce Commission approximating $60,000 per mile in the western district far beyond the real value of the property for any purpose for which it can be used or sold; and

Whereas under and by virtue of this act the Interstate Commerce Commission itself is without the power and by its action had deprived the States of their power to regulate rates so as to make them just and reasonable, and the attempt to do so has proven wholly impossible, and whereby the shippers have been deprived of the rights and remedies which previously existed under the law to just and reasonable rates: Now, therefore, be it

Resolved by the Texas & Southwestern Cattle Raisers' Association in convention assembled at Fort Worth, Tex., on the 14th to 16th of March, 1922:

1. That we urge the repeal of this statute, to wit, section 15a, and the return to the previous standard of fixing rates as that standard existed for a long period of years under the Hepburn law up to the time of this enactment.

2. That such additional legislation be enacted as may be necessary to protect the public against obligations to pay rates founded upon unreasonable and unfair valuation of railroads used for the purpose of calculating the rates that should be paid upon any fixed percentage of value.

3. That such legislation be enacted and such change be made in the law which creates the labor board as will not prevent the railroads of the country from obtaining labor at fair and reasonable cost commensurate with its worth and which will relieve the public of the necessity of paying operating expenses unduly enhanced by the excessive cost of supplies and materials, and in this connection we declare it to be the consensus of opinion of the live-stock producers represented by this association that railroad rates, wages, cost of supplies and materials shall stand their reasonable share in the deflation along with live stock and farm products, and that they bear their fair share and burden of reconstruction resulting from necessities brought about by the war or otherwise in our economic conditions.

4. We indorse and commend the resolutions heretofore passed by this association on this subject, and especially commend the resolution passed by the American National Live Stock Association at its annual convention at Colorado Springs, January 12 to 14, 1922.

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Resolution adopted by Texas & Southwestern Cattle Raisers' Association Convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

We denounce a tariff policy which discriminates against the live-stock producers and farmers of this country, and we demand that all import duties, whether levied for protection or for revenue, shall be so adjusted that they will not discriminate in favor of or against any industry, section, or class; and we especially denounce the systematic effort which is now being made by industries which have been highly favored by the Government through so many years to remove the duty on everything which they buy from the producers while still levying a duty on everything which they sell to the producers.

We favor a national policy of protection on labor and products that treats all classes, sections, and industries alike, and are opposed to any legislation that compels producers to buy in a protected market and sell in a free one.

We indorse the declaration of principles of the Southern Tariff Association and commend the intelligent work of that association.

—

Resolution adopted by Texas & Southwestern Cattle Raisers' Association Convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas the "announcement" and "plan" proposed by the committee of six for the creation of a national live stock and meat board appears to present a practical method of establishing cooperation between the various branches of the live-stock industry in matters where there is a mutuality of interest; and

Whereas the plan proposed is broad and democratic in principle and demands an equitable distribution among the cooperators of the benefits to be gained; and

Whereas the plan provides especially for a comprehensive educational campaign showing the relative value of meat for food, which campaign should greatly increase the consumption of meat and result in restoring it to its proper place in the diet of the Nation: Therefore be it

Resolved, That the Texas & Southwestern Cattle Raisers' Association heartily approves the "announcement" and "plan" and requests its president to appoint one representative to serve on the committee

of 17; and the association commends the plan to the National Live Stock Exchange and respectfully asks the cooperation of that body in financing it, as outlined by the committee.

Resolution adopted by Texas & Southwestern Cattle Raisers' Association Convention in session at Fort Worth, Tex., March 14, 15, and 16, 1922.

Whereas additional port facilities on the Texas coast are essential to the progress of Texas and the development of the State's great resources; and

Whereas such additional port facilities would aid materially in lessening the burden of existing high freight charges which are now retarding development and stifling industry in all lines: Therefore be it

Resolved, That the Texas & Southwestern Cattle Raisers' Association in convention assembled hereby petitions and urges the Federal Government to take such action as will assure the early establishment of such port facilities as the Federal Government may see fit to select.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For temporary employees in the Department of State, $250,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $2,500 per annum and not more than eight persons shall be employed hereunder at a rate of compensation exceeding $1,800 per annum.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman having the bill in charge as to the reason of the committee for not placing these empoyees provided for in this item of $250,000 on the statutory roll in the paragraph just preceding?

Mr. HUSTED. I will say to the gentleman that that is solely for the convenience of Congress. I think the State Department would have preferred to have them on the statutory roll. But these are temporary employees only. They are the men who are engaged in the visé and passport work. When that law is repealed, as it probably will be some time in the near future, this item will go out of the bill.

Mr. STAFFORD. Then do I understand that this entire amount of $250,000 is utilized for work in connection with the viséing of passports?

Mr. HUSTED. I will not say that it is all of it, but that is certainly the major part of it.

Mr. STAFFORD. May I suggest to the gentleman that originally this appropriation for temporary employees was not for any special work, but developed as a result of the war, and I am rather interested in hearing the chairman state that it is almost exclusively used for visé work.

Mr. HUSTED. It is really work that grew out of the war.

Mr. STAFFORD. But Secretary Lansing, when he appeared before the legislative subcommittee years back, right after the war, asking for a lump-sum appropriation for temporary employees, urged its adoption because of the need of clerical force in all bureaus of the department. Now, if this money is to be used almost exclusively in the visé division—and last year, as I notice, we appropriated $275,000 for it—it would be my opinion that the appropriation could be much more largely reduced. I have had occasion once or twice, maybe three or four times, to visit the visé bureau, and I find the clerks there without anything to do, apparently, and taking things leisurely. I would like to have the gentleman state the position of the committee in reducing the clerical force, now that the war is over and the State Department does not need the same maximum number of clerks that they did during the war. I wish to commend the gentleman for having reduced the appropriation from $275,000 last year to $250,000 as carried in this bill. But did the gentleman make any inquiry as to the number of clerks that are employed out of this fund and in what bureaus they are employed?

Mr. HUSTED. Yes; inquiry was made. Two hundred and thirty-eight clerks are employed out of this particular appropriation.

Mr. STAFFORD. Then those 238 clerks would not be all used in the work of the visé division?

Mr. HUSTED. Not all of them, but that is the burden of it. They are scattered around through the department, principally in the passport and visé bureaus.

Mr. STAFFORD. The gentleman realizes that since we agreed to a peace with Germany and Austria there is not the need of the clerical force in connection with the viséing of passports of those coming from Germany as before the negotiation of peace. Prior to the negotiation of peace all applications for passports on the part of Germans and Austrians had to be passed upon by the department officials here, but since peace is established the consular offices are given full charge of passing upon those passports, as in every other country.

Mr. MANN. Are they?

Mr. STAFFORD. They are. There are a few exceptional cases that are referred for review to the department here.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Wisconsin may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I will state to the gentleman that I have had a number of cases where we had to obtain information from the State Department as to where a passport was viséed by a consular officer abroad, and the consular officer had to report to the State Department and obtain authority to visé the passport.

Mr. STAFFORD. As I understand the practice in the approval of passports, with all persons seeking admission to this country, if the application shows the applicant be otherwise acceptable, the consular officer is fully authorized to approve it. It is only when the application shows some facts which should be submitted for consideration to the department here that the application is forwarded for review by the department.

Mr. MANN. The gentleman may be correct, although in some of the cases that I have had with the department that condition certainly did not exist, to my knowledge, and I do not think it existed at all.

I would like to say this, if I may, in the gentleman's time. Of course these matters have to be acted upon promptly, and the State Department is prompter in acting upon matters before it connected with passports than any other bureau or branch of the Government in acting upon anything before their departments or bureaus in my observation and experience.

Mr. HUSTED. I would like to say to the gentleman also that the clerks in the State Department—and it is a rather remarkable exception to the general rule—work until 5.30 o'clock every day. There is not any slacking among the clerks in the State Department. We went into this very carefully, indeed, and I am sure we have made as great a reduction as the service will stand.

Mr. STAFFORD. I am very much interested in and somewhat surprised at the statement of the chairman that the clerks in the Department of State work every day until 5.30 o'clock. If that is the condition there, then certainly the appropriation should not have been reduced $25,000 unless the current rate is at the rate of $250,000, because there is no desire on the part of Congress or any committee of Congress to compel the clerks to work overtime every day in the year.

Mr. HUSTED. I will tell you why it was reduced. It was reduced because the officials in the State Department found that with better organization they could do all of the work during the current year for $275,000, for which they had estimated they would need $400,000. That was the result of better organization in the department; and we believed there was room for still further improvement, and that in the second year of any administration you have the right to expect a little higher degree of efficiency than you had in the first year. [Applause.] Therefore we assumed that we could make that reduction.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to withdraw my pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

PASSPORT BUREAUS.

For salaries and expenses of maintenance of passport bureaus at New York City, N. Y.; San Francisco, Calif.; Chicago, Ill.; Seattle, Wash.; and New Orleans, La., $50,000.

Mr. CONNALLY of Texas. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the paragraph.

Mr. CONNALLY of Texas. I wanted to inquire of the gentleman from New York as to what, if any, bureaus at present are being maintained other than in the city of Washington?

Mr. HUSTED. Exactly the same bureaus as are mentioned in this item. There is not any elimination and there is not any addition. The department advised us that they could carry on this work for less money if we gave them a lump sum, because they found that some of the bureaus did not use all of their appropriation and other bureaus would run into a deficiency if all the work was properly done, and they told us if we gave them a lump sum they could save the additional $7,820 which was carried in the current year's item.

Mr. CONNALLY of Texas. That was not carried in the form it is now? It was scattered out in other items?

Mr. HUSTED. Yes. It was the same form, except it gave the appropriation by places.

Mr. CONNALLY of Texas. That is what I say; in different places in the bill.

Mr. HUSTED. In the current law there is an allocation of specific amounts for each one of the passport bureaus, but, as I say, the department officials advised us that they could save this $7,820 if given in a lump sum, and we thought it was economy to do it.

Mr. CONNALLY of Texas. There is no increase in this item?

Mr. HUSTED. No.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Is the gentleman satisfied that there is no intention on the part of the State Department to cut out or reduce the work of any of these bureaus now in existence?

Mr. HUSTED. I feel perfectly satisfied that it is the intention of the State Department to allocate to each one of the bureaus now in this item an amount of money sufficient to do all the work that comes to it.

Mr. MANN. A year ago it was either the State Department or the Committee on Appropriations that wanted to cut these out. I did not know whether that view was being expressed in an indirect way or not in this bill.

Mr. HUSTED. I will not say that the State Department did not feel perhaps that it would be advisable to cut them out, but they are in the law, and so long as they are in the law I feel sure they will allocate a sufficient amount to do all the work.

Mr. MANN. Of course, every department always says it can get along with less money on a lump-sum appropriation. They do not spend any less by having a lump-sum appropriation. There may be appropriated a little more when they have a specific appropriation, but there is no less spent when they have a lump-sum appropriation. Under this they can cut out San Francisco or Seattle or Chicago or New Orleans, if they want to.

Mr. HUSTED. I must take a little exception to that statement, just as it was made. I hardly think they would cut out any one of the bureaus established by the act.

Mr. MANN. They could discharge all the employees and refuse to pay them anything. It would not be the first time such a thing has been done.

Mr. ROGERS. The gentleman from New York may not be familiar with the fact that three of these offices are doing a considerable volume of business. The New York, Chicago, and San Francisco offices are undoubtedly a great convenience to a large number of people. On the other hand, when you consider Seattle and get down to New Orleans, there is a tremendously less volume of business transacted. I notice from the hearings that in one quarter at the New Orleans office there was a business of only about $100 done, and at Seattle about twice that amount. I can conceive it would be a public advantage that these smaller offices, unless they picked up much in business, should be either considerably curtailed or else discontinued. The Seattle business ought to be tolerably well cared for from the San Francisco office anyway, I should think.

Mr. HUSTED. I feel sure that the State Department will not do violence to the evident legislative intention that these offices shall be maintained and a sufficient sum provided to carry on the work.

Mr. DENISON. Mr. Chairman, I move to strike out the $50,000.

The CHAIRMAN. The gentleman from Illinois moves to strike out the $50,000.

Mr. DENISON. I make this motion for the purpose of calling the attention of the Members of the House to a condition which I never knew existed until recently with reference to the viséing of passports issued by our State Department. Last year a gentleman from my district, a Mr. Duggon, from West Frankfort, Ill., who came to this country from the Republic of France, I think in 1903, when he was a boy, applied for a passport to return to France. He came here with his parents when a child, and he had been naturalized and was an American citizen at that time with all the rights of an American citizen. He had married and had some little children. He decided that he would like to return to France and look up the relatives of his wife who lived there. He obtained a passport for that purpose and applied to the French consul in New York to have it viséed; the French consul refused to visé it on the ground that he had not returned to France and joined the French Army and fought for France in the late war. So he was unable to return. Now, recently the gentleman decided that he would send his wife to France so that she might see her parents and visit them, not asking to go himself. So I took the matter up with the French consul in New York and with the French Embassy here in Washington, to see if her passport would be viséed and if she would be permitted to visit her parents in France, provided she should obtain a passport from our Government to do so. I was informed that she might be permitted to go to France, but that she would not be permitted to return here. In other words, the French Government takes the position that a French citizen can not become an American citizen by naturalization so as to lose the duty which he still owes to the Republic of France to return and fight for that Republic in any war in which she may become involved. It is one of the most unjust things I have ever heard of, and now this married lady, Mrs. Duggon, the wife of an American citizen, can not go to France and visit her parents without being detained there by the French Republic and separated from her husband and children, because, they say, her husband, an American citizen, did not leave his own family and country and return to France to fight with the French Army.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman from Indiana.

Mr. FAIRFIELD. Was there not some considerable discussion of the problem of dual citizenship at the time of the war, and did our State Department ever clearly announce the fact that dual citizenship was not recognized by this country? I think that is one of the most significant problems we have before us.

Mr. DENISON. I am not able to answer the gentleman about that, but I think that if a man becomes an American citizen he ought to be protected in his rights in any country, and I think that the State Department or some authority in this country ought to take this matter up in such a way with the French Republic as to see that American citizens have at least the same rights in foreign countries as foreign citizens have in this country. Now, here is a great injustice being done. This good woman knows what destruction was done in France and what suffering was caused there by the German invasion. She would like to look up and visit her parents and relatives over there, but they will not allow her to do so.

Mr. MANN. Will the gentleman yield for a question?

Mr. DENISON. I shall be glad to yield.

Mr. MANN. Do I understand that the French Government now maintain that a French citizen can not expatriate himself by becoming a citizen of the United States under our naturalization laws?

Mr. DENISON. They maintain that he can not do so to the extent of being released from military duty in France in case France becomes involved in war.

Mr. MANN. If he can become an American citizen, and if he is expatriated, being a French citizen—of course, the other does not follow, but I thought it had been settled long ago. It may be I am not up to date since the World War.

Mr. DENISON. I will say to my colleague that I, too, thought so, but I have found out differently, and I have just obtained the information from the French Embassy.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BURTON. Mr. Chairman, maybe I can throw a little light on this subject. The doctrine of expatriation is distinctively a principle of American foreign policy, namely, that a person who leaves one country and becomes the citizen of another by naturalization thereby divests himself of citizenship in the country which he left and of all obligations to that country. That principle, however, is maintained by hardly any other country. Decisions of the Supreme Court so late, I think, as 1829 doubted or denied the doctrine. An opinion was given by Caleb Cushion, our Attorney General, expressing limitations upon the right. So late as 1850 Secretaries of State refused interposition on behalf of naturalized citizens who returned to their native land. When James Buchanan was Secretary of State he took strong grounds in favor of the principle, and was, I may say, a lifelong advocate of it. The statute asserting the right of expatriation in unequivocal terms was passed in 1868, declaring it be "an inherent right of all people." The most illuminating discussion in furnishing the foreign viewpoint is in correspondence between M. De Giers, Russian foreign minister, and our own Mr. Bayard, Secretary of State under the first administration of President Cleveland. One opposing contention is that a country might be entirely disabled in its military strength and in its laboring population if that principle were recognized. It has been the cause of friction very frequently between our country and Germany, and in earlier years with England. The vital point to which I wish to call attention is this: Our own country maintains the doctrine of expatriation. I was not aware that France had recently insisted

so strongly as the gentleman states, but Spain, France, Russia, Germany, and most of the countries of Europe deny the principle. I am frank to say that I am a little surprised at the case which the gentleman from Illinois [Mr. DENISON] mentions. What was the age of this person the gentleman referred to?

Mr. DENISON. Ten years old. I think he came here in 1903. He had gotten the passport and had bought his steamer passage. They refused to visé it there because he had not returned to France.

Mr. BURTON. It is to be hoped that since the war the insistence of the foreign countries upon that principle that they are entitled to military service of anyone born in that country will be abated. But in this controversy our country takes one position, and practically all the countries of Europe take another.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FAIRFIELD. Mr. Chairman, another case in relation to a passport came to my attention the other day. It was a case where our consul in a foreign country undertook to interpret the immigration laws and denied a passport on the ground that in the statement made by the one who applied for it he convicted himself of being a contract laborer. It gave rise to a very interesting and very difficult situation. The facts were simply these: The man's brother lived in this country and is a citizen of this country; his uncle is engaged in business in this country. The uncle had written to the young man that he would employ him, or see that he was able to take care of himself, so that he would not become a public charge and that he would associate him with himself in business. Of course, the young man made affidavit before the consul that he was coming to this country to be associated in business with his uncle. The consul in writing a letter to him makes a statement that if he had such an arrangement made he was in violation of the immigration law.

I took the matter up with the State Department, and one of the clerks down there told me the other day that the consul had exceeded his authority, that that was a matter for the immigration authorities, and therefore he should have viséed the passport and let the immigration authorities determine when the man landed in this country whether it was in violation of the immigration laws.

Apropos of that, however, it indicates the need of an increased force over that of pre-war times, for there will be many hundreds, if not thousands, of cases like that which will require much more clerical help than would have been necessary before the world was so thoroughly disorganized.

The Clerk read as follows:

DIPLOMATIC AND CONSULAR SERVICE.

AMBASSADORS AND MINISTERS.

For ambassadors extraordinary and plenipotentiary to Argentina, Belgium, Brazil, Chile, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, Spain, and Turkey, at $17,500 each, $227,500.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to address the committee for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, it will be noted that this item carries the sum of $17,500 to provide the compensation for an ambassador to Mexico. A similar appropriation has been available for a considerable time, but up to the present no diplomatic representative of the rank of ambassador has been accredited by the President to that Republic. I have heretofore called the attention of the House to the official relations, or lack of official relations, between the Government of the United States and that of Mexico. I, like other gentlemen, I have no doubt, have been hopeful that the administration would bring about a situation whereby the Republic of Mexico might be recognized officially and cordial and amicable relations established between the people of Mexico and the people of the United States.

It has been charged in the press and otherwise that certain American oil interests and certain American international bankers, who have been dealing in securities of the Mexican Government, have been active in preventing recognition by the United States of the Republic of Mexico. Some time ago I introduced a resolution, which was referred to the Committee on Rules, setting forth the fact that the press of the country had been filled with such charges, and in which I asked this House to authorize the Foreign Affairs Committee to investigate the charges. But until this good hour, notwithstanding I have requested a hearing before the Committee on Rules, that resolution slumbers undisturbed in the files of the chairman of the Committee on Rules, the gentleman from Kansas [Mr. CAMPBELL].

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CONNALLY of Texas. I will.

Mr. MOORE of Virginia. I would like to ask the gentleman whether he ever expects the Committee on Rules will report a resolution introduced by a Member of the minority?

Mr. CONNALLY of Texas. In answer to the gentleman from Virginia, I would like to entertain the hope that the Committee on Rules may report the resolution regardless of the political complexion of its author. But I have absolutely no hope of the Rules Committee reporting any such resolution. It might report a resolution jamming through the House some piece of legislation which the managers on the part of the majority fear to permit their own membership to propose amendments to or vote upon such amendments. It is entirely probable that the Rules Committee will in a short time sponsor a rule to whip through this body some measure which it is afraid to have its own membership amend or consider, but there is no hope of bringing out a resolution of the kind I have referred to. I want to call the attention of the House to a statement made by the President in reference to Mexico.

Some time ago Mr. John Barrett, of South American and Central American fame, who for a number of years was Director of the Pan American Union, sent inquiries to 200 prominent citizens throughout Latin America and asked the question as to what they believed the United States might do on its own initiative to promote Pan American friendship. From 141 prominent citizens throughout South and Central America there came back the response that the United States should recognize Mexico on terms compatible with the dignity and the honor of the United States and Mexico, which meant "early recognition of Mexico by the United States on a basis consistent with the natural and unexaggerated dignity and sovereignty and rights of both nations, with concessions, if necessary, on the part of both, inspired by that same spirit of conciliation and cooperation which characterized the United States and other Governments at the recent arms conference."

Mr. Barrett sent a letter to the President in which he set forth a summary of these replies, and what did the President reply? The President wrote to Mr. Barrett in part as follows:

I am not at all surprised at the expression of sentiment in the Latin American Republics which your letter conveys. As a matter of fact, we feel that way here in the Capital of our own Republic.

Mr. Chairman, if the President of the United States feels that the greatest thing which America could do to bring about Pan American friendship is to recognize the Republic of Mexico and its government, what influence is it that ties the hands of the President until he fails to do the thing which he is convinced ought to be done to restore Pan American friendship? If the Chief Executive of this Nation, who, under the Constitution, is vested with sole power to negotiate with foreign governments, feels that the greatest thing that America can do to restore Pan American friendship is recognition of the sister Republic of Mexico, why does not he recognize her and restore those relations which ought to exist between these two great Republics of the western world? What else does the President say?

There is really no difference of opinion as to what is necessary to restore former friendly relations between our own Republic and that of Mexico. The only hitch anywhere is one of proceedings. Undoubtedly both countries are of the same mind, excepting that we can not arrive at a program which carries the whole situation in one complete program which is to be executed at one time.

In other words, the President issues a statement to the world that it is only a question of quibbling over procedure, that it is only a question of Alphonse and Gaston, that it is only a question of diplomatic red tape. I say that the administration of this Government ought to be big enough, generous enough, statesmanlike enough to do the right and proper thing regardless of all the formal frivolities that sometimes obstruct and complicate international relationship.

But there are hopes that recognition may be brought about. I quote from a dispatch from the capital of Mexico, carried a few days ago by the Associated Press, dated April 4, which states that Mr. Doheny, one of the representatives of the five great American oil companies, is now in the City of Mexico, that he is in conference with the secretary of the treasury of Mexico, and that that secretary may probably visit the United States within a short time. What does Mr. Doheny have to say? Why is it necessary for Mr. Doheny, a private citizen, representing American-owned oil companies operating in Mexico, to carry on negotiations with the Mexican Government? When was it proclaimed that the United States itself had not within its own agencies, its own diplomatic agencies, sufficient strength and wisdom and power to carry on the diplomatic negotiations

of the United States Government, when it was announced to the country that these functions are to be abdicated or delegated to owners of oil companies and international bankers?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, Mr. Doheny—and I have no reflection to make upon him as an individual—is in Mexico not as Mr. Doheny, but he is there as the representative of five great American-owned oil companies that are in a controversy with the President and the Government of Mexico over oil and oil taxes. Mr. Doheny is quoted as follows:

Mr. Doheny has declined to discuss his visit, except to say that everything is in splendid shape.

What is it that is in splendid shape? Everything, says Mr. Doheny. He is quoted as saying that the Government has kept faith. With whom has the Government of Mexico kept faith? What are the diplomatic relations between Mexico and Mr. Doheny? The commission of what Government does Mr. Doheny bear? Where are the credentials of Mr. Doheny to represent the American Government or the American people? Whom do you represent, Mr. Doheny? He represents five great American oil companies and is carrying on diplomatic relations with the Republic of Mexico. Let us go a little further.

He is quoted as saying:

The Government has kept faith and we all have confidence in President Obregon.

Mr. Chairman, who are "we" in whose voice Mr. Doheny is speaking? Is it the editorial "we," meaning Mr. Doheny, as the representative of five American companies, or does the "we" mean the American Government and the American people? How does he conclude his interview?

The oil agreements last fall have been observed.

The oil agreements made last fall! With whom were those agreements made? Agreements made with the President and the Government of Mexico with these American oil interests, carrying on private negotiations upon which perhaps depends the action of this Government in recognizing or withholding recognition of the Republic of Mexico. Oil is at the bottom of difficulties in the path of recognition of our sister Republic.

When did it become necessary for the diplomatic officers of this Government to await the adjustment of foreign relations until international bankers who visited Mexico last fall for the purpose of conferring with Mexico and the Government there should arrange their own private affairs? When did it become necessary for this Government's diplomatic agencies to wait in silence, to lie dormant, to remain quiet until private citizens can wring from a neighboring Government such concessions as they demand on account of their interests in oil and on account of the securities of another Government? If the oil interests and if the international banking interests are not the interests that are preventing recognition I want to know who is preventing recognition.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. If the President of the United States said to Mr. Barrett that we here in the United States agree that the greatest thing that the United States can do to bring about Pan American friendship is to recognize the Republic of Mexico, and if, as Mr. Doheny says, the Government of Mexico has kept the faith with American oil interests, what unseen force is it that is holding back the diplomatic arm of this Government from extending recognition to the Republic of Mexico?

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. CONNALLY of Texas. I yield.

Mr. LINTHICUM. Is it not possible the arrangement with Mr. Doheny is a condition precedent to the recognition?

Mr. CONNALLY of Texas. If that is true, the presence of Mr. Doheny in Mexico offers some hope of solving this whole situation. I am hopeful that if the oil companies can be satisfied—but I am not so hopeful that they can be—I am hopeful if they are satisfied, ways will be found to remove the difficulties that now obstruct the restoration of diplomatic relations. The great Government of the United States, so the President says, would extend recognition except for certain formalities and certain matters of procedure. The United States Government ought to be big enough and generous enough in its dealings with Central and South American Republics and the Republic of Mexico not to quibble over inconsequential things of that kind; but it ought to act in a large and generous spirit in the recognition of the rights and the dignities of these Republics, and ought to set them a worthy example in government. We must remember that these Republics have not behind them the traditions that fill the history of our glorious past. We must remember that they are not of the Anglo-Saxon race, that has ruled itself for 600 years. We must remember that they are weak and struggling nations, seeking to win their way forward to self-government and into the enjoyment of republican and democratic institutions, and that they have taken the United States as their great type, and we ought not to thrust them back in their endeavor to obtain their proper place among the sisterhood of nations. [Applause.]

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word.

The people of no State in this Union suffered more from the revolutionary disturbances in Mexico than the people of the State of Arizona. Arizona is a border State. A number of our citizens were shot by bullets which fell on the American side of the line during battles between the contending Mexican forces. Many of them lost their lives in the interior of Mexico. Many more of them lost their property and barely escaped with their lives. But it is now believed that the present Government of the Republic of Mexico is so firmly established that it can and will properly perform the international obligations that it owes to the other Governments of the world, and that for this reason it should now be recognized by the President of the United States as the de facto and de jure Government of Mexico.

The citizens of Arizona are better acquainted than the people of other parts of the United States with the present administration in the City of Mexico. Gen. Alvaro Obregon, who heads that administration, is from the State of Sonora, which adjoins Arizona on the south. He has been intimately acquainted in a business way with many of our citizens. He understands the conditions in the United States better than any person who has been in supreme authority in Mexico for a great many years. He has demonstrated his ability to maintain law and order and to assure a greater degree of security for life and property within the Republic of Mexico than has existed since the revolution began in 1910.

In keeping with sentiments of friendship and good will, the senate of the fifth Legislature of the State of Arizona, by unanimous vote, has requested the President of the United States to extend full recognition to the Republic of Mexico and to its President, Gen. Alvaro Obregon. I ask unanimous consent to extend my remarks in the RECORD by printing a memorial adopted by the Arizona State Senate on March 17, 1922.

Mr. CONNALLY of Texas. Is it not true that there are seven other States that have passed similar resolutions?

Mr. HAYDEN. The States of California, Texas, Oklahoma, Kentucky, Maryland, Illinois, and Michigan have also memorialized the President to recognize the existing government of the Republic of Mexico.

The CHAIRMAN. The gentleman from Arizona [Mr. HAYDEN] asks unanimous consent to extend his remarks as indicated. Is there objection? [After a pause.] The Chair hears none.

The memorial is as follows:

FIFTH STATE LEGISLATURE, FIRST SPECIAL SESSION,
State of Arizona.

Senate memorial 1.

To the President of the United States, the Congress of the United States, the Secretary of State of the United States, and to Arizona's Representatives in Congress:

Your memorialists, the senate of the fifth Legislature of the State of Arizona, in special session assembled, do respectfully represent:

That being a "border State" and adjacent to the great State of Sonora, of the Republic of Mexico, Arizona is keenly alive to the problems now confronting and which for a decade past have confronted the said Republic of Mexico.

That your memorialists being men of affairs of the State of Arizona, chosen from the mining and cattle interests, mercantile life, and the professions, see with the clearness born of intimate relationship the magnificent struggle that has been waged, the seemingly insurmountable obstacles that have been overcome by the newborn Republic of Mexico, and the glorious achievements that have been attained by the unselfish devotion to duty, the untiring energy, the honesty of purpose, and tenacious will to lead his countrymen into the peaceful enjoyment or harmonious brotherhood by Alvaro Obregon, President of Mexico.

That from a chaos thereto unknown and a misery never before experienced in the Western Hemisphere Mexico has in less than one and one-half years emerged triumphant, and to-day faces the dawn of national achievement, seeking from her strong northern neighbors her just recognition, that she may be enabled to take her place in the God-given light of national equality.

That but one short year ago Arizona, in the spirit of western manhood, expressed her faith in Mexico and the man who, like our own illustrious Washington, had, as soldier and statesman, led his people to a safe and lasting peace, by a memorial to the Congress of the United States, praying for just recognition. That quickly following the

lead of Arizona similar messages of confidence and faith were speeded to the Halls of Congress from the States of California, Texas, Oklahoma, Kentucky, Maryland, Illinois, and Michigan, representing 40,000,000 souls, urging the immediate recognition of Mexico.

That to-day is witnessed in Mexico an era of industry and prosperity plainly indicative of permanent peace—farming and ranching restored, industrial and mining activities steadily increasing. During the 15 months' occupancy of the Presidency by Alvaro Obregon no American or other foreigner in Mexico has been killed: It is therefore

Resolved by the Senate of the fifth Legislature of the State of Arizona in special session assembled, That time has amply demonstrated the statesmanship of the President of Mexico, his clarity of vision and singleness of purpose, to place his country firmly amongst the great stable governments of the earth; that Mexico is no longer a belligerent nation, torn with internal strife, but a country of peaceful pursuits and honorable ambitions, and that no good reasons, no just causes, exist to further deny to it the just recognition which the United States of America itself achieved only after its baptism of blood; it is therefore further

Resolved, That the President be requested to recommend to the Congress of the United States that full recognition be extended to the Republic of Mexico and to its President, the Hon. Alvaro Obregon; it is also further

Resolved, That copies of this memorial be transmitted to the President of the United States, the Secretary of State of the United States, the President of the Senate, and Speaker of the House of Representatives, and to the Hon. HENRY F. ASHURST and Hon. RALPH CAMERON, United States Senators, and Hon. CARL HAYDEN, Congressman, and that they each be requested and urged to use all honorable means to further the prayed-for recognition of Mexico. Also that an engrossed copy be transmitted to the Hon. Alvaro Obregon, President of the Republic of Mexico.

Adopted by unanimous vote of the senate March 17, 1922.

Mr. MOORE of Ohio. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio rises in opposition to the amendment.

Mr. MOORE of Ohio. Mr. Chairman, I ask unanimous consent to proceed out of order for 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed out of order for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Ohio. Mr. Chairman, the suspension of work in the mines of our country calls attention to one of our greatest industries. We realize this when we reflect and observe that during the last year, according to the United States Geological Survey, it is estimated that 494,500,000 tons of bituminous and anthracite coal were produced in the United States. This industry affects the prosperity, the comfort, and happiness of our people, and, either directly or indirectly, touches the life of everyone.

There are approximately 700,000 men engaged as miners in the 10,000 mines in the United States, 70 per cent of whom are organized and 30 per cent unorganized. Besides these men who are investing their lives in this great industry, millions of dollars in capital have been used to develop it.

In the year 1919, which seems to be the latest figures completed by the Government, 5,793 men were employed in the mines in my district, producing 4,575,406 tons of coal, valued at $9,737,866.

The wage scale that was in effect under the contract expiring March 31, 1922, provides for the following wages:

PICK MINING SCALE.

Pick mining rate, per ton, run of mine	$1.1164
Dry entries, per yard	3.6146
Break-throughs, in entries, per yard	3.6146
Break-throughs, in rooms, per yard	2.5011
Room turning	5.4906

MACHINE MINING SCALE.

Cutting by Jeffrey style of machines, in rooms, per ton	$0.1343
Cutting by Jeffrey style of machine, in entries, per ton	.1763
By punching machine, in rooms, per ton	.1740
By punching machine, in entries, per ton	.1909
Loading, in rooms, per ton	.7855
Loading, in rooms, with hand drilling, per ton	.8057
Loading, in entries, per ton	.9103
Loading, in entries, with hand drilling, per ton	.9305
Break-throughs, in entries	Entry price
Break-throughs, in rooms	Entry price
Break-throughs, in rooms, with hand drilling	Entry price
Drilling by hand, per ton	.0202
Drilling by machine, per ton	.0203
Room turning, cutter and loader	Entry price
Break-throughs, entries into rooms or rooms into entries	Entry price

INSIDE DAY WAGE SCALE.

Timbermen, per day	$7.50
Tracklayers, per day	7.50
Tracklayers' helpers, per day	7.25
Pipemen, per day	7.41
Cagers, drivers, machine haulers, water haulers, and trip riders, per day	7.50
Wiremen, per day	7.50
Motormen, minimum	7.50
Trappers, per day	4.00
All other inside day labor not enumerated, per day	7.25

OUTSIDE DAY WAGE SCALE.

Engineers, per month	$222.00
Firemen, per day	7.25
Dynamo men, per day	7.11
First blacksmith, per day	7.77
Second blacksmith, per day	7.45
Blacksmith's helper, per day	$7.25
Carpenters, per day	7.45
Dumpers and Trimmers, per day	7.25
Slack haulers, per day	6.80
Greasers and couplers, per day	4.59

It should be said in this connection that the miners furnish the tools with which they work and their powder.

One of the disturbing factors in the coal-mining industry, both for the operator and the miner, is that the mines do not run regularly. For example, in 1919, according to official figures from the Government, the miners in my district worked on an average only 162 days during that year. This would be something near the average number of days that the average miner would be employed in a year. The operator has money invested and other expenses during the time the mine is idle and the miner is not able to engage in profitable employment. Various causes are assigned for this irregularity. When business is good one of the contributing causes is the lack of necessary cars that are not always furnished by the railroad when needed to keep the mines running and the miners actively employed. Then when there is a depression in business the demand for the production of coal is consequently lessened. High freight rates contribute to the cost to the public. These and other things must be taken into consideration for an intelligent understanding of the mining industry.

During the suspension which is now in effect the officers of the United Mine Workers have ordered a sufficient number of men from the several local unions to cooperate with the owners of the mines that the property in and around the mines may be preserved during the suspension.

The central competitive field embraces the coal fields in Ohio, Indiana, Illinois, and western Pennsylvania. This field, from a good many angles, seems to be looked upon, and has been for many years, as the base of the industry in wage agreements and other matters. It is estimated that the central competitive field produces at least one-half of the bituminous coal of the country. For many years the general custom has been for the operators and miners in this field to meet in conference at the expiration of their contracts and make adjustments and new agreements.

The contract under which the mines have recently operated was signed in New York two years ago and provided for a contract extending until March 31, 1922. This contract was signed by the operators for the central competitive field and the representatives of the United Mine Workers in joint conference. That contract contained the following provision:

Resolved, That an interstate joint conference be held prior to April 1, 1922; the time and place of holding such meetings is referred to a committee of two operators and two miners from each State herein represented, together with the international officers of the United Mine Workers' organization.

This provision in the contract has figured in the discussion and the situation that developed, and precipitated the present suspension, the miners contending that they could not continue work beyond March 31, 1922, for the reason that they had no contract under which to work, and that a majority of the operators refused to meet them in conference as had been the custom heretofore and as provided in the contract. The representatives of the miners offered to meet in joint conference. It seems to be undisputed that some of the operators were willing to meet in joint conference, and others were unwilling, contending that it would be fruitless. The stubborn fact remains that they did not meet in joint conference and confer. Some of the operators, perhaps a majority in the central competitive field, were willing to confer as provided in the contract. It is reported to me that practically all of the operators in my district were willing to confer as provided in the contract, and went so far as to make arrangements to select a scale committee, but others in the central competitive field, particularly western Pennsylvania, were unwilling to meet and confer in joint conference, and since all of the operators would not agree to the conference there has been none. Perhaps all of the operators are willing to confer by district, but the miners insist that the method that has been followed for many years should be continued, and contract adjustments made for the whole competitive field in joint conference.

For some time different officials and agencies of the Government were at work in an attempt to persuade the operators and miners to confer according to the resolution in their last contract. On March 31 Secretary of Labor Davis issued the following statement:

All of the Government's efforts in the proffer of mediation, conciliation, and compromise have failed to save the country from the national strike test of economic strength between employer and employee in the coal industry.

In this dispute in the coal industry President Harding and other Government agencies, chiefly the Department of Labor, have for weeks counseled this conference provided for in the last joint agreement be-

tween the operators and the miners. In this effort the President and myself have had neither legal right nor personal desire to dictate any program. Our one desire has been to induce by persuasion and urgence the operators and miners to discharge the obligations they assumed themselves to confer again for the shaping of a new agreement.

These efforts began in February after the refusal of some of the central competitive States operators to meet in accordance with the resolution adopted in March, 1920, providing for a preliminary conference to meet prior to April 1 to arrange a time and place for a meeting to negotiate a new agreement.

I have always believed—and every citizen is with me in the belief—that employers and employees who have signed a wage agreement or contract should observe it in spirit and to the letter. If the two parties to a trade dispute get together it is always possible to work out a satisfactory settlement and maintain peace.

In fairness it must be said that the miners' officials were willing and ready to go into the conference agreed upon, but some of the operators declined to meet, alleging that competitive factors and Federal grand jury indictments prevented any such favorable outcome as to the continuation of the existing agreements, and hence the "preliminary meeting" would prove unsuccessful. Others said that they were willing to confer, but that unless all central competitive States operators would attend, such a meeting would be barren of results and futile.

Also several outlying districts with a combined tonnage output much larger than that of the central competitive States protest the right of central competitive States to fix the basic wage for the bituminous coal industry, not only because of their minority production but because competition of nonunion coal affects the said outlying districts more than the said central competitive States.

The competitive States arrangement is not of governmental making, nor is it a new experiment. It has been in operation since 1898, and the records disclose the fact that in past years the operators as well as the miners' officials have looked upon it as a fixed and basic agency in the bituminous-coal industry.

There may be room for argument on some of these contentions, but they do not efface the main fact that operators and miners were bound to a conference, that this conference might have led to a new agreement, and the country might not have been confronted with a stoppage of coal production, a suspension avoided, ample supplies of coal, and a gradual reduction in prices would have resulted.

I can not let the opportunity pass without expressing keen disappointment at the failure of certain operators to fulfill the terms of their obligation to meet in conference with a view to peace in the coal industry for two years more. They have turned their backs on a chance to lay bare, not only to the miners but to the public, their reasons, at least, for declining a new wage arrangement. The public is entitled to these reasons, and the press would have fairly supplied them. Even though the operators were convinced that it could come to nothing, their entrance into conference would have removed any stigma of a breach of faith.

There may be faults on both sides of this bituminous dispute, but the side that openly repudiates its written and signed obligations has crippled its case before the bar of public opinion.

The anthracite industry presents a pleasing contrast, for its operators and miners are now meeting directly. There may be a suspension, but there is a negotiation and a genuine desire to agree. This clearly illustrates what the Government has sought all along in the bituminous field. There is not now, and there never has been, any disposition in Washington to force conditions upon employers, employees, or the public.

One unfortunate fact in the bituminous coal industry is that it is overdeveloped by fully 30 per cent, largely as a result of high prices during the war and the abnormal boom of 1920.

Coal production for 1921, on account of the general depression in the steel and allied industries, dropped to the 1911 basis, or only 407,000,000 tons, as compared with 563,000,000 tons produced in 1920. This explains to a large extent the present problem confronting the employers and employees of the coal industry.

At best bituminous miners do not work on an average more than 200 days during the year under normal conditions. When that average is reduced by 25 to 40 per cent, as was the case in most of the union districts last year, it can be appreciated that an abnormal and irregular condition of employment is created.

From the union mine point of view the situation is further complicated by readjustment of wages in nonunion mines before the expiration of union agreements, which has enabled the nonunion mines to secure more than their relative share of coal orders.

As the strike in the bituminous industry is inevitable, the industry is squarely on trial before the public. At this stage it is simply an economic dispute in which the chief sufferers will be the operators and miners themselves. During the strike the administration will watch developments and be ready to safeguard the public welfare whenever it is menaced.

A Government survey indicates that on April 1 there will be in stock or storage about 10,000,000 tons of anthracite and by-product coke and 65,000,000 tons of bituminous coal. This means that the railroads, public utilities, manufacturing industries, and retail coal dealers will have on hand nearly two months' supply of coal. The operators state that the production from nonunion mines will meet at least 50 per cent of the normal needs of the country.

On the strength of these facts there will be no excuse for advance in coal prices. If the price is boosted in any locality the fact should be reported to Washington at once for action by the Attorney General. The public should not be penalized by any enhanced price for coal when there is no justification for any increase.

Attorney General Daugherty favored a conference of the operators and miners and expressed regret that some of the operators had refused to meet in joint conference as provided in their contract.

The entire country is interested in this great industry and in its satisfactory and regular operation in order that the men who work in the mines may have employment and support their families, that the capital invested may receive a proper return, and that all our people and industries may have coal that is needed for the carrying on of our activities.

I think it is the sincere hope of all good Americans that somehow there may be a satisfactory and speedy adjustment of this controversy which affects the whole country and particularly affects a great body of men who are entitled to particular consideration because they are engaged in one of the most hazardous occupations in all our industrial life. [Applause.]

The Clerk read as follows:

Total, ambassadors and ministers, $583,500.

Mr. ROGERS. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN (Mr. TILSON). The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 5, line 13, after the figures, insert a new paragraph, as follows:

"For the acquisition of land and buildings in Paris, France, to be used as the American Embassy under the provisions of the act of February 17, 1911, $150,000, or so much thereof as may be necessary, in addition to the sum of $150,000 appropriated by an act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, approved March 2, 1921."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

Mr. HUSTED. Mr. Chairman, I reserve a point of order.

Mr. BLANTON. It is new legislation and unauthorized by law.

Mr. ROGERS. Mr. Chairman, I respectfully direct the attention of the Chair to what is known as the Lowden Act, approved February 7, 1911, which will be found in the Thirty-sixth Statutes at Large, page 911. The Lowden Act is not long. I should like to read it as if it were in three sections. The substantial part of the statute reads as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings.

The CHAIRMAN. Will the gentleman suspend a moment?

Mr. ROGERS. Certainly.

The CHAIRMAN. The permanent occupant of the chair [Mr. DOWELL] was temporarily absent, and has now returned. He has looked up this matter, and the present occupant of the chair would ask the gentleman to recommence.

Mr. DOWELL resumed the chair.

Mr. ROGERS. Mr. Chairman, I was in the act of reading the very short Lowden Act, upon which I maintain that my amendment is in order. I read:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the Diplomatic Service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment.

If the law stopped there, I take it that there could be no doubt that the amendment now pending would be in order, because there is no limitation of any kind upon the amount which may be appropriated, and because the amendment in other respects conforms accurately to the requirements of that portion of the statute. Then comes the proviso:

Provided, however, That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made.

So far as that proviso is concerned, I think it will not be contended that the amendment is objectionable. The sum of $150,000 is proposed, and there is no intimation—and I think there can be no intimation—that the remaining $350,000 permissible under the Lowden Act will be involved in the fiscal year in question.

Then we come to the proviso upon which I should like to speak somewhat more fully:

And provided further, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of $150,000 at any one place), and which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

The question, I think, has not been squarely decided as to whether that second proviso, which I have just read, excludes an item in an appropriation bill or an amendment to an appropriation involving either an original sum of more than $150,000 or an amendment the effect of which is to involve an expenditure in all, when taken in connection with previous action of Congress, of a total greater than $150,000. I think the question is not entirely free from doubt. In order that the Chair might become somewhat familiar with the question I ventured to bring it to the attention of the Chair a few days ago, when this bill was first presented to the House. I desire now to read again exactly what this proviso says:

The Secretary of State shall set forth a limit of cost, * * * which limit of cost shall not exceed the sum of $150,000.

My contention is that the second proviso is a limitation upon the power of the Secretary of State; that it is in no way a limitation on the power of Congress; and that it in no sense requires additional legislation in the event that the House has a proposal before it to expend more than $150,000 in some one place.

This second proviso tells the Secretary of State what he must do in proposing an estimate for the purchase of an embassy or legation. It is a limitation upon his power. It has nothing whatever to do with the power of the House. It has nothing whatever to do with the rules under which the House has bound itself when an appropriation bill is up for consideration. The last clause of this proviso states:

Which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

Of course, the "limit" mentioned in the last clause refers back to the limit of cost previously imposed on the Secretary of State. It has nothing to do with the rules of the House. It does not limit the power of the House in the event that a point of order is made against an item on an appropriation bill.

The question was presented last year in a somewhat similar fashion when the gentleman from Ohio [Mr. LONGWORTH] proposed to this same appropriation bill an amendment for $150,000 for the purpose of acquiring an embassy at Paris. A point of order was made by the gentleman from Texas [Mr. BLANTON] that that constituted new legislation and hence was out of order. The point of order that was then urged was that an estimate had not been furnished by the Secretary of State or by any other Government official, and that therefore the requirements of the Lowden Act had not been complied with. The gentleman from Ohio and others argued the point very fully. The Chair, who if I am not mistaken, was the gentleman from Iowa [Mr. TOWNER], stated that he was conscious of the importance of the point of order, that he had considered it with great care, and after discussion he was constrained to overrule the point of order.

I think that decision was sound, and I think it is the basis of what I hope and believe will be the decision of the Chair to-day. The second proviso, as the Chairman last year indicated, is a limitation upon the Secretary of State, but it has nothing to do with the powers of the House of Representatives; it has nothing to do with our freedom to act. There is no requirement in the law that we shall act only after an estimate shall have been furnished Congress by the Secretary of State for the specific purpose.

My whole contention, then, to sum up in a few words, is that the authority of Congress, the authority which is necessary before consideration of this item may be had against the point of order, is contained in the substantive portion of the Lowden Act and in the first proviso thereunder, both of which I have read; that the limitation contained in the second proviso is a limitation exclusively upon the Secretary of State and has nothing whatever to do with the powers of the House of Representatives when an amendment of the character now before the House is pending.

In this connection I would like to put in the RECORD a reference to the discussion last year, which occurs in the CONGRESSIONAL RECORD of January 9, 1921.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield.

Mr. LONGWORTH. The gentleman's contention is that the only limitation on the power of Congress is that it shall not exceed $500,000 in any one year but they may spend any portion of it on any one project?

Mr. ROGERS. Yes.

Mr. LINTHICUM. Mr. Chairman, I sincerely hope the point of order will not prevail. Ever since I have been a Member of Congress I have advocated the purchase of embassies and consulates abroad. It seems to me that we ought not to make it impossible for a man of moderate means to occupy one of these important positions. It matters not how brainy a man may be or how well versed he is in diplomacy, he can not occupy one of these positions abroad unless he is wealthy financially and able to live there in a manner which the office requires. We have made some progress in the last few years in the purchase of embassies and consulates. I hope the day is not far distant when all countries will see an embassy of ours in their capital. The gift of Mr. Morgan has enabled us to have a very fine embassy in the city of London. Before long we will have one of the best embassies in Berlin. Some years ago we purchased a consulate at Shanghai, China, which has proved a wonderful investment and of great importance to our Government.

Mr. HUSTED. I would like to say to the gentleman that we are discussing the point of order and not the merits of the proposition.

Mr. LINTHICUM. If the gentleman objects, I will ask unanimous consent for five minutes.

Mr. HUSTED. I suggest to the gentleman that he wait until the point of order is decided and then he will have ample opportunity to discuss the merits.

Mr. LINTHICUM. If the gentleman prefers that, I will wait.

Mr. MANN. Mr. Chairman, if I understand the argument of the distinguished gentleman from Massachusetts [Mr. ROGERS], it is that if the Secretary of State makes an estimate, as the law provides he shall, for this embassy of the United States, then Congress can appropriate the sum of $150,000 for it; but if the Secretary of State does not make an estimate, then Congress can appropriate, over a point of order, any sum that it pleases. The mere statement of the case shows how absurd it is. To say that we can not appropriate more than $150,000 if an estimate is made in the regular manner, but if the estimate is not made, then you can appropriate what you please, shows that either Congress did not know how to write a law at all, or else people have a very queer conception as to what the law is after it is written.

There is a provision in the act that the limit of $150,000 at a particular place shall in no case be exceeded unless there is a subsequent authorization by Congress.

That is not confined to an estimate made by the Secretary of State; that is a broad, straight declaration that the limit of cost of $150,000 can not be exceeded.

Now I call the attention of the Chair, although the Chair is undoubtedly as familiar with it as I am, that it has been the practice in the House of Representatives and Congress, especially in the House, for innumerable years, in making provisions for public works, such as public buildings, lighthouses, ships, and all sorts of public works, to provide in one law an authorization at a limit of cost, usually with the words "which shall not be exceeded," and in a subsequent law the appropriation itself. This Lowden Act should be construed in the light of the continuous practice of Congress for many years in fixing the limit of cost. Here was a case where Congress intended to, and I think clearly did, provide for the limit of cost at a particular place for an embassy of $150,000, with the provision that it should not in any case be exceeded, unless by subsequent authorization of Congress.

Mr. ROGERS. Mr. Chairman, I would like to say one word in reply. My contention is not, as the gentleman from Illinois suggests——

Mr. MANN. I beg the gentleman's pardon if I misunderstood him.

Mr. ROGERS. I quite understand that it was unintentional.

My contention is not, as the gentleman from Illinois suggests, that our power in the House is different according to whether or not the Secretary of State sees fit to present an estimate. My contention is that the power of Congress is not affected one way or the other by the last proviso; that the authority of law which prevents the successful raising of points of order of this kind is contained in the substantive portion of the resolution and in the first proviso; that the second proviso is addressed wholly to the Secretary of State; and that Congress has the right to appropriate in this way on an appropriation bill whether or not the Secretary of State has submitted an estimate, provided, however, that the total amount involved does not exceed $500,000 in any one fiscal year.

Mr. MANN. May I ask the gentleman a question?

Mr. ROGERS. Yes.

Mr. MANN. Does the gentleman contend, under the Lowden Act, that if the Secretary of State makes an estimate for an embassy building at a limit of cost not to exceed $150,000, that then it is in order in the House to appropriate $300,000 for it?

Mr. ROGERS. That is exactly my contention.

Mr. MANN. In face of the provision which limits the cost, that it shall not exceed the sum of $150,000 in any one place, "which limit shall not thereafter be exceeded in any case except by express authorization of Congress." There is an express provision that that limit of cost shall not be exceeded except by the express authority of Congress. That is not a direction to the Secretary of State. That is a limitation in law of the amount that can be appropriated.

Mr. ROGERS. The language of the law is—

The Secretary of State shall set forth a limit of cost.

Now, did Congress, when it used that language, intend to bind itself by the decision of the Secretary of State as to what the maximum amount should be in a given case?

Mr. MANN. Congress not only intended to bind itself, but it expressly provided—

which limit of cost shall not exceed the sum of $150,000 at any one place, and which limit shall not thereafter be exceeded in any case except by new and express authorization of Congress.

That authorization of Congress is not to the Secretary of State in making an estimate. The limit of cost submitted by the Secretary of State can not be exceeded except by new authorization of Congress.

Mr. ROGERS. Congress was imposing upon the Secretary of State certain restrictions as to the breadth of his power. Congress did not intend, as I read the language of the Lowden Act, in any way to circumscribe its own powers provided the requirements of the first two-thirds of the act had been complied with.

Mr. HUSTED. Mr. Chairman, I am quite sympathetic with the proposition to acquire an embassy in Paris, but I think the construction of the gentleman from Illinois [Mr. MANN] of this Lowden Act is absolutely correct. In the first place, it authorizes the Secretary of State to acquire in foreign countries certain sites and buildings such as may be appropriated for by Congress for the use of the diplomatic and consular establishments and to alter, repair, and furnish said buildings; and then it provides—

That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made.

That is a limitation upon the Executive and not upon the Congress. It means that no matter how many buildings we may acquire for embassy purposes or for consulates, under this authorization the Executive shall not expend more than $500,000 in any one year; and, of course, it is perfectly possible to assume that under this authorization buildings might be acquired which would amount to a total sum of more than $500,000; and I assume that is why that limitation was imposed. And then it is provided further that the Secretary of State shall set a limit of cost which shall not exceed $150,000 for any one of these buildings, and it further provides that that limitation of cost shall not be exceeded except by further authorization of Congress. And "further authorization of Congress" certainly does not mean by an appropriation bill, and "further authorization of Congress" certainly does not mean the authorization carried in the Lowden Act. It means some other basic statute authorizing the exceeding of the limit of $150,000 for any one building.

The CHAIRMAN. The Chair is ready to rule.

The authorization of the Lowden Act is as follows:

Provided, however, That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further,* That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of $150,000 at any one place) and which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

The Chair has no trouble in construing this proviso. It seems clear to the Chair from the language itself that the cost at any one place is limited to $150,000, unless Congress sees fit to authorize further expenditure. But in order that we may have the view of the House on this question the Chair desires to call attention to the statement of the distinguished gentleman from Illinois [Mr. Lowden] when this legislation was presented to the House for consideration.

The interpretation by Mr. Lowden on this proviso and limitation of expenditure is in the following language—I read:

While it is true that under this bill with its present limitation it will not be possible to purchase embassies in some of the capitals of Europe where land has become very expensive, it will be possible within the limitation of $150,000 as proposed to purchase embassies and consulates while there is yet time.

This interpretation the Chair assumes was placed upon this legislation by the Congress at the time of its passage.

However, the Chair can interpret the language of the act itself in no other way than a limitation of the appropriation to $150,000 at any one place until Congress authorizes further expenditures.

The Chair sustains the point of order.

The Clerk read as follows:

SECRETARIES IN THE DIPLOMATIC SERVICE.

For salaries of secretaries in the Diplomatic Service, as provided in the act of February 5, 1915, entitled "An act for the improvement of the foreign service," as amended by the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, approved July 1, 1916, and the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, approved June 4, 1920, $379,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Can the gentleman inform the committee as to how much was appropriated for this service for secretaries in the Diplomatic Service for the present fiscal year and the year preceding?

Mr. HUSTED. In 1921, $418,375; in 1920, $289,458.33; in 1919, $301,105; and in 1916, $157,500.

Mr. STAFFORD. What has been the occasion for the inordinate increase in the salaries paid to secretaries in the Diplomatic Service?

Mr. HUSTED. I do not think there has been an inordinate increase. There has been a considerable increase.

Mr. STAFFORD. It is rather inordinate when in five years the appropriation has more than doubled.

Mr. HUSTED. It is not because of the increase in the salary alone. It is because of the increase in the personnel as well.

Mr. STAFFORD. Does not the gentleman believe that it is largely increase in salaries by reason of changes of law which have been enacted in the last two years?

Mr. HUSTED. There is a largely increased personnel, due to the extra business that has come to the missions on account of the war.

Mr. STAFFORD. Has the gentleman any data as to how much is due to increased personnel and how much to increased salaries?

Mr. HUSTED. I do not think any separation was made.

Mr. STAFFORD. I have an impression that some years ago we passed in connection with the Diplomatic and Consular appropriation bill a provision increasing the salaries of these secretaries considerably.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. ROGERS. I think I can give the gentleman some information on that. Up to 1915, when there was a general salary readjustment for secretaries in the Diplomatic Service, the maximum salary paid to a secretary was $2,500. In the act of February 5, 1915, that salary was increased to a maximum of $3,000, and by the act of June 4, 1920, to a maximum of $4,000. The original range was from about $1,200 up to $2,500, and the present range is, I think, from $2,000 to a maximum of $4,000.

Mr. HUSTED. It is a range from $2,500 to $4,000. We have 23 secretaries in class 1, with salaries of $4,000 each; 27 in class 2, with salaries of $3,625 each; 29 in class 3, with salaries of $3,000 each; and 41 in class 4, with salaries of $2,500 each. That is the lowest salary paid to a secretary in the Diplomatic Service.

Mr. STAFFORD. Can the gentleman inform the committee whether these secretaries are furnished any allowance in the way of quarters or heat?

Mr. HUSTED. No; they are furnished no allowance, except the post allowance in some countries where the cost of living has greatly advanced.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CONNALLY of Texas. On account of the value of United States exchange at this time, what are the countries where the cost of living is so great?

Mr. HUSTED. Japan is one of the shining instances. The State Department informed the subcommittee that in Japan, notwithstanding the fact that the rate of exchange as between the yen and the American dollar stood at about the same ratio as it did before the war, the cost of living in Japan had advanced 100 per cent over what it was before the war.

Mr. CONNALLY of Texas. Is China one of those countries?

Mr. HUSTED. No; I think not. Persia is one of the countries. There are a number of them.

Mr. CONNALLY of Texas. I would say to the gentleman that I used to be a member of the Committee on Foreign Affairs when that committee had appropriating power. I think there is a great evil in this system of post allowances. It simply amounts to a lump sum appropriation which the Secretary of State or his subordinates deal out to diplomatic officers, and I hope the Committee on Appropriations can work out some system whereby that practice may be discontinued. It is not a healthful situation at all.

Mr. HUSTED. We have started the work by making a very substantial reduction in the amount available for post allowances.

The Clerk read as follows:

INTERPRETERS TO EMBASSIES AND LEGATIONS.

Interpreter to legation and consulate general to Persia, $2,000.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word. I note that on page 9 of the bill, where allowance for clerk hire is made, there is a provision which reads as follows:

Clerks, whenever hereafter appointed, shall, so far as practicable, be appointed under civil service rules and regulations.

That expression brings to my mind much that has been transpiring in the last few days. I predicted on the floor of this House some time ago when such an unfair deal was given Baltimore in the selection of its postmaster, when the civil service regulations were ignored and partisanship established in its stead. I know what it led to and that just the state of affairs would happen which has occurred. I was very much surprised, indeed, the other day when I heard that the President had issued an Executive order by which he dropped from the Bureau of Engraving and Printing 31 of its most efficient employees, employees who had spent from 39 years down in the service of that bureau; one who had started at $1.25 a day, one who had started at $60 a month, all in minor positions, and who through efficiency and good work had reached the high places which they held.

I notice that the newspaper stated that many of these men were not Democrats, that many of them were Republicans, that it was not a political move at all, and that not more than six, perhaps, of them voted. In that event it was all the more offensive. If it was not a political move, and if they were neither Democrats or Republicans, why were they dismissed from the service without a hearing as prescribed in section 6, part 1, volume 37 of the United States Revised Statutes?

Mr. TILSON. Mr. Chairman, I feel constrained to rise to a point of order that the gentleman is not discussing the amendment. It seems to me that when we are discussing an appropriation bill we ought not to fill the RECORD with a lot of extraneous matter. There is a proper time when the gentleman can get permission to say what he is saying now without interjecting it into the middle of the debate on a bill under the five-minute rule.

Mr. CONNALLY of Texas. Does the gentleman object because he is not talking about the civil service?

Mr. TILSON. I am objecting simply because the gentleman is not talking about the bill itself.

Mr. CONNALLY of Texas. Is the gentleman insisting it is not in order to strike out the words "civil service" because they have already been stricken out?

Mr. TILSON. Oh, the gentleman is captious in his remarks. I am simply insisting that the gentleman from Maryland discuss in an orderly manner the bill before the House.

The CHAIRMAN. The gentleman will proceed in order.

Mr. LINTHICUM. Mr. Chairman, the question before the House is civil service. I am discussing the question of civil service. No question was made when a gentleman arose on the floor of this House and delivered a long speech on the coal question, and no question was raised when gentlemen have spoken on the floor of this House upon various subjects.

And why it should be such a sore spot in the minds of some gentlemen on this side [Republican side] when I speak of civil service and the actions of the Executive order, I do not understand, unless they feel very sad about the occurrence. I think I have a perfect right to discuss the violation of the civil service act by the Executive order of the President when the very bill before us says that certain appointments must be made from the civil-service list. Now, I was saying that no investigation had been made——

Mr. TILSON. Now, Mr. Chairman, I insist upon my point of order. We are not discussing the civil service. The paragraph containing a reference to the civil service has been passed, a subsequent paragraph has been read, and the gentleman realizes that he has no foundation whatever for claiming that he is discussing the bill. I therefore insist on the point of order.

Mr. LINTHICUM. I insist I am within my rights to discuss the whole question of the civil service when the bill speaks of making selections from the civil service list.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent for five minutes additional.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent for five additional minutes. Is there objection?

Mr. TILSON. Reserving the right to object, does the gentleman intend to discuss the bill?

Mr. LINTHICUM. I mean to discuss civil service.

Mr. TILSON. I object, Mr. Chairman.

Mr. LINTHICUM. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point that there is no quorum present. The Chair will count. [After counting.] Eighty-five Members are present; not a quorum.

Mr. HUSTED. Mr. Chairman, I move that the committee do now rise, and on that I demand tellers.

Tellers were ordered, and Mr. HUSTED and Mr. LINTHICUM took their places as tellers.

The committee divided, and the tellers reported—ayes 6, noes 73.

The CHAIRMAN. No quorum is present. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anderson	Fields	London	Sanders, Ind.
Ansorge	Fisher	Lyon	Sanders, N. Y.
Anthony	Fitzgerald	McClintic	Schall
Aswell	Focht	McDuffie	Scott, Mich.
Atkeson	Free	McLaughlin, Nebr.	Sinnott
Beedy	Fuller	Mansfield	Slemp
Bell	Funk	Martin	Snell
Bixler	Gallivan	Merritt	Snyder
Blakeney	Goldsborough	Michaelson	Speaks
Bland, Ind.	Goodykoontz	Moore, Ill.	Sproul
Bond	Gorman	Morin	Steenerson
Brinson	Gould	Mott	Stevenson
Britten	Graham, Ill.	Mudd	Stiness
Burke	Graham, Pa.	Nelson, J. M.	Strong, Pa.
Cannon	Griffin	Newton, Minn.	Sullivan
Cantrill	Hammer	Nolan	Tague
Carter	Haugen	Norton	Taylor, Ark.
Chindblom	Hawes	O'Brien	Taylor, Colo.
Christopherson	Hersey	Overstreet	Ten Eyck
Clark, Fla.	Hicks	Padgett	Tillman
Clarke, N. Y.	Hogan	Paige	Tincher
Classon	Ireland	Patterson, Mo.	Towner
Codd	James	Perlman	Treadway
Connolly, Pa.	Jefferis, Nebr.	Petersen	Upshaw
Copley	Johnson, Miss.	Porter	Vare
Coughlin	Johnson, Wash.	Radcliffe	Vestal
Crago	Kahn	Rainey, Ala.	Voigt
Crowther	Kelley, Mich.	Rainey, Ill.	Webster
Dale	Kendall	Reavis	White, Me.
Darrow	Kennedy	Reber	Williams
Davis, Minn.	Kiess	Reed, N. Y.	Wilson
Dempsey	Kindred	Riddick	Winslow
Drane	Kitchin	Robertson	Wood, Ind.
Drewry	Knight	Rodenberg	Yates
Dyer	Kunz	Rouse	Zihlman
Ellis	Lampert	Rucker	
Faust	Lee, N. Y.	Ryan	
Favrot	Little	Sabath	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, finding itself without a quorum, he had caused the roll to be called, and that 281 Members had answered to their names, a quorum, and that he presented therewith a list of the absentees for insertion in the Journal and RECORD.

The committee resumed its session.

The Clerk read as follows:

EXPENSES OF CONSULAR INSPECTORS.

For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State, $25,000: *Provided*, That inspectors shall be allowed actual and necessary expenses for subsistence, itemized, not exceeding an average of $8 per day.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. I wish to inquire of the chairman of the committee as to the interpretation of the language of the proviso which allows not exceeding an average of $8 per day for actual and necessary expenses for subsistence of these consular inspectors. How is the authorization not to exceed an average of $8 a day construed in its application by the department?

Mr. HUSTED. It is construed at an average by the month, as I understand it.

Mr. STAFFORD. Then would an inspector receive the maximum of $248 a month if there were 31 days in the month?

Mr. HUSTED. Provided they were actual expenses.

Mr. STAFFORD. That is, an inspector who may be only occupied in inspecting for maybe half a month, and yet his expenses might run much more than $8 on any one day, and under this phraseology he would be entitled to perhaps $15 a day.

A MEMBER. Not unless they were actual expenses.

Mr. STAFFORD. My colleague says not unless they were actual expenses. But the inspector in continental United States engaged in some inspectional work is limited to $4 a day.

Mr. HUSTED. As I understand it, if one of these inspectors went on a tour of inspection and was occupied 10 days in making that inspection, he would have to render an account and show that he actually expended $80 in order to receive the full amount. That is entirely irrespective of the amount expended on any one day.

Mr. STAFFORD. Oh, yes; he would want the privilege of expending almost any amount for his expenses on any one day, providing the average expenses for the month or a year did not exceed the maximum of $8 a day for the entire number of days in the year.

Mr. ROGERS. Of course, the gentleman is aware that a very large part of the work of these inspectors is traveling, by ocean and by railroad, many hundreds and thousands of miles. A journey across the Pacific or across the Atlantic may cost three or four hundred dollars on a modern-price steamer. If a consular inspector was only going to be paid a maximum of $8 a day, he would be seriously crippled in whatever he would undertake.

Mr. STAFFORD. I direct the attention of the gentleman from Massachusetts to the fact that this limit of $8 is simply for actual and necessary expenses of subsistence. When he travels he will be allowed the full amount of travel and, in addition, $8 a day on an average for all the days when away from home.

Mr. HUSTED. They are not allowed to draw anything on this account except while they are on tours of inspection, and then they may draw an average of $8 a day for the time they are actually occupied in the public business, provided they actually and necessarily spend it.

Mr. STAFFORD. Years back in the Postal Service we had an abuse whereby inspectors would run out from their headquarters for an hour or so so as to obtain the necessary $4 per diem in addition to the salary. The Post Office Committee attempted to correct that abuse by requiring that they had to be officially away from their designated headquarters in order to obtain this allowance. Is there any such regulation in the department that would restrict these inspectors and prevent them from receiving the allowance given for actual and necessary expenses except when away from their designated headquarters?

Mr. HUSTED. Let me say this to the gentleman: There are only seven consular inspectors, all told. There should be a great many more for the good of the service. These men are the only officials that we have who regularly inspect our consulates to see that they are managed on a business basis and economically, and the work which they perform is very important, indeed.

Mr. STAFFORD. I am not criticizing the number or the amount appropriated. I am inquiring about the administration of this $8 per diem. With the rate of exchange so favorable to these inspectors, this allowance of $8 per day might run to twice as much as what inspectors in the United States are receiving.

Mr. HUSTED. Well, they are traveling in foreign countries and often under very expensive conditions. I do not think this allowance is too high. I doubt if it always covers the actual expenses.

Mr. STAFFORD. Take the commercial attachés under the Department of Commerce. We do not allow them any such expenditures, and yet they are traveling the same way, and their expenses are just as great.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MANN. The gentleman is talking about what the practice is. The language in the bill is for "traveling and inspecting under instructions from the Secretary of State." They could not do as the post-office inspectors used to do, because they can do this only when ordered to inspect, and only get it while traveling and inspecting, and then they could get only the actual amount of expenses.

Mr. STAFFORD. Oh, yes. I am directing my inquiry as to the character of the expenditure. For instance, the commercial attachés——

Mr. MANN. The commercial attachés do not travel as these men do.

Mr. STAFFORD. In Argentina the Department of Commerce has been asking for years more than the law allows them, $5 per day, perhaps. Here you are allowing them $8 a day on an average, which may run up to $10 or $12 a day of actual expenditure.

Mr. HUSTED. Let me tell the gentleman what this item covers. It covers the expense of transportation, steamship and railroad fares, hotel bills, and——

Mr. STAFFORD. If the gentleman will permit, I am not directing my inquiry as to the main part of the provision, but as to the interpretation of the phraseology in the proviso, "not exceeding $8 a day."

Mr. Chairman, I withdraw the reservation of the point of order.

Mr. BLANTON. I make the point of order, Mr. Chairman, that it is legislation. There is no law authorizing such an allowance as $8 a day.

Mr. HUSTED. Mr. Chairman, I make the point of order that the point of order made by the gentleman from Texas is made too late, debate having proceeded.

Mr. BLANTON. No; I reserved the point of order.

The CHAIRMAN. On the point of order raised by the gentleman from Texas [Mr. BLANTON] the Chair would be glad to hear the gentleman from Texas.

Mr. HUSTED. I am frank to concede, Mr. Chairman, that the allowance of $5 a day is not authorized by law.

The CHAIRMAN. The point of order is sustained. To what part of the provision does the gentleman from Texas make his point of order?

Mr. BLANTON. To that part allowing $8 a day.

Mr. HUSTED. Does the gentleman make his point of order against the $8 or against the proviso?

Mr. BLANTON. To the whole paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, I move to amend by inserting, after the figures "$25,000," the words "*Provided*, That inspectors shall not be allowed actual and necessary expenses for subsistence, itemized, exceeding an average of $8 per day."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 9, line 14, after the figures "$25,000," insert: "*Provided*, That inspectors shall not be allowed actual and necessary expenses for subsistence, itemized, exceeding an average of $8 per day."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is legislation not authorized by law. Five dollars is the limit.

Mr. MANN. This is not legislation at all. This is a mere limitation.

The CHAIRMAN. The gentleman from Illinois offers an amendment, to which a point of order is made by the gentleman from Texas that it is legislation. The Chair thinks the amendment is clearly a limitation and overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TRANSPORTING REMAINS OF DIPLOMATIC AND CONSULAR OFFICERS, CONSULAR ASSISTANTS, AND CLERKS TO THEIR HOMES FOR INTERMENT.

For defraying the expenses of transporting the remains of diplomatic and consular officers of the United States, including consular assistants and clerks, who have died or may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country for interment, and for the ordinary and necessary expenses of such interment, at their post or at home, $5,000.

Mr. HUSTED. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: On page 13, after line 10, insert the following caption: "Embassies, legations, and consular buildings and grounds."

Mr. HUSTED. Mr. Chairman, this is simply a caption which was inadvertently omitted, which has always been carried in the Diplomatic and Consular appropriation bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

POST ALLOWANCES TO DIPLOMATIC AND CONSULAR OFFICERS.

To enable the President, in his discretion, and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to diplomatic and consular officers and consular assistants and officers of the United States Court for China in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, $200,000.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph, beginning on line 13 and ending on line 20, for the reason that it is legislation unauthorized on an appropriation bill.

Mr. HUSTED. Mr. Chairman, while it is very unfortunate that a point of order should be made against this paragraph, which is absolutely necessary in order that the service may be properly maintained, I must admit that it is subject to a point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

To enable the President to perform the obligations of the United States under the treaties of 1884, 1889, 1905, and 1906, between the United States and Mexico, including not to exceed $600 for rent, $15,000: *Provided*, That no part of this sum shall be expended for the salary of a commissioner,

Mr. HUDSPETH. Mr. Chairman, I move to strike out, in line 24, page 14, the figures "$15,000" and insert in lieu thereof "$25,000."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 14, line 24, strike out the figures "$15,000" and insert in lieu thereof the figures "$25,000."

Mr. HUDSPETH. Mr. Chairman, I should like to have the attention of the committee. I can not see any reason why as important a commission as this should be kicked around like a football in this Congress. This is a commission in which every American citizen is interested. If you will read the hearings, containing the statement of Undersecretary of State Fletcher, you will find that he testifies that last year, although there was an appropriation of only $5,000 made for this boundary commission, they took the unexpended balance from the appropriation of 1920 of $50,000 and expended the $25,000, as I recall. I think that was the amount, or probably something over $20,000.

Gentlemen, this is the commission that makes a survey of disputed territory between this country and Mexico. It is stated here that no part of this appropriation will be expended for a commissioner; but during all the time that we have not been recognizing Mexico, Mexico has had a boundary commissioner, as Mr. Fletcher says.

The Rio Grande, which is the boundary line between a large part of this country and Mexico, is susceptible to sudden changes, and when it does change it cuts off land that is in the United States to-day and puts it into Mexico to-morrow. I want to impress upon you gentlemen the importance of this commission and the reason why the engineers should be there upon the ground and make the surveys, so that when Mexico is recognized we may have the facts as to disputed territory. Mr. Carr, who was representing the State Department, as I believe, in the hearing, asked that at least $25,000 be appropriated. No part of that goes to a commissioner. I did not blame gentlemen here a couple of years ago for cutting off the appropriation, when there was a commissioner appointed under the other administration, who stayed in his office somewhere in one of the Southern States, practiced law, as I am informed, and did not attend to his business down on the national border, but you gentlemen over here now are in authority and unquestionably you will appoint a commissioner who will stay on the ground and perform his duty; at least you should do so. But the amount I am asking here is not for the pay of a commissioner, although I think at the present time this country is likely to suffer by reason of the fact that it has no commissioner. During all this time Mexico has its commissioner, so Fletcher states, and, as I understand, he is performing the functions of his office; but this appropriation is for the purpose of water gauging and for additional water gaugers along the Rio Grande and for the pay of engineers to make the surveys, and last year they expended that amount; but there is now no unappropriated balance remaining out of which they can make this expenditure.

Mr. TILSON. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. TILSON. Do I understand correctly that the purpose of this appropriation is to make surveys of this land that shifts its nationality overnight, one day being in Texas and the next day in Mexico?

Mr. HUDSPETH. To-morrow it may be in Mexico, by a change of the river by erosion or avulsion.

Mr. TILSON. Is it the purpose of this appropriation to have these surveys made and all this information and data collected and ready as soon as we recognize Mexico, so that we can settle these questions as to boundaries?

Mr. HUDSPETH. That is the idea, so that we will have the data concerning where the boundary line should be. Under the treaty the boundary line along the Rio Grande is the middle of the stream. I will state to my friend from Connecticut that when the stream changes there ought to be a commissioner on the ground to make the survey, so that we will have the information that Mexico will have, so that in the arbitration she will not have any advantage.

Mr. BEGG. Will the gentleman yield for a question?

Mr. HUDSPETH. I yield to the gentleman from Ohio.

Mr. BEGG. What is the salary of this engineer?

Mr. HUDSPETH. I think it is $5,000.

Mr. BEGG. Will not $15,000 provide for him?

Mr. HUDSPETH. No; not according to Mr. Fletcher. I am asking this addition not for a commission but upon the estimates of Carr and Fletcher. You understand there have to be men along the river to make these surveys and other necessary work in which this country is vitally interested.

Mr. BEGG. How many men has he under him?

Mr. HUDSPETH. Mr. Fletcher's statement was that the men required besides the engineer would call for an appropriation of $25,000. The engineer is not the only man who is needed there.

Mr. BEGG. If the gentleman will look at the hearings, as to what has actually been performed by this commission, he will find that $15,000 is a pretty generous appropriation at this time.

Mr. HUDSPETH. I will state to the gentleman from Ohio that last year they expended over $20,000, and there was no commissioner's salary included in that expenditure. Why do you want to deprive them of the men that they actually need along the river?

Mr. BEGG. They spent about that same amount two years ago.

Mr. HUDSPETH. They had $50,000 two years ago.

Mr. BEGG. They did not spend it all.

Mr. HUDSPETH. They spent every dollar of it, and this country is as much your country as it is mine, and you ought not to cut them down here, because the testimony is in the hearings that they need it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BEGG. I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BEGG. Now, I want to call the gentleman's attention to the fact the year before, when I said they had $25,000, they actually spent $20,407, and the gentleman is entirely in error when he says that they spent $50,000.

Mr. HUDSPETH. They had an appropriation in 1919–20 of $50,000, and they had in prior years $50,000. There was a reason for cutting it down then, because they had a commissioner who did not do any work, and they cut him off in the appropriation. You gentlemen are in the majority, and if you want land taken from this country by Mexico it is your fault and not mine; you are responsible to our country.

Mr. BEGG. We accept the responsibility.

Mr. HUDSPETH. Yes; you accept lots of things. I have never known anything that your party would not accept. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUSTED. Mr. Chairman, we realize the importance of making the surveys and measuring the water and preserving all the data necessary to the protection of American interests, but I desire to call the attention of the gentleman from Texas to the estimates made by the department for the next fiscal year.

Mr. HUDSPETH. Will the gentleman yield?

Mr. HUSTED. I will after I get through with this brief statement. In the estimate of $25,000 they provide for a commissioner at $5,000; for a consulting engineer at $4,500; for a secretary at $4,000; for rent, $1,400; for equipment, printing, clerks, and so forth, $5,100; and for water measurements, $5,000. Now, these items made up $25,000, and the only items contained in that estimate in which the gentleman is really interested is the item of $5,000 for water measurements and the item for surveying. That is what he wants done; he wants the water measured and the necessary surveys made——

Mr. HUDSPETH. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. HUDSPETH. I want to ask if Mr. Carr and Mr. Fletcher, of the State Department, did not state it was absolutely necessary for the protection of the American rights that you appropriate $25,000?

Mr. HUSTED. No; on page 155 of the hearings this is what Mr. Carr states:

My understanding is that this Government has not felt that anything could be accomplished by the appointment of a commissioner until we recognize the Mexican Government, when the commission could make binding decisions in reference to the boundary and matters affecting the boundary. That, however, does not apply to the measuring of the water, which should be kept up just as if the two Governments were in diplomatic relations.

That is exactly what we are providing for—the measuring of the water, making the survey, collecting all the data, and doing absolutely everything that is necessary for the protection of American interests. We did not think it was advisable to appoint a commissioner and pay him a salary of $5,000 when he has absolutely nothing to do. We did not think it necessary to provide money for some of the other items that allow the appointment of clerks, and so forth, when they have nothing to do.

Mr. HUDSPETH. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. HUDSPETH. If they expended over $20,000 last year, would not it stand to reason that they should have that amount this year?

Mr. HUSTED. I am calling the gentleman's attention to the estimates. There is a detailed estimate, and that is exactly what they propose to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

BOUNDARY LINE, ALASKA AND CANADA, AND THE UNITED STATES AND CANADA.

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including the salaries of the commissioner and the necessary engineers, surveyors, draftsmen, computers, and clerks in the field and at the seat of government, expense of printing and necessary traveling, for payment for timber necessarily cut in determining the boundary line not to exceed $500, and commutation to members of the field force while on field duty or actual expenses not exceeding $5 per day each, to be expended in accordance with regulations from time to time prescribed by the Secretary of State, $30,000: *Provided*, That when the commissioner is absent from Washington and from his regular place of residence on official business he shall be allowed actual and necessary expenses of subsistence not in excess of $8 per day.

Mr. BLANTON. Mr. Chairman, I make a point of order to that paragraph in the bill embraced within the last proviso, line 23, page 15, and line 2, page 16, which is legislation unauthorized on an appropriation bill in that it provides subsistence at $8 a day.

Mr. MANN. Will the gentleman reserve the point of order?

Mr. BLANTON. I will reserve it.

Mr. MANN. I can tell the gentleman why the proviso was put into the act. Some years ago it was found that the International Boundary Commission under the law and under the appropriation as it is in the bill, without a proviso, were charging expenses for subsistence practically 365 days in the year. Congress did not think it ought to be done. None of these gentlemen lived in Washington, none of them had an official residence in Washington; they were not engaged all the time on the work, but they were charging subsistence for all the time. So Congress put in a limitation that the only time they could charge subsistence was when they were absent from Washington or their regular place of residence on official business.

Mr. BLANTON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BLANTON. I imagine that if the gentleman from Illinois was commissioner and had a force of men under him and had to put up in a hotel somewhere in order to get something to eat, he would not put up at an $8 a day hotel and put his men up at a lower class hotel at $5 a day, which this bill authorizes. In other words, in lines 20 and 21 it provides that his field force shall be allowed $5 a day, and then it gives the commissioner $8 a day.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry. Are these gentlemen discussing the point of order or the merits of the bill?

Mr. MANN. The gentleman from Texas has reserved the point of order for a moment.

Mr. LINTHICUM. I do not want to be captious, but the chairman called me down on the same thing that the gentleman from Illinois is doing.

Mr. MANN. The gentleman from Texas reserved the point of order. I would like to say to my friend from Texas that when I go to New York or even to Washington and stop at a hotel it costs me a good deal more than it does my secretary or any other employee that I may have. When I was practicing law, it cost me a great deal more at a hotel than it did to send a clerk there or take him with me. However, that is not the question. I think if this limitation is stricken out, the result will be that these commissioners will have the right which they exercised formerly—I do not know whether they will exercise it or not hereafter—to charge subsistence for practically every day.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. JOHNSON of Kentucky. In the gentleman's opinion is it material whether this language is in or out, since there is no longer a commissioner? The work now is done by the Geodetic Survey. There is no commissioner.

Mr. MANN. There is no commissioner?

Mr. JOHNSON of Kentucky. There is a commission but no commissioner.

Mr. HUSTED. Oh, I think the gentleman is mistaken about that.

Mr. MANN. I am not informed as to that. There was a commissioner at one time.

Mr. HUSTED. I think the gentleman is in error about that. There is a commissioner, but he draws no salary.

Mr. JOHNSON of Kentucky. My understanding was that Mr. Jones of the Geodetic Survey has charge of it instead of the commissioner.

Mr. HUSTED. He is the American commissioner, but he draws no salary.

Mr. JOHNSON of Kentucky. I have not seen the paper making the transfer, but my understanding is that the position of commissioner was entirely abolished, and that that was another duty added to the Geodetic Survey.

Mr. BLANTON. Mr. Chairman, if the gentleman will yield, at a great many of the hotels in the country you can get a room, not on the first floor, with a bath, but you can get a pretty good room for $2 a day. Oh, I do not mean in New York, but I mean down in Oklahoma and in my State.

Mr. MANN. But this commission does not go to Oklahoma or Texas.

Mr. BLANTON. I know; but up in Canada things are not so very much higher than they are in the South, and you can get a pretty good meal for $1.

Mr. MANN. I am not particular as to the amount, but I speak of this because of the great abuse that did grow out of the matter. We had some very fine gentlemen as commissioners, all of them I think formerly in political life, who have been retired for one reason or another. We thought we would not give them in addition to the salary of $7,500 a year subsistence for every day in the year. That is the reason this provision was put into the law some years ago.

Mr. BLANTON. Whenever you once raise subsistence to $8 per day for one set of employees, you are going to have to do it for all of the rest.

Mr. MANN. I doubt that. I can not travel all over the country for a subsistence of $8 a day, and I doubt whether the gentleman from Texas can.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. BLANTON. I insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. HUSTED. Mr. Chairman, I move to amend, after the numerals "$30,000," in line 23, by inserting the words "*Provided*, That when the commissioner is absent from Washington and from his regular place of residence on official business, he shall not be allowed actual and necessary expenses of subsistence in excess of $8 per day."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 15, line 23, after the numerals "$30,000," insert: "*Provided*, That when the commissioner is absent from Washington and from his regular place of residence on official business, he shall not be allowed actual and necessary expenses of subsistence in excess of $8 per day."

Mr. BLANTON. Mr. Chairman, I make the point of order that that is legislation. The law authorizes subsistence at not more than $5 a day. I am sure that the Chair wants uniformity of rulings with respect to these matters. If you permit this amendment, it clearly authorizes this commissioner to spend as much as $8 per day, which would be $3 in excess of the authorization of law, and certainly to that extent it is legislation. I do not think there can be any question about that whatever.

Mr. HUSTED. Mr. Chairman, this is on all fours with the amendment recently offered by the gentleman from Illinois [Mr. MANN], which was held in order by the Chair.

The CHAIRMAN. The Chair thinks the same question is involved.

Mr. BEGG. Mr. Chairman, I would like to say a word on the point of order. I am not particularly interested in the amendment, but it does seem to me that we ought to have at least an element of consistency in legislation. I am assuming that the Chair will rule as he did a few moments ago, that this is a limitation on an expenditure; but suppose there was a statute providing that a commissioner shall be paid a salary of $5,000 a year, and that the committee brought in a paragraph saying that the salary of the commissioner shall not exceed $7,000 per year. Clearly that would be subject to the point of order as a change in existing law. It does not remedy the matter, it does not make it a limitation, to simply change the verbiage of

the statement and say that the salary of the commissioner shall not be more than so and so. In other words, stating a positive proposition in a negative way can not be held in order, if you are going to attempt at all to abide by the rules of the House. I do not care whether he is allowed $8 or $10 a day, but it seems to me if you are not going to be consistent, you are opening the gate wide so that anything can be made in order by stating it in a negative way.

Mr. JOHNSON of Kentucky. Mr. Chairman, in answer to the gentleman from Ohio [Mr. BEGG], who has just taken his seat, I invite the attention of the Chair to line 18 of the bill, which authorizes a part of the $30,000 to be used for "traveling expenses." The question now arises, What part of the $30,000 may be used for traveling expenses? The proviso, as it came from the committee and as it appears in the bill, is subject to the point of order; but when the proviso is changed and is put in the negative, it thereby becomes a limitation, by providing that such part of the $30,000 as may be expended for traveling may not exceed $8 per day. So, it seems to me that, notwithstanding the fact that there is no commissioner to use it, and that there will not be another who may use it, the point of order is not well taken.

The CHAIRMAN. The point of order is overruled. The question is on the amendment of the gentleman from New York.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL PRISON COMMISSION.

For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commission, including preparation of reports, $1,500.

Mr. MANN. Mr. Chairman, I notice the appropriation for the International Prison Commission is reduced from $2,550, which was carried in the current law, to $1,500.

Mr. HUSTED. The reason for that, I will say to the gentleman, is because our quota is payable in francs, and $1,500 will buy the same number of francs to pay our quota that $2,550 formerly purchased.

Mr. MANN. That may have been the case when the estimate was made, but I somewhat doubt whether it is the case just now.

Mr. HUSTED. It was figured out to the satisfaction of the State Department, at any rate, that it would be an amount, when translated into francs, to cover our full quota.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For printing and binding for the Pan American Union, $20,000.

Mr. BLANTON. Mr. Chairman, I make the point of order against the whole paragraph beginning on line 17, page 16, and going down to the end of the paragraph. It is legislation unauthorized on an appropriation bill. I would like to say this, if the Chair will permit me, that the resolution which created this Pan American Union, as the Chair well knows, limited its life to 10 years, and it provided that any one of these countries could withdraw upon giving certain notice within that time. That provision in no way extended the life of the union. The union, by reason of the terms of the resolution which created it, expired at the end of 10 years.

Mr. BURTON. Will the gentleman yield to a question?

Mr. BLANTON. I yield.

Mr. BURTON. I think the gentleman desires to be accurate. Is he quite sure that it is limited to 10 years? This is the resolution which was passed at the conference of countries of the Western Hemisphere at Buenos Aires in 1910:

The American Republics bind themselves to continue to support the Pan American Union for a term of 10 years from this date, and to pay annually into the treasury of the Pan American Union their respective quotas. Any of the Republics may cease to belong to the Union of American Republics upon notice to the governing board two years in advance. The Pan American Union shall continue for successive terms of 10 years—

That is a very frequent provision in treaties—

unless 12 months before the expiration of such term a majority of the members of the union shall express the wish, through the Secretary of State of the United States of America, to withdraw therefrom on the expiration of the term.

Mr. BLANTON. That is not the resolution that passed this Congress.

Mr. BURTON. This is the one that created the Pan American Union.

Mr. BLANTON. But its life is limited to 10 years.

Mr. BURTON. No. It says the Pan American Union shall continue for successive terms of 10 years, unless 12 months before the expiration of such term a majority of the members of the union shall express a wish to the Secretary of State of the United States of America to withdraw therefrom on the expiration of the term.

Mr. BLANTON. The Chair will note that under the reading of the gentleman from Ohio the provision of the resolution obligates each one of these countries to pay so much per year during 10 years unless some of them within that 10 years give two years' notice of the withdrawal. The mere provision that the union shall extend on does not carry with it any authorization of law for the continuance of these obligations. There is no obligation on any country to pay any of these amounts under this resolution except during this first 10-year period.

Mr. HUSTED. Does the gentleman make the point of order against the entire paragraph?

Mr. BLANTON. Against the entire paragraph, because it includes legislation.

Mr. HUSTED. Including the second proviso at the bottom of page 16, line 25? Is your point of order addressed to the entire section?

Mr. BLANTON. It is to the whole paragraph.

Mr. HUSTED. Including the second proviso?

Mr. BLANTON. It is as to all of it.

Mr. HUSTED. Then I admit the paragraph is subject to a point of order.

Mr. BURTON. Before the decision is made on that, there is one other opinion to which I wish to call attention in a positive treaty. Our relations with those countries are so important and our participation has been so generous and so responded to by these countries I do not like to see this go out on a point of order.

Mr. BLANTON. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. BLANTON. Does the gentleman know that out of this $100,000 fund that Congress is providing the employees of this Government in this Pan American Union are spending part of it to insure their lives?

Mr. BURTON. I regard the question of such importance that a bit of gossip like that does not interest me.

Mr. BLANTON. That is not gossip. It is a fact, as testified before the committee.

Mr. BURTON. There is another agreement which is a substantive treaty. This treaty is signed by representatives of the nations of the Western Hemisphere.

It is a treaty made in regard to trade-marks in 1910, in August of that year, in which there is a provision that clearly recognizes this resolution. Two bureaus are provided to enforce the regulations in regard to trade-marks, one at Habana and the other at Rio de Janeiro. They are termed "international bureaus," and this is what was provided:

The international bureaus shall be governed by identical regulations formed with the concurrence of the Governments of the Republic of Cuba and the United States of Brazil and approved by all the other signatory States.

Then follows this clause:

Their budgets, after being sanctioned by said Governments, shall be defrayed by all the signatory States in the same proportion as that established by the International Bureau of American Republics at Washington, and in this particular they shall be placed under the control of those Governments in whose territory they are established.

Now, that is a plain recognition in that treaty of these resolutions that were passed.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HUSTED. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 16, after line 16, insert:

PAN AMERICAN UNION.

Pan American Union, $100,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the chairman of the governing board of the union for the purpose of meeting the expenses of the union and of carrying out the orders of the said governing board.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is legislation, not authorized on an appropriation bill; and I want to call the attention of the Chair to the fact that this particular amendment offered by the chairman of the subcommittee in charge of the bill provides that in addition to this $100,000, the various amounts which the countries themselves are obligated to pay into this union are to be covered as a credit, but may nevertheless be used by the board in charge of this Pan American Union in paying the expenses of the union. In other words, we are appropriating for use in expending every single dollar of the $100,000, which is designed to cover the whole cost of operation, and then taking all the money that

should go into the Treasury besides and paying it in addition. It is clearly legislation not authorized by law.

Mr. HUSTED. Mr. Chairman, I would call the attention of the Chair to a provision of law to be found in volume 26 of the Statutes at Large, page 275, which is as follows:

For the organization and establishment under the Secretary of State of the International Union of American Republics for the prompt collection and distribution of commercial information, $36,000, and the sums contributed by other American Republics for this purpose when collected shall be covered into the Treasury.

Mr. BLANTON. That is an appropriation.

Mr. HUSTED. Yes. That is in an appropriation bill. But it does not follow that it is not legislation of a permanent character simply because it is carried in an appropriation bill. There is a great deal of permanent legislation which is carried in appropriation bills.

I want to call the attention of the Chair to the fact that the word "establishment" is used, and I doubt if there is a stronger word in the English language to indicate an intention to provide for a permanency. Take the dictionary definition of "establish." Webster says it means—

to originate and secure the permanent existence of; to found, to institute, to create and regulate; said of a colony, a State, or other institution.

And from the Standard Dictionary I quote this definition:

To settle or fix, confirm, place on a permanent footing, found, ordain, or institute, as to establish a colony.

I call the attention of the Chair to our own Constitution:

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Now, this bill provides not only for the organization but also for the establishment, under the direction of the Secretary of State, of the International Union of American Republics; and I contend, Mr. Chairman, that that provides sufficient authority to support any appropriation made by Congress until this union is disestablished by some process provided by law.

At the fourth international American conference assembled at Buenos Aires in 1910 the following resolution was adopted:

The American Republics bind themselves to continue to support the Pan American Union for a term of 10 years from this date, and to pay annually into the treasury of the Pan American Union their respective quotas. Any of the Republics may cease to belong to the Union of American Republics upon notice to the governing board two years in advance.

And then follows this language, which has not been quoted here before, and which is all-controlling upon the decision of the question as to whether or not the member States have decided to dissolve this union.

Mr. BLANTON. Mr. Chairman, will the gentleman yield right there?

Mr. HUSTED. Certainly.

Mr. BLANTON. The quota of the United States is $36,000, and yet the gentleman seeks to appropriate $100,000, and then let us spend all the balance contributed by the other countries.

Mr. HUSTED. The gentleman is referring to the quota for a particular year. The quota is entirely within the determination of the governing board, and for the last two years our quota, based on population, has been $100,000. We pay no more in proportion to our population than any other nation pays, but you can not expect a little republican State like Honduras to pay as much as the United States of America. But here is the all-controlling language:

The Pan American Union shall continue for successive terms of 10 years unless 12 months before the expiration of such term a majority of the members of the union shall express the wish, through the Secretary of State of the United States of America, to withdraw therefrom on the expiration of the term.

No such expression has been given through the Secretary of State or otherwise, and we are still an adhering member of the union, and we can not withdraw, either legally or morally, except as provided in the resolution. As long as we continue in membership it is, of course, our duty to contribute our quota as fixed by the governing board. This is the organization about which Philander C. Knox, when he was Secretary of State, had this to say:

Among the foreign relations of the United States, as they fall into categories, the Pan American policy takes first place in our diplomacy.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. BURTON. Why does not that provision make this in order? I understood the gentleman from New York to concede that this proviso was subject to a point of order. The obligation to pay money may be incurred by treaty, but a treaty is the law of the land and is like a statute. Why does not that treaty make this provision entirely normal?

Mr. HUSTED. Because under our rules, if I understand them, if any part of a paragraph is subject to a point of order, it vitiates the whole paragraph. The only part of the paragraph that is subject to a point of order is the proviso providing for the distribution by the union of an edition of the monthly bulletin, which reads:

And provided further, That the Public Printer is authorized to print an edition of the monthly bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1923.

There is no authorization for the printing of this monthly bulletin.

Mr. TILSON. Mr. Chairman, I think it may help the Chair in arriving at a proper conclusion on this point of order if I review somewhat hurriedly all the legislation in connection with it.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present. This is an important argument and we ought to have a quorum to hear it.

The CHAIRMAN. The gentleman from Maryland makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

Mr. TILSON. Mr. Chairman, as I stated before I was interrupted by the point of no quorum, I think it will aid the Chair if I review very briefly the acts making this appropriation in order. The first one I find relating directly to it is an act approved May 24, 1888, authorizing the President of the United States to arrange a conference between the United States of America and the Republics of Mexico, Central and South America, Haiti, San Domingo, and the Empire of Brazil.

The first section of this act reads as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, requested and authorized to invite the several Governments of the Republics of Mexico, Central and South America, Haiti, San Domingo, and the Empire of Brazil to join the United States in a conference to be held at Washington, in the United States, at such time as he may deem proper, in the year 1889, for the purpose of discussing and recommending for adoption to their respective Governments some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them, and for considering questions relating to the improvement of business intercourse and means of direct communication between said countries, and to encourage such reciprocal commercial relations as will be beneficial to all and secure more extensive markets for the products of each of said countries.

In conformity with this statute the call was issued by Secretary of State James G. Blaine, and the First Pan American Conference met in Washington on October 2, 1889. The countries attending the conference were Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Paraguay, Peru, Salvador, United States, Uruguay, and Venezuela. The conference continued until April 19, 1890. On March 29, 1890, a recommendation was approved for the organization of an association under the title of "International Union of American Republics."

In the diplomatic and consular appropriation act, approved July 14, 1890, this language appears:

To enable the President to carry into effect the recommendations of the international American conference so far as he shall deem it expedient, when the same are agreed to by the Governments represented in such conference, or a majority of them.

In another paragraph of this same act is the language which was cited by the gentleman from New York [Mr. HUSTED]. It is as follows:

For the organization and establishment under direction of the Secretary of State of the International Union of American Republics and the prompt collection and distribution of commercial information, $36,000.

The CHAIRMAN. Was that in the same act in which the authorization was made?

Mr. TILSON. It was the same act which made the appropriation for carrying into effect the recommendations of the conference. It was the diplomatic and consular appropriation act approved July 14, 1890, and is found in Twenty-sixth Statutes at Large, 275. Under this act the Union of American Republics was organized and established and appropriations were made for its maintenance in each successive year, 1891, 1892, and 1893.

In the sundry civil act approved August 18, 1894 (28 Stat. L., p. 418), an appropriation is made, and the following additional language appears:

The Bureau of American Republics shall be placed under the control and direction of the Secretary of State, who shall report to Congress at its next regular session the propriety of continuing said bureau, or if any obligation exists on the part of the United States requiring the continuance thereof.

In accordance with this statute the Secretary of State, Walter Q. Gresham, made a report to Congress on December 14, 1894, first citing the act just cited by me, and reported in compliance with that act that the union should be continued. As to the part of the act calling for an opinion as to whether there was

an obligation requiring a continuance of our adherence to the union, Secretary Gresham uses the following language in speaking of the agreement which had been entered into:

> While it has not the binding force of a treaty made by the President by and with the advice and consent of the Senate, it has the sanction of the President and both Houses of Congress, and my conclusion is that while a majority of the Governments that became parties to the union at the instance of the United States adhere to it by contributing to its support, this Government can not in good faith withdraw from the organization.

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. Yes; I yield to the gentleman.

Mr. BLANTON. I am not contending that the union should not be continued. If this appropriation had been $36,000 for carrying on our part of it, I should not have objected; but the gentleman must know that out of this $100,000 some of it at least goes for the numerous entertainments that we have down at that building, and it is the waste that I am objecting to.

Mr. TILSON. The gentleman knows how to draw limitations on an appropriation bill. It will be perfectly easy, after this point of order is overruled, for the gentleman to move an amendment placing any limitation which he desires on the appropriation. Therefore, what the gentleman says is not pertinent to the discussion of the point of order.

Appropriations for the support of the union were made in each succeeding year following 1894 up to 1910, inclusive. In the urgent deficiency bill approved February 25, 1910, the following provision appears in connection with the appropriation:

> To meet the actual and necessary expenses of the delegates of the United States to the fourth international conference of the American States to be held at the city of Buenos Aires.

In accordance with this provision the conference was held, and at this conference the action was taken which has been referred to by the gentleman from Ohio [Mr. BURTON] and the gentleman from New York [Mr. HUSTED], in which it was agreed by the conference that the union should continue at any rate for a period of 10 years, and thereafter for successive periods of 10 years.

It was also agreed at the Buenos Aires conference to change the name of the organization, but not its purposes; and the name "Pan American Union" was adopted. There has been no subsequent legislation on the subject, but the appropriations have been made every year without interruption. It seems to have been accepted as settled that it was authorized by law, and so the appropriations have been continued until the present time. We now find ourselves in this situation: An organization that has continued for 32 years, the United States has been a participating member all of that time, in fact was the prime mover in bringing it into existence, and yet it is contended at this late date that we have no authority of law to appropriate for its continuance. It should have some weight that Congress has appropriated for this purpose through all these years, and that the acts of the organization have been sanctioned a number of times by acts of Congress. The one act, however, that of July 14, 1890, to which reference has been made by others as well as myself, is of itself sufficient, for it gives direct authority to organize and establish this union of American Republics. Therefore, Mr. Chairman, it seems to me that all of these statutes, taken together with the history of the organization, furnish a sufficient basis for the Chair to hold that this appropriation is authorized by law, and therefore in order.

Mr. ROGERS. Mr. Chairman, there are two points that have not been covered by the two gentlemen who have discussed the point of order. I should like to bring them to the attention of the Chair.

In the first place, the Chair is undoubtedly familiar with the compilation of laws of the United States published in 1919, and known as Barnes's Federal Code. I think most lawyers in the House who have had occasion to use that volume will agree with me that it is reliable and well compiled. As the title to the volume itself discloses, it is a code only of permament law. Perhaps it is not conclusive or binding on this House, but I think it is of some interest and of some evidential value to note that Barnes's Federal Code in sections 7044 and 7045, on page 1661, recognizes and treats of the Pan American Union as permanently established under the laws of the United States. It cites the acts of 1893 and 1894 and a number of other acts, including many of those which have been cited by the gentleman from Connecticut.

One other point I think has not been raised which to me is conclusive on this entire point: Last year Doctor Rowe, who was then and is now Director General of the Pan American Union, testified concerning this item before the subcommittee of the Committee on Appropriations in charge of the Diplomatic and Consular appropriation bill.

I happened at that time to be occupying the position of chairman, which is now so ably occupied by the gentleman from New York [Mr. HUSTED]. In the course of the discussion—referred to on page 283 of the hearings on the bill for 1922—the following colloquy occurred:

> Mr. ROGERS. Article 11 of the agreement at the Fourth International Conference of American States, made and signed at Buenos Aires August 11, 1912, found in volume 55, Senate document, page 156, Sixty-first Congress, third session, reads:
>
> "The Director General of the Pan American Union shall submit at the regular meeting in November a detailed budget of the expenses of the following year. This budget, after approval by the governing board, shall be transmitted to the various signatory governments, with a statement of the annual quota which each is to contribute, this quota being fixed in proportion to the population of the country."
>
> Was this international agreement ratified by the Senate?
>
> Doctor ROWE. Yes.
>
> Mr. ROGERS. And it has the force of law?
>
> Doctor ROWE. Yes.

That statement I am not able to challenge, and I doubt if any member of the committee is able to challenge it. To my mind it establishes conclusively two things, even if there had never been other legislation. First, that we are bound by an international agreement to engage in and continue the work of the Pan American Union until we withdraw by substantive legislation. Second, while it may be true that years ago we appropriated $50,000 or $75,000 or $85,000 a year, we are bound under the agreement of 1912 to conform to the quota obligations that are assigned to us from time to time in accordance with the international arrangement. And, as the gentleman from New York says, if we have authority to appropriate at all we have authority to appropriate for any amount unless there is a definite limitation elsewhere in the basic statutes. There is no such limitation in the law. Therefore our right here is unquestionable to appropriate any amount we desire.

Mr. JOHNSON of Kentucky. Mr. Chairman, when I came into the Chamber I was of the opinion that the Pan American Union had been automatically dissolved by the lapse of time, or, in other words, by the expiration of the 10 years. That opinion was reached after hearing only those who appeared before the committee in behalf of an appropriation for the institution.

However, I have become satisfied from the argument made by the gentleman from Ohio [Mr. BURTON] that in that opinion I was in error. I am now of the opinion, just as the gentleman from Massachusetts [Mr. ROGERS] said, that the Pan American Union runs for another term of 10 years, because it has not been by some act of Congress or of the other nations dissolved. In admitting that, however, I must agree with the gentleman from New York [Mr. HUSTED], the chairman of the subcommittee, that any appropriation made by the United States for the Pan American Union must be limited to the quota agreed upon. The amount of money authorized to be raised is upon the basis of population. Upon that basis the United States is now paying $100,000. The other Governments are assessed each a quota on the same basis, and their quotas aggregate something like $78,000, I think. It may be said here, however, that everyone of the South American Governments is not now contributing; some of them are in default. Therefore the question arises now, Can this bill provide appropriation of money other than the assessed quota? This bill appropriates a quota of $100,000. In addition to that it provides that 6,000 copies of a certain pamphlet may be printed each month, at the cost alone of the United States, to be paid out of funds other than the quota.

Mr. HUSTED. I would respectfully call the attention of the gentleman from Kentucky to the fact that the 6,000-copy item is not contained in the pending amendment.

Mr. JOHNSON of Kentucky. I am very glad that the gentleman so informs me, because while I know that that amendment had at one time been withdrawn I thought it had been revived by another motion. That being the case, Mr. Chairman, I have nothing more to say.

The CHAIRMAN. The Chair is ready to rule. Under the act of July 14, 1890, the Congress organized and established under the direction of the Secretary of State the International Union of American Republics. It is true that that legislation was on an appropriation bill, but no objection was made and it became and was permanent law. There has been no change or modification, so far as the Chair is able to learn, of this organization and the establishment of this union except as to the name. The agreement referred to by the gentleman from Texas between the members of the union is as follows:

> Any of the Republics may cease to belong to the Union of American Republics upon notice to the governing board two years in advance. The Pan American Union shall continue for successive terms of 10 years, unless 12 months before the expiration of such term a majority of the members of the union shall express the wish to the Secretary of State of the United States of America to withdraw therefrom on the expiration of the term.

The Chair thinks that this agreement has not expired and that the notice was not served which would in any manner

terminate our relations with the Pan American Union. The Chair therefore overrules the point of order. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present.

Mr. HUSTED. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11065 and had come to no resolution thereon.

OPERATION OF GOVERNMENT RADIO STATIONS FOR PRESS MESSAGES—CONFERENCE REPORT.

Mr. GREENE of Massachusetts. Mr. Speaker, I call up the conference report upon House Joint Resolution 7, to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Massachusetts calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, has the gentleman from Massachusetts given information to the ranking minority member that he intended to call the report up this afternoon?

Mr. GREENE of Massachusetts. Mr. Speaker, this conference report is a unanimous report of the committee. This report has been held up for three days on account of my being occupied in a joint session of the Committee on Commerce in the Senate and the Merchant Marine and Fisheries Committee of the House. I would like to have action on the conference report and have the same sent to the other body for completion. There is no objection to the report and there is no reason for delaying action upon the same.

Mr. STAFFORD. Would it be inconvenient to the gentlemen to defer this matter until morning?

Mr. GREENE of Massachusetts. I can not be here in the morning. I am due over with the Senate committee at half past 10 in the morning, as I have been during the past two days, and it will not be possible for me to be in the House at 12 o'clock to-morrow. I could not very well get here at 12 o'clock. This report has been pending for three days, waiting for a convenient opportunity to call it up. Yesterday it could not be considered because of Calendar Wednesday.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of said amendment insert the following: "on June 30, 1925, except that all such rights conferred by this section in the Republic of China shall terminate and cease on January 1, 1924"; and the Senate agree to the same.

WILLIAM S. GREENE,
WALLACE H. WHITE, Jr.,
CARL R. CHINDBLOM,
L. LAZARO,
W. B. BANKHEAD,
Managers on the part of the House.

C. S. PAGE,
MILES POINDEXTER,
FREDERICK HALE,
CLAUDE A. SWANSON,
KEY PITTMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

No. 2: This amendment inserted by the Senate was stricken out on the ground that a five-year limitation extension for transmission and reception of press messages by naval radio stations on the Pacific coast is unwarranted owing to the belief that ample private radio facilities will have been established before the expiration of that period capable of handling all commercial and press business.

WILLIAM S. GREENE,
WALLACE H. WHITE, Jr.,
CARL R. CHINDBLOM,
L. LAZARO,
W. B. BANKHEAD,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. STAFFORD. I am quite well acquainted with the second amendment of the Senate, but I am not acquainted with the Senate amendment No. 1. I ask unanimous consent that the Clerk report the Senate amendment.

The SPEAKER. Without objection, the Clerk will report Senate amendment No. 1.

The Clerk read as follows:

Page 2, line 11, after the word "States," insert a comma and the words "Hawaii, Alaska."

Mr. STAFFORD. What was the reason for that?

Mr. GREENE of Massachusetts. It was to add Alaska and Hawaii to the privileges heretofore granted to the people of the Far East in the use of the naval radio.

Mr. STAFFORD. Will the gentleman inform the House to what other insular possessions the radio privileges extend?

Mr. GREENE of Massachusetts. The radio privileges extend to the Philippine Islands and to China and Japan.

Mr. STAFFORD. I notice in the amendment agreed to by the conferees that the conferees lessened the time within which the privileges should be extended to China by a period of six months. Instead of the limitation expiring on June 30, 1925, as it did to all countries and possessions, you have restricted it to January 1, 1924. What is the reason for that?

Mr. GREENE of Massachusetts. The reason for that was that at the disarmament conference the Chinese matter was arranged and had been agreed to by the action in the Senate in approving the disarmament conference treaties. The House conferees agreed to that date at the request of the conferees on the part of the Senate, but the House Members did not consider it necessary.

There is no need of having that length of time, even. It does no harm to anyone, and after the report of the disarmament conference reaches China, and they accept it, no further action will be necessary.

Mr. STAFFORD. As the bill passed the House, the limit of time for the exercise of these privileges was extended until June 30, 1922.

Mr. GREENE of Massachusetts. It was thus extended early last year, and by the action of the House, and was promptly sent to the Senate. They delayed action there until very recently they returned the same to the House, asked to have the same extended for a term of five years, simply stating that they wanted the time extended to June 30, 1927. We disagreed to the amendment, and the conference report was finally agreed to as the result.

As soon as private individuals establish this radio connection, for which the Radio Association of America has already obtained concessions in China, and when they are ready to establish the plant and complete its construction that will close the transaction.

Mr. STAFFORD. Not so far as press messages are concerned. Those are continued, I understand, until June 30, 1925.

Mr. GREENE of Massachusetts. They will be continued, so far as press messages are concerned, until that time, I presume.

Mr. MONDELL. As I understand it, if the gentleman will allow me, the House committee believed the House bill was proper, but it was necessary to make some little concession to the other body?

Mr. GREENE of Massachusetts. The other body felt as though they ought to have some concession, inasmuch as they

are a very important body. We did not think they needed it, but we finally satisfied them and obtained a full agreement.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3360. An act to authorize the building of a bridge across the Congaree River in South Carolina.

The message also announced that the Senate had passed the following resolution:

Resolved, That the House of Representatives be requested to return to the Senate the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3360. An act to authorize the building of a bridge across the Congaree River, in South Carolina; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until Friday, April 7, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SUMMERS of Washington: Committee on Indian Affairs. S. 2440. An act extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation; without amendment (Rept. No. 879). Referred to the Committee of the Whole House on the state of the Union.

Mr. LARSEN of Georgia: Committee on the Public Lands. H. R. 8763. A bill validating and confirming a certain indemnity school-land selection of the State of Florida; without amendment (Rept. No. 880). Referred to the Committee of the Whole House on the state of the Union.

Mr. LARSEN of Georgia: Committee on the Public Lands. H. R. 5224. A bill to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, lands in the State of Louisiana not needed for naval purposes; with an amendment (Rept. No. 881). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 11190) authorizing the President to scrap certain vessels, in conformity with the provisions of the treaty to limit naval armaments, and providing for sundry matters affecting the Naval Establishment; to the Committee on Naval Affairs.

By Mr. MONTOYA: A bill (H. R. 11191) to protect the property of citizens of the United States against depredations committed by the Navajo Indians of New Mexico and Arizona; to the Committee on Indian Affairs.

By Mr. WILLIAMSON: A bill (H. R. 11192) to continue the land offices at Belle Fourche, Timber Lake, and Lemmon, in the State of South Dakota, and for other purposes; to the Committee on the Public Lands.

By Mr. STEENERSON: A bill (H. R. 11193) to encourage commercial aviation and authorizing the Postmaster General to contract for air-mail service, and prescribing rates of transportation and postage thereon; to the Committee on the Post Office and Post Roads.

By Mr. SWEET: A bill (H. R. 11194) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11195) to amend and modify the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. RIDDICK: Joint resolution (H. J. Res. 303) relating to terms and conditions of payment for the tuition of Indian pupils enrolled in the State public schools of Montana; to the Committee on Indian Affairs.

By Mr. CONNALLY of Texas: Concurrent resolution (H. Con. Res. 55) requesting the President to take appropriate steps to adjust the diplomatic relations between the United States and the Republic of Mexico; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor of women and minors; to the Committee on the Judiciary.

By the SPEAKER (by request): Memorial of the Legislature of the State of Arizona, urging relief for the Arizona cattle growers' associations; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 11196) granting an increase of pension to Annie C. Boman; to the Committee on Invalid Pensions.

By Mr. BRAND: A bill (H. R. 11197) granting an increase of pension to David Sloan Harrison; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 11198) for the relief of John A. Clayton; to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 11199) for the relief of David F. Reed; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 11200) granting an increase of pension to Catherine B. Hall; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 11201) granting a pension to Lizzie E. Fender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11202) granting a pension to Margaret A. Harris; to the Committee on Pensions.

By Mr. LOGAN: A bill (H. R. 11203) for the relief of H. W. Hamlin; to the Committee on Claims.

By Mr. McARTHUR: A bill (H. R. 11204) for the relief of school district No. 1, of the county of Multnomah, State of Oregon; to the Committee on Claims.

By Mr. McPHERSON: A bill (H. R. 11205) granting a pension to Harriett N. Chatfield; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11206) granting a pension to Agnes May Taylor; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 11207) granting an increase of pension to Samuel Spangler; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 11208) granting an increase of pension to Warren A. Ritter; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 11209) granting an increase of pension to Anna Dennison; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 11210) for the relief of the Southern Railway Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5000. By the SPEAKER (by request): Resolution adopted by the New York Conference of the Methodist Episcopal Church, indorsing the proposed constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159) and urging its immediate passage; to the Committee on the Judiciary.

5001. By Mr. CHINDBLOM: Petition of 32 citizens of Evanston, Ill., protesting against Sunday legislation; to the Committee on the District of Columbia.

5002. By Mr. FRENCH: Petition of citizens of Potlatch, Idaho, indorsing the Sterling-Towner bill; to the Committee on Education.

5003. By Mr. GALLIVAN: Petition of the New England Purchasing Agents' Association (Inc.) and Charles H. Tenney & Co., both of Boston, Mass., urging passage of House bill 10159, or the "commercial bribery bill"; to the Committee on the Judiciary.

5004. By Mr. KISSEL: Petition of the commander of the Naval Militia of New York City, N. Y., relative to the naval bill, etc.; to the Committee on Naval Affairs.

5005. By Mr. McPHERSON: Memorial of sundry citizens of Joplin, Mo., protesting against the passage of House bill 9753,

on the subject of Sunday observance; to the Committee on the District of Columbia.

5006. By Mr. RIDDICK: Petition of farmers of Portage and Big Sandy, in the State of Montana, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

5007. By Mr. SMITH of Michigan: Petition of 178 citizens of Michigan, protesting against the passage of House bill 4388, providing for the regulation of Sunday observance by civil force under penalty for the District of Columbia; to the Committee on the District of Columbia.

5008. By Mr. SNELL: Petition of members of Grange 968, of Edwards, St. Lawrence County, N. Y., favoring the Voigt bill, prohibiting the manufacture of filled milk; to the Committee on Agriculture.

5009. By Mr. SNYDER: Petition of residents of the thirty-third New York congressional district, requesting the prohibition of imitation milk in interstate commerce; to the Committee on Agriculture.

5010. By Mr. STEENERSON: Resolution of International Brotherhood of Locomotive Engineers of Thief River Falls, Minn., favoring House bill 10798; to the Committee on Interstate and Foreign Commerce.

5011. By Mr. TINKHAM: Petition of the First Universalist Church of Roxbury, Mass., relative to the Austrian debt to the United States; to the Committee on Ways and Means.

5012. By Mr. TOWNER: Petition of J. K. Forsyth, of San Francisco, Calif., and 57 other citizens of the State of California, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5013. Also, petition of Jackson E. Mohr and 38 other citizens of Evansville, Ind., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5014. Also, petition of Harry A. Maxwell, of Malden, Mass., and 135 other citizens of the State of Massachusetts, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5015. By Mr. VOLSTEAD: Petition of 82 farmers in the seventh congressional district of Minnesota, urging revival of the Government Grain Corporation and a guaranteed price on farm products; to the Committee on Agriculture.

SENATE.

FRIDAY, *April 7, 1922.*

(Legislative day of Wednesday, April 5, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The Senate resumes the consideration of House bill 9103.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] to the amendment of the committee. The amendment to the amendment will be read.

The READING CLERK. In the amendment of the committee, page 10, line 13, after the word "two" insert "for the district of New Jersey, one."

Mr. FRELINGHUYSEN. On agreeing to the amendment to the amendment I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to my colleague [Mr. HALE] and vote "yea."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. Not knowing how he would vote and being unable to obtain a transfer at this time, I withhold my vote.

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent to-day and I promised to take care of him with a pair. Therefore, I withhold my vote.

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote on this question, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Ohio [Mr. WILLIS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. He is absent, and I therefore withhold my vote.

The roll call was concluded.

Mr. KENDRICK. I have a general pair with the senior Senator from Illinois [Mr. MCCORMICK]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. NEW. I transfer my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Michigan [Mr. NEWBERRY] and vote "yea."

Mr. HARRISON. I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the junior Senator from Alabama [Mr. HEFLIN] and vote "nay."

Mr. RANSDELL. I withhold my vote.

Mr. WILLIAMS. Has the Senator from Indiana [Mr. WATSON] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. WILLIAMS. I have a pair with that Senator, and in his absence I am not at liberty to vote. If at liberty to vote, I would vote "nay."

Mr. CURTIS. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Indiana [Mr. WATSON], and the Senator from Connecticut [Mr. MCLEAN] are detained at a meeting of the Committee on Finance.

I wish also to announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Missouri [Mr. REED];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Utah [Mr. KING];

The Senator from Colorado [Mr. PHIPPS] with the Senator from South Carolina [Mr. DIAL]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

The roll call resulted—yeas 25, nays 21, as follows:

YEAS—25.

Ball	Frelinghuysen	Myers	Sheppard
Bursum	Harris	New	Shortridge
Cameron	Johnson	Nicholson	Spencer
Curtis	Keyes	Oddie	Sutherland
Ernst	Ladd	Pepper	
Fernald	McKinley	Poindexter	
Fletcher	Moses	Pomerene	

NAYS—21.

Ashurst	Kendrick	Norris	Walsh, Mass.
Capper	La Follette	Overman	Walsh, Mont.
Caraway	Lenroot	Rawson	Watson, Ga.
Cummins	McNary	Stanley	
Gooding	Nelson	Sterling	
Harrison	Norbeck	Wadsworth	

NOT VOTING—50.

Borah	Gerry	McKellar	Smoot
Brandegee	Glass	McLean	Stanfield
Broussard	Hale	Newberry	Swanson
Calder	Harreld	Owen	Townsend
Colt	Heflin	Page	Trammell
Crow	Hitchcock	Phipps	Underwood
Culberson	Jones, N. Mex.	Pittman	Warren
Dial	Jones, Wash.	Ransdell	Watson, Ind.
Dillingham	Kellogg	Reed	Weller
du Pont	King	Robinson	Williams
Edge	Lodge	Shields	Willis
Elkins	McCormick	Simmons	
France	McCumber	Smith	

The PRESIDING OFFICER. On this question the yeas are 25 and the nays are 21. The Senator from Louisiana [Mr. RANSDELL] announced that he withheld his vote. The Senator from Washington [Mr. JONES], the Senator from Alabama [Mr.

UNDERWOOD], and the Senator from Mississippi [Mr. WILLIAMS] announced their pairs. These Senators make a quorum present, and the amendment offered by the Senator from New Jersey to the amendment of the committee is agreed to.

Mr. HARRISON obtained the floor.

Mr. HARRIS. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. HARRISON. I yield.

Mr. HARRIS. I offer an amendment which, I understand, is acceptable to the committee, and I ask that it may be read at the Secretary's desk. I do not think there will be any opposition to it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The READING CLERK. On page 10, line 22, in the committee amendment, it is proposed to strike out the word "district" and to insert "and southern districts."

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. The question is on the amendment which has been proposed by the Senator from Georgia to the amendment of the committee. The Senator from Mississippi [Mr. HARRISON] has the floor.

Mr. HARRISON. I yield for the present to the Senator from Iowa.

Mr. CUMMINS. Mr. President, the amendment which has just been proposed by the Senator from Georgia [Mr. HARRIS] to the amendment of the committee does not propose to add to the number of judges. It simply provides for the appointment of an additional judge in Georgia for two districts instead of for one district. The committee, so far as I have been able to ascertain its wishes, accepts the amendment.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is upon the adoption of the amendment of the committee as amended.

APPOINTMENTS TO AND REMOVAL FROM OFFICE.

Mr. HARRISON. Mr. President, I was not surprised when the vote was announced a few moments ago on the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN]. It was a perfectly natural thing for Senators on the other side of the Chamber to vote for the amendment; it was only carrying out the policy as expressed in this bill. It would have been very unfortunate for the Senator from New Jersey, who offered the amendment; it would have been highly discriminatory, if Senators on the other side should have failed to accept the amendment and vote for it; for the Senator from New Jersey would have never been able to explain to his constituents in New Jersey why the distinguished Senator from Massachusetts [Mr. LODGE], the leader on the other side of the Chamber, had been able to obtain two judges to assist him in his election in Massachusetts in November next, while the Senator from New Jersey received none. Nor could the Senator from New Jersey have explained how he failed to obtain one judge, while the Senator from New York [Mr. CALDER], who comes up for reelection in the coming campaign, obtained three judges; or how the two Senators from Pennsylvania, who come up for reelection in the next campaign, obtained two judges while the Senator from New Jersey received none; nor could he have explained how the distinguished chairman of the Committee on Post Offices and Post Roads, the senior Senator from Michigan [Mr. TOWNSEND], who, as we understand, has a pretty brisk fight on his hands in Michigan, received one judge while the Senator from New Jersey received none. To Ohio, where a strong contest is on in an attempt to elect a Republican Senator, there has been given one judge. Minnesota, where the distinguished junior Senator from that State [Mr. KELLOGG] has a hard fight on his hands, is to be given a judge; so certainly the Senator from New Jersey would never be able to explain the matter in his campaign if he also had not secured the appointment of a judge. Then, as to Missouri, where there is a contest coming off, the Republicans are to be assisted by the creation of one judgeship. Over in Montana there is also another senatorial contest this year, and an additional judge is to be provided for that State under the pending bill. Out in California, where a Senator is to be elected this fall, the Republicans will be aided to the extent of having an additional judge appointed there.

Mr. OVERMAN. There are two additional judges provided for California.

Mr. HARRISON. My attention is called to the fact that in the pending bill two judges are provided for California.

In Arizona, where, of course, my friend, the senior Senator from Arizona [Mr. ASHURST], will have a fight on his hands, the Republicans will be aided to the extent of having a new appointee in the form of an additional judge in that State.

It seems that, running through the whole bill, I think, with four exceptions, the States which are selected to be given from one to three additional judges are States where sharp contests will occur over the election of sitting Members or others who are running on the Republican ticket. So it was but natural that the Republicans should have adopted the so-called Frelinghuysen amendment to give the Senator from New Jersey an additional judge in his State to aid him in the coming campaign.

Mr. President, it is very appropriate in the discussion of the pending bill that the attention of the country should be called to what transpired in this Chamber on day before yesterday. I did not speak on yesterday touching the action of the Senate on the day before, for I did not desire to interfere with the pending bill; so, under an arrangement, the Senate met one hour earlier this morning. It was a perfectly harmless resolution which was before the Senate on day before yesterday, merely asking the President of the United States—

to furnish to the Senate the name of every person appointed by Executive order, setting aside civil-service rules, and to furnish to the Senate the reasons therefor.

Is not the country entitled to know who, since the 4th of last March, under Executive order, have been appointed to civil-service positions and the reasons for such appointments? Yet the Senators on the other side of the aisle, for practically three hours, employed every parliamentary maneuver to prevent that resolution from coming before the Senate for discussion and action. During the whole morning hour, lasting for two hours, Senators on the other side, with two or three exceptions, lined up unitedly and voted against the resolution presented by me being laid before the Senate for consideration and action. What was the motive behind their activities? What prompted the majority to employ such tactics in order to strangle the resolution and hold it on the table and prevent it from coming before the Senate?

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I yield to the Senator.

Mr. MOSES. In the interest of complete historical accuracy, will the Senator state how the Senators on the other side voted, and whether they lined up with complete solidarity in order to force the resolution through, and will he also give his opinion as to what the motive is on the other side for pressing the resolution?

Mr. HARRISON. Yes; that is exactly what I arose to-day to address myself to.

Mr. President, this side of the aisle unitedly voted to bring the resolution before the Senate for consideration and for action. The motive behind their action was the belief that the American people were entitled to know just how many Executive orders had been issued by the President since last March setting aside civil-service rules and the reasons for doing so.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi further yield to the Senator from New Hampshire?

Mr. HARRISON. I will say to the Senator that I will finish much earlier if I am not interrupted, but I will be glad to yield to the Senator.

Mr. MOSES. I thought the Senator intended to occupy the extra hour which has been afforded this morning.

Mr. HARRISON. No; I want to get through at the very earliest possible moment. I will yield to the Senator, however. I am always glad to yield to him.

Mr. MOSES. I merely wish to point out to the Senator something which he very well knows, but which he has omitted to state, that the American people in due season, when the report of the Civil Service Commission is issued, will have all this information, and I doubt very much if there is any outcry from the country for immediate illumination on the subject.

Mr. HARRISON. The Senator advanced that argument the other day and exhibited a report from the Civil Service Commission, which did not contain all the reasons for the issuance of the Executive orders, and only covered the period up to September of last year. It will be a long while before the next report of the Civil Service Commission is issued, and when it is issued it will not contain all the reasons which I am seeking to have furnished to the Senate for the action of the Executive.

Mr. MOSES. It will contain all of the available reasons, Mr. President.

Mr. HARRISON. Mr. President, I am led to believe that the reason of the opposition of the other side of the aisle to the resolution is that they are in this diabolical plot, this conspiracy, to do things under cover and in secrecy and withhold information from the American people. I am led to believe that Executive orders have been issued by the President upon the request of certain Senators here; that the reasons for such action which were given to the President will not be transmitted in the report of the Civil Service Commission to the Senate, for, if they should be, they would not be received very well by the constituents of Senators on the majority side. That may be the reason which prompts the suggestion of the distinguished Senator from New Hampshire that the Civil Service Commission can give the reasons and make report better than can the President of the United States.

If certain Executive orders were issued by the President in behalf of certain Senators, and reasons assigned to him, the Civil Service Committee may not know anything about it, and their report would not contain it; and, regretful as I am even to suggest that such an idea might enter my mind, the actions of Senators on the other side of the Chamber and the intense opposition of Republican Senators to this resolution leads me to that conclusion.

A more reasonable request never was made to the United States Senate. You assisted in writing upon the statute books civil service laws. You have always said you believed in the enforcement of and compliance with civil-service requirements. In your platform you enunciated that doctrine. To the American people you proclaimed that theory. Here is what your party said in your last platform—the platform upon which President Harding was elected:

> We renew our repeated declaration that the civil service law shall be thoroughly and honestly enforced and extended wherever practicable. The recent action of Congress in enacting a comprehensive civil service retirement law and in working out a comprehensive employment and wage policy that will guarantee equal and just treatment to the army of Government workers and in centralizing the administration of the new and progressive employment policy in the hands of the Civil Service Commission is worthy of all praise.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I do.

Mr. STANLEY. The Senator overlooks the fact that that has been interpreted for us now by the ingenious spoilsman from New Hampshire, who says that the President meant that he would only enforce, and his party is only committed to enforce, the civil service law when practicable; and it is never practicable, says the distinguished authority from Indiana, to put a Democrat in, or keep him in, if you can find a Republican to fill the job.

Mr. HARRISON. Yes.

Mr. STANLEY. So, according to the interpretation of the two Senators, this Civil Service Commission is very simple. If that is the case, we have a wolf in sheep's clothing. The sheep's clothing is mangy, and the wolf is sticking out before and behind. I want to smoke out the President on that proposition. I hope he will say whether he approves of this interpretation of his party's platform.

Mr. HARRISON. Mr. President, right along those lines the Senator from Kentucky suggests the position of the Senator from New Hampshire. There is no Senator here who is closer to the President than is the senior Senator from New Hampshire [Mr. MOSES]. He was one of the most active workers in the last campaign. He was placed upon the Post Offices and Post Roads Committee. He is one of the most influential members of that committee.

Mr. STANLEY. And the Senator must not overlook the Senator from Indiana [Mr. NEW]. The Senator from New Hampshire has no edge—I do not know what that means—on the Senator from Indiana. He speaks over the radio telephone of the Government. The voice is the voice of Jacob, but the hand is the hand of Esau.

Mr. HARRISON. Yes, Mr. President, the two closest friends of this administration have spoken and said they were political spoilsmen; that if it were within their power they would turn out all Democrats and place in office all Republicans. So I am assuming that those are expressions that emanated from the White House, and that they are but giving to the country the views entertained at the other end of Pennsylvania Avenue.

Mr. MOSES rose.

Mr. HARRISON. I hope the Senator will allow me to proceed. So close is the Senator from New Hampshire to the White House, and so anxious, perhaps, was the President to carry out the views proclaimed by the Senator from New Hampshire, that when the Senator from New Hampshire took his man Friday, his warmest and closest political ally and friend from New Hampshire, ex-Governor Bartlett, and recommended him to the President as the most suitable man to serve as chairman of the Civil Service Commission, the President, evidently knowing the views of the Senator from New Hampshire, and knowing how Bartlett could work, placed him in that high and responsible place. He served there just long enough to learn all the ropes touching the civil service laws and regulations. I have no doubt that with his keen intellect he was constantly studying the methods that might be employed to evade the civil service law by those in the executive departments; and so, being anxious to carry out the policies enunciated by the Senator from New Hampshire as well as those of the Senator from Indiana, Bartlett is taken off of the Civil Service Commission as its chairman and selected among all the men in the United States to fill the office of First Assistant Postmaster General.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. HARRISON. I do.

Mr. NEW. I merely wish to observe that the Senator is doing me an honor from which I do not shrink but to which I am not entitled.

Mr. HARRISON. Yes; but the Senator knew what was going on, and he knew the motives that lay behind taking Bartlett from the chairmanship of the Civil Service Commission and placing him in office as First Assistant Postmaster General—the man who names all the postmasters, first, second, third, and fourth class, throughout the United States.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi further yield to the Senator from Indiana?

Mr. HARRISON. Yes; I yield.

Mr. NEW. I will say that if all the other assertions of the Senator from Mississippi are based upon as slim a foundation as the one he has just made they are not entitled to a great deal of weight, because, as a matter of fact the Senator from Indiana did not even know that the transfer of Governor Bartlett from the Civil Service Commission to the First Assistant Postmaster Generalship was in contemplation until after it was announced in the newspapers.

Mr. HARRISON. Mr. President, of course when things are done behind closed doors, in secrecy, and everything that goes on in the executive departments is withheld from the public we can only assume one's position from circumstances; but I am glad to accept the plea offered by the distinguished Senator from Indiana.

Mr. President, I have not heretofore discussed the order issued turning out 28, I believe, employees from the Bureau of Engraving and Printing. I have not said anything because I believed, or I wanted to believe, that the President would offer some excuse, whether flimsy or not, for that unprecedented action.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I yield.

Mr. STANLEY. I do not like even to question the motives of the dramatic and forceful utterances of the Senator from Mississippi; but is the Senator from Mississippi candid and sincere when he expresses surprise at the conduct of the President in throwing the benevolent robes of his high office about the spoilsman and the boss, or lending his great influence to the operation of practical politics? Has the Senator from Mississippi forgotten that the President is simply running true to form? Has he forgotten that a good many years ago, when Boss Cox and his machine had become so disreputable that the present Chief Justice of the United States became nauseated, even his gorge rose, and he denounced the methods of Boss Cox, no less a personality than the President himself came instantly to the rescue of Boss Cox against the attacks even of the present Chief Justice and the ex-President, and he went to Cincinnati and delivered a nauseating eulogy of the boss and of his kind, in which he said that Cox was entitled to the deference and devotion of all good Republicans; and for many years thereafter he was referred to as "Warren G. Harding, D. D.," not "doctor of divinity," but "Deference and Devotion Harding"? Is he surprised that the patron saint and especial defender and attorney in fact for Boss Cox should now seek the spoilsmen of the Senate to do his bidding and preserve his party from impending disorganization and ruin?

Mr. HARRISON. I think I had better modify my statement after this very real characterization of my friend from Kentucky; but I remembered the speeches delivered by the distinguished President as a Senator, when he arrayed himself against

autocracy, and talked against encroachments of the Executive upon the legislative branch of the Government. I recall his criticisms of the former President for what he said was an inexcusable usurpation of power. I believed him to be a tender-hearted, mild-mannered gentleman, and that at least, while he might throw out some man from office in order to take care of some of his political friends, he would not issue such a drastic order that would take from the service women whose records—in one case for 43 years—had been the best, a woman who in two years' time could come under the provisions of the civil-service retirement law, a woman who from her compensation was supporting two invalid sisters and an old, aged mother; women who as a result of that act, when they are thrown out, never again can obtain a position in the Government service. I did not believe that this man whom I thought to be tender-hearted and fair could do such an act as that.

Mr. CARAWAY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. HARRISON. I yield to the Senator.

Mr. CARAWAY. If I may interrupt the Senator a moment, the Senator from Indiana, of whom I am very fond, was very angry with me the other day for having, as he said, taken parts of two days to discuss this order, and I notice that he was taking issue with the Senator from Mississippi a moment ago. I have a letter here, if I may read two paragraphs, that may throw some light upon it. I shall not disclose the name of the lady, who comes from Indiana, because she is an employee of the War Department, and she will lose her place if I do; but the letter contains this statement:

On March 30 a canvass was taken, by order of the War Department, in our division of the number of clerks who claimed Indiana as their legal residence. This information was sent to the chief clerk of the War Department, and my name being one of others who are in one of the divisions of the department, I received the inclosed communication this morning. This is evidently being done in other Government departments, as a friend of mine received the same kind of a blank.

Inclosed with that is a circular from the Indiana Republican committee, lock box 345, Washington, D. C., and this blank:

[Executive committee: Mr. Oliver P. M. Brown, chairman; Capt. J. R. Henry; Mr. John B. Newman; Hon. Stanton J. Peele; Dr. Harvey W. Wiley.]

INDIANA REPUBLICAN COMMITTEE OF THE DISTRICT OF COLUMBIA,
March 31, 1922.

DEAR FRIEND HOOSIER:

Are you a Republican? ____ Or if you have not been a Republican in the past, do you desire now to affiliate with that party? ____ If your answer to either question is "Yes," please answer the following questions and return promptly in the inclosed stamped and addressed envelope. If reply is not promptly received, the committee will assume that you are not interested in the Republican Party:

Name in full_____

Washington address_____

Have you retained voting residence in Indiana? ____ If "Yes," in what congressional district? ____ County? ____ Voting precinct? ____

Indiana P. O. address_____

Did you register for 1920 election? ____ If "No," when was the last time you voted? ____

Are you going home to vote at the May 2 primary? ____ Would you like to vote at this primary by mail (any duly registered elector, if absent from the State, is entitled to vote in the primary by mail)? ____ If "Yes," do you want this committee to assist you in obtaining "absent voter's ballot" without expense to you? ____ If your wife or other members of your family are entitled to vote, please give name or names here_____

The right to vote is the heritage of every American man or woman, and the exercise of that right is a requisite to good citizenship.

INDIANA REPUBLICAN COMMITTEE,
O. P. M. BROWN, *Chairman.*

The letter says that the departments are being combed to find people who can vote in the coming May primary in Indiana.

Mr. MOSES. May I say to the Senator that he did not read anything of that kind from the letter?

Mr. CARAWAY. I did read it from the letter. If the Senator from New Hampshire did not hear it, I am not responsible.

Mr. MOSES. I did hear what the Senator read. He read from the letter a statement to the effect that they went through the departments to find out who lived in Indiana. They said nothing about combing it to find out who would vote at the primaries.

Mr. CARAWAY. If the Senator can not add two and two together, I shall not waste any time explaining to him.

Mr. MOSES. If the Senator will permit me, that is the manner in which this whole discussion has been carried on by Senators on the other side. They make certain deductions. The Senator from Mississippi [Mr. HARRISON] says he assumes; in fact, there has been altogether too much assumption. The Senator from Kentucky [Mr. STANLEY] says, "I want to smoke the President out." That, Mr. President, is the animus of all this discussion on the other side. They assume, they deduce, they want to harass the President. That is all there is to it.

Mr. CARAWAY. That is not all there is to it. Here is what the letter says——

The PRESIDING OFFICER. Does the Senator from Mississippi further yield?

Mr. HARRISON. I yield.

Mr. CARAWAY. The Senator yields to me, if the Chair will just wait a moment. The letter says:

On March 30 a canvass was taken, by order of the War Department, in our division of the number of clerks who claimed Indiana as their legal residence. This information was sent to the chief clerk of the War Department, and, my name being one of others who are in one of the divisions of the War Department, I received the inclosed communication this morning. This is evidently being done in other Government departments, as a friend of mine received the same kind of a blank.

The blank is, "Do you live in Indiana and are you willing to vote in the May primary?"

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I yield.

Mr. STANLEY. The Senator from Kentucky is perfectly frank in saying that his heart is touched with a sense of regret. I feel sorry for the Senator from New Hampshire [Mr. MOSES] and the Senator from Indiana [Mr. NEW].

Mr. MOSES. Mr. President, may I beg both the Senator from Kentucky and the Senator from Mississippi not to waste any crocodile tears on me.

Mr. STANLEY. They will be wasted.

Mr. MOSES. If the Senator insists on spilling them, I can not prevent it.

The PRESIDING OFFICER. The Senator from Mississippi has the floor. Senators will not interrupt without addressing the Chair.

Mr. STANLEY. If the Senator will just wait a while, he will need the sympathy of all good people. "Put not thy trust in princes."

I hold no brief for the Civil Service Commission. I find no fault with an honest, courageous man who believes in his party. The great trouble with modern politics is that men are not bound together in political or any other kind of organization by a common aspiration. They are held together by the force of an identical appetite.

I know that the utterances of the Senator from New Hampshire and the utterances of the Senator from Indiana are going to be used by this organization to convince the necessitous and the hungry that the time has come to turn the rascals out, and that is what is being done, and it is being done for the purpose of finding places for Republicans.

I am equally certain that when the long-haired men and the short-haired women march on the other end of the avenue, you are going to be repudiated and left out in the cold, a pair of distinguished goats, political goats, scapegoats, to take the burden of your statements and defend them to your people, and the President will still be, if he is permitted to be, the somewhat discredited angel of civil service; and that I am determined shall not be done. He can turn them out; he can wield the ax all he pleases, but he is not going to wield the stiletto, and a poisoned dagger at that, if I can help it—not on Democrats.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I yield.

Mr. MOSES. Of course, the Senator from Kentucky, as he said in his closing words, maintains all his activity, all his sympathy for Democrats, and being a partisan myself, I respect the partisanship in him. But, Mr. President, the Senator must not think that the Senator from Indiana and I are going out into the desert to wander, because we are not. We think we are coming to our own, and when the Senator says that we are endeavoring to point out the fact that the day is at hand when the rascals should be turned out, I think that day came long ago.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi has the floor, and under the rule has no right to yield except for a question; but it is for the Senator to decide what he wants to do.

Mr. HARRISON. I yield to the Senator from Kentucky.

Mr. STANLEY. I think it is the custom here to yield for an interpolation. While the Senator from Arkansas [Mr. CARAWAY] is reading letters, I have a little companion piece here I think would go well with his. It is like the bass and the contralto or the tenor in the same piece of music. This is written on House of Representatives stationery, headed "Assistant Director, Public Information, National Republican Committee,"

signed by Congressman CARL W. RIDDICK. This is a form letter, sent to a civil-service employee, to a man who has been under the cloak of the civil service for quite a time. It reads:

[Stationery used in this correspondence privately bought and paid for. Assistant Director Public Information, Republican National Committee, CARL W. RIDDICK, second district, Montana.]

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 29, 1922.

Mr. ——— ———,
Washington, D. C.

DEAR MR. ———: I have been quite disappointed in not receiving a favorable reply from you in answer to my recent letter, written you in behalf of Republican Party leaders. I have been given an official position with the Republican national organization and asked to give much time out of a very busy life to the detail work necessary to carry out a nation-wide educational and publicity program arranged by party leaders and regarded by them as absolutely necessary at this time.

I know you are in full sympathy with this effort. I am expected to raise necessary funds to send the National Republican paper in the widest measure possible into strategical homes and territory, not merely to maintain party integrity and success but that the party and the Nation may proceed along fundamentally sound Republican paths that lead to safety and prosperity.

Because the work of Congress is not perfect creates the greater need for educational publicity work right now. Because times are hard and there is restlessness, there is more need for action now. The Nation can not turn, if it would, to the old-time conservative Democratic Party, for it is no more. If faith is lost in the Republican Party, the only alternative is radicalism, paternalism, confiscatory and destroying.

You are in full sympathy with your party leader friends, who see the imperative need for going on with this work now. The plan is to proceed in a way that will not prove embarrassing to any of our friends, and for that reason we ask you and other good friends to send a check for the small amount of $10 only now, and to sign the inclosed pledge and return with your check, assuring us that we may call upon you every three months for a similar small amount, which you will not feel, but which will in the aggregate make the success of this work possible.

Although exceedingly busy, I am willing to work the long extra hours necessary to carry out this program of party leaders. But it is discouraging and disheartening not to have a reply and cooperation from a real friend like we know you to be. I know you have only overlooked this. I know you are in full sympathy with this work and want to see it succeed and accomplish the great good proposed, and for that reason will excuse my insistence in writing you again, and asking that you be so good as to sign the inclosed slip and send it in with your check for $10 in the inclosed stamped envelope, and thus give encouragement and real assistance to the work. Party leaders will be fully advised of those who are aiding and will be appreciative, and personally I will thank you for lending encouragement to me in my arduous part of the detail work.

Very truly yours,

CARL W. RIDDICK.

This was written to a man who receives about $150 a month, $40 a year to be reported to party leaders. They not only want Republicans in but they want milch cows in which are fresh.

Mr. HARRISON. Mr. President, the action of the President in dismissing these 28 employees in the Bureau of Engraving and Printing in the manner and form in which it was done is unprecedented. If the reports printed in the papers are true, these employees all had good records. The Senator from Indiana [Mr. NEW] the other day intimated that in time something would be given to the people as to what prompted this action which had not been told. The President stated there were no charges against any of these 28 employees who were dismissed. The Secretary of the Treasury made the same statement.

We now read in the papers that since an aroused and indignant public have universally condemned it, that some one has ordered the Secret Service force of the Department of Justice to investigate and unofficial intimations reflecting on the character of these public servants permitted to be printed.

It may be that this administration now deems it wise to find something, if possible, to cover up its polluted tracts.

Mr. NEW. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. HARRISON. I am glad to get the interruption.

Mr. NEW. I do not want to interrupt the Senator from Mississippi, but if he is quoting the Senator from Indiana I would like to have him quote him accurately.

Mr. HARRISON. I will quote the Senator exactly. On April 4, just the other day, the Senator said:

Mr. President, as I have said, there are times when not even the President of the United States may make public every motive that actuates him and every reason which impels action on his part, and the action which was taken two or three days ago with reference to removals in the Bureau of Engraving and Printing falls within that category. There were good and sufficient reasons for the President's action, but whether or not they will be given to the public I can not say.

Mr. NEW. That is right.

Mr. HARRISON. The next day the President told the newspaper correspondents, and it was published broadcast, that no charge was or had been lodged against any of those 28 dismissed employees. Of course, the motive may be given in time, and the motive may have been the reason assigned by the Senator from New Hampshire, that they were turning Democrats out of the public service in order to put Republicans in.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I yield.

Mr. MOSES. If the Senator will turn to my remarks I think he will find that I never assigned any such reason. I expressed the hope that that might have been the case.

Mr. HARRISON. But the Senator said "they have been fired and will stay fired," and that he indorsed the proposition.

Mr. MOSES. That is assigning no reason. I assigned no reason for their being dismissed. I repeat that they are fired. I repeat that they will stay fired.

I do not understand from the civil service law that the President of the United States has to give reasons and that he may be put upon hearing whenever he wishes to remove anybody from the classified civil service. My understanding of the decision in all these cases is that that applies simply to the heads of the executive departments or chiefs of bureaus. The Senator from Mississippi himself discharging an office boy in his law office might just as well be called to account and be demanded to give causes and reasons in writing and to hold a hearing before firing the boy as to say that the President of the United States can not dismiss a subordinate with or without reason.

Mr. HARRISON. Mr. President, that is a very unfortunate illustration. An office boy in a law office is not under the civil service, but here were 28 persons who took the examinations, passed, and were qualified under the civil service law to hold these positions. Even the director, Mr. Wilmeth, had worked in that department for years and was a civil-service employee and won his place through long service and training.

Mr. MOSES. That does not protect him as against the action of the President of the United States. The President of the United States, as I understand it, is perfectly untrammeled in his action toward the civil service.

Mr. HARRISON. If the Republican Party desires so to interpret that plank in its platform by pursuing such methods, well and good, but we might as well repeal the whole civil service law if that is to be the policy followed by this administration.

Mr. MOSES. When the question arises between the Democratic Party and the Republican Party as to their respective records on the civil service, that undoubtedly will be met. What I am trying to make clear in the course of this three days' debate, when the Senator from Mississippi and the Senator from Arkansas [Mr. CARAWAY] and the Senator from Kentucky [Mr. STANLEY] are keeping Democratic Senators from pressing amendments to give them more Federal judges in their States, is the fact that during the filibuster which they are conducting against the judiciary bill their animus is wholly partisan.

Mr. HARRISON. Why, there is no other Senator who belives any filibuster is being conducted against the judges bill. We consented to a unanimous-consent agreement which was entered into yesterday to vote this afternoon not later than 4 o'clock. I requested the Senator in charge of the bill to meet this morning at 11 o'clock, in order that we might discuss the matter. Otherwise we would have convened at 12 o'clock. We have tried in every way to expedite action on the judges bill, if you had votes enough to pass it, although I am opposed to it. The Senator knows there is no filibuster here. He is trying to strangle discussion that might reveal the iniquities of this administration, and that is what prompted his remarks.

Mr. MOSES. Oh, no, Mr. President. I hope if there are iniquities in this administration the Senator from Mississippi will discuss them, but he certainly has not revealed any yet. The removal of 28 employees from the Bureau of Engraving and Printing does not constitute anything to warrant the language of the Senator from Mississippi.

Mr. HARRISON. It would be bad enough if the President, in issuing his Executive order, had removed employees from positions that were not statutory, but under his Executive order, he who had proclaimed against autocracy and the usurpation of power attempted in that order to abolish three statutory positions. Even the Senator from New Hampshire would not contend the President had that right. He could not indorse that kind of policy upon the part of the President. I do not know why the President thinks he has grown so big that the Congress has not sufficient power left to repeal laws or make changes in laws. "Upon what meat doth this our Cæsar feed, that he is grown so great"?

Mr. MOSES. The Senator from Mississippi is a member of the reorganization commission, is he not?

Mr. HARRISON. Oh, yes.

Mr. MOSES. What are the powers of the President under that act?

Mr. HARRISON. The powers of the President under that act, as placed there by the Senator's party, were to appoint one W. F. Brown, who had been spoken of as a prospective candidate for the United States Senate from the State of Ohio, and, I presume, in order to remove him and allay the friction existing within the Republican Party in Ohio, he was made chairman of that commission at the instance of the President. From April 8 of last year to this good hour Mr. Brown, the spokesman and appointee of the Senator's President, after proclaiming that there was going to be a reorganization of the bureaus in the Government and a saving to the taxpayers, has refused to call a meeting of the Joint Commission on Reorganization. The President had it in his power to send word to that commission and have his representative, Mr. Brown, call a meeting of the commission so that we could get to work and unravel these differences. That is what the President has to do with the reorganization work.

That reminds me, Mr. President, that on yesterday the distinguished Vice President spoke in Michigan. Here is what he said:

Commenting on a tour of an automobile plant—

This is an article which appeared in the Washington Post of this morning under a Detroit headline—

Commenting on a tour of an automobile plant here, in his speech the Vice President said he had marveled at the organization and efficiency shown, and he continued: "We are trying at Washington to get the same organization and efficiency into the Federal Government. We are reorganizing departments."

Yes; you are reorganizing departments, and the record is, as I have stated, that this commission has been held back by the President from even having a meeting to consider the question of reorganization. Yet the Vice President of the United States, speaking in far-away Michigan, tries to leave the impression by that speech that you are reorganizing something down here and trying to effect efficiency in the working of the departments. He further said:

We are reorganizing departments, trying to bring more of the efficiency of private enterprise into the Nation's business. We are making progress.

He praises "the efficiency" of the automobile plant in Detroit. I presume he was talking—although it is not mentioned—about Ford's plant up there. About the only difference between Ford's plant and the work of this administration touching efficiency is that Ford's plant turns out one automobile every minute, I believe, and you are trying to turn out one Democrat every second.

Ah, Mr. President, when will you cease this hypocritical policy that you are pursuing? You came into power upon it and you are going to ride to a fall on it.

There is hypocrisy in your every act. Every piece of legislation you have passed has scintillated with it. You go before the country and you proclaim what you have done, and if those good people would analyze it they would know that what you have done has been sugar-coated; that it is merely a patchwork of false pretense.

Your packer legislation was full of hypocrisy. I was on the committee that drafted that bill in the last Congress, and I recall how Senators on the other side of the aisle fought it, and during this Congress the packers wrote the bill and you let it pass, and it was signed, and yet you proclaim it to the American people as a great piece of legislation. Hypocrisy is written in its every line.

Mr. MOSES. Mr. President——

Mr. HARRISON. I yield to the Senator from New Hampshire.

Mr. MOSES. I merely wish the Senator once more to acquit me. I voted against that bill.

Mr. HARRISON. The Senator was for once consistent.

Your Republican spellbinders proclaimed to the country that you passed the grain exchange bill restraining gambling upon the grain exchanges. Every suggestion that was made by the grain exchanges was embodied in that piece of legislation or you never would have voted for it.

The War Finance Corporation amendment was forced upon you and you accepted it reluctantly and unwillingly. We tried to amend it so that it would really give some relief, but you prevented us from doing it.

Every act of yours that you proclaimed as an achievement of the administration is a sham and pretense. That is what you are trying to practice with reference to the civil service laws by insinuating that something is wrong in the departments; that it is for the good of the service; that you are trying to bring about efficiency, and yet you discharge employees who rendered service during the dark days of the war by working into the wee hours of the morning, employees whose records heretofore stand without a blemish or a stain. So anxious are you to cover up your diabolical acts that you allow the papers to carry the intimation that something is wrong, even though the Secretary of the Treasury and the President say there was not a charge against them. I know that you are to-day in power, but do not think that you can ravish the civil service law and defy the other laws as you have attempted to do in this instance and meet the approval of the American people.

The Senator from New Hampshire [Mr. MOSES] the other day said that when the Democratic administration was in control Republicans were dismissed and Democrats placed in their stead. The record is quite to the contrary. In the campaign of 1916 both Mr. Hughes and Mr. Wilson as candidates promised a strict enforcement of the civil service law, and immediately after the 4th of March, 1917, following his second inauguration, Mr. Wilson modified his Executive order, and from that day on the highest man on the eligible list in the matter of postmaster selection was appointed to office.

But, Mr. President, I have here a letter from Massachusetts, from a person who knows what he is talking about, in which he makes this remarkable statement:

The Wilson order further provided that in every instance the person standing first as the result of the examination should be appointed unless it was shown that he was not a resident of the postal district from which the examination was given. From April, 1917—

Listen to this, you who have made contrary statements, and those who believe in the fair enforcement of the civil service law—

From April, 1917, to October, 1920, over 700 vacancies occurred, due to death, resignation, or removal from the service, and in every instance President Wilson appointed the top man on the list.

In the CONGRESSIONAL RECORD under date of March 1, 1921, a chart of appointments under the Wilson order shows that in 37 so-called Northern, Western, and Midwestern States 840 appointees were of Republican affiliation, as against 598 appointees of Democratic affiliation, and that in the entire country 60 per cent of the appointees were of Republican affiliation.

And yet the Senator from New Hampshire and those who stand with him as political spoilsmen would have the country believe that the last administration pursued such tactics as are now being employed by the present régime. Why, sirs, Mr. Phillips, a Republican from Massachusetts, a most efficient and courteous gentleman, was made and retained as Assistant Secretary of State. In the War Department, throughout the war and for the most part during Mr. Wilson's administration, there were three Republicans serving as Assistant Secretaries, and so it was throughout the departments, efficiency was sought and little politics considered.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. Yes; I yield.

Mr. MOSES. The fact is, Mr. President, that Mr. Wilson's order was not issued until he had filled the post offices with his partisans. It is true that the order issued after he was reelected provided that the highest man should always be appointed, but the figures just read by the Senator from Mississippi, showing some 800 Republicans forced to be appointed because they were the highest, as against some 500 Democrats, merely indicates that the Republicans were a great deal more intelligent than the Democrats and came out at the head of the list after examination.

Mr. HARRISON. Oh, yes; the Senator from New Hampshire thinks that all virtue is lodged in the Republican Party; but, at any rate, the last administration followed and obeyed the law.

Mr. MOSES. But, Mr. President, if I may add, the classic case is the case of the postmaster at Boston, where a vacancy occurred, I think, by death. An examination was ordered under the President's executive direction; a Republican was about 4 miles out in front of all the procession of Democratic candidates, and yet for more than a year the Democratic Post Office Department, urged thereto by Democratic Congressmen from Massachusetts, prevented the appointment of the successful Republican contestant in the examination.

Mr. HARRISON. Mr. President, that is a case which disproves the statement of the Senator from New Hampshire, for at Boston the last administration named a Republican as postmaster, and the Senator from New Hampshire knows it. The name of that appointee came to the Senate for confirmation, and he was confirmed.

Mr. MOSES. But the appointment was not sent here until it had been inordinately held up by the department, when everybody knew that Mr. Baker was miles ahead of any Democratic competitor.

Mr. HARRISON. I do not care about that. I can show the Senator instances galore where Democratic contestants were 10 miles ahead of any Republican, and yet the Republicans got the office. I can show the Senator by letters which I have here where ex-service men, who fought for their country, traveled miles and miles ahead of Republicans in the examination, and yet Republican pie hunters got the jobs.

Mr. MOSES. Does the Senator mean under President Harding's order?

The PRESIDING OFFICER. Senators must not interrupt the Senator who has the floor without first getting permission. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. MOSES. I should like to carry on a colloquy, but if I must say "Mr. President," and get the floor by the Senator yielding every time I ask a question, I do not wish to do it.

The PRESIDING OFFICER. Under the rules a colloquy between Senators may not be carried on without first obtaining the permission of the Senator who has the floor to be interrupted.

Mr. HARRISON. I am glad to have the Senator from New Hampshire interrupt me.

Mr. MOSES. If the Senator from Mississippi is referring to appointments which were made under President Harding's order, that order does not provide that the high man shall be appointed; but Mr. Wilson's order did so provide.

Mr. HARRISON. Of course, the Republicans have modified their order; but they have not even lived up to the modification of their order; and when somebody gets in their way they go to the President and ask him to issue an Executive order, and even statutory positions are abolished.

Mr. MOSES. I have never asked the President to issue an Executive order for anything.

Mr. HARRISON. Then the Senator from New Hampshire is an exception.

Mr. MOSES. I have sat, as a moot court, for the last week hearing every day piffling, childish protests made against the appointment of Republican postmasters in Southern States—some of them in the Senator's own State—but I wish to say that I have not yet found any case where the Executive order has been disregarded.

Mr. KING. Will the Senator from Mississippi yield to me?

Mr. HARRISON. I yield.

Mr. KING. With respect to the appointment of the postmaster at Boston, I regret that the junior Senator from Massachusetts [Mr. WALSH] is not here, but I am somewhat familiar with that case. With all due respect to the able Senator from New Hampshire [Mr. MOSES], I wish to deny the accuracy of his statement that the Republican candidate for that office was miles ahead in the examination. Upon the contrary, I affirm that a fair and impartial consideration of the evidence in the case respecting the applicants and the candidates, a fair appraisement of their records, would show that the Democrat was the more competent, the more efficient, and, measured by every fair standard, should have been appointed. The action of the civil-service examining board was not only indecent but it was unfair; and I assert it was dictated, more or less, by partisan prejudices and by Republican partisan bias.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I yield to the Senator from New Hampshire.

Mr. MOSES. The RECORD, however, shows exactly what I have stated.

Mr. President, since the Senator from Utah [Mr. KING] has undertaken to speak about the Civil Service Commission in the prior administration, let me call to the attention of the Senate and the country the fact that one Charles M. Galloway, a Democrat from South Carolina, resigned from the Civil Service Commission under President Wilson, and in resigning gave out this statement——

Mr. HARRISON. Mr. President, I do not yield for that.

The PRESIDING OFFICER. The Senator from Mississippi declines to yield further. The Senator from Mississippi will proceed.

Mr. HARRISON. I do not care anything about the statement that Mr. Galloway issued; it has nothing to do with this particular matter. I have here a letter which I received this morning from an ex-service man——

Mr. MOSES. Very well.

Mr. HARRISON. However, if the Senator from New Hampshire desires to read the communication to which he has referred, and thinks it will relieve his excitement, I will yield and let him read the communication.

Mr. MOSES. Mr. President, possibly I had better read it in my own time, because I find that the Senator from Mississippi is getting a little thin-skinned about the practices of his party. I do not wish to interrupt him further.

Mr. HARRISON. I did not think the Senator from New Hampshire really wanted to read the communication.

Mr. President, this morning I received a letter from an ex-service man who made the highest grade in an examination; but he says that he and other candidates were discarded and that a man who did not take the examination but happened to be a Republican was appointed postmaster at that place. He was inquiring why, and in passing he says:

> I hope you will pardon my saying that if justice were done us in the matter of helping us help ourselves there would not be such a cry for the bonus.

There is a great deal of truth in that statement. I could read many other letters, if I cared to take up the time of the Senate, which reveal a similar state of facts.

Mr. President, I have here a letter all of which I will not read, but among other things the writer says:

> I am a Republican, but I am appealing to you as a Democrat because our good Republicans do not have the courage—

And so forth.

Mr. MOSES. The courage to do what?

Mr. HARRISON. Well, I will read further:

> Do not have the courage or inclination to interfere that justice may obtain. Perhaps, also, because they do not care to embarrass the administration.

This letter comes from a State which is represented by two Republican Senators. I have other letters here from Republicans who denounce the administration because of its policy touching civil-service enforcement.

Mr. President, on yesterday the News, published in this city, contained an editorial in which they analyzed the situation and set forth the reasons behind the action which has been taken by the administration and the consequences of that action. I desire to read a portion of that editorial. It reads:

> Who is lying down on the Government—

The editorial discusses the allegation that Federal employees are lying down on the Government—

> Who is lying down on the Government? Here is the answer and at the same time the complete explanation for President Harding's action:
>
> Things have been going badly in the Republican organization—National, State, county, municipal. If you doubt it, ask John T. Adams, national chairman. He'll tell you—if he knows you well enough. He may even allow you to see the stacks of letters he has received proving it.
>
> These letters ring with one refrain—
>
> "We can't get any action out of the 'boys' if there are no jobs to reward them with."
>
> That applies to the "boys" in the National, State, county, and municipal organizations.

The editorial continues:

> If you have no access to Chairman Adams, ask any Cabinet officer. He'll tell you of the visits, the continuous, everlasting visits he receives from Senators and Congressmen, singing the same simple tune. With no pie in prospect, the "boys" won't work.
>
> Yesterday there was an election in Kansas City. The Democrats won—

By 12,000 majority—

> A few days ago there was an election in Tulsa, Okla. The Democrats won. And an election in Hartford, Conn. The Democrats won.

I might also add that there was an election in Rhode Island and the Democrats won, and that there has been an election in Marion, Ohio, since the last election, and that a Republican mayor was turned out and a Democrat elected.

The editorial continues:

> Why? We don't know. There might be a different reason in each city. But the reason given to Chairman Adams, to the Cabinet officers, and, above all, to President Harding, is the reason recited above. The "boys" won't work.
>
> Harding has been trying to resist the pie pressure for many months. That is to his credit. He has withdrawn his resistance now, and that is not to his credit.
>
> Because the boys are hungry for pie, a good many Washington families of old and faithful Government employees are likely soon to go hungry for actual food.
>
> In addition, if they are allowed to get away with it, the men who are bringing this about propose that these faithful employees shall carry with them from the service a stigma that is unfair and false—a charge of having laid down on their jobs.
>
> We protest this cowardly procedure.

And yet some one says the action of the administration has been taken in the interest of efficiency. O, efficiency, how many crimes are committed in thy name!

Mr. President, why did not the President, if something was wrong in the Bureau of Printing and Engraving, remove the director or demote him and put a new man in that position, one who, in his opinion, would carry out his policies, and make such changes as were necessary in other places, by demotion if need be? That is what was done in the Government Printing Office. A new man was selected for Public Printer, a position that is

not in the civil service. Mr. Carter was nominated and confirmed and assumed the position. Immediately in every one of the branches of the Printing Office he demoted Democrats and promoted Republicans. He did not discharge the Democrats from the service. The positions in that office are technical ones, just as they are in the Bureau of Engraving and Printing; it takes years to master the work of those positions. As I have said, Mr. Carter demoted Democrats and promoted Republicans until there was not a Democrat left in that bureau serving as foreman or assistant foreman. Did we raise our voices in protest against that action? No. We thought that was perfectly proper; it was all right; it was within the law; the preceding administration had taken similar action; but never before in the Bureau of Engraving and Printing by any administration had such a policy been pursued.

Mr. President, my resolution is still upon the table. I hope that at the very first opportunity Senators on the other side of the aisle will allow it to be passed, so that the reasons may come from the President for the issuance of the Executive orders and so that the Senate and the country may know the facts. Let us get away from this practice of doing things in secrecy.

Another remarkable thing about the recent Executive order was that it was not issued in the daytime; the cloture of the night was sought to perform this remarkable act. Even when the guillotine was engaged in its bloody work in the dark days of the revolution in France it worked in the daytime and not at night.

Mr. President, if we are going to have civil service, let us comply with the law. Let us not defy it. We can not expect the humblest citizen back in his home to respect the law if he reads in the papers of the President of the United States defying it every minute of the day and then reads of men who hold the highest positions in the gift of the people—namely, Senators—indorsing that policy and preventing these resolutions from being adopted so that the facts can not be made public.

Mr. NEW. Mr. President, I would invite attention to the fact that it is now 12.30. For practically an hour and a half the Senate has listened to a stump speech. We were assembled this morning at 11 o'clock in order that the Senate might give intelligent consideration to a bill of transcendent public importance. It substantially involves the revision of the Federal judiciary; and the consideration of that measure is put aside and an hour and a half given to the aimless, purposeless discourse to which we have listened for the last hour and a half.

Mr. President, I should say nothing in reply, and not be myself guilty of taking up a moment of the Senate's time, but for a reference which was interpolated into the remarks of the Senator from Mississippi [Mr. HARRISON], to which I am offering no objection; but a letter which was interpolated into those remarks by the Senator from Arkansas [Mr. CARAWAY] is so directly personal as to seem to call for a word of explanation from me.

I take it for granted that the letter which was read, and which I have not seen either in the original or by copy, is from an organization which is maintained here by Indiana residents of Washington; that is, temporary residents, Republicans all. I particularly invite attention to the names of the gentlemen who speak for it—Dr. Harvey W. Wiley, Hon. Stanton J. Peelle, a former Member of Congress and a former judge of one of the courts in the District here, and others whose names are disclosed by the record, men and women of the highest standing. At this election, as at every other election which has preceded it for a great many years, they have sent those letters to Indiana people temporarily residing in Washington to aid them in casting their votes under what is known as the absentee voters' law of the State of Indiana. I presume that that is the purpose of this letter now. I hope it is. I admit, and gladly, that there seems to have been a purpose on the part of many of the Indianians who are now here to cast their ballots for me in the Republican primary which is to be held on the 2d day of May. I hope they will carry that purpose into execution. There is nothing about it to which I object, but much that I very heartily and fervently commend.

But, Mr. President, great indignation has been expressed in the progress of the remarks that have been made here. I think that the real basis of it is disclosed more by what the Senator from Mississippi [Mr. HARRISON] said in the closing moments of his address than in the text of the resolution which is the basis for his remarks.

It appears that some Democrats are about to be dislodged, about to be jarred loose from the jobs into which they set their teeth, and to which they have been hanging with a resolution characteristic of a Democratic officeholder, and, as the Senator from New Hampshire [Mr. MOSES] interpolates, worthy of a better cause. But the probability, the prospect, of that has occasioned great consternation. It started with a wail like that of the banshee arising from the swamps of Arkansas, which swept through the mistletoe and moss, accompanied by scalding tears. It has crinkled up the blue grass of Kentucky. It has wafted across and blistered the buffalo grass of Nebraska. It has caused the canes in the brakes of Mississippi to tremble and to bend, and has caused the Senators on the other side to forget the ravages of the boll weevil and all the other ills from which they have suffered all these weary years.

Mr. President, I regret that their anguish of spirit is so deep and firmly seated as to cause them to forget the bodily ills from which they so long have suffered. My sympathy is with them. I hope the occasion for it, however, is not to be diminished.

Mr. MOSES. Mr. President, now that all the wreaths have been laid on the doorsteps of these cruelly murdered individuals, now that all the dirges have been sung, now that all the orations have been pronounced, I trust that the funeral may go forward.

The passionate closing remarks of the Senator from Mississippi [Mr. HARRISON], however, lead me to think that when he demands that we shall "get away from these things which now pollute the public service, Mr. President," he wishes to go back to those angelic days when Charles Mills Galloway, a Bourbon Democrat from South Carolina, was forced out of the Civil Service Commission, and then made this statement:

> My resignation was forced because I would not cooperate with Postmaster General Burleson in debauching the civil service and making a sham of the merit system. Hermon W. Craven, the Republican member, and I, a Democrat, were ousted from the commission because we were not willing that the commission should be a mere adjunct of the Post Office Department, and subservient to it, especially with reference to the examinations for presidential postmasters under the Executive order of March 31, 1917.

Mr. DIAL. Mr. President——

Mr. MOSES. Let me finish reading this, please.

> A very recent example of Mr. Burleson's conduct is furnished by his proposed amendment to this order, which now awaits the signature of the President. The existing order provides that the eligible with the highest standing shall be nominated. A large number of nominations have been held up, many of them for a long time, evidently in anticipation of this amendment, which will enable Mr. Burleson in many cases to deprive those standing highest in these examinations of the nominations to which they are already entitled. Among the post offices affected by the amendment are those of Boston, Mass., and Newark, N. J.

Thus, Mr. President, speaks Charles Mills Galloway, Democrat, of South Carolina; and I commend him to the Senator from Mississippi.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. POINDEXTER. Mr. President, strange as it may seem, I want to speak about the bill that is pending before the Senate; and to that bill I offer an amendment, to insert at the end of line 22, on page 10, the following words:

> For the western district of Washington, one.

So, Mr. President, that that district, which now has two judges, will be put in the same class with a number of other districts, such, for instance, as the western district of Pennsylvania, the northern district of Illinois, and the southern district of California, which now have two and which by this bill will each be given an additional judge, making three in all. The amount of business which is transacted by the United States district court in the western district of Washington is larger and much more varied than the business that is transacted in the three districts which I have named, which are provided for in the bill.

Not long ago I had an opportunity to talk with the judges who hold the present positions in this district, as well as with a number of attorneys practicing at the bar there; and from that direct personal contact I got a much clearer and much more reliable view and information as to the condition of business in that district than could be gotten from a series of statistics and tables that are prepared, many of which contain a great many erroneous statements and which are formulated upon a basis which is not particularly illuminating, anyhow—such, for instance, as the amount of business pending at the conclusion of the year, rather than the amount of business that is commenced and disposed of during the year. From this personal information which I have, Mr. President, I know that there is an imperative need for an additional judge in this district.

The district consists of two divisions—one of them in the southwestern part of the State and one in the northwestern part. Judge Cushman presides over the southern district, with his residence at Tacoma. Judge Neterer, the other district judge, presides over the northern division of the district, with his residence at Seattle. I want to call attention to the data which they give me, the amount of business commenced—not the amount of business remaining on the docket at the conclusion of the year—the amount of work which is done in that district, and to the opinion of the bar association, contained in a letter addressed to my colleague [Mr. JONES], as to the pressing need of an additional judge; also a statement from the Attorney General of the United States that in his opinion there is a congestion of business there.

I was informed by a number of lawyers that the stress of the work in this court is so great, particularly in Seattle, a large city, a city of more than 300,000 inhabitants, with very varied business, that Judge Neterer, who resides in Seattle and presides over that division, not only works continuously, so far as his physical limitations permit him, during the daytime, but that he works a great part of the night. I was informed that it is his habit to arise at a very early hour in the morning, 4 o'clock, or something like that, and work on his cases, in order to keep up with the pressure and necessities of his court.

I got my information by asking the judges questions, because they are rather modest about pressing their claims. Judge Cushman informed me that both he and his colleague in this court are so overwhelmed with work that they are cut off practically from all association with their fellows. They have no time for anything else, not even for going out in the evening on social occasions. The lawyers tell me that under these conditions it is impossible for a proper, deliberate consideration to be given to the business to which the important business pending in the court is entitled. It is only from a very sincere and a very profound conviction of the actual need of an additional judge in this district, in the interest of the general economy which would result from a proper administration of justice in this important court, as well as in the interest of the proper conduct of business itself, and the proper consideration of cases, that I offer this amendment, and I hope it will be favorably considered.

I want to call attention to some figures given as to the amount of business transacted in this district as compared with that of two or three other districts for which three judges are provided.

Mr. SHIELDS. Mr. President, I desire to ask the Senator for which district of Washington he is moving this amendment?

Mr. POINDEXTER. The western district of Washington. If the Senate will pardon me for doing so, I do not know of any better way to show the conditions than to read a letter I received from Judge Cushman, one of the district judges now holding office there. It is dated January 11, 1922. In it he said:

> We feel that the public interest requires that we state the conditions in this district requiring another district judge, to the end that public business may be disposed of with reasonable dispatch, and the consideration which it demands.
>
> Both judges in this district have been exerting themselves to their utmost in endeavoring to discharge the business of this court. Long hours are the rule rather than the exception. It is a physical and mental impossibility to continue under such a strain. Impairment of efficiency necessarily must follow.
>
> We have prepared a statement of the business of this court during the years 1909 (when an additional judge was provided) and 1920, as shown by the reports of the Attorney General as well as the business of certain districts in which, as we understand, provision has been made for three judges by the recent House bill.

His statement also applies to the bill as amended by the Senate Judiciary Committee, which amendment is now pending before the Senate. He continued:

> Not for the purpose of showing that those districts were not entitled to extra judges but rather to demonstrate that by the same token this district deserves as well. We believe the allowance made to be necessary.
>
> Of the 18 districts in which at present there are 2 or more district judges only 6 show uniformly a greater number of cases in gross commenced—

I call attention to the fact that he refers to cases commenced and not the cases pending at the end of the year; and it seems to me it is a much more reliable guide in determining the necessities of the courts to consider the cases commenced and disposed of as well as those pending at the end of the year than merely to take those which are left over. If I may interrupt the reading of Judge Cushman's letter at this point, permit me to say that he calls attention to a rule of the court of that district in another letter which I have from him, in this language:

> All cases which have been pending in this court for more than one year without any proceedings or record having been taken may be disposed of by the court on its own motion for want of prosecution at the call of the calendar at the beginning of each term.

He states that "We have strictly enforced this rule." That accounts for the fact that there is not such a showing as compared with some of the districts as to the number of cases left on the docket at the end of the year, because they are stricken from the docket when not prosecuted. Proceeding to read from Judge Cushman's letter, which I was quoting, he says:

> The difference is not great except in the northern district of California and the eastern and southern districts of New York.

That is, there is no perceptibly greater volume of business in any of the other districts which have three judges, except in the northern district of California and the eastern and southern districts of New York, although three judges are provided for many of the other districts, and I call particular attention to the southern district of California, the northern district of Illinois, and the western district of Pennsylvania, for all three of which an additional judge is provided by the Senate amendment.

Continuing his statement, he said:

> Comparing the business in the southern district of California, northern district of Illinois, and western district of Pennsylvania, as shown by the reports of the Attorney General, with that of the western district of Washington, excluding bankruptcy cases which, except for review, do not require much of the court's attention, the estates being administered by the creditors under the suspension of the referee, we have the following:
>
> Total number of cases commenced in the southern district of California and the western district of Washington during the years 1915 to 1920, inclusive.

I leave out the intervening years for the purpose of saving time and refer only to the year 1920, which is the last year covered by the report of the Attorney General which was used by Judge Cushman in preparing this statement.

In the southern district of California for 1920 there were 726 cases commenced. In the western district of Washington there were 920 commenced. The percentage of volume of cases commenced in the western district of Washington over those commenced in the southern district of California is 29 per cent. There were 29 per cent more cases commenced in the western district of Washington that year, and I may say that a larger excess than that runs through the other years covered by the period over the southern district of California.

He specifies in a separate statement admiralty cases, and calls attention to the fact that admiralty cases, by reason of the nature of the procedure, require a great deal of the time of the judge. In the southern district of California, for which an extra judge is provided in this bill, in the year 1920 there was a total of 96 admiralty cases. In the year 1920 in the western district of Washington there was a total of 489 admiralty cases. So he proceeds:

> The disparity of work under this head is much greater than under the preceding tabulation, for the reason that admiralty causes require the judge to find the facts and law and often to read a long record for such purpose. With a congested calendar, this must be done out of court, and at night.
>
> The total number of cases commenced in the northern district of Illinois and the western district of Washington for the years * * * 1920 were—

I will refer to only those for 1920. The northern district of Illinois, 902 cases commenced; western district of Washington, 920 cases commenced:

> It would appear, from ordinary experience in court, that more work is required of a judge in the disposition of the cases in the latter than in the former district, in view of the fact that but 19 admiralty cases are reported by the Attorney General during the three years in question in the northern district of Illinois, as compared with 234, so shown, in the western district of Washington.

He turns to another district covered by this amendment, the western district of Pennsylvania, and he shows that in the western district of Washington for the year 1920 there were 920 cases commenced, and in the western district of Pennsylvania only 782 cases were commenced. He does not deny that the committee is right in providing an extra judge for the western district of Pennsylvania, but he, the bar association, and others who are familiar with the situation, including myself, insist that for the same reason that an additional judge is provided for the western district of Pennsylvania one should be provided, and there is much greater need for the provision, in the western district of Washington.

The total number of cases, other than bankruptcy cases in 1909, in the western district of Washington, was 391. The total number of such cases in the same district in 1920 was 920.

I shall not read at this time all the statistics contained in this letter, but call attention to Judge Cushman's statement as to the increase in the volume of business of the district subsequent to the date of June 30, 1920, the conclusion of the Attorney General's report, to which reference has been made, down to the 31st of December, 1921. He said:

> The report of the Attorney General closes June 30, 1920. We have had the clerk check cases filed from July 1, 1920, to December 31, 1921, and find, in Seattle—

That is in the northern division—

as follows:

Admiralty, of which 95 are forfeiture cases for violating the Volstead Act	229
Criminal cases	626
Law and equity cases	243
Bankruptcy cases	244

Total, 1,342 cases, commenced in one division, the northern division of this district, during the period from July 1, 1920, to December 31, 1921.

In the southern division, the same district, in the same period of time, the cases commenced were:

Admiralty cases	14
Criminal cases	298
Forfeitures	18
Law	110
Bankruptcy	154
Equity	47
Total	641

Making a grand total for both divisions of the entire district of 1,983 cases commenced in this district during the 18 months preceding the 1st of January last past.

In addition to that, I call the attention of the Senate and of the Senator having the bill in charge, who I know wants to be entirely liberal and just in this matter, to the fact that there were other cases not included in this list which were commenced at Bellingham, where four terms of court a year are held, in the northern division of the district, which are not included in the list of cases commenced at Seattle and at Tacoma just given. The judge states:

> The Bellingham cases are not included. The business there only takes from two to four weeks during the year, four sessions being held. It is apparent from the existing business—emphasized by the need established in 1909 for an additional judge in this district, and the adjudicated need in districts already provided for by the bill which passed the House, as compared with the conditions in western Washington—that the present judges can not dispose of the judicial business of this district.

Now, that is not mere empty language. As I said, on a recent visit to Seattle accidently I met Judge Cushman and asked him about this condition, and I know from that talk with him that he means literally what he said in this letter, that the business simply can not go on as it is now with only two judges. He said further:

> The litigation in the western district of Washington is not only of great magnitude, but is important by reason of the fact that this district is the termini of practically all the great transcontinental railroads.

I was going to call attention to that. Every transcontinental railroad in the United States and in Canada has a terminus in Seattle, from the Canadian Pacific to the Southern Pacific. The Great Northern, the Northern Pacific, the Chicago, Milwaukee & St. Paul, the Union Pacific and its affiliated road, the Southern Pacific, and other roads, such as the North Western and the Burlington, which converge with the Northern Pacific, transmit their entire volume of Pacific coast business to Seattle as a terminus. In addition to that I might mention the fact that in this western district are the headquarters, the outfitting and capitalization management, the home and residence of companies which conduct the greatest fisheries in the world, which supply the world with canned salmon, a product which goes to every country and every port.

The greatest lumber business in the world is conducted there. Out of the port of Grays Harbor, which is included in the southern division of this district, ships laden with lumber go to every port where there is sufficient business and sufficient civilization to use the high-class fir, cedar, spruce, and hemlock lumber of western Washington.

There has been no section in the country where there has been a more varied and more rapid growth than in the region of Puget Sound, which is the center of this western district. The great transcontinental railroads connect with the various ship lines which ply to the ports of the Orient, and the lines of trade and commerce and the stream of commodities that go around the world pass through this district and have their agencies and port facilities and their transfer operations from trains to ships and vice versa in Seattle and Tacoma, where rail meets sail and where the great railroads connect up with the ship lines plying to Hawaii, Japan, China, and Siberia.

In addition to that is the business that has been incidental to the development of Alaska, an empire in itself, which has poured into the coffers of the national wealth half a billion dollars during the period of time since we bought it from Russia for the paltry sum of $7,250,000. Mining, fishing, agricultural settlements, development of transportation, all the varied interests that are incidental to the pioneer work of opening up and establishing government in that great dominion, full of natural wealth as is Alaska, find their sustaining headquarters, their impetus and direction, in Seattle. A part of this business is transacted in San Francisco, but the greater part of it, the chief headquarters of Alaskan business and of Alaska, are in Seattle, and out of that arises an immense amount of business which must be transacted in the United States court in that district.

There is one other circumstance to which I want to call attention that distinguishes a comparatively new country, such as is western Washington, from the eastern judicial districts which have been referred to, and that is the fact that a great deal of the business there is transacted by nonresidents, both individual and corporate, and consequently the Federal courts have jurisdiction on the ground of diverse citizenship of litigation in which their business is involved. Being able to go into the Federal courts, it is perfectly natural that they ask that tribunal instead of the local State courts, especially where they have litigation with residents of that State. That is an incident and circumstance which tends to increase to a greater degree than is the case in the normal district Federal litigation in the western district of Washington.

Mr. President, I wish to conclude, by reference, to confirm what I have said, to a statement from the Seattle Bar Association. I do not think there is a more intelligent, more honorable, more reliable bar anywhere in the world than the bar of Seattle. It is a great city, great in its present wealth and population and still greater in its potentialities, and there have gathered a very high class bar. They have the public interest at heart. They look upon these questions from the standpoint of the welfare of the public and of the Nation, rather than from any selfish interest of their profession or from any political advantage of the State or district or of any political party.

I may say, if I may refer for a moment to suggestions which have been made on the political aspects of these matters, that I regret to see that injected into a discussion in the Senate. I like to hear these matters discussed on the stump, but I do not think this is the proper tribunal in which to hang out the dirty linen of political controversies. In my opinion there is no political advantage in getting an additional judge. Personally, in so far as any responsibility devolving upon me in part from the creation of an additional judge, I would seek to avoid it, because I can not imagine any greater embarrassment, particularly in the midst of a political campaign, than to have to select one among a number of candidates, all of whom are fit and qualified and each one of whom has a strong body of adherents, and be compelled to recommend one for a position which can only be held by one.

That is the way the Seattle Bar Association looks upon the matter, and I think that their opinion and their statement, knowing them as I do and vouching for them as I can to the Senate, is entitled to credence and consideration. In a letter addressed to my colleague, dated December 31, 1921—and I shall read only brief extracts from it—the Bar Association of Seattle said:

> The criminal cases resulting from violation of the national prohibition and narcotic acts and customs laws has assumed burdensome proportions. The trials of these cases take priority over civil litigation, and as a result the determination of civil litigation of the most important character, and involving large sums, is of necessity so delayed that the business concerns interested are crying out in righteous indignation. The proximity of the territory in this district to Canada affords ready opportunity for the violation of the prohibition act, and the fact that vessels from all parts of the world are constantly entering this port clearly demonstrates the possibilities open for violation of the narcotic and customs laws. There is no other district in the United States similarly situated, as the congested condition of our Federal court calendar conclusively demonstrates.

They might have added the amount of business in the Federal courts growing out of violations and attempted violations of the immigration law.

Mr. FLETCHER. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Florida.

Mr. FLETCHER. With reference to the situation in Washington, according to the table furnished by the committee, there appear to be pending in the eastern district of Washington a total of 104 cases, and in that district they have one judge. There appear to be pending in the western district of Washington 713 cases, and in that district they have two judges. How the Senator can reconcile his vote against the giving of an additional judge in the southern district of Florida, where they have 1,336 cases pending, with the claim here for an additional judge in Washington, I can not quite understand.

There are no admiralty cases pending in the eastern district of Washington, and there are only 57 admiralty cases pending in the western district, where there are two judges. We have 165 admiralty cases pending in the southern district of Florida, with only one judge.

Mr. POINDEXTER. The Senator probably was not present when I begun my remarks, when I discussed the best way of determining the need of an additional judge, in which I called

attention to the fact that, in my judgment, and it seems to me to be perfectly obvious, the number of cases commenced in a court during the year is a much more reliable test than the number of cases pending at the end of the year.

I called attention to the fact that these judges are working night and day. In one of the letters it was stated that they begin to hold court in the morning at 10 o'clock, and sometimes at 9 o'clock, and hold court, except for a brief intermission for luncheon, until 5 o'clock in the afternoon; that they work at night upon the record in those cases in which they have to find the facts, and that applies to all the admiralty cases. I also called attention to information that I have that one of the judges is not only working all evening at home, but gets up at 4 o'clock in the morning, as he has his law library at home, and works upon cases there before he opens court.

That answers, I think, the question of the Senator from Florida; but I wish to say, in justice to myself or in palliation of my vote on the Senator's amendment, that I was not able to be in the Senate during the discussion of the Florida case and might not have been informed of conditions. Not knowing anything about the case, except what I could ascertain from the report of the committee, I followed the committee. Unfortunately, I was not advised otherwise, not having heard the Senator's speech or seen the data presented in his case.

But I have compared conditions in western Washington in a way which seems to me to show conclusively to the advantage of that district, or rather to its disadvantage, as to its need for an additional judge—its disadvantage in the sense that there is greater congestion, that there is greater stress upon the court than in three other districts which are provided for by the committee, namely, the northern district of Illinois, the western district of Pennsylvania, and the southern district of California.

Mr. NELSON. Mr. President, I wish to call the attention of the Senator from Washington, inasmuch as he referred to the southern district of California, to the fact that Judge Cushman spent 15 days down in that district.

Mr. POINDEXTER. When was that?

Mr. NELSON. This last year. The Senator from California [Mr. SHORTRIDGE] made the statement that Judge Cushman spent 15 days in that district.

Mr. POINDEXTER. When I was before the committee in this case the Senator from North Carolina [Mr. OVERMAN] asked me how it was that Judge Cushman could hold court in New York. I wrote to Judge Cushman about that, and he advised me that he had not held court in New York for two years. It might have been two years ago that he held court in California.

Mr. NELSON. The Senator from California is here. He stated in his remarks that Judge Cushman this last year had spent 15 days holding court in the southern district of California.

Mr. POINDEXTER. It may have been an exchange. It may be that one of the judges from California held court for him and that he held court for that judge, or it may have been the pressure for his transfer was so great that he could not avoid it. But that does not in any way change or depreciate the force of the figures which I have given here as to the amount of business commenced respectively and comparatively in these several districts, nor as to the statement which I have made, which I do not think can be successfully contradicted, of the stress under which the judges are laboring in this Washington district.

There are just one or two additional paragraphs which I wish to read from the letter of the bar association:

> The western judicial district of Washington is divided into two divisions. Judge Jeremiah Neterer presides over the northern division at Seattle and Judge Edward Cushman over the southern division at Tacoma. Court is in session practically every day at both Seattle and Tacoma. Whenever Judge Cushman's engagements at Tacoma will permit it, he comes to Seattle and holds court. The sessions of the court are from 10 o'clock a. m. to 5 o'clock p. m., with an intermission at noon. Frequently, however, both judges convene court at 9.30 a. m., shorten the noon intermission, and hold night sessions.

The concluding part of the letter is as follows:

> It is a positive fact that both Judge Neterer and Judge Cushman are required to do more work than it is physically possible for them to do. Neither of them will be able much longer to stand up under the strain and stress under which they have for months past been laboring. It is not fair to either of them that they should be expected to continue to work in the future as they have in the past. But notwithstanding their ceaseless and untiring devotion to their work, litigation piles up faster than they are able to dispose of it. Important cases arising out of legitimate transactions of trade, industry, and commerce are compelled to practically stand still because of the priority given to the trial of criminal cases.
>
> This association respectfully but urgently demands that something be done to relieve the conditions above described. We know of no solution except the appointment of an additional judge for this district. We believe the records of the Department of Justice will substantiate every statement herein set forth.

Upon that statement, Mr. President, I submit the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington to the amendment of the committee.

Mr. WALSH of Montana obtained the floor.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH of Montana. Does the Senator from Washington desire to address himself to the amendment proposed by his colleague?

Mr. JONES of Washington. I should be glad to have about two minutes.

Mr. WALSH of Montana. Then I yield to the Senator.

Mr. JONES of Washington. I thank the Senator from Montana.

Mr. President, I have not had the opportunity to be on the floor of the Senate very much of the time since the pending bill has been under discussion because of being required to be in attendance upon committees of the Senate, and I am not going to take very much of the time of the Senate now. I do not intend to repeat what my colleague [Mr. POINDEXTER] has so well said. He has covered the conditions in western Washington very fully and very completely. I can only add my statement confirming what he has said with reference to those conditions. The situation there, as he has pointed out, is such as to cause a great deal of litigation of a Federal character. Washington is a new State, and all sorts of Federal activities may be found there. Naturally they are reflected in the business of the court.

I know the judges there personally, and I know that they are men of the most industrious character. They devote all of their time—in fact, more of their time than they ought to devote—to the business of the court.

The correspondence which my colleague has read points out very clearly and very fully the conditions; and that correspondence comes from men who know what those conditions are. I know those judges would not call attention to the situation if they did not feel that it was their duty to do so because of the imperative needs of the public. Neither of them are men who are disposed to obtrude their opinions or their judgments in matters of this kind; in fact, I think they are really oversensitive; and, as I have indicated, it was only the impelling character of the situation which led them to write the letter from which my colleague has read.

I have had occasion to examine the situation in the different districts for which judges are provided in the bill now pending, and I am satisfied that upon the data presented and the data available in the report of the committee, in the report of the Attorney General, and so on, the needs of the western district of Washington appear to be much greater than the needs of some of the districts which are provided for in the pending measure. When I say that, I do not mean to intimate that many districts do not need an additional judge, but if we are going to determine the action of Congress with reference to providing additional judges by the data showing the business transacted, as set forth in the reports of the Attorney General and by the compiled statistics as to the business of the various districts, then the showing made for the district of western Washington, it seems to me, is absolutely conclusive as to the necessity for an additional judge there.

I wish simply to express my view as to the action which I should like to have seen taken with reference to the pending measure, and yet I hesitate to do so because I do not like to set up my judgment against the judgment of the Committee on the Judiciary. I know that that committee has looked into this question very fully and very carefully; I know they have taken a great deal of time to consider it, so I think we ought to attach very great weight to their judgment and to their report; yet I can not get away from the conclusion that what I should really like to see with reference to this proposed legislation is the enactment of a measure providing, possibly, for about 10 or 12 more judges, without having those judges assigned to any particular judicial district in the United States.

I feel satisfied that the business of the courts requires more judges, but when we attempt to assign them by legislation or provide for additional judges for particular districts, then is exemplified the difficulty of doing that, and doing it in what appears to be a just and equitable manner. I have no doubt that there are many districts—in fact, it appears from the report of the Attorney General that there are many districts—in this country which are not provided for in this bill but which can make a stronger showing than some of the districts which

are provided for. That presents a rather embarrassing situation, one which we can not very well explain, and one that can not very well be justified.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

Mr. JONES of Washington. I yield to the Senator from Minnesota.

Mr. NELSON. I wish to state that in the eastern district of Washington, where Judge Rudkin presides, the number of cases outside of draft cases—and there were hardly any of them—and bankruptcy cases pending on the 1st of June, 1921, was only 108. As a matter of fact, Judge Rudkin spends more of his time holding court in California, in both the northern and southern districts of that State, than in his own district. He has not sufficient work in his own district to occupy half of his time. I do not see why his services could not also be utilized in the western district of Washington.

Mr. JONES of Washington. There is no question that his services could be utilized there, but I presume it is thought by the department that his services can be utilized to more advantage in other districts. I do not think the conditions in the eastern district are really involved. We are not asking for an additional judge there. The record shows that Judge Rudkin was holding court in California last year for 175 or 176 days. He has held court also in New York and in many other districts throughout the country.

Mr. POINDEXTER. I imagine he is the judge whom the Senator from California had in mind.

Mr. JONES of Washington. No; I inquired of the Senator. The record does show that Judge Cushman was in California for 15 days, and it also shows that Judge Rudkin was in California, I think, for 176 days.

Let me say with reference to Judge Rudkin that I have known him for thirty-odd years, as I have known the judges in western Washington for a good many years, and I know that the judges in western Washington will take it as no reflection upon them, but that they will agree with me when I say that Judge Rudkin is one of the most remarkable judges in the United States; that he is a man of amazing ability and capacity to discharge judicial functions; that he can take care of the judicial needs of eastern Washington mighty well and devote probably half of his time, if not more, to other districts.

As the Senator from Minnesota has suggested, Judge Rudkin could give a great deal of his time to western Washington, but under orders of the department, or whatever may be the manner of assigning judges to the different parts of the United States, Judge Rudkin is called to various districts and circuits throughout the country. I think it will be the uniform testimony of those who have come before him that he is one of the most wonderful judges in the United States.

Mr. POINDEXTER. Mr. President——

Mr. JONES of Washington. I yield to my colleague.

Mr. POINDEXTER. In that connection it has been pointed out that in view of the reputation which Judge Rudkin enjoys—and it seems to be almost universal—it is greatly desired that he sit as a circuit judge, for the precedents of that court are regarded as of more importance than those of the district courts, and for that reason he has not been available to sit in the district court in western Washington.

Mr. JONES of Washington. Mr. President, just a few words more. As I was saying, I do not assume to put my judgment against that of the committee—and I am not speaking in a critical manner, for very likely they have reached a better conclusion than the one I have in mind—but I had hoped that we would have a bill here which would provide for a certain number of judges without assigning them to particular districts. Possibly it might be well to assign them to the different circuits of the United States, but simply provide for probably 10 or 12 additional judges and then let them be appointed and their services utilized wherever necessity requires. That would certainly have avoided any suggestion of what has been termed the "pie counter." It is very unfortunate that any suggestion of that kind should be made in connection with a judicial bill; it is very unfortunate that there should be anything in connection with such a bill to lend color to such a suggestion as that. Of course, I know that the committee had nothing of that kind in mind, for there is not a committee in the Senate for which we all have higher respect than the Judiciary Committee. I realize that we are confronted by a very difficult problem.

The report of the Attorney General discloses that in the various districts of the country there has been a tremendous increase in judicial business during the last few years. If it were possible to provide some other method or means or instrumentality by which a great many of the pending cases could be disposed of without taking the time of a district judge, I think it would be well to employ such means; but I have no doubt that the committee gave that suggestion consideration and probably were not able to work out any scheme of that sort. I had hoped that we could do something of that kind; but, Mr. President, if we are going to provide additional judges for the various districts covered by the bill, it seems to me, upon the showing presented by my colleague, as compared with many of the other districts of the country and as shown by the testimony of the judges themselves, there can be no question as to the need of an additional judge for the western district of the State of Washington.

Mr. NELSON. Mr. President, I simply want to say to the Senator from Washington that I did not want to interrupt him, but I have the highest regard for Judge Rudkin. I regard him as one of the ablest district judges in the country, and for that reason I think western Washington ought to use him.

Mr. WALSH of Montana. Mr. President, I am sure that every reflecting Member must subscribe to the very eloquent and pertinent remarks of the Senator from Iowa [Mr. CUMMINS] in his address in opening the debate upon this bill, in the nature of a reproach to the Government of the United States for not having provided adequate courts before which litigants might with reasonable celerity be heard with respect to any controversies in which they might be engaged.

Mr. President, I take it that the first and perhaps the prime duty of any government is to provide means by which controversies can be adjudicated; in other words, to provide courts before which litigants can be heard. When organized society demanded of the individual member thereof that he surrender up his bludgeon or his gun, with which he would otherwise defend his rights and redress his wrongs, it very necessarily provided him at the same time with some tribunal before which he could go and have his causes adjudicated and appeal to the community to enforce his rights, instead of taking the law into his own hands. So that, Mr. President, any government which does not provide its citizens and others who may desire to resort to them with courts in which controversies may be tried invites a return to the primitive methods which are destructive of human society.

Mr. President, the bill before us contemplates the appointment of some 20 new Federal judges. It is inconceivable that the necessity for 20 new judges should have arisen all at once. Of course, this has been a growth, a development. At some time in the past, in the regular, orderly development and growth of our country, the necessity for an additional judge arose in some district, and thereafter the necessity for an additional judge in some other district arose, or possibly the necessity for 2 or 3 additional judges arose, and after a time a necessity for possibly 7 or 8 additional judges arose, and for 9 or 10, and eventually, if the necessity arises, for the 20 or thereabouts provided for by this bill. So that, Mr. President, either this bill is, as charged by the Senator from North Carolina [Mr. OVERMAN], an offensive pork-barrel bill, or else it spells reproach to the Government of the United States for not having seasonably provided for additional judges of the Federal courts as the necessity arose.

Mr. President, I do not subscribe to the accusation that this is a pork-barrel bill. I believe that the judges provided for by the bill as reported by the committee are needed in order that reasonable dispatch may occur in the disposition of the Federal business.

Mr. POMERENE. Mr. President——

Mr. WALSH of Montana. I yield to the Senator.

Mr. POMERENE. Is it not true that this need for additional judges has been very largely increased by reason of new Federal legislation which we have had within the last 5 or 10 years?

Mr. WALSH of Montana. There is something to that, Mr. President. Of course, the Federal legislation continues to increase; but a general opinion prevails that the necessity for these judges arises very largely from the enactment of the Volstead law and other prohibition measures. I think the hearings before the committee disclose that while that legislation has swelled the volume of business in the Federal courts it has by no means been the determining factor which public opinion assigns to it.

Mr. POMERENE. Mr. President, I did not ask the question in a contentious way.

Mr. WALSH of Montana. Oh, I understand.

Mr. POMERENE. The Senator has referred to the constant increase, which is true. Even if there had been no additional legislation there would have been an increase in the necessity

for additional judges, due to the natural increase in the business of the country.

Mr. WALSH of Montana. The Senator is quite right. The two elements are combined. There is first a continual increase in population and, more than that, an increase in business, and, more than that, an increase in the complexities which attend business, giving rise to controversies which find their way into the Federal court on the one hand and Federal legislation entering new fields upon the other hand. All of these causes have contributed to the growth of business, but we can not escape from the conclusion either that this bill at the present time is entirely unjustifiable or else that Congress in the past has been recreant in its duty in the matter of providing additional judges. That is the fact about the matter. It might as well be admitted.

During the entire eight years of the Democratic administration, during the period of the enactment of many of the additional Federal statutes to which the Senator from Ohio [Mr. POMERENE] has referred, during the period when the war in Europe brought about an enormous increase in business in the Federal courts, during the period of the war while we were engaged in it, when that volume was swelled, there was just one additional Federal judgeship created—a Federal judge for the district of New Jersey.

Mr. POMERENE. One in eight years?

Mr. WALSH of Montana. One in eight years, to which I shall refer. That was not by any means the only bill which passed the Senate, however.

For instance, a bill to provide an additional judge in the State of Montana passed the Senate of the United States three times and went over to the House. Other bills passed the Senate in very considerable number and went over to the House. I have taken very little part in the political discussions which have arisen over the dismissal of members of the force of civil servants of the Government, but I feel entirely warranted in commenting upon the introduction of politics into the creation of additional judgeships. Half a dozen different bills for that purpose passed the Senate of the United States, went to the other branch of Congress, and were turned down over there or allowed to die, without any bones being made of it; it was openly declared and expressed in the corridors and in the committees that Republican Members over there did not intend to allow any more Democratic judges to be appointed; so that when the bill to which I have referred, to create an additional judgeship for the State of Montana, having passed the Senate twice, went to the House of Representatives it was, upon the objection of Mr. MANN, of the State of Illinois, stricken from the calendar and defeated in the Sixty-third Congress.

So a bill for the appointment of an additional judge for the State of Tennessee, having passed the Senate on several occasions, went over there, and upon the objection of Mr. WALSH of Massachusetts it was stricken from the calendar, and its passage thus prevented.

Mr. President, I have caused to be prepared a list of the bills for the creation of additional judgeships which passed the Senate and met their death in the House in the manner to which I have adverted.

For instance, in the Sixty-fourth Congress Mr. Lea, of Tennessee, introduced a bill providing for the appointment of an additional judge for the middle and eastern districts of Tennessee. It was reported by Mr. SHIELDS, and passed the Senate January 29, 1917. It was referred to the House Committee on the Judiciary February 9, 1917, and no action taken by the House.

Mr. WILLIAMS, of Mississippi, introduced a bill providing for the appointment of an additional judge for the northern and southern districts of Mississippi, which was reported by Mr. SHIELDS February 12, 1917, and passed the Senate on the same date. It was reported in the House by Mr. CARAWAY February 21, 1917, and no action taken in the House.

Mr. President, without taking the time of the Senate to read this table, I ask leave to print in the RECORD as a part of my remarks this table which I have prepared, showing in detail the proceedings had with reference to these various judgeship bills.

The PRESIDING OFFICER (Mr. STERLING in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

BILLS PROVIDING FOR THE APPOINTMENT OF ADDITIONAL JUDGES.

[Sixty-fourth Congress.]

S. 378. Mr. Lea, of Tennessee: Providing for the appointment of an additional judge for the middle and eastern district of Tennessee. Reported by Mr. SHIELDS and passed the Senate January 29, 1917. Referred to the House Committee on the Judiciary February 9, 1917. No action taken by the House.

S. 457. Mr. WILLIAMS, of Mississippi: Providing for the appointment of an additional judge for the northern and southern districts of Mississippi. Reported by Senator SHIELDS February 12, 1917, and passed the Senate on the same date. Reported in the House by Mr. CARAWAY February 21, 1917. No action taken in the House.

S. 789. Mr. WALSH, of Montana: Providing for an additional judge for the district of Montana. Reported by Mr. WALSH June 29, 1916, and passed the Senate July 27, 1916. Reported favorably in the House January 17, 1917, but when taken up for action was objected to by Mr. MANN, and stricken from the calendar.

[Sixty-fourth Congress, second session, page 3632.]

S. 1809. Mr. Hughes, of New Jersey: To create an additional judge in New Jersey. Reported by Mr. FLETCHER February 8, 1916, and passed the Senate February 9, 1916. Reported favorably February 26 in the House; passed and was approved by the President April 11, 1916.

S. 2512. Mr. Goff, of West Virginia: Providing for an appointment of an additional judge for the southern district of West Virginia. Reported favorably on July 31, 1916, and passed the Senate January 25, 1917. Referred to the Committee on the Judiciary of the House January 26, 1917. No action taken thereon.

[Sixty-fifth Congress.]

S. 70. Mr. WALSH, of Montana: Providing for an additional judge for the district of Montana. Reported by Mr. WALSH May 21, 1917, and passed the Senate September 11, 1917. Referred to the Committee on the Judiciary of the House September 13, 1917. Reported favorably May 21, 1918. No further action taken thereon.

S. 714. Mr. ASHURST, of Arizona: Providing for the appointment of an additional judge for the district of Arizona.

S. 714. Conference reported to the Senate by Mr. ASHURST February 4, 1918, and passed the Senate February 5, 1918. Referred to the House committee on the Judiciary February 7, 1918. Reported by Mr. CARAWAY July 2, 1918. No further action taken thereon.

S. 746. Mr. WILLIAMS, of Mississippi: Providing for the appointment of an additional judge in the northern and southern districts of Mississippi. Reported by Mr. NELSON July 9, 1917. Passed the Senate September 11, 1917. Referred to the Committee on the Judiciary of the House September 13, 1917. Reported favorably June 7, 1918, by Mr. CARAWAY. No further action taken.

S. 1735. Mr. FLETCHER, of Florida: To create an additional judge in the southern district of Florida. Reported favorably February 4, 1918, by Mr. FLETCHER, and passed the Senate February 6, 1918. Referred to the House Committee on the Judiciary February 8, 1918. No further action taken thereon.

S. 1836. Mr. SHIELDS, of Tennessee: Providing for the appointment of an additional judge in the middle district of Tennessee. Reported to the Senate favorably May 29, 1917. Passed the Senate September 12, 1917. Referred to the Committee on the Judiciary of the House September 13, 1917. On July 5, 1918, action blocked in the House by Mr. WALSH, of Massachusetts, on objection, and the bill was stricken from the calendar.

S. 2654. Mr. Lewis, of Illinois: Providing for the appointment of two additional judges for the district of Illinois. Reported in the Senate May 20, 1918, by Mr. OVERMAN, and passed the Senate May 21, 1918. Referred to the House Committee on the Judiciary May 29, 1918. No further action taken thereon.

S. 2777. Mr. Hollis, of New Hampshire: Providing for the appointment of an additional circuit judge in the first New Hampshire district. Reported by Mr. FLETCHER September 11, 1917. Passed the Senate on the same day. Referred to the Committee on the Judiciary of the House September 13, 1917. No further action taken thereon.

S. 3217. Mr. OVERMAN, of North Carolina: Providing for the appointment of an additional judge for the western district of North Carolina.

S. 3217. Conference reported favorably by Mr. OVERMAN February 20, 1918. Passed the Senate May 16, 1918. Referred to the House Committee on the Judiciary May 29, 1918. No action taken in the House.

[Sixty-sixth Congress.]

S. 202. Mr. WALSH, of Montana: Providing for an additional judge in the district of Montana. Reported by Mr. WALSH June 11, 1919. Passed the Senate June 30, 1919. Referred to the Committee on the Judiciary of the House July 1, 1919. No action taken thereon.

S. 282. Mr. ASHURST, of Arizona: Providing for an additional judge for the district of Arizona. Reported by Mr. ASHURST June 30, 1919. Passed the Senate June 30, 1919. Referred to the House Judiciary Committee July 8, 1919. No action taken thereon.

S. 661. Mr. SHIELDS, of Tennessee: Providing for the appointment of an additional judge for the middle judicial district of Tennessee. Reported favorably by Mr. SHIELDS June 23, 1919. Passed the Senate June 30, 1919. Referred to the House Judiciary Committee July 1, 1919. No action taken in the House.

S. 1358. Mr. Phelan, of California: Providing for the appointment of an additional judge for the northern district of California. Reported favorably by Mr. OVERMAN June 30, 1919. Passed the Senate June 30, 1919. Referred to the House Judiciary Committee July 8, 1919. No action taken in the House.

[Sixty-seventh Congress.]

S. 395. Mr. ASHURST, of Arizona: Providing for the appointment of an additional judge for the district of Arizona. Reported favorably by Mr. ASHURST April 19, 1921. Passed the Senate May 2, 1921. Reported favorably in the House June 21, 1921.

S. 694. Mr. ELKINS, of West Virginia: Providing for the appointment of an additional district judge for the State of West Virginia. Reported favorably by Mr. ERNST April 29, 1921. Passed the Senate April 30, 1921, and reported favorably in the House May 2, 1921, and passed the House June 21, 1921. Approved by the President June 27, 1921.

S. 1254. Mr. TOWNSEND, of Michigan: Providing for the appointment of an additional district judge for the eastern district of Michigan. Reported favorably by Mr. NELSON May 31, 1921. Passed the Senate June 17, 1921. Reported favorably in the House June 23, 1921.

S. 1288. Mr. WADSWORTH, of New York: Providing for the appointment of an additional judge for the southern district of New York. Reported by Mr. NELSON May 27, 1921. Passed the Senate June 17, 1921, and reported favorably in the House July 23, 1921.

S. 1960. Mr. SHORTRIDGE, of California: Providing for the appointment of an additional judge for the northern district of California. Reported favorably by Mr. SHORTRIDGE July 20, 1921. Passed the Senate August 11, 1921. Referred to the Committee on the Judiciary of the House August 12, 1921.

Mr. WALSH of Montana. Mr. President, I regret to say that this is not the only instance in which these judgeships have been made the football of politics.

A few days ago we were called upon, in the Committee on the Judiciary, to act on the nominations of three judges for the Territory of Hawaii. There was submitted for the consideration of the committee in connection with these nominations a file, including a memorandum prepared by the Assistant Attorney General, Mr. Rush Holland, for the information and guidance of his principal, the Attorney General. It bears date March 16, 1922, and reads as follows:

MEMORANDUM FOR THE ATTORNEY GENERAL.

Hon. Robert Shingle, Republican national committeeman for the Territory of Hawaii, has recommended the appointment of Emil C. Peters, of Honolulu, to be chief justice of the Supreme Court of the Territory of Hawaii, vice James L. Coke, term expired. He also recommends Antonio M. Perry, of Honolulu, to be associate justice of the Supreme Court of the Territory of Hawaii, vice Samuel B. Kemp, term expired.

In addition to the recommendation of Mr. Shingle—

Bear in mind Mr. Shingle being the Republican national committeeman for the Territory of Hawaii—

the above-named gentlemen are recommended by the Republican central committee and by the bar association of the islands. This matter has been carefully gone into, and both Mr. Perry and Mr. Peters appear to be eminently qualified for the positions for which they are recommended, and their selection meets the approval of the large majority of the bar association and of the leading Republicans of the islands.

Then follows this paragraph:

There is at present no Delegate from the islands. Prince Kalanianaole recently died and the election of his successor has not yet taken place. It is believed that if these nominations are made now that such action will materially aid the Republican candidate for Delegate. I recommend that the appointments be made.

Respectfully,

HOLLAND,
Assistant Attorney General.

That is to say, Mr. President, the judgeships in the Territory of Hawaii are being handled in order to promote the election of a Republican Delegate from that jurisdiction.

Mr. POINDEXTER. Mr. President——

Mr. WALSH of Montana. If the Senator will pardon me, it appears that the judgment of the Attorney General was not at fault, because in the recent election the Republican candidate was elected, the result doubtless being contributed to by this fine stroke thus made in presenting these nominations at this critical time. I now yield to the Senator from Washington.

Mr. POINDEXTER. It is my understanding that the Delegate has been elected, Mr. Alexander Baldwin, of the island of Maui.

Mr. WALSH of Montana. I so understand.

Mr. POINDEXTER. I understood the Senator to say that the election had not taken place.

Mr. WALSH of Montana. That is what the letter says. It reads:

It is believed that if these nominations are made now that such action will materially aid the Republican candidate for Delegate.

Mr. POINDEXTER. He has already been elected, I am informed.

Mr. WALSH of Montana. He had not been elected at the time this letter was written. If he had been, the Attorney General was misinformed, or perhaps delayed his recommendation a little too long.

Mr. POINDEXTER. I did not hear the first part of the letter.

Mr. WALSH of Montana. This was under date of March 16. The election took place a day or two ago, I understand.

Mr. POINDEXTER. I do not know the exact date, but I have seen the announcement of the election.

Mr. WALSH of Montana. That is what I said, that the appointments of these judges at that time in all probability contributed to the result. At least, the result followed.

Mr. President, whenever Federal judgeships become the football of politics, and legislation for the creation of additional judgeships is either promoted or defeated upon political considerations, and appointments are made to these high and important positions as they will either contribute to or defeat the hopes of political candidates, the day for the adoption of the policy advocated by the Senator from Nebraska [Mr. NORRIS], the abolition of all Federal judgeships, is at hand, as it should be at hand.

Mr. KING. May I interrupt the Senator?

Mr. WALSH of Montana. I yield.

Mr. KING. Was the Senator discussing a letter of some person in the Attorney General's office relative to judges? I was called from the Chamber for a few minutes and I did not hear all that the Senator was reading.

Mr. WALSH of Montana. I was referring to a memorandum prepared by the Assistant Attorney General, Mr. Holland, for the information of his chief, the Attorney General, advising him that if certain nominations for judgeships in the Territory of Hawaii were then made the matter would be helpful to the Republican candidate for Delegate.

Mr. KING. Does the Senator know whether Mr. Holland is still Assistant Attorney General?

Mr. WALSH of Montana. No; I am unable to advise the Senator.

Mr. KING. If he is, it seems to me that his action deserves attention. Every lawyer as well as every thoughtful person recognizes the importance of maintaining the highest possible judicial standard. The judiciary should be above and outside of politics, and the selection of judges, whether State or Federal, should be made having in view only the ability, the learning, the integrity, and the high moral character of those chosen.

It is particularly important that the Federal judges should be men of the highest character and of experience and legal attainments. If their selection is to be employed to aid any political party, that is, in my judgment, not only a grave wrong but an assault upon our Government. It is highly improper to appoint judges because their selection might promote the interest of any political party or aid in any particular election. In the selection of Federal judges the responsibility in the first instance rests upon the Attorney General to make suitable recommendations to the President. This is a heavy and a most serious responsibility. The character of the judiciary is thus largely dependent upon the conduct of the Attorney General and those of his official family who are concerned in making recommendations. They can not afford to recommend improper men, nor can they afford to time their recommendations with reference to any partisan election, or aid in the selection of individuals for judicial positions because of the benefits which such selections may give to their political party.

I respectfully submit that the Assistant Attorney General committed a grievous mistake, to put it in the most charitable light, when he advised that if certain nominations for judicial positions were made in Hawaii, such action would be helpful to the Republican Party in the forthcoming election for a Territorial Delegate.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH of Montana. I yield.

Mr. NORRIS. I should like to inquire whether the nomination was made before the election.

Mr. WALSH of Montana. The nomination was made before the election.

Mr. NORRIS. In accordance with that recommendation the nomination was made?

Mr. WALSH of Montana. The nomination came to the Committee on the Judiciary with this letter before the time when the papers announced the result of the election in Hawaii.

I suggest to the Senator that, although it is obvious that the Attorney General himself was apprised of the situation, it does not appear at all of record.

Mr. NORRIS. Of course it does not appear on the face of the record that the Attorney General personally saw that letter. I should think the presumption would be, perhaps, that he did.

Mr. WALSH of Montana. I agree with the Senator.

Mr. NORRIS. But it is not a conclusive presumption. I do not know what their system is. There may be some one in the office under the Attorney General who passes on all these recommendations, and the Attorney General does not do it himself. I agree with the Senator from Utah, however, that that kind of a proceeding should not take place at any time, under any party. While it may be that in this case they secured excellent men—I am saying nothing about that—and may in other cases secure such men, the system is wrong. Everybody must admit that, it seems to me, who wants to place the judiciary on the high pedestal where it properly belongs.

Mr. KING. I am very glad the Senator has expressed those views. I think they do credit to his sense of justice and to his splendid citizenship.

Mr. POINDEXTER. Mr. President, the Senator from Utah would not, I know, make any such strictures as he has just made in regard to Assistant Attorney General Holland, and would not propose any such drastic punishment upon him as he has suggested, until the Assistant Attorney General had been heard and given an opportunity to state what connection he had with this matter. In other words, it seems to me that to use

such strong language against a man of the standing and character of Assistant Attorney General Holland, upon a mere partisan assertion, growing out of a political controversy, without any opportunity to hear what he has to say about it, is doing him quite an injustice.

Mr. KING. Will the Senator from Montana further yield?

Mr. WALSH of Montana. I yield.

Mr. KING. I think that if Mr. Holland—that, I understand, is the name given by the Senator from Montana—or if any other Assistant Attorney General recommends to his chief, the Attorney General—upon whom the responsibility rests for recommending to the President persons for judicial positions—and he assigns as the reason for prompt action in securing their appointment that it will be helpful to any political party in an election soon to be held, he fails to appreciate his position and the full significance of his act.

I can not believe that Mr. Holland realized how improper his recommendation or statement was. I do not want to believe that the Attorney General's office is to be a political and partisan machine shop.

We are appropriating large sums to this department to enforce the law and to the end that justice may be done in the land. The enforcement of the law is not a partisan matter. If the Attorney General's office is to be run to aid the Republican Party in elections, it is important that the people know it; and if judges are to be selected because their elevation to high position would aid the Republican Party in an election, that fact should be known to the people.

I hope that this is a mere indiscretion and does not indicate any purpose upon the part of the Attorney General's office or any of its officials to prostitute their positions for partisan and political purposes.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WALSH of Montana. I yield.

Mr. JONES of New Mexico. I am inclined to believe that the presumption which has been indulged in here that the Attorney General saw that letter may not be well grounded. While we are indulging in presumptions, may I suggest the presumption that the Attorney General did not see it. The Attorney General is a very astute politician, and if he had seen the letter it is rather reasonable to presume that he would have seen to it that it did not get to the Committee on the Judiciary.

Mr. WALSH of Montana. The Senator may be right about that. As heretofore stated, I do not assent to the charge made that this is a pork barrel bill, but I do assert that it is a log rolling bill and a vicious form of legislation. I can find no justification whatever for the other branch of Congress absolutely refusing to pass the single bills we have presented to them from time to time and then passing what might be regarded as an omnibus bill. The temptation to get into a bill of this kind a provision for the appointment of judges in places where they should not be appointed, in order to secure the number of votes necessary to pass the bill, is too great to be resisted. It should not pass without protest.

But, Mr. President, while I feel that way about it, I can not feel that I ought to vote against this bill, provided the judgeships for which it provides ought to be created for the transaction of the public business, and I believe that that subject was given the most careful consideration by the Judiciary Committee, and for myself, I voted against the provision to give two additional judges to the State of Massachusetts and against one or two others, but the contrary view was supported by good, strong arguments, and I can not feel that I ought to vote against the bill because there are one or two or possibly three provisions with respect to which I entertain some doubt.

The vicious tendency of legislation of this character must be recognized by everyone, and it ought not to pass without just criticism. On the other hand, Mr. President, I feel some apprehension that as the matter is going in the Senate, it may be loaded down with so many provisions for additional judges in other sections of the country as to make it the duty even of those who are generally favorable to the bill to vote against it.

I voted against the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] for an additional judge in that State, first, because New Jersey was the only State which got an additional judge during the eight years of the Wilson administration. That is to say, the situation in New Jersey was taken care of in 1916. Only five years ago they got an additional judge in New Jersey. I can not believe that the business of the United States courts has grown so rapidly in the State of New Jersey as that, having secured an additional judge in 1916, they ought to have another judge only six years later, and more particularly because it appears that the able delegation from the State of New Jersey was not sufficiently influential to get recognition for that State in the bill when it came from the House, and more particularly because neither Senator from the State of New Jersey was sufficiently impressed with the necessity for an additional judge for that State to induce him to go before the Committee on the Judiciary and represent the condition in his State and ask for an amendment in that regard. So I feel that the bill is weighted down to some extent by the amendment which was adopted by the Senate for the appointment of an additional judge in the State of New Jersey. I dislike to differ with my friend, the senior Senator from New Jersey, upon that matter, but I can not agree that the amendment ought to have been adopted.

Now, let me discuss briefly the situation of my esteemed friend, the senior Senator from Florida [Mr. FLETCHER]. It is admitted by the committee, and the committee recognized fully that there is an enormous amount of business in the southern district of the State of Florida, and if there were no other considerations, the representation made by the Senator from Florida would certainly entitle him to the highest consideration from the Senate in connection with his amendment. But the fact about that matter is that they had a very objectionable judge down in the northern district of Florida some years ago and various acts of Congress were passed taking away a multitude of counties belonging to the northern district of the State of Florida and adding them to the southern district, so territorially, as well as in amount of business, the southern district of Florida greatly outranks the northern district, and the amount of business to be transacted in the northern district is inconsequential.

The committee believed, as I believed, that the judge of the northern district of Florida being called to the assistance of the judge in the southern district, Florida is amply taken care of by the two judges.

In the same way I dislike to differ with my esteemed friend from the State of Washington [Mr. POINDEXTER], but I can not escape the conviction suggested, as entertained by the chairman of the committee, the venerable Senator from Minnesota [Mr. NELSON], that in view of the fact that Judge Rudkin will now be somewhat relieved there is no need for an additional judge. I am able to subscribe to every encomium upon Judge Rudkin, because I have had the honor of trying lawsuits before him. I believe that the two judges they now have in the western district of Washington ought easily to take care of the business of that State. Judge Rudkin has been called very frequently to the State of California in the past to help out in that State, but we are making provision for additional judges in the State of California, giving them an additional judge in the northern district and another judge in the southern district, and it is hoped that there will not be such demands from that State for Judge Rudkin in the future.

Now, Mr. President, I wish to say a word or two with respect to sections 2 and 3 of the bill, section 2 providing for what is known as the conference and section 3 for the assignment of judges to districts other than their own.

I am not able to concur in the view expressed nor am I able to share the apprehensions that have been excited with respect to the effect of section 3. Section 3 provides for the utilization of judges of the district court in districts other than their own and provides that the senior circuit judge of the circuit may assign a district judge to some district in the circuit other than his home district if the business in his district will permit him to go to some other district.

In that respect, bear in mind, there is no change whatever in the law. The law now permits the senior circuit judge to require the district judge to go from his home district to another district in the same circuit. Thus far, however, the law now goes no further, except with respect to the second circuit, embracing the southern district of New York. There the Chief Justice of the United States may call a judge from any district and send him to the southern district of New York on account of the extraordinary condition there. But, generally speaking, under the existing law that is the extent of the power of transferring judges from one district to another, namely, that they can not be sent, unless they go voluntarily, beyond the circuit in which they reside.

But the pending bill goes one step further and is intended to permit the utilization of district judges in circuits other than the circuit in which the districts lie. The fear is expressed with respect to that provision of the bill that private interests or particularly associations or combinations organized for the purpose of propaganda or otherwise will be able to shuffle judges of the district court around from one place in the country to the other in order to subserve their purposes; and about the cloakrooms, at least, it is suggested that the

Anti-Saloon League, finding some judge in some district to be perhaps lenient toward those who offend against the prohibition laws, will be able to transfer a judge from a remote section of the country who harbors different views upon that subject and thus displace the local judge in the administration of the law.

I find that that is perfectly fanciful. It does not seem to me to be possible at all. In the first place, a judge will not be permitted to leave his district unless the senior circuit judge of the circuit certifies that he may do so without detriment to the business of his own district. He will not be called to serve in another circuit unless the circuit judge of the circuit to which he goes asserts, over his official hand, that he needs another judge in some particular district in his circuit and that he is unable to fill the need from any of the judges in his own circuit. Under those circumstances the Chief Justice of the United States, having before him the certificate of the senior circuit judge of the circuit embracing the district desiring another district judge and having likewise a certificate from the circuit judge of the circuit in which resides the district judge to be transferred, the Chief Justice of the United States then makes the order that he shall go.

In order that anybody can control the situation, in the first place he must control the senior circuit judge of the circuit from which the district judge goes, he must next control the senior circuit judge of the circuit embracing the district to which the judge goes, and he must control the Chief Justice of the Supreme Court of the United States.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Montana yield to the Senator from Ohio?

Mr. WALSH of Montana. I yield.

Mr. POMERENE. If I may make a suggestion, under the bill as I construe it, assuming that a new judge was needed in a given district, they can only make application, or application could be made for a judge, but they would not designate the particular judge, and I dare say neither the circuit judge nor the Chief Justice of the United States would send a particular judge if one were asked for.

Mr. WALSH of Montana. As to that I do not know, but the operation would be about this way. We will assume that in the northern district of Ohio there is an accumulation of work and an additional district judge is needed. We will assume, and we must assume, that no other district judge can be found in the sixth circuit, and the senior circuit judge of the sixth circuit certifies to the Chief Justice of the United States that another judge is needed for the dispatch of business in the northern district of Ohio and that he has in his circuit no judge whom he can send there. He certifies thus to the Chief Justice of the United States.

One of the judges, we will say, in the State of Montana is not overwhelmed with work, and the Chief Justice thinks that he would be an available man to send to Ohio. Then a certificate must be secured from the senior circuit judge of the ninth judicial circuit to the effect that this district judge in the State of Montana can leave the State without detriment to the public business, and thereupon the Chief Justice may direct him to go to the State of Ohio. In other words, we have to have that combination some way or other of these three eminent judges before the conspiracy can be accomplished.

Mr. WATSON of Georgia. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I call the attention of the Senator from Montana to line 22, page 13, subdivision (c):

In aid of a district judge when the public interests so require.

Then, in subsection 2 of section 14, we find that—

Such designation may be made by the senior circuit judge (who may designate himself) whenever he is satisfied that the occasion therefor exists and that the public interests so require.

Subsection 3 of section 15, on page 15, includes the District of Columbia in this system.

Then, beginning at line 12, on page 15, we find section 16 providing as follows:

(1) The designation provided for by sections 13, 14, and 15—

Those are the sections I have already mentioned—

shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.

(2) It shall be filed in the clerk's office and entered in the minutes of the district court of the aided district; and when so filed and entered shall be conclusive evidence of all the facts necessary to support it.

I call the Senator's attention to the fact that a circuit judge, dissatisfied with the manner in which a district judge is conducting the business, may arbitrarily go into that district and oust that district judge from his duties and from his office, and that all the circuit judge says in defense of himself, when properly filed, is conclusive evidence that he stated the truth about it and that it contains all the evidence necessary to support his order.

Mr. WALSH of Montana. Mr. President, I do not like to get into anything in the nature of a controversy with my esteemed friend from Georgia [Mr. WATSON], but, perhaps, a few words may be necessary in order to make this matter clear to those who desire to have a clear idea of it. The Senator has invited attention to section 13 of the bill now before us. Section 13 of the bill before us provides for the assignment of judges to sit in a district other than their own within the circuit—" within the circuit," it will be borne in mind.

Let me call the attention of the Senator from Iowa [Mr. CUMMINS] to the fact that there is a misprint in line 14, on page 13, where the language should be " in another district of the same circuit."

Mr. SHIELDS. An amendment has been made to correct that.

Mr. CUMMINS. The Senator from Montana means that the word should be " of " instead of " or " ?

Mr. WALSH of Montana. Yes.

Mr. CUMMINS. As stated by the Senator from Tennessee, that mistake has already been corrected by an amendment.

Mr. WALSH of Montana. Very well. Then section 13 reads:

A district judge for a district may be designated to act in another district of the same circuit (including territory attached thereto)—

" Of the same circuit," the Senator from Georgia will understand.

Mr. WATSON of Georgia. Yes.

Mr. WALSH of Montana. Then follow subdivisions (a) and (b). The Senator from Georgia has called attention to subdivision (c), which reads:

(c) In aid of a district judge when the public interests so require.

(2) Such designation shall be made by the senior circuit judge whenever he is satisfied that condition (a), (b), or (c) exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable.

In the first place, there is no power in anyone to displace a judge; he continues in his work without any interruption whatever; another judge is sent to his district, and the two judges endeavor to dispatch the business of the district.

The Senator from Georgia will bear with me if I call his attention to the fact that that is substantially the law as it now is, as he will find by referring to sections 13, 14, 15, 16, and 17 of the code of civil procedure.

Mr. NELSON. I will call the Senator's attention to the last part of section 14 of the Judicial Code.

Mr. WALSH of Montana. Yes. The last part of section 14 of the Judicial Code provides:

Each of the said district judges may, in case of such appointment, hold separately at the same time a district court in such district, and discharge all the judicial duties of the district judge therein.

So that one judge does not displace the other at all in the transaction of business. Of course, when a judge is sent to another district by the authority provided by the law, whether a certificate is required or is not required, all question as to whether the conditions required by the statute to exist do in fact exist is, as a matter of course, foreclosed. No one can inquire into that.

Section 15 of the bill provides for the designation of a district judge to sit in another circuit. I ask the attention of the Senator from Georgia to that. The section reads:

SEC. 15. (1) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or its attached territory (called herein the aided district) in place of or in aid of a judge thereof, in case—

(a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and

(b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States that neither the business of that district nor of other districts in that circuit will suffer by the proposed designation.

(2) Such designation may be made by the Chief Justice, if, in his judgment, the public interests so require.

The Senator from Georgia also read section 16, which is as follows:

SEC. 16. (1) The designation provided for by sections 13, 14, and 15 shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.

And that, the bill very properly provides, shall be conclusive; and it would be conclusive if the bill did not so provide, because, in the event of a judge coming from one district to sit in another district and actually sitting in that district and trying

cases, the situation would be intolerable, it would be impossible, if anybody, dehors the record, by parol evidence, could show that the facts did not exist which authorized that judge to sit in the trial of cases there. The designation that he go there is not a part of the record in any case. The validity of a judgment would in no wise depend upon the question as to whether the facts warranted his designation to fill the place.

The governor of a State may often, as is provided by law, designate the judge of one district to go to another district to hold court; he is permitted to do so whenever the business of the district in which the judge goes is such as to require an additional judge and the business of the district from which the judge comes will not suffer by reason of the fact; but the governor having issued his order that the judge go, no one can inquire into the question as to whether or not the conditions provided in the statute existed. So, while it is formally provided in the bill that the certificate will be conclusive, it would be conclusive under the established rules of law in any case. So much for that.

But, Mr. President, I can not give my assent to section 2 of this bill; and I very respectfully suggest to the distinguished Senator in charge of the bill that he take into very serious consideration whether or not that provision ought not to be eliminated from the bill. I have no doubt that its existence imperils the passage of this very much needed measure, and I submit that there is no justification for it. I fully agree with the statement made by the Senator from Nebraska that it means absolutely nothing on earth except a junket and a dinner. If the annual conference in Washington with the Chief Justice shall be held, the senior circuit judge of each of the nine circuits in the country, all estimable gentlemen, will come here; the Chief Justice will give them a dinner and the Representatives from their various States will give them a dinner; they will have a good time and then will go home. There is not any business, so far as I can see, which they can transact; there is no information which they can give which, to my mind, can not as well be conveyed by a letter written by the judges annually to the Chief Justice for his guidance and information in the discharge of the duties which he is to perform.

Of course, the number of judges who will be taken from their own circuits and transferred to districts in remote sections of the country will be comparatively few. They will be brought from all over the country, wherever they are available, to sit in the city of New York and possibly in one or two other congested sections; they may be brought, perhaps, from some adjacent circuit to sit in the city of Chicago, which is not far distant from the boundary between two different circuits; but, generally speaking, that provision of the bill will not impose upon the Chief Justice any particular arduous labor; and, to my mind, it involves an expense, trifling, it is true, when we consider the expenses of the Federal Government, but nevertheless an expense which need not be incurred and which, I think, has no justification whatever in view of the condition of things confronting us. I trust that the bill will not be loaded down with provisions for the creation of judgeships in addition to those recommended by the committee and that this rather obnoxious feature of the measure will be eliminated.

It must be said, Mr. President, that a discussion upon the floor with respect to the merits of a claim for an additional judge in any particular district is not particularly enlightening. It is necessary to consider not only the situation in that particular district but a comparison ought to be made between that district and other districts which may possibly be similarly situated. Accordingly, in these cases where the matter has not been submitted to the committee, or, where, having been submitted to the committee, its action was founded upon due consideration, I think the determination of the committee ought to be very cautiously disturbed.

Mr. WATSON of Georgia. Mr. President, before the Senator takes his seat I call his attention to subdivision c, on page 13, to which he and I have both referred, which reads:

In aid of a district judge when the public interests so require.

I call the attention of the Senator to the fact that no provision is made there for the submission of testimony to show that the necessity has arisen and that the public interest does require the designation, whereas the existing law requires the certificate of the clerk under the seal of the court. Under subdivision c, apparently, a circuit judge, arbitrarily, upon his own motion, without any evidence at all, merely because he might be dissatisfied with the manner in which the district judge was conducting the business of his court, could exercise arbitrary power over the district judge.

Mr. WALSH of Montana. It does not give him any power over the district judge at all other than to send another judge to the district, but not to displace the sitting judge at all.

Mr. WATSON of Georgia. If another judge were sent there unnecessarily, it seems to me it would be virtually——

Mr. WALSH of Montana. The extra judge would divide the work with the sitting judge no doubt, but he would not displace him at all.

Mr. WATSON of Georgia. No; I did not mean to be understood as saying that it would take his office away from him.

Mr. WALSH of Montana. No; and it does not interfere with his work at all; the two judges would simply divide the work.

Mr. WATSON of Georgia. If another judge were sent into a district to do the work, the situation might become so humiliating and so mortifying to the sitting district judge, being a man of self-respect, that he would resign. If that condition should arise, there would be some intimidation, and, therefore, an interference with the independence of the judiciary.

Mr. WALSH of Montana. Of course, I do not know how sensitive the judges may be, but if the circuit judge finds that two judges are needed in a district I do not see why the sitting district judge should feel in any sense humiliated about the matter.

Mr. WATSON of Georgia. But the existing law requires that there shall be some testimony upon which the circuit judge shall act, and that is the certificate of the clerk under seal, whereas in this bill it is left arbitrarily to the circuit judge.

Mr. WALSH of Montana. The difference between the present law and the proposed law is that under the present law the clerk of the court furnishes evidence whether the public interest requires another judge to go there or not, while under the proposed law the senior circuit judge of the circuit determines whether the public interest requires the assignment of an additional judge.

CENTRALIZATION OF POWER IN THE FEDERAL GOVERNMENT.

Mr. REED. Mr. President, I ask leave to have inserted in the RECORD an article from the St. Louis Post-Dispatch of March 19, 1922, dealing with the question of the centralization of power in the Federal Government, a very worthy and very able article.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Sunday, March 19, 1922.]

APPEAL TO GOVERNORS TO HALT MARCH TOWARD FEDERAL EMPIRE.

(The Post-Dispatch addresses this open letter to the governors of the States of the Union in the earnest hope that they will rally their people and their State legislatures to halt the destructive processes that are transferring all of the powers of local self-government to remote and irresponsible bureaus in Washington and that portend inevitable disaster to the most promising experiment in free government ever before attempted by man.)

Serious as are the great problems of disarmament and peace for the world in general, there is yet another confronting the people of the United States, one peculiarly their own, this is far more vital to their safety and happiness.

It is the advance of our General Government toward the usurpation of all powers, local and national, and the transformation of our system from a limited representative Federal Union to an unlimited bureaucratic empire.

No student of history, acquainted with the anxiety of the framers of our Federal Constitution to circumvent this very danger, can view the rapid destruction of all the barriers they erected without a sense of the deepest alarm.

Those who framed our dual political system had carefully studied the rise and fall of States from the earliest period of recorded history. In Persia, Babylon, Egypt, Carthage, Greece, Rome, and in all the transitions up to their own times, they observed that human liberty was destroyed and nations brought to ruin through the possession and abuse of unrestrained power by Governments; and that the final decay actually set in at the apparent zenith of their greatness, when all cares and all authority had been centered in a single body or group.

Knowing the experience of the ages to contain this lesson they sought deliberately to apply it for the perpetuity of the Government they were about to form and for the preservation of liberty under it. In the Constitution they formulated, therefore, they proposed a Federal Government for definite and specific purposes only, enumerating in writing the objects within its competency. The Constitution delegated to the Federal Government a minimum of power to permit the achievement of these essential ends.

The framers, knowing the sentiment of their respective 13 sovereign States, then loosely united in the Articles of Confederation, realized that no general government would be assented to save for the most necessary purposes of collective representation. They were convinced, too, that if the great expanse of country had not already been divided into States, the States divided into counties, the counties into townships, this must be done so that each might do for itself, locally and directly, what it could do so much more effectively than a distant authority.

Still fearful lest even the limited grant of powers to the Federal Government would find its way into the hands of a single person or group, and mindful of the experience of our English ancestors under the Stuarts and Tudors, and of their own under George III, they invented the device of three distinct, coordinate, coequal repositories of the limited powers they gave, distributing them according to their character to an executive branch, a judicial branch, and a legislative branch; and they declared that neither should ever exercise any of the powers lodged with the others.

All powers not expressly granted to the Federal Government were declared to be reserved to the States or to the people. This appears in the tenth amendment, adopted in 1791, two years after the Constitution went into force. In spite of its other apparent safeguards most of the States refused to come in until they got that promise. There would have been no Union without it.

If one wishes to study the distribution of powers more minutely he may find them diagramed in Prof. Frederic Jesup Stimson's work on the Constitution. His summing up is pertinent. He says:

"But there are other, more political, rights given to protect the people. Congress must assemble every year; it must have freedom of speech and guaranty against arrest; the House alone can introduce revenue bills. No Army can be maintained for more than two years. No direct taxation from the National Government; no unequal indirect taxation from the National Government. No titles of nobility. Jury trials; indictments; civil rights; the forbidding of all class legislation; the supremacy of the Constitution.

"And, finally, after all these rights have been enumerated, the great ninth amendment says that this enumeration, nevertheless, does not deny or disparage other rights still retained by the people; the final and important thing being that the framers founding this Government consciously and expressly did not intend to give general sovereign powers of conquest or national career."

Can anyone deny that we are already embarked upon a national career, with a Government more powerful and less under the control of the people than any other on earth, save possibly in Japan? Hasn't our Federal Government preached and acted upon the claim that it is now competent to do anything that any other sovereign State may do?

An enumeration of all of the Federal powers and prohibitions delegated and declared in the Constitution and an analysis of their use and abuse in practice would lead us into a field too prolix for present purposes. It is sufficient here to consider how far the Congress and the Federal court have set aside the force of the Bill of Rights, those first 10 amendments that the States insisted upon as guaranties against oppression before they would assent to the Constitution.

No one can read the first 10 amendments without realizing the sense of fear and distrust which the wisest citizens of the 13 States felt in entering into this Union. In the words of the Kentucky resolutions of 1798, they held that "free government is founded in jealousy and not in confidence, which prescribes limited constitutions to bind down those whom we are obliged to trust with power."

Were the sturdy men of that period, who had defied and wrested independence from the mightiest power then on the globe, timid and easily affrighted? Was their insistence upon extensive and written restrictions upon the power to the General Government founded in a sort of panicky fear of tyrants incident to the times, or was it based upon a knowledge that out of centuries of struggle of mankind for liberty there had grown up certain tested principles of human association that give the greatest hope of happiness and freedom?

These questions have their answer in the onerous and increasingly vexatious lot of the American citizen to-day, resulting directly from the setting aside of constitutional restrictions by the Federal Government and its assumption of the rôle of universal intermeddler and regulator of all our concerns.

Take the first amendment. What do Congress and the Supreme Court say of it? First, that it is not an absolute prohibition, which it certainly was intended to be and which its terms plainly indicate. Oh, no! say the Federal courts, Congress may not forbid the publication of the truth with good motives, but it may legislate as to publications of other character; it may exclude the press from the mails. Likewise, say the courts, they can forbid any publication of testimony, for example, of such a nature as "to obstruct and embarrass the court," and they can also punish for contempt, without a jury, any improper publication "tending to obstruct the administration of justice." Such judicial interpretations have seriously weakened this constitutional guaranty and have tempted Congress to consider on a number of recent occasions the subject of general regulation of the press. There is such a bill before Congress to-day.

How far has the Federal Government gone in undermining the guaranty of free speech? During the war this right was very drastically abridged; any criticism of the Government or its manner of conducting hostilities was likely to mean a sojourn in the penitentiary. Perhaps that was justified, however much it seems to imply that war abrogates the Constitution. We have recently had some peace-time legislation, however, aimed at suppressing certain philosophies of government, and men will preach them at their peril. We no longer tolerate error of opinion with an assurance that reason left free to combat it is a sufficient safeguard. Reason must be reinforced by an army of secret agents of the Department of Justice. In the words of a Federal decision in an espionage case, freedom of speech means the prerogative of the citizen "to canvass public measures and the merits of public men." Said another, this guaranty does not imply a right to say what one pleases at all times and in all places. However, there is yet a good deal of the substance of this right left to us if we are careful of expressing our political philosophies.

Neither have we as yet been denied the right to assemble and petition the Government for redress of grievances.

As to the second amendment, while the States still have their respective militia establishments, they have been pretty generally federalized by recent legislation and their distinctive place in the State organization correspondingly weakened.

It must be admitted that the Federal Government stands acquitted of any infringement of the third amendment forbidding the quartering of soldiers in private homes.

There is no right the preservation of which is more vital to liberty than that guaranteed to the citizen in the fourth amendment to be free from search save upon warrant, yet there is none in a more precarious condition among us to-day. It was the violation of this principle by James I that destroyed English liberty, but raised up the great Chief Justice Coke as its champion. When the States procured the adoption of this amendment they believed they had rendered the people secure in their persons, houses, papers, and effects; that not even an officer, a magistrate, or a policeman could thereafter ever enter the house of a citizen or search his papers and effects without a formal warrant, duly issued upon probable cause, supported by sworn testimony stating the reason why, the crime charged, the place to be searched, and what they expected to find.

Not a day passes, however, but that Federal agents, in the enforcement of the multitude of Federal laws regulating our local concerns, contemptuously set aside this guaranty. Whether the Federal larceny statute, the Federal statutes on morals, on narcotics, automobile thefts, sedition, or what not, are being vindicated, the raids upon homes and the illegal seizures of papers and property go on. While some courts occasionally denounce this lawlessness on the part of Government officials, they nevertheless hold that evidence thus illegally obtained may be used against the accused. Also, they will admit evidence stolen by a private individual which Government officials could not lawfully obtain without a warrant.

The amendment is a general and unqualified declaration that the people have a right to be secure in their persons, houses, papers, and effects, yet the Supreme Court has struck down half of its value by declaring that it applies to criminal prosecutions only. In civil matters, says this tribunal, the people have no such right. Hence the Federal income tax inquisitor, or any other so-called civil officer, may invade your home or your office without a warrant, demand your books and papers, take transcripts of what he likes, and institute a criminal prosecution against you on the evidence obtained. With the amendment thus half frittered away, is it to be wondered at that it affords the most doubtful protection in criminal prosecutions?

We pass on to the fifth amendment, and particularly to that clause forbidding prosecution for a capital or infamous crime save on a presentment or indictment by a grand jury. An infamous crime is any crime punishable by imprisonment. In the Volstead Act we find a vicious assault upon this guaranty, where the courts are authorized to resort to the subterfuge of imprisoning the accused through the summary process of contempt, without either warrant or indictment.

As to the second prohibition in the fifth amendment against twice putting a person in jeopardy for the same offense, we are told this does not mean what it says with respect to violations of the Volstead Act. Offenders against that law may be punished in both Federal and State courts for the same offense, owing to "concurrent" jurisdiction.

The third prohibition in the fifth amendment, forbidding an accused to be a witness against himself in a criminal case, is flagrantly flouted with the connivance of the courts in the rule that evidence, however illegally obtained from the accused, may be used against him. With such a rule established, why should peace and prosecuting officers worry about search warrants in criminal cases? They rarely do. And the view is justified on the ground that it is more important to obtain a conviction than to preserve a constitutional right.

It is also declared by the courts that the guaranty against being compelled to testify against one's self does not apply to corporations, since they are artificial, not natural, persons, nor does it protect a corporation official from being compelled to disclose incriminating matter concerning his acts.

The fourth proposition in the fifth amendment, that no one shall be deprived of life, liberty, or property without due process of law, involves a discussion of the meaning of the term "due process of law." While no exact definition has ever been given, it is generally declared to mean law in the regular course of administration, according to those rules, principles, and forms established for the protection of private rights. Thus all the provisions of the Constitution and all laws made pursuant thereto constitute due process of law with respect to any matter cognizable under them. This prohibition is designed to keep the acts of Government officers within their lawful limits and to prevent arbitrary conduct.

The most condemnable instance of violation of this guaranty is to be found in an act of Congress permitting the deportation and exclusion of persons from the United States upon the mere say of an immigration official, regardless of whether the person so deported or excluded is an American citizen. Thus a single executive official may inflict the grave punishment of banishment, without the necessity of a jury or a judicial trial, which due process of law requires in all other cases of punishment. And the Supreme Court, in the case of Ju Toy, declared that as for him, due process of law was satisfied by a hearing without counsel before the immigration agent. Ju Toy was a poor Chinaman, but before the Supreme Court dismissed the case a Federal court of California, which heard the evidence of his birth in this country, judicially determined him to be an American citizen. It was of no use; the immigration agent had determined otherwise, and the Supreme Court declared his word beyond review by the courts. Some obnoxious or dangerous white citizen may be next.

In the final proposition the fifth amendment forbidding the taking of private property for public use without compensation, the Federal courts have evolved the vague and reprehensible doctrine that no right of private property can exist in property that may be declared to be subject to the "police power," and especially alcoholic liquors; yet Lincoln recognized the justice of compensation even with respect to depriving the South of their slaves. In spite of the licensing of the liquor business and the imposition of taxes and its storage in Government warehouses, under Government protection from time out of mind, the owners are now told that the fifth amendment is designed to prevent stripping the citizen of only certain kinds of private property, the list of which is constantly diminishing.

Further the courts hold that Government acts "merely impairing" the use of private property are not a "taking" within the prohibition, when the only sound and settled view we have known heretofore was that the right of use was an inseparable concomitant in the right of ownership. Also, the destruction of private property for the public safety, which may mean in the interest of public morals as they are viewed at the time, is not a "taking" of property.

The sixth amendment declares that in all criminal prosecutions the accused shall enjoy the right to a trial by jury. At the very outset the courts denied that this clause limited their power to punish summarily for contempt, without a jury, and in a number of Federal statutes, particularly the Volstead Act, we find Congress stooping to evade this prohibition by a provision permitting Federal courts to punish offenders summarily in this fashion. It is to the credit of the Federal judiciary, however, that they have shown no eager disposition so far to break down this great safeguard against tyranny.

While this prohibition does not describe the kind of accused persons entitled to jury trial, Congress and the Federal courts have decided that it does not apply to aliens whom they wish to deport. And, as has been pointed out, it is equally denied to citizens returning to their country from abroad if the immigration agent decides they are not citizens.

The seventh amendment pertains to jury trials in certain civil actions and the eighth forbids excessive bail or the infliction of cruel and unusual punishments, which call for no comment.

The ninth amendment, declaring that the enumeration of powers given to the Federal Government shall not be construed to deny or disparage those withheld by the people, was designed to reenforce the tenth amendment, which makes a positive reservation to the States, respectively, or to the people, of all powers not delegated to the Federal Government nor prohibited to the States. These great amendments were intended forever to hold the Federal Government in check and to control that natural augmentation of power known to be inherent in all government. Yet the Federal Government had hardly gotten fairly

started before this dangerous obiter dicta from the Supreme Court thrilled the centralizers at Washington as it startled and alarmed the survivors of 1787.

"This amendment (the tenth), which was framed for the purpose of quieting the excessive jealousies which had been excited, omits the word 'expressly' and declares only that the powers 'not delegated to the United States nor prohibited to the States are reserved to the States, respectively, or to the people,' thus leaving the question whether the particular power which may become the subject of contest has been delegated to the one or prohibited to the other, to depend on a fair construction of the whole amendment."

Thus, in the omission of this little word "expressly" before "delegated" the Federal Government has been judicially confirmed in the exercise of any powers "appropriate" or "conducive" to the ends warranted by the express powers. It has, in effect, overthrown the barriers guarding the reserved powers, leaving little more than the express prohibitions standing waveringly between the States and an unlimited government at Washington. On this doctrine all of the express grants to the Federal Government, the power to levy certain taxes in a certain way, the power to regulate interstate commerce, and the others, have been used to justify all manner of legislation only remotely related to the subjects themselves. One result has been the creation of a so-called Federal police power more and more controlling the local health, morals, and welfare in the States and ousting the States from their constitutional functions. Thus, from the power to regulate commerce has been deduced a right to regulate slaughterhouses, on the assumption of intended shipment of the meats; the right to regulate liability for injury to employees engaged in interstate commerce; duties and qualifications of employees, hours of service, rates of pay, taxing of passengers, diseases of cattle and plants, education of farmers, and what not.

No one can dispute the wisdom and necessity of Federal control of railways and other means of interstate transportation, including navigation, but it was never intended that the Federal Government should construe its power over interstate commerce in a manner wholly destructive of local self-government.

Every such extension of power has only unsettled some established rule or principle of law, till at length no one knows—not even the lawyers themselves—what rule or exception a court is likely to follow in any given case.

And every new subject gathered into the rapacious arms of the Federal Government means, of course, one more bureau, board, or commission at Washington, with another corps of inspectors and agents sent out over this broad land to do for each community what it can so much better and economically do for itself.

SAFEGUARDS AGAINST ABUSE OF TAXING POWER.

When the Constitution was submitted to conventions in the respective States none of the powers conferred upon the proposed Federal Government aroused greater anxiety than that permitting it to lay and collect taxes, duties, imposts, and excises, even though direct taxes were required to be levied by the rule of apportionment and indirect taxes laid by the rule of uniformity.

Direct taxes had been the main reliance of the States for their support theretofore, but the assessment, collection, and expenditure of such revenue were in the hands of their immediate representatives and under their immediate control. To give this power even concurrently to a *distant government*, to be administered by agents in no wise responsible to them, they felt would inevitably result in extravagance and oppression. Patrick Henry told the Virginia convention that it would annihilate the States. George Mason visualized what has come to pass—the Federal taxgatherer in every home, with his warrants of distraint, selling out or jailing those citizens unable to pay. Two thousand of such warrants were recently issued in the St. Louis district alone.

Hamilton sought to allay these fears by pointing out that the power to levy direct taxes only according to apportionment would result in such inequalities that it would never be used except in great emergencies; that the States therefore would rarely be disturbed in their power to levy direct taxes by similar action on the part of the Federal Government. In an address to the New York convention, where the fear of conferring the power of direct taxation raised a formidable opposition, Hamilton said:

"As to internal taxation, in which the difficulty principally rests, it is not probable that any general regulation will originate in the National Legislature. If Congress in times of great danger and distress should be driven to this resource, they will undoubtedly adopt such measures as are most conformable to the laws and customs of each State. They will take up your own codes and consult your own systems. * * * They will appoint the officers of revenue agreeably to the spirit of your particular establishments, or they will make use of your own."

Luther Martin told the Maryland convention that the Federal Government should not have the power to levy direct taxes in any case.

Oliver Ellsworth, in reassuring the Connecticut convention, declared that it was probable "that the principal branch of revenue will be duties on imports. What may be necessary to raise by direct taxation is to be apportioned on the several States, according to the number of their inhabitants; and although Congress may raise the money on their own authority, yet that authority need not be exercised if each State will furnish its quota." He defended the power of direct taxation, however, as necessary to meet such exigencies as war.

In the Massachusetts convention Rufus King said:

"It is a principle of this Constitution that representation and taxation should go hand in hand. * * * By this rule are representation and taxation to be apportioned. And it was adopted because it was the language of all America."

John Adams, Dawes, King, Sedgwick, and others expressed the view of all advocates of the new Constitution that a direct tax would be the last source of revenue resorted to by Congress. Without such assurances it can not be doubted that a majority of the States would have rejected the Constitution and gone on as independent sovereignties.

True to these prophecies, the Federal Government for more than a hundred years considered its power to levy direct taxes one to be used only upon extraordinary occasions. Within that period it was resorted to but three times and justified in each case by an emergency. The first was in 1798, during actual but undeclared war with France; the second in 1812, during war with England; and the third in 1861, during the Civil War. In each instance the laws were repealed when the war ended.

In 1894, however, under the title "An act to reduce taxation," etc., Congress passed an income tax law levying directly a tax of 2 per cent on all gains, profits, and income above a $4,000 exemption. It was promptly challenged as unconstitutional, and considered by the Supreme Court in the case of Pollock *v.* Farmers' Loan & Trust Co.

Chief Justice Fuller, rendering the opinion of a unanimous court, held the law to be in violation of the Constitution, in that it was not apportioned and void. The words of the Chief Justice are worthy of the most solemn reflection to-day. He says:

"Nothing can be clearer than that what the Constitution intended to guard against was the exercise by the General Government of the power of directly taxing persons and property within any State through a majority made up from the other States. It is true that the effect of requiring direct taxes to be apportioned among the States in proportion to their population is necessarily that the amount of taxes on the individual taxpayer in the State having the taxable subject matter to a larger extent in proportion to its population than another State has would be less than in such other State, but this inequality must be held to have been contemplated, and was manifestly designed to operate to restrain the exercise of the power of direct taxation to extraordinary emergencies, and to prevent an attack upon accumulated property by mere force of numbers.

"It is not doubted that property owners ought to contribute in just measure to the expenses of the Government. As to the States and their municipalities, this is reached largely through direct taxes. As to the Federal Government, it is attained in part through excises and indirect taxes upon luxuries and consumption generally, to which direct taxation may be added to the extent the rule of apportionment allows. And through one mode or the other the entire wealth of the country, real and personal, may be made, as it should be, to contribute to the common defense and general welfare.

"But the acceptance of the rule of apportionment was one of the compromises which made the adoption of the Constitution possible, and secured the creation of that dual form of Government, so elastic and so strong, which has thus far survived in unabated vigor. If by calling a tax indirect when it is essentially direct, the rule of protection could be frittered away one of the great landmarks defining the boundary between the Nation and the States of which it is composed would have disappeared, and with it one of the bulwarks of private rights and private property."

This decision leaves no doubt as to Chief Justice Fuller's personal view of the wisdom of the original limitations imposed upon the power of the Federal Government to levy direct taxes. He boldly described it as "one of the great landmarks defining the boundary between the Nation on one hand and the States on the other." However, in 1913 this great landmark defining the boundary between the Federal Government and the States was obliterated through the regular and constitutional method of amendment proposed by the Federal Congress. In place of the old provision, designed to restrain the Federal Government from sending its tax gatherers into every home and to withhold from a limited General Government unlimited power to raise taxes, this, the sixteenth amendment, was ratified by the States:

"The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

It has been construed by the Supreme Court to authorize the taxation of all manner of profits and gains, as well as capital assets, under such arbitrary rulings as the Treasury Department may prescribe. The lone exception in the way of income that the Federal Government may not reach is that derived from bonds issued by the States and their political subdivisions. In order that nothing may escape, however, a constitutional amendment is now before Congress permitting Federal taxation in this case. If the States acquiesce in this, only the hollow form of our "indissoluble Union of indestructible States" will remain.

There can be no argument against the justice of direct taxes as such; and an income tax is perhaps the fairest of all forms of taxation in that it distributes the cost of government according to the ability of the citizen to pay. However, these taxes, capable of raising such great sums of revenue, were designedly left with the States because it was their governments that were charged, in the constitutional arrangement, with the vast and manifold problems of internal affairs, while the Federal Government was intended to be a mere representative of the States in external relations. So long, therefore, as the Federal Government confined its activities to the limited duties assigned to it, no extensive revenue was required.

In the face of the most anxious endeavors of the framers of the Constitution and the deepest solicitude on the part of the ratifying conventions to maintain the General Government as a limited one, it is inconceivable that the States could have so readily yielded to it their own, an unlimited taxing power, in 1913. It is in deadly conflict with the fundamentals upon which our Government was built. It reverses the essential underlying policy of all who have gone before us to withhold from the Federal Government the inherent temptations and vice of too much power. Heretofore our actuating principle was to deny the exercise of any power where the dangers from possible abuse outweigh the possible good from its use.

What have been the results during the eight years that have followed? Have they justified the alarm and fears of the framers? One has only to observe the universal presence of the agent of the Federal board, bureau, or commission, now overrunning the States, and daily growing more numerous, obtruding themselves into the affairs of the citizen from the hour of his birth and continuing it to his last breath, when they claim a share of whatever estate remains after their previous exactions. It not only regulates his morals but even prescribes the system of accounting he shall use in the record of his personal affairs.

For 10 years prior to and including 1916 the total annual taxes of the Federal Government averaged about $600,000,000. Of this sum more than a third was raised in a manner almost unobserved as excise upon fermented and distilled liquors. About $75,000,000 was similarly raised by tobacco taxes. The remainder was drawn almost entirely from customs, which likewise were nearly invisible in their incidence. The system accorded perfectly with the constitutional design of imposing Federal taxes, with a view to convenience and the least possible irritation. The Government expenditures averaged but $7 per capita.

In beginning the exercise of the power to levy direct taxes under the sixteenth amendment Congress felt its way. It took only $71,000,000 in 1914; in 1915 it collected $80,000,000 from direct taxes, and in 1916, $124,000,000. The rate was low, the exemption high, and the overwhelming majority who were required to pay nothing thought they had no reason to complain. Still, expenditures of the Federal Government in those years passed the $700,000,000 mark.

The years of 1917, 1918, and perhaps 1919 do not afford a fair comparison, owing to the extraordinary expenses incident to our participation in the Great War, but the Federal Government nevertheless raised by direct taxes in those years approximately $700,000,000 in 1917, $3,500,000,000 in 1918, and over $4,000,000,000 in 1919. It revealed to the Federal Government the apparently almost inexhaustible funds it could raise to defray the costs of an infinitude of new Federal enterprises in times of peace. Hence, in 1920, a year and a half after the close of the war, the Federal Government levied nearly $7,000,000,000

of taxes, or $63 per capita. In 1921, in spite of a nation-wide demand for economy and relief from tax burdens that were sapping the vitals of commerce and industry, the Federal Government held to its schedule and extracted over $5,600,000,000 from taxpayers of the States, amounting to $52 per capita. In this year it shifted to income-tax payers a loss of $250,000,000 of liquor taxes no longer available by reason of the adoption of the prohibition amendment. In 1922, nearly four years after the war, the Federal Government's ordinary appropriations are something over $4,000,000,000, with some additional uncalculated hundreds of millions to be raised by new taxes for a bonus to the soldiers.

Former Senator Thomas, of Colorado, declares there are 250 powerfully organized lobbies now maintaining offices and agents in Washington, whose sole aim is to get their hands into the Federal Treasury, now that direct taxes appear to render its supply unlimited; and that Congress, yielding to political pressure thus wielded, is no longer concerned about the ancient doctrine that public revenue shall be devoted only to public needs and that taxes can be levied only for public purposes.

The unlimited Federal taxing power has recently pushed to a dangerous extent the so-called doctrine of "Federal aid." It was initiated to encourage road building in the States, a subject that Congress is constitutionally competent to deal with. But from that point it is now luring the States more and more into subordinating to some Washington bureau such strictly local functions as health and education. In such cases "Federal aid" is nothing more than Federal taxation for State purposes, in which the States receive back a mere trifle of the sums collected.

It is the natural process for all governments, even limited ones, to gain ground at the expense of civil liberty. But if to this inherent quality is added a limitless purse, as was done by the legislatures of our States in 1913, it can cause no surprise if the Government thus endowed becomes a political profligate.

Consciously and unconsciously the people of the United States have sensed this tremendous transformation in their institutions. Never before have they manifested less affection or respect for the Constitution and laws, because never before did that Constitution and those laws afford them less protection in their lives, liberty, and property; never before have they been more deeply irritated and vexed, because never before has a distant government thrust its regulating agents into the manifold activities of their daily lives since 1775.

VAST EXPANSION OF REVENUES AND BUREAUS.

Before our great experiment in self-government was launched history presented the picture of governments in all times involved in the changing tragedy of oppression, rebellion, and reformation in an endless cycle. The framers of our written Constitution felt that they had provided effectually against the need of resort to violence for the correction of our Government, however, in the amendment clause through which the people could from time to time, by peaceful means, add to or take from the Federal Government such power or powers as their safety and happiness seemed to require.

We find the situation to-day, however, to be that the powers declared in the instrument to have been reserved to the people, to be delegated or not in their wisdom, have been largely absorbed by the Federal Government through the subtle processes of legislative construction and judicial interpretation. Through the doctrine that Congress may enact any law "appropriate," "convenient," or "conducive" to the ends of its enumerated powers, nearly the whole realm of power has been gathered into its hands.

We have awakened to the realization that there has grown up over us an almost unlimited Government, to which we have recently given an unlimited purse. The form of dual government remains; the substance has disappeared. We are headed in the same direction that every other unlimited government has taken, and, if we submit, the time may not be far distant when the Federal Government will actually deny the right of the people of the States to limit its power in any respect. Then our only recourse will be rebellion and reformation.

It is useless to reaffirm the written guaranties and limitations; they would only continue to be broken through. But there is a means by which the States can check the present race toward empire and resume the rightful discharge of the obligations of local self-government, and that is:

By repealing the power of the Federal Government to command unlimited revenue, save in time of war.

We have ample evidence that it is the exercise of this power that is drawing all authority to Washington, where it can not be exercised efficiently, economically, or safely.

In an address before the bar association in St. Louis February 13, 1921, James W. Beck, the Solicitor General of the United States, pointed to the taxing power, even before the adoption of the sixteenth amendment, as one that had been perverted with the acquiescence of the Supreme Court. He cited the oleomargarine case as exemplifying an instance in which Congress, by imposing a prohibitive excise, had utterly and intentionally destroyed a perfectly legitimate business, with no remedy whatever for the injured parties, in view of the Federal court's refusal to look into the motives and purposes of Congress.

If Congress may thus without judicial restraint levy an indirect tax for the purpose of destroying a particular business or class of property, to what lengths of oppression may it not now go with an unrestrained power to tax directly? Mr. Beck frankly declared the power to tax directly rendered Congress almost omnipotent.

If eight years of unlimited taxing power in the hands of the Federal Government have wrought such a transformation in the situation of the citizen it is appalling to contemplate the revolution that 20 years would bring.

Citizens of Missouri paid $86,000,000 to the Federal Government in 1921. The sums paid by other States range from $718,136 collected in Nevada to $814,000,000 paid by New York. An exceedingly large proportion of this money is not being applied to the necessary Federal functions or to objects constitutionally within the purview of the Federal powers. The greater part of the revenue properly belongs to the States, and they themselves should raise it by their own income taxes for expenditure under their own supervision.

Let a constitutional amendment be drawn declaring in substance:

"The Congress of the United States shall have no power to lay and collect direct taxes, save in time of actual war."

But, it may be objected, we have a war debt of $24,000,000,000, less $11,000,000,000 representing the allied debt; how can proper provision be made to meet the principal and interest of this? It must be considered. It may be met by quotas from the States, as Oliver Ellsworth suggested. The amendment might even permit the levying of direct taxes for the sole additional purpose of retiring the debt of the United States incurred in the prosecution of war. To permit the levying of direct taxes to meet any debt, however, would open the door to borrowing to meet current expenses and constitute little more than a substitute for direct taxes.

There are ample sources of revenue for the most generous peace-time support of the Federal Government through indirect taxes. Customs will easily yield $300,000,000; tobacco taxes, $150,000,000; the Federal estate tax brought in $154,000,000 in 1921; while it has been estimated that an excise on beer alone would yield $400,000,000. This does not by any means exhaust the list.

The United States of America became a numerous, rich, and contented Nation between 1789 and 1913, when the taxing power of the Federal Government was qualified as suggested by the proposed amendment. Our Government was frugal from necessity. Its invasion of the field of reserved powers, while extensive during this period, was the less dangerous because the absence of an unlimited purse restrained practical ventures based upon them.

There are two alternative modes by which the Constitution may be amended, set forth in Article V, as follows:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

As no government since the beginning of time ever voluntarily surrendered power back to the people it is, of course, too much to expect that Congress could be induced to initiate an amendment that would compel economy by restricting its taxing power and restore to the States the exclusive right to raise and expend their own millions by direct taxes; hence, if any such amendment is possible, it must be undertaken by the States themselves through an application of two-thirds of their legislatures to Congress for the calling of a national convention.

ORGANIZED GOVERNORS SHOULD CHECK ENCROACHMENTS.

The governors of the States of the Union are organized, and have been since 1908, in a continuing body known as the governors' conference. Its affairs are managed by an executive committee of three governors, chosen annually. The present committee consists of Gov. William C. Sproul, of Pennsylvania; Gov. J. B. A. Robertson, of Oklahoma; and Gov. Henry J. Allen, of Kansas. There is a permanent secretariat at Madison, Wis., under the direction of Mr. Miles C. Riley as executive secretary.

That the governors of the States are not blind to the present alarming conditions is evidenced in the reports of their annual meetings. At the meeting at Harrisburg, Pa., in 1920, three governors (Robert D. Carey, of Wyoming; R. A. Cooper, of South Carolina; and Percival W. Clement, of Vermont) delivered urgent addresses upon the need of decentralization of Federal activities.

The following excerpt from Governor Carey's address reveals the outrageous waste and inefficiency growing out of actual contests among Washington bureaus to dominate Wyoming:

"If one desires to study the operations of these Federal bureaus and agencies in all their glory, he should visit the Jacksons Hole country, which lies just south of the Yellowstone National Park. Most of this section is in forest and game preserves, and here we have the best game country in the United States. The Bureau of Parks is endeavoring to add a large part of it to the Yellowstone National Park which the Biological Survey wants it for a game preserve. The Forestry Service is not in favor of park extension, for the reason that it would transfer control from the Agricultural to the Interior Department. The Reclamation Service has a large reservoir at Jacksons Lake which is irrigating lands in Idaho, and on account of the large volume of water that is run during the irrigation season the river is impassable and there are no bridges. The land along the river is being constantly washed away and damaged, but the owners have no redress. There are two Carey Act projects which the General Land Office will neither approve nor disapprove. Practically all lands for homesteading are withdrawn from entry and the development of the country is at a standstill. Numerous writers from the East have been imported into this section to write propaganda to assist the different Washington bureaus to get control of this section. Everyone has a press agent except the man who is trying to live in this country and to establish a home."

With such intimate knowledge on the part of the governors of the evils accompanying the rapid march toward Federal empire and confusion, the Post-Dispatch appeals to them to arrest it.

It urges them as the sentinels, guarding the safety of the people of their respective States, to seize the opportunity now to restore the vigor of that dual system of government in which the States were conceived to be the only safe custodians of domestic affairs.

It urges them, in the light of this narrative, to call their conference into special session, to formulate a definite program of action, and to press it upon their respective legislatures in concert, to the end that the most hopeful experiment in self-government ever attempted by a great people shall not end in failure and despair.

PROPHECIES OF THE FRAMERS OF THE FEDERAL CONSTITUTION.

In seeking to allay a general fear in the States that the Federal Government might usurp all power and become an unlimited and oppressive one, Hamilton, Madison, and Jay concerted in a number of papers, now compiled as the Federalist, to reassure the members of the State conventions to which the Constitution was submitted. The following are excerpts:

"The objectors do not advert to the natural strength and resources of State governments, which will ever give them an important superiority over the General Government. If we compare the nature of their different powers as the means of popular influence which each possesses, we shall find the advantage entirely on the side of the States. This consideration, important as it is, seems to have been little attended to. The aggregate number of representatives throughout the States may be 2,000. Their personal influence will, therefore, be proportionately more extensive than that of one or two hundred men in Congress.

"The State establishments of civil and military officers of every description, infinitely surpassing in numbers any possible corresponding establishments in the General Government, will create such an extent and complication of attachments as will ever secure the predilection and support of the people. Whenever, therefore, Congress shall meditate any infringement of the State constitutions, the great body of the people will naturally take part with their domestic representatives.

"Can the General Government withstand such a united opposition? Will the people suffer themselves to be stripped of their privileges? Will they suffer their legislatures to be reduced to a shadow and a name? The idea is shocking to common sense." (Alexander Hamilton.)

"The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce, with which last the power of taxation will for the most part be connected. The powers reserved to the several States will extend to all the objects which in the ordinary course of affairs concern the lives, liberty, and property of the people, and the internal order, improvement, and prosperity of the State." (James Madison.)

"But ambitious encroachments of the Federal Government on the authority of the State governments would not excite the opposition of a single State or of a few States only; they would be signals of general alarm. Every Government would espouse the common cause. A correspondence would be opened. Plans of resistance would be concerted. One spirit would animate and conduct the whole. The same combination, in short, would result from an apprehension of the Federal as was produced by the dread of a foreign yoke, and unless the projected innovations should be voluntarily renounced the same appeal to a trial of force would be made in the one case as was made in the other." (James Madison.)

FEDERAL REVENUE WHICH STATES SHOULD HAVE FOR LOCAL USE.

Following are the direct taxes levied in States by the Federal Government in 1921 in the form of income taxes, to which the States themselves are historically entitled as the product of their own income taxes for expenditure by their own representatives for improvements within their own borders:

Alabama	$14,222,196	Nevada	$718,136
Arizona	279,821	New Hampshire	8,304,563
Arkansas	8,228,525	New Jersey	97,391,062
California	129,170,961	New Mexico	1,306,243
Colorado	25,085,242	New York	814,736,708
Connecticut	49,208,464	North Carolina	38,664,722
Delaware	9,848,404	North Dakota	2,072,432
Florida	10,108,053	Ohio	203,847,472
Georgia	28,792,002	Oklahoma	21,637,304
Idaho	3,495,317	Oregon	21,973,313
Illinois	260,944,632	Pennsylvania	351,737,751
Indiana	49,809,541	Rhode Island	36,086,774
Iowa	28,893,632	South Carolina	26,032,367
Kansas	26,873,549	South Dakota	3,648,484
Kentucky	25,091,391	Tennessee	25,606,805
Louisiana	29,242,438	Texas	52,190,451
Maine	14,459,568	Utah	7,116,197
Maryland	44,948,063	Vermont	4,803,370
Massachusetts	214,058,413	Virginia	31,594,403
Michigan	184,494,520	Washington	29,221,005
Minnesota	53,886,224	West Virginia	35,819,846
Mississippi	7,244,977	Wisconsin	57,131,042
Missouri	86,121,595	Wyoming	2,537,062
Montana	3,925,062		
Nebraska	15,828,609	Total	3,228,137,673

MICHIGAN SENATORIAL ELECTION.

Mr. REED. Mr. President, in view of the fact that the statement has been persistently made that I did not oppose the seating of Senator NEWBERRY until after the contest was over, I desire to say that when the Newberry case was lodged with the Committee on Privileges and Elections in January, 1919, as a member of the committee I assisted in passing the resolutions which resulted in the preservation of the evidence and which forced a thorough investigation. I took an active part in the proceedings up to the time the question was taken from the general committee by reference to a subcommittee.

When the subcommittee reported, I opposed the seating of NEWBERRY in a speech made on December 21, 1921, which is reported in the CONGRESSIONAL RECORD of that date.

On January 11, 1922, understanding that the Newberry vote would occur on the following day, I journeyed from Boston for the purpose of throwing whatever strength I had against the seating of NEWBERRY. And on that day and before the vote I made my second speech, to which I invite the attention of all who care to read it.

The third and last speech was made after the resolution seating NEWBERRY had been passed. It could not have been well made before, for I sought to demonstrate that by adopting the resolution seating NEWBERRY those who had voted for it had written their own condemnation.

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. DIAL. Mr. President, I thought that I was opposed to this kind of legislation on principle. It seems to me to be a bad principle to follow; and I think it brings the judiciary into disrepute, and certainly subjects it to great criticism.

My relations with the bench have been long and pleasant, but I am not much surprised that we have landed where we are now. I have thought for years that some of the judges did not impose sufficient fines on the lawless element to deter them from violating the law, especially since the prohibition law has been passed. It is absurd to put the Government to the expense of maintaining the courts, and all the machinery of the courts, and officers to risk their lives in arresting criminals, and then have them come before a judge who is not in sympathy with the law, and who imposes a farcical sentence.

I have some matters here which I have gathered from editorials, which I will read as a part of my remarks.

Here is an editorial from the Montgomery Journal. I have left out, intentionally, the names of the judges:

RESPONSIBILITY OF JUDGES FOR LAW ENFORCEMENT.

Judge ———, of the United States district court, but recently called to preside in an emergency session of the Federal court in that city, in an interview published in the local newspapers is quoted as making a severe arraignment of the national prohibition law. He declared the law "the most unpopular ever enacted," and then proceeded to give the version of the liquor and brewery interests as set forth in their propaganda to discredit the law and make difficult its enforcement.

"The amendment," he said, "was adopted under the general belief that war emergencies demanded the conservation of grain and other materials used in making whisky. It was not generally understood that prohibition would be permanent.

"Congress went to greater extremes when it passed the Volstead Act than public sentiment approved. Consequently the law is observed more in the breach than in the performance.

"Prohibition, in fact, will only come by education in the schools of the destructive use of intoxicants. The law would be more respected if its provisions were less drastic. No harm could have come from the domestic use of light wines and beer with limited alcoholic content."

Here is a judge upon the Federal bench who, while professing to desire law enforcement, actually decrying or inveighing the national prohibition law, declaring it too drastic to be enforced, and favoring the domestic use of light wines and beer, both of which are inhibited by the Constitution to which he has sworn allegiance.

The question arises, Is a judge who entertains views prejudicial to any law qualified to sit as presiding judge in cases involving the enforcement of that law?

Is not it a recognized principle of law that a judge who has prejudged a case, or biased either for or against the accused in his court, is disqualified to try such accused person?

Did not the Supreme Court of the United States, the highest judicial tribunal in America, if not in the world, only a few days ago reverse a decision rendered in a court where the presiding judge is alleged to have been biased, had prejudged the case?

If Judge ——— finds it difficult to enforce the national prohibition law, is he not, and all like him who indirectly express sympathy with the accused, largely to blame? Do they put the guilty in prison, as the law authorizes and contemplates, or do they put the minimum fine, which is regarded as a mere license to continue at the old stand?

Would any law be respected—even that providing for the punishment of the highwayman, the murderer, the violator of the pure food law—if judges upon the bench permitted themselves to publicly proclaim against such laws as being too drastic, and giving aid and encouragement to the violators by contenting themselves in assessing small fines instead of imprisonment, as provided by law?

As a matter of fact, with so many judges throughout the country like Judge ———, who assume such an attitude of unfriendliness to the Constitution of his country, and indirectly if not directly, expressing sympathy for the violators of law, fail of their duty in giving the extreme penalties of the law—not only fines but imprisonment—are not those judges who thus fail of their duty largely responsible for the conditions about which they complain and effect to deplore?

The way to stop crime is to punish the criminal. The criminal can not be punished without the judges, as well as executive officers and juries, doing their duty.

Mr. President, I am not a fanatic about the Volstead law or any other law; but it seems to me that when a judge takes an oath to uphold the law it is his duty to do so without criticizing Congress.

I also read an editorial from the Daily Oklahoman of January 27, 1921. It says:

JUDGE ———'S OUTBREAK.

It is surprising that any judge, especially a Federal judge, would be guilty of such an outbreak as that of United States district judge ——— ———, Tuesday. An attack on existing laws such as that made by him would come with better grace from a ward politician than it does from a jurist whose sworn duty is to uphold the laws.

"Repeal of the eighteenth amendment and other prohibition measures is necessary absolutely, or we will face a revolution that may destroy all the cherished institutions of the country," said Judge ———.

"Men can not continue to obey prohibitory laws and retain their liberty and contentment of mind.

"Many people believe that such a thing as a revolution in America is impossible, but I want to say that it can come just as quickly and just as terrifying in our country as in Russia. Repressive laws will bring it about.

"These thousands (who formerly imbibed at saloons and clubs) vigorously resent the law that makes them criminals because they drink and as a result of being forced into drinking beverages manufactured from weird formulas, they are led into crimes that are worthy of the penitentiary."

In the first place, it can not be granted that the presentation of facts as given by Judge ——— is a fair or accurate one.

There is no evidence to support his statement that a revolution will result if the eighteenth amendment and other prohibition measures are not repealed.

It is not true that "men can not continue to obey prohibition laws and retain their liberty and contentment of mind." The great majority of men are just as prosperous, if not more so, and just as happy and contented, if not more so, than when the liquor traffic was legalized.

It is ridiculous to declare, as Judge ——— does, that thousands "are being forced into drinking beverages manufactured from weird formulas." Who is forcing them? These men are drinking vile bootleg stuff of their own free will. Judge ——— does not admit this, nor does he take the trouble to point out that there are hundreds of thousands of men who formerly drank liquor but who do not do so now and whose health and bank accounts are far better as a result.

Not only is Judge ———'s statement deplorable because of its inaccuracy and unfairness, but also because it will have an effect of encouraging men to violate the law.

It is the duty of judges to interpret and enforce the laws. They do untold harm when they make declarations like that of Judge ———, which is bound to create a great disrespect and contempt for the law.

It is not difficult to realize the delight with which moonshiners, bootleggers, and other violators of the prohibition laws will read Judge ———'s denunciation of the eighteenth amendment and supporting measures. Nor is it stretching one's credulity to believe that these criminals may say to each other: "The judge is with us," and that they will break the law more frequently than before.

Mr. President, as I said before, I am not a fanatic about the enforcement of any law; but all laws ought to be either enforced or repealed. I feel that the farce of a judge imposing a little bit of a sentence, and the defendant going practically free, tends to increase crime. It tends to multiply that kind of cases, and hence it tends to create business in the courts, and therefore that has had a great deal to do with bringing about the necessity for more judges, if necessity exists. I have been disgusted to read in the papers where a fine of perhaps $25 was imposed on these highwaymen-bootleggers. They go around and manufacture this stuff, and are prepared to take life in selling it. In my county some time ago one of the best policemen who ever lived was shot dead by one of them; so there is no encouragement for officers to risk their lives in trying to enforce the law unless the judges are going to enforce it.

I realize that judges are appointed for life, and some of them perhaps feel a little above any authority. I think the time has come when the Attorney General ought to look into the enforcement of the law, and, if necessary, take such steps as may be required to do it.

As I said, I thought I was opposed to this bill at the beginning, and I think so yet. I think it would be much better to have passed a bill providing special judges at particular places, if they were necessary; but, to my mind, a great deal of the pending litigation, or litigation that has been pending recently or that will arise in the near future, is the result of the war, and will not remain permanently; and therefore now, when the time of economy is at hand, if the judges would work a little bit harder they would get rid of these cases, and perhaps save the people a good deal of expense. However, it seems that I am greatly in the minority, so much so that I concluded that I would join the procession and offer an amendment for one additional judge in South Carolina.

I was surprised at these figures when I looked over them. I find, briefly, that in Massachusetts—they speak of criminal cases, I believe, as the star cases—in Massachusetts they are going to be given two new judges, and in one district there they have 186 cases, I believe, and in another one 244, or something like that.

In Pennsylvania, in the eastern district, they have 342 cases, and this bill gives them another judge. In the western district they have 450 cases, and they are given another judge.

Down here in South Carolina, in the western district, where I happen to live and where we have only one judge, there are 416 cases, so we are more lawless than I thought; so certainly, under the schedule we have fixed, there is no question in the world that we are entitled to another one, and I rather think we are entitled to two. I will not be hoggish, however, and I will ask for only one piece of the "pie" that the Senator from North Carolina [Mr. OVERMAN] speaks of, and just ask them to give me one judge.

In the other district we have 316 cases. In the western district, though, where I live, a little nearer the mountains, where they make a little brew, there are 416 cases; so, clearly, under this plan we will have to have one. Otherwise, Senators will not be consistent, and I hope they will not treat me that way.

In Texas, in the western district, the bill gives them another judge, though they have only 279 cases. They are not entitled to one nearly as much as we are.

In Michigan, in the eastern district, the bill gives them another judge, though they have only 378 cases, and they are not entitled to one nearly as much as we are.

In Missouri you had already given them one additional judge in a district where there were only 257 cases; and after listening to the Senator from Missouri [Mr. REED] the other day, you gave the other district, with only 170 cases, another judge. According to that, we ought to have about three more in South Carolina; but I am not going to be expensive in these hard times, and I am just sending up an amendment which I will offer, and I hope it will be unanimously agreed to.

Mr. CUMMINS. Mr. President, a point of order. There is an amendment pending, is there not?

The VICE PRESIDENT. There is.

Mr. KELLOGG obtained the floor.

Mr. WALSH of Montana. Mr. President, will the Senator yield for a moment?

Mr. KELLOGG. I yield to the Senator.

Mr. WALSH of Montana. I do not see the Senator from Georgia [Mr. WATSON] here; but the particular section to which I desire to invite his attention, showing no change in the present law as to judges appointed to serve within their circuits, is section 17 of the Code of Civil Procedure, which reads as follows:

It shall be the duty of the senior circuit judge then present in the circuit, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section 14, the district judge of any judicial district within his circuit to hold a district court in the place or in aid of any other district judge within the same circuit.

Mr. KELLOGG. Mr. President, I desire to say a few words upon sections 2 and 3 of this bill.

I shall vote for the bill, but I shall not take the time of the Senate to discuss the necessity of additional judges. I should have preferred the original bill introduced by my colleague from Minnesota [Mr. NELSON], providing for two judges in each circuit, but, as the committee has seen fit to adopt this plan, I shall vote for the bill as it is.

I am heartily in favor of sections 2 and 3, and quite agree with the reasons given, as I understood them, by the Senator from Montana for those provisions. As the Senator said, so far as assigning judges within a circuit is concerned, the law has not been changed. That can be done now by the senior circuit judge. I think experience has shown that the provision of law as it now exists, and the provision of law extending that to the second circuit, demonstrate not only the workability but the advisability of such a provision.

It is impossible to adopt a judicial system with judges in each district in the country, with varying amounts of business, and have all of the judges busy within their districts all of the time. Take the eighth circuit, the largest circuit in the United States, comprising, I believe, 13 States, extending from the Mississippi River to the Rocky Mountains, and south to Oklahoma and New Mexico, including the latter States. It has been found of very great value that the law provided—in fact, I doubt if the business of the circuit could have been done by the judges had not the law so provided—that the district judges might be assigned to other districts than those in which they reside and for which they were appointed.

I notice in the RECORD that the Senator from North Carolina [Mr. OVERMAN] was very much opposed to this assignment of judges to other districts than those in which they reside. He said:

That bill provided for roaming judges—

Referring, I suppose, to the original bill.

it provided that a judge from North Carolina might be sent to try cases in Oregon, although the North Carolina judge does not know anything about the laws in Oregon or the conditions in Oregon or the methods of life there.

Mr. President, there is not much more difference between Oregon and North Carolina—although it is not likely that a judge will be sent from North Carolina to Oregon—than there is between Oklahoma and Minnesota. The two States are a little farther apart, but the Senator forgets that the questions usually passed on by circuit and district judges are not particularly local, and that the practice, so far as equity is concerned, is uniform in all the circuits and in all the districts. I doubt very much if, in the assignment of judges heretofore, that has been an objection in any degree whatever. In fact, I think the judges who have been sent to the State of New York, the second circuit, which I believe is the only circuit to which they may be assigned at this time, have been very satisfactory, and the practice has been approved by the bar and the judges. There is no more difficulty in sending a judge from the seventh to the eighth circuit or from the eighth to the ninth circuit than there is in sending a judge from one State to another within the same circuit, especially one as large as the eighth circuit.

This is a system designed to obtain the disposition of the maximum amount of business by the same number of judges, because it is inevitable that some of the judges will not have work enough in their districts. Take the State of Minnesota, for instance. For years the judge in North Dakota has not had enough to do, and he has been assigned a great deal of the time in aiding in the large business of the State of Minnesota. So with South Dakota and many other districts.

I do not see any reason why that system should not be applied to the circuits as well as to the districts within the same circuit. I was at the bar for nearly 40 years in my State and had some experience in the circuit and district courts over the entire circuit and in other circuits, and I have never heard any objec-

tion raised to the assignment of judges within the circuit to help out judges overburdened with work.

Mr. OVERMAN. Let me read just a paragraph from a letter of one of the wisest and ablest judges of this country.

Mr. KELLOGG. I have no objection to the Senator reading it.

Mr. OVERMAN. This judge said:

I think the power conferred upon anyone, no matter how great, wise, or patriotic, to send judges into our States and districts, unknown to our people, unfamiliar with our ways, standards of life, manners, conditions, etc., would be exceedingly unwise and dangerous—would tend to bring the Federal judiciary into antagonism to the people, weaken the confidence in their administration of justice, and result in other unfortunate and unhappy conditions.

Mr. KELLOGG. All I can say is that the judge who wrote that letter has probably overlooked the fact that assignments can now be made within the same circuit. The judges may be sent from one State to another, and it has worked well. I have never before heard any complaint of it anywhere in the United States. Certainly it has enabled judges in the different circuits to transact the business more expeditiously than it was possible to do in any other way.

Mr. CUMMINS. May I interrupt just long enough to repeat what the Senator from Minnesota said a moment ago—that a district judge can now be sent from Minnesota to Utah—and certainly there is as much difference between the habits and customs of the people in those two communities as in any two districts.

Mr. OVERMAN. I know what the law is; but I am speaking of the policy and the principle.

Mr. KELLOGG. The principle has worked well within the circuits.

Mr. OVERMAN. I do not know whether it has or not.

Mr. KELLOGG. I have had some experience along that line, and I am sure it has. I do not see any reason why that same principle should not be applied in sending a judge from one circuit to another. Of course, naturally, judges will not be sent to the same extent from one circuit to another that they have been from one district to another inside of the circuit; but it was found necessary to do it in New York, and judges have been found who could spare the time to go to New York to help out in the great accumulation of business in the second circuit.

I notice objection has been made to section 2, which provides for a conference of the senior circuit judge of each circuit with the Chief Justice of the United States in Washington once a year. The provision in relation to the duties of this conference is as follows:

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

I do not see any objection to that. As the Senator from Montana [Mr. WALSH] said, in order to assign a judge from one circuit to another, there must be the certificate of the presiding justice of the circuit from which the judge is taken, the certificate or request from the presiding circuit justice of the circuit to which the judge is to be assigned, and the order of the Chief Justice assigning him. Heretofore there has not been the necessity for section 2 as there will be under this bill, because there has been only one circuit under the law to which judges outside of the circuit could be assigned, and that was the second circuit; but if the judicial force of the United States is to be made most effective and transact the most business, the Chief Justice and the presiding justice of each circuit must be informed as to the necessities of judicial aid in the various districts and circuits of the United States, and if the Chief Justice can, by having a meeting with the circuit judges, review the business, obtain the statistics of the Department of Justice, and see what the necessities in each district and circuit are, so that he may be informed when he is requested to make an assignment from one circuit to another, it seems to me it will be very helpful and very useful.

Why should that not be done? If the Chief Justice is appealed to to make an assignment to-day from the eighth circuit or the seventh circuit to the second circuit, he has to inquire as to the state of business in New York, in the second circuit, he has to inquire as to the state of business in the seventh or eighth circuit, from which the judge is to be taken, and as to the state of business in the particular district, and if he has that information before him in a general way he can act very much more intelligently.

Mr. SHIELDS. Mr. President, the Senator seems to have overlooked the provisions of the bill. There was very broad power given the Chief Justice as to making the assignments, but the bill has been amended, and that part has been stricken out. Under the present provision, as construed by the Senator from Montana, the Chief Justice can only designate a judge to a district named by the judge of the circuit, and can only designate a judge from another circuit upon the certificate of the circuit judge of that circuit that he can spare him, so all the information the Chief Justice requires is these two certificates from one circuit that he is needed and from the other circuit that this particular judge can be spared from that circuit. Therefore, why does he want a conference of all the senior circuit judges of the United States?

Mr. KELLOGG. Mr. President, I had already stated that fact, but presumably if the Chief Justice is going to make the assignment he ought to have some knowledge of the subject.

Mr. WALSH of Montana. Let me make an inquiry. Of course, these conditions change. At this annual conference, how can the situation be met? The year being half over, there is an accumulation of business in a district, and a judge sends word to the senior circuit judge, "I can not do the work here. I am overwhelmed. Give me another judge." The senior circuit judge says, "I have not a judge in my circuit I can send to you, but I will send to the Chief Justice to see what I can do." The Chief Justice surveys the field and thinks he can find a judge somewhere else, in some other circuit, and he communicates with the senior circuit judge there, and that judge says he can let the judge requested go. How at this annual conference can this necessity for a judge somewhere during the course of the year be anticipated? What can they do which would not be met as the situation arises?

Mr. KELLOGG. Mr. President, the business in each district does not radically change in a month or two. If the Senator will take the statistics year after year, he will find that the business in one district, unless its disposition is affected by the illness of the judge, or his inability to attend to his duties, does not suddenly double or treble, or suddenly fall off to 25 per cent. I do not see why the Chief Justice should not be informed from year to year of the general trend of the business in the districts, and by consultation with the senior circuit judge of each circuit annually he may keep informed as to the conditions of the business not only in the various circuits but in the various districts. I can see no harm in the provision, and it seems to me a very wise one.

Mr. CUMMINS. May I make a suggestion at this point?

Mr. KELLOGG. I yield to the Senator from Iowa.

Mr. CUMMINS. The Senator from Georgia inquired a few moments ago of the Senator from Montana as to the propriety of leaving the selection of judges to be assigned within circuits entirely within the discretion of the circuit judge. The very information which the senior circuit judge should have in order to make designations within his own circuit is contained in secton 2, which the Senator from Montana seeks to strike out. It provides, on page 11:

It shall be the duty of the senior district judge of each district court of the United States to make, on or before the 1st day of August of each year, a report to the senior circuit judge as to the condition of the business in his district and a recommendation as to what additional judicial force, if any, is needed to dispose of the business of such district with reasonable dispatch. It shall not be sufficient for him merely to state in his report the cases as shown upon the docket of the court, but, after investigation, he shall express his best judgment as to the condition of business existing or likely to arise in his court during the ensuing year.

It is made the duty of the senior circuit judge, under the bill, to bring this report of the district judge to the conference, so that not only has the senior circuit judge in that way all the information he possibly can have with regard to affairs in his own circuit, but he acquaints all the remaining circuit judges of the conditions in his circuit, so that there can be an intelligent distribution of the judicial force.

Mr. SPENCER. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. I yield.

Mr. SPENCER. I appreciate the force of what the Senator from Montana has just said about the inability of any conference of the circuit judges with any particular intelligence to forecast the business of the coming year. I see the force of that, but to my mind one of the great advantages of such a conference is the getting together of the judicial machinery of the United States in conference with the Chief Justice and the Attorney General regarding the judicial business of the next year, as well as of the present year.

The Senator from Montana knows better than I that the judicial business of the United States is largely administrative. There is a business side to it as well as the law side. There are practices in the different circuits which are commendable. There are some that could be improved. Both are remedied by conference. It seems to me there is very great advantage when

the circuit judges of the different circuits of the States get together once a year to discuss the method of transacting business, the state of their dockets, the things that have proved advantageous, the things that have proved disadvantageous. The resultant of it all is a distinct benefit to the administration of justice, and that is precisely what the conference provides for.

Mr. WALSH of Montana. Mr. President, will the Senator from Minnesota yield to me for a remark?

Mr. KELLOGG. I yield.

Mr. WALSH of Montana. I was not unmindful of the provision to which reference has now been made by the Senator from Iowa [Mr. CUMMINS]. I was looking for it and was of the impression that the particular provision was found in a later portion of the bill. It is one highly to be commended, in my judgment. It is a very wise provision. I should like to see it retained. I was proceeding in my discussion upon the assumption that it would be retained.

But the report having been made by each district judge concerning the condition of his business and the report having been made by the senior circuit judge of the circuit, we have a complete review of the business, and that being laid before the Chief Justice he will be in a situation very easily to determine where to look for a judge whenever he is appealed to. The provision, it seems to me, dispenses entirely with the necessity for the conference.

Mr. KELLOGG. I do not think so. I think the provision as to conference will be a wise one and will be just. We must also remember that the Supreme Court of the United States make the rules of practice in the Federal courts, and that by the rules which were adopted a few years ago the practice has been very much simplified. I do not claim that those rules are perfect and have no doubt that the Chief Justice, in his conferences with the judges of the circuit court of appeals, may find some time other amendments and other improvements that may be made in the practice in order to expedite the business of the courts in the various circuits of the United States. The more information he can get the better for the bench and for the people.

I do not share the feeling expressed by the Senator from North Carolina [Mr. OVERMAN] that it is unwise for a judge from one district to go into another district because he is unfamiliar with local law. As a matter of fact I take it there are few, if any, district judges in the United States who are not competent to sit in any court in the United States in any State or any district and administer the law. I believe that it is advantageous for a judge to hold court in other districts than that in which he resides and is not at all detrimental to the litigants. Certainly we are never going to get the maximum business transacted unless that is done, because many district judges will not have enough business to do, while others will be overburdened. I am very much in favor of section 2 and section 3 of the bill.

Mr. ASHURST. Mr. President, the Senator from New Hampshire [Mr. MOSES] yesterday made objection to that feature of the pending bill which proposes an additional district judge for the district of Arizona, and inasmuch as no debate will be permitted after 4 o'clock it is incumbent upon me to state some pertinent facts.

COMPARATIVE AREAS.

The area of the State of Arizona, comprising the district of Arizona, is equal approximately to the combined areas of Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and New York. The figures which bear out this statement are shown in the following table:

	Area in square miles.
Arizona	113,956
Connecticut	4,965
Massachusetts	8,266
New Hampshire	9,341
Vermont	9,564
Maine	33,040
New York	49,204
Area in square miles	114,380

Business transacted in the United States courts for the fiscal year ended June 30, 1920.

[From annual report of the Attorney General, 1920.]

ARIZONA.

1. Cases pending at close of June 30, 1919	338
2. Cases commenced during fiscal year	670
3. Cases terminated during same period	714
4. Cases pending at close of June 30, 1920	294
5. Realized on fines, forfeitures, etc	$51,615.12

Mr. President, in obedience to statute Federal court is held twice a year in four places, namely, Prescott, Phoenix, Tucson, and Globe. The distance by rail from Prescott to Globe is 497 miles. It will thus be observed that the distance between Prescott and Globe is about the same distance as from Washington to Cincinnati or from Washington to Portland, Me. Litigants and witnesses are frequently required to traverse the entire distance—497 miles—to reach the place where court is held, and court is held as directed by statute. In some instances a term is suspended at one place while the judge travels to another place upon its business, after dispatching which he returns to the former place, completes the business there, and then returns to the latter place and dispatches the business there. In this connection it should be remembered that a grand jury must be assembled in each place twice a year. Thus it will be observed that the present judge convenes eight grand juries each year.

One-third of the copper produced in the United States is mined and smelted in the State of Arizona, its Indian population is greater than that of any other State excepting Oklahoma, and the area which is included within forest, Indian, and other reservations under the jurisdiction of the United States courts is larger than that of any other State.

Mr. President, much has been said about the political effect of this proposed legislation. I hope I have not reached, and I trust I may never reach, the point where I would vote either for or against an additional judgeship for political effect.

If the necessity for an additional district judge for Arizona existed when Woodrow Wilson was President, and it did exist, that necessity has not diminished, but rather has increased. When Mr. Wilson was President the distance from Globe to Prescott by rail was 497 miles, and the distance has not been shortened by the election of Mr. Harding.

Simply because the gentleman to be appointed will be a Republican, as I assume he will be, does not afford me any justification for opposing a bill which I urged under a previous administration.

Whilst on this subject I sound note of warning that it will become judges in the future simply to follow the written law, declare what the law is, and not to attempt to make law. We have had a surfeit of judge-made law. I have here a resolution adopted by the Arizona corporation commission, pointing out that the Federal judges, both district and circuit, are attempting to assume jurisdiction to fix the rates of public-utility corporations doing intrastate business only. Mr. President, I ask leave at this point in my remarks to include in the RECORD a copy of the resolution.

The VICE PRESIDENT. Without objection, permission is granted.

The resolution referred to is as follows:

STATE OF ARIZONA,
OFFICE OF THE ARIZONA CORPORATION COMMISSION.

UNITED STATES OF AMERICA,
State of Arizona, ss:

The Arizona Corporation Commission does hereby certify that in regular executive session held in the offices at the capitol on Tuesday, March 14, 1922, the following resolution was adopted by the commission:

Whereas Federal, district, and circuit courts have assumed jurisdiction to fix rates for public utility corporations doing only an intrastate business in cases where utility corporations have not followed the procedure established for a review of their rates by the State of their domicile; and

Whereas the regulation of rates of public utility corporations has always been a purely State function pertaining to the legislative branch of the State government or to a public utility commission created by virtue of the constitution or laws of a State; and

Whereas utility corporations not only have the right to have their rates passed upon by a public utility commission or a State legislature, but possess the right of appeal from such body to State courts and thence, if desired, to the United States Supreme Court, in any one of which courts every right that the utility corporation has would be carefully safeguarded; and

Whereas such an assumption of power on part of a Federal court or of the Federal district and circuit courts is a repudiation of the established procedure and is a revolutionary attack upon a State's unquestioned sovereignty: Therefore be it

Resolved by the Arizona Corporation Commission, That the Representatives of the State of Arizona in Congress be requested to lend their aid and support to the adoption of House bill No. 10212, which has been introduced in the Federal House of Representatives by the Hon. ISAAC BACHARACH upon the request of the Board of Public Utility Commissioners of the State of New Jersey, the object of the bill being to take from Federal district and circuit courts their assumed jurisdiction to fix rates for utility corporations doing only an intrastate business.

In testimony whereof the Arizona Corporation Commission, by its chairman, has hereunto set its hand and affixed its official seal. Done at the city of Phoenix, the capital, this 14th day of March, A. D. 1922.

[SEAL.] ARIZONA CORPORATION COMMISSON.
D. F. JOHNSON, *Chairman.*

Attest:
F. J. K. MCBRIDE, *Secretary.*

Mr. ASHURST. I also ask leave to have read at the desk by the Secretary a letter from the Governor of Arizona directing attention to this subject.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read the letter, as follows:

EXECUTIVE OFFICE, STATE HOUSE,
Phoenix, Ariz., March 20, 1922.

Hon. HENRY F. ASHURST,
United States Senator, Washington, D. C.

MY DEAR SENATOR ASHURST: There has recently been called to my attention by Governor Edwards, of New Jersey, House Resolution No. 10212, relative to the assumption by Federal courts of jurisdiction in the fixing of rates of public-utility corporations doing only an intrastate business.

Upon receipt of Governor Edwards's letter, copy of which I am inclosing herewith, I referred same to the Arizona Corporation Commission and am to-day in receipt of copies of a formal resolution adopted by the commission, which I am transmitting herewith.

I feel sure that you will agree with me that this is a matter of the greatest importance to the States, and I sincerely hope that you will, after you have had opportunity to familiarize yourself with this proposed legislation, see fit to give it your earnest support. I can not but feel that the assumption by the Federal courts of jurisdiction in the fixing of rates to be charged by utility corporations doing only an intrastate business would, if it became generally effective, constitute a very serious violation of the sovereignty of the States.

Sincerely yours,

THOMAS E. CAMPBELL.

Mr. CUMMINS. Mr. President, will the Senator yield to me for a moment?

Mr. ASHURST. I yield to the Senator.

Mr. CUMMINS. The Senator from Arizona understands that an additional judge is provided for Arizona in the pending bill, and I have not heard of anyone who has any notion or desire to strike it out. There are contested items upon which I think some of the Senators desire to be heard. I do not wish to attempt to abbreviate the remarks of the Senator from Arizona, but we shall begin to vote without further debate at 4 o'clock.

Mr. ASHURST. Mr. President, the Senator from Iowa is one of the few Senators whom I would permit to tell me to quit talking.

Mr. CUMMINS. I do not intend to be impertinent at all, but there is a real necessity.

Mr. ASHURST. I will yield the floor, but before doing so I ask unanimous consent to include in the RECORD a letter from Governor Edwards, of New Jersey, to Governor Campbell, of Arizona, upon this same subject.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

FEBRUARY 20, 1922.

Hon. THOMAS E. CAMPBELL,
Governor of Arizona, Phoenix, Ariz.

MY DEAR GOVERNOR: A bill, known as H. R. 10212, has been introduced in the House of Representatives, Washington, by Hon. ISAAC BACHARACH upon the request of the Board of Utility Commissioners of this State.

The object of the bill is to take from Federal, district, and circuit judges the jurisdiction to fix rates for utility corporations doing only an intrastate business.

In New Jersey, until recently, we had supposed, as doubtless the people of your State suppose, that the regulation of the rates of the utility corporations of the State was a purely State function and belonged to the legislative branch of the Government. That there could be such an assumption of power by a Federal judge as to a rate for an intrastate utility was considered impossible, but the impossible has happened in New Jersey. A Federal court has authorized the utility corporation supplying two-thirds of our population to increase its rates. This was done, notwithstanding the fact that our public utility commission had already granted an increase in rates to the utility; that the utility in question had the right of appeal to our State courts and thence, if desired, to the United States Supreme Court, in any one of which courts every right that it had would have been safeguarded. It saw fit to repudiate the established procedure for review of the commission's decision through the State courts and resorted to a Federal judge with the result above stated. The evidence before the commission, consisting of some 14,000 pages, was not admitted and the court decided that the utility was entitled to increased rates after a hearing of a summary character.

What has happened in New Jersey will doubtless happen in your State and every other State. I am informed that the utilities throughout the country are watching this case in New Jersey with the intention of following the example of the utility corporation here in the endeavor to transfer from the State boards and State courts to the Federal judges the jurisdiction over rates for State utilities. If that effort succeeds, in my judgment, State sovereignty will have been dealt the most serious blow it has ever received.

May I not ask you to lend all the help you can to secure the passage of this bill. Already your public service commission has been communicated with regarding the matter by our commission. I would respectfully ask that you take it up with your Representatives in Congress. The matter is of such great importance, to my mind, that there should be a concentrated effort by all the States to secure this legislation.

No partisan political considerations influence this appeal to you. The utility commission, whose matured decision was overridden by the Federal court, was universally proclaimed to be of the highest character, both as to ability and fairness. The State pays the judges of our supreme court, which has the power of review of the commission's decisions, salaries which attract to that bench the ablest lawyers in the State, and the learning of that court is exceeded only by its sense of justice. The people of our State, without regard to party, do not want our legislature and our courts deprived of their functions in utility rate cases. As an indication of this, I may point out that while the bill for which I ask your support, in the name of the people of my State, was drawn by the utility commission, a majority of which is Democratic, it has been introduced by a Republican, Congressman BACHARACH.

Respectfully,

E. I. EDWARDS, *Governor.*

Mr. SHIELDS. Mr. President, under the unanimous-consent agreement the Senate will begin to vote in about 30 minutes. Therefore, I will not be able to discuss the conditions in any particular district at length and shall not attempt to do so. There are several other Senators who desire to be heard in respect to various items in the bill, and, on that account, I am going to be as brief as possible in my remarks.

The Senator from Arizona [Mr. ASHURST], evidently seeing the weakness of his case, has supported it by an argument before it was attacked, and I presume he has invited attack. A motion can yet be made to strike the Arizona item from the bill, as the case has been fully stated. All I have to say in that regard is that in this general omnibus bill the case of Arizona is the weakest one presented.

I believe that the statistics set forth in the Attorney General's report show that the judge of the district court in Arizona only tried 160 cases last year.

Mr. ASHURST. Mr. President, I know the Senator does not desire to create a misapprehension. I read from the Attorney General's report, which shows that 714 cases were disposed of in 1920.

Mr. SHIELDS. But, Mr. President, those figures represent cases where pleas of guilty were filed, cases in which the entry nolle prosequi was entered, and so forth.

Mr. ASHURST. They were cases prosecuted in which final judgments were entered.

Mr. SHIELDS. The judge in Arizona does not try any such number of cases, and does not have that many to decide, as the record here shows. The Senator from Arizona has merely overlooked the facts. The number he has stated represents the number of cases terminated; but in all of the Federal courts about three-fourths of the criminal cases are nolle prossed or pleas of guilty are entered, and that is the case in the court in Arizona.

Mr. President, I wish to refer briefly to the amendment submitted by the Senator from Washington [Mr. POINDEXTER] providing an additional district judge for the western district of Washington. That district presents as good a case as several already in the bill, but it is utterly without merit. The Senator from Washington dwelt very much upon the splendid resources of his State. While I never was in that State, according to my information he is correct in every statement, but the people there do not litigate concerning everything they have.

The Senator referred to the number of admiralty cases. The fact is that there were only 55 admiralty cases brought in that district, and 43 of them were compromised or dismissed, leaving only 12 to be tried. The Senator also referred to the great amount of prohibition business arising because of the proximity of British Columbia. It is shown by the statistics, however, that there were only 75 prohibition cases pending on the docket in the western district of Washington.

What was the total number of cases tried by the two judges in that district? During the last fiscal year the number of cases tried was 272, or 136 apiece. How many cases are pending there? According to the report of the Attorney General, 607 are pending, to be disposed of by two judges, or 300 apiece; and, according to all of the statistics, at least two-thirds of them will go off on pleas of guilty or will be dismissed. I shall not dwell further upon the situation in the western district of Washington.

Mr. President, I do not care to discuss further the propriety of striking out section 2 of the bill. I shall modify my motion to strike out the entire section, and will move now——

The PRESIDING OFFICER (Mr. FERNALD in the chair). The Chair will inform the Senator that there is already an amendment pending, being that offered by the Senator from Washington [Mr. POINDEXTER].

Mr. SHIELDS. I shall not ask to have my motion disposed of now, as there is a pending motion; but I am going to modify it so as to exclude from the section lines 22, 23, 24, and 25, on page 11, and lines 1 to 8, inclusive, or part of line 8, on page 12, being the provision for the district judges to make reports to the senior judges of their circuits, which is entirely in line with the argument I now propose to make in regard to striking out section 3.

Mr. WALSH of Montana. Mr. President, I suggest to the Senator that the word "year," in line 8, is the only one in that line that he ought to take out.

Mr. SHIELDS. Yes; I said "part of that line." It ends with that sentence.

Mr. WALSH of Montana. Lines 1 to 7, inclusive, and the first word in line 8.

Mr. SHIELDS. Yes.

Section 3 of this bill provides for the designation of judges from one circuit to another circuit, or, in other words, without the circuit. We have already upon the statute books provisions for the designation of judges in cases of emergency and disability of judges, which, I think, are ample to meet all the necessities of the case. This bill only connects up the Chief Justice with this designation, and is wholly superfluous, unnecessary, and confusing, and connects the court of last resort with the trial courts in the administration and trial of their cases or in providing judges for the districts—a thing that is bad policy in any case. It ought to be limited as much as possible, and I am opposing its extension by the present law.

Before I read the present law, as I am going to do, I wish to call attention to one very material difference between the present law and the proposed statute in lieu of the present law, and that is that these district judges, without their consent, are sent from circuit to circuit far from their homes. I think that is a very unjust modification of the present law. There is no limit to the time when these judges may be designated to another State, another circuit, from coast to coast, and from the Gulf to the Lakes. They may be sent away from their homes and their families without their consent at any time under the provisions of this bill. They do not know when they are to go to this distant place or how long they are to stay there. The whole effect and tendency of it is in the nature of a degradation and a humiliation of the district judges of the United States—a thing that ought not to be done. The confidence of the people in their independence and integrity ought not in any way to be lessened.

Another objection to this increase in the power of designation is that it is wholly unnecessary. This provision comes from what is called the "flying squadron" bill that provided for 18 judges from the Nation at large, 2 from each circuit, to be called judges at large. They were not to be designated to any court. They were not to be commissioned to hold a court anywhere. They were not to have jurisdiction anywhere, except when the Chief Justice assigned them to hold a court. Without an assignment they were supernumeraries, loafers, and powerless to do anything. Therefore this provision empowering him to assign judges was put in.

There was nothing in that bill providing for judges for the congested districts. This bill already adds, by the amendment, 20 new judges, relieving this congestion in every State where it exists and in cases where it does not exist. Therefore there is no necessity for the extension of that rule. There is no necessity of giving the Chief Justice command or power over these district judges. It is absolutely without excuse, unless it is thought it would be ornamental to have the Chief Justice order these district judges around; but I do not think it is an ornament these judges will appreciate. I think they will feel humiliated and degraded, and they will think their Senators have not treated them right in allowing it to be done.

Here is the present law, and it is ample to cover all the cases required and all the necessities of the conditions of every docket:

When any district judge is prevented, by any disability, from holding any stated or appointed term of his district court, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, any such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same circuit to hold said court, and to discharge all the judicial duties of the judge so disabled during such disability. Whenever it shall be certified by any such circuit judge or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district in another circuit to hold said court and to discharge all the judicial duties of the judge so disabled during such disability. Such appointment shall be filed in the clerk's office and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk to the judge so designated and appointed.

Mr. President, I do not want to consume all the time that is left, but I want these statutes to appear in this connection in my remarks. I have just read section 13 of the Judicial Code. I ask that sections 14, 15, 16, and 17 be printed without my reading them, so as to save time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SEC. 14. When from the accumulation or urgency of business in any district court the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or in the absence of all the circuit judges to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof. Each of the said district judges may, in case of such appointment, hold separately at the same time a district court in such district and discharge all the judicial duties of the district judge therein.

SEC. 15. If all the circuit judges and the circuit justice are absent from the circuit, or are unable to execute the provisions of either of the two preceding sections, or if the district judge so designated is disabled or neglects to hold the court and transact the business for which he is designated, the clerk of the district court shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint in the manner aforesaid the judge of any district within such circuit or within any other circuit; and said appointment shall be transmitted to the clerk and be acted upon by him as directed in the preceding section.

SEC. 16. Any such circuit judge, or circuit justice, or the Chief Justice, as the case may be, may from time to time, if in his judgment the public interests so require, make a new designation and appointment of any other district judge in the manner, for the duties, and with the powers mentioned in the three preceding sections, and revoke any previous designation and appointment.

SEC. 17. It shall be the duty of the senior circuit judge then present in the circuit, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section 14, the district judge of any judicial district within his circuit to hold a district court in the place or in aid of any other district judge within the same circuit.

Mr. SHIELDS. Mr. President, I will state briefly the effect of these statutes. I am sorry I can not read them, because they are so clear and conclusive in the remedy provided. They show that the present modification of them is utterly without merit, and that there is no necessity of it. It is simply connecting up the Chief Justice with the trial courts—not only the trial courts, but the intermediate appellate courts, the circuit courts of appeal. There ought to be no such connection between the highest court in the land and the court of last resort, and it ought not to be required to interfere in such matters; and this is especially important in view of certain legislation that the Chief Justice is now pressing upon the Congress. I understand that he has had prepared a bill, revolutionary in its character, absolutely changing the appellate jurisdiction—I might say the revisory jurisdiction—of the Supreme Court of the United States. It has been introduced in both Houses, and I saw from the newspapers that the Chief Justice had appeared before the House Committee on the Judiciary advocating its passage. That bill is too long for me to state its terms, but in effect it takes away from litigants the right to prosecute appeals or writs of error from the Circuit Court of Appeals, and makes that court a court of final jurisdiction. The only possible way to review its proceedings is by a petition for certiorari, to be decided by the Supreme Court without oral argument—a very poor way to try lawsuits.

In effect, I say, the Circuit Court of Appeals is being made a court of final jurisdiction; yet in this bill we are connecting the chief officer of the Supreme Court with this intermediate appellate court, and thus exercising more or less influence over a court where litigants have no really available remedy in review. It is in a sense a denial of a final review of their cases in the court of last resort. No lawyer will assert that he can get his case before a court upon a printed brief as well as he can by looking the judges of that court in the eye and talking to them, and no judge will agree that he can get as intelligent and clear a view of a lawsuit as when he is looking the lawyer in the face and having him tell the merits of it.

This bill provides first in this section, simply for cases within the circuit, that the senior circuit judge may designate judges from one district to another.

That is the law now. Secondly, it provides that where there is a congestion or other emergency in a circuit the senior judge of that circuit may make a request for aid of the senior judge of another circuit—that is the effect of it—or, if he makes it to the Chief Justice—the bill is a little ambiguous—of course, the judge of the circuit from which the district judge is to go must certify that he can spare him, and thereupon the Chief Justice designates a judge to go.

What is the use of connecting the Chief Justice with that transaction? All there is in it is, let it be done as it now is, as it now can be done under the statute. First, let the judge of the first circuit certify that he needs help in one of the districts of his circuit. Then let the judge of the fifth circuit to whom he applies say, "There is a district judge in my circuit who can be spared, and I designate him," and it is all done; and that is more or less local self-government. That is all that is required. There is no use of this indirect thing of passing it through the Chief Justice.

That is the law now, but in the event these senior judges are disabled or absent from their circuits, or can not act, then the Chief Justice can make the designation under the present law,

but the value of the present law over the other is that it is more or less local self-government. It is the work of the inferior courts, unconnected with the Supreme Court, and they do not have to work through a third party. This is simply more cumbersome machinery and puts a burden upon the Chief Justice. Why he wants it I do not know, but it should be passed, because, as I have said, he is now complaining that he has too much jurisdiction and that there are more cases in his court than the court can take care of. I will not consume any more time on this bill.

Mr. CUMMINS. Mr. President, just a few words with regard to the matter, for our time is very limited now.

I hope the amendment offered by the Senator from Washington [Mr. POINDEXTER] will not prevail. I can well understand that the judges in Washington are under some pressure, but the committee distributed this judicial force as best it could, and to the districts in which the committee believed the additional judges were most needed. I have not the time to go over the statistics in regard to the State of Washington, but I only want it to be remembered that that State has a population of about one million three or four hundred thousand, as I recollect it. There are already three judges for that population, and I am sure that until we have an opportunity in the future to review that situation, there should not be added at this time an additional judge.

I must say a word with regard to the motion which I understand is to be made to strike out section 2, and first with regard to the assertions made by my friend, the Senator from Tennessee [Mr. SHIELDS]. He is all wrong with regard to what the law is now. There is no authority in the law for a senior circuit judge or any circuit judge to assign a district judge to another circuit. There is the right on the part of the Chief Justice under some circumstances to assign a district judge to another circuit, and an almost unqualified right to assign a district judge to the second circuit, but beyond that his authority does not go. Section 3 does enlarge materially the authority for designation, as was so carefully pointed out by the Senator from Montana [Mr. WALSH].

I think it is absolutely necessary that some one shall have this authority if we are to utilize our judicial force so that it will be entirely efficient, and the whole purpose of this bill is, first, to create a judicial force that is sufficient, and then make it possible to utilize it by assignment from one district or one circuit to another.

Mr. JONES of New Mexico. Mr. President——

Mr. CUMMINS. I must be permitted to say just a word, for I have not spoken very much upon the bill lately. I want to say a word with regard to the proposal to strike out section 2. I am not alarmed with regard to the influences which will be thrown about the Chief Justice and nine circuit judges if they happen to come to Washington. To me that is a nightmare that is never afflicting. I do not believe there is any such influence. I do not believe that the judges would be susceptible to the influence if it existed, and therefore I put out of view entirely this supposed seductive effect of a dinner here or there which may be given to the Chief Justice or to those senior circuit judges if they happen to arrive in Washington. I must pass that, however.

I am in favor of section 2, because it makes this bill more workable and more efficient. I am in favor of section 2, because I believe that a conference face to face between the Chief Justice and the circuit judges will result in an assignment or designation of judges to various parts of the country which will result in a more effectual disposition of the arrears of judicial business. I think the almost negligible expense attending a conference of that kind is vastly overborne by the beneficial effects of surveying all the judicial needs of the United States at a single time and reaching a conclusion as between the circuit judges and the Chief Justice with respect to places to which the district judges may be assigned.

Mr. President, I have said all I care to say about the matter, and I close by expressing my very sincere hope that section 2 of the bill will neither be eliminated nor mutilated.

Mr. JONES of New Mexico. Mr. President, I desire to call the attention of the Senator from Iowa to an amendment which I propose to offer, and I believe the Senator from Iowa will be willing to accept it.

There is a peculiar situation in the State of New Mexico. There has been no modification of the provision as to the place of holding courts in that State since the enabling act was passed. It is a State containing 10,000 more miles than Arizona, the area being 123,000 square miles. Under the enabling act the terms of the district court are to be held at one place only, the city of Santa Fe, the capital of the State, and I submit that in a State 350 miles wide and 400 miles long the courts should be held at more than one place. I offer this amendment, which I desire to read, and I hope the Senator from Iowa will accept it. The amendment is as follows:

Regular or special terms of the district courts of the district of New Mexico may be held in any incorporated municipality in the State of New Mexico.

The enabling act provides that they must be held in one place only. The amendment continues:

Regular or special terms of said court other than at the capital of said State shall be held at such time or times and at such place or places as the judge of said district court shall by order prescribe, and such order may be changed from time to time as may be deemed necessary in the public interest: *Provided, however,* That at any place where such regular or special terms of court may be so ordered to be held a suitable building in which to hold such term or terms of court shall be available without expense to the Government of the United States.

Mr. CUMMINS. What does the Senator mean by "the senior judge"?

Mr. JONES of New Mexico. My colleague proposes to offer an amendment to the bill providing another judge for the State of New Mexico, and I assumed that that amendment would carry, and this is to be offered as an additional section at the end of the bill. I may say, however, that if the additional judge should not be awarded, then the language would still be applicable to the situation.

Mr. CUMMINS. Mr. President, I have no authority, of course, to accept an amendment on behalf of the Judiciary Committee; but, in so far as I am concerned, I see no objection whatever to the amendment suggested by the Senator from New Mexico, if he will strike out the word "senior."

Mr. JONES of New Mexico. I will strike that out and insert it only in the event we get another judge. I thank the Senator, and hope the other Senators will bear this in mind.

Mr. POINDEXTER. I make a point of order against the amendment, on the ground that there is an amendment pending.

Mr. ASHURST. I will ask the Senator from Washington to withhold his point of order for a moment, because after 4 o'clock there can not be any debate. I think the amendment presented by the Senator from New Mexico ought to prevail. In Arizona they hold court in four places each year, in Montana in five places, and in a State which, as the Senator has said, is larger than Arizona, it seems to me an injustice to require that the court shall sit in one place only. The amendment offered by the Senator ought to prevail at the appropriate time. I hope it will be accepted.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	France	McNary	Shields
Ball	Gooding	Moses	Shortridge
Borah	Harris	Nelson	Smoot
Broussard	Harrison	New	Spencer
Bursum	Hitchcock	Nicholson	Stanley
Calder	Johnson	Norbeck	Sterling
Cameron	Jones, N. Mex.	Norris	Sutherland
Capper	Jones, Wash.	Oddie	Townsend
Caraway	Kellogg	Overman	Trammell
Cummins	Kendrick	Owen	Underwood
Curtis	King	Page	Wadsworth
Dial	Ladd	Phipps	Walsh, Mass.
Dillingham	La Follette	Pittman	Walsh, Mont.
Elkins	Lenroot	Poindexter	Warren
Ernst	McCumber	Pomerene	Watson, Ga.
Fernald	McKinley	Rawson	Weller
Fletcher	McLean	Sheppard	Williams

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is absent on official business.

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Washington [Mr. POINDEXTER] to the amendment of the committee. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 10, at the end of line 22, add "and for the western district of Washington, one."

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a pair with the Senator from Virginia [Mr. GLASS], who is unavoidably detained from the Senate to-day. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent, and I agreed to take care of him for the day with a pair. I find, however, that I can transfer that pair to the

senior Senator from Pennsylvania [Mr. CROW]. I make that transfer and vote "yea."

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the junior Senator from Maine [Mr. HALE] and vote "nay."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from Illinois [Mr. MCCORMICK]. I transfer that pair to the Senator from Alabama [Mr. HEFLIN] and vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I wish to announce that my colleague is detained on important business. He has a general pair with the junior Senator from Minnesota [Mr. KELLOGG].

Mr. MCNARY (when Mr. STANFIELD's name was called). I wish to announce that my colleague [Mr. STANFIELD] is detained on public business.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Ohio [Mr. WILLIS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], who is absent. I am unable to obtain a transfer and therefore withhold my vote. If at liberty to vote I would vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PEPPER]. On this question he would vote as I shall vote, and I therefore am at liberty to vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON], who is unavoidably absent from the Chamber. I do not know how that Senator would vote if he were present, and therefore do not feel at liberty to vote myself. If I could vote I would vote "nay."

The roll call was concluded.

Mr. NEW. I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote on this question I withhold my vote. If permitted to vote I would vote "nay."

Mr. UNDERWOOD (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator from Rhode Island [Mr. GERRY] and let my vote stand.

Mr. TRAMMELL (after having voted in the negative). My attention has been called to the fact that my pair, the Senator from Rhode Island [Mr. COLT] is absent. Under those circumstances I withdraw my vote. If permitted to vote I should vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Missouri [Mr. REED], and that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 24, nays 35, as follows:

YEAS—24.

Ashurst	Fernald	Myers	Sheppard
Broussard	France	Nicholson	Shortridge
Bursum	Harris	Oddie	Spencer
Cameron	Johnson	Page	Sutherland
Caraway	Jones, Wash.	Poindexter	Watson, Ga.
Elkins	McLean	Pomerene	Weller

NAYS—35.

Ball	Hitchcock	McNary	Shields
Capper	Kellogg	Moses	Smoot
Cummins	Kendrick	Nelson	Stanley
Curtis	King	Norris	Sterling
Dial	Ladd	Overman	Underwood
Dillingham	La Follette	Phipps	Wadsworth
Fletcher	Lenroot	Pittman	Walsh, Mass.
Gooding	McCumber	Ransdell	Warren
Harrison	McKinley	Rawson	

NOT VOTING—37.

Borah	Gerry	New	Swanson
Brandegee	Glass	Newberry	Townsend
Calder	Hale	Norbeck	Trammell
Colt	Harreld	Owen	Walsh, Mont.
Crow	Heflin	Pepper	Watson, Ind.
Culberson	Jones, N. Mex.	Reed	Williams
du Pont	Keyes	Robinson	Willis
Edge	Lodge	Simmons	
Ernst	McCormick	Smith	
Frelinghuysen	McKellar	Stanfield	

So Mr. POINDEXTER's amendment to the committee amendment was rejected.

Mr. DIAL. Mr. President, I desire to offer an amendment to the amendment of the committee.

The VICE PRESIDENT. The Secretary will report the amendment to the amendent.

The ASSISTANT SECRETARY. On page 14, line 3, insert:

Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed, and shall devote his time to the duties of his office, and shall not engage in any other employment for which he receives compensation; and for offending against the provisions of this section shall be deemed guilty of a high misdemeanor.

On a division the amendment to the amendment was agreed to.

Mr. OWEN. Mr. President, I offer the following amendment. On page 18, after line 5, I move to insert the following new section:

SEC. 5. Add to section 101 of the Judicial Code the following:
"Terms of the district court for the western district shall be held at Pawhuska on the first Monday in October: *Provided*, That suitable rooms and accommodations for holding court at Pawhuska are furnished free of expense to the United States."

There are a very large number of cases which arise in this particular section of the State——

Mr. CUMMINS. Mr. President, I demand the regular order.

The VICE PRESIDENT. Debate is not in order. The question is on agreeing to the amendment offered by the Senator from Oklahoma to the committee amendment.

The amendment to the amendment was rejected.

Mr. BURSUM. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 10, line 19, after the words "Oklahoma, one," insert the following words: "and for the district of New Mexico, one."

Mr. BURSUM. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. JONES of Washington (when his name was called). I am paired for the day with the senior Senator from Virginia [Mr. SWANSON] and therefore withhold my vote.

Mr. KELLOGG (when his name was called). Making the same announcement as before as to the transfer of my pair, I vote "nay."

Mr. KENDRICK (when his name was called). Making the same announcement as before as to the transfer of my pair, I vote "nay."

Mr. NEW (when his name was called). Repeating the announcement made on the previous vote, I withhold my vote because of my pair.

Mr. STERLING (when his name was called). Making the same announcement as to the transfer of my pair as on the former vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WALSH of Montana (when his name was called). I make the same announcement as on the preceding vote as to my pair. Not being able to secure a transfer, I refrain from voting.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON], who is unavoidably absent. I do not know how he would vote if present and therefore have no right to vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. UNDERWOOD (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], who is absent. I understand he will be absent for the day. I transfer my pair with him to the Senator from Rhode Island [Mr. GERRY] and ask that this announcement may stand for the day, in order that I may vote on other roll calls without again making the announcement of my pair.

Mr. TRAMMELL. I have a pair with the senior Senator from Rhode Island [Mr. COLT]. Being unable to obtain a transfer upon this question, I must withhold my vote.

The reading clerk having recapitulated the vote, the result was announced—yeas 32, nays 32, as follows:

YEAS—32.

Ashurst	France	McKinley	Poindexter
Broussard	Gooding	McLean	Pomerene
Bursum	Harris	McNary	Rawson
Cameron	Harrison	Myers	Sheppard
Caraway	Johnson	Nicholson	Shortridge
Elkins	Jones, N. Mex.	Norbeck	Spencer
Fernald	Keyes	Oddie	Underwood
Fletcher	Ladd	Pittman	Weller

NAYS—32.

Ball	Harreld	Moses	Smoot
Borah	Hitchcock	Nelson	Stanley
Calder	Kellogg	Norris	Sterling
Capper	Kendrick	Overman	Sutherland
Cummins	King	Page	Townsend
Curtis	La Follette	Phipps	Wadsworth
Dial	Lenroot	Ransdell	Walsh, Mass.
Dillingham	McCumber	Shields	Warren

NOT VOTING—32.

Brandegee	Gerry	New	Stanfield
Colt	Glass	Newberry	Swanson
Crow	Hale	Owen	Trammell
Culberson	Heflin	Pepper	Walsh, Mont.
du Pont	Jones, Wash.	Reed	Watson, Ga.
Edge	Lodge	Robinson	Watson, Ind.
Ernst	McCormick	Simmons	Williams
Frelinghuysen	McKellar	Smith	Willis

The VICE PRESIDENT. The amendment of the Senator from New Mexico [Mr. BURSUM] to the amendment of the committee is rejected.

Mr. BURSUM. I ask for a recapitulation of the vote just taken.

The VICE PRESIDENT. The Secretary will recapitulate the vote.

The reading clerk recapitulated the vote.

Mr. DIAL. I ask how I am recorded as voting?

The VICE PRESIDENT. The Senator from South Carolina is recorded as voting in the negative.

Mr. DIAL. I desire to record my vote in the affirmative.

Mr. KING. Mr. President, I object.

The VICE PRESIDENT. Objection is made.

Mr. CUMMINS. I rise to a point of order. The result of the vote having been announced, the Senator from South Carolina [Mr. DIAL] can not change his vote.

The VICE PRESIDENT. The Chair has so ruled.

Mr. HARRISON. The object of the recapitulation of the vote was to ascertain how the Senator from South Carolina was recorded.

Mr. CUMMINS. But the Senator from South Carolina did not claim that he was wrongly recorded.

The VICE PRESIDENT. The Senator did not claim that he was incorrectly recorded.

Mr. BURSUM. I reserve a vote in the Senate on the amendment.

Mr. DIAL. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from South Carolina [Mr. DIAL] to the amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 10, at the end of line 22, it is proposed to strike out the period, to insert a comma, and to insert the following:

For the western district of South Carolina, one.

Mr. DIAL. I ask for the yeas and nays on the amendment, Mr. President.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as on the last vote, I vote "nay."

Mr. JONES of Washington (when his name was called). Making the same announcement as on the last roll call, I withhold my vote.

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the Senator from Maine [Mr. HALE] and vote "nay." I ask that the announcement of the transfer of my pair may stand for the day.

Mr. KENDRICK (when his name was called). Making the same announcement as previously in reference to the transfer of my pair with the Senator from Illinois [Mr. MCCORMICK] to the Senator from Alabama [Mr. HEFLIN], and asking that this announcement stand for the day, on this question I vote "nay."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR], which I find I am able to transfer to the junior Senator from Michigan [Mr. NEWBERRY]. I make that transfer and will vote. I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the last vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement with regard to my pair as on the last vote, I withhold my vote.

Mr. WALSH of Montana (when his name was called). I am advised that the Senator from New Jersey [Mr. FRELINGHUYSEN], with whom I have a general pair, if present would vote as I am about to vote. I accordingly vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating the statement about my pair made on the last roll call, I announce that if I were at liberty to vote I should vote "nay."

The roll call was concluded.

Mr. OVERMAN. I again announce that my colleague [Mr. SIMMONS] is paired with the junior Senator from Minnesota [Mr. KELLOGG]. My colleague is unavoidably absent from the city. I ask that this announcement may stand for the day.

The result was announced—yeas 14, nays 52, as follows:

YEAS—14.

Broussard	Dial	Harris	Sheppard
Bursum	Elkins	Harrison	Underwood
Cameron	Fernald	Jones, N. Mex.	
Caraway	France	Myers	

NAYS—52.

Ashurst	Johnson	Nelson	Shields
Ball	Kellogg	New	Shortridge
Borah	Kendrick	Nicholson	Smoot
Calder	Keyes	Norris	Spencer
Capper	King	Oddie	Stanley
Cummins	Ladd	Overman	Sterling
Curtis	La Follette	Page	Sutherland
Dillingham	Lenroot	Phipps	Townsend
Ernst	McCumber	Pittman	Wadsworth
Fletcher	McKinley	Poindexter	Walsh, Mass.
Gooding	McLean	Pomerene	Walsh, Mont.
Harreld	McNary	Ransdell	Warren
Hitchcock	Moses	Rawson	Weller

NOT VOTING—30.

Brandegee	Glass	Norbeck	Swanson
Colt	Hale	Owen	Trammell
Crow	Heflin	Pepper	Watson, Ga.
Culberson	Jones, Wash.	Reed	Watson, Ind.
du Pont	Lodge	Robinson	Williams
Edge	McCormick	Simmons	Willis
Frelinghuysen	McKellar	Smith	
Gerry	Newberry	Stanfield	

So Mr. DIAL's amendment to the amendment of the committee was rejected.

Mr. WATSON of Georgia. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 13, at the end of line 23, after the word "require," it is proposed to insert a comma and the following:

the necessity for said aid to the district judge having been made manifest by the certificate of the clerk under the seal of the court, as is provided by existing law.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment of the committee.

On a division, the amendment to the amendment was rejected.

Mr. KING. Mr. President, a parliamentary inquiry. Are amendments to the amendment tendered by the committee—that is, the substitute—now in order?

Mr. CUMMINS. I ask for the regular order.

Mr. KING. I am seeking the regular order.

The VICE PRESIDENT. They are in order.

Mr. KING. I move to strike out, in line 11, page 10, after the word "Massachusetts" and before the word "for," the word "two," and to insert in lieu thereof the word "one," so that it will read:

For the district of Massachusetts, one.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 10, line 11, it is proposed to strike out the word "two" and insert the word "one," so that, if amended, it will read:

For the district of Massachusetts, one.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah to the amendment of the committee.

Mr. KING. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as on previous votes, I vote "nay."

Mr. JONES of Washington (when his name was called). Making the same announcement as before, I withhold my vote.

I will allow this announcement to stand on all votes for the remainder of the day.

Mr. NEW (when his name was called). I repeat the announcement of the transfer of my pair with the junior Senator from Tennessee [Mr. McKELLAR] to the Senator from Michigan [Mr. NEWBERRY], and ask that this announcement may stand for the day. I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the former vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement as to my pair as on the last roll call, I withhold my vote.

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Tennessee [Mr. McKELLAR] and will vote. I vote "yea."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair, as previously stated. If I were at liberty to vote, I should vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Missouri [Mr. REED].

The roll call having been concluded, the result was announced—yeas 16, nays 46, as follows:

YEAS—16.

Ashurst	Fletcher	La Follette	Pittman
Borah	Harris	Myers	Shields
Caraway	Hitchcock	Norris	Stanley
Dial	King	Overman	Walsh, Mont.

NAYS—46.

Ball	Gooding	Nelson	Smoot
Bursum	Johnson	New	Spencer
Calder	Kellogg	Nicholson	Sterling
Cameron	Kendrick	Norbeck	Sutherland
Capper	Keyes	Oddie	Townsend
Cummins	Ladd	Page	Underwood
Curtis	Lenroot	Phipps	Wadsworth
Dillingham	McCumber	Poindexter	Walsh, Mass.
Elkins	McKinley	Pomerene	Warren
Ernst	McLean	Rawson	Weller
Fernald	McNary	Sheppard	
France	Moses	Shortridge	

NOT VOTING—34.

Brandegee	Glass	McKellar	Stanfield
Broussard	Hale	Newberry	Swanson
Colt	Harreld	Owen	Trammell
Crow	Harrison	Pepper	Watson, Ga.
Culberson	Heflin	Ransdell	Watson, Ind.
du Pont	Jones, N. Mex.	Reed	Williams
Edge	Jones, Wash.	Robinson	Willis
Frelinghuysen	Lodge	Simmons	
Gerry	McCormick	Smith	

So Mr. KING's amendment to the amendment of the committee was rejected.

Mr. KING. Mr. President, in line 14, page 10, I move to strike out the words "for the western district of Pennsylvania, one," leaving one for Pennsylvania.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. JONES of New Mexico. Mr. President, I offer an amendment, which I send to the desk, to be added as a new section to the bill.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the end of the committee amendment, the following:

SEC. 5. Regular or special terms of the district court of the district of New Mexico may be held in any incorporated municipality in the State of New Mexico. Regular or special terms of said court other than at the capital of said State shall be held at such time or times and at such place or places as the judge of said district court shall by order prescribe, and such order may be changed from time to time as may be deemed necessary in the public interest: *Provided, however,* That at any place where such regular or special terms of court may be so ordered to be held a suitable building in which to hold such term or terms of court shall be available without expense to the Government of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, on line 18, page 10, I move to strike out the following words:

For the eastern district of Missouri, one.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. WATSON of Georgia. Mr. President, on page 14, line 9, I move to strike out the brackets and the words "who may designate himself."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 14, line 9, it is proposed to strike out the brackets and the words included therein, "who may designate himself," so that if amended it will read:

(2) Such designation may be made by the senior circuit judge whenever he is satisfied that the occasion therefor exists and that the public interests so require.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. KING. Mr. President, I move to strike out, on page 10, lines 20 and 21, the words "for the southern district of California, one," leaving California with one judge under the bill.

The amendment to the amendment was rejected.

Mr. SHIELDS. On page 10, line 13, after the words "New York," I move to strike out the word "two" and insert in lieu thereof the word "one," so that it will read "for the southern district of New York, one." On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement that I made on the previous vote with regard to my pair, I withhold my vote.

Mr. WALSH of Montana (when his name was called). In view of the pair I have previously announced, I withhold my vote.

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. WILLIAMS (when his name was called). Making the same announcement with regard to my pair which I made on the previous vote, I withhold my vote. If I were at liberty to vote on this amendment, I would vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. Making the same announcement as before, I vote "nay."

The result was announced—yeas 9, nays 49, as follows:

YEAS—9.

Ashurst	King	Overman	Shields
Dial	La Follette	Pittman	Stanley
Hitchcock			

NAYS—49.

Ball	Harreld	Nelson	Smoot
Borah	Harris	New	Spencer
Calder	Johnson	Nicholson	Sterling
Cameron	Kellogg	Norris	Sutherland
Capper	Kendrick	Oddie	Townsend
Cummins	Keyes	Page	Underwood
Dillingham	Lenroot	Phipps	Wadsworth
Elkins	McCumber	Poindexter	Walsh, Mass.
Ernst	McKinley	Pomerene	Warren
Fernald	McLean	Ransdell	Weller
Fletcher	McNary	Rawson	
France	Moses	Sheppard	
Gooding	Myers	Shortridge	

NOT VOTING—38.

Brandegee	Frelinghuysen	McCormick	Stanfield
Broussard	Gerry	McKellar	Swanson
Bursum	Glass	Newberry	Trammell
Caraway	Hale	Norbeck	Walsh, Mont.
Colt	Harrison	Owen	Watson, Ga.
Crow	Heflin	Pepper	Watson, Ind.
Culberson	Jones, N. Mex.	Reed	Williams
Curtis	Jones, Wash.	Robinson	Willis
du Pont	Ladd	Simmons	
Edge	Lodge	Smith	

So Mr. SHIELDS's amendment to the amendment was rejected.

Mr. WATSON of Georgia. I reserve a separate vote in the Senate on the two amendments which I offered.

Mr. SHIELDS. I move to strike out all of section 2 of the bill, found on pages 11 and 12, to line 8, on page 13, except lines 22, 23, 24, and 25, on page 11, and down to the word "year," on line 8, page 12. I ask that the amendment be reported.

The ASSISTANT SECRETARY. On page 11, after the words "Sec. 2," strike out all of the section down to and including line 21 on that page, and beginning with the words "The senior circuit

judge," on line 8, page 12, and the remainder of that section down to and including line 8, on page 13, as follows:

That it shall be the duty of the Chief Justice of the United States, or, in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September at Washington, or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each circuit. If any of said senior circuit judges is unable to attend, the Chief Justice, or, in case of his disability, any justice of the Supreme Court in the order of seniority, may nominate any other circuit or district judge belonging to the circuit whose senior circuit judge is unable to attend, that each circuit may adequately be represented at said conference.

It shall be the duty of every such senior or other circuit or district judge to attend such conference, and to remain throughout its proceedings, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

The senior circuit judge, or, in his absence, a judge representing the circuit at the conference, shall present such reports to the conference, with a summary thereof, and his comments thereon.

The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

The said conference shall be presided over by the Chief Justice of the United States, or, in case of his disability, by any justice of the Supreme Court in the order of seniority.

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

The Chief Justice and each justice or judge summoned to and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the Chief Justice.

So that section 2 would read:

SEC. 2. It shall be the duty of the senior district judge of each district court of the United States to make, on or before the 1st day of August of each year, a report to the senior circuit judge as to the condition of the business in his district and a recommendation as to what additional judicial force, if any, is needed to dispose of the business of such district with reasonable dispatch. It shall not be sufficient for him merely to state in his report the cases as shown upon the docket of the court, but, after investigation, he shall express his best judgment as to the condition of business existing or likely to arise in his court during the ensuing year.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. SHIELDS. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the last vote, I vote "nay."

Mr. WALSH of Montana (when his name was called). In view of my pair, heretofore announced, I refrain from voting.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PEPPER] on this question. If he were present, he would vote "nay." If I were free to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). I have explained why I am not at liberty to vote. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. Making the same announcement as before, I vote "nay."

The result was announced—yeas 29, nays 36, as follows:

YEAS—29.

Borah	Harris	McNary	Shields
Broussard	Harrison	Nicholson	Stanley
Capper	Hitchcock	Norris	Underwood
Caraway	Johnson	Oddie	Walsh, Mass.
Dial	Jones, N. Mex.	Overman	Weller
Fletcher	King	Pittman	
France	Ladd	Ransdell	
Gooding	La Follette	Sheppard	

NAYS—36.

Ashurst	Ernst	McLean	Rawson
Ball	Fernald	Moses	Shortridge
Bursum	Harreld	Myers	Smoot
Calder	Kellogg	Nelson	Spencer
Cameron	Kendrick	New	Sterling
Cummins	Keyes	Page	Sutherland
Curtis	Lenroot	Phipps	Townsend
Dillingham	McCumber	Poindexter	Wadsworth
Elkins	McKinley	Pomerene	Warren

NOT VOTING—31.

Brandegee	Edge	Heflin	Newberry
Colt	Frelinghuysen	Jones, Wash.	Norbeck
Crow	Gerry	Lodge	Owen
Culberson	Glass	McCormick	Pepper
du Pont	Hale	McKellar	Reed
Robinson	Stanfield	Walsh, Mont.	Williams
Simmons	Swanson	Watson, Ga.	Willis
Smith	Trammell	Watson, Ind.	

So Mr. SHIELDS's amendment to the amendment was rejected.

Mr. SHIELDS. I desire to give notice that I shall ask for a separate vote on this amendment when the bill is in the Senate.

The VICE PRESIDENT. Amendments not agreed to as in Committee of the Whole do not have to be reserved for a separate vote in the Senate. They can be reoffered when the bill reaches the Senate.

Mr. HARRISON. Mr. President, I offer an amendment to the committee amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. At the end of line 22, on page 10, insert the following proviso:

Provided, That in making such appointments, and hereafter, before the President shall appoint any district, circuit, or Supreme Court judge he shall make public all indorsements made in behalf of any applicant.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the former vote, I vote "nay."

Mr. WALSH of Montana (when his name was called). Again announcing the absence of my pair, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. PEPPER]. If he were present and voting he would vote "nay." If at liberty to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. In his absence, not being at liberty to vote, I withhold my vote.

The roll call was concluded.

Mr. SUTHERLAND. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. KING. May I inquire whether the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. KING. I have a general pair with that Senator. Not being able to obtain a transfer, I can not vote. If I were at liberty to vote, I would vote "yea."

Mr. TRAMMELL. Making the same announcement with regard to my pair, I withhold my vote. If at liberty to vote, I would vote "yea."

The result was announced—yeas 21, nays 41, as follows:

YEAS—21.

Ashurst	France	La Follette	Stanley
Borah	Harris	Myers	Underwood
Broussard	Harrison	Norris	Walsh, Mass.
Caraway	Hitchcock	Pittman	
Dial	Johnson	Sheppard	
Fletcher	Jones, N. Mex.	Shields	

NAYS—41.

Ball	Gooding	Nelson	Smoot
Bursum	Harreld	New	Spencer
Calder	Kellogg	Oddie	Sterling
Cameron	Kendrick	Overman	Sutherland
Capper	Keyes	Page	Townsend
Cummins	Ladd	Phipps	Wadsworth
Curtis	Lenroot	Poindexter	Warren
Dillingham	McKinley	Pomerene	Weller
Elkins	McLean	Ransdell	
Ernst	McNary	Rawson	
Fernald	Moses	Shortridge	

NOT VOTING—34.

Brandegee	Hale	Nicholson	Swanson
Colt	Heflin	Norbeck	Trammell
Crow	Jones, Wash.	Owen	Walsh, Mont.
Culberson	King	Pepper	Watson, Ga.
du Pont	Lodge	Reed	Watson, Ind.
Edge	McCormick	Robinson	Williams
Frelinghuysen	McCumber	Simmons	Willis
Gerry	McKellar	Smith	
Glass	Newberry	Stanfield	

So Mr. HARRISON's amendment to the committee amendment was rejected.

Mr. SHIELDS. Mr. President, I offer the following amendment to the committee amendment. On page 17, after line 9, insert the following:

Provided, That no district judge shall be designated or required, without his written consent, to hold court in a district outside the State in which his district is situated.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. SHIELDS. I now offer the following amendment to the committee amendment. In line 9, after the words "associate justice," I move to insert:

No district judge shall be designated or required, without his consent, to hold court outside the judicial circuit within which he resides.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 17, line 9, after the words "associate justice," insert the following:

No district judge shall be designated or required, without his consent, to hold court outside the judicial circuit in which he resides.

Mr. SHIELDS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. KING (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I understand he is absent from the Chamber on official business. As I can not obtain a transfer I am compelled to withhold my vote. If at liberty to vote I should vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as before, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement as before, I withhold my vote. If at liberty to vote I would vote "yea."

Mr. WALSH of Montana (when his name was called). I again announce my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. In his absence I withhold my vote.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. PEPPER], who is absent. If present, he would vote "nay." If free to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). If I were at liberty to vote upon this proposition, I would vote "yea." I am paired, however, with the Senator from Indiana [Mr. WATSON], who is absent, and I do not know how he would vote.

The roll call having been concluded, the result was announced—yeas 20, nays 39, as follows:

YEAS—20.

Broussard	France	Ladd	Shields
Bursum	Harris	La Follette	Stanley
Caraway	Hitchcock	Overman	Underwood
Dial	Johnson	Ransdell	Walsh, Mass.
Fletcher	Jones, N. Mex.	Sheppard	Weller

NAYS—39.

Ashurst	Fernald	Myers	Rawson
Ball	Gooding	Nelson	Shortridge
Borah	Kellogg	New	Smoot
Calder	Kendrick	Nicholson	Spencer
Cameron	Keyes	Norris	Sterling
Capper	Lenroot	Oddie	Sutherland
Cummins	McKinley	Page	Townsend
Curtis	McLean	Phipps	Wadsworth
Dillingham	McNary	Poindexter	Warren
Ernst	Moses	Pomerene	

NOT VOTING—37.

Brandegee	Hale	Newberry	Swanson
Colt	Harreld	Norbeck	Trammell
Crow	Harrison	Owen	Walsh, Mont.
Culberson	Heflin	Pepper	Watson, Ga.
du Pont	Jones, Wash.	Pittman	Watson, Ind.
Edge	King	Reed	Williams
Elkins	Lodge	Robinson	Willis
Frelinghuysen	McCormick	Simmons	
Gerry	McCumber	Smith	
Glass	McKellar	Stanfield	

So Mr. SHIELD'S amendment to the committee amendment was rejected.

Mr. SHIELDS. After the first five lines of the amendment of the committee on page 10, being lines 6, 7, 8, 9, and 10, reading as follows:

That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law.

I move to strike out the remainder of the bill and to insert in lieu thereof what I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Tennessee to the amendment reported by the committee will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all of the amendment of the committee after line 10, on page 10, and to insert:

For the district of Massachusetts, two; for the southern district of New York, two; for the western district of Pennsylvania, one; for the eastern district of Michigan, one; for the district of Minnesota, one; for the western district of Missouri, one; and for the northern district of California, one.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee to the committee amendment.

Mr. SHIELDS. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as on the previous vote as to my pair and its transfer, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the last vote in reference to my pair and its transfer, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as previously with reference to my pair and its transfer, I vote "nay."

Mr. WALSH of Montana (when his name was called). I am advised that my pair, the Senator from New Jersey [Mr. FRELINGHUYSEN], if present, would vote as I shall vote. Accordingly I will vote. I vote "nay."

Mr. WATSON of Georgia (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote on this question, if present, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 13, nays 48, as follows:

YEAS—13.

Broussard	France	McNary	Underwood
Capper	Harrison	Norris	
Caraway	King	Overman	
Dial	La Follette	Shields	

NAYS—48.

Ashurst	Gooding	Moses	Rawson
Ball	Harreld	Myers	Sheppard
Bursum	Harris	Nelson	Shortridge
Calder	Johnson	New	Smoot
Cameron	Kellogg	Nicholson	Spencer
Cummins	Kendrick	Norbeck	Sterling
Curtis	Keyes	Oddie	Sutherland
Dillingham	Ladd	Page	Townsend
Elkins	Lenroot	Phipps	Wadsworth
Ernst	McCumber	Poindexter	Walsh, Mass.
Fernald	McKinley	Pomerene	Walsh, Mont.
Fletcher	McLean	Ransdell	Weller

NOT VOTING—35.

Borah	Glass	Newberry	Stanley
Brandegee	Hale	Owen	Swanson
Colt	Heflin	Pepper	Trammell
Crow	Hitchcock	Pittman	Warren
Culberson	Jones, N. Mex.	Reed	Watson, Ga.
du Pont	Jones, Wash.	Robinson	Watson, Ind.
Edge	Lodge	Simmons	Williams
Frelinghuysen	McCormick	Smith	Willis.
Gerry	McKellar	Stanfield	

So the amendment of Mr. SHIELDS to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. KING. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. KING. An amendment was offered, as I understand, on yesterday by the Senator from New Jersey [Mr. FRELINGHUYSEN]. I inquire whether or not that amendment was accepted.

The VICE PRESIDENT. The amendment was agreed to.

Mr. KING. Is it necessary to reserve a separate vote upon that amendment in the Senate?

The VICE PRESIDENT. It is.

Mr. KING. I desire to reserve a separate vote upon that amendment in the Senate.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended.

Mr. FLETCHER. Mr. President, is the bill now in the Senate?

The VICE PRESIDENT. The bill is in the Senate. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. FLETCHER. I offer the amendment which I send to the desk.

Mr. CUMMINS. A point of order, Mr. President. The first question is on concurring in the amendments which have been agreed to as in Committee of the Whole, is it not?

Mr. FLETCHER. I submit that can not be done, because it is all one amendment.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. KING. I ask for a vote upon the amendment of the Senator from New Jersey proposing to provide an additional judge for New Jersey.

The VICE PRESIDENT. The amendment of the Senator from New Jersey as agreed to in Committee of the Whole will be stated.

The ASSISTANT SECRETARY. On page 10, line 13, an amendment to the committee amendment was inserted, as in Committee of the Whole, by adding, after the words "New York, two," and the semicolon, the words "for the district of New Jersey, one."

The VICE PRESIDENT. The question is on concurring in the amendment of the Senator from New Jersey.

The amendment was not concurred in.

The VICE PRESIDENT. The question now is on the amendment offered by the Senator from Florida [Mr. FLETCHER], which will be stated.

The ASSISTANT SECRETARY. On page 10, after line 22, it is proposed to insert:

For the southern district of Florida, one.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida to the amendment made as in Committee of the Whole. [Putting the question.] The amendment to the amendment is agreed to.

Mr. KING. I call for a division, Mr. President.

Mr. CUMMINS. A parliamentary inquiry. Is the question on the amendment proposed by the Senator from Florida [Mr. FLETCHER]?

Mr. FLETCHER. The amendment has been agreed to.

The VICE PRESIDENT. The Chair did not understand the parliamentary inquiry of the Senator from Iowa.

Mr. CUMMINS. I ask for the yeas and nays upon the amendment of the Senator from Florida.

Mr. FLETCHER. It is too late.

Mr. DIAL. I have a recollection that a while ago the Senator from Iowa said that I was too late in desiring to change my vote. Now he is in about the same category I then was.

Mr. CUMMINS. The Senator from South Carolina may have been too late in that instance, and still the Senator from Iowa may not be too late this time.

The VICE PRESIDENT. The Senator from Utah [Mr. KING] asks for a division.

The question being put on a division, the amendment of Mr. FLETCHER to the amendment made as in Committee of the Whole was agreed to.

Mr. ERNST. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Kentucky will be stated.

The ASSISTANT SECRETARY. On page 10, at the end of line 21, it is proposed to insert:

For the middle district of Tennessee, one.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky to the amendment made as in Committee of the Whole. [Putting the question.] The amendment is rejected.

Mr. ERNST. I ask for a division.

On a division the amendment was rejected.

Mr. POINDEXTER. At the end of line 22, page 10, I move to insert:

And for the western district of Washington, one.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington to the amendment made as in Committee of the Whole.

The amendment was rejected.

Mr. BURSUM. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 10, at the end of line 21, it is proposed to insert:

For the district of New Mexico, one.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment made as in Committee of the Whole.

Mr. BURSUM. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as before, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement as on the last vote, I withhold my vote.

Mr. WATSON of Georgia (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WILLIAMS (when his name was called). I again announce my pair with the Senator from Indiana [Mr. WATSON] and announce his unavoidable absence.

The roll call was concluded.

Mr. WALSH of Montana. Announcing again my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], in his absence I refrain from voting. I will let this announcement stand for the day.

The result was announced—yeas 33, nays 24, as follows:

YEAS—33.

Ashurst	France	McKinley	Rawson
Ball	Gooding	McNary	Sheppard
Broussard	Harreld	Myers	Shortridge
Bursum	Harrison	Nicholson	Spencer
Cameron	Johnson	Norbeck	Underwood
Dial	Jones, N. Mex.	Oddie	Weller
Elkins	Kendrick	Poindexter	
Fernald	Keyes	Pomerene	
Fletcher	Ladd	Ransdell	

NAYS—24.

Borah	Kellogg	Norris	Sterling
Calder	King	Overman	Sutherland
Capper	La Follette	Page	Townsend
Cummins	Moses	Phipps	Wadsworth
Dillingham	Nelson	Smoot	Walsh, Mass.
Hitchcock	New	Stanley	Warren

NOT VOTING—39.

Brandegee	Gerry	McKellar	Smith
Caraway	Glass	McLean	Stanfield
Colt	Hale	Newberry	Swanson
Crow	Harris	Owen	Trammell
Culberson	Heflin	Pepper	Walsh, Mont.
Curtis	Jones, Wash.	Pittman	Watson, Ga.
du Pont	Lenroot	Reed	Watson, Ind.
Edge	Lodge	Robinson	Williams
Ernst	McCormick	Shields	Willis
Frelinghuysen	McCumber	Simmons	

So Mr. BURSUM's amendment to the amendment of the committee was agreed to.

Mr. CURTIS. Mr. President, I move to reconsider the vote by which the amendment providing an additional judge for New Jersey was rejected.

The VICE PRESIDENT. The Senator from Kansas moves that the Senate reconsider the vote by which the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] was nonconcurred in. The question is on that motion.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KING. Is it not too late now, in view of the action of the Senate heretofore and of the status of the bill, to make that motion?

The VICE PRESIDENT. It is not.

Mr. KING. The amendment was considered as in Committee of the Whole, and also in the Senate.

The VICE PRESIDENT. It is not too late to reconsider the vote.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. Is it not necessary for the Senator from Kansas to qualify as having voted on the prevailing side of that proposition before he can make a motion to reconsider?

The VICE PRESIDENT. If it was a yea-and-nay vote, yes; otherwise not.

Mr. HARRISON. If there was no yea-and-nay vote, how can we tell how he voted?

Mr. TOWNSEND. I call for the regular order.

The VICE PRESIDENT. Then the question does not arise. The question is on the motion to reconsider.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "yea."

Mr. McKINLEY (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. CARAWAY], which I transfer to the senior Senator from Pennsylvania [Mr. CROW], and will vote. I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. TRAMMELL (when his name was called). Making the same announcement with regard to my pair that I made on the last vote, I withhold my vote upon this amendment.

Mr. WATSON of Georgia (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PEPPER]. Not

knowing how he would vote on this question, I withhold my vote.

Mr. WILLIAMS (when his name was called). I repeat the information that I have several times given to the Senate, to the effect that I am paired, and therefore not able to vote.

The roll call having been concluded, the result was announced—yeas 35, nays 26, as follows:

YEAS—35.

Ball	Fletcher	McKinley	Sheppard
Broussard	France	McLean	Shortridge
Bursum	Harreld	Moses	Smoot
Calder	Harris	Myers	Spencer
Cameron	Kellogg	Oddie	Sutherland
Curtis	Keyes	Page	Townsend
Dillingham	Ladd	Phipps	Wadsworth
Ernst	Lenroot	Poindexter	Weller
Fernald	McCumber	Pomerene	

NAYS—26.

Ashurst	Hitchcock	New	Shields
Borah	Jones, N. Mex.	Nicholson	Stanley
Capper	Kendrick	Norbeck	Sterling
Cummins	King	Norris	Underwood
Dial	La Follette	Overman	Walsh, Mass.
Gooding	McNary	Pittman	
Harrison	Nelson	Rawson	

NOT VOTING—35.

Brandegee	Gerry	Newberry	Swanson
Caraway	Glass	Owen	Trammell
Colt	Hale	Pepper	Walsh, Mont.
Crow	Heflin	Ransdell	Warren
Culberson	Johnson	Reed	Watson, Ga.
du Pont	Jones, Wash.	Robinson	Watson, Ind.
Edge	Lodge	Simmons	Williams
Elkins	McCormick	Smith	Willis
Frelinghuysen	McKellar	Stanfield	

So the motion to reconsider was agreed to.

Mr. CURTIS. Mr. President, the question now is on concurring in the amendment; is it not?

The VICE PRESIDENT. The original vote was on the motion of the Senator from Utah to strike out the words "for the district of New Jersey, one." That vote prevailed and the language was stricken out.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. KING. I understand an amendment was offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] to insert in the bill a provision for an additional judge for New Jersey. I asked for a separate vote upon the adoption of that amendment as in Committee of the Whole. I did not move to strike it out. So I think the Chair states the converse of the motion.

Mr. WILLIAMS. Upon a separate vote the amendment of the Senator from New Jersey was defeated, and then there was a motion to reconsider that vote, which has just been agreed to.

Mr. NORRIS. I would like to have the attention of the Senator from Utah, if he will yeld to me.

Mr. KING. I yield to the Senator, if I have the floor.

Mr. NORRIS. The Senator must not forget that the motion of the Senator from New Jersey was to amend an amendment. On its adoption it became a part of the amendment, so when the bill got into the Senate there was no such thing as voting again on the amendment of the Senator from New Jersey. The Senator from Utah, in order to get that provision out of the bill, would have to move to strike it out, and if he did not do that it never would go out. If he had moved to strike it out, then the Chair would have stated the situation correctly, as I understand it. The Senator's motion should have been to strike out the amendment of the Senator from New Jersey.

Mr. CUMMINS. No, Mr. President; the Senator from Nebraska is in error. The motion of the Senator from New Jersey in Committee of the Whole was to insert a provision for a judge for the district of New Jersey. That amendment prevailed. We passed into the Senate. There was no motion to strike it out, but I understood the Senator from Utah to reserve the amendment proposed by the Senator from New Jersey for a separate vote.

Mr. NORRIS. He was undertaking an impossibility; it could not be done. I do not know what happened, or what the Senator from Utah said; but, as a matter of fact, he could not reserve a vote when we got into the Senate on an amendment to an amendment which was adopted in the Committee of the Whole, because in the Senate the amendment of the Senator from New Jersey was entirely lost. It became a part of the committee amendment, and that is the amendment we are to vote on concurring in. It would have been a physical impossibility to reserve a vote on an amendment to an amendment.

Mr. CUMMINS. It was a vote on an amendment to an amendment. The motion of the Senator from New Jersey was to amend an amendment, which was entirely in order, and which was carried. When we came into the Senate anyone had a right to reserve a vote on that amendment.

Mr. NORRIS. When that amendment was carried it became a part of the committee amendment to the bill. This is a House bill, it is not a Senate bill, and that amendment to the amendment became a part of the committee amendment; and when we went into the Senate the question was on concurring in the committee amendment made in Committee of the Whole, not an amendment to that amendment.

Mr. KING. If the position of the Senator from Nebraska is correct, then there never could be a separate vote in the Senate on a substitute bill of this character, to which there were numerous amendments adopted at various times in Committee of the Whole, and upon which separate votes were reserved, when the substitute bill as perfected came to the Senate.

Mr. NORRIS. Let me call the attention of the Senator to the fact that when we got into the Senate the proper motion would be to amend. The Chair always announces when a bill has been reported from the Committee of the Whole that the bill is in the Senate and open to amendment. If the Senator wanted to amend it, he should have moved to strike it out, which I supposed he had done. I did not pay attention to the exact course pursued by the Senator from Utah.

Mr. KING. I will be entirely frank. I would not state to the Senate anything that did not actually occur, even if it were in support of the position I have taken. I did not move to strike out. I considered that I had a right to challenge the action of the Committee of the Whole by the separate vote which I had reserved before we passed out of the Committee of the Whole into the Senate. So I then asked for a separate vote upon the action of the Committee of the Whole by which the amendment offered by the Senator from New Jersey had been adopted in Committee of the Whole.

Mr. WILLIAMS. And it was an amendment to the committee amendment, and therefore in itself a separate proposition.

Mr. LENROOT. May I ask the Senator from Utah if he will not be willing to have the RECORD show that his motion was a motion to strike out?

Mr. SPENCER. And then let us vote on it.

Mr. CURTIS. Then we could vote on the Senator's motion to strike out.

The VICE PRESIDENT. The Chair is ready to make a ruling. The Senator from Utah reserved a separate vote. The only way that question could be put in the Senate was, in effect, by a motion to strike out. Now the question recurs on the motion to strike out the words "for the district of New Jersey, one." Those who vote in favor will vote to strike it out, and those who vote in the negative will vote to keep it in.

Mr. KING. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as before, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement as on the last vote as to my pair, I withhold my vote.

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Nebraska [Mr. HITCHCOCK], and vote "yea."

The roll call was concluded.

Mr. McKINLEY. Making the same announcement as before, I vote "nay."

Mr. WALSH of Montana. I transfer my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

The result was announced—yeas 22, nays 39, as follows:

YEAS—22.

Ashurst	Harrison	Norbeck	Townsend
Borah	Kendrick	Norris	Walsh, Mass.
Capper	King	Overman	Walsh, Mont.
Cummins	La Follette	Shields	Williams
Dial	McNary	Stanley	
Gooding	Nelson	Sterling	

NAYS—39.

Ball	Dillingham	Harris	McCumber
Broussard	Ernst	Johnson	McKinley
Bursum	Fernald	Kellogg	McLean
Calder	Fletcher	Keyes	Moses
Cameron	France	Ladd	Myers
Curtis	Harreld	Lenroot	New

Nicholson	Poindexter	Shortridge	Wadsworth
Oddie	Pomerene	Smoot	Warren
Page	Rawson	Spencer	Weller
Phipps	Sheppard	Sutherland	

NOT VOTING—35.

Brandegee	Gerry	McKellar	Smith
Caraway	Glass	Newberry	Stanfield
Colt	Hale	Owen	Swanson
Crow	Heflin	Pepper	Trammell
Culberson	Hitchcock	Pittman	Underwood
du Pont	Jones, N. Mex.	Ransdell	Watson, Ga.
Edge	Jones, Wash.	Reed	Watson, Ind.
Elkins	Lodge	Robinson	Willis
Frelinghuysen	McCormick	Simmons	

So Mr. KING's motion to strike out was rejected.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole as amended in the Senate.

The amendment as amended was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

Mr. ODDIE. Mr. President, I move to reconsider the vote whereby the amendment offered by the Senator from Washington [Mr. POINDEXTER] to the amendment of the committee was rejected.

Mr. KING. Mr. President, I make the point of order that the motion comes too late.

The VICE PRESIDENT. The motion is too late. The amendment made as in Committee of the Whole has been concurred in.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. LA FOLLETTE. On the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "yea."

Mr. FERNALD (when his name was called). I transfer my pair with the senior Senator from New Mexico [Mr. JONES] to the senior Senator from Pennsylvania [Mr. CROW], and vote "yea."

Mr. NEW (when his name was called). Repeating my previous announcement as to the transfer of my pair, I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as before, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before, I vote "yea."

Mr. TRAMMELL (when his name was called). Understanding that the Senator from Rhode Island [Mr. COLT], with whom I have a general pair, would vote as I propose to vote on the passage of the bill, I am at liberty to vote. I vote "yea."

Mr. WALSH of Montana (when his name was called). I am advised that the Senator from New Jersey [Mr. FRELINGHUYSEN], with whom I have a pair, would vote as I shall vote. I vote "yea."

Mr. WATSON of Georgia (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. PEPPER]. If present, that Senator would vote "yea." If free to vote, I would vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

The roll call was concluded.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent on important business. He is paired with the junior Senator from Minnesota [Mr. KELLOGG]. If my colleague were present, he would vote "nay."

Mr. CURTIS. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Missouri [Mr. REED] and that the Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

I also wish to announce that the Senator from Maine [Mr. HALE], the Senator from Ohio [Mr. WILLIS], the Senator from Pennsylvania [Mr. CROW], and the Senator from Michigan [Mr. NEWBERRY] are necessarily absent. If present, these Senators would vote "yea."

The result was announced—yeas 44, nays 21, as follows:

YEAS—44.

Ashurst	Fletcher	Moses	Rawson
Ball	Gooding	Myers	Shortridge
Bursum	Harreld	Nelson	Spencer
Calder	Hitchcock	New	Sterling
Cameron	Johnson	Nicholson	Sutherland
Cummins	Kellogg	Norbeck	Trammell
Curtis	Keyes	Oddie	Wadsworth
Dillingham	Lenroot	Page	Walsh, Mass.
Elkins	McCumber	Phipps	Walsh, Mont.
Ernst	McKinley	Poindexter	Warren
Fernald	McLean	Pomerene	Weller

NAYS—21.

Borah	Harris	McNary	Townsend
Broussard	Harrison	Norris	Underwood
Capper	Kendrick	Overman	Williams
Caraway	King	Sheppard	
Dial	Ladd	Shields	
France	La Follette	Stanley	

NOT VOTING—31.

Brandegee	Glass	Newberry	Smith
Colt	Hale	Owen	Smoot
Crow	Heflin	Pepper	Stanfield
Culberson	Jones, N. Mex.	Pittman	Swanson
du Pont	Jones, Wash.	Ransdell	Watson, Ga.
Edge	Lodge	Reed	Watson, Ind.
Frelinghuysen	McCormick	Robinson	Willis
Gerry	McKellar	Simmons	

So the bill was passed, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

For the district of Massachusetts, two; for the eastern district of New York, one; for the southern district of New York, two; for the district of New Jersey, one; for the eastern district of Pennsylvania, one; for the western district of Pennsylvania, one; for the northern district of Texas, one; for the eastern district of Michigan, one; for the northern district of Ohio, one; for the northern district of Illinois, one; for the district of Minnesota, one; for the eastern district of Missouri, one; for the western district of Missouri, one; for the eastern district of Oklahoma, one; for the district of Montana, one; for the northern district of California, one; for the southern district of California, one; for the district of Arizona, one; for the northern and southern districts of Georgia, one; for the southern district of Florida, one; and for the district of New Mexico, one.

Whenever a vacancy shall occur in the office of any district judge appointed pursuant to this act the same shall not be filled unless the Congress shall so provide.

SEC. 2. That it shall be the duty of the Chief Justice of the United States, or, in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September at Washington, or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each circuit. If any of said senior circuit judges is unable to attend, the Chief Justice, or, in case of his disability, any justice of the Supreme Court in the order of seniority, may nominate any other circuit or district judge belonging to the circuit whose senior circuit judge is unable to attend, that each circuit may adequately be represented at said conference.

It shall be the duty of every such senior or other circuit or district judge to attend such conference, and to remain throughout its proceedings, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

It shall be the duty of the senior district judge of each district court of the United States to make, on or before the 1st day of August of each year, a report to the senior circuit judge as to the condition of the business in his district and a recommendation as to what additional judicial force, if any, is needed to dispose of the business of such district with reasonable dispatch. It shall not be sufficient for him merely to state in his report the cases as shown upon the docket of the court, but, after investigation, he shall express his best judgment as to the condition of business existing or likely to arise in his court during the ensuing year. The senior circuit judge, or, in his absence, a judge representing the circuit at the conference, shall present such reports to the conference, with a summary thereof, and his comments thereon.

The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

The said conference shall be presided over by the Chief Justice of the United States, or, in case of his disability, by any justice of the Supreme Court in the order of seniority.

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

The Chief Justice and each justice or judge summoned to and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the Chief Justice.

SEC. 3. That sections 13, 14, 15, 16, 17, and 18, as amended by the act of October 3 1913 (ch. 18, 38 Stat. p. 203), of the Judicial Code, be amended to read as follows:

"SEC. 13. (1) A district judge for a district may be designated to act in another district of the same circuit including territory attached thereto)—

"(a) In the place of a district judge who is physically or mentally unable for the time being to perform his duties or who is or who is to be necessarily absent from his district;

"(b) In aid of a district judge who on account of the accumulation and urgency of business is unable to perform speedily all the work of his district;

"(c) In aid of a district judge when the public interests so require.

"(2) Such designation shall be made by the senior circuit judge whenever he is satisfied that condition (a), (b), or (c) exists and that the designation can be carried out without such prejudice to the regular work of the designated judge as to make it inadvisable. Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed, and shall devote his time to the duties of his office, and shall not engage in any other employment for which he receives compensation, and for offending against the provisions of this section shall be deemed guilty of a high misdemeanor.

"SEC. 14. (1) A circuit judge may be designated to act as district judge in any district of his circuit or of attached territory in any case where a district judge might be so designated.

"(2) Such designation may be made by the senior circuit judge (who may designate himself) whenever he is satisfied that the occasion therefor exists and that the public interests so require.

"(3) This section shall apply to the circuit judges formerly comprising the Commerce Court.

"SEC. 15. (1) A district judge of a district (called herein the home district) may be designated to act in any district of another circuit or its attached territory (called herein the aided district) in place of or in aid of a judge thereof, in case—

"(a) The senior circuit judge of the aided district shall certify to the Chief Justice of the United States that the public interests require the designation of an additional judge or judges in such district and that it is impracticable to supply the need from among the judges of his circuit; and

"(b) The senior circuit judge of the circuit of the home district shall certify to the Chief Justice of the United States that neither the business of that district nor of other districts in that circuit will suffer by the proposed designation.

"(2) Such designation may be made by the Chief Justice if, in his judgment, the public interests so require.

"(3) For the purposes of this section the District of Columbia is to be deemed one of the districts which may be aided and likewise a circuit, the Supreme Court of the District of Columbia is to be deemed a district court to which designations may be made, the justices of the court of appeals as circuit judges, and the chief justice thereof as the senior.

"SEC. 16. (1) The designation provided for by sections 13, 14, and 15 shall be in writing, signed by the judge or justice designating, and shall specify the district aided, the judge designated, and the period of service.

"(2) It shall be filed in the clerk's office and entered in the minutes of the district court of the aided district; and when so filed and entered shall be conclusive evidence of all the facts necessary to support it.

"(3) A certified copy shall at once be furnished by the clerk to the judges designated; also to the judge of the aided district; also (if under section 15) to the senior circuit judge of each of the two circuits.

"SEC. 17. (1) During the period of service named the judge designated under sections 13, 14, or 15 shall have all the duties, powers, and rights of the judge of the aided district (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds): *Provided, however,* That in case a trial has been entered upon before such period of service has expired and has not been concluded, the period of service shall be deemed to be extended until the trial has been concluded.

"(2) Any designated judge who has held court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of the time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation.

"(3) Whenever, pursuant to any law, more than one district judge is authorized to hold court in the same district, each may, separately, but at the same time, hold a district court and discharge the judicial duties of the district judge therein, but subject to section 23 hereof.

"SEC. 18. (1) Any power given by sections 13, 14, or 15 to the senior circuit judge may be exercised by the circuit judge who, on account of the illness or absence from the circuit of the senior, is acting as such.

"(2) In case of vacancy in the office of Chief Justice, or his disability from illness or absence, any power given to him by section 15 may be exercised by the senior associate justice."

SEC. 4. That section 118 of the Judicial Code, as amended by the act approved February 25, 1919 (40 Stat. L., p. 1156), be, and the same hereby is, amended so as to read as follows:

"SEC. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; in the fourth circuit, three circuit judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. All circuit judges shall receive a salary of $8,500 a year each, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided,* That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided for and authorized in other sections of this act."

SEC. 5. Regular or special terms of the district courts of the district of New Mexico may be held in any incorporated municipality in the State of New Mexico. Regular or special terms of said court other than at the capital of said State shall be held at such time or times and at such place or places as the judge of said district court shall by order prescribe, and such order may be changed from time to time as may be deemed necessary in the public interest: *Provided, however,* That at any place where such regular or special terms of court may be so ordered to be held a suitable building in which to hold such term or terms of court shall be available without expense to the Government of the United States.

The title was amended so as to read: "A bill for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to amend certain sections of the Judicial Code relating to the designation, assignment, and appointment of judges outside their districts, and for the appointment of an additional circuit judge in the fourth circuit."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920.

The message also announced that the House returned to the Senate, in compliance with its request, the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia and making an appropriation therefor.

PETITIONS AND MEMORIALS.

Mr. NELSON presented memorials of sundry citizens of Fergus Falls, Minn., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CAPPER presented a resolution adopted by Crawford County Farmers' Union, No. 25, at Girard, Kans., March 28, 1922, favoring the enactment of legislation to stabilize prices of the principal farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. LADD presented resolutions of Mill Creek Local, No. 28, and Four Lakes Local, No. 51, both of the Western Progressive Grange, in the State of Washington, favoring the passage of Senate bill 2664, the Ladd honest money bill, which were referred to the Committee on Banking and Currency.

He also presented a petition of members of Red River Lodge, No. 379, Brotherhood of Railway Clerks, Freight Handlers, Express and Station Employees, of Fargo, N. Dak., praying for acceptance of the offer of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

He also presented the petitions of John Skubina and 70 others, of Center and vicinity; Mrs. A. O. Stoen and 8 others, of Buffalo Springs; Otto Olson and 11 others, of Oriska; Alex Ferguson and 32 others, of Lankin; C. O. Peterson and 3 others, of Nortonville; L. M. Haugen and 19 others, of Taylor; Mrs. J. Muffle and 37 others, of Straubville and vicinity; Fred Brebmer and 35 others, of Wales and vicinity; Paul and Bertha Roseman, of Upham; and Mrs. Noah Willett and 21 others, of Haynes, all in the State of North Dakota, praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. FERNALD. Mr. President, I report back from the Committee on Public Buildings and Grounds, without amendment, the bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine Insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau.

I do not intend to call up the bill for consideration to-night, but I wish to give notice that on the next legislative day I shall ask unanimous consent for its consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, reported it with an amendment and submitted a report (No. 593) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 3412) authorizing the Secretary of War and the Auditor for the War Department to consider and settle the claim of Mrs. John D. Hall, widow of the late Col. John D. Hall, United States Army, retired, for personal property destroyed in the earthquake at San Francisco, Calif. (with an accompanying paper); to the Committee on Military Affairs.

By Mr. CALDER:

A bill (S. 3413) for the relief of the city of New York; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 3414) to amend section 101 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. HARRELD:

A bill (S. 3415) to render final judgment on any claims of the Eastern Emigrant and Western Cherokee, Creek, and Seminole Indians against the United States in relation to tribal lands, funds, and property; to the Committee on Indian Affairs.

AMENDMENT OF AGRICULTURAL APPROPRIATION BILL.

Mr. HARRELD submitted an amendment intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 75, strike out the remainder of the paragraph on lines 16, 17, 18, and 19 beginning with "$6,500" on said line 16, and insert in lieu thereof the following: "$12,500, of which the Secretary is hereby authorized to use not exceeding $3,000 for the purpose of building a cottage for the herdsman, and additional sheds, stalls, and pens for the protection and care of said animals."

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. CUMMINS. Mr. President, I desire to give notice that next Monday at 2 o'clock I shall ask the Senate to go into executive session for the purpose of considering the nominations of Senator SMOOT and Representative BURTON as members of the Foreign Debt Commission.

Mr. WALSH of Montana. Mr. President, rule 38 provides, with reference to nominations, that—

all information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret.

That, I take it, necessitates, without some action by the Senate, that the proceedings to which the Senator from Iowa has referred shall be in closed executive session.

I think every Member of the body feels that, so far as personal qualifications are concerned, no word can be said in derogation of either of the gentlemen named, Senator SMOOT or Representative BURTON. If I expressed my own personal conviction about the matter, I should say they were both preeminently qualified for the position. The sole question for consideration—and I am very sure the sole question that will be discussed—is the question of the eligibility of these two gentlemen under the Constitution, and likewise the related question as to the policy of making nominations for such position from among the Members of both Houses.

In view of that situation of affairs, I ask unanimous consent that the subject be considered in open executive session.

Mr. CURTIS. Mr. President, I shall have to object to that request.

The VICE PRESIDENT. There is objection.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS.

Mr. McNARY. Mr. President, I move that the Senate proceed to the consideration of House bill 10730, the bill making appropriations for the Department of Agriculture.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. Mr. President, it is the desire to have a short executive session; and I suggest that the bill be temporarily laid aside.

Mr. McNARY. I ask unanimous consent that the bill, which has become the unfinished business, may be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

GOVERNMENT-OWNED RADIO STATIONS—CONFERENCE REPORT.

Mr. POINDEXTER. I present a conference report on House joint resolution 7 and I ask for its present consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of said amendment insert the following: "on June 30, 1925, except that all such rights conferred by this section in the Republic of China shall terminate and cease on January 1, 1924"; and the Senate agree to the same.

C. S. PAGE,
MILES POINDEXTER,
FREDERICK HALE,
CLAUDE A. SWANSON,
KEY PITTMAN,
Managers on the part of the Senate.

WILLIAM S. GREENE,
WALLACE H. WHITE, Jr.,
CARL R. CHINDBLOM,
L. LAZARO,
W. B. BANKHEAD,
Managers on the part of the House.

Mr. KING. Does the Senator from Washington desire to take up the report this evening?

Mr. POINDEXTER. I would be very glad to do so. The House has approved the conference report, and it is a very simple matter. It merely extends for a period of three years the existing law——

Mr. KING. That is, it gives the United States exclusive control over certain radio operations?

Mr. POINDEXTER. Oh, no; that is not the effect of it at all. It authorizes, not the exclusive use, but the use of naval radio facilities on the Pacific—it does not apply to the Atlantic—for press messages for three years and for commercial messages in cases where there are no private facilities available.

Mr. KING. I have no objection to the facilities being used for press messages if they are not used for purely political purposes.

Mr. UNDERWOOD. Let me ask the Senator, Is there any effort in the bill to regulate the wave length?

Mr. POINDEXTER. Not at all. It does not deal with that subject.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

ADDRESS BY SENATOR RANSDELL.

Mr. McKINLEY. Mr. President, I ask unanimous consent to have printed in the RECORD in 8-point type a speech made on April 5, 1922, by the senior Senator from Louisiana [Mr. RANSDELL] before the Massachusetts Chamber of Commerce entitled "Carrying the ocean to the Great Lakes."

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

SPEECH OF UNITED STATES SENATOR JOSEPH E. RANSDELL, OF LOUISIANA, BEFORE THE MASSACHUSETTS CHAMBER OF COMMERCE, AT BOSTON, MASS., APRIL 5, 1922.

CARRYING THE OCEAN TO THE GREAT LAKES.

The proposed deep-water channel connecting the St. Lawrence and the Great Lakes is a project of vast national importance. It contemplates the improvement of the St. Lawrence River to deep water in Lake Ontario, so that ships drawing 25 feet can penetrate to the western end of that lake. From that point connection will be made with Lake Erie through the Welland Canal, now being enlarged by Canada to a similar depth, carrying the ship into Lake Erie.

This project has been under the most careful investigation by the International Joint Commission of the United States and Canada, and the favorable report of that body was presented to the Senate of the United States by President Harding on the 16th of last January. According to this report, it will cost about $252,000,000 to overcome all obstructions in the St. Lawrence, and incidentally these works will develop 1,464,000 continuous horsepower at a point on the eastern end of the international boundary between New York and Canada. One-half of this, equal to 732,000 horsepower, will belong to the United States, the other to Canada. The site of the great dam at Cornwall, N. Y., where this power is to be generated, is about 275 miles from Boston and 300 miles from New York City.

Without attempting to discuss details, I may say that the construction of the contemplated deep canals through the shallows of the St. Lawrence and around Niagara Falls will permit the great fleet of Lake boats, which handle annually about 100,000,000 tons, to carry their cargoes from any point on the Lakes directly to tidewater at Montreal, Quebec, or Halifax, and with very slight strengthening these same Lake vessels, some of which carry 14,000 tons of cargo, can continue their voyage down the coast to Boston, New York, and other points. It will also permit, without any further enlargement of the Lake harbors and connecting channels between them, ocean-going vessels

drawing 20 to 21 feet to penetrate to any point on the Lakes. In other words, this project will connect the Great Lakes of our northern border, the largest and finest body of fresh water on earth, covering an area of 95,000 square miles, with all the oceans of the world, and will give to the people who live on their shores and adjacent to them the great benefits of ocean transportation for the innumerable products of their farms, mines, and factories, and for the commodities which they buy in large quantities from other lands.

The wonderful growth of the Great Lakes region in population, wealth, and general development is one of the marvels of the past half century. Cities like Buffalo, Cleveland, Detroit, Chicago, Milwaukee, and Duluth are truly magic cities, and the magician's wand which brought them into being was the cheap transportation of the Lakes on whose shores they are situated.

Nearly 40,000,000 of America's best citizens live in this favored region or will derive very great direct benefits from the project; hence it is truly national in scope, for whatever affects so materially more than one-third the people of the Republic is of great interest to the whole. If the growth of population for the next 50 years keeps pace with that of the last 50, we may expect an increase in these regions to 100,000,000.

All of these people are unanimously in favor of the St. Lawrence project, for they believe it will be of immense benefit to them in carrying their surplus products to the ocean at cheap water rates, about the same relatively as the rates which have caused the marvelous development of their section. They realize that more and more it is necessary for them to have cheaper rates and to guard against congestion in shipments to and from the North Atlantic seaboard, from which they have suffered so severely during the past decade. They realize that the people in far-off Oregon and Washington are closer to Boston and New York via the Panama Canal, so far as freight rates are concerned, than are those of Iowa. They realize that the center of their great wheat-growing section is from 1,000 to 1,200 miles away from deep water, whereas the grain centers of other countries, such as Russia, Australia, and the Argentine, are only about 250 miles from the sea. This is a great handicap to them. They feel that if the ocean can be carried westward into the heart of the continent, 1,400 miles from Montreal, to Chicago and Duluth, thereby giving them ocean ships on the northern boundary, just as the people of the West, the South, and the East enjoy the benefit of ships, it will place the Middle West on terms of parity in transportation with other States of the Union.

This briefly is the project, and this is the way the West feels about it.

Beyond a question the project is a mighty one, worthy of the best thought of all economists and statesmen. When carried to completion, its effects will be marked, not only on the vast commerce now moving between the Atlantic seaboard and the Great Lakes but also between the Great Lakes and the Gulf. It will make a new channel on which a large quantity of freight will move; it will be comparable to Suez and Panama, the construction of which changed trade routes of the world; and just as these two interoceanic canals have proved the utmost benefit to mankind by shortening distances thousands of miles and cheapening freight rates immeasurably, so will the St. Lawrence oceanic canal result, perhaps in a smaller degree, in like benefits to the people of Canada and the United States.

Transportation affects every man, woman, and child in the land and enters into our life in the most intimate manner. It is so commonplace that few of us realize it, and anything which greatly cheapens the cost of transporting from vast centers of population, living thousands of miles apart and exchanging immense volumes of commerce of every kind and sort that enters into modern civilization, is of vital import to national welfare.

The only point to be considered is, Will such a canal as that proposed on the St. Lawrence really cheapen in a material degree freight rates from the center of the country to the Atlantic and vice versa? Will this cheapening in the aggregate amount to anything like as much annually as the total cost of the project, which its enthusiastic friends claim for it? If so, there can be but one answer, and that is we must construct the project as quickly as possible regardless of expense.

It is no argument to say that nature has placed serious obstructions in the way, which can only be overcome at heavy cost. Greater obstructions were overcome by the Suez Canal, connecting the Mediterranean with the Red Sea, and infinitely greater by the Panama Canal, which links together the Atlantic and the Pacific. The wise people of England built the Manchester Canal, at a cost of one hundred millions, to carry the sea to the wharves of that city alone. Liverpool objected more seriously to this project than any city in America is now objecting to the St. Lawrence Canal, and yet the greatest beneficiary of the Manchester Canal after its completion was the city of Liverpool, the revenues on whose commerce increased five times as much during the 13 years following the opening of that canal as they had for the same number of years before. The Kiel Canal, from the North Sea to the Baltic, was made to save about 400 miles of water distance, not to overcome a physical obstruction like that at Panama, for there has always been connection between the North Sea and the Baltic, and the Kiel Canal was merely for the purpose of saving that distance. It proved a great success financially and otherwise. The State of New York, by construction of the Erie Canal from the Great Lakes to the ocean, completed about a century ago, demonstrated in the most forceful manner the vast benefit of water transportation. The Erie Canal made New York the principal city on the continent and caused it to forge rapidly ahead of Boston and Philadelphia.

The people of America are entitled to the best possible transportation of every available kind, by highway, waterway, railway, and the air. Nothing is too good for the citizens of the freest, most enlightened, progressive, and wealthy country on earth. We lead the world in railways, both as to mileage and equipment, with every possible convenience and appliance for comfort and good service. We are well advanced in highways, though not equal in this particular to some European nations. Highway development, however, is going forward by leaps and bounds with every prospect that in our more wealthy and populous States the roads will soon be as good as any on earth. We taught the world how to fly, and great progress is being made in air navigation. We have improved many of our harbors and a few of our rivers just as effectively as any other countries, and the earth profits largely by our Panama Canal. We have received marvelous benefit from modest expenditures in deepening the harbors on the Great Lakes and the connecting channels between them.

For the country at large the average cost of transportation by rail is approximately 12$\frac{1}{10}$ mills per ton per mile. If coal is excluded, this average rises to 15 mills. The average of freight rates on the Great Lakes is 1 mill, and on the ocean it varies, according to the class of freight, from 1 to 3 mills. It would be safe to say that 2 mills per ton-mile is a fair water rate in comparison with an average rail rate of 15 mills. Let us apply these rates, by way of comparison, on shipments from Boston to Chicago and Duluth. The rail distance from Chicago to Boston is 1,034 miles and the distance by water 2,682 miles. To Duluth the relative distances are 1,513 miles by rail and 2,775 by water. The rail rate, therefore, from Boston to Chicago for a ton of freight at the present average would be $15.51 as against an estimated water rate of $5.36. The rate from Boston to Duluth would be $22.70, as compared with the water cost of $5.55. It is impossible to be exact in estimates of this kind, but these figures are substantially correct, and they certainly indicate that water rates between Boston and Lake ports are infinitely cheaper than by rail.

Present rates on a bushel of wheat carried from Chicago or Duluth to Buffalo by water amount to 2 cents or less, and on the same mileage basis, with proper allowance for delays in canals and locks, 3 to 3½ cents would be a fair rate from either of these cities to tidewater at Montreal. The lowest rates at which grain can now be carried from the West is 2 cents per bushel for 1,000 miles of transit to Buffalo and 12 cents for an average of 450 miles of railroad from Buffalo to ship side at New York or Boston, a total of 14 cents. This indicates a saving to tidewater of at least 10 cents per bushel via the St. Lawrence route; and as New York and Montreal are about equally distant from Liverpool, it would mean a saving of that amount on the through rate to that world center. The great fleet of ships on the Lakes are undoubtedly the cheapest carriers of freight on earth between ports on the Lakes; and this same cheap rate, substantially, to tidewater at Montreal or Halifax can be enjoyed by all the products of the Lake regions when the St. Lawrence route is completed. What is true of the rates on grain is also true of rates on many other products of the Great Lakes region. There is no doubt also that the St. Lawrence route will very favorably affect transportation costs between the Lakes and Atlantic coast ports, which consume a large percentage of the grain and other products of that great section. In turn, there will be a similar saving in freight in the products of the Atlantic coast shipped to the West.

It is a generally admitted principle of political economy that the price of any commodity of universal use, such as corn or wheat, is determined by the price at which the surplus of the product is sold. Liverpool is the point at which the surplus of grain of the world is disposed of. To this great city grain is shipped from the United States, Canada, Argentina, Russia, and Australia, and there, in competition with the world, the price of grain is fixed. This price, to a very great extent, gov-

erns not only as to the grain sold in the Liverpool market but in the producing countries as well. The price, therefore, to the farmers in the grain sections of our great West is the world price in the Liverpool market less the cost of transportation between the farm and England.

The American farmer receives for his entire crop of grain the Liverpool price less the freight from his farm to Liverpool. It therefore follows that if the construction of the ocean waterway from Montreal to Lake Erie reduces the freight on our grain exports to Europe 10 cents per bushel, the farmers of this country will receive for their grain, which aggregates about three and one-half billion bushels a year, an addition of 10 cents per bushel over the price of grain sold under existing freight conditions. This will mean upward of three hundred and fifty millions per year saved to American farmers on grain alone. If we estimate one-half of this amount, or 5 cents per bushel only, to be conservative, the annual freight saving on grain will be equal to one hundred and seventy-five millions. There would be a very great saving also in freights on exports of every kind, amounting in the aggregate to many millions annually, though not as much in proportion as on the grain. The West is a very large producer of manufactured commodities, such as packing-house products, autos, rails, farm machinery, and so forth, and is also extremely rich in minerals, such as iron and copper, much of which is shipped abroad. The West also consumes a large quantity of imported goods, and on these importations there would likewise be a considerable saving in freight rates.

It is my candid opinion, after careful study, that if the proposed oceanic canal is completed, so that boats having a draft of 20 to 21 feet can go to and fro between the ocean and the Great Lakes laden with the commerce of the world, the annual saving to American citizens in cheaper freights than the railroads can possibly afford to charge them would, at a very conservative figure, amount every year to more than one-half the entire cost of the proposed improvement, including the Welland Canal.

Those who fear damage to railways through the cheaper water transportation to be afforded by this project should bear in mind that rail traffic is increasing at such a rate as to cause grave fear of another railroad crisis the next time there is a revival of business. The following quotations from a recent address of Mr. Elisha Lee, vice president of the Pennsylvania Railroad, are interesting in this connection:

> Traffic on our American railroads, measured in ton-miles, doubles once in a decade. This rate of increase has been maintained for at least two generations with surprising regularity, despite the varying cycles of booms, panics, and depressions through which the country has passed meanwhile.
>
> The next time our country has a real revival of business we shall in all probability be confronted with the most severe congestion of railroad traffic and the greatest inadequacy of railroad facilities ever experienced in our history. When that happens rates will be lost sight of. Everyone will be clamoring for service. Nothing could more quickly check a wave of prosperity than the inability of our railroad facilities to handle traffic which good times will create.
>
> I am firmly convinced that we face such a condition with almost absolute certainty in the not remote future.

This statement is corroborated by a very prominent man in railroad circles, in whose judgment I have confidence; and the following figures recently reported by the Interstate Commerce Commission, showing our railroad traffic since 1890, substantiate their statements:

	Net ton-miles.
1890	76,207,047,298
1900	141,599,157,270
1910	255,016,910,451
1920	447,278,126,869

Our experience during the 1918 railroad crisis is too recent and its effects too keenly felt to allow us to be unmindful of the dreadful calamity of such a congestion of traffic as Mr. Lee predicts and the statistics from the Interstate Commerce Commission indicate.

The mass of traffic to be handled 10 years from now will be so great that every facility of transportation will be required—highways, railways, waterways, and the air. The shifting of some of the bulk products of the Lakes to the St. Lawrence route will be of immense benefit to the railroads in relieving them of expenditures and leave their present tracks available for local and high-grade freight.

I am not one of those who believe that the farmers have been badly treated, and that other classes of our citizens have received greater favors at the hands of the Government, but in the ordinary course of affairs it seems that agriculturists have not been so fortunate as some of the others. Agriculture is the source, the basis, and the foundation of most of our national wealth.

Everything we eat and wear comes originally from the soil or the waters of the sea. The only original sources of wealth are the products of the farm, forest, mine, and sea, and the persons engaged in producing these things are the best customers of our merchants and manufacturers; hence there is the strongest community of interest between them, and there should be close cooperation. Wise statesmanship and a spirit of fairness toward all our citizens demands that everything possible be done for these people upon whom we all depend. It is undoubtedly proper to assist these large classes of our citizenship by giving cheap transportation to their principal products, thereby enhancing the price thereof, while at the same time aiding substantially the merchants, manufacturers, and all others in the Great Lakes section of 40,000,000 people.

I have spoken in general terms, and shall now specialize somewhat. The New England States, with the exception of Maine, which has a fair supply of timber, have practically no raw materials of any kind, but they are very rich in brains and energy. No section of the Union is inhabited by more industrious, frugal, hard-working, sensible men than New England. If dependent upon the resources of their own section, however, they would soon starve. They draw raw material from every part of the Union, and from every country on earth, and convert it in their innumerable factories into every imaginable article for the use and comfort of mankind. Most of these factories are operated by steam-electric power created by coal from Pennsylvania and West Virginia, the cost of which is increasing rapidly. At this moment the greatest coal strike ever known grips our country, and no one can foretell its effect upon the price and supply of this essential article. Moreover, scientists tell us that the supply of coal in the Pennsylvania and West Virginia fields, the only mines in the Union near the Atlantic seaboard, is rapidly being consumed, with the prospect that the seams which can be mined cheaply will be exhausted within two or three generations.

Cheap motive power is becoming more and more important to New England. As an illustration, cotton factories, which for a long time constituted a great percentage of their business, are rapidly being moved to the South, where raw cotton is grown in close proximity to the mills, and abundance of water power is available at much lower cost than the New Englander pays for his power generated by coal.

What happened to cotton may be expected by New England in other things unless she can find cheap motive power. The future is bound to bring greater competition in production and distribution of manufactured products. Sections which have abundant supplies of water power or coal will be able to manufacture so much cheaper than communities where motive power is very high that inevitably factories will be compelled to move where there is cheap power. As inventive genius marches onward, always requiring more work from machinery and less from man, the proportion of motive power to man power increases, and the relative importance of the cost of fuel becomes greater.

New England has been obliged to pay very high rates for coal during the past three years, and has suffered much anxiety from strikes, traffic congestion, and other untoward conditions. Surely none but the most confirmed optimist can look forward to a cheapening of coal, especially when we consider that our large population and our big exports of this commodity are rapidly diminishing the supply along the Atlantic seaboard. It is, therefore, imperative for New England to look out for other and cheaper motive power.

Water-power plants, once constructed of solid concrete, will last forever with very slight change in the supply or the price of the motive agent. Coal mines become exhausted after a few generations; the price of coal fluctuates greatly, with a constant rising tendency, and the coal miners frequently strike, with a resultant increase of price and diminution of supply.

Experts differ in opinion as to the relative costs of hydroelectric as compared with steam power, but all admit that hydroelectric is much cheaper. I visited last week a big steam electric power plant at Gorgas, in north Alabama, which is located at a coal mine, where coal delivered into the furnaces costs only $2 per ton. The managers told me that the cost of this steam electric power was much greater than that of the hydroelectric power generated by the same company, even though there was no transportation charge whatsoever on the coal. I was told by the vice president of the Alabama Power Co. that in 1907, when the hydroelectric plants of his company were first developed, the cost of horsepower to the consumer in Alabama was $72 per annum, and in 1917 only $21 per annum. In the State of Mississippi, which has no hydroelectric plants, the cost of horsepower was $96 per annum in 1907, and $93 per annum in 1917.

Professional Paper 123, "A superpower system for the region between Boston and Washington," recently published by the Geological Survey, states that the power from the St. Lawrence

can be delivered at Northampton, Mass., for 4.6 mills per kilowatt hour. When this figure is compared with the production cost of power by steam electric utility plants in New England, 27.5 mills per kilowatt hour, given in the same report, it would appear that the chief question of interest to New England in regard to the St. Lawrence project should be: What is the earliest possible date on which power from the St. Lawrence can be placed on the market in New England?

Without attempting to give the relative prices to the New England consumer of hydroelectric power generated on the St. Lawrence, as compared with steam electric power, it is safe to say that the hydroelectric power would be very much cheaper.

I do not presume to say at what price this power from the St. Lawrence should be sold, nor whether or not the price should be such an amount as would pay the interest on the cost of the entire waterway improvements and amortize the debt within a period of 30 to 40 years, as has been suggested. Those are details which can be worked out to the best interests of all, and with full justice to the consumers of the power. Our Government should raise the money for its portion of the expense of the project by an issue of bonds, so that the expense will fall upon the Nation. Whatever revenue arises from the sale of the electric horsepower can be credited on the cost of the enterprise, but I would not favor fixing the price of the power high enough to pay the interest and amortization of the debt, unless that price happens to be a fair and proper one.

I am decidedly opposed to charging tolls on this waterway, and sincerely hope that when constructed it will be open and free to all the world. The people of Canada do not charge tolls on the Welland Canal nor do those of the Empire State charge tolls on their great canal system. Our Government has never charged tolls for passage through the Sault Ste. Marie locks, the Detroit River, nor the locks of the Ohio, nor for the vast improvements made on the Mississippi, nor for the use of your own magnificent Boston Harbor, nor for the harbors at New York and other great cities. Why, then, should we charge tolls on the St. Lawrence?

It is necessary in acting upon questions of this character to take into consideration the greater good of the greater number, rather than look to selfish interests of the smaller number. I can not conceive how any part of the United States would be seriously injured by the proposed waterway. The State of New York with its great industrial canal system, on which it has expended out of its own funds about $175,000,000, seems to be more opposed to the project than any other section, but I feel that New York would get as much, if not more, benefit from it than any other State, though a portion of the grain which now seeks an outlet through New York City would find direct passage to the ocean through the St. Lawrence, and to some extent there would be a reduction of New York's grain movement. New York is now, and always will be, the metropolis of America, the center of population and of wealth, and whatever benefits in such a big, broad way the vast interior of the Nation adjacent to the Great Lakes, thereby adding enormously to the national wealth, is bound to benefit the leading city of the Nation.

Another very important consideration in connection with New York is that the 1,460,000 horsepower developed at Cornwall will be in closer proximity to the heart of the Empire State, and especially to such cities as Albany, Schenectady, Syracuse, and Rochester, than to any other big centers of population. These cities lie on the banks of the Erie Canal and are served by two great railroad systems with six parallel lines. There is no better transportation system anywhere in America than along the Erie Canal with its six railroads. This region is ideally situated to become the greatest manufacturing center in America, because of its cheap and efficient transportation for all raw materials brought to its factories and for distribution of their finished products. When to these advantages is added the cheap electricity generated by the great plant at Cornwall, the interior section of New York would have wonderful superiority over any other section. Moreover, this cheap electricity can be carried not alone to these cities but also to Buffalo and to New York City itself. Buffalo is about 250 miles distant from the plant and New York City about 300 miles, which is within feasible transmission distance.

The lower Mississippi Valley need have no fear that this canal will injure it. The same general arguments apply to that section, and surely if there be a vast increase of population, manufacture, wealth, and all that goes to make a great nation in the regions adjacent to the Great Lakes, the lower Mississippi is bound to derive great benefits therefrom.

The Mississippi River and its 16,000 miles of navigable streams will soon be connected by a 9-foot canal with the Great Lakes at Chicago. This wonderful system, when improved, as it should and must be in the near future, will permit the carriage of freight by 2,000-ton barges from the Mississippi, Ohio, and Missouri River sections to the Great Lakes, thence through the Erie Canal, and the improved St. Lawrence to the Atlantic, and vice versa, to the Gulf, thereby giving the valley an outlet to the sea at both ends.

The people of the Mississippi Valley should, and I believe will, join hands with those of our northern border in giving to that section a perfect system of improved and connected waterways, and the statesmen of that region will assist in pushing to rapid completion the projects for improving the great rivers of the valley, which have already been too long delayed.

In the immediate future the United States will derive a great deal more benefit from this project than the Dominion of Canada, but the great statesmen of that wonderful Commonwealth, foreseeing its rapid growth, seem to be willing to pay one-half of the enterprise. This indicates statesmanship of the highest order, and should be a lesson to all. The people of Canada and the United States have lived together as brethren for more than a hundred years with not a single fortress or soldier along the whole 4,000 miles of their boundary from the Atlantic to the Pacific. Canada has heavy investments in this country, and we should reciprocate by like investments in her borders. The proposed project would increase, if that be possible, the present friendship and cordiality between the two nations, and bind them in ties of mutual interest, with their people working side by side for the common good of all. Our relations should become more intimate with Canada for many business reasons. This waterway will be a strong additional link in the long chain of friendship which now unites the two nations, and which I hope and believe will last until the end of time.

In conclusion, I believe in the St. Lawrence project. It is needed as an adjunct to our transportation system. The benefits to transportation are incomparably greater than the cost of the project. The power to be developed is much cheaper than coal, and is necessary for the factories, both present and prospective, of the adjacent sections of the United States. The benefits to be derived in a general way will be very great. It is my earnest hope that negotiations may be speedily entered upon between our country and Canada for the construction of this waterway and carried to an early and successful conclusion.

ADDRESS BY SENATOR REED.

Mr. KING. Mr. President, the senior Senator from Missouri [Mr. REED] delivered in St. Louis recently an address, a copy of which I have just read from the St. Louis Post-Dispatch under date March 19, 1922. The speech deals with a subject of vital importance to the American people, namely, the fundamental principles of our Government and the steps needed to safeguard and protect the liberties of the people. In this day of false isms and false political philosophy, and when opportunism and transitory policies are urged with so much thoughtless and foolish vehemence, it is fortunate that attention is challenged to the principles which underlie this Republic and appeals are made for their maintenance in order that the work of the fathers of the Republic may not be destroyed.

I ask unanimous consent that the address of the Senator from Missouri may be printed in the RECORD.

There being no objection the address was ordered to be printed in the RECORD in 8-point type as follows:

LAW AND ORDER.

When Washington raised the standard of revolt there was not in all the world a single free nation of size and importance.

Mankind suffered beneath the double yoke of intellectual and political despotism.

Ruling families, ceaselessly carrying on against each other wars of revenge, religion, territory, and trade, made common cause in the oppression of the masses of men.

Resistance to authority was denounced as defiance of God.

The impious doctrine that kings ruled by divine right was universally taught, universally accepted, and universally enforced.

It was asserted that the common man enjoyed the right to hold property and to labor with his hands as a privilege granted by the divinely appointed monarch.

The seizure of the persons, property, and effects of the subject could be accomplished without other authority than the will of the sovereign.

The citizen could be cast into prison without charge and without trial, his home invaded without warrant, his papers and effects rifled and confiscated by royal soldiery and constabulary; the women of his household were abused under sanction of law.

BARBARITIES OF EARLY DAYS.

These odious prerogatives were enforced with barbarous cruelty in various countries of the world. At one period over 120 acts were in Great Britain punishable by death. The ghastly array embraced alike armed rebellion and the killing of a rabbit on the hunting preserve of a noble, and from the practice of religion according to the tenets of the Catholic Church and to the teaching of the alphabet to a Catholic child. Even the imaginary crime of "imagining the death of the King" brought the ax of the executioner.

The ruling monarchs devised punishments of diabolic ferocity. Men and women were broken on the wheel, tortured upon the rack, hanged from gibbets, drawn and quartered, and burned alive at the stake.

Revolution alone mitigated these horrors. In England certain fundamental rights had been wrested from the King. But in England, as elsewhere, no right had ever been granted save at the point of a sword.

The American Revolution was the first complete and successful challenge to autocracy.

Because America made herself free, all the world is becoming free.

But if the fathers had only broken British thralldom the people would not have attained liberty. The Republic born of strife and blood would have ended in blood and anarchy.

The tyranny of kingly government would have been succeeded by the tyranny of the mob; the despotism of hereditary rulers by the despotism of powerful individuals.

ENFORCEMENT OF LAW.

There can be no liberty save under the rule of law. There can be no liberty under the law unless the laws are sacredly observed and faithfully enforced.

The remedy for bad laws is never to be found in their breach. There is but one way to get rid of an odious law and that is by its repeal in the manner and form provided in the Constitution. There is but one way to alter the Constitution and that is by the method in that instrument prescribed.

If this fundamental principle is abandoned in one case, it can be disregarded in all cases. In such an event the end of the rule of law has come and for it is substituted the caprice of the mob or the dictation of the powerful.

The obligation I am discussing rests alike upon the officeholder and the ordinary citizen. Indeed, violation of a law by a public official is more dangerous and culpable than violation by the ordinary citizen.

These truths were known to the framers of the Republic. They especially appreciated the tendency of those clothed with office to usurp to themselves powers not granted. They fully understood that usurpation is, in fact, despotism, whether it be exercised by a parliament or a congress, a kaiser or a gendarme, a president or a policeman.

To forefend against these age-old tendencies the Constitution was ordained. By it the powers of the Federal Government were strictly defined and expressly limited to prevent usurpation and centralization. They divided the powers of government into three separate and coordinate branches, each absolutely independent of the other, and each possessing specific powers which it was authorized and directed to exercise without interference by the other branches of the Government. The system was one of checks and balances. The fundamental and controlling thought being that the powers of government should never be concentrated in the hands of any one man, or any group of men, and that no act of government could take place save under the restraint of the other branches of the Government. Accordingly, while they provided for a President, and conferred upon him certain powers, these powers can, in fact, only be exercised with the consent of a Congress. For while the President is made Commander in Chief of the Army and Navy, there can be neither army nor navy established or maintained except by act of Congress. While the President can execute laws that are already passed his arm can be paralyzed by the refusal of Congress to appropriate money.

SAFEGUARDS ESTABLISHED.

Upon the other hand, were Congress to undertake to usurp to itself powers not granted by the Constitution, the Executive could balk its designs by refusing to execute unconstitutional laws, and the judiciary, by the processes of the courts, could likewise protest against unconstitutional statutes. Besides these safeguards the powers of the legislative body were divided between two houses elected by different constituencies, the members being removable by the people at short intervals.

From what I have said it follows that usurpation by one branch of the Government of the constitutional powers of another branch is a direct defiance of the spirit of the Constitution. Likewise the supine surrender by one branch of the Government to the dictation of another branch is equally destructive and even more vicious because its accomplishment involves the basest of betrayals by those in whom has been reposed a sacred trust. If the Supreme Court were to permit either the President or the Congress to dictate the decisions of the court they would thereby betray the people and destroy the court. If the Congress or the Supreme Court were to attempt to coerce the President as to matters within the just limits of his powers they would be guilty of usurpation. Likewise, if the President were to tamely surrender to Congress the powers conferred on him by the Constitution he would have betrayed his office and violated his trust. By parity of reasoning, as well as by direct deduction, if the President were to coerce Congress he would be a usurper, and if Congress were to abandon its independent judgment and make itself subservient to the presidential will, the Congress would have abandoned the purpose of its creation, betrayed the people, and nullified the Constitution.

Whenever the American Congress ceases to independently and fairly perform the duties imposed upon it, when it becomes the subservient tool of an Executive, the liberties of the American people will be dead and the Republic will have become a despotism regardless of its name and regardless of its form.

"WOULD BECOME DESPOTISM."

Lying, therefore, at the very foundation of our liberties is the great principle of law that each agency of the Government must separately, independently, and fearlessly exercise its function reposed in it under the Constitution. When Congress ceases to perform its duties with courage and intelligence, when it subordinates its will to that of the Executive, America will have become a despotism ruled by a single mind.

The principle of representative government will have been destroyed. Congress will have become a mere board of registers to record the sovereign will. We shall have reached the condition of Germany, where the Reichstag recorded the will of the Kaiser.

The second proposition I venture to advance is that the Constitution and all parts of the Constitution are equally sacred.

No one of its provisions can be subordinated to another provision. All are entitled to respect. The doctrine that in order to enforce one provision of the Constitution other provisions are to be trampled under foot is odius and gravely dangerous. The claim that necessity warrants the violation of any part of the Constitution, if indulged, would reduce that sacred instrument to a scrap of paper. I assert there is no principle of the Constitution which can not be enforced and every other part of the Constitution preserved intact.

The claim that certain of the provisions of the Constitution may be disregarded upon the plea of necessity is the assertion that those qualified with power may nullify the provisions of the instrument whenever in their judgment such action is desirable. This is only one way of asserting that the will of the officeholder is superior to the fundamental law of the land.

EFFECT OF DISREGARDING LAW.

The doctrine I am discussing could be employed at any moment to strike down every right granted by the Constitution. The right of trial by jury could be abrogated whenever those in authority saw fit to pretend that juries would not enforce the law. Religious freedom could be destroyed whenever fanaticism controlled the minds of those in office. Liberty of speech and of the press could be stricken down if those armed with authority saw fit to assert that freedom of speech and of the press were inimical to the State. The right of peaceable assembly could be denied upon the pretext that gatherings of the people were dangerous to the State. The sanctity of the home and of the guaranties against unreasonable searches and seizures for which the Revolutionary fathers fought could be violated at will by every officer decorated with a star and armed with a gun. In brief, we would be speedily brought to a state as bad as Russia under the Czars, France under the Bourbons, Spain under Philip II.

There is but one temple in which liberty can find security. Its pillars are the Constitution, its walls the laws enacted by the sovereign people, its guardians ministers of justice who guard the portals alike against the anarchy of the mob and the sophistry of false doctrinaires. Thus far happily we have in the main kept the faith. Occasional violations have uniformly aroused a just resentment, which has forced abandonment.

By the pursuit of these policies we have made our Nation great and have established a civilization which has commanded the admiration of the world.

GREAT POLICIES OF STATE.

Along with a respect for law, our Nation has from the first adhered to certain great policies of state. Among these has been the principle that America shall not embark in schemes of empires; that she shall pursue her own high course, without infringement upon the rights of other peoples.

It has been laid up among the very fundamentals that we shall not entangle ourselves in the broils, controversies, and intrigues of the Old World. The pursuit of this course has gained for us the good will, the respect, and even the affection of all mankind. Washington, Jefferson, and all the fathers knew that we could not interfere with the affairs of other nations without subjecting ourselves to danger of interference by other nations with our affairs.

Under these policies America has prospered beyond any other nation whose story is recorded in history. Within less than a century and a half of time we have developed from one of the weakest to the most powerful Nation on earth, from the poorest to the richest. We have amalgamated the many bloods of many races of men and are producing a typical American, and developing a marvelous civilization. In the political firmament we have been the pillar of cloud by day and the pillar of fire by night, guiding and encouraging by our example all the nations of the earth. Because of America's example, fetters have been broken from the arms of millions of serfs and slaves, liberty has become a sacred word upon the lips of all the living; dynasties have fallen, tyrants have been hurled from their thrones, and prison gates have been opened. The great white light of American liberty has illuminated the night of ignorance and fear through which, for centuries, the innumerable masses of men groped in hopeless despair. Let us keep the faith. Let us steer by the stars which have hitherto guided us over safe seas.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. CURTIS. I move that the Senate adjourn until Monday at 12 o'clock.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, April 10, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 7 (legislative day of April 5), 1922.

POSTMASTERS.

ALABAMA.

Herbert C. Collins to be postmaster at Geneva, Ala., in place of W. K. Kenan. Incumbent's commission expired January 24, 1922.

ARKANSAS.

Rosse G. Roberts to be postmaster at Fulton, Ark. Office became presidential July 1, 1920.

Carl G. Nielsen to be postmaster at Dermott, Ark., in place of J. E. Leeper, deceased.

FLORIDA.

George W. Gleason to be postmaster at Eau Gallie, Fla., in place of W. R. Roesch. Incumbent's commission expired January 31, 1922.

Hattie M. Flagg to be postmaster at Lake Wales, Fla., in place of L. B. Riles, removed.

GEORGIA.

Daniel F. Davenport to be postmaster at Americus, Ga., in place of D. F. Davenport. Incumbent's commission expired February 5, 1922.

IOWA.

John L. Gallagher to be postmaster at Eddyville, Iowa, in place of Frank Kussant. Incumbent's commission expired January 24, 1922.

Frederick W. Steele to be postmaster at Walker, Iowa, in place of L. L. Hamblin. Incumbent's commission expired January 24, 1922.

KANSAS.

Charles N. Shafer to be postmaster at Fredonia, Kans., in place of E. F. Hudson. Incumbent's commission expired February 4, 1922.

KENTUCKY.

James H. Thompson to be postmaster at Ewing, Ky. Office became presidential October 1, 1920.

Edgar P. Catron to be postmaster at Junction City, Ky. Office became presidential July 1, 1920.

MAINE.

Osmond S. Waite to be postmaster at North Jay, Me. Office became presidential October 1, 1921.

MICHIGAN.

Earl E. Parker to be postmaster at Cement City, Mich. Office became presidential April 1, 1921.

Elfreda L. Mulligan to be postmaster at Grand Marais, Mich., Office became presidential January 1, 1922.

MONTANA.

Lizzie Gorsuch to be postmaster at Winnett, Mont., in place of Lizzie Gorsuch. Incumbent's commission expired February 5, 1922.

NEVADA.

Anna S. Michal to be postmaster at Round Mountain, Nev., in place of George Foley. Incumbent's commission expired February 4, 1922.

Emanuel Bollschweiler to be postmaster at Wells, Nev., in place of P. S. Triplett, deceased.

NEW JERSEY.

Walter Frederick to be postmaster at Delawanna, N. J. Office became presidential January 1, 1920.

NEW YORK.

Lloyd E. Jones to be postmaster at Richville, N. Y. Office became presidential April 1, 1921.

C. Homer Hook to be postmaster at Greenville, N. Y., in place of N. W. Avery. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

William B. White to be postmaster at Norlina, N. C. Office became presidential October 1, 1920.

James S. Rogers to be postmaster at Oxford, N. C., in place of B. K. Lassiter. Incumbent's commission expired March 16, 1921.

OKLAHOMA.

Albert E. Hawkins to be postmaster at Canute, Okla. Office became presidential July 1, 1921.

Ethel Senft to be postmaster at Quay, Okla. Office became presidential July 1, 1918.

Gavin D. Duncan to be postmaster at Boswell, Okla., in place of J. N. Hopkins. Incumbent's commission expired February 4, 1922.

Orlo H. Wills to be postmaster at Delaware, Okla., in place of Blanche Holcomb. Incumbent's commission expired February 4, 1922.

Ida White to be postmaster at Konawa, Okla., in place of J. P. Ford. Incumbent's commission expired March 21, 1922.

Grace M. Johnson to be postmaster at Mulhall, Okla., in place of J. S. Thompson. Incumbent's commission expired February 4, 1922.

Merrill M. Barbee to be postmaster at Spiro, Okla., in place of J. D. Ward, declined.

Eve A. Loyd to be postmaster at Stigler, Okla., in place of J. T. Holley. Incumbent's commission expired March 27, 1922.

Albert Ross to be postmaster at Thomas, Okla., in place of W. E. Hunt. Incumbent's commission expired February 4. 1922.

Harvey G. Brandenburg to be postmaster at Yale, Okla., in place of B. I. Schiefelbusch. Incumbent's commission expired August 26, 1920.

PENNSYLVANIA.

Albert S. Leiby to be postmaster at Bath, Pa., in place of F. P. Laub. Incumbent's commission expired March 21, 1922.

James W. Hatch to be postmaster at North Girard, Pa., in place of J. W. Hatch. Incumbent's commission expired February 5, 1922.

Ruth Roberts to be postmaster at Vintondale, Pa., in place of J. H. Krumbine. Incumbent's commission expired February 5, 1922.

SOUTH CAROLINA.

John E. Folger to be postmaster at Easley, S. C., in place of A. G. King. Incumbent's commission expired October 3, 1921.

TEXAS.

James R. Corbin to be postmaster at Blooming Grove, Tex., in place of S. A. Roberts. Incumbent's commission expired July 21, 1921

Robert S. Brennand to be postmaster at Colorado, Tex., in place of J. W. Person, resigned.

Minnie S. Parish to be postmaster at Huntsville, Tex., in place of W. E. McKay. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Andrew Bock to be postmaster at Stockholm, Wis. Office became presidential January 1, 1921.

Eugene F. Stoddard to be postmaster at Downing, Wis., in place of J. E. Dennis. Incumbent's commission expired March 16, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 7 (legislative day of April 5), 1922.

UNITED STATES ATTORNEY.

George Springmeyer to be United States attorney, district of Nevada.

UNITED STATES MARSHAL.

Albert C. Sittel to be United States marshal, southern district of California.

SURVEYOR GENERAL OF NEW MEXICO.

Manual A. Sanchez to be surveyor general of New Mexico.

POSTMASTERS.

ALABAMA.

Kate B. Quillin, Clayton.
Exa B. Carroll, Slocomb.

CALIFORNIA.

Camp W. Wilson, Burnett.
Elmer S. Slade, Calipatria.
Joseph C. Dutra, Chula Vista.
Bertha Johnson, Cutler.
Charles W. Jessup, Gardena.
John K. Harries, Imola.
Gus H. Winckler, King City.
John L. Pope, Lower Lake.
Lewis E. Baker, Paradise.
Harry B. Westgate, Pomona.
John H. May, Seal Beach.
Roy Bucknell, Upper Lake.
Fred C. Alexander, Yosemite National Park (late Yosemite).

COLORADO.

Byron T. Shelton, Hayden.
William A. Baghott, Kit Carson.
William W. Hofer, Simla.

CONNECTICUT.

Oliver F. Toop, South Manchester.
William P. Gourlie, Thompsonville.

FLORIDA.

Algernon Keathley, Brooksville.

GEORGIA.

William E. Fitts, Rocky Ford.
Edgar H. Lawson, Sandersville.

IDAHO.

Joseph Morley, Idaho Falls.

ILLINOIS.

William L. Bauman, Iuka.
H. L. Haynes, Ramsey.

INDIANA.

Laura B. Kantz, Bristol.
Sylvester C. Boyers, Freedom.
Flo Wilson, Universal.
Leslie L. Konkle, Versailles.

IOWA.

Frank Popper, jr., Clutier.
Glen M. Reynolds, Irwin.
Harold A. Marmon, Mitchellville.

KANSAS.

Laura Kesler, Edna.
Elva M. Woodward, Haviland.
Emma V. Coerber, Lakin.
Floyd B. Martin, Lane.
George W. Butler, Morland.
Henry Washburn, Mulberry.
Minnie C. True, Pittsburg.
William F. Greer, St. Francis.

KENTUCKY.

Sue C. Beardsley, Harrodsburg.
William J. Manby, La Grange.
Robert H. Ledford, Paint Lick.
David B. Ramey, Praise.
Lillian C. Duty, Winchester.

MICHIGAN.

James R. Dean, Boyne City.
Harvey Tewksbury, Kingston.
Fred J. Smith, Pickford.
Charles P. Neumann, Rochester.

MISSISSIPPI.

Samuel W. Pendarvis, Magnolia.
Thomas E. Walton, Natchez.

NEVADA.

Erwin E. Frost, Golconda.

NEW JERSEY.

Harry T. Hagaman, Lakewood.
George E. Opdyke, Landing.
Edith Vaughn, Smithville.

NEW MEXICO.

Luciano R. Baca, Las Vegas.
Callie L. Beagle, Magdalena.

NEW YORK.

Stella Hackett, Central Park.
William V. Fitzpatrick, Cleveland.
Edward H. Maloney, Dansville.
Leonard C. Palmer, Elizabethtown.
Clarence J. Weyant, Fort Montgomery.
Augustus W. Stevens, Great Neck.
Ernest B. Dye, Hinckley.
George S. Peterson, La Salle.
Herman C. Stevens, Locke.
George M. Grant, Parksville.
James R. Rodman, Port Ewen.

NORTH CAROLINA.

Annie L. Fisher, Battleboro.
John L. Womble, Moncure.
Festus E. Sigman, Thomasville.

OHIO.

James K. Fulks, Ada.
John W. Swing, Bethel.
John R. Miller, Franklin.
Peter Weishaupt, Lynchburg.
Marold J. Taylor, Marengo.
Ethel Shoemaker, Mount Blanchard.
Reed Wilson, Pleasant City.
Reno H. Critchfield, Shreve.
Jesse A. Hayes, Stockport.
George W. Smith, Wheelersburg.

PENNSYLVANIA.

John R. Diemer, Catawissa.
Laura A. Heffner, Centralia.

SOUTH DAKOTA.

Paul W. Lambert, Fairfax.

UTAH.

Archibald Stuart, Bingham Canyon.

VIRGINIA.

Olive E. Sargent, Riverton.

WISCOSIN.

George E. Grob, Auburndale.
Birt E. Fredrick, Augusta.
Edward Hemphill, Belmont.
Elmer Carlson, Brantwood.
Jacob Johnson, Curtiss.
Orrin W. Groot, Elmwood.
Andrew J. Bosch, Gratiot.
Albert F. Hahn, Humbird.
Carrie B. Carter, Lyndon Station.
Henry W. Graser, Menomonee Falls.
Lawrence G. Clark, Middleton.
Blanche Delany, Sinsinawa.
John H. Zahrte, Sparta.
Ernest L. Messer, Unity.
William Abendschein, White Lake.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 7, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, for the birth of every day we bless Thee; for every hope that makes us happy we give Thee thanks. Truly in Thee we find our rest and our full security. Thy providence is a daily miracle, so sure, so rich, so inexhaustible. O may it never be overlooked or undervalued. Fill our lives with vast and mighty meaning, and give them the vision of the unattained and a pulsing passion to realize it. May the law of truth be native to the very depths of our being. Keep in our minds this day the counsels of the Lord. Let the sweetness of Thy love, the sense of Thy providence, and the joy of Thy presence be in all our homes. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

RETURN OF A BILL (S. 2992).

The SPEAKER. The Chair presents the following message from the Senate.

The Clerk read as follows:

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following title, in which the concurrence of the House of Representatives was requested:

* * * * * * *

Resolved, That the House of Representatives be requested to return to the Senate the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor.

The SPEAKER. Without objection, the Committee on Military Affairs will be discharged and the bill be returned to the Senate.

There was no objection.

NO QUORUM—CALL OF THE HOUSE.

Mr. LONGWORTH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Wyoming moves a call of the House. The question is on agreeing to that motion.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Focht	Langley	Robsion
Anderson	Fuller	Lee, N. Y.	Rosenbloom
Ansorge	Funk	Luhring	Rouse
Anthony	Gallivan	McDuffie	Ryan
Bacharach	Goldsborough	Mansfield	Sabath
Bell	Gorman	Michaelson	Sanders, Ind.
Bixler	Gould	Montague	Sanders, N. Y.
Bond	Graham, Pa.	Moore, Ill.	Schall
Bowers	Greene, Mass.	Morin	Siegel
Brinson	Griffin	Mott	Slemp
Burke	Hammer	Mudd	Smithwick
Burtness	Hardy, Tex.	Nelson, Me.	Snyder
Cannon	Hawes	Newton, Minn.	Speaks
Cantrill	Herrick	Newton, Mo.	Sproul
Carter	Hersey	Nolan	Steenerson
Chindblom	Hicks	Norton	Stiness
Christopherson	Hogan	O'Brien	Strong, Pa.
Clark, Fla.	Hutchinson	Ogden	Sullivan
Clarke, N. Y.	Ireland	Paige	Summers, Wash.
Codd	Jefferis, Nebr.	Patterson, Mo.	Tague
Collins	Johnson, Miss.	Perlman	Taylor, Colo.
Connolly, Pa.	Johnson, S. D.	Petersen	Ten Eyck
Copley	Kahn	Porter	Upshaw
Coughlin	Kennedy	Pringey	Vare
Davis, Minn.	Ketcham	Rainey, Ala.	Volk
Davis, Tenn.	Kiess	Rainey, Ill.	Webster
Drewry	Kindred	Ransley	White, Me.
Dyer	Kitchin	Reavis	Wilson
Echols	Kleczka	Reber	Wingo
Fields	Knight	Riddick	Winslow
Fish	Kunz	Riordan	Yates
Fisher	Lampert	Robertson	

The SPEAKER. Three hundred and three Members have answered to their names. A quorum is present.

Mr. LUCE. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Massachusetts moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

CONTESTED-ELECTION CASE OF CAMPBELL V. DOUGHTON.

Mr. LUCE. Mr. Speaker, I present a privileged report from the Committee on Elections No. 2.

The SPEAKER. The gentleman from Massachusetts presents a privileged report from the Committee on Elections No. 2, which the Clerk will report.

The Clerk read as follows:

Mr. LUCE, from the Committee on Elections No. 2, submits the following report on the contested-election case of James I. Campbell *v.* Robert L. Doughton, from the eighth congressional district of the State of North Carolina.

The SPEAKER. Referred to the House Calendar.

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATION BILL.

Mr. HUSTED. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the State and Justice Departments. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Iowa [Mr. DOWELL] will resume the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent for permission to return to the first paragraph at the top of page 12 for the purpose of permitting the gentleman from Indiana [Mr. MOORES] to offer an amendment to the paragraph in which the Committee on Foreign Affairs is interested.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to the first paragraph at the top of page 12 for the reason stated. Is there objection?

Mr. LINTHICUM. I object.

The CHAIRMAN. The gentleman from Maryland objects. The Clerk will read.

The Clerk read as follows:

For printing and binding for the Pan American Union, $20,000.

Mr. HUSTED. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. HUSTED. At the end of line 4 insert the following:

The Public Printer is authorized to print an edition of the monthly bulletin not to exceed 6,000 copies per month for distribution by the union during the fiscal year ending June 30, 1923.

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: On page 17, line 4, insert after the word "Union" "and that the Public Printer is authorized to print an edition of the monthly bulletin not to exceed 6,000 copies per month for distribution by the union during the fiscal year ending June 30, 1923."

Mr. BLANTON. Mr. Chairman, I make the point of order that this amendment is legislation unauthorized on an appropriation bill; and I call to the attention of the Chair that lines 4 and 5 went out on a point of order yesterday, and were not placed back, and were not included in the amendment that was finally adopted by the committee.

The CHAIRMAN. The gentleman is in error. Lines 4 and 5 did not go out on a point of order.

Mr. BLANTON. I made a point of order against them yesterday.

Mr. HUSTED. Mr. Chairman, the gentleman made the point of order against the preceding paragraph.

The CHAIRMAN. That is correct.

Mr. HUSTED. It is obvious that the gentleman could not make a point of order against two paragraphs at once.

Mr. BLANTON. Lines 4 and 5 were not read since the Chair ruled.

The CHAIRMAN. The Chair is informed by the Clerk that they were read.

Mr. BLANTON. I make the point of order anyway that the proviso in the amendment is, as I said, legislation and subject to a point of order.

Mr. HUSTED. Mr. Chairman, lines 4 and 5, for printing and binding for the Pan American Union, $20,000, might have been subject to a point of order, but no point of order was made against them and the paragraph remains in the bill. As that paragraph remains in the bill it is subject to germane amendments, and the amendment which I offer is certainly germane to this paragraph. It simply provides that out of this sum of $20,000 a certain number of copies of a certain bulletin may be printed for the use of the union.

Mr. JOHNSON of Kentucky. Mr. Chairman, yesterday afternoon I was making some remarks relative to the whole item, and I was laboring under the impression that a point of order had been made against the entire paragraph, and then that it had been withdrawn, but that in some way the point of order had been renewed. I was about to go further into the discussion of the point of order, and I understood clearly, as I supposed, that the gentleman from New York [Mr. HUSTED] assured me that the point of order had been conceded relative to everything except the $100,000 appropriation; that in addition to that the item had been passed by, and it can not now be returned to except by unanimous consent.

Mr. HUSTED. Mr. Chairman, a point of order was made against the preceding paragraph. That paragraph contained the proviso which I have now offered as an amendment to the succeeding paragraph. I did frankly admit that the point of order was good against that proviso, and the whole paragraph was stricken out. I then offered as an amendment the entire paragraph minus that proviso, and I stated to the gentleman that my amendment did not contain the proviso authorizing the printing of 6,000 copies of the bulletin. That is absolutely correct, but after that the next succeeding paragraph was passed and no point of order was made against it. I am now offering the proviso formerly carried in the preceding paragraph, offering it as an amendment to this paragraph which has been passed without objection——

Mr. BLANTON. Will the Chair hear me just a moment?

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. BLANTON. I want the Chair to note that this paragraph under discussion has not been read by the Clerk at all. If the Chair will look at the RECORD on page 5135 the Chair will note that the paragraph which was under discussion was the preceding paragraph and not the one sought to be amended at all, and the Chair will note that on page 5137 the Chair overruled my point of order to the preceding paragraph and then permitted the amendment of the gentleman from New York [Mr. HUSTED] to be passed upon by the committee. This last paragraph was never read in the committee. It was never passed upon at all. The RECORD shows that after the Chair ruled on the point of order as to the preceding paragraph the gentleman from New York [Mr. HUSTED] immediately moved that the committee rise. That is the record here on page 5137.

Mr. STAFFORD. Will the Chair hear me as to the legislative situation?

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin.

Mr. STAFFORD. The gentleman from Texas [Mr. BLANTON] will admit that he was not present yesterday when the point of order was raised by the gentleman from Maryland [Mr. LINTHICUM].

Mr. BLANTON. But I was here when I raised the point of order to the gentleman's amendment, which was just before the gentleman from Maryland made the point of no quorum.

Mr. STAFFORD. Yes, the gentleman was here; and then he left the Chamber. I think there will be no dispute about that. Now, what are the facts? When the point of order was overruled, then the reading clerk, Mr. Chaffee, proceeded to read lines 4 and 5, when the gentleman from Maryland [Mr. LINTHICUM] made the point of order that there was no quorum present, and then the gentleman having charge of the bill [Mr. HUSTED] moved that the committee rise. Lines 4 and 5 were read yesterday by the reading clerk.

Mr. BLANTON. If the Chair will permit me, I will call the attention of the Chair to what happened.

The CHAIRMAN. The Chair is ready to rule.

SEVERAL MEMBERS. Rule!

Mr. BLANTON. I am sure the Chair wants to rule correctly. I call the attention of the Chair to page 5137 of the RECORD, second column, to show what happened after the Chair overruled my point of order against the preceding paragraph:

The CHAIRMAN. The Chair is ready to rule. Under the act of July 14, 1890, the Congress organized and established, under the direction of the Secretary of State, the International Union of American Republics. It is true that that legislation was on an appropriation bill, but no objection was made and it became and was permanent law. There has been no change or modification, so far as the Chair is able to learn, of this organization and the establishment of this union except as to the name. The agreement referred to by the gentleman from Texas between the members of the union is as follows:

"Any of the Republics may cease to belong to the Union of American Republics upon notice to the governing board two years in advance. The Pan American Union shall continue for successive terms of 10 years, unless 12 months before the expiration of such term a majority of the members of the union shall express the wish to the Secretary of State of the United States of America to withdraw therefrom on the expiration of the term."

The Chair thinks that this agreement has not expired and that the notice was not served which would in any manner terminate our relations with the Pan American Union. The Chair therefore overrules the point of order. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present.

Mr. HUSTED. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

And if what the gentleman from Wisconsin [Mr. STAFFORD] says is correct, the RECORD should be corrected.

Mr. STAFFORD. The RECORD never contains every paragraph that is read by the reading clerk.

Mr. MANN. The RECORD never shows what portions of a bill are read unless a point of order is made against a paragraph or an amendment is offered to it. The RECORD never shows what the Clerk reads when the Chair says, "The Clerk will proceed with the reading of the bill." The gentleman from Texas has not observed that, although he has observed nearly everything else in the House. The RECORD would not show it, and it would not be proper that it should show everything read by the Clerk.

The CHAIRMAN. The question is on the point of order raised by the gentleman from Texas [Mr. BLANTON]. Lines 4 and 5 were read on yesterday, and the point of order was not made to the two lines of this paragraph. The amendment submitted by the gentleman from New York, the Chair thinks, is germane to the paragraph, and the point of order is overruled. The question is on the amendment offered by the gentleman from New York.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. In justice to myself, I trust the House will bear with me a few moments. I understand it is being stated in the House and also in the Senate that the Florida delegation is opposed to an extra judge. The facts in the case do not bear this out. I succeeded in having a special bill, my colleagues from Florida materially assisting, reported out of the Judiciary Committee, this bill having passed the Senate. But we could not reach it because, as you know, the bill was on the Unanimous Consent Calendar, and the objection of any one Member to the present consideration of that bill would prevent it. The Senate has twice passed the bill giving the southern district of Florida a special judge, but neither of them were considered in the House, as neither of them were reached on the calendar. Yesterday by a tie vote the Senate refused to incorporate into the bill the judgeship for Florida, although the House had overwhelmingly provided for a judge for the southern district. I trust when the Senate finally votes on the bill it will provide for an extra judge for the southern district of Florida. I simply desire at this time, to show the committee my attitude and that the report is not correct, to read to you from the hearings on H. R. 8875, serial 19, November 7, 1921, and I trust the Members of the House will read all of the hearings. I read a part of same, as follows:

I said before the subcommittee and I want to say before this committee that when this bill comes up, after I have studied it, as I try to study all bills, if I believe that Massachusetts is entitled to one judge and Missouri is entitled to two and Illinois is entitled to one—or whatever the number is—and Minnesota is entitled to one, and Oklahoma and the Lone Star State, the great State of Texas, is entitled to what she has asked for, I shall support the bill. I have urged before this whole committee—and my colleague and other members of the committee who were on the committee at that time will bear me out in the assertion—that Florida was entitled to an additional judge and that that was the only way to give us relief. I said that during the Democratic administration; I stated that when the Republicans were in control of the House and Senate two years ago, but when we had a Democratic President. And I say to this committee to-day, as I said to the subcommittee—though some may disagree with me—that, partisan Democrat that I am, differing with the majority of this committee upon great fundamental questions of policy, when the rights and liberties of

my people are at stake, small, indeed, would be the man who would oppose a meritorious bill because a Republican President was now in office and would appoint a Republican judge.

Those were my sentiments. I advocated the bill when a Democratic President would have appointed a Democratic judge if the bill had become a law, and I advocate the passage of the bill now that a Republican is in, because I believe that if he appoints a judge he will be an intellectual judge and above party politics. The southern district of Florida is growing by leaps and bounds and is not only entitled to an extra judge, but must have one. When I became a Member of Congress in the Sixty-fourth session——

Mr. LINTHICUM. Mr. Chairman, I think the gentleman is out of order in not speaking to the bill.

Mr. SEARS. Mr. Chairman, I have never spoken out of order when any Member of the House objected, and if the gentleman insists I will stop.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. HUDSPETH. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read the amendment, as follows:

Amendment offered by Mr. HUSTED: Page 17, line 4, after the word "union," insert: "and that the Public Printer is authorized to print an edition of the monthly bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1923.

The CHAIRMAN. The question is on the amendment.

The amendment was considered and agreed to.

The Clerk read as follows:

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the calendar year 1923 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague, July 28, 1899, for the pacific settlement of international disputes, $2,000.

Mr. MANN. Mr. Chairman, I move to amend in line 9 by striking out the figures "1923" and inserting "1921."

The Clerk read as follows:

Amendment by Mr. MANN: In line 9, strike out the figures "1923" and insert the figures "1921."

Mr. MANN. Mr. Chairman, it would naturally be supposed that this being an appropriation bill for the fiscal year 1923 it appropriates for the amount due for the year 1923, but from the beginning the appropriation act of one year for the next fiscal year has, as to this item, appropriated for the past fiscal year. That has been the case all the time.

Mr. HUSTED. As usual, the gentleman from Illinois is correct.

Mr. CONNALLY of Texas. Mr. Chairman, I rise in opposition to the amendment. I would like to ask the gentleman from New York were these sums expended under a similar appropriation for the last year?

Mr. HUSTED. Yes. This is for the maintenance of the international bureau.

Mr. CONNALLY of Texas. I understand what the object is. I would like to have the attention of the gentleman from Ohio [Mr. BURTON]. I would like to ask the gentleman from Ohio just how the activities of this international bureau or permanent court of arbitration are now conducted?

Mr. BURTON. I am frank to say that in recent years I have not been at all familiar with the activities of this bureau.

Mr. CONNALLY of Texas. I would like to ask whether the gentleman is advised how they have been modified or neutralized by the activities of the permanent international court recently organized under the auspices of the League of Nations, of which John Bassett Moore is a judge. Is it not a fact that those activities have been superseded by the international court?

Mr. HUSTED. Not so far as the United States is concerned.

Mr. CONNALLY of Texas. Not so far as the appropriation is concerned.

Mr. HUSTED. Not so far as the United States is concerned. We have a very important case that is about to be submitted to The Hague tribunal. It has not been submitted to the court, but it has been submitted to the bureau and will shortly be submitted to the court. Those are the claims of Norway against us for seizing Norwegian vessels during the war.

Mr. CONNALLY of Texas. I was wondering whether the bureau was functioning at this time.

Mr. HUSTED. Oh, yes; we have a case pending in the bureau which will soon be in the court.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word merely for the purpose of calling the attention of the gentleman from Illinois [Mr. MANN], who seems to be under the impression that when the Chair rules on a proposition or says that the Clerk will read the RECORD does not show it, to the fact that the following occurred yesterday, and that the Chairman said "the Clerk will read." I read now from page 5135 of the RECORD of yesterday:

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:
For printing and binding for the Pan American Union, $20,000.
Mr. BLANTON. Mr. Chairman, I make the point of order against the whole paragraph—

And so forth.

Mr. MANN. Certainly. When a point of order is made the RECORD shows the reading, but when no point of order is made and when no amendment is offered the RECORD does not show what the Clerk reads.

Mr. BLANTON. Well, take the preceding paragraph—

International Prison Commission.

In respect to that paragraph the following occurred:

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

Then follows the paragraph from the bill relating to the International Prison Commission. No point of order was made against that.

Mr. MANN. But there was a discussion in respect to it, and the RECORD shows it. I made a motion to strike out the last word. I am correct about the matter. The gentleman will learn it after awhile.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF INTERPARLIAMENTARY UNION FOR PROMOTION OF INTERNATIONAL ARBITRATION.

For the contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration at Brussels, Belgium, $2,000.

Mr. BURTON. Mr. Chairman, I move to amend, in line 2, on page 18, by striking out the figures "$2,000" and inserting in lieu thereof the figures "$4,000."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BURTON: Page 18, line 2, strike out the figures "$2,000" and insert in lieu thereof the figures "$4,000."

Mr. BURTON. Mr. Chairman, I would state first in support of this amendment that the Committee on Foreign Affairs gave exhaustive consideration to the amounts to be appropriated for these respective international bureaus, and have reported a bill, H. R. 10213, under which this amount is made $4,000. The Interparliamentary Union is of increasing importance. There is a reliance on the United States for leadership in it, and it enables us to maintain a close touch with foreign countries. Some 25 Governments are members of this union. It includes representatives from various legislative bodies all over the world, and is of especial importance in the promotion of good will.

Mr. HUSTED. Mr. Chairman, so far as I am concerned, I have no objection to the amendment, but I would like to know why it is necessary to increase the amount from $2,000 to $4,000.

Mr. BURTON. In a general way the increase is because of the larger cost of all services and facilities, also because of some proposed extentions of the activities of the bureau, such as the appointment of an assistant, and, again, the location has been changed and the rent is somewhat higher. Still further, some of the nations that have contributed and contributed regularly we must frankly say are unable to do so. The States of Norway, of Denmark, and of Sweden, also Holland, have made annual contributions of approximately $2,000 each, much more than their share. That contribution can hardly be relied upon as permanent. The union has had a system for levying assessments which, as they say, is empirical, and they have reached a decision that it is best to make an assessment according to well-established principles, observing, first, population. Some consideration is given to rates of exchange in countries in which currencies are at a discount. The Scandinavian States and Holland and Belgium, which have always shown an unusual interest in this organization, have subscribed rather more than their share, and it would seem that on the basis of population alone $4,000 is not an unduly large amount for the United States.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. EVANS. Is the amount suggested, $4,000, fixed on population solely?

Mr. BURTON. Not solely, but I may say for the most part it is.

Mr. EVANS. Are the other nations contributing by an increase of 100 per cent?

Mr. BURTON. Not all, but those who are able are doing so, or at least are expected to do so.

Mr. EVANS. Will the gentleman please give to the committee the names of those countries that are able to do so?

Mr. BURTON. There are some 25 members. The contribution of Great Britain is £450. In addition to that there is a subscription by the members of the union who are members of the English Parliament of £200. Germany is let off rather lightly, and it is proposed that she pay a comparatively small amount because of the great depreciation in her currency. Canada is expected to pay $600, which is quite large for them as compared with the $4,000 here. Australia is asked to pay £80; Belgium, 4,500 francs, which would be somewhat in excess of her quota; Denmark, 2,000 crowns, or about $400, about one-tenth of what we pay; and Spain, 6,000 pesetas. I think it hardly necessary to give the whole list, but may say that the assessment of Japan is a little less than $2,000. Barring the fact that some of the countries are depressed financially and are not able to pay, our quota is not in excess of what would be our share according to population or any other test.

Mr. EVANS. Will the gentleman from Ohio also inform the committee as to the particular money in which the quota is originally levied? That is, is it levied in terms of francs, dollars, pounds, or what?

Mr. BURTON. Swiss francs, which have a gold value of 18¾ cents and command, I believe, a slight premium in New York.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. HUSTED. Has the figure the gentleman proposes, $4,000, been fixed as our quota by the governing board of the union?

Mr. BURTON. It has.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. MANN. Not being very much of a "jiner," I have never joined the interparliamentary group of the House of Representatives. I know a number of very distinguished gentlemen who are members of it, but what does this thing do except collect money?

Mr. BURTON. They hold annual meetings. The last meeting was held last August in Stockholm.

Mr. MANN. That is an occasion for a very pleasant pleasure trip, not of course at public expense.

Mr. BURTON. Oh, no.

Mr. MANN. For those who are willing to go. They are well entertained while over there, pleasantly received, but do they do anything?

Mr. BURTON. They do, decidedly.

Mr. MANN. What do they do? Tell us about it.

Mr. BURTON. To begin at the beginning, in the year 1904 the union met in the United States.

An appropriation of $50,000 was made for the union by Congress that year. The union passed a resolution requesting President Roosevelt to invite the other nations to convene for the second time The Hague conference. The members called in a body on the President at the White House. The second Hague conference, which met at The Hague in 1907, was due to that meeting.

One great general benefit is the meeting together for a common purpose and for a discussion of international questions by members of legislative bodies from the whole world. They all go home with new ideas. I have met in the gatherings of this union members from Japan, members from Russia, and even from Turkey. On a very dramatic occasion in London, members of the Russian Douma, after meeting with the organization, marched out because the Czar had issued an ukase dissolving the Douma. The members of the union have labored very constantly and with success for the codification of the principles of international law. They have proposed new principles of international law. They have considered numerous questions which pertain to international relations.

I call the gentleman's attention to another interesting occasion in Geneva in 1912, where the subject of the use of aircraft in warfare was under discussion. It is very interesting in view of what has occurred.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman from Ohio have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Ohio may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON. In this conference the French advocated the unlimited use of aircraft; the English opposed it; the Germans remained quiet, awaiting developments. No conclusion was reached. That question was referred to a later conference. The general sentiment, however, was very strongly against the use of aircraft for other than scouting purposes.

In regard to labor, that is one of the subjects now under consideration—part of the agenda for the next meeting. I think I may say safely to my colleagues that the deliberations of the union on that subject can not be otherwise than helpful to the United States, because our standards for the workingmen are so much higher than those of other countries, and a comparison of views, a recommendation of regulations of labor as to hours and other conditions, will tend to diminish the very wide gap between labor conditions in the United States and in other countries.

And again, the passport regulations are a subject also under consideration. But I may state that the great benefit is the bringing together of men who are members of different legislative bodies in different parts of the world, rubbing off the rough edges, realizing we all have a common interest, recognizing that cooperation is what is necessary for progress in international affairs. The discussions have been very illuminating, and I can most confidently say that they have not been merely deliberations, but, as in the case of the calling of the second Hague conference, they have been very helpful.

Mr. WALSH. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. WALSH. Did the union at its last meeting pass some resolutions recommending the entrance of the United States into the League of Nations?

Mr. BURTON. No; they did not. There was a large, perhaps a predominant opinion, among the members of the union outside of the United States, that a recommendation of the league should be passed. I do not know that any proposed resolution contemplated our entrance into the league, but that organization was commended most highly by some of the members, and there were intimations that we should join. But the union absolutely followed the delegates from the United States in their action—Senator MCKINLEY, of Illinois; Senator WALSH, of Montana; Senator ROBINSON, of Arkansas; and from this House, Messrs. BROOKS of Illinois, BRITTEN, BARKLEY, and Governor MONTAGUE, and I think, perhaps, one or two other Members of the House. The notable feature of the last gathering at Stockholm was that they consulted the delegation from the United States, although ours was not one of the largest, and accepted their judgment and leadership in practically everything.

Mr. MANN. Mr. Chairman, far be it from me to say anything against the Interparliamentary Union. The American group is now headed, I believe, by Mr. MCKINLEY, now a Member of the Senate, and one of my best friends for many years. I am perfectly willing for a few gentlemen from the House to trot off to Europe on a pleasure trip and consult with people, whose language they can not talk, on various subjects, and I am glad the gentleman from Ohio [Mr. BURTON] has made the statement he has. This is the first time I ever have heard, I think, a single reference on the floor of this House, during all the years the Interparliamentary Union has been in existence, to anything that they have done. I think there has never been a proposition presented in the House for action by the House in conformity with any suggestion made by the Interparliamentary Union, which originally was organized to do two things—one to maintain peace in the world, and the other to reduce armies and navies. Armies and navies grew by leaps and bounds, and, in spite of the Interparliamentary Union, the greatest war we ever had followed along, with the members just as bitter against each other as anybody else was. But I am perfectly willing; while I do not think it will accomplish any great thing, and while I can not see yet what they do between times, somebody is drawing a little money; probably they need it——

Mr. BURTON. If the gentleman will yield, he must not blame us for our modesty in not having exploited before the House what we have done.

Mr. MANN. If you had done anything, I think it would have been exploited. [Laughter.]

Mr. WHITE of Kansas. Mr. Chairman, I am frank to say that the glowing tribute paid to the purposes of the Interparliamentary Union by the eloquent gentleman from Ohio [Mr. BURTON] has kindled within my own mind an admiration for its purposes that I had not heretofore suspected. In reading the paragraph I got the idea that it was very much a duplication of the purposes of The Hague tribunal. I find that I had misapprehended its purposes. But it may hardly seem polite—and I would not wish to be guilty of any temerity or impropriety—to state even a difference of opinion from that of the distinguished gentleman from Ohio, but it seems to me there is at least a little incongruity in the statement that it might result in

narrowing the gap between the standard of labor existing and maintained in this country as compared with the standard existing in Europe, for the reason, in the promotion of the public welfare of this great country, to which we are all so enthusiastically and loyally devoted, we have been passing tariff laws and building a high tariff wall, often referred to as a Chinese wall, in order to maintain that gap at the very widest possible standard at which we are able to maintain it, and I have thought, gentlemen, if you will pardon me, that that gap and those standards are established and maintained by economic conditions that are fundamental, as between this country and the countries of western continental Europe.

I still think that it can have no effect, that it can have no influence in that particular, and still think, knowing the existence of The Hague tribunal so well and so thoroughly understanding its beneficent purposes, that it will not accomplish a great deal in seeking to promote international arbitration for the settlement of international differences. I see no excuse or good reason for this amendment. They can get along with the money set down in the bill reported by the committee. I feel sure that that would be enough, and I hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ITALY.

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1923, $19,577.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. How long has this international organization of agrarian experts been in existence? How do they arrive at a quota involving $19,577?

Mr. HUSTED. The international institute was created by the treaty of 1905, which was signed by representatives of 41 powers, including the United States. The promoter of this organization was Mr. David Lubin, an American, since deceased, who was for many years our representative at Rome.

The institute is said to do very valuable work for the farmers of America in collecting information as to crops and as to crop conditions, and that information is transmitted here by cable, so that our farmers will get it promptly.

Mr. WALSH. Has it been in operation in the last year or two?

Mr. HUSTED. It has not been, I understand, in very active operation during the period of the war.

Mr. WALSH. What have they been doing with the money appropriated during the war?

Mr. HUSTED. As a matter of fact, I do not think the money has been expended. I do not think our appropriations have been expended during the war.

Mr. WALSH. Do they consider the questions of helping drought-stricken areas, and furnishing free seed to countries that have become devastated by storm and flood and war and other calamities?

Mr. HUSTED. I do not think they pursue any of those activities. They are simply devoted to the collection of accurate information as to crops and crop conditions abroad, so that the American farmer and the American dealer in agricultural products will have at their disposal the latest information to guide them in determining upon the best course to pursue in the conduct of their business——

Mr. WALSH. So that the farmer would know whether to plant wheat or sunflowers next season?

Mr. HUSTED. Well, I think that they obtain from this source very useful information. At any rate, the Department of Agriculture is convinced of it.

Mr. WALSH. It is pretty easy to convince the Department of Agriculture of anything if it involves the expenditure of money. If you mention that first, you do not have to say very much thereafter.

Mr. HUSTED. Well, I may add to that that the agricultural societies of the country are very much impressed with its usefulness, and it must be as obvious to the gentleman from Massachusetts as it is to me that it is useful to the American farmer to secure accurate data as to crop conditions and crops abroad.

Mr. WALSH. Yes. I assume that possibly it may be useful to secure accurate data as to the crops abroad. Just how often these data are supplied and how they are procured I do not know, but we get a lot of other information from abroad that is equally useful, and I venture to say a great deal more accurate, without entering into an international institute.

Mr. MANN. Mr. Chairman, may I ask the gentleman from New York what reason was given for the very large increase in this appropriation? It is much larger than we have ever appropriated before.

Mr. HUSTED. The reason is the increased expense, the very greatly increased expense.

Mr. MANN. Increased expense how? Of course, there is always a reason why people want more money. They want to spend more.

Mr. HUSTED. I have not the very fullest information, but I will give the gentleman what I have. One reason is that heretofore the King of Italy has made a large contribution toward the maintenance of the institute which has recently been withdrawn. Italy is unable to bear the large share of the expense any longer, or, or at any rate, at the present time.

Mr. MANN. Well, I will say to the gentleman that our first appropriation for this institute, which I think was $5,000 or a less sum, was made because it was claimed, "Here is an institute that may possibly do some good; the Italian Government pays most of the expenses; all we are asked to do is to contribute a little toward paying the salary of somebody there representing us and paying the expenses of printing." On that ground they got this institute located in Italy. Do I understand that having secured the location there they now want to renege and want us to pay all the expenses?

Mr. HUSTED. I know this—that the King of Italy furnished this institute with quarters. I believe it was a former palace. He turned it over to the institute for its use rent free, and the King of Italy also made a very substantial contribution toward the maintenance of the institute; but we all realize that Italy suffered greatly during the war, and the Italians are not now financially in a position to do what they formerly were able to do, and I suppose it is on account of their financial straits that they do not contribute in money what they formerly did.

Mr. WALSH. Will the gentleman yield for a question?

Mr. HUSTED. I yield to the gentleman from Massachusetts.

Mr. WALSH. This institute building was not in Fiume, was it?

Mr. HUSTED. I do not know the exact location, but I understand it was in Rome.

Mr. WALSH. I did not know but that might account for withdrawing the free rental.

Mr. ROGERS. Will the gentleman yield?

Mr. HUSTED. I yield to the gentleman from Massachusetts.

Mr. ROGERS. At the time this item was under discussion last year the Committee on Appropriations was told that the quota of the United States, which for many years had been 40,000 lire, was to be increased to 100,000 lire; that is, the increase was to be 150 per cent. Has that larger quota been increased since this matter was before the Congress a year ago?

Mr. HUSTED. I think not; and I will say to the gentleman that for the current year we appropriated $18,000 in the Diplomatic and Consular bill. That was the entire amount—$8,000 for the quota, $5,000 for the salary of the member, and $5,000 as our quota for printing; but we have since allowed a deficiency appropriation of $11,577, so that the appropriations for this current year are exactly the same as the amount carried in this bill for the fiscal year.

Mr. ROGERS. My difficulty is here: Our quota under the new arrangement has jumped from 40,000 lire to 100,000 lire. One hundred thousand lire at normal exchange would be something like the figure carried in this bill, and perhaps this figure in fact represents the American equivalent of 100,000 gold lire. But the paper lire is only one-third or one-fourth of the normal value.

Mr. HUSTED. I think you will find that they are gold lire.

Mr. ROGERS. That is what I am getting at. Does the United States get the benefit of the fluctuating exchange?

Mr. HUSTED. I think not. I think the quota is in gold lire.

Mr. ROGERS. Is that a treaty requirement?

Mr. HUSTED. I do not know whether it is or not.

Mr. MANN. There is no treaty about it.

Mr. ROGERS. Oh, yes; this obligation was made in a treaty.

Mr. MANN. When?

Mr. ROGERS. In 1905.

Mr. HUSTED. Oh, yes; it is a treaty obligation, absolutely.

Mr. MANN. The treaty has been entered into, then, long since the bureau was established?

Mr. HUSTED. Yes.

Mr. MANN. That may be.

Mr. KING. Will the gentleman yield?

Mr. HUSTED. I yield to the gentleman from Illinois.

Mr. KING. Does the gentleman know whether the International Harvester Co. contribute anything to this work?

Mr. HUSTED. I do not know anything about that.

Mr. KING. They are the recipients of a large part of the information, are they not, which enables them to sell their agricultural machinery abroad?

Mr. HUSTED. I have no idea whether they are or not. As I understand it, the information is transmitted directly to the Department of Agriculture here at Washington.

Mr. MOORE of Virginia. I move to strike out the last word. I have no particular information as to the work that is being done by the institute; but a few months ago I listened to a very interesting address by our former ambassador to Italy, Dr. Thomas Nelson Page, who is my valued friend, in which he paid a tribute to the memory of David Lubin, and also praised the activities of the institute. Inasmuch as the work of the institute is designed to support the agricultural activities of the world and the prosperity of agriculture, I shall object to seeing this item stricken out.

But I rose to say that I have been very much interested in the observations of the gentleman from Massachusetts [Mr. WALSH] and of the gentleman from Illinois [Mr. MANN] upon the suggested uselessness of some of the bureaus that we maintain for the purpose of engaging in international conference. For example, the bureau that was talked about a moment ago, the Interparliamentary Union, has been in existence a long time. I happened to be on the other side a great many years ago when it held a meeting which was addressed by some of the most eloquent men in Europe and at least one of the most eloquent of Americans. As the gentleman from Illinois [Mr. MANN] has stated, the purpose of the creation of that union was to insure, as far as possible, the maintenance of peace, and to decrease governmental expenditures for military and naval purposes. Since then, I believe, some of the men who participated in the meeting have died on the battle field; war is almost as much in prospect now as it was then, and the burdens of armament have been very slightly decreased. I doubt very much whether we are going to accomplish anything by maintaining that bureau. The truth is that we are willing to go into all sorts of conferences with Europeans that will not accomplish anything, and at the same time are unwilling to enter into those conferences that give some promise of achievement. We decline to enter the League of Nations, which is the greatest of all international conferences. A good many of us think, in view of the interest of the United States in the general question of reparations, that we ought to be represented on the Reparations Commission, but we again decline. While we take time debating the relation of the Government of the United States to the matter of reparations, our Government refuses to appoint a representative on the commission that is dealing with the subject. A very important conference is about to occur in Italy, the Genoa conference, and we have declined to enter that. There is, by the way, a significant statement in the first issue of a magazine that is now appearing called Our World, conducted by very responsible and well-known people, as to why the United States remains away from Genoa. So the truth is, we spend money without much hesitation to provide opportunities for certain people to make very attractive trips to Europe, who assist in doing ornamental and rhetorical things, and we neglect the opportunities that are afforded us to participate in great conferences that may amount to something.

This attitude recalls to my mind a remark made by a very eminent New Englander, doubtless an agriculturalist, like my friend the gentleman from Massachusetts [Mr. WALSH]. I refer to old Jacob Collamer, a United States Senator of the long ago. He said that we are so constituted that sometimes we can see the fly on the barn door and can not see the barn door itself. We are anxious, or at least willing, to mix up in comparatively inconsequential conferences but turn our backs on the conferences that may have some favorable effect upon the fortunes of the world and some results that might be of infinite advantage to the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BEGG. Mr. Chairman, I move to strike out the amount of "$19,577" and insert in lieu thereof "$8,000."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 18, line 7, strike out the figures "$19,577" and insert in lieu thereof "$8,000."

Mr. BEGG. Mr. Chairman, I think after listening to the remarks of practically every man that has said anything on this proposition, we are all agreed that the one thing accomplished in this proposition is that the United States is the banker. We have been contributing $8,000 to this conference, and I dare say there is not anybody in this country can lay his hand on a concrete thing that has been accomplished by the conference since its initiation that has been of any benefit to the agricultural interests of the United States.

Mr. HUSTED. This is not a conference.

Mr. BEGG. I know; it is a bureau established over there.

Mr. HUSTED. It is a bureau for the collection of data that is regularly transmitted to the United States for the benefit of the American farmer. It would be most unfortunate if this amendment should be agreed to, because the bureau would be sadly handicapped in its work. And see how inconsistent it would be. These are treaty obligations; our obligation is fixed, and to repudiate our treaty obligations would be most unfortunate.

Mr. BEGG. Is our treaty obligation fixed at $19,577?

Mr. HUSTED. It is.

Mr. BEGG. By whom?

Mr. HUSTED. The governing board.

Mr. BEGG. If the governing board fixed the amount for the next year at $50,000 would we be obligated to pay it?

Mr. HUSTED. We would not be legally obligated, of course.

Mr. BEGG. No; the facts are we are not obligated to pay more than $8,000, according to the treaty obligations. Is not that a fact? Has not the governing board exceeded their authority?

Mr. HUSTED. The gentleman knows perfectly well that they can not do with $8,000 what they could do before the war.

Mr. BEGG. Why not? The rate of exchange would give them about $12,000.

Mr. HUSTED. I thought I had explained why they could not do it. In the first place, heretofore the King of Italy made a large cash contribution; he has borne the larger portion of the expense of maintaining the institute. He is no longer in a position to do it, and now the members have to divide up the expense if the institute is to be maintained in the future as in the past. We have to bear our share of the expense.

Mr. BEGG. I will say that my people are farmers. I lived on a farm for 25 years. I have yet to hear one definite piece of information that ever emanated from this institute at Rome that was of any value to the farmers in Ohio or anywhere else in the country. Now, I think the facts are that this institution has not functioned so far as agriculture is concerned in the United States. The gentleman rightly says, no doubt, that Italy has fallen down in the maintenance of her end of the financial support of this institute, and in order to keep it going, to keep some fellows in jobs, we are willing to raise our ante two and one-half times and give it to them for a useless purpose. So far as I am concerned, I would as leave strike it all out.

Mr. HUSTED. This is not for the purpose of keeping people in jobs.

Mr. BEGG. What is it for then?

Mr. HUSTED. Let me read a statement by an American representative of the Farm Bureau which was incorporated in last year's hearings.

Mr. BEGG. Who is it?

Mr. HUSTED. Mr. Gray Silver. He says:

Mr. SILVER. The Farm Bureau, which is the large farm organization, is greatly interested in this particular problem you have under discussion, for agriculture is the basis of all industry and commerce; it is the largest business of the Nation and is international in character. Our crops, not only as to acreage, but as to the commodities produced, are directly affected by the world markets. Consequently we are greatly interested in having the information from both the angles of production and stocks on hand, which can only be secured through such an organization as we have at Rome.

Now, just one more thought, not wishing to differ in thought from the chairman: I am not a subscriber to the belief that we would get better service by less price. I think the salary of our permanent representative at Rome should be made such as to attract the high type of man who should represent this great Nation and this great business.

Mr. BEGG. Is Italy the agricultural center of Europe, and was that the reason for the location of this institute in the heart of agriculture?

Mr. HUSTED. No; I do not think so; but it has to be located somewhere in Europe and they located it at Rome. As a matter of fact, an American was the promoter of this institute. It emanated from America. America has always taken a particular interest in it. There is no doubt that this institute has

performed the work of collecting and disseminating agricultural data of very great value to the American farmer, and to deprive the farmer of it in the future would be a real loss.

Mr. MANN. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. MANN. I understand this international bureau collects information, which it distributes through governmental sources, of crop conditions, crop products, of the amount of grain and other agricultural products on hand. Some people, I think, in this country, perhaps rely upon the figures given out by this institute, but the live people engaged in business get the information as soon as the institute does, long before it is disseminated by the Government.

Mr. BEGG. I was about to ask the gentleman if he ever saw a report gotten out by a Government agency, even in this country, let alone getting it out in Italy, which reached the farmer before his crop was all marketed?

Mr. MANN. Oh, yes; our crop conditions, issued once a month by the Agricultural Department, published simultaneously all over the world, are very valuable.

Mr. BEGG. Has the gentleman ever seen any from this institute?

Mr. MANN. I have.

Mr. BEGG. I have never seen one thing from this institute of value.

Mr. MANN. I took a very active part some years ago in knocking this institution out, and followed it up for a while, but I concluded I would quit.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WALSH. Mr. Chairman, I do not think any serious harm would be done if we should adopt the amendment offered by the gentleman from Ohio [Mr. BEGG]. We will be conforming to the requirements of the treaty. Of course, you can not wonder at the officials of foreign nations raising the amount which it is expected the United States shall contribute, when they sit over there and view our generosity in spending money, $20,000,000 worth of grain for Russia, $5,000,000 or $10,000,000 for Austria, and hundreds of thousands of dollars for other countries which seem to be able to make out a case of hardship. It was natural for those people to say that if we can do that for these other countries, we can afford to pay the rent for this building in Rome. It is interesting to see how internationally attractive we have become. We have an interparliamentary union, an international commission on annual tables of constants, and so forth, an international bureau, an international institute, an international congress, an international office of public health, an international convention of radio telegraph, and then a United States section of the Inter-American High Commission; and so it goes.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. MOORE of Virginia. Has the gentleman ever known any one of these agencies being abolished, except possibly the International Alcoholic Conference?

Mr. WALSH. I have never heard of any being abolished, particularly if they carry appropriations. The distinguished gentleman from Virginia in his remarks adverted to our activity along this line, and I somewhat agree with what he has to say, although I can not agree that the only international association that has accomplished anything is that which the United States refused to enter. We had lately an international gathering here in the Capital of the United States which has accomplished more for the peace and security of the world than the late lamented League of Nations has yet accomplished or, in my judgment, ever will accomplish for years to come.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. MOORE of Virginia. I wish to say to the gentleman, that while he and I may disagree as to the magnitude of the accomplishments of the Washington conference, personally I am very much gratified that such substantial results were reached, and I think we are to be congratulated that at the head of the State Department there is such an extremely able and energetic statesman as the present Secretary, who conducted the work of the conference.

Mr. WALSH. I agree with the gentleman in his congratulations, except that I would add we ought also to congratulate ourselves that we are not now entangled and allied with the League of Nations, because if we had been I doubt if we would have been able to have the gathering and accomplish what has been accomplished in that way. Indeed, I doubt whether the League of Nations would have been able to bring that program to such a successful completion.

However, Mr. Chairman, referring to the amendment of the gentleman from Ohio, it seems to me that the reduction in this appropriation will not deny the International Institute of Agriculture at Rome, Italy, sufficient funds, even though the distinguished ruler of that country should decide that he is no longer able to provide us with quarters, rent free. There are one or two countries now in Europe, I think, particularly since the map has been changed, where the United States does not have a representative at one of these international affairs, but I think that they would be willing to invite us there, with the offer of rent-free quarters, just for the sake of having a citizen of this country there representing the interests of the farmer at this international institute, and they might go across the border line or into one of these new nations that have been set up and get quarters.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. HUSTED. I think the gentleman labors under the misapprehension that the United States is probably the only Government called upon to pay this large amount of money. That is not the case. This quota is not based on population, but the nations are grouped as to their size and importance, and all of the nations in the first group pay the same quota that we do, viz, $20,000. At a meeting of the general assembly of the institute which was held in November, 1920, the assembly examined into the finances of the institute and decided to recommend that the quotas of the adhering Governments be increased 150 per cent, which puts the quotas of all of the nations in the first group or class at approximately $20,000.

Mr. WALSH. What nations are there in that first class?

Mr. HUSTED. All of the great nations practically are in that class.

Mr. WALSH. Is Italy in it?

Mr. HUSTED. I think so. I am quite sure of it.

Mr. WALSH. Have any of them paid the $20,000?

Mr. HUSTED. I do not know as to whether they have or not, but they are all very much interested in the institute and have paid heretofore.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. ROGERS. The countries in the first class, if the gentleman desires them, are Germany, Argentina, Austria, Hungary, Brazil, Italy, China, Turkey, Spain, the United States, France, Great Britain, Japan, Rumania, and Russia. I doubt if more than a third of those countries are paying anything like the 100,000 lire which the treaty requires.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. Has not the time for debate upon this amendment been exhausted?

The CHAIRMAN (Mr. TILSON). The present occupant of the chair has not been in the chair for the full 10 minutes.

Mr. WALSH. The gentleman from Maryland is correct.

Mr. LINTHICUM. Mr. Chairman, I do not object to the two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, will my colleague enumerate a few of the second-class nations, as far as this quota is concerned?

Mr. ROGERS. Egypt, Canada, British India, and Mexico are the only four countries in the second class. Their quota has recently increased to amount to 50,000 lire, about $10,000.

Mr. WALSH. I thank the gentleman. I am glad to notice that the first class has Russia and that the second class has Mexico; but I do not believe it is worth the extra expense to the United States to be included in the first class, so far as quota goes, and I hope that as a gradual intimation that the United States is likely some day to withdraw from some of these international, highfaluting convocations and congresses and other associations abroad we start by reducing expenditures.

Mr. JOHNSON of Kentucky, Mr. LINEBERGER, and Mr. EVANS rose.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe that among the many useless commissions and institutions for which the United States is furnishing the money this is one of the most useless. It will be noticed that the next paragraph after the present one provides for a salary of $5,000 a year.

The United States was very proud of David Lubin, who, perhaps, was the most scientific man in the evolution of plant life the world has ever known, and who was sent over there as a member of that institute. Much of the consideration that heretofore was given to the proposition was out of tribute to David Lubin; but when he went to Rome he carried with him the knowledge, or imparted it to those who were there, as to how they could raise potatoes and wheat and corn and everything that went into the support of human life. But now we are left with nothing that they can give us and but little that we by this provision can convey to them. A sinecure of $5,000 a year is established for somebody—I do not know whom—that he may go to Italy and take with him no information that will serve the world. In my judgment not only the amendment that has been offered by the gentleman from Ohio should be adopted but the next paragraph should be eliminated from the bill, thereby doing away with the sinecure of $5,000 a year for a man to go over to Italy to serve no purpose.

Mr. LINEBERGER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Ohio.

I do not think that there is any Member in this House more interested in the data which proceeds from the International Institute of Agriculture at Rome than myself, because of the fact that I represent in part a county—Los Angeles County—producing annually some $500,000,000 worth of the same agricultural products produced in southern Europe. I refer to walnuts, almonds, oranges, grapes, and horticultural products of the character produced in southern California. The farm bureaus of southern California are probably as thoroughly organized as the farm bureaus in any section of the United States. Horticulture and agriculture in that section of the Union have reached a very high state of perfection, and those who are engaged in it bring to bear in their avocation information from all parts of the world. And I can assure you that I of my personal knowledge know that the data which is procured by the International Institute of Agriculture at Rome is of vital benefit to the gentlemen who are engaged in those industries in my section of the country.

Some time ago I happened to be in Rome and visited the International Institute of Agriculture, and I was surprised at the thoroughgoing manner in which they carried on the work there. I know nothing of the reduced circumstances of the King of Italy, which have brought him to the point where he has to now collect rent for the premises which were formerly given rent free, but I do know that the chairman of the subcommittee has gone into this matter very thoroughly. And while this is not a legal obligation until the item has been passed upon by both Houses of Congress, I do believe there is a moral obligation that we should pay our quota. We are one of the richest and greatest nations on earth, and while I quite agree with the gentleman from Massachusetts that we shall decide whether or not we shall participate in these international meetings and conferences, this is a constructive work, and I think that the amendment of the gentleman from Ohio reduces the amount to a sum that is entirely too low and not commensurate with the work that is being carried on there. And I trust the amendment will not prevail. [Applause.]

Mr. EVANS. Mr. Chairman, I am sure that there is no individual upon the floor who has more criticism for these organizations international in their character, and from which no material benefits flow, than myself. I am a member of the subcommittee which produced this bill, and I was interested intensely in this particular item. And I wish to call the attention of those who have been criticizing this organization because no benefits flow from it to the following facts: It is true that the information collected by the bureau prior to the present has not been presented to the farmer as promptly as it should have been. It was brought to this country by mail usually and then dispensed through our Crop Reporter, or the various agencies used by the Agricultural Department for dispensing information.

The Members here who say they have never seen the information coming from that source are mistaken in this, that if they have seen the information so given out by the department, and the credit was not given, they got the information without knowledge of its source. But there are other benefits which have flowed from the work of this institution and to which I wish to call your attention.

On page 251 of the hearings you will find a number of those benefits enumerated. It gathers together information in reference to plant diseases, animal diseases, and methods of fighting them and controlling them, and quarantining against them.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. EVANS. Certainly.

Mr. JOHNSON of Kentucky. Is not every piece of information that the gentleman has just enumerated gathered by the Department of Agriculture and scattered all over the country to all of our people? Is not this, therefore, but a duplication of it?

Mr. EVANS. The source of the information gathered by the Department of Agriculture from foreign countries is very largely, not entirely, but very largely, obtained through this agency. And if that item alone were all this organization did, it would pay to agriculture all that it is costing. But that is not all that it does. It gathers up, and has gathered up, from different sources much valuable information. A very great deal of information with reference to farm credits, farm insurance, cooperative buying and selling, and cooperative insurance has come through this bureau, and that of itself, disregarding the other matters of information, would warrant this expenditure. But that is not all. Foreign laws relating to agriculture in different countries, and their effects, have been brought through this organization to this country.

It is a fact that through attachés connected with our Diplomatic Service we get information, but we have got here an agency which has produced it; and I may say, for the benefit of those who have criticized lack of promptness, that now it is the purpose to transmit the information with reference to crops, their character, prices, and so on, by telegraph, so that it will be immediately available.

As to the matter of the King of Italy and his contributions, I think the chairman of the committee is perhaps mistaken. The King of Italy, as I understand it, gave, not rent free for a time but for all time, one of his palaces in which the activities of this bureau are conducted. He not only did that, but prior to the war he gave out of his own private purse a very large part of the money necessary to continue the activities of this bureau, and it is that contribution that he has ceased, since the war, to make to this organization.

If you adopt the amendment of the gentleman from Ohio [Mr. BEGG] you find yourselves in this position: You will have paid your money and you will be unable to get any results if other nations do likewise, pay the reduced quota. If you get results you are parasitic in that you are taking from them something to the cost of which you yourselves have not contributed your share.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. EVANS. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. EVANS. There is one of two things to do: Pay the amount they ask, which is our fair share and which is assessed against every other nation of like character, or else do not give anything.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last two words.

Mr. MONDELL. Mr. Chairman, I do not pretend to be very well informed as to the workings of the International Institute of Agriculture. I know something of it. I know it has been long established, and in the past it has been very useful. But I know this, that in these days of unrest in the world, of more or less international suspicion and criticism, of depression in business and agriculture, we ought certainly to maintain all of the relationships that we have with other nations [applause]—relationships that lead to friendly and kindly, considerate and helpful intercourse and association. This is no time to question whether or no we get to the last picayune all that we ought to out of a small contribution of this kind. Why, the very fact of our contribution, the very fact of our association, although we could point to no definite, tangible benefit—the very fact of it is worth much more than this small appropriation. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. BEGG].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BEGG. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Ohio asks for a division.

The committee divided; and there were—ayes 8, noes 28.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL SANITARY BUREAU.

For the annual share of the United States for the maintenance of the International Sanitary Bureau for the year 1923, $11,323.16.

Mr. BLANTON. Mr. Chairman, there is no law authorizing this legislation on an appropriation bill. I make the point of order against it.

Mr. HUSTED. Mr. Chairman, the International Sanitary Bureau has been recognized in a treaty which has been ratified by the United States Senate, and I think that is sufficient authorization to support the appropriation. This is the treaty known as the International Sanitary Convention, concluded October 14, 1905, ratification advised by the Senate February 22, 1906, ratified by the President May 29, 1906, and proclaimed March 1, 1909. Article 10 of that treaty is as follows:

The Government of each country is obliged to immediately publish the measures which it believes necessary to take against departures either from a country or from an infected territorial area.

The said Government is to communicate at once this publication to the diplomatic or consular agent of the infected country residing in its capital as well as to the International Sanitary Bureau.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. WALSH. Does the gentleman contend that that authorizes the United States to be represented in any sanitary bureau of an international character if we make the appropriation therefor?

Mr. HUSTED. This appropriation is not for representation. It is to pay the annual share of the United States toward the maintenance of the bureau, which is recognized in the treaty.

Mr. WALSH. But even though it is recognized in the treaty, does the treaty authorize the expenditure of any money for the payment of the quota or share of the United States in the expenses of that bureau?

Mr. HUSTED. It seems to me to be a fair assumption that the treaty contemplated the financial support of a bureau which it specifically recognized and of which our Government was at the time an adhering member.

Mr. WALSH. Well, we recognize lots of countries in treaties, but there is no obligation on the part of the United States to support the countries thus recognized.

Mr. HUSTED. This bureau was created pursuant to a resolution passed on January 29, 1902, by the delegates of the American Republics represented at the Second International Conference of American States, at which we were represented. This conference met in the City of Mexico. The International Sanitary Bureau was created with permanent headquarters at Washington, D. C. We were represented there, and in the treaty to which I have referred the bureau is recognized as being in existence as a bureau with which we are concerned, with which we do business, and in whose deliberations we participated, and it seems to me to be a fair assumption that the treaty contemplated financial support to the maintenance of such an institution.

Mr. BLANTON. Mr. Chairman, may I make this suggestion? If the gentleman's contention is correct, that the mere recognition in a treaty of the fact that the bureau exists authorizes this appropriation of $11,323.16, then it would be a basis for an appropriation of $100,000,000 as against a point of order.

Mr. HUSTED. Will the gentleman yield?

Mr. BLANTON. In just a moment. There is nothing in this treaty that authorizes an appropriation—absolutely nothing. There is absolutely nothing in this treaty which authorizes any expenditure on the part of the United States Government. Certainly it can not be contended that an appropriation is authorized until some treaty-making power makes a provision authorizing the appropriation of money out of the United States Treasury.

Mr. HUSTED. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from New York.

Mr. HUSTED. I am sure the gentleman will not contend that it is necessary that the treaty limit the amount of the contribution. It might be for any amount, but Congress is not required to appropriate.

Mr. BLANTON. This treaty merely recognizes the fact that an international sanitary bureau exists.

Mr. TOWNER. Mr. Chairman, there would be no other way in which we could manifest our cooperation in this work except as has been done by the treaty. Of course, as the gentleman from Massachusetts [Mr. WALSH] seems to infer, we could not in a treaty provide that we would make contributions from our Treasury in support of this bureau; but we joined in this treaty on becoming a party to it. We take the benefits from it. There is no way in which we can do this unless we join in support of it.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. TOWNER. Certainly.

Mr. MOORE of Virginia. Is not the case exactly parallel to a statute which might create an agency, and would not the statute afford the basis for the appropriation?

Mr. TOWNER. Certainly, and this would have a very much greater effect, because of the fact that it is a cooperation of nations. They joined with us in this treaty. If we joined in this treaty it is a necessary consequence—and not a mere inference but a necessary result of our joining in it—that we shall share in its support. Certainly it seems to me that the clause of the treaty which has been cited by the gentleman from New York [Mr. HUSTED] is ample justification and authority for our making our proper contribution in its support.

Mr. MANN. Will the gentleman yield for a question?

Mr. TOWNER. Certainly.

Mr. MANN. Suppose, as in this case, the executive department of the Government goes ahead and makes provision, without authority of law, for the maintenance of an international sanitary bureau, not by treaty, so that it is not ratified. I take it that no one would contend that the Executive has power to do that without a treaty being entered into which would bind Congress to appropriate for it.

Mr. TOWNER. Yes; I think the gentleman is right in that.

Mr. MANN. Now, the bureau existing without authority, if Congress makes a reference to it and directs somebody—as it has the legal right to do—to report to that body, does the gentleman think that is an authorization for appropriations for a body which is not authorized?

Mr. TOWNER. I think the authorization for this appropriation exists by the very terms of the treaty.

Mr. MANN. There is no treaty.

Mr. TOWNER. I do not quite understand what the gentleman means.

Mr. MANN. There is no treaty providing for this organization.

Mr. TOWNER. There is a treaty providing for the creation of this bureau.

Mr. MANN. Oh, no; not at all. There is no pretense that there is any treaty providing for its creation. The only claim is that the treaty provides that somebody shall report to this bureau which has been created by the Executive without a treaty.

Mr. TOWNER. Oh, well, the recognition of it amounts to the same thing.

Mr. MANN. That is what I ask.

Mr. TOWNER. I think so. The treaty, Mr. Chairman, is the supreme law. It is even stronger, especially with regard to international affairs, than the ordinary act of Congress, because it implies an obligation on our part to cooperate in the work. It amounts to the creation of this obligation, which is a necessary incident to the creation and operation of this particular international bureau.

The CHAIRMAN. In the opinion of the Chair this provision is for the purpose of carrying out this treaty, and therefore the Chair overrules the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, a parliamentary inquiry. Does the Chair rule that this is a treaty?

The CHAIRMAN. It is in effect.

Mr. JOHNSON of Kentucky. Unless it is a treaty, there is no foundation for the ruling of the Chair.

The CHAIRMAN. The Chair views it as a treaty.

Mr. JOHNSON of Kentucky. Will the Chair be good enough to give the reasons whereby he arrives at the conclusion that it is a treaty when it certainly is not?

Mr. MANN. The Chair stated that it was for the purpose of carrying out the provisions of the treaty.

The CHAIRMAN. The Chair has so ruled.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. RICKETTS] be permitted to address the House for 10 minutes out of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Ohio [Mr. RICKETTS] be permitted to address the committee for 10 minutes out of order. Is there objection?

There was no objection.

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, I am prompted by a sense of duty to my constituency and to the country to address you at this time upon a subject of the most vital concern to the citizens of this the richest and greatest country in the world.

I am certainly under obligations to the committee for yielding this time to me when you are engaged in the consideration of a bill as highly important to the country as this one is.

I think the question of the coal strike is uppermost in the minds of the people at this time. I come from a district in which there are 126 coal mines, and in which there are about 6,000 coal miners.

There is an erroneous idea prevalent in the country now that 600,000 coal miners walked away from work and went out on a strike. Nothing could be further from the truth than that. Of the 6,000 miners in my district, during the past year less than one-half have been engaged in their usual occupation. There seems to be an idea prevalent over the country that the reason for this strike is the fact that the miners are demanding a wage that is unreasonable and not commensurate with the service performed. I want to say to you gentlemen of the House that that is absolutely erroneous. In my district the pick miners get $1.116 per ton for producing coal. The machine miners get 14 cents per ton in the entry, and 17.4 cents per ton in the room. Now if the miners were given all the work that they could do, of course they could make good wages even at that price, but during the last 12 months the 6,000 miners in the district that I have the honor to represent have worked less than 100 days, and their average wage per day has been $7.50.

You can easily see that their income for the past 12 months has been less than $750. Right now in the Hocking Valley many women and children and miners are starving. They are being supplied by the people of my town and county with the necessities of life. I have a letter in my pocket from one of the best men in my county, now a common pleas judge of our court, who has served in that position for about eight years. He is one of the most conservative men I have ever known. By your permission I will read this letter to you:

COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO,
Logan, Ohio, March 25, 1922.

Hon. EDWIN D. RICKETTS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I received your generous check for the miners, and very much appreciate same.

Distress among coal miners in Hocking County is alarming, and I am informed that similar conditions exist in Perry and Athens Counties. In Hocking County the coal-producing area, as you know, is somewhat limited; yet a careful survey made by the committee on relief for this county, of which I am the chairman, shows that there are in our county alone 127 families, comprising in all 725 persons, who are in absolute need of food.

So far we have provided food and clothing obtained through donations from our citizens generally. But we have now neither food nor clothing, and the money donated is almost exhausted, as we have only about $100 left. That, with what food we sent to points of distribution on Tuesday of this week, will last but a few days more. We have exhausted our local resources and expect to make an appeal to the State through Governor Davis within the next few days.

It seems now certain that there will be a strike commencing April 1, and then there will be no work at all at the mines. For the last 16 months or more there has been but little work for these people, and until recently they lived upon their savings, what little they were able to earn, and the union allowances. The picture is dark enough without going further.

If the State could be induced to construct the contemplated pike from Nelsonville, by way of Murray City, to New Straitsville work could be given those in need, and they would be glad to get it, as they prefer to earn a living to getting it at the hands of charity. I have no doubt that many of them have suffered because they were too proud to make known their condition. The work, under present circumstances or conditions, for which we may possibly hope in the near future, will not give employment to all for any considerable portion of the year.

Of course, relief must be found for these miners somehow, somewhere. As civilized Christian people, we can not sit by and see them starve.

Yours, sincerely,

ELMER O. PETTIT.

On the 31st of March, 1922, at midnight, the agreement between the coal operators and the miners of the country expired. Wage agreements between the miners and operators began as early as 1896, and have continued ever since, covering certain definite periods of time. The first general agreement between operators and miners dates from the appointment of an anthracite commission by President Roosevelt in March, 1903. The awards of this commission not only settled the strike, but established a basis of negotiations between miners and operators from which all subsequent modifications of wages and working conditions have been developed.

During the war an agreement made, in conjunction with the Fuel Administration, granted increases of wages. When this agreement expired on April 1, 1920, a controversy arose, and in June, 1920, a coal commission was appointed consisting of three members, one representing the operators, one representing the miners, and one representing the general public. The result of this commission's deliberations was the contract which has expired, and by which an increase in wages was granted averaging 17 per cent.

That the pending strike could have been averted is my firm belief. No just reason can be assigned for it. Both capital and labor are vitally essential to our industries and institutions. It is to be deeply regretted that operators in certain States flatly and bluntly refused to meet the miners for the purpose of determining and agreeing upon what is known as a wage-scale contract.

I deem it advisable to give to the House a brief historic sketch of the amount of coal in the United States, with some figures that, in my judgment, will enable all of us to more clearly understand the value and extent of this great industry in our own country.

COAL.

It is estimated that the United States coal fields comprise about 311,000 square miles, exclusive of Alaska. Geologists feel assured that the coal deposits of the Territory of Alaska extend over thousands of square miles. Coal is also mined to some extent in the Philippine Islands. So, it is perfectly obvious that the coal industry is one of the greatest, if not the greatest industry in this country.

As far back as 1750 soft coal was occasionally used in blacksmiths' forges here, and attempts were made to utilize it in smelting iron. The exceedingly rapid increase in the production of coal since the first two decades of the last century is shown in the following table:

Bituminous coal production in the United States.

	Tons.
1807–1820	3,000
1830	104,860
1850	2,880,017
1870	17,371,305
1890	111,302,322
1910	417,111,142
1919	458,063,000

Coal production by States (net tons).

State.	Year.	
	1910	1918
Alabama	16,111,462	21,280,000
Arkansas	1,905,958	2,228,000
Colorado	11,973,736	12,485,000
Illinois	45,900,246	91,263,000
Indiana	18,389,815	27,325,000
Iowa	7,928,120	8,240,000
Kansas	4,921,451	7,292,000
Kentucky	14,623,319	29,690,000
Maryland	5,217,125	4,759,000
Michigan	1,534,967	1,385,000
Missouri	2,982,433	5,605,000
Montana	2,920,970	4,276,000
New Mexico	3,508,321	4,241,000
North Dakota	399,041	813,000
Ohio	34,209,638	46,464,000
Oklahoma	2,646,226	4,785,000
Pennsylvania	150,521,526	183,712,000
Texas	1,892,176	2,260,000
Tennessee	7,121,380	6,916,000
Utah	2,517,800	5,535,000
Virginia	6,507,997	10,100,000
Wyoming	7,533,088	9,600,000
West Virginia	61,671,019	91,350,000

A careful study of the above data will show that Ohio produced 34,209,668 tons of coal in the year 1910, and 46,464,000 in the year 1918. Of course, everybody knows that 1918 was the peak of coal production in this country.

The coal industry is a part-time industry, the number of idle days out of a possible 308 working days being 63 days in the year 1918 and 115 days in the year 1919. On the average for the past 30 years the number of possible working days when the mines were not in operation was 123, as nearly as can be estimated. So it is plain to be seen that the miners averaged 123 idle days per year for the last 30 years.

While coal production increases in accord with normal development on an average of approximately 10 per cent per year, yet coal production in normal times varies from year to year with general industrial conditions. At the present time the United States requires for consumption about 500,000,000 tons of bituminous coal per year, while the capacity of the mines if kept in operation would be in the neighborhood of 700,000,000 tons per year.

It is estimated that the United States exports about 25,000,000 tons of coal per year.

RAILROADS.

The railroads of the country consume about 30 per cent of the total coal production. The carriers of the country own nearly a million open-top cars, and depend upon coal transportation for about 30 per cent of the total railroad traffic.

STORAGE OF COAL.

There is about 63,000,000 tons of coal in storage in the United States at the present time, that will be available for consumption, and will last for a period of about 55 days.

The control of the production of coal is responsible for the high price of coal to the people of the country. Of course, as this strike progresses the price of coal will go up, and the general public will be made to suffer the increase.

I am not one of those who believe that the price paid the miners of the country for producing the coal is the cause of the high price of coal to the consumers. Freight rates have had a great deal to do with this. I am fully convinced that the high freight rates of the railroads have had more to do with crippling the industries of this country and consequent unemployment of labor than any other factor. I am also convinced that unless the freight rates are reduced materially the railroads of this country will be driven into bankruptcy through their loss of business. [Applause.]

In this strike three parties will be affected: The operators, the miners, and the public. The operators will suffer a temporary financial loss. The public will suffer great temporary inconvenience. The loss to the miners and their families is inestimable. This strike means that 600,000 union and about 200,000 nonunion men will be out of employment. The approximate distribution of the union miners by States is as follows:

Pennsylvania	154,825
Illinois	98,000
Ohio	49,000
West Virginia	48,400
Indiana	31,000
Kentucky	14,900
Arkansas, Oklahoma, and Texas	14,800
Iowa	13,100
Alabama	12,200
Tennessee	11,500
Kansas	9,700
Missouri	8,350
Wyoming	7,650
Maryland	5,250
Colorado	4,675
Montana	4,625
Washington	4,620
Michigan	2,125
Canada	20,600

OHIO.

Seven hundred and fifty-five mines in Ohio will be involved in this strike, covering 27 counties. Ohio is a solidly unionized mine State. There are only a few wagon mines that are not unionized. These 755 mines will be closed up tight so far as coal mining is concerned.

Belmont County, with 94 mines, heads the list.

Athens County is second with 90 mines.

Perry County is third, having 89 mines.

The other counties and the number of mines are:

Carroll	13
Columbiana	23
Coshocton	18
Gallia	4
Guernsey	36
Harrison	33
Hocking	37
Holmes	1
Jackson	48
Jefferson	76
Lawrence	16
Mahoning	3
Medina	3
Tuscarawas	65
Vinton	18
Washington	1

More miners own their own homes in my district than in practically any other district in the United States, it being one of the oldest mining districts in the United States now in operation. There is a less percentage of foreign-speaking people employed in my district than in any other mining district in the country. The miners in this district insist that when a foreigner starts to work in the mine he must have made application for citizenship when eligible, or he will not be permitted to work with them. These foreigners are given ample time and proper instructions as to how to proceed to become a citizen of the United States. These miners believe that America is for Americans first, and that anyone coming from foreign countries who desires to engage in the mining industry should signify his intention of becoming a citizen of the United States.

Now, gentlemen of the House, I never undertake to defend a radical or an I. W. W. or a Bolshevist. I was a coal miner myself, and I know the miners of my district to be loyal American citizens. I know the workings of the mine inside and out, and I know that the propaganda going over the country right now to the effect that the high price of coal in different parts of the country is due to the fact that the miner is demanding an unreasonable wage is as false as it possibly can be.

Mr. BEGG. Will the gentleman yield?

Mr. RICKETTS. I will yield to my colleague.

Mr. BEGG. Can the gentleman tell us why it is that the coal miners have had so little work in the past?

Mr. RICKETTS. That is due, in my judgment, to restricted production. I am not one of those who want the men who have capital invested in this industry to lose money on their investment. I want the operators of the country to have a fair return for the money they have invested, but I do not believe it to be right for operators in some parts of the country to unite for the sole purpose of restricting production of coal, whereby the price of coal is increased to the consumers of this country. [Applause.]

Mr. DENISON. Will the gentleman yield?

Mr. RICKETTS. I will.

Mr. DENISON. Does not the gentleman think that by reason of the high price of coal during the war and the great profits it led to overdevelopment of coal mines, the opening up of new mines, and the reopening up of old mines?

The CHAIRMAN. The time of the gentleman from Ohio has expired?

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio have five minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Ohio may have five minutes more. Is there objection?

There was no objection.

Mr. RICKETTS. Mr. Chairman, in answer to the question of the gentleman from Illinois [Mr. DENISON] I want to say that it is true that during the war there were a great many wagon mines opened up and nearly every available mine of the country was put into operation, and a very large production was had during that period.

WORK.

The operators, under the previous existing contract with the miners, did not guarantee steady work to the miners. The amount of work furnished is left entirely to the operator. The miner has no knowledge to-day whether or not he will work to-morrow. He must wait the blowing of the whistle at the mine in the evening as a signal for "work" or "no work." There have been numerous occasions during car-shortage periods when the whistle blew "work" in the evening and again blew "work" in the morning; that, when the miner had gotten up at 4 o'clock in the morning and prepared himself and his bucket for work, and walked a distance of from 1 to 6 miles to the mine, discovered that the railroad company had failed to furnish empty cars, hence he was required to return home. This is not an unusual occurrence. It happens frequently, to the discomfiture and dissatisfaction of the miners. This has been known to occur as often as four and five times per week, and month after month each year, when the mine was presumed to be working.

The average time worked by the miners in my district during the last year was less than 100 days, while thousands of miners at different mines, of course, worked less than 50 days during the year.

The maximum inside day wage scale is a fair average of the earnings of the men who load and mine coal. Their daily earnings will give you an idea of their annual earnings for the past year on a per diem of $7.50 the maximum, and having worked less than 100 days means less than $750 income per year. Thousands of miners earned very much less than that sum, depending, of course, upon their location and the operations of the mines at which they worked.

Mr. FESS. Will the gentleman yield?

Mr. RICKETTS. I will yield to my colleague.

Mr. FESS. Is there any basis for the statement that the wages of coal miners are so inviting that farmers' sons leave the farms and go into the coal mines and therefore increase the number of surplus miners and decrease the number of agricultural people?

Mr. RICKETTS. I want to say to my colleague from Ohio [Mr. FESS] that I am glad to answer his question. That is absolutely not the case. That is not true. You can not take a man from the farm to-day and put him into a mine and make a coal miner of him at once. You have to teach him. It is a highly important business and very hazardous. A man has to know something of the conditions of mining and of the mine; he has to know something of electricity; he has to know something of the air and coal formation. He must be able to judge whether the air is pure or otherwise. He has to be able to lay the tracks; he must be able to timber the roof of the mine. All of these, and many other things, he can not learn in a day. It takes a man years to learn to be an efficient miner.

WAGES.

I am going to insert here a detailed mining scale for the Hocking Valley, which follows:

Detailed mining scale for Hocking Valley.

(Which is a basis for the State of Ohio. The tonnage rate applying to this district is practically the same as the balance of the State except the day wage scale for the in and out side day laborer, which is higher in the Hocking district than in the balance of the State.)

PICK MINING.

Run of mine	per ton	$1.1164
Entries, dry	per yard	3.6217
Breakthroughs, in entries	do	3.6217
Breakthrough, in rooms	do	2.5110
Room turning	per room	5.4896

This is the high-price mining, being hand mining. He is required to pay almost a cent a ton to the coal company for keeping his tools sharpened. He is required to purchase his tools, light, blasting powder, and caps from the coal company. The cost of blasting will vary from 2 to 12 cents per tons. He is required to keep his place properly timbered, lay his road, and properly prepare and clean his coal.

Before the war less than 10 per cent of the coal in Ohio was hand mined. During the war it was increased to from 15 to 16 per cent.

MACHINE CUTTING.

By Jeffrey machine, in room	per ton	$0.14
By Jeffrey machine, in entry	do	.1790
By punching machines, in room	do	.1744
By punching machines, in entry	do	.1905

LOADING.

In rooms, with hand drilling	per ton	$0.80
In entry, with hand drilling	do	.9290
Breakthrough, in entries (entry price)	do	.9290
Breakthrough, in rooms (per ton)		Entry price.

This machine mining represents approximately 85 per cent of the total tonnage of Ohio. The high-price machine mining quoted above represents about 28 per cent of the total machine mining. Machine miner, light-hand miner has to furnish his tools, blasting powder, etc. He is not, however, required to pay anything for tool sharpening. He must properly prepare his coal, and failure to do so means that he will be docked so many cents for so much dirt. He is also required to properly timber his place, lay his track, and in many cases push his empty car from a distance of 250 feet. The pay of which is included in the 80 cents a ton received by the miner for loading machine-mined coal.

INSIDE DAY LABOR.

	Per day.
Tracklayers	$7.50
Tracklayers' helpers	7.25
Trappers	4.00
Trappers (where old men are employed)	5.41
Bottom cagers, drivers, trip, riders	7.50
Water haulers, machine haulers	7.50
Snappers on gathering locomotives	7.50
Timbermen	7.50
Pipemen for compressed-air plants	7.42
Wiremen	7.50
Motormen	7.50
Motormen (minimum)	7.50
Other inside day labor	7.25
Spike team drivers, extra	.25
Drivers	7.50

Drivers are required to take their mule or horse to and from the barn or stable to their working place. Some places requiring almost an hour's work in the morning and in the evening.

OUTSIDE DAY-WAGE SCALE.

	Per day.
First blacksmith	$7.77
Second blacksmith	7.45
Blacksmith helpers	7.25
Mine carpenters	7.45
Dumpers	7.25
Trimmers	7.25
Greasers and couplers	5.06

When engineers and firemen are employed by the day, the minimum rate shall be $7.25 for eight hours' work. This shall not apply to men employed at a monthly rate. This rule shall also apply to coal washers.

I am also going to insert a detailed mining scale for the Crooksville district, as follows:

INSIDE LABOR.

	Per day.
Tracklayers, drivers, rope riders, bottom cagers, water haulers, machine haulers, timbermen, wiremen, motormen	$7.50
Pipemen for compressed-air plants	7.40
Tracklayers' helpers	7.25
Where old practical miners are employed as trappers	5.77
Trappers	4.00
All other inside day labor	7.25

OUTSIDE LABOR.

The following shall be the minimum base for outside labor:

	Per day.
Blacksmith	$7.50
Blacksmith's helper	6.79
Trimmers, carpenters	7.12

When engineers and firemen are employed by the day the rate shall be $7.25 for eight hours. This shall not apply to men employed at monthly rates.

MACHINE.

Cutting with chain machines, wide work, per ton	$0.1835
Cutting with chain machines, narrow work, per ton	.2218
Loading, shooting, and drilling in rooms	.80
Loading, shooting, and drilling in entries, break-throughs between entries, break-throughs between rooms and room turning, per ton	.9159
Double-shift entries and break-throughs between entries, extra, per yard	.483

PICK.

Per ton of mine run coal	1.146
Taking care of bone coal over roadway in rooms, extra, per ton	.065
For delivery of coal by miner to entry, per ton	.065
Driving entry taking top or bottom, 5 feet high from rail, where top is slated or bone coal, per yard	3.3796
Driving entry, under top, per yard	2.5102
Driving entry and taking down bone coal, per yard	2.8649
Break-throughs between entries for coal, per yard	2.5102
Room break-throughs, single entry system, for first break-through, per yard	2.5102
Room break-throughs, single-entry system, after first break-through, per yard	1.4490
Room break-throughs, double-entry system, per yard	1.4490
Room turning, per yard of neck	1.2678
Rock-shot in room neck, 2 yards	2.1734
Four yard wide places, per yard	1.5264
Double-shift entries and break-throughs between entries, extra, per yard	.483

The coal in the Crooksville district is what is known as "Thin No. 6 coal" and ranges in thickness from 30 inches to 4½ feet.

Men working in this district never have an opportunity to straighten themselves or straighten their backs during the day until they go out of the mine in the evening unless they choose to lie flat on the floor or bottom of the mine. They enter the mine in the morning and sometimes have to walk miles in a stooped position to their work. They are frequently compelled to go through mud and water in order to reach their work.

In the Hocking Valley district the pick miners receive $1.116 per ton. The machine miners get 14 cents per ton in the room, or 17.9 cents per ton in the entry.

In the Crooksville district the pick miner receives $1.146 per ton, and the machine miner receives 18.3 cents per ton.

The highest wages paid men working either inside or outside the mine in these districts is $7.50 per day. The lowest wage is $4 per day.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. RICKETTS. Yes.

Mr. LINTHICUM. What is the average pay of a coal miner?

Mr. RICKETTS. That depends altogether upon the number of cars that are put in the switch to be filled.

Mr. LINTHICUM. I was not talking about the particular days. I am trying to get at the general average, allowing for all the loss of time.

Mr. RICKETTS. An ordinary miner, if he has good high coal—5½, 6, 7, or 8 feet high—would probably get out six tons per day, while an expert miner might mine 10 tons, but there are very few men who can mine 10 tons a day, and the conditions must be right or they can not do it under any consideration. For the last 30 years the miners have averaged 123 days per year when they had no work.

Mr. LINTHICUM. That is what I am getting at. What is the earning capacity in an average.

PROPAGANDA.

Mr. RICKETTS. I have been flooded with propaganda, and I take it that every other Member of this House has likewise been the recipient of a great quantity of literature stating that the coal miners of the country are responsible for the high price of coal. Nothing could be farther from the truth. These men for years have lived on starvation wages, because of a lack of work. They could have made a fair living for themselves and families if they could have had reasonably steady work.

The press of the country in publishing the propaganda has made a great hullabaloo out of the fact that the miners were demanding six hours per day and five days per week. If they were to get that many hours per day and days per week regularly it would more than double the average employment per year, and would also double the production, and would make cheaper coal to the people of the country. The miners do not work by the day, but by the ton. This proposition does not mean a demand for fewer hours and days per week, but in reality it means an increase to them in hours and days per week, and a more equal distribution of employment to miners throughout the country.

Down in the Hocking Valley, in my district, right at this very minute men, women, and children are suffering because of the fact that the miners have not had reasonable work during the past year. If during the past year they had had six hours

per day and five days per week regularly they would not be in this pitiable condition.

Coal is selling to-day in my State at from $5.50 to $7.50 per ton. Why is this? It is certainly not due to the fact that the miners are being overpaid. [Applause.]

Very few men in public life understand miners, mine work, and mine conditions in this country. Fortunately for me I have had actual experience in the mine, and I know personally mining conditions in my district, and in a general way conditions throughout the country.

I have no quarrel with the press, or with any Member of this House who offers a just criticism, but, as one coming from a mining district, and who as a boy was engaged in the mining industry, I would be doing violence to my constituency and to my conscience, if I do not raise my voice in solemn protest against any unjust criticism that may affect the reputation, thought, purpose, and ideals of the conservative miners of this country. I point with pride to the splendid citizenship, noble character, thrift, and high ideals of the miners whom I have the honor to represent.

The nations of the Old World have enslaved their labor. That shall not happen in America, so far as I am able to prevent it. I am not satisfied with giving to an American laboring man a mere living wage. I believe that every laboring man should have a wage commensurate with his service.

I believe that the men with the horny hands of toil are the very foundation and backbone of this great Republic, and that they should have the protection of the law, as well as that guaranteed to them by the Constitution, that of "equal rights to all and special privileges to none."

There is too much of a tendency in this country to protect the man who secures the dividends, to the prejudice of the man who produces the dividends. One is just as important to this Republic as the other, and both are interdependent.

Abraham Lincoln once aptly said, "Capital is the product of labor." What could be more true?

The miners are not the only class of individuals in the United States who are organized or unionized. In fact, every line of business throughout this country is organized or unionized, and the first of these to organize was capital.

What is the difference between the laboring man who demands an increase of wage in order that he may have a greater return on his labor, which is his stock in trade, and the man who raises the sale price of his commodities in order that he may have a greater return upon his investment, or the employer who reduces the compensation to his employee in order that his profits may be greater?

Gentlemen of the House, there is an erroneous opinion prevalent throughout this country with reference to the right to strike. That greatest of great Americans, the late lamented President Theodore Roosevelt, in his message to Congress on March 25, 1908, among other things, said:

> It is important that we should encourage trade agreements between employer and employee where they are just and fair. A strike is a clumsy weapon for righting wrongs done to labor, and we should extend, so far as possible, the process of conciliation and arbitration as a substitute for strikes. Moreover, violence, disorder, and coercion, when committed in connection with strikes, should be as promptly and as sternly repressed as when committed in any other connection. But strikes themselves should be recognized to be entirely legal. Combinations of workingmen have a peculiar reason for their existence. The very wealthy individual employer, and still more the very wealthy corporation, stand at an enormous advantage when compared to the individual workingman; and while there are many cases where it may not be necessary for laborers to form a union, in many other cases it is indispensable, for otherwise the thousands of small units, the thousands of individual workingmen, will be left helpless in their dealings with the one big unit, the big individual or corporate employer.
>
> Twenty-two years ago, by the act of June 29, 1886, trade-unions were recognized by law, and the right of laboring people to combine for all lawful purposes was formally recognized, this right, including combination for mutual protection and benefits, the regulation of wages, hours, and conditions of labor, and the protection of the individual rights of the workmen in the prosecution of their trade or trades; and in the act of June 1, 1898, strikes were recognized as legal.

President Roosevelt always showed a sympathetic interest in the welfare of the wage earner. Does any man here dare deny that he was one of the greatest, if not the greatest American that has yet lived? He believed in justice to all mankind. Justice and fair dealing to the laboring men of this country would go far toward eliminating forever any such thing as a strike. [Applause.]

Why is it that John D. Rockefeller, jr., who employs hundreds of men constantly, never has any trouble in adjusting wages with his men? Why is it that the late Senator Hanna, during his lifetime, never had a strike among the hundreds of men that he employed? Why is it that Henry Ford has never had a strike among the thousands of men that he employs?

HAZARD.

I am convinced that the employment of the miners is one of the most dangerous and hazardous occupations known to man. He is surrounded with danger upon every hand. Not only is this true, but his work is tremendously hard. He comes out of the mine with his clothes wet and his body black with grease, dirt, and grime. Colds, pneumonia, and consumption are prevalent among the miners by reason of exposure in and out of the mine.

I have seen them on their way home from the mine when their clothes were frozen on their bodies. Many of them work in water half knee-deep, in foul and noxious air, and many times they are compelled to work in low coal, where they are required to double up like jackknives.

They are always exposed to the danger of gas and dust explosions, to the falling of slate and coal, to drowning, to electrocution, to mine damp, to fire, and to being mangled by dangerous machinery. The man who mines takes his life in his hands the minute he enters the shaft or the mouth of the mine. His toil, labor, and service is an industrial necessity. Without it, the whole industrial network of the country would be greatly imperiled.

The public gives too little heed to the fact that the coal miner lives what might well be termed an isolated life. He loves his work. He strives to do his best. He saves his money in anticipation of providing amply for his wife and children, and that his children may be educated and cultured and have the privileges and opportunities accorded to other children whose parents are engaged in different occupations.

He spends his working hours in inky darkness. He braves the dangers of the earth's caverns, with no assurance that he will return to his loved ones at home. In performing his duty as an industrial factor he is shut off from God's sunlight, from the sweet song of the birds, and from nature's refreshing air. His lot is indeed a hard one, and his annual income is meager, but he is one of the most important factors in the industrial world.

I believe in fair play to capital and to labor and to the people, and I am one Member of this House who will stand steadfastly and firmly at all times for a just, fair, and commensurate wage to the American miner and the American laboring man.

My heart bleeds with sympathy for the miners and their families, many of whom are actually in need of the necessities of life, and who have been living for the past year on limited rations because they have not had nor could they secure employment. [Applause.]

Mr. GOODYKOONTZ. Mr. Chairman, I ask unanimous consent to speak for five minutes out of order.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to address the committee for five minutes out of order. Is there objection?

Mr. MONDELL. Mr. Chairman, I shall have to object.

The Clerk read as follows:

ARBITRATION OF OUTSTANDING PECUNIARY CLAIMS BETWEEN THE UNITED STATES AND GREAT BRITAIN.

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, as follows:

Salaries and expenses of the tribunal: For the payment by the United States of one-half of the following expenses: For three arbitrators for three months, at $1,200 each per month, $10,800; stenographers for arbitrators for three months, at $120 per month, $360; traveling expenses of arbitrators, $4,000; reporting proceedings, $5,000, or so much thereof as may be necessary; and for printing, stationery, and supplies, $500; in all, $10,330.

Mr. BLANTON. Mr. Chairman, I make the point of order against this whole paragraph, beginning in line 5 and ending on line 20, the same being legislation unauthorized on an appropriation bill.

Mr. HUSTED. Mr. Chairman, this particular paragraph merely carries out the treaty which was entered into between the United States and Great Britain. The treaty was signed at Washington in August, 1910, and ratification of it was advised by the Senate in July, 1911, and it was confirmed by exchange of notes in April, 1912.

The CHAIRMAN. The point of order is overruled.

The Clerk read as follows:

WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN: INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN.

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States, with the approval solely of the Secretary of State, expense of printing, cost of law books, books of reference, and periodicals, and necessary traveling expenses, and for one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between

the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and for other purposes, signed January 11, 1909, $38,000, to be disbursed under the direction of the Secretary of State: *Provided*, That no part of this appropriation shall be expended for subsistence of the commission or secretary, except for actual and necessary expenses, not in excess of $8 per day each, when absent from Washington and from his regular place of residence on official business: *Provided further*, That a part of this appropriation may be expended for rent of offices for the commission in the District of Columbia in the event that the Public Buildings Commission is unable to supply suitable office space.

Mr. BLANTON. Mr. Chairman, I make the point of order as to the proviso beginning in line 10, page 21, and ending in line 15, as it provides subsistence in the sum of $8 per day, when the present law provides a maximum of only $5 per day.

Mr. HUSTED. Mr. Chairman, this is a mere limitation. It is on all fours with the provision which the Chair held in order which was offered to the bill yesterday.

The CHAIRMAN. The Chair thinks this is a limitation and overrules the point of order.

The Clerk read as follows:

INTERNATIONAL HYDROGRAPHIC BUREAU.

For the second annual contribution of the United States toward the maintenance of the International Hydrographic Bureau, $3,860.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph as legislation unauthorized by law.

Mr. HUSTED. Mr. Chairman, this is the paragraph relating to the International Hydrographic Bureau. I admit that it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

INTERNATIONAL TRADE-MARK REGISTRATION BUREAU QUOTA OF UNITED STATES.

For the annual share of the United States for the expenses of the maintenance of the International Trade-Mark Registration Bureau at Habana, including salaries of the director and counselor, assistant director and counselor, clerks, translators, secretary to the director, stenographers and typewriters, messenger, watchmen, and laborers, rent of quarters, stationery and supplies, including the purchase of books, postage, traveling expenses, and the cost of printing the bulletin, $9,600.

Mr. BLANTON. Mr. Chairman, I make the point of order against this entire paragraph, beginning on line 19, page 23, and ending with line 5, page 24, for the reason that it contains legislation unauthorized on an appropriation bill.

Mr. HUSTED. Mr. Chairman, this is really one of the most useful and valuable of all the international bureaus of our Pan American bureaus with which we are connected. I admit that it is subject to a point of order, but I hope that the gentleman will withdraw his point of order. This bureau is of great convenience and utility to all men doing business with South America. They provide for the uniform registration of trade-marks and copyrights and work of that kind. It is something in which every business man in the country who is concerned with trade-marks, patents, or copyrights is interested.

Mr. BLANTON. Mr. Chairman, I stand with the gentleman from Massachusetts [Mr. WALSH] in his position that we have entirely too many of these international bureaus.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary actual expenses during such sessions, not to exceed $8 per day each, and so much as may be necessary for said purposes during the fiscal year ending June 30, 1923, is appropriated.

Total, $30,400.

Mr. ROGERS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 24, after line 24, insert: "The appropriation of $275,000 for the transportation of diplomatic and consular officers carried elsewhere in this act shall be available for the transportation of the officers of the United States Court for China to the same extent as for the transportation of such diplomatic and consular officers."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is legislation which is unauthorized and not germane to the paragraph preceding.

Mr. ROGERS. Mr. Chairman, the organic act creating the United States Court for China will be found, perhaps most conveniently, in Barnes's Federal Code, section 7040. This court is established by legislation as a permanent judicial agency of the United States Government. It is, of course, a court specifically located in China, and it is required in the statute that the officers of that court shall be American citizens.

For years the Congress has been appropriating for the salaries of the officers, and it is a matter of common knowledge that those officers have been going back and forth between the United States and China. At the time that this same appropriation bill was before the House last year a point of order was made—my recollection is that it was made by the gentleman from Texas [Mr. BLANTON]—against various items incident to the carrying on of a foreign service. I remember particularly that a point of order was raised against the item carrying an appropriation of $1,800 for a steam launch to be used in connection with the United States Embassy in Constantinople. It was admitted at that time that there was no statutory authority specifically permitting a steam launch in Turkey or anywhere else. If my recollection is not at fault, and the gentleman is here to correct me if I am mistaken, the occupant of the chair at that time temporarily was the gentleman from Illinois [Mr. MANN].

The Chairman overruled the point of order on the ground that a steam launch of that character was a natural and proper incident to the carrying on of a foreign service.

Here we have a court 6,000 or 8,000 miles away. We have officers of that court who are necessarily American citizens. That court is the appellate court from the consular courts of China. Those consuls have been provided for in the matter of travel. It seems clear, under a very broad line of decisions made by the Chair in connection with this same bill a year ago, that transportation for the officers of the United States Court for China is a necessary, proper, and appropriate incident of the court itself. It is admitted that that court is created by law. Therefore, it seems to me it would follow as an inevitable corollary that the transportation of the officers of that court is a proper item in this bill as proposed by my amendment.

Mr. BLANTON. If the Chair will hear me a moment, under the ruling as made by the distinguished gentleman from Connecticut [Mr. TILSON], which was based upon decisions of Chairmen of this House for the last 50 years, he held that while the committee could properly place such an amendment in this particular paragraph which the gentleman seeks now to make apply to this paragraph under discussion, and that paragraph we have already passed, yet when the committee itself did not see fit to so place it in that paragraph and the paragraph had been passed and we were on another paragraph, it was improper for any Member, either a member of the committee or any other Member, to offer such an amendment from the floor. And that decision is such an important one, based upon such a long line of decisions, that I hope the Chair will consider it in passing upon this question, so that we may have a uniformity of opinions upon which we may rely.

Mr. MOORES of Indiana. Mr. Chairman, the officers of this court are consular officers. The court is charged with reviewing the decisions of the consuls, and it is primarily a consular court of appeal. There is a law requiring its officers to be American citizens, and there is a provision that nothing shall be paid them unless they are American citizens. Being consular officers, they are entitled to travel under the same terms and conditions ordinarily as are other consular officers for whom there is an appropriation available for transportation. This amendment simply includes them where they belong, within the appropriation for consular purposes, for travel for consular officers. Mr. Chairman, the statute has not been read, but it is perfectly clear. It is very lengthly. It covers two or three pages, but it is perfectly apparent from the reading of it that the judge, who is paid $8,000 a year, that the marshal, who is paid $3,000 a year, and another officer, the district attorney, whose pay is $3,000 a year, are consular officers and chargeable with consular duties. The provision here is that the court shall sit in Canton, Tientsin, Hankow, and in Shanghai. A provision is made by statute for a subsistence allowance during travel. The tenure of the judge is 10 years, unless sooner removed by the President for cause. It certainly could not have been contemplated by the act of Congress creating this court that a marshal, required by the act to be an American citizen, and paid a salary of $3,000 a year, should have to travel from this country and take up his duties in China, and should have to return, without any travel allowance of any sort. The clear purpose of the act is that the court officers are to be treated from the beginning to the end as the other consular officers. They are changed from time to time. If the Chairman would like to see the statute, I will send it to the desk.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MOORES of Indiana. I do.

Mr. CONNALLY of Texas. As I understand the gentleman, he said that the statute specifically authorizes the sitting of this court at points other than Shanghai?

Mr. MOORES of Indiana. Yes.

Mr. CONNALLY of Texas. And does not that provision that they shall sit at other places imply an authority to pay their transportation?

Mr. MOORES of Indiana. I think, unquestionably, it does.

Mr. ROGERS. Since I addressed the Chair on the subject a moment ago I have procured the statute on this bill last year, which appears in the CONGRESSIONAL RECORD at page 2667, of January 29, 1921. When the item read was reached in the bill, which we have already reached, granting transportation for diplomatic and consular officers, Mr. BLANTON, addressing the Chair, said:

Mr. Chairman, I make the point of order against the paragraph because of the inclusion of the following matter, which constitutes new legislation upon an appropriation bill without any authority of law therefor.

And then he went on to elaborate that point. I admitted that there was no specific statutory authority for this transportation item, but contended that it was a natural, and, indeed, an inevitable, incident to maintaining a foreign service, and the Chairman, Mr. MANN of Illinois, overruled the point of order.

It seems to me that the decision of the Chair at that time is precisely in point, and should govern the present occupant of the chair when this point of order is being decided.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I have not the floor.

Mr. HUSTED. Mr. Chairman, this is the only paragraph in the bill referring to the United States Court for China, and therefore it is apparent that it is the proper place to offer such an amendment if the amendment is otherwise in order. The question of transportation is incidental to the appointment of these officers.

The CHAIRMAN. The Chair thinks the statute contemplates necessary transportation incidental to the appointment of this court, and overrules the point of order.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CONNALLY of Texas. Does the gentleman know whether or not one of the treaties just completed with China with reference to her internal affairs abrogates these United States courts in China?

Mr. HUSTED. No. It does not abrogate them, but it makes provision for their abrogation some time in the future.

Mr. CONNALLY of Texas. I did not mean automatically, but it does provide, does it not, that they shall in time be abolished?

Mr. HUSTED. Yes; when certain conditions shall have been complied with.

Mr. CONNALLY of Texas. Of course, these treaties are not the law of the land yet, because they have not been ratified.

Mr. DENISON. I think the treaty referred to by the gentleman from Texas provides for a joint commission, and the joint commission is to make a report later and provide for the abolition of these courts.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BRINGING HOME CRIMINALS.

For actual expenses incurred in bringing home from foreign countries persons charged with crime, $2,000.

Mr. LINEBERGER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINEBERGER: On page 25, line 17, after the word "crime," strike out "$2,000" and insert in lieu thereof "$5,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

Mr. LINEBERGER. Mr. Chairman, I notice on page 143 of the hearings, when this matter was up before the committee, the following colloquy took place between Mr. HUSTED, chairman of the subcommittee, and Mr. Carr, representative of the State Department. In reply to a query on the part of Mr. HUSTED as to his reasons for asking for an additional appropriation to the $2,000 which the committee proposed to allow, I find this explanatory statement on the part of Mr. Carr:

The duty of bringing home criminals is a statutory duty required under section 5275 of the Revised Statutes, and I think it would be wise to leave that amount as it stands. I wish we had estimated for the full $5,000, but certainly there is no question but that the $2,000 ought to be left, and I think it ought to be increased to $5,000. We did not estimate for more than $2,000 because as early as last September we could not foresee the demands that would be made upon this fund. Whether you can do anything with an oral recommendation for an increase to $5,000 I do not know, but based upon our current year's experience and the legal obligation involved——

Mr. HUSTED (interposing). I think we could, but we would be very reluctant to increase an estimate which you have made and which has been approved by the Budget officer.

Mr. CARR. I understand that perfectly, but the situation is as I have outlined it, and it is not at all improbable that if you should appropriate $2,000 we will be obliged to come back to you for a deficiency, if we have to bring home as many men as we have had to bring home during the current fiscal year.

Now, that colloquy between the chairman of the subcommittee and Mr. Carr, of the State Department, clearly indicates that unless that amount is increased to $5,000 there will be a strong likelihood of having to bring in a deficiency appropriation. He further indicates that there is great likelihood that the full $5,000 will be needed within the year. The $2,000 carried here is an insignificant amount. Gentlemen of the House, if the Government should have to face any emergency whatsoever in the matter——

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. I would prefer to complete this statement.

If the Government should have an emergency in the way of bringing home criminals from foreign countries, more than this $2,000 provided here would be needed. I apprehend that in the ensuing year slacker Grover Cleveland Bergdoll will be apprehended and brought home to justice. There are a lot of ex-doughboys in the United States who are going to stay on Bergdoll's trail until he is finally caught, and we know these men will never quit until justice is satisfied. The authorities are making active efforts to apprehend this slacker, and it is not at all unlikely that this may take place within the coming year. Therefore, with this in view and the statement of Mr. Carr, I think this appropriation should at least be increased to $5,000. [Applause.]

Mr. HUSTED. Mr. Chairman, the amount carried in the appropriation bill for the current year is $2,000. The estimate of the State Department for the next year is $2,000, and that is the amount we have recommended.

The reason why we have done so is as follows: They have used only $1,200 this year out of their $2,000 appropriation, and the fiscal year is three-fourths completed. For the past two years they have used but a few hundred dollars, less than $1,000, and the reason why they have used $1,200 this year is because, as Mr. Carr stated, they had some very exceptional demands made upon them. I am sure $2,000 will answer all necessary purposes.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. LONGWORTH. Has the subcommittee in this bill exceeded in any case the recommendations of the Budget?

Mr. HUSTED. Not in any instance.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. BARBOUR. Will the gentleman state whether any real honest effort has been made to apprehend Bergdoll?

Mr. HUSTED. I have no information as to that.

Mr. BARBOUR. I should think that if such efforts are being made this sum would be needed for that purpose.

Mr. HUSTED. I do not think this sum would be used in that way in any event. There would be plenty of money in this fund to transport him if they caught him; but they could not use any of this money to catch him.

The CHAIRMAN. The question is upon the amendment of the gentleman from California [Mr. LINEBERGER].

The question being taken, on a division, demanded by Mr. LINEBERGER, there were—ayes 5, noes 18.

Accordingly the amendment was rejected.

The Clerk read as follows:

TITLE II.—DEPARTMENT OF JUSTICE.

OFFICE OF THE ATTORNEY GENERAL.

Salaries: Attorney General, $12,000; Solicitor General, $10,000; assistant to the Attorney General, $9,000; six Assistant Attorneys General, at $7,500 each; Solicitor for the Department of the Interior, $5,000; Solicitor for the Post Office Department, $5,000; Solicitor of Internal Revenue, $5,000; Solicitor for the Department of State, $5,000; four attorneys at $5,000 each, one of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising from such condemnation proceedings in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes; attor-

neys—1 $4,500, 1 $3,750, 4 at $3,500 each, 1 $3,250, 14 at $3,000 each, 2 at $2,500 each; assistant attorneys—1 $3,500, 2 at $3,000 each, 2 at $2,750 each, 4 at $2,500 each, 1 $2,400, 2 at $2,000 each; assistant examiner of titles, $2,000; chief clerk and administrative assistant and ex officio superintendent of buildings, $3,500; superintendent of buildings, $500; assistant chief clerk, $3,000; private secretary and assistant to the Attorney General, $3,600; clerk to the Attorney General, $1,800; stenographer to the Solicitor General, $1,600; law clerks—3 at $2,000 each, 2 at $1,800 each; clerk in the office of Solicitor of Internal Revenue, $1,800; attorney in charge of pardons, $3,600; superintendent of prisons, $4,000; disbursing clerk, $2,750; appointment clerk $2,000; librarian, $1,800; clerks—8 of class 4, 12 of class 3, 12 of class 2, 27 of class 1, 16 at $1,000 each, 11 at $900 each; chief messenger, $1,000; packer, $900; messenger, $960; 6 messengers at $840 each; 13 assistant messengers at $720 each; 7 laborers at $660 each; 7 watchmen at $720 each; engineer, $1,200; 2 assistant engineers at $900 each; 2 telephone switchboard operators at $720 each; 4 firemen at $720 each; four elevator conductors at $720 each; head charwoman, $480; 24 charwomen at $240 each. Division of Accounts: Chief, $3,000; administrative accountant, $3,000; chief bookkeeper and record clerk, $2,200; examiners—2 at $2,500 each, 4 at $2,250 each, 2 at $2,000 each, three at $1,800 each; clerks—3 of class 4, 6 of class 3, 7 of class 2, 5 of class 1; in all, $475,910.

Mr. HUSTED. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 26 line 14, strike out the word "four" and insert in lieu thereof the word "five."

Mr. HUSTED. Mr. Chairman, when this estimate was presented to the subcommittee there were a number of eliminations suggested by the Department of Justice and a number of substitutions asked for. We granted all the eliminations but we did not approve any of the substitutions, and we went a little bit too far. We reduced the number of these attorneys from five to four, and this amendment is simply to restore the number originally contained in the estimate.

Mr. WALSH. Will the gentleman yield?

Mr. HUSTED. I yield to the gentleman from Massachusetts.

Mr. WALSH. Does the gentleman provide for any attorneys at $35,000 a year?

Mr. HUSTED. We do not.

Mr. WALSH. Were you asked by the Attorney General to do so?

Mr. HUSTED. We were not asked to do so. The highest-paid attorney in that department is $4,500, with the exception, of course, of the Attorney General and the departmental solicitors.

Mr. TILSON. The Shipping Board is the only governmental activity that has attorneys at $35,000 a year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HUSTED].

The amendment was agreed to.

Mr. DENISON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 27, line 15, insert the following paragraph:

"No part of the amounts appropriated in this paragraph shall be expended for the payment of any salary or compensation for legal services in connection with any suit or other proceeding brought in any court to enjoin any officers or members of a labor organization or labor union from suspending or quitting their employment."

Mr. HUSTED. I reserve a point of order on the amendment.

Mr. DENISON. Mr. Chairman, I think this is a plain limitation on the appropriation, which is entirely proper, as far as the point of order goes. Salaries may be provided by law, but we have the right to control the appropriations for them.

I assume that most of the Members will remember the serious labor difficulties of 1919, when the coal miners went out on strike in that year, and the Attorney General filed injunction proceedings which resulted in enjoining the officers of the United Mine Workers from calling the strike and from paying out any of their funds to support the members of the organization during the strike. It resulted ultimately in compelling the officers of the organization to call the strike off, and finally resulted in the men going back to work.

If any of you lived in industrial districts during that time, you, of course, had an opportunity to witness the bitterness of feeling that was caused among all of the industrial workers of the country by reason of this injunctive order. I had an opportunity to be among the coal miners, railroad men, and other laboring men at that time and since then, and I have never known a more bitter feeling and attitude toward the courts of the country than that which was caused by this injunction issued by Judge Anderson at Indianapolis. I think in many respects it was a very unfortunate proceeding. It resulted in an attitude on the part of a large part of our people toward the courts, the Federal courts particularly, that is very unhappy and unfortunate and ought to be avoided. We now are in the midst of a serious labor dispute——

Mr. WALSH. Will the gentleman yield?

Mr. DENISON. Yes; I yield to the gentleman from Massachusetts.

Mr. WALSH. Why confine this simply to injunctions against labor organizations?

Mr. DENISON. Because I am more particularly interested in labor organizations at this time than I am in others, and because of the critical condition which exists at this time in the coal industry and the fear that prevails among the coal miners of the country that this power of injunction will be invoked again against them. They feel very intensely upon this subject. I assume that my friend from Massachusetts does not live in a coal-mining locality, and, therefore, has never been brought into contact with men in that line of industry and has no conception of the feeling that an injunction issued by a Federal court against their alleged right to quit work arouses among them. It is a very bitter and intense feeling, and I think it ought to be resorted to very rarely, if at all, because of the bad feeling that it does cause, a feeling almost of rebellion against the courts that it engenders among that great class of our people.

I started to refer briefly to the condition that now exists. For the first time in this country since the coal miners have been organized practically all of the anthracite and bituminous miners have ceased work.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. DENISON. I will yield to my friend from Texas.

Mr. CONNALLY of Texas. The purpose of the gentleman, of course, is to make it impossible for the Attorney General to bring any suit of the kind described in his amendment? Does the gentleman fear that the present Attorney General, unless restrained by some provision of law like this amendment, will bring these suits?

Mr. DENISON. I will say to my friend from Texas that I am afraid the officials of the present administration might unfortunately follow the precedent set by the officials of the preceding Democratic administration and follow the same course taken by Attorney General Palmer.

Mr. CONNALLY of Texas. They have in many instances followed the last administration, and if that is to be the policy they will have to do so again.

Mr. DENISON. Well, I hope the instances may be exceedingly rare.

Mr. LONDON. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman from New York.

Mr. LONDON. Is not the language of the amendment the identical language carried in previous appropriation bills?

Mr. DENISON. I am unable to say as to that. I do not remember.

Mr. LONDON. The gentleman did not copy the language of previous bills?

Mr. DENISON. No; I claim originality for this amendment. I prepared it without having consulted anybody or referred to any preceding law.

Mr. LONDON. I understood that there was in previous appropriation bills a provision which accomplished the same purpose.

Mr. DENISON. There may have been, but if there was I have no knowledge of it. This amendment I am offering refers to injunctions, and not to prosecutions for violations of the antitrust laws.

Mr. EVANS. Will the gentleman yield?

Mr. DENISON. I will.

Mr. EVANS. As I understand, at the present time all the union miners are on a strike and out.

Mr. DENISON. I think that is true.

Mr. EVANS. To what section does this amendment the gentleman has offered apply?

Mr. DENISON. I said all union miners have stopped work. I think there may be a few in some parts of the country who had a separate contract and whose contract has not yet expired, and they are continuing to work under their contract. I may be mistaken about that, but I think it is true of the miners of Nova Scotia and it may be true of some miners in this country.

Mr. HUSTED. Mr. Chairman, I make the point of order which I reserved against the amendment, and I would like to be heard on it.

Mr. DENISON. It is reported that about 450,000 bituminous coal miners and about 150,000 anthracite coal miners, or 600,000 coal miners all together, have stopped work, and about 6,200 of the 7,500 coal mines in the United States are idle.

The loss in the production of coal in the bituminous fields by reason of the cessation of work amounts to about 1,200,000 tons daily and in the anthracite field to about 300,000 tons daily. It is difficult for most of us to comprehend what this great industrial crisis means to the men who support themselves and families by their labor in the coal mines. It is said that the daily loss of wages in the bituminous coal field alone is amounting to about $2,000,000 a day, and in the anthracite coal field to about $800,000 a day, or almost $3,000,000 each day is lost to the coal miners so long as the strike lasts. In the State of Illinois there are about 1,050 coal mines; every one of them is operated by union labor and is closed.

If the estimate of 600,000 men as the number of coal miners out of employment is substantially correct and if each man represents a family of five individuals, including himself, then it follows that about 3,000,000 men, women, and children are being deprived of their daily earnings and support by reason of the unfortunate conditions which have resulted in the closing of the mines.

Nor is this all by any manner of means, for the million and a half tons of coal that are usually mined daily are transported by the railroads for distribution throughout the country. With the closing of the mines the railroads have had to call in their coal trains and lay off their crews, so that many thousands of railroad men alone, to say nothing of men engaged in other dependent industries, are thrown out of employment.

Coal is a product that is absolutely necessary to a large part of the industries of the Nation, and while there is a sufficient supply on hand to last for some weeks to come, the reserve supply will gradually disappear, and unless the production of coal is soon resumed the industries of the country will gradually begin to close down, thereby throwing many more thousands of American workmen out of employment.

I do not think it is any exaggeration to assert that if work in the mines is not resumed within six weeks or two months there will be at least a million American workmen thrown out of employment as a result of it, and at least 5,000,000 men, women, and children will be deprived of their daily earnings and support.

This presents a serious situation and ought to receive the serious consideration of each one of us.

It is estimated by those connected with the Geological Survey that there are about 63,000,000 tons of coal now stored and available for use in the United States. It is reasonably certain that with this reserve supply available and the strike coming at this time of the year there will in all probability be very little physical suffering because of the shortage of fuel. Therefore the interest of the public in this unfortunate labor controversy need not yet seriously concern us. What should concern us most is the distress and the suffering that is bound to come to the families of the men who are out of employment.

While the coal miners are, as a rule, receiving very good pay when their wages are considered by the day alone, yet when it is further realized that coal miners on an average do not work over three or four days a week, and that there are very few miners in the country who work as much as 200 days a year, it becomes easy to understand that the miners are not overpaid, if, indeed, it can not be said that they are in fact underpaid for their labor.

And when we further consider that the wages of the average coal miner, when considered by the month or the year, is barely sufficient to support his family from day to day and month to month, we can more readily see the distress and the suffering that is bound to follow when so many miners are out of employment for any considerable time.

Mr. Chairman, it happens that I represent one of the largest bituminous coal districts in the country. There are between forty-five and fifty thousand men employed in the mines in my district. I have lived among them all my life. I think I understand something of the mining business and of the problems which confront those who earn their living by digging coal. I do not know of any coal miners in Illinois who are overpaid. I know of many who are, by reason of conditions under which they work, very seriously underpaid. I know of many who, by reason of the conditions under which they work, can not from their wages support and educate their families as the families of American workmen ought to be supported and educated. And therefore, Mr. Speaker, my sympathies are with the men who are thus thrown out of employment.

It would serve no useful purpose for me to attempt to discuss the causes that have led to the closing of the mines or to engage in any controversial discourse as to who is responsible for it. It is a labor dispute, involving one of the greatest industries of the country, and only those who are engaged in the industry as employers or employees and who know the purposes and the plans and the aspirations of those on both sides of the controversy can fully comprehend the problem in all its various angles.

This seems to be an admitted fact, however: That a controversy over wages between the operators and the miners arose during the year 1919, and as a result of their failure to agree the miners were called out on a strike, to be effective on November 1 of that year. Under certain war laws which were still at that time effective, the Government secured an injunction against the officials of the miners' organization, tied up their funds, and compelled the president of the miners' organization to issue an order canceling the strike. Finally, through the intermediation of President Wilson, the miners were prevailed upon to accept a compromise proposal of the Fuel Administrator, Mr. Garfield, and return to work pending the report of a Bituminous Coal Commission which the President had appointed for the purpose of adjusting the controversy between the miners and the operators. This commission made a report granting a substantial increase in wages to the miners and was accepted both by the operators and the miners and became effective March 31, 1920, to continue in effect until March 31, 1922. A joint conference was held in the city of New York between the coal operators and the representatives of the miners' organization on the 31st of March, 1920, and a two-year agreement was signed governing wages and working conditions in the mining industry, and in accordance with the finding of the Bituminous Coal Commission appointed by the President. In connection with this two-year agreement or contract, signed by the representatives of both parties, there was adopted this resolution:

Resolved, That an interstate joint conference be held prior to April 1, 1922; the time and place of holding such meeting is referred to a committee of two operators and two miners from each State herein represented, together with the international officers of the United Mine Workers' organization.

It would seem to me that if any part of that contract, solemnly executed by the representatives of the coal operators and the coal miners, was morally binding upon the parties thereto, this resolution with reference to the holding of an interstate joint conference prior to the expiration of the contract was equally binding upon them. And therefore it seems to me that the coal operators have to that extent been unmindful of their solemn obligation by refusing to meet the representatives of the coal miners in an interstate joint conference. The contract of 1920 did not bind or obligate either the operators or the miners with reference to any principle or policy that might be discussed or agreed to in the proposed conference. It left each of the parties free to act in accordance with their own judgment, but it did bind them to meet in conference, and therefore it seems to me the operators have not been justified in the course they have followed in refusing to meet the representatives of the coal miners in this joint conference.

Mr. Chairman, I believe that all industrial disputes grow out of lack of understanding. If employers and employees will but come together and meet each other face to face around the table, they will settle their disputes nine times out of ten if they are actuated at all by good intentions. Therefore it is not at all impossible or improbable that if the operators and the officials of the miners had with good intentions met in joint conference before the expiration of the contract and in accordance with the provision of the contract, some understanding might have been reached which would have averted this unfortunate closing of the coal mines.

In this connection I wish to say that, in my judgment, there is nothing that Congress can do that will relieve the situation. There is a constitutional limitation on the powers of Congress to interfere in the management of private industries. While the country is at war and we are as a Nation engaged in a struggle for existence, there is practically no limit to what Congress may do in the regulation of essential industries under the war powers of the Congress; but we are no longer at war.

Congress can now exercise no war power. We can only do that which we are expressly authorized to do by the grant of powers in the Constitution. Therefore I do not know of anything that Congress can do unless a national emergency bordering on a state of war should arise. Members may get busy with their typewriters and draw up long resolutions, and drop them in the basket, calling for all kinds of investigations, but these can serve very little useful purpose except to afford an opportunity for representatives of both sides of the controversy to give publicity to their respective contentions. The situation, it seems to me, is far too serious to justify anyone who is connected with the dispute or who is assuming to offer suggestions

for its settlement in approaching the subject from a purely political point of view.

The coal-mining industry is one of the Nation's greatest and most essential industries. Without coal the wheels of industry would not turn; without it the people of the country would suffer. The coal supply of the country has hardly been touched, and the industry is destined to go on hereafter with increasing magnitude from generation to generation as the vast deposits of coal in the country are opened up and made available for use. The industry must be developed and operated either by private capital or by the Government itself. Whatever the necessities of the future may bring about, the Government can not at this time either own or operate the coal mines. The people are unwilling to embark upon that policy. The condition of the Treasury would not allow it. The Government could not efficiently undertake it. Our fatal experiment with the railroads, which cost us over $2,000,000,000, and our fatal experiment with ships, which cost us many more billions, ought to warn us that the Government is incapable of operating efficiently the coal mines or any other of the great industries of the country. Therefore they must still be operated by private capital. And the Members of Congress, it seems to me, can best perform a public service at this time by using such influence as we may have in attempting to induce those who have their capital invested in the industry and those whose labor is necessary to maintain it to get together as soon as possible and in a proper spirit of concession or compromise adjust their differences and allow these hundreds of thousands of our very best and most essential laboring men to return to work under such conditions that they may properly support and educate their families.

I believe that if my amendment is approved by the House it would result in a better feeling among the miners, and might help promote an early settlement of this serious situation.

Mr. GOODYKOONTZ. Mr. Chairman, the amendment offered by the gentleman from Illinois has a bearing on the coal strike now existing throughout the country. I have here a letter under date of April 4, 1922, from Mr. Everett Drennen, president of the West Virginia Coal & Coke Co., at Elkins, W. Va., inclosing a statement of the Northern West Virginia Coal Operators' Association on the attitude of the association in respect to the proposition of meeting the miners in fulfillment of the contract that had been entered into a year or two ago in respect to meeting again in regard to a new contract. I do not wish to take up the time of the House, but I ask unanimous consent that this letter and statement be printed in 8-point type in the RECORD as a part of my remarks.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD as indicated in 8-point type. Is there objection?

There was no objection.

Mr. GOODYKOONTZ. I will add to that statement this further observation; I am not familiar with the facts repeated in this letter and statement, but have consulted with an official of the United Mine Workers of America, who has assured me that it was a fact that the officials of the coal operators' association just named had always stood willing and anxious to meet the United Mine Workers of America in conference with a view of negotiating a new contract for the one that expired on April 1.

Moreover, the officials of the Northern West Virginia Coal Operators' Association are of the highest integrity, and I therefore feel quite sure that the "statement" is in harmony with the facts.

West Virginia is not in the so-called central competitive field. The statements of the Attorney General and the Commissioner of Labor charging a breach of the preexisting contract relating to conference and negotiation therefore do not apply to any of our West Virginia operators, West Virginia being regarded as an "outlying district." It is the policy of the mine workers first to contract with the central competitive field operators—Ohio, Indiana, Illinois, and western Pennsylvania—and then later with the operators in the outlying districts, such as northern and central West Virginia.

Mr. Chairman, the chief factors contributing to the great coal strike that is now upon us and Nation wide is the highly oppressive freight rate. Our foreign trade has been captured by the British. American cargo coal for South and Central America and the West Indies has ceased to exist. There is even but little demand for bunker coal, since foreign vessels undertake to bring enough coal to last them for the round trip.

Carrying charges on coal from southern West Virginia to the port of Norfolk and thence by boat to New England are from $7 to $8 per ton.

The consequence is that our miners have been working on short time and the plants have been losing money as a result of the fact that coal at the mines has been selling at from $1.25 to $2 per ton, run of mine, and the output necessarily limited. At the same time the price to the consumer has been very high due to transportation and distributing charges.

When will the Interstate Commerce Commission render its decision and grant the people relief?

The letter and statement are self-explanatory and are as follows:

WEST VIRGINIA COAL & COKE CO.,
OFFICE OF THE PRESIDENT,
Elkins, W. Va., April 4, 1922.

Hon. WELLS GOODYKOONTZ,
House Office Building, Washington, D. C.

MY DEAR MR. GOODYKOONTZ: The inclosed statement will, I think, be of interest to you in view of the present coal strike situation. It is the only official statement of our association, and not only tells the truth, but the whole truth.

Very truly yours,

EVERETT DRENNEN.

—

THE NORTHERN WEST VIRGINIA
COAL OPERATORS' ASSOCIATION,
OFFICE OF THE SECRETARY,
Fairmont, W. Va.

OFFICIAL STATEMENT OF THE NORTHERN WEST VIRGINIA COAL OPERATORS' ASSOCIATION.

On March 7, 1922, the directors of the Northern West Virginia Coal Operators' Association met in their offices at Fairmont, W. Va., and authorized the advisory board of the association to invite district officers of district No. 17, United Mine Workers of America, into conference for the purpose of negotiating a wage scale and working agreement to become effective after the expiration of present contract, March 31, 1922.

The membership of the Northern West Virginia Coal Operators' Association is composed of the majority of the operators in 12½ counties in northern West Virginia, with an approximate normal annual production of 20,000,000 tons and approximately 20,000 employees.

In accordance with the instructions from the directors of this association, the advisory board sent an invitation in the form of a telegram to President C. F. Keeney, of district No. 17, United Mine Workers of America, to meet at Baltimore on the 13th of March. Mr. Keeney accepted this invitation by telegram for a conference preliminary to the negotiations.

The association sent to Baltimore on the 13th to negotiate an agreement with the United Mine Workers of America the full scale committee and the subscale committee, and a meeting of the directors of the association was also called the same date at the same place. Mr. Keeney appeared at this meeting, stating he had no authority and asked that an adjournment take place until the 25th, at which time he would come back to Baltimore to meet with the operators with authority to negotiate and conclude a scale. He stated that his district convention was to meet at Charleston on the 21st, and that this convention would appoint a scale committee with authority to act, and that he would secure authority from the international policy board at their meeting in Cleveland on the 24th. To all of these requests the operators agreed, and returned to Baltimore on the 25th of March prepared to negotiate and sign a scale with an agreement for working conditions. The meeting convened at the Southern Hotel, Baltimore, on the 25th, shortly after 10 a. m., and Mr. Fred Mooney, secretary of district No. 17, requested adjournment until 1.30, stating that it would be impossible for Mr. Keeney to be present until that time.

Adjournment was agreed to, and upon reconvening at 1.30 Mr. Keeney was asked if he was "prepared to negotiate and sign a wage agreement for the field of northern West Virginia, beginning April 1." Mr. Keeney replied: "Mr. Chairman and gentlemen, I am unauthorized to negotiate and conclude a contract at this time." Mr. Keeney also made further statements with reference to why he did not have authority, and after his speech International Representative Moore made a statement to the same effect that Mr. Keeney spoke, and the meeting adjourned.

Notwithstanding these facts the United Mine Workers of America sent to individual members of their organization in northern West Virginia the following referendum ballot:

"Do you favor and vote for a general suspension of mining operations beginning April 1, when the present contract between coal miners and operators expires, in the event no agreement is reached by that time?"

By the mine workers' refusal to negotiate a new contract as specified on this ballot they destroyed the only means of preventing a suspension of work on April 1.

From this record the public will clearly understand the position of the Northern West Virginia Coal Operators' Association in the present situation. That position has been consistently a willingness to negotiate with the miners' union in an effort to avoid stoppage of production in this district. The operators not only took the initiative by asking for negotiations but consented to delay while the miners' officials sought to obtain authority from their national policy committee. The fact that the district union officials are without this authority has been and still is the sole obstacle to a peaceful settlement in northern West Virginia. The scale committee of the operators has been from the start authorized to conduct such negotiations. That the public will not obtain its usual supply of coal from this district is due simply and solely to the national policy of the United Mine Workers.

In face of this attitude on the part of the operators it must be obvious that a suspension of mining operations on April 1 is not only not of their seeking but beyond their power to prevent.

NORTHERN WEST VIRGINIA COAL OPERATORS' ASSOCIATION.

Mr. HUSTED. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from Illinois. I make it on two grounds. First, that this amendment is offered to a paragraph of the bill which covers salaries only and not a fund for the prosecution of crime or for the conduct of any legal action.

These men have been appointed at salaries fixed by statute. They would be entitled to the salary if they rendered service. The amendment would be absolutely ineffective if adopted. Secondly, when that amendment is made to this particular paragraph it is absolutely a limitation on executive discretion. If the amendment was made to the paragraph providing money for conducting lawsuits, it might possibly be held in order. But here where it is made to a paragraph covering salaries only it is an absolute limitation on the executive discretion. You would be as much as saying that the executive could not under any circumstances bring any action such as referred to in the amendment. I therefore hold that the amendment is absolutely out of order as a limitation on executive discretion.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. GREEN of Iowa. Would there be any way to tell from what salary it was to be deducted?

Mr. HUSTED. No; there would be no way to tell that. No way to tell which officer was to be deprived of his salary or how many officers were to be deprived of their salaries.

Mr. JOHNSON of Kentucky. Mr. Chairman, I apprehend that this is not the proper place for the amendment. As has been stated by the gentleman from New York, the amendment at this place might be a limitation upon the service, if it should be carried, and the result would be a limitation upon the service, not on the money appropriated. There is a place in the bill where the amendment could be very properly offered, and it is my purpose to offer it at that time, not only to take care of worthy labor organizations but also to take care of the farmers' interests. I believe, as the gentleman from New York has said, the amendment is out of order at this particular place.

Mr. MANN. Will the gentleman yield? Is it not just as much in order to this item as the item to which the gentleman proposes to offer an amendment?

Mr. JOHNSON of Kentucky. I think not.

Mr. MANN. Both limitations are in the same language.

Mr. JOHNSON of Kentucky. When a man gets an annual salary of $5,000 a year, if he should take part in a prosecution of a labor union organization or for a farmers' organization——

Mr. MANN. He would not get paid at all.

Mr. DENISON. That is the purpose.

Mr. JOHNSON of Kentucky. If that were absolutely certain, I would favor this place in the bill, provided it took in the farmers.

Mr. MANN. I am not saying where the amendment ought to go in.

Mr. JOHNSON of Kentucky. It ought to go in where it always has gone in.

Mr. MANN. As far as the point of order is concerned, why is it not as much of a limitation here as anywhere else?

Mr. HUSTED. May I reply to that?

Mr. MANN. Certainly.

Mr. HUSTED. My answer to that would be that the amendment is not germane. Here is an amendment providing that certain funds shall not be used for the prosecution of labor unions. I claim that such an amendment is not germane to a paragraph which merely provides for salaries. It would be germane to a paragraph providing for the prosecution of crime, or for the prosecution of civil actions, possibly, but how it can be germane to the paragraph which relates only to salaries of certain officers of the Department of Justice, I confess I am unable to say.

Mr. MANN. Mr. Chairman, it provides that money appropriated here shall not be paid to those who do certain things. I do not see why it is not germane, and I do not see why it is not in order. I do not think it is a very good amendment.

Mr. EVANS. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. Yes.

Mr. EVANS. Suppose the man whom the gentleman has in mind has worked in the year 11 months and 10 days, and has done nothing which violates the limitation. He then works for two days on a suit that is prohibited. The balance of his time is devoted to other matters not prohibited by the limitation. What would be the basis of his deduction?

Mr. MANN. That all goes to the question as to the advisability of the amendment at this place. It has nothing to do with the point of order as to whether the limitation is in order. The difficulties of excuting it have nothing to do with the point of order.

Mr. EVANS. But is it even possible of execution?

Mr. MANN. That would be something for somebody else to determine.

The CHAIRMAN. The Chair is ready to rule.

Mr. DENISON. Mr. Chairman, I desire to say a word or two in answer to the gentleman from Nebraska [Mr. EVANS]. Where an attorney is working on a salary for the Government, the Government may deduct from his salary such part as he has not earned. If he should leave his duties temporarily, the Government could dock his salary, as we commonly refer to it. If he devotes part of his time to the prosecution of such a suit as is referred to in the amendment I have offered, he could do so upon his own time, but not upon the Government's time, nor could he receive compensation for it from the Government. That is the purpose of the amendment. It is clearly a limitation. Congress has the right to place any limitation it desires on any money that is appropriated. My amendment would deter the Attorney General's office from bringing these injunction suits, because the officials could not receive any compensation out of this appropriation for the time they would devote to such suits. There is no danger of their doing so without pay, in my judgment.

The CHAIRMAN. Following the decisions in the stop watch cases, the Chair is of opinion that this amendment is a limitation, and overrules the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following substitute for the amendment of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Kentucky offers a substitute for the amendment of the gentleman from Illinois, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. JOHNSON of Kentucky for the amendment offered by Mr. DENISON: Page 27, line 15, insert the following: "*Provided, however*, That no part of the money appropriated by this act shall be expended in the prosecution of any organization or individual entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

The CHAIRMAN. The question is on the substitute offered by the gentleman from Kentucky.

Mr. LONDON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-seven Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Buchanan	Codd	Dominick
Ansorge	Burke	Cole, Ohio	Drane
Anthony	Butler	Collier	Drewry
Bacharach	Campbell, Kans.	Connolly, Pa.	Dyer
Bixler	Carter	Copley	Fairfield
Blakeney	Chandler, N. Y.	Coughlin	Fields
Boies	Chindblom	Crago	Fish
Bond	Christopherson	Crowther	Fisher
Bowers	Clark, Fla.	Dale	Focht
Brinson	Clarke, N. Y.	Davis, Minn.	Freeman
Britten	Cockran	Dempsey	Fuller

Funk	Kindred	Newton, Minn.	Sears
Gallivan	Kirkpatrick	Newton, Mo.	Siegel
Goldsborough	Kitchin	O'Brien	Slemp
Goodykoontz	Kleczka	Oldfield	Snyder
Gorman	Knight	Olpp	Speaks
Gould	Kunz	Osborne	Sproul
Graham, Pa.	Lampert	Padgett	Steenerson
Greene, Vt.	Langley	Paige	Stiness
Griffin	Lazaro	Park, Ga.	Strong, Pa.
Hammer	Lee, N. Y.	Parker, N. Y.	Sullivan
Harrison	Lehlbach	Patterson, Mo.	Sweet
Hawes	Lyon	Perlman	Tague
Herrick	McArthur	Petersen	Taylor, Ark.
Hersey	McDuffie	Porter	Taylor, Colo.
Hicks	McLaughlin, Nebr.	Pou	Ten Eyck
Hogan	McSwain	Rainey, Ala.	Thomas
Hudspeth	Mansfield	Rainey, Ill.	Tincher
Hukriede	Martin	Ransley	Treadway
Hutchinson	Merritt	Reavis	Upshaw
Ireland	Michaelson	Reber	Volk
Jefferis, Nebr.	Mills	Riordan	Walters
Jeffers, Ala.	Moore, Ill.	Robertson	Webster
Johnson, Miss.	Morin	Rouse	Wheeler
Johnson, S. Dak.	Mott	Rucker	White, Me.
Johnson, Wash.	Mudd	Ryan	Williams
Kahn	Murphy	Sabath	Wilson
Kendall	Nelson, Me.	Sanders, Ind.	Winslow
Kennedy	Nelson, A. P.	Schall	Wood, Ind.
Kiess	Nelson, J. M.	Scott, Mich.	Yates

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 11065, finding itself without a quorum, he had caused the roll to be called, that 270 Members, a quorum, had answered to their names, and that he presented the list of the absentees for printing in the Journal and RECORD.

The committee resumed its session.

Mr. JOHNSON of Kentucky. Mr. Chairman, for the purpose of offering it in another place in the bill, I ask unanimous consent to withdraw the substitute which I just offered.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to withdraw the substitute offered by him to the amendment of the gentleman from Illinois [Mr. DENISON]. Is there objection?

Mr. LONDON. Reserving the right to object, may I ask the Chairman if it would be in order to offer an amendment to the substitute? The amendment should include the words "*And provided further*" after the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The Chair will only say that the amendment to the substitute is in order as an amendment. Is there objection?

Mr. LONDON. I object, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the substitute.

Mr. LONDON. Mr. Chairman, I offer an amendment to the substitute.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. LONDON. After the amendment offered by the gentleman from Illinois [Mr. DENISON] insert the words "*And provided further*," and then follow it up with the amendment offered by the gentleman from Kentucky [Mr. JOHNSON].

Mr. HUSTED. Mr. Chairman, I ask that the amendment offered by the gentleman from New York be again reported.

The CHAIRMAN. If there be no objection, the Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Mr. LONDON offers an amendment to the substitute offered by Mr. JOHNSON of Kentucky: At the end of the Denison amendment insert the words "*And provided further.*"

Mr. BEGG. Mr. Chairman, may we have the entire amendment reported?

The Clerk read as follows:

And provided further, That no part of the money appropriated by this act shall be expended in the prosecution of any organization or individual entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. HUSTED. Mr. Chairman, a parliamentary inquiry. I would like to inquire whether that is offered as an amendment to the substitute of the gentleman from Kentucky [Mr. JOHNSON] or to the amendment offered by the gentleman from Illinois [Mr. DENISON]?

The CHAIRMAN. As the Chair understands it, it is an amendment to the amendment of the gentleman from Illinois.

Mr. HUSTED. Then I make the point of order that the amendment is not now in order, the substitute having been offered to the original amendment.

The CHAIRMAN. The Chair thinks a perfecting amendment would be in order to the amendment.

Mr. HUSTED. I think not after a substitute has been offered, Mr. Chairman.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. LONDON. Mr. Chairman, the amendment of the gentleman from Illinois [Mr. DENISON] aims to prevent a repetition of the experience which the miners had with the Democratic Attorney General, Mr. Palmer. Mr. DENISON in his talk before the committee explained the demoralizing effect of the application for an injunction by the Attorney General in the great industrial controversy which took place between the miners and the operators in the year 1919 and the impression it created among the great masses of the industrial workers, that the action of the Attorney General was intended to throw the entire weight of the United States Government against the workers and for the employers. The amendment offered by the gentleman from Illinois [Mr. DENISON] is limited to applications for injunction and is new. It is a new limitation so far as appropriation bills are concerned. The substitute offered by the gentleman from Kentucky [Mr. JOHNSON] is carried in the current appropriation bill and has been carried in appropriation bills for a number of years.

Mr. DENISON. Will the gentleman yield now?

Mr. LONDON. Yes.

Mr. DENISON. Does not the gentleman from New York think that the amendment offered by Mr. JOHNSON ought to be made to a different part of the bill?

Mr. LONDON. I was just going to say that the substitute offered by the gentleman from Kentucky is carried in the present current bill as a limitation upon that section of the appropriation act which provides for the enforcement of the antitrust law.

Mr. QUIN. Will the gentleman yield right there?

Mr. LONDON. Yes.

Mr. QUIN. In the Johnson amendment the words "*Provided, however,*" occur, and they ought to be eliminated if your words "*And provided further*" are maintained.

Mr. LONDON. Let us see. The object of my amendment to the substitute is to combine the Denison amendment with the Johnson substitute, the Johnson substitute being a part of the current law. For some reason the committee in dealing with this particular bill has seen fit to eliminate that protection to labor organizations. I do not know why they have chosen to do so now, in view of the crisis which faces the country. Do they want to make it known that the Congress, the executive department, that the Government of the United States will be against the strikers and will favor the operators? What was your reason for eliminating the provision which is carried in a number of appropriation bills?

Mr. NOLAN. Will the gentleman from New York yield?

Mr. LONDON. Yes.

Mr. NOLAN. The amendment also would strike out the protection to cooperative farm organizations which has been carried in the bill.

Mr. LONDON. Yes. I can not understand why the committee has chosen this particular moment for eliminating this provision of the appropriation bill.

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BLAND of Indiana. I desire to inquire if the latter part of the amendment is not made unnecessary by the recent legislation which exempts farmers' organizations from being subject to prosecution for their cooperative selling and bargaining?

Mr. LONDON. I would be inclined to agree with the gentleman from Indiana that so far as the farmers are concerned the recent act would take care of the situation, and that makes it so much more striking, it makes it so much more important, that this provision relating to labor organizations should be continued in the law. The omission is surely not accidental.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BARBOUR. The act referred to by the gentleman from Indiana [Mr. BLAND] takes care of the farmers' organizations, but provides in certain cases if they shall monopolize their products to enhance prices then an injunction can be applied for.

Mr. LONDON. This limitation does not intend to permit either labor organizations or farmers' organizations to commit violations of the law.

Mr. BARBOUR. No. But, as I say, the farmers' organizations are taken care of; but still, if they violate the law, then the Attorney General, or the Secretary of Agriculture through the Attorney General, can ask for an injunction, and if the amendment went in in this form it might conflict with that law to a certain extent.

Mr. LONDON. I do not quite get the gentleman's point.

In short, Mr. Chairman, my amendment intends to combine the amendment offered by the gentleman from Illinois [Mr. DENISON] with the amendment offered by the gentleman from Kentucky [Mr. JOHNSON]. The object of this limitation is not to permit labor unions to violate the law but to protect them against an indefensible interpretation of the antitrust act. They are not and can not be monopolies, and they shall not be treated as such.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. QUIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last word.

Mr. HUSTED. Mr. Chairman, I move that the debate on this amendment and all amendments thereto be now closed.

Mr. HUDDLESTON. Mr. Chairman, I make the point of order——

Mr. QUIN. I have been recognized to speak here. The gentleman from New York can not put me off.

The CHAIRMAN. The gentleman from Mississippi has been recognized by the Chair. If the gentleman from New York will modify his motion and make it five minutes, the Chair will put it.

Mr. QUIN. Mr. Chairman, I have obtained recognition and I am indeed sorry that my Republican friend endeavored to cut off any debate on this important amendment. The amendment of the gentleman from Kentucky [Mr. JOHNSON] and the further amendment of the gentleman from New York [Mr. LONDON], in my judgment, ought to be adopted here.

The gentlemen who oppose this action pretend to think that it would hurt the bill. This bill leaves out the necessary protection that these two amendments ought to guarantee. We had those very things in the antitrust law, in the Clayton antitrust law, that was placed in 1914 on the statute books, and these amendments are simply a guaranty that those things will still be carried out. The laboring men and the farmer organizations of the United States had that bill of rights granted to them by the Congress of the United States and signed by the President of this Republic, and to-day it stands as the law. The Supreme Court of the United States has never yet eliminated it, and when this bill is sought to be passed through this House without that security in it, it seems to me it would be as though you were endeavoring to strike down the labor unions and farmer organizations that already have this protection.

What harm could it do that this Congress should go on record as adopting these amendments, saying that none of these funds shall be used by the Attorney General or any other agency of this Government to override the very potent rights that were guaranteed in the Clayton Antitrust Act?

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. QUIN. I yield to the gentleman.

Mr. BLAND of Indiana. As I understand the gentleman, he says that the effect of this amendment is already law, and this amendment will only insist upon its being law. Is that the gentleman's position?

Mr. QUIN. Oh, the gentleman does not understand. These amendments are proposed to keep your Attorney General and his agents from going out and criminally and wrongfully jumping on the poor union laboring men of this country and the organizations of poor farmers of this country, who, in my judgment, have had no class legislation enacted in their behalf, but only had justice given to them when the Clayton Antitrust Act was passed, exempting these two powerful forces for good in this country from being placed under the oppressive hand of organized capital and organized greed that always has its greedy hand in the pockets of all the people. We do not want any of the funds carried in this or any other bill to be available for the purpose of preventing the legitimate efforts of labor unions and farmers' unions to get justice and a fair price for their toil. Who of you can object to the amendment being adopted to further insure that those safeguards shall be placed around these labor organizations and the farmers' unions of the United States when this bill becomes effective? [Applause.]

Mr. HUSTED. Mr. Chairman, I move that debate on this amendment and all amendments thereto be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. HUSTED].

The question being taken, on a division (demanded by Mr. LONDON) there were—ayes 75, noes 40.

Accordingly the motion was agreed to.

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry, please. Just what was the debate closed upon?

The CHAIRMAN. On the amendment of the gentleman from Illinois [Mr. DENISON] and all amendments thereto.

Mr. HUDDLESTON. I beg to refer to the notes of what was said. I took particular note of what the gentleman from New York said. He moved that we close debate upon this amendment.

SEVERAL MEMBERS. And all amendments thereto.

The CHAIRMAN. The Chair has stated the motion correctly. The gentleman is out of order.

Mr. HUDDLESTON. I did not claim to be in order. I was undertaking merely to propound a parliamentary inquiry.

The CHAIRMAN. And the Chair has answered it.

Mr. HUDDLESTON. All right. Then the Chair is out of order in discussing it.

The CHAIRMAN. The gentleman from Alabama will please be seated. The question is on the amendment of the gentleman from New York [Mr. LONDON] to the amendment of the gentleman from Illinois [Mr. DENISON].

Mr. LOWREY. Mr. Chairman, may we have those amendments reported? Some of us got in late and do not know what we are voting on.

The CHAIRMAN. If there is no objection, the amendment will be reported. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. LONDON to the amendment offered by Mr. DENISON: At the end of the amendment add: "*Provided further*, That no part of the money appropriated by this act shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of the money appropriated by this act shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

Mr. JOHNSON of Kentucky. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Kentucky. Should not the vote first be taken upon my substitute?

The CHAIRMAN. The amendment of the gentleman from New York [Mr. LONDON] is first in order. The question is on the amendment of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LONDON) there were—ayes 49, noes 84.

Accordingly the amendment of Mr. LONDON was rejected.

The CHAIRMAN. The question now recurs upon the substitute of the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. May we have it reported again?

Mr. MANN. I ask to have the original amendment and the substitute both reported.

The CHAIRMAN. If there is no objection, the Clerk will report the Denison amendment and the substitute of the gentleman from Kentucky.

There was no objection.

The Clerk read as follows:

Substitute offered by Mr. JOHNSON of Kentucky: Page 27, line 15, insert: "*Provided, however*, That no part of the money appropriated by this act shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of the money appropriated by this act shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

The CHAIRMAN. The question is on the substitute offered by the gentleman from Kentucky [Mr. JOHNSON].

The question was taken; and on a division there were—ayes 74, noes 65.

Accordingly the substitute was agreed to.

The CHAIRMAN. The question now recurs on the amendment as amended by the substitute.

The question being taken, on a division (demanded by Mr. NOLAN, Mr. BANKHEAD, and Mr. JOHNSON of Kentucky) there were—ayes 69, noes 77.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. HUSTED and Mr. JOHNSON of Kentucky.

The committee again divided; and the tellers reported—ayes 68, noes 75.

Accordingly the amendment as amended by the substitute was rejected.

Mr. JOHNSON of South Dakota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of South Dakota: Page 27, line 15, insert: "For attorneys, accountants, and clerical assistance in the investigation and prosecution of fraudulent war claims against the Government and investigation of settlements made on war contracts and prosecution in such cases as the Attorney General shall deem necessary, $500,000."

Mr. JOHNSON of South Dakota. Mr. Chairman, in this bill providing for the entire legal department of the Government I find no provision for the necessary clerical assistance and accountants that will be required if we are going to see that those men who grafted upon the Government during the war are prosecuted. Everyone who is at all familiar with the situation recognizes the fact that the Attorney General and some individuals in the War Department have had for some time under investigation many of these claims, and in at least one case with which we are familiar—a recent case—have taken legal action.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. GARRETT of Tennessee. Was there an estimate sent in for an item of this sort?

Mr. JOHNSON of South Dakota. Not so far as this is concerned.

Mr. GARRETT of Tennessee. The Department of Justice has not asked for anything?

Mr. JOHNSON of South Dakota. So far as I know the Department of Justice has not asked for it, but I will say that I want to anticipate, because it will not be a very great length of time before they will ask for such an appropriation, and I want to get it in in time; that is the reason I am offering this amendment. I had no idea that gentlemen would oppose it. We know in a recent case prosecution has begun, and I know that the entire department which has charge of the prosecution in this great class of cases is now in the hands of one clerk, who a few years ago was drawing a salary of $1,200, and in the hands of the few investigators, none of whom are receiving an adequate salary. These men are being opposed to-day by the best lawyers in the United States. In any one of these cases the Government would not be more than adequately represented if it had two of the finest and highest priced lawyers in the United States.

I say without any hesitancy and without any reservations that these claims ought to be prosecuted, and if they are not prosecuted within a reasonable time the statute of limitations will expire and the men who have been guilty of these colossal war frauds will not be punished. After a thorough investigation, which lasted all of last year, I am thoroughly convinced of the necessity of an appropriation, so that the legal department of the Government will function in these prosecutions during the next two years.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of South Dakota. I will.

Mr. MANN. As to the amount involved, has the gentleman made any estimate?

Mr. JOHNSON of South Dakota. I have made somewhat of an estimate, that I do not have with me to-day, but I might present it to the House on another occasion. I do not know that I would be within a hundred thousand dollars of the necessary amount, and I make no pretension at this time as to the accuracy of the estimate or how much the Attorney General would need; it is a matter for him to determine, and I have such confidence in him that I feel he would not expend any more or any greater amount than is absolutely necessary.

Mr. MANN. Has the gentleman consulted the Attorney General or anybody in the department?

Mr. JOHNSON of South Dakota. I will say that I have not consulted the Attorney General.

Mr. HUSTED. Mr. Chairman, I think I can say to the gentleman from South Dakota that he is out in his estimate just the amount carried in his amendment. The Department of Justice has not asked for this item, but the Department of Justice is engaged in this work, and has ample funds to carry it on at the present time. It does not need an additional dollar for this purpose, and if this money was appropriated it simply adds $500,000 to the amount carried in the bill which we would have to raise by taxation and which the department could put to no good purpose.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. COOPER of Wisconsin. Inasmuch as the gentleman has just informed us that the Attorney General is engaged in the work of prosecution, will the gentleman state what prosecutions have been begun?

Mr. HUSTED. Well, the prosecution of Charles W. Morse is one which has had great attention in the public press.

Mr. COOPER of Wisconsin. Can the gentleman name any other?

Mr. HUSTED. I do not know what particular prosecutions have been carried on, but I know that they are engaged in investigating these cases. I know that is a large part of the work carried on by the bureau for the detection and prosecution of crime. These cases are in the hands of the attorneys for the department, and if prosecutions have not been instituted they soon will be.

Mr. COOPER of Wisconsin. Will the gentleman yield for one more suggestion? All through the campaign of 1920 I think there was not a Republican speaker who did not suggest that there ought to be prosecutions of the persons guilty of these infamous frauds on the Public Treasury. Therefore, I sincerely hope that the amendment will be agreed to.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. JOHNSON of South Dakota. The gentleman says there was a force engaged on the investigation of these fraud cases; can the gentleman name some one above a minor clerk engaged in the work at the present time?

Mr. STAFFORD. Will the gentleman yield? Will the gentleman permit me to make a reply?

Mr. JOHNSON of South Dakota. I asked the question of the chairman of the committee. Does the gentleman from Wisconsin feel that it devolves on him to protect the chairman of the committee?

Mr. HUSTED. The chairman of the committee does not need protection.

Mr. STAFFORD. The chairman of the committee needs no protection; but I thought I could give the gentleman from South Dakota some information which I thought might be agreeable to him; but I can do it in my own time.

Mr. HUSTED. I was looking up some papers to give the gentleman some definite information. Under fraudulent claims there are now 50 cases being investigated by the department, and there are 108 cases of fraud being investigated.

Mr. COOPER of Wisconsin. Are these war contract frauds?

Mr. HUSTED. I think nearly all of them are.

Mr. COOPER of Wisconsin. Those are the ones about which we are especially solicitous.

Mr. JOHNSON of South Dakota. Does the gentleman know that one of those is a war fraud case?

Mr. HUSTED. I know from the statement of the chief of the bureau.

Mr. JOHNSON of South Dakota. Will the gentleman name one war fraud case—I am not talking about all these fraud cases all over the country—with the exception of the harness case?

Mr. HUSTED. The gentleman knows perfectly well that no subcommittee can possibly go into such minute detail as to ascertain the title of every particular case being investigated by the Department of Justice. We have the general statement that this class of cases is having the very careful attention of the Department of Justice, that the cases are being investigated and being prepared for trial, and I know that the department is anxious to bring these guilty persons to justice as speedily as possible.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. STEVENSON. I wanted to ask the gentleman if the provision under the heading "Detection and prosecution of crimes," found on pages 31 and 32, under which $2,250,000 is appropriated, does not cover all of the items practically that the gentleman embraces in his amendment?

Mr. HUSTED. It does.

Mr. STEVENSON. A bureau of investigations is provided for that.

Mr. HUSTED. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, the gentleman from Wisconsin [Mr. COOPER] referred to the fact that practically every Republican speaker on the stump in 1920 made statements that there would be prosecutions. Of course, practically every Republican speaker on the stump in 1920 said a great many things and made a great many proimses that have not yet been fulfilled. It is quite likely that there is more justification for not fulfilling those particular promises than anything else that was promised in the campaign of 1920. Because I will tell the gentleman from Wisconsin [Mr. COOPER], in con-

fidence, that that was mostly just pure political bunk. The truth of it is that we had investigating committees here that investigated, not all, but a great many of these contracts, and never did one of those investigating committees of the House itself lay its hand upon a specific contract and say to the Department of Justice, "Here, prosecute this." They put the matter up to the Department of Justice in merely general terms.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield. I do not mean to say that there are not cases that need investigation.

Mr. COOPER of Wisconsin. Does not the gentleman perfectly well remember the report made by the commission of which Charles E. Hughes, now Secretary of State, was the head, in which he suggested boldly that there was indubitable evidence of fraud? Then the committee which was afterwards appointed by the House—I was not then a Member of the House—followed up the investigation and went into the spruce-tree contract cutting, and so forth, in the matter of airplanes, where millions and hundreds of millions of dollars were expended and no airplanes were produced. Afterwards some of the men to whom the trail most directly led were promoted.

Mr. GARRETT of Tennessee. I will say to the gentleman that, so far as that House investigation is concerned, the gentleman from Wisconsin, and a great many others, took just one side of the proposition and accepted it as proof, and probably never read the minority report.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. JOHNSON of South Dakota. The gentleman evidently is opposing this appropriation. Am I correct?

Mr. GARRETT of Tennessee. Yes; I am opposing this because there is no estimate for it. The Department of Justice has not asked for it. I am not opposing any prosecutions, I will say to the gentleman.

Mr. JOHNSON of South Dakota. The gentleman is opposing it also upon the grounds that he does not deem it to be necessary because of the great purity of the last administration and the fact that they conducted the war without graft.

Mr. GARRETT of Tennessee. I have made no such statements.

Mr. JOHNSON of South Dakota. Is not that one of the reasons the gentleman opposes it?

Mr. GARRETT of Tennessee. I oppose it because there has been no estimate made for it, and there is no testimony that it is needed except the gentleman's statement, and the gentleman does not know.

Mr. JOHNSON of South Dakota. We both served on investigating committees during the last Congress, and the gentleman reported in every case in which he made any report at all that there was no evidence of either graft or violation of law. The gentleman still believes that?

Mr. GARRETT of Tennessee. Oh, no; I did not so report. I can tell the gentleman of a great many specific cases, though I do not care to bring that matter up now.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BYRNS of Tennessee. In view of the statement that the gentleman from New York [Mr. HUSTED] has made to the effect that the Department of Justice had all of the money that is necessary to make these prosecutions, and that all of the money that the Department of Justice has asked has been granted in order to make these prosecutions, will this amendment do anything more than simply provide additional funds for the employment of additional attorneys?

Mr. GARRETT of Tennessee. That is all; and the gentleman from New York [Mr. HUSTED] has very frankly stated that situation to the House, and until there be an estimate from the Department of Justice or a statement that the Department of Justice needs it, I shall oppose this amendment. If the Department of Justice will say that it needs the funds, then I will join with the gentleman in providing it, but not until then.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken; and on a division (demanded by Mr. JOHNSON of South Dakota) there were—ayes 20, noes 63.

So the amendment was rejected.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the paragraph. I am not willing to make an appropriation for the Department of Justice in view of the action of the House in refusing to limit the uses to which the appropriation may be made as proposed by the gentleman from Illinois [Mr. DENISON] and by the gentleman from Kentucky [Mr. JOHNSON]. Bear in mind, gentlemen, that previous bills have carried language similar to that proposed by the amendments which the committee has rejected. That language is now omitted from this bill. Its omission undoubtedly has a significance. I am bound to ask myself what it is.

Mr. HUDSPETH. Mr. Chairman, I dislike very much to object, but that water has gone over the dam, and I do not see any good purpose to be served by discussing it now. I shall have to object unless the gentleman confines himself to the bill.

The CHAIRMAN. The gentleman will proceed in order.

Mr. HUDDLESTON. Mr. Chairman, I am proceeding in order. That fact has a significance. It means something. Why has the committee reporting this bill omitted that limitation, and why has the House now refused to put the limitation in? That is something which everyone should ask himself.

More than two months ago I called the attention of the House to the fact that a great coal strike was impending.

Mr. HUSTED. I make the point of order that the gentleman is not proceeding in order.

The CHAIRMAN. The gentleman will proceed in order.

Mr. HUDDLESTON. I am doing it.

I begged that the administration would use some of its great power and prestige toward doing something to prevent that strike. I said that the strike was inevitable unless there was intervention. I said that the coal operators had prepared themselves for it and wanted the strike to come on. I called attention to the fact that they had refused to comply with their agreement to discuss the matter with their employees, and I urged the President to use some of his prestige to cause a meeting between the two great contending forces so that something might be done to prevent the strike.

But nothing was done. The President had business in Florida about that time. Oh, there has been a "bluff" at doing something to prevent the strike. A colorable and hypocritical pretense has been made of an effort to bring these contending forces together. But no sincere effort at settlement or conciliation has been made. By the way, I want it distinctly understood that I do not include within that condemnation the splendid effort of the chairman of the Committee on Labor. That was sincere and good; he has gone as far as he could. I refer to the executive and to the administrative branch of the Government. I assert that there has been no real and honest attempt to prevent the coal strike.

Mr. WALSH. Mr. Chairman, I make the point of order that there is nothing pending before the House calling for the remarks——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. NOLAN. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NOLAN. Mr. Chairman, I desire to correct the impression that might have been created on this committee by the statement of the gentleman from Wyoming [Mr. MONDELL]. He stated that the substitute offered by the gentleman from Kentucky might be considered a reflection upon the Department of Justice. I must disagree, to this extent: Long before I came to Congress, and that was some nine years ago, there was carried in the appropriation bill appropriating money for the Department of Justice an exemption prohibiting the use of the funds of the Department of Justice from prosecuting labor organizations and farm organizations under the provisions of the antitrust law. In 1914 the Sixty-third Congress passed the Clayton Act, amending the Sherman antitrust law. The Appropriations Committee of the House at that time did not see fit to wipe out that proviso, and it has been carried in every appropriation bill from that day to this. And it has not been considered a reflection upon preceding Attorneys General of the Department of Justice. And I take issue with the statement of the gentleman from Wyoming that it must be so considered, by the widest stretch of the imagination, to be a reflection upon the present Attorney General or the administration of the Department of Justice.

Let us see what the facts are. Some two years ago the gentleman from Ohio [Mr. FESS] succeeded in committee in having this provision stricken out. I succeeded in getting a roll call in the House proper, and by an overwhelming vote the House defeated the amendment of the gentleman from Ohio [Mr. FESS] and reinstated the very provision that was offered by the gentleman from Kentucky [Mr. JOHNSON] to-day.

I want to say to my Republican friends here that if they think the situation is such in the congressional elections that

are coming along next November, that they can go along in the way they have been going on and get consideration from the so-called labor vote or the workingmen in the industrial districts, there will be an awakening after the votes are counted and it will not be helpful to their control of this House. [Applause.] It is passing strange that the Committee on Appropriations brought in this year, as they did last year, since my Republican friends came into control, the appropriation bill for the Army and omitted the prohibition of the stop-watch system, which the House promptly corrected. This subcommittee has brought this bill in for the first time since I have been a Member of the House without this exemption which would prohibit the Department of Justice from prosecuting labor and farm organizations under the provision of the Sherman antitrust law. Now, if it is true that after the passage of the Clayton Act we continued it, why could we not continue it now after the passage of the Capper-Volstead bill? What assurance have we that the farmer is any more secure under the Capper-Volstead Act than the laborer was under the Clayton Act?

Mr. BARBOUR. If I understood correctly the substitute of the gentleman from Kentucky [Mr. JOHNSON], it provided that money should not be used in case injunctions were brought against farmers' organizations.

Mr. NOLAN. Not at all. The amendment of the gentleman from Illinois [Mr. DENISON], which, by the way, we never voted on, provided that there should not be any money used for securing injunctions in labor disputes. But the substitute of the gentleman from Kentucky was the exact provision that has been carried each year for the past 12 years in the bill providing money for the Department of Justice.

Mr. BARBOUR. Did it not provide that money should not be used for Government prosecution against farmers' organizations?

Mr. NOLAN. Yes.

Mr. BARBOUR. The marketing bill—the Capper-Volstead bill—provides if a farmers' marketing organization violates the law it shall be prosecuted and the prosecution is in the hands of the Attorney General. The two things conflict. I am in favor of the amendment that was introduced, the amendment of the gentleman from Illinois [Mr. DENISON] and the substitute of the gentleman from Kentucky [Mr. JOHNSON], but in my opinion the amendment of the gentleman from Kentucky that applied to farmers' organizations was in direct conflict with the Capper-Volstead law.

Mr. NOLAN. I do not believe, if the gentleman will study the Capper-Volstead law, that he will find it so.

The CHAIRMAN. The time of the gentleman from California has expired.

The Clerk will read.

The Clerk read as follows:

Office of Solicitor of the Treasury: Solicitor, $5,000; two assistant solicitors, at $3,000 each; chief clerk, who shall also discharge the duties of chief law clerk, $2,250; law clerk, $2,000; two docket clerks, at $2,000 each; clerks—two of class four, two of class three, two of class two; assistant messenger, $720; laborer, $660; in all, $30,230.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman from New York yield? How much longer is he going to proceed to-night?

Mr. HUSTED. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11065 and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. MOORE of Illinois, by unanimous consent, was granted leave of absence for 10 days on account of important business.

DESIGNATION OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair designates the gentleman from Massachusetts [Mr. WALSH] to preside at the opening of the session to-morrow.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that April 5 they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 9633. An act to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty;

H. R. 8815. An act to amend the act of March 1, 1921 (41 Stats. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries";

H. R. 2558. An act for the relief of Richard P. McCullough;

H. R. 8832. An act to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent;

H. R. 7870. An act for the relief of I. C. Johnson, jr.;

H. R. 9604. An act for the acquisition of a post-office site at Madison, Wis.;

H. R. 10297. An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War; and

H. J. Res. 257. Joint resolution to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York.

ADJOURNMENT.

Mr. HUSTED. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until Saturday, April 8, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clase 2 of Rule XIII,

Mr. SMITH of Idaho: Committee on Irrigation of Arid Lands. H. R. 10614. A bill to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States; with amendments (Rept. No. 883). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCORMICK: Committee on Indian Affairs. H. R. 11054. A bill to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes; without amendment (Rept. No. 884). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. S. 2263. An act to amend the Federal reserve act approved December 23, 1913; with amendments (Rept. No. 885). Referred to the Committee of the House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10686) granting an increase of pension to Elizabeth Sizemore; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11050) granting a pension to August Hertz; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARDY of Texas: A bill (H. R. 11211) authorizing the Secretary of the Treasury to grant an easement to the Johnson-Wiggins Post, No. 22, American Legion, of a strip of land off the Federal building site directly north of the post office building at Corsicana, Tex., for the purpose of erecting thereon a memorial; to the Committee on Public Buildings and Grounds.

By Mr. FAIRFIELD: A bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Reform in the Civil Service.

By Mr. TILLMAN: A bill (H. R. 11213) to continue the land office at Harrison, in the State of Arkansas, and for other purposes; to the Committee on the Public Lands.

By Mr. BUTLER: A bill (H. R. 11214) authorizing the President to scrap certain vessels in conformity with the provisions of the treaty to limit naval armaments, and for other purposes; to the Committee on Naval Affairs.

By Mr. ROSSDALE: A bill (H. R. 11215) to permit the right of counsel or of representation to arriving aliens at any hear-

ing of a special board of inquiry held to determine the right of such immigrant for admission to the United States; to the Committee on Immigration and Naturalization.

By Mr. COLTON: A bill (H. R. 11216) to authorize the use of trucks on Government operated star routes to transport freight on return trips; to the Committee on the Post Office and Post Roads.

By Mr. McFADDEN: A bill (H. R. 11217) to make punishable by law the offense of spoken, written, or printed derogatory statements or suggestions affecting banks; to the Committee on the Judiciary.

By Mr. BURTNESS: A bill (H. R. 11218) for the erection of a Federal building at Fargo, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. KINKAID: A bill (H. R. 11219) to continue the district land offices at Alliance and Broken Bow, Nebr.; to the Committee on the Public Lands.

By Mr. MONDELL: Joint resolution (H. J. Res. 304) authorizing the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSORGE: A bill (H. R. 11220) for the relief of Maj. John Vernou Bouvier, jr.; to the Committee on Claims.

Also, a bill (H. R. 11221) for the relief of Jesse G. Williams; to the Committee on Claims.

By Mr. CAMPBELL of Kansas: A bill (H. R. 11222) granting a pension to Margaret B. Blunt; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 11223) granting a pension to Euphemia Jones; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 11224) granting a pension to William Wiles; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11225) granting a pension to Oscar Scates; to the Committee on Pensions.

By Mr. SHAW: A bill (H. R. 11226) granting a pension to Mary F. Gay; to the Committee on Invalid Pensions.

By Mr. SNELL (by request): A bill (H. R. 11227) for the relief of Ulric O. Thynne; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5016. By Mr. RAKER: Petition of the Yakima Commercial Club, of Yakima, Wash., relative to the curtailment of the naval forces of the United States and protesting against the same; to the Committee on Naval Affairs.

5017. Also, petition of William J. Hanington, of Los Angeles, Calif., indorsing the Bursum bill; to the Committee on Military Affairs.

5018. Also, petition of United Chambers of Commerce of the Sacramento Valley, of Woodland, Calif., relative to the tariff on Turkish tobacco; to the Committee on Ways and Means.

5019. By Mr. KISSEL: Petition of Central Trades and Labor Council, New York City, N. Y., urging the passage of House bill 10246; to the Committee on Reform in the Civil Service.

5020. By Mr. GALLIVAN: Petition of W. F. Schrafft & Sons Corporation, Boston, urging passage of House bill 10159, the commercial bribery bill; to the Committee on the Judiciary.

5021. By Mr. SMITH of Michigan: Petition of Parke Davis & Co., against the passage of House bill 2193; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 8, 1922.*

The House met at 12 o'clock noon, and was called to order by Mr. WALSH as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy, holy, holy, Lord God Almighty. Thou art under the great burden of the world and this infinite truth means strength for the weak, love for the loveless, and a rescue for human life. Heavenly Father, our prayer is that we may hear the world's deeper meaning through the surface of mortal things. Bless us with a wise appreciation of the present. Lead us so we shall feel most deeply a new power and a new persuasion bursting from the fountain of eternal truth. When the door of this day closes lift us above the work of the days; give us respite from our labors. May home be sweet and loved ones dear, and may we hear the spiritual melody that lures us to a better and a nobler life. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920.

The message also announced that the Senate had passed with amendments the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, in which the concurrence of the House of Representatives was requested.

LEAVE OF ABSENCE.

Mr. STEVENSON, by unanimous consent, was granted leave of absence for to-day.

RESIGNATION OF A MEMBER FROM COMMITTEES.

The SPEAKER pro tempore. The Chair lays before the House the following communication addressed to the Speaker.

The Clerk read as follows:

APRIL 8, 1922.

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives, Washington, D. C.

SIR: I hereby tender my resignation as a member of the following committees: Committee on the District of Columbia, Committee on Claims, Committee on Expenditures in the Post Office Department.

With great respect, your obedient servant,

JAMES P. WOODS.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO COMMITTEES.

Mr. GARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 321.

Resolved, That JAMES PLEASANT WOODS, Member of Congress from the sixth district of Virginia, be, and he is hereby, elected a member of the standing Committee of the House on the Post Office and Post Roads; and

That JOSEPH T. DEAL, Member of the Congress from the second district of Virginia, be, and he is hereby, elected a member of the Committee on Claims.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. The Members are elected accordingly.

NAVY DEPARTMENT APPROPRIATION BILL.

Mr. STAFFORD rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Wisconsin rise?

Mr. STAFFORD. To prefer a unanimous-consent request. At the request of the gentleman from Illinois [Mr. MADDEN], chairman of the Committee on Appropriations, I ask unanimous consent that the gentleman from Michigan [Mr. KELLEY] may have the privilege of submitting a privileged report—Report No. 888—on the Naval Department appropriation bill, H. R. 11228, before midnight to-night, as if the House were in session, and that all points of order may be reserved thereon.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the gentleman from Michigan [Mr. KELLEY], from the Committee on Appropriations, may submit a privileged report on the Navy Department appropriation bill at any time before midnight to-night, as if the House were in session, and that all points of order be reserved thereon. Is there objection?

There was no objection.

Mr. STAFFORD. And that the bill be referred to the Committtee of the Whole House on the state of the Union.

The SPEAKER pro tempore. And that the bill and report, when submitted, be referred to the Committtee of the Whole House on the state of the Union. Is there objection to the request as modified?

There was no objection.

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATION BILL.

Mr. HUSTED. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065.

The SPEAKER pro tempore. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. DOWELL] will please resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11065, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

Office of Solicitor of the Department of Commerce: Solicitor, $5,000; Assistant Solicitor, $3,000; clerks—2 of class 4, 2 of class 3, 3 of class 2, 1 of class 1; messenger, $840; in all, $21,040.

Mr. VESTAL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. VESTAL. Mr. Chairman and gentlemen of the committee, I desire to call the committee's attention to a statement made by the distinguished gentleman from Wyoming [Mr. MONDELL] on the 3d of April, found in the CONGRESSIONAL RECORD, on page 5396, in speaking about the increase in the salaries of the officials of the Patent Office. I suppose that my distinguished friend is still somewhat piqued over the fact that the bill to increase salaries in the Patent Office passed the House and passed the Senate and became a law, and in his statement to the House on that day he said:

It seems that that legislation will increase the appropriations for salaries in the Patent Office $1,951,340.

The statement is such an exaggeration of what the real fact is that I feel the committee ought to know about it. The fact is that the figures that the gentleman from Wyoming gave to the committee represent the whole appropriation for the full year. One million nine hundred and fifty-one thousand three hundred and forty dollars pays it all, and the bill that we passed only increased the original appropriation by $447,000. The appropriation was $1,500,000 for the year, and the increase in the salaries carried by the bill passed increased them by $447,000, making a total appropriation for the full year of $1,951,340.

The gentleman from Wyoming goes on to say—

Two million dollars increase, practically, in one comparatively small bureau of the Government.

I feel that it is only my duty, being a member of the Committee on Patents, and having something to do with the passage of the bill referred to, which increased the salaries in the Patent Office, to see that this error should be corrected in the RECORD.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. MILLER. Were not the fees in the Patent Office increased correspondingly, so as to take care of that additional expense?

Mr. VESTAL. The fees of the Patent Office were increased so that the entire increase is taken care of, and if the business keeps on as it started on the first of this year we shall have a surplus of $386,000.

That is all I care to say. [Applause.]

The Clerk read as follows:

For rent of buildings and parts of buildings in the District of Columbia, $36,000, if space can not be assigned by the Public Buildings Commission in buildings under the control of that commission.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The Department of Justice had a lease for five years on the building that it is now occupying. As I recall, that lease was negotiated about four or more years ago. Has the gentleman any information as to whether that lease has been renewed or whether any negotiations are on foot looking to its renewal and extension?

Mr. HUSTED. The lease is about to expire and negotiations are under way for a renewal of it; but I will say to the gentleman that it will be impossible to renew the lease on any such terms as the present ones.

Mr. STAFFORD. When does this lease expire?

Mr. HUSTED. I think it expires on July 1 of this year.

Mr. STAFFORD. Well, here is the practical situation that confronts the committee and the Congress: This building was erected primarily for the Department of Justice, under a contract whereby we secured that property at the rate, as I recall, of 36.4 cents per square foot. Costs of construction have gone up considerably since then, as all costs have gone up. During the war private investors were not willing to enter into contracts with the Government for similarly constructed buildings for less than 50 or 60 cents per square foot. Here is a department housed in a building that is suitable for its needs, with no appropriation available to continue it in those quarters, and it will be obliged to find quarters in available public buildings. Are there any public buildings available that will house such a great and growing force as that of the Department of Justice?

Mr. MANN. I read in the newspaper the other day—which is not probably a very accurate source of information—that the Department of Justice might be accommodated in the buildings north of the Munitions and Navy Buildings if Congress should conclude to buy that property instead of having the buildings upon it torn down. Whether there is room there or not for the Department of Justice I do not know.

Mr. STAFFORD. The gentleman will agree that those buildings—which are frame buildings, as I recall—are not suited for permanent occupancy, especially by such a force as that of the Department of Justice.

Mr. MANN. It would be far better, I think, than being out on the street.

Mr. STAFFORD. Oh, yes; I agree that it would be better than being out on the street. They might be able to do a little more work in those frame shacks that are falling to pieces as the years go on.

Mr. MANN. According to the statements which have been made in the public press—I do not vouch for them—the owners of the Department of Justice Building have demanded a rental which is more than twice as much as they are now receiving. I do not know whether that is a reasonable rent or not. I am not advised as to that, but I really do not think very much of the idea of putting up buildings for Government use and getting a department into them on the ground that they are going to lease them very cheaply, and then as soon as they get the department in there proceeding to more than double the rent. I call that a sort of a holp-up.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent for an extension of time of five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I do not wish to bring up the history of the neglect of the then Attorney General in not following the direction of Congress in the legislative appropriation bill authorizing the leasing of this property, which carried a mandatory direction that the lease to be entered into should be for a period of five years with an option on the part of the Government for another five years. That was included in the lease of the building now occupied by the Department of Labor, but as to the Department of Justice Building they did not follow the direction of Congress but entered into a lease for the period of five years only. We are confronted with the condition of rising costs, and it can not be expected that we will be able to secure the same quarters when building costs are so much higher at the same rental as we secured this building five years ago when costs were so much less. We will necessarily have to pay more. I should say that twice the present rental would be an exorbitant price. Perhaps an increase of 50 per cent over what we are paying to-day would be a reasonable rental considering the increased costs.

Mr. BLANTON. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Texas.

Mr. BLANTON. So far as the Department of Justice is concerned and its present necessities, I can take the gentleman down to the new Munitions and Navy Buildings and show him

unoccupied space there now that would house the Department of Justice.

Mr. STAFFORD. If there is available space in a well-constructed building, such as the Navy or Munitions Building, the Department of Justice should be housed there; but I am opposed to the continued housing of Government activities in flimsy shacks where in the summer time the quarters are unfit for the occupancy of employees.

Mr. HUSTED. The Department of Justice expects to continue in the occupancy of its present premises. They are fairly well adapted to its purposes. Perhaps there is not quite room enough, but there does not seem to be any other place that is available. It would cost a great deal to move, and be very inconvenient, especially at the present time. Arrangements have been made which will assure the continuance of the department in its present location. It will be at a somewhat increased rental, but the rental, I think, will be reasonable and much less than the owners of the premises would rent the property for to any private concern.

Mr. GARNER. Will the gentleman state what that rental will be?

Mr. HUSTED. I can not state exactly what the rental will be.

Mr. GARNER. The gentleman has stated that it would be reasonable, although at an increased cost, and I thought he had the figures.

Mr. HUSTED. I think it will not be in excess of a reasonable amount.

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, referees, and trustees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice or the Department of State as may be directed by the Attorney General; hire, maintenance, upkeep, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary, including not to exceed $3,750 for purchase of one automobile, and including not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General, whose certificate as to the expenditure thereof shall be conclusive on the accounting officers of the Treasury Department; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, including not to exceed $250,000 for necessary employees at the seat of government, and including a Director of the Bureau of Investigation at not exceeding $7,500 per annum, to be expended under the direction of the Attorney General, $2,250,000: *Provided*, That this appropriation shall be available for advances to be made by the disbursing clerk of the Department of Justice when authorized and approved by the Attorney General, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding: *Provided further*, That for the purpose of executing the duties for which provision is made by this appropriation, the Attorney General is authorized to appoint officials who shall be designated "special agents of the Department of Justice," and who shall be vested with the authority necessary for the execution of such duties.

Mr. BLANTON. Mr. Chairman, I make the point of order against the second proviso, beginning in line 12 and ending on line 18, as being legislation unauthorized on an appropriation bill.

Mr. HUSTED. Will the gentleman state the basis of his point of order?

Mr. BLANTON. That there is no law authorizing such legislation on an appropriation bill. I will say to the gentleman that this has been carried in an appropriation bill, but not in such a way as to make it permanent law. One President had appointed by the Department of Justice one of these special agents specially and solely to protect the body of a certain individual citizen in the United States as he traveled over the country during 12 months of the year.

Mr. HUSTED. Mr. Chairman, the Attorney General has certainly general authority to appoint officials to execute the law. The fact that in the proviso they are designated by a certain appellation does not affect the situation at all. This provides that they shall be designated special agents of the Department of Justice, but they could be designated by any other name just as well, and the fact that they are so designated does not give them any additional authority. The fact that they are given this special appellation does not affect the situation one way or the other.

Mr. BLANTON. Does the gentleman yield?

Mr. HUSTED. Yes.

Mr. BLANTON. Has Congress ever passed a law authorizing the Attorney General to appoint officials who shall be designated "special agents of the Department of Justice"?

Mr. HUSTED. The fact that they are designated as special agents of the Department of Justice does not give them any additional authority; it is not legislation creating any power or greater authority, nor does it widen the scope of the activity of these agents; it is merely a name. We have carried similar designations, over and over again, in different parts of the act.

Mr. BLANTON. But nevertheless when we wanted to change the designation of the Assistant Secretary to Undersecretary we had to have legislation for it, and we had a special rule brought in.

The CHAIRMAN. The Chair is inclined to think that unless there is special legislation on this question the point of order should be sustained.

Mr. HUSTED. The chairman of the subcommittee is unable to cite the Chair to any special law, but he believes that the Attorney General has the general authority.

The CHAIRMAN. The point of order is sustained.

Mr. HUSTED. Mr. Chairman, I offer the following amendment: Page 32, line 12, after the word "notwithstanding," add the following: "*Provided further*, That for the purpose of executing the duties for which provision is made by this appropriation the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, line 12, after the word "nothwithstanding," insert: "*Provided further*, That for the purpose of executing the duties for which provision is made by this appropriation the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment. All of the employees of the Department of Justice that are authorized to be appointed are creatures of legislation. It is a matter of statute fixed by law. This is clearly an attempt to give additional authority to the Deparment of Justice outside of the present legislation, and authorizing him to appoint additional employees unauthorized by the present law. It is clearly legislation on an appropriation bill, and I make a point of order against it.

The CHAIRMAN. The point of order is overruled.

The question is on the amendment offered by the gentleman from New York.

Mr. CONNALLY of Texas. Mr. Chairman, I rise to oppose the amendment. I want to ask the gentleman from New York if there is any limitation on the salaries of these officials?

Mr. HUSTED. I think there is no statutory limitation. I can give the gentleman an idea of the range of salaries.

Mr. CONNALLY of Texas. I know what the range of the ordinary salaries of the agents of the Bureau of Investigation are, but I want to inquire if it is not a fact that the designation of special agents of the Department of Justice is simply a device to enable the Attorney General to differentiate between the general agents and these special agents as far as salaries and compensation are concerned. Knowing the views of the Attorney General with reference to some of the laws relating to appointments in the civil service and the service of the Government, I want to inquire if it would not be a wise policy for the Appropriations Committee to put some limitation on the salaries to be paid to these special agents.

Mr. HUSTED. That would be a matter of legislation.

Mr. CONNALLY of Texas. But in this bill you are providing for their appointment and appropriating money to pay them.

Mr. HUSTED. It could be done.

Mr. CONNALLY of Texas. Why does not the committee do it?

Mr. HUSTED. The committee has not found any abuse. Let me say that the highest amount paid in this bill is to the director, who receives $7,500. That is Mr. Burns. The next is assistant superintendent, who receives $5,000, and there is one man who receives $4,000. The average salary paid to these employees would be in the neighborhood of $1,800 or less. This is not the only lump-sum appropriation carried in this bill. It has many lump sums with practically no limitation of the amount to be paid. So far as the information of the subcommittee is concerned, there has not been any abuse of the power.

Mr. CONNALLY of Texas. Unless something of that kind is intended, I see no reason for making these officials special agents of the department, when the Attorney General and the chief of the bureau now have authority to appoint all the regular agents of the bureau that they may find desirable.

Mr. HUSTED. I would say to the gentleman from Texas that they no longer can be designated as special agents, because the point of order made by the gentleman from Texas [Mr. BLANTON] struck that designation out of the paragraph.

Mr. CONNALLY of Texas. It leaves the same discretion in the hands of the Attorney General to pay them any salary he may see fit to pay them.

Mr. HUSTED. That applies practically to all of the employees in all of the bureaus of the Department of Justice. I do not think there is a limitation on any one of them.

Mr. CONNALLY of Texas. No; but the tremendous pressure, according to press reports, that is being exerted on the Attorney General and others in high positions, it seems to me, should impel Congress to be very slow in opening up these lump-sum appropriations for the appointment of new officials for the Department of Justice or any other department of this Government. I very much hope that the Appropriations Committee will in the future adopt some safeguard.

Mr. BLANTON. Mr. Chairman, I offer an amendment to the amendment, to add after the last word of the gentleman's amendment the following:

Provided, That no salary shall be paid to any of such employees in excess of $3,000.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the Husted amendment insert: "*Provided*, That no salary shall be paid to any of such employees in excess of $3,000."

Mr. BLANTON. Mr. Chairman, after the adverse ruling on the point of order and the amendment is offered the committee can do now just what the former favorable ruling on the previous point of order prevented, namely, appoint special agents, whether they are called special agents or some other kind of an employee. Under this paragraph, if this amendment is adopted without limitation, the Attorney General could pay out of the $2,250,000 we are giving him any salary he sees fit—$25,000, $50,000, $100,000. We certainly ought to put a limitation upon it. I do not complain when the Chair overrules my point of order. I accept his judgment and opinion. In fact, I never complain. I can not complain about the Washington Post putting in an alleged interview with me this morning that did not occur and was never authorized, as I had no interview with any Post representative. We ought to put a limitation upon these salaries. The gentleman says that high salaries are not paid. Much talk has been made about bringing Bergdoll back and the Bergdoll investigation. The report shows that General Ansell, the very man whom the investigating committee condemned, was paid, and the report of the Clerk shows that he was paid at the rate of $20,000 a year for his services helping a House committee. We certainly ought to put some kind of a limitation in this provision, and I just submit it to the House.

Mr. McSWAIN. Mr. Chairman, the gentleman's amendment provides that no one shall be paid in excess of $3,000. Is that a day or a week, or how much?

Mr. BLANTON. Three thousand dollars per annum. That is a per annum salary. That is considered in the law.

Mr. MANN. Mr. Chairman, the great horror which the gentleman from Texas [Mr. CONNALLY] just expressed, because this appropriation did not have a limitation as to the amount to be paid for salaries, would have come with considerably more force if it had been made at any time during the eight years the Democrats had control of the House, while he was a Member of the House, and it would have come with greater force if it had been ever made by any Member on the Democratic side of the House when the Democrats were in control of the House at any time during the last 50 years. This appropriation for the Secret Service of the Government has been carried from time immemorial, and it has always been considered one of those appropriations that ought to be in a lump sum. So far as my observation goes, it never has been used to pay extravagant salaries, and if we should adopt the provisions limiting the salary to $3,000 it would first cut down the salary of a division superintendent, who is properly receiving $5,000, and then would be an invitation to every employee to urge that his salary be increased to $3,000. The proposition is pure political bunk. [Applause on the Republican side.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. BLANTON. The gentleman knows that the present President had the good judgment and the good sense when he came into office——

Mr. MANN. To name a mighty good Attorney General.

Mr. BLANTON. To find out that theretofore under this clause a man had been employed to go around as a bodyguard to an individual citizen of this country and receive his annual salary.

Mr. MANN. I do not know about that.

Mr. BLANTON. Your President put him out of office, and I approve of his doing it.

Mr. MANN. I poke my nose into a good many things, but I have not poked it into everything in the Government, as the gentleman from Texas has.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to modify my amendment by adding the words "per annum" to the amendment that I offered.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment as the Clerk will report.

The Clerk read as follows:

Mr. BLANTON asks unanimous consent to modify his amendment by inserting the words "per annum" after the figures "$3,000."

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUSTED. Mr. Chairman, if this amendment should prevail it would cut out 10 expert bank accountants, who are paid $4,000 a year; it would cut out a division superintendent at $5,000 a year; and it would cut out 2 special agents, who are paid $3,200 a year. The average salary paid in the bureau does not exceed $1,800 a year. There are only a few men, a very few men, not exceeding 10 in number, who receive as much as $3,000 a year. The salaries have been kept down to a very low figure. There has been no abuse of the power which has been vested in the Attorney General, and it would be very unfortunate to limit it, because no one knows when an emergency may arise when he may be compelled to employ some expert who will demand a much higher salary than $3,000. I think we can safely leave this to the good judgment and discretion of the Attorney General.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Texas.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. HUSTED. Mr. Chairman, I offer the following amendment to the paragraph:

At the end of the paragraph insert the following: "These officials shall be designated as special agents of the Department of Justice."

Mr. BLANTON. Mr. Chairman, I make the point of order that that is legislation and unauthorized.

The CHAIRMAN. The gentleman from New York [Mr. HUSTED] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HUSTED: At the end of the amendment just adopted insert: "These officials shall be designated as special agents of the Department of Justice."

Mr. BLANTON. Mr. Chairman, I make the point of order it is legislation, and the Chair has already ruled on it.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for clerical services and not exceeding $40,000 for compensation of attorneys at the seat of government, $225,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: At the end of line 22, page 32, add as follows: "*Provided, however*, That no part of the money appropriated by this act shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of the money appropriated by this act shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

Mr. HUSTED. Mr. Chairman, I make the point of order against the amendment.

Mr. JOHNSON of Kentucky. Mr. Chairman, I hardly think it worth while to argue the point of order. This question has been decided many times, and this provision has been carried in bill after bill here year after year.

Mr. HUSTED. Mr. Chairman, I would like to be heard on the point of order. The amendment as offered applies to the entire appropriation carried by the bill and not to the particular fund carried in this paragraph. For that reason it is not germane to this paragraph. My second point is that this amendment, in this precise form, having already been acted upon by the committee and defeated by the committee, is not again in order on this bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, since the amendment that has been offered applies to the section which has just been read, as well as to other provisions in the bill, it is

certainly in order, because it applies to the provision which has just been read.

The CHAIRMAN. The Chair believes the amendment of the gentleman from Kentucky [Mr. JOHNSON] is in order, and refers to section 5797 of Hinds' Precedents, where a case is determined practically setting forth the same facts as in this case. The point of order is overruled.

Mr. JOHNSON of Kentucky. Mr. Chairman, the substance of this amendment first got into an appropriation bill just before the expiration of the Presidency of Mr. Taft, and he vetoed the "sundry civil appropriation bill," carrying the substance of the language used in this amendment. In a few days thereafter President Wilson came into office and the appropriation bill which Mr. Taft had vetoed came back to the House with exactly the same language in it. That bill passed both the House and the Senate and was sent to the President, then President Wilson, who approved it. Since that time this language has been in every annual appropriation bill notwithstanding the fact that every time it came up the gentleman from Ohio, Mr. SIMEON D. FESS, the chairman of the Republican campaign committee, has sought to defeat it, his efforts to the contrary notwithstanding.

I appreciate that Congress but recently passed an act relative to farmers. That act yet has to run the gantlet of the courts; and, until it has done so, and until the act recently passed by the Kentucky Legislature, which enables the farmers to pool their products until they can get a fair price for them has been held good, this language ought to be carried as law in order to prevent prosecution of just such organizations as the one to which I have referred to in Kentucky, and which, I understand, exist in other States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

Mr. HUSTED. Mr. Chairman, I offer the following amendment to the amendment.

The CHAIRMAN. The gentleman from New York offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment offered by Mr. HUSTED: After the word "farmers" insert "or producers of mineral products and associations of producers of mineral products."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. MOORE of Virginia. Mr. Chairman, does the gentleman mean to include within that language the coal operators? Is that the purpose of the amendment?

Mr. HUSTED. If it is minerals.

Mr. JOHNSON of Kentucky. Do I understand the gentleman from New York [Mr. HUSTED], who is in charge of the bill, to have just stated that the intention of the amendment is to protect from prosecution any organization of coal operators?

Mr. HUSTED. The chairman of the subcommittee means exactly this, that he is opposed to any kind of class legislation, and he considers the amendment offered by the gentleman from Kentucky the rankest kind of class legislation. In order to emphasize his opposition, he offers this amendment. I do not see why all people should not stand on the same basis before the law, or why a special favor should be granted to anybody. [Applause.] I do not believe it is right, I do not believe it is American, and I wanted to go on record on that proposition.

Mr. JOHNSON of Kentucky. Then the purpose of the gentleman's amendment is to load down this amendment with the object of defeating it?

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Kentucky [Mr. JOHNSON].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. JOHNSON of Kentucky. Division, Mr. Chairman.

The committee divided; and there were—ayes 27, noes 26.

Mr. BLANTON. Mr. Chairman, I ask for tellers.

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Those in favor of calling for tellers will please rise. [After counting.] Nineteen gentlemen have risen, not a sufficient number. The amendment is agreed to.

Mr. CONNALLY of Texas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: At the end of the paragraph on line 22 of page 32 insert "enforcement of civil service laws, 30 cents."

[Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DISTRICT COURTS.

Salaries: One hundred and one district judges, at $7,500 each, $757,500: *Provided*, That this appropriation shall be available for the salaries of all United States district judges lawfully entitled thereto for the fiscal year 1923.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Does this embrace only the district judges now in office?

Mr. HUSTED. Only those now in office.

Mr. BLANTON. It does not embrace 22 new ones?

Mr. HUSTED. Only those now in office.

Mr. MANN. We provide for the salaries of district judges if they are provided.

Mr. BLANTON. We have now 101 in office.

Mr. MANN. If we create more, they could be paid out of this appropriation.

Mr. BLANTON. And cause a deficiency?

Mr. MANN. And cause a deficiency.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Hawaii: Chief justice, $6,000; two associate justices, at $5,500 each; in all, $17,000: *Provided*, That from and after July 1, 1922, the salary of the chief justice of the Supreme Court of Hawaii shall be $6,000 per annum and the salaries of the associate justices in Hawaii shall be $5,500 each per annum.

Mr. MANN rose.

Mr. BLANTON. Mr. Chairman, I make the point of order, unless the gentleman from Illinois desires to make it, that it is legislation unauthorized on an appropriation bill and changes a statutory salary.

Mr. MANN. It is clearly in order under the Holman rule.

Mr. BLANTON. It is an increase.

Mr. MANN. It is a decrease.

Mr. HUSTED. It is a decrease from $7,500 to $6,000 for the chief justice and a decrease from $7,000 to $5,500 for the two associate justices.

Mr. BLANTON. Mr. Chairman, I withdraw the point of order.

Mr. MANN. I do not know but that perhaps the statement already made covers it, but it has been stated that the Territorial act which passed in reference to farm homesteads, and so forth, carried this item for the increase in the salary of certain officials in Hawaii, and that no word was said about it on the floor of the House.

I do not think the reduction ought to go through without any word being said about it, and I think the gentleman ought to state, while the item is under consideration, why the salary of the chief justice of Hawaii is reduced to $6,000, while we still pay the Alaska judges $7,500 and pay the judges in the United States $7,500 or $7,000, and so forth, and so on.

Mr. HUSTED. Mr. Chairman, I went into this quite fully during the general debate and gave a pretty complete explanation of the reasons why the committee took this action.

Mr. MANN. I heard the gentleman's explanation, which was that it went through the House without anybody knowing about it, which I thought was problematical, and without any other explanation of it.

Mr. HUSTED. Well, as a matter of fact, there was not any debate on the floor of the House and the title of the Hawaiian Homes Commission act made no reference to it. In addition to all that, it was not mentioned in the report on the bill and the attention of the House was not directed to it.

The Department of Justice informed the subcommittee that they had never been consulted about it; that they did not consider the increase as justified; and that they would not recommend these salaries. In view of the fact that the House passed upon it without debate, without any discussion, and the fact that there was no reference made to it in the report on the bill, and the fact that the title did not disclose it so that Members of the House would have their particular attention directed to it, and in view of the statement of the Department of Justice we

thought the proper course was to bring these salaries back to the figure at which they stood when the Hawaiian Homes Commission bill came up. If the increases are justified, let them come in in the regular way with the usual recommendation and let the Committee of the Whole pass upon it.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CLOUSE. I wonder if you provide there for a reduction of the salaries of the district judges in the Hawaiian Islands?

Mr. HUSTED. No; and they were not increased.

Mr. CLOUSE. I happen to know that a former law clerk happens to be one of the district judges, appointed a few years ago. He went over there at a salary of $1,600 or $1,800 a year and has no reputation as a lawyer that I know of, and I was wondering if it would not be advisable to investigate some of the salaries of district judges and reduce some of them.

Mr. HUSTED. There is a constitutional provision against reducing the salary of a district judge during his term of office, which precludes any legislative action.

Mr. CONNALLY of Texas. Does the gentleman know who the judge is in this case?

Mr. HUSTED. I have no idea who he is.

Mr. CONNALLY of Texas. There is no intention to reduce the salary to get rid of the district judge?

Mr. HUSTED. No. I do not know who he is and I do not know his politics.

Mr. MANN. I do not know whether I have any objection to the reduction proposed. I do not know anything about it. Here is a legislative committee that has jurisdiction of the subject, the Committee on the Territories. They put in a legislative bill a provision for increase of salaries. The Committee on Appropriations were so busy with their work that they never read the bill as they should have done and did not know that this increase was in the bill.

I read the bill. I knew it was in the bill, and I assumed that the Committee on the Territories had a good reason for making a slight increase in the salaries of the judges in Hawaii, as there had been an increase in the salaries of all the other judges of the Federal courts throughout the entire country.

Mr. HUSTED. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HUSTED. These are judges of Territorial courts. They are not United States judges. This does not affect the salary of the United States district judge in Hawaii. These are Territorial courts, inferior courts, and they placed the salary of the chief justice of an inferior court at the same figure as that of a United States district judge.

Mr. MANN. This is not an inferior court at all. The gentleman is entirely mistaken. He is not posted on the subject. This is the chief justice of the Supreme Court of Hawaii. The Supreme Court of Hawaii is not an inferior court. Of course, we do not fix the salaries of the supreme court justices of the States; but I say that we have increased the salaries of all Federal judges. The Committee on the Territories, having jurisdiction of the subject, proposed an increase in the salaries of the judges out in Hawaii. The Committee on Appropriations, without knowing anything at all about the subject of salaries in the Territory of Hawaii, propose by the appropriation bill to repeal the provision that came from the Committee on the Territories that did have jurisdiction of the subject. I just call attention to it because we have had so much said in the House about how under the new rule of the House the Committee on Appropriations would never interfere with the legislative jurisdiction of a legislative committee. Yet here was the legislative committee that had proper jurisdiction of this subject that reported a bill which passed the House, without the knowledge of the members of the Committee on Appropriations who did not examine the bill, but with full knowledge on the part of other Members of the House. Now the Committee on Appropriations at once rush in and say, "We did not know anything about this, and therefore we will repeal it."

Mr. GARNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. The gentleman will remember that I was one of those who advocated the change in the Appropriations Committee, putting all the appropriations under one committee. I want to say to the Committee on Appropriations, as I have repeatedly said on the floor of the House, that if they continue to usurp the powers and duties of other committees, we will have to go back to the old system. There is no doubt in the world that the membership of this House will not permit any one committee to usurp the entire functions of the House. I do not want to see it done, and I have said in season and out of season that the Committee on Appropriations must be simply an appropriating committee rather than a legislative committee. Now, may I ask a question in connection with this subject of the judges of the Hawaiian Islands?

I remember one of my colleagues from Texas was appointed one of the judges out there. I do not know whether he holds that position yet or not, but it seems to me, taking the statement of the gentleman from Illinois [Mr. MANN] as correct—and I know it is—there must be some reason, either political or otherwise, why this attempt has been made to reduce this salary. I think the gentleman from New York ought to explain the reason for it.

Mr. MANN. I do not think there is anything political about it. I do not know who the judges are, although I doubtless met some of them when I was out there, but I do not recall them. I am of the opinion that they ought to have an increase of salary. Very likely the increase that was made may have been too much. I do not know. The Committee on Appropriations, however, are basing their entire proposition in the main on the fact that this increase in salaries reported from the Committee on the Territories went through the House, as they say, without anybody knowing anything about it. That is because they did not know about it, and they assumed that because they did not know anything about it everybody else was in equal ignorance.

Mr. CAMPBELL of Kansas. Mr. Chairman, I recall the consideration of the bill relating to salaries when it was reported by the Committee on the Territories. The question of the salaries of the officers in Hawaii, the salary of the governor, the salary of the secretary, and the salaries of the judges were discussed at length. I had made two visits to Hawaii. I therefore knew the subject matter under consideration when the bill was considered. The discussion revolved around the question of the expense of living out there. Building material and housekeeping are very expensive, and when an officer is big enough to be governor or secretary of the Territory or judge of the courts he must maintain a house in keeping with his position, and he can not do it in Hawaii on a small salary. Everything is expensive, and that is the reason the salaries were fixed by the Committee on the Territories as they were fixed at that time. It was not done hurriedly, but was done after very careful consideration.

It is appropriate that I add that Hawaii more than pays her why. After all expenses of Federal administration are paid there is still a large balance in the Federal Treasury out of the revenues of Hawaii.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word. I was very glad to hear the gentleman from Texas [Mr. GARNER] express himself as he did with regard to the placing of all the powers of the House in the Committee on Appropriations. As one of those who voted against him at that time, I wish to say that I now agree with him, or he agrees with me, that if there was ever anything done by this House in making rules that had less good sense about it than that action of the House, I do not remember what it was.

Mr. GARNER. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. GARNER. Let me say to my friend from Kansas that I am still of the opinion that a committee of 35 men, known as the Appropriations Committee, is better fitted and can more economically administer and provide the appropriations for the Government than the various committees which formerly did that work, and that it will be all right for the Committee on Appropriations to continue to do it if they will confine themselves to their own business and let the other committees attend to their legislative business. But if the Committee on Appropriations attempt to legislate and undertake to direct the policies of the Government to the exclusion of other committees, then it will be only a matter of time until the present large Committee on Appropriations will be disbanded and the House will go back to the old system.

Mr. LITTLE. Whenever you place such powers in any 35 men, of course the result will be just exactly what the gentleman from Texas finds it to be. You can not endow men with the power to run all the finances and determine all the expenditures of the Nation without causing them to feel that they ought to run everything, including every kind of legislation. The proper people to take up such things and pass upon them are those who are familiar with the legislation upon which the appropriations are founded. A man goes on a Military Committee, spends months on the legislation, then is told to scrap all he knows, stop work, and allow some man who has had no previous experience in such matters to expend all the money the legislation authorizes. Why set aside 150 men and let 35 run the House? Why have 35 Congressmen instead of 435 in charge of all expenses?

Mr. HUSTED. Will the gentleman yield for a question, please?

Mr. LITTLE. In just a moment I will. But there is no Committee on Appropriations of 35 men to pass on this bill. It is a committee of five each time. There are less men passing on these appropriation bills now than ever before. The men who are now passing upon these appropriation bills are men who in no case have any particular familiarity with the subjects on which they are appropriating. The committee that legislates is the committee that should decide how much money should be spent on the subjects of its legislation. The House has yielded its powers to 35 men. Of course they usurp power. All men with tyrannical powers become tyrants gradually. Everybody loses his head under such circumstances and thinks he is "it," and that he can do as he pleases and ought to do as he pleases. What the House should do is to organize the committees so that every man here has some responsible duty to attend to. You have shoved over onto these gentlemen of the Appropriations Committee all the real responsibilities of the House, and yet you expect them to act as if they did not have them. All this violates our theory of a representative government and gives a little oligarchy of five to handle our funds. Power should be distributed, not concentrated, in our expenditures. Keep near the people when you spend their money.

Mr. HUSTED. Does the gentleman think that the Holman rule should be abolished?

Mr. LITTLE. No.

Mr. HUSTED. This provision is clearly in order under the Holman rule. Does not the gentleman think that the Committee on Appropriations should avail itself at the proper time of the provisions of the Holman rule to save the Government money?

Mr. LITTLE. Yes.

Mr. HUSTED. That is all this is.

Mr. LITTLE. I was not speaking directly to this particular provision. I was taking advantage of the confession of the gentleman from Texas to express some views that should have been expressed long ago. These great bills which were formerly considered by from 12 to 20 men now receive consideration from subcommittees of 5, and practically no more. One hundred and fifty Members are deprived of power and responsibility which are centered in 35. The duties of the House should be so assigned to the various committees that every Representative shall have an active committee and a real share in our responsibilities.

Mr. MANN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 36, line 18, strike out the proviso.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to amend, in line 17, by striking out the figures "$6,000" and inserting in lieu thereof the figures "$7,500," and in line 18 by striking out the figures "$5,500" and inserting in lieu thereof the figures "$7,000."

Mr. HUSTED. Mr. Chairman, I merely wish to say that these increases are not recommended by the Department of Justice. The Department of Justice says they are not entitled to them. They do not render the services to the value of these amounts. If you put them in you give these judges more money than they are entitled to. There is no good sense or reason in doing it. It is foolishly restoring a salary which never should have been allowed.

Mr. MANN. Well, Mr. Chairman, salaries are fixed by law. Whether the appropriation is made or not, the judges who serve will receive the money appropriated and then have a claim in the Court of Claims for the balance, which will be finally paid. It is pure monkey work to provide by law that a man shall be paid $7,500 and then only appropriate $6,000. The Department of Justice has not recommended it, as the gentleman says. Well, they are always recommending increases of salaries of judges and other officials under the Department of Justice in the United States, outside of Hawaii, and they all want the increase. I do not undertake to say just what the salary of the judges in Hawaii should be. My personal impression is that they are just as well entitled to $7,500 as the justices in Alaska are.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. MOORE of Virginia. Does the gentleman remember—I do not remember a single case up to this time except this one—where the Department of Justice has recommended a decrease of this character?

Mr. MANN. I do not recollect any case of the kind in 25 years' service.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FROTHINGHAM. Did I understand the gentleman to say that these salaries are fixed by statute?

Mr. MANN. They are.

Mr. FROTHINGHAM. What is the idea of appropriating $6,000?

Mr. MANN. The Committee on Appropriations—and I am not complaining—proposed to put a proviso in the bill reducing the salary to $6,000. If that provision had remained in the bill, there was no reason for increasing the appropriation over $6,000. But the committee having agreed to an amendment striking out the reduction, the gentleman from New York, in my judgment, ought to have offered the amendment to restore the appropriation for the full salary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out in line 18 the figures "$17,000" and insert "$21,500"; that is the total.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, line 18, strike out "$17,000" and insert "$21,500."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

For judges of circuit courts, at $4,000 each, $28,000: *Provided*, That from and after July 1, 1922, the salaries of the judges of circuit courts in Hawaii shall be $4,000 each per annum.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What salaries are provided for the circuit judges?

Mr. HUSTED. Six thousand dollars is the amount carried in the commission act. It was $4,000 before that time. There is no good reason when you have restored the salary of the chief justice and the two justices why you should not also restore the salaries of the judges of the circuit court. You ought not to make fish of one and flesh of another.

Mr. MANN. Mr. Chairman, acting on the suggestion of the gentleman from New York, I move to strike out the proviso.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, beginning on line 24, strike out the proviso.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out, in line 23, page 26, the figures "$4,000" and insert "$6,000," and strike out "$28,000" and insert "$42,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, line 23, strike out the figures "$4,000" and insert "$6,000," and in the same line strike out "$28,000" and insert "$42,000."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS.

For salaries, fees, and expenses of United States marshals and their deputies, including the office expenses of United States marshals in the district of Alaska, and hereafter the Attorney General shall pay the office expenses of United States marshals in the district of Alaska from the appropriation "Salaries, fees, and expenses of United States marshals and their deputies" services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so specially directed by the Attorney General, and maintenance, alteration, repair, and operation of horse-drawn and motor driven passenger-carrying vehicles used in connection with the transaction of the official business of the office of United States marshal for the District of Columbia, $2,250,000: *Provided*, That there shall be paid hereunder any necessary cost of keeping vessels or other property attached or libeled in admiralty in such amount as the court, on petition setting forth the facts under oath, may allow: *Provided further*, That marshals and office deputy marshals (except in the district of Alaska) may be granted a per diem of not to exceed $4 in lieu of subsistence, instead of but under the conditions prescribed for the present allowance for actual expenses of subsistence: *And provided further*, That from and after July 1, 1922, the salary of the United States marshal, United States district for Hawaii, shall be $3,000 per annum.

Mr. WALSH. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman what the salary of the United States marshal for Hawaii is.

Mr. HUSTED. Three thousand dollars.

The Clerk read as follows:

For salaries of clerks of United States district courts, their deputies, and other assistants, expenses of travel and subsistence, and other expenses of conducting their respective offices, in accordance with the provisions of the act approved February 26, 1919, $1,255,000: *Provided*, That hereafter no clerk or deputy clerk or assistant in the office of the clerk of a United States district court shall receive any compensation or emoluments through any office or position to which he may be ap-

pointed by the court, other than that received as such clerk, deputy clerk, or assistant, whether from the United States or from other litigants: *Provided further*, That clerks of United States district courts, their deputies and assistants, who are or may be appointed United States commissioners may receive compensation for both offices in an aggregate amount not exceeding the rate of $2,000 per annum: *Provided further*, That the acceptance of payment for personal services from litigants other than the United States shall be deemed a vacation of their appointments as clerks, deputy clerks, or clerical assistants: *Provided further*, That from and after July 1, 1922, office expenses of clerks of United States circuit courts of appeals, also the personal compensation of said clerks, their deputies, and other assistants, and their expenses of travel and subsistence, when absent from official headquarters on official business, shall be allowed after authorization and approval by the Attorney General, and shall be paid from this appropriation by the respective United States marshals designated by the Attorney General. All fees and other moneys of every character and description received by said clerks, by virtue of their offices, shall be paid into the Treasury, as in the case of clerks of United States district courts: *And provided further*, That from and after July 1, 1922, the salary of the clerk of the United States District Court for Hawaii shall be fixed in the same manner as salaries of clerks of United States districts courts under the act of February 26, 1919.

Mr. MANN. Mr. Chairman, I make the point of order against the provisos beginning in line 15, page 39, down to and including the word "assistants," in line 4, page 40.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the remainder of the paragraph.

Mr. HUSTED. Mr. Chairman, I think those provisos are subject to the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order as to the rest of the paragraph.

Mr. HUSTED. Mr. Chairman, I move to amend, on page 39, line 11, after the word "of," where it appears before the words "United States," by inserting the words "United States Circuit Court of Appeals and." That is simply an inadvertent omission.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 39, line 11, after the word "of," where it appears the second time, insert "United States Circuit Court of Appeals and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUSTED. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 40, line 12, after the words "Attorney General," insert "*Provided further, however*, That the salaries of clerks of the United States Circuit Courts of Appeals shall not be fixed at a rate in excess of $5,000 per annum."

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Certainly.

Mr. MONTAGUE. Did not that proviso go out of the bill?

Mr. HUSTED. No; no point of order was made as to that.

Mr. MONTAGUE. I thought the gentleman from Illinois made the point of order against all of the provisos.

Mr. HUSTED. Only down to the proviso in line 4, on page 40.

Mr. MONTAGUE. I misunderstood the gentleman.

Mr. HUSTED. Does the gentleman wish some explanation of this amendment?

Mr. MONTAGUE. No; I understand the significance of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. HUSTED. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUSTED: Page 39, line 15, strike out the figures "$1,255,000" and insert in lieu thereof the figures "$1,300,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For 270 copies of volume 259, Supreme Court Reports, to continue the sets now in the hands of certain officials, at $1.75 per volume, $472.50.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe the House is entitled to know of a condition relative to the Supreme Court Reports which was uncovered in the hearings on this bill. Under the law the reporter for the Supreme Court of the United States gets a salary of $4,500 a year. In addition to that, if he should issue two volumes of the reports during any one year, he receives $1,200 more. In addition to that he is allowed, not a clerk at $1,200 a year, but $1,200 for clerk hire. In addition still, he is allowed $600 for rent and miscellaneous items. The law requires the book to be sold at $1.75 per copy. The publisher has not been selling it at that price; but, instead, he has been selling it at $3 per copy. The necessity for his selling it at $3 a volume grows out of a most peculiar condition of affairs. In the first place, the reporter cuts up the decisions into two volumes, smaller than they should be, in order to have two editions, so that he may get the extra $1,200. In addition to that, he has the placing of the contract for the printing and binding, and has placed that with a New York firm, from which he has exacted and has received $6,500 per year for the placing of the contract.

Mr. MOORE of Virginia. And he is still in office?

Mr. JOHNSON of Kentucky. Yes.

Mr. McSWAIN. Mr. Chairman, I do not see any provision here made for the payment of the clerk of the United States Supreme Court, nor the marshal, nor the various deputy clerks. How are they paid?

Mr. JOHNSON of Kentucky. The reporter of the Supreme Court is paid in an unusual way. He is paid under a permanent statute. His drafts are made directly on the Treasury, and Congress does not have to appropriate for it. The law requires the book to be sold at $1.75 a volume; yet the reporter who gives out the publication and binding of it exacts $2.16⅔ a volume before he will let the printer have it. Consequently, it is impossible for the publisher to sell it for $1.75, as he has to pay the reporter of the Supreme Court $2.16⅔ a volume before he will let him have the contract. Adding all these things together, the reporter of the Supreme Court, with his salary and allowances and this piece of graft, gets $14,000 a year, while a justice of the Supreme Court himself gets only $14,500 a year.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. STAFFORD. Is there any connection between the price fixed in this bill at which the Federal Reporter, published by the West Publishing Co., of St. Paul, is fixed at $2 a year and their recent policy in reducing the size of the volume of the Federal Reporter to one-half what it was some years ago?

Mr. JOHNSON of Kentucky. I am not familiar with the publisher which the gentleman has just named, but I wish to say this, that the reporter for the Court of Claims of the United States gets a salary of $1,000 a year, and he does not get any graft or perquisites. He prints a volume much bigger than the one that is printed by the reporter of the Supreme Court, and it is sold for $1.25 a volume.

Mr. STAFFORD. Has any attempt been made by the committee to correct this glaring injustice to the lawyers who have occasion to use the Supreme Court reports?

Mr. JOHNSON of Kentucky. I am informed that it has been brought to the attention of the Judiciary Committee of this body.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The Clerk will read.

The Clerk read as follows:

National Training School for Boys: Superintendent, $2,500; assistant superintendent, $1,500; teachers and assistants, $12,900; chief clerk, $1,000; nurse, $900; matron of school and nurse, at $600 each; storekeeper and steward, $720; farmer, $660; baker, $660; tailor, $720; parole officer, $900; office clerk, $720; assistant office clerk, $480; physical director, $720; six matrons of families, at $240 each; foremen of shop and skilled helpers, $4,200; assistant farmer and assistant engineer, at $420 each; laundress, $360; teamster, $420; florist, $540; engineer and shoemaker, at $600 each; cook, $600; dining-room attendants—boys $300; officers, $240; housemaid, $216; seamstress, $240; assistant cook, $300; 8 watchmen, at $420 each; secretary and treasurer, $900; in all, $40,736.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent that in cases where changes have been made in items carried in paragraphs the Clerk be authorized to correct the totals.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. HUSTED. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, had directed him to report the same back to the House with certain amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HUSTED. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

ADJOURNMENT.

Mr. HUSTED. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 59 minutes p. m.) the House adjourned until Monday, April 10, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 10716. A bill granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River; without amendment (Rept. No. 886). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 10770. A bill granting the consent of Congress to the county of Itasca, State of Minnesota, to construct, maintain, and operate a bridge across the south arm of Pokegama Lake; with amendments (Rept. No. 887). Referred to the House Calendar.

Mr. BUTLER: Committee on Naval Affairs. H. R. 11214. A bill authorizing the President to scrap certain vessels in conformity with the provisions of the treaty to limit naval armaments, and for other purposes; without amendment (Rept. No. 889). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KELLEY of Michigan: A bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. APPLEBY: A bill (H. R. 11229) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. DRANE: A bill (H. R. 11230) to authorize the acceptance of title to forest lands in the State of Florida and to create national forests therefrom, and for other purposes; to the Committee on the Public Lands.

By Mr. WALSH (by request): A bill (H. R. 11231) to amend section 135 of the Judicial Code; to the Committee on the Judiciary.

By Mr. SISSON: A bill (H. R. 11232) to amend section 12 of the act approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. HULL: A bill (H. R. 11233) authorizing the Secretary of Commerce to convey certain lands to the county of Muscatine, Iowa; to the Committee on the Public Lands.

By Mr. WALSH: A bill (H. R. 11234) to provide for the printing and distribution of Supreme Court Reports and amending sections 225, 226, 227, and 228 of the Judicial Code; to the Committee on the Judiciary.

By Mr. ROGERS: A bill (H. R. 11235) to provide for the reclamation of the United States military reservation at Fort De Russey, Honolulu, Hawaii; to the Committee on Military Affairs.

By Mr. BLANTON: Resolution (H. Res. 322) authorizing the Speaker of the House to appoint a select committee of 11 Members of the House of Representatives to investigate, hold hearings, and procure all facts relative to certain alleged abuses; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND: A bill (H. R. 11236) for the relief of the widow of Rudolph H. von Ezdorf; to the Committee on Claims.

By Mr. PRINGEY: A bill (H. R. 11237) for the relief of the heirs of James Taylor, deceased; to the Committee on Claims.

By Mr. ROACH: A bill (H. R. 11238) granting a pension to Samuel West; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11239) granting a pension to Helen D. Craig; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 11240) for the relief of John J. Shaw; to the Committee on Claims.

By Mr. TOWNER: A bill (H. R. 11241) granting a pension to Catherine Tuttle; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 11242) for the relief of John P. Lockhart; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5022. By Mr. KAHN: Resolution adopted by the San Francisco Labor Council, urging the passage of House bill 10646; to the Committee on Interstate and Foreign Commerce.

5023. Also, resolution of the Foreign Trade Club of San Francisco, indorsing the resolutions of the National Merchant Marine Association relative to the President's ship-subsidy proposals; to the Committee on the Merchant Marine and Fisheries.

5024. By Mr. KISSEL: Memorial of Young & Metzner (Inc.), of Long Island City, N. Y., relative to jute bagging for covering cotton, House bill 7456, paragraph 1517; to the Committee on Ways and Means.

5025. By Mr. TAGUE: Resolution passed by the Boston City Council on April 3, protesting against the closing of the Boston (Mass.) Navy Yard; to the Committee on Naval Affairs.

5026. By Mr. TEMPLE: Petition of W. M. Brown, of West Pittsburgh, Pa., and Dr. Thad. C. Brown, of Fort Collins, Colo., in support of the Bursum bill providing for the retirement of disabled officers of the World War; to the Committee on Military Affairs.

5027. By Mr. TOWNER: Petition of Howard L. Dawson, of Creston, Iowa, and 54 other citizens of Creston and Ellston, Iowa, protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

SENATE.

MONDAY, *April 10, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou hast been a good God unto us in all Thy dealings, notwithstanding our inclination at times to go away from Thy truth and our failure to appreciate the obligations resting upon us. But we come this morning thanking Thee for the goodness and the mercy multiplied as the days go by, and humbly beseech of Thee that there may be had this morning the consciousness of Thy nearness and the direction of Thy wisdom in all that may be said and done. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, April 5, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. MOSES presented a memorial of sundry citizens of Berlin, N. H., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BORAH presented a petition of sundry citizens of Porthill, Idaho, praying for the enactment of legislation reviving the United States Grain Corporation, so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented a memorial adopted at a mass meeting held in Boston, Mass., March 29, 1922, under the auspices of the Massachusetts Public Interests League, remonstrating against the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. WILLIS presented a memorial of sundry citizens of Barberton and Kenmore, in the State of Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a letter from the Business Men's Club, of Cincinnati, Ohio, giving their views relative to the soldiers' bonus question, which was referred to the Committee on Finance.

He also presented a resolution of Dayton Post, No. 5, American Legion, of Dayton, Ohio, favoring the inclusion of a provision in the soldiers' bonus bill conferring the benefits thereof upon dependents of deceased ex-service men, which was referred to the Committee on Finance.

He also presented a resolution of Miller Stockum Post, No. 485, American Legion, of Cleves, Ohio, favoring the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

Mr. POMERENE. Mr. President, I have here a very brief letter from the Business Men's Club of Cincinnati, giving the result of a referendum vote on the question, "Are you in favor of a soldiers' bonus?" They ask that it be incorporated in the RECORD, and I ask that it may be referred to the Committee on Finance and printed in the RECORD without reading.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE BUSINESS MEN'S CLUB,
OFFICE OF THE EXECUTIVE SECRETARY.
Cincinnati, Ohio, March 29, 1922.

Senator ATLEE POMERENE,
Washington, D. C.

DEAR SIR: The board of directors of the Business Men's Club has instructed me to send you the attached copy of a letter sent to the President and to the Senate, giving the referendum votes of the members of the Business Men's Club on the question, "Are you in favor of a soldiers' bonus?" the signed votes received to date being:

No	582
Yes	99
Conditionally	18
Yes; if with sales tax	3

The directors will appreciate your presentation of this information to the proper Senate committee and to the Senate for record in the CONGRESSIONAL RECORD.

Very respectfully, RUTHERFORD H. COX,
Executive Secretary.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 1106) to correct the military record of James Burke, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 2371) to further amend an act entitled "An act for making further and more effective provision for the national defense, and for other purposes," approved June 3, 1916, reported it with an amendment and submitted a report (No. 594) thereon.

Mr. EDGE. I report back favorably without amendment from the Committee on Commerce the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade, and I ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Without objection, the joint resolution will be referred to that committee.

Mr. KING. Mr. President, a parliamentary inquiry. This does not mean that it is adopted by the Senate in that form?

The VICE PRESIDENT. It does not. The request is that the Committee on Commerce be discharged from the further consideration of the joint resolution, and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. Without objection, it will be so referred.

SPECIAL POSTAL CANCELING STAMPS.

Mr. TOWNSEND. From the Commitee on Post Offices and Post Roads I report back favorably without amendment the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices. I will state that this is similar to a bill which was passed by the Senate some days ago authorizing the use of special stamps for canceling letters in certain cities of the United States where there are to be held conventions, public meetings, or other gatherings of extraordinary importance. The authorization will involve no expense to the Government, but will accommodate the local communities, and enable the post offices in the various places named to use special canceling stamps. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. DIAL. Mr. President, I do not desire to object, but I wish to make a brief statement. I do not know that I agree with the kind of legislation proposed by the bill just reported. Last year I introduced a bill of similar import, but it was rejected, the Post Office Department stating that it did not encourage or favor such legislation at that time. I do not see any reason why the policy should be changed now. However, I am not going to object to the bill reported by the Senator from Michigan, but I can not understand why such legislation should be passed in some cases and not be allowed in others.

Mr. TOWNSEND. Mr. President, I should like to state that this is the first time my attention has been called to the matter referred to by the Senator from South Carolina. This practice had been indulged in for many years by the department, and I supposed that it had the approval of the department.

Mr. DIAL. No; the department——

Mr. TOWNSEND. I do not remember the case to which the Senator has referred; certainly it was not brought to my attention.

Mr. DIAL. The bill to which I have referred authorized the use of a special canceling stamp by the post office at Greenville, S. C., but the department reported against it, and it did not pass. I am not going to object to the bill reported by the Senator from Michigan, but I think a uniform rule should be provided.

Mr. JONES of Washington. Mr. President, I should like to have the bill go over for a few moments until I may examine it. I desire to offer an amendment to it, and I did not know the bill was coming up this morning. I will not ask that the bill go over for the day, but I should like to have it go over for a little while.

The VICE PRESIDENT. Objection is made to the present consideration of the bill.

IMPROVEMENT OF THE ST. LAWRENCE RIVER (S. DOC. NO. 179).

Mr. MOSES. I report a resolution from the Committee on Printing, and I ask unanimous consent for its immediate consideration.

Mr. KING. Let it be read.

The VICE PRESIDENT. The resolution will be read.

The reading clerk read the resolution (S. Res. 272), as follows:

Resolved, That the reports of the United States and Canadian Government engineers made to the International Joint Commission on the Improvement of the St. Lawrence Waterway from Montreal to Lake Erie, together with Appendices B and C accompanying the same, be printed, with illustrations, as a Senate document.

Mr. KING. Mr. President, may I inquire whether that embraces all the maps which accompanied the report?

Mr. MOSES. Yes, Mr. President; it embraces the engineering map, for which there has been very great demand. They are original maps.

Mr. KING. I am familiar with them, and have examined them, and I think they should be printed.

Mr. MOSES. There has been very great demand for them.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARAWAY:

A bill (S. 3416) to permit the city of Fort Smith, Sebastian County, Ark., to erect or cause to be erected a dam across the Poteau River; and

A bill (S. 3417) authorizing Independence County, Ark., to construct a bridge across White River at or near Batesville, Ark.; to the Committee on Commerce.

A bill (S. 3418) for the relief of Carl L. Moore; and

A bill (S. 3419) for the relief of James E. Fitzgerald; to the Committee on Claims.

By Mr. NORRIS:

A bill (S. 3420) to provide for the manufacture of explosives for the use of the Army and Navy, to provide for the manufacture of fertilizer for agricultural purposes, to incorporate the Federal Chemical Corporation, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. CURTIS:

A bill (S. 3421) conferring jurisdiction upon the Court of Claims to hear and determine the claims of certain Indians of the Kickapoo Tribe; to the Committee on Indian Affairs.

A bill (S. 3422) granting a pension to John E. Miles (with accompanying papers); and

A bill (S. 3423) granting a pension to Laura Major (with accompanying papers); to the Committee on Pensions.

By Mr. NEW:

A bill (S. 3424) to provide for the reclamation of the United States Military Reservation, Fort De Russey, Honolulu, Hawaii; to the Committee on Military Affairs.

By Mr. STERLING:

A bill (S. 3425) to continue the land offices at Belle Fourche, Timber Lake, and Lemmon, in the State of South Dakota, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. PAGE:

A bill (S. 3426) to authorize the President, in his discretion, to retire certain officers of the Navy; and

A bill (S. 3427) to permit the employment of officers of the Navy and Marine Corps by persons or companies furnishing naval supplies or war materials to the Government; to the Committee on Naval Affairs.

By Mr. HARRELD:

A bill (S. 3428) granting a pension to James E. Mulford; to the Committee on Pensions.

A bill (S. 3429) for the relief of the heirs of James Taylor, deceased; to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 3430) granting an increase of pension to Sam Ferguson (with accompanying papers); to the Committee on Pensions.

A bill (S. 3431) to consolidate certain patented lands in Glacier National Park; to the Committee on Public Lands and Surveys.

By Mr. CURTIS:

A joint resolution (S. J. Res. 190) to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution; to the Committee on the Library.

AMENDMENT OF STATE AND JUSTICE DEPARTMENTS APPROPRIATION BILL.

Mr. CULBERSON submitted an amendment proposing to pay $3,500 to Mrs. Daisy Crawford Carroll, widow of B. Harvey Carroll, late consul to Cadiz, Spain, being one year's salary of her deceased husband, who died at his post of duty from illness incurred while in the Consular Service, intended to be proposed by him to House bill 11065, the State and Justice Departments appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF HOUSE RIVER AND HARBOR BILL.

Mr. CARAWAY (for Mr. ROBINSON) submitted an amendment providing that the jurisdiction of the Mississippi River Commission be extended so as to include both the north and south banks of the Arkansas River for an equal distance between its mouth and the intersection thereof with the division line between Lincoln and Jefferson Counties, Ark., and that any funds which are herein or may be hereafter appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees and bank revetment, may be expended within the limits of said extended jurisdiction, under the direction of the Secretary of War, etc., intended to be proposed by him to House bill 10766, authorizing improvement of rivers and harbors, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS OF AGRICULTURAL DEPARTMENT APPROPRIATION BILL.

Mr. STERLING submitted an amendment proposing to increase the appropriation for the location and destruction of the barberry bushes and other vegetation from which rust spores originate, from $200,000, as proposed by the Committee on Appropriations, to $350,000, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

Mr. KELLOGG submitted an amendment proposing to increase the appropriation for the investigation and improvement of cereals, including corn, and methods of cereal production, and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broom corn and methods of broom-corn production, from $432,505, as proposed by the Committee on Appropriations, to $732,505, and to increase the appropriation for the location and destruction of the barberry bushes and other vegetation from which rust spores originate from $200,000, as proposed by the Committee on Appropriations, to $500,000, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

KNICKERBOCKER THEATER DISASTER.

Mr. BALL. I ask unanimous consent to present the recommendations of the grand jury which conducted the investigation into the Knickerbocker Theater disaster and ask that they may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The reading clerk read as follows:

WASHINGTON, D. C., *April 3, 1922.*

Hon. PEYTON GORDON,
United States Attorney, Washington, D. C.

SIR: We, the members of the grand jury of the January, 1922, term, having heard all of the testimony presented to us in the case of the Knickerbocker disaster, make the following recommendations:

(1) That Congress should be asked to furnish larger appropriations to the building inspector's office, to the end that they may pay adequate salaries to employ a sufficient number of computers and inspectors to do the work required.

Respectfully,

M. D. MCQUADE, *Foreman.*

—

WASHINGTON, D. C., *April 3, 1922.*

Hon. PEYTON GORDON,
United States Attorney, Washington, D. C.

SIR: We, the members of the grand jury of the January, 1922, term, having heard all of the testimony presented to us in the case of the Knickerbocker disaster, make the following recommendations:

(2) That the building code of the District of Columbia be revised by correcting paragraphs which are ambiguous and conflicting, and that specific changes be made regarding the construction of the type of larger buildings, particularly those in which public gatherings will be held.

Respectfully,

M. D. MCQUADE, *Foreman.*

Mr. BALL. I move that the first recommendation be referred to the Committee on Appropriations, that the second recommendation be referred to the Committee on the District of Columbia, and that they be printed.

The motion was agreed to.

The VICE PRESIDENT. If there are no concurrent or other resolutions the morning business is closed, and the calendar under Rule VIII is in order.

REPORT OF ALIEN PROPERTY CUSTODIAN.

The VICE PRESIDENT. The Chair lays before the Senate a communication just received from the Alien Property Custodian, transmitting, pursuant to Senate Resolution 191, information relative to the activities of the office of the custodian.

Mr. MOSES. Mr. President, the document is very voluminous, and inasmuch as the cost of printing it will be very large, an estimate of the cost should be had from the Government Printing Office. I move that the report be referred to the Committee on Printing.

The motion was agreed to.

Mr. MOSES. I ask that the Secretary may read the letter of transmittal accompanying the report and also the statement briefing the substance of the report.

The VICE PRESIDENT. Without objection, the letter and statement will be read.

The reading clerk read as follows:

ALIEN PROPERTY CUSTODIAN,
SIXTEENTH AND P STREETS NW.,
Washington, D. C., April 10, 1922.

To the Senate of the United States:

In compliance with Senate Resolution 191, Sixty-seventh Congress, there is herewith transmitted the information requested.

The property administered by this office consists to-day of some 33,000 active trusts representing property scattered from the Philippine Islands and Hawaii and located in almost every State and Territory of the United States. Generally speaking, the property consists of industrial plants, such as chemical and woolen mills, steamship lines, banks, land and cattle companies, salmon factories, gold, silver, and other mines of precious metal, and other miscellaneous industrial plants, as well as thousands of parcels of real estate and trusts represented by securities and liquid assets. The "trading with the enemy act" directs the President to cause a detailed report to be made to the Congress as of January 1 of each year of all proceedings under the act during the year preceding. No such report has been filed under this section since that of February 22, 1919. When the Senate's resolution was passed this office was engaged in preparing a report not only for the year 1921, under the present administration, but for the years 1919 and 1920, hitherto not covered by any report as required by the "trading with the enemy act."

The data requested by this resolution covers the office of the Alien Property Custodian since the creation of that office by the act of October 6, 1917, covering a period of almost four and one-half years. In order that the great volume of information contained in this report can be properly presented and readily understood, the information is divided into several parts corresponding with the various subdivisions of information requested in the Senate's resolution.

PART 1.

Containing "the names of all attorneys who have been appointed or employed by the Alien Property Custodian and the compensation which has been allowed to each and the character of services performed by each."

(NOTE.—This includes the names of all attorneys employed in the Washington office of the Alien Property Custodian whose compensation was paid out of the congressional appropriation as well as a list of the State counsel and an explanation as to their duties.)

PART 2.

Containing "the names of all attorneys, directors, supervisors, managers, auditors, or other agents appointed by the Alien Property Custodian to take care of or to have the administration of property under the control of the Alien Property Custodian, with the compensation paid to each, or to be paid to each, by the Alien Property Custodian, or out of the trusts or trust funds in his custody; the names of all

attorneys appointed or employed by corporations, agents, or individuals who have been or are acting as administrators or caretakers of property for the Alien Property Custodian, and the compensation paid to or to be paid to each."

(NOTE.—In part 2 will be found a list of every corporation seized in whole or in part by the Alien Property Custodian, a description thereof, as well as data showing counsel, board of directors, officers, etc., together with their terms of service and compensation and the disposition of the property, if sold or liquidated.)

There is also included in this section liquidations other than those included in the report of corporations included in this section and consummated before March 4, 1921, together with the expenses thereof. In this section will be found a report of the 23 enemy insurance companies administered by the Alien Property Custodian, containing similar information given in connection with the other corporations reported on in this section. In addition thereto, in this section is given a list of miscellaneous fees paid attorneys, giving their names, the trust number, and the amount. Except where noted by asterisks, these miscellaneous fees were all paid previous to March 4, 1921, for services rendered before that date. In this section is also included a description of liquidation and sale under supervision of Alien Property Custodian of property in the Philippine Islands, Porto Rico, Hawaii, and American Samoa.

PART 3.

Containing "the names of all attorneys who have represented or who now represent claimants to property under the control of the Alien Property Custodian; the names of all attorneys who have represented claimants to whom property has been returned under section 9 of the trading with the enemy act."

(NOTE.—It is impossible for this office to supply "the compensation allowed each of such attorneys out of the trusts or trust funds subject to such claims," because this office has no concern whatsoever with the compensation paid individuals who employ counsel to present their cases to this office. No such compensation is ever paid out of the trust funds or upon the authority of the Alien Property Custodian, and it would be a very peculiar state of affairs if the Alien Property Custodian did have any information as to what claimants were paying the lawyers practicing before this department.)

In response to this portion of the Senate's resolution, there is transmitted the name and description of every claim filed with this office, together with action taken thereon, the date thereof, and the name of the attorney representing the claimant, if any. There is also included a complete list of all past and pending litigation under section 9, giving the claim number, the name of the plaintiff, the jurisdiction in which the action is brought, the type of action, the amount involved, the disposition, if any, the name of the plaintiff's attorney, as well as any special counsel representing the Alien Property Custodian, and the fees paid the latter. In this section is also recited a full description of fees paid depositaries.

PART 4.

Containing "a statement and description of all property sold by the Alien Property Custodian, with the names of the corporations or persons to whom sold, and the amount received therefor."

(NOTE.—Information relative to sales of property under corporation management are contained in part 2, described heretofore.)

There is included in this section a detailed statement showing lists of all patents, trade-marks, and copyrights sold by the Alien Property Custodian, giving the United States Patent Office number, the date of issuance by the United States Patent Office, title and description of the patent, the date of assignment and sale, and the name of the purchaser. There is also included in this section a detailed statement showing all sales of miscellaneous stocks and bonds, all real estate, and sales of miscellaneous merchandise, with the dates thereof, the amounts received, and a full description of the property sold, together with the trust number.

The closing lines of the Senate's resolution request "a statement or description of all property seized or demanded by the Alien Property Custodian since the passage of the resolution declaring a state of peace to exist with Germany, Austria, and Hungary." No seizing of property, property rights, or money has been made subsequent to the passage of the peace resolution, July 2, 1921, by the Alien Property Custodian. Section 5 of the peace resolution reads, in part, as follows:

"All property of the Imperial German Government, or its successor or successors, and of all German nationals which was on April 6, 1917, or has since that date come into the possession or under control of or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or control of or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America," etc.

This language authorizes the Alien Property Custodian to follow up any demand made for property under the trading with the enemy act in case the property has not actually been reduced to possession either because of court litigation or noncompliance with the terms of the trading with the enemy act. Were such language not included in the peace resolution, a premium would have been placed on those who disregarded and disobeyed the provisions of the trading with the enemy act or who refused to comply with demands made by the Alien Property Custodian in accordance with that act. In accordance with the provisions of the peace resolution there have been, however, the issuance and service subsequent to July 2, 1921, of demands of the Alien Property Custodian for the purpose of effecting a reduction to possession of property or property rights or funds which have been seized prior to July 2, 1921, by an outstanding demand and the title of which was vested in the Alien Property Custodian prior to July 2, 1921, by reason of such seizure demand. There were also certain curative demands made necessary as notices of the legal effect of the former seizures and necessary for the purpose of completing the administration by the Alien Property Custodian of property and property rights formerly acquired. No property, however, has been seized or demanded by the Alien Property Custodian since July 2, 1921. The last property seized by the Alien Property Custodian under the trading with the enemy act was the Bergdoll property, seized on May 27, 1921, within the scope of the trading with the enemy act. In order that the classes of demands may be more thoroughly understood the following three general classes are described herewith:

(1) Curative—necessary in instances where the custodian had formerly seized rights in or to a debt, evidenced by a promissory note, etc., or on an open account, unsecured or secured by mortgage, etc., or in instances where the custodian had formerly seized rights under some contract, in all of which instances it became necessary to serve a demand on the obligor in order to initiate proceedings if required to preserve the trust.

(2) Stock-cancellation demands—necessary in those instances where the right, title, and interest to shares of stock in corporations had been seized and it was necessary to secure certificates of stock from the corporation evidencing ownership of such rights in the custodian.

(3) Notices of seizure of the fee or lesser estate in real property—for recording purposes. Such instruments were necessary in those instances where there had been previously seized prior to July 2, 1921, the right, title, and interest in and to the fee or lesser estate, but no record notice thereof had been made in the offices of the respective recording officials and a record title was necessary for purposes of sale or to protect property against foreclosure or sale for nonpayment of taxes.

Expenses and fees are deducted from the trust funds under the operation of the Executive order of the President describing the rules and regulations respecting the scope of the powers and authority and performance of the duties of the Alien Property Custodian under the trading with the enemy act, dated February 26, 1918, and known as subdivision (b), article 3, powers of administration, reading as follows:

"The Alien Property Custodian may pay all reasonable and proper expenses which may be incurred in or about securing possession or control of money or other property and in or about collecting dividends, interest, and other income therefrom and in otherwise protecting and administering the same. So far as may be, all such expenses shall be paid out of and in any event recorded as a charge against the estate to which such money or other property belongs."

Also, under the decision of the Comptroller of the Treasury (26 Comp. Dec. 265) it was held that all expenses incurred in connection with the administration of enemy trusts were properly chargeable against the same.

The fees paid attorneys and counsel for services rendered the Alien Property Custodian in connection with the administration of the affairs of the corporations seized in whole or in part under the trading with the enemy act were paid out of the trust fund of the particular corporation involved from time to time in accordance with the above Executive order. If not paid out of the trust funds, payments have been made from the funds of the particular corporation upon action of the board of directors, with the approval of the Alien Property Custodian, if this office controlled a majority of the stock of the company. These fees cover services as counsel for the corporation, such as routine legal matters or court work or court litigation for the corporation, or in some instances, fees as attorneys representing the interests of the Alien Property Custodian for litigation in which the corporation might be involved affecting the rights of the Government or the corporation itself. The following data taken from the records of this office show the grand total of fees paid attorneys, salaries or fees to officers, directors, and supervisors, as well as expenditures for accounting, auditing, advertising, and printing. The details of all the grand totals herewith noted are contained in the body of the report submitted herewith:

Attorneys' fees prior to Mar. 4, 1921	$2,138,546.93
Attorneys' fees since Mar. 4, 1921	116,469.47
Salaries of officers and directors of corporations previous to Mar. 4, 1921	1,574,017.62
Salaries of officers and directors of corporations since Mar. 4, 1921	132,435.94
Paid for accounting, auditing, and appraising previous to Mar. 4, 1921	1,084,859.23
Paid for accounting, auditing, and appraising since Mar. 4, 1921	2,718.55
Paid for advertising and printing previous to Mar. 4, 1921	258,067.52

Respectfully submitted.

THOMAS W. MILLER,
Alien Property Custodian.

Mr. KING, Mr. CARAWAY, and Mr. STERLING addressed the Chair.

The VICE PRESIDENT. There is a further communication to be read.

The reading clerk read as follows:

[Office of Alien Property Custodian.]

This report consists of thousands of typewritten pages, and covers all operations of the Alien Property Custodian under the Wilson administration, when A. Mitchell Palmer and Francis P. Garvan occupied the office, and for the year just closed under the administration of President Harding. The Senate's resolution directs the present custodian to report all fees paid attorneys, as well as salaries of officers, directors, and supervisors paid by the various corporations, and also the amounts paid for accounting, auditing, advertising, and printing. This information to include all such payments made under the Wilson administration, as well as under the present one. The following figures are disclosed by the report:

Attorneys' fees paid prior to Mar. 4, 1921	$2,138,546.93
Attorneys' fees since Mar. 4, 1921	116,469.47
Salaries of officers and directors of corporations previous to Mar. 4, 1921	1,574,017.62
Salaries of officers and directors of corporations since Mar. 4, 1921	132,435.94
Paid for accounting, auditing, and appraising previous to Mar. 4, 1921	1,084,859.23
Paid for accounting, auditing, and appraising since Mar. 4, 1921	2,718.55
Paid for advertising and printing previous to Mar. 4, 1921	258,067.52

The trading with the enemy act directs the President to cause a detailed report to be made to the Congress up to December 31 of each year of all proceedings under the act during the preceding year. This report is the first one filed under this section of the law since that of A. Mitchell Palmer under date of February 22, 1919. The present custodian was engaged in preparing a report by direction of President

Harding, and, in accordance with the law, for the year 1921, as well as for the years 1919 and 1920 hitherto not covered by any report as required by law, when the Senate's resolution was adopted.

The report also discloses the fact that charges heretofore made by Senator KING that the present Alien Property Custodian has seized property since peace was declared with Germany last July are groundless and without any foundation whatsoever. The last property seized by the custodian was that belonging to Grover Cleveland Bergdoll, seized on May 27, 1921, under the provisions of the trading with the enemy act and within the scope of that act.

The report gives in detail all information concerning every corporation seized in whole or in part by the custodian. This will show all fees paid attorneys as well as salaries paid to officers and directors out of the trust or company funds of each corporation, together with their names and dates of service. Amounts paid for auditing, accounting, and appraising are shown in detail as well as the money spent on advertising, and the newspapers so favored. One accounting bill alone of $173,757.50 was paid to an accounting firm out of the congressional appropriation for a report which covered the various operations of the custodian office to August, 1919, but which was not completed and delivered until April, 1921, and when completed was of no practical value.

The conduct of affairs of the Alien Property Custodian in the Philippine Islands under the direction of former Governor General Harrison is reported in full. A complete list is given of the 8,000 claims for the return of property under the amendments to the act, giving the names of the attorneys representing these claims and the action thereon. All litigation in which the Alien Property Custodian appears is described, together with the names of the attorneys representing the custodian and the fees paid. A complete list is given, in addition to the corporations sold, of all sales of miscellaneous stocks, bonds, real estate, and merchandise sold since seizure, as well as a detailed description of all patents seized and their disposition.

DISCHARGE OF EX-SERVICE MEN FROM CIVIL SERVICE.

Mr. CARAWAY, Mr. STERLING, and Mr. KING addressed the Chair.

The VICE PRESIDENT. The Senator from South Dakota.

Mr. CARAWAY. Mr. President, a parliamentary inquiry.

Mr. STERLING. Out of order, I——

The VICE PRESIDENT. The Senator from Arkansas will state his inquiry.

Mr. CARAWAY. Mr. President, I should like to know whether anyone on this side is to be recognized? I have been on my feet here, while half a dozen Republican Senators have been recognized since I rose and addressed the Chair.

Mr. MOSES. Mr. President, who has the floor?

Mr. CARAWAY. Mr. President, I have a part of it. If it is to be the rule of the Senate that the Vice President is to look on the Republican side of the Chamber all the time and ignore every Democratic Senator, let that rule be announced.

The VICE PRESIDENT. The Chair thinks that perhaps the Senator from Arkansas was on his feet.

Mr. CARAWAY. The Chair knows that I was on my feet.

Mr. MOSES and Mr. LENROOT. Regular order, Mr. President.

Mr. WILLIS. I demand the regular order.

Mr. CARAWAY. The regular order is to know whether I am going to be recognized or not.

Mr. MOSES. Evidently not.

The VICE PRESIDENT. The Senator from Arkansas will be recognized in due time.

Mr. STERLING. I will say for the satisfaction of the Senator from Arkansas that it will take me but a moment.

Mr. CARAWAY. Oh, I wish no favor. I am asking only my right.

Mr. LENROOT. I rise to a point of order. I demand the regular order.

Mr. CARAWAY. Well, demand it; I am demanding it myself.

The VICE PRESIDENT. The Chair will recognize the Senator from Arkansas as soon as the pending matter is disposed of.

Mr. CARAWAY. I suppose as soon as all Senators on the other side are through.

[At this point Mr. STERLING introduced a bill and submitted a proposed amendment to the Agricultural Department appropriation bill, which appear under their proper headings.]

The VICE PRESIDENT. The Chair recognizes the Senator from Arkansas.

Mr. CARAWAY. That is very kind of the Chair. I tried to attract the attention of the Chair before the morning business was closed in order to introduce a resolution. I ask now, out of order, to be permitted to introduce it.

The VICE PRESIDENT. Without objection, the resolution will be received and the Secretary will read the resolution.

The reading clerk read the resolution (S. Res. 271), as follows:

Whereas by act of Congress it is provided that in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department has been rated as good shall be discharged or dropped or reduced in rank or salary; and

Whereas many honorably discharged soldiers and sailors whose records were good have been demoted, dropped, and discharged from the service: Now therefore be it

Resolved, That the President of the United States is hereby requested if not incompatible with the public good to inform Congress:

(a) How many honorably discharged sailors and soldiers have been demoted, dropped, and discharged from the service since the 1st day of March, 1921; and

(b) By what, if any, charges, or lack of efficiency, justifying said dismissal or demotion; and

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. The Senator from Arkansas.

Mr. CARAWAY. Section 4——

Mr. LENROOT. Mr. President, I demand the regular order.

The VICE PRESIDENT. The Senator from Arkansas has the floor.

Mr. LENROOT. I demand the regular order. Debate is not in order.

Mr. LODGE. Debate is not in order.

Mr. KING. I ask unanimous consent——

Mr. McCORMICK. The resolution should lie over under the rule.

Mr. KING. I ask unanimous consent that the Senator from Arkansas may make such statement as he cares to make upon the resolution which he has just offered.

The VICE PRESIDENT. Is there objection?

Mr. MOSES, Mr. MCCORMICK, Mr. LENROOT, and Mr. ODDIE objected.

The VICE PRESIDENT. The resolution will lie over under the rule.

Mr. CARAWAY. It is to be presumed that at some time in the course of my lifetime I shall get recognized again and those Senators who are so anxious to object now——

The VICE PRESIDENT. The regular order is the calendar under Rule VIII.

Mr. CARAWAY. I understand what the regular order is, but since it took me so long to get recognized I shall complete my statement.

Mr. MOSES. I call for the regular order.

Mr. CARAWAY. Call for the regular order, if you wish, but I shall get the floor some time in my own right, and then I shall make a statement.

The VICE PRESIDENT. The calendar under Rule VIII is in order and will be proceeded with.

THE CALENDAR.

The bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge was announced as first in order on the calendar.

Mr. DIAL. I move that that bill be indefinitely postponed.

The motion was agreed to.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. KING. Objection was made heretofore to that bill. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1807) to aid in stabilizing the coal industry, was announced as next in order.

Mr. KING. I suppose that bill will take considerable time. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States," was announced as next in order.

Mr. KING. Mr. President, I should like some explanation of that bill. The Senator who introduced it does not seem to be here, so I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. KING. I suppose that bill will take some time. I have no objection to its being considered.

Mr. STERLING. I think the bill had better go over, under the circumstances.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. OVERMAN. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74 was announced as next in order.

Mr. KING and Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1829) for the relief of Walter Runke was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. POMERENE. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 496) for the relief of George A. Robertson was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1920, was announced as next in order.

Mr. KING. That bill involves the question of merger of street railroads in the District of Columbia. It is a very important bill, and will require considerable discussion. I should like to see the matter considered, but I do not think we will have time this morning.

The VICE PRESIDENT. The bill will be passed over.

SCHOONER "CHARLOTTE W. MILLER."

The bill (S. 1063) for the relief of the owners of the schooner *Charlotte W. Miller* was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. A bill for this purpose has been passed by the House and has already become a law.

Mr. KING. Did it pass the Senate?

The VICE PRESIDENT. Yes.

Mr. KING. Then I move that this bill be indefinitely postponed.

The VICE PRESIDENT. The question is on the indefinite postponement of the bill.

The motion to postpone indefinitely was agreed to.

BILLS, ETC., PASSED OVER.

The joint resolution (S. J. Res. 48) authorizing retirement as warrant officers of certain Army field clerks and field clerks Quartermaster Corps was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

CAPT. EDWARD T. HARTMANN AND OTHERS.

The bill (S. 1281) for the relief of Capt. Edward T. Hartmann, United States Army, and others was announced as next in order.

Mr. KING. I will ask for an explanation of that bill.

Mr. SPENCER. Mr. President, I think I can explain it in a word.

This is a bill for the relief of Army officers who lost their personal property in the sinking of the steamer *Meade*, upon which they were, in 1899. The only difficulty about the case is that the other officers who were on the vessel have already had bills passed in their favor; and the Secretary of War sends down this bill for the four remaining officers who have not had the same remedy, and the bill takes care of them. That is the reason why the committee reported it favorably.

Mr. KING. May I inquire of the Senator whether he thinks it is wise and proper for the Government to pay such large sums for personal property that was lost?

Mr. SPENCER. The sums are not large. These were the personal belongings of the officers that were stored in the steamer *Meade* when it was sunk in the harbor of Ponce, P. R., on May 16, 1899. These officers suffered this damage through no fault of their own, because they and their personal property were put upon this steamer by order of the department; and I thought the department very properly said that the officers ought not to be required to sustain this loss personally. It is largely clothing and accouterments and personal property. I should have said that the department was very fair in its decision that they ought to be reimbursed for that loss.

Mr. KING. May I inquire of the Senator, if this is a just claim against the Government, why it was not paid years ago?

Mr. SPENCER. One of the reasons is because some Senators from time to time objected when the bill came up; and, as a matter of fact, the other officers on this same transport by individual bills have obtained precisely the same relief for themselves. These four officers, not having pressed their individual bills perhaps as vigorously as the others, have not had the relief; and this bill simply gives to the men mentioned in the bill the relief that the other officers have had.

Mr. KING. I call the Senator's attention to the fact that the Senate has refused to pass bills to reimburse soldiers and officers for property which was lost in fires in barracks and lost upon ships, and my understanding was that where payment was made it was limited solely to property which in the discharge of their duties they were compelled to have. If the Government of the United States becomes an insurer of all the property of all the officers and all the privates in the Army, we shall be assuming a tremendous responsibility.

Mr. SPENCER. I think I can assure the Senator that this bill merely covers that class of property which the officers were required to have with them and to carry with them on this vessel.

Mr. OVERMAN. How was the amount due ascertained?

Mr. SPENCER. A board of review was held, and the board of review went over every item and certified to the War Department these items, and then the War Department sent down this bill.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Capt. Edward T. Hartmann the sum of $272.50, Capt. Frederick G. Lawton the sum of $1,400, Capt. Frank B. Watson the sum of $1,500, and Capt. James Ronayne, United States Army, the sum of $1,658, which sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the Treasury not otherwise appropriated, said sums to be payment in full for all losses of personal property incurred by them by reason of the sinking of the United States transport *Meade* in the harbor of Ponce, Porto Rico, on or about May 16, 1899: *Provided*, That the accounting officer of the Treasury shall require a schedule and affidavit from each, such schedule to be approved by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia, was announced as next in order.

Mr. KING. Mr. President, that bill is one which many of us are in favor of, but there are a number of amendments to be offered. It will take more time than we shall have in the morning hour.

Mr. McCORMICK. What is the bill?

Mr. KING. It is a bill for compulsory education, and other purposes.

Mr. LODGE. What is the number?

Mr. KING. It is Order of Business 202, and I ask that it go over. I shall be glad to join with the Senator from Kansas [Mr. CAPPER] in asking for a special hour when this bill can be taken up for consideration.

Mr. CAPPER. Mr. President, I have been trying for a good many weeks to bring up this bill. I am going to let it go over for this time; but I give notice now that at an early date I shall ask for the fixing of a definite time at which it shall be considered.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 32) for the relief of contractors, subcontractors, and material men who have suffered loss by reason of Government orders was announced as next in order.

Mr. KING. I have been asked to have that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2170) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. KING. Let that bill go over. It will take too long to consider it to-day in the morning hour.

The VICE PRESIDENT. The bill will be passed over.

LONGEVITY PAY FOR RESERVE OFFICERS, ETC.

The bill (S. 150) to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department was announced as next in order.

Mr. KING. Mr. President, I ask for an explanation of that bill before I consent to its consideration.

Mr. SPENCER. Mr. President, this bill affects only about 8 or 10 National Guard officers, and is designed to correct an inadvertent omission in prior legislation. I understand that it gives to those National Guard officers who are now detailed to duty on the General Staff merely the same recognition which other officers have when similarly detailed. Both the Secretary of War under the former administration and the Secretary of War under the present administration have certified to Congress that it is to cure an evidently unintentional mistake in the prior legislation.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That National Guard officers and officers of the Reserve Corps who have had service in the National Guard or the Organized Militia of any State, Territory, or the District of Columbia, who are called to duty under section 3a or 5b of the national defense act, shall from the beginning of said duty at any time since June 4, 1920, receive the same pay and allowances as a Regular Army officer having the same rank and length of service as said National Guard or Reserve Corps officer, whose prior service in the National Guard and the Organized Militia shall be counted in ascertaining his rights under this proviso.

Mr. SPENCER. Mr. President, there is a mistake in line 6, in the last part of the line, where a section is designated as "5b." It should be "5 (b)." There should be parentheses around the letter "b" which follows the "5."

The VICE PRESIDENT. Without objection, parentheses will be placed around the letter "(b)." If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SPECIAL POSTAL CANCELING STAMPS.

Mr. JONES of Washington. Mr. President, I have no objection to the Senate taking up the report from the Committee on Post Offices and Post Roads of House bill 10740.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10740) authorizing the use of special canceling stamps, and it was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed, under rules and regulations to be prescribed by him, to permit the use of special canceling stamps, as follows: In the Gloucester, Mass., post office, dies bearing the words and figures "Don't Miss 300th Anniversary Celebration, Gloucester, Mass., August, 1923." In the Chicago, Ill., post office, dies bearing the words and figures "Chicago Boys' Week, May 19–25, 1922." In the Sunbury, Pa., post office, dies bearing the words and figures "Old Home Week, 150 Birthday, July 1–2–3–4, 1922." In the Indianapolis, Ind., post office, dies bearing the words and figures "Indiana Health Exposition, May 19–27, 1922, Indianapolis, Ind." In the Chicago, Ill., post office, dies bearing the words and figures "International Live Stock Exposition, Chicago, December 2nd to 9th, 1922." In the Chicago, Ill., post office, dies bearing the words and figures "Pageant of Progress Exposition, Chicago, July 29 to August 14, 1922": *Provided*, That no permit shall be granted for a longer period than six months and the duration of the event to be advertised: *Provided further*, That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriation either for the purchase of special canceling stamps or post-marking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee.

SEC. 2. That any permission granted under this act is hereby revoked in the event the Government shall find it expedient or necessary to use special canceling stamps or post-marking dies for its own purposes.

Mr. JONES of Washington. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 2, line 6, after the numerals "1922," insert the following language:

In the Tacoma, Wash., post office, dies bearing the words and figures "See Rainier National Park via Tacoma, season June–September, 1922."

The amendment was agreed to.

Mr. MOSES. I offer the following amendment, the language to be inserted at the end of the amendment just adopted.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. To follow the amendment just agreed to insert:

In the Portsmouth, N. H., and the Dover, N. H., post offices, dies bearing the words and figures "Three Hundredth Anniversary of the first settlements in New Hampshire, 1623–1923."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SALARIES OF TEACHERS IN SCHOOLS OF THE DISTRICT OF COLUMBIA.

The bill (S. 1976) to amend the first paragraph of section 2 of an act entitled "An act to regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, was announced as next in order.

Mr. KING. A joint committee of the House and Senate are considering the question of education and the matter involved in the bill. In view of the fact that they will soon report a comprehensive educational plan for the District, I ask that the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

LONGEVITY AND CONTINUOUS SERVICE PAY OF NATIONAL GUARDSMEN.

The bill (S. 1790) to place national guardsmen who entered the World War otherwise than through the draft on equal basis as to longevity and continuous-service pay with national guardsmen who were drafted was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That from and including August 5, 1917, officers and enlisted men of the forces of the Army of the United States, other than the Regular Army, who have had service in the National Guard or Organized Militia of any State, Territory, or District of Columbia, but who have entered the service otherwise than through the draft of August 5, 1917, are entitled to count such service in computing longevity and continuous-service pay from and including August 5, 1917.

Mr. SHEPPARD. Mr. President, this bill merely carries out the intention of Congress expressed in a measure which it enacted on July 9, 1918. Since that date the officers and enlisted men in the National Guard have been on a parity as to longevity and continuous-service pay. The few months before that time were intended to be covered by Congress in this bill

enacted July 9, 1918, but the Comptroller of the Treasury held that it was prospective in its operation. This bill merely carries out the intention of Congress, covering the few months between August 5, 1917, and July 9, 1918.

Mr. KING. How much is involved and how many persons does it affect?

Mr. SHEPPARD. It affects very few persons, and involves less than $100,000. I had an estimate on the subject made by General Lord. It puts the men who came in by enlistment or who volunteered in the National Guard on a parity with the men who were drafted, as to longevity and continuous-service pay, for the few months between August, 1917, and July 9, 1918.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT SUPERINTENDENTS OF COAST GUARD.

The bill (S. 1075) giving permanent rank to district superintendents of the Coast Guard on the retired list was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

INVESTIGATION OF FEDERAL RESERVE SYSTEM.

The resolution (S. Res. 115) directing an investigation of the administration of the Federal reserve system and the office of the Comptroller of the Currency, which had been reported by Mr. MCCORMICK from the Committee to Audit and Control the Contingent Expenses of the Senate, was read and agreed to, as follows:

Resolved, That the Committee on Banking and Currency of the Senate, or any subcommittee thereof, is authorized and directed to investigate the administration of the Federal reserve system and of the office of the Comptroller of the Currency and to report its findings to the Senate with such recommendations as it deems proper. For the purposes of this resolution the committee or any subcommittee thereof is authorized to employ such stenographic and clerical assistance, to meet at such times and places and to sit during the session and recesses of the present Congress, to have such printing and binding done, to make such expenditures for traveling, and to make such other expenditures as it deems necessary. The committee or any subcommittee thereof is further authorized to send for persons and papers, to administer oaths and affirmations, and to take testimony. The President of the Senate is authorized, upon the request of the committee or any subcommittee thereof, to issue subpœnas for such purposes, and the Sergeant at Arms of the Senate is directed to serve such subpœnas. Any person who willfully refuses to obey any such subpœna and any witness guilty of contumacy shall be liable to penalties provided in section 102 of the Revised Statutes of the United States. All expenses of the committee or any subcommittee thereof incurred under this resolution shall be paid out of the contingent fund of the Senate on vouchers authorized by the committee, signed by the chairman thereof.

FOREIGN TRADE ZONES.

The bill (S. 2391) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. That may go over for the present.

The VICE PRESIDENT. The bill will be passed over.

COURT OF CLAIMS.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. NELSON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF TRANSPORTATION ACT OF 1920.

The bill (S. 2337) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. TOWNSEND. A similar bill has passed the House and is on the calendar, having been reported from the same committee which reported this bill. I therefore move that Senate bill 2337 be indefinitely postponed.

The motion was agreed to.

OBLIGATIONS OF FOREIGN GOVERNMENTS.

The bill (S. 2135) to enable the refunding of obligations of foreign Governments owing to the United States of America, and for other purposes, was announced as next in order.

Mr. KING. I move that the bill be indefinitely postponed. House bill 8762 of like character has passed the Senate and become a law.

The motion was agreed to.

JOINT RESOLUTION AND BILLS PASSED OVER.

The joint resolution (H. J. Res. 183) imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or person, when reimported into the United States, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2515) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 268) for the relief of William O. Mallahan was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2035) for the relief of William M. Carroll was announced as next in order.

Mr. MCCORMICK. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 150) directing the Secretary of the Senate to employ a special officer for the office of the Secretary of the Senate was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 2573) to amend section 198 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," as amended, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

ADDITIONAL HOSPITAL FACILITIES FOR VETERANS OF WORLD WAR.

Mr. WALSH of Massachusetts. I ask unanimous consent, in view of the fact that it may not be reached to-day, that we take up for immediate consideration Calendar No. 588, House bill 10864. It is a bill which has been favorably reported by the Committee on Public Buildings and Grounds, appropriating $17,000,000 for additional hospital facilities for disabled veterans. In view of the fact that the committee has unanimously reported the bill, the Director of the Veterans' Bureau, the so-called White committee, and the special committee of this body which has been investigating hospital facilities for disabled soldiers, are all in favor of the measure, it seems to me we should expedite action and pass this bill without delay. The need of further hospitals for our disabled veterans is so urgent that I feel impelled to request immediate action and prevent further delays. I ask unanimous consent that it be taken up and considered now.

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. This is regular Calendar Monday, and it is the only time we have had on the calendar for some time. Of course, we want this bill passed, and no doubt it will be passed in a very short while. So I think we had better go on with the calendar until 2 o'clock, and then, no doubt, the Senator can get the bill up and have it passed.

Mr. WALSH of Massachusetts. I fear it will not be reached by 2 o'clock. Will the Senator agree that it may be taken up later in the day?

Mr. JONES of Washington. I am satisfied the unfinished business can be temporarily laid aside after 2 o'clock in order to afford an opportunity to pass this very meritorious measure.

The VICE PRESIDENT. Objection being made, the Secretary will proceed with the call of the calendar.

CHARLES F. GETCHELL.

The bill (S. 748) to remove the charge of desertion from the military record of Charles F. Getchell was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ORIN THORNTON.

The bill (S. 1655) for the relief of Orin Thornton was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE EMERSON.

The bill (S. 726) for the relief of George Emerson was announced as next in order.

Mr. KING. Let that go over.

Mr. MYERS. I ask the Senator from Utah to withhold his objection to the consideration of that bill until I can make a brief explanation of it.

Mr. KING. I shall do so.

Mr. MYERS. I shall be glad if the Senator will hear my explanation.

Mr. KING. I should be pleased to hear the explanation of the Senator.

Mr. MYERS. The facts in this case are as follows: George Emerson was a young married man, a man of family, working for a living in Great Falls, Mont. He was commissioned a second lieutenant during our war with Germany and served down at Camp Travis, Tex., where he was engaged in training soldiers for service. While there he was appointed bookkeeper and cashier of the regiment, or of the barracks, without his solicitation. He was chosen for the position of cashier and bookkeeper, to handle considerable funds, and had to serve whether he wanted to or not. He was the bookkeeper and he had to have under him a cashier, and the cashier necessarily had to have access to the cash. A private in the Army, one Moore, was selected as cashier without the volition or choice of Mr. Emerson. He did not select the man, but the officers over him selected and designated Moore, and it was necessary for that man to have a key to the safe and access to the cash. That man stole some money out of the safe, simply absconded, deserted, and left the country. Mr. Emerson had no control over him, but the Army lost some money on account of it. Mr. Emerson demanded an investigation and a hearing. It was accorded him and granted, and a judicial board of inquiry, consisting of three officers—a colonel, a major, and a captain—sat and heard the evidence on both sides, sworn testimony.

They sat for quite a while and examined everybody who could be brought before them who could shed any light on the matter. They unanimously exonerated Lieutenant Emerson, and returned a verdict that he was in no wise to blame, was not responsible, and did not profit by Moore's robbery. He was not court-martialed, he was not punished, but was removed from the Army and he went back to civil life. When he left the service the War Department arbitrarily held out of his salary the sum of $235, after he had been exonerated of any wrongdoing. I will say in this connection that it devolved upon the commanding general of the camp to review the findings of the board of inquiry, this court, and he did set them aside; but Lieutenant Emerson was not prosecuted, he was not court-martialed, he was not punished in any way. The commanding general simply set aside the findings of the court of inquiry and ordered that the balance of $235 due Lieutenant Emerson on his salary as an officer be withheld and not paid him. One man set aside the findings of a court of three officers, who conducted an exhaustive investigation, heard sworn testimony, and exonerated Lieutenant Emerson.

Mr. KING. What reason did the commanding general assign for setting aside the findings of the board?

Mr. MYERS. None. His order is set forth here in the committee report. Everything is set forth in this report.

I will read from the report of the Secretary of War, which was made on the bill, as follows:

> The proceedings of the board were disapproved by the commanding general Camp Travis, who stated as follows—

And here is the commanding general's statement:

> "1. Transmit herewith proceedings of the board of officers in the case of Lieut. George Emerson, Air Service, in charge of the tenth exchange.
>
> "2. These proceedings were disapproved by me, but in view of the fact that I do not believe that trial before a general court-martial is warranted under the existing conditions, I have discharged this officer on October 21, withholding his final pay, in accordance with instructions contained in Circulars 85 and 468 c. s., War Department."
>
> 5. The Judge Advocate General on December 16, 1919, rendered an opinion in the case, the last paragraph reading as follows:
>
> "6. It is the opinion of this office that Second Lieut. George Emerson is liable to the Tenth Infantry exchange for all losses it has sustained by reason of the theft and fraudulent transactions of Private Moore, as above set out, and for any sums it may be required hereafter to pay to the bank by reason of them."
>
> 6. The opinion of the Judge Advocate General was approved by the Secretary of War, who directed the Chief of Finance to enter a stoppage of pay against Second Lieut. George Emerson and apply the amount collected to the liquidation of his indebtedness to the Tenth Infantry exchange.
>
> 7. The records of the Finance Department indicate that there was a collection made by the withholding of $235.87, the final pay of Lieutenant Emerson.

The commanding general does not give any reason for his action. He does not say the evidence produced at the hearing was not true. He does not say the preponderance of evidence was against Lieutenant Emerson. He gives no reason whatever. It was simply an arbitrary and, I think, most unjustifiable act. If Lieutenant Emerson was guilty of any participation in the theft, he should have been court-martialed, convicted, and sent to the penitentiary. If he was not guilty, he is entitled to this money.

Emerson went back to his home in Great Falls, Mont. He is a poor man, working for his living, and has a family dependent upon him, and he badly needs this money. I say there can be no middle ground about it. This man is either criminally guilty and should have been punished, or he is not, and this thing of letting him out of the Army and not prosecuting him and then withholding $235 of his pay is wholly untenable, in my opinion.

Mr. KING. I notice that the report of the Judge Advocate General, setting aside the findings of the three officers, was approved by the Secretary of War.

Mr. MYERS. Yes; it was.

Mr. KING. I can hardly believe that the Judge Advocate General or the Secretary of War, both of whom we know to be humane men and men of good judgment and integrity, would set aside a finding as to liability unless there was some reason for it.

Mr. MYERS. I apprehend they were automatic, routine orders. The commanding general made his order without giving any reason for it, and the Judge Advocate General, I take it, automatically upheld the action of the commanding general, and the Secretary of War simply stands by the Judge Advocate General. None of them gave any reasons. I say, if a man steals $235 and is proven criminally guilty, he should be sent to the penitentiary, but if there is no crime proven against him the Government should not arbitrarily withhold $235 from his pay. The board of inquiry held there was no proof of any criminal complicity at all.

Mr. KING. I presume that the action of the Secretary of War and the commanding general was based upon the theory that Lieutenant Emerson had charge of the funds; that it was his duty to see that the funds were safely kept; and if a private were assigned to aid him, the private would be his subordinate and it would be his duty to take the necessary precautions to conserve the fund intrusted to his care.

It seems to me, in view of the fact that so many officers and persons in the Government service are intrusted with money, that there must be a very high degree of care and diligence exacted of them or there would be large sums—small, perhaps, in each item, but in the aggregate large—lost by embezzlement or theft or what not, and the Government would be responsible. There must be a high degree of care exercised by Government officers who are charged with the conservation of funds.

Mr. MYERS. The Senator may presume those are the reasons, but he can not know. No one can know.

Mr. KING. I have no doubt those are the reasons.

Mr. BURSUM. Mr. President——

Mr. MYERS. I yield to the Senator from New Mexico.

Mr. BURSUM. There is this phase about the question, as I see it. These were not Government funds. They were canteen funds which belonged, as I take it, to the regiment or the several companies. In order to manage the canteen it was necessary to have an assistant, and I take it that the assistant was selected by the several officers of the regiment. There is no provision whereby the canteen officer could be protected or could enforce a surety bond from the assistant. The assistant was selected by the officers of the regiment, and of necessity he must consent because his services were required.

Mr. OVERMAN. Mr. President, I would like to inquire whether the evidence is set forth in the report, so we can judge for ourselves?

Mr. MYERS. The evidence is not set forth in the committee report. It is quite bulky.

Mr. OVERMAN. It seems to me that two great officers, including the Secretary of War, have approved the finding of the commanding general.

Mr. MYERS. The evidence is not set forth in the report, but a transcript of the evidence was before the Senate Committee on Military Affairs, and that committee carefully considered the matter, and I believe reported unanimously in favor of the bill.

Mr. OVERMAN. I can understand what the Senator means, but the Judge Advocate General and the Secretary of War turned down the findings of the board, and therefore I would like to read the evidence.

Mr. MYERS. There is nothing to show that they passed on the evidence at all, as I understand it. The Senate Committee on Military Affairs, however, has considered the evidence for the Senator from North Carolina, and has made this recommendation. At least a subcommittee, a portion of the full committee, examined the transcript of the evidence and made a recommendation, and the whole committee acted favorably

upon it. The full committee recommends the passage of this bill, and I think its action was unanimous.

Mr. OVERMAN. I understand these were not Government funds, but canteen funds.

Mr. BURSUM. The very nature of the case would preclude it from being a Government fund.

Mr. OVERMAN. I would like to have the matter go over, and I will look into it a little further.

Mr. MYERS. It has gone over a good many times.

Mr. OVERMAN. It is a bad precedent to allow a claim where it has been turned down by the Judge Advocate General and the Secretary of War.

Mr. BURSUM. It is only a question of withholding this sum of $235 from the pay of this officer.

Mr. OVERMAN. The principle would be just the same if it were only 10 cents.

Mr. MYERS. The trouble is that some minor bills go over month after month and Senators are not willing to take the judgment of the committee which is charged with the investigation of these matters and reporting to the Senate.

Mr. OVERMAN. I like to investigate for myself.

Mr. MYERS. If every one of the 96 Senators is determined to investigate all the evidence and read it, we will never get action on this bill, and a poor man suffers meantime and is denied justice. A committee of the Senate investigated this matter, went to the bottom of it, passed on the evidence, and has reported to the Senate. I think its conclusions and recommendation should be worth something. Now one or two Senators hold up action.

Mr. OVERMAN. I do not want to fall out with the committee who made the report, but they ought at least to give a résumé of the evidence, so that each Senator voting upon the question can do so upon his own conscience and can settle the matter for himself.

Mr. MYERS. Will the Senator send to the War Department and get the transcript of the evidence, if it be there, as I think it is, and read it before the calendar is called again?

Mr. OVERMAN. If the Senator from Montana will furnish it, I shall be glad to read it.

Mr. MYERS. I shall undertake to get it for the Senator.

Mr. OVERMAN. I do not know anything about the claim except what I have heard stated on the floor of the Senate, but here are three men who say the matter is all right and the man ought to be paid, and then the commanding general and the Judge Advocate General, and the Secretary of War, who reviewed the testimony, say he ought not to be repaid.

Mr. MYERS. The commanding general said that, and I think the Senator ought to know that in all probability the Judge Advocate General and the Secretary of War just automatically approved his action. It is inconceivable that they should be able to read all the evidence in such cases. They have not the time. They must rely on the action of officers under them.

Mr. OVERMAN. The Senator surely does not mean that these officers will put the stamp of their approval upon a report without looking into it at all. Neither the Secretary of War nor the Judge Advocate General will turn down a report of this kind which will blacken the name of a man without looking into the facts.

Mr. MYERS. I do not suppose the Judge Advocate General has the time to give attention to the vast multitude of details that are involved in cases of this kind. It is inconceivable. However, if the Senator wants to read the testimony, I will see if I can get it for him.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KING. It is understood that the bill is to go over and certain information is to be furnished.

The VICE PRESIDENT. The bill will be passed over.

BILLS AND JOINT RESOLUTIONS PASSED OVER.

The bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds for protecting migratory birds, and requiring a Federal license to hunt them, was announced as next in order.

Mr. NEW. I ask that the bill be temporarily passed over.

The VICE PRESIDENT. It will be passed over temporarily.

BILLS PASSED OVER.

The joint resolution (S. J. Res. 138) authorizing the payment of the cost of transportation for certain supplies purchased by the Military Establishment was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks, Quartermaster Corps, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. It will be passed over.

The bill (S. 2328) for the relief of Margaret I. Varnum was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. It will be passed over.

CAPT. BENJAMIN S. BERRY.

The bill (H. R. 2556) to advance Capt. Benjamin S. Berry to the permanent rank of major was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to place Maj. Benjamin S. Berry, United States Marine Corps, on the lineal list of officers of the Marine Corps, to take rank among the permanent majors of the Marine Corps next after Lauren S. Willis, United States Marine Corps: *Provided*, That said Benjamin S. Berry shall not by the passage of this act be entitled to any back pay or allowances of any kind: *And provided further*, That nothing contained in this act shall operate to increase the number of majors in the United States Marine Corps as now authorized by law.

Mr. KING. Let the bill go over.

Mr. PAGE. I ask the Senator from Utah to state the ground upon which he wants to have the bill go over?

Mr. KING. I shall be willing to hear an explanation from the Senator as to whether there is any reason why the bill should be passed.

Mr. PAGE. To my mind it is a very meritorious bill.

Mr. KING. I shall be glad to hear what the Senator wishes to say about it.

Mr. PAGE. In the first place, it is a bill pretty well hedged about with safety. The bill does not entitle Captain Berry to any back pay of any kind whatsoever. The facts of the matter are these, and I would like to have the Senator from Utah know them, because I think he should be in sympathy with the bill if he understood the facts. Here was a young man, who in his early days was a little inclined to drink too much whisky. He reformed. He lost a great many numbers because he was intemperate for a time, but later on he performed a great many deeds which, I think the Senator will agree, ought to entitle him to consideration here. Let me read from the report for just a moment:

The purpose of this bill is to restore Capt. Benjamin S. Berry, United States Marine Corps, to the position on the permanent list of the Marine Corps which he would have held had he not been court-martialed in May, 1910.

Here is the vital point:

Ever since that date Capt. Benjamin S. Berry has performed unusually meritorious services, so much so that he received the French croix de guerre with palm and was also awarded the distinguished service cross by the commander in chief of the American Expeditionary Forces in France, for "he led his men in a gallant attack across open ground and into the Bois de Belleau, France, northwest of Chateau-Thierry, on the afternoon of June 6, 1918, inspiring them to deeds of valor by his example. When he reached the edge of the woods he fell, severely wounded. Nevertheless, he arose and made a final dash of 30 yards across through a storm of bullets and reached again the first wave of his command, before yielding to exhaustion from his injury."

It is the opinion of the department that this act alone should eliminate and atone for any former mistake which he may have made, and that it would have a good effect upon the service in general if it became known that such deeds of valor as shown by this officer could atone for a former error. Besides this, however, Captain Berry has constantly performed his duties in an excellent manner since May, 1910.

Mr. KING. I have listened with great interest to what the Senator has said, but I am not quite clear from the statement he has made as to the reason why this man was court-martialed, the result of the court-martial, and also I would like to know the reason why if men are court-martialed they should by special act of Congress later on, because they have done their simple duty as all officers do——

Mr. PAGE. Why does the Senator say simple duty? He did a meritorious and worthy act that gave him a right to come back and ask for restoration.

Mr. KING. Conceding that he did more than his duty, that he was heroic and renderd valiant and splendid service, I was wondering as to the propriety by special act of advancing the man in rank in the Army.

Mr. OVERMAN. Why did this come from the Committee on Naval Affairs?

Mr. KING. He is a member of the Marine Corps.

Mr. PAGE. Here is the statement of his commanding officer, Brig. Gen. W. D. Neville, United States Marine Corps, who says:

Major Berry in his younger days got into trouble—

That is a pretty plain statement; he owns up to it—

but, unlike a good many officers, he reformed before he got out rather than afterwards. Since his court-martial I think he has been on five or six expeditions, including three to Cuba, two to Santo Domingo, and one to Vera Cruz.

In June, 1917, he went to France in command of the Forty-fifth Company of the Fifth Regiment. He served in the training area back at Baumont, and also in the occupational lines at Verdun.

He goes on and gives a long list—I will not repeat it—of engagements in which this officer participated. He made a mistake; he fell, but he got up, and since 1916 he has been a man of exceptional valor and has rendered service of great value. Should we not sometimes forget little failures in a man's past life?

Mr. KING. I am not referring to the officer's failure at all; I do not care anything about that; I understand that he fought gallantly and bravely in the World War. The point is this: This officer holds a certain rank. If his conduct has been such as to entitle him to promotion, why was he not promoted? Why is it necessary to have a special act of Congress for that purpose? The laws governing promotions, as the Senator from Vermont knows, were very liberal and gave a great deal of discretion to the officers in charge. I think from the record here that Major Berry was a very gallant officer; I do not care anything about his former record; but he went overseas, as I understand the Senator from Vermont, holding a certain rank. He performed fine service there, service which ought to entitle him to promotion. Why was he not promoted in the regular line, in conformity with the regular procedure, as other officers were promoted? Scores of men went into the Army as captains and came out lieutenant colonels, and some of them even generals. Other men went in as second lieutenants and came out as majors. The number of promotions was very great. Thousands and tens of thousands of men were promoted, and properly so; I have no complaint of that at all. I am wondering, however, why this man, because of his valorous deeds, was not promoted; why he has to come to Congress to get a special bill through.

Mr. PAGE. All I can say is that the officer was not promoted, although he ought to have been promoted. Evidently there was a mistake somewhere which we are now trying to rectify.

I can not see anything in the Senator's argument that leads me to believe that this bill should not be passed, because there may have been possibly some reason why this officer was not promoted. I have not investigated that matter and I can not do so now; but one thing is sure, if any officer is entitled to be restored to his proper rank on account of glorious service, I think that Major Berry is one. So I want to see this bill passed unless there is some strong reason why it should not be.

Mr. KING. Mr. President, I am very much in sympathy always with officers who perform splendid service, as evidently this officer did; and I should like to see him promoted for his services; but it seems to me that we ought not to pass special bills to promote officers when in the regular line of promotion there are so many opportunities for advancement.

Mr. PAGE. Is not the following provision of the bill a sufficient answer to the Senator's objection:

Provided, That said Benjamin S. Berry shall not by the passage of this act be entitled to any back pay or allowances of any kind: *And provided further*, That nothing contained in this act shall operate to increase the number of majors in the United States Marine Corps as now authorized by law.

Mr. KING. The question of this officer's compensation does not cut any figure with me at all. If this is a just bill, it ought to be passed; if it is not, it ought not to be passed. I have such respect for my friend from Vermont that I would do anything in the world that I possibly could for him, but I confess that I do not yet see any reason from the explanation which has been made by my good friend for the passage of this measure.

Mr. PAGE. Has the Senator from Utah any objection to the bill being now considered?

Mr. KING. Yes; I have.

Mr. PAGE. Mr. President, despite the objection of the Senator—because he has objected to this measure, I think, a half dozen times—I should like to have the bill disposed of.

Mr. KING. If the Senator had not asked me the question so categorically, I was going to suggest to him that he ask the Secretary of War why, with the splendid record that this officer concededly made, he was not promoted in the regular, orderly line of promotion and advancement.

Mr. TOWNSEND. I think there possibly may be a reason, and I was wondering why it was not obtained from the department.

Mr. PAGE. The officer is in the Marine Corps; that is why the bill comes from the Naval Affairs Committee.

Mr. TOWNSEND. On account of this officer's previous record, he might not have been in a position where he could have properly received the promotion owing to others ahead of him. I can imagine that some consideration of that kind may have been the cause of his failure to be promoted. From what has been stated here, I agree with the Senator from Vermont that, if this officer did render such excellent service, and if the question of back compensation is not involved, Congress could not, perhaps, do a more meritorious thing than recognize such service and conduct on the part of one of the officers of the United States. I imagine there is a reason why this officer was not promoted, and my guess is that it was something along the line which I have suggested.

Mr. KING. Does not the Senator from Michigan think that we ought to be advised of the reason?

Mr. TOWNSEND. I myself have no objection to that. I appreciate the interest of the Senator from Vermont in this matter, and I know how discouraging it is, when we consider bills on the calendar so seldom, to have postponed from week to week many meritorious measures. I have no objection, however, to the information being obtained which the Senator from Utah desires.

Mr. KING. Let me cut the Gordian knot. If the Senator from Vermont will permit me, I will ask him to let this bill be passed over for a few moments; and then, if he will telephone to the Secretary of the Navy and ascertain the reason this officer was not regularly promoted, I shall be glad to join with him in having the bill taken up before 2 o'clock.

Mr. PAGE. It will take me just one minute to give the reason of the former and also the present Secretary of the Navy. Former Secretary Daniels says:

It is the opinion of the department that this act alone should eliminate and atone for any former mistake which he may have made, and that it would have a good effect upon the service in general if it became known that such deeds of valor as shown by this officer could atone for a former error. Besides this, however, Captain Berry has constantly performed his duties in an excellent manner since May, 1910.

Secretary of the Navy Denby says:

It is the opinion of the department that this act alone should eliminate and atone for any former mistake which he may have made, and that it would have a good effect upon the service in general if it became known that such deeds of valor as shown by this officer could atone for a former error. Besides this, however, Captain Berry has constantly performed his duties in an excellent manner since May, 1910.

In view of the foregoing, the department strongly recommends that the bill (H. R. 2556) be enacted.

We have also the opinion of General Neville.

Mr. KING. Does the Senator say that under the law, in view of the officer's former court-martial, he could not be promoted in regular order and that an act of Congress is required for that purpose?

Mr. PAGE. I should dislike to avail myself of a technicality. I ask the Senator whether, in the case of a just and meritorious private bill, it is usual to go back and make a further investigation? Two Secretaries of the Navy and General Neville have unqualifiedly made their recommendation that this bill shall pass.

Mr. KING. I again ask the Senator—perhaps he did not understand me—if he understands that the reason why this officer was not promoted because of his valorous conduct lies in the fact that he was formerly court-martialed and that an act of Congress is required to relieve him of the effects of the court-martial in order that the promotion may be obtained?

Mr. PAGE. I have not investigated that circumstance, I will say to the Senator.

Mr. KING. If the Senator says that is the reason, I have no objection to the bill; and if the Senator will telephone and discover that that is the reason, I shall join with him in having the bill taken up.

Mr. TOWNSEND. Of course, the Senator from Utah understands that two Secretaries of the Navy have recommended the passage of the bill. If they had the power to promote this man they would not ask for a special act of Congress, but they both recommended the passage of the bill.

Mr. PAGE. Do I understand that the Senator from Utah requests that the bill go over for a few moments, but that he will allow it to be taken up later in the afternoon?

Mr. KING. If the Senator will telephone and secure the information I have indicated, I will join with him in having the bill taken up and passed this afternoon.

The VICE PRESIDENT. The bill will go over.

Mr. KING subsequently said:

The Senator from Vermont [Mr. PAGE] has just called my attention to the bill to which I objected a few moments ago, and he has indicated from information which he has just received that the bill does not involve a promotion, but that it merely places the beneficiary at a given point on the list of majors, he already holding that rank. I have no objection to the bill.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2556) to advance Capt. Benjamin S. Berry to the permanent rank of major.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1298) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co. was announced as next in order.

Mr. OVERMAN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7589) for the relief of Maj. Ellis B. Miller was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

JOHN SULLIVAN.

The bill (S. 1690) to correct the military record of John Sullivan was announced as next in order.

Mr. KING. I ask that that bill may go over.

Mr. MOSES. Mr. President, I ask the Senator from Utah if he has read the report on this bill? It is very brief, and I think he will find it to disclose an exceptionally meritorious case in this instance.

Mr. KING. If the Senator will make an explanation, I shall be glad to withhold my objection.

Mr. MOSES. Mr. President, the situation in this case is this: This is a bill which I inherited from my predecessor, former Senator Gallinger. It has repeatedly been reported from the committee. The Senator will observe that the bill has been pending in the Senate for almost a year and that it is almost four months since it was reported from the committee. The Senator will also discover from reading the very brief report accompanying the bill that the Secretary of the Navy in the last preceding administration and the Secretary of the Navy in the present administration have likewise reported favorably upon it.

The circumstances are that the man whose record is sought to be corrected by this bill had a charge of desertion against him which he expiated by returning to the service and completing not only the term of his original service in the Navy but serving most acceptably in the Navy for some 20 years thereafter. The man is dead, and the bill is designed simply to correct his record.

So far as any "raid upon the Treasury" may possibly be concerned, under the bill, after much delay, the aged widow of the sailor may perhaps receive the small stipend which would accrue to the widow of an enlisted man. That, however, is not the purpose of the bill. The purpose of the bill is to clear up the record of the man whose fault was completely expiated and who had been assured at the time of his surrender and the completion of his original term of enlistment that that would serve to clear his record. Not only did he surrender and render that service during the period of the Civil War, but by successive reenlistments in the Navy he served for 21 years thereafter. It was 12 years after his retirement before he even applied for a pension, and he did so then simply because he was in such physical condition, that it was necessary for him to receive the stipend.

A pension was paid to him regularly until two weeks before his death, when he was notified that the desertion charge had not been cleared up and he was dropped from the roll. Two weeks after that notice the man died.

This measure has been pending practically ever since; and it seems to me that, after the lapse of years, in view of the man's good record following the offense which he committed during the period of the Civil War, and the long and honorable record which he had in the Navy subsequent to the error, it is merely an act of slight justice to grant the right which this bill seeks to grant, namely, that he "shall be held and considered to have been honorably discharged from the naval service of the United States in 1895," which was the termination of his actual service in the Navy, covering a period, in all, of something like 27 years.

Mr. KING. Mr. President, I shall not object to this bill, but I want to say that we are confronted with a large number of measures designed to relieve the charge of desertion from men who actually did desert. I have not much sympathy with deserters. As I have said, there are now a large number of similar bills before the committee, as there have been in the past. Of course, the correction of the record is merely the basis for obtaining a pension for the soldier or sailor himself, if he is not dead, or for his widow, if one has survived him. What the Senator says, that this is not a raid on the Treasury, I know he means in good faith, but undoubtedly, within a very few weeks after the passage of this bill, there will be a pension granted.

Mr. OVERMAN. I will inquire if the bill has the usual clause forbidding the payment of back pension?

Mr. MOSES. The Senator will find that provision in the last clause of the bill.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides that in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, John Sullivan, late chief boatswain's mate, United States Navy, shall be held and considered to have been honorably discharged from the naval service of the United States in 1895; but that no pension shall accrue prior to the passage of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 548) to place Albert Hamilton on the retired list of the United States Navy was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. PAGE. I am requested to ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

REIMBURSEMENT TO NAVAL HOSPITAL PATIENTS.

The bill (S. 2719) to reimburse certain persons for loss of private funds while they were patients at the United States Naval Hospital, naval operating base, Hampton Roads, Va., was announced as next in order, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the persons herein named the following amounts, out of any money in the Treasury not otherwise appropriated: Joseph Julian Jordan, seaman, second class, $210; William Raney Pickard, apprentice seaman, $25; James Buchanan, apprentice seaman, $40; Orvin Jefferson Bullock, apprentice seaman, $70; William James Thomson, fireman, third class, $95; Raymond Leonard Martin, fireman, third class, $75; William Brewster, fireman, third class, $15; Hiram Bitts Dain, apprentice seaman, $22; Arlous Pate, apprentice seaman, $35; Alvin Curtis, fireman, third class, $30; Irvin Howard Neil, seaman, second class, $40; James Fred Taylor, hospital apprentice, second class, $80; Franklin Elmo Brown, pharmacist's mate, third class, $20; Hamilton Okey Johnston, hospital apprentice, second class, $20; Leo Sherry, hospital apprentice, first class, $20; Raymond Clyde Malouin, hospital apprentice, first class, $70; Canaco Nacional Nallaris, mess attendant, first class, $185; and Birley Thomas, fireman, third class, $75; being the respective amounts of their private funds which the said persons had placed in the safe in the office of the executive officer at the United States Naval Hospital, naval operating base, Hampton Roads, Va., for safe-keeping and which were stolen therefrom on or about April 1, 1921, by some unknown person or persons.

Mr. KING. Mr. President, I have investigated this bill and I think it should pass, but I appeal to the chairman of the Naval Affairs Committee to have the department report some bill that will safeguard the interests of the Government, and I think the Military Affairs Committee should do the same thing. We are passing these bills almost every calendar day where officers of the Army and Navy intrusted with funds are compelled to come to Congress for redress. The money is stolen from the safe or from some depository by persons who are their subordinates.

Mr. OVERMAN. Mr. President, is this bill recommended by the department?

Mr. KING. Yes; it is recommended.

Mr. PAGE. It is. The Senator thinks a general law should be passed to take care of cases of this kind?

Mr. KING. I think there ought to be some law by which persons who are intrusted with the custody of money, who are officers of the Government, should be required to give bond.

Mr. MOSES. May I ask if these officers are bonded in any sense?

Mr. KING. I think not. We never get back anything. We pay the money.

Mr. PAGE. I think that the officers are bonded; but here is a case where the amount of the loss will be asked of the surety company under its bond and it will be turned right back, so that the man who is going to lose this amount will suffer in spite of everything, and he can not afford to lose it. That is the report that comes to us. He is a poor man. Let me read the Senator two or three lines from the report.

Mr. KING. If the officers are bonded, then I am not in favor of making the appropriation. What is the good of requiring them to be bonded if, when there is a theft or an embezzlement, the Government has to pay the amount?

Mr. MOSES. May I suggest to the Senator that we have a statement with respect to the bond and how it is going to affect the situation?

Mr. PAGE. I know, because we looked that matter up, that this poor fellow under the law will have to suffer the loss, because the bonding company will come right back upon him to

pay the amount. The Secretary of the Navy makes a statement in regard to that matter which is very brief, and I will read it:

Inasmuch as the persons named in the proposed bill deposited the amounts indicated in the safe pursuant to instructions which had the approval of the department, and the said amounts disappeared through no fault or act of their own, it is felt that the Government, in the custody of whose agent the funds were placed for safekeeping, should make reimbursement to these persons in the amounts stated, with the view of itself being later reimbursed in case said funds or any portion thereof are recovered. While there is no legal obligation on the part of the Government to make such reimbursement, it is nevertheless considered that under the circumstances and in justice to these men such reimbursement should be made.

It is therefore recommended that the proposed draft of bill hereto attached be enacted into law.

I do not think there is any question but that there is a bonding process that takes care of that matter; but here is a case where it is a fact that a party who is innocent will be compelled to suffer.

Mr. MOSES. Furthermore, if I understood the Senator, every possible safeguard had been made to take care of this money. The money had been put into a safe or in some perfectly secure place.

Mr. PAGE. Certainly; and the department reports that there has been no possible laches or fault on the part of this party who had the custody of the money.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I do not object, as I stated. The explanation, as I understand the Senator, simply means that these patients deposited their money in the safe, leaving it with some officer of the Government——

Mr. PAGE. It was deposited by an officer of the Government.

Mr. KING. And it was stolen from the safe. There is nothing in the report to indicate that the officer was bonded. What I was stating was that the Government ought to require these officers who take money to give bond, and if the money is stolen the Government ought to look to the officer and the surety company for payment.

Mr. MOSES. Let me ask the Senator from Vermont, further, whether there is anything in the report to indicate what steps were taken to discover the culprit or to secure restitution of the amount?

Mr. PAGE. It appeared before our committee that every step was taken to safeguard the Government, and it is an unfortunate condition that makes it finally come back to this man to pay it.

Mr. MOSES. I understood the Senator to read from the report a statement that these funds were put into a safe.

Mr. PAGE. Yes; by direction of the officer.

Mr. MOSES. That safe must have been in the office of some officer of the hospital, to wit, an officer of the Government. The money was stolen from the safe. What steps were taken to discover who had access to the safe, who could have stolen the money, who was the culprit, and whether from the culprit restitution could have been had? What was done about this burglary, theft, or whatever the offense was?

Mr. PAGE. Here is the plain statement. It is very brief:

This safe was entered some time between 4.30 p. m., April 1, 1921, and 8.30 a. m., April 2, 1921, and the cash on deposit, to the amount of $1,127, including the amounts indicated in the proposed bill, was stolen. A board of investigation was immediately convened on April 2, 1921, by order of the commandant, naval operating base, Hampton Roads, Va., to inquire into the alleged theft. After careful investigation the board reported that the safe was found open about 8.30 a. m., April 2, 1921, that the combination was unlocked, and the safe entered by some person or persons unknown, and that the responsibility for the theft can not be definitely fixed. No further information has been received up to the present time as to the identity of the person or persons committing the alleged theft.

Mr. MOSES. There is nothing there to indicate that the combination was set and the safe locked at 4.30 o'clock on the afternoon of April 2. That is a mere statement that they found the combination open and the safe available to anybody who chose to open the door and take out the money. From that record I could not possibly deduce that the proper steps were taken. Certainly no one could deduce that effective steps were taken to fix the responsibility for this theft.

Mr. PAGE. I do not believe we have any safes that burglars can not get into; and if the Government is to hold men responsible, it seems to me that if a fair investigation shows them free from responsibility morally, and if the Secretary of the Navy recommends, as he does here, that reimbursement be made we ought to act in accordance with that recommendation.

Mr. MOSES. Legislation of this character simply sets a premium upon carelessness.

Mr. KING. Exactly.

Mr. PAGE. I do not think so in this case.

Mr. FLETCHER. Mr. President, the situation was that these were patients at the hospital. Under the regulations they had to deposit any cash they had with this officer. They had to do it. It was a requirement. They did deposit these funds with this officer, and he put them in the safe. Somebody opened the safe and stole the money. The men who are patients at the hospital ought not to lose the money. They did what the regulations required them to do, and the board which investigated the matter found that the safe had been opened and robbed and the money taken away.

Mr. MOSES. And that nobody was responsible?

Mr. FLETCHER. They do not fix the responsibility. The officer who was the agent of the Government had these funds in his hands. The men who put them there certainly ought not to suffer by reason of the robbery of the safe where they were deposited.

Mr. MOSES. No; but the Senator misses the point of my inquiry. The officer who received these funds from the patients, undoubtedly under a regulation of the hospital, probably by general regulation of the department, was a bonded officer. Of course, a premium had to be paid for his bond, and I suppose the bonding company is responsible for this loss. Why should the loss which the bonding company will have to meet, and for which they received their premium, now be transferred to the Treasury of the United States?

Mr. FLETCHER. Nothing is said in the report about his being a bonded officer, whether they went on his bond or not, or whether the bond was collectible or not.

Mr. MOSES. But the Senator from Vermont just said he was a bonded officer and that under the bond this officer would have to pay the amount himself, probably through some arrangement with the bonding company, which has not yet been disclosed.

Mr. FLETCHER. The officer himself.

Mr. PAGE. May I ask the Senator from New Hampshire whether it is not true that this money was in the hands of this official, and by the consent and direction of the officials above him the money was placed in the identical safe where it was placed, which was supposed to be a secure safe, and between 4.30 o'clock in the afternoon and 8 o'clock the next morning the burglars went in and took the money?

Mr. MOSES. That is not the testimony which the Senator read. The testimony is not that the safe was blown or that violence was employed in getting at it. In the morning they found the combination unset, so that anybody could open the door. Who was the bonded officer to whom the Senator refers?

Mr. PAGE. It does not appear in the report. I simply have the report from the Secretary of the Navy.

Mr. MOSES. In other words, who is the real beneficiary of this legislation?

Mr. PAGE. The man who had the funds on deposit there.

Mr. MOSES. That is to say, the patients?

Mr. PAGE. No; the officer in charge of the money.

Mr. MOSES. He being a bonded officer, as I understood the Senator to say.

Mr. PAGE. I have not the facts here; but my impression is that it so turns out that he being a bonded officer the bonding company can come back and make the person charged with the money pay the amount; so that it virtually comes out of a man who should not suffer.

Mr. MOSES. In other words, bonds are given to the public, and premiums are paid for the bonds, and the bonds are no good? Is that it?

Mr. PAGE. If the bonds are good, they are so good that when they are paid by the bonding company this man who had the money has to suffer.

Mr. MOSES. The bonding company takes a premium for the bond, and then tries to compel the man who was bonded to reimburse it; and, failing that, to have the Treasury reimburse it.

Mr. TOWNSEND. Mr. President, if I read this bill correctly, this is not a bill for the purpose of reimbursing some officer of the Government. This is a bill for the purpose of paying directly these patients who were in the hospital, who deposited their money in the Government depositary. Nothing is said here about any officer, if I am reading the correct bill; and I find no report with this bill.

Mr. KING. If the Senator will permit me, the Senator is absolutely correct there. These patients deposited their money in a safe, and the money was stolen from the safe. The officer has not paid them. Whether he was bonded or not, I am not able to state. I think the Government ought to pay these men who lost their money; but I think it is a mistaken policy, and wrong, for the Government to become a guarantor of all bailments that may be made by those who come into the hospitals, and so on.

The Senator knows that every calendar day, and at various other times, we are called upon to pay for the losses in post offices. Somebody has burglarized the safe, and the postmaster comes here, and we appropriate and pay him; and in the cantonments and in the various agencies of the Government where money is embezzled or stolen we are frequently called upon to make reimbursement. It has gotten now so that if anybody loses money by reason of his own carelessness he feels that Congress will make the appropriation. We are liberal. Such persons think: "If we go to Congress, we can be reimbursed." If these Government officials who have charge of money knew that they would be held personally responsible, and that Congress would not make the appropriation, greater care would be taken, greater vigilance would be observed, the money would not be stolen or embezzled, and Congress would not be called upon to appropriate thousands of dollars to reimburse individuals who have suffered by reason of the peculations and the wrongs of Government officials or third persons. My suggestion is that we ought to compel them to be bonded, and we ought to restrict the authority of Government officials to become bailees for everybody that may come anywhere around them.

Mr. TOWNSEND. Mr. President, in looking over this bill I think the Senator from Florida is exactly correct. Here are some patients that were sent down to this hospital, and one of the regulations of the hospital is that their money shall be deposited. They take their money and put it into the safe they have there for safe-keeping. I do not think the Government is legally bound to refund this money. I do not think any officer of the Government was legally bound to pay it, but the fact is that the money was deposited under a regulation of the hospital, and these men lost it through a burglary. The proposition now clearly before the Senate is, Will the Senate permit or authorize the payment of the money to these poor men, these patients, who had placed their trust in the Government safe at that hospital because they had to do it, and whose money was stolen, having had no protection at all?

Mr. PAGE. It is stated in the letter of the Secretary of the Navy that "the persons who are named in the proposed bill deposited the amounts indicated in the safe pursuant to instructions." So they did it under orders.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. CARAWAY. Mr. President, I have listened to the discussion about the pending bill, and I thoroughly agree with the remarks to the effect that the Government should pay. I think the Government ought to carry the responsibility and pay. But that was only incidental to what I really wanted to say.

This morning I offered a resolution——

The PRESIDING OFFICER. The question is, Is there objection to the present consideration of this bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. CARAWAY. I was recognized, Mr. President.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment. The Senaor from Arkansas is recognized for five minutes.

DISCHARGE OF EX-SERVICE MEN FROM CIVIL SERVICE.

Mr. CARAWAY. Mr. President, this morning I offered a resolution calling upon the President to tell us how many former sailors and soldiers with honorable discharges who are within the classified service had been dismissed, demoted, or their salaries lowered. I did that because we have a statute which provides that—

In the event of reductions being made in the forces in any of the executive departments, no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary: *And provided further*, That any person knowingly violating the provisions of this section shall be summarily removed from office, and may also, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

Quite a number of soldiers and sailors with honorable discharges who were within the classified service have been dismissed from the service without any explanation. Three of them were in the Bureau of Engraving and Printing. There were many of them in the navy yard. There were some of them in the Treasury Department, and the departments are dismissing soldiers and sailors with honorable discharges whose records are good, and we want to know why.

There is a cry all over this country now that there is no respect for the law. How can we complain when some negro becomes a bootlegger if the highest executive officer in the land and Cabinet officers shall disregard the law and deprive men of their rights? You can not build up a respect for law and at the same time let those who are charged with the duty of enforcing it ignore it. The law is as binding upon the President as upon the humblest citizen in the land. It is within the power of the Republican majority to smother these resolutions, as I presume they are going to do. The Post said, when the other two resolutions went to the Committee on Civil Service, that the chairman of the committee was a friend of the administration, and therefore that they were dead. That may be. I am not concerned, I want to repeat, with the politics of the men who have been discharged. I want only to see justice done. I hate injustice; I hate tyranny; I dislike any man who, because he is clothed with a little brief authority, ignores the rights of those who are helpless to strike back.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from South Dakota?

Mr. CARAWAY. I yield.

Mr. STERLING. I hope the Senator from Arkansas will possess his soul in patience over this matter of the reference of those resolutions to the Committee on Civil Service. The Committee on Civil Service, or the members thereof, Mr. President, will possess their souls in patience at the same time.

Mr. CARAWAY. I do not want to yield all my time.

Mr. STERLING. They can not do two jobs of work at the same time.

Mr. CARAWAY. I am conscious of that.

Mr. STERLING. And in due time the resolutions referred to the committee will be considered.

The PRESIDING OFFICER. The Senator declines to yield further.

Mr. CARAWAY. I do not want to be discourteous to the Senator. I am simply saying that that is what the public press says. I do not say it is true, but that is the impression which exists among the people, that the resolutions are dead. I hope the Senator will report them out.

Mr. STERLING. Will the Senator yield?

Mr. CARAWAY. Certainly.

Mr. STERLING. I am not responsible for what the public press says.

Mr. CARAWAY. I am conscious of that.

Mr. STERLING. On the contrary, everything I have said has indicated just the opposite of what the Senator states the public press has said.

Mr. CARAWAY. I do not yield any further. I am conscious of that, and I am not criticizing the Senator. I think he is too quick to suspect that somebody is criticizing him. Whatever the Senator's attitude is, I do not believe the resolutions will be reported out. I believe that hidden behind the power that goes with the Executive, they are going to ignore the people's rights, and are going to trample upon them.

But there is a court of appeal, above Presidents and above Cabinets, to which court these people who have had their characters blackened, and who have been denied the right to make an honest living, can appeal. These women who were discharged can appeal to that court. These ex-service men, who went out when Congress declared that a state of war existed between this country and Germany, who laid down their civil employments and imperiled their lives and their futures to save this country, now have their rights taken from them by the Executive and the Cabinet, and they have an appeal. It lies beyond this administration; it lies in the common sense and fairness and justice of the American people, and I am confident, sir, despite all that may happen here, despite what the Senate may do, that the American people are going to hear that appeal, and do justice by these men and these women. I do not care whether they vote the Republican ticket or the Democratic ticket; they have a right to look to the Executive and to the Congress of the United States for justice, and when it is denied them, there is somebody, somewhere, who is going to rebuke those who sit in high places and ignore the rights of those in humbler stations.

REIMBURSEMENT TO NAVAL HOSPITAL PATIENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2719) to reimburse certain persons for loss of private funds while they were patients at the United States naval hospital, naval operating base, Hampton Roads, Va.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. ELLIS B. MILLER.

Mr. POINDEXTER. Mr. President, I ask unanimous consent that the Senate return to the consideration of House bill 7589. I have conferred with the Senator from Utah [Mr. KING] in regard to it, and he will find in the back of the report of the committee a complete statement of all the details and circumstances of this case.

Mr. KING. Will not the Senator make a very brief statement?

Mr. POINDEXTER. I will do so.

The PRESIDING OFFICER. The Senator from Washington asks that the Senate return to the consideration of House bill 7589. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7589) for the relief of Maj. Ellis B. Miller, and it was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, commission Ellis B. Miller as a lieutenant colonel in the United States Marine Corps as of date of June 4, 1920: *Provided*, That the said Ellis B. Miller shall take rank on the lineal list of lieutenant colonels in the United States Marine Corps next after James K. Tracy, the officer who immediately preceded him on the list of first lieutenants on May 13, 1908: *Provided further*, That the said Ellis B. Miller shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of a lieutenant colonel in the United States Marine Corps: *And provided further*, That the said Ellis B. Miller shall not by the passage of this act be entitled to any back pay or allowances of any kind: *And provided further*, That nothing contained in this act shall operate to increase the number of lieutenant colonels in the United States Marine Corps as now authorized by law.

Mr. POINDEXTER. The bill is recommended by the Secretary of the Navy and recommended very strongly by General Lejeune, the General Commandant of the Marine Corps. It is to relieve this officer from the effects of an accidental circumstance for which he was not responsible in any way at all.

Years ago, when Major Miller was called up with his class for examination for promotion in the Philippine Islands, he was examined under an old order regulating those examinations, which had been issued in 1906. It so happened that he was the last on the list of officers coming up for examination.

In the meantime, in September, 1908, a new order, making new regulations for these examinations, had been issued, but it did not reach the Philippine Islands until February, and when the reports were made, all the officers who had been examined, and whose examinations were the same in all respects, so far as approvals were concerned, were passed, and the reports of the board of examiners was approved by the department, except as to this officer. Being the last on the list, his report came in late, and the department ruled that the examination was not valid, because it should have been under the new order; but the new order had not reached the Philippine Islands at that time.

Subsequently he was reexamined, passed the examination, and qualified in every way, and the department recommends that this bill be passed to relieve him from the consequences of that accidental circumstance.

Mr. KING. If he had been examined at that time, would he have measured up to the standards required?

Mr. POINDEXTER. He would have. The statement I have just referred to is specifically to that effect.

Mr. KING. Has his service been that of an honorable officer since then?

Mr. POINDEXTER. Entirely so. Otherwise, I would not be urging the passage of the bill.

Mr. KING. I have no objection to it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 140) for the relief of Peter Shell was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2498) to correct the military record of Alonzo C. Shekell was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. WALSH of Montana. Mr. President, the hour is approaching at which, by special order, the Senate is to take up the nominations of Senator SMOOT and Representative BURTON. On Friday I suggested the propriety of considering these nominations in open executive session. An objection was interposed at that time, as I understood, by the Senator from Kansas [Mr. CURTIS], with a view to a further consideration of the subject. Accordingly, I renew the request now for unanimous consent that the matter be considered in open executive session.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. KELLOGG. I offer an amendment to the bill, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McNARY. As the unfinished business is now before the Senate, I think, in view of the notice given by the Senator from Iowa [Mr. CUMMINS], I should ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. MOSES. Is that necessary? A motion to go into executive session is privileged and it does not require that the unfinished business shall be laid aside.

Mr. LODGE. The motion is privileged, of course.

Mr. McNARY. Very well.

The PRESIDING OFFICER. The Senator from Montana has the floor.

WORLD WAR FOREIGN DEBT COMMISSION.

Mr. WALSH of Montana. Mr. President, I said at that time and I repeat now, because there may be Senators here who were not present then, that so far as I am advised there is no disposition upon the part of any Senator to question in any way whatever either the personal character or the fitness of either of the gentlemen named. The questions to be considered are merely the question of the eligibility of these gentlemen under the Constitution and the propriety of naming Members of Congress to positions of this character. In view of that condition, I can see no reason whatever for not having an open discussion of the matters at issue.

Mr. LODGE. Mr. President, this is clearly executive business under the rules respecting nominations. I think, if the Senator desires to make a motion to have the matter considered in open executive session, it should be made after we have gone into secret executive session, where alone it is in order.

The PRESIDING OFFICER. The Chair understood the Senator from Montana to be presenting a unanimous-consent request. Is the Chair correct?

Mr. WALSH of Montana. That is correct.

Mr. LODGE. I know there is nothing of a personal character in this question, but I have always thought and I think now it is a great mistake to alter or change in any way the rule in regard to the consideration of nominations.

Mr. NORRIS. Mr. President——

Mr. LODGE. I think what I have to say can be said in a moment.

Mr. NORRIS. All right; I will wait.

Mr. LODGE. No; I have no desire to cut the Senator off. I yield to him.

Mr. NORRIS. I can say what I have to say at any time, but I suggest to the Senator from Montana that I am one of the members of the Committee on the Judiciary who joined with the Senator from Montana in reaching the conclusion that as a matter of law Senator SMOOT and Representative BURTON are disqualified. I desire to say, however, that it seems to me only fair to those who have reached that conclusion that their attitude should not be misunderstood. It is, as I look at it, purely a question of constitutional law. There is no one, so far as I know, who doubts the ability or fitness of either one of these gentlemen to fill the place to which they were appointed by the President. I do not desire to be put in the attitude of voting against them.

I suggest to the Senator from Montana, unless the nominations are considered in open executive session, which looks doubtful now, that he present at the proper time a resolution embodying the legal proposition, and let us vote on that. When that is voted down, if it is voted down, then all those who voted for it would be at liberty to vote for the confirmation of the two appointees.

I do not want to be put in the attitude of voting against them, because I have nothing on earth against them and I frankly admit their qualifications for the particular place. We will be misunderstood, however, unless something of that kind is done. I think the Senator from Montana could easily make the record. If it is sustained on that, then the matter is ended. If he is not sustained, as a matter of form we could all vote for the confirmation.

Mr. CUMMINS. Mr. President, it seems to me that whatever arrangements are made ought to be made after we go into executive session. I see no reason for debating this purely legal question before others than Members of the Senate, because the Senate must pass upon the question, and it is a constitutional inquiry that is proposed.

Mr. LODGE. Mr. President, I do not believe in discussing nominations in open session. I am in favor of keeping within the rule, and I also think that we should probably save a great deal of time by discussing the question in secret executive ses-

sion. If any Senator should desire to print his speech made in executive session, that could be done. That has been done before in one or two cases, and it could be arranged in this case. So a Senator's argument might be printed in the RECORD. It was done in the case of former Senator Morgan on the Panama Canal question.

Mr. WALSH of Montana. I have no desire to avail myself of that privilege, particularly because my views have been expressed in the open Senate as well as in my report which I submitted to the committee.

If the Senator from Nebraska [Mr. NORRIS] will give me his attention for a moment, I desire to say that there is involved in the question before us rather more than the naked proposition of law. There was made a part of the report which I submitted to the Committee on the Judiciary the brief speech of former Senator Hoar, made in the year 1903, as my recollection now serves me, which was addressed rather to the propriety of filling places of this character from Members of Congress than to the question of the eligibility of Members of Congress under the Constitution for positions of that kind.

The same subject was commented upon by another distinguished son of Massachusetts, ex-Governor McCall, in a recent number of the Atlantic Monthly. Senator Hoar said, when the subject was before the Senate for consideration on an earlier occasion, I think in the year 1898, that there was practical unanimity among the Members of the Senate that whatever might be the inhibition of the Constitution, the practice was one which ought not to be followed. So that would be a consideration aside from the mere question which would be determined by a resolution such as is suggested by the Senator from Nebraska.

I may say in this connection that I had thought of the propriety of getting a formal declaration from the Senate on the question of eligibility, but that would exclude the other consideration to which I have adverted, which it seems to me is too important, in view of the consideration that it has had, to be entirely ignored in connection with these important nominations.

Mr. LODGE. If we are going to discuss any question of constitutionality or the propriety of the President's action, both on the ground of precedent and on general grounds, to save the time of the Senate I object to the request of the Senator from Montana.

The PRESIDING OFFICER. Objection is made.

Mr. FLETCHER. Mr. President, may I inquire whether the report of the committee has been made public or whether there is any objection to the report being made public?

Mr. LODGE. That we can determine when we get into executive session.

Mr. CUMMINS. The reports of the committee have been printed and, I think, copies are in the possession of all Senators, so far as I know, or accessible at least to all Senators.

Mr. FLETCHER. It is a confidential print, is it not?

Mr. UNDERWOOD. No.

Mr. CUMMINS. The reports were submitted in executive session, as I remember it.

Mr. WALSH of Montana. I have never understood that there was any character of secrecy attached to any of them.

Mr. CUMMINS. Nor did I; and they have been in the hands of the Senate for two or three weeks.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 3 hours and 10 minutes the Senate (at 5 o'clock and 20 minutes p. m.) took a recess in executive session until to-morrow, Tuesday, April 11, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 10, 1922.

REGISTER OF THE LAND OFFICE.

Mrs. Addie B. McLennan, of Wisconsin, to be register of the land office at Wausau, Wis., effective upon completion of consolidation under act of October 28, 1921, in lieu of Edward P. Gorman, nominated February 13, 1922, and confirmed February 15, 1922, who has declined the appointment.

PROMOTIONS IN THE REGULAR ARMY.

TO BE COLONEL.

Lieut. Col. Llewellyn William Oliver, Cavalry, from April 6, 1922.

TO BE LIEUTENANT COLONELS.

Maj. Edward Appleton Keyes, Cavalry, from April 5, 1922.
Maj. John Gano Winter, Cavalry, from April 6, 1922.

TO BE MAJORS.

Capt. Charles Joseph Herzer, Coast Artillery Corps, from April 4, 1922.
Capt. George Lea Febiger, Infantry, from April 5, 1922.
Capt. George A. Pollin, Field Artillery, from April 6, 1922.

CHAPLAIN.

Chaplain John Joseph Campbell to be chaplain with the rank of captain from April 6, 1922.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

CAVALRY.

Capt. John Colford Daly, Infantry, with rank from July 19, 1918.

PROMOTIONS IN THE NAVY.

Lieut. Commander George M. Baum to be a commander in the Navy from the 3d day of June, 1921.

Lieut. Commander Wolcott E. Hall to be a commander in the Navy from the 28th day of December, 1921.

Lieut. Commander Fred F. Rogers to be a commander in the Navy from the 31st day of December, 1921.

Lieut. Commander William L. Beck to be a commander in the Navy from the 1st day of January, 1922.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1921:

George M. Cook.
Edward K. Lang.
Walter D. La Mont.

Lieut. Roman B. Hammes to be a lieutenant commander in the Navy from the 1st day of July, 1921.

Lieut. Herbert O. Roesch to be a lieutenant commander in the Navy from the 20th day of July, 1921.

The following-named lieutenants to be lieutenant commanders in the Navy from the 31st day of December, 1921:

Delavan B. Downer.
Lewis W. Comstock.
Frank E. P. Uberroth.
Alexander Macomb.
Paul F. Foster.
Ames Loder.
Ralph G. Risley.
Carlos A. Bailey.
John F. Meigs, jr.

Lieut. Richard S. Field to be a lieutenant commander in the Navy from the 1st day of January, 1922.

Lieut. (Junior Grade) Roman B. Hammes to be a lieutenant in the Navy from the 7th day of March, 1918.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1920:

Linton Herndon.
John G. Farrell.

Ensign John G. Farrell to be a lieutenant (junior grade) in the Navy from the 29th day of June, 1920.

Ensign Robert B. Crichton to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1920.

Passed Asst. Surg. Charles S. Stephenson to be a surgeon in the Navy, with the rank of lieutenant commander, from the 3d day of June, 1921.

Asst. Surg. William R. Taylor to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 6th day of June, 1920.

Asst. Surg. Elmer F. Lowry to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1920.

Asst. Surg. Earl E. Sullivan to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of January, 1921.

Passed Asst. Paymaster Hervey B. Ransdell to be a paymaster in the Navy, with the rank of lieutenant commander, from the 4th day of March, 1921.

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commanders, from the 21st day of October, 1921:

Lawrence A. Odlin.
John A. Byrne.
John B. Ewald.

Surg. Forrest M. Harrison, of the United States Naval Reserve Force, to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 3d day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Passed Asst. Paymaster Joseph A. Carey, of the United States Naval Reserve Force, to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 3d day of August,

1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Machinist James Hauser to be a chief machinist in the Navy, to rank with but after ensign, from the 28th day of December, 1920.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 30th day of November, 1921:

Warren E. Magee.

Helge Ohlsson.

Carpenter Robert F. Roberson to be a chief carpenter in the Navy, to rank with but after ensign, from the 19th day of January, 1922.

POSTMASTERS.

CALIFORNIA.

Etta Thomas to be postmaster at Lost Hills, Calif., in place of Mabel Hanford, deceased.

DELAWARE.

John S. Dobson to be postmaster at Millsboro, Del., in place of E. E. Carey. Incumbent's commission expired October 5, 1921.

GEORGIA.

Olivia F. Anderson to be postmaster at Chipley, Ga., in place of R. H. Dunlap. Incumbent's commission expired August 7, 1921.

Jefferson B. Hatchett to be postmaster at Greenville, Ga., in place of T. G. Williams. Incumbent's commission expired February 18, 1922.

LOUISIANA.

John A. Marchand to be postmaster at Gonzales, La. Office became presidential October 1, 1921.

MINNESOTA.

Olney A. Solberg to be postmaster at Brooten, Minn., in place of P. D. Mitchell. Incumbent's commission expired August 7, 1921.

Emanuel Nyman to be postmaster at Foley, Minn., in place of C. F. Callahan. Incumbent's commission expired July 21, 1920.

MONTANA.

Leon E. Phillips to be postmaster at Highwood, Mont., in place of B. J. Gossack. Incumbent's commission expired July 21, 1921.

NEBRASKA.

Fred H. Herrlein to be postmaster at Deshler, Nebr., in place of George Beckler. Incumbent's commission expired February 4, 1922.

NEW MEXICO.

Cassius G. Mason to be postmaster at Hagerman, N. Mex., in place of A. B. Wimberly, deceased.

OHIO.

Sanford E. Gottshall to be postmaster at Magnolia, Ohio. Office became presidential October 1, 1921.

Howard C. Moorman to be postmaster at Jamestown, Ohio, in place of H. C. Lieurance, resigned.

Albert E. Gale to be postmaster at Lima, Ohio, in place of J. E. Sullivan, resigned.

Charles L. Oberlin to be postmaster at Mineral City, Ohio, in place of William Hosick, removed.

OKLAHOMA.

Cora B. Scott to be postmaster at Milburn, Okla., in place of Eva Gill. Incumbent's commission expired February 4, 1922.

Roy A. Hoffman to be postmaster at Seminole, Okla., in place of W. S. Livingston. Incumbent's commission expired February 4, 1922.

PENNSYLVANIA.

Grant Piper to be postmaster at Petersburg, Pa., in place of Grant Piper. Incumbent's commission expired February 4, 1922.

Wilbur C. Taylor to be postmaster at Port Royal, Pa., in place of A. C. M. Crozier. Incumbent's commission expired February 4, 1922.

SOUTH CAROLINA.

John S. Meggs to be postmaster at Marion, S. C., in place of J. R. Montgomery. Incumbent's commission expired January 24, 1922.

SOUTH DAKOTA.

Otto W. Muchow to be postmaster at Hartford, S. Dak., in place of J. F. McGowan. Incumbent's commission expired January 31, 1922.

Gertrude Snell to be postmaster at Tulare, S. Dak., in place of O. L. Starr, removed.

TEXAS.

W. F. Curtis to be postmaster at Byers, Tex. Office became presidential April 1, 1920.

Cornelius A. Ogden to be postmaster at Deweyville, Tex. Office became presidential January 1, 1921.

Arthur B. Rook to be postmaster at Harrold, Tex. Office became presidential January 1, 1921.

James T. Shaw, jr., to be postmaster at Anna, Tex., in place of L. H. Goforth. Incumbent's commission expired January 24, 1922.

James M. Brooks to be postmaster at Copperas Cove, Tex., in place of W. P. Gibson. Incumbent's commission expired January 24, 1922.

Jasper N. Coffman to be postmaster at Daingerfield, Tex., in place of L. E. Willis. Incumbent's commission expired January 24, 1922.

Andrew Schmidt to be postmaster at Edna, Tex., in place of R. L. Bronaugh. Incumbent's commission expired July 21, 1921.

Arnold H. Kneese to be postmaster at Fredericksburg, Tex., in place of A. R. Gold. Incumbent's commission expired January 24, 1922.

Thomas J. Oden to be postmaster at Lindale, Tex., in place of T. J. Oden. Incumbent's commission expired July 21, 1921.

Edmund W. Tarrence to be postmaster at Llano, Tex., in place of C. M. Wallace. Incumbent's commission expired January 24, 1922.

Joel M. Moore to be postmaster at McDade, Tex., in place of J. W. Moore. Incumbent's commission expired January 24, 1922.

Rudolph Nordhausen to be postmaster at Schulenburg, Tex., in place of Henry Eilers, jr. Incumbent's commission expired January 24, 1922.

VIRGINIA.

Jessie H. Cox to be postmaster at Washington, Va. Office became presidential January 1, 1921.

Herbert T. Thomas to be postmater at Williamsburg, Va., in place of W. C. Johnston, resigned.

WASHINGTON.

Helen M. Purvis to be postmaster at Sumner, Wash., in place of J. P. Pyles. Incumbent's commission expired January 24, 1922.

Herman L. Leeper to be postmaster at Yakima, Wash., in place of J. D. Medill. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Earl M. Gilbert to be postmaster at Rosholt, Wis. Office became presidential January 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 10, 1922.

POSTMASTERS.

COLORADO.

Mary H. Cowie, Boulder.
F. Julian Dyer, Crested Butte.
Samuel H. Carlson, Julesburg.

HAWAII.

Frank Cox, Waimea.

INDIANA.

Lillian R. Stuck, Orland.

IOWA.

Clarissa A. Chandler, Lawler.
John A. Ruesink, Lime Spring.
Fred E. Dunton, Riceville.
Grant E. Olson, Soldier.

LOUISIANA.

Joseph A. Richard, Hammond.

MAINE.

Mae L. Berry, Denmark.
Ambrose W. Kneeland, Easton.
Edward Johnson, Monson.

MARYLAND.

Alonzo M. Moore, Cambridge.

MICHIGAN.

Lewis E. Kephart, Berrien Springs.
Herbert E. McElheny, Gobles (late Goblesville).

MISSISSIPPI.

Charles C. Swetman, Perkinston.

MISSOURI.

Vaughn V. Hammitt, Curryville.
William M. Harbin, Puxico.

NEBRASKA.

Alvin O. Jones, Adams.
Owen N. Clark, Beaver Crossing.
Joseph S. Jackson, Inman.
Minnie Johansen, Loup City.
Clarence Rosecrans, Odell.
Fred Wolter, Ohiowa.
Rolland C. Shetler, Riverton.

NEW MEXICO.

Effie C. Thatcher, Chama.

NORTH DAKOTA.

Anna M. Potter, Granville.
Viola Tomlinson, Oriska.

OHIO.

Jasper A. Barrell, Malta.
Joseph H. McKinney, New Concord.
Paul E. Muckley, Waynesburg.

OKLAHOMA.

George W. J. Perry, Boley.
Thomas L. Ogilvie, Forgan.
William R. Casteel, Sapulpa.

SOUTH DAKOTA.

Alfred R. Dendy, White River.

TEXAS.

Roy K. Duphorne, Aransas Pass.
Walter W. Layman, Bangs.
John Q. Hanna, Blackwell.
Robert L. Witty, Bomarton.
Wilce V. Garton, Booker.
Jacob Bennett, Bremond.
Bessie F. Hefley, Cameron.
Golden T. Thomas, Channing.
William H. Tallant, Chico.
Daniel B. Bynum, Eustace.
Loren G. Wilder, George West.
McKinley H. Frank, Grapevine.
Joe E. Williams, Hamilton.
William T. Allen, Hawkins.
James W. Stubblefield, Hull.
James W. Johnson, Italy.
Earl D. Tracy, Junction.
Carl W. Smith, Kress.
Louis J. Scholl, Malakoff.
Ada H. Worley, Malone.
Arthur C. Polk, Manning.
Ralph W. Ridinger, Markham.
Thomas A. Guthrie, Mingus.
Lottie H. Rector, McCaulley.
Colonel E. Dutro, Mission.
Arthur G. Skinner, Palacios.
Jesse R. Davis, Pearsall.
James L. Noel, Pilot Point.
Dicie Stanley, Proctor.
Willie Culwell, Putnam.
Thomas J. Bailey, Royse City.
Almyra L. Williams, Taft.
John F. Warrington, Valley Mills.

VIRGINIA.

Edward A. Lindsey, Boyce.
James S. Smith, Bristow.
Charles E. D. Burtis, Bumpass.
Charles B. Graves, Chester.
Emma J. Breneman, Cootes Store.
Otis R. Thornhill, Culpeper.
William E. Hardiman, Dillwyn.
Benjamin T. Culbertson, Dungannon.
Lacy C. Alphin, Hot Springs.
Lilly G. Cook, Madison.
Robert E. Newman, Manassas.
Mary V. Givens, Montvale.
Sylvester A. Ratliff, Norton.
James W. Moore, Rapidan.
Thomas C. McConchie, Remington.
Floyd I. Richardson, Sylvatus.
Wade H. Hash, Trout Dale.
Lilburn T. Addington, Wilder.

WEST VIRGINIA.

Fred A. McFarlin, Adamston.

WYOMING.

Frank J. Estes, Salt Creek.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 10, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord our God, we bless Thee for the manifestation of Thyself made in the gladness of the spring air, and for the brightness of this beautiful day that lures us with sweet persuasion to offer Thee our grateful praise. These are the affirmations of our Heavenly Father, and may there be a festival of happiness in all our breasts. O dwell among men; reign on the throne of conscience. Bless our country until it blooms and bursts into the fruits of prosperity and contentment. Endow us with the dominion of mind that suffers itself to wait, withstand, bear and forbear, and we beseech Thee that thus may wisdom's work be made manifest. In Thy holy name. Amen.

The Journal of the proceedings of Saturday, April 8, 1922, was read and approved.

ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 7. Joint resolution to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920; and

H. J. Res. 249. Joint resolution authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church.

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATION BILL.

The SPEAKER. The unfinished business is the bill making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, on which the previous question was ordered on the bill and amendments to final passage. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand a separate vote on the amendment, on page 32, line 22.

The SPEAKER. The gentleman from Kentucky demands a separate vote on the amendment referred to. Does any gentleman desire a separate vote on any other amendment? If not, the Chair will put the remainder of the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded by the gentleman from Kentucky [Mr. JOHNSON].

The Clerk read as follows:

At the end of line 22, page 32, add as follows: "*Provided, however,* That no part of the money appropriated by this act shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further,* That no part of the money appropriated by this act shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. KNUTSON. Mr. Speaker, I move a call of the House.

Mr. CAMPBELL of Kansas. Let us divide on the vote.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. It is clear that there is no quorum present. The gentleman from Minnesota [Mr. KNUTSON] moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Chindblom	Drewry	Funk
Anthony	Christopherson	Dunn	Gahn
Bacharach	Clark, Fla.	Dupré	Goldsborough
Blakeney	Codd	Edmonds	Gorman
Blanton	Cole, Ohio	Ellis	Gould
Bowers	Connolly, Pa.	Fairchild	Graham, Pa.
Brinson	Copley	Fess	Greene, Mass.
Brooks, Pa.	Darrow	Fields	Hardy, Tex.
Burdick	Davis, Tenn.	Focht	Hawes
Cable	Deal	Frear	Hays
Cantrill	Drane	Fuller	Herrick

Hicks	Lee, N. Y.	Porter	Speaks
Hutchinson	McArthur	Rainey, Ala.	Sproul
Ireland	McLaughlin, Pa.	Rainey, Ill.	Stiness
Johnson, Miss.	Merritt	Ransley	Strong, Pa.
Johnson, S. Dak.	Michaelson	Reavis	Sullivan
Johnson, Wash.	Mills	Reber	Taylor, Ark.
Jones, Pa.	Moore, Ill.	Riddick	Taylor, Colo.
Jones, Tex.	Moores, Ind.	Riordan	Ten Eyck
Kahn	Morin	Rose	Vestal
Kennedy	Mott	Rossdale	Volk
Kiess	Nelson, Me.	Rouse	Walsh
Kindred	Nelson, John M.	Ryan	Walters
Kitchin	Newton, Minn.	Sabath	Ward, N. Y.
Knight	O'Brien	Sanders, Ind.	Watson
Kreider	O'Connor	Schall	Williams
Kunz	Olpp	Shelton	Wilson
Lampert	Perkins	Slemp	Wood, Ind.
Langley	Petersen	Snyder	

The SPEAKER. Three hundred and fifteen Members have answered to their names. A quorum is present.

Mr. HUSTED. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from New York moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. JOHNSON].

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Kentucky demands a division.

The House divided; and there were—ayes 102, noes 56.

So the amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays. As many as favor this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Forty-four gentlemen have risen, not a sufficient number. The yeas and nays are refused.

Mr. NOLAN. Has the Speaker ruled that 44 was not a sufficient number? What did the last vote show?

The SPEAKER. The Chair is told that 54 are required.

Mr. NOLAN. One-fifth of those present?

The SPEAKER. Two hundred and thirteen.

Mr. NOLAN. We had a division of the House, Mr. Speaker.

The SPEAKER. The rule is one-fifth of those present.

Mr. NOLAN. The division on this particular vote showed less than 200 present.

The SPEAKER. That does not show how many were present.

Mr. NOLAN. Let us take the other side, Mr. Speaker.

The SPEAKER. The Chair will count the other side. [After counting.] The Chair has already counted over 200. The yeas and nays are refused. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HUSTED, a motion to reconsider the vote whereby the bill was passed was laid on the table.

NAVAL APPROPRIATIONS.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill (H. R. 11228), and pending that motion, Mr. Speaker, I would like to secure an agreement about the time for general debate.

The SPEAKER. Pending his motion, the gentleman from Michigan desires to come to an agreement about the time for general debate.

Mr. KELLEY of Michigan. What suggestion has the gentleman from South Carolina [Mr. BYRNES] to make about the time for general debate?

Mr. BYRNES of South Carolina. Mr. Speaker, I informed the gentleman from Michigan that because of the number of requests I have had from this side of the House I hope he will be most liberal in fixing the time for general debate. This is the last appropriation bill to be reported, and gentlemen on this side of the House desire to occupy some time. As a matter of fact, the time on which the gentleman from Michigan and I have agreed informally will be entirely satisfactory to me.

Mr. BRITTEN. Mr. Speaker, is it not a fact that both the gentlemen who now occupy the floor are in favor of the bill? It does not seem fair for them to agree between themselves about the time for the general debate.

Mr. KELLEY of Michigan. I will say to my good friend from Illinois that it is not my purpose to inquire of anybody as to whether he favors or opposes the bill. I shall be very glad, as far as I am concerned—and I am sure the same is true of the gentleman from South Carolina—to yield indiscriminately to Members of the House, regardless of their position on the bill, and it is our purpose to be exceedingly generous in general debate. I was about to suggest 2 days' general debate, or 12 hours altogether.

Mr. TINKHAM. Mr. Speaker, minority views have been filed in relation to this bill. I believe there is a sharp division in the House upon the questions involved, and it seems to me that there should be a division on the part of the honorable gentleman from Michigan [Mr. KELLEY] of half of his time, one-half of his time, making one-quarter of the total time to go to Members who have minority views. I think I shall insist upon that disposition of the time if it is possible for me to do so.

The SPEAKER. The Chair will state that on appropriation bills, where, as a rule, everybody is in favor of the bill, but there are divisions as to certain amendments and provisions of the bill, it is not customary to divide the time according to whether a man is for or against the bill, but it is customary to recognize the gentleman in charge of the bill and the ranking member of the committee on the other side of the House.

Mr. KELLEY of Michigan. I assure the gentleman from Illinois that he will not have any cause to complain. I am certain that he will be amply taken care of, and any other Members who desire to oppose the bill will be generously treated.

Mr. BRITTEN. Mr. Speaker, the gentleman from South Carolina [Mr. BYRNES] suggested that he had many requests for time on that side. It is barely possible that all the time may have been promised already on both sides of the House. We ought to know something about the division of the time as between those who are for and against the bill.

Mr. BYRNES of South Carolina. I will say to the gentleman that of the requests for time received by me I intend to yield the overwhelming majority of the time to gentlemen who have advised me that they are opposed to the bill. So far as I know, everybody over here who is opposed to the bill is going to speak.

Mr. BRITTEN. I am sure the gentleman will be fair, but approximately how much time has been requested of the gentleman now?

Mr. BYRNES of South Carolina. Oh, about two weeks. [Laughter.]

Mr. BRITTEN. Where do those of us come in who have not yet requested time?

Mr. BYRNES of South Carolina. I do not know about gentlemen on that side of the House. I am going to do my best to take care of gentlemen on this side.

Mr. GALLIVAN. Mr. Speaker, a parliamentary inquiry. Is there a request for unanimous consent pending?

The SPEAKER. No definite request has been made yet. Gentlemen are trying to arrange it.

Mr. GALLIVAN. There is no request for unanimous consent pending?

The SPEAKER. No.

Mr. GALLIVAN. May I ask what is the regular order?

The SPEAKER. The regular order is the attempt to agree upon time.

Mr. COCKRAN. Mr. Speaker, would it not be possible to reconcile all these conflicting ideas by letting the House itself determine when it will proceed to vote? I think there will be no difficulty about moving the previous question if the debate should ever be allowed to fall into what might be called ineptitude. I ask the gentleman from Michigan and the gentleman from South Carolina to let the debate proceed in the discretion of the House.

Mr. LONGWORTH. Mr. Speaker, I have yet to learn how the previous question can be moved in Committee of the Whole House on the state of the Union.

Mr. COCKRAN. You can always move to close debate and to rise. I am glad that even at this late day I am able to inform the gentleman from Ohio of something that I supposed his previous parliamentary experience had already informed him.

Mr. LONGWORTH. The gentleman spoke about moving the previous question in Committee of the Whole, which was a novelty to me.

Mr. KELLEY of Michigan. I feel quite sure that two days will be sufficient time so that everybody who desires to be heard on the bill can be heard.

Mr. COCKRAN. You can move to close debate. Why not let it go on?

Mr. PARKER of New Jersey. I ask unanimous consent that general debate be confined to the bill.

Mr. KELLEY of Michigan. No. I ask unanimous consent that the time for general debate be two days, but not less than 12 hours altogether, and that the time be equally divided between the gentleman from South Carolina [Mr. BYRNES] and myself.

The SPEAKER. The Chair would suggest that those two requests might be incompatible—two days, but not less than 12 hours.

Mr. KELLEY of Michigan. In case the two days should be taken up in roll calls or something of that kind——

The SPEAKER. The gentleman from Michigan asks unanimous consent that the general debate be limited to 12 hours.

Mr. TINKHAM. Reserving the right to object, I shall object——

The SPEAKER. Objection is made.

Mr. TINKHAM. Mr. Speaker, I did not say that I objected. I was about to say that, reserving the right to object, I would object unless the honorable Representative from Michigan was willing to divide his time with those holding minority views.

Mr. KELLEY of Michigan. Mr. Speaker, I could not very well do that, because the gentleman is interested in one proposition alone. The bill carries hundreds of propositions. I shall be perfectly fair and perfectly generous with the gentleman. I have him down here on my list for all the time he has asked for, and if he wants more time, being a prominent Member of the House, I shall be glad to accommodate him.

Mr. LONGWORTH. Reserving the right to object, will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. LONGWORTH. I take it that in addition to being generous in time for general debate, the gentleman will also apply that to the debate under the five-minute rule.

Mr. KELLEY of Michigan. The gentleman is right. Mr. Speaker, I desire to say also, as suggested by the gentleman from Ohio, that when that paragraph in the bill is reached which relates to the personnel under the five-minute rule, I intend to be very generous with reference to debate upon that particular proposition. So there can be no possible ground for complaint anywhere. [Applause.] That ought to satisfy my distinguished friend from Massachusetts.

Mr. BRITTEN. Mr. Speaker, from observations I have made, and I suppose from observations the gentleman from Michigan has made, it is evident that the great majority of the Members of the House are for the minority report on this bill. [Laughter.] That being true, of course they are entitled to recognition in time.

Mr. MANN. What do you want to debate it for, if that is true?

Mr. BRITTEN. I am willing to vote now.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the debate on this bill be limited to 12 hours, one half to be controlled by himself and the other half by the gentleman from South Carolina [Mr. BYRNES]. Is there objection?

Mr. TINKHAM. I object.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11228, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

Mr. GARRETT of Tennessee. Mr. Speaker, pending that, would not the gentleman from Michigan make the request now that the time for general debate be controlled by himself and the gentleman from South Carolina [Mr. BYRNES]? It is in the interest of orderly procedure that that be done. Both gentlemen have promised to be entirely fair, and I know they will be fair, and that request will not limit the time for general debate.

Mr. KELLEY of Michigan. Mr. Speaker, I make that request.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time for general debate be equally divided, one half to be controlled by him and the other half by the gentleman from South Carolina [Mr. BYRNES]. Is there objection?

Mr. TINKHAM. I object.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11228, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TOWNER in the chair.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, I should like to proceed for a little while without interruption, with the understanding that I will be very generous in yielding later on to anyone that desires information. This bill which the committee has reported carries a total of $233,247,008. It is $192,000,000, in round numbers, below the estimates submitted by the Bureau of the Budget. In that connection, however, I ought to say that the estimates submitted by the Bureau of the Budget were submitted before the Conference on the Limitation of Armaments. The bill carries $180,000,000 less than the current law. I want to take the time at this point to discuss how these enormous reductions have been brought about.

In the first place, it has been done in great part through the agreements reached by the Conference on the Limitation of Armament. That conference agreed to discontinue the building of the great 1916 program, so far as capital ships were concerned, with the exception of two ships which are to be finished. That means that 13 of the 16 capital ships are not to be completed. [Applause.] It also provides that all of the battleships of the predreadnought class should be scrapped. There are 15 of these vessels. So it provides for the discontinuance of 13 capital ships under construction, and for the elimination from the Navy of 15 other capital ships.

Last year we included in the bill, as you will recall, the sum of $90,000,000 for going forward with the building program. This bill carries no new appropriation for the continuation of the building program. [Applause.] There are a number of ships to be finished—10 scout cruisers, some submarines, and a few destroyers, but at the present time there is a balance of $71,000,000 to the credit of the construction fund. That sum will be sufficient to carry on the work on these ships that are to be completed for the balance of this year and also for next year. So that there is a cutting out at one stroke of $90,000,000 from the bill of last year on account of new construction. In addition to that saving of course there would be a heavy saving resulting from the destruction of the old ships. Those of this class that were kept in commission last year will no longer be in commission. The repairs and upkeep for them need not be provided for. There remains 18 capital ships in the Navy and some 900 other vessels, some of great military value and others practically worthless as instruments of defense.

The committee commenced its work by making an analysis of the ships of the Navy which we had left after the conference had reached these splendid agreements. We assumed, of course, that there should be maintained an 18-battleship fleet. We have never proceeded upon any other theory. [Applause.] An 18-battleship fleet, with all the necessary destroyers, submarines, tenders, oilers, tankers—everything that should go with them to make the fleet effective, a complete and rounded out fleet—and upon the proposition as to what it takes to make an 18-battleship fleet well rounded out and complete, the committee and the Navy Department are in accord. And I might say that that is about the only place I fear that we are in full accord. [Laughter.]

On that proposition we find ourselves in agreement. We took the Paymaster General's report of last year, which includes the list of all the vessels in the Navy, ship by ship, class by class, and went over them with the Navy Department. We went through the entire list from top to bottom and they struck out of their own accord such ships as in their judgment they did not desire to keep in commission. When that was done those that were not stricken off were put into a clean list, with all of the riffraff and the rubbish taken out, and that is the list which the committee has printed in its report. I do not know in my experience here of nine years when any committee before ever took such care to advise the House so particularly as this committee has done in printing in its report the names and the types of the ships which form the basis of this appropriation, and as I go forward I would like to have you have before you the report of the committee. There you will find the complete list of 18 capital ships and the name and type of ship which in the judgment of the Navy Department would give us the 18 capital-ship fleet, complete and fully rounded out, a full compliance with the treaty.

During the war we had need for a large number of craft of small tonnage. We went out and picked up pretty nearly every-

thing that would float in order to use it to hunt submarines and for our coast protection. The Navy was increased in number of ships from something like 325 to 900, and a large part of that increase represents floating riffraff, yachts, tugs, subchasers, Eagle boats, and the other small craft, which, no matter how many men are put on them, or how many were in commission, would not add a featherweight to the defense of the country. [Applause.] It was the belief of the committee that the American people do not desire to spend tens of millions of dollars upon the upkeep of ships which do not contribute to American security. [Applause.] After having agreed upon the list of ships—and do not get away from that, because there is no dispute about what it takes to make up this 18-battleship fleet—then the question naturally arose as to how many men it would take to properly man them. Those of you who have been in Congress any length of time probably have had your attention called to the fact a number of times that no two officers of the Navy agree as to how many men it takes to man a ship. Those upon the Naval Committee particularly will recall that time after time officers of the Navy have come before the committee, and no two of them have agreed upon the number of men necessary for the ships. Sometimes that disagreement has reached as high as a hundred men on a ship.

Mr. BUTLER. That is the difference?

Mr. KELLEY of Michigan. Yes.

Mr. BUTLER. Oh, yes; and as high as 400 men at times.

Mr. KELLEY of Michigan. This difference of opinion comes about in a good many ways. Suppose, for instance, you were called upon to determine the number of men necessary for a battleship, and some one said that it would take 100 men with spy glasses, as we had during the war, to watch for submarines. Should those hundred men be carried in peace time as the regular complement of the ship? Some naval officer might think them necessary and include them, but what person having anything to do with the national pursestrings would permit the expenditure of the money necessary to carry 100 men on a battleship for the purpose of watching for submarines in time of peace? [Applause.] And so, having in mind the diversity of opinion in the Navy itself as to how many men it takes to man a ship, the committee decided that the best way to find out how many it takes was to find out how many these fine, efficient officers of the Navy are carrying on these identical ships to-day, and therefore we proceeded to find that out. After having called the roll of all the ships that the Navy Department desires to keep in full commission and placing upon each ship the full number now being carried, the total number fell 2,000 short of the number that we have provided under this bill for the Navy afloat. [Applause.]

Why should we give more? Are the American people in such fine financial situation that we can pile up men on ships when the officers themselves, with tens of thousands of men at their disposal, do not put them on? We did not think so. Before the war we had 84 destroyers, and we now have 301. Over 200 of these destroyers were built for convoy purposes during the war and are not required to make a well-rounded fleet. The testimony of all of the naval officers during the time that I have been in Congress has been that we ought to have four destroyers for each battleship. Four times 18 would be 72. We allow in this bill all that the Navy Department asked to be kept in full commission—103. We allowed 93 men on board of each one, whereas they are now carrying but 87. How can they complain? They have only 65 destroyers in full commission now and have 236 destroyers in half commission, with 12,000 men on board those in half commission. Do you have the slightest idea in the world that if they had not enough men on the great capital ships, which they and everyone else recognize to be the very center and core of the Navy, they would not have gone to their surplus destroyers and taken off enough men to fill up the complements of the fighting ships, which they desired to keep in full commission?

Not only did they have those 12,000 men on the destroyers in reserve, but they also had on what is called the district craft some 3,352 men—3,352 men on yachts, motor boats, small stuff for district purposes, that we never had before the war. They created these district organizations during the war, dividing the coast up into districts, maintaining separate headquarters for these various districts, and then supplied the officers of those headquarters with these various craft, and upon such craft there were, as I say, 3,352 men. Then on odds and ends, which they scarcely know the names of—it took us days to find out what they were—small boats, some with four or five men on board, running up and down the coast. They had on board these 3,891 men more. That makes a total of 19,181 men on the surplus destroyers, on vessels most of which they intend to put out of commission next year, and on odds and ends of ships which are utterly and absolutely of no value as a means of defense to the country. Do you have any idea that our able officers permitted the vital ships of the Navy to go undermanned to such an extent as would destroy the effectiveness of our fighting ships when all complements could be filled up from the 19,181 men carried on vessels only half manned at best and on scores of nonmilitary craft? I have too good an opinion of our naval officers to believe any such thing.

I will say this, that if they had that reservoir of men from which they could have drawn and failed to do so, it convicts them either of having enough or else not properly administering the Navy. [Applause.] Our committee never took the position at any time that a particular number of men must satisfy the needs of the Navy. On the contrary, we insisted on first finding out what the Navy needed in order to maintain the 5-5-3 ratio, in order to keep up the treaty Navy, the 18-battleship fleet. We determined to find out the actual names of the ships that it was proposed to be kept in commission. We made a list of such ships and set opposite each ship the number of men now carried, and the clerk of the committee went to the adding machine with the figures and you have the result in this bill. We are giving all now carried and more. Why are not these sufficient? Are we so rich or our taxpayers in such fine situation that we should make provision for more men than the officers themselves have placed upon the ships of the fleet at a time when there are 96,000 men in the Navy? What seems to be desired is that the men who are taken off the surplus destroyers and worthless craft shall not be discharged but shall be piled up on the ships which are to be kept in commission. We did not believe that this should be done.

And so we allowed 50,000 men for the Navy afloat, which is 2,000 more than are carried to-day on the ships comprising the 18-battleship fleet, as set out in the committee report. I saw in the paper yesterday morning that 50,000 men afloat would destroy the treaty navy and endanger the peace not only of the Republic, but of the world! If that is true, then the peace of the Republic and the world is in danger already, because these ships constituting the treaty navy carry less than 50,000 men at this time when there are 96,000 men in the Navy. [Applause.] Now, about the shore stations.

Mr. MONDELL. That is rhetoric.

Mr. KELLEY of Michigan. Probably so. Now, about the shore stations. There are at the present time 12,633 men assigned to various duties on shore; 4,981 are under training, and unassigned 7,833, making a total of 25,447. This appears not to be sufficient, as it is now claimed that over 32,000 should be on shore with only 12,633 assigned to any necessary employment. [Applause.] When have our people become so vastly rich that we can afford to pile up 18,000 or 20,000 men on shore not assigned to any work in navy yard or station? The 7,833 mentioned above and who are wholly unassigned amount to almost 8 per cent of the entire 100,000 men of the Navy. They are allowed to take the places of those who may be sick, about 2 per cent, a few in jail, and those who are unavailable for any particular duty in transit within the service going from ship to shore, from shore to ship, or from one ship to another.

Seven per cent has heretofore been the high-water mark allowed for these causes. But now it is proposed to make an allowance of approximately 15 per cent for this waste. The committee dismissed such a contention.

For next year we have made a reduction below the 12,633 which are assigned this year to particular posts on shore of only 2,500 men. In spite of the enormous shrinkage in business which is bound to come at these shore stations by the suspending of work under the treaty and by the scrapping of vessels, we have cut off only 2,500 men from the number that is now assigned. We have provided for 2,000 men for training. This will be ample, as there are less than 5,000 men now under training in a Navy of 96,000 men, and conditions as to training will not greatly change the coming year. The country is full of young men who have had sea service and who are anxious to get back to sea. They have been out of the service a little while, and now when the opportunity comes they will reenlist and go back to the ships direct and not into the training schools. Not only that but our officers learned during the war that the best way to train a man was to train him on the ship itself. So they took these boys and put them into training schools for three or four weeks, just long enough to be sure they were not going to come down with measles or mumps or some other contagious disease, which might spread to the fleet. Then they were put into the fleet, where they belong and where they can be trained most effectively. We have allowed 2,000 men for training.

We have allowed the full 8 per cent of the entire enlisted personnel for those who may be sick, for those who may be in

prison, and for those who are in transit within the service. And while the department requires only 12,633 men for specific assignments with a 96,000-man establishment, we have provided nearly 10,000 men with an additional 7,000 unassigned, out of which the necessary number for training and replacements can be had. That makes a total of 67,000 enlisted men afloat and ashore. Why provide more? Where are they needed?

But it is said that this will not give the 5-5-3 Navy. I have noticed in the papers some very choice fiction as to what Great Britain is providing for her navy for the coming year. Here are the facts about the British Navy: The personnel of Great Britain's establishment for the coming year consists of 98,500 officers, marines, enlisted men, coast guard, and students in her naval academies—Britain's entire personnel—98,500, exclusive of colonial establishments and a few reserves operating colliers and aviation. We have provided for 3,400 men for aviation, all that the department asked for that purpose, which is a fair offset for the British Coast Guard—our Coast Guard being carried under the Treasury Department. So if you take the coast guard out of the British figures and take our aviation out of ours, the comparison is upon a fair basis between the two countries and gives almost identical figures—67,000 enlisted men plus 19,500 marines, plus 1,000 marine officers, plus 6,156 officers of the line and staff, plus 1,500 warrant officers, which are likewise included in the British figures, plus 2,500 boys in the Naval Academy, gives a total of 97,656 in the American Navy. The figures for the two countries are practically identical—98,000 men—thus the 5-5 ratio is kept with mathematical exactness. [Applause.]

But they say that the British Dominions have additional men. Oh, yes. Canada has one cruiser and two destroyers. New Zealand has a few, South Africa has a few, India a few, and Australia a few, a total of officers and men in the far-flung Dominions of the British Empire amounting to about 7,000. Why, the Naval Militia of the State of New York, which is maintained by the State of New York, has nearly 3,000 men. Then they say that the colliers are not manned by enlisted men while ours are. They are manned partly by enlisted men and partly by reserves. The best information I have been able to obtain is to the effect that less than 1,000 civilians or reserves are employed in the British Navy.

I have given you the comparative figures of the two countries. If we provide 100,000 enlisted men for our Navy, and 19,500 marines, and then add 8,656 commissioned and warrant and marine officers, and 2,500 students at the Naval Academy, we have come to a figure of 130,000 personnel for our Navy for the coming year, as against 98,500 for Great Britain. I do not believe that this Government is justified in going at this time beyond the 5-5 ratio fixed by the conference. [Applause.]

Mr. BRITTEN. I realize that my friend desires to be accurate always——

Mr. KELLEY of Michigan. Always.

Mr. BRITTEN. I am sure of that. He also knows that the British have no service like our marines.

Mr. KELLEY of Michigan. I know that the British have almost as many marines as we have.

Mr. BRITTEN. Not at all; and no marines like ours.

Mr. KELLEY of Michigan. I will say to the gentleman that there are no marines on the face of the earth like ours. [Applause.] In all the history of our Republic up to this glad hour they have added luster and glory to the name and fame of America. There are no marines like them. I admit it.

Mr. BRITTEN. The gentleman is twisting the subject. Our marines are land men and military. The British have a few of an entirely different character, and the gentleman knows it.

Mr. KELLEY of Michigan. I will say this: That the marines are under the control of the Secretary of the Navy. He can assign them to any spot or place in this Government under his jurisdiction, and the gentleman knows that that is true. And not only that; he knows that at this very hour there are upon the battleships in the neighborhood of an additional 100 marines for each ship, and every marine saves an enlisted man. The Secretary of the Navy can assign to ships as many marines as he sees fit.

Mr. BRITTEN. How many marines are afloat to-day out of the 20,000?

Mr. KELLEY of Michigan. The gentleman has propounded to me a question which he should propound to the naval officers. I have been trying to find out with the greatest particularity how many men are afloat in the Navy, and thus far I have not been able to find out. They report 71,000 men afloat to a committee of Congress and they report 68,000 afloat as of the same date to the President of the United States. [Applause.] How can I tell which is correct?

I venture to say that what I have said about the personnel proposed by Great Britain for the coming year is as near accurate as it is possible to get it and it can be safely relied upon for purposes of comparison.

Mr. TINKHAM. Mr. Chairman, will the honorable Representative yield for one question?

Mr. KELLEY of Michigan. Very gladly.

Mr. TINKHAM. Did the gentleman obtain his information——

Mr. KELLEY of Michigan. Let me ask the gentleman first: When I get through will the gentleman withdraw his objection to an agreement as to the time for general debate?

Mr. TINKHAM. Yes.

Mr. KELLEY of Michigan. Thank you very much.

Mr. TINKHAM. Now I would like this question answered, if you please: From what source of information did the gentleman obtain his knowledge in relation to the personnel of the English Navy and of the Japanese Navy?

Mr. KELLEY of Michigan. Well, my dear Mr. TINKHAM, it is a matter of common knowledge, printed in all the newspapers of Great Britain, and when you read their journal, the Army and Navy Journal of Great Britain, if you did not know what navy you were reading about you would think you were reading the Army and Navy Journal of the United States. [Laughter.]

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Has the honorable Representative obtained it only by reading the English and Japanese newspapers?

Mr. KELLEY of Michigan. I have not read the Japanese papers, but my distinguished friend from Massachusetts, I know, is a Japanese scholar, and I would be very glad to have him tell me in English what Japan proposes to do and then tell us how he knows that Great Britain has more than 98,500. Where did he get his information?

Mr. TINKHAM. I obtained the following figures——

Mr. KELLEY of Michigan. I ask you where? From the Navy Department?

Mr. TINKHAM. From the Intelligence Bureau of the Navy Department.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. CRAMTON. I hold in my hand a portion of the London Times that will give full information to the gentleman from Massachusetts of the figures stated by my colleague.

Mr. KELLEY of Michigan. Of course. To-morrow morning the action of the committee reporting this bill will be known everywhere in the United States and probably in other countries. When this Congress gets through with these appropriation bills there will not be an intelligent man who follows public affairs in any nation in the world who will not be able to tell you approximately what the United States has decided to do in the way of armies and navies. And let me say that I hope that what we decide to do will be an inspiration and a bow of promise and hope to all mankind. [Applause, the Members rising.]

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BUTLER. I would like to ask my old friend a question.

The CHAIRMAN. Does the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BUTLER. I have listened with very great care to the comparison he was making of the number of men proposed by the English and by the American navies. I do know where the gentleman got his information. He can not supply it. Will not the gentleman state to the House whether or not it was the very highest that could be obtained, absolutely official?

Mr. KELLEY of Michigan. As far as I could go.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield for one more question?

Mr. KELLEY of Michigan. Yes.

Mr. BRITTEN. Is the gentleman at liberty to tell us the substance of his conversation with the President last week as to the number of enlisted personnel that he desires for the Navy?

Mr. KELLEY of Michigan. I have at various times since I have been a Member of the House been called in consultation with the President, but I have yet to go out on the street or come here and repeat what the President said, and I will not do it now. [Applause.] And I want to say further that to do so is a breach of faith and a violation of the simple rules of conduct which should guide Members of Congress in their dealings with the Executive [applause], and the gentleman from Illinois ought to withdraw the question, so that it will not appear in the RECORD.

Mr. BRITTEN. Now, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BRITTEN. I think my question was put in polite language, at least, and I do not want the gentleman to violate any confidence; certainly not. But we have been told through the press on a number of occasions that the President and his administration stood for a certain fixed number of enlisted personnel in the Navy. Now, of course, if the President took the gentleman into his confidence and told him he would like a certain number of enlisted personnel for the Navy, and you could not transmit that confidence to the House, that is a different proposition. Then I will withdraw my question.

Mr. KELLEY of Michigan. Oh, the President is a man who has upon his shoulders the weight of the world, almost, sir, and he has the confidence of America. But the President has something else to do besides going out and counting up the number of men required for the operation of the Navy. [Applause.] Of course, he does not know, and could not know, the number required, but he probably has been hounded by many persons to accept their figures. [Applause.] I am not sure even but what my good friend from Illinois may have been hounding him with the rest. [Applause.]

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BRITTEN. I will say to the gentleman that his friend from Illinois has not hounded the President, but I am determined to find out whether the President, with the Navy General Board and all the expert advice he has at his disposal, is for enlisted personnel of a specific size?

Mr. KELLEY of Michigan. I know that my friend from Illinois has been outside the jurisdiction of the United States a good deal of the time of late, but I did not know that he had forgotten the address of the President of the United States. [Applause.]

Mr. GALLIVAN. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GALLIVAN. It was furthest from my mind to interrupt such a splendid presentation of his side of the case as the gentleman has been making. But I notice he has been willing to yield for interruptions. I have been sitting here hoping to learn more than I yet know about this question. I am on the committee with the gentleman, and I am the only Member on the democratic side of the House who has signed the minority report. I have listened with attention to the entire speech of the gentleman from Michigan; but before the gentleman gets away from his repeated statement that the Naval Establishment is piling up thousands of supernumeraries I want to know if he knows and can tell us who are the officials in the Naval Establishment who are piling up these men who are not needed in the Navy?

Mr. KELLEY of Michigan. My friend from Massachusetts [Mr. GALLIVAN] is one of the best-informed men in Congress, and I am sure I would be doing him an injustice if I thought it necessary to impart to him such fundamental knowledge as that which he now asks. [Laughter.]

Mr. GALLIVAN. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GALLIVAN. When I get the floor I propose to tell the House what I know about the whole question, but I wanted the gentleman from Michigan to tell the House about this particular complaint he makes.

Mr. KELLEY of Michigan. I knew the gentleman had the information which he sought from me. [Laughter.]

Mr. GALLIVAN. Will the gentleman yield for another question?

Mr. KELLEY of Michigan. Yes.

Mr. GALLIVAN. If the Naval Establishment and the Navy Department are as inefficient as the gentleman would lead the House to believe, before he starts to scrap the Navy why not scrap the Naval Establishment from the Secretary of the Navy down? [Applause.]

Mr. KELLEY of Michigan. I think ordinarily we have all we can do at this end of the Avenue to take care of our own household. It is well for us to remember that our work is to make a success of the legislative branch of the Government. [Applause.]

Mr. YATES. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. Yes.

Mr. YATES. I had the honor of being one of the very few men who voted against our dear friend, the Budget system. I should like to know if I am correct in understanding the gentleman as saying that the Budget pushed up this estimate $190,000,000?

Mr. KELLEY of Michigan. The gentleman has missed the essential thing.

Mr. YATES. When was it?

Mr. KELLEY of Michigan. The Budget estimates were made long before the international agreement was reached between the nations of the world. [Applause.]

Mr. YATES. That answers my question.

Mr. KELLEY of Michigan. Now, about Japan, because I have noticed in the papers the statement that as soon as this bill passes we shall fall below Japan, and that would be serious if true.

Mr. KNUTSON. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. Wait until I finish about Japan. After this scrapping is done Japan will have left 10 battleships, 62 destroyers, and 27 submarines. Remember that the Japanese Government has no marines, and the enlisted men of the Japanese Navy guard the naval stations and the yards. This is done in our Navy by the marines, which means a difference of thousands of men. Have you heard from those who compare our personnel with that of Japan that Japan has no marines? Japan will have 10 battleships, 62 destroyers, and 27 submarines. Japan next year will not have in her navy much, if any, in excess of one-half of the strength of the American Navy in 1916.

Mr. TINKHAM rose.

Mr. KELLEY of Michigan. This is information which I am especially urging upon my distinguished friend from Massachusetts, because I think my genial friend needs informing more than anybody that I have run across in a long time. [Laughter.]

Mr. Chairman, I ask unanimous consent that I may have 10 minutes in addition to my hour.

Mr. BRITTEN. I ask unanimous consent that the gentleman may proceed until he finishes his argument.

Mr. KELLEY of Michigan. I do not care for unlimited time.

Mr. BYRNES of South Carolina. I ask unanimous consent that the gentleman from Michigan be allowed to proceed until he has concluded his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Michigan may proceed indefinitely. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. I thank the House. We had in our Navy in 1916, 11 of the same capital ships that we are going to retain under the treaty. Not only that, but we had 25 additional battleships at that time. In 1916, with only 50,000 enlisted men, we had a total on our battleships of 18,859 men, and the Navy Department to-day, with 96,000 men in the Navy, has only 18,250 men on our battleships. [Applause.] They try to say to Congress that whereas when they had 50,000 men in the Navy they could spare almost 19,000 for the battleships, now they can put upon the battleships only 14,400 men if we give them 67,000 men for the Navy.

Mr. TINKHAM. Will the gentleman yield?

Mr. KELLEY of Michigan. In just a moment. Let me finish this. We had not only those battleships with all those men on board them in 1916, but we had 83 destroyers in commission, and next year we will have only 103 destroyers in full commission.

We had 40 submarines and 35 cruisers. Japan has 10 battleships for the next year, 62 destroyers against our 83 before the war, 27 submarines against our 40, and 13 light cruisers against 35 that we had before the war, many of ours being much larger and more powerful. Under such circumstances if we could keep in commission battleships enough to require 19,000 men before the war and had almost as many destroyers as we are going to keep next year, and then had only 50,000 men in our Navy, where are we going to put the rest of all these men that they are demanding for the Navy? [Applause.]

Mr. TINKHAM. I should like to ask the honorable Representative two questions.

Mr. KELLEY of Michigan. One at a time.

Mr. TINKHAM. The honorable Representative knows that men fight—not ships.

Mr. KELLEY of Michigan. Oh, yes.

Mr. TINKHAM. Japan has announced officially that the enlisted strength of her navy for next year is to be 68,252 men, more than 1,000 more than our enlisted men as proposed in the committee bill.

Mr. KELLEY of Michigan. Do not let people fool you. Japan has not announced how many men she will have on board any ship, and there is no officer in the American Navy who will be able to point out any positive information as to the intentions of Japan.

Mr. TINKHAM. If the honorable Representative will avail himself of the information from the Intelligence Bureau, he will find——

Mr. KELLEY of Michigan. Oh, I know all that they say, and when you have got all that they say you will find that "it is understood and generally believed and rather expected that that is what the Japanese will do next year." [Laughter.] That is all the information that the gentleman from Massachusetts has. What would they want them for? Ten battleships take only 12,000 men, 60 destroyers will take only 6,000 more, and that is 18,000, and 27 submarines will take only 900 more, and that is less than 20,000. In God's name, where would the Japanese put over 48,000 more? [Applause.]

Mr. MONDELL. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. Yes.

Mr. MONDELL. The gentleman has answered in a way the question I was going to ask, but not perhaps as clearly as he should. How many men does he figure the Japanese could place and use on the fleet they are entitled to under the treaty?

Mr. KELLEY of Michigan. I will say that we had in our Navy before the war less than 50,000 men, and up as high as a maximum of 54,000, and we had in commission then 16 or 18 battleships in full commission, and 15 more at least in partial commission, and the Japanese next year will have only 10, I can not see how it would be possible for Japan to use more than one-half or three-quarters, all told, of the number that we had before the war. Forty thousand would give them men galore.

Mr. MONDELL. If it is claimed that Japan is to maintain more than 40,000 or 50,000 men at the outside, they having no marines, and giving them 10,000 for guarding purposes in the place of marines—if it is claimed that Japan should maintain approximately more than 50,000 men, that claim must be based on the belief that Japan is not going to keep faith under the treaty.

Mr. KELLEY of Michigan. Of course, either not keeping faith under the treaty or put her down as supplying men for ships and stations for which they have no use, and whatever you may want to say of Japan, you can not put her in that class.

Mr. BUTLER. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. BUTLER. I notice the gentleman has a great deal of useful information, and I would like to ask him this question: Japan will have 10 battleships next year?

Mr. KELLEY of Michigan. That is right.

Mr. BUTLER. Suppose she puts 50,000 men on each ship, can she fight any better? [Laughter.]

Mr. KELLEY of Michigan. No.

Mr. BUTLER. Does not it require men and ships to make a navy?

Mr. BRITTEN. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BRITTEN. There is no limit to the number of auxiliary ships that Japan can have.

Mr. KELLEY of Michigan. Well, when Japan builds them it will be time enough to take account of it. Japan has not yet built them, and until she does why do you want to saddle the taxpayers of this country with the burdens, the necessity for which is only prospective, to say the least?

Mr. BRITTEN. Will the gentleman yield for one more question? The gentleman has during his entire discussion of the Japanese Navy compared it with our Navy in 1916; why does he not compare it with the Navy allowed under the treaty and its ratio, 5-5-3?

Mr. KELLEY of Michigan. The only purpose I had in comparing it to the 1916 Navy was to find some place where we could agree upon a premise. If we compared it with the present time, you and I would not be in accord as to what the present Navy requires. But there can be no question as to the number that we actually had in 1916.

Mr. BRITTEN. The gentleman can make a comparison on the ratio of 5-5-3.

Mr. KELLEY of Michigan. I have done so. If Japan puts more than 40,000 men in the navy, I have no idea where she will put them.

Mr. BRITTEN. The gentleman is evading the question entirely.

Mr. KELLEY of Michigan. The gentleman knows how many we are proposing in this bill.

Mr. TINKHAM. Will the honorable Representative yield?

Mr. KELLEY of Michigan. I will.

Mr. TINKHAM. On page 8 of the report of the committee it says:

> As to the shore stations, the committee found that on February 1, 1922, 12,633 men were distributed as follows.

And then, after stating how they are distributed, it states that the total is 12,633. Now, on page 297 of the hearings before the subcommittee the following colloquy occurred:

> Mr. KELLEY. Let us have the sheet showing that just for our use.
> Captain WILLIAMS. You may have this, sir.

And then it shows that the total afloat is 68,138, and that the total ashore is 32,861. What is the answer to that?

Mr. KELLEY of Michigan. I am glad the gentleman has emphasized the thing that I want the House to know. He has called the attention of the House to that bit of testimony which shows that essential places on shore when they are all filled, when every man that is necessary for every navy yard and training school and hospital, and everything else, has been put in his place, they still had unassigned, performing no useful service to the Government, 20,000 men. The gentleman from Massachusetts is supposed to have some little regard for the Treasury of the United States, and does he think that we ought to pile upon this country the expense of 20,000 men who are performing no useful service? [Applause.]

If so, then I most respectfully invite those of you who believe that to be the correct policy to follow the leadership of the distinguished gentleman from Massachusetts. [Applause.] Mr. Chairman, I shall have to stop now, because a good many of these things will come up under the five-minute rule, and they can be explained much more in detail then than now, and abundant opportunity will be given.

Mr. MANN. Mr. Chairman, before the gentleman closes will he yield to me for a question?

Mr. KELLEY of Michigan. Yes.

Mr. MANN. I want to see whether I have the gentleman's position correctly in mind. As I understand it from the statement made by the gentleman from Michigan, he claims that the personnel, the enlisted men, allowed is sufficient to man a battle fleet of 18 capital battleships and all the necessary accompanying ships which the Navy thinks ought to accompany them?

Mr. KELLEY of Michigan. Absolutely.

Mr. MANN. And that in addition to that there will be personnel enough on shore to provide all that is necessary at receiving-ship barracks, shipyards, and so forth?

Mr. KELLEY of Michigan. Yes; and give 7,000 additional men to take the places of those who may happen to be sick, under training, or in transit in the service.

Mr. MANN. And that it does not provide a large number of men simply in training, not being used for other purposes than training?

Mr. KELLEY of Michigan. I would say to the gentleman from Illinois that it is even more favorable than his question intimates, because they do not have now a large number in training. All these men that the gentleman from Massachusetts has mentioned——

Mr. MANN. I am not speaking about the present conditions. So that if Japan or Great Britain is maintaining 25,000 or 50,000 men in training for the navy, that is up to them. We are not proposing to do that in this bill.

Mr. KELLEY of Michigan. That is true. I want to conclude now by reading this short statement from a speech which the President of the United States delivered at the conference, which he had favored as early as we, but which we suggested should be called, with a good deal of satisfaction and with entire unanimity. This is what the President said in addressing that great gathering of world statesmen:

> Out of the cataclysm of the World War came new fellowships, new convictions, new aspirations. It is ours to make the most of them. A world staggering with debt needs its burden lifted. Humanity, which has been shocked by wanton destruction, would minimize the agencies of that destruction. Contemplating the measureless cost of war and the continuing burden of armament, all thoughtful peoples wish for real limitation of armament and would like war outlawed. In soberest reflection the world's hundreds of millions who pay in peace and die in war wish their statesmen to turn the expenditures for destruction into means of construction, aimed at a higher state for those who live and follow after.

Let us translate into reality the hope of the President enunciated on that historic occasion. [Prolonged applause.]

The CHAIRMAN. The committee will be in order.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, the naval appropriation bill, and had come to no resolution thereon.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill

H. R. 11228, and pending that I ask unanimous consent that general debate be limited to 12 hours, one-half to be controlled by myself and one-half by the gentleman from South Carolina [Mr. BYRNES], including the time already used.

The SPEAKER. The gentleman from Michigan asks unanimous consent that general debate upon the bill, including the time already used, be limited to 12 hours, one-half to be controlled by the gentleman from Michigan and one-half by the gentleman from South Carolina [Mr. BYRNES]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, and Mr. TILSON resumed the chair as Chairman.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, as a Democrat, of course, I think it would be exceedingly unfortunate should the State of Michigan elect to the Senate a Republican; but if that fate should befall us, I am satisfied that the House will agree with me that no State would be better represented than Michigan should it be represented by the gentleman who has just taken his seat. [Applause.] At the same time there is to him one objection, which is common to most of the gentlemen of the majority on the Committee on Appropriations, and that is that they are very poor bookkeepers. The fact is that if the gentleman from Michigan was a better bookkeeper he could make out a much stronger case for himself to-day than he has, for, while gentlemen in the House and in the press create the impression that the Congress proposes to abandon the Navy, the fact is that by this bill the Congress proposed to make available for expenditure a sum much greater than is set forth in the report of the committee as the total of appropriations. While this bill provides a direct appropriation of $233,000,000 it carries a legislative provision which authorizes the Navy Department to spend during the next fiscal year upon battleships which are authorized to be completed by the treaty, and which it is the intention of the department to complete, all of the unexpended balances of the Navy Department under the head of increase of the Navy on July 1, which the Navy Department informs the committee will amount to $46,250,000. So that in addition to the $233,000,000 of direct appropriation the Navy Department will spend next year this $46,250,000; and then this bill, by a legislative provision, authorizes a bookkeeping transaction which enables them to use $1,800,000 of clothing. In order that the gentleman from Massachusetts [Mr. TINKHAM] and others may be somewhat reassured, they should know that the subcommittee has agreed upon incorporating into this bill at some time, either on the floor of this House or in conference, if the Senate shall add it, the amount of $7,806,575 for the construction of aircraft. The amount is not included in the bill because the House rules prohibit us authorizing the construction of airships and construction of buildings at aircraft stations, but the Naval Affairs Committee has approved a bill authorizing the appropriation of that amount, and this subcommittee will agree to it if it is offered in the House or, if it is not offered in the House, then when it is added by the Senate.

Again, we ought to be fair with ourselves and with the country and let them know that this bill provides for pay for the officers and men based upon the law that prevailed prior to 1920, because the law of 1920 expires on June 30 of this year. We know that before July 1 of this year this Congress will do one of two things. It will either pass a resolution continuing the pay of 1920, which will add $15,000,000 to this bill, or else it will pass the McKenzie pay bill, which will add only $10,000,000 to the bill. So that when you add these figures you will find that instead of $233,000,000 this bill practically commits the Government to an expenditure of $300,000,000. Then, in addition, it is proper to say that immediately after the passage of this bill it is proposed to bring into the House a separate bill providing for the costs incident to cancellation of contracts for ships, which the department estimates will amount to $60,000,000. So that you have in sight an expenditure for naval purposes of $360,000,000. And the Senate is yet to be heard from.

Mr. MANN. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. I will.

Mr. MANN. As I understood the gentleman his statement is that he expects if the bill becomes a law the total authorization of expenditure for the next fiscal year for the Navy—I am not speaking about claims—for the operation of the Navy will be about $300,000,000?

Mr. BYRNES of South Carolina. Providing the Senate does not add a dollar to it, it will amount to $300,000,000.

Mr. MANN. I thought the gentleman included various items which the Senate would add.

Mr. BYRNES of South Carolina. With the exception of the two items I have referred to, and which the House Committee practically agrees to, the aircraft item which may be added in the House and the increase for pay of the personnel.

Mr. MANN. What does the gentleman figure will be the total probable appropriation for the operation of the Navy for the next fiscal year?

Mr. BYRNES of South Carolina. It will be at least $300,000,000.

Mr. MANN. And in operation I include construction as a part of the operation.

Mr. BYRNES of South Carolina. Eliminating this separate bill which I referred to, it will be $300,000,000, providing the Senate does not add anything other than the items I have referred to, aircraft and pay, based upon the McKenzie bill or the present law.

Mr. MANN. Does that include increase in pay?

Mr. BYRNES of South Carolina. Including pay on the basis of the law to-day and including $7,000,000 for aircraft, it is a little over $300,000,000.

Mr. MANN. Then it is not so niggardly as some people seem to think.

Mr. BYRNES of South Carolina. That is the purpose of my remarks so those gentlemen may be reassured. It is not so small in view of the supposed success of the Conference on the Limitation of Armament.

Mr. MONDELL. If the gentleman will permit, in order to emphasize what the gentleman has just stated, and I agree with his figures, the Navy that the committee proposes to be provided for under this bill without any increase whatever in size will cost us, with the necessary adjustment of pay and provision of aircraft that can be made and the construction for the current year, $300,000,000.

Mr. BYRNES of South Carolina. Yes; $300,000,000.

Mr. MONDELL. And any considerable increase in personnel above what is provided in this bill would give the Navy after the conference more than the Navy had before the conference?

Mr. BYRNES of South Carolina. Yes; I am going to call attention to some figures in order that we may understand exactly what it does mean. According to the Naval Yearbook of 1919 the total appropriations for the Navy for the fiscal year ending June 30, 1914, the last year prior to the war, amounted to $141,050,643.53 as against the $300,000,000 we agree is to be appropriated for the current expenses for the next fiscal year.

In 1915, after the World War started, we passed a bill appropriating, for the fiscal year 1916, $149,763,563.45. In 1916, after the sinking of the *Lusitania*, when there was imminent danger of our being forced into the World War, when we had determined upon the great shipbuilding program of 1916, we enacted a bill appropriating only $312,888,060.25. And now to-day, after the ratification of the four-power pact and the agreement upon a 10-year naval holiday, it is certain that this Congress is going to authorize for current naval expenses $300,000,000, if the Senate does not add an item other than those two I have mentioned.

Mr. MOORE of Virginia. As I understand the gentleman, he makes this statement: That looking at this matter from the standpoint of the House of Representatives, the total would be $300,000,000, which is about $70,000,000 in excess of the total footed in this report?

Mr. BYRNES of South Carolina. Yes. And every man in this House knows if we are to judge the future by the past, when this bill comes from the Senate it is going to be greatly increased. No matter what we appropriate here, we know it will be increased in the Senate. What the taxpayer wants to know is the total expenditures on account of the Navy, and in addition to this $300,000,000, we are going to provide in a separate bill $60,000,000, making $360,000,000. Of course, the $60,000,000 could be provided in this bill, but it would not permit gentlemen to show the great economy resulting from the peace conference. But it will have to be paid——

Mr. MOORE of Virginia. As I understand, this $60,000,000 simply takes care of the cancellation. It is not necessarily all the damages that we will have to pay.

Mr. BYRNES of South Carolina. It will take care of the costs incident to the cancellation of contracts. Before I leave that I will say that there is another item that must not be overlooked, that in addition to $360,000,000 the Navy is going to have available for use in the construction of ships the material from the scrapped battleships and cruisers, and this will be no inconsiderable sum.

Mr. LINTHICUM. In consideration of the personnel provided in the bill, have those items been taken into considera-

tion and are they necessary to pay the personnel provided in the bill?

Mr. BYRNES of South Carolina. They have nothing to do with the personnel at all.

Mr. LINTHICUM. Suppose you have this enormous sum of money that you are describing, how will that affect the personnel of the Navy when you directly say that they may have so many men and no more?

Mr. BYRNES of South Carolina. As the gentleman from Michigan [Mr. KELLEY] has pointed out so forcibly, the total number of men they are authorized to have is exactly the number of men they had on the same ships the first of this year and 17,000 additional for shore stations.

Mr. LINTHICUM. They could not have any more than that, no matter how much money they have?

Mr. BYRNES of South Carolina. They ought not to have any more than that. Now, some gentlemen would have the House to abdicate its functions and let the department determine the appropriation. When the Department of Agriculture comes here it does not say the House shall not determine the amount to be appropriated for its scientific bureaus for the next fiscal year. Nor does the War Department or any other department. But if you say that we should follow the views of the experts, I only want to know what expert. You can take the testimony of the experts of the Navy on the General Board, and they recommend for the next fiscal year 120,000 men; and if you provide those 120,000 men you will add $75,000,000 to this bill and will make your naval expenditures approximately $435,000,000.

Mr. LINTHICUM. I was not talking about the expert. What I was endeavoring to say was that under this bill you have provided for a certain number of the personnel of the Navy, and no matter how many extraneous items come in, it does not affect or increase it one bit?

Mr. BYRNES of South Carolina. Everybody knows that.

Mr. LAZARO. Will the gentleman yield?

Mr. BYRNES of South Carolina. Not now. I first want to call your attention to some matters.

I fear gentlemen may be frightened by newspaper articles in criticism of the Congress or the subcommittee that prepared this bill. I trust gentlemen will inquire as to the statement of facts before agreeing to their conclusions. I read in the Washington Post, whose editor is very close to the administration, a double-column editorial in yesterday morning's issue, containing this statement:

> A few days ago it was proposed in Congress to dictate to the President in regard to the distribution of the Army. A few wiseacres contended that troops abroad should be brought home, and they proposed to compel the President to bring them back. But a little inquiry revealed that the President was still Commander in Chief of the Army and Navy, and the attempt to override the Constitution was abandoned before the lawmakers had made themselves wholly ridiculous. Now it is proposed to compel the President to send a certain number of men to sea and to keep a certain number ashore. Before the House covers itself with ridicule as being ignorant of the fundamental law it should strike out that provision.

Advising this House how not to make itself ridiculous. I ask you who makes himself ridiculous, when I tell you that there is no such provision in the bill, and it never was thought of by any Member in connection with the bill. Here is a double-column editorial representing to the country that the bill contains a provision dictating how the men of the Navy should be distributed, when there is no such provision and no man in the House ever dreamed of such a thing.

But some gentlemen do not think it proper that we should fail to follow the experts of the Navy. The minority members of the Appropriations Committee take that position. I want to call attention to what the experts say. The General Board says you ought to provide 120,000 enlisted men. Are you going to follow them? If you do, you will do what the Secretary of the Navy does not do, because he advocates only 96,000 men. Then the President, ignoring the experts of the General Board and the experts of the Secretary of the Navy, says that 86,000 are enough. Then the minority members of the Appropriations Committee charge that the subcommittee, ignoring the experts, are threatening to wreck the Navy, and they recommend 86,000, an amount that no expert has recommended.

Look at the statement of the experts, and tell me how many men should go on the battleships. The General Board says that on the 18 battleships you ought to have 22,492 enlisted men. What does the Secretary say? He has his own experts, and he says the experts of the General Board are all wrong; that you ought to have 21,158 men. And then they actually have on board those same 18 ships only 18,259 men. Whom are you going to follow among the experts? You can not even get accurate information as to the distribution of the personnel.

My friend from Pennsylvania [Mr. BUTLER], the chairman of the Committee on Naval Affairs, had the naval representatives before his committee, and in the statement I hold in my hand they told him in arriving at the total of 70,892 men reported on board vessels, that they had 3,352 men on district vessels.

The gentlemen have changed their minds about that. Here is a statement contained in a letter of the Secretary of the Navy setting forth the men on shore, enlisted men, making up this 32,000, and it includes men on district vessels, 3,352. Well, if they count them both ways, as part of the total on shore and then count them in the number of men on the sea, they can put up a list so large that the number recommended by the General Board would be entirely too small.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. Yes.

Mr. LAZARO. Do you agree with the gentleman from Michigan [Mr. KELLEY] that 65,000 men will be sufficient to carry out our 5-5-3 agreement?

Mr. BYRNES of South Carolina. I will say to the gentleman from Louisiana that if I did not believe it I would not have voted to report the bill and I would not support it to-day.

Mr. LAZARO. I am asking the gentleman the question for information.

Mr. BYRNES of South Carolina. Yes. Because I do not believe it, and because I have examined this matter as carefully as a man could, taking not general statements, but analyzing it ship by ship and item by item, I could reach no conclusion other than the conclusion stated by the gentleman from Michigan [Mr. KELLEY], and that is that 67,000 men will provide all the men necessary to keep this treaty navy afloat, with all the ships they say they want to have afloat, and then leave them 17,000 men ashore, and that is as many men as they ought to have on shore. [Applause.]

Mr. LAZARO. One other question. Does the gentleman agree with the gentleman from Michigan [Mr. KELLEY] that the number he gave for Great Britain and Japan is correct, according to his information?

Mr. BYRNES of South Carolina. Absolutely. I have some information along that line, but if the gentleman will let me I would like to go on and call attention to a few matters, so that the Members of the House may know how unsafe it would be to accept blindly the statements that are furnished us as to the distribution of personnel.

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. In a moment. Let me show in this letter from the Secretary of the Navy to the President, on page 4, that they have assigned to communications on January 1, 1,288 men, and on page 5 of the same letter I read:

> The British do not include in their figures those men doing duty in the naval communication service. Our Navy has roughly 1,600 such men.

In one page that is a difference of 300 men, and I agree that it is speaking roughly. With 54,000 men in 1916, as the gentleman from Michigan has pointed out, the Navy could keep in commission more battleships than are authorized under the treaty. If with only 54,000 men they could find 18,854 for battleships, why is it that with 67,000 they say they will be unable to put but 14,244 on battleships? The Secretary says first in his letter to the committee, dated March 16, that if 65,000 men are provided he can keep but 12 ships in commission. Look at the hearings and you will see it. He furnished to the committee a statement that he could not keep in commission more than 12 ships. Now, Secretary Denby in yesterday's newspapers informs us that he will put out of commission 5 battleships, which would leave 13 ships in commission. He has raised one inside of three weeks, and I hope as the weeks go by he can come to see that he can keep 18 battleships in commission, as the committee believes he should do.

Mr. TINKHAM. Mr. Chairman, will the honorable gentleman yield for a question?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Massachusetts?

Mr. BYRNES of South Carolina. Yes.

Mr. TINKHAM. I read:

> Your subcommittee should answer, as a complement to the 18 battleships, 21,158 men.

Was not the subcommittee told by the Navy Department that it had determined the number to be 21,158 men?

Mr. BYRNES of South Carolina. Yes. The gentleman was out of the room when I said the General Board stated it ought to be 22,494 men, and the Secretary 21,158, and that the Secretary said he actually had on board on February 1 the 18,259. As the experts could not agree as to the number we should have, we based our figures on what they actually had.

Mr. TINKHAM. I want to ask the honorable Representative further——

Mr. BYRNES of South Carolina. The honorable Representative awaits the question of the honorable Representative from Massachusetts.

Mr. TINKHAM. Did not the Secretary of the Navy in relation to this matter write a letter——

Mr. BYRNES of South Carolina. I can not yield for the reading of a letter. I will say to the gentleman that I hold in my hand a report from Admiral Jones, the commander in chief of the Atlantic Fleet, and it is interesting to note his statements. He says:

In reply to reference (a), the vessels of the Atlantic Fleet had on board on January 1 about the following percentages of their complements: (a) Battleships, 80 per cent; (b) destroyers, active, 84 per cent; destroyers, reserve, less than 50 per cent; (c) other vessels, from 85 per cent to 100 per cent.

In other words, on battleships, which they say are the backbone of the fleet, they had on board on January 1, when they had in the Navy 95,000 men, only 80 per cent of their complement; on the destroyers they put 84 per cent.

Then when it came to the other vessels, which includes yachts, tugs, mine layers, and miscellaneous craft, from 85 to 100 per cent.

If it is now thought so necessary to have a full complement on the battleships, why was it not necessary on January 1, instead of reducing the complement of the battleships and retaining the complement of miscellaneous vessels. [Applause.]

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BUTLER. Has the gentleman made a comparison of the number of men kept for the same ships in 1914 and 1921, and has the gentleman observed the increase of enlisted men upon those ships since 1916?

Mr. BYRNES of South Carolina. I have, although the gentleman from Pennsylvania is more familiar with it.

Mr. BUTLER. How the number had been increased; otherwise, if he would like to know definitely these figures, he will find a chart in my office showing the reason why they have increased the personnel on these fleets.

Mr. TINKHAM. Mr. Chairman, will the honorable Member yield for another question?

Mr. BYRNES of South Carolina. I yield.

Mr. TINKHAM. Why should the subcommittee base the complement that should be on battleships at the figures at which they were on February 1 and January 1, when they were 80 per cent, 20 per cent below their standard, and on the reserve destroyers less than 50 per cent?

Mr. BYRNES of South Carolina. Why should the experts of the department put on the battleships only 80 per cent and on the destroyers only 84 per cent on January 1?

Mr. TINKHAM. Will the gentleman answer my question?

Mr. BYRNES of South Carolina. The Navy had 95,000 men on January 1, and the gentleman believes they know what they are doing, and evidently the Navy Department believed that number ought to be put on battleships, and they put that number there. When we sought to find out the number of men in order to supply these ships we did not select the date January 1. The date was agreed upon by the Naval Affairs Committee and the Navy Department and the statement furnished before we entered upon our hearings.

Now, I am willing to follow the judgment of the department as to the number of men they needed on this list of ships on January 1, when this question of personnel was not at issue. The gentleman from Massachusetts does not follow them in their judgment at that time nor does he do so now, because they now urge 96,000.

Mr. TINKHAM. But it shows 80 per cent on our battleships, which is less than the complement should be. Yet that is the date the committee have used to fix our fleet and to fix the naval personnel.

Mr. BYRNES of South Carolina. Well, if it was wrong, I think the President of the United States, as Commander in Chief of the Navy, ought to ask who is responsible for putting only 80 per cent on the battleships, as compared with 85 to 100 per cent on the other vessels of the Navy, when 95,000 men were in the Navy.

Mr. LINTHICUM. Why did you adopt 80 per cent, when you say that is not sufficient and that there ought to be 100 per cent of the complement on the battleships?

Mr. BYRNES of South Carolina. I do not say there should be 100 per cent complement in time of peace. We supplied them with 95,000 men, and if they thought they ought to have more on battleships, they could have taken them off these "other vessels"—yachts and tugs and small craft—and put them on the battleships. We did not restrict them. In preparing this bill we asked them to furnish us with the list of ships they intended to keep in commission, and we took the list they gave us.

Mr. LINTHICUM. We know what you did.

Mr. BYRNES of South Carolina. And there is no question except as to the 23 destroyers they desired to keep in reserve and a few small craft not requiring many men.

In reading the British Army and Navy Journal I learn that because of the financial condition of the treasury the royal yacht *Alexandria* is to be put out of commission and that the yacht of the Admiralty is to be put out of commission. We do not ask that the yacht of the President be put out of commission or that the yacht of the Secretary of the Navy be put out of commission in order to save men. We include them in the list of the ships for which men are furnished and include the entire list determined upon by the department.

Mr. LINTHICUM. That does not answer the question. You say they ought to have a 100 per cent complement of men on the battleships, and yet you say there are only 80 per cent. Why do you say that?

Mr. BYRNES of South Carolina. I have not said that. I say if I were Secretary of the Navy and I had to make a distinction between battleships on the one hand and tugs and yachts on the other, I would rather put 100 per cent on the battleships and 80 per cent on the tugs and yachts.

Mr. LINTHICUM. Why not have 100 per cent on all of them?

Mr. BYRNES of South Carolina. Because it is not necessary; and if the Secretary says it is necessary, why did he not put them there?

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. I do not understand that any first-class power in time of peace carries the same complement as in time of war. Great Britain, which has a smaller complement on her ships than we have, has ordered it to be reduced 16 per cent.

Mr. BYRNES of South Carolina. Of course, they do not carry full complements. Now, gentlemen, take the navy of Japan. I hold in my hand the information from our intelligence office which was referred to by the gentleman from Massachusetts [Mr. TINKHAM] when he was questioning the gentleman from Michigan [Mr. KELLEY]. He wanted to know why the gentleman from Michigan did not get the information from the intelligence office. I have it here, and I will read it to you to show you how definite it is.

The Japanese admiralty is said to be contemplating a reduction of 500 officers and 5,000 men.

Said by whom? By a Government official or a newspaper? The gentleman who gave that information did not come before any committee where he could be questioned in order to ascertain how reliable the information was. But he reports that it is "said" that they propose to reduce 5,000 men. In this statement from the intelligence department is a list of the Japanese ships to be scrapped. They say the ships to be scrapped under the treaty have on board at least 7,701 men and 278 officers. This is really only part of the complement. We have been told that all of the Japanese ships are properly manned and have their full complement. Then, if they have their full complement and there are 7,700 on the ships that are to be scrapped, they want you to believe that they are going to take those 7,700 men and stick them on the ships that already have their full complement. Do you believe that?

Let me read you another thing to show you how definite this information is. You know if anybody comes from the intelligence office to the honorable gentleman from Massachusetts and says, "I represent the intelligence office," he believes he has inside information, and to be relied upon, without any question as to its accuracy. Now, that may or may not be so. It depends on its accuracy. The statement contained in this intelligence office report is that on January 1, 1922, the total enlisted personnel of the Japanese Navy was 73,272. But where do they get those figures? They do not say. They may be accurate, but if they are as inaccurate as other figures I have called attention to they are not very reliable. Then he says:

Her proposed reduction of 5,000 men will make 68,252.

Having arrived at that figure, they communicated it to the gentleman from Massachusetts, and he springs it here as a state secret to surprise the gentleman from Michigan [Mr. KELLEY]. In no place in that report is there a statement of the source of the information; and everybody knows that for the purpose of comparison here it is misleading in that it includes no marines. Japan has no marines, and everybody

knows that in the marines we have 19,500 men, and 75 to 100 on each of our battleships, and no fair comparison can be made between these figures and ours.

Mr. BUTLER. Did my friend in his investigation discover how the Japanese use their sailor men in their navy yards? I have always endeavored to find that out, but I could not. If the Japanese sailors work in their navy yards, they will count differently Our sailors do not work in the navy yards at all. Has the gentleman discovered anything about that?

Mr. BYRNES of South Carolina. No; because, as the gentleman from Pennsylvania knows, with his long experience, it is impossible to discover anything about it.

Mr. BUTLER. I have not been able to discover anything about it in 25 years.

Mr. BYRNES of South Carolina. The gentleman from Pennsylvania with his long service and interest in the subject has never been able to discover it, and other gentlemen who have endeavored to obtain the information have never been able to learn accurately the figures of the Japanese Navy.

Mr. LAZARO. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from Louisiana.

Mr. LAZARO. Why have an intelligence department in the Navy if they can not get any reliable information?

Mr. LAYTON. For fun!

Mr. BYRNES of South Carolina. I think they get the best information they can; but suppose the gentleman requests me to get him some information, and I do the best I can. That is no reason why he should swear absolutely that my information is entirely correct. I may be mistaken. It depends on a man's opportunities to secure information.

Mr. LAZARO. What I am driving at is this: If they can not give any information that is reliable, it seems that some change ought to be made.

Mr. BYRNES of South Carolina. The opportunity for securing information may be limited. It always is as to Japan, and all they can do is to do the best they can. When the information is furnished we must determine how accurate it is.

Mr. LAYTON. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will yield to the gentleman from Delaware.

Mr. LAYTON. It is believed that Congress is not so very full of information on questions that come to it for settlement. We are now doubting the information of the President of the United States, and, as far as I can gather from the discussion, we are absolutely throwing into the scrap heap the information of the Secretary of the Navy and that of the General Naval Board. It seems to me that in the midst of all this discussion there is not much left in the shape of general intelligence. [Laughter.]

Mr. BYRNES of South Carolina. I may agree with the gentleman in part, but he does not exactly state the situation. The General Board recommended 120,000, and it is the Secretary of the Navy who refuses to follow the General Board and recommends 96,000. Now, we have good company in refusing to follow either of them because the President of the United States refuses to follow the General Board or the Secretary of the Navy and recommends only 86,000. The President throws into the scrap heap the information of the General Board and the Secretary just as much as we do.

Mr. LAYTON. It has occurred to me that where internal matters affect the United States on the one hand the Congress might use its own judgment alone; but this is a matter involving the fact that the President of the United States called a disarmament conference. If there is any man in America who ought to be informed, not only as to the obligations and honor involved in that conference but everything else as resulting consequences, it is the President. He knows what he guaranteed in that conference, and we do not. He knows the whole subject, and has recommended a Navy of a different strength from that recommended by the committee of the House.

Mr. BYRNES of South Carolina. The President, as I understand it, has assured the Senate that he made no guaranties other than those contained in the written agreements, and he does not profess to be a naval expert.

Mr. LAYTON. I am simply making the statement——

Mr. BYRNES of South Carolina. Now, I can not yield further. I recommend this thought to my good friend from Delaware that the President of the United States does not profess to be an expert on naval subjects.

Mr. LAYTON. But he confers with the experts.

Mr. BYRNES of South Carolina. Who are the experts? The General Board and the Secretary of the Navy, and the President disagrees with them.

Mr. LAYTON. Congress says we have no experts except ourselves.

Mr. BYRNES of South Carolina. This committee does not say it. This committee carefully listened to the statements made by the experts. We have the experts come before us and they are submitted to examination and cross-examination, and we analyze their statements; then, as men of common sense, having in mind the national defense and the National Treasury, we say what shall be done. What better demonstration of common sense could we have than that we recommend putting on the battleships not the number of men that the experts say should be there but what they actually put there themselves?

Mr. STEPHENS. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. STEPHENS. All you had to do was to get the list of the vessels and add up the men needed, and that you have done; that does not require any particular expert.

Mr. BYRNES of South Carolina. Exactly; we had the figures of the experts as to what they actually put on them. We do not think there should be 32,000 men on shore. There may be some people in the coast cities who believe that the Navy should be maintained solely for the financial good of those cities, and that a large number of men should be put on shore duty because they contribute more to the welfare of the community than men on ships. I know that is not the view of the Chief of Operations of the Navy. And we think it more important that the men should be placed on the ships, and if the Navy Department will carry out the intention of the subcommittee they will put 50,000 men on the ships, and they will have enough to man every battleship and the auxiliaries. If I did not believe that, I would not support the bill.

Mr. GALLIVAN. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. GALLIVAN. The gentleman knows that I signed the minority report and that I signed it because I took some stock in the demonstration by the experts. Now, my friend from South Carolina, for whom I have a great affection, questions the authenticity of the intelligence office of the Navy. How does the subcommittee know that the entire intelligence office is not telling the truth?

Mr. BYRNES of South Carolina. There is no question of truth, I will say to the gentleman. Nobody questions the veracity of the officials. They are splendid gentlemen, in my opinion. But they do not say in their statements that they have any personal knowledge; they simply say it is "said" that so many men will be in the Japanese Navy. "It is said," without any statement as to who made the statement. We question not the truth of these gentlemen but the accuracy, because we know, as I have endeavored to state frequently, that they now say in the intelligence office the Japanese ships are manned with full complements, and further they have set forth a list of ships that are to be scrapped, and the men on those ships, counting only a half complement, number 7,700 men. Now, apply common sense to that statement, and does anyone believe that the Japanese people, burdened with taxation, as are the American people, are going to take 7,700 men off these scrapped ships and carry them over and put them on the ships already fully manned? And yet that is the statement of the intelligence office.

Mr. GALLIVAN. The gentleman has answered my question. [Laughter.]

Mr. TINKHAM. Mr. Chairman, will the gentleman yield in order that I may make a statement?

Mr. BYRNES of South Carolina. No; I yield to the gentleman from Indiana [Mr. DUNBAR].

Mr. DUNBAR. Mr. Chairman, what would be the additional cost of increasing the personnel of the Navy from 67,000 men to 86,000 men?

Mr. BYRNES of South Carolina. Of course, I would have to speculate on that, and the clerk of the committee could make a much more accurate estimate; but my estimate is that it would amount to about $25,000,000 to $30,000,000, when you take into consideration pay, provisions, and the other appropriations that would be affected.

Mr. DUNBAR. Will the gentleman express his individual opinion as to how a personnel of 67,000 men will compare with the British Navy and the Japanese Navy?

Mr. BYRNES of South Carolina. The gentleman from Michigan has gone fully into that, and I agree entirely with his figures, which we carefully went over together. When we exclude from the English Navy the figures he excluded, the coast guard and other items, in order to make the figures fairly comparable, the number of men which the British Navy intends to keep in its navy during the next fiscal year will about equal

the number of men that we provide in this bill—67,000. There will be very slight difference between the two.

Mr. DUNBAR. Then the gentleman makes the claim that if we provide for a personnel of 67,000 men, we can maintain our 5–5 ratio with Great Britain?

Mr. BYRNES of South Carolina. I maintain it absolutely, and it is capable of demonstration and I believe has been demonstrated conclusively by the gentleman from Michigan. Our regret is that we are not able to make the same careful comparison with respect to Japan, because of the absence of authoritative figures such as we have as to Great Britain. And when gentlemen argue that it will result in a 2½–5–3 navy, the United States being the 2½, they are arguing that we must double our 67,000 and provide 134,000, otherwise we would not have a 5 Navy according to their basis of calculation.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. LINTHICUM. The gentleman says that the figures have been based on 80 per cent on these battleships.

Mr. BYRNES of South Carolina. I say that is what Secretary Denby says.

Mr. LINTHICUM. That the bill carries it out. Do you not think that we ought to have a full complement in case of emergency?

Mr. BYRNES of South Carolina. Yes; in case of war. In case of emergency there are five thousand and some odd men in the active fleet reserve, and by this bill there will be 4,000 more in the active fleet reserve, and there are 200,000 volunteer reservists in this country, with experience in the Navy, who in case of emergency can be drawn on.

Mr. LINTHICUM. And is sufficient appropriation provided in this bill for that?

Mr. BYRNES of South Carolina. Oh, no; not for the Volunteer Reserves. In case of war, as always, deficiency bills must be brought in. Never does a Congress in time of peace appropriate for an army and a navy sufficient to prosecute a war; but if an emergency ever arises, if we have to go to war, this Congress will be in session before we go to war, and will as always provide the necessary funds.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield——

Mr. BYRNES of South Carolina. Yes.

Mr. KELLEY of Michigan. For a little supplemental statement in answer to the gentleman from Maryland? A great many people do not quite grasp the significance of the word "complement." They think that it is something fixed, something determined. It is nothing of the sort. The complement of a ship is what some officer thinks ought to be on it, and no two of them agree.

Mr. BYRNES of South Carolina. They never have. It is difficult for those gentlemen who would have us turn the Treasury over to the military services of the Nation to realize the financial condition of the country. So far as I am concerned, I do not believe in allowing the representatives of the services, who are naturally enthusiastic as to their professions, to determine what the appropriation should be, nor do I believe with some people that we should have no navy and no army. Between these extremes there is common ground where men of common sense can meet to provide a sufficient navy and army to adequately maintain the security of this country.

I want now to talk to my friends on the Democratic side. My recollection is that our first effort to secure the limitation of naval armament took place in 1916, when we adopted the Hensley resolution and made it a part of the naval appropriation bill.

In the last Congress efforts were made on this floor by the gentleman from Virginia [Mr. MOORE] and the gentleman from Texas [Mr. CONNALLY] to provide for the calling of a conference to limit naval armament. The Republican majority disapproved of that, and the amendments were not adopted. The bill went to the Senate, and there the Senator from Idaho [Mr. BORAH] succeeded in having an amendment adopted providing for a conference between Great Britain, Japan, and the United States.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. BYRNES of South Carolina. Yes.

Mr. MOORE of Virginia. The gentleman will recollect, perhaps, that when these amendments were under consideration the gentleman from Wyoming [Mr. MONDELL] said that such a provision would be disrespectful to the President.

Mr. BYRNES of South Carolina. I, of course, disagreed with the gentleman from Wyoming. There was no disrespect in it to the President of the United States. But Mr. MONDELL opposed it. When the bill came back from the Senate with the amendment of Senator BORAH every man on the Democratic side of the House was in favor of the Borah amendment, and because of that fact the gentlemen on the Republican side of the House who were in favor of the amendment were able to force the leadership to agree to it. We believed then that we were expressing the sentiment of the country in favor of a limitation of armament. A conference has been had. A naval holiday has been agreed upon. The four-power pact has been agreed upon, and now the people of the country are told by the Secretary of the Navy, speaking, I assume, with the approval of the President, that next year we must spend for naval purposes $400,000,000. If left to them the conference will result only in an increase of naval expenditures during the next fiscal year. My hope is that Members on the Democratic side of the House will not lend themselves to an effort to deny to the people of America the relief from taxation for which they prayed. [Applause.]

The Secretary of the Navy is a great and a good man, and I like him very much; but when I read his statement that "arms have made and kept us a nation" I wished that he might have read the words of Henry Grady, who said:

> I went to Washington the other day, and as I stood on Capitol Hill, my heart beat quick as I looked at the towering marble of my country's Capitol, and the mist gathered in my eyes as I thought of its tremendous significance, and the armies, and the Treasury, and the judges, and the President, and the Congress, and the courts, and all that was gathered there. And I felt that the sun in all its course could not look down on a better sight than that majestic home of a Republic that had taught the world its best lessons of liberty.
>
> Two days afterwards I went to visit a friend in the country, a modest man, with a quiet country home. It was just a simple, unpretentious house, set about with great big trees, encircled in meadow and field rich with the promise of harvest. The fragrance of the pink and the hollyhock in the front yard was mingled with the aroma of the orchard and of the gardens, and resonant with the cluck of poultry and the hum of bees. Inside was quiet, cleanliness, thrift, and comfort. There was the old clock that had welcomed in steady measures every newcomer to the family, that had ticked the solemn requiem of the dead, and had kept company with the watcher at the bedside. There were the big restful beds and the old open fireplace and the old family Bible, thumbed with the fingers of hands long since still and wet with the tears of eyes long since closed, holding the simple annals of the family and the heart and the conscience of the home.
>
> Outside there stood my friend * * * master of his land and master of himself. There was his old father, an aged, trembling man, but happy in the heart and home of his son. And as they started to their home the hands of the old man went down on the young man's shoulders, laying there the unspeakable blessing of the honored and grateful father, and ennobling it with the knighthood of the Fifth Commandment. * * * And I saw the night come down on that house, falling gently as from the wings of the unseen dove. And the old man, while a startled bird called from the forest and the trees shrilled with the cricket's cry and the stars were swarming in the sky, got the family around him, and taking the old Bible from the table called them to their knees (the little baby hiding in the folds of its mother's dress), while he closed the record of that simple day by calling down God's benediction on that family and that home. And while I gazed the vision of that marble capitol faded. Forgotten were its treasures and its majesty, and I said: "Oh, surely here in the homes of the people are lodged at last the strength and the responsibility of this Government, the hope and the promise of this Republic."

He was right. And now these people from millions of American homes look to you to prove to them that this armament conference was not a mockery and a fraud. They read that the Treasury faces a deficit of $25,000,000; they know that this means additional taxation to a people who now stagger under the burden of taxation and they hope that the conference, for the success of which they prayed, is to result in decreased and not increased taxation. [Applause.]

Mr. DUNBAR. Will the gentleman yield?

Mr. BYRNES of South Carolina. No; I can not.

Mr. TINKHAM. Will the gentleman answer just one question?

Mr. BYRNES of South Carolina. No; I have yielded the floor. The gentleman can talk the rest of the day.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, in making the following statements I represent no one but myself and am alone responsible. [Applause.] The bill is proposed in the name of economy, yet nearly every member of the subcommittee and of the Appropriations Committee in favor of the bill voted in favor of a soldiers' bonus of from three to five billions of dollars against the advice of every financial agency of the Government and placed it upon an uncertain future. It does not lie in their mouth to talk economy. Allow me to say to this committee that it is not economy that has moved them. The bill is the product of propagandized pacifism and an unmanly conception of national defense. Adequate national defense should be one of the first concerns of true statesmanship. In the pacifistic propaganda has appeared the statement that 93 per cent of the national expenditures are for past and future wars. With all of congressional lack of foresight, Government mismanagement and graft, if this amount represents American liberty and freedom, is there one Member here, even the honorable Repre-

sentatives from Michigan [Mr. KELLEY] and from Wyoming [Mr. MONDELL], who would subtract from it one dollar? The expense of war is the price of freedom. The reason for the present naval bill, with its great reduction in appropriations, is due to the treaty providing for the limitation of naval armament, an experiment to reduce the contingency of wars, but with no promise of their abolition. The essence of this treaty was a provision which established the so-called 5–5–3 ratio as applied to the United States, Great Britain, and Japan. Eighteen specified capital ships were allowed to the United States as the basis of her fleet. The naval advisers of the Secretary of the Navy believe that a well-balanced fleet with 18 capital ships as a basis would require at least 120,000 enlisted men, but the Secretary of the Navy, governed alone by the pressing and present need of economy, recommended 90,000 men and 6,000 apprentices for 1923. The Appropriations Committee has seen fit to reduce this number to 65,000 enlisted men and 2,000 apprentices. The following are some of the statements publicly made in reference to this number and its effect upon the Navy by the Secretary of the Navy only yesterday:

Should the bill just reported become law it would be a blow to the Navy and to the prestige of the United States. Whatever appropriations of men and money are allowed, the Navy will be administered by the department in an earnest and cheerful endeavor to keep it as effective as possible. I feel that I should be recreant to a plain duty, however, if I did not solemnly warn the American people that the proposed reduction negatives the results of the recent conference, is dangerous to the country's security, and, in my opinion, to the welfare of the world.

If this bill becomes a law it will mean that 5 battleships of the 18 provided for in the treaty must be put in ordinary with caretakers. It will mean that, having gathered the nations together and having conducted to a successful conclusion negotiations intended to establish the relative defensive sea armaments of the different powers, we, from the earnestly insisted upon position of equality with any nation in the world, drop to second or third place. I do not believe in making a mockery of the conference. I do not believe in throwing away our sea power.

We called the conference. We made the proposals. We should abide by the conclusions. Eighteen battleships with their necessary auxiliaries and shore bases were adopted for our defense. With the passage of this bill our international plan goes by the board. It is proposed to cast to the winds the advice of the men who represented us during the conference and made the agreements and the advice of the trained officers of the service.

This bill is a challenge to the common sense of our people. I do not believe it meets the approval of our people. I do not believe such ill-advised economy can have the support of the majority of Americans. Whatever arms may have cost, they have made and kept us a Nation. If the bill passes and we slip from the position of equality in sea power, we shall not again be able to secure support at home or abroad for another conference for world adjustments. If we would sit at the first table in the councils of the nations we must have sea power.

Will this committee follow the honorable Representative from Michigan and his opinion and his conclusions, will it follow the leadership of the honorable Representative from Wyoming, or will it believe that the Secretary of the Navy has stated the truth based upon the most complete expert knowledge and with a heart that beats with virile Americanism, and whose knowledge of his country's international necessities is most clear?

Mr. TINCHER. Will the gentleman yield?

Mr. TINKHAM. I do not like to, but I will. [Laughter.]

Mr. TINCHER. The gentleman should not refuse to yield.

Mr. TINKHAM. I yield.

Mr. TINCHER. Will the gentleman state any figures or give any figures as the basis for his statement that those ships will have to be abandoned?

Mr. TINKHAM. I will if the honorable Representative from Kansas will allow me to proceed.

Mr. TINCHER. I would rather have the gentleman state concrete facts rather than generalities.

Mr. TINKHAM. I will state those facts later.

Mr. STEPHENS. Will the gentleman yield for another question?

Mr. TINKHAM. I will.

Mr. STEPHENS. I would like to ask the gentleman if the chairman of the Subcommittee on Appropriations in charge of this bill, the gentleman from Michigan [Mr. KELLEY], has not had long years of experience on the Naval Affairs Committee and should know a great deal about the Navy?

Mr. TINKHAM. I do not challenge the knowledge of the honorable Representative from Michigan, but what I do challenge is the character of his philosophy in relation to American defense.

I desire at this point in my remarks to offer two tables prepared by the Navy Department. The first table shows ships that may be manned with enlisted personnel of 90,000 plus 6,000 apprentice seamen. The second table shows ships that may be manned with enlisted personnel of 65,000.

In the first table it will be noted that the fleet shall consist of 18 battleships, as prescribed by the 5–5–3 ratio. In the second table it will be noted that the fleet shall consist of 12 battleships, 6 less than prescribed by the 5–5–3 ratio. The meaning of this second table is that if 65,000 men are the limit allowed only 12 battleships with a rounded fleet can remain in commission.

Mr. TINCHER. Will the gentleman yield?

Mr. TINKHAM. I can not yield.

Mr. TINCHER. You are not going to give the figures, I suppose——

Mr. TINKHAM. I will be very glad to give the complete figures in this table, as the honorable Representative from Kansas has not seen them.

MARCH 18, 1922.

MEMORANDUM FOR THE DIRECTOR OF NAVAL INTELLIGENCE.

Below are shown the ships that may be manned under (1) an enlisted personnel of 90,000 plus 6,000 apprentice seamen and (2) an enlisted personnel of 65,000. Opposite each item is given the number of enlisted men required.

Ninety thousand enlisted strength plus 6,000 apprentice seamen.

1.	18 battleships (95 per cent comp.)	21,239
2.	5 cruisers, second line	3,300
3.	3 light cruisers, first line	1,257
4.	5 light cruisers, second line	1,452
5.	1 aircraft carrier, second line	339
6.	2 mine layers, second line	703
7.	103 destroyers, first line	10,506
8.	26 destroyers, first line (50 per cent comp.)	1,539
9.	10 light mine layers	950
10.	84 submarines, first line	2,579
11.	27 submarines, second line (two-thirds comp.)	430
12.	10 patrol vessels, gunboats	863
13.	5 patrol vessels	462
14.	7 destroyer tenders	3,209
15.	7 submarine tenders	1,882
16.	2 aircraft tenders	536
17.	2 repair ships	860
18.	3 store ships	645
19.	4 colliers	659
20.	10 oilers	1,007
21.	2 ammunition ships	354
22.	8 cargo vessels	756
23.	3 transports	833
24.	2 hospital ships	709
25.	8 tugs, including 6 station ships	340
26.	26 mine sweepers (10 fleet towing, 10 mine sweeping, 3 air tenders, 1 submarine salvage, 1 radio calibration, 1 Bureau of Ordnance, experiment purposes)	1,271
27.	6 auxiliaries, miscellaneous	589
28.	2 fish commission	125
29.	Flag complements	1,111
30.	Fleet aviation	1,100
	Total	61,608

Enlisted strength of 65,000.

1.	12 battleships, first line (95 per cent comp.)	14,244
2.	6 battleships, first line (in ordinary)	1,236
3.	4 cruisers, second line	2,596
4.	3 light cruisers, first line	1,257
5.	3 light cruisers, second line	876
6.	1 aircraft carrier, second line	339
7.	1 mine layer, second line	356
8.	65 destroyers, first line (90 per cent comp.)	6,630
9.	50 destroyers, first line (50 per cent comp.)	2,850
10.	4 light mine layers	380
11.	84 submarines, first line	2,579
12.	10 patrol vessels, gunboats	866
13.	4 patrol vessels	430
14.	5 destroyer tenders	2,309
15.	7 submarine tenders	1,882
16.	1 aircraft tender	286
17.	1 repair ship	430
18.	1 store ship	268
19.	2 colliers	328
20.	7 oilers	763
21.	2 ammunition ships	354
22.	5 cargo vessels	451
23.	3 transports	833
24.	1 hospital ship	361
25.	8 tugs (includes 6 station ships)	340
26.	10 mine sweepers (2 mine sweeping, 7 fleet towing, and 1 air tender)	477
27.	4 auxiliaries, miscellaneous	388
28.	Flag complements	791
29.	Fleet aviation	1,100
	Total	46,000

Mr. TINCHER. I asked you for some other figures.

Mr. TINKHAM. I will give those later.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. TINKHAM. I can not now. At the end of my remarks I will answer the question if I can.

The underlying principle on which in the future the strength of our Navy must be determined is its strength in relation to Great Britain and Japan, and that strength is not only measured by ships but by men. It is men that fight, and not ships.

The committee bill ignores this basic policy and principle, and bears no reference to the other powers whose strength must determine America's proportion in the fixed ratio of 5–5–3. The average enlisted strength of the British Navy, according to the latest figures obtained by the Naval Intelligence Bureau of the Navy Department, is approximately 110,000 enlisted men. This is 43,000 more than the committee bill provides for the United States Navy. According to Japanese published and confidential information—and I would say here to the honorable

Representative from South Carolina [Mr. BYRNES] that the figure which appears here of 68,252 men in the Japanese enlisted personnel is found in a report in the Navy Department made by the American naval representative in Tokyo, and is official—this is over 1,000 men more than allowed our Navy under the committee bill, which, so far as enlisted man power is concerned, makes the United States third instead of equal to the first. Under the 5-5-3 ratio we should have 110,000 as compared with Great Britain, and 113,000 as compared with Japan. In expenditures the committee bill provides for a total expenditure for the Naval Establishment of $233,224,008. The British naval budget complete is approximately £75,605,866, and the Japanese budget is 393,662,576 yen. Translating these two sums into dollars at the prevalent rate of exchange will give a very much larger appropriation for both England and Japan than is represented by the 5-5-3 ratio. Even this does not give a correct comparison, because it is a well-known fact that a unit of work can be purchased more cheaply in either England or Japan than it can be purchased in the United States.

In reference to Japan's proposition for 68,282 men, our Navy Department officially says:

> This quota is sufficient to man every Japanese ship complete which she is permitted to retain under the treaty and to fully man every ship she can complete by July 1, 1922, and still leaves 35 per cent of the total personnel available for shore establishments, aviation, and training.

In relation to personnel a most serious error, which completely vitiates the report of the committee now before the House, has been made. The report states that on February 1, 1922, there were 12,633 men at shore stations. So far as this goes, it was true; but it told only a comparatively short part of the story. It would give the impression to the casual and uninitiated reader that there were only 12,633 men on shore, when as a matter of fact there were 32,681 men on shore. In other words, there were practically 20,000 men in the Navy not disclosed by the committee report.

Mr. KELLEY of Michigan. Will the gentleman tell the House where the 20,000 were and what useful purpose they were serving? We have about $30,000,000 tied up there.

Mr. TINKHAM. I have a statement somewhere as to those facts.

Mr. KELLEY of Michigan. I will say to the gentleman from Massachusetts, while he is looking for that, that these are hard times and it is quite an item of expense to have 20,000 men floating around if they are serving no useful purpose. I would like to know if the gentleman from Massachusetts can advise as to what the 20,000 men are doing?

Mr. TINKHAM. I believe that the 20,000 men should be kept if necessary to make a well-rounded fleet, in order to carry out the intent and purpose of the treaty, and if they are necessary, and the Navy Department says they are, that this House should provide for them.

Mr. KELLEY of Michigan. I thought the gentleman said that these were on shore.

Mr. TINKHAM. They are interchangeable. The honorable Representative knows that they are at one moment on shore and at another moment afloat. Many of the men that are now on vessels that are afloat will be on shore perhaps within a week.

Mr. CRAMTON. Will the gentleman yield for a brief question?

Mr. TINKHAM. Will the honorable Representative in charge of the bill give me the necessary time to complete my statement if I yield?

Mr. KELLEY of Michigan. I shall be very generous to the gentleman from Massachusetts.

Mr. TINKHAM. The number actually on shore was 32,861, as will be seen by a reference to page 297 of the hearings. Here are the details; they are furnished upon page 297 of the hearings before the subcommittee. They show a distribution as of January 1, 1922, as follows:

Distribution as of January 1, 1922.

Total afloat		68,138
Total ashore:		
Operating force	11,392	
General detail, under training, patients in hospitals, prisoners, and students in trade schools	11,172	
Receiving ships—		
Operating	1,241	
General detail	1,642	
District vessels	3,352	
	28,799	
In transit	4,062	
		32,861

And yet I submit to this committee that if they will read the report of the subcommittee they would have no knowledge that there were those 20,000 men on shore in excess of the number indicated at shore stations, which is completely misleading.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I do not want to be unfair, but it seems they have been somewhat artfully reported in the committee bill as being at shore stations, without mention of the balance of about 20,000 men.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I will.

Mr. KELLEY of Michigan. On this list that the gentleman has read there are 4,062 men on their way home, being discharged.

Mr. TINKHAM. It says "in transit." It might be going away from home. [Laughter.]

Mr. KELLEY of Michigan. All right. I was advised that they were on their way home, and that there are 3,352 which are assigned to district vessels and counted in the number afloat, so that that makes 7,422 who either had been counted in another place or had been discharged. Does the gentleman think that we ought to provide for those?

Mr. TINKHAM. It does not indicate here that they have been discharged.

Mr. KELLEY of Michigan. Here is a letter from the Secretary, in which it is stated that it is estimated that that number of men, approximately 4,000, were on January 1, 1922, in transit to their homes for discharge. I am sure that that is the situation.

Mr. TINKHAM. That accounts in a small way for some of the 20,000 omitted from mention.

Mr. KELLEY of Michigan. Over 7,000 men, I will say to the gentleman from Massachusetts, is no idle matter.

Mr. TINKHAM. The committee based its calculation for 67,000 upon the complements upon the ships on February 1, 1922. That date was a purely arbitrary date, the last date obtained by the committee before making its report or obtaining its evidence. There was nothing classic about that date or significant, and there was nothing about that date that properly fixed how the Navy should be properly manned if it was to be fully manned and if it was to be manned in accordance with the practice which should be initiated under the treaty recently made in Washington concerning the limitation of armaments.

Now, as a matter of fact, the statement is made by the Navy Department that the fleet at that time had far below its complement, in part due to the summary discharge before that date of over 6,000 men, made necessary in order to avoid a deficiency in the appropriation for "Pay of the Navy." I have mentioned the discrepancy of 20,000 men in relation to the men ashore. I now mention a difference of 6,000 men that are accounted for as being lacking from the fleet upon this arbitrary date, fixed and chosen by the committee to fix the personnel of our Naval Establishment.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. DEMPSEY. Does not that entirely explain the 4,000 then in transit; that they were being discharged because of the deficiency in the appropriation, and were going home on that account, and should be taken into account if you had an adequate appropriation?

Mr. TINKHAM. It seems to me so.

The commander in chief of the Atlantic Fleet officially reported that it was impossible to maintain the efficiency of the Navy with the men employed at that time. Does that statement have any influence with the committee as against the arbitrary date and the arbitrary number found present with the fleet on the 1st day of February? Let me read that letter and comment upon it. It has only been read in part by the honorable Representative from South Carolina [Mr. BYRNES]. I read:

> UNITED STATES ATLANTIC FLEET,
> U. S. S. "MARYLAND," FLAGSHIP,
> *Navy Yard, New York, N. Y., April 3, 1922.*
>
> From: Commander in Chief.
> To: Secretary of the Navy.
> Subject: List of personnel required on board ships to maintain units ready for war.
> Reference: (a) Secnav dispatch 0003-1235 (April).
>
> 1. In reply to reference (a), the vessels of the Atlantic Fleet had on board on January 1 about the following percentages of their complements:
>
> (a) Battleships, 80 per cent.
> (b) Destroyers (active), 84 per cent; destroyers (reserve), less than 50 per cent.
> (c) Other vessels, 85 per cent to 100 per cent.
>
> 2. Soon after arrival in Cuban waters, when the personnel on board the battleships (exclusive of the *Florida*) had by additions received from the United States been brought up to about 89 per cent, the following conditions existed:
>
> (a) There were no loading crews for one entire broadside of the torpedo defense battery.

(b) There were insufficient men in handling rooms of turrets to keep up the shell supply.

(c) There were insufficient men in the magazines to comply with safety precautions as regards handling of powder and to provide the rapid flow of powder required in action or for the training necessary to insure this.

(d) Full speed was not possible for a period exceeding four hours, as there were not sufficient nonrated men in the engineers' force to run full power for two consecutive watches.

3. The repair force personnel afloat should be increased by 25 per cent in order to make ships self-sustaining. This in the interest of economy.

4. The number of men on board at this time was not regarded as sufficient to efficiently operate ships and keep them ready for war, but only a makeshift number, by which the Navy could operate partially satisfactorily and tide over until such time as more personnel would be available.

5. The personnel on board at this time made it necessary to so far modify target-practice rules that replacement of shell and powder was entirely done away with. Steaming speeds had to be reduced. Some men had to occupy two stations in the operation of the battery.

None of the above can be construed as enabling ships to be kept in readiness for war.

6. Battleships should have on board at all times at least 95 per cent of their full complements in order to operate satisfactorily and to be kept in a state of efficiency and readiness.

Destroyers should have on board at all times between 100 and 105 men, which would put their percentage at about 90.

All other vessels should have on board at all times 100 per cent of their present complements, as their complements have already been reduced to an absolute minimum for the work they are constantly performing; in addition, the repair ships and repair tenders should have the repair force of their complements increased by 25 per cent. Every endeavor has been made to make ships self-sustaining afloat, and to this end repair ships and tenders were assigned a tentative repair complement. Trial with this tentative complement has shown it to be inadequate for the demands on its services and an increase of 25 per cent is warranted by both economy and efficiency.

The above figures apply to the numbers actually on board and available for duty. To this number should be added 10 per cent to cover transfers and replacements.

This presupposes that complements are filled by ratings, as it is impossible to operate with lack of experienced rated men in the various branches.

7. The fleet was not ready for war at this time, and it can not be kept in efficient condition or ready if the number of men allowed are the same as were on board at this time.

H. P. JONES.

You will notice that under "(a) battleships," he gives 80 per cent. Therefore this bill, arbitrarily, absolutely in fixing the data for the personnel, does not make adequate provision, because it is shown from the letter of the commander in chief of the fleet that the battleships were only 80 per cent manned, or 20 per cent less than they should have been. Are Members of this House going to provide for only 80 per cent upon battleships, now that there is to be established permanently an American naval policy?

You will notice also that under "(b) destroyers, active," the figures given are 84 per cent. That is 16 per cent less than 100 per cent.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. OLIVER. Does the gentleman recognize any difference between a peace and war time complement on a ship?

Mr. TINKHAM. I think the American Navy should be prepared at all times for any eventuality, and I recognize within certain reasonable limits——

Mr. OLIVER. What are the limits, then, that the gentleman recognizes as the difference between peace and war complements?

Mr. TINKHAM. I am not sufficiently a naval expert to give you that per cent.

Mr. OLIVER. What, then, is the gentleman's reliable information as to what constitutes a war complement for the ships that the gentleman is now discussing?

Mr. TINKHAM. The only information that I have is what I have read.

Mr. OLIVER. So I see.

Mr. TINKHAM. That the commander in chief says the battleships were only 80 per cent manned.

Mr. OLIVER. That is rather an indefinite statement, is it not?

Mr. TINKHAM. From me or from the commander?

Mr. OLIVER. From you and the commander, one or the other, probably both. [Laughter.] Does the gentleman undertake to now say that there should be no difference between the complement carried on a ship in peace and in war?

Mr. TINKHAM. I believe that the American Navy, in accordance with the treaty recently fixing our proportions, should have a full complement, call it war complement or peace complement, as you will, because it is necessary to have a trained personnel; and if war should suddenly break out or occur there must be trained men, and 100 per cent, to man our ships.

Mr. OLIVER. In other words, then, the gentleman undertakes to say that we should have in peace the same complement that we have in war on our battleships?

Mr. TINKHAM. I say that we should have in our establishment a trained set of men large enough to fully man all of our vessels under the treaty.

Mr. OLIVER. Is the gentleman aware that practically all of the men that we now have in the enlisted personnel of the service are trained men, and that they are in the higher grades of the enlisted force, and that comparatively few are in the seventh or lowest grade, and that we have an oversupply, according to Admiral Washington, of highly trained men in all enlisted ratings above the second?

Mr. TINKHAM. To complement what the honorable Representative has said, I know these facts, that 84 per cent of our enlisted personnel changes each two or four years. I know that our enlistments are from two to four years, and that the British enlistments are for 12 years, and the Japanese enlistments are for 10 or 12 years, giving the Japanese and English fleets a personnel much more highly trained at any time than the American fleet.

Mr. OLIVER. The gentleman used the words "our enlisted personnel changes every few years." Does the gentleman use the word "changes" in the sense that the men are separated from the service?

Mr. TINKHAM. I have used the word in that sense.

Mr. OLIVER. The gentleman can read the hearings or obtain from the Bureau of Navigation information that when the word "changes" is applied to what has occurred in our enlisted force within the last two years it means many reenlistments. We provide gratuities for reenlistments, and for that reason we now have in the enlisted personnel a very large number—over and above the needs of the service—of highly trained men. Is the gentleman aware of that fact?

Mr. TINKHAM. Not of the detail as given by the honorable Representative from Alabama, but I think this question is not as vital as the honorable Representative from Alabama is trying to make it.

Mr. HUSTED. Will the gentleman yield?

Mr. TINKHAM. I will yield to the honorable Representative from New York.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KELLEY of Michigan. I will yield to the gentleman five minutes more.

Mr. TINKHAM. I would like to finish my statement.

Mr. KELLEY of Michigan. I will yield to the gentleman 10 minutes more, then.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes more.

Mr. TINKHAM. I will yield to the gentleman from New York for a very short question.

Mr. HUSTED. Does not the gentleman think that the history of British and Japanese naval policy justifies the expectation that they will keep their navies as efficient as possible under the 5-5-3 ratio?

Mr. TINKHAM. Absolutely, without any question.

Mr. HUSTED. I want to follow that with another question. If we do not keep our Navy as efficient as possible under the 5-5-3 ratio, will not the effect really be to disestablish the ratio against the position given to the United States by the treaty arrangement?

Mr. TINKHAM. That is my theory, and I believe a certainty.

Mr. DEMPSEY. Will the gentleman yield for a very short question?

Mr. TINKHAM. Yes.

Mr. DEMPSEY. Is not this true obviously, that there will be reenlistments for short terms of service in this country in hard times, but that you can not expect reenlistments in normal times, because the men can get larger pay in civil employment?

Mr. TINKHAM. I think that is obviously so.

Mr. DEMPSEY. Is not that the answer to the gentleman from Alabama?

Mr. TINKHAM. I think it is at least a partial answer.

This letter which I have quoted, dated April 3, contains the following final paragraph:

The fleet was not ready for war at this time, and it can not be kept in efficient condition or ready if the number of men allowed are the same as were on board at this time.

In 1916 the American pacifists imperiled America and would have brought the world to the brink of destruction had their policies been followed. To-day they are imperiling America and may yet destroy her. Mixed to-day with American pacifism is Japanese propaganda that America may disarm.

Had America not had the power to build the greatest fleet in the world, and had she not had a powerful and efficient Navy in

1922, she could not have dealt with England and Japan at the council table as she did, almost as a dictator. When the treaty for the limitation of naval armament may cease, her influence will approximate the strength of her fleet, and no more.

Present world uncertainty shows the need of national defense, to meet force with force if necessary.

The Washington conference did not abolish war nor pretend to. It produced a written agreement, and under the paper of that agreement there must be something to lean upon, something potent and powerful.

Under the treaty for the limitation of naval armament no country is restricted as to the number of destroyers and submarines which may be constructed. And so great navies can be built by other powers with these most powerful weapons.

Colonel Amery, parliamentarian and financial secretary of the British Admiralty, in presenting the navy budget to Parliament a few weeks ago, said:

> We agreed at Washington to accept terms of equality in navy power with the one nation with which above all others we wish to live on terms of friendship. We regard that equality as not one of competition but of cooperation for maintaining the peace of the world. But even for purposes of that cooperation we, with our traditions and responsibility for the peace of the world, can not afford to be less than an equal. That is the meaning of these estimates.

America has her traditions. America has her Monroe doctrine, her new merchant marine, her new commitments in the Caribbean Sea, and new commitments in China, the Panama Canal, Hawaii, and the Philippines.

American interests require at least a maximum fleet. American sea power must enforce national rights, protect national possessions and preserve peace and order. Even national peace or international peace and security are not alone maintained by a treaty. As I have said, the Washington conference did not abolish war nor pretend to. No paper agreement can change human nature. No contract can control the waxing of strength of one nation and the decadence of another. Pacifists and idealists attempt to deal with the world as it should be. Responsible statesmen have to deal with the world as it is and with actualities.

Other nations support their navies fully under the Washington agreement, and adequate defense is demanded by the American people. America shall not become the third naval power, inferior to England and Japan, when treaty commitments allow her to be one of the two first naval powers, and her position and interests but for the treaty commitments would make her the first naval power in the world.

Men fight, not ships, and the American Navy unmanned is a national liability, not a national asset. We Americans who believe in performing treaty obligations in the spirit they were made, who believe that history teaches lessons which should be followed, say to the pacifists of America, "You shall not pass." [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield one hour to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Chairman and gentlemen of the committee, in view of the importance of the question now before the House, I desire to lay before you in a calm and a dispassionate manner what I consider to be the facts that will establish that the Navy is to-day in a crisis. I might even go further and say that under the bill that is reported and now before the House for consideration it is in a strangulation struggle for existence.

At the close of the Civil War, measured by the standard of those days we had a good Navy, and by inattention and indifference it continued to go to waste until it was revived in the administration of Mr. Whitney in the eighties. At the close of the Spanish War we had a good Navy measured by the standards of those days, but by lack of attention it did not progress until we stood number 3. With the program built and building, in military value and efficiency we had a Navy No. 1 in the standard of the naval world. The question of limitation of armament was presented in 1916, and as chairman of the Committee on Naval Affairs I had the privilege as well as the pleasure of reporting a provision authorizing the President to invite the nations of the world to a conference and arrive at a basis of agreement for the limitation of competitive construction and to arrive at a standard navy. But the war being in progress, the opportunity did not offer, and during the last year a provision was added by the Senate authorizing the President to call a conference, which I cheerfully supported and voted for. The conference acted, agreed upon a standard, and I want to be entirely frank and honest to the House and to the country, while I was in favor of an international agreement fixing a limitation and establishing a standard, I did not indorse all of the details of the agreement arrived at. I believed that there should be a standard fixed, but to arrive at that standard we should have maintained our best ships until we reached that standard, and to scrap from the bottom instead of scrapping the best ships, retaining the medium, and then scrapping at the bottom.

However, when the agreement was reached I accepted it in good faith, and I stand before you to-day advocating that the standard agreed upon in the conference should be accepted in absolute good faith, living up to it as such, and in that I mean not only that we should not exceed it but that we should live up to it in maintaining the standard agreed upon. I believe that whatever Navy we have, whatever Navy we are permitted to keep and maintain under the conference agreement, should be kept up to the highest pitch of naval efficiency and military value. [Applause.]

Now, that presents the issue that is now before the House. I want to say to you that in my honest judgment the bill as reported not only fails to maintain that standard but will bring the Navy of the United States from a position of five to a position not exceeding three. [Applause.] We may just as well recognize it. I want us to have an American Navy equal in value and in efficiency to the best navy in the world. [Applause.] Now let us deal with this question according to that standard. If we are not going to keep the ships that are permitted to us in proper condition of efficiency, it would be better to sink them, it would be better to dispense with them altogether and keep whatever we are going to keep at a high point of efficiency rather than to keep all of them in a half-way condition. [Applause.]

Now, the question before the House, the crucial question is, will 67,000 men allotted to the Navy accomplish that purpose? I say not. Now, why do I say so? In the first place, gentlemen, the Secretary of the Navy, who is charged with the duty, upon whom rests the responsibility, says to us as emphatically and as positively as it is possible to express it in words, that it will not. Are we not to give any credit, are we not to give any credence to the man upon whom we shall place the responsibility of discharging the trust? Are we to ignore and pay no regard whatever to the Secretary of the Navy? I am sure that I can not be accredited with partisanship when I come before you and say that it is, in my judgment, the duty of this Congress to weigh carefully, considerately, and well the deliberately expressed judgment and opinion of the Secretary of the Navy.

If we can not do so, the alternative, it seems to me, would be for the administration to place in that office a man in whom the Congress could place reliance and rest upon his judgment. Again, every competent and responsible naval officer, without exception, stated solemnly, seriously, earnestly as any language in the possession of human tongue can express it, that 67,000 men will destroy the efficiency of the American Navy, and will leave us on a bare equality with Japan. I ask the same question—are you going to pay no regard whatever to the judgment and the opinion of these men? Is there anything in their past conduct, is there anything that would justify this House in discrediting their opinion deliberately and carefully and intelligently expressed? Let us not be carried away with hysteria. The issue is too great, the result is too important, the consequences are too tremendous for us ruthlessly to ignore the opinions of these men. Have we trusted them in other important matters? Have we not intrusted to them the very honor and the good name and the preservation and safety of the Republic and the country and of its institutions, and yet will we here disregard their judgment upon the cold facts that are presented as to what this will do? Are they not competent to determine these questions? Shall I say that my judgment of how many men are needed upon a ship, how many men are needed upon this type and that type and the other type, is better than theirs? Let us lay aside our prejudices and our predilections, and deal with this matter upon its merits, and rely upon the evidence and testimony as we would in the other affairs of life.

Another thing to which I wish to direct attention is a comparison with other countries. England and the United States under this treaty are to maintain a basis of 5–5, a basis of equality, and what is England doing? How many men does she have, and from what has been said to-day there arises a controversy and a dispute as to the facts.

The evidence which I have here is of date March 25, 1922. The present British Navy, including the officers, men, and marines, 121,400; for colonial navies, 7,289; one-third of the aviation personnel, 11,969; making a total of 140,658. I shall give what is contemplated for next year in a moment. Bear in mind

that England's aviation forces are not counted as a part of her navy personnel, but as a matter of fact that about one-third of her aviation forces are operated with and constitute a part of the navy personnel.

Mr. FROTHINGHAM. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FROTHINGHAM. That amounts to about 10,000 men, does it not?

Mr. PADGETT. Eleven thousand nine hundred and sixty-nine. The active British Navy, marine and personnel, not including reserves, proposed by March 31, 1923—that is the next fiscal year——

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield before he leaves the aviation item?

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. Assuming for the sake of argument that they do have 30,000 men in aviation in Great Britain as a separate establishment, and assuming as correct that the arbitrary assignment of 11,000, which some officer in our Navy has assigned to the Navy of Great Britain, is that any reason why we should allow 10,000 extra men for the ships of our Navy when we give all of the aviation personnel that is asked for by the Navy Department?

Mr. PADGETT. The statement that the gentleman is giving all that they desire is incorrect.

Mr. KELLEY of Michigan. For aviation.

Mr. PADGETT. I have a letter here from Admiral Moffat, that I shall call attention to, stating that you are giving but about one-half of what is required. [Applause.] The department has stated here—and you have it in the hearings—that they can allot but 1,100 instead of 6,200 men, on basis of 65,000 enlisted men.

Mr. KELLEY of Michigan. I do not quite understand what the gentleman means.

Mr. PADGETT. The department submitted an estimate in the distribution of the 65,000 men, but they could only set apart 1,100 for aviation.

Mr. KELLEY of Michigan. That is all they asked for.

Mr. PADGETT. And yet Admiral Moffat says they demand six thousand two hundred and something.

Mr. KELLEY of Michigan. But the department did not give it to them, and such request came to Congress.

Mr. PADGETT. They had 3,400 this year.

Mr. KELLEY of Michigan. They will have next year. The men allowed for aviation ashore, plus what we have allowed for the airplane carriers and for the fleet, total every man the Navy Department asked.

Mr. PADGETT. No; they say here they want more than 6,200.

Mr. KELLEY of Michigan. If you exclude aviation personnel from the British figures and also exclude it from ours, your comparison is fair, but if you take it as a fact that a mere estimate of some naval officer in our department that 10,000 men should be assigned to aviation in Great Britain and then because of that ask for 10,000 men extra for ships, of course you can roll your figures up anywhere you like.

Mr. PADGETT. No; but we are giving the total of the British Navy of enlisted men and of the American Navy, and each should include the enlisted men used for aviation.

Mr. KELLEY of Michigan. Exclusive of aviation, which in Great Britain is separate from both army and navy.

Mr. PADGETT. But when you give it for the United States you include aviation, and it should also be included for the British Navy.

Mr. KELLEY of Michigan. Oh, no; I specifically excluded aviation in my comparison from figures used for both countries.

Mr. PADGETT. Oh, no; they are included in the 67,000 men. You have not given a man above the 67,000.

Mr. KELLEY of Michigan. The gentleman does not want to misrepresent me. I stated on the floor as clearly as I knew how that the figures given for the United States included aviation and those for Great Britain did not.

Mr. PADGETT. I know; and that is what I am saying; but for Great Britain they did not include aviation, but should be included to make the comparison fair.

Mr. KELLEY of Michigan. If you exclude the number which we carry for aviation and exclude the number that the British figures carry for the Coast Guard, you have a fair comparison. You are attempting now to bring in 10,000 extra men that you say ought to be assigned to the Navy for aviation, and because of that fact insist that we ought to have 10,000 extra for our ships.

Mr. PADGETT. I am not asking for 10,000 on the sea. I am saying there should be 6,226 on the sea and on shore together; and against that, England has 11,969; and that you do not calculate those in the English Navy.

Mr. KELLEY of Michigan. Where does the gentleman get the 11,969?

Mr. PADGETT. Here they are.

Mr. KELLEY of Michigan. Who gave the gentleman the figures? Who segregated from the 30,000 which he says there are in aviation in Great Britain and allotted the 11,000 for the navy?

Mr. PADGETT. The Secretary of the Navy——

Mr. KELLEY of Michigan. Of the United States?

Mr. PADGETT. The Secretary of the Navy furnished them to me on information that was received on the 25th of March.

Mr. KELLEY of Michigan. But he might just as well have made it 15,000 as 10,000. The allotment for 10,000 is purely arbitrary.

Mr. PADGETT. Oh, no; I have more confidence in the Secretary of the Navy than that. [Laughter.] The 11,969 men assigned to the British Navy is the correct number used in the British Navy for aviation duty purposes and is not an arbitrary statement and is an addition to the 98,500 enlisted men. Just here I insert the letter of Admiral Moffett, Chief Bureau of Aeronautics. This letter clearly demonstrates that this proposed bill utterly fails to meet the aviation requirements, a new and very important naval activity:

NAVY DEPARTMENT,
BUREAU OF AERONAUTICS,
Washington, April 8, 1922.

MY DEAR MR. PADGETT: May I draw your attention to the fact that the naval appropriation bill as now drawn up and reported out of the House Appropriations Committee allows only for enlisted personnel to carry on aviation activities on a very reduced scale.

Below is shown the effect of this bill on naval aviation personnel situation:

(A) REQUIRED.

	Men.
There are required to carry on aviation activities on a small scale for the next year	5,262
Of this number there are required ashore	2,655
Of the total there are required afloat	2,607

Of the number required for aviation afloat 1,186 men are required to man the ships needed for aviation duty and also 1,421 men to man the aircraft needed by the fleet.

(B) ALLOWED FOR BY BILL.

The bill as now reported allows for 3,234 men for aviation purposes.

Of this number the bill provides for 2,100 men for aviation shore activities.

Of the total allowed, only 1,134 men are allowed for aviation afloat.

Of the total allowed afloat, only 632 are provided to man aircraft.

Of the total allowed afloat, only 502 men are allowed to man aviation ships (two are allowed for).

(C) ON HAND.

There were on hand February 1, 1922, employed on aviation duty:

	Men.
Total	4,343
Ashore	2,806
Afloat	1,537

This number was short on requirements, as follows:

	Men.
Total	919
Ashore	151
Afloat	1,070

(D) REDUCTION.

As provided by the bill (House Appropriations Committee report on bill), there will be a shortage of aviation enlisted men, as follows:

	Men.
Total	2,028
Ashore	555
Afloat	1,473

(E) EFFECT.

The effect of such drastic reduction of the number of aviation enlisted personnel will be to cripple naval aviation to such an extent that very little can be done for the fleets.

It will not allow even sufficient men to handle the aircraft for which funds are being provided in the same bill.

I can not bring to your attention too forcibly the above situation, and hope that some action will be taken to provide for the number of men required for aviation duties, as laid down in the conservative estimate noted above.

I consider it vital to point out at this time that the British Navy allowance of aviation personnel for the coming year is 11,969, and that Japan, besides proposing a personnel sufficient to man every ship she is allowed to keep under the treaty and every ship she can complete by July 1, 1922, is also providing for 35 per cent of her total naval personnel to man shore establishments, including aviation duty and for training.

Sincerely yours,

W. A. MOFFETT,
Rear Admiral, United States Navy.

Hon. L. P. PADGETT,
House of Representatives, Washington, D. C.

Now the British Navy and marine personnel, not including reserves, for the fiscal year ending March 31, 1923, officers and men, 98,500; colonial navies, 7,289; also one-third of the aviation personnel were cooperating with and constituted a part of the naval personnel, 11,969; making a total of 117,758. There is no information of the number of men in the naval communication service, naval recruiting service, or the Royal Indian Marines.

They are not counted in the 117,758. I want to call attention to another matter. England had a reserve on January 1, 1922, officers, 10,332; men, 38,808; making a total of 49,130. They are not counted in the figures I gave a moment ago. And yet, what? They operate 35 oilers, 1 repair ship, and 1 supply ship. In other words those reserves operate 37 ships and are not counted in their 117,758. Add the 38,808 to your 117,758 and you have got 156,556 men in the British Navy available to operate their ships. And yet they come before this Congress and say that with our 67,000 that may be provided by this bill and our 19,500 marines we have got as many as the British have, but you can not make the figures tell any such tale as that. [Applause.] Now, you might as well meet the facts face to face right here.

Mr. YATES. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. YATES. Will the gentleman please give the source of his information?

Mr. PADGETT. The Secretary of the Navy.

Mr. YATES. I thought that is what the gentleman said.

Mr. PADGETT. I did say that. I have his figures and letter here with his signature to it.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. FROTHINGHAM. Is it not true the Royal Marines serve entirely on board ship, whereas ours serve also on the land?

Mr. PADGETT. I want to call attention to this: There is a very small percentage of the marines of the United States who serve on ships. Perhaps 10 or 15 per cent of them serve on ships and the others serve on land and on expeditionary parties. For instance, we have about 3,000 to-day in Haiti and San Domingo, we have some in China, we have some in South America, and in various countries. They are kind of an international police force, but they are not really a part of the enlisted personnel of the Navy. But count them, if you please; take your 67,000 and take your 19,500 marines and add them together, and it will not add up to the 156,556 that the British Navy has. I will say more than that, my friends——

Mr. NEWTON of Missouri. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. NEWTON of Missouri. If we provide for the 67,000 men, how will our Navy compare in man power with the navy of Japan?

Mr. PADGETT. It is a little bit less. I can give them to you here. Japanese Navy, date January 1, 1922, enlisted personnel, 73,252, and they propose to reduce it to 68,253. In other words, they would have 1,252 more than ours.

Mr. STAFFORD. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. STAFFORD. If we had the same complement of men that we had in 1916 on the various ships that are allowed us under the armament conference and as proposed by the Navy Department, what would be the total enlisted strength of the men on those ships?

Mr. PADGETT. I have not it here, but it would be an entirely insufficient and inadequate number, because since 1916 there have been numerous and multitudinous activities and functions, such as aviation, antiaircraft, submarine, fire control, and various things that will require——

Mr. STAFFORD. Do those additional activities which the gentleman indicates attach to our 18 battleships?

Mr. PADGETT. Yes, sir; that is exactly what they do attach to.

Mr. STAFFORD. May I ask this further question: What was the percentage of the full complement of the force in 1916, when the gentleman was chairman of the Committee on Naval Affairs, as then manned and the total strength as a fighting unit?

Mr. PADGETT. The officers of the Navy said that it was undermanned.

Mr. STAFFORD. What did the gentleman, as chairman of the committee, recommend as the percentage of the manning of those ships in 1916, when the war was on?

Mr. PADGETT. I do not remember the details.

Mr. STAFFORD. In 1916, when the gentleman had charge, I remember the claim was made on this side against the gentleman that the ships were undermanned, and the gentleman from Tennessee defended it, and he said it was not necessary to have a sufficient number to fill the complement to fighting strength.

Mr. PADGETT. Now, let us get the definition of fighting strength and also of what complement means. A statement was made awhile ago to convey to the House the meaning of the word "complement." It does not mean what this officer or that one may designate, but there are certain duties to be performed, certain functions, certain activities, and it takes so many men to do this and to do that. In other words, there are certain stations upon a battleship, and it requires a given number of men, and a battleship is constructed with a view of having that number of men assigned to it. Now, then, what is known as the complement——

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. PADGETT. In a moment. What is known as the complement of the ship is what is required to properly, fully, and adequately perform the duties that are required of that ship. Now, in time of war, to cover emergencies, they have adopted in a general way the proposition that they would add 10 per cent to that number in order to constitute a reserve for casualties. That is called the "war complement." But the peace complement is the number that is required to perform properly and efficiently the different functions and activities upon the ship.

Mr. STAFFORD. Did we have that full complement in 1916 when the gentleman was chairman of the committee?

Mr. PADGETT. We did not.

Mr. STAFFORD. What percentage did we have?

Mr. PADGETT. Perhaps about 90 per cent.

Mr. STAFFORD. Was it not under that?

Mr. PADGETT. I do not remember exactly.

Mr. STAFFORD. I think the charge was made on the floor that it was much under that.

Mr. PADGETT. It may have been. I do not remember. If it was wrong then, is there any reason why we should not profit by it? [Applause.]

Mr. STAFFORD. We were threatened with war then, and we are not so threatened to-day. We have entered into a peace treaty.

Mr. KELLEY of Michigan. When I first came to the House it was my good fortune and pleasure to serve with the gentleman——

Mr. PADGETT. My association with the gentleman officially, personally, and in every way, has been delightful.

Mr. KELLEY of Michigan. I reciprocate the feeling. I was about to say to the gentleman that one of the earliest things that I heard about when I went on the Naval Committee was the controversy relative to the proper complement for ships. As I remember it at that time, Admiral Blue was chief of the Bureau of Navigation, and he had a very different opinion of what a ship's quota ought to be from that held by other officers of the Navy. It was very much lower than the quotas fixed by the General Board of the Navy.

Mr. PADGETT. That is correct.

Mr. KELLEY of Michigan. The gentleman from Tennessee always agreed with Admiral Blue——

Mr. PADGETT. In many things I did.

Mr. KELLEY of Michigan. And defended the numbers which he placed upon the ships.

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. And I remember that the question of accommodating all that some of the officers wanted to put on a ship arose; that there was no place for them to sleep; and Admiral Blue said he did not know, and the gentleman from Tennessee acquiesced and said that he did not know either.

Mr. PADGETT. I do not know about the sleeping part of it. It is true that Admiral Blue advocated a smaller number than the General Board of the Navy. And we had before it Admiral Fletcher, and Admiral Fletcher testified to a larger number than Admiral Blue, and after he had gone back to the fleet he wrote me a letter, a copy of which I have here, and which is also in the hearings, in which he called my attention to the fact that he had wholly underestimated the number that were required upon the Atlantic Fleet at that time—some more than 5,000 men that should be added.

Mr. KELLEY of Michigan. Was it not also true that the Secretary of the Navy, because of this wide diversity of opinion as to the proper complement of ships, appointed a committee of naval officers to see if they could not get together on the matter?

Mr. PADGETT. A board.

Mr. KELLEY of Michigan. A board; to somehow determine how many men it did take to man one of these ships. Successive captains on the same ship were often wide apart as to the number of men required.

Mr. PADGETT. The Secretary appointed a board known as the Mayo Board, and that board officially reported and said that there was a necessity for and a use for the larger number of men.

Mr. KELLEY of Michigan. Another board, made up of other officers, might easily arrive at a different conclusion. The question of quota is a matter of opinion.

Mr. PADGETT. It is not. It is a matter of duty to be performed on board a ship.

Mr. KELLEY of Michigan. Why do they not all arrive at the same conclusion?

Mr. PADGETT. Because one may have a different idea from another of duties that men may perform. But let me call attention to another fact, which is that since 1916 there have been multiplied activities which have arisen. The submarine question has developed during this last war; the aviation question, with all of its responsibilities and all of its duties, has developed and multiplied enormously; and then there is the radio and communications, control of gunfire, and all that.

Mr. ROGERS. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. ROGERS. The gentleman was perhaps diverted when he was discussing the size of the enlisted personnel of the British Navy. I understand that within the next year there are to be reductions.

Mr. PADGETT. I called attention to that. I gave first about 140,000 that they have now. They have——

Mr. ROGERS. If the gentleman gave them, I did not catch the 1923 figures.

Mr. PADGETT. The 1922 figures are 140,658, and they propose to reduce them to 117,758.

That does not, I say, include the reserve of 38,000 that I called attention to, and these reserves operate 35 oilers and 2 other ships, making 37 all told.

Mr. ROGERS. The gentleman thinks it is not fair to compare those with the 117,000 to which the British Navy was to be reduced a year hence?

Mr. PADGETT. That is what I called attention to, the character of the enlisted personnel.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. As to the question of quotas, I am not able to follow the gentleman in his statement that it is a settled thing. I think the gentleman has proven that it is not. But I wanted to know whether or not the gentleman does not think that after all it is a question of opinion among naval officers?

Mr. PADGETT. It is a question of the duties to be assigned to the men to be performed on a ship. For instance, here is a ship that may have radio on it.

Mr. KELLEY of Michigan. They all have it.

Mr. PADGETT. Some may not. The quota may vary. That is just what it is doing. In 1916 they did not have radio; now they do have it.

Mr. KELLEY of Michigan. Then they had only eight hundred and odd men on a ship; now we have an average of over 1,000 to a battleship, besides the marines.

Mr. PADGETT. They had a little over 800.

Mr. KELLEY of Michigan. Yes; and now these ships have an average of over a thousand. Does not the gentleman think that fairly recognizes the new duties?

Mr. PADGETT. No; I do not.

Mr. KELLEY of Michigan. And would not the 100 additional marines help out?

Mr. PADGETT. Right here I have a statement showing the number of men for each ship. The *Delaware* had, in 1916, 830. Now she is allowed 1,116. The *North Dakata* had 830. Now she has 1,116, and the hearings show the number required by each battleship and also the other types of ships.

Mr. STAFFORD. Is that the fighting strength?

Mr. PADGETT. Here is the *Tennessee;* allowed 1,208.

Mr. STAFFORD. Do the numbers just given represent the fighting strength?

Mr. PADGETT. That is the number given to perform the actual duties of the ship.

Mr. STAFFORD. That is the full complement?

Mr. PADGETT. That is the full complement; but if we were in war, they would add not less than 10 per cent to that to meet casualties, because in a battle or in trouble they might have need, and likely would have need, for more men.

Mr. STAFFORD. Can the gentleman give the quotas of 1916 in accordance with the quotas arranged by the Bureau of Navigation at that time?

Mr. PADGETT. I have not the figures. They were published at that time. They were, as I say, smaller than they are now, because the activities were fewer.

Now, let me call attention, if I may, to another matter that I have here, and that in reference to the enlisted personnel, the character of the enlisted personnel. Out of 119,205 enlisted men in our Navy at the end of the last fiscal year, ending June 30, 1921, 99,401 had less than four years' experience in the Navy, and 87,291 were under 24 years of age.

Now, then, compare that with the personnel of other navies. This means that the United States Navy is largely composed of boys in comparison with the more seasoned personnel of Great Britain and Japan.

In comparison with this, Great Britain had 68,361 men serving a 12-year period of enlistment and 21,000 more with service experience of between 12 and 24 years. Now, then, my friends, we have the great body of our enlisted men with less than four years' experience going in to man the ships in comparison with the trained, seasoned, developed men in the Japanese and in the British Navies.

Now, I want to call your attention to another thing, gentlemen. It just occurs to me. I had intended to speak of it a little bit earlier. We established the 5-5-3 basis alone, absolutely and exclusively, on the tonnage basis of battleships. We left out altogether the question of speed and the question of gun power. No consideration whatever was given, if you please, to the reserve power of those countries in their maritime conditions and relations. All of that was ignored, and we placed the basis alone upon tonnage. Now, wait and just see a little interesting matter that I have right here somewhere.

Mr. OLIVER. Will the gentleman elaborate that thought, so as to give us the opinion that he holds, that the power operates to the disadvantage of America?

Mr. PADGETT. The United States will be outclassed in the treaty navy, for the table contains the names of 14 vessels in the British Navy with a speed exceeding 21 knots, while the entire list of capital ships of the Japanese Navy have a speed in excess of 21 knots. In the matter of gun power the United States Navy has now but one ship, the *Maryland*, with 16-inch guns, which will be increased to three when the *Colorado* and the *West Virginia* are completed. All the remaining vessels in the United States have 14-inch guns or less. The British have 15 vessels with 15-inch guns and the Japanese have 2 with 16-inch guns.

Now, my friends, I call your attention to that for this purpose——

Mr. PARKER of New Jersey. Will the gentleman state the speed of the ships of the British Navy?

Mr. PADGETT. It is in excess of ours.

Mr. PARKER of New Jersey. A great deal in excess?

Mr. PADGETT. A knot and a fraction, or a fraction of a knot.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. Will the gentleman say that the officers of our Navy, when they said we were getting an equal quota with the British or Japanese navy, were mistaken?

Mr. PADGETT. No; I do not mean that.

Mr. MANN. If their ships are faster and better armed than ours, what is the meaning of that?

Mr. PADGETT. Those are the facts. I understand in talking with naval officers in private conversation they do not agree with all the things that are done.

Mr. MANN. The officers you talked with did not agree, but the Navy did agree, and it was done upon their recommendation.

Mr. PADGETT. I was just telling the facts.

Mr. MANN. I was wondering whether we could rely upon the facts they gave.

Mr. PADGETT. We agreed on the 5-5-3 basis on tonnage. With these facts before us, can we assume the responsibility of cutting down the personnel, in addition to these other things that I have called attention to? These other considerations emphasize the necessity and importance of keeping the ships of our Navy well manned and in an efficient condition.

Mr. SWING. Will the gentleman yield?

Mr. PADGETT. I yield to the gentleman from California.

Mr. SWING. Responding to the inquiry of the gentleman from Illinois [Mr. MANN], my understanding was not that we had actually attained the 5-5-3 ratio at the present time but that at the end of the 10-year period we would have come along to the 5-5-3 ratio in ships.

Mr. PADGETT. Yes.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. PADGETT. I yield to the gentleman from Louisiana.

Mr. LAZARO. In comparing the navies of Great Britain and the United States we should take into consideration also the trained seamen that they have on their merchant ships, who can be used in the Navy in case of emergency.

Mr. PADGETT. I called attention to that when I referred to their maritime conditions and circumstances.

Mr. OLIVER. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. OLIVER. My understanding is that the General Board whom the gentleman has quoted are of the opinion that we should now have 120,000 men in the Navy in order properly to man the ships so as to maintain this parity of 5-5-3. Does the gentleman share that opinion?

Mr. PADGETT. I do not know as to the 120,000, but I will state that in my opinion the number asked for by the Secretary of the Navy, 90,000 enlisted men and 6,000 apprentice seamen, will not fully man the Hughes Navy, as we refer to the Navy that is permitted under the conference agreement.

Mr. OLIVER. So if the General Board have in fact recommended 120,000 men as the minimum number who should man these ships, I assume that the gentleman's opinion would be that we should have that number.

Mr. PADGETT. No; I do not necessarily say that, because there are some minor ships that we can afford to put in ordinary or put out of commission under caretakers.

The Secretary of the Navy stated that he needed 106,000 men properly to man the Hughes navy, but that by strict economy and reductions here and there he had cut out 10,000 men, and that he could operate with 96,000 men, but that he would have to tie up some of the less important ships.

Mr. OLIVER. Just one further question. The gentleman made a very interesting statement in the opening, in which he said that since we have now discarded a number of our finest ships it is of the utmost importance that we efficiently man all that we have left.

Mr. PADGETT. Yes.

Mr. OLIVER. So that then, if that statement of the gentleman be correct, and he insists on that being correct, surely he would not be in favor of cutting down from 106,000 to 96,000?

Mr. PADGETT. I might do it reluctantly, facing conditions——

Mr. OLIVER. You would not sufficiently man the Navy if you should cut down the personnel 10,000 men?

Mr. PADGETT. There are a number of torpedo boats that would be laid aside in ordinary and in reserve. There are some submarines and other minor craft that would be laid aside. But when you cut to 67,000 men you have got to lay aside five or six of your capital ships that go right to the very heart and essence and being of the American Navy. [Applause.]

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. In 1916 the gentleman had charge of the appropriation bills for the Navy?

Mr. PADGETT. Yes; I had charge of them until the people went wrong. [Laughter.]

Mr. KELLEY of Michigan. The number of the naval personnel appropriated for them was sometimes 45,000, sometimes 50,000, sometimes as high as 54,000. At that time the Navy Department had on board our battleships almost 19,000 men. They have on board battleships now less than that number with 96,000 men in the Navy. Why does the gentleman think that with a Navy of 54,000 or less we could keep 19,000 men on the battleships, and with 67,000 men in the Navy we could keep only 14,000 men on the battleships?

Mr. PADGETT. The Navy Department want 21,158 men on the 18 battleships.

Mr. OLIVER. But the gentleman said that if we cut the personnel down to 67,000 men you have got to lay up five battleships?

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. That reduces the number to 13. If you have 1,200 men on a ship that would be about 15,000 men. But in the days when the gentleman was chairman of the Committee on Naval Affairs and the personnel of the Navy was 50,000, we had 19,000 men on battleships, and we had 86 destroyers and the usual complement of other ships, which we have not increased very much if any since that time.

Mr. PADGETT. We have increased the number of ships very much.

Mr. KELLEY of Michigan. They are asking for only 103 destroyers.

Mr. PADGETT. They are asking for 103 and 23——

Mr. KELLEY of Michigan. Twenty-three in half commission.

Mr. PADGETT. And then are asking for those simply as a last extremity to meet your wishes as far as they can.

Mr. KELLEY of Michigan. I wonder if my good friend, the former chairman of the committee, gets my question. I wonder why it is that when he was chairman of the Naval Committee, and provided for 50,000 men in the Navy, the Navy Department could find 19,000 men for the battleships, but when it is proposed to give them 67,000 men they say they can find only 13,000 or 14,000 men for battleships.

Mr. PADGETT. Oh, you have got a great many more ships now.

Mr. KELLEY of Michigan. The difference between 86 and 103 destroyers is not great in personnel.

Mr. PADGETT. I do not remember how many; but there are so many others; and, as I stated before, the battleships now have so many more activities.

Mr. KELLEY of Michigan. But we had so many more battleships then that we were keeping in commission. We had 11 of the same 18 we are to keep under the treaty at that time.

Mr. PADGETT. Yes; but the gentleman is forgetting that instead of the Navy being reduced by this process the battleships and other ships actually increase the Navy over the 1916 program in the number of ships. On page 7 of the committee report it appears that July 1, 1916, there were in the Navy 47 destroyers instead of 86, and that we now have in the Navy 301 destroyers.

Mr. KELLEY of Michigan. No; I have stated the number—86 destroyers—and the difference between that and 103 is not great. They kept 19,000 men on the battleships with that small personnel. And yet the gentleman says with 67,000 they can keep but 14,000 or 15,000 men on the battleships.

Mr. PADGETT. I gave it according to the figures of the Secretary of the Navy.

Mr. KELLEY of Michigan. The gentleman is even better informed than the Secretary of the Navy, who has only had one year as Secretary. The gentleman is one of the best informed men in the country on the Navy, and I would like his opinion as to why it is that with 67,000 men in the Navy they can not put more than 14,000 on the battleships when in his day they put 19,000 on the battleships with only 50,000 men in the Navy.

Mr. PADGETT. We had then a considerable number of battleships that had a reduced complement, and the Secretary of the Navy is providing for adequate complement to meet the new conditions that have arisen, the new duties to be performed, and it requires a larger number of men on the battleships than it did then. On the 18 battleships it requires 21,158, and then upon your cruisers—here is a detailed tabulated statement that you have had printed in your hearings, in which the Secretary has gone into details and given you every ship by name, the type, and shown you the duties that that ship is to perform, the number of men that are required; and yet when the Secretary of the Navy gives you that detailed information and the chiefs of the bureaus and the Chief of Navigation, and all the responsible officers come to you with their experience, with all their knowledge and information, giving you the details of it, you absolutely ignore it and print in your committee report a tabulated statement of the number of men at a time when they had been reduced to the minimum by a discharge of more than 6,000 men.

Mr. KELLEY of Michigan. Four thousand men.

Mr. PADGETT. They tell me that it was reduced by 6,000. Here is the whole position of the committee as taken—and I do not mean it in any way except the most pleasant—you have taken a short yardstick to measure the cloth, and then you are insisting that the result of your measurement is correct and that the total is accurate. It can not be, because you have ignored the duties and functions and activities of the ship, the responsibilities that rest upon it and the duties it has to perform, all of which are essential and needed.

Mr. KELLEY of Michigan. I am sorry to interrupt the gentleman again, and I have taken more of his time than perhaps I should, but I will give him more time. If the Navy Department with 96,000 men or 100,000 men found it necessary for one reason or another to discharge 4,000, reduce it to 96,000, does the gentleman think that any management of the Navy such as is likely to exist there, with these high-class naval officers in active charge, would go to the picked fighting ships of the fleet and take out these 4,000 men and pass by the tugs and yachts and shore stations where there were tens of thousands of men less valuably placed? Does the gentleman think that they went into the line of the Navy and took out 4,000 men and depleted the fighting ships rather than select out men on shore? Does the gentleman indict the Navy management that way?

Mr. PADGETT. There is no indictment of the Navy Department.

Mr. KELLEY of Michigan. I understood the gentleman to say that the reason for what he calls an insufficient number on the ships of the fleet was because they had discharged 4,000 men before their terms expired.

Mr. PADGETT. I did not say before their terms expired.

Mr. KELLEY of Michigan. That was the fact, and therefore that they went and pulled them out of the battleships and destroyers and left the minor vessels and shore stations untouched.

Mr. PADGETT. What I said was that the Navy had been reduced by 6,000 in its enlisted personnel.

Mr. KELLEY of Michigan. I will correct the gentleman; it was 4,000. I am asking the gentleman this plain question: I understood him to say that the figures showed that the personnel on board these ships was lower than it should have been because the Navy Department had discharged 4,000 men out

of 100,000, and that they had been taken off the fighting ships. Does the gentleman believe for a single moment that any intelligent management of the Navy, if it had to reduce the Navy 4,000 men would take them out of these ships, the backbone of the Navy, to make that reduction, or does he think that they would take them from shore stations where they were performing less useful service?

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. FROTHINGHAM. The minority in the report say that it was 6,000 men and that their discharge was made necessary to avoid a deficiency in the appropriation to pay the Navy.

Mr. KELLEY of Michigan. The order was to take out 6,000 but they took out only 4,000, according to the Secretary's letter dated March 29, 1922, in which he said that it was estimated that the reduction in the number of men was approximately 4,000.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield to the gentleman from Tennessee 10 minutes more. The letter of January 21, 1922, from the Secretary says that it is estimated that approximately 4,000 on January 1, 1922, were in transit to their homes for discharge.

Mr. PADGETT. The Navy was reduced. Just where the men came from I do not know, but I know that at that particular time battleships were short several thousand in their complements that were needed, and the committee has reported a short complement instead of a full complement.

Mr. KELLEY of Michigan. I omitted to read the last sentence of the Secretary's letter, and if you will pardon me I will put that in, because it will make the record complete.

The reports of the actual number of these men had not been received in the department at the time of the compilation of January 1, 1922, so that there were no deductions made from the tables as of that date.

The reports had not come into the Navy Department until after that time, so there were no deductions made in the numbers carried on the ships by reason of this discharge of 4,000.

Mr. PADGETT. I wish to call attention to another matter: The total number of ships of the Navy reserved and permitted to the United States under the conference agreement, known as the Hughes Navy, is 812. The total first cost of those ships is $1,139,341,000. Under this bill as it is reported the number of ships that will not be laid up under the bill is 277, representing a total cost of $598,206,000. The number of ships that will be laid up under the provisions of this bill, if it is enacted with only 67,000 men, is 535, representing a total original cost of $541,135,000. In other words, we are to retain 277 ships and lay up 535 ships, and those that we lay up represent an initial cost of $541,135,000. Is that economy? I need not amplify that. You gentlemen know that if you shut up a house, though you may lock the doors and close the window blinds, yet there is deterioration that is an alarming feature. How much more is it in these great, complicated, delicate implements, with their machinery adapted to steam and electricity, burning coal and oil, with all of the delicate machinery that these ships contain?

Gentlemen, I appeal to your better judgment, to all that is hallowed in our country, let us be considerate and not be swept off our feet by a cry of hysteria that may prevail, which will cost us untold and multiplied millions and millions of dollars. Let us remember that it has taken generation after generation, effort after effort, to build up this American Navy. It did not come in a night. Its morale, its traditions, its history—all of the esprit de corps and all of the honor and the glory and the grandeur and the achievements are proud possessions of the American people, and they represent struggle and trial and effort on the part of the people. Let us hesitate and not with one fell swoop wipe it out. I appeal to you and to your superior judgment, to your intelligence, to your patriotism, to your sense of economy, to preserve for the benefits of our country and our people and our Government what is represented in the American Navy. Only a year or two ago every man in this House and all men and women in the country were singing the praises of the grandeur and the glory of the American Navy and its achievements and its accomplishments. That was all deserved, and yet in a few short months there has come before us a proposal that we shall shut our eyes to all the past, that we shall close our eyes to the future, and put a strangle hold upon the very life and being of the morale, the personnel, and the matériel of the American Navy. Gentlemen, I appeal to you, I beg of you, do not do it. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, we are considering a naval bill under conditions that ought to be fortunate. In times past there has been ground for very wide difference of opinion as to the proper size of our Naval Establishment. We have had no real logical established rule or guide, and a man's judgment as to the size and the cost of the Navy was largely from his viewpoint of the interest he had in the Naval Establishment. Someone once asked Abraham Lincoln how long a man's legs should be, and he replied that they ought to be long enough to reach from his body to the ground—a perfect rule; but you could not very well reduce it to inches until you saw the man. Fortunately we now have a rule, a yardstick. The President, responding to the almost universal desire and opinion of the country, called a conference upon the limitation of armaments. That conference fortunately was able to reach a helpful conclusion with regard to the naval establishments of the great powers. The subcommittee of the Committee on Appropriations, having charge of this bill, approached the subject before them, as I understand it, with the idea of providing for such a Navy as we were authorized and justified in maintaining under the treaty. In some remarks I made a few days ago I said they had, as I understood it, two major objectives in view, first, that of bringing the Navy expenditures so far as they properly could within a reasonable limit of economy, and second, to abundantly provide for the Navy we are authorized in maintaining under the treaty and for its maintenance in fighting trim, and in providing for it to emphasize, to visualize the fact that there had been a conference on the limitation of armaments, and that that conference had reached a decision reducing navies and their cost, which it was the duty of the committee to present to the country in sums of appropriation that carried unquestioned, irrefutable evidence of those reduced establishments and expenditures.

We all agree, as I understand it, that the Navy we desire to maintain is the treaty Navy, and, that being true, the problem before us should be a comparatively simple one. Certainly it is a problem that we can discuss and settle in the utmost good nature and without hysteria or exaggeration, and, that being true, I have been somewhat surprised at the somewhat hysterical character of the so-called appeals that have emanated from high stations relative to what the committee has proposed. One would imagine that in reporting this bill all was lost, including honor, and that the committee proposed not only to scuttle the ships that are to be sunk or otherwise disposed of under the treaty but to abandon the entire establishment. Among the very remarkable statements that have been made in high quarters is one that particularly challenges my attention. It is stated, and stated solemnly, that this bill, if adopted, would leave us not the 5 establishment, as compared with the 5-3 of Great Britain and Japan, but a 2½, as compared with a British 5 and a Japanese 3 navy. If this bill only gives a 2½ instead of a 5 Navy, then the increase in the personnel can not be discussed in matters of a few thousand. We must double it. The Navy personnel must be not 67,000 but 134,000 men, and these gentlemen of the minority and of the department that are declaring that this is a 2½ Navy are certainly not very logical, when in trying to cure a 2½ Navy they are willing to take a 2⅘ Navy, or a 3.1 Navy, or something of that sort, because that is what it would in their philosophy amount to with the enlargements and increases that they propose. If they really believe what they say and if their deliberate pronouncements are entitled to credence anywhere, they are curiously illogical in not having the courage of their convictions and demanding not an increase of ten, fifteen, or twenty thousand in the personnel but of 65,000 or 70,000, so as to have a Navy for which they say they stand.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. CONNALLY of Texas. Would the gentleman mind saying who these parties are he is talking about? We would like to know.

Mr. MONDELL. Well, the gentleman is a reader of the newspapers, and I suppose he knows who the folks are who are demanding these increases.

Mr. CONNALLY of Texas. The gentleman does not refer to the Secretary of the Navy, I hope?

Mr. MONDELL. The fact is that so far as a fighting Navy afloat is concerned, there is very little difference of opinion between the committee and others, even those who demand the largest number of men and the largest appropriations. At the utmost two or three thousand measures the difference between the figures of the committee and the figures of the Naval Establishment relative to the men afloat.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MONDELL. The real trouble comes as to the number of men we need ashore, in the snug harbors; just how large a

dry and well-anchored Navy we may need. I will yield to the gentleman if he will be brief.

Mr. CONNALLY of Texas. The gentleman did not have this situation in mind the other day when he made his speech on Executive and congressional harmony, did he?

Mr. MONDELL. I am glad the gentleman asked that question, because it reminds me that among the statements in the minority report is a very extraordinary one, in which the minority has assumed to quote the President of the United States. So far as I can recall, it is about the first instance in which a committee has sought to bolster up its plan and purpose by assuming to quote the President or to give his view and opinion, and, if I may say so without giving offense, I would suggest that in the future in writing reports, either of the minority or the majority, it would be much better to follow the ordinary and time-honored custom in the Republic of giving our views and our opinion as to what should be done, rather than to urge views and opinions which, if known, should not be quoted. Our responsibility can not be shifted to any individual or any other body. It is for us to determine, in the light of all the facts, what in our opinion should be done.

Mr. VARE. I suggest that the gentleman from Wyoming might confine himself in the future, then, to the practice of not using names.

Mr. MONDELL. The "gentleman from Wyoming" has so far as he can recall never quoted the President on the floor of the House, and he will not find himself falling into that error in the future. If I were to say anything in regard to that matter, it would be that so far as I know the President of the United States does not have any desire or purpose to say to the Congress of the United States just the number of men that are necessary in the enlisted personnel of the Navy. No one can know as to that until they have carefully considered the facts of the case.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Wyoming has five minutes remaining.

Mr. MONDELL. Mr. Chairman, an official, widely quoted by the newspapers as not pleased with this bill, has said that we desire and must have in full fighting strength an efficient Navy of the strength fixed by the conference and that it is our duty to sustain the action of the Conference on the Limitation of Armament. With that I agree whole-heartedly. But, unfortunately, some of the gentlemen who claim to take that view would if they had their way provide a Navy personnel and Navy appropriations which would not by a man or a dollar reflect any reduction due to the conference. Gentlemen who are claiming to be in sympathy with that great gathering would, nevertheless, retain as many men and spend as much money as though the conference never met. For one, I feel a tremendous responsibility touching the decisions of the Conference on the Limitation of Armament. I feel that it is the duty of this House, representing the American people, to give to the world visible evidence of the wonderful and triumphant and glorious outcome of that conference. We can only do it by legislation and appropriations that make it clear beyond peradventure that the President called the nations together to reduce naval burdens, that the conference met and unanimously determined on a reduction in size and cost of naval establishments, and it is our duty to proclaim the work of that conference, the glorious consummation of its labors, in reductions carried in this bill. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I had intended to ask the committee to rise at 5 o'clock, but there are two gentlemen on this side who want to get away to-night, and the time allotted to them is 30 minutes, 20 for one and 10 for the other. So I am going to ask the indulgence of the committee to sit until 5.30, in order that they may be accommodated.

I yield, first, 10 minutes to the gentleman from New York [Mr. HUSTED].

Mr. HUSTED. Mr. Chairman, I pretend to no intimate knowledge of naval matters, and consequently can not speak technically on this subject. It would be presumptuous on my part even to attempt to do so. But I do want to discuss this question very briefly from a common-sense standpoint.

It is a case where we have to decide between the subcommittee of the Committee on Appropriations, on the one hand, and the President of the United States, the Secretary of the Navy, the Assistant Secretary of the Navy, the General Board of the Navy, and every expert in our Naval Establishment, on the other hand, as to a technical question, a question which is peculiarly within the knowledge of the naval experts. That question is as to how many men are needed to man our Navy granted to us under the terms of the treaty at the highest point of efficiency. While I dislike to disagree with the subcommittee of the Committee on Appropriations, I must say that on a question of this kind, which is a technical one, I am constrained to accept the judgment of the men who have been educated and trained to answer a question of this kind intelligently and correctly.

And especially am I constrained to do so when I find what I believe to be weak spots in the case of the subcommittee of the Committee on Appropriations. The first weak spot is disclosed in a statement contained in the majority report, which is as follows:

> It was finally decided to ascertain the number of men carried on these identical ships on some recent available date and to be guided largely in providing personnel by the number actually carried upon the ships on the date selected. The Committee on Naval Affairs had gone into this matter of personnel quite extensively only a few weeks ago and had obtained the information, which this committee desired, as of February 1, 1922. The committee, therefore, accepted the figures of that date given to the Naval Committee by the Navy Department.

Now, there is nothing particularly significant about February 1, 1922. It is an arbitrary date, and this subcommittee based all of its calculations on the number of men on the ships on that date. It is obvious, therefore, that if that basis is incorrect the whole calculation is thrown out and is valueless as a guide to this Congress.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Certainly.

Mr. MADDEN. Does the gentleman know how many men they had in the Navy on that date? There were 96,000 men in the Navy on that date, and if they had not men enough on the ships on that date with the 96,000 men in the Navy they had the men sufficient to put on the ships and did not put them on.

Mr. HUSTED. That is the argument made by the chairman of the subcommittee [Mr. KELLEY], and that is the argument made by the ranking member of the minority of the subcommittee [Mr. BYRNES of South Carolina], and there is no force whatever in the argument. They say if they did not have them on the ships on that date they should have had them on the ships. That is not an argument. The fact is they were not there and that is all that counts. Admiral Jones, the admiral of the fleet, says they were not on the ships on that date. He says there were not enough men on that date to man more than one-half of our broadside guns, and the Secretary of the Navy says that if we use that number as the basis of our calculations we shall have to throw 5 ships allowed by the conference agreement out of commission if the remaining 13 battleships are to be kept at the highest point of efficiency.

The second weak spot is involved in the comparison of naval estimates. The British and Japanese estimates are used as the basis of comparison for next year. It appears that the estimate given by the British is about the same as our estimate, but everybody knows that Great Britain with the same amount of money can employ three times as many men as we can, so that the estimate is not significant at all. And then, in addition to that, we are the Nation that puts our cards upon the table, and they do not. There is not anything in the history of British and Japanese naval policy to justify any other expectation than this—that those nations will maintain their fleets at the very highest point of efficiency under the quota allowed by the limitation armament treaty.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. HUSTED. Yes.

Mr. MADDEN. Does the gentleman think the conference on disarmament increased the cost of the Navy or decreased it?

Mr. HUSTED. Of course, it decreases it under any suggested plan, and if the plan for 86,000 enlisted men is adopted, it would still decrease it, and it would decrease it very substantially.

Mr. MADDEN. I will say to the gentleman that if the plan he is now advocating is adopted, it will be increased over what it is to-day.

Mr. HUSTED. No; the gentleman is mistaken. The gentleman is very much mistaken. And the statement made by the gentleman from Wyoming [Mr. MONDELL] is inaccurate, because he says if we double the efficiency we necessarily double the personnel. That is not true at all, because there are two men used at sea for every man used on land, so that you can double the efficiency of your ships without doubling your personnel in the Naval Establishment.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. HUSTED. I do.

Mr. GARRETT of Tennessee. I understand the gentleman is advocating a plan which he says is indorsed by the President of the United States.

Mr. HUSTED. Quite correct, as I understand it.

Mr. GARRETT of Tennessee. And I understand the gentleman from Illinois [Mr. MADDEN] says that if that plan be adopted, then the disarmament conference did not reduce expenditures in that direction.

Mr. HUSTED. Well, I do not think that statement, with all the respect that I have for the great chairman of the Committee on Appropriations, is justified. I do not believe that if we provided for 86,000 men, as the President is said to recommend, it would increase the appropriations for the Naval Establishment over what they are at the present time. I believe that they would be substantially decreased. But whether they are increased or decreased, it is the plain duty of the American people to maintain our Navy at the highest point of efficiency under the quota arranged by the treaty. [Applause.]

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. MONDELL. The gentleman continues to quote the President, and continues to quote the President very definitely as in favor of 86,000 men. I can not believe that the gentleman has any justification for quoting the President and quoting him definitely.

Mr. HUSTED. It has been stated over and over again in the public press, and——

Mr. MONDELL. Is that all the gentleman has got?

Mr. HUSTED. Well, I have had other indirect information from gentlemen of responsibility and truth.

Mr. KELLEY of Michigan. Does not the gentleman think that when he goes to the extent of quoting the President of the United States he ought first to have heard the President, and in the next place, he ought to have the consent of the President?

Mr. HUSTED. I am only quoting what I have heard, what is published in the newspapers, and what has come to me indirectly. I think any man is justified in doing that, and I am using the figure 86,000 not particularly because the President of the United States is using it, but because the figure 86,000 is what I believe to be the irreducible minimum.

Mr. KELLEY of Michigan. The gentleman does not say that the President told him that was what he stood for?

Mr. HUSTED. The President has not told me anything about it, but I understand from the newspapers that that is what the President desires.

Mr. VARE. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. VARE. The word of the gentleman from New York has indirectly been questioned.

Mr. KELLEY of Michigan. Oh, no; the word of the gentleman from New York has not been indirectly questioned. The gentleman says he has not any information at all from the President as to his position except what he has read in the newspapers.

Mr. VARE. And what he had reliable authority for. If the gentleman wants to know——

Mr. KELLEY of Michigan. I would like to know.

Mr. VARE. If the distinguished chairman of this subcommittee wants to know, and if the leader of the House wants to know, I want to say to the gentleman from New York [Mr. HUSTED] that he is stating the absolute facts.

Mr. KELLEY of Michigan. How does the gentleman know?

Mr. VARE. I am stating that upon my responsibility as a Member of this House. I say so on the responsibility of my membership in this House.

Mr. KELLEY of Michigan. Who told the gentleman from Pennsylvania that the President was in favor of 86,000 men?

Mr. VARE. I repeat to the gentleman that I say that on the responsibility of my membership in this House.

Mr. KELLEY of Michigan. Does the gentleman quote the President of the United States?

Mr. VARE. I repeat again, that I make that statement upon my responsibility as a Member of this House, that the statement which the gentleman from New York makes is correct.

Mr. KELLEY of Michigan. Did the President of the United States tell the gentleman from Pennsylvania that he favored 86,000 men for the Navy? And did the President authorize him to give out his views?

Mr. DEMPSEY. The gentleman is at liberty to answer, but the gentleman from Michigan can not catechize him.

Mr. VARE. I repeat again that I say to the Members of this House upon my responsibility as a Member of Congress that the statement of the gentleman from New York is a true statement of the facts.

Mr. KELLEY of Michigan. I yield 20 minutes to the gentleman from Pennsylvania [Mr. VARE].

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield a moment?

Mr. TINKHAM. Mr. Chairman, I desire unanimous consent to ask the honorable Representative from Michigan a question.

Mr. GARRETT of Tennessee. Will the gentleman yield to me one minute?

Mr. BYRNES of South Carolina. With the consent of the gentleman from Pennsylvania I yield to the gentleman from Tennessee two minutes.

Mr. VARE. I will yield for that purpose.

Mr. GARRETT of Tennessee. In view of the fact that this very delicate question has been raised, will some gentleman tell us what naval strength the President of the United States stands for?

A MEMBER. Not what he has stood for, but what he stands for to-day.

Mr. KELLEY of Michigan. The gentleman from Pennsylvania [Mr. VARE] has the floor. Perhaps he can answer the gentleman. He seems to have more information than any of the rest of us on this subject.

Mr. GARRETT of Tennessee. Can the gentleman from Michigan tell us whether there is a difference of opinion between the President and the Secretary of the Navy upon this subject?

Mr. KELLEY of Michigan. I do not know anything about that, and if I did I would not say so, unless I had the consent of the President to say it.

Mr. TINKHAM. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. VARE] yield to the gentleman from Massachusetts [Mr. TINKHAM]?

Mr. VARE. Not at this time.

Mr. KELLEY of Michigan. Mr. Chairman, I have yielded 20 minutes to the gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Chairman, if this was not such a serious matter one might consider it amusing. Only a short time ago Members on both sides of the aisle day after day were continually praising the work of the Navy, praising the gallantry of its officers. Yet here to-day we find the distinguished chairman of the subcommittee on appropriations making the statement on the floor of this House that thousands and thousands of men in the employ of the Navy are somewhere and nobody knows where they are. I for one do not believe that is a correct statement of facts.

Mr. KELLEY of Michigan. Perhaps the gentleman can tell us where they are.

Mr. VARE. I do not know. I am not a naval expert. If I was I would be very glad to inform and enlighten the gentleman from Michigan.

Mr. KELLEY of Michigan. Very well.

Mr. VARE. This question was discussed more or less in the meeting of the Appropriations Committee on last Saturday. My recollection was that there were only two points in dispute. There did not seem to be any dispute as to the advisability of scrapping numerous worn-out ships—ships that would not be useful in accordance with the future program of the Navy. There was no dispute about that. The only question that seemed to arise was what was an adequate and sufficient number of men to man the ships and shore stations. On the one hand we had the information from the subcommittee, who no doubt, according to their judgment, used their best information. They saw it from their viewpoint. On the other hand we had information from the Secretary of the Navy, the officer who is charged with the management of the Navy. So it is that as a member of this committee who does not claim to be an expert on these naval matters, if I am compelled to choose between these two sources of information, there is only one for me to choose, and that is to follow the advice of the constituted authority who has the responsibility of managing the Navy. I as a member of the Committee on Appropriations am not willing to assume that responsibility. Consequently, when I am in doubt on a question affecting our naval policy, particularly in view of these international agreements which have been so recently entered into, I follow the recommendations of the officer who has the responsibility of managing the Navy.

The United States has gone on record, through the ratification of the agreements reached at the Conference on the Limitation of Armament, as being willing in the eyes of the world to support a Navy of certain strength, not only for its own protection but to help maintain a world police force on the sea, which the best minds of the great naval powers have declared adequate.

We have before us a bill which aims to defeat the very purpose of the conference findings; it aims to decrease the efficiency of the United States naval force to a point where it will stand only equal if not below Japan among the great fleets of the world, instead of maintaining its rank equal to Great Britain as the armament conferees deemed wise.

I base this statement on actual figures. Japan contemplates an enlisted strength for next year of 68,252 men while this bill provides but 67,000 men for the great United States Navy. What Member of Congress wants this condition to exist?

Economy has become necessary that the people of this country might not be burdened with taxes, the result of which is the stifling of business and individual effort. The House Appropriations Committee has practiced economy throughout its deliberations since the beginning of the present Congress. The record made under the direction of the gentleman from Illinois [Mr. MADDEN], chairman of the committee, is to be commended. There is such a thing, however, of economy being carried too far. There is a danger point, and that point is reached in this bill.

In short, the provisions made in this bill as reported from the committee are based on a Navy of 67,000 men, including 2,000 apprentices, while the estimates of experts place the necessary figure at 113,000 men that the Navy might be manned in accordance with the arms parley agreement.

In the interest of economy and prompted by a willingness to reduce the Nation's expenses the Secretary of the Navy recommended to this Congress that a force of 90,000 men and 6,000 apprentices be provided. This number would man enough ships and shore stations to provide a well-balanced fleet. The President, in turn, upon the advice of naval experts, has let it be known that he feels any number less than 80,000 men and 6,000 apprentices will be insufficient to maintain a proper force.

There has been practically no concerted opposition to the fundamental aims of the arms conference program. Unfortunately, many persons wish to carry a good thing too far. I fear that the influence of the pacifists has been greater than the influence of the practical man in this matter. It must be remembered that the wonderful results obtained at the arms conference were made possible by the fact that the United States was ready to go any nation of the world just a step better in the construction of navies if the other nations had not been willing to talk terms. It was not our weakness that counted nor could a weak United States have named terms. It was because we were strong and growing stronger.

Secretary Hughes, upon the advice of experts, named the strength of our Navy at the figure agreed upon. Are we going to reduce this strength to a point where the 70,000 trained men the Japanese will have on their vessels will be a far greater strength than our few men and larger number of ships? Are we going to say to the world that we asked for more than we wanted? Are we going to tell the world that we did not mean it when we promised to maintain an adequate naval strength to uphold our part of this international agreement?

The United States is not situated as are the other two great naval powers. We do not have a full quota of trained men in our Navy. To operate on a minimum force we should have a greater number of trained men enlisted. Our Navy at the end of the last fiscal year had 82,849 men who were serving their first enlistment. Another 16,552 had less than four years' experience. This was at a time when there were 119,205 men in the service. Since that time the Navy has been greatly reduced. There were at the close of the last calendar year about 98,000 men in the service, and that has been reduced April 1 by 1,000.

If we are to have a skeleton Navy and are not to be permitted to have a force adequate to man our ships, legislation should be passed which will keep the trained man in the Navy, that the small number some wish us to have will be the most efficient. This would involve further expense in many ways, although in the ultimate result would be less expensive. We are not here, however, to plan for such changes, but to provide an adequate force with the material we have at hand.

The reduction of the naval force would entail losses in material and deterioration of ships which would fastly overcome the slight monetary savings some feel this proposed cut would make. Brought down to hard figures, the economy we observe in this bill is so slight that we must consider the losses in national safety which we must suffer. Our Federal tax to-day is about $40 per capita. The tax necessary to support the Navy is about $4. The reduction in the Navy planned by the Navy Department would lower this figure to about $3. Then a further reduction, which would make our Navy next to useless as a fighting machine and inefficient as an adjunct to the merchant marine, for which we are planning a subsidy, would save about 25 cents per capita for the people of the United States. Is it worth it?

The 5–5–3 agreement places us on a par with the other great navy of the world—that of Great Britain. Great Britain and the United States control the merchant fleets of the world to-day. The reduction planned in this bill, together with the plans of Japan for an increased personnel, would change this ratio to 5–3–3. We should maintain a naval fleet to protect our merchant marine as great as any fleet in the world. The United States exports about $8,000,000,000 worth of American products each year. We can carry a great bulk of this in our own ships if the merchant marine is to be encouraged by a navy for protection in the background.

In all, a Navy of less than 86,000 men is unsafe, not economical in any sense, and would not be authorized with the sanction or approval of those in charge with the administration of the Government, both in its national and international activities. Let us support the administration at this time, when both domestic and foreign problems are acute and there are visions of better understandings.

I have before me a statement issued by Secretary of the Navy Denby commenting on the report of the committee on this bill which I wish to read:

> Should the bill just reported become law it would be a blow to the Navy and to the prestige of the United States. Whatever appropriations of men and money are allowed the Navy will be administered by the department in an earnest and cheerful endeavor to keep it as effective as possible. I feel that I should be recreant to a plain duty, however, if I did not solemnly warn the American people that the proposed reduction negatives the results of the recent conference, is dangerous to the country's security, and, in my opinion, to the welfare of the world.
>
> If this bill becomes a law, it will mean that 5 battleships of the 18 provided for in the treaty must be put in ordinary, with caretakers. It will mean that, having gathered the nations together and having conducted to a successful conclusion negotiations intended to establish the relative defensive sea armaments of the different powers, we, from the earnestly insisted upon position of equality with any nation in the world, drop to second or third place. I do not believe in making a mockery of the conference. I do not believe in throwing away our sea power.
>
> We called the conference. We made the proposals. We should abide by the conclusions. Eighteen battleships with their necessary auxiliaries and shore bases were adopted for our defense. With the passage of this bill our international plan goes by the board. It is proposed to cast to the winds the advice of the men who represented us during the conference and made the agreements and the advice of the trained officers of the service.
>
> The Navy does not belong to the Navy Department. It does not belong to Congress. It belongs to the American people. My duty to warn against undue reduction in our defensive armament is as sacred a trust as any man can hold. If the people had wanted this Navy so far below the standard agreed upon in the treaty, they should have said so long ago. There would then have been no need for the conference, and we would have been better off without one. What would the people and Congress have said if the conference had proposed by treaty to reduce the number of men in the American Navy to approximately two-thirds of the number in the British Navy and less than the number in the navy of Japan?
>
> This bill is a challenge to the common sense of our people. I do not believe it meets the approval of our people. I do not believe such ill-advised economy can have the support of the majority of Americans. Whatever arms may have cost, they have made and kept us a nation. If the bill passes, and we slip from the position of equality in sea power, we shall not again be able to secure support at home or abroad for another conference for world adjustments. If we would sit at the first table in the councils of the nations, we must have sea power.

It is on the President's figures, the lowest possible estimate, that I wish to base my contentions. To maintain this force and to provide for repairs of ships and the proper conduct of our navy yards and stations, increased appropriations for other items in this bill will be necessary. The present appropriations provided for in the bill are inadequate for the maintenance of a trained repair force at our navy yards. This force must be maintained for times of emergency.

In speaking of maintenance of navy yards I know whereof I speak. I was born and raised within a mile of the Philadelphia Navy Yard and have made a close study of navy-yard activities all my life. I have watched the Philadelphia Navy Yard grow from a small navy station in its earliest days to one of the greatest industrial plants of the world. Within its gates are building and repair units adequate to care for the Navy's needs in time of peace or war. It has maintained an efficient organization.

This bill, with its skeleton force of men and its reduced appropriations for the conduct of the navy yards, would destroy the efficiency of this great plant. The employees would be forced to other fields—would be forced to seek employment in other plants, and in time of stress would find the yard lacking in both the economy and efficiency of operation it now enjoys.

When this bill is considered under the five-minute rule I intend to present an amendment which will provide for an adequate Navy of 80,000 men and 6,000 apprentices as is desired by the President, and I hope the House will see the wisdom of approving such appropriations. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228,

the naval appropriation bill, and had instructed him to report that they had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WALSH, for one week, on account of death in his family.

To Mr. TAYLOR of Tennessee, indefinitely, on account of official business.

To Mr. HERRICK, for two days beginning Tuesday morning, in order to attend to pressing private business.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 11, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

586. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Morattico Creek, Lancaster County, Va.; to the Committee on Rivers and Harbors.

587. A letter from the Secretary of War, transmitting a tentative draft of a bill to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VOLSTEAD: Committee on the Judiciary. H. Con. Res. 53. A concurrent resolution to create a joint committee of the Senate and House of Representatives to determine what employment can be furnished Federal prisoners, and for other purposes; with amendments (Rept. No. 890). Referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD: Committee on the Judiciary. H. R. 10768. A bill to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat., p. 670); without amendment (Rept. No. 891). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUSTED: A bill (H. R. 11243) to designate a building site for the National Conservatory of Music of America; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 11244) authorizing the construction of a bridge across White River in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKS of Arkansas: A bill (H. R. 11245) to continue the land office at Camden, in the State of Arkansas, and for other purposes; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 11246) to rebuild the school building of the Indian school near Greenville, Calif.; to the Committee on Indian Affairs.

By Mr. BLAND of Virginia: A bill (H. R. 11247) to authorize the Secretary of War to sell real property at Fort Monroe, Va., formerly deeded to the Government by James A. J. Bradford; to the Committee on Military Affairs.

By Mr. COLLIER: A bill (H. R. 11248) to amend section 90 of the Judicial Code of the United States, approved March 3, 1911, so as to change the time of holding certain terms of the district court of Mississippi; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 11249) to provide for the establishment and maintenance of a forest experiment station in cooperation with the University of California; to the Committee on Appropriations.

Also, a bill (H. R. 11250) to provide for the establishment and maintenance of a forest experiment station in cooperation with the University of California; to the Committee on Agriculture.

By Mr. MILLS: A bill (H. R. 11251) for the taxation and registration of motor vehicles; to the Committee on Ways and Means.

By Mr. HUDSPETH: A bill (H. R. 11252) to amend the War Finance Corporation act, approved April 5, 1918, as amended; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Ohio: A bill (H. R. 11253) granting an increase of pension to Sarah Rice; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 11254) granting an increase of pension to Ira Howell; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 11255) granting a pension to Jane Ritchie; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 11256) for the relief of Alexander H. Robertson; to the Committee on Military Affairs.

By Mr. MOORE of Illinois: A bill (H. R. 11257) granting an increase of pension to Mary A. Anderson; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11258) granting an increase of pension to Lucinda Brown; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 11259) for the relief of Roy M. Cleveland; to the Committee on War Claims.

By Mr. SEARS: A bill (H. R. 11260) granting a pension to Susan M. Worthing; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11261) granting a pension to Elsie M. Pool; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 11262) to cancel an allotment made to Mary Crane, deceased, embracing lands on the Winnebago Reservation in Nebraska; to the Committee on Indian Affairs.

By Mr. THOMAS: A bill (H. R. 11263) granting an increase of pension to Mattie Roberts; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5028. By the SPEAKER (by request): Resolution adopted by the city council of the city of Boston, protesting against the closing of the Charlestown (Mass.) Navy Yard; to the Committee on Naval Affairs.

5029. By Mr. CAREW: Resolution unanimously adopted by the Rotary Club of New York City, relative to the reestablishment of the pneumatic mail tube service in the city of New York; to the Commitee on the Post Office and Post Roads.

5030. By Mr. CRAGO: Resolutions adopted by the Pennsylvania State College, of State College, Pa., urging that Congress authorize and empower the Secretary of War or the Secretary of Commerce to make such investigations as may be necessary to determine what substance of whatever nature are thrown or deposited into the navigable waters of the United States or any tributaries thereof in such manner as to endanger or interfere with navigation, commerce, or fisheries; to the Committee on Rules.

5031. By Mr. FROTHINGHAM: Resolution from the Boston City Council, of Boston, Mass., protesting against the closing of the navy yard at Charlestown, Mass.; to the Committee on Naval Affairs.

5032. Also, resolution adopted by Dorchester (Mass.) Board of Trade, urging passage of House bill 7400, relative to the quality of domestic anthracite coal; to the Committee on Interstate and Foreign Commerce.

5033. By Mr. HADLEY: Petition of certain citizens of Bellingham, Wash., opposing the passage of House bill 9753, and other Sunday bills; to the Committee on the District of Columbia.

5034. By Mr. LAMPERT: Resolution of the Citizens' Civil Council of Milwaukee County, Wis., indorsing the St. Lawrence River project; to the Committee on Interstate and Foreign Commerce.

5035. By Mr. LUCE: Petition of Rose Standish Council, No. 12, Daughters of Liberty, urging passage of the education bill; to the Committee on Education.

5036. By Mr. SNYDER: Resolution of the Rome (N. Y.) Chamber of Commerce, deprecating any lowering of the efficiency of the Army or Navy or the effectiveness of the reserves; to the Committee on Military Affairs.

SENATE.

TUESDAY, *April 11, 1922.*

(Legislative day of Monday, April 10, 1922.)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess. After 2 hours and 20 minutes spent in executive session the doors were reopened.

WORLD WAR FOREIGN DEBT COMMISSION.

In executive session this day, following the confirmations of Senator REED SMOOT and Representative THEODORE E. BURTON to be members of the World War Foreign Debt Commission, on request of Mr. WALSH of Montana, and by unanimous consent, the injunction of secrecy was removed from the vote by which Senator SMOOT and Representative BURTON were confirmed.

The vote on confirmation resulted—yeas 47, nays 25, as follows:

YEAS—47.

Ball	France	McCumber	Poindexter
Broussard	Frelinghuysen	McKinley	Rawson
Bursum	Gooding	McNary	Shortridge
Calder	Hale	Moses	Spencer
Cameron	Harreld	Nelson	Sterling
Capper	Jones, Wash.	New	Sutherland
Colt	Kellogg	Newberry	Townsend
Cummins	Kendrick	Nicholson	Wadsworth
Curtis	Keyes	Norbeck	Warren
Dillingham	Lenroot	Oddie	Watson, Ind.
Edge	Lodge	Page	Willis
Fernald	McCormick	Pepper	

NAYS—25.

Ashurst	Harrison	Overman	Underwood
Borah	Heflin	Owen	Walsh, Mont.
Caraway	Hitchcock	Pomerene	Watson, Ga.
Dial	Jones, N. Mex.	Sheppard	Williams
Fletcher	La Follette	Simmons	
Glass	Myers	Swanson	
Harris	Norris	Trammell	

NOT VOTING—24.

Brandegee	Gerry	Phipps	Smith
Crow	Johnson	Pittman	Smoot
Culberson	King	Ransdell	Stanfield
du Pont	Ladd	Reed	Stanley
Elkins	McKellar	Robinson	Walsh, Mass.
Ernst	McLean	Shields	Weller

So Senator REED SMOOT and Representative THEODORE E. BURTON were confirmed as members of the World War Foreign Debt Commission.

Mr. DIAL, when his name was called, announced his pair with the Senator from Colorado [Mr. PHIPPS], transferred the same to the Senator from Massachusetts [Mr. WALSH], and voted "nay."

Mr. HARRISON transferred his pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Louisiana [Mr. RANSDELL] and voted "nay."

Mr. McCUMBER transferred his pair with the Senator from Utah [Mr. KING] to the Senator from North Dakota [Mr. LADD] and voted "yea."

Mr. MYERS transferred his pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from Nevada [Mr. PITTMAN] and voted "nay."

Mr. NEW transferred his pair with the Senator from Tennessee [Mr. McKELLAR] to the Senator from Pennsylvania [Mr. CROW] and voted "yea."

Mr. STERLING transferred his pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Maryland [Mr. WELLER] and voted "yea."

Mr. SUTHERLAND transferred his pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from Oregon [Mr. STANFIELD] and voted "yea."

Mr. CURTIS announced that the Senator from Delaware [Mr. DU PONT] was paired in favor of confirmation with the Senator from Missouri [Mr. REED], who was opposed, and the junior Senator from Kentucky [Mr. ERNST] was paired in favor of confirmation with the senior Senator from Kentucky [Mr. STANLEY], who was opposed.

On motion of Mr. WALSH of Montana, Senate Report No. 563, relative to the question of the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the World War Foreign Debt Commission, was ordered to be printed in the RECORD, as follows:

[Senate Report No. 563, Sixty-seventh Congress, second session.]

ELIGIBILITY OF HON. REED SMOOT AND HON. THEODORE E. BURTON TO MEMBERSHIP ON THE WORLD WAR FOREIGN DEBT COMMISSION.

Mr. WALSH of Montana, from the Committee on the Judiciary, submitted the following report to accompany Senate Resolution 244:

The Committee on the Judiciary, to which was submitted by Senate Resolution 244 the question of the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the commission created under the act of Congress approved February 9, 1922, in view of the fact that at the time of the passage of the act the former was, as he still is, a Member of the Senate and the latter was, and he still is, a Member of the House of Representatives, respectfully reports that, having referred the question so submitted to a subcommittee, consisting of Senators CUMMINS, BRANDEGEE, STERLING, OVERMAN, and WALSH, it reported that, having investigated the question, the conclusion was reached that the gentlemen named are ineligible, Senators BRANDEGEE, OVERMAN, and WALSH concurring in the report and Senators CUMMINS and STERLING dissenting; that upon the incoming of the said report your committee canvassed the question and now reports that it is its opinion the gentlemen mentioned are not, nor is either of them, eligible to membership on the said commission for which they have been nominated by the President of the United States.

In its labors the committee had the assistance of a discussion of the question presented by Senator WALSH, copy of which is hereto appended, supporting the view that the gentlemen named are not eligible, and in support of the contrary view discussion by Senators CUMMINS and NELSON and an opinion by the Attorney General which, it is understood, will be made a part of a report to be submitted by the minority of the committee.

In the opinion of the Attorney General reference is made to an earlier opinion of his department, copy of which, with some comments thereon by Senator WALSH, is attached hereto.

Respectfully submitted.

T. J. WALSH.	WM. E. BORAH.
FRANK B. BRANDEGEE.	C. A. CULBERSON.
G. W. NORRIS.	JAS. A. REED.
LEE S. OVERMAN.	JNO. K. SHIELDS.
HENRY F. ASHURST.	

On February 9, 1922, the President approved the bill, theretofore passed by Congress, providing for the appointment of a commission authorized, subject to the approval of the President, to refund, convert, and extend the obligations due to the United States from foreign governments, arising out of loans made to them during the war and other transactions incident thereto, amounting to approximately $11,000,000,000. By the terms of the act, a copy of which is appended hereto, the commission is to consist of five members, including the Secretary of the Treasury, the other four of whom are to be nominated by the President and confirmed by the Senate. Pursuant to that law, the President, on February 21, 1922, transmitted to the Senate a communication advising it that he had nominated as members of the commission Hon. Charles E. Hughes, Hon. Herbert C. Hoover, Hon. Reed Smoot, and Hon. Theodore E. Burton. At the time of the passage of the act Mr. Smoot was a Member of the Senate and Mr. Burton a Member of the House of Representatives. Pending action on those nominations by the Senate, it directed the Committee on the Judiciary to inquire into the eligibility of the gentlemen last named for the positions for which they were thus nominated, its aid being invoked by the following resolution adopted February 24, 1922:

"*Resolved*, That the Committee on the Judiciary be, and it is hereby, directed to inquire into and report to the Senate, not later than Tuesday next (February 28, 1922), touching the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the commission created by the act of Congress approved February 9, 1922, entitled 'An act to create a commission authorized to refund or convert obligations of foreign governments held by the United States of America, and for other purposes,' reference being made to section 6 of Article I of the Constitution of the United States as follows:

"'No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time.'"

Whatever doubt may exist or be raised on the question submitted hinges upon the significance to be given to the word "office" in the language of the Constitution quoted in the resolution. Do the members of the commission in question hold "any civil office under the authority of the United States"? Less technically stated, the question is whether the positions in question are among those appointment to which is fraught with the danger or likely to introduce the evils to avert which the wise framers of our fundamental law incorporated in it the provision under consideration. What that danger is, what evils were to be guarded against, if not sufficiently obvious, is made perfectly clear by a reference to the debates in the convention. A few brief extracts from them will be sufficient for the present purpose. A delegate, Mr. Gorham, having moved to strike out the prohibitory clause, the record states:

"Mr. Butler opposed it. This precaution against intrigue was necessary. He appealed to the example of Great Britain, where men get into Parliament that they might get offices for themselves or their friends. This was the source of the corruption that ruined their Government.

"Colonel Mason was for shutting the door at all events against corruption. He enlarged on the venality and abuses in this particular in Great Britain and alluded to the multiplicity of foreign embassies by Congress. This disqualification he regarded as a corner stone in the fabric. (Elliott's Debates, p. 229.)

"Mr. Sherman was for entirely incapacitating members of the legislature. He thought their eligibility to offices would give too much influence to the Executive. He said the incapacity ought at least to be extended to cases where salaries should be increased as well as created during the term of the Member. He mentioned also the expedient by which the restriction could be evaded, to wit, an existing officer might be translated to an office created and a member of the legislature be then put into the office vacated." (Elliott's Debates, p. 505.)

For those who desire to pursue the subject further there is appended a copy of the review of the discussion on this feature of the Constitution appearing in Watson on the Constitution, evidently deemed at the time to be of very great consequence, however lightly it may be regarded now.

There were, as disclosed by the quotations above, a dual purpose in the provision under review, first, to remove the temptation from Members to multiply offices to which they might be appointed, either to their honor or their profit, and, second, and perhaps more important, as viewed by the fathers, to deprive the Executive, with whom was to rest the power of appointment, of the opportunity to constrain Members of Congress to conform to his desires concerning legislation by holding out to them the hope of appointment to offices which they were to create or render more attractive by an increase of salary. In other words, to remove, in part at least, the corrupting power of the patronage of the Executive. However fanciful such a danger may seem to us, it was notorious in their day that the King of Great Britain, or at least his ministers, often secured from Parliament legislation favored by them by a liberal distribution of offices, pensions, peerages, and even of cold cash.

It would be startling to the wise and prudent fathers of the Constitution to be told that though they had guarded against the corrupting influence of the appointment of a Member of Congress to the position of a fourth-class postmaster in a frontier town, they had neglected to remove the temptation offered or the opportunity afforded by membership on a commission empowered to adjust claims against the Government aggregating $11,000,000,000, a sum so vast they could have had no accurate conception of it, however we may, with more abundant occasion for comparison, feebly appreciate its bigness.

In what has been said in a casual way on the subject since the discussion was precipitated in connection with the legislation for funding the foreign debt, reference has been made to the frequency with which Members of Congress have been appointed as commissioners to draft treaties, a practice which, though denounced from time to time by able statesmen, dates from the early days of the Republic and was recently followed by President Harding in naming Senators LODGE and UNDERWOOD on the American delegation to the Washing Conference on Disarmament. But no justification can be found in these precedents for the appointment under consideration. The positions so filled were not created by any law of Congress. The Constitution reposes in the President of the United States the power and authority to negotiate treaties. He may act in person, as President Wilson did at Versailles, or he may designate some one to act for him, pursuing the course usually followed. It is not necessary that the appointment of persons so designated should be confirmed by the Senate. Out of abundance of caution, and perhaps from a considerate regard for the sensibilities of Senators, such appointments were, in our early history, with some frequency submitted to the Senate, and that course has been occasionally followed in modern times, but it can scarcely be contended longer that it is essential that it be.

Another class of cases, quite similar in character, includes appointments on commissions to settle international disputes, like boundary commissions or other arbitration commissions, the members of which are appointed pursuant not to an act of Congress but to a treaty. Such officers, if they may be so denominated, do not come under the operation of the clause of the Constitution under consideration which was intended to exclude Members of Congress only from such offices as they had as such a part in creating or in making more desirable by increasing the emoluments attached to it. The provision in question was one of the compromises of which not a few are found in the Constitution. The more skeptical wished to make Members ineligible to appointment to any office, and not only for the term of the Member but as well for a year after its expiration. Others objected to any restriction on the appointing power in that regard. It was finally agreed that the safety of the Republic would be sufficiently assured if the temptation were removed only with respect to such offices as the Members respectively participated in creating or making more inviting in the manner indicated. So, admitting that the members of commissions such as those last referred to are officers and that they act under the authority of the United States, rather than under a joint authority of our country and the other party to the treaty, the offices they hold are not of that class the makers of the Constitution had in mind when they framed the clause in question; that is, though they may be within its letter, they are not within its spirit.

A third class of commissions to which Members of Congress have frequently been appointed are such as are authorized and empowered to investigate and report to Congress for its information, as a basis for legislation, which it may or may not subsequently enact. An act creating such a commission gave rise to an investigation by the Judiciary Committees of both Houses of the whole subject now being considered, action having been taken in the Senate on the motion of Senator Hoar, of Massachusetts, the chairman of its Committee on the Judiciary. Under the act involved, President McKinley appointed as members of a commission to propose legislation for the government of the Hawaiian Islands, among others, Senators Cullom and Morgan and Representative Hitt. The House committee, through its chairman, Hon. David B. Henderson, once Speaker, made an elaborate report, copy of which is appended hereto, in which the eligibility of Members of Congress to appointment on such a commission was upheld. The Senate committee made no report, but the views of the committee in disapprobation of the practice of appointing Members of Congress to such positions were conveyed to the President by the distinguished lawyer who was then chairman of the committee, and the Senate declined to confirm the nominations of the gentlemen named against whom no objection was made except that they were Members of Congress. We are, accordingly, without any direct determination either by the Senate or its Committee on the Judiciary on the question here discussed.

Later, however, the general subject was again canvassed in the Senate in connection with a bill for the creation of a commission to investigate and report to Congress, which the Senate amended so that the appointment of Members of Congress to membership on it was forbidden.

Speaking to the amendment referred to, Senator Hoar detailed the proceedings had in connection with the Hawaiian bill, as herein recited, denounced the policy of appointing Members of Congress on such commissions, asserted that the well-nigh unanimous opinion of the Senate was against it, and that he and many other Senators were convinced that it was in contravention of the Constitution. A copy of his remarks on that occasion are appended hereto.

The position taken by Speaker Henderson, which, bear in mind, was not accepted by Senator Hoar, was that inasmuch as the commission considered by him could recommend only and had no power either to make a law, to execute a law, or to construe a law, it discharged neither legislative, executive, nor judicial functions; it exercised no part of the sovereign power of government; and therefore its members held no "office," were not "officers."

Congress might, it was pointed out, disregard utterly any report or recommendation such a commission might submit and either omit or refuse to do anything on the subject to which it relates, or it might, in the usual way, initiate legislation of a wholly different character from that recommended. It might even anticipate the report of the committee and take action in the premises entirely at variance with any views entertained by the members of the commission.

The principle announced in the report of Speaker Henderson is believed by some members of the committee to lead to the conclusion that the members of the Foreign Debt Funding Commission hold no "office" within the meaning of the term as it is applied in section 6 of Article I of the Constitution. It is said, in support of that view, that the commission has no powers, because whatever arrangement it may make with any foreign Government is subject to the approval of the President; that in consequence of that provision the authority to make the composition is vested in the President and that the commission merely gathers information for his enlightenment, makes recommendations to him, upon which he is to make the final and binding agreement. But that contention is plainly at war with the perfectly clear language of the act. By its terms it is to the commission, not to the President, that the authority is given to conduct the negotiations and to enter into the agreements. He has what may be denominated with substantial accuracy a veto power, and a veto power only. If their work should be unsatisfactory to him he has no power, under the act, to initiate new negotiations or to conduct them. He might undoubtedly, under the authority to make treaties conferred upon him by the Constitution, undertake the task, but whatever agreements he might make so acting would not be final, as is provided in the act, but would be subject to ratification by the Senate. But in the event supposed he would be powerless, so far as the funding act is concerned. The fact that what the commission does is subject to the approval of the President can not be said to be inconsistent with the idea that they exercise a part of the sovereign power of the Government, or, in other words, hold office. The President is empowered by the Constitution to make treaties subject to the approval of the Senate. Can it be said that the treaty-making power is vested in the Senate, the President having power only to recommend, that he acts on what he does in that behalf simply as a collector of information for the Senate and not as an officer of the Government? The Congress can enact no law except with the approval of the President. Is it true, accordingly, that all legislative power is vested in the President, the Congress existing merely for the purpose of recommending legislation to him? The Constitution itself declares that all legislative power is vested in Congress.

It may be said that the case is not parallel, because Congress may enact a law by overriding the President's veto. But is that a difference of consequence? It is the theory of the English Government that the King has an absolute veto. It is true that he has not exercised it for some few hundred years, but that he may exercise it consistently with the English constitution will, perhaps, not be disputed. Is the Parliament of Great Britain consequently without legislative powers and are all such reposed in the King, or were they so reposed when he was accustomed from time to time to exercise his right of veto?

It would do violence to the whole theory of our Government to assert that Congress exercises legislative powers only when it passes a law over the President's veto.

So nothing that one House of Congress may do in the way of legislation has any force unless approved by the other House. Is the Senate but the handmaid of the House or the House simply the servant of the Senate? Do the Members of neither body hold an office because its work to be effective must be approved by the other?

The general argument by which the conclusion is arrived at that men who fill positions created by law, in which they are called upon to perform important functions in the interest of the general public, in which they assume grave responsibilities by reason of which they attain both influence and distinction, if not emolument or other profit, positions that are in consequence eagerly sought after, are not offices is attenuated at best, but it fades to the vanishing point when every strand is gone save that the work accomplished is subject to the approval of another functionary.

It has been pointed out that the President is powerless in the premises under the act, except to appprove or disapprove the work of the commission, the importance of which can not be overestimated. It is understood that Austria is asking for an extension of 20 years in respect to the debt owing by her on account of food supplies furnished her starving population by our Government; that is to say, that we arrange with her so that she shall not be required to pay any part of the debt earlier than 20 years hence. It is asserted that the weal or woe of her 7,000,000 people depends upon the grant of this concession to her, the other nations to which she is bound on account of her treaty obligations having signified their willingness to extend the time of payment of their claims if the United States would do likewise. The President of the United States may be perfectly willing to accord her the accommodation she is asking, but she can not get it unless this commission can be prevailed upon to yield to her desires. On the other hand, there is an insistent demand in this country for prompt payment, that our own people may be relieved from the heavy burden of taxation they are carrying, or that they may exhibit in a material way their gratitude to the men who responded to the call of their country in its hour of peril occasioned by the great World War. Men of great sagacity, experts in international finance, not a few in number, insist that the exaction of prompt payment of even the accumulated interest on our foreign debt would operate to precipitate a crisis in business circles, the disastrous effects of which would extend around the globe and be felt not less by our own people than by those called upon to make the payment. Such a view was expressed on the floor of the Senate by the distinguished Member of that body who has been named a member of the commission.

Ignoring the adjudications of the courts as to what is or what is not technically an "office," many of them irreconcilable and hinging upon particular statutes, let us try to solve the question before us by the application of fundamental rules. Is the term "office," as ordinarily used, broad enough to include the positions in question; and if it is, are they such positions as the framers of the Constitution intended should fall under the ban of the language they used?

It will be admitted that if the word "office" can, under no reasonable definition, be expanded so as to include the positions in question, it is immaterial that they are affected with the danger against which the clause in question was intended to safeguard the Republic. But is that the situation? It is a cardinal rule of construction, particularly of constitutions, that "words are to be taken in their natural and obvious sense and not in a sense unreasonably restricted or enlarged." (Martin *v.* Hunter's Lessee, 1 Wheat. 326.)

It is frequently asserted that they are to be taken in their ordinary and usual sense.

"In general, statutes are presumed to use words in their popular sense; uti loquitur vulgus. (Endlich on Interpretation of Statutes 76.)

"Indeed, it is probably not inaccurate to say that, as between two meanings of a word, the ordinary and popular meaning is, in general, to be preferred and is most frequently in harmony with the subject matter and object of the enactment." (Id. 78.)

To ascertain the usual and ordinary sense of words, we have recourse to the dictionary. The Century Dictionary defines "office" as follows:

"A position of authority under a government; as a man in office; to accept office. In law: (*a*) The right and duty conferred on an individual to perform any part of the functions of government and receive such compensation, if any, as the law may affix to the service; more specifically called public office. It implies authority to exercise some part of the power of the State, a tenure of right therein, some continuous duration, and usually emoluments. It is often defined simply

as a public charge or employment; but there are many instances of public charge or employment which are not in law deemed offices, such as the service of a janitor, or that of a person designated by special act to buy goods for public use. In early English law office was regarded as a right and could be conferred on a man or his heirs. In United States law it is a duty or agency conferred for public benefit; and, although the tenure is to some extent matter of right, the compensation is subject to change by the legislature unless constitutionally fixed."

Webster contributes the following:

"Office; 1. A particular duty, charge, or trust, as one conferred by public authority and for a public purpose; an employment undertaken by commission or authority; a post or position held by an official or functionary; specifically, a position of trust or authority under a government, as the office of a premier. 2. Law: (1) A legal right to exercise a public function or employment and to take its lawful emoluments. (2) In a more general sense, administrative or executive rights, powers, or duties, as in semipublic or private capacities, constituting established and legally recognized functions, as the office of trustee."

Though mention is made here of emoluments as being a feature generally of an office, it has been determined judicially that, while common, such a feature is not essential. (In re Corliss, 11 R. I. 638.)

That case held that members of a commission created by act of Congress to prepare and superintend the execution of a plan for holding the Centennial Exposition hold an "office" under the United States.

Undeniably a member of the Funding Commission holds an office under the dictionary definition, but if there were any doubt about it, or if the term is sometimes used in a more narrow sense, and it is essential to inquire whether in the case before us it is to be given the narrower significance, attention may, yea, by a rule both ancient and universal, must be paid to the mischief which the law was to guard against and the purpose which was to be subserved in its enactment, and such a construction must be given to the language assumed to be of doubtful import as will effectuate and not defeat the purpose of the authors of the statute. That rule, applicable alike to the statutes, constitutions, and treaties, is the subject of the following comment by Vattel, as quoted by Sedgwick (235, 236):

"The reason of the law or of the treaty—that is to say, of the motive which led to the making of it and the object in contemplation at the time—is the most certain clue to lead us to the discovery of its true meaning; and great attention should be paid to the circumstance whenever there is question either of explaining an obscure, ambiguous, indeterminate passage in a law or treaty, or of applying it to a particular case. When once we certainly know the reason which alone has determined the will of the person speaking, we ought to interpret and apply his words in a manner suitable to that reason alone. * * *

"The consideration of the reason of a law or promise not only serves to explain the obscure or ambiguous expressions which occur in the piece, but also to extend or restrict its several provisions independently of the expressions and in conformity to the intention and views of the legislature or the contracting parties rather than to their words, for, according to the remark of Cicero, the language invented to explain the will ought not to hinder its effect. When the sufficient and only reason of a provision, either in a law or a promise, is perfectly certain and well understood, we extend that provision to cases to which the same reason is applicable, although they be not comprised within the signification of the terms. This is what is called interpretation. It is commonly said that we ought to adhere rather to the spirit than to the letter. Thus the Mohammedans justly extend the prohibition of wine in the Koran to all intoxicating liquors, that dangerous quality being the only reason that could induce their legislator to prohibit the use of wine."

Much the same thought was expressed by Judge Sanborn in Stevens *v.* Nave-McCord Mercantile Co. (150 Fed. 75), as follows:

"Cardinal rules for the construction of a statute are that the intention of the legislative body which enacted it should be ascertained and given effect, if possible, regardless of technical rules of construction and the dry words of the enactment; that that intention must be deduced not from a part but from the entire law; that the object which the enacting body sought to attain and the evil which it was endeavoring to remedy may always be considered for the purpose of ascertaining its intention; that the statute must be given a rational, sensible construction; and that, if this be consonant with its terms, it must have an interpretation which will advance the remedy and repress the wrong." (United States *v.* Ninety-nine Diamonds (C. C. A., 8th Cir.), 139 Fed. 961, 965; 72 C. C. A. 9; 2 L. R. A. (N. S.) 185.)

The positions under consideration being easily within the meaning of the word "office" as it is popularly understood and being undeniably of the character the framers of the Constitution intended should not be open to Members of Congress in the creation of which they participated, however faultily they may have expressed that intention, it must be held that such Members are ineligible under the Constitution.

But it is not necessary to insist upon an enlarged definition of the word as it is used in the law. Cases can be found in which an exceedingly restricted significance has been given to it. As a rule they have not presented for consideration either the particular provision here under consideration or any of similar import. So much importance is attached to one of these (Bunn *v.* People, 45 Ill. 397) as to justify a brief review.

It considered the validity of an act of the legislature creating a commission to supervise the construction of a State capitol, the members being named in the act, though the constitution provided that the governor should nominate and by and with the advice of the senate appoint all officers whose offices were established by the constitution or created by law. It was held that such commissioners were not officers, because it was asserted "no tenure of office is fixed by the act, no permanency is attached to it," and "the appointees are to perform a duty single in itself." It was remarked that "no power is given to levy taxes," though perhaps few would contend that that feature is of consequence.

In the first place the discussion was by a divided court, consisting of three members, one of whom filed a vigorous and persuasive dissenting opinion in which a number of cases were cited, including State *v.* Kennon (7 Ohio Stat. 456), a case quite like the one before the Illinois court, which held directly to the contrary. It might be added that Bunn *v.* People is flatly opposed by In re Corliss, elsewhere herein referred to.

In the second place the decision was so generally disapproved by the people of Illinois that three years afterwards, when they framed a new constitution in 1870, they inserted therein a provision to neutralize for the future the obnoxious judgment in Bunn *v.* People, as follows:

"An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power or for a fixed term, with a successor elected or appointed. An employment is an agency for a temporary purpose which ceases when that purpose is accomplished."

That this provision of the Illinois constitution owes its origin to the decision in Bunn *v.* People is asserted in People *v.* Loeffler (175 Ill. 585, 602–603), and in Ratton *v.* Board of Health (127 Calif. 388, 396–397).

The definition of "office" as set out in the Illinois constitution conforms quite accurately to that assigned to it very generally by the courts. In most cases in which the subject is considered they are called upon to differentiate between an office and a mere employment, the one resting upon a statute and being impersonal in character, the other founded on contract. The outstanding characteristic of the office is that if the incumbent dies or resigns the appointing power fills the vacancy.

Among other cases upon which Judge Walker founded his dissent in Bunn *v.* People was United States *v.* Maurice (2 Brock. 96), in which the opinion was written by Chief Justice Marshall who therein stated:

"An office is defined to be a 'public charge or employment,' and he who performs the duties of the office is an officer. * * * Although an office is 'an employment,' it does not follow that every employment is an office. A man may certainly be employed under a contract, express or implied, to do an act or perform a service without becoming an officer. But if the duty be a continuing one, which is defined by rules prescribed by the Government, and not by contract, which an individual is appointed by Government to perform, who enters on the duties appertaining to the station without any contract defining them, if those duties continue, though the person be changed—it seems very difficult to distinguish such a charge or employment from an office, or the person who performs the duties from an officer.

The opinion in the California case cited, after quoting from Marshall, continues:

"Judge Cooley distinguished the 'officer' from the 'employee' in the 'greater importance, dignity, and independence of his position, in being required to take an official oath, and perhaps to give an official bond, in the liability to be called to account as a public offender for misfeasance or nonfeasance in office and usually, though not necessarily, in the tenure of the position.' (Throop *v.* Langdon, 40 Mich. 673.) But it has been held that an oath of office is not a necessary criterion, nor is a salary. These are but incidents and form no part of the office, though they may aid in determining the nature of the position. Duration or continuance have been said to be embraced in the term 'office,' and Chief Justice Marshall, in the case cited, spoke of the duty being a continuing one as an important element. But Chief Justice Pearson, in the North Carolina case cited, said 'that it made no difference whether there be but one act or a series of acts to be done, whether the office expires as soon as the one act is done or is to be held for years or during good behavior,' the service being performed for the State. Our court at an early day, in Vaughn *v.* English (8 Calif. 40), held that the clerks in the offices of secretary of state and controller and treasurer of state were officers within the meaning of the act of April 21, 1856. (Stats. 1856, p. 224.) It was there said: 'The term "officer," in its common acceptation, is sufficiently comprehensive to include all persons in any public station or employment conferred by Government.' The definition given in 4 Jacob's Law Dictionary, 433, was quoted as follows: 'It is said every man is a public officer who hath any duty concerning the public, and he is not the less a public officer where his authority is confined to narrow limits, because it is the duty of his office and the nature of that duty which makes him a public officer, and not the extent of his authority.' The opinion continues: 'The respondent was appointed by Government; the duties which he is to perform concern the public, and he is paid out of the Public Treasury; he is, therefore, a public officer.' It was held that because there was no definite term of the office could not be urged as an objection, for the clerks are appointed for the term of the officer making the appointment, subject to the power of removal."

How valueless many of the cases defining the word in question are may be judged from the fact that the Supreme Court of the United States held in United States *v.* Mouat (124 U. S. 303) that a paymaster's clerk is not an "officer" of the Navy, and in the case next reported in the same volume, United States *v.* Hendee, that he is an "officer" of the Navy, the court having under consideration a different statute in each case, and attempting in each to give effect to the intention of Congress.

The appropriate use of the term in the law is accordingly to be gathered rather from the law dictionaries and from a general review of the authorities than from specific cases. From these it is to be concluded that anyone who exercises a portion of the sovereign power of the State is an officer. Bouvier has the following:

"Public office in the Constitution means a permanent public trust or employment, not merely transient, occasional, or incidental; In re Hathaway (71 N. Y. 238). The term embraces the ideas of tenure, duration, emoluments, and duties; United States *v.* Hartwell (6 Wall., U. S. 385, 18 L. ed. 830); but it has been held that duration and salary are not of the essence of public office and that the duty of acting for and on behalf of the State constitutes an office; People *v.* Bledsoe (68 N. C. 457); even though it expires as soon as a single act is done; State *v.* Stanley (60 N. C. 59, 8 Am. Rep. 488). The true test is that it is a parcel of the administration of Government; Eliason *v.* Coleman (86 N. C. 241); though it is a clerkship in a department and the duties are confined within narrow limits; Vaughn *v.* English (8 Calif. 39). * * *

"A public officer is one who renders a public service—a service in which the general public is interested; Schmitt *v.* Dooling (145 Ky. 240, 140 S. W. 197, 36 L. R. A. (N. S.) 881, Ann. Cas. 1913B, 1078). One who exercises some portion of the sovereign power of the State, either in making, adminstering, or executing the laws."

In an elaborate note to Groves *v.* Barden (Ann. Cas. 1917D, pp. 320 and 321) the author concludes, citing many cases, that:

"To constitute an office it is essential that the position shall be created by the constitution or statutes of the sovereignty, or that the sovereign power shall have delegated to an inferior body the right to create the position in question. * * *

"An indispensable element of a public office as distinguished from an employment is that the duties of the incumbent of an office shall involve an exercise of some portion of the sovereign power."

The concluding portion of the note advances the view, amply supported, that though the term "office" may embrace the idea of tenure, bond, oath, and compensation, none of those features are essential.

The conclusion that the positions in question fall under the operation of section 6 of Article I of the Constitution is enforced by a consideration of other provisions of the Constitution in which the words "office" and "officer" are used. The President is by it to nominate and by and with the advice and consent of the Senate to "appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law." Obviously Congress was of the opinion in enacting the law in question that the members of the commission are officers of the United States, for it is therein expressly provided that they should be nominated by the President and confirmed by the Senate, a circumstance which affords cogent proof of the fact that, as the term is popularly understood, the members of the commission hold "office." But it is said that this conclusion is at least weakened by the fact that the act provides that the Secretary of the Treasury shall be a member of the commission, leading to the inference that Congress could not have deemed that the members would be officers of the United States, since Congress has no power to appoint such, the Constitution having reposed such authority in the President subject to the approval of the Senate. That argument, however, is not sound. The act simply, so far as the Secretary of the Treasury is concerned, adds to the duties imposed upon him by law. Statutes creating boards composed of State officers for the better administration of State laws are common and universally upheld upon the principle stated. (State v. Porterfield, 47 S. C. 75.)

Congressional acts of like character are numerous, the statutes creating the Council of National Defense and the Water Power Commission being representative.

By another provision of the Constitution no "person holding an office of trust or profit under the United States shall be appointed an elector" of President and Vice President. It was this clause that was under consideration in In re Corliss, in which the Supreme Court of Rhode Island held that a member of the Centennial Exposition Commission holds an office under the United States. This provision likewise had its origin in a widespread apprehension that under the system being devised the Executive, in whom was reposed an enormous patronage, would use it to further his own purpose and ambitions. The electors it was assumed would be at liberty to exercise some independent judgment, and it was feared that an appointee of the President, eligible for reelection, would or might be constrained by a sense of interest or of gratitude to vote for him or at his direction or in conformity with his desires.

Let any Senator inquire of himself whether the framers of the Constitution intended that a citizen appointed to the high place occupied by members of the Funding Commission should, notwithstanding the ties which bind him to the Executive, be eligible as an elector of President and Vice President.

Still another provision of the Constitution is to the effect that "all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. Are the members of the commission exempt from impeachment for bribery or other dereliction in connnection with the discharge of their duties? If so, how can they be removed? The President may, of course, remove them, having the power to appoint. But is Congress powerless in the premises? Is it true that the Constitution makers reserved to Congress the right to remove by impeachment every petty officer of the United States, but surrendered it in the case of these high functionaries?

It is required by Article VI of the Constitution that all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support the Constitution. Is it conceivable that the authors of our fundamental law prescribed that a town constable or a poundmaster should take the oath, but that such important public servants as those under consideration should be exempt from that requirement?

Another particularly pertinent provision of the Constitution deserves notice, namely, that which prescribes that "No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State. Comment is unnecessary.

The places for which Senator SMOOT and Representative BURTON have been nominated are offices within the meaning of section 6 of Article I, and they are ineligible thereto.

APPENDIX A.

[PUBLIC—NO. 139—67TH CONGRESS.]

An act (H. R. 8762) to create a commission authorized under cretain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes.

Be it enacted, etc., That a World War Foreign Debt Commission is hereby created consisting of five members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and four of whom shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 2. That, subject to the approval of the President, the commission created by section 1 is hereby authorized to refund or convert, and to extend the time of payment of the principal or the interest, or both, of any obligation of any foreign Government now held by the United States of America, or any obligation of any foreign Government hereafter received by the United States of America (including obligations held by the United States Grain Corporation, the War Department, the Navy Department, or the American Relief Administration), arising out of the World War, into bonds or other obligations of such foreign Government in substitution for the bonds or other obligations of such Government now or hereafter held by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America: *Provided*, That nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States of America by any foreign Government beyond June 15, 1947, or to fix the rate of interest at less than 4½ per cent per annum: *Provided further*, That when the bond or other obligation of any such Government has been refunded or converted as herein provided, the authority of the commission over such refunded or converted bond or other obligation shall cease.

SEC. 3. That this act shall not be construed to authorize the exchange of bonds or other obligations of any foreign Government for those of any other foreign Government, or cancellations of any part of such indebtedness except through payment thereof.

SEC. 4. That the authority granted by this act shall cease and determine at the end of three years from the date of the passage of this act.

SEC. 5. That the annual report of this commission shall be included in the annual report of the Secretary of the Treasury on the state of the finances, but said commission shall immediately transmit to the Congress copies of any refunding agreements entered into, with the approval of the President, by each foreign Government upon the completion of the authority granted under this act.

Approved, February 9, 1922.

APPENDIX B.

REPORT OF SENATOR HOAR.

Mr. HOAR. Mr. President, I have taken very great interest in the question raised by the proposed amendment of the Senator from South Carolina, and I hope he will take an opportunity, or that some other Senator will—if nobody else does, I shall, if I can get one—to bring up this question of the appointment by the President of Senators and Representatives in the other House for important public functions under circumstances where it can be carefully and thoughtfully dealt with as we should deal with a proposed amendment to the Constitution, or as we should have dealt with it if we had been in the Constitutional Convention in the beginning.

It is evident that it can not be so dealt with to-day. There is no time for a full discussion. It comes up on a measure to which it is hardly germane after the statements of gentlemen who are likely to know what is expected, that there is no thought or probability—the Senator from Rhode Island [Mr. Aldrich] corrects me by saying "possibility"—of individuals being taken from either House of Congress for this commission. So I hope the matter will be brought up at some time when it is not entangled in the least by personal considerations in regard to our colleagues or gentlemen in the other House who may have been asked to do such service, and will be dealt with solely as a broad general principle for the future.

Mr. President, a great many years ago a President of the United States—I am not sure whether it was in President Hayes's time or General Grant's, or a little later—was called upon to make up a commission to go to Europe to deal with the silver question, and he appointed on that commission—if I may be permitted to say so—the one man in the country who was fitted for that duty. That was the Senator from Iowa [Mr. Allison], now chairman of the Committee on Appropriations. I took the liberty then of expressing my feeling of anxiety that that act might grow into a precedent and be the occasion of public complaint.

Later, in President McKinley's time, there were some eight or ten appointments made from this body of a like character, and they were, I suppose, appointments that the whole country regarded as most admirable for the public service. They were men who had studied the subjects with which they were to deal, men of great capacity, and that they were men of the highest quality of personal integrity it is unnecessary to say.

But I have no doubt it seemed to a large majority of the Senate, on reflection, that the practice had better not go further, and two measures were referred to the Committee on the Judiciary, one a general law, the other a resolve of the Senate. The committee carefully considered them. It happened that there were three members of the committee at that time who had been among those who had been selected for such functions. The committee almost unanimously agreed to a resolution disapproving of this practice. One or two of the members thought the President ought not to be restricted in his resources for that branch of the public service. However, the committee thought such a resolution might be construed into some discourtesy to the gentlemen who had acted in such places. One of the men who was then acting as a commissioner under such an appointment was one of the most zealous and emphatic in favor of the resolution. He said he had accepted the place hastily, and he agreed that the practice ought not to go further.

But the committee thought it was not best, under the circumstances, to report the matter at that time, and instructed me to call upon the President and tell him what had happened and say to him that the committee hoped the practice would not be continued. I suppose there is no indelicacy in my reporting what happened. President McKinley said he was aware of the objections; that he had come to feel them very strongly; and while he did not say in terms that he would not make another appointment of the same kind, he conveyed to me, and I am sure meant to convey to me, an assurance that it would not occur again. But he said it was impossible to understand how few people there were in this country who were out of the Senate and the House who were qualified for important diplomatic service of that kind; that we had to contend with the trained diplomats of Europe, men who had studied the subject all their lives. He went over some of the difficulties he had encounted in making selections of ministers abroad for some very important matters that were expected to be dealt with. Our people come from entirely other service and conditions. He might have added what is an additional strong consideration, that we have to deal with nations who can wait, while in general our political conditions and diplomatic conditions are such that we can not wait.

The American people want to have a question settled and have it over. Great Britain says to us: "Well, if you do not come to my terms I will be here 50 years hence, and my minister of foreign relations very likely will be here 20 years hence, and we will wait. We are in no hurry."

But at the same time, in spite of all those considerations, it seems to me it is a violation of the sound principles of the Constitution as enunciated in the clause read by the Senator from Georgia [Mr. Bacon]. The Constitution says the President shall not have patronage enough at his command to give a Senator, during his senatorial term, a $20 a year post office in his county seat, where perhaps he is the only man who resides there receiving letters. During the term for which a Senator is elected he can not be appointed to any place which has been created or the salary of which has been increased by sixpence during the whole six years.

So careful were the framers of the Constitution of Executive influence and control. And yet if the practice is to go on the President must come into the Senate, pick out a half dozen of our Members and send them to Europe, where they spend the summer in the most honorable positions on the face of the earth, meeting the society of foreign capitals, and then he can pay them out of the contingent fund at his disposal a sum three times greater than our salary. Now, does anybody suppose the framers of the Constitution would have approved of that? It is the question of the relation between the legislative power and the Executive power. There were two things of which our fathers,

when they framed the Constitution, were especially afraid. One was corruption in office—and that was provided for by impeachment—and the other an Executive influence over legislation.

Mr. President, it seems to me at some convenient time we must have this matter out and have it settled so far as an act of Congress can settle it. At the same time I wish to say there is not, in my judgment, the smallest criticism to be made of the purity of purpose and patriotism of the gentlemen who in the past have been selected by the Executive for these various offices.

Take the late Senator from Minnesota, now unhappily withdrawn from the sphere of public service. It would be difficult for me to put into words an expression of higher esteem for the senatorial character as exemplified by any man with whom I have ever served than by that intelligent, brave, patriotic, and courteous man, so accomplished and delightful in every relation of life, a great citizen, a great soldier, a great Senator.

It is only when the President is forced to say, "The Senator I want to employ is the fittest man in the world for the service and I can not find anybody else," that it will be done this year or has been done last year or will be done next year. But if the practice is once established, it will be done as matter of course. Senators can not accept an office, but they can do something which has ten times the power and the distinction and the compensation of an office, and a measure can be carried through, if we ever have an unscrupulous Executive, by the knowledge that Senators are to be appointed to discharge the functions. It seems to me that hardly a more dangerous practice can be conceived of than this one.

I hope the question as to what the Senate think on this subject, or what they seem to think by their votes, will not be determined on a mere amendment coming in at the close of a session, when we can have no extended debate upon it, and on a bill which is not especially germane and to which it practically has no relation.

APPENDIX C.

While it may be admitted that all of the commissions, examining boards, regents, etc., considered by the committee do differ in many particulars as to their duties, still the legal principles involved in the consideration of this class of public servants apply to all of them, and therefore they will be considered together in discussing the law in respect to them.

It can not be contended that every position held by a Member of Congress is an office within the meaning of the Constitution, even though the term office may usually be applied to many of these positions. We are therefore led to an analysis and discussion of the word "office."

The chairman of a committee of Congress is in one sense an officer holding a position different from other members of the committee. Marks of honor and distinction are given to Members of Congress in many ways, but all incident to or growing out of their position as a Member of Congress. It is a mark of distinction to be selected as members of escorts to those of our number who die; designations are made of committees to notify the Senate and the President of certain matters. The mind will readily run over a list of many positions of trust and honor that are conferred upon Members of Congress where no pretense will be made that they are offices within the meaning of the Constitution.

In United States *v.* Hartwell (6 Wall. 393) it is laid down that "an office is a public station or employment conferred by the appointment of Government. The term embraces the ideas of tenure, duration, emolument, and duties."

Elsewhere it is held that an office is "an employment on behalf of the Government, in any station or public trust, not merely transient, occasional, or incidental." (20 John. Rept. 492, 7 Ohio State 536.)

A careful consideration of all of the positions above referred to will show that they are merely transient, occasional, or incidental in their nature, and none of them possess the elements of duration, tenure, or emolument.

All of these appointees were but instruments to procure detailed information for the better information and guidance of Congress and are wholly lacking in the essential elements of an office within the meaning of the Constitution.

"A public office is the right, authority, and duty, created and conferred by law by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the Government to be exercised by him for the benefit of the public." (Mechem's Public Offices and Officers, sec. 1; Matter of Hathaway, 71 N. Y. 238–243, 3 Greenleaf (Me.), 481; Public Officers, Throop, sec. 6; Olmstead *v.* The Mayor, etc., 42 N. Y. Sup. Ct. 481.)

It has been held that these functions must be either legislative, executive, or judicial, and that to constitute the person an officer he must have conferred upon him either legislative, executive, or judicial powers. (Mechem's Public Offices, etc., sec. 4, and cases cited.)

Says the author:

"SEC. 4. Office involves delegation of sovereign functions. The most important characteristic which distinguishes an office from an employment or contract is that the creation and conferring of an office involves a delegation to the individual of some of the sovereign functions of government, to be exercised by him for the benefit of the public; that some portion of the sovereignty of the country, either legislative, executive, or judicial, attaches, for the time being, to be exercised for the public benefit. Unless the power conferred are of this nature, the individual is not a public officer."

This involves necessarily the power (1) to legislate, or (2) execute law, or (3) hear and determine judicially questions submitted.

Therefore mere power to investigate some particular subject and report thereon or to negotiate a treaty of peace, or on some commercial subject, a report without power to make binding on the Government, does not constitute a person an officer.

"It (public office) implies a delegation of a portion of the sovereign power to, and the possession of it by, the person filling the office; and the exercise of such power within legal limits constitutes the correct discharge of the duties of such office." (3 Greenleaf (Me.) 481; Mechem's Public Offices, etc., sec. 2; Olmstead *v.* The Mayor, 42 N. Y. Sup. Ct. 481; Public Officers, Throop, sec. 6.)

Again, the employment must not be merely transient, occasional, or incidental.

In United States *v.* Hartwell (6 Wall. 385) the court held that the term "public office" embraces the idea of tenure, duration, emolument, and duties, and that the duties were continuing and permanent, not occasional or temporary.

In United States *v.* Germaine (99 U. S. Sup. Ct. 508) the question of who is or who is not a public officer was again up, and the court said:

"If we look to the nature of defendant's employment, we think it equally clear that he is not an officer. In that case (referring to United States *v.* Hartwell) the court said the term embraces the ideas of tenure, duration, emolument, and duties, and that the latter were continuing and permanent, not occasional or temporary. In the case before us the duties are not continuing and permanent, and they are occasional and intermittent. * * * He is required to keep no place of business for the public use. He gives no bond and takes no oath, unless by some order of the Commissioner of Pensions of which we are not advised. * * * He is but an agent of the commissioner, appointed by him, and removable by him at his pleasure, to procure information needed to aid in the performance of his own official duties. * * * There is no penalty for his absence from duty or refusal to perform, except his loss of the fee in the given case."

The duties of the commissioners appointed under the statutes—to which attention will be called—are not continuing or permanent; they have no place of business for the public use, or even for their own use; they give no bond and take no oath. In fact, they are mere agents appointed by direction of Congress for the purpose of gathering information and making recommendations for its use if the Congress sees fit to avail itself of the labors of the commission. The commissioners appointed under these statutes or resolutions can not be compelled to attend or act, and in the broadest sense they are mere agents of the Congress. These commissioners are not to execute any standing laws which are the rules of action and the guardians of rights, nor have they the right or power to make any such law, nor can they interpret or enforce any existing law.

Under a statute of Maine the governor was authorized "to appoint one or more agents for the preservation of timber on the public lands, and for other purposes," and the judges held that these agents were not a civil office of profit under the State, although they were entitled to compensation. (See 3 Greenleaf Reports (Me.), p. 481.)

In United States *v.* Hendee (124 U. S. 309) it was held that a paymaster's clerk in the Navy is an officer of the Navy, and in United States *v.* Mouat (124 U. S. 303) it was held that such paymaster's clerk, appointed by a paymaster in the Navy, with the approval of the Secretary of the Navy, is not an officer of the Navy in the sense that he is an officer of the United States.

The constitution of the State of New York, 1846, article 6, section 8, prohibits the judges of the court of appeals and justices of the supreme court from exercising any power of appointment to public office.

Section 16, chapter 280, Laws of 1847, conferred upon the chancellor power to issue a commission to some person, empowering him to act as a surrogate in a particular case when by reason of statutory disqualifications the officers designated to act could not do so. It was contended that such person when designated to act as surrogate became a public officer, inasmuch as for the time being and in the matter before whom he was to act as a judicial officer with full power to hear, try, and determine the particular case, but the court of appeals In matter of Hathaway (71 N. Y. 238) held:

"The term 'public office,' as used in the Constitution, has respect to a permanent public trust or employment, to be exercised generally and in all proper cases. It does not include the appointment, to meet special exigencies, of an individual to perform transient, occasional, or incidental duties, such as are ordinarily performed by public officers; as to such appointments the legislature is left untrammeled and at liberty to invest the courts with power to make them." (Church, Ch. J., Andrews and Miller, JJ., dissenting.)

In Hall *v.* State (39 Wis. 79, ch. 40, laws of 1857) (the law) appointed certain-named persons "commissioners to make a geological, mineralogical, and agricultural survey of the State," and provided that such commissioners should arrange and distribute the functions of such survey by mutual agreement. The law provided a salary and provided for filling vacancies, and gave the governor authority to remove any member for incompetency or neglect of duty. The court held that these commissioners were officers. The court said:

"The geological survey commissioners were appointed directly by legislature; no specific term of office was fixed (except by the governor, whose power to do so may well be doubted); provision was made by law for removing them for cause and for filling vacancies; their salaries were paid out of the State treasury, and their functions were not of merely private, local, or temporary concern, but related to the material and permanent interests of the whole State. The duty imposed upon them was an important public trust, to be exercised for the benefit of all the people of the State, and could only be discharged properly by gentlemen of high attainments in physical science. * * * It may safely be asserted that any person charged by law with the performance of public functions affecting the general interests of society, especially if he be elected thereto by the people, or appointed directly by the legislature, and who receives his compensation out of the public treasury, is a public officer, and as such can have no vested right in his office, unless secured by the constitution. * * * It may be difficult to draw the exact line between an officer and a mere service or employment; but, as already observed, when public functions are conferred by law upon certain persons elected by the people or appointed by the legislature, if those functions concern the general interests of the State, and are not of a nature merely local or temporary, such persons are public officers, especially if they are paid a salary for their services out of the public treasury."

In re Corliss (11 R. I. 638) the question was up whether the office of a commissioner of the United States Centennial Commission is an office of trust under Article II, section 1, of the Constitution of the United States, and it was held that he was such an officer. The law creating that commission provided "for the holding of an exhibition of American and foreign arts, products, and manufactures, under the auspices of the Government of the United States," and the functions of such commissioners were to continue until the close of the exhibition, and their duties were "to prepare and superintend the execution of a plan for holding the exhibition." By the act of Congress approved June 1, 1872, the duties and functions of the commission were further increased and defined, and a corporation was created called "The Centennial Board of Finance," to cooperate with the commission and to raise and disburse the funds. It was to be organized under the direction of the commission. The commission was also to adopt plans for the erection of buildings, and the corporation created was to erect them in accordance with these plans.

The act also provided that the commission should "have power to control, change, or revoke all such grants, and shall appoint all judges and examiners and award all premiums." The commission was also

"to supervise the closing up of the affairs of said corporation, to audit its accounts, and submit in a report to the President of the United States the financial results of the centennial exhibition." The act also provided "no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States." The only other officers provided for by the act were alternates to serve as commissioners when the commissioners were unable to attend.

The court properly held that these commissioners were officers of the United States. They were certainly vested with sovereign functions of the Government which were to be exercised by them for the benefit of each and every State in the Union and for the benefit of all the people of the United States.

In Bunn v. The People (45 Ill. 397) the court held:

"A person employed for a special and single object, in whose employment there is no enduring element, nor designed to be, and whose duties when completed, although years may be required for their performance, ipso facto terminate the employment, is not an officer in the sense in which that term is used in the constitution of Illinois."

In re attorneys, etc. (20 Johnson, N. Y.), the court defines the legal meaning of the term "office" to be "an employment on behalf of the Government in any station or public trust not merely transient, occasional, or incidental."

In matter of Hathaway (71 N. Y. 238–243) the court said:

"'Public office' as used in the Constitution has respect to a permanent trust to be exercised in behalf of the Government, or of all citizens who may need the intervention of a public functionary or officer, and in all matters within the range of the duties pertaining to the character of the trust. It means a right to exercise generally and in all proper cases the functions of a public trust or employment."

In McArthur v. Nelson (81 Ky. 67) the question was up as to whether certain commissioners were district officers, and the case says:

"The first section of the act authorizes the judge of the circuit court to appoint three commissioners, residents of the district, who shall hold their office at the will and pleasure of the judge. It is made the duty of the commissioners to have the courthouse constructed at a cost not exceeding $50,000, and to enable them to raise this money they are authorized to issue bonds, with coupons attached, bearing interest at 5 per cent, payable semiannually; and to redeem the bonds and pay the interest they are further empowered to levy an annual tax on the real and personal property in the district not exceeding 12 cents on the $100, etc. * * * They are not district officers within the meaning of section 10 of article 6 of the Constitution, but are the mere agents for the district, required by the act to discharge certain duties with reference to the building of the courthouse, and when those duties end their employment terminates."

In United States v. Germaine (99 U. S. 508) the question as to who are and who are not officers of the United States was quite fully considered. Under section 4777 of the Revised Statutes, United States, it is provided:

"That the Commissioner of Pensions be, and he is hereby, empowered to appoint, at his discretion, civil surgeons to make the periodical examinations of pensioners which are or may be required by law and to examine applicants for pensions where he shall deem an examination by a surgeon appointed by him necessary, and the fee for such examinations and the requisite certificates thereof in duplicate, including postage on such as are transmitted to pension agents, shall be $2, which shall be paid by the agent for paying pensions in the district within which the pensioner or claimant resides out of any money appropriated for the payment of pensions under such regulations as the Commissioner of Pensions may prescribe."

It was held in the case cited that the appointees under this statute are not officers of the United States, but mere agents of the Commissioner of Pensions.

It is perfectly clear, therefore, that the commissioners appointed under the act approved July 7, 1898, "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes," the resolution approved July 7, 1898 (Pub. Res. No. 51), entitled "Joint resolution to provide for annexing the Hawaiian Islands to the United States," and the act approved June 18, 1898, entitled "An act authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," are not persons "holding any office under the United States."

They are persons designated by authority of Congress to make certain investigations, inquiries, etc., or to conduct certain negotiations preliminary to and as a basis for possible action by the Congress of the United States or by one branch of it. They neither make law, execute law affecting the rights of the people, nor perform judicial functions. These commissioners are and are intended to be mere advisory agents of the Congress of the United States. Their investigations are confined to some particular matter or subject, and they are not required to take an oath of office. They have no power to decide any question or bind the Government or do any act affecting the rights of a single individual citizen.

If the House or Senate authorizes or directs the Speaker or President of the Senate, as the case may be, to appoint a special committee to investigate some particular matter or subject and report and recommend legislation, can it be claimed that an office is created or that the Members of the House or Senate appointed hold "an office"? Suppose the President of the United States is authorized to make the appointments. Does this create offices, and are the appointees "officers"?

The acts performed are for the information of the Congress, and it alone. Their suggestions and recommendations have no force; they may or may not be adopted. To make their suggestions or recommendations operative, bills or resolutions must be introduced embodying the provisions recommended, or their substance, and these must be enacted into law. If a treaty is recommended by peace commissioners, it must be submitted to the Senate and by it ratified. The acts of such a commission do not bind the President, the Senate, or the Government. Then such commissioners neither make, execute, nor interpret law. They do not possess or exercise any of the sovereign power of the Government of the United States.

That the Senate may feel that it ought to ratify or approve the recommendations of such a commission can make no difference; the fact remains that their acts are not binding upon anyone or upon any departments of the Government.

If the Congress of the United States should see fit by joint resolution to authorize the President to appoint 10 persons as commissioners, whose duty it should be to investigate the condition of the people residing in Porto Rico and recommend laws suitable to their government, and should appropriate money to pay the expenses of the commission, would anyone contend that such commissioners when appointed would become other than mere agents of the Congress for the purposes specified? Would they possess or exercise legislative, executive, or judicial functions or powers? Such commissioners would possess the mere naked power to investigate and report, and their action would conclude no one, nor would they execute or interpret any law. Their action would not affect in the slightest degree the personal or property rights of a single citizen of the Republic. They would be answerable to no power for misconduct; they would be bound by no oath.

"The officer is distinguished from the employee," says Judge Cooley, "in the greater importance, dignity, and independence of his position; in being required to take an official oath, and perhaps to give an official bond; in the liability to be called to account as a public offender for misfeasance or nonfeasance in office, and usually, though not necessarily, in the tenure of his position."

Attorneys and counselors admitted to practice in the courts of the United States are not officers of the United States. (Ex parte Garland, 4 Wall. (U. S.), 333; see also In re Robinson, 131 Mass. 376.)

In People v. Nichols (52 N. Y. 478), one of the judges of the court of appeals was designated by statute as one of three persons to examine and report upon the genuineness and value of certain relics which the State proposed to purchase, and upon the certificate of these commissioners the purchase price was to be paid. The court held that this was not an office or public trust within the meaning of the constitution of that State, which prohibits such judge from holding an office or public trust. Said the court: "It is very plain that the doing of such an act, a single act like this, is not within the meaning of the constitutional prohibition against holding any other office or public trust" (p. 485).

Applying these principles to what is known as the Postal Commission the committee finds that those Members of the House of Representatives appointed or designated as commissioners under Public Act 131, "An act making appropriations for the fiscal year ending June 30, 1899," are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to the Industrial Commission, the committee finds that those Members of the House of Representatives appointed or designated as commissioners under Public Act No. 146, "An act authorizing the appointment of a nonpartisan commission to collate information and consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," approved July 7, 1898, are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to the Canadian Commission the committee finds that those Members of the House of Representatives appointed or designated as commissioners under Public Act No. 182, "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1918, and prior years, and for other purposes," are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to the Hawaiian Commission the committee finds that those Members of the House of Representatives appointed or designated as commissioners under Public Resolution No. 51, "Joint resolution providing for annexing the Hawaiian Islands to the United States," are not, nor are any of them, officers under the United States within the meaning of the Constitution.

In respect to visitors to the Military Academy, etc., the committee finds that those Members of the House of Representatives appointed and designated as visitors to the Military Academy at West Point, to the Naval Academy at Annapolis, and the regents and directors and consulting trustees to the various public institutions in the District of Columbia and appointed by the Speaker of the House, are not, nor are any of them, officers under the United States within the meaning of the Constitution.

APPENDIX D.

THE CONSTITUTION OF THE UNITED STATES.

[By David K. Watson, pp. 330 to 336.]

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office." (The Constitution of the United States, art. 1, sec. 6, par. 2.)

The constitution of Georgia, adopted in 1777, provided: "No person shall hold more than one office of profit under this State at the same time." (Madison's Writings, vol. 4, 221.)

Few provisions of the Constitution created a more earnest debate in the convention, or were the cause of a more eloquent and forcible discussion of the principles upon which the American political system is founded, than the resolution and motions which resulted in the adoption of this clause.

There was a firm determination on the part of some of the ablest men in the convention that such a clause should be inserted in the Constitution, and a belief that to omit it would be a serious error, while other members of the convention, equally able and sincere, regarded the proposition as derogatory to individual merit and a reflection of individual integrity.

After the preliminary debates in the convention on this subject, the Committee of the Whole reported, "Members of the first and second branch of the National Legislature ought to be ineligible to any office established by a particular State, or under the authority of the United States (except those particularly belonging to the functions of each branch) during the term of service, and under the National Government for the space of one year after its expiration." (Journal, 160.)

Mr. Gorham moved to strike from the report that portion of it "concerning ineligibility of members of the first branch." He considered it unnecessary and unjust. (Journal, 222.)

Mr. Butler opposed the motion. This precaution against intrigue was necessary. Men going into Parliament that they might get office for themselves or their friends were a source of corruption that ruined Great Britain.

Mr. King thought such a restriction on the members would discourage merit; it would also give a pretext to the Executive for bad appointments.

Mr. Wilson was also against discouraging merit, and suggested the fatal consequence in time of war of rendering perhaps the best commanders ineligible.

Mr. Mason opposed the motion, and regarded the disqualification as a corner stone in the fabric.

Mr. Hamilton stated, "there are inconveniences on both sides. We must take man as we find him, and if we expect him to serve the public, must interest his passions in doing so. A reliance on pure patriotism had been the source of many errors. It was known that one of the ablest politicians of England (Mr. Hume) had pronounced all that influence on the side of the Crown, which went under the name of corruption, as an essential part of the weight which maintained the equilibrium of the Constitution."

The motion of Mr. Gorham was lost by an equal division. (Journal, 222, 223.)

On the following day Mr. Pinckney moved to strike out the ineligibility of members of the first branch to office established "by a particular State," and this motion prevailed.

Mr. Madison then moved "to render members of the first branch ineligible during their term of service, and for one year after, to such offices only as should be established or the emoluments augmented by the Legislature of the United States during the term of their being Members." (Journal, 223, 224.)

Another animated debate occurred on this motion, which met with serious opposition.

Mr. Mason said in arguing against it that genius and virtue ought to be encouraged. Genius, for aught he knew, might; but that virtue should be encouraged by such a species of venality had the merit at least of being new.

Mr. Wilson supported the motion, and said the proper cure for corruption in the Legislature was to take from it the power of appointing to office. He animadverted on the impropriety of stigmatizing with the name of venality the laudable ambition of rising into the honorable offices of the Government—an ambition most likely to be found in the earlier and most incorrupt period of life, and which all wise and free governments had deemed it sound policy to cherish, not to check.

The Members of the Legislature have perhaps the hardest and least profitable task of any who engage in the service of the State. Ought this merit to be a disqualification? (Journal, 225.)

Mr. Madison said he had been led to this motion as a middle ground between ineligibility in all cases and an absolute disqualification. * * * The question was not to be viewed on one side only. The objects to be aimed at were to fill all offices with the fittest characters, and to draw the wisest and most worthy citizens into the legislative service.

The motion was defeated by a vote of two to eight. (Journal, 226, 227.) The committee of detail reported that "Members of each House shall be ineligible to, and incapable of holding, any office under the authority of the United States during the time for which they shall respectively be elected; and Members of the Senate shall be ineligible to, and incapable of holding, any such office for one year afterwards." (Journal, 452.)

The most important debate on this question, and one of the most important of the whole convention, occurred when this particular clause of the report of the committee of detail was being considered. Mr. Pinckney argued that to make the members ineligible to office was degrading, inconvenient, and impolitic. Degrading, since their election into the Legislature implied that they had the confidence of the people. Inconvenient, because the Senate might be supposed to contain the fittest men. He hoped to see that body become a school of public ministers, a nursery for statesmen. Impolitic, because the Legislature would cease to be a magnet to the first talents and abilities. He moved to postpone the section, and take up the following: "The Members of each House shall be incapable of holding any office under the United States for which they, or any others for their benefit, receive a salary, fees, or emoluments of any kind; and the acceptance of such office shall vacate their seats respectively." (Journal, 520, 521.)

Mr. Mason ironically proposed to strike out the whole section, as a more effectual expedient for encouraging that exotic corruption which might not otherwise thrive so well in the American soil; for completing that aristocracy which was probably in the contemplation of some among us; and for inviting into the legislative service those generous and benevolent characters who will do justice to each other's merit, by carving out offices and rewards for it. In the present state of American morals and manners few friends, it may be thought, will be lost to the plan by the opportunity of giving premiums to a mercenary and depraved ambition.

Mr. Mercer said: "The Governments of America will become aristocracies. They are so already. The public measures are calculated for the benefit of the governors, not of the people. The people are dissatisfied and complain. Government can only be maintained by force or influence. The Executive has not force—deprive him of influence, by rendering the Members of the Legislature ineligible to executive offices, and he becomes a mere phantom of authority. The aristocratic part will not even let him in for a share of the plunder. The Legislature will be composed of wealth and ability, and the people will be controlled by a junto."

Mr. Gerry read to the convention a resolution of the Legislature of Massachusetts instructing her deputies in the convention not to agree in any case to give to the Members of Congress a capacity to hold office under the Government. The sense of the State was still the same. He could not think, with Mr. Pinckney, that the disqualification was degrading. Confidence is the road to tyranny.

Gouverneur Morris was against rendering the Members ineligible. Why should we not avail ourselves of their services, if the people choose to give them their confidence? There can be little danger of corruption, either among the people or the legislators who are to be the electors. If they say, "We see their merits, we honor the men, we choose to renew our confidence in them," have they not a right to give them a preference, and can they be properly abridged of it?

Mr. Williamson opposed eligibility, and said he had scarcely seen a corrupt measure in the Legislature of North Carolina which could not be traced to office hunting.

Mr. Wilson was far from thinking the ambition which aspired to offices of dignity and trust an ignoble or culpable one. He was sure it was not politic to regard it in that light, or to withhold from it the prospect of those rewards which might engage it in the career of public service.

Mr. Mercer was extremely anxious on this subject. What led to the appointment of this convention? The corruption and mutability of the legislative councils of the States. If the plan does not remedy these, it will not recommend itself. It is a great mistake to suppose that the paper we are to propose will govern the United States. It is the men whom it will bring into the Government and interest in maintaining it that will govern them, and he would ask if this could be done if the members of the legislature should be ineligible to offices of States; whether such disqualification would not determine all the most influential men to stay at home and prefer appointments within their own States.

The motion to substitute Mr. Pinckney's resolution was lost by an equally divided vote. (Journal, 522, 527.)

The consideration of the report of the committee of detail was postponed and finally referred to the committee of eleven, which reported the following as a substitute for the resolution of the committee of detail: "The Members of each House shall be ineligible to any civil office under the authority of the United States during the time for which they shall respectively be elected; and no person holding an office under the United States shall be a Member of either House during his continuance in office." (Journal, 649.) This report materially changed the question which previously had been discussed by the convention, first, by limiting the ineligibility of Members to any civil office under the authority of the United States; and, second, removing the ineligibility of Senators for one year after the expiration of their term.

Mr. Pinckney moved the following as a substitute for this report: "The members of each house shall be incapable of holding any office under the United States for which they, or any other for their benefit, receive any salary, fees, or emoluments of any kind; and the acceptance of such office shall vacate their seats respectively." (Journal, 651.) He considered the ineligibility of members of the legislature to the honorable offices of Government as resembling the policy of the Romans in making the temple of virtue the road to the temple of fame. (Journal, 651.)

The vote on the motion for substituting Mr. Pinckney's motion was lost. Another sharp debate occurred and the report was amended to read: "The Members of each House shall be ineligible to any civil office under the authority of the United States created, or the emoluments whereof shall have been increased, during the time for which they shall respectively be elected. And no person holding any office under the authority of the United States shall be a Member of either House during his continuance in office." (Journal, 653.)

This section is a prohibition against a Senator or Representative being appointed to any civil office which was created, or the emoluments of which are increased, during the term of the Senator or Representative, and against a person holding an office under the United States being a Member of the Senate or House of Representatives. (Watson, The Constitution, vol. 1, pp. 330–336.)

World War Foreign Debt Commission.

Opinion of the Attorney General.

[Vol. XXII, p. 184.]

Department of Justice,
August 18, 1898.

Sir: I have your letter of the 13th instant, asking my opinion upon the question whether Hon. William L. Putnam, United States circuit judge, who was appointed and has acted as one of the two commissioners under the convention of February 8, 1896, concerning claims growing out of seizures of vessels in Bering Sea, can be paid by you for his services as such commissioner.

Your attention, it appears, has been called to Revised Statutes 1763, 1765, and the Dockery law. (2 Supp. Rev. Stat. 212.)

The provision of the Dockery law referred to is as follows:

"No person who holds an office the salary or annual compensation attached to which amounts to the sum of $2,500 shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized thereto by law."

Article 7 of the treaty of 1896 is as follows:

"Each Government shall provide for the remuneration of the commissioner appointed by it.

"The remuneration of the umpire, if one should be appointed, and all contingent and incidental expenses of the commission, or of the umpire, shall be defrayed by the two Governments in equal moieties."

The treaty, article 3, speaks of the two commissioners as constituting a commission, and article 1 provides that the two parties agree to refer all claims growing out of seizures of British vessels in Bering Sea to two commissioners, one to be appointed by the President, one by the Queen. The duties of the commissioners are confined to fairly and impartially investigating and deciding upon the claims, jointly, and jointly reporting any disagreement; upon which, an umpire is to be chosen.

On May 7, 1896, Congress passed a law appropriating $75,000, "to be expended, under the direction of the Secretary of State, with the approval of the President of the United States, in fulfilling the stipulations of the treaty." This language evidently referred to article 7, and did not provide for the payment of the claims.

The question is whether the act of 1894 applies to the commissioner and prevents the payment to Judge Putnam of compensation from the $75,000 because it forbids the appointment to or holding of a second "office to which compensation is attached."

Article II, section 2, of the Constitution, establishing the executive branch of the Government, provides:

"He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments."

It would seem that the phrase "which shall be established by law" was conceived as referring to the power of Congress to pass laws necessary and proper to carry into effect all the powers granted in the Constitution, and that there was no expectation that the "officers of the United States" would be established by treaties between the United States and other countries. The commissionership in question is not an office established by law in that sense. Neither does it seem to be within the clause "ambassadors, other public ministers and consuls," for their offices were adopted from the law of nations, and exist independently of statute or treaty. (7 Opin., 242.) The commissioner is, of course, not one of the officers "whose appointments are herein otherwise provided for."

In short, the office, if it be an office, is not one of those appointments which is required by the Constitution to be made in the ways enumerated in Article II, section 2.

The treaty, to which the commission and commissionership owe their existence, provides that the President (saying nothing of the Senate) shall appoint; but although this produces a resemblance to the constitutional requirement, the commissionership is none the more, on that account, an office known to the Constitution as such. It is an office or employment emanating from the general treaty-making power, and created by it and Great Britain. In the case of United States *v.* Germaine (99 U. S., 510) the Supreme Court says:

"That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment (those of Article II, section 2), there can be no doubt. * * * If the punishment were designed for others than officers as defined by the Constitution, words to that effect would be used, as servant, agent, person in the service or employment of the Government; and this has been done where it was so intended, as in the sixteenth section of the act of 1846 concerning embezzlement, by which any officer or agent of the United States, and all persons participating in the act, are made liable."

In the series of statutes to which the act of 1894 belongs (Rev. Stat., 1763, 1764, 1765) it will be observed that the language of the Supreme Court finds further confirmation; for, after speaking of officers, they add words to include persons serving the Government in other or doubtful capacities.

It is true that the statutes referred to were criminal; but, while this may be a reason for not confining the word office in civil statutes to a strict construction, yet what the Supreme Court says seems to indicate that where, as in this series, that word is used and followed by other designations the line of cleavage is that between constitutional and nonconstitutional offices. (See United States *v.* Mouat, 124 U. S., 307.)

It would seem, therefore, that the word office in the act of 1894 is to be presumed, in the absence of indications to the contrary, not to embrace such a commissionership, because not what is called a constitutional office. But this may not be so; and therefore it is well to consider that, in addition to the constitutional, there is the legal and the popular sense of the word office.

The legal definitions of a public office have been many and various. The idea seems to prevail that it is an employment to exercise some delegated part of the sovereign power; and the Supreme Court appears to attach importance to the ideas of "tenure, duration, emolument, and duties," and suggests that the last should be continuing or permanent, not occasional or temporary. In case cited it was further said: "The surgeon is only to act when called upon by the Commissioner of Pensions in some special case, as when some pensioner or claimant of a pension presents himself for examination"; and this was regarded as making his duties "occasional and intermittent."

Whether this commissioner, sent to adjudicate upon certain-named claims, listed at the end of the treaty, whose employment was thus to perform a certain task which might take a month or several months, would answer the right legal definition of an officer, must be regarded as at least doubtful. He resembles a special assistant to a district attorney, to aid in a certain case or set of cases, who has been recognized as not an officer, although a regular assistant is an officer. No "emolument" was attached to his employment by the treaty or act of May, 1896, but the former signified no more on that point than that he was to be paid by the United States, if at all, and the latter, while appropriating money to be used in carrying out article 7, left the President and Secretary free to pay or not to pay the commissioner, as might be arranged. I am not prepared to say, however, that, if nothing else were lacking to make him an officer of the United States—and we may assume that only officers of the United States were in the mind of Congress in 1894—it would be easy to establish that the commissioner could be paid out of the $75,000 and yet be regarded as holding an employment to which no "emolument" belonged. It does seem, however, that the temporary character of the employment, which was to consist of and to terminate at the end of the examination of a limited number of specified claims, withdraws one of the elements of an office which the Supreme Court regards as essential. (Auffmordt *v.* Hedden, 137 U. S. 327.)

As for the popular language, it seems clear that a person employed solely as a sworn judge of a joint international commission would not be spoken of as an officer of either country, although, under a treaty requiring it, selected and sent to his post by one of them.

For these reasons it seems to me that this act of 1894, passed anterior to the treaty as a supplement to a series of acts which first concerned only collectors of customs, naval officers, and surveyors, and was afterwards extended to other officers, should be regarded as not intended by Congress to invade the domain of the treaty-making authority and establish restrictions upon future occasional and temporary commissionerships created by international agreement, the nature and functions of which neither Congress nor the framers of Article II, section 2, could wisely have undertaken to foresee. The treaty in this case might have provided for the appointment of an identical commissioner by our ambassador to Great Britain, or by the President of France, instead of by the President of the United States, and might, for reasons important to the two treaty-making authorities, have expressly required one of the judges of the Supreme Court to be appointed. With such matters, it seems to me, Congress, by the act of 1894, had no intention of interfering. If within the letter, such an employment seems to be beyond the intent of that law.

It has been a useful custom of the Government for a century to assign to special work of great international importance eminent judges—Ellsworth, Jay, Nelson, etc.—while it has been no part of our policy to require services for the public without pay, theoretically amounting to just compensation.

What I have said seems to have been the executive interpretation of the word office, for Mr. Senator Morgan was appointed and paid as a member of the fur-seal arbitration tribunal, although while a Senator he aided in creating that "civil office," and Mr. Justice Brewer and Judge Alvey, since this act of 1894, have been appointed upon the commission to report upon the divisional line between Venezuela and British Guiana, all being compensated out of general appropriations for the expenses.

While, therefore, the question is not free from difficulty, I am inclined to the opinion that Judge Putnam can be paid a sum additional to his salary as judge.

I do not regard Revised Statutes 1763 and 1765, to which you refer me, as applicable to the case. If not an office, the commissionership was a distinct place, position, or employment, having nothing to do with the duties of the judgeship and compatible therewith, to which position no superior authority could detail Judge Putnam. (U. S. *v.* Mullett, 150 U. S. 566, and cases cited.)

Respectfully,

JOHN W. GRIGGS.

The SECRETARY OF STATE.

COMMENTS OF SENATOR WALSH ON THE FOREGOING.

In the opinion of the Attorney General submitted to the Senate on March 8, 1922, reference is made to the opinion of Attorney General Griggs (22 Op. 184) as a ruling of the department on the question under consideration by the Committee on the Judiciary under Senate resolution 244. Not only that it is not such, but that it supports the position taken by the subcommittee will be revealed by even a cursory study of the reasoning of Attorney General Griggs.

In the statement submitted with the report of the subcommittee commissions upon which Members of Congress have from time to time been appointed were divided into three classes: (1) Commissions to negotiate treaties; (2) commissions arbitral in character, existing by virtue of treaties; (3) commissions to conduct investigations and to report to Congress with a view to legislation.

The commission considered by Attorney General Griggs falls within the second class mentioned, and the opinion proceeds upon identically the same ground upon which, in the statement heretofore referred to, such commissions are differentiated from the Foreign Debt Funding Commission. He was called upon to say whether within a statute Judge Putnam, in his capacity as American member of the commission to settle claims for the confiscation of Canadian vessels engaged in pelagic sealing, was an officer of the United States. He argued that Judge Putnam did not come under the operation of section 2 of Article II of the Constitution empowering the President, by and with the advice and consent of the Senate, to "appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are herein otherwise provided for and which shall be established by law," because that provision was intended to apply only to positions official in character, created by act of Congress, and not to positions existing by virtue of a treaty. As to such positions the Attorney General maintains they exist not under the authority of the United States, but under the joint authority of the United States and the other party to the treaty, as will be shown from the following from the opinion, for comparison printed in a column parallel to what was said in the views submitted with the report of the subcommittee.

[From the opinion of the Attorney General.]

It would seem that the phrase "which shall be established by law" was conceived as referring to the power of Congress to pass laws necessary and proper to carry into effect all the powers granted in the Constitution, and that there was no expectation that the "officers of the United States" would be established by treaties between the United States and other countries. The commissionership in question is not an office established by law in that sense. Neither does it seem to be within the clause "ambassadors, other public ministers, and consuls," for their offices were adopted from the law of nations, and exist independently of statute or treaty. (7 Opin., 242.) The commissioner is, of course, not one of the officers "whose appointments are herein otherwise provided for."

In short, the office, if it be an office, is not one of those appointments which is required by the Constitution to be made in the ways enumerated in Article II, section 2.

The treaty, to which the commission and commissionership owe their existence, provides that the President (saying nothing of the Senate) shall appoint; but, although this produces a resemblance to the constitutional requirement, the commissionership is none the more, on that account, an office known to the Constitution as such. It is an office or employment emanating from the general treaty-making power, *and created by it and Great Britain.* * * * * * It seems clear that a person employed solely as a sworn judge of a joint international commission would not be spoken of *as an officer of either country,* although, under a treaty requiring it, selected and sent to his post by one of them.

[From the argument of Senator WALSH.]

Another class of cases, quite similar in character, includes appointments on commissions to settle international disputes, like boundary commissions or other arbitration commissions, the members of which are appointed pursuant not to an act of Congress but to a treaty. Such officers, if they may be so denominated, do not come under the operation of the clause of the Constitution under consideration which was intended to exclude Members of Congress only from such office as they had as such a part in creating or in making more desirable by increasing the emoluments attached to it. The provision in question was one of the compromises of which not a few are found in the Constitution. The more skeptical wished to make Members ineligible to appointment to any office, and not only for the term of the Member but as well for a year after its expiration. Others objected to any restriction on the appointing power in that regard. It was finally agreed that the safety of the Republic would be sufficiently assured if the temptation were removed only with respect to such offices as the Members respectively participated in creating or making more inviting in the manner indicated. So, admitting that the members of commissions, such as those last referred to, are officers and that they act under the authority of the United States, rather than under a joint authority of our country and the other party to the treaty, the offices they hold are not of that class the makers of the Constitution had in mind when they framed the clause in question—that is, though they may be within its letter, they are not within its spirit.

In addition to the contention that a position existing by virtue of a treaty is not an "office under the authority of the United States" because created not by the United States but by the joint authority of the United States and the other party or parties to the treaty, it was urged that the makers of the Constitution could have had in mind only those offices in the creation of which Members of both Houses participated. It may be that there is equal reason for excluding Senators from office in the creation of which they participated by the ratification of a treaty as from offices created by act of Congress. But inasmuch as the ineligibility extends to Representatives in all cases in which Senators are disqualified, and the reason for the rule established by the Constitution fails as to Representatives in the case of positions created by a treaty, it is a reasonable con-

tention that such positions do not fall under the inhibition of the Constitution.

Accordingly the appointment of a Senator or a Representative as a member of an arbitral commission is not a persuasive precedent or, justly considered, a precedent at all for the appointments giving rise to the present inquiry.

MINORITY VIEWS.

The undersigned members of the Committee on the Judiciary, which committee has had under consideration Senate resolution 244, are unable to concur in the report of the committee, it being their opinion that the Hon. REED SMOOT and the Hon. THEODORE E. BURTON are eligible for membership on the commission created by the act of Congress approved February 9, 1922, entitled "An act to create a commission authorized to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes."

They submit herewith their views upon the subject matter of the resolution.

KNUTE NELSON.
ALBERT B. CUMMINS.
WM. P. DILLINGHAM.
LEBARON B. COLT.
THOMAS STERLING.
RICHARD P. ERNST.
SAMUEL M. SHORTRIDGE.

The resolution directing the Committee on the Judiciary to make a report is as follows:

"*Resolved*, That the Committee on the Judiciary be, and it hereby is, directed to inquire into and report to the Senate, not later than Tuesday next (February 28, 1922), touching the eligibility of Hon. REED SMOOT and Hon. THEODORE E. BURTON to membership on the commission created by the act of Congress approved February 9, 1922, entitled 'An act to create a commission authorized to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes,' reference being made to section 6 of Article I of the Constitution of the United States, as follows:

"'No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time.'".

It will be observed that the committee is required to answer a pure question of constitutional law, namely: Are Senator REED SMOOT and Representative THEODORE E. BURTON eligible, under the Constitution, to receive appointments as members of the World War Foreign Debt Commission, a commission created by the act of February 9, 1922; the act having been passed while these nominees of the President were Members of Congress, and during the time for which they were respectively elected?

Whether these selections for the commission are wise or unwise, whether the reasons which prompted the provisions of section 6 of Article I of that instrument would logically lead to the further conclusion that Members of Congress should receive no appointments of any character from the President, is a subject not submitted to and upon which the minority of the committee expresses no opinion.

There are a thousand ways, some of them proper and some of them improper, through which the President, so far as the Constitution is concerned, can bring influence to bear upon Members of Congress, and likewise there are a thousand ways, some of them proper and some of them improper, through which the Members of Congress can exert their influence upon the Chief Executive. It must be constantly borne in mind that the committee is not charged with the duty of recommending amendments to the Constitution to supply the defects of an instrument prepared and adopted at a time and under conditions which rendered it impossible to foresee or anticipate all the needs of modern government. Nor should it be forgotten that it is just as destructive of the security afforded by a written Constitution to attempt to extend its terms by forced and unnatural interpretation as it is to limit its construction by similar methods.

Unquestionably it is not only our right but our duty carefully to consider the known object which the makers of our Constitution had in view when particular provisions were debated and adopted; but respect for our fundamental law will not long survive if, in order to reach what may now be regarded as a desirable end and one which we may believe that the framers of the Constitution would have desired to reach had they been able to conceive the present development of organized society, we refuse to accept the true meaning of the words and phrases actually employed.

The minority has referred to this phase of the subject because it is earnestly and ably contended that to appoint a Senator or a Representative to any position of honor, distinction, or profit would be attended by the same evils that were anticipated and provided against by our forefathers when they forbade the appointment of a Member of either House to a civil office under the authority of the United States created during the time for which he was elected.

The fundamental difference between the majority and the minority of the committee relates to the rule of construction which should be adopted. We may not differ upon literal definitions, but, nevertheless, lying deeper than the words which we may use to describe the guides which we follow, there is a radical divergence in thought.

The majority of the committee, while they would not admit the suggestion, are in fact applying the rule which a distinguished President of the United States once stated in this very plain, blunt way—we are not attempting to quote him literally, but the substance of his declaration was that the Constitution at any given time means what the needs of the people at that time require that it shall mean. There are a great many statesmen of high degree and lawyers of great attainments who if they are not willing to avow this canon of construction act in accordance with its standards.

It is not difficult to understand the attitude of men who feel that it would promote the public interest if Members of Congress were ineligible for appointment to any office, position, place, or employment which they helped to create; first, because in rare instance the possibility of appointment might present a temptation that would influence their votes or, second, because the opportunity for such an appointment might give to the Executive an undue influence respecting the legislative act.

The minority of the committee do not deny that there is a possibility of such a result, but they can not accept the conclusion that because there is such a possibility we are justified in rewriting this clause of our Constitution, ignoring the distinction between the words "office," "position," "place," and "employment," and having so rewritten it, in testing the eligibility of Senator SMOOT and Representative BURTON, not by anything that those who have adopted the Constitution declared but by words and phrases not found in that instrument, but which according to the view of the majority ought to have been incorporated in it. The minority are strongly in favor of a liberal construction of the Constitution, but they can not concur in the obvious effort to amend that instrument through interpretation.

Moreover, it is not necessary to wreck the Constitution in order to accomplish the purpose which the majority of the committee believe should be accomplished and to institute and maintain the public policy which they are so confident should control this and every other like situation. If the majority of the Senate are of the opinion that in this instance it is contrary to the public interest that these two Members of Congress shall become members of the commission, it can refuse to confirm them, and so end the whole controversy. In any future instance, if Congress desires to prohibit the appointment of Members of Congress to any position, place, or employment, as distinguished from an "office" created by any law that it may enact, it is within its constitutional authority to do so. This is mentioned not because it is strictly material to the inquiry, but in order to call attention to the remedy that is in the hands of the Senate in this particular case and that would be in the hands of the Congress in any case occurring hereafter.

Unquestionably the chief purposes of the clause of the Constitution under consideration were, first, to remove the temptation which, theoretically at least, is presented to Congress to create offices or increase the compensation of offices already created, which would be filled by the appointment of the Members of Congress, and, second, to preserve the independence of the legislative branch of the Government by excluding the improper influence of the Chief Executive.

It is manifest and would be at once admitted that the provision, even if rewritten by the majority of the committee, can not be extended to embrace all the influences of a generally similar character. For illustration: Suppose the act creating the commission had given to the President the authority to appoint a legal adviser to that body at a salary of $50,000 per annum and the President had appointed a Member of the Senate as such adviser; it is not contended that the person so appointed would be an officer of the United States. There is no authority, however extreme, that does not hold that such an appointment would be a mere employment, and yet the objectional temptation and the opportunity for improper influence would be as great, if not greater, than in the case of the creation of an office. Illustrations of this character could be indefinitely multiplied. One, however, is sufficient, and it serves to demonstrate how impossible it is to broaden the language of the Constitution so that it will meet all the evils which may be encountered in the general field relating to the eligibility of Members of Congress to receive recognition of any kind at the hands of the Executive.

In the discussion in which we have indulged it must not be understood that the minority of the committee entertain any doubt with respect to the propriety of the two appointments under consideration. On the contrary, we regard these appointments as eminently wise—first, because both the appointees are in every way highly fitted to perform the work assigned to them; and, second, because they understand the attitude of Congress toward the subject with which they are to deal, and are therefore likely to recommend to the President arrangements with our foreign debtors that will command the approval of the legislative bodies to which they belong.

We beg to submit that the view of the construction of the Constitution upon which we insist is not to be disparaged by the suggestion that those who hold it have resorted to a technicality. On the contrary, our contention relates to the very substance of orderly government. Any other rule of interpretation leads immediately to the complete overthrow of written constitutions and statutory enactments. The men who wrote the Constitution chose to confine the provision respecting Members of Congress to "civil offices." If the commissioners under the funding act hold civil offices, as distinguished from "civil positions," "civil places," or "civil employments," then Senator SMOOT and Representative BURTON are ineligible. The sole function of the Committee on the Judiciary is to answer the one question: Are these commissioners whose appointments are authorized by the funding act civil officers under the authority of the United States? If they are, then A. W. Mellon, Charles E. Hughes, and Herbert Hoover hold two offices, respectively, and Senator SMOOT and Representative BURTON are ineligible.

Before referring to the authorities, and there are many of them, in which the courts have had occasion to consider what is and what is not an "office" under the provisions of the various State constitutions and various Federal and State statutes, we turn to an examination of the terms of the particular act under which the World War Foreign Debt Commission was created. The material portions of the act are as follows:

* * * "That a World War Foreign Debt Commission is hereby created consisting of five members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and four of whom shall be appointed by the President, by and with the advice and consent of the Senate.

"SEC. 2. That, subject to the approval of the President, the commission created by section 1 is hereby authorized to refund or convert, and extend the time of payment of the principal or the interest, or both, of any obligation of any foreign government now held by the United States of America, or any obligation of any foreign government hereafter received by the United States of America (including obligations held by the United States Grain Corporation, the War Department, the Navy Department, or the American Relief Administration), arising out of the World War, into bonds or other obligations of such foreign government in substitution for the bonds or other obligatons of such government now or hereafter held by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America."

The minority of the committee are of the opinion that, if the words "subject to the approval of the President" were not in the statute, there would still be room for the contention that the commissioners are not officers, under the principles announced and the definitions found in many of the authorities to which reference will hereafter be made. However, we frankly concede that if the words just quoted had been omitted there would be presented an entirely different question and an exceedingly close one. But these words "subject to the approval of the President" are in the statute, and they remove the question from the region of doubt or uncertainty.

While we postpone the consideration of the decided cases, it may be helpful to remember that the Constitution uses the words "civil office" to describe its purpose. Those who employed the words could have said, had they been so minded, "position," "place," "employment," or the like, but they did not; and it is the duty of the committee, under the resolution, to render an opinion upon the meaning of the word "office" as distinguished from the meaning of the broader and more comprehensive words "position," "place," "employment," or other

similar terms. The word "office" had a fairly definite meaning at the time the Constitution was adopted; and inasmuch as it occurs not only in the Constitution of the United States but in all the State constitutions and in innumerable laws, both Federal and State, it has been the subject, as heretofore suggested, of a great many judicial discussions and decisions, some of which have been collected and appear in the exceedingly interesting and able paper accompanying the report of the majority of the committee. These decisions are not harmonious; and as there are no two cases which involve the same conditions, they are of little value, save for one thing, namely, we are able to extract from them *and from commentators*, with fair precision, the elements which must concur and combine in order that any given position or place may constitute an "office." Disregarding all disputed elements, there will be found universal agreement as to one indispensable element. This element is not only admitted, but emphasized in the argument of the majority of the committee; and inasmuch as we desire to bring this matter at once to the test of this indispensable characteristic, we quote from Mechem's Public Offices, etc. (sec. 4), which states the principle as clearly as it can be found anywhere:

"Office involves delegation of sovereign functions. The great important characteristic which distinguishes an office from employment or a contract is that the creation and conferring of an office involves a delegation to the individual of some of the sovereign functions of the Government to be exercised by him for the benefit of the people; that some portion of the sovereignty of the country, either legislative, executive, or judicial, attaches for the time being to be exercised for the public benefit. Unless the powers conferred are of this nature the individual is not a public officer. This involves necessarily the power (1) to legislate, (2) execute a law, or (3) hear and determine, judicially, questions submitted. Therefore mere power to investigate some particular subject and report thereon, or to negotiate a treaty of peace or on some commercial subject and report, without power to make binding on the Government, does not constitute a person an officer."

The principles here announced are universally accepted, and by no one more clearly than the Senator from Montana. In his address to the Senate upon this subject he says (CONG. REC., February 24, p. 3329):

"Mr. President, I think the Senator from Arkansas [Mr. ROBINSON] correctly stated the necessary elements that make an office. The first question is, Is it created by law? Undoubtedly this commission was created by law—by an act of Congress. Second, is the officer, or are the commissioners, intrusted with a portion of the sovereign power of the Government either to legislate, to enact a law, to execute a law, or to construe a law?"

All that remains is to apply this test to the powers and duties of the commission created by the funding act. The commission has no power whatsoever. Its duties are purely preliminary and advisory. It can do nothing that will bind the Government of the United States in any respect or degree. Every act that it performs is without the least force or effect until approved by the President. It is not invested with any part of the sovereign authority of the United States. It has no function save to present to the President its work for his approval. It is to the President that Congress has delegated the authority to enter into a binding agreement. While the work of the commissioners may be more dignified and important than the work of any of the employees of the commission, it is in every sense of the same character. It is the President who becomes responsible for everything that is done.

It has been suggested that the President stands in the same relation to the commission that the courts bear to such tribunals as the Interstate Commerce Commission or the Federal Trade Commission, but we are not impressed with the analogy. It is true that there are instances in which the orders of these commissions may be reviewed by the courts, but the action of the reviewing courts is not necessary to make the orders of such commissions binding upon the parties to them. The moment they are issued they are in full force and effect until set aside by the judgment of a superior tribunal. It is not so with the commission created by the funding act.

That commission can make no order, enter into no contract, make no arrangement of any description until the President approves it. It is his approval, and his approval alone, which gives to the work of the commission its validity. The commission may negotiate, gather information, put proposed agreements into form, and report to the President. Its duties and powers are then concluded and if nothing further is done their work is valueless and can not in any manner affect the people or the Government of the United States. It is the President, and the President alone, who gives life and force to the agreements which may be presented to him. The conclusion is irresistible; the commissioners are not "officers under the authority of the United States."

The majority of the committee, in the course of their argument, mention the fact that the funding act itself contains the implication that the commissioners are officers, because it provided that they must be appointed by and with the advice and consent of the Senate.

With regard to this phase of the matter it is sufficient to say that the action of the Senate in this respect, whether considered or unconsidered, can not change the character of the duties performed by the commission, and is entitled to little or no weight in reaching a conclusion upon the merits of the subject submitted to the committee for examination and report. Moreover, whatever effect the inclusion of this provision in the act may have is entirely neutralized by another provision wholly inconsistent with it. The act contains this clause:

"That a World War Foreign Debt Commission is hereby created, consisting of five members, one of whom shall be the Secretary of the Treasury."

In this clause Congress attempts to select and appoint one of the members of the commission. It will not be denied that if the members of the commission are officers Congress can not select or appoint them. We are thus presented with this curious situation, that in the same sentence Congress has affirmed that the commissioners are officers and are not officers.

While it is not within the province of the committee to make observations upon the constitutionality of the funding act, it is, nevertheless, proper to say that if it be held that the commissioners are officers within the meaning of the Constitution there would arise at once the gravest doubt with respect to the constitutionality of the law creating the commission. While the reservation in the act providing for confirmation by the Senate of an appointment to a position, as distinguished from an "office," a reservation not warranted by the Constitution, might not affect the validity of the law, yet if these commissioners are officers, then the attempt on the part of Congress to select or appoint one of them, thus invading the authority of the President, would constitute an affirmative violation of the Constitution and invalidate the entire statute.

The clause of the Constitution now under discussion has never been judicially construed or applied, and therefore we can not appeal to any direct adjudication. It may be worth while, however, to pass from the consideration of the one element in an "office" concerning which there is no conflict of opinion and examine the question from another point of view.

In United States *v.* Germaine (99 U. S. 508) the Supreme Court of the United States found it necessary to determine whether a civil surgeon appointed by the Commissioner of Pensions under an act of Congress was an officer of the United States and subject to indictment and punishment under a criminal statute which declared as follows:

"Every officer of the United States who is guilty of extortion under color of his office shall be punished, etc."

In the course of the opinion (delivered by Justice Miller) the court said:

"If we look to the nature of defendant's employment, we think it equally clear that he is not an officer. In that case, referring to United States *v.* Hartwell (6 Wall. 385), the court said, the term embraces the ideas of tenure, duration, emolument, and duties, and that the latter were continuing and permanent, not occasional or temporary. In the case before us, the duties are not continuing and permanent, but they are occasional and intermittent. The surgeon is only to act when called on by the Commissioner of Pensions in some special case, as when some pensioner or claimant of a pension presents himself for examination. He may make 50 of these examinations in a year, or none. He is required to keep no place of business for the public use. He gives no bond and takes no oath, unless by some order of the Commissioner of Pensions of which we are not advised."

The general field which this case occupies is full of authorities from State courts. Prominent among these is Bunn *v.* The People (45 Ill. 397). In this case Jacob Bunn and others had been appointed, by an act of the Illinois Legislature, commissioners charged with the duty of erecting a new statehouse. The constitution of the State contained the following section:

"The governor shall nominate and, by and with the advice and consent of the senate (or a majority of all the senators concurring), appoint all officers whose offices are established by this constitution or which may be created by law, and whose appointments are not otherwise provided for; and no such officer shall be appointed or elected by the general assembly."

Another section declared:

"That no such officer shall be elected by the general assembly."

The proceeding was in the nature of a quo warranto brought for the purpose of testing the right of these commissioners to hold their alleged offices. We quote significant passages from the opinion:

"It is not contended that the magnitude of the object or the amount or varieties of duties imposed to carry it out determines the character of the employment or will convert that which was a mere employment, temporary in its very nature, into an office; it is only their continuous nature that will have that effect. * * *

"It seems to us that it can not be predicated of these plaintiffs in error that their duties are of such a character that a general duty continues, * * *. In fact, there are no general duties imposed by the act in question on these appointees; they have only one single special duty to perform, and that is to superintend the erection of a statehouse, and when that is performed their functions, ipso facto, are at end. * * *

"It seems to us the term 'such officer,' judging from the contemporaneous action and construction of the clause by the legislature, had reference alone to such officers as had some portion of the functions of government committed to their charge. No man can certainly say to which of the three departments of our Government these appointees belong. It will not do to say that they belong to the executive, because they are required to execute a law. The same may be said of road commissioners; they execute the laws under which they derive their appointment, and so of numberless persons necessarily employed by the State in subordinate positions and for a special purpose. So far as we have any knowledge on this subject or are enabled to judge from the facts of contemporaneous history, no one has ever supposed the legislature had not full power to appoint and employ all such agents as might be deemed necessary by them to perform duties not of a permanent but of a transient and incidental character such as we see in abundance in our statute books. No one has ever exalted such employees to the position of an officer, though their duties might require months or years for their full performance. There is no enduring element in these employments, nor designed to be; the duty being performed, the place is vacant by the very fact of performance. * * * * * * "The appointees are to perform a duty single in itself, which the legislature could not of and by itself perform—that is, to superintend the erection of a statehouse, and disburse the moneys the legislature may appropriate to such purpose. No power is given to levy taxes, and no governmental act is to be performed by them."

The court cites many of the older cases which are worthy of careful review but which we must leave to the examination of the members of the committee.

In the matter of Hathaway (71 N. Y. 238) will be found an instructive discussion of this phase of the subject.

In 3 Greenleaf, 48, which is the answer of the Supreme Court of Maine to a question propounded by the governor of that State, the distinction between an "office" and a "position," "place," or "employment" is as clearly defined as the English language can define it, and the opinion deserves the most careful study.

We could multiply cases of this general character indefinitely, but it would serve no useful purpose to do so, for after we have analyzed all the varying shades of judicial opinion and noted their inharmonious definitions, we must resort finally to our instinctive classification of the particular commission created by the funding act. No two commissions are alike in their powers or duties, and when we form a judgment with respect to the essential characteristics of an "office" as compared with a "position," "place," or "employment" our fair ordinary common sense must assign this commission to the one classification or the other.

There are some suggestions in the argument submitted with the majority report which seem to require a reply. The argument refers to several instances in which Senators or Members of Congress have been appointed to settle international disputes "like boundary commissioners or other arbitration commissions," and it is said that these commissioners have been appointed "pursuant not to an act of Congress but to a treaty," and it is further insisted that "such officers, if they may be so denominated, do not come under the operation of the clause of the Constitution under consideration." Why not? The Constitution does not say that the office must be created by an act of Congress. It says he shall not be appointed to any "civil office under the authority of the United States which shall have been created, or the emoluments whereof have been increased, during such time." A treaty is the supreme law of the land, and an office created by a treaty, even

though the Members of the House have no voice in bringing the treaty into existence, is just as clearly within the prohibition of the Constitution as is an office created under an act of Congress. It seems to be simply another effort to make the Constitution so flexible that it may shrink or expand to meet the constantly changing views of public policy.

In the majority argument great emphasis is placed upon the fact that unless the commissioners are held to be officers they can not be punished for infidelity or wrongdoing; that if they are officers they can be impeached, and that this situation should lead us to the conclusion that they are officers. It is quite impossible for the minority of the committee to give weight to this contention. Indeed, the suggestion that persons composing the commission under the funding act ought to be subject to impeachment, as they would undoubtedly be if they are officers of the United States, furnishes a powerful reason for the conclusion that they are not officers.

The impeachment and trial by the Senate of men whose work is of the most temporary character is hardly thinkable. There can be no more persuasive reason for believing that they are not officers than the insistence upon the part of the majority that they ought to be subject to impeachment. It will be observed that the funding act does not require these commissioners to take an oath of office, and from that omission it may fairly be inferred that Congress did not regard them as officers, but the act might well have contained apt provisions for their punishment in the event of wrongdoing. Impeachment, even followed by removal from their positions, would be very inadequate punishment for the crimes of which they might be guilty. It is quite illogical, it seems to us, to insist that we must hold the commissioners to be officers in order to subject them to impeachment, when Congress could very appropriately have attached whatever penalty it thought desirable for misconduct on the part of the commission.

For the reasons we have merely outlined in this report, the minority of the committee is of the opinion that Senator REED SMOOT and Representative THEODORE E. BURTON are eligible for appointment as members of the World War Foreign Debt Commission.

VIEWS AND OPINION OF SENATOR NELSON.

The funding act creates a commission of five members, of which the Secretary of the Treasury is one (and it is provided that he shall serve as chairman of the commission), and four others, who shall be appointed by the President and confirmed by the Senate. The work of the commission is, in all respects, subject to the approval of the President; in other words, it is in subrogation to his wishes and direction. If he approves the work of the commission, it becomes valid; if he disapproves, it is invalid. The entire authority granted by the act shall cease at the end of three years from the date of the passage of the act (February 9, 1922). No salary is provided in the act for the commissioners, and they are not required to take an oath or give a bond for the performance of their duties.

The question raised by Senate Resolution 244 relates to the validity of the appointment of one Senator and one Member of Congress as members of the commission. It involves the construction of section 6 of Article I of the Constitution, to wit:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created * * * during such time."

And the question involved is whether this commission is such a civil office as is contemplated in the paragraph of the Constitution quoted.

Bearing in mind that the action of the commission is in all respects subject to the approval of the President, these commissioners can not be regarded as independent officers, but rather as a committee or board to advise and instruct the President. They have a specific duty in that respect to perform, and when that duty has been performed, or when three years have elapsed, their function is at an end. Under such circumstances the commission can not be regarded as an independent civil office, nor the commissioners as independent civil officers.

It is a question both of precedent and practice, and of legal principles. The Supreme Court of the United States, in the case of United States v. Hartwell (6 Wall., 385), lays down this general rule:

"An office is a public station or employment conferred by the appointment of the Government. The term embraces the ideas of tenure, duration, emolument, and duties."

In 1867 the Legislature of Illinois passed an act for the erection of a new capitol or statehouse, and in the act provided for the appointment of a commission of seven men named in the law to act as a commission to take charge of the erection of the new statehouse or capitol. The constitution of Illinois provided—

"That the governor shall nominate and, by and with the advice and consent of the senate (or a majority of the senators concurring), appoint all officers whose offices are established by this constitution or which may be created by law, and whose appointments are not otherwise provided for, and no such officers shall be appointed or elected by the general assembly."

The question raised was whether these commissioners appointed in the act were officers that should have been appointed by the governor within the meaning of the constitution. The case came before the Supreme Court of Illinois in the case of Bunn v. The People (45 Ill., 397), and it was decided by the court that the commissioners appointed by the legislative act were not officers of the character required to be appointed by the governor. The court in this case laid down this doctrine:

"A person employed for a special and single object, in whose employment there is no enduring element, nor designed to be, and whose duties when completed, although years may be required for their performance, ipso facto terminate the employment, is not an officer in the sense in which that term is used in the constitution."

The court further adds:

"In determining whether these commissioners are officers, it is proper to take into consideration the uniform contemporaneous and continuous expression given by the legislature, since the adoption of the constitution, to the clause in question, and from the construction thus given it must be concluded that they are not to be regarded as officers, and that such clause has only reference to such officers as had some portions of the functions of government committed to their charge."

In the case of Matter of Hathaway (71 N. Y., 238), the court laid down this rule:

"The term 'public office' as used in the constitution has respect to a permanent public trust or employment to be exercised generally and in all proper cases. It does not include the appointment to meet special exigencies of an individual to perform transient, occasional, or incidental duties such as are ordinarily performed by public officers. As to such appointment the legislature is left untrammeled and at liberty to vest the courts with power to make them."

In this case it was held that the order of the court appointing a person to act as surrogate and directing a commission to issue to him in the matter of the probate of a will in a case where a surrogate, county judge, and district attorney were disqualified from acting, was valid.

Mechem, Public Offices, section 4, contains the following statement:

"Office involves delegation of sovereign functions. The most important characteristic which distinguishes an office from an employment or contract is that the creation and conferring of an office involves a delegation to the individual of some of the sovereign functions of government, to be exercised by him for the benefit of the public; that some portion of the sovereignty of the country, either legislative, executive, or judicial, attaches, for the time being, to be exercised for the public benefit. Unless the powers conferred are of this nature, the individual is not a public officer."

In a case that came up in the State of Maine under an act of the State legislature authorizing the governor to appoint one or more agents for the preservation of timber on public lands and for other purposes, the question arose as to whether it was a civil office of profit under the State, so that no senator or representative of the legislature could be appointed as such agent. The opinion of the Supreme Court was sought upon this question, and there was a full discussion of the subject matter by the court. The court in its opinion, among other things, says:

"On a careful review of those sections in which the term 'office' or 'offices' is used it will be found from the connection in which it stands to have reference to the division of the sovereign power which has been before States into the legislative, executive, and judicial departments. * * * There is a manifest difference between an office and an employment under the Government. We apprehend that the term 'office' implies a delegation of a portion of the sovereign power to and possession of it by the person filling the office, and the exercise of such power within legal limits constitutes the correct discharge of the duties of such office. The power thus delegated and possessed may be a portion belonging sometimes to one of the three great departments, and sometimes to another; still it is a legal power which may be rightfully exercised, and in its effects it will bind the rights of others and be subject to revision and correction only according to the standing laws of the State. * * * It appears, then, that every 'office,' in the constitutional meaning of the term, implies an authority to exercise some portion of the sovereign power either in making, executing, or administering the laws."

The court came to the conclusion that these timber agents were not officers of the State within the meaning of the constitution.

In the case of McArthur v. Nelson (81 Ky. 67) the question was whether certain commissioners appointed by the circuit court to take charge of the construction of a courthouse were district officers within the meaning of the constitution of Kentucky. Upon this question the court states as follows:

"The first section of the act authorizes the judge of the circuit court to appoint three commissioners, residents of the district, who shall hold their office at the will and pleasure of the judge. It is made the duty of the commissioners to have the courthouse constructed at a cost not exceeding $50,000, and to enable them to raise this money they are authorized to issue bonds, with coupons attached, bearing interest at 5 per cent, payable semiannually; and to redeem the bonds and pay the interest they are further empowered to levy an annual tax on the real and personal property in the district not exceeding 12 cents on the $100, etc. * * * They are not district officers within the meaning of section 10 of article 6 of the constitution, but are the mere agents for the district, required by the act to discharge certain duties with reference to the building of the courthouse, and when those duties end their employment terminates."

If we apply these general rules laid down by the courts to the case in hand, it would appear that these commissioners are not civil officers of the United States within the constitutional sense. Without dwelling upon the point that these appointments are of a transitory character, that no provision is made for salaries, that no bond or oath of office is required, nevertheless the controlling and decisive fact is that they are in fact only the advisers of the President, for whatever program or plan they may adopt or whatever action they may take in respect to the funding of our foreign debts it is of no effect unless approved by the President, so that ultimately whatever is done in respect to the funding of our foreign debts is the act of the Executive and not the act of the commissioners.

These commissioners stand on a par with the members of many other commissions that have been appointed during the history of the Government. Among these are the so-called Industrial Commission, part of it appointed by the President of the Senate, part of it by the Speaker of the House, and part of it by the President of the United States, with power to investigate and report to Congress. The Hawaiian Commission of five members, two of whom were to be Hawaiians, were appointed by the President and confirmed by the Senate (see act of July 7, 1898, entitled "Joint resolution providing for annexing the Hawaiian Islands to the United States"). This commission was required to recommend such legislation as they deemed necessary to Congress. In substance this is similar to that of the funding commission, for practically the funding commission are required to report to the President, and he takes final action. Whether a report is made to Congress or to the President, in neither case does it become effective until approved—in the one case by Congress, in the other case by the President. Senators Morgan and Cullom and Representative Hitt were members of the Hawaiian Commission.

Pursuant to protocol entered into between our Government and Great Britain relative to the appointment of a joint commission for the adjustment of questions at issue between the United States and Great Britain in respect to the relations between the former and the Dominion of Canada, and pursuant to the following provision in the act of July 7, 1898, an act making appropriations to supply deficiencies for the fiscal year 1898, etc., to wit:

"Canadian Commission: For the expense on the part of the United States of a joint commission to be appointed for the adjustment of differences between the United States and Great Britain in respect to the Dominion of Canada, including the compensation of the commissioners representing the United States, the pay of expert service for preparation of papers, for the portion of joint expenses, chargeable to the United States, for printing and all other incidental expenses, to be disbursed under the direction of the Secretary of State, $50,000, to remain available during the fiscal year 1899."

Senators Faulkner and Fairbanks and Representative Dingley were appointed members of this commission.

The protocol of the conferences in Washington in May, 1898, leading up to the appointment of this commission, is found in volume 1 of Treaties, Conventions, etc., by Malloy, at page 776, and shows that the conclusions of the commission were to be binding on both the United States and Great Britain.

President Harrison, on June 6, 1892, appointed Senator John T. Morgan, of Alabama, as an arbitrator on behalf of the United States under the treaty of February 29, 1892, between the United States and Great Britain, to determine the jurisdictional rights of the United States in waters of the Bering Sea, for the preservation of the fur seals. This arbitration court met at Paris and its decision was binding and required no Senate ratification.

President Roosevelt, on March 4, 1903, appointed Senator HENRY CABOT LODGE a member of the tribunal to consider and decide the boundary line between Alaska and Canada under the provisions of the convention between the United States and Great Britain, signed at Washington January 24, 1903. The decision of the tribunal was to be final. (See convention of January 24, 1903, vol. 1, p. 787, Malloy's Treaties and Conventions.)

In the last two cases, that of Senator Morgan and Senator LODGE, their action as arbitrators or members of the tribunal was final and binding and required no ratification on the part of the Senate. Their duties were clearly of an executive character and were not subject to review either by the President or Congress; and they certainly were much closer to the definition of a "civil officer of the United States," found in the Constitution, than the members of the commission provided for in the funding bill.

In September, 1898, President McKinley appointed Senator Davis, of Minnesota, Senator Fry, of Maine, and Senator Gray, of Delaware, members of a commission to negotiate a treaty with Spain.

A number of other cases of commissions appointed by the President could be cited, much akin to the commission of the funding bill. While these cases that are cited, or might be cited, do not, ipso facto, settle the constitutional question involved, yet they serve to show the legislative and executive construction given to the provision of the Constitution here in question. In the case of many of these commissions, reports must be made to Congress. In the case under consideration, the report of the funding commission must be made to the President, and must be ratified by him before it becomes valid; hence it seems clear that these commissioners are simply advisers of the President, who prepare and recommend to him the proper course to be pursued and followed; but it is his act, his approval, that breathes life into the work of the commission and gives it any effective validity.

The Henderson report (H. R.) of February 21, 1899, finds, among other matters, that the members of the Hawaiian commission were not holding any office under the United States; that the members of the postal commission were not officers of the United States; that the members of the industrial commission were not officers of the United States; and that the members of the Canadian commission, heretofore referred to, were not officers of the United States.

In view of the legal principles quoted, and in view of the many legislative precedents referred to, our conclusion is that Senator SMOOT and Representative BURTON, appointed members of the commission provided for in the refunding law, would not, as such members of the commission, be holding "a civil office under the authority of the United States," and that they are eligible as members of the commission.

WORLD WAR FOREIGN DEBT COMMISSION.

Message from the President of the United States, transmitting, in response to Senate resolution of March 7 (calendar day, March 8), 1922, an opinion of the Attorney General relating to the eligibility of Senator SMOOT and Representative BURTON to serve on the World War Foreign Debt Commission.

THE WHITE HOUSE,
Washington, March 8, 1922.

Hon. CALVIN COOLIDGE,
President of the Senate, Washington, D. C.

MY DEAR MR. PRESIDENT: Agreeable to the request of the Senate, expressed in a resolution concerning the passage of which I have just been informed, I am sending to you an opinion of the Attorney General relating to the eligibility of Senator SMOOT and Representative BURTON to serve on the World War Foreign Debt Commission.

Very truly yours,

WARREN G. HARDING.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., March 8, 1922.

MY DEAR MR. PRESIDENT: I have the honor to acknowledge your request for my opinion as to whether the appointment of Senator SMOOT and Representative BURTON to the World War Foreign Debt Commission is invalid under Article I, section 6, of the Constitution.

Were this a case of first impression, I should have serious doubt as to what reply I should make. The language of the Constitution is so broad and comprehensive that it can not be denied that the commissioners in question, in a general sense, hold a "civil office under the authority of the United States," and as this commission was created by the Congress at a time when the two commissioners were Members of that body, the application of the section of the Constitution does present a serious and debatable question.

This department has already expressed an opinion on the subject, for, in an opinion rendered by my predecessor, Attorney General Griggs (Op. Atty. Gen., vol. 22, p. 183), specific reference is made to the fact that Senator Morgan was, with the approval of the Executive, appointed a member of the fur seal arbitration, although, while a Senator, he aided in creating that "civil office."

I have failed to find any judicial interpretation of the section of the Constitution now under consideration, and, in the absence of such finally authoritative interpretation, great weight must be attached to the practical construction put upon the Constitution from the beginning of the Government. In such practical construction a distinction has always been made between special employment on the one hand and offices on the other, and between offices—using that term in a general sense—which serve only a temporary purpose, and those which have duration and permanency. From the very beginning of the Government Members of the Senate and the House have, from time to time, been asked to render services for the Government upon commissions of various kinds, and it has never been decided that such temporary employment for a special purpose and to serve an immediate exigency constituted a "civil office" within the meaning of the constitutional provision above referred to.

The Supreme Court has held in a number of cases (United States *v.* Hartwell, 6 Wall. 385; United States *v.* Germaine, 99 U. S. 508; Auffmordt *v.* Hedden, 137 U. S. 310) that the word "office" "expresses the idea of tenure, duration, emolument, and duties." Its duties must be "continuing and permanent, not occasional and temporary." In the last-cited case the office then under consideration had no general functions, nor any employment which had any duration as to time, or which extended over any case further than the power to act on that particular case. It was held by the Supreme Court "that the incumbent did not hold an 'office' within the meaning of Article II, section 2, of the Constitution."

Where, therefore, a position does not have continuancy and permanency and its function is restricted to a single matter, the position seems to be that of an executive agent and not an "office" within the meaning of the Constitution.

Many cases could be cited in other jurisdictions and the views of text writers could also be readily adduced to justify the theory that the idea of an office "clearly embraces the idea of tenure, duration, fees, or emoluments, rights, and powers, as well as that of duty."

Applying this distinction between an "office" and a temporary trust to the act of Congress which created the World War Foreign Debt Commission, I would say that for several reasons it excludes the application of the word "office" as above defined.

The commissioners receive no compensation.

Their tenure of office is limited in time and is restricted to a single object.

The subject matter of their duties is work in which the Congress has a peculiar interest and as to which it is finally responsible; for if the adjustment of the debts due to the United States by foreign nations shall ultimately be accomplished by treaty, the latter must receive the sanction of the Senate, and therefore there is propriety in a Member of that body participating in the negotiations. So far as the adjustment of the debt does not depend upon treaty obligations, the question as to what adjustment will be made of it is for Congress to determine, and it has seen fit to delegate the difficult task of adjustment to the commission, with the approval of the President. This increases the propriety of having a Member of the Senate and of the House participate in such adjustment.

Moreover, the commissioners can take no action except with the approval of the President. Their duties, therefore, are primarily those of negotiators for the terms of such adjustment, and, secondarily, as an advisory body to the President of the United States.

Inasmuch as both the legislative and the executive branches of the Government have responsibility in the adjustment of these obligations, it was desirable that there should be coordination between the two branches of the Government, and presumably this consideration prompted the appointment of a Member of the Senate and a Member of the House to confer with the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce in reaching some wise conclusion which these representatives of the executive and legislative branches of the Government could recommend to the President, to whom the final decision was delegated by Congress.

In substance and effect, your appointment to the debt commission simply puts into operation that which, without the legislation, might have occurred with entire propriety, viz, a conference between the representatives of Congress charged with the final responsibility of adjusting the debt and Cabinet officers who are charged with the duty of carrying out the wishes of Congress. No one would have questioned the propriety of representatives of the appropriate committee of Congress conferring with the Secretary of the Treasury and the Secretary of State, with a view to some recommendation to be made to the President which would guide him in his duty of negotiating with foreign countries for the adjustment of their financial obligations to this country.

Having in mind the debates in the Constitutional Convention, it seems clear that the purpose of Article I, section 6, was to prevent Members of Congress from creating offices which thereupon they would seek to fill by resigning their positions in Congress. Thus the fundamental idea was the incompatibility of the new offices thus created with their existing office as Members of Congress. This reason is plainly inapplicable to the present legislation, for, when Senator SMOOT and Representative BURTON act on this debt commission, they are not exercising duties which are incompatible with their duties as Members of Congress, but, on the contrary, their duties as commissioners are, in a sense, an auxiliary to their work as Congressmen, and moreover an auxiliary to all the Members of Congress in any further consideration that that body may feel obliged to give to this matter of adjusting these foreign obligations.

Here, again, it seems unreasonable to interpret the provision of the Constitution in question in a way that would forbid the cooperation between the legislative branch of the Government and the executive, which, with the growing complexity of life, is becoming increasingly necessary.

I can not think that such a statesmanlike solution of the question is within the mischief against which the constitutional provision above referred to was made. That provision (Art. I, sec. 6) evidently intended, on the one hand, that Congress should not create offices which its Members should fill, and that it should not be within the power of the President, on the other hand, to appoint to office Members of Congress when the offices have been created during their membership. This was a wise and salutary provision; but it seems to me to strain the language to apply it to a mere temporary employment, without compensation, and purely of an advisory capacity and intended to serve a temporary emergency.

To take an extreme illustration, it could hardly be said that if Congress creates a joint commission, to be composed of executive officers and Members of Congress, to take charge of the inauguration of a President, that such temporary and honorable employment offends the inhibition of the Constitution. There must be, in the nature of the case, as our governmental machinery becomes more complex, frequent measures to insure closer cooperation and a better coordination between the Executive and the legislature. It has long since been found impracticable to apply the Montesquieu doctrine as to the separation of the Government into three distinct and independent departments in all its literal force. Coordination must be secured if the machinery of the Constitution is to function, and to do so it must be possible, where temporary emergencies require it, to enable members of the executive and legislative departments of the Government to cooperate for special purposes on special commissions, and to construe the constitutional inhibition as obstructing and preventing such reasonable coordination tends

to make the section of the Constitution in question impracticable of enforcement.

An impracticable and unreasonable construction of any clause of the Constitution ought to be avoided, and, as no judicial authority can be cited which forbids the views herein expressed, and as the practical construction by the Government from its very beginning and long acquiesced in has given some sanction to the views above expressed, I have less hesitation in advising you that in my judgment the appointment of Senator SMOOT and Representative BURTON does not offend Article I, section 6, of the Constitution.

Respectfully,

H. M. DAUGHERTY,
Attorney General.

The PRESIDENT,
The White House, Washington, D. C.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the Vice President:

H. J. Res. 7. Joint resolution to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920; and

H. J. Res. 249. Joint resolution authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented the petition of Wm. J. Brownlow and sundry other citizens of Cleveland, Ohio, praying for the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a resolution adopted at a meeting of the Presbytery of Mansfield (U. P.), held in the United Presbyterian Church at East Mansfield, Ohio, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted at a meeting of the Presbytery of Mansfield (U. P.), held in the United Presbyterian Church at East Mansfield, Ohio, favoring the enactment of legislation prohibiting polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at a meeting of the Presbytery of Mansfield (U. P.), held in the United Presbyterian Church at East Mansfield, Ohio, favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

Mr. PEPPER presented a resolution of the Philadelphia (Pa.) Board of Trade favoring the inclusion of a provision in the naval appropriation bill for the maintenance and efficient operation of the Philadelphia Navy Yard, which was referred to the Committee on Appropriations.

He also presented a petition of the Philadelphia (Pa.) Board of Trade praying for the enactment of legislation providing a subsidy for the merchant marine, which was referred to the Committee on Commerce.

Mr. HARRIS presented a resolution adopted at a regular meeting of the Lamar County Board of Trade, of Barnesville, Ga., favoring acceptance of the proposal of Henry Ford relative to the Muscle Shoals project, which was referred to the Committee on Agriculture and Forestry.

RESTRICTION OF IMMIGRATION.

Mr. HARRIS. Mr. President, I present and ask permission to have printed in the RECORD and referred to the Committee on Immigration a letter from Dr. David Starr Jordan, president of Leland Stanford University, of California, in regard to the immigration bill, and also a petition from several hundred people in Chicago in regard to the same measure.

There being no objection, the letter and petition were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

STANFORD UNIVERSITY POST OFFICE,
California, April 5, 1922.

Hon. WILLIAM J. HARRIS,
Senate Office Building, Washington, D. C.

SIR: Permit me to say that I regard the continuation of the present limited immigration law for another year, and until Congress orders otherwise, by a carefully worked out general immigration law, as of vital importance.

It should, however, be so modified as to prevent certain avoidable hardships to desirable people. Especially, I think that New Zealand, Australia, Canada, and South Africa should be recorded as British. No country has a finer population than New Zealand, and few of its people emigrate. The quota is thus soon filled, and some excellent people have been humiliated and perhaps turned back from San Francisco.

It is a plain fact that our population has been diluted to an alarming extent by the incoming of peoples which are biologically incapable of rising either now or through their descendants above the mentality of a 12-year-old child. Education and Americanization may help the individual a little, but can never improve the stock.

Guizot once asked James Russell Lowell, "How long will your Republic last?" "As long," said Lowell, "as the spirit of the fathers is in the hearts of the people." How long will this spirit endure, we may ask? Just as long as the blood of free men runs in the veins of the people. In every race there are some men and strains capable of freedom and some strains hopelessly incompetent—as in the London slums. It is hard to discriminate at Ellis Island, and to have this done in foreign lands may be impossible for legal reasons. But while it is plain that most immigrants from northern Italy, for example, are competent and desirable, there is not one in a thousand from Naples or Sicily that is not a burden on America. Our social perils do not arise from the rapacity of the strong, but from the incapacity of these hereditarily weak.

Sincerely yours,

DAVID STARR JORDAN.

CHICAGO, ILL.

PETITION.

We, the undersigned citizens of the State of Illinois, earnestly urge Congress to extend and make permanent the Johnson-Dillingham restriction law, which expires June 30. With over 5,000,000 unemployed in this country, 15,000,000 foreign born, 7,000,000 aliens, 5,000,000 persons unable to speak our language, some 5,000 foreign newspapers, and the so-called melting pot overflowing and our forces of assimilation swamped, we strongly memorialize Congress in favor of an immigration period. Our first duty is to those here. We should look after our own household. Every alien now entering becomes dependent upon some one here or takes the job from some person already here.

THE TARIFF.

Mr. McCUMBER, from the Committee on Finance, to which was referred the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, reported it with amendments and submitted a report (No. 595) thereon.

Mr. GOODING subsequently said: I submit three amendments to the tariff bill, and ask that they be read and lie on the table.

The PRESIDING OFFICER (Mr. STERLING in the chair). The Secretary will read the proposed amendments.

The Assistant Secretary read as follows:

On page 111, line 14, strike out the figure "four-tenths of 1" and insert in lieu thereof the figure "1½," so that the paragraph as amended will read as follows:

"PAR. 760. Oil-bearing seeds and materials: Castor beans, one-half of 1 cent per pound; flaxseed, 40 cents per bushel of 56 pounds; poppy seed, 32 cents per 100 pounds; sunflower seed, 2 cents per pound; apricot and peach kernels, 3 cents per pound; soya beans, 1½ cents per pound; cotton seed, one-third of 1 cent per pound: *Provided*, That no allowance shall be made for dirt or other impurities in seed provided for in this paragraph."

On page 104, line 22, strike out the figure "three-eighths of 1" and insert in lieu thereof the figure "2"; on page 104, line 23, strike out the figure "five-eighths of 1" and insert in lieu thereof the figure "2"; on page 105, line 1, strike out the figure "one-fourth of 1" and insert in lieu thereof the figure "2"; so that the paragraph as amended will read as follows:

"PAR. 728. Paddy or rough rice, 2 cents per pound; brown rice (hulls removed), 2 cents per pound; milled rice (bran removed), 2 cents per pound; broken rice and rice meal, flour, polish, and bran, 2 cents per pound."

On page 110, line 23, strike out the figure "three-fourths of 1" and insert in lieu thereof the figure "3"; on page 110, line 24, strike out the figure "1½" and insert in lieu thereof the figure "4"; so that the paragraph as amended will read as follows:

"PAR. 757. Peanuts, not shelled, 3 cents per pound; shelled, 4 cents per pound."

Mr. HARRISON. Are these amendments offered to some bill that is in committee, or what were they?

Mr. GOODING. They are amendments to the tariff bill, which was reported to-day from the Finance Committee.

Mr. HARRISON. May I ask the Senator, was the tariff bill reported to-day?

Mr. GOODING. It was.

Mr. HARRISON. I have been here ever since the Senate convened this morning. I had not heard of it being reported.

Mr. WARREN. It was reported in the executive session.

Mr. HARRISON. It is perfectly natural that that should have been done. Everything else that has been done about the bill has been done in secrecy.

The PRESIDING OFFICER. The amendments will lie on the table and be printed.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 181) providing for the payment of war-risk insurance in certain contingencies, asked to be discharged from its further consideration and that it be referred to the Committee on Finance, which was agreed to.

He also, from the same committee, to which was referred the bill (S. 3412) authorizing the Secretary of War and the Auditor for the War Department to consider and settle the claim of Mrs. John D. Hall, widow of the late Col. John D. Hall, United States Army, retired, for personal property destroyed in the earthquake at San Francisco, Calif., asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

REPORT OF THE BOY SCOUTS OF AMERICA (S. DOC. NO. 180).

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 273), which was considered by unanimous consent and agreed to:

Resolved, That the report entitled "The Eleventh Annual Report of the Boy Scouts of America" be printed as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3432) to increase the efficiency of the Coast and Geodetic Survey, and for other purposes; and

A bill (S. 3433) to increase the efficiency of the Coast and Geodetic Survey, and for other purposes; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 3434) directing the Veterans' Bureau to pay Constance Van Brunt Lynch the present value of a term insurance policy; to the Committee on Finance.

A bill (S. 3435) for the relief of E. J. Hendrycks; and

A bill (S. 3436) for the relief of Francis Nicholson; to the Committee on Claims.

A bill (S. 3437) granting a pension to Mary D. O'Malley;

A bill (S. 3438) granting a pension to Mrs. Henry C. Halpenny;

A bill (S. 3439) granting a pension to Conrad Miller;

A bill (S. 3440) granting a pension to Altana B. Clark; and

A bill (S. 3441) granting a pension to Mitchell Gatter; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3442) for the relief of the Portland Iron Works; to the Committee on Claims.

A bill (S. 3443) granting an increase of pension to Albert T. Baker; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3444) to amend sections 4826 and 4827 of the Revised Statutes of the United States relating to Board of Managers of National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. SIMMONS:

A bill (S. 3445) to amend the act approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. SUTHERLAND:

A bill (S. 3446) granting a pension to George W. Johnson; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3447) authorizing and directing the Secretary of the Treasury to promulgate a schedule of fees to be charged vessels at the New York Quarantine Station as will be fair and reasonable for services rendered; to the Committee on Commerce.

AMENDMENT OF AGRICULTURAL DEPARTMENT APPROPRIATION BILL.

Mr. HARRISON submitted an amendment proposing to increase the appropriation for cooperative agricultural extension work, etc., between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture, from $1,000,000 to $1,500,000, intended to be proposed by him to House bill 10730, the Agricultural appropriation bill, which was ordered to lie on the table and to be printed.

AMENDMENTS OF TARIFF BILL.

Mr. CAMERON submitted an amendment intended to be proposed by him to House bill 7456, the permanent tariff bill, which was referred to the Committee on Finance, ordered to be printed, and to be printed in the RECORD, as follows:

On page 120, line 18, strike out the figure "7" and insert in lieu thereof "15," so as to make the paragraph, as amended, read:

"PAR. 900. Cotton having a staple of 1⅛ inches or more in length, 15 cents per pound."

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ADDRESS BY FEDERAL PROHIBITION COMMISSIONER HAYNES.

Mr. PEPPER. Mr. President, I wish to make a request for unanimous consent. Last night the Federal Prohibition Commissioner made an important speech in Philadelphia, giving certain facts on the subject of law enforcement which I think it would be well to have inserted in the RECORD. I ask unanimous consent for such insertion and that the address be printed in the regular RECORD type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

[Address delivered by Federal Prohibition Commissioner R. A. Haynes, at law enforcement meeting, Academy of Music, Philadelphia, Pa., Monday night, April 10, 1922.]

I congratulate the great State of Pennsylvania upon such a magnificent demonstration of loyalty to our Constitution as this meeting reflects. I am thrilled as an American by your splendid enthusiasm for law enforcement, and yet, my friends, I am not surprised, for any State that has such leadership as that of Senator PEPPER and Governor Sproul must of necessity be found in the front ranks of patriotism and progress. This great audience stirs me to a deeper optimism, for here is the social and political force that is powerful enough to arouse the public conscience on the subject of law enforcement.

It is a great pleasure and satisfaction to speak for a Government that has outlawed the liquor traffic in Pennsylvania and upon every inch of soil under our flag. It is just such citizenship as that gathered here to-night that has registered this great moral advance of our country and prophesies the fact that the Constitution of the land, and with it, if you please, the eighteenth amendment, which is a part of it, shall not be defied, nullified, and, I think I might add, modified.

It is far from my purpose to occupy your attention with oratory or with well-rounded periods. I am here to give you facts; some of them eloquent of achievement and others which give us most serious concern. I am here as a public servant to render an account of my stewardship, and I trust to report some progress in our common task of making the law of the land effective in operation toward the high and the low alike.

Very soon after assuming the duties of Federal Prohibition Commissioner I was startled by the headlines of a great metropolitan daily which carried my own picture with the caption, "The man with the hardest job in the world." I found myself pondering the question, "Is it true that the job of enforcing the law in this great country has become the most difficult task of the hour?" I remembered that this particular law had behind it nearly a century of education and agitation; that it had become part of our Constitution over the veto of a President, and that it was ratified by 46 States, the largest number of States that had ever ratified a constitutional amendment. Remembering the courage and persistency of those who had enacted the law, I determined to consecrate myself to the task of making their dream come true. So it was that I sat down with the great problem that I felt must be solved.

I realized that the problem was more difficult because of the hour in which we lived; that we were in a period of reconstruction when the whole world was still suffering from the shock of battle that nearly wrecked the civilization of the world; that all the civilized world had been unstabilized, especially psychologically; that the backwash of the military tide registered itself in a crime wave, world-wide, and that the reflex in America was registered in the prevalence of crime from coast to coast. The war was over; the great armies of America were demobilized and all the military restraints were broken. Two million men were walking the streets in idleness. Fortunes made in the war had been lost in the early days of reconstruction; the spirit of unrest was everywhere rampant. Lawlessness and idleness were factors that entered into the problem faced. Prohibition had been on the statute books for a year and a half, but liquor was plentiful, and many good citizens were asking the question, "Is the Government really in earnest on the subject of prohibition enforcement?" The purpose that actuated the Government under President Harding, I knew. Believing that law enforcement was fundamental to the perpetuity of our institutions, it appeared to me that the prohibition law-enforcement machinery then in operation was wholly inadequate to the task that presented itself. Because of the spirit of the times, all laws were difficult of enforcement, and this law so newly placed upon the

statute books would of necessity be difficult of enforcement. Two things became evident:

The first, the need of men of the highest type and of unquestioned conviction and patriotism, for I regret to say in some localities the prohibition service was a discredited service; the other was the pressing need for a reorganization along lines especially adapted to the peculiar phases of this particular problem of law enforcement.

I shall not burden you with the details of the reorganization which has resulted and of which I am proud, and in which I have absolute confidence; but let me call your attention to the fact that its purpose was and is immediate attack upon flagrant violations of the law which has been a threefold problem. First, unwarranted withdrawals which had amounted in the calendar year 1920 to nearly 12,500,000 gallons of red liquor.

The second phase of the problem was the large amount of alcohol being diverted to beverage purposes through fraudulent manufacturing concerns, and to the large releases of beer containing an excessive alcoholic content.

The third phase of the problem was the enormous quantities of liquor then being smuggled into the country from over our borders and along the shore lines.

The threefold problem was so large and the enforcement machinery so inadequate that it became apparent from the beginning that all effort must be concentrated upon a single phase of the problem at a time.

The first effort was directed at the enormous releases of red liquor presumably for medicinal purposes. It must be remembered that 24 States out of the 48 in the United States are medicinally dry. There are approximately 150,000 physicians in the United States, and about 40,000 of them reside in these 24 medicinally dry States. Of the 110,000 physicians remaining, less than 35,000 hold permits to prescribe liquor; and yet, as one paper described it, there was a "deluge of booze." To cut down this unwarranted flow of bonded liquor was by no means an easy task. It did not mean to wage warfare upon the conscientious physician or the legitimate druggist, but it did mean to face a powerful combine of corrupt forces who through duplicity, bribery, and every other device known to the illicit traffic, were securing large withdrawals of liquor to be diverted for beverage purposes. To correct this miscarriage of the law required the dismissal of Government agents and the indictment of some men holding high offices of trust. It meant the perfecting of our permit system and sleepless vigilance on the part of the loyal officers of the Government.

It is now nearly 10 months since the renewed effort began to restrict good liquor into legitimate channels, and I am happy to report that this result is perhaps as nearly achieved as possible. The years immediately preceding prohibition showed an annual consumption in the United States of about 130,000,000 gallons of American-made whisky. During the calendar year 1920 there was withdrawn on permits approximately twelve and one-half million gallons and in the calendar year 1921 withdrawals amounted to about three and one-half million gallons. Withdrawal for this calendar year on the basis of the last three or four months will amount to about 2,000,000 gallons, which is perhaps only about one-half million gallons in excess of normal medicinal requirements.

The release of liquor in your city alone at the present withdrawal rate is just about one-fifth of what it was 10 months ago, and in the city of New York, in less than 3 months, under rigid supervision, regularly released liquor became restricted to practically legitimate uses. How nearly we are accomplishing the task of restricting bonded liquor to bona fide uses can be gleaned from the fact that of all the liquor seized by Government agents at the present time, less than 2 per cent is found to be high-grade liquor, revealing the fact that the bootlegger is unable to obtain bonded spirits. Ninety-eight per cent of the illegally obtained spirits is positively dangerous to health and often life itself.

The next phase of the problem to be attacked was the large amount of industrial alcohol being diverted to beverage purposes. There was apparently a combination whereby large quantities of alcohol used in the manufacture of synthetic whisky were marketed at enormous profits. This activity constituted a formidable opponent of the Government, for you must remember that many of these men were schooled in devious methods of evading the law. Eight or nine major violators in this classification have already been apprehended. Seizures have been made wherever warranted by the evidence and all the offenders are being prosecuted vigorously, and it is safe to say that the differential or prohibitive tax assessed against three violators alone will amount to more than $6,000,000. Governmental restrictions have been so placed around operating plants conducted according to law that the problem ceases to be longer serious.

At the beginning of this fiscal year there were approximately 500 breweries engaged in the manufacture of near-beer. Word was received from every side that many of these breweries were not obeying the law; 285 of them have been reported for violation of the law; 95 of these plants are now under seizure by the Government; 60 breweries have been seized since July 1. Two of these breweries have submitted offers in compromise of $96,000 each and the other offers reach from $20,000 to $60,000, and this does not mitigate possible criminal liability against the companies. I have long been persuaded that fines against large violators are but very small deterrent forces, so we are citing on criminal informations in the United States courts all breweries found guilty of violations. We are not only revoking permits of the guilty, but are also refusing to reissue permits to persons who have violated the provisions of their permits, and this has resulted in the closing down of about 50 near-beer plants in recent months.

Smuggling is not a new art, and the smuggling of liquors into this country was not new with the coming of prohibition. The fabulous revenues to be gained made strong appeal to unscrupulous men, and the traffic in smuggled liquors soon appeared as a menace that threatened to engulf the whole program of law enforcement and was the third phase of the program. It was necessary to enlarge the forces along our borders and to augment the general agents' force that had particular contact with this phase of the work.

Early in the administration it seemed wise to make representations to the commissioners of Canada, and an invitation was accepted to enter into a conference with the liquor commissioners from several Provinces. On November 1, 1921, the representatives of the attorneys general and the commissioners from the various Provinces met the representatives of the prohibition unit at Saskatchewan. Another conference was held at Detroit. The result of these meetings was that the Canadian officials have given to our Government the utmost possible cooperation in our efforts to close the border. The Canadian law permits exportation. Our law prohibits importation; therefore the difficulties are peculiarly complicated. However, at the present time the smuggling of liquor from Canada is having careful attention and is admittedly under better control than ever before.

A most careful and thorough investigation has been made of the liquor smuggling from the Bahamas and the Indies. We are in possession of all the hideous facts concerning the smuggling traffic. We have discovered the ships and their owners, their methods and their sea routes, and we are to-day attacking this problem by means of an air service and a marine service, and I hope the time is not far distant when we shall have such treaties with these friendly nations who are our neighbors that their subjects or citizens will no longer be permitted to commit the unfriendly act of rendering assistance and comfort to the outlaws within our country who are engaged in a business that violates the Constitution and the laws of the land.

If I were asked to name a definite result of the war, I would without hesitation say that the war has taught us how tremendous is the power of propaganda. Let the press and the platform concentrate upon one idea or purpose, and by constant effort impress it upon the minds of the people, and eventually the public will become obsessed with the idea. To me there is grave danger in the propaganda that is being waged against the enforcement of the eighteenth amendment. Nothing is being left undone to impress upon the public mind the idea that the law is not operative. Surely there is grave danger to the Republic in the attitude that the minority need not submit to the expressed will of the majority, and the question arises at once as to the security of our free institutions. As an American I am inclined to believe that the source of this propaganda is not to be found in the unwillingness of the minority to submit to the dictates of law, but that this propaganda has its origin in a well-defined purpose to nullify the law in the interest of large personal gains on the part of a comparative few, who have felt most forcefully the effect of the law; and it is significant that at the time when liquor is the most difficult to obtain in all our history, when drunkenness has decreased to a very appreciable degree, when convictions for the violation of the law are becoming most numerous, that at such time the largest amount of space is given in some of our newspapers to articles most flimsy of fact which set forth the idea that "prohibition is a failure."

Over 10,000 convictions for the violation of the law have been obtained during the last nine months. It would not be

strange if some of the hue and cry, "Prohibition is a failure," might have arisen from some of the very ones who have felt the force of the law, either in the temporary loss of their liberty, in property losses, or in the loss of their social standing. It is not to be expected that certain interests of this country will bow to the will of the majority without making a most determined effort to regain some of the sources of revenue of which they have been deprived by an outraged public. The chief cry of the antiprohibition law propagandist is that "prohibition is a failure," and the question arises in the mind, Wherein has it failed? No one expected 100 per cent enforcement. What law can you suggest that is enforced 100 per cent? But again, wherein has it failed? The drunkard has almost disappeared from the streets of our great cities; arrests for drunkenness have decreased 60 per cent under prohibition; scores of institutions for the treatment of inebriates have closed their doors; the open saloon has disappeared and the influence of sober workmen is evident everywhere in the industries of our country; and it is safe to say that for every job lost by prohibition two others have been created. Economically, the biggest thing the prohibition law has done was to destroy a parasitic business.

This in itself has been one of our greatest sources of strength during a period fraught with great financial peril. And yet the cry is that "Prohibition has failed." To the thinking man the issue is clear. This is no hour to determine whether or not the law is a failure. Every law requires the test of time, and, as Chief Justice Taft is reported to have said, not until we have tried this law for at least 10 years may we with propriety discuss whether or not the law is a failure. At least, the law should be given a fair chance and the enforcement of it should be intrusted to the friends of the law and then its value determined by its good or bad results. The cry, "Prohibition is a failure," at this particular time is much like the cry that Vanlandingham raised against Mr. Lincoln's administration of the war; it was premature and refuted by subsequent events.

This is an hour when the burden of the war rests heavily upon our people through the imposition of taxes, and so the astute propagandist has singled out the cost of prohibition and in large letters pointed to the fact that it will cost this Government nearly $10,000,000 this coming year, but the people are not apprised of the fact that there is a revenue derived from fines, taxes assessed, and properties seized under the provisions of the prohibition act. It would be interesting to the people to know that if we were to collect the fines, penalties, and special tax imposed upon violators of the law in the first six months of this administration they would more than pay two and one-half times the estimated cost of enforcing the prohibition law for the next year. These enormous figures do not include nearly $3,000,000 in bonds that are being forfeited to the Government, or $2,000,000 that have been offered in compromise by 21 of the large violators of the law, and do not include the $6,000,000 in differential or prohibitive tax that has been referred to previously. So it is not difficult to see that if Uncle Sam is at all adept in collecting his claims prohibition should be no burden upon the law-abiding citizen. The reason that certain interests are protesting against this law is the fact that they are now forced to pay for its enforcement through these fines, forfeited bonds, and prohibitive taxes. These facts do not trouble the law-abiding citizen.

That which the country at large is meeting from the propagandist to-day is what each of the various States experienced when first they adopted laws which were similar to our prohibition act and their experience, which has been well expressed by Governor Allen, of Kansas: "Kansas has had prohibition for over 25 years. When first passed there was great opposition and for the first 15 years the temperance question was the storm center of all campaigns, but each year opposition grew less and its provisions were strengthened." He further states that "to-day in Kansas the dry law is as successfully enforced as any other law, and any effort to remove the prohibition law from the statute books of Kansas would be defeated by a vote of 50 to 1." This might well be taken as the prophecy of the national experience. It is hard to believe that even the most ardent opponent of the law believes that the law can be overthrown; the most that could be done is a nullification of this law by public officials failing to do their duty in its enforcement, so the propaganda is largely an effort to intimidate honest public officials, to break down the morale of our best citizenship, and to encourage a lawless element to hold the law in total disregard. As long as enforcement officers could be easily bribed; as long as the traffic went on unimpeded by either taxes, fines, or jail sentences; so long as only the small offenders were brought to justice, there was little cause for the insidious propaganda that finds large space in that portion of the press that is still hostile to prohibition and its enforcement.

Among the most subtle and deceptive of all the propaganda directed against the enforcement of the eighteenth amendment is the persistent cry that the law is unpopular and can not be enforced; that it is being flagrantly violated and therefore should be repealed. The contention is that because this law is violated it puts all law in jeopardy and tends to develop a spirit of defiance toward all our laws. It does not take keen intelligence to see that this contention itself is subversive of law enforcement and is the veiled confession that any law that is unpopular with a minority of the people may be held in disregard, and if the Government accedes to this demand a precedent is established against the enforcement of any law rendered difficult of enforcement because of adverse propaganda. If, on the other hand, this great Government is seen to be firmly behind the laws enacted by Congress and this law is well enforced it will bring an added weight of authority to all the laws of our land. Nothing can be more fallacious than the statement that it should be repealed because it is violated.

Recently I read with keen satisfaction an editorial in one of your great dailies here. It was one of those brilliant, strong, 100 per cent American editorials that come from the brain and heart of Van Valkenburg. It was captioned, "The law is defied—Repeal it." He shoots the light of clear logic quite through the fallacy that the law should be repealed because it is violated. He shows the prevalence of banditry and points out how far-reaching and prevalent has become this form of lawlessness, with its attacks upon human life and property, and says two menacing conditions have resulted: "First, criminally inclined persons are losing all respect for the law and the agencies of enforcement, and second, law-abiding citizens are losing faith in the power of the Government to apply the statutes. And nothing will tend more swiftly to undermine public order than repeated demonstrations that laws can be violated with impunity." He also says, "If the laws against banditry were repealed it would no longer be a crime, and hence conditions which are undermining respect for those laws would disappear." With the same unanswerable satire and relentless logic he deals with the laws against stock swindling and takes up other phases of violation, and then comes to this most thought-provoking statement of present-day propaganda, "We have merely suggested some logical implications from their contention that a law which is widely and defiantly violated ought for that reason to be repealed lest it and all laws be brought into disrepute, and in order that its violators may become orderly citizens. And the remarkable fact about their demand is that it is not directed against laws which have become obsolete or have outlived their usefulness, but against the most recent of important enactments. The prohibition law, which they want repealed because it is not, they say, effective, is part of the Constitution of the United States."

It is not a question as to the popularity of the law, my friends. The question is, Is the law just and American? Does it work toward the highest destiny of this country?

Does it in its operation contribute to the well-being of our people. The communities in which this law is most unpopular are those communities where they have had the least enforcement of this law, and it would be difficult to conceive of this law ever becoming as unpopular with Americans as was the open saloon and the evils that this law is designed to eradicate from our political and social system.

Nothing can affront the American people more than the statement that we can not enforce our laws. In this statement lies the death warrant of the Republic, for this Nation can not endure without reverence for law, without the recognized authority of law. If the laws passed by Congress are no longer binding upon the people, and if the executive power of our Government entrusted with the enforcement of law is powerless, where shall we look for the seat of government? The perpetrators of this new treason have overlooked one of the great essentials of the American people—that law is but an expression of the Nation's will—and the will power of America has ever met apparently insuperable difficulties and changed them into world-amazing achievements. It is no mere expression of pride to say that when America wills to do that which other nations have not done she will not fail of that achievement.

Let us confess that the eighteenth amendment leads the way for all the nations of the earth in moral achievement; that America is the pathfinder for the race in this legislation; but let us also remember that the majority has spoken and that American backbone is as strong to-day as it was when the

world laughed at the experiment of independence or scorned the prophecy of Lincoln or doubted the dream of Roosevelt of the Panama Canal.

"Prohibition in this country is pitiful to look at" are the words reported to have been uttered by a visiting nobleman. Immediately an American editor answered in these words: "Howbeit, sir, this opinion is itself pitiful. It indicts his sense of proportion, his perspective, his sense of fitness and high weighing of values, or else his sincerity."

Let us not overlook the real issue that underlies all the contest that wages around prohibition enforcement. It is in the last analysis Americanism in conflict with Old World customs and concepts; it is democracy against avarice, lawlessness, and anarchy. The issue divides men not upon the question of their appetites but upon the question of their loyalty to their country; it is no longer whether we are wet or dry; it is whether we are American or un-American; whether we are for the Constitution and the laws of our land or for our personal convenience or self-indulgence. It is not illogical to assume that if 80 per cent of the violators of this law are alien those who aid and abet them in violation of the law are themselves un-American in spirit.

To me the prohibition act is essentially American in its purpose. Its aim is to develop the highest type of American character and manhood. Without going into the question of political science, I think it must be admitted that Washington was right when he said that our free institutions rest in the last analysis upon American character.

It is very difficult for the alien to understand this law because of the fact that he has been reared under institutions hoary with years; he has been surrounded with customs that are ancient; he has lived in a country where the population is homogeneous, and so a law that touches one's personal habits as closely as the prohibition law is quite foreign to his thought. On the other hand, we are a very heterogeneous population; our institutions are new and our customs are largely in the making, and we must of necessity have laws which are character forming and directing as to conduct in order that we may develop the American type of character which alone insures our perpetuity as a free people.

The law is essentially American, not alone in its purpose but in its outlook. There is a puzzle that is sometimes given to the student of ethics, "when is good bad?" There is one answer, "good can only be bad when it keeps us from our best." American idealism is always striving for the highest possible destiny, and our watchword is the achievement of our best. Prohibition is a great moral and social advance, and is a logical part of the Nation striving to reach its highest possible destiny.

Prohibition has not divided the Nation against itself. It has rather ranged the great forces of our Government squarely on one side of a great question, and I am pleased to say that the real forces of Americanism are lined up on the right side of the question of law enforcement. In every severe test the Supreme Court of the United States has gone squarely on record as to the constitutionality of the prohibition act. There is no question to-day as to where the Houses of Congress stand, for whenever the question is clearly defined an overwhelming verdict is rendered in favor of the prohibition act and its enforcement. You will remember that only last week the House of Representatives by a majority of more than 3 to 1 passed a bill to deport all alien violators of the liquor and narcotic laws.

With the passage of the nineteenth amendment the women of the country came into their long-delayed rights of citizenship and at that moment there entered into the realm of our political life a force that can always be relied upon to exert itself on the right side of every moral or social question. Beyond the peradventure of a doubt the women of this country can be depended upon either at the polls or in the jury box to cast their vote for law and rigid law enforcement.

There is no question as to where the leaders of this administration stand on law enforcement. Attorney General Daugherty recently said: "The Government will endure on the rock of law enforcement or it will perish in the quicksands of lawlessness. My duty is clear. As long as I am the responsible head of the Department of Justice the law will be enforced with all the power possessed by the Government which I am at liberty to call to my command." This leaves no question as to his attitude or the commitment of his department to a vigorous enforcement of the law.

No less drastic is the conviction of Assistant Attorney General Goff: "The law must be and shall be enforced as it is conceived and written, and always without fear or favor. And so to you, and through you, I bring the pledge that in so far as it lies within the power of the Department of Justice to execute and enforce the law of the land, there will be no backward step, no retreat, in preserving the Constitution and carrying out the mandate of the people."

Our great Secretary of State, who has rendered a service to the whole world in his recent leadership at the Conference for the Limitation of Armanent, has also voiced with characteristic clearness and patriotism this thought when he said: "Everybody is ready to sustain the law he likes. That is not in the proper sense respect for law and order. The test or respect for law is where the law is upheld even though it hurts."

There is no question as to where we will locate the President of the United States on this great issue, for with the same constructive statesmanship with which he has viewed the distracted conditions of Europe, he has keenly penetrated to the very heart of the great problem at home and has spoken the word that leaves no doubt as to the large place which he has given to law enforcement. He recently said:

> Whatever breeds disrespect for the law of the land, in any particular department of our community relations, is a force tending to the general breakdown of the social organization. If the people who are known as leaders, as directing influences, as thoroughly respected and respectable members of society, shall in their respective communities become known for their defiance of some part of the code of law, then they need not be astonished if presently they find that their example is followed by others, with the result that presently the law in general comes to be looked upon as a set of irksome and unreasonable restraints upon the liberty of the individual. Every law involves more or less of this element of restraint. Nearly every individual will find some part of the code that to him seems an unreasonable inhibition upon his personal freedom of action. Our only safety will be in inculcating an attitude of respect for the law, as on the whole, the best expression that has been given to the social aspiration and moral purpose of the community."

These words are eloquent; they are pregnant of thought; they have couched in them great and far-reaching truths, but to me entrusted, as I am with the enforcement of this law, the attitude of this great President toward my problems has been eloquent beyond even these most brilliant periods. In the very hours when he has been carrying a burden perhaps larger than that of any other man in the world, he has found time to encourage me in the task that lay before me. While he was wrestling with questions of world-wide importance, he has found the wakeful hours to acquaint himself with the problems that confronted me, and at no time has he been too busy to interest himself or to render every possible assistance within his power when there appeared to him an opportunity to render service to law enforcement.

I say there is no question as to where these great men stand, or where the great forces of our national life are to be found. The question is where you as an individual citizen shall be located and what is your attitude toward the law?

I think little is to be feared from those who are positively hostile to law enforcement. I think there is danger in those who are negative or fail to express themselves. If the question of law enforcement is as these good men see it to be, fundamental to the life of the Nation, then the individual citizen immediately is placed in a position where he must become militant in its defense. To assist in the enforcement of the law must become his duty toward his country.

No trivial or superficial obligation rests upon the American citizen who receives all the benefits of citizenship in this great land and he only discharges the conditions of citizenship when he gives his best effort toward the perpetuity of his country. If lawlessness endangers this Republic, then there can be only one attitude of the citizen upon the subject.

You may ask, "What can I do to express my patriotism and to place myself positively upon the side of law enforcement?" As citizens of Pennsylvania, you can give your cooperation and assistance to Director Davis and the splendid organization that he is now perfecting; you can help in the enforcement of this law by publicly and privately registering your sentiment in favor of vigorous enforcement of the law; you can greatly assist by serving upon juries, as every good American citizen should do. You can render assistance by expressing your opinion to the editor of your paper and by encouraging the faithful public servant who is doing his best to enforce the law; you can register yourself in favor of law enforcement by affiliating yourself with those societies and organizations that have for their purpose the inculcating of the spirit of reverence for law in both young and old. And not the least among all the things to be observed that will place you on record is your daily conduct where in strict obedience to the law you will create an example that will point others to a proper attitude toward the law.

Let us then, my countrymen, enroll ourselves in the cause of our country's safety and the security of our Constitution. Let us renew our courage and strengthen our hope that our country

shall endure. Let us listen to the heroic voices of the past and dedicate ourselves anew to their unaccomplished task. Before the altar of our Nation, let us consecrate our lives and our love in the service of one God, one country, and one flag.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

Mr. McNARY. Mr. President, I ask unanimous consent that House bill 10730, the unfinished business, may be temporarily laid aside.

The VICE PRESIDENT. It is the understanding of the Chair that the unfinished business has already been informally laid aside, there having been a recess taken last evening until to-day.

HOSPITAL FACILITIES FOR EX-SERVICE MEN.

Mr. BALL obtained the floor.

Mr. FERNALD. Will the Senator yield to me for a moment in order that I may give a notice?

Mr. BALL. I yield.

Mr. FERNALD. Mr. President, I had intended to call up House bill 10864, the hospitalization bill, to-day, but two or three Senators have asked me to defer the consideration of that measure until to-morrow. I now simply wish to give notice that during the morning hour to-morrow or immediately thereafter I shall ask that the Senate consider the so-called hospitalization bill.

EXTENSION OF DISTRICT RENT COMMISSION.

Mr. BALL. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 2919, being Order of Business 519.

The VICE PRESIDENT. The Senator from Delaware asks unanimous consent for the present consideration of a bill the title of which will be stated.

The ASSISTANT SECRETARY. A bill (S. 2919) to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended.

Mr. MYERS. I object to the request.

The VICE PRESIDENT. There is objection.

THE LEAGUE OF NATIONS.

Mr. McCORMICK. Mr. President, there is a matter of some moment to which I venture to call the attention of Senators before the Senate undertakes the consideration of any of the pending bills.

You have noted, sir, that in New York on Saturday last ex-Governor Cox, of Ohio, in substance submitted to his hearers the program which he presented at the notable gathering in Dayton on the 25th of January last. I will not trespass upon the time of the Senate this afternoon to speak of the portions of his address which dealt with issues wholly or primarily domestic; but I think it proper that, in the presence of the distinguished leaders of the Democratic Party on the other side, we ask if they join with him in the belief that the United States should become a party to the covenant of the League of Nations, and that despite events which have transpired since the last election?

Governor Cox at Dayton in January, and again in New York last week, spoke in forthright, downright, and direct fashion; there is no mistaking his meaning. One may believe that a great part of the address of Governor Cox was burbling and blithering bombast; but whether he so believes or not, he can not mistake Governor Cox's intention to carry the people of America into the League of Nations whenever the opportunity presented.

There were long weeks when we discussed the text of the league covenant.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. McCORMICK. Most certainly.

Mr. BORAH. The Senator has submitted to the other side a question as to whether they agree with ex-Governor Cox. I should like to ask how many Senators on this side would vote with the other side if the League of Nations were proposed at this time?

Mr. KING. Does the Senator mean proposed by the President?

Mr. BORAH. By anybody.

Mr. McCORMICK. The Senator from Idaho has as Delphic a capacity for prophesy as has any other Senator.

Mr. BORAH. But I am not in as close touch with the organization as is the Senator from Illinois, and I should like to know how many Senators on this side are now prepared to go into the league. I know that there are some prepared to do so.

Mr. McCORMICK. I think the remnant is so exiguous as to be almost invisible to-day.

Mr. BORAH. I am afraid not; I am afraid the number is increasing.

Mr. McCORMICK. Mr. President, when the Senator from Idaho asked the question which he is better able to answer than am I, I had said that during long weeks we discussed the text of the covenant, its meaning, explicit or implicit; we discussed the possibilities latent in the instrument; but to-day we may judge of the league by what has been accomplished in Europe since its first assembling.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. McCORMICK. Certainly.

Mr. HARRISON. On yesterday in the official organ it was stated that the Senator from Illinois would be the spokesman of the administration to-day in presenting to the Senate the matter which he is discussing. So I am curious to know whether there is any truth in the rumor which is afloat that there will be introduced shortly, and backed up by the administration, a bill proposing representation upon the part of this Government on the Reparation Commission. Will the Senator tell us whether that is true?

Mr. McCORMICK. Mr. President, the humorous and witty Senator from Mississippi knows very well that the newspaper to which he refers does not speak for me, and that I am not in the confidence of its editors. He knows, too, I am sure, that I have not been advised as to the purpose of Senators or of the administration with regard to the Reparation Commission.

Mr. HARRISON. No; I do not know that. I know of no Senator who is closer to the administration, and I thought that the official organ was speaking by the card when it said that he would in his speech to-day represent the views of the administration. I thought, perhaps, then, the Senator could tell us whether or not it is proposed that the United States shall have a representative on the Reparation Commission.

Mr. McCORMICK. If the newspaper so stated, it spoke without any warrant in fact. The Senator from Illinois is voicing no other views than his own.

We may judge of the accomplishment of the league by the record. We know, as I have said before in the Senate, that in the determination of disputes, in the arbitrament of boundaries, nothing has been done by the league or through the league which might not have been done under the old diplomacy and by our arbitral tribunals as formerly constituted. There is no record that the league has determined any dispute which might not have been determined in the normal course of conciliation or arbitration, while in the liquidation of the graver differences which have halted the reconstruction of Europe, in the reestablishment of the economic foundations upon which the future must be built, in the abatement of hates, in the reduction of armaments, the league has accomplished nothing. It promises to accomplish nothing; hence the gathering at Genoa of the assembly to-day, presided over by the Italian Prime Minister.

Despite the existence of the league, there are well-nigh as many armed men in Europe to-day as there were before the outbreak of the Great War and before the dismemberment of the Hapsburg monarchy and the disarmamemt of Germany. The league has brought into being in Europe no true peace. It has not inspired men to lay down their arms or to live in concord. We have as witness to that fact the pope, who in his letter to the archbishop of Genoa spoke of "the forest of bayonets" which environed the assembly about to gather.

So futile have been the labors of the league, so signally has it failed to imbue statesmen with a spirit of peace, so utterly has it been delinquent in bringing forward measures of reconstruction, that the pope has thought it appropriate, through the medium of a letter addressed to the archbishop of Genoa, to call upon the political leaders there assembled to attempt to do that which the League of Nations has left undone.

I know that there are some who honestly believe—I fear that there are others who for argument's sake will hold—that if America had entered the League of Nations it might have been otherwise.

The candidate of the Democratic Party for the presidency, who must remain the titular leader of the Democracy until formal action or the course of events has chosen as his successor some other, and very likely one of the Senators whom I see before me, has held not only that America must enter the league but that America should have granted credits and still more credits to Europe.

This would Governor Cox do despite the economic conditions inevitably consequent upon the war but aggravated, as all men know, by the political rivalries, the international jealousies and hates of the European powers and the armaments which they maintain because of those rivalries and hates.

The full text of the speech of the leader of the Democratic Party, delivered in New York, was not published in any of the newspapers which have come to my attention; but you may

find in his address, delivered last January in Dayton and published in full in his own newspaper, his views not only on the League of Nations but on the part which America should play in the economic reconstruction of Europe.

Europe requires credit—

Said he—

America had a prosperity upon which credit could have been given. American gold advanced would scarcely have left our vaults, because it would have been merely the base of financial transactions for the products of our farms and factories. Our vast surplus would have brought happiness to Europe and maintained prosperity at home.

"America," said the governor, "had a prosperity upon which credit could have been given." He does not speak of the security necessary for the granting of credits. He ignores or he is ignorant of the fact that the excess of exports over imports indicates that since the signing of the armistice private credits have been granted to Europe in the sum of six or seven billion dollars. He has taken no note of the fact that since January 1, of 1921, European securities in the sum of $800,000,000 have been underwritten in the American market.

He would hale a free America to the bar of the league, there to petition for admission, while about its capital are encamped 2,000,000 armed men. He would have America grant credits, and credits still, aye, even in excess of those which from private sources have been granted to Europe since the signing of the armistice and at a time when we are about to undertake the difficult and hazardous negotiation for the resumption of interest upon the debt due from European Governments to the American Government, and for the ultimate payment of the capital of that debt, however doubtful some may think that payment to be.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Utah?

Mr. McCORMICK. I yield very readily to the Senator.

Mr. KING. The Senator a moment ago adverted to the fact that Governor Cox had pleaded for an extension of credit to Europe upon the part of Americans, and alluded to the fact that credits to the extent of five or six billions of dollars had been extended. I think the figures given by the Senator are approximately correct, that the private credits extended are between five and six billions of dollars. The question I desire to ask the Senator is this: Does the Senator think that it was wrong economically, politically, or morally for the United States, either the Government or individuals, since the signing of the armistice, to extend to Europe the large credits which were extended, as the result of which we found a market for our surplus products, increased our exports and thus increased somewhat our imports, and in a general way brought prosperity to the United States, while at the same time aiding in the stabilization of conditions in Europe, and materially diminishing the sufferings and the sorrows and the woes to which those unhappy people were subjected?

Mr. McCORMICK. The Senator from Utah, I must think, has studied the speech of his leader either less carefully than I, or not so recently.

Mr. KING. I have not read it.

Mr. McCORMICK. I thought as much.

Mr. KING. I am speaking for myself.

Mr. McCORMICK. I have no doubt that when the Senator from Utah and other Senators have read it, they will be disposed publicly to advise the country whether they agree or disagree with the leader of the Democratic Party.

Mr. KING. Mr. President, if the Senator will pardon me, without reference at all to anything that Governor Cox said, the Senator accurately stated that we had extended large credits to Europe since the armistice. I ask the Senator whether he believes that was wrong, economically or otherwise?

Mr. McCORMICK. I said the Senator must have read the speech of his leader less recently or less carefully than I. Let me ask the Senator to note this difference, that private credits granted were granted upon sufficient security. No man reading the Dayton speech of the leader of the Democratic Party can find any but the implicit meaning that credits should be granted Europe, not upon security found overseas, but upon the surplus wealth of the United States.

Mr. KING. Mr. President, I was not speaking with reference to what security had been demanded; I was taking the situation as it exists, namely, that we had extended large credits. Assume that we did or did not have security for the credits extended, but taking the broad fact as it is, does the Senator contend that the extending of credit which has been made by private individuals was wrong?

Mr. McCORMICK. If private individuals have extended credit without sufficient security for repayment, I condemn it. If they have granted credit upon sufficient security, security which guarantees payment for that which has been sold upon credit, that is sound business, beyond dispute.

Mr. KING. If those who extended the credit have been and are satisfied, then the distinguished Senator from Illinois can not complain, and the Senator from Illinois must know that economically the United States has prospered by reason of the extension of those credits. Whether or not adequate security was given, that fact stands forth, I think, demonstrable and indisputable.

Mr. McCORMICK. Mr. President, I will not labor the argument that credit granted by private sources upon insufficient security will not in the long run contribute to the wealth or prosperity of the United States. I rose to call to the attention of Senators on the other side of the Chamber the salient features of the two addresses delivered by the leader of the Democratic Party—that which dealt, if I can understand his speech, with the granting of unsecured credits to the Old World in excess of the sum in which they had been granted and that which dealt with the League of Nations.

Providence alone can forecast what may be determined at the conference of Genoa. We must hope that if it accomplish but little, that little will point the road to the drastic curtailment of armaments, to the no less drastic curtailment of civil expenditures in Europe, to the balancing of budgets, to the cessation of the issue of fiat money. If Europe can put aside her differences, if European statesmen assembled at the Genoa conference can accomplish, even in part, what assembled in the League of Nations they failed to do, then America can help in the economic reconstruction of Europe. That, I think, is a question upon which we are not disagreed. That presents an issue upon which the parties will not differ.

Mr. President, I rose to call to the attention of the leaders of the Democratic Party, many of whom I see yonder, and one of whom is likely to be nominated in succession to Governor Cox—I rose to call to their attention his argument for the granting of credits and to his demand that America enter the League of Nations. I hope that they will speak their minds as fully as he has upon those questions.

Mr. KING. Will the Senator yield?

Mr. McCORMICK. I yield.

Mr. KING. I think the Senator made just one error in the concluding part of his statement when he referred to some person on this side who would be nominated as successor of Governor Cox. He ought to have made that statement a little fuller, and he would have been more accurate if he had said some Democrat would be elected as the successor of President Harding.

Mr. McCORMICK. Mr. President, I welcome the issue which will be presented if Senators on the other side will join Governor Cox in demanding that America enter the League of Nations, and will make the campaign of 1924 as Governor Cox made the campaign of 1920. Let him who is without fear among you be the first to join himself with Governor Cox upon that issue.

Mr. BORAH. Mr. President, the Senator from Illinois voices a sentiment with which I am heartily in accord—that is, that the League of Nations will again be made the issue in another campaign, in order that we may separate this time the sheep from the goats inside our own party.

Mr. POMERENE. Mr. President——

Mr. BORAH. The Senator from Illinois is chairman of the senatorial election committee.

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. POMERENE. I was just wondering if the Senator from Idaho would go a little further and tell which were the sheep and which the goats?

Mr. BORAH. The Senator from Ohio does not need any instruction upon that question so far as the viewpoint of the Senator from Idaho is concerned.

I want the Senator from Illinois to make that the issue inside the Republican Party. It is within his power to do it. Entertaining the views and sentiments which he does, that the entrance of the United States into the league would be a disaster to this country, it is his highest and most solemn obligation to make it the issue.

So far as I am individually concerned, Mr. President, I occupy the same position with reference to the league that I occupied two years ago. If I know it, I will support no man for a position in this body who is in favor of entering the league, and I will support any man who is opposed to entering, whether he is a Republican or a Democrat. I confess that it may not be easy

for me to ascertain that fact, judging by the experience of the past; but if I am able to ascertain it, that will be my position.

This is not a party issue. This is not a party question any longer. There are just as many Democrats opposed to the league as there are Republicans, possibly, who are in favor of it, and this administration can not for a moment be considered as an antileague administration. The most powerful influences in the administration, outside of the President himself, are in favor of the United States entering the League of Nations, and if they are correctly reported by their proleague friends they are doing all they can to take the country into the League of Nations. No, Mr. President, it is not a party question, unless the able Senator from Illinois, through his leadership, believing as he does, is able to make it a party question.

The fundamental principles upon which the people rejected the League of Nations in 1920 were the principles which are found embodied in Washington's Farewell Address. The people did not stop to discuss reservations. They did not discuss the question of how you could form a political copartnership, and whether or not you could go part of the way in and retire at leisure, or whether you could form a limited copartnership.

The question which appealed to the American people in 1920 was the preservation of the doctrine announced by the fathers, that we should never suffer any political connections with foreign powers. That they distinctly understood; that they comprehended, and comprehending they spoke in no uncertain way. The layman, the man behind the plow, the man in the workshop, the farmer, those who were not schooled in questions of international law and the niceties of obligations, understood that simple, fundamental proposition, and upon that question they voted. If there be any candidate for Senator on this side of the Chamber who thinks the people did not or do not believe in that doctrine let him have the courage in this campaign to try it out.

Mr. President, what is the situation now with reference to that principle? In my humble judgment that principle has already been surrendered. The fundamental principle upon which the fight was made is already gone, and the question is not now the preservation of it, but the regaining of the position which we asserted in 1920. We have already made political connections and we are preparing to make others. Step by step we are moving toward a complete political association with all nations.

Permit me to recount one or two or three of the steps which we have taken, and more which we propose to take. We ratified what was known of the German treaty. In doing so we availed ourselves directly or indirectly of the most obnoxious obligations of the Versailles treaty. In other words, we reserved the right to avail ourselves of those obligations in the treaty which, to my mind, are to-day the cause of the economic chaos in Europe.

What is the proposition now pending? If we are correctly advised by the newspapers, the proposition is already at hand to introduce a joint resolution or a bill in the Congress by which the President shall be authorized to appoint a member of the Reparation Commission. When we become a member of the Reparation Commission, we will have entangled ourselves with every conceivable political question which can arise in Europe for the next 40 years. There is no proposition into which we would have entered or become entangled by reason of our entrance into the league which will not confront us and be a part of our program if we become a member of the Reparation Commission.

The Reparation Commission is itself a government, a government in Europe, exercising quasi legislative, judicial, and executive functions, a government which has practically the power of life and death over a large portion of the people of Europe, a government which centers in itself autocratic and despotic powers and touches every political nerve on the European Continent. Into that commission we propose to enter, so we are told, and I submit to my able friend from Illinois now, when the bill or resolution authorizing the President to appoint a member of the Reparation Commission comes to this body, what will be the position of the Republicans in that fight? What will be our attitude? Does he doubt for a minute what as a party we will do? And the league Democrats will join you, because it is a long step toward that for which they have been contending.

I am not so much concerned about the Democratic Party. It is not for me to care how often it is defeated; but I am concerned a little to know whether the party which sits upon this side of the Chamber proposes that the United States shall become a member of the Reparation Commission, and thus violate every pledge made to the people in 1920. Does any Member on this side of the Chamber know what the program is? I should like to hear from him. I should like to have those who are bantering our friends on the other side of the Chamber tell me what they propose to do when that proposition comes in for consideration.

I stated at the time the German treaty was up for consideration that in due time that proposition would be submitted to the Senate and we would accept it. The President has already notified the public that the first step should be taken, and is waiting for the Senate to take it; but if the Senate does not, he doubtless feels under obligation to do it.

Now, suppose we join the Reparation Commission. Have we not then abandoned the principle upon which we made the fight in 1920? Have we not become entangled in European affairs? Have we not committed ourselves to the political affairs of Europe? Have we not associated ourselves with every feature of European life—political, economic, militaristic, and every other kind? Is there anything which we would do under the league in the way of political entanglements that we are not bound to do as a member of the Reparation Commission?

Sir, the mere fact of technically refusing to join the league is not to preserve that faith the American people supposed they were voting for. We will have surrendered the principles for which we fought, whether we technically become a member of the league or not.

But that is not all. We can not become a member of the Reparation Commission and do our duty as a member of that commission and carry out the obligations of the commission and execute the obligations of the treaty without joining ourselves to the League of Nations. They were so interwoven at Versailles, made into one unit, one supporting the other and cooperating with the other, that we would be in the same position when we join the Reparation Commission and refuse to become a part of the league that those who now insist that we should join the Reparation Commission say we are at the present time, to wit, in a position where we could not enjoy our full rights or discharge our full obligations with reference to Europe.

That is the second step. The first step has been taken. The second step is near at hand, and the third step will be to become a member of the council and of the assembly at Geneva, and it will follow, in my judgment, as inevitably as the night follows the day, because when we are a member of the Reparation Commission the other is the logical and inevitable position for us to take.

Mr. President, I do not find fault with men who are for the league and say so and who are fighting for it. They have a perfect right to their opinion. Therefore it is in no spirit of personal criticism; but we know that the Secretary of State, the most influential member of the Cabinet in foreign affairs by reason of his position, is an open, avowed leagueist and always has been. We know he is in favor of becoming a member of the League of Nations with a reservation or two with reference to article 10, which are now hardly necessary by reason of article 2 in the four-power treaty, and that his object and purpose, as stated to his countrymen in 1920, was to pull the Republican Party into a position where it would have to join the league. Go back and read the proclamation which was given to the people in October, 1920, signed by Mr. Hughes, Mr. Hoover, Mr. Paul D. Cravath, Mr. Root, and others. They told the people in plain words that the only way to get into the league was to vote the Republican ticket and put the Republican Party in power. What is the interpretation of that? Certainly it bound Mr. Hughes, if he was in a position to exercise power or influence or ability or ingenuity, to exercise it in behalf of going in that direction, and he is doing it with a marked degree of success. Let no man be misled; he is carrying out his purpose.

Mr. KING. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. KING. Does the Senator think that it is entirely proper in this discussion to exclude the President from the category of those favoring the league, at least with reservations? The Senator knows that when President Harding was a Member of this body he voted for the league with the so-called Lodge reservations. In many of his speeches prior to his election his attitude was such and his declarations were such that millions of Americans construed the position of President Harding to be in harmony with that just announced as the position of Mr. Hughes and Mr. Root and others, namely, that America should go into the league with reservations with respect to article 10.

Mr. BORAH. Mr. President, in discussing the league question it is only necessary for a Republican to discuss those Republicans who are distinctly announced in favor of the league. I am always hopeful that the sorely tempted may not ulti-

mately fall. Mr. Hughes has not left his position in doubt. The declaration of 1920, read in the light of present events, does not leave his purpose in doubt and leaves not in doubt at all his intention of carrying out his purposes.

Mr. President, there are still others. Mr. Hoover, who was another gentleman who signed the declaration of 1920, is a very active, influential, and powerful member of the Cabinet. Mr. Hoover makes no concealment of the fact at all that we are going into the league; that we ought to be in it now; that affairs will not go as they should until we are in the league. Mr. Hughes and Mr. Hoover are perfectly willing to move cautiously, just so they move. Suppose Mr. Cox had been elected President and Mr. Cox had appointed as his Secretary of State one of the ablest and most pronounced antileaguers in the United States, or suppose he had formed a Cabinet, a majority of whom were in favor of the league and some of whom were distinctly advocating it all the time, would not the members of his party have a right to say that the zeal of the President, as he would then be, was not commensurate with the promises which he had made?

So I repeat, Mr. President, it is no question of party issue. It is a question of individuals. Upon that the question will have to be fought out, and the Senator from Illinois, as chairman of the election committee, can make the issue clear and distinct and pronounced within his party. So far as I am concerned I can perhaps be of very little assistance to him, but in so far as I can aid him in that issue I stand ready to answer to his call at any hour of the day or night. On this question I know no party obligation. I can look with no more complacency upon betraying and surrendering the great policies which I believe essential to the life of this Republic by a Republican than by a Democrat. Let us again stand up and be counted. Let Republican candidates who want to go into the political embroilments of Europe say so to their people. I shall not complain of the result.

Mr. ASHURST. Mr. President, my friend the Senator from Illinois [Mr. McCORMICK] adverted to an address recently delivered by former Governor Cox at a Jefferson Day banquet in New York City. It is true that Governor Cox lost the election and lost the Presidency, but in that disastrous campaign he won that which politicians can never give and can never take away. He won the esteem of the American people. He never spoke in cryptograms.

Never was there an administration whose home or domestic policies pleased the American people more than the home or domestic policies of Woodrow Wilson. Why, then, did we sit in sackcloth and ashes after the election?

He is not only a wayfarer, he is a pretender who says the league was not an issue in 1920. If the league was not the issue, what was the issue? You can not make a contract in politics. The only way by which you can bind men in politics and statesmanship is by honor. The learned Senator from Illinois, who graces the Senate, presided at a meeting in Chicago during the league contest, at which his countrymen gathered, not by the thousands but by the tens of thousands. As chairman of that meeting he introduced a number of speakers and promised that the United States would be drawn into no league nor semblance of league, no alliance or entanglement with foreign powers, if the Republicans were successful.

The Senator from Illinois was a member of the battalion of death which stabbed the league. The Senator from Illinois denounced the league, its parents, and its friends. And yet, sir, only one capricorn had passed when the roll was called upon a vicious alliance into which we were invited—the quadruple alliance—and the Senator from Illinois voted "yea."

He voted to take the United States into an alliance with an oriental power that is challenging and undermining our American culture. He voted to take the United States into an alliance with an imperialistic government. But the Senator from Illinois did have the manhood, he did have the conscience to say that he did it reluctantly, and that he was not "enamored of such a treaty."

Mr. McCORMICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Does the Senator from Arizona yield to the Senator from Illinois?

Mr. ASHURST. Certainly.

Mr. McCORMICK. The Senator has described my course more leniently than other Democrats will as the campaign progresses. I am grateful to him for that. Now that he has done speaking of me——

Mr. ASHURST. I have not quite finished speaking of the Senator.

Mr. McCORMICK. Will he tell us, for himself and his colleagues, whether or not they agree with Governor Cox that we ought to enter the League of Nations and subscribe to the covenant thereof?

Mr. ASHURST. Mr. President, we Democrats do not have any Delphic oracles to speak for us. We think for ourselves and act accordingly.

Mr. McCORMICK. I did not say that Governor Cox thought for himself; I said he spoke for himself. There is a distinction.

Mr. ASHURST. I believe that Governor Cox thinks for himself and speaks for himself; and I will read to the Senator from Jefferson's first inaugural address, of March 4, 1801. Pretermitting a number of paragraphs, Mr. Jefferson, the founder of the Democratic Party, said——

Mr. McCORMICK. Mr. President, I should like to ask if the answer to my question is to precede or to follow the Senator's literary exercise?

Mr. ASHURST. Will the Senator repeat his question?

Mr. McCORMICK. Does the Senator agree with Governor Cox or disagree with him on the issue of the entrance of the United States of America into the League of Nations?

Mr. ASHURST. Mr. President, I am amazed that my friend would ask that of a Democrat. Let me read from Jefferson's inaugural address:

> Absolute acquiescence in the decisions of the majority, the vital principle of republics, from which there is no appeal but to force.

Mr. President, am I obliged again to traverse the ground which I traversed a moment ago when I said the issue in 1920 was the league, and that by promising to stay out of the league the Republicans triumphed? Does the Senator believe that a Democrat now is seeking against that majority to take the United States into the league?

Mr. McCORMICK. What interpretation does the Senator put upon the speech of Governor Cox, of Ohio?

Mr. ASHURST. The utterance of a dauntless man——

Mr. McCORMICK. Who has rejected the doctrine of Jefferson.

Mr. ASHURST. I read further from the same inaugural address of Jefferson, in which he said:

> Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations; entangling alliances with none.

The League of Nations had at least the poor virtue, which if Senators be fair they are going to admit, to wit, that it kept the door open so that all powers of the earth might join; so that all the powers might at least be heard.

Of course, Mr. President, the Senator from Illinois would be glad to have the League of Nations for an issue.

Mr. McCORMICK. He would.

Mr. ASHURST. He would; and, of course, the leader of the majority would be glad to have the league for an issue.

Mr. McCORMICK. Mr. President——

Mr. ASHURST. I yield to the Senator from Illinois.

Mr. McCORMICK. Furthermore, the Senator from Illinois will do his best to have it for an issue.

Mr. ASHURST. I do not blame you.

Mr. McCORMICK. And thus to satisfy the Senator from Idaho [Mr. BORAH].

Mr. ASHURST. The Senator from Illinois in stating that he desires to have the League of Nations for an issue discloses a perspicacity that will be valuable not only to the Republican Party but to any association with which he is affiliated. The Senator from Illinois is too keen a man to fail to perceive the lamentable failure of the Republican Party to keep its promises. I do not blame him, in his desperation, for trying to induce Democrats to set up the league as an issue; having betrayed the confidence of the people in taking this Nation through the back door into the quadruple alliance, it becomes him now to try to make the country believe that it is necessary to perpetuate his party in power in order to escape the league.

Mr. President, it is appropriate that I should say that you, sir [Mr. JOHNSON in the chair], stood the fire. Although some prominent men in your party and a representative of a great foreign power were sent to your State to make speeches whilst the four-power treaty was under discussion, you stood like a man. Notwithstanding the backfire and the effort to align your own State against you, you delivered your vote at your country's altar for the good of your country.

Mr. President, the transparency of the Republican attempt to make the league an issue is so obvious that the most unpretending simpleton can see that it is only an effort on the part of the Republicans to get away from their record.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Illinois?

Mr. ASHURST. I yield.

Mr. McCORMICK. Will the Senator from Arizona, who is as candid as he is fair, not address his remarks to Governor Cox, of Ohio? It was he who in Dayton and again in New York said that events were carrying the United States eastward to the seat of the League of Nations at Geneva. It was Governor Cox who twice said that events would bring about the entrance of the United States into the league.

Mr. ASHURST. I am aware of that, and I am also aware of the fact that the Senator from Idaho [Mr. BORAH] said that it was obvious that the attempt was now being made to take the United States one more step toward the league by having a commissioner appointed to the Genoa conference. It is very convenient for Republican leaders to talk of the League of Nations so that the people may forget that $180,000 or more were expended to secure the seat of a Member of the Senate.

Mr. KING. Over $250,000.

Mr. ASHURST. Mr. President, in the State of Arizona, which voted for Harding electors and sent my Republican colleague [Mr. CAMERON] here in 1920, you filled the sky with your promises to the people that if they would send a Republican Senator to Washington and vote for Republican electors for President you would place a duty of 20 cents a pound on long-staple Pima cotton. The people there in part believed you.

Mr. CARAWAY. But they will not do so any more.

Mr. ASHURST. The tariff bill came here from the House of Representatives the 22d day of July, 1921, 8 months and 19 days ago, and in that bill long-staple cotton was on the free list. You seek to escape the effects of that violated promise.

That is the record from which you seek to escape; that is the record in front of which you want to erect the barrage or smoke screen of the League of Nations.

I recur now to the Budget. Here I sincerely pay my tribute of respect to my friend from Illinois for his work on the Budget bill, and to another great Illinoisan, General Dawes, but the Budget crumbled and fell to pieces in a body with over a hundred Republican majority when a river and harbor bill came along.

So much for the Budget.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Illinois?

Mr. ASHURST. I yield.

Mr. McCORMICK. So much for the Budget, and so much for long-staple cotton. How much for the League of Nations?

Mr. ASHURST. What is that?

Mr. McCORMICK. The Senator can not hear the question?

Mr. ASHURST. No; I can not.

Mr. McCORMICK. No; and others will be deaf to that question in the next campaign.

Mr. ASHURST. I am glad to listen.

Mr. McCORMICK. How many of you agree with Governor Cox that America must enter the League of Nations?

Mr. SHEPPARD. Mr. President, will the Senator permit me to answer, for one, that I agree with the governor?

Mr. McCORMICK. The Senator is secure in the vast spaces of Texas. He is for the League of Nations. I want to hear from some of the Senators from the border and northern States.

Mr. ASHURST. Of course, other Senators speak for themselves. I am speaking for myself.

Mr. McCORMICK. I thought the Senator was speaking for the whole Democracy.

Mr. ASHURST. I never have pretended on any occasion to speak for any other than myself. At times, in what I say, my own constituents do not agree with me. That is one reason why they elect me—because they know I say what I think, in the State and elsewhere.

Mr. McCORMICK. Mr. President, every Senator in this Chamber will readily bear witness not only to the ability but to the downright courage of the Senator from Arizona.

Mr. ASHURST. I thank the Senator.

Mr. McCORMICK. But I hope he will not consider me discourteous if I express the fear that his eloquence, if long continued, may serve as an anesthetic and lull his hearers to sleep, so that they may forget that he has not answered my question, nor has any other Senator save the Senator from Texas.

Mr. ASHURST. Not all the drowsy sirups and mandragora of the earth could lull to sleep the writhing conscience of the Republican Party when it reflects upon its broken promises.

Mr. McNARY obtained the floor.

Mr. McCORMICK. Mr. President, it seems to me that an opportunity ought to be given to other Senators on the other side of the Chamber to declare their agreement or disagreement with Governor Cox; and therefore I make the point of no quorum.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	France	Lenroot	Poindexter
Ball	Gooding	McCormick	Pomerene
Borah	Hale	McKinley	Rawson
Broussard	Harris	McNary	Sheppard
Bursum	Harrison	Moses	Spencer
Cameron	Heflin	Myers	Sterling
Capper	Hitchcock	New	Sutherland
Caraway	Johnson	Newberry	Swanson
Colt	Jones, Wash.	Norbeck	Townsend
Curtis	Kellogg	Norris	Trammell
Dial	Kendrick	Oddie	Wadsworth
Edge	Keyes	Overman	Warren
Ernst	King	Page	Watson, Ga.
Fletcher	La Follette	Pepper	Willis

The VICE PRESIDENT. Fifty-six Senators having answered to their names, a quorum is present.

Mr. BALL. Mr. President, I give notice that immediately after the passage of the Agricultural appropriation bill I shall move that the Senate consider Senate bill 2919, known as the District of Columbia rent bill.

Mr. McCORMICK. Mr. President, I requested the presence of a quorum in order that Senators on the other side of the Chamber might not be delayed by the intervention of other business in announcing their agreement or disagreement with Governor Cox, of Ohio. I note that in response to the call a fifth of the Democratic Senators are present. I hope that among that number there will be two or three to tell the country whether they hold with the Senator from Arizona [Mr. ASHURST] that as an issue the League of Nations is a corpse, or whether they agree with Governor Cox that it lives, and that they urge with him that the United States shall subscribe to the terms of the covenant, and take its place at Geneva, surrounded by the 2,000,000 bayonets of the peoples of Europe.

Mr. WATSON of Georgia. Mr. President——

Mr. CURTIS. May I make a parliamentary inquiry?

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. CURTIS. Has the Agricultural Department appropriation bill been laid before the Senate to-day?

The VICE PRESIDENT. It has not been laid down.

Mr. CURTIS. Will the Senator from Georgia yield so that the bill may be laid before the Senate?

Mr. WATSON of Georgia. Certainly.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

Mr. McNARY. I ask that House bill 10730, the Agricultural Department appropriation bill, be laid before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. McNARY. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments shall be first considered.

The VICE PRESIDENT. Without objection, it is so ordered.

CURRENT POLITICAL ISSUES.

Mr. WATSON of Georgia. Mr. President, the statement made by Governor Cox to the effect that our present situation is due to the fact that we did not enter the League of Nations should not be allowed to go unchallenged. Everyone knows what a terrible condition our country has been in, beginning two years ago, and its condition now; but, Mr. President, the same conditions prevail in Switzerland, which is a member of the League of Nations, and which was neutral during the war.

Switzerland enjoyed profound peace while other nations were convulsed. It stayed out of the vortex into which we drifted. Her profiteers made fortunes, as ours did. She was the land of refuge of thousands of people who had to leave their native lands. Her industries flourished during the war. Since the war they are prostrated. And why? She is in the league; we are not. Her industries were prostrated by the very same causes which prostrated ours. Those causes have been pointed out in a masterly and eloquent way time and again by the junior Senator from Alabama [Mr. HEFLIN].

Switzerland went crazy about the gold standard, just as we did. Switzerland refused to supply paper money to her people. We had a supply, and it was wickedly destroyed to the extent of two thousand million dollars.

Switzerland's money is so dear, the value of the dollar has been so inflated, that one industry after another has become extinct. She no longer makes the finest watches for the world. She no longer exports shoes, or laces, or embroideries, or silks, or dyes. She no longer exports the milk chocolates and the con-

densed milk which were sold in every market in the world. Therefore not only are the men, the women, and the children unemployed, but the very cows are unemployed. Except for domestic purposes, the cow is unemployed, meaning that her product is no longer used for the milk chocolates and the condensed milk which once brought in marvelous revenues to the Swiss.

On the other hand, Mr. President, Germany is not in the league, but Germany increased her issues of paper money until the volume of it is six or eight times as great as it was before the war, and the German goods entering the Swiss markets are underselling the Swiss goods in those markets. Germany has sprung from her ashes. Germany is industrially rehabilitated. And by means of what? Because of the increase of her currency. Switzerland is in ruins, as we are, because of our dear currency, our precious gold.

Governor Cox would make the league the issue in the next campaign. Speaking for myself only, I will say that, in my judgment, no greater mistake could be made by the Democratic Party than to try to breathe the breath of life into that dead issue.

We need not look far for issues. There is issue after issue which can be used against the Republican Party. One of the mightiest swords that could be drawn upon the opposition in the campaign of this year would be this new judge bill, which was put through last Friday night. That is the most radical, the most savage, the most dangerous attempt that has been made upon the independence of the judiciary since the year 1687, when James I of England put the judges under his feet.

There was a demand throughout this country for an additional judge here and there and yonder. That demand should have been met by separate bills, giving to this State, that State, and the other State the needed judge. There was no demand whatever for any revolutionary change in the system itself; yet that revolutionary change was made, and now the sword of Damocles is suspended by a hair over the head of every district judge in America.

Formerly the district judge, acting through his clerk and the seal of the court, sent out his signal of distress, his cry for aid, and the circuit judge had to respond to that appeal for help, and to send him a district judge from that circuit. It is true that the circuit judge, when he was convinced of the necessity for it, could himself send in a judge; but the practice had been for the circuit judge to wait upon the initiative of the district judge. Now that initiative is taken away from the district judge. He is at the mercy of the circuit judge. In some State there will be a district judge who is industrious, capable, conscientious, discharging his full duties, giving a full day's work as often as his dockets require it, disposing of all cases with due promptitude, disposing of all motions without unnecessary delay; but because he does not take the case in his own hands and direct the jury to find some bootlegger guilty; because he does not take away from the jury its constitutional rights; because he does not deprive the jury of the right of giving the accused the benefit of every reasonable doubt, the circuit judge, instigated by some prohibition officer, will send in from outside the circuit a tyrant who will storm at the jury, who will intimidate the jury, who will direct the jury, and thus reduce the 12 jurors to 12 nullities.

The other day in Arkansas a district judge of the Federal court was dissatisfied because a jury, composed of the most prominent business men in that town, refused to convict. He publicly insulted them and ordered their names stricken off the jury list forever. By what right did he do that? No right at all, but the thing is done.

Another judge put jurors in jail because they would not convict a bootlegger. They did not think the evidence warranted his conviction. They gave him the benefit of the doubt, as it was their duty to do.

We do not allow a juror to go into the box until he has satisfied the court that his mind is a clean slate, upon which can be written "guilty" or "not guilty," according to the evidence. If he has a bias or prejudice for or against the accused, he is automatically disqualified to serve on that case. Will any lawyer tell me why a judge should not go on the bench with his mind as impartial as that of everyone of the 12 jurors? Yet it is stated openly by the head men of the Anti-Saloon League that they are going to have judges to suit them.

Mr. HEFLIN. Mr. President, will the Senator yield to me?

Mr. WATSON of Georgia. Certainly.

Mr. HEFLIN. It has been the fundamental law always heretofore that it was the province of the judge to pass upon the law and the province of the jury to pass upon the facts. There are scores and scores of instances where the Supreme Court, in State and in National Government, has reversed and remanded cases because the trial judge refused to give a charge that read like this: "It is the duty of the jury to give the defendant the benefit of every reasonable doubt," or words to that effect, "and unless he is proven guilty beyond a reasonable doubt it is the duty of the jury to acquit him."

Mr. WATSON of Georgia. That is sound law.

Mr. HEFLIN. The judge of whom the Senator spoke in Arkansas undertook to direct the jury as to its verdict in a criminal case, and invaded the province of the jury when he did so.

Mr. WATSON of Georgia. Of course, that is correct.

Mr. President, in the New York World of last Thursday appeared an editorial in which Congressman TINKHAM, of Massachusetts, is quoted as saying that the Anti-Saloon League boasts that it controls Congress.

The Senator from Tennessee [Mr. SHIELDS] read into the RECORD the other day a letter from Wayne B. Wheeler, chief counsel of the Anti-Saloon League, in which he virtually told the Senator from Tennessee that he could have a new judge for Tennessee if the Anti-Saloon League could name the man. Having control of Congress, as they say, they want control of the judiciary; and if they can control the legislative and the judicial departments of the Government, the executive department will have its hands tied and 110,000,000 people will be governed to a large extent by the Anti-Saloon League.

One of its affiliated associations is the National Reform League, of which the Rev. Sam Small is one of the speakers and organizers.

Mr. LENROOT. Mr. President——

Mr. WATSON of Georgia. I yield to the Senator from Wisconsin.

Mr. LENROOT. I did not catch the Senator's statement as to the contents of the letter sent to the Senator from Tennessee by Mr. Wheeler.

Mr. WATSON of Georgia. As I understand it, in substance—I will not quote the language—it was that they would assist him in getting a new judge for Tennessee if he would allow them to name the man.

Mr. LENROOT. Will the Senator from Georgia look that up, and if he is inaccurate will he not correct himself?

Mr. WATSON of Georgia. I shall certainly take pleasure in doing so. That is the way I understood it. I so understood it at the time the Senator from Tennessee made the statement on the floor. I did not read his remarks in the RECORD, because I heard the speech. I attended a farewell dinner that was given at the home of Congressman GORDON LEE, of the Georgia delegation, just prior to the departure of Gen. Peter Harris, of Georgia, for France, and at the table, where conversation was free, I mentioned what I had heard in the Senate that day, as I understood it. One of the gentlemen at the table said, "Judge SHIELDS told me the same thing." As already stated, if I am in error, I will correct my statement.

The superintendent of the Tennessee Anti-Saloon League is quoted editorially by the New York World as follows:

> A number of Congressmen who hold the balance of power to pilot majorities in Congress come from Southern and Western States, where money for organization and educational purposes is scarce. They always had to have help from the national league.

In other words, here is the responsible head of the Tennessee Anti-Saloon League saying, virtually, that the league finances southern and western Congressmen who, of course, are expected to remember gratefully the assistance given them to be reelected, or elected in the first instance, and whose gratitude will take the form of votes as demanded by the Anti-Saloon League. Therefore, if what they say is true, the independence of Congress is gone. If they can hang a threat and cloud of danger over the heads of district judges the independence of the judiciary, won by 300 years of stubborn struggle, will be gone.

When our forefathers were framing the Constitution under which we live, the proposition was made by Mr. Dickinson, of Pennsylvania, to vest the Executive with the power to remove Federal judges when so requested by both Houses of Congress. That motion was opposed by Gouverneur Morris, by Edmond Randolph, and by Mr. Rutledge, as attempting to interfere with the complete independence of the judiciary; and when the final vote came only one State, Connecticut, voted for the provision. They left the judges completely independent, even of Congress and of the President. The life term itself was given to them in order that they might not fear removal, which had been practiced in England, especially under the Stuart kings.

Mr. President, the great trouble with our country to-day is that we have forgotten at what tremendous sacrifice our forefathers won the pearls of personal liberty. There is not a

diamond in the crown of our civic glory that did not cost the lives of thousands of brave men.

Now, the Federal judges have been mobilized and Chief Justice Taft made commander in chief. What is his record? The American people showed what they thought about his record when they gave him the worst beating that any presidential candidate ever got at the polls until Governor Cox ran. Judge Taft, on the district bench, was the very first Federal judge who nailed the engineer to his locomotive and denied him his right to quit work when the job and the pay dissatisfied him. It is as much the right of a human being to quit work as it is his right to earn his living by work. Both are natural rights, and no judge can legally take them away. Taft took them away from the engineer.

Suppose the engineer had sought an injunction against the railroad management to restrain them from dismissing the engineer, what would have been Taft's decision? Would he have enjoined the management from dismissing the engineer? The case would have been laughed out of court. If the one is good law, the other is, because the converse of the proposition that you can make a man keep on working is that you can make an employer keep on employing him.

But I mentioned the Rev. Sam Small, who is connected with the Anti-Saloon League and the National Reform Association. The Reverend Sam says they are going to spend in the election this year the $2,000,000 of their annual income. That is a fine idea of reform, is it not? They are going to debauch the electorate. Two million dollars! The first thing we know the Newberry case will become eminently respectable. We have all been sorry that so much money was spent. The Senator from Michigan himself came on the floor of the Senate and said he was very sorry, and said he was especially sorry that day, just before the vote was taken. I made a speech for the Senator on the law of the case, and I do not take back a word of it, either. They did not prove anything against him. No votes were corrupted, but the speeches cost too much; the music cost too much; those pictures taken on the battleship in the park in New York City—about which my friend from Alabama [Mr. HEFLIN] grew so eloquent—cost too much; newspaper space cost too much. Publicity cost too much, but they had to have it. Henry Ford already had it.

But here is the Anti-Saloon League claiming that it already controls the balance of power in Congress, and this was the power behind the judges' bill, which changes our judicial system, places Taft in command, and puts the circuit judges in control over the district judges. Tell me, would you not feel mortified and humiliated, if you were doing what you thought was your duty and keeping the docket clear, if the circuit judge himself were to come in, or send in an outside judge to your district? You would take it as a reflection upon yourself. You would take it as a public reprimand, and if you were a man of pride you would resign.

Another thing: The circuit judge can change a district judge around over the country until, being a man who loves his home, his home folks, his friends, his old associations, he will find life not worth living, and he will quit. Then, in comes your partisan, who will virtually abolish the office of the jury and virtually deny jury trials to the accused.

Then, too, they are to have an annual convention, with Taft presiding, and have it anywhere that he chooses, and as long as he chooses, getting $10 a day, while they are holding the convention.

The language of the bill is so vague that the convention may virtually give orders to every district judge in the Union, and he will have to obey them, else they will make him feel sorry that he did not; they will punish him in some way.

It is consolidation, centralization, putting all power here in the Chief Justice, whereas the Supreme Court should have no further power over lower courts than to reverse their decisions. That is all the power a higher court ought to have over a lower court.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. WATSON of Georgia. With pleasure.

Mr. HEFLIN. As I understood the Senator from Georgia a little while ago, if a district judge's docket now becomes crowded and he desires help from the outside, he will make known that desire and a judge will be sent down to help him clean up his docket?

Mr. WATSON of Georgia. That is the existing law.

Mr. HEFLIN. In other words, the needs of the locality control in the matter, the National Government responds, and aid comes?

Mr. WATSON of Georgia. Yes.

Mr. HEFLIN. But now the need of the locality is to be ignored, the authority is lodged at Washington, and the opinion of the Chief Justice of the Supreme Court and his council will decide whether or not a judge shall be sent down?

Mr. WATSON of Georgia. Exactly so.

Mr. President, I offered an amendment to restore to the district judge the power to call for help, through the certificate of his clerk, under the seal of the court, but the Republicans voted the amendment down. If they did not have some hidden design in that bill, why did they not leave the law as it now is?

By another provision in this proposed new law the circuit judge may name himself to go into the district and take the business out of the hands of the local judge. I offered an amendment to strike that provision out, because it seemed altogether wrong in principle to allow a judge to select himself to take the place of the district judge; but the Republicans voted my amendment down. Why was that done? The Republicans did not explain it then. I ask any of them to explain it now. It can not be explained on any theory consistent with the independence of the judiciary.

There are other issues the Democrats may use in the campaign without going into the last year's bird's nest of the League of Nations. They can use the four-power pact, which is worse than the League of Nations would have been. The league had its machinery for the adjustment of differences between nations, large and small. In the league our Republic could have protected itself from Japan and against France and against England, but in the four-power pact we have no such protection. Senators on the other side of the Chamber said that it would take a unanimous vote to decide a disputed question. Where did they get that idea? If that is true, why did they not write it into the bond? Why did they not give us the protection of three or four words, which would have made that meaning clear? Sir, we shall be bound, as all bodies in this country and others are bound, unless otherwise stipulated, by a majority vote, and Japan, France, and England will be the arbiters of our destiny.

While the debate was in progress we on this side of the Chamber spoke of the danger of the four-power pact driving Germany, Russia, and China together; we spoke of the war that was inevitable between Japan and Russia on account of Japan's aggression upon the island of Sakhalin and the mainland of Siberia. The newspapers bring us word day by day of the ever-widening area of the war. There was a battle fought day before yesterday in which it is said there were tens of thousands engaged and thousands killed. The Moscow government is behind the government at Chita. The 4,000,000 men under Trotski may even now, while I speak, be on the march toward the Siberian frontier. There is an issue. It may be debated until the hot blood of indignation runs through the veins of every true American and his eyes blaze at the way in which a party elected by such a tremendous plurality in November, 1920, because of the league, has now gone completely back and given us something worse than the league.

Let the league alone; fight the four-power pact. Tell the people that we made a struggle here to uphold the banner of traditional American policy; that we did our best, under great odds, to maintain the historic policy handed down to us by Washington, Jefferson, Madison, and Monroe. Tell them that we were handicapped from the beginning, because the first thing the President did was to take our leader away and leave us without a head.

I do not think I mistake the sentiment of the American people. They are as much devoted as ever to the policy of America first, America all the time, friendly relations, commercial treaties with foreign nations, but no political alliance at all, because any such alliance is bound to be an entangling one, drawing us into the whirlpool of European politics. It is now widened out to Asia and Africa. Our proud ship of state is launched upon a shoreless sea, without compass or rudder; we are dragged at the chariot wheels of Japan, made subservient to the imperial ambitions of Great Britain, made an ally to the imperialism of France, with her white army of 700,000 men and her black army of 4,000,000.

In God's name, what have you done—you who came to open a peace conference and who took advantage of closed doors, under the popularity of the peace cry, secretly to form this four-power pact, which needed amendment almost as soon as it saw the light?

There are other issues; a sufficient number of issues have arisen here during the short year that I have been in this Chamber. I will not enumerate them now, nor discuss them, but I have said enough to indicate what I mean. Let us bring the campaign up to date; let us not deal in back numbers and past issues. Take what our friends on the other side have done in this Congress, from the time they reversed themselves on the

Colombian treaty and the soldier bonus on down to last Friday night, when they revolutionized the judiciary system of our fathers.

And think of what was done here to-day! It is not proper for me to state what occurred in executive session, but I can announce the result. The Senate confirmed the appointment of a Senator and a Representative in Congress to act as commissioners in settling the greatest international debt that ever existed, a debt involving $11,000,000,000, with $1,000,000,000 of accrued interest due upon it. Our forefathers said that no Senator and no Representative in Congress should hold an office created during his term.

Senators have contended that these commissioners are not officers within the meaning of the law. Mr. President, the Constitution of the United States was not the work of amateurs, legal or literary; it was the work of veterans, of experts. Alexander Hamilton and James Madison were the authors of almost the entire Federalist, which has been called one of the greatest books of its kind ever written, and is standard authority to-day. Do you suppose that Hamilton, a finished scholar as well as a consummate lawyer, did not know the meaning of the word "office"? Did not James Madison, an accomplished scholar, know the sense in which the word "office" was used? Edmund Randolph, one of the splendid lawyers of his day; Elbridge Gerry, who wrote the judiciary act of 1789, which is one of the greatest statutes ever framed, the bedrock of our judicial system; George Mason, who wrote the Virginia Bill of Rights, a better paper, in my judgment, than the Declaration of Independence—do you mean to say that in the Senate now we have better lawyers, better artists in the use of words than were the men whom I have named?

The word "office" is synonymous with "employment," "position," a public, official "charge."

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. WATSON of Georgia. I yield.

Mr. OVERMAN. Is it not a fact that the refunding act that we passed, in its first provision, in providing that the commissioners should be confirmed by the Senate, recognized the fact that they were officers?

Mr. WATSON of Georgia. That is my understanding, Mr. President. I thoroughly agree with the Senator.

It has been contended that these men will have no power, that they will conclude nothing, that the President will have to approve. Can anybody conceive that President Harding would veto the work of that great international conference, after it had spent weeks, perhaps months, in adjusting the claims and reaching a final decision? It is inconceivable to me that President Harding would do anything of the kind. At any rate, the President does not come into action until the refunding commission shall have acted. The President is up in the air until they give him something to stand on. Their work is the work to which he will put simply his O. K. Therefore they do have a place of tremendous power, handling the biggest debt the world ever knew. The way in which it is settled, the kind of bonds they take—meaning, of course, the nationality of the bonds—will affect the destinies of the whole world for the next 25 or 50 years.

So I say, Mr. President, I think it would be very unfortunate if Governor Cox should make the country believe that our depression in all lines of business is due to the fact that we did not go into the league. It is due to the fact that our currency began to be destroyed in 1920; and, at the very time they began to destroy the currency, the slump began; and now, with two thousand million dollars of our money taken away from the channels of trade, there is nothing to stimulate enterprise, give hope to labor, give employment to idle hands, and put legitimate business on its feet.

It is an amazing thing that in Switzerland, which went into the league and adopted exactly the same policy that was adopted here by the Federal Reserve Board, they have the same fatal results that we got; and it is a stranger thing that Germany, on her back so short a while ago, meeting her future under such difficulties and so many discouragements, should have adopted the method which always puts new life into an industrial body; and she is to-day underselling us in the markets, underselling Switzerland in the markets, underselling England in the markets; and with her loins girded up in strength and with hope in her heart she goes forward to an assured industrial future with the victor song of Miriam on her lips.

Mr. LENROOT. Mr. President, I desire merely to correct a statement made by the distinguished Senator from Georgia.

The Senator from Georgia stated that Mr. Wheeler, of the Anti-Saloon League, wrote a letter to the Senator from Tennessee [Mr. SHIELDS], stating in that letter that if the Anti-Saloon League could name the judge in Tennessee they would assist him in securing an additional judge. I was amazed at the statement. I thought I recollected the letter. I asked the Senator from Georgia if he would repeat his statement, thinking I might have misunderstood him. He did repeat it, and in the same language.

I have the letter before me, Mr. President. While I hold no brief for the Anti-Saloon League or for Mr. Wheeler, there is not the slightest warrant in that letter for the statement made by the Senator from Georgia. There is not one single word in the letter intimating in the remotest degree that the Anti-Saloon League, if they could name the judge in Tennessee, would assist in procuring one. I should like to have the attention of the Senator from Georgia, if I may.

Mr. WATSON of Georgia. I am listening.

Mr. LENROOT. I am very sure the Senator from Georgia would not intentionally misrepresent anyone.

Mr. WATSON of Georgia. Why, no; certainly I would not.

Mr. LENROOT. I call the Senator's attention to the fact that the letter to which he has referred is found upon page 4861 of the RECORD. I ask him to read the letter, and then make the correction in the same public way that he made the statement.

Mr. WATSON of Georgia. I shall certainly do it, if I have made any mistake about it.

Mr. WATSON of Georgia subsequently said:

Responding to the suggestion of the Senator from Wisconsin [Mr. LENROOT], I read from the CONGRESSIONAL RECORD of March 31, 1922, page 4861, from the remarks of the senior Senator from Tennessee [Mr. SHIELDS]. The Senator from Tennessee said:

> I received a letter from Mr. Wheeler concerning this Tennessee judgeship, and I will read it and my answer. I know I am giving entirely too much importance to what Mr. Wheeler says and does; but as he seems to be engaged now in initiating legislation, passing laws, and influencing the President in appointing judges and the Chief Justice in the assignment of judges, I think I may notice him a little.
>
> This letter is dated March 14 and addressed to myself. I read:

I select the sentences which seem to me to bear on this most particularly.

> Permit me to inform you that we—

That is, the Anti-Saloon League—

> now are and always have been in favor of having an extra judgeship for the State. * * * I have a letter from the United States attorney in the middle district of Tennessee in which he says—

Then the Senator from Tennessee remarked, in parenthesis:

> It seems he was interfering with the discharge of the duties of the district attorney down there.

Then he proceeded reading from the letter:

> In this district the docket is fearfully congested, so that it is almost impossible for a case to be called for trial until a year and a half old, and, of course, this greatly militates against successful prosecution.

Then the Senator from Tennessee proceeded:

> This district attorney, instead of answering that letter evidently calling him to task for supposed dereliction in his duties, wrote an apologetic letter. If I were President of the United States and there was a district attorney who would apologize to any interest for the manner in which he discharged his duty and took a reprimand from it, I would remove him as soon as I heard it.

Then the Senator read his reply to Wayne B. Wheeler, as follows:

> Your letter tendering to me your assistance in providing a United States district judge for the middle district of Tennessee received.
>
> I do not wish or need your assistance in this matter.
>
> The Senators and Representatives from Tennessee are amply able to take care of all legislation concerning their State, and I resent any interference by outsiders and special interests, especially concerning the judiciary.

Mr. President, as I said, I did not read the speech, because I heard it; and I got the general idea from it that Wayne B. Wheeler was interfering with the independence of the judiciary, and interesting himself unduly in the selection of judges. The remarks of the Senator from Tennessee, I am sure, will bear that interpretation without any violence being done to his words. Of course, there is always room for honest differences of construction, but that is the construction I gave them.

Mr. LENROOT. Mr. President, does not the Senator admit there was no foundation in the letter to which the Senator referred for the statement that he made?

Mr. WATSON of Georgia. Mr. President, I did not attempt to quote the words. I quoted what I understood to be the meaning, and I stand by it; that is, I contend that that inference is fairly to be drawn from the words. Why should Wayne B. Wheeler be concerning himself about the condition of the dockets in these district courts? That is the business of David H. Blair, Commissioner of Internal Revenue; that is the business of Mr. Haynes, the internal-revenue enforcer. It is not the business of Wayne B. Wheeler to be cracking whips over the heads of district attorneys, and offering to assist Senators in getting new judges, carrying with it naturally the inference that the new judge must be the kind of a man he wants, or he will not assist in getting him.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. FRANCE. Mr. President, I am deeply interested in the agricultural appropriation bill, having been for some time a member of the Agricultural Committee; and I am particularly interested in an amendment which I desire to offer to that bill during the pendency of the measure. Unfortunately, important engagements call me away from the city for a few days, and I desire to ask unanimous consent to present this amendment before the committee amendments are considered. It will take only a few minutes, and I shall briefly explain the purpose of the amendment if the unanimous consent is granted.

The PRESIDING OFFICER (Mr. STERLING in the chair). Is there objection to the request of the Senator from Maryland? The Chair hears none.

Mr. FRANCE. I desire, on page 65 of the bill, to offer an amendment increasing the appropriation to investigate and encourage the adoption of improved methods of farm management and farm practice from $291,707 to $301,707, with the following proviso:

Provided, That $10,000 of this sum may be used to enable the Secretary of Agriculture to provide means for the study of the problem of the standardization and simplification of farm implements and machinery, and of the repair parts for the same, with a view to the possible more economical manufacture and use of the same.

Mr. President, this subject of the standardization and simplification of farm machinery is a very important subject, and it is one which has engaged the attention of those interested in agriculture for many years. It is quite apparent that if farm machinery could be so standardized that there would be manufactured, for example, one mowing machine instead of many varieties of mowing machines, a standard implement with standardized parts, an enormous saving could be effected in the manufacture of that particular form of farm machinery. It is quite evident, also, that the cost of the repair parts for such a standardized machine would be greatly reduced. Moreover, Senators will realize that the distribution of the standardized machine parts for standardized machines would naturally be much easier, and that it could be accomplished in a much more economical manner.

I have long been interested in this subject. Recently the Maryland Legislature adopted a memorial recommending such legislation as that embodied in this amendment, and I feel that the Maryland Legislature was very well advised in adopting such a memorial.

Of course, the appropriation of this $10,000 would simply mean that the Secretary would have at his disposal a small sum which would care for the clerical work involved in an investigation which in a large measure would consist merely in calling together the large manufacturers of farm machinery for consultation as to the possibility of some cooperation in the standardization of machine parts and of the forms of farm machines. One of the large companies—a company which has rendered very valuable service to the country in the invention and in the production of new machines—manufactures, I believe, in its own factory several varieties of implements for one particular process of agriculture. Every farmer well knows that this large company at one time manufactured three different types of mowing machines and two or three different types of binders. If that one company could be persuaded to substitute one standardized machine for these three varieties much might be accomplished in the way of economy.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Washington?

Mr. FRANCE. I yield to the Senator.

Mr. JONES of Washington. I want to call the Senator's attention to the fact that the Bureau of Standards of the Department of Commerce is doing work right along that line. I do not know that they have taken up particularly farm machinery; but I know that the Secretary of Commerce presented this very idea to us in connection with the appropriation bill for the Department of Commerce, and they also had a provision of that sort in the bill of last year—that is, the bill for the current year—and the Secretary called attention to the work they have done along various lines. I do not remember the particular manufactured articles, but where there had been heretofore 66 different varieties of the article manufactured they have got it down, I think, to 11; and then in another case where there were 32 varieties they have got it down to 6 standard articles, right in line with what the Senator is favoring.

I simply wanted to call the Senator's attention to the fact that all of that work could be done by the Department of Commerce. We ought to avoid duplication as much as possible. It is a very important object, of course.

Mr. FRANCE. Mr. President, in response to the Senator I will say that I am much gratified to know that the Bureau of Standards has carried its work so far. Of course, if the Bureau of Standards would take up this work, it would be perfectly agreeable to me; but this is the Agricultural appropriation bill, and it seems to me that it would be quite appropriate to have a small sum, such as this—merely $10,000—to enable the Secretary, if he pleased, to get in touch with the Bureau of Standards and cooperate with the Bureau of Standards through employees who might be necessary in carrying on such cooperation between the Department of Agriculture and the Bureau of Standards. I have a very high degree of confidence in the intelligence of the Secretary of Agriculture, and I believe that if this sum should not be needed for this purpose he would not use it. I merely wish to bring to the attention of the Senate the importance of this question, which will run into a saving of millions of dollars to our farmers if anything can be effected.

Mr. JONES of Washington. Mr. President——

Mr. FRANCE. I yield to the Senator from Washington.

Mr. JONES of Washington. In that connection I just want to read to the Senator a provision in the Commerce appropriation bill which I think covers this matter:

To develop methods of testing and standardizing machines, motors, tools, measuring instruments, and other apparatus and devices used in mechanical, hydraulic, and aeronautic engineering; for the comparative study of types of apparatus and methods of operation, and for the establishment of standards of performance; for the accurate determination of fundamental physical constants involved in the proper execution of this work; and for the scientific experiments and investigations needed in solving the problems which may arise in connection therewith, especially in response to the requirements of aeronautics and aviation for information of a purely scientific nature, including personal services in the District of Columbia and in the field, $15,000.

Then there are several other provisions with reference to standardization.

Mr. KING. Mr. President——

Mr. FRANCE. I yield to the Senator from Utah.

Mr. KING. I am told that the Bureau of Standards is doing some work along the line just indicated by the Senator from Washington, but I suggest this to the Senator: I do not see just how you are going to fix any rational limits to the inventive genius of the American people. The Senator knows, as most of us who were born in the country and have lived upon farms know, that the mowers and reapers we had 25 or 30 years ago, and those which were in use 40 years ago, were very different from those which are in use to-day. There has been progress, and the rivalry between various machine companies and agricultural implement houses has brought progress and change. If there had been an effort then to standardize and to bring all of the organizations engaged in the manufacture of machinery into a sort of a combine and to standardize everything, there would not have been the improvement and the developments which have been the result of rivalry.

I believe in competition. It seems you can run this thing to an extreme. I do not think you could do any effectual work, or any practical or useful work, in attempting to accomplish the things which the Senator has in mind, if I grasp all that he has in mind. Mr. Ford has standardized the Ford car, and you can get the parts almost on the desert. He has many establishments throughout the United States where you can buy the standardized parts for the Ford car. Other manufacturers of automobiles would not consent to any standardization. They think their cars, if they are not better, at least are higher priced than Mr. Ford's, and each manufacturer claims some little superiority, some advantage, and he advertises it because of those differentiations. It is not homogeneity which is sought; it is heterogeneity; it is differentiation, taking an idea here and an idea there, and developing that idea and bringing about a higher standard.

So it is in nature and so it is in all utilitarian things. We rise from the simple to the complex, from the homogeneous to the heterogeneous, from the simple piece of machinery to the more complex piece of machinery, and thus we get perfection and higher utility in all the activities of life, utilitarian or otherwise.

Mr. FRANCE. Mr. President, I realize the force of what the Senator has said, and there would be no disposition, I am sure, on my part to favor any legislation which would in any way hamper the inventive genius of our people or prevent the manufacturer of new types of machines to do work in a new

way. At the same time, I think the Senator will realize that much might be accomplished in the way of standardizing different machines, for example, designed to do the same work, manufactured by one company. If one company is, simply to preserve a name, manufacturing three types of binders or three types of mowing machines, it seems to me that is a waste which is hardly rational and one which might well be avoided.

Mr. JONES of Washington. I want to read another provision of the act:

To enable the Bureau of Standards to cooperate with Government departments, engineers, and manufacturers in the establishment of standards, methods of testing, and inspection of instruments, equipment, machines, tools, and so forth.

There is $100,000 made available for that purpose for coordination and cooperation.

Mr. FRANCE. Mr. President, I do not care to prolong the debate upon this amendment, but I would say in response to what has been brought forward by the Senator from Washington that I am quite familiar, in a general way, with the problem of standardization to which he has referred. I do not think it has occurred to the Bureau of Standards that it might, under the provisions of that statute, take up the question of the standardization of farm machines and types of farm machines. There is a very great waste in the manufacture of all sorts of machines in the different standards which are used for screws and bolts and threads, so that very often nuts for bolts are not interchangeable, and so that machine tools of a certain type can not be used in place of machine tools of a slightly different type. That is a vast field, which is quite different from this, I think.

Mr. JONES of Washington. The bureau has taken up an investigation of work along those lines and in the other lines, and I do not know of any reason why they should not take up such investigation in connection with machinery if it is brought to their attention. I think they would be glad to do it.

Mr. FRANCE. Mr. President, it would be very profitable if the Bureau of Standards would take up this work. I offer this amendment because I think something might be accomplished in this direction. Certainly we want no Federal legislation which would compel manufacturers to make one type of machine. I think that would be intolerable; but I think that to supply the Secretary with a small fund which would enable him to call into conference the big manufacturers, with a view to discussing this question, would be most helpful. If the Committee on Appropriations should later decide that this work should be carried on by the Bureau of Standards, it would perhaps be more economical and better organization. If the legislation is not needed the Senate can pass upon that subject, although I rather feel that it is a question in which the millions of farmers all over the United States are vitally interested, and it seems to me that it would be at least an indication of our intelligent interest in them if we should adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. FRANCE].

CURRENT POLITICAL ISSUES.

Mr. HEFLIN. Mr. President, the Senator from Illinois [Mr. MCCORMICK] has invited the Democrats to-day to accept as the issue for the next campaign the League of Nations as the paramount issue. The Senator said, before he finished his remarks, that he would do all in his power to make that the main issue.

Mr. President, this is at least a very interesting situation. The Republican Party came into power in all the branches of the Government on the 4th of March, 1921. They have had the House and Senate since March 4, 1919. They have had control of every instrumentality of the Government all these days and weeks and months that have gone since March 4, 1921, and nothing has been accomplished in that time to which the Senator from Illinois can point with pride, so in sheer desperation he goes back and undertakes to lead the Democrats out to the battle ground where the League of Nations issue was fought out three years ago. He knows that as the Senate is made up to-day we could not elect enough Senators at the next election to change the political complexion of this august body—the body that would have to pass on the League of Nations issue suggested by him. Mr. President, the Senator from Illinois is begging the question. He is evidently trying to get away from the miserable record of his party when he asks us to go out and fight over again the League of Nations issue with him. In their own good time the American people will attend to that question. I am not surprised at the distinguished Senator from Illinois wanting to make the League of Nations or some other international question the main issue. The Senator from Illinois himself is the author of the deflation resolution which brought misery untold to millions of people in the United States since the Republican Party went into power. Let me read that resolution, because I want the 34,600 readers of the CONGRESSIONAL RECORD, who read the powerful speech delivered to-day by the Senator from Illinois, to know just why it is that he wants to make the League of Nations the issue in the congressional elections of 1922.

The Senator from Illinois offered this resolution on the 17th day of May, 1920, when the Republicans were in power in both branches of Congress:

Resolved, That the Federal Reserve Board be directed to advise the Senate what steps it purposes to take or to recommend to the member banks of the Federal reserve system to meet the existing inflation of currency and credits and the consequent high prices, and what further steps it purposes to take or recommend to mobilize credits in order to move the 1920 crop.

That is the deflation resolution that opened the door to all the train of miseries that follow the destructive deflation policy ordered and carried out by the Federal Reserve Board under Republican rule. The Senator from Oklahoma [Mr. OWEN], one of the authors of the great Federal reserve banking system, rose in the Senate on the following day and said:

The resolution of the Senator from Illinois, however, offers a hook and an invitation from the Senate to the Federal Reserve Board to declare a policy of "deflation." It carries the suggestion of deflation. The policy of deflation set by the Wall Street Stock Exchange control, which broke the stock market by high-interest rates, meets the approval of the same class of financial experts domiciled in Chicago, who might naturally advise the Senator from Illinois; but I warn the Federal Reserve Board and I warn the country that if a panic in this country results from their policy they are liable to have a North Dakota reaction, where a State bank was established to furnish money at fair and stable rates, using the credit of the State and the taxing power of the people of the State for that purpose. You can go too far in the matter of taxing the people of this country by high-interest rates and the "deflation" of credit. If the reserve board leads the procession of banks in fixing high rates on the people—that is, on their own depositors—and a great industrial depression follows, why should they wonder if the people of this country should demand as a remedy that the reserve banks be made banks of deposit and discount? I warn the Federal Reserve Board that this country is not going to submit to any depression brought about by the banks of the country or under the policy of the board or under the advice of financiers domiciled either in New York or Chicago.

The able and faithful Senator from Oklahoma saw and told what would happen.

Mr. President, following the passage of the resolution introduced by the Senator from Illinois, the prophecy made by the Senator from Oklahoma [Mr. OWEN] was fulfilled, and here is what occurred: Loans and discounts and bought paper held by all of the 12 Federal reserve banks May 28, 1920, page 748, Federal Reserve Bulletin, 1920, $2,938,000,000 in round numbers; August 31, 1921, page 1240, Federal Reserve Bulletin, 1921, $1,527,000,000 in round numbers; January 25, 1922, $932,882,000.

Contraction of credits for 12 Federal reserve banks May 28, 1920, to August 31, 1921, $1,421,000,000. May 28, 1920, to January 25, 1922, $2,005,000,000 in round numbers.

Contraction of Federal reserve notes in circulation May 28, 1920, to August 31, 1921, $625,000,000; May 28, 1920, to January 25, 1922, $923,000,000.

That is what happened following the deflation arrangement made by the resolution of the Senator from Illinois [Mr. MCCORMICK]. The Senator from Oklahoma [Mr. OWEN], a Democrat, rose in this Chamber and stated just what would follow the passage of that resolution, and it did follow. Instead of the Federal reserve banks issuing Federal reserve notes to meet the demands of business in the South and West, it withdrew the notes already issued and left the people helpless in the hands of those who desired to pillage and plunder them from one end of the country to the other, and the Senator from Illinois comes in with his face all wreathed in smiles, and says, "I intend to see that you make the League of Nations the principal issue."

If I had been the author of a resolution that had deprived hundreds and thousands of farmers of their farms, if I had been the author of a resolution that had driven 7,000,000 of men out of employment, if I had been the author of a resolution that had turned 500,000 ex-service men in the streets, I, too, would want to make the League of Nations, or some other outside matter, the burning issue of the campaign.

Mr. WATSON of Georgia. Mr. President——

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. Mr. President, how does the Senator from Alabama think the Republicans are going to answer when the people ask them what about that bonus for the soldiers?

Mr. HEFLIN. My friend from Georgia reminds me of another thing. If I had participated as did the Senator from Illinois in taking off the calendar the adjusted compensation

bill, just ready to give justice to the soldiers, to treat fairly those who saved the life of the Nation—if I had participated as he did in carrying it back into the committee room and putting it to sleep forever, I, too, would want some other issue in the campaign that is about to burst upon us.

I do not know what Republicans on the other side are going to do if their leader [Senator McCORMICK] continues to lead them as he is undertaking to lead them to-day. I wonder if his leadership over there is universally accepted?

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield further to the Senator from Georgia?

Mr. HEFLIN. I yield.

Mr. WATSON of Georgia. When the campaign opens and the people learn that the Secretary of the Treasury is holding office in violation of a law made under the Presidency of George Washington, which law was obeyed by General Grant when he was President and which caused the resignation of A. T. Stewart after his nomination had been confirmed by a Republican Senate, what does the Senator think will be the answer of Republicans when they are charged with the willful, deliberate, and continuous defiance of the law?

Mr. HEFLIN. I do not know what the average answer will be on the Republican side, but if my friend from Georgia should confront the Senator from Illinois with the interrogation that he has presented to me, he would say, "The League of Nations must be the issue." That would be his answer. He would not discuss vital domestic issues that affect the very life of the American people. They have not yet been able to answer the Senator's proposition. The Senator read the law here. I think there is a great deal in his contention, but they wave it aside—why? Because this news does not go back to the voters. Thousands and hundreds of thousands of men never know anything about what we discuss here. They are dependent upon the CONGRESSIONAL RECORD and a few papers that are free from the clutches of the interests that are controlling the press situation in the main.

Mr. WATSON of Georgia. Mr. President——

Mr. HEFLIN. I yield.

Mr. WATSON of Georgia. I remind the Senator from Alabama that the Republicans not only have retained in a high financial office a man who is violating the law every day that he holds it, but they put him on an international debt funding commission to handle the biggest debt that ever existed in the history of mankind and where the opportunities to make more money are quite ample.

Mr. HEFLIN. Yes, Mr. President; and in spite of it all we see ruin around us, industries standing still, smokestacks idle from whose tops the black smoke used to curl when we Democrats were in power, the hum of industry was heard, prosperity flowed like a river, farmers riding in automobiles, everything lovely and the goose hanging high. The average man had money in his pocket and most of them had a bank account, and now you can go to church on Sunday and observe that the preacher feels the pinch of the hard times you have produced. They send the collection basket around and they get coppers and nickels and Republican promises whereas they used to get a $1 and $5 bill and the like even out in the country when we Democrats were in power. All that has disappeared, and is it any wonder that the Senator from Illinois wants to make the League of Nations the issue? [Laughter.]

We want to tell the people what you have done and what you have not done and try you on your record. We want to quote the Scripture and say that "The tree is known by its fruit," and measure you by that standard.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield further to the Senator from Georgia?

Mr. HEFLIN. I yield with pleasure.

Mr. WATSON of Georgia. I remind the Senator from Alabama that the Senator from New Hampshire [Mr. MOSES] the other day boldly proclaimed the doctrine that the President of the United States was not bound by law.

Mr. MOSES. Oh, no, Mr. President.

Mr. HEFLIN. I yield for the purpose of allowing the Senator from New Hampshire to defend himself against the charge.

Mr. MOSES. I spoke solely with reference to the civil service law.

Mr. WATSON of Georgia. Is that law any less binding than any other law?

Mr. MOSES. The law had been interpreted by the court to the effect that it did not apply to the President, but applied to the heads of departments and bureau chiefs. I ask the Senator to read the RECORD.

Mr. WATSON of Georgia. I heard what the Senator said at the time. It is not necessary for me to read the RECORD. Of course, he is "crawfishing"; he has seen the untenable position which he has taken. Mr. President, as I understand the law, even our Chief Magistrate can not remove a civil service employee without giving that employee a chance to be heard.

Mr. MOSES. He certainly has done it.

Mr. WATSON of Georgia. Yes, he has; and the Senator from New Hampshire, Mr. President, says that he has a right to do it, even defying the law when he does it.

Mr. HEFLIN. Mr. President, I intended to say but a word or two, but the Senator from Illinois [Mr. McCORMICK] walked over toward this side of the Chamber, begging that somebody reply to him, and state his position upon the existing situation, that I felt a desire to say a few words in reply to his earnest appeal to make the League of Nations the main issue. As a rule, Mr. President, when a man who has occupied a place in this Chamber or in the other stands for reelection he runs upon his record. He says, "I invite you to study the votes I have cast; I ask you to read the utterances I have made on public questions; I ask you to judge me by the record that I have made"; but the Senator from Illinois after months and months of absolute power rises to-day in all the majesty of his leadership on the other side and says that he proposes to make the League of Nations the issue for the Democrats in the coming campaign. Well, I repeat, if I had been the author of the deflation resolution which he caused to be passed, and had thereby brought about all the misery that has followed the adoption of that resolution—the ruin of business, the destruction of property values, the denying to millions of people the actual necessities of life—I, too, would want to inject a new issue into the campaign this fall.

Mr. WATSON of Georgia. Mr. President, I want to read for the benefit of the Senator from New Hampshire [Mr. MOSES] and for the benefit of the country at large the following provision of the law, which is found in the Statutes at Large, section 4, under the general title of "Judicial":

In the event of reductions being made in the forces in any of the executive departments, no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary: *And provided further*, That any person knowingly violating the provisions of this section shall be summarily removed from office, and may also, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

I understood the Senator from Arkansas [Mr. CARAWAY] to say that among the 28 employees who were discharged summarily from the Bureau of Engraving and Printing were several ex-soldiers.

Mr. LENROOT. Mr. President, the Senator from Georgia [Mr. WATSON] this afternoon stated that Mr. Wheeler, counsel of the Anti-Saloon League, had written a letter to the Senator from Tennessee [Mr. SHIELDS], offering, if the Anti-Saloon League might name the judge, to assist in securing an additional judge in Tennessee. I called the attention of the Senator from Georgia to Mr. Wheeler's letter, and I stated that I did not believe the Senator from Georgia would intentionally misrepresent anybody. We all make our mistakes, Mr. President, in the heat of debate, and I make my share of them, but I had supposed that every Senator upon this floor, when his attention was called to a misstatement which involved a gross injustice to any individual, would be willing to correct the statement. The Senator from Georgia read the letter, but the Senator from Georgia refuses to correct the statement. It is not for me to judge of the conduct of any Senator, but I ask unanimous consent to have the letter of Mr. Wheeler to the Senator from Tennessee printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. WATSON of Georgia. I object, unless the remarks of the Senator from Tennessee [Mr. SHIELDS], at the point where I took them up, also go into the RECORD.

Mr. LENROOT. Very well. I wish to hurry on, and I will read Mr. Wheeler's letter to the Senator from Tennessee, which the Senator from Georgia deliberately stated to the Senate contained an offer upon the part of Mr. Wheeler to assist in securing a judge provided the Anti-Saloon League might name the judge. That was the Senator's statement, repeated twice upon this floor. Mr. Wheeler's letter reads as follows:

DEAR SENATOR SHIELDS: I notice that you have been quoted in the paper as being under the impression that the Anti-Saloon League was opposed to an extra judgeship in Tennessee. Permit me to inform you that we now are and always have been in favor of having an extra judgeship for the State. As I remember it, the Chief Justice went on record in one of the hearings in favor of it. I have a letter from the United States attorney in the middle district of Tennessee in which he says:

"In this district the docket is fearfully congested, so that it is almost impossible for a case to be called for trial until a year and a half old, and, of course, this greatly militates against successful prosecution.

"So far Congress has failed to pass the bill creating an additional judgeship, and until it does no results in the enforcement of law in this district can be very successful."

It is very clear to me that you need an extra judge in that district, and I hope that you will urge the adoption of an amendment to provide for it. I will gladly do anything I can to aid you in securing this amendment. Our only interest in this measure is to secure, if possible, a better enforcement of the law.

That is the letter, Mr. President, which the Senator from Georgia says contains Mr. Wheeler's offer to aid in securing the judge, provided the Anti-Saloon League may name the judge. I will permit the readers of the CONGRESSIONAL RECORD themselves to form their own conclusions with respect to the matter.

Mr. BROUSSARD. Mr. President, as the Senator from Wisconsin has read the letter which was a part of the speech of the Senator from Tennessee, I should like to read from the RECORD some remarks of the Senator from Tennessee in the very same speech and found on the same page of the RECORD:

Right here I wish to go a little further into the activities of the Anti-Saloon League in interfering with this legislation. A few days ago, when this bill was under discussion, I stated that there was evidence of pernicious activity upon the part of the paid lobbyists of the Anti-Saloon League to control legislation concerning the judiciary, and especially that of my State. I referred to the fact that when this bill passed the House a provision was made for a district judge for the middle district of Tennessee, but that at the last meeting of the Committee on the Judiciary of the Senate, when I was ill and absent, this provision was stricken from the bill. In the same connection I called attention to the fact that it was generally conceded in Tennessee that Mr. John J. Gore, a prominent lawyer of Tennessee and one of the leaders of the Republican Party of that State, would be appointed judge in the event the office was created, and because he had been opposed to the prohibition amendment the Anti-Saloon League was already waging a war upon him and protesting against his appointment. I called attention to the coincidence between the striking out of the middle Tennessee district and the protest against Colonel Gore, and left it to Senators to infer whether there was any connection between them. I then made and now make no charge against anyone.

Mr. WATSON of Georgia. Mr. President, when any Senator on this floor undertakes to teach etiquette and the rules of propriety to a brother Senator, he assumes a serious responsibility. I am the guardian of my own honor, and I allow it to be impugned by no man.

I stated distinctly, Mr. President, that I was not pretending to quote the language of Wayne B. Wheeler's letter, but the substance or meaning, the true purport of it. Having been referred to what was said by the Senator from Tennessee [Mr. SHIELDS] before he read the letter and after he read it, I felt convinced that I had not been materially mistaken as to the real purposes in the mind of Wayne B. Wheeler when he sought to get into communication with the Senator from Tennessee in connection with the creation of a new judgeship in his State.

What does the RECORD itself show, Mr. President? It shows that Wayne B. Wheeler, according to the Senator from Tennessee, had been trying to influence the President of the United States in the appointment of district judges. It shows that Wayne B. Wheeler had made it his business to find out the condition of the docket in the middle district of Tennessee with a view to speeding up prosecutions, of course, under the Volstead law. It shows that Wayne B. Wheeler has always been in favor of a new judgeship and an additional judge. Who is it who needs to be told that such a judge would be the kind of a judge that the Anti-Saloon League wanted? Why need we beat about the bush and pretend not to understand what Wayne B. Wheeler was after? Would he interest himself in the appointment of a judge who would not be a partisan enforcer of the Volstead law? Your common sense tells you, "No."

Of course, the Senators do not appoint judges; of course, the Senator from Tennessee would not appoint a new judge; and it followed necessarily when Wayne B. Wheeler tendered his services to the Senator from Tennessee to assist him in getting a new judge that Wayne B. Wheeler was going to throw the entire influence of the Anti-Saloon League to have appointed a judge that suited them. Who can dispute that?

Mr. BROUSSARD. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. WATSON of Georgia. Certainly.

Mr. BROUSSARD. If the Senator will permit me, I should like to read another quotation.

Mr. WATSON of Georgia. I shall be very glad to have the Senator do so.

Mr. BROUSSARD. I resume reading from the CONGRESSIONAL RECORD where I left off a few moments ago, what the Senator from Tennessee said with reference to this very question:

Mr. Wayne B. Wheeler, described, as I shall read later, in a circular issued by the superintendent of Tennessee as one of the greatest American lawyers and diplomats, stationed here in Washington in charge of this matter, and in whose office, it is said, all legislation in regard to prohibition is initiated, gave out an interview to the Tennessee papers concerning my statement, from which I will read:

Here is the interview given out by Mr. Wheeler and quoted in the Tennessee paper:

Wayne B. Wheeler, legislative agent of the Anti-Saloon League, when questioned about the matter, admitted that protests against Gore had been sent to the Department of Justice.

"These consisted of letters from certain people in Tennessee, which were forwarded to me by our State superintendent," said Wheeler. "I merely filed them with the Department of Justice. I don't suppose they ever got to the Senate committee."

Wheeler denied that he or his organization had influenced the committee in striking Tennessee from the bill.

"On the contrary, we believe Tennessee needs and should have the additional judgeship," said he. "If Senator SHIELDS will offer an amendment to the bill to take care of the Tennessee situation, we will use our influence to put it through."

Mr. WATSON of Georgia. Mr. President, I thank the Senator. That is simply cumulative testimony that Wayne B. Wheeler was willing to have a new judgeship in Tennessee and intended to put in a partisan of the Anti-Saloon League. Construing the whole thing together, as must be done—the understanding of the Senator from Tennessee, the letter itself, and the interviews which Wayne B. Wheeler had been giving out denouncing certain judges because of their lax enforcement of the Volstead law—my mind can reach no other conclusion than that Wayne B. Wheeler wanted another judgeship in Tennessee to speed up these prosecutions, and would, of course, support with all the power of the Anti-Saloon League a nominee who would carry out the wishes of the league in regard to the Volstead Act.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10780) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. JONES of Washington. Mr. President, the Senator from Maryland [Mr. FRANCE] was called out, and I am offering for him his amendment in a modified form in lieu of the one which was sent to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The ASSISTANT SECRETARY. At the proper place in the bill it is proposed to insert the following:

Study of standardization of farm machinery: To enable the Secretary of Agriculture to cooperate with the Bureau of Standards in the study of the problem of the standardization and simplification of farm implements and machinery, and of the repair parts for the same, with a view to the possible more economical manufacture and use of the same, $10,000.

Mr. McNARY. Mr. President, I desire to suggest to the Senator from Washington, as I did to the Senator from Maryland when he was present, that that properly should follow the word "products," on page 65, line 11. It appertains to a kindred subject.

Mr. JONES of Washington. The Senator from Maryland desired it to go in at the proper place in the bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland [Mr. FRANCE].

The amendment was agreed to.

Mr. McNARY. I ask unanimous consent that the Secretary be authorized to make all necessary changes in the totals of the bill.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. HARRISON. Mr. President, I desire to offer an amendment on page 57, line 25.

The PRESIDING OFFICER. The Chair will state to the Senator from Mississippi that the bill is not now open for general amendment.

Mr. HARRISON. I should like to have the amendment offered and pending.

Mr. LENROOT. I suggest to the Senator from Mississippi that it can be printed and lie on the table.

Mr. HARRISON. Yes.

The PRESIDING OFFICER. The amendment offered by the Senator from Mississippi will be printed and lie on the table. The Secretary will read the bill.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 4, line 20, to increase the appropriation for rent of buildings and parts of buildings in the District of Columbia for use of the various bureaus, divisions, and offices of the Department of Agriculture from "$165,666" to "$181,866."

The amendment was agreed to.

Mr. HITCHCOCK. Mr. President, I should like to ask, in regard to the Weather Bureau, how the footing, $351,400, compares with the amount appropriated for the present year?

Mr. McNARY. Last year the amount of salaries was $346,580. This year it is $351,400. The increase is practically $6,000.

Mr. HITCHCOCK. Is that all in the District here?

Mr. McNARY. That is in the District and at different parts of the country where the observations of weather conditions are made.

Mr. HITCHCOCK. How many of those district stations are there where observations are made?

Mr. McNARY. I will say to the Senator that I have not the districts classified. Most of the work is done here in Washington, however. Some observations are made in different parts of the country. A study of the bill that I have before me does not show minutely the location of these various stations.

Mr. HITCHCOCK. Will the Senator be so kind as to prepare himself on that subject to-morrow? I suppose this bill will have to go over until to-morrow. I should like to know where those stations are, and how many of them there are. I will say that I am inquiring especially because my attention has been called to the fact that the town of Alliance, Nebr., which is near the western boundary of the State, is considered by the head of the Weather Bureau a very desirable point at which to develop weather observations, but that the appropriation for the current year was not sufficient to enable them to do anything.

Mr. McNARY. I will state to the Senator from Nebraska that the first paragraph of salaries under the Weather Bureau is for salaries in the District of Columbia. The item to which the Senator is now addressing himself is the following item, carrying an appropriation of $115,575. That is for general work in connection with the bureau outside of the District of Columbia.

Mr. HITCHCOCK. That is, the expenditures outside the District of Columbia are $1,573,835?

Mr. McNARY. That is $115,575, which is a reduction from the bureau's estimate, but an increase over the bill of 1922.

Mr. HITCHCOCK. I see on the page to which the Senator refers that the total Weather Bureau appropriation is $1,925,235.

Mr. McNARY. That is the total; but if the Senator will look on page 7, line 18, he will observe an appropriation of $115,575. That is approximately $9,000 under the estimate of the Director of the Bureau of the Budget.

Mr. HITCHCOCK. That is for expenditures in the city of Washington?

Mr. McNARY. No; if the Senator will go back and read the whole of that paragraph, he will see that it covers the States in general.

Mr. JONES of Washington. I think the chairman of the committee is mistaken, probably, and that he will find on page 8 an appropriation for necessary expenses outside of the city of Washington.

Mr. McNARY. Oh, yes.

Mr. JONES of Washington. It reads:

> For necessary expenses outside of the city of Washington incident to collecting and disseminating meteorological, climatological, and marine information—

And so forth. I think that will cover what the Senator from Nebraska asks.

Mr. McNARY. Yes; pardon me.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

If I understand my colleague's question, it is one in reference to the various weather stations. I will say to my colleague that they are not fixed by law. The department has power to establish them without having a place designated. It is chiefly a question of supplying instruments. Most of these reports are made by people without any expense, but the Government supplies the instruments that make the measurements and get the necessary data.

Mr. WARREN. Mr. President, the Senator is right about that. These are the general weather stations all through the States, and the method of initiating a new one is through a petition to the department showing the necessity of it. That is the general policy.

Mr. NORRIS. Yes. I have forgotten now what the expense of the instrument is; but there are different kinds of instruments, some more expensive than others, and the Government supplies them to most of the stations. There are other places where they do not get as much information, and have a cheaper grade of instruments.

Mr. WARREN. As the Senator says, many of them are simply voluntary as to service costing nothing, the Government furnishing the machinery; but in others they have the full equipment of weather experts, and the information thus gathered through the minor offices is forwarded to Washington and disseminated from the main office here.

Mr. NORRIS. Yes; it comes here to Washington, and from Washington it is disseminated all over the country.

Mr. McNARY. The estimate of the department shows that there are 47 of these stations, located in different parts of the States.

Mr. NORRIS. Yes. I will say to my colleague that I think, though, there will be found out in the anteroom here on the map all of the locations.

Mr. HITCHCOCK. I should like to ascertain this fact: Is the appropriation for the year embodied in this appropriation bill larger than for the current year, and if so by how much, for the maintenance of Weather Bureau stations?

Mr. McNARY. For the stations alone? The estimate made by the Bureau of the Budget is $1,346,610.

Mr. HITCHCOCK. What is that for?

Mr. McNARY. I will read to the Senator the current bill. The bill last year carried $1,300,110. This bill carries $1,327,240, a very slight increase—an increase of practically $27,000 for the bill of 1923, that we are now considering, over the bill covering the present fiscal year.

Mr. HITCHCOCK. And that is expended under the discretionary power of the chief of the service?

Mr. McNARY. Throughout the various parts of the States.

Mr. HITCHCOCK. I will say that the reason I make this inquiry is because the director of the service, writing me some time last fall, stated that the bureau had maintained limited facilities at Alliance at a very small expenditure, etc.; and he added:

> I realize that because of the growing importance of this city the present service does not fully meet the local demands. I recognize that Alliance would be a good point, because of geographic position, from which daily observations would be helpful in forecast work; also, a station there would be of real service to farmers—

And so forth.

Mr. McNARY. I can say to the Senator from Nebraska, as he well knows, that that is an administrative matter, properly to be taken up with the Weather Bureau.

Mr. HITCHCOCK. Yes.

Mr. McNARY. We could not cover that in this bill.

Mr. HITCHCOCK. But the bureau chief stated to me that the reason why he could not at that time extend the service was because of a lack of appropriation, and I am now endeavoring to find out by how much the appropriation was increased.

Mr. McNARY. In round figures, $27,000 over the current bill.

Mr. HITCHCOCK. I will say that Alliance is equipped with a Federal building, and the facilities are all at hand for the establishment of a weather bureau; and it is the chief city in a very wide area of country that I believe has not as yet been supplied with any adequate weather service.

RECESS.

Mr. McNARY. Mr. President, I move that the Senate stand in recess until 12 o'clock to-morrow.

The motion was agreed to, and (at 5 o'clock and 44 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, April 12, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 11 (legislative day of April 10), 1922.

MEMBERS OF THE WORLD WAR FOREIGN DEBT COMMISSION.

REED SMOOT, of the Senate.

THEODORE E. BURTON, of the House of Representatives.

SECOND ASSISTANT POSTMASTER GENERAL.

Paul Henderson to be Second Assistant Postmaster General.

MEMBERS OF RAILROAD LABOR BOARD.

J. H. Elliott to be member of Railroad Labor Board, management group.

G. Wallace W. Hanger to be member of Railroad Labor Board, public group.

A. O. Wharton to be member of Railroad Labor Board, labor group.

UNITED STATES ATTORNEYS.

Ralph Pringle to be United States attorney, southern district of Iowa.

Philip H. Mecom to be United States attorney, western district of Louisiana.

UNITED STATES MARSHAL.

Siegel Workman to be United States marshal, southern district of West Virginia.

PROMOTIONS IN THE ARMY.

Edward Fenton McGlachlin, jr., to be major general.
John Alexander McKinnon to be lieutenant colonel, Veterinary Corps.
Julian Emmet Yates to be chaplain, with rank of lieutenant colonel.
Sterner St. Paul Meek to be captain, Ordnance Department.
Asa Vern Wilder to be first lieutenant, Signal Corps.
Frank Ellsworth Brokaw to be captain, Infantry.

POSTMASTERS.

ALABAMA.

Herbert C. Collins, Geneva.
Frank M. Johnson, Haleyville.

CALIFORNIA.

Donald A. Parker, Etna Mills.
Harry A. Bradford, Hayward.

GEORGIA.

Daniel F. Davenport, Americus.

KANSAS.

Charles N. Shafer, Fredonia.

MAINE.

Ivory J. Bradbury, Hollis Center.
Earle H. Roberts, Port Kent.
Ralph B. Parker, Wells.

MASSACHUSETTS.

C. Montford Brigham, Northboro.
Sara H. Jones, West Barnstable.

MICHIGAN.

Elfreda L. Mulligan, Grand Marais.

MINNESOTA.

Edwin A. Rolloff, Balaton.
Helmer C. Bacon, Dawson.
Ingebright A. Hanson, Frost.
William Guenther, Hokah.
C. Edward Sarff, Keewatin.
Robert L. Bresnan, Madison Lake.

MISSOURI.

Mayme E. Prather, Advance.
Elam J. Nienstedt, Blodgett.
Charles T. Lease, Forest City.
Robert E. Ward, Liberty.
Lorenzo T. McKinney, Marceline.
Lena B. Porter, Novelty.
Lavinia B. Jones, Pilot Grove.
W. Arthur Smith, Purdin.

NEW YORK.

William E. Cartwright, Amagansett.
Leslie R. Bell, Manlius.
Earl B. Templer, Valley Falls.

NORTH CAROLINA.

Charles R. Grant, Mebane.

NORTH DAKOTA.

Victoria Quesnel, Bathgate.
David J. Holt, La Moure.
James W. Pratten, Milton.

OHIO.

John Q. Sanders, Waynesfield.

RHODE ISLAND.

Frederick Baldwin, Mapleville.
George W. Jenckes, Slatersville.
Charles W. Holroyd, Thornton.

UTAH.

Earl H. Greenhalgh, Ferron.

VIRGINIA.

George H. Clark, Crockett.

WASHINGTON.

Athur H. Eldredge, Colfax.
Harry E. Stark, Okanogan.

WISCONSIN.

Elizabeth Croake, Albany.
Simon Skroch, Independence.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 11, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, how excellent is Thy name in all the earth. We therefore acknowledge Thee to be our everlasting Father. Because Thou dost live, we live. This is our faith and the sum of our hopes. Even with a knowledge of our failures we still draw near to Thee, for we are Thine through the ages and through the periods of eternity. With us may life, with its priceless values, never be vague nor vain. We ask Thee to help us in our study of things which make for a greater country, a happier people, and that exalteth a nation. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

NAVAL APPROPRIATIONS.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, with Mr. TOWNER in the chair.

The Clerk reported the title of the bill.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am opposed to scrapping the Navy beyond what the treaty requires. It is the men of the Navy who do the fighting, and if you scrap the personnel by granting an insufficient number of men to man the ships then you reduce our naval defense below the 5-5-3 ratio as provided in the treaty. I am in favor of having the treaty Navy fully manned and fully equipped, as efficiency may require. I want it sufficiently equipped, manned, and trained that it may hop off at any moment.

The American people want economy, not parsimony. They want an adequate defense of their country; less than that would be dangerous and well-nigh criminal on the part of Congress. The people of the country look upon the Army and the Navy as the great force to maintain peace, not alone among the nations of the world but among the people even of our own country. They do not want us to take any chances as to safety. I am not sufficiently informed in naval affairs to discuss it from a scientific standpoint, but when the President of the United States, the Secretary and Assistant Secretary of the Navy, the General Board of the Navy, and all the experts say that the 67,000 men provided in this bill are not sufficient to properly man the ships and that not less than 86,000 will be sufficient, I am unwilling to take even the word of the distinguished committee which reports this bill against their recommendation. The basis upon which this bill is drafted and from which 67,000 men are suggested is determined by the arbitrary date of February 1, 1922, the committee taking the number of men actually manning the ships on that date as their basis for the requisite number provided in this bill. The committee knows well that for every 1,000 men actually at sea 500 men has been found the quota necessary of those on land and otherwise occupied. I believe in the English Navy as high as 600 out of every 1,000 are not at sea at one time.

The committee is therefore depending upon certain reserve officers and men, and upon others who have seen naval service. I am unwilling, and I know my constituents are unwilling to depend so absolutely upon men not now in the service. What my people want is a treaty Navy 100 per cent equipped in men and every other necessity which goes with an equipped naval force. The taxpayer is vitally interested in the amount of money we appropriate and the effect it has upon his taxation and income, but he is not willing to risk the safety of the country, and the peace not only of his country but of the world by the parsimony established in this bill.

I shall vote in accordance with the recommendation of the minority report, which says, "We recommend as an irreducible minimum that the enlisted personnel of the Navy for the next fiscal year be fixed at 80,000 men and 6,000 apprentices, and that adequate provision be made to maintain the Navy on this basis." This, I believe, will meet every requirement, and give us

a fully equipped treaty Navy of men and money, guaranteeing safety and efficiency at all times. If an emergency should occur then it will be time enough for us to depend upon our reserves and upon those who have seen service. We must always remember that the disarmament conference has not prohibited the building of smaller craft such as submarines, and so forth, nor has it prohibited the construction of aircraft which many persons believe will perform a very important if not a decisive part in future wars. I wish to adhere to every feature of our treaties, but to live up to everything allowed us as I am sure the other nations party thereto will do.

Mr. Chairman, I shall vote for the Navy fully equipped, 100 per cent, and not 20 per cent less than is necessary, as provided in this bill for the battleships. [Applause.]

Mr. LAZARO. Mr. Chairman, will the gentleman yield for a question?

Mr. LINTHICUM. I yield.

Mr. LAZARO. The Secretary of the Navy in his statement to the Committee on Appropriations on March 6, 1922, compared the *Arkansas* in 1913 and the *Arkansas* in 1922. In 1914 the number of men on the *Arkansas* was 984, and in 1922 1,259. That is because of the developments in maritime warfare and the experience gained during the World War. In time of emergency it is estimated that it would require 10 per cent more on this battleship. Where would we go for these 10 per cent more? Would it not be necessary to have a trained force to make good that 10 per cent, and would it not be true that if you had green men on there it would cause confusion and make the battleship inefficient in time of war?

Mr. LINTHICUM. The gentleman from South Carolina [Mr. BYRNES] said that the bill at present was based upon the number of men now on the battleships, and that that was 20 per cent less than the requisite number. He said they would draw these extra men necessary from the reserve force and from men who had seen sea duty, but I entirely agree with the gentleman from Louisiana that if you bring men from the reserve force and men who have seen sea duty but who have never seen any duty on this ship, they would not fit in in a time of emergency, and that there ought to be trained men working on these vessels, allotted to them.

Mr. LAZARO. In other words, in order to keep up with the battleship as it is being developed, you have to have this trained reserve force on the ship or near the ship constantly, so that these 10 per cent could be added in case of emergency.

Mr. LINTHICUM. If you want efficiency, that is true. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. WOODRUFF].

Mr. WOODRUFF. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

(During the remarks of Mr. WOODRUFF his time was extended by additional time being granted to him by Mr. KELLEY of Michigan and Mr. BYRNES of South Carolina.)

Mr. WOODRUFF. Mr. Chairman, I am sending to the Clerk's desk a resolution, which I will ask him to read.

The Clerk read as follows:

House Resolution 323.

Resolved, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of this House a select committee of 15 members, for the Sixty-seventh Congress, and which said committee is hereby authorized to fully investigate all contracts and expenditures made by the War Department, or under its direction; the Navy Department, or under its direction; and the Alien Property Custodian, or under his direction, during and since the late war with Germany, and the settlement of any of such contracts by any officer or agent or department of the Government, and to investigate the criminal and civil prosecution, or lack of prosecution, of any or all of the claims of the Government arising out of such contracts, or the settlement thereof, by the Attorney General, the Alien Property Custodian, the Secretary of War, or the Secretary of the Navy; and, in addition to the powers herein conferred, shall have the same powers and authority as are now conferred by the rules of this House upon the standing Committee on Expenditures in the War Department; said committee is hereby authorized to send for persons and papers, to administer oaths and affirmations, to take testimony, to sit during the sessions of the House and during any recess which may occur during its sessions, and may meet at such places as said committee deems advisable. Said committee is also hereby authorized and empowered to appoint such subcommittees as it may deem advisable, and such subcommittees, when so appointed, are hereby authorized to send for persons and papers, to administer oaths and take testimony, and to meet at such times and places as said committee shall from time to time direct.

Resolved further, That said select committee shall report to the House, in one or more reports, as it may deem advisable, the result of its investigations, with such recommendations as it may care to make.

Resolved further, That the Speaker of the House is hereby authorized to issue subpœnas to witnesses, upon the request of said committee or any subcommittee thereof, during any recess of Congress during the sessions.

Resolved further, That the Sergeant at Arms of the House be directed to serve all subpœnas and other processes put into his hands by said committee or any subcommittee thereof.

Mr. WOODRUFF. Mr. Chairman, I have to-day introduced in the House the resolution which has just been read. I was impelled to introduce this resolution by information which has come to me recently, and which is of such a nature as to require the immediate attention and immediate action of the Congress. This information I propose to give to the House, in part at least, in the time which has just been yielded me by the gentleman from Michigan [Mr. KELLEY].

On March 22, when the Committee of the Whole House on the state of the Union had under consideration the Army appropriation bill, I attempted to secure the adoption of an amendment to the bill which would give to the contract audit section of the office of Chief of Finance of the War Department sufficient funds with which to efficiently and expeditiously audit the 100,000 war contracts. I showed on that day, Mr. Chairman, that the contract audit section, with a personnel of 87, had audited in the year and a half it had been engaged in this work approximately 15,000 of these contracts. I also showed that nearly all of these contracts had been the smaller ordnance contracts, and that there had been only a very few of the larger contracts audited. In spite of the fact that but a few of the larger contracts had received the attention of this department, it was shown that the Government was given the information upon which to base a recovery from the contractors sums totaling approximately $46,000,000. Included in the contracts audited were a few of those of the Air Service.

In the auditing of these contracts it was disclosed that in almost every instance overpayments running into the millions in individual cases had been made by the Government. In addition to the overpayments, it was found in nearly every instance that the contractors had been guilty of acts which clearly called for action by the Department of Justice. Notwithstanding the fact that much of this information has been in the hands of the Department of Justice for months, no determined action looking either to the recovery of the money due the Government or to the criminal prosecution of the offenders has been taken. From time to time it has been intimated by Members of Congress and others that there was to be no real prosecutions of these offenders, Mr. Chairman, but somehow I could not quite believe that. It did not seem possible to me that any man in a high Government position could or would deliberately close his eyes and his ears to the demands of a clear public duty. It did not seem possible to me that any man could so far forget his duty to the whole people of the country under his oath of office as to hesitate for one minute in instituting the proper proceedings to bring to justice those who have been guilty of gross criminal conduct, particularly when this conduct had either directly or indirectly resulted in the loss of life. And I have in mind, Mr. Chairman, our "bird men," and thousands of our men on the firing line in France, who waited and died while waiting for the American fighting and bombing planes which never came.

During the 19 months of war with Germany the Congress expended for Signal Corps and aviation purposes more than $1,000,000,000, and notwithstanding the fact that early in the war our allies sent to this country many experts in aircraft construction to assist in the manufacture of planes, which were then in use by the allied armies, and known to be efficient, not one battle plane and not a single bombing plane of American manufacture, either of American or foreign design, was placed upon the battle front. The hearings of the Frear subcommittee developed the fact that for the great sum mentioned the Aircraft Service produced the following machines used by American aviators on the French fighting front:

[Pp. 178, 179, 180, 185.]

American-built pursuit or combat planes	None
American-built bombing planes	None
American-built observation planes (D. H. 4's)	213
Machines bought from our allies	527
Total planes on French front, November 11, 1918	740

The Hughes investigating committee, as well as the Senate Thomas Committee and the House Graham Committee, all developed facts and leads which clearly indicated that hundreds of men had been guilty of criminal conspiracy in handling these aircraft and other war contracts. As a result of the investigations of the subcommittee handling the cantonment contracts, the House, by a yea-and-nay vote of 299 to 4, requested the Attorney General to institute investigations before grand juries for the purpose of securing the indictment and prosecution of

such persons as are guilty of criminal conduct. I believe the statute of limitations, together with the neglect of the Attorney General's Department, has operated to defeat this clearly expressed wish of the House.

The resolution requesting the Attorney General to act in these cases also requested him to institute civil suits for the recovery of Government funds, which have been fraudulently or illegally paid on account of the cantonment contracts. The majority report of the committee which investigated these contracts stated that if the conclusions of the majority members of the committee were correct, the Department of Justice should be able to recover by civil suits sums totaling more than $50,000,000. The statute of limitations does not operate against this class of cases, and yet, although there has been no thorough investigation of these matters by the Department of Justice, Mr. Abraham F. Myers, former office boy, later ordinary law clerk, and now the man in the Attorney General's office through whom all departmental information relative to war fraud cases must be secured, has announced to the men working on these cases that the cantonment cases have been closed.

Intimately connected with the camp and cantonment cases was the sale of surplus lumber, much of which was found upon these projects at the conclusion of the war. In this connection, and as illustrative of the conditions of which I so seriously complain, I wish to call attention to the contract made with Messrs. Phillips & Stephens covering the sale of surplus lumber. Mr. Phillips is the chairman of the Republican State central committee of Georgia. It appears from official data that the transactions under this contract were audited by the contract audit section of the Office of the Chief of Finance, and final report submitted on September 8, 1921, and then transmitted to the Attorney General for appropriate action. This report showed many gross irregularities and that the sum of $1,854,076.04 was wrongfully withheld from the United States. So far as can be ascertained, no proceedings whatsoever, either civil or criminal, have been instituted in this connection. I have a copy of a memorandum under date of March 11, 1922, written by Ernest C. Steward, in charge of the contract audit section. It is as follows:

MARCH 11, 1922.

Memorandum: For Captain Sullivan.
Re: Director of sales contract No. 1, covering the sales of surplus lumber to Messrs. Phillips & Stephens.

It appears to be essential to the public interest to again call the above contract to your attention.

The transactions under this contract were audited by the contract audit section of the office of the chief of finance, and a final report was presented on September 8, 1921, and was transmitted to the Attorney General for such action as might be deemed necessary.

The general facts in connection with the inception and functioning of this sales contract are herewith presented again in the hope that some definite action may be taken, as after the lapse of time which has occurred between the presentation of this audit and the facts incident thereto there has, so far as the writer can inform himself, been no tangible endeavor on the part of the Department of Justice toward preparing this matter for the action of a grand jury.

Shortly after the armistice in November, 1918, a meeting was held in Washington, D. C., of the representatives of the principal lumber corporations of the United States for the ostensible purpose of so regulating the disposal of surplus stocks of lumber then held by the Government as not to disrupt or injure the transactions of the commercial trade. After many conferences it was finally decided by the representatives of the lumber interests to appoint as their agent for dealing with the Government in this transaction Messrs. Phillips & Stephens, with whom the director of sales in the office of the Quartermaster General finally made this contract.

In January, 1919, a request was made of the various bureaus of the War Department to submit an accurate statement of the amount of lumber remaining on hand at all of the various projects and stations for the purpose of ascertaining the total amount to be considered in connection with this contract, and a more or less complete inventory developed the fact that there was approximately 188,000,000 feet of lumber which was not required for the immediate needs of the Government, and upon that basis, as shown in Schedule A of the contract, the agreement in question was made. There is a provision in the contract, however, that prior to the actual sale of the lumber at any project the same might be withdrawn from sale when required for the use of the Government, and acting under this provision the chief of the construction division withdrew from sale nearly 60,000,000 feet of lumber. Much of this lumber that was withdrawn by the construction division was over the violent protest of Messrs. Phillips & Stephens, and your attention is specifically invited to certain correspondence relative to this matter between Gen. R. C. Marshall, jr., chief of the construction division, the director of sales, and the contractor.

It is a well-established fact that this contract in its entirety was drawn up by Messrs. Phillips & Stephens and brought to the director of sales with instructions to sign on the dotted line. It can therefore be readily seen that any and all indefinite provisions in the contract were placed there with the expectation and belief that any further elucidation or definition thereof would be for the benefit of the contractor and not of the Government.

A list of base prices for the four kinds of lumber specifically named in the contract, to wit, spruce, pine, fir, and hemlock, was supposed to have been submitted for the various localities in the United States in which the surplus lumber lay for each month during the life of the contract, and presumably those base prices were to bear some definite relation to commercial prices for similar lumber in the said localities, but the audit of this contract has determined the fact that these base prices were arbitrary and in nearly all instances were widely different from the prices which were current for commercial transactions, all of which was set forth in detail in our audit.

In spite of the fact that the original contract called for the purchase of only the four kinds of lumber before mentioned, there was sold over 30 varieties of lumber, and by questionable agreement between the director of sales and the contractor there was also included many millions of feet of mahogany, cherry, walnut, and other very valuable hardwoods.

In connection with the inclusion of hardwoods under the terms of this contract, the facts as developed by our audit warrant the presumption of gross fraud and collusion between the contractor and Frank T. Sullivan, of Buffalo, N. Y., who was ostensibly the direct purchaser from Phillips & Stephens. In nearly every case where shipping orders were received from the contractor the purchaser named thereon was not the ultimate consignee and the price returned to the Government for the lumber did not in any instance represent the amount received from the ultimate consignee, but was supposed to have been the price received from the purchaser named on Phillips & Stephens's shipping order, who in many cases was believed to be a dummy, and was in reality an agent of Phillips & Stephens, thereby accomplishing their purpose of obtaining a higher price for the lumber than the one which they reported to the Government, less their commission.

It has been demonstrated that where prices have been given for two or more grades of lumber from a certain project that lumber of the highest grade has been sold at the price of the lowest grade, thereby again defrauding the Government.

The audit by our accountant shows:
1. Value of lumber sold, $4,697,171.13.
2. Amount received by United States, $2,843,095.09.
3. Balance due United States, $1,854,076.04.

From the foregoing it will be seen that the Government has been defrauded by Phillips & Stephens and their confederates in large amounts, aggregating $1,854,076.04, and the evidence and official statements on which to base civil and criminal actions were prepared by our accountants and forwarded to the department some eight months ago.

From time to time two representatives of the Department of Justice have called at my office and I have during that period time and again urged upon them the necessity of action and have offered to be of every possible assistance to them or the Department of Justice. If it is the intention of anyone to act in the premises, it is most urgent that immediate action be taken, before the witnesses are scattered and the evidence dissembled and the men who have faithfully and loyally labored to save the Government throw up their hands in disgust.

Although over 15,000 contracts have been investigated and audited by our office, it can be stated beyond argument that the contract in question is one which for criminal ingenuity is surpassed by none. Over 14 months of painstaking and diligent labor were consumed in making this audit and all of the facts contained therein have been explained in detail to representatives of the Department of Justice, and great pains have been taken to follow every development that might show the criminal intent of the contractor, and it is to be regretted that up to this time there has been no tangible action taken.

The writer stands ready at any and all times to assist in every way the prosecution of this case with a view of recovering money wrongfully withheld from the Government, and if possible to punish those who are guilty in this connection, and it is respectfully and earnestly urged that such action may be taken by your office as will attain this end.

ERNEST C. STEWARD,
In Charge Contract Audit Section.

Mr. MANN. To whom was that letter written?

Mr. WOODRUFF. It was written to a superior officer in the office of the Chief of Finance.

On April 12, 1920, when a resolution instructing the Attorney General to—

institute investigations before grand juries for the purpose of indicting and prosecuting such persons as are guilty of criminal conduct, and to institute civil suits for the recovery of any Government funds which have been fraudulently or illegally paid * * *—

The gentleman from Ohio [Mr. FESS] made the following observations:

We started the investigation of these expenditures soon after the Republican Congress met. This was done in answer to a general demand from the people. Why? First, the people have a right to know how the money they are paying in the form of taxation was and is being expended. * * *

Secondly, there is an inherent right in this Government to find the culpable party who takes advantage of his Government in time of war.

If there has been anyone guilty of moral turpitude, taking advantage of the war to profiteer at the expense of this Government, then we have a right not only to point it out but we must prosecute the men who have done it.

People from every section of this country are demanding prosecution. Congress can uncover the facts. It is doing so. The Justice Department must prosecute.

It is generally believed that there will be no prosecutions. That an administration will not find itself guilty. There is a basis for this statement.

In the investigations thus far there was a report from the special commission upon aircraft, appointed by the President in response to the general outcry of the Nation for the actual situation.

That report was made by Justice Hughes, whose commission was confined to finding facts. It made recommendations which were indorsed by the Attorney General of the present (Wilson) administration. The report was sent to the Secretary of War with the recommendation that certain specific men therein named be court-martialed, which recommendation was based on the facts submitted. In spite of the facts and recommendation, the Secretary of War decided it was not a sufficient case to submit for court-martial proceedings, although we had spent $1,055,000,000 for aircraft and had not a single American-built battle plane at the front, and only 196 other American-built planes, and yet we were told there was no ground for court-martial procedure.

This action of the War Department indicates what is to be expected from the administration in the prosecution of such cases. Congress can not go further than make the investigation.

The Department of Justice, which, in the aircraft case, indorsed the Hughes recommendation, must necessarily make the prosecution, when brought under the civil authority. The indictments secured by the Shipping Board's investigation show what can be done. Another reason

why we must uncover these irresponsible expenditures is to compel a repayment, wherever it can be shown that funds have been collected under false contracts or where advantage has been taken of the Government. There are numerous cases of this sort already promised.

Still another reason why we must continue to make the investigation is to lay the foundation to cut off the unnecessary and continuing war agencies that still exist. We are bitterly assailed by the country because we have not been able to separate all the thousands of war workers who are still on the pay roll and who are employing every influence to continue on it.

If you do not lay this foundation, we will not succeed in our efforts to get back to normal, and we are subject in Congress to the criticism that we are *maintaining* these war agencies.

Our business here is not in any way to discredit men nor an administration because they do not happen to be on our side politically, but our business is to know how the money was spent; to let the public know it; to prosecute where there is guilt; to recover where there is fraud; and to lay the foundation to cure the disease that the whole Nation to-day is still suffering from.

What has already been accomplished justifies us in an expectation that more will still be done. That is why I will vote for the rule. Our duty as Congressmen is to get at the facts. It is then up to the Department of Justice to prosecute the guilty parties. Indictments have already been secured in some cases and trials are awaited. If, as in the aircraft cases, the findings of a presidential commission are ignored, the only recourse left us is an appeal to the people, which will not be long deferred.

This was good doctrine and good morals, Mr. Chairman. This is good doctrine to-day; it will be good doctrine as long as civilization exists, whether it comes from a Republican during a Democratic administration or from a Republican during a Republican administration. This is doctrine which will be approved by every man and woman in the country, except, of course, those who illegally or criminally profited as a result of the war.

The resolution was adopted because it was found during the investigation of war-time irregularities that the irregularities and evils complained of still existed.

Two years have elapsed and the purposes of that resolution have been defeated. There has been no cessation of pernicious activities on the part of the small group of aircraft manufacturers whose activities were condemned as late as August, 1918, by the Senate subcommittee headed by Senator Thomas, as being—

Vicious and designed to make large profits by taking advantage of the necessities of the Government.

And as—

Subjecting manufacturers to onerous requirements by its beneficiaries, such as assessments for the use of plans and specifications, the purchase of material and accessories from favored houses, the assignment and surrender of valuable patents and patentable devices to the (manufacturers) aircraft association upon terms prescribed by itself, the discouragement of invention, and the inevitable control of the aircraft industry by that association or by some other interest through its agency * * *.

That conditions have not changed in regard to the prosecution of these war criminals and in regard to the recovery of millions of dollars to the Treasury from the war contractors I propose to show. The following is a letter I have recently received from an agent of the Department of Justice who was assigned the task of clearing up the aircraft cases. It is self-explanatory:

WASHINGTON, D. C., *April 8, 1922.*

Hon. R. O. WOODRUFF,
House of Representatives, Washington, D. C.

DEAR SIR: Being aware of your military service during the World War and reposing confidence in your Americanism, I am handing to you a memorandum dated March 18, 1922, pertaining to the aircraft investigation which I have officially conducted as an officer of the Department of Justice, and I request that this memorandum be brought to the attention of Congress and that it be made a public document.

I am aware that this request on my part may appear unusual, but I am unwilling to be a party to a perfunctory Government investigation without exhausting every effort to see that the machinery of justice functions. If this is to be a Government "of the people, for the people, and by the people," when the regular and orderly processes of the law have fallen down Congress and the people are entitled to know the facts. During the past few years the disclosures of Government investigations have meant little or nothing, and the time has come when there must be a reform. The real remedy for many of the evils of to-day is the administration of the law with even-handed justice, and, above all, a respect for the law by those in authority. As matters now stand the weak feel the hand of the law while powerful interests are protected and go unscathed. The tendency has been for those who administer the law to make influential and powerful offenders immune from punishment, and this condition must be remedied.

On October 4, 1921, I began an official investigation of the Air Service, continuing the investigation which was begun by the Hon. Charles E. Hughes. By the close of the year many important cases were being developed and the audits by Government accountants began to involve men of high position in the present and past administration, men in high financial circles, and certain concerns represented by law firms wielding powerful influence. Since January 4, 1922, the aircraft investigation has been to a large extent completely blocked. The investigation has been interfered with by high officials of the Government, sworn to uphold the law, and the due administration of justice has been hindered, delayed, and obstructed. All of these matters are covered in reports filed by me in the Department of Justice dated, respectively, February 6, 1922, February 24, 1922, and in the memorandum of March 18, 1922, which I am now handing to you, after having failed to bring about proper remedies through the authorities directly responsible.

Bringing these matters to the attention of Congress has not been without due warning and prolonged opportunities for reform. In an official report filed in the Department of Justice on December 6, 1921, attention was called to interferences with the investigation, as follows:

"I recommend that the higher officials of the Government be informed that these aircraft cases are heavily loaded with potential scandals which may be made public at any time, and that the importunities of these men, if listened to, may result in serious embarrassment to the administration. These men have been largely responsible in bringing discredit on the previous administration, and any leniency shown them now, as the cases against them are completed, will not restore the confidence of the people in the Government, which confidence has been well-nigh lost. A large number of these cases are coming up, and a firm stand now will avoid difficulties for the administration which otherwise will be sure to follow."

In my memorandum of February 24, 1922, I requested that my reports be placed in the hands of the Attorney General and that they be transmitted to the President. The Government's interests are suffering in these matters, and interferences with the investigation will no longer be tolerated. However, I can not be justly charged with failing to exhaust every effort to obtain corrections before submitting the matter to Congress and to the people.

The investigation and reports of Government audits show overpayments by the Government on aircraft contracts in enormous amounts. In no case has suit been brought. According to the reports filed by Government accountants to date, the following is a list of overpayments made to several of the aircraft contractors:

Wright-Martin Aircraft Corporation	$5,267,476.75
Lincoln Motor Co. (amount ascertained at time of last report, $5,794,135.15), report of completed audit	9,188,561.98
American Electro Products Co	2,057,261.72
Dayton Wright Co	2,554,383.27

The contract audit section of the War Department has filed its report in the case of the Standard Aircraft Corporation and the Standard Aero Co., controlled by Mitsui & Co., Japanese bankers, showing overpayments as follows:

Total payments by the Government	$16,461,680.15
Amounts unsupported by property records or other papers	9,948,028.42
In case supporting papers are produced there would remain the following amounts to be recovered from the contractors for reasons stated in the individual audits	6,586,774.61

In the sale of surplus lumber to Phillips & Stephens, the Contract Audit Section of the War Department reported this concern to be indebted to the Government in the sum of $1,854,076.04. The case has been in the hands of the Department of Justice many months and no suit has been instituted to recover this money. In spite of the fact that the contract called for the purchase of only four kinds of lumber (spruce, pine, fir, and hemlock) there was delivered to these people, according to the report of the audit, over 30 varieties of lumber, including many millions of feet of mahogany, cherry, walnut, and other valuable hardwoods.

The attention of Congress is directed to the following action of Hon. John W. Weeks, Secretary of War:

(1) On October 26, 1921, the case of the Wright-Martin Aircraft Corporation, with a report of audit by Government accountants setting out overpayments in a large amount was transmitted by the War Department, through regular channels, to the Attorney General, with the request that he institute such action as he deemed necessary to protect the interest of the Government. The case was placed in the hands of the United States attorney in New York for the necessary action in the premises. Later, through the activities of Mr. Charles Hayden, of Hayden, Stone & Co., a director of the Wright-Martin Aircraft Corporation, the Secretary of War attempted to delay action in the case, as will be seen from a memorandum from the Hon. J. M. Wainwright, Assistant Secretary of War, dated November 21, 1921 (Exhibit A), hereto attached, who informed the Secretary of War that the case was beyond the jurisdiction of the War Department. Later, at the request of the Secretary of War, the case was withdrawn from the hands of the United States attorney, further hearings were given and no suit has been brought, although every hearing in the War Department and in the Department of Justice was decided in favor of the justness of the Government's claims.

(2) In the case of the American Bosch Magneto Co., information was received that certain records with which the investigation was concerned were about to be removed. The case was immediately placed in the hands of a grand jury for a complete investigation. Again, the Secretary of War interceded with the Department of Justice in behalf of persons under investigation in this matter.

(3) While the matter is not connected with the aircraft investigation, I feel it my duty to report that the circumstances under which Carden & Herd obtained a large payment in connection with the purchase of certain Austrian ships, through the activities of the Secretary of War, ought to be thoroughly investigated.

In all of the aircraft cases developed, only two of these cases were placed in the hands of the United States attorneys for action, to wit: The cases of the Wright-Martin Aircraft Corporation and the Lincoln Motor Co. Both of these cases were withdrawn from the hands of the United States attorneys, not on the initiative of any person connected with the Department of Justice, but because of influence exerted by parties outside of the Department of Justice.

The conditions under which the Department of Justice is handicapped are of long standing. On April 6, 1922, as a protest against these conditions, I voluntarily tendered my resignation. After tendering my resignation I was asked if I would accept other employment in this department, which I refused. The only alternatives are to tolerate these conditions or expose them. The American Government shall function, and the matter is of sufficient importance to call it to the attention of Congress.

Respectfully,

H. L. SCAIFE.

EXHIBIT A.

NOVEMBER 21, 1921.

Memorandum for the Secretary of War.

With reference to attached letter from Mr. Charles Hayden in connection with the final settlement of the Wright-Martin Aircraft Corporation's contracts 2250 and its supplements 2250–1, 2250–2, 2250–3, 2250–4, 2250–5, 2250–6, and 2250–7 for the manufacture of 5,798 Hispano-Suiza motors and spare parts, involving the expenditure of $36,101,752.08, will state that these contracts were given a complete

audit by accountants of the Air Service under the terms of contract 2250 and supplements. Claim was then placed before the Air Service section, War Department Claims Board, for action. The contractor was given every opportunity to appear before that section on June 24, 25, 26, and 27, 1921, gave oral testimony in support of their claim, and a further hearing was granted on August 18, 1921, whereon the contractor submitted further oral testimony and placed in evidence a great many exhibits. The audit and investigation of these contracts covered a period of about two years.

Under date of October 14, 1921, the contractor requested an appeal. The request was brought to my personal attention. In view of the extensive investigations, covering a period of two years, I felt that nothing more could be gained by administrative action. The contractor and the Government were wide apart in their conclusions to the contractor's liability. Under such circumstances it seemed to me that only a court which possessed full powers to render a final decision and enforce it can satisfactorily cope with such a situation. For this reason I directed the vice chairman, War Department Claims Board, to deny the appeal. This action was taken. It may be remarked that this matter is quite similar to that of the Dayton Wright Airplane Co., in which the conclusion was reached by the Air Service section, War Department Claims Board, that instead of the Government being indebted to the claimant, the claimant was indebted to the Government in the sum of $2,550,000. In that case, by my direction, the record was transmitted to the Department of Justice, requesting that action be taken to protect the Government's interests. I am advised that suit is about to be instituted in the Government's behalf.

On October 26, 1921, the file in the case of the Wright-Martin Aircraft Corporation was forwarded to the Department of Justice, requesting that litigation be instituted to protect the interests of the United States. The Attorney General advises me that the papers have been referred to the United States attorney, New York City, for action. Officials of the Air Service will probably proceed to New York City in a few days to advise the United States attorney in this matter.

It will be noted that the case is now in the hands of the Department of Justice, which is engaged in the necessary investigation to determine the course of litigation. In view of this state of affairs the case has passed beyond the control and jurisdiction of the War Department.

I feel very strongly that the viewpoint of the contractor having been presented to the Air Service section by its principal officials and by its counsel at a number of meetings and in many papers, that the contractor's viewpoint is thoroughly understood by the Government.

J. M. WAINWRIGHT,
The Assistant Secretary of War.

I now come to the memorandum.

Mr. MANN. Whose memorandum is it?

Mr. WOODRUFF. It is the memorandum of a man appointed officially by the Government to investigate these aircraft cases:

MARCH 18, 1922.

Memorandum for Col. Guy D. Goff, Acting Attorney General.
In re: The aircraft investigation.

1. For an understanding of the inquiries which finally culminated in the present investigation of the Air Service by the Department of Justice, it should be stated that soon after the Government undertook the production of aircraft for the announced purpose of "winning the war in the air" complaints were made that the Government's interests were suffering from disloyalty, dishonesty, and graft, and the prediction was made by persons in a position to know that the undertaking would result in enormous expenditures and a failure in the program to produce a fleet of "25,000 airplanes which would be decisive of the war months before an effective army could be put in Europe."

2. Among the first to publicly call attention to the necessity of immedite remedies to forestall impending disaster in the undertaking was Gutzon Borglum. Through the activities of Mr. Borglum the Senate took official cognizance of the matter, and finally there were several hearings in which some 25,000 pages of testimony were taken. The findings in the principal investigations of the Air Service are set out in the reports of the Senate committee (Rept. No. 555, Sixty-fifth Congress, second session), the subcommittee of the House, known as the Frear committee (Rept. No. 637, Sixty-sixth Congress, second session), and the report of Hon. Charles E. Hughes to the President, dated October 25, 1918.

3. Collectively these reports show the failure of aircraft production, wholesale graft and malversion, reprehensible official misconduct, and the squandering of enormous sums of money without the production of a fighting plane, all of which was carried out on such a scale as to jeopardize the success of our armies and the cause of our Nation and its allies. The Senate investigation and the investigation of Judge Hughes took place during the war and the House investigation began soon after the war. All of these reports stressed the fact that the true state of affairs had not been fully developed and the reports of the House and that of Judge Hughes urged further investigation.

4. The findings in these investigations and the recommendations by Judge Hughes that Col. Edward A. Deeds be court-martialed and that others be prosecuted resulted in official protection and exoneration and in no activities on the part of the Government to follow up the investigations or bring to justice those who had been found amenable to prosecution. An historical sketch and a résumé of those investigations is unnecessary, as the more important facts, disclosures, and findings were briefed by me in an article prepared for historical purposes in which the records are cited and which has since been filed in the Department of Justice as an official document (Current History Magazine, April, 1921; CONGRESSIONAL RECORD, March 12, 1921, volume 61, page 1352).

5. Unfortunately the disclosures in regard to the Air Service became a political matter and numerous Government officials, Army officers, and several Members of Congress are on record as having defended the conditions which were disclosed. Widespread propaganda in defense of the Air Service has been definitely traced to persons having relations with interests which have been criticized in the official investigations. The subject finally came into issue in the last presidential campaign, when, on September 23, 1920, Mr. Harding committed himself in writing with the following pledge:

"Certainly the investigations should go on, but it should go on when our party is in power and in position to command the presentation of a testimony which will establish our contention. Until that time I bespeak your patience."

6. Under these unusual circumstances, on October 4, 1921, I was employed by the Department of Justice and charged with the duty of conducting an investigation of the Air Service, being first assured that my work would be unhampered and my directions personally given by both Mr. William J. Burns and yourself, was to find the guilty, no matter who the guilty might prove to be.

7. In my memorandum of October 12, 1921, I submitted plans for the investigation which received your approval, and in compliance therewith this investigation has been conducted, as far as it was possible for me to conduct it, strictly in accord with the recommendations of Hon. Charles E. Hughes, who, in the concluding paragraph of his report to the President, indicated how the work should be coordinated, to wit:

"6. Permit me also to suggest that a special division or subdivision of the present Bureau of Investigation in the Department of Justice should be assigned to the consideration of suggested delinquencies in connection with aircraft production so that the work already done may be appropriately followed up."

8. Upon undertaking the work it was ascertained that there were no funds available in the Department of Justice to employ accountants and an adequate corps of assistants. It was therefore arranged with the Chief of Finance Control of the Air Service to enlarge its organization out of appropriations available until a force of some 50 accountants were at work on the necessary audits in close touch with and in cooperation with the Department of Justice. In addition to this, assistance has also been rendered by the contract audit section of the War Department. In fact, the entire force furnished me by the Department of Justice has consisted of a secretary and one assistant. The estimated total cost of this investigation to the Department of Justice from October 4, 1921, to March 1, 1922, is $1,961.92.

9. While I am charged with no duties outside of the investigation of the Air Service, attention should be called to the fact that the entire War Fraud Bureau is deserving of severe criticism for the financial arrangements under which it is forced to operate. Here we find inexperienced men, with no ratings or very poor ratings, as attorneys drawing salaries up to $5,000 per year, while other men working in the bureau and who are really doing the work are on the pay roll at $7 per day. The employment of incompetent men at high salaries, and starvation wages to those who must be depended upon if results are to be accomplished, does not make for efficiency. There is no semblance of adjustment between the salaries of the few patriotic men who are struggling to serve the Government on salaries of $7 per day and the salaries paid to inefficients and the emoluments of attorneys who handle the cases after they have been prepared. It is recommended that these inequities in salaries be adjusted and that only competent men be permitted to handle the war fraud cases. It should also be stated that in very responsible positions in the war graft bureau are a number of young men who obtained exemption from the draft, and it is needless to say that young men who were unable to respond to the call to arms in a national crisis can hardly be considered eligible to assignment in the investigation of war crimes. It is recommended that no person who was within the draft age and was not connected with the military service be allowed to take part in the investigation of war frauds.

10. In the aircraft investigation a large number of cases are being carefully examined, both as to civil liability and criminal acts. Although the handicaps prevent the work being dignified by the name of a Government investigation, some tangible results can now be reported. According to the reports filed by the auditors to date, the following is a list of overpayments made by the Government to several of the contractors, which cases are prepared and are now ready for the necessary action to protect the Government's interest:

Wright-Martin Aircraft Corporation	$5,267,476.75
Lincoln Motor Co. (other sums yet to be added before final balance is stated)	5,794,135.15
American Electro Products Co	2,057,261.72
Dayton Wright Co	2,554,383.27
Total	15,673,256.89

11. I have been informed by an officer of the Treasury Department that there is approximately $1,000,000,000 charged against disbursing officers of the War Department for which it was impossible to obtain accountings that would be accepted by the Comptroller of the Treasury, and I am attempting to ascertain what amounts have been misappropriated from the funds disbursed by the Air Service. There have been payments made running into millions of dollars to a single contractor with no supporting voucher whatever, and under these conditions the door has been wide open for every variety of graft and fraud. On these contracts men have boldly and openly robbed the Government, and when they had emptied the till they have endeavored by political influence and bold propaganda of the most insidious character to prevent an investigation which would lay bare their misdeeds and dishonesty.

12. While the audits of only five of the large aircraft contracts have been completed, the estimated overpayments, based on examinations of accounts which are not yet complete, indicate that the Government has been the victim of wholesale and systematic frauds perpetrated by a small group of contractors who, through political influence, obtained the control of aircraft production to the exclusion of experienced concerns who were brushed aside when this raid on the Public Treasury began. It might be stated that recently, when publicity was given to the activities of the Department of Justice in these matters, one of the concerns which was on the list compiled for investigation, after having the money for three years, voluntarily tendered to the Government its check in a large amount to cover the overpayments it had received and before an actual investigation of its accounts was begun by this department.

13. The audits being made involve cost-plus contracts where the contractors assumed no financial risks, and in most all instances, aside from the legitimate profits, the undertakings were financed by the Government and sufficient salaries paid to the officers of these companies to warrant efficient and honest management. The relationship these contractors bore to the Government was one of trust, and they were bound by good morals and the law to protect the Government against imposition and fraud. The contracts provided that things charged to the Government were to be at the best prices obtainable. Aside from the corruption and graft and the legitimate profits and salaries paid, these men operating behind the firing line owed a peculiar duty to the country and to the men who were laying down their lives when the same paymaster was allowing them $30 per month. It may be said that so far as my investigation has disclosed, most of the contractors have no stain against their records, and that the men who thus betrayed their country belonged to a relatively small group. Had the war been planned and carried on for their special benefit their personal gain could hardly have been greater.

14. In the audits involving the enormous amounts which are being disclosed, there will be items concerning which there may be honest differences of opinion and as to the correctness of the charge in such cases only the courts can determine. These cost-plus contracts in time of war were something new, and there are no legal precedents for guidance. However, in the main the contractors were paid these enormous amounts because of the inefficiency, unfaithfulness, or actual dishonesty of Government officials who permitted the unconscionable payments.

15. In several cases investigations begun in the Air Service developed leads running into other branches of the Government, and in each instance these matters have been developed sufficiently far to get an outline of the case and place the facts in the hands of the proper officials. To indicate the scope of the investigation, the character of the disclosures and the results that are already accomplished, several of the more important cases will be summarized with a very brief statement:

I. WRIGHT-MARTIN AIRCRAFT CORPORATION.

The report of the audit of the contracts of the Wright-Martin Aircraft Corporation shows overpayments by the Government in the amount of $5,267,476.75. It was found that the minutes of this company, at the time it was negotiating for a Government contract, stated that an "8 per cent profit was a proper profit to the company on Government contracts." The report of the Government audit states that the profits actually charged and collected amounted to 270 per cent. Illustrative of numerous items disallowed by the auditors were the following:

Accountants' fees (prices ranging from $10 to $60 per day, and $5 per day expenses for work which was of no concern to the Government)	$101,047.23
Fees for attending executive committee meetings (an examination of the minute books disclosed that officers had made charges for attending meetings when the company's records showed their absence)	4,294.96
Capital stock tax	14,864.97
Salaries, employees compiling income-tax data	922.33
Cigars	995.29
Dinners	848.78
Expenses of company's Washington office for August, 1918:	
Meals	262.96
Laundry	46.12
Tips	27.45
Box of La Corona cigars for Mr. G. H. Houston	3.25

The audit disclosed the fact that this company maintained a secret-service organization under the guise of a plant protection force, which it was in no way authorized to do, although the company collected therefor $91,925.60. Notwithstanding the fact that the Government had its own plant protection organization which took care of the company's plant, at one time the names of 195 men were carried on the pay roll of the corporation in this connection. Five secret-service men were taken from the Treasury Department and the following schedule will show what the Government paid them while working in the Treasury Department and what the Government paid for the same men after they transferred their services to the Wright-Martin Aircraft Corporation:

Name.	Yearly salary in Government employ.	Yearly salary in contractor's employ.	Retainer.	Penalty for cancellation.
J. W. Wheatley	$4,220	$12,000	$10,000	$25,000
N. G. Van Doren	3,600	6,000	.....	5,000
P. J. Sullivan	3,600	5,000	.....	5,000
E. J. Lewis	3,600	5,000	.....	1,500
E. S. Kyte	2,520	5,000	.....	1,500

The penalty for cancellation was eventually reduced. Wheatley compromised his claim for canceling his contract with the Treasury Department for $17,500, which with his salary of $12,000 and his retainer of $10,000 netted him $39,500 for one year's work. It is understood that after the Government's contract with the Wright-Martin Aircraft Corporation was terminated, Wheatley continued in the employ of that company, but at a salary of $5,000 per annum. The function of this secret service organization seems to have consisted to a large extent of counterespionage against the Government and keeping the company informed as to the Government's business.

After the Government's contract was terminated, the contractor proceeded to buy back from the Government certain property, as evidenced by public vouchers Nos. 5947 and 5957. Public voucher No. 5947 covered the sale of semifinished tools and work in process, involving material which cost the Government $792,865.03, and for which the Wright-Martin Aircraft Corporation paid the Government $24,379.37. Public voucher No. 5957 covered the sale of special tools and patterns which cost the Government over $1,000,000. This property was bought from the Government by the Wright-Martin Aircraft Corporation for $10,642.64. In these transactions George H. Houston and J. H. Anderson acted for the company, and, on behalf of the Government, these vouchers were approved by Charles T. Menoher, James A. Mars, C. G. Hall, O. Westover, Horace M. Benstead, and Bert Winters. In the last transaction it is true that the special tools and patterns related to articles on which the contractor owned patent rights, and that this property was worthless to anyone else except for the value of the material, but it is stated by the auditors that had the company bought them in any other way than from the Government they would have cost the contractor a sum in excess of $1,000,000, and since the contractor acquired title they have continued to use them in its usual course of business and in connection with the later contracts which it has had with the Government.

During the conference between the contractor and Government officials in efforts to procure a settlement of the money due the Government the attorneys for the Wright-Martin Aircraft Corporation have disclaimed responsibility for the change of the contract from a fixed-price contract to a cost-plus basis, and have attempted to show that this was done at the instance of the Government. The facts are that the contractor took advantage of the Government's necessities and forced it into a cost-plus contract. In complete refutation of such contentions it was disclosed that these attorneys collected large fees which were paid by the Government, and among the items they collected money from the Government for, through the Wright-Martin Aircraft Corporation, was for services in getting the contract changed from a fixed-price contract to a cost-plus basis. The law firm of Chadbourne, Babbitt & Wallace collected $23 per hour, the records show, when on the company's business, and the following items are taken from accounts which were paid in the settlement of their charges by the Government. (Report of audit, pp. 46 and 47.)

July 25. Mr. Wallace in Washington on above matter. Mr. Chadbourne went to see Potter, of Aircraft Production, to get him to give up insistence that 150–180 HP contract must be flat price, and he succeeded. This negotiation was of vital importance to the company, and company officers had not been able to bring it about; 21 hours.

July 31. Mr. Wallace left for Washington 11 a. m. on United States contracts. Conference there with Colonel Downey, Lieutenant Schnacke, Messrs. Houston and Hoyt on 1867 D Pierce-Arrow sublicense and new cost-plus 2250–5; also with Mr. Hoyt on Levering & Carrigues testing building contract, and in evening on 1867 D and $7,000,000 war credits loan. The 2250–5 was changed from a flat price to cost-plus as a result of Mr. Chadbourne's negotiations with Potter; 21 hours.

How Mr. Wallace could leave New York for Washington at 11 a. m. and put in 21 hours of work that day, and how these attorneys can contend that the Government was responsible for changing these contracts from a fixed price to a cost-plus basis, are matters which they should be called upon to explain before the grievance committee of their bar association. It should be noted that Mr. Thomas L. Chadbourne, one of these attorneys, was and is a director of the Wright-Martin Aircraft Corporation. Disbarment proceedings against Mr. Chadbourne are now pending in New York in connection with matters where the Government and the Wright-Martin Aircraft Corporation were not his clients. These men, while the beneficiaries of Government fees, have stood by and permitted the Government to be defrauded, if not actually participating in the frauds, and it would be proper for the Bar Association of New York to consider the action of these men in this behalf, and it is recommended that the facts be given to the grievance committee now investigating Mr. Chadbourne's professional conduct. It is also proper to point out the great influence which men can obtain by being large contributors to political funds, Mr. Chadbourne being reputed to have been one of the largest contributors to the political party in power when these outrages were perpetrated on the Government. During the last campaign he was facetiously referred to, because of his activities in these particulars, as one of "Gold Dust Twins."

2. DAYTON WRIGHT CO.

The audit discloses that the Dayton Wright Co. has been overpaid $2,554,383.27. This company was one of those of which Col. Edward A. Deeds, formerly the head of the Bureau of Aircraft Production, was an incorporator. The acts and doings of Mr. Deeds were quite fully reviewed in the report of Judge Hughes, who reported him guilty of reprehensible conduct and recommended that he be court-martialed. Before taking charge of the Bureau of Aircraft Production Mr. Deeds had been convicted before a jury on an indictment including counts of bribery and corruption, after which the case was returned to the lower court for retrial and the matter dropped. The evils of corrupt politics and large political contributions and later some financial disaster of the Government present themselves so frequently in this investigation that they can not be ignored. There is testimony of record by various witnesses that prior to the time Mr. Deeds was placed in charge of aircraft production he and his associates had made political contributions in Ohio to the extent of $37,000, and that on the day after he received his commission a personal note of Governor Cox, of Ohio, for $5,000 was discounted, and that it was later paid by the Dayton Metal Products Co. (Hearings pursuant to S. Res. 357, 66th Cong., 2d sess, pp. 2709–2829.) I have not had an opportunity to critically investigate the audit of the Dayton Wright Co. for evidence of fraud, which feature, under all of the circumstances, deserves to be carefully considered. The audit and all papers in this case have been placed in the hands of a special attorney and are having his consideration.

3. AMERICAN ELECTRO PRODUCTS CO.

The American Electro Products Co. is a Canadian concern, and the contract provided for the erection of a plant at Shawinigan Falls, Canada, for the production of glacial acetic acid, the loan of $1,750,000 by the United States Government, the plant to remain the property of the contractor at all times. On December 22, 1920, the Hon. Newton D. Baker, Secretary of War, requested an opinion of the Attorney General as to the validity of the contract and stated, among other things:

"In the opinion of the Judge Advocate General the foregoing provisions as to obligations upon the part of the Government are so wasteful and extravagant and, in view of the location of the plant in a foreign country, so inimical to the interests of the Government as to be beyond the power of any agent of the Government to incorporate them in a binding contract. Herewith is transmitted a copy of such opinion, together with all pertinent papers."

On April 20, 1921, Hon. J. M. Wainwright, Assistant Secretary of War, communicated with the Attorney General, requesting that such litigation be instituted as deemed advisable to protect the Government's interests. Among other things, the communication stated:

"I consider the terms of the contract as unconscionable and that suit should be instituted to recover from the company the sum of $1,750,000 loaned by the Government, plus unpaid interest from February 28, 1918."

It will be seen that this case has been in the Department of Justice for about a year, but so far no action has been taken in the matter.

4. AMERICAN BOSCH MAGNETO CO.

This investigation began with an aircraft contract, but shortly disclosures were made involving the administration of the office of the Alien Property Custodian, who seized the property of the Bosch Magneto Co. on May 1, 1918. Subsequent to the armistice, on December 31, 1918, the stock of the Bosch Magneto Co. was sold by the Alien Property Custodian to Martin E. Kern for $4,150,000. On January 17, 1919, the assets and liabilities of the Bosch Magneto Co. were sold by Martin E. Kern to the American Bosch Magneto Co., a corporation organized on that date under the laws of the State of New York. The report of the auditor who has investigated this matter stated—

"That the business was a profitable one is revealed by the fact that from the small capital investment of $25,000 in 1906 its books showed on April 30, 1918, after deduction for dividends, taxes, and other similar charges, a combined capital and surplus of $8,492,457.61. Furthermore, for a period of seven years preceding April 30, 1918, its net income averaged approximately $110,000 per month.

* * * * * * *

"Exhibit A, Schedule 3, or balance sheet of the Bosch Magneto Co. as of December 31, 1918, prior to taking over the company by the American Bosch Magneto Corporation, is the last balance sheet of the company while under the régime of the Alien Property Custodian. It will be noted that the capital and surplus which on April 30, 1918, was $8,492,457.61, now appears as $5,856,091.93, a net decrease of $2,636,365.68. As this was during the period of the sale of the company to Martin E. Kern for $4,150,000, one would naturally infer that the assets were deliberately written down so as to cause the net worth of the company to appear approximately near the sales price. The details of this decrease are shown in Exhibit A, Schedule 5."

An examination of the report of William J. Barry, C. S. A., and schedules attached to his report will indicate manipulations and the juggling of the books of this concern. The investigation disclosed that Martin E. Kern was a former convict and had served terms of imprisonment on several charges, and that it now appears that he himself was a citizen of Germany. When the disclosures became public Kern immediately left the country. The proposition was underwritten by Hornblower & Weeks, and Exhibit B, which is the statement of loss, is hereto attached.

During the progress of the investigation it became known that important records in the case were about to be removed, and Hon. John W. Crim, Assistant Attorney General, promptly took the necessary steps to protect the Government's interests and to place the matter before a Federal grand jury. Efficient cooperation, with the prompt, able, and conscientious efforts of Mr. Crim in all matters which concern the Government's interests, is hoped for.

JAPANESE INTERESTS.

Standard Aircraft Corporation.
Standard Aero Co.
Mitsui & Co.

The Standard Aircraft Corporation and the Standard Aero Co. are enterprises of Mitsui & Co., Japanese bankers and the fiscal agents of the Japanese Government. During the period of the war the Standard companies were prominent members of the group of contractors which controlled American aviation. There has been much corroboration of the following testimony taken in the investigation of aircraft production by the Senate Committee on Military Affairs (pp. 339–346, 468).

"Senator FRELINGHUYSEN. What relation does the Mitsui Co. bear to the Japanese Government?

"Mr. WORKMAN. They are paymasters for the Japanese Government throughout the world, its financial agents, and they were also assisting the German secret-service work before the war, acting as paymasters for them."

Judge Hughes was correct in his statement to the President that these Japanese concerns received orders for almost every variety of airplane work, "a proceeding which had no justification from a production standpoint." The concerns were operated by Harry B. Mingle and Max J. Finklestein. While it has been established that these companies were controlled by Mitsui & Co., who owned the majority of the stock, Mingle testified before the Senate committee that Mitsui & Co. loaned him $3,500,000 to carry on the undertakings and that "all they have is a memorandum that in case I should die or anything should happen they could handle it in any way they wished." It was testified that Mingle made weekly report to the Japanese owners, and we have documentary evidence to show that early in the war the Standard Aircraft Corporation shipped five motors from San Francisco to Japan. The impropriety of such a situation needs no comment. This investigation has established the fact that agents of the Japanese Government are constantly collecting information of the most intimate character as to the industries, resources, harbors, and other information of a vital character concerning this country, and that these agents work through Mitsui & Co. Full particulars as to our information in this respect will not be reported in this memorandum.

A report by the contract audit section of the War Department shows the following as a result of its audit of the contracts of the Standard Aircraft Corporation and the Standard Aero Co.:

Total payments by the Government	$16,461,680.15
Amounts unsupported by property records or other papers	9,948,028.42
In case supporting papers are produced there would remain the following amounts to be recovered from contractors for reasons stated in individual audits	6,586,774.61

The statement showing settlement as of September 30, 1919, and known as Exhibit A, shows the following:

AMORTIZATION AND DEPRECIATION.

Total amortization on buildings, machinery, and equipment per Exhibit F, $2,266,479.35.

The comparative balance sheet after Government adjustments as of September 30, 1919, shows the following:

Assets:	
Quick: Payments to Mitsui & Co	$4,770,000.00
Other payments and reserves set up for Mitsui & Co.:	
Prepaid expenses—rents	370,499.92

The investigation has developed the fact that the Standard companies have never owned these buildings, and as the contractor has collected for both amortization and rent on the buildings, the fraud on the Government is apparent at a glance, and a searching investigation of all of the activities of these companies must be completed.

Subsequent to these statements Mingle is alleged to have paid to Mitsui & Co. other sums in excess of $2,000,000. Although largely indebted to the Government, the Standard Aero Co. is now in the hands of a trustee in bankruptcy and the Standard Aircraft Corporation is in the process of liquidation.

Mitsui & Co. are indirectly exercising powerful influence in this country which extends to Congress and departments of the Government, and they have on their pay rolls attorneys and politicians who are attempting to run roughshod over this country to whom they owe their first allegiance.

When an investigation of the Standard contracts began, the law firm of Cadwaledar, Wickersham & Taft notified the Chief of Finance of the Air Service that they had been retained by Mitsui & Co. (Ltd.) to represent their interests, and requested that certain accountants who had been in the employ of these interests be permitted "to work with the Government's representatives during the audit of the books of the Standard Aircraft Corporation." Their request was refused unless Mitsui & Co. would admit its liability in the premises.

In a few days after this letter was written, Abraham F. Myers, formerly an office boy in the Department of Justice, who had already received unusual advancement after becoming a law clerk in the department, was given general supervision of all of the war-fraud cases at a salary of $6,000 per year. Shortly thereafter this young man, who, it seems, was one of those who failed to do military service during the war, notified the Air Service that no further information was to be given to any person connected with the Department of Justice except through him. A few days later I established by conclusive evidence that the said Myers was placed in this key position through the influence of George W. Wickersham. Since that time the investigation of the Air Service has been blocked.

GLENN L. MARTIN CO.

In connection with another case, the Glenn L. Martin Co., it became necessary for me to procure an Air Service audit made at McCook Field, which was being suppressed. In this case I learned that the Glenn L. Martin Co. had made a profit of about $400,000 on a recent contract, involving approximately $1,180,000, and that the Glenn L. Martin Co. had been paid $59,000 for the same airship which another contractor was building for $18,900 each. It was also learned that the Glenn L. Martin Co. had kept its books in code, and that it was alleged to have defrauded the Government in the matter of its income taxes. Notwithstanding the arrangements which I have perfected and had operating with the War Department for cooperation when the Department of Justice announced that it had no funds, Mr. Myers sent for an officer of the Air Service and directed him that no further information should be given to persons connected with the Department of Justice except through him. On January 4, 1922, I received a memorandum from Mr. Myers informing me that the contract contained a clause that the cost records would be available for the information of the "contracting officer," and I was further informed by him that the "Martin Co. and Chief of Air Service both construe this provision to mean that as to all others, including other branches and officers of the Government, the records are to be treated as confidential." There has come into my possession an official copy of a letter written by Maj. Thurman H. Bane, the commanding officer at McCook Field, dated November 26, 1921, to Gen. M. Patrick, saying: "This just to let you know that the Department of Justice is actually operating."

OBSTRUCTIONS.

Aside from the aggressive and open obstructions by Mr. Myers, I have reported to you fully in my memorandum of February 24, 1922, the name of a high Government official who is deeply involved, and has been sufficiently powerful to seriously impede further investigation. Just at the time when we were closing in on these crooks and were in a position to close up the main features of the investigation, my only assistant, who was rendering a most valuable service in connection with the Bosch Magneto Co., Spruce Production contracts, Japanese activities, and other matters, was suspended and for which, notwithstanding persistent inquiry, no reasons have ever been given. In another case indirectly connected with the aircraft investigation, an agent of the Department of Justice a few days ago filed with his report a check which he alleged had been offered to him as a bribe. The next day this agent was discharged.

CONCLUSION.

On February 15, 1922, I handed to you a comprehensive report of the cases in which my investigation has resulted in tangible developments and with it a large amount of documentary evidence to support my findings. Numerous cases of great importance, not mentioned in the memorandum I am now writing, are discussed in that report at length. Among these cases was documentary evidence which showed that a part of the $100,000,000 fund, which was voted by Congress to relieve starvation in Europe, was employed to finance a counter revolution in Russia, and I exhibited to you the bill of lading showing army trucks and supplies which were delivered to the Northwest Russian Army. I also exhibited a cablegram signed by an official of the American Relief Administration, referring to the captain of the Shipping Board vessel who delivered these goods, and was decorated by the commander of the Northwest Russian Army for arriving in time for the offensive against Petrograd, stating "Retained in command General Wahl thinks unsafe for him to return London to give evidence." Two days later this same official sent through Government channels a second cablegram containing numerous charges against this captain which resulted in his dismissal, all of which charges were later officially pronounced by a Government investigation to be false. The report lays bare intrigues connected with the Air Service and running out into other branches of the Government, backed up by indisputable documentary evidence which would shock the Nation. Half of the time spent during this investigation has been in efforts to overcome obstructions and fighting to get a chance to fight. Unless the corruption which infests this Government is checked, it is a serious question as to how long it can survive. The Government is being overthrown, not by bolshevists, but by crooked politicians and trusted officials who know what is going on and have not the courage to fight or expose the conditions. So far as the Department of Justice is concerned, it no longer functions except in the capacity of first aid to crooks.

It would be wrong to officially file this communication without stating that you and Mr. Burns are not responsible. Your hands are tied the same as mine. I have never observed more faithful, efficient, and zealous officials than Mr. Crim and Mr. Burns, but insidious interests are so firmly intrenched that honest efforts are circumscribed by seemingly impassable barriers. On February 24, 1922, I fully reported the situation to you, mentioning the names and evidence to connect high Government officials with these obstructions and I requested that you call that memorandum and my report of February 6, 1922, to the attention of the President.

It is no longer a question of fidelity to party. Both political parties are corrupt, and both are controlled by the same interests. The situation is one of serious concern. When the law ceases to function for any cause, just so far the Government is overthrown. After endeavoring for months to get the obstructions to my investigation removed, and without success, I have determined to submit this memorandum as my last effort within the department. Unless the recommendations in my former reports are acted upon and the situation is immediately cleared up I shall without further notice transmit a copy of this memorandum to Congress, lay it before the proper grand juries, the American Legion, and other patriotic organizations and furnish copies to the press. At the same time I intend to demand an investigation of the Department of Justice and shall volunteer my services to Congress for that purpose. The American Government shall function, and I pledge myself to observe my oath of office, and in doing so to go to the limit.

Respectfully,

H. L. SCAIFE.

BOSCH MAGNETO CO.,
January 17, 1919.

Statement of loss resulting from sale of American Bosch Magneto Corporation securities.

Corporate securities acquired from American Bosch Magneto Corporation as per books of American Bosch Magneto Corporation:		
Stock (59,997 shares)		$5,755,657.50
Notes		1,800,000.00
Total valuation per books of American Bosch *Magneto* Corporation		7,555,657.50
Disposition of stock:		
44,997 shares to Hornblower & Weeks, at $60	$2,699,820.00	
3,100 shares to G. A. MacDonald, at $5	15,500.00	
4,900 shares to M. E. Kern (stock dividend), at $92.60	453,740.00	
7,000 shares to Hornblower & Weeks, as commission	Donation.	
59,997 shares.		
Total income from stock	3,169,060.00	
Notes sold to Hornblower & Weeks for	$1,664,700.00	
Income from stocks and notes, accrued interest, on notes received from Hornblower & Weeks	13,833.33	
Gross income received	4,847,593.33	
Deduct charges incurred in liquidation:		
Hornblower & Weeks, expense	$10,657.34	
Hornblower & Weeks, expense	5,412.44	
J. H. Covington, expense	25,000.00	
Interest paid Kern	6,916.67	
American Bosch Magneto Corporation	61,186.66	
American Bosch Magneto Corporation	31,052.41	
Herrick Smith, Donald Farley	20,641.14	
Revenue stamps	320.00	
	161,186.66	
Net income received		$4,686,406.67
Net loss		2,869,250.83

Mr. Chairman, so that the House may know the sort of a man and patriot he is, I wish to state that when war was declared Mr. Scaife, although past 46 years of age, volunteered for service with the Army. He was given a commission as captain in the Air Service, later was transferred to the Infantry at his request, and in that capacity served his country throughout the war. The following biographical sketch sheds some light upon this man's standing and ability:

[From Clinton (S. C.) Chronicle, November 22, 1917.]

MR. H. L. SCAIFE.

Mr. H. L. Scaife was born at Spartanburg, S. C., in 1872, and his people were among the Colonial settlers in Virginia and South Carolina. He is a descendant of "Gentleman" William Thomson, who was among the early settlers in Spartanburg County. He is a grandson of Maj. John Sharpe Rowland, a distinguished citizen of Georgia in ante bellum days. On his mother's side he is descended from the Lewis family, which furnished 22 soldiers to fight in the Battle of King's Mountain. The Lewis family is unique in its history in that seven of its members and connections have been Presidents of the United States. His grandfather, Col. Ferdinand Scaife, led the first troops which left Union County for the Civil War.

Mr. Scaife graduated from the South Carolina Military Academy in 1892, and was engaged in educational work for eight years, being superintendent of the city schools of Laurens, and later commandant of cadets in a military school in Kentucky. He was admitted to the bar in 1898. Mr. Scaife engages in the general practice of law only to a limited extent, being in charge of the legal work in this State for several concerns. He is the originator of a system of investigations for the prevention of litigation in connection with insurance frauds. He is attorney for several concerns having mining interests in Mexico, and has spent much time in that country. He organized and is now first vice president of a hospital for miners in the district in which he is interested.

He takes an active interest in scientific and economic subjects, and papers written by him have appeared from time to time in scientific journals and have been read before associations of which he is a member. He has organized several business enterprises which have been managed with success.

Mr. Scaife is a member of the American Bar Association, the South Carolina Bar Association, the American Society of International Law, the American Association for the Advancement of Science, and other societies.

In 1916 he was appointed by President Wilson as associate member of the Naval Consulting Board and a director of the Industrial Survey for South Carolina. At the present time he is acting on the Government fuel committee for Laurens County.

As soon as a state of war was declared to exist he tendered his services to the Government, and his name is now carried on the rolls of the War Department as having qualified for a commission with the rank of major.

He has given active support to all of the efforts which have been put forth for the good of the community.

SPRUCE FOR AIRCRAFT.

Mr. Chairman, on February 16, 1920, subcommittee No. 1 of the Select Committee on Expenditures in the War Department of this House submitted its report. (Rept. No. 637, 66th Cong., 2d sess.) That report, among other things, dealt with the expenditures in connection with spruce production in the Pacific Northwest. Accompanying the report were thousands of pages of testimony and a vast number of exhibits offered during a careful and exhaustive examination which supported the findings of the majority of the committee. This report and the evidence accompanying it disclosed a situation and a series of transactions which clearly called for prompt and drastic prosecution, both civil and criminal, of the many persons and interests involved. It disclosed an unparalleled condition of waste and inefficiency in connection with spruce production. It disclosed the connection of sinister influences and powerful individuals with operations in the Pacific Northwest, in which millions of dollars were expended upon enterprises which directly and primarily benefited private interests and which, from the viewpoint of the Government, wasted public funds and delayed for selfish, mercenary purposes the airplane program. The instances and transactions which fall easily within these criticisms are too numerous to be at this time specifically mentioned. I refer you to the report for an enumeration of the scandalous details.

So far as I am informed, not a single proceeding, either civil or criminal, has been instituted by the Department of Justice in connection with these frauds. I am further informed that the settlement of these various transactions has been left in the hands of the Spruce Corporation and the Air Service, which were directly concerned with their initiation and execution during the time when the frauds were perpetrated. Speaking with a gentleman the other day concerning these matters, I asked him what were the feelings of the people of the Pacific Northwest in regard to the failure of the present administration to follow up the investigations of the committee of this House and the repeated promises made by responsible party leaders during the last presidential campaign. His reply, in substance, was that the people were sadly disillusioned and that they were rapidly reaching the conviction that persons and interests powerful enough to loot the Government during the last administration were powerful enough to retain their loot under the present administration and that war grafters and their immunity from prosecution had bipartisan characteristics.

In this connection I refer to an editorial appearing in the New York Times of May 2, 1918, under the heading "A Federal grand jury for the airplane inquiry," and from which I quote the following paragraph:

> These conditions plainly point to an organized conspiracy—bold, powerful, numerous—made up of men able to formulate a great and definite plan and embracing within their number men sufficiently high placed and influential to have the ear and the confidence of the Secretary of War.

Are we to be now forced to the reluctant conclusion that the men referred to in this editorial are still sufficiently high placed and influential to have the ear and the confidence of and to influence the course of action of men now in authority whose duty it is to investgate and prosecute them?

BOSCH MAGNETO CO.

Another illustrative case, indeed typical of many, many others, is that of the Bosch Magneto Co. The successor to this company had a contract with the Aircraft Bureau, and in connection with that contract it appears that disclosures were made of an astounding character in relation to the seizure and subsequent sale of the capital stock of the Bosch Magneto Co. by the Alien Property Custodian. On December 31, 1919, nearly two months after the armistice, the capital stock of the Bosch Magneto Co. was sold by the Alien Property Custodian to one Martin E. Kern for $4,150,000. Mr. Kern was a close personal friend and client of Mr. Palmer, Alien Property Custodian at the time of the sale. It appears that Mr. Kern was not an American citizen, but was apparently of German birth and citizenship. It would also seem that he had served three years in prison in the State of New York for felonies committed by him, and I hold here in my hand copies of his photograph appearing in the Rogues Gallery in New York City. Apart from the fact, which seems to be admitted, that Mr. Kern was not an American citizen, his conviction of a felony would deprive him of his civil rights, and it does not appear that through pardon or other Executive clemency such rights have ever been restored. The trading with the enemy act, under the provisions of which the property was seized and subsequently sold, prohibits the sale of property to other than American citizens. A violation of the provisions of the act may be punished by a fine of $10,000 or imprisonment not exceeding two years, or both. The sale to Mr. Kern was in direct and palpable violation of the act. It was a violation in which both the official who made the sale and the persons concerned in receiving the

transfers were equally guilty. No prosecutions have yet occurred, and although newspaper publicity some time ago seems to have stirred the Department of Justice to some show of activity, nothing yet has come of it.

It has been charged in this case, and the known facts seem fully to warrant the charge, that the property was worth at least twice the figure at which it was sold. The facts would seem clearly to support the charge that a gross fraud was committed against the United States in connection with this sale. Shortly after the property was sold to Mr. Kern a corporation called the American Bosch Magneto Co. was organized, to which the properties were transferred. One of the chief actors in these transactions was the firm of Hornblower & Weeks, a banking and brokerage house of New York and Boston. It appears from information obtained from reliable sources and from figures taken from the books of the American Bosch Magneto Co. that the profits realized by the firm of Hornblower & Weeks from its connection with this transaction was probably $1,000,000 or more, and that the profits which Mr. Kern realized ran to many hundreds of thousands of dollars. Neither the Department of Justice nor any other department has as yet instituted any civil proceedings to set aside this sale.

Mr. Kern returned from Europe some time ago. He still is at liberty enjoying the profit and fruits of the manipulations. While he was in Europe it appears that he wrote some letters which were intercepted and finally passed into the hands of the public authorities. To show the audacity of the man and the influence which he thinks he and his associates can exert upon public officials, I will quote from these letters. Writing from the Hotel Maurice, Paris, under date of January 27, 1922, to one of his attorneys in a Pennsylvania town, he says, among other things: "Call Griffiths in. You can trust him. Of course, he wants to look out for himself. He always does. Surely there must be some way to make the Attorney General see reason." Again, writing from the same place to the same person, he says: "Murray seems to have lost his head entirely, as have I. * * * Why don't Murray and all interests take John W. Weeks to Daugherty and put a quietus on this thing?" The Murray he refers to was one of the men who was associated with him in a deal, and who was afterwards president of the American Bosch Magneto Co. The other gentlemen he refers to are, respectively, the Secretary of War and the Attorney General, and the thing upon which he wished a quietus put evidently was the agitation in the public press for criminal prosecution by the Department of Justice in connection with the matter and civil proceedings to set the sale aside.

AMERICAN ELECTRO PRODUCTS CO.

The American Electro Products Co. is another typical case. This concern was organized under the laws of Canada, and erected a plant in Canada for the production of war supplies, among other things, glacial acetic acid. It obtained contracts from the Government. It also obtained a loan of $1,750,000. I call special attention to the fact that as early as December 22, 1920, Mr. Baker, then Secretary of War, requested an opinion from the Attorney General as to the validity of the contract, and in the communication making such request he said:

> In the opinion of the Judge Advocate General the foregoing provisions as to obligations upon the part of the Government are so wasteful and extravagant and, in view of the location of the plant in a foreign country, so inimical to the interests of the Government as to be beyond the power of any agent of the Government to incorporate them in a binding contract. Herewith is transmitted a copy of such opinion together with all pertinent papers.

Official action was not taken under the last administration to effect the cancellation of this most extraordinary contract, or even to recover the amount which the United States had loaned. Shortly after the incoming of the present administration—that is to say, on April 20, 1921—Mr. Wainwright, Assistant Secretary of War, communicated the facts to the Attorney General and requested that appropriate action be taken, among other things stating:

> I consider the terms of the contract as unconscionable and that suit should be instituted to recover from the company the sum of $1,750,000, loaned by the Government, plus unpaid interest from February 28, 1918.

Nearly a year has passed since this matter was officially called to the attention of the present Attorney General with request for proceedings adequate to preserve and enforce the rights of this Government. I understand that no action has been brought. I do not know what the reason is. I do not know what influences, if any, have intervened between the Attorney General and the undoubted rights of the Government. I do know that in this case, as in scores and hundreds of others, nothing has been done, and the hope of recovery is disappearing with lapse of time.

JAPANESE INTERESTS.

I will call specific attention to another typical instance where it appears from official records that the Government was defrauded out of millions in connection with war contracts, where men high in political circles have intervened in behalf of the contractors against whom the charges have been made, and where as yet absolutely no civil or criminal proceedings have been instituted to redress the wrongs perpetrated on the Government. Some phases of the matter to which I now refer are so unusual and extraordinary as to command the serious attention of everyone interested in the welfare of our Government.

The Standard Aircraft Corporation and the Standard Aero Co. were both given large and various contracts for the Air Service during the war. It appears that both of these companies were active and influential members of the group of contractors which controlled the aviation situation during the war. Both of these companies were financed in their entirety by Mitsui & Co., Japanese bankers, and the fiscal agents in this country and elsewhere of the Japanese Government. These facts have been known and have been a matter of official record for several years. It was testified before the Senate Committee on Military Affairs in the investigation of aircraft production concerning Mitsui & Co. that—

> They are paymasters for the Japanese Government throughout the world, its financial agents, and they were also assisting the German secret service before the war, acting as paymasters for them.

The report of Judge Hughes, made as the result of his investigations of aircraft production in 1918, called attention to the fact that these concerns were financed by Japanese capital; that they had received orders for almost every variety of airplane work; and he stated that this was "a proceeding which had no justification from a production standpoint."

A report by the Contract Audit Section of the War Department which has been in the hands of the Department of Justice for a considerable time shows that payments were made by the War Department to these concerns in the aggregate amount of more than $16,000,000, and that of this amount $6,586,774.61 was made up of undoubted illegal overpayments, which should be recovered. The investigations made, and which have been reported to the Attorney General, show the fraudulent character of these overpayments and the methods employed to obtain them. For instance, the Government paid as a part of the cost of carrying forward the contracts the sum of $370,499.92 as rental for buildings occupied by the company. Obviously and admittedly the buildings were not owned by the companies. Later they claimed and were paid a large sum by way of depreciation or amortization on these same buildings which they did not own.

Some months ago when the investigation of these contracts by the contract audit section had reached a very interesting stage the well-known law firm of Cadwallader, Wickersham & Taft, a member of which firm is a former Republican Attorney General, appeared on the scene as attorney for Mitsui & Co. A few days later Mr. Abraham F. Meyers, formerly an office boy, later a law clerk in the Department of Justice, was given general supervision over war fraud cases, including the Standard Aircraft and Standard Aero cases, at a salary of $6,000 per year. Not long thereafter this man notified the Air Service that further information concerning aircraft cases so far as the Department of Justice was concerned was to be given only through him. I am informed on reliable authority that Mr. Wickersham recommended the appointment of Mr. Meyers to the place he now holds. Up to this time no criminal proceedings have been brought against any person connected with these transactions, and no civil proceedings have been brought to recover the fraudulent overpayments. In the meantime, so I am informed, both of these companies have disbursed and disposed of the moneys obtained from the Government, several million dollars having been paid directly to Mitsui & Co. I am also informed that one of these companies is now going into bankruptcy and the other through the process of liquidation. Thus, through lapse of time, inexcusable delay, and official nonaction the situation is being created where the hope for possibility of recovery will be gone.

In view of Mr. Wickersham's activities in connection with this case an editorial in the Washington Times of April 6, 1922, will be interesting. It is, in part, as follows:

WOLVES IN LAMB'S GARB.

The British propaganda goes on unabated in this country. Recently in Maine there appeared two notorious British propagandists, speaking to American audiences. One of them is the notorious Rathom, of the Providence Journal, whose connection with the British secret service was exposed not long since. The other is George W. Wickersham, Attorney General of the United States under Taft because he was the partner of Taft's brother.

Wickersham has been a British propagandist in this country for some time. He has spent a great deal of his energy in behalf of the League of Nations, which the British wanted, and in behalf of the present four-power treaty, which the British desperately want.

He got up a big petition for the four-power treaty, which he sent to Washington. He spoke for it everywhere. But nowhere did he reveal to the people his British connections. Therefore, it is the duty of this paper to call attention to them.

He is the American attorney for the biggest steel company in Great Britain and the largest munitions maker. His sister is married to the head of one of these firms.

* * * * * * *

When will the standards of honor of American public men require them either to decline to express publicly an opinion concerning a public question in which they have a private personal interest; or, when expressing an opinion, to reveal their personal interest so that the public may make appropriate discount?

A man with Mr. Wickersham's connections would not be allowed to sit on a jury in any case in which the British were interested. Why should he consider it honorable, for the purpose of promoting a secret personal interest, to exploit the fact that he has been Attorney General of the United States?

It is these secret connections, these private, personal interests, which are the curse of American public life.

We do not know when a man to whom we have accorded highest honors is rendering us a good return by giving us the benefit of his experience and ability without personal interest or an evil return by giving us an opinion biased by a strong financial interest concealed from our view.

The time is coming when we shall outlaw public men who do such things and even make it criminal. It is not only morally atrocious, but it is a very great public danger.

CHEMICAL FOUNDATION CO.

Subsequent to February 26, 1919, the Alien Property Custodian transferred to the Chemical Foundation Co., a Delaware corporation, about forty-five hundred patents, patent applications, and so forth, principally relating to chemicals, dyes, medicines, and so forth. The consideration agreed to be paid by the company was $250,000, an amount no doubt much less than the aggregate Patent Office fees. The patents, and so forth, so transferred were easily worth upward of fifty times the consideration received. There is no doubt that single or isolated patents included in the number transferred were each worth many times the total amount of the consideration paid.

The first order authorizing the transfer of these properties bears date of February 26, 1919, and was executed by Franklin L. Polk, under some sort of authority conferred by the President. Mr. Polk signed the document in his individual and not in an official capacity, although he at the time was Acting Secretary of State. A supplemental order covering additional properties was signed by Mr. Polk April 5, 1919. Neither of these orders described the particular patents, patent applications, and so forth, that were to be transferred. They each contained the most extraordinary provision that the Alien Property Custodian was authorized to transfer to the Chemical Foundation Co. any and all patents, patent applications, trade-marks, and so forth, to be selected by the Chemical Foundation Co. and which might be germane to the general purposes of the corporation. It is understood that from the early part of March, 1919, and for a couple of years thereafter, the Chemical Foundation Co. has from time to time selected and designated patents and trade-marks which have been transferred. In other words, a private arrangement was made in the early part of 1919 by which, for the nominal consideration of $250,000, the Chemical Foundation Co. would receive a transfer of any and all patents which it might select from among those seized by the Alien Property Custodian.

The Chemical Foundation Co. was organized after the armistice. Official data shows that it was organized by arrangement and cooperation with the Alien Property Custodian, and for the announced purpose of taking over these patents, applications, and so forth. The most active person in connection with the organization of the company was Mr. Francis P. Garvan, who became its first president, and who has continued to be such since that time. A voting trust was established in respect to the capital stock, and the first voting trustees consisted of five persons—Otto Barnard, Cleveland H. Dodge, George L. Ingraham, Ralph H. Stone, and Benjamin Griswold, jr.

At the time the company was formed and the plan for the transfer of these properties to it was formulated, Mr. Palmer was Alien Property Custodian and Mr. Garvan was the chief investigator of the Alien Property Custodian and in charge of the New York office. The men who made up the voting trustees were, in 1919 and prior thereto, the advisory sales board in the organization of the Alien Property Custodian, having the duty and the assumed obligation of passing upon and advising the Alien Property Custodian with respect to proposed sales, the adequacy of consideration, terms, expediency of making sales, and all other factors bearing upon the propriety of any proposed sale.

Mr. Joseph H. Choate, jr., was the attorney who very largely looked after the incorporation of the Chemical Foundation Co. and subsequently the transfer to it of the various patents, patent applications, and so forth. At the time the Chemical Foundation Co. was organized he became its attorney and thereafter continued in that capacity. At the time the Chemical Foundation Co. was formed, and for some time prior thereto, and for a considerable time thereafter, he was connected with the office of the Alien Property Custodian, and to quote from the testimony of Mr. Choate before a committee of this House:

Mr. GREEN. Just what were your duties with the custodian of the alien property?

Mr. CHOATE. In the Bureau of Investigation; I had charge of the investigation of the chemical business.

A few days prior to March 1, 1919, Mr. Palmer, then Alien Property Custodian, was nominated for the office of Attorney General. He was not confirmed until some days later. On March 4, 1919, Mr. Garvan became Acting Alien Property Custodian and assumed full charge of the office. Shortly thereafter he received a permanent appointment to the position. It will be remembered that February 26, 1919, is the date upon which the first order was made authorizing the transfer of any property to the Chemical Foundation Co., and that April 5 following was the date upon which the second order was made. Up to March 4, Mr. Garvan was the chief investigator for the Alien Property Custodian. On and after March 4 he was in fact the Alien Property Custodian. He was the president of the Chemical Foundation Co. from the date of its organization a couple of months before. Many of the patents, trade-marks, and so forth, were in fact transferred to the Chemical Foundation Co. after March 4, with the result that Mr. Garvan, as Alien Property Custodian, was bargaining with Mr. Garvan as president of the Chemical Foundation Co.

The Alien Property Custodian was, of course, by reason of the terms of the trading with the enemy act, trustee of the seized property. Mr. Garvan, Mr. Choate, and the members of the Advisory Sales Board were a part of the organization of the Alien Property Custodian. They had assumed obligations in respect to the properties which the custodian seized and administered. In a broad and equitable sense they occupied a fiduciary, a trust relation to such properties, and the obligations arising under such a relationship required a scrupulous observance of the principles of honor and square dealing.

Clearly it is a situation where persons occupying a position of public trust in relation to valuable properties employed the device of a corporation organized by themselves to sell to themselves for a grossly inadequate consideration these properties, which, at the time, they were under moral and legal obligation to administer as a public trust.

It seems too clear to admit of doubt that these acts constitute both a civil and a criminal fraud against the United States. In a legal sense the property held in trust by the Alien Property Custodian was and is the property of the United States, if it was in fact seized from enemy aliens falling within the provisions of the trading with the enemy act. The seizure of the property was authorized. By the provisions of the original act and the amendments thereto, the Alien Property Custodian, under regulations prescribed by the Executive, could exercise all the rights of ownership, including the power of sale.

The alien enemy has no rights in the property which he could judicially enforce. The final disposition of the property under the law was and is dependent upon congressional action. Obviously this complete dominion over the property is inconsistent with any legal title remaining in the alien enemy. The seized property was to be held in trust by the Alien Property Custodian of the United States subject to congressional action, hence it was a public trust. In a legal sense the fraud was perpetrated in connection with property held in trust by the Alien Property Custodian. It was without doubt a fraud upon the United States.

Section 37 of the Federal Penal Code provides that—

If two or more persons conspire together to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than $10,000 or imprisoned not more than two years, or both.

The case of the Chemical Foundation Co. falls easily upon the provisions of this section, as construed by the Federal courts. That the various persons whom I have mentioned concerted and conspired together to transfer to the Chemical Foundation Co., a corporation of their own creation, a great number of patents, trade-marks, and so forth, for a very small fraction of their value must be admitted. That this constituted a fraud upon the United States is also perfectly clear, and the character of the offense is made the more inexcusable by the fact that the conspirators were occupying public positions and charged with a public trust in relation to such properties.

It will be observed that the statute which I have quoted makes criminal any conspiracy to defraud the United States in any manner or for any purpose. The word "fraud" is given the broadest and most comprehensive meaning. Federal courts have quite uniformly held that any willful, fraudulent, or corrupt conduct on the part of a public official that operates in any way to impair the administration of the affairs of the Government or of any department is within the meaning of the statute. The statute is not confined to pecuniary rights, although it includes them. If through any conspiracy any right of the United States is injured or impaired, the statute applies. (Haas *v.* Henkel, 216 U. S. 462; Stager *v.* U. S., 223 Fed., 510; 7 Fed. Stat. Ann. 345, second edition; id. 546; id. 554.) The Attorney General in 1919—then Mr. Palmer—ruled that it was unlawful for the Alien Property Custodian to sell property held by him in trust, except for a fair and reasonable consideration. This opinion was rendered in connection with negotiations by one of the departments of the Government to purchase a patent from the Alien Property Custodian. Apparently it was not lawful in 1919 for the custodian to sell one patent to another branch of the Government except for a fair and reasonable consideration, while it was deemed proper to sell 4,500 patents to himself and his associates for a very small fraction of their value. (31 Op. Atty. Gen. 463, 1919.)

The offense embraced within section 37 of the Penal Code, to which I have referred, is an infamous offense, and properly so, because it embraces frauds against the United States which are essentially subversive and contemptible, particularly when participated in by public officials. The penalty may exceed imprisonment for a year, therefore it authorized, in connection with other statutory provisions, confinement in a penitentiary. These characteristics make it an infamous crime. Whether or not a crime is an infamous one depends upon the penalty which may be inflicted and not what is in fact inflicted in a particular case. (Macklin *v.* U. S., 117 U. S. 348; U. S. *v.* Wells, 163 Fed. 313.)

It does not require the refinement of legal argument or the learning of a lawyer to perceive the essentially immoral, dishonest, and criminal character of the transactions by which the Chemical Foundation Co. became possessed of these patents, trade-marks, and other properties. A mere statement of the undisputed facts, without argument or embellishment, enables even the lay mind to see instantly the illegal character of the transaction.

The Government could and should cancel the transfer to the Chemical Foundation Co. The fact that persons occupying a trust relation to the property were also officers and agents of the corporation to which the property was transferred also creates a presumption of fraud and illegality. The inadequacy of consideration should make the presumption conclusive. That proceedings to cancel the transfers could be successfully maintained will not be honestly challenged by anyone who understands the facts.

It could hardly be expected that Mr. Palmer, who was Alien Property Custodian when the conspiracy was conceived, and who subsequently became Attorney General, would bring proceedings either civil or criminal based upon fraudulent transactions to which he was a party. It was confidently expected by all those who believe in the honest and decent administration of public affairs that with the coming into power of the present administration the present incumbent of the office of Attorney General would promptly bring proceedings to set aside this stupendous fraud and initiate steps looking to the criminal prosecution of the guilty participants. Twelve months and more have passed since the present incumbent took office, and, so far as can be learned, absolutely nothing has been done by his department in connection with this matter. It can not be said that this is due to ignorance of the facts or that the matter has not been repeatedly called to his attention. All of the essential facts were fully developed in hearings before committees of both Houses long before he took office. This specific transaction, among others, was the subject of discussion in the press and on the platform during the presidential campaign in 1920, and in addition was called directly to his attention, as follows:

WASHINGTON, D. C., *July 18, 1921.*

Hon. HARRY M. DAUGHERTY,
Attorney General, Department of Justice,
Washington, D. C.

MY DEAR GENERAL: Herewith please find House Resolution No. 148, also extract from testimony taken from hearings on H. R. 2706, Ways and Means Committee, June 18 to July 18, 1919, and on H. R. 8078, Senate Finance Committee, December 8, 1919, to January 12, 1920.

The resolution sets forth specifically that Francis P. Garvan, Joseph Choate, jr. (and Ramsey Hoquet), were employed by the United States Government as officials in the Bureau of Investigation, office of the Alien Property Custodian, in charge of alien patents. That several months after signing of the armistice and about February or March, 1919, they negotiated a sale by the Government and prepared necessary documents for a conveyance to themselves and their associates at private sale and at a nominal purchase price of 4,500 alien chemical patents. The pretended sale was made to the Chemical Foundation Co., a private company, of which they were organizers and principal officers, and was made without notice to the public, without any competition, and for a consideration of $250,000, although reputable men declare 2 of the 4,500 patents were worth $10,000,000, and the others, though of less value, would add to that total.

Reference is made to original public documents for additional evidence regarding the chemical company, of which company Mr. Garvan was president while serving as Alien Property Custodian. After the sale and as such public officer by public acts he confirmed the sale previously made to him and his associates when they were in charge of the Bureau of Investigation and while he and they were substantially in control of such property. Extracts of testimony herewith discloses the public position of the parties and activities when negotiating the sale on the part of the Government to themselves. Absence of substantial consideration will be furnished by reputable witnesses. A refusal of Alien Property Custodian Garvan to file any report of his administration as such officer while at the same time he was and now is president of the private Chemical Foundation Co. will give an understanding of methods pursued.

Attempted justification of the sale is offered by saying that the alien patents are held by this private company for the benefit of stockholders in dye companies who are privileged to use such patents on payment of royalties or licenses at prices fixed by the chemical company. * * * I have charged in the resolution that the pretended sale was fraudulent and simply amounted to a seizure of such alien patents by such public officers and holding of the property to their own private use. That conclusion is inevitable from the testimony.

A violation of a well-known principle of international law occurred when these alien patents belonging to private parties were seized long after the armistice was signed, not as a war measure nor for protection or aid of the Government but seized for use of a private company by public officers who secured the transfer and possession to themselves for private purposes as stated. The legal responsibility of the Government to the real owners of the patents presumably extends to a return of the patents, or, in any event, their equivalent value. Apart from the violation of principles of international law here involved occurs responsibility by the Government for alien property taken over by these public officials to themselves in a private capacity at a private sale practically without consideration.

The Chemical Co., I am informed, in order to foreclose the Government's right of recovery, recently sought through its officers to have inserted in the peace resolution a provision validating all sales by the Alien Property Custodian, which effort failed through the watchfulness of committee members. It is represented that the Chemical Foundation, through its stockholders, represents a majority of the chemical interests of the country, and by its absolute control of patents and royalties the public is without protection from its exactions. Its power rests with the patents fraudulently acquired, and if the sale is set aside the other question largely will be settled by action. Probability of securing an early expression from the House on the resolution seems doubtful because of proposed recess, and it was offered only to secure added support for your action in the matter.

Your public announcement that your department would vigorously prosecute fraudulent sales made during or since the war has been hailed by the country as a vindication of its judgment last November. As a member of the House investigating committee, I aided in securing evidence which I believe warrants prosecutions and recoveries by the Government in different cases disclosed, but in all the thousands of pages of testimony taken by the House committee I know of no case that presents such a flagrant violation of official duties by men who served on both sides of a contract. From their own undisputed testimony these men violated not alone ethics of public trust and confidence but acted in defiance of well-established principles of law, and also of international law, that directly affects the good name of our Government with all other nations of the world.

The great power and influence of the chemical monopoly will be thrown against any effort to compel restitution to the Government of many millions of dollars in property, for which the stockholders paid only 2 per cent value, and this same power which sought to force validation by Congress of this sale, and spent over $100,000 for lobbying in order to secure dye legislation, will attempt to reach administrative as well as legislative action.

The public complains over punishment of "little fellows," and those skeptical of motives often question prosecutions that may serve political ends, but the case presented by the resolution is bipartisan in character; it challenges the confidence of the people in the integrity of public officials; and it affects prominent ex-officials who set an example of public irresponsibility before their subordinates and before the country.

Any information I may have is at your command, and I trust you will do all in your power to vindicate the law and to right the wrong that in its attempts to validate and "cover up" has reached even to the doors of legislative halls. Such efforts to foreclose the Government's right to inquire and to prosecute are as vicious and "indefensible" in character as was the original fraudulent sale.

Very sincerely yours,

JAMES A. FREAR.

A resolution directing the Attorney General to proceed in the above case also appears in the RECORD of July 11, 1921, but no action was asked on such resolution, presumably, because the record laid before the Attorney General was sufficient to apprise him of the facts. The resolution so introduced and appearing in the RECORD is as follows:

Whereas the official record of hearings before the Ways and Means Committee discloses that during the year 1919 a sale of 4,000 alien chemical and dye patents was made by the Alien Property Custodian to the Chemical Foundation Co.; that said sale was conceived and arranged by Francis P. Garvan, Joseph Choate, and Ramsey Hoquet, officials of the Bureau of Investigation of such custodian's office; that these officials were also, respectively, the president, attorney, and patent adviser of the Chemical Foundation Co. and at the said time were in charge of alien patents in the Government office; that at such time they prepared, or caused to be prepared, an order wherein they were permitted to buy said patents at such price as might be determined by the Alien Property Custodian, whose advisers they were, and they

thereupon fixed a price of $250,000 as a consideration to be paid by them for property which was easily worth over $10,000,000; that said parties concerned arranged by order that such sale should be made privately, without notice or competition; and that they thereupon sold to themselves as officers of such corporation the property at a price fixed by them as such Government officers; and

Whereas said sale was fraudulently made by such public officials at a price fixed by them of only 2 per cent of the actual value of such property: Therefore,

Resolved, That the Attorney General be, and he is hereby, requested to begin legal proceedings to set aside such sale made by the Alien Property Custodian to the Chemical Foundation Co. because of fraud, and that he be further requested to receive from said Chemical Foundation Co. all licenses, fees, and royalties, or other receipts over and above the amount of consideration actually paid by such company as the purchase price of said patents.

The following official record accompanied the letter to the Attorney General, according to the RECORD of July 11, 1921:

[From p. 88, dyestuffs hearings, Senate.]

Mr. CHOATE. I appear here as counsel for the Chemical Foundation, into which I shall go in a moment, and also I have been asked to represent the American Dyes Institute, which is an association of all the dye makers in the country, because they have practically the same point of view presented by the Chemical Foundation to-day, and are, therefore, properly represented by the same counsel. I came into this case, gentlemen, through my service in the office of the Alien Property Custodian. * * *

I am a life-long Republican * * * (p. 106), and so although it was none of our business as members of the Alien Property Custodian's staff, but purely for what we conceived to be reasons of public spirit, all of us who had the knowledge thus derived there very early began to scratch our heads to see if we could not find some way of helping this industry here.

A sale to the Graselli Co. of 1,100 patents and other property for $5,400,000 made them realize they would stand little danger in taking over 4,500 patents for $250,000.

Hearings before the Ways and Means Committee, dyestuffs, on H. R. 2706, July 14 to 20, 1919, Mr. Joseph Choate testifying (pp. 110–111):

Mr. CHOATE. The one thing the Alien Property Custodian had power to do without further help from Congress was to sell them (the German dye patents). * * * Now, it was obvious that the wisest thing for us to do was to sell to good American purchasers, and what could we do? * * * It was then that the fertile brain of Mr. Garvan, the present Alien Custodian, then in charge of the Bureau of Investigation, conceived the high idea of getting an industrial organization to act as a trustee corporation to buy the patents. I was present at every detail of every one of the consultations that resulted in that organization. * * * It took the form it did for this reason: In the first place we had to get an organization that could never fall into the control of any one body, any one company, any one man, or any group of men. For that purpose we made the stock nontransferable without the consent of the company. * * * For that purpose we provided that the whole stock must be placed in the hands of a voting trustee. * * *

Mr. OLDFIELD. Can anybody use these patents (p. 114)?

Mr. CHOATE. Not everybody, but every good American citizen can make application for a license and get it on equal terms, and they have to pay a royalty in each case.

Mr. OLDFIELD. You effect the license system, because all of these patents are controlled?

Mr. CHOATE. Oh, no; they are only controlled by the Chemical Foundation to a very minor extent.

Mr. Hoquet, who furnished the "soft stuff," as he calls it, must be called as a witness. Again quoting (p. 116):

Mr. CHOATE. As to Mr. Garvan being connected with this matter, that happened in this way: We were casting about to get a man to take hold of it, and so Mr. Hoguet, a very ardent Republican, and myself were discussing it as thoroughly as we could as to who could handle it. It was evident that whoever took that position (manager of the Chemical Foundation) would have to have a certain familiarity with the Germans in this country. There was no other man except Mr. Garvan who had a tenth of his qualifications in that respect.

Mr. MOORE. How did he acquire that influence?

Mr. CHOATE. As head of the Bureau of Investigation of the Alien Custodian's office from the start. * * * I should say that Mr. Garvan is a dollar-a-year man, and has no need to ask for any other compensation, and is, therefore, serving with the Chemical Foundation without compensation.

Mr. GREEN. Just what were your duties with the custodian of the alien property?

Mr. CHOATE. In the bureau of investigation; I had charge of the investigation of the chemical business.

* * * * * * *

Mr. CHOATE. The Bayer Co. was sold for over $5,000,000. Of course, they had large properties.

Mr. GREEN. You knew that the patents had large value?

Mr. CHOATE. I knew that the patents had a value which no man could calculate, because no man could say which were valuable except in rare cases. I suppose of the 5,000 taken over a great many were absolutely worthless.

* * * * * * *

Mr. GREEN. Mr. Garvan occupied what position?

Mr. CHOATE. He was head of the bureau of investigation.

Mr. GREEN. And you at that time were working under him?

Mr. CHOATE. I was.

Mr. GREEN. These companies, by virtue of their operation, whether in connection with these patents or not, and although while holding these patents, have made immense profits in this country?

Mr. CHOATE. Large profits, I should say.

Mr. GREEN. And profits that both you and Mr. Garvan were aware of?

Mr. CHOATE. Yes.

Mr. GREEN (p. 118). And learned it in the course of your operations for the Government?

Mr. CHOATE. Certainly. You understand the business was not large. The total amount of imports before the war was under $12,000,000. * * *

Mr. GREEN (p. 118). Now, after these discoveries had been made by virtue of the connection with the Government (value of the German patents) this corporation called the Chemical Foundation was instituted and it was concluded to place as its president Mr. Garvan, a very capable gentleman, and to retain an exceedingly capable lawyer as the corporation counsel, in the person of yourself. * * * Now, this company, having bought these patents, you say would have a considerable power over the imports as the result of its control of the patents?

Mr. CHOATE. It would have the power to control to a certain extent the operations under the patents. It can, if it can induce people to take out revocable licenses, revoke the licenses if the licensee behaves badly. Whether people will take licenses out in that form remains to be seen.

* * * * * * *

Mr. GREEN (p. 120). If, then, he who is a manufacturer in a small way comes before the Chemical Foundation and it appears to the foundation that he has so far not manufactured dyes to their satisfaction, and because he could not manufacture them under these patents without having a license, or for any other reason that appeared to them to be sufficient, he could be excluded?

Mr. CHOATE. He would be excluded if the Chemical Foundation did not believe he was in a position to make dyes that would be a credit to the American industries.

Mr. GREEN. This is a matter entirely in their discretion and judgment?

Mr. CHOATE. Precisely, as it is in the discretion of any other owner of patents.

* * * * * * *

PUBLIC AND PRIVATE SALES.

Mr. KITCHIN (p. 121). Now, in the sale of these patents by the Alien Property Custodian, I believe you said that one chemical company purchased how many?

Mr. CHOATE. Twelve hundred before the organization of the foundation.

Mr. KITCHIN. At public sale?

Mr. CHOATE. Yes, sir; at public sale.

Mr. KITCHIN. Were there any other bidders for them except this chemical company?

Mr. CHOATE. A great many of them, I think.

Mr. KITCHIN. How much did this company bid?

Mr. CHOATE. When the property was sold en bloc the whole property of the Bayer Co. was sold for $5,300,000. I forget the exact figures.

Mr. KITCHIN. That property included also the stock?

Mr. CHOATE. Yes, sir; that carried the company and its patents.

Mr. KITCHIN. Now, has that company turned over to your company these 1,200 patents?

Mr. CHOATE. No, sir; we hope they will. (Neither has the Dupont Co. or others controlling patents.) They are among the underwriters and good American people, and I think they will try to do the best they can to strengthen the foundation.

Mr. KITCHIN (p. 122). Now, your company (Chemical Foundation), after the purchase by this chemiccal company of these 1,200 patents, was organized, and then the other patents were put on sale at public auction?

Mr. CHOATE. They were not sold by public sale by the custodian, because it would have been impossible to do that for a variety of reasons. All the possible available bidders who could have bid in good faith for these patents as real manufacturers were already in the enterprise, because they were members of the American Dyes Institute. The only other kind of bidder there could have been would be a hold-up artist who would buy the patents either for the benefit of his own pocket or who would buy them to hold them up from use. It required an Executive order from the President to effect that transfer.

Mr. KITCHIN. I simply desire to get the facts on the record. Now, were these patents offered separately or were they en bloc?

Mr. CHOATE. They were sold in one transaction to the Chemical Foundation.

Mr. KITCHIN. What was the actual amount of cash that was paid for them?

Mr. CHOATE. Two hundred and fifty thousand dollars.

Mr. KITCHIN. Now, did your patents cover any other part of the chemical products except dyestuffs?

Mr. CHOATE. Yes, sir; all chemical products we could lay our hands on, but it is only in the dyestuffs that the patents are of great importance—dye and pharmaceutical goods—because it is only there that the patent is especially important. They cover salvarsan and other products and all the rest that we could get our hands on. * * *

Mr. Francis P. Garvan testified as follows:

Mr. MOORE (p. 332). I want again to call your attention to a matter that may be referred to later on, which I did not personally care to stir up too much, and that is the compatibility of the Alien Property Custodian serving also as the president of the Chemical Foundation (Inc.), which intends to enter actively into the business and the control of business, and which seeks legislation for that purpose. Is it not, in your judgment, incompatible for one man to hold those two offices, one being administrative and the other being an office where the administrator can assist the president of the corporation?

Mr. GARVAN. Can you point out any point where they conflict?

Mr. MOORE. Is it not possible that questions affecting the integrity of the Chemical Foundation might come before the Alien Property Custodian for administration?

Mr. GARVAN. Can your imagination suggest such a position?

Mr. MOORE. Yes.

Mr. GARVAN. I would like to hear it. If there is anything inconsistent in my two positions, I certainly will resign one or both. * * *

Mr. MOORE. Is it not possible that the Attorney General of the United States might call upon his very efficient Assistant Attorney General whom he is now about to appoint, in the person of the present Alien Property Custodian (Mr. Garvan), to investigate the business of the Chemical Foundation (Inc.), of which the Assistant Attorney General (Mr. Garvan), now Alien Property Custodian (Mr. Garvan), is president?

Mr. GARVAN. No; it is not.

Mr. MOORE. You think that is impossible?

Mr. GARVAN. Absolutely impossible.

Advisory committee of Alien Property Custodian are now Foundation trustees. The same committee passed on sale from Government for the private company that bought. (Dyestuffs hearings, Committee on Finance, United States Senate, H. R.

8078, December 13, 1919. Mr. Garvan had not resigned after six months.)

Mr. Francis P. Garvan, Alien Property Custodian, a witness before the Senate committee (p. 520):

So I conceived the idea of forming the Chemical Foundation and putting all of these patents into a quasi public corporation, which would develop them and give them to chemical companies throughout the country. The way salvarsan had worked out encouraged us. * * * So then we had this board of trustees, composed of Mr. Otto Bennard, president of the New York Trust Co., Mr. Cleveland H. Dodge, * * * Judge George L. Ingraham, * * * Ralph H. Stone, president of the Detroit Trust Co., * * * Benjamin Griswold, jr. * * * These gentlemen had consented to act as the advisory committee for the Alien Property Custodian on questions of the sale of German property. * * *

Senator CALDER. How many patents did they take over?

Mr. GARVAN. Four thousand.

Senator CALDER. The Alien Property Custodian sold them these patents?

Mr. GARVAN. It was by private sale by the President.

Senator CALDER. For how much money?

Mr. GARVAN. Two hundred and fifty thousand dollars.

Mr. GARVAN (p. 522). I am very anxious to make this statement as fully as possible, because I do not want to have any rumors or anything to interfere with this case. I am pleased and delighted to answer questions to the fullest.

Senator CALDER. I am very anxious to have information, because the situation would indicate there is a great possibility of tremendous profits for some people.

VALUE OF FOUNDATION PATENTS.

Relating to the value of the 4,000 German patents bought by the Chemical Foundation, the following testimony on page 255 is in point.

Mr. MOORE. Would you care to deny the statement, since Mr. LONGWORTH has raised the question, that one of these 4,000 patents (salvarsan) is worth $50,000 a year royalty?

Mr. GARVAN. I would be grateful to have you tell me the name of it.

Mr. MOORE. A one million dollar patent, and you bought 4,000 of them for $250,000.

Testimony can be had that two patents included in the sale were worth several million dollars.

Relating to the exclusive power possessed by this Chemical Foundation monopoly over the 4,000 patents under its control the following testimony is relevant:

Mr. GREEN (p. 360). Reading from the charter of the Chemical Foundation "The board of directors may refuse to issue any license or may revoke any license granted by the corporation and may prescribe the terms and conditions of such license." * * *

Mr. GARVAN. Do you claim that we could use arbitrary power to refuse licenses?

Mr. GREEN. I have not the slightest doubt of it. In the first place, it says the board may issue; second, it shall prescribe the terms; and, third, it may revoke it at any time it wants to * * *.

Again referring to the dual relationship of Mr. Garvan in a public and private capacity:

Mr. GREEN. A considerable portion of the persons connected with the Chemical Foundation are connected also either directly or indirectly with the Alien Property Custodian's office.

Mr. GARVAN. Yes, sir.

Mr. GREEN. And you consider it entirely ethical that having obtained information through their connection with the Alien Property Custodian that they shall then sell to an institution controlled by themselves?

Mr. GARVAN. It was by virtue of our connection with the Alien Property Custodian office that we saw it as our public duty not to let this thing revert to where it was.

Mr. Garvan complains that he was not in fact Alien Property Custodian when the sale was made to his company. Technically this is true in name, but as officer apparently in charge of this property he arranged all the details for the sale, aided by Mr. Choate, to a company of which he was president and by his subsequent promotion to position of Alien Property Custodian he confirmed by acquiescence that same sale.

The following letter also appears in the same RECORD and has a bearing on the case:

A SELF-EXPLANATORY LETTER.

WASHINGTON, D. C., *June 4, 1921.*

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with your request I am pleased to have the opportunity of furnishing you with the following facts precedent to the investigation as called for in your recent resolution introduced in the United States Senate:

Mr. Francis P. Garvan, former Alien Property Custodian, is president of the Chemical Foundation (Inc.); Col. Douglas I. McKay, late colonel, General Staff, vice president of J. G. White & Co., is vice president; Mr. George J. Corbett, assistant secretary of Central Trust Co., is secretary and treasurer. Mr. Corbett was a director in a number of the alien-enemy concerns taken over by Mr. Garvan as Alien Property Custodian during the recent war. Mr. Joseph H. Choate, jr., who was an examiner of chemical and dyestuff concerns in the Alien Property Custodian's office during the recent war, is counsel for the Chemical Foundation (Inc.). Mr. Ramsey Houget, who acted as attorney for various alien-enemy concerns taken over by the custodian's office during the war, is patent counsel for the foundation.

The following gentlemen who comprised the sales committee which passed upon all the sales of the alien-enemy concerns made by the Alien Property Custodian's office during the war are the trustees of the Chemical Foundation (Inc.):

George L. Ingraham, New York; Otto T. Bannard, president New York Trust Co.; Cleveland H. Dodge, New York; B. Howell Griswold, jr., of Brown Bros., bankers, Philadelphia; Ralph Stone, president Detroit Trust Co.

Mr. Joseph H. Choate, jr., is counsel for the American Dyes Institute. Judge Covington, who was attorney for a number of alien-enemy concerns seized by the Alien Property Custodian's office during the recent war, is also counsel for the American Dyes Institute. Mr. Choate engineered the naming of the advisory committee of the War Trade Board from the Dyes Institute. This same committee is the advisory committee of the Textile Alliance. Employees of the Du Ponts were shifted to the Textile Alliance and represented them in Europe and then went back with the Du Ponts. Dr. Thomas H. Norton, who was formerly with the Department of Commerce, also became connected with the Du Ponts. Mr. B. R. Price, who had charge of most of the color end of the Textile Alliance, is now with the A. C. D. C. So you can see how the combination has been interchanged, and everywhere that you turn there is a Du Pont representative. Some of the members of the executive committee of the American Dyes Institute are as follows:

Mr. Morris R. Poucher, chairman, E. I. Du Pont de Nemours Co.; Mr. E. R. Baldwin, the Allied Chemical and Dyes Corporation; Dr. Samuel Isermann, Van Dyke & Co.; Dr. J. Merritt Matthews, Grasselli Chemical Co.; Mr. Jeffcott, Calco Chemical & Color Co.; Mr. Klotz, Newport Chemical Co.

Thanking you for this opportunity, I remain,

Very truly yours,

_____.

The following letter written to Hon. Boies Penrose, chairman of the Senate Committee on Finance, by the Hon. JAMES A. FREAR is taken from the CONGRESSIONAL RECORD of August 12, 1921, and possibly explains the influence which has operated to prevent appropriate action by the Department of Justice against the Chemical Foundation Co.:

WASHINGTON, D. C., *August 6, 1921.*

Senator BOIES PENROSE,
Chairman Committee on Finance,
United States Senate, Washington, D. C.

MY DEAR SENATOR: To-day's press states that dye interests now seeking to secure a three-year dye embargo from your committee have persuaded Secretary of War Weeks and Secretary of Navy Denby to write your committee urging continuance of the war dye embargo for an indefinite period, in order that this country may be provided with chemicals in case of war. If correctly reported, this preposterous claim is only another evidence of the enormous power of the dye monopoly headed by the Chemical Foundation Co., which has already sought to exercise its influence on three Cabinet members, including Attorney General Daugherty, who thus far has failed to acknowledge or act on my letter to him of July 18, copy of which is hereto attached. No invisible government has ever shown more brazen effrontery than this dye monopoly, which was driven to cover in the House on July 21 by a vote of 209 to 193, including in the majority vote 96 Republicans and 113 Democrats. I am sure a much larger majority would have been recorded had the vote been needed, and I do not believe any dye embargo proposal can pass the House, whatever action may be taken elsewhere.

We may well be concerned over the power of these dye interests that reach to three Cabinet officers in their effort to perpetuate their present exclusive power in this country. Not one line of evidence in all the hearings, I am informed, suggests that this Government depended upon or received aid from any dye establishment in the country during the recent war, and the argument that we should preserve this half billion domestic dye monopoly, with its excessive prices and enormous power, because of approaching war and through need of private protection, is both preposterous and ridiculous. Secretaries Weeks and Denby are reported by the press to have written your committee simultaneously that the dye embargo should be continued for that reason. If so, they certainly had little information on which to base such statements, and caution is thrown to the winds when dye interests bring these two letters to your committee on the same day to influence committee action. I have no fear of their influence, either on your committee or on the body you represent, but I do express concern over any power that can secure such letters from such high sources, and more important that apparently has endeavored to smother efforts made to have the Government bring legal proceedings in order to set aside the Chemical Foundation Co. sale. Failure for practically three weeks to receive any reply from the Attorney General is an unusual oversight by the department that represents the Congress as well as the administration, and it is impossible to believe failure to acknowledge receipt of an official courteous letter was due to an oversight.

In my letter to Attorney General Daugherty, as you will note from the attached copy, I have stated that Francis P. Garvan and Joseph Choate, jr., while employed by the Government in the Alien Property Custodian's office in positions of control, conceived the idea of seizing alien patents then on file in the Patent Office and taking them over to themselves and their associates in a private capacity under the name of the Chemical Foundation Co., a Delaware corporation. They did this several months after the armistice was signed and seized some 4,500 patents, worth $10,000,000 or more, taken over at "private sale" for $250,000, or about 2 per cent of the actual value of such patents.

A copy of the testimony taken at congressional hearings attached hereto contains undisputed admissions of this fact by the parties who negotiated the sale to themselves. Thereafter I am informed and evidence will be produced, if need be, that they sought to validate this fraudulent sale by having a general provision in the Versailles treaty and after rejection of the treaty by the Senate, these same interests, acting through a prominent official of the present administration, who was advertised as vice president of the Chemical Foundation Co., again sought to secure validation of such contracts by insertion in the peace resolution recently passed by Congress. This effort was defeated by members of the Foreign Affairs Committee, as set forth in letter to Mr. Daugherty, hereto attached.

I do not speak of the international aspect of seizing such patents long after the war was closed, because that is a matter which carries its own argument, but the astounding proposition of covering up this alleged sale made by these public officials to themselves while apparently representing the Government is now further emphasized by threats from the Chemical Foundation Co. to sue the Government for a large amount of money, reputed to reach a half million dollars or more, in an effort to secure license payments made to the Government before the alleged sale.

The character of this dye embargo effort that put through the House last session a bill drawn by Mr. Choate, according to information in my possession, and paid $100,000 in lobby fees suggests what power lies behind these interests which obtains indorsements from high administrative officers, and apparently prevents action upon the facts stated.

The dye embargo can not be put through Congress, in my judgment, but these interests should be called to account and the fraudulent contract set aside in order to protect the Government's interests, and I ask your cooperation in trying to secure prosecution on such charges as are contained in my letter to Mr. Daugherty.

I am sending copies of this letter to the President and to others who would seem to speak with authority on matters herein set forth.

Very sincerely,

JAMES A. FREAR.

Congress and the country are entitled to know the facts and have prosecutions brought by the Government wherever overcharges or fraud have been perpetrated. During the war it became impossible to protect the public interest by proper accounting methods, and among thousands of contracts for war purposes, aggregating many billions of dollars, over seven hundred contracts were for aviation alone of $100,000 and upwards in every case. Four aircraft contracts have been disclosed containing many millions of dollars in fraudulent overcharges based on the facts here presented. It is not unfair to assume that if these prosecutions were brought and recoveries made, that many times the amount of overcharges contained in the four contracts set forth would be found in the 700 contracts of $100,000 and over which are given by the congressional aviation investigation in detail as follows:

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States.

[Starred items in the column headed "amount expended" include final payment.]

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
3444	Goodyear Tire & Rubber Co.	Akron, Ohio	Apr. 3, 1918	(1)	$3,729,028.00	Balloons	A. C. Downey, major, S. R. C.	This includes the thirtieth item listed on page A-2.
3444-1	Supplemental to 3444		May 10, 1918	$26,095.00		Installation, special facilities.	do	
3444-A	do		Mar. 6, 1919	236,375.75	*236,375.00	Settlement	F. D. Schnacke, captain, A. S., A. P.	
2414	United States Tent & Awning Co.	Chicago, Ill.	Dec. 20, 1917	[2] 283,220.00	*287,844.00	Hangars	A. C. Downey, major, S. C.	Increased $4,624.
2413	Scott Omaha Tent & Awning Co.	Omaha, Nebr.	Dec. 19, 1917	[2] 212,988.00	*217,380.00	do	do	Increased $4,392.06.
2415	Baker & Lockwood Manufacturing Co.	Kansas City Mo.	Dec. 15, 1917	132,360.00	*132,360.00	do	do	
2410	F. J. Burch Manufacturing Co.	Pueblo, Colo.	Dec. 20, 1917	283,720.00	*291,012.00	do	do	Increased $7,292.96.
2285	Baker Castor Oil Co.	New York City.	Dec. 17, 1917	292,800.00	131,053.00	Castor oil	do	Decreased $160,534.96.
2129	Ford Motor Co.	Detroit, Mich.	Nov. 22, 1917	(1)	21,782,248.00	Engines	do	
2129-1	Supplemental to 2129		Nov. 24, 1917			Amendment language, etc.	do	
2129-2	do		May 17, 1918			Profit reduced from $913.05 to $625, amendment of estimated cost.	do	
2129-A	do		Apr. 30, 1919	1,965,319.19	*1,965,319.00	Settlement	F. D. Schnacke, captain, A. S., A. P.	Increased $737,560.84.
1730	Willys Overland Co.	Toledo, Ohio.	Sept. 19, 1917	9,750,000.00	10,260,910.00	Motors	A. C. Downey, captain, S. C.	
1730-1	Supplemental to 1730		Dec. 14, 1917	2,500,000.00		Advanced payment	A. C. Downey, major, S. C.	
1730-2	do					Not executed	do	
1730-3	do		May 1, 1918			Redelivery	do	
1730-4	do		July 24, 1918			do	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
1881	F. Wesil Manufacturing Co.	Brooklyn, N.Y.	Oct. 9, 1917	540,000.00	*540,362.00	Scarfring mounts	A. C. Downey, captain, S. C.	Increased $362.50.
1638	General Motor Truck Co	Pontiac, Mich.	Aug. 31, 1917	2,040,720.00	*2,104,541.00	Trucks	do	Increased $63,821.60.
1564	Lamb, Finlay Co.	New York City.	Aug. 17, 1917	(1)	*781,208.00	Fabric	do	
1564-1	Supplemental to 1564		Sept. 10, 1917			Include provision or handling 42-foot fabric.	do	
1564-2	do		Oct. 29, 1917			Same as above, 36-inch.	A. C. Downey, major, S. C. U. S. R.	
1564-3	do		Apr. 12, 1918			Increasing price of finishing fabric.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
1564-4	do		May 8, 1918			Same as above for 42-foot.	do	
1564-5	do		May 13, 1918			Providing for prices and new grades of linen.	do	
1564-6	do		May 18, 1918			do	do	
1564-7	do		May 25, 1918			do	do	
1564-8	do		June 4, 1918			do	do	
Do3632	Saxon Manufacturing Co.	Toledo, Ohio.	Apr. 17, 1918	276,470.00	158,502.00	Metal parts	do	
3262-A	Supplemental to Do-3632.		Apr. 26, 1919	12,504.57		Settlement	S. M. Wiley, captain A. S., A. P.	Paid since June 1, 1919.
2621	Mark Cowen & Co.	New York City.	Feb. 13, 1918	102,414.00	*102,433.00	Flying suits	O. R. Ewing, first lieutenant, S. R. C.	Increased $19.50.
2620	Fuller & Sullivan Co.	Boston, Mass.	Jan. 21, 1918	119,185.00	*121,352.00	Moleskin coats and trousers.	do	Increased $2,167.
9297	J. T. Wilson (Inc.)	Richmond, Va.	Aug. 1, 1917	[2] 810,000.00	1,000,185.00	Construction supply depot near Richmond.	C. G. Edgar, captain, S. C.	Increased $190,206.15.
8451	J. G. White Engineering Corporation.	New York City.	June 28, 1917	(1)	4,983,610.00	Construction Aero Experiment Station, Langley Field.	do	
7864	Walbridge Aldinger Co.	Detroit, Mich.	May 27, 1917	(1)	*2,052,477.00	Construction, Selfridge Field.	do	
7865	Dayton Lumber & Manufacturing Co.	Dayton, Ohio.	do	(1)	*2,989,546.00	Construction, training camp, Dayton.	do	
50000	Mason & Hangar Co.	Richmond, Va.	Sept. 14, 1917	(1)	2,244,648.00	Construction, near Lake Charles.	C. G. Edgar, lieutenant colonel, S. C.	
50218	J. G. White Engineering Co.	New York City.	Dec. 3, 1917	(1)	1,245,227.00	Construction, Carlstrom Field.	do	
50360	Seldon Brick Construction Co.	St. Louis, Mo.	Apr. 8, 1918	(1)	194,865.00	Construction, balloon school, Fort Sill.	C. G. Edgar, colonel, S. C.	Increased $75,000.
50252	Hardaway Construction Co.	Americus, Ga.	Feb. 7, 1918	(1)	*1,187,921.00	Construction, Souther Field.	do	
2630	E. L. Long	Alvin, Tex.	Feb. 9, 1918	[2] 175,000.00	26,464.00	Planting and growing castor beans.	O. R. Ewing, first lieutenant, S. R. C.	Decreased $148,535.14.
2629	Herman B. Walker	Miami, Fla.	Jan. 19, 1918	[2] 437,500.00	*6,449.00	do	do	Decreased $431,050.34.
2629-1	Supplemental to 2629		July 30, 1918				do	Reacceptance unshelled beans.
2629-2	do		Aug. 13, 1918				F. D. Schnacke, captain, A. S., A. P.	Extending date delivery.

[1] Cost plus.

[2] Estimated.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
2628	V. W. Helm	Miami, Fla.	Jan. 19, 1918	[1] $437,500.00	$7,922.00	Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $175,000.
2628-1	Supplemental to 2628		July 30, 1918			Reaccepting beans unshelled.	O. R. Ewing, captain, A. S., A. P.	
2628-2	do		Aug. 13, 1918			Extending date delivery.	F. D. Schnacke, captain, A. S., A. P.	
2613	G. G. Ware	Leesburg, Fla.	Feb. 6, 1918	[1] 218,750.00	24,730.00	Castor beans	O. R. Ewing, first lieutenant, S. R. C.	Decreased $87,500.
2613-1	Supplemental to 2613		Aug. 12, 1918			Reaccepting beans unshelled.	F. D. Schnacke, captain, A. S., A. P.	
2559	D. C. Gillett	Miami, Fla.	Jan. 8, 1918	[1] 875,000.00	76,712.00	Castor beans	A. C. Downey, major, S. C.	Decreased $350,000.
2559-1	Supplemental to 2559		Aug. 13, 1918			Extending date delivery.	F. D. Schnacke, captain, A. S., A. P.	
2559-2	do		Aug. 22, 1918			Reaccepting beans unshelled.	O. R. Ewing, captain, A. S., A. P.	
2411	Baker & Lockwood Manufacturing Co.	Kansas City, Mo.	Dec. 19, 1917	141,790.00	*144,958.00	Hangars	A. C. Downey, major, S. C.	Increased $3,168.
2412	Carnie-Goudie Manufacturing Co.	do	do	708,800.00	*702,108.00	do	do	Decreased $6,691.19.
4651	Batesville Lumber & Veneer Co.	Lawrenceburg, Ind.	Sept. 13, 1918	15,500.00	*14,547.00	Walnut lumber	F. D. Schnacke, captain, A. S., A. P.	Decreased $902.46.
4651-1	Supplemental to 4651		Nov. 4, 1918			Regarding storage and insurance.	do	
10165	Frank Hill Smith	Dayton, Ohio	Aug. 22, 1917	[2]	915,800.00	Construction, A. G. S. D., Fairfield.	C. G. Edgar, captain, S. C.	
4713	Positype Co.	Cleveland, Ohio.	Sept. 19, 1818	105,000.00	*105,126.00	Paper, bromotype	O. R. Ewing, captain, A. S., A. P.	Increased $126.
2445	L. P. Liles	Washington, D.C	Dec. 22, 1917	[1] 175,000.00	*5,276.00	Planting castor beans	A. C. Downey, major, S. C.	Decreased $169,723.75
1996	L. W. F. Engineering Co.	College Point, L. I.	Oct. 19, 1917	226,800.00	*226,800.00	Airplanes	A. C. Downey, captain, S. C.	
50366	F. A. Jones Construction Co.	Dallas, Tex.	Mar. 5, 1918	[2]	111,703.00	Oil-retaining plant, Waco, Tex.	C. G. Edgar, colonel, S. C.	
1933	H. W. Johns-Manville Co.	New York City.	Oct. 17, 1917	280,000.00	195,624.00	Tachometers	A. C. Downey, captain, S. C.	Terminating contract since June 1, 1919; increased $16.62.
50354	G. J. Grant Construction Co.	St. Paul, Minn.	Feb. 10, 1918	[2]	63,472.00	Improvements at Willys-Overland plant.	C. G. Edgar, colonel, S. C.	
3312	Dr. Horace Carlin Hall	Laredo, Tex.	Apr. 8, 1918	347,600.00		Castor beans	O. R. Ewing, first lieutenant, A. S., S. R. C.	Canceled.
3020	Fort Pitt Bridge Works.	Pittsburgh, Pa.	May 23, 1918	310,500.00	304,678.00	Structural steel	F. D. Schnacke, first lieutenant, A. S., A. P.	
50233	Seldon Brick Construction Co.	St. Louis, Mo.	Jan. 12, 1918	196,000.00		Construction at Fort Sill, Okla.	C. G. Edgar, colonel, S. C.	Do.
4051	M. E. Gillett & Son	Tampa, Fla.	May 15, 1918	686,000.00	426,022.00	Manufacturing products castor beans.	A. C. Downey, major, S. C.	Additional payments since June 1, 1919.
4051-1	Supplemental to 4051		Oct. 30, 1918			Covering special facilities.	O. R. Ewing, captain, A. S., A. P.	
4051-2	do		Jan. 27, 1919			Additional special facilities.	F. D. Schnacke, captain, A. S., A. P.	
4051-3	do		Apr. 24, 1919			To include price of cans	do	
3002	Gordon & Ferguson	St. Paul, Minn.	Feb. 25, 1918	191,520.00	*191,657.00	Aviation suits	O. R. Ewing, first lieutenant, S. R. C.	Increased $137.20; refunded $34.36.
3365	J. H. Sieber and E. H. Flemming.	Houston, Tex.	Mar. 13, 1918	[3] 87,500.00	9,517.00	Planting and growing castor beans.	do	Payments completed since June 1, 1919.
3726	F. O. Brauch	Little Rock, Ark	Apr. 10, 1918	[3] 175,000.00	16,444.00	do	do	Do.
1889	Velie Motors Corporation.	Moline, Ill.	Oct. 9, 1917	635,000.00	*635,000.00	Trucks	A. C. Downey, captain, S. C.	
2373	Hall Scott Motor Car Co.	San Francisco, Calif.	Jan, 24, 1918	181,401.60	194,030.00	Spare parts	A. C. Downey, major, S. C.	Increased $16,118.14.
2367	Pittsburgh Model Engine Co.	Pittsburgh, Pa.	Dec. 10, 1917	790,980.00	717,771.00	do	do	Decreased $64,504.15.
2693	Spencer Kellogg & Sons (Inc.).	Buffalo, N. Y.	Feb. 14, 1918	[3] 189,100.00	165,120.00	Castor oil	O. R. Ewing, first lieutenant, S. R. C.	
4346	Pierce-Arrow Motor Car Co.	do	Sept. 9, 1918	[2]	*1,389,908.00	Hispano-Suiza engines	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Additional payments since June 1, 1919.
2463	Curtis Aero & Motor Corporation.	do	Jan. 11, 1918	[2]	4,000,047.00	Airplanes	A. C. Downey, major, S. C.	Do.
2463-1	Supplemental to 2463		Mar. 30, 1918			Re substitution of contract 3443 to supersede contract 2463 as relates to spare parts.	do	
2463-2	do		May 1, 1918			Space for testing, etc.	do	
5357	Curtis Aero & Motor Corporation.	Buffalo, N. Y.	Nov. 1, 1918	33,500,000.00	992,922.00	Airplanes	F. D. Schnacke, captain, A. S., A. P.	Decreased $28,288,000.
3771	Knabenshue Manufacturing Co.	New York City, N. Y.	May 31, 1918	[2]	*191,205.00	Balloons	A. C. Downey, major, S. C.	
3771-1	Supplemental to 3771		Sept. 11, 1918			Amendment of cost, etc.	O. R. Ewing, captain, A. S., A. P.	
2057	John A. Roebling's Sons Co.	Trenton, N. J.	Nov. 2, 1917	280,000.00	*281,665.00	Wire	A. C. Downey, major.	Increased $1,665.47.
3690	Velie Motor Corporation.	Moline, Ill.	Apr. 23, 1918	1,221,168.00	*1,221,168.00	Truck chassis	O. R. Ewing, first lieutenant, S. R. C.	
3492	Lyon Metallic Manufacturing Co.	Aurora, Ill.	Apr. 5, 1918	107,705.00	*107,705.00	Steel cabinets	do	
4008	Western Electric Co.	New York City, N. Y.	June 8, 1918	389,400.00	*276,686.00	Wire	F. D. Schnacke, first lieutenent, S. R. C.	Decreased $112,713.22.
4667	Berger Manufacturing Co.	Canton, Ohio.	Sept. 16, 1918	170,343.00	*260,407.00	Material for hangars	O. R. Ewing, captain, A. S., A. P.	Increased $90,064.82.
4766	Hayes Ionia Co.	Grand Rapids, Mich.	Sept. 24, 1918	1,308,498.00	*470,228.00	Parts of DH-4 planes	F. D. Schnacke, captain, A. S., A. P.	
4766-1	Supplemental to 4766		Nov. 1, 1918			Change in manner of payment.	do	
4766-A	do		May 6, 1919	136,886.06	*136,886.00	Settlement	S. M. Wiley, captain, A. S., A. P.	
50221	Stone & Webster	Boston, Mass.	Jan. 16, 1918	[2]	1,457,150.00	Construction hospital, Kelly Field.	C. G. Edgar, colonel.	Additional payments since June 1, 1919.

[1] Estimated. [2] Cost plus. [3] Original contract is in files, Purchase, Storage and Traffic Division.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
50221-1	Supplemental to 50221	.....	Feb. 15, 1918	.....	.....	Additional work, change in specification.	C. G. Edgar, colonel, S. C.	
50198	J. G. White Engineering Corporation.	New York City, N. Y.	Dec. 3, 1917	(1)	$1,452,702.00	Construction, Dorr Field.	.....do.....	
50246	Wm. E. Hampton Co.	Los Angeles, Calif.	Jan. 23, 1918	$100,000.00	.....	Construction, Rockwell Field.	.....do.....	Canceled.
2737	A. C. Clark Co.	Chicago, Ill.	Feb. 2, 1918	[2] 680,000.00	696,961.00	Oxygen apparatus.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $24,000.
2737-1	Supplemental to 2737	.....	June 3, 1918	.....	.....	Restorage	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
2737-2	.....do.....	.....	Aug. 20, 1918	.....	.....	Change in price, increasing first 2,500 and setting price of $120 each for second 2,500.	F. D. Schnacke, captain, A. S., A. P.	
50220	E. A. Wickhan	St. Louis, Mo.	Dec. 19, 1917	(1)	153,673.00	Construction at Balloon School, Fort Omaha, Nebr.	O. R. Ewing, first lieutenant, A. S., S. R. C.	
50220-1	Supplemental to 50220	.....	Jan. 9, 1918	.....	.....	Change in specifications.	C. G. Edgar, colonel, S. C.	
2530	Denby Motor Truck Co.	Detroit, Mich.	Jan. 17, 1918	1,029,820.00	*1,165,581.00	Trucks	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $135,761.77.
2530-1	Supplemental to 2530	.....	Feb. 2, 1918	.....	.....	Readvance payment	A. C. Downey, major, S. C.	
2530-2	.....do.....	.....	Mar. 12, 1918	.....	.....	.....do.....	.....do.....	
2530-3	.....do.....	.....	Apr. 4, 1919	.....	.....	Change in specifications.	S. M. Wiley, captain, A. S., A. P.	
2804	Columbia Motors Co.	Detroit, Mich.	Feb. 8, 1918	210,125.00	*213,625.00	Trailers	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $3,500.
2803	Rogers Bros. Co.	Albion, Pa.	Feb. 7, 1918	210,125.00	*213,625.00	.....do.....	.....do.....	Do.
2803-1	Supplemental to 2803	.....	May 23, 1918	.....	.....	Readvance payment	.....do.....	
2566	Paige Detroit Motor Car Co.	Detroit, Mich.	Jan. 16, 1918	1,133,270.00	1,134,948.00	Trucks	.....do.....	Increased $132,270.42.
2566-1	Supplemental to 2566	.....	Apr. 23, 1919	.....	.....	Reimbursement for change in specifications.	S. M. Wiley, captain, A. S., A. P.	
2777	Miami Trailer Co.	Troy, Ohio.	Feb. 7, 1918	210,125.00	*214,052.00	Trailers	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $3,927.25.
2802	Ohio Trailer Co.	Cleveland, Ohio.	Feb. 7, 1918	419,420.00	426,420.00	.....do.....	.....do.....	Increased $7,000.
2568	United Motors Co.	Grand Rapids, Mich.	Jan. 15, 1918	572,680.00	*589,790.00	Trucks	.....do.....	Increased $17,414.60, final payment since June 1, 1919.
3641	Excelsior Motor Manufacturing & Supply Co.	Chicago, Ill.	June 13, 1918	196,200.00	.....	Metal parts	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Canceled; see contract 3641-A.
3641-A	Supplemental to 3641	.....	.....do.....	278,434.17	257,055.00	.....do.....	.....do.....	Decreased $9,285.40.
3641-B	.....do.....	.....	Apr. 12, 1919	7,543.81	*7,543.00	Settlement	F. D. Schnacke, captain, A. S., A. P.	
4335	International Radio Telegraph Co.	Brooklyn, N. Y.	July 20, 1918	171,800.00	86,038.00	Radio equipment	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $1,840.
4579	Marlin Rockwell Corporation.	New York, N. Y.	Aug. 29, 1918	157,500.00	31,875.00	Radiators and attachments.	F. D. Schnacke, captain A. S., A. P.	Decreased $71,000.
4765	Lewis Spring & Axle Co.	Chelsea, Mich.	Sept. 24, 1918	855,186.25	38,387.00	Plane spares	.....do.....	Increased $5,578.85.
4765-1	Supplemental to 4765	.....	Feb. 18, 1919	80,365.71	*80,365.00	Partial payment	.....do.....	
4765-A	.....do.....	.....	May 6, 1919	43,992.50	*43,992.00	Settlement	.....do.....	
3562	U. S. Rubber Co.	New York City.	Apr. 3, 1918	(1)	178,800.00	Balloons	A. C. Downey, major, S. C.	
3562-A	Supplemental to 3562	.....	May 27, 1919	.....	.....	Order terminated, releasing Government from all further claims after outstanding approved bills have been paid.	S. M. Wiley, captain A. S., A. P.	Payments since June 1, 1919.
2547	West Virginia Pulp & Paper Co.	New York City.	Jan. 18, 1918	[2] 2,808,000.00	.....	Acetone and alcohol	A. C. Downey, major, S. C.	Canceled.
2547-A	Supplemental to 2547	.....	.....do.....	4,325,703.86	*4,325,703.00	Erection of acetone and methyl plant.	.....do.....	
2547-B	Supplemental to 2547-A	.....	Nov. 26, 1918	.....	.....	Cancellation contract	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
9303	Jas. L. Stewart	Pittsburgh, Pa.	Aug. 1, 1917	(1)	614,223.00	Construction A. G. S. D., Harrisburg, Pa.	C. T. Waring, captain, S. C., U. S. R.	
1445	The Sechler & Co.	Cincinnati, Ohio	June 20, 1917	138,000.00	*138,000.00	Trailmobile airplane carriers.	Chas. S. Wallace, lieutenant colonel, Signal Corps.	
1444	Curtiss Exhibition Co.	Buffalo, N. Y.	Nov. 10, 1917	100,523.00	*100,523.00	Instruction, airplane students.	.....do.....	
1292	Harrisburg Pipe & Pipe Bending Co.	Harrisburg, Pa.	Apr. 30, 1917	114,750.00	*114,750.00	Hydrogen cylinders	C. S. Wallace, major, Signal Corps.	
1325	Stromberg-Carlson, Telephone Manufacturing Co.	Rochester, N. Y.	June 16, 1917	160,200.00	*159,873.00	Service buzzers	.....do.....	Decreased by adjustment voucher, $326.91.
1325	Supplemental contract to contract No. 1325.	.....	Aug. 14, 1917	.....	.....	.....	A. C. Downey, captain, Signal Corps.	20 per cent increase for expediting delivery.
1352	American Steel & Wire Co.	New York City.	May 22, 1917	210,000.00	*210,583.00	Field wire	C. S. Wallace, major, Signal Corps.	Increased by adjustment voucher, $583.11.
1353	Western Electric Co. (Inc.).	.....do.....	.....do.....	140,000.00	*139,052.00	.....do.....	.....do.....	Decreased by adjustment voucher, $947.04.
1526	J. G. Brill Co.	Philadelphia, Pa.	Aug. 6, 1917	232,800.00	*232,800.00	Wire carts and parts	A. C. Downey, captain, Signal Corps, United States Reserves.	
1395	B. F. Sturtevant Co.	Boston, Mass.	May 29, 1917	100,960.00	*100,960.00	Engines	C. S. Wallace, major, Signal Corps.	

[1] Cost plus.

[2] Estimated.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
1546	California Aviation Co..	Los Angeles, Calif.	Aug. 15, 1917	$243,034.75	*$241,008.00	Airplane spares.....	A. C. Downey, captain, Signal Corps.	Decreased $2,025.96 by adjustment voucher.
1546-1	Supplemental contract to contract No. 1546.	.....	Apr. 11, 1918	.....	.....	.....	A. C. Downey, major, Signal Corps.	Advance payments.
1495	Dayton-Wright Airplane Co.	Dayton, Ohio...	Aug. 1, 1917	2,600,000.00	.....	Airplanes.....	A. G. Gutensohn, captain, Signal Corps.	Canceled, material not required.
1494	Wright-Martin Aircraft Corporation.	New Brunswick, N. J.	Aug. 9, 1917	325,000.00	*325,000.00	.....do.....	A. C. Downey, captain, S. C., U. S. T.	
1497	Fisher Body Corporation.	Detroit, Mich...	Aug. 1, 1917	2,600,000.00	.....	.....do.....	A. G. Gutensohn, captain, Signal Corps.	Do.
1498	Standard Aero Corporation, New York.	Plainfield, N. J.	.....do.....	1,612,500.00	*287,347.00	.....do.....	.....do.....	Balance, $1,325,152.50 canceled; material not required.
1509	.....do.....	.....do.....	July 26, 1917	203,541.50	*203,528.00	Planes and equipment.	.....do.....	Decreased by adjustment voucher, $13.35.
1510	The Burgess Co.....	Marblehead, Mass.	Oct. 30, 1917	159,509.50	*159,509.00	Airplanes and motors.	A. C. Downey, major, Signal Corps.	
1512	Hall Scott Motor Car Co.	New York City.	July 30, 1917	1,774,500.00	*1,776,752.00	Engines.....	A. G. Gutensohn, captain, Signal Corps.	Increased by adjustment voucher, $2,252.26.
1512-1	Supplemental contract to contract No. 1512.	.....do.....	Dec. 10, 1918	.....	.....	.....	O. R. Ewing, captain.	To provide for 10 per cent increase in wages.
1457	The White Co.....	Washington, D.C	June 22, 1917	*211,400.00	*211,400.00	Trucks for radio tractors.	C. S. Wallace, lieutenant colonel, Signal Corps.	
1494	Wright-Martin Co.....	New York City..	Aug. 9, 1917	325,000.00	.....	Airplanes.....	A. C. Downey, captain, S. C., U. S. T.	Canceled, material not required.
1490	Western Electric Co....	.....do.....	July 23, 1917	175,000.00	*175,366.00	Field wire.....	A. G. Gutensohn, captain, Signal Corps.	Increased by adjustment voucher, $360.85.
1491	American Steel & Wire Co.	Washington, D.C	July 19, 1917	126,783.60	*127,377.00	Buzzer and field wire .	.....do.....	Increased by adjustment voucher, $593.59.
1486	L. W. F. Engineering Co	College Point, Long Island, N. Y.	July 17, 1917	453,600.00	*453,600.00	Reconnaissance airplanes.	.....do.....	
1506	Curtiss Aeroplane Co...	Buffalo, N. Y...	July 20, 1917	1,908,000.00	*20,000.00	Airplanes and engines.	.....do.....	Decreased $1,888.00 by adjustment voucher.
1478	General Vehicle Co.....	Long Island City, N. Y.	July 16, 1917	273,000.00	*40,950.00	Engines.....	.....do.....	Decreased by adjustment voucher, $232,050.
1516	Nordyke & Marmon Co.	Indianapolis, Ind.	July 31, 1917	2,366,000.00	*2,366,000.00	.....do	.....do.....	
1516-1	Supplemental contract to contract No. 1516.	.....	Dec. 18, 1917	.....	.....	.....	A. C. Downey, major.	Advance payment of $500,000.
1516-2	.....do.....	.....	Jan. 15, 1918	.....	.....	.....	.....do.....	Storing and installing magnetos on engines manufactured.
1710	Curtiss Aero & Motor Corporation.	Buffalo, N. Y...	Sept. 19, 1917	6,650,000.00	5,497,163.00	Airplanes.....	A. C. Downey, captain, Signal Corps.	Decreased $52,860.60.
1710-1	Supplemental contract to contract No. 1710.	.....	Oct. 24, 1917	.....	.....	.....	.....do.....	Providing advance payments.
1777	Thomas-Morse Aircraft Corporation.	Ithaca, N. Y....	Sept. 25, 1917	260,000.00	.....	Airplanes.....	A. C. Downey, Signal Corps.	Canceled, material not required.
1545	Western Electric Co....	New York, N. Y.	Aug. 15, 1917	128,640.00	*122,195.00	Wire.....	A. C. Downey, Signal Corps, United States Reserves.	Decreased $6,444.22.
1550	Fowler Airplane Co.....	San Francisco, Calif.	Aug. 14, 1917	325,000.00	.....	Airplanes.....	.....do.....	Canceled, material not required.
1558	Western Electric Co....	New York, N.Y.	Aug. 18, 1917	128,000.00	* 128,000.00	Switchboards.....	.....do.....	
1560	Thomas-Morse Aircraft Corporation.	Ithaca, N.Y.....	Aug. 20, 1917	168,790.08	* 168,790.00	Motors.....	.....do.....	
9519	Stone & Webster	Boston, Mass....	July 16, 1917	(1)	* 2,786,057.00	Construction camp, San Antonio, Tex.	C. G. Edgar, captain, Signal Corps.	
1572	Bausch & Lomb.....	Rochester, N.Y .	Aug. 18, 1917	665,000.00	.....	Field glasses.....	L. M. Evans, captain, Signal Corps, United States Reserves.	Do.
1581	Western Electric Co....	New York, N.Y.	Aug. 28, 1917	133,658.75	*133,658.00	Cable.....	A. C. Downey, captain, Signal Corps, United States Reserves.	
1585	Stromberg-Carlson Telephone Manufacturing Co.	Rochester, N.Y.	Aug. 27, 1917	213,750.00	* 213,750.00	Buzzers.....	A. C. Downey, captain, Signal Corps, United States Reserves.	
1587	Strauss & Buegeleisch..	New York, N.Y.	Aug. 28, 1917	165,000.00	*36,812.00	Goggles.....	.....do.....	Decreased $128,107.50; balance of material not received.
1587-1	Supplemental contract to contract No. 1587.	.....	Oct. 15, 1918	.....	.....	.....	F. G. Schnacke, captain, A. S., A. P.	Settlement contract.
1601	Western Electric Co....	New York, N. Y.	Aug. 27, 1918	129,282.74	* 129,282.00	Telephone sets.....	A. C. Downey, captain, Signal Corps, United States Reserves.	
1618	Hiseg Wolf Machine Co.	Cincinnati, Ohio	Nov. 30, 1917	207,250.00	* 199,250.00	Drills and grinders....	A. C. Downey, major, Signal Corps.	Decreased, $8,000.
1620	Carnie-Goudie Manufacturing Co.	Kansas City, Mo	Aug. 29, 1917	112,151.00	* 112,151.00	Hangars.....	A. C. Downey, captain, Signal Corps, United States Reserves.	
10186	Boomer Crain & Howe and Jause Bros.	Lake Charles, La	Sept. 1, 1917	1,700,000.00	.....	Construction at Lake Charles, La.	C. G. Edgar, captain, Signal Corps.	Superseded by No. 50000.
1752	H. D. Lee Mercantile Co.	Trenton, N. J....	Sept. 25, 1917	135,000.00	* 135,000.00	Overalls.....	A. C. Downey, captain, Signal Corps, United States Reserves.	
1666	Thomas-Morse Aircraft Corporation.	Ithaca, N. Y.....	Sept. 11, 1917	285,000.00	.....	Airplanes.....	A. C. Downey, captain, Signal Corps.	Canceled, material not received.
1699	L. W. F. Engineering Co.	College Point, Long Island.	Sept. 14, 1917	226,800.00	* 226,800.00	.....do.....	.....do.....	

[1] Cost plus.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
1800	Liberty Iron Works...	Sacramento, Calif	Sept. 27, 1917	$1,425,000.00	.....	Airplanes.....	A. C. Downey, captain, Signal Corps.	Canceled, superseded by 1800-A.
1800-A	.....do.....	.....do.....	Mar. 6, 1918	475,000.00	*$475,000.00	.....do.....	A. C. Downey, major, Signal Corps.	
1812	Curtiss Aero & Motor Corporation.	Buffalo, N. Y....	Sept. 19, 1917	(1)	*250,000.00	.....do.....	A. C. Downey, captain, Signal Corps.	
1880	West Coast Lumbermans' Association.	Seattle, Wash...	Oct. 9, 1917	165,000.00	.....	Fir.....	.....do.....	Canceled, material not received.
1913	Harrisburg Pipe & Pipe Bending Co.	Harrisburg, Pa..	Oct. 15, 1917	459,000.00	*459,000.00	Hydrogen cylinders...	.....do.....	
1916	Wm. Whitman Co.....	New York City..	Oct. 11, 1917	115,000.00	*114,982.00	Airplane cotton fabric.	.....do.....	Decreased $17.22.
3444	Goodyear Tire & Rubber Co.	Akron, Ohio....	Oct. 12, 1917	372,500.00	*372,500.00	Balloons.....	.....do.....	
1938	Curtiss Airplane Corporation.	Buffalo, N. Y...	Feb. 1, 1918	114,000.00	*45,804.00	Airplane parts.....	O. R. Ewing, first lieutenant A. S., S. R. C.	Decreased $68,195.80.
1941	United States Aircraft Corporation.	Redwood City, Calif.	Oct. 13, 1917	475,000.00	.....	Airplanes.....	A. C. Downey, captain, Signal Corps.	Canceled, material not required.
1959	Grays Harbor Lumber Co.	Hoquiam, Wash.	Oct. 31, 1917	[2] 126,000.00	.....	Spruce.....	A. C. Downey, major, Signal Corps.	Canceled, taken over by Spruce Products Corporation.
1960	Columbia Bow & Lumber Co.	South Bend, Wash.	.....do.....	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1961	Bandon Mills Co.....	Bandon, Oreg...	.....do.....	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1962	Bloedel Donovan Lumber Co.	Seattle, Wash...	.....do.....	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1963	Grays Harbor Com. Co..	Cosmopolis, Wash.	.....do.....	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1964	Brew Manufacturing Co.	Puyallup, Wash.	.....do.....	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1965	Bay City Lumber Co...	Aberdeen, Wash	.....do.....	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1967	Silver Spruce Co	Bay City, Oreg..	Oct. 25, 1917	252,000.00	.....	.....do.....	.....do.....	Do.
1968	Nehalem Sawmill & Box Co.	Nehalem, Oreg..	Oct. 31, 1917	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1969	Anderson & Middleton.	Aberdeen, Wash.	.....do.....	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1970	Northwestern Lumber Co.	Hoquiam, Wash.	Nov. 1, 1917	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1971	Copalis Lumber Co.....	Carlisle, Wash	Oct. 31, 1917	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1972	Wheeler Lumber Co....	Wheeler, Oreg	Oct. 24, 1917	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1974	Eureka Cedar Lumber & Shingle Co.	Hoquiam, Wash	Nov. 1, 1917	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1975	A. G. Beale Lumber Co	Tillamook, Oreg.	.....do.....	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1976	Moore Mill & Lumber Co.	Bandon, Oreg ..	Oct. 31, 1917	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1977	A. F. Coates Lumber Co.	Tillamook, Oreg.	.....do.....	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1978	E. K. Bishop Lumber Co.	Montesano, Wash.	.....do.....	[2] 126,000.00	.....	.....do.....	.....do.....	Do.
1979	Aberdeen Lumber & Shingle Co.	Aberdeen, Wash.	Oct. 23, 1917	210,000.00	.....	.....do.....	A. C. Downey, captain, Signal Corps.	Do.
1981	Prouty Lumber & Box	Seaside, Oreg	.....do.....	168,000.00	.....	.....do.....	.....do.....	Do.
1982	Sitka Spruce Co.....	Coquilla, Oreg..	.....do.....	252,000.00	.....	.....do.....	.....do.....	Do.
2016	Engel Aircraft Co.....	Niles, Ohio.....	Oct. 28, 1917	585,077.50	*585,964.00	Spares.....	A. C. Downey, major, Signal Corps.	Increased $887.
2016-1	Supplemental to cont. 2016.	.....	Feb. 26, 1918	.....	.....	Advanced payments..	.....do.....	
2724	Eastman Kodax Co.....	Rochester, N. Y.	Mar. 16, 1918	[2] 333,000.00	*332,621.00	Unit sight.....	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
2729	L. W. F. Engineering Corporation.	College Point, L. I.	Jan. 28, 1918	[2] 309,000.00	*309,000.00	Airplanes.....	O. H. Ewing, first lieutenant, A. S., S. R. C.	
2858	Electric Metallurgical Sales Corporation.	New York City .	Feb. 14, 1918	120,750.00	*127,806.00	Ferrosilicon.....	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $7,056.
9295	Clough-Bourne Corporation.	.....do.....	July 18, 1917	(1)	2,230,407.00	Construction material.	A. C. Downey, major Signal Corps.	
2915	Aero Instruction Corps..	.....do.....	Feb. 15, 1918	325,000.00	.....	Aneroid barometers...	F. D. Schnacke, first lieutenent A. S., S. R. C.	Canceled, material not required.
2951	Inter Register Co.....	Chicago, Ill.....	Feb. 16, 1918	112,000.00	*111,760.00	Wind-vane sights.....	.....do.....	Decreased $240.
1939	Curtiss Aeroplane Co...	Buffalo, N. Y...	Oct. 17, 1917	824,545.00	*21,000.00	Spares.....	A. C. Downey, captain, Signal Corps.	Decreased $803,545.
2428	A. C. Clark Co.....	Chicago, Ill.....	Dec. 29, 1919	305,000.00	.....	Oxygen apparatus....	A. C. Downey, major, Signal Corps.	Canceled, material not required.
2448	Sturtevant Airplane Co.	Jamaica Plain, Mass.	Feb. 13, 1918	263,917.50	*263,917.00	Spares.....	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
2440	.....do.....	.....do.....	Jan. 24, 1918	150,975.00	*165,975.00	.....do.....	A. C. Downey, major, Signal Corps.	Increased $15,000.
2473	Engel Aircraft Co.....	Niles, Ohio.....	Jan. 17, 1918	173,565.00	*173,478.00	.....do.....	.....do.....	Decreased $87.
2485	Rubay Co.....	Cleveland, Ohio.	Dec. 29, 1917	173,728.00	*173,641.00	.....do.....	.....do.....	Decreased $86.99.
2471	.....do.....	.....do.....	Jan. 23, 1918	164,128.00	*164,472.00	.....do.....	.....do.....	Increased $344.50.
2472	Engel Aircraft Co.....	Niles, Ohio.....	Feb. 14, 1918	163,965.00	*164,270.00	.....do.....	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $305.50.
1843	Flottorp Manufacturing Co.	Grand Rapids, Mich.	Oct. 6, 1917	336,000.00	*229,068	Propellers.....	A. C. Downey, captain, Signal Corps.	Decreased $106,932; balance of material not required.
3477	J. G. White Engineering Corporation.	New York City..	Mar. 25, 1918	(1)	183,093.00	Construction supplies..	A. C. Downey, major, Signal Corps.	Payments made since June 1, 1919.
1901	Lewis Thompson Co. (Inc.).	Philadelphia, Pa.	Dec. 11, 1917	[2] 200,000.00	83,438.00	Lumber.....	A. C. Downey, captain, Signal Corps, United States Reserves.	Estimate increased $60,000.
1901-1	Supplemental contract to Contract No. 1901.	.....	.....do.....	.....	.....	.....	A. C. Downey, major, Signal Corps.	Providing advanced payments.
1901-2	.....do.....	.....	Oct. 11, 1918	.....	.....	.....	F. D. Schnacke, captain, A. S., A. P.	Providing payment for storing lumber.
50312	Frank Hill Smith.....	Dayton, Ohio...	Mar. 4, 1918	(1)	248,295.00	Construction.....	C. G. Edgar, colonel..	
3414	Louis F. Shoemaker....	Washington, D.C.	Apr. 4, 1918	[2] 386,597.00	*405,567.00	Structural steel.....	O. R. Ewing, first lieutenant, A.S., S.C.	Estimate increased $18,970.37.
3421	McClintic Marshall Co..	.....do.....	Apr. 2, 1918	[2] 447,120.00	*469,652.00	.....do.....	.....do.....	Estimate increased $22,532.05.
3423	Blaw-Knox Co.....	Pittsburgh, Pa..	.....do.....	[2] 437,400.00	*458,857.00	.....do.....	.....do.....	Estimate increased $21,457.50.
3462	Carnie-Goudie Manufacturing Co.	Kansas City, Mo.	.....do.....	143,325.00	*155,420.00	Curtains for hangars...	.....do.....	Increased $12,095.

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[2] Estimated.

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3460	Trussed Concrete Steel Co.	Youngstown, Ohio.	Apr. 5, 1918	[1] $994,770.00	*$1,035,460.00	Corrugated steel sheets	O. R. Ewing, first lieutenant, A. S., S. C.	Estimate increased $40,690.91.
3896	E. H. Sheldon & Co.	Muskegon, Mich.	May 20, 1918	123,140.00	*122,616.00	Benches and steps	F. D. Schnacke, first lieutenant, S. R. C.	Decreased $524.
3621	W. H. Mullins & Co.	Salem, Ohio	Apr. 16, 1918	120,240.33	*120,240.00	Dies	O. R. Ewing, first lieutenant, S. R. C.	
3433	Berger Manufacturing Co.	Canton, Ohio	Apr. 2, 1918	909,748.80	*988,071.00	Corrugated steel sheets	do	Increased $78,323.18.
2585	Davis-Bournouville Co.	Washington, D. C.	Jan. 17, 1918	107,665.00	*107,665.00	Welding sets	do	
2339	Winton Engine Works	do	Dec. 12, 1917	163,600.00	*163,600.00	Gasoline electric generating sets.	A. C. Downey, major, Signal Corps.	
4171	Ohio Corrugating Co.	Warren, Ohio	June 28, 1918	348,000.00	*178,300.00	Steel drums	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $169,699.55.
3424	Belmont Iron Works	Philadelphia, Pa.	May 6, 1918	391,532.00	*410,966.00	Structural steel	O. R. Ewing, first lieutenant, A. S., S. C.	Increased $19,434.91.
2344	Talge Mahogany Co.	Indianapolis, Ind.	Dec. 13, 1917	111,748.00	85,158.00	Veneered panels	A. C. Downey, major, Signal Corps.	See supplement below.
2267	Geo. H. McFadden & Bros.	Philadelphia, Pa	Nov. 23, 1917	6,600,000.00	4,535,634.00	Cotton	do	Decreased $1,999,365.
3459	Fort Pitt Bridge Works.	Pittsburgh, Pa.	Apr. 2, 1918	2,506,140.00	2,489,780.00	Structural steel	O. R. Ewing, first lieutenant, A. S., S. R. C.	
4314	Disco Electric Mfg. Co.	Detroit, Mich	July 26, 1918	292,050.00	*292,050.00	Generators	do	
5076	American Bleached Goods Co.	Taftville, Conn.	Oct. 26, 1918	162,500.00		Fabric	F. D. Schnacke, captain, A. S., A. P.	Canceled, material not required.
5067	Pratt & Lambert (Inc.).	Buffalo, N. Y	Oct. 23, 1918	206,400.00	*209,367.00	Cellulose acetate	do	Increased $2,967.
4439	Livingston Radiator & Mfg. Co.	New York City.	Aug. 16, 1918	108,200.00	*108,513.00	Radiators	do	Increased $313.65.
3004	Standard Aircraft Corporation.	Elizabeth, N. J.	Mar. 15, 1918	[2]		Spare parts	A. C. Downey, major.	
2344-1	Supplemental to Contract 2344 above.		Oct. 28, 1918			Storing material	F. D. Schnacke, captain, A. S., A. P.	
2673	Curtiss Aero & Motor Corporation.	Buffalo, N. Y	Jan. 16, 1918	100,000.00		Purchase of plant	A. C. Downey, major.	Payments made since June 1, 1919, $92,252.
2673-1	Supplemental to Contract 2673.		Feb. 12, 1919			Amending contract regulations.	F. D. Schnacke, captain, A. S., A. P.	
2673-A	do		June 18, 1919			Providing methods of payment.	S. M. Wiley, captain, A. S., A. P.	
2573	W. H. Mullins Co.	Salem, Ohio	Jan. 19, 1918	415,742.01	2,236.00	Metal parts	A. C. Downey, major.	Decreased $412,492.88.
2286	Western Electric Co.	New York City.	July 12, 1918	281,448.89	*281,448.00	Supplies, telephone	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
3488	Livingstone Radiator Mfg. Co.	do	Apr. 4, 1918	309,150.00	*309,532.00	Radiators	do	Increased $382.95.
3255	Western Electric Co.	do	Apr. 13, 1918	168,750.00	*195,000.00	Hand telephones	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $26,250.
3026	do	do	Mar. 5, 1918	102,326.00	*102,326.00	Buzzer telephones and equipment.	do	
2847	do	do	Feb. 13, 1918	387,000.00	*387,000.00	Outpost wire	do	
2590	do	do	June 4, 1918	170,460.87	*130,729.00	Telephone equipment.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $39,731.26.
3253	do	do	Apr. 13, 1918	112,500.00	*130,000.00	Hand telephones	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $17,500.
3199	Western Electric Co.	New York City.	Mar. 15, 1918	120,110.90	*114,378.00	Telephone switchboards and telephones.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $5,732.10.
3029	Kellog Switchboard & Sup. Co.	Chicago, Ill	Mar. 5, 1918	131,200.00	*131,960.00	Buzzer telephones	do	Increased $760.
4545	Walden Worcester (Inc.).	Worcester, Mass.	Aug. 23, 1918	177,347.20	97,754.00	Clevis parts	F. D. Schnacke, captain, A. S., A. P.	Decreased $48,261.55.
3822	General Electric Co.	Washington, D. C.	May 8, 1919	142,150.00	3,954.00	Gun yokes and trigger controls.	do	Closing contracts being negotiated.
3870	American Propeller Co.	Baltimore, Md.	May 16, 1918	300,000.00	13,251.00	Propellers	do	Increased $7,751.
4570	Liberty Iron Works	Sacramento, Calif.	Sept. 29, 1918	400,000.00	*400,350.00	Airplanes	do	Increased $350.
4488	Standard Aeroplane Corporation of New Jersey.	Elizabeth, N. J.	Aug. 20, 1918	104,250.00	*104,250.00	Planes	do	
4619	Willys-Overland Co.	Toledo, Ohio	Sept. 9, 1918	2,625,000.00	*2,625,000.00	1,500 Curtiss O-5 engines.	O. R. Ewing, captain, A. S., A. P.	
4407	The Russ Co.	Cleveland, Ohio.	Aug. 2, 1918	156,750.00	*156,750.00	Carrying chests, 9,500	F. D. Schnacke, captain, A. S., A. P.	
3583	Wilson Foundry & Machine Co.	Pontiac, Mich	Apr. 11, 1918	210,000.00	*210,000.00	Cylinders	do	
3517	Winton Co.	Cleveland, Ohio.	Apr. 8, 1918	120,750.00	*120,750.00	Motor generator sets and charging panels.	O. R. Ewing, first lieutenant, A. S., S. C.	
3518	do	do	do	120,750.00	*120,750.00	do	do	
3750	Western Electric Co.	New York City.	Apr. 29, 1918	1,625,000.00	787,500.00	Radio telegraph receiving sets.	do	Decreased $837,500.
3782	Geo. R. Carter Co.	Connersville, Ind.	May 2, 1918	108,723.99	*108,724.00	Bolts and cases	do	Increased $0.08.
3994	Eastman Kodak Co.	Rochester, N. Y.	June 15, 1918	240,000.00	*234,654.00	Cameras	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $5,346.
2237	Wm. Whitney Co.	New York City.	Nov. 20, 1917	240,000.00	235,343.00	Airplane fabric	A. C. Downey, major, Signal Corps.	Decreased $4,656.30.
2239	Ponemah Mills	do	Nov. 19, 1917	120,000.00	*118,945.00	do	do	Decreased $1,054.09.
2406	Taylor Instrument Co.	Rochester, N. Y.	Dec. 19, 1917	187,500.00	*162,500.00	Aneroids	do	Decreased $25,000.
2040	Lewis Thompson & Co.	Philadelphia, Pa.	Nov. 23, 1917	94,000.00	*91,332.00	Mahogany	do	Decreased $2,667.76.
1289	Curtiss Aeroplane Co.	Buffalo, N. Y.	Apr. 30, 1917	197,055.00	*187,559.00	Engine and spare parts.	Chas. S. Wallace, major, Signal Corps.	Decreased $9,495.77.
2372	Wolverine Brass Works.	Grand Rapids, Mich.	Dec. 12, 1917	450,000.00	*450,000.00	Mounts	A. C. Downey, major, Signal Corps.	
2401	St. Louis Aircraft Corporation.	St. Louis, Mo.	Dec. 15, 1917	2,137,500.00	*2,137,500.00	Airplanes	do	
4085	Western Electric Co.	New York City.	June 17, 1918	120,000.00	*119,880.00	Radio telegraph receiving sets.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $120.
4134	do	do	May 22, 1918	330,000.00	*330,000.00	Field telephones	do	
4683	Kunhardt & Co.	Battery Place, N. Y.	Sept. 16, 1918	[1] 262,500.00		Castor beans 50M to 75M.	O. R. Ewing, A. S., A. P.	Canceled, material not received.
5313	General Electric Co.	Washington, D. C.	Nov. 12, 1918	206,330.00		Lewis gun yokes, etc	F. D. Schnacke, captain, A. S., A. P.	Do.

[1] Estimated.

[2] Cost plus.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
3780	Delta Electric Co	Marion, Ind.	May 2, 1918	$175,055.00	*$201,453.00	Projectors	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $26,398.54.
3585	Hall-Scott Motor Car Co.	San Francisco, Calif.	Apr. 12, 1918	102,970.00	*51,517.00	Assemblies, etc	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $51,452.10.
3784	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	July 7, 1918	62,110.00	46,300.00	Spare parts	do	
3087	Stromberg-Carlson Telephone Manufacturing Co.	Rochester, N. Y.	Mar. 5, 1918	41,212.50	*41,212.00	Switchboards, units, and frames.	O. R. Ewing, first lieutenant, R. C.	
2551	Thomas-Morse Aircraft Corporation.	Ithaca, N. Y.	Jan. 11, 1918	2,000,100.00	*1,792,165.00	Airplanes	A. C. Downey, major.	Decreased $207,935.
4501	Parsons Pulp & Lumber Co.	Philadelphia, Pa	July 29, 1918	480,000.00	75,000.00	Spruce	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
4501-1	Supplemental to 4501		Sept. 19, 1918				do	Extending date of contract.
4501-2	do		Aug. 24, 1918				do	Advance payment.
3025	Western Electric Co	New York City.	Mar. 6, 1918	116,944.00	*116,944.00	Electric equipment	O. R. Ewing, first lieutenant, A. S., S. R. C.	
2852	Edison Storage Battery Co.	Orange, N. J.	Apr. 13, 1918	206,160.00	90,352.00	Storage batteries	do	
2862	do	do	Apr. 16, 1918	214,080.00	48,668.00	do	do	
2857	do	do	Apr. 13, 1918	[1] 200,000.00	135,510.00	do	do	
1939	Curtiss Aeroplane Co	Buffalo, N. Y.	Oct. 17, 1917	824,545.00	*21,000.00	Spare parts	A. C. Downey, captain.	Decreased $803,545.
3320	International Radio Telegraph Co.	Brooklyn, N. Y.	May 21, 1918	140,000.00	106,708.00	Transmitters	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $9,475.
4331	Jas. Cunningham Son & Co.	Rochester, N. Y.	Aug. 2, 1918	169,500.00	153,000.00	Windlasses	do	Decreased $16,500.
4689	International Duplex Cost Co.	New York City.	Sept. 16, 1918	197,500.00	*197,307.00	Flying suits	O. R. Ewing, captain, A. S., A. P.	Decreased $192.25.
4709	H. D. Lee Merchantile Co.	South Bend, Ind.	Sept. 27, 1918	156,000.00	156,000.00	Mechanics' suits	F. D. Schnacke, captain, A. S., A. P.	
3753	Doehler Dil Casting Co.	Toledo, Ohio	June 4, 1918	213,500.00	72,355.00	Spares	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $6,283.
2594	Thomas Morse Airplane Corporation.	Ithaca, N. Y.	Apr. 1, 1918	(2)	*216,035.00	do	A. C. Downey, major, Signal Corps.	
2594-1	Supplemental to 2594		Nov. 1, 1918	216,035.40		Changing from cost-plus to fixed price.	F. D. Schnacke, captain, Signal Corps.	
2533	Improved Equipment Co.	New York City.	Jan. 4, 1918	[1] 150,000.00	99,782.00	Silicon hydrogen generators.	A. C. Downey, major, Signal Corps.	Increased $11.62.
2533-1	Supplemental to 2533	do				Including orders 9203 and 20226.	do	
1846	American Propeller & Manufacturing Co.	Baltimore, Md.	Oct. 6, 1918	175,300.00	74,304.00	Propellers	do	Decreased $5,689.
2179	Curtiss Aeroplane & Motor Corporation.	Buffalo, N. Y.	Nov. 15, 1917	831,435.00	640,539.00	Spares	do	Decreased $21,000. This order followed 20086, which was canceled. Payments since June 1, 1919, $4,950.
2709	United States Aircraft Corporation.	Redwood City, Calif.	Feb. 6, 1918	326,242.00	*326,170.00	Planes and spares	do	Decreased $71.93.
2554	Pierce Manufacturing Co.	New Bedford, Mass.	Jan. 14, 1918	172,500.00	*228,468.00	Airplane fabric	do	Increased $55,938.74.
2329	Precision Instruments Co.	Detroit, Mich.	Dec. 1, 1917	[3] 140,000.00	*103,862.00	Air speed indicators	do	Decreased $19,392.75.
2329-1	Supplemental to 2329		Apr. 24, 1918				do	Advance payment.
2329-A	do		Mar. 27, 1919		*16,745.00	Raw materials	S. M. Wiley, captain, A. S., A. P.	Termination contract.
2238	Pierce Manufacturing Co.	New Bedford, Mass.	Nov. 20, 1917	120,000.00	131,016.00	Airplane fabric	A. C. Downey, major, Signal Corps.	Completed since June 1, 1919.
1580	Western Electric Co	New York City.	Aug. 28, 1917	137,000.00	*140,250.00	Telephone switchboards.	A. C. Downey, captain, S. C., U. S. R.	Increased $3,253.
1811	Wright-Martin Aircraft Corporation.	New Brunswick, N. J.	Sept. 28, 1917	[3] 2,500,000.00	320,720.00	Spares	do	Decreased $1,675,000.
1514	Western Electric Co	New York City.	July 30, 1917	195,400.00	*195,400.00	Outpost wire	A. G. Gutensohn, captain, Signal Corps.	
1653	do	do	May 9, 1918	[1] 75,000.00	*68,860.00	Electrical equipment	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $6,149.43.
5152	New Granada Corporation of Delaware.	do	Oct. 23, 1918	[3] 2,254,000.00		Castor beans	O. R. Ewing, captain, A. S., A. P.	Canceled, material not required.
4684	Commercial Bank of Spanish America.	do	Sept. 17, 1818	[3] 330,000.00		do	do	Do.
4005	The Silvex Co	Bethlehem, Pa.	June 14, 1918	560,000.00	350,000.00	Spark plugs	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Do.
4108	Connecticut Aircraft Co.	New Haven, Conn.	June 17, 1918	170,000.00	*169,934.00	Balloons	do	Decreased $66.
4108-1	Supplemental to 4108		Aug. 5, 1918				do	Amending terms of payment.
3600	Hall-Scott Motor Car Co.	San Francisco, Calif.	Apr. 13, 1918	351,336.00	*368,159.00	Engines and spares	do	Increased $16,823.77.
3850	Lewis & Vought Corporation.	Long Island City, N. Y.	May 8, 1918	100,000.00	*100,000.00	Services	do	
4330	United Fruit Co	Boston, Mass.	July 23, 1918	131,434.78		Castor beans	do	Canceled, material not required.
5342	Waltham Clock Co	Waltham, Mass.	Nov. 5, 1918	423,000.00		Airplane clocks	F. D. Schnacke, captain, A. S., A. P.	Do.
5337	Van Sicklen Co	Elgin, Ill.	Nov. 12, 1918	372,500.00		Altimeters	do	Decreased $367,646.58.
5337-A	Supplemental to 5337		Apr. 26, 1919		*4,853.00		S. M. Wiley, captain, A. S., A. P.	Termination contract.
3395	Eastman Kodak Co	Rochester, N. Y.	Nov. 5, 1918	140,000.00	*75,683.00	Cameras	F. D. Schnacke, captain, A. S., A. P.	Decreased $64,316.77.
5360	Foxboro Co	Foxboro, Mass.	Nov. 13, 1918	350,000.00		Air speed indicators	do	Canceled, material not required.
5360-A	Supplemental to 5360		May 20, 1919				S. M. Wiley, captain, A. S., A. P.	Cancellation of contract.

[1] Estimated. [2] Cost plus. [3] Original contract in files P. S. and T.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
2884	J. A. Roeblings Sons Co.	Trenton, N. J...	Feb. 13, 1918	[1] $177,675.00	$162,183.00	Wire	O. R. Ewing, first lieutenant, A. S., S. R. C.	$15,415.47 paid since June 1, 1919.
2882	....do	....do	Feb. 12, 1918	[1] 139,050.00	*138,716.00	....do	....do	Decreased $333.54.
2846	Western Electric Co....	New York City.	....do	[1] 463,500.00	286,597.00	....do	....do	
2845	J. A. Roeblings Sons Co.	Trenton, N. J...	Feb. 13, 1918	[1] 208,575.00	139,448.00	....do	....do	$15,394.40 paid since June 1, 1919.
4130	Gundlach Manhattan Optical Co.	Rochester, N. Y.	June 22, 1918	[1] 585,000.00	.....	Field glasses	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
2841	American Steel & Wire Co.	New York City.	Feb. 12, 1918	[1] 309,000.00	.....	Wire	O. R. Ewing, first lieutenant, A. S., S. R. C.	Canceled; superseded by 2841-A.
2841-A	United States Steel Products Co.	....do	May 4, 1918	[1] 309,000.00	*315,895.00	....do	....do	Increased $6,895.77.
1637	Kelly-Springfield Motor Truck.	Detroit, Mich...	Sept. 4, 1917	[2] 3,797,500.00	*3,911,761.00	Chassis	A. C. Downey, captain, S. C., U. S. R.	Increased $114,261.
4038	Curtiss Aero & Motor Corporation.	Buffalo, N. Y...	Aug. 12, 1918	[1] 446,500.00	256,980.00	Airplanes	F. D. Schnacke, captain, A. S., A. P.	Decreased $105,368.
4033	....do	....do	Jan. 17, 1918	850,000.00	347,809.00	Spares	....do	Decreased $376,768.57.
4553	Bosch Magneto Co.....	New York City.	Aug. 23, 1918	112,500.00	.....	Magnetos and switches	....do	Canceled, material not required.
4832	Wilson Foundry & Machine Co.	Pontiac, Mich...	Sept. 28, 1918	142,500.00	*142,500.00	Cylinders	....do	
4530	Splitdorff Electrical Co.	Newark, N. J....	Aug. 27, 1918	302,237.00	.....	Magneto parts	....do	Do.
4018	Packard Motor Car Co..	Detroit, Mich....	Aug. 20, 1918	[2]	557,885.00	Battle planes	....do	
4037	Curtiss Aero & Motor Corporation.	Buffalo, N. Y....	Aug. 1, 1918	[2]	278,132.00	....do	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Decreased $2,433,000.
4037-A	Supplemental to 4037...	.....	Nov. 1, 1918	[1] 3,200,000.00	.....	Changing cost plus to flat price.	....do	Additional payments since June 1, 1919.
4039	Curtiss Aero & Motor Corporation.	Buffalo, N. Y...	July 30, 1918	[2]	.....	Planes	....do	Payments since June 1, 1919.
3964	Edison Storage Battery Co.	Orange, N. J.....	Aug. 27, 1918	105,014.00	63,152.00	Batteries	....do	Decreased $2,262.
1814	Western Electric Co....	New York City..	May 24, 1918	[3]	*240,138.00	Telephone material	....do	
3904	Standard Areo Corporation of New York.	Elizabeth, N. J..	Nov. 7, 1918	[2]	238,644.00	Planes and spares	O. R. Ewing, captain, A. S., A. P.	Payments since June 1, 1919.
1485	Kessler Motor Co.....	Detroit, Mich...	July 23, 1917	125,000.00	.....	Engines	A. G. Gutensohn, captain, Signal Corps.	Canceled, material not required.
1485-1	Supplemental to 1485....	.....	Apr. 1, 1918	125,000.00	.....	....do	A. C. Downey, major, S. R. C.	Covering advance payments.
2027	Western Electric Co.....	New York City.	Oct. 25, 1917	252,000.00	252,000.00	Telephones	A. C. Downey, major.	
2538	Breese Aircraft Corporation.	Farmingdale, Long Island.	Jan. 23, 1918	[2]	70,724.00	Engine spares	A. C. Downey, major, Signal Corps.	
2538-1	Supplemental to 2538....	.....	Mar. 12, 1918	[2]	.....	Reducing 50 per cent and correcting clerical error.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
1895	The Rubay Co.....	Cleveland, Ohio.	Nov. 3, 1917	233,047.50	*240,805.00	Spares	A. C. Downey, major, Signal Corps.	Increased $7,758.
1841	Thomas Morse Aircraft Corporation.	Ithaca, N. Y.....	Oct. 6, 1917	126,000.00	*126,000.00	Engines	A. C. Downey, captain, S. R. C.	
191	Tindel Norris Co.....	North Eddystone, Pa.	Oct. 12, 1917	300,000.00	*300,600.00	Cylinders	....do	Increased $600.
1827	Thomas Morse Aircraft Corporation.	Ithaca, N. Y....	Oct. 5, 1917	540,000.00	*790,000.00	Airplanes	....do	Increased $250,000.
2365	Breese Aircraft Co.....	Farmingdale, Long Island.	Dec. 6, 1917	[2]	591,325.00	....do	....do	
1573	Crown Optical Co.....	Rochester, N. Y.	Aug. 21, 1917	750,000.00	127,425.00	Field glasses	....do	
1640	Lybrand Bros., Ross & Montgomery.	New York City.	Aug. 1, 1917	[4]	*315,631.00	Services	....do	
2939	General Electric Co.....	Schenectady, N. Y.	Feb. 16, 1918	[2]	*212,100.00	Vacuum tubes	O. R. Ewing, first lieutenant, A. S., S. R. C.	
2939-1	Supplemental to 2939...	.....	May 17, 1918	.....	.....	Providing payment for development work.	....do	
92 (D. M. A).	Wm. E. Hampton Construction Co.	Los Angeles, Calif.	Mar. 21, 1918	[2]	157,485.00	Construction Rockwell Field.	C. G. Edgar, colonel, A. S., A.	
Dayton 106	Curtiss Engineering Co.	Garden City, N. Y.	Aug. 29, 1918	200,000.00	94,226.00	Planes	H. E. Blood, captain, A. S., A.	
Dayton 103	Dayton-Wright Airplane Co.	Dayton, Ohio...	July 10, 1918	[2]	109,320.00	Plane spares	....do	
Dayton 116	Fisher Body Corporation.	Detroit, Mich...	Aug. 19, 1918	[2]	*334,307.00	Plane spares and bodies.	....do	
Dayton 19	Packard Motor Car Co..	....do	May 8, 1918	[2]	*660,707.00	Planes	....do	
Dayton 119	Springfield Aircraft Corporation.	Springfield, Mass.	Sept. 4, 1918	[2]	*101,121.00	....do	....do	
5444	Glenn L. Martin Co....	Cleveland, Ohio.	Jan. 2, 1919	[2]	113,756.00	....do	F. D. Schnacke, captain, Signal Corps.	
Dayton 25	Packard Motor Car Co.	Detroit, Mich...	Apr. 15, 1918	[2]	*164,068.00	Plane spares	F. O. Replogle, lieutenant.	
2611	Glenn L. Martin Co.....	Cleveland, Ohio.	Jan. 17, 1918	300,000.00	525,451.00	3 Place Corps D'Armee planes.	A. C. Downey, major, Signal Corps.	
2611-A	Supplemental to 2611...	.....	Nov. 14, 1918	.....	.....	Changing from fixed price to cost plus.	F. D. Schnacke, captain, Signal Corps.	
5159	Thomas Morse Aircraft Corporation.	Ithaca, N. Y....	Oct. 30, 1918	263,865.00	*265,552.00	Plane spares	F. D. Schnacke, captain, A. S., A. P.	Increased $1,687.
5089	Packard Piano Co.....	Fort Wayne, Ind.	Oct. 18, 1919	165,000.00	.....	Propellers	....do	
5089-A	Supplemental to 5089...	.....	May 8, 1919	12,694.91	.....	Settlement	....do	Final payment since June 1, 1919.
5184	Holt Manufacturing Co.	Peoria, Ill.....	Oct. 30, 1918	425,000.00	.....	Adapter sets	....do	
5184-A	Supplemental to 5184...	.....	Apr. 25, 1919	6,709.21	*6,709.00	Settlement	S. M. Wiley, captain, A. S., A. P.	Termination contract.
4883	Curtiss Aero & Motor Corporation.	Buffalo, N. Y...	Oct. 7, 1918	119,000.00	10,115.00	Propellers	F. D. Schnacke, captain, A. S., A. P.	
4877	Harrisburg Pipe & Pipe Bending Co.	Harrisburg, Pa..	Oct. 1, 1918	475,000.00	*475,000.00	Cylinders	....do	
4878	National Tube Co.....	Pittsburgh, Pa..	....do	1,068,750.00	783,750.00	Steel cylinders	....do	
5050	Simmons Hardware Co.	Washington, D. C.	Oct. 22, 1918	116,500.00	*43,291.00	Belts	....do	
5050-A	Supplemental to 5050...	.....	Mar. 24, 1919	82,560.55	*82,560.00	Settlement	....do	

[1] Estimated. [2] Cost plus. [3] Indefinite. [4] Per diem and expenses.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
5294	Firestone Tire & Rubber Co.	Akron, Ohio	Nov. 13, 1918	$135,450.00		Wheels	F. D. Schnacke, captain, A. S., A. P.	
5294-A	Supplemental to 5294		May 20, 1919	5,313.36		Settlement	do	Final payment since June 1, 1919.
4898	International Duplex Coat Co.	New York City	Oct. 16, 1918	163,072.00	*$162,588.00	Fur backs and pockets for gauntlets.	do	Decreased $484.
5216	S. & F. Brenner (Inc.)	do	Nov. 1, 1918	146,125.00	*91,858.00	Leather helmets	do	
5216-A	Supplemental to 5216		Mar. 26, 1919	12,170.00	*12,170.00	Settlement	S. M. Wiley, captain, A. S., A. P.	
4763	Guiterman Bros	St. Paul, Minn.	Oct. 19, 1918	167,675.00	*97,075.00	Coats	F. D. Schnacke, captain, A. S., A. P.	
4763-A	Supplemental to 4763		Apr. 22, 1919	15,219.29	*15,219.00	Settlement	S. M. Wiley, captain, A. S., A. P.	
5389	Belmont Iron Works	Philadelphia, Pa.	Nov. 14, 1918	195,000.00	*187,417.00	Structural steel	F. D. Schnacke, captain, A. S., A. P.	Decreased $7,582.34.
5346	Kunhardt & Co	New York City	Nov. 12, 1918	450,000.00		Castor beans	do	
5346-A	Supplemental to 5346		May 17, 1919	24,478.78	*24,478.00	Settlement	S. M. Willey, captain, A. S., A. P.	
4358	Godfrey Hillabrandt	New York City	July 22, 1918	(1)	*78,398.00	Purchasing china dog mats.	O. R. Ewing, first lieutenant, A. S., A. P.	
3526	Electric Storage Battery Co.	Philadelphia, Pa.	June 18, 1918	163,950.00	*164,773.00	Batteries	do	Increased $823.27.
2780	Lorraine Manufacturing Co.	Pawtucket, R. I.	Feb. 7, 1918	150,000.00	*131,324.00	Aeroplane fabric	do	Decreased $18,675.45.
2646	Western Electric Co	New York City	Feb. 16, 1918	(2)	870,919.00	Radio telephone sets	do	
2963	do	do	Feb. 19, 1918	(2)	*78,750.00	do	do	
2727	do	New York City	Feb. 16, 1918	(3)	187,500.00	Radio telephone receiving sets.	O. R. Ewing, first lieutenant, A. S., A. P.	
2503	do	do	do	(3)	154,980.00	Telephone receiving sets.	do	
2909	do	do	do	(3)	787,490.00	Tubes	do	
2896	do	do	do	(3)	609,114.00	Vacuum tubes	do	
2478	do	do	Mar. 21, 1918	(3)	*184,189.00	Telephone units	do	
2437	do	do	Mar. 7, 1918	(3)	*120,000.00	Amplifiers	do	
4741	Guiterman Bros	St. Paul, Minn.	Sept. 20, 1918	213,750.00	*112,500.00	Flying suits	O. R. Ewing, first lieutenant, A. S., A. P.	
4741-A	Supplemental to 4741		Apr. 22, 1919	20,151.92		Settlement	S. M. Wiley, captain, A. S., A. P.	Final payment since June 1, 1919.
1599	Western Electric Co	New York City	Sept. 21, 1917	203,000.00	*208,128.00	Buzzers, telephone switchboards, etc.	A. C. Downey, captain, A. S., A. P.	Increased $128.80.
San Fran.	Regents of University of California.	Berkeley, Calif.	June 27, 1917	(4)	*161,962.00	Training of students	A. M. Krogstad, major, J. M. A. S. C.	
	Supplemental to above		Mar. 8, 1918			Extending course	G. B. Hunter, major, S. C.	
San Fran.	Regents of University of California.	Berkeley, Calif.	Sept. 5, 1918	(2)	86,966	Training of students	C. G. Edgar, colonel, S. C.	Final voucher for $31,724.50 awaiting payment.
3247	West Virginia Aircraft Corporation.	Wheeling, W. Va.	Mar. 19, 1918	240,657.50	*241,357.00	Spares	F. D. Schnacke, first lieutenant, A. S., A. P.	Increased $700.
3068	Harrisburg Pipe & Pipe Bending Co.	Harrisburg, Pa.	Apr. 4, 1918	666,300.00	*654,467.00	Cylinders	do	Decreased $11,832.60.
4779	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Sept. 25, 1918	1,400,000.00	4,015.00	Planes	F. D. Schnacke, captain, A. S., A. P.	Decreased $196,000.
5051	Wolverine Co	Detroit, Mich	Oct. 18, 1918	126,032.40		Spares	do	Settlement contract and final payment since June 1, 1919.
4924	Thomas Morse Aircraft Corporation.	Ithaca, N. Y.	Oct. 9, 1918	1,750,000.00		Planes	do	Decreased $1,088,500.
4825	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Sept. 13, 1918	245,863.90	45,973.00	Plane spares	do	
4830	Torrington Co. Std Plant.	Torrington, Conn.	Oct. 2, 1918	303,034.25		Spares, fittings, assemblings.	do	
4814	do	do	Sept. 27, 1918	485,063.90		Plane spares	do	Increased $5,564.35.
4759	Wire Wheel Corporation of America.	Buffalo, N. Y.	Sept. 24, 1918	188,496.00	50,208.00	Wire wheels	do	Decreased $88,000.
4737	Bastian Blessing Co.	Chicago, Ill	do	192,300.00	*98,832.00	Hydrogen valves	do	Final payment since June 1, 1919.
4904	Goodyear Tire & Rubber Co.	Akron, Ohio	Oct. 8, 1918	194,515.00	64,406.00	Tire spares	do	
4904-A	Supplemental to 4904		Apr. 8, 1919	58,766.55	*58,766	Settlement	S. M. Wiley, Capt., A. S., A. P.	
5437	Arma Engineering Co	New York, N. Y.	Dec. 13, 1918	242,750.00		Aero navigation instruments.	F. D. Schnacke, captain, A. S., A. P.	Decreased $212,000.
4947	Van Sicklen Co	Elgin, Ill	Oct. 11, 1918	287,500.00	1,150.00	Oxygen apparatus	do	Decreased $267,000.
4947-A	Supplemental to 4947		May 22, 1919				do	Negotiating termination contract.
2948	Eastman Kodak Co	Rochester, N. Y.	Nov. 4, 1918	101,000.00	64,123.00	Cameras and repair kits.	do	Final payment since June 1, 1919.
5070	Intertype Corporation	Brooklyn, N. Y.	Oct. 25, 1918	236,100.00		Interrupter gears	do	Decreased $221,000.
2098	Waltham Watch Co	Waltham, Mass.	Feb. 14, 1918	121,000.00	127,790.00	Airplane clocks	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $10,000.
4334	Westinghouse Electric & Manufacturing Co.	Washington, D. C.	July 20, 1918	139,200.00	139,710.00	Generator and parts	do	Increased $7,500.
4313	General Electric Co	Schenectady, N. Y.	July 19, 1918	123,500.00	111,193.00	Tubes	do	
4367	Spencer Lens Co	Buffalo, N. Y.	July 26, 1918	275,000.00	148,775.00	Sights	do	Decreased $76,000.
3022	do	do	Mar. 18, 1918	169,830.00	*169,830.00	Sights and accessories	do	
4687	Northeast Electric Co	Rochester, N. Y.	Sept. 18, 1918	190,000.00	19,141.00	Electric generators	O. R. Ewing, captain, A. S., A. P.	
4645	The Bristol Co	Waterbury, Conn.	Sept. 10, 1918	125,000.00	24,875.00	Speed indicators	do	
4603	Jas. Cunningham & Sons Co.	Rochester, N. Y.	Sept. 17, 1918	255,000.00		Windlasses	do	
4647	The Bristol Co	Waterbury, Conn.	Sept. 10, 1918	100,000.00		Speed indicators	do	
4661	Burke & James (Inc.)	Chicago, Ill	Sept. 9, 1918	5 352,600.00	93,952.00	Cameras	do	
1507	Western Electric Co. (Inc.)	New York City	July 23, 1917	5 252,000.00	*252,000.00	Telephones	A. G. Gutensohn, captain, S. C.	
DMA 214	University of Texas	Austin, Tex	June 30, 1918	(4)	190,449.00	Instruction, subsistence and quarters enlisted men, radio school.	C. G. Edgar, colonel, S. C.	Final payment since June 1, 1919, of $71,115.33.

[1] Commission. [2] Indeterminate (weekly rate per student). [3] Cost plus. [4] Indeterminate. [5] Estimated.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
DMA 251	Supplemental to DMA 214.	.....	Aug. 29, 1918	.....	.....	Providing pay for subsistence for men not instructors.	C. G. Edgar, colonel, S. C.	
DMA 215	....do.....	.....	Aug. 1, 1918	.....	.....	Changing rate and extending.	.....do.....	
DMA 213	....do.....	.....	Aug. 28, 1919	.....	.....	Changing rate.....	.....do.....	
1914	U. S. Steel Products Co..	New York City.	Nov. 15, 1917	$735,000.00	*$736,809.00	Hydrogen cylinders...	A. C. Downey, major, S. C.	Increased $1,809.98.
1921	National Cash Register Co.	Dayton, Ohio...	Dec. 28, 1917	400,000.00	*395,128.00	Tachometers.....	.....do.....	Decreased $4,871.25.
2141	Export & Domestic Hardware Co.	New York City.	Nov. 26, 1917	[1] 300,000.00	.....	Mahogany.....	.....do.....	
4587	Sperry Gyroscope Co...	Brooklyn, N. Y.	Aug. 30, 1918	157,500.00	.....	Air compasses.....	F. D. Schnacke, captain.	Settlement contract made June 9, 1919.
4646	Foxboro Co. (Inc.).....	Foxboro, Mass..	Sept. 10, 1918	350,000.00	*87,500.00	Air speed indicators...	O. R. Ewing, captain.	
4646-A	Supplemental contract to contract 4646.	.....	May 1, 1919	49,900.00	*49,900.00	Terminating contract .	.....	
4935	Waltham Watch Co....	Waltham, Mass.	Oct. 10, 1918	211,500.00	*14,100.00	Airplane clocks.....	F. D. Schnacke, captain.	
4935-A	Supplemental contract to contract 4935.	.....	Apr. 9, 1919	33,999.32	.....	Terminating contract .	S. M. Wiley, captain..	Paid since June 1, 1919.
5071	Wolverine Brass Works.	Grand Rapids, Mich.	Oct. 25, 1918	163,000.00	.....	Interrupter gears.....	F. D. Schnacke, captain, A. S., A. P.	
5071-A	Supplemental contract to contract 5071.	.....	May 1, 1919	19,748.80	*19,748.00	Terminating contract .	S. M. Wiley, captain, A. S., A. P.	
5312	Victor Safe & Lock Co..	Concinnati, Ohio	Nov. 12, 1918	174,000.00	.....	Gun yokes, trigger controls.	F. D. Schnacke, captain, A. S., A. P.	
5312-A	Supplemental contract to contract 5312.	.....	Apr. 21, 1919	7,335.62	*7,335.00	Terminating contract .	S. M. Wiley, captain, A. S., A. P.	
5314	Electric Magnetic Tool Co.	Chicago, Ill.....	Nov. 11, 1918	110,400.00	.....	Gun yokes, trigger controls.	F. D. Schnacke, captain, A. S., A. P.	
5314-A	Supplemental contract to contract 5314.	.....	May 7, 1919	9,662.80	*9,662.00	Terminating contract.	.....do.....	
5359	Bristol Co.....	Waterbury, Conn.	Nov. 13, 1918	250,000.00	.....	Air speed indicators...	.....do.....	
5359-A	Supplemental contract to contract 5359.	.....	June 6, 1919	643.47	.....	Terminating contract.	S. M. Wiley, captain, A. S., A. P.	Do.
2020	Standard Oil Corporation of New York.	Plainfield, N. J .	Oct. 26, 1917	263,752.50	*163,662.00	Spare parts.....	A. C. Downey, major, S. C.	Reduced $100,090.
2553	Union Switch & Signal Co.	Swissvale, Pa...	Mar. 11, 1918	[2]	236,560.00	Engine forgings.....	.....do.....	
1571	Flottorp Manufacturing Co.	Chicago, Ill.....	Aug. 21, 1917	190,000.00	*176,420.00	Prop. Hall-Scott A-7-A Eng.	.....do.....	Reduced $13,579.64.
3422	Spensor Lens Co.....	Buffalo, N. Y...	Apr. 11, 1918	[3] 332,500.00	51,900.00	Optical glass.....	F. D. Schnacke, first lieutenant, A. S., A. P.	Paid since June 1, 1919, $152.
3422-1	Supplemental contract to contract 3422.	.....	July 12, 1918	.....	.....	Settlement clauses....	.....do.....	
3422-A	Do.....	.....	Apr. 26, 1919	172,419.12	.....	Terminating contract .	F. D. Schnacke, captain, A. S., A. P.	Paid since June 1, 1919.
5364	Organic Salt & Acid Co.	Long Island City, N. Y.	Nov. 13, 1918	116,400.00	.....	Benzyl benzoate.....	.....do.....	This contract was terminated and settled, together with contracts 3954, 5045, 5155, 5253, 5325, and orders 710413, 710566, by contract dated Feb. 20, 1919, No. 3954-A, amount $47,226.37. Contracting officer, S. M. Wiley, captain, A. S., A. P.
1838	Standard Aero Corporation of New York.	Plainfield, N. J..	Oct. 5, 1917	530,000.00	*269,102.00	Airplanes.....	A. C. Downey, major, S. C.	Reduced 260,897.50.
1838-1	Supplemental contract to contract 1838.	.....	May 9, 1918	.....	.....	.....	.....do.....	Providing for additional payment of $200 on each plane delivered to enable contractor to pay the M. A. Association royalty of $200 per plane, thereby eliminating infringement clause in original contract.
4299	California Castor Bean Association.....	Santa Barbara, Calif.	Apr. 9, 1918	490,000.00	18,573.00	Planting castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Reduced 122,500.
5266	Busk & Daniels.....	New York City, N. Y.	Nov. 13, 1918	196,000.00	.....	Castor beans.....	F. D. Schnacke, captain, A. S., A. P.	Canceled, material not required.
5335	Mitsui & Co.....	Seattle, Wash...	Nov. 11, 1918	196,000.00	*196,000.00	.....do.....	.....do.....	
4956	Liberty Iron Works....	Sacramento, Calif.	Oct. 16, 1918	350,000.00	.....	Airplanes.....	.....do.....	
4956-A	Supplemental contract to contract 4956.	.....	June 18, 1919	151,775.12	.....	Terminating contract.	S. M. Wiley, captain, A. S., A. P.	Payment completed after June 1, 1919.
2606	L. P. Liles & J. M. Malom.	Dothan, Ala....	Feb. 5, 1918	350,000.00	*50,030.00	Shelled castor beans...	O. R. Ewing, first lieutenant, A. S., A. R. C.	Reduced $299,969.97.
5255	Toledo Seed & Oil Co...	Toledo, Ohio....	Nov. 4, 1918	98,000.00	196,000.00	Castor beans.....	F. D. Schnacke, captain, A. S., A. P.	Increased $98,414.42.
4873	W. H. Mullins Co.....	Salem, Ohio.....	Oct. 18, 1918	191,472.01	*138,785.88	Spare parts for planes.	.....do.....	Increased $6,673.66.
4873-A	Supplemental contract to contract 4873.	.....	May 19, 1919	29,971.91	*29,971.00	Terminating contract.	.....do.....	
5250	Jas. Cunningham Son & Co.	Rochester, N. Y.	Nov. 4, 1918	506,956.00	.....	Windlasses.....	F. D. Schnacke, captain, A. S., A. P.	
5250-I	Supplemental contract to contract No. 5250.	.....	Dec. 19, 1918	.....	.....	Terminating contract..	.....do.....	No charge.
5258	W. R. Grace & Co.....	New York City, N. Y.	Nov. 5, 1918	392,000.00	22,964.00	Castor beans.....	F. D. Schnacke, captain, A. S., A. P.	

[1] Estimated. [2] Cost plus. [3] Indeterminate (weekly rate per student).

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
5259	Baher Castor Oil Co.	New York City, N. Y.	Nov. 4, 1918	$392,000.00	$14,227.00	Castor beans	F. D. Schnacke, captain, A. S., A. P.	Payments made since June 1, 1919.
4489	Lamb, Finlay & Co.	do	July 1, 1918	200,000.00	125,957.00	Services	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Do.
4839	Wellington Sears Co.	do	Sept. 2, 1918	160,500.00	39,265.00	Balloon cloth	F D. Schnacke, captain, A. S., A. P.	Do.
5149	Springfield Aircraft Corporation.	Springfield, Mass	Nov. 1, 1918	(1)	12,805.00	Planes	do	Do.
5135	Sturtevant Aero. Co.	Jamaica Plain, Mass.	do	(1)		do	do	
4918	Brewster & Co.	Long Island City, N. Y.	Oct. 17, 1918	2,697,500.00	200,000.00	do	do	Reduced $2,496,000.
4918-1	Supplemental contract to contract No. 4918.		Nov. 6, 1918			Providing advanced payment.	do	
5013	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Oct. 26, 1918	128,166.25	52,259.00	Spare parts	do	Payments made since June 1, 1919.
1917	Western Electric Co.	New York City, N. Y.	Oct. 15, 1917	271,290.00	*271,290.00	Material	A. C. Downey, captain, S. C.	
4516	Hoosier Veneer Co.	Indianapolis, Ind.	Aug. 20, 1918	155,000.00	143,265.00	Walnut lumber	F. D. Schnacke, captain, A. S., A. P.	Reduced $10,184.12.
4516-1	Supplemental contract to contract No. 4516.		Jan. 2, 1919			Providing for delivery	do	
4297	John A. Roebling's Sons Co.	Trenton, N. J.	July 16, 1918	121,750.00	*119,341.00	Wire	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Reduced $2,408.97.
4319	Engel Aircraft Co.	Niles, Ohio	Sept. 19, 1918	172,597.00	*172,597.00	Spare parts	do	
4398	Wellington Sears & Co.	New York City, N. Y.	Aug. 3, 1918	157,155.00	56,255.00	Balloon cloth	do	Reduced $61,000.
4479	Des Moines Sawmill Co.	Des Moines, Iowa.	Aug. 15, 1918	155,000.00	113,542.00	Walnut lumber	F. D. Schnacke, captain, A. S., A. P.	Reduced $41,107.85.
4479-1	Supplemental contract to contract No. 4479.		Oct. 3, 1918			Providing for delivery	do	
4399	Wellington Sears & Co.	New York City, N. Y.	Aug. 3, 1918	108,187.50	23,316.84	Balloon cloth	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Reduced $22,000.
4458	E. I. de Nemours du Pont Co.	Philadelphia, Pa.	July 9, 1918	155,000.00	19,095.00	Solvent recovery plant	do	Reduced $128,000.
4936	International Register Co.	Chicago, Ill.	Oct. 10, 1918	405,000.00		Spare parts	F. D. Schnacke, captain, A. S., A. P.	Reduced $405,000.
4936-A	Supplemental contract to contract No. 4936.		Apr. 23, 1919			Terminating contract	S. M. Wiley, captain, A. S., A. P.	No charge.
5065	Ackerman Wheel Co.	Cleveland, Ohio.	Nov. 1, 1918	823,508.00		Spare parts	F. D. Schnacke, captain, A. S., A. P.	
5065-A	Supplemental contract to contract No. 5065.		Mar. 12, 1919	10,081.00	*10,081.00	Terminating contract	do	
4925	Excelsior Motor Manufacturing & Supply Co.	Chicago, Ill.	Oct. 24, 1918	242,705.57	8,221.70	Spare parts	do	
4925-A	Supplemental contract to contract No. 4925.		Apr. 11, 1919	67,093.76	*67,093.00	Terminating contract	do	
5041	Standard Aero Corporation.	Elizabeth, N. J.	Nov. 6, 1918	1,466,450.00	313,106.00	Planes	O. R. Ewing, captain, A. S., A. P.	Additional payments since June 1, 1919.
5390	Fisher Body Corporation.	Detroit, Mich.	Sept. 7, 1918	(1)	*2,276.00	Airplanes	F. D. Schnacke, captain, A. S., A. P.	
5390-A	Supplemental contract to contract No. 5390.		Apr. 30, 1919	1.00	*1.00	Terminating contract	do	
3638	Torrington Co.	Torrington, Conn.	Apr. 17, 1918	310,000.00	94,149.00	Wire and rods	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Payments made since June 1, 1919.
5107	B. Shoninger & Co.	New Haven, Conn.	Oct. 28, 1918	142,750.00	20,316.00	Propellers	F. D. Schnacke, captain, A. S., A. P.	
5107-A	Supplemental contract to contract No. 5107.		May 21, 1919	49,571.83		Terminating contract	S. M. Wiley, captain, A. S., A. P.	
5210	Stewart Hartshorn Co.	New York City, N. Y.	Nov. 5, 1918	228,461.34		Tie rods	F. D. Schnacke, captain, A. S., A. P.	Terminated by contract since June 1, 1919.
5228	Erie Specialty Co.	do	do	100,198.04	*100,513.00	Bolts and nuts, JN-4D plane.	do	Increased $315.22.
3439	Standard Aircraft Corporation.	Elizabeth, N. J.	Mar. 29, 1918	(1)	1,742,970.00	Airplane assembling	A. C. Downey, major, S. C.	
3203	Grand Rapids Airplane Co.	Grand Rapids, Mich.	Mar. 18, 1918	(1)	2,476,298.00	Spare parts	do	
3203-A	Supplemental contract to contract No. 3203.		May 28, 1919	298,072.18		Terminating contract	F. D. Schnacke, captain, A. S., A. P.	Paid since June 1, 1919.
2082	Hall Scott Motor Car Co.	San Francisco, Calif.	Nov. 9, 1918	1,461,492.12	1,005,333.00	Engine parts	A. C. Downey, major, S. C.	
2082-A	Supplemental contract to contract No. 2082.		Jan. 5, 1918				do	Providing 40 per cent instead of 25 per cent discount to Government by purchasing 1,000 extra engines.
4366	The Holt Manufacturing Co.	Peoria, Ill.	July 26, 1918	212,500.00	208,250.00	Caterpillar truck adaptors.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
4473	Jas. Cunningham & Co.	Rochester, N.Y.	July 17, 1918	127,500.00	51,000.00	Windlasses	F. D. Schnacke, captain, A. S., A. P.	
4409	Curtiss Aeroplane & Motor Co.	Buffalo, N. Y.	Sept. 23, 1918	199,195.44	118,207.00	Motor spares	do	
5086	Hardman Peck Co.	New York City.	Oct. 25, 1918	117,000.00		Propellers	do	Termination contract $11,472.20, made since June 1, 1919.
5218	Witherow Steel Co.	Pittsburgh, Pa.	Nov. 5, 1918	231,917.63		Wire	F. D. Schnacke, captain, A. S., A. P.	Canceled, material not required.
5326	Marlin Rockwell Corporation.	New York City.	Nov. 11, 1918	125,000.00	127,735.00	Radiators	do	Increased $2,735.
4382	Thomas Morse Aircraft Corporation.	Ithaca, N. Y.	July 27, 1918	109,076.75	*109,076.00	Spare parts	do	
4977	Gordon & Ferguson	St. Paul, Minn.	Oct. 15, 1918	230,360.00	20,422.00	Leather coats	do	Decreased $155,000.
4937	Intertype Corporation	Brooklyn, N. Y.	Oct. 23, 1918	435,000.00		Spare parts	do	Canceled, material not required.
4513	Witherow Steel Co.	Pittsburgh, Pa.	Aug. 20, 1918	170,000.00	*151,874.00	Stream line wire tie rods.	do	Decreased $18,125.15.

*Cost plus.

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Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
4571	Howell & Lesser	San Francisco, Calif.	Aug. 28, 1918	$300,000.00	*$300,175.00	Airplanes	F. D. Schnacke, captain, A. S., A. P.	Increased $175.
4472	N. C. L. Engineering Corporation.	Providence, R. I.	Aug. 17, 1918	325,000.00	325,000.00	Windlasses	do	
4472-1	Supplemental to 4472		Jan. 14, 1919			Correcting typographical error repayments.	do	
4452	West Virginia Aircraft Corporation.	Wheeling, W. Va.	Aug. 13, 1918	374,110.50	*374,110.00	Spare parts	do	
4228	American Cellon Co	New York City	July 3, 1918	239,000.00	236,652.00	Cellulose acetate dope	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
5220	The Silvex Co	South Bethlehem, Pa.	Nov. 4, 1918	600,000.00	240,000.00	Spares	F. D. Schnacke, captain, A. S., A. P.	
5220-1	Supplemental to 5220		Dec. 1, 1918			Storage spark plugs	do	
5060	Hayes-Ionia Co	Grand Rapids, Mich.	Oct. 24, 1918	189,900.00		Spare parts	do	
5060-A	Supplemental to 5060		May 19, 1919			Termination contract	S. M. Wiley, captain, A. S., A. P.	No charge.
5265	American Trading Co	New York City	Nov. 12, 1918	196,000.00	188,063.00	Castor beans	F. D. Schnacke, captain, A. S., A. P.	
4518	Eastman Kodak Co. of New York.	Rochester, N. Y.	Aug. 20, 1918	255,000.00	51,000.00	Unit sights	do	Additional payments since June 1, 1919.
5105	Starr Piano Co	Richmond, Ind.	Oct. 28, 1918	119,625.00	6,349.00	Propellers	do	Government to credit contractor $53,349.04 on the books of the sales department as final settlement charge.
5105-A	Supplemental to 5105		Apr. 4, 1919				do	
4978	Guiterman Bros	St. Paul, Minn.	Oct. 14, 1918	168,340.00	15,677.00	Leather coats	do	
4978-A	Supplemental to 4978		Apr. 25, 1919	22,053.79		Settlement	S. M. Wiley, captain, A. S., A. P.	Additional payments since June 1, 1919.
4433	General Motors Corporation.	Flint, Mich	Oct. 8, 1918	18,000,000.00	5,188.00	Liberty motors	F. D. Schnacke, captain, A. S., A. P.	
4433-A	Supplemental to 4433		May 14, 1919	3,020,740.96		Termination contract	do	This termination contract also covers order 30071 and contracts 2266-A and 2266-5. Amt. of settlement $3,020,740.96.
2575	T. S. Evans	Hamlet, N. C	Jan. 11, 1918	875,000.00	264,664.00	Castor beans	A. C. Downey, major, S. C.	Decreased $350,000.
2575-1	Supplemental to 2575		Jan. 15, 1918			Amending location of work to be performed.	do	
2575-2	do		Aug. 5, 1918			Reshelling beans, 40 per cent to be deducted from voucher.	O. R. Ewing, captain, A. S., A. P.	
2575-3	do		Aug. 27, 1918			Extending time of delivery.	do	
4589	Willard Storage Battery Co.	Cleveland, Ohio	Aug. 30, 1918	271,250.00	*39,005.00	Batteries	F. D. Schnacke, captain, A. S., A. P.	
4589-A	Supplemental to contract No. 4589.		Mar. 27, 1919	17,796.96	*17,796.00	Termination contract	S. M. Wiley, captain, A. S., A. P.	
4827	G. & O. Manufacturing Co.	New Haven, Conn.	Sept. 28, 1918	117,500.00	*96,338.00	Radiators	F. D. Schnacke, captain, A. S., A. P.	
4827-A	Supplemental to contract No. 4827.		Apr. 7, 1919	2,590.08	*2,590.00	Termination contract	do	
4251	Chemical Products Co	Cambridge, Mass.	July 24, 1918	159,600.00	*13,164.00	Airplane dope	do	
4251-A	Supplemental to contract No. 4251.		Mar. 25, 1919	8,895.18	*8,895.00	Termination contract	S. M. Wiley, captain, A. S., A. P.	
5084	Unit Construction Co	Philadelphia, Pa.	Oct. 26, 1918	152,000.00		Propellers	F. D. Schnacke, captain, A. S., A. P.	Payments made since June 1, 1919.
5084-A	Supplemental to contract No. 5084.		Apr. 24, 1919	80,797.00		Termination contract	S. M. Wiley, captain, A. S., A. P.	Terminated through payment of $797 and crediting contractor $80,000 on books of sales department.
5167	The Baltic Mills Co	Baltic, Conn	Oct. 31, 1918	236,250.00	*15,866.00	Balloon cloth	F. D. Schnacke, captain, A. S., A. P.	Supplemental contract made since June 1, 1919.
5078	Harding Tilton Co	New Bedford, Mass.	Oct. 20, 1918	221,000.00		Fabric	do	
5078-A	Supplemental to 5078		May 26, 1919	81,160.21		Settlement	do	Final payment since June 1, 1919.
5164	Potomska Mills	New Bedford, Mass.	Oct. 30, 1918	108,375.00		Balloon cloth	do	
5162-A	Supplemental to 5164		May 19, 1919	42,339,47		Settlement	do	Do.
4621	Splitdorf Electric Co	Newark, N. J	Sept. 13, 1918	1,887,500.00	1,765,884.00	Magnetos and spares	do	
4621-1	Supplemental to 4621		Nov. 8, 1918				do	Includes additional items.
4560	Wm. Whitman & Co. (Inc.).	New York City	Aug. 28, 1918	159,387.75	*151,340.00	Balloon cloth	do	Increased $1,952.25.
4604	Ford Motor Co	Detroit, Mich	Sept. 5, 1918	2,400,000.00	465,167.00	Cylinders	F. D. Schnacke, captain, A. S., A. P.	Decreased $1,430,365.55.
4604-A	Supplemental to 4604		Apr. 30, 1919	579,467.45	*579,467.00	Settlement	do	
5001	Lorraine Manufacturing Co.	Pawtucket, R. I.	Oct. 22, 1918	102,000.00	*30,096.00	Balloon cloth	do	Decreased $48,000.
5001-A	Supplemental to 5001		June 11, 1919	9,660.73		Settlement	S. M. Wiley, captain, A. S., A. P.	Final payment since June 1, 1919.
4590	Electric Storage Battery Co.	Washington, D. C.	Aug. 30, 1918	108,500.00	53,924.00	Batteries	F. D. Schnacke, captain, A. S., A. P.	
4535	Godfrey Hillabrandt	New York City	Aug. 16, 1918	900,000.00	761,460.00	China dog mats	do	Decreased $105,000.
5075	Wm. Whitman & Co	New Bedford, Mass.	Oct. 26, 1918	780,000.00	*109,045.00	Fabric	do	
5075-A	Supplement to 5075		Apr. 4, 1919	210,614.41	*210,614.00	Settlement	do	
5408	The Wilson Body Corporation.	Bay City, Mich.	Nov. 6, 1918	784,453.00		Plane spares	do	Canceled; material not required.
4584	Wellington Sears Co	New York City	Aug. 29, 1918	213,806.25	167,143.00	Balloon cloth	do	
4585	do	do	do	122,187.50	33,075.00	do	do	Decreased $70,000.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
4588	Wellington Sears Co	New York City.	Aug. 29, 1918	$150,909.00	$141,576.00	Balloon cloth	F. D. Schnacke, captain, A. S., A. P.	
4567	The Recording Devices Co.	Dayton, Ohio	Aug. 27, 1918	156,000.00	*156,000.00	Synchronizing generators.	do	
5000	American Bleached Goods Co.	Taftville, Conn.	Oct. 22, 1918	153,600.00	35,813.00	Balloon cloth	do	
5039	Tillotson Manufacturing Co.	Toledo, Ohio	Nov. 8, 1918	(1)		Carburetors	do	
5077	Harding Tilton & Co	New Bedford, Mass.	Oct. 26, 1918	136,500.00	*13,833.00	Fabric	do	
5077-A	Supplement to 5077		Apr. 4, 1919	14,010.56	*14,010.00	Settlement	S. M. Wiley, captain, A. S., A. P.	Decreased $108,437.
4503	Light Manufacturing & Foundry Co.	Pittstown, Pa.	Aug. 17, 1918	228,150.00	*179,400.00	Crank cases and bearing cups.	F. D. Schnacke, captain, A. S., A. P.	Decreased $48,125.89.
4503-A	Supplemental to 4503		Apr. 5, 1919	624.00	*624.00	Settlement	do	
5365	Celluloid Co	New York City.	Nov. 14, 1918	123,500.00	*10,117.00	Triphenyl phosphate	do	Decreased $96,155.54.
5365-A	Supplemental to 5365		Apr. 24, 1919	17,226.77	*17,226.00	Settlement	S. M. Wiley, captain, A. S., A. P.	
5230	Wm. Whitman Co	New York City.	Nov. 1, 1918	226,800.00	26,378.00	Balloon cloth	F. D. Schnacke, captain, A. S., A. P.	Decreased $132,274.10.
5230-A	Supplemental to 5230		Mar. 25, 1919	68,147.01	*68,147.00	Settlement	do	
4079	Springfield Aircraft Corporation.	Springfield, Mass.	June 24, 1918	(1)	909,909.00	Planes	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Additional payments since June 1, 1919.
4748	Equitable Export Co	New York City.	Sept. 23, 1918	225,000.00		Castor beans	F. D. Schnacke, captain, A. S., A. P.	
4748-A	Supplemental to 4748		Apr. 2, 1919	20,000.00	*20,000.00	Settlement	S. M. Wiley, captain, A. S., A. P.	
4979	C. H. Haberkorn & Co.	Detroit, Mich.	Oct. 21, 1918	189,000.00		Spares	F. D. Schnacke, captain, A. S., A. P.	
4979-A	Supplemental to 4979		Apr. 4, 1919	19,869.67	*19,869.00	Settlement	do	
5146	Grinnell Manufacturing Co.	New Bedford, Mass.	Oct. 29, 1918	117,937.50		Balloon cloth	F. D. Schnacke, captain, U. S. A. F.	Terminating contract for $13,941.12 made and paid since June 1, 1919.
4824	Howell & Lesser	San Francisco, Calif.	Sept. 13, 1918	350,000.00		Planes	do	Decreased $313,000; settlement contract before Claims Board.
5162	Pierce Manufacturing Co.	New Bedford, Mass.	Oct. 30, 1918	137,062.50	*1,228.00	Balloon cloth	do	Terminating contract $17,381.54 made and paid since June 1, 1919.
2597	B. E. Moses and H. M. Gibb.	Memphis, Tenn.	Jan. 14, 1918	262,500.00	17,880.00	Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $105,000.
25971	Supplemental to 2597		Apr. 30, 1918			Amending location of planting.	do	
2597-2	do		Sept. 3, 1918			Shipment unshelled beans.	O. R. Ewing, captain, A. S., A. P.	
5378	United West India Corporation.	New York City.	Oct. 19, 1918	900,000.00	88,604.00	Castor beans	do	Decreased $810,000.
4652	The Kosse, Shoe & Schleyer Co.	Cincinnati, Ohio.	Sept. 10, 1918	155,000.00	153,646.00	Walnut lumber	do	
4652-1	Supplemental to 4652		Nov. 16, 1918			Regarding delivery	F. D. Schnacke, captain, A. S., A. P.	
4628	Hayes Manufacturing Co.	Detroit, Mich.	Sept. 9, 1918	105,000.00	11,670.00	Cylinder jackets	O. R. Ewing, captain, A. S., A. P.	
4628-A	Supplemental to 4628		Apr. 26, 1919	21,405.23		Settlement	S. M. Wiley, captain, A. S., A. P.	
4649	Watts, Stebbins & Co.	New York City.	Sept. 10, 1918	119,687.50	60,164.00	Balloon cloth	O. R. Ewing, captain, A. S., A. P.	
4641	do	do	Sept. 9, 1918	126,743.75	64,674.00	do	do	
4623	W. H. Mullins Manufacturing Co.	Salem, Ohio	do	210,000.00	120,250.00	Cylinder water jackets	do	
4623-A	Supplemental to 4623		May 15, 1919	21,105.83	*21,105.00	Settlement	F. D. Schnacke, captain A. S., A. P.	
4623-1	do		Mar. 31, 1919			Restoring, etc., material	do	
10228	F. A. Jones Construction Co.	Dallas, Tex	Aug. 25, 1917	(1)	*1,000,981.00	Constructing A. C. T., Waco, Tex	C. G. Edgar, captain, A. S., A. P.	
2576	B. L. Hammer	Norfolk, Va	Jan. 10, 1918	875,000.00	121,891.00	Castor beans	A. C. Downey, major, Signal Corps.	Decreased $250,000.
2576-1	Supplemental to 2576		July 29, 1918			To accept delivery of beans unshelled; 40 per cent to be deducted from price.	O. R. Ewing, captain, A. S., A. P.	
5271	American Bleached Goods Co.	Taftville, Conn.	Nov. 11, 1918	300,000.00	61,858.00	Balloon cloth	F. D. Schnacke, captain, A. S., A. P.	Decreased $210,000.
4864	Bosch Magneto Co	New York City.	Oct. 2, 1918	320,000.00	*64,000.00	Magnetos	do	Contract terminated for $25,061.20 since June 1, 1919.
4777	do	do	Sept. 25, 1918	750,000.00		do	do	Completed since June 1, 1919.
4838	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Oct. 1, 1918	180,000.00	137,670.00	Cylinders	do	
5319	W. S. Gray & Co	New York City.	Nov. 11, 1918	124,700.00		Methyl acetate	do	
5292	Lawton Mills	Plainfield, Conn.	Nov. 13, 1918	279,000.00	2,116.00	Balloon cloth	do	Do.
5270	do	do	Nov. 12, 1918	270,000.00		do	do	Contract terminated since June 1, 1919.
1528	Pittsburg Plate Glass Co.	Pittsburgh, Pa.	Sept. 14, 1917	105,945.00	50,124.00	Glass and plant equipment.	A. C. Downey, captain, S. C., U. S. R.	Decreased $37,322.07.
1528-A	Supplemental to 1528		Mar. 18, 1919	18,498.66	*18,498.00	Settlement	F. D. Schnacke, captain, A. S., A. P.	
2507	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Jan. 11, 1918	[2] 2,988,000.00	2,209,216.00	Airplanes	A. C. Downey, major, S. C.	Decreased $45,602.92.
2266	General Motors Corporation.	Detroit, Mich.	Dec. 11, 1917	(1)	*3,697,095.00	Engines	do	
2266-1	Supplemental to 2266		do			Modification of terms of payment advanced.	do	
2266-2	do		Mar. 24, 1918			Increasing order by 1,000 engines.	do	
2266-3	do					Not executed	do	
2266-4	do					do		

[1] Cost plus.

[2] Estimated.

List of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
2266-5	Supplemental to 2266	.....	Oct. 2, 1918	.....	.....	Superseding contract canceling original and amendments. This contract now fixed price, approximately $24,000,000.	F. D. Schnacke, captain, A. S., A. P.	
2266-6	.....do.....	.....	Feb. 13, 1919	.....	.....	Revision of Article I in contract 2266-5, which through error was not expressed in proper manner.	.....do.....	
2266-A	.....do.....	.....	May 14, 1919	$3,020,641.96	.....	Settlement.....	.....do.....	This contract also covers contract 4433-A.
2581	B. F. Sturtevant Co....	Hyde Park, Mass	Jan. 14, 1918	165,440.00	*$165,440.00	Engines.....	A. C. Downey, major, S. C.	
3311	The Silvex Co.....	Bethlehem, Pa..	Mar. 20, 1918	(1)	*150,834.00	Spark plugs.....	.....do.....	
3311-1	Supplemental to 3311...	.....	May 9, 1918	.....	.....	Furnishing contractor with certain equipment valued at $5,000	F. D. Schnacke, first lieutenant, A. S., A. P.	
2390	Ordnance Engineering Corporation.	New York City..	Feb. 19, 1918	(1)	113,004.00	Airplanes.....	A. C. Downey, major, S. C.	
3443	Curtiss Aero & Motor Corporation.	Buffalo, N.Y....	Mar. 30, 1918	(1)	.....	Plane spares.....	.....do.....	Canceled; material not required.
2136	Union Switch & Signal Co.	Swissvale, Pa...	Sept. 25, 1917	(1)	*13,263,816.00	Engines.....	.....do.....	
2136-1	Supplemental to 2136...	.....	May 4, 1918	.....	.....	To include spare parts.	F. D. Schnacke, first lieutenant, A. S., A. P.	
2136-2	.....do.....	.....	Nov. 8, 1918	.....	.....	Price of engines and spares increased on account of change in specifications.	F. D. Schnacke, captain, A. S., A. P.	
2136 1-A	.....do.....	.....	Aug. 18, 1918	.....	.....	Cancels amendment 2136-1 and amends Article I original contract re spare parts.	F. D. Schnacke, first lieutenant, A. S., A. P.	
2293	The Pierce Co.....	East Rochester, N. Y.	Dec. 13, 1917	64,015.00	*101,045.00	Castor oil.....	A. C. Downey, major, S. C.	Increased $37,030.42.
50194	Clough Bourne Corporation, contractors.	New York City..	Nov. 9, 1917	(1)	*3,116,805.00	Construction Hazelhurst Field.	C. G. Edgar, captain, S. C.	
9721	J. W. Thompson.....	St. Louis, Mo...	Aug. 22, 1917	(1)	1,228,274.00	Construction Camp No. 1, Fort Worth, Tex.	.....do.....	
10367	American Construction Co.	Houston, Tex...	Sept. 4, 1917	(1)	*2,388,228.00	Construction training school near Houston	.....do.....	
1381	J. G. White Engineering Corporation.	New York City.	June 4, 1917	(1)	636,491.00	Aviation mobilization camp for overseas.	C. S. Wallace, major, S. C.	
1839	Standard Aero Corporation of New York.	Plainfield, N. J..	Nov. 10, 1917	(1)	*4,390,215.00	Airplanes.....	A. C. Downey, captain, S. C., U. S. R.	
1839-1	Supplemental to 1838...	.....	Jan. 7, 1918	.....	.....	Additional spare parts	.....do.....	
1839-2	.....do.....	.....	Mar. 8, 1918	.....	.....	Additional planes.....	.....do.....	
1839-3	.....do.....	.....	May 16, 1918	.....	.....	Additional spare parts	.....do.....	
1839-4	.....do.....	.....	.....	.....	.....	Not executed.....	.....do.....	
2696	Standard Aircraft Corporation.	Elizabeth, N. J.	Jan. 26, 1918	(1)	7,390.00	Airplanes.		
26961-1	Supplemental to 2696...	.....	Feb. 1, 1918	.....	.....	Change in type of planes.	A. C. Downey, major, S. C.	
2696-A	.....do.....	.....	June 19, 1918	.....	.....	Amending number planes of original contract.	F. D. Schnacke, first lieutenant A. S., S. R. C.	
2696-A-1	.....do.....	.....	May 16, 1918	.....	.....	Space necessary for testing guns, etc.	A. C. Downey, major, S. C.	
2696-2	.....do.....	.....	Sept. 21, 1918	.....	.....	Additional 120 planes..	O. R. Ewing, captain, A. S., A. P.	
2696-A-2	Supplemental to 2696...	.....	Nov. 6, 1918	.....	.....	800 additional planes and spares for 1,000 planes. Also this amendment supersedes original contract and amendment.	.....do.....	
2696-AA	.....do.....	.....	June 24, 1919	3,700,000.00	.....	Settlement.		
3475	Oliver Iron & Steel Co.	Pittsburgh, Pa..	Apr. 4, 1918	123,322.00	85,992.00	Bolts and washers.....	O. R. Ewing, first lieutenant, A. S., S. R. C.	
2605	J. W. Dean and J. H. Malone.	Dothan, Ala....	Feb. 13, 1918	437,500.00	135,394.00	Planting and growing castor beans.	.....do.....	Decreased $302,105.42.
5236	The Presto-Lite Co.....	New York City.	Nov. 11, 1918	226,275.00	.....	Tanks of acetylene gas	O. R. Ewing, captain, A. S., A. P.	
236-A	Supplemental to 5236...	.....	Apr. 4, 1919	439.39	*439.00	Settlement.....	F. D. Schnacke, captain, A. S., A. P.	
4670	The Ohio Rubber Co...	Cleveland, Ohio.	Sept. 14, 1918	200,000.00	79,371.00	Shock absorber cord...	O. R. Ewing, captain, A. S., A. P.	
4723	Aluminum Castings Co.	.....do.....	Sept. 16, 1918	[2] 1,776,000.00	2,215,587.00	Castings.....	.....do.....	Increased $475,000.
4723-1	Supplemental to 4723...	.....	Dec. 21, 1918	.....	.....	Changing date re option	.....do.....	
4723-2	.....do.....	.....	Jan. 27, 1919	.....	.....	.....do.....	S. M. Wiley, captain, A. S., A. P.	
4723-3	.....do.....	.....	Feb. 20, 1919	.....	.....	.....do.....	.....do.....	
4263	National Pneumatic Co.	Chicago, Ill.....	July 17, 1918	127,500.00	122,895.00	Gears.....	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Additional payment since June 1, 1919.
4014	.....do.....	.....do.....	June 8, 1918	100,000.00	*100,000.00	Gears (interrupter)....	.....do.....	
2448	Sturtevant Airplane Co.	Jamaica Plains, Mass.	Feb. 13, 1918	263,917.50	*268,867.00	Spare parts.....	.....do.....	Increased $4,950.
4417	Thomas Morse Aircraft Corporation.	Ithaca, N. Y....	Aug. 6, 1918	600,000.00	389,697.00	Airplanes.....	.....do.....	Increased $1,697.50.
1550-A	Fowler Airplane Corporation.	San Francisco, Calif.	Mar. 8, 1918	323,176.50	*323,166.00	.....do.....	.....do.....	Decreased $9.60.
4915	Willys Overland Co....	Elmira, N. Y...	Oct. 30, 1918	[2] 481,147.50	104,421.00	Screw machine parts..	F. D. Schnacke, captain, A. S., A. P.	Decreased $14,567.50.

[1] Cost plus.

[2] Estimated.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
4733	Disco Manufacturing Co.	Detroit, Mich...	Sept. 27, 1918	$250,000.00	$217,089.00	C. C. synchronizing generators.	F. D. Schnacke, captain, A. S., A. P.	
4733-A	Supplemental to 4733...	.....	May 31, 1919	17,139.05	.....	Settlement.....	S. M. Wiley, captain, A. S., A. P.	
4262	Sturtevant Aeroplane Co.	Boston, Mass....	July 13, 1918	234,182.50	*45,744.00	Spares.....	F. D. Schnacke, captain, A. S., A. P.	
2249	General Vehicle Co.....	New York City.	Nov. 20, 1917	1,527,568.00	*1,595,599.00	Belting and equipment	A. C. Downey, major, Signal Corps.	Increased $68,031.83.
2249-1	Supplemental to 2249...	.....	May 11, 1918	.....	.....	Advance payment....	.....do.....	
2249-2	.....do.....	.....	July 10, 1918	.....	.....	Amendment substituting the Government instead of Vehicle Co. in connection with railroad at plant.	F. D. Schnacke, first lieutenant, A. S., S. R. C.	
2249-3	.....do.....	.....	Aug. 24, 1918	.....	.....	Resale office equipment, etc., to contractor.	F. D. Schnacke, captain, A. S., A. P.	
5062	Packard Motor Car Co..	Detroit, Mich...	Sept. 7, 1918	(1)	348,199.00	Combat planes.....	.....do.....	
5062-1	Supplemental to 5062...	.....	May 19, 1919	87,725.35	.....	Settlement.....	.....do.....	
5293	Wellington Sears Co....	New York City.	Nov. 13, 1918	279,000.00	22,501.00	Balloon cloth.....	.....do.....	
5384	Pratt & Lambert (Inc.).	Buffalo, N. Y...	Nov. 12, 1918	222,500.00	*202,416.00	Dope.....	.....do.....	Payment since June 1, 1919.
4889	Pittsburgh Model Engine Co.	Pittsburgh, Pa..	Nov. 7, 1918	450,000.00	.....	Finishing engines.....	F. D. Schnacke, captain, A. S., A. F.	Decreased $435,000.
5231	Lawton Mills Corporation.	New York City..	Nov. 1, 1918	283,500.00	9,636.00	Balloon cloth.....	.....do.....	Completed since June 1, 1919.
5269	Wm. Whitman Co.....	.....do.....	Nov. 13, 1918	156,000.00	30,277.00	.....do.....	.....do.....	
5269-A	Supplemental to 5269...	.....	Mar. 21, 1919	11,076.43	*11,076.00	Settlement.....	.....do.....	Paid since June 1, 1919.
5119	Ericson Manufacturing Co.	Buffalo, N. Y...	Oct. 26, 1918	392,014.84	275,696.00	Magneto spares.....	.....do.....	Completed since June 1, 1919. Decreased $95,809.28.
5042	Steel Products Co.....	Cleveland, Ohio.	Nov. 13, 1918	144,000.00	143,325.00	Engine spares.....	.....do.....	
4987	Mosler & Co.....	Mount Vernon, N. Y.	Oct. 10, 1918	1,050,000.00	409,911.00	Spark plugs.....	.....do.....	Decreased $1,534,000.
4987-1	Supplemental to 4987...	.....	Oct. 19, 1918	.....	.....	Advance payment....	.....do.....	
4416	Curtiss Aeroplane & Motor Corporation.	Buffalo, N. Y...	Sept. 6, 1918	234,579.00	136,455.00	Spare parts.....	.....do.....	
4289	.....do.....	.....do.....	July 16, 1918	495,838.98	376,654.00	.....do.....	.....do.....	Decreased $59,987.79.
3783	.....do.....	.....do.....	June 17, 1918	3,325,000.00	2,418,069.00	Airplanes.....	F. D. Schnacke, first lieutenant.	Decreased $108,251.42.
2692	The Toledo Seed & Oil Co.	Toledo, Ohio....	Feb. 14, 1918	189,100.00	$193,722.00	Castor oil.....	O. R. Ewing, first lieutenant, A. S., S. R. C.	Increased $4,622.84.
2823	California Castor Bean Association.	Santa Barbara, Calif.	Feb. 6, 1918	437,500.00	52,421.00	Planting and growing castor beans.	.....do.....	Decreased $175,000.
2952	Chamber of Commerce and Business Men's Club.	San Antonio, Tex.	Feb. 20, 1918	437,500.00	23,183.00	.....do.....	.....do.....	Decreased $227,500. Additional payments since June 1, 1919.
2952-1	Supplemental to 2952...	.....	Aug. 22, 1918	.....	.....	Amendment reaccepting unshelled beans.	O. R. Ewing, captain, A. S., A. P.	
3007	D. C. Gillett.....	Tampa, Fla.....	Feb. 28, 1918	[2] 175,000.00	16,959.00	Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $70,000.
3007-1	Supplemental to 3007...	.....	Aug. 13, 1918	.....	.....	Extending date delivery.	F. D. Schnacke, captain, A. S., A. P.	
10162	W. C. Hedrick Construction Co.	Fort Worth, Tex.	Aug. 31, 1917	Cost plus.	1,159,951.00	Construction training school, Dallas.	C. G. Edgar, captain, Signal Corps.	
2954	Moe Solomon & Co.....	New York City.	Feb. 18, 1918	130,000.00	*130,078.00	Coats.....	O. R. Ewing, first lieutenant, Signal Reserve Corps.	Increased $78.
3305	Trans-Oceanic Trading Co. (Inc.).	.....do.....	Mar. 21, 1918	490,000.00	.....	Castor beans.....	.....do.....	Canceled, material not requested.
3474	Oliver Iron & Steel Co..	Pittsburgh, Pa.	Apr. 4, 1918	[2] 126,985.00	*79,339.00	Bolts and washers.....	.....do.....	Decreased $47,645.87.
8504	Unit Construction Co...	St. Louis, Mo...	June 19, 1917	(1)	1,638,423.00	Construction aviation school, Belleville, Ill.	C. G. Edgar, captain, Signal Corps.	
3134	Richard T. Barnhart, Irby J. Hudson.	Pearsall, Tex....	Feb. 26, 1918	175,000.00	*2,080.00	Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Decreased $172,919.27.
9723	J. W. Thompson.....	St. Louis, Mo...	Aug. 22, 1917	(1)	988,612.00	Construction Camp No. 3, Fort Worth, Tex.	C. G. Edgar, captain, Signal Corps, United States Reserves.	
9722	.....do.....	.....do.....	.....do.....	(1)	1,195,432.00	Construction Camp No. 2, Fort Worth, Tex.	.....do.....	
50005	E. A. Wickham.....	Council Bluffs, Iowa.	Sept. 15, 1917	(1)	2,081,227.00	Construction Park Field.	C. G. Edgar, lieutenant colonel, Signal Corps.	Payments since June 1, 1919.
50045	Dayton Lbr. & Manufacturing Co.	Dayton, Ohio...	Oct. 1, 1917	(1)	801,026.00	Construction Wilbur Wright.	.....do.....	
DMA-110	University of Illinois...	Champaign County, Ill.	Aug. 27, 1918	[3]	205,825.00	Military aeronautics training.	C. G. Edgar, colonel, Signal Corps.	
DMA-162	Ohio State University..	Franklin County, Ohio.	Aug. 26, 1918	[3]	172,559.00	.....do.....	.....do.....	
DMA-132	Massachusetts Institute of Technology.	Cambridge, Mass.	Sept. 9, 1918	[3]	146,191.00	.....do.....	.....do.....	
DMA-133	Supplemental to DMA-132.	.....	Oct. 6, 1918	.....	.....	Provides course in aeronautical engineering.	T. H. Bane, colonel, Signal Corps.	
DMA-246	Willys-Overland (Inc.).	Toledo, Ohio....	July 1, 1918	106,469.95	*61,220.00	Lease building at St. Paul.	C. G. Edgar, colonel, Signal Corps.	
DMA-593	Supplemental to DMA-246.	.....	Jan. 10, 1919	.....	.....	Terminating lease.....	W. F. Volandt, captain, A. S. A.	Decreased $45,249.73.
4090	Wolverine Brass Works.	Grand Rapids, Mich.	June 17, 1918	312,500.00	*600,000.00	Mounts.....	F. D. Schnacke, first lieutenant, A. S., S. R. C.	Increased $287,500.
4155	B. Shoninger & Co.....	New Haven, Conn.	June 26, 1918	190,000.00	*225,672.00	Propellers.....	.....do.....	Increased $70,320.82.
4155-1	Supplemental to 4155...	.....	Oct. 2, 1918	.....	.....	Re storing, etc.....	.....do.....	

[1] Cost plus. [2] Estimated. [3] Indeterminate.

List A of formal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
4155-2	Supplemental to 4155..	.....	May 8, 1919	$34,648.53	*$34,648.00	Settlement.....	F. D. Schnacke, captain, A. S., A. P.	
Everman-3	Panther Auto Supply Co.	Fort Worth, Tex.	Dec. 7, 1917	(1)	*168,781.00	Gasoline.....	S. V. Schermerhorn, captain, Signal Reserve Corps.	
2250	Wright-Martin Aircraft Corporation.	New Brunswick, N. J.	Nov. 13, 1918	(2)	29,615,776.00	Engines, spares, tools..	A. C. Downey, major, Signal Corps.	Payments since June 1, 1919.
2250-1	Supplemental to 2250...	.....	Feb. 2, 1918	.....	.....	Additional 1,000 engines and spares.	.....do.....	
2250-2	.....do.....	.....	Feb. 25, 1918	.....	.....	.....do.....	.....do.....	
2250-3	.....do.....	.....	May 25, 1918	.....	.....	Additional 1,000 engines as required from time to time.	.....do.....	
2250-4	.....do.....	.....	May 27, 1918	.....	.....	Re contractor, furnishing equipment of rejected parts, etc.	F. D. Schnacke, first lieutenant, A. S., A. P., N. A.	
2250-5	.....do.....	.....	Aug. 1, 1918	.....	.....	3,000 additional engines	.....	
2250-6	.....do.....	.....	Sept. 19, 1918	.....	.....	Re subcontractors.....	O. R. Ewing, captain, A. S., A. P.	
2250-7	.....do.....	.....	Oct. 31, 1918	.....	.....	Additional 1,000 engines.	F. D. Schnacke, captain, A. S., A. P.	
2569	Standard Motor Truck Co.	Detroit, Mich...	Jan. 16, 1918	747,007.50	*768,576.00	Trucks.....	O. R. Ewing, first lieutenant, Signal Reserve Corps.	Increased $21,568.50.
2532	General Motors Truck Co.	New York City..	Jan. 24, 1918	3 1,577,009.00	*1,627,550.00	.....do.....	.....do.....	
1949	Western Electric Co....	.....do.....	Aug. 10, 1918	4 500,000.00	*215,211.00	Electrical equipment..	F. D. Schnacke, captain, A. S., A. P.	
4497	Blaw-Knox Co.....	Pittsburgh, Pa..	Aug. 19, 1918	215,600.00	420,740.00	Structural steel.....	.....do.....	Increased $301,840.
4474	McKeen Motor Car Co..	Omaha, Nebr...	Aug. 17, 1918	175,000.00	170,676.00	Windlasses.....	.....do.....	Increased $12,737.22.
5074	Dartmouth Manufacturing Co.	New Bedford, Mass.	Oct. 26, 1918	1,300,000.00	296,463.00	Fabric.....	.....do.....	Additional payments since June 1, 1919. Before claims board for termination.
2649	Fred L. Boniff.....	San Fernando, Calif.	Jan. 27, 1918	437,500.00	.....	Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., R. C.	Canceled.
2567	Republic Motor Truck Co.	Alma, Mich.....	Jan. 16, 1918	1,024,850.00	*1,149,190.00	Trucks.....	.....do.....	Increased $124,340.70.
2567-1	Supplemental to 2567...	.....	June 27, 1918	.....	.....	Advanced payment...	O. R. Ewing, captain, A. S., A. P.	
2531	Velie Motors Corporation.	Moline, Ill.....	Jan. 16, 1918	1,236,412.00	*1,221,167.00	Trucks.....	O. R. Ewing, first lieutenant, A. S., R. C.	Decreased $15,244.04.
5383	General Electric Co.....	Schenectady, N. Y.	Nov. 8, 1918	456,000.00	*30,537.00	Compasses.....	F. D. Schnacke, captain, A. S., A. P.	Decreased $425,462.50.
4769	Springfield Aircraft Corporation	Springfield, Mass	Nov. 1, 1918	1,050,000.00	236,114.00	Planes.....	.....do.....	Decreased $806,873.62. Additional payments since June 1, 1919.
4932	Taylor Instrument Co..	Rochester, N. Y.	Oct. 10, 1918	836,250.00	.....	Altimeters.....	.....do.....	
4474	McKeen Motor Car Co..	Omaha, Nebr...	Aug. 17, 1918	175,000.00	.....	Windlasses.....	.....do.....	Canceled.
4905	Goodrich Rubber Co...	Akron, Ohio....	Oct. 8, 1918	187,688.00	.....	Tires.....	.....do.....	Decreased $137,000.
4450	International Register Co.	Chicago, Ill.....	Aug. 13, 1918	218,500.00	96,419.00	Interrupter gear.....	.....do.....	Decreased $113,210.72.
4809	H. D. Lee Mercantile Co.	South Bend, Ind.	Sept. 27, 1918	156,000.06	38,151.00	Mechanics' suits.....	.....do.....	Decreased $117,000.
5256	The American Stove Co.	St. Louis, Mo...	Nov. 2, 1918	177,000.00	51,713.00	Airplane engine heaters	.....do.....	
5361	Liberty Crankshaft Co..	Worcester, Mass.	Oct. 14, 1918	Cost plus.	.....	Services special machinist, and new machinery plant.	O. R. Ewing, captain, A. S., A. P.	
4773	St. Louis Aircraft Corporation.	St. Louis, Mo...	Sept. 25, 1918	700,000.00	.....	Airplanes.....	O. Q. Ewing, captain, A. S., A. F.	Decreased $497,000.
2454	Excelsior Motor Manufacturing Co.	Chicago, Ill.....	Jan. 23, 1918	295,000.00	*295,000.00	Engines.....	A. C. Downey, major, S. C.	
5056	Olds Motor Co.....	Lansing, Mich..	Sept. 20, 1918	1,975,000.00	220,914.00	Spare parts.....	A. C. Downey, lieutenant colonel, A. S., A. P.	Decreased $1,604,000.
2456	Hall-Scott Motor Car Co.	West Berkeley, Calif.	Feb. 6, 1918	1,500,000.00	*779,868.00	Engines.....	A. C. Downey, major, S. C.	
2456-1	Supplemental to 2456...	.....	Apr. 6, 1918	.....	.....	Confirms cancellation 500 engines under original contract, and provides for same as per amendment.	F. D. Schnacke, first lieutenant, S. R. C.	
2696	Standard Aircraft Corporation.	Elizabeth, N. J.	Jan. 26, 1918	Cost plus.	3,698,500.00	Airplanes.....	A. C. Downey, major, S. C.	Settlement contract since June 1, 1919, $3,700,000; this corrects the eighth item on list A-16 (same contract).
2696-1	Supplemental to 2696...	.....	Feb. 1, 1918	.....	.....	Substitution D. H. 4's for D. H. 9's.	.....do.....	
2692-2	.....do.....	.....	Sept. 21, 1918	.....	.....	Additional 120 D. H. 4's.	O. R. Ewing, captain, A. S., A. P.	
2696-A	.....do.....	.....	June 19, 1918	.....	.....	Substitution of D. H. 4's for D. H. 9's.	F. D. Schnacke, captain, A. S., A. P.	
2696-A-1	.....do.....	.....	May 16, 1918	.....	.....	Covering space for testing guns, etc.	A. C. Downey, major, A. S., A. P.	
2696-A-2	.....do.....	.....	Nov. 6, 1918	.....	.....	Additional D. H. 4's and spares.	O. R. Ewing, captain, A. S., A. P.	
2042	Lewis Thompson & Co. (Inc.).	Philadelphia, Pa.	Nov. 23, 1917	300,000.00	154,368.00	Mahogany.....	A. C. Downey, major, S. C.	
	Supplemental to 2042...	.....	Dec. 4, 1917	.....	.....	Advanced payments..	.....do.....	
3853	Anderson Motor Co.....	Rock Hill, S. C..	May 11, 1918	142,992.96	73,289.00	Trailers.....	O. R. Ewing, first lieutenant, A. S., R. C.	
3853-1	Supplemental to 3853...	.....	Mar. 10, 1919	.....	.....	Increase unit price to cover losses to contractor due to change in specifications on 3853 and 3719.	F. D. Schnacke, captain, A. S., A. P.	

[1] 27 cents per gallon. [2] Cost plus. [3] Plus 3 per cent war tax. [4] Estimated.

List E of informal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States.

[Starred items in the column headed "Amount Expended" include final payment.]

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
ASA-9	Settlement claim under Dent Act on contract 730265 (above).	.....	Apr. 10, 1919	$3,273.94	*$3,273.00	Material and freight 110-horsepower engines.	G. I. Rowley, captain, A. S., A. P.	
ASA-10	.....do.....	.....	.....do.....	9,975.83	*9,975.00	Material, 80-horsepower engines.	.....do.....	
720475	Fisher Body Corporation.	Detroit, Mich...	Sept. 5, 1918	100,000.00	.....	Spares.....	F. D. Schnacke, captain, A. S., A. P.	Final payment since June 1, 1919.
4626	Supplemental to 720475.	.....	May 23, 1919	94,073.04	.....	.....	S. M. Wiley, captain, A. S., A. P.	
20670	Wright-Martin Aircraft Corporation.	New Brunswick, N. J.	Mar. 2, 1918	1,060,000.00	.....	Planes.....	F. D. Schnacke, first lieutenant, A. S., A. P.	Canceled, material not required.
20770	Dayton Wright Airplane Corporation.	Dayton, Ohio...	Mar. 16, 1918	(1)	.....	Spares.....	.....do.....	Do.
108	West & Dodge Co.....	Boston, Mass....	Mar. 14, 1918	[2] 50,000.00	*221,413.00	Gauges.....	.....do.....	Increased $220,000; final payment since June 1, 1919.
810047	Secretary of Navy.....	Washington, D. C.	Oct. 16, 1918	269,992.00	.....	Ferrosilicon.....	A. C. Downey, captain, A. S., A. P.	
810050	.....do.....	.....do.....	Oct. 19, 1918	229,160.00	.....	.....do.....	A. C. Downey, lieutenant colonel, A. S., A. P.	
20018	B. F. Goodrich Co.....	Akron, Ohio....	Sept. 25, 1917	[2] 670,750.00	*137,400.00	Balloons.....	A. C. Downey, captain, A. S., A. P.	Decreased $533,350.
810040	Cocoanut Plantation Co.	Boston, Mass....	Oct. 10, 1918	765,000.00	.....	Castor beans.....	O. R. Ewing, captain, A. S., A. P.	Decreased $755,000.
710880	Packard Motor Car Co..	Detroit, Mich....	Feb. 13, 1919	100,000.00	.....	Engine spares.....	F. D. Schnacke, captain, A. S., A. P.	Payments since June 1, 1919.
710882	.....do.....	.....do.....	.....do.....	160,000.00	.....	.....do.....	.....do.....	Canceled since June 1, 1919.
710499	Gosnold Mills.....	New Bedford, Mass.	Oct. 26, 1918	121,125.00	.....	Balloon cloth.....	.....do.....	Do.
720805	Singer Manufacturing Co.	Bridgeport, Conn.	Oct. 30, 1918	178,159.16	.....	Wire fittings.....	.....do.....	Canceled.
720816	Hayes-Ionia Co.....	Grand Rapids, Mich.	Nov. 14, 1918	1,572,053.00	.....	Spare parts.....	O. R. Ewing, captain, A. S., A. P.	Canceled; material not required.
870232	Spruce Production Corporation.	Washington, D. C.	Dec. 2, 1918	[3] 9,999,300.00	*99,993.00	Stock.....	.....do.....	Under authority act of Congress No. 193, approved July 9, 1918.
720738	Secretary of the Navy..	.....do.....	Nov. 2, 1918	150,000.00	*166,000.00	Balloons.....	A. C. Downey, lieutenant colonel, A. S., A. P.	Increased $16,000.
720696	.....do.....	.....do.....	Oct. 15, 1918	2,000,000.00	.....	Hydroplanes.....	.....do.....	
720720	.....do.....	.....do.....	Oct. 18, 1918	330,000.00	70,000.00	Balloons.....	.....do.....	
721046	.....do.....	.....do.....	Feb. 4, 1919	124,420.00	.....	Flying boats and spares	.....do.....	Decreased $12,684.86.
721069	.....do.....	.....do.....	Mar. 11, 1919	124,000.00	.....	Flying boats.....	W. A. Miller, first lieutenant, A. S., A. P.	Decreased $12,264.86.
840214	Gianni Caproni.....	Milan, Italy.....	Apr. 19, 1919	210,717.89	.....	1 and 2 Caproni missions.	G. I. Rowley, captain, A. S., A. P.	See Contracts with foreign countries.
50016	Stone & Webster.....	Boston, Mass....	Sept. 14, 1917	(1)	.....	Construction.....	C. G. Edgar, captain.	Canceled Feb. 2, 1918.
710675	Rogers & Cleaver, receivers, Champion Lumber Co.	Sunburst, N. C.	Nov. 9, 1918	156,000.00	.....	Spruce lumber.....	F. D. Schnacke, captain, A. S., A. P.	
72279	John A. Hill.....	Harlington, Tex.	Feb. 15, 1918	175,000.00	.....	Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Canceled.
30206	General Motors Co.....	Detroit, Mich...	Jan. 2, 1918	6,750,000.00	.....	Engine and spare parts	A. C. Downey, major.	Do.
72473	Ernest Hall Coolidge...	New York City.	Feb. 26, 1918	878,400.00	.....	Castor oil.....	O. R. Ewing, first lieutenant, A. S., S. R. C.	Do.
20455	Secretary of the Navy..	Washington, D. C.	Jan. 12, 1918	150,000.00	113,400.00	Seaplanes.....	Newton D. Baker, Secretary of War.	Completed since June 1, 1919.
72489	D. C. Gillett.....	Tampa, Fla.....	Feb. 27, 1918	175,000.00	.....	Planting and growing castor beans.	O. R. Ewing, first lieutenant, A. S., S. R. C.	Canceled.
72548	British ministry of munitions in United States.	Washington, D. C.	Feb. 28, 1918	2,250,000.00	.....	Castor oil.....	.....do.....	Do.
90070	Quartermaster General, United States Army.	.....do.....	Oct. 10, 1917	320,000.00	.....	Motor chasses.....	M. C. Bristol, lieutenant colonel.	Do.
90022	.....do.....	.....do.....	Sept. 26, 1917	635,000.00	*472,842.00	Motor equipment.....	.....do.....	Decreased $162,157.77.
90068	.....do.....	.....do.....	Oct. 9, 1917	[3] 3,947,200.00	.....	Trucks.....	.....do.....	Decreased $3,947,200; canceled.
7943	Quartermaster General.	U. S. Army.....	May 28, 1917	[2] 175,350.00	.....	Request for purchase of chassis.	C. S. Wallace, major, S. C.	Canceled; material not required.
8114	.....do.....	.....do.....	June 4, 1917	[2] 200,000.00	.....	Radio tractor chassis..	.....do.....	Do.
8793	.....do.....	.....do.....	July 13, 1917	[2] 166,250.00	*197,594.00	Motor cycles, cars, and trucks.	C. S. Wallace, lieutenant colonel, S. C.	
9593	Chief of Ordnance.....	.....	Aug. 22, 1917	260,000.00	.....	Copper.....	Geo. H. Brett, major, S. C.	
7836	J. G. Brill Co.....	Philadelphia, Pa.	May 22, 1917	(1)	.....	Wire carts.....	C. S. Wallace, major, S. C.	Do.
9374	Western Electric Co....	New York City..	Aug. 11, 1917	168,000.00	*168,000.00	Buzzer telephone.....	L. M. Evans, captain, S. C., U. S. R.	
9167	.....do.....	.....do.....	July 31, 1917	[2] 275,000.00	*212,976.00	Construction supplies..	.....do.....	
8433	Fisher Body Corporation.	Detroit, Mich...	June 21, 1917	2,500,000.00	.....	Airplanes.....	C. S. Wallace, lieutenant colonel, S. C.	Do.
8436	Dayton-Wright Airplane Co.	Dayton, Ohio...	.....do.....	2,500,000.00	.....	.....do.....	.....do.....	Do.
9565	Langrock Bros. Co.....	Brooklyn, N. Y.	Aug. 22, 1917	114,000.00	.....	Overall suits.....	A. C. Downey, captain, S. C., U. S. R.	Do.
10266	Underwood Typewriter Co.	Washington, D.C.	Sept. 10, 1917	155,925.00	*155,646.00	Typewriters.....	A. C. Downey, captain, S. C.	Decrease by adjustment voucher.
10269	Corona Typewriter Co..	.....do.....	.....do.....	141,750.00	*141,750.00	.....do.....	.....do.....	
10337	Quinault Lumber Co...	Raymond, Wash.	Sept. 12, 1917	168,000.00	.....	Spruce.....	.....do.....	Canceled; taken over by Spruce Production Corporation.
10338	Siler Mill Co.....	.....do.....	.....do.....	420,000.00	.....	.....do.....	.....do.....	Do.
10339	Aloha Lumber Co.....	Aloha, Wash....	.....do.....	420,000.00	.....	.....do.....	.....do.....	Do.
10341	Raymond Lumber Co..	Raymond, Wash	.....do.....	126,000.00	.....	.....do.....	.....do.....	Do.
10342	Willapa Lumber Co....	.....do.....	.....do.....	420,000.00	.....	.....do.....	.....do.....	Do.
10343	Buehner Lumber Co....	North Bend, Oreg.	.....do.....	126,000.00	.....	.....do.....	.....do.....	Do.

[1] Cost plus. [2] Estimated. [3] Original contract in files of Purchase, Storage, and Traffic Division.

List E of informal contracts aggregating $100,000 or over made by or under Air Service for Air Service from April 6, 1917, to June 1, 1919, in United States—Continued.

Contract No.	Contractor.	Contractor's address.	Date of contract.	Amount of contract.	Amount expended to June 1, 1919.	Nature of contract.	Officer or person executing contract.	Remarks.
10344	Multnomah Lumber & Box Co.	Portland, Oreg..	Sept. 12, 1917	$420,000.00	*$20,743.00	Spruce	A. C. Downey, captain, S. C.	Decreased $399,256.17; balance taken over by Spruce Production Corporation.
10345	Brighton Mill Co.	Tillamook, Oreg.	do	420,000.00	*74,967.00	do	do	Decreased $345,032.16; balance taken over by Spruce Production Corporation.
10346	Puget Sound Mill & Timber Co.	Port Angeles, Wash.	do	252,000.00		do	do	Canceled; taken over by Spruce Production Corporation.
10348	North Bend Mill & Lumber Co.	North Bend, Oreg.	do	168,000.00		do	do	Do.
10349	Astoria Box Co.	Astoria, Oreg.	do	420,000.00	*9,775.00	do	do	Decreased $410,224.19.
20527	B. F. Goodrich Co.	Akron, Ohio	Jan. 25, 1918	[1] 400,000.00	*89,250.00	Balloons	A. C. Downey, major, S. C.	Decreased $310,750.
20528	do	do	do	[1] 800,000.00	*562,552.00	do	do	Decreased $237,447.12.
20356	Macy Engineering Co.	Franklin, Pa.	Dec. 20, 1917	250,000.00	5,000.00	Electrical controls	do	Decreased $185,000.
710357	Dartmouth Manufacturing Co.	New Bedford, Mass.	Oct. 15, 1918	120,000.00		Balloon cloth	F. D. Schnacke, first lieutenant, S. C.	Canceled; material not required.
21041	Secretary of Navy	Washington, D. C.	Apr. 29, 1918	210,000.00		Mercury	do	Do.
720308	Grand Rapids Airplane Co.	Grand Rapids, Mich.	Oct. 2, 1918	400,000.00		Airplane tools	F. D. Schnacke, captain, S. C.	Decreased $392,000.
730473	Splitdorf Electrical Co.	Newark, N. J.	Sept. 27, 1918	384,800.00		Magneto parts	O. R. Ewing, captain, A. S., A. P.	Canceled; material not required.
720773	Curtiss Aero & Motor Corporation.	Buffalo, N. Y.	Oct. 28, 1918	1,400,000.00		Airplanes	F. D. Schnacke, first lieutenant, S. C.	Do.
880021	Federal Truck Co.	Detroit, Mich.	Oct. 15, 1918	120,606.25	*120,606.00	Services	O. R. Ewing, first lieutenant, A. S. A.	
40415	Navy Department	Washington, D. C.	Nov. 16, 1917	156,300.00		Transmitting sets and spares.	Secretary of War	Do.
810059	U. S. Fruit Co.	Boston, Mass.	Nov. 2, 1918	894,200.00		Castor beans	O. R. Ewing, first lieutenant, A. S. A.	Do.
810021	Electro Metallurgical Sales Corporation.	New York, N. Y.	Aug. 19, 1918	241,500.00		Ferrosilicon	F. D. Schnacke, captain, S. C.	Do.
720171	Jas. Cunningham & Co.	Rochester, N. Y.	Aug. 2, 1918	350,000.00		Balloon windlasses	do	Do.
720546	Harrisburg Pipe & Pipe Bending Co.	Harrisburg, Pa.	Sept. 20, 1918	1,543,750.00		Steel cylinders	O. R. Ewing, first lieutenant, S. C.	Canceled; material not required.
720313	U. S. Aircraft Corporation.	Redwood City, Calif.	Aug. 26, 1918	200,000.00		Airplanes	F. D. Schnacke, captain, S. C.	Do.
90072	Quartermaster General	Washington, D. C.	Oct. 10, 1917	[1] 210,000.00	161,062.00	Autos and motor cycles.	C. A. Seoane, lieutenant colonel, S. C.	
9132	do	do	Aug. 2, 1917	[1] 600,000.00	94,533.00	Motor equipment	G. H. Brett, captain, S. C.	
9477	Director Bureau of Standards.	do	Aug. 15, 1917	[1] 100,000.00	98,375.00	Equipment and employment of personnel.	R. M. Jones, captain, S. C.	
9064	Quartermaster General	do	July 28, 1917	[1] 153,000.00	88,586.00	Motor equipment	Geo. Brett, captain, S. C.	
8837	do	do	July 17, 1917	[1] 176,000.00	*189,658.00	do	G. H. Brett, captain, S. C.	Increased $13,658.
9456	Chief of Ordnance, U. S. Army.	do	Aug. 15, 1917	[1] 100,000.00	*5,935.00	Ammunition	R. M. Jones, captain, S. C.	Decreased $94,065.
90063	Quartermaster General	do	Oct. 9, 1917	150,800.00		Truck bodies	C. A. Seoane, lieutenant colonel, S. C.	
60203	do	do	Oct. 13, 1917	[1] 103,500.00		Gasoline drums	do	
9451	Chief of Ordnance, U. S. Army.	do	Aug. 22, 1917	[1] 940,000.00		Machine guns and ammunition.	G. H. Brett, major, S. C.	
8553	Quartermaster General	do	July 2, 1917	179,180.00	109,883.00	Motor equipment	Chas. Wallace, lieutenant colonel, S. C.	
8338	do	do	June 18, 1917	100,800.00		do	do	
7869	do	do	May 25, 1917	[1] 264,500.00	195,349.00	do	Chas. Wallace, major and lieutenant colonel, S. C.	Increased $500.
90117	do	do	Oct. 30, 1917	[1] 404,265.00	103,147.00	do	C. A. Seoane, lieutenant colonel, S. C.	
10286	do	do	Sept. 12, 1917	[1] 427,500.00	*130,350.00	do	do	Decreased $297,150.
20429	Curtiss Airplane & Motor Corporation.	Buffalo, N. Y.	Feb. 4, 1918	2,382,500.00		Spares	O. R. Ewing, first lieutenant, S. R. C., A. S.	Canceled; material not required.
20494	Lewis Spring & Axle Co.	Chelsea, Mich.	Feb. 16, 1918	[1] 122,000.00	*4,169.00	Metal parts	F. D. Schnacke, first lieutenant, S. R. C., A. S	Decreased $117,831.
20270	Bureau of Mines	Washington, D. C.	Nov. 22, 1917	500,000.00	*227,818.00	Argon gas	C. A. Seoane, lieutenant colonel, S. C.	Decreased $272,181.59.
870173	Spruce Production Corporation.	do	Oct. 14, 1918	[1] 25,000,000.00	*21,500,000.00	Debentures	O. R. Ewing, captain, A. S., A. P.	Decreased $3,500,000. Under authority of act of Congress No. 193 approved July 9, 1918.
42799	Optical Annex, Naval Gun Factory.	do	May 16, 1918	[2] 1,850,000.00		Field glasses	R. M. Jones, major, S. C.	
730212	Disco Manufacturing Co.	Detroit, Mich.	Aug. 16, 1918	156,000.00		Generators	F. D. Schnacke, captain, A. S., A. P.	Canceled; material not required.
730223	Winton Motor Car Co.	Cleveland, Ohio.	Aug. 20, 1918	4,200,000.00		Engines	do	Do.
880001	McKeen Motor Car Co.	Omaha, Nebr.	July 11, 1918	578,126.50		Windlasses	O. R. Ewing, captain, S. C.	Do.
20250	Director Bureau of Mines.	Washington, D.C.	Nov. 14, 1917	144,000.00	62,332.00	Investigation and experiments of oxygen apparatus.	C. A. Seoane, lieutenant colonel, S. C.	Decreased $55,200.
10345	Brighton Mill Co.	Tillamook, Oreg.	Sept. 12, 1917	420,000.00	*74,967.00	Spruce	A. C. Downey, captain, S. C.	Decreased $345,032.18; balance canceled.
10344	Multnomah Lumber & Box Co.	Portland, Oreg..	do	420,000.00	*20,743.00	do	do	Decreased $399,256.17.
30004	Wright-Martin Aircraft Corporation.	New York City..	Sept. 27, 1917	2,500,000.00		Engines	do	Canceled; material not required.
730265	Union Switch & Signal Co.	Swissvale, Pa.	Sept. 3, 1918	720,000.00			F. D. Schnacke, captain, S. C.	
ASA9	Supplemental to 730265.						G. I. Rowley, captain, A. S., A. P.	

[1] Estimated.

[2] Transferred to General Staff.

Mr. FREAR. I have here, for the next exhibit, a two-page statement, entitled "Construction at Air Service Stations," and says it gives the amounts under "Cost of buildings" to cover everything in construction at the several stations. There are several columns, and the first one is "Location," and the next one "Class or character," and the next one "Date of contract," and the next one "Date of purchase," and the next one "Cost of land," and the next one "Cost of buildings," and the next one "Payments to July 15, 1919," and the next one "Balance due," and the next one "Officer in charge, July 15, 1919," and the last one "Remarks." These columns have not been totaled, so I will not refer to them at this time, nor to this statement further than to say that I will introduce it as an exhibit; and apparently this gives the cost of the buildings and everything in the matter of construction at the several stations. That is your understanding, is it?

General MENOHER. Yes, sir.

Mr. FREAR. I will ask that it be marked "Exhibit No. 103 (General Menoher, Exhibit D)" and inserted in the record.

(The paper referred to is printed in full in the record, and is as follows:)

EXHIBIT No. 103. (Gen. MENOHER, EXHIBIT D.)

Construction at Air Service stations.

[The amounts given under "Cost of buildings" includes everything in construction at the several stations.]

Location.	Class or character.	Date of contract.	Date of purchase.	Cost of land.	Cost of buildings.	Payments to July 15, 1919.
Americus, Ga.	Souther Field—flying, training	Feb. 7, 1918	July 5, 1919	$32,534.40	$1,374,931.68	$1,358,685.75
Do.	General supply depot [1]	Mar. 30, 1918			473,574.42	464,484.50
Anacostia, D. C.	Bolling Field, flying [2]	May 21, 1918			364,760.95	364,760.95
Arcadia, Fla.	Carlstrom Field, flying	Dec. 3, 1917	June 28, 1919	5,120.00	1,338,726.07	1,300,619.44
Do.	Dorr Field, flying	do.	do.	5,120.00	1,508,018.21	1,508,018.21
Arcadia, Calif.	Ross Field, flying	June 14, 1918	(3)		525,831.80	525,831.00
Baltimore, Md.	Johns Hopkins University, training school	June 10, 1918	(3)		25,439.09	24,331.00
Belleville, Ill.	Scott Field, flying field	June 25, 1917	June 26, 1919	119,285.84	1,800,739.00	1,789,680.00
Brooklyn, N. Y.	Pratt Institute, training school	Mar. 4, 1918	(3)		13,703.58	13,268.07
Buffalo, N. Y.	Acceptance Park, testing field	150 leases	(3)		561,187.59	561,187.59
Chicago, Ill.	Grant Park steel hangar	Erected in City Park.			3,000.00	3,000.00
Dallas, Tex.	Love Field—flying, training	Aug. 21, 1917	(3)		1,350,565.86	1,340,884.15
Do.	Repair depot	Nov. 2, 1917	(3)		780,427.01	772,727.70
Do.	Camp Dick, gunnery school [4]				11,766.00	11,766.00
Dayton, Ohio.	McCook Field, experimental	Oct. 1, 1917	(3)		1,179,479.15	1,166,439.05
Do.	Acceptance park, testing field	(5)	(3)		419,279.87	419,279.87
Detroit, Mich.	Saxon Motor plant, warehouse	June 10, 1918	(3)		41,500.00	41,500.00
Do.	Acceptance park, testing field	May 2, 1918	(3)		223,339.73	223,339.73
Elizabeth, N. J.	do.	May 13, 1918	(3)		165,515.27	165,515.27
Essington, Pa.	Chandler Field, flying	Sept. 20, 1918	(3)		14,242.45	13,770.58
Fairfield, Ohio.	Wilbur Wright Field, flying	May 27, 1917	(3)		3,185,702.26	3,116,960.91
Do.	Gunnery school, Wilbur Wright	Mar. 4, 1918	(3)		249,040.90	248,337.13
Do.	Supply depot	Aug. 22, 1917	June 16, 1917	8,000.00	1,101,312.00	1,074,269.49
Fayetteville, N. C.	Camp Bragg	Aug. 22, 1918	(3)		31,613.44	31,613.44
Fort Omaha, Nebr.	Balloon school, training	July 24, 1917	(6)	(7)	631,923.76	629,848.45
Fort Sam Houston, Tex.	Storehouse	July 6, 1917	(6)	(7)	339,259.53	332,601.27
Fort Worth, Tex.	Taliaferro Field	Aug. 30, 1917	(3)		1,446,230.12	1,422,151.18
Do.	Barron Field—flying, training	Sept. 1, 1917	(3)		1,353,535.18	1,327,023.36
Do.	Carruthers Field—flying, training	Sept. 25, 1917	(3)		1,215,033.91	1,182,482.01
Hampton, Va.	Langley Field—flying, training	Aug. 1, 1917	1916	290,000.00	8,393,741.42	8,459,234.05
Hawaiian Islands.	Fords Island, seaplane station		(6)		59,551.17	59,551.17
Do.	Fort Kamehamaha		(6)		3,000.00	3,000.00
Houston, Tex.	Ellington Field—flying, training	Sept. 4, 1917	July 3, 1919	86,178.00	2,561,182.86	2,539,786.75
Fort Sill, Okla.	Post field—flying, training	July 28, 1917	(6)	(8)	1,931,921.88	1,903,273.56
Do.	Balloon school	Apr. 8, 1918	(9)		443,540.56	443,540.56
Indianapolis, Ind.	Engine repair depot	Nov. 5, 1917	(3)		672,560.83	672,560.83
Lake Charles.	Gerstner Field—flying, training	Apr. 8, 1918	(1)		2,774,626.97	2,689,049.57
Little Rock, Ark.	Aviation general supply depot	July 8, 1918	(1)		1,052,783.27	1,052,783.27
Little Silver, N. J.	Camp Alfred Vail	Nov. 19, 1917	(1)		933,826.87	933,826.87
Lonoke, Ark.	Eberts Field—flying, training	Dec. 3, 1917	(1)		1,902,473.76	1,893,988.94
Miami, Fla.	Chapman Field	May 26, 1918	(1)		1,320,938.63	1,320,938.63
Middletown, Pa.	Supply depot	Aug. 1, 1917	(1)		2,544,411.83	2,525,721.80
Millington, Tenn.	Park Field—flying, training	Sept. 15, 1917	(1)		2,189,516.94	2,180,516.94
Minneapolis, Minn.	Dunwoody Institute, school	(5)	(1)		804.75	804.75
Mineola, Long Island, N. Y.	Hazelhurst Field	July 18, 1917	(1)		5,810,341.07	5,720,216.37
Do.	Mitchell Field	(10)	June 27, 1919	360,310.80		
Montgomery, Ala.	Taylor Field—flying, training	Dec. 15, 1917	(11)		1,320,258.63	1,288,224.47
Morrison, Va.	General supply depot	Sept. 10, 1917	(11)		2,190,043.26	2,129,909.87
Mount Clemens, Mich.	Selfridge Field—flying, training	June 1, 1917	(11)		2,483,414.46	2,474,216.16
Panama Canal.	France Field				335,400.00	335,400.00
Rantoul, Ill.	Chanute Field—flying, training	May 28, 1917	(1)		1,215,323.10	1,213,986.00
Richmond, Va.	General supply depot	Aug. 10, 1917	June 14, 1919	19,731.25	1,164,713.62	1,160,552.58
Riverside, Calif.	March Field—flying, training	Mar. 2, 1918	(1)		994,123.77	978,165.99
Rochester, N. Y.	Photo school	Jan. 31, 1918	(1)		69,777.98	69,198.64
Sacramento, Calif.	Mather Field—flying, training	Mar. 14, 1918	(1)		840,776.26	831,102.19
San Antonio, Tex.	Kelly Field—flying, training	July 23, 1917	July 1, 1917	156,217.00	4,483,757.43	4,473,602.86
Do.	Brooks Field—flying, training	Dec. 15, 1917	(1)		1,448,381.16	1,442,673.85
Do.	Camp John Wise	May 29, 1918	(1)		279,153.09	278,992.97
San Diego, Calif.	Rockwell Field, flying	Feb. 23, 1918	(12)	(13)	1,448,381.16	1,442,673.85
St. Paul, Minn.	Mechanics school		(1)		976,626.84	976,626.84
Waco, Tex.	Rich Field—flying, training	Aug. 25, 1917	(1)		1,166,439.08	1,164,305.66
West Point, Miss.	Payne Field—flying, training	Mar. 25, 1918	(1)		1,486,321.50	1,463,378.75
Wichita Falls, Tex.	Call Field—flying, training	Sept. 6, 1917	(1)		1,259,063.92	1,236,645.49
Lee Hall, Va.	Balloon school		June 8, 1918	90,000.00	933,830.00	933,830.00

Location.	Class or character.	Balance due.	Officer in charge July 15, 1919.	Remarks.
Americus, Ga.	Souther Field—flying, training	$16,245.93	I. A. Rader, lieutenant colonel	
Do.	General supply depot [1]	9,089.92	do.	
Anacostia, D. C.	Bolling Field, flying [2]		R. D. Harts, lieutenant colonel	
Arcadia, Fla.	Carlstrom Field, flying	38,106.63	T. Duncan, lieutenant colonel	
Do.	Dorr Field, flying		do.	
Arcadia, Calif.	Ross Field, flying		L. J. Mygott, lieutenant colonel	
Baltimore, Md.	Johns Hopkins University, training school	1,108.09	Closed	Alterations.
Belleville, Ill.	Scott Field, flying field	11,059.00	Henry Abbey, major	
Brooklyn, N. Y.	Pratt Institute, training school	435.51	Closed	Do.
Buffalo, N. Y.	Acceptance Park, testing field		G. G. Scarlett, first lieutenant	
Chicago, Ill.	Grant Park steel hangar		J. P. Morrow, colonel	
Dallas, Tex.	Love Field—flying, training	9,681.71	H. P. Burwell, lieutenant colonel	1½ acres purchased May 10, 1919, because of septic tank.
Do.	Repair depot	7,699.31	D. B. Netherwood, lieutenant colonel	
Do.	Camp Dick, gunnery school [4]		Closed	Alterations.

[1] Included in Souther Field.
[2] On filled land owned by Government.
[3] Not purchased.
[4] Land and buildings owned by State.
[5] No contract.
[6] Not available.
[7] Owned by Government.
[8] Government reservation.
[9] Included in Fort Sill.
[10] Construction included in Hazelhurst Field.
[11] Not purchased; Government land.
[12] Acquired under condemnation proceedings.
[13] Not yet adjusted.

Construction at Air Service stations—Continued.

Location.	Class or character.	Balance due.	Officer in charge July 15, 1919.	Remarks.
Dayton, Ohio	McCook Field, experimental	$13,040.10	T. H. Bane, colonel	
Do	Acceptance Park, testing field		J. P. Caffrey, captain	Construction done by Supply Section, division Military Aeronautics.
Detroit, Mich	Saxon Motor plant, warehouse		Closed	Contract made by Construction Division.
Do	Acceptance Park, testing field		A. J. Ballinger, first lieutenant	Do.
Elizabeth, N. J	do		Closed	Do.
Essington, Pa	Chandler Field, flying	471.87	do	
Fairfield, Ohio	Wilbur Wright Field, flying	68,741.35	P. A. Olive, major	
Do	Gunnery School, Wilbur Wright	703.77	do	
Do	Supply Depot	27,042.51	J. P. Caffrey, captain	
Fayetteville, N. C	Camp Bragg		B. J. Saunders, captain	Do.
Fort Omaha, Nebr	Balloon School, training	2,075.31	J. Wuest, lieutenant colonel	
Fort Sam Houston, Tex	Storehouse	6,658.26	W. M. Garrison, major	
Fort Worth, Tex	Taliaferro Field	24,078.94	Carl Spatz, major	
Do	Barron Field—flying, training	26,508.82	J. B. Edgerly, major	
Do	Carruthers Field—flying, training	38,583.91	T. J. Hanley, major	
Hampton, Va	Langley Field—flying, training	65,492.63	W. M. Hensley, colonel	
Hawaiian Islands	Fords Island, seaplane station		J. B. Brooks, major	
Do	Fort Kamehamaha		do	
Houston, Tex	Ellington Field—flying, training	21,396.86	L. W. McIntosh, lieutenant colonel	
Fort Sill, Okla	Post Field—flying, training	28,648.32	R. R. Barnitz, lieutenant colonel	
Do	Balloon school		do	
Indianapolis, Ind	Engine repair depot		Patrick Frissel, major	
Lake Charles	Gerstner Field—flying, training	84,977.40	W. W. Wynne, major	
Little Rock, Ark	Aviation general supply depot		G. W. DeArmond, lieutenant colonel	Do.
Little Silver, N. J	Camp Alfred Vail		Closed	
Lonoke, Ark	Eberts Field—flying, training	8,484.82	A. N. Krogstad, major	
Miami, Fla	Chapman Field		F. T. Madigan, second lieutenant	
Middletown, Pa	Supply depot	18,690.03	R. C. Kirtland, lieutenant colonel	
Millington, Tenn	Park field—flying, training		J. W. Simons, major	
Minneapolis, Minn	Dunwoody Institute, school		Closed	Alterations.
Mineola, Long Island, N. Y	Hazelhurst Field	90,124.70	Archie Miller, colonel	
Do	Mitchell Field			
Montgomery, Ala	Taylor Field—flying, training	32,034.16	Seth W. Cook, lieutenant colonel	
Morrison, Va	General Supply depot	60,133.39	C. H. Bonesteel, major	
Mount Clemens, Mich	Selfridge Field—flying, training	9,198.30	D. Johnson, lieutenant colonel	
Panama Canal	France Field		M. F. Harmon, lieutenant colonel	
Rantoul, Ill	Chanute Field—flying, training	1,337.10	Ira H. Longanecker, lieutenant colonel	
Richmond, Va	General supply depot	4,101.04	C. V. Stalze, captain	
Riverside, Calif	March Field—flying, training	15,957.78	J. C. P. Bartholf, major	
Rochester, N. Y	Photo school	579.34	Closed	Do.
Sacramento, Calif	Mather Field—flying, training	9,674.07	R. L. Watson, lieutenant colonel	
San Antonio, Tex	Kelly Field—flying, training	10,154.57	B. G. Buttler, lieutenant colonel	
Do	Brooks Field—flying, training	5,707.31	D. H. Bower, lieutenant colonel	
Do	Camp John Wise	160.12	Closed	
San Diego, Calif	Rockwell Field, flying	5,707.31	A. J. Hanlon, lieutenant colonel	
St. Paul, Minn	Mechanics school		H. P. Wehrle, major	Do.
Waco, Tex	Rich Field—flying, training	2,133.42	J. J. Whiteside, major	
West Point, Miss	Payne Field—flying, training	22,942.75	W. W. Howard, major	
Wichita Falls, Tex	Call Field—flying, training	22,418.43	C. W. Russell, major	
Lee Hall, Va	Balloon school			

Mr. FREAR. The next exhibit which I have to offer is entitled "Summary of contracts, United States Spruce Production Corporation." That we asked for in question 6 on June 23, and it provides, first, the name of the contractor, and then the address, and then the date, and then the amount, and then the kind of lumber, and so on. This relates entirely, as I take it, to the spruce item; it does not relate to any other expenditures, for railways or anything of the kind, that were constructed. The general purpose was to include all expenditures, and I wonder if you could furnish us, in addition to that statement—and I did not discover until now that it was lacking—I wonder if you could furnish not only what was in the spruce-production contract; not only the spruce material alone, because that does not cover anywhere near the expenditures in the western section, and the committee expects to conduct some investigation there—but all expenditures out there?

General MENOHER. I can not right offhand say whether it does or does not include all expenditures.

Mr. FREAR. I have the totals of the various subjects, but they are not itemized in this way. I thought they would be of some value to us if we could get them in that way. Outside of strictly spruce production, if we could have the items of expense that are given under these various items mentioned in the next statement, so far as could be furnished, it would be of value to us.

General MENOHER. We will furnish that. Is there any limit?

Mr. FREAR. Yes; $100,000 would continue to be the limit. I would like to have this paper introduced in evidence and marked "Exhibit No. 104. (General Menoher, Exhibit E.)"

(The paper referred to, composed of five sheets of a photostatic copy of statement entitled "Summary of contracts," is here printed in full in the record as follows:)

EXHIBIT NO. 104. (GENERAL MENOHER, EXHIBIT E.)

WAR DEPARTMENT,
OFFICE OF THE DIRECTOR OF AIR SERVICE,
Washington, July 30, 1919.

Hon. JAMES A. FREAR, *Capitol.*

DEAR MR. FREAR: In response to No. 6 of your questionnaire of June 23, I hand you herewith data on contracts taken over or entered into by the United States Spruce Production Corporation, together with a statement of cash receipts and disbursements of that corporation as of June 30, 1919.

I understood from our conversation of last Saturday that this data, for the present, will suffice for this question (No. 6), and that you will notify me if you later desire data on hardwood contracts.

Very truly yours,

DAVID S. SEATON,
Captain, A. S. M. A., Liaison Officer.

Summary of contracts—United States Spruce Production Corporation.

Contractor.	Contract.		Amount.	Kind of lumber.	Lumber furnished.			Payments made.
	Address.	Date.			Kind.	Quantity.	Rate.	
			Feet.			*Feet.*		
C. P. Adams Lumber Co	Aberdeen, Wash	Dec. 27, 1917	2,000,000	Spruce	Airplane	625,082	$105 per thousand feet.	$73,820.65
					Sawn cants	73,980		8,803.92
					Reinstatements	71,536		
Aloha Lumber Co	Aloha, Wash	Nov. 1, 1917	8,000,000	do	Airplane	1,043,987	$105 per thousand feet.	58,153.40
					Sawn cants	1,847,488		141,202.94
					Reinstatements	358,689		
Aircraft Lumber Co	Seattle, Wash	Sept. 10, 1918			Logging of Government land and stumpage.	None.		[1] 8,768.26
Airplane Spruce & Lumber Co.	Hoquiam, Wash	Jan. 23, 1918		Spruce cants and logs.	Rived cants	1,277,340	Cost plus 7 per cent	[1] 1,379,881.61
					Logs	11,086,549		
Anderson & Peterson	Skamokawa, Wash	Oct. 4, 1918	200,000	Rived spruce	None			None.
Anacortes Lumber & Box Co.		Nov. 1, 1917	900,000	Spruce	Airplane	1,027,182	$105 per thousand feet.	96,606.83
					Sawn cants	1,497,227		111,252.12
					Reinstatements	256,781		

[1] To Dec. 31, 1918.

Summary of contracts—United States Spruce Production Corporation—Continued

Contractor.	Contract. Address.	Contract. Date.	Amount.	Kind of lumber.	Lumber furnished. Kind.	Quantity.	Rate.	Payments made.
			Feet.					
J. G. Arnold & Co	Myrtle Point, Oreg.	Sept. 27, 1918	3,000,000	Rived cedar	None			None.
Frank Astman	Rockaway, Oreg.	Jan. 19, 1918	1,000,000	Rived spruce	Rived spruce	162,024	$90 with $40 bonus	$21,063.12
Astoria Box Co	Astoria, Oreg.	Nov. 1, 1917	9,900,000	Spruce	Airplane Sawn cants Reinstatements	956,860 1,330,409 669,013	$105 per thousand feet.	73,029.83 94,183.59
Balmer, Balmer & Hodge	Tillamook, Oreg.	Oct. 3, 1918	100,000	Rived spruce	Rived spruce	26,083	$90 with $40 bonus	3,390.79
A. G. Beals	do	Nov. 1, 1917	120,000	Spruce	Airplane	161,776	$105 per thousand feet.	13,013.89
Bear River Spruce Co	Portland, Oreg.	Aug. 21, 1918	7,500,000	Rived spruce		None.		None.
Bloedel Donovan Lumber Mills.	Bellingham, Wash.	Nov. 1, 1917	150,000	Spruce	Airplane Sawn cants Reinstatements	239,239 601,039 23,951	$105 per thousand feet.	18,505.49 45,430.46
H. A. Brewer	Portland, Oreg.	Jan. 7, 1918	200,000	do		None.		None.
Brighton Mills Co	Brighton, Oreg.	Nov. 1, 1917	9,000,000	do	Airplane Sawn cants Reinstatements Pd. in Washing	1,844,374 1,617,794 922,810 510,762	$105 per thousand feet.	133,623.29 120,926.93
Beckham & Hinkle	Coquille, Oreg.	May 9, 1918	150,000	Rived cedar	Rived cedar	215,675	$90 with $40 bonus	27,225.99
C. L. Buckbee	Cloverdale, Oreg.	Mar. 22, 1918	20,000	Rived spruce		None.		None.
Carrier Raught Co	Centralia, Wash.	Apr. 22, 1918	1,000,000	Split spruce logs	Split spruce logs	106,722	$90 grade 1, $45 grade 2.	9,472.16
Clatsop County Co	Astoria, Oreg.	Oct. 8, 1918	6,200,000	Spruce	Airplane Sawn cants	121,048 757,193	$175 grade A $80 grade B, $45 grade C	2,665.30 31,987.25
Coats & Donald	Myrtle Point, Oreg.	July 17, 1918	250,000	Rived cedar	Rived cedar	422,425	$90 with $40 bonus	52,390.21
J. H. Cogan	Ecola, Oreg.	Jan. 17, 1918	500,000	Spruce		None.		None.
Columbia Box & Lumber Co.	South Bend, Wash.	Nov. 1, 1917	1,500,000	do	Airplane Sawn cants Reinstatements	1,127,991 1,520,969 106,039	$105 per thousand feet.	91,755.53 107,945.01
H. C. Copeland	Joyce, Wash.	Mar. 28, 1918	100,000	Rived spruce	Rived spruce	30,820	$90, with $40 bonus	4,006.06
Copalis Lumber Co	Carlisle, Wash.	Nov. 1, 1917	1,800,000	Spruce	Airplane Sawn cants Reinstatements	615,836 1,516,301 71,928	$105 per thousand feet.	61,896.33 118,540.30
Craig Lumber Co	Craig, Alaska	Jan. 8, 1918	100,000	do	Airplane Sawn cants	42,695 752,892	do	5,417.78 69,326.79
Do	do	Sept. 7, 1918		(1)	(1)	(1)	(1)	(1)
Crawford & Newnham	Hoquiam, Wash.	Feb. 14, 1918	1,000,000	Rived spruce	Rived spruce	158,263	$90, with $40 bonus	20,574.19
C. Bystrom		Feb. 1, 1918	1,000,000	do	do	565,521	do	73,517.73
Lester W. David	Seattle, Wash.	May 25, 1918	(2)		Logs	212,169	$10 per thousand feet.	1,510.40
Do	do	Aug. 1, 1918	(2)		Sawed logs Drying logs	7,430,207	$8 per thousand feet $4 per thousand feet	70,153.36 4,550.28
Ernst Dolge	Tacoma, Wash.	Nov. 1, 1917	1,500,000	Spruce	Airplane Sawn cants Reinstatements	126,258 120,700 26,941	$105 per thousand feet.	13,341.18 14,550.84
Donovan Lumber Co	Aberdeen, Wash.	do	2,250,000	do	Airplane Sawn cants Reinstatements	1,702,947 2,205,441 409,093	$105 per thousand feet.	125,915.87 141,477.73
H. H. Dufort	Bandon, Oreg.	Apr. 30, 1918	250,000	Rived cedar	Rived cedar	154,995	$90, with $40 bonus	19,795.28
E. Dyer	Cedar Point, Oreg.	Jan. 29, 1918	(4)	do	do	186,969	$130 per thousand feet.	24,305.97
Do	do	Mar. 30, 1918	250,000	do		None.		None.
L. R. Edmundson & Co	Portland, Oreg.	June 21, 1918	3,000,000	do		None.		None.
Ewall-Loomis Lumber Co.	Humptulips, Wash.	Nov. 1, 1917	450,000	Spruce	Airplane Sawn cants Reinstatements	428,098 29,937 21,857	$105 per thousand feet.	47,834.04 3,008.34
O. C. Fenleson	Portland, Oreg.	Dec. 1, 1917	1,000,000	Rived spruce	Rived spruce	47,037	$90, with $40 bonus	6,114.81
Do	do	Oct. 3, 1918	180,000	do		None.		None.
Fishpoint Logging Co	Brookfield, Wash.	Apr. 12, 1918	(5)			2,458,389	$10 per thousand feet.	20,141.47
E. L. Fletcher	Hoquill, Wash.	Feb. 14, 1918	250,000	Rived spruce	Rived spruce	139,336	$90, with $40 bonus	18,011.30
Fyfe-Wilson & Co	Bandon, Oreg.	Sept. 3, 1918	1,000,000	Rived cedar	Rived cedar	216,293	do	27,668.15
Grant Smith, Porter Bros.	Portland, Oreg.	Dec. 28, 1917		Spruce cants and logs.	Rived cants Logs	5,840,481 17,965,778	Cost plus 7 per cent	6 2,807,659.47
Grays Harbor Commercial Co.	Cosmopolis, Wash.	Sept. 10, 1918	(7)		Logs sawed	3,625,774	$12 per thousand feet, subject to adjustment.	5,915.65
Frank Gustis	Nehelan, Oreg.	Mar. 30, 1918	240,000	Rived spruce	Rived spruce	51,281	$90, with $40 bonus	6,660.53
Hammond Lumber Co	Portland, Oreg.	July 31, 1918	60,000,000	Spruce logs	Spruce logs	4,410,224	$40 per thousand feet; profit not to exceed $2.50 per thousand.	500,000.00
Chas. H. Hannam	South Bend, Wash.	Oct. 1, 1918	500,000	Logging of Government land and stumpage.		None.		None.
Hannify Lumber Co	Raymond, Wash.	May 15, 1918	1,200,000	Fir	Fir	552,510	$50 per thousand feet.	27,625.50
Edgar Hannan	Eugene, Oreg.	Mar. 13, 1918	200,000	Rived cedar	Rived cedar	160,173	$90 with $40 bonus	20,091.49
H. H. & S. Lumber Co	Humptulips, Wash.	Jan. 7, 1918	500,000	Spruce	Airplane Sawn cants	153,470 762,433	$105 per thousand feet.	14,825.48 50,384.10
A. L. Houghtaling	Seaside, Oreg.	Jan. 26, 1918	450,000	do		None.		None.
Do	do	do	900,000	Rived spruce		None.		None.
Hoquiam Spruce Co	Hoquiam, Wash.	Sept. 10, 1918	5,000,000	Government lands and stumpage.		None.		None.
H. H. & S. Lumber Co	Humptulips, Wash.	Sept. 16, 1918	1,500,000	Spruce cants	Sawn spruce cants.	762,433	$90 grade 1, $50 grade 2, $30 grade 3.	50,384.10
W. R. Johnson	Raymond, Wash.	May 22, 1918	60,000	Rived spruce	Rived spruce	102,912	$90 with $40 bonus	13,378.56
Johnson & Hopson	Portland, Oreg.	Feb. 16, 1918	3,000,000	do	do	None.		None.
Liberty Spruce & Pulp Co.	Wilmington, Del.	Oct. 7, 1918	4,000,000	Sawn spruce cants.		None.		None.
Moore Mill & Lumber Co	Bandon, Oreg.	Nov. 1, 1917	2,500,000	Spruce	Airplane Sawn cants Reinstatements	1,820,250 109,625 91,106	$105 per thousand feet.	196,932.58 12,366.92
Edward Murphy	Portland, Oreg.	July 1, 1918		Logging of Government land and stumpage.		7,615,979	Cost plus 50 cents per thousand feet.	8 229,224.98
J. Canby Morgan	do	Jan. 9, 1918	200,000	Fir	Fir	12,465	$55 per thousand feet.	656.62
Do	do	Feb. 15, 1918	300,000	do	do	None.		None.
Archie McDougall	Wheeler, Oreg.	Jan. 29, 1918	40,000	Rived spruce	Rived spruce	5,339	$90 with $40 bonus	694.07
McNeill-O'Hearne Co	Port Angeles, Wash.	Mar. 21, 1918	300,000	do	do	176,667	do	22,966.71
North Bend Mill & Lumber Co.	North Bend, Oreg.	Nov. 1, 1917	1,000,000	Spruce	Airplane Sawn cants	804,578 1,717,877	$105 per thousand feet.	59,519.47 134,371.06
Northwestern Lumber Co.	Hoquiam, Wash.	do	3,600,000	do	Airplane Sawn cants Reinstatement	656,244 610,169 124,443	do	57,186.18 46,407.80
Olympic Spruce Lumber Co.	Seattle, Wash.	Dec. 14, 1917	100,000	do	Airplane	133,072	do	18,455.20
Oregon Pacific Mill & Lumber Co.	Astoria, Oreg.	Dec. 22, 1917	10,000,000	do	Airplane Sawn cants	1,344,753 2,421,877	do	92,493.20 181,175.81
Palmer Logging Co	do	July 1, 1917	12,000,000	Logging of Government land and stumpage.		1,884,248	$26.75 grades 1 and 2, $9 grade 3.	47,709.62

[1] Canceled; see above.
[2] Sawing Government logs.
[3] Sawing and drying logs.
[4] 1 carload.
[5] Logging Government lands and stumping.
[6] To Dec. 31, 1918.
[7] Sawing logs.

Summary of contracts—United States Spruce Production Corporation—Continued.

Contractor.	Contract.		Amount.	Kind of lumber.	Lumber furnished.			Payments made.
	Address.	Date.			Kind.	Quantity.	Rate.	
			Feet.					
Portland Lumber Co	Portland, Oreg.	Sept. 10, 1918		Logging of Government land and stumpage.		None.	Cost plus $1 per thousand feet.	$219,917.11
Port Orford Mills	Astoria, Oreg	Jan. 7, 1918	450,000	Spruce	Airplane cedar	16,861	$105 per thousand feet.	2 256.94
Quinault Lumber Co	Raymond, Wash.	Nov. 1, 1917	3,600,000	do	Airplane Sawn cants Reinstatements	558,121 1,481,695 275,699	$105 per M	41,807.19 118,667.71
R. D. Spruce Co	do	May 22, 1918	300,000	Rived spruce	Rived spruce	152,742	$90 with $40 bonus	19,646.44
Rocek & White Log Co	Aberdeen, Wash.	Oct. 7, 1918	3,300,000	Logging of Government land and stumpage.		389,224	$25 per M for grade 1, grade 2: $8 per M for grade 3.	[1] 8,739.44
Carl Schotte	Portland, Oreg.	Jan. 29, 1918	5,000,000	Rived spruce		None.		None.
Siems, Carey-H. S. Kerbaugh Corporation.	Seattle, Wash.	May 12, 1918	250,000,000	Sawn spruce cants.		None.		None.
Siler Mill Co	Raymond, Wash.	Apr. 1, 1918	4,500,000	Spruce	Airplane Sawn cants Reinstatements	1,507,437 3,418,185 440,544	$105 per M	120,042.35 254,530.25
Silver Spruce Co	Bay City, Oreg.	Nov. 1, 1917 Sept. 25, 1918	3,600,000 1,800,000	do Fir	Airplane Sawn cants Reinstatements	1,777,665 16,757 144,361	do	128,587.70 1,182.73 None
Sitka Spruce Co	Coquille, Oreg.	Nov. 1, 1917	5,400,000	Spruce	Airplane Sawn cants Reinstatements	3,793,003 27,480 361,524	$105 per M	341,198.31 2,546.79
Solon Schiffman	Bay City, Oreg.	do	720,000	do	Airplane Reinstatements	52,279 4,657	do	4,762.58
Sprague & Soule	Carlisle, Wash.	Oct. 1, 1918	3,000,000	Logging of Government land and stumpage.		None.		None.
A. P. Stockwell Lumber Co.	Copalis, Wash.	Jan. 28, 1918	1,000,000	Spruce	Airplane Sawn cants	81,902 26,465	$105 per M	948,956.94 980.61
C. F. Stone	Tillamook, Oreg.	Jan. 10, 1918	500,000	Rived spruce	Rived spruce	290,583	$90 with $40 bonus	37,278.15
Thorsen Hendricksen Lumber Co.	Portland, Oreg.	Jan. 14, 1918	10,000,000	Spruce	Airplane	107,390	$105 per M	7,246.23
Veness & Malone	Olney, Oreg.	July 1, 1918	12,000,000	Logging of Government land and stumpage.		1,867,737	$20 per M grade 1 and 2; $8 per M grade 3.	[1] 17,364.06
Warren Scott Co	Seaside, Oreg.	Feb. 1, 1918	6,000,000	Rived spruce	Rived spruce	398,282	$90 with $40 bonus	46,040.48
Warren Spruce Co	Portland, Oreg.	Jan. 11, 1918		Spruce cants and logs.	Cants Logs	4,714,871 19,483,870	Cost plus 7 per cent	[2] 4,366,075.26
Wheeler Lumber Co	Wheeler, Oreg.	Nov. 1, 1917	1,500,000	Spruce	Airplane Sawn cants Reinstatements	1,112,952 1,367,183 79,142	$105 per M	47,931.87 89,134.19
White River Lumber Co	Enumclaw, Wash.	Aug. 1, 1918 July 1, 1918	169,669	Sawing of Government logs. do		2,155,405 1,988,973	$9 per M do	[1] 1,983.22 [1] 681.44
Willapa Lumber Co	Raymond, Wash.	Nov. 1, 1917 Feb. 5, 1918	5,400,000	Spruce Total output cants	Airplane Sawn cants Reinstatements Cants	2,220,329 5,660,705 464,601 5,660,706	$105 per M	175,809.25 [3] 274,054.05 [2] 274,054.05
Fred Wilson	Hoquiam, Wash.	Sept. 10, 1918	4,300,000	Logging of Government land and stumpage.		None.		None.
William E. Warren	Astoria, Oreg.	Nov. 27, 1918	990,000	Spruce		None.		None.
Willamette Valley Stock & Land Co.	Corvallis, Oreg.	Nov. 1, 1917	2,700,000	do	Airplane	398,366	$105 per M	36,777.12
Yaquina Bay Ry. & Lumber Co.	Toledo, Oreg.	May 25, 1918		Sawing of Government logs.	Logs sawed	1,274,812	$9 per thousand feet	[1] 11,473.34
Youmans & Thomas	Portland, Oreg.	Jan. 23, 1918	4,500,000	Rived spruce	Rived spruce	292,139	$90 with $40 bonus	37,879.69
Carl R. Schotte	do	June 4, 1918	3,500,000	Spruce logs	Spruce logs	None.		None.
Donovan Lumber Co	Aberdeen, Wash.	Oct. 21, 1918		Sawing of Government logs.	Logs sawed	813,626	$12 per thousand feet (subject to adjustment).	[1] 1,159.66
Hammond Lumber Co	Portland, Oreg.	Sept. 24, 1918		do	do	1,348,129	$8 per thousand feet for sawing; $3 per thousand feet for drying.	[2] 12,253.24
White River Lumber Co	Enumclaw, Wash.	Oct. 15, 1918		do	do	1,145,250	$12 per thousand feet (subject to adjustment).	[1] 1,809.84
Willapa Lumber Co	Raymond, Wash.	Sept. 28, 1918		do	do	4,552,284	do	17,113.84

[1] To Dec. 31, 1918. [2] Above payment includes total amount paid for all operations, including railroad construction and purchase of equipment. [3] To Jan. 8, 1918.

Report No. 637, Sixty-sixth Congress, second session, on Expenditures in the War Department, Aviation, gives many pages to a review of testimony of a hundred or more witnesses taken before that congressional committee, and throughout the report points out unauthorized charges made against the Government and paid by the Federal Treasury. Congressional investigations direct attention of the legal department of the Government to alleged violations of the law, and in that particular investigation, one of five separate investigations in War Department expenditures, the report on aviation specifically points out fraud and overcharges on the Government. Not one prosecution has resulted from such disclosures so far as can be ascertained.

The ablest attorney and jurist in the Cabinet is the Secretary of State, Hon. Charles E. Hughes, who made a report on aircraft frauds and profits during the war, acting under a commission from President Wilson. Mr. Hughes examined a few of the foregoing contracts and arrived at conclusions that warranted prosecution under the Criminal Code and civil proceedings to recover moneys to the Treasury, according to his report. Taking contracts for airplanes and aviation fields centered around Col. Edward A. Deeds at Dayton, his report states:

THIRD. PERSONAL INTERESTS.

There are no common-law offenses against the United States, and a charge of crime under Federal law must rest exclusively upon the violation of a Federal criminal statute. (United States *v.* Eaton, 144 U. S. 677, 687; United States *v.* George, 228 U. S. 422.)

The applicable statutes of the United States dealing with the question of personal interest of officers and agents of the Government in Government contracts are the following:

(1) Section 41 of the Criminal Code of the United States, formerly section 1783 of the Revised Statutes, provides:

"SEC. 41. No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than $2,000 and imprisoned not more than two years."

Under this statute it is not enough that an interested person merely recommends or advises transactions with the Government. To constitute a violation of the statute, the interested person must "be employed" or "act as an officer or agent of the United States for the transaction of business with such corporation," etc.

(2) Section 3 of the act of August 10, 1917 (food and fuel control act), provides:

"SEC. 3. That no person acting either as a voluntary or paid agent or employee of the United States in any capacity, including an advisory capacity, shall solicit, induce, or attempt to induce any person or officer authorized to execute or to direct the execution of contracts

on behalf of the United States to make any contract or give any order for the furnishing to the United States of work, labor, or services, or of materials, supplies, or other property of any kind or character, if such agent or employee has any pecuniary interest in such contract or order, or if he or any firm of which he is a member, or corporation, joint-stock company, or association of which he is an officer or stockholder, or in the pecuniary profits of which he is directly or indirectly interested, shall be a party thereto. Nor shall any agent or employee make, or permit any committee or other body of which he is a member to make, or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States, or any member or subordinate thereof, without making to the best of his knowledge and belief a full and complete disclosure in writing to such council, board, commission, or subordinate of any and every pecuniary interest which he may have in such contract or order and of his interest in any firm, corporation, company, or association being a party thereto. Nor shall he participate in the awarding of such contract or giving such order. Any willful violation of any of the provisions of this section shall be punishable by a fine of not more than $10,000 or by imprisonment of not more than five years, or both: *Provided*, That the provisions of this section shall not change, alter, or repeal section 41 of chapter 321, Thirty-fifth Statutes at Large."

This section covers those who act in an advisory capacity. It has no application to transactions occurring before its passage.

It is apparent that the section was guardedly drawn and its limitations should be noted. The first sentence of the section applies to interested persons only where they "solicit, induce, or attempt to induce" any person or officer who is "authorized to execute, or to direct the execution of contracts," to make any contract or give any order for labor, services, materials, etc. The use of different expressions in the different clauses of the section suggest possible shades of meaning. The act of recommending does not come within the first sentence unless it is found to amount to "soliciting," "inducing," or "attempting to induce," nor does the first sentence cover solicitations addressed to others than the persons or officers duly authorized to make the contracts or give the orders.

The second sentence relates to "recommendations" by interested persons, but it is limited to recommendations made "to any council, board, or commission of the United States, or any member or subordinate thereof" in the absence of the disclosure described. Apparently this sentence does not cover recommendations made to individual officers acting under the authority conferred upon them by law, who are not members or subordinates of a "council, board, or commission."

The third sentence provides that the interested person shall not "participate in the awarding of such contract or giving such order." This would seem to relate to those who take part in the actual awarding of the contract or giving of the order and not to those who act in an advisory capacity only.

The section concludes with the proviso that its provisions shall not alter or repeal section 41 of the Criminal Code above quoted.

To come within these statutes an interested person must either (1) act as an officer or agent of the Government for the transaction of business with the concern in which he is interested, or (2) solicit, induce, or attempt to induce the person or officer who is authorized to execute or direct the execution of contracts to make a contract with, or give an order to, the concern to which the interest relates, or (3) take part in a recommendation to a "council, board, or commission" or subordinate or members thereof, without the disclosure stated, or (4) participate in the award of the contract or giving of the order.

In connection with these statutes attention may be called to the following provision, which appears as a rider in the appropriation act of March 3, 1917, immediately following an appropriation for the distribution of documents (39 Stat. p. 1106):

"*Provided*, That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $1,000 or imprisonment for not less than six months, or by both such fine and imprisonment, as the court may determine."

It will be noted that this provision, enacted in March, 1917, is not to be operative until July 1, 1919. It may be contended with force that this constitutes a legislative declaration, by implication, that the action described by the provision—that is, the mere supplementing of the pay of Government officials by private contributions—should not be deemed contrary to law prior to the date fixed.

INDIVIDUAL RELATIONS OF OFFICIALS.

* * * * * * *

OFFICERS OF THE SIGNAL CORPS FORMERLY IN CONTROL OF AIRCRAFT PRODUCTION.

(1) The Chief Signal Officer: It does not appear that General Squier had any interest in any corporation or concern transacting business with the Signal Corps. The defects in the organization, which was created under his direction for the purpose of aircraft production, are matters distinct from any question of personal interest and will be considered in another division of this report.

(2) Col. Edward A. Deeds: The charges pertaining to personal interest in Government contracts relate particularly to Col. Edward A. Deeds and grow out of the highly suggestive transactions with his former business associates at Dayton. These transaction have been subjected to careful scrutiny.

Colonel Deeds was born near Granville, Ohio, on March 12, 1874. There is testimony that he once said that his name originally was "Dietz." No public record has been found to this effect. Colonel Deeds denies making the remark attributed to him and states that his family has borne the name of Deeds for at least four generations—his great-grandfather of that name coming from Pennsylvania. For many years Colonel Deeds was an officer of the National Cash Register Co., and was one of several connected with that organization who were indicted in the Federal District Court for the Southern District of Ohio, in 1912, for violation of the Sherman Antitrust Act. Upon the trial Deeds, with other defendants, was convicted, but this conviction was set aside by the Circuit Court of Appeals (Patterson *v.* United States, 222 Fed. 599), and the prosecution went no further.

At the time of our entry into the war Mr. Deeds had large business interests at Dayton. His intimate business associates were Charles F. Kettering and H. E. Talbott. Mr. Deeds and Mr. Kettering (an inventor and engineer of ability) have been jointly associated in many enterprises with equal shares, it being their policy to organize corporations and to take their respective interests in stocks. Mr. Deeds has supplied the financial talent and Mr. Kettering, who is without any aptitude for business details, the engineering skill. They have had, and still have, a common agent of a highly confidential sort, George B. Smith, of Dayton, who holds the power of attorney of each, keeps their respective books, has charge of their bank accounts, signs their checks, and generally looks after their financial affairs. They are still associated in various undertakings and their relations are of the most intimate character.

In 1904 Kettering was employed in the National Cash Register Co. as a designer in the engineering department, and later he became associated with Deeds in the development of what is known as the Delco ignition systems for automobiles. In the course of this development Deeds and Kettering organized the Dayton Engineering Laboratories Co., known as the Delco Co. The enterprise was successful and the common stock was sold by Deeds and Kettering in 1916 to the United Motors Corporation for several million dollars in cash and certain shares of stock. Deeds and Kettering each retained a few shares of preferred stock; Deeds continued as president of the corporation, with a salary of $60,000 a year, and Kettering as vice president, with a salary of $50,000.

In April, 1915, Deeds, Kettering, H. E. Talbott, sr., and his son, H. E. Talbott, jr., organized the Dayton Metal Products Co. with a capital stock of $200,000. The stock was held as follows: Talbott, sr., 900 shares; Deeds, 500 shares; Kettering, 499 shares; Talbott, jr., 99 shares; Charles H. Mead, 1 share; and George B. McCann, 1 share. Prior to our entry into the war this company had profitable fuse contracts with the British Government and had accumulated a considerable surplus. It appears that in the spring of 1917 both Deeds and Talbott were appointed on the subcommittee on fuses and detonators of the Munitions Standards Board. In 1916 the company had a contract with the Navy Department for fuses, and it received other fuse contracts from the Navy and the Ordnance Department of the Army in 1917. As vice president of this company Deeds had a salary of $25,000 a year. The relation of the Dayton Metal Products Co. to aircraft production is that this company, in the latter part of the year 1917, acquired all the stock (save four qualifying shares) of the Dayton-Wright Airplane Co. and also has subcontracts for metal parts with contractors making airplanes and engines. The Dayton Metal Products Co. also subscribed and paid for 1,000 shares (par value $100,000) of the stock of the Lincoln Motor Co. which was organized to build Liberty engines and has a paid-up capital stock of $850,000.

In September, 1916, Deeds and Kettering organized the Domestic Building Co., of Dayton, for the purpose of erecting and financing plants for the use of various companies. The capital stock is now $1,000,000, of which all but four qualifying shares are held by Deeds and Kettering in equal parts. This company owned the land and erected the building acquired by the Dayton-Wright Airplane Co. for its principal airplane plant.

On April 9, 1917, the Dayton-Wright Airplane Co. was incorporated with a capital stock of $500,000 by Deeds, Kettering, H. E. Talbott, and H. E. Talbott, jr., in conjunction with Orville Wright. They had taken over the former Wright organization and thus had started an airplane enterprise at Dayton in a small way in the summer of 1916. The larger enterprise of the Dayton-Wright Airplane Co. was launched about the time of our entry into the war, manifestly with the expectation of obtaining Government contracts. While Deeds was one of the incorporators, he did not become a stockholder, the subscriptions for the first 5,000 shares being as follows: H. E. Talbott, 1,990 shares; C. F. Kettering, 2,000 shares; H. E. Talbott, jr., 900 shares; George H. Mead, 10 shares; and C. A. Craighead, 10 shares. In August, 1917, the capital stock was increased to $1,000,000 ($600,000 common and $400,000 preferred). The new common stock was taken by the Messrs. Talbott and Kettering in the proportion of two-fifths, two-fifths, and one-fifth. There were early negotiations for a Government contract, and as early as June 12, 1917, a contract with the company was recommended by the Aircraft Production Board. The contract was executed on August 17, 1917 (under date of August 1, 1917), and was for 40 Standard J–1 training planes at the fixed price of $6,500 each. For this, there was substituted the contract dated September 7, 1917, which was also recommended by the Aircraft Production Board and was approved by General Squier. This contract was for 400 Standard J airplanes, 2,000 De Haviland 9's, and 1,500 Martinsydes with spare parts. By later modifications the Martinsydes and De Haviland 9's were omitted and provision was made for 4,000 De Haviland 4's. These contracts were on a cost-plus basis, the estimated amount involved being upward of $30,000,000. There was to be a fixed profit of $620 on each Standard J plane and $875 on each De Haviland, making a total fixed profit of about $3,750,000, exclusive of fixed profit on spare parts covered by the contract, thus expected to be earned, according to the contemplated deliveries, before the end of 1918. The contract also provided for additional profits to the extent of 25 per cent of the saving under the bogey or estimated cost of the planes ($7,000 on the De Havilands), and it is estimated that the additional profit on this basis would have amounted to over $2,600,000. When the bogey cost of $7,000 was fixed letters were obtained from the Dayton-Wright Airplane Co. and from the Fisher Body Corporation (which also had a contract for De Havilands), that after 250 machines had been produced there would be an equitable adjustment if the bogey cost was found to be "materially wrong." Accordingly, a contract is now about to be signed reducing the bogey cost to $5,000 and the fixed profit to $625 per plane. Even at this rate the fixed profit on the 4,000 De Havilands will be $2,500,000, and it is believed that there will be an additional profit through saving under the bogey cost and on spare parts of not less than $1,000,000. In August and September, 1917, when the first Government contracts were awarded, the capital stock of the company ($1,000,000) had not been paid in. It was not paid in until December 1, 1917, when, in one transaction, the stock was paid for and all the shares, preferred and common, save five qualifying shares, were transferred to the Dayton Metal Products Co., which thus became and still remains the owner of the Dayton-Wright Airplane Co. As the latter company practically received nothing on the issue of its capital stock save the fixed property represented by its plants, it was lacking in working capital, and this at the outset was supplied by various loans and advances of the interested parties. In December the Government agreed to advance the company $2,500,000, of which $1,500,000 was advanced at once.

The name of Orville Wright was used in this enterprise, but his chief activity has been as a consulting engineer in connection with experimental work. He has not been responsible for production. Mr.

Kettering is an engineer of ability, but his work also has been that of experimental engineering; he is not a manufacturing or production expert. Much emphasis is placed by the parties concerned upon the fact that they were able to avail themselves of the old Wright organization, which had been continued as already stated. But this was a very slender basis for the prompt selection of this newly organized company, which had not even completed its financial arrangements, as one of the few companies immediately admitted to the advantages of large and highly profitable Government contracts. The promoters of this enterprise, not content with these profits which were to accrue to them, either directly or through their ownership of the Dayton Metal Products Co., at once took advantage of the opportunity to increase their gains by salaries as executive officers of the Dayton-Wright Airplane Co. Dating from August 1, 1917, the salaries thus allowed were as follows: H. E. Talbott, sr., $35,000; C. F. Kettering, $35,000; and H. E. Talbott, jr. (30 years old, who was made president of the company), $30,000. Talbott, sr., was at the time receiving, and continued to receive $60,000 a year as president of the Dayton Metal Products Co.; Kettering received a salary of $25,000 from the Dayton Metal Products Co. and $50,000 from the Delco Co.; and Talbott, jr., was also receiving a salary of $18,000 from the Dayton Metal Products Co.

There would seem to be no question but that the members of the Aircraft Production Board in recommending contracts had confidence in the capacity of those undertaking the venture, and the previous success of this group while Mr. Deeds had been associated with them was well known. But the fact remains that practically at the inception of the Government's aviation activity in connection with the war and within the sphere of Colonel Deeds's important, if not commanding, influence, his former business associates were placed at once through Government contracts in a position where they had the assurance of very large profits upon a relatively small investment of their own money, and in addition were able to secure generous salaries, which they charged against the Government as part of the cost of manufacture.

That Deeds, Kettering, and Talbott continued to be on the most intimate and confidential footing in connection with the prosecution of the Government work by the Dayton-Wright Airplane Co. is apparent from their correspondence, of which the following are excerpts:

[Letter Deeds to Kettering, June 13, 1917.]

WASHINGTON, *June 13, 1917.*

Mr. C. F. KETTERING,
City National Bank Building, Dayton, Ohio.

MY DEAR C. F.: You will be interested to know that the standard training machine is going to be called the U. S. primary training, and will not be called the Curtiss J. N. This was decided last week, and I forgot to tell you when in Dayton.

Provision will be made for either Mr. Coffin or myself to appear before the S. A. E. (Society of Automotive Engineers), and as I am one of the committee of arrangements, will see that the plans of the Aircraft Production Board get properly before the association.

Relative to the design of planes, I do not care to write what is being done, but will discuss it with you when I get home and you will see that we have already gone away down the pike in this matter. Everything is lining up now in pretty good shape.

Yours very truly,

E. A.

—

[Telegram Deeds to Talbott, July 3, 1917.]

JULY 3, 1917.

Mr. H. E. TALBOTT, *Dayton, Ohio:*

General Squier went direct to Detroit. Will probably spend Fourth at his old home in Michigan. May be in Dayton Thursday or Friday, arriving there from Detroit or from Champaign, Ill. Harold, Kettering, and Wright can take care of him. He will be interested in the Dayton-Wright factory and laboratory, Orville Wright laboratory, and especially Mr. Kettering's views on scientific subjects. In general, he is highly technical.

E. A. DEEDS.

—

[Telegram Kettering to Deeds, August 4, 1917.]

DAYTON, OHIO, *August 4, 1917.*

E. A. DEEDS,
Room 527, Munsey Building, Washington, D. C.:

We believe all confidential telegrams should be sent to Mr. H. E. Talbott, sr., City National Bank Building, or George B. Smith, instead of the Dayton-Wright Airplane Co.

C. F. KETTERING.

—

[Telegram Deeds to Kettering, August 4, 1917.]

AUGUST 4, 1917.

Mr. C. F. KETTERING,
City National Bank Building, Dayton, Ohio:

Hereafter all confidential telegrams will be sent to H. E. Talbott, sr., instead of to the Dayton-Wright Airplane Co.

E. A. DEEDS.

—

[Telegram Deeds to Talbott, September 16, 1917.]

OLD POINT, VA., *September 16, 1917.*

H. E. TALBOTT, *Dayton, Ohio:*

For your personal information as coming from your local attorney. Judge Advocate General has ruled it legal for Government to select one, contractor one, and the two a third, as appraisers of market value of plant at expiration of contract. If you care to raise the question the above will be found to be the final ruling.

E. A. DEEDS.

When this last telegram, which puts in a stronger light the relations of the parties, was sent, Deeds was an officer in the Army. This highly improper conduct in holding communication in this manner with his former business associate in a transaction pending between the Dayton-Wright Co. and the Government department in Colonel Deeds's charge demands the attention of the military authorities.

But evidence of favoritism, influence, or confidential communications of this sort, however otherwise reprehensible, do not make out criminal liability under the statutes above quoted, unless it appears that the representative of the Government has a pecuniary interest in the Government contract or order, or is an officer or stockholder of, or has a pecuniary interest in, a corporation, firm, or association which is a party to the Government contract or order. And the question is whether Colonel Deeds had such an interest. His statement is that he had no such interest, but, on the contrary, had given up large salaries to devote himself to the Government service.

The facts with respect to the disposition of Colonel Deeds's interests (so far as pertinent to this inquiry) and the method of disposition are as follows:

UNITED MOTORS CORPORATION, DAYTON ENGINEERING LABORATORIES CO.

* * * The only transfer made by him of any of his shares in that company was by gift to his wife. He indorsed, for transfer, the certificates for 17,500 shares on October 13, 1917, and they were transferred to Mrs. Deeds's name on October 17, 1917. * * *

* * * If there were evidence that Colonel Deeds had acted as officer or agent of the Government in the transactions with the Delco Co., or with the United Motors Corporation, prior to October 13, 1917, there would be ground by reason of his interest for charging a violation of the statute, and it may be doubted whether there was then or thereafter such a transfer as would avail to take the case out of the statutory prohibition. But there is no evidence that Deeds acted for the Government in any transaction with either of these corporations. So far as appears, the Government made no contracts for Delco ignition either with the Delco Co. or with the United Motors Corporation. The contracts for the Delco system were made by the contractors who were manufacturing the engines under contracts with the Government, and the dealings with the Delco Co. or with the United Motors Corporation in relation to the Delco system were had by these contractors. * * *

* * * His statement to the Aircraft Production Board on August 28, 1917, that he had made a bona fide transfer of all his stock in the United Motors Corporation, when the stock had not in fact been transferred, and at most he contemplated a gift of the stock to his wife, was neither candid nor truthful, and is certainly not to be regarded as a "full and complete disclosure." But in the absence of proof of solicitation, inducement, or recommendation by him, or action on his part as an officer or agent of the Government in transactions with the United Motors Corporation or the Delco Co., there are no facts bringing the case within the statutory prohibition.

DOMESTIC BUILDING CO.

In his letter of August 28, 1917, to the Aircraft Production Board, Colonel Deeds stated that he had made a bona fide transfer of his stock in this company. This was not true. It appears that on that date he resigned the office of president of the company, but he did not dispose of his stock. The stock of that company is still held in equal portions by Deeds and Kettering.

Colonel Deeds was plainly led to make the statement in his letter by the fact that the Domestic Building Co. had acquired the land and had erected the building which was in course of completion and was then occupied and intended to be used as the principal plant of the Dayton-Wright Airplane Co. for the manufacture of airplanes. It is said that in anticipation of a lease of the property to the Dayton-Wright Airplane Co. it had been agreed prior to August 28, 1917, that Deeds's stock in the Domestic Building Co. should be sold to Kettering. But there is not sufficient evidence of a definite and binding agreement to that effect, or of anything more than a loose understanding between intimates, whose arrangements could at any time be adjusted to suit their mutual convenience. Certainly there had been no transfer of the stock. It was not until November that there was an adjustment of accounts with this company, and then, instead of a sale of his stock by Deeds, he retained his stock in the Domestic Building Co., and the plant erected by that company was purchased by Talbott, sr., Kettering, and Talbott, jr., who at once transferred it to the Dayton-Wright Airplane Co. * * *

DAYTON-WRIGHT AIRPLANE CO.

Colonel Deeds's statement in his letter of August 28, 1917, that he had never been a stockholder in this company was true. The stock is owned by the Dayton Metal Products Co., and if Colonel Deeds had or has any interest through stock ownership in the profits on its contracts with the Government this interest must be derived from an interest in the stock of the Dayton Metal Products Co.

His relation to the organization of the Dayton-Wright Airplane Co. is this: He was an incorporator, and while he did not subscribe for stock and none was issued in his name, the payment of the stock of the company to the extent of upward of four-fifths of its par value was made, in substance, by the transfer to the company of the plant built by the Domestic Building Co., owned by Deeds and Kettering, and this company received therefor unsecured notes of Talbott, sr., Kettering, and Talbott, jr., only a small part of which has been paid. Thus, Deeds and Kettering, through the Domestic Building Co., virtually furnished the main plant of the Dayton-Wright Airplane Co. on a credit to the Talbotts and Kettering. The transaction was as follows:

The airplane factory was erected on a tract which the Domestic Building Co. had acquired from the Moraine Development Co. (a corporation in which Deeds and Kettering were largely interested) at a price little over $753 an acre. The building was intended for the use of the Domestic Engineering Co., another concern owned by Deeds and Kettering, which was engaged in the business of supplying Delco lights for general illuminating purposes. It was later decided that it should be used by the Dayton-Wright Airplane Co., which entered into possession.

Still later, it was arranged that the syndicate composed of Talbott, sr., Kettering, and Talbott, jr., should purchase the plant from the Domestic Building Co. and convey it to the Dayton-Wright Airplane Co. In November, 1917 (while the building was still incomplete), Mr. Allan R. Smart, a public accountant (of Barrow, Wade, Guthrie & Co.), made an adjustment of the accounts of Deeds, Kettering, Talbott, sr., and Talbott, jr., for various advances, and a balance was struck of $683,732.16 as owing to the Domestic Building Co. In this adjustment the land (25.55 acres) was taken at $1,200 an acre, and the building at the amount of the expenditures upon it, making the price of the plant (called the Moraine plant) $836,401.08. The balance of $683,732.16 was covered by three individual notes of Talbott, sr., Kettering, and Talbott, jr., in the proportion of two-fifths, two-fifths, and one-fifth, as follows: H. E. Talbott, $273,492.87; C. F. Kettering, $273,492.87; and H. E. Talbott, jr., $136,746.43. All of the notes were dated November 4, 1917, and were payable to the Domestic Building Co. one year after date with 6 per cent interest. The notes are unsecured. The makers of the notes have paid interest quarterly; and, in addition, Talbott, sr., has paid $3,492.87 on the principal of his note, reducing it to $270,000, and Talbott, jr., has paid $26,746.43 on the principal of his note, reducing it to $110,000. It appears that Mr. Kettering has

made payments of $6,000. This transaction left the Talbotts and Kettering as the owners of the Moraine plant, which the Dayton Wright Airplane Co. was operating, and the stock of the Dayton Wright Airplane Co. for which they had subscribed had not been paid in.

The payment of the subscriptions for the stock of the Dayton Wright Airplane Co., the concurrent payment by that company for two plants (the Moraine plant, already mentioned, and another at Miamisburg), and the transfer of its stock, thus paid for, to the Dayton Metal Products Co. were effected by an exchange of checks on December 1, 1917. Shortly before, the Miamisburg plant had been acquired by Talbott, sr. (for the syndicate) for the sum of $60,000 and was turned over to the Dayton Wright Airplane Co. at $127,202, the profit being divided between himself, Kettering, and Talbott, jr., according to their respective interests in the syndicate.

To accomplish the desired result, the following procedure was adopted:

The Dayton Wright Airplane Co. gave to the syndicate its check for the sum of $955,071.25, made up of the purchase price of the Moraine and Miamisburg plants ($836,401.08 less an item of interest ($8,531.83) for the Moraine, or main plant, and $127,202 for the Miamisburg plant). The Dayton Metal Products Co. gave its checks to the syndicate for $183,459.55 for various balances of accounts and for $999,500, the purchase price at par of the stock of the Dayton Wright Airplane Co. (less five shares retained). The syndicate thus received checks to the aggregate amount of $2,138,030.80. The syndicate gave their check to the Dayton Wright Airplane Co. in payment of the capital stock of $1,000,000 and another check to the Dayton Metal Products Co. for $1,136,537.20 as the purchase price of certain securities which the Dayton Metal Products Co. sold to the syndicate, making the total of the syndicate's checks $2,136,537.20. The Dayton Wright Airplane Co. gave its check to the Dayton Metal Products Co. in repayment of advances for $44,928.75, the difference between the sum of $955,071.25 paid by the company for the plants and the sum of $1,000,000 received for its stock. The transaction was accomplished with a minimum use of cash (less than $1,500), and as a result the Dayton Metal Products Co. had all the stock (save five shares) of the Dayton Wright Airplane Co.; the Dayton Wright Airplane Co. had the Moraine and the Miamisburg plants; Messrs. Talbotts and Kettering had the securities which they had purchased from the Dayton Metal Products Co.; and the Domestic Building Co. (owned by Deeds and Kettering) continued to hold the notes which the Talbotts and Kettering had given to that company on the settlement in November.

* * * * * * *

DAYTON METAL PRODUCTS CO.

Colonel Deeds originally held one-fourth of the stock of this company, or 500 shares. It appears from the minutes of the board of directors that at a meeting of the board in Dayton on May 21, 1917, President Talbott stated that the company had been advised by the Ordnance Department of the Army "that, in all probability, the entire facilities of the company would be utilized for munition work, and, in all probability, contracts would be given to the company as soon as appropriations were made by the Government." It is further set forth "that Mr. E. A. Deeds explained that he had been called to Washington and requested to take place on some of the committees of the Council of National Defense; that he had been to Washington and that he had accepted the call; and he therefore desired it that he might act as uninterested, directly or indirectly, in any manufacturing plant which was contemplating business with the Government, and that he desired to offer his resignation as vice president and as director of the company." The minutes show the acceptance of this resignation and that Mr. Kettering was elected vice president. The minutes of the meeting of May 21, 1917, conclude with the following statement:

"At this meeting Mr. Deeds offered for sale and discussed probable purchasers for his stock in the Dayton Metal Products Co., and Mr. Deeds offered to the directors his entire holdings of stock at its book value less 15 per cent to cover costs and probable losses in view of the possibility of no future Government contracts being secured and the business of the company would have to be readjusted into lines being developed by the experimental department."

Some time subsequently—in the early part of the year 1918—the accountant drew a line across the last-mentioned statement in the minutes. He explains that he did not consider it "a corporate record," but a matter between the stockholders.

The testimony of the parties concerned is that Talbott, sr., Kettering, and Talbott, jr., purchased all Deeds's shares in the Dayton Metal Products Co. at their book value as of May 1, 1917, less 15 per cent, and gave in settlement of the purchase price their notes, as follows:

H. E. Talbott, 200 shares	$207,706
C. F. Kettering, 200 shares	207,706
H. E. Talbott, jr., 100 shares	103,853

The notes were dated May 22, 1917, were payable to Deeds's order one year after date, with interest at 4½ per cent, and were placed in the hands of George B. Smith, the confidential agent of Deeds and Kettering. The notes were wholly unsecured. According to the stock certificate book the old certificates were canceled and new certificates issued to the Talbotts and Kettering under date of May 22, 1917.

It is not only open to doubt whether the transaction described in the minute book took place on May 21, 1917, but on all the evidence it is reasonably clear that it did not take place on that date. The minutes are typewritten and pasted in the minute book. No one of the parties is willing to testify positively that the proceedings described in the minutes took place on that day. Mr. S. S. King, of the Dayton Lumber & Manufacturing Co., has testified that he and Deeds went to Washington on the same train on May 18, 1917, and that they were in communication every day in Washington, from May 19 to 23. Furthermore, it appears that on May 21, 1917, when Mr. Deeds is represented as making his statement at the meeting of directors in Dayton, he was making his first appearance, according to the minutes of the Aircraft Production Board, at a meeting held by that board on that day in Washington. He himself testifies that he was in Washington on that day. While Mr. Deeds is represented as resigning his office as vice president of the Dayton Metal Products Co. in May, 1917, he continued to draw his salary until the end of June, 1917. The notes were placed in the custody of the confidential agent Smith, but he made no entry in Deeds's bills receivable book of these notes until September. It does not satisfactorily appear, in view of the nature of some of the items, that the adjustment of accounts in fixing the book value and the determination of the amounts of the notes could have been made before June 30, 1917. There are stock certificates bearing the date of May 22, 1917, and purporting to have been issued after the issue of the new certificates to the Talbotts and Kettering for the Deeds share, but these certificates were issued to members of the Talbott family, dividing the shares he had formerly held.

Upon all the evidence it is not established that the stock was purchased as early as May 22, 1917, and there are many indications that the transaction was dated back to that date.

However, Colonel Deeds's stock was actually transferred on the books of the company, and the notes dated May 22, 1917, were given apparently not later than September, 1917.

On December 31, 1917, interest was paid by the makers on their respective notes to that date; and interest was paid quarterly thereafter. On January 18, 1918, Talbott, sr., paid $7,706 on account of the principal, reducing his note to $200,000; in February, 1918, Talbott, jr., paid $3,853 on account of the principal, reducing his note to $100,000, and on September 11, 1918, Kettering paid, on account of his note, the sum of $10,000.

If the transaction was a bona fide sale of the stock, Colonel Deeds thereby parted with all his stock interest in the Dayton Metal Products Co., and thus did not have, by virtue of an interest in that stock, an interest in the profits of the Dayton Wright Airplane Co. The parties all deny that there is any secret agreement or option or understanding of any sort for a retransfer of the shares to Colonel Deeds, or for a sharing of profits with him.

To conclude: The fact is that the transfer of the shares in the Dayton Metal Products Co., which owns the stock of the Dayton Wright Airplane Co., was made to Colonel Deeds's intimate business associates on their unsecured notes, which are overdue and unpaid save to a small extent. But there is no proof upon which it can be charged that Colonel Deeds retained an interest in the Dayton Metal Products Co., and thereby in the Dayton Wright Airplane Co.

OTHER AVIATION ACTIVITIES CENTERED AT DAYTON—THE WILBUR WRIGHT FIELD.

This is a tract of about 2,245 acres leased to the Government by the Miami conservancy district, of which Mr. Deeds was the head. It was a portion of the area selected by the Miami conservancy district for the impounding of waters in the event of a serious flood. The property was acquired by the Government for a flying field and was developed by the erection of hangars, barracks, a storehouse, and other structures. Upward of $3,000,000 has been expended by the Government in this development.

* * * * * * *

It appears from the testimony of Ezra M. Kuhns, the secretary of the Miami conservancy district, that at the time of our entry into the war the district had been able to secure options on only about 300 acres of the tract in question, but when negotiations with the Government began there was swift action. Mr. Deeds had brought the matter to the attention of Mr. Waldon as early as April 24, 1917, and had sent to him one of the district's engineers with maps. The following telegrams show the activity of Deeds and Talbott:

[Telegram Deeds to Kuhns, April 30, 1917.]

WASHINGTON, D. C., *April 30, 1917.*

EZRA M. KUHNS,
Miami Conservancy District, Dayton, Ohio:

Subject of our trip yesterday moving very rapidly and very satisfactorily. There is no doubt in my mind but what we will be successful. Avoidence of publicity very essential. Inspection will be made end of this week or first of next. You and Morgan (Morgan was the engineer of the Miami conservancy district) must plan now as though it was decided.

E. A. DEEDS.

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[Telegram Deeds to Kuhns, April 30, 1917.]

WASHINGTON, D. C., *April 30, 1917.*

EZRA M. KUHNS,
Miami Conservancy District, Dayton, Ohio:

Options should be rushed in the vicinity of Fairfield, raising the price if necessary.

E. A. DEEDS.

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[Telegram Deeds to Kuhns, April 30, 1917.]

WASHINGTON, D. C., *April 30, 1917.*

EZRA M. KUHNS,
Miami Conservancy District, Dayton, Ohio:

Ohio State University is ordered to-day to cooperate with the Dayton school, and Magruder, Lord, and Knight instructed to report at Camp Borden, Canada, Monday to learn course of instruction. Publicity will follow these instructions, and no one outside of Signal Corps officers know of our plan for the larger school, and, so far as everyone is concerned, Dayton school is the Wright Field civilian school. Think you should advise Wright, Morgan, Harold Talbott, and Kettering, so that they will not disclose anything inadvertently. The civilian school will continue, regardless of what is done with the other plan, and Ohio State will give the preliminary instruction in military tactics and all classroom work, while the Wright Field Co. will give the instruction in aviation. Harold Talbott should be the channel through which publicity is given out, and there is no objection using the last statement, if called upon.

E. A. D.

—

[Telegram Deeds to Talbott, May 11, 1917.]

WASHINGTON, D. C., *May 11, 1917.*

H. E. TALBOTT,
Dayton, Ohio:

Think your whole plan ideal.

E. A. DEEDS.

—

[Telegram, Talbott to Deeds, May 11, 1917.]

MAY 11, 1917.

E. A. DEEDS,
Care New Willard, Washington, D. C.:

Contracts remaining secured to cover 2,500 acres will be closed by to-morrow evening. Will start Monday on immediate possession of land so the fields will be ready when buildings are finished. This applies to central 1,000 acres in front of building. Builders may retain use of buildings and barns for a few months, and in some cases until winter, but main fields must be prepared without delay if they are to be used

this fall. Think best to give no reason for immediate possession, and feel sure we can arrange it. We can arrange financial matters as suggested. Wire if you approve.

H. E. TALBOTT.

—

[Telegram, Deeds to Talbott, May 11, 1917.]

WASHINGTON, D. C., *May 11, 1917.*

H. E. TALBOTT,
City National Bank Building, Dayton, Ohio:

With few exceptions owners can, if necessary, continue to live in their houses for a year, thus avoiding necessity of moving this summer. Their teams will be employed, giving revenue to them. District wants to try out flying on a large scale, and wants to try experiment at once. This is only a suggestion. You doubtless may have a better one. May be necessary to exercise option at once, and if so, I will gladly go on district's note for full amount.

E. A. DEEDS.

—

[Telegram, Deeds to Talbott, May 12, 1917.]

WASHINGTON, D. C., *May 12, 1917.*

H. E. TALBOTT,
City National Bank Building, Dayton, Ohio:

Suggest Kuhns, Emmett, Grant, and Brown be here Monday morning for conference on conservancy bringing description of entire 2,500. Tax value and tax rate of property under discussion. Will be helpful. Publicity can be delayed at this end without difficulty. Everything moving nicely.

E. A. DEEDS.

The partiality for this site does not appear to have been warranted by any advantages it can be said to possess. Indeed, no satisfactory reason appears for the securing of so large a tract, as apparently 1,400 or 1,500 acres would have answered the purpose.

Fields of about 650 acres were selected at Rantoul and Detroit for two-quadron fields and the field at Dayton was for four squadrons. Both the leasehold interest and the option to purchase are subject to a flood easement. The evidence is that in case of a flood, such as that of the year 1913, the impounded water—that is, after the completion of the dam, which it is understood will be completed in two or three years—would cover the lowland to a depth of about 40 feet; the lowest hangar would have 24 feet of water—that is, over the eaves—and the highest hangar would have 13 feet of water. The barracks and various buildings which stand on higher ground would not be seriously affected. The warehouse itself—a large structure—is in a dry place; and the suggestion that some of the property stored there during the past year has suffered from moisture is not supported. Aside from the consequences of flood in the Miami Valley and the use of the area as a detention basin, it should be added that a considerable part of the tract consists of swamp land which is unsuitable for the use for which it was leased.

* * * * * * *

THE CONTRACT FOR THE DEVELOPMENT OF THE WILBUR WRIGHT FIELD.

The next step was the placing of the contract for development. The contract was signed by Captain Edgar under the direction of the Chief Signal Officer and its terms were not unreasonable. It was on a cost-plus basis with a sliding scale, which as applied to the amount actually expended gives the contractor a commission of 7 per cent with a maximum limit of $140,000. The contractor, the Dayton Lumber & Manufacturing Co., was recommended by Deeds. This company had done nothing in an extensive way for several years, having been engaged since the year 1908 in selling material, and in operating a planing mill and a lumber yard. Its capital stock was $75,000. Prior to April, 1917, one S. S. King had owned 117 of the 750 shares. King's holdings were then increased to 417 shares, and in acquiring these 300 shares King was backed by H. E. Talbott, who as president of the City National Bank of Dayton arranged for a loan of $60,000 for the purpose. King wrote Talbott on April 25, 1917: "As to the ownership of the stock, if you see fit to back me up in it this can be determined in any manner that you see fit." It was not long after the control of the Dayton Lumber & Manufacturing Co. was thus acquired that the arrangement was made for giving to this company the contract to develop Wilbur Wright field. King's narrative of the circumstances in which this contract was obtained is very illuminating, and affords a notable contrast to the difficulties of many who unavailingly sought contracts with the Government.

King was sent for by Talbott and informed that he (King) had been "recommended down at Washington to assume the responsibility of putting up some buildings for Wilbur Wright field," and suggested that he immediately set about effecting an organization for the purpose. This was on Saturday, May 17, 1917, and on Sunday Talbott telephoned to King, asking him to leave immediately for Washington. Accordingly King went to Washington on Sunday afternoon, taking the same train with Deeds. It was arranged that King should call the next day at Deeds's office, which he was informed was on the same floor with that of the contracting officer, Captain Edgar. Accordingly on the following day, May 19, Deeds introduced King to Captain Edgar, and in two or three days, on May 23, the contract was signed. As Colonel Edgar testifies: "King was brought down here by Colonel Deeds and recommended to us as a proper contractor, the most available in Dayton for the work."

The following is a portion of the correspondence between Deeds and Talbott relating to this contract:

[Telegram, Deeds to Talbott, May 23, 1917.]

WASHINGTON, D. C., *May 23, 1917.*

H. E. TALBOTT,
City National Bank Building, Dayton, Ohio:

King probably returns to Dayton this evening. He is undertaking something which he alone is unable to get through with. It will be important that you give him a vision of this job and some very definite suggestions how to hit it in a big way. This is the biggest undertaking that has ever been put across in Dayton.

E. A. DEEDS.

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[Telegram, Deeds to Talbott, May 23, 1917.]

WASHINGTON, D. C., *May 23, 1917.*

H. E. TALBOTT,
Dayton, Ohio:

Suggest you personally direct publicity regarding contract to be given soon, so that it will avoid criticism and at the same time tell the story. This is particularly vital because of Captain Waring to start work Friday and the visitors whom I am bringing, who may read the papers. Your good judgment is needed on this.

E. A. DEEDS.

—

[Telegram, Deeds to Talbott, May 24, 1917.]

WASHINGTON, D. C., *May 24, 1917.*

H. E. TALBOTT,
City National Bank Building, Dayton, Ohio:

In arranging for contract do not overlook a local contractor and lumberman in Osborne. Ezra Kuhns knows his name. He has been friendly to us and I promised him something to do on this job.

E. A. DEEDS.

—

[Telegram, Talbott to Deeds, May 28, 1917.]

MAY 28, 1917.

E. A. DEEDS,
Care New Willard, Washington, D. C.:

Just to remind you chartered accountants of Government selection, expense to be paid by contractor and charged to cost of work. Piecework for labor only on various unit sections in various classifications of work will do much toward speed and economy. Each individual transaction to have the approval of officer in charge before it is effected.

H. E. TALBOTT.

—

[Telegram, Deeds to Talbott, May 31, 1917.]

MAY 31, 1917.

H. E. TALBOTT, Sr.,
Dayton, Ohio:

Wire what progress has been made on Dayton field. This is for our report to the council. If foundations have been started, for instance, and how many men on the job. This only needs to be a rough estimate.

DEEDS,
Aircraft Production Board.

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[Telegram, Talbott to Deeds, June 1, 1917.]

JUNE 1, 1917.

DEEDS,
Aircraft Production Board,
United States War Department, Washington, D. C.:

Steam shovel and large trench digging machine now in place. Three cutting gangs at work. Teams and tractors on ground. Carpenters finishing sheds and office for construction purposes. Foundation excavation in progress. Have plant and equipment for six concrete gangs which will be at work early in the week. Sidewalks progressing. Repairing highways to facilitate trucking operations from Dayton. Purchased five new Packard trucks to augment transportation over the existing available trucks. Next week will see everything booming along. All material, lumber, cement, planks, board roofing located and on the way. Wish you would think over method of authority which can be given me to rush transportation of railway cars. This looks like the main point of congestion. All departments of construction now organized with experienced and competent supervisors and foremen. All this in spite of the fact that it has rained every day since Waring has been here.

H. E. TALBOTT.

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Despite the indications of these messages, and of his transactions with King, Mr. Talbott testifies positively that he had no interest in the enterprise, except as a citizen of Dayton, and got nothing out of it beyond 6 per cent interest received by the Dayton Metal Products Co. on money loaned.

King had no capital available for the enterprise, nor had the Dayton Lumber & Manufacturing Co. King's testimony is:

"Q. Did you have the capital to swing that?—A. Not without assistance.

"Q. Where did you expect to get the assistance?—A. When I talked to Mr. Talbott he told me on the Saturday afternoon, I said, 'Well, this will take a good deal of money.' He said, 'Yes, but,' he said, 'you need not worry about that. We will work out some way for that.' He said, 'I do not know how we will work it out, but we will work out some way for that.'"

The financial assistance that King needed was obtained upon the credit of the Dayton Metal Products Co., supported by the personal guaranties of H. E. Talbott and C. F. Kettering. Notes of the Dayton Lumber & Manufacturing Co. to the extent of $400,000 were discounted by the Dayton Metal Products Co. with the American Exchange National Bank of New York. It was originally contemplated that these notes should be indorsed by Deeds and Talbott, as is shown by the following extract of a letter to Mr. Talbott from W. H. Bennett, vice president of the American Exchange National Bank, under date of June 25, 1917:

"Referring to the conversation which the writer had with you on Thursday, I have conferred with Mr. Kenzel, assistant cashier of the Federal reserve bank, and upon your statement that the Dayton Lumber & Manufacturing Co. is under contract with the United States Government for the preparation of the aviation field at Dayton, and that said company is to receive payments on the 10th of each month on the presentation of receipted vouchers for work completed in the previous month; and that it is the intention of the Dayton Metal Products Co. to make advances to said Dayton Lumber & Manufacturing Co. of amounts necessary to carry on the work, he ruled that the paper executed by the Dayton Lumber & Manufacturing Co. and indorsed by the Dayton Metal Products Co. to cover funds so advanced will be eligible for rediscount with the Federal reserve bank.

"Therefore we feel that it will probably be of mutual advantage to provide for the advance of $400,000 requested from us by a three-months' note executed by the Dayton Lumber & Manufacturing Co. to the order of the Dayton Metal Products Co. and indorsed by Mr. H. E. Talbott and Mr. E. A. Deeds. If you so desire, the indorsement of the individuals can be secured by an assignment from the Dayton Metal Products Co. of certain securities now in safe-keeping with us to the individuals referred to."

It was subsequently arranged that the indorsements should be those of Talbott and Kettering, who also gave their separate agreement of guaranty. The avails of discounted paper were passed by the American Exchange Bank to the credit of the Dayton Metal Products Co. It appears from the accounts between the Dayton Lumber & Manufacturing

Co. and the Dayton Metal Products Co. that, while the latter company ultimately paid the notes, their proceeds were used in large part from time to time for the benefit of the Dayton Metal Products Co.

The credit to the Dayton Lumber & Manufacturing Co. thus extended to it upon its notes was furnished without security, or, as Mr. Talbott put it, with "no further security except in the man (King). I trusted the man; I knew his contract." After the contract had been obtained, King increased his stockholdings in the Dayton Lumber & Manufacturing Co. by the purchase of 104 additional shares, borrowing for the purpose $20,000 from the Dayton National Bank.

It appears that the total amount paid by the Government under the contract with the Dayton Lumber & Manufacturing Co. to August 14, 1918, amounted to $3,115,161.94. This represents the amount paid for the cost of the work—that is, for lumber, materials, etc. The commission or profits of the contractor, which had been paid to that date, amounted to $102,436.04. There has been considerable trouble in connection with the contract, and the accounts are far from being in satisfactory shape. An audit of the books of the company was made by Barrow, Wade, Guthrie & Co. to November 30, 1917. They reported that they found "the pay rolls very incomplete, full of errors, corrections, and erasures," and that there was "abundant evidence that great laxity and carelessness has been exhibited by the employees of the company, especially those in the paymaster's department." These statements are amply confirmed by the evidence in this investigation, and the accounts are in course of being reaudited by Government accountants. The consideration of the various irregularities in the accounts and of the questions to which they give rise must await the result of this examination. It will be observed that the Government has withheld a large part of the compensation of the contractor until a satisfactory adjustment has been made. Of the profits received from the Government, it would appear that the moneys have been retained in the business of the company, except to the extent of a dividend of $37,500—that is, 50 per cent on the capital stock. Of this dividend, King was entitled, on the 521 shares acquired in his name, to $26,050, and of this amount it appears that he had received 70 per cent, or $18,235, to July 1, 1918. He had paid $11,000 on account of his loan ($21,000) to the Dayton National Bank. He had paid nothing on the $60,000 loan from the City National Bank. No agreement has been proved for a division of profits on this contract, and there is no proof that Colonel Deeds has had an interest in the contract or in the Dayton Lumber & Manufacturing Co. Even if it appeared that the Dayton Metal Products Co. was interested in the contract (which would explain transactions otherwise difficult to understand), this fact would not affect Colonel Deeds unless he were found to be interested in that company. The question would thus come back to the transfer of his stock in the Dayton Metal Products Co., which has already been considered.

M'COOK FIELD (FORMERLY KNOWN AS NORTH FIELD).

This is a field of approximately 200 acres in and adjacent to Dayton, which was leased by the Government from the Dayton Metal Products Co. and has been used for the purpose of making various tests. Lieutenant Colonel Vincent first suggested another field (South Field, or Moraine Field) and brought the matter to the attention of Colonel Deeds, by whom that field was principally owned. On September 27, 1917, Colonel Deeds sent the following telegram to Mr. Talbott:

WASHINGTON, D. C., *September 27, 1917.*

Mr. H. E. TALBOTT,
City National Bank Building, Dayton, Ohio:

Colonel Clark takes letter regarding Moraine flying field with him to Dayton to-night. George McCann has another letter for Mr. Kettering. Government will lease land, put up buildings, and operate experimental field. Lease will be for three years without privilege of purchase, as that is not necessary. Have complete description of property prepared; also statement of cost of buildings already erected and suggested monthly rent arrangement, and have George McCann bring them to Washington to complete lease. Have him prepare deed for this property to Mr. Kettering, who, in turn, will lease it to the Government.

DEEDS, *Equipment Division.*

Other contracts relating to aviation fields are discussed in the Hughes report, and many pages are devoted to selection of contractors, profits, and other matters relating to aircraft that challenged the attention of the country during the war. No word comes from the legal department of the Government that these charges have been investigated, although the investigator and the head of the legal department now sit at the same Cabinet table.

Mr. Chairman, I believe I have shown the necessity of employing many investigators and many attorneys on these war fraud cases with a view of clearing them up in the immediate future. It is clear the present force in the Department of Justice is entirely inadequate to properly handle the situation. It seems strange to me that the department has not long ago asked of the Congress sufficient funds for this purpose. On April 7, 1922, when the Department of Justice appropriation bill was being read for amendment under the five-minute rule, the gentleman from South Dakota. Mr. ROYAL C. JOHNSON, with whom I have for some time been working on these matters, offered an amendment to appropriate $500,000 for the purpose of carrying on these investigations and prosecutions. That no request for funds for this purpose has been submitted to Congress by the Attorney General is clearly shown by the following, taken from the RECORD of April 7, 1922:

Mr. JOHNSON of South Dakota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report:

The Clerk read as follows:

"Amendment offered by Mr. JOHNSON of South Dakota: Page 27, line 15, insert: 'For attorneys, accountants, and clerical assistance in the investigation and prosecution of fraudulent war claims against the Government and investigation of settlements made on war contracts and prosecution in such cases as the Attorney General shall deem necessary, $500,000.'"

Mr. JOHNSON of South Dakota. Mr. Chairman, in this bill providing for the entire legal department of the Government I find no provision for the necessary clerical assistance and accountants that will be required if we are going to see that those men who grafted upon the Government during the war are prosecuted. Everyone who is at all familiar with the situation recognizes the fact that the Attorney General and some individuals in the War Department have had for some time under investigation many of these claims, and in at least one case with which we are familiar—a recent case—have taken legal action.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. GARRETT of Tennessee. Was there an estimate sent in for an item of this sort?

Mr. JOHNSON of South Dakota. Not so far as this is concerned.

Mr. GARRETT of Tennessee. The Department of Justice has not asked for anything.

Mr. JOHNSON of South Dakota. So far as I know the Department of Justice has not asked for it; but I will say that I want to anticipate, because it will not be a very great length of time before they will ask for such an appropriation, and I want to get it in in time; that is the reason I am offering this amendment. I had no idea that gentlemen would oppose it. We know in a recent case prosecution has begun, and I know that the entire department which has charge of the prosecution in this great class of cases is now in the hands of one clerk, who a few years ago was drawing a salary of $1,200, and in the hands of a few investigators, none of whom are receiving an adequate salary. These men are being opposed to-day by the best lawyers in the United States. In any one of these cases the Government would not be more than adequately represented if it had two of the finest and highest-priced lawyers in the United States.

I say without any hesitancy and without any reservations that these claims ought to be prosecuted, and if they are not prosecuted within a reasonable time the statute of limitations will expire and the men who have been guilty of these colossal war frauds will not be punished. After a thorough investigation, which lasted all of last year, I am thoroughly convinced of the necessity of an appropriation, so that the legal department of the Government will function in these prosecutions during the next two years.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of South Dakota. I will.

Mr. MANN. As to the amount involved, has the gentleman made any estimate?

Mr. JOHNSON of South Dakota. I have made somewhat of an estimate, that I do not have with me to-day, but I might present it to the House on another occasion. I do not know that I would be within a hundred thousand dollars of the necessary amount, and I make no pretension at this time as to the accuracy of the estimate or how much the Attorney General would need; it is a matter for him to determine, and I have such confidence in him that I feel he would not expend any more or any greater amount than is absolutely necessary.

Mr. MANN. Has the gentleman consulted the Attorney General or anybody in the department?

Mr. JOHNSON of South Dakota. I will say that I have not consulted the Attorney General.

Mr. HUSTED. Mr. Chairman, I think I can say to the gentleman from South Dakota that he is out in his estimate just the amount carried in his amendment. The Department of Justice has not asked for this item, but the Department of Justice is engaged in this work, and has ample funds to carry it on at the present time. It does not need an additional dollar for this purpose, and if this money was appropriated it simply adds $500,000 to the amount carried in the bill which we would have to raise by taxation and which the department could put to no good purpose.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. COOPER of Wisconsin. Inasmuch as the gentleman has just informed us that the Attorney General is engaged in the work of prosecution, will the gentleman state what prosecutions have been begun?

Mr. HUSTED. Well, the prosecution of Charles W. Morse is one which has had great attention in the public press.

Mr. COOPER of Wisconsin. Can the gentleman name any other?

Mr. HUSTED. I do not know what particular prosecutions have been carried on, but I know that they are engaged in investigating these cases. I know that is a large part of the work carried on by the bureau for the detection and prosecution of crime. These cases are in the hands of the attorneys for the department, and if prosecutions have not been instituted they soon will be.

Now, Mr. Chairman, if the Attorney General needs money with which to employ additional help in clearing up these cases, why has he not asked the Congress for the money? If he does not need additional funds, if he has all the assistants necessary to do this work, why have not some definite results been secured? Why have not suits, both criminal and civil, been prosecuted? The information upon which to base these suits have, in many cases, been in the files of his department for many months.

In view of the facts, one must conclude one of two things: Either the Attorney General does not propose to do the thing he was sworn to do when taking his oath of office—prosecute all criminals, big or little—or he does not know the facts as they exist. It pleases me to believe he does not know, because the head of a large department of this character must be there very largely in the capacity of an administrator. He can not know all the details, and such of those as do reach him must necessarily come to him through the medium of some subordinate.

LINCOLN MOTOR CO.

Following is a statement of the case as prepared by the Department of Justice for filing in the United States District Court at Detroit:

In the District Court of the United States for the Eastern District of Michigan, southern division, in equity.

In the matter of the receivership of the Lincoln Motor Co., Detroit Trust Co., receiver.

CLAIM.

The Lincoln Motor Co., Dr. to the United States of America.

1918–19.

To erroneous, wrongful, and unlawful payment of so-called profits on motors and spares under contract 1647 and supplements $4,963,361.98

To erroneous, wrongful, and unlawful payment of so-called special depreciation and amortization under contract 1647 and supplements	$3,225,200.00
To erroneous, wrongful, and unlawful payment of so-called anticipated or unearned profit on uncompleted portion of contract 1647 and supplements	1,000,000.00
Total	9,188,561.98

All as shown by contracts, audit, and report of War Department herewith filed and prayed to be considered as a part of this claim.

DISTRICT OF COLUMBIA, *United States of America, ss:*

Thomas F. Lane, who being first duly sworn, makes oath and states that he makes this affidavit of claim against the Lincoln Motor Co., a corporation, as an agent of the War Department of the United States of America; that he is cognizant of the facts supporting said claim; that the Lincoln Motor Co. is justly indebted to the United States of America, after allowing all just credits and set-offs, in the sum of $9,188,561.98.

THOMAS F. LANE.

Subscribed and sworn to before me this 27th day of March, A. D. 1922.

[SEAL.] THOMAS L. BIGHAM,
Notary Public, District of Columbia.

My commission expires 12th day of August, 1923.

Mr. Chairman, the Lincoln Motor Co., which during the war received large contracts for the Air Service, has been shown by the Government audit to have been overpaid to the extent of $9,188,561.96. This concern some time ago was thrown into the hands of a receiver. The receiver has sold this property to Henry Ford for $8,000,000 cash, which the receiver now holds. This case had been turned over to the Department of Justice and by it referred to the district attorney at Detroit for necessary action. The claim of the Government constitutes a first lien against the money now in the hands of the receivers.

We find the policy pursued in the past in some other cases now being pursued by the Department of Justice in the case of the Lincoln Motor Co. This case has been taken out of the hands of the district attorney at Detroit and has been returned to the department here; and there is to be another hearing given the attorneys for the receivers here in Washington to-morrow, April 12.

Inasmuch as an unbiased Government audit, conducted by men who have no personal interest in the case whatsoever, has shown this indebtedness to the Government, and inasmuch as hearings and rehearings had already been granted in this case, I wish to inform the House and the country that if history repeats itself in the case of the Lincoln Motor Co., and the Attorney General does not look fully to the interests of the Government in this case and allow the courts of the Nation to determine to what extent this company is indebted to this Government, I shall consider him guilty of misfeasance in office and shall move his impeachment upon these grounds. I appreciate the fact, Mr. Chairman, that it is impossible for the Attorney General to have the details of all these cases in mind, but I believe this case to be of such magnitude as to warrant the personal attention of the Attorney General himself.

Mr. Chairman, what I have said has been said in behalf of decency and fairness in government. It has been said in behalf of the four and one-half million ex-service men of the Nation. It has been said in behalf of everyone who wishes to see the laws enforced against the rich as well as the poor. [Applause.] Everything here presented is subject to proof, and much else besides. I have touched upon only the more flagrant cases. There are many others. The Federal prisons are full of petty thieves and grafters. They are filled with the small bootleggers, but I know of no instance where the big men, the men of wealth or political power who finance and direct bootlegging in a big way, have been prosecuted, although I do know that information upon which to base such prosecution is in the hands of the Department of Justice.

I have laid sufficient facts before Congress to-day to startle the Nation, and I believe if there is an unwillingness or inability on the part of the Department of Justice to function in the manner in which it should function that public sentiment should and will compel a change. It is incomprehensible that the President should be aware of these facts. I do not believe President Wilson was aware of the conditions that existed during his administration; I do not believe that President Harding is aware of the conditions as they exist to-day.

I most sincerely trust, Mr. Chairman, that the Congress will take immediate action upon the resolution I have introduced. I believe if the committee is appointed under this resolution its powers will be great enough to enable it to thoroughly investigate the conditions in every department of the Government in any way touching these war frauds. I believe the Congress will take this action. [Applause; Members rising.]

The CHAIRMAN. The gentleman's time has again expired.

Mr. WOODRUFF. Mr. Chairman, the country is asking what Congress has done to stop maladministration and waste of public funds.

The people are asking what has been done since April 12, 1920, when the House adopted the Republican resolution instructing the Attorney General to—

institute investigations before grand juries for the purpose of indicting and prosecuting such persons as are guilty of criminal conduct, and to institute civil suits for the recovery of any Government funds which have been fraudulently or illegally paid. * * *

This resolution was adopted two years ago. Has anything been done? Were these evils stopped? Was the plundering of aircraft appropriations stopped? The answer, in the negative, can be found in thousands of newspaper articles printed by the American press during the past 12 months giving the unchallenged charges and testimony of the highest experts.

The answer can also be found in numerous reports of investigations of Air Service scandals and Air Service tragedies—the numerous tragedies that have taken place because our Air Service was prevented by the Air Trust from getting the best airplanes available which, experts testify, could be had by the Air Service at far less than was charged by the members of the Air Trust for inferior, dangerous aircraft.

Recognized authorities like Henry Woodhouse, the president of the Aerial League of America, who for 12 years has been recognized the world over as one of the foremost leaders in aeronautics and related sciences and national affairs; Gutzon Borglum, a pioneer in aeronautics, who was asked by President Wilson to and did investigate the aircraft scandals during the war; H. L. Scaife, who has had charge of preparing the cases for the war fraud section at the Department of Justice—these and scores of other authorities and leading organizations, like the Aerial League of America, representing thousands of Air Service officers and people identified with the aeronautic movement, have presented conclusive reports to Members of Congress and to the press.

Their charges, their facts, their reports telling the causes of the Air Service tragedies and exposing recent evils have been carried to the thousands of American newspapers by the Associated Press, the Universal Service, the International News Service, the Newspaper Enterprise Association, the United Press, and other reliable newspaper associations. The charges have not been denied.

Members of Congress have been at loss to find answers to the questions asked by the newspapers that are asking what has been done and what is being done to stop these evils, to end this wanton waste of taxpayers' money. We have been at a loss to find answers to such letters as the following, addressed by Mr. Borglum to Mr. Scaife and by Mr. Scaife to Members of Congress, asking whether anything is being done. Mr. Borglum's letter follows:

GUTZON BORGLUM STUDIOS,
Stamford, Conn., September 24, 1921.

H. L. SCAIFE, Esq.,
5419 Forty-first Street NW., Washington, D. C.

MY DEAR MR. SCAIFE: Thank you for your letter of September 14. I have received all your letters, I think, and have lost no interest whatever in the work that you are doing nor in the prosecution of the men now in the Government and out who were treacherous both to it and to the Nation, in the aircraft department, during the war and since; but I have been so busy with heavy work that requires every bit of my time, and on the other hand I have pressed the charges as far as dignity permits. The Government's criminal incompetence in the aircraft swindle is a matter of Government record, made in spite of both parties. I am satisfied with my services in this to date. So far, the Democrats, even of the Wilson administration, have acted with the finer political conscience. I shall neither do nor say more at present of my own motion. Certain promises have been made to me and to the overburdened, overtaxed voter; in the meantime, we must wait till this Congress goes to the country for reelection. I shall then know who to trust and just what to do.

However, I believe—I know, as much as one can—that there will be no convictions, and that we will get nothing but a political burial of a crime of which Republicans and Democrats are equally guilty. If there is a man holding a prominent official position in the United States Government to-day who is prepared to prosecute, say, one of the biggest banks in America, that fairly glutted itself on the proceeds of aeronautic engines, which in turn it used to inflate prices on unnecessary quantities of war material for our Army—if there is a man in authority at Washington who is prepared to prosecute or even mention the name of this bank publicly, I should like to know his name. I do not believe there is such a man. But I can name you several men, high in the Government's confidence, who will not let this institution be mentioned nor let anything be done which may embarrass powerful partisan supporters.

I am interested to some extent in what you say about the fight that was made upon me; some time you will tell me. I know the men who made the fight; they have since explained, after admitting the frightful conditions that existed, that partisan political reasons made it impossible for them to make admission at the time. Will you show me one man high in political preferment to-day who will not make the same answer and in making it practically say, "To hell with America, if her welfare affects 'the party'"? I am not pessimistic nor have I lost my belief in the sweetness of life, but the power to tax the people of the United States and pass its legislation is bigger game than Standard Oil, Steel, or the railroads, combined. Under Wilson its control slipped to a great group of bipartisan interests. Call America what you will, they are our Government. You say you will begin to believe there are not five or six men in America who care or

who would do anything to prosecute investigation? There are not five or six public men who have the character to do it, in or out of the Army, in or out of political life, and there are none in commercial life. I do not know any who will sacrifice his job or his chance for preferment to speak the truth, be it what it may.

* * * * * * *

* * * At this time we have thousands upon thousands of airplane engines of various kinds, mainly Liberty motors. They kill our boys, that is true, but the Government does not care anything about that. They are, as they were, worthless, that is true, but the Government never cared nor does it care now about that. They killed people at the time they were ordered, and they still do; but the Government neither cared then nor cares now for that. And they have been packed in grease and are strewn about the land; within a month one of the last and "best" delivered from our Government was found with sand in the grease, put there by whom? By Government officials or by consent of Government officials. Of course, the Government cares nothing about that. What engines do they now propose to buy? Who is it in the Government that is so powerful, or who is it outside the Government that is more powerful, who can compel the Government to oblige every aviation company to use these damnable motors in every airplane they may build or import? That question should be asked, and it should be answered, for that is the case. I will tell you of this when I see you.

The airplane industry can not live in America unless it uses Liberty motors; and it can not fly if it uses them without killing, and as long as flying in America kills it will stagnate.

There is something profoundly rotten in the whole business. It was conceived and carried out with such intent to defraud—it was so bad in its conception and in its building, and finally in its production—so vast was the machinery of evil—that I doubt if we shall be able to do anything in aeronautics during this present generation because of what you now fear—there are not in all America the five or six men of power, or position, you seek, who care. There are not two. The Government must completely overhaul its aeronautical salvage, discard practically all the men heretofore connected with it, and put the entire department in the hands of new people, utterly free of all connection with it during or since the war. It would not be difficult to forgive much (and many) if there was a genuine plan of this sort adopted. The Government is choked with material, yet asking for more money. Note who is asking, who is recommending. Note that we are without safe landing fields across the country and that we have no system of night lighting at all.

You speak in your letter of my writing you personnally or marking as personal and confidential things I might not want to say to others. I shall remember that. But I have no objection to your using anything I say; and I shall send Mr. Harding a copy of this. I do not approve of many commissions and omissions in the Harding administration, but I have known and had the confidence of two such diverse characters as Roosevelt and Wilson as Presidents, and I have learned not to hold Presidents responsible for all of the Government all of the time.

I hope to be in Washington for a day and a night next week and shall make a point of seeing you. You say you have not heard from me since June 24. It seems hardly possible; but I beg you to be lenient with me, because I am so engrossed in work which I must finish. It does not mean that I have lost a particle of interest in the great question itself or the great service you have rendered it. You are the only man I have found who feels the personal responsibility toward a task assumed (as I felt it) and who has shown any of the patriotism in connection with it that I believe one must feel to serve a nation properly.

Sincerely yours, GUTZON BORGLUM.

As the evils continued, such leaders of clean aeronautics as Henry Woodhouse, whose reports and statements regarding national questions have been accepted by the United States Army and Navy and made part of the records of Congress for over 10 years, brought the evidence to Congress, and to the press the evidence of existing conditions. Here are a few of the thousands of articles printed in several thousand newspapers served by the Associated Press, the Universal Service, the Newspaper Enterprise Association, the United Press, and other leading newspaper associations.

The facts given in these articles have not been refuted; the charges have not been denied.

What can we answer to these newspapers and to the millions of readers—our constituents—who have read these charges, these uncontradicted facts, and ask what we have done to stop these evils, to prevent this continuous waste of taxpayers' funds?

[From the Times, Washington, D. C., October 23, 1921.]

"BY JUGGLING AND CONCEALMENT OF FACTS AND FIGURES, THE AIR TRUST HAS PREVENTED AN ACCOUNTING OF $1,740,915,758 APPROPRIATED BY CONGRESS, THE SCHEME BEING TO PREVENT INVESTIGATION UNTIL END OF 1921, AND THEN CLAIM IMMUNITY ON PLEA THESE ARE OUTLAWED WAR MATTERS."

(By Henry Woodhouse, president Aerial League of America, chairman of committee cooperating with Government in air investigations.)

(Written for Universal Service.)

Taxpayers will read here for the first time the records showing that the aeronautic appropriations made by Congress in the past four years have amounted to over two thousand million dollars.

By devious schemes, juggling and concealment of facts and figures and circulating of misinformation, the Air Trust has heretofore succeeded in suppressing part of these records and preventing an accounting of aeronautic appropriations aggregating the enormous sum of $1,740,915,758, made available at various times.

The appropriations made available by Congress for Army aeronautics were as follows:

Appropriations for fiscal year ending June 30, 1917	$13, 861, 000
Appropriated by—	
Act of May 12, 1917	10, 800, 000
Act of June 12, 1917	500, 000
Act of June 15, 1917	43, 450, 000
Act of July 24, 1917	640, 000, 000
Act of Oct. 6, 1917	40, 000, 000
Act of July 8, 1918	8, 000, 000
Appropriated by—	
Act of July 9, 1918	$760, 000, 000
Act of July 9, 1918	124, 304, 758
Act of Nov. 4, 1918	60, 000, 000
Act of July 11, 1919	25, 000, 000
Appropriation for year ended June 30, 1921	15, 000, 000
Total Army air appropriations	1, 740, 915, 758

For the Naval Air Service, Congress appropriated $362,592,197, as follows:

For the year ending—	
June 30, 1917	$3, 500, 000
June 30, 1918	61, 133, 000
June 30, 1919	252, 959, 197
June 30, 1920	25, 000, 000
June 30, 1921	20, 000, 000
Total naval air appropriations	362, 592, 197

Thus the figures reveal Air Service appropriations aggregating the huge sum of $2,103,507,955, allowed by Congress for the fiscal years 1917 to 1921. Still these figures do not comprise many appropriations, such as officers and enlisted men's pay and subsistence and purchases of land for air stations, transportation of aircraft and aeronautic equipment, experimentations conducted by various Army and Navy bureaus to develop aircraft bombs, aircraft guns, radio and navigating instruments and other equipment, and the $1,000,000 for the purchase of aeroplane patents revoked.

Neither Congress nor taxpayers have been able to get an accounting showing exactly how much of these appropriations were actually spent and what it was spent for and what has happened to the aircraft motors and equipment for which hundreds of millions of dollars were paid to the members of the Manufacturers' Aircraft Association, who monopolized the aeronautic appropriations and charged exorbitant prices for inefficient and defective aircraft.

The Air Trust has a body of professional mourners in its pay, whose job is to delay the full accounting of the $2,000,000,000 air appropriations made by Congress in four years and circulate sob stories and make the public and Congress believe that the Air Service is in a pitiful state of destitution and must have additional large appropriations.

I have before me minutes of meetings of the Manufacturers' Aircraft Association showing appropriations of from $1,000 to $25,000 each made by the association for the purpose of conducting propaganda designed to mislead the public and Congress and cause further large appropriations to be made.

The evidence collected by the committee assisting the Government in aircraft investigations shows that not only the American public has been robbed on a gigantic scale in aircraft contracts, but it has been and is being prevented from learning the exact amount of Air Service expenditures and what has happened to the aircraft, motors, and equipment bought and paid for by the Government, the scheme being to delay investigations until the end of 1921 and then claim immunity under the plea that these were war matters and are outlawed by the three-year statute of limitations.

Many of the crimes committed are recent and do not come under the statute of limitation this year, but the Air Trust hopes to prevent any Federal action from being taken on these until they are outlawed by the statute of limitation next year and the year after.

The funds for continuing these schemes are coming from the recent contracts for inferior aircraft and motors placed with members of the Manufacturers' Aircraft Association by the Air Service, which amount to close to $10,000,000, on which they make huge profits.

As these aircraft are inferior, defective, and not needed by the Air Service they should be canceled immediately, not only to save the taxpayers from being robbed of additional $10,000,000, but also to prevent the continuance of these evils.

The only hope of ending these evils and safeguarding the lives of Air Service pilots rests on prompt action in canceling pending aircraft contracts and carrying into effect the recently announced intention of United States Attorney General Daugherty to submit such matters promptly to Federal grand juries.

Our experience in investigating aircraft scandals and preparing special reports on the aircraft situation for ex-President Wilson, Secretary Baker, and Congress, and for the present administration has convinced us that these evils would not exist to-day if the aircraft scandals of 1917–18 had been submitted to a Federal grand jury for action, and we estimate that by ending those evils then the United States Government would have saved at least $300,000,000 and would have received more and better aircraft in return, and the lives of hundreds of Air Service men who were killed by defective and inefficient aircraft would have been saved.

[Published by the newspapers served by the Universal Service, September 6, 1921.]

200 MEN KILLED IN AIR SERVICE IN PAST 2 YEARS—WOODHOUSE SAYS FEW DEATHS WERE DUE TO NATURAL HAZARDS, BUT MANY TO PREVENTABLE ACCIDENTS—DEMANDS FEDERAL INQUIRY—DECLARES GOVERNMENT IS FACING LOSS OF $50,000,000 ON ORDERS ALREADY ISSUED FOR NEW AIRCRAFT.

[Henry Woodhouse, president of the Aerial League of America and chairman of the committee cooperating with the Government in investigating the postwar aeronautical situation, has written a series of seven articles exclusively for Universal Service.

In these articles Mr. Woodhouse scathingly attacks the "Air Trust," which he declares made $1,000,000,000 in graft on Government aircraft contracts, and exposes various phases of the present situation, bares the causes of several recent air tragedies, and shows how this air combine is unloading millions of dollars in dangerous and obsolete aircraft on the Government.]

(By Henry Woodhouse, president Aerial League of America and noted aeronautical writer.)

(Written expressly for Universal Service.)

In the past two years about 200 Air Service men, including a dozen ranking officers, have been killed. Investigation shows the natural hazard of flying caused few of these deaths. The majority were due to preventable accidents.

Training of these men cost an average of $50,000 per man. Their deaths cost almost as much, as each death involved the destruction of airplanes, motors, and other equipment. These avoidable tragedies therefore cost the American public at least $20,000,000, in addition to the inestimable loss of life.

PREVENTABLE ACCIDENTS.

An investigation shows that the causes of many of these preventable tragedies still exist. Unless immediate steps are taken to institute sweeping Federal grand jury investigations, the Air Service death roll will continue to increase and the public be forced to pay more millions for aircraft destroyed.

The Air Service during the past few months has placed contracts for inferior, mechanically faulty, dangerous aircraft. These aircraft are absolutely unnecessary. Unless these contracts are immediately canceled a waste of $50,000,000 of Government funds will result.

The bare construction costs of these contracts will total $10,000,000, while motors, instruments, gun mounts, bomb racks, packing, transportation, and assembly, together with cost of housing, will bring the total over $50,000,000.

More than 200 single-motored Thomas-Morse biplanes are among those contracted for. These are erroneously classed as "pursuit planes." American aviators who might attempt to pursue enemy fliers in such planes would soon be at the mercy of the faster and better equipped enemy machines. There are hundreds of better planes than this type stored away in Government warehouses, unused.

DOZEN DIRIGIBLES IDLE.

Another order is for 35 bombing planes of the type that have caused the deaths of a score of persons since May 27, 1921. Machines of this type have been seen rotting away at Air Service fields.

Three dirigibles identical to the two dirigibles destroyed August 31 at Far Rockaway and the *C–10*, which exploded over Chicago, have been ordered. Dirigibles of this type have been proved unsafe and unsatisfactory. Their destruction has cost millions of dollars and several lives since the signing of the armistice. A dozen dirigibles of this type, which cost millions, are now stored away idle, unused.

And here is a real joker: Contracts have been let by the Army for 43 observation balloons at a total cost, equipped, of more than $10,000 each. These contracts have been let despite the fact that the Navy Department has so many of this same balloon on hand, unused, that they have recently been offered for public sale, brand new, at $2,500. Something seems to be wrong there.

As a matter of fact, the Army has made little use of lighter-than-air craft. An investment of $50,000,000 is represented in housing facilities, hydrogen generating plants, and equipment for these balloons, however.

NEW MACHINES DANGEROUS.

The Roma, a monstrous Italian semidirigible, bought by the Army Air Service, arrived at Langley Field recently in crates. At the present rate of assembly it will not be ready for its maiden cruise for many months.

The 235 airplanes, 3 dirigibles, and 38 observation balloons ordered recently are inferior, dangerous, and not needed. There are better, or equally as good ones, idle and unused, on which the American public is paying storage charges.

Contracts for these aircraft were not placed in accordance with the requirements of the law, investigation discloses. The law provides that bona fide bids be invited for aircraft and equipment needed and that contracts be placed at the lowest price for the best article.

Immediate cancellation of these contracts will save the American public $50,000,000.

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[Published by Universal Service newspapers, September 7, 1921.]

UNSAFE PLANES SOLD UNITED STATES, SAYS WOODHOUSE—GOVERNMENT ROBBED OF MILLIONS, MANY LIVES IMPERILED BY GREED, HE CHARGES.

(By Henry Woodhouse, president Aerial League of America and noted aeronautical writer.)

SECOND ARTICLE.

About two years ago an aircraft construction company built a huge fantastic airplane. It is as big as a barn and as clumsy and impossible to fly. It was built with war profits. In design it was fully four years behind the times. Aviators who examined it declared they would sooner jump off the Brooklyn Bridge than attempt to fly it. Their chances of surviving were about even in either case.

Subsequently the plane was flown. On its test flight it came to grief. The pilot luckily escaped with his life. Aeronautical officials, however, sighed with relief, believing that would be the last of the dangerous contraption.

It was not. Following hasty repairs, the machine, to the amazement of those who knew, was bought by the Army Air Service at a fabulous price. It now stands useless at an Army flying field in Virginia. No one is willing to attempt to fly it. It has cost and is costing thousands of dollars for housing and upkeep.

SHOULD CANCEL PURCHASE.

How and why it was bought no one can explain. Army officials know the money was wasted. The contraption was not ordered in accordance with law, which requires that bids be invited and contracts placed for the "best aircraft available." Its purchase should be immediately canceled and the manufacturer compelled to refund the amount paid by the Government.

Action should be taken immediately before some senseless Air Service officer orders some pilot to fly the machine, with or without a load of passengers, as was done with the Curtiss Eagle ambulance, a much similar case.

The "Eagle ambulance" was an airplane designed for three motors. To cheapen its construction and cost of operation the manufacturers, however, replaced the three motors with a single Liberty motor.

When the "Eagle" was tested at Garden City it was found logy and unable to climb rapidly. It was generally conceded to be an experimental "dud," and it was taken for granted that radical improvements and changes would be made, meanwhile the plane remaining a shop experiment, not sold or used.

Some weeks passed, when aeronautical officials were dismayed to find this same faulty experimental airplane at Mitchel Field, the Army Air Service station on Long Island. It proved most attractive in its new coat of white paint, with a great red cross painted on the fuselage and the Air Medical Service insignia and serial number "A. S. 64243" on the tail.

This plane was not needed by the Air Medical Service. Better aerial ambulances had been evolved by the Engineering Division of the Army Air Service by converting surplus De Haviland planes. In fact, the Army officials were so pleased with the success of these converted ambulance planes that they issued for publication announcements of their construction.

These announcements were part of the official "Air Service News Letter," issued by the Director of Air Service. Copies are before me, and the Air Service Director can doubtless supply extra copies to the Secretary of War, General Pershing, and General Harbord, who have been asked to investigate the "Eagle ambulance" tragedy.

SEVEN CARRIED TO DEATHS.

As this plane was not needed as an ambulance it was stripped of its hospital equipment and hastily turned into a joy-riding limousine. A most dangerous arrangement of camp stools replaced the permanent seating arrangement. On these the passengers were seated on the fatal afternoon of May 28, 1921, when a flight was started despite storm warnings from the Government Weather Bureau. When the big, unwieldy plane went into its fatal nose dive the passengers and their flimsy camp stools piled up on the back of the pilot, pinning him powerless against the controls.

Utterly helpless, the seven passengers were instantly killed in a horrible manner. News of the crash was withheld from Government officials and the press while the evidence was burned. Later a report was made to the Secretary of War characterizing the tragedy as an "act of God."

It was asserted that the tragedy was due to lack of an air weather service. Air Service officers issued statements warning Congress to appropriate $50,000,000 to $80,000,000, in addition to the $50,000,000 already given the Air Service since June 30, 1919, for a weather bureau to prevent repetition of such accidents.

These are but two instances of many cases in which the American Government has been victimized by making the Air Service a dumping place for faulty, dangerous aircraft at exorbitant prices by a small group of manufacturers who monopolize Government business.

The official Air Service audits show that these manufacturers have gotten close to $150,000,000 in public funds for construction of aircraft without motors or equipment for the Army alone since April 6, 1917.

General Pershing's report shows that only 213 airplanes reached the American Expeditionary Forces up to November 11, 1921. To-day all that the public sees for its $150,000,000 paid for airplanes and an extra $500,000,000 paid for motors, dirigibles, and other equipment is a ghastly record of death and destruction.

A sweeping grand jury investigation is necessary to halt this evil and to save further loss of life and public funds.

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[Published by New York American and Universal Service newspapers, September 8, 1921.]

COSTLY AIRSHIP FLEET CALLED A HUGE WASTE.

(By Henry Woodhouse, president Aerial League of America, and noted aeronautical writer.)

Where is America's costly airship fleet?

Where are the 30 dirigibles purchased by the Air Service since the signing of the armistice, which, with their costly accessories, hangars, and other equipment, cost taxpayers more than $50,000,000?

The recent tragic end of the *ZR–2* and the destruction of three naval blimps at the Far Rockaway air station account for four. Where are the rest?

Where are the 917 observation balloons bought by the Army Air Service; the 162 observation balloons purchased by the Navy?

Why is the Air Service selling brand new observation balloons at less than a fourth of their cost and buying 38 similar ones at exorbitant war-time prices?

FACTS HIDDEN FROM PUBLIC.

The public has not yet been told that the proposed rigid dirigible construction and operating station is to cost $6,264,000. This stupendous expenditure is planned in addition to the millions already spent for dirigibles, though there is nothing to show for the money excepting the lamentable *ZR–2* tragedy.

Why is the American public told of but a tenth of the total cost of dirigible and observation balloons?

As a citizen you are entitled to know. It is you who dig down in your pockets to foot these bills.

Do you as a taxpayer know that new, undeveloped motors for airships and airplanes are constantly being ordered, though the Army and Navy Air Services have more than 30,000 brand new engines stored away which have cost more than $300,000,000?

Why are steps not taken to stop this orgy of spending and waste?

Why is the Manufacturers' Aircraft Association consulted and permitted to decide who shall get the Air Service contracts? Why is the Air Service permitted to pay the exorbitant prices fixed by the "Air Trust"?

$100,000,000 EXPENDED.

These questions all deal with the lighter-than-air branch of the Air Service. This aerial arm has cost about $100,000,000 to date—about one-tenth of total aircraft expenditures.

The heavier-than-air branch, including all seaplanes, has cost more than $900,000,000 and shows a greater proportion of waste, favoritism, graft, and maladministration.

These questions are especially timely, due to efforts of the Manufacturers' Aircraft Association to create the impression that we have but one dirigible and to obtain contracts for more defective airships absolutely not needed.

Secretaries of War and the Navy and General Dawes, Budget Director, on referring to page 677 of the Navy's annual report for 1920, will find the actual dates of placing of contracts up to June, 1920, for 31 large dirigibles and envelopes.

The schedule of contracts for 15,000 airplanes, 45,000 motors, 30 dirigibles, 1,180 observation balloons, and other equipment bought and received by the War and Navy Departments will be found in the report transmitted to Congress by the Secretaries of War and Navy for the fiscal year ending June 30, 1920.

While these figures do not represent the entire Air Service expenditures, cost of instruments, raw materials, operation, and salaries being omitted, they show graphically how approximately $600,000,000 of the appropriations for aeronautics was expended.

A LETTER BY DANIELS.

In 1919–20, when the Air Trust circulated false reports to propagate a bigger dirigible program, wherein they sought to show that the Navy had but one dirigible and the Army none, Secretary Daniels wrote to Congress and to Secretary Baker protesting against such statements. His letter follows:

"The Navy, previous to the entrance of the United States into the war, had pushed the design of the small blimp which had been successful in submarine patrol, and soon after war was declared Navy personnel was flying these blimps. These were sent abroad, but they did excellent work along our coasts.

"During the war a very successful twin-motored airship was designed by the Navy and made its appearance soon after the armistice. This ship, the C class, is one of the fastest of its size in the world, and the trip of the *C-5* from Montauk to St. Johns is proof enough of its cruising radius. The Navy has at the present time 12 single-motored airships, some of which are old in service; 7 twin-motored airships built and 3 building.

"The Navy has also the following foreign ships: One new Italian, semirigid; 1 old British Zero; 1 new British North Sea; 1 new French Zodiac gun carrier; 1 new French Chalais Meudon building. The following ships which have been used by the Navy in actual war operations: Two Zodiac Vedettes; 1 Astra Torres gun carrier; 1 Chalais Meudon, and 1 Astra Torres. The Navy has turned over to the Army 1 new French Zodiac gun carrier; 1 new Astra Torres gun carrier, and 1 C class, and has guaranteed delivery of two Navy D class."

What has become of these airships?

If these are still in existence, together with the hundreds of observation balloons and the *Roma*, they are more than sufficient to meet the needs of the Army and Navy. If these ships still exist, then 38 more observation balloons are absolutely unnecessary, and the contracts for them represent a reckless waste of taxpayers' money and should be canceled.

[Published by the Brooklyn (N. Y.) Eagle and hundreds of newspapers throughout the United States September 28, 1921.]

SEVEN DEATHS IN ARMY PLANE NOW LAID TO "JOY RIDE"—LIQUOR AND LOOSE CAMP STOOLS IN AIRCRAFT LED TO TRAGEDY—WOODHOUSE.

That the fall of the Army Curtiss Eagle ambulance plane near Morgantown, Md., on May 28, resulting in the death of Lieut. Col. Archie Miller and six other American officers, was a mere joy ride in an unbalanced plane, equipped with loose camp stools, and arranged by agents of airplane manufacturers as "propaganda," is charged by Henry Woodhouse, president of the Aerial League of America, in a statement filed with the Department of Justice yesterday.

The statement gives the finding of the league's committee which investigated that and other fatal flying accidents, and is in response to the department's request for information from the league.

Attorney General Daugherty was told in the report that the plane was designed for three motors and equipped with but one, "illegally purchased for the double purpose of causing payments of public funds to those who sold it and to supply an aerial limousine for joy riding and propaganda." The Air Service did not need this ambulance, the report continues, and points out just what was done elsewhere at that time in the way of improving the air ambulance service. The report goes on:

"The flights which ended in the tragedy were not legitimate but propaganda flights arranged by agents of a clique of aircraft manufacturers at Government expense to obtain support of Congressmen for large appropriations and retard grand jury investigations of apparent frauds in Army aircraft contracts.

"PLANE FITTED WITH CAMP STOOLS.

"To carry out these unlawful purposes the interior of the 'ambulance' was hurriedly stripped and, by what may be characterized as criminal disregard of the requirements of safety, there were placed in this unbalanced experimental airplane loose camp stools, on which the victims of this horrible tragedy sat in the eventful flight which ended with their death. In the morning flight from Washington to Langley Field the passengers included two Members of the House of Representatives, PHILIP P. CAMPBELL, of Kansas, and JOSEPH WALSH, of Massachusetts, who were invited as 'guests.'

"It appears that this flight was arranged especially for the purpose of securing the good will of congressional measures and resolutions, but Congressman WALSH was not aware of the motives back of the invitation.

"The flight was undertaken despite the warnings of the impending storm transmitted to the Air Service and to the Langley Field and other aviation fields by the United States Weather Bureau. The morning flight from Washington to Langley Field proved that the airplane was unbalanced and the air 'bumpy,' and the loose camp stools used as seats were wabbly, and the Congressmen and the French air attaché, Capt. Guy de Lavergne, wisely declined flying back to Washington that afternoon.

"RECEIVED WEATHER WARNING.

"It is not true that there were no warnings or means of finding what the weather conditions were. The records show that the Air Service has been supplied with daily reports and forecasts of weather conditions and, following the daily practice, the Weather Bureau had telegraphed to Bolling Field and Langley Field the following information:

"'Partly cloudy sky. Some risk of thunderstorms this afternoon. Moderate to fresh south to southwest winds surface and aloft.'

"This evidence disposed entirely of the unfounded claims that the accident was due to lack of warning of the impending storm and shows the deliberate misrepresentations resorted to by those responsible to conceal the facts and mislead Government officials and the public and newspapers.

"PARTY 'UNDER INFLUENCE.'

"It appears that the 'return party' was somewhat under the influence of alcoholic drinks taken to the Langley Field by agents of aircraft manufacturers. It has been a regular practice of these paid agents to supply Air Service officers from whom they seek favors with alcoholic drinks and other forms of entertainment.

"The only obvious deductions possible regarding the material causes of the tragedy are that when the aerial ambulance ran into the wind storm, before it crashed to the ground near Morgantown, Md., the pilot flew low and circled about seeking a landing place, and as the airplane tipped and nosed down the loose camp stools slid forward, throwing the passengers forward in a heap on the pilot, and the plane was plunged downward by their weight and struck the ground.

"Nothing else can explain the failure of the pilot to shut off the engine, which is the mechanical cause of the actual killing of the seven men.

"The pilot's inability to shut off the power turned the airplane's power plant into a murderous machine which pounded, tore, and ground the bodies of the pilot and passengers in such a horrible manner that, we are told, when the rescue party and Army officers arrived the bodies were only a mass of broken flesh and bones mixed with the broken camp stools, and the rescue party, who thought there were only three or four people in the plane, only found the actual number of victims from the number of limbs discovered in the horrible mass.

"QUOTES THE EAGLE'S REPORT.

"One of the many mysteries surrounding this tragedy was the suppression of the report of the tragedy for the Government officials and everybody else until after the airplane and other material evidence had been burned. The Brooklyn Daily Eagle for May 31 printed the following statement from their Washington correspondent, which appears to be correct, regarding the suppression of the news of the tragedy even from Government officials:

"'One somewhat extraordinary feature of the accident is the fact that the news was delayed so many hours in reaching Washington. The first news that was received here was at 11 o'clock Sunday morning, when a local newspaper received a tip by way of New York. The plane crashed near Morgantown, Md., not many miles from the Capital, at about 6.25 o'clock Saturday evening. It was seen to crash by Lieutenant Honeywell, of the Army Air Service, and also by persons aboard the Navy dispatch boat *Dolphin*, which was in the Potomac River off Indianhead. But apparently no word was sent either to the War Department or to Bolling Field, where the plane was awaited and where non-arrival obviously indicated trouble.'

"There is also evidence that extraordinary influence has been brought to bear on Air Service officers and others who were in a position to clear many of the mysterious aspects of this horrible tragedy, and that unlawful practice has been resorted to as a means of hushing and suppressing the facts and evidence. This in itself has had a profound demoralizing effect on the Air Service as a whole.

"WAR SECRETARY 'DECEIVED.'

"The Secretary of War himself has been deceived. Advantage was taken of the fact that he was very busy with the plans for the reorganization of the Army, and the reports presented to him misrepresented the facts, suppressed the evidence, and presented the tragedy as 'an act of God.'

"Thus even God is libeled and made responsible for this ghastly tragedy by those responsible.

"The committee has completed and will transmit to you within a few days the report of the investigation of the causes of the series of Air Service tragedies which have resulted in the death of over 150 Air Service officers and others between August 15, 1919, and August 15, 1921, and in the destruction of over 1,000 airplanes, motors, and other equipment which had cost over $50,000,000."

[Published by the approximately 500 newspapers served by the Newspaper Enterprise Association.]

UNITED STATES AIR SERVICE LESS EFFICIENT THAN MEXICAN—COST CLOSE TO BILLION DOLLARS, BUT CAN'T COPE WITH 25 PLANES OF SOUTHERN REPUBLIC, SAYS PRESIDENT OF AERIAL LEAGUE—AIR TRAGEDIES PREVENTABLE.

[Henry Woodhouse, the president of the Aerial League of America, has just completed an exhaustive investigation of the United States Air Service. Woodhouse is the author of a textbook on military aeronautics, a textbook on aerial laws, a textbook on naval aeronautics, and other works which stamp him as an authority. He has written several articles especially for the Gazette, telling what he found to be the matter with our Air Service. This is the first.]

(By Henry Woodhouse.)

WASHINGTON, September 6.—What is the matter with the United States Air Service?

Why are there so many Air Service tragedies?

Why are we told that our Air Service, which has cost close to $1,000,000,000, can't cope with Mexico's air service, which has only about 25 airplanes?

What has happened to the 13,000 airplanes and 40,000 motors for which the American public paid close to $500,000,000?

These are a few of the questions being asked by the American public.

The situation, in brief, is as follows:

General Pershing reported two years ago that the total number of American-made airplanes delivered in France by November 11, 1918, the day of the signing of the armistice, was only 984, of which only 213 actually were at the front in squadrons on that date, although $500,000,000 had actually been spent.

The public was told that there were on hand over 20,000 motors, millions of feet of airplane spruce, millions of yards of airplane cloth, tens of thousands of propellers, airplane wheels, turnbuckles, wing beams, wing ribs, and other materials.

The country was told that these raw materials and accessories do not deteriorate with time and could be utilized for years hence in the production of airplanes of improved types.

PRODUCTION CONTINUED.

The production of Air Service airplanes and motors was not stopped immediately following the signing of the armistice.

By November 1, 1919, according to the official reports transmitted to Congress by Secretary of War Baker on December 17, 1919, giving the number of airplanes, engines, balloons, and dirigibles accepted by the Air Service between April 6, 1917, and November 1, 1919, the Air Service had received a total of 13,511 airplanes, on which had already been paid $113,720,043.39, and 41,673 airplanes on which had already been paid $244,838,162.80—and many contracts were still under liquidation; therefore additional payments were possible.

In addition, the Government had ordered and received 5,181 airplanes from France, Great Britain, and Italy, and over 500 of these latest European airplanes had been received in the United States in 1919, with a large number of best European motors.

Having this enormous number of airplanes and motors and practically an unlimited amount of raw materials for constructing additional airplanes of any type, and an appropriation of $25,000,000 for the year ending June 30, 1920, and other appropriations since which bring the total expenditures of the Air Service since June 30, 1919, to over $50,000,000, it was felt that the Air Service would not require large appropriations for years to come.

Also, it was believed the Air Service could sell thousands of airplanes and motors to the hundreds of ex-United States Army and Navy Air Service officers who were anxious to buy airplanes to use for commercial and scientific purposes.

HOW PLANES WERE SOLD.

But the Air Service refused to sell any of the airplanes to aviators during 1919. According to the report made by the congressional investigations—

"We spent $20,000,000 for 4,608 Curtis motors, 1,616 Curtis-type airplanes, and 100 Standard JN-1 airplanes, which we purchased from

the Curtis Aeroplane & Motor Corporation, then sold them back to this company for $2,730,000.

"The War Department refused to sell these machines to aviators for less than $3,600 each, and provided in the contract by which they were sold to the Curtis company that the Curtis company should have the first opportunity to buy any other airplane which the War Department might thereafter declare surplus."

Statements have been made and circulated by Air Service officers and agents of manufacturers to the effect that unless Congress allows close to $100,000,000 additional aeronautic appropriations, in addition to the $25,000,000 allowed for 1919, the Air Service would not have sufficient airplanes to cope with Mexican air service.

Both Congress and the General Staff conducted investigations and found that the Mexican air service consisted of less than 25 low-powered scouting-type airplanes.

Apparently all that the Air Service has to show for the expenditure of over $500,000,000 during the war and over $50,000,000 since June 31, 1919, is a ghastly list of tragedies in which were killed over 150 Air Service men, including high officers, and were destroyed over 1,000 airplanes, motors, and equipment that had cost over $50,000,000. An investigation has shown that most of these tragedies were due to preventable causes and not to the natural hazards of flying.

[Published by the Hearst newspapers and Universal Service, October 16, 1921.]

PLUNDERING OF APPROPRIATIONS HINDERS WORK—PRESIDENT OF AERIAL LEAGUE OF AMERICA WOULD CALL HALT ON WHOLESALE GRAFTING.

(By Henry Woodhouse, president Aerial League of America, chairman of committee cooperating with Government in air investigations, author of textbook of military aeronautics, textbook of naval aeronautics, textbook of aerial laws, etc.)

NEW YORK, October 15.—What can we do to save part of the billion-dollar Air Service investment?

How can we organize an efficient air service with available resources?

How can we stop the continuous plundering of Air Service appropriations by the Air Trust if the congressional investigators have failed to stop the plundering?

For the thousand millions spent in aeronautics during the war the taxpayers have only seen a disgusting exhibition of inefficiency, graft, and killing of hundreds of Air Service officers by inferior airplanes; for the two hundred millions spent in aeronautics since the signing of the armistice we have little more than a ghastly record of over 200 Air Service men killed and hundreds of aircraft, motors, and other aeronautic equipment destroyed. Can anything be done to improve conditions—and how soon?

These are some of the most pertinent questions asked by Members of Congress, Government officials, and taxpayers.

All these questions can be answered in the affirmative. All these results can be accomplished by taking the following steps:

(1) Let General Dawes, the Director of the Budget, cause the immediate cancellation of all the contracts for airplanes, dirigibles, observation balloons, motors, and equipment placed by the Air Service since December, 1920. This will prevent the further dumping of obsolete, defective, and unnecessary aircraft and equipment on the Government by the Air Trust and will save about $50,000,000 of taxpayers' money this year, because, besides the exorbitant prices of the aircraft ordered, the present contracts involve the cost of housing and operating these unnecessary aircraft and other waste of motors, instruments, accessories, and aircraft supplies.

APPOINT DIRECTORS.

(2) Appoint two of the best men available to act as director of Army utilization and director of Navy aircraft utilization, the duty of these directors to be to take inventories to determine the exact number and condition and figure out the possible utilization of the thousands of Air Service airplanes and motors, hundreds of observation balloons, and the thirty-odd dirigibles; the tens of thousands of propellors, instruments, and accessories, and the millions of feet of spruce, millions of yards of airplane cloth, and other material stored away.

(3) Issue orders to Army and Navy Air Service to not approve for payment any of the pending claims for alleged aircraft contracts until these contracts can be reviewed and their validity and the efficiency and value of the aircraft and articles supplied are passed upon by a competent board.

(4) Remove the Air Service officers who have connived with the Manufacturers' Aircraft Association in preventing independent manufacturers and inventors from bidding for Air Service contracts; and institute a system of open examination and public review of bids, so that it may not again be possible for the Air Trust to charge exorbitant prices for inferior aircraft and to again prevent the Air Service from obtaining the improved aircraft submitted by independent bidders.

(5) Institute court-martial proceedings with a view of removing and punishing every officer of the Air Service who has accepted bribes, loans, presents, entertainments, and other favors or remunerations from aircraft manufacturers or their agents, or has assisted or connived with the Air Trust.

(6) Order the delivery or return to the Government of all airplanes, motors, propellers, metal parts, instruments, accessories, machinery, jigs, tools, hangars, and other equipment belonging to the Government but retained or borrowed by aircraft manufacturers or individuals.

(7) Limit Air Service flying to strictly legitimate Air Service purposes.

SOLVE PATENT PROBLEMS.

(8) To solve the problem of airplane patents steps should be taken to carry into effect the act of 1917.

In view of the fact that under the cloak of war secrecy the Manufacturers' Aircraft Association and its members and agents by misrepresentation and other unlawful practice and unlawful combine violated the above act and caused payment to themselves of sums aggregating over $5,000,000 for alleged royalties for the use of alleged airplane patents in the construction of airplanes on alleged contracts which they obtained by unlawful combination, restraint of trade, and other unlawful practice; and, further, in view of the fact that said alleged patents were not legally adjudged valid and had been sold to the British Government in 1914–1916 for less than $100,000 and had been offered for sale to the United States Government by the owners for less than $400,000, the United States Government may do one of two things, as follows:

(a) The Government may proceed with the purchase of the airplane patents as provided by the act of 1917 and sue the Manufacturers' Aircraft Association and its members to obtain reimbursements of the millions obtained by them for alleged royalties on said alleged patents; or

(b) The Government may assume that the payments made for alleged royalties on said alleged patents have amply paid for said patents and may, therefore, declare said patents public property, open for public use hereafter without further payments.

The latter would be the simplest way, and the Manufacturers' Aircraft Association and their members would no doubt prefer to agree to the latter than to face the penalties involved in the first proposition.

(9) In view of the fact that the continuous defrauding of the Government by the Air Trust is due mainly to the delay on the part of the Department of Justice to take steps to prosecute the malefactors, as ordered by Congress, action should now be taken at once by the Department of Justice to carry out the instructions provided in the congressional resolutions of April, 1920.

INVITE SUGGESTIONS.

(10) Let a circular be issued to the commanding officers and chiefs of branches and sections and boards of the Army and Navy air service, inviting their suggestions and cooperation in the matter of establishing economic management of air stations and branches and placing a premium for economic management of air service as a whole.

(11) To rebuild the whole of the Air Service and establish a line of demarcation between right and wrong, it should be made known that henceforth conduct will be judged by the West Point code of honor and moral code, and such practice as aerial joy riding, causing the destruction of aircraft and motors so as to reduce the stock in hand, and favoring manufacturers against other manufacturers or against the best interests of the Government, will no longer be tolerated but will be severely punished, as is provided by the West Point code of honor in the case of cadets who utter falsehoods or commit other ungentlemanly acts.

(12) Let the motto of the Army, Navy, and postal air services be, "Cooperation, coordination, concentration," each service working separately in friendly competition to achieve maximum efficiency at a minimum cost.

These 12 provisions can be put into effect immediately, without additional expense or additional laws, and if put into effect the evils that have ruined the Air Service heretofore will come to an end and the United States will have an efficient and economic air service in the Army, Navy, and Post Office.

[Published by the Universal Service newspapers.]

AERIAL WEATHER BUREAU SCHEME CALLED OUTRAGE—WOODHOUSE SAYS MOVEMENT IN CONGRESS TO SPEND $80,000,000 FOR STATION IS PURE ROBBERY—IS NOT NEEDED, HE AVERS—DECLARES DAILY WARNINGS ISSUED NOW ARE ENTIRELY SATISFACTORY AND THE SYSTEM IS EFFICIENT.

[By Henry Woodhouse, president Aerial League of America and noted aeronautical writer.]

Of all the pernicious propaganda intended to rob the American public under the guise of aeronautical appropriations, the most brazen is the movement to induce Congress to appropriate $80,000,000 for establishing an "aerial weather bureau."

Having successfully deceived and robbed the American public of millions under the cloak of war secrecy, the Air Trust thinks it can continue to do so.

As quickly as deceptions are discovered, new ones are advanced. The aerial weather bureau is the latest.

DECEPTION A BOOMERANG.

But the deception proved a boomerang when the Air Trust alleged that lack of weather warnings was to blame for the "Eagle ambulance" tragedy at Morgantown, Md., May 28, when seven men were killed.

Here are a few facts which prove the claims of alleged absence of weather warnings were false:

(1) The records of the Weather Bureau transmitted to our committee state that on the morning of May 28 the United States Weather Bureau sent to Bolling and Langley Fields the following warning:

"Partly cloudy sky. Some risk of thunderstorms this afternoon. Moderate to fresh south to southwest winds, surface and aloft."

(2) Records of the Weather Bureau show further that the Weather Bureau has supplied a daily forecast to the Air Service for a number of years, including general forecasts as well as special telephone service of weather conditions prevailing in any part of the United States at any time of the day.

BOARD OF METEOROLOGY.

An interdepartmental Board of Meteorology was created September 22, 1919, by President Wilson, to bring close cooperation between the meteorological services of the Army, Navy, and Weather Bureau. The Navy wisely took advantage of the facilities offered by the Weather Bureau and now has a number of air officers trained in meteorology and aerology, who supervise aerologic affairs at naval air stations.

An Air Service letter issued by the Director of the Air Service July 27, 1919, after describing flights of various officers, prints the following statement indicating that the Air Service has received aerial weather forecasts for years:

"Before starting on this flight of 579 miles the aviators wired for the Aerial Weather Bulletin forecast and were assured fine weather for the trip, with moderate westerly winds. These forecasts will prevent aviators starting in apparently fine weather and running into a storm 100 miles from the starting point, with possible disastrous results."

Pioneer fliers have been using the Weather Bureau service since 1906, when the first balloon ascensions took place in the United States.

WEATHER BUREAU OPENED.

Three years ago it was decided that the Air Service should have its own weather-bureau service at the Washington headquarters. Eventually such a bureau was established and placed in active operation.

I called on the officer in charge and personally saw it satisfactorily functioning. The weather bureau was operated from the offices of the information group under direction of Maj. Gen. Charles T. Menoher, Director of Aeronautics.

In cooperation with the Government Weather Bureau the officer in charge had prepared a geographic chart which divided the United States into sections. The Weather Bureau collected information from each section and transmitted it to this Air Service officer, who in turn sent the information to the commanders of the Air Service aviation fields throughout the United States.

Reviewing the system in operation for two consecutive days I timed the officers and found it required less than half an hour in the morning and evening to transmit the weather information to all of the aviation fields. The only cost involved was that of the necessary telegrams.

WILL NOT STOP ACCIDENTS.

In face of the efficiency of the present Government and Air Service Weather Bureau requests for further facilities seem farcical.

Statements of Air Service officers and agents of the Manufacturers' Aircraft Association, made after each of the ghastly Air Service tragedies, that the Air Service needs from $50,000,000 to $80,000,000 for the establishment of a weather-bureau service are absurd. An $80,000,000 weather bureau will not stop Air Service accidents.

Aerial tragedies can be brought to an end by instituting Federal grand jury investigations. Witnesses and Air Service officers must be placed on the stand and be made to tell, under oath, what they know of the tragedies which have taken the lives of more than 150 Air Service men since August 15, 1919.

Arguments have not halted fatal aerial accidents and destruction of expensive airplanes, motors, and equipment. Talk will not bring our dead fliers back to life or return to the public pocketbook $50,000,000 represented by the thousand airplanes destroyed in crashes since August 15, 1919.

A Federal grand jury investigation is the solution. Such a probe will promptly halt the tragic deaths of our fliers, stop the drain of the Treasury by the Air Trust, and prove the first step toward making America supreme in the air.

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[Published by the Universal Service newspapers.]

WOODHOUSE EXPOSES AIR SERVICE THAT BALKED ALL IMPROVEMENTS IN PLANES NOT OFFERED BY MANUFACTURERS' CROWD—TELLS OF MORE DEATHS.

[By Henry Woodhouse, president Aerial League of America and noted aeronautical writer.]

The Senate investigating committee was prophetic when it stated in its report in August, 1918, that the schemes of the Manufacturers' Aircraft Association were designed to cause "discouragement of invention and the inevitable control of the aircraft industry by that association or some other interest through its agency."

It has happened, but in a horrible manner, attended by scores of ghastly deaths and destruction of aircraft for which the American public has paid hundreds of millions.

COULD SELL MAN-KILLERS.

As amazing as it may seem, it is a fact that the Air Service would not buy the most perfect and safest airplane made for even a single dollar unless the manufacturer is a member of the Manufacturers' Aircraft Association. But if you were a member of the trust you could sell the Air Service a man-killing, broken-down machine for a fabulous sum.

The Senate committee's report contains scores of pitiful tales of inventors and manufacturers who were not permitted to assist the Government during the war because they were not in the Air Trust.

Since the war the number of such cases has increased. Here is a typical instance:

There is conclusive evidence that the cause of the airplane bomb tragedy which killed several officers and men at the Aberdeen, Md., Army proving grounds and destroyed close to $100,000 in Government property was the absence of a safe chassis for a bombing plane.

CHASSIS WERE REJECTED.

Such a chassis had been deliberately refused and suppressed by certain Air Service officers. Evidence shows that several Army officers and favored manufacturers, who entertain them, caused the refusal and suppression of an ideal landing gear because it had been developed by a pioneer aeronautical engineer not a member of the Air Trust.

I can supply considerable first-hand information in this case as I was a member of the committee which investigated the deaths of Lieuts. C. K. Bronson and Luther Walsh, two naval officers killed while testing the ill-fated bombing device at Indianhead, Md., November 7, 1916. Having found, after investigation, that the chassis axle was an obstruction which caused the tragedy, our committee urged various aeronautic engineers to devise a chassis without an axle.

MARTIN'S PLANS REFUSED.

Some months later James V. Martin, pioneer among American aeronautical engineers, notified us he had evolved a chassis without an axle. Finally in September, 1920, he advised us that he had sold a number of important airplane patents to the Government for $1. Copies of letters were received by him from the executive Air Service officers who signed the purchase vouchers as provided by law. Copies of letters thanking Mr. Martin for his generosity in contributing his patents were also sent to us.

Subsequently, in February, 1921, we were advised that the Air Trust and Air Service officers who apparently connive with them, figuring the sale of such valuable patents to the Government would undermine their monopoly, had, incredible as it may seem, caused the signed agreement of sale to be rescinded. Despite the fact that the patents were the property of the Government, the transaction having been completed, Government officials caused the vouchers and other papers in the case to be taken out of the official files and returned to Mr. Martin.

TOLD PATENTS ARE WORTHLESS.

A letter accompanying them advised the inventor in effect that his patents were worthless.

Subsequently these officers awarded contracts to favored manufacturers embodying some of the features covered by the Martin patents. In the new contracts was a clause which provides that the Government shall bear the legal expense and burden of fighting any patent infringement suit which Mr. Martin might institute against the Air Trust.

An extraordinary feature of the case is that the Army General Staff investigated the matter and found the Army was being victimized. The contract section was immediately instructed to refrain from incorporating such an obviously dishonest clause in airplane contracts.

Nevertheless, it appears that the contracts secretly awarded during the past 60 days to the Air Trust contain clauses which obligate the Government to defend these favored manufacturers in patent-infringement suits.

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[Published by the Universal Service newspapers.]

WOODHOUSE TELLS MORE OF AIR "GRAFT" WORKED ON AMERICAN TAXPAYERS; ALSO EXPOSES BIG FIRE IN FRANCE THAT WRECKED PLANES BY THE SCORES.

[By Henry Woodhouse, president Aerial League of America and noted aeronautical writer.]

RECORDS MISSING FROM UNITED STATES FILES.

WASHINGTON, September 10.—Department of Justice officials are without a clue regarding the mysterious disappearance from the official files of a 105-page report on the aircraft investigation.

This report, which was prepared for the department by Henry Woodhouse, president of the Aerial League of America, and sent by him under registered mail, was received in Washington, the postal receipts show.

When the officials of the bureau investigating war cases came to make use of the report it could not be found, although a searching survey of the files was made.

The report covered in detail the destruction of 5,000 Air Service airplanes, motors, and other aircraft equipment.

While the American public was rejoicing over the signing of the armistice the Aircraft Trust was worrying over what appeared to be the end of the period during which they had obtained contracts for over $1,000,000,000 by schemes perpetrated under the cloak of war secrecy.

With the signing of the armistice the Manufacturers' Aircraft Association feared they might not be able to force the Government to continue the billion-dollar contracts their agents, acting in Air Service high positions, had awarded them.

RUSH THROUGH CONTRACTS.

Some of these contracts were but a few days old. They had been rushed through when agents of the aircraft manufacturers serving overseas and in Washington for a dollar a year, learned of the impending cessation of hostilities. Later these contracts were liquidated for huge sums, although they had done nothing toward fulfilling them.

Immediately after the signing of the armistice I received a visit from an official of the Manufacturers' Aircraft Association, whom I had known for some years as a small aircraft manufacturer.

He called on me because I was an active director of the Aero Club of America and vice president of the Aerial League of America, and because I owned the three leading aeronautical publications.

He told me frankly that he and other manufacturers had gotten together and figured out that in effect there would be lean days ahead for them unless steps were taken to destroy the American airplanes constructed for the war. He had been sent to attempt to induce me to have the Aero Club and Aerial League, as well as my magazines, urge the Government to destroy the stock of military and naval planes. This could be done, he stated, by claiming these airplanes were unsafe for civilian use.

MOLDING PUBLIC OPINION.

He declared it would be easy to create public opinion in favor of destroying the airplanes.

In answer, I stated if they could prove these machines, produced for training American aviators in this country and for our fliers overseas, as well as for the protection of 2,000,000 American soldiers, were unsafe, that I would certainly urge that the aircraft be burned, but would also urge that those guilty of unloading such machines be hanged as traitors.

He took the matter good-naturedly and came again. Other agents of the Manufacturers' Aircraft Association also approched me, as well as other directors of the Aero Club and Aerial League. We were invited to a sumptuous entertainment, where champagne and the best of wines and liquors flowed freely. This fête was attended by leading Air Service officers, many of whom became so highly intoxicated they could not stand.

PLANE BLAZE IN FRANCE.

Subsequently the three leading members of the Air Trust and Howard E. Coffin, ex-chairman of the Aircraft Production Board, and Benedict Crowell, Assistant Secretary of War, went to Europe as the official American aviation mission. While they were there the destruction of thousands of airplanes, motors, and equipment, which had been rushed overseas after the signing of the armistice, was ordered.

While this "aviation commission" was in France many aircraft contracts were canceled in this country, despite the heated protests of agents of the Manufacturers' Association. When the commission returned they found the country incensed by the reports of the great airplane bonfires abroad.

NEW METHODS ADOPTED.

New methods had to be found to cause destruction of the thousands of Air Service planes in the United States. Here is one method adopted:

"The hundreds of so-called 'aerial recruiting expeditions' sent out during the past two years, which cost many lives and millions of dollars in airplanes and equipment, were all faked excuses to take Army airplanes out of storage and cause their destruction to reduce stocks on hand and to create talking points for larger appropriations.

"When this so-called aerial recruiting campaign for noncommissioned personnel by the Air Service was announced the Aero Club of America and the Aerial League of America had on file approximately 10,000 applications from men who were anxious to join the Air Service. As there had been many Air Service officers and men killed in indiscriminate flying, and the cost of Army flying was—and still is—abnormally high, more than $50 a minute, the officials of the Aero Club and the league thought they could assist the Government to save lives and money by turning over a list of such applicants.

OFFICER CRIES FOR MERCY.

I was one of the officials of these organizations who called on the Air Service officer in charge of recruiting in Washington on this mission. The recruiting officer was told that our organizations were prepared to pay the expenses of notifying these 10,000 recruits. We asked whether they should be notified to apply direct to the Air Service or at general Army recruiting offices in different cities.

"For God's sake, don't do either," exclaimed the recruiting officer. "We have more recruits than are allowed by law."

He explained guardedly that the so-called "recruiting parties" were really sent out for "general propaganda." Between June, 1919, and August, 1921, 150 Air Service officers and noncommissioned officers, whose training had cost more than $5,000,000, were killed. Most of these deaths, investigation revealed, were attributable to unlawful propaganda campaigns.

It costs $50,000 to train an Air Service pilot, and there were wrecked and in other ways put out of commission during this period not less than 1,000 airplanes and motors and other aeronautic equipment that had cost not less than $50,000,000, and there was spent not less than $5,000,000 in additional general running expenses.

HUGE SUMS FOR FEASTS.

I have personally seen copies of the minutes of meetings of these aircraft manufacturers, showing appropriations and expenditures made by them ranging from $1,000 to $25,000 each, stated in the minutes to be for the purpose of entertaining executive Air Service officers—whose names are mentioned in the minutes—and to be spent by their agents in

lobbying in Washington and elsewhere for the purpose of securing control of aeronautics, for the printing of propaganda, and for other unlawful purposes. I have also seen and have copies of the records of bank accounts from which these moneys were drawn. The evidence shows that these were funds obtained from the United States Treasury by misrepresentation, frauds, and conspiracies, and collusion with certain Air Service officers.

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"THERE IS NO VALID EXCUSE FOR THE FOUR DEATHS IN THE TRAGEDY OF THE $100,000 MARTIN BOMBER NO. 5—SAFER TWIN-MOTORED PLANES HAVE BEEN OFFERED TO THE AIR SERVICE THAT WILL FLY WITH ONLY ONE MOTOR GOING, BUT THEY WERE REJECTED."

(By Henry Woodhouse, president Aerial League of America, chairman of committee cooperating with Government in air investigations and author of aviation textbooks.)

(Written for Universal Service.)

Four more Air Service men lie dead and one is dying, and another twin-motored Army bomber costing over $100,000 has been destroyed.

We are told that while Martin bomber *No. 5* was flying over Nicholas County, W. Va., recently one of the two motors stepped and the plane plunged down, crashed to the ground near Summersville, killing four of the five airmen on board. The mechanical cause of the accident is that one motor stopped and the plane could not fly on one motor, being one of the inefficient planes of that type forced on the Air Service by the unscrupulous Air Trust.

There is no valid excuse for these deaths, nor for the excessive cost of the bombers. The tragedy could not have happened if the Air Service had ordered the best airplanes offered by bidders.

SAFE PLANES REJECTED.

Twin-motored airplanes have been offered to the Air Service that will fly safely with only one motor going, even in a high wind, and the Air Service could have had these superior planes at less than half the price charged for the dangerous ones.

The better, safer, and cheaper airplanes were rejected because the bidders were not members of or contributors to the Manufacturers' Aircraft Association, the monopolistic organization that controlled the Air Service expenditures since 1917 and have made the Air Service the dumping ground for defective aircraft, for which they have charged and charge such exorbitant prices that it is clear that the graft and waste amounted to over $100,000,000 out of the approximate sum of $200,000,000 paid for the bare construction of airplanes, without motors, accessories, or equipment.

Had the airplanes been as good as could be made or bought, the indulgent American public would probably have taken its loss good-naturedly, as it usually does.

COULD HAVE SAVED LIVES.

There was hardly a question asked either when the War Department announced that 296 American Air Service officers had been killed in accidents during the war, besides the 236 who were reported as having been killed in action, although it was felt that many of these deaths could have been prevented if American manufacturers had supplied better airplanes for training and good ones for fighting.

The American public was extremely generous in its attitude toward war aircraft evils. It paid close to one thousand million dollars for the Army and Navy aeronautic programs and since the signing of the armistice has given close to $200,000,000 more for Army and Navy aeronautics. For these huge expenditures there is little more to show than a ghastly record of killing of hundreds of Air Service men due to the faulty aircraft supplied by the members of the Manufacturers' Aircraft Association at exorbitant prices.

These dangerous Martin bombers that have killed so many people and have been wrecked so fast cost the taxpayers over $100,000 each, or over four times their value.

These bombers were widely advertised as being capable of flying without danger with only one of the two motors going. The ghastly records of crashes and deaths have proven that these bombers can not fly safely with only one motor going, so stated by the pernicious propaganda circulated by the Air Trust to mislead the public while the Air Trust was arranging for more Air Service contracts for these dangerous planes at exorbitant prices. The last contract is for 35 of these dangerous planes, which should be canceled forthwith to save further waste of funds and further killing of Air Service men.

FRUITLESS EFFORTS.

The West Virginia tragedy is typically pathetic. It reveals through the lips of a dying victim the brave but fruitless efforts of the pilot to control a type of plane antiquated in design and dangerous in operation, which would long ago have been replaced by more efficient and dependable types had it not been for the Manufacturers' Aircraft Association's conspiracy to control the Air Service for the private benefit of its members and agents, who support luxurious yachts and most expensive automobiles and entertain executive Air Service officers at sumptuous parties with their ill-gotten gains.

One of the basic mechanical defects of Martin bombers is that they are inefficient and have the two motors located out in the wing and not connected, and when one motor stops they will not fly and control dependably on one motor.

Much has been said about this plane's ability to fly and control on one motor, but the truth, as the records show, is that only under perfect conditions can this plane be flown at all on one motor, and that in windy weather it is most dangerous to attempt flight with one motor, the plane tending strongly to swing into a tail spin, as it did in the West Virginia tragedy.

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[Editorial from Press, Pittsburgh, Pa., September 9, 1921.]

TREASURY LOOTERS MUST BE PUNISHED.

The fact that it is not possible to secure the restitution of any worthwhile amount of the billions of public money which were grafted and stolen during the war and afterwards is all the more reason why Congress should consent to enact Attorney General Daugherty's proposed amendment of the statute of limitations to enable the Department of Justice to proceed with criminal charges against numerous profiteers and grafters whose prosecution will otherwise be barred.

It is not alone in the operations of the Shipping Board, by which presumably not less than a cool billion of the people's money was crookedly disposed of, that there is occasion for indictments. In the Air Service and other governmental war-time activities there was also amazing imposition upon Government and people, if we may believe testimony of apparently the most credible sort.

For instance, here is Henry Woodhouse, president of the Aerial League of America, expressly charging that not only money but human lives have been wasted in what he calls the most "ghastly" manner in order that unreasonable and inordinate profits might accrue to certain favorite contractors. After referring at length to two particularly shocking transactions, Mr. Woodhouse goes on to say:

"These are but two instances of many cases in which the Government has been victimized by making the Air Service a dumping place for faulty, dangerous aircraft at exorbitant prices by a small group of manufacturers who monopolize Government business. The official Air Service audits show that these manufacturers have gotten close to $150,000,000 in public funds for construction of aircraft without motors or equipment for the Army alone since April 6, 1917. General Pershing's report shows that only 212 airplanes reached the American Expeditionary Forces up to November 11, 1921. To-day all that the public sees for the $150,000,000 paid for airplanes and an extra $500,000,000 paid for motors, dirigibles, and other equipment is a ghastly record of death and destruction. A sweeping grand jury investigation is necessary to halt this evil and to save further loss of life and public funds."

It is inconceivable that Congress should continue to lay staggering tax burdens upon the country without at the same time aiding the Attorney General in every possible way to bring the Treasury looters to the bar of justice.

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[Editorial in the Post Express, Rochester, N. Y., September 13, 1921.]

THE AIRCRAFT TRUST.

A condition of affairs both startling and shocking is revealed by Henry Woodhouse, president of the Aerial League of America, and publisher of the leading aeronautical periodicals. At the request of the Department of Justice he prepared a 105-page report covering the deliberate destruction, here and abroad, where bonfires were made of 5,000 Air Service planes, motors, and other equipment. This report was stolen from the department files in Washington, and Mr. Woodhouse was asked to send on a duplicate report, which he has done.

He asserts that the Manufacturers' Aircraft Association, known in popular parlance as the Aircraft Trust, engineered the destruction of the airplanes and equipment destroyed, and in collusion with certain Air Service officers were and are conspiring to have the Government destroy its entire stock of military and naval planes. To this end the trust repeatedly invited and sumptuously entertained leading Air Service officers, financed a costly lobby in Washington, and set on foot a propaganda to convince the people that the airplanes were unsafe for use and should be destroyed. Mr. Woodhouse alleges that the trust sought to enlist his aid, and gave him to understand that their object was contracts with the Government for new machines.

Between June, 1919, and August, 1921, declares Mr. Woodhouse, 150 Air Service officers, whose training has cost $5,000,000, were killed, and aeronautic equipment costing $50,000,000 was destroyed. Investigation is said to reveal that "most of these deaths were attributed to unlawful propaganda campaigns." Nothing more criminal and odious than these offenses charged has come to general attention, and the fact of the matter seems to be that interests which mulcted the Government out of $1,000,000,000 in airplane manufacture during the war have conspired to mulct it out $1,000,000,000 more. They are directly responsible for the destruction of property for which the American people paid hundreds of millions of dollars; and the shameful existing conditions can be remedied only if the Attorney General institutes without delay the Federal grand jury investigations ordered by congressional resolutions in April a year ago.

The Aircraft Trust is now behind a bill to create a bureau of civil aeronautics in the Department of Commerce, and to regulate the operation of civil aircraft, and is flooding the land with literature in its support. The bill is now in the Senate Committee on Commerce, and considering the interests behind it and the fight they are making for its passage, it is to be viewed with deep distrust. What the trust wants is probably what the people do not want. They are beginning now to dimly see why Air Service in America has been arrested in its infantile stage of development, why we have only colossal waste and a series of horrible fatalities to show for all our costly experimentation; and it seems not unreasonable to assume that similar base and greedy interests have been and are at work to foist costly, useless, dangerous gas-bag aircraft on the Government.

Mr. KELLEY of Michigan. I will yield the gentleman from Wyoming one minute.

Mr. MONDELL. Mr. Chairman, the gentleman who has just spoken has occupied nearly an hour presenting some very serious charges. I had hoped to be able to ask him if he had called the attention of the Attorney General to these matters that he has been discussing. My understanding is that he has not. The gentleman declining to yield, I was unable to ask him the question.

Mr. WOODRUFF. Will the gentleman permit me to make a statement?

Mr. BYRNES of South Carolina. I will yield three minutes to the gentleman from Michigan.

Mr. WOODRUFF. I do not require three minutes, although I thank the gentleman from South Carolina. But I will say this, Mr. Chairman, that while I made an attempt to secure an interview with the Attorney General I have not been successful, and I will say further that some of the things I shall put in the RECORD and which I discussed at length have been called to the attention of the Attorney General, as the record itself will show. I yield back the balance of my time. [Applause.]

The CHAIRMAN. The gentleman yields back one minute.

Mr. BYRNES of South Carolina. I yield to the gentleman from Texas [Mr. MANSFIELD]. [Applause.]

Mr. MANSFIELD. Mr. Chairman, the capital of this Nation was recently the scene of what we then considered and what we yet hope will prove to have been the most important diplomatic conference ever participated in by civilized nations. The great World War, which was the direct and proximate result of a

race in armaments, had but recently been brought to a termination, and the whole world was groaning under the burdens of taxation due to that great conflict. At the termination of hostilities all the nations that participated in the war, except ours, found themselves financially broke, while we were badly bent, financially speaking.

To the Congress of the United States is due the honor of initiating a movement for the relief of a tax-burdened world. A resolution was adopted, almost unanimously, requesting the President to call a conference for the limitation of armaments by the three great naval powers of the world—the United States, England, and Japan—the relative strength of whose navies was, in my judgment, in the order named.

The President in his wisdom saw proper to add other nations to the list and to extend the scope of the conference to include additional questions pertaining to the Orient, which, on account of their far-reaching possibilities, were deemed necessary of settlement at the same time, thus rendering still more remote any possible need or excuse for further burdening the taxpayers of this and other countries for expensive, unnecessary, and dangerous weapons of war.

The conference, under the guidance of the Secretary of State, was attended with abundant success, and the hopes of the most sanguine were fully realized. This was regarded as the termination and fulfillment of the purposes for which we entered the war and for which our brave soldiers shed their blood upon the battle fields of France.

We are now confronted with a proposition set forth in the minority report of the committee, which, if carried out, will, in my judgment, have the effect of nullifying one of the objects we had in view when we entered the war, and of reducing to a mere "scrap of paper" the conference agreement entered into for limiting armaments. After this agreement providing for the scrapping of such a large proportion of our Navy we now have the Navy Department, from its head to its foot, absolutely demanding that we shall increase the personnel of the Navy to even greater proportions than it has been the past few months, before the scrapping was commenced.

I make no pretense of expert knowledge about naval affairs, and can not say how many men are required to successfully man the ships that are to be in operation hereafter; but, if I am to make a guess, which it seems I must do, I would say that the bill as reported by the majority of the Committee on Appropriations has made provision for even a greater number than will be required.

The General Board has said that 120,000 men are necessary; the Secretary of the Navy says 96,000 and the President says 86,000. Those who favor the minority report tell us that the General Board, the Secretary, and the President all have inside information, and that we should carry out their recommendations. I ask them how it is possible for us to follow all of them when they differ so widely among themselves? Which shall we follow, the President, the Secretary of the Navy, or the General Board?

Between the President and the General Board there is a far greater difference than there is between the President and the majority report of the committee before us. If we can vary from the figures of the President to accept the figures of the General Board, we can far more easily, and with greater prudence and judgment, vary from them to accept the figures of such able and distinguished and experienced men as the gentleman from Illinois [Mr. MADDEN], the gentleman from Michigan [Mr. KELLEY], and the gentleman from South Carolina [Mr. BYRNES], and the other gentlemen constituting the majority in this case.

They ask us, "Why have a Secretary of the Navy and an Assistant Secretary of the Navy, if we can not carry out their recommendations?" To those who make this inquiry I reply by saying, Why have a Committee on Appropriations, if we can not carry out their recommendations? This committee has labored long and zealously to work out this problem. They are men of great ability and wide experience. Some of them, at least, were passing upon naval problems and appropriation bills when some of the gentlemen now connected with the Navy Department under the Secretary were in their swaddling clothes.

I have no criticism to make of the Secretary of the Navy. If he honestly thinks we need 96,000 men and no more, I admire him for having the courage to say so. We are so accustomed to having men at the head of this department who make a complete surrender to those by whom they are surrounded that it is encouraging at least when we have one there who has the temerity to place his recommendation of personnel at 24,000 below the figures recommended by the General Board. This at least shows that he has not been completely mesmerized, as others before him have been.

But, Mr. Chairman, I will say that it has not always been customary for Congress to carry out the recommendations of the heads of departments in making appropriations. If we can not vary from their recommendations, then I will propound another question on the line with that asked by some of the gentlemen on the side of the minority report and ask, Why then have a Congress?

Mr. Chairman, I shall not go into the detail of figures. The gentleman from Michigan [Mr. KELLEY] and the gentleman from South Carolina [Mr. BYRNES] have done that. Their statements show that this bill is providing for more men than we now have in the Navy, when, after the scrapping of the large number of ships agreed upon, we could not possibly need as many as we now need.

It has also been shown that we will have approximately the same number of men that England has provided for for the coming year. It has been further shown by the gentleman from Michigan [Mr. KELLEY] that Japan, with the limited number of ships allowed her by the conference, can not possibly use more than 40,000 men to advantage in her navy, and if she makes authorization for a greater number, as some seem to fear, it will add no strength to her naval power.

Mr. Chairman, we hear a great deal said as to the personnel of the English and Japanese navies, and some gentlemen seem to fear that they may provide a greater number of men than we provide for. To my mind there is no weight to that argument. If they should have more men than necessary to man their ships, it will only be an unnecessary burden upon their own taxpayers while adding nothing to their naval power. I care not what they may do along that line. Their farseeing statesmen may wait until we act and then make provision for double the number of men that we do. I could not blame them for doing such a thing, as it would be quite necessary in order to have their personnel more nearly on an equality with ours.

The gentleman from South Carolina [Mr. BYRNES] has shown that the bill, while purporting to carry an appropriation of only $233,000,000, is in fact equivalent to $300,000,000, as it authorizes the expenditure of certain unexpended balances and other items that run it up to that amount. Then, in addition to all that, there are $60,000,000 to be paid to the contractors on the unfinished battleships that are being scrapped. This will make a total of $360,000,000 for naval purposes for the coming year, far more than twice the amount appropriated for any year prior to 1916, when we entered upon such a stupendous program of battleship construction.

I would like to call the attention of the gentleman from South Carolina [Mr. BYRNES] to another little item that might be included. The leading editorial in the Washington Post of to-day calls attention to the proposed ship subsidy of $50,000,000 to our merchant marine, as recommended by the President. The Post suggests that these merchant ships could be manned by the Naval Reserve as a necessary part of the public defense and let it be covered under a naval appropriation. This paper is considered the spokesman of the administration, and this additional amount would swell the grand total to $410,000,000, or $210,000,000 more than I hope the appropriation will amount to next year.

Mr. Chairman, the Conference on Limitation of Armament, about which we have heard so much and which won for us the plaudits of the civilized world, gave the overburdened taxpayers of this country the hope that it would relieve them of a portion of the heavy burdens of taxation with which they have been oppressed. The sacrifice of property which we made by that conference was perhaps considerably greater than the sacrifices of England and Japan combined, as we had a far greater number of capital ships than they in the various stages of construction.

Now, after agreeing to destroy nearly a half billion dollars' worth of naval craft of the highest type, we find the most bitter opposition to having a commensurate decrease in the annual appropriations for naval purposes. If it was the understanding that we were to continue in the race of expenditures, then why did we agree to destroy those magnificent ships? Mr. Chairman, I believe in keeping faith with the taxpayers of this country in carrying out that conference to the fullest extent. I now realize the difficulties the Committee on Appropriations had along that line, and I want to congratulate them upon the great efforts they have made to meet the expectations of the people. [Applause.]

Mr. KELLEY of Michigan. I yield 30 minutes to the gentleman from Illinois [Mr. BRITTEN]. [Applause.]

Mr. BRITTEN. Mr. Chairman, first of all I desire to pay my compliments to the distinguished gentleman from Michigan [Mr. KELLEY] for his wonderful address on yesterday, and I am saying it sincerely, although he and I are in complete opposition on

this destructive, unscientific bill which is before the committee to-day. [Laughter.] The governor is a great lawyer and a great debater, and he could have argued just as consistently on yesterday for 50,000 men in this bill instead of 67,000, and have gotten away with that with equal grace, or for 40,000 even, and gotten away with equal grace. It is very much like the lawyer defending a house wrecker who wrecked the wrong building by mistake and is suing for pay for it. He is a wonderful exhibit of tireless energy. I have worked with him for 10 years on the Committee on Naval Affairs, and I admire him immensely, but this bill, gentlemen, is the climax of all bills ever introduced in Congress for totally ignoring the expert advice of the department which it affects.

I will venture to say, without the fear of successful contradiction, that in the past 10 years no bill has been introduced in this House that so completely ignored the expert advice of the department which it affected. The gentleman on yesterday did not say that a single part of this bill was recommended by expert opinion. The highest ranking officer in the Navy does not recommend anything that is in this bill, not a single item, excepting the names of the ships. But the gentleman from Michigan [Mr. KELLEY] very cleverly said that there is no dispute between the department and the Committee on Appropriations as to the number of ships. We have numbered them and we have named them. So far so good. The names of the ships are not in dispute, but the gentleman says that with the appropriation for 67,000 men they are going to man the ships effectively and that the small Navy men are the judges. This bill was framed by little Navy men, so called.

I have always liked to follow our distinguished leader on this side of the aisle; he is a great man—not Governor KELLEY, but the gentleman from Wyoming [Mr. MONDELL]. I will put them both in the same class. They are great men and great leaders, but let me call the attention of the House, and particularly the younger Members in point of service, that the gentleman from Wyoming, from the day that he first put foot in this Chamber has been a little Navy man. He is our leader, but we are now face to face with a most serious question—the protection of our country—and each man must draw his own conclusions and vote accordingly. I have no argument with him about that.

Mr. MONDELL. Will the gentleman yield?

Mr. BRITTEN. Inasmuch as I have referred to the gentleman; yes.

Mr. MONDELL. I do not know what the gentleman means when he says a "little Navy man." I do not recall a time in my whole service in the House when I have been for the smallest program presented, when programs were presented smaller than those presented by the committee. I do not know of a time when I have not supported the committee of the House in the naval program. I did not go to the extreme, and I have not gone to what I considered the extreme position sometimes held by some of the gentlemen here, but there certainly never was a time when I could properly be classed as a "little Navy man," whatever that may be. I have not a naval station in my district, so I am not interested.

Mr. BRITTEN. Nor have I.

Mr. MONDELL. The gentleman is very close to a very large training station.

Mr. BRITTEN. It is being made very small in this bill. The Great Lakes Station has done more for the Navy personnel than all of the other stations combined. It can still be retained to great advantage.

Mr. KELLEY of Michigan. Is that the secret of the gentleman's opposition?

Mr. BRITTEN. Oh, no; not at all. The gentleman and I are equally interested in Great Lakes.

Answering our distinguished leader, I will tell him what I mean by a "little Navy man." When our dear old friend on the other side of the aisle, Judge Witherspoon, that great naval annalist—and he was a great man—came in here with an amendment for one ship instead of two as carried in the bill, the gentleman from Wyoming [Mr. MONDELL] voted for the smaller Navy, and again when a bill carried three capital ships, he would support an amendment for two ships. It is easy for him to say now that he has always been for an adequate Navy. What is the definition of the word "adequate," and who will define it for the Navy? He may be as much for the national defense as anybody else, but he has always been looked upon as a little Navy fellow. I am sorry that I can not follow him on this bill. It has been customary in the past on matters affecting the Navy to accept, at least in principle, the advice of the highest naval authority in America, not necessarily in detail, but in principle. What is that authority? It is the Navy General Board, is it not?

Who represents the Naval General Board in the Navy Department? Admiral Coontz, the highest ranking officer in the Navy; and, of course, when he and his various bureau chiefs come before Members of Congress and request specific appropriations, it is natural they do so from expert authority. And yet these gentlemen on the committee, the little Navy fellows, say, "You do not need 1,100 men on a ship. In 1916 you had only 850 on that same ship."

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. BRITTEN. I will yield, because you will yield me more time if I need it.

Mr. KELLEY of Michigan. I will. Last year Admiral Coontz, who is a very fine and efficient naval officer, requested $680,000,000 for the Navy. Of course, Congress could not give him that sum of money. I was wondering if the gentleman from Illinois thinks we ought to have given him $680,000,000 for this current year?

Mr. BRITTEN. I just said that we do not always accept in detail the advice or the suggestions of the highest authorities, because some people may go too far one way, as you have done. I will say to the gentleman now that both the Navy Department and the administration have requested 96,000 men as necessary to properly man the ships provided for in recent treaties. The Committee on Naval Affairs of the House has gone on record, almost unanimously, by the introduction of a bill which is now on the House Calendar, for an authorization of 86,000 men. And I differ with expert authorities to this extent: I am inclined to believe they can get along with 86,000 men, although I am sure they could do better with 96,000, and all the evidence that has been presented to the Committee on Appropriations will prove that beyond the question of a doubt, and I will prove to you, gentlemen, by figures—authentic figures; not newspaper clippings; not by reference to our Navy of 1916, as the gentleman did yesterday—but prove to you in figures that we ought to be appropriating for not less than 84,000 men to-day. If we are going to accept the British ratio of tonnage and men and if we accept the Japanese ratio, we ought to be appropriating for 125,000 men for next year.

My information is not taken out of any Japanese newspapers, or out of any newspaper from England quoted yesterday, but it is accumulated by our best authorities, the Office of Naval Intelligence of the Navy, which has its channels in many, many directions for getting information. And they say—not this little naval committee—they say that on the ratio established by England we ought to be appropriating for 100,000 men at once and allow that number to work down to 84,000 by March 4, 1923, and, on the other hand, if we are going to accept the Japanese ratio—and, gentlemen, let me suggest to you that the Japanese ships are finely manned; that their navy, although smaller than ours by intent, so far as this treaty is concerned, will be superior to ours with only 65,000 men, because of the ability of superior personnel to properly handle their ships while we go along with skeleton crews.

Mr. KELLEY of Michigan. Will the gentleman yield now?

Mr. BRITTEN. Yes.

Mr. KELLEY of Michigan. Does the gentleman say that the Committee on Naval Affairs decided there should be appropriated money sufficient for a personnel of 86,000 for the coming year?

Mr. BRITTEN. No; the gentleman knows I did not say that.

Mr. KELLEY of Michigan. What did the gentleman say?

Mr. BRITTEN. He knows I did not say that because he knows naval affairs too well to assume that. That is just one of the gentleman's ways to confuse the situation, as he did on yesterday, when he might have been talking about 40,000 men instead of 60,000 and gotten away with it. The Committee on Naval Affairs has a bill on the calendar now authorizing an enlisted personnel of the Navy at 86,000 men.

Mr. KELLEY of Michigan. The authorized strength now is 137,000 men.

Mr. BRITTEN. I understand that.

Mr. KELLEY of Michigan. What does the gentleman mean by saying that the Naval Committee wants 86,000 men?

Mr. BRITTEN. Of course, you and I are not going to waste any time in arguing unnecessary questions. You are confusing the issue.

Mr. KELLEY of Michigan. I should be happy to know just what the Naval Committee had in mind when it suggested an authorized strength or a maximum strength of 86,000 men.

Mr. BRITTEN. The Committee on Naval Affairs has reported a bill which reduces the authorized enlisted strength of the Navy to 86,000, and that bill is now on the calendar. That is thoroughly plain.

Mr. KELLEY of Michigan. Was it the intention of the Committee on Naval Affairs that the Congress should appropriate for 86,000 men for this current year?

Mr. BRITTEN. The Committee on Naval Affairs is not an appropriating committee, and it has not considered that side of it at all. The gentleman knows that.

Mr. KELLEY of Michigan. I do not see any force in the gentleman's statement because it is not responsive to my question.

Mr. BRITTEN. I do not see any value in the gentleman's question. He is trying to befuddle this thing, and he is not getting away with it. [Laughter.]

Mr. OLIVER. Mr. Chairman, will the gentleman yield for a question?

Mr. BRITTEN. I will yield to the gentleman from Alabama later.

Mr. OLIVER. It is very pertinent.

Mr. BRITTEN. Yes, I know; but the question of the gentleman from Michigan [Mr. KELLEY] appeared pertinent to him, and it was not. [Laughter.] But the gentleman from Michigan on yesterday called attention to the fact that the British Navy on March 1, 1923, will comprise 98,500 men. That is correct. That is according to their budget. And then he said, in order to throw a lot of sand in your eyes, that that 98,000 men included their marines and all their officers and the boys on the high seas, and then he added, "Of course if we are going to make a comparison of navies we shall have to include our marines, 20,000 of them." Then I said, "Our marines are not seamen at all; they are soldiers; they are landsmen; they do not as a whole belong on the battleships"; and I asked the gentleman how many of our 20,000 marines were afloat to-day, and he said, "I do not know." Yet he was willing to add our 20,000 marines to the 67,000 men carried in the bill, and say, "We are appropriating for 87,000 men for the Navy." The marine is a soldier and a land fighter. He is not a naval officer; he is not a ship man at all. But the British marines included in their 98,000 men are, every one of them, seamen, and they ought to be and are included in the British enlisted personnel. They are just as much seamen as are sailors in the British Navy. Is it quite fair to say, "Well, if you are going to include in the 98,000 for Great Britain 10,000 marines, all of them seamen"—and I do not think he told you the number—"we should also include our 20,000 marines who are not seamen." Of course, he ran the figures up, and then he said, "We will add our cadets and our midshipmen and our officers," and so on down the line, and, finally, when he got through, he took his glasses off and wiped them, with that luscious smile of his—and Lord knows how he can smile!—he wiped his glasses and said, "Why, gentlemen, you could almost close your eyes and hear the appropriation for the British Navy read and think that it referred to the American Navy." [Laughter.]

Mr. LINEBERGER. That is a joke.

Mr. BRITTEN. Exactly. It is a joke; but he gets away with it, and for the time being covered 20,000 non-Navy men into the service for comparative purposes.

Mr. Chairman, Great Britain has at the present time—January 1, 1922, list—15,107 officers and marines, of which 506 are officers and 14,601 are enlisted men.

She proposes by March 31, 1923, to reduce this number to 9,800 officers and marines, of which 400 are officers.

At the present time Great Britain carries 110 marines on each battleship and battle cruiser in reduced commission. She also carries 12 marines on each of her 33 light cruisers.

The British marines do not do any expeditionary work such as we perform in Santo Domingo, in Haiti, in Nicaragua, and in China. All that class of work is done by the Army. She has no expeditionary bases such as we have at Quantico.

At the present time we have about 1,980 marines afloat, and there are 5,069 engaged in expeditionary work, and 3,800 detailed at expeditionary bases.

The British marines when on board ships are part of the ship's company. For light cruisers they are used as servants. On the battleships and battle cruisers they man at least one of the big turrets complete.

Practically the whole British Marine Corps is at sea or in depots training for sea. It is purely a seagoing corps. They do not guard navy yards and stations.

Ninety per cent of the American Marine Corps is always ashore and is never assumed to be seagoing.

Mr. Chairman, I will say in a complimentary way to the gentleman that before he started to speak yesterday more than 50 per cent of this House would have voted favorably for 86,000 men, and when he got through I do not think they would have voted for 40,000; he is so convincing. But he wound up his very eloquent address by reading an extract from the President's speech to the Conference on the Limitation of Armaments—beautiful language, language as fine as was ever uttered by the mouth of man—and he suggested that "Of course we are going into this great world work now, and we must stand by the President."

The gentleman had a conference with the President the other day. When I asked him if he could consistently inform the House just what attitude the President took on the Navy appropriation bill, he got as pettish as a 6-year-old child that had just broken a slate or something, and said I ought to withdraw the question. There were no presidential strings on his telling the House. The Members of the House have been told, the committee has been told, the country has been told what the President's desires are. The gentleman from Michigan does not care to admit that the President wants 90,000 men. Oh, no; that would be violating a confidence. He sat with the President one night—he and my handsome colleague from Illinois [Mr. MADDEN]—sat with the President one night, and they had quite a talk about this very thing.

Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. I have not the time now. Will the gentleman from Michigan [Mr. KELLEY] give me a little time later?

Mr. KELLEY of Michigan. I think so.

Mr. BRITTEN. You are not going to "think" about this?

Mr. KELLEY of Michigan. Well, then, I will.

Mr. BRITTEN. You will?

Mr. KELLEY of Michigan. Yes. Does not the gentleman believe that the President is able to do his own talking?

Mr. BRITTEN. He did, to you. [Applause.]

Mr. KELLEY of Michigan. Then I will ask the question in another way.

Mr. BRITTEN. Then the answer will be the same.

Mr. KELLEY of Michigan. In that event the answer will again have the applause of all the navy yards in the country. [Laughter.] I will ask the gentleman this: Does not the gentleman think that if he had a conversation with the President about any matter that he ought at least to have the consent of the President before making public the conversation?

Mr. BRITTEN. I will answer that by asking if the President requested the gentleman not to divulge his desires on this Navy personnel matter?

Mr. KELLEY of Michigan. Oh, I know that there are gentlemen who would go up to the White House and talk with the President and then peddle what the President said up and down the street.

Mr. BRITTEN. I have never accused the gentleman of having a guilty conscience.

Mr. KELLEY of Michigan. I have not pursued that course. If the gentleman ever should be consulted by the President about any matter, I am sure he would not do that.

Mr. BRITTEN. That merely accentuates what I have said in four or five different ways. The gentleman will try to befuddle an issue, and get away with it when he can. We had a naval officer named Sammy McGowan. He was a great man. He was Chief of the Bureau of Supplies and Accounts. That fellow, like Governor KELLEY, got away with anything because he had a wonderful smile. Governor KELLEY knows that he was not bound to secrecy in his conversation with the President the other night. There were others who had conversations with the President, and there was nothing secret about it. He had rather refer to the President's address at the opening of the armament conference than to tell the House plainly that the President of the United States and his administration and the Secretary of the Navy and the highest ranking naval authorities in America are for 96,000 men. He had rather tell you the other things.

Now the question is, Who is going to determine whether we ought to have 96,000 men or 67,000 seamen plus 20,000 marines who are not sailors. Of course, under an agreement with the Secretary of War I suppose we could put the Philippine Scouts on our ships out in the Asiatic Squadron.

Mr. OLDFIELD. Will the gentleman yield?

Mr. BRITTEN. No; I had rather not. I thank the gentleman very much. I know he desires to help me. The gentleman even goes a little further. You know he was very adroit about handling the Japanese situation. He was not interrupted, but here is how he handled it. He did not tell the House how many men are in the Japanese Navy to-day, not a figure. He did not tell the House that the Japanese 60 days ago appropriated almost $200,000,000 gold for their coming naval budget. I will give you the exact figures—$196,831,000, based on a yen at 50 cents. Gentlemen, in working and earning and producing capacity that is four times what our $233,000,000 is—four times as much. He did not tell you that.

Mr. KELLEY of Michigan. What was the date of that appropriation?

Mr. BRITTEN. February 22, 1922.

Mr. YATES. Was that for the Navy?

Mr. BRITTEN. Yes; Japan's naval budget. Governor KELLEY did not tell you that. When he started to analyze the difference between the Japanese Navy and ours he said we had so many men in our Navy in 1916. I asked him why he did not compare the proposed Navy under the treaty, the Japanese Navy of some 300,000 tons, with ours at 525,000 tons.

Mr. KELLEY of Michigan. Can the gentleman state the amount of the Japanese appropriation that was for new construction?

Mr. BRITTEN. No; this is their entire naval budget.

Mr. KELLEY of Michigan. Yes; including the new construction before their program was abandoned and old ships scrapped.

Mr. BRITTEN. No; this was in February of this year.

Mr. KELLEY of Michigan. The gentleman has not given the amount that was for new construction.

Mr. BRITTEN. No. I say I have given the total amount of their budget, and the gentleman can not confuse me by asking for the specific items that make up this amount, because they can not be given.

Mr. KELLEY of Michigan. If the gentleman can not give it——

Mr. BRITTEN. I will satisfy the gentleman fully on this Japanese comparison, because I have got the figures, and I did not get them out of a Japanese newspaper through our mutual friend, TINKHAM, of Massachusetts, either. [Laughter.]

The gentleman, instead of giving the actual number of men in the Japanese Navy and the actual amount appropriated for, talked about the number of men we had in 1916. Mind you, all of these figures as to Japan come from our best authority, the Intelligence Bureau of the Navy Department. The gentleman did not tell us that the Japanese had 76,000 enlisted men in their navy to-day, and he did not tell you that the new appropriation was to provide for 71,052 by March, 1923. No; when I asked him to compare our Navy with the Japanese Navy provided for under the treaty he said, "I think the best way would be to take the 1916 program of ours, and then we will take the number of men we had in our Navy in 1916 and assume that Japan is going to use that number of men." Where does he get that method of reasoning? Well, of course, he very ingeniously and knowingly selected the number of our personnel in the year 1916, because at that time the Navy General Board, the Committee on Naval Affairs, and almost every expert authority in the country were complaining because most of our ships had skeleton crews on them. In the Pacific we had 90 per cent of our ships laid up with skeleton crews, because we did not have the men, and Secretary Daniels successfully opposed any increases in the enlisted personnel, and the Navy was short of men. That is the reason. You who were here during those days remember that the Navy General Board made a specific request for some 26,000 more men, and Secretary Daniels pigeonholed that request. We brought it out of the pigeonhole by an indirect method and showed the situation up. Why would it not be much better to compare the Japanese Navy of to-day instead of using our personnel in 1916? The truth of the matter is that this treaty which has just gone through the Senate and which no doubt will be ratified by Japan provides that Japan shall have 300,000 tons, approximately, of capital ships. It provides that we shall have 525,000 tons, or thereabouts. It is remarkable also at this point to remember that we had only 500,000 tons of capital ships in commission on November 1, 1921, and the treaty provides that we are entitled to 25,000 tons more than that; and, besides, it gives us 135,000 tons more for first-line aviation carriers, a net increase of 160,000 tons of capital ships. The gentleman's committee appropriated for 106,000 men when we had but 500,000 tons of capital ships.

The treaty gives us 160,000 tons more than we had last year, and yet they are appropriating for 39,000 men less than they appropriated for last year. Those figures are taken from the hearings. They are positive.

Mr. Chairman, the authorized number of enlisted men in the Navy to-day is 137,000.

The actual number of men in the Navy is 94,000.

The Secretary of the Navy says he needs 96,000 to man the Navy specified by Mr. Hughes in the limitation of armament agreement.

The Appropriations Committee of the House has provided money for only 65,000 men.

The sum appropriated in the naval appropriation bill will provide for 67,000 men. This means a reduction before July 1 of 31,000 men, or nearly 33 per cent of the enlisted personnel. This reduction is made without previous warning in less than three months.

The radical reduction of the Navy to 65,000 men, the ruthless discharge of 33 per cent of the personnel in less than three months, will, first, leave the service without sufficient men to carry on its necessary duties; and, second, it will destroy the efficiency and morale of those that remain.

The proposed treaty "limiting naval armaments," chapter 2, part 1, contains the names of the battleships to be retained by the United States.

With 65,000 men the Secretary of the Navy states that only 12 of these ships can be kept in full commission.

The relative strength of the British, American, and Japanese navies had just been set by the Limitation of Armament Conference in the ratio of 5-5-3.

If 65,000 men are provided in the Navy, two plans are open to this country, and two only.

PLAN 1.

The battleships, cruisers, destroyers, and submarines provided by the Limitation of Armament Conference can be manned, together with a limited number of absolutely necessary auxiliaries; but, if this plan is adopted, it will be necessary, first, to remove all the fleet from the Atlantic coast and to concentrate the Navy in the Pacific. This will reduce all Atlantic coast navy yards to a condition of practical disuse. Portsmouth, Boston, New York, Philadelphia, Norfolk, Charleston, and Pensacola will suffer. Second, protection of American trade and other interests in China must be curtailed. The Special Service Squadron in Central America, protecting American trade and other interests, must be abandoned. The invaluable work being done in Europe, in the Mediterranean, Black Sea, and so forth, in assisting expansion of American trade and commerce and in protecting the property of American citizens in those regions, must be eliminated.

PLAN II.

If the necessary international duties mentioned above are performed—that is, if the China Squadron, the European Squadron, and the Central American Squadron are continued, then 65,000 men will not man more than 12 battleships, with necessary auxiliaries. The Limitation of Armament Conference allowed the United States 18 battleships and Japan 10 battleships.

Mr. Chairman, the serious condition outlined above confronts the force afloat if the enlisted personnel of the Navy is reduced to 65,000 men.

The necessary naval activities ashore will be still further impeded. It will be necessary to fill 32,000 vacancies in the enlisted personnel during the next fiscal year. The time available for training these men will be very short, owing to the reduced number of men allowed. The result on efficiency and morale of the service is apparent.

Partly trained men in large numbers must be sent on board ship. The efficiency of the Navy will thus be reduced. All but two training stations must be closed. In all probability Great Lakes, Newport, Alexandria, Va., will be shut down. Many navy yards, torpedo stations, aviation stations, communication stations must be abandoned.

A large number of civilian workmen will be thrown out of work. Very valuable public property must be allowed to deteriorate. The money loss will be very great.

For many years the policy of the Government has been to maintain an adequate Navy, and every effort has been made to attract to the service young men of American citizenship; to give them an honorable career in the Navy, leading to commissioned, warrant, or petty officer rank. Only such a course could give to the Nation the number of skilled men that go to the manning of the fleet. The present sudden and radical departure from this policy involves a breach of moral contract with many thousand of these men who implicitly believed the promises that the Government, through its agents, has made to them in the past. It was this group of men to whom the country turned when, in 1917, it became necessary to furnish armed guards to merchant ships. These were the men available to carry out immediately the naval activities which the country proposed in 1917. These were the men who instructed and drilled the new men called out by the duration of war. After long service, after creditable and honorable service in the late war, many of these men must be discharged without warning, and the privileges which they believed were theirs must be ruthlessly taken from them.

The result of these ruthless cuts in the personnel of the Navy is to drive out of it the trained and experienced men, to be replaced by new enlistments and recruits. The number of

the first enlistments has rapidly increased since 1919 and numbers now about 70 per cent.

There is no similarity between the trained personnel working as a team for the defense of a country and the operation of a labor market, where the contractor hires by the day and week and discharges when the work is done. It is this phase of personnel employment from which the Shipping Board is beginning to escape that this bill seeks to inculcate in the Navy.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. BRITTEN. As soon as I get this one thought out of my mind's eye.

Mr. KELLEY of Michigan. This is a good place for you to stop.

Mr. BRITTEN. I am the best judge of that. [Applause.] But the gentleman has thrown me entirely off my line of argument, and I will have to yield to him.

Mr. Chairman, if that bill had been framed by the British and Japanese delegates to the armament conference, instead of by an American congressional committee, and if they had intended to wreck our Navy, they could not have more deliberately reduced the United States to a third-class naval power than the appropriation bill contemplates.

Treaties promoted by the recent armament conference for world's peace and safety have designated America as a first-class sea power with 18 first-line fighting ships and a total tonnage of 500,000. Unless all these ships are thoroughly manned and highly efficient, any money expended on the Navy is wasted and the losses of an extravagant war are forgotten.

The present authorized strength of the Navy is 137,500 men.

The Committee on Naval Affairs in attempting to meet the desires of the President have introduced a bill changing this authorization to 86,000 men, while the bill from the Appropriations Committee provides only for 65,000 men, a number insufficient to man what Navy is left us.

A ranking general of our Army recently said, "If you must slash appropriations in the interest of economy, at least keep the Navy large enough to protect our coast lines long enough for us to mobilize an army. The Navy must be the first line of defense, and is therefore of much greater importance to the country than a skeleton Army."

Mr. Chairman, our Navy has suffered in the past through constantly changing policies by various Congresses, until now when an international treaty for the first time in more than a hundred years definitely fixes a policy for 500,000 tons of first-line ships. In the interest of world's safety our ships must be maintained at the very highest point of efficiency, and yet we find a congressional committee that appears willing to force upon the country a much smaller ratio of men per ship than even Japan would countenance or England has.

I do not believe that the country will stand for this wholesale scuttling of the Navy, and the quicker it is aroused to indignation the better for future economy.

The appropriation bill would almost immediately throw 33 per cent of the enlisted men out of the service and so thoroughly destroy the morale of the balance that our Navy would become a joke as a world protector.

The Secretary of the Navy says he needs 96,000 men to man the Navy established by Secretary Hughes in international agreements.

The President of the United States says he is willing to compromise on the number of men and earnestly hopes for from 80,000 to 90,000 enlisted personnel.

The Committee on Naval Affairs has almost unanimously recommended an authorized strength of 86,000 and this number I believe is the least that the Navy can successfully operate with, yet appropriation is made for but 65,000.

Mr. Chairman, should a limitation of 65,000 men be inflicted upon the Navy it would mean the shutting down of practically every yard and station on the Atlantic coast and the concentration of our forces in the Pacific. It would mean the curtailment of protection for the Panama Canal. American interests and trade in China as well as in Central America would be hampered. The invaluable work being done in Europe, in the Mediterranean and Black Seas for the expansion and protection of American trade would have to be discontinued for lack of men.

Sixty-five thousand enlisted men will allow but one hospital ship for the entire Navy; aviation, the very backbone of our new national defense, would be limited to 2,100 men ashore and afloat, a most ridiculous comparison with the numbers carried in foreign aviation forces.

Students and enlisted personnel in trade schools would be cut to 500, while men under training at the various stations would be cut to less than 3,200 and would, of course, necessitate the practical abandonment of every training station in the United States.

Our ridiculously balanced Navy would have to get along with two colliers, one repair ship, one store ship, and one aircraft carrier.

Ships can not operate without men, and cold tonnage in steel commands no respect.

The Armament Conference naval ratio of 5-5-3 for Great Britain, United States, and Japan, respectively, will be changed to 5-3-3 with America on the tail end.

No log-rolling, pork-barrel extravagance during my 10 years in Congress has been so wasteful and ill-timed as this reckless demoralization of the Navy under the cloak of economy.

Mr. KELLEY of Michigan. I want to inquire whether or not the gentleman thinks that the men carried during the present year, to the number of 18,000 men, on the destroyers should be provided for in this bill?

Mr. BRITTEN. Oh, I refuse to go into an argument as to how many men ought to be carried on a destroyer. You could carry 110 or 85, and under certain conditions you could carry 135 men.

Mr. KELLEY of Michigan. The gentleman was saying——

Mr. BRITTEN. What difference does it make whether we appropriate for 110 men or 85 men?

Mr. KELLEY of Michigan. I am not speaking of quotas. The gentleman was saying that we did not expect to keep any more men on the capital ships——

Mr. BRITTEN. No; I did not say that. What is the idea the gentleman desires to bring out through his own language, and then I will try and answer it?

Mr. KELLEY of Michigan. I think we are not very far apart——

Mr. BRITTEN. Only about 19,000 men.

Mr. KELLEY of Michigan. Last year we appropriated for 106,000 men, and at that time we were having in commission only 18 capital ships.

Mr. BRITTEN. I did not say anything about the number of ships; I said 500,000 tons.

Mr. KELLEY of Michigan. That is the same thing, 500,000 tons; and now we propose to keep the same number in commission with 67,000 men, but all of the 301 destroyers——

Mr. BRITTEN. Who said so?

Mr. KELLEY of Michigan. The committee——

Mr. BRITTEN. Oh, of course, they say it; and I am going to show that they are wrong. [Laughter.]

Mr. KELLEY of Michigan. I am asking the gentleman this, if he will listen.

Mr. BRITTEN. I am listening as much as the gentleman from Michigan listened to me yesterday.

Mr. KELLEY of Michigan. I may say to the gentleman that the situation is quite different, and it would have been better if he had listened to me yesterday.

Mr. BRITTEN. It is different; I have the floor to-day. [Laughter.]

Mr. KELLEY of Michigan. This is what I want to ask the gentleman: Does the gentleman think that we ought to appropriate for keeping all the destroyers for the coming year in full commission?

Mr. BRITTEN. Oh, you might as well ask me if we ought to keep certain tenders in commission.

Mr. KELLEY of Michigan. It makes a difference of the 19,000 men that the gentleman says constitutes the difference between us.

Mr. BRITTEN. I am not talking about wiping all the destroyers out of existence; you would not dare do that now.

Mr. KELLEY of Michigan. We have 301 altogether, and a difference of 200 out of commission would make a difference of 20,000 men. Now, I am asking the gentleman if he wants us to carry that additional 20,000 men?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KELLEY of Michigan. I will yield to the gentleman five minutes more.

Mr. BRITTEN. Will not the gentleman make it 10 minutes?

Mr. KELLEY of Michigan. I will yield five minutes at a time. We will see how good use the gentleman makes of the time. [Laughter.]

Mr. BRITTEN. Well, that is what I call a manipulation of the big stick. I have to be kind to the gentleman now. [Laughter.] I will answer the gentleman in this way: If the Navy General Board and the president of the War College and the highest naval experts say that we need 200 destroyers because of our experience in the war, because the destroyer has found a new place in naval warfare—and we have no great

battle cruisers—I will be for what they want, and I will tell you why. The gentleman yesterday said when he was around the Committee on Naval Affairs it was assumed that four destroyers would go with a battleship, and that was enough. But the truth of the matter is 44 destroyers may accompany a battleship now, because submarines, aviation, antiaircraft, and so forth, radio, and aviation have so changed modern warfare that I am willing to leave the number of ships and men, as well as the operation of our craft, to our best naval authorities. [Applause.]

Are you going to let a lot of little Navy fellows tell the highest naval authorities in the country that they do not need 1,100 men on a ship, that they have to get along with 900 or less? Then, the gentleman from Michigan refers to his list of ships on page 3 of the committee report, and he says that there is no dispute about this thing, that they are in complete accord with the Navy Department, that they want to satisfy the Navy Department. Let me tell you how he arrives at his desires in building up a case. I remember when he was over in our committee and we leaned on him very heavily, because he is a very able man. We would call in the department and say, "We are going to appropriate $200,000,000 for the Navy this year; show us how you can spend it." He called in the Navy Department the other day and said, "We are going to give you 65,000 men; how will you distribute them?"

Mr. KELLEY of Michigan. Oh, nothing of the sort.

Mr. BRITTEN. I will qualify my remarks by saying that I got that information from the naval officer himself.

Mr. KELLEY of Michigan. It does not make any difference from whom the gentleman got it. The committee did not proceed in that manner.

Mr. SWING. I would refer the gentleman to the page in the hearings where the question was asked—page 347.

Mr. KELLEY of Michigan. I will say this: That after arriving at the figure of 67,000, and they insisted that the number was not adequate for an 18-battleship fleet, we asked the Navy Department to apportion that number of men to such ships as in their judgment they would man with that number.

Mr. BRITTEN. Oh, the gentleman is finally getting around to it, and he will be my way with both feet in just a minute or two. I have got it right here. Let me tell the gentleman what transpired. This naval officer came to my office and I said, "Admiral, can the Navy get along with 65,000 men?" and he said, "I have just brought you a statement that I was asked to give to the Committee on Appropriations"—this little Navy committee here—and he said, "Here is the way we distribute the 65,000 men," and out of the 18 first-line ships only 12 of them are fully manned.

Distribution afloat.

	Personnel.
12 battleships, first line (95 per cent complements)	14,244
6 battleships, first line (in ordinary)	1,236
4 cruisers, second line	2,596
3 light cruisers, first line	1,257
3 light cruisers, second line	876
1 aircraft carrier, second line	339
1 mine layer, second line	356
65 destroyers, first line (90 per cent complements)	6,630
50 destroyers, first line (50 per cent complements)	2,850
4 light mine layers (90 per cent complements)	380
84 submarines, first line	2,579
ABSOLUTELY NECESSARY AUXILIARIES.	
10 patrol vessels, gunboats	866
4 patrol vessels	430
5 destroyer tenders	2,309
7 submarine tenders	1,882
1 aircraft tender	286
1 repair ship	430
1 store ship	268
2 colliers	328
7 oilers	763
2 ammunition ships	354
5 cargo vessels	451
3 transports	833
1 hospital ship	361
8 tugs (including 6 station ships)	340
10 mine sweepers (2 mine sweeping, 7 fleet towing, and 1 air tender)	477
4 auxiliaries, miscellaneous)	388
Flag complements	791
Fleet aviation	1,100
	46,000
Ashore	19,000
Total	65,000

That is a matter of record. Of course, if we want to get along with 12 fully manned ships, 65,000 men will suffice. Then we go down the line and we find that there is provided only one hospital ship for the Navy, that there is provided only one repair ship for the Navy, one store ship, and without going into all of these figures in detail they cut down ships wherever it is possible in order to meet the desires of this little Navy committee. Then the gentleman comes in and says that they are in complete accord, that there are 18 ships by name, and that they are the ones that are named by the Navy Department, but only 12 of them can be put in commission; and let me say to you gentlemen to-day, and I am just as serious as I can be about it, that 65,000 or 67,000 men will make our Navy from 10 to 15 per cent inferior in fighting value to the Japanese Navy within five months from to-day. There is no question about that.

Men fight with ships; and when the Navy Department sent a statement like this to the Committee on Appropriations, and said that with 65,000 men they can man only 12 of these first-line ships, that means that our Navy is instantly reduced not only in its fighting spirit but in its morale. How do you suppose the men feel when they see themselves grabbed by the seat of the pants and thrown out of their lifetime vocations and desires?

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. MANN. Is my colleague satisfied, from the attitude of the Navy Department, that if we appropriate for an enlisted personnel of only 65,000 men, only 12 of the 18 capital ships will be kept in commission or——

Mr. BRITTEN. Fully manned—yes; I am satisfied.

Mr. MANN. Does that mean with a full complement?

Mr. BRITTEN. Yes.

Mr. MANN. What would be the lack of complement for the other six?

Mr. BRITTEN. Twelve battleships, first line, 95 per cent complement, 14,224 men; six battleships, first line—for the six of them—1,236 men; less than 200 men on a ship. That is what 65,000 or 67,000 men would mean.

Mr. MANN. How many more men would it take to give the full complement to the entire 18 capital ships?

Mr. BRITTEN. Answering the gentleman's question exactly as it is put, it will take about 1,100 men per ship additional, making the deduction, of course, for the 1,236 already included.

Mr. MADDEN. That would be about 5,500 men additional?

Mr. BRITTEN. Let me suggest this, that the battleship does not go alone——

Mr. MANN. Oh, I understand that.

Mr. BRITTEN. About 1,100 men per ship, and that figure of 1,100 will be questioned by these little navy fellows.

Mr. LONGWORTH. Would 86,000 men man all of these 18 ships?

Mr. BRITTEN. Yes; the Committee on Naval Affairs by its action thinks that 86,000 men should be adequate.

Mr. KELLEY of Michigan. What does the Navy Department think?

Mr. BRITTEN. They requested 96,000.

Mr. KELLEY of Michigan. And so it comes about that the gentleman is willing to set his judgment up against that of the Navy Department. I am both pained and shocked.

Mr. BRITTEN. I am willing to vote for 86,000 men, and I hope that most of the House will, because that is what the country wants. The country is not going to stand for our Navy ranking third with the navies of the world. [Applause.]

Mr. McARTHUR. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. McARTHUR. And is it not true that in the presentation of this bill the Committee on Appropriations is seeking to usurp the legislative functions of the Committee on Naval Affairs, which has had a bill on the calendar in this House dealing with this question since the 22d day of March?

Mr. BRITTEN. Of course we all know that that is true. This is a one or a two man bill. The entire Committee on Appropriations considered this bill very seriously, with its 63 pages, for 10 minutes last Saturday morning. Sure, they know all about what is in the bill. I tried to get a copy of it Friday afternoon and could not because the committee was to get it next morning, and after debating it very seriously for all of 10 or 12 minutes they voted it out unanimously. This little Naval Committee says that we do not need more than eight or nine hundred men on one of these first-line ships. They talk about the 1916 ratio that we had before the war. Before the war there were two radio sets on one of those big ships. There are five now. We did not have the highly specialized fire control in those days as we have it to-day, and fire control, spotting the shot, spotting the target, is the most important operation aboard ship.

Unless you can tell the fellow down below where the shot lands, you will never hit, because the pointer does not see the target most of the time.

There was practically nothing for aviation in 1916. Let me tell you what these gentlemen are going to do. They are going to provide 2,100 men for aviation ashore. England's Navy has 10,000. When I was in Europe last year I was told by our attachés that many of the best Italian and French aviation instructors in Europe were now instructing the Japanese how to fly. Do you know what is going to happen if this bill goes through for 67,000 men? The most important branch of the Navy is going to suffer the worst, and that is aviation. We can not develop at once a flyer, a spotter, a bomber, a combat man, one who is to fly from the deck of a ship in a rough sea. He has to fly off the deck of a ship with a land plane and come back to that ship or die.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KELLEY of Michigan. I will give the gentleman five minutes more.

Mr. BRITTEN. The gentleman is very kind. I am going to be very polite to him in the future. [Laughter and applause.]

Let me tell you, gentlemen, that if there is one black blotch on our war record it is in connection with aviation. And I predict to you, gentlemen, that unless the enlisted personnel is set at such a figure that aviation will come into its own we might just as well kiss ourselves good-by if we have to fight an up-to-date power whose aviation is superior to ours. Because they will lick us; they will wipe us off the face of the sea, if they have got good aviation and we have not. Aviation will decide the sea battle first, almost before the capital ships have fired a shot. We will start to shoot at 20 or 30 miles, long before we can see the ship over the horizon, and that shot should be spotted by an aviator, and he will immediately be attacked by the enemy. He has got to fight for his life. And any man knows that he will never get back to his ship.

In a time of turmoil and battle aviators must protect themselves, and it is the survival of the fittest. Aviators will find the enemy, destroy him if possible, guide or direct big-gun fire.

Are you going to limit this force to a couple of thousand men when aviation is in its infancy? Are you going to provide according to this schedule here that was presented by the gentleman from Michigan, on page 8? He shows that in naval training stations and trade schools they appropriated for the wonderful number of 1,300 men. Think of it. Thirteen hundred men in training for the American Navy in our training stations and trade schools learning aviation, radio, and everything that goes with the modern, up-to-date Navy, and these little Navy gentlemen, with all the assurance that this is just exactly as it ought to be, say that they have provided liberally for the Navy.

Mr. KELLEY of Michigan. The gentleman speaks of an allowance of 1,300 men for training; that number is allowed not for training but for men assigned to schools as caretakers, instructors, and the like, not students.

Mr. BRITTEN. How many do you provide in training?

Mr. KELLEY of Michigan. We provide for 7,000 unassigned men. If you figure 7 per cent for sick, the prisoners, and those in transit, or about 4,500 men, that will leave about 2,500 for training. And we have less than 5,000 men in training now, with 96,000 men in the Navy.

Mr. BRITTEN. I will read the gentleman's language:

> Having in mind the reduced establishment made possible by the pending treaty and by the policy of keeping in commission only the 18-battleship fleet and necessary patrol craft, the committee believes that the number of men contained in the table below will be ample for shore purposes.

Mr. KELLEY of Michigan. The men assigned to training stations in the table given by the committee are not under training but take care of the station and act as instructors.

Mr. BRITTEN. I remember the gentleman's language of yesterday very well.

Mr. KELLEY of Michigan. The gentleman is either thinking wrong or unconsciously misinterpreting the situation.

Mr. BRITTEN. I may be misinterpreting, but I am reading the gentleman's report.

Mr. Chairman, let me explain a few defects in that hastily prepared report.

On page 1 of the committee's report under the heading "Appropriated, 1922," there is given a total of $413,239,949.23. The committee fails to state that in the second deficiency act, fiscal year 1922, there was appropriated and reappropriated $10,000,000 on which about $7,147,718 did not come out of this year's savings.

In the same tabulation at the foot of the first page the committee neglects to state that the "Estimates, 1923," of $425,000,000 is the department's estimate for a Navy of 106,000 men as submitted. The sum "Proposed, 1923," of $233,000,000 is the amount proposed by the committee itself on the basis of 67,000 men, for which the basis was supplied by the committee, and the items which make up the total of $233,000,000 were also supplied by the committee in modification of the department's figures.

It is noted in the middle of page 2 that the committee states that it has proceeded on the assumption that sufficient personnel "should" be provided to keep these capital ships in full commission together with all the necessary destroyers, submarines, and so forth, and every other auxiliary necessary to make the 18-battleship fleet complete, well rounded, and properly manned and officered. As a matter of fact, the committee after saying that these things "should" be done does not carry out its premise in any way whatsoever (see pages 216 to 232 of the hearings).

It is noted at the bottom of page 2 that the committee says it had difficulty in determining the allowance of personnel for ships to be kept in commission on account of varying opinions of naval experts. As a matter of fact, there is no difference of opinion in regard to the complement of ships. The ships' complements are definite numbers. These figures are subject to examination. On page 224 of the hearings will be found a statement of the proposed allowance for 1923 for certain ships as submitted by the department. In submitting this allowance the department had already made considerable concessions in reductions of personnel. The proposed 1923 allowance on page 224 is only 95 per cent of the official complements of the ship. The ships require even more men than this to man them fully.

Mr. Chairman, on page 3 it is noted that the committee used as the basis for its figures the numbers of personnel actually on board on the 1st of February, 1922, and the figures in the middle and at the bottom of page 3 are stated to be on this basis. The personnel allowed by the committee in this tabulation is entirely inadequate, even as the personnel on the 1st of February, 1922, was entirely inadequate, at which time it was reported that a considerable number of the battleships were unready for active service on account of inadequate personnel.

The figures of the committee only serve to perpetuate the department's difficulties in trying to keep the fleet running as based on the inadequate appropriations for the year 1922. The figures of the committee amount to a statement that the number stated is sufficient and that the ships shall not have any more personnel than happens to have been on board on the 1st of February, 1922. This action is not only fatal to the ships and to the service but it is entirely illogical as a method for determining upon complements of ships. It will be noted in the committee's table on page 3 that identical ships are allowed different numbers of personnel for no other reason than because they happen to have different numbers of personnel on board on the 1st of February, 1922. The crew allowed the *Tennessee*, 998, is among the smallest, while it is known to all that the *Tennessee*, *California*, and *Maryland* are the largest and most modern ships on the list. On the same page two ships, the *Connecticut* and the *Pueblo*, are both omitted. (See p. 224 of the hearings.) The correct figures are on pages 216–232 of the hearings.

On page 6 is found the following statement:

> The foregoing constitute, with the exceptions hereinafter noted, the number of vessels which the department itself indicated to the committee it desired to operate next year, without any suggestion from the committee as to the number of enlisted men that might be appropriated for. They call for a total of 49,492 men. * * *

As a matter of fact, the table of ships submitted by the committee were the ships that the department said it could keep in commission on a personnel of 90,000 plus 6,000 apprentices, as is shown on pages 216 to 222 of the hearings, and similarly on page 232 of the hearings. The committee's statement that the list of ships calls for a total of 49,492 men is an absolute misrepresentation of facts. With the committee's remarks in the same paragraph, on page 6, the number of men allowed by the committee, according to the statements of the committee, are totally inadequate, as will be seen by referring to the department's tables referred to immediately above. The allowance of 50,000 men for a Navy afloat is incorrect as based upon the list of ships.

With regard to the Eagles (p. 6 of the report), used for training Naval Reserves, and the recommendation that the Naval Reserve be trained on board the regular cruising vessels as was done in the case of the old Naval Militia, the committee has absolutely prevented this by failing to appropriate money for the pay of these reserves while under training, and also failed to allow necessary money to pay their transportation to and from the ships.

The statement in the committee's report, on page 8, that "On February 1, 1922, we found 12,633 men at shore stations" is not complete, as this figure does not include men employed on district vessels, men in training at training stations and trade

schools, men on general detail, men sick in hospitals, prisoners, and men in transit. Complete data was furnished the Committee on Appropriations covering these details, but only portions of this data is referred to. The following is the distribution of men at shore activities as of January 1, 1922, the date of the last complete report:

Distribution of personnel as of January 1, 1922.

Yards and stations	1,359	
Receiving ships and barracks	1,945	
Training stations and trade schools (instructions and overhead)	2,032	
Hospitals (operating crews)	1,978	
Prisoners (cooks, etc.)	23	
Communications	1,228	
Aviation stations	2,754	
Ammunition depots and torpedo stations	605	
Recruiting stations	709	
Total	12,633	
General detail, men under training, patients in hospitals, prisoners, students at trade schools	12,814	
Total	25,447	
Men in transit, not available for duty	4,062	
Total	29,509	
Men on district vessels	3,352	
Total ashore		32,861

(See p. 297 of the hearings.)

Mr. Chairman, referring to the table submitted by the committee on page 8 of the report as providing necessary men for shore activities, no provision is made for shore based submarine tenders which require 1,600 men, district and navy-yard craft which require 1,500 based on a 67,000-man Navy. How the committee reached its conclusion in regard to this table is not known, as the figures do not conform either to the number of men now employed or to the number requested by the Navy Department for a 65,000-man Navy, or any other sized Navy. The number of men provided will never man the treaty Navy.

On page 10 of the report of the committee it is noted that the committee has reduced the cost of the ration from 50 cents to 45 cents. This price of 45 cents is a pure gamble, but the Navy Department would prefer to use 50 cents as the cost of the ration. The Navy Department's estimate for a 65,000-man Navy was $16,328,838, as found on page 987 of the hearings. For a 96,000-man Navy the department's estimate was $23,112,204.

On page 10, under the heading of "Fuel and transportation," line 4, the statement is made that—

> The original estimate for fuel for 1923 called for $25,000,000, but that was based on an enlisted strength of 106,000 men and contemplated using a great number of vessels which it is intended by the committee shall be placed out of commission or sold. The department's revised estimate, submitted at the hearings, is $17,426,053.81. The committee propose $16,000,000 and believes that this sum will prove adequate if the department continues to watch the fuel expenditures as closely as it has during the past few months.

There must be no mistake regarding this statement regarding "Fuel and transportation." The revised estimate of the Navy Department, based on 96,000 men, is $23,060,685. In accordance with the direction of the subcommittee on appropriations, the department submitted a list of ships which it considered possible to keep in commission with an enlisted personnel of 65,000 men. (See p. 364 in the hearings.) The amount named by the department for fuel and transportation for the Navy of 65,000 men was stated as $17,426,053.81, as based on this table, without any allowance being made for emergency. (See pp. 1025 and 1026 in the hearings.) The amount named in the appropriation bill is $16,000,000, which is $7,060,685 less than the amount requested by the Navy Department for the Navy of 96,000 men, and not $17,426,053.81, as stated in the report. It should be distinctly understood in this connection that the so-called department's revised estimate of $17,426,053.81 was a figure arrived at on premises prescribed by the subcommittee itself, the subcommittee having prescribed a basis of 65,000 men and having also prescribed in part the basis upon which the expenditure of fuel was to be estimated—namely, the amount of steaming which each ship would do per month. In no correct sense can $17,426,053.81 be considered "the department's revised estimate."

Under "Public works" it is noted that large sums have been left out for the continuation and betterment of Pacific coast bases.

Mr. KELLEY of Michigan. It takes a certain amount of information to even read a thing intelligently.

Mr. BRITTEN. It takes a large lot more to write it, and that is what the gentleman did not have when he wrote this.

Then he goes on and makes a total of 2,965, and then, to show our liberality, he has thrown in an extra 7,000 for hospitals, sickness, and those in jail and in other places not specified.

Mr. BEEDY. Will the gentleman yield for a question?

Mr. BRITTEN. Yes.

Mr. BEEDY. Do I understand the gentleman agrees with the chairman of the subcommittee that this additional number of 7,000 has given to the department every man they requested?

Mr. BRITTEN. It certainly does not.

Mr. BEEDY. That was the statement made by the chairman yesterday.

Mr. BRITTEN. Certainly not. I am glad the gentleman called it to my attention.

Mr. KELLEY of Michigan. How many men did the Secretary of the Navy ask for aviation?

Mr. BRITTEN. I do not know; approximately 5,700.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KELLEY of Michigan. I yield five minutes more to the gentleman, because this is important. The committee allowed for the two new ships for aviation, which are to be put in commission soon, the number of men the Secretary of the Navy asked for, and in addition——

Mr. BRITTEN. How many?

Mr. KELLEY of Michigan. Whatever number was desired. I think it was about——

Mr. BRITTEN. I thought the gentleman might say that he expects me to know, and then he smiles.

Mr. KELLEY of Michigan. If you fill up your mind with small details——

Mr. BRITTEN. That was the reason I asked the gentleman the question. I have seen him picking up pins and rubber bands and small details for some time past. [Laughter.]

Mr. KELLEY of Michigan. Well, be that as it may, we allowed whatever number was requested—632 for the two ships.

Mr. BRITTEN. What do you mean by 632? How many men did the Secretary request for each one of these plane carriers?

Mr. KELLEY of Michigan. You mean the prospective carriers? He did not request any.

Mr. BRITTEN. He may not get any under this bill.

Mr. KELLEY of Michigan. Of course he will not, because the Secretary of the Navy is a sensible man, and he would not ask Congress to appropriate men for carriers that have not yet been authorized, and when authorized can not be completed for two or three years.

Mr. BRITTEN. I am glad to have the gentleman's complimentary remarks about the Secretary. Stand by him, old boy, and give him what he needs. [Laughter.]

Mr. KELLEY of Michigan. The Secretary is abundantly able to take care of himself. But, coming back to what we allowed for the carrier and tender that will soon be put in commission——

Mr. BRITTEN. They are converted ships.

Mr. KELLEY of Michigan. If the gentleman would listen——

Mr. BRITTEN. What are they?

Mr. KELLEY of Michigan. If the gentleman would listen he could hear much better.

Mr. BRITTEN. I do not want to be instructed along your line.

Mr. KELLEY of Michigan. Of course, if the gentleman does not want information——

Mr. BRITTEN. Not along your line, because I heard you yesterday for an hour or more. I was interested, but not convinced.

Mr. KELLEY of Michigan. I think, perhaps, that is true.

Mr. BRITTEN. The gentleman asked a question about aviation. They requested 5,700 men.

Mr. KELLEY of Michigan. Will the gentleman allow me to make a statement right there, giving just what the department desired for aviation? I will yield more time to him.

Mr. BRITTEN. All right.

Mr. KELLEY of Michigan. The Secretary of the Navy will have at his disposal one airplane carrier and one tender for the coming year. Those are new, so far as the naval service is concerned, the *Shawmut* and the *Langley*. Now, of course, it is necessary to have the men to run those carriers. Whatever number he has asked for has been allowed.

Mr. BRITTEN. What is the tonnage of those two ships?

Mr. KELLEY of Michigan. I did not build them; they are small ships.

Mr. BRITTEN. What is the tonnage of both of them? I will tell you. They are 19,000 tons combined. I will keep you informed about the Navy. [Laughter.] I had an idea when

the gentleman came in here with a one-man bill that he knew something about it yesterday. He spoke for an hour and 15 minutes extemporaneously and camouflaged where he could get away with it.

Mr. KELLEY of Michigan. Let me take the camouflage off, so that even the gentleman from Illinois can see. [Laughter.] If the gentleman will only listen, he will improve greatly. Listening is the greatest art in the world——

Mr. BRITTEN. Next to giving advice. [Laughter.]

Mr. KELLEY of Michigan. There are those two ships that the Navy Department did not have before, and they asked for a certain number of men for those particular ships. They did not ask men for ships that had not been authorized or built. We gave them the number they asked for on those two. Then they asked for 600 men that they said they wanted to put on the battleships upon which the catapults are to be placed, and we not only appropriated the money for the catapults but for the 600 men who go into the fleet aviation because of these devices.

Mr. BRITTEN. How many men do these catapults require?

Mr. KELLEY of Michigan. And, adding those to the number allowed on shore, gives 3,200 men, beside many civilians, the entire number asked for by the Secretary of the Navy for aviation. [Applause.]

Mr. BRITTEN. That is very convincing.

Mr. KELLEY of Michigan. Yes. Truth ought to carry some weight.

Mr. BRITTEN. Yes; I am satisfied that the gentleman thinks that is true. And yet the Navy Department this morning says they requested five thousand six hundred and some.

Mr. KELLEY of Michigan. What does the gentleman mean by "the Navy Department"?

Mr. BRITTEN. Men in authority in the Navy Department.

Mr. KELLEY of Michigan. Does the gentleman mean the head of the Bureau of Aviation or does he mean the Secretary of the Navy? Or does he mean Admiral Coontz, the Chief of Operations?

Mr. BRITTEN. I hope you will withdraw your question. I may have some confidential information, but it did not come from the White House. You put me in a very embarrassing position, and I hope you will withdraw the question. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. KELLEY of Michigan. I will give the gentleman two minutes more. I am glad the gentleman has learned so quickly. He has learned already the lesson I sought to teach him yesterday. [Laughter.]

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield for a brief question?

Mr. BRITTEN. Yes.

Mr. LINEBERGER. The gentleman has stated that the British have between 10,000 and 11,000 men for naval aviation. I think the House would be interested in knowing how much the Japanese have under this 5-5-3 agreement for naval aviation.

Mr. BRITTEN. I do not know. We have not been able to get those figures. The Bureau of Naval Intelligence does not know how many men are under instruction in Japan to-day in naval aviation, but they do know the names of the Italian and French instructors who are teaching them. Based on the Japanese ratio, we ought to appropriate for 125,000 men for the coming fiscal year. The gentleman from Michigan suggests that we provide some 17,000 for shore duty. For 100 years, gentlemen, the Navy Department of America has always figured 2 men afloat to 1 man ashore. That ratio promotes efficiency. That puts a man on the ship in shape to be a seaman. The Japanese Government provides for 35 per cent ashore. The English Government provides 6 out of 10 afloat and 4 ashore.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. BRITTEN. I would like to have a little more time. I would like to call the attention of the House to certain things, particularly where your greatest reductions in the bill are made.

Mr. KELLEY of Michigan. How much time does the gentleman need?

Mr. BRITTEN. Five minutes, and if the gentleman thinks I ought to have a little more time, let me have it.

Mr. KELLEY of Michigan. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes more.

Mr. BRITTEN. I want to impress the House and the gentlemen on this side in particular with the fact that in the past, for 10 years prior to the war—I will not say during war, because then everybody voted one way—but prior to the war it was this side of the House that made the Navy what it was. [Applause.] Now, gentlemen, do not feel that you have to follow your leader over here because of the eloquent speech he made yesterday. I say in all sincerity that there is not a naval officer in America that stands for this bill. There is not a single naval authority who stands for it. The administration does not stand for it. It will be amended at the other end of the Capitol if we do not take the bit in our mouths here, or else we will have a third-class Navy if this bill becomes effective. We will be third, after Japan.

Now, gentlemen, the disarmament peace treaty has imposed a specific obligation on us. The world expects us to live up to the treaty, and if we live up to the treaty we will have to properly man 500,000 tons of ships and 135,000 tons of airplane carriers. The Aviation Bureau requested $17,000,000, but the committee allows less than $8,000,000. Engineering requested $16,881,336 on the basis of 65,000 men. Think of it! These officers were trying to comply with the request of this "little Navy" committee by making a 65,000-man Navy, and the Bureau of Steam Engineering made a request for $16,881,336, based on 65,000 men.

Mr. KELLEY of Michigan. Does the gentleman know that nearly $4,000,000 of that was for new construction of towers in all parts of the world for radio?

Mr. BRITTEN. If they are for towers and for direction of the merchant marine, as many of these towers are, I am for it. That is the way they manage to get through the fog. We are establishing them on the Great Lakes, and thereby we enable ships to save life and property. It is very easy to say you do not need them, but I say the country is entitled to it. They cut the appropriation from $16,881,336 down to $12,100,000.

For construction and repair the Navy Department requested $16,465,000, based on 65,000 men. The committee gave them $14,200,000.

Fuel—there has been some argument as to whether fuel has been properly managed and handled by the Navy, but of course ships can not operate without fuel. Everybody knows that.

Mr. KNUTSON. And they can not maneuver without fuel.

Mr. BRITTEN. The department's estimate was cut more than $6,000,000. The department requested $23,000,000 and the committee recommend $16,000,000. That is a tremendous cut.

Mr. Chairman, let me read two letters from Secretary Denby about this fuel item:

NAVY DEPARTMENT,
Washington, April 10, 1922.

Hon. FRED A. BRITTEN,
House of Representatives, Washington, D. C.

MY DEAR MR. BRITTEN: Referring to your verbal request regarding fuel and transportation, I would state as follows:

The original estimate of the Navy Department, based on a Navy of 106,000 enlisted personnel, was $25,000,000. The revised estimate, based on 96,000 men, as submitted to the Committee on Appropriations, was $23,060,685.

In accordance with the direction of the Subcommittee on Appropriations, the department submitted a list of ships which it considered possible to keep in commission with an enlisted personnel of 65,000 men. (See page 364 in the hearings.)

The amount named by the department for fuel and transportation for a Navy of 65,000 men was stated as $17,426,053.81, without any allowance being made for emergencies. (See pages 1025 and 1026 in the hearings.)

The amount named in the appropriation bill is $16,000,000, which is $7,060,685 less than the amount requested by the Navy Department for a Navy of 96,000 men.

Yours sincerely,

EDWIN DENBY.

NAVY DEPARTMENT,
Washington, April 10, 1922.

Hon. FRED A. BRITTEN,
House of Representatives, Washington, D. C.

MY DEAR MR. BRITTEN: Referring to your oral inquiry regarding the expenses for fuel for destroyers for the present fiscal year, I would state that the official expenditures for the first eight months of the present year were 2,328,753 barrels, at a cost of $5,781,967.30, and the estimated expenditures for March, April, May, and June under the present program are 615,736 barrels, at a cost of $1,344,778.04, making a total for the year of 2,944,489 barrels, at a cost of $7,126,745.34.

Yours sincerely,

EDWIN DENBY.

Yards and Docks requested $6,750,000. The committee cut them $1,250,000, giving them $5,500,000.

Numerous public works in the Hawaiian Islands and elsewhere have been disregarded. They have been disregarded on the Pacific coast. Do you gentlemen know that except at Panama there is not on the Pacific coast a dock owned by the Government that will dock our latest first-line fighting ship? Not one. Think of it! There is no Government-owned dock on the Pacific coast that will accommodate one of our latest first-line ships, with the exception of the dock at Panama.

Mr. LINEBERGER. Does the gentleman know that that is at Cristobal, on the Atlantic side?

Mr. BRITTEN. Yes; I do. With the exception of that one there is not a dock on the Pacific coast that will dock one of our first-class, first-line ships.

Mr. LINEBERGER. That is not on the Pacific coast. That is on the Atlantic side.

Mr. BRITTEN. I thank my good friend for his assistance. We do not own a dock on the Pacific side that will take in one of those big first-line ships. There is one at Hunters Point that we have leased that belongs to a private corporation. Of course, we can confiscate that in time of war or emergency.

Mr. KELLEY of Michigan. The gentleman forgets the dock at Bremerton.

Mr. BRITTEN. The dock at Bremerton is seven hundred and eighty and odd feet long, and will not dock one of our latest first-line ships, and the gentleman does not know it. [Applause and laughter.]

Mr. KELLEY of Michigan. It is better not to know so much that is not so.

Mr. BRITTEN. The Naval Reserve Force is cut down to $50,000 for the entire country. A reserve force is a very necessary force. Those are the officers and men who jump in and are quickly assigned to places when an emergency arises. Only $50,000 is provided for that item.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRITTEN. I thank the gentlemen for all the time they have given me. [Applause, Members rising.]

Mr. BYRNES of South Carolina. I yield 10 minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Chairman and gentlemen of the committee, it is not my purpose to discuss at length at this time the enlisted-personnel question, to which many arguments have been directed. The discussion of this can be well deferred until that item is reached under the five-minute rule.

I felt that I could with propriety submit to the House some helpful information relative to the views just announced by the distinguished gentleman from Illinois [Mr. BRITTEN], in which he has professed accurate information as to all matters relating to the pending bill. Among other things, he stated that he desired to speak specially to the new Members of the House, on the theory that they were probably not well informed as to naval matters, and in that connection I am reminded that the gentleman, who stands as the giver of information to new Members, was probably opposed to the draft. He was not in favor of sending men to fight the battles of their country abroad unless they willingly consented to go. He may have voted in the past for big navies and big armies, but he belongs to the class who would not use such navies and armies in the event of war with foreign powers until the consent of the men constituting the Army and Navy was first obtained. I think all must agree that a Navy and an Army are worth but little if the theory of the gentleman should be carried out. I am informed that the gentleman has in his district many who may not have desired to go abroad in the recent war and that his attitude in reference thereto may have been predicated on such fact. Certainly, even with a great Navy and a great Army, this country would not be very safe if the position of the gentleman from Illinois along the lines indicated was approved.

Mr. BRITTEN. Will the gentleman yield?

Mr. OLIVER. Not now.

Mr. BRITTEN. I should like to correct the gentleman's statement.

Mr. OLIVER. I will yield later, but not just now.

Mr. BRITTEN. No; but I wish to correct the gentleman's statement.

Mr. OLIVER. I do not yield to the gentleman now.

Mr. BRITTEN. Mr. Chairman, a parliamentary inquiry—a matter of personal privilege, Mr. Chairman.

The CHAIRMAN. The gentleman can not raise a question of personal privilege in the committee.

Mr. BRITTEN. I have no argument with the gentleman, but I have just been told by a friend that the gentleman from Alabama stated that I voted against the draft, and that is entirely incorrect.

Mr. CONNALLY of Texas. A point of order, Mr. Chairman.

Mr. BRITTEN. Have I no right to state a question of personal privilege?

The CHAIRMAN. If the gentleman insists that he has a question of personal privilege and presents one, the committee will have to rise and go into the House.

Mr. BRITTEN. The gentleman stated that I voted in a certain way which I did not vote, and I want to correct that.

The CHAIRMAN. The gentleman does not state a question of personal privilege.

Mr. OLIVER. I am informed that the gentleman from Illinois [Mr. BRITTEN] introduced a bill after war was declared, in which he sought to prevent anyone being sent abroad in Army or Navy unless they consented to go. Is not that correct?

Mr. BRITTEN. Yes; that is correct, but the gentleman stated that I voted against the draft.

Mr. OLIVER. If I did, I was probably in error, and I withdraw the statement.

Mr. BRITTEN. I thank the gentleman, because the gentleman was in error about that.

Mr. OLIVER. If the bill introduced by the gentleman, which sought to deny to the Government the right to send anyone in the service abroad to fight its battles, had been passed, then certainly the effect would have been to have denied the Government's right to draft its citizens into service during war. In other words, it would have been purely voluntary with those called into the service as to whether they went abroad or not.

Now, to further show that my friend from Illinois is not a very safe advisor, he tells you in his speech to-day that the officers of the Navy Department are opposed to this bill and for that reason he insists that the bill should not have the support of the House, yet we find that he has recently refused to follow the advice of the very naval officers whom he now so strongly commends.

The committee on which he served have pending before the House at this time a bill to reduce the enlisted personnel to 86,000, and the officer personnel is fixed at 4 per cent of the authorized strength. The gentleman will not claim that this bill, which he favors, is in accord with the advice of naval officers, and certainly not with that of Admiral Coontz. My information is that the only two members of the committee who voted against the bill were the gentleman from California [Mr. SWING] and the gentleman from Tennessee [Mr. PADGETT]. The bill in question, and to which he referred, undertakes to fix the authorized enlisted strength of the Navy at 86,000, but does not provide, as he argued, that there shall be 86,000 enlisted men, but simply that this number shall constitute the maximum enlisted strength of the Navy and hereafter be the basis on which the officer personnel is to be determined; that is, the 86,000. The chairman of the committee is present and will bear me out, I am sure, as to the correctness of this statement.

Mr. BUTLER. Mr. Chairman, inasmuch as my friend has referred to me, I will give my own personal understanding. When I voted for 86,000 men and 6,000 boys, it was my distinct understanding that that was fixing the officer list under the law already established by Congress.

Mr. OLIVER. That statement of the chairman of the committee will be interesting for the Members of the House when we come to consider the personnel sections of the pending bill. In other words, the officer personnel is determined on the basis of the authorized enlisted personnel. When you decrease the authorized enlisted personnel, you automatically decrease the officer personnel. It is extremely questionable, to my mind, whether the bill favored by my friend from Illinois, which seeks to reduce the line officers of the Navy to 3,400, is wise. Recently the House voted to give the Army about a 10 per cent officer personnel, and the bill favored by the gentleman from Illinois would fix the authorized enlisted strength of the Navy at 86,000 and the officer personnel at 4 per cent of this enlisted strength.

Mr. BRITTEN. Will my friend permit?

Mr. OLIVER. Indeed I will.

Mr. BRITTEN. The strength of the Navy to-day is 91,000 and a thousand over, and the officer personnel is about 7,000, or about 9 per cent.

Mr. OLIVER. Following up the statement just made by my friend the gentleman from Pennsylvania [Mr. BUTLER], the distinguished chairman of the Naval Committee, I will say that in 1916 we had approximately 8,694 officers in the Army, Navy, Marine Corps, Geodetic Survey, Coast Guard, and the Public Health Services. We now have in these same services 21,558 officers. These figures would suggest that we are not rapidly adjusting our Military Establishment to a peace-time basis. In other words, we now have more than two and a half times the number of commissioned officers in the services I have just named than we had in 1916. Now, I wish to emphasize the fact that if there be one service that should have a strong officer personnel it is the Navy, and the limitation fixed by the bill now pending in the House and favored by the gentleman from Illinois [Mr. BRITTEN] gives to the Navy too limited an officer personnel.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNES of South Carolina. I yield to the gentleman 10 minutes more.

Mr. OLIVER. Naval officers can not be qualified in a short time. They must be well educated and trained along many highly technical lines. Our naval officers are the best trained and best qualified officers of any navy in the world. The course at Annapolis is broad and thorough, and the young officer, after he finishes his course there, is sent to sea until he is qualified to take his place at any station on the battleship and efficiently perform the duties relating thereto. You can not select from civil life, without several years of special technical training, a well qualified naval officer. So the bill which the gentleman from Illinois [Mr. BRITTEN] professes so much interest in is, in my opinion, more hurtful to the real efficiency of the Navy than any possible shortage in the enlisted personnel could possibly be. The only justification for the bill which he favors is found in what some Members admit to be its purpose—that is, that it is intended to authorize the retirement from the service of a large number who were taken into the service as officers without any examination to show that they were qualified as all-around naval officers.

These men had served with distinction in warrant grades and in some of the enlisted grades, and they were unusually well qualified for the work assigned them in these grades. Few, if any, have had the technical training, however, that will qualify them for an all-round naval officer, and the bill seeks to clothe the Navy Department with authority to place them on the retired list, though the committee has not written this purpose into the bill as reported. The effect of taking these men into the lower grades of the Navy made more admirals, more captains, more commanders, and more lieutenant commanders. In other words, every 100 officers added to the lower commissioned grades make additional admirals, captains, commanders, and lieutenant commanders. Whether they were taken in for that purpose or not, I will not state, but certainly it had that effect. In view of the long enlisted service which these new officers had, we find that it may prove very expensive to retain them as officers in the Navy, if the pending pay bill should be enacted into law. There are more than 100 officers now holding a lieutenant's commission in the Navy who have had less than two years' commissioned service, yet on account of their enlisted service they would, under the pending pay bill, draw for pay and allowances more than $6,500. You will see from this the naval officers to whom Mr. BRITTEN has referred have not always been sound advisers as to naval policies. It likewise demonstrates that even the gentleman from Illinois may be regarded as an unwise adviser on many matters contributing to naval efficiency.

Now, it is not unusual for naval officers to widely disagree as to the number of enlisted men required to efficiently man the Navy. In 1919 the authorized enlisted strength of the Navy was 181,000; the following year the committee, over the strong protest of naval officers, reduced the enlisted personnel to 120,000. Naval officers then strenuously insisted that the Navy could not efficiently function with less than 160,000 enlisted men, yet Congress very wisely, against the advice of high naval officers in charge of the bureaus of the Navy Department, cut the enlisted strength to 120,000. No one undertakes now to say that we hurt the Navy by this action, but we did save a large sum of money to the Federal Treasury by refusing to follow the advice of the naval officers. Last year these same naval officers insisted that they must have 120,000 men for the present fiscal year, 1922, yet Congress, over their protest, cut it to 106,000; and who will now deny that our action was not wise? We now find that many of these same naval officers are willing to accept either 106,000 or 96,000, and the House Naval Affairs Committee, of which the gentleman from Illinois is a Member, have reported a bill, over the protest of the naval officers, to fix the maximum authorized enlisted strength at not exceeding 86,000.

The General Board of the Navy, we understand, is still insisting that we should actually have for 1923 120,000 enlisted men. Congress have not in the past followed the advice either of the General Board or of Admiral Koontz or other high naval officers, and in failing to do so, we have certainly done no hurt to our Navy. Now, after we have scrapped the great capital shipbuilding program of 1916 and are to keep in commission only a limited number of ships during 1923, can anyone claim that we have done violence to the American Navy by providing an enlisted personnel sufficient in numbers to man the ships as they were actually manned in the early part of this year and are now actually manned?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNES of South Carolina. I yield five minutes more to the gentleman from Alabama.

Mr. OLIVER. Now, without intending any criticism of the action of the conference, because I realize that some drastic proposal had to be made in order for any agreement to be reached looking to the cessation of naval competition, may I refer to the statement made yesterday by the gentleman from Tennessee [Mr. PADGETT] in which he intimated that Secretary Hughes failed to follow high naval advice in his offer to scrap the great capital fleet provided for in the 1916 program. He had at least this justification—that the public seemed willing to surrender our naval advantage in order to secure an agreement with the assembled nations looking to a limitation of armament. The American people, in the main, have given approval to the naval treaty, even though it did involve the surrender of valuable ships, some of which, when built, would have given us the most powerful and effective naval vessels of their kind in the world.

As emphasizing what was surrendered I recall that the gentleman from Tennessee [Mr. PADGETT] in 1916, after the adoption of the 1916 building program, brought in a bill from the Naval Committee and had the House to pass it, providing, first, for the construction of battle cruisers to the exclusion of battleships. He stated that preference was given to the building of battle cruisers, not only because of their great military value but because we had no ships of this type in our Navy, and Japan and England had many of the most modern types.

We have agreed to scrap all of these battle cruisers on which we have expended many millions of dollars, and so in future America will have no fast battle cruisers in its Navy. These were the finest types ever designed. They had 187,000 horsepower, and each was armed with twelve 16-inch guns, with a speed of 33 knots and better. There would have been no ships in any Navy like unto these in point of efficiency and military value, yet for the purpose of securing a naval holiday, as to the building of capital ships, we agreed to scrap all of these great ships. The treaty gives to us the right to convert two of them into aero-carrying ships, and we must see that ample funds are provided for this purpose without delay. Instead of carrying 16-inch guns, however, they will carry nothing over an 8-inch gun. Then again, to show how liberal Secretary Hughes was in his offer for a naval holiday, he agreed to scrap the great battleships that were being constructed with 42,000-ton displacement, carrying twelve 16-inch guns and with a speed of 23 knots. In lieu of these, the greatest ships of their kind ever designed by any Navy, we have consented to accept two of the *Maryland* type, carrying eight 16-inch guns, instead of twelve 16-inch guns, with a displacement of 33,000 tons, and a speed of only 21 knots. It will thus be seen that America, speaking through her State Department and through her Chief Executive, was not afraid of impending wars. They were not afraid of destroying America's chance to live in peace in the future when these great engines of war were agreed to be scrapped, but on the other hand, they exhibited faith in the nations gathered at the peace conference, and frankly said to these nations, "While we now have building the greatest battleships and battle cruisers ever designed we are willing to scrap them in order to make with you an agreement for a naval holiday and limitation on the building of capital ships, believing that any agreement entered into will be faithfully kept and that it will insure not only the peace and safety of America but of the world better than all of the navies we or they are now building." [Applause.]

Let me here quote some excerpts from the speech of President Harding at the conclusion of the Peace Conference to show how he felt in reference to the safety of America under the treaties agreed on. Said he:

> You have written the first deliberate and effective expression of great powers in the consciousness of peace, of war's utter futility, and challenged the sanity of competitive preparation for each other's destruction. You have halted folly and lifted burdens and revealed to the world that the one sure way to recover from the sorrow and ruin and staggering obligations of a World War is to end the strife in preparation for more of it and turn human energies to the construction of peace.
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> I once believed in armed preparedness. I advocated it. But I have come now to believe that there is a better preparedness in a public mind and a world opinion made ready to grant justice precisely as it exacts it. And justice is better served in conferences of peace than in conflicts at arms.
>
> When you first met I told you of our America's thought to seek less of armament and none of war.

Gentlemen, those are the sentiments of the highest official in the Nation, and will you say that he did not reflect the sentiments of America in those words? [Applause.] Now, in conclusion let me say that the man who to-day undertakes by word or deed to make America believe that we are in great danger, and that Congress will do serious hurt to the Navy unless war complements are provided for all of the 18 capital ships which the treaty allows us to retain, is misleading the American

people and urging a naval program that adds nothing at this time to naval efficiency and greatly increases the expense on the National Treasury.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNS of Tennessee. I yield the gentleman five minutes more.

Mr. OLIVER. Let me show you how rapidly complements on battleships change, and it but illustrates how undecided and changeable the views of naval officers are.

In 1914 we had many ships that we will retain under the treaty and keep in commission during 1923. You will not be able to add a new ship to your fleet until 1932, after you complete the 2 now building of the *Maryland* class, because the oldest of the 18 can not be replaced until 1932, and may I remind you in this connection that we will have from 4 to 6 capital ships in this 18 carrying only 12-inch guns? If the gentleman from Massachusetts [Mr. TINKHAM] is, in fact, so much alarmed over America's danger from some imaginary enemy, as his speech indicates, then I suggest that he busy himself to see that some important units, which the treaty permits, be immediately added to our fleet so that it may become a well-rounded fleet.

Mr. TINKHAM. Will the gentleman yield?

Mr. OLIVER. Not just now. Now, in reference to the complements on some of these ships that we are retaining for 1923, we find that in 1914, for instance, the *New York*, one of the best of the ships to be retained, carried 42 officers and 898 men. A board of naval officers, when the question as to a proper complement for the *New York* was raised, met with Admiral Fletcher, long in command of the Atlantic Fleet, on the board, and this board fixed the complement for the *New York* at 38 officers and 1,022 men. After the board thus fixed the complement for the *New York*, what may be called a strange coincidence occurred. I do not charge that it influenced the action of naval officers, but it so happened that after the complement on the *New York* and other ships was fixed by this board a bill was passed by Congress fixing the officer personnel in the Navy at 4 per cent of the authorized enlisted strength. After the passage of this law the complements for the *New York* and other ships were greatly increased, and instead of 38 officers and 1,022 men we find that in 1921 there were recommended for the *New York* 53 officers and 1,367 men. Now, I leave it to the House to draw its own conclusion, and may I ask my friend from Pennsylvania [Mr. BUTLER] if the figures given are correct?

Mr. BUTLER. Yes. May I ask the gentleman a question?

Mr. OLIVER. Certainly.

Mr. BUTLER. Has the gentleman the figures which show what we know as the peace complement of the *New York* and the *Pennsylvania*, the ships that are to be retained?

Mr. OLIVER. What they actually carry?

Mr. BUTLER. Yes.

Mr. OLIVER. The actual number carried seems to have been 902 men only.

Mr. BUTLER. What was the war complement? What did it carry in 1918?

Mr. OLIVER. In 1918 there seemed to have been carried over 1,400. The gentleman has doubtless examined the table I refer to, and I wish to ask whether, in his opinion, it is correct?

Mr. BUTLER. I believe it to be so.

Mr. OLIVER. In other words, we find the complements on these ships rapidly rising from 1914, and especially after the law of 1916 fixing the officer personnel at 4 per cent of the authorized enlisted strength.

Mr. BUTLER. By reason of the act of Congress of 1916 fixing the number of officers based upon the enlisted men, the charts show that the enlisted men ran right up in number?

Mr. OLIVER. This table certainly proves it.

Mr. TINKHAM. Will the gentleman yield for one simple question?

Mr. OLIVER. My time is so limited that I hesitate to do so.

Mr. KELLEY of Michigan. I yield to the gentleman two minutes so that he may answer.

Mr. OLIVER. Then I will be glad to do so.

Mr. TINKHAM. I desire to ask the gentleman if he believes that our Navy should be equal to Great Britain and superior to Japan?

Mr. OLIVER. I am glad that the gentleman asked me that question. Our Navy to-day is not equal to Great Britain. It will not be equal to Great Britain until you authorize and complete some modern, speedy airplane-carrying ships. If the gentleman from Massachusetts [Mr. TINKHAM] will take the time to read some of the hearings before the House Naval Affairs Committee in the years 1920 and 1921 he will find high naval authority for the statement that even if we now had in our Navy all the battleships authorized by the 1916 program it would be dangerous to send them to sea, were we at war, until supplied with modern airplane-carrying ships. I have tried for some years to have Congress provide the necessary funds for these airplane-carrying ships, and it is now of supreme importance that it be done because of our agreement to scrap the great battle cruisers with high speed, and our most powerful battleships.

We must provide now for fast airplane-carrying ships, with a speed of 33 knots or more, of the most modern design. This is far more important than the question of what the enlisted strength of the Navy for 1923 shall be. If war should come, and you could not send out your 18 battleships until you provided modern airplane-carrying ships, it would seem to suggest that we are now spending much time in discussing matters not of first importance. The present bill, you will find, carries sufficient men to man the capital ships as they have been manned and were manned even this year, when the Navy had 100,000 men to draw on.

Mr. TINKHAM. My question has not been answered.

Mr. OLIVER. I have tried to show you what must be done in order to make our Navy efficient, and to show how futile and unimportant is the controversy over the enlisted personnel for 1923 unless and until proper attention is paid to supplying the Navy with the types of fighting craft now needed. The House will later find, I think, that the committee have fixed the enlisted personnel for 1923 on a conservative, safe, and economical basis, and that no hurt will come to the Navy if the committee's recommendation is followed.

The CHAIRMAN. The time of the gentleman has expired. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. GALLIVAN]. [Applause.]

Mr. GALLIVAN. Mr. Chairman, I was a bit interested yesterday afternoon when the leader of this House, in discussing the various percentages which had befuddled his brain because of the debate as it went along, said from 5-5-3 the Navy had dwindled to 3½ per cent and 2.75, and, if he had kept talking, perhaps before he had finished he might have brought us down to a minimum of one-half of 1 per cent. [Laughter.]

I have followed the discussion on this bill from its inception with as much interest and probably more attention than I have ever followed any debate in the House since I have been a Member of Congress. As you know, I am the sole Democrat on the Committee on Appropriations who has signed the minority report, and I rise at this time to try to make it clear why I believe the majority of my committee have erred.

Yesterday, in his opening speech in defense of the bill as reported, the eloquent and admirable gentleman from Michigan [Mr. KELLEY] referred more than once to the efforts of certain unnamed individuals, but evidently officials high in the Naval Establishment who, in their urgent pleas for a greater number of men than this bill provides, are using all the strategy and influence at their command "to pile up," in the language of my friend from Michigan [Mr. KELLEY], 18,000 or 20,000 men on shore not assigned to any work in any navy yard or any station. I tried to get the gentleman to tell the House who these officials are and what their purpose was in "piling up" these thousands of men, but the astute chairman of the subcommittee carefully side-stepped my inquiry and insisted that I knew as well as he did who the officials are in the Naval Establishment who are attempting to put this alleged load on the backs of the American people.

I must confess, Mr. Chairman, that with all my regard for my friend, I do not think he was quite fair with the House in holding back the knowledge which he has in abundant quantity and which he can, of all men, verify, if the story is true. As for myself, I take it that the officials at whom his remarks were directed are those now in control of the Navy Department, from the Secretary of the Navy down to the humblest adviser.

If he is right, I want to repeat a question here and now which I suggested yesterday: Why not scrap the Naval Establishment before we start scrapping our Navy? If these alleged thousands of men who are to be unassigned for any sort of duty are insisted upon by the Navy officials whom he criticizes, why in the name of all that is good and holy does the Naval Establishment want these men?

Mr. Chairman, it is because I have been unable to get any answer to this question and because of the absolutely contradictory positions which the experts in the Navy Department and the members of the subcommittee on the naval appropriation bill have taken in this controversy that I have aligned myself with the minority members of the Committee on Appro-

priations, and I stand, without apology, with the administration in behalf of the best Navy that the United States is permitted to maintain under the agreement reached in the Conference on Limitation of Armament. [Applause.]

I am going to discuss another navy before I get through, and I hope no gentleman will leave his seat, particularly my good friend from Michigan [Mr. KELLEY].

I would vote for a bigger Navy if I could, Mr. Chairman, than is permitted under the so-called 5-5-3 agreement. My friend from South Carolina [Mr. BYRNES] yesterday, referring to the Borah amendment in connection with the disarmament conference, said that every Democrat voted for the Borah amendment when it was before this branch. I beg to differ with him. There were five of us who did not agree that the time had come in the affairs of the world when the United States could afford to scrap its Navy. I was one of them, and I again have no apologies to make. But that conference reached an agreement, and we must keep our part of that agreement. We must not go below it. Permitted as we are to maintain 18 capital ships with the necessary auxiliaries, we must not forget that men fight and not ships, and that historically good men even in poor ships have invariably triumphed over poor men in good ships. These men can be trained only in time of peace. It is generally considered by captains of industry, generals, and admirals that men are much more important than material. This can be accepted as an axiom.

Under such conditions the United States can not afford to decrease her personnel. When war comes it is too late to change the system. I have never taken any stock in that propaganda that armies and navies are always the cause of war. Wars in the Far East have been caused by weak nations.

Korea, a weak nation, was the cause of the China-Japanese War and the Russo-Japanese War, and it is my firm belief that there would be no far eastern question to-day if China and Russia were strong nations. Our own wars have not been caused by having an Army and a Navy. The enormous expense of our past wars has been entirely due to the fact that we did not maintain a sufficiently powerful Army and Navy. May I remind this House of the well-chosen words of Secretary Denby recently spoken? "Whatever arms have cost, they have made and kept us a nation."

It must not be forgotten that our influence and the due consideration of our rights are measured by other countries according to our physical power and our national spirit to redress wrongs. Foreign nations are as fully aware as we of the conditions of our naval force, at all times, both as regards its strength in material and its efficiency and sufficiency in personnel, and you know as well as do I that the greatest weight is placed on its efficiency and sufficiency in personnel.

One of the most brilliant newspaper men in this country said yesterday that the whole question which the House is considering has developed into a controversy between amateur guessing and professional knowing. Capt. Luke McNamee, one of the best-known officers of the present Naval Establishment, said the other day that Great Britain proposes to reduce her enlisted strength to 104,000 by April, 1923, a year from now. Her crews are old and seasoned, with 12-year enlistments. Ours are boys, with an average age of about 20 years, with two to four year enlistments.

In addition we have to maintain our tankers, repair, and hospital ships with regular sailors, mark you, using up 18,000 of the regular force, while Great Britain now mans these ships entirely with reserves that are never counted in her enlisted strength.

Japan proposes to reduce her enlisted strength to 68,000, although she is only allowed three-fifths of our strength, and this unquestionably, as the gentleman from Chicago [Mr. BRITTEN] said, would give her a greater strength than you would give us if you support this bill.

Our friend from Michigan [Mr. KELLEY] answers that the 67,000 men provided for in this bill will give us a Navy stronger than that of Japan and equal in its man power to that of Great Britain. Well, perhaps he knows—perhaps he knows—but I repeat in this argument that I am going to align myself with those officials in our Government who have made a life study of this game, rather than with the members of any committee to whom, after all, appropriations, whether they be for an Army or Navy, are mere incidents in a congressional career.

We realize that the naval holiday must last at least for 10 years, and that the number of ships to be kept afloat is fixed by the treaty.

No new ships are to be built by the United States for its Navy during that holiday. A few new ships now building are to be completed, and then the Government navy yards will have no construction work. Necessarily many workers must be discharged soon from our navy yards because of the naval holiday, because with our new Navy repair work will be comparatively slight. I want to emphasize these words. I am fully convinced as a member of this committee that the proposed limitation of 67,000 enlisted men will not suffice to keep our ships afloat at any one time. I am in mortal dread that if you pass this bill as it comes from the committee we will be burdened with a toy Navy.

Under the bill as reported a bluejacket will be a rare bird along the Atlantic coast line—a rare bird—but, O good people, the Atlantic coast line is not going to be left undefended. Some of the gentlemen who are so enthusiastic about scrapping the Navy that fights for and defends the whole country are looking on complacently while Congress votes millions to help organize another navy, a brand-new navy, to fight for one particular factional issue in this country. They are ready to reduce the Navy of the United States and to increase the prohibition navy. [Laughter.] They call it, you know, the rum-running navy, commanded by the prohibition commissioner instead of by the President of the United States, and the rum-running navy bids fair to take the place of the United States Government, because you will not dare to refuse their request for more millions whenever they come and ask for more millions. [Laughter and applause.] All the traditions of the future will be about the gallantry of Admiral Haynes [laughter] lashing himself to the mast and giving the command to "Go ahead, and damn the rum-runners and their explosive beverages!" [Laughter.] Do you know that the rum-running navy has already put into New York? And it is reported that it will proceed to the St. Lawrence and the Great Lakes and give battle to the rum runners from Canada whose armada is daily crossing the border waters and landing Canadian Club to the thirsty of New York, Buffalo, Cleveland, Detroit, Mr. KELLEY [laughter], Chicago, Mr. MADDEN [laughter], Milwaukee, Mr. STAFFORD [laughter], St. Paul, Minneapolis, and Duluth.

I am reminded that more than 100 years ago President Monroe negotiated a treaty with Great Britain by which all fortifications on both sides of the border should be scrapped and no warships of either Government admitted on the Great Lakes, and for a century we have had an unguarded border between the United States and Canada.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I yield to the gentleman five minutes more.

Mr. GALLIVAN. That long international line, stretching 3,000 miles from Maine to Washington, has been without forts and without warships, and the people have crossed the border without having to give the countersign.

But the rum-running navy under command of Admiral Haynes and Rear Admiral Wayne B. Wheeler [laughter], chief of the bureau of navigation [laughter], and supported by the gentlemen here who are ready to scrap the old navy of Commodore Jack Barry and John Paul Jones and Admiral Farragut and George Dewey, will scrap the Rush-Bagot treaty of 1818 and transfer our naval operations from the Atlantic and the Pacific Oceans to the Great Lakes and the St. Lawrence River. [Laughter.] Instead of the daily allowance of grog to the bluejackets who fought in the old days with Commodore Perry on the Lakes we will have cold water and grape juice served to the prohibition blue-ribbon boys who fight the rum runners from Canada. [Laughter.] I wonder how long it will be before the old United States Navy, manned by red-blooded boys, will have to be rebuilt and ordered to the Great Lakes to indulge in real fighting with Great Britain because of the violation of the old Rush-Bagot treaty by Admiral Haynes and his rum-running, mischief-making navy? I for one prefer the Navy that has fought for the honor and protection of the whole United States and battled on the seven seas, winning glory for more than 100 years, rather than to scrap that Navy, to economize at the spigot, and waste millions on a rum-running navy to operate without authority of law and in defiance of our treaties, and probably involve us in real war.

Mr. Chairman, in closing, I do not want our schoolboys to be deprived of the inspiration to patriotic duty and everlasting service to that flag by snatching away from them in this hour the stories of heroism and sacrifice and achievement linked with the names of Jack Barry and John Paul Jones and Admiral Farragut, and modest but immortal George Dewey. [Prolonged applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back one minute.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that

the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1281. An act for the relief of Capt. Edward T. Hartmann, United States Army, and others;

S. 150. An act to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department;

S. 1690. An act to correct the military record of John Sullivan;

S. 2719. An act to reimburse certain persons for loss of private funds while they were patients at the United States Naval Hospital, naval operating base, Hampton Roads; and

S. 1790. An act to place national guardsmen who entered the World War otherwise than through the draft on equal basis as to longevity and continuous-service pay with national guardsmen who were drafted.

The message also announced that the Senate had passed with amendments the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2556. An act to advance Capt. Benjamin S. Berry to the permanent rank of major; and

H. R. 7589. An act for the relief of Maj. Ellis B. Miller.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. KELLEY of Michigan. I yield 30 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, at noon today in concert with the gentleman from Michigan [Mr. WOODRUFF] I introduced a resolution providing for an investigation of certain Government departments. That resolution was read by the Clerk of the House; and rather than to take the time in reading it again, I am going to ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Chairman, the gentleman from Michigan [Mr. ROY O. WOODRUFF] and several other ex-service men of the House who enlisted in the late war, and either saw overseas service or were willing to see it, have for some time felt that there was an invisible biparty government in the United States which controls the real Government elected by the people, and they felt it was their duty to see that invisible government removed from power and that the constitutional legal Government assume its proper place and attend to the interests of the common, ordinary citizen.

In Mr. WOODRUFF's speech, which you have listened to with so much interest and which is based upon absolute facts, supported by evidence which we have in our possession, he has called your attention to the fact that after the armistice was signed on November 11, 1918, the Bosch Magneto Co., a large German-owned corporation, with assets of $8,492,457.61, was sold by A. Mitchell Palmer and Francis J. Garvan, Alien Property Custodian, to Martin E. Kern, a self-admitted convict and alien enemy, for the sum of $4,150,000.

He has shown that this sale, which took place under the Wilson administration, was underwritten by Hornblower & Weeks; and that for their services in negotiating this sale Hornblower & Weeks were donated 7,000 shares of stock, worth at the sale value (which is only one-fourth of the real value), $420,000. He has shown you that Hornblower & Weeks were allowed to purchase $1,800,000 of the notes of the company for $1,664,700, giving them a further net profit of $153,300. I will say that I am reliably informed that Secretary Weeks has not been connected with the firm of Hornblower & Weeks for 10 years. He has shown further that they were, with A. Mitchell Palmer and Francis J. Garvan, largely instrumental in making this sale, because Hornblower & Weeks have charged up and collected for expenses in this matter $16,069.78. The audit from which this is taken is not full and complete and does not show all of the individuals who are interested.

We do find that J. Harry Covington, a Wilson appointee to the bench, but who during the war resigned, was taken in the scheme for a profit of $25,000.

But it is evident upon its face that from the enormous expenses that were charged up in negotiating this matter that a great deal of money, aggregating $92,000, went to persons, unknown, who must have had great political influence in either the Wilson administration or the Harding administration, or both administrations, or they would have been in difficulty to-day for their participation in the transaction.

This is invisible financial government. It is the invisible financial government against which Theodore Roosevelt fought and which every man who saw service in the late war opposes. It is the kind of government which must be wiped out in the United States if the Government may function and if the Republic exists.

Mr. WOODRUFF has told you of the Mitsui Co., the Rockefellers of Japan. He has shown you how this Japanese firm was given $16,461,680.15 of aircraft contracts by the Government of the United States in spite of the fact that this company had been the fiscal agent of the German secret service for many years, in spite of the fact that it is known that they have been mapping our coasts and securing information concerning our Government, in spite of the fact that it is known that they have maintained a thoroughgoing and efficient secret service in the United States, and in spite of the fact that after we entered the war five airplane engines were shipped by this company to Japan at a time when America had no aircraft. Mr. WOODRUFF has shown you, and has the facts to prove his statements, that this company, under the Wilson administration, was allowed to rob the Government of $9,948,680.15, and that no attempt has been made to recover this sum of money by the War Department, which now has the power to take action.

To my mind this goes to prove the fact that not only is our Government in the control of an invisible biparty financial combine, but that this combine extends to other nations of the world, and that these Japanese financiers have an interlocking agreement and arrangement with corrupt politicians in the United States which has enabled them to take money by the millions from the funds of American taxpayers and the men and women who suffered and slaved to buy Liberty bonds.

Representative WOODRUFF, who was an infantryman in the Spanish-American War and an infantryman in the late war with Germany, has demonstrated and proved his case beyond the shadow of a doubt, and the further anyone delves into his facts the more convinced they will be that his statements are true.

Mr. WOODRUFF has shown you that at the close of the late war the United States Government had on hand 188,000,000 feet surplus of lumber of all varieties.

This invisible government, which ramifies to the heads of all the lumber industries of the United States, decided that the price of lumber should not be reduced to the ultimate consumer and that this surplus should not be thrown upon the market. With this end in view, the firm of Phillips & Stevens, which at that time had headquarters in the Capital of the United States, had a conference with the then Secretary of War, and an agreement was entered into whereby all of this lumber should be sold to them at an arbitrary price, supposed to be fixed upon commercial prices, but which in reality was only a fraction of them.

This was to apply to the softwoods only—spruce, pine, fir, and hemlock.

This firm then proceeded, at the contract price which was to be paid for softwood, to take over the other woods, consisting of millions of feet of mahogany, walnut, cherry, and valuable hardwoods, and by reason of their manipulations the Government of the United States has been defrauded out of $1,854,076.84, and the price of lumber, at a time when building operations were prohibitive in the United States because of the high price of lumber, was maintained at the high war price, and American women and children are to-day homeless or at the mercy of rent profiteers.

Mr. Phillips, the senior member of this firm, is the Republican national committeeman of Georgia, a man who must stand high in the councils of the party, and that he must have great influence is shown by the fact that although this matter has been of common knowledge to the officials of the Government since the time of the armistice, neither civil nor criminal proceedings have been taken against him, although it is clear that a lawyer of even mediocre ability could secure a conviction in a criminal case and make a recovery for the Government of $1,800,000.

This is the same Phillips who, when he came to a young man in the Department of Justice named Lenihan, a youthful and inexperienced attorney, who was too busily engaged in the discussion of war contracts and politics to enter the military service and secured exemption therefrom, stated that he was arranging the appointment of Federal judges in his district, was the leader of the Republican Party in his district, and that the negro attorney, Anderson, had no status as a political leader, and, like many another man of his type, invoked without

authority the name of the President of the United States to show his commanding position and the corresponding influence he ought to wield in Government appointments. He must be a part of the invisible Government.

This is simply typical of the hundreds of cases of fraudulent war contracts and contracts for the sale of surplus war property and the settlement of claims.

The reason for my interest in these matters and the discussion of the subject at this time is not solely because of the fact of war service nor service in Congress but because of the peculiar relation that has been forced on me in investigating these contracts as a Representative of this Congress.

On the 4th day of June, 1919, by House Resolution No. 78 of the House of Representatives, there was created the Select Committee on Expenditures in the War Department, of which Representative GRAHAM of Illinois was the chairman and of which I was a member. By action of that committee I was appointed chairman of Subcommittee No. 3, charged with the investigation of foreign expenditures, and acting as such chairman I submitted a report to this Congress on the 3d day of March, 1921.

As stated in that report that committee was handicapped in every possible way. While outside the jurisdiction of the United States that committee, in a courteous manner, requested the presence of Gen. John J. Pershing, leader of the American Expeditionary Forces, in order that it might interrogate him, but relying on the security of his position he did not appear and testify. It is the same committee that had appear before it the swearing politician, Charles G. Dawes, commonly and familiarly known in inner banking circles and to Sunday school parties as "Hell and Maria" Dawes. He testified that there was no graft or corruption in the War Department. As I read his testimony the other day I could not but feel that history will recall and compare that father of our country, George Washington; that great emancipator, Abraham Lincoln; that great statesman, Theodore Roosevelt; and the great apologist for the War Department, "Hell and Maria." It is the same committee that had appear before it practically all of the higher ranking generals of the American Army, and it listened to their testimony to the effect that there was little waste or extravagance in France, and none that was not justifiable; that the casualties on the 11th day of November, 1918, when approximately 400 clean American boys were killed after the armistice was signed, and about 3,000 wounded, could not have been prevented, and it is the same committee that demonstrated beyond the shadow of a doubt that the most vicious cruelties were practiced against the members of the American Expeditionary Forces in the prisons of Paris and Farm No. 2 at Chelles, and has later watched the War Department pardon the men who were convicted for those crimes and honor the men whom great generals of the Army, such as General Harbord and General Donaldson, have under oath stated were absolutely guilty. In that case I refer to Gen. William W. Harts. It is the same committee that could not get the records on which to make a financial and fiscal report, and frankly admitted that it was frustrated in its attempts to do so by the actions of the War Department under the last Democratic administration.

That committee terminated by operation of law on March 4, 1921. Those who knew that crimes had been committed in the name of the Government felt that with the advent of a Republican administration it would be easy to institute a further investigation, develop the facts, and punish the guilty individuals. In accordance with that view the chairman of the committee, Mr. GRAHAM of Illinois, on March 5, 1921, wrote the present Secretary of War asking that the committee be continued. To this letter the Secretary of War replied, "That the day of investigation had passed."

Here we have the spectacle of the Secretary of War—who is holding his position to-day largely because of the resentment of the soldiers of the late war, who knew they had suffered unnecessarily, and citizens, who knew that there had been graft and extravagance—taking the attitude that the time for examination had expired and refusing to cooperate with the Congress of the United States in developing the facts which we knew were in existence.

When that committee expired the former members were left without stenographic or accountant assistance. Some of the members, however, Representatives GRAHAM of Illinois, REAVIS of Nebraska, BLAND of Indiana, MCKENZIE of Illinois, and JEFFERIS of Nebraska, called upon the President of the United States and urged that the harness-contract grafters and the salmon canners, who canned million of cans of decayed salmon for the consumption of service men, and other grafters be punished, and undoubtedly the President of the United States, in accordance with his statement that the guilty would be punished, has issued his orders that prosecutions be instituted. They have not been instituted, however, except in a very few cases, and every move made to secure prosecution is blocked by practically the entire War Department and a section of the Department of Justice. It may be said, however, that the President did declare void the infamous and notorious contract for the purchase of all the harness and leather supplies of the Government by four ex-Army officers—Maj. Joseph B. Byron, Lieut. Col. George B. Goetz, Capt. H. W. Benkie, and Capt. Azel F. Cochran—all of whom received the salary of $25,000 each per annum out of this contract, and they were to receive a commission of from 20 to 40 per cent. The total amount of the contract was estimated at from $25,000,000 to $150,000,000, and the sale was to be made at figures so ridiculously low as to challenge credibility.

First, let us see what an unlimited opportunity there was to graft in the sale of surplus property. One of the first statements made by the War Department was that on December 13, 1920, there was $150,000,000 worth of surplus war property, but at the same time a bulletin published by General Bullard, of the eastern zone, estimated that the Government had on hand $6,000,000,000 worth of supplies, and even on March 2, 1921, Report No. 1406, Sixty-sixth Congress, third session, stated that there was a surplus of $3,722,233,848.54. It is very evident that anyone who had the sale of this property and desired to profit by reason of its sale could make an immense fortune.

The facts which I am going to show indisputably prove that the War Department has sold property and is to-day selling property at ridiculously and criminally low prices to favored customers, concealing the facts from Congress and deliberately misrepresenting the facts. They also show that the War Department is trying to control the Department of Justice by putting men who ought to be in the penitentiary on the Department of Justice pay roll and asking Congress to appropriate for it.

In proof of the fact that the War Department is misrepresenting the facts to Congress, I desire to call your attention to Public Resolution 193, approved July 9, 1918, which provides that the Secretary of War shall submit to Congress reports relative to all sales of property. On December 5, 1921, the Secretary of War submitted to the Speaker of the House the report provided for by statute, which was forwarded to me as chairman of the Committee on Expenditures in the War Department. That report, submitted to Congress in accordance with law, is the most fraudulent, misleading, and criminally deceitful document that was ever submitted to the American Congress, as is shown by the following facts, citing the pages of the record and the official reports in the War Department which I have with me to-day.

In letter of transmittal accompanying this report, the Secretary of War made this statement:

> The percentage of recovery on sales, including transfers with funds to other executive departments and agencies of the Government, is as follows:
> (a) November 20, 1920, to November 18, 1921, 16 per cent.
> (b) December 2, 1918, to November 18, 1921, 50 per cent.

A review of Secretary Weeks's report shows how little he actually knows of the true facts. Only a few of the thousands of false entries, indicating fraudulent transactions with many favored and "inside" purchasers, will suffice to show you the extent of the official depravity and duplicity exercised in defrauding the Government, which has ever gone on without restraint since the inception of liquidation process.

Such cases as the harness sale, the lumber contract, the H. Miller transactions, and countless other corrupt deals, transpired under former Secretary Baker. The cases with which we are now dealing can not be charged as one of the crimes against the late administration, for the reason that these corrupt deals have been consummated under the present Secretary of War.

Millions of dollars' worth of supplies were sold to each of a number of favored purchasers by "negotiation," without competitive bidding, without adequate bonds or deposits to protect the Government's interests, indefinite extensions of time granted for storage and delivery, and, finally, cancellations effected to meet the convenience of these specially favored set of grafters.

SALE OF CANNED MEATS TO THOMAS ROBERTS & CO.

A contract was entered into April 21, 1921, between the United States of America, represented by L. E. Hanson, lieutenant colonel, Quartermaster Corps, for the Quartermaster General, and Thomas Roberts & Co., 116 South Front Street, Philadelphia, Pa., signed by the following members of that firm, George W. B. Roberts, William B. Montgomery, Thomas Hahn, William H. Hahn, W. W. Thrasher, and Robert Clay, for the sale of ap-

proximately 119,000,000 pounds of canned meat, and all meat to subsequently become surplus, at the following prices:

	Per can.
Bacon, 12-pound cans	$1.20
Corned beef, No. 1, 12-ounce cans	.04
Corned beef, No. 2, 24-ounce cans	.07½
Corned beef, 1-pound can	.05
Corned beef, 2-pound can	.08
Corned beef, 6-pound can	.27½
Roast beef, No. 2, 24-ounce cans	.03½
Roast beef, 1-pound can	.03
Roast beef, 2-pound can	.03½
Roast beef, 6-pound can	.08
Corned-beef hash, 1-pound can	.03
Corned-beef hash, 2-pound can	.05

The above prices were f. o. b. cars point of location.

Deliveries were made and sales reported amounting to 129,719,722 pounds, netting a return to the Government of $6,135,244.97 for meats costing the Government a total of $56,631,289.54, recorded on page 732, "Serial List of Sales," Surplus Property Division, reporting office, Chicago, Ill., 7-1-21, the method of sale being reported as "Fixed price, depot quartermaster, Chicago," as follows:

	Pounds.	Price per can.	Return to Government.	Cost to Government.	
(48) Corned beef No. 1	6,704,177	$0.04	$268,167.08	$2,614,629.03	139,670
(24) Corned beef No. 2	15,582,290	.07½	1,168,671.75	11,063,425.90	649,262
(48) Corned beef, 1-pound	7,566,352	.05	378,317.60	3,707,512.48	157,632
(24) Corned beef, 2-pound	483,764	.08	38,701.12	357,985.36	20,158
(12) Corned beef, 6-pound	857,279	.27½	235,751.73	2,366,090.04	71,440
(48) Corned-beef hash, 1-pound	9,451,654	.03	283,549.62	3,213,562.36	196,909
(24) Corned-beef hash, 2-pound	12,352,676	.05	617,633.80	7,905,712.64	514,694
(48) Roast beef, 1-pound	1,419,704	.03	42,501.12	724,049.04	29,578
(24) Roast beef, 2-pound	9,699,139	.03½	339,469.87	9,311,173.44	404,130
(12) Roast beef, 6-pound	938,411	.08	75,072.88	2,468,020.93	78,200
(6) Bacon, 12-pound	2,239,432	1.20	2,687,318.40	12,899,128.32	373,239
Total	129,719,722		6,135,244.97	56,631,289.54	

These figures show that the Government received a net recovery of $0.0472 per pound on an average for the entire quantity which had cost the Government an average of 43.6 cents per pound.

The salient features of the contract will be quoted to show the extent of duplicity to which responsible Army officers and public servants have and are now going in the liquidation of the vast surplus stocks on hand as a result of the termination of war. Article 2 of the contract provides:

Should any canned meats hereafter be declared surplus, from the existing stock now on hand in the Quartermaster Corps, the purchasers hereby agree to accept said meats upon the same terms of payment, at the same price, upon the same conditions as specified in said contract, upon written notice by the contracting officer, and the period for the completion of this contract shall be extended in such portion as the additional quantities declared surplus bear to the entire amount originally contracted to be sold in this contract.

Article 3 provides:

There shall be a 100 per cent inspection by the United States before shipment of all properties delivered under the terms of this contract. The United States hereby guarantees that all of the property hereby sold shall comply with the pure food laws of the United States and of the several States and to be fit for human consumption. In the event that any meat delivered hereunder to purchaser is found to be deteriorated to such an extent that it can no longer be used for human consumption, or that same is not within the requirements of the pure food laws of the United States, or of the several States pertaining thereto, the purchaser shall, within 90 days after the date of shipment, as shown by the original bill of lading, serve notice accompanied by certificates of some duly authorized health officer or sworn affidavit of two competent officers to the effect that said material is not fit for human consumption or that it does not comply with the requirements of said laws, and thereupon the United States shall allow a credit of such material at the price hereunder agreed to be paid for the same and any freight thereon. The purchaser shall have the privilege of disposing of the material last described and there shall be deducted from such credit the amount realized, the same to be determined from sworn statements furnished by the purchasers. * * *

Article 5 shows that purchasers paid the United States the sum of $500,000 to be retained as a guaranty of faithful performance and to be applied upon final payment, deliveries to be made within seven months from date of approval of contract by director of sales; the purchasers agreeing to furnish shipping instructions, accept deliveries, and to pay for at least one-seventh part of the entire quantity each month; payments for all meats shipped during the preceding calendar months to be paid on or before the 15th day of the next succeeding month, upon presentation by the United States to purchasers of bills of lading or other evidence showing delivery; the United States not being required to ship any of the material in less than 10-case lots; the United States agreeing to segregate by brands all corned beef packed in No. 1, No. 2, and 1-pound cans.

This contract was approved April 21, 1921, by E. H. Hartshorn, lieutenant colonel, General Staff, director of sales.

The various phases of this unconscionable sale clearly indicate a conspiracy on the part of certain War Department officials and criminal negligence on the part of others in its conception and execution.

On the same day the contract was executed the Assistant Secretary of War, Mr. Wainwright, appeared before the House Military Committee and informed that committee that a sale of the War Department's surplus supply of canned meats of approximately 81,000,000 pounds—not 119,000,000 pounds, as shown in the contract, and all subsequently to be declared surplus—was made to Thomas Roberts & Co. for $5,316,276; that the meat cost the Government 34 cents per pound, and that the present market price averaged 34 cents; that the sale price was approximately 6½ cents per pound.

On April 28, 1921, Col. L. E. Hanson, Chief of the Surplus Property Division, who signed the contract for the United States, wrote a letter to "all control supply officers," stating:

A contract covering the sale of canned meats surplus, and to become surplus, has been entered into under April 21, 1921, at the following prices (prices stated above). * * *

Original purchasers now holding canned meats unsold to be allowed to return all unsold meats at their own expense and to be refunded purchase price.

In the design and execution of this fraudulent sale, entailing such a tremendous loss of public funds, it is improbable that any of the other innumerable illegal and corrupt sales were made with greater disregard of public interest and common decency.

When Colonel Hanson executed the sales contract which he signed on April 21, 1921, he knew that he had previously sold many million pounds, and a comparatively large portion of this surplus meat at prices from two to three times greater than those realized on the sales to Thomas Roberts & Co. He knew that in order to deliver the vast quantity, amounting to 119,000,000 pounds specified in the contract, it would be necessary to cancel these numerous and large sales made at the much greater figure, and that by so doing he would cause an actual loss to his Government of several million dollars.

Of course, the contract as executed by Colonel Hanson was silent in this important particular, but when he wrote to his six control supply officers on April 28, 1921, informing them that—

original purchasers now holding canned meats unsold to be allowed to return all unsold meats at their own expense and to be refunded purchase price—

he knew that he was merely confirming the fact that he was a party to an infamous plot to defraud the Government.

The record shows that parties who purchased under the higher figures prior to the Roberts contract were permitted to—

avail themselves of the right to return to the Government and buy back through Thomas Roberts & Co. (these same) canned meats.

And that in making refunds on these former sales amounts were—

credited and (meats) resold to Thomas Roberts without physically returning meats to warehouse.

The official record shows in only a small portion of these cancellations and refundments, so far examined, they amounted to the staggering figure of $1,115,999.01, not including a number of large sales. Besides this, it is reliably reported that the War Department is settling 30 additional claims for large amounts.

It is conservatively believed that a complete and final check of this transaction will show that the sale to Thomas Roberts & Co., after deducting the large quantities previously sold at higher prices, the cost of reconditioning and making a "100 per cent inspection," handling and recasing, will involve the Government in a loss in excess of that sum paid into the Treasury by Thomas Roberts & Co.

Furthermore, high officials charged with the responsibility of the sale of surplus materials were fully aware of this outrageous contract. For instance, in officially commenting August 19, 1921, to the chief coordinator, General Supply, on the sale to Thomas Roberts & Co., one of them stated:

2. In view of the fact that there appear to be no grounds on which this contract could be voided by the Government, this memorandum may be criticized on the score that it deals with a transaction impossible of correction. Your attention is invited, however, because the sale reflects upon the manner in which men still engaged in the disposal of Government surplus property have functioned.

3. Under the contract, the purchaser acquires the entire stock of canned meats owned by the War Department. No canned meats will be held in reserve as supplies. Consequently, upon the completion of the contract, in November, the War Department will have to go into the market and acquire a sufficient stock of canned meats to meet its requirements.

4. In defending the making of this contract, the officers attached to the staff of the Quartermaster General contend that the meat had to be disposed of promptly, as they were of the opinion that it could not be carried through another summer. Nevertheless, under article 5 of the contract, the purchasers are given seven months in which to accept delivery. That provision extends the life of the contract until November 21 next. In addition, the War Department agrees, article 3 of the contract, to give a credit for such material as may spoil after delivery, on presentation of proper certificates, within 90 days after the date of shipment shown on the original bill of lading.

5. Thomas Roberts & Co. in offering this meat for sale to the public, through advertising mediums, make this expressed representation as to its condition: "The goods are absolutely first-class quality and will keep indefinitely."

6. Lieutenant Colonel Hanson, the contracting officer, when questioned as to the number of "swells" which were found in the meat that has been delivered to date to Thomas Roberts & Co., said the percentage would not be more than 1 or 2 per cent, certainly not more than 5.

7. The length of the life of the contract, the representations concerning the meat made to the public by Thomas Roberts & Co., and the proposition of spoilage estimated by Colonel Hanson would not appear to support the Army's fears concerning deterioration of the meat during the present summer.

10. * * * Bear in mind that the purchaser is relieved of all expense incident to the handling of the meats acquired. The only restriction placed upon him is that he shall not issue shipping instructions for less than 10-case lots. Conforming with that restriction, he has merely to call upon the War Department to fill the orders which he may receive for stocks which he offers for sale. Nevertheless, the Roberts company is selling corned beef, No. 1 tins, 12 ounces net, for which they paid 48 cents per dozen, at $1.10 per dozen, less than carload lots. The Roberts company is selling roast beef, 6-pound tins, for which they paid 8 cents per tin (1⅓ cents per pound), at 55 cents per tin.

11. Prior to the sale of the entire stock of canned meats to the Thomas Roberts Co. the War Department had spent a large sum of money in advertising these meats for sale at wholesale prices, which are set forth in the attached copy of War Department advertisements. For purposes of comparison note the prices at which it was later sold to the Thomas Roberts Co.: Roast beef, 6-pound cans, were offered at 70 cents per can (12⅝ cents per pound against 1⅓ cents per pound as made to Thomas Roberts & Co.); they were sold to Thomas Roberts & Co. at 8 cents per can. Quantity discounts were allowed in the offerings made by the War Department to the general public.

12. I am informed that prior to the time the War Department went out to feel the market with a view to offering the entire stock of meats for sale it was making sales under its advertised prices at the rate of approximately $250,000 worth per week.

13. By article 3 of the contract the War Department is obligated to make a "100 per cent inspection." This means that the War Department must open every case of meats embraced in the sale, take out each individual can, and test it.

14. * * * Colonel Hanson, however, told me that he was under the impression that the inspection was costing approximately 25 cents per case.

15. When those responsible for the disposal of the stocks decided that the entire quantity of meat must be disposed of promptly, they sought to obtain bids on the entire stock held by the War Department. The surplus property officers in each of the six quartermaster zones which the country is divided were instructed to ascertain whether or not there were interests in their respective territories which were in a position to bid on such a quantity of meats and to invite them for the entire stock. As a result of this effort, six bids were before the Quartermaster General at the time that the offer of the Roberts Co. was accepted.

16. Colonel Hanson and his associates assert that it was impossible for the War Department to dispose of this meat. They assert that much time and effort was spent in an endeavor to find a market in which a higher percentage of recovery might be effected. The Roberts Co. does not appear to have been confronted with such difficulties. While their conditions of sale, as embodied in the attached copy of their advertisement and equally as stringent as those of the Government, the Roberts Co. is, according to Colonel Hanson, disposing of this meat even more rapidly than the War Department can fill shipping instructions. At the end of July last the Roberts Co. had already paid into the War Department $6,135,244.97. This was the recovery made by the Government on meats which had cost the War Department $56,631,289.54.

17. While this sale was negotiated by representatives of the Surplus Property Division, Office of the Quartermaster General, it was approved by the Director of Sales of the War Department; when the Director of Sales of the War Department sent the proposed contract to his Board of Sales Review, that body unanimously disapproved the proposed sale. Nevertheless, the Director of Sales gave the transaction his formal approval.

18. The Thomas Roberts Co. is located at Philadelphia. It is a wholesale and brokerage organization. It is not to be presumed that it has a sales organization which covers the country as completely as does the surplus property organization of the Quartermaster General of the Army. The fact that the Roberts Co. has received in disposing of this meat as expeditiously as it has, and at prices much higher than those paid by it to the War Department, does not reflect credit upon the sales organization which was responsible for the disposal of this surplus meat.

19. Article 2 of the contract disposed of future declarations of surplus stocks of meat held by the Quartermaster Corps. While it was the intention of the contracting officer for the Government to sell to the Roberts Co. the entire stock of canned meats owned by the War Department, the incorporation in Government contracts of clauses which obligate future declarations of surplus are generally regarded as detrimental to the best interests of the Government.

On August 30, 1921, Lieut. Col. L. E. Hanson, Chief Surplus Property Division, wrote a memorandum to the Assistant Secretary of War (Attention: Director of Sales) referring to—

reflections of Mr. Mattingly as submitted on August 19, 1921, to the chief coordinator, General Supply.

2. * * * In making this contract with Thomas Roberts & Co. the Government reserves the right at all times to withhold any or all portions of surplus canned meats sold under the terms of this contract as might be required for the needs of the Army and such other governmental departments as are entitled to receive any supplies from the Army.

When Colonel Hanson made the above-quoted statement he knew that it was utterly false; he knew that there was not a word in the contract to which he affixed his signature that reserved any rights on the part of the Government to withhold from Thomas Roberts & Co. one single pound of this meat. He knew that the contract itself expressly provided in articles 1 and 2 for the sale of all surplus meats then on hand and—

should canned meats hereafter be declared surplus from the existing stock now on hand in the Quartermaster Corps the purchaser hereby agrees to accept said meats upon the same terms of payment, at the same prices, upon the same conditions as specified in this contract, upon written notice by the contracting officer; and the period for the completion of this contract shall be extended in such portion as the additional quantities declared surplus bear to the entire amount originally contracted to be sold in the contract.

Colonel Hanson's statement is proved false by letter of November 1, 1921, from the Acting Quartermaster General, signed by Col. W. S. Wood, Quartermaster Corps, to the Assistant Secretary of War, as follows:

1. In reply to your memorandum of October 29, 1921, copy herewith, paragraph 2 of memorandum from this office dated October 27, 1921, reading: "These stores have not been obligated for sale to date," is in error, as all canned meats on hand in the Army in surplus are obligated to Thomas Roberts & Co. under the contract had with that firm. The contract, however, provides that there shall be a 100 per cent inspection before the meats are turned over to the Thomas Roberts Co., and none which are deteriorated or unfit for human consumption will be delivered. * * *

On August 30, 1921, the Assistant Quartermaster General, Brig. Gen. C. R. Krauthoff, replied to the Director of Sales with reference to memorandum of August 26, wherein the Director of the Budget had called for information—

as to the spoilage of canned meats at New York and Chicago, as well as the approximate amount of canned meat that will be necessary to purchase during the present fiscal year—

Stating—

The quartermaster supply officer, New York general intermediate depot, in telegram dated August 29, 1921, reports as follows:

"Replying special-delivery letter August 27, percentage of canned bacon found bad, 40 per cent; beef, corned, 7 per cent; beef, roast, 16 per cent; hash, corned-beef, 35 per cent."

The quartermaster supply officer, Chicago general intermediate depot, in telegram dated August 29, 1921, reports as follows:

"Relet your office August 27, inspection canned bacon and canned meats sold Thomas Roberts & Co.: Bacon shows 8.64 per cent deterioration to August 27. August shows highest per cent; other meats show 14.86 per cent, August running as high as 23.50 per cent. Full report by mail to-day."

2. The approximate quantity of canned meats it will be necessary to purchase during the present fiscal year is shown below:

	Pounds.
Bacon, issue, 12-pound cans	2,400,000
Beef, corned, 1-pound cans	464,400
Beef, corned, 2-pound cans	941,200
Beef, fresh, roast, 1-pound cans	22,100
Beef, fresh, roast, 2-pound cans	47,280
Hash, corned beef, 1-pound cans	268,140
Hash, corned beef, 2-pound cans	545,580

On August 31, 1921, Brigadier General Krauthoff, Assistant Quartermaster General, wrote the director of sales:

With further reference to letter of the Director of the Budget dated August 24, General Krauthoff stated that canned meats are being held in reserve as follows: Bacon, corned beef, roast beef, totaling 1,740,452 pounds.

2. In connection with the above-listed reserves now being carried in the United States, it is desired by this office to declare same surplus before the expiration of the Thomas Roberts contract, and replace same by purchase of new stock.

On September 2, 1921, the Assistant Secretary of War wrote the Director of the Budget, replying to his letter of August 24 addressed to the Chief of Staff, dealing with the sale of canned meats to Thomas Roberts & Co. After listing the reserve canned meats on hand amounting to 1,740,452 pounds, as stated by the Quartermaster General, the Assistant Secretary stated:

In the same paragraph (letter Director of the Budget, August 24) it is stated that shortly after the date of expiration of the contract with Thomas Roberts & Co., November 21, the War Department will have to go into the market to purchase canned meats. It is the desire of the Quartermaster General to declare surplus the canned meats mentioned above as reserve stock before the expiration of the Thomas Roberts & Co. contract, so that the same may be replaced by the purchase of new stock. The reason for this request is that the percentage of spoilage is so high that it will be more profitable for the Government to sell all the meat it now has on hand and purchase anew. The approximate quantity of canned meats it will be necessary to purchase during the present fiscal year is as follows.

On August 30, 1921, the Assistant Quartermaster General advised the Director of Sales that the approximate quantity of canned meats it will be necessary to purchase during the present fiscal year would amount to 4,688,700 pounds, consisting of bacon, corned beef, fresh roast beef, and corned-beef hash.

Colonel Hanson stated in reference to reconditioning that he "was under the impression that it was costing approximately 25 cents per case."

If this statement were true, the cost to the Government would then have been approximately $600,000. If Colonel Hanson was as inaccurate in this statement, and it is believed that he was, as in his statement that the percentage of "swells" would not be more than 1 or 2 per cent, certainly not more than 5, then the cost of the inspection and reconditioning of this vast amount of meat would amount to several times $600,000. For instance, in contrast to statement of Colonel Hanson as to the small percentage of spoilage, amounting to from 1 to 5 per cent, just consider for a moment the official statement of the Assistant Secretary of War, dated September 2, 1921, as reported from New York and Chicago depots. The Assistant Secretary states:

In New York the spoilage is as follows:

	Per cent.
Canned bacon	40
Canned beef	7
Roast beef	16
Corned-beef hash	35

The spoilage for the month of August in Chicago is as follows:

Canned bacon, 8.64 per cent.
Other meats from 14.86 to 23.50 per cent.

It does not require an expert to know that Colonel Hanson's estimated cost of 25 cents per case is far inadequate to include the overhead charges, the pay of officers, inspectors, clerks, packers, and laborers to open these millions of cases, remove and carefully inspect every can contained in each case, dispose of the rejects, ranging as high as 40 per cent, dispose of these, properly recase and place free on board cars at the expense of the Government, is a ridiculous absurdity.

As a further illustration of the corruption involved in this sale, an indorsement of December 29, 1921, of Roy W. Hern, captain, Quartermaster Corps, Surplus Property Division, Atlanta, Ga., to the Quartermaster General, is cited:

1. Returned inclosing statement of goods returned to the Government by McCord-Stewart Co., Atlanta, Ga., and a Frederickson Co., Charlotte, N. C. These two are the only firms purchasing canned meats who availed themselves of the right to return to the Government and buy back through Thomas Roberts & Co. canned meats.

2. These statements show the price at which these meats were sold to these parties by the Government, and also the prices at which they rebought from Thomas Roberts & Co., Philadelphia, Pa. These parties paid this office for the meat at the Thomas Roberts & Co. prices and the checks were forwarded with the statement covering same to the quartermaster supply officer, Chicago, as instructed, together with receiving reports and shipping tickets.

Among others participating in this high-handed robbery of the Government was one Paul Klopstock, 17 Battery Place, New York City, to whom a sale was reported in "Serial List of Sales," page 411, December 3, 1920, amounting to 8,000,000 pounds of bacon, 12-pound cans, at $2.50 per can, less 35 per cent discount, sales price $1,083,332.25, cost price reported as $3,839,996.16.

Associated with Mr. Klopstock is E. C. Morse, former Director of Sales of the War Department, who was partially, at least, responsible for the War Department's failure to dispose of this meat at far more favorable prices. On March 26, 1921, Mr. E. C. Morse wrote Wallace Jenkins, New York, as follows:

I am inclosing herewith copy of the February 24 New York inventory of canned meats with list prices, cans per case, gross weights and discounts given by the Government. As our contracts run over a million dollars we are entitled to 35 per cent discount. This will give you something to work on.

As I indicated to you yesterday, if we can develop any business, we will be willing to make mutually satisfactory arrangements regarding profits.

On December 31, 1921, Colonel Hart, division quartermaster, New York, wired the Quartermaster General response to inquiry, stating:

"Refunds account Thomas Roberts, Paul Klopstock, $783,331.25."

On January 22, 1922, Colonel Cabell, quartermaster, Fort Sam Houston, Tex., wired the Quartermaster General that "Total refunds, cash and credit, $117,367.60," and stating that "$78,184.68" was "credited and resold to Thomas Roberts without physically returning meat to warehouse."

This fraudulent and abortive sale is just one of literally hundreds of such similar transactions as have been committed by Colonel Hanson and other Army officers in the sale of surplus property which were made under the régime of former Secretary Baker, condoned and defended by the War Department bureaucracy, and have continued under the present Secretary of War.

Whatever false excuses and camouflaged justification made for these outrageous frauds under the late administration can not now be well invoked by the present Secretary of War, certainly it was not for lack of information of gross and flagrant violations of the law that they should have been permitted to continue.

The Secretary of War and Chief of Staff were aware of the investigations of the congressional committees and other sources and must have known of the intolerable conditions prevailing in the War Department when he assumed office. The majority members of the investigating committee of Congress waited upon the Secretary in a body and pleaded for corrective measures to remove the evils.

These things were available as a guidepost, and if they were not deemed sufficient to warrant a thorough cleansing of his bureau, the now notorious contract with the United States Harness Co., a contract conceived and executed in fraud and voided by the President on advice of the Attorney General June 16, 1921, most assuredly should have served as a further warning.

It will be recalled that Col. L. E. Hanson also executed the infamous harness contract under Secretary Baker, which was voided by the President. This officer was not removed from his important position or court-martialed, as the interests of the Government required, but was permitted to remain in his position to further allow the Government to be defrauded out of additional millions of dollars.

To say that the $56,000,000 meat sale to Thomas Roberts & Co. "reflects upon the manner in which men still engaged in the disposal of Government surplus property have functioned," as was said by Mr. Mattingly, of the Budget staff, "may be criticized on the score that it deals with a transaction impossible of correction," is stating the question in its mildest phase. Had Mr. Mattingly been in a position to characterize this sale in its proper light he would undoubtedly have determined it as a clear case of conspiracy to defraud the Government.

At a time when the administration is directing its energies in the interests of economy and efficiency such transactions as this certainly indicate an utter lack of information and due efficiency, if not criminal negligence, on the part of high Government officials.

Under the circumstances, it seems incredible that the Government would sell all of its surplus meats at a price averaging the ridiculously low figure of 4.7 cents per pound on an average, and then proceed immediately to purchase several million pounds of the same meats at the current market rate, some six times greater than received on its sale.

That Thomas Roberts & Co., undoubtedly realizing the possibility that the President might void their contract for fraud, as he did in the case of the United States Harness Co., is indicated by the fact that they instituted a whirlwind selling campaign and disposed of this enormous quantity and had apparently completed the contract and escaped with their unlawful profits by July 1, 1921.

Roberts & Co. seem to have encountered no difficulty in disposing of this meat at extraordinary profiteering prices as soon as it came into their physical possession.

As an illustration, for the purpose of comparison, they paid the Government 8 cents, or 1½ cents per pound, for roast beef containing 6 pounds of meat, which they sold to the public at 70 cents per can, 11.66 cents per pound, netting them a profit of about 900 per cent. As another illustration, the Government sold Roberts & Co. corned beef No. 1, 12-ounce can, at 4 cents per can, which Roberts & Co. resold to the public at 9.2 to 12 cents per can, netting them a profit of approximately 230 per cent.

This intolerable condition may astonish my colleagues who on July 29, 1919, were so much interested in the breaking of the high cost of living that they passed a House resolution on July 29 of that year directing the War Department to dispose of the surplus foodstuffs and commodities entering into the household expenditure in such a manner as to reach the ultimate consumer.

The War Department opened and operated for a time a chain of quartermaster retail stores for this purpose. In its sales through the retail stores the War Department was not so sympathetic as to prices when it sold to the housewife as it was to Thomas Roberts & Co. The prices charged the housewife was $2.75 per can of 12 pounds of bacon, which was sold to Roberts for $1.20. Corned beef No. 1 was sold at 25 cents per can to the housewife and 4 cents per can to Thomas Roberts. Corned beef No. 2 cans were sold to the housewife at 45 cents per can and were sold to Thomas Roberts at 7½ cents per can. Corned beef, 6-pound cans, were sold to the housewife at $1.75 per can and 27½ cents per can to Roberts. Roast beef No. 2 cans were sold to the housewife at 63 cents per can and were sold to Thomas Roberts at 3½ cents per can. Roast beef No. 1 cans were sold to the housewife at 29 cents per can and to Roberts at 3 cents per can. Roast beef, 6-pound cans, were sold to the housewife at $1.90 per can and were sold to Thomas Roberts at 8

cents per can. Corned beef hash, No. 1 cans, were sold to the housewife at 22 cents per can and were sold to Roberts at 3 cents per can. Corned beef hash, 2-pound cans, were sold to the housewife at 37 cents per can and were sold to Roberts at 5 cents per can.

Representatives will no doubt recall the fact that on March 17, 1919, Col. A. M. Davis, Quartermaster Corps, on duty in the Quartermaster General's Office, wrote a letter to Frank Gerber, president of the National Canners' Association, stating:

Your letter of March 15 to Maj. Gen. H. L. Rogers has been referred to me for reply. I am glad to be able to relieve your mind on the subject of Army supplies of canned vegetables to be dumped on the market. Acting along the lines suggested by you, canned peas, corn, squash, and string beans will be added to the ration list which has always contained canned tomatoes. This will entirely dispose of our stock and eliminate surplus. I trust this will relieve your mind and those of your associates in the canners' association.

This may be taken as but an illustration of the Quartermaster General's attitude and conduct in the sale of supplies under his jurisdiction and applies particularly to the sale of canned meats to Thomas Roberts & Co.

The Quartermaster General and his subordinates well knew in 1919 and 1920 that this enormous stock of canned meats were on hand were deteriorating, as shown by official reports, and they knew full well that they could not dispose of the entire amount of surplus without difficulty at prices many times greater than received from Thomas Roberts & Co. It is clearly apparent that the Quartermaster General and the director of sales made no special effort to dispose of this surplus until about the middle of 1920, and even then it was offered at prices ranging up to seven times greater than the prices realized from Roberts & Co. This must mean that an arrangement of some kind was made with the packers.

The record shows that there were enormous cancellations or withdrawals of this surplus from sale, and that as late as May 13, 1920, the assistant director of storage, acting for General Rogers, notified the Surplus Property Division that the Quartermaster General—

has instructed this office to declare surplus 1–12 of the war reserved meats, beginning on the 1st of May, 1920, and declare the same quantity surplus each month thereafter. In accordance with these instructions, it is estimated that the following quantities of bacon and canned meats will be declared surplus during the month of May and a like quantity each month thereafter:

	Pounds.
Bacon, serial No. 10, 12-pound cans	838,696
Beef, corned, No. 1	16,515
Beef, corned, No. 2	765,422
Beef, corned, No. 6	482,022
Hash, corned beef, 2-pound cans	1,009,212

Making a total released for monthly disposal of 3,111,867 pounds, or a total amounting to 37,424,004 pounds authorized to be disposed of up to May 13, 1921.

If the War Department was acting in good faith and really desired to dispose of its enormous stocks of canned meats on hand, then amounting to about 150,000,000 pounds, why did it place definite and absolute restrictions on its sales and actually prohibit sales in excess of 3,111,867 pounds per month for a period of 12 months? The answer appears clear to any ordinary mind.

The War Department would not sell its meat in conflict to the packers' interests, which it guarded with such jealous interest. The whole meat transaction is but a repetition of the Quartermaster General's attitude toward the sale of canned vegetables above mentioned, in utter disregard of congressional resolution, the interest of the Public Treasury, and the public, who urgently needed and would have absorbed this food at fair prices to the Government.

The great packers required no such benevolent consideration at the hands of the Government. They had profited enormously on their products during the war, and were at all times able and amply forceful enough to protect their own interests. The packers are now suing the Government for $7,909,335.28 for canned meats which were never delivered and on an alleged verbal order placed just at the time the armistice was signed. Of course, in this suit the packers are claiming the high price prevailing during the war time.

If the packers be successful in this suit, it has been stated that this will open an avenue for a further assault on the Public Treasury under similar claims, which will reach into incalculable millions.

Can anyone possessing the semblance of intelligence conceive of the idea that such intolerable and inexcusable conditions of corruption and inefficiency could exist in our present age? If these conditions did not exist as a matter of fact, as amply demonstrated by indisputable facts, such conditions would, indeed, seem incredible. If there are any who doubt the accuracy of these facts, I can assure them that these statements are made after due investigation and careful consideration of the War Department's own records.

For instance, the Seneca Trading Co., an associate of H. Miller, of New York City, purchased by "negotiation" on May 13, 1920, approximately $1,000,000 worth of Army duck, etc., at sale price. Time extensions were granted for payment and delivery until April 6, 1921, when cancellations were effected. Only one of these items, which is illustrative of all the rest, will be cited.

The record shows on May 13, 1920, sale was made to Seneca Trading Co., New York, under SPD No. 13299, of 263,633 yards of duck, olive drab No. 1, 22½ inches, at 39.6 cents per yard; total sale price being $104,398.67; cost of material was reported to Congress as $231,997.04. At the time this sale was made this duck had just been offered for sale on fixed price list at 44 cents per yard, the price then demanded of the legitimate purchaser. On April 6, 1921, this sale with all other sales made on that date were canceled over the signature of Capt. C. N. Neal, acting chief, sales control section, and approved by Lieut. Col. L. E. Hanson, chief of the Surplus Property Division. The—

reason for cancellation: No cash deposit having been made on these sales and it being a known fact that it would be impossible for this concern to consummate them, it is considered to be to the best interest of the Government to cancel the undelivered balance of the sale, thereby making goods available for resale.

Now let me invite your attention to what happened in only this one instance.

The resale is recorded under the same SPD No. 13299, on page 763, July 6, 1921, as having been sold to Sigmund Eisner Co., one of the greatest favorites of the War Department, who has purchased millions of dollars' worth of material without competition and at far less than actual value. Eisner paid for this same material 0.101 per yard, a total sum of $26,534.22, the cost of which was falsely reported to Congress as $60,424.45. The correct cost was $231,634.51.

Another sale canceled by Captain Neal and Colonel Hanson for the reason that no cash deposit was made was recorded to the Seneca Trading Co. as 79,943 yards duck olive drab, No. 2, 22½ inches, at 0.378 per yard, total sale value $30,027.94, cost having been reported to Congress, on page 2314, June 19, 1920, as $65,664.28. This material was resold to Sigmund Eisner as 79,426 yards duck olive drab, No. 2, 22 inches, at 0.096 per yard, $7,624.90, and was reported to Congress, on page 763, "Serial list of sales," July 6, 1921, as having cost the Government $17,473.72.

The sale to the Delphi Mills (Inc.) (H. Miller), of 94,513 mosquito bars, at 20 cents each, total sale value $18,902.60, recorded on page 802, August 12, 1921, in report to Congress as having cost $216,434.77, whereas these bars had cost the Government $499,485.45. This is only one of scores of involved and interlocking transactions with the Delphi Mills, owned and controlled by H. Miller, who also owns and controls, or is interested in, the Berkshire Trading Co., the Chatham Cotton Co., F. W. Jones (Inc.), and Seneca Trading Co., whose combined purchases will aggregate about $15,000,000.

The Berkshire Trading Co., with whom H. Miller is associated in partnership with former Capt. J. F. Falter, of the Surplus Property Division, had previously purchased these mosquito bars from the Government at $1 each and had them held subject to his call in storage for a period of more than one year.

The original sale was reported to the Berkshire Trading Co. as irregular and corrupt, and it was pointed out that the Surplus Property Division had accepted a "phoney" bond, which in no sense afforded the Government any protection. Notwithstanding this fact Colonel Yates, and subsequently Colonel Hansen, permitted the original sale to stand for a period of more than a year, then canceling the sale for the reason that they could not enforce it under the fraudulent bond. The Government sustained a loss in that transaction of approximately $1,450,000. In a subsequent resale by "negotiation" without advertisement made to Charles Cohen, New York, at 10 cents each was secured for reclaimed bars and 17½ cents for new bars.

F. W. Jones, in reality H. Miller, comes in for a liberal share of favoritism, as shown by the report. For instance, in April, 1920, the Chatham Cotton Co., then controlled by H. Miller, purchased 276,900 yards of duck, O. D. No. 6, 72-inch width, by "negotiation" at $1.13 per yard of the identical lot and SPD number under which H. Miller had in January, 1920, purchased 239,104 yards, at 65.25 cents per yard, by "negotiation" from Colonel Purcell, who, on February 18, 1920, reduced the price to 47½ cents per yard, and later swore that the material was worth $1.30½ per yard.

The Chatham Cotton Co., running true to form, with the Surplus Property Division, obtained a cancellation on this sale

in June, 1921, and by a resale of this duck the Government lost $222,268.97.

Of course the surplus property officials, in view of their record, could be depended upon to see that the Miller-Chatham Cotton Co. associates would not be deprived of further favors, and we find that F. W. Jones, who is said not to exist, but is in reality H. Miller, purchasing 50,000 yards of the same material, at 26 cents per yard, which had been sold formerly to the Chatham Cotton Co., another Miller interest, at $1.13 per yard.

The Jones favors did not cease with that transaction. It is noted that a sale was recorded to him on July 11, 1921, of 52,296 yards of duck No. 4, 48-inch, at $0.2326 per yard, total sale value $12,164.05, the cost of which was falsely reported to Congress as $18,303.60. This material had been sold to the Universal Trading Co. on January 31, 1920, at $1.07 per yard, and cancellation was subsequently effected. The actual cost of this material was $72,482.26, and not $18,303.60, as reported.

Another sale was recorded on July 11, 1921, of 93.135 yards of duck, gray, No. 6, 36-inch, at $0.1651, for a total sale price of $15,360.08, the cost of which was falsely reported to Congress as $32,562.25. This same material, under the identical number, had been sold to Foster & Stewart on January 1, 1920, at $0.6525 per yard. The actual cost of this duck was $93,135.50, and not $32,562.25.

Another sale, recorded on July 19, 1921, of 32,481 yards duck No. 4, 60-inch, at $0.2826 per yard, total sale price $9,179.13, the cost price of which was reported to Congress as $21,112.65. The actual cost price of this duck was $50,690.36.

Another sale, recorded July 11, 1921, of 9,809 yards duck No. 4, gray, 72-inch, at $0.3426, total sale price $3,360.56, and cost falsely reported to Congress as costing $3,433.15. The actual cost price of this material was $21,035.09, seven times the amount reported.

This same duck had been sold on January 30, 1920, to the Universal Trading Co. at $1.61 per yard, whose sale was subsequently canceled.

Another sale to F. W. Jones is recorded on page 772, July 11, 1921, as 6,530 yards duck No. 4, gray, 80-inch, at $0.4026, total sale price $2,628.98, the cost of which was falsely reported to Congress as $2,285.50. The actual cost of this material was $15,672, and this identical material had been previously sold to the Universal Trading Co., January 31, 1920, at $1.45 per yard.

The sale of heavy wool stockings, amounting to 812,673 pairs, was made to the Wool Products Co., Watertown, N. Y., at 23½ cents per pair, totaling a sale price of $190,978.16, and was reported to Congress as having cost $406,336.50. This sale was made under SPD 10398 and recorded on page 299, November 6, 1920, "Serial list of sales." This sale was canceled June 2, 1921.

It is observed that the same stockings were sold under the same SPD numbers, totaling 800,673 pairs, to Phelps & Quinn, at Louisville, Ky., at 9 cents per pair, total sale value $72,060.57, and the cost falsely reported to Congress, on page 752, July 19, 1920, as $208,174.98.

This is only one of a similar number of deals involving the Wool Products Co. and the surplus property officials. This firm, with its associates, purchased millions of dollars worth of surplus property under most favored conditions, profited enormously, and obtained cancellations and avoidance of contracts whenever it meant their interests to do so.

Among other things, they purchased 72,641 steel cots in one lot, at $1.70 each, the total sale price amounting to $123,489.70. They subsequently obtained cancellation, and the cots were resold at 52½ and 55 cents each.

On another lot of 30,500 steel cots purchased November 11, 1920, at $1.70 each, amounting to $51,850, they subsequently obtained cancellation, and resale was made of the identical cots under the same sales numbers at 39 cents each to E. B. Harris, Boston, for a total of $11,895. They purchased other steel cots on October 20, 1920, numbering 37,794, at $1.70 each, at sale price $64,249.80. This sale was also canceled, and these same cots were resold on August 29, 1921, to the Boston Stores, Chicago, at prices ranging from 37½ to 52½ cents.

The record further shows that a sale of 39,448 cots, steel, at $2.50 each, total sale price $98,620, as recorded October 27, 1920. This sale was canceled, as shown by page 594, "Serial List of Sales," April 26, 1921, and, of course, they were sold at a loss corresponding to those above cited.

Another sale of cots were recorded as 35,183 on October 20, 1920, at $1.70 each, total sale price $59,811.10. A resale of 28,983 of these cots is recorded August 29, 1921, to the Boston Stores, Chicago, at 35½ to 42½ cents each.

The Surplus Trading Co. on June 14, 1920, purchased by "negotiation" 210,000 yards of mackinaw cloth, plaids, and mixtures, cotton warp, at 60 cents per yard, amounting to $126,000 at sale price, and 65,000 yards of mackinaw cloth, plaids, and cotton warp, at 58 cents per yard, totaling $37,700 at sales price. This material had cost the Government $1.17½ per yard.

Other sales were effected about the same time for large quantities.

The Surplus Property Division permitted cancellation of these sales, and this material was subsequently resold under another designation, that of "coating cotton warp," at from 29 cents to 40 cents per yard.

The record shows that the American Relief Administration purchased 540,403 yards of this material for the sum of $180,696.65, which was reported to Congress as having cost $334,551.05, when the actual cost was $634,956.02.

Backrack Bros. (Inc.), who had purchased millions of dollars' worth of surplus, and are allied with the Wool Products, Max Stabins's interests, also specially favored, purchased 147,920 shaving brushes, December 23, 1920, at 5 cents apiece. They were permitted to cancel this sale January 29, 1921, and 139,120 of the same brushes were resold to J. A. Williams & Co. at 2¼ cents each, and the cost was falsely reported to Congress at 10 cents each, whereas it was 14.3.

Wool Products Co. were sold 380,987 pairs of gloves, cotton, at 8 cents per pair, as recorded February 3, 1921, totaling sale price $30,478.96, and the sales price was falsely reported to Congress as costing $95,246.75; sale having been made under SPD No. 19056.

On September 12, 1921, a sale is recorded to the Stabins Sales Corporation, under the same SPD number, of 350,937 pairs of gloves, white, at 4½ cents per pair, at a total sales price of $14,329.93, the cost of which was reported to Congress as $175,468.50, whose interests interlock with the Wool Products Corporation.

I will cite one other item which may be regarded by some as a luxury, but, nevertheless, one that is indulged in more or less by every citizen of the land. This is candy. Every soldier who served in France eagerly sought his allotted portion of this commodity, and will no doubt be interested and amazed to learn that his benevolent Government was so considerate of the profiteer. For instance, it is a fact that a sale is recorded on page 742, under date of June 27, 1921, of the "Serial List of Sales," as made to M. C. Raysor, of Washington, D. C., of 173,805 pounds of candy which had cost the Government $44,444.15 at the remarkably small figure of $335 for the entire lot.

This sale is so interesting it will be well to quote the well-known brands. It comprised 43,550 pounds of candy mints, 93,247 pounds of lemon drops, 17,280 pounds of coconut bars, and 19,228 pounds of assorted chocolates. The condition of the candy was reported as "condition good," and the record shows that the sale was made by "informal bid, Washington depot," without advertisement. It does not require an expert to determine that this sale consisted of about six carloads of high-grade candy, which was sold for $335, or $0.0019 per pound, or less than 2 mills per pound. This sale was made by these same officers that the Secretary of War and Chief of Staff still retain to sell the surplus property paid for by the people who purchased Liberty bonds.

While comparisons are odious, these nefarious practices of officers who are now wearing the uniform of the United States Army and who have been educated and supported at the expense of the Public Treasury, and who have been able so far to "get away" with it, it is interesting to know what happened to one ex-service boy, 18 years of age, who, under the urge of hunger, violated the law and with some other boys participated in a theft of one can of pork and beans, having a value of 15 cents. This boy, Jesse Blanton, was apprehended by the Department of Justice, tried, convicted, and sentenced to one year and one day in the Federal Penitentiary at Leavenworth, Kans. This boy had no powerful friends in the War Department or any administration and he served his year and a day at hard labor in the penitentiary to which he was sentenced. Those high in authority in this Government should realize that the feeling engendered by the comparison of these classes of cases and the treatment of the men involved are doing more to undermine the foundations of this Government than any other one thing.

Rather than take the time of the House at this time to recite the harness and leather contract, I prefer to call your attention to the speech of Mr. GRAHAM of Illinois, made on the floor of this House on February 16, 1921, and which may be found on page 3279 of the RECORD of that day, and his report to the House of Representatives, No. 1307, February 8, 1921. Since that time we have discovered that there are literally thousands of such cases and no attempt is being made to see that the guilty

are punished, in spite of the fact which I assume that orders have been given for their punishment by the President and the Attorney General of the United States.

Every one of you will ask how this could occur under our form of government and how men who have taken the oath of office and pledged themselves to support the Constitution of the United States could permit it. The answer is clear. It is the invisible biparty government which permeates each of our departments and because of the absolute culpability of men high in authority in the War Department. The responsibility must first rest upon the Secretary of War and his assistants; second, upon the Chief of Staff and his assistants; and third, upon the bureau chiefs directly responsible. If the first two classes named say they do not know of these things this ought to be sufficient notice served upon them so that they will know of them, and if, upon securing that knowledge, there are not wholesale court-martials in the military service, then I say without hesitation that the entire War Department from head to foot is inexcusably corrupt. My own judgment is that it can not be said that the chiefs are not aware of these conditions, because the testimony shows that everyone in the War Department, from top to bottom, is trying to keep evidence from Congress, the American public, and from the Department of Justice, and the officers who have been trying to sustain the Constitution and statutes of the United States have either been pushed from the service or shipped to foreign lands.

Illustrative of the situation existing in the War Department are the following facts, and I will cite concrete and individual cases: Maj. W. O. Watts was the executive officer of the Surplus Property Division, who always and every day stood for the interests of the Government and who for the past two years has fought against those who were grafting upon it. Through his individual initiative and efforts the harness contract was revoked by the President. Other officers could be mentioned, some in the emergency and some now in the Regular service, but for obvious reasons I can not now give the names. Of the latter emergency officers, however, who were separated from the service, Capt. George B. Bosson, who has always stood upon the side of clean government, and Capt. H. L. Scaife, who has, since his connection with the service of the United States, fought for the prosecution of those who presented fraudulent claims against the Government. However, all of these men were discharged from the service for their activities.

Looking at the other side of the case, let us see what has happened to those men in the War Department who have been amenable to the invisible government. Take the head of the Quartermaster Department, Gen. Harry L. Rogers. This officer has been in the service of the United States for many years. This is the same General Rogers who, on April 19, 1920, was censured by The Adjutant General, by direction of the Secretary of War, for a direct attempt to influence legislation in Congress affecting his department. One would assume that he must be a man of marvelous ability, or he would not be chosen for the important post he occupies. Here is what the records show, however: On February 19, 1918, the Secretary of War directed that a cablegram be sent to General Pershing asking for General Pershing's opinion as to whether or not General Rogers should be made chief of the bureau, and on February 22, 1918, General Pershing replied:

"The services of Harry L. Rogers, brigadier general, National Army, not such as to indicate him for promotion for grade of general officer, Regular Army, above other officers of my staff.

But, as it was clear that under the law no other officer was eligible for appointment, General Pershing was forced to acquiesce. General Rogers has been charged with the sale of all the property to which I have referred; he is responsible for the personnel that is selected to discharge the duties of his office and must be chargeable with notice of their acts.

The officers who have been directly concerned with this work are, first, Maj. Launcelot Marmaduke Purcell.

This officer was camp quartermaster at Lemans, France, at which place he was charged by the War Department itself with gross irregularities in the sale of war material, in which his brother, Bruno Purcell, an assistant, was involved.

The Military Intelligence made an investigation of him there, which investigation was stopped before it was fully developed, but some record must be filed in the records of the War Department and in the Department of Justice.

Upon returning from France in 1919 Major Purcell, then colonel of the temporary forces, was assigned on September 1, 1919, as Chief of the Surplus Property Division, having jurisdiction over all sales of surplus war materials coming under jurisdiction of the Quartermaster General.

Concrete cases of irregular conduct in the sale of surplus material and the adjustment of claims made by Major Purcell were called to the attention of the War Department, and a thorough investigation demanded. Ample proofs were submitted in the form of the War Department's own official documents to convict this officer of conspiracy to defraud the Government out of large sums of money.

An investigation was finally undertaken and concluded by Col. O. E. Hunt, of the Inspector General's Department, who found no "cause for criticism."

On complaint of a former officer having knowledge of the facts, who made the original charges, the Secretary of War instituted a further investigation into some of the irregular transactions involving Major Purcell.

This investigation was conducted by Major Claphan.

Conclusive proofs are in the hands of the Department of Justice, which unquestionably prove fraud and conspiracy, which would warrant a court-martial of this officer rather than promotion.

One of the numerous cases in question involves the sale of 239,104 yards of duck (olive drab) to H. Miller & Co., of New York City, made by negotiation, without competitive bidding, on January 12, 1920, at 65¼ cents per yard, amounting, at sales price, to $156,015.36.

Major Purcell subsequently admitted, under oath, that he had sold this material at one-half of its value, which would entail a loss to the Government of the figure above mentioned.

On February 18, 1920, a little over a month later, H. Miller & Co. addressed an informal letter to the Surplus Property Division, stating, "We can use the quantity at 47½ cents per yard, which is an allowance of 17¾ cents, if possible."

Major Purcell, then colonel, violated his oath, law, and orders in force when he granted Miller & Co.'s request in his own handwriting, without the formality of investigating the alleged claim or referring it to the governing sales board, a properly constituted body authorized to make such adjustments on final proof of fact.

In effecting this adjustment, Major Purcell further permitted a robbery of $42,440.96, making a total loss to the Government on this transaction alone of $198,456.32.

On seven other fraudulent settlements made by Major Purcell with H. Miller & Co., to which the War Department's attention was directed, there was involved a loss of $100,000, in addition to the above, all of which transactions have been proven by the War Department's own documents.

Four days after Major Purcell had made the adjustment with H. Miller & Co., authorizing them to take this material at 47½ cents a yard, the same H. Miller sold a large portion of this material, on February 21, 1920, to Wilson D. Trueblood at $1.41 per yard. Mr. Trueblood sold the material, which was of first grade, to the Standard Oil Co. at $1.75 per yard. This material had cost the Government $1.938 per yard.

This is only one of a number of fraudulent deals in which Major Purcell was involved. The firm of H. Miller & Co. and its associates, including the Seneca Trading Co., Birkshire Trading Co., Universal Sales Co., Delphi Mills, Chatham Cotton Co., and F. W. Jones, were great favorites and benefactors at the expense of the Government. It is estimated that these firms purchased approximately $15,000,000 worth of surplus war materials under most favorable conditions, without competitive bidding, were permitted to negotiate adjustment of false claims, and obtain cancellation of contracts without reserve when it was to their interest to do so.

These purchases were made in some cases by acceptance by Major Purcell of "phoney" or invalid bonds, which afforded no protection to the Government so far as the enforcement of the sales contracts were concerned and which could not, therefore, be enforced by the War Department, necessitating cancellation of sales one year later and losses to the Government amounting to millions of dollars.

Involved in some of the irregularities charged against Major Purcell was the falsification of public documents to effect the unauthorized transfer of Government property from one firm to another, alleged to have been purchased by the former firm, but in fact never so purchased, causing the Government another loss of approximately $400,000. This latter transaction pertains to the sale of material to the Universal Trading Co., which was taken away from the first firm without its consent, and award made to the Universal Sales Co., with whom H. Miller & Co. was associated.

Knowing the infamous record of Launcelot Marmaduke Purcell, one week ago Friday, March 31, 1922, as shown by the CONGRESSIONAL RECORD of that day, on page 4866, the Secretary of War had his name sent to the Senate for promotion to the rank of lieutenant colonel, and he would have been confirmed by the Senate before then if ex-service men of the House had not protested.

This is the same Major Purcell who, on December 19, 1919, wrote his brother in Seattle, Wash., as follows:

Mr. HUGH C. PURCELL,
1104 Forty-first Avenue North, Seattle, Wash.:

I am going to offer for sale in January large stocks of textiles, foodstuffs, hardware, drugs, etc. The bidding lists will be mailed to the deputy zone supply officer in Seattle and you can look them over. In the event you are interested in any of these commodities for export trade, get busy and put in a bid. I intend to offer this stuff on weekly lists. Am sending you under separate cover a copy of our monthly commodity statement on surplus. If you are interested in any of the items, just drop me a line and I will advise you how to obtain the same. There are certain export restrictions against quite a number of the items in the list, but, as stated above, if you are interested in any of them, just drop me a line and I will see that you get fuller particulars.

Col. A. W. Yates. This officer went to France for duty in Paris after the war was over. He was made chief quartermaster, and was awarded a medal by the ruler of the Kingdom of Montenegro, presumably for automobile rides. On October 1, 1919, General Rogers made a special efficiency report on this officer. At that time General Rogers stated that he did not desire to have him in his organization; that he would not be satisfied to have him in his organization, and would even object to being compelled to have him in his organization at any time. He further stated:

He is believed to be in only a moderate degree physically fit, has little initiative and is mediocre in most other respects, and that his judgment and common sense was average; attention to duty, average; initiative, below average; organizing ability, below average; capacity for command, below average.

He further said that in the performance of his duties he had handled his job "in a mediocre manner," and yet seven months after this time General Rogers placed Colonel Yates in charge of the disposal of hundreds of millions of dollars worth of surplus property. In his administration the harness graft in which he is involved was perpetrated and numberless other sales, which I have discussed and shown to be fraudulent, consummated. He ought to be indicted and convicted, and I presume that if the Department of Justice ever acts he will be indicted and convicted.

Another officer is Lieut. Col. L. E. Hanson. He is the man who succeeded Yates, and he had much to do with the harness case and other cases I have discussed. He had full knowledge of the irregularities in the service, and to-day continues to permit practices which the service men in Congress are objecting to and which the people of the United States will bitterly resent when they learn the facts. Colonel Hanson is the officer who recently directed the sale of the $56,000,000 worth of meat—to which I have referred—to the Roberts Co. for $6,000,000. This is one of the innumerable fraudulent deals perpetrated under the direction of this officer. He must also be held accountable for the hundreds of false entries made in the report of the Secretary of War to Congress hereinbefore referred to.

There are other officers who could be mentioned against whom the President of the United States may find plenty of evidence to substantiate charges if he shall interest himself in the matter. Among them are Maj. James P. Castleman, Quartermaster Corps of the Regular Army, and an officer now dead. Another officer was associated with him, but he died in time to escape punishment for his acts.

Major Castleman was General Rogers's assistant in France, charged with the duty of purchasing supplies for the American Expeditionary Forces. The correspondence concerning him, of which I have photostatic copies, speaks for itself:

DEPARTMENT OF STATE,
Washington, March 23, 1918.

The honorable the SECRETARY OF WAR.

SIR: I have the honor to inclose herewith a translation of a note from the French ambassador in which charges are made against Major Castleman and Captain ——— of collusion with the director of the Atlas Works in Paris in obtaining under cover of the American staff, in violation of French decrees, the entry into France, without the payment of freight or customs duties, of American-made trucks which are sold by the Atlas Co. to the public. The seriousness of these charges would seem to require rigid investigation.

As it is stated in the last paragraph of the ambassador's note that the matter has been made known to General Pershing through the American ambassador at Paris, it is possible that it may be already receiving the attention of the appropriate authorities of your department.

It is not found that any communication on the subject has been received at the Department of State from the American ambassador at Paris.

I have the honor to be, sir,
Your obedient servant,

ROBERT LANSING.

(Seal. Assistant and chief clerk, War Department, March 26, 1918.)
(Inclosure: Translation of note from French ambassador, dated March 6, 1918. 811.22/79.)

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, March 6, 1918.

MR. SECRETARY OF STATE: My Government informs me that an investigation conducted by the judicial police of Paris and communicated to the office of the general director of customs disclosed the fact that the Societe Anonyme de Mecanique des Ateliers Atlas, whose home office is at 21 Rue Desrenaudes, Paris, has been selling to the public for a year or more trucks of the Glydensdal, Wichita, and Diamond, American makes under its own brand, Atlas, in violation of our decrees prohibiting imports.

Upon being landed at Havre, Marseille, and Bordeaux these trucks are directly delivered to the public or shipped to the Atlas company in Paris.

According to information, which unfortunately is not open to doubt, most of those wagons go forward without paying freight or customs duties under the cover of the American staff. It appears that this undue favor is secured for them by Major Castleman at Paris and Captain ——— at Bordeaux. These two officers are in collusion in this matter with Mr. Richard Valentin Reith, delegated director of the Atlas workshops.

Under my Government's instructions it becomes my duty to bring those facts to the knowledge of your excellency, who will consider what action they call for. As soon as proceedings shall have been instituted against Mr. R. V. Reith by the justice of France, the Government of the Republic will furnish that of the United States with documentary proof from which the complicity of Messrs. Castleman and ——— may be established.

I will add that these regrettable incidents have been made known to General Pershing through the ambassador of the United States at Paris.

Be pleased to accept.

JUSSERAND.

His excellency the Hon. ROBERT LANSING,
Secretary of State of the United States.

On March 27 Benedict Crowell acknowledged receipt of Secretary Lansing's letter with the translation, and on March 28 General Pershing was cabled concerning the charges. To this General Pershing replied:

With reference to paragraph 1 your cablegram 1014, charges against officers mentioned have been under investigation some time. Not at all certain that these officers were involved in the collusion. Their object of undertaking such a thing does not appear. Both officers have borne good reputations. I shall probe to the bottom.

PERSHING.

A very thorough investigation was then made by the Inspector General of the American Expeditionary Forces, and on December 11, 1918, we find that a report came to General Rogers from the Inspector General of the American Expeditionary Forces holding that Colonel Castleman was guilty of all kinds of fraud against the Government, including an unlawful profit in the lease to the American Government of the Hotel Mediterranee in Paris; a graft in the purchase of an automobile from Mrs. Thomas, of New York, now Countess Velora; graft in the purchase of many other automobiles, which were later sold to the American Expeditionary Forces; and the issuance of orders which allowed his coconspirators to escape the payment of customs duties to the French Government. We then find that on September 11 General Rogers wrote the following letter:

[Confidential memorandum: To C. G., S. O. S.]

1. Under (b) of his recommendations the inspector recommends with respect to Lieutenant Colonel Castleman—

First, that he be relieved from duty in the Quartermaster Corps;

Second, that he be degraded in rank.

Both of the above steps constituting each a punishment; the first, as under present circumstances, relief would be the visible expression of the conclusion on the part of his superiors of reprehensible unworthiness on his part to function as a quartermaster. Damage to his reputation of long-continued duration would result almost impossible of redemption on his part; the second constitutes a direct punishment with impairment of reputation fatal to the professional standing of an officer of the Regular Establishment.

Lieutenant Colonel Castleman has been indiscreet, he has shown lack of judgment, very evident as this affair has turned out, for which he must accept the blame, besides enduring the humiliation which must come to him when he realizes that all the good work he performed in procuring supplies in a period of crisis—and this he did without a doubt—has been completely nullified by his lack of precaution, and in addition has placed him in a precarious situation. But I can find nothing in the report of this investigation that would justify the impression that he has been corrupt. It is certain, if a fair assumption of malfeasance could be established, the recommendation in this case would have been trial by court-martial. In conversation with the Commander in Chief and with Colonel Dawes both have concurred with me in the belief there has been no corruption on the part of Lieutenant Colonel Castleman in this case. Under these circumstances I deem double punishment of a character which makes its operation long continued not the just and fair method to use for causing this officer to pay for his lack of discretion.

I purpose to send Lieutenant Colonel Castleman to the front, there to have charge of salvage operations, in the hope and with the conviction he will demonstrate by his work (in a sphere involving much hardship, some personal danger, and the need for very great energy) his desire to overcome the humiliating position he finds himself in as a result of his lack of judgment. I recommend no further action as far as Lieutenant Colonel Castleman is concerned.

H. L. ROGERS,
Major General, United States Army,
Chief Quartermaster.

On September 12 this letter came to Gen. J. G. Harbord, then Chief of the Supply Service in France, and now Assistant Chief of Staff of the American Army, and General Harbord wrote the following letter:

From: Commanding General.
To: Commander in Chief, American Expeditionary Forces.
Subject: Disciplinary action in case of Lieut. Col. James P. Castleman.

1. The undersigned forwards herewith the report of the Inspector General of an investigation made of the business relations of the firm of Young, Corley & Dolan with the American Expeditionary Forces, and the accompanying papers.

2. It is recommended that Lieut. Col. James P. Castleman, Quartermaster Corps, be relieved from duty in the Quartermaster Corps and that he be discharged from his temporary commission as lieutenant colonel.

3. The undersigned is only restrained from convening a court-martial and ordering the trial of this officer by his belief that through the peculiarities of the evidence in this case it would be impossible to secure justice. The character of the evidence, while showing gross incompetency and a low standard of military duty, is such that probably little more could be established than the breach of certain formal orders. The advice of the legal officer of the Service of Supply was taken after careful study of the case by his office, and the result is the recommendation contained in the preceding paragraph.

4. It is not absolutely shown that Lieutenant Colonel Castleman has been guilty of corruption. There remains only the choice between a belief that he has been guilty of corruption or the certainty that he is little better than a child in his knowledge of the proprieties which should govern an officer; the established methods of business; and the ordinary safeguards with which an officer should surround his official and personal reputation. It is a case of being a fool or a knave. It is perhaps inevitable that in an institution doing as much purchasing as the American Expeditionary Forces there must be current rumors of graft, mismanagement, and corruption. In practically all of such rumors that have come to the undersigned during his connection with the American Expeditionary Forces some ramification leads in the last analysis to Lieutenant Colonel Castleman. This officer has shown undoubted energy in procuring supplies in a period of crisis and has given much hard work to his duties. How an officer of his experience could have failed to see the impropriety of his effort to divert business to his own brother, or accepting hospitality from firms with which he was doing business, and of antedating letters tending to exculpate him while under investigation, is incomprehensible.

5. Attention is invited to the third recommendation of the Inspector General who made this investigation that the Department of Justice be requested to investigate, (a) the subject of freight and insurance charges paid to this firm to discover if the United States paid the current rates at time of shipment; (b) why goods were consigned to the United States Quartermaster Corps, United States Expeditionary Forces, when not ordered by the Quartermaster Corps; (c) the false marketing of goods as indicated in cable of June 22, 1918, Exhibit G herewith.

6. The necessary orders have been given on recommendations of the Inspector General (1), (2), (4), and (5).

J. G. HARBORD,
Major General.

In spite of these letters, which showed that General Rogers and General Harbord knew of the culpability of Colonel Castleman, we find that on December 8, 1920, the following order was issued to him:

No. 201-PC. (Castleman, James P.)
From: Quartermaster General.
To: The Adjutant General of the Army.
Subject: Request for orders.

1. It is requested that orders issue directing Maj. James P. Castleman, Quartermaster Corps, on duty at Chicago, Ill., to proceed to Wheeling, W. Va., on temporary duty in connection with the sale of 10,000,000 pounds of surplus canned meat, and upon completion of this duty to return to his proper station, Chicago, Ill.

2. The travel is necessary in the military service.

H. L. ROGERS,
Quartermaster General.
By JOHN S. CHAMBERS,
Lieutenant Colonel, Quartermaster Corps.

In other words, this officer, characterized as "a crook or a child" by General Harbord, present Assistant Chief of Staff, is still selling Government surplus property.

On July 27, 1918, the Chief of the Quartermaster Corps recommended the promotion out of turn of Major Castleman for special fitness and efficiency. This recommendation was made by General Rogers, but it was refused on July 27 by General Brewster, who stated that Castleman was under investigation. Later General Hughes, the Inspector General, reported in effect as follows:

CONCLUSIONS.

1. That in his dealings with the Ateliers Atlas, of Paris, Maj. J. P. Castleman's methods were irregular, unbusinesslike, and illegal, in

(a) That he did, through carelessness and negligence, cause to be introduced into France, free of duty, 33 more trucks than were purchased by the United States Government, thus defrauding the French Government;

(b) That in the purchase of 80 trucks for the United States Army he failed to comply with the regulations laid down by the French Government defining what stores might be entered free of duty, as outlined in two letters to the Commander in Chief, American Expeditionary Forces (p. 11, this report).

(c) That he did certify, and cause to be presented to, and paid by Lieut. Col. C. E. Stanton, Quartermaster Corps, a voucher certifying the receipt of three Atlas trucks, Nos. 776, 782, and 732, value 108,750 francs, dated October 25, 1917, and did, on October 31, 1917, certify, and cause to be presented to, and paid by this same officer, a voucher on which these same trucks were included, thus causing the United States to pay twice for the same trucks.

(d) That he did cause the United States to bear the expense for shipment of 65 trucks (not assembled) from LeHavre to Paris, cost of which should have been borne by the Ateliers Atlas, of Paris.

(e) That he did, in an official memorandum, report to Maj. Gen. H. Rogers, Chief Quartermaster, American Expeditionary Forces, stating that "amount of spare parts ordered" from the Ateliers Atlas, of Paris, "would amount approximately to 13 trucks," and that "72 trucks were delivered and about 10 trucks extra in spare parts," for Quartermaster Corps, knowing these statements to be false and made with the intention to deceive his superior officer.

6. RECOMMENDATIONS.

1. That Maj. J. P. Castleman, Quartermaster Corps, be brought to trial by general court-martial.

In one of the reports it is stated:

In my judgment, the interests of the United States absolutely demand that the action proposed (court-martial) should be taken. I have considered the question of disciplinary proceedings against the officers involved, but I am unable to believe that such action would be desirable. The established facts unquestionably show gross incompetency and a low standard of military duty, and the evidence points toward a possibility, at least, that corruption existed.

My only object in presenting this matter at this time is to show its relation with invisible government.

Just as soon as Colonel Castleman returned to the United States General Rogers discovered him again, and immediately put him in charge of the sale of surplus property, where he is still continued in the important depot at Chicago, and he undoubtedly would have been retained in charge of the whole matter at Washington had it not been for the protests of individuals who knew the facts.

If this is a sample of the Regular Army as it now exists—and it must be a sample of a cross section of it—there can be no reason for its continued existence, and the President of the United States should take immediate action to see that it is purged from top to bottom and that those guilty of crimes against the Government, or who have stood by and allowed crimes to be committed, be punished.

I assume all of these matters have never hitherto been directly presented to the President.

One of the great evils of the military system as it exists to-day is the complete failure of the Inspector General's Office to function. In the days of the old Army there was an endeavor to discover the commission of crimes, and an officer who was detected in theft or condonation of theft was immediately punished, but the morale of the service disappeared during the war.

Representative WOODRUFF has clearly shown that conditions in aircraft were corrupt, yet we find that when the matter was first presented to the Inspector General for consideration a letter from the Secretary of War, Mr. Baker, was sent to the Inspector General, and that letter in substance stated that the then Secretary had talked with Mr. Ryan and was certain that no crimes were committed in aircraft contracts.

The intimation is clearly given there that the Inspector General was not to function during war time, and especially not to function against malefactors of great wealth and social position, and it never has functioned since the date of that letter.

As an illustration we might review the activities of Col. O. E. Hunt, who whitewashed a number of cases presented by former Maj. W. O. Watts, including the transactions of the notorious H. Miller and associate firms, the Universal Sales Co., the Sigmund Eisemer case, the United States Harness Co. case, and numerous other cases. In many of these cases, to which Colonel Hunt applied such a liberal coat of whitewash, indictments will be secured if the Department of Justice functions, and in one case, the famous harness case, the President of the United States reversed the action of Colonel Hunt and voided the contract, and undoubtedly has ordered prosecutions instituted. This is a case wherein the Chief Executive has clearly taken improper action or wherein the Inspector General's Office has been guilty of neglect of duty or malfeasance in office, but it is clear to those who know the facts that the President is in the right.

Representative WOODRUFF and myself have performed our full duty in presenting these facts to the Congress. The duty now devolves upon you gentlemen and the President. We need no investigation if the Government will function and an investigation will be worse than useless if it is conducted with some of these men now in power in control of the records. They must be removed from their positions and no one can accomplish that removal but the President of the United States.

No officer or individual connected with the making or settlement of these contracts ought now to be allowed to pass upon their legality. If prosecutions are conducted it will take a large amount of money and this Congress must appropriate it. On April 7, as shown on page 5204 of the RECORD of that day, I offered an amendment to the bill providing for the expenses of the legal department of the Government, as follows:

For attorneys, accountants, and clerical assistance, in the investigation and prosecution of fraudulent war claims against the Government and investigation of settlements made on war contracts and prosecutions in such cases as the Attorney General shall deem necessary, $500,000.

This amendment was defeated by a vote of 20 to 63.

I can not believe that that vote expresses the sentiment of this House, and must assume that it represents lack of knowledge concerning the situation. When this or a similar amendment is adopted by the Senate it will be accepted by this body. It will not be viewed with favor by the United States Chamber of Commerce and many individuals who have opposed the adjusted compensation law for ex-service men, and that body and those men will deem it presumptuous that anyone should suggest that these war lords should return any of their plunder. It would be a great satisfaction to many loyal citizens of this country if the chamber of commerce would discontinue its useless questionnaire on adjusted compensation and do some questionnairing in an endeavor to discover the sentiment of the country on these matters.

To-day Mr. WOODRUFF and I have introduced identical resolutions asking that this Congress appoint a committee to go into these charges and make a report. If the Chief Executive does not act as he did with the Bureau of Engraving when a few Members of Congress, including myself, presented the evidence to justify his recent action, public sentiment will demand the passage of our resolution. With such a cancer in the heart of our Government I am not so certain but that the resolution should be adopted regardless of Executive action and the facts given to the public. The war deadened the conscience of the American people, and when facts like these were presented to them at the conclusion of hostilities little attention was given them. Times were good and taxation was little noticed. The conscience of America is returning to-day and our citizens as they pay the tax bill are commencing to realize that the crimes and misconduct of Government servants are the cause of much of their financial difficulty. As their conscience quickens they will insist on better government.

It has been a matter of regret to me that I have been compelled in discharging the duties of a Representative in Congress to make these remarks and inferentially attack the administration of which I am a part. It is our duty, however, as Republicans to see that each part of this Republican administration functions. If we do not do it, it never will be done. During the last administration when most of the crimes to which I have referred were committed, not one Democratic Member of this body did other than attempt to cover up the crimes of their administration. Five committee reports were submitted as shown in volume 3, serial 1, of the hearings of the Select Committee on Expenditures in the War Department and in every case a complete coat of whitewash was applied by the minority members of the committee.

On April 7 when I offered the amendment to the Department of Justice appropriation bill to appropriate money to conduct these prosecutions, but one man on the Democratic side of this House among those present on that day voted with me for the appropriation, and that was the gentleman from Alabama, Mr. HUDDLESTON.

Never since the close of the war have I heard a protest against these crimes from the Democratic side of the House except from a few ex-service men. In conclusion, Mr. Speaker, I want to say that if this committee is appointed to go into these matters, there should be some ex-service men appointed upon the committee. Those men who were in the service and are now Members of this body to-day had no opportunity to have any connection with these matters because the majority of them were with combat units in France when the Bergdoll committee was appointed, and it is apparent that it is not the intention that many of them shall ever be appointed to any committee if it may be avoided. A reading of the RECORD should convince the Speaker that the ex-service men in this body are willing to attack corruption in high places and public officials, and this committee, if one is chosen, should be made up of those men.

The American people and the ex-service man in particular will judge this administration and the House of Representatives by their action in this matter.

Mr. LINEBERGER. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will yield just this once to the gentleman from California.

Mr. LINEBERGER. I assume that the attitude of the gentleman is the same on this matter as his attitude in the infamous Bergdoll matter; he wants to see that justice is done.

Mr. JOHNSON of South Dakota. I have the same viewpoint as does the gentleman from California on some of these matters.

Let me remind you of the case of Jesse Blanton, a 19-year-old boy, an ex-service man, who two years ago happened to be walking down the railroad track with four other boys. I think he comes from the district of the gentleman from Illinois [Mr. MCKENZIE]. Poor Jesse, together with the other boys, came upon an open freight car. They looked into the freight car and it was loaded with canned goods. A case was broken open and the cans were lying there. These five boys took one can of pork and beans valued at 15 cents, and they were sentenced to one year and one day each in the penitentiary, and served the sentence, notwithstanding applications were made time after time for their parole. Is it any wonder that I say there is some invisible power behind this War Department? I think it is time these officials functioned. That is my only reason for bringing this matter up. Now I know that my time is limited, but I want to say that I have been seen several times by a gentleman high up who said it would be inadvisable for me to present these facts, because in some way it might reflect on the Republican administration and on me. I say that they are mistaken, that the Republican Party has lived through the star route graft and one thing and another, and it does not have to worry as long as it cleans up things in its own party. [Applause.]

The danger that our party is under is that we will allow the invisible government to control it. [Applause.] If it functions, have no fear. We made big promises in 1920, and I am satisfied as I am standing here to-day that when the facts are all given to the people high in authority they will see that proper action is taken.

Now, after having said that to my Republican friends, I want to say a word to the Democratic side of the House. You remember that the other day I introduced an amendment asking $500,000 be appropriated for the Attorney General to clean up these matters. So far they have spent $1,000 or $1,200, and that is all. The whole thing is in charge of a man named Meyers, a young man who was, until a few years ago, a messenger at $1,200 a year. That invisible government, a part on your side and a part on mine, is responsible for that young man, and without a shadow of doubt he ought to be removed. I submit that we ought to have had $500,000 appropriated so that we can have a real bureau of investigation that will function in these matters.

While I do not like to bring back anything to some of you gentlemen, because many of you are my good friends, and many I know to be so thoroughly honest that they would not for a moment countenance any such thing, yet I can not but remember that there was only one man on the Democratic side of the House who voted with me, and that was the gentleman from Alabama [Mr. HUDDLESTON]. I can not but remember as I hold in my hand serial No. 1, volume 3, of the report of the committee, which is the report of the Graham investigating committee—and anyone of you can secure that document—I can not but remember that report after report was admitted to this Congress, and in every case the minority members of the committee stated that there was no graft; that there was nothing that had gone wrong in the War Department; that there was no extravagance; and that you gentlemen here with a practically unanimous vote sided with the minority members of the committee. You will find those votes on record. I do not want to attack you, but I do not want you to get too much aid and comfort out of my speech. [Laughter.]

The CHAIRMAN. The time of the gentleman from South Dakota has again expired.

Mr. JOHNSON of South Dakota. Will not the gentleman from South Carolina yield me five minutes more?

Mr. FRENCH. Mr. Chairman, I am glad to yield five minutes to the gentleman.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman.

Mr. JOHNSON of South Dakota. These remarks are made from an absolutely bipartisan standpoint. If there is anything wrong in the action of the officials you had under your administration, you ought to bring it to life and attack it, athough I did not notice that anybody on your side of the House ever did attack one of them during the Wilson administration, except perhaps the gentleman from Massachusetts [Mr. GALLIVAN], who has never been accused of a lack of courage, who did make an attack a time or two on the floor of the House. You ought to join with us ex-service men of the House. Do not think that Mr. WOODRUFF and I are alone, because the gentleman from California [Mr. LINEBERGER], the gentleman from Alabama [Mr. JEFFERS], both of whom saw service at the front; in fact, all the ex-service men of the House, and many others too numerous to mention here—and I could name many others in this House—are affiliated with us, and this is simply the opening gun of some of the ex-service men in the House. Not one-tenth of the evidence that we have substantiated by photo-

stat copies is given to-day, and unless action is taken you may rest assured that the gentleman from California [Mr. LINEBERGER], the gentleman from Alabama [Mr. JEFFERS], the gentleman from North Carolina, Colonel BULWINKLE—and all of them have been willing to go up against machine guns in time of war—are going to take the floor of this House and present facts until the Government functions. [Applause.]

I yield back the remainder of my time.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCCLINTIC].

Mr. MCCLINTIC. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MCCLINTIC. Mr. Chairman, I am very glad that the distinguished gentleman from South Dakota [Mr. JOHNSON] has had the courage and the manhood to bring to the attention of the country the fact that some of the promises made by the Republican Party in the last campaign have not been carried out. I can recollect the poisonous propaganda that was spread by the missionaries of the Republican Party in which they sought to make the people believe that if they voted for an association of nations, a League of Nations, or whatever you wish to call it, it would be only a few months before we would be sending our boys back across the seas. You will remember at that time that the country was in a most wonderfully prosperous condition. You will remember that the American dollar had become stabilized as the unit of value in practically every country. You will remember that the conditions in the United States were satisfactory to the majority of the people, and that commercial activities of every kind flourished. What has taken place since that campaign? The League of Nations was turned down, and countries formerly our friends became our enemies. Rates of exchange became abnormal, business fell off, factories were forced to close, bread lines were formed in the cities, and men offered their services for sale at public auction. Five million Democrats and independents believed this propaganda and voted for a change. So I say to you now the time has come for a change, and I am hoping that the Members of this body and of the United States Senate will carry out the spirit of the disarmament conference so that we can reduce expenditures and help lift from the backs of the burdened people the financial load they will be compelled to carry if Government activities are not materially reduced.

Mr. Chairman, we have heard to-day from the Great Lakes Training Station, we have heard from the Boston Navy Yard, and we will probably hear from the navy yards on the Pacific coast before the discussion of this bill is concluded. All of these gentlemen are in favor of a large Navy. If gentlemen will analyze the minority report they will find that every single one of the signers lives in some State or city where there is located a navy yard or some big naval establishment. I know that I have been referred to as a little Navy man, and if I lived up in Chicago or some place where they have some great naval activity possibly I would be committed in favor of a big Navy. During the war I voted for all of the appropriations that were necessary to maintain our Navy, and now after the war is over and we have entered into this great disarmament program surely if we have any confidence in those who have engineered the same the time has come when we can reduce appropriations, and do so without jeopardizing the interests of our country, and at the same time carry out the spirit of the disarmament conference.

The distinguished gentleman, Mr. KELLEY of Michigan, the chairman of the subcommittee in charge of this legislation, has assured the country that an enlisted personnel of 67,000 men will be amply sufficient to take care of the needs of the Navy after the useless crafts have been eliminated, and I wish to call your attention to the following schedule of ships and the proposed complement of men to man the same:

18 battleships	18,259
11 cruisers	4,248
103 destroyers	9,579
84 submarines	2,520
6 destroyer tenders	2,551
7 subtenders	1,833
1 aircraft carrier	216
1 aircraft tender	286
2 mine layers	615
10 light mine layers	959
10 mine sweepers	498
2 repair ships	727
3 storeships	612
14 fuel ships	1,568
2 ammunition ships	354
2 hospital ships	629
Total for fleet and necessary auxiliaries	45,454

PATROL AND VESSELS OTHERWISE CLASSED.

7 cargo ships	612
3 transports	822
9 gunboats	759
6 yachts and patrol vessels	545
8 fleet tugs	338
10 fleet towing vessels	450
1 survey ship	137
2 Bureau of Fisheries	125
5 miscellaneous	250
Total	4,038
Grand total of 327	49,492

AIRCRAFT.

I have always been interested in the development of aircraft, and at present am a member of the subcommittee of the Naval Affairs Committee on Aeronautics. Everyone knows the important part performed by aircraft during the last war, and I was in accord with other members of the committee who believed that ships could be sunk at sea by dropping bombs from airplanes. When this subject was first discussed practically every officer in the Army and Navy ridiculed the idea, yet there was one officer who had sufficient courage to testify before the committee and express the belief that ships could be sunk from the air. I am unofficially informed that because of his frankness he was censured by a certain person in authority and came very near being relieved from certain duties. Because of the agitation in the press and in the United States Congress, the Secretary of the Navy and the Secretary of War finally decided to allow the aircraft of the Navy and Army to have the opportunity of attacking some of the ships which had been allocated to the United States by the Allies under the terms of peace with Germany. This test was held some 50 miles off of the Virginia Capes. A number of Members of Congress were invited to witness the same. The first ship selected for destruction was a German submarine, which had crossed the sea during the war and sunk a number of English ships near the mouth of the New York Harbor. It was my privilege to be an observer on the U. S. S. *Henderson* when the first attack was made. Three Army bombing planes, flying like eagles high in the air, sailed over the German submarine and dropped a small pilot bomb. Then circling they returned and three larger bombs were dropped from each plane. The first attack was successful, for when the projectiles struck the water and the ship a great upheaval of water and smoke took place, and the vessel turned its nose to the bottom of the sea and slowly disappeared from sight. Different kinds of ships, from a submarine to a battle cruiser, were sunk by the aircraft forces during these demonstrations, and while there may be those who are yet unconvinced as to the efficiency of aircraft when it comes to the sinking of ships, I am thoroughly of the opinion that every single Member of Congress who witnessed these demonstrations will say that in his opinion any kind of a ship that floats can be sunk by dropping bombs from the air, and that a fleet of battleships without aircraft protection is nothing more or less than a fleet of floating graveyards. I maintain that these experiments have taught a very important lesson to every nation in the world. I am of the opinion that the results of the same will have a marked influence on every country in the future with relation to its fighting forces. I also say that in the future no major nation will ever be able to transport an army across the sea and land it on any of our shores. It is very evident to any person who will stop and think that the number of airplanes available on the land will always be sufficient to overpower or destroy the number that can be carried by any fleet of convoys transporting an army. This being true, bombing planes can be concentrated at practically any point on any of our coasts with lightning rapidity, and they can go out a distance of 75 or 100 miles and destroy any army aboard ships that might be seeking to land. During the hearings before the Naval Affairs Committee a few days ago I asked Admiral Moffett the following question:

In view of the results of the bombing tests, do you believe that a squadron of transports protected by planes could be landed on our shore?

His answer was as follows:

I think it would be very difficult for anybody to land on any shore, especially in view of the development of aviation, both ashore and afloat.

It will be found on page 370 of the hearings, dated February 20, 1922.

Mr. CRISP. Will the gentleman yield?

Mr. MCCLINTIC. I will be glad to do so.

Mr. CRISP. The demonstration you have just referred to, of course, was interesting. I would like to ask the gentleman what he thinks the effect would have been had those ships had antiaircraft guns where airplanes from the ships should meet

the attacking airplanes? Would that have made it impossible to sink these vessels?

Mr. McCLINTIC. It has been my privilege to visit a number of the battle fields of Europe. I have talked to a number of aviators, and I have been told that it is estimated that only one shot out of every 30,000,000 will be successful in hitting a plane. When it is taken into consideration that a plane high up in the air is surrounded with different kinds of atmospheric conditions it is very hard indeed to make the mathematical calculations necessary to hit the same. The point I make is that no fleet of transports can carry a sufficient number of airplanes to protect its vessels from the superior number of land bombing planes that will always be maintained by any major nation.

Mr. SEARS. Will my colleague yield?

Mr. McCLINTIC. I shall be very glad to do so.

Mr. SEARS. What was the height of the airplane? How high above the vessel?

Mr. McCLINTIC. If I remember correctly, they sailed at different heights in making different tests.

Mr. SEARS. I asked the question, because my colleague recollects that during the last war, when the bombing planes flew over London and other cities, the bombs they dropped were not successful. They did not hit the mark or did not do very much damage.

Mr. McCLINTIC. Mr. Chairman, those who remember the results of the bombing of the last German ship will remember that the marksmanship was so perfect that practically all of the projectiles struck the vessel and it was soon sunk.

Mr. McPHERSON. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. In a minute. It is for that reason that I have reached the conclusion that the people of my section of the country have confidence in the results of the disarmament conference. They are willing to believe that the other nations have entered into this agreement in good faith, and that the time has come for the American people to cease making these enormous expenditures, in order that taxation may be reduced.

Now, I yield to the gentleman.

Mr. McPHERSON. If I understand the gentleman, he contends that we ought not to try to build our Navy on a treaty ratio but trust to airplane protection?

Mr. McCLINTIC. No; the gentleman is wrong. I am in full accord with the recommendation made by the majority members of the Committee on Appropriations. The gentleman knows I am a member of the committee on which he serves, and he will remember that I introduced an amendment to reduce the enlisted personnel of the Navy to 65,000 in order to be in line with the recommendation that has been made by the Appropriation Committee.

VALUE OF DEMONSTRATION.

Since these demonstrations were held off of the Virginia Capes there has been a radical change of opinion throughout the country. The battleship, instead of being our first line of defense on the sea, will be forced to occupy a position in the rear. Aeronautics will be the most important branch of either the Army or the Navy, and a new bureau of this kind has recently been authorized in the Navy. In 1916, prior to the beginning of the war, the personnel of the Navy consisted of approximately 50,000 men. The number of vessels to be disposed of under the disarmament plan is 18, which have been completed, and 13 which are under the course of construction. The number of vessels to be kept in commission, according to this bill, is 327. If these recommendations are to be followed, then the number of vessels in the Navy will be reduced practically one-half. At the present time, we have ninety-odd thousand enlisted men in the Navy, both on land and sea. If we reduce the number of men in the same percentage as the number of ships, we would only need 67,000 men to take care of the needs of the Navy during the 10-year naval holiday. We have 17 shore stations, with a complement of 1,221 officers and 9,057 men. In my opinion, there is no excuse to maintain all of these stations during the naval holiday. If I could amend this bill, I would provide that the Secretary of the Navy, in his discretion, should have the power to concentrate any of the forces or equipment of any navy yard and to close all of the unnecessary stations, with the exception of one on the Atlantic coast and one on the Pacific coast. There is no excuse for making the taxpayers of this country keep a lot of machinery in operation when the output is not needed in any way.

There are many Members within hearing of my voice who remember that when the naval appropriation bill was up for consideration in this House that the distinguished gentleman from Texas [Mr. CONNALLY], a Democrat, offered an amendment providing that an invitation be extended to other major nations for the purpose of agreeing upon a shipbuilding program for the future. The distinguished majority leader, Mr. MONDELL, and others vigorously opposed this idea and the amendment was ruled out on a point of order. When the bill reached the Senate the distinguished Senator from Idaho [Mr. BORAH], being convinced that something should be done to relieve the people from unnecessary taxation, opposed the passage of this bill until he was successful in having it amended so as to include the same ideas as was presented by Mr. CONNALLY of Texas when the bill was considered in the House. I well remember when the distinguished gentleman from Michigan [Mr. KELLEY] brought in a conference report which had been agreed upon by the conferees of the House and Senate and stated to the Members of the House that it contained the Borah disarmament amendment. This announcement was greeted with cheers. In fact, it met with the approval of all the Democrats and a number of the Republicans. It was only a little while thereafter that President Harding conceived the idea, while sailing down the Potomac River on the *Mayflower*, that he would invite the major nations of the world to send delegates to Washington for the purpose of discussing this subject.

When this Nation was threatened with war with Germany I voted for every authorization presented in order to increase the efficiency of our country. I voted for the selective draft and I do not believe that anyone could ever call me a pacifist. The war is over; new lessons of defense have been learned and if it has been developed that no foreign army can land on the shores of our Nation, as is the opinion of the head of the Aircraft Division, then, unless the United States wishes to invade some foreign country or take advantage of some little nation by overpowering it, why is it necessary that we maintain in time of peace a navy larger than that which we had at the beginning of the war, when we have entered into an agreement with the other nations of the world for the purpose of limiting armament? The United States took the initiative and invited the representatives of other nations to come to Washington for the purpose of adopting a humanitarian program which would relieve taxpayers to a certain extent from having to pay large sums of money for the purpose of maintaining our fighting forces. The religious organizations throughout the country and humanitarian societies already are giving praise to this administration and citing the recommendation made by the Appropriation Committee which would reduce the Army to 115,000 and the Navy to 65,000. The Federal Council of the Churches of Christ a few days ago mailed to each Member of Congress a statement which in part reads as follows:

> The Federal Council of the Churches of Christ in America records on behalf of the churches their solemn and reverent thanksgiving to God for the Conference on Limitation of Armament. In it we recognize His answer to the fervent prayers of millions of Christians throughout this and many other lands. We rejoice in the splendid achievements of the conference already secured. They are, however, but the first steps toward a warless world. We must press forward toward the goal which the Prince of Peace Himself has set before us.

I wonder if after this bill passes the House the Senate will put into effect the recommendations of the Secretary of the Navy and the Secretary of War. Every member of the Naval Affairs Committee voted against my amendment which was offered for the purpose of reducing the Navy to 65,000; yet I am conscientious in the belief that the majority of the American people have seen enough of war. They are already overburdened with taxation, and it is for this reason that I am presenting my views on this subject, with the hope that the party in power will be the first to set the right kind of example to the other nations of the world, so that the spirit of the disarmament conference can be lived up to to the letter. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. BYRNES of South Carolina. Mr. Chairman, I would like to inquire how the time stands?

The CHAIRMAN. The gentleman from South Carolina has 148 minutes.

Mr. BYRNES of South Carolina. How much time has the gentleman from Michigan [Mr. KELLEY]?

The CHAIRMAN. Fifty-four minutes.

Mr. BYRNES of South Carolina. I would like to have more time used on this side of the House.

Mr. KELLEY of Michigan. I will say to my friend from South Carolina that I had expected to yield to the gentleman from Massachusetts [Mr. ROGERS], but I realize of course that it is not my turn to yield.

Mr. BYRNES of South Carolina. I have been good-natured all day, notwithstanding the fact that gentlemen on this side have been pressing me just about as firmly as gentlemen have been pressing the gentleman from Michigan on his side for

time. I would like to yield a little time on this side, but I do not want to prevent the gentleman from Massachusetts [Mr. ROGERS] from getting in at all. I will yield 15 minutes to my friend from South Carolina [Mr. LOGAN].

Mr. KELLEY of Michigan. Before the gentleman does that, will he let me yield two minutes to the gentleman from Delaware?

Mr. BYRNES of South Carolina. Yes.

Mr. KELLEY of Michigan. I yield to the gentleman from Delaware.

The CHAIRMAN. The gentleman from Delaware is recognized.

Mr. LAYTON. Mr. Chairman, in addressing the House upon the subject of constitutionalism versus communism I feel a deep distrust of my ability to bring to its Members the message I desire to convey in such a clear and convincing manner as to fulfill what I truly regard as a solemn obligation and duty. In endeavoring to do this I do not assume that I shall utter a word upon any topic with the substance of which the Members of the House are unfamiliar; but I believe the business men of the country, no matter what their occupation, whether upon the farm or in industrialism, the business men of every sort and kind are so absorbed in their various pursuits and enterprises, scarcely finding as many hours in the day as they often desire for their prosecution, as to have little knowledge of the general legislative trend in Congress. I also believe that this great body of our citizenship rely largely upon their Representatives whether in their legislatures or in the Congress, while they devote themselves strenuously to their own affairs. As one of the Representatives in Congress I feel compelled to declare that this is a wrong assumption, and especially so at this time, when in my judgment a crisis has been reached that threatens the fundamental character of our Government. I believe they are not only wrong but that they endanger their own interests by a confidence too often betrayed by reason of the importunity of organized class forces seeking legislation absolutely inimical to the general welfare, which importunity the average Representative in Congress regards as potential, because it is organized and clamorous.

My purpose in this address is to show the general public, if I can, the danger which I have in mind, the one which I believe we are confronting. I refer to the rapid progress which communism has made in this country, and is steadily making, apparently unheeded, or calmly acquiesced in, by those whose interests are chiefly menaced—interests which I believe to be the substantial interests of the country.

I am assuming in the beginning that the people of this country are still constitutionalists and not socialists; that they believe in self-government and not bureaucratic and communistic government. I do not speak of a coming danger, of a possible apprehension of an invasion that is yet afar off, but of the fact that this enemy is already in our midst and fast entrenching himself in our very citadels.

Before proceeding to emphasize this, in order indeed to emphasize it more impressively, let me speak briefly of the past. Let me ask you to recall the early history of America; to revisualize those great men who fashioned the marvellous national structure of the United States of America; to call to remembrance who these men were, and what they did, and what was their purpose in the doing. Let me mention the names of Washington, of Jefferson, of Hamilton, of Adams, and Madison, hoping thereby to fill the minds of the people with renewed recollections, not only of a multitude of other great men of our formative period but of their sayings and achievements and their declared purposes.

I shall not attempt in this address to undertake a constitutional argument as to the powers possessed by the Federal Government and the reserved rights of the States. I am sure that it will suffice for this present purpose if I state a well-known fact that there has been two schools of constitutional thought in this country firmly established in the minds of men from the beginning, even indeed before the adoption of the Constitution of 1789. One school was led by Hamilton, who believed in a centralized Federal Government in which the people would be subjects of that Government—a system differing but little from that of England, except that instead of a king we would have a ruler elected every four years called the President. The other was lead by Jefferson, who regarded all government as righteously proceeding from the people, and that Presidents and governors and Congresses, indeed all public servants, were to be regarded as subject to the people. There was, as is well known, an exceedingly bitter struggle between the two schools of constitutional thought. There is no doubt that the thought of the Jeffersonian school was the one that prevailed, not only in the Articles of Confederation but in our present Constitution, established later in 1789. Most of the contention that has arisen between these two schools of thought in later years, especially in the last decade, has centered around those unfortunate words "the general welfare," taken from the Articles of Confederation and placed in the Constitution of 1789, and also found in Article I, section 8, of that instrument. In brief, without elaborating upon this contention, the proponents of the Hamilton school say that the words "the general welfare" confer upon the Congress of the United States the right to pass any legislation of any sort which a majority of both bodies may regard as being for the general welfare, and to tax the States in order to support and provide for such legislation.

The Jeffersonian school, on the contrary, strenuously contended that the words "the general welfare" never conveyed any such power either in the Articles of Confederation or later in the Constitution of 1789, but on the contrary imposed upon the people themselves the responsibility for their own welfare, and that their welfare was best conserved by strictly reserving certain rights to the States. It is a historical fact that this view was expressly and clearly incorporated in our present Constitution. All the early history surrounding the making of the Constitution of 1789 reveals the fact that wholly independent States first formed a confederacy and later, in order to have a more perfect union, they adopted the present Constitution, with the expressed declaration in article 10 that—

> The powers not delegated the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In this connection a fact of supreme significance should be stated, namely, that the Constitution was not finally adopted until 1791, or until article 10 was finally agreed to. To repeat again, the Jeffersonian opinion insisted that certain rights were reserved to the people of the various States, whereas the Hamiltonian opinion was to the effect that there were no rights reserved to the States under the general welfare clause. It should be stated here that Hamilton himself did not openly hold this view, declaring to the contrary before the New York Legislature when he urged that legislature to accept the Constitution of 1789. I think it can be stated truly that for 150 years this has been the accepted thought of the country and of the Supreme Court of the United States itself, although manifestly sapped and undermined very seriously in the last two decades.

Within these two decades all sorts of legislation has been proposed, and a great deal of legislation has been enacted into law, based upon the words "the general welfare," and advocated and justified by that assumed purpose. As a matter of fact, these words are being now used to communize our institutions and to subvert our fundamental law.

It is plain that within the next decade we are going to determine whether we shall follow the Hamiltonian thought carried to its logical and ultimate conclusion, or the thought of Jefferson and of Lincoln. If we follow the former I feel that my own State, the State of Delaware, which I represent in this body, will cease to exist except in name. I feel that all her previous power of local government will be taken from her and reposed in central bureaus at Washington. This will mean that there is no limit to the power which the Federal Government will exercise over my Commonwealth. The idea is that if anything is considered "good" it can be and must be enacted into law, if those who think it is good have a majority in the Congress of the United States.

It means as a logical consequence that in the matter of taxation the States have lost all control, and that the people of the various States of the Union can be taxed for an innumerable number of purposes which many of those States may or may not approve of; that the States will lose all power over taxation and the power to control taxation through their own legislatures and the power to say how money from taxation shall be expended. In other words, under the general-welfare clause, if the people sit quietly down and make no protest the United States will become a communistic country, controlled by bureaucrats instead of by themselves, losing the liberties, the powers, the independence possessed by their forefathers. Have the people of the country forgotten the real spirit of America as contrasted with that of other Governments? Have they failed in their understanding or lost sight of entirely those remarkable debates that were held preliminary to the passage of the present Constitution, debates so voluminous, so ultimate in analysis, so conclusive in logical deduction, so filled with the highest erudition and mental brilliancy as to have excited the admiration even of the world, and leaving no doubt that our forefathers did not desire nor intend to establish in this country a merely remodeled England, differing only in the fact that the one had a King and subjects while the other should have a

President and subjects? On the contrary, they endeavored to inculcate in everything they did, by every word they spoke, the lessons of individual liberty and the constant necessity for the preservation of this liberty by eternal vigilance; to hold it as the most inestimable possession, in order that every citizen might be free and enjoy an unrestricted opportunity to pursue happiness and to protect himself in his life and property. So far from regarding the Government as being above the citizen, the whole thought and purpose of those great men was to put the citizen before the Government. They inculcated in all they said and did the lessons of individual responsibility, individual self-dependence, individual initiative, and individual freedom. They sought to teach, and did teach, that this was a people's Government. Nearly 100 years after the birth of American freedom Abraham Lincoln enunciated the very spirit of those great men, and of the real Americanism which they sought to establish, in those memorable words: "A government of the people (as the source of power), by the people (as the possessors of power), and for the people (as the recipients of the benefits of such power)." He, as well as our early forefathers, believed in the individual kingship of the citizen and that all progress should proceed through the initiative of the citizen and by his will.

Running through all the literature of those early times was the thought—evidently the profound purpose to make the several States schools for citizenship—to repose the greatest amount of self-dependence upon the people of the several States and the subdivisions of the States to govern themselves in order better to govern the Nation. The purpose is to burden every individual with a sense of civic duty, not to enervate him by depriving him of all power and sense of political duty by subjecting him to bureaucratic control. Community government, county government, State government, all were regarded as primary schools for national government.

I can not forget, I have no right to forget, the part that Delaware took in the struggle for American independence. It is the proud heritage of every Delawarean to have been in the van of this wonderful procession of human progress. Her sons were distinguished on the battle field and in the council. She gave not only of her treasures but of her blood. Her hardy and patriotic volunteers tramped from Saratoga to the Cowpens in the cause of freedom. They participated in every considerable conflict of that long and memorable struggle. Delaware's forbears were among the master builders of the political structure which has challenged the respect and admiration of mankind. Beneath that structure there has been sheltered a people in greater comfort, safety, and happiness than has ever been afforded any other people since history has been recorded. Under the Constitution that they builded and as they interpreted we have grown to an unparalleled power and wealth. The penetrating light of their Americanism has illumined the darkest corners of the earth and established a governmental example that has aroused the aspirations of the downtrodden and the helpless in all lands. The question must force itself obtrudingly upon real Americans whether we, the inheritors of these priceless possessions, have not a solemn obligation to zealously and vigilantly safeguard them. Shall we be so indifferent, shall I say degenerate, as to be willing to take and not give, to inherit and not transmit to those who come after us, to have not only incomparable examples but inestimable experiences, and heedlessly and slightingly forget them? Can we honorably and self-respectingly inherit these inexpressible benefits and basely refuse to treasure them for our descendants? Shall we be less men than those we so fulsomely laud in this Chamber and apparently venerate? Shall we mock the portraits that adorn the walls of this Capitol and the statues that characterize our national individual greatness and view them as works of art rather than as inspiring examples of emulation?

We find ourselves—

Says Abraham Lincoln—

in the peaceful possession of the fairest portion of the earth, as regards extent of territory, fertility of the soil, and salubrity of climate. We find ourselves under the government of a system of political institution conducive more essentially to the end of civil and religious liberty than any of which the history of former times tells us. We, when mounting the stage of existence, found ourselves the legal inheritors of these fundamental blessings. We toiled not in the acquirement or establishment of them; they are a legacy bequeathed us by a once hardy, brave, and patriotic, but now lamented and departed, race of ancestors. Theirs was the task—

And nobly they performed it—

to possess themselves, and through themselves us, of this Godly land, and rear upon its hills and its valleys a political edifice of liberty and equal rights; 'tis ours only to transmit these—the former unprofaned by the invader, the latter undecayed by the lapse of time and untorn by usurpation—to the latest generation that fate shall permit the world to know. This task, gratitude to our fathers, justice to ourselves, love to posterity, and love for our species in general imperatively require us faithfully to perform.

No words of mine can add to the gravity and the supreme excellence of this exhortation.

But, with your permission, I will now proceed to an exposition of the facts as I perceive them. The first thing—and, I think, the proper thing—is to speak briefly of the socialistic legislation already enacted, and afterwards of that which is on the calendars of both Houses of Congress, so that a proper picture may be presented of the situation.

There are more than 250 different commissions and bureaus of the Federal Government already in existence. They comprehend every sort of human activity in art, science, and administrative power, including forestry, agriculture, horticulture, mechancis, chemistry, biology, the whole field of medicine, including investigations both in human and animal diseases. In fact, there is nothing in the heavens above, the earth beneath, nor the waters under the earth which is not comprehended in the activities of some governmental agency. If some midnight dyspeptic idealist as he lies awake thinks he has discovered some new idealistic good, which he deems to be for the betterment of mankind, he immediately proceeds to draft a bill creating a new bureau under the Federal Government for the purpose of carrying his newly discovered idea into effect. I am not going to mention all of these bureaus and commissoins. There is no time for such a purpose.

Standing out prominentlly among them, and already enacted into law, are two pieces of legislation upon which I will briefly comment. I refer to the Public Health Service and the Sheppard-Towner law.

There is no doubt that these two bureaus of the Government are only a part (but a substantial part) of a carefully considered and determined scheme to communize the country. They are mere parts of the communistic mosaic found upon the calendars of the two Houses of Congress. They are in nowise distinct in purpose or in conception. Together with the Sterling-Towner bill, and the several Kenyon and Fess bills, the purpose is to medicalize not only the people even before birth, but the pigs of Oklahoma and of Texas, and by Government regulations and laws control not only the mental training but the physical training as well of the whole people. National medicine and national education are to go hand in hand to educate and discipline the whole citizenship of the country, robbing them inevitably of liberty, even in their homes, through the impertinence of the Fess amendment invading the domestic life of our people. The scheme is purely Prussian with a Marxian flavor. It is borrowed, and has not even the merit of originality. It involves a profound disbelief in the ability of the people to govern themselves. They fear for good government in the face of a proletariat increasing in millions as the decades go by. These overanxious schemers have a profound distrust of individual liberty and freedom—of community and State government. They believe that the time has come when "a government by the people" is filled with danger, and the only safety consists in their taking over the power of government by legislation and investing it in an infinite number of bureaus in the Federal Capital. To bring this about, the children must not only be educated as far as their brains are concerned, but a medical director, who will also combine the qualities of an athlete trainer, must be stationed in every schoolhouse in the land, in order that instead of free, upstanding, self-thinking, independent boys and girls after the order of our splendid past, we will have in their place millions of living machines, mere automata, all turned out from the Atlantic to the Pacific, from Alaska to Florida, like melted lead from the same bullet mold—a uniform pattern of citizenship like a Uneeda biscuit.

It is inevitable that the extension of bureaucratic government will destroy the energies, and therefore the liberties, of the people. It is inevitable that the more bureaucratic government is extended, the less community and State government will be left. It is inevitable that the extension of national power will call for more and more taxation to support the increased number of departments and bureaus with their inevitable increase of men and women upon the pay rolls. It is inevitable that the more the Government taxes the people, the less the people can tax themselves for State and community purposes. It is inevitable that the more money the Government gets from taxation, the less the States can get. The fuller the National Treasury, the more empty the State treasury, until all energies of Government will be nationalized and the States will be too poor to pay for any of their own. When that time comes, then will come revolution as the only escape from the tyranny of Congress, just as it was the only remedy in 1776 against the tyranny of a King. Either this or national death through a slavish and decadent citizenship.

The appalling fact to-day is that under a Government of representative democracy we witness the strange spectacle of the

two principal parties divided in name only. What we need to-day, more than we need the solution of the problems growing out of the war, are two political parties in this country—differing in principles and not over spoils—an open, honest, and frank constitutional party, and an equally open and frank communistic party, so that the sheep of constitutional government can be separated from the three breeds of wolves of socialism, paternalism, and communism. To-day both parties, within and outside of Congress, are mere bidders at the auction block for the support of every organized class, asking for legislation that if enacted would destroy every vestige of the constitutional government we have inherited.

These are not fanciful words. I am raising no bugaboo in an attempt to frighten the public. I am not tilting at windmills. The proof lies in the fact of the socialism already put into law, of the innumerable bills wholly socialistic that are proposed for enactment into law. To illustrate the situation, only a few weeks ago Mr. BARCLAY, a Representative of Kentucky, and a gentleman highly esteemed by both sides of the House for his ability and personal qualities, in response to an inquiry of mine whether or not—

We could not just as readily, and I would like to have a categorical answer—just as easily under the general welfare clause of the Constitution have a bureau in Washington for the foodless, another bureau for the clotheless, another bureau for the homeless, and under that general welfare clause do anything that the most radical socialist in the world demands.

His reply came apparently without hesitation in the following language:

I am inclined to think that under the general welfare clause Congress could do all those things without violating the Constitution * * *.

Barring myself there was not a man on either side of the House that challenged this statement except Representative SISSON, of Mississippi, who made the very logical statement that—

The very moment a court would put that construction upon it then you have eliminated and destroyed the Constitution entirely, because whatever you think is for the general welfare would then be constitutional. Therefore you would have no Constitution.

And it might be added in this connection that the one thing you would have inevitably, unavoidably, would be a Government in the United States based solely upon the will of a majority in Congress, through an aggregation of States—a tyranny in the long run greater than that we escaped from under King George.

Again, on March 29, in a short colloquy with the honorable Representative BOURKE COCKRAN, I asked him the following question:

Well, whether for charity or otherwise, has this body any constitutional right to do that?—

Voting money for foreign relief—

or to vote money out of the Federal Treasury even for such purposes as the suffering coal miners in this country?

The gentleman asked me if I wanted an answer. I replied to him I should like to have an answer to my question, whereupon Mr. COCKRAN, a distinguished Democrat, replied as follows:

Yes; there is no limit to the power of Congress to appropriate money.

I wondered at the time whether the gentleman was a budding evolutionist, keeping perfect step with the times here and abroad, especially with those of Russia, or had lost all memory of the attitude of his party through more than a century.

I desire to be fair. The menace comes neither from the Democratic side of the House nor from the Republican side alone. Both sides have weakly yielded to the political pressure which communistic classes has put upon them.

Let me pause for a moment and inquire what will be the effect of this paternalistic and communistic legislation upon the respective States and their taxpayers. Although I recognize that this is somewhat of a repetition, yet I do not think that I can mention it too often.

You remember the celebrated saying of that eminent jurist, John Marshall, our first Chief Justice, that "The power to tax is the power to destroy." I know of no expression more pregnant with meaning than these few words. No matter what the form of government, whether democratic or tyrannous, taxation is not only the most vital power affecting a people, but one which affects even their lives, as well as their property. Taxation is the price that is paid to support royalties in opulence or the beneficent government of a free people. It may be wise or it may be vicious and deadly.

It may serve to promote the happiness, prosperity, and contentment of the people, or it may result in misery, destitution, and revolt. It was the question of taxation that led directly to the Revolutionary War. There is no other single concern of government so vexatious, so necessary, and so full of the requirements of justice and wisdom. It can be said beyond successful contradiction that no people are free who do not control the measure of their own taxation. Seeing that our constitutional liberties were born out of the spirit of "no taxation without representation," it is not a matter of wonderment, but of the most natural consequence, that our forefathers should have sought to protect the people from the tyranny of taxation. The ninth and tenth amendments were adopted after a delay of two years before the Constitution of 1789 was agreed to, because they recognized the possibility of a congressional tyranny equal to that of a British king. To-day, both in the Congress and through the Supreme Court, the power of taxation is being gradually taken out of the hands of the various Commonwealths of the Union and reposed in those of a majority of the Congress, for purposes which every student of constitutional history knows were never contemplated when our Constitution was agreed to. The result is that an aggregation of States, perhaps sectional in character, comprising a majority of the national legislature, can tax the other States and exploit them to their heart's content under the plausible justification of "the general welfare." Inevitably the effect of this procedure will be to excite the cupidity of the poor States, and thus exploit the rich States for their benefit. In fact, those who are behind this socialistic program of legislation now crowding the calendars of both Houses frankly use the argument that a rich State should be taxed for the benefit of the poor States, provided the object of the taxation is for some good purpose. Of course, this is the rankest communism. This means, when applied to the individual and reduced to the minimum, that the man who hath shall be deprived of a part of what he hath for the man who hath not; that wealth must be held for the common benefit, regardless of the elements that enter into human productivity and activity—of thrift, intelligence, industry, and ambition. How long would the individual work, how active would he be, what impulse to thrift would he have, what ambition in any calling, if the fruit of his labor was taken away from him by compulsion of law and given to the thriftless and the worthless, even though they were needy?

Outside, however, of the injustice involved in the matter from the standpoint of property or other considerations there is a deeper objection to this socialistic, paternalistic, and communistic legislation, striking, as I conceive it, at the very foundations of individual character, and, therefore, of our American citizenship. It means to destroy the sense of initiative among the people, their conception of civic duty and responsibility, their sense of self-dependence, and ultimately of their sense of freedom itself. Bureaucracy will inevitably, unavoidably sap the very strength of our citizenship, exactly as any human being is enervated and perverted in character when he loses his self-dependence. In the very nature of things, whether in a savage or a civilized man, the feeling of ability to care for one's self marks the man of force as contrasted with the weakling. Again, I wish to repeat that the one lesson taught by the founders of this Government was the lesson of liberty and self-dependence as the only way to produce the strongest citizenship and, therefore, conserve the national character. I maintain that bureaucracy and paternalism will destroy the very means which were so carefully provided to secure such citizenship.

The communistic propaganda is carried on quietly and simultaneously in the several States of the Union and is in part paid for out of the money of the taxpayer by the activities of those upon the Federal pay roll. Nor is there any room for doubt that the communistic influences of Europe are at work in this country, even by money, for the purpose of overthrowing our Constitution. The Attorney General of the United States recently in an official declaration made the statement that he had in his possession evidence of the influences at work in this country supported by foreign money to sovietize labor. Recently both the Secretary of War and the Secretary of the Navy have issued warnings against Bolshevik influences to all of those under their respective departments.

Organization for propagandic purposes has been reduced to a fine art. Does any Member of this House doubt that to-day in the 4,000 counties of the United States the school-teachers are being organized behind the Sterling-Towner bill? Was there any question but that the various women's clubs were organized behind the maternity bill? Does anyone believe when he comes to reflect upon it that these clubs represent the voting strength of the womanhood of the United States? Will anyone upon mature reflection think for a moment that the loyal wifehood and motherhood of the country will divorce themselves from the interests of their husbands and of their children? If a growing burden of taxation is felt by the husband and the father, will not the same burden fall equally upon the wife and the daughter? In passing these communistic measures can

anyone say that the man would have to pay and that the woman will not? The answer is plain. In the home the interests of the husband and the father are inevitably bound up with the interests of the mother and the children. The prosperity of one is the prosperity of the other, and nothing can divorce them.

What is your remedy, your defense, unless, indeed, you approve and are content with an ever-mounting increase in taxation? Do not forget that the producers, the farmer, the manufacturer, all who really make the wealth of the country, will have to foot these altruistic and idealistic bills. Your remedy is to organize in self-defense. Take the women of your household into your confidence frankly, and say to them—unless you are satisfied with your surtaxes and income taxes—that if they desire these costly things in legislation, they will have to deny themselves, and take less of the luxuries of living, sacrifice some of their own wants, in order that you may better bear your burden. Next, quietly see to it that the business men institute a chamber of commerce or a board of trade in every town comprehending the thoughtful and the sensible taxpayers of every community, whose chief purpose shall be by cooperation to keep in their own hands control of taxation. Again, see that your representatives, whether in the National or the State legislature, are opposed to this socialistic legislation that is piling up on the calendars of both legislatures and Congress. Again, when an official gentleman of either party comes around for the money with which to prosecute the campaign, ask him openly what he intends to do with it. Say to him, "If you intend to use my contribution for communizing my country, you go to communists and socialists for your funds."

I earnestly implore you in this crisis not to depend upon Members of the Federal Congress because they have taken an oath to support the Constitution of the United States. Too often, and for the most part generally, seemingly, a Member of Congress has a mental reservation stuck back in his head, amounting to the fact that he alone shall be the interpreter of the Constitution which he swears to uphold. Nor can you rely solely upon the Supreme Court to protect you against socialism, paternalism, and other infractions against the organic law, in view of the hopes confidently expressed only recently upon the floor of the House of Representatives that a bill admittedly unconstitutional would be declared constitutional if the Congress would only pass it. The whole history of our Government shows that the Supreme Court in the long run runs with popular sentiment, and renders its decisions accordingly. Your protection—your only sure protection—lies in making and perpetuating and conserving by eternal vigilance a public sentiment that both Congressmen and members of the Supreme Court shall respect.

In closing, I make no appeal to you on the basis of an academic philosophy to invoke your appreciation of, or to secure your devotion to, constitutional government. I make a final appeal on the good old American grounds of hard common sense and the experience of a century and a half so rich in fulfillment as to satisfy the most ardent founder of this Government were he living to observe it. Again, I say the issue to-day in this country is constitutionalism against communism. Which will you choose?

For the information of the country, the producers, whether on the farm or in the factory, the toiler, the laborer, the business man, the taxpayer of every kind, I desire to put in the RECORD the titles of bills proposed for legislation both on the Senate as well as on the House Calendars, which are permeated with communism, and which, if enacted into law, will burden the people with annihilating taxation. The reason I do this is because I believe that the tax-paying public, which is largely the producing public but which is also that part of the public inherently intelligent, is uninformed as to the actual facts connected with proposed congressional action and the plain communistic purpose betrayed by the proposed legislation found upon the calendars of each House of Congress. They are astounding revelations such as I believe the public, when fully informed, will revolt against.

Senate bill 1839: This is a bill introduced by Senator MCCORMICK, called "A bill to create a department of public welfare, and for other purposes."

This bill would create a new department under the Government, with a new Secretary holding a Cabinet portfolio, combining various bureaus under the administration of the new department. More money! More taxation!

Senate bill 2964: This is a bill introduced by Senator LADD, of North Dakota, entitled:

A bill to promote agriculture by stabilizing the prices of certain agricultural products.

This bill seeks to establish a minimum price for cotton, wool, corn, and wheat—the price to be maintained by funds out of the Public Treasury. If this bill should become a law wheat, corn, wool, and cotton would have a fixed minimum price established by law, sustained and maintained out of the taxpayers' pocket. The Delaware fruit, vegetable, poultry, and cattle growers—including all other taxables—would have to stand alone and unaided, lose their crops by drought or frost or other destructive influences, and still be taxed for the benefit of those who grow corn, wheat, cotton, and wool only. I will leave the common sense of the public to characterize properly a measure which coordinate congressional courtesy might condemn if used by me.

Senate bill 622: This is a bill introduced by Senator FLETCHER, entitled:

A bill to establish a national conservatory of music for the education of pupils in music in all its branches, vocal and instrumental, and for other purposes.

What a mental melody when this idea was generated! Would it not be possible to extend the provisions of this bill so as to include the lower animals, with especial view to ameliorating the harsh and strident sounds of a long-eared animal growing more common every day?

Senate bill 524: This is a bill introduced by Senator OWEN, entitled:

A bill to provide for public education upon political questions and for the dissemination of information upon political issues and matters of a political nature of public interest by an authorized publicity pamphlet.

Shades of all the fathers! Be not disturbed. May there yet remain enough of your inherent counsel and wisdom to save the people from the insensate folly of such a measure. More money! More taxation!

Senate bill 523: This is a bill also introduced by Senator OWEN, entitled:

A bill to create a department of education.

This is in line with numerous other bills dealing with the same effect, creating a new department. More money! More taxation!

Senate bill 511: This is still another bill introduced by Senator OWEN, entitled:

A bill to establish a national bulletin.

Having exhausted most things that might be legislated upon, the distinguished Senator wants the Government to go into competition with the press. How in the world did such a comprehensive mind fail to include the establishment of a national church? One must not grumble, however, for without doubt this idea, now that it is in public print, will find some eager mind capitalizing it for purposes of personal fame. More money! More taxation!

Senate bill 981: This is a bill introduced by Senator TRAMMELL, of Florida, entitled:

A bill providing for and establishing scholarships in each of the States as a memorial to the American soldiers, sailors, and marines who gave their lives to their country, and as an expression of appreciation to the brave and loyal men who served in the military and naval forces of the United States in the late war.

The distinguished Senator must have had some compulsion of political desperation or a temporary aberration of mind, if not a total loss of Democratic memory, when he proposed this measure. Why not some thought for the burdened living, for the kinfolk of those who died? How many deserters there are to-day from the ranks of sound democracy? How many scorn the constitutional traditions once fondly cherished? More money! More taxation!

Senate bill 416: This is a bill introduced by Senator CAPPER, entitled:

A bill to provide for the promotion of physical education in the United States through cooperation with the States in the preparation and payment of supervisors and teachers of physical education, including health supervisors and school nurses, to appropriate money, and regulate its expenditure, and for other purposes.

What one wonders at after reading the title of this bill is the meaning of "and for other purposes." How was it that this measure did not include "curators for the lunch boxes," a "provision for bathtubs," "whisk brooms," "shoe shines for the boys," and nice little mirrors with perfumes, paints, and powders for the girls in order to be up to date in this grand social and educational welfare scheme. More money! More taxation!

Senate bill 398: This is a bill introduced by Senator ASHURST, entitled:

A bill to provide Federal aid for indigent tubercular persons and for other purposes.

This is one of those insidious appeals to the sympathies of the public, without a bit of gray matter given to the consideration of the principles involved, or their logical termination. While the philanthropic mind that drafted this bill was about it, why did he not make it inclusive, so that Government hospitalization should be provided for every ill that flesh is heir to? Possibly it was fondly foreseen that the inclusive process would go on,

and eventually the whole dream would be communistically gratified. More money! More taxation!

Senate bill 408: This is a bill introduced by Senator Kenyon, entitled:

A bill to establish a department of social welfare.

Here we have another proposition for another new member of the Cabinet, with all the powers and the prestige of a portfolio official. By this bill it is proposed to safeguard and promote the social welfare of the people of the United States, taking jurisdiction over the Public Health Service; the Hygienic Laboratory; the Bureau of Education; the Children's Bureau; Bureau of Industrial Housing and Transportation; United States Employment Service; United States Employees' Compensation Commission; and Home Economics; with the certainty that as time goes on dozens more of differentiated activities evolving out of those included in the bill would be demanded by the department and granted by a communistic Congress which swears to support the Constitution and at once proceeds to destroy it. More money! More taxation!

Senate bill 526: By Mr. OWEN, entitled:

A bill to establish a Department of Health, and for other purposes.

This would create another department, another Secretary with a place in the Cabinet, possessing all the power of a Cabinet officer. This bill proposes to establish within the new department a "Bureau of Sanitary Research," a "Bureau of Child Hygiene," a "Bureau of Vital Statistics and Publications," a "Bureau of Foods and Drugs," a "Bureau of Quarantine" a "Bureau of Sanitary Engineering," a "Bureau of Government Hospitals," and a "Bureau of Personnel and Accounts." The distinguished author of this bill did not enumerate more possible Government activities, evidently through weariness of the flesh or by some sudden diversion of an active and comprehensive intellect to other matters. More money! More taxation!

House bill 21: This is a bill introduced by Mr. FESS, of Ohio, known as the Fess amendment, entitled:

A bill to amend an act entitled: "An act to provide for the promotion of vocational education; to provide for compensation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure."

For this purpose there would be appropriated, to begin with, the sum of $500,000, "and annually thereafter for nine years an amount for each year equal to the amount appropriated for the year preceding, increased by $250,000, and for the fiscal year ending June 30, 1931, and annually thereafter the sum of $3,000,000." Practically the whole of this money would be for a pay roll—for an unknown number of salaried people to teach what the people of this country taught themselves sufficiently well for 150 years. The conspicuous symptom of a modern-day statesman is to generate a notion and make the poor taxpayer pay for his foolish lucubration! More money! More taxes!

H. R. 25: This is a bill introduced also by Representative FESS, of Ohio, entitled:

A bill to create a national university at the seat of the Federal Government.

There are those who think the seat of the Federal Government is the proper place for every human activity possible to our national life. In spite of marked ability and experience, and even specialized knowledge of our history and of the constitutional principles of our Government, these socialistic iconoclasts, either ignorantly or designedly, either heedlessly or from the impulses of personal ambition, coldly sap the foundations of a Government they have solemnly sworn to maintain. Supreme in their egotism, they have a constitution of their own back of their purposes supplanting the one that exists by proper custom and authority and sworn obligation. More money! More taxation!

H. R. 22: This is a duplication of the Capper bill, Senate 416, introduced in the House by Representative FESS, entitled:

A bill to provide for the promotion of physical education in the United States through cooperation with the States in the preparation and payment of supervisors and teachers of physical education, including health supervisors and school nurses; to appropriate money and regulate its expenditure, and for other purposes.

Whatever distinction there was inscribed in the Senate measure ought to have been left to that body, thereby saving the House of Representatives from the inevitable condemnation of the people when they become aware of the vicious iconoclasm inscribed in the measure. More money! More taxes!

House bill 9292: This bill was introduced by Representative GILLETT by request and is entitled:

A bill to provide for the world-wide extension of education by the cooperation of national governments.

I am especially gratified that this bill was introduced by Mr. GILLETT by request, and that thereby he has no personal responsibility or obligation or approval of the measure. Whoever drew this bill was not devoid of ambition, believing that the taxpayer of this country was perfectly satisfied to pay out money for any purpose whatsoever. He doubtless intended to follow up his scheme by extending his beneficient desire to the inhabitants of the other planets, if he shall by any chance establish communication with them.

H. R. 4108. This is a bill introduced by Mr. RAKER, of California, and is entitled:

A bill to create a bureau for the deaf and dumb in the Department of Labor, and prescribing the duties thereof.

Of course, it was not intended to imply (though it so reads) that there were so many deaf and dumb employees in the Department of Labor that special provision must be made for them. The evident purpose was to create a bureau for the deaf and dumb of the Nation and put it under the Department of Labor. Would it be discourteous to ask why the lame, the halt, and the blind were not included in this benevolent communistic purpose? Or why free food, free clothing, free housing, free movies, free everything was not made a part of a perfect whole? The only reasonable explanation is that as yet no one has had a dyspeptic dream sufficiently invigorating to a disordered intellect as to have had them embalmed in print. More money! More taxes!

H. R. 7. This is a bill introduced by Representative TOWNER, of Iowa, entitled:

A bill to create a department of education; to authorize appropriations for the conduct of said department; to authorize the appropriation of money to encourage the States in the promotion and support of education, and for other purposes.

This bill creates a department—a new Cabinet member—and starts with an initial appropriation of $100,000,000 for the avowed purpose of extending education at a time when the last census shows that illiteracy is steadily decreasing, and that the States and all our private institutions of learning are progressively accomplishing the very purpose of the bill. The measure if enacted into law would Prussianize education in America; place all education in the hands of the Government; and mold the national thought after the whim of the head of a department. The department of education would be a vast political machine operating in every schoolhouse in the land. Its political power would be incalculable by reason of its opportunity for propaganda for any purpose the department might see fit to inaugurate.

The very history of the country would be at its mercy; principles of any kind of political economy could be ingrained in the minds of the new generation, and the whole Nation molded in the same universal form which one man would fashion. It is said that the provisions in the bill specifically preclude any infringement upon the liberties of the States. How imbecile an argument. How insulting to common intelligence. Anyone knows that any man of force with $100,000,000 at his command could have the whole school establishment of the United States eating out of his hands in less than a year if every word of the bill was a proclamation of State liberty and freedom. The power of the Secretary to interfere by mere suggestion; the opportunities for advancement or promotion at his command, if one was compliant; personal ambitions such as manifest themselves in all human life and such as were revealed so clearly in Germany under the same government system affecting the very highest of her distinguished professors in her universities—all would make a mere State superintendent of education with every subordinate compliant and submissive followers of whatever policy the august secretary of education, with his millions, might desire to establish. Millions more money here and more millions to come.

H. R. 4116. This is a bill also introduced by Mr. RAKER, of California, and is entitled:

A bill to make accessible to all the people the valuable scientific and other research work conducted by the United States through the establishment of a national school of correspondence.

This means another bureau, and still more money, more taxation, more nationalization, and more weakening of the fiber of the people by more paternalism. Why did not the distinguished Representative from California include a provision in his bill for a bureau of fashions with a special provision for Parisian styles in all adornment?

It may be said, it will be said, that these bills are not yet enacted into law. True. But six months ago the communistic maternity bill was not a law, but it is a law now. It passed both Houses of Congress by an overwhelming vote, and the President signed it. Why? Everyone knows why—the most cowardly kind of politics. The time will come and is not far

distant when the real power in this land, the millions of men and women who work and who know the hardships of living, who feel acutely the disheartening pinch of taxation, will rise up and repudiate those who now yield their vote to the pressure of socialistic propagandas which do not represent the real men and women who constitute the country's strength and grandeur, as well as its majority. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] is recognized.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. LOGAN].

The CHAIRMAN. The gentleman from South Carolina is recognized for 15 minutes.

Mr. LOGAN. Mr. Chairman, the main question we are concerned with in the pending bill is that provision by which the Secretary of the Navy is required to reduce the enlisted personnel to 67,000 men. The Secretary has advised the Congress that we should have a force of at least 90,000 men and 6,000 apprentice boys. In making this estimate he has acted upon the advice of the most expert, able, and efficient naval officers now in the service.

The Secretary tells us further that if only a Navy with 67,000 enlisted personnel is allowed, not only will we have a smaller Navy than that of Great Britain, but even than that of Japan.

VOTED FOR PEACE CONFERENCE.

I was one of those who voted for the resolution providing for the peace conference, because I could not deafen my ears to the anguishing cries of a world which had been tortured almost to death with war and desired, beyond all things, peace. I hoped that in some way—although I knew all experience of mankind was against it—a method might be evolved through the collective wisdom of the great statesmen who would assemble at the conference by which peace might be assured. But, alas, what were the concrete results of the conference? Simply an agreement that we should abolish our 1916 naval building program, which, if proceeded with, would have given us the greatest and most powerful Navy in the world, that we should scrap some of our finest battleships, upon which millions and millions of dollars of the taxpayers' money had already been expended, that we should be limited to a tonnage for aircraft carriers of 135,000 tons, and that for the immediate present we should be below Great Britain in the amount of naval tonnage we should keep, by something over 100,000 tons, and that eventually the ratio should be on a basis of 5-5-3—in other words, an equality with Great Britain and a superiority over Japan, and, of course, France and Italy, the other two powers parties to the naval treaty.

This is a far cry from disarmament, and in agreeing to a program which will prevent us from being the greatest naval power in the world a heavy responsibility was shouldered by those who have given us this treaty. But I submit that if we are to live under the treaty, then certainly we ought not to have a Navy smaller than that allowed by its terms. I do not think the American people will learn with calmness and equanimity that we are to be less powerful upon the sea than even Japan, and we are assured such will be the case if this bill passes without amendment.

PEOPLE WISH ADEQUATE NAVY.

I am fully aware, Mr. Chairman, of the demand of our people for a reduction in taxation, but I do not believe that the people desire their Navy to be reduced to a point where it will be utterly inadequate and insufficient to protect the business interests of the country and the honor of our flag. It is said by those in charge of this bill, and who have reported it favorably, that the Navy Department would not know what to do with the enlisted strength that is asked for, and yet I hold in my hand a tabulated statement furnished by the department, with which I presume every Member of Congress has been furnished, or could get if he desired, showing precisely and exactly and accurately just how the men asked for would be disposed of.

Take, for instance, what are known as capital ships or first-line battleships. The Secretary of the Navy tells us that if the personnel he asks for is allowed we shall have 18 battleships, all that we can keep under the treaty, fully manned; but if only 67,000 men are given, 12 ships, or 13 at most, can be provided for, and the remaining ships will hardly have upon them more than enough to act as caretakers. I do not believe the people of the United States are willing that this should be so.

NAVY YARDS WILL SUFFER.

We have thousands of the finest and most skilled workmen and mechanics employed at the various navy yards throughout the country. If the Navy is not to be kept up, of course, it is self-evident that there will be no work for the navy yards to do. These highly skilled and splendid workmen will have to find occupation elsewhere, and when the Navy does need their service, as it eventually will, it may take years to bring them back to the yards and reorganize them.

We know, of course, Mr. Chairman, that when the President of the United States called the conference he appointed the ablest naval officers in the country to consider questions affecting their branch of the Military Establishment. I think the President would have done the country a great service if he had dispensed with the officers of the Navy and requested the members of the Subcommittee on Appropriations who have reported this bill, and who claim to know the needs of the Navy Department better than it does itself, to serve in their stead.

Does anyone suppose that if Mr. Denby, the Secretary of the Navy, had not considered the situation a most serious and even desperate one he would have gone to the length of calling attention through the columns of the public press to what would be the effect on this country if the personnel provided for by this bill is all that is allowed?

SECRETARY OF NAVY INDICTED.

The gentleman from Michigan, Governor KELLEY, undoubtedly made a most able and powerful presentation of his side of this case to the committee; but as I listened to his argument I could not but regret that so much force, power, eloquence, and intelligence was being devoted to the ignoble purpose of destroying the Navy of his country. He has even gone to the length, Mr. Chairman, of practically indicting the Secretary of the Navy and the highest officers in the service. He has said, in effect, that when they asked for 29,000 more men than this bill calls for that they did not know what they were talking about; that it simply meant a useless expenditure of millions of dollars, and that the country could not afford it. I submit with all due deference to the honorable Representative from Michigan that the evidence he has submitted utterly fails to sustain his case, and that the sad fact remains that for the first time in its history the position of the United States at sea is inferior even to that of Japan, a country which little more than 70 years ago had practically no intercourse with the world, and whose ports were first opened to commerce through Commodore Perry. I say it is mortifying and humiliating to every true American citizen who loves his country to think of the effort now being deliberately made here to undermine and annihilate the strength of the American Navy.

POSITION OF FRANCE AT CONFERENCE.

Let me call your attention at this point to the position which France occupied at the conference. No one can deny the wonderful and remarkable achievements of the French people as a military nation. Under Napoleon they overran practically the whole of Europe. France's self-sacrifice and the wonderful courage of her people in the Great War are written in imperishable letters of gold upon the annals of time. And yet she occupied the humiliating position at the conference of waiting in the anteroom and having England, Japan, and the United States agree as to what naval force she should be allowed. I sincerely trust that if ever another conference is called the United States will not occupy the position of France.

IMPORTANCE OF SEA POWER.

But we are not considering a new question. The late Admiral Mahan, of the United States Navy, one of the greatest and ablest naval writers who ever lived, points out clearly that whenever in the history of France she had the opportunity to become a great power at sea her footsteps were always fatally directed to land armaments, with the result that she was inevitably consigned to a place inferior to that of England. Spain once possessed enormous colonies from which she drew vast riches, but lacking sea power she lost them all, and has been reduced to so low a station in the family of nations that she was not even invited to the conference. Holland at one time was the equal of Great Britain in sea power, but she, too, was gradually eliminated, until to-day her navy is not even taken into account, and was not considered by the conference.

On the other hand, England has grown to her present dominating position entirely through her sea power, and it has been generally stated that one of the main reasons for her taking part in the Washington meeting was because she foresaw that unless some radical steps were taken the United States was bound to outstrip her upon the oceans of the world.

AT THE PARTING OF THE WAYS.

It seems to me, Mr. Chairman, that we, too, now stand at the parting of the ways; and, alas, we seem bent upon taking the road which has proved so fatal to every nation that has followed it, by crippling the very force which would make us the leader among nations. As by the terms of the treaty we can not have the greatest Navy in the world, then at least let us do the best we can to keep the Navy given us by that treaty in the very highest state of perfection and efficiency.

Among the ships which Secretary Hughes proposed the Japanese should scrap was the greatest battleship in their fleet, and one of the greatest battleships in the world, the *Mutsu*, just completed. That ship had been built as a result of popular subscriptions from all classes of her people, and the Japanese statesmen resolutely declined to destroy it, claiming that their people absolutely would not submit. I am sure the American people have as much love and devotion for their Navy as have the people of Japan for theirs, and they will as resolutely oppose its reduction to a point where it will utterly fail to be that which it was intended to be, a complete safeguard to the Nation.

The gentleman from Michigan has severely censured the Secretary of the Navy as attempting to waste the money of the people, but again I say the evidence does not sustain the charges made.

Take, for instance, our torpedo boats. At the close of the war we had 283 of these vessels. They were the one branch of naval service in which we excelled the world. We have no light cruisers to speak of, and the destroyers had to take their place. These boats, manned by as gallant officers and men as ever set foot upon a deck, were the pride of our Navy; and yet the Secretary, recognizing the need for economy, without the slightest suggestion from this Congress, had determined of his own accord to lay up 157 destroyers. He asked to be allowed to keep 103 with full complements and 23 with 50 per cent complements, and yet you would deny even this.

It is galling to hear the Navy held up to ridicule as it has been in this debate, and I wish to call your attention to at least one instance of its splendid work during the war, so that you may not entirely forget, as some of you seem to wish to do, its heroic and splendid deeds. During the war it became necessary to mine the passage between England and Sweden. It was work of the most dangerous and hazardous character. Seventy-five thousand mines were laid down. It was the greatest mine field ever laid down in the history of the world, and of those mines, 57,000 were placed by ships of the American Navy. It was a magnificent feat and should never be forgotten as long as heroism and bravery are honored among men.

But I have noticed, I think, as word is being gotten to the country of what is sought to be perpetrated here, a disposition among some of those responsible for this legislation to seek to avoid their share of it; but I say you can not run with the hounds and with the hare. If there be any credit to you in giving us a Navy so much smaller than that provided for by the treaty, then you are entitled to it; but if you have committed, in the opinion of the country, a great and grievous wrong, then you must bear the blame. You can not be small Navy men and big Navy men both. You stick to your side of the line and we who believe that we are doing right and are making a desperate fight for the safety of our country and the honor of its flag will stay on our side.

SMALL NAVY DANGEROUS.

Oh, my colleagues, many of you whom I have grown to respect and honor and esteem, with whom I have come to be on terms of friendship during the months that I have been here, I urge and entreat you not to vote for this bill. It is full of harm and danger and disaster. It does not save money. It is an absolute waste of money, because if we do not have a Navy adequate to protect the country, then we almost might as well have no Navy at all.

It is said that after all, even if this is a smaller Navy than we are entitled to, it will be an example to the rest of the world and will point out to them the way to peace. I say that such a Navy as this bill seeks to provide for points out not the way to peace but the way to war. If we are ready and powerful, no nation will seek to attack us. If we are unprepared and weak, on account of our immense riches we become at once the object of the cupidity and greed of other nations.

SAFETY OF THE PEOPLE A SACRED TRUST.

For the time being the people of our beloved land have committed their well-being, their safety, and their protection to our keeping. It is a most sacred trust. If we are false to that trust, we shall deserve, as we shall receive, the deep and lasting condemnation of those we have betrayed. If we keep and hold that trust sacred, we shall be at least entitled to the thanks of those we have cared for.

It is said that this bill will meet with the approval of the great masses of the people. I absolutely deny it. I say the American people are devotedly attached to their Navy, are proud of it, and love it, and they will utterly repudiate those who seek to harm it.

Now, Mr. Chairman, I know that there are thousands of homes in this country where the very word "war" is hated as something odious, unclean, abhorrent, and dreadful—homes to which war has brought sadness and sorrow and the keenest suffering. There are wives who have been widowed, children who have been made orphans, mothers who have lost their sons, dearer to them than life itself. For all of these I have the greatest sympathy. I would that never again the earth would resound to the sound of soldiers marching to battle. I would that the seas would never again be reddened with the blood of those sacrificed in strife; and it is because I do honestly, earnestly, and sincerely desire peace for my country that I shall vote for such a Navy as I believe will bring about that peace and preserve forever the happiness, the prosperity, the honor, and the glory of our country. [Applause.]

Mr. BYRNES of South Carolina. I yield three minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a letter which I have received to-day from Secretary of State Charles Evans Hughes, late chairman of the International Conference on the Limitation of Armament, which letter sets forth his views as to the Navy which is requisite under the treaty obligations of the United States.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks as indicated. Is there objection?

Mr. GARRETT of Tennessee. It seems to me that the letter might very well be read now.

Mr. ROGERS. I expected to read it on the floor of the House this afternoon, but owing to the jam for time it has not been practicable. I wish to have it in the RECORD, so that Members can read it to-morrow morning.

Mr. GARRETT of Tennessee. I have no objection.

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent that the letter be read.

Mr. KELLEY of Michigan. Mr. Chairman, I will yield three minutes to the gentleman from Massachusetts in order that the letter may be read.

Mr. ROGERS. I want to be sure that the gentleman from South Carolina [Mr. BYRNES] will not regard this as inconsistent with the agreement I made with him.

Mr. BYRNES of South Carolina. I have no objection.

Mr. ROGERS. I send the letter to the desk to be read.

The Clerk read as follows:

MARCH 28, 1922.

The SECRETARY OF STATE,
Washington, D. C.

DEAR MR. SECRETARY: The Committee on Appropriations of the House of Representatives is to recommend in the forthcoming naval appropriation bill for the fiscal year 1923 a reduction from the present enlisted personnel of the United States Navy, some 96,000 enlisted men, to 65,000 enlisted men. I am advised by the Navy Department that this reduction will mean that not exceeding 12 capital ships can be kept in commission. The capital-ship complement allowed the United States by the naval armament limitation treaty of February 6 last is 18. I had supposed—and I think it was generally supposed—that when the United States agreed to reduce its capital-ship force to 18 it was making a very considerable sacrifice, which was nationally permissible only because the other world powers were also limiting themselves commensurately. Now, with the ink scarcely dry upon the treaty, it is proposed to reduce the 18 to 12.

I am writing you not primarily because you are Secretary of State but because you were chairman of the recent Limitation of Armament Conference and because you have necessarily given much study of late to the proper naval program of the United States.

To put the Appropriations Committee proposal in another way, it means that instead of the 5–5–3 ratio established in the naval treaty, we shall have with the new fiscal year a 2½–5–3 ratio, with the United States Navy representing the 2½. In other words, the treaty ratio of the United States capital ships is cut in two and she becomes thereby the third naval power of the world instead of one of the two powers preeminent in naval strength.

I venture to inquire your opinion as to the national and international wisdom of the Appropriations Committee proposal.

Respectfully yours,

_____.

DEPARTMENT OF STATE,
Washington, April 10, 1922.

Hon. JOHN JACOB ROGERS,
House of Representatives, Washington.

MY DEAR MR. ROGERS: I have received your letter requesting my opinion as to the proposed reduction from the present enlisted personnel of the United States Navy to 67,000 enlisted men. You state that you write to me because of my relation to the recent Conference on Limitation of Armament and to the negotiation of the naval treaty which fixes limitations for capital-ship tonnage with respect to the United States, Great Britain, and Japan in the ratio of 5–5–3.

Under this treaty the United States is allowed now to retain 18 capital ships. You say that you are advised by the Navy Department that the proposed reduction in personnel will mean that not exceeding

13 capital ships can be kept in commission. As to this I am not qualified to express an expert opinion, but I have questioned the naval experts with whom the American delegates consulted during the recent conference and whom we found both accurate and in sympathy with the principle of limitation by agreement, and I am advised that the proposed number of enlisted men is far below the number required to maintain our Navy upon the basis contemplated by the treaty. Accepting this statement of fact, the only question would seem to be whether our Navy should be reduced below the treaty standard by a provision of personnel inadequate to maintain it.

To this question I think there can be but one answer. I strongly believe that it would be most injurious to the interests of the United States not to maintain fully the standard of the treaty.

From whatever point of view it is considered the question of appropriate naval strength is a relative one. It was recognized in calling the recent conference that the only sound basis for effecting a reduction in naval armament was through an agreement among the naval powers which would fix suitable limitations for their respective navies in relation to each other. In the invitation to the conference it was said that there seemed to be no ground to expect the halting of the increasing outlays for naval armament "unless the powers most largely concerned find a satisfactory basis for an agreement to effect their limitation." Apparently this was the view of Congress when in the naval appropriation bill approved July 12, 1921, it expressed the opinion that there should be an understanding or agreement between the Governments of the United States, Great Britain, and Japan with respect to their building programs.

What was the purpose of the conference if it was deemed to be a wise policy to cut the Navy irrespective of an agreement with the other powers? The ratification of the conference treaties is important, but it is no less important that the policy which they defined should be adhered to. By agreement of the naval powers, construction programs were virtually abandoned and limitations were fixed. It would be truly extraordinary and a manifest reflection upon the work of the conference if the Navy of the United States were reduced below the standard thus established.

The American delegates were able to effect an agreement in this difficult and important matter because they asked for limitations in proportion to existing naval strength. A very large reduction was thus effected, while national security was left unimpaired. To alter that relation would be a very serious matter for the United States, both impairing its prestige and putting its security in jeopardy.

The American delegates deemed it to be essential that they should stand inflexibly for the ratio shown by existing strength, and thus they insisted upon a replacement schedule which would give equality with Great Britain and a ratio of 5–3 with Japan. This result was achieved. We should have taken a wholly indefensible position had we asked for less. But of what avail are this labor and success if the Navy is not kept up to an agreed standard?

I have been speaking of existing conditions, but what of the future? Upon what basis is the United States to enter future negotiations on the subject of naval armament? Are we to impair our existing relative strength and accept an inferior position? I should suppose that such a proposition would require only to be stated, and that no one would defend it. The United States, in calling the conference, which has had such gratifying results, has shown that reduction can be effected by agreement. We have reduced our Navy, but we have kept our place. Great sums have been saved through the agreed reductions, but to cut under the agreement itself would be likely to prove, I believe, an expensive experiment.

I trust that an adequate personnel will be supplied to maintain the 18 battleships which the United States is entitled to keep, together with the auxiliaries that would be appropriate to such a fleet. Of course, I fully accept the view that the Navy, on the reduced basis, should be highly efficient.

I am, my dear Mr. ROGERS,
Very sincerely yours,

CHARLES E. HUGHES.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, as to the size of the Navy there may be room for argument, but I am not prepared to subscribe to the doctrine laid down in the letter if I understand what it means. If I understand, it is the purpose of the Secretary of State to insist that the Congress of the United States is bound to keep the Navy up to the number fixed in that agreement. I do not believe that. I believe all that is binding on this country under the treaty is that we shall not go above the 5–5–3 ratio. [Applause.] We are not bound legally or morally to keep it at that point if in our discretion we deem it wise to go below that 5–5–3 ratio.

Mr. ROGERS. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. ROGERS. Does the gentleman think it is wise to go below the 5–5–3 ratio?

Mr. GARRETT of Tennessee. I say that the size of the Navy may be a matter of argument, but that is not what I am talking about in the three minutes that I have. I want now, at the very threshold of that proposition, with the first official utterance, to challenge the doctrine laid down that the Congress of the United States is bound by this treaty for all time, or for 10 years, or for any time, to keep the Navy up to a certain point. I am willing to agree that we are bound not to go beyond a certain point, but certainly I am unwilling to agree that the discretionary power of the Congress has been taken away by a treaty that will prevent us making it less if we want to. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman, I want to ask the gentleman from Massachusetts if that letter came as a surprise to him, or did he ask the Secretary to write it?

Mr. ROGERS. I wrote the Secretary of State a letter, as the Secretary indicates in his reply, and in order that both sides of the correspondence may be available for Members of the House, I will, if the gentleman will permit, ask unanimous consent to print my letter with that of the Secretary of State.

Mr. CONNALLY of Texas. I want to ask the gentleman if the Secretary of State gave out the letter to the papers before it reached the gentleman from Massachusetts?

Mr. ROGERS. I do not know that I can give the gentleman a stop-watch time on it, but I received the letter at noon, and, as I understand, it has appeared in the afternoon papers, although I have not seen it. But that does not seem to be particularly material.

Mr. CONNALLY of Texas. The gentleman does not mind saying whether he knew what the Secretary's reply would be before he received it?

Mr. ROGERS. I had no knowledge of what the Secretary of State would say until I got his letter at noon to-day.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to print in the RECORD his own letter to the Secretary. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman and gentlemen of the House, after listening to the letter that has been received from the Secretary of State, I fully agree that this Congress is not to be bound by any document that may be received here, but I want to say that I, for one, am not only willing to subscribe to the document so far as keeping the Navy up to the standard set by the treaty but I am in favor of going further and making the United States Navy the greatest navy in the world. [Applause.]

The chairman of the subcommittee of the Appropriations Committee in charge of the naval bill has made a delightful, balanced argument in favor of the bill as presented to the House for our consideration. I listened with great pleasure to the delivery of his remarks, and in the selfish hope of further enjoyment I have allowed myself the time to read his speech in the RECORD this morning. Of course, the gentleman from Michigan [Mr. KELLEY], owing to his experience as a Member of the House, is qualified to enlighten some of us regarding Navy matters, and from his attainment as a member of the legal profession is particularly gifted in the presentation of his thoughts so that they have the appearance of fact seemingly logical.

To my mind most of the trouble with this appropriation bill is the logicians, the lawyers, and the bankers are setting up their respective and combined opinion against the judgment and expertness of the professional, seafaring Navy men whose interest may be at times biased, but is primarily based upon cold, calm patriotism and an intimate careful study of the needs for national defense. We have an investment in the Navy men (an investment in these Navy men), an investment which started in their seventeenth or eighteenth year. We appropriated money for their education; we, the people of the country, had a hand in the character formation of these men; we have, since they graduated from the Naval Academy, vested them as custodians of our national honor in so far as seas, the highways between nations, are concerned, and at no time have they failed us. No; nor have they deceived us.

Our present situation is one in which we, representing the people, must abide by the traditions we have acquired from the past—a glorious past—for which the people of our country have an admiration greater than they accord Congress.

I agree with the Secretary of the Navy; this bill does not meet the needs of the country, is a challenge to the common people, and should be amended to meet the demands of the experts of the Navy.

Navies are not made up by adding machines, as was said on this floor yesterday by the gentleman from Michigan. We do not want an adding-machine Navy. We want a Navy of men trained to the needs of the service and enthusiastically alive to its traditions. Such men make the ideal custodians of the Nation's honor. Comparisons are odious. Ours is an American Navy, and we have no desire to compare it or its personnel with the English or the Japanese. Our men are of a better caliber, and proved that fact during the World War.

However, since the chairman of the subcommittee and the chairman of the committee itself have seen fit to insert figures of comparison in the report, I would like to take a little time to dissect these figures, from my viewpoint. The estimated appropriation for the British Navy for 1923, converted into dollars at current rates of exchange, is two hundred and thirty-four millions; under this bill the appropriation for the American Navy for the same period is $233,000,000. These figures on their face would suggest a parity of naval strength; but, the British appropriation will carry further because of the lower salaries paid to

British naval officers and the lower rate of wages paid to the enlisted personnel—the British pay scale is approximately one-third lower than the scale in the United States Navy. There is a lower cost of operation resulting from British control of fuel oil and other necessary supplies of a navy. Further, the cost of training naval recruits in the British Navy is lower than is the cost in the American Navy. You can not compare the navies of the world or their operation purely on a dollar sign, or adding-machine basis.

We should have presented to us the figures of the General Board of the Navy, approved by the Bureau of the Budget, before we accept those fixed by the subcommittee on appropriations in charge of this bill. Those figures were prepared by experts and bear firmly the needs of the Navy in accordance with the conference recently held in this city and upon which the treaties have been entered into. The American people have no desire that their Navy be relegated to the third class among the nations of the world. The American people will agree with the experts of our Navy that in order to man the ships allotted to the United States by the treaties of Washington it will require 96,000 men. That its navy yards' service is essential to the proper upkeep of this tonnage and that to quibble about an honest expenditure of money for their maintenance is in contradiction to honest business management, and destructive of the needs of an honest artisan associate of the uniformed force. [Applause.]

Mr. Chairman, while I have a very high regard for the gentlemen of this House who have made a close study of this bill, and who have, to their minds, reported a bill of sufficient money and sufficient personnel to carry out their thoughts, I am willing to take for my information the views of these men who have been trained in the service of the United States Navy for just the purpose that is before us at this time. There can be no question as to the honesty of the men who make up the officer personnel of the United States Navy. Their work has stood out like a beacon light in the past and especially throughout the World War, and their service has been one which has been an inspiration not only to the American people but to the people across the seas. They have given us a Navy that has been a credit to us, and when to-day the question comes as to the reorganization of the Navy of the United States, we should hesitate before we lay aside their views and take the views of civilians whose training has been acquired in this House.

Therefore, Mr. Chairman, I am going to vote for as large a Navy as it will be possible for me to vote for. If it is possible to have a Navy with a personnel of 96,000, I am going to vote for it. If I can not get the 96,000, then I shall vote for 86,000, but I shall never cast my vote for a Navy of 67,000, which, as has been said on the floor of this House, by naval experts, by the Secretary of the Navy, by the Secretary of State, by the Assistant Secretary of State, is inadequate to meet our demands.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, a nation may perish as a result of a successful external aggression and attack directed against it, or may pass into the cemetery of dead and gone Empires, States, Kingdoms, and Republics as a consequence of internal revolt and explosion, or may fall into a sleep of oblivion before total annihilation ensues as a result of a process of decay which is quick or rapid in its destruction, in accordance with the spirit and temper of the people that it seeps and undermines. It is the duty of each and every generation in the life of a country to be constantly on its guard against attacks from without and within, as well as from the corroding and deteriorating strokes of time. It is the duty of every generation to preserve, maintain, and add to the inheritance it has received and leave as rich a legacy as possible to its heirs and successors. This obligation must be executed even if war follows its execution.

External attack may come to the United States either from a European power or from an Asiatic source. The Atlantic Ocean lies between Europe and ourselves; the Pacific Ocean rolls between our country and Asia. A Navy is therefore our first line of defense in either case, if we would repel or beat and destroy any European or Asiatic invasion. It therefore becomes pertinent to inquire what class of a Navy does America want before passing to a discussion of internal decay and national death, which I hope to take up on another day.

What think you is the sort of a Navy the people of the United States desire? Do they want a first class, a second class, or a third class Navy? Do they want a Navy that will inspire respect or a Navy that will invite attack? Do they want a Navy that will boldly, dauntlessly, and bravely sail the seas, a symbol of the valor and the invincible courage of our people, or a Navy that will slowly, respectfully, cravenly, cautiously sail out of the sight of the superior navies of the great nations of the world? What is Congress going to do about our Naval Establishment and our position on the seven seas not only as a protection to American commerce but as the sign or emblem of the courage and power of this country to maintain itself as a Republic and as an answer to any challenge that may be in the brooding minds of peoples that look upon our greatness and our glory, our wealth and grandeur with baleful, malevolent, envious, and dangerous eyes? What is the intention of Congress in regard to the size and fighting strength of the United States Navy? It is well that the people of this country should know. The Senate has advised ratification of the treaty which fixes the ratio of the three principal fleets at 5–5–3. Great Britain and Japan are going forward with the maintenance of their fleets at the ratio agreed upon. They are aiming at increasing the efficiency of their personnel so as to make their fleets much more effective as fighting forces than the ratio figure would indicate. They will have smaller but better fleets. The Senate, by consenting to ratification, apparently adopts the view already adopted by the President in making the treaty, namely, that the United States fleet should also be smaller but better, and should be kept up to ratio figure. This ratio agreed upon by the powers provides for a fleet which may in each case be described as a 100 per cent Navy. If the treaty Navy is a 100 per cent fleet, what is the House intending to do? What kind of fleet does it wish to provide? The minimum personnel for an efficient fleet on the treaty basis is 120,000. Secretary Denby's drastic cut down to 90,000 men is all that the Navy can stand with safety, if the national interest is to be protected. He made this cut in order to cooperate in the plan of the administration and Congress to reach the utmost limit of economy in public expenditures. But President Harding, to make the record for economy doubly sure, cut the Navy personnel estimate to 80,000.

The Naval Affairs Committee accepts this view and reports a bill fixing the maximum enlisted strength at 80,000, exclusive of 6,000 apprentices. Thus the Secretary, the President, and the committee cut far below the 100 per cent mark and would provide a personnel capable of making a fleet say, 75 per cent as efficient as the Navy contemplated by the treaty and approved by the Senate and the President. Now, the House subcommittee on appropriations proposes to go the President and the Naval Committee one better in their cut of Secretary Denby's estimate and make a cut still further down to 67,000 against the advice and warning of the executive department which acts on accurate information in both technical and international matters. Obviously the desire for economy has obscured somewhat the factors of national defense and security in the minds of the legislators who compose and make up the subcommittee on appropriations; those on the Committee on Naval Affairs apparently in a lesser degree and that of the President whom they have followed and even that of the Secretary of the Navy, who has reluctantly receded from an attitude which he knows to be sound and unassailable. However well informed committeemen may be, they are not experts in naval questions and can hardly pretend to possess information equal to that possessed by the President in international subjects. Through the State Department and through other channels he is kept informed on the relationship of the nations. The relationship of nations which has so much influence upon the composition of fleets are a sealed book to the members of the subcommittee and the Committee on Appropriations of the House, as well as to the Committee on Naval Affairs.

What is the object of the Government in maintaining a Navy? Either this object should be attained or the Navy should be abolished. By fixing the personnel at 67,000, the Appropriation Committee acknowledge that there must be a Navy of some sort, and thus they admit that there is some object to be attained. Then why not attain it? The curtailment of the Navy below a certain point of efficiency is equivalent to abolishing it, so far as the defense of the Nation is concerned, yet the House committee allows a large sum for 67,000 men. This is an utterly needless waste of public funds, if the object of the House is to do away with naval defense. The appropriation for 67,000 men is a violation of the program for economy, for these men can not do the work cut out for them.

The first object in maintaining a Navy is economy in the truest sense—the avoidance of waste of blood and treasure. If the United States is not fairly well prepared the next war will be so costly that all the savings now contemplated in naval personnel will shrink into nothingness. Even if defeat is averted, and an indemnity to the victor avoided, the United States will have paid for an efficient Navy many times over. Another object in maintaining a Navy is to keep the United

States from becoming a theater of war. The British fleet kept the people of England from the horrors of invasion and devastation, and the German fleet served the same purpose for Germany.

These objects call for the expenditure of money. Congress can not avoid reasonable expenditure for a Navy if it intends to make the national defense secure. The people do not object to paying for their protection. There is no public demand for the scrapping of the Navy. Why or why not? Let us see. Perhaps we may secure some light from recent happenings. Let us turn on all the light possible so that we may see the way. Was the recent conference a disarmament or a limitation on armament conference? Of course, it was for the limitation of armament and other purposes the memorable conference was called.

The stated purpose was to arrive at such a common understanding with respect to principles and policies in the Far East as to permit of a general limitation of armament by common agreement. It was a call upon nations concerned to do that finer, nobler thing which no nation can do alone—to make such sacrifices and to come to such rearrangements as would reduce the likelihood of war in the Far East and thus enable the principal powers to limit their armaments without undue danger to themselves or to those dependent upon them for security.

The general objective of the United States—which was the objective of the conference as a whole—was to improve policies and consequent conditions in the Far East so as to reduce a specific expectancy of war in the Pacific and thus permit of a general limitation of armaments.

It may be said now that the naval limitations agreement does not limit the extent to which future competition may be carried in building submarines, destroyers, cruisers, or any other type of combatant naval vessel in any number, except capital ships and airplane carriers. It virtually does not reduce the present effective force of capital ships in themselves, but merely provides against their further expansion; and it makes specific provisions for expansion of the present airplane carrier forces. As the present effective force of capital fleets in themselves is not virtually reduced, as the expansion of only capital ships and of airplane carriers are limited, and as the expansion in volume of cruiser, destroyer, submarine, or any other naval force is unlimited, it is difficult to see why some have acclaimed this agreement as a tremendous reduction of naval forces. It is merely a limitation upon the future expansion of capital forces. And this mere limitation of capital forces—counting airplane carriers as such—was obtained by the United States in consideration of yielding the right to fortify the Philippine Islands and the island of Guam, which, in the judgment of American students of naval warfare, absolutely transfers the domain of the Asiatic Pacific to Japan, for without a base of operation other than Hawaii it is utterly impossible for the United States to even contemplate an engagement beyond the radius of capital-ship activities, which, under present conditions and battleship power, does not, can not, exceed 2,000 miles. It is utterly impossible for Great Britain, operating from Singapore, to contest the supremacy that has been bestowed upon Japan as a result of the treaties springing from the Washington conference. The best-informed naval thought of this country is that Japan can now laugh at any effort that might have been made one time, but which can have no effect in the future, even though Great Britain and the United States were to take combined action in order to preserve the open-door policy in China or any other policy that might become a vital interest in Asia to the English-speaking world.

And it may not be amiss to say right here it should be realized that if the present personnel of the American Navy were to be assigned only to the ships built and to be retained under the limitation plan, and to their auxiliaries, the fleet could not be 80 per cent manned. This and other economies now make for the fact that the actual ratio between American, British, and Japanese fleets is not 5–5–3 but between 4–5–3 and 3–5–3. The truth of this will be appreciated by those who know the relative training in these three navies, and who realize that ships do not fight each other but that it takes trained men to fight ships.

The ships now in commission are short of officers and men, but in spite of this there are a number of gentlemen in Congress who propose to still further reduce the effectiveness of the fleet by heavy reductions in the personnel.

The country should be aroused to the danger of this, for with it accomplished our Navy would fall well below the ratio of relative strength outlined in the provisions of the Limitation of Armaments Conference. Are we to hand over the sea power of the Pacific to another nation?

In comparing the personnel strength of the various navies, too frequently the error is made of examining the forces concerned on purely a numerical basis. The character and experience of the personnel should be studied before a true estimate of relative strength can be attained.

In this connection investigation will show that the Navy of the United States is largely manned by young men in their first enlistment. In fact on June 30, 1921, there were approximately 98,000 men who were serving in the Navy with no previous service, and with less than four years' experience. When it is understood that on the same date the total strength of the Navy was about 119,000, it is readily seen that a high percentage of new men were in the process of being trained for naval service.

On the same date there were approximately 8,000 men in the Navy with 4 and less than 8 years' service and about 5,000 with 8 and less than 12 years.

Examining the strength of the British Navy for July, 1921, it is seen that out of a total strength of about 103,656 men about 68,000 were serving in a continuous-service period of 12 years and 21,000 were in the 10-year enlistment period following the first 12-year enlistment. But 8,000 were in the short-service period of five years.

The Japanese Navy is organized very much on the same lines as the British. Both these services have reserves of seasoned officers and men in their merchant marine.

The United States Navy, with its short periods of enlistment and heavy yearly turnover in recruits and discharges, is at a disadvantage in its effort to maintain the same relative plane of efficiency and war readiness.

During the fiscal year ending June 30, 1921, there were about 54,000 first enlistments and 16,000 reenlistments, while the discharges amounted to about 57,000 and the desertions to about 10,000.

It is clear from the above that in order for the United States to hold its fleets on the same relative numerical strength as, say, that of Great Britain, setting aside the question of the degree of experience, our Navy should maintain a personnel approximately 15 per cent greater in order to allow for the boys in training barracks and schools of instruction ashore.

This also brings home the fact that, due to the high percentage of new men constantly in our service, the need of experienced officers to train and supervise ship operations is of necessity higher in our Navy than in the other two services that have been under consideration, where the men are more seasoned and of longer sea experience.

Instead of this being the case it will be found upon investigation that but about 600 out of the total officer line strength of our Navy on January 1, 1922, can, from length of service, be considered experienced officers, and that the ratios of officers to men in the British and Japanese Navies is higher than in our own.

With these facts and statements of the leading authorities on naval matters in our country constantly in mind, I ask are we prepared to denude ourselves and by reducing our Navy leave ourselves naked to the world and at the mercy of the powerful and strong?

The so-called Hughes plan for the limitation of armaments provides, in the case of the United States, for the scrapping of ships not yet completed on which no officers and men are now serving. It also includes the junking of many of the older battleships which are now tied up, out of commission, with no officers and men on board. In a similar manner and to a less extent it applies to the other navies concerned.

It must be understood, therefore, that it does not actually reduce the numbers or strength of the ships of the active fleets now in commission belonging to the several nations party to the proposed agreement. New construction is to be stopped, and thereby money will be saved in the future. Old ships, out of commission, are to be sold, and thereby a present saving is to be accomplished.

It is becoming clear that the foreign navies limited in new construction intend to maintain their present active fleets at the highest possible point of efficiency with adequate and contented personnel. The Russo-Japanese war, as well as the recent World War, brought home one lesson very clearly, namely, that ships inadequately manned by poorly trained men are but a wasted effort. To-day, as in former years, it is the quality of the personnel and not the ships themselves that decide victory or defeat for a nation.

The danger faces the United States that its people, misunderstanding the results of the Limitation of Armament Conference, will lend themselves to the dismantling and crippling of their

present active fleet which the agreements of the conference authorize them to retain.

It must also be borne in mind that it takes time to commission a ship and get her up to the point of operating efficiency where she can take her place with success in the battle line. To mold and train the fleet into war harmony and teamwork takes long training and experience. To dissipate the efforts of the last few years in fleet development and war readiness is a matter of very serious moment to the country. It involves such a throwing away of costly effort in the training of officers and men and in material preparation that a pause should be made to consider the consequences and the price to be paid before it is permitted.

There appears to be a tendency in Congress not only to accept what the Limitation of Armaments Conference proposed, but to go much further and reduce the personnel that is required to properly man the ships which the conference plan authorizes the United States to retain. If this should be done it would mean that instead of a naval ratio of 5-5-3 being maintained between the United States, Great Britain, and Japan the United States, by its own act, would lower its position in that ratio by cutting the strength of its present naval personnel, a personnel which already is not sufficient to man fully the fleet permitted to the United States under the provisions of the conference.

These facts should be brought home to the country, for with them go sea power and the initiative in guiding world affairs. Unless a nation is strong and ready, her good intentions and ideals for the betterment of the world are of but small avail. With these facts are also bound up the questions of preparedness and national insurance against war. And what is there in world affairs that should make us feel that there is ample security in what should be, and I know is, intolerable to every American, a second or third class naval position? What is there in the brooding, sullen attitude of Europe and Asia to make us take, assume any other position than a nation on guard with watchmen on the towers night and day?

A second or third position means destruction or tribute or both. The American people do not desire to abandon their Navy because they do not want to pay tribute to anyone. They have not yet given up or grown tired of their old slogan, "Millions for defense but not one cent for tribute." They have not yet given up the idea that their children and their children's children shall be free men, and that this Republic must go on for ages as the land of the free and the home of the brave. They are not willing to be carried away to such an extent by pious utterances, high-sounding sentimentalities, and cries for rigid economy as to make them forget that "eternal vigilance is the price of liberty," and that parsimony and stinginess in appropriations for national defense are the roads over which nations have trod to a craven surrender and vassalage. There is no desire upon the part of the rich or the poor of this land to avoid a governmental expenditure that will insure a proper reverence for the flag of our country in every quarter and spot on this globe. Both the rich and the poor are for an efficient 100 per cent Navy under the terms of the 5-5-3 pact. The United States must always have a Navy that can meet any threat from any quarter whatsoever and can answer and express the attitude of a freedom-loving, liberty-worshiping people who will fight and die for their country and its ideals in such brave words as these:

> Threaten away, for I, too, am proud
> In like manner. Rule me if thou canst!
> Get by the hand the mastery—rule me then!

But not until we are beaten to the earth, and God grant that day may never come, shall we acknowledge the mastery of anyone. We all join in the expression that we are a brave people and will fight to maintain our liberties and freedom. We should all join in providing the machinery, the equipment necessary for the defense of our land and its institutions by our heroic youth if on some tremendous day the invader attempts to place his heel on our shore. The American people do not bluster but wish to point with pride to a Naval Establishment, a first line of defense, that can meet any enemy who looks upon our vast possessions and illimitable wealth with greedy and rapacious eyes. It is Virgil that says, "Wolves wax keener at the bleat of lambs." The American people are not lambs, and they do not and will never bleat. They are not wholly given over to the highly sentimental idea that by pious and uplift declarations they can prevent powerful marauders, whose rise may be as sudden as that of Japan, from hoping to trample us under foot after sacking our cities and ravishing our homes. It was Blucher who said when he was asked what he thought of London during a visit which he paid to that wonderful city, "What a magnificent city to loot; what plunder in its palaces; what booty in its temples and homes." The American people are fully aware of the fact taught by all the tragedies of the past that a highly enlightened and cultured society and civilization should ever be upon its guard from "the lesser breeds without the law," and in direct proportion to the heights it has attained in civilization must it rely upon power and force to maintain itself against assaults from those that would tear it from its position and fling it into the abyss of dead and gone nations which in the heyday of their glory forgot the primal law, "the powerful survive, the strengthless weak decay." The idea that enlightened nations should set an example to those that are less enlightened by disarming to the vanishing point is not advocated by anyone who knows the facts of history and who can see at a glance the utter fallacy, the total lack of logic that lies in such theory or assertion. To carry out such an idea would mean the destruction of the different social grades of civilization in the order of their culture, refinement, wealth, and power, and in quick time the last and least enlightened would be first. The less sentimental and less cultured nation not having reached the point where it laid the foolish notion to its soul that victory, place, and power are won by enlightenment alone, and still depending and relying upon force in the way of naval establishments would soon tear down and hurl from its summit the silly culture that forgot that strength and power are the foundation upon which every civilization must rear and maintain its superstructure of learning and lore.

Each and every naval expert who appeared before the House Committee on Naval Affairs spoke earnestly of his hope that this world might not be cursed again by any conflagration of war, and each and every one declared that as long as human nature is beset by the passions that make for greed, rapacity, envy, jealousy, glory, and the all-powerful desire to rule, commercially, financially, industrially, and otherwise, will it be necessary for the nations to remain on the alert and to see that sentinels are on guard night and day in the towers and turrets of a land that wishes to remain free. Each and every expert uttered a fervent prayer that the world might not again be cursed by such a war as that which drenched Europe in blood, but none of them thought that the millennium is at hand. On the contrary, each one declared it would be safe, prudent, and patriotic to maintain a naval establishment, so that its captains might be able on a moment's notice to answer the call from the country, "We are ready; we are here." Denby, Roosevelt, Coontz, and their associates and aides desire a Navy that will enable us to meet every requirement of the 5-5-3 pact and yet can fearlessly and proudly sail the seas knowing that it is 100 per cent efficient, valiant, and true. Does anyone believe in this Congress or in this country that England—or Great Britain, if that be preferable—will not be 100 per cent in every respect? Does it not follow as night does the day that if we do not keep 100 per cent numerically and efficiently under the terms of the treaty we will have voluntarily made of ourselves an inferior in naval strength? Can not anyone see that if we ever fall to an inferior position and fate ordains we shall meet any one of the great world powers on the sea that we would have to pay in tears, in blood and agony, in disaster and heartbreaking humiliation for a folly for which our children might curse us from the depths of their hearts?

Mr. Chairman, I will not argue the point with any one of the many who say, "Well, suppose we are defeated on sea; can't we hold our own on land?" The reasons for such a position are obvious, and any attempt at an elaboration would prove to be, I know, a work of supererogation.

Does anyone believe that Japan will not keep 100 per cent under the terms and conditions of the pact? If there be such a one, let me endeavor to settle his mind on that subject by solving the doubt with the reading of the following cablegram which appeared in the Washington Star under date of April 2:

SEES UNITED STATES GROANING UNDER NAVY COSTS—JAPANESE PAPER CALLS RATIFYING OF LIMITATION TREATY "ELOQUENT TESTIMONY."

(By the Associated Press.)

TOKYO, April 1.—The unopposed ratification of the naval limitation treaty by the American Senate is "eloquent testimony to the advantage the treaty affords America," declares the Yorozu Choho to-day in commenting on the Senate's action.

Furthermore, the newspaper declares, it is evidence of the fact that America is groaning under the burden of excessive naval expenditure and is intent upon cutting down her armaments to the utmost limit.

WONDER ABOUT SECRET PACT.

"Some Congressmen," it continues, "propose reduction even below the agreed ratio. A similar situation obtains in Great Britain. We do not know whether this indorses the allegation of a secret understanding between Great Britain and America, but, in any event, Japan must not neglect the maintenance of an efficient navy.

"The shifting state of affairs in western countries forbids us to presume that the condition at the moment will last."

Every page of history shows that nations should ever be on the alert for every danger, and that the aphorism, "Beware of

the seeming friend of to-day, for he may be the enemy of to-morrow," should be constantly in the mind of statesmen, who are the trustees for the honor, greatness, and glory of their country. I know, Mr. Chairman, that there are millions of patriotic people in this country, 100 per cent Americans, who believe that there will never be any quarrel between the United States and Great Britain sufficiently grave or irritating as to make for war. They urge with what would appear to be plausibility if it were not that the stern facts of history refute their whole argument that we are members of practically the same family, speaking the same tongue, with the same literature, customs, mental processes, and so forth, and that the chains of commerce and industry are made up in large part by alternating American and British links—sincerity, of course. But when did sincerity restore to life the thousands that have been slaughtered as a result of its errors and blunders? It sometimes takes on a vision which becomes so strained in its search for the Utopia of peace as to destroy itself and the object of its search, the imaginary and intangible thing which is susceptible to the remote possibility of being embodied as a beautiful dream can become only when viewed with the eye of reason. What is there in our relations with Great Britain to justify the sweet hope of those who believe that the dream of Britain is to lie down in amity, love, and affection with the United States of America in anticipation of the millennium and not as the lion with the lamb in the fable, as many thoughtful Americans suspect?

Have Americans forgotten the historic and blistering indictment of English tyranny, oppression, rapacity, atrocities, inhumanity, and savagery, returned by Continental Congress on July 4, 1776, in the immortal Declaration of Independence? Has America forgotten the War of 1812 and the destruction and burning of this very Capitol? Does not everyone know that she was willing to break up and divide this Union during the Civil War, not because she loved the South but because she hated the Union and feared its unified power and force? Was the Venezuelan incident an evidence of her affection for us? Are her recent attempts to accentuate her power and menace the Panama Canal by attempts to control oil fields in Mexico, Colombia, and Haiti an evidence of her love for us, a love which passeth the understanding of Americans familiar with the history of their country? What pages in the history of the world do our visionary friends rely upon to prove that this mighty Kingdom, which has grown into the central figure around which is clustered an Empire on whose vast possessions the sun never sets, has changed its grim and brutal policies and the attitude of the mailed fist? Is it in the crucifixion of India, the degradation of Ireland, the trampling upon South Africa? When did a common language, the same custom, and historic aspects prevent people from clashing when national or aggregate interests required an attitude which precipitated a conflict? Was it in the War of Secession when brother was against brother, and the land was drenched in fraternal blood, undergoing a Golgotha of suffering and agony that lasted long, long beyond the terrible days of the years from 1861 to 1865? Did a common language and the same literature and neighborly proximity prevent England from trampling upon Ireland, generation after generation, since Strongbow first landed on the Irish coast? Did they prevent England from putting the Indian and Hessian upon the American Colonies while struggling for independence—for freedom, for liberty? And since when did we become so certain that Japan has her army and navy merely for show purposes? Since when did we become convinced that she is looking across the Pacific with eyes of affection and love instead of with brooding gaze waiting, waiting for the day to strike? Is not this the same country that put down within recent times two of the most ancient civilizations then on earth—China and Russia? Is not this the country that staggered humanity with its slaughter of the helpless Chinese so as to terrorize them for years to come? Is not this the country that struck with torpedo the Russian fleet without warning or a declaration of war at Vladivostok?

And as a last question, Did we ourselves grow by uplifted eye and soft, soothing, snug expressions of brotherly love, or did we move across the continent from ocean to ocean, as we delight to phrase it, as a result of power?

Mr. Chairman, I do not speak acrimoniously, vindictively, or malevolently of England or Japan in following and yielding to the law of growth, nor do I speak depreciatingly of our own wonderful expansion as a result of force—courage braving its way, overcoming perils, and beating down difficulties. I recognize that England and Japan have grown rich, great, powerful, and strong in accordance with the inexorable law which rules all things:

They shall take who have the power;
They shall keep who can.

I challenge and deny the wisdom of their Governments, but I can not ignore the law of their rise and growth and expansion. Knowing that their remarkable rise, their wonderful ascent, has been through force, and that "kingdoms by blood gained must be by blood maintained," they propose to keep strong and efficient and maintain at least what they claim is theirs to-day. Woe to the nation that does not heed that law; woe, woe to the people that depend upon the soothsayers. For such a people night is at hand, when glory's thrill is o'er, and hearts that once beat high for praise will feel that thrill no more.

There is no use attempting to ignore the facts of human existence without being willing and ready to pay for such blindness. Wars are not over, even though we fought the last war to end wars; at least some emotionals said so and many hysterical and credulous men and women believed it. My tears will mingle with the tears of those who weep for the young men who died like dogs in the mud, and who will never again, in this world, gladden the eyes of the parents that mourn their loss.

I am not a swashbuckler. I want to see my country at peace with all the world, and I would curse with my dying breath the enemy that assails my native land and drenched it in blood. I would gladly, joyfully aid and assist in ringing out the old, old curse of all the ages—wars with their cruelties, their rivers of blood, their tears and lamentations, their sad-eyed orphans, and bent and broken mothers who groan beneath the weight of their anguish. But it is not as clear as when the sun is shining at its zenith to a man who is not blind that a country as rich and as opulent as the United States is invites war, precipitates war, seeks attack and untold slaughter by assuming a weak and defenseless position, for such is the position that necessarily results from a weak naval establishment, which is worse than having no navy at all. For while it is true that without a Navy we would be subject to the unspeakable degradation of paying tribute, we would at least escape the slaughter of a vain resistance which would be a prelude to the destruction of our country after the looting and the sacking and the raping of our great cities.

Mr. Chairman, I am not even remotely a man of blood and iron seeking to conquer other worlds. I join with my countrymen and countrywomen who nightly send up their prayers to our Creator to spare the world the agony and the torture of strife and cruel, cruel war. But I would be defeating that very purpose if I did not pray my country to ever be on guard and always, night and day, mindful of what history teaches from its very dawn until the present hour. As pointed out by a celebrated historian, for a period beginning fifteen hundred years before Christ until the present hour there have been but 240 years of peace, and those years were apparently spent in preparing for the wars that followed them. Historians do not go back or need not go back into the shades of antiquity further than fifteen hundred years before the coming of the Nazarene, for it is plain and clear to the mind that can draw a reasonable inference from facts that it must have been one long, terrible night of strife and war where generation after generation sank beneath the red waves of a sea of slaughter. One continuous warfare of the powerful who felt that they were strong enough to assail the weak and relatively defenseless. No, Mr. Chairman, I am not a swashbuckler in standing for a strong Navy. From my viewpoint a strong Navy will make for peace.

I hope that this Congress will follow, if not the advice of Secretary Denby, then the suggestion of the President of the United States, and amend the bill under consideration so as to make for a personnel of 80,000, exclusive of the 6,000 apprentices. If we do not, and the bill passes in its present shape, I believe that a large number of patriotic men and women will feel that the American Navy has met its first defeat in the House of Representatives of the Congress of the United States. And should ever disaster befall us as a result of a small and inefficient Navy—and God grant that no such disaster or calamity shall ever even darken an hour in the life of this Republic—remember my friends that it will be no consolation to indulge in the gloomy and melancholy reflection that it was no foeman's hand that felled us, that it was our own that struck the blow. My hope, my prayer is that we shall always be on the alert, always vigilant to maintain our rights and prestige and power so that we may hand down to posterity the richest legacy ever left by a generation to its successors since this old earth first began to turn and revolve on its axis.

"Millions for defense, but not one cent for tribute." Better, far better, my countrymen, to drain our mints of money and our mines of their gold than on some terrible, some tremendous day to be laid low and prostrated after having our Navy sent to the bottom of the sea as a result of weakness by some terrible, strong, powerful superior foe in point of the number of men, fighting our brave lads from a more advantageous posi-

tion and with a better equipment with which to discharge the supreme duty of life by fighting and dying for one's native land. Better, far better, to pauperize ourselves than to leave to our children a defeated country; children whose hearts would ache, whose eyes would always be brimming over with tears at the pathetic and tragic thought that it was their ancestors who had dealt to them the terrible blow of humiliation and disaster. Their position indeed would be that of—

> The struck eagle stretched upon the plain,
> No more through rolling clouds to soar again,
> View'd his own feather on the fatal dart,
> And wing'd the shaft that quivered in his heart;
> Keen were his pangs, but keener far to feel
> He nursed the pinion which impell'd the steel;
> While the same plumage that had warm'd his nest
> Drank the last life drop of his bleeding breast.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. O'CONNOR. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. BRITTEN] may have the privilege of revising and extending his remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAGUE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. TAYLOR] may have permission to extend his remarks.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman from Colorado [Mr. TAYLOR] may have permission to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LANKFORD] such time as he may desire.

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, I am anxious to help the millions of farmers of the Nation. I know that the farmers of my district in Georgia do not get one-third what they should receive for the products of their farms. They and their wives and children work hard day in and day out and on into the night, and yet they do not get one-third of what they should receive for their labor. They produce an abundance and would produce much more if there was only a reasonably good market for their products. It takes more courage than most of us have to toil when that toil is in vain and when the products of our labor must rot and be lost while a world starves for the very products that rot and are lost to the producer and the rest of the world. While the people of Washington and other large cities are suffering for the vegetables, watermelons, and cantaloupes which my people produce so abundantly, the people of my district are letting these very things rot because they can not get any sort of a fair price for them. My people ought to get twice to three times as much for their products as they do get and should be able to sell easily and profitably all they can produce. Something is wrong somewhere. The watermelons, cantaloupes, and vegetables that get here from Georgia are stale when offered to the consumer and are sold for twice what they should sell for. Something is wrong somewhere. The producer gets too little for his products. The consumer pays too much and gets a stale product. Somebody somewhere gets too much, and entirely too much time is lost getting the product from the producer to the consumer. Our marketing system is wrong.

Oh, if we could only cut out the middleman and sell directly from the producer to the consumer. The producer would get much more for his product. The consumer would buy much more cheaply and there would be less delay and the product would be fresh and wholesome. There would be a greater demand for the article, for it would be so much better for table use. I gave special attention to marketing of watermelons last spring and summer. I spend practically all my spare time going from one retail man to another and from one wholesale concern to another, studying the situation and trying to help sell some watermelons as nearly as possible directly from the producer to the consumer. I finally made arrangements to sell about three carloads of melons each week directly from the producer to a big retail concern here. Of course, I was not seeking any pay for my work other than the pay of being able to help my people get a fair price for their melons. I was happy as I had the first carload shipped. I hoped to be able to find a market in this way in the large cities of the country for all the melons my people could grow. What happened? The car of melons was on the road nearly 10 days and reached here in bad condition. They were beginning to shrivel and rot. The buyer refused to accept them. There I was with an exorbitant freight bill on a car of rapidly decaying melons and no buyer in sight. I finally sold the melons for enough to pay the freight and to pay the owner about what he would have received elsewhere. I was disappointed. I wanted to help the producer get a good price for his melons. I wanted the people here to get some Georgia melons good and fresh like we eat them in Georgia. I was disappointed, but I was not disheartened. I was not able to make another arrangement last season for the sale of melons directly from producer to retail men here. I am not at all satisfied with the situation. I know the matter can be solved some way.

I am convinced that the watermelon marketing system can be greatly improved, and that what can be done with watermelons can be done with cantaloupes and many other vegetables and foodstuffs. Let us talk about watermelons a little more. From actual experience I find freights are too high. This should be remedied. Entirely too much time is taken up hauling a car of melons from south Georgia to Washington or other points. A car of melons ought to come here in 24 hours instead of taking a week or more. Melons are tied up en route on sidetracks and in hands of middlemen for days after they ought to have been used by the consumers.

People here get the idea that a Georgia watermelon is not good. They do not know what a fresh, ripe Georgia watermelon is. I am so sorry that the ones offered for sale here have been hauled and rolled about until they do not look like a Georgia watermelon at all. I see many here with labels showing they were grown in my district, and yet they are shriveled and beginning to rot. I bought a few of them and found they were not fresh and juicy as they once were. The only really good melon I got last year was sent me as a present by my good friends at Adel, Ga. My wife, children, several friends, and I enjoyed this Adel, Cook County, Ga., watermelon very much. I do wish the people all over the country could eat some real ripe, red, juicy Georgia watermelon, then they would know what a Georgia watermelon really is.

If the Georgia folks could only get their fresh, ripe melons directly to the consumers at about half what the consumer now pays, and yet at a much larger price to the producer, what a happy watermelon eating there would be. The people up here do not eat one-fourth the watermelons they would eat if they could be shipped here and delivered in a day or two from the time they leave the vines. The people of Georgia could and would sell every melon it is possible to produce in Georgia if the melons could be shipped by fast freight or express directly from the Georgia fields, then hauled from the cars promptly and directly to the consumers, and then sold at a fair price. Why can not this be done? It would be better for the producer. He would get a much better price and could sell all he could produce for cash. The railroads would haul many times more melons and get much more freight. The consumer would get a good, ripe, fresh melon for much less cost. It can be done. It should be done. It will be done. Why not at once?

I believe that Congress owes it to the producer and to the consumer to make a determined effort to establish the selling of many products directly from the producer to the consumer. This certainly should be done with watermelons, cantaloupes, and other extremely perishable vegetables. If the sale of watermelons, and so on, can successfully be made without a middleman's interference, then the sale of other products could be successfully made directly from the producer to the consumer. I am extremely anxious for the plan to be worked out as to watermelons and cantaloupes, as my State, and especially my district, produces these in abundance. I could and would help and watch the experiment from both Georgia and from Washington.

On the 24th of last month I introduced two bills along the line I have been talking. One deals with watermelons and cantaloupes only and is restricted to Washington. The other is more general in its scope, dealing with all perishable farm products, and authorizes general experiments anywhere in the United States. The watermelon and cantaloupe bill is as follows:

Be it enacted, etc., First, that there is authorized to be appropriated the sum of $25,000 to be expended by the Secretary of Agriculture in experimentation in and in the organization of cooperative marketing or selling organizations of watermelon and cantaloupe producers in Georgia and in the experimentation in and in the organization of cooperative purchasing or buying organizations of watermelon and cantaloupe consumers in the District of Columbia, and in experimentation in and in furtherance of the establishing of the sale

of watermelons and cantaloupes directly from the cooperative organizations of producers directly to the cooperative organizations of consumers, and generally to experiment in and promote and establish the sale of watermelons and cantaloupes directly from the producers in Georgia to the consumers in the District of Columbia. Second, that all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Mr. Chairman, I am convinced that in order to carry on effectively and properly cooperative marketing there must be cooperative organizations at both ends of the line. There must be a cooperative organization at the producers' end constituted of producers. It occurs to me that the matter can be best handled by the organization of producers putting part of their organization in the watermelon business, for instance, here in Washington. Let the men representing the producers here make a canvass and get a thousand or ten thousand buyers of melons for Monday delivery. Let them sell as many as possible for delivery on each day of the week. If there are 10 carloads for delivery in Washington each day then 10 cars must leave Georgia each day for Washington. The melons could, by assistance of the railroads, be delivered to consumers in less than two days from the vine. The melons could be delivered at cars or for a small charge be delivered at homes, cafés, and hotels. This would be sales directly from producer to consumers.

The farmer would get twice as much for his melons. The consumer would get melons for much less and get a fresh, ripe, juicy one instead of a shriveled, stale one. Why can not it be done? Milk, butter, and many other items are now delivered at the homes daily. These, though, are handled through middlemen. I believe the producers of milk and butter by proper organization can eliminate the middleman and sell good milk for more to producer and less to consumer. I have introduced another bill, which seeks an appropriation in connection with the sale of milk and other farm products generally directly from the producer to the consumer. I believe all perishable farm foodstuffs at least should be sold directly from producer to consumer. I want the Government to experiment in and help bring about this condition of affairs.

But back to the watermelon proposition. Some one may suggest that people do not want a watermelon every day like milk. They will want them every day if they can get good fresh ones. People of Washington and elsewhere will consume ten times the melons they now eat if they can get them fresh and at a reasonable price. It may be that the matter can be best handled by the cooperative selling organizations selling to retail men here and let them distribute the melons among the consumers. I am of the opinion, though, that the sale should be as nearly as possible directly from the producer to the consumer. I am convinced that the middleman should be eliminated for two reasons: First, he gets a large slice of the ultimate price of the melon for an unnecessary service; second, he causes unnecessary delay in the getting of the melon from producer to the consumer, and thus he injures the melon instead of helping the value of it. In order to help the consumers of the Nation and the producers it seems to me the Government could well afford to employ agents to help carry on the sale of watermelons and other foodstuffs directly from the producer to the consumer. In other words, let the Government, temporarily at least, act as middleman in an effort to bring producer and consumer into a trade relationship. After a reasonable experiment it may be determined that it is a proper function of the Government to help the great consuming public obtain the very freshest and most wholesome food at a reasonable price, and that it is a proper function of the Government to encourage agriculture and to help the producer get a reasonable price for his products.

The laboring man and other consumer should not be deprived of their hard-earned money without receiving a reasonable amount of food or other commodity in exchange. The farmer should not be forced to sell his products for less than a reasonable price. The consumer pays too much. The producer sells for too little. The middleman gets too much. The middleman lives off of the producer and the consumer. As an experiment I want the Government to act as middleman just a little while and determine just what can be done. I believe the middleman can be left off as to all perishable farm products and probably as to other farm products. Why should not the Government, through proper agents, solicit and accept from consumers orders for watermelons or other fruit and vegetables, and then have these orders filled in carload lots directly from the producer? This would be but an extended form of parcel post, registered money, money order, and Bureau of Markets activities. To-day the Government does the same things but in a more tedious way. Let us see what happens now. If I desire to buy a crate of cucumbers from Florida, or a crate of cantaloupes from Georgia, I must write an order to some one who has them for sale and order them. I then go to the Government agent at the post office and buy a money order or register the money. The Government gets the money to the producer and then by parcel post brings the cucumbers or cantaloupes back and delivers them to me. But this method is tedious and risky. Produce shipped in small packages may be damaged. Why not let us and thousands of others order fresh watermelons, cantaloupes, or other produce for delivery on certain days of the week and let the Government, instead of sending thousands of registered letters or money orders, send the money for several carload lots to the producers and then bring the products here, not in parcels but in carloads, and deliver the articles ordered.

I believe this plan can be worked in a way advantageous to producers and consumers, and yet be self-sustaining. The Government could make a small charge such as is made in parcel-post matters, only much less, as the matter would be handled in wholesale lots. Very probably, after the plan is established as practicable, the Government could give the matter up as an experiment and let the producers by cooperative organizations, with the help of the transportation lines, and with the help of the consumers, operate the scheme for the good of all concerned.

I believe that the producers and consumers will eventually work out a system much as I have outlined. I am sure the Government could and should help perfect a marketing system direct from "producer to consumer" much sooner than it would be perfected otherwise. As soon as it was known that the Government was back of such a system it would be a go. The consumers would gladly patronize such a plan and the producers are already fairly well organized. The producers would gladly help perfect any and all necessary organizations. I am asking that the experiment be made as to watermelons only between Georgia producers and Washington consumers. Of course, if the plan is perfected as to watermelons sold and delivered in Washington the plan could be easily extended to cover the whole country and to include farm products other than watermelons. I believe the scheme would finally work best either with Government agents acting as middlemen for all perishable farm products or with a joint organization of producers of all farm products, fruits, and vegetables, with agents of the joint organization of producers in all consuming centers to accept orders for specified deliveries and to make the delivery of the foodstuff ordered. The bill of a general nature which I have introduced is as follows:

Be it enacted, etc., First, that there is authorized to be appropriated the sum of $500,000, to be expended by the Secretary of Agriculture in experimentation in and in the organization of cooperative marketing or selling organizations of producers of farm products and in the experimentation in and in the organization of cooperative purchasing or buying organizations of consumers, and in experimentation in and in furtherance of the establishing of the sale of farm products from the cooperative organizations of producers directly to the cooperative organizations of consumers, and generally to experiment in, promote, and establish the sale of farm products directly from the producers to the consumers. Second, that all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Mr. Chairman, I am extremely anxious for some relief to be given the farmer and the consumer. If the bills I offer are faulty, then please, in a spirit of helpful friendship, tell me wherein they are faulty and help me find something better. I invite friendly criticism from the friends of the farmers. I have spent months and years thinking over the great need of the sale of good, wholesome farm products directly from producer to consumer. I now invite the farmers and their friends everywhere to help me solve this problem. If I am on the wrong road, going the wrong way, please tell me so and show me the right way, and I will gladly turn about and pursue the right course. I believe I am offering a proper solution. What have you to offer instead? In God's name let us help the farmer get that which is justly his own. The farmer asks for simple justice; nothing more. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield a couple of minutes to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. Mr. Chairman, I ask leave to incorporate in the RECORD a letter on the subject now under consideration, addressed to the Women's Club of Yerington, Nev.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Following is the communication referred to:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 11, 1922.

Mrs. CHARLES THRAILKILL,
Corresponding Secretary the Women's Club, Yerington, Nev.

DEAR MRS. THRAILKILL: It gives me pleasure to acknowledge receipt of your communication dated April 1, wherein it is stated: "The members of the above-named club request that you protest what is called a 'five-power treaty,' involving the scrapping of 65 capital ships."

Women everywhere throughout our land and the world should interest themselves in such great national—yes, and international—problems. In every war it is the women who bear the greatest burden, who suffer the loss of husband, son, father, and brother. The wiping out

of lives of dear ones and the return of sick and wounded is borne directly by the patient, long-suffering, and uncomplaining women of all lands.

The war left behind it a wrecked world. Millions of the strongest and best youth of the western world perished in battle. Business was shattered and the purchasing power of all the great markets of Europe was almost destroyed. It is our part as a nation to do the best we can to make better these terrible conditions.

A conference of the principal nations of the world was called to meet at Washington. The three great objects in view were:

The limitation of armaments.

The termination of the Anglo-Japanese alliance.

To discuss far eastern problems.

In these three objects our delegation was successful. This conference marked a turning point in the relations of nations by substituting open-handed and fair proposals for more or less secret bargains. The conference turned upon the attitude of the United States and there could be no doubt of the result when Mr. Hughes made the bold proposal for the limitation of armaments and the cessation of naval competition.

The fact that the strongest naval powers were rivals only a few months ago, dreading the plans of their competitors and feverishly building ships in a ruinously costly race, while they are now in a friendly understanding which is based upon confidence and removal of rivalry, is in itself an achievement of greatest importance for the cause of humanity. The like of this was never seen before.

We so reduced the number of capital ships that at the end of 10 years Great Britain will have 15 ships, the United States 15, and Japan 10. The United States now has 33 capital ships, Great Britain 41, and Japan 21. The capital-ship tonnage of the powers at the present time is: United States, 738,390 tons; Great Britain, 1,015,825 tons; Japan, 494,528 tons. At the end of the 10-year naval building holiday they will have, respectively, 525,000 tons of capital ships, 525,000 tons, and 315,000 tons. This means the end of the naval competition.

This naval treaty, upon which our Navy must be based and continued if we are to keep our word as a nation, means relief from the great burden of taxation which has rested upon all maritime nations because of great naval armaments. Also it will help maintain the peace of the world.

The enormous increase in national expenditures is necessitated to the extent of 93 per cent by the cost of war, the destruction of war, and by preparation for future wars. The cost of the Civil War alone made the startling showing of expense nearly twice as great as all governmental expenditures combined in the 72 years of national existence preceding that war.

The late war has its lessons that are equally striking. It is quite possible that children of the next generation will bear some portion of the cost of that war. At least, the final estimate has not yet been made up. This much is known: It will be as much or more than the total expense of the Government for the preceding 128 years of its existence.

The total estimated cost of this Government down to 1917 was $33,000,000,000. Let us note that in the one month of December, 1918, there was expended for war purposes more than the total cost of the Government in war and peace from 1789 to 1861.

Here is the staggering epitome: For the year ended June 30, 1920, 93 per cent of total appropriations of $5,900,000,000 were for war purposes; 7 per cent, or $400,000,000, was for the peaceful activities of all our people.

The cost of one battleship would provide water for irrigating a million acres of Nevada land. A big Navy meant burdensome taxation for building, but it demanded absolutely ruinous expense for manning and upkeep. After a vessel is built, the expense for it has just begun, and a battleship is obsolete in 10 to 15 years. Admiral Dewey's flagship, the *Olympia*, of which all present-day voters were once so unqualifiedly proud, is a pitiful joke floating beside the *Pennsylvania* of 1920.

The estimated cost for completion of the United States ships now under construction is $150,000,000. Behold the magnificent vessels we now sink in target practice! After completion untold other millions are necessary for maintenance and salaries of personnel, supplies, and fuel to keep these ships afloat. Beyond actual requirements, every additional ship is utter waste. There is no probability that the ships now built could be used in "the next war." The Navy urges us to lose sight of the development of aircraft, which so recently and so readily sunk the first-class and "unsinkable" German battleship *Ostfriesland*.

The five-power naval treaty leaves us proportionately as strong, compared with Great Britain, as we were before. Competition in naval construction and armament is at an end among the great powers for at least 25 years.

We all believe in economy in Government expenditures. We must make ample provision for the disabled and suffering soldiers of the late war. Our duty to these men is beyond anything in the power of money to purchase. It may be noted here that the cost of 15 days of war—actual expense to the United States—was sufficient to meet all the costs of the bonus to our soldiers.

Large expenses will continue as an aftermath of war. We must appropriate for an adequate Navy and at least the nucleus of a strong Army. There is considerable difference of opinion as to what the size of the Army should be. The size of the Navy has been agreed upon in conference with the great powers of the world.

We should be liberal and progressive in the matter of civil expenses. We need to devote more to education, to investigation, to preparation for the material and social future. We must provide for good roads all over our land, for the construction of public works, the development of rivers, the reclamation of waste lands.

Conditions should be made such that no man who is willing to work need hunger, that poverty may be eliminated, illiteracy unknown, labor everywhere receive a fair wage, and the farmer a fair price for what he produces every year.

We must all work to this end. A forward step was taken when the President of our country called the great powers in conference at Washington to end the stupendous waste in preparation for war, that we may direct some reasonable part of our wealth as a nation to the maintenance and upbuilding of the arts of peace.

With kindest regards, I am,

Sincerely yours, SAMUEL S. ARENTZ, *M. C.*

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, the naval appropriation bill, and had come to no resolution thereon.

CALENDAR WEDNESDAY CALENDAR.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House dispense with business under the Calendar Wednesday rule to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with Calendar Wednesday to-morrow. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF TIME FOR GENERAL DEBATE ON NAVAL BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent that the time for general debate on the naval bill be extended through to-morrow and that half of the time be controlled by the gentleman from South Carolina [Mr. BYRNES] and the other half by myself.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time for general debate be extended until adjournment to-morrow night, half to be controlled by himself and half by the gentleman from South Carolina [Mr. BYRNES]. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1690. An act to correct the military record of John Sullivan; to the Committee on Naval Affairs.

S. 1790. An act to place national guardsmen who entered the World War otherwise than through the draft on equal basis as to longevity and continuous-service pay with national guardsmen who were drafted; to the Committee on Military Affairs.

S. 2719. An act to reimburse certain persons for loss of private funds while they were patients at the United States naval hospital, naval operating base, Hampton Roads, Va.; to the Committee on Claims.

S. 150. An act to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department; to the Committee on Military Affairs.

S. 1281. An act for the relief of Capt. Edward T. Hartmann, United States Army, and others; to the Committee on Claims.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Wednesday, April 12, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

588. A letter from the Assistant Secretary of Labor transmitting a list of useless papers from the Immigration Service to be disposed of; to the Committee on Disposition of Useless Executive Papers.

589. A letter from the Secretary of War transmitting a tentative draft of a bill for the relief of George M. Watson, Finance Department; to the Committee on War Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KIESS: Committee on Printing. H. R. 9816. A bill to provide for the discontinuance of certain Government publications and to establish branches of the Government Printing Office; with an amendment (Rept. No. 893). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KLECZKA: Committee on War Claims. H. R. 1965. A bill for the relief of Mrs. D. Montgomery; without amendment (Rept. No. 892). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10340) granting a pension to Henry Altman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10565) granting an increase of pension to Charles A. Streeter; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10700) for the relief of settlers and claimants to section 16, lands in the L'Anse and Vieux Desert Indian Reservation, in Michigan, and for other purposes; Committee on Indian Affairs discharged, and referred to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINSLOW: A bill (H. R. 11264) to provide for medical and hospital services for the officers and seamen of the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WEBSTER: A bill (H. R. 11265) to authorize the maintenance of a bridge across the Pend Oreille River at the town of Usk, in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. DEAL: Joint resolution (H. J. Res. 305) for the relief of citizens of Truxtun, Va.; to the Committee on Public Buildings and Grounds.

By Mr. WOODRUFF: Resolution (H. Res. 323) authorizing the Speaker to appoint a special committee of 15 Members of the House to investigate all contracts and expenditures made by the War and Navy Departments and the Alien Property Custodian during and since the late war with Germany, and for other purposes; to the Committee on Rules.

By Mr. JOHNSON of South Dakota: Resolution (H. Res. 324) authorizing the Speaker to appoint a special committee of 15 Members of the House to investigate all contracts and expenditures made by the War and Navy Departments and the Alien Property Custodian during and since the late war with Germany, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS of Illinois: A bill (H. R. 11266) granting a pension to Mary Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11267) granting a pension to Richard Howe; to the Committee on Pensions.

By Mr. BURROUGHS: A bill (H. R. 11268) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims; to the Committee on Claims.

Also, a bill (H. R. 11269) granting a pension to Lucius H. Rand; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 11270) granting an increase of pension to Rachael J. Smith; to the Committee on Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 11271) for the relief of Martha E. Esterly; to the Committee on Claims.

By Mr. GREEN of Iowa: A bill (H. R. 11272) granting a pension to Maggie Lowe; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 11273) granting a pension to Jessie L. Burr; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 11274) granting a pension to Sarah Lundy; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11275) granting an increase of pension to Orlando Cope; to the Committee on Invalid Pensions.

By Mr. ROACH: A bill (H. R. 11276) granting a pension to Amelia Stegner; to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 11277) authorizing the Secretary of War to donate to the Mount Pleasant school district No. 4, Rolette County, N. Dak., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 11278) granting a pension to Lodesca F. Wertz; to the Committee on Invalid Pensions.

By Mr. WEBSTER: A bill (H. R. 11279) granting a pension to Emma Grace Ridgely; to the Committee on Pensions.

Also, a bill (H. R. 11280) for the relief of Vince P. Brown; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5037. By Mr. BYRNS of Tennessee: Evidence in support of House bill 11270 granting an increase of pension to Rachael J. Smith, widow of William C. Smith; to the Committee on Pensions.

5038. By Mr. CHALMERS: Petition protesting against the passage of House bill 9753 or any other Sunday bill, such, for example, House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5039. By Mr. CURRY: Petition of 90 citizens of Geyserville, Calif., against the enactment of a Sunday law; to the Committee on the District of Columbia.

5040. By Mr. KELLY of Pennsylvania: Petition of Monongahela Presbytery of the United Presbyterian Church, adopted at Pittsburgh, Pa., urging the early passage of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5041. By Mr. KENNEDY.: Petition of New England Southern Conference of the Methodist Episcopal Church, indorsing House bill 9753; to the Committee on the District of Columbia.

5042. Also, petition of New England Southern Annual Conference of the Methodist Episcopal Church, indorsing House joint resolution 131; to the Committee on the Judiciary.

5043. Also, petition of New England Southern Conference of the Methodist Episcopal Church, indorsing Senate joint resolution 31; to the Committee on the Judiciary.

5044. By Mr. KIESS: Petition of residents of Potter County, Pa., favoring the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

5045. Also, petition of the American Association for Labor Legislation, New York City, N. Y., relative to the Fitzgerald accident compensation bill (H. R. 10034); to the Committee on the District of Columbia.

5046. Also, petition of Edward Hines Lumber Co., Chicago, Ill., relative to the conservation of forests; to the Committee on Agriculture.

5047. By Mr. MORGAN: Petitions of Presbytery of Mansfield (U. P.) on national reform; to the Committee on the District of Columbia.

5048. By Mr. PRINGEY: Resolution adopted by the district nominating convention No. 6 of the Oklahoma Wheat Growers Association, held April 4, at Enid, Okla., urging the continuance of the War Finance Corporation and urging the President to appoint a dirt farmer on the War Reserve Board and thanking the members of the farm bloc for their effort to date to further the interest of the farmer; to the Committee on Banking and Currency.

5049. By Mr. RIORDAN: Resolution adopted by the Rotary Club, of New York City, indorsing the action of the Senate in attaching the amendment to the Post Office appropriation bill making provision for the reestablishment of the pneumatic tube service in the New York post office; to the Committee on Appropriations.

5050. By Mr. SINCLAIR: Petition of C. Jennejohn and 68 others of Glenburn, N. Dak., protesting against the passage of House bills 9753 and 4388 and Senate bill 1498; to the Committee on the District of Columbia.

5051. Also, petitions of L. H. Fixen and 14 others, of Werner, and John Hollister and 9 others, of Yucca, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5052. Also, petition of Axel Wahlstrom and P. A. Gajewshi, of Alexander, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5053. By Mr. SNYDER: Petitions of Rocco Perreta & Co. and John Couzza & Co. against increase of duty on olive oil, cheese, and lemons, and asking that cheese be transferred to a specific basis; to the Commitee on Ways and Means.

5054: Also, petitions of L. G. Hess and Fred C. Foster, of Rome, N. Y., favoring passage of the Chandler bill (H. R. 9198), providing old-age pensions for veterans of the War with Spain; to the Committee on Pensions.

5055. By Mr. TAGUE: Resolution adopted by the port committee of the International Seamen's Union of America, in the city of Boston, urging the opposition of the following sections of the subsidy bill (H. R. 10644), namely, Section A, page 12, and Section B, page 9; to the Committee on the Merchant Marine and Fisheries.

5056. By Mr. TOWNER: Petition of Mr. C. Tuttle and 10 other citizens of Creston, Iowa, protesting against House bill 9753; to the Committee on the District of Columbia.

5057. By Mr. ZIHLMAN: Petition of several citizens of Takoma Park, Md., protesting against the enactment of the proposed compulsory Sunday observance laws for the District of Columbia, namely, House bills 4388 and 9753; to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *April 12, 1922.*

(Legislative day of Monday, April 10, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Labor, transmitting, pursuant to law, a list of papers in the files of the Department of Labor, at Ellis Island, N. Y., not needed in the conduct of business and having no historic value, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. RAWSON and Mr. CARAWAY members of the committee on the part of the Senate, and directed that the Secretary notify the House of Representatives thereof.

PETITIONS.

Mr. SHEPPARD. Mr. President, I present petitions of 564 citizens of Stephenville, Boyd, Joshua, Henderson, Hughes Springs, Paradise, Tolar, Santo, Perrin, Weatherford, Garner, Chico, Hood County, Palo Pinto County, and Jack County, all in the State of Texas, praying for inclusion in the tariff bill of certain rates of duty on peanuts, peanut oils, and other vegetable oils. I ask that the petitions may lie on the table, and that the text of one of them, which is brief, be printed in the RECORD.

There being no objection, the petitions were ordered to lie on the table, and the body of one was ordered to be printed in the RECORD, as follows:

To the honorable Members of the United States Congress:

We, the residents of Stephenville, Tex., interested in the maintenance, development, and prosperity of the South, realizing the extent to which our agricultural interests, directly, and our entire community, indirectly, are affected by the practically unrestricted flow of foreign-grown peanuts and other agricultural products, vegetable oils, etc., into our country because of the approximately free trade conditions existing before the emergency tariff bill was enacted, and fully appreciating that the failure to include peanuts at 4 cents per pound and peanut oil at 5 cents per pound, as well as a like rate on other vegetable oils in the permanent tariff bill, which is to supersede the emergency tariff bill, will take from the South its one cash crop that has proven a great blessing as a substitute crop for cotton in boll-weevil infested sections where cotton can not be profitably produced on account of this pest, earnestly request your consideration of this vital matter to the end that you help to secure rates stated above, which are not more than sufficient to cover the difference between the cost of production here and abroad.

Mr. WILLIS presented resolutions adopted by members of Toledo (Ohio) Chapter No. 5, Disabled American Veterans of the World War, and by the First Annual Convention of Disabled American Veterans of the World War held at Detroit, Mich., June 30, 1921, favoring the passage of the soldiers' bonus bill, which were referred to the Committee on Finance.

Mr. COLT presented a resolution adopted by the New England Southern Conference, Methodist Episcopal Church, at Pawtucket, R. I., favoring the enactment of legislation prohibiting polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the New England Southern Conference, Methodist Episcopal Church, at Pawtucket, R. I., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the New England Southern Conference, Methodist Episcopal Church, at Pawtucket, R. I., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

REPORT OF ALIEN PROPERTY CUSTODIAN (S. DOC. NO. 181).

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 274), which was considered by unanimous consent and agreed to:

Resolved, That the report of Thomas W. Miller, Alien Property Custodian, submitted in compliance with Senate Resolution 191, be printed as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 3448) to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.; to the Committee on the District of Columbia.

By Mr. McKINLEY:

A bill (S. 3449) granting a pension to Charles A. Detrick; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 3450) granting a pension to Eliza W. Cobb (with accompanying papers); and

A bill (S. 3451) granting a pension to Abbie Holbrook (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 3452) for the relief of Hettie Pierce (with accompanying papers); to the Committee on Claims.

A bill (S. 3453) granting a pension to Elizabeth Miller (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 3454) granting an increase of pension to Edwin Stott; to the Committee on Pensions.

JEWISH NATIONAL HOME IN PALESTINE.

Mr. LODGE. I introduce a joint resolution which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the joint resolution (S. J. Res. 191) favoring the establishment in Palestine of the National Home for the Jewish People, was read twice by its title and referred to the Committee on Foreign Relations, as follows:

Resolved, etc., That the United States of America favors the establishment in Palestine of the National Home for the Jewish People, in accordance with the provisions contained in the declaration of the British Government of November 2, 1917, known as the Balfour declaration, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country, and that the holy places and religious buildings and sites in Palestine shall be adequately protected.

TARIFF BILL AMENDMENTS.

Mr. SPENCER submitted an amendment and Mr. BROUSSARD submitted two amendments, intended to be proposed by them to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

CLAIMS OF CERTAIN LIBERTY-LOAN SUBSCRIBERS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 5775) for the relief of Liberty-loan subscribers of the North Penn Bank, of Philadelphia, Pa.; Santa Rosa National Bank, Santa Rosa, Calif.; and Mineral City Bank, Mineral City, Ohio; Robbinsdale State Bank, Robbinsdale, Minn.; and Farmers & Merchants State Bank, Kenmare, N. Dak., which was referred to the Committee on Claims and ordered to be printed.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. HARRISON. Mr. President, I have heard it rumored that because of the tariff bill just having been submitted to the minority members of the Finance Committee and they having only a few days in which to study it and not being able to be here to-day, there was some chance of adjourning to-day at half past 2 o'clock. May I inquire if that is in the minds of the leadership on the other side?

Mr. McNARY. I think there is no chance of that, unless by a vote of the Senate. I know we are all anxious to dispose of the unfinished business, and I certainly would oppose a movement of that kind.

Mr. CURTIS. Mr. President, I judge it is the desire of the Senator from Mississippi to attend the opening game of the baseball season this afternoon, and that that is the ground for the rumor to which he refers.

Mr. HARRISON. Several of the Senators who will only have two or three days to study the report of the Finance Committee are anxious to have some time away from the Senate Chamber.

Mr. McNARY. Mr. President, I call for the regular order.

The VICE PRESIDENT. The regular order is called for. The Secretary will continue the reading of the bill.

Mr. McNARY. The next item is on page 8, Bureau of Animal Industry.

Mr. PAGE. Mr. President, will the Senator from Oregon yield to me for a moment?

Mr. McNARY. I yield to the Senator from Vermont.

Mr. PAGE. From the Committee on Naval Affairs I wish to report back favorably a resolution coming over from the House. It comes with a favorable report from the Secretary of the Navy and I think there is no objection to it. The House and Senate Naval Committees have examined it very carefully, and I ask unanimous consent to present the report and have it considered at this time.

Mr. WARREN. Mr. President, I shall have to object to that until we get further along with the appropriation bill.

The VICE PRESIDENT. There is objection to the request of the Senator from Vermont.

Mr. KELLOGG. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ashurst	Frelinghuysen	Lenroot	Pomerene
Ball	Gerry	Lodge	Reed
Broussard	Gooding	McCormick	Sheppard
Bursum	Hale	McKinley	Simmons
Capper	Harreld	McNary	Smoot
Caraway	Harris	Moses	Spencer
Colt	Harrison	Nelson	Stanley
Culberson	Heflin	New	Sterling
Cummins	Hitchcock	Newberry	Sutherland
Curtis	Johnson	Nicholson	Townsend
Dial	Jones, N. Mex.	Norbeck	Walsh, Mont.
Dillingham	Kellogg	Norris	Warren
Edge	Kendrick	Oddie	Watson, Ga.
Ernst	Keyes	Overman	Willis
Fernald	King	Page	
Fletcher	La Follette	Poindexter	

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is detained on account of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-two Senators have answered to their names. A quorum is present. The Secretary will continue the reading of the bill.

The reading clerk resumed the reading of the bill on page 8, under the heading "Bureau of Animal Industry."

The next amendment of the Committee on Appropriations was, on page 12, at the end of line 4, to strike out "$2,578,800" and insert "$2,877,600," and at the end of line 6 to strike out "$1,728,800" and insert "$2,027,600, of which $300,000 shall be immediately available," so as to read:

For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State, Territory, or county authorities, $2,877,600, of which $850,000 shall be set aside for administrative and operating expenses and $2,027,600, of which $300,000 shall be immediately available, for the payment of indemnities.

Mr. CARAWAY. Mr. President, I want to ask the Senator in charge of the bill a question. I was discussing with the Senator yesterday afternoon the question of taking care of State experimental stations. Did the Senator make up his mind that that is cared for in the bill?

Mr. McNARY. In answer to the Senator from Arkansas, I will say that it is carried under the States Relations Service, on page 55 of the bill. There are a number of them in that service. The one to which the Senator made reference is cared for in that department, and the same amount of money is appropriated this year that was given last year, $720,000.

Mr. CARAWAY. Is that thought to be enough to take care of it?

Mr. McNARY. It is believed that it will be, in the same manner in which it has been cared for in the past.

Mr. CARAWAY. I thank the Senator.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 15, at the end of line 10, to increase the appropriation for all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improvement of the bureau experiment station at Bethesda, Md., and so forth, from "$112,000" to "$118,900."

The amendment was agreed to.

The next amendment was, on page 16, line 14, to increase the total appropriation for general expenses, Bureau of Animal Industry, from "$5,126,446" to "$5,432,146."

The amendment was agreed to.

Mr. KING. Mr. President, recurring to page 12, the item agreed to just before I came into the Chamber, for investigating the disease of tuberculosis in animals, and so forth, "$2,027,600, of which $200,000 shall be immediately available," may I inquire of the Senator in charge of the bill just exactly what is the purpose contemplated by the appropriation and what is the reason for the very large amount carried in that item?

Mr. McNARY. I will state to the Senator that the item covers the treatment of tuberculosis in animals. The amount is increased over the amount fixed by the House to equal the estimate of the Director of the Bureau of the Budget. It is an increase of the appropriation of last year, but does not increase the estimate of the Budget. It is thought necessary in order to prevent a deficit which might occur if the appropriation were not increased. Last year a deficit of $600,000 was carried in one of the deficiency appropriation bills. It is thought that this amount will meet all indemnities and all research work done by the department.

Mr. KING. Will the Senator explain briefly whether in his opinion these appropriations have been productive of good, and whether the Federal Government should be called upon to pay for animals which because of their diseased condition are destroyed? Is it properly a charge upon the Federal Government or the State Governments, or should the owners meet the loss? I express no opinion, but seek the views of the Senator from Oregon.

Mr. McNARY. In Utah the Federal Government's share was about $1 to $3 for the State. The Government pays an indemnity, the maximum of which is $50 and the minimum $25. The balance of the value of the stock condemned is paid by the State. It is thought to be a governmental activity, inasmuch as the disease spreads from State to State without regard to invisible State lines. It is also based upon the theory that the stock moves in interstate commerce from one State to the other. The inspections are often made, not at the point of shipment, but at the point of destination. There the Government inspectors meet the stock after it has passed through several States and if stock is there condemned it prevents the spread of the germs of tuberculosis.

If it were left to the State or to individuals there would be no special effort made, as I understand it, to attempt to control the disease which has destroyed and is now destroying vast quantities of live stock in the country. I think it is purely a governmental activity and that great good is being accomplished.

I can say to the Senator that in a very great many of the States the eradication of the disease and infestation has been markedly reduced during the last three or four years. As the work proceeds it will no doubt come under the control of the States, and perhaps in a few years the States can take over the whole system which they now employ for the control and eradication of tuberculosis, and without the participation of the Federal Government.

Mr. KING. I do not quite agree with the Senator that after a while the Federal Government will relinquish control and the States handle these matters themselves. The Federal officials will never permit that to be done.

When the General Government fastens its grip upon a subject or matter, it will not surrender control. If it is disposed to do so, the bureaucrats and officials and officeholders who benefit by the retention of control by the United States will not permit it to be done. This bill is a confirmation of that general observation. I have read the bill rather hastily, and I find that appropriations are carried for subjects, or rather for objects, for which appropriations have been made for many years. One would have supposed that some of the subjects previously dealt with would have exhausted themselves by this time, but the Federal machinery having been created, positions must be given to those who have been operating the machinery for all the years. Indeed, the machinery is annually increased and the expenses augmented. So, Mr. President, I do not look for the realization of the prophecy which the Senator from Oregon has made, that the States later on will assume control over these matters, and that the Federal Government will be relieved from the burden. We might as well recognize the fact that the General Government is becoming more omnipotent each year; it is constantly invading the States, encroaching upon their powers and functions, and assuming greater control over local and individual matters.

However, I desired the opinion of the Senator as to whether legally or morally the Federal Government or the State governments, or both, should compensate the owners of animals destroyed, because of diseases which unfit them for use and which might soon cause their death.

Mr. McNARY. I will state to the Senator from Utah that I think there is no question about the legality of this transaction. Congress itself has placed its approval upon legislation of this character for many years. There are cases where the States have upheld the rights of the owners, to be paid out of general taxation for the condemnation of property that is calculated to spread disease, whether it is in plant pathology or

in animal pathology. Hundreds of millions of dollars are conserved and preserved by the activities of the States and of the Government along this line; but if an individual has a flock which is infected with a communicable disease, and the Government steps in and destroys or confiscates that property, then some compensation should go to the individual. The Government is the gainer by reason of preventing the spread of an infectious or contagious disease, for in the end its prevention inures to the welfare of the community.

Mr. KING. It would seem that if the State seizes animals which are diseased and destroys them, the entire loss should not fall upon the owners, although if the animals are so badly infected as that they are valueless a different conclusion might be reached. But, does the Senator believe that the Federal Government should assume a part of the burden resulting from the destruction of animals so diseased?

If the live stock were aboslutely valueless, if the disease had progressed to such a stage as to render the animals valueless, then the thought occurred to me, Should the States pay for the same, should the Federal Government share in the loss, or should either be called upon to make payment?

Of course, the power of the State in dealing with this subject is plenary. It may, if there is no inhibition in its constitution, enact laws calling for the destruction of diseased animals or improper foodstuffs, and reimburse the owners therefor, wholly or in part. But the power of the General Government is entirely different. It can not do many things that States may do. It can not tax except for purposes that are Federal and national in character, and unless it has the delegated authority so to do.

We fail to keep in view in much of the legislation enacted by Congress the distinction between the powers of States and the delegated and enumerated authority or power possessed by the Federal Government.

Mr. KENDRICK. There seems to be in many cases no opportunity to ascertain as to whether or not the disease is incurable and the live stock, therefore, valueless; and, as I understand, this appropriation is intended to share the loss between the owner of the property which is destroyed and the public or the Government. In certain cases which developed when the foot-and-mouth disease was prevalent actual demonstration proved that the disease could be cured and the live stock actually saved and be restored to a healthy condition; but it was not deemed to be in the interest of the public to take any chances of prolonging the risk by treatment of the disease.

Mr. KING. Mr. President, while I have the floor, if I may have the attention of the acting chairman of the committee for a moment, I desire to say that I observe this bill carries very large appropriations—over $33,000,000. Will the Senator state how it compares with the appropriations for the years 1914, 1915, 1916, and 1917? I will be entirely frank with the Senator. Is it not a fact that this bill carries many more millions of dollars than were appropriated for either of the years to which I have just referred?

Mr. McNARY. I can state to the Senator from Utah, in my own way, that the bill this year contains appropriations approximately $3,000,000 less than for the fiscal year 1922. It is true there have been increases made necessary by the development of the agricultural resources of the country from year to year. While there has generally been a progress upward, this year there has been a decrease which is quite marked. The decrease this year is due largely to the fact that the bill does not contain an appropriation for a million dollars which was carried last year for the acquirement of lands to protect the watersheds of the navigable streams. The bill also omits an item of $2,000,000 to buy seed grain for drought-stricken regions.

Mr. KING. I was going to call attention to the fact that the so-called reductions were in those items which ought not to be included in this bill.

Mr. McNARY. If the Senator had permitted me to conclude, I should have stated, as I shall now do, that there are a few other new items carried in the bill which practically offset those which have been omitted from it, namely, $175,000 goes into the appropriation for the Center Market, which is thrust upon the Department of Agriculture; something like $600,000 is carried in the bill for the administration of the so-called packer act; nearly $300,000 are appropriated for the execution of the futures trading act. Those new items practically offset those which were carried in the appropriation bill for the fiscal year 1922 but which were left out this year.

Mr. KING. Mr. President, the Senator knows that during the war, for reasons which were urged and doubtless regarded as sufficient—at least by many Senators—the Agricultural appropriation bill was very greatly increased, the increases involving many millions of dollars; but every assurance was then given that after the war we would return to the prewar appropriations. It is apparent that we are not keeping these promises, but propose to increase the appropriations from year to year, so that they will soon reach or exceed the highest war levels. This bill shows no economy, no retrenchment, no reforms. It is a bill filled with extravagant demands, and seems to have been projected by the bureau chiefs and officials whose powers are to be increased. I will ask the Senator why reductions were not made in many of the items in this bill? It seems to me that $35,000,000 is entirely too much to appropriate for the current year for the Department of Agriculture.

May I ask the Senator whether it is not a fact that most of the increases are caused by a larger number of officials and are designed to meet the compensation of those officials?

Mr. McNARY. Mr. President, I am very happy to inform the Senator from Utah that I think but little, if any, increases have been made on that account. I am also pleased to inform the Senator from Utah that the department will have at least 1,000 less employees in 1923 than it carries on the roll for the year 1922. There has been a decrease in the number of employees.

Mr. KING. Of course, the Senator knows that during the war we increased the appropriations upon the theory that a crisis was upon the country and it was necessary to increase the food supply. Thousands of employees were added to the rolls, but with the understanding they would be separated from the service after the emergency had passed.

Mr. McNARY. The largest increase in the bill comes about by reason of that excellent work known as research work, involving the discovery of the causes of plant and animal diseases; the extension work, which carries that knowledge out to the farmers and producers of the country; the laboratory work; the States Relation Service work in connection with the agricultural schools of the country. Increases have been made along that constructive line, rather than to provide for the payment of salaries of clerks and officials.

Mr. KING. May I inquire of the Senator—because I see so many of these are lump-sum appropriations—whether there is anything to limit the compensation to be received by employees who are to be paid from such lump sums?

Mr. McNARY. There is a limitation of $5,000 per annum in the bill, a provision of that kind having been carried since 1912, at which time the limitation was $4,500. Employees are carried under lump-sum appropriations until the next succeeding year, when they go to the statutory roll. None of the bureau chiefs are paid higher than $5,000.

Mr. KING. What I mean is this: In these appropriations the Senator will find large sums, many hundreds of thousands of dollars, but there is nothing to indicate the character of the employees who will be paid or the amount which will be paid to each. Is it understood by the committee just how those large sums will be distributed; how much will be paid for salaries; and if so, the amount to be paid to each employee; or is it left entirely to some bureau chief or to the Secretary of Agriculture to dispose of such funds as he may see fit, paying a large number of employees small salaries or a few employees large salaries?

Mr. McNARY. As I have tried to make plain to the Senator, the positions under the different bureaus are statutory, and, of course, it requires an act of Congress to increase or decrease those statutory salaries. In the case of a lump-sum appropriation a wide discretion rests with the chief of the bureau. That is naturally and necessarily so; but none of the experts or scientists are paid a sum in excess of $5,000 per annum; they are on the statutory roll. However, as I have said, a wide discretion properly is left with the bureaus in connection with the distribution of lump-sum appropriations. The committee has never found any abuse of such appropriations and authority, but the department and the chiefs of bureaus, having in mind the proper execution of the law and its administration, have never misused any funds given to them or violated any trust reposed in them in connection with the lump-sum appropriations made by Congress.

Mr. KING. Let me give an illustration: Supposing $100,000 or $200,000 are appropriated for investigations in respect to wheat rust or for the investigation of any other particular disease, is there any limitation in the bill with respect to the number of persons who may receive the appropriation?

Mr. McNARY. Oh, no; that could not be done. We must trust to the judgment, the stability, and the honesty of the officials who administer the law. Using the illustration of the wheat rust referred to by the Senator, or the barberry bush, the scientists are employed in research work to ascertain how the fungi are carried, during what period of the year, and what damage they do to the wheat, many of those scientists being located in Washington. There are also many inspectors, who

are out in the field locating the shrub and explaining to the farmers upon whose property the shrub is located the necessity of its eradication in order to diminish the damage done by the fungi. It must properly be left to the bureau to determine the number of inspectors necessary to carry on the field work, the tasks which they shall perform, the amount of research work to be carried on in the laboratories, and the extension work that must be conducted. There is a limitation upon the salaries and upon the amount of money that may be expended, but we could not by statute provide that they must have so many inspectors in the field, so many workers in the laboratory, and that so many pamphlets shall go out to instruct the farmers concerning the infestation and how to correct it.

Mr. KING. What I meant was whether there was any limitation upon the salaries paid to the various employees who would be called upon to perform work under a particular appropriation.

Mr. McNARY. I tried to make myself clear to the Senator from Utah, but I will repeat that there is a limitation of $5,000 upon the salaries which may be paid to scientists and all those who perform any character of work for the department. Outside of that, the distribution of the fund is in the judgment and discretion of the chief of the bureau as to the amount of money he shall pay to inspectors and locators, to stenographers and others, who come under his employ in order to carry on the work.

Mr. KING. Mr. President, I am compelled to leave the Senate Chamber in a few moments to visit one of the departments, and probably the item which I am about to inquire about will not be reached while I am in the Chamber. Will the Senator explain the item of $427,830 for publications? Does that embrace all the publications of the department, the various circulars and publications coming from the Agricultural Department?

Mr. McNARY. I will ask the Senator what page he is referring to?

Mr. KING. Pages 53 and 54. The item is on page 54—"Total, Division of Publications, $427,830."

Mr. McNARY. That covers the issuance of the crop bulletins, market bulletins, crop estimates, and all those pamphlets carrying information to the farmers which are the result of research work. That is called extension work. It is carrying the information out to those who need the information which has been discovered by the research work of the scientists in the department.

Mr. KING. Mr. President, if some of the publications sent out are similar to some I have received, they are not of much value, and I know that farmers have complained of the lack of value of many of these publications. There is no restriction, then, except in the total amount, as to the bulletins which shall be published—the number, and so on?

Mr. McNARY. No. In the employ of the department there are over 2,000 scientists working daily throughout the year on all those problems that inure to the welfare of the horticultural and agricultural interests of the country. When they ascertain a fact by long research in their laboratories or by investigations in the field, this information is sent out to the farmers of the country, and they, taking advantage of it, have done very much to improve agricultural conditions throughout the country. I believe it is one of the best investments the department is making, one of the best activities in which the Government is interested to-day—the welfare of the farmer—and this work under these publications is doing very much good.

Mr. KING. Some of the publications are valuable. Many of them, I think the Senator will admit, especially if he will communicate with the farmers, are of no consequence.

DISMISSAL FROM CLASSIFIED SERVICE.

Mr. CARAWAY. Mr. President, I regret very much to interrupt the consideration of the pending bill. I shall take but a few minutes.

In this morning's Post there appears a statement by a local attorney to which I wish to refer. The heading of the article is:

CITES BUREAU CHARGE.

"Forty affidavits filed against Wilmeth order," attorney says. Accused of favoritism. Dismissal of 600 employees basis of demand for reforms.

The statement is, by inference at least, that the recent dismissal by the President of the employees of the Bureau of Engraving and Printing was the result of those affidavits filed by the attorney for Mr. Hill, who succeeded Mr. Wilmeth as the Chief of the Bureau of Engraving and Printing. The attorney who gives out this statement is a Mr. Davis. By the way, the same Mr. Davis, is also the attorney for Mr. Hill in the suit brought by his, Mr. Hill's, wife against him for divorce. I mention that merely to identify the man Davis who now comes to the rescue of the administration by giving the alleged reasons why these men and women of the bureau were dismissed and disgraced. He alleges the reduction in the force that occurred last July was the basis of the charges against Wilmeth, and furnished a justification for the President's removal of these faithful employees. In my hand I hold a report that bears a superscription of Washington, D. C., September 7, 1921, and is addressed to the honorable, the Secretary of the Treasury. I want to read it, because it tells what Mr. Wilmeth did six months ago, and shows that his action was approved by the present Secretary of the Treasury, and inferentially by the President himself; and now these paid apologists for the President, in their desperation, to find some reason to justify the President's action, this paid attorney comes forward with a misleading statement against these employees. This report deals with the same question.

Incidentally I might say that the subject of Mr. Davis's article in the Post this morning, which the Post plays up on its front page as a justification for the action of the President, deals with the action of Mr. Wilmeth who as director acted only, as I am informed, after he had discussed with Mr. Wadsworth, the Assistant Secretary of the Treasury, the method he was to follow in reducing the force at the bureau, and that this plan met the approval of Mr. Wadsworth. After it had been approved and put into effect those who were let go filed complaints against Mr. Wilmeth. The Secretary of the Treasury then appointed a committee to investigate the whole matter, and this is their report. It reads:

SIR: The undersigned, constituting the committee named by you on July 20, 1921, "for the purpose of considering the protests of certain employees of the Bureau of Engraving and Printing against their release from employment in that bureau," respectfully report as follows:

The committee has carefully investigated these protests to the fullest extent it deemed necessary or requisite to carry out your instructions, and finds as follows:

1. That there was not only a legitimate reason but an urgent necessity for a reduction in the force of this bureau to the extent to which it was actually reduced.

2. That before any employees were discharged, the director of the bureau put into effect the following rules to be observed in determining what employees should be dismissed:

(1) Drop employees, regardless of term of service, whose records are poor, involving inefficiency, inattention to duty, tardiness, excessive loss of time, agitators, and trouble makers.

(2) Drop, without prejudice, married women whose husbands are employed in the Bureau of Engraving and Printing or in other branches of the Government service at a good salary.

(3) Drop, without prejudice, those employees most recently appointed.

(4) Furlough indefinitely, but subject to recall to duty within the period of a year, employees whose services are not now needed, but whose efficiency and attention to duty have been such as to make their services desirable. This will enable the bureau to draw recruits from a trained and experienced force.

3. That, making reasonable allowance for the human element in the relations between the employees and their next immediate superiors, these rules were apparently so observed as to produce as little individual injustice as could be expected in dealing with so many cases.

4. That the reduction was a real one and not a pretended one for the purpose of putting other more favored employees in the places of those released.

The committee therefore recommends that said protests, and all of them, be disallowed, and that the applications of the protestants, or any of them, for immediate reinstatement should not receive favorable consideration.

Respectfully submitted.

D. R. CRISSINGER, *Chairman.*
WILLIAM T. ABBOTT.
W. G. PLATT.
S. R. JACOBS.
CHAS. STEVENSON.
J. E. HARPER, *Secretary.*

Approved:
A. W. MELLON, *Secretary.*

Now, notice who signed the report:

The first is D. R. Crissinger, Comptroller of the Currency; William T. Abbott, W. G. Platt, S. R. Jacobs, Charles Stevenson, J. E. Harper.

Approved: A. W. Mellon, Secretary.

The plan was submitted when the order was given to reduce the force. It was approved before it was put into effect. After it was put into effect, and certain employees complained, the Secretary of the Treasury appointed a committee headed by the comptroller, Mr. Crissinger, and this committee investigated the whole matter again and approved everything that had been done. That report was submitted to Mr. Mellon and Mr. Mellon approved it. Now this attorney, in order to besmirch the reputation of Mr. Wilmeth and justify the promotion of his client, revamps these charges, and the Post publishes them on the first page as a justification of the President's action. All these facts were known to Davis before he gave out his misleading statement. Therefore I think Mr. Davis was exceedingly unhappy in the manner of his defense.

Mr. President, I realize—it has been whispered here on the floor of the Senate; everybody knows it—that if these charges of the wrongful dismissal of these employees be pressed some kind of a finding is to be made against these dismissed men and women. They know that. They know that what they have done is now being combed by Secret Service agents, not only to find what actually was done but, if necessary, to find something that was not done in order to justify the heartless removal of these people. They are not going to be surprised at anything that may happen. They and all others realize that something is going to be found which will be claimed justifies this action of the President, and everybody is going to know that when this "finding" is announced that it is not true.

Mr. STANLEY. Mr. President——

Mr. CARAWAY. I yield to the Senator from Kentucky.

Mr. STANLEY. I have heard such rumors, but I have not credited them; I have been loath to believe them. Does the Senator mean that in a Christian Government, headed by gentlemen who pretend to some sense of duty and of honor and of decency, faithful servants of this Government would first be slaughtered upon the altar of political expediency, turned out at the ipse dixit of a spoilsman, and then covertly advised that if they complained at this wrong done them, in violation of the letter if not the spirit of the law, they would lose in character as well as in fortune?

I respect a spoilsman who is bold and open about it. I am not inclined to fall out with the honest Republican or Democrat who believes that the fellows who make the fight should share in the plunder. That man may be mistaken, but he is respectable; but a Government official who would go to some poor man or woman and say, "If you make any noise about this, there will be something found out that will hurt you worse than the loss of a job," is not a spoilsman, he is a blackmailer, and I can not believe that this or any other administration would resort to political blackmail, although I have heard that rumor.

Mr. CARAWAY. The Senator from Kentucky undoubtedly saw the statements in the papers and he has heard the rumors, and he must know that if justice is all that was sought the investigation would have been had prior to the dismissal and disgrace of the men and women and not afterwards. Under any theory of justice and right men are entitled to be faced by their accusers and to know in advance of their conviction what the charge is, but here the charge was made in secret, the finding was made in secret, and the men are openly and publicly disgraced. Then detectives are set to work to find out some reason that in the mind of the people would justify this cruel action of the President.

As the Senator from Georgia [Mr. WATSON] suggests, ordinarily in decent procedure a man is entitled to a list of the witnesses who shall appear against him. In this particular case, there being no witnesses, of course there could be no list furnished.

There is a reason back of all this. On the 21st day of December, 1921, Mr. FORDNEY, a Member of Congress from Michigan—and I think I do him no injustice when I say that he thinks that "to the victor belong the spoils," and there are many honest men who entertain that view—made a speech in the House of Representatives, and the question of replacing Democrats with Republicans in the departments here was discussed. Mr. FORDNEY said there was to be a new broom in the Treasury soon, and then they would get places. After that had been passed for a little while, Mr. CHALMERS asked this question:

> The gentleman is very wise, and I understand very close to the administration. How soon, in the gentleman's opinion, may we expect a new broom in the Treasury Department?
>
> Mr. FORDNEY. I understand that the Senate is quite likely to confirm to-day the appointment of Mr. Dover, of Takoma, Wash., a former resident of Ohio, as Assistant Secretary of the Treasury, who will have charge of the customs. That is a step in the right direction and at the right time. [Loud applause.]

This Mr. Dover was secretary of the Republican Committee in the good old days of Mark Hanna and the "Blocks of Five." He got into the Treasury, and the removals commenced. They are going on now, though not quite so spectacular as those I have just been discussing. I shall not take time to read the newspaper clippings, but merely the headlines, and without objection I shall include them. In the Daily News recently appeared this:

> To "Hardingize Government in interest of efficiency."—The language is that of one of Harding's closest advisers—Men scheduled to go have important jobs, but, it is alleged, Democratic leanings.

I ask leave to insert that article in the RECORD.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

TO "HARDINGIZE GOVERNMENT IN INTEREST OF EFFICIENCY"—THE LANGUAGE IS THAT OF ONE OF HARDING'S CLOSEST ADVISERS—MEN SCHEDULED TO GO HAVE IMPORTANT JOBS, BUT, IT IS ALLEGED, DEMOCRATIC LEANINGS.

[By Lawrence Martin.]

The Government departments are to be "Hardingized in the interests of efficiency" one of President Harding's closest advisers said to-day.

A general "housecleaning" that will remove at least 2,000 prominent Government employees here with Democratic leanings or views, alleged to be hostile to those of the administration, has been decided upon as a sequel to the summary dismissal by the President of 28 Bureau of Engraving chiefs.

President Harding, it is represented, having determined to attain the highest efficiency of governmental administration, the more important positions in the administration must not be held by Democrats or others not friendly to his policies. He has decided to carry out this policy, regardless of any criticism at the start, believing it will be approved in the long run.

ONE IN TEN ARE TO GO.

Elmer Dover, recently appointed Assistant Secretary of the Treasury, will soon extend the housecleaning policy throughout the Internal Revenue Bureau, where the nucleus of a Democratic machine—relic of the McAdoo-Roper days—is alleged to exist.

In addition to the bureau chiefs dismissed from the Bureau of Engraving, it is known that 445 of 5,000 employees of the Customs Service have been removed recently.

This ratio of 1 to 10 will hold in other departments, it is said.

CAUSES FRICTION WITH BLAIR.

Dover is now directing his attention to cleaning out the Internal Revenue Bureau. His moves already have caused some friction with David H. Blair, director of the bureau. The President is said to take the position that this bureau, particularly the income-tax division unit, is far behind in its work, and that a lack of sympathy on the part of some bureau chiefs with his policies is partly responsible.

About 300 changes already have been ordered among the 7,000 employees of the Revenue Bureau, and the number will be increased.

DRY AGENTS BEING SHAKEN UP.

The next department to come under the knife will be the Prohibition Bureau. Present indications are that 300 or 400 of the dry agents have been removed.

Administration spokesmen claim the President's policy already is having a beneficial effect—that hundreds of employees who have been lax in their work are "pepping up," because of the fear of losing their jobs.

Mr. CARAWAY. I wish to call attention to "Hardingizing." That is the expression, to "Hardingize" the departments. I think this administration will be credited with the coining of two words—"Newberryizing" and "Hardingizing." "Newberryizing" means to buy a seat in the Senate, and then for the administration to whip in line Members of the Senate to sustain him and keep him there.

Mr. REED. Is not the Senator for once a little inaccurate?

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Missouri?

Mr. CARAWAY. I yield.

Mr. REED. I thought the Senator was going to say that "Newberryizing" consisted in buying a seat in the Senate, and 'Hardingizing" consisted in compelling the Republicans to vote to retain him in his seat.

Mr. CARAWAY. I think that is correct. "Newberryizing" means to buy a seat, and "Hardingizing" the Senate means to compel the Senate to keep him in it.

"Hardingizing" means something else. It means to drive men and women out of employment, destroy their reputations, blast their prospects for future honorable employment, and deny to them even the right of being told why it was done. That is "Hardingizing."

"Hardingizing" means more than that. When these wronged men and women go to see the President, as humble supplicants, and ask that he tell them what the charges were which warranted him in summarily driving them out of public employment and destroying their reputations, "Hardingizing" means to go to the golf links and leave your secretary to tell them that the President is sorry if it hurts, but he has no other explanation to make.

When that old lady went to the White House, that lady whose hair is as white as snow, who had gone into the Government service when a girl and worked her way up until she was the chief of a bureau, who had been summarily dismissed, disgraced, and driven out of public work—when she went there and asked if she may be told why it was she was dismissed, and why she was disgraced, and why her opportunity to earn an honest living had been taken from her, "Hardingizing" means to have the President say, in effect, by refusing to see her, though I do not, of course, say that he used these words: "This old woman, whose reputation I have destroyed, and whose right to make an honest living I have taken from her—send her away. I can not have the wine of my joy embittered by her tears. Whatever my reason was for disgracing her, I keep it to myself."

Mr. President, I am reminded of the minister of Louis XVI just before the French Revolution. Thousands of starving men, women, and children assembled in front of his hotel to petition him for something to eat. They wanted to tell him of their

conditions. The Government had seized everything they had, and they were actually starving in the streets. This minister sent word out that he would not see them. They besought him to know, then, what they should eat, and he inhumanly said, "Let them eat grass." Three months later, Mr. President, the same motley mob marched down the streets of Paris with the head of that minister on a pole and a bunch of grass sticking in his mouth. The minister was reduced to that humble state as well as the citizen who begged for bread.

"Hardingizing" goes further than that. The President has a new launch, which cost $45,000, the finest in which anyone ever rode. I am not complaining, because a local paper said—and it knows—that the President could not land properly and keep his dignity with one that cost less money. He got it; $45,000 is a trifling, insignificant sum, of course. If it were not for the striking contrast, to which I am about to call attention, I would not even mention it. Here is a letter, written by Mrs. James H. Brooks, whose husband is a minister of the gospel in a little city of six or seven thousand people down in my State. She herself is the head of the Federation of Women's Clubs of that State and an active worker in all matters of reform and all movements of educational advancement. She wrote me this letter:

BLYTHEVILLE, *April 3, 1922.*

DEAR MR. CARAWAY: I am just back from a meeting of the American Legion Auxiliary, Department of Arkansas, and as I was honored with the presidency of this young child—"the baby sister," Mrs. Hobart calls it—I want to know some things.

We went out to Fort Root. Found things beautifully clean, and the woman in charge all that heart could wish in the attitude toward and care of our poor mentally sick boys.

That is a hospital for service men.

But to my horror and shame I found them—the superintendent and nurses and legionaries—begging us for second-hand clothing to clothe these dear boys—as physically perfect and beautiful as my boys or yours, and even that they must sell the baskets they make to get money for smokes. Isn't that a crying shame to this Government of ours? Is this so all over the country, and is there any way in which Congress can be made to see these things? These boys ought to be on the pay roll of the United States, receiving enough money to have the things they want. I am almost sure, thinking over the men as I saw them, that they were all average, and many more than average, in intelligence before they went into that "hell" into which they were sent.

I know you have worked for the boys; but please work as you never worked before.

Sincerely yours, MRS. JAMES H. BROOKS.

Mr. President, that is "Hardingizing." Buy your yacht and make the crowned heads of Europe ashamed when they come in comparison with you in the show places of the world, but let the boys who were sent across the sea to preserve the liberty of the world beg for second-hand clothes to wear and cigarettes to smoke. That is "Hardingizing."

Mr. HARRISON. Mr. President, the Senator referred to that launch. It cost $45,000?

Mr. CARAWAY. That is my understanding, and it was cheap at that, they tell us.

Mr. HARRISON. What is the use of that launch?

Mr. CARAWAY. Can it be possible that the Senator from Mississippi does not realize that when you are "Hardingizing" a nation you must "Hardingize" the President himself and make him outglitter in splendor any other ruler in the world?

Mr. HARRISON. I had seen in the papers a few days ago that because of the general depression in England the King of England had dispensed with his launch or his yacht.

Mr. CARAWAY. The King of England wore patched shoes also, but he is not "Hardingizing" a great nation. But I am also reminded by the Senator from Georgia [Mr. WATSON] that the President of the French Republic does not maintain a private yacht.

Mr. HARRISON. It may be, if the Senator will permit, that it is just such actions as that, with 6,000,000 men out of employment and wages being reduced, which resulted, in the election yesterday in one of the districts in New York which has always gone Republican, in the last election by 30,000 majority, in the Republican being elected by only 2,500 or 3,000 majority, the plurality or majority being cut 27,000 votes, I believe, from the Republican majority in the last election.

Mr. CARAWAY. Of course, and they will not be able to find a 2,500 majority in November.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Missouri?

Mr. CARAWAY. I yield.

Mr. REED. Some mention was made of economy in some of the European courts. I noticed an article in one of the papers a day or two ago to the effect that the Queen of the British Empire had reduced her bill for dresses to $1,500 per year, and she was forced to spend most of that for court dresses, which, under the custom, she was compelled to have; that she had even resorted to having her dresses made over and some of them dyed; and that this was being done not only as a matter of practical economy but in order to set an example to be followed by other people who ordinarily expended vast sums. So the women over there seem to be in the crusade of economy as well as the men.

Mr. CARAWAY. I hope that George Harvey does not hear that, for he will cut the society of the Queen if he knows it. When George gets on his knee breeches he would not associate with a lady who had on a secondhand dress, I know.

Mr. President, here is another fine example of "Hardingizing." I am in receipt of a letter this morning from a former service man. What little this may say about me I hope the Senate will pardon my reading, because I want to read the entire letter. It is dated April 10, 1922, is addressed to me, and is as follows:

I was so pleased when I read the article in the Star this evening in regards to the resolution introduced I just had to drop you a line to let you know I am only one ex-service man who appreciates the work you are doing for our interests. It is an awful hard thing when a man spends his early manhood in the Army and Navy, and then 16 or 17 years in the employ of Uncle Sam, with excellent records, only to be laid off, without any redress whatever.

As I said before, I am only one, but I was in the navy yard as a helper when, on February 9, I was told, after working until 11 o'clock, that I was furloughed. The consequence is that I am now without work. I have served on foreign soil three different times for this country—Cuba, 1898; Philippines, 1900; China, 1901—and from my viewpoint it looks very hard that I, a married man with a family, trying to buy my own home, am furloughed while the very man that was kept to do the work I was doing came in the yard during the war when it meant either war or work. My rating was 97.2.

May you be successful, Senator, in all you undertake, and believe me you have my hearty praise for your faithful work.

He signs it without any injunction of secrecy, but I do not care to publish his name. If anyone wants to see it, I will show it to him. That is Hardingizing the Government employees.

We have a law against doing that very thing. I hold it here in my hand. There even is an order bearing date June 20, 1921, calling attention to that law. It reads:

Provided, That in the event of reduction being made in force in any of the executive departments, no honorably discharged soldier, sailor—

And so on.

I have another letter from an ex-service man dated the 11th, yesterday, telling the same story. I have here another letter, dated the 11th, from an ex-service man who lives in the southeast part of the city who had a place in the Government but was discharged, although his rating was good. He was laid off that somebody else might get his place.

That is Hardingizing the Government; but it seems to go beyond that. Hardingizing seems to be going even to the extent of compelling the President's own minister, the pastor of his own church, when designated to deliver the invocation at the meeting of a great world conference, to eliminate the name of Jesus Christ from his prayer. That is Hardingizing the church.

Now, my good friend the Secretary of State, Mr. Hughes, who seems to have been the only man who saved anything from the wreck of that conference—he saved his whiskers and nothing else—gets mad whenever anything is said about it. He wrote a letter saying that he hoped the people would quit criticizing the delegates of that convention. He recently gave out an interview, which was headed:

Christ not censored from parley prayer, Mr. Hughes declares.

Doctor FESS—Congressman FESS, from Ohio—who is chairman of the Republican Congressional Committee, had written to Mr. Hughes to know about this, because Christian people everywhere did not understand why it was necessary to censor the prayer of a Christian minister, a Baptist preacher, in order not to offend the reigning monarch of Japan. Therefore, he wrote to Mr. Hughes for a denial, and got a typical Hughes denial, which always means to imply that any statement that does not agree with Mr. Hughes is not only inaccurate but contemptible. Mr. Secretary Hughes acquired that habit when he was a judge, you know. He could then make people accept his statements, right or wrong, and probably wrong. He gave this out for publication, in the concluding part of which he said:

The narrowness and bigotry exhibited in the criticism to which your correspondence refers are, in my judgment, so utterly despicable that I do not intend to notice the matter in any way.

God bless your soul, and they are just common, ordinary Christian people commenting on the matter. But Mr. Hughes thinks that he does not need to take notice of them. He then continues with a statement, which I think he will regret some day:

I shall not say anything in reply to the statements that are made. The best thing is to ignore the matter altogether. Doctor Abernethy's prayer was admirable in every respect.

That ought to do Doctor Abernethy a lot of good to have Hughes approve his prayer. The newspaper item then continues:

Mr. Hughes then added for Mr. FESS's information—

And I suppose for no one else's—

that no censorship was exercised.

Mr. REED. Mr. President, without desiring to interrupt the Senator, I have seen what purports to be a copy of the correspondence which discloses absolutely that the prayer was censored.

Mr. CARAWAY. I have it here, and if it had not been published already, in deference to the minister's wishes not to have it published, I would not read it now. It has been published, and I therefore want to lay it alongside of Mr. Hughes's letter in order that these narrow-minded bigots who ask that the name of Jesus Christ be used in prayer, these narrow-minded people who think Jesus Christ ought to be prayed to and ought to be named in our prayers, the contemptible people that Hughes referred to, may know just exactly what the minister said about it. I am going to read his letter.

Calvary Baptist Church, Washington, D. C.

That is the church the President "honors" by worshipping in it, you know. It is written to the editor of the Manufacturers' Record, and, as I said, unless it had been published I would not have read it. It has been in my possession for a long time, but inasmuch as Doctor Abernethy did not want it given publicity, I would not have published it, but some one else has done so, and therefore it has had publicity, and so I read it.

May I first say just this much in explanation: This letter was in answer to a letter written by the editor of the Manufacturers' Record, who is a personal friend of Doctor Abernethy, who asked him to tell him what truth, if any, there was in the statement that he had been compelled to strike the name of Jesus Christ from his prayer, and this is his answer:

I am in receipt of your very cordial letter of January 6. If I could have the opportunity of talking with you on this matter face to face, I am sure I could convince you I did not have it in my heart at all to dishonor my Lord Jesus Christ in the offering of that prayer at the conference. I have been very severely criticized for it by people from all parts of the country, but they did not know the background of the situation.

I trust you will regard what I say to you in the strictest confidence—that is, it is not for publication.

And, as I said, unless it had been published, I would not have published it.

Had I been left to my own initiative, I am very sure that I would have offered the prayer that I did in the name of Christ—at least that is the way I always do end my prayers. I was reminded, however, that the conference was not a Christian body—

And, by the way, the whole American people found that out when the four-power pact came out, because it was a surrender to paganism, an alliance with a pagan nation against a Christian nation, and, therefore, Doctor Abernethy correctly said:

I was reminded, however, that the conference was not a Christian body—

And he then continues—

that there would be Buddhists and Confucianists present, and was told that it was the feeling that a simple recognition of the Deity would fill the requirements. I remembered that the prayer that Jesus taught and which we repeat from Sunday to Sunday did not contain his name, and yet it had the spirit of Christ in it, as we will all agree.

I felt—

Now, mark you this, Mr. President—

I felt that it would be better to offer a prayer of recognition of God Almighty and a petition for guidance than to have no prayer at all.

But Doctor Abernethy was told he could not pray in the name of Jesus Christ. I will not censure him. He was told, if his letter tells the truth, that he could offer this prayer without the name of Jesus Christ, or no prayer would be offered at all.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. CARAWAY. With pleasure.

Mr. WATSON of Georgia. I remind the Senator from Arkansas that it was Christ Himself who offered the Lord's prayer, and He could not invoke Himself, because He had not then been crucified.

Mr. CARAWAY. I thank the Senator. Now, continuing with Doctor Abernethy's letter:

I therefore offered the petition as it was published in the papers. I do not believe I crucified my Lord as I have been accused of doing.

I am sorry that my brother ministers, including Doctor Dixon, have spoken as they have. I feel very sure that if they had known everything they would not have judged me as harshly as they have.

I trust this will, in a measure at least, explain the situation to you.

Thanking you again for your cordial sympathy, I remain,

Sincerely yours,

W. S. ABERNETHY.

Now, Mr. President, lay that letter alongside of Mr. Hughes's statement, who says these contemptible people who say that Doctor Abernethy's prayer was censored, these people who complained because Jesus Christ was not mentioned in a Christian country—lay it alongside of Mr. Hughes's statement and then you can believe either one of the two. You can not believe both of them. I personally believe Doctor Abernethy, though I never saw him.

Well, Mr. President, that is another case of Hardingizing the church, Hardingizing the faith of the Christian American people, by striking the name of Jesus Christ out of our prayer.

Mr. President, I want to call attention to an article that appears in the Post—I seem to have lost the date of it, but I believe it was last Wednesday—which was headed as follows:

Officials deny shake-up plan for Treasury. Reorganization work goes on over head of Secretary. Changes already total nearly 400. President's friend works scheme independent of Mr. Mellon.

The article says in part:

Dover has been working directly with President Harding and has been quite frank in his discussion of the forthcoming changes.

Now, Secretary of the Treasury Mellon, who is at the head of the whole business, but who thus far has kept his hands and his voice out of the hubbub, has spoken.

Discussing Mr. Dover's reorganization plans, without mentioning any names, of course, Secretary Mellon in an official statement said:

"These reports do not emanate from any official source."

The article says that they are going to work their reorganization over the head of Mr. Mellon. I think it is to Mr. Mellon's everlasting credit that he refused to become a party to the scheme.

Another headline in the Washington Post reads as follows:

Firm in bureau shift. Harding to disclose no charges; believes reasons ample.

Both the Secretary of War and the Secretary of the Navy have found it necessary to issue warnings to the officers and enlisted men of the Army and the Navy against turning Bolshevik. Mr. Denby came out with a strong letter warning the men in the service, both officers and enlisted men, against joining the Reds. Mr. Weeks thought so well of Denby's statement that he adopted the same phraseology, and the headlines in the paper read as follows:

Weeks joins "Red" warning by Denby. Cautions Army that communists stress efforts to breed disloyalty among men. Amplifies his Navy order.

There is a reason, Mr. President, why the Secretary of the Navy and the Secretary of War should issue these orders. When you Hardingize the Army and the Navy and the governmental departments, as they are doing, you breed disloyalty. Denby knew it. He knew it when he discharged the soldiers and sailors, in violation of the law, who were supposed to be protected by statute. He knew he was violating the law. He was assuming to be above the law, and he feared that men in lesser station might follow his example and disregard the law, and therefore he warns all who are below him that, "While I do not regard the law and deny a man's right to appeal to me, I am supreme; but you must not turn 'Red,' as I have, and disregard the law. You must be obedient to the law." And Mr. Weeks adopted the same language.

Our genial friend, the Vice President, of whom I am exceedingly fond, as the spokesman for the administration went to Michigan, as I have been told—I have no knowledge of the correctness of the statement—to help secure the renomination of the senior Senator from Michigan [Mr. TOWNSEND]. I do not know whether that is true or not, and I do not care; but the Vice President, who is accredited with being the shrewdest man associated with the administration, went to Michigan and made a speech. I do not think I am voicing any secret when I say that I have often heard it said that the mistake the Republican Party made was in not giving the first place to the man who is second. He took two hours and a half to talk about this administration, and if he, with his shrewd Yankee brains, could not think of anything good to be said for it, it could not be found; that is all. After he had wandered all around the earth he came back and said, "Well, boys, the President opened the doors of the White House." That was the best thing that the Vice President could find to say for this administration—that it had "opened the doors of the White House." Incidentally, he could have said that it had opened the doors of every workshop and factory in this country and had turned out the men, until millions of them are walking the streets and begging for bread. He could have said, if he had been candid about it, that the administration had not only opened the doors of the White House but had opened the doors of the mines, so that every man who goes below the surface of the earth and earns his living with shovel and pick is now on an enforced vacation.

He could have said, if he had wanted to, that Hardingizing the administration had opened the doors of practically every factory in New England, so that thousands and thousands of men and women and children are begging for places to work, and some of them who were strikers were shot down in the good old State of Rhode Island the other day. The President opened these doors as well as the doors of the White House.

However, it is a commentary, Mr. President, that when the brains of this administration—and I think the Vice President is the brains of the administration—went to Michigan, after weeks and weeks of study, with all of his Yankee ingenuity—and I do love his peculiar New England drawl; it carries to me conviction, of one kind or another—after thinking of all the things that this administration had done that he could afford to talk about, he said, "Why, bless your heart, boys, the President opened the doors of the White House." He has, and he has hung on it a sign "To let," and a new tenant will take it at the end of his present lease.

However, Mr. President, let me say in conclusion—and it will possibly be the last I shall say about this question at all—that I know we are not going to get any investigation. I know it for this reason: I know that this question can not be mentioned but that a half dozen Senators on the other side of the Chamber rise in anger. Why, the other day, when I tried to get consideration of this resolution, there were four or five Senators on the floor at once protesting. One of them whose name, I think, never before appeared in the RECORD—I do not presume anybody knew he was a Member of the Senate except the cashier who pays the salaries—was loudly shouting for "regular order," so that no word might be said for a dismissed soldier or sailor who had been deprived of his rights. The junior Senator from Wisconsin [Mr. LENROOT] was particularly loud in his protests. And the author of the beautiful resolution seating Mr. NEWBERRY, which said, "God bless your heart, you bought your seat, but since you belong to our tribe and we needed you one time and may need you again, you are as good as the rest of us; walk in and take the seat," also objected. They all objected, and they shut off consideration. The Post exultantly said the next morning that I tried a new flank movement on the administration to find out why they had done these men wrong, and it was promptly headed off by the Republicans. Of course they headed it off. I know I am not going to get any investigation. I told Mr. Wilmeth this morning that he would get no investigation; that he would get no vindication; that he would be "framed up" if it became necessary. He knows it. I know it.

But, after all, Mr. President, I am not concerned with the political aspects of this question. I have had some sympathy with those who do not agree with the merit system. Sometimes I have thought that it did not always produce good results. I have, though, no kind of patience with hypocrisy and sham; I have no patience with Hardingizing an administration and a department, because that means to do an injustice and ignore the other man's rights; it means to ignore the law; it means to blast the reputation of honest men and women. I have no patience with Hardingizing an administration. If you are compelled to reward what few people now remain faithful to this administration by giving them places, why, let the President do what he threatened to do the other day. He said, "If you make me mad I am going to take all of these places out of the civil service." Let him do it. Then, at least, he could look every man in the face and say, "I did so because I believe that the friends of the present administration ought to have the places. God knows there are few enough of them left, and I want to reward my faithful partisans." Then the Republican majority could at least go to the country and say, "This is our policy; we have adopted it; we are frank about it; we are not practicing any hypocrisy or sham." However, they will not do it; they are going ahead Hardingizing the departments, and the President has Hardingized the Senate and makes the Senators on the other side of the Chamber deny to those who have been wronged any kind of redress or any kind of investigation which will disclose the lack of justification for the action of the administration. But, after all, Senators, this is but the beginning, not the end.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 16, at the end of line 24, to increase the total appropriation for the Bureau of Animal Industry from "$6,669,276" to "$6,974,976."

Mr. WALSH of Montana. Mr. President, before the amendment just stated is disposed of I desire to express the gratification I feel that the customary provision in regard to the utilization of the appropriation for the eradication of tuberculosis has been preserved in the bill before us. In the deficiency bill which was passed in the month of January a provision was inserted for what is known as area eradication. It became the subject of a letter addressed to me by Doctor Butler, State veterinarian of Montana, some correspondence in relation to which subject I should like at this place to have inserted in the RECORD, if there is no objection. For the purpose of showing the efficacy of the cooperative efforts on the part of the State and the Federal Government, I desire to read a paragraph from the letter:

> The stockmen of the West have cooperated with the Bureau of Animal Industry in an earnest effort to eradicate tuberculosis, and I may state for your information that, according to the United States Bureau of Animal Industry's official figures, Montana has done more work in the eradication of bovine tuberculosis than any other State in the United States, and, according to our official figures, we have reduced bovine tuberculosis from 10.63 per cent in 1911 to 0.94 of 1 per cent in 1921. Our figures for 1921 are very substantial, in that for that year we tested 72,932 cattle, and, as I have said, found only 0.94 of 1 per cent tuberculous. This record, so far as I have been able to ascertain, has not been duplicated by any State or country in the world, with the exception of the District of Columbia.

I ask that the correspondence to which I have referred may be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The correspondence referred to is as follows:

STATE OF MONTANA,
LIVE STOCK SANITARY BOARD,
Helena, January 30, 1922.

Hon. T. J. WALSH,
Senate Chamber, Washington, D. C.

DEAR SIR: In regard to the Federal indemnity deficiency appropriation for the balance of the present fiscal year, which was recently passed, we find the following provision:

"For the payment of indemnities on account of cattle slaughtered in connection with the eradication of tuberculosis from animals, $600,000: *Provided*, That this sum shall be expended only in payment to owners whose cattle have been in their possession for a period of at least six months prior to slaughter.

"*Provided further*, That no part of said sum shall be expended for the payment of indemnities to owners of herds hereafter placed under Federal and State supervision unless such herds are located in circumscribed areas designated and agreed upon by the States and Federal Government in which to conduct cooperative tuberculosis eradication work."

We see by this provision that the Federal Department of Agriculture, without previous notice to this department, has changed its policy relative to payment of indemnity in the cooperative tuberculosis eradication work with Montana. This change in policy is contrary to the provisions of its cooperative agreement with the State of Montana, which was entered into and agreed upon in 1917.

We can, and have in the past, practiced area tuberculosis eradication in small isolated dairy districts where such area work was practical and within our financial possibilities. Our objection to the bureau's stand is that unless an owner of cattle lives within these small circumscribed areas, he will not be entitled to indemnity. These areas are to be decided upon by the bureau and State officials.

Anyone conversant with the West will immediately realize that it is impossible to place an entire State under such area work. Under these conditions to arbitrarily deprive a stock owner of indemnity simply because he did not live within an area designated by the Federal and State officials is discriminating and is absolutely unjust.

We write you this letter with the earnest request that you endeavor to have the appropriation bill for the coming fiscal year contain the same provisions as the last previous annual appropriation bill, and not the provision of the deficiency appropriation, which I have quoted.

This deficiency appropriation is unfair and unjust to the Western States. I may state I have had letters from Minnesota and North Dakota on this proposition, and our ideas in this matter are practically identical.

The stockmen of the West have cooperated with the Bureau of Animal Industry in an earnest effort to eradicate tuberculosis, and I may state for your information that, according to the United States Bureau of Animal Industry's official figures, Montana has done more work in eradicating bovine tuberculosis than any other State in the United States, and, according to our official figures, we have reduced bovine tuberculosis from 10.63 per cent in 1911 to 0.94 of 1 per cent in 1921. Our figures for 1921 are very substantial, in that for that year we tested 72,932 cattle, and as I have said, found only 0.94 of 1 per cent tuberculous. This record, so far as I have been able to ascertain, has not been duplicated by any State or country in the world, with the exception of the District of Columbia.

Considering that Montana has worked so diligently in this national program of bovine tuberculosis eradication, we can not but feel the decided and distinct injustice to western stockmen by the provisions contained in the deficiency appropriation bill. These provisions are applicable to small, intensely populated areas, but are inapplicable to Western States with large counties and sparsely settled areas.

Yours very truly,

W. J. BUTLER,
State Veterinary Surgeon.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., February 28, 1922.

Hon. T. J. WALSH,
United States Senate.

DEAR SENATOR WALSH: I have your letter of February 14, inclosing copy of communication you received from Dr. W. J. Butler, executive officer, State live-stock sanitary board, Helena, Mont., protesting against the provisions of the item in the deficiency appropriation for the eradication of tuberculosis of live stock in cooperation with the various States.

The provision to which Doctor Butler takes exception permits the payment of indemnities to owners of herds placed under Federal and State supervision prior to December 15, 1921, therefore it in no way interferes with the work in that State as far as paying for tuberculous cattle that were in herds then under supervision is concerned.

Up to January 31, 1922, only 44 per cent of the regular Federal allotment to Montana for the payment of indemnity was used, so there remains to be expended, if necessary, 56 per cent during the remaining five months of the fiscal year. This fund is not required to be spent in circumscribed areas doing tuberculosis work, so that the work in Montana can proceed in the usual manner for the balance of the year.

The department records indicate that area tuberculosis work is being conducted in Gallatin, Richland, and Ravalli Counties, Mont., therefore should it be necessary to pay indemnity for tuberculous animals in those countries it may be paid out of the deficiency appropriation.

The plan of eradicating tuberculosis of live stock from all the herds within an area agreed upon is not a new project. It was one of the three projects decided upon by the department when the tuberculosis eradication work was inaugurated in cooperation with the live-stock owners and State live-stock sanitary officials in 1917. The other projects are:

1. The eradication of tuberculosis from pure-bred herds of cattle, otherwise known as the accredited herd plan.

2. The eradication of tuberculosis from swine.

The accredited herd plan contemplates the tuberculin testing of herds of cattle whose owners sign joint agreements with the State and Federal departments. This work requires the detailing of State or Federal inspectors to make tests promiscuously around the State and entails a considerable amount of travel and added expense which can be materially reduced when employees are detailed to test all of the herds within an area agreed upon.

The area plan must ultimately be the basis for the suppression of tuberculosis among live stock in the United States. Obviously but a small part of the program could be accomplished by testing herds here and there, leaving large groups of herds untested, thus jeopardizing the health of those herds which have been cleaned up at a great expense to the State and Federal Governments. That the area plan is applicable to western conditions as well as territory more densely populated is borne out by the progress being made in the States of Oregon and Washington. In each of those States quite a number of counties are actively engaged in the suppression of the disease among all the herds in the county.

Very truly yours,

HENRY C. WALLACE, *Secretary.*

MONTANA LIVE STOCK SANITARY BOARD,
Helena, March 13, 1922.

Hon. T. J. WALSH,
Senate Chamber, Washington, D. C.

DEAR SENATOR WALSH: I thank you very much for your letter of March 4, with a copy of the honorable Secretary of Agriculture's letter with reference to tuberculosis eradication work.

The statements in my letter of January 30 addressed to you are correct. The honorable Secretary of Agriculture's answer does not take into consideration the essential objections we record against the United States Bureau of Animal Industry's attitude on indemnity for tuberculous cattle and cooperative work on bovine tuberculosis eradication.

Our objection is that they enter into an agreement with the different States and then change their methods without consulting with the various States with whom they have agreed to cooperate. We also are correct in our statement that area work, as area work is now defined, is not practical nor financially feasible in large range districts. Area work is not new. We have carried on area work in Montana for a good many years, only that area work has been limited to certain restricted districts which are thickly populated and wherein the dairy industry was the principal industry of that section.

The honorable Secretary's reference to the work being carried on in Washington and Oregon is not apropos. Area testing in these States is carried on in their thickly settled dairy sections in the vicinity of Portland and Seattle. So far as we have been able to ascertain, they have not undertaken area testing in any of their range or beef sections.

Area testing in Montana is being carried on in Gallatin and Ravalli Counties but not in Richland County. Climatic and geographic conditions make it impossible to carry on area work during the winter months in Richland County. In summer months cattle are out on the range, and with the present world financial conditions it is not practical to round up and gather all cattle in a county and subject them to a tuberculin test.

It is true we have not as yet been affected by the deficiency appropriation provisions, but should these same provisions become part of the regular appropriation, then Montana and other Western States will be discriminated against in a very unfair and unjust manner.

I again desire to express to you my very sincere appreciation of your earnest efforts in behalf of the live-stock industry of Montana and the Western States.

Yours very truly,

W. J. BUTLER,
State Veterinary Surgeon.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, on page 21, at the end of line 21, to increase the appropriation for the investigation, testing, and improvement of plants yielding drugs, spices, poisons, oils, and related products and by-products, and for general physiological and fermentation investigations from "$39,820" to "$45,820."

The amendment was agreed to.

The next amendment was, on page 22, at the end of line 17, to strike out "$379,705" and to insert "$432,505"; and in line 18, after the word "That," to strike out "$147,200" and to insert "$200,000," so as to make the paragraph read:

For the investigation and improvement of cereals, including corn, and methods of cereal production, and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broom corn and methods of broom-corn production, $432,505: *Provided*, That $200,000 shall be set aside for the location of and destruction of the barberry bushes and other vegetation from which rust spores originate.

Mr. NORRIS. Mr. President, since the amendment just stated is a committee amendment, if we want to make any change in the amount recommended to be appropriated by the committee, it will have to be done now. So I wish to move an amendment to the committee amendment.

Mr. KELLOGG. Mr. President, I inquire to which amendment the Senator is referring.

Mr. NORRIS. I am speaking of the amendment at the end of line 17, which I am going to couple with an amendment in line 18.

Mr. McNARY. Mr. President, will the Senator yield for a question?

Mr. NORRIS. Yes.

Mr. McNARY. To what page is the Senator referring?

Mr. NORRIS. Page 22.

Mr. McNARY. In reference to appropriation for the eradication of the barberry and the investigation of cereal diseases?

Mr. NORRIS. Yes. I move, Mr. President, to amend the amendment of the committee in line 18, page 22, by striking out "$432,505" and inserting in lieu thereof "$532,505," and also in the committee amendment, on the same line, by striking out "$200,000" and inserting "$300,000."

Mr. KELLOGG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. Yes; I yield for a question.

Mr. KELLOGG. I have offered an amendment, which I supposed was pending, to increase the amount to $732,000.

Mr. NORRIS. There is no such amendment pending now, of course. I presume the Senator submitted an amendment and had it printed.

Mr. KELLOGG. I thought I had offered it.

Mr. NORRIS. But, of course, it is not pending.

Mr. KELLOGG. Perhaps not.

Mr. NORRIS. It will have to be formally offered.

Mr. KELLOGG. Very well.

Mr. NORRIS. The fact of the amendment being printed does not make it pending, of course.

Mr. KELLOGG. I could not offer it until the item was reached.

Mr. NORRIS. No; the Senator could not offer it before this particular item came up, and it has not heretofore been reached.

Mr. KELLOGG. I wish the Senator would increase the amount suggested by his amendment.

Mr. NORRIS. Perhaps after we have discussed the item I may increase the amount. I will say to the Senator from Minnesota that I am not myself so much impressed with the amount that I have proposed as an amendment. I believe this work ought to be done rapidly, and that it will be economy to do it rapidly. I have moved to increase the amount that may be utilized from $200,000 to $300,000, based on the testimony of Doctor Ball, assistant to the Secretary of Agriculture, who says that they could utilize that much; that they have the men and machinery already, so that they can use $300,000 instead of $200,000. He says further in his testimony they could use $500,000; but he is not sure that it could be done economically. Personally I think if we have the machinery and the organization to eradicate the barberry bush, it will be economy to do it all at once, because that much more wheat and oats, but principally wheat, will be saved. I think Senators all understand that the rust in wheat, especially in the northern part of the country, running from the Canadian line clear down to Oklahoma, is caused by the spores which are blown by the wind and which originate in the barberry bush.

The barberry bush is a flowering plant, planted because it is a flowering plant, a shrub, grown in cities, on lawns, and it grows wild throughout the country. The idea is to eliminate the barberry bush, and thus eliminate black rust in wheat. My understanding is, as a scientific proposition, that with the exception of some rust which is not so damaging, and which takes place in the Southern States, there will be no rust in wheat if the barberry bush is entirely eliminated. Commencing along in the spring of the year, these spores germinate on the barberry bush if the weather is suitable; hot, moist weather being especially favorable.

The spores are carried by the wind and get into the wheat, germinate there, and rust is the result. If another spell of moist, hot weather should take place, the spores would be blown again, would germinate on the wheat itself, and millions, trillions of these spores mature in a short space of time, in a few days. If the weather is suitable and the wind is right, it

covers miles and miles of territory, of course; and when rust gets into the wheat it means the destruction of the wheat crop.

This is ordinarily considered an item for the benefit of the man who produces wheat, and of course he is primarily benefited; but in the end and in a broader scope, in a broad, fair, economical consideration of it, it is a benefit in which the consumer is just as much interested as the producer.

The method of elimination—we carried an appropriation for this purpose before on the agricultural bill, commencing during the war—is for the department to send its representatives out into the country and to a great extent educate the people. No man will produce this bush on his premises if he knows what a harmful thing it is liable to be; that it is liable to make a shortage in the principal food crop of the people. The man who has it on his lawn will be willing to exterminate it himself. The farmer who has it on his farm will be willing to exterminate it. A great many of the people do not understand that from this barberry bush such an immense national damage may be the result; so it is somewhat a matter of education.

In some places these bushes have grown wild on the hillsides, so that there are acres and acres of them on unused land that nobody cares anything about and it is necessary for some public official to destroy them. Some States have passed laws in regard to the matter. The State of Minnesota, I understand, has expended a great deal of money in the eradication of the bush, because wheat is one of the great crops of the State. North Dakota is another great wheat State that has spent some money for this purpose. There will be no difficulty in having the cooperation of all honest-minded citizens as well as officials in attempts that are made to eradicate the barberry bush.

As I said before, if the barberry bush were eradicated this year, completely annihilated, there would be no rust next year or this year, either one. It would be all over. Therefore it is economy to go as fast and as rapidly as we can without the use of unnecessary assistance and without employing men simply to idle away their time, or something of that kind. The department, as I understand, are equipped to utilize for this purpose $300,000 during the coming fiscal year. As I understand the testimony, they are not equipped to go beyond that. If they are, for one I am willing to accede to the request of the Senator and increase the amount named in the amendment.

I should like to ask the Senator from Oregon whether I am right. I have glanced over the testimony briefly. It was Doctor Ball, I think, who testified that in his judgment $300,000 could be used, and I rather derived the impression from reading his testimony that if more money than that were appropriated they did not have the machinery and organization to use it properly.

Mr. McNARY. Mr. President, I will state to the Senator from Nebraska that a number of people living in the infested district wanted the amount increased to $500,000. The question of the extent of the appropriation was submitted to Doctor Ball, the assistant to the Secretary of Agriculture, and he said that $300,000 could be efficiently used, and he left the impression with the committee, I think, that that, perhaps, was the maximum amount that could be used this year.

Mr. NORRIS. That was the impression I got. I got it regretfully, too, because personally I would rather have a larger sum appropriated.

Mr. McNARY. I do not recall that he did oppose the larger appropriation.

Mr. NORRIS. Oh, no; he did not. He said they could use $500,000, if I remember his testimony. I was trying to find it. I was glancing through the hearings again this morning. Yes; here is Doctor Ball's testimony.

Mr. KELLOGG. What page is it on?

Mr. NORRIS. Page 111 of the hearings. He says:

> We would not change that amount of $147,200 at all.

That is the amount carried in the original bill before the committee. In other words, he was not asking for an increased appropriation. I confess that I hardly understand that myself. I am not saying that the officials of the department have asked for this increased appropriation, because he says distinctly that they have not asked for it; but in looking over the situation, taking the understanding that I have of the black rust, which is such a damaging thing in all wheat communities, and destroys a crop of wheat in a few days' time if the weather is just right, it seemed to me that the Agricultural Department ought to have taken more of an interest in trying to eradicate this pest, to meet this proposition, when it seems to me it can be so easily done.

I will read this testimony further:

> Doctor BALL. We would not change that amount of $147,200 at all. That work has already been planned with the States for the next year. The plans are all laid; the men are all provided for.

Then he was asked a question by the Senator from Oregon [Mr. McNARY] with regard to the Budget, as follows:

> In your estimate, your budget—meaning the department's budget to the Director of the Budget—did you include this proviso?
> Doctor BALL. No; I think not. We just left it out, but we outlined to them that there would be $147,200 expended. You see, gentlemen, here is what we furnished: I have here an outline showing every single project that we carry on, how much was spent last year, and how much we estimate to spend this year, which is in the hands of the committee and of the Budget.

Then the Senator from Oregon asked him another question:

> Doctor, let me ask you this direct question, because we had a number of witnesses here from the district where this infestation occurs, and they want $500,000 in the 13 States, which would be practically $38,000 per State; and they urged—you perhaps heard their testimony—that the increased appropriation was necessary to control this rust by the eradication of the barberry.
> Doctor BALL. It is just a question of the speed with which you do it. If we could spend all that money in one year, we are equipped so that we could probably eradicate the barberries. We could probably use $500,000. I am sure we could use $300,000 and use it efficiently and economically. I am not quite sure that we could use $500,000 so economically, because it would require the building up of an organization very rapidly; but we could use $300,000 efficiently and economically this year; and if we did that it would cut in half the time that would be required to get the barberry out.

The Senator from North Carolina [Mr. OVERMAN] asked:

> How do you get the estimate of $300,000? Is that guesswork?
> Doctor BALL. That is just doubling our present work.
> Senator OVERMAN. And you think by doubling the appropriation you can eradicate the barberry in how long a time?
> Doctor BALL. The estimate they make is about three or four years. We are working now, you understand, in the most dangerous localities. Each year that we work we are completing large areas in those dangerous localities and giving more and more protection. I think in three years the protection to the wheat crop will be very complete. If a little rust outbreak came then, we would know that there was a barberry to be hunted up somewhere in that region, and we would go back and hunt for it. It will take a number of years before this will all be done.

I have no doubt but that it will take a number of years to accomplish this work, Mr. President, because it will be impossible in going over it once to get every bush, and it is not so easy to exterminate, either. It is necessary to dig it up. They have not yet found any way to get rid of the barberry bush except to dig it up. It is not difficult to dig. It is a very easy matter. It is just a little bush, but you have to find all of them. If you leave the roots in the ground and they sprout up you may get half a dozen bushes instead of one, or, if you do not find one, it will spread next year, so that, of course, it will be several years before it can be completely eradicated; but the great damage that comes is the destruction of the wheat crop, and to a great extent oats also. If the great bulk of the barberry bushes were destroyed, it would only be a question of hunting up the stray bushes that escaped destruction the first year, which could be easily done, because wherever an outbreak of rust occurred in any community it would be known that somewhere in that vicinity was a barberry bush, or more than one—several, perhaps—and they would hunt for them and get them out.

Another thing, Mr. President, and one of the things that I think has to be taken into consideration in the time in which we do this, is that a great many people do not understand, do not know, that rust comes as it does. A great many other people do not know that they are growing as shrubs in their own yards, on their own lawns, these pests that mean so much harm to the production of the principal food crop of the world. When they do understand it, when they do know it, the officials will have the assistance of everybody, of every honest citizen who is interested in the eradication of the barberry bush; and therefore, Mr. President, it is economy to appropriate just as much money as can be economically used.

I have put this amount at $300,000 on the strength of the testimony I have read. I would a great deal rather double it, myself, if I thought the money could be used economically.

Mr. POMERENE. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. POMERENE. The Senator has just touched upon a branch of the subject which interests me very much. As I understand his statement—and that is the information that I have gleaned from a reading of the RECORD—the department already have an organization which is apparently complete and apparently efficient. They suggest that they can use up to $500,000 for this purpose. Having the organization complete, knowing what the disease is, and knowing what the remedy is, why not be a little more indulgent, in view of the importance of this subject not only to the farming community but to the entire country?

I have here a statement which seems to have been compiled by the Agricultural Department, to the effect that since 1916 there have been destroyed by this black-stem rust over 323,-

000,000 bushels. That is what they estimate. If there were uncertainty about the remedy, or uncertainty as to the cause, then I would share the Senator's view that we should not increase this above the $300,000, but the disease is known, and the remedy is known. It requires a little more of an organization.

Mr. NORRIS. I read a statement somewhere as to the value of oats which had been destroyed. Has the Senator that data in the same statement?

Mr. POMERENE. Yes; I think I have.

Mr. NORRIS. Will the Senator not give that?

Mr. POMERENE. Let me give the figures for the year 1916. The loss in wheat was estimated as follows:

	Bushels.
1916	180,000,000
1917	16,203,000
1918	804,000
1919	71,417,000
1920	55,012,000
Total	323,446,000

During this period the total production of wheat in the United States was 3,932,361,000 bushels. The average annual loss during this period was 64,686,000 bushels of wheat. The estimate of the loss in other cereals from black-stem rust of the same kind in 1919 only was 4,369,000 bushels of barley, 15,027,000 bushels of oats, and 31,000 bushels of rye.

Mr. NORRIS. Thirty-one thousand bushels?

Mr. POMERENE. Thirty-one thousand bushels of rye, according to this table. On yesterday, knowing that this item would come up, I wired to our director of agriculture for some information, and in reply to that wire he sent me this telegram, which I have received within the hour:

> Barberry fungus prevails in Ohio in many sections. Damage to wheat 1 to 15 per cent, owing to locality. Ohio has appropriation of about $25,000 to control various plant diseases. Federal appropriation should be four or five hundred thousand.
>
> L. J. TABER,
> *Director of Agriculture.*

Mr. Taber is well known.

Mr. NORRIS. He is the State agricultural director?

Mr. POMERENE. Yes; he is at the head of the State agricultural department.

Mr. NORRIS. In Ohio?

Mr. POMERENE. Yes; in Ohio. For that reason I was going to suggest to the Senator that he increase the amount provided by his amendment to the amendment. I do not see how there can be any objection to it. If by making an increased effort now we can shorten the time we are to suffer from this disease, I think it will be economy to do it.

Mr. McNARY. Will the Senator yield for a question?

Mr. NORRIS. Yes; I yield.

Mr. McNARY. I think we all agree, whether we look at it from the standpoint of the Federal Government, or of the States, or of the communities, that first you must eradicate the barberry bush in order to prevent the rust on the wheat. About that there is no question or room for argument. But I want to ask the Senator this question: Does he not think that the States should cooperate with the Government at least on a 50–50 basis in a matter of this kind?

Mr. POMERENE. Yes; and no. I should like to have them do that, but you can not control a matter of this kind by State lines. That is the difficulty. It may do the farmers of Ohio good if you have an appropriation so that they can work up to the Indiana State line; but suppose Indiana is not doing anything. For that reason, it seems to me, the Federal Government has the right to take hold of this thing, and take hold of it vigorously.

Mr. McNARY. I am not arguing that the Government should not. Indeed, the Government has manifested its desire to do so, by making the appropriation. But I want to propound another question, first making a statement. The infestation is in only 13 Northwestern States, and the Senator may be surprised to know that only one State that I recall, namely, Minnesota, is expending any money to assist the Government in this enterprise.

Mr. NORRIS. I think North Dakota is, and I judge, from the statement of the Senator from Ohio, that at least this year Ohio will be aiding.

Mr. POMERENE. It has $25,000 appropriated for work on plant diseases, and I take it from this telegram that that appropriation can be distributed as the director of agriculture may see fit.

Mr. McNARY. I am very happy to know they have been so generous; but there has been no testimony before the House committee or the Senate committee that Ohio has contributed in any way, and I think when the Senator looks into it he will find that none of the appropriation, which the Senator says is $25,000, goes to wheat rust.

Mr. POMERENE. It is an appropriation to be expended by the agricultural department of the State of Ohio, and in view of the expression which is used in this telegram, "$25,000 to control various plant diseases," I take it that it can be used for this purpose.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the junior Senator from Ohio?

Mr. NORRIS. I yield.

Mr. WILLIS. Confirmatory of what my colleague has just stated, I want to say that I am certain it will be found that the statement of the Senator from Oregon is a mistake, so far as Ohio is concerned, because I know that the appropriation includes moneys which are to be expended for this particular purpose.

Mr. POMERENE. That is the construction I placed upon the telegram.

Mr. NORRIS. I want to say to the Senator from Ohio that I am very much impressed with what he has said. I did not know, before he interrupted me, that the State of Ohio had taken the steps which evidently it has taken in this matter.

Mr. LADD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I yield.

Mr. LADD. I want to say just a word in this connection. I have received this week a telegram from the president of the Great Northern Railroad urging that an appropriation of $500,000 be made to assist in eradicating the barberry bush. North Dakota has been working for a number of years in the effort to eradicate the barberry, and yet the surrounding States are not all working in that direction.

In 1916, on the 4th day of July, and up to that date, it looked as though North Dakota would have a crop of 125,000,000 to 150,000,000 bushels of wheat, but on the 4th of July and the preceding days the rust came in from the barberry bushes in the country there and the actual crop was 39,000,000 bushels of damaged wheat instead of 125,000,000 to 150,000,000. In other words, the State of North Dakota lost 100,000,000 bushels of wheat in one year as the result of rust from the barberry bushes, and therefore the State is deeply interested. I feel that it is not a State problem, although the State of North Dakota has been appropriating money annually for this purpose. It is a national problem.

Mr. NORRIS. Does the Senator know whether Canada has done anything along this line?

Mr. LADD. I think they have done some work, and I think there has been a meeting of a committee of Canadian people in that locality this year.

Mr. NORRIS. Have the Canadian Provinces, or the Dominion as a whole, appropriated any money?

Mr. LADD. I can not say whether they have appropriated any money or not.

Mr. NORRIS. That is something which ought to be taken up with the Canadian officials, I think, especially for the benefit of States like North Dakota.

Mr. KELLOGG. In the State of Minnesota the legislature made an appropriation of $25,000 this year, and money has also been raised by private subscription; so that whatever the Federal Government does more money will be spent locally than the Federal Government will spend in that State. When the Senator from Nebraska is through with his statement I will enlarge a little upon that point.

Mr. NORRIS. Mr. President, I have been greatly impressed with one argument made by the Senator from Ohio [Mr. POMERENE], which, I confess, never occurred to me before. It is that in the case of most of the investigations for which we provide there is something unknown, there is some uncertainty; we do not know how to do this or how to do that. I may cite the case of the boll weevil. Perhaps we have not found any method of eradication of the particular pest. Therefore the chances are that we will know in advance that the expenditure of money will be useless, and yet we can not afford to let it go by without doing the best we can. Therefore, if we do not know what the remedy is to reach the evil, we can not tell exactly how much money we ought to have.

But, as the Senator from Ohio said, and I want to emphasize it, there is no secret about this proposition. There is nothing unknown about it. Our scientific men, as far as I am able to see, have laid the thing bare before us. There is only one source of black rust in wheat in the Northern States, and that

is the barberry bush. There is no other means by which it can be communicated. The destruction of the barberry bush means the end of the black rust.

The Senator from North Dakota [Mr. LADD], who is now presiding, a few moments ago gave an illustration of what is likely to happen in any wheat community in the United States, with the finest prospects in the world. Hot, moist weather comes on, there is some wind, and the entire country is covered within a few days. You have a crop which is almost ready to harvest, all the work having been completed, when the use of the land for a year will be gone, and all the labor and all the seed will be lost. The crop will be almost ripe when you see it commence to wither and go down from black rust, and sometimes so much of it will be destroyed that it hardly pays to harvest what is left. It is gone. There is no remedy. There is no way to save it.

We know just exactly what the cause is. We know just exactly how to eradicate it. I have been impressed with what other Senators have said, and I think I will modify my amendment before I sit down. Instead of inserting "$332,505" in line 18, page 22, I will just increase it by "$300,000," making the committee amendment "$732,505," and in the place of "$200,000" insert "$500,000." I express the hope that in going beyond what the evidence discloses can be used economically it will not be required of the department that all the money shall be expended. I think it all ought to be expended if it can be done economically. At least it will give them a free hand to go to the very limit if they are able to get the organization at work. I hope they will be able to get it together and will use the whole amount which will be necessary to exterminate the barberry bush.

Mr. KELLOGG. Mr. President, I am very glad the Senator from Nebraska has modified his amendment so as to add $500,000 instead of $300,000. It is true that Doctor Ball testified that he was sure they could use $300,000, and he said, "We could probably use $500,000."

There is some other testimony in this record on that question. The ravages of black rust, as stated by the Senator from North Dakota [Mr. LADD] and the Senator from Nebraska [Mr. NORRIS], have been so great within the last few years that the States have become aroused, and while appropriations have not been made in every State, several States have made appropriations and are now getting organizations to exterminate the barberry bush.

An organization of 10 States has been effected in the Northwest, of which Governor Preus, of Minnesota, is the president, and Mr. Harrison Fuller is the secretary. It includes a large number of men throughout the Northwest vitally interested in the production of wheat, including the farm organizations, railroads, millers, consumers, and others.

Mr. POMERENE. Mr. President, if I may suggest it to the Senator, the statement which has been made by the Agricultural Department is even stronger than what he stated a moment ago.

Mr. KELLOGG. I was just about to read it. On page 7 of the RECORD will be found a statement where Mr. Fuller said:

> My only point was this: I will not bore you with the statement that we have from the Department of Agriculture; but we have consulted the Department of Agriculture, and we have their assurance in writing that the sum of $500,000 could be expended efficiently and economically and with great profit to the barberry eradication movement. I have a statement here which I might put in the record.

I will not stop to read the whole statement, but I beg leave of the Senate to read some paragraphs from it. It is found on pages 8 and 9 of the printed hearings, and I am assured the statement was made by Mr. Ball. I am not sure whether it is Dr. Ball or his brother, but I believe he is in this work in the Department of Agriculture. He said:

> The present appropriation is $147,200 per annum, divided among the 13 States, according to the difficulty of the problem.

According to the statements of the experts in the record, men who have studied it, it will take 12 to 15 years to eradicate barberry in these States at that rate. Again, he said, reading further from page 8 of the printed hearings:

> This sum is the minimum which can be used effectively and keep the work going on a sufficient scale as to show results each year in 13 different States. It provides for a steady progress, but so slow as to make it certain that the campaign must last for at least 10 years longer. Funds in any amount, up to a total of $500,000 per annum, including the $147,200 now appropriated, could be used effectively for the following reasons:
>
> 1. Appropriations up to one-half million dollars would not require any particular increase in overhead expenses in Washington, but practically all the additional money would go to the 13 States for use in the field.
>
> 2. Comparatively little additional administrative or overhead expense would be required in each of the 13 States, as a State leader and clerk in each State is necessary under the present arrangement, and they could handle a much larger volume of work at a minimum of additional expense.
>
> 3. A sufficient number of well-equipped young men can be obtained through the cooperating State agencies in each State to use effectively additional funds up to the limit named. These would be young men raised in the State, familiar with its geography, its people, and its farming problems, and able to work harmoniously with the people of the State in getting this big job done.
>
> 4. Any increase in the annual appropriation would enable the work to go forward more rapidly. This would effect a financial saving in three ways. First, it would shorten the duration of the campaign and, therefore, the period of years during which the administrative organization must be maintained. Secondly, it would shorten the period of years during which fruiting bushes will continue to bear their fruit to be scattered over surrounding woodlands by birds and start new infestations. Thirdly, it will reduce the period of years in which the remaining bushes can start rust on wheat crops in the early spring.
>
> In this entire area bushes have been eradicated almost completely from cities and villages. In the solid black portions the farm-to-farm survey for bushes has been completed and practically all of the bushes removed. In the dotted portion—

He is speaking about a map now, but I will not read the balance of that, because the map is not in the Senate and I can not refer to it. That is the last statement made by the Department of Agriculture.

Mr. President, as the Senator from Ohio [Mr. POMERENE] said, in the face of the appalling losses and the threatened destruction of the wheat industry, we should not hesitate to appropriate all the money the Department of Agriculture could use.

I would like very briefly to suggest to the Senate the extent of the growth of the barberry bush and what is necessary to eradicate it. The barberry bush was discussed by Doctor Stakman, who is an expert at the University of Minnesota, formerly, I believe, in the employ of the Department of Agriculture, who has for years made a study of this subject. The extent of it is stated by him, as follows:

> It is particularly in the New England States and in the Middle Atlantic States, down as far as middle Virginia, including parts of West Virginia, the States of Ohio, Indiana, Illinois, Wisconsin, Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Montana, Wyoming, and Colorado that the barberry problem is the most acute.

But it does extend beyond and is now developing in Idaho and Montana, and there is no reason why it will not sweep over the entire country to the Pacific coast.

Referring to the testimony of Doctor Stakman, who had maps before the committee, I quote:

> A single bush produces a tremendous number of berries, and those berries produce seedlings. This will give you some idea of it. [Producing picture.] This is in Wisconsin, in Dane County. There are thousands of barberry seedlings on a rocky ledge like that, and those barberries will grow up into large bushes. Pretty soon they will simply cover those hillsides, and then it will almost be impossible to eradicate them, because they will be in rocky places where it would be practically impossible to eradicate them without the use of dynamite, or without the use of some chemical which would kill them.

Then he proceeded to discuss it further and said:

> I want to impress upon you particularly, if I may, the fact that all through this region here, through the principal wheat-producing region and through the principal small-grain-producing region, including wheat, oats, barley, and rye, the barberry bush is escaping from cultivation. It has escaped from cultivation in the past, and it is my honest conviction that if the barberry increases its escape from cultivation at the same rate in the future that it has in the past—and as a matter of fact it will increase more rapidly in the future than it has in the past—I am absolutely convinced that unless by some piece of good fortune we get desirable resistant varieties of all of these grains it will be impossible to grow wheat and possibly small grains successfully in this region in which those grains are now being grown, for the simple reason that wild barberry bushes are scattered through all those States now. In Iowa, for instance, there are 7,700 properties on which the common barberry bush was found. There were about three-quarters of a million common barberry bushes which were located up to this last fall. In Wisconsin there were over 3,000,000 common barberry bushes, a great many of them escaped, covering hillsides, and unless they are eradicated now it will be quite impossible to eradicate them in the future. If it becomes impossible to eradicate them in the future, it seems to me that it is going to be practically impossible to grow grain successfully in that region.
>
> There are additional advantages. It seems to me that it is true economy to increase this appropriation at the present time, although, of course, that is a matter for the judgment of you gentlemen; but to me it seems as though it is real economy, for this reason: If we go ahead with the present appropriation of $147,000 a year, which is spread over the 13 States, it means that this campaign will have to go on for 12 or 15 years, probably, at least, and there is a certain overhead which must be maintained. If the increased appropriation is made, it will mean that not a single cent or practically not a single cent of the increased appropriation will need to go into overhead. The overhead can be maintained as it is now, so that the increased amount of money which becomes available can go right into the work of locating these bushes and assisting in their eradication.

Doctor Ball testified that in Wisconsin 3,000,000 barberry plants were taken out in one space of about 5 square miles. I shall not take the time of the Senate further on the question. The Senator from Ohio did not begin to state the total ravages and losses to the wheat crop by the black rust. In 1916 alone we lost 200,000,000 bushels in this country, and the decrease of the crop from 1,000,000,000 bushels down to 639,000,000 bushels was largely due to barberry.

I shall not now take the further time of the Senate, as I hope we may reach a vote very promptly.

Mr. STERLING. Mr. President, I wish to say just a few words with reference to the pending amendment. I am in hearty sympathy with the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the committee amendment increasing the amount of the appropriation for this purpose to $500,000. I may say that I submitted an amendment intended to be proposed increasing the appropriation to $350,000, but that was under a misapprehension as to the position taken by the Department of Agriculture in regard to the amount that might be judiciously used for the purpose. I understand now that I was misinformed in regard to that, and that the department thinks the $500,000 can be judiciously used.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from South Dakota yield to the Senator from Wisconsin?

Mr. STERLING. I yield.

Mr. LENROOT. Does the Senator state that the department thinks that amount could be used?

Mr. STERLING. That is the statement made now, as I understand it.

Mr. LENROOT. Doctor Ball testified that he thought $300,000 the amount.

Mr. KELLOGG. I read the last statement which was put in before the committee, very carefully prepared by the Department of Agriculture, and they state that they can use $500,000.

Mr. LENROOT. Was that after Doctor Ball testified?

Mr. POMERENE. If the Senator will look on pages 8 and 9 of the printed hearings, he will find the statement there.

Mr. KELLOGG. It appears at page 8 of the testimony. It was the last statement put in by the Department of Agriculture.

Mr. McNARY. Mr. President——

Mr. STERLING. I yield to the Senator from Oregon.

Mr. McNARY. This statement was given in response to a request from a society that was attempting to prevent the spread of rust. Doctor Ball's testimony before the committee was the last statement made, and I think in response to questions from the committee it was clearly indicated, and made almost certain if we consider his testimony to be at all of value, that $300,000 is all that could be economically used.

Mr. STERLING. I wish to say a word now with reference to another matter. It may have been gone into by some other Senator, though I do not know, because I came in while the discussion was going on. I wish to call attention to a statement in Department Circular 108, United States Department of Agriculture, to the effect that during the five years, beginning with 1916 and ending with 1920, there was a loss of wheat alone from black rust in the United States of 323,436,000 bushels. I find on my desk a statement submitted by Mr. Harrison Fuller, to whom the Senator from Minnesota [Mr. KELLOGG] referred, showing the total loss of wheat in my own State of South Dakota during these same five years was 35,113,165 bushels. The loss in oats is given for two years at 11,571,000 bushels, and in barley 5,355,000 bushels.

Mr. President, I submit for the RECORD perhaps the same telegram received by the Senator from North Dakota [Mr. LADD], who is now occupying the chair, from Mr. Ralph Budd, president of the Great Northern Railway Co., and also a letter from Mr. Gray Silver, the Washington representative of the American Farm Bureau Federation.

The PRESIDING OFFICER. Without objection, the papers presented by the Senator from South Dakota will be printed in the RECORD. The Chair hears none.

The telegram and letter are as follows:

ST. PAUL, MINN., *April 6, 1922.*

Senator THOMAS STERLING,
United States Senate, Washington, D. C.:

I understand consideration is being given to an appropriation for eradicating the barberry bush for prevention of rust on grain. I think it hard to overestimate importance of taking every possible step for prevention of rust in grain fields, and scientific research, as well as results obtained where the eradication of barberry bush has taken place, seems to indicate conclusively that eradication of common barberry bush will prevent a very large part of losses from rust. The earlier extensive work is undertaken the cheaper it will be to eradicate the barberry, as it is spreading quite rapidly, and I earnestly ask your support for an appropriation of $500,000, to be included in the general Agricultural appropriation bill, for the eradication of the common barberry bush.

RALPH BUDD,
President Great Northern Railway Co.

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., April 7, 1922.

Hon. THOMAS STERLING,
United States Senate, Washington, D. C.

DEAR SENATOR STERLING: The wheat-producing States of the Middle West are very much alarmed regarding the spread of black-stem rust, which is caused by spores which winter over on barberry bushes. The scientists have determined the only method of controlling this rust is by digging up and destroying the barberry bushes.

This work was taken up as a war measure first and some progress has been made. However, we feel that it is inadequate to meet the situation, and so stated before the Senate Appropriations Committee recently when it was considering the agricultural appropriation bill. The committee increased the appropriation $52,800, making a total appropriation of $200,000. We believe and have the assurance of the Department of Agriculture that in the 13 States where it is a serious factor $500,000 can be used judiciously this year in the location and eradication of the barberry bushes.

That the matter is of serious import is shown by the fact that a rust-prevention association was formed in St. Paul, Minn., March 11, upon the conclusion of a conference called by Gov. J. A. C. Preus. At that time the millers and others contributed a large sum to carry on the campaign, but it is entirely inadequate and, of course, the expense should not be borne in any major degree by them.

I think you will be interested in the recent dispatch from Minnesota, which I am inclosing herewith.

Appreciating your interest in this matter, and hoping you will lend your influence and vote for a larger appropriation, I am,

Very truly yours,

AMERICAN FARM BUREAU FEDERATION.
GRAY SILVER,
Washington Representative.

Mr. WALSH of Montana. Mr. President, I hope very much that the amendment tendered by the Senator from Nebraska [Mr. NORRIS] will prevail. The great destruction already wrought by this pest, and the imminent peril of its being increased from year to year, certainly ought to move us to every effort to eradicate it. It must be apparent, of course, to all that if an insufficient appropriation is made, the extent of the labor for the purpose of eradicating the bushes which act as carriers will be increased, because they will continue multiplying until they are eventually all destroyed.

As indicative of the loss which has been suffered in my State from this source, I have here a memorandum which discloses that the disease was particularly prevalent in the year 1917, and then was not particularly destructive in the two succeeding years of 1918 and 1919, perhaps because those were periods of extreme drought, and for some reason or other it seemed to affect barley only to any appreciable extent in the year 1919. In the year 1917 it was figured that the loss on wheat amounted to 2,525,000 bushels, on oats to 3,400,000 bushels, and on barley to 270,000 bushels. In 1920 the barley loss in my State amounted to 1,397,000 bushels. So the total loss within two years in my State runs up to $2,000,000 or $3,000,000, and the aggregate is something enormous.

Neither are we dependent for such information as we have concerning the part played by the barberry bush upon the information given to us by scientists in recent times. I observe that it was recognized in France way back in the seventeenth century that the barberry bush was instrumental in the propagation of black rust, and laws were passed in France as far away as that time for the eradication of the barberry bush. It has been recognized in New England for a good many years that it was likewise responsible for this particular pest, and laws were passed in the New England States for its eradication. I observe that acts have been passed in various States where the work has been carried on, involving the invasion of the premises of private owners for the destruction of the barberry bush.

Mr. McNARY. If the Senator will yield at that particular point, I desire to say that I think he must accept it as a true statement that the laws inhibit the barberry bush in all the States where the infestation occurs.

Mr. WALSH of Montana. Yes.

Mr. McNARY. Does not the Senator think the most complete remedy would be the enforcement by the States of the laws which make it unlawful for one to have a barberry bush growing on his premises?

Mr. WALSH of Montana. Yes.

Mr. McNARY. And does not the Senator think if those laws were enforced and a few were prosecuted and convicted for their violation that that would do more to eradicate the barberry bush by local effort than could be done by the appropriation of Federal money?

Mr. WALSH of Montana. I do not know that it would do any more; but the Senator must bear in mind, of course, that these bushes are very likely to grow along fences and roads and upon unoccupied premises. In my State it appears that they propagate to a very considerable extent upon the public lands, at least in the vicinity where cultivation to any appreciable extent exists.

Mr. McNARY. Will the Senator yield at that point for another question or statement?

Mr. WALSH of Montana. I yield.

Mr. McNARY. I think the Senator's classification is very good; but does not the Senator think it would be equitable if these three factors were engaged in the attempt to eradicate the barberry bush—the individual on privately owned land, the State upon the public highways and other public property owned

by the State, and the Federal Government upon the public domain which is owned by the Federal Government?

Mr. WALSH of Montana. I would not like to restrict the work of eradication in that way. The spores are so easily transferred from one region to another that there must of necessity be cooperation; but I do not think by any means that the activities of the Federal Government ought to be restricted to work upon the public lands. The situation is exactly the same as with respect to fire prevention in national forests. If the work for the prevention of fires or for the extinction of fires were confined only to the national forests we would not be able to preserve the national forests. There must be cooperative work in connection with all of these transactions.

Mr. McNARY. Then the Senator, I understand, believes in generous cooperative work?

Mr. WALSH of Montana. Yes.

Mr. McNARY. In connection with the protection of national forests the owners of private forests are contributing at the rate of 8 to 1 by the Government. In the appropriation we are now considering the private individual is scarcely contributing anything, and the Federal Government is doing it all. That is the complaint which I make.

Mr. WALSH of Montana. But the conditions are not by any means identical, not to say not analogous.

Mr. McNARY. I thought the Senator used the word "analogy" as indicating a similarity between the preservation of forests and the destruction of the barberry bush.

Mr. WALSH of Montana. It is easy to distinguish a very wide difference, because in one case you have the actual property which is being destroyed, but when a barberry bush grows upon one man's farm the owner of the farm may not suffer any more than one whose farm is immediately adjacent. So the situation, as it seems to me, is very materially different.

I want to say that I do not believe that anybody need have any apprehension that the States themselves will not join very cordially with the Federal Government in this very necessary work, because they all appreciate the peril in which they stand, as evidenced by the legislation which exists in all of the States in which work is being done for the purpose of aiding in the eradication of the offensive bush.

Mr. McNARY. Will the Senator permit me to amplify the statement regarding State cooperation?

Mr. WALSH of Montana. Yes.

Mr. McNARY. I take this statement from Mr. Fuller, who is high in authority in this matter, because he is the secretary of the organization which has to do with the prevention of grain rust. A question was propounded to him by the Senator from Washington [Mr. JONES], and he replied:

> The States, with the exception of Minnesota, have made no substantial appropriation.

As the Senator from Montana knows, the damage wrought by the barberry bush has been known for generations in other countries and for many years in this country, as it was brought here by the earliest settlers in New England, and its destructive power, as the home of the fungi that destroy wheat, has been known for years.

Mr. WALSH of Montana. That does not argue anything so far as I am concerned.

Mr. McNARY. But it argues tremendously with me.

Mr. WALSH of Montana. We have exactly the same situation with reference to the eradication of tuberculosis in cattle. In that case we have undertaken to pay dollar for dollar for carrying on the work in a cooperative manner. We do the same thing in reference to the eradication of the cattle tick. The Federal Government has been making very liberal appropriations for the extermination of splenetic fever during all these years. It is appropriately the work of the Agricultural Department to provide against these diseases which spread over great areas, to the destruction either of plants or animals.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WALSH of Montana. Yes.

Mr. LENROOT. Does not the Senator think that a State which is affected should at least match dollar for dollar the appropriation of the Federal Government in a matter of this kind?

Mr. WALSH of Montana. I do not think so. I do not think that has been the policy pursued in respect to any of these matters.

Mr. LENROOT. With regard to the effort to eradicate tuberculosis, the States and individuals contribute; the Federal Government pays only about one-third or less than one-third of the indemnities.

Mr. WALSH of Montana. That is only with reference to the indemnities.

Mr. LENROOT. Certainly.

Mr. WALSH of Montana. But for the work of extermination we have made constant appropriations, as has been done for the extermination of dourine, glanders, and so forth.

Mr. MYERS obtained the floor.

COOPERATIVE ORGANIZATIONS.

Mr. CALDER. Will the Senator from Montana yield to me in order that I may submit a report from a committee?

Mr. MYERS. With pleasure.

Mr. CALDER. Mr. President, some days ago the Senator from New Jersey [Mr. EDGE] introduced the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade. That joint resolution was referred to the Committee on Commerce, from which committee it was reported unanimously. It was then referred to the Committee to Audit and Control the Contingent Expenses of the Senate. As chairman of that committee, I now report back favorably the joint resolution, and ask unanimous consent that it be given immediate consideration.

Mr. NORRIS. Mr. President, I hope the Senator will let us vote upon the motion which is now pending.

Mr. CALDER. I will say to the Senator that if the consideration of the joint resolution takes any time, I will withdraw the request.

Mr. NORRIS. The pending motion will not take more than a minute, I think, and after it is disposed of, then there will be no objection to the Senator's request.

Mr. CALDER. I am compelled to go to a committee meeting.

Mr. NORRIS. I think debate has about ended on the pending amendment, and we are ready to vote. I should dislike to see the pending amendment laid aside now.

Mr. MYERS. I will say that I desire to speak for about five minutes on the pending amendment.

Mr. CALDER. I will say to the Senator that the Senator from New Jersey [Mr. EDGE] is compelled to leave the Chamber in a few moments, and I am obliged to attend a committee meeting. I thought that perhaps the Senator would permit action to be taken on the joint resolution. If it takes any time, as I have said, I will withdraw it.

Mr. MYERS. I am willing to yield to the Senator, but others have a right to object, of course.

Mr. EDGE. Mr. President, I trust the Senator from Nebraska, if there is no opposition, will permit the joint resolution to be considered.

Mr. NORRIS. I do not think there is any opposition to the motion to amend the committee amendment.

Mr. LENROOT. Yes; there is.

Mr. EDGE. The amendment to the pending bill has been debated for two hours; some of us have been waiting here hoping that that debate would cease, and that the joint resolution might be considered.

Mr. NORRIS. I will not object, Mr. President.

Mr. CALDER. The joint resolution, I will say, comes from the committee with a unanimous report.

Mr. OVERMAN. I should like to know something about the joint resolution, and what it provides.

Mr. EDGE. If I may be permitted to occupy the floor for a moment, I will say that the joint resolution simply provides for an inquiry. It establishes no policy, but provides for the appointment of a joint committee to ascertain the present situation in which the trade associations of the country find themselves, in view of the decision in the hardwood lumber case, which has put these associations in a position where they may be held to be violating the law. The proposed special joint committee will investigate the entire subject.

Mr. OVERMAN. The joint resolution simply provides for an investigation?

Mr. EDGE. That is all.

Mr. CALDER. I ask unanimous consent that the joint resolution may be considered now.

Mr. HITCHCOCK. Mr. President, I do not quite understand what the joint resolution proposes. I wish the Senator would explain it more clearly.

Mr. CALDER. The Senator from New Jersey can explain it better than I can.

Mr. HITCHCOCK. Let us have the resolution read before we consent to its consideration.

Mr. EDGE. Perhaps I can explain it to the satisfaction of the Senator.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The reading clerk read as follows:

Joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Whereas the revival of the industrial activities of the United States is essential to the welfare of the individual as well as the Nation; and

Whereas business has been suffering severe depression from which its reconstruction should be stimulated by every legitimate means; and

Whereas business procedure that will, without protecting monopolies, eliminate waste in production or distribution, lower costs, simplify and standardize methods, increase efficiency and the morale of business is a beneficial factor in economic progress; and

Whereas congressional action has already been taken to assist in agricultural cooperative marketing and distribution; and

Whereas the industrial tendency is toward the substitution of research and scientific business methods for previous uncertainty and ignorance; and

Whereas business is hesitating because unable to secure guidance, legal or governmental, which will clearly indicate the proper lines of conduct in business association; and

Whereas business is entitled to know in definite terms what it legally can and can not do: Therefore be it

Resolved, etc., That a joint committee of Congress is hereby created, to be composed of six members, three of whom shall be appointed by the President of the Senate and three by the Speaker of the House of Representatives.

SEC. 2. That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affects industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade, to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression, with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

SEC. 3. That such committee is hereby authorized during the Sixty-seventh Congress to sit during the sessions or recesses of the Congress, at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk, and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1.25 per printed page, the expenses involved in carrying out the provisions of this resolution to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

SEC. 4. That the committee may from time to time report to Congress, and shall submit a final report on or before December 4, 1922.

Mr. HITCHCOCK. Mr. President, I will object to the present consideration of the joint resolution. It relates to a subject worth discussing.

Mr. EDGE. If the Senator will withdraw the objection for just a moment, I desire to say that I think he will admit that this Congress owes to industry some effort at least in the way of trying to solve the present unsettled business conditions. The joint resolution does not propose to establish any policy of any kind whatever, but simply makes it possible for a joint committee of Senators and Representatives to study the subject and investigate. The Commission on Agricultural Inquiry conducted a similar investigation and recommended certain legislation, some of which has already been enacted. It would seem that the joint committee proposed by the joint resolution, working with a definite object in view, could be of some service in solving the great problem which confronts us at this time.

The joint resolution proposes to establish no policy. I have already introduced a bill which covers this subject to some extent. I am purposely not pressing the bill, because I think more information should be secured. This committee provides an opportunity to do that very thing. Why delay an inquiry?

Mr. OVERMAN. With the idea of securing the repeal of the Sherman Act? Is that right?

Mr. EDGE. It has nothing to do with the repeal of the Sherman Act. Let me point out that this Congress has already practically unanimously adopted legislation which provides for cooperative marketing associations. They are outside of the Sherman Act. I voted for that bill with pleasure, and I think practically all of the Senators did. As I remember, the vote upon it was unanimous. The trade associations are asking nothing of that kind. They are not asking to be outside of the jurisdiction of the Sherman Act, but they are asking, and I think properly so, to have a clear definition as to what they can and can not do under existing laws and statutes; that is all. We certainly owe them some effort along that line when we realize that throughout this country industry is practically paralyzed to-day. These trade associations are not functioning. They are afraid to move after recent decisions of the Supreme Court. With the millions of men depending upon industry, the least we can do is to try to find some solution of the problem. Any delay in the passage of this joint resolution is simply a delay upon the part of the Congress itself in trying to find that solution. We are passing no legislation.

Mr. OVERMAN. The Senator says it is in aid of the bill that he has introduced.

Mr. EDGE. This joint resolution does not refer to the bill. The bill is simply presented as one of those measures that can be given consideration by such a committee. The bill itself was prepared by the Federal Trade Commission in Washington, and I presented it merely to have it before the country.

Mr. OVERMAN. Did the Federal Trade Commission indorse it?

Mr. EDGE. The Federal Trade Commission practically indorsed it, or individual members of the commission did.

Mr. OVERMAN. Oh, yes; individual members.

Mr. EDGE. I do not know that the commission as such indorsed it, though the bill was prepared by the commission.

Mr. OVERMAN. Perhaps the chairman did, but not the commission.

Mr. EDGE. There is no reference to this bill in this joint resolution.

Mr. OVERMAN. The Senator had said that it was presented in the interest of his bill, as I understood him.

Mr. EDGE. Oh, not at all. I simply said that I had introduced a bill on the subject which I had no intention of pressing.

Mr. OVERMAN. I hope the Senator never will press it.

Mr. EDGE. Perhaps I shall not. Personally, I am not at all sure that it is the proper solution of the problem. That is the very reason why I want to see a committee investigate it. If I felt that this bill answered the problem I would press it. The mere fact that it is such a big problem, such an important problem, and that in my judgment this Congress has so much responsibility to do something in this connection, is the very reason and the sole reason why I am not pressing the bill. I want to see a strong committee appointed to inquire into and investigate as to proper relief in this regard, just as we have done in the case of other activities of the country; and I can not see what harm the passage of this joint resolution would do.

Mr. HITCHCOCK. Mr. President, I can see no parallel at all between the situation regarding the industries of the country and the legislation that we passed allowing agricultural concerns and interests to form cooperative associations. The agriculturists could not if they would violate the Sherman antitrust law, in my opinion; but this joint resolution proposes to enter upon the very doubtful and dubious ground as to how far industrial concerns can go without actually violating the Sherman antitrust law.

Mr. EDGE. Undoubtedly.

Mr. HITCHCOCK. Mr. President, I object to this measure on two grounds: First, because it ought not to be put through without discussion and light; and, in the second place, I think I shall object to it all the time, because both the House and the Senate have committees to which this matter can properly be referred, and it seems to me that this is an effort to take it away from the jurisdiction of existing committees and form some special committee for the purpose of bringing in a special report in the interest of enabling these concerns to go as far as possible toward the violation of the Sherman antitrust law.

Mr. EDGE. Mr. President, of course I can not prevail on the Senator if he insists on objecting; but I do want a moment to answer the suggestion that the Senator has made.

Mr. McNARY. Mr. President, I desire to be courteous to the Senator; but if objection is to be made, and it is fixed in the mind of the Senator from Nebraska, I hope he will make the objection without going into a general discussion of the matter.

The VICE PRESIDENT. Is there objection?

Mr. HITCHCOCK. It is useless to discuss the matter. We ought to have it debated, at least; so I object.

The VICE PRESIDENT. Objection is made.

Mr. EDGE. I recognize the fact that the Senator is objecting; but if I may just, in two minutes, answer the suggestion the Senator has made I shall appreciate the courtesy.

The Senator inferred that this meant the appointment of a special committee, notwithstanding the fact that both Houses to-day have regular committees that could handle such subjects. There is not any question in the world as to that; but the Senator must know—and of course he does know—that when we have had very important intricate subjects of this kind it has been the universal policy of Congress to appoint special committees to devote their direct attention to them. Perhaps the Committee on Interstate Commerce would properly handle this matter in the usual course, or the Judiciary Committee or the Commerce Committee, I am not sure which; but we know perfectly well from experience that our overloaded committees can not spend the necessary time on all of these matters and give them the attention which in my judgment the

country properly demands. A special committee with that special responsibility, just like the Joint Agricultural Committee, calling witnesses on all sides of this important question, and bringing to the Senate of the United States and to Congress a direct report, with possible remedies, would help in the solution of a great big problem. I think the criticism entirely unjustified that there is any desire to have a special committee that would not give the matter the same careful, broad consideration that its members would give as members of a larger committee that perhaps has many other subjects to consider; so that I do not think that objection of the Senator is very well taken.

I sincerely hope, if the Senator will not withdraw his objection now, that he will at least give the matter consideration from the broad viewpoint that he does on matters of important legislation, and recognize that we do owe industry some solution of these problems.

If he has a better method to suggest in order to bring about a solution, I shall be glad to have it; but the fact can not be denied that there are over 3,000 of these trade associations, organized at the request of the Government during the war for the purpose of stabilizing production, that are now practically inactive because of the decision of the Supreme Court in the Hardwood and other cases, all of which decisions were by a divided court, as I recall, and that they do want, and I think properly so, to have some definition whereby they can at least proceed in the great work in which they were engaged and should be engaged in helping to stabilize production and development.

I take issue with the Senator somewhat. These trade associations are entirely parallel to the cooperative marketing associations of which the Senator spoke, saying that they are not parallel. The cooperative marketing associations, as I understand them and as they are understood in agricultural circles, are for the purpose of developing better market conditions and cutting down the expenses of marketing—a very laudable purpose—and I was glad to support the bill. These trade associations are for exactly the same purpose—to have uniform ideas and developments spread among their members, so that they can reduce overhead expenses and reduce the cost of operation.

Mr. WARREN. Mr. President, will the Senator permit me to interrupt him?

Mr. EDGE. I am glad to yield to the Senator.

Mr. WARREN. I understood that the Senator in charge of the bill waived objection to the consideration of the joint resolution if it would not lead to debate. I hope the debate will not go on all the afternoon.

Mr. EDGE. Mr. President, I have entirely finished; but this is a subject in which I am so much interested that I sincerely trust the Senator from Nebraska will look at it, as I say, from the broad viewpoint from which I know he usually looks at all big public questions, and try to help in the solution of this great problem. If this is not the proper way, I should like to get his idea about it.

The VICE PRESIDENT. Is there objection to receiving the report? The Chair hears none, and it will be placed on the calendar.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. MYERS. Mr. President, I am very heartily in favor of the pending amendment. I have received from Montana so many communications about it, calling to my attention the urgent necessity for an adequate appropriation for this object and the necessity for it, from a number of authentic sources, has been so forcibly impressed upon me that I feel it my duty to say a few words on the subject as expressive of the sentiments of the agricultural interests of Montana.

The farmers of the Northwest are in a desperate and most deplorable condition. I think they are sunken lower in the depths of despair than has ever been known before. Many of them in Montana are despairing of being able to stay on their farms, and yet they know not what else to do. In Montana the farmers for a number of years past have had to contend with repeated and appalling droughts, grasshoppers, high railroad rates, high cost of production, high prices for everything they have to buy, and for the last couple of years poor markets and low prices for all they produce, and these conditions have brought them to the verge of despair. The agricultural interests all over the country share more or less in that condition. I think it one of the most serious problems that confront the people of this country to-day, and I think the Federal Government ought to do everything legitimate and within the bounds of reason to assist in overcoming that most deplorable condition of affairs.

Many of the farmers of Montana have become so desperate that they are demanding very unusual and drastic legislation. Many of them are demanding the revival of the Government Grain Corporation and the fixing of a minimum price for grain, the Government to buy at the fixed minimum price all the grain which does not bring that price in the market and store it in Government-owned warehouses. Now, when there is an opportunity within a reasonable, natural sphere to assist in overcoming the very deplorable condition of affairs which exists among the agricultural interests of the Northwest in particular and the whole country in general, I think Congress should not hesitate to do it, as it may relieve the necessity of enacting later more drastic legislation.

Montana has become a great wheat-growing State. For quite a number of years it has been climbing up steadily in the scale of States that are large producers of wheat. Wheat has become, I think, the main agricultural product of the State, but for a number of years the wheat growers have had this terrible pest of black rust, created, scattered, and disseminated by the barberry bush, with which to contend. It has done immense damage to wheat growing in Montana.

With all of the obstacles with which the wheat growers of Montana have to contend, including those of high railroad rates, remoteness from market, high prices for everything they have to buy, and low prices for their products, I think it would be very burdensome if they should have to continue to contend with this pest, which is working havoc with their wheat-growing industry; and unless some adequate remedy is provided, unless an adequate appropriation be made for the extermination of this pest, it will continue to grow worse and worse and will do incalculable damage.

I think it would be very unfortunate to make for this purpose an inadequate appropriation, one not sufficient to eradicate the pest. That would only temporarily check the pest, partially smother it, decrease it for the time being, but it would not eradicate it. The seeds of it, the roots of it, would still be there, and the pest would spring up with renewed vigor and spread another year with increasing damage to the wheat-growing interests of the country. If the Federal Government is going to handle this matter at all, I think it will be economy and wisdom to appropriate a sufficient amount of money practically to stamp out the pest once and for all, or bring it under complete subjection, so that hereafter a very small annual appropriation would suffice.

Something has been said on the floor about the duty of people doing for themselves the things they can do and not depending on the Federal Government for everything. That may be sound doctrine, but I think it would be a very poor policy to begin to apply it right now upon the farmers of the country, who are already struggling under more back-breaking burdens than any other class of our people, and at a time when their business is at the lowest extremity to which it has been reduced in many years. The people of this country have been educated to look to the Federal Government for aid in everything; the Federal Government has encouraged them in it; Congress has encouraged them in it by yielding to their demands and making all sorts of appropriations for things which the States or the people might provide for themselves; but this I consider a distinctly legitimate function of the Federal Government. For many years it has been the policy of the Federal Government to encourage the development of agricultural interests, and the country never was in more need of it than it is right now. Now is the time for the Federal Government to exercise its power in that direction more beneficially and legitimately, I think, than ever before. I know the urgent need of an adequate appropriation for this purpose. I hope the amendment providing for an increased appropriation may be adopted without opposition and that it may be retained in the bill when it comes out of conference.

Mr. McNARY. Mr. President, I think it entirely fitting that I should briefly outline the state of mind of the committee on this item.

The committee thought it was very generous, and I think it was. The department did not estimate any particular sum of money for this work for the year 1923. The Bureau of the Budget did not make an estimate for this work, but $147,200 was given by the House for the eradication of the barberry bush.

A number of witnesses appeared before the Senate committee, and the committee, after due deliberation, added $52,800 to the amount appropriated by the House, which sum, added to

the total for the eradication, which is under the head of "Investigation and improvement of cereals and the study of diseases, investigation of the destruction of the barberry," made the amounts total $393,705, or the full amount estimated by the Director of the Bureau of the Budget.

The committee is in entire sympathy with the efforts of the people living in these 13 infested States to eradicate the barberry bush. If it were a matter of research or further investigation or extension work, I think the committee would have been influenced to have increased the appropriation, but it is not a matter of research; it is a matter of eradication by manual effort.

Everyone knows what causes wheat rust. Everyone knows, or should know, that the barberry bush is the host plant which must exist in order that the fungus may reproduce itself. The bush is not a small, insignificant shrub. It stands from 10 to 15 feet high. From its physical appearance it is known, or should be known, by everyone living in the infested country. It is simply a question of the removal of the bushes.

I said that everyone knows it. Perhaps I should say that information in regard to it should be further disseminated among those who do not know, but the great majority of the people living in the infested country know the character of the barberry and the result in the way of a loss in the wheat crop by reason of its nonremoval.

Therefore the committee thought that the Congress was generous in giving over $200,000 to aid these States. The committee further thought these States did not appreciate the assistance of the Federal Government or they would appropriate more money. The hearings held by the Senate committee and the House committee show, as I recall, that outside of the State of Minnesota no other State contributed one dollar in cooperation with the Federal Government. It was thought by the committee, or a majority of the committee at least, that if that attitude were made known to the various States appropriations would be made in cooperation with the Government, so that in a few years the barberry could be eradicated.

I think it is the duty of any citizen who has barberry bushes on his place to go out and remove them. I believe if the laws which are on the statute books in these various States were enforced and a few derelict owners of private property were prosecuted, it would do more to bring about the eradication of the barberry bush than the expenditure of millions of dollars appropriated by the Federal Government.

This is not a new problem. I might say that in the far West we have the Canadian thistle. Anyone who allows it to grow upon his place, after due notice, subjects himself to a fine and, further than that, the supervisor can go and remove the enemy and take a lien upon the individual's property; with the result that neither the Federal Government nor the States have been called upon to appropriate one cent, but by the enforcement of these laws the bush has been almost exterminated.

Mr. President, the argument is made, one which I think affects the participation of the Government in this undertaking, namely, that the spores of the fungi blow a great distance. I am sure the testimony shows that the spores were found as high as 8,000 feet in the air. That shows that by the force of the wind it can be carried from State to State. It is not controlled by the invisible State lines, and that is the particular excuse given for the cooperation of the Federal Government with the States. But the Federal Government should not be compelled to appropriate all this money, and I believe, and the commitee believe, that in adding $52,800 to the House appropriation we show a disposition on the part of the Government to assist these States and communities in destroying a plant which is the host of the fungus which brings destruction to the wheat crop, and if the States would more generously appropriate another year, when the money is available, if the committee now in charge of the bill has the honor to handle this matter, I feel certain it would add very greatly to the amount of money which is carried in this bill.

For those reasons, Mr. President, the committee thought it was acting very generously to these States.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. McNARY. I yield.

Mr. HITCHCOCK. Suppose the amendment to the amendment is carried, and this larger amount is appropriated, something like $600,000.

Mr. McNARY. The amendment offered increases it from $147,000 to $500,000.

Mr. HITCHCOCK. Does the Senator think $500,000 can be expended in the work of the eradication of this pest during the next year?

Mr. McNARY. The Senator to whom the remark is addressed is not familiar with the conditions, other than as they appear upon the record. There may be a little conflict with regard to the attitude of the department, but I think Doctor Ball was very conservative when he said, and it was first reported and called to our attention by the Senator from Nebraska, that $300,000 could be economically and efficiently expended.

Mr. HITCHCOCK. As I understand it, no extra overhead expense would be involved in expending this additional amount of money. Every dollar provided by the additional sum would be expended in the actual work of eradication. If the Senator admits that this money can be expended in the work of eradication, of what possible use is it to limit the appropriation to $100,000? We might as well expend nothing at all as to expend a mere fraction of what is necessary to eradicate. It is not mere reduction of the barberry bush we want to achieve; it is the eradication of it.

Mr. McNARY. Let me tell the Senator from Nebraska that the Government is not engaged in the manual eradication of the barberry bush. It does not send men out drawing salaries from the Federal Treasury to take a pick and shovel and remove these bushes from the ground. It has to point them out, and educate the farmer upon whose ground the bushes are found that that is the host plant of the fungi which destroy his crop.

Occasionally, when the investigators find a few bushes, rather than go and notify the owner of the property, they remove them; but does the Senator think that the Government is hiring men with shovels, at from three and a half to seven dollars a day, to go out and remove barberry bushes from privately owned property?

Mr. HITCHCOCK. I want to find out what the practice is. It seems to me that, according to what the Senator says, there would be no eradication; there would be a mere paltering, a mere trifling with a great evil. If the evil is as great as it is said to be, involving each year millions of bushels of wheat, which are not only necessary as far as the farmers are concerned but which are also necessary for the prosperity of the country, the National Government should take hold of the matter in a determined, aggressive, and thorough manner, and not by a mere trifling expenditure.

Mr. McNARY. That is not the proper term to apply to the very generous efforts on the part of the Government and its expenditure of money in this matter. The Government can not do any more than educate the people as to the injury which would result to their crops from permitting the barberry bush to grow on private property. The Senator from Nebraska suggests that the Government employ a vast army of laborers to go out and attend to the manual removing of the bushes, an undertaking in which I think the Government should not engage.

Mr. HITCHCOCK. Is the Senator quoting me?

Mr. McNARY. I am drawing a logical inference from what the Senator said.

Mr. HITCHCOCK. I am not making any suggestion as to how it should be done. I have no knowledge of how it is done.

Mr. McNARY. I am aware of that fact, and I am trying to tell the Senator.

Mr. HITCHCOCK. I say that the appropriation of a trifling sum of money is a waste of money, and if eradication is desired we ought to appropriate enough money to eradicate it now; and if it is desirable, as the Senator himself intimates, to bring about cooperation between the National Government and the State governments, then that ought to be provided in this bill. We should not simply content ourselves with a nominal appropriation where a great appropriation is needed. I have listened to the debate and learned that this affects some 13 States of the Union, and that there are actually hundreds of thousands of individual cases where the barberry bushes are growing upon farms and on the highways and in various places where wheat is exposed. Does not the Senator think that if the evil is so great there ought to be an appropriation commensurate with it?

Mr. McNARY. Mr. President, I think the appropriation is commensurate with the activities which ought to be undertaken by the Federal Government, but if there is any difference between the opinion of the Senator from Nebraska and the Senator having the bill in charge, it is as to the amount of work which should be done by the States. I think the States are not doing their share. I ask the Senator this question, If he is the owner of a farm in Nebraska—perhaps he owns several—and he knows that there are barberry bushes on his farm, and he knows the havoc and destruction wrought by permitting those bushes to grow on his farm, does he think the Federal Government should make an appropriation to hire men to go upon his farm and remove those barberry bushes?

Mr. HITCHCOCK. I am not a member of the committee. I have not heard the testimony.

Mr. McNARY. It is not a question of whether the Senator is a member of the committee or not.

Mr. HITCHCOCK. But I judge from what the Senator has said that he thinks there should be some form of cooperation between the National Government and the State governments, and I ask him why he does not provide for it in the bill?

Mr. McNARY. I do not think it is necessary. I think the States, knowing that the Government is putting up this money, should meet the Government in a more liberal way than they do now.

Mr. HITCHCOCK. Would it not be easy to provide conditions in this bill of which the States could take advantage in their different legislative sessions, and avail themselves of the Government appropriation?

Mr. McNARY. Of course, that could be provided.

Mr. HITCHCOCK. Would not that be the practical way of reaching the evil?

Mr. McNARY. That was discussed by the committee. There was no particular objection, and the thought was that perhaps in some other year that could be suggested. If that is true, the States then would have to appropriate $200,000, whereas Minnesota is only appropriating $20,000, and no other State is contributing at all.

Mr. HITCHCOCK. It seems to me, if the committee takes the position that no great national appropriation should be made until the States enter upon a form of cooperation, that opportunity should be given them in the bill in addition to any direct appropriation made.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. HITCHCOCK. Certainly.

Mr. LENROOT. It was stated before the committee that the Secretary of Agriculture would recommend a 50-50 plan next year. As one member of the committee I was not willing that it should go in this year, because none of the legislatures are in session at this time, and therefore none of the appropriations would be available during the coming summer, if we inaugurated it at present. Next year the legislatures will all be in session.

Mr. HITCHCOCK. But the bill is appropriating for the fiscal year ending June 30, 1923, more than a year from now.

Mr. LENROOT. But that fiscal year begins the 1st of next July.

Mr. HITCHCOCK. If it is to be left open to the legislatures that meet next year, the provision ought to be inserted in the pending bill.

Mr. LENROOT. If it is inserted in this bill, none of the money would be available during the next summer; the work that is now going on would have to stop; but at this time next year it can be done and cooperation compelled as a condition of the expenditure.

Mr. HITCHCOCK. I realize that that is true, as far as the use of the money for the present year's work is concerned, but why could not the bill contain a provision that the legislatures could avail themselves of when they meet next year?

Mr. LENROOT. Our committee could not have reported such a provision, because it would have been obnoxious to the new rule, and the whole bill would have had to go back to the committee.

Mr. WALSH of Montana. Mr. President, in view of the position taken by the Senator from Oregon [Mr. McNARY] with reference to this very important item in the bill, I wish to call attention to the fact that the principle to which he appeals has not found very general recognition in this bill. At page 13 of the bill I find an appropriation—

For all necessary expenses for the eradication of southern cattle ticks, $660,000.

That is a very proper appropriation. It is one which has been carried in the Agricultural appropriation bills for many years, but there is no provision that it shall not be expended except the States cooperate in the expenditure, and it is not utilized alone for the purpose of devising new means for ridding the cattle of this pest. The means of combating the disease are perfectly well known. Let me read further from the provision:

Provided, That no part of this appropriation shall be used for the purchase of animals or in the purchase of materials—

And so forth.

It will be observed that it is not for the purpose of experimenting nor for the purpose of discovering new remedies, but for the purpose of eradicating the disease.

Now, let me turn to page 15 of the bill, where we find this item:

For investigating the disease of hog cholera, and for its control or eradication by such means as may be necessary, including demonstrations, the formation of organizations, and other methods, either independently or in cooperation with farmers' associations, State or county authorities, $510,000.

Turning over to the next page, we find this item:

For all necessary expenses for the investigation, treatment, and eradication of dourine, $45,000.

There is no cooperative feature in any of these items. So we go into the Bureau of Plant Industry and find an item that is of very great interest to the people of the State of Oregon as well as my State. On page 19 we find an item for the eradication of white pine blister. I read:

For the investigation of diseases of forests and ornamental trees and shrubs, including a study of the nature and habits of the parasitic fungi causing the chestnut-tree bark disease, the white-pine blister rust, and other epidemic tree diseases, for the purpose of discovering new methods of control and applying methods of eradication or control already discovered, $81,115.

Of course, with respect to all these matters, if we could inspire the States to contribute with great liberality, it would undoubtedly be very desirable, but with respect to these diseases which can not be confined within localities and are not restricted by State bounds, and which spread from one State to another, and particularly a disease like this, that is carried miles and hundreds of miles through the atmosphere, it would seem as though it was rather the field of national work than of State work, although, of course, State cooperation is necessary, because the authorities of the Federal Government would probably not be entitled to invade the premises of private owners within any State except they had the State legislation. But, so far as the appropriation is concerned, it is not, as it seems to me, in accord with the general policy that has been pursued for years, as evidenced by those items of the bill to which I have invited attention.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Montana yield to the Senator from Oregon?

Mr. WALSH of Montana. I yield.

Mr. McNARY. I am very glad the Senator from Montana has called attention to these items; but I observe this distinction: The white-pine-blister item contains an element of research. There is no element or factor of research in the barberry-bush item. It is purely one of eradication. That is the first distinction.

Mr. WALSH of Montana. I have invited attention to that peculiar feature. I have invited attention to the fact that they have not yet exhausted the field of research with reference to the white-pine blister, but we do not confine our appropriation to that. A portion of the appropriation for the white-pine blister we are going to use for the application of known methods of combating it.

Mr. McNARY. So is the Government doing that under the present appropriation. As to the other matters, the diseases affecting hogs and cattle, those animals move in interstate commerce and they require inspection. Many times the remedies result in the development of a reaction to a certain treatment. They are not visible to the eye. No one can tell when the inspectors pass through the car whether an animal is suffering from tuberculosis or whether there are parasites on hogs or ticks on cattle or scabies in sheep. It requires an investigation of each particular animal to see if it reacts to the test. Consequently it requires that work of inspection. But in the barberry work, when its host is a wild shrub and the remedy is eradication, there is nothing left to-day but private initiative plus the aid of the Federal Government and the State governments. The Federal Government has done its share beyond any doubt.

Mr. LENROOT. Mr. President, I expect the pending amendment to the amendment of the committee will be adopted; but being a member of the committee, I can not let it be adopted without placing on the record my protest against the increase without any provision for cooperation upon the part of the States.

The amendment, I think, is subject to a point of order; I am very clear that it is, but I am not going to make it. If the Senate desires to adopt the amendment to the amendment on the merits, I am perfectly willing that it should do so.

But, Mr. President, more and more the tendency is for the State to look to and expect the Federal Government to do these things, not in the way of assistance and cooperation, but to do exclusively things that the States ought to do at least a part of themselves. In this particular instance, if the Federal Government is going to undertake the eradication of the barberry by appropriations, where the Federal Government is going to

hire men to go upon the farms and lands of the country and dig them out, the barberry bush will not be eradicated for many, many years to come.

There is one way in which the barberry bush can be eradicated, and that is through an educational campaign conducted by both the Federal Government and the States, so that every farmer may know at once what a barberry bush is and every farmer may know the menace of the barberry bush. Beyond that, if the State legislatures would enact laws providing that when a barberry bush is pointed out to the owner of the land, if he does not remove it at his own expense it is to be deemed a misdemeanor, subject to fine or imprisonment, when that time comes the States will take care of the barberry problem. But under present conditions there is no penalty upon the part of any farmer for not removing the barberry bush.

What is being done under the appropriation to-day? A Federal agent goes through a State, finds the barberry bush, locates it, notifies the farmer that he has a barberry bush at such and such place on his land, and orders him to remove it. Then within 10 days the Federal agent makes another visit and finds out whether it has been removed, and if it has not been removed, the Federal agent, with his hired men, removes it. What is the penalty upon the farmer? The penalty upon the farmer is the actual cost of removal. That is assessed as a tax against him. Is there any penalty about that? Will that kind of a law bring about the eradication of the barberry bush in this country?

I appreciate my own State's interest in this matter. Wisconsin was either the first or the second State to realize and appreciate the danger and the menace of the barberry bush. But I think my own State ought not to ask the Federal Government to furnish all the money to do this work. I think my own State ought at least to put up dollar for dollar with the Federal Government. Wisconsin has done something. Minnesota appropriates $20,000 a year for that purpose. Minnesota to-day, under the $147,000 appropriation, is getting $14,000 a year from the Federal Government.

Under the increase granted by the committee Minnesota will get from the Federal Government every dollar that she raises herself. It would seem, would it not, that a great wheat-raising State like Minnesota, with the black rust such a menace to it, that the State Legislature of Minnesota ought to be the first to take the necessary measures for the removal of the barberry bush instead of coming to the Congress of the United States and asking the Congress of the United States, as they are doing by the amendment, to put up $4 for every dollar that is put up by the State.

Where is this movement going to stop if the Federal Government is going to be asked constantly to increase appropriations to do these things in which there ought to be cooperation between the States and the Federal Government? The Senator from Montana [Mr. WALSH] a moment ago referred to some items in the bill in which he understood there was no State cooperation. Among others, he referred to the white-pine blister. The while-pine blister is being dealt with to-day, and for every dollar that the Government appropriates for the eradication of the white-pine blister the States are appropriating three. With reference to tuberculosis in animals, for every dollar the Federal Government is appropriating the States are appropriating three. In the matter of the eradication of predatory animals, for every dollar the Federal Government appropriates the States are appropriating two. And that is the way the work should be done.

But, Mr. President, is it fair in the great State of Montana, whose prosperity is so bound up in wheat, that the people of the State take so little interest in their own prosperity that they are refusing to appropriate any money for the removal of the barberry bush and yet are asking the Federal Government to appropriate all that is being expended in that State? What is true of Montana is true of other States. I think North Dakota has done something. I do not remember how much has been appropriated by the State of North Dakota, but the Senator from North Dakota [Mr. LADD] is present. Can the Senator from North Dakota inform us?

Mr. LADD. I can not at this moment inform the Senator from Wisconsin as to the amount of money which North Dakota has appropriated, but during the last four or five years considerable sums have been expended for carrying on the campaign for the eradication of this pest. The State has made appropriations and the commissioner of agriculture has sent out a force to engage in the work of the eradication of the barberry bush. What good, however, has that work accomplished when in all the States surrounding North Dakota the barberry bush grows and the barberry spores come over into our State and destroy our crops? The destruction of the barberry bush is not a State question alone, it seems to me, but is a national question.

In order to protect ourselves and to insure the production of a necessary food supply North Dakota has gone further than merely to endeavor to eradicate the bush. Not being able to cope with the barberry bush in the State, we have appropriated money to develop a wheat which is rust resistant, but the rust-resistant wheat does not happen to be a good milling wheat; it does not produce good flour for bread. So the experiments have been continued, and this year they are putting out a variety which they believe will withstand the rust to a considerable extent and which will also be a flour-producing wheat. So that research and experimental work as well as efforts for the eradication of the barberry bush have been going on in North Dakota for five or six years.

Mr. LENROOT. I know that North Dakota and perhaps Wisconsin were the two first States which really dealt with this problem in an effectual way.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. I yield.

Mr. WALSH of Montana. In view of the imputation by the Senator from Wisconsin against the State which I have the honor in part to represent on this floor, I desire to submit that this disease comes upon us from communities farther east. The testimony before the Agricultural Committee discloses that the people of the State of Wisconsin have allowed this destructive bush to grow without very much restriction; in fact, photographic copies of fields in that State were used for the purpose of illustration before the Committee on Agriculture when considering this measure. It comes with rather poor grace, it seems to me, from the Senator from Wisconsin to asperse the people of the State of Montana for inactivity in this matter, particularly in view of the fact that agriculture in my State has suffered some unusual trials in the last three or four years.

Mr. LENROOT. Mr. President, if we are going to proceed upon the theory that it is useless to spend money in wheat-growing States to attempt to eradicate the barberry bush unless we go back to the Atlantic coast and eradicate the barberry bushes all over the United States, then there is no use of making any appropriation at all. If the theory of the Senator from Montana be correct, that because the barberry grows in Wisconsin, Montana is not responsible, and that if the barberry bushes in Montana should be removed this year they would return next year, then we have got to go to Massachusetts and other New England States and remove every barberry bush in the United States or else we had better stop making appropriations. I do not consider that a sound argument. Although the spores move in the air, the movement is a very slow one. I do not for a moment insist that the Federal Government ought not to participate and participate fairly. I do not say it is solely a State question. I am willing to appropriate dollar for dollar from the Federal Treasury for every dollar that is appropriated by the State; but when Montana is so vitally interested I think it is not unreasonable to ask that the people of that State themselves shall expend some money to save themselves from destruction instead of asking the Federal Government to do it all. That is the only point that I make.

Mr. WALSH of Montana. It would not do much good unless the people of Wisconsin would do it, and they have not yet evinced any very great desire to do it.

Mr. LENROOT. The people of the State of Wisconsin were the first and those of North Dakota were the next to begin the eradication of the barberry bush. I am frank to say that if it were not for the feeling that the Federal Government could be relied upon to do all these things Wisconsin might be doing more for the eradication of the barberry bush.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LENROOT. I do.

Mr. NORRIS. I should like to ask the Senator a question in connection with the statement that Wisconsin and North Dakota have been engaged in the eradication of the barberry bush for many years, and were the first to go into the effort. Have those two States received any benefit from what they have done? Has it not been true that, as the Senator from North Dakota [Mr. LADD] has stated, their labors have been to a great extent nullified by the fact that the spores are blown into that State from States where no attempt has been made to eradicate the barberry bush?

Mr. LENROOT. Doctor Ball in his testimony was asked that very question, and he said it was very difficult to determine

the matter, because whether or not black rust prevails does not depend alone upon the existence of the barberry bush but upon climatic conditions existing at a particular time; so the two things must coincide; but Doctor Ball did testify that there was a year in Wisconsin when he thought it was very apparent that benefit had been derived from what had been done.

Mr. NORRIS. In order that the Senator's statement may not be misunderstood—I am afraid it may be subject to misunderstanding as he made it—I desire to say that the rust can not exist in the Northwestern States without the barberry bush; but it does not follow that where the barberry bush is found rust will prevail, because, in addition to the presence of the barberry, there must be a certain kind of weather in order to spread the disease.

Mr. LENROOT. There is no question about that; we might have no rust in a given year; but if there were no barberry bushes we would never have any black rust in the Northwestern States.

Mr. NORRIS. That is true.

Mr. LENROOT. Now, Mr. President, just a word with reference to the amount of money which may economically be used for this purpose. We had Doctor Ball, of the Department of Agriculture, before us, and this is what he said:

> We could probably use $500,000. I am sure we could use $300,000, and use it efficiently and economically. I am not quite sure that we could use $500,000 so economically, because it would require the building up of an organization very rapidly; but we could use $300,000 efficiently and economically this year; and if we did that, it would cut in half the time that would be required to get the barberry out.

I wish to say at this point, in further reply to the Senator from Montana [Mr. WALSH], that the Department of Agriculture, while they agree that these spores are carried through the air, do not agree with him that it is useless to eradicate the barberry bush from a single State on the theory that it will be immediately filled up with barberry bushes from other States, because the present plans contemplate that in 13 States only the barberry bush will be practically eradicated in four or five years, while if the theory of the Senator from Montana is correct, unless we go to New England and eradicate all the barberry bushes in New England and everywhere else, there will be no use in spending the money at all. With that I do not agree. While the spores will still come through the air to some extent, if we can eradicate the bushes which are now in existence in every State where wheat is grown, we shall have the barberry bush problem under control. The only point that I make is that the States which are so vitally interested in the eradication of the barberry bush ought to help themselves and not expect the Federal Government to do it all.

Mr. KELLOGG. Mr. President, in view of the statement of the chairman of the subcommittee and the Senator from Wisconsin, I desire to say a few words. I do not deny that the States ought to appropriate money to cooperate in the work, but this is not a matter which has been known and appreciated for 25 or 30 years. The investigation of the relation of the barberry bush to the black rust in the West commenced about six years ago, I think, in the University of North Dakota, and it was only about three years ago that the States began to realize the necessity of the eradication of the barberry. I do not think that the people generally appreciate it now. I do not believe there are a half dozen Senators on the floor of the Senate who would know a barberry bush if they saw one, and I am sure Senators have the average intelligence of the farming community of the country.

Mr. President, it is true that the relation between the black rust in wheat and the barberry bush was known in Denmark before it was known here, and the bush was eradicated there; but it is not true that that relation has been known here for many years. Now the people are waking up to the danger. It takes some time to conduct such a campaign of education. Within the last year there was organized—the Governor of Minnesota being the president of it—an organization of 10 States, comprising the principal wheat-raising States, where the ravages of the black rust are the worst. They are awake to the subject. The legislatures of those States are not now in session and will not be in session until the winter of 1923. In my State they made an appropriation a year ago of $20,000 per annum; but, finding that insufficient, the people there have raised money by private subscription, and I guarantee that whatever money the Federal Government may devote to this purpose will be more than matched in Minnesota, and I believe it will be matched in every State, because the organization to which I have referred is now awake to the subject.

But, Mr. President, because the States have not done all they could, although now awake to the conditions, are we to sit back and say we will do nothing except appropriate $200,000 to destroy the ravages of a disease which threatens the greatest single farming industry in the country? I am told by men who are not alarmists that wheat raising will cease in those States in a few years if the barberry is not eradicated. The barberry is growing on every piece of wild ground where the seedlings drop, and it is spreading with great rapidity.

Mr. President, if it were not for the fact that the Federal Government has had an experienced department studying plant diseases and animal diseases, where would the agriculture of this country be? It is useless for me to stop to enumerate the activities of the Department of Agriculture along this line; they are known to Senators, but we might just as well say in such cases that it is the duty of the State to protect their local industries. Furthermore, it is not expected that the Federal Government is going to send out men at from $3 to $7 a day to dig up the barberry plants. The testimony before the committee was to the effect that the Government's money is to be used in a campaign of education and farm survey in connection with the States and in aiding the States in teaching the farmers what they must do, and in that way bring about the eradication of the barberry bush.

Furthermore, Mr. President, this is not purely a State question. It is true, as the Senator from Wisconsin says, that it is not entirely useless to eradicate the barberry bushes in one State if they are growing in another, because the spread of the rust, of course, would not be so great from one State to another; but it is true that the barberry can not be eradicated in the great territory reaching from Pennsylvania on the East to the Rocky Mountains on the West and from north of the Ohio River and Kansas and Oklahoma unless there is Federal cooperation, because the seeds are taken by birds and scattered from State to State, and the spores or rust germs or whatever you call them are blown, according to the testimony, 50, 75, or 100 miles; and when attached to grasses and wheat, if the weather conditions are proper, they multiply with astonishing rapidity and are again distributed, and we have known fields of wheat in less than a week to be absolutely ruined.

I think the States of Wisconsin and Minnesota and North Dakota took hold of this subject as early and as energetically as any of the States. I do not think the appalling calamity that confronted the wheat-raising communities was really appreciated among the people generally until within the last two or three years. I do not think it was fully appreciated, although in 1916 this country did lose approximately 200,000,000 bushels of wheat by the black rust, because the weather conditions were favorable for the spread of the rust; and the statistics show that from that day to this the losses have been from fifty to seventy-five million bushels of wheat per annum, and I am saying nothing about the losses in other grains.

I realize perfectly the soundness of the argument of the chairman of the committee and the Senator from Wisconsin that in many of these things the States should do more; but I do believe that the States are now awakening and the people are awakening to the threatened danger to this great industry, and that if this appropriation is made, with the organization which now exists, we will find the States at the very next legislature cooperating to the fullest extent in the eradication of the barberry bush.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. KELLOGG. I yield; certainly.

Mr. McNARY. The Senator stated a moment ago that this was a newly discovered or at least a newly acknowledged cereal disease.

Mr. KELLOGG. Oh, no; I did not mean that.

Mr. McNARY. That is, so far as these States are concerned.

Mr. KELLOGG. I think the agitation or investigation of the subject commenced about six years ago. It is true that in 1883 or 1884 or 1885 a report on the subject was made in Denmark, I think; but it was not generally published or understood in this country.

Mr. NORRIS. It was not published in the English language, as I recall.

Mr. KELLOGG. No; I do not think it was published in the English language.

Mr. McNARY. Will the Senator permit me again to refer to the record before the Senate committee?

Mr. KELLOGG. Yes.

Mr. McNARY. I refer to the testimony of Doctor Stakman, plant pathologist at the University of Minnesota Agricultural Experiment Station. The doctor said:

> I have been preaching barberry eradication since about 1912—

I count that as 10 years ago—

and Doctor Humphrey, of the Department of Agriculture, also has. Professor Bolley, of North Dakota, has been preaching it for a longer time than that, and various other plant-disease specialists have been insisting on it for a number of years.

Mr. LADD. Mr. President——

Mr. McNARY. If I might add a word, that would indicate that there was a wide knowledge of the disease among scientists through these infected States 10 years ago.

Mr. LADD. Mr. President, it is true that some of the scientists knew where the trouble lay, but the investigations had not been made to any great extent. If we go back to Denmark, early in the eighties they published a very comprehensive study of the entire subject and caused the eradication of the barberry bush from that country so as to preserve the wheat crop of the country, and that was done in Holland also to a considerable extent; but we did not have the information in this country. I might say, in that respect, that I have been advocating the eradication of the barberry bush since in the eighties, when as a student I took it up in the University of Maine, and I knew the condition; but the study had not been made by the authorities who gave the information.

Mr. McNARY. Mr. President——

Mr. KELLOGG. I yield to the Senator from Oregon.

Mr. McNARY. The Senator from North Dakota is a noted scientist, and we all regard his ability highly. May I ask his attention to the fact, as a matter of history, that Doctor Stakman said, testifying on page 12 of the hearings before the Senate committee, that—

The first barberry eradication law which was passed on account of the fact that the barberry was known to damage grains was passed in 1660 in Rouen, France.

I should assume that if it was known nearly three hundred years ago in France that the barberry was the host wherein this fungus lived——

Mr. NORRIS. Mr. President, I will say to the Senator that that was not known in France at that time. The only thing they knew about it was that when they had the barberry bush they had black rust. They did not know the means by which it was communicated.

Mr. McNARY. They associated the two together.

Mr. NORRIS. Yes.

Mr. McNARY. And from that came the thought, which subsequently developed, that the rust was found in the barberry.

Mr. NORRIS. Yes.

Mr. KELLOGG. But it is only within a very few years that it has been appreciated by the people, the State authorities, the legislatures, that the eradication of the barberry bush is necessary if we are going to raise wheat. There are no legislatures that meet until 1923, I believe, at least in any of the Western States where the barberry is found; and I do not believe that we, facing this calamity, should hesitate for a moment to give all the aid possible in the campaign to eradicate the barberry bush, which this testimony shows can be done in a very short time if the appropriation is sufficient, but it will last from 10 to 15 years if we appropriate merely at the rate of $150,000 or $200,000 a year.

Mr. NORRIS. Mr. President, the amount of money, computed in cold cash, that would be saved by a sufficient appropriation to eradicate the barberry bush in one year would be many times more than the appropriation, just in the value of wheat that it would save, providing it was an ordinary year, when the weather conditions were such as to give this disease the opportunity to develop.

I should like to call the attention of the Senator from Wisconsin to the fact that, at least in my judgment, this is not a local proposition. It is not a proposition confined to the 13 States that are referred to so often. It is a national problem, Mr. President, and in my judgment, the State of Delaware is just as much interested in it as the State of Minnesota, because in all the States the people eat bread. In all the States the people use wheat. The people of the States that do not produce a bushel of it use as much of it per capita as those that produce the actual grain, and perhaps more, because they are usually, like those of Delaware, doing a whole lot of things that are more profitable, and they have more money to spend for bread than the poor farmer who has to bend his back to raise the wheat. Therefore, Mr. President, all of the country is interested in the production of wheat. The less wheat we produce the more we will pay for bread, assuming that no artificial instrumentalities come in the way of the law of supply and demand.

I think, therefore, that we ought to consider the question in a very broad sense, in a national sense; and what are we going to do, Mr. President, if some State does not eradicate this pest? Admit, as I do, at least for the sake of the argument—and I should be willing to have every State cooperate—that the States ought to cooperate, that they ought to furnish half of the money, or three-fourths of the money. We have no way to compel them to do it. Suppose a State does not do it, and it becomes the pesthole of the United States for the development of this disease; what are we going to do about it?

Mr. President, as I said before, I have no doubt but that every State to the extent of its ability will cooperate. If there were to be meetings of the legislatures prior to the going into effect of this appropriation bill, I should have no objection to limiting it so that the States would be required to cooperate; but that could not be done now without great damage, without a liability, at least, of great loss to the wheat crop on account of rust. If we can use the money to eradicate this disease in one year, it is economy to do it—not only economy, but it is economy that runs into the millions and hundreds of millions—because every year the loss from black rust in the wheat in America is something tremendous.

Mr. President, it is no answer to say that perhaps we may have to go to Maine, and eradicate the pest there, and all the way across the continent. If it is necessary to save the wheat to make the bread for our people to eat, we will do that. We are not limited by the Constitution now as to the extent to which we may legislate in a case of this kind; but we would amend the Constitution if necessary to save the life of the people. The barberry bush is a pest that comes in direct contact with the food that the people have to have to live, that destroys it after the expense and the labor have been employed to make the completed grain; and the people will not stop at any means that may be necessary to eradicate that pest.

It has been known since 1660 in France, as has been shown here, that the barberry bush had something to do with black rust, but they did not know then just how it came about. I think that has been comparatively a modern discovery, as to just how it came about. Be that as it may, Mr. President, it is a fact that the people of the United States, as a rule, do not understand it to-day; and, as was well said, how many Senators here would know a barberry bush if they should meet it in the street this afternoon? How many people in your States know that the barberry bush is the host by means of which the pest lives that destroys the wheat and brings on the black rust? They all know about the black rust; they know what a ravage it is; they know what kind of weather is required to develop it; but not one person in a thousand knows just the scientific way in which it comes about, or that it comes from the barberry bush.

On the subject of another pest, I remember just last year reading a scientific article in some magazine about the destruction of the white pine, and I learned—it may be a confession of ignorance of which no other Senator is guilty, but it is true, nevertheless—I learned that if you raised a gooseberry bush or a currant bush in the vicinity of a white-pine tree, you killed the white-pine tree; that allowing a currant bush to grow within three or four hundred feet of a white-pine tree meant the death of the white-pine tree. I commenced to investigate further, and delved into it until I learned something about it. I suppose that has been known by scientific men like the Senator from North Dakota [Mr. LADD] for the last hundred years, but I did not know it. [Laughter.] If the Senator from North Dakota feels at all offended at that remark, I will take off a few years.

Mr. President, that only illustrates that while we know the damage wrought by some of these things, we do not realize the scientific reasons which bring them about. People can see the white-pine trees shrivel up and die, and wonder what is the matter, and they may be raising gooseberries or currant bushes right in the shade of the very trees themselves. There is a pest now which has gone all over this country which is eliminating the chestnut tree. As far as I know, nobody has yet discovered any way to stop it. It means the destruction of chestnut trees. Unless we get rid of the barberry bush it means that we can not and will not raise wheat in this country, and it is only a question with me as to how much money these people can use. I do not like the testimony of Doctor Ball. It has been read two or three times, and I read some of it which has not been read by the Senator from Oregon, in which Doctor Ball said they asked for no increase. They made no estimate whatever in regard to the barberry bush. I think they are derelict in the department when they are not thinking of doing something about a pest of that kind. It is striking at the very foundation of the American people's principal food product.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. This is not quite pertinent to the particular barberry bush which the Senator is discussing, but may I not inquire of the Senator whether, with all the appropriations which we have been making from year to year for many years for the Department of Agriculture for the extirpation of other pests, have they not multiplied rather than decreased, and as we increase the number of employees and augment the appropriations, have not the number of pests multiplied?

Mr. NORRIS. I do not suppose the Senator will claim that if we increase the appropriation, for instance, in this case, it will necessarily increase the number of barberry bushes in the United States?

Mr. KING. I am not so sure about it.

Mr. NORRIS. On the other hand, will the Senator claim that if we make no appropriation whatever, the barberry bushes will all die?

Mr. KING. Many of us, when we were younger, worked on farms, and if many of these new-fangled diseases of which we hear nowadays existed then, we dealt with them. Crops, were produced, the yield in many instances being larger per acre than now, and we did not get millions of dollars of appropriations out of the Treasury every year to help the agriculturist. The farmers did their own work. They did not depend upon the Government for everything. But a different plan is now being urged. The Federal Government is expected to do what private enterprise should do. I am not referring to agriculture particularly, but to the general tendency to secure Federal aid in matters of a purely local or individual character. This tends to produce anemic people, people who will come for help when they should carry their own problems. The Federal Treasury is to become a vast cornucopia that will pour forth a golden flood to help thousands of employees who should be engaged in private employment, and to aid individuals in the enterprises to which they are directing their attention.

Mr. NORRIS. Mr. President, there may be a great deal in what the Senator has said—that we got through with those things when we did not know anything about scientific reasons and had no scientific men. We got along, though lots of people died who otherwise would have lived. There was hookworm for years and years and centuries and people did not know it, and many died. There was appendicitis, and people died. They got along without doctors. But is that any reason why when a man gets appendicitis now he should not get a surgeon and have the appendix cut out? If hookworm gets into the community, is there any reason why we should not eradicate it? There was typhoid fever more in the early days than there is now. Smallpox then was more deadly than it is now. But is there any reason why we should not resort to modern methods of avoiding those diseases now? The Senator from Delaware [Mr. BALL] suggests to me that there was yellow fever. Is there any reason why we should go back to the old days, before the street car, before the electric light, before the lamp even, before we had bathrooms, and live as we did then, or as our forefathers did?

One thing it seems to me we ought to try to do and that is to fix things so that our children, those who follow us, will have more of the comforts of life than we had, will know how to meet these diseases which confront us better than we have been able to meet them. We are not worthy of being called noble sons of noble sires unless we improve on our forefathers. The swallow which built its nest among the rafters of Noah's ark built just as good a nest as the swallow that is building one now under the eaves of the United States Capitol Building. That is the difference between man and the lower animals. Man improves and the lower animals do not. They are just the same now as they were when Adam was here. We think we are a little better; I believe we are. Sometimes it is expensive and costs lots of money, but we must have these things, even if they do come high. It is no argument now to say that because our forefathers did not know anything about the cause of black rust and just suffered their damages without being able to help themselves we should sit idly by now and see the wheat fields crumble and decay just before they are ready to harvest, when we know what the matter is and know how to apply the remedy, and do not do it simply because it is going to cost some money to do it.

I know that lots of money is spent foolishly. I wish I could stop it, but I can not. Because I can not stop it, I am not in favor of stopping all advance and progress and doing the best we can even though we do squander a lot of money in doing it.

It would be economy, as I said in the beginning, to eradicate this thing now and to do it quickly. We will save dollars by doing it, and it is only a question as to whether the department is able to use this amount of money. It seems to me they can not, and if they can not use it all, at least we will give them all they can use up to the limit of this amendment, $500,000, so that they will not be handicapped. Every time they do anything to eradicate the barberry bush they do just that much more to save the wheat crop and that much more to save the food which the American people eat.

Mr. WALSH of Montana. Mr. President, I desire to have inserted in the RECORD the law of the State of Montana providing for the eradication of the barberry bush. It is brief, and will serve as a model for statutes of that character. Briefly, it provides that any landowner on whose land is growing a barberry bush is required to dig it up and destroy it. If he does not do so, the horticultural inspector comes along and, having given him notice, which he has not observed, the inspector himself digs up and destroys the bush, and the expense of doing so becomes a charge upon the land upon which the bush is growing, and becomes a part of the taxes imposed upon the owner of the land.

The PRESIDING OFFICER. The Senator asks that it be printed in the RECORD?

Mr. WALSH of Montana. I make that request.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Laws of Montana, sixteenth legislative assembly, 1919.]

CHAPTER 46.

An act providing for the eradication of harmful barberry and extending the provisions of the act to mahonia in case of necessity, and defining the powers and duties of the State board of horticulture.

Be it enacted by the legislative assembly of the State of Montana:

SECTION 1. That it shall be unlawful for any person, firm, or corporation to sell, offer for sale, barter, give away, exchange, deliver, ship, transport, receive, or accept for shipment or transportation, plant, or permit to exist on his or its premises in the State of Montana any plant of the harmful barberry.

SEC. 2. It shall be the duty of the State board of horticulture or its duly authorized inspectors to enforce the provisions of this act, and they are hereby empowered to cause to be eradicated any such harmful barberry plants found growing anywhere in the State. If the owner of the land on which such harmful plants are found growing shall fail or refuse to eradicate such plants within 10 days after receiving a written notice to that effect from a horticultural inspector, said inspector shall proceed to have such harmful barberry plants eradicated and destroyed wherever they may be found growing. As soon as the horticultural inspector has had such harmful barberry plants eradicated and destroyed he shall make out a statement in duplicate of the actual cost and expense incurred by him in eradicating or destroying such harmful barberry plants. One of such statements shall be transmitted to the landowner affected by the work and the other shall be filed in the office of the treasurer of the county wherein such land is situated. The treasurer shall place such amount so indicated in such statement on the tax duplicate against the land of the landowner affected by such work, and such amount so entered shall be collected in the same manner and at the same time as taxes are collected, and when so collected shall be paid by the treasurer to the State board of horticulture, which shall remit to State treasurer to be added to the appropriation for the use of the State board of horticulture.

SEC. 3. The term "harmful barberry" as used in this act shall be construed to apply to any species of Berberis and as hereinafter provided for, to mahonia, which are susceptible to infection by Puccinia graminis, commonly called black stem rust of grain (but not including Japanese barberry, B. thunbergii, which does not propagate the rust).

SEC. 4. The State board of horticulture is hereby empowered to apply the provisions of this act to species of Mahonia whenever in its judgment the necessity arises.

SEC. 5. Any person, firm, or corporation which shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not less than $10 and not more than $25 for each offense.

SEC. 6. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 7. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1919.

Mr. TOWNSEND. Mr. President, I think the Senate as a whole is convinced of the fact that the barberry bush ought to be exterminated. The question arises in my mind, suggested by the Senator from Nebraska, as to how much money Congress ought to authorize this year for that purpose.

As I understand it, the gentleman who has charge of the expenditure of this money has stated that while they could spend $500,000 he was in doubt as to whether they could expend it entirely profitably or economically, but was satisfied that they could expend $300,000. I am wondering why the amendment goes to the $500,000, a doubling of the amount of the appropriation in the House, and is not confined to the $300,000. The authorities who expend the money say they can expend that much economically. They have some doubt about the other amount.

If it were clear to my mind that the $500,000 could be used profitably and economically for this purpose, I should not hesitate to vote for it, because I would say it was money well expended, but having doubt about it, not having heard any reason as to why $500,000 should be appropriated instead of the amount suggested by Doctor Ball, it occurs to me that this amendment should be made to read "$300,000" instead of "$500,000."

Mr. KELLOGG. Mr. President, Mr. Fuller, the secretary of the organization in 10 States for the eradication of the barberry bush, supplied to the Department of Agriculture and placed in the hearings, at page 8, if the Senator will read it, a statement to the effect that the department can use $500,000, and use it economically. That is in the record, at page 8.

Mr. TOWNSEND. Is not Doctor Ball the man who has charge of this work?

Mr. KELLOGG. I do not know whether he is or not.

Mr. NORRIS. I do not think so, although I am not positive about it. I judge Doctor Ball does not have charge of it. Perhaps the Senator from Oregon can tell us. I do not think he has charge of it, because he stated in the beginning of his testimony that they did not ask anything for this item. He did not seem to know anything about it.

Mr. McNARY. Doctor Ball has made several visitations to that country out there, but I am not sure as to the individual who actually represents the department in this work of organizing. The appropriation is used in the different agricultural colleges in the States. I think it is under the department here, but the various individuals having in charge this work have their offices in State agricultural colleges and operate from there in cooperation with the State officials.

Mr. TOWNSEND. I received a letter from the State agricultural college at Lansing stating that the man in charge thought $200,000 too small a sum for this purpose, but he did not state how much ought to be appropriated, and what I am interested in knowing now is why $500,000 is asked, instead of $300,000. If there is better authority than Doctor Ball, I would be glad to hear from him.

Mr. KELLOGG. I have talked with Mr. Fuller——

Mr. TOWNSEND. Who is Mr. Fuller?

Mr. KELLOGG. Mr. Fuller is the secretary of an association, including representatives from 10 States, Western States mostly, interested in the eradication of the barberry bush.

Mr. TOWNSEND. Does he have anything to do with the expenditure of the money?

Mr. KELLOGG. No; he is a private citizen and belongs to this association. Governor Preus, of Minnesota, is the president of it, and I think the governors of the various States are members of it. He made a statement before the committee, which appears on page 7 of the hearings, to this effect:

> Mr. FULLER. My only point was this: I will not bore you with the statement that we have from the Department of Agriculture; but we have consulted the Department of Agriculture, and we have their assurance in writing that the sum of $500,000 could be expended efficiently and economically and with great profit to the barberry eradication movement. I have a statement here which I might put in the record.

The statement is on page 8, and was prepared, as he told me, by Mr. Ball, a brother of Doctor Ball, who is in the Department of Agriculture and knows all about this subject. That statement says that the campaign carried on with the appropriation of $147,200 would take at least 10 years.

Mr. TOWNSEND. What does the Department of Agriculture here in Washington say about it?

Mr. KELLOGG. This is what the Department of Agriculture here in Washington says.

Mr. TOWNSEND. No; Mr. Fuller says that a brother of a man in the department says he can use it.

Mr. KELLOGG. There are men in the Department of Agriculture who have charge of this work, and this comes from the man who has charge of it, as I understand it.

Mr. TOWNSEND. I wonder why they did not call that man before the committee?

Mr. KELLOGG. I do not know. I was not on the committee.

Mr. LENROOT. The Doctor Ball who testified is the director of scientific work of the entire department. He is the head of it all. He is a pioneer in the work of barberry-bush eradication. He was the State entomologist of Wisconsin for three years, and that was under his personal direction.

Mr. McNARY. Doctor Ball is not the author of the statement now being referred to.

Mr. LENROOT. I understand that.

Mr. TOWNSEND. As I understand it, that was furnished by a brother of Doctor Ball.

Mr. President, as I said, I am perfectly willing to vote every dollar that the department says it can use efficiently and economically in the process of exterminating the barberry bush; but for us to vote against the advice evidently of the man who has charge of the work and say that we will give him $500,000 when he says he can use $300,000, giving him twice as much as he is getting now, it looks to me as though we are voting without information, without that information which is necessary in order for us to fix properly the amount of appropriations. That is the only question that is in my mind. It is not a question of the extermination of this pest, or the appropriation of sufficient money to do it, but it is a question of voting blindly an amount which seems to be without foundation of reason why it should be $500,000. Therefore it seems to me that the part of wisdom is to stop with the sum which is practically double the amount which we appropriated last year and give the department the amount that is asked for by its officials.

Mr. HARRISON. Mr. President, we have heard to-day a great deal about barberry bushes. From many sources the damage wrought by this menace has come to us. With a sincerity unquestioned and an eloquence unequaled these interested Senators have described this unwholesome, injurious, and infectious thing. The bill carries large appropriations designed to prevent many diseases and eradicate numerous pests, pests of all kinds and insects of every description. For instance, scabies in sheep are sought to be eliminated. Tuberculosis in animals, cattle ticks, hog cholera, the foot-and-mouth disease are all provided for.

Mr. LENROOT. Mr. President, may I suggest to the Senator that there is nothing in the bill about Democrats?

Mr. HARRISON. Oh, no; but to-day the Senator heard enough about Democrats. There was an election yesterday, and the Senator's suggestion brings it to my mind. It was up in one of the northern districts of New York. The attention of the Senate has already been called to it, and that is why Senators on the other side of the aisle are looking so woe-begone, so crestfallen, so "down in the mouth," if you please, at this time. It was an election that told a story—a story that presages what is to follow. It did not bring "glad tidings of good news" to the Senator from Wisconsin or his colleagues or the administration. Naturally you were surprised.

In 1920 in this New York district the vote was 51,512 for the Republican candidate, and for the Democratic candidate it was 21,600, a majority of 30,000 for the Republican candidate in that election. If I read correctly from this morning's issue of the official organ of the Republican Party, the Washington Post, the figures of yesterday's vote, Mr. Irvine, the Democratic candidate, received 17,712, and Mr. Henry, the Republican candidate, received 20,799, a majority of 3,000 for the Republican candidate on yesterday in this hidebound Republican district of New York where only two years ago the Republican majority was 30,000.

Primaries in Illinois were held yesterday. There was one very distinguished Republican leader, a member of the Ways and Means Committee of the House, indorsed by the administration in all the papers of his district, of which he owned three. I refer to Mr. IRA C. COPLEY. Practically all of the papers in the district, as I understand, carried the indorsement of Mr. JOSEPH W. FORDNEY, the author of the tariff bill which has recently passed the Republican House and which, after being remade by the Finance Committee of the Senate, was reported yesterday in secret, in executive session, to the Senate. Mr. FORDNEY, as well as the administration, indorsed Mr. COPLEY. I understand there was a Republican running in that primary against Mr. COPLEY, who criticized some of the administration's present policies, and was unsparing in his strictures on the votes cast by Mr. COPLEY. The result was that Mr. COPLEY was defeated by 4,000 majority. One of the other Republicans who was up for renomination and who had a contest was Mr. IRELAND. He was, of course, defending his record in that contest as a friend of the present administration. He also went down to defeat yesterday. So if the Republicans can get any consolation out of the returns of yesterday they are easily satisfied.

Now, Mr. President, if I have answered the question of the Senator from Wisconsin, I will proceed to talk about the bill.

The bill not only touches scabies, and cattle ticks, and hog cholera, and the foot-and-mouth disease, and tuberculosis, but it also deals with moths, both gypsy and brown-tailed, white-pine blisters, boll weevils, pink boll worms, bean beetles, citrus canker, Hessian flies, chinch bugs, grasshoppers, and last but not least, the rust spores from the barberry bush.

It is perfectly natural that whenever we strike the question of the barberry bush it should elicit a great deal of discussion in the Senate. It is quite a coincident that the barberry bush has been discovered and it seems to thrive most and prevail in certain localities. The localities apparently affected more than others are those represented by the distinguished junior Senator from Minnesota [Mr. KELLOGG], and in the State of Michigan, represented in part by Mr. TOWNSEND, and in Wisconsin, represented in part by Mr. LENROOT, and in that section of the country.

I heard the testimony before the committee and I have no doubt that the barberry spores that emanate from it are most

destructive, that the injury wrought therefrom is quite large, and that they are a dreaded menace.

It is natural that the wheat growers of the Middle West should be alarmed over the advent of this pest and are desirous of eradicating before a wider spread is made and greater damage wrought.

I am always sympathetic with any people who are cursed with dreaded disease or locality that is visited by dreaded pests. It is that same sympathetic feeling that has moved the Congress to make these annual appropriations so that disease to animal life might be eliminated—that insects destructive to plant or vegetable life might be destroyed and pests menacing horticulture might be eradicated.

The best methods and the surest means to do these things have commanded the attention of scientists the world over, and received of Congress most liberal treatment. Of all these pests enumerated in this bill, I will concede that few, if any, are more injurious than the barberry bush.

However, the barberry bush is not the only berry that I know of that is a pest or threatens to menace the country. Great as is the injury that may be wrought by the barberry, it is not to be compared with some other pests or, may I say, diseases by the name of "berry." You know what I mean. I can see the smiles on your countenances when I mention "berry" pests or menaces to-day. Sirs, when we talk about the danger of a "berry" pest, the people will not think of barberry bushes; they will think of Newberry bushes, a term taken from "Newberryism," meaning the plundering of the people by the purchase of power. I care not how Senators may inveigh against this barberry pest or any other pest, insect, or disease, none are as menacing to our peace and happiness, as destructive of the perpetuity of our institutions, and the very stability of our Government as the most dreaded of all pests—Newberryism.

I am going to vote for the increased appropriation that is provided in the bill by the committee, so that every effort will be made to eradicate the barberry bush. I am not going as far as some would have us to go, however.

I am not now referring to the distinguished junior Senator from Nebraska [Mr. NORRIS], but I am referring to some others who have spoken in behalf of an increased appropriation to eradicate the barberry bush in what I am about to say. If they had shown the same zeal in trying to eradicate the other kind of pest, the kind that is more deadly than the barberry, that is not applicable alone to one State or two States but to many States—the kind that reaches from Maine to Washington, that not only blights and destroys the wheat but affects the ambition of the young boy, destroys the high ideals of a people, and removes the last vestige of justice and equal opportunity. I say, if they had shown the same zeal and opposition to the advent and triumph of Newberryism that they have to eradicate barberryism, they would have rendered a greater service to more people and a larger section of the country.

It is said that these rust spores from barberry bushes are carried upon the wings of the wind and light upon the wheat and other plant life. Newberryism distributes spores, but they are not called rust spores. In New York the spores that emanate from it might be termed "Calder" spores, or those from Newberryism in Massachusetts might be called "Lodge" spores, or those in Michigan might be called "Townsend" spores, or in Minnesota might be called "Kellogg" spores.

There are other States that I might enumerate where these spores might light, not rust spores but spores that change their names when they get into the various States. I see my friend from Ohio [Mr. WILLIS] coming in. I failed to specifically mention Ohio, where certain spores from Newberryism would not be termed rust spores, but they change the name to "Willis" spores there.

So while I am going to vote for this reasonable appropriation in the nature of an increase to try to prevent and eradicate the barberry bush, I shall not go to the extent that some desire to go.

I hope that Senators will, when such a dreaded menace offers its head in this body in the future, a menace that affects not one State but the whole country, that they will exhibit the same zeal in preventing the menace to which I have referred, namely, Newberryism, that is now apparently shown in an effort to eliminate the barberryism.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. NORRIS] to the amendment of the committee.

Mr. KING. Mr. President, let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 22, line 18, in lieu of the amount "$432,505," proposed by the committee, insert "$732,505," and in the same line, in the proviso, in lieu of "$200,000" insert "$500,000," so as to make the paragraph read:

For the investigation and improvement of cereals, including corn, and methods of cereal production, and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broom corn and methods of broom-corn production, $732,505: *Provided*, That $500,000 shall be set aside for the location of and destruction of the barberry bushes and other vegetation from which rust spores originate.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKinley	Rawson
Ball	Harris	McNary	Reed
Borah	Harrison	Moses	Sheppard
Broussard	Heflin	Myers	Sterling
Bursum	Hitchcock	Nelson	Sutherland
Calder	Johnson	New	Swanson
Capper	Jones, Wash.	Newberry	Townsend
Colt	Kellogg	Norbeck	Trammell
Cummins	Kendrick	Norris	Walsh, Mont.
Curtis	Keyes	Oddie	Warren
Dial	King	Overman	Watson, Ind.
Dillingham	Ladd	Page	Willis
Frelinghuysen	La Follette	Phipps	
Gerry	Lenroot	Poindexter	
Gooding	Lodge	Pomerene	

Mr. HARRISON. I desire to announce that the Senator from New Mexico [Mr. JONES] and the Senator from North Carolina [Mr. SIMMONS] are necessarily absent on official business.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Nebraska [Mr. NORRIS] to the amendment reported by the committee.

Mr. MCNARY. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], which I transfer to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. In his absence I withhold my vote.

Mr. NEW (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the senior Senator from New York [Mr. WADSWORTH] and vote "yea."

Mr. REED (when his name was called). A few days ago I made a pair with the Senator from Delaware [Mr. DU PONT], which was to continue so long as one of us was out of town. I understand he is present. I therefore feel at liberty to vote. I vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Pennsylvania [Mr. CROW] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. WATSON of Indiana (when his name was called). I have a general pair with the Senator from Mississippi [Mr. WILLIAMS]. In his absence I withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM. I transfer my general pair with the Senator from Virginia [Mr. GLASS] to the Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. MCKINLEY (after having voted in the negative). I have a permanent pair with the junior Senator from Arkansas [Mr. CARAWAY]. As he is not present, I withdraw my vote.

Mr. BALL (after having voted in the negative). I transfer my pair with the Senator from Florida [Mr. FLETCHER] to the junior Senator from Delaware [Mr. DU PONT] and allow my vote to stand.

Mr. KENDRICK (after having voted in the affirmative). I inquire if the Senator from Illinois [Mr. MCCORMICK] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. KENDRICK. I have a general pair with that Senator, which I transfer to the Senator from Louisiana [Mr. RANSDELL] and allow my vote to stand.

Mr. KING. I inquire if the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. KING. I transfer my pair with the senior Senator from North Dakota to the junior Senator from Massachusetts [Mr. WALSH], and vote "nay."

Mr. MYERS (after having voted in the affirmative). I have a pair with the Senator from Connecticut [Mr. MCLEAN], who, it appears, has not voted. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and will allow my vote to stand.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair, after having voted in the negative). The present occupant of the chair desires to state that the senior Senator from Virginia [Mr. SWANSON] is necessarily absent. The Chair undertook to take care of that Senator for to-day, but he finds he can transfer his pair to the Senator from Pennsylvania [Mr. PEPPER], which he does, and will allow his vote to stand.

Mr. GERRY. I desire to announce that the Senator from New Mexico [Mr. JONES] and the Senator from North Carolina [Mr. SIMMONS] are absent on official business.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES].

The result was announced—yeas 37, nays 16, as follows:

YEAS—37.

Ashurst	Hale	Myers	Reed
Broussard	Heflin	Nelson	Sheppard
Bursum	Hitchcock	New	Sterling
Capper	Johnson	Newberry	Sutherland
Colt	Kellogg	Norbeck	Trammell
Cummins	Kendrick	Norris	Walsh, Mont.
Curtis	Keyes	Oddie	Willis
Frelinghuysen	Ladd	Poindexter	
Gerry	La Follette	Pomerene	
Gooding	Moses	Rawson	

NAYS—16.

Ball	Harris	Lenroot	Phipps
Calder	Harrison	McNary	Smoot
Dial	Jones, Wash.	Overman	Townsend
Dillingham	King	Page	Warren

NOT VOTING—43.

Borah	Fletcher	Nicholson	Stanfield
Brandegee	France	Owen	Stanley
Cameron	Glass	Pepper	Swanson
Caraway	Harreld	Pittman	Underwood
Crow	Jones, N. Mex.	Ransdell	Wadsworth
Culberson	Lodge	Robinson	Walsh, Mass.
du Pont	McCormick	Shields	Watson, Ga.
Edge	McCumber	Shortridge	Watson, Ind.
Elkins	McKellar	Simmons	Weller
Ernst	McKinley	Smith	Williams
Fernald	McLean	Spencer	

So the amendment of Mr. NORRIS to the committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. KING. Mr. President, I should like to inquire whether individual amendments are in order now under the procedure that has been adopted?

The PRESIDING OFFICER. The Chair understands that a unanimous-consent agreement was entered into whereby the bill was to be read for action on the committee amendments.

Mr. KING. I desire at the appropriate time to offer an amendment appropriating several million dollars to exterminate weeds from the farms of the country. If the Government is becoming so paternalistic, I think it ought to take care of all the weeds.

The PRESIDING OFFICER. That amendment will be in order when the committee amendments are disposed of.

Mr. NORRIS. That will be in order when the weeds commence to grow. They have not started yet.

Mr. REED. Mr. President, I generally agree with my friend the Senator from Utah; but his irony, I think, is hardly warranted.

Mr. KING. That was a joke, not irony.

Mr. REED. I think the Senator meant it for irony. I am not criticizing him. He had a right to indulge in it; but I rather embrace it as an opportunity merely to express my opinion about appropriations for farm work, farm development, and improvement in agriculture.

Mr. President, the making of appropriations which have the effect of improving the character of the grains of the country or the stock of the country by the dissemination of proper knowledge is not any more paternalistic than teaching the alphabet to children at the public expense is paternalistic. It is educational, and there is no reason why the education of the people should stop at the primary department of the public school or at the graduating line of the public school. If we could disseminate the last word in scientific knowledge regarding farming, it would pay back not only a thousandfold but probably ten thousandfold the expense.

The particular amendment we have just voted on is of a little different character. It proposes to stop a disease, or something which is in the nature of a disease—a pest. There never has been any question about the right and the propriety of the Government stopping the spread of contagion from one State to another among animals or among human beings. This is merely a proposition to stop the spread of disease among plants, the particular plants especially concerned in this instance being wheat and oats. That is not paternalistic. It is protective. It is not any more paternalistic to stop the spread of a contagion within the borders of the country than it is to put down an armed rebellion within the country or to protect the country against the invasion of an enemy. This class of legislation does not come within the term "paternalism" at all. It is a proper public duty, and it has been exercised for scores of years, and with the highest benefit.

Mr. President, I have not the slightest doubt that of all the moneys that have ever been expended by the Federal Government the money which has brought the finest return, the greatest reward, has been the money expended through the Agricultural Department. I do not claim that that department, in the process of experimentation and development, has not made mistakes, or that it may not make many mistakes in the future. I do not claim that every dollar brings a return; but I do make the broad claim that if you take the Agricultural appropriations in the aggregate, year by year, they have produced more of actual wealth in this country, a thousand to one more, than the money that has been expended.

No one can estimate the far-reaching effects of an improvement in agriculture. The old illustrative statement that he is a public benefactor who makes two blades of grass grow where one grew before can be applied here and multiplied by the immense farm population and then by the immense city population. This country probably would starve for meat and butter and milk if we had the kind of cattle that were universally found in this country when I was a boy. I have not the slightest doubt but that if you should compare the cattle of 50 years ago with the improved breeds of to-day it would be found that meat and butter and milk are produced at half the expense and waste of the inferior grades with which our fathers were obliged to put up. I remember the old razor-back hog that took about two years to mature and that could run so fast that you could not catch him when he had grown up. If we were forced to raise that sort of animal upon our farms to-day, and nothing else, it is my opinion that pork would cost twice as much as it does to-day. Wheat and corn and every variety of cereal have been improved to the same extent. The money expended by the Agricultural Department has been largely responsible for these vast strides forward; and we are only in the infancy of the development of our agriculture.

It is a matter of regret that some European countries have advanced so much more rapidly than we have in the application of scientific principles to the development of the farm that they are able to produce crops far beyond those which we produce at the present time. If we were to appropriate $10 for the development of agriculture where we appropriate $1 at the present time, assuming that the Agricultural Department would be correspondingly expanded, it is my opinion that it would be the finest investment that this country ever has made in its history.

I am in favor of economy in the administration of the affairs of this Government. If I had my way, I would abolish about nine-tenths of the boards and bureaus and departments; but there is one department that I would enlarge and bring to it the highest scientific skill of the world, at whatsoever cost, and that is the Agricultural Department. I think this bill and all of its provisions ought to be considered in that light.

I do not say this now for the mere purpose of replying to what my friend from Utah meant as a bit of satirical witticism. I wanted to say it anyway. Agriculture must be taken care of in this country. Fifty-two per cent of our population now live in cities, and there is no class of men who have felt the terrible strain which has fallen upon the country since the war as the farmers have. It must be remembered that the farmers are the only class of our people who were not permitted to sell at war prices during the war. It must be remembered that from the very first of the war to its end the Government fixed a price upon substantially everything the farmer produced. They did not permit him to sell in the open market of the world at the war prices, but they compelled him to buy in a market that was not controlled, and consequently he was obliged to pay war

prices for everything he purchased. Against that I protested on this floor for weeks, and in order to prevent it resorted to every legislative device at my command. I said then that the farmers of this country were as patriotic as any other class of men; that if it were necessary in order to win the war that the farmer should sell his wheat for a dollar a bushel, or give it to the Government, if, indeed, such a thing were possible and yet maintain production, the farmers of the country would be willing to do it, provided everybody else in the country were brought under the same rule, an equitable rule of common regulation.

But if the prices at which the farmer had to sell were kept down artificially by the Government and the price at which he had to buy were not thus regulated, the farmer would be despoiled and would be singled out of all the people of the country to ultimately be the sufferer through the war, while other classes of people might be the profiteers by the war. My protest not only went unheeded, but throughout this country the protest and the protestant were alike denounced. It was almost claimed in some instances that my attitude was one of disloyalty.

What has been demonstrated in the last few months? The farmer who found that his price was prevented from going up when prices were mounting, after the war was over found there was no one to keep his price from going down. Accordingly he has found himself confronted with this sort of a situation—not having been allowed to realize the high prices during the war, and during the war having been compelled to pay high prices for everything he consumed, unrestricted war prices. Since the war is over he has found that the bottom dropped out of his market, and he has been compelled to sell at ruinous prices the grains which he produced by high labor, with high-priced machinery, and at the expenses which are always incident to production when all values are high.

If the farmer had been permitted to reap the high prices of war times, he might have had money in the bank when the slump came instead of having a note in the bank, and he could have recouped himself during these times of depression out of the profits made during the time of inflation, as business houses generally did and as they are still doing. But the country then had been taught to believe, by an extensive propaganda, paid for out of the money of the people and expended through press bureaus skillfully organized, that Mr. Hoover was a magician, a magician sent almost from on high to shower the benefits of his celestial wisdom upon this earth, and that it was a kind of sacrilege to say that anything Mr. Hoover proposed to do would not bring infinite blessing to the people.

What did Mr. Hoover do? He regulated the price of everything the farmer produced, and he did it without any authority of law whatsoever. He did it by acts as arbitrary as have ever disgraced any Government—Democratic, Republican, monarchical, or Bolshevist—in the history of the world. No grant of power was given to him to regulate the price of anything, but he was given the power to license business institutions. And as he construed the power of license, it was not the power of regulation for the purpose of preventing illegal practices; it was a power of life and death over a business institution which he could exercise, and therefore, having the power of life and death, he could command an institution to pay whatever prices he saw fit to dictate.

Accordingly, he said to the grain dealers of the country and to the millers, "If you pay more than a certain price for wheat, I will take away your license to do business." He then organized the Export Grain Corporation, the only corporation allowed to ship grains abroad during the war, and through that corporation fixed the price of export grain. Accordingly, there was no place in the world for the farmer to sell his wheat where the price was not regulated by Mr. Hoover's arbitrary decree, issued not as of right, but because he had the power to deny business institutions the privilege to exist if they paid the farmer more than Mr. Hoover saw fit to dictate. Thus the price was fixed illegally by the violent and illegal abuse of a power of license.

How did he treat the great business institutions? They were permitted in most instances, where their profits were fixed at all, to vastly increase their profits, and, speaking in a broad sense, their markets were thus stabilized and their profits guaranteed. So that, for the most part, where they were regulated at all, they were enabled to pile up huge profits, vast surpluses, out of which they could draw their expenses in the days of adversity which everyone anticipated would come after the war was over. Outside of the domain of Mr. Hoover there was no regulation whatever.

I happened to be in a position a few days ago to know of an institution that had accumulated during the war period a surplus of over $12,000,000, and when orders ceased after the war, they had that money, accumulated during the war, so that they were able, if they desired, to continue to pay their regular dividends, even though business was slack and no profits were being made, paying them, and paying them properly, out of a surplus accumulated for the very purpose of meeting the days of depression and stress.

Those institutions for the most part—and I am not speaking of this particular one—had great war contracts, and made immense profits. Many of them worked on the cost-plus basis, and had no opportunity to lose. They were piling up this money against the evil day.

How differently the farmer was situated. He was denied a market. He was denied war prices. Hence, he did not have the surplus which he might have had if the hands of the Government had not rested upon his neck during the war. That, Mr. President, is just what the Federal Government did to the farmer during the war. The price of wheat was depreciated substantially $1 a bushel within a few days' time. It remained at a fixed price during the war, when the world was clamoring for bread, and when after the war was over the Government released its grip the price of wheat mounted within a very few days, if I recollect, some 60 or 70 cents a bushel, so that the price both before the war and after the war when unregulated was from 70 cents to $1.20 higher than it was during the period of regulation, a complete demonstration that the regulation throughout the war had kept down the price of wheat substantially or nearly a dollar per bushel. Multiply that by the number of bushels of wheat produced in the United States during practically the two-year period of regulation, over 1,500,000,000 bushels, and we have a rough approximation of the stupendous amount taken from the farmers on wheat alone.

But the price of wheat is reflected in the price of corn and the price of corn is reflected in the price of cattle and the price of hogs. In addition to that the prices of cattle and hogs were arbitrarily fixed through regulation of the packing houses imposed upon the packing houses by the same arbitrary methods, namely, the threat to take away their licenses unless they conformed to the arbitrary will of Mr. Hoover.

It is impossible with any accuracy to estimate the amount of money taken from the farmers by virtue of these price regulations. But I believe the farmers were deprived of between five and six billions of dollars during the two-year period of regulation.

The trouble with agriculture to-day is that agriculture was not permitted during the war to reap its just profits, but was compelled to sell in a restricted market and to buy in an unrestricted war-wild market. But to-day, with the war over, there is no one here to prevent the price of agricultural products going down to the very bottom. They kept them from going up, but they do not keep them from going down.

There is another phase of the matter that must not be overlooked. The price of the farm products was fixed not alone to benefit the American consumer, if that, indeed, was ever the object, but the farm products were sold to European countries at these regulated prices, reduced prices, so that Great Britain, France, Belgium, and all the world, seeking to buy American farm products, obtained them at the restricted prices. On the other hand, England, France, Italy, Belgium, and all the world sold to us at the full war values. The singular thing is that during that very period of the war Great Britain—I have not examined the figures for other countries—sold more in dollars than she did during any corresponding period of her history.

The result, therefore, was that the American farmer was bled white, not for the benefit of the American consumer alone but for the benefit of our allies in the war and of all Europe. Now, when Europe finds her markets disrupted and values gone, the farmer, who has to sell his surplus, is compelled to sell that surplus upon a bankrupt market at the bankrupt prices prevailing in the world. And there are none so wise they can prescribe a remedy.

These are the conditions confronting the farmer, and they confront the cattleman, the sheepman, the hog man in just the same way. The percentage of men engaged in the cattle-raising business who have become bankrupt is simply astounding, appalling. Companies and individuals supposed to be possessed of very great wealth, but in fact not possessed of it, are to-day prostrate, and their paper, lodged in the banks of the great Central West, is to a large extent worthless. At a time like this and under these circumstances, when the developments of the present are exactly what on this floor I said they would be and, as the RECORD will show, I predicted not once but scores of times, if we can aid agriculture or stock breeding and stock raising by liberal appropriations it is our duty to do it. Let there be no cheeseparing on this bill and no sneers about paternalism.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The Assistant Secretary resumed the reading of the bill at page 24, line 5.

The next amendment of the Committee on Appropriations was, on page 24, at the end of line 10, to strike out "$20,000" and to insert "$25,000," so as to make the paragraph read:

For the investigation, improvement, encouragement, and determination of the adaptability to different soils and climatic conditions of pecans, almonds, Persian walnuts, black walnuts, hickory nuts, butternuts, chestnuts, filberts, and other nuts, and for methods of growing, harvesting, packing, shipping, storing, and utilizing the same, $25,000.

The amendment was agreed to.

Mr. WILLIS. Mr. President, I desire to ask unanimous consent to return to page 19. My reason for making the request at this time is the fact that I shall not be able to be in the Chamber——

Mr. McNARY. Will the Senator please withhold his request until the Bureau of Plant Industry items have been concluded? There are only one or two more amendments under this heading.

Mr. WILLIS. Very well.

The next amendment was, on page 24, line 13, after the word "fruits," to insert "and vegetables," and at the end of line 15 to strike out "$114,200" and to insert "$121,700," so as to make the paragraph read:

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, handling, and studies of the physiological and related changes of fruits and vegetables during the processes of marketing and while in commercial storage, $121,700.

The amendment was agreed to.

The next amendment was, on page 26, after line 7, to strike out:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $360,000. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants.

The amendment was agreed to.

Mr. REED. I understand this is a proposition to strike out the appropriation for the distribution of free seeds?

Mr. McNARY. It is. It proposes to strike out the appropriation of $360,000 for the distribution of seeds.

Mr. REED. Mr. President, I have no desire to take the time of the Senate further so late in the day. The Senate seems to be generally in accord with this amendment, but I think it is a mistake to strike out the item.

I simply want to say what I have said before on the floor of the Senate, that there is no way by which the wealth of the country can better be increased than by the dissemination of good seeds throughout the country. It has become one of the fads to talk about the seeds being sent out by Congressmen for political purposes. We can start almost anything of that kind and carry it on for two or three years and it will become popular on the floor of the Senate.

But, Mr. President, I assume, to begin with, that the Department of Agriculture buys these seeds for what they are worth in the market, and that they buy them with prudence and that they are selected wisely. Now, what becomes of them? They are sent out almost exclusively into the farming communities, into the small villages, and they are nearly always distributed to people who want to plant them. It costs but a trifle, if there is an improved variety of vegetable, to scatter the seed in that way instead of scattering it through some seed house. When the cultivation of it once begins in a community it spreads. If Mrs. Smith finds that Mrs. Jones has a better variety of tomatoes in her garden than she has, she gets some of that seed the next year, and so the benefits grow. It has been one of the means of distributing a better variety of seeds over the United States.

Now, who is opposed to it? I unhesitatingly say that the propaganda against it begins with the big seed houses, who do not want the Government in competition with them, and who will put about six peas in a little envelope, with a beautiful picture on the outside, and charge 25 cents per package, and who want to continue that particular kind of despoliation and petty larceny.

I have heard the question debated, and I have not seen anyone rise on the floor yet and show that there has not been a good result from the distribution of these seeds, and no one will ever be able to do it. You may say this is a question that is not susceptible of demonstration.

This is susceptible of demonstration. We have in all the gardens of the United States a very much finer class of vegetables than we had a few years back. Some of the seeds may be distributed through the seed houses, but, assuming that the Agricultural Department is using common sense and reasonable care in the selection of seeds and that Members of Congress are using a little sense in distributing them, then the benefits coming from the distribution in this country of the high-class seeds thus selected bring back a full reward and a complete return to the people at large.

Let us see now whether the seeds are properly distributed. I do not claim that some of them may not get into the hands of people who do not use them, but what reason is there for a Congressman to send seed to somebody who does not want to plant them? He makes himself ridiculous when he does it. So the seeds are sent out to people who do want them. If it is desired that the distribution of seed shall not be made through Members of Congress, I shall not object. If it is thought that there is some better method of distribution than through Members of the two Houses of Congress, I shall not object to that method being adopted. However, to cut out the appropriation for this purpose is to cut out the means of the distribution of improved varieties of seeds in the United States, and to do it for the benefit of some thieving, robbing seed houses. That is a pretty harsh expression, but if Senators do not think they are thieving and robbing let them undertake to plant a garden and go down and buy their seeds from a seed dealer. They are the people back of this fight; nobody else is back of it except some individual who has been misled.

I protest against eliminating the item. If the committee thinks that the seed could be better distributed through the Agricultural Department, well and good. That department now has a large organization. I do not myself want to distribute these seeds. It is a burden and it is no political benefit to any man to have them to distribute, for there are always ten people who want them where one person can be supplied; but it is a piece of stupidity to stop this custom which has so long existed and which must inevitably bring great benefit.

Who starts the proposition to discontinue the distribution of seed? It is always some one who wants to establish a reputation as an economist. That is his motive. But back of the agitation is the seed house.

I hope this amendment will be defeated. If it is desired to have a vote on it, I am going to call for a quorum. If it is not desired to have a vote on it——

Mr. McNARY. May I suggest to the Senator from Missouri that we might pass over this item until to-morrow?

Mr. REED. I am quite willing to do that, but I do not want it to come up in my absence. I hope the Senator will notify me if I am not here, though I shall try to be here all day to-morrow.

Mr. McNARY. I will suggest to the Senator from Missouri that at the proper time I intend to ask that the Senate take a recess until 12 o'clock to-morrow.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to will be considered as reconsidered and the amendment will be passed over.

Mr. WILLIS. I ask unanimous consent to return to page 19 of the bill and to offer an amendment, which I ask the Secretary to state.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to return to page 19 of the bill, in order that he may offer an amendment to the text of the bill. Is there objection?

Mr. McNARY. I should like to have the Secretary state the amendment.

The PRESIDING OFFICER. Of course, the amendment can not be offered now except by unanimous consent.

Mr. McNARY. I have no objection to the Senator's request, as I understand he desires to leave the city.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Secretary will state the amendment proposed by the Senator from Ohio.

The ASSISTANT SECRETARY. In the first paragraph, on page 19, line 2, it is proposed to strike out "$87,935," and in lieu thereof to insert "$92,935," so as to make the paragraph read:

For the investigation of diseases of orchard and other fruits, including the diseases of the pecan, $92,935.

Mr. WILLIS. Mr. President, if the matter which I am about to bring to the notice of the Senate had been brought to my attention soon enough, I think without doubt the item in the bill would already be as I am proposing that it shall be if the amendment which I offer is adopted. It was not, however, brought to my attention until after the estimates were submitted, and therefore it was too late to incorporate the proper provision in the bill.

It developed upon careful inquiry, as I shall show in a moment by a letter from the Department of Agriculture, that the industry of growing black raspberries in northeastern Ohio and a number of other States, particularly in New York and Michigan, has been practically destroyed by the effects of the peculiar disease which is known as "blue stem."

The Department of Agriculture has been doing some very satisfactory work to eradicate that disease within the past year, and, as the Secretary of Agriculture states in a letter from which I shall read, will be very glad to continue that work. I shall read merely one paragraph from the letter, which was sent not to me but to Representative BURTON, who was formerly a most distinguished Member of this body. In that letter the Secretary of Agriculture states:

This question is of such importance to the future of the black raspberry industry of the Lake region, which is now greatly reduced in acreage and production by these diseases, that it is a matter of importance that this phase of the work be thoroughly tested as promptly and effectively as possible. The department will consider making provision for it in connection with the estimates for the fiscal year 1924, but unfortunately this would not permit the undertaking of active work in the fields until another year has elapsed, which the raspberry growers of your region strongly desire to be undertaken at once, and which would be highly desirable to undertake if our funds permitted.

The situation, Mr. President, is simply this: Because of the effects of this disease not only is the price of this fruit going clear out of sight, making it practically impossible for the ordinary householder to buy it in that section, but I learn from reports which were made to the canners' association that in that whole section of the country there are only two firms who are canning black raspberries. I believe the subject is of sufficient importance to warrant the continuation of the work. The Government has had a man in that field, and it is believed that with another year's work the situation will be pretty well in hand. I hope, therefore, the amendment may be adopted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. WILLIS. I now ask unanimous consent to have printed in the RECORD the letter to Representative BURTON in explanation of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

FEBRUARY 25, 1922.

Hon. THEODORE E. BURTON,
House of Representatives.

MY DEAR MR. BURTON: I have your letter of this date in which you refer to the damage that is being done to raspberry plantations in your district and the efforts made to ascertain the cause of the diseases and to develop practical methods for controlling them.

In reply I would say that destructive diseases of the raspberry have in recent years caused very serious reduction of the acreage devoted to this fruit in such States as New York, Ohio, and Michigan. While the exact cause of certain of the most destructive of these diseases has not yet been determined, investigations that have been prosecuted in the Bureau of Plant Industry during the past two years afford strong reason for hope that the blue stem, the most destructive of these diseases in the Great Lakes region, may be brought under control. While the work has not yet been under way long enough to permit an unqualified statement that effective and practicable methods for controlling the disease are in sight, the experiments in northern Ohio are very promising and the results of the work done by our specialists there are the basis for this expectation. The work thus far conducted is, however, on much too small a scale and during too short a time for a prompt determination of the practicability of controlling the diseases under ordinary field conditions.

Our specialists who are making this investigation are strongly of the opinion that the most important step necessary in retarding the spread of the disease and rendering possible the resumption of profitable black-raspberry growing where the disease is troublesome will be accomplished through the prompt and thorough eradication of all diseased plants from the fields and areas where the young plants for new acreage are grown. Unlike most fruit trees and vines, these young plants are not grown in nurseries but are obtained in the form of rooted tips from the fields planted for fruit production. What appears to be necessary at this stage to promptly determine the practicability of this method is to thoroughly eradicate the disease from one or two typical raspberry-growing localities comprising areas of a few square miles each in order to provide a sufficient supply of disease-free plants to permit the development of new plantations with disease-free stock. Such work will, of course, need to be very carefully and thoroughly supervised by a specialist familiar with the obscure early symptoms of the disease, under whose direction the fruit growers can themselves eradicate the diseased plants.

This question is of such importance to the future of the black-raspberry industry of the Lake region, which is now greatly reduced in acreage and production by these diseases, that it is a matter of importance that this phase of the work be thoroughly tested as promptly and effectively as possible. The department will consider making provision for it in connection with the estimates for the fiscal year 1924, but, unfortunately, this would not permit the undertaking of active work in the fields until another year has elapsed, which the raspberry growers of your region strongly desire to be undertaken at once, and which would be highly desirable to undertake if our funds permitted.

The appropriation of $5,000 for this purpose, which you suggest, would be sufficient for the effective handling of this work under the authority in the appropriation for fruit investigations under general expenses in the Bureau of Plant Industry.

Very truly yours,

HENRY C. WALLACE, *Secretary.*

The PRESIDING OFFICER. The Chair will suggest that the total on page 29 of the bill be passed over, because the amount will depend upon the amendment which has already been passed over.

Mr. McNARY. I think that by unanimous consent the Secretary has already been authorized to correct totals to correspond with amendments which may be made.

The PRESIDING OFFICER. The Chair will suggest that the total be passed over until the Senate acts upon the amendment which has been passed over and the amount shall have been determined.

Mr. McNARY. Very well.

EXECUTIVE SESSION.

Mr. LODGE. With permission of the Senator in charge of the bill, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

PUBLICATION OF ESTIMATES OF UNGINNED COTTON.

Mr. HARRIS. Mr. President, I ask unanimous consent for the present consideration of Senate bill 2579, to provide for the publication of estimates of unginned cotton.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to collect and publish, in the same manner, for the same period, and upon the same dates as the Director of the Census publishes statistics concerning the amount of cotton ginned, an estimate of the cotton remaining unginned.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL COTTON STATISTICS.

Mr. HARRIS. I also ask unanimous consent for the present consideration of Senate Joint Resolution 187, authorizing the Director of the Census to collect and publish additional cotton statistics.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Resolved, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect in connection with the reports of cotton ginned to November 1, November 14, December 1, December 13, January 1, January 16, and March 1, provided for in the act of Congress, approved July 22, 1912, an estimate of the number of bales of cotton that will be ginned at each establishment from the current crop after the date to which the respective reports relate; that it shall be the duty of every owner, president, treasurer, secretary, director,

or other officer or agent of every cotton ginnery to furnish an estimate of the quantity of cotton remaining to be ginned when requested by the Director of the Census; that the provisions of the act approved July 22, 1912, in regard to furnishing information concerning the quantity of cotton ginned and the confidential character of the information thus furnished shall apply equally to the statistics concerning the estimate of the quantity of cotton remaining to be ginned required by this resolution. Statistics of the total quantity of cotton remaining to be ginned in each State, as estimated by the ginners, shall be published by the Director of the Census in connection with each of the seven ginning reports specified above.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. LODGE. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to, and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 13, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 12 (legislative day of April 10), 1922.

COLLECTOR OF INTERNAL REVENUE.

D. Arthur Lines, of New Orleans, La., to be collector of internal revenue for the district of Louisiana, to fill an existing vacancy.

APPOINTMENTS IN THE REGULAR ARMY.

GENERAL OFFICERS.

Col. William Henry Hay, Cavalry, to be brigadier general from April 11, 1922, vice Brig. Gen. Henry Jervey, retired from active service April 10, 1922.

Col. Edmund Wittenmyer, Infantry, to be brigadier general, vice Brig. Gen. Edward Fenton McGlachlin, jr., to be appointed major general.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Capt. Ira Adam Crump, Coast Artillery Corps, with rank from December 29, 1919.

POSTMASTERS.

ALABAMA.

James D. Segars to be postmaster at Carbon Hill, Ala., in place of L. C. Kelley, deceased.

ALASKA.

Theodore Diederick to be postmaster at Tanana, Alaska. Office became presidential January 1, 1922.

COLORADO.

Roy H. Horner to be postmaster at Wiley, Colo., in place of M. M. Minehouse. Incumbent's commission expired January 24, 1922.

CONNECTICUT.

Edwin H. Powell to be postmaster at Burnside, Conn., in place of P. C. Cavanaugh. Incumbent's commission expired January 24, 1922.

FLORIDA.

Mary C. Thornton to be postmaster at Ormond Beach, Fla., in place of Macon Thornton, resigned.

GEORGIA.

Jacob S. Eberhardt to be postmaster at Carlton, Ga. Office became presidential January 1, 1921.

Robert T. Broome to be postmaster at Danielsville, Ga. Office became presidential July 1, 1920.

Marcus G. Keown to be postmaster at Mount Berry, Ga. Office became presidential October 1, 1920.

Mattie M. Pope to be postmaster at Omaha, Ga. Office became presidential April 1, 1921.

William V. Cobb to be postmaster at Smyrna, Ga. Office became presidential January 1, 1921.

Annie P. Harper to be postmaster at Stillmore, Ga., in place of A. P. Harper. Incumbent's commission expired February 18, 1922.

ILLINOIS.

Clara A. Hollow to be postmaster at Trenton, Ill., in place of Daniel DuRussell. Incumbent's commission expired August 17, 1921.

James E. Jontry to be postmaster at Chenoa, Ill., in place of J. E. Jontry. Incumbent's commission expired February 4, 1922.

Frances Baker to be postmaster at Golconda, Ill., in place of J. M. Rumsey. Incumbent's commission expired February 4, 1922.

Arthur L. Patterson to be postmaster at Grayville, Ill., in place of C. L. Scott. Incumbent's commission expired February 25, 1920.

Rola Eubanks to be postmaster at Omaha, Ill., in place of Omaha Coulter, resigned.

Russell P. Garrison to be postmaster at Wayne City, Ill., in place of G. H. Sherman. Incumbent's commission expired March 16, 1921.

KANSAS.

Charles Friskel to be postmaster at Frontenac, Kans., in place of Hugh O'Hara. Incumbent's commission expired February 4, 1922.

KENTUCKY.

Robert R. Burnam, jr., to be postmaster at Richmond, Ky., in place of R. C. Stockton. Incumbent's commission expired February 4, 1922.

Joseph H. Fortney to be postmaster at East Bernstadt, Ky. Office became presidential October 1, 1920.

MAINE.

George H. Rounds to be postmaster at Naples, Me. Office became presidential January 1, 1921.

Ralph R. Mathews to be postmaster at Berwick, Me., in place of C. M. Guptill. Incumbent's commission expired July 10, 1920.

Everard J. Gove to be postmaster at Biddeford, Me., in place of E. J. Cove, to correct name.

Will C. Heldreth to be postmaster at York Beach, Me., in place of W. N. Gough. Incumbent's commission expired July 23, 1921.

MARYLAND.

Robert H. Lancaster to be postmaster at Frostburg, Md., in place of P. T. McGann, resigned.

MASSACHUSETTS.

James R. Tetler to be postmaster at Lawrence, Mass., in place of M. F. Cronin. Incumbent's commission expired January 24, 1922.

MICHIGAN.

Henry M. Cosier to be postmaster at Bear Lake, Mich., in place of O. K. Ray Maker. Incumbent's commission expired January 24, 1922.

Benjamin F. Scamehorn to be postmaster at Bloomingdale, Mich., in place of Paul Harrison. Incumbent's commission expired January 24, 1922.

Jesse M. Green to be postmaster at Roscommon, Mich., in place of M. W. Gibbons. Incumbent's commission expired January 24, 1922.

John M. Klipp to be postmaster at Watervliet, Mich., in place of A. A. Howard, resigned.

MINNESOTA.

John L. Beck to be postmaster at Mountain Iron, Minn. Office became presidential July 1, 1920.

E. Jay Merry to be postmaster at Fairmont, Minn., in place of F. W. Betz. Incumbent's commission expired August 7, 1921.

Anton E. Rishof to be postmaster at Gary, Minn., in place of Halvor Lee. Incumbent's commission expired March 16, 1921.

MISSISSIPPI.

John W. Crane to be postmaster at Blue Springs, Miss. Office became presidential January 1, 1921.

MISSOURI.

Florence Gilkeson to be postmaster at Garden City, Mo., in place of G. B. Anderson. Incumbent's commission expired July 21, 1920.

C. P. Dorsey to be postmaster at Cameron, Mo., in place of J. C. Downing. Incumbent's commission expired January 24, 1922.

NEBRASKA.

John T. Bierbower to be postmaster at Giltner, Nebr., in place of Edwin Cutts. Incumbent's commission expired February 4, 1922.

Allen A. Strong to be postmaster at Gordon, Nebr., in place of C. M. Rebbeck, resigned.

Harold Hjelmfelt to be postmaster at Holdrege, Nebr., in place of Harold Hjelmfelt. Incumbent's commission expired April 8, 1922.

NEW MEXICO.

Roy H. Smith to be postmaster at Tucumcari, N. Mex., in place of R. A. Dodson, removed.

NEW YORK.

John W. Bow to be postmaster at Romulus, N. Y. Office became presidential January 1, 1921.

Warren G. Hasbrouck to be postmaster at Highland, N. Y., in place of G. S. La Moree. Incumbent's commission expired July 3, 1920.

James McLusky to be postmaster at Syracuse, N. Y., in place of J. J. Kesel. Incumbent's commission expired January 24, 1922.

Hobart R. James to be postmaster at Cherry Creek, N. Y., in place of H. E. Safford. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

Gabriel A. Connor to be postmaster at Bellhaven, N. C., in place of D. L. Windley. Incumbent's commission expired January 24, 1922.

James L. Sheek to be postmaster at Mocksville, N. C., in place of E. E. Hunt, sr. Incumbent's commission expired July 21, 1921.

OHIO.

John H. Siegle to be postmaster at Urbana, Ohio, in place of W. A. Lowry. Incumbent's commission expired January 31, 1922.

William F. Hains to be postmaster at Wilmington, Ohio, in place of K. B. Hummel. Incumbent's commission expired July 10, 1920.

OKLAHOMA.

Robert C. Mayfield to be postmaster at Glencoe, Okla., in place of W. T. Kniseley, removed.

James S. Biggs to be postmaster at Stuart, Okla., in place of J. B. Boyett. Incumbent's commission expired February 4, 1922.

OREGON.

Benjamin F. Turner to be postmaster at Maupin, Oreg. Office became presidential April 1, 1921.

PENNSYLVANIA.

Ed D. House to be postmaster at Pleasantville, Pa., in place of Thomas McGuire. Incumbent's commission expired February 4, 1922.

Robert S. Bowman to be postmaster at Berwick, Pa., in place of O. E. Letteer, resigned.

Ralph W. Marshall to be postmaster at Polk, Pa., in place of E. J. Hutchinson. Incumbent's commission expired February 4, 1922.

Herman Raithel to be postmaster at Smithton, Pa., in place of S. H. Smith. Incumbent's commission expired February 4, 1922.

James A. Stickel to be postmaster at Vandergrift, Pa., in place of John Adams, resigned.

SOUTH DAKOTA.

Peter J. Kleinjan to be postmaster at Gregory, S. Dak., in place of E. K. Biehn, deceased.

Benjamin W. Ryan to be postmaster at Kimball, S. Dak., in place of W. J. Quirk. Incumbent's commission expired January 31, 1922.

TENNESSEE.

Florence R. Ballard to be postmaster at Bemis, Tenn. Office became presidential July 1, 1920.

Columbus L. Parrish to be postmaster at Henderson, Tenn., in place of O. L. McCallum. Incumbent's commission expired March 1, 1922.

TEXAS.

James D. Heaton to be postmaster at Barry, Tex. Office became presidential July 1, 1921.

Maude P. Williams to be postmaster at Brookeland, Tex. Office became presidential April 1, 1921.

Raymond C. Ditmore to be postmaster at Waskom, Tex. Office became presidential January 1, 1920.

Scott F. Benson to be postmaster at Alvin, Tex., in place of R. H. King. Incumbent's commission expired July 21, 1921.

Maye B. Fitzgerald to be postmaster at Marfa, Tex., in place of Robert Greenwood. Incumbent's commission expired January 24, 1922.

Benjamin F. Huntsman to be postmaster at Winters, Tex., in place of W. F. Flynt. Incumbent's commission expired January 24, 1922.

Mamie Milam to be postmaster at Prairie View, Tex., in place of Mamie Milam. Incumbent's commission expired January 24, 1922.

Thomas F. Lindley to be postmaster at Seminole, Tex. Office became presidential April 1, 1921.

UTAH.

John A. Israilsen to be postmaster at Hyrum, Utah, in place of A. A. Savage. Incumbent's commission expired January 24, 1922.

VIRGINIA.

William C. Crews to be postmaster at Madison Heights, Va. Office became presidential July 1, 1920.

Paul E. Haden to be postmaster at Palmyra, Va. Office became presidential July 1, 1920.

WASHINGTON.

John L. Harris to be postmaster at Kelso, Wash., in place of J. P. Buford. Incumbent's commission expired January 24, 1922.

William R. Wells to be postmaster at Mount Vernon, Wash., in place of J. G. Boughter, removed.

WEST VIRGINIA.

Wendell Evans to be postmaster at Winona, W. Va. Office became presidential January 1, 1921.

Sewell J. Champe to be postmaster at Montgomery, W. Va., in place of C. T. Dyer, resigned.

Justus E. McCaskey to be postmaster at Paden City, W. Va., in place of G. B. Henthorn. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Frank E. Shults to be postmaster at Baraboo, Wis., in place of A. C. Pearson, deceased.

John E. Wehrman to be postmaster at Prescott, Wis., in place of T. J. Griffin. Incumbent's commission expired January 24, 1922.

Wilbur S. Wurm to be postmaster at Shullsburg, Wis., in place of George Paquette. Incumbent's commission expired January 24, 1922.

William R. Homermiller to be postmaster at Tomah, Wis., in place of M. T. Syverson, removed.

WYOMING.

Charles A. Ackenhausen to be postmaster at Worland, Wyo., in place of J. T. Jones. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 12 (legislative day of April 10), 1922.

POSTMASTERS.

OKLAHOMA.

Gavin D. Duncan, Boswell.
Albert E. Hawkins, Canute.
Orlo H. Wills, Delaware.
Ida White, Konawa.
Grace M. Johnson, Mulhall.
Ethel Senft, Quay.
Merrill M. Barbee, Spiro.
Eve A. Loyd, Stigler.
Albert Ross, Thomas.
Harvey G. Brandenburg, Yale.

OREGON.

William S. Bowers, Baker.

SOUTH DAKOTA.

Otto W. Muchow, Hartford.
Gertrude Snell, Tulare.

WITHDRAWALS.

Executive nominations withdrawn from the Senate April 12 (legislative day of April 10), 1922.

PROMOTION IN THE ARMY.

GENERAL OFFICER.

Col. William Henry Hay, Cavalry, to be brigadier general, vice Brig. Gen. Edward Fenton McGlachlin, jr., to be appointed major general.

POSTMASTER.

Anna L. Kettleson to be postmaster at Zimmerman, in the State of Minnesota.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 12, 1922.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal Spirit, the blessings of the daydawn and of the nightfall never fail us. We are grateful for this divinely ordered progress of the world and may our vision of it never be clouded. Always may we feel the stress of effort in the exercise of our sacred trusts. When it is difficult to do right and easy to do wrong, do Thou be with us. Enable us to be magnanimous, generous, and just toward friend and foe. Give encouragement to the cultivation of those finer emotions that make for the joys and the comforts of life. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

NAVY DEPARTMENT APPROPRIATION BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the bill H. R. 11228, the naval appropriation bill.

Mr. COCKRAN. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from New York suggests that there is no quorum present.

Mr. GARRETT of Tennessee. Mr. Speaker, has the Chair declared no quorum?

The SPEAKER. Not yet. The gentleman from Michigan [Mr. KELLEY] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, the naval appropriation bill. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 96, noes 7.

Mr. COCKRAN. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. As many as favor the motion of the gentleman from Michigan will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 299, nays 0, answered "present" 1, not voting 130, as follows:

YEAS—299.

Ackerman	Cannon	Fenn	Jeffers, Ala.
Almon	Carew	Fess	Johnson, Ky.
Anderson	Chalmers	Fisher	Johnson, S. Dak.
Andrew, Mass.	Chandler, N. Y.	Fitzgerald	Jones, Pa.
Andrews, Nebr.	Christopherson	Fordney	Jones, Tex.
Appleby	Clague	Foster	Kearns
Arentz	Clarke, N. Y.	Free	Keller
Aswell	Classon	Freeman	Kelley, Mich.
Atkeson	Clouse	French	Kendall
Bankhead	Cockran	Frothingham	Ketcham
Barbour	Codd	Fulmer	Kiess
Beedy	Cole, Iowa	Gallivan	King
Begg	Collier	Garner	Kinkaid
Bell	Collins	Garrett, Tenn.	Kissel
Benham	Colton	Garrett, Tex.	Kline, N. Y.
Bixler	Connally, Tex.	Gensman	Kline, Pa.
Black	Connell	Gernerd	Knutson
Blakeney	Connolly, Pa.	Glynn	Kopp
Bland, Ind	Cooper, Ohio	Goodykoontz	Kraus
Bland, Va.	Cooper, Wis.	Graham, Ill.	Lanham
Blanton	Coughlin	Greene, Vt.	Lankford
Boies	Crago	Griest	Larsen, Ga.
Bowers	Cramton	Hadley	Larson, Minn.
Bowling	Crisp	Hammer	Lawrence
Box	Cullen	Hardy, Colo.	Layton
Brand	Dallinger	Harrison	Lazaro
Brennan	Deal	Haugen	Lea, Calif.
Briggs	Denison	Hawley	Leatherwood
Britten	Dickinson	Hayden	Lee, Ga.
Brooks, Ill.	Dominick	Herrick	Lee, N. Y.
Brown, Tenn.	Doughton	Hickey	Lehlbach
Bulwinkle	Dowell	Hill	Lineberger
Burdick	Driver	Himes	Linthicum
Burke	Dunbar	Hoch	Little
Burroughs	Dunn	Hogan	Logan
Burton	Dyer	Huddleston	London
Butler	Echols	Hudspeth	Longworth
Byrnes, S. C.	Elliott	Hukriede	Lowrey
Byrns, Tenn.	Ellis	Hull	Luce
Cable	Fairfield	Humphreys	Luhring
Campbell, Kans.	Faust	Hutchinson	Lyon
Campbell, Pa.	Favrot	Jacoway	McArthur
McClintic	Norton	Robsion	Thomas
McCormick	Ogden	Rogers	Thompson
McDuffie	Oldfield	Rosenbloom	Tillman
McKenzie	Oliver	Rucker	Tilson
McLaughlin, Mich.	Olpp	Sanders, N. Y.	Timberlake
McPherson	Osborne	Sanders, Tex.	Tincher
McSwain	Overstreet	Sandlin	Tinkham
MacGregor	Paige	Scott, Mich.	Towner
Madden	Park, Ga.	Scott, Tenn.	Treadway
Magee	Parker, N. J.	Sears	Tucker
Maloney	Parks, Ark.	Shreve	Tyson
Mann	Patterson, Mo.	Sinclair	Underhill
Mapes	Perkins	Sisson	Upshaw
Mead	Petersen	Slemp	Valle
Merritt	Porter	Smith, Idaho	Vinson
Michener	Pou	Smith, Mich.	Voigt
Miller	Pringey	Smithwick	Volstead
Mills	Purnell	Snell	Walters
Millspaugh	Quin	Stafford	Ward, N. C.
Mondell	Radcliffe	Steagall	Wason
Montague	Raker	Stedman	Weaver
Montoya	Ramseyer	Steenerson	Wheeler
Moore, Ohio	Rankin	Stephens	White, Kans.
Moore, Va.	Ransley	Stoll	Williamson
Moores, Ind.	Reece	Strong, Kans.	Wingo
Morgan	Reed, N. Y.	Strong, Pa.	Wise
Mudd	Reed, W. Va.	Summers, Wash.	Woodruff
Murphy	Rhodes	Swank	Woodyard
Nelson, A. P.	Ricketts	Sweet	Wright
Nelson, J. M.	Riddick	Swing	Wurzbach
Newton, Minn.	Riordan	Tague	Yates
Newton, Mo.	Roach	Taylor, N. J.	Young
Nolan	Robertson	Temple	

ANSWERED "PRESENT"—1.

Rodenberg

NOT VOTING—130.

Ansorge	Fish	Kleczka	Schall
Anthony	Focht	Knight	Shaw
Bacharach	Frear	Kreider	Shelton
Barkley	Fuller	Kunz	Siegel
Beck	Funk	Lampert	Sinnott
Bird	Gahn	Langley	Snyder
Bond	Gilbert	McFadden	Speaks
Brinson	Goldsborough	McLaughlin, Nebr.	Sproul
Brooks, Pa.	Gorman	McLaughlin, Pa.	Stevenson
Browne, Wis.	Gould	Mansfield	Stiness
Buchanan	Graham, Pa.	Martin	Sullivan
Burtness	Green, Iowa	Michaelson	Sumners, Tex.
Cantrill	Greene, Mass.	Moore, Ill.	Taylor, Ark.
Carter	Griffin	Morin	Taylor, Colo.
Chandler, Okla.	Hardy, Tex.	Mott	Taylor, Tenn.
Chindblom	Hawes	Nelson, Me.	Ten Eyck
Clark, Fla.	Hays	O'Brien	Vare
Cole, Ohio	Hersey	O'Connor	Vestal
Copley	Hicks	Padgett	Volk
Crowther	Hooker	Parker, N. Y.	Walsh
Curry	Husted	Patterson, N. J.	Ward, N. Y.
Dale	Ireland	Perlman	Watson
Darrow	James	Rainey, Ala.	Webster
Davis, Minn.	Jefferis, Nebr.	Rainey, Ill.	White, Me.
Davis, Tenn.	Johnson, Miss.	Rayburn	Williams
Dempsey	Johnson, Wash.	Reavis	Wilson
Drane	Kahn	Reber	Winslow
Drewry	Kelly, Pa.	Rose	Wood, Ind.
Dupré	Kennedy	Rossdale	Woods, Va.
Edmonds	Kincheloe	Rouse	Wyant
Evans	Kindred	Ryan	Zihlman
Fairchild	Kirkpatrick	Sabath	
Fields	Kitchin	Sanders, Ind.	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Langley with Mr. Clark of Florida.

Mr. Frear with Mr. Padgett.

Mr. Snyder with Mr. Barkley.

Mr. Kahn with Mr. Dupré.

Mr. Ireland with Mr. Ten Eyck.

Mr. Patterson of New Jersey with Mr. Johnson of Mississippi.

Mr. Walsh with Mr. Kitchin.

Mr. Sanders of Indiana with Mr. Wilson.

Mr. Gorman with Mr. Sumners of Texas.

Mr. Winslow with Mr. Drane.

Mr. Bacharach with Mr. Buchanan.

Mr. Wood of Indiana with Mr. Drewry.

Mr. Chandler of Oklahoma with Mr. Hawes.

Mr. Kennedy with Mr. Kindred.

Mr. Speaks with Mr. Martin.

Mr. Williams with Mr. O'Brien.

Mr. Michaelson with Mr. Woods of Virginia.

Mr. Greene of Massachusetts with Mr. Taylor of Colorado.

Mr. Chindblom with Mr. Sullivan.

Mr. Lampert with Mr. Davis of Tennessee.

Mr. Funk with Mr. Cantrill.

Mr. Shaw with Mr. Hardy of Texas.

Mr. Vare with Mr. Mansfield.

Mr. Hicks with Mr. Hooker.

Mr. Knight with Mr. Kunz.

Mr. Kirkpatrick with Mr. O'Connor.

Mr. Davis of Minnesota with Mr. Rainey of Illinois.

Mr. Kreider with Mr. Stevenson.

Mr. Fuller with Mr. Rayburn.
Mr. Reber with Mr. Goldsborough.
Mr. Perlman with Mr. Kincheloe.
Mr. Hersey with Mr. Fields.
Mr. Gahn with Mr. Gilbert.
Mr. Ansorge with Mr. Carter.
Mr. Edmonds with Mr. Brinson.
Mr. Siegel with Mr. Taylor of Arkansas.
Mr. Volk with Mr. Sabath.
Mr. Morin with Mr. Rainey of Alabama.
Mr. Graham of Pennsylvania with Mr. Griffin.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, with Mr. TOWNER in the chair.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 20 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Chairman, it is perfectly manifest to every Member who has heard or read the remarks of the Resident Commissioner of Porto Rico, Judge DAVILA, and the gentleman from Kansas [Mr. STRONG] that a very unhappy situation exists to-day in Porto Rico.

This I know is a matter of regret to all of us, because I am quite sure that every official here from the President down, charged in any way with responsibility for the good government of Porto Rico, is most anxious to do that and that only which will bring happiness and prosperity to the people of that island.

If mistakes have been made anywhere along the line, the facts should be known so that those mistakes can be expeditiously and, if possible, permanently corrected.

The people of Porto Rico came to us not of their own accord, not upon their initiative; they came as part of the spoils of war, without in any way being consulted about the matter and without their consent asked.

That they came willingly, as they did; that they welcomed our invading army joyously, as they did, only shows the unhappy situation in which they had lived and walked and had their daily being as a part of the Empire of Spain.

When they welcomed our soldiers they did so because they had always looked to this good country as the champion of liberty in the world, and they rejoiced at the prospect of coming under that flag which they confidently believed was the harbinger and guarantor of "government of the people, for the people, and by the people."

The task of governing overseas dependencies is one of the most difficult that statesmen anywhere have ever been confronted with. Froude, the English historian, says that all history has demonstrated that self-governing democracies are incapable of properly administering the government of colonial possessions. Whether this be true or not I am not well enough informed to affirm or deny, but I believe that I can truthfully say that no statesmen charged with this high responsibility in all the history of the world were ever more sincerely and earnestly desirous of providing the best possible government for its dependencies than have been the statesmen of the United States since we embarked upon our colonial policy in 1898.

The people of Porto Rico have only such government and such rights under their government as Congress, under the Constitution, has seen fit to grant them. They exercise that measure of self-government which we have by congressional action delegated to them, and if there is an unhappy situation in the island to-day, and certainly there must be, we can not escape responsibility for it, and we will not have discharged our full duty unless we make most diligent effort to ascertain the cause or causes for this condition, and then with the facts before us set ourselves most diligently to the task of correcting whatever can be corrected by Congress. [Applause.]

Under the Jones Act, passed a few years ago, we very greatly enlarged their measure of self-government. We gave them a bill of rights, which followed closely those guaranties of liberty which are contained in our own Constitution.

We gave them the right to elect the members of their legislature and senate, and while we still retain in the President of the United States, with the advice and consent of the United States Senate, the power to appoint the Governor of Porto Rico and two of his cabinet ministers, we gave to the Senate of Porto Rico the right to participate with the governor in the selection of four members of his cabinet, who were to be the heads of the other executive departments.

In addition to this we gave them citizenship, thus guaranteeing to them those rights which our fathers held to be necessary for the happiness of any governed people.

For several years after this act everything ran smoothly there and we had every assurance that the people were happy and contented, but something has occurred to mar this situation, and, charged as we are with so much responsibility in the matter, we ought to know, if the facts be ascertainable, what the causes of this present state of unrest and dissatisfaction are.

The Senate of Porto Rico in the most formal way possible has, by a resolution adopted by an overwhelming majority of its members, presented most grievous charges of misbehavior against the Governor of Porto Rico. They charge that "he lacks the most elementary qualifications of integrity, tact, impartiality, and mental training required by the office he holds"; that "he has violated the organic act" which is their charter of rights; that "he has appointed incompetent persons to public office"; that "he has attempted to corrupt the judiciary, removing judges and threatening to remove others without cause, and attempting to coerce the members of the courts of justice."

These same charges have been made upon the floor of this House, but in greater detail and more illuminating circumstance, by the Resident Commissioner, Judge DAVILA, upon his responsibility as their Representative here, and they have asked that these charges be investigated by Congress, to the end that they may have thus an opportunity to establish the truthfulness of their allegations most solemnly and formally made.

If what they say is true, and the Porto Rican Legislature had the power which is lodged in the legislature of every State of the Union, unquestionably the governor would be brought to the bar of the Senate to answer articles of impeachment; but they have no such power. Congress has not thought it wise to delegate this power to the Legislature of Porto Rico. We have never delegated it to any territorial legislature.

When the charges are made, however, in the form in which they have been presented to us, it becomes our duty to give them most serious and thoughtful consideration, and I do not believe we can justify ourselves if we fail to take cognizance of them.

What the procedure should be, of course, is for the House to determine, but certainly these charges should be given earnest consideration.

Our own experience has taught us on numerous occasions—and no one can speak on this subject more feelingly than I can—that governors here in the States have sometimes misbehaved themselves in such a manner as to warrant their removal from office, and we can not assume that the President can not make the same mistake which the people themselves sometimes make in selecting their own governors.

Nobody doubts that President Harding more than any other man in the United States would regret such an error; nobody doubts that he has the very best interests of Porto Rico at heart; nobody, no matter how bitter a partisan he may be, will believe that the President lacks in any degree that wholehearted, sympathetic solicitude for the happiness and prosperity of these dependent people which they have a right to expect. But even so, nobody, not even the President himself, thinks that he is infallible in such matters. No other President from Washington down has been able to fill the multitude of important offices under him without occasionally selecting a man who for one reason or another was not suited for the position to which he was assigned.

The friends of Governor Reily, both in Porto Rico and in the States, have bitterly denied the charges of misbehavior which have been brought against him.

Mr. KNUTSON. Will the gentleman yield for a question right there?

Mr. HUMPHREYS. I yield to the gentleman from Minnesota.

Mr. KNUTSON. How does the action of the Governor of Porto Rico compare with the action of Mr. Sullivan, who was sent down to Santo Domingo by the former administration?

Mr. HUMPHREYS. Mr. Sullivan was recalled, and I would like to see that same parallel followed, if there be a parallel between the two. [Applause.] Let me repeat: The friends of Governor Reily, both in Porto Rico and in the States, have bitterly denied the charges of misbehavior which have been brought against him; but the very meaningful fact remains that the charges have been officially preferred and that those who have preferred them, and they only, have asked that some tribunal or committee be set up before which they could submit the facts. If the governor is not guilty, surely there is no reason to suspect that such an investigation could be to his preju-

dice. If he is guilty, this House and the country ought to know it.

Governor Reily is a Republican; he was appointed by a Republican President, and the Senate of Porto Rico and the Representative from Porto Rico have asked that a Republican House of Representatives investigate their charges and give them an opportunity to establish them by proof.

Can the governor, or his friends, or his party associates here afford to refuse this opportunity?

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question there?

Mr. HUMPHREYS. I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. I am in very hearty sympathy with the statement made by the gentleman from Mississippi with reference to the predicament into which matters have fallen in the island of Porto Rico; but I want to ask the gentleman, if an investigation were ordered by the House of Representatives and it were found that all the charges made in the Senate of Porto Rico against the governor were true, then where would we be? Just where we are now, would we not?

Mr. HUMPHREYS. I think not.

Mr. CAMPBELL of Kansas. Are we not dealing with a matter that belongs wholly to the Executive?

Mr. HUMPHREYS. I think not.

Mr. CAMPBELL of Kansas. I would be glad to hear from the gentleman what remedy he would suggest in the premises that should follow in case it should be found that the charges were true?

Mr. HUMPHREYS. One of two results might follow unquestionably if the governor was shown to be guilty of the charges which have been most formally presented against him by the Porto Ricans. Either the President would recall him or this House should impeach him. That is my opinion. We have investigated public officials in times gone by, however, where Congress had no power to impeach. I believe that few men ever appointed to office or who have held office in this country have heretofore sat silently by when charges of so serious a nature were preferred against them on this floor without requesting an investigation.

If charges of a serious nature were brought in this House against the gentleman from Kansas, I know that he would immediately demand an investigation to the end that the facts might be known. The House of Representatives has gone very far in the exercise of its power of investigation, has investigated the question as to whether or not the Senate of the United States was corruptly influenced in a vote that it cast, has investigated Cabinet officers, has investigated the Vice President of the United States, upon their request.

Mr. CAMPBELL of Kansas. Yes; upon their request. If the Governor of Porto Rico should request an investigation of charges made against him on the floor of this House by the Resident Commissioner he would be entirely within his rights, and would be asking the House of Representatives to investigate a matter over which they had jurisdiction.

Mr. HUMPHREYS. The gentleman from Kansas proceeds on the theory that the power of the House to proceed in this matter depends on the Governor of Porto Rico; that if he makes a request it gives us the power to investigate, but if he is charged and sits silently by without making a request Congress can do nothing. I do not agree to that.

Mr. CAMPBELL of Kansas. Mr. Chairman, the difference is this: We would have recourse to a remedy if the charges were wrongfully made against the governor by the commissioner, but the House, on the other hand, if a committee should find and Congress should adopt the report of the committee that the governor was guilty of everything charged by the Senate of Porto Rico, we would be just where we were when we began.

Mr. HUMPHREYS. It is unthinkable, Mr. Chairman, that the President could appoint a Governor of Porto Rico who could go down there and run amuck, disregarding and setting at naught the act of Congress which is their charter of rights, defy the law and all decency, and still Congress be powerless to impeach him. I do not subscribe to any such monstrous doctrine. I do not know whether the charges are true or not.

Mr. CAMPBELL of Kansas. I did not say that Congress was powerless to impeach him; I say it would be wholly impracticable to do so. It would take too long.

Mr. HUMPHREYS. Impracticable from what standpoint? Here are these helpless people, with no rights except what we give them. They have no vote, they can not elect anybody to this Congress. In the exercise of the powers we have given them they have chosen a senate, they have elected a Representative on this floor, and that Representative and that senate in a formal way charged that the governor has attempted to debauch the judiciary of that island; that he has attempted and has executed his threat to discharge judges without authority of law, in one instance because the judge refused to give him the reasons upon which he predicated a decision. They have made a number of most serious, damning charges against the governor, and because the governor does not request that a committee be appointed to investigate those charges we are to sit idly by and fail utterly in our duty to these helpless people. I do not believe that represents the sentiment of the people of this country. [Applause.]

One of the charges against the governor is that he attempted to intimidate senators of Porto Rico and force them to confirm his nominations, and declared that he would have the Government at Washington annul the organic act, which provides that judges shall be appointed with the advice and consent of the senate, unless his nominations were confirmed, and now we are advised that when the senate refused to confirm his nominations and adjourned that he himself, without waiting to have the Government at Washington annul the organic act, has done that very thing himself and reappointed the same men to the very offices to which the senate refused to give its consent to their appointment.

These are serious charges and can not be brushed away.

The power to appoint men to office is a kingly power. This provision, "by advice and consent of the Senate," which is in our Constitution, is something new under the sun. It never appeared before our fathers put it in the Constitution.

When Congress was deliberating on the Jones bill it was proposed that certain offices of high responsibility should be filled by the governor "with the advice and consent of the senate."

This was not idly done, it was deliberately done. The question was discussed as to whether the right of the Porto Rican senate to veto nominations by the governor should be included with the other rights which were contained in the so-called Jones Act, and it was decided deliberately that that right should be included.

It is interesting to consider this question somewhat from a historical viewpoint, this "with the advice and consent of the senate."

Until it was so provided in the formative period of our own Government this procedure was practically unknown in any of the governments of the world. Our fathers, when they met in the Constitutional Convention, had serious misgivings touching the appointive power. They had observed in the history of the monarchical governments of Europe how the king had maintained his autocratic power by distributing offices among his favorites. They recalled how this absolute power had been abused by the English King and how helpless they had been when they objected to the reappointment of some colonial governors who had so cruelly and arrogantly nullified their charters and disregarded the rights these charters were devised to secure.

They were afraid to trust the President of the United States, for fear of the evils which might flow from the abuse of this absolute power. Few questions were discussed as long in the Constitutional Convention at Philadelphia. Many radically differing theories were entertained and urged. Some wanted to place the appointive power with Congress, but as Congress would frequently be in recess, others urged that that power be lodged with the Executive.

All agreed that it was neither a legislative, a judicial, nor an Executive function, and therefore inhered in neither branch of the Government.

The power to appoint officers rests, therefore, solely where the law expressly places it, and the President has no power except what the Constitution and the law of the land give him.

Like many other provisions in the Constitution, the provision relating to appointments was a compromise; was one of the many "checks and balances"; and so it was finally agreed to as set forth in section 2 of Article II:

> He shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law, but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Still this did not meet all the possible exigencies, because the Senate would not always be in session, and so another paragraph was added, as follows:

> The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.

This is the source of the President's power, and it is the sum total of it.

The President may make recess appointments; that is, where the vacancy happens in a recess of the Senate.

The language of the Constitution is, "That he may fill up all vacancies that may happen during the recess of the Senate." Not vacancies that may exist, but vacancies that may "happen." Such commissions must expire by their terms "when the next session of the Senate ends," unless in the meantime another appointment has been made "by and with the advice and consent of the Senate."

Fearing that the President might not keep strictly within the letter of this limitation, and that it might be construed that where the President and Senate could not get together on an officer to fill the office, and the Senate should adjourn, that the President would then make another temporary or recess appointment, section 1769 of the Revised Statutes was written into the law as the interpretation of Congress of the appointive power above referred to:

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto, by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

They went further, and in section 1771 provided that:

SEC. 1771. Every person who, contrary to the four preceding sections, accepts any appointment to or employment in any office, or holds or exercises, or attempts to hold or exercise, any such office or employment, shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than five years, or fined not more than $10,000, or both.

This was to make sure that nobody would accept appointment to an office where there had been a session of the Senate after the vacancy happened. But Congress did not stop there.

In section 1772 a severe penalty was provided for anyone who would undertake to issue a commission in such cases.

That section reads as follows:

SEC. 1772. Every removal, appointment, or employment made, had, or exercised, contrary to sections 1767 to 1770, inclusive, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed a high misdemeanor, and every person guilty thereof shall be imprisoned not more than five years, or fined not more than $10,000, or both.

These provisions are no longer carried in the law, but they serve as most illuminating evidences of the construction which those who preceded us here placed upon the limitations by which the Constitution hedges about this kingly power.

Section 13 of the organic act provides:

That the heads of departments, appointed by the governor, shall hold office for the term of four years, and until their successors are appointed and qualified, unless sooner removed by the governor.

And it might be argued, if this were all of the law, that, having been appointed in a recess and the Senate having failed or refused to confirm the appointments, that these same officers would nevertheless hold over until their successors were appointed and qualified, but this is not the only provision in the organic act.

Section 26, among other things, provides:

That appointments made while the Senate is not in session shall be effective either until disapproved or until the next adjournment of the Senate for the session.

The recent session of the senate in Porto Rico was convened for 10 days for the sole purpose of considering nominations submitted to them by the governor, and during that session the governor's nominations to cabinet positions were rejected. By the very terms of the organic act, therefore, their original appointments terminated while the senate was in session, and we now have the unfortunate situation in the island of the department of finance, the department of interior, the department of agriculture and labor, and the department of health being administered by persons who have no lawful authority whatever to exercise the functions of those offices.

Have we no duty to perform in such an emergency?

Are we to sit here idly and manifest no concern whatever in the government of Porto Rico when, if these allegations be true, the governor appointed to administer the affairs of that island is deliberately denying to the people of Porto Rico the character of government which we deliberately gave them? When the governor, without any authority of law, sets aside the plain and well-considered provisions of the organic act and proceeds to rule the island in accordance with his own will? Is it our will or our wish to have the government of Porto Rico converted into a satrapy?

We are told that the opposition to the governor's appointments is inspired by no better purpose than the desire of the majority party to possess all the patronage of the island. With all due respect to those who thus insist, I say it is nobody's business why the Senate of Porto Rico withholds its consent. We said to them in their organic act that they could participate with the governor in the appointment of certain officers, the governor to nominate, the senate to confirm. The governor has no more right to question the senate than the senate has to question the governor.

Andrew Jackson was criticized more harshly than any other President for what was called the abuse of the appointing power.

It was Mr. Marcy, a member of his Cabinet, who said, "To the victor belong the spoils." The Senate rejected the nominations of two directors of the United States Bank whom they had confirmed a year before. Jackson returned their names, explaining that he did so in order to discuss with them the objections which had been made and to explain that the things which these directors had done and which had given rise to the criticism of their conduct of the bank had been done upon his orders and that the blame, if any was due, should be put upon him. In his message returning these names he said:

I disclaim all pretention of right on the part of the President officially to inquire into or call in question the reasons of the Senate for rejecting any nomination whatever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects each is independent of the other and both responsible to their respective constituents.

After giving the reasons for their nomination as above explained, he concluded thus:

I repeat that I do not claim a right to inquire into or officially to censure the acts of the Senate. * * *

If Andrew Jackson could not question the Senate or censure their acts, it hardly becomes E. Mont. Reily, the Governor of Porto Rico, to do so.

We may neglect the affairs of our own people because they can and will hold us to a strict accountability of our stewardship at the next election, but the people of Porto Rico are helpless. They have no voice in our elections. They are dependent absolutely upon the good faith of the constituted authorities of this Government to see to it that their liberties and their rights are not ruthlessly taken from them.

A man may handle his own estate in as careless and reckless a fashion as he chooses, but he can not in law or good conscience be careless with the estate of his ward, and this is exactly the relationship which we bear to the people of Porto Rico.

I noticed in the paper to-day that the Internal Revenue Collector had returned a check to a taxpayer in Honolulu who had given a check on a bank there because it was drawn on a foreign country. He explained his error by saying that for the moment he had forgotten that Hawaii was a part of the United States.

If we fail to take any notice of the resolution of the Porto Rican Senate the people of that island will be justified in concluding that this Congress has forgotten that Porto Rico is a part of the United States.

These charges, which reflect most seriously upon the Governor of Porto Rico, not mere charges of neglect of duty, of sins of omission, but charges of serious, positive, and damning malefactions, have been formally preferred by the Senate of Porto Rico as well as by the Resident Commissioner, and now that the gentleman from Kansas, the chairman of the Committee on Rules, has promised an investigation if the governor requests it, Governor Reily must either make that request or rest under the suspicion of guilt. He must make his choice.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. HUMPHREYS. It is no answer to these charges to bring countercharges against the Resident Commissioner. We can not absolve ourselves from the responsibility which is ours by questioning the legality of an act of the Porto Rican Legislature, which undertook to provide $5,000 a year for the expenses of the Resident Commissioner in Washington.

Whether this was proper, or wise, or lawful on the part of the legislature, or whether the auditor of Porto Rico was within his rights when he refused to pass the appropriation some three or four years ago, and whether Governor Reily, upon his arrival in Porto Rico, indorsed and approved the action of the auditor are matters entirely beside the question.

The Senate of Porto Rico charges the governor with numerous and serious acts of misbehavior, and it is no sort of answer to these charges to say that the Resident Commissioner wanted this extra appropriation paid to him.

With all due respect to everybody, this is merely a smoke screen, and, while it may becloud the issue, it does not meet it.

Has Governor Reily attempted to coerce or to corrupt or to unlawfully influence the courts of justice in the island? Has he violated the organic act in the manner set forth by the Senate of Porto Rico and by the Resident Commissioner?

These are the charges which have been made officially to this House.

Again, we are told that the people of Porto Rico are disloyal and that they are enraged at Governor Reily because he has set up a standard of 100 per cent Americanism in the island. I have received letters to that effect from Americans on the island, stating that they are disloyal. The charge has been made here that they set up the flag of Porto Rico. Mr. Chairman, when the Governor of Massachusetts went over there last year to unveil the monument which Massachusetts had erected to her soldiers who gave their lives in Porto Rico in 1898 the only flag which he carried on his automobile was the flag of Massachusetts. Nobody thought there was anything wrong about that. We do not take our State flags here very seriously, but I dare say if the governor from one of the other States should go about our State denouncing the State flag as "a dirty rag," we would take that seriously. [Applause.]

Mr. Chairman, we make mistakes, and God knows we make enough of them, not only in selecting governors of our States but in the selection of other officers, but when one of our governors misbehaves himself, as some of them do, the people of the State have the consolation or the humiliation, according to the angle from which they view it, of knowing that he is their baby, that they elected him, and they have the machinery under the constitution and the law to get rid of him if they so desire. The people of Porto Rico did not select their governor. They have not the power to get rid of him, although the grand jury over there seems to be making some progress along that line, according to newspaper reports. [Laughter.] I noticed in the New York Times the other day that the grand jury in Porto Rico had made its presentment to the district attorney, with the request that he proceed against the governor for the misuse of public funds; and I see in the same paper this morning that the governor has removed the district attorney.

But as to the loyalty of Porto Rico. We have it on very good authority that it is a difficult matter to frame an indictment against a whole people, although some gentlemen seem to have recently overcome that difficulty, so far as Porto Rico is concerned. When we engaged in the war with Germany the following telegram was received by President Wilson from Antonio R. Barceló, the President of the Porto Rican Senate:

SAN JUAN, P. R., *May 9, 1917.*

Hon. WOODROW WILSON,
Washington, D. C.

The Unionist party of Porto Rico, gathered in an assembly at San Juan, pledges its unconditional support to the American Nation and to its illustrious President in the present conflict, and expects that Porto Rico be assigned its share of sufferings and sacrifices until victory is obtained.

ANTONIO R. BARCELÓ,
President of the Senate.

Mr. Chairman, the bleaching bones of the boys of Porto Rico who gave their lives on the battle fields of France in the war for world liberty testify to the sincerity of that offer. [Applause.] Disloyal men do not rush to the colors when the tocsin of war is sounded, when they are to be put to the test of fire. Oh, I have seen a lot of professional patriots wrap the flag about them on all occasions and preach about Old Glory, who never heard a bugle note that was not sounded on the dinner horn, who never heard their country's voice unless it called them into a fat office. [Laughter and applause.] These Porto Ricans answered the call, and when the first draft was made Porto Rico furnished by volunteers more than her quota. When the next draft was made she furnished again more than her quota. They did not have to be drafted. [Applause.] Upon every drive for Liberty bonds Porto Rico went over the top. Upon every drive for the Red Cross, for the Y. M. C. A., for all of the other war services Porto Rico went over the top, and yet because she asks the privilege of having a judiciary uncorrupted and untrammeled by executive interference, because she asks that the senate be respected in the rights which we gave them, to advise and consent to the governor's appointments, this smoke screen is set up, and we are told that they are disloyal. I do not believe that their conduct in the late years justifies the statement. I believe they are loyal, and that fact is not altered though it be also true that when they volunteered and when they went upon the battle field and when they died they had in their hearts the hope that maybe some day, somehow, in the fullness of God's providence, independence might come to their island. [Applause.] I say we ought to investigate these charges and ascertain what the facts are, and if the governor is not guilty say to him, "Well done, thou good and faithful servant," but if he is guilty, then let him take the consequences. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Chairman, until last night the main issue raised by the pending appropriation bill was one affecting the size of our Naval Establishment. Yesterday, however, the gentleman from Massachusetts [Mr. ROGERS] contributed to our proceedings a communication from the Secretary of State, which he had incorporated in the RECORD and which presents, to my mind, a question far exceeding in importance the size of the Navy we are to maintain under the limitations of the recent treaty. That question is the right and duty of Congress to discharge—unhampered by pressure or influence from any quarter—the powers conferred on it by the Constitution.

I have had occasion repeatedly, as gentlemen will remember, to deplore, in the course of debate, the decay of what might be called the congressional spirit; that spirit of self-respect and regard for their powers and duties among our Members on which the dignity and the efficiency of this House must always depend. But by nothing in our former proceedings was I prepared for this last experience, where we have spread before us here as a reason that should determine our action with respect to a matter peculiarly, completely, and exclusively within our own jurisdiction—the ratiocinations of an officer who is not created by the Constitution, or even mentioned in it. I do not know by what authority Mr. Hughes usurps the function of this House or by what authority we could transfer it to him. I do not suppose anyone will doubt that the power and the duty to fix the size of our Naval Establishment belongs to Congress. I do not know by what authority in the Constitution or by what theory of intelligent procedure this House can be asked to surrender the powers conferred upon it by the Constitution to any officer of this Government, no matter who he may be, whether the head of the State Department or the head of the Navy Department or the head of any other department. [Applause.]

If we had here a different system of government the military authorities would have but to declare their requirements and, whatever might be the machinery by which public funds were raised, it would at once be set in motion to comply with their demands. But we have a democratic representative Government. This body is a feature of it created especially for the purpose of determining the size of our Military Establishment and providing means for its support. And this duty we must discharge if our constitutional system is to continue in operation. It is, indeed, conceivable that some other officers or bodies might be found which could exercise these powers more effectively or discharge them more wisely, but the Constitution intrusts them to us, and to us alone. Yet for some reason I never could understand we are invited—nay, vehemently urged—to throw upon others these duties which the Constitution imposes upon ourselves. And it is very likely, I fear, that we will once more by our own vote declare ourselves incompetent to discharge the function for which we are created—at least less competent than other persons to whom it has never been intrusted. Is it any wonder that the House, which is so distrustful of itself, has become an object of distrust to the people and of contemptuous disregard to other branches of the Government?

As a striking illustration of the condition to which the legislative department has been reduced, I would call attention at this point to the extraordinary contempt of Congress which was manifested in the proceedings and embodied in the conclusions of the recent conference.

A year ago, with full concurrence of the Navy Department—the authority of which so many gentlemen now seem to think we should accept on this question as absolutely conclusive—Congress decided—and the decision was embodied in a law—on establishing a Navy which was to be the strongest on all the seas. If that law had been loyally enforced, this country would now be approaching first place among the naval powers of the world.

It provided for capital ships—swift battle cruisers—which had they been completed would be the finest and fullest development of naval architecture in all history. That they would constitute a fleet which must have outstripped all competitors for supremacy at sea was universally conceded. After hundreds of millions of dollars had been spent upon constructing these ships, ordered by Congress in the discharge of its constitutional duty, a gentleman whose office is not even created by the Constitution appeared before representatives of foreign governments, and without a word of authority from us, in flagrant contempt of our powers, forgetting apparently our very existence, agreed—not tentatively, subject to the approval of Congress—but absolutely—to reverse the policy of naval construction established by law. And he actually did it. The law

commanded the completion of these battle cruisers. The Secretary of State and two or three other gentlemen representing foreign nations agreed they should not be completed. And they were not. Nay, more, this self-constituted authority agreed to destroy them, and to-day they are either in process of destruction or they are assigned to destruction.

Now, Mr. Chairman, without stopping to consider the merits of that policy, I think it is well for the House to realize the exact place which in the light of these events it occupies to-day in our constitutional system. When an officer—I do not care even though he be the President—when any officer outside of Congress can undertake—not in a discussion amongst different departments of our own Government, but in negotiation with the representatives of foreign governments—to reverse the action taken solemnly by the lawmaking power and actually does set aside a statute without resistance or censure or even a word of protest by this body, then the Congress has ceased to be an essential, an important, or even a respectable feature of our political system. The Senate, through its power to ratify or reject a treaty, still retains a large measure of authority. But this House is no longer a body that receives or deserves serious consideration. And this condition is without hope, because it is brought on the House by its own conduct.

I myself—a recent arrival here—after vainly trying to induce other gentlemen of longer service and greater weight to do it—offered a resolution asserting, while the conference was still in session, that the size of our Military Establishment by land and sea is matter for Congress alone to determine and not to be affected by agreement through the treaty-making power with any foreign governments, but the Speaker held that the question it raised was not privileged.

The House submitted to that ruling, and the resolution has gone to the Committee on the Judiciary to sleep the sleep that knows no waking. Now, Mr. Chairman——

Mr. MONDELL. Will the gentleman yield at that point?

Mr. COCKRAN. With great pleasure.

Mr. MONDELL. Does the gentleman understand that there is anyone here questioning the authority of the House in the matter of having a voice in determining the size of our Naval Establishment?

Mr. COCKRAN. The gentleman, very much to his regret, is compelled to confess that not only does somebody question the authority of the House in this respect, but everybody seems to question it. If the right of the House to have a voice in fixing the size of our Navy is unquestioned (as seems to be assumed and indeed asserted in the gentleman's question), then an officer who not merely agreed with foreign governments to stop construction of vessels ordered by Congress to be built, but actually put an end to it without a word of authority from us, has committed an offense against the Constitution which ought to be more than a subject for remonstrance and condemnation here. It should be made the subject of an impeachment to be tried before the body at the other end of the Capitol.

Mr. MONDELL. I was not referring to the communication of the Secretary of State. I referred rather to the gentleman's suggestion that there might be some one here who doubted the authority or duty of the House to have a voice in determining the size of our defense establishments. I think there can be no one here who questions that.

Mr. COCKRAN. I am very sorry indeed that when the proposal of the Secretary of State to destroy ships authorized and directed by Congress to be built was pending before the conference and when the attention of the whole world was fastened on it the gentleman from Wyoming did not find a voice as leader of this House to make that assertion then, but left it to be made in a resolution which has been smothered in the Judiciary Committee.

Mr. MONDELL. It is not the province of Congress, or the House, at least, to question the procedure of the treaty-making power in making treaties. It is the duty of the House when the time comes for it to act to assert its view and judgment and opinion. And there is now a bill reported from a committee of this House, to be considered immediately following this appropriation bill in the House, in which the House will express its approval of the treaty and what is proposed under it.

Mr. COCKRAN. The tardy action of the House, which the gentleman promises, is some compensation for its neglect of an obvious and pressing duty when the treaty was imminent. And at this I rejoice. But the gentleman's statement raises very clearly a question which, it seems to me, should be met and decided at once. He says that Congress has no right to question the procedure of the treaty-making power, and I agree with him so far as matters within the scope of treaties are concerned. But the treaty-making power has nothing whatever to do with the extent of our defenses. The rights and privileges of Congress are invaded when the treaty-making power undertakes by agreement with other nations to determine how large or how small our Navy is to be. After the Military Establishment has been fixed, then the treaty-making power may, within certain limits, enter into agreements with foreign nations concerning the use or disposition of our armed forces. As, for instance, a treaty with Canada—or rather a treaty with Great Britain—may provide that no army shall be kept on our northern frontier or that no ships of war shall be kept in certain waters. All that is within the domain of treaties. It touches and concerns our relations with other countries. But our armament itself—its extent and character—is purely matter of domestic concern. No power on earth but the American Nation represented here in Congress has any right to interfere with it or affect it in any way. When, therefore, an officer of this Government undertook to deal with foreign powers as though he had a right to fix the size of our armament on land or sea, I regret deeply that somebody occupying a position of authority in this House did not rise and assert the constitutional truth that no treaty could affect the right of Congress to determine the extent of our defensive establishment.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman a question or two. As I understand the constitutional provision applicable to the question raised by the gentleman from New York, it is in substance that the Constitution and all laws enacted and treaties made in accordance with the Constitution shall be the supreme law of the land. Now, the law which the gentleman from New York has mentioned as having been enacted two or three years ago and fixing the size of our Navy was a statute. A subsequent treaty duly made would have just as much authority as that statute and would repeal it pro tanto.

Mr. COCKRAN. That I deny absolutely.

Mr. COOPER of Wisconsin. Will the gentleman permit me to say that the Supreme Court of the United States has more than once expressly held that a law and a treaty are on a parity, and that the one which is last ratified or enacted is the supreme law of the land? That is the law unquestionably, as repeatedly held by the Supreme Court of the United States.

Mr. COCKRAN. Mr. Chairman, I do not differ from the gentleman as to what the Supreme Court has held more than once with respect to the effect of a treaty. But those decisions all had reference to matters clearly inside the treaty-making power; that is to say, the power which fixes our relations with foreign countries. The treaty-making power, I repeat, does not extend to matters that are of purely domestic concern. It certainly does not extend to duties and powers which have been conferred upon us, and upon us alone, by the Constitution. When the treaty-making power interferes with the right of Congress to fix absolutely every detail of our defensive armament the dignity of this House is affronted and the Constitution is trodden under foot.

Mr. Chairman, I had little hope on rising that anything I might say would awaken the House to realization of the depths to which it has fallen or rouse it to an effort at recovering its lost importance. But none the less I deemed it a duty to point out how completely—in this matter of supreme moment to the country and the world, involving nullification of a law solemnly enacted by our authority—we have been thrust from any part in the direction of public affairs.

And yet my action in bringing before this body the situation into which we have been thrown—not so much by other branches of the Government as by our own submission to oft-repeated invasions of our authority—has not been wholly without result. Already it has evoked from the gentleman from Wyoming—who, I hope, will allow me to call him my friend—the assurance that soon a measure will be introduced to assert the right of the House to a voice in determining the size of the Military Establishment of the Government.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. COCKRAN. With pleasure.

Mr. MONDELL. The fact that Congress last year directed the President to call a conference with a view to limiting the expenses of naval appropriations, subject to the approval——

Mr. COCKRAN. I was just coming to that. I understand the point the gentleman would make.

The only excuse or justification which we can find anywhere for the action of this conference with respect to our Naval Establishment is the request or suggestion addressed by Congress to the President last year that he invite certain nations to confer on the possibility of bringing about a reduction of naval armaments. The way in which that suggestion was conveyed illustrates strikingly the degree to which our rules are responsible for the condition into which the House has fallen.

The object of the House, the object of the country, the passionate desire of the whole world was for disarmament; not for dissolution or reduction of naval establishments alone, but for complete disarmament by land and sea.

This House was asked to give formal expression to that world-wide desire in an amendment which the gentleman from Virginia [Mr. MOORE] offered to the naval bill of last session. Never since the dawn of civilization had occasion so favorable arisen for removing—aye, forcing—weapons of war from the hands of men everywhere. And that must have resulted in putting into their hands implements of industry. The providence of God had so ordered events that one nation had the power to establish peace throughout the world on foundations that could never be disturbed, and that nation was the United States of America.

For the first time in the history of the world the nation that could concededly establish the strongest military forces on land and sea did not desire a great armament but abhorred all armaments. The power which it admittedly possessed to establish the greatest armament it might have used to drive armaments from the face of the earth. And that decisive triumph of civilization could have been achieved by direct communication between the people of this country and the peoples of all other countries in the world without conferences, negotiations, agreements, or treaties conducted by diplomats whose function it has always been to deceive the public mind and pervert the public conscience—substituting for their malign activities plain declarations of purposes and desires by the representative body of each country.

With this in mind, I suggested that there be embodied in the bill which we passed last year establishing the largest navy in the world the substance of a joint resolution previously introduced by me in the House directing the President of the United States to disband all our military forces by land and sea as other nations disbanded theirs—not as politicians of different countries by various formulas and phrases calculated to deceive honest minds seemed to promise disarmament—but as all military forces were actually disbanded. By establishing the greatest military forces on land and sea, while at the same time proclaiming our readiness to disband them when all other nations had disarmed, we would be in effect declaring that we were determined to be first in armament if they made us and first in disarmament if they would let us. And to that proclamation there could have been but one answer. Disarmament, universal and complete, would have been the immediate result.

No matter how reluctant to disband all military forces politicians and statesmen might have been, the imperious demand of every people for relief from the burdens of taxation which is crushing the very life of industry, would have constrained them to accept our proposal. But the amendment of the gentleman from Virginia [Mr. MOORE] was declared out of order. Under the rules of this House it was held impossible to prescribe conditions under which the military force we were by that very act establishing should be disbanded. I did not offer any amendment to the naval bill myself, but suggested in a speech the importance of expressing the eager desire for disarmament which animated our entire membership, and our belief that it could be effected by declaring our intention, if other nations maintained great armaments, to outarm the strongest of them, but if all other nations disarmed to disarm with them. That suggestion was completely ignored. I am glad now that by refraining from any attempt to amend the measure, I have saved my innocency from familiarity or contact with that quagmire of the intellect, the rules of the House. [Laughter.]

The bill passed without any provision favoring disarmament—every proposal in that direction having been ruled out of order. At the other end of the Capitol the Senator from Idaho, Mr. BORAH, offered an amendment—the Senate always having jealously reserved to itself the right to put conditions on appropriations of money, which is the very essence of legislative power—requesting the President to call a conference of the powers maintaining large navies. It was adopted, and that amendment came back to this House. It was the only proposal looking to reduction of armaments on which, under our preposterous rules, we had any opportunity to vote.

I stated then that I did not approve of restricting the movement for disarmament to abolition or reduction of navies. The very largest reduction of naval forces would effect a saving of money so slight as to be almost negligible. The reduction of public expenditures by which the world can be saved from industrial collapse must be effected by lessening the billions wasted in maintaining enormous land forces. But that view could not be expressed in any resolution or action originating in this body under the rules. And so the Borah amendment—a totally inadequate provision—was adopted by a gagged and helpless House. I voted for it, as did many others, because a vote against it would have been a vote against any attempt whatever to mitigate the burden—the crushing burden of warlike preparations.

The President of the United States under that request by Congress and in the exercise of his own inherent powers was justified in asking these different nations to confer on what they would consent to do in the direction of reducing armaments. About this there can be no doubt. But I deny that he had the power to enter into a formal treaty for the destruction of vessels built in obedience to a law of the United States until authority to destroy them had been given him by Congress, or to take any action whatever in concert with foreign governments that would affect in any degree the size or efficiency of our Military Establishment on land or sea.

But, Mr. Chairman, I am one of those who believe that everything political should be judged by its fruits, whether it be an administrative policy or an institution of government or the action of an individual officer. If this interference by the Secretary of State and other persons outside the House with the discharge of its functions should result in better laws, better administration, a better Army or a better Navy, I would say, "Let the innovation continue and become a recognized feature of our political system."

Men are not made for constitutions. Constitutions are made for men. If a constitution be found to embarrass justice or defeat it, to retard progress rather than facilitate it, then that constitutional system should be amended or abolished. The system of government that will afford everybody subject to its authority the most complete assurance of security in the enjoyment of what he produces by his toil is the system which deserves to survive and which will survive.

Applying this test to the new method of allowing our action here to be governed and directed by persons outside our membership—which so many gentlemen seem to favor—how has it worked? How will it affect disposition of the pending question? To answer this we must first realize just what is the issue actually before us; and to realize this we must recall the conditions under which it arose.

The Secretary of State entered the recent conference with an air of extraordinary mystery and proposed that we destroy the very best features of our national defense—reduce our Naval Establishment from the greatest to the second in the world. And this proposal was made to nations that are the only powers which could possibly be our enemies in naval warfare. Think of it!

The one country that has always hitherto ruled the waves, which has insisted that control of the sea is absolutely essential to its very existence, but which can no longer maintain that supremacy against this Nation, was confirmed in the first position; that is to say, she was placed above us as a naval power by our own representatives. The spokesman for England, Lord Lee of Fareham, voicing the utmost demand that she felt it reasonable or safe to advance before the conference assembled, asked that she be put on equal terms with us. But Mr. Hughes has put her ahead of us; with a promise, it is true, that at the end of 10 years we will be equal to her in naval strength. She actually has superiority—we have a promise of equality—after a while.

And to bring about this result our representatives in the conference agreed to destroy the ships now almost completed that would have given us the greatest Navy in the world. Now, why should we decline to maintain the greatest Navy if we are to have any Navy at all?

Mr. Chairman, I believe that this world will never be at peace until complete disarmament is effected. I am the last man in all the world who would favor maintaining a great armament by land or sea for any purpose except one, and that is to force abolition of all armaments. This world will never, in my judgment, regain its capacity to support in anything approaching comfort the great populations that sprang into existence during a century of peace until all human energies and resources are enlisted in the great task of producing commodities which afford subsistence to human beings—none diverted to war or preparations for war. Not till everyone is actively at work—the armed forces of the world confined to those necessary for police purposes—will it be possible to stop the march of starvation which, after having already ravaged Russia and other countries of the East, is heading westward steadily and ominously, threatening to engulf the whole world in disaster that can not be measured.

Now, what has this conference contributed to the delivery of mankind from the curse of militaristic preparations? What have we gained by it that would justify destruction of the finest ships of war ever designed by human genius? Has disarmament been accomplished? On the contrary, armaments

have been made permanent. We ourselves must remain armed, even though our people desire to disarm. According to this letter of the Secretary of State, we have not only agreed to refrain from taking first place among the armed nations but we must maintain all the forces consistent with our remaining permanently in second place. For he insists that the basis of this treaty is that each nation subscribing to it will maintain the existing strength of its naval establishment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I yield to the gentleman from New York 10 minutes more.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes more.

Mr. COCKRAN. Mr. Chairman, I hardly think any gentleman here will deny that under this agreement we can not have the strongest fleet. That melancholy fact has been established beyond all question and beyond all necessity for further argument by the gentleman from Alabama [Mr. OLIVER] in the admirable speech which described with singular lucidity the relative tonnage that can be maintained by this country and England under the naval pact. Now, I have said before and I say again that while men—sensible men—may differ about the advisability of maintaining a Navy stronger than any other, I do not think there can be any difference among rational beings as to the folly of burdening a country with the cost of establishing a Navy that is inferior to any other.

As I have more than once pointed out, the second strongest navy is very much like the second best hand at poker, about the very worst thing anyone could have. If you can not get the best hand at poker, you had better keep out of the game. With the second best you can not win anything, but you are very likely to lose everything. Deliberately to enter the game with the certainty that the very highest hand you can get is the second best would show you better fitted for admission to a lunatic asylum than for successful participation in serious affairs. This is equally true of armaments. Deliberately to establish a Navy that could not possibly be victorious in battle over the only enemy it is ever likely to face would be an act of folly unparalleled in human annals. And yet that is precisely what this country has agreed to do. It has entered into a compact binding us to maintain a fleet that by no possibility could be equal to that of the country we must fight, if ever we are to fight at all.

But, Mr. Chairman, the treaty has been ratified. It is now a fact. We can not escape it or change it. And, therefore, nothing remains for us to do but to deal frankly and fairly with the situation it has created.

Since this treaty is in existence, my own judgment would be in favor of refusing to maintain any Navy. If we can not have the strongest, I would have none. Every ship I would send to the scrap heap, keeping just the necessary force for police purposes. If we were without any organized forces whatever at sea piracy might revive and this would be a calamity, to prevent which we are bound to take every precaution. Moreover, total abolition is impracticable, because there are a number of gentlemen over here who would maintain a Navy anyhow for the sake of pursuing those violators of the Volstead law that they think are undermining the Constitution. [Laughter.]

What then, Mr. Chairman, remains for us to decide? Nothing but the provision we should make for the second-class navy, which is the best that we can now establish. And just here is where an issue of much gravity arises.

The Committee on Appropriations reports that after careful scrutiny it finds a personnel of 67,000 men will suffice to equip all the ships that this treaty allows us to have, and it provides for them. A minority of the committee insists that 67,000 men will not be enough to man these vessels properly. Somebody or other said that 96,000 were necessary for that purpose. Somebody else said 75,000, and still others said 85,000 would be required. If we try to identify the somebody who has made any of these claims, he becomes elusive. To whom under these circumstances should we look for light, on a matter obscured by contradictory statements? To the agencies established by the House itself for the very purpose of obtaining the information necessary to sound conclusions or to persons outside our membership whose statements are vague when not mutually contradictory and who can have access to no sources of enlightenment that are not open to us and to our committees?

What is the argument for disregarding the report of the committee—this committee appointed by us that represents us; that is, in fact, ourselves? Simply that this measure does not provide for placing on each vessel its full fighting strength. That is to say, it does not provide that these vessels shall be maintained permanently on a war footing. Now, I want to ask gentlemen on both sides of the House when, in the whole history of the world, has any navy ever been maintained on a war footing in peace time? There never has been a war in all the experience of mankind which immediately after its conclusion was not followed by a great reduction in naval forces. I have not the time now to give you the figures——

Mr. KNUTSON. Will the gentleman yield?

Mr. COCKRAN. In a moment. Just let me finish this, and then I will yield. I have not the time to give the exact figures of all the reductions which followed different wars, but I will mention what is perhaps the most striking instance in history. In 1812, several years after the Battle of Trafalgar had been fought, but while England was still at war, she had 115,000 sailors and 31,000 marines actually under arms. In 1816, one year after the conclusion of peace, she had 24,000 sailors and 9,000 marines on her ships. Study the history of every war and you will find at its termination a reduction of 35, 40, 50, or 75 per cent in the number of men serving in the belligerent navies. Our own Civil War was no exception to this rule. But here we have what? Here we have this precious treaty which we were asked to accept with joy and approval because of the great reduction in taxation which it was to bring about; and if these additional men are voted, the expenses of the Navy, according to the gentleman from Illinois [Mr. MADDEN]—the chairman of the Committee on Appropriations—will be higher four years after the conclusion of the war than they were last year, three years after its conclusion. A treaty that was to have reduced taxation largely will have increased it enormously.

The utmost reduction of military expenditures that can be effected by the treaty, even under the appropriation now proposed, is, after all, but $100,000,000. If gentlemen who oppose the report of the committee have their way, there will be no reduction at all. There will be an increase. The question before this body is, then, in the last analysis: Will you, after having sacrificed our supremacy at sea in order to obtain some alleviation from the crushing burden of armaments, throw away the slight reduction in military expenditures your own committee recommends; and this on vague statements proceeding from doubtful sources, unsupported by any respectable authority? Are we to act once more as if we held anybody outside the House more competent to perform its own functions than everybody inside the House?

That is the question before this body, and the only question worth considering at this time.

There is no possibility—greatly to my regret—that this Congress will vote either to establish the greatest Navy in the world or else to abolish all naval armament. And that being so, whether the personnel of this second-class Navy is fixed at 67,000 or at 85,000 is of itself matter of little moment. But on the issue of following our own committee or accepting the direction of persons outside the House I do hope the vote will be decisive in favor of vindicating the dignity and capacity of this body to discharge its duties by the agencies it has itself established.

I have said, Mr. Chairman, and I repeat it, that if all the navies of the world were entirely disbanded, the economic result would be almost negligible. The total number of men released to industry would be only a few hundred thousand. It is on land that the great forces are maintained which threaten the peace of the world and retard its recovery from the ravages of war. There is little danger, in my opinion, that war on a world-wide theater can recur for a generation in view of the exhaustion caused by the conflict just closed. But preparations for war are continued on a scale greater than ever. Five million men are kept under arms. Their support must be drawn from the labor of others. It is the withdrawal of these enormous numbers of men in the very flower of their productive capacity from the field of industry that constitutes the great burden under which civilization is staggering and in grave danger of total collapse. Until that burden is removed entirely or at least lightened sensibly there can be no recovery for industry, no restoration of prosperity, no prospect of averting perils to the whole social fabric which threaten universal chaos. And this treaty for which we have sacrificed so much, instead of leading to disarmament, is an obstacle—I fear an insurmountable obstacle—to disarmament. From the hour when M. Briand said that the land forces of France would not be reduced, any treaty to which he was a party became inevitably an obstacle to disarmament. But if the conference has resulted in lengthening rather than in shortening the distance that divides us from disarmament, for heaven's sake let us guard the independence of our own legislative department in dealing with matters that remain the scope of its authority.

It is absolutely essential to the preservation of our republican government that Congress should retain full control of our expenditures for military purposes. This, indeed, is the very

crux of democracy and of the civilization from which democracy springs—on which democracy must always rest. There are in the last analysis but two forms of civilization. One I have often defined as civilization of the camp, the other civilization of the workshop. There can not, of course, be a civilization exclusively of the camp nor a civilization exclusively of the workshop. The camp can be formidable only where the workshop supplies it with the means of prosecuting effectively enterprises of war, while the workshop can reach its fullest productive capacity only in peace. And—up to the present at least—no means have been discovered by which peace can be preserved except by organizing armed forces to maintain it. But the difference between the two systems is none the less striking and conspicuous. Civilization of the camp protects and encourages the workshop only that military forces may be made more formidable. Civilization of the workshop seeks always to reduce the size of armaments to the very lowest point consistent with safety. Under civilization of the camp industry may grow, but armies always grow still more extensively. Under civilization of the workshop commerce expands continuously, while war is regarded as the most dreadful of calamities. And under that spirit the forces that make for conflict are always discouraged and steadily shrinking.

The war just ended was a conflict to the death between these two systems. It was my earnest hope that the victory of our arms would result in making civilization of the workshop supreme and universal. That hope has not yet been fulfilled. Indeed, we are farther from it than ever, judged by superficial indications. Instead of a world freed from militaristic preparations and delivered from the dark shadow of future wars which huge armaments project over the horizon of humanity, we have a world where military forces are multiplying and preparations for war are prosecuted more feverishly than ever before and on a constantly expanding scale. But I do not despair. Disarmament is the goal which all men and women of every race and every clime are striving to attain. And to that splendid goal I believe this country will lead the human race, notwithstanding the attempt by this treaty to make naval armaments permanent.

The great things America has done—and they are the greatest in all history—so great that not a human being in all the world would reverse or remove a single one of them if he had the power—the great things America has done have been accomplished not through her politicians but in spite of them. The settlement of our Civil War on conditions so just, and therefore so wise, that a few years after its conclusion victors and vanquished alike were rejoicing at its result—the most successful composition of internecine conflict in all human experience—was not effected by any political leader or any political party. It was forced on parties and politicians by a public opinion sufficiently enlightened to ascertain what justice required and sufficiently virtuous to impose what justice demanded.

And so in this cataclysm I feel confident the conscience of the American people will ultimately succeed in enthroning justice over all this earth. Somehow or other—in ways and by methods we can not now foresee—a declaration for disarmament—complete disarmament—will ultimately be enforced by the American people on the American Congress and enacted into law. It will be the word of God embodied in a statute proclaiming and securing freedom, progress, and prosperity to the whole world. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 20 minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, in the time allotted me I propose to discuss a matter that has received considerable attention throughout the country—the recent wholesale removal of 30 of the officials of the Bureau of Engraving and Printing, filling the most important positions in that establishment.

At the outset I wish to say that even though the method of removal is of the most doubtful legality, I should remain silent if the officials had been removed because of misconduct, but, apparently, no charge of misconduct was brought against any of them. That prior to their removal nothing was called to the attention of the President as the basis for such a charge is clear from a letter written from the White House since the removal became effective. In addition, there has been given out a letter from the President to the representatives of all the Federal employees which reiterates that the character of none of the persons dismissed has been impugned. The President desires it understood that his letter is written not as an apology but as an explanation. But the difficulty is it does not explain. May I respectfully say it makes one think of the remark of Talleyrand to the effect that the art of language is to conceal thought? The letter does state that the action was taken after "extended deliberation"—not investigation but deliberation. We well know that the President himself is too busy with a multitude of matters to give any of them very extended deliberation. We must only conjecture who did the deliberating in this instance. Perhaps they were the two officials, one of the Department of Justice and the other in the Treasury Department, but not at the head of that department, who seems to be the patronage pilots on the administration ship, and whom the President had best drop from the vessel if he would keep it from going on the rocks. I am not at all surprised that the representatives of the Federal employees find the President's letter unsatisfactory.

The work of the bureau, which includes the printing and engraving of Government bonds and the notes that are a part of our circulating medium and the issue of all postage stamps, is very important and requires the service of persons possessing great technical knowledge and skill. It is not denied that such qualities, matured by experience, were possessed by the 26 men, among whom were 5 war veterans and the 4 women who have been displaced. All of them had rendered valuable service to the Government; several of them by inventions and improved processes for which, of course, they were paid nothing, had saved the Government large sums of money, and some of them had declined private employment at larger salaries than the Government was paying because of their devotion to the work in which they were engaged. They hail from the District of Columbia and 11 States. They were all in the classified civil service and appointed thereto not by the President but by his subordinates to whom the power of appointment had been intrusted under the Constitution and the law. They were appointed without regard to party affiliations, and most of them were appointed before the advent of the Wilson administration. Here was a group of high-class employees, each one having a record of fidelity and efficiency, who, prior to March 31, were without any intimation that their work was unacceptable or that it was in contemplation to dismiss or otherwise punish them. And yet, without warning, that evening they were summarily dismissed by the President's order of that date. I hope that some one who has the time will compile and present to the public the facts showing how unusually valuable to the Government was the service rendered by each of the dismissed officials. I am not able to do that now, but by way of illustration I may mention that I have heard one of them spoken of as the master engraver of this country, the finished beauty of whose work is approached by only one other, who is a New York engraver.

As further illustrative, and to indicate the suddenness of what was done and the shock it occasioned, I may mention one case of which I know, the case of an accomplished scientist, a man of middle age, residing here in Washington with his little family, by whose service the Government had profited to the extent of hundreds of thousands of dollars, and who during the war had refused lucrative private employment. He left his office late in the afternoon of March 31, and in the night was visited by a messenger who delivered him a copy of the order, along with a communication of less than four lines from the Secretary to the President, which said: "You will note the abolishment of your position and be governed accordingly." Going to the bureau the next morning he was not permitted to enter his office except in company with a watchman and a Department of Justice agent, and not enabled until later in the day to withdraw his books and other belongings. He, like most of his fellow sufferers, is a man of small means, and is now turned adrift in a time of widespread unemployment, when places are difficult to find. His case is typical of the situation which the order has brought about, and which, so far as I know, is without precedent in our history. He and the others have been abruptly ousted from the positions they filled. Those of them who were moving on toward the retirement age can now have no hope of coming within the scope of the retirement law. Furthermore, as I understand, dismissal means ineligibility for reappointment to civil-service positions.

On the Monday following the black Friday transaction of March 31 the officials visited the White House in a body, to inquire why they had been dismissed. They were in the shadow of what was to them a tragedy. The President, they were told, was in the sunshine of the golf links. They left at the White House a communication addressed to the President. At that moment the country was assuming that the removal must have been prompted by the discovery of irregularities for which the officials were responsible. All sorts of statements and rumors to this effect were appearing in some of the newspapers, which even still persist.

The men and women who had been dismissed not only felt a deep sense of injustice but the gross humiliation of being depicted as probable malefactors. That they are not malefactors we are now authoritatively assured. We also seem to be ad-

vised that preceding their removal there was no investigation, but only deliberation. It seems to be clear that the President, in determining conditions in the Bureau of Engraving and Printing, did not investigate through the Bureau of Efficiency, which is the agency that he could have used for that purpose. In this connection it may be emphasized that even though it may have been found, as from what we now know it was not found, that some one individual or two or three individuals had been guilty of misconduct, nevertheless, in fairness and equity, that fact would not have afforded ground for the wholesale removal of a large number of officials working to a great extent independently of each other. [Applause.]

On the 3d of April I offered a resolution, a copy of which will be attached to my remarks, which sets forth the law governing the removal of persons from the classified civil service. It also recites the fact that, when the order was issued, it was approved by the Attorney General, Mr. Daugherty, who was then in conference with the President. It also calls attention, I believe, to the fact that, after the sentence had been pronounced and the execution had taken place, an investigation was started by the Attorney General, presumably to search for evidence to justify what had been done. The resolution proposes the appointment by the Speaker of a committee of five to make a different sort of investigation—a thorough and impartial investigation—and report its conclusions to the House. What I desire are the actual facts. I was aware when I offered the resolution that the Committee on Rules, to which it was referred, would probably observe its habit of not considering any resolution introduced by members of the minority of the House. That very autocratic committee has proved true to form. The chairman of the committee has not deigned to acknowledge the receipt of my letter to him of the 4th of April, urging that the resolution be promptly considered. He has failed to give the subject so much as the cold respect of a passing glance, and so does not assist in getting at the actual facts.

Yesterday the gentleman from South Dakota [Mr. JOHNSON], a Member for whom I have great respect, a man who possesses in high degree one of the qualities now most needed by men in public life—the quality of courage—predicted on the floor of the House that when the facts are known there will be no one to defend the Bureau of Engraving and Printing. I do not lightly regard the gentleman's statement, but I know something about that bureau, and I oppose to his prediction my own prediction, that if we ever secure a full and impartial investigation, such as is contemplated by my resolution, it will be found that no agency of this Government has been better managed or conducted than the Bureau of Engraving and Printing. [Applause.] And why should we not have such an investigation?

Mr. Chairman, I do not desire to discuss this matter in a partisan manner. I am a party man, but, recognizing the seriousness of the conditions that now prevail, I have been anxious, I have been eager, for the success of the administration. No one would have been happier than I had it refrained from any course that merits adverse criticism. But this ominous incident, while it immediately affects only 30 American citizens, who, in certain quarters, are being ridiculed and derided because of their just complaint, adds to the confusion and uncertainty of the times in which we live by threatening to place the business of the Government where it once was—in the hands of reckless and unscrupulous spoilsmen.

All who study sufficiently to take a long view remember how the spoils system corrupted the Government of England during the eighteenth century. The use of money and patronage to control elections was the influence that wrought untold injury to England. The oppression and alienation of the Colonies was in no small measure due to the fact that the Government at home becoming corrupt, as a consequence wealthy and incompetent men, protected by the party in power for party maintenance, were foisted upon the Colonies as officials. Only after the Revolution, as a result of a struggle that had been initiated by such friends of America as Burke, Pitt, and Rockingham, was there a marked advance toward stabilizing the civil service and giving paramount consideration to the interests of the public in the conduct of the business of the Government, rather than the interests of party and the interests of powerful individuals.

The student may read the whole story in Dorman B. Eaton's book on Civil Service in Great Britain, which is the product of a survey of conditions in England made by Mr. Eaton at the request of President Hayes.

Nearly half a century ago a similar struggle to overthrow the spoils system in this country, which had become flagrantly offensive, was begun during the administration of President Hayes. It enlisted the support of many of the most eminent citizens and public men, including Senator Pendleton, of Ohio, a Democrat, and Representative Garfield, of Ohio, a Republican, and, being carried on with strong and steady determination, led to the enactment of the law of 1883, which has since been variously amended. Whatever the imperfections of the new system—and nothing in government is ideal—I believe it is regarded by the overwhelming sentiment of the country as far preferable to the spoils system, and I do not believe that the people of the United States will quietly acquiesce in its obliteration. I have no sympathy with anyone, Democrat or Republican, who favors even an approximate return to the old basis. On the contrary, I for one would be glad to see appointment to office and removal from office, offices of every character except those great offices whose occupants are looked to by the President to put into effect his general policies, I should like to see them all filled according to merit, which would involve the elimination of partisan influence, whether exerted by the President or by his subordinates or by Senators and Representatives. And in saying this I have in mind not only offices like those in the Bureau of Engraving and Printing, which had been assumed to be fairly beyond the touch of the spoilsman, but also the post offices which are to-day in greater degree than in recent years more completely the prey of the spoilsman. The enormous majority of the people of this country, the millions who go their quiet way on the farms and in the fields, the millions who labor in the factories and mines, the millions who are toiling in numberless other occupations are mainly concerned that the civil-service offices shall be properly filled, and are not much concerned as to whether they are filled by members of this party or that.

They take note of the wide difference between Government enterprise and their well-managed business enterprises. And they perfectly appreciate, whatever may be alleged to the contrary, that the difference will not be narrowed and Government rendered more satisfactory by making party affiliations and activities the standard of appointment. On this issue, which includes, but does not put to the front the Pecksniffian hypocrisy of pretending to make merit the standard, while really making party fealty the standard, but puts to the front a more fundamental and vital question, the integrity of our civil-service system, I have no misgivings as to what would be the result of an appeal to the country.

It is a circumstance of marked significance in the estimation of those who dread a return to the spoils system that only a few days before the President's order was issued his Attorney General proclaimed himself hostile to the present system. His utterance was not rebuked by the President, but, nevertheless, I am reluctant to believe that he spoke with the President's authority and approval. There have been Presidents who would not only have rebuked him but dismissed him for the good of the service. Mr. Roosevelt, who would now, had he lived, almost certainly be in the Presidency, who abhorred the spoils system and was among the stanchest and most resolute defenders of the merit system, would surely not have countenanced the doctrine which the Attorney General has proclaimed, nor, in my opinion, is it conceivable that he would have signed the order which the Attorney General doubtless prepared.

While the main issue raised by the action of the President is the issue as to whether spoils politicians are to have their way and work their will at the expense of the people of the country who desire the best Government that can be provided—while every other question is subordinate to that—I wish to express my sympathy for the individuals who have been wronged. Even if there were no law applicable to the matter, who can deny that a wrong has been done them by the treatment which they have received? The Attorney General was at the elbow of the President, we are told, when the order was issued. It is to be deplored that the President took the advice of the Attorney General. The President had much better have acted in the spirit of Edmund Burke when he said: "It is not what a lawyer tells me that I may do, but it is what my conscience tells me I must do and not do." [Applause.]

The men and women, for whose removal I have not the slightest doubt the Attorney General and politicians who share his view are responsible, are not people of wealth or power, and for that reason they were the very people who were entitled to the careful and earnest consideration of the Chief Executive. It has not been left to those of our race or of our religion to discover the duty resting upon rulers to primarily take into account the helplessness of those who have been least favored by circumstances of birth, fortune, and position. It was the Caliph Omar who said, when he came to his throne, "He that is weakest among you shall be in my sight the strongest until I have vindicated for him his rights, and he that is strongest will I treat as the weakest until he complies with the law." I predict that in the time to come the President will think regretfully of

the cruel fate to which a number of helpless citizens who had served the Government well in days of peace and in days of war were doomed by the stroke of his pen.

The essential injustice of the transaction is so clear that I hardly care to essay the task of trying to determine the rights of these people by a discussion of the law, which they supposed was made for their protection. But relative to that aspect of the matter I shall quote the statutory provision of 1912, with some little comment. The statute provides as follows:

That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing and affidavits in support thereof.

It seems that Congress was practically unanimous in enacting this provision. The provision was, of course, intended to have a meaning. The Supreme Court in a decision in the case of United States *v.* Wickersham (201 U. S. 390) construing the regulation of 1897, to which I shall refer in a moment, and which is similar to the statute, held that an employee in the classified civil service appointed by the head of a department can not be removed by the appointing authority without notice and hearing, and if so removed he can sue for the subsequent accruals of salary. It is true that the court reserved the question as to whether the President is bound by such a regulation or statute.

I suppose that is a constitutional question. But whether strictly bound or not, he ought to consider himself bound, in the interest of the country and in the interest of fairness to individual officials and employees. If the law binds him, his action is illegal. If, on the other hand, the law does not bind him, it would be impossible to enact any law that would bind him, and he can go as far as Mr. Daugherty and the others desire him to go in completely breaking down the civil-service system. He can insist upon the exclusive right to make all appointments, except where the power of appointment is delegated by Congress to certain agencies named in the Constitution. And, however appointments are made, whether by him or by those agencies, he can dismiss all executive officials and employees at any moment and as frequently as he may think fit. He can level to the dust the system which has been so laboriously built up.

But listen. The statute I have quoted was enacted in 1912, but long before 1912 the Presidents of the United States had put in effect regulations not very dissimilar to the statute, thus electing to bind themselves to the observance of the principle now expressed in the statute. The first rule with reference to the matter was promulgated by President McKinley in 1897, and it reads as follows:

No removal shall be made from any position subject to competitive examination, except for just cause, and upon written charges filed with the head of the department, or other appointing officer, and of which the accused shall have full notice and an opportunity to make defense.

In 1899 President McKinley modified the rule, making it closer to what is the language of the present statute. In 1902 President Roosevelt promulgated the rule in the following language:

No removal shall be made from the competitive classified service, except for just cause and for reasons given in writing; and the person sought to be removed shall have notice and be furnished a copy of such reasons, and be allowed a reasonable time for personally answering the same in writing. Copy of such reasons, notice, and answer, and of the order of removal shall be made a part of the records of the proper department or office; and the reasons for any change in rank or compensation within the competitive classified service shall also be made a part of the records of the proper department or office.

The substantial policy of McKinley and Roosevelt became the policy of Taft and Wilson. That policy, now given the sanction of a statute, is the policy that President Harding apparently rejected when he issued his order of March 31. He will, I think, find it desirable to explain to the country much more fully than he has attempted to do his reasons for rejecting a definite policy of enormous importance, which had the approval of four Presidents, two of whom were from his own State, and which is crystallized into law.

I turn again for a moment to the individual officials who are directly involved. It is a platitude to say that the best asset is good character. These were men and women of character, as is manifest from their record and the esteem in which others hold them. Notwithstanding, they have been treated as if they were without the sort of character which alone can invite and assure confidence. I give one other illustration. Mr. Ashworth for a quarter of a century or more had been custodian of dies, rolls, and plates. According to custom, and perhaps under authority of law, on the 6th of January last the Secretary of the Treasury appointed a committee to examine Ashworth's office. The committee, after weeks given to the performance of its duties, made a report to the Secretary of the Treasury, in substance stating that it found everything to be as it should be in that office. That report was made to the Secretary at 4.30 o'clock on March 31. Nevertheless at 6.45 o'clock the same day the President signed the order dismissing Ashworth "for the good of the service." Thereupon a Mr. McCauley was appointed to succeed Mr. Ashworth, just as a Mr. Hill was appointed to succeed Director Wilmeth. None of these people, so far as I am aware, are constituents of mine, but I have known Wilmeth for years and I have confidence in the purity of his character. I also know about the high character of Mr. Ashworth. I know very little about Messrs. McCauley and Hill, but I submit that before they should have been appointed to responsible positions, which ought to be filled only by men of undoubted character, there should have been some deliberation, if not investigation.

The records of the Supreme Court of the District of Columbia, which is in such close relation to the Department of Justice, should not have been overlooked as a source of information. If the charges made in litigation pending in that court against Hill and McCauley are well founded, they will receive the condemnation of the court, as they should receive the condemnation of all decent citizens. [Applause.]

I entertain no doubt that those by whom the President was advised—and, as I think, very much misled—were actuated by an intention, which is not confined to the Bureau of Engraving and Printing, to remove officials who are not active in either party and appoint in their places those who can be relied upon to respond to party dictation and render active party service. Look at the transaction in its nakedness. The call of party distress was being heard from many States. The exigency was great. Something must be done that would have a tonic effect upon party workers everywhere. The call was heeded by the spoilsmen in Washington. There was no time to give notice or to allow a hearing. There was no time for inquiry into the antecedents of the new appointees. There was no time for anything but a quick step upon the path of reaction, toward the condition of demoralized service, general inefficiency, and political corruption which was the condition formerly existing here.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. LINTHICUM. I should like to know more about the proceedings in the Supreme Court of the District of Columbia.

Mr. MOORE of Virginia. I have not the time to go into that. Nor have I the time to do more than merely refer to a statement headlined in the newspapers this morning to the effect that the President's order is explained and accounted for by a transaction which took place in the bureau in July. That transaction involved the dropping from the roll of six or seven hundred employees, in line with carrying out the policy of economy which is so constantly and urgently insisted on. I should not forget to say that among those dropped from the roll was Mr. Perry, who has, by being appointed assistant director, become a beneficiary of the order of March 31. Hill director and Perry assistant director!

It is stated in substance that the July occurrence was of such nature as to fully warrant the President in issuing the order of March 31. But the simple facts are that the action of the Director of the Bureau in July was not only within the law but was sanctioned in advance by the Assistant Secretary of the Treasury; and that when protests were made the Secretary of the Treasury appointed a committee, with the Comptroller of the Currency, Mr. Crissinger, as its chairman, to look into the matter and make a report, which last September made a report which I shall attach to my remarks, giving the action of Director Wilmeth sweeping approval.

Mr. LINTHICUM. Mr. Chairman, while the gentleman is incorporating that in his remarks will he not incorporate sufficient of the proceedings in the Supreme Court of the District of Columbia in the RECORD to give us more information?

Mr. MOORE of Virginia. If I did so, I might be charged, as another Member on a former occasion was charged, with putting in the RECORD something it should not contain. [Laughter.]

Mr. Chairman, since the President's order was issued some fool friend of his, from whom he should pray to be delivered, predicting that similar action would be taken in many other directions, said that the purpose is to "Hardingize" the executive departments of the Government, just as some one else has said that there is a purpose to "Newberryize" the legislative department of the Government. If such a program should ever be fully consummated, this will cease to be a government of law and will become a government of men, of the most unworthy men, guided wholly by their selfish and predatory instincts. There will be a weakening of the foundation on which rests

liberty regulated by law. The golden age of the Republic will have passed and the golden opportunity of the agitator, the communist, and the Bolshevik will have come. [Applause.]

The resolution is as follows:

House Resolution 319.

Whereas, pursuant to an order of the President, issued the afternoon of March 31, and immediately effective, there was a wholesale removal of responsible officials of the Bureau of Engraving and Printing and the appointment of other officials in their stead; and

Whereas the order was made notwithstanding the law which provides "that no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing, and affidavits in support thereof"; and

Whereas previous to being notified of their sudden dismissal by a letter from the Secretary to the President, accompanied by a copy of the President's order, none of the said persons, so far as they were aware, had been complained of to the Secretary of the Treasury, to whose department the Bureau of Engraving and Printing belongs, or complained of by him, or otherwise made the subject of complaint; and

Whereas the order recites that the action of the President dismissing the said persons was taken "for the good of the service," which carries the implication that the officials removed had been guilty of misconduct, which is a grave injustice to them if, as is alleged to be the fact, they are persons of capacity, character, and experience who have discharged their duties faithfully and efficiently, some of them being officials whose inventions and improvements have been freely used by the Government to its great advantage, some of them having heretofore declined attractive offers of private employment because of their devotion to the interests of the Government, and some of them being war veterans; and

Whereas it was stated by the press at the time the order was issued that it was approved by the Attorney General, who was then in conference with the President, and it is now similarly stated that the Attorney General will cause an ex parte investigation of conditions in the bureau for the purpose, apparently, of determining whether the order, already executed, was justified by the facts; and

Whereas in view of his recent utterances, which show that he is hostile to the general policy embodied in the civil service law, such an investigation made and any decision promulgated by the Attorney General would hardly inspire public confidence; and

Whereas it is in every sense proper and desirable that there should be a thorough and impartial inquiry into every feature of the transaction in question: Therefore be it

Resolved, That the Speaker appoint a committee of five members who shall ascertain and report:

The specific facts and reasons upon which the order is based, and by what, if any, real investigation it was preceded; whether the persons removed, or any of them, have failed in the performance of their duties; whether there is ground for believing that the good of the service is likely to be promoted by their removal or by the new appointments; and whether or not the facts indicate that the order may be regarded as a step in the direction of a return to the discredited spoils system by disregarding the spirit and, as is also claimed, the letter of the civil service law.

The report of the Crissinger committee is as follows:

WASHINGTON, D. C., *September 7, 1921.*

To the honorable the SECRETARY OF THE TREASURY.

SIR: The undersigned, constituting the committee named by you on July 20, 1921, "for the purpose of considering the protests of certain employees of the Bureau of Engraving and Printing against their release from employment in that bureau," respectfully report as follows:

The committee has carefully investigated these protests to the fullest extent it deemed necessary or requisite to carry out your instructions, and finds as follows:

1. That there was not only a legitimate reason but an urgent necessity for a reduction in the force of this bureau to the extent to which it was actually reduced.

2. That before any employees were discharged the director of the bureau put into effect the following rules to be observed in determining what employees should be dismissed:

(1) Drop employees regardless of term of service whose records are poor, involving inefficiency, inattention to duty, tardiness, excessive loss of time, agitators, and trouble makers.

(2) Drop, without prejudice, married women whose husbands are employed in the Bureau of Engraving and Printing or in other branches of the Government service at a good salary.

(3) Drop, without prejudice, those employees most recently appointed.

(4) Furlough indefinitely, but subject to recall to duty within the period of a year, employees whose services are not now needed but whose efficiency and attention to duty have been such as to make their services desirable. This will enable the bureau to draw recruits from a trained and experienced force.

3. That making reasonable allowance for the human element in the relations between the employees and their next immediate superiors, these rules were apparently so observed as to produce as little individual injustice as could be expected in dealing with so many cases.

4. That the reduction was a real one and not a pretended one for the purpose of putting other more favored employees in the places of those released.

5. The committee therefore recommends that said protests, and all of them, be disallowed, and that the applications of the protestants, or any of them, for immediate reinstatement should not receive favorable consideration.

Respectfully submitted.

D. R. CRISSINGER, *Chairman.*
WILLIAM P. ABBOTT.
W. G. PLATT.
S. R. JACOBS.
CHAS. STEVENSON.
J. E. HARPER, *Secretary.*

Approved:
A. W. MELLON, *Secretary.*

Mr. KELLEY of Michigan. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman and gentlemen of the House, there is at least one comforting thing about the present debate upon the Navy bill, and that is that the issue presented by the measure is entirely clear and narrow. It is this: Is it possible with 67,000 enlisted men to maintain, during the ensuing fiscal year, a well-balanced treaty Navy, with all of the auxiliaries that are appropriate to the treaty Navy? That issue is answered squarely in the affirmative by the majority of the Committee on Appropriations, and it is answered squarely in the negative by the minority of the Committee on Appropriations.

Most of us in the House, myself more than many, perhaps more than most, are not experts on great questions of naval policy; we are not able of our own knowledge to answer these questions. It is a question of fact that is now before us, but it is an extremely complicated question of fact. What are we to do? I assume that like myself there are many men in this body anxious to do the right thing, who have looked about to see where they could get the most reliable and authentic information which would enable them to make up their minds. When I am seeking light on any legislative question my first inclination is to turn to the men in this House who know most about the subject under discussion. Without wishing to belittle the information of other Members of this House, I should place in the first rank on naval questions the distinguished gentleman from Michigan [Mr. KELLEY] and the distinguished gentleman from Tennessee [Mr. PADGETT]. Mr. KELLEY has devoted himself diligently and effectively to a study of the Navy during the entire time I have been a Member of the House, and nobody disputes his ability or his power in presenting his case.

Mr. KELLEY of Michigan tells us flatly, vigorously, and emphatically that there is no doubt that the bill now before us is sufficient to support the treaty Navy. On the other hand, we turn to Mr. PADGETT, absolutely fair, absolutely trustworthy in every respect, beloved by the membership of this House, and a man who has served on the Committee on Naval Affairs for 18 years and who has presided over the Committee on Naval Affairs as chairman for 8 years. What does he tell us? I ask you to turn, those of you who did not hear his speech day before yesterday, to page 5247 of the RECORD of this morning. He says:

I want to say to you that in my honest judgment the bill as reported not only fails to maintain that standard—

The treaty standard—

but will bring the Navy of the United States from a position of five to a position of not exceeding three.

That is Mr. PADGETT's judgment, after nearly a score of years of familiarity with naval questions.

So we have Dr. KELLEY of Michigan on one side, Dr. PADGETT on the other side, admirable men both, taking diametrically opposite positions upon this matter that is of such very great importance to the entire country, a matter as to which every Member of this House, I know, wants to cast the right and proper vote for the national welfare. What are we to do when doctors disagree? We want to get certain and accurate information, and we are confronted with an impasse between the two gentlemen whom I have quoted. What did the Secretary of State do? And, by the way, if any criticism attaches to anyone for the Hughes letter which was read from the Clerk's desk yesterday, I suspect it should attach to me. I asked the Secretary of State a civil question, because of the fact that he had been chairman of the Conference on Limitation of Armament, and like a civil gentleman he answered, stating his opinion. What does the Secretary of State say upon this question? He says:

I have questioned the naval experts with whom the American delegates consulted during the recent conference, and whom we found both accurate and in sympathy with the principle of limitation by agreement, and I am advised that the proposed number of enlisted men is far below the number required to maintain our Navy upon the basis contemplated by the treaty.

The Secretary of State says frankly that he can not of his own knowledge say whether 67,000 or 86,000 or 96,000 is the proper number to maintain the treaty ratio. But he does what he did all through the arms conference—he goes to the men that he considers the best men in the Navy Department, men whom he has found reliable and accurate in the past, men whom he has found not overfond of a swollen Navy, and he takes their judgment as to what is necessary to maintain the treaty Navy. They tell him that the proposal of the bill is wholly insufficient. He accepts their judgment.

Is there anything else, gentlemen of the committee, that we can do? Must we not go to those who have made their life work trying to learn about the Navy and about what can be done with the Navy Department and with the men and the matériel that the Congress of the United States gives them to work with as best they can?

I do not need on this floor to repeat what has been said over and over again as to what will happen if the Navy is to comprise 67,000 men. It will be seriously curtailed and crippled. There is one point I want to make that I think has not been stressed; perhaps it has not even been mentioned at all during the discussion.

Remember, if you please, gentlemen, this very important fact, that the President of the United States is the Commander in Chief of the Army and Navy of the United States. We can say how large a Navy he may have, but he alone—and in naval matters the Secretary of the Navy, of course, acts under him—he alone can say what use shall be made of the Navy which the Congress of the United States gives him.

We saw in connection with the Army debate an attempt to limit the use that the President and the Secretary of War could make of the forces for which the Congress was to appropriate. The House of Representatives, by unanimous vote, settled, and, I hope, settled permanently, that this Congress is not going to run the details of the Army. [Applause.] Absolutely the same thing applies here. We can say how many men the Navy shall enlist, how many men shall be granted to the Navy for the ensuing fiscal year; but, gentlemen, we can not say what the use shall be that the Secretary of the Navy deems most fitting.

I assume, perhaps, that there is no real controversy about the proposition I have advanced. I am glad to notice that the distinguished chairman of the subcommittee, the gentleman from Michigan [Mr. KELLEY], recognizes this fundamental fact very definitely in the course of the hearings. On pages 385 and 386 of the hearings the discussion was proceeding between Secretary Denby and Mr. KELLEY as to the proper allocation of a Navy of 50,000 men for sea duty. Mr. Denby explained what the viewpoint of the Navy would be as to the detailed use of whatever Navy Congress should give. Mr. KELLEY said, "That is a matter for you entirely." And I see him nod his head in affirmation that that was his intent and that he stands upon that position to-day.

Thus, we have this situation: That the Secretary of the Navy has announced that with 67,000 men he will not be able to keep in commission more than 13 capital ships. He has announced that that will be his program, that that will be his viewpoint, and that that will be the most efficient use from the standpoint of national defense which can be made of the 67,000 men proposed in this bill.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. ROGERS. I yield.

Mr. KELLEY of Michigan. What does the gentleman say to the proposition that with only 50,000 men he is now keeping what he regards as an 18-battleship fleet in commission?

Mr. ROGERS. I shall not deal with the past. I want the best possible navy in the future. The Secretary of the Navy, if we give him only 67,000 men, will keep in commission only 13 capital ships instead of the 18 provided in the naval treaty.

Now, gentlemen of the committee, it does not make any difference whether you, if you were Secretary of the Navy, or I, if I were Secretary of the Navy, would undertake to maintain 18 capital ships with 67,000 men. The fact is, as we are told in the hearings over and over again, that the Secretary of the Navy, who is now on the job, will not deem it for the national well-being to maintain more than 13 capital ships with a force of 67,000 men.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. GARRETT of Tennessee. We determine the question of policy?

Mr. ROGERS. Yes.

Mr. GARRETT of Tennessee. May I ask the gentleman, is there anything now existing in the world that indicates that we shall need more than 13?

Mr. ROGERS. That is a very fundamental question which I have not time to answer in the remainder of my 20 minutes. I agree with what I understood to be the viewpoint of the gentleman yesterday, that the treaty does not obligate us to keep our naval strength up to the maximum provided therein. I think it would be a most calamitous day for this country, however, when the Congress of the United States voted to go below the treaty ratio. [Applause.]

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. LONGWORTH. Assuming that the gentleman from Tennessee is right—and I think he is, that we are bound under the treaty, morally bound, not to exceed the 5-5-3 ratio—does not the gentleman think that at the time that treaty obligation was entered into we were morally bound to the American people to see that that obligation is met? [Applause.] And what would the gentleman think, if a statement had been made at that time that France and England and Italy and Japan were joining together to prevent our getting a Navy of at least 5-5-3 ratio, would have been the reaction of this country?

Mr. ROGERS. If our delegates had agreed to a Navy the one-hundredth of 1 per cent less than that of any other power in the world they would have been swept out of existence by a storm of public disapproval. [Applause.]

Gentlemen, I wish I could deal a little further with the ratio matter along the line I have already discussed it; but I must pass to another aspect of the question. In order to know what our ratio should be for the ensuing year it is manifestly necessary for us to know what the program of the other powers is for the same fiscal year. How otherwise can we know what "5-5-3" really means? In other words, the agreement made two months ago is not in all respects an absolute agreement; it is an agreement involving the element of relativity. Hence it becomes instantly important for us to ascertain what the plans of Great Britain and Japan are for the ensuing fiscal year.

I confess, gentlemen, that I have been amazed as I looked through this volume of hearings, containing over 1,000 pages, going into the greatest detail on every conceivable subject which deal directly or indirectly with the Navy. I can not find a single line that shows what the personnel of the British and Japanese Navy is to-day or what it is likely to be in the next fiscal year. I hope that admission was inadvertent. I hope it was not intentional. But whether it was intentional or unintentional, it is a very serious defect that the evidence is lacking which ought to be officially before us to enable us to make up our minds. [Applause.]

I realize, I say, the importance of knowing what the British and Japanese strength will be, because otherwise we can not know what the first 5 is, what the second 5 is, and what the 3 is. We must know those facts. I have put in a good deal of my time in the last few weeks trying to get the facts. I had no ax to grind; I did not seek to establish one figure in preference to another figure. I simply desired to get correct information. I have talked with the Navy Department. I admit that I have talked with the Navy Department. It seemed to me that the best place to get information concerning the navies of the world is our Navy Department. As to Great Britain, the Navy Department has told me that the lowest figure which honestly and fairly compares with the 67,000 in this bill is 104,000 and some odd hundreds. That eliminates from the British figures the activities that ought to be eliminated in order to check up with our own figures. I shall print in the RECORD, if I can get permission, the details showing just how that figure is arrived at.

Gentlemen, 104,000 for the British Navy is a conservative figure. The gentleman from Tennessee [Mr. PADGETT], whom we all trust, has said (p. 5250) that the corresponding figure was at least 117,000. But I have stripped from the British figures everything that could present any possible question or doubt. I have discussed the figures backward and forward and crosswise with old admirals and with young lieutenant commanders in the United States Navy. They agree that the minimum comparative figure is 104,000. If they are not liars, gentlemen, I think this House ought to follow their statement on this simple question of fact. What other information have we than the information which they give? That information as to the British figure was cabled to the Navy Department by our naval attaché in London. The figures for Japan—68,252 enlisted men—were cabled to the Navy Department in Washington by our naval attaché in Tokyo. How in the world can we reject those figures unless we want to say that the men who gave them to us are liars?

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I can not yield now.

There is nothing in the hearings that gives a basis for any estimate whatever. I desire to ask the gentleman from Michigan [Mr. KELLEY] if he is willing to answer me as to where he gets the suggestion that my figures, as they are given, are not accurate?

Mr. KELLEY of Michigan. I will say to the gentleman that the figures which I gave the House relative to the British strength for the coming year are matters of common knowledge printed generally in the British daily press and Army and Navy press as matters of news, and, in the second place, were verified to such an extent as was possible.

Mr. ROGERS. Does the gentleman mean the British Embassy?

Mr. KELLEY of Michigan. I shall not quote any particular authority in relation to matters of an international character. The public reports are sufficient.

Mr. ROGERS. Will the gentleman answer me this question, whether he has been in direct personal contact with the British Embassy or the Japanese Embassy?

Mr. KELLEY of Michigan. I refuse to answer any such question.

Mr. ROGERS. Very well, gentlemen. I prefer to have the program for the American Navy decided in the American Navy Department rather than in the embassies of Japan or Great Britain. [Applause.]

Mr. KELLEY of Michigan. I should like to ask the gentleman where our representatives abroad would get their information relative to the Japanese or British naval forces or the appropriations carried for their support?

Mr. ROGERS. They would get it in the regular way, through regular channels. It is their job to get it. I do not want backstairs information from the chancelleries of Europe obtained in Washington. [Applause.]

Mr. KELLEY of Michigan. Does the gentleman think that an examination of the book estimates of a foreign government would fall within the category which he has described?

Mr. ROGERS. I have asked the gentleman what I regard as a fair question. The gentleman does not care to answer it, and I prefer to proceed to another phase of my remarks.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KELLEY of Michigan. Does the gentleman want a little more time? I took a little of his time.

Mr. ROGERS. I think the gentleman has been most kind and most fair to me, and I am obliged to him.

The following is the statement referred to, comparing the enlisted personnel of Great Britain, the United States, and Japan:

	Average for year, including apprentice seamen.	Colonial navy.	Aviation (one-third of total).	Enlisted men, average per year.
Great Britain	87,549	7,000	10,000	104,549
United States (including aviation)	67,000	.....	.....	67,000
Japan	68,252	.....	.....	68,252

In addition we carry 1,600 men in communication. Great Britain uses civilians.

In addition we man auxiliaries with regular enlisted men. Great Britain mans a considerable percentage of hers with naval reserve. British so employed are estimated at 4,000. Therefore it would be proper to add 5,600 more to figures of Great Britain.

Mr. BYRNES of South Carolina. I yield 10 minutes to the gentleman from Louisiana [Mr. FAVROT].

Mr. FAVROT. Mr. Chairman, in a matter of the importance of the one before us, of such vital moment to the country, a matter upon the correct determination of which may depend our future weal or woe, if we err we should err upon the side of safety. It is better that our naval personnel be too many than too few. It is better that there be no question, no doubt as to the adequacy of our Naval Establishment, because, Mr. Chairman, we are and we always will be dependent upon our Navy for our national defense. If our Navy is strong enough, no enemy can invade us. If our Navy is destroyed, no enemy need invade us. With the destruction of our seacoast cities and the blockade of our coasts, it would not be necessary to land a man upon American soil. Realizing our dependence upon the Navy, and in order that we might maintain an adequate Navy and at the same time save the enormous expense of competitive building, we brought about a conference of the naval powers, which conference fixed the relative naval strength to be maintained by those powers. The naval force for which we stipulated and which was allotted us was, in the opinion of our conferees and of our naval experts, the least consistent with the national safety, and it was the expectation of our conferees, and it should be the duty of this Congress, so to provide that we maintain the full naval strength permitted us by that treaty.

But, Mr. Chairman, the Committee on Appropriations propose to reduce our naval force, not only considerably below that which is permitted us to considerably less than that which was allotted to us but considerably less than that deemed essential to the Nation's safety. That conference fixed the naval ratio for ourselves, Great Britain, and Japan at 5–5–3. But unless we are to take as false the statement of the Secretary of the Navy, unless we are to take as false the statements of our naval experts, unless we are to take as false the statements of the men who in the time of war must command our Navy and upon whom will fall the responsibility for the conduct of that Navy—and I do not believe these gentlemen have conspired deliberately to deceive this Congress and the American people—unless we take their statements as false the Committee on Appropriations propose to change that ratio, and by reducing our naval personnel propose to reduce our naval strength not only far below that of Great Britain but below even that of Japan, for, Mr. Chairman, the effectiveness of a Navy is dependent upon the effectiveness of its personnel, and an inadequate personnel means an inadequate Navy.

This proposed reduction is urged upon the usual ground of economy. I believe in economy, but not economy at the peril of the Nation's safety. Let me ask you, What economy can there be in an inadequate Navy? An inadequate Navy is worse than no Navy, because it represents a useless expenditure.

There could be no greater extravagance, no more criminal waste of the public money than the expenditure of hundreds of millions of dollars for the maintenance of an inadequate and practically useless navy; because a navy which falls in any degree short of the full power to serve the purposes of a navy is a useless navy. Gentlemen point to our enormous expenditure and to the great burden of taxation borne by the American people; but they fail to state that the greater part of that expendiure and of the resultant burden of taxation is chargeable to our unpreparedness and to the hysterical haste and hysterical waste with which we were compelled to prepare for war after we were in war. [Applause.] Why, Mr. Chairman, I believe that the whole of that war expenditure may be charged to our unpreparedness, for had we been prepared as we should have been we would not have been compelled to enter this war. [Applause.] Not only is the whole of that war expenditure chargeable to our unpreparedness but to that unpreparedness may be charged the death upon foreign soil of thousands of the best of our young manhood. Why, right across the river at Arlington may be seen thousands of little monuments, each marking the last resting place of an American boy who gave his life a sacrifice to our economy.

Mr. Chairman, why did we jeopardize safety for economy? What was the reason for our almost pitiable state of unpreparedness? It was that upon every occasion the membership of this House had been assured and had been convinced that war was no longer possible.

Mr. McARTHUR. Not all of us.

Mr. FAVROT. And now, notwithstanding our recent experience, notwithstanding the smoke of battle has hardly cleared away, notwithstanding that the world has not regained its equilibrium, notwithstanding the ruin wrought is unrepaired and the wreckage unremoved, gentlemen will calmly assure us that war is not a possibility, and to make provision for such a possibility would be extravagant folly.

Mr. Chairman, as long as the world is populated by men and not by angels there will be war. Until there is eradicated from man's nature human passions and human greed, pride and prejudice, there will be war. If war is not impossible, let me ask why any navy, why the expenditure carried in this bill for a navy? Why did we build any navy but for war? The only justification for this expenditure for the Navy is the national defense and national safety. But there can be no justification for an appropriation of hundreds of millions of dollars for the maintenance of a navy inadequate to maintain that defense or to insure that safety. [Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I feel that everything possible for and against this measure has already been said on this floor. It would be far from me, with as little knowledge as I profess to have of the technicalities of the maintenance of a navy, to endeavor to add one bit of information to that which the House has already been favored.

As I have listened several days to this debate, it seemed to me that those for and against the so-called large Navy are aiming at the same point—they both want efficiency. Whether it is accomplished under the methods designated by the very able and experienced chairman of the subcommittee, my good friend, Mr. KELLEY of Michigan, or whether it is accomplished under the method as designated by other speakers, principally the former chairman of the committee [Mr. PADGETT], we Members of the House must place in the balance and decide.

We have the gentleman from Michigan [Mr. KELLEY] informing us that 67,000 enlisted men will keep up the personnel and detailed work of the Navy. On the other hand, are these other gentlemen supported by the authority of the department itself in saying that efficiency will suffer if the number is reduced

below 87,000. With all due respect to a fellow Member of the House, it has been my experience that, as a general rule, the proper course to follow is that of the responsible administrative head. The responsible administrative head is the Secretary of the Navy, and he has very plainly told us that if the number of enlisted men is reduced to 67,000, the ratio between the Governments will be 2½–5–3 rather than 5–5–3, as agreed upon in the conference so lately held in this city. It seems to me, therefore, that we are not only obligated to follow the advice of the department from its experience and responsibility but likewise from the fact that the head of the department represents the attitude of the administration in its relations with the foreign Governments. Certainly we all desire to carry out the principles laid down in the treaties, and the opinion of the department accordingly must be given additional weight.

The gentlemen on the opposite side have made more or less objection to interference from the administrative or executive branches of the Government. Interference! Why, what a ridiculous description of advice offered to us! It is solely and simply in cooperation for the best interests of this Government. It seems to me we lack appreciation of the relative position of the executive and legislative when, in response to a letter from one of our own Members, a member of the Cabinet gives his views as to what should be done to carry out the purport, so far as our Government is concerned, of the Limitation of Armament Conference. I can not help coming to the conclusion, Mr. Chairman, in spite of the fact that I invariably favor economy in appropriations, and have so voted time and time again in this House; I can not help coming to the conclusion that it would be false economy on our part to accept the proportions as laid down in the armament conference and then not accept or adopt with that the practical ends suggested by the department itself, necessary to accomplish these results. In other words, we ought not to have a divided responsibility.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. KELLEY of Michigan. Will the gentleman state what number he favors?

Mr. TREADWAY. I have talked with my colleagues on that score and I am inclined to think that there should be no division of interests as to the proper number.

Mr. KELLEY of Michigan. The Navy wants 96,000 and the General Board 120,000; what does the gentleman want?

Mr. TREADWAY. I am prepared to vote for such an amendment as will be offered by the gentleman from Oregon establishing the number at 86,000, which I understand is sufficient.

Mr. KELLEY of Michigan. Who favors that number outside of the House of Representatives?

Mr. TREADWAY. If we have at any point a compromise, I prefer to compromise at the higher rather than the lower number. The gentleman from Michigan is suggesting the very minimum number, and I would prefer, in order to reach the wishes of the department as nearly as possible, to make the number 86,000. Evidently the department will be satisfied if it can get 86,000 rather than 67,000, which the gentleman recommends.

Mr. KELLEY of Michigan. Has the Secretary of the Navy said that he would be satisfied with 86,000 men?

Mr. TREADWAY. He has not said so to me, and I have not asked him.

Mr. KELLEY of Michigan. Has the General Board said that it would be satisfied with 86,000?

Mr. TREADWAY. No doubt, all officials will appear satisfied with what Congress allows, but we want to act with some degree of cooperation and with a proper interpretation of the obligations we have assumed through the recently adopted treaties.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield him one minute more. The gentleman from Massachusetts [Mr. TREADWAY] insists with all his might and main that we must follow the advice of the experts and then turns around and disregards them all.

Mr. TREADWAY. May I ask just one question? I know that the gentleman is very clever, both from the standpoint of information and the power of repartee, but, nevertheless, have any of the experts asked for an amount as low as 67,000?

Mr. KELLEY of Michigan. I think not, except, possibly, the gentleman from Massachusetts [Mr. TINKHAM], if he might be included in the list of experts, or the gentleman from Pennsylvania [Mr. VARE]. I think he wants the higher number, perhaps, even more than Mr. TINKHAM.

Mr. VARE. I am hopeful of getting 86,000.

Mr. KELLEY of Michigan. Oh, the gentleman himself, then, has abandoned the experts, too. [Laughter.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield to the gentleman from Georgia [Mr. BRAND]. [Applause.]

Mr. BRAND. Mr. Chairman and gentlemen of the committee, I feel I must beg pardon of the committee, and particularly those who are so vitally interested in the naval bill, for getting time in which to discuss matters not germane to this great issue.

I had what I thought was a fairly good presentation of my reasons for voting for the bonus bill at the time the vote was had upon that bill, but I did not have the opportunity to present my views at that time because of the fact that Mr. Speaker GILLETT, whom everyone on both sides holds in high esteem, guillotined my friend from Arkansas [Mr. OLDFIELD] to such an extent that I lost out on the time which he had kindly allotted to me. It will be remembered we had two hours on each side, and the gentleman, believing he would have control of his two hours, allotted me time to speak on that day, but after he signed the minority report the Speaker limited him to 30 minutes, whereby there was but five minutes left for me. I declined to use this short time and also the privilege of extension of remarks. For this reason I wish to use the time now allotted to me by the gentleman from South Carolina [Mr. BYRNES] of delivering my speech to-day. Speaking out of order in this way is not without precedents in both the Senate and the House.

Mr. Chairman, the bill which the Republican Steering and Rules Committees agreed upon in the interest of the ex-service men and which they propose to cram down the throats of the Democrats and those Republicans who in good faith are willing to enact bonus legislation which will be of substantial service to the ex-service men will not prove satisfactory to them. Under the gag rule adopted by the authors of this measure, for which these two committees are responsible, it will be utterly impossible for any real friend of the soldier to submit any amendment of any character whatever in behalf of the soldier. Under the autocratic tactics of the Republican machine we were prohibited from submitting any amendment in behalf of either the soldier or the taxpayer.

This is an open confession on the part of the Republicans not only of their unfairness toward the Democrats, as well as the ex-service men, but of their impotence in dealing with this legislation. It would seem that with a majority of 170 over the Democrats they would not fear to permit the Democrats to offer amendments thereto and allow them to be considered upon their merits.

The Democrats were therefore confronted with the proposition forced upon them by these steam-roller committees of either voting for their bill or voting against it, which if defeated means no bonus legislation whatever. We were compelled to take it like it is; otherwise leave the soldiers without anything.

The bill offers five plans for adjustment, either one of which may be chosen by the veteran, but he is limited to the single plan chosen. They are as follows:

(1) "Adjusted-service pay," which consists of $1 per day for each day of "home service" in excess of 60 days and $1.25 for each day of "overseas service" between April 5, 1917, and July 1, 1919, the aggregate not to exceed $500 for a veteran who performed no "overseas service" or $625 for one who did perform such service. This applies to all veterans of the Army, Navy, and Marine Corps up to and including the rank of captain in the Army and lieutenant in the Navy. There is a long list of exceptions of persons and classes who do not receive the benefits of the bill. It is only available to those whose adjusted-service pay does not exceed $50.

(2) "Adjusted-service certificate": The veteran receives a certificate of a face value equal to his adjusted-service pay, increased by 25 per cent, plus interest for 20 years at 4½ per cent compounded annually and payable 20 years after date of application. The total will amount to 3.015 times the adjusted-service pay. Provision is made for the negotiation of these certificates.

(3) "Vocational training aid": The veteran may receive $1.75 for each day of his attendance on a course of vocational training, the total payment not to exceed 140 per cent of the amount of adjusted-service pay to which he might be entitled.

(4) "Farm or home aid": The veteran may receive in one payment or in installments an amount equal to his adjusted-service pay, plus 25 per cent, for the purpose, and that purpose only, of making improvements on a city or suburban home or a farm, or to purchase or make payments on such a home or farm.

(5) "Land-settlement aid": The veteran may apply his adjusted-service pay to the first payment on a farm within projects established in the various States by the "national veterans' settlement board," to be followed by small annual in-

stallment payments running over a period not exceeding 40 years."

Fair dealing demands that we should have a free and full consideration of this question, with the privilege of submitting amendments favorable to the taxpayers and the soldiers of America, both of whom contributed to the downfall of the German war machine.

I am opposed to bonus legislation which increases postage, levies a tax on gasoline, automobiles, parcel-post packages, and bank checks. I am likewise opposed to a sales tax. Taxes like these are the kind the Republican rulers and leaders first proposed. They knew that such taxes are of a character which the rich classes want, because it relieves them and puts the burden on the poor and the taxpayers of moderate means. The Republican Party has always been in favor of the classes and against the masses of the people. This is its record since its organization. It is this rich crowd whom they are serving who furnished the money in the last presidential election which put the present administration in power.

Some of this same crowd are to-day, and have been for 18 months, fighting Henry Ford's offer to the Government to take over Muscle Shoals. If his proposition is accepted by the Government the farmers of the United States will be able to purchase nitrate at half the cost they are now having to pay the fertilizer companies for nitrate. I think it the duty of the Government to accept Mr. Ford's proposition and do so without further delay, because I believe if he accomplishes what he proposes to do it will be the greatest blessing which can be bestowed upon the farmer, who at this time above all others stands in greatest need of real assistance. Some friend writing in April 22 issue of the Illustrated World states that "the destiny of mankind is at stake," and if Mr. Ford's proposition is accepted the results which he will obtain from the control of Muscle Shoals will "open the eyes of the world."

Our people are already taxed to death with State, county, and local taxes. I am unalterably opposed to increasing their burdens whether by State or Federal authorities.

I am in favor of bonus legislation for the ex-service men provided the rank and file of the people are not taxed to pay the same.

I am in favor of a bonus for the soldiers, but I think the people who made fortunes on account of their service, sacrifice, and suffering should pay it.

There are several sources from which the money to compensate these soldiers may be obtained without working any hardship upon the people generally and without levying any Federal taxes upon them.

First, I think it the solemn duty of this administration to call upon the European countries who owe us over eleven thousand million dollars to make sufficient payment on their indebtedness to provide this bonus for our soldier boys. This administration should not hesitate to make this demand for many reasons and particularly because some of these countries instead of paying what they owe us are using our money to pay a bonus to their soldiers. Such demand should be speedily enforced because it was our soldiers who went over there and saved these nations from annihilation by the German war machine.

The loans this Government made to the foreign Governments during the war are as follows:

Belgium	$347,691,566.23
Cuba	8,147,000.00
Czechoslovakia	61,256,206.74
France	2,950,762,938.19
Great Britain	4,166,318,358.44
Greece	15,000,000.00
Italy	1,648,034,050.90
Liberia	26,000.00
Rumania	23,205,819.52
Russia	187,729,750.00
Serbia	26,175,139.22
Total	9,434,346,829.24

Among other indebtedness besides these loans which foreign Governments owe this country are the following, being obligations on account of the sale of surplus war supplies:

Belgium	$29,872,732.54
Czechoslovakia	20,612,300.11
Esthonia	12,213,377.88
France	407,341,145.01
Latvia	2,521,869.32
Lithuania	4,159,491.96
Nicaragua	170,585.35
Poland	57,369,610.59
Rumania	12,922,675.42
Russia	406,082.30
Serbs, Croats, and Slovenes	24,978,020.99
Total	572,567,891.47

There is no valid reason on earth why these foreign countries should not be required forthwith to pay the interest of this indebtedness, and such portion of the principal as may be necessary to provide a bonus for our soldiers. In my judgment, this would be done were it not for the fact that a group of international bankers hold obligations against some of these foreign Governments amounting to five thousand million dollars, and the further fact that those high in authority in this Government have a common understanding that a postponement of the indebtedness due us will be made until the indebtedness due by these foreign Governments to this group of international bankers has been discharged and fully paid. I think this is the real motive for the introduction of the refunding bill which passed Congress a few weeks ago. This bill gives the Refunding Commission authority to postpone the payment of these debts due the United States for 25 years. This is the first step looking to cancellation. It is the offspring of these international bankers, conceived in Wall Street, and brought forth by a Republican Congress. These men have banks not only in New York but in the leading cities of the world, among others, in Paris, London, and Berlin.

It is a remarkable incident and, to my mind, a very significant one that in December, 1921, at Cleveland, Ohio, Mr. Justice Clarke, a member of the Supreme Court of the United States, declared to the world that these war debts should be promptly and wholly canceled.

Recently Mr. Otto H. Kahn, an international banker, of New York, made a speech, which is now being circulated throughout the country, in which he stated:

> I would cancel the allied war debts to America to the extent that they are war debts, etc. I would cancel all the allied war debts to us, regardless of the solvency of the nation concerned.

It may be, in order to keep the people of the United States in a passive and acquiescent mood, that these foreign Governments will pay part of the interest due us, but it is my opinion if any part of the principal of our debts is ever paid it will not be until this group of international bankers get every dollar of their money.

I contend that the promise to pay which this Government now holds against these foreign Governments for the loans made them is as binding and valid as any contract which this Refunding Commission may make with these foreign Governments in regard to the payment of these loans.

The obligation we hold against Great Britain, for instance, is worded as follows:

> The Government of the United Kingdom of Great Britain and Ireland, for value received, promises to pay to the United States of America, or assigns, the sum of ——— on demand, with interest from the date hereof, at the rate of 5 per cent per annum. Such principal sum and the interest thereon will be paid at the Subtreasury of the United States in New York, or, at the option of the holder, at the Treasury of the United States in Washington, in gold coin of the United States of America of the present standard of weight and fineness, or, at the option of the holder, at the Bank of England, London, England, in pounds sterling at the fixed rate of $4.76\frac{7}{8}$ to the pound sterling, and at any such place of payment without deduction for any British taxes, present or future.
>
> This certificate will be converted by the Government of the United Kingdom of Great Britain and Ireland, if requested by the Secretary of the Treasury of the United States of America, at par, with an adjustment of accrued interest, into an equal par amount of 5 per cent convertible gold bonds of the Government of the United Kingdom of Great Britain and Ireland conforming to the provisions of acts of Congress of the United States known, respectively, as second Liberty bond act, third Liberty bond act, and fourth Liberty bond act.

My contention is that this is a valid obligation and as legal a contract to pay this money as can be written. It is as binding as any bond or promissory note or any other written obligation which this Refunding Commission may be able to secure from these foreign Governments. If Great Britain and other Governments who owe us are not honest enough to pay the debts under the present obligations we hold against them, they will not make payment under any other sort of written obligation which this Refunding Commission may take from them.

France can pay us if she wants to, because she is maintaining the greatest land force of any nation on earth. She has an army of 700,000 at home and, it is said, 4,000,000 in Africa.

France is financing a Polish army of 400,000 and is spending hundreds of millions upon military forces in Africa and Asia.

England is spending millions on military and naval armament and expeditions in Egypt and in the Near East and in maintaining her conquest of Constantinople.

If France and England would pay the accrued interest on the money they owe us, no American taxpayer would ever have to pay a cent to provide for this bonus.

These two countries are using money that belongs to us, and everything ought to be done by this administration, short of war, to compel them to pay at least a sufficient amount of their indebtedness to compensate the American soldiers for the services rendered by them and which helped to save these nations from destruction.

These European nations were practically exhausted and the war was almost won by Germany when the American soldiers

arrived in France. Marshal Joffre a little less than five years ago appealed to America, saying: "Send us men or Germany will win." It was their entrance upon the battle fields which helped stem and turn the tide of the German hordes and which ultimately ended the war and saved the world from German dominion.

Second. If the Republicans decline to adopt this course, then public sentiment should require them to collect the money to meet the bonus requirements from those who profiteered and amassed fortunes during the war, and from other classes of people who became millionaires by operations of the war.

These classes, and not the people generally, should be taxed for the purpose of providing compensation for the ex-service men, and taxed to the bone if necessary.

I am heartily in favor of the position taken by the Democratic members of the Ways and Means Committee in the minority report submitted by Mr. KITCHIN, which declares that whatever kind of adjusted compensation Congress shall deem justly due the World War veteran should be paid out of the taxes specifically levied for such purpose upon the big incomes of the millionaires and multimillionaires, whose number has more than trebled and whose wealth has increased to the extent of many billions of dollars since the beginning of the war, and upon the excessive profits of the big corporations, who have plundered and profiteered upon the people and the Government since January 1, 1916, to the extent of over $40,000,000,000 of net profits. These millionaires and multimillionaires and corporations were the real financial beneficiaries of the war. It is generally conceded that 23,000 new millionaires were made by reason of selfish operations during the war and the result of the war.

Since the Republican Congress and administration, in its last tax bill, relieved from taxation the millionaires and multimillionaires to the extent of over $90,000,000 yearly, as estimated by the Treasury Department, on their big incomes, why can not the Republicans now be equally as generous to the brave boys who made sacrifices, who braved the dangers of the sea and the trenches, and who took the risks of life for their country and their flag, and make these big incomes of the millionaire profiteers, who without making a sacrifice, without enduring a hardship, without incurring a risk, remained at home in peace and safety and collected out of the people and the Government billions of blood money, pay whatever sort of bonus Congress may pass? They were filling their coffers here while the boys were spilling their blood there.

As Robert Haimes says in Treat 'Em Square for April, 1922:

It will only take a few millions of the war profits of the billions which profiteers have gained. It will not take from them their capital; it will not take a cent away from their principal, but it will take a little bit of the enormous profits that they have made because those boys were able to win the war.

What did the boys give? Did they give simply the interest on their lives? Did the boys go overseas and simply give a little bit of the profits of their daily earnings? Not a bit of it. These boys threw their capital, everything on God's earth they had, into the balance. They threw their lives in the scales in order that the great profiteers as well as the remainder of the citizenship of the country might live on in happiness.

I contend that the money to take care of the bonus for the soldiers should be taken from these classes of people and out of them alone, if the Republicans refuse to make demand for payment of what the European Governments owe us.

Since the armistice was signed Congress has taken care of every other class of people who claimed to have sustained losses by reason of this war. If it was right for Congress to authorize the appropriation of $3,000,000,000 to reimburse war contractors who entered into contracts with the Government during the war, which were not fully executed, why is it not right to appropriate a reasonable amount to reimburse the soldiers who sustained losses by reason of this same war? Congress appropriated to the war mineral relief people $40,000,000 and to the Shipping Board contractors $50,000,000 and to the railroads $500,000,000, all upon the contention that it was for the purpose of reimbursing these people for losses on account of the war. If it was honest and just for Congress to take care of these classes of people, how in the name of common sense can any reasonable man object, if the tax is properly raised, to enacting legislation which in a measure reimburses the soldiers for the losses they sustained?

The leaders of the Republican Party now in control of this administration may fool themselves, but they will never be able to make the people of the United States believe that some scheme of legislation could not be devised which would take care of the bonus proposition and do impartial justice to the soldiers without taxing the citizens who made nothing out of this war.

Those who are opposing any bonus legislation should not be unmindful of the fact that several of the principal countries which participated in the war with Germany have already provided a bonus for their soldiers. They are as follows:

Canada pays	$634.40
Belgium pays	492.00
France pays	233.53
England pays	189.54
Italy pays	73.34

Australia and New Zealand have also provided a bonus for their soldiers, though I have not accurate information as to the amount paid. If the people of these countries, loaded down with heavy indebtedness, and who have suffered most during the war with Germany, are willing and can afford to extend their soldiers compensation for the losses sustained by them, why should not the United States, the richest Nation on earth, be equally generous with her soldiers?

One who has compiled statistics upon the subject says:

With the exception of Alabama, Georgia, and Mississippi every State in the Union has passed legislation giving to or authorizing for World War veterans aid, exemptions, or benefits of some kind.

Over 50 per cent of our soldiers were less than 20 years of age—mere schoolboys—and most of them were taken from the farms. A fair percentage of these boys were sons of parents who were people of moderate means; most of them were engaged in manual labor on the farm and in other vocations, many of whose parents were dependent upon their boys for support. In most cases these boys were taken from their homes without the consent of their parents. While many did not protest, few mothers of these boys voluntarily consented that they should go to France. In passing upon the merits of this question I can not forget the scenes enacted in thousands of homes of the people of my district and State when boys were leaving mother, father, and friends, and, so far as they knew, never to return. The mothers of these boys, it seems to me, are entitled to some consideration for the suffering and anguish they endured. Many of them have reached the summit of life and are going down the hill toward the setting sun. I would vote for bonus legislation on their account alone, provided the tax to pay the same is raised as I have indicated. "Mother" is the sweetest word the pen of mortal man ever wrote, and hers is the sweetest face the artist's brush ever painted. Her love and prayers followed her boy wherever duty called and wherever the flag waved, whether in camp and cantonment, on the high seas, or—

On Flanders field, where poppies blow
Between the crosses row on row.

[Applause.]

Our soldiers are entitled to this bonus, not as a price for patriotism but as a compensation for the losses they sustained.

The word bonus has a well-defined legal meaning. According to the definition contained in Black's Law Dictionary, a standard authority everywhere:

A bonus is not a gift or gratuity but a sum paid for service or upon some other consideration, but in addition to or in excess of that which would ordinarily be given.

When the private soldiers were called to the service of their country and were compelled by this Government to leave their homes and farms, the office, the factory, the store, and the shop, their means of making money for their own support and the support of those dependent upon them were destroyed, whereby loss and damage inevitably followed. The object of the bonus is to restore the status quo or place these soldiers in as good condition financially as they were when they were called to the colors. It should not be forgotten that these boys only received for their services a dollar or one dollar and twenty-five cents per day, when half of their pay was kept from them and sent to dependent relatives and 25 per cent of the same was retained for insurance, which left them practically only $7.50 a month for their personal use.

I am in favor of legislation which requires a cash bonus paid to the soldiers, and I think it should be paid to them at a time when it will not interfere with the producers, nor in any wise interrupt the agricultural interests of the country. If it is paid in the fall of the year after the crops are harvested it will be properly invested or rapidly expended before the season opens up in the following year when farming preparations begin.

The payment of a cash bonus will increase circulation, which will be the means of relieving some distress among the poorer classes of both races in my district, as students upon the subject agree that $1 in circulation pays $5 of indebtedness.

Our people were in the wake of the avalanche of destruction which swept over the cotton-growing sections during the year 1920. The sudden and great slump in the price of cotton, brought about, as I heretofore charged, by the unwise policies adopted by the Federal reserve system during the year 1920, almost destroyed them. The deflation of currency, the contraction of credits, the calls for loans made by member banks of this system, the forced sale of cotton to pay advances thereon made by member banks, the withdrawal from circulation by the

Federal Reserve Board during the last 18 months of certificates amounting to $1,500,000,000, wrought untold injury to people in all walks of life unprecedented in the history of the South.

Notwithstanding reports to the contrary, no person whose income is under $5,000 will have to pay a cent additional tax on account of this bonus. The leaders and rulers of the Republican Party now in control of this Government are not entitled to any credit for this. It is due to public sentiment prevailing and made manifest among the agricultural and laboring interests of this Republic. If this Republican element had had their way about this legislation the consuming public and the men and women who toil for a living would bear this burden and not the rich. I do not mean to charge that all Republicans in Congress are thus disposed, but it is in keeping with the policy of the Republican Party in the past to take care of the rich and let the poor take care of themselves.

The service the private soldier rendered during this war is a priceless heritage which gold can not buy. When the peace of the world was imperiled by the strongest military machine ever organized, not only America but all of its allies put their faith in and relied upon the American soldier; when the universe was in travail on account of this war and the clank of arms and the rattle of iron throats of thundering guns were menacing the world, when the fate and destiny of this and other nations were in jeopardy all classes of people on two continents relied upon the American soldier. He was then the idol of the nations and the hope of the world, and nothing too good or praiseworthy could be said or written of him. To-day he seems to have lost his identity. While bank accounts are being balanced and coupons are being clipped, while fortunes are being estimated and the clink of gold rattles upon the marble counters of the war profiteers, the private soldier is unthought of in their calculations. During the war the bravery and patriotism of these boys were heralded in the press, and the pulpit, and in song and story. The waves of the oceans rolled in their praise and the surges of all the seas leaped in their glory.

Those who went to France endured suffering and sacrifices never before experienced by an American soldier. They are heroes of the greatest war of the ages, and yet when the proposition to compensate them for the losses sustained while helping to save the world against the greatest monster which ever undertook to conquer it their sacrifices seem to have been forgotten. It is true the war is over, the machine gun has ceased firing, the roar of the cannon is hushed, the earth is free of the deadly gas, the battle fields are quiet, and the rivers of the battle scenes flow with blood and dead bodies no more—and all hope forever—and a tired and exhausted world is laboring in its efforts to get back to the paths of peace. Yet the man behind the gun who helped to bring about these happy results stands, so far as this Congress is concerned, unthanked, unhonored, and unrewarded.

It is a mistake to forget these boys so soon, for it must not be forgotten that they were called to the service of their country that the doctrine of "Peace on earth and good will to men" might survive. Neither should we be unmindful, in dealing with them, of the injunction of the great Galilean first heard on the plains of Palestine, over 20 centuries ago, announced in that immortal sentence, "And as ye would that men should do to you, do ye also to them likewise." [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. ANDREW].

Mr. ANDREW of Massachusetts. Mr. Chairman, I ask that there be read in my time as a part of my remarks the following resolution which I send to the desk.

The CHAIRMAN. Without objection, the Clerk will read the resolution.

The Clerk read as follows:

House Resolution 325.

The following resolution was presented by Mr. ANDREW of Massachusetts and referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

"Whereas the Congress provided in the act of August 9, 1921, for the establishment by the Veterans' Bureau of regional offices, to exercise such powers as could be performed lawfully under this act by the central office; and

"Whereas only a small proportion of the files and folders having to do with the claims of veterans in the several regions have as yet been transferred to the regional offices, and the regional offices are still under obligation to refer the majority of inquiries and claims to the central office for information or decision, with resultant and multiplying delays, uncertainty, and confusion.

"*Resolved*, That the Director of the Veterans' Bureau be, and he is hereby, requested to comply with the intent of the law to decentralize the bureau, by expediting and completing the transfer of records and files having to do with veterans' claims to the several regional offices."

Mr. ANDREW of Massachusetts. Mr. Chairman, I have asked for a few moments in order to explain the resolution and to put before the Members of the House certain facts with regard to the handling of affairs in the Veterans' Bureau, with which many are not sufficiently familiar. On several occasions recently Members of the House for the New England States have complained of the administration of the Boston office of the Veterans' Bureau. The gentleman from New Hampshire [Mr. BURROUGHS] a few days ago spoke very severely of the interminable delays and uncertainties and confusion in handling veterans' claims in that office. In the course of several other discussions, other Members of this House have said that the handling of affairs in different branches of the bureau was so unsatisfactory as to demonstrate the failure of the whole system of decentralization.

What has been said about the unconscionable delays in securing settlement of claims and about the confusion, uncertainty, and habitual "passing the buck" between the regional offices and the central office in Washington voices the experience not only of every Congressman who has been doing what he could to help along his constituents' claims, but also of most of the disabled veterans from one end to the other of the country. Our former soldiers and sailors have every right to expect a more expeditious and a more efficient administration of the Veterans' Bureau, now that it has had time to get properly organized, but unfortunately the situation, instead of getting better, has been growing steadily worse.

Most of the blame for these conditions has been attributed either to the supposed incompetence of the men in charge of the regional offices or to the system of decentralization established by the so-called Sweet Act, but the facts which I am about to present would seem to indicate that the major responsibility for the present situation lies elsewhere.

The Sweet Act was intended to facilitate the settlement of veterans' claims by establishing 14 districts in different parts of the country, in which were to be concentrated the files and records and the responsibility for handling the claims of the veterans residing in those districts. According to the central office in Washington decentralization has already taken place in 11 of those 14 districts, and one of the first districts to be decentralized was New England. The New England district embraces all of the New England States except Connecticut, and the office in Boston is supposedly in a position now to handle the claims of all New England veterans. Instead, however, of a quicker and more certain adjudication of claims, one finds the contrary—greater delay than ever before and complete uncertainty as to where the records are to be found, and as to where the ultimate decision in any particular case is to be made. Moreover, the experience of New England would seem from the discussions on this floor to have run parallel to that of other parts of the country.

What measure of blame attaches to the men in charge of any of the regional offices I am unprepared to say, but I am quite convinced that even if these offices were in charge of men of unparalleled efficiency much of the confusion that to-day exists would continue, and the reason for this conviction is that the system of decentralization ordered by Congress and, according to public announcements, actually accomplished in the case of the New England district, has never really taken place at least in that district. The vast majority of the records and files having to do with New England veterans have never been transferred from the central office in Washington to the Boston office. Of 65,000 New England claims the folders for not more than 15,000 or 16,000 have been so transferred, and if a New England veteran writes to the Boston office with regard to his claim, the chances are more than 4 to 1 that the file dealing with his claim will still have to be sought in Washington. Under such conditions there has been as yet no real test of the system of decentralization, and no real test of the competence or incompetence of the management of the Boston office.

The claims of veterans may be grouped into several classes; First, those which have been granted; second, those which are pending; third, those which have been disallowed; and a fourth category including some of each of the foregoing groups, the claims having to do with deceased veterans. The files relating to the first group of cases—claims which have been granted—have, according to the best information I can obtain, been transferred from Washington to Boston, but these are exactly the cases which are the least likely to provoke further inquiry or correspondence, and whatever payments have been awarded under these claims will still be made, not from the district office in Boston, but from the central office in Washington.

The presence in the district office of the records of successful claimants is of importance only when the veterans concerned seek, or are subjected to, a change of award.

Second. As to the files having to do with claims called "pending," many, but not all, have been transferred. Claims, for example, for total and permanent disability are, on principle, still kept in Washington, and it is, I believe, the policy of Colonel Forbes to retain them permanently in the central bureau. In addition, cases undergoing the process of adjudication at the moment of decentralization have been retained in the Washington bureau, and it is the policy of Colonel Forbes to retain such cases "until adjudication is completed, and only then to transfer them to the district which is to have future jurisdiction over the same." In view of this latter reservation it is hard to discover what percentage of so-called "pending" cases have actually been transferred from the central office, and it is clear that a large number of the pending cases will only be transferred to the district bureau after the primary occasion for correspondence with regard to them has ceased to exist.

Third. The files with regard to disallowed claims, which probably include the majority of all claims, are, as a matter of policy, retained in the central office. If my experience is a fair criterion, a very large proportion of the correspondence from veterans has to do with the reopening of claims which have been disallowed because of insufficient evidence. The disallowed applicant is very apt to seek a reversal of the decision by presenting new evidence that his illness or disability is due to injuries or diseases incurred while in the service or that his disability is of a compensable degree. Such letters form a very large part of the correspondence from veterans, yet none of the files relating thereto are forwarded to the district offices until a claimant has actually asked for further consideration of his case. The district office upon receipt of such a request for the reopening of a case is obliged to transmit it to Washington, where, after considerable delay, the file of the case is sorted out from the archives and reforwarded in turn to the district, and all this has to be done before the request for reconsideration can even be considered.

Finally, in so far as the fourth class of claims—those of deceased veterans—is concerned, no steps have as yet been taken or are in contemplation to forward the files and folders relating to them to the several districts. The reason given for retaining such cases in Washington is that the awards are frequently divided among beneficiaries residing in different districts. But one can very well doubt whether the cases where the beneficiaries of a deceased New England veteran live outside the confines of New England are sufficiently numerous to justify the retention in Washington of the records of all the New England veterans who are deceased. It would seem probable that in the majority of cases settlements could be more expeditiously effected if these records were concentrated in the district offices.

To summarize the whole situation, notwithstanding the impression given out by the Veterans' Bureau in Washington, decentralization has not yet taken place. Even in the case of districts supposedly decentralized, like that of New England, the records of three-fourths of the claimants still remain in the Washington archives. Despite the effort of Congress to decentralize the Veterans' Bureau, one must still turn to the central office to find the records for all disallowed claims, for all claims of deceased veterans, for all claims for total and permanent disability, and even for a large number of pending claims in the course of adjudication. Such being the case, I maintain that it is unfair to blame too severely the administration of a regional office for not handling its business with expedition, and that it is quite impossible to form any opinion whatsoever on the basis of our experience up to date, either as to the success or failure or as to the possible advantages or disadvantages of the system of decentralization.

The situation is one which demands immediate and very serious consideration on the part of Members of Congress, if the veterans who were disabled in the World War are to receive the generous and grateful treatment which Congress has endeavored to provide for them and if the purposes of the Veterans' Bureau are really to be attained.

I bespeak, therefore, the support of the Members of this House in furthering the consideration and adoption of this resolution.

Mr. KELLEY of Michigan. Mr. Chairman, I yield one hour to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, I pay the tribute to the chairman of the subcommittee [Mr. KELLEY] and to my other colleagues upon the committee of saying that they are profound students and closely informed upon the great subject of the naval appropriation bill. To speak upon this bill after the gentleman from Michigan [Mr. KELLEY] and the two gentlemen making up the minority membership have spoken is to speak upon a subject that for anything new in some ways represents Johnny's apple after he had said, "There ain't going to be no core."

Even so there are some phases of the proposition that I believe have not been stressed enough and, again, certain lines of opposition have developed that should be met. I hope I shall not be tedious, and while I shall not pretend to discuss all the details of the bill I am going to invite your attention to the broad policies involved, to the factors that determined the committee in reaching its conclusions, and to criticisms that have been made.

For many years, and especially during the last Congress and the present one, since I have been a member of the fortifications and naval subcommittees of the Committee on Appropriations, I have been challenged by conflicting conclusions and divergent argument, based upon a common set of facts, touching military and naval preparedness. I have listened to the arguments of the students of these problems; I have received and read books and magazine articles and studies by military and naval officers. Our committees have heard a multitude of witnesses. We are told that disarmament of nations will mean peace and that it will mean war; that large armies and navies are the surest guaranties of tranquillity and by others that they inevitably mean conflict. We are told that the World War was so dreadful that it will mean the end of such folly and by others we are told that it was but the prelude to another Armageddon more dreadful still.

So to-day we are told that by reason of the Limitation of Armament Conference and its results additional threatening difficulties confront the nations; others believe that the program will point the way to peace.

With the consideration of the pending bill, however, we have a problem where differences exist as the result of conclusions on a common set of facts, and, in addition, there is a wide divergence of opinion touching some of the facts that are vital to the case.

The letter that was read to you yesterday from the Secretary of State, addressed to Representative ROGERS, rests upon a "statement of fact." The "statement of fact" to which the Secretary refers is that the proposed number of enlisted men is far below the number required to maintain our Navy upon the basis contemplated by the treaty. This statement of fact was furnished by the naval experts to the American delegates to the conference. Then the Secretary's letter reads:

> Accepting this statement of fact, the only question would seem to be whether our Navy should be reduced below the treaty standard by a provision of personnel inadequate to maintain it.
>
> To this question I think there can be but one answer. I strongly believe that it would be most injurious to the interests of the United States not to maintain fully the standard of the treaty.

Gentlemen, if I accepted the statement of facts touching the proposed enlisted personnel carried in this bill, I would accept the conclusions of the Secretary of State, and I tell you very frankly that I believe that the country expects us to maintain our part of the 5-5-3 ratio.

Mr. LINEBERGER. Will the gentleman yield for a brief question?

Mr. FRENCH. I yield.

Mr. LINEBERGER. Will the gentleman please tell the House whether or not the Subcommittee on Appropriations at any time consulted the naval experts who advised Mr. Hughes during the Limitation of Armament Conference, and to whom he refers in his letter?

Mr. FRENCH. Oh, I will say that the committee had all the evidence, so far as I am aware, that the Navy Department wanted to present to the subcommittee. The Secretary of the Navy, a man who is eminently fair and broad, and well informed on this question, and the Assistant Secretary of the Navy, Colonel Roosevelt, a brilliant and exceedingly well-informed man, were before our committee most of the time. The heads of all the important bureaus of the Navy were before our subcommittee, assisted by their aids at all times, and so far as I am aware, if there was one scrap of information that they had to give to the subcommittee that they did not give, I do not know what it was.

Mr. LINEBERGER. But the gentleman does not answer my question. I asked a specific one. I want to know whether these experts to which the Secretary of State refers, in a specific letter which was read here yesterday, were consulted by the subcommittee?

Mr. FRENCH. Who were those experts?

Mr. LINEBERGER. We can obtain their names. I do not have them here, but we know by name who the experts were.

Mr. FRENCH. The gentlemen ought to know that one of the members of the advisory council to our delegates, as I understand it, was Colonel Roosevelt, and, as I understand, another was Admiral Coontz himself, and, as I understand it, the same men were relied upon to furnish information that we

relied upon to furnish information to our subcommittee. I believe I am right in that statement.

Mr. KELLEY of Michigan. That is right. The Secretary of the Navy and the Assistant Secretary of the Navy were invited to come and be present at all times, whether they were being interrogated or not. Admiral Coontz, as the military head of the Navy under the Secretary, was with the committee, I should judge, three-quarters of the time, and told us everything that he had in his mind and presented his case fully.

Mr. LINEBERGER. Then, I assume that one of two things happened, that either the subcommittee did not follow the information that was given by these same gentlemen to which Mr. Hughes refers, or else they gave different information to the Secretary of State from that which they gave to the gentlemen of the subcommittee.

Mr. FRENCH. If the gentleman will permit me to continue, I want to refer to some of the very matters, I take it, that he has in mind, in the shaping of this bill. I think I will be able to point out some of the disagreements between the doctors themselves before I conclude my statement this afternoon.

Your committee had to meet a condition here that is a condition that never existed, so far as our country is concerned, in the past. Six years ago we had a Navy that was third among the navies of the world. Six years ago the nations of Europe were powerful in their might, measured by navies, by armies, by resources of men, and material wealth. To-day the nations of Europe are, many of them, bankrupt; some of them politically bankrupt, as well as financially, and to-day the Navy of the United States stands equal under the 5–5–3 ratio with the greatest navy, other than our own, in all the world. To-day we have a condition confronting the world that is vastly different from that which has confronted this Congress at any time it has shaped a naval appropriation bill.

From the foregoing and from common knowledge of the causes, purposes, and results of the World War it must be apparent—

First. That large standing armies and navies did not prevent the greatest and most destructive war in all history.

Second. That if an ambitious and aggressive power maintains a large army and navy, other nations, though peacefully inclined, must do the same; that is, compete.

Third. That invention and discoveries point to war devices more destructive and more demoralizing to civilization than ever before contemplated.

Fourth. That only by a common understanding and agreement among the nations of greatest power can competition in naval and military affairs be cut down and held within bounds.

Fifth. That, relatively speaking, the United States, in spite of war burdens, is the most powerful Nation in the world.

Sixth. That leadership by proposals and by example looking toward lessening military and naval burdens of our people and of the world may be made by the United States without other nations ascribing such leadership to fear and weakness.

Seventh. That such lessening of military burdens will contribute to the benefit of humanity—

(a) By lowering taxation;

(b) By permitting millions of people to engage in fruitful pursuits;

(c) By removing the thoughts of the world from war and carnage to the home and national culture and progress.

THE LIMITATION OF ARMAMENTS PROGRAM.

In my judgment, no matter what else may be attained by the present administration, the outstanding achievement must be regarded as the Limitation of Armament Conference, if we shall assume that the drafts of treaties formulated in that conference shall be ratified by the nations represented. These proposed agreements look to the removal of national misunderstandings, the establishment of affirmative ways of peaceful consideration of menacing problems, and the definite limitation of naval and other military activities. In brief, the proposed terms are:

First. The four-power agreement between the United States, Great Britain, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean.

Second. The naval treaty, providing for naval reductions and limitation and affecting the United States, Great Britain, Japan, France, and Italy.

Third. The submarine and poison-gas treaty, to prevent submarine attacks on merchantmen and to prevent absolutely the use of poison gas, subscribed to by the last-mentioned five powers.

Fourth. The Chinese general treaty, embodying the Root rules touching China and involving her integrity, the open door, aid for stable government, and unselfish policies of other nations, and so forth, and signed by the five powers last mentioned, and in addition China, the Netherlands, Belgium, and Portugal.

Fifth. Other treaties, resolutions, and agreements touching the open door in China, China's railroads and customs, exempting the homeland of Japan from the application of the terms "insular possessions and insular dominions," the restoration of Shantung and Wei-hei-wei to China, and a number of other lesser but important matters.

All of these proposed treaties and agreements have bearing upon the pending bill, and all to which the United States is a party have been ratified by the United States. All of these treaties dovetail together so as to make a composite whole, and though I shall discuss only the naval treaty to any extent, it must be remembered that this treaty depends in large part upon the conditions of others, as for instance the use of submarines, fortifications in the Pacific Ocean, and so forth.

THE NAVAL TREATY.

The naval treaty is vastly more startling and important from the standpoint of what it lops off from the naval programs of the powers to the agreement than it is from the standpoint of what may be maintained.

The general principles that controlled the conference on this head may be said to be—

First. That all capital-ship building programs, either actual or projected, should be abandoned.

Second. That further reduction should be made through the scrapping of certain of the older ships.

Third. That, in general, regard should be had to the existing naval strength of the powers concerned.

Fourth. That the capital-ship tonnage should be used as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

AIRCRAFT CARRIERS.

Under the treaty there was a limit placed upon aircraft carriers, as follows:

	Tons.
The United States	135,000
The British Empire	135,000
France	60,000
Italy	60,000
Japan	81,000

OTHER LIMITATIONS.

1. Capital ships shall be limited to 35,000 tons.

2. Aircraft carriers shall be limited to 27,000 tons, except two for each nation of not more than 33,000 tons each.

3. No vessel of war other than capital ships or aircraft carrier shall exceed 10,000 tons.

4. No capital ship shall carry a gun with a caliber in excess of 16 inches.

5. No ship other than a capital ship shall carry a gun with a caliber in excess of 8 inches.

6. The status quo as to fortifications and naval bases shall be maintained by the United States, the British Empire, and Japan in their insular possessions in the Pacific Ocean with certain exceptions; those for the United States being the Hawaiian Islands and the islands adjacent to the coast of the United States, Panama, and Alaska (except the Aleutian Islands).

So much for a general outline of world conditions and the fruits of the Limitation of Armament Conference.

I am delighted always with the speeches of the gentleman from New York [Mr. COCKRAN], but I do not follow him at all in his reasoning this afternoon, that the call and the results of the Limitation of Armament Conference were apart from that which the President could properly do. In the first place, the President was acting within his authority upon the basis of the resolution that you yourselves passed as a part of the appropriation bill a year ago, known as the Borah amendment. Greater even that that, the President had authority in the very Constitution under which you are serving to-day, as the head of this Government, to negotiate treaties.

Further than that, he submitted the results of the Limitation of Armament Conference to the Senate of the United States, made by the Constitution a part of the treaty-making power of our country, and the Senate has ratified the treaties. Unquestionably, if the Congress, both House and Senate, should not be satisfied with the results that have been attained, it would be within the province of the Congress to pass legislation which, even if the treaties were ratified by all the powers, could set aside the results of those treaties.

So, gentlemen, we are acting here, in shaping this bill, not only in response to the policy of the administration, reenforced by act of Congress, but in response to that splendid and substantial public opinion in the United States.

THE PENDING BILL.

In shaping this bill, manifestly we could not follow the estimates submitted by the President from the Bureau of the Budget last fall, because the new conditions have changed the basis for all estimates then made.

The chairman of the subcommittee has outlined to you very fully the number of ships, the capital ships, and all the auxiliary ships provided for under the bill that we have reported. I shall not go into detail as to that, but I want to say that it was the spirit of the subcommittee as well as that of the full committee to maintain the 5-5-3 ratio absolutely.

As I proceed I believe you will agree that we have done so. Our bill provides for 18 capital ships and for the other auxiliary craft necessary for a well-rounded Navy.

Now, with regard to the officer personnel, your subcommittee felt there that it was our duty to support the 5-5-3 agreement by giving to the support of those ships a sufficient complement of officers to handle the business of the Navy. We did that. Let me go into a little detail in showing you. To-day the navy of Great Britain has 5,264 officers of the navy proper, plus a thousand officers of aviation as of date October 24, 1921, according to information furnished to the Naval Committee of the House, or a total of 6,264. Our Navy under this bill has been given what? We have given the officer personnel that you have to-day, less 389 reserve officers but including 200 young men who will graduate from the Naval Academy in June, thus giving you an officer personnel of 6,256, only 8 below the officer personnel of the British Navy on the figures of last October. And more than that, the officer personnel figure that includes a thousand aviation men for the British Navy is an estimate. If it is eight too high, then we are exactly in the same notch.

Now, let us refer to Japan. Japan, according to the information furnished by the Navy Department, had in July last 3,641 officers. To accept those figures is to recognize at once that 3,661 is about the ratio that ought to be adopted by Japan for the coming year, according to the ratio of our officers and those of Great Britain upon a 5-5-3 basis.

THE ENLISTED PERSONNEL.

Now, let us turn to the enlisted personnel. The gentleman from Michigan [Mr. KELLEY] told you on the first day when he discussed this bill that we had provided for 18 capital ships; that for them we had provided for an enlisted personnel of 18,259 men. He told you that the entire enlisted personnel that we had provided for the Navy that is to serve upon ships was upward of 50,000. He told you then of the other 17,000 for service at shore stations and as auxiliaries, and he told you that the total was something like 67,000 for the enlisted personnel.

I am not going into detail as to the allocation of these men upon the ships. I want to say, however, that the gentleman from Michigan told you further that we had followed, first of all, the allocation of these men upon the basis of the complements of these same ships on February 1, 1922, except where it was apparent that ships did not have their full complement or were not ready for duty or service, and there we gave, I think, in every instance the complement that was recommended by the Navy Department for the ships that are not now in service or that will be in service next year.

The total, then, after these figures had been put down and the line drawn and the columns added, was 67,000 enlisted personnel. Now, then, there are several ways of checking up on that question, and your subcommittee availed itself of the various ways. In the first place, we could check up on the question by subtracting those who to-day are assigned to services that we do not propose to continue next year. It has been repeatedly stated here that we have 96,000 men in approximate numbers as the enlisted personnel of the Navy. It has also been told to you that we propose to scrap several hundred of useless craft that were acquired during the war, that will serve and can serve no useful purpose, but the retention of which constitutes a veritable sinkhole for the people's money that you raise by taxation.

Now, then, we took the number that could be relieved from ships withdrawn from service and we took those who would be relieved from shore duty on account of the lessening of activities on the basis of the Navy under the 5-5-3 program.

We took then those who have been regarded and carried as surplusage under even the 96,000 personnel in the Navy. We added them together, and the sum total is upward of 30,000. Now take your 96,000 and put 30,000 underneath, draw your line and subtract, and again you have figures that are practically in the same notch with the other figures, or somewhere around 67,000.

Look at it in another way. The complements of the ships of the Navy in 1916 were fixed then by those who were in large part the same officers that are in the Navy to-day. And what are the complements? There are 15 of the ships that were in the Navy then that are in the Navy now. Consult, if you please, the book known as the Ship's Data Book for that year, and you will find that upon the 15 ships at that time there were 13,797 men. Divide that by the number of ships and you will have 919 men to a ship. Apportioning the same number then for the 18 ships that we now have, or substantially the same number, and you have 16,542. But we have given you 18,259.

Now, yesterday and the day before it was said over and over again that there are new services for men upon these ships made necessary by new discoveries and new devices. So there are, and your committee gave these services full attention. The three essential services occasioned by new devices and discoveries are fire control, antiaircraft guns, and radio work. Our committee considered all of these services and the number of men that would be required for each. There was so much criticism, however, that upon yesterday I telephoned Rear Admiral McVey for verification of the figures touching fire control and antiaircraft guns and Admiral McVey furnished me with the information. In addition to the information he gave over the phone, he verified the information by means of a memorandum, which reads as follows:

APRIL 11, 1922.

Additional men for fire control	33
Additional men for 8 antiaircraft guns	112
Total	145

Also crews were increased due to the necessity of having more men to handle ammunition than had been allowed previous to the war, as the men could not hold up. Total for battleships, 250.

As to the last item referred to by Admiral McVey, "Additional men to handle ammunition," your committee did not feel justified in granting these men. Clearly, these men are for war purposes; clearly, for all peace-time training, the number of men in the complements of 1916 could handle the work.

Admiral McVey advises that the number of men required for fire control would be 33 per ship. Multiply 18 by 33 and you have 594 men.

For antiaircraft guns Admiral McVay advises that it would require 112 men per ship. That was upon the basis of 8 guns on each of the 18 capital ships. But I turned to the ship's data book to see how many of these antiaircraft guns will be on the ships the coming year. We have not provided 8 guns upon each ship. On 10 of the ships there are but 2 guns each. Upon 8 other of the ships there are but 4 guns each. Add your guns together, multiply the 14 men per gun by this number, 52, and you have 728 men.

Then what else do you have? We are told that they need men to handle the radio work. So they do. We have at this time how many? You not only have radio apparatus upon battleships but upon cruisers and destroyers and submarines and most of the craft of any importance in the Navy. Not all of the craft have apparatus of the most complete or of the latest type, such as that upon the battleships, but if you allow 10 men to each ship, which is more than the number allowed to the average station upon shore, to every one of the 18 battleships, you have another 180 men.

Draw your line again, add these several items together, and you have 17,864 men, or, in other words, 400 less than we have provided for in this bill. [Applause.]

Gentlemen, there are different ways in which you can check up on this question. I want to say that we have checked up on it. We have not been acting upon our own judgment, but we have been trying to follow that which seemed to be the very best advice that we could receive. Turn, if you please, to the records of the hearings in the Congress about six years ago and there you will find that when Admiral Blue was before the Committee on Naval Affairs some of the ships of the very character that we have to-day were under discussion, and at that time, when it was proposed that the complement per ship should be raised above 781 men, raised 178 above that, Admiral Blue was asked where they would be placed, and he said that he could not say where they would be placed. Then Mr. Roberts, of Massachusetts, whom you will remember as a member of this House, asked, "Where will you put them?" Admiral Blue said, "That is what I would like to know."

In other words, at that time, six years ago, upon the same type of ship that we have to-day, which for the most part make up the capital fleet of the United States, Admiral Blue said he did not know where he would put those men.

Go further than that. Compare the present enlisted men upon our ships with the personnel upon the British fleet. That is another way to check up. The prize ship of the British fleet to-day is the *Hood*, which they claim is the foremost ship upon the sea, and to that ship they have allocated 1,475 men, and to their other ships 955 to 1,016; in other words, figures that are absolutely comparable with the figures that we have provided for the capital ships of the American Navy.

Now, turn to Japan and what do you find? One of her ships nearing completion is the *Mutsu*, built by popular subscription. That is the ship the Japanese people did not want to give up

when it came to the question of scrapping ships. I think if I had been a citizen of Japan I would have insisted that that ship be retained in the navy, a ship of 33,800 tons, soon to be completed. To that ship they have allocated 1,360 men. Now, if you will consult the personnel allocated to their other ships you will find that the number runs from 1,000 on up; in fact, figures that are comparable to the figures that we use for the capital ships of the American Navy.

So, gentlemen, measured by the various standards that we were able to apply, we believe we have brought to you a personnel for these different ships that adequately meets the situation.

The gentleman from Illinois, Representative MANN, asked a question Monday that was answered so promptly that I do not think it was stressed enough. Representative MANN has not only one of the keenest minds that ever participated in this Congress but the rapier that he wields is probably sharper than that wielded by any other Member of this body, and anyone of whom it can be said that he stands second to Mr. MANN in intellect or in any way is receiving a great compliment. What did he say? Let me read the colloquy:

Mr. MANN. I want to see whether I have the gentleman's position correctly in mind. As I understand it from the statement made by the gentleman from Michigan, he claims that the personnel, the enlisted men, allowed is sufficient to man a battle fleet of 18 capital battleships and all the necessary accompanying ships which the Navy thinks ought to accompany them?

Mr. KELLEY of Michigan. Absolutely, and about that there is no dispute.

Mr. MANN. And that in addition to that there will be personnel enough on shore to provide all that is necessary at receiving-ship barracks, shipyards, and so forth?

Mr. KELLEY of Michigan. Yes; and give 7,000 additional men to take the places of those who may happen to be sick or under training.

Mr. MANN. And that it does not provide a large number of men simply in training, not being used for other purposes than training.

Mr. KELLEY of Michigan. I would say to the gentleman from Illinois that it is even worse than his question intimates, because they do not have now a large number in training.

That, gentlemen, is the crux of the whole matter.

There is a wide zone between men enough to care for the 18 ships in times of peace and men enough to man the same ships in time of war. On the one hand, 1,400 or 1,500 men in case of war, and on the other hand, 900 or 1,000 men in times of peace. [Applause.] Do you know that the same arguments used now were used years ago? Let me refresh your memory. The gentleman from Tennessee [Mr. PADGETT], who spoke the other day so eloquently and learnedly on this bill, spoke on the bill last year, and he called attention to the great crime that was being committed against the Navy when it was proposed to reduce the total to 100,000 men. On February 10, 1921, Mr. PADGETT said, in debate:

I have a statement, received this morning, to the effect that if the personnel was reduced to 100,000 men the ships of the Navy will be in the following status: Battleships, first line, in commission, 13—

And so forth.

Have you heard that language recently, anything that sounded like that? [Applause.]

Now, gentlemen, go further in the discussion a year ago and you find the same gentleman from Tennessee [Mr. PADGETT], my friend, so learned and so able in all affairs pertaining to the Navy, as well as generally, and on yesterday he thought we ought to follow the advice of the Navy. Here is what he said:

Now, the question before the House, the crucial question is, Will 67,000 men allotted to the Navy accomplish that purpose? I say not. Now, why do I say so? In the first place, gentlemen, the Secretary of the Navy, who is charged with the duty, upon whom rests the responsibility, says to us as emphatically and as positively as it is possible to express it in words, that it will not. Are we not to give any credit, are we not to give any credence to the man upon whom we shall place the responsibility of discharging the trust? Are we to ignore and pay no regard whatever to the Secretary of the Navy?

Mr. PADGETT is following the advice of the Secretary of the Navy. Turn, if you please, to the speech a year ago, where the Secretary of the Navy had agreed to 100,000 men, and this same gentleman from Tennessee said that he preferred to rely on Admiral Washington for the figures upon which he was then arguing, and disregarded the estimates made by this same responsible head which he now says we ought to follow.

Now, gentlemen, between the number necessary to man the ships in peace and the number necessary to man the ships in war there is an unquestionably large number, but that number represents men, as suggested by the gentleman from Illinois in that wonderfully illuminating question. Are they, then, there for the purpose of training?

That is the heart of it. Of course they are, they are performing the most useful purpose in case of war, and are supernumeraries in times of peace. They are a large body of men hanging there, if you please, suspended like the coffin of Mahomet in mid-air so long as we are in peace.

Now, gentlemen, in the subcommittee and the full committee we believed in maintaining the capital ships and such enlisted men for them as will maintain the 5-5-3 ratio, and, gentlemen, you can consider it more from the standpoint of peace than from the standpoint of war. But when it comes to the battleships and officers themselves you have a different problem. You can not build a battleship in 90 days, as was done on Lake Erie 100 years ago. You can not train officers overnight, or in six months. It requires years of time to train officers, and I think the Congress ought to maintain a substantially large number of officer personnel. If I might be bold, I would say that personally I am not satisfied with the 86,000 fixed for the purpose of 4 per cent official list for the Navy. I am inclined to think that we ought to put the number nearer to what the figures are now for the officer personnel and then remove the present ratio, and you would remove possibly something which unconsciously may enter, or is believed possible to enter, into the determination of estimates touching the enlisted personnel of the Navy.

Now, let us go a little further. I have received this morning a wonderful chart from the gentleman from Oregon [Mr. MCARTHUR]. I do not have it with me, but that chart shows on its face that the personnel provided for our Navy is lower, I think, than that of the Japanese Navy, or perhaps approximately in the same line. Now, let us consider that for just a moment. I do not think the gentleman from Oregon can actually accept at the face value the assertion that he makes in this wonderful chart. Let us consider it. Remember, we are not disagreeing as to the capital ships, we are not disagreeing on the officer personnel, but we are disagreeing on the enlisted personnel of the Navy. And yet in this chart he seems to determine everything not by officers, not by ships, but by enlisted personnel. In other words, following out his reasoning, if you would raise the enlisted personnel from 100,000 to 200,000, then what would you have done to the ratio? It would be 10 for the United States, 5 for Great Britain, and 3 for Japan. Is not that absurd? You have got to have men to go on the ships, you have got to have officers in somewhat proportionate number. In saying that to maintain a sufficient personnel to maintain the 5-5-3 ratio you have got to maintain it on the enlisted personnel war basis is absolutely without merit. [Applause.]

Let me go a little bit further. There is opposition to this bill from within the committee. The minority members of the full committee have prepared a report and have said that the cost of the British Navy for the next year will be £75,605,864.66. I wonder where the gentlemen of the minority, headed by my friend the honorable Representative from Massachusetts [Mr. TINKHAM], received that information. I turn here to the records of the Naval and Military Record, published upon March 15 of the present year in London. It is a publication that corresponds to the Army and Navy Journal of the United States. The figures that the honorable gentleman gives practically coincide with the estimates that were made in exact detail something like six months ago, before the Limitation of Armament Conference was had. Here is a magazine that boosts for the Navy of Great Britain, just as the Army and Navy Journal of our own country boosts for the Navy of the United States, and we find here the quoted report of Lord Lee, who is the first lord of the Admiralty, upon this question. This is the same Lord Lee who was the representative from Great Britain to the Limitation of Armament Conference. He says that in view of this agreement that has been entered into it was possible for him to make a supplemental estimate to the estimate that had been made some six months ago. If gentlemen will examine into the statement here of the Navy estimates, they will find that something like £10,000,000 of these estimates that are included for the support of the Navy are estimates for such purposes as civil superannuation allowances and the adjudication of old war contracts, and such things as that. Even when you eliminate all that and boil it down to its lowest at six months ago it was only £64,000,000 for what is called naval purposes alone. Then Lord Lee recommends in a supplemental estimate to Parliament that it be reduced still further, and he says the naval costs for 1922-23 have been reduced by nearly £21,000,000 from the figures that these gentlemen give.

Not only that, but he says that of this amount £450,000 are required by last year's estimates to liquidate certain war claims. So, even admitting that the £54,000,000, which is about two-thirds of the estimates, represents the budget for the British Navy for the next year, that is shown to contain, according to the statement of Lord Lee, something more than $2,000,000 for the liquidation of certain contracts.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. KELLEY of Michigan. Does the gentleman recall what the gentleman from Massachusetts said as to where he received

the information as to the cost of the British Navy? Oh, I see, the gentleman is here on the floor. Perhaps he could give us the source of his authority for saying that it cost £76,000,000.

Mr. FRENCH. I thank the gentleman for that suggestion and would be glad to have that information.

Mr. TINKHAM. I got it from the Intelligence Bureau of the Navy Department, an excellent source of information.

Mr. FRENCH. So excellent a source of information that, as the gentleman says, I am sure that if he were to go there and make inquiry, he would find the supplemental estimate of £54,000,000 for the British Navy for the next year. [Applause.]

Mr. TINKHAM. May I ask the gentleman a question?

Mr. FRENCH. Yes.

Mr. TINKHAM. Does he know the difference in pay between the different services of the British Navy and the American Navy?

Mr. FRENCH. I recognize that there is considerable difference in pay. We have to take all of those factors into account.

Mr. KELLEY of Michigan. If my colleague will yield, the difference in pay in some respects is vastly against us. The British officers of the highest rank all receive immensely more than the officers of similar grades in our Navy.

Mr. TINKHAM. How about the enlisted men?

Mr. KELLEY of Michigan. The enlisted force is not so greatly different, because the figures in this bill are based on the pay of 1908.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. KNUTSON. The gentleman has mentioned the supplemental estimate made by Lord Lee. The gentleman does not mention what change has been made in the enlisted personnel of the British Navy, and we would be very glad to get that information.

Mr. FRENCH. I want to thank the gentleman for that suggestion. I had pretty nearly forgotten it. The combined personnel for the British Navy, according to the first estimate, was 118,500. According to the supplemental statement that has been reduced to 98,500, and that includes the officers, the enlisted personnel, the royal marines, and the students in the Naval Academy of Great Britain.

Mr. KELLEY of Michigan. And the Coast Guard.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. DEMPSEY. The gentleman from Tennessee [Mr. PADGETT] stated that there were 38,000 men engaged in handling colliers and other subsidiary boats in the Navy which were not carried in the personnel at all.

Mr. FRENCH. I think that consideration must be taken of that. The chairman of the subcommittee, in reply to that statement, stated that it was his information that only 1,000 civilians were employed as he recalled for the handling of that particular work.

Mr. DEMPSEY. Oh, the chairman of the subcommittee did not give his authority at all, while the gentleman from Tennessee quoted his authority. You could not handle the number of ships he specified, or one-quarter of them, with 1,000 men. The chairman of the subcommittee stated the matter without any authority whatever, while the gentleman from Tennessee stated two things—first, his authority, and second, the number of boats they man.

Mr. FRENCH. I am glad to have the interruption of the gentleman, and I would say this, as regards the navies of Great Britain, Japan, and the United States, there is the element to be taken into consideration of whether men in the enlisted personnel are used to do that which is done in one country by a civilian personnel. We have tried to take all of these elements into consideration.

We have tried to measure one against the other. As the result of it, going down ship by ship, giving the enlisted personnel here in the matter of detail that we have given it, we have arrived at the conclusions we have presented.

Mr. MADDEN. Will my colleague yield?

Mr. FRENCH. I will be glad to yield.

Mr. MADDEN. I do not think the gentleman from New York [Mr. DEMPSEY] was in the Chamber when the gentleman from Idaho called attention to the speech of the gentleman from Tennessee last year. I wish he would repeat just one section of that for the information of the gentleman from New York.

Mr. DEMPSEY. I heard all the speech this year, and it was very illuminating.

Mr. FRENCH. Then, having the speech this year in mind, what I called attention to a bit ago was the argument used a year ago by the same gentleman as to what a 100,000 Navy would do. In the words of the gentleman from Tennessee [Mr. PADGETT], if the personnel was reduced to 100,000, it would mean that we could retain but 13 battleships in full commission. With the 96,000 to-day we are maintaining 18 capital ships in commission. Let me refer to one or two other criticisms.

Mr. BEEDY. Will the gentleman yield for a moment?

Mr. FRENCH. I will.

Mr. BEEDY. We have all been very much interested in listening to the gentleman. His speech discloses he has investigated the subject, and we want all the information we can get. A good many Members of the House recognize the importance of aviation. I see the gentleman's time is nearing an end. I trust he will not take his seat without discussing that branch of the service and the provisions which the bill makes. We ought to have more particular information as to whether or no this bill provides for all the men that have been asked for by the aviation department.

Mr. LINEBERGER. Will the gentleman yield further? I would like to have the gentleman tell the committee whether or not the British Air Service, the Royal Air Service, which is a separate department in Great Britain—whether the number of men carried by them as on duty with the navy is included in the number of men which he reports to be in the British Navy for the coming year?

Mr. FRENCH. Not generally speaking. I told you that 1,000 officers were included in my officer comparison. I want to say in connection with that, that while I had not purposed to discuss the question of aviation, we have provided for aviation, I think, all the department asked. We have provided something like 3,200 men, and, as I recall, we have provided something like $7,000,000 to carry forward the work of aviation for the coming year.

Mr. MADDEN. We have provided $7,800,000.

Mr. FRENCH. I thank the gentleman. I agree most heartily with what was said here yesterday by the gentleman from Oklahoma [Mr. MCCLINTIC] touching the ability of an effective naval air force in meeting an attack of any other country. The gentleman from California asked me another question, and that is whether or not the air force included in our figures here was in the British figures. We have included 3,200 in our figures. The British Government, though, maintains a separate and distinct air force, made up, as I recall, of approximately 30,000 men, and then for the purpose of increasing the number that should be, as he thought, properly charged to the Navy, Representative PADGETT yesterday said that he thought something like 11,000 of those men should be added to the total for the Navy in order to make the figures comparable with the figures I have submitted to you.

I want to say, while I agree in the importance of the personnel of the air force, the importance of the Aircraft Service, I do not agree that the statement that he made is correct, that we should charge 11,000 men to ours in order to offset them. Why should we? Why should we, if they are using 11,000 men for Air Service, charge arbitrarily 11,000 men to our Navy to do naval service, when we are not turning them over to do air service?

Mr. DEMPSEY. Will the gentleman yield in that connection?

Mr. FRENCH. All right.

Mr. DEMPSEY. The gentleman from Tennessee did not claim that we should charge off 11,000. He said 11,000 were chargeable in their case, and only 6,200 was requested by the Navy Department here. He said that number should be included and should be added.

Mr. KELLEY of Michigan. I will say to the gentleman that the Navy Department never did request 6,200 men for aviation.

Mr. DEMPSEY. What do your hearings show?

Mr. MADDEN. Thirty-two hundred.

Mr. FRENCH. I thought that was about right.

Mr. DEMPSEY. What the gentleman from Tennessee [Mr. PADGETT] stated was—and I can not find anything in the hearings about it—that the number was 6,200.

Mr. KELLEY of Michigan. I will give the gentleman the exact facts about it—that the Chief of the Bureau of Aviation wrote a letter to Mr. PADGETT——

Mr. DEMPSEY. I remember his reading the letter.

Mr. KELLEY of Michigan (continuing). In which that statement was made. I do not know what the Chief of the Bureau of Aviation recommended to the Navy Department. We transact our business with the head of the Navy, and the chief of the bureau and the Secretary of the Navy did not ask for any such number of men for aviation. But they did ask for the number which we gave them.

Mr. DEMPSEY. Do your hearings show that? That is the question. We have either hearings or letters. The letters have been produced. What do the hearings show?

Mr. KELLEY of Michigan. I think they give the number, but I am not sure.

Mr. FRENCH. Then, while that matter is being checked up, let me proceed just a little further in answering the question of the gentleman from California. I do not think that it is at all essential for the United States to maintain a naval air service such as may be essential for Great Britain. And why? The Naval Air Service for the United States must, according to the present development of aviation science, be a defensive weapon, in my judgment, rather than an offensive one. Furthermore, it is the policy of our Government to act in that capacity rather than as an aggressive Nation. Beyond that, let me say this: The United States is so situated that we are very remote from the great nations of the world. The home base, if you please, must be on our own territory. Great Britain, lying as she does up against Europe, can in an hour's time send her aviators across the Channel and over the Continent of Europe. They can make their assault upon a city, upon a ship, or upon a navy yard, and return to the home base, if you please, within a few hours.

Not so the United States. In Great Britain you must have an aviation force according to the judgment of those in military authority there capable of offensive warfare, if you please; when, according to the military authorities of our country, thank God, we are not required to provide nor believe it necessary to provide a tremendous air force for the defense of the Union. [Applause.] There is the difference.

Now, I yield to the gentleman from Missouri.

Mr. McPHERSON. I understood the gentleman to state that the number estimated for the British Navy was 98,500, officers and men.

Mr. FRENCH. Yes, sir.

Mr. McPHERSON. How many of that number were enlisted men or corresponding to our enlisted men?

Mr. FRENCH. I just showed the gentleman a little while ago that as regards officers, the number is approximately the same as ours.

Mr. McPHERSON. In that 98,500, is not the number of enlisted men included 81,000? In other words, 81,000 as against our 67,000?

Mr. FRENCH. Oh, no; not as against our 67,000.

Mr. McPHERSON. Of the petty officers and enlisted men of the 98,500, 81,000 of them are enlisted men in the British Navy.

Mr. FRENCH. Not in comparison with our figure.

Mr. McPHERSON. What is the correct figure?

Mr. FRENCH. We have 19,500 marines.

Mr. McPHERSON. You say a certain number were provided for in the British Navy for 1923, and that it was 81,000.

Mr. FRENCH. If the gentleman has checked up those figures I will suppose they are correct.

Mr. MADDEN. It should be remembered that the British Navy includes aviation service, and the officers and marines and naval cadets.

Mr. McPHERSON. The British Navy has 81,000 men, and the British colonial service has in addition about 8,000 men, and the British air service comprises——

Mr. FRENCH. Oh, we have in the United States to-day other organizations. Several of the States have availed themselves of the cooperation work furnished by the Government in building up the naval service—the Naval Militia.

Mr. SWING. I would like to ask the gentleman how many men have we in our Naval Reserve to-day? How many men have we in the United States Naval Reserve Corps to-day?

Mr. FRENCH. Will the gentleman tell me?

Mr. SWING. I ask you.

Mr. KELLEY of Michigan. Including the officers, it is about 11,000. But the gentleman from Idaho was speaking of the Naval Militia.

Mr. SWING. Oh, you do not undertake to compare the civilians who give one or two hours a week to that work with a British colonial force which is a professional fighting force, at the command of the British admirals, a force which must go anywhere they want them to go, just as the colonial troops went into the World War just where Great Britain wanted them to go.

Mr. FRENCH. I will say to the gentleman that the American reservist, the volunteer, the enlisted man, and the drafted man have been able to give the highest account of themselves on every battle field and in every naval engagement wherein they have had a part.

Mr. SWING. Yes; they are prepared to go gladly to the support of their country, but preparedness would have saved thousands of their lives.

Mr. FRENCH. But the gentleman forgets that when it comes to casualties our men have shown themselves as capable of taking care of themselves as have the men in the so-called highly trained armies of Europe.

Mr. DEMPSEY. Is it not the ultimate conclusion that the gentleman reaches that Air Service with the United States should content itself with a less force than Great Britain on two bases: First, that we are pacifists, and second, that we should not be adequately prepared?

Mr. FRENCH. No; absolutely not. In the first place, I am not a pacifist, and in the second place, I believe that our Air Service does not need to be determined upon the same principle as that upon which Great Britain must determine the personnel of her air service. The two countries are different, absolutely. We do not have other great nations lying up against the United States who may be our possible enemies.

Mr. DEMPSEY. Are they not crossing the Atlantic now, and do they not increase the length of flight every day, and have we not to consider the future, and are we not supposed to be doing that now?

Mr. FRENCH. But we do consider the future, but this is not an aircraft bill. This is a naval bill that we are considering now. The aircraft in Great Britain is an independent institution.

Mr. KELLEY of Michigan. And the 10,000 men suitable to be assigned to aviation in the British Empire is purely an arbitrary estimate made by somebody down here in the department for the purpose of bolstering up certain figures.

Mr. MADDEN. And in addition to the aircraft provided in the naval bill we have an Aviation Corps in the Army.

Mr. DEMPSEY. The gentleman should not say that those figures are furnished with a view to bolstering up anybody's figures. You should consider the fact that these officers are actuated by a high sense of duty, and that they are not making an arbitrary assignment of figures for the purpose of bolstering up their position, as the gentleman suggests.

Mr. KELLEY of Michigan. They could have made the figure 12,000 or 15,000 if they pleased.

Mr. DEMPSEY. They are men of judgment, and their opinion is entitled to more weight than that of civilians like ourselves.

Mr. HILL. Can the gentleman tell us how many enlisted men in the aviation service are contemplated in this bill?

Mr. FRENCH. Three thousand two hundred now.

Mr. LINEBERGER. The gentleman prefers to avoid aviation, does he not?

Mr. HILL. The figure given out to-day is that the Navy has at the present time an enlisted personnel in aviation of 4,796. As I understand the gentleman from Idaho to say, this bill provides for only 3,000.

Mr. FRENCH. No; I think I said 3,200.

Mr. KELLEY of Michigan. I have it here in the hearings. On page 391 of the hearings Captain Williams testified that on January 1 they had in aviation ashore 2,100 men. Now, then, they ask in addition to that about 600 men who are to go into the fleet next year after the catapults are put upon the battleships, and some others, and in addition to that they ask for the men necessary to man the new aircraft carrier and tender, amounting to 500 men, or 1,100 in addition to those I have mentioned; and that is all the number of men I ever heard anybody connected with the Navy Department ask for in an official capacity.

Mr. HILL. May I state to the committee that my information is that the strength of the flying forces in the Navy to-day—and I obtained this information this afternoon—is 590 officers and 4,796 men? Does the chairman think that is correct?

Mr. KELLEY of Michigan. I do not know how many civilians we may have in addition.

Mr. HILL. That includes the whole personnel?

Mr. KELLEY of Michigan. In addition to that, I presume we may have that many civilians. They are not enlisted men. We are only dealing here with the enlisted force, and we have taken the figures on page 391, furnished us in answer to our interrogations of Captain Williams, who has charge of the personnel of the Navy, and he said on that day there were 2,100 enlisted men in the Aviation Corps of the Navy. I do not guarantee the figures, but they are the best that Captain Williams could furnish as to the number in the aviation section of the Navy.

Mr. HILL. That is at the present time, and in the present bill there are about 3,200 included in aviation. Is that correct?

Mr. KELLEY of Michigan. Three thousand two hundred enlisted men. The officers, of course, are in addition to that, and the civilians probably an equal number, or perhaps more.

Mr. SISSON. Will the gentleman yield?

Mr. HILL. Will the gentleman yield?

Mr. FRENCH. I want to continue my remarks.

Mr. HILL. I understand the total enlisted force in the aviation service in England is 30,000, and that 10,000 of them are assigned to the navy, but those 10,000 are not included in the

estimates of the navy enlisted personnel which has been brought before the House. Is that correct?

Mr. FRENCH. The gentleman from Tennessee [Mr. PADGETT] said yesterday that what I think is an arbitrary assignment of 10,000 or 11,000 men should be made to the British Navy for aviation; but, as I said a while ago, that should not enter into the question as to the shaping of the enlisted personnel in the American Navy.

Mr. HILL. Can the gentleman state why not?

Mr. FRENCH. In Great Britain aviation is a separate institution, and Great Britain may be under the necessity of building up an immense aircraft service, including not only 30,000 men but maybe more than that engaged only in aircraft work. Does the gentleman think that because England has done that we ought to do the same thing? Great Britain has her own problems to meet, as a country lying up against Europe, with the various countries of Europe in conflict and in constant suspicion of one another. The United States is more fortunately situated, and I do not think that at this time, just because Great Britain has an aircraft service of 30,000 men, we ought to follow her example and create such an aircraft service for ourselves.

Mr. HILL. The purpose of my question is this: I understand that the present bill includes the total enlisted personnel that is to be provided in the naval air service of the United States, but that the comparison of the figures which have been given here on behalf of the subcommittee omits from any estimate of the enlisted strength of Great Britain at least 10,000 men who could be apportioned to the aircraft service of the British Navy on the basis of taking one-third of their 30,000 who are in their aircraft service. Is that correct?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY of Michigan. I yield to the gentleman from Idaho 10 minutes more. I should like to ask a question of the gentleman from Maryland [Mr. HILL], who seems to be possessed of considerable information about aviation and who is more or less an expert on that subject.

Mr. HILL. I may say that I am expert on the lack of aviation in the last war, but not on the presence of aviation.

Mr. KELLEY of Michigan. I will ask the gentleman if he knows what proportion of the 30,000 men who he says are in the British aircraft service are civilians?

Mr. HILL. The information I have in this——

Mr. KELLEY of Michigan. Does any gentleman know? The gentleman from New York perhaps knows that.

Mr. HILL. I understand we have at the present time 4,796 enlisted men in the aviation service of the Navy. I suppose that includes some civilians. I understand that we have 9,379 in the Army aviation service, making a total enlisted force in our aviation in the two services of approximately 14,000.

Mr. KELLEY of Michigan. And if we add as many more civilians on the ground, we have practically as many as Great Britain, have we not?

Mr. HILL. I understand that all the civilians we have in that service are included in the figures which I have given.

Mr. KELLEY of Michigan. Does the gentleman know?

Mr. HILL. No. That is the reason I am calling for the information. But if I may finish my question, the figures which we have discussed here for the British enlisted personnel do not include the aviation service, do they?

Mr. FRENCH. We are not including the aircraft service of Great Britain. I have said that two or three times.

Mr. HILL. But we do include the aircraft service in our own Navy?

Mr. FRENCH. To the extent that it is in the Navy.

Mr. HILL. Yes.

Mr. FRENCH. We do not have an independent aircraft service within the United States.

Mr. KELLEY of Michigan. It is about comparable with the Coast Guard, which is included in the British figures and not included in ours. If you take the coast guard in the British figures and the aviation out of ours you have a comparable basis for each Government.

Mr. HILL. How many men are there in the British coast guard?

Mr. FRENCH. Two thousand eight hundred.

Mr. KELLEY of Michigan. And in our Coast Guard there are about 3,400.

Mr. LINEBERGER. I should like to ask the chairman of the subcommittee [Mr. KELLEY of Michigan] and the gentleman from Idaho [Mr. FRENCH] both a question as to the information concerning the size of the coast guard. Was the information gained from the same source as the other information relative to the British Navy; that is, from a source that can not be disclosed?

Mr. KELLEY of Michigan. Oh, no.

Mr. LINEBERGER. Where was it obtained?

Mr. KELLEY of Michigan. I will say to the gentleman that the figures for the British coast guard are no great secret. If he or anybody else will take the pains to get the ordinary reports of the British Government in our own Congressional Library he will find out practically all that I have given him. I have taken the pains to do that.

Mr. LINEBERGER. The question is not where I might get the information, but where did the gentleman get the information?

Mr. FRENCH. Before proceeding let me answer the question of the gentleman from California by quoting from the Naval and Military Record of Great Britain, where the statement is made that the total coast guard and marine police of Great Britain is 2,900.

Mr. HILL. Will the gentleman yield further?

Mr. FRENCH. I can not yield further.

Mr. HILL. I will ask the chairman of the committee to yield a minute to the gentleman from Idaho that I may ask him another question.

Mr. FRENCH. Mr. Chairman, I have been so generous to those who wanted to ask questions that almost all of my time for the last half hour has been taken up by questions. In the first place, our committee has been criticized not only in the way I have referred to, but also it has been criticized by the editor of the Army and Navy Journal. I have here a copy of the Army and Navy Journal, in which criticism is made of Congress, criticism is made of Members, which challenges the good faith of Members of the Congress and the motives of the Members of Congress who do not take the view that the Navy Department takes. And in the same editorial the different navy yards of the country are criticized by the same editor.

It seems to me in view of the fact that the minority report is signed by Members coming from States that have navy yard districts that it was an ungracious thing on the part of the editor of the Army and Navy Journal to criticize the districts. The distinguished gentleman from Massachusetts who signed the report can take care of himself, and doubtless will speak his mind of the Army and Navy Journal for impugning the motives of people of navy yard districts and insinuating they want money to maintain some navy yards and stations that the Journal says are useless either in peace or war. Now I want to say, and I ask the House to bear witness, that my friend from Massachusetts has never defended a navy yard of Boston in a speech made here during this debate. Does anyone suppose that any Representative who has spoken on this bill, whether he comes from Boston or New York, the Charleston or the Louisiana districts, had any thought of navy yards when he argued the question? [Laughter.]

Mr. TINKHAM. Will the gentleman yield?

Mr. FRENCH. I can not yield. These gentlemen are able to take care of themselves. I want to say one word further in regard to the Army and Navy Journal since it reflects upon Members of Congress and my committee. The editor has sent me a marked copy of that Journal, evidently intending it shall come to me personally, and therefore I consider it as a personal message to me reflecting upon my committee and the motives of Members of Congress.

Mr. Chairman, during the limited, yet several, years that I have participated in political discussions and activities, I have made it my constant rule to assume that those who are opposed to me are sincere in their opposition or actuated by motives and principles that to them seemed sound and I have asked that same regard for myself. Somehow I believe that most people approximate mental and moral honesty as they discuss serious matters and so I shall assume, with regard to those who take part in the discussion of the naval program. It illy becomes those who are most active in urging a program that would mean a large Navy and a large Army to attack the motives of other people. Yet I find in a marked copy of the Army and Navy Journal under the date of March 25, 1922, which has been sent to me, an editorial which is most severe.

The editor of this paper condemns the Members of Congress in most vicious language who, perchance, may not be able to see the question as he sees it. Indeed, if the Members are governed by the motives that he asserts, they are not fit to serve in the Congress of the United States. But who is this critic? The critic to whom I refer is the editor of the Army and Navy Journal, or, at least, an editorial writer upon that journal.

I am compelled to recall an allegory of the lad who returned from driving the cattle home at evening time from the Canyon of Echoes. The boy related an amazing tale to his mother. He said that in the canyon there must be some horribly wicked person; that that person must have followed down the canyon on the side just opposite from him. He said that as he was driving the cattle along that person began cursing him and

calling him names, and said everything mean and vile to him, while he was the perfectly good little boy in the conduct of his chores. His mother, being of mature years and being wise and sympathetic, knew that her son had returned from the Canyon of Echoes. She knew that the oaths and the bad names that her son had been called were the echoes of the language that her boy had spoken, hurled back from the other side of the canyon. [Applause.] Gentlemen, do you not know that usually it is true that the man who is always challenging your motive is the man whose motive you have a right to suspect? Do you not know that the man who says you have a secret reason may have one himself?

I have said that the criticism does not come with good grace from the editors of the Army and Navy Journal, and why? Let me call your attention to the editorial list of names. Before them you will find the titles of captain or general or major, and so on. Do they not recall, and do you not know, that the authorized personnel determines the officer personnel of the Navy? Do you not remember that old story which you read in your boyhood time—I think it was the formula of Swift, given in Gulliver's Travels—that twice around the thumb is once around the wrist; twice around the wrist is once around the neck; twice around the neck is once around the waist; and twice around the waist is the height of the individual? [Laughter.] This same principle prevails in the Navy. Double your enlisted personnel and you double your junior officers; double your junior officers and you double your senior officers; double your commanders and you double your captains; and increase by 100 per cent your captains and you increase by 100 per cent your rear admirals and your admirals. [Applause and laughter.]

Mr. Chairman, I am too good a friend of my country and too good a friend of our Navy to let myself be disturbed by the hasty expressions of some one writer, of whose statements doubtless the writer himself is now ashamed. I believe in the high integrity and honor of the officers of the Navy; they are men of the greatest ability; they are men upon whom our country can rely and who in event of war with a foreign nation will stand to the death between a foreign foe and the hearthstones of American citizens. And, gentlemen, I am proud of the Navy as it is to-day. I honor and admire Secretary Denby and Assistant Secretary Roosevelt, men of great ability and devoted to the public service. I pay homage to the active officers of the Navy to-day who were the men as officers who reflected distinction and credit upon themselves and immortal honor upon the flag of our country in the Great War where they were called to serve.

Mr. SWING. Mr. Chairman, I am sure the gentleman would not make a misstatement——

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield five minutes more to the gentleman from Idaho in order that he may answer the gentleman from another navy yard district on the Pacific coast.

Mr. SWING. Oh, I have no navy yard in my district.

Mr. KELLEY of Michigan. Oh, yes; San Diego.

Mr. SWING. That has no navy yard.

Mr. FRENCH. But it wants one.

Mr. SWING. No; it does not want one. I am tired of this proposal of tarring everybody with the stick of suspicion who opposes the desires of these gentlemen.

Mr. FRENCH. Let the gentleman ask his question.

Mr. KELLEY of Michigan. I want to say that the gentleman is young here, but he has developed an infinite maw for public funds.

Mr. DEMPSEY. Oh, he has developed a faculty for defending his side of the question.

Mr. KELLEY of Michigan. Naturally, for the navy yard.

Mr. DEMPSEY. Not at all; but the big, broad question.

Mr. FRENCH. Ask the question, please.

Mr. SWING. I want to ask the gentleman this: I am sure he has no desire to misrepresent the facts to the House, and I am sure the gentleman is fully informed that officers of the Navy are not based upon the actual number of men which are provided for in an appropriation bill. Therefore, what is under discussion is the actual number of men which you are providing for, and that in no way controls or affects the number of officers.

Mr. FRENCH. Oh, the gentleman is mistaken. He ought to know that at this time and for something like six years, I think, the officer personnel has its maximum limit determined by the enlisted personnel in the Navy.

Mr. SWING. The authorized, not the actual.

Mr. FRENCH. The authorized personnel in the Navy.

Mr. SWING. It is not on what you are appropriating for, but what is authorized by law.

Mr. FRENCH. If I said "the enlisted personnel" I should have said "the authorized personnel," and thank the gentleman. Now I must go on.

Mr. TINKHAM. What has the gentleman been doing? [Laughter.]

Mr. GALLIVAN. What about the navy yards?

Mr. FRENCH. I thought I could get a rise out of the gentleman from Massachusetts.

Mr. GALLIVAN. No rise, but a pleasure. [Laughter.]

Mr. FRENCH. The same Army and Navy Journal which criticized us wipes some, at least, navy yards and stations off the map and says that they ought not to exist and that their sponsors want the appropriation merely to carry on the work for the benefit of the localities. That was the reason I said that I thought it was ungracious on the part of the editor of the Army and Navy Journal to criticize the gentleman, for when he was criticizing the bill and supporting a big Navy the gentleman did not use the words "navy yard" even once.

Mr. GALLIVAN. At that time I was not interested in navy yards. I want a big Navy.

Mr. FRENCH. I know the gentleman from Massachusetts will take care of the editor of the Army and Navy Journal when he gets time, and will tell him what he thinks of him for having passed such imputations upon navy yards in general.

Mr. GALLIVAN. I will take care of him another day.

Mr. KELLEY of Michigan. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. KELLEY of Michigan. I yield to the gentleman three minutes more. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. KELLEY of Michigan. I wanted to ask the gentleman from Massachusetts a question. I wondered if the gentleman from Massachusetts has seen the clipping from a Boston paper or knows anything about this occurrence which is said to have taken place:

> Civilian employees at the navy yard at Charlestown, the destroyer base at Squantum, and the arsenal at Watertown gathered at a mass meeting on the Boston Common to-day and protested against the curtailment of their operations.

Mr. GALLIVAN. Will the gentleman give me an opportunity to answer?

Mr. KELLEY of Michigan. Yes.

Mr. GALLIVAN. On Saturday last, when our committee was considering this bill in full committee, or when the main bill was being completed. I told the gentleman from Michigan, who has just asked me that question, that at that time there was a meeting on the historic Boston Common by these people protesting against the pending measure. He now asks me if I have read it in the newspapers! [Laughter.] Why, I am the first man that told him about it.

Mr. KELLEY of Michigan. I should like to ask the gentleman this question further. If the gentleman from Boston——

Mr. GALLIVAN. Massachusetts.

Mr. KELLEY of Michigan. I was about to put the name of the State so as to designate the place. [Laughter.] If the gentleman had been in attendance at this great mass meeting of employees from Squantum, where they had been manufacturing destroyers during the war, and this mass meeting from the navy yard at Charlestown, because their operations had been curtailed under the terms of the treaty, would he have joined with them in that protest?

Mr. GALLIVAN. Mr. Chairman, I was invited to address the meeting and declined to address the meeting because my business was here in Washington, watching this one-man bill being put through my committee.

Mr. KELLEY of Michigan. But the gentleman has not answered the question, and I shall not press him for an answer. Had he been there, had it been a Saturday, when a good many people who live in these cities along the Atlantic seaboard find time to go home, or had it been on the Sabbath when he had been there, would he have joined in the protests?

Mr. GALLIVAN. I would join in any protest which is going to disarm our Navy.

Mr. DEMPSEY. Mr. Chairman, may I ask the gentleman just one question more?

Mr. FRENCH. I can not yield. I have only another couple of minutes.

Mr. KELLEY of Michigan. I shall yield the gentleman two minutes more in order that he may answer the gentleman from New York.

Mr. DEMPSEY. I wanted to ask the gentleman this: In the course of his remarks he has offset the coast guard in the English service as against the aviators in our service. Is not the gentleman aware that the functions of the two classes of service are entirely different?

Mr. KELLEY of Michigan. That does not affect the number.

Mr. DEMPSEY. Oh, yes, it does. It affects the number on the question of the personnel. In the one case the coast guard is simply to save life in peace or war. The coast guard employee is a civilian employee, and in the other case the aviator pursues the most dangerous, the most daring, and the most useful branch of the military service.

Mr. KELLEY of Michigan. But the gentleman from Idaho [Mr. FRENCH] was saying that in the 98,500 there were included the 3,000 for the Coast Guard, so that those could be taken out, because there is nothing there for aviation.

Mr. DEMPSEY. He simply includes them as though they were a part of this.

Mr. KELLEY of Michigan. No; they are a part of the 98,500.

Mr. DEMPSEY. What about the 38,000 that you have not included at all?

Mr. KELLEY of Michigan. I will take that up in my own time.

Mr. DEMPSEY. There never will come a better time than now.

Mr. KELLEY of Michigan. The gentleman need not worry about that.

Mr. FRENCH. Let me say this in conclusion: The people of the United States have reason to expect results from the Limitation of Armament Conference. If we are to turn to the first fruits of the conference, they might be recognized in the bringing in of this bill and omitting to carry forward the building program of the Navy, which means the saving of $300,000,000. If you turn to the question of fortifications and consider the estimates that were made by responsible officers of the Army and Navy, not officially to Congress, but talking to Members of Congress, about a project on the island of Guam that to-day we will not fortify under the treaty, we would find a project proposed that carried an amount of money something like $80,000,000 or $90,000,000. It would have required for the Philippine Islands, to have made one place impregnable for our Navy program, $100,000,000. In addition to that, according to the estimates furnished by the department to the Naval Committee some four years ago, to maintain or keep up the Navy following the building program of 1916, and the three-year program added to it, it would have required, I say, from $600,000,000 to $800,000,000 every year.

The bill we present is less by $70,000,000 almost than half that amount. Call it $300,000,000, multiply it by 10, the years covered by the limitation of armament treaties, and you have the stupendous amount of $3,000,000,000 saved in 10 years in the maintenance of the Navy. Add to that the cutting off on the building program; add to that the amount you save by refusing to follow a building program for the next 10 years; add to that the millions you will save on fortifications, and the people of this country have a right to be proud and to be hopeful, as they look into the future and contemplate the steps that have been taken in the Limitation of Armament Conference. Gentlemen, the people of this country hope for results, not only measured in dollars and cents but, what is much more, measured in human life, measured in culture, measured in that which is best of all in all the nations of the world. In other words, that which was in the hearts of the people President Harding voiced when he spoke these words at the conclusion of the armament conference:

> It may be that the naval holiday here contracted will expire with the treaties, but I do not believe it. * * * The torches of understanding have been lighted, and they ought to glow and encircle the globe.

And they further believe in the words that were written by the immortal bard of our country, words that you learned in your boyhood from "The Arsenal at Springfield":

> Were half the power that fills the world with terror,
> Were half the wealth bestowed on camps and courts,
> Given to redeem the human mind from error,
> There were no need of arsenals or forts.

Gentlemen, I am for a Navy, not the little-size Navy that gentlemen speak of, and that was referred to insinuatingly here upon this floor, but an adequate Navy. I am for a 5-5-3 Navy, one that will protect at all times the honor and the glory of the American people, and that will be comparable to the navy of Great Britain and the navy of Japan on the ratio of 5-5-3. That is what we have provided for, gentlemen, as we bring the Navy appropriation bill before you. [Loud applause, the Members rising.]

Mr. BYRNS of Tennessee. Mr. Chairman, in behalf of the gentleman from South Carolina [Mr. BYRNES] I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. Mr. Chairman, what is a "big Navy" and what is a "little Navy"? The answer depends altogether upon what you are comparing the navy with. Since the surrender of the German fleet there has been no navy of the world other than those of Great Britain and Japan which might be compared with the American Navy. So that answering the question as to our Navy, it is "big" or "little" as compared with the British and Japanese Navies.

Under the situation now presented, the Four-Power Treaty having been adopted, it has become impossible that Great Britain or Japan should attack the United States in the Western Hemisphere. It is likewise impossible for the United States to make war on Japan or Great Britain in the spheres set apart to them. Neither of the nations is given a navy sufficient to meet the navy of the other if it should give battle near the naval base of its adversary. In short, the practical result of the Four-Power Treaty is to divide the world into three parts—the Orient which is given to Japan, the Western Hemisphere, in which America is made supreme, and Europe, Africa, and the Near East, the hegemony of which has been granted to Great Britain. It is not possible for either of the powers to attack another unless it should be in combination with one of their associates.

The Four-Power Treaty has made this situation stable for 10 years. We are foolish if we do not recognize and accept that fact.

I am thinking of the Four-Power Treaty. I wonder whether the price we have paid has not been too great. We have put it definitely out of our power to question the authority of Japan in the Orient. We have conceded her supremacy by agreeing not to fortify our eastern possessions. We have said to Japan, "We trust your good faith. We commit to your hands the destiny of the Philippines, Guam, and all American interests on the other side of the Pacific."

THE DEMOCRATS HAVE ALWAYS HAD THE PRINCIPLES, BUT—

Some seventy-five years ago a prominent American, in discussing the partisan politics of that day, said that the Democrats had always had the principles, but their opposition had had the leaders. I deny that it was true then. It would place the Democratic Party upon a low plane to admit that it is true now. But I am reminded of this saying by the utterances of a former Democratic candidate for the Presidency, delivered recently in New York at a Jefferson Day dinner. He urged that the League of Nations should be made the issue of the next campaign.

Why should the Democratic Party make the League of Nations the issue in another campaign? The people have spoken upon it in so far as the treacherous currents of partisan expediency permitted them to speak. So far as the 1920 election constituted an expression upon the league, the decision of the people was against it.

The Republican Party came into power virtually without a program. Its campaign was a campaign of negation, of unjust criticism, of sectional appeal, of hypocritical pleas and of promises impossible of performance. Of all its professions it has as yet redeemed but one, that for a separate peace with Germany. All the remainder rest in pretense and apology. Having control of every branch of Government it has allowed the country to drift into an economic depression unprecedented in our history. In the meantime the invisible masters of the party have been busy getting "theirs"—the railroad owners, the war contractors, the profiteers, the tax dodgers, all have been busy.

The Republican administration has failed. It would now divert attention from its domestic failure to its pretense of foreign success. It would point the people from the things about which they know—from its indifference to distressing unemployment, from its incapacity to deal with conditions which have brought business to the door of bankruptcy, from the complacency with which it has permitted a vast coal strike to occur, from its favoritism toward big business and big finance, from its universal incapacity and ineptitude in dealing with the public welfare—it would point them to pretended success in foreign matters, with which they are little familiar. In this situation for Democratic leaders to acquiesce in the Republican scheme to substitute foreign affairs for domestic questions as issues for the next campaign is not only foolish from the standpoint of party but is unpatriotic as well.

Why a Jefferson day dinner was made the occasion for the utterance of sentiment in behalf of a League of Nations I can not imagine. Jefferson must have turned in his grave when the occasion designed to do him honor was so perverted. I remember that he said:

> I am for free commerce with all nations, and political connections with none; I am for not linking ourselves by new treaties with the quarrels of Europe, or entering that field of slaughter to preserve their balance or join in the confederacy of kings to war against the principles of liberty. The first object of my heart is my own country.

THE LEAGUE OF NATIONS.

The League of Nations had serious faults. It was in certain particulars a surrender of American sovereignty. It committed us morally, along with the other nations, to the exercise of force in keeping the peace of the world and in punishing those who might break it. It committed us to a policy of entanglement with European issues and meddling with European concerns. But overshadowing even these serious matters was the awful fact that the league carried in its bosom the monster of the treaty of Versailles. It bound us to defend that treaty, to see that its terms were performed, to stand surety for the good faith of our associates, to all the complex conditions of reparations and arbitrary national boundaries. Coupled with that treaty the league would have subverted every principle of American foreign policy from the beginning of our history to the present. Had we committed ourselves to it, it would have been for Americans to die in order to collect British and French war indemnities and to defend the foolish and, I might well say, the wicked rearrangement of national boundaries which the treaty made.

But despite its intolerable faults, the fundamental of the league was to secure the peace of the world; it held its head high in the clouds of idealism.

THE REPUBLICAN POSITION.

The opposition of the Republican Party to the League of Nations was evasive. They did not meet it with candid frontal attack, but thrust it with pin-pricking criticism. The Republicans deemed it expedient from a partisan standpoint not to oppose the principle of an agreement among the nations for the preservation of world peace. To the contrary, they expressly approved that principle. The Republican platform of 1920 made this pronouncement upon the League of Nations:

The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts, and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.

Mr. Harding, in his speech accepting the Republican nomination for President, said:

I can speak unreservedly of the American inspiration and the Republican committal for an association of nations, cooperating in sublime accord, to attain and preserve peace through justice rather than force, determine to add to security through international law so clarified that no misconstruction can be possible without affronting world honor.

These statements are clear. They need no interpretation. They promise a world association which all the nations would be invited to join, and which would afford a forum in which justice could appeal against might, in which the weak might appeal against the strong.

I ask you, gentlemen on the Republican side of the Chamber, how have you kept that solemn promise to the American people? How have you made good upon your word? You answer me and say that you have made it good by the Four-Power Treaty. Your promise was for a world court for the ordering of justice, for an association of nations which all would be free to join. Your performance is a league among the four great military powers of the world for their own selfish benefit and to perform their own purposes.

The concept advanced by your promise is the same as that of the League of Nations. The league was impracticable, some have called it, too full of idealism, and holding its aim too high. That is the criticism made. But whatever may be said about it, always it looked to peace and to justice and righteousness in this world.

I have heard criticism of the brave and patriotic Democratic Senators who favored the League of Nations but who oppose the Four-Power Treaty, based upon the alleged inconsistency of their positions. I am proud of the Democrats who oppose the treaty. They have proven themselves good Democrats and good Americans. But perhaps they have not enough resented the unfair criticism. It is unfounded, as I shall show.

THE FOUR-POWER TREATY.

This is the four-power treaty:

I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference, to which the whole subject will be referred for consideration and adjustment.

II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

III.

This treaty shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

IV.

This treaty shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the signatory powers a certified copy of the procés verbal of the deposit of ratifications.

The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

The dynamite in the treaty is in article 2:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

To understand the deadly import of this language compare it with article 1 of the British-Japanese alliance, which reads:

It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this agreement are in jeopardy the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

Mark you, that the Anglo-Japanese treaty was confessedly an alliance. It was an alliance for war. Under it Japan was brought into the World War. It is couched in substantially the same language as article 2 of the Four-Power Treaty. It means exactly the same thing. Speaking with the duplicity of diplomacy, Great Britain and Japan agreed to "communicate with one another fully and frankly." The same words are used in the Four-Power Treaty. It binds America to go to war as Japan, under the Anglo-Japanese treaty, was forced to do in 1914. Japan nor Great Britain can engage in no war which does not involve their Pacific "insular possessions," and this means that the United States is bound by the treaty to become a party to any war in which Great Britain or Japan may choose to engage.

LEAGUE AND TREATY FACE IN OPPOSITE DIRECTIONS.

The amazing thing about the discussion of the Four-Power Treaty is that it appears to have proceeded upon the assumption that the Treaty partakes of the nature of the League of Nations. Men seem to assume that those who supported the League are bound to support the Treaty. The actual fact is that the League of Nations and the Four-Power Treaty represent opposing poles. They face in exactly opposite directions. They have nothing in common, in scope, or purpose. Consistency would require those who favored the League to oppose the Treaty.

The League of Nations was *inclusive;* the treaty is *exclusive.*

The conception of the League of Nations was that all the nations of the world should become members and that a forum should be provided in which the weakest might appeal against the strongest—where right might appeal against might. The chief purpose of the Four-Power Treaty is to provide an opportunity for conference among the four greatest nations concerning their mutual defense and for the imposition of their will upon any who may challenge their authority.

The League was an agreement for peace; the Treaty is a covenant for war. The League was intended to prevent war; the Treaty deals with the means to carry on war.

Under the Treaty no act of aggression by one of the four powers against any other nation is prevented. The four powers agree to respect each other's rights, but not the rights of nations which are not parties. It can not operate to protect any weak or helpless people from the aggression of one of the four powers. It contemplates not peace but war—not methods of peace but processes of force—not discussion of means to prevent quarrels but consideration of means to conduct war. It is everything but a world court in which justice may be done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I yield to the gentleman five minutes additional.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes additional.

AN AMAZING PARTNERSHIP.

Mr. HUDDLESTON. The least that may be said of the Treaty is that so far as it goes, it commits us to a partnership with Great Britain, France, and Japan in matters of world

policy. We enter upon world politics upon an equal footing with them.

To justify parties in entering a copartnership the aims of the partners must be identical. Traders do not form partnerships with professional men. The conditions of the partners must be similar. Men who are solvent do not become partners with bankrupts. Men of reputation and integrity do not join with drunkards and profligates. All partnerships mean that the strongest and best of the partners puts himself upon an equality with the poorest and meanest, and that his possessions will be jeopardized by his partners' faults.

Partnerships between nations are not formed upon different principles from those between individuals. The partner nations must have identity of aims and similarity of conditions. Great Britain and Japan are great imperialisms; France little less so. Their aims are for the extension of their dominions, for conquest by force, for commercial subjugation of undeveloped peoples. Great Britain and Japan in particular aim at a sort of world dominion—Japan of the Orient and Great Britain of India, Africa, and the Near East.

America has no similar aims; we seek neither commercial nor political advantage over any other people. At the most, our world policy is merely to seek trade opportunities upon a basis of equality. I am not unmindful that we have our own imperialists, with their dreams of sharing with Great Britain and Japan in the division of the world for political and commercial exploitation, but I am happy to believe that these constitute a small fraction and that the great bulk of our people still believe in real Americanism. As our aims are totally different from those of Great Britain, Japan, and France and as our situation is wholly different, we can not afford to enter a partnership with them.

TREATY BETRAYS AMERICAN INTERESTS.

But if we may assume that America has forgotten her principles and is committed to a policy of competition with Great Britain and Japan in world subjugation and exploitation, what answer does our selfish interest give to the Four-Power Treaty?

If we aspire to world dominion, we come into sharp competition with Great Britain and Japan. The danger of war with either or both of them is ever present, and the treaty will probably preserve peace for its period. But what then?

If we are in competition with Great Britain and Japan in the business which they have been doing and obviously expect to continue, it is to our interest to weaken them, not to add to their strength. The 10-year treaty period will give those nations time in which to consolidate their World War gains. They will be able to "dig in" on the new line, so as to be ready for the next advance. They will be able to further solidify their possessions, their strength, and their powers. Great Britain will solve her difficulties in Ireland, Egypt, and India; Japan will bring Manchuria and Eastern Inner Mongolia under her complete dominion even as Korea now is. Perhaps also she will have intrenched herself in Eastern Siberia. If things go well with Great Britain and Japan, the 10 years of security which the treaty gives will leave them immensely stronger in every way than at present. At the end of 10 years we will be confronted with the choice between a new alliance which will bind us to the wheels of their imperial chariots or we must face Great Britain and Japan, grown immensely stronger, more arrogant, and more deadly.

AMERICA'S DESTINY.

If it be our destiny to try the strength of democratic America against Great Britain and Japan, it were better to try it now than to face them with their added powers and strength. With the Treaty they will have no distractions—no nation dare question their decrees—the development of possible rivals will be throttled, so that the 10 treaty years will expire and leave no nation to hold the balance of power, no great friend whose help we might have.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the gentleman two minutes more.

Mr. HUDDLESTON. It does much violation to my principles to assume that we are to enter into competition in world policies with Great Britain and Japan. America's true destiny does not lie that way—it is that we shall remain a democracy, loving liberty ourselves and according it to all others—that our ideal shall not be of a new Rome levying tribute from the corners of the world and at last expiring in riches and selfishness. Surely America has not been in vain. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield to the gentleman from Iowa [Mr. SWEET].

Mr. SWEET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. SWEET. Mr. Speaker, the Republican Party has always been a constructive party. During the last year it has brought the Nation back to the principles of established government. It is scrapping the "war machine" as rapidly as possible. It has lessened expenditures and eliminated waste in governmental departments. It has enacted a Budget law, the greatest reform in governmental procedure in a half century. It has reduced appropriations to a minimum consistent with efficiency and service. It has taken care of the disabled ex-service men of all our wars, and for the first time in our history has legislatively recognized the importance of motherhood. As a result of the great Disarmament Conference at Washington appropriations for the Navy have been reduced by two hundred millions. It has relieved the people from the burdens of excessive taxation. It is endeavoring to revive business, stimulate agriculture, and rebuild our economic and industrial structure along safe lines and upon an enduring foundation.

Important bills for the benefit of disabled ex-service men have been passed by the Sixty-sixth and Sixty-seventh Congresses. They are known throughout the country as the "Sweet bills." One was signed by the President on December 24, 1919. It liberalized the insurance features of the war-risk insurance act and increased compensation. The compensation provisions of the act were retroactive, and within 90 days after it became a law over $31,000,000 were distributed by the bureau to the disabled ex-service men of the country. About three-quarters of a million came to Iowa. The other bill was signed by the President on August 9, 1921, and consolidated all governmental agencies for the benefit of the disabled ex-service men. It centralized at Washington and decentralized in the field. It provided for the establishment of 14 regional offices and 140 suboffices. My own State has four suboffices—Des Moines, Cedar Rapids, Fort Dodge, and Waterloo. The ex-service men are thus being acquainted with their rights, under the law, and splendid results must of necessity follow.

The Langley bill recently passed Congress providing for over $16,000,000 for the construction of hospitals to properly hospitalize the ex-service men.

Two adjusted compensation bills have passed the House within the last two years, one in June, 1920, and the other on March 23, 1922.

Bills have also been passed for the benefit of the soldiers of the Civil and Spanish-American Wars.

During the last two years Congress has given special attention to legislation for the benefit of the farmers of the Nation.

Some of the most notable measures which have been passed and are now being considered by Congress are:

First. Capper cooperative marketing bill.

Second. Future trading bill, regulating grain exchanges.

Third. The Federal land bank relief bill.

Fourth. The revival of the War Finance Corporation as an aid to helping move farm products. As a result of this legislation over $23,000,000 have already been sent to Iowa.

Fifth. Increasing funds available for loans by the Federal Farm Loan Board by fifty millions.

Sixth. The passage of the emergency tariff act on agricultural products to prevent flooding of our markets.

Seventh. The passage by the House of the permanent tariff bill for the benefit of the agricultural and business interests of the country.

Eighth. The packers' act to regulate interstate and foreign commerce in live stock and dairy products, poultry, and eggs.

Ninth. The passage of the bill giving agriculture a representative on the Federal Reserve Board. This bill has passed the Senate and will soon be passed by the House.

Tenth. The Anderson intermediate credit bill should be immediately considered and passed.

Eleventh. The French-Capper truth in fabric bill should be passed by Congress.

Twelfth. The Federal "blue-sky bill," to prevent the sale of spurious and fraudulent stocks and securities. This bill has passed the Senate and will soon be passed by the House.

The foregoing legislation had the approval of the farm organizations of the country.

On December 23, 1921, Mr. J. R. Howard, president of the American Farm Bureau Federation, wrote me a letter expressing his personal views of my work in Congress for the farmers of Iowa, which was as follows:

AMERICAN FARM BUREAU FEDERATION,
Chicago, Ill., December 23, 1921.

Hon. BURTON E. SWEET,
Representative Third Iowa District, Washington, D. C.

MY DEAR MR. SWEET: Having spent a considerable portion of my life in the third Iowa district, I desire to extend to you at this time my best wishes for a merry Christmas and a happy New Year, and also to assure you that the farmers of the State and of the Nation appreciate the very excellent work you are doing in your official capacity.

Such measures as the Federal land bank relief bill, the emergency tariff, the War Finance Corporation, the packer control bill, and the Capper-Tincher bill, all of which you supported, are very helpful. Knowing, as I do, your stand on cooperative marketing, and with regards to the Cummins-Esch bill and other important measures before Congress, there is no doubt of your continued opportunities in service.

It has been my good pleasure to tell a number of your constituents that whenever I am at Washington I find you hard at work on some important measure. I have even said that I do not know of any farmer in Iowa who works harder for his own welfare or puts in as many hours per day as you do in your legislative functioning.

I trust many years of service may yet be added to your public career.

Yours very truly,

J. R. HOWARD.

The lowering of freight rates is of utmost importance to agriculture. There are two or three things which Congress may do:

First. Enact the Sweet bill, which has been favorably reported to the House, revising the valuation powers of the Interstate Commerce Commission, reducing by about three billions the present recognized valuation of the railroads. There is no doubt but the value now recognized is far in excess of real value. The Senate has already passed a like bill.

Second. Pass H. R. 6861, a bill introduced by me, (*a*) restoring to the State railroad commissions power to correct abuses and discriminations in local rates; (*b*) repealing all of section 15a of the so-called guaranty provisions of the Esch-Cummins Act—15a provides a rule of rate making which is economically unsound and impossible of operation. Hearings are now being held on this measure before the Committee on Interstate and Foreign Commerce. Governor Kendall representing the State of Iowa, Charles Webster representing the State railroad commissioners, and J. R. Howard representing the American Farm Bureau Federation and the Iowa Farm Bureau, made statements before the committee in support of the bill.

The present Congress has endeavored to lessen the burdens of taxation. It has endeavored to eliminate waste in the various governmental departments, and has opposed the establishment of a bureaucratic government in Washington. The rights of the States must be preserved and centralization and unnecessary supervision at Washington prevented. Our dual form of Government must not be impaired or destroyed.

I believe that our inland waterways should be speedily developed, that water and rail transportation should be coordinated, and that together they should constitute one great transportation system.

I am in favor of the Great Lakes-St. Lawrence waterway project. As business grows better the demand for adequate and better transportation will increase. The railroads as now constituted will not be able to take care of the traffic and our water facilities must be utilized. Transportation rates must go down if the products of the Mississippi Valley are to reach our domestic markets and the markets of the world.

The manufacturer practically determines the selling price of the manufactured article, and the farmer has for many years been required to sell his products for any price he can get, without reference to the cost of production. He has had little or nothing to say about the marketing or the market price of his products. This must be changed through organization and proper methods of cooperative marketing.

The price of products sold by the farmer must go up and farm machinery and other necessary articles purchased by him must come down.

The producer and consumer must be brought closer together.

The differential between the selling price of the producer and the purchasing price of the consumer is too great and must be reduced, if we expect harmony to prevail, the farmer to succeed, and industry to thrive.

Mr. NORTON. Mr. Chairman, the bill as reported by the committee fails to provide the amount of money that both the President and Secretary of the Navy say is necessary to maintain the Navy that was agreed upon at the peace conference. In other words, the subcommittee of the Appropriations Committee, with the chairman of the committee, say they will fix and determine the size and character of the Navy the United States shall maintain and the advice of the President and Secretary of the Navy shall be disregarded, as shall be the advice of Washington, Roosevelt, and practically all the Presidents from the foundation of the Government until the present.

Ex-President Roosevelt, in referring to the advice given by Washington in his Farewell Address, says:

A century has passed since Washington wrote "To be prepared for war is the most effectual means to promote peace." The truth of the maxim is so obvious to every man of really farsighted patriotism that its mere statement seems trite and useless; and it is not overcreditable to either our intelligence or love of country that there should be, as there is, need to dwell upon and amplify such a truism.

How is it possible that anyone who reflects on the loss of life and enormous squandering of money that resulted during the World War from want of preparation can question the wisdom of that advice?

Preparation for war is certainly the surest guaranty for peace. A nation does not differ materially from the individuals that compose it; the same general ideas prevail; and one nation will not seek a quarrel with another that is prepared to resist. Does anyone believe the *Lusitania* would have been sunk if the Central Powers had thought the United States was fully prepared and would join the Allies?

I can not understand how the gentleman from South Carolina, who is on the subcommittee, can approve the report when he must know that the great advantage that the North had over the South in the Civil War came from the fact that when the war began the North had the Navy and were enabled to blockade the southern ports at once, thus depriving the South of imports and exports, that finally reduced the South to almost starvation. Then, again, everyone who is familiar with our political history since 1865 knows that it was Secretary Whitney, in President Cleveland's Cabinet, who, by his stand for a larger and better Navy, received the approval of all red-blooded Americans, and was the one man in that administration who was lauded by all without regard to party.

Is it not to Great Britain's Navy that she owes the position she has held, and still holds, among the nations of the world? Without Admiral Nelson and the valiant services his men in the navy performed England would certainly have succumbed to Napoleon. The fleet was Napoleon's only fear, and he sought in various ways to overcome it, but without success, and as a result met his final overthrow at Waterloo.

Roosevelt also said:

It may be that some time in the dim future of the race the need for war will vanish, but that time is yet ages distant. As yet no nation can hold its place in the world, or can do any work really worth doing, unless it stands ready to guard its rights with an armed hand. That orderly liberty, which is both the foundation and the capstone of our civilization, can be gained and kept only by men who are willing to fight for an ideal; who hold high the love of honor, love of faith, love of flag, and love of country.

Of course, no country should fight except to save its honor, and the fact that it is prepared is the best guaranty that its honor will be protected without fighting. From the Declaration of Independence until to-day the patriotic and fighting qualities have been dominant in this country. Every schoolboy loves Ethan Allen and John Paul Jones, and since the Civil War the wearer of the blue has been respected and honored in the North and the wearer of the gray in the South, and since the Spanish-American War the wearer of the blue and the gray in both the North and the South. And now, after our Army and Navy rendered such noble and valiant service in the late war, so that they were lauded at home and abroad, are we to declare to the nations of the world that an Army and Navy suitable to a great country are to be dispensed with, and every soldier and sailor caused to believe that the dollar has supplanted the flag?

No one doubts but the treaties that have just been approved are steps toward peace, but we must not forget that in many parts of the world there is strife and great unrest. In China, Russia, India, and among the Mohammedans generally revolt is rampant to such an extent that England is making concessions that she certainly would not otherwise make. Even in Mexico and Ireland the people do not seem entirely satisfied with the Government.

We are now about to extend our commerce into new fields, and for this purpose will spend millions on our merchant marine. More or less friction with other countries is almost certain to arise, a large part of which will be avoided if it is known we intend to and are prepared to defend our rights.

You will all recall how, when the Italians assassinated the chief of police of New Orleans and we proposed to bring them to justice, Italy complained, but the second note from James G. Blaine, who was then Secretary of State, ended all controversy. Any nation that has prospered to any great extent has always had an adequate navy to maintain its rights and enforce its demands, but none of them ever had the cities and coast to defend that we have; and certainly it is far better to be prepared to meet an enemy on the high seas than that we should ever have to battle on our own soil. The Central Powers were not invaded, but Belgium and France show the result of fight-

ing at home. Is it not far better to err on the side of preparedness, so that if trouble does come our cities will be protected, always remembering that the 3-mile limit, which was once sufficient to protect against cannon shot, is now no protection, as shown when the Germans dropped cannon balls on Paris?

The Spanish fleet in the Spanish-American War was a good illustration of unpreparedness, and one by which we should profit. Everyone knows it was the antiquated ships and their equipment and untrained crews that enabled Admiral Dewey and Admiral Sampson to gain their great victories.

The older men will soon become infirm and young men will have to take their places, and if we expect that the Navy is to maintain the high position in the future it has in the past we must make that service honorable and respected. As the President and Secretary of the Navy are directly charged with the responsibility of maintaining an adequate Navy, I believe that their judgment should be respected and their recommendations prevail.

The Secretary of the Navy has repeatedly stated that the number of men provided for by the committee is entirely inadequate to properly man the Navy arranged for in the treaties recently ratified; in fact, that they will be but little, if any, in excess of what Japan will provide for. Has the time come when Japan is to be considered the equal of the United States and that we should, on the plea of economy, be placed on the same basis? I can not believe that any true American so desires. Remember that until Japan defeated Russia but little attention was paid to her and that it was her victory that put her on the map, and that two, at least, of the commanders who contributed to her success were educated at Annapolis.

The countries that have advanced in civilization from time immemorial have been those that maintained competent armies and navies. We have only to remember who were invited to the peace conference to prove the fact that the military spirit is necessary to a nation's advancement. Why is China being exploited by Japan, and Spain and Portugal no longer given any consideration when great international questions are to be considered? Solely for the reason that they are no longer prepared to maintain their position among nations, which I trust will never be the case with this country.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman, the report shows a disagreement in the committee on this bill. Out of 35 members of the committee 6 have taken issue with the committee bill. Thus we have 29 to 6 in favor of the committee bill. It is reasonable to assume that the 29 members of the committee have been equally diligent with the 6 in ascertaining the facts and framing the bill that will harmonize with the truth and maintain our Navy in proper condition under the 5-5-3 treaty agreement. Those that have spoken in support of the committee bill have done it on the ground that it grants the necessary amount. Those who have opposed the bill have seldom mentioned economy, which is a fundamental duty of the hour. I shall cast my lot in favor of the majority report, with 29 of the committee, as against the 6 who oppose the bill. But under the 5-minute rule I shall seek an opportunity to express my views upon this measure and will proceed to another topic which I desire to suggest at this time.

Without money in the National Treasury you can not load the guns, you can not hire the men, you can not build the ships, and you can not fly in the air. The fundamental proposition is that the Army and the Navy must hold close to their base of supplies, and the National Treasury is the necessary base. You can not persuade the Army and the Navy officers to economize for the taxpayers of the United States and the National Treasury. You will never get economy along that line, but must get it in some other way.

Mr. Chairman, the question to which I desire to refer is that new though very familiar question—

THE TARIFF.

The Fordney tariff has almost completed its period of hibernation in the second greatest legislative body of the world. Having passed the House on the 21st of last July, it has been resting almost silently under the influences of legislative chloroform for eight months. But with the return of springtime it gives visible signs of a resurrection with the flowers and foliage in the Capital City of the Nation. It is now expected to receive all of the adornments that have been prepared for it during the winter months by the legislative artists of the Senate of the United States.

Figuratively speaking, it should join hands with the revenue act of August 20, 1921, and add at least four hundred million dollars to the revenues of the National Treasury as soon as normal conditions are restored. Of course, tariff legislation naturally involves the consideration of the methods of levying duties on imported merchandise. More than one-half of the total imports is admitted to our markets free of duty. More than one-half of the remainder is admitted under specific duties; that is, so much per pound, per yard, ton, or other unit of measure, while less than one-fourth of our total imports is admitted under ad valorem or compound duties.

Ad valorem duties, of course, mean certain percentages of the market value of the merchandise. The compound duty consists of a combination of a specific duty and an ad valorem duty. A piece of broadcloth, or silk, may carry a duty of 50 cents per yard, plus 25 per cent of its value. If its market or wholesale value should be $2 per yard, the combined duty would amount to $1 per yard.

The greatest source of frauds against the customs revenues of the Treasury exists under the ad valorem rates of duty. For an extended period of time the foreign market value of imports has been taken as the basis upon which ad valorem duties are computed. To guard against undervaluations by foreign dealers in collusion with American importers it has been necessary to maintain a very large and expensive force of customs officers in foreign countries from which large amounts of merchandise are shipped into the United States. Any method that will destroy the practice of undervaluation through collusion of foreign shippers and American importers will enable us to discontinue the expensive official force patrolling foreign countries.

Many times a foreign manufacturer or shipper may establish an importing house in the United States under such arrangements as will conceal its identity and business connections with the foreign shipper or manufacturer. Some of the shrewdest schemes devised by the keenest intellects in the business world are found operating in this undervaluation of foreign merchandise.

For nearly 18 years as Auditor for the Treasury Department I had direct contact with this business in the examination and settlement of all the customs accounts of the United States. Through that channel of observation I obtained the proof of what is generally known, namely, that most American importers are honest and straightforward while a few are the shrewdest manipulators that can be found anywhere in the world.

The serious conditions created by the few make it absolutely necessary to devise ways and means to protect the revenues of the National Treasury against fraud.

Theorize as we may, we can not remove this significant fact. Every man who has had personal contact with the Customs Service knows that it is true.

FOREIGN EXCHANGE.

These difficulties have been greatly increased by the low state of foreign exchange. It is well understood that the values of foreign currency have fallen to a very low grade and that some of them have approached the vanishing point.

Suppose that a cargo of farm products were sold in a foreign market at a German port, for instance, and the German currency received in payment therefor. When the German marks are transferred into American money, how much will you have? This illustration is sufficient to show at a glance the financial embarrassments that our National Treasury and American merchants and manufactures would be compelled to meet if the foreign market value of German goods should be made and perpetuated as a basis for reckoning ad valorem duties under the laws of the United States.

AMERICAN VALUATION VERSUS FOREIGN VALUATION.

Some writers assert that the adoption of the American valuation plan would increase the cost of imported merchandise for the consumers in the United States. That argument is not valid. The primary purpose of levying taxes in any form is to supply the National Treasury with the revenues necessary to pay public expenses. In the enactment of a tariff law we should first determine what amount of revenue such an act ought to produce in connection with the necessities of the Government.

It has been wisely assumed that the Fordney tariff should yield at least $400,000,000 of revenue annually. With that basis in mind, we proceed to the arrangement of a free list for noncompeting articles of merchandise and a dutiable list for competing articles. This method of procedure is perfectly consistent with the protective theory, while it is entirely out of harmony with the theory of a tariff for revenue only.

Experience has shown that more than one-half of the foreign merchandise entering our markets is admitted on the free list, while the remainder bears rates of duty. The theory of protection distributes those rates of duty according to domestic and foreign costs of production. The recent war, however, has completely destroyed a permanent basis of reckoning on that question, hence the additional difficulties that we now meet in

writing a tariff. As stated before, less than one-fourth of the total value of foreign merchandise is admitted under ad valorem duties. The discussion of the domestic and foreign values has frequently been indulged in to furnish conclusions.

If we are to secure a fixed amount of revenue from a customs law, the foreign market value being lower than the domestic market value, the rate of duty must of necessity be higher to produce the proper amount. While the American valuation, being higher in comparison with the foreign valuation, the rate of duty should be correspondingly lower, hence to the consumer there would be no difference in the cost of his commodities. Just, for instance, as you find it in payment of taxes on real estate. If the State needs a fixed amount of revenue from that source, and the valuation of the land is low, the rate must be higher; but if the value of the land be advanced, the rate of taxation will be correspondingly reduced. So we should dismiss at once the fallacious notion that the adoption of the American valuation plan will enhance the value of the imported merchandise to the consumers in America.

The duty on common crockery is 50 per cent ad valorem and on china 70 per cent ad valorem in the Senate bill, on the basis of foreign valuation, while in the House bill the rates are 28 per cent and 40 per cent on the American valuation.

This argument is somewhat akin to the false assumption that a duty on imported merchandise in any and all cases creates trusts and increases prices to consumers.

That argument can not stand careful examination in the light of facts written in the history of tariff procedure. To illustrate: When conditions were normal tea and coffee imported on the free list were sold to consumers at an advance over the import cost of from 100 per cent to 400 per cent, without contributing one cent of revenue to the Treasury. At the same time sugar was imported on the dutiable list, and it paid into the National Treasury for a given year $50,000,000 in revenue and was sold to the consumer at 33⅓ per cent over the import cost, duty paid. These significant facts completely destroy the supposed argument oft repeated that free goods pass into the hands of consumers in this country with a smaller margin of profits than are realized on dutiable goods.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and to include in that extension an address delivered by the Hon. James T. McCleary, a former Member of this House, which unfolds many important practical lessons upon this topic, American valuation.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDREWS of Nebraska. Many of us remember Mr. McCleary as the man who delivered the principal speech on the coinage question on the floor of this House in February, 1896, in the opening days of the Fifty-fourth Congress. The Hon. Charles A. Towne, of Minnesota, had delivered his speech on the free coinage of silver. Mr. McCleary, from the same State, followed with his speech in support of the existing gold standard. Mr. McCleary's speech swept away every argument advanced by his colleague for the free coinage of silver at the ratio of 16 to 1 and laid the foundation for the Republican campaign of 1896 in support of the proposition to continue the existing gold standard which is to-day the basis of our monetary system.

Mr. McCleary's address on the subject of American valuation as the basis for levying ad valorem duties under the Fordney tariff reads as follows:

WHY AMERICAN VALUATIONS?

Although for short periods from time to time throughout our national history domestic valuations of imports have prevailed at our customhouses, we have in the main been content heretofore to accept foreign valuations. As a result of the Great War the question has arisen as never before, Has this acceptance of foreign valuations in raising national revenues been wise or unwise? Would Uncle Sam be sensible or otherwise if hereafter he used domestic valuations as the basis for assessing ad valorem duties? The question is a reasonable one, to be decided in soberness and good nature.

Let us begin by ascertaining the extent of this problem.

Under a protective tariff noncompeting articles—things the like of which we can not produce economically in this country—are admitted duty free, unless they are luxuries wanted by people who prefer "imported" goods at any price to domestic goods at a lower price. Such goods constitute our normal importations, and are always more than half of our total importations. They are not included in this question.

Everyone who has given serious thought to the subject, including practically every Secretary of the Treasury except Walker, has recommended specific duties whenever practicable. They are usable as to more than half of our competing imports. The question of valuations has nothing to do with goods the duties on which are specific, and they constitute more than half of our dutiable imports. So the problem of valuations has to do with less than half of less than half of our total importations.

The amount of ad valorem duty to be paid at the customhouses is determined by two things—the assessed value of the goods and the rate of duty on such goods. This rate of duty has always been fixed by Uncle Sam without the interference of other countries. (Under a trading or "bargaining" system of tariff, sometimes improvised as reciprocity in competing articles, we would let the foreigner have a say even as to that—a very unwise thing for us to do.)

So the question of valuations narrows down to simply one element, affecting less than a quarter of our imports. In its essence the question of valuations is simply this: Shall Uncle Sam fix both factors of the ad valorem duty—the base as well as the rate—or shall we let foreigners fix one of these two factors? It is not a very big part of the whole tariff question, but it involves a principle of vital importance: Shall this Nation be, in this matter, wholly independent, or shall it divide its sovereignty "50–50" with other nations? Every patriot grave from Lexington to Yorktown cries out to us in vibrant tones, "Preserve what we won." Our heads unite with our hearts in the only answer possible to real Americans. This is in no sense a party question. No matter which party frames the tariff law, Uncle Sam should have the say as to both factors of the duty.

OPPORTUNITY FOR FRAUD IN FOREIGN VALUATIONS.

Bobbie Burns reminded us that "If self the wavering balance shake, it's rarely right adjusted." Many people who would scorn to steal from a neighbor do not hesitate to cheat Uncle Sam by evading the payment of duties at the customhouse. "Lead us not into temptation" was a wise recognition of human weakness. It is not peculiar to any nation or to any time. This human weakness is world-wide and age-long. It has always existed and always will exist. Which affords less temptation to fraud on the customs, the fixing of values on imports by foreigners, or by our own people? The right answer will go far to help us to a proper solution of the pending problem. "Have faith in America."

There is less of crime by day than by night. Why? Darkness is the cloak of crime, helping to hide it; daylight makes detection easier, and so acts as a deterrent. Where are we more likely to get the truth, from foreigners who are beyond our national control, or from our own people who are answerable under our own laws? It is the rule rather than the exception that, under foreign valuations, two invoices are given the buyer, one showing the real price paid and the other for use at the customhouse, the latter being of course much lower and intended "to fool the customs officers." As shown by quotations elsewhere in this book, under foreign valuations fraud on Uncle Sam has always been rampant.

WHICH SYSTEM DOES THE IMPORTER PREFER?

As to the dishonest importer, there is no difficulty in answering this question. He naturally prefers the system of valuations that offers the largest opportunities for fraud on Uncle Sam. But how about the honest importers, who are in the majority? Let us see.

It has always been the instinct of the mere merchant, useful as his function is in the social establishment, to wish to have his customers and his producers as far apart as possible. We saw in chapter 17, that the Hansards established only a few factories and that they were set far apart. What the Hansards wanted was the commission of the middleman, the man who brings the producer and the consumer together. That idea was very old when the Hansards flourished centuries ago. It is a mighty force in the business world to-day. Why is this the fundamental instinct of the merchant? Because the farther the producer and the consumer can be kept apart, the less they know about each other, the bigger the profits of the middleman.

This instinct has been immensely emphasized since the World War. The destruction in Europe was so awful as to wipe out the accumulations of at least a century. Never before, not even as a result of the mad ambition of Napoleon, has Europe been set back so far in human progress. She will never catch up to what she would have been but for that devastating curse.

Europe has great needs, but she lacks the ability to meet them. Work is greatly needed, but Europe lacks the capital to do it. Working people, as always when capital is wasted or endangered, are in sore distress. They are glad to work on almost any terms. For the hard-hearted it is a great opportunity for treble profit. Advocates of foreign valuations are not satisfied with even that; they wish fourfold profit. In the first place, they can get their work done in Europe at lower cost than ever, and it can be paid in depreciated money, a double profit to the producer. And the less they have to pay to get their goods into this best market in all the world, the higher their profit. And there are people galore in the United States who want "imported" goods regardless of price, and who are glad to pay fancy prices for anything imported, even when they can get domestic articles of better quality for less money. So they are open to the tremendous temptation of huge profits by buying foreign goods instead of domestic goods. It takes a person of the sturdiest kind of manhood and Americanism to deny himself such opportunities.

UNPRECEDENTED PROPAGANDA.

Elsewhere in this book is quoted from the Washington Times an admirable editorial, "Listen to suggestions," by Arthur Brisbane, chief editor of the Hearst newspapers, that are published in many cities all over the Nation. Here Mr. Hearst is pictured as a fine example of listener. His annual business is given at $80,000,000. He is the sole owner of this unequaled publishing business. He has built it up himself, and is still a comparatively young man. It is certainly a noteworthy achievement. Born an only child, the heir to the Hearst millions, he might have chosen to live a life of ease. But he chose deliberately a life of greatest toil. Probably no one employed by him works as hard or as many hours each day as does Mr. Hearst himself. Doubtless he regards it as one of the least of his achievements that he has multiplied his inheritance many times.

Such a man, with such experiences, might reasonably be expected to cherish as his dearest possession "independence." In the promotion of things in which he really believes Mr. Hearst is notably generous. An example of this generosity is his recent taking of a whole trainload of Congressmen, at his personal expense, to Canada to enable them to make first-hand study of the sales tax which is working so successfully in the great Dominion. In his efforts to help our people to an adequate understanding of this fine substitute for certain uneconomic national taxes from which our country is still suffering, even after the move in the right direction that Congress has made, he will succeed because in this he is fundamentally right.

But Mr. Hearst is also a fine example of the old saying, "When he is good he is very, very good, but when he is bad he is horrid." An example of his being horrid is a recent 2-column, full-page length editorial in the Washington Times, an editorial which was probably not written by Brisbane. It is largely the merest nonsense, but it is about as good as the stuff usually set forth as reasons for continuing the infamous system of foreign valuations. In his efforts to promote this

wholly unpatriotic thing, Mr. Hearst will fail because he is wrong, and no one knows this better than he. Why does he lend his great influence to this unhallowed thing? We'll see.

Among the utterances in this miserable editorial are a few sentences that show where the Hearst heart and conscience really lies. Among other things in it are the following: "Protection is a good thing, properly managed. * * * The tariff should protect all legitimate American interests against unfair or impossible European competition. All we Americans want to spend our money with our brothers that produce goods at home, and wherever possible to give the preference to the home product. * * * We want to first labor against starvation competition, whether from the East or the West." That is the real Hearst doctrine. Why does he advocate in the rest of the editorial what would surely help to break down this protection that Hearst really believes in? We'll see later.

Another noteworthy sentence in this foolish editorial is this: "What is said in this newspaper to-day will be put before the eyes of at least 15,000,000 voters throughout the United States in other newspapers." How could he be so sure that this matter would reach nearly half of all the American electorate? He could have the say as to only the Hearst publications. Did he mean to intimate that he, through his own newspapers, can reach such a large number? Perhaps. But he may have meant that such sentiments would find expression in all metropolitan newspapers throughout the length and breadth of the land. Did anyone ever hear of such unanimity before about anything else? Never. It is altogether too unanimous to be natural. And this brings up the related question, "Why are there so few really unstuttering protectionist editorials in great metropolitan newspapers? Is it because they have changed their minds, or is it because they are all under some mysterious influence that controls them all?" It does not require any marvelous power of insight to understand it all.

WHY THE IMPORTERS ARE SO ANXIOUS FOR FOREIGN VALUATIONS.

It is mighty important to the American people to know exactly whose voice they are really listening to. In the best of all books is the story of how blind Isaac was deceived. After investigating as well as he could without sight, he exclaimed, "The hand is the hand of Esau but the voice is the voice of Jacob!" The newspapers throughout the land are largely run by their owners, who take just pride in the confidence of the people that most of them so deservedly enjoy. But they who are demanding support of this infamous foreign valuations policy are hard taskmasters. Even Hearst, the richest of publishers and one of the most independent of men, dare not disobey their imperative demand. What wonder that other publications, less well financed, bow their head, though the owners groan inwardly at their shame!

What is the chief source of newspaper income? Subscriptions? No one is so poorly informed as to think that. The effort to get subscribers is only a means to an end. What is the end to be obtained thereby? Advertising. What governs the rates for advertising? The amount and character of circulation. And who are the great advertisers in the metropolitan newspapers? Manufacturers? No; their advertising, except in a few lines, is done largely in trade publications. Who are the real, worth-while advertisers in the great newspapers? Examine any of them anywhere throughout the country. The advertisers that take half-page and whole-page and two or more page advertisements throughout the year are the big stores. Can you guess why the metropolitan newspapers everywhere all over the country are singing the same song about the continuance of this long-used system of foreign valuations? There is one hand at the organ all over the land. Whose is it? Unquestionably the voice heard in all the great newspaper offices, the voice that absolutely dictates the editorial policy on this question, is that of the big stores. Read again the story of how blind Isaac was deceived, and think over its application in the case of these foreign valuations.

It is told of the late James Gordon Bennett that a big advertiser once came to him with a demand that he do a certain thing or the said big advertiser would discontinue his advertising. Bennett called for his advertising manager. The storekeeper felt that he had won an easy victory. When the advertising manager arrived, Mr. Bennett said to him, "Remove all advertising of this firm and never put another advertisement for that firm into the Herald." The pompous advertiser collapsed and begged that his advertising be continued, but Bennett's decision stood. *The advertising is just as important to the store as to the paper.* A little of Bennett's spirit would help the owners of newspapers to get back their self-respect.

LEADING DEPARTMENT STORES HAVE FOREIGN FACTORIES.

All of the big stores pride themselves on carrying a large line of "imported" goods. Why? Because so many of their best customers demand imported goods and will pay fancy prices for them. What is needed in this connection is a new declaration of independence by buyers, a new baptism of the spirit that will say "No imported goods for me, if I can get domestic goods." A nation-wide outbreak of this thoroughgoing Americanism would be mighty wholesome. Why not clubs everywhere with a slogan like that?

The leaders of this movement for a continuance of foreign valuations have factories in Europe and elsewhere abroad. These factories they are anxious to enlarge. If they could get approval from the party whose foundation stone is protection to American industry, they would have all their manufacturing done abroad. What would be the result to the well-paid American workingman? Many of these American producers in Europe and elsewhere feel that the foolish demands of American labor would be avoided if they could have their factories in foreign lands. Can the American workingman see his duty to himself and his country in this situation? He should be unequivocally for three things: Amply adequate protection to every American industry, American valuation of imports on which duties are ad valorem, and an honest day's work for an honest day's wage. These things are vital to the revival of American prosperity. Whoever tries to tell him anything else is not his friend.

WHAT THE SELF-SEEKING IMPORTER FORGETS.

Of course a little real thought would help him wonderfully. When he has obtained his goods, the big part of his business problem remains. How is he going to sell them? The soviets of Russia were in clover so long as the accumulations of the past were available to be stolen. These are now pretty well exhausted and the real problem of the "rule of the proletariat" has begun. They are already feeling the pinch that will plague them more and more, and by and by even the dullest will understand the simple old proposition that only by doing honest work and saving part of one's earnings can man or nation progress.

Similarly, so long as the importer has stored wealth, the accumulations of preceding years to draw on, and there are enough people of wealth who prefer "imported" goods, the importer may get along with his sales. But without the regular employment of American workmen in producing American goods, the masses can not buy and the rich will soon find themselves poor. Now, as never before in our national history, we need an amply adequate protective tariff for every American industry, wholly controlled by America in the real and abiding interest of her own people. In carrying out our plans for the benefit of the American people, one thing absolutely essential is the permanent policy of unadulterated American valuations.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I do not know that I shall consume all of that time, as the hour is very late, and I now ask unanimous consent to extend my remarks in the RECORD by printing some figures at the conclusion of my speech.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, I want to state that, in my judgment, the chairman of this subcommittee has made a statement of the real facts involved in this whole question, and that the subcommittee has presented a bill that ought to pass this House practically as it has been reported. I do not believe that we are justified in appropriating another dollar at this time for a battleship. I have heard some complaint on this floor about no appropriation for aviation. The chief opposition to the enlargement of the aviation service, a positive opposition to the creation of the separate Air Service, comes from the Army and the Navy. In my judgment, it has been clearly demonstrated that the battleship is a back number in war.

I know when I make that statement I make a statement which will be controverted by many of the admirals in the Navy. I was present at the time the German so-called nonsinkable ship, the *Austerfriesland*, was sunk off the Capes by bombs from the air. In less than 20 minutes from the time the airplanes were given orders the ship was going to the bottom.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. KNUTSON. How many aircraft were in operation on the *Austerfriesland* during that time?

Mr. SISSON. At the time the ship was sunk there were four airplanes in operation. There was nobody on board the German ship. [Laughter.] I know one of the Secretaries of the Navy said that he would not mind standing on the deck of the vessel at that time, but no man would say that now.

Mr. KNUTSON. Is it not a fact that the airplanes came down until they almost touched the superstructure of the boat—the masts?

Mr. SISSON. I was sitting on another boat myself——

Mr. KNUTSON. Oh, I was there and saw it all.

Mr. SISSON. If the statement that the gentleman makes is true, then he saw something that no other gentleman saw, and there were many looking, and he saw something that the report says is not true, because those airships were from two to four thousand feet above the battleship when they dropped the bombs that sunk the ship.

Mr. KNUTSON. Does the gentleman mean to say that the airplanes did not sweep down within three or four hundred feet of the boat?

Mr. SISSON. A great many of them did a few days before that in order to show how closely they could come to it. The gentleman ought to read the report or inquire of others.

Mr. KNUTSON. Better still, I saw the thing myself.

Mr. SISSON. I was there and saw it myself. I state that the gentleman saw no such thing at the time the ship in question was sunk, and he is just as nearly correct about the other things he states as he is about this. I say the airplanes were over 2,000 feet above the ship when they dropped those 2,000-pound bombs, and the gentleman is simply mistaken if he saw the bombing. But he talks like one who did not see it. General Mitchell will be over here to-night and you will be able to ask him about how high they were. He is the man who had charge of the whole matter and knows. I have talked to him and he says the lowest plane was 2,200 feet.

Mr. CURRY. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. CURRY. I do not think that there is any question but that one bomb sunk the ship. Of course, she was not in battle array, but she could have been sunk if she had been. I call the gentleman's attention to one thing that probably has escaped the attention of the House, and that is that Japan has authorized for experimentation and development of the army and navy air forces $200,000,000, to be used over a period of seven years.

Mr. SISSON. I was aware of that.

Mr. CURRY. And that Great Britain has appropriated $97,000,000 for this year and France $84,000,000 for this year. That shows that Great Britain, France, and Japan recognize the fact that the offensive and the defensive first line for the offense and defense of the nation will be from the air.

Mr. SISSON. I am very glad the gentleman called my attention to that fact. The only difference between us is that I understood it was a 10-year program on the part of Japan. Perhaps the gentleman is correct. It may be a seven-year program.

Mr. CURRY. It is a seven-year program.

Mr. SISSON. It is immaterial whether it be 7 or 10 years. It is to extend over such a period that they will be able to have not only money to accomplish great things but they will have 10 years in which to experiment before they shall finally decide upon the character of craft that they will adopt, and in this way get the very best possible that has been invented up to that time. I think that is the wise thing to do. Personally, I would be glad to see the United States embark on a very much larger program in the air, because in my judgment a battleship——

Mr. CURRY. Does not the gentleman think that the only way that we can develop in the air is through having a unified service?

Mr. SISSON. Personally, I would be glad to see a department created for aircraft—an aircraft department. I do not believe that we will be able to develop it to its fullest capacity and as rapidly as it ought to be developed as long as there is so much rivalry within the Army and the Navy in respect to the development of aircraft.

By the way, I heard some gentleman say, sotto voce, over here, something about the Post Office Department. I think we will make a mistake to deprive the Post Office Department of that service. I do not think the battle plane is the proper plane for commercial purposes, and I believe the European nations are commencing to develop a commercial plane where the conditions are different.

Mr. CURRY. That kind of a plane develops the pilots.

Mr. SISSON. Yes; it does develop the pilots.

First, as I started to say when I was interrupted, in my judgment, with what we have now demonstrated, if you have the right sort of airplanes every battleship is a floating cemetery. Now, I know it is a pretty hard thing for our Navy men to admit. One of the admirals told me, "It has been my ambition from the time I entered the Naval Academy to pace the deck of a battleship as an admiral. We are all wedded to the battleship. We all love it. But, as much as I love the battleship, I must confess with amazement that this test has demonstrated"—speaking of the test off the Capes—"that from the air a battleship can be destroyed successfully and quickly." He said, "That is a very hard statement for me to make, but I have always tried to keep my mind open for the reception of the truth."

There is no question but that the airship will play the most important part in the next great war. These principles are now clearly demonstrated: First, the nation that controls the air will control the sea; second, the nation that controls the sea will control the world. For this reason the American people should control the air. Our air program should be enlarged. We can cut out one of our battleships and put one-half that money in the air and have a better defense. Great Britain and France have both practically abandoned big ship construction and are turning largely to aircraft. The price of one battleship would give us control of the air. No ship would dare come within 300 miles of our coasts if our Air Service were properly developed. Why spend all this money now? Why not look a little further into the future and not foolishly spend all these millions until we know that it is necessary and that we are spending it for what we need?

So in building up our Navy we should take into consideration in expending so much of the people's money what the next few years may develop. If there ever was a time in the history of the world when we could afford to take a holiday in the expenditure of the people's money, now is the time, because it is admitted by almost everyone that no nation is in a financial condition to make war upon us at this time. Not only that, if the professions of nations mean anything, these four powers having agreed on this 10-year period in which no enlargement of navies shall be made, we can certainly relieve our people of some of the burdens of taxation. If we mean what we say, is not this the hour to practice some real economy?

This was one of the boasted accomplishments of the peace conference. They promised great relief to the taxpayers. Has this promise, too, been already repudiated? If these proposed amendments are urged by the President and the Secretary of State, then, indeed, the peace conference is a farce, and the people of the world know it. At this very hour England and Japan are considering the size of their navies. If the United States reduces her personnel, they will reduce theirs. So it is of great importance to every selfish interest to enlarge as much as possible now, for it means so many, many millions to them in profit not only for next year but all the years to follow. Why, gentlemen of the committee, the bill now provides for the very identical ships allowed under the treaty and for the maximum number of ships. This is admitted by everyone who knows anything about this treaty Navy. The only ones who deny this are people who are careless with the truth and who are ignorant. The only question in controversy is whether there are enough men provided in the bill to properly man and operate the ships.

The entire fleet that the Navy Department say they want to keep under the terms of the peace treaty is as follows, as shown by the hearings:

THE FLEET AND NECESSARY AUXILIARIES.

		Men.	
18	battleships:		
	Delaware	935	
	North Dakota	995	
	Florida	868	
	Utah	879	
	Wyoming	1,048	
	Arkansas	1,074	
	New York	1,039	
	Texas	1,039	
	Nevada	959	
	Oklahoma	929	
	Pennsylvania	1,029	
	Arizona	988	
	New Mexico	1,062	
	Mississippi	997	
	Idaho	974	
	Tennessee	998	
	California	1,294	
	Maryland	1,154	
			18,259
11	cruisers, armored:		
	Huron	684	
	Seattle	791	
	First class, Rochester	366	
	Second class, 3 light cruisers (building)	990	
	Third class—		
	Birmingham	276	
	Cleveland	288	
	Denver	288	
	Galveston	288	
	Tacoma	277	
			4,248
103	destroyers (93 men each)		9,579
84	submarines (30 men each)		2,520
6	destroyer tenders:		
	Melville	332	
	Black Hawk	349	
	Bridgeport	520	
	Altair	450	
	Denebola	450	
	Rigel	450	
			2,551
7	submarine tenders:		
	Camden	344	
	Savannah	308	
	Beaver	292	
	Bushnell	179	
	Fulton	131	
	Rainbow	297	
	Canopus	282	
			1,833
1	aircraft carrier, Langley		216
1	aircraft tender, Wright		286
2	mine layers—		
	Baltimore	301	
	Shawmut	314	
			615
10	light mine layers—		
	Mahan	99	
	Murray	95	
	Maury	85	
	Israel	99	
	Ingraham	99	
	Ludlow	93	
	Burns	99	
	Anthony	99	
	Rizal	99	
	Hart	92	
			959
10	mine sweepers (tugs)—		
	Chewink	46	
	Curlew	44	
	Lark	44	
	Mallard	52	
	Penguin	51	
	Seagull	54	
	Whippoorwill	54	
	Tananger	52	
	Finch	54	
	Bittern	47	
			498
2	repair ships—		
	Vestal	357	
	Prometheus	370	
			727

		Men.	
3	storeships—		
	Rappahannock	235	
	Bridge	189	
	Artic	188	
			612
14	fuel ships—		
	Arethusa	78	
	Brazos	112	
	Cuyama	95	
	Jason	152	
	Kanawha	101	
	Nereus	141	
	Orion	164	
	Patoka	91	
	Proteus	153	
	Ramapo	91	
	Sapelo	91	
	Trinity	91	
	Naches	101	
	Pecos	107	
			1,568
2	ammunition ships—		
	Nitro	177	
	Pyro	177	
			354
2	hospital ships—		
	Mercy	268	
	Relief	361	
			629
276	Total for fleet and necessary auxiliaries		45,454

PATROLS AND VESSELS OTHERWISE CLASSED.

7	cargo ships:		
	Bath	88	
	Beaufort	71	
	Kittery	87	
	Newport News	113	
	Capello	81	
	Sirius	91	
	Vega	81	
			612
3	transports:		
	Argonne	211	
	Henderson	397	
	Chaumont	214	
			822
9	gunboats:		
	El Cano	83	
	Monocacy	46	
	Palos	46	
	Pampanga	30	
	Quiros	47	
	Sacramento	152	
	Villalobos	56	
	Wilmington	151	
	Asheville	148	
			759
6	yachts and patrol vessels:		
	Isabel	83	
	Mayflower	160	
	Nokomis	66	
	Scorpion	132	
	Sylph	32	
	Vixen	72	
			545
8	fleet tugs:		
	Contocook	39	
	Montcalm	37	
	Napa	39	
	Ontario	54	
	Osceola	34	
	Potomac	42	
	Somona	54	
	Tadousac	39	
			338
10	fleet towing vessels (tugs):		
	Bobolink	45	
	Robin	45	
	Vireo	45	
	Rail	45	
	Quail	45	
	Brant	45	
	Cardinal	45	
	Kingfisher	45	
	Partridge	45	
	Tern	45	
			450
1	survey vessel, Hannibal		137
2	Bureau of Fisheries:		
	Albatross	81	
	Fish Hawk	44	
			125
5	miscellaneous:		
	Gold Star	97	
	Regulus	91	
	Antares	26	
	Procyon	17	
	General Alava	19	
			250
51	Total for patrol and vessels otherwise classed		4,038
327	Grand total		49,492

This table shows the exact ship and its name retained in the bill and is the identical list asked to be retained by the Navy. The number of men opposite each ship is the number of men on the ship on the 1st day of February, 1922. This list of ships was furnished by the Navy Department without any suggestion of the number of men. But the committee took the number of men on board on the 1st day of February, 1922. To this should be added 632 men serving in aviation ratings on that day and 700 additional men for flagship duty. Then there has been allowed 93 on 103 destroyers, when on February 1, 1922, the average on the destroyers was only 87 men on board, which number, if applied to the 103 destroyers, would permit reducing the total down to 50,000 men. So, without doubt, the 50,000 men will keep afloat all the treaty Navy.

Now, about the shore stations. At the present time 12,633 men are assigned to the various shore duties, there are 4,981 being trained and 7,833 absolutely unassigned, making a grand total on shore of 25,447 men. But this now, under the contention of the Secretary of the Navy, is not enough. They now say they need 32,000 men on shore. That is to say, they now want 32,000 men, with jobs for only 12,633. Oh, Mr. Chairman, when did our taxpayers become so vastly rich that they can pile up 20,000 men on shore with nothing to do, no navy yard to work in, no training stations to train in, and no ship upon which to serve?

Now, Mr. Chairman, we have allowed 8 per cent of the entire enlisted personnel for those who may be sick, in prison, or in transit. The department now requires only 12,633 men for specific assignment with a 96,000-man establishment. This bill provided 10,000 men with an additional 7,000 unassigned, out of which the necessary number for training and replacement can be had. That makes a total of 67,000 afloat and on shore. What need have we for more? Some uninformed or careless men on this floor say that this will not give us a 5-5-3 Navy. They are just ignorant of the facts. The London Times is in the Congressional Library, and that paper publishes the proceedings of Parliament, and it is as reliable as the CONGRESSIONAL RECORD. Here are the facts about the British Navy. The personnel of Great Britain's Navy, as shown by her budget, is 98,500. This includes officers, enlisted men, marines, coast guard, and students in her naval academies. Now, look at ours. This bill carries 67,000 men, plus 19,500 marines, plus 1,000 marine officers, plus 6,150 officers of the line and staff, plus 1,500 warrant officers, plus 2,500 boys in the Naval Academy, which gives us a total of 97,656 in the American Navy. In other words, each Nation has about 98,000 men. But Great Britain counts many mechanics and machinists in hers which we carry as civilian employees. So, really, we have more than she has.

Now, as the chairman of the committee says, we are giving the Navy all the men it had on these ships on the 1st of January and 2,000 surplus, and this number was the maximum of men on the ships when there were 96,000 men in the Navy. So it is bound to resolve itself now into one proposition, and one alone, and that the officers of the Navy are more solicitous about their own promotions and the kind of straps they wear on their shoulders, perhaps, than they ought to be. I do not know that I ought to make this statement, because I believe it ought to be the ambition of every young man in the Navy to be an admiral. I glory in that ambition. But I do not believe a Congressman should share that. You have a higher trust than that. When you have given an adequate defense and an adequate Navy, you ought not to be swept off your feet by selfishness. I am not complaining of the men on this floor who have navy yards in their districts and are clamoring to keep them. I suppose if we should swap places with them we would be like they are. I suppose if I were living in a district where my landlord and my groceryman and all the people that live there got business out of a navy yard, I would be like they are.

Mr. CURRY. How many navy yards are there?

Mr. SISSON. In the United States?

Mr. CURRY. Yes.

Mr. SISSON. I am glad that there are not more than there are now.

Mr. DEMPSEY. Do you mean that the position of the proponents is measured by the number of navy yards?

Mr. SISSON. The gentleman did not catch what I meant, or he is indulging in a great deal of imagination. I know my friend is an imaginative and a splendid gentleman, and I know that when he differs with you he differs honestly. I do not know that there is anything miraculous about it, that where you have a navy yard your people wish for a large Navy. And there are other influences. There are a great many people who want to sell steel for a battleship. There are men who sell buttons for the coats. That makes business good. The Moloch of war—and I had not intended to discuss this—the Moloch of war can not be satisfied. It is the most devouring god that the devil ever set up. It not only commits crime in war time, but in peace time. It has the most unsatisfied appetite in the world.

We gave you $233,000,000 in this bill, and there is $71,000,000 in the building fund, making $304,000,000, and then after that the $60,000,000 that is going to be demanded and must be had for the settlement of these claims on these contracts—it may go to $100,000,000—but take the small figure, and you have the stupendous sum of something over $360,000,000 that this Navy is going to cost you during the next fiscal year. Is not that enough to satisfy a considerable maw? What sort of a paunch has an animal that it takes more than $360,000,000 to feed in one year—over a million dollars a day? And yet the country is in a financial condition that it was never in before.

The counties are paying enormous taxes. The States are paying enormous taxes, and the Federal taxes are enormous now, with both of these political parties, both the Democrats and the Republicans, pledging their sacred honor to reduce them; their sacred honor; yes, bound almost by a Jesse James oath, for on every stump in this Nation both parties, in effect, said: "If you will return us to power we will reduce expenditures."

The Democrats were arraigned on every stump in the last campaign for their ruinous extravagance. And yet when a servant of yours like my distinguished friend from Michigan, Governor KELLEY, comes and, as a courageous statesman, as a man of great brains and great heart and great courage, tries to fulfill the pledges to the American people and the taxpayers, he is assailed by the departments; his courage is attacked on every side, his judgment is attacked, and you would imagine by what they say that he was endeavoring to wreck the whole country.

Mark this little prophecy that I now make: When he goes back to that inarticulate mass which Mr. Carlyle speaks of; when he goes before that inarticulate mass which is so little cared for in this Congress by men who so cruelly forget those people back there who are laboring and toiling, the men you do not see about the clubs, the men you do not see riding in palace cars, the men whom you do not meet in the counting rooms of banks, but that inarticulate mass that Carlyle, that wonderful philosopher, that great old Scotchman, spoke of—that inarticulate mass—be sure they will be heard some time, and when they are heard the sound of their voice will be like the roar of the mighty waters of Niagara, and the force of them will be irresistible.

And when Governor KELLEY goes before that great mass of uncorrupted and incorruptible minds and hearts of the masses of the American people, you will hear a most overwhelming verdict, "Well done, thou good and faithful servant; thou hast been faithful over a few things in the House of Representatives and we propose, because you have been patriotic and courageous, to promote you to the body that you desire to enter." He is the kind of men who will save this Republic, and the people know it. [Applause.]

Mr. DEMPSEY. Now, will the gentleman yield for a question?

Mr. SISSON. Yet selfishness knows no politics. Selfishness knows no patriotism. The Bible never had a truer sentence writen into it than "The love of money is the root of all evil." It is the love of money that is the root of all evil. It is not money that is the root of all evil. No; that is not the root of evil at all, but it is the love of money that is the root of all evil. Oh, my friends, you might think differently about this bill if you knew more about that Book and about that passage in that Book. I think it is the greatest of all books. There you find the truth.

But the Moloch of war has blinded men. They do not look at or care for the suffering taxpayer. They do not see the quiet suffering on the farm; they do not see the suffering in the mines; they do not see the suffering of all this inarticulate mass; they do not hear the cries of this mass at this time here on this floor; I may plead for them now in vain, but they will be heard nevertheless, gentlemen. They are going to speak some of these days.

Now I yield to the gentleman from New York.

Mr. DEMPSEY. In connection with the gentleman's statement as to economy, I would like to ask the gentleman this question: Did he hear the chairman of the subcommittee state that the estimate of the Budget was $192,000,000 in excess of the amount in this bill, and that only a small amount, about one-half of that, was accounted for by the discontinuance of the building program?

Mr. SISSON. I heard all that the gentleman from Michigan said, and I indorse all that he said. When he said that he told the literal truth.

Mr. DEMPSEY. It is not wonderfully generous treatment that the committee is giving. The total, you said, is $233,000,000?

Mr. SISSON. Yes.

Mr. DEMPSEY. Yes; and you cut the Budget estimate down $192,000,000, so that you give about 50 per cent of what the Budget provided.

Mr. SISSON. We did, and I think we did very well when we did that. I think we did very well, indeed. The gentleman from New York must be very peculiarly minded. I have seen many men who are peculiarly minded, but this is the first time I have ever heard of a complaint or a complaining tone of voice which conveyed the effect of a criticism and by virtue of the emphasis with which it was said carried a terrible reflection on the committee because it saved $192,000,000. I am a member of this committee and I am glad to share the honor or the blame with those who composed it. But it is a terrible criticism to hurl at a man to charge him with having saved $192,000,000 in these hard times! The gentleman from Michigan [Mr. KELLEY] ought to get the gentleman from New York [Mr. DEMPSEY] to make that statement out in his State. I want him to come down in my district and make that charge against me. I will plead guilty. I have been instrumental in assisting in saving to the taxpayers $192,000,000. I want to say to the gentleman from Missouri [Mr. ELLIS] that if such a charge as that was made out in that good old Missouri district of yours that you, as one of 435 Members, had assisted in saving $192,000,000 of the taxpayers' money, which would be $441,000 as the share saved by each Member, a result obtained by dividing $192,000,000 by 435, it surely would not do you any harm. I wish I could live long enough to draw out of the Federal Treasury that much money! I would make Methuselah look like a boy. [Applause.] In my own district it amounts to over $40,000 for each county in my district.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Let me tell you another thing. When you speak of the Budget you must understand that the man who is at the head of the Budget is liable to fall under the influence of my friends, the Army and Navy officers, and my friend Dawes is subject to such influence, no matter how much he may try to resist it.

I do not know what the Budget would have done, nor does the gentleman know what the Budget would have done, nor can any man speak for the Budget or General Dawes now. After that treaty was signed, and after it was ratified by the Senate, I do not know but General Dawes and the Budget might have cut off a few millions more. Nobody has any right to say that they know what they would have done; but with the light before us we have done the best we could to carry out what we believed to be the terms of that treaty. If President Harding does what the big Army and Navy people want him to do, he will be the first to repudiate his own treaty. This will be a real test of the confidence he has in his own treaty. If he shall yield to the clamor of the pork-barrel Navy people, those who profit by the Navy, then he will come to Congress before the final vote is cast and ask for an increase in the personnel of the Navy over what is allowed in this bill. Let us hope that the oppressed American people may be spared that additional burden. The President should not use his big stick on Congress and drive them to this increase.

Mr. DEMPSEY. Now will the gentleman yield?

Mr. SISSON. I do.

Mr. DEMPSEY. I merely made the statement I did and asked the question I did to comment upon the gentleman's statement that we had been so very generous.

Mr. SISSON. Let me ask you a question. Do you think $233,000,000 for the Navy is not a generous appropriation?

Mr. DEMPSEY. Let me finish my question.

Mr. SISSON. Wait. You have asked me a great many questions. You have put me on the stand, not so much for the purpose of eliciting information as to find out how I stood for the purpose of criticism. I do not think it important to the House or the American people about how I stand. The question is whether I am right or wrong. I yield to the gentleman.

Mr. DEMPSEY. I think we can form a very reasonable estimate as to what the Budget would have done after the disarmament conference. I think we can form an absolutely arithmetical estimate, because last year we appropriated $90,000,000 for construction, and if we take the same appropriation this year—and that is a fair way to treat it——

Mr. SISSON. Oh, I am neither a prophet nor the son of a prophet, and I can not tell——

Mr. DEMPSEY. We would still have $102,000,000 for construction.

Mr. SISSON. I might say that I can not tell what might or might not have been done. I am simply dealing with facts. I know these pork-barrel Navy people want to try to get away

from the cold-blooded facts as stated in this report and as borne out by a close study of this bill in order to go off into some dream or into the realms of prophecy and have the House act upon imaginary enemies and ghosts rather than upon facts. But the fact is that the Navy Department itself admits that so far as craft are concerned we have given them all that the treaty requires. The only controversy is as to the number of men that it takes to man the ships. Now, they have got more men on them than they usually have on these ships, and I do not know of any better way to do than to do like Governor KELLEY and the subcommittee did. They asked, "How many did you have on such and such a date when you had 96,000 men? Now, if you did not need them in time of peace at that time, why do you need them now?" But to be on the safe side we gave them a leeway of 2,000 men over any peace-time force on the ships.

I have heard a good deal here about the comparison between the British Navy and our own. Oh, my! If the British people were as panicky as we are, and if they saw as many ghosts as walk up and down in this House every time we are considering a Naval or Army bill, the English Navy would be more than double what it is. You know I am rather amused at some of the arguments made by gentlemen here about the Australian Navy and the colonial navies of Great Britain. Do you know that some of the English naval officers say that is one reason why the mother country ought always to maintain a very much stronger navy; that as between Great Britain and foreign nations these colonial navies are a great help to Great Britain, but that if there should be a revolt in Australia or in Canada, it would simply mean that Great Britain would be required to have a navy to overcome her colonial navies and repel a revolution, and that, too, when perhaps she was in a foreign war.

Mr. GREEN of Iowa. Will the gentleman yield for a question right in that connection?

Mr. SISSON. Yes.

Mr. GREEN of Iowa. A member of the British Parliament stated a while ago in a debate on the floor of that body that not only was a war with this country unthinkable, but that it was absolutely impossible, and that he hoped and believed that, if such a war was ordered in the manner that George III ordered one, the officers of the English Navy would not obey the order.

Mr. SISSON. With everything that we have done since the Great War and even with the lessons of that war, some people do not learn anything. You will hear people saying that preparedness means peace, that the best-prepared nation will never be attacked. Yet Germany was the best-prepared nation on earth. Germany supposedly had the best army, and if you believe what our friends say during the debate on naval bills, she had a navy about twice as good as ours. Yet where is her mighty war machine now? What has become of her boasted preparedness? They do not urge that now. The German preparedness did not prevent her being attacked and did not save her. The big Army and the big Navy advocates have been driven from one thing to another.

But now what do they say? They say, "Yes; we have entered into that pact, but the other nations have not ratified as yet and we must take no chances." In other words, they try to move Congress by fear. The fact is there is not a naval officer or an Army officer around the Army and Navy Club who believes in that four-power pact. Any world movement for the reduction of arms or armament is resisted by them. You can not blame them, for they have selected the Army or Navy as a life work, and to have reduction of armies and navies means less promotion and less salaries for them. Ask any of these officers concerning some fact and they will tell you the truth. They are truthful men. They despise liars. As a rule, they are absolutely honest and as fine a lot of fellows as you ever saw, but still they are human beings. They have the same ambitions that you have. They have the same feelings that you have; and I would not belong to a profession that I did not think was a good one. Would you? I believe in belonging to a profession where I can rise all my life and continue to rise, and still feel that I am not what I ought to be in that profession. I think a soldier who does not believe in his profession or a naval officer who does not believe in his profession ought to be out of the service and his uniform ought to be taken off him. Therefore, I glory in the fact that they feel that they ought to have promotion. But keep constantly in your minds that they are human beings and that they are ambitious.

It disgusts me to hear some of my good friends in the House get up and ask the gentleman from Michigan [Mr. KELLEY], or some other member of the subcommittee, "Did you have before you all those experts in the Navy, and did you get those experts to tell you about what we ought to have and what they ought to have according to the treaty?" Let me tell you that if I had to do that I would forego my seat in Congress and I would go back home.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BYRNS of Tennessee. I yield to the gentleman 10 minutes more.

Mr. LONDON. Will the gentleman yield for a question?

Mr. SISSON. Yes.

Mr. LONDON. How does the appropriation compare with the prewar appropriation?

Mr. SISSON. The prewar appropriation in 1915 was $141,000,000.

Mr. LONDON. And the appropriation is now larger than the prewar appropriation?

Mr. SISSON. The figures I have in mind——

Mr. MADDEN. It was $141,000,000 in 1915 and $149,000,000 the next year.

Mr. SISSON. That was the year immediately preceding the war.

Mr. LONDON. With all the international conferences and treaties the appropriation is $100,000,000 greater than before the war?

Mr. SISSON. Yes; and if you take into consideration that they have $71,000,000 available to spend for the balance of the fiscal year and all of next; $71,000,000 in the Treasury to complete or continue the building program, and in addition to that the $60,000,000 which is going to be appropriated for the purpose of taking care of the claims, it will make the stupendous sum of $360,000,000.

Mr. LONDON. Is not the personnel larger than it was in 1915?

Mr. SISSON. I think the limit was 54,000 before the war, and they usually had about 40,000 actually enlisted in the Navy.

Mr. KNUTSON. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. KNUTSON. The gentleman said there was $71,000,000 unexpended.

Mr. SISSON. For the building program.

Mr. KNUTSON. The gentleman does not want the House to assume that that will be carried over in the next fiscal year. There are three calendar months remaining, which is one quarter of a year, and that will be expended——

Mr. SISSON. I do not think anybody got that idea. I think the gentleman from New York understood what I said.

Mr. KNUTSON. It will be practically all expended.

Mr. SISSON. Not over $30,000,000 will be expended at the most, and there will be at least $41,000,000 available on the 1st of January.

Mr. MADDEN. There will be $48,00,000 available for the construction of airplane carriers on the 1st of January.

Mr. DEMPSEY. The rate is about $90,000,000 a year.

Mr. SISSON. With that stupendous amount of money it seems to me that the party in power with its great majority should be satisfied.

Mr. TINCHER. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. TINCHER. As I understand the proposition from questions asked by the gentleman from Illinois and others, it is not a question of how many men we are going to have on the ships, but how many men we are going to have left to be on shore on parade.

Mr. SISSON. That is it; they want the American people to have two men on shore when one is busy. I can not agree to that. Will you Republicans now repudiate your own President and the much-boasted accomplishment of the peace conference which he called, and which he claims as one of his great services to the American people? It is said by some here that he is for a larger Navy than is provided in this bill. It is said by some that he will ask Congress to increase this bill. Will the President thus so soon renounce his position on the good accomplished by his peace conference? Do the big interests who are clamoring for a bigger Navy have such a hold on the President that they can make him eat his own words? Many contend that he belongs to the big interests, and that they will cause him to turn his back upon his boasted "peace conference," and that he will ask Congress to do the bidding of the naval officers. This hour will test him. If he is a real man, if he is a real leader, and if he is to live in history as a blessing to mankind, he will not do this thing. If he believes what he has said to the world and to the American people, and if he has any confidence in the work of his own hands, he will insist on carrying out in good faith the real reduction of armaments. If

he is playing cheap politics, if he is trying to run with the hare and the hounds, he will come and try to coerce you Republican Members to turn this committee down and do the bidding of the Steel Trust, the General Electric Co., the navy yards, the gunmakers, the naval officers, and all that selfish interest who, moved by a love of money, have always cursed the human family with war.

There are only two kinds of Congressmen. Both branches of Congress have only two classes. They are like verbs. They are either "indicative" Congressmen or "subjunctive" Congressmen. They are either acting or they are being acted upon. A very small minority are in the "indicative mood." The vast majority are in the "subjunctive mood." That is to say, the majority of both Houses of Congress are in the "subjunctive mood" class. They are acted upon. They do as they are told. This is well enough if the controlling or telling power is wise and unselfish. But the rule is the other way. The controlling and telling power is selfish. The selfish interest is always active. It is always wide awake. It is present at the ballot box. It controls Presidents and Cabinets. They in turn control Congressmen and Senators.

Let us hope and pray that in this trying hour a good influence may move the President to exercise his power for good, for peace, and for economy. Let us pray that the President may be moved by truth and for the good of the suffering world to insist upon Congress reducing the instrumentalities of death and to take the lead of the whole world in a march for peace, universal peace, and thus remove from the backs of men this burden of taxation which is now too heavy to bear. May we not see the sad spectacle of the President turning his back upon his splendid professions and deserting the path of truth and peace and marching at the head of error, selfishness, suffering, and war.

AMEND THE FARM LOAN ACT.

Now, there is another body of men that I want to call attention to. No nation is stronger than its farmers or stronger than its agriculture. You imitate Germany in a great many things, but you are unwilling to imitate Germany in agriculture. Germany recognizes fully, as Napoleon did, that the army moves on its belly. It is utterly impossible to make an army or navy unless you feed it. It is equally impossible to make an army or navy unless you feed the father, the mother, the brother, and the sister back home. Therefore, no nation is stronger than its agriculture. No great military power ever succeeded unless it had a great agriculture or access to agriculture. While we are talking about these matters of a great army and navy that they say we need, we have not had to bother about agriculture because we have been and are the greatest agricultural country in the world, but we are reaching the point where agriculture is beginning to wane. Sir Thomas Buckle says that there never has been a great nation whose agriculture has commenced to wane that was ever able to overcome that condition; that it continues to get worse. I want to call your attention to an amendment that ought to be made, and made at once, to the Federal farm loan act. The last clause in the section enumerating the kind of indebtedness for which loans may be made provides that all indebtedness that the farmer owes may be paid from the money loaned, provided it was incurred for agricultural purposes.

Indeed, during the last few years a great many men out in the State of the gentleman from Kansas [Mr. TINCHER] and down in my State were prosperous because they got such splendid prices for their farm products.

Mr. ELLIS. But they were war prices.

Mr. SISSON. It is immaterial what they were. The farmer did not analyze that fact. He bought his wife and child a musical instrument or perhaps a flivver. They never before, perhaps, had had any comforts. Suddenly the war was over, and prices dropped, and he found himself in debt, and it was necessary to borrow money to make the crops and to save his farm. He applies to the Farm Loan Board for a Government loan. They are powerless to help him, because the indebtedness was not incurred for agricultural purposes. I have consulted within the last few days with the Federal Farm Loan Board because of certain conditions in my own district, and without a single exception everyone of them said that that clause ought to be repealed. It is immaterial with the farmer what he contracted the debt for. And I think it ought not to be the policy of this Government to deny a man who has contracted a debt any loan because he bought a musical instrument or a flivver. The only question ought to be whether or not he is able to pay and will be able to pay and whether his land is worth the money.

Mr. TINCHER. What the gentleman is advocating is that he should have the same right to borrow money to save his farm that he would have to buy it with.

Mr. SISSON. Absolutely. In other words, I think he ought to have the same right to borrow money that any other class of borrowers has in any banking institution. I think it is all right for the Farm Loan Board to find out what he is going to do with the money. I think that is proper and should be done. I think it is right for the banker to ask what he is going to do with the money before he loans it, because he is interested not only in the security but also in whether the borrower will be able to pay when the loan matures.

I have no objection to that. However, if I should go to the chairman of the committee, who is a good business man, and should want to borrow money, he would not want to know how I got in debt, but he would want to know about my ability to pay. He would want to know about the moral risk and then what kind of security I had to offer. That is all the Federal Farm Loan Board says it ought to have and the Federal Farm Loan Board has asked this Congress to amend that law, and we ought to amend it. I believe if that matter is brought to the attention of the Committee on Banking and Currency they will report the bill. I introduced a bill the other day which has been referred to that committee, and at the first opportunity I want to go before the committee and see if we can not get them to report the legislation.

In the case mentioned, however, the farmer who invested in the little Ford and still owed for it in whole or in part is denied the privilege of liquidating that indebtedness through the farm loan system. I say without hesitation that the only possible way by which the losses of agriculture during the last two years are to be absorbed is through the utilization of their capital investment as a basis for credit under a system which furnishes a low rate of interest and a plan for the gradual annual liquidation of the indebtedness. This the farm loan system provides, and it is not fair to agriculture that these restrictive limitations in the law should be allowed to continue to work their harmful effects.

When the merchant or professional man goes to his local bank to borrow money, while it is true the good banker will want to know the uses to which he puts the money if the loan is made, yet it is important to bear in mind that he is not confronted with any statutory prohibitions or limitations. It would seem that the farmer has been singled out by Congress as the one class of people that the Congress feels called upon to tell how he may use his money. Under normal conditions, and before the days of deflation and the perpendicular drop in farm prices, this limitation, perhaps not working any peculiar hardship, went unnoticed. The situation is entirely different at this time, and there is real need for positive relief. If the Banking and Currency Committee will take this bill of mine under consideration and report it favorably there will be performed a service to agriculture of immense importance, and I strongly urge action upon this bill at once.

The Farm Loan Board has asked Congress for the repeal of this restrictive provision, and again repeats that recommendation in its fifth annual report to Congress. I quote the language of the report:

> The second has had to do with the purposes for which loans may be made. Again, section 12, paragraph 4, defines purposes for which loans may be made, and subdivision D deals with loans to liquidate indebtedness of borrowers, and it will be noted that loans to liquidate indebtedness can only be made to discharge a mortgage upon the premises, or "to liquidate indebtedness of the owner of the land mortgaged incurred for agricultural purposes."
>
> Thousands of applications have been made by farmers with unencumbered farms for loans with which to retrieve losses of the past 18 months, many of which could not by any construction be classed as "indebtedness incurred for agricultural purposes," and had ultimately to be denied. The board seriously questions the wisdom of this limitation, and has once before pointed it out to Congress, recommending that loans may be made to an "actual farmer" to liquidate any indebtedness. While it is no doubt economically highly to be desired in agriculture, as in other vocations, that persons should not incur indebtedness outside of their usual line of business, yet where such indebtedness has been incurred by mistake or by misfortune and exists as an obligation which an actual farmer must pay, the board is unable to see the soundness of the restriction which deprives him of the right to liquidate such indebtedness by a long-time amortized loan upon his farm, and we renew our recommendation that this provision of the farm loan act be modified so that loans may be made to actual farmers for liquidation of any indebtedness.

I want to say while I am on my feet that no agency of the Government is performing a more useful service to the agriculture of the Nation than is the farm loan system. Its progress has been fought at every step by the old-line mortgage companies through their association, the Farm Mortgage Bankers' Association of America, and from circulars being received by Members of Congress recently the fight is still on.

I know it is a distressing contemplation upon the part of the old-line mortgage companies to realize that their grip upon the throat of American agriculture is being gradually broken by the operation of the farm-loan system, and that they are soon

to be forced to make a reasonable rate of interest and to charge reasonable commissions. Heretofore these concerns, as is well known, have never been content except to lay upon the backs of the farmers in interest and commission precisely as much and not one whit less than the traffic would bear. Their real competitor at this time is the farm-loan system, and that they have realized it and are undertaking to hamper it is, as I have already said, demonstrated, not only by the fact that they contested the constitutionality of the act in the Supreme Court of the United States and tied up the loaning operations of the system for nearly 15 months, and at a time when its services could have been of such tremendous value to agriculture, but it is shown in the recent disingenuous circular which has come to the attention of many of us, in which the secretary of this association undertakes to discredit the system by the publication of many totally untrue statements and of many half truths.

These gentlemen had as well save their money, because the farm-loan system has proven itself to be such a vital necessity to the agricultural life of the Nation that no Congress is going to be insane enough to tamper with it except to improve its services.

As an indication of the work of this system, I may say that within nine months the Farm Loan Board, acting for the 12 Federal land banks, has put upon the market and sold to the investing public $175,000,000 of farm-loan bonds. These bonds, as is well known, are based upon first mortgages on agricultural lands, and they are the instrumentality by which the farmer is enabled to buy money upon the security of his land. This bond has been declared by the Supreme Court to be the instrumentality of the Government, and as such it is the duty of Congress and of the administrators of the law to guard it with the same care as is exercised by the Government itself in the issuance of its own bonds or certificates of indebtedness. These bonds are now being quoted at a very good premium and they have become a standard form of investment.

The Federal land banks, 12 in number, being the regional banks of the system, are now loaning on a basis of about eighteen and one-half million dollars per month, and the joint-stock land banks, these being organized by private capital, are loaning in the neighborhood of about $8,000,000 per month, and with the rapid growth in number of these institutions it is safe to predict that the joint loaning operations of the system, if the bond market will absorb their bonds, will be loaning in the next six months on a basis of forty or fifty million dollars per month, for even now these joint agencies are loaning on a basis of slightly in excess of $1,000,000 per each workday in the week. This is a huge volume of business for an institution of this character, but the delinquencies in interest and installment payments of the Federal land banks amount to but 1.4 per cent of the total maturities and but 0.17 of 1 per cent of the total loans closed to March 31, 1922, clearly indicating that the loans have been conservatively made and that the management of the banks as well as the policies of the board look to safety as a first principle in their business operations. This is as it should be.

I have a peculiar personal pride in the bank of my own land bank district, located at New Orleans and serving the States of Mississippi, Louisiana, and Alabama. The farm loan act was intended to furnish a basis of credit, or an avenue of approach to credit, to the small farmer to whom such approaches were closed. While the average loan for the farm loan system through the Federal land banks is $2,939, the average loan for the New Orleans bank district is $1,759. The New Orleans bank is more nearly serving the original purposes of the farm loan act than any bank in the system. During the month of March I am informed this bank closed 1,035 loans, in an aggregate amount of $1,957,250, making the average loan for the month $1,891.

Gentlemen unfamiliar with rural conditions can not appreciate what $1,500 or $2,500 may mean to the average farmer of the country, nor do they appreciate what this system as a whole is doing to stabilize agricultural conditions and to lift agriculture from a mere state of existence to the dignity of a real profession which should, but frequently does not, give as good return upon the investment as a similar investment would bring in returns when put into any other business.

In conclusion, permit me to urge again upon the membership of the Banking and Currency Committee the very great importance of this bill which I have introduced. The Farm Loan Board is powerless to relieve the situation which the restrictions referred to in my opening remarks place upon the farmer. It is not enough to criticize the board. They are helpless to remedy it. If criticism there be, that criticism should be aimed at us who refuse to take action to relieve a situation that should not have been created in the first instance.

My bill will liberalize the farm loan act in such a manner as to enlarge the uses to which the money loaned may be put. In paragraph "D" of section 12 of the farm loan act, the borrower is permitted to use the money borrowed, if to pay a debt, only when such debt was incurred for an agricultural purpose, as I have just stated. Those of us who are familiar with the agricultural developments of the past two years will recognize in this limitation a grave injustice to the farmers of the country. During the days of high-priced farm products many farmers incurred debts that were not perhaps for agricultural purposes. Some of these farmers, having for the first time in life money or credit sufficient with which, we will say, to buy a Ford car, went in debt and bought one, furnishing for the very first time an opportunity for his hard-working life companion to break the dull monotony of her life by taking a little trip to some near-by town or city. Perhaps it was bad business judgment upon the part of the farmer to incur this indebtedness for the pleasure of his hard-working wife and children. I do not think so. I know something of the ceaseless drudgery that is hers. I know that her workday never ends. Her cares are many. She never complains. I know, for I was raised in the country far from the railroad, and I have never forgotten how these God-fearing country mothers sacrifice and toil and complain not. I know that her opportunities for contact with the world are few, and I do not begrudge her this little pleasure. No; and I want this good farmer to know that his Government will not deny him a loan to save his farm, even if for once in his life he did make a business mistake. Much has been spoken and written of the tendency of the country boy and girl to leave the farm and to cast their lots among strangers in the cities and towns of the country. Yes; and this tendency is going to increase unless something is done to lighten the burden and increase the pleasures of the good country women. These good women are the very salt of the earth. They are the mothers of the men and women worth while. We must make life for them contented and happy, relieve it somewhat of its isolation and its hardships, and the country boy and country girl will view country life in a much different way. This Nation must depend upon the country boy and the country girl for its real men and women. The country has furnished, and will furnish, the men and women who will make our Nation great; for—

> Ill fares the land to hastening ills a prey,
> Where wealth accumulates and men decay:
> Princes and lords may flourish or may fade;
> A breath can make them, as a breath has made:
> But a bold peasantry, their country's pride,
> When once destroyed, can never be supplied.

It is a deep conviction with me that my country is no stronger than its agriculture; that its peace, its prosperity, depend upon the prosperity of the farmer, because there is the source of all life, all strength, all happiness. If I serve the farmer, I serve the whole people. If I fail to serve him, I fail to serve all the people. If I hurt him, I hurt all the people. If I destroy him, I destroy the Government. If I save him, I save the Government. If we are able to erect a permanent haven of liberty on these shores of ours, if we are to build that temple high, on solid foundation, all the governmental agencies must take always into consideration the fact that we must not cripple agriculture, because it is the foundation on which the whole structure stands. No Congressman, whether he lives in the city or in the country, who has the right idea of strength of Government, who has the proper love for his wife and children and friends and neighbors, would in anywise willfully cripple agriculture. Where there is an injustice in the law that operates against the farmer we ought at once to correct that defect and teach him and his family that this Government is his friend. You must not talk about the terrible tendency of the boy and the girl to leave the farm unless you can increase some of their pleasures and their hopes and aspirations on the farm. There is the beginning and the end of the strength of this great Republic. [Applause.]

In conclusion, Mr. Chairman, I will say that it has been my ambition, as all my colleagues on both sides of the aisle will bear testimony, to relieve the farmer of the enormous interest burden which he now bears. This service this Congress can perform. When the Democrats were in power this farm loan act was passed. It was relieving thousands of farmers. The Republicans came into power in the House and the Senate and withheld financial support for nearly two years. The Farm Loan Board was paralyzed for want of funds. But finally the West and South got together and relieved the situation somewhat. Not half of what ought to have been done was done. But a few small farmers did get a little relief. What I now

want and ask this Congress to do immediately is to pass the bill I have introduced and also a bill reducing the rate of interest to the farmer so that his money will not cost him more than 5 per cent. This is as much interest as he should pay on a long loan secured by a first mortgage on his land. If this were done, the southern and western banks would at once be in shape to finance the crop loan to the farmers. The merchant could pay all of his obligations and the stress of hard times would be relieved and the song of contentment would again be heard in the land.

The following statement, which I asked to put in the RECORD, will show how much has been loaned in my congressional district. If this Congress will now do its duty, thousands of other farmers in my district could be relieved. If you Republicans who represent agricultural districts will get busy, this Congress can be made a blessing to millions of suffering farmers and save their homes. This list shows what has been done in my district:

1407. Ackerman National Farm Loan Association, of Ackerman. Number of borrowers, 82. Amount granted, $62,000.
1621. Calhoun County National Farm Loan Association, of Pittsboro. Number of borrowers, 88. Amount granted, $137,350.
1520. Coffeeville National Farm Loan Association, of Yalobusha. Number of borrowers, 63. Amount granted, $130,275.
851. Cumberland National Farm Loan Association, of Dancy. Number of borrowers, 59. Amount granted, $50,075.
1340. Duck Hill National Farm Loan Association, of Duck Hill. Number of borrowers, 49. Amount granted, $88,975.
2427. Starkville National Farm Loan Association, of Starkville. Number of borrowers, 16. Amount granted, $44,550.
81. Eupora National Farm Loan Association, of Eupora. Number of borrowers, 149. Amount granted, $160,875.
939. Farmers' National Farm Loan Association, of Grenada. Number of borrowers 42. Amount granted $56,200.
2178. French Camps National Farm Loan Association of French Camps. Number of borrowers, 48. Amount granted, $36,425.
2104. Goodman National Farm Loan Association, of Goodman. Number of borrowers, 1. Amount granted, $700.
1640. Gore Springs National Farm Loan Association, of Gore Springs. Number of borrowers, 38. Amount granted, $81,850.
2593. Grenada County National Farm Loan Association, of Grenada. Number of borrowers, 64. Amount granted, $163,375.
1412. Houlka National Farm Loan Association, of Houlka. Number of borrowers, 37. Amount granted, $42,125.
1735. Houston National Farm Loan Association, of Houston. Number of borrowers, 40. Amount granted, $95,850.
2362. John Leigh National Farm Loan Association, of Tillatoba. Number of borrowers, 41. Amount granted, $31,875.
1332. Kosciusko National Farm Loan Association, of Kosciusko. Number of borrowers, 148. Amount granted, $187,515.
1410. Liberty Chapel National Farm Loan Association, of Kosciusko. Number of borrowers, 88. Amount granted, $66,645.
2259. McCool National Farm Loan Association, of McCool. Number of borrowers, 42. Amount granted, $42,825.
902. Mount Vernon National Farm Loan Association, of Eupora. Number of borrowers, 23. Amount granted, $16,700.
1639. Okolona National Farm Loan Association, of Okolona. Number of borrowers, 24. Amount granted, $65,600.
940. Spay National Farm Loan Association, of Spay. Number of borrowers, 35. Amount granted, $28,850.
725. Sturgis National Farm Loan Association, of Sturgis. Number of borrowers, 2. Amount granted, $3,350.
1725. Tupelo National Farm Loan Association, of Tupelo. Number of borrowers, 31. Amount granted, $41,775.
1207. Tri-County National Farm Loan Association, of West. Number of borrowers, 6. Amount granted, $18,750.
1245. Pontotoc National Federal Loan Association, of Pontotoc. Number of borrowers, 133. Amount granted, $178,400.
855. Vaiden National Federal Loan Association, of Vaiden. Number of borrowers, 73. Amount granted, $93,025.
3135. Valley National Federal Loan Association, of Carrollton. Number of borrowers, 35. Amount granted, $97,375.
1506. Vardaman National Federal Loan Association, of Vardaman. Number of borrowers, 53. Amount granted, $67,525.
2341. Winona National Federal Loan Association, of Winona. Number of borrowers, 39. Amount granted, $72,475.
1271. Woodland National Federal Loan Association, of Woodland. Number of borrowers, 13. Amount granted, $20,600.
903. Yalobusha-Lafayette National Federal Loan Association, of Water Valley. Number of borrowers, 38. Amount granted, $77,350.
Total number of borrowers in fourth district, 1,600.
Total amount granted in fourth district, $2,267,060.

Thus, you see, gentlemen of the committee, 1,600 families have been benefited by this law. God grant that it may be twice that number before the end of this year.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, the question of naval defense is purely a matter of national policy and has no relation whatever to partisanship.

Before going into a general review of the appropriation bill now under consideration, I desire to take up in detail a few of the more salient points and address myself to the differences existing between the committee and those who are charged with the responsibility of providing adequate naval defense for our country.

Now, let us go a little more into detail in this bill as reported by the committee; let us see whether they have made use of all the information available, and let us see whether they have presented the case in its entirety fairly and squarely before the House, or whether they have taken just partial truths and presented them in such a way as to be somewhat misleading. Most of us are not familiar with the details of the naval question. The gentleman from Michigan has found it comparatively easy to jump into the discussion of small details and befog the main issue before the House. Upon reading the hearings, however, I find that he was unable to do this when dealing with the Secretary of the Navy and his naval advisers; every question raised by Mr. KELLEY had a good answer, and any of the gentlemen who will take time to read the hearings, especially that portion relative to the distribution of enlisted men afloat, will find there the answer that must have satisfied even the gentleman from Michigan as to why 18 battleships could not be manned with 67,000 men.

In those hearings you will find that the gentleman from Michigan, after all his questions to the people familiar with the details, apparently was satisfied that the only proper thing for the committee to do was to depend upon those technical people for the proper distribution of the men allowed by this body. In several places during this discussion he told the Secretary of the Navy that he would leave the distribution of the men entirely to the Secretary—that the committee most assuredly did not wish to run the Navy. In the statement accompanying the bill the committee states further that it desires to keep in full commission the 18 battleships and the full number of auxiliaries named by the Secretary of the Navy that go to make up the full treaty Navy; and yet having been told by the Secretary of the Navy that 67,000 men will be distributed to man only 13 battleships, and having assured the Secretary of the Navy that the committee would depend upon the judgment of the Secretary of the Navy in making the distribution, yet in the report accompanying this bill the committee has the audacity to intimate that the Navy Department and the committee agree upon the ships quoted in the tables on pages 3, 4, and 5 of the report, and that is why I will endeavor at this time to show that it is in absolute disagreement with the statements of the committee when talking to the Secretary of the Navy.

The Secretary of the Navy told them flat-footedly that 50,000 men at sea could not be maintained by 17,000 men ashore. He told them also, and in an equally positive manner, that with 50,000 men at sea 18 battleships and the remainder of the treaty navy could not be manned, and would not be manned; therefore, when the committee states on page 2 of the report that this bill provides for 18 capital ships and a full treaty Navy, and on page 3 when they intimate that the department and the committee are in agreement regarding this list of ships which can be manned, again I wish to emphasize the fact that they are absolutely misleading the Congress of the United States. No one here will dare dispute the right of the Secretary of the Navy to distribute his men as he in his judgment thinks best for the interests of national defense. He is the technical adviser of the Commander in Chief of the Army and Navy; he is the man solely responsible for the naval defense of this country; he and his naval advisers are the ones in case of emergency upon whom this Congress will lean and throw all the responsibility, and, in case of failure, throw all the blame for such failure.

Knowing this, and knowing that it is the executive right to distribute the men allowed by the legislative branch, the Congress of the United States must accept the distribution as laid down by the Secretary of the Navy. They must acknowledge that if 67,000 men are provided that only 13 capital ships and approximately two-thirds of the treaty Navy will be manned. Thank God, however, those 13 will be efficiently manned, and ship for ship will be better than anything in the world. That is the situation which this Congress has to discuss, what the Secretary of the Navy says he will do with those men, so let us stop discussing this misleading statement in the committee's report wherein they say that the bill will provide for the full treaty Navy and come right down to brass tacks and acknowledge that we must accept the distribution of the Secretary of the Navy, and that this bill will provide for only two-thirds of the treaty Navy.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I have only 10 minutes.

Mr. KELLEY of Michigan. I will be very glad to yield one minute more to the gentleman.

Mr. KNUTSON. Very well, I yield for a question.

Mr. KELLEY of Michigan. Was the gentleman present this afternoon when some testimony was read by one of the speakers to the effect that that same thing was said last year, that if we did not give more than 100,000 men we could keep but 13 battleships in commission?

Mr. KNUTSON. I was out of the room for about 15 or 20 minutes this afternoon and I did not hear the statement made.

Mr. DEMPSEY. It was said to be a statement made by Mr. PADGETT in a speech made in 1915 or 1916.

Mr. KELLEY of Michigan. Oh, no; last year.

Mr. DEMPSEY. I did not hear the speech and I did not see it. Of course, we have not the speech before us and we do not now know what he said.

Mr. KNUTSON. That has been the trouble throughout this debate. We have been asked to accept hearsay.

Mr. MADDEN. But this is not hearsay. It is in the record.

Mr. KNUTSON. The question of national defense is involved here and not candidacies for other offices.

Mr. DEMPSEY. The gentleman from Tennessee would, I think, be able to take abundant care of himself if he were here.

Mr. KNUTSON. Yes; I want to say right now that there is nobody who is more patriotic than the gentleman from Tennessee. There is not a man in this House who knows more about naval affairs than the gentleman from Tennessee, and I am not afraid to follow him at any time, because I know he is actuated by the highest and most patriotic motives, although he does not belong to my party.

Mr. LINEBERGER. The gentleman means he would follow him in matters involving naval affairs?

Mr. KNUTSON. I say in naval matters. Oh, I do not follow him in tariff matters. [Laughter.]

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. KNUTSON. Is the gentleman going to give me more time?

Mr. KELLEY of Michigan. I will yield to the gentleman a minute.

Mr. KNUTSON. I can not yield for a minute.

Mr. KELLEY of Michigan. Two minutes, then.

Mr. KNUTSON. I can not do it for two. The gentleman has been stringing me along now for two days. It has taken me two days to get the floor, and I am going to hold it. [Laughter.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. KNUTSON. I have said before that this report of the committee was misleading; it most assuredly is. Let me call the attention of the committee to page 10 of the report accompanying the bill. This shows more clearly than anything in this report the fact that your committee has not been quite fair in presenting the case regarding this most important arm of our national defense. The Navy Department has not been given a chance. [Applause.]

On page 10 the committee states in regard to "Fuel and transportation" that the department's revised estimate submitted at the hearings for this appropriation was $17,426,000. Does the committee in this statement inform the Congress of the United States that this revised estimate was made on the basis of a 12-battleship Navy? Does the committee in this statement inform the Congress that this revised estimate was made on the basis of only 65 destroyers in full commission? Most assuredly not. The committee does not intend to bring in the full evidence here, so that we can vote intelligently, because they know that we will vote them off their feet. They have come here with that statement in a deliberate endeavor to choke back the facts that appear in the hearings that accompany the bill. Those estimates as revised were fully discussed in these hearings. The committee is aware of the fact that they provide for only 12 battleships in full commission. Why do I say that? Because the figures for "Fuel and transportation" were based purely and simply upon a mileage basis for each and every ship. The department in presenting its estimates based them upon the fact that battleships, destroyers, and other vessels of the fleet in full commission were each to steam a total of 16,000 miles at economical speed during the year, and there in the hearings we see these estimates worked up ship by ship for this two-thirds treaty Navy, and yet the committee again would have us believe that this estimate, reduced further by them by a total of $1,426,000, will provide the fuel for the full treaty Navy.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. KNUTSON. If the gentleman will give me five minutes, I will yield.

Mr. MADDEN. I have not the time to yield.

Mr. KNUTSON. I will answer any question anybody wishes to ask at the rate of five minutes to the question. [Laughter.]

Mr. MADDEN. I wish to correct the figures.

Mr. KNUTSON. I wish to say if they are wrong, then the fault lies with the committee and not with me. I take them from the hearings. I am not taking the figures from somebody's mind. I am taking them from black and white.

Mr. MADDEN. I will give the gentleman some figures from the Secretary of the Navy over his own signature.

Mr. KNUTSON. I am taking the figures from the hearings.

Mr. KELLEY of Michigan. I will yield to the gentleman three minutes more.

Mr. KNUTSON. I will not do it. It is five or nothing. [Laughter.]

In presenting the estimates and in arriving at the basis of 16,000 miles for the year for active vessels of the fleet, was the Navy Department extravagant or basing its claims on nothing but fancy? No. They were doing just exactly what the gentleman from Michigan had been insisting be done throughout the entire hearings—they have gone right back to the fiscal year 1916 and taken the averages that were found necessary at that time to maintain efficiency of the various units of the fleet. Could anything be more conservative or more fair than this? But does the committee tell you that? No. They know that all of this data is so completely hidden in the hearings that you and I and all the other nontechnical Members of Congress will never be able to find it, and so they figure they can get away with it here on the floor when they say that they are providing fuel for a full treaty Navy. [Applause.]

Of what importance is fuel to the Navy? We have had a great deal of talk regarding the personnel, and the fact that the mere existence of tonnage does not maintain the treaty ratio; we have had many references to the fact that personnel must be fully trained, but have we stopped to realize that in order to obtain the full training of both the officer and enlisted personnel our ships must spend a goodly portion of their time at sea? Surely we do not want a Navy which never goes to sea and which is not proficient in all the things that go to make up a homogeneous and tactically efficient fleet. But under the terms of this provision, contrary to the statements of the committee, our battleships will be able to steam only two-thirds of what they did in 1916, and therefore be, ship for ship and fleet for fleet, only two-thirds as efficient. [Applause.]

Mr. MADDEN. And the fuel cost was only $5,630,000.

Mr. KNUTSON. I will not yield unless the gentleman gives me five minutes.

Just one more point to illustrate that the committee in discussing this weighty question have not, in my opinion, gone at it in the proper way. In maintaining any ratio of three powers is not the surest method of checking up on the maintenance of such ratio that of comparing with such other powers what we propose to do and what they propose to do? Personally, I think that is the only way in which to arrive at a proper conclusion. But has this been done by this committee? It has not, and this is a question I feel to be very important and which I feel should be borne in mind by every Member of Congress before the vote comes. Has the gentleman from Michigan ever, during the entire time devoted to the hearings on the naval appropriation bill, asked the Navy Department for information relative to the proposed naval establishments for next year of Great Britain and Japan? Think of that, gentlemen. They provide money in this bill to establish a system for obtaining such information, and yet in the making up of this most important bill they absolutely turn their backs upon this source of information and never once endeavor to get it. [Applause.] Instead of that, what does the chairman do? The gentleman from Michigan himself informed you during the first day of debate that he had depended upon the newspapers for certain information regarding these foreign navies. [Applause.] Think of that, gentlemen. In a question of this importance and with machinery for which he himself provides to furnish him this information, turning his back upon all this and going to the newspapers for this data. I would like to ask the gentleman from Michigan if ever during the process of these hearings he has asked the Navy Department officially for this information? I would like to ask him, further, if during the hearings it was not on two occasions at least suggested to him that this information be inserted in the record of the hearings, and if he did not wave it aside as a matter of no importance? These are the things, gentlemen, which, to my mind, form conclusive evidence that the Congress of the United States can not depend upon the recommendations of this committee, and I do not believe for one moment that, knowing these things, and with these misleading statements having been called to the attention of the Congress, that we can do otherwise than sustain the contention of those who plead for a 100 per cent efficient Navy.

Mr. KELLEY of Michigan. My dear friend, we have got all the documents——

Mr. KNUTSON. I am not speaking of documents. Has the gentleman asked the Navy Department for official information?

Mr. KELLEY of Michigan. Yes.

Mr. KNUTSON. The records down there do not show it. I looked it up to-day. [Laughter and applause.]

I have stated before that the committee in reporting out the bill, which supposedly provides for the maintenance of the definite ratios with two other powers, has ignored the facts in regard to the proposed plans of those powers. I wish at this time to sum up some of these comparisons which have been presented to various Members of Congress by the Secretary of the Navy.

First, the total enlisted personnel to be provided by the three countries in question for the next fiscal year are as follows:

Great Britain	104,000
Japan	68,252
United States	67,000

Second. Of these totals it has been brought out that Great Britain finds it necessary to keep 38 per cent of her men ashore. Japan finds it necessary to keep 35 per cent of her men ashore. The Secretary of the Navy requests sufficient men so that he can keep 33⅓ per cent ashore, and the bill, as reported to the House, states that 25 per cent is plenty to be kept ashore.

Third. Again, the Secretary of the Navy has informed Congress that for the next year Great Britain proposes to keep on her battleships an average of 1,214 men; Japan proposes to keep on her battleships an average of 1,292 men. Again, the Secretary of the Navy has stated that the minimum number of men that he can recommend per battleship is 1,175. Yet here we have the situation of our committee ignoring all of these facts and stating that they are perfectly content to have our battleships manned with only an average of 1,014 men. Those are the facts, gentlemen, which must be borne in mind in voting upon this bill. The gentleman from Michigan can confuse the main issue by talking to we nontechnical people about little details, but those comparisons he can not get around, and I do not see how, in the face of those comparisons, we can afford to say that the estimates of the Secretary of the Navy, shown by these comparisons to be conservative, can be discarded.

In closing I wish to append a comparative statement of the enlisted personnel of Great Britain for 1922–23:

Summary of British personnel for the next fiscal year is quoted below. It will be noted that the British propose to reduce their personnel gradually between this date and March 31, 1923, so that an average must be considered in comparing with the strength of other navies.

Present enlisted strength (excludes marines and officers)	96,900
Enlisted men in colonial navies	6,500
Enlisted men of Royal Air Force doing duty connected with navy (this figure is taken as one-third of the total enlisted force of United Air Force, namely, 30,000)	10,000
Total enlisted force March 31, 1922	113,400

British estimates provide for reduction to the following by March 31, 1923:

Enlisted men (excludes marines and officers)	78,000
Enlisted men in colonial navies (no reduction)	6,500
Enlisted men of Royal Air Force doing duty connected with navy (this figure is taken as one-third of the total enlisted force of United Air Force, namely, 30,000)	10,000
Total enlisted force March 31, 1923	94,500

Average total for the year, 103,950.

[NOTE.—This total of 103,950 does not include men doing duty in the naval communication service, which in our Navy totals, roughly, 1,600; naval recruiting service, which in our Navy includes about 800; nor does it include naval reservists manning, to our knowledge, 37 auxiliary vessels.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, we have been overwhelmed by expert authorities; we have heard them commended and heard them condemned. I do not intend to get into the controversy with regard to the extent of the personnel of the Navy at this time. I feel, rather, in the position of the judge who at the conclusion of a long case feels that he ought to take the papers and reserve decision.

My purpose for the present is to examine the suggestion of my colleague from New York [Mr. COCKRAN] that the making of a treaty by the President whereby the armament of the United States is in any way affected is an invasion of the prerogatives of the lower branch of Congress.

This raises the question as to how far the treaty-making power provided in our Constitution may go in obligating the Congress and it also suggests a limitation on the treaty-making power.

It is tantamount to saying that the Constitution of the United States, which vests the power in the Executive to enter into a treaty and in the Senate to ratify it, has no force and effect where that treaty may happen to call for an appropriation in this House or seem to limit the volition of this House or to curtail its control over its military or naval appropriations.

In my opinion there is no doubt that the Executive has the right to enter into a treaty embodying anything short of a violation of our Constitution—a right which appears to be only limited by the proviso that the Senate ratify it. In short, he has the power, if he cares to exercise it and the Senate agrees. But here is a paradox—an anomaly: The House is perfectly within its rights, if it uses its power to appropriate, to make other and even incompatible or conflicting arrangements.

The making of such a treaty does not violate the prerogatives of this House, because we still maintain our right to utterly ignore its terms, and, if it is conceivable that the Senate could be induced to alter its views with respect to the four-power pact and were disposed to cooperate with us, the work of the conference could be completely disregarded, repudiated, and even reversed.

This presents an anomalous situation, an incongruity, which constitutes a peculiar, and possibly a dangerous, loophole in our constitutional armor. It raises the vital question. Why should not the power to ratify have been extended to the House as well as to the Senate? I think that it is manifest that in framing the Constitution and giving the Senate the sole power to ratify a treaty the founders of the Constitution departed from the basic principles which otherwise guided their sound judgment in the framing of that instrument. It would seem as if the Nation's founders were unwilling to trust the popular legislative branch of the Government in matters of diplomacy, and were still tied to some of the old prejudices against the admission of light into the dark recesses of international dealings. Once before in our history, when the Texas treaty was rejected in 1844, this question was the subject of much debate, and the issue was tested by President Tyler by sending the rejected treaty to the House, where an effort was made to have it ratified by a joint resolution. This failing, the idea of accomplishing annexation by treaty was abandoned and it was eventually consummated directly by joint resolution, without further treaty preliminaries.

I do not agree with the contention that if the House fails to make a necessary appropriation to maintain the Navy at the ratio which was established in the four-power pact, their action is equivalent to a repudiation of that treaty. The only way in which the four-power pact can be violated is by the creation of a larger Naval Establishment than the treaty provides. I doubt whether any of the other parties to the pact would grieve a single moment if we cut our Navy down to nothing.

Yet it might happen that the House at some time might take advantage of the door which our national Constitution leaves wide open for the crippling of a treaty through the exercise of its power to deny appropriations. The remedy is to give the House the right to pass on a treaty.

In three successive Congresses I have introduced a resolution embodying an amendment to the Constitution giving to the House of Representatives equal power with the Senate in the ratification of treaties, and I hope that gentlemen will give that proposition some consideration, in view of recent international developments and of the trend which this debate has taken. The French Chamber of Deputies, the English Parliament, the Italian Chamber, all have a part in the ratification of treaties. The United States House of Representatives is the only body among democratic governments in the world to-day which is deprived of the right to participate in the making of that part of the law which is embraced in a treaty. Vesting the treaty-making power in the Senate was a survival of ancient mistrust of the people and its representative body. Independent of this consideration, as a treaty is a law and Congress is the law-making body, the plain deduction is that treaties, as well as statute law, should be ratified or enacted by both bodies of Congress.

The gentleman from Wisconsin [Mr. COOPER] to-day fired a very pertinent question at one of the speakers, in which he said that the Supreme Court of the United States holds that the provisions of a treaty and of statutory law are on a parity. So they are. But that determination of the Supreme Court of the United States is based upon the assumption that each branch of the Government will confine itself to its legitimate function and jurisdiction. No treaty can compel the House of Representatives to pass a law to conform to its terms, notwithstanding that there may be an ethical obligation to do so. There ought not to be this conflict between duty and power. There will always remain the danger of deadlocks or embarrassing conflicts between executive power and legislative rights so long as the lower House of Congress is deprived of its proper share in the making of all laws, whether by treaty or by statute. The safest way to protect the jurisdiction of the House is to accord to it the same right as the Senate has to pass upon

treaties negotiated by the Executive. Then if the compact entails appropriations to carry it into effect the very terms of the ratification by both branches of Congress will make it a matter of good faith ever after to do all things necessary to carry the treaty into effect.

In conclusion let me say that no one need fear that he is violating the Constitution in respecting the four-power pact, or that he is impairing the Constitution either by increasing or diminishing the naval ratio which the four-power pact provided. And in saying this I do not want to be understood as committing myself as yet on either side of the personnel proposition. [Applause.]

APPENDIX.

Griffin's proposed amendment to Constitution giving House of Representatives concurrent power in the ratification of treaties.

Joint resolution (H. J. Res. 13) proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of paragraph 2 of section 2 of Article II of the Constitution of the United States, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"He shall have power to make treaties, provided the same are ratified by a majority of the Senate and House of Representatives; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

Mr. KELLEY of Michigan. Mr. Chairman, I yield 20 minutes to the gentleman from Oregon [Mr. MCARTHUR].

The CHAIRMAN. The gentleman from Oregon is recognized for 20 minutes.

Mr. MCARTHUR. Mr. Chairman, it has been my privilege for about five years to serve on the Committee on Naval Affairs of this House. This committee at one time enjoyed the privilege of considering and reporting the annual naval appropriation bill. This and other committees that formerly considered large questions of policy were, to a large degree, emasculated by the action of the House some two years ago in centering its appropriating power and a very large portion of its legislative policy in the Committee on Appropriations, which now seeks, through measures such as the one we are now considering, to determine the legislative policies of the Government. But nevertheless those of us who remain on the Committee on Naval Affairs are not unmindful of the welfare of the American Navy, and while I have no authority to speak officially for the membership of the committee, yet as one of its ranking members and as a Member of this House, I come here to-day to tell you that I view with alarm the action of the Committee on Appropriations in reporting this bill, which proposes an enlisted personnel of only 67,000 men for the next fiscal year. [Applause.]

The action of the Committee on Appropriations in reporting a bill in which it is proposed to reduce the enlisted personnel of the Naval Establishment during the coming fiscal year to 67,000 men is in direct violation of the spirit and purpose of the recent Conference on the Limitation of Armament, which established the 5–5–3 ratio for the capital ship and aircraft carrier tonnage of Great Britain, the United States, and Japan. The American people approve of the results of this great conference, but I can not believe that they are in sympathy with the recommendations of the Committee on Appropriations in this matter.

It is axiomatic that the officers and men constitute the backbone of the Navy. Battleships, destroyers, submarines, and aircraft are useless unless properly manned, and no Navy can keep in fighting trim without a full complement of men. Great Britain realizes this, and, according to information available, on March 25, 1922, made provision for 104,000 enlisted men for the ensuing fiscal year. This includes the colonial navy and one-third of the enlisted personnel of the united air force, but excludes the marines, the coast guard, the naval communication service, the recruiting service, and the naval reservists manning auxiliary naval vessels. In comparing the enlisted personnel of Great Britain with that of the United States, it is not proper to consider the marines in either instance. British marines do not perform certain of the most important functions that are performed by the United States marines—expeditionary and occupational work, such as is now being performed by our marines in Haiti, Santo Domingo, Nicaragua, and Peking. These functions in the British Empire are performed by regular troops of the army. The British Navy does not carry the air force as a part of the naval establishment. In Great Britain the air force is carried separately. There will be 30,000 enlisted men in the British air force during the next fiscal year. A conservative number of these to allot to the navy would be one-third, or 10,000. In addition, there are the colonial navies approximating 7,000 enlisted personnel at the present time. These are an integral part of the naval force of the British Empire. The United States carries the communication personnel as a part of its regular establishment. The British Navy does not. We need 1,600 regularly enlisted men of the Naval Establishment to be engaged in this work, which is similar to that performed for the British Navy by men not carried as a part of its enlisted force. The British man at least 37 of their auxiliaries with naval reservists, whereas we man all of ours with regularly enlisted personnel. A careful estimate of this gives not less than 4,000 men so employed by the British establishment. Besides, the British recruiting is handled by civilians and not by members of the regular establishment. Adding all of these figures, we get as the potential strength of the British enlisted force during the next fiscal year 110,149. In order to be absolutely on the safe side, we can deduct 6,000 men from this number, leaving the British enlisted personnel at 104,000, as compared with 67,000 carried in this appropriation bill. [Applause.]

Japan proposes during the next fiscal year to maintain an enlisted personnal of 68,252.. These figures are based on authentic information available as late as February 17 of this year. This proposed enlisted personnel is sufficient fully to man every present Japanese ship which can be retained under the treaty and every new ship which can be completed by July 1, 1922, and still leave 35 per cent of Japan's total personnel available for shore establishments, aviation, and training. [Applause.] Do the people of the United States want an enlisted personnel of 67,000, as compared with 68,252 for Japan? Does any red-blooded American who loves his country and who wishes to see her supremacy maintained among the powers of the earth wish to see her sink to the level of the third naval power of the world?

The figures which I have quoted have been furnished by reliable and trustworthy officers of the Navy Department. There is no reason to doubt their authenticity. These officers in turn obtained their information from the published records of the actions of the British Admiralty and of the British Parliament and from unquestioned official sources in Japan. All of this information was obtained by the same people and in the same manner as was the information on which the entire American plan for the Conference on Limitation of Armaments was obtained. [Applause.] This plan was found to be accurate in all particulars. It may be interesting if the Committee on Appropriations would advise the House just when, where, and under what circumstances it obtained all of its information relative to the British and Japanese enlisted personnel. Not a single line of it is in the hearings. [Applause.]

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. MCARTHUR. Certainly.

Mr. LINEBERGER. Did not the chairman of the subcommittee practically decline to answer that question when propounded to him by the gentleman from Massachusetts [Mr. ROGERS]?

Mr. KELLEY of Michigan. The chairman of the subcommittee could answer that better than the gentleman from Oregon.

Mr. LINEBERGER. I would be glad to have the gentleman answer.

Mr. KELLEY of Michigan. I will be glad to answer, but not in the time of the gentleman from Oregon.

Mr. MCARTHUR. The distinguished gentleman from Michigan [Mr. KELLEY], whose ability and talents are worthy of a better cause than that of relegating the United States Navy to third place among the powers of the world, during the debate on Monday said that an enlisted personnel of 40,000 would give Japan men galore during the next fiscal year. This would undoubtedly be true if Japan were so foolish and short-sighted as to adopt a small-navy policy such as that now being advocated by the gentleman from Michigan and his colleagues on the Committee on Appropriations who have arrogated to themselves the right to determine the naval policy of the United States Government by withholding funds for the proper maintenance of our Naval Establishment. [Applause.]

The Conference on the Limitation of Armament agreed upon certain general proposals limiting naval expenditures and scrapping certain large types of ships. Its object was to reduce the burden of taxation involved in competitive navy building, but by no stretch of the imagination can it be conceded that the

function of the conference was to make provision for the destruction of any navy. [Applause.] There are gentlemen who seriously believe that all the navies of the world should be scrapped, or at least reduced to insignificant proportions. These are the same pacifists and peace-at-any-price gentlemen whose leadership this Congress followed when the immortal Roosevelt and the lamented Gardner were attempting to arouse the people of the United States to the danger of their state of unpreparedness during the two or three years prior to our entrance into the World War. If Congress and the country had followed the leadership of these two great Americans and their little band of faithful followers in Congress, thousands of American lives and billions of American treasure would have been saved. Those of us who advocated preparedness in 1915 and 1916 were told that we were in a state of nervous excitement and that our line of thought was good mental exercise. And yet the gentleman from Michigan [Mr. KELLEY] and other gentlemen in this House are now seeking to disregard every lesson of the World War and to foist upon this country a pusillanimous third-rate naval policy. [Applause.] I for one protest; and even though others do not join me, I shall vote against the passage of the pending bill unless it is amended to meet the requirements of our Navy as to enlisted personnel.

I have every confidence in the distinguished Secretary of the Navy, a former Member of this House and a veteran of two wars. I believe he has the proper conception of the dignity and standing of the United States of America among the powers of the earth, and that he views with alarm the efforts of gentlemen to weaken our Naval Establishment. I have every confidence in Assistant Secretary Roosevelt, a man who has bared his breast for his country and who has a proper conception of America as a naval power. I have every confidence in Admiral Coontz, the distinguished Chief of Naval Operations. These gentlemen have all told me of the threatened danger to the United States Navy in the 67,000 enlisted personne proposal. [Applause.] I have a much higher regard for their opinion on naval matters than I have for the opinion of even so distinguished a Member of this body as the gentleman from Michigan [Mr. KELLEY], and I concede that his knowledge of naval matters is profound and comprehensive. I only regret that his distinguished talents are not applied to the maintaining of a naval policy commensurate with our wealth and standing among the nations.

It is well known that for a certain complement of Navy men afloat there must be a certain number in the various activities of shore duty. The British Parliament has been asked to provide enlisted men at the rate of 60 men ashore for 100 men afloat. And a safe policy for any country to follow would be to provide 50 men ashore for every 100 men afloat. The Secretary of the Navy, based on years of experience, has recommended 50 men ashore for 100 men afloat, yet the gentleman from Michigan [Mr. KELLEY] and the other gentlemen who are standing sponsor for this bill would reduce the American ratio to 34 ashore for 100 men afloat.

Mr. KELLEY of Michigan. The gentleman is a very distinguished member of the Committee on Naval Affairs, and has given the subject of the Navy a great deal of consideration. I wonder if, in working out what he thinks to be the proper number for the Navy, he has decided about the number that should be afloat and the number that should be ashore.

Mr. MCARTHUR. Does the gentleman mean as to the percentage?

Mr. KELLEY of Michigan. No. How many men has the gentleman figured necessary for the ships and how many ashore?

Mr. MCARTHUR. I will say to the gentleman from Michigan that if we appropriate——

Mr. KELLEY of Michigan. I understand the gentleman is in favor of a personnel of 86,000.

Mr. MCARTHUR. Two-thirds afloat and one-third ashore, I would say, as a general line of policy, and yet if the men are allocated according to the proposal of the Secretary of the Navy—and we can not question his right to allocate them as he sees fit in order to maintain such a Navy as we give him—they will be apportioned at the ratio of only 34 men ashore for every 100 afloat—a ratio of 3 to 1 instead of the correct ratio of 2 to 1.

It is idle to attempt to compare the Naval Establishment of this year with that of 1916. Naval experts the world over use in common two expressions—post-Jutland and pre-Jutland. Post-Jutland is taken to mean modern, pre-Jutland archaic. The late war formed a dividing line in military and naval tactics. Naval tactics, weapons, and construction have been radically modified since 1916. In 1916 aviation, submarines, radio, fire control were either nonexistent or in their infancy. The complement of a battleship depends upon the functions which that battleship is called upon to perform. The battleship to-day, on account of the above developments and others of a kindred nature, is radically different from the battleship of 1916.

A few of the specific developments which necessitate the increase in personnel are:

Eight antiaircraft battery guns with their necessary equipment.
Four broadside directors with their necessary equipment.
Concentration party in mast.
Main-top torpedo control.
Improvements for the handling of ammunition in the turrets.
Increases in radio communication, fire control, electrical devices, etc.
Range converter.
Range keeper.
Director correction setters.
And certain highly confidential installations.

The men on board the battleship *Texas* in 1916 numbered 932. The number of men the department wishes to place on board her this year is 1,243. The difference between these numbers, namely, 311, is more than taken up by the number of men assigned to these new activities.

On Monday the gentleman from Michigan [Mr. KELLEY] based his main contention on the allotment of personnel to the fleet, afloat, on the report given to him by the Navy Department, of the number of men so employed on February 1, 1922. The explanation for the small numbers of personnel on our ships on this date, which inadequate numbers are those used by the committee, as against the complements required by the Navy Department, is simple.

Mr. KELLEY of Michigan. Does the gentleman think it was easier to take them off the battleships than off the destroyers, which were only in half commission?

Mr. MCARTHUR. Certainly, because most of the destroyers had only skeleton crews, and in reducing the Navy the department had to go where they could find the largest number of men. [Applause.]

Mr. KELLEY of Michigan. The gentleman will probably recall that the destroyers——

Mr. MCARTHUR. Did the gentleman say I would probably be recalled? [Laughter.]

Mr. KELLEY of Michigan. No. I hope the gentleman will be recalled to the House as often as he desires to come, because he is a very valuable Member. But as I say, the gentleman will probably recall that at the time he is speaking about, the reserve destroyers with about 12,000 men on board were very accessible, many of them being at Charleston, S. C., were they not?

Mr. MCARTHUR. That is correct.

Mr. KELLEY of Michigan. So that it would have been quite as simple a matter to get the men from the destroyers?

Mr. MCARTHUR. Probably not so simple, for most of the destroyers had small crews. The fact that the department considers the reduction as merely an emergency measure is indicated clearly in the very report of Admiral Jones, read by the gentleman from South Carolina [Mr. BYRNES]. In the first paragraph of this report Admiral Jones states that on January 1; that is, after these discharges had taken place, the battleships had 80 per cent of their complement on board. In the second paragraph of his report he states that soon after their arrival in Cuban waters this percentage was increased to 89, thereby indicating that the department immediately took steps to remedy this deficiency, and had done so to the extent of approximately 10 per cent, in a very short period of time.

The Committee on Appropriations, on pages 6 and 7 of the majority report, stated in substance that on March 1, 1922, the Navy had in its possession 254 vessels of a nondescript character, including Eagle boats, subchasers, tugs, yachts, motor boats, and various miscellaneous craft. The suggestion is made that if these craft are kept in full commission tens of millions of dollars will be required for their upkeep and operation. They are characterized as dead weight and a millstone around the neck of the Navy, and the suggestion is made that they all be sold. The studied inference to be conveyed to Congress here is plainly and unmistakably to the effect that the Navy Department wants to keep all these ships in commission and fully manned. The gentleman from Michigan [Mr. KELLEY] on Monday positively confirmed this impression. He eloquently painted a picture of tens of millions of dollars spent on ships of no military value and men by the thousands scattered up and down our coasts on vessels so small that the Navy Department can not find them. Upon investigation, I find that the committee's "hundreds of vessels, thousands of men, and tens of millions of dollars" turns out to be 170 small vessels manned by 2,450 men—an average of about 15 men a ship—whose operating cost by no stretch of the imagination can exceed $7,000,000, and whose operation is of real constructive value to the public

interest and to the national security. The committee's partial statements of fact, unfair inferences, and unsound reasoning in this particular case are characteristically indicative of its whole report on the personnel situation, and as such should be pondered on by all Members of this House having the public interest at heart.

The American people love their Navy and its traditions. They properly regard it as our first line of defense, as the guardian of our commerce, as the protector of our territorial and insular possessions. They wish to see it maintained at its full strength on the 5-5-3 ratio authorized by the recent treaty. They wish to see it maintained on an equality with the British Navy, as one of the two great naval establishments of the world. They do not wish to see it relegated to a position inferior to that of Japan. [Applause.]

Gentlemen tell us that we will maintain substantially the same tonnage as Great Britain, but the Secretary of the Navy is authority for the statement that not less than five of our first-line battleships will be in ordinary, which means that they will not be in active service if our enlisted personnel for the coming fiscal year is reduced to 67,000. The Secretary of the Navy knows just what he can do with an enlisted personnel of this size, and at my request the Navy Department has prepared a chart, a copy of which I mailed to each Member of the House, which shows just what an enlisted personnel of 67,000 will mean to our Navy during the coming fiscal year. It is not for gentlemen in this House to question the authority of the Secretary of the Navy to equalize and distribute his personnel over the various naval activities or to question the figures in the chart, which has been prepared by men in his department. This chart shows that an enlisted personnel of 104,000 for Great Britain, 67,000 for the United States, and 68,252 for Japan means that capital ships will be maintained at the ratio of 5-3.2-2.6; that aircraft carriers will be maintained on the ratio of 5-1.2-0.6; that submarines will be maintained on the ratio of 4.1-5-2.8; that cruisers and destroyers will be maintained in the ratio of 5-2.1-2.6; that mine layers will be maintained in the ratio of 4.8-1.25-5; and that the total combatant vessels will be maintained in the ratio of 5 for Great Britain, 2.8 for the United States, and 2.75 for Japan. Can any thinking man fail to understand what this sweeping reduction means to our Navy and to the people which it protects?

Gentlemen, I respectfully submit that our Navy should be maintained at its full strength authorized by the recent treaty and, believing that it can not be so maintained with an enlisted personnel of only 67,000 men, I shall, at the proper time during the consideration of this bill, offer an amendment proposing to increase this number to 86,000. I bespeak your earnest consideration of the arguments in support of the 86,000 enlisted personnel and hope that you will decide to give this amendment your support.

I can not believe that you will adhere to the "penny-wise and pound-foolish" policy of the Committee on Appropriations or that you will shift the responsibility for the writing of this bill onto the shoulders of the Senate. Let us face this question fairly and squarely and decide for ourselves whether or not the United States is to maintain a Navy which will glorify the traditions of the Republic or whether we are to drop to the third place among the naval powers. [Applause.]

Mr. KELLEY of Michigan. I yield six minutes to the gentleman from Minnesota [Mr. LARSON].

Mr. LARSON of Minnesota. Mr. Chairman and gentlemen, I had no intention of making a speech. My purpose was merely to listen to the discussion and then vote according to the dictates of my best judgment.

We are told that "democracy is government by discussion." We have had a splendid exemplification of that statement. The bill has been most ably and thoroughly discussed from every viewpoint. I am indebted to my colleagues for the facts they have presented and the deductions they have drawn therefrom.

I do not rise to offer any substantial contribution to this discussion. I possess no expert knowledge on naval affairs that entitles me to speak with authority upon this matter. I feel, however, that I should state some of the reasons that prompt me to vote as I shall. This measure is of supreme importance to the people, and they are entitled to know not only how we vote but why we vote as we do.

Had no discussion been had on this bill I would vote for a larger appropriation than that proposed by the committee. I probably would vote for an appropriation that would give the Navy 86,000 enlisted men. I came to that conclusion from reading the Washington newspapers and such other propaganda as was furnished me by those who champion a big Navy personnel. While I am not a so-called big Navy man, I do not want the efficiency of our "first line of defense" crippled in the least. No American should. That was my notion when the discussion was opened by the distinguished gentleman from Michigan [Mr. KELLEY]. In the language of the street, I was from Missouri; I wanted to be shown. I placed the burden of proof on the committee to prove clearly and conclusively, not by mere assertions but by facts and figures, that the appropriation proposed is ample to man the United States Navy without jeopardizing its efficiency.

When the chairman of the Subcommittee on Naval Appropriations had concluded his speech, one of the most remarkable speeches that it has been my privilege to hear, I was thoroughly convinced that the appropriation proposed is sufficient. All the arguments that have been presented to the contrary, including the letter of our great Secretary of State, have not changed that opinion, and I shall vote accordingly.

They say that parliamentary oratory is a lost art. I do not believe it. Real oratory is as effective now as it was when Demosthenes spoke. If a man has anything to say and knows how to say it in fitting form—that is, with clearness, force, and eloquence—he will always be assured of an appreciative and responsive hearing. The masterly presentation of the committee's proposal by the distinguished gentleman from Michigan brought to my mind Speaker Reed's epigrammatic definition of eloquence—"Logic on fire." That speech was logic on fire, alright. It burned up the opposition completely. Mr. KELLEY's arguments have not been answered; they are unanswerable. In this discussion they stand as solid as the Rock of Gibraltar.

That speech was received by the House with spontaneous enthusiasm. Even his opponents were carried away by his eloquence; but the following morning I read in one of the Washington papers of brilliant and able speeches having been made by the big Navy advocates, and the chairman's remarkable speech was barely mentioned. In effect, the paper I read stated:

Mr. KELLEY also spoke.

[Laughter.]

I mention this merely to show how powerful these big Navy people and their supporters are here in Washington. The press is at their command; but let me say that we who believe that 67,000 men are ample to man our Navy in these "piping time of peace" should not allow ourselves to be influenced by the Washington atmosphere. What we should be concerned about is the atmosphere at home and in the country at large.

We know that the folks at home want actual, concrete results from the arms conference—results that will be reflected in their tax bills. Let us express by our votes on this measure the convictions of the American people. As James Bryce says:

What is democracy for except to represent and express the convictions and wishes of the people?

In their dire distress the advocates of a big Army personnel threw out the S O S signal to our great Secretary of State, who gallantly came to their rescue with a letter in which he expresses his personal views on the proper size of the "Hughes Navy." I do not agree with those of my colleagues who look upon Mr. Hughes's epistolary medium of instructing us benighted Members of Congress as an unwarranted and gratuitous intermeddling in the affairs of this House. Personally, I welcome his views. We should seek the truth, no matter whence its source. It is entirely proper that Mr. Hughes should give us and the country the benefit of his opinion. Any contribution that he may see fit to make to the discussion of any public question will always receive my thoughtful consideration, for I, in common with many of my fellow citizens, regard him as America's greatest living statesman. His beneficent work in connection with the arms conference alone entitles him to a place in the galaxy of the world's great statesmen. As an American I am proud that my country has produced a man of his preeminent intellectual ability and superb moral courage.

But let us see whether Mr. Hughes's letter has the persuasive force that the advocates of the big Navy personnel claim for it. What, in fact, does the Secretary say? Is his opinion based upon facts or is it predicated upon a mere assumption of what the facts are claimed to be? Let me quote from his letter. He says:

You say that you are advised by the Navy Department that the proposed reduction in personnel will mean that not exceeding 12 capital ships can be kept in commission.

As to this—

He continues—

I am not qualified to express an opinion.

And like the careful lawyer that he is, he predicates his opinion, you will observe, upon the strength of the statement that the Navy Department has furnished him with, for he says:

> Accepting this statement of fact, the only question would seem to be whether our Navy should be reduced below the treaty standard by a provision of personnel inadequate to maintain it.

But the soundness of the statement of alleged facts to which Mr. Hughes refers is challenged by the Subcommittee on Naval Appropriations and other opponents of a big naval personnel. Mr. Hughes begs the very question that is practically the main issue in this discussion. Therein lies the probative weakness of his letter. If you grant his premise, his conclusion is obviously correct, but the committee has demonstrated, almost to a mathematical certainty, that with a personnel of 67,000 men the 18 capital ships and all other craft that go with them can be kept in commission, thereby giving us a Navy of the treaty standard.

But while it is our duty to weigh carefully the views of the President and of the "best minds" constituting his great Cabinet on the merits or demerits of pending legislation, as representatives of the people we have no moral right to abdicate our judgment and follow blindly their proffered counsel. We can not shift upon their shoulders our constitutional responsibility. In the last analysis, we, and we alone, are responsible to the people for the character of the measures this House passes.

The committee's proposal will save the American people close onto $200,000,000 a year, as compared with the appropriation for the last fiscal year. Is not this great sum worth saving? It is true that the United States is the richest country in the world. Although we have only one-seventeenth of the world's population, we own one-third of the world's estimated wealth. But let us not forget that we have an enormous public debt and that our annual Government expenses are stupendous.

Our people are burdened with taxation—municipal, state, and national. They are tax-ridden. They are complaining, and justly. They are demanding of us relief from their tax burdens. Under such circumstances, I ask, what right have we in peace times to sanction the employment of several thousand superfluous men in our Navy? No red-blooded American wants to be a sinecure or a parasite. He prefers to be engaged in a service in which he can be of use to his country. To keep men in unnecessary public positions is a waste of the people's treasure and of human energy. Let us save the money and also give these superfluous men an opportunity to engage in the development of our natural resources.

In the name of common sense, what reason is there for a big Navy personnel in these peace times? If there were any reasonable fears of an immediate invasion, that would be justification for a big Navy. But who is to invade us? Surely no European nation. Europe is bankrupt. Great Britain, France, and Italy are bled white. The militarism and imperialism of Germany are no more. Is Japan, thousands of miles removed from us, our international hobgoblin? Japan may be militaristic and imperialistic, but she is not insane. Japan has no desire to commit national suicide. Japan wants to exist. She does not want to measure swords with America.

The fact of the matter is that no government for many years to come, perhaps for many generations, could induce its people to engage in another war. The people have had enough of hell. They have just finished fighting "the war to end war." What they want is "less of armament and none of war." [Applause.]

It is the law of human nature that imputation of distrust excites in others a corresponding sentiment. As Charles Sumner said in his plea for universal peace more than a half century ago:

> War preparations in a period of professed peace must naturally prompt adverse preparations, and everywhere within the circle of their influence quicken the spirit of war. So are we all knit together that the feelings in our own bosoms awaken corresponding feelings in the bosoms of others, as harp answers to harp in its softest vibration, as deep responds to deep in the might of its power. What in us is good invites the good in our brother; generosity begets generosity; love wins love; peace secures peace; while all in us that is bad challenges the bad in our brother; distrust engenders distrust; hate provokes hate; war arouses war. Therefore are we admonished to avoid such appeal, and this is the voice of nature itself.

It is to be deplored that any Member of this House should allow himself to be carried away so far by his zeal and enthusiasm for a big Navy personnel as to deem it necessary to charge a nation that participated in the arms conference on the invitation of our Government with engaging in propaganda to disarm America. Such imputation is not only extremely bad taste but it has a tendency to engender distrust and hate in the minds and hearts of those with whom we are desirous of living on terms of international good will and comity. And that means every nation on the globe. That accusation may reflect the sentiments of a few militarists and alarmists, but I am sure that it does not reflect the sentiments either of this House or of the American people.

This effort on the part of Congress to reduce armaments is not prompted by Japanese propaganda; it is prompted solely by a desire to give concrete and practical expression to the enlightened Christian sentiment of the American people.

It is utterly absurd to charge the committee and those of us who concur in their views with a purpose "to wreck the Navy." Such an accusation is the child of militaristic hysteria. We are not "wreckers" simply because, in the interest of national economy and for the promotion of international friendship and enduring peace, we advocate a reasonable reduction in our Navy personnel.

We concede that the champions of a big Navy are actuated by patriotic motives, but we deny that they have a monopoly on American patriotism. Whatever our views may be as to the size of the Navy personnel, we are all actuated by a desire to promote the highest welfare of our common country. We may differ as to the proper naval policy, but we are all Americans.

No naval officer who advocates a big Navy personnel should take umbrage because we do not adopt his views. We question neither his veracity nor his sincerity. We know that he is intensely patriotic. We appreciate that he stands for "our country, right or wrong." We acknowledge his service to the Republic. But we also know that he is likely to have a mania for a big Navy—the biggest in the world—for the bigger the Navy the greater the glory. He will not willingly give up any of his prestige and power as the head of a big fighting machine. He is actuated by the philosophy of—

> The good old rule, the simple plan,
> That he should get who has the power,
> And he should keep who can.

That feeling is perfectly natural. It is the result of his training and environment. Whoever heard of an admiral who advocates a small navy or of a general who favors a small army? Such an admiral or a general is a rara avis.

If we refuse to follow the advice of these naval experts who advocate a big Navy personnel, it is because we think that they are prejudiced. If Congress were to give them a free rein, we would soon have the biggest navy on the seas. Listen to what Capt. L M. Overstreet, United States Navy, says:

> I believe—
>
> Says he—
>
> that we need approximately 120,000 men to man the so-called Hughes Navy and should increase rather than decrease our present force.

The naval board also wants that number.

That is disarmament for you! That is carrying out the will of the American people as expressed through the action of the Washington conference! What would happen to the United States Treasury if Congress were to allow the naval experts to dictate the size of a Navy personnel? It soon would become like unto a dime savings bank.

I prefer to follow the sound judgment of the Subcommittee on Naval Appropriations as to the size of our Navy personnel. The members of that committee have had years of experience in dealing with naval affairs and naval appropriations. They have thoroughly and conscientiously investigated the matter from every possible viewpoint, and their unbiased, deliberate judgment is that 67,000 men are ample to man efficiently the United States Navy. That number is large enough for me, and I am sure the American people feel that that number of their fellow citizens, with the ships at their disposal, can and will in these peace times maintain the rights, prestige, and honor of the Republic. [Applause.]

What this war-weary world needs now is less of distrust and hatred and more of confidence and love. The true grandeur of our Nation consists not in a big Navy or a big Army, the machinery of force, but rather in the spirit of justice and right. If we are to lead the world, as we are expected, to a higher and a better civilization we can do so not only by preaching "less of armament and none of war" but what is more important by translating our preaching into actual practice. A good example is the best sermon. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman, no one can be more opposed to the expenditure of unnecessary money upon our Navy than I am myself. I hope the time will come when the resources of this country shall be turned from the creation of destructive agencies to the creation of constructive agencies. I would like to see the time come when this country could devote its resources to internal improvements and the construction of those great projects in our midst which return prosperity and happiness to our people. [Applause.] However, we owe an obli-

gation, under conditions as they exist to-day, to give to our people absolute security, even at a considerable cost to the country. The greatest minds of the world that met here at the Limitation of Armaments Conference rendered this verdict to the world and to us if we will but hear—not that there will be no more wars but that there will be more wars. Otherwise, instead of a mere limitation of armament, they would have agreed to a total disarmament. [Applause.]

With that verdict in our minds, and knowing from history that from the earliest dawn of time down to now there has been war after war, and knowing, as we do, when we use our common sense, that until God sees fit to change the hearts and minds of men, there are going to be still more wars, I think we should be prepared. When the millennium comes—and I pray that its coming may be hastened—we may do away with the Navy, but we will do away with the Navy when, and only when, we may also do away with the police in the cities and the sheriffs and the constables in the country.

If the Committee on Appropriations had made the issue here simply that 67,000 men were enough, that would have been one thing, but they take the position here that 67,000 men will furnish our Navy with a fighting strength commensurate with the treaty ratio of 5–5–3.

I glory in the accomplishments of the Limitation of Armaments Conference, and I stand here now striving to preserve to the American people the benefits of those accomplishments—not to destroy them. [Applause.] It was thought by those who made that agreement that the 5–5–3 ratio was the best ratio that could be agreed upon to preserve the peace of the world—between the two great Anglo-Saxon countries an equality, and between America and Japan a substantial increase in the strength of the American Navy.

This bill has been called a one-man bill, and I think there is some evidence to justify that statement. If we must take the judgment of one man, then I know of no man whose judgment I would rather take than that of the distinguished chairman of the subcommittee, but experience tells us that it is not safe to rely upon the judgment of one man. In the report a great deal is said about the treaty ratio and the maintenance of that ratio. But it is my opinion that the question of how the fighting strength of our Navy would compare with the navies of Great Britain and Japan was an afterthought. During the hearing the inquiry seemed to be how few men could be put on the ships and still keep them afloat. The hearings ran from the 6th of March to the 21st of March, and all the experts of the Navy were called before the committee. On the third day of the hearings the learned chairman of the subcommittee virtually said to the Secretary of the Navy, "Take 50,000 men afloat and 15,000 men on shore, and cut your cloth accordingly." He did more than that. He told the Secretary of the Navy what ships he desired him to keep in commission, viz, the 18 battleships, the 103 destroyers, and the 84 submarines. He said, "Take the rest of the 50,000 as far as it will go, and then cut off wherever it stops." Then and there the control of the Navy passed from the Secretary of the Navy to the chairman of the Subcommittee on Appropriations. [Applause.]

The Secretary of the Navy, in a letter to the committee, clearly pointed out just what the consequences would be if this arbitrary cut was put into effect. He said that with only 65,000 men the Navy would find—

(1) That our available force for sea is 46,000, because in the opinion of the department it is vitally necessary for the best interests of the Navy and the Government to keep the vessels referred to in commission and the shore station activities as a necessary adjunct.

(2) Six battleships of the first line, being all the 12-inch gun ships, will of necessity go into ordinary with complements only large enough to preserve them and keep them ready for as quick action as possible. I also call your attention in this connection to the fact that this involves the withdrawal of the flagship *Utah* from the European Squadron and the abandonment of that station. It is the opinion of the department that for the national defense it is better to have 12 full complement, ready-for-action ships than it is to have 18 part complement ships not ready for action. I personally believe that a ship too greatly undermanned is a sick ship and will be of little account in battle.

(3) In addition to the 46,000 actually serving on ships, the arbitrary 7 per cent replacements bring up the figure to 50,550, leaving for shore stations only 14,450.

(4) The destroyers are reduced to 65 with 90 per cent complements, with 50 in reserve with 50 per cent complements.

(5) All submarines, second line, are placed out of commission.

(6) Practically all Eagle boats, subchasers, and other small craft now used for training reservists or other purposes go out of commission.

(7) If we are to consider the appropriation for the year as of July 1 to be on the basis of 65,000 men, we must start the year on July 1 with 65,000 men. That means we must reduce between the date of the approval of the appropriation bill for the fiscal year 1923, should it contain the figure of 65,000, by getting rid, by discharge or otherwise, of approximately 31,000 men.

* * * * * * *

In regard to the figure submitted, I must further inform you that it is wholly inadequate in the estimation of the department to properly man the United States Navy. It will necessitate leaving ships of vital importance out of the battle line. The ratio established in the naval treaty is for the three great naval powers—the United States, Great Britain, and Japan—5–5–3. Under the personnel allowance of 65,000, according to our best information, this ratio will be reduced to 2½–5–3 for the United States, Great Britain, and Japan, respectively.

However, it appears that the committee paid no attention to this warning. Their decision seems to have been made up on the third day of their hearings.

From that day on to the finish of the hearings I find no deviation from the preconceived opinion of the chairman of the committee, and after hearing the evidence he rendered his decision which he had already formed at the beginning, a Navy of 65,000 enlisted men and 2,000 entered apprentices. In fact, I am betraying no confidence when I say that before the hearings ever started I was informed that this 65,000 was to be the strength of the Navy. What was the use of having the hearings, what was the use of going from ship to ship and man to man, what was the use of working the adding machine, when it had already been determined what the strength of the Navy was going to be? [Applause.] It is easy for a man who is familiar with the Navy to talk to the Members of the House, the majority of whom are not familiar with the technical organization of the Navy, and say to them that "We have furnished a personnel for 18 battleships, a personnel for 103 destroyers, and a personnel for 84 submarines, and what more do they want with men, where would they put them?" Because Congressmen from the Middle West can not think of any other class of vessels than those named and can not suggest where to put them—can not think of an answer to the gentleman's question—they come to the conclusion which the defenders of this bill want them to form, namely, that there can be no other place to put the men, and therefore they are not needed. I have heard of men who say, "What do you want with mine sweepers and mine layers in time of peace, and all of the other 57 different varieties of boats and craft that it takes to make up a modern navy?" The comparison of the personnel of to-day with the personnel of 1916 means nothing, because fighting on sea to-day is totally different from what it was in 1916.

The gentleman from Idaho [Mr. FRENCH] undertook to make this allowance. He finally got down to the aircraft, and because that looked as though it was going to swell the personnel beyond what was provided for in the bill he said, "Well, we did not allow them any money to put the antiaircraft guns on the ships so that we can hold down the personnel." If that were true, it would be a crime against the men who have to fight on these ships—to refuse them the necessary protection in order to reduce the personnel.

Mr. KELLEY of Michigan. Oh, I think the gentleman misunderstood the gentleman from Idaho. What he did say was that we did not have all the aircraft guns or mounts manufactured yet to put on them.

Mr. SWING. He said you had not appropriated for them.

Mr. KELLEY of Michigan. Oh, no.

Mr. SWING. And I will say this: They are appropriated for and they are manufactured and they are going to be on these ships this coming year [applause] if I can take the word of Admiral McVay, Chief of Ordnance.

Mr. KELLEY of Michigan. If the gentleman has the fact about that, then we can cut out what we have included for antiaircraft guns when we get to the right place in the bill.

Mr. SWING. Well, I find the gentlemen in charge of the bills are good on cutting; but let me say that it is not every cutting that is economy.

Mr. KELLEY of Michigan. The gentleman would not want us to appropriate money for guns if we have them already, would he?

Mr. SWING. No. But I want you to appropriate for the men to man the guns. What good are hulls without the men behind the guns? [Applause.]

Mr. KELLEY of Michigan. Whether we have the guns or not?

Mr. SWING. Admiral McVay says we have the guns, and I want the men to man them. You can not bluff the world with empty hulls. Ships without men are no better than a scene painted on canvas. You must have both ships and men to make a fighting force, and that is where this bill falls down.

Now, the chairman of the subcommittee accused the Secretary of the Navy of having 20,000 men piled up on the shore some place with nothing to do. The accusation is a serious one, that the officials of our Navy, who are willing to give their lives in defense of their country, are conniving, if not actually in a

criminal conspiracy, to raid the Treasury of the United States by keeping on the Navy pay roll 20,000 men who have nothing to do.

Mr. KELLEY of Michigan. The gentleman is a very prominent and influential member of the Naval Committee. Will he tell the House just where the 20,000 extra men are on shore?

Mr. SWING. I thought you would ask that, and so I have prepared a statement, which I will read or introduce in the RECORD.

Mr. KELLEY of Michigan. The gentleman had better read it.

Mr. SWING. Will the gentleman extend my time if I read it?

Mr. KELLEY of Michigan. How long is it?

Mr. SWING. It consists of one page.

Mr. KELLEY of Michigan. What is it?

Mr. SWING. It shows in detail where these 20,000 men are and what they are doing—the men you said were piled up on shore with nothing to do.

Mr. KELLEY of Michigan. Go ahead and read it.

Mr. SWING. I will. It says:

Distribution of enlisted personnel as of January 1, 1922.

OPERATING FORCE ON SHORE.

Navy yards and naval stations	1,359
Receiving ships and barracks, operating force	1,945
Training stations and trade schools (instructors and overhead)	2,032
Hospitals (operating crews)	1,978
Prisons (cooks, etc.)	23
Communications	1,228
Aviation stations	2,754
Ammunition depots and torpedo stations	605
Recruiting stations	709
Total operating force on shore	12,633
District vessels (crews)	3,352

Mr. KELLEY of Michigan. What are they?

Mr. SWING. Does the honorable gentleman from Michigan not know?

Mr. KELLEY of Michigan. I want to know if the gentleman knows.

Mr. SWING. Yes, sir; I know. You call them "yachts and nondescript vessels," implying that they were pleasure boats for the commanders, and other useless craft, but you know that they are mostly tugs that pull vessels into their places in the harbors, that haul out to the vessels barges loaded with coal for fueling, and self-propelling oil barges. You know that as well as I do.

Mr. KELLEY of Michigan. There are men and tugs in the yards to handle the vessels that carry the coal. These are district craft.

Mr. SWING. I am talking about district vessels. Have I answered your question on that?

Mr. KELLEY of Michigan. I rather think not.

Mr. SWING. Well, the gentleman can be very hard to satisfy when he wants to be.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I yield five minutes more to the gentleman because I interrupted him.

Mr. SWING. I had already accounted for 15,985 men when I was interrupted. I will now continue:

Replacements:		
Patients in hospitals		2,258
Prisoners in prisons		1,339
Under training and instruction at training stations and trade schools		4,981
General detail:		
Yards and stations	27	
Trade schools and training stations	329	
Receiving ships and receiving barracks	3,603	
Ammuntion depots and torpedo stations	225	
Aviation stations	52	
		4,236
		28,799
In transit and delayed reports		4,062
		32,861
Total afloat		68,138
Grand total		100,999

Mr. KELLEY of Michigan. That is why the gentleman desires the additional 20,000 men.

Mr. SWING. No. That was in reply to your proposition that there were 20,000 men that Secretary Denby could not account for.

Mr. KELLEY of Michigan. Have you accounted for them?

Mr. SWING. There is the statement which shows exactly what they are doing, and it is satisfactory to me.

Now, the whole issue in this thing is just this: It is whether or not we have what we have told the American people we were going to have, a Navy equal to any in the world. I charge that this bill was drawn in total disregard of the comparative strength of the personnel of our Navy with that of other nations.

In this whole volume there is not a single inquiry by the chairman of the committee or any of his associates asking for information as to the relative strength of any other navy, and it seems to me it did not occur to them important until after they had been criticized for not maintaining the Navy according to the treaty ratio. Then the gentleman from Michigan, having previously decided that our Navy should have only 65,000 enlisted men and 2,000 apprentices, started out to find the evidence to support it. And where did he look? The Lord only knows. It is a great mystery as to where this committee went for assistance.

This colloquy between the learned gentleman from Michigan [Mr. KELLEY] and the gentleman from Pennsylvania [Mr. BUTLER] took place while the chairman of the subcommittee was making his opening statement on behalf of this bill:

Mr. BUTLER. I have listened with very great care to the comparison he was making of the number of men proposed by the English and by the American navies. I do not know where the gentleman got his information. He can not supply it. Will not the gentleman state to the House whether or not it was the very highest that could be obtained, absolutely official?

Mr. KELLEY of Michigan. As far as I could go.

Mr. KELLEY of Michigan. What is the gentleman's inference?

Mr. SWING. The inference is that there are only officials of three countries who could possibly be appealed to for this information—the American, the British, and the Japanese. It seems that you place no confidence in the naval officials of our own country, so it is hardly likely that you got your information from them.

And I am afraid that the sad spectacle is presented to the American people of a committee of this House preparing a naval bill for the defense of our country, asking Japanese and British officials to assist in framing it. [Applause.]

Mr. KELLEY of Michigan. Does the gentleman say that the committee had no information from American representatives

Mr. SWING. I went to the only source that was afforded abroad?

to me, the official hearings of your committee, and nothing can be found——

Mr. KELLEY of Michigan. Does the gentleman say that the committee had no information from our representatives abroad?

Mr. SWING. I say this, that you have not disclosed it. If you are willing to disclose it, you may do so now.

Mr. KELLEY of Michigan. I thank the gentleman for this permission.

Mr. SWING. We maintain through appropriations the Naval Intelligence Bureau, and the gentleman knows that its function is to acquire from most official sources the most authentic information obtainable regarding the navies of the world. Only a part of it is published; most of it is secret.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SWING. Mr. Chairman, may I have two minutes more?

Mr. KELLEY of Michigan. I regret I can not yield more time.

Mr. GRIFFIN. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from California is recognized for five minutes more.

Mr. SWING. Now, something was said in this tarring-stick act of these Members of the House who took exception as a matter of conscientious duty to the conclusions reached by the committee about their being from navy-yard districts. Well, the answer to that is that enlisted men do not work in the navy yards, and the issue now before this House is the size of the enlisted personnel, and its decision will neither increase nor decrease the size of any navy yard.

The district I represent, as well as my State—in fact, the whole Pacific coast—is interested in this bill solely from the standpoint of adequate national defense. We on the west coast face the only source of danger from which danger can come to this country. We believe that we have a right to look to our Government to furnish us absolute security and not leave us dependent upon the word of some foreign power. We have a Navy which is capable of giving us that absolute security if this Congress will only appropriate for its adequate support and maintenance. In this connection, and as typical of the sentiment of the people of my State, I want to read a telegram received this morning from John R. Quinn, commander of the American Legion of the State of California. It does not represent navy-yard employees who are seeking to raid the Treasury of the United States, if any there are. This represents men who fought and bled and who have learned the lesson of the Great War on the battle field at the risk of their lives

and their health, and who do not want our country to again pay the awful price of unpreparedness. It says:

SAN FRANCISCO, CALIF., *April 11, 1922.*

Congressman PHIL D. SWING,
Washington, D. C.:

Representing 50,000 California Legionaries, I feel that we would be derelict in our duty if we did not protest against the reduction of the naval forces of the United States below 90,000 men, as we should have under the disarmament pact 5–5–3 pro rata. Our late experience seems to be too soon forgotten. We must maintain a sufficient personnel for our national defense.

JOHN R. QUINN,
Department Commander.

[Applause.]

And now, finally, since the chairman of the subcommittee himself read a statement from the President delivered before the Limitation of Armament Conference, I would like to read what President Harding wrote regarding maintaining the American Navy:

We want no Navy for conquest. We would all like to reduce armaments; but so long as there is need for national defense we must maintain our Navy, not only in its material strength but in the moral capacity of its officers and men. Our Navy is the great wall of America. A navy that is almost good enough will, in the end, prove more costly to the safety of the United States than no navy at all.

[Applause.]

Now, taking the facts before us, 67,000 men as the enlisted strength of this country, and taking the like elements from the navies of Great Britain and Japan, we find that for the ensuing fiscal year the average enlisted strength for Great Britain will be 104,000 men and for Japan 68,252, as against our 67,000. We know the facts or we can learn them. We can not fool ourselves, and in Heaven's name let us not commit the crime against the country of fooling the people into thinking they have a 5–5–3 ratio Navy when we have only a 5–3–3 Navy. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. HOGAN].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. HOGAN. Mr. Chairman, the issue in the debate upon the proposition of cutting down the estimates submitted by Secretary Denby for the personnel of our Navy from 96,000 men to 67,000 men is simply this: Shall we resort to national short-sightedness in the name of national economy.

In my opinion the American people would resent our meeting that issue as the Appropriations Committee would meet it. Extreme parsimony with our Navy has never been popular. From the days of John Paul Jones and Farragut and Schley and Dewey until now that Navy has defended our coast line in both great oceans and has never been beaten. It has upheld liberty and opposed tyranny. It has done its full share in the work of making this the first nation in the world.

Let us not forget that if we were enabled to break the shackles of the British Empire and become free to preserve the integrity of our Union, to become a world power by rescuing from Spain her down-trodden possessions, and to assume the leadership of mankind following upon our turning the tide in the bloodiest war of history, it was because we did not rely entirely upon our prayers, but kept our powder dry. It was because we upheld fine and honorable traditions in our Navy as a fighting machine. It was because we kept the old fighting spirit at the highest pitch. It was because the protection of America was the highest consideration.

It is now proposed by the statesmen of the Appropriations Committee to abandon all of our naval traditions and to make the United States accept a place as a third-rate naval power. Some of the members of the committee who urge the reduction would have us believe that white is black and black is white. They would have us accept their statement that by a reduction in the personnel of about one-fourth of the number of men asked for the Navy would be kept up to the same maximum as the British Navy, which will not be permitted to dwindle to the smaller total. These statesmen have attempted to nullify the splendid work of the Harding administration in bringing about a 10-year limitation of naval armament. This Republican administration has been replete with measures of great distinction for the benefit of all the people of the country, but in the century to come nowhere will it so resplendently shine in achievement for the public good as in its sincere effort to bring about world peace on a practicable basis. When Charles Evans Hughes laid down the terms of the armament treaty subsequently adopted I do not believe he had any thought that his proposal to scrap the ships of Great Britain, the United States, and Japan to a 5–5–3 basis would be met by an attempt on the part of the Appropriations Committee of the House to cut our diminished Navy to the point of inefficiency. Our national interests were not jeopardized by President Harding and Secretary Hughes. On the contrary, they safeguarded them with treaties which are not to be considered scraps of paper. Is Congress, then, to be less careful of our national interests? Are we, the Representatives of the people, to appear before our constituencies and explain a vote against a personnel of 86,000 men on the ground that it equally carries out the terms of the arms treaty in the face of the diametrically opposite opinion by Secretary Hughes himself?

There are some here who would have us believe that in the nature of things we shall never have another war with England. As the result of our saving her cause in the World War she now has a third instead of a fourth of the globe as her domain. In order to placate opinion in this country, she has given dominion government to Ireland, in some respects a greater move in the direction of world peace than the arms conference. For the same reason she has accepted equality on the sea of the Stars and Stripes. I hope no further wars will ever come. I hope that all nations will be so beneficently imbued with the blessings of peace that they will never think of again taking to bloodshed to settle their differences. But I do not believe they will, and because I wish to protect America from theory and shortsightedness I want to see it fully prepared for any eventuality that may arise in the future with Great Britain or any other power. There are those also who would have us believe that we shall never war with Japan. I hope so, but I can not believe that Japan has lost all ambition as the result of the arms treaty, and I want to see our Navy maintained at a standard which will enable us to be reasonably sure of victory in the event of a fight. "Speak softly, but carry a big stick" was Theodore Roosevelt's maxim, and it is good enough for me. Let us all be in favor of peace, but take no chances. And toward Great Britain and Japan let us have the most altruistic good will. Let us believe their good will toward us. But in the event that their will should not be so good, let us be ready with a broadside that will sweep empires off the seas and preserve for mankind the ideal of liberty and republicanism.

Sixty-seven thousand men will not be sufficient to maintain our Navy on an equality with that of England. This is testified to by naval experts. Their word and that of the Secretary of the Navy and the son of Theodore Roosevelt, who is now Assistant Secretary of the Navy, are sufficient evidence to me as against the cheeseparing contentions of the Appropriations Committee. Eighty-six thousand men will save our Navy from sinking into the third class. I am for it and for the Navy and the fighting spirit of John Paul Jones and Dewey. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CURRY, as Speaker pro tempore, having assumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, had come to no resolution thereon.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, in two prepared speeches delivered yesterday the gentleman from Michigan [Mr. WOODRUFF] and the gentleman from South Dakota [Mr. JOHNSON] made numerous and in many cases very damaging accusations against certain Army officers. The general impression left by these charges is that other officers, including the War Department itself, have either connived at, condoned, or ignored the acts upon which these accusations are supposed to be founded. That such an impression is accurate or that it has any substantial foundation in fact no fair-minded man, in my judgment, believes. If there be crookedness or corruption of any kind in the War Department or in the Army, the person most interested and who would be most active in finding and getting rid of it is the Secretary of War. No one who knows his high character will dispute this. Nor should we allow the fact, even if proved, that a few Army officers in very rare instances have been unfaithful to cast a cloud of suspicion upon the whole Army. As we all know, Army officers were called upon during the war to perform tasks unprecedented in magnitude and difficulty. With exceptions so rare as to be noteworthy on that account they accomplished these tasks with honor and

credit to themselves and with great advantage to the country. If any man has disgraced himself and his country by dishonesty, he should be uncovered and punished, but let us not besmirch the honorable records of the many who gave the very best that was in them to their country in the time of its great need.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MALONEY, indefinitely.

To Mr. STEVENSON (at the request of Mr. McSWAIN), for two legislative days, on account of important business.

To Mr. HUDSPETH, indefinitely, on account of important business.

To Mr. SANDERS of Indiana (at the request of Mr. PURNELL), indefinitely, on account of illness in his family.

To Mr. VESTAL (at the request of Mr. PURNELL), indefinitely, on account of illness.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Thursday, April 13, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LANGLEY: Committee on Public Buildings and Grounds. S. J. Res. 186. A joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden; without amendment (Rept. No. 894). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. S. 156. An act for the relief of the heirs of Julio Carrazco, deceased; without amendment (Rept. No. 895). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Claims. H. R. 636. A bill for the relief of the Delaware & Hudson Co., of New York City; with an amendment (Rept. No. 896). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 862. A bill for the relief of Vivian Hood; with an amendment (Rept. No. 897). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 4145. A bill for the relief of Leonidas Sawyer; with an amendment (Rept. No. 898). Referred to the Committee of the Whole House.

Mr. LOGAN: Committee on Claims. H. R. 4421. A bill for the relief of John Albrecht; with amendments (Rept. No. 899). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9472. A bill for the relief of the Canadian Pacific Railway Co.; with an amendment (Rept. No. 900). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9941. A bill for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co. of Baltimore, Md., and the National Surety Co.; with an amendment (Rept. No. 901). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9942. A bill for the relief of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co. of Baltimore, Md.; with amendments (Rept. No. 902). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUDDLESTON: A bill (H. R. 11281) to regulate interstate commerce in coal; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: A bill (H. R. 11282) to create Federal local option districts, to provide money to pay the expected deficit in the Treasury, to amend the revenue act of 1921, and for other purposes; to the Committee on Ways and Means.

By Mr. HARDY of Colorado: A bill (H. R. 11283) to continue the land office at Del Norte, in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. ANDREW of Massachusetts: Resolution (H. Res. 325) requesting the Director of the Veterans' Bureau to comply with the intent of the law to decentralize the bureau by expediting and completing the transfer of records and files having to do with veterans' claims to the several regional offices; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 11284) granting a pension to Alice McCarty; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 11285) granting a pension to Christiana Hoffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11286) granting a pension to Mary A. Binker; to the Committee on Pensions.

By Mr. EDMONDS: A bill (H. R. 11287) for the relief of W. B. Moses & Sons, the Willis-Smith-Crall Co., American Home Furnishers Corporation, the Western Electric Co., and S. A. Curtis; to the Committee on Claims.

By Mr. ELLIS: A bill (H. R. 11288) granting a pension to Walter B. Kelley; to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 11289) for the relief of the children of William Wheeler Hubbell and his wife, Elizabeth Catherine Hubbell, both deceased; to the Committee on Claims.

By Mr. GREENE of Vermont: A bill (H. R. 11290) granting a pension to Almira L. Boutelle; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 11291) granting a pension to Joseph J. Chevrette; to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 11292) granting a pension to Lucinda Hayes; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11293) granting a pension to Elmira Pariseaux; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11294) granting a pension to Phoebe Smith; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 11295) granting an increase of pension to Cynthia L. Godfrey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5058. By the SPEAKER (by request): Resolution adopted by the board of estimate and apportionment of New York City, urging the continuance of the Brooklyn Navy Yard and hospitalization for disabled veterans; to the Committee on Appropriations.

5059. By Mr. ANSORGE: Petition of Mount Morris Community Council of Defense and the Harlem Tenants' Association, of New York, urging necessary appropriation to provide private sanitoriums at Saranac Lake and Liberty, N. Y., for tubercular soldiers; to the Committee on Public Buildings and Grounds.

5060. By Mr. BIXLER: Petition of Warren County (Pa.) citizens, urging support of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

5061. Also, petition of Mercer County (Pa.) citizens, urging the passage of the Voigt bill (H. R. 8086); to the Committee on Agriculture.

5062. Also, petition of citizens of Elk County, Pa., urging the passage of the Towner-Sterling bill (H. R. 7 and S. 1252); to the Committee on Education.

5063. Also, petition of Warren County, Pa., citizens, urging support of the Voigt bill (H. R. 8086); to the Committtee on Agriculture.

5064. By Mr. CAREW: Resolution unanimously adopted by the Broadway Association of New York City, relative to the Senate amendment to the Post Office appropriation bill; to the Committee on Appropriations.

5065. By Mr. CULLEN: Resolution adopted by the board of estimates and apportionment of New York City, relative to the Brooklyn Navy Yard and hospitalization for disabled veterans; to the Committee on Appropriations.

5066. Also, resolution adopted by the Broadway Association of New York City, favoring the enactment of the Senate amend-

ment to the Post Office appropriation bill to reestablish the pneumatic-tube system in the New York post office; to the Committee on Appropriations.

5067. By Mr. FAUST: Resolution signed by citizens of St. Joseph, Mo., favoring passage of the Towner-Sterling educational bill; to the Committee on Education.

5068. By Mr. GRIFFIN: Resolution unanimously adopted by the Broadway Association of the city of New York, on April 7, 1922, urging the House of Representatives to support the Senate amendment to the Post Office bill providing for the continuance of the pneumatic-tube system in New York City; to the Committee on Appropriations.

5069. Also, resolution adopted by the board of estimate and apportionment of the city of New York, urging the continuance of the Brooklyn Navy Yard and hospitalization of the veterans of the New York district for the purpose of relieving the employment situation; to the Committee on Appropriations.

5070. By Mr. KAHN: Petition of citizens of Oakland, Calif., against Sunday closing legislation; to the Committee on the District of Columbia.

5071. By Mr. KISSEL: Petition of the American Association for Labor Legislation of New York City, N. Y., relative to the Fitzgerald accident compensation bill (H. R. 10034); to the Committee on the District of Columbia.

5072. Also, petition of the Edward Hines Lumber Co., of Chicago, Ill., relative to the conservation of forests; to the Committee on Agriculture.

5073. Also, petition of the board of estimate and apportionment of the city of New York, relative to the Brooklyn navy yard and hospitalization of disabled veterans; to the Committee on Appropriations.

5074. By Mr. LEA of California: Petition of 248 citizens of Healdsburg, Calif., protesting against the enactment of House bills 9753 and 4388, compulsory Sunday observance bills; to the Committee on the District of Columbia.

5075. By Mr. MEAD: Petition of Leo H. Mix and other residents of Hamburg and vicinity in New York State, protesting against the passage of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

5076. By Mr. RADCLIFFE: Petition of citizens of Paterson, N. J., and vicinity, protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

5077. By Mr. RIORDAN: Resolution adopted by the Broadway Association, relative to a Senate amendment to the Post Office appropriation bill reestablishing the pneumatic-tube system in the New York post office; to the Committee on Appropriations.

5078. Also, resolution adopted by the board of estimate and apportionment relative to the Brooklyn Navy Yard and hospitalization for disabled veterans; to the Committee on Appropriations.

5079. By Mr. ROSSDALE: Resolution adopted by the Broadway Association of New York, that the pneumatic-tube system be restored in New York City; to the Committee on Appropriations.

5080. By Mr. SNYDER: Petition of L. G. Hess and Fred C. Foster, of Rome, N. Y., favoring passage of the Chandler bill (H. R. 9198) providing old-age pensions for veterans of the War with Spain; to the Committee on Pensions.

5081. By Mr. TEMPLE: Petition of Charles G. Martin, Esq., of New Castle, Pa., in support of House bill 7213; to the Committee on Invalid Pensions.

5082. Also, petition of Chapter No. 1, Disabled American Veterans of the World War, of Philadelphia, Pa., in support of Senate bill 1565; to the Committee on Military Affairs.

5083. By Mr. TINKHAM: Resolution adopted by the City Council of the City of Boston, protesting against the closing of the Charlestown Navy Yard; to the Committee on Appropriations.

5084. By Mr. TREADWAY: Resolution of the Gen. H. W. Lawton Camp, United Spanish War Veterans, of Springfield, Mass., in favor of maintaining an adequate Army and Navy; to the Committee on Appropriations.